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OFFICE OF DEFECTS
INVESTIGATION

September 30, 2005

U. S. Department of Transportation
National Highway Traffic Safety Administration
Washington, D.C. 20590

Dealer's Address: Estate Motors, Inc.
Mercedes Benz
Route 22
P. O. Box 711
Golden Bridge, NY 10526
Dealer's Telephone #: (914) 232 8122

Car Information: Mercedes Benz 2001/4 door C240 Sedan

Vin# WDBRF61J81E [REDACTED]

Purchased in the year 2001

Salesman: Jack Salch

Order was made in September 2000

Mileage at the time of purchase: about 20 miles

Mileage at the time of incident: 64 thousand miles

Warranty: I was told that I have 50 thousand miles or 5 years bumper to bumper warranty, even though, as I remember, I paid for an additional 5 year warranty.

This car has manufacturing defects from the very beginning. I took the car several times to the dealer on 2002, 2003, 2004, and 2005 due to a lot of noises coming from the engine (clicking noise).

These problems were reported to service manager (called SKIP) several times. Every time he answered me that there was nothing wrong with the engine. These problems were:

1. **Water Leaking:** Few months after I purchased the car I found the car soaked in water, on the floor under the driver's seat and the back seat. I took it to Estate Motor several times in 2002 and 2003. Finally in 2004 they found the water leaking problem and they said they fixed it (after more than 2 years the dealer found the problem).

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2. Computer Problem: Finally, in March 2003, the car stopped completely in Fishkill, NY, and I had to get it towed all the way to Estate Motors at Golden Bridge, NY. Estate Motor found out that the computer was malfunctioning and needed to be replaced.

3. Clicking Noise: The clicking noise coming out of the engine existed and I complained about it to the service manager "Skip" since 2002. Every time I took the car to the dealership for maintenance or oil change I complained about the clicking noise coming out of the engine and I asked "Skip" several times to check it out. Every time he responded that there was nothing wrong with the engine and "this is the normal sound of Mercedes engine".

4. Racial Comment: At that time during a schedule maintenance in 2004, I asked "Skip" again about the clicking noise coming out of the engine. He again responded that this is the normal sound of the Mercedes Engine and that "maybe you never drove a Mercedes Benz back in your home country". (*Mr. Skip doesn't know that I have been driving Mercedes cars since the year 1970. The last Mercedes cars I have owned are: 240D 1983 which I put 260,000.00 miles on and the car was running in very good condition until I decided to give it up, and a Mercedes ML350, 2005*). Few months after that incident, I had to take the car back to them. Even though they fixed the computer problem, and the leaking problem, the car continued to have clicking noise coming out of the engine. I took it back to the service manager "Skip" and again he reported to me that there was nothing wrong with the engine and that this is "the natural Mercedes engine sound: At that time, I reported that comment to the management. I was expecting someone to call me back, as they promised, but Estate Motors never did.

5. Headlights Problems: Since the first year I drove this car the headlights always had problems. The light bulbs never lasted more than 2-3 months. Either the Right headlight or the Left headlight goes off. Every time I took the car to the dealer for maintenance, they always said "it's only the lightbulb" and they always said they "replaced the light bulbs".

6. Engine Explosion: On September 20, 9:30 p.m. I was driving the car on I-84 East Bound, between exits 14 and 15, I felt a big explosion took place under the hood which shook my feet while I was driving. Heavy smoke came out from underneath the hood and the back of the car. I drove the car with no visibility and with smoke surrounding me inside the car, and the engine stopped completely, and I lost control of the car, even though the car did not give any alarm signal for any malfunctioning or any problems. My wife was with me at the time, and I managed to pull the car to the side of the road to get it out of the highway. We both were very scared and very shocked of this incident.

I immediately tried to call Mercedes Emergency Service several times (they're supposed to help me), finally by 11:00 p.m. they offered to pick the car up, but the next day! I couldn't leave the car on the highway, since it creates a risk factor for other drivers. My wife called the state trooper, who came and helped us by finding a towing truck. This towing truck came around midnight and towed the car to Golden Bridge Mercedes.

