

 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 JUN 28 PM 12:01 29-MAY-2007		Repository ☐ Reference No. 10191974	
OWNER INFORMATION (Type or Print)				Daytime Telephone Number	
Name				E-mail Address	
Address				Evening Telephone Number	
City POUGHKEEPSIE		State NY	Zip Code		
Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? ☒ YES ☐ NO In the absence of an authorized signature or address to the vehicle manufacturer. Signature of Owner _____ Date 6/18/07					
VEHICLE INFORMATION					
17 digit Vehicle Identification Number Located at bottom of windshield on driver's side # WDBRF61JY		Make MERCEDES BENZ	Model 240 (C240)	Model Year 2002	
Date Purchased 5/21/02	Dealer's Name and Telephone Number FRIENDLY MOTORCARS 845-298-0600		Engine: No. Cylinders 6	Fuel Type: Gas	
Original Owner ☒	Dealer's City WAPPINGERS FALLS	State N.Y.	Zip Code 12590		
Transmission Type AUTOMATIC	☒ Antilock Brakes ☒ Cruise Control	Powertrain REAR WHEEL DRIVE	Vehicle Component Code 181000 VEHICLE SPEED CONTROL:ACCELERATOR PEDAL		
			Multiple Failure: 2		
FAILED COMPONENT(S)/PART(S) INFORMATION					
Incident Date(s) 23-APR-2007 8-APR-2007	Failure Mileage 34265 34085	Failure Speed 1-2 1-2	Sudden Acceleration while Braking to stop in parking space		
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: DOTM18A9C036)		☐ 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(es).)					
Crash ☒ Yes ☐ No	Fire ☐ Yes ☒ No	Number of Persons Injured 0	Number of Deaths 0	Reported to Police Y 23 April 2007	
Narrative Description of Incident(s), Crash(es), and Injury(es). 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).					
TL*THE CONTACT OWNS A 2002 MERCEDES BENZ 240. WHILE DEPRESSING THE BRAKE PEDAL AT 2 MPH, THE CONTACT'S WIFE DROVE OVER THE CURB THROUGH A NINE FOOT HIGH FENCE, SPED DOWN A THREE FOOT EMBANKMENT, DROVE ACROSS AN ABANDONED RAIL ROAD TRACK, AND INTO A CHAIN LINKED FENCE. SHE THEN CRASHED INTO A POST WHICH STOPPED THE VEHICLE. THE PARAMEDICS AND POLICE WERE CALLED. THE WEATHER WAS CLEAR AND SUNNY. A SEPARATE INCIDENT OCCURRED ON APRIL 8, 2007. THE CONTACT'S WIFE WAS PULLING INTO A PARKING SPACE AT 2 MPH WHEN THE VEHICLE SUDDENLY ACCELERATED. SHE DEPRESSED THE BRAKE PEDAL, BUT THE VEHICLE WOULD NOT STOP. SHE CRASHED INTO THE PRECEDING VEHICLE. THE WEATHER WAS CLEAR. THE VIN, PURCHASE DATE, ENGINE SIZE, AND # OF CYLINDERS WERE UNKNOWN. THE CURRENT AND FAILURE MILEAGES WERE 34,275.					
1ST Accident 34,095 Miles 2ND " 34,265 Miles					
Include, if available, Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY					
The Privacy Act of 1974 (Public Law 93-598) 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 to this questionnaire. Your responses 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 responses, or a statistical summary thereof, may be used in support of the agency's action.					

Narrative Description of Incident(s), Failure(s), Crash(es), and Injury(ies)

ACCIDENT #1 4/2/07 WHILE PARKING, WITH FOOT ON BRAKE PEDAL CAR SUDDENLY
(MILEAGE 74,075) ACCELERATED, CAUSING PROPERTY DAMAGE OF \$3,871.57

ACCIDENT #2 4/23/07 WHILE PARKING, WITH FOOT ON BRAKE PEDAL CAR SUDDENLY
(MILEAGE 34,265) ACCELERATED, CAUSING PROPERTY DAMAGE OF \$2,300 +

ATTACH ADDITIONAL SHEETS IF NECESSARY

U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

Official Business
Penalty for Private Use \$300

BUSINESS REPLY MAIL

FIRST CLASS PERMIT NO 73173 WASHINGTON, D.C.

POSTAGE WILL BE PAID BY NATL. HWY. TRAFFIC SAFETY ADMIN.

U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NVS-210
400 7th Street, SW
Washington, DC 20590



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



ATTACHED DATA

6/19/07 ✓

NHTSA
10/9/97 ✓

- ① 5/4/07 LETTER TO ENCOMPASS INS (2) PAGES
- ② 4/23/07 POLICE BLOTTER # 208130 (1) PAGE
- ③ 5/9/07 FAX TO LOUIS SHAIN MCA/BENZ (1) PAGE
- ④ 5/11/07 FAX TO LOUIS SHAIN " " (1) PAGE
- ⑤ 5/17/07 LETTER TO M/D LOUIS SHAIN (1) PAGE
- ⑥ 5/30/07 LETTER TO N.Y.S. ATTORNEY GENERAL (1) PAGE
- ⑦ 6/4/07 LETTER FROM ATTORNEY GENERAL (1) PAGE
- ⑧ 6/7/07 RECEIVED LETTER FROM M/D (1) PAGE
- ⑨ 6/8/07 LETTER TO M/D (3) PAGES
- ⑩ 6/15/07 LETTER TO M/D (1) PAGE
- ⑪ 1ST ACCIDENT CLAIM # Z6028267 INS REPORT (4) PAGES
- ⑫ 2ND ACCIDENT " # Z6028994 " " (5) PAGES
- ⑬ COST DATA ACCIDENT #1 (1) PAGE
- ⑭ COST DATA " #2 (1) PAGE
- ⑮ CAR RENTAL DATA (1) PAGE
- ⑯ INTERNET M/D PROBLEMS (1) PAGE
- ⑰ INTERNET M/D PROBLEMS (1) PAGE
- ⑱ DIAGNOSIS TEST (4) PAGES
- ⑲ NHTSA OWNERS QUESTIONNAIRE (2) PAGES

IF you HAVE ANY QUESTIONS, PLEASE DO NOT
HESITATE TO CALL

Sincerely

NHTSA

10191974

POUGHKEEPSIE, NY

May 4th, 2007

Encompass Insurance
333 Glen Street
Glens Falls, NY 12801
Attn: Anna Osborne

Re: Accident 4/8/07 Claim #
Accident 4/23/07 Claim #

Accident # 1 4/8/07 Easter Sunday while turning into a parking space at the Blessed Kateri church, the car accelerated at such a speed that even though my foot was on the brake pedal my car continued forward and did not stop until I hit the car parked in the parking space directly in front of mine. Repairs to my car, including rental car and other car approx. \$3,900. My husband insinuated that I must have done something wrong, subsequently I drove car home that day and drove it approximately five other times before we gave it to repair shop on 4/16/07 as they did not want car until they had the parts on hand.

Accident #2 Picked up repaired car on 4/19/07, (drove car on three of these days), four days later on 4/23/07 while attempting to park my car in a parking space at my doctor's office, the car again suddenly accelerated with my foot on the brake pedal, (left rubber marks on pavement, indicating same, have pictures), the car continued forward over concrete bumper, went through a 9' high chain link fence, between steel posts, car pushed fence up and over car, down a 3' embankment, across an abandoned railroad track, up a 2' grade, hitting another chain link fence directly on its post support, finally causing car to stop. Thankfully my car hit objects rather than people. No one was hurt in either accident including a friend who was a passenger in the first mishap.

I bought this Mercedes C240 new in 2002 and have been driving it for five years.

Mileage at first accident, 4/8/07 34,077 miles
Mileage at second accident, 4/23/07 34,865 miles.

2

This car has been in for repairs involving electrical failures several times since it was purchased.

My dealer, Friendly Motorcars, has addressed each of our repairs in a courteous and efficient manner. Although some of the repairs have been repeat failures, they have

never hesitated to make quick repairs. After my latest accident, I had car towed to Friendly's lot and speaking to service manager, I was advised that this is a safety issue and they were not allowed to examine car. I was given Mercedes Benz Factory rep. Phone # 800 222 0100, so that I could personally tell them what happened. On 4/23/07 my husband spoke to Service rep. Nicole. She assured him that my case would be assigned high priority. My husband told her that he wanted a phone call indicating when factory rep. would be at Friendly to examine car, as he wanted to witness examination. My husband called them again on 4/27/07. Nicole informed him that their factory rep has spoken on 4/26/07 to Brian, Friendly's service dept. manager and informed him to check the brake and acceleration. On 4/27/07 [redacted] called the service manager, Brian. He returned call and informed him that they would be putting car on lift at approximately 11:30 AM.

