



U.S. Department  
of Transportation  
  
National Highway  
Traffic Safety  
Administration

**DOT Auto Safety Hotline**  
**Vehicle Owner's Questionnaire**  
To Report Vehicle Safety Defects  
1-888-DASH-2-DOT  
(1-888-327-4236)  
INTERNET:www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received

2007 JAN 19 AM 3:40  
05-DEC-2006

Repository

Reference No.  
10175190

**OWNER INFORMATION (Type or Print)**

Name [REDACTED]

Address [REDACTED]

City HUNTINGTON BEACH

State CA

Zip Code [REDACTED]

Daytime Telephone Number [REDACTED]

E-mail Address [REDACTED]

Evening Telephone Number [REDACTED]

Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle?  YES  NO  
In the absence of an [REDACTED] signature your name or address to the vehicle manufacturer.  
Signature of Owner [REDACTED] Date 1/10/07

**VEHICLE INFORMATION**

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side  
4JGAB54E91A [REDACTED]

Make  
MERCEDES BENZ

Model  
ML320

Model Year  
2001

Date Purchased  
01-MAR-06

Dealer's Name and Telephone Number  
FLETCHER JONES MOTORCARS 949-718-3200

Engine:  
No: Cylinders 6

Fuel Type:  
Gas

Original Owner

Dealer's City  
NEWPORT BEACH

State  
CA Zip Code  
92660

Transmission Type  Antilock Brakes  
AUTOMATIC  Cruise Control

Powertrain  
FRONT WHEEL DRIVE

Vehicle Component Code  
036000 SERVICE BRAKES, HYDRAULIC:ANTILOCK

Multiple Failure: 1

**FAILED COMPONENT(S)/PART(S) INFORMATION**

Incident Date(s)  
01-DEC-2006

Failure Mileage  
46000

Failure Speed  
10

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE**

Tire Make

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTM19ABC036)

Original Equipment  
 Prior Repair

Failure Location:

Tire Component Code

Tire Failure Type

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE**

Make:

Date Manufactured:

Model No./Name:

Seat Type:

Installation System:

Child Seat Component Code:

Failed Part:

**APPLICABLE INCIDENT INFORMATION**

(Please describe in detail the incident(s), Failure(s), Crash(es), and injury (ies).)

Crash

Fire

Number of Persons Injured

Number of Deaths

Reported to Police

Yes  No

Yes  No

0

0

N

**Narrative Description of Incident(S), Crash(es), and Injury(ies).**  
Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e, parts repaired or replaced (and if old part is available).

DT\*: THE CONTACT STATED WHILE DRIVING 10 MPH, THE ABS ACTIVATED WITHOUT THE BRAKE PEDAL BEING DEPRESSED. THIS STOPPED THE VEHICLE, AND CAUSED A COMPLETE STALLING OF THE ENGINE AND ELECTRICAL SYSTEM. THERE WERE NO WARNINGS PRIOR TO THE INCIDENT. THE VEHICLE WAS TAKEN TO A SERVICE DEALER, WHO DETERMINED THAT THE YAW RATE SENSOR HAD MALFUNCTIONED. THIS WAS THE FOURTH INSTANCE OF THE PROBLEM OCCURRING. THE MANUFACTURER WAS ALSO NOTIFIED.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

January 10, 2007

**U.S. Department of Transportation  
National Highway Traffic Safety Admin.  
DOT Auto Safety Hotline**

**Subject: Vehicle Failure Complaint**

As a follow up to my phone call on 12/5/2006, I am sending this letter to document the problem I had with my 2001 Mercedes Benz ML.

I am an engineer working for City of Corona, and I commute to work daily from my residence in Huntington Beach. My drive is approx. 80 miles per day, just between home and work. As a result it is extremely important that I have a reliable and safe car for this commute.

On 11/6/2006, I was driving on the westbound SR-91 Freeway, the far left lane at 70-mph, when I realized that emergency brake system (BAS system) light came on in the dashboard, and it self activated which immediately reduced my traveling speed from 70-mph to 0-mph within seconds. I had no control of the situation and I was in immediate danger due to all the vehicles that surround me all going at about same speed I was in, until my car decided to lock up and stop on its own without any prior warning. During that time, the seatbelt tightened and restricted my ability to move. I was forced to act fast in moving in and out of lanes to try an avoid killing others or myself. Until the vehicle came to a complete halt in the middle of the 91-freeway, I was unable to control the steering of the car. Traveling motorists cautiously stopped all traffic to allow me to gain control of the swerving vehicle and travel to the emergency lane. Once the vehicle reached a full stop in the third lane from the left, the emergency brake released control of the tires and I was able to safely travel to far right emergency lane.

The car was towed to Fletcher Jones, Mercedes Dealer of Newport Beach, the next day for inspection and repairs (receipt attached). After two days, I was told that the problem and its cause could not be determined and it was released for me to drive.

On 11/22/2006, I was off work and had some personal errands to run. I was driving the car out on a residential street going at approx. 10MPH and had the same situation happen to me again. The emergency brake system (BAS system) light came on in the dashboard, and it self activated which immediately reduced my traveling speed from 10-mph to 0-mph within seconds. I was fortunate this time that I was driving on right lane, morning hour no traffic behind. At this point I stopped the car and called Fletcher Jones service dept., reported the situation and I was asked to drive the car immediately to their dealership. And so I did drive the car to them, it was checked in on 11/22/06 and I got it back on 11/27/06. The report of the findings said it was a defective stop lamp switch. I talked to the service representative and manager, and let them know that can not be

reason for what has happened twice already, but I got no other response. (receipt attached)

The third time this had happened was the worst since I had kids with me in the car and it jeopardized everyone's lives. It happened again on the freeway; I called for AAA to tow the car to Fletcher Jones for third time. As the tow truck driver was driving the car off of the truck into the dealer the car locked up on him onsite and Fletcher Jones technician was able to connect the computer to it and got a failure code. Finally an error code showed up for the mechanics to figure out the problem and believe everything I said to them. At this point I was fed up and frustrated with Fletcher Jones service dept. poor handling of this problem and fact that my children's lives and others were put in danger due to dealers failure to figure out what is wrong with this car.

I called the hotline to report this complaint; I also called MB Corporation and complained. MB corp. office assured me that this will be taken care of and recommended I talk to service manager Bob Evans of Fletcher Jones. The diagnosis came back with defective Yaw Rate Sensor. I authorized the repairs and was given a discount and ended up paying a total of \$520.59. The cost of the repair to me was a great issue, since this is not a wear and tear item, and my car only has 46K miles, this is clearly a defect in the car but I was told no and I had to pay.

I had intentionally held on to this response letter, to see if this issue would occur again after the repair, and I was right it happened for fourth time on my way home from work on the SR-91 Freeway. The car had been at Fletcher Jones since 1/3/07 and as of yet I have yet to hear from the dealer of what has happened.

Your assistance in investigating this dangerous problem is greatly appreciated. Should you need further information, please do not hesitate to contact me at [REDACTED] or email [REDACTED] or [REDACTED]

Sincerely,

[REDACTED]

Huntington Beach, CA [REDACTED]

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).