As I was waiting for the towing truck I looked and found a huge oil-leak underneath this car. I opened the hood to find a smell of electrical shortage, like burning smell coming out from under the hood. The state trooper and the towing truck driver noticed that also.

On September 21, 2005, I called Estate Motors around 11:00 a.m. and the service employee (Bill) who reported to me that the engine rods are broken. When I asked him "did you open the engine to check it?" He said "No, we didn't open the car because we didn't have time for it". So I asked him, "How can you diagnose the problem without opening the engine?" He told me "this is the report we got from the mechanics". I was surprised to hear that, because how can any mechanic diagnose a problem without:

1. Checking the car while the engine is not running
2. No oil in the engine
3. The engine can not be hooked to any diagnostic machine to diagnose the problem
4. No one opened up the engine at least to see why the engine exploded

I called him the second and the third day but nobody called me back from Estate Motors. Finally on September 27, 2005, Bill called me and stated that they checked the car and they found the engine rods broken and that "I must have driven the car in a flood". I informed Bill that I never drove the car in a flood or in water and that I'm the only driver for that car. I asked Bill if they found any traces of water inside the car or the engine or under the hood. He answered "No".

On September 28, I went to Estate Motors Mercedes dealer to see what happened to the car. We found that the engine was taken apart and one of the mechanics showed me the car. I found at least 3 rods were twisted (as if someone twisted them hard). Also there was a broken rod. When I asked the mechanic where is the other part of the rod, he responded "they couldn't find it".

Myself and my wife, we found a hole on the body of the engine. The hole is about 2-3 inches or more in diameter, located on the upper half of the engine (on one of the sides). I asked the mechanic about that hole, he responded he does not know, and that he's never seen anything like that before. Also I found a pan under the engine full of oil. I soaked my fingers in the oil pan trying to find traces of water, but there was no traces of any water in the oil or in the engine. I asked the mechanic "where's the water?" The mechanic responded back with a joke, he said, "maybe it evaporated".

I consulted with several mechanics in New York and Connecticut asking them what could happen if water goes through the engine, they all agreed that one of two things could happen:

1. Either the engine will cease; Or
2. The engine gasket will break
3. They all agreed that they never heard that water in the engine will break the rods of the engine.

Apparently, Estate Motors and Mercedes Benz did not take into consideration the following issues.

7: Safety:

My and my family's safety issues: I've been reporting to them clicking noise in the engine for the last 3 years, which was increasing by time and they didn't bother to check the car appropriately and they never gave me a satisfying answer about that. This indicates both carelessness and ignorance on their part.

8: Customer Satisfaction:

The misleading marketing about their safety issues; customer satisfaction; fair treatment...all of that almost caused us the loss of our lives (my wife's and mine), on the highway on the night of September 20th, 2005. To take that car over 20 times in the last 3 years to complain about the same problems over and over until we almost died on the highway leads to "no satisfaction".

I received an estimate to repair the car for the amount of \$13,875.00 from Estate Motors, (Please ask the dealer for the records for your investigation). I don't think it is fair of Mercedes to sell defective-malfunctioning cars, which exposes their customers' life to danger and possible death, then after all of the above they allow themselves to ask me to pay for the repair.

Again, I felt I was misled, for the millionth time by Estate Motors. On September 28 when I asked the dealer to give me the reason for the damage as was diagnosed by them along with the estimate, they refused to give me a written diagnosis.

I don't want to drive this unsafe car any more, even if they cover the repair at a 100%. The 240D Mercedes which I bought through Estate Motors has a manufacturing defect since the first day of purchase. Therefore, I'm asking Mercedes Benz and Estate Motors to compensate me for all of the above with a brand new car and with full warranty for the time and money and the emotional trauma and stress my family and I suffered while driving their defective product.

- cc ① Daimler-Chrysler, Germany
② Mercedes Benz, USA, N.J.
③ Better Business Bureau, N.Y. State
④ Estate Motor, Golden Bridge, N.Y.
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