While car was running, my husband witnessed electronic testing of car on lift and also turning of steering wheel both ways and also braking car while turning steering wheel. When car was bottoming out (turning steering wheel until it would go no further, both ways) car would accelerate in both instances slightly. While turning wheel both ways and also applying brake peddle car also accelerated slightly. Mechanic said that was normal and had something to do with vacuum system.

On 4/30/07 gave pictures of accident showing area of accident including damaged fences and rubber marks on parking space, blacktop pavement, to service manager Brian.

Brian and Mike, the owner of Friendly's, indicated that Mercedes Benz Factory rep wanted pictures and Brian FedExed them to him. Factory rep showed up on 5/3/07 to take car on test drive and would be back in area on 5/4/07 to visit site of accident.

Today, 5/4/07, at approximately 10:30 AM, Brian and factory representatives Louis Shaia (tech specialist) and Garret Wettarauf (service and parts manager) visited Central N.Y. Eye Center parking lot and while viewing accident scene took numerous pictures and measurements substantiated same.

Garret Wettarauf asked that [redacted] send him police report. (Blotter #708130 dated 4/23/07, time 13:42 attached). I asked Louis as to when I would be getting a report as to their findings, and he informed me that it should be ready by Monday 5/14/07. I will keep you informed.

Sincerely,
[redacted]

Cc: Friendly Mercedes- attn: Brian Lavin, service manager

Louis SHaia MERCEDES - BENZ USA.

NH TBA
10191924

TOWN OF POUGHKEEPSIE POLICE DEPARTMENT
MOTOR VEHICLE ACCIDENT REPORT
(NON-INJURY)

2

Accident Date:	04-23-07	Investigated at Scene:	YES	NO
BLOTTER #	708130	Time	1342	# Vehicles
Accident Location (include nearest intersecting street)		CENTRAL NY EYE CENTER		

VEHICLE # 1

VEHICLE # 2

Driver				Driver			
Address				Address			
City/Town	POUGHKEEPSIE			City/Town			
State/Zip	NY			State/Zip			
Plate #		State	NY	Plate #		State	
Year/Make	2002	Model	Ins. Code	Year/Make		Ins. Code	
D/O/B	03-31-39	Lic. State	NY	D/O/B		Lic. State	
Registered Owner:	DRIVER			Registered Owner:			
Address				Address			
City/Town				City/Town			
State/Zip				State/Zip			
DAMAGE LOCATION:				DAMAGE LOCATION:			
FRONT END							
POSS UNDERCARRIAGE							

ACCIDENT DESCRIPTION:

DRIVER STATES WHILE PARKING AT THE CENTRAL NY EYE CENTER THE VEHICLE ACCELERATED WHEN SHE STOPPED ON THE BRAKES VEH WENT THRU A CROSS LINK FENCE.

PROPERTY DAMAGED:	NOTES (Optional)
FENCE 15'	TOWED BY PRESTIGE
PROPERTY OWNER CENTRAL NY EYE	
CENTER	
VIOLATIONS:	
SUMMONS #	
WITNESS:	
ADDRESS:	
TELEPHONE #	
INVESTIGATING OFFICER: VIAGARD # 97	
Town of Poughkeepsie PD: 845-485-3666	

GENL#66 07/27/05

White (Dept File)

Yellow (Op. #1)

Pink (Op. #2)

NHTSA
10191974

PHONE: [REDACTED]

FAX: [REDACTED]

2ND REQUEST
5/14/07
1030 AM

3
H FAILED AGAIN TO
LOUIS II

FACSIMILE TRANSMITTAL SHEET

TO: LOUIS S HAIA FROM: [REDACTED]
ATTN: " " DATE: 5/2/07
FAX NUMBER: 1-860-489-1913 JOB: 2002 MEMPHIS/DANE C270
PHONE NUMBER: 1-201-280-2891 RE: 4/8/07 + 4/23/08 ACCIDENTS
TOTAL NO. OF PAGES INCLUDING COVER: ①

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☒ PLEASE REPLY ASAP ☐ FOR YOUR INFORMATION

1. NOTES/COMMENTS:

PLEASE ADVISE AS TO STATUS OF YOUR REVIEW
AND DECISION, WITH REGARD TO ABOVE
CAPTIONED. I UNDERSTOOD THAT THE
THE REPORT WAS GOING TO BE COMPLETE ON MONDAY 5/7/07

THANKS

[REDACTED]

C.C. ENCAMPAS ANNA OSBINE 1-972-510-1341 ✓

C.C. BRIAN LAVIN M/B POK 815-296-0898 ✓

PRIVILEGED & CONFIDENTIAL:

The information contained in this facsimile may be privileged and confidential, and protected from disclosure. If the reader of this facsimile is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, or other use of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify the sender immediately by telephone at (845) 452-0587 and destroy this facsimile. Thank you.

If all pages are not received or copies are not legible, call sender @ [REDACTED]
Thank you.

NHTSA
10/19/97

PHONE: [REDACTED]

FAX: [REDACTED]

FACSIMILE TRANSMITTAL SHEET

TO: Louis SHaia

FROM: [REDACTED]

ATTN: " "

DATE: 5/11/07

FAX NUMBER: 1-860-489-1913

JOB: 2002 MERCEDES / Bmw C240

PHONE NUMBER: 1-201-280-7891

RE: Your PHONE CALL TO

TOTAL NO. OF PAGES INCLUDING COVER: 1

Brian Lavin

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ASAP ☐ FOR YOUR INFORMATION

1. NOTES/COMMENTS:

Brian Lavin of Friendly Motor Cars Wappinger Falls NY
CALLED ME TODAY AND INFORMED ME THAT YOU TOLD
HIM THAT YOUR REPORT IS COMPLETE AND HAS BEEN
SENT TO YOUR CORPORATE HEADQUARTERS, FOR
DISPOSITION.

PLEASE FORWARD TO ME.
THE FOLLOWING DATA

CONTACT PERSON

PHONE #

FAX #

CC: Encumbras Inc Anna Osborne 1-972-510-1341

THANKS [REDACTED]

PRIVILEGED & CONFIDENTIAL

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If all pages are not received or copies are not legible, call sender @ [REDACTED]

Thank you.

Called Louis 5/11/07 3:35 PM Louis informed me that his report was sent to
HOME OFFICE this morning and that he informed them, that they should
CONTACT ME ASAP. Louis would not give me name of individual
RESTARTED, they will get in touch with you Monday 5/14/07.

May 17, 2007

Mercedes Benz USA LLC #
One Mercedes Drive
Montvale, NJ 07645

Attn: Louis Shala, Technical Specialist
SLR I& Mayback
Technical Assistance Center
CELL 1-201-280-7891

Re: (a) M/B C240 2002
(b) VIN# WDBRF61J4
(c) accident Encompass Ins. # (4/8/02)
" " " # (4/23/02)

Dear Mr. Shala:

In reference to the above captioned, both accidents were caused by my wife's car sudden acceleration while parking, with brakes applied. As you are also aware, due to the nature of the circumstances attributed to those accidents, our situation was designated as a safety issue and assigned as a high priority to establish the cause.

On May 4th you visited site of 2nd accident, took pictures, measurements, substantiating and verifying the pictures fed-xed to you, taken by me on 4/23/07 & 4/24/07

When asked, you stated that I would have your report on Monday 5/7/07.

After repeated calls to your cell phone and faxes to your fax #, you called Brian (Ser. Mgr. at Friendly Motorcars) on 5/11/07 and informed him that you sent your report to M/B Corp. Headquarters that morning.

As you are aware, after Brian called me, I again called you and was assured by you that M/B Corp. Headquarters would be in touch with me on 5/14/07. To date no one has contacted me.

In a few days, it will be one month since your office was contacted and subsequent (safety issue) high priority was assigned to my wife's car. (car is still at Friendly Motorcars M/B dealership parking lot)
How long will you require my wife to drive and pay for her rented car?

Please call and inform me as to the status of M/B Corporates response to your findings.

