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Law Offices Of Eric J. Kidwell

Attorney at Law 2005 JAN 13 PM 11:33
GENERAL PRACTITIONER

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Wichita, Kansas 67202-0152

COPY

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December 31, 2004

Continental Tire, North America, Inc.
1800 Continental Boulevard
Charlotte, North Carolina 28273

Re: Reimbursement of Payment for Replacement of Original Equipment Tires
Make of Car: 2000 Mercedes Benz CLK320
Number of Miles on Tires: 21,001.00 - When First Noted
Cost of Replacement: \$480.38

Dear Customer Service Manager:

I am writing to you on behalf of my father, He took possession of his new Mercedes Benz CLK320 in January, 2001 from Scholfield Mercedes-Benz, located at 11212 East Kellogg, Wichita, Kansas. As part of that purchase, his vehicle was equipped with Continental Tires.

My father waited forty (40) years to own a Benz, expected the tires on the vehicle to be First Class, keeps this vehicle garaged, and takes conscientious care of it.

On September 28, 2004, a gentleman at Dick's Auto Service in Rosehill, Kansas discovered that there were severe separations of the tread on the inside of my DEFECTIVE original equipment Continental Tires. I cannot find the words to express my father's astonishment, anger and disappointment at being shown the terrible condition of his tires. (As you can plainly see from the pictures), that tire man's very stern warning to him: "...not to drive anywhere but back to his home.." (a couple of miles) was warranted.

So Mr. Kidwell contacted Tires Plus located at 3745 North Rock Road, Wichita, Kansas 67226 to discuss replacement of the defective tires. He knew they had to be defective, as they had only a little of 21000 miles on them. He was told that as a "replacement" by

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Kidwell Law Office

To: Continental Tire

Re: Reimbursement of Cost of Replacement Tires

December 30, 2004

Continental Tire, he had a choice of either more Continentals, Firestone, or Bridgestones. ***The tires experienced concentric tread separation on the inside only, and each tire had several splits at the tread.*** If you want Affidavits from Mr. Miller at Tires Plus in Wichita who ordered new replacements for me and from the staff at Dick's, please advise. Mr. Miller at Tires Plus advised me that Continental would pro-rate the cost of replacements whether I purchased Continental or one other of their "corporate brands". In addition, he informed me that since Bridgestone and Continental were the same company now, I had three choices of manufacturers from which to choose, and all would be considered "Continental Replacements".

After making a choice, he was told there was a possibly a long wait, and he was offered some Toyo Supreme tires. He said no, and was told that both Continental and Bridgestone Tires were on a backorder status and there might be a long wait for them. Finally, he chose the Bridgestones, and it was expected to be a much shorter waiting period. It certainly is a good thing that [redacted] had a second vehicle, or he would have also had to demand from you the cost of a rental vehicle, because they didn't come in week after week, and it took nearly two (2) months for those tires to be delivered!

After the installation, [redacted] asked about a full reimbursement, especially considering the extra-ordinary wait for them. That is when he was told he'd have to contact you.

Therefore, my mother called and spoke with Kendra in your Customer Service Area on December 14, 2004. After Kendra learned that she and [redacted] was requesting a full reimbursement for the necessity of replacing my original Continental tires, she asked twice if he still had the tires. He does not have them, that is why he took pictures of the tires immediately after their replacement. He stated that he certainly was not going to "store" your defective tires. The Customer Service Representative also stated that unless he had replaced the defective tires with Continental tires, the warranty on them was not valid. * Therefore, your representative, Kendra mis-spoke to [redacted] regarding the fact that [redacted] had NOT replaced the tires with a "Continental Tire Company Product". Yes, he did!

[redacted] life, and that of his family was at stake on those defective tires. In fact, he had planned a long trip, which is what prompted him to stop and have the tires checked in the first place. If indeed he had left those tires on that vehicle, his and my mother's lives very certainly could have been lost, with a blowout of not one but any of all four tires. At

Kidwell Law Office
To: Continental Tire
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December 30, 2004

the very least, they definitely would have been stranded someplace out on the plains on the way to Montana, and possibly unable to get help. In fact, the terrible condition of your tires could very well have caused them to have one or more blowouts simultaneously and hit another vehicle or a school bus or roll down an embankment. THAT would certainly have gotten your attention through the national news media!

