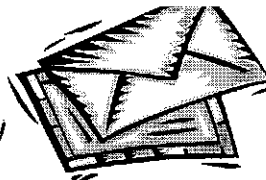


NHTSA ccmMercury Routing Slip

DP05-007



Printed:

NHTSA #: ES05-008245

XREF #:

Delivery: REG

Rec'd Date: 10/13/2005

Doc Type: PET

Address To: NOA010

Referred By: NEC-110

Doc Date: 9/20/2005

Due Date: 2/10/2006

S10 #:

DOT/I #:

RMP #:

Subject: PETITION FOR INVESTIGATION INTO DESIGN DEFECT OF THE CUP HOLDER ON THE 2000 E430 MERCEDES BENZ, CUP HOLDER LOCATED OVER SHIFTING MECHANISM, COFFEE SPILLED AND SHUT DOWN ENTIRE ELECTRICAL SYSTEM

Ack Date:

Sign Office: SENIOR AA
VEHICLE SAFETY

Cleared Date:

File Loc:

Added By: SHARRIS x62534

Ack By:

Signature: RONALD MEDFORD

Cleared By:

XREF File:

Modified By: LOGLESBY

Signed For:

Cleared For:

Closed Date:

Most Recent Comment:

Author:

10141055

2005 OCT 14 PM 8:00

BELLEAIR BEACH, FL

Tel: Fax: E-mail:

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	10/14/2005	2/10/2006	
	Return Process	10/14/2005		10/14/2005
ODI	REPLY	10/14/2005	2/3/2006	
NVS-010	INFORMATION	10/14/2005		10/14/2005

Steve Chan
10/14/05

NVS-200

[REDACTED]
Belleair Beach, FL [REDACTED]

Administrator
National Highway Traffic Safety Administration
400 Seventh Street SW
Washington, DC 20950
September 20, 2005

PETITION

To Whom It May Concern:

I own a 2000 E430 Mercedes Benz which I feel has a design defect due to the fact that coffee from a cup, placed in the cup holder, spilled into the gear shaft and shut down the entire electrical system. The cup holder, when in position, rests almost directly over the shifting mechanism. This "problem" has since been redesigned in newer models so that the entire gear shift is covered with leather and does not expose any part of the mechanism. Customer relations from Mercedes Benz responded that their new vehicle warranty does not cover damage due to accidents, misuse or negligence. It was also stated that the manual cautions "Do not fill containers to a height where the contents could spill during vehicle maneuvers, especially hot liquids". This car was not purchased new and furthermore, the damage was neither due to an accident, misuse or negligence. The response does not note why this should be avoided nor does it specifically note that spilling of any sort of liquid in or near the gear shaft could present major problems. It sounds to me only a cautionary measure after the lawsuit that McDonald's endured with "hot liquids". FYI, the coffee cup was less than half filled and the contents no longer hot! I was also told by a service tech that rainwater from my umbrella would have the same effect.

I was traveling in the middle lane of a major highway at a relatively fast speed when the liquid was spilled. The car jerked and slowed down but I was lucky enough to avoid an accident and still was able to maneuver the vehicle to the right lane and then into an entrance of a shopping center where the car just stopped. I was not able to move the gear shifter nor turn the car on. I had to have it towed to the dealer and repaired at a cost of \$905.27. I feel that the repair cost should be absorbed by Mercedes Benz.

I would appreciate your investigation into this matter and look forward to your reply.

Thank you,
[REDACTED]

ES05-008245

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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).