Sincerely yours,

Cc: Encompass Ins. (Anna Osborne)
Friendly Motorcars (Brian Lavin)

PS This letter is being faxed to 201 476 6213 as directed by your Factory Rep. Paul on 5/16/27

Poughkeepsie, NY

2ND REQUEST

5/23/07

IT HAS NOW BEEN
(1) MONTH SINCE
YOUR OFFICE WAS
CONTACTED REFERENCE
SAFETY ISSUE.
TO THIS DATE "NO
RESPONSE"

3RD PHONE CALL TO Louis
6/25/07 "NO RESPONSE"

4TH PHONE CALL TO Louis
6/29/07 "NO RESPONSE"

POUGHKEEPSIE, NEW YORK

May 30, 2007

Attorney General Office
235 Main St.
Poughkeepsie, NY 12601

Attn: Mr. Andrew Cuomo, NYS Attorney General

Re: Car Safety Issue (Car suddenly accelerates)
Mercedes Benz VIN#WDBRF61J4
Year 2002 (bought new) Model #C240 4D Sedan 6 Cyl. 2.6

Accident #1 4/8/07 Claim#
Accident #2 4/23/07 Claim#
Mileage (1st) accident 34,077 (2nd) 34,365
Attached data (9) pages correspondence with Mercedes Benz

Dear Mr. Cuomo:

In reference to the above captioned, our car was involved in (2) accidents, due to cars sudden acceleration. As of 4/23/07, our car was designated as having a safety issue and assigned to a high priority status to resolve the problem. The above (9) pages list numerous written and several phone calls regarding this issue. To this date, there has not been a statement from Mercedes Benz addressing and/or resolving our car's problem.

Please advise as to what department in your organization will investigate this situation, as if this car is allowed on the road again without acceleration problem being properly addressed, the next accident could result in bodily injury and/or death. (First and second above accidents resulted, thankfully, in property damages only.)

If you need any additional information, please do not hesitate to call. My wife is currently driving and paying for a rental car for approximately (1) month without any assistance from Mercedes Benz.

Sincerely yours,

[Redacted Signature]

Cc: Encompass Insurance (Glens Falls, NY)
Friendly Motorcars (Wappingers Falls, NY)
Mercedes Benz (Montvale, NJ)
www.NHTSA.Dot.Gov.

Phone 1 - 888-327-4236

SENT ALL DATA TO

NATIONAL Highway Transportation
SAFETY Association

400 7TH ST SW

WASHINGTON D.C. 20590

AS PER PHONE CALL
6/5/07 930AM

NHTSA
101 919 74

6

1-972-510-1341 ANNA OSBORNE
1-845-298-0878 MICHAEL OSTROW
1-201-476-6213 LAMIE SHAIN



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

845-485-3924

ANDREW M. CUOMO
ATTORNEY GENERAL

June 4, 2007

DIVISION OF REGIONAL OFFICES
POUGHKEEPSIE REGIONAL OFFICE

[REDACTED]
Poughkeepsie, NY [REDACTED]

Our File Number: **2007-628813**
Company: 2002 Mercedes-Benz C240

Dear [REDACTED]:

On behalf of Attorney General Andrew M. Cuomo, I am writing to notify you that we have received your correspondence.

We appreciate your alerting us to this matter. We believe the organization shown below may be able to assist you and we are forwarding your correspondence there.

If you do not receive a response in the near future, please follow up directly with that organization. I suggest you attach a copy of this letter or, if appropriate, mention that you are adding new information.

Thank you for writing to our office. We will keep your correspondence on file for future reference.

Very truly yours,

Mark T. Hoops
Bureau of Consumer Frauds
and Protection

cc: National Highway Traffic and Safety Administration
400 7th Street SW
Washington, DC 20590



Mercedes-Benz

Mercedes-Benz USA, LLC

A DaimlerChrysler Company

June 4, 2007

Received
6/7/07
a.f.

[REDACTED]
Poughkeepsie, NY [REDACTED]

Re: 2002 Mercedes-Benz C240

VIN: WDBRF61J42F [REDACTED]

Dear [REDACTED]:

In response to your request, this will confirm that my client's representative's inspection of the above referenced vehicle revealed no defect or malfunction in its braking or acceleration system that could have caused or contributed to the accident sustained with it. The inspection included a physical examination of the accelerator and brakes, search for any engine diagnostic codes as well as road testing that established that the brakes were sufficient to overcome vehicle acceleration.

The opportunity to confirm my client's findings is appreciated.

Very truly yours,

Frank P. Berenz
Associate General Counsel



NHTSA
10191974

[REDACTED]
Poughkeepsie, Ny [REDACTED]
[REDACTED]

6/8/07

Mercedes Benz USA LLC
One Mercedes Drive
PO Box 350
Montvale, NJ 07645-0350

Phone: 1-201-573-0600
Fax: 1-201-573-0117

Attn: Mr. Frank P. Berenz, Associate General Council

Re: (a) Mercedes Benz C240 year 2002
(b) Vin#WDBRF61J42E [REDACTED]
(c) 1st Accident 4/8/07 Mileage 34,077
(d) 2nd Accident 4/23/07 Mileage 34,265
(e) Encompass Ins. Claim 1st [REDACTED]
(f) Encompass Ins. Claim 2nd [REDACTED]
(g) Your letter dated 6/4/07 (attached)
(h) NYS Attorney General File #2007-62-8813

Dear Mr. Berenz:

Please be advised that we do not agree with your clients finding ref. the accident, as there (in all our correspondence) have always been two accidents. Those 2 accidents happened within 188 miles (travel time). Both happened while car was being parked (traveling 1 mile per hr.) Both happened while brakes were being applied. Both accidents were attributed to a sudden vehicle acceleration.

As you may or may not know, safety issue and high priority status was assigned to our car after the 2nd accident. (4/23/07)

Please provide the following information:

- (1) (a) When was someone assigned to our case?
(b) Name/title & years of service
- (2) (a) When was engine diagnostic test performed?

- (b) Where was test performed?
 - (c) Who requested test?
 - (d) Who reviewed documents?
 - (e) Please provide copies of all electronic test perform
- (3) Louis Shaia, Technical Specialist Mercedes Benz USA/Garret Wettcauw, Regional Service Manager/Brian Lavin, Friendly Motorcars Service Manager, and myself visited site of second accident on 5/4/07, and witnessed Mr. Shaia taking numerous pictures/measurements of accident scene as follows:
- (a) Showing: rubber marks across parking space pavement due to cars acceleration while brakes were applied.
 - (b) Showing: rubber imprint (treads marks) on concrete bumper as car hit same prior to going thru 9' high chain link fence.
 - (c) Showing: Cars path while going thru and under chain link fence, down a 3' embankment.
 - (d) Showing: Debris old wood fence/brush/old abandoned bicycle car traveled thru, before ending up on abandoned railroad track.
 - (e) Showing: Chain link fence/post & subsequent damage to same on other side of railroad track that finally stopped car.
 - (f) Showing Divots in abandoned railroad cinder road bed that were caused By car still trying to go forward after hitting second chain link fence. Position of divots in railroad cinder road bed matched distance from our cars bumper against chain link fence and both rear wheels. (I helped Mr. Shaia take those measurements.) (Mr. Shaia stated that the measurements represented the exact measurements of our car.)

Please provide copies of all pictures taken of our damaged car and accident scene.

- (4) Louis Shaia informed me on 5/4/07, that I would have his report on 5/7/07. On 5/11/07 Brian Lavin informed me that Mr. Shaia told him report was Complete and sent to Mercedes Benz Corporate on 5/11/07. I called Louis 5/11/07 at 3:35pm and he informed me that corporate would be in touch With me by Monday 5/14/07. Today 6/7/07 we received our first reply from Mercedes Benz (46 days after our car was assigned as a safety issue high priority status.) Please provide the following:
- (a) Full copy of all data generated by Mr. Shaia reference our car.
 - (b) Who reviewed that data, and when?
 - (c) Who was the individual that rendered the decision as expressed in your letter dated 6/4/07
- (5) Reference car being test driven, please provide the following:
- (a) When was test drive preformed?
 - (b) Who witnessed test?
 - (c) Where was test performed?
 - (d) How many miles were driven in the performance of that test? \
 - (e) What maneuvers were preformed during the test?

- (6) Reference your C240 & C230 cars: Please provide the following data:
- (a) How many complaints reference sudden acceleration problems are documented in your world data bank?
 - (b) What was the year and models of cars affected?
 - (c) How did you handle those complaints?
 - (d) Are any of those cars still being driven today?
 - (e) What are the vin#'s of all cars with acceleration problems that are still On the road today?

Your letters last line states that brakes were sufficient to overcome "vehicle acceleration" Mercedes Benz USA is now admitting that vehicle accelerations happened. Our numerous correspondence and/or phone calls to Mercedes Benz is asking why did car Suddenly accelerate. We are still waiting for that answer.