This is a matter of product liability, due to a defective product being sold without any notice or warning to the consumer that the same product (tires) had already been recalled for their defects!! Your corporation and me and my family are just very fortunate that it didn't turn into a wrongful death matter against Continental Tires.

I'm sending a copy of this letter, the pictures to both Mercedes Benz USA and to the NHTSA, because after being told that without my defective tires in hand, I had no claim and chance of being reimbursed, I went online and discovered that Continental had a large recall of tires at about the time I purchased my vehicle. I am curious as to why neither Scholfield Mercedes Benz in Wichita nor *was never notified of that recall and wish an answer.*

I AGAIN request that my father, be reimbursed the entire four hundred eighty dollars and thirty-eight cents (\$480.38), which he spent on these replacement tires. I hope these Bridgestone Polenza G009 tires will be safe and longer lasting than the original Continentals.

Very truly yours,

Attorney/Counselor at Law

EJK:ml

Copies to:
Mercedes Benz USA, LLC
Customer Assistance Center

Kidwell Law Office

To: Continental Tire

Re: Reimbursement of Cost of Replacement Tires

December 30, 2004

3 Paragon Drive

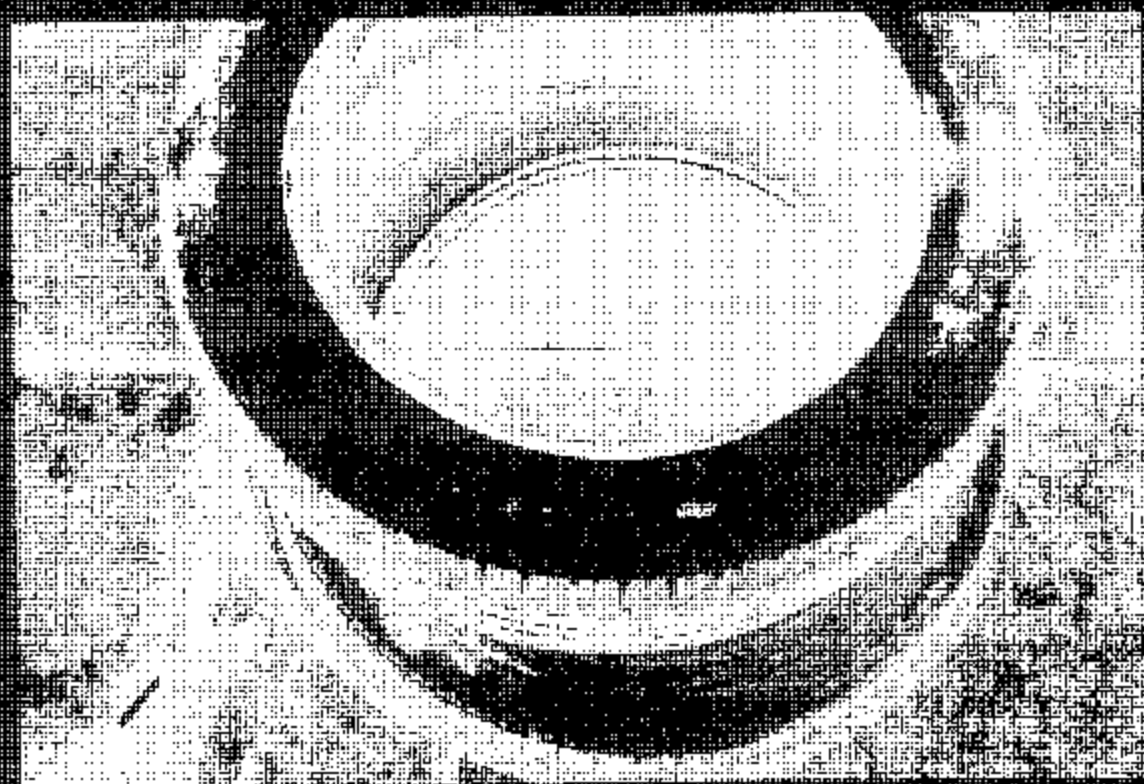
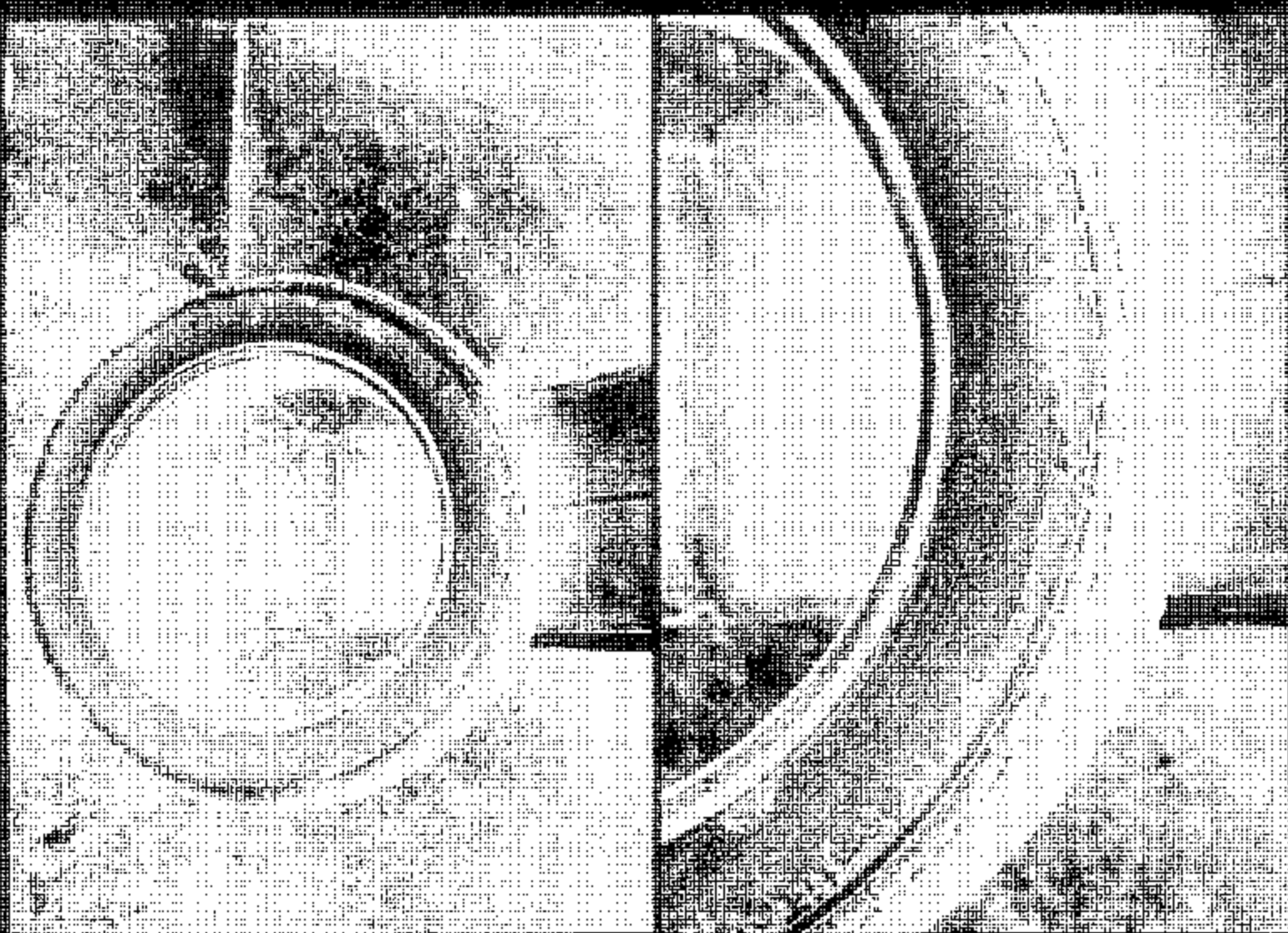
Montvale, New Jersey 07645

U.S. Department of Transportation,
National Highway Traffic Safety Administration,
Office of Defects Investigation,
NSA-10.01, 400 7th Street, SW,
Washington, DC 20590.

Scholfield Mercedes-Benz

11212 East Kellogg

Wichita, Kansas 67207



**THE ATTACHMENTS TO THIS
DOCUMENT HAVE BEEN REMOVED
TO PROTECT UNWARRANTED
INVASION OF PERSONAL PRIVACY
PURSUANT TO EXEMPTION 6 OF
THE FREEDOM OF INFORMATION
ACT (FOIA), 5 U.S.C. 552(b)(6).**