This car has been in Friendlys Motorcars parking lot since 4/23/07. Due to car being assigned as a safety issue, (to be resolved by Mercedes Benz USA) we were not offered a loaner car while our car was disabled. My wife has been renting a car since 5/1/07, without assistance from Mercedes Benz.

Knowing of the problem that this car has experienced, would Mercedes Benz USA be willing to guarantee, and be held liable if the next accident attributed to sudden acceleration resulting in property, bodily injury, and/or death?

Please review and provide documentation requested within 7 days.

Sincerely yours,

[REDACTED]

Cc: State of N.Y. Office of Attorney General Mark T. Hoops, Bureau of Consumer
Frauds & Protection
National Highway Traffic & Safety Administration (adding new information File#
2007-62-8813
Encompass Insurance Co. Anna Osborne
Marshall & Sterling Insurance Shawn Viana
Gellert & Klein PC Stephan E. Ehlers, Attorney

This correspondence and all prior or subsequent communications and/or investigative efforts are made with the express reservation of all rights and defenses that [REDACTED] has or may have at law. This reservation includes, without limitation, defenses that may be available under any applicable notice and suit limitation provisions. Subject to this strict and continuing reservation, we look forward to hearing from you.

[REDACTED]

[REDACTED]
Poughkeepsie, NY [REDACTED]
[REDACTED]

NHTSA ✓

101 919 74

(10)

6/15/2007

Mercedes Benz USA LLC
One Mercedes Drive
PO Box 350
Montvale, NJ 07645-0350
Phone: 1-201-573 0600
Fax: 1-201-573-0117

Attn: Mr. Frank P. Berenz, Associate General Council

Re: (a) Mercedes Benz C240 year 2002
(b) Vin#WDBRF61J 42F [REDACTED]
(c) 1st Accident 4/8/07 Mileage 34,077
(d) 2nd Accident 4/23/07 Mileage 34,265
(e) Encompass Ins. Claim 1st [REDACTED]
(f) Encompass Ins. Claim 2nd [REDACTED]
(g) Your letter dated 6/4/07 (attached) (Previously sent 6/8/07)
(h) NYS Attorney General File #2007-62-8813
(i) My letter to you dated 6/8/07

Dear Mr. Berenz:

You have not responded to our above captioned letter dated 6/8/07, and we would like to know why?

[REDACTED] continue to reserve all our rights and defenses.

Sincerely, yours,
[REDACTED]

Cc: State of NY Office of Attorney General Mark T. Hoops, Bureau of Consumer
Frauds & Protection
National Highway Traffic & Safety Administration (adding new information
(file# 2007-62-8813
Encompass Insurance Co. Anna Osborne
Marshall & Sterling Insurance Shawn Viana
Gellert & Klein PC Stephan E. Ehlers, Attorney
Friendly Motor Cars, Michael Ostrow, Owner

ENCOMPASS INSURANCE COMPANY
333 GLEN STREET
GLENS FALLS, NY 12801
(800) 262-1145

NHTSA
10191974

(11)

CD LOG NO 1018 -1

SUPPLEMENT S1

04-10-07 9:35 AM
04-19-07 6:00 PM

CLAIM INFORMATION

CLAIM # [REDACTED] POLICY # US [REDACTED]
COMPANY ENCOMPASS GLENS FALLS REGIONAL CLAIM REP JOAN LEE
FAX [REDACTED] WORK PH# [REDACTED]
INSURED [REDACTED] LOSS DATE 04-08-07
CLAIMANT [REDACTED] LOSS TYPE COLLISION

Accident
#1 ✓

INSPECTION

TYPE	FIELD	
PRIMARY POI	FRONT END CENTER	SECOND POI
APPRAISER NAME	MIKE RENZA	
LICENSE #	IA-507722	
WORK PHONE	(845) 270-7147	FAX (845) 429-0419
ADDRESS	33GLEN STREET	INSP DATE 04-10-07
CITY STATE	GLENS FALLS NY	LOCATION 115 LAUER RD
ZIP	12801-	CITY STATE POUGHKEEPSIE NY

OWNER

[REDACTED] WORK# [REDACTED]
[REDACTED] HOME# [REDACTED]
POUGHKEEPSIE NY [REDACTED]

REPAIR

ATTN RON	IN 8:00 AM 7/16/07	SHOP LIC# 7098638
RG AUTO BODY INC		CAR IN
56 NOXON RD	OUT 4:30 PM 7/19/07	CAR OUT
POUGHKEEPSIE NY 12603-		REPAIR 6 DAYS
SHOP PHONE (845) 485-4300		FAX (845) 485-0071

VEHICLE

2002 MERCEDES-BENZ C240 STD 4 DR SEDAN
6CYL GASOLINE 2.6

OPTIONS

TWO-STAGE - EXTERIOR SURFACES	POWER FRONT SEATS
MOONROOF	AUTOMATIC TRANS
CELLULAR PHONE	REAR SIDE IMPACT AIRBAGS

BODY COLOR	TAN	MILEAGE	34,077
CONDITION	GOOD	VIN	WDBRF61J42E [REDACTED]
LICENSE #	[REDACTED]	CODE	3142
LICENSE STATE	NY	VEH INSP #	

REMARKS:

THIS ESTIMATE IS FOR VISIBLE DAMAGE ONLY, ANY HIDDEN OR ADDITIONAL DAMAGE WILL BE HANDLED WITH A REINSPECTION AT THE REPAIR SHOP WHILE UNDER ACTUAL REPAIRS. ANY ADDITIONALS WILL BE DENIED & NOT PAID FOR, IF THE OPPORTUNITY TO PROPERLY REINSPECT THE VEHICLE IS NOT GIVEN. TO SCHEDULE A REINSPECTION, CALL THE SUPPLEMENT HOTLINE AT 800-262-1145 X 14385. ALL SUPPLEMENTS MUST BE APPROVED PRIOR TO REPAIRS.

OP CODES:

* = USER-ENTERED VALUE	E = REPLACE OEM	NG = REPLACE NAGS
EC = COMPETITIVE PART	UE = OE SURPLUS	UC = RECONDITIONED PRT
UM = REMAN/REBUILT PRT	EU = RECYCLED PART	EP = COMPETITIVE PART
OE = PXN OE SRPLS	PC = PXN RECONDITIONED	PM = PXN REMAN/REBUILT
TE = PARTL REPL PRICE	ET = PARTL REPL LABOR	IT = PARTIAL REPAIR
I = REPAIR	L = REFINISH	BR = BLEND REFINISH
TT = TWO-TONE	SB = SUBLET	N = ADDITIONAL LABOR
RI = R&I ASSEMBLY	P = CHECK	AA = APPEAR ALLOWANCE
RP = RELATED PREVIOUS	UP = UNRELATED PREVIOUS	

OP	GDE	MC	DESCRIPTION	MFR. PART NO.	PRICE	AJ%	B%	HOURS	R
N	0009		FRONT BUMPER OVERHAUL	ADDITIONAL LABOR				INC	1
E	0006	46	COVER, FRONT BUMPER	2038850025	378.00*		S1	4.4	1
L	0006		COVER, FRONT BUMPER	REFINISH				3.5	4
				2.4 Surface					
				0.6 Two-stage setup					
				0.5 Two-stage					
BR	0335		MLDG, FRT BUMPER COV LT	BLEND REFINISH				0.3	4
				0.2 Blend					
				0.1 Two-stage					
RI	0335		MLDG, FRT BUMPER COV LT	R&I ASSEMBLY				INC	1
E	0336	01	MLDG, FRT BUMPER COV RT	20388518219040	210.90*		S1	INC	1
L	0336		MLDG, FRT BUMPER COV RT	REFINISH				0.6	4
				0.5 Surface					
				0.1 Two-stage					
L	0012		COVER, TOW HOOK ACCESS	REFINISH				0.4	4
				0.3 Surface					
				0.1 Two-stage					
E	0577		BRKT, FRONT BUMPER M LT	2036260314	12.50			INC	1
L	0577		BRKT, FRONT BUMPER M LT	REFINISH				0.1	4
				0.1 Surface					
E	0028	01	GRILLE ASSEMBLY	20388001237D11	197.60*		S1	0.2	1
E	0042	46	HEADLAMP ASSY, HALOG RT	2038201061	394.00*		S1	0.3	1
N	0973		HEADLAMPS AIM	ADDITIONAL LABOR				0.4	1
E	1489		RING, BEAM MOUNTING LT	2038260191	24.75*		S1	0.5	1
I	0014		SUPT, HEADLAMP	RT REPAIR				1.0*	1
L	0014		SUPT, HEADLAMP	RT REFINISH				0.2	4
				0.2 Surface					
RI	0063		LAMP, SIDE MARKER	LT R&I ASSEMBLY				INC	1
E	0064		LAMP, SIDE MARKER	RT 2038200821	15.00			INC	1
RI	0043		LENS, FOG LAMP	LT R&I ASSEMBLY				0.4	1

2002 MERCEDES-BENZ C240 STD 4 DR SEDAN
CLAIM # [REDACTED] LOG 1018 -1

04-10-07 9:35 AM
S1 04-19-07 6:00 PM

RI 0044	LENS, FOG LAMP	RT R&I ASSEMBLY		0.1 1
I 0083	PANEL, HOOD	REPAIR		4.0*1
L 0083 10	PANEL, HOOD	REFINISH		2.6*4
		2.0* Surface		
		0.6 Two-stage		
>>PARTIAL REFINISH AND BLEND WITHIN PANEL - FULL C/C.				
RI 0033	EMBLEM, HOOD PANEL	R&I ASSEMBLY		0.2 1
RI 0168	GRILLE, HOOD	R&I ASSEMBLY		0.2 1
I 0076	CRSMER, RAD PANEL UPR	REPAIR		1.0*1
L 0076	CRSMER, RAD PANEL UPR	REFINISH		0.4 4
		0.4 Surface		
E 0773	BAFFLE, RADIATOR	2035052530	37.50	1.8 1
BR 0104	FENDER, FRONT	RT BLEND REFINISH		1.2 4
		0.8 Blend		
		0.4 Two-stage		
SB 0104	FENDER, FRONT	RT SUBLET	0.00	0.5*1
RI 0457	MLDG, FENDER SIDE	R/R R&I ASSEMBLY		0.3 1
RI 0197	SKIRT, INNER FENDER	LT R&I ASSEMBLY		INC 1
RI 0031	SKIRT, INNER FENDER	LT R&I ASSEMBLY		0.3 1
RI 1177	NOZZLE, W/S WASHER	LT R&I ASSEMBLY		0.1 1
RI 1178	NOZZLE, W/S WASHER	RT R&I ASSEMBLY		0.1 1
L M15	COLOR TINT	REFINISH		0.5*4
		0.5* Surface		
I	ANCHOR VEHICLE	REPAIR		1.0*1*
I	CAR COVER	SUBLET	5.00*	0.2*1*
SB	HAZ WASTE REMOVAL	SUBLET	2.50*	1*
I	CLEAN AND RETAPE MOULD	SUBLET	2.00*	0.2*1*
I	SAND/BUFF .3 / PANEL	REPAIR		0.6*1*
>>2 PANELS				
I	FLOOR PULL	REPAIR		1.0*1*
EC	FLEX	COMPETITIVE PART	15.00*	1*

42 ITEMS

MC MESSAGE

01 CALL DEALER FOR EXACT PART # / PRICE

10 INCLUDES AUDATEX TIME TO CLEAR ENTIRE PANEL.

46 PRINTABLE PXN COMPARE

FINAL CALCULATIONS & ENTRIES

PARTS

GROSS PARTS	\$ 1,270.25
OE SURPLUS PARTS	
OTHER PARTS	\$ 15.00
PAINT MATERIAL	\$ 215.60

ADJUSTMENTS

DISCOUNT

MARKUP

PARTS & MATERIAL TOTAL		\$ 1,500.85
TAX ON PARTS & MATERIAL @ 8.125%		\$ 121.94

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	\$ 44.00	8.9	9.9	\$ 827.20
2-MECH/ELEC	\$ 46.00			
3-FRAME	\$ 46.00			
4-REFINISH	\$ 44.00	9.8		\$ 431.20
5-PAINT	\$ 22.00			

LABOR TOTAL			\$ 1,258.40
TAX ON LABOR	@ 8.125%		\$ 102.25
SUBLET REPAIRS			\$ 9.50
TAX ON SUBLET	@ 8.125%		\$ 0.77
TOWING			
TAX ON TOWING	@ 8.125%		
STORAGE			
TAX ON STORAGE	@ 8.125%		

GROSS TOTAL	\$ 2,993.71
LESS: DEDUCTIBLE	\$ 500.00-
NET TOTAL	\$ 2,493.71
LESS: PREVIOUS NET TOTAL	\$ 2,281.52-
NET SUPPLEMENT TOTAL	\$ 212.19
CUSTOMER OWES	\$ 500.00

XN Y/02/00/00/02/02 CUM 02/00/00/02/02 Geocode: 12524 NY BEACON S 1ST 6/05
 UDATEX PENPRO W0412 S1 LOG1018 -1 04-19-07 18:12:02
 REL 4.12.22 DT 03/07

(C) 1993 - 2006 AUDATEX NORTH AMERICA, INC.

2.4 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

IMPORTANT INFORMATION ABOUT ENCOMPASS' CHOICE OF PARTS POLICY

THIS ESTIMATE MAY LIST PARTS FOR USE IN THE REPAIR OF YOUR VEHICLE THAT ARE MANUFACTURED BY A COMPANY OTHER THAN THE ORIGINAL MANUFACTURER OF YOUR VEHICLE. THESE PARTS ARE COMMONLY REFERRED TO AS AFTERMARKET PARTS OR COMPETITIVE PARTS, AND WOULD BE DESIGNATED ON THIS ESTIMATE AS "A/M." SUCH PARTS MAY INCLUDE COSMETIC OUTER BODY CRASH PARTS SUCH AS HOODS, FENDERS, BUMPER COVERS, ETC. ENCOMPASS GUARANTEES THE FIT AND CORROSION RESISTANCE OF ANY AFTERMARKET/COMPETITIVE OUTER BODY CRASH PARTS THAT ARE LISTED ON THIS ESTIMATE AND ACTUALLY USED IN THE REPAIR OF YOUR VEHICLE FOR AS LONG AS YOU OWN IT. IF A PROBLEM DEVELOPS WITH THE FIT OR CORROSION RESISTANCE OF THESE PARTS, THEY WILL BE REPAIRED OR REPLACED AT ENCOMPASS' EXPENSE. THIS GUARANTEE IS LIMITED TO THE REPAIR OR REPLACEMENT OF THE PART.

ENCOMPASS INSURANCE COMPANY
333 GLEN STREET
GLENS FALLS, NY 12801
(800) 262-1145

NHTSA
10191924

CD LOG NO 1028 -0

04-24-07 11:41 AM

ESTIMATE

12

CLAIM INFORMATION

CLAIM # [REDACTED] POLICY # US [REDACTED]
COMPANY Encompass Glens Falls Regional CLAIM REP ANNA OSBORNE
FAX WORK PH# (518) 761-4963
INSURED [REDACTED] LOSS DATE 04-23-07 ~~Accident~~
CLAIMANT LOSS TYPE COLLISION #2 ✓

INSPECTION

TYPE FIELD
PRIMARY POI FRONT END CENTER SECOND POI ROOF
APPRAISER NAME MIKE RENZA
LICENSE # IA-507722
WORK PHONE (845) 270-7147 FAX (845) 429-0419
ADDRESS 33 GLEN STREET INSP DATE 04-24-07
CITY STATE GLENS FALLS NY LOCATION 134 Old Post Rd
ZIP 12801- CITY STATE Wappingers NY

OWNER

[REDACTED]
Poughkeepsie NY [REDACTED]

WORK# [REDACTED]
HOME# [REDACTED]

REPAIR

REPAIR 14 DAYS

VEHICLE

2002 MERCEDES-BENZ C240 STD 4 DR SEDAN
6CYL GASOLINE 2.6

OPTIONS

TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES
POWER FRONT SEATS MOONROOF
AUTOMATIC TRANS REAR SIDE IMPACT AIRBAGS

BODY COLOR TAN MILEAGE 34,165
CONDITION GOOD VIN WDBRF61J42F [REDACTED]
LICENSE # [REDACTED] CODE 3142
LICENSE STATE NY VEH INSP #

REMARKS:

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mm

[Handwritten signature]

APPROVED PRIOR TO REPAIRS.

OP CODES:

* = USER-ENTERED VALUE
 EC = COMPETITIVE PART
 UM = REMAN/REBUILT PRT
 OE = PXN OE SRPLS
 TE = PARTL REPL PRICE
 I = REPAIR
 TT = TWO-TONE
 RI = R&I ASSEMBLY
 RP = RELATED PREVIOUS

E = REPLACE OEM
 UE = OE SURPLUS
 EU = RECYCLED PART
 PC = PXN RECONDITIONED
 ET = PARTL REPL LABOR
 L = REFINISH
 SB = SUBLET
 P = CHECK
 UP = UNRELATED PREVIOUS

NG = REPLACE NAGS
 UC = RECONDITIONED PRT
 EP = COMPETITIVE PART
 PM = PXN REMAN/REBUILT
 IT = PARTIAL REPAIR
 BR = BLEND REFINISH
 N = ADDITIONAL LABOR
 AA = APPEAR ALLOWANCE

OP	GDE	MC	DESCRIPTION	MFR. PART NO.	PRICE	AJ%	B%	HOURS	R
N	0009		FRONT BUMPER OVERHAUL	ADDITIONAL LABOR				INC	1
EP	0006		COVER, FRONT BUMPER	COMPETITIVE PART	240.00			4.4	1
L	0006		COVER, FRONT BUMPER	REFINISH				3.5	4
				2.4 Surface					
				0.6 Two-stage setup					
				0.5 Two-stage					
E	0335	01	MLDG, FRT BUMPER COV LT	20388517219040	142.00			INC	1
L	0335		MLDG, FRT BUMPER COV LT	REFINISH				0.6	4
				0.5 Surface					
				0.1 Two-stage					
E	0336	01	MLDG, FRT BUMPER COV RT	20388518219040	139.00			INC	1
L	0336		MLDG, FRT BUMPER COV RT	REFINISH				0.6	4
				0.5 Surface					
				0.1 Two-stage					
E	0020		GRILLE, FRT BMPR CVR	2038852623	17.50			INC	1
E	0036		GRILLE, FRT BMPR CVR LT	2038850523	8.50				1
E	0097		PANEL, FRT BMPR LICENS	2038850581	46.00			0.2	1
L	0097		PANEL, FRT BMPR LICENS	REFINISH				0.4	4
				0.3 Surface					
				0.1 Two-stage					
RI	0028		GRILLE ASSEMBLY	R&I ASSEMBLY				0.2	1
RI	0041		HEADLAMP ASSY, HALOG LT	R&I ASSEMBLY				0.3	1
I	0042		HEADLAMP ASSY, HALOG RT	REPAIR				0.5*	1
RI	0042		HEADLAMP ASSY, HALOG RT	R&I ASSEMBLY				0.3	1
N	0973		HEADLAMPS AIM	ADDITIONAL LABOR				0.4	1
N	0990		FOG LAMPS AIM	ADDITIONAL LABOR				0.3	1
E	0064		LAMP, SIDE MARKER	RT 2038200821	15.00			INC	1
E	0047		LAMP ASSEMBLY, FOG	LT 2158200556	135.00			0.3	1
I	0083		PANEL, HOOD	REPAIR				4.0*	1
L	0083		PANEL, HOOD	REFINISH				3.6	4
				3.0 Surface					
				0.6 Two-stage					
RI	0033		EMBLEM, HOOD PANEL	R&I ASSEMBLY				0.2	1
L	0168		GRILLE, HOOD	REFINISH				0.4	4
				0.3 Surface					
				0.1 Two-stage					

RI 0168	GRILLE, HOOD	R&I ASSEMBLY		0.2 1
I 0103	FENDER, FRONT	LT REPAIR		1.0*1
L 0103 10	FENDER, FRONT	LT REFINISH		1.6*4
		1.2* Surface		
		0.4 Two-stage		
I 0104	FENDER, FRONT	RT REPAIR		1.5*1
L 0104	FENDER, FRONT	RT REFINISH		2.3 4
		1.9 Surface		
		0.4 Two-stage		
RI 0456	MLDG, FENDER SIDE	L/R R&I ASSEMBLY		0.3 1
RI 0457	MLDG, FENDER SIDE	R/R R&I ASSEMBLY		0.3 1
E 0825	SHIELD, ENGINE LOWER	2035242030	53.00	INC 2
I 0143	WINDSHIELD, HEATED	REPAIR		0.3*1
	>>clean scuffs			
E 0151	MLDG, W/S REVEAL UPPER	2036700539	9.75	0.3 1
RI 1177	NOZZLE, W/S WASHER	LT R&I ASSEMBLY		0.1 1
RI 1178	NOZZLE, W/S WASHER	RT R&I ASSEMBLY		0.1 1
I 0163 07	PILLAR, HINGE	LT REPAIR		0.3*1
L 0163	PILLAR, HINGE	LT REFINISH		1.2 4
		1.0 Surface		
		0.2 Two-stage		
I 0164 07	PILLAR, HINGE	RT REPAIR		0.5*1
L 0164	PILLAR, HINGE	RT REFINISH		1.2 4
		1.0 Surface		
		0.2 Two-stage		
RI 0309	MLDG, PILLAR DRIP	LT R&I ASSEMBLY		0.5 1
RI 0310	MLDG, PILLAR DRIP	RT R&I ASSEMBLY		0.5 1
I 0207	DOOR SHELL, FRONT	LT REPAIR		0.5*1
L 0207 10	DOOR SHELL, FRONT	LT REFINISH		1.6*4
		1.2* Surface		
		0.4 Two-stage		
	>>PARTIAL REFINISH AND BLEND WITHIN PANEL - FULL C/C.			
I 0208	DOOR SHELL, FRONT	RT REPAIR		1.0*1
L 0208	DOOR SHELL, FRONT	RT REFINISH		2.0 4
		2.0 Surface		
		INC Two-stage		
	>>PARTIAL REFINISH AND BLEND WITHIN PANEL - FULL C/C.			
RI 0265	W/STRIP, FRT DOOR BO	LT R&I ASSEMBLY		0.5 1
RI 0266	W/STRIP, FRT DOOR BO	RT R&I ASSEMBLY		0.5 1
RI 0473	W/STRIP, BELT OUTER	LT R&I ASSEMBLY		0.2 1
RI 0474	W/STRIP, BELT OUTER	RT R&I ASSEMBLY		0.2 1
RI 0269	MLDG, FRONT DOOR BEL	LT R&I ASSEMBLY		0.3 1
RI 0270	MLDG, FRONT DOOR BEL	RT R&I ASSEMBLY		0.3 1
E 0267 01	APPLIQUE, FRT DOOR F	LT 2036900587	31.00	0.3 1
E 0268 01	APPLIQUE, FRT DOOR F	RT 2036900687	31.00	0.3 1
RI 0384	MLDG, FRONT DOOR SID	RT R&I ASSEMBLY		0.3 1
RI 0229	MIRROR, OUTER R/C	LT R&I ASSEMBLY		0.3 1
RI 0230	MIRROR, OUTER R/C	RT R&I ASSEMBLY		0.3 1
I 0358	HOUSING, MIRROR OUTE	LT REPAIR		0.2*1
L 0358	HOUSING, MIRROR OUTE	LT REFINISH		0.5 4
		0.5 Surface		

			INC Two-stage	
I	0359	HOUSING,MIRROR OUTE RT	REPAIR	0.2*1
L	0359	HOUSING,MIRROR OUTE RT	REFINISH	0.5 4
			0.5 Surface	
			INC Two-stage	
I	0288	DOOR SHELL,REAR	RT REPAIR	1.0*1
L	0288	DOOR SHELL,REAR	RT REFINISH	1.8 4
			1.8 Surface	
			INC Two-stage	
RI	0281	W/STRIP,RR DOOR BOD LT	R&I ASSEMBLY	0.5 1
RI	0282	W/STRIP,RR DOOR BOD RT	R&I ASSEMBLY	0.5 1
RI	0067	MLDG,REAR DOOR BELT RT	R&I ASSEMBLY	0.3 1
RI	0386	MLDG,REAR DOOR SIDE RT	R&I ASSEMBLY	0.3 1
RI	0321	APPLIQUE ASSY,REAR LT	R&I ASSEMBLY	0.3 1
RI	0322	APPLIQUE ASSY,REAR RT	R&I ASSEMBLY	0.3 1
RI	0306	HANDLE,RR DOOR OUTE RT	R&I ASSEMBLY	0.7 1
I	0341	PANEL,ROOF	REPAIR	4.0*1
L	0341	PANEL,ROOF	REFINISH	2.9 4
			2.9 Surface	
			INC Two-stage	
BR	0465	PANEL,ROOF SIDE LT	BLEND REFINISH	0.6 4
			0.6 Blend	
			INC Two-stage	
RI	0343	GLASS PANEL,ROOF	R&I ASSEMBLY	0.6 1
I	0389	PANEL,QUARTER LT	REPAIR	1.0*1
L	0389	PANEL,QUARTER LT	REFINISH	1.2*4
			1.2* Surface	
			INC Two-stage	
	>>PARTIAL REFINISH AND BLEND WITHIN PANEL - FULL C/C.			
I	0390	PANEL,QUARTER RT	REPAIR	0.5*1
L	0390	PANEL,QUARTER RT	REFINISH	1.2*4
			1.2* Surface	
			INC Two-stage	
	>>PARTIAL REFINISH AND BLEND WITHIN PANEL - FULL C/C.			
BR	0397	DOOR,FUEL FILLER RT	BLEND REFINISH	0.2 4
			0.2 Blend	
			INC Two-stage	
BR	0479	LID,REAR DECK	BLEND REFINISH	1.0 4
			1.0 Blend	
			INC Two-stage	
RI	0351	N/PLATE,DECK LID	R&I ASSEMBLY	0.2 1
RI	0549	POCKET,LICENSE PLATE	R&I ASSEMBLY	1.0 1
RI	0535	TAILLAMP ASSEMBLY LT	R&I ASSEMBLY	0.3 1
RI	0536	TAILLAMP ASSEMBLY RT	R&I ASSEMBLY	0.3 1
RI	0566	REAR BUMPER ASSY R&I	R&I ASSEMBLY	1.4 1
SB		FOUR WHEEL ALIGNMENT	SUBLET	69.95* 1
I		CAR COVER	SUBLET	5.00* 0.0*1*
SB		HAZ WASTE REMOVAL	SUBLET	2.50* 1*
I		CLEAN AND RETAPE MOULD	SUBLET	8.00* 1.0*1*
I		SAND/BUFF .3 / PANEL	REPAIR	2.0*1*
I		POWER WASH UNDERCARRIA	REPAIR	0.5*1*

CLAIM #

N POLISH LEFT DOORS

ADDITIONAL LABOR

0.6*1*

91 ITEMS

MC MESSAGE

01 CALL DEALER FOR EXACT PART # / PRICE

07 STRUCTURAL PART AS IDENTIFIED BY I-CAR

10 INCLUDES AUDATEX TIME TO CLEAR ENTIRE PANEL.

FINAL CALCULATIONS & ENTRIES

PARTS

GROSS PARTS	\$	627.75
OE SURPLUS PARTS		
OTHER PARTS	\$	240.00
PAINT MATERIAL	\$	664.70

ADJUSTMENTS

DISCOUNT

MARKUP

PARTS & MATERIAL TOTAL	\$	1,532.45
TAX ON PARTS & MATERIAL @ 7.375%	\$	113.02

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	\$ 44.00	18.4	21.3	\$ 1,746.80
2-MECH/ELEC	\$ 46.00			
3-FRAME	\$ 46.00			
4-REFINISH	\$ 44.00	28.9		\$ 1,271.60
5-PAINT	\$ 23.00			

LABOR TOTAL	\$	3,018.40
TAX ON LABOR @ 7.375%	\$	222.61
SUBLET REPAIRS	\$	85.45
TAX ON SUBLET @ 7.375%	\$	6.30
TOWING		
TAX ON TOWING @ 7.375%		
STORAGE		
TAX ON STORAGE @ 7.375%		

GROSS TOTAL	\$	4,978.23
LESS: DEDUCTIBLE	\$	500.00-
NET TOTAL	\$	4,478.23
CUSTOMER OWES	\$	500.00

PXN Y/01/01/00/00/00 CUM 01/01/00/00/00 Geocode: 12524 NY BEACON S 1ST 6/05
 AUDATEX PENPRO W0412 ES LOG1028 -0 04-24-07 12:56:35
 REL 4.12.22 DT 03/07

(C) 1993 - 2006 AUDATEX NORTH AMERICA, INC.

MAY. 2. 2007 2:02PM

ENCOMPASS GLENS FALLS

NO. 585 P. 3

ENCOMPASS Ins

ANNA OSBORNE

NATSA

DATE 1/01/97

(13)

TEL # 1-800-262-1145 EXT 14863 PH - PAYMENT HISTORY

ALC 26 CLAIM# [REDACTED] DESK# JB INS/DBA [REDACTED]

O/C C

LN	ISSDAT	PAYEE	FROM/THRU	IRS/WITH	AMT/NYH	AMOUNT	TR	CVCD	TR/	SPX/	CK/DRPT#	PS
						GROSS AMT	REASON	PC	DT	R/C		
01	042407	[REDACTED]				150.00	22	RENT		012	100660606	I
												CLAIM FOR COLLISION DAMAGE/REN
02	042007	RG AUTO BODY INC				212.19	23	COLL		011	100657624	C
												CLAIM FOR COLLISION DAMAGE DUE
03	041007	[REDACTED]				2281.52	22	COLL		011	100645726	C
												CLAIM FOR COLLISION DAMAGE DUE
04	041007	BOB LOVELOCK				720.86	22	PROP		021	100645727	C
												CLAIM FOR PROPERTY DAMAGE

SELECT CLMT LINE NUMBER
END OF DATA

ID 026A05B
PRA1041

Line descriptions

- 01 - \$ 150.00 paid to Insured for rental reimbursement
- 02 - \$ 212.19 paid to RG AUTO BODY for collision dmg to Insured vehicle.
- 03 - \$ 2281.52 paid to Insured for collision dmg to Insured vehicle.
- 04 - \$ 720.86 paid to BOB LOVELOCK for property dmg.
- \$ 500. — Ferrari Deductible (Pd. By FERRARI)

~~3871.57~~ Total Accident #1

MAY. 2. 2007 2:01PM

ENCOMPASS GLENS FALLS

NO. 585 P. 2

Encompass Ins

ANNA OSBANE

NH75A

TEL# 1-800-262-1145 EXT. 17963 PH - PAYMENT HISTORY

Ref# 10191774

(14)

ALC 26 CLAIM# [REDACTED] DESK# JF INS/DHA [REDACTED] O/C O

LN ISSDAT PAYEE

FROM/THRU

IRS/WITH AMT/NYH

01 042607 [REDACTED]

AMOUNT TR CVCD TE/ SFX/ CK/DRFT# PS

GROSS AMT REASON PC DT R/C

4478.23 22 COLL 011 100663435 I

CLAIM FOR COLLISION DAMAGE DUE

Tow Bill 405. -

Ins 4478.23

Deductible

Fence

500. -

car rental

1512. -

6/20/07
50 Day @ 30.24
still pending.

#1 Fence Repair

1405

#2 Fence Repair

No Claim yet

Auto Shop estimate?

No estimate yet. Car has not been repaired

SELECT
END OF DATA

CLMT

LINE NUMBER

Accident #2

Total

8,300. -

ID 026A08B
PHAL041

As of 6/20/07

Line Descriptions

01 - \$ 4478.23 ✓ paid to Insured for collision dmg
Fence Deductible 500. - to Insured vehicle

OTHER CHARGES -

TOW BILL - \$ 405.00 ✓

RENTAL OUTSTANDING -

Enterprise Lic # CZB2244
5/1/07 @ 3:57 PM5/18/07
Due Back

30.24 per day

mileage out 29,839

Damage to property -

• 2 Fences damaged, no estimates submitted
for repair/replacement yet.

22 GREEN ST. FENCE

1405. -

Factory FENCE

No Claim yet

HTTP://MBSpy.BalcoSys.BE/MBQuality.HTM
 WWW.NAGETE.CO.UK/MI/320.HTM

NHTSA

Ref # 10191974

16

The Truth Behind Chrysler



DODGE CHRYSLER DAIMLERCHRYSLER VEHICLES - IMPORTANT CONSUMER INFORMATION BEFORE YOU BUY



DaimlerChrysler (Dodge, Chrysler, Jeep) has had a history of excessive quality issues, safety defects and poor service. This continues despite the 1998 merger with Daimler Benz (Mercedes Benz) and constant claims by DaimlerChrysler that this is a significant benefit to consumers. If anything, Mercedes Benz quality has declined dramatically, especially since the Daimler Chrysler merger from overall quality ratings and what many owners have been saying. It seems, if anything, Mercedes Benz has embraced some of the cost cutting quality standards at Chrysler to increase overall profitability. The problems continue despite stylish new vehicles

and claims of new stringent quality standards by DaimlerChrysler to regain consumer confidence. Chrysler continues to deceive consumers regarding known potentially life threatening vehicle defects such as unsafe Seatbelts and Steering which continue to put consumer lives at risk every day. Rather than taking care of these previous issues, Chrysler is far more concerned with rushing new vehicles into production. Chrysler continues to reduce its warranty expense through an aggressive refusal to honor many valid warranty claims while blaming the consumer whenever possible. Consumers often attribute this attitude to being a dealer problem while failing to recognize that this is because Dodge, Chrysler, Jeep dealers are pressured to keep warranty costs to a minimum, even for known problems and defects. Chrysler will do everything it can to avoid covering common problems under warranty whenever possible by blaming consumers or claiming issues cannot be duplicated. For example, Chrysler is known for declining to cover defective engines under warranty while blaming the consumer, even when regular oil or before scheduled oil changes can be proven. This costs hard working consumers thousands of dollars in repairs every day. Additionally, Chrysler also leaves many lives unknowingly at risk with ongoing quality problems and defects. Two unsealed depositions from DaimlerChrysler executives also provide evidence that top executives often used racial slurs, made derogatory remarks, and held racist attitudes, according to published reports. We believe Chrysler is a negligent, deceptive, misleading and an unbelievably arrogant automobile manufacturer that does not deserve your business. Through not purchasing Dodge, Chrysler, Jeep, Mercedes vehicles you can also send this German company a clear message that these business ethics are simply not acceptable to American consumers.

DaimlerChrysler = "Five Star" Automobile Defects, Vehicle Quality Issues, Negligence, Denial And Uncertainty

Former NHTSA Administrator Joan Claybrook suspects DaimlerChrysler is more concerned about protecting the bottom line - "Chrysler's view is in a cost-benefit ratio," says Claybrook. "It's cheaper to let these circumstances happen. A few people get killed, and they don't have to pay for all the replacement

Chrysler Dealer Technicians Are Admitting Frequently Seeing These Problems, Are Told To Keep Quiet While They Agree With This Website

"I am a technician for a Chrysler dealership in Florida. I fear for my job so I will not disclose what city. The problems this website shows are all true, as technicians are seeing this every day, and yet are told to keep our mouths shut. We are also told to do patch up jobs and the parts we need are not given to us. This company will also throw its own employees under the bus

NHTSA
Ref # 10191974

17

MB and never had these kind of problems nor the service that I am getting. my aunt has the ML and the SL and she is running into numerous problems too. I am sad to say that it has not only altered my decision to purchase another in the future but my parents as well. I can't tell which stinks worse, my car or the service.

Yihua writes:

Just bought the 2003 C240 a month ago. My dad drove the car around the block and the car started to accelerate when he is making a U turn. Hit the right front wheel on the curb. Blown the tire. Went to the dealer for repair. They could not find anything wrong with the car because it passed the diagnostic test. A test engineer myself so I know that does not mean anything. Just picked up the car, the alignment is totally mess up as if it went through an accident. I think my dad handle it properly because he also drives a German car, a Volvo S80. He wants me to take the car back to the dealership for more tests. I don't think they will find anything wrong with the vehicle.

Thomas writes:

Frustrated and disappointed owner of a 2002 C230 6-speed Kompressor with 20,000 miles. Purchased new in August of 2002 from ASC of Arlington, Virginia.

SOME of the PROBLEMS:

This month (November '03) the car has already been at the dealership for two weeks. The service department's mantra is: "CANNOT DUPLICATE." The car loses power as it is being driven and will NOT accelerate. This is the third attempt by the dealership to diagnose the problem. There are no fault codes which appear and the service dept. cannot determine the cause. Last week they drove it over 200 miles in two days with a laptop computer attached and said they had no faults appear. It is a safety issue to be driving along or trying to merge and suddenly have a loss of acceleration and have the car lurch. In a few seconds the car then accelerates normally. There is no pattern to this, some days it happens many times and others, not at all. Because the shop cannot duplicate the problem they have told me that there is nothing they can do since they cannot "throw parts at the car to see if that works." Paint is substandard (imola red). The hood has been refinished ("dealer goodwill") due to excessive chipping under normal road conditions.

Power steering was "whining" terribly while making turns. A leak was detected and the steering rack was replaced.

Power panoramic sunroof broke and was repaired.

Numerous ESP/BAS warning lights and electrical problems have had to be checked/repared.

Wiper arms have been repaired twice.

Black panels on outside of doors next to the windows have had to be replaced because they were rust spots and the paint above them on the roof was "bubbling."

Rusted lug nuts.

Once, after having the oil changed at the dealership, the "check oil level" light illuminated after I drove it about 10 miles. I stopped immediately to check the level and the dipstick showed that the oil was marginally low. I had to bring the car back to the service dept. to have them add oil. Months later, the car reported a low oil level while driving, but the dipstick showed a normal oil level. The dealership replaced the sensor.

Floor mats were excessively worn after less than a year of use. They were replaced under warranty.

Wiring connectors were replaced.

I am very displeased with my C230 and would not purchase this car again. In less than ONE year of ownership, I have had more problems requiring trips to the

MERCEDES - BENZ USA.

ONE MERCEDES DRIVE
MONTVALE, N.J.

DOES NOT KNOW I HAVE
THIS (3) PAGE REPORT

- (1) DIAGNOSIS WAS PERFORMED ON MONDAY 5/14/07 @ 10:54 AM
- (2) MILEAGE ON CAR WAS SHOWN AS 34,313 ON 5/14/07
- (3) I VISITED SITE ON 6/5/07 MILEAGE ON CAR WAS 34,305
8 MILES LESS THEN REPORT SHOWS
- (4) THIS REPORT WAS PERFORMED AT FRIENDLY MOTORCARS
- (5) LOUIS SHANA HAD INFORMED ME THAT HIS REPORT
WAS COMPLETE AND SENT TO CORPORA ON 5/10/07
THREE DAYS PRIOR TO THIS REPORT.

I DO NOT KNOW HOW TO FULLY UNDERSTAND
THIS REPORT. "MAYBE YOU DO."

ONE ITEM U.S.P. EVENT #9021 "YELLOW Highlight"
"DELETE AND FROM MEMORY" -



Initial quick test log

Model series/Model designation 203.061
VIN WDBRF61J42F
Total distance driven 34313 miles
Workshop ID
Steering Version LEFT
 5.4.9/03/2007
 (2007-02-15)

Battery voltage 11.85 V

E2S - Electronic ignition switch				- f -
MB number	HW version	SW version	Diagnosis version	Pin
2035450608	50.2000	45.2000	0/11	1
Code	Text			Status
B1012	Central locking : Play protection is active.			STORED

ME-SFI 2.8 - Motor electronics 2.8				- ✓ -
MB number	HW version	SW version	Diagnosis version	Pin
1121532679	08.2001	37.2001	1/5	7

ETC - Electronic transmission control				- ✓ -
MB number	HW version	SW version	Diagnosis version	Pin
0305453032	03.2001	03.2002	2/1	11

ESM - Electronic selector module				- ✓ -
MB number	HW version	SW version	Diagnosis version	Pin
2035453332	20.2001	08.2001	1/14	9

ESP - Electronic stability program				- f -
MB number	HW version	SW version	Diagnosis version	Pin
2095450232	30.2001	11.2001	1/0	9
Code	Text			Status
C1181	N49 (Steering angle sensor) : Internal fault			STORED
C1174	N49 (Steering angle sensor) : Steering angle sensor is not initialized.			STORED

AB - Airbag				- ✓ -
MB number	HW version	SW version	Diagnosis version	Pin
0018208726	09.1999	30.2000	0/1	1

SAM-F - Signal acquisition and actuation module front				- f -
MB number	HW version	SW version	Diagnosis version	Pin
2035451001	35.2001	06.2001	0/6	1
Code	Text			Status
B1012	Component E5/1 (Left fog lamp) is faulty or the line to the component has a short circuit or open circuit.			STORED
B1011	Component E5/2 (Right fog lamp) is faulty or the line to the component has a short circuit or open circuit.			STORED
B1014	Component E1e3 (Left standing and parking lamp) is faulty or the line to the component has a short circuit or open circuit.			STORED
B1013	Component E2e3 (Right standing and parking lamp) is faulty or the line to the component has a short circuit or open circuit.			STORED
B1018	Component E1e5 (Left turn signal lamp) is faulty or the line to the component has a short circuit or open circuit.			STORED

B1017	Component E2e5 (Right turn signal lamp) is faulty or the line to the component has a short circuit or open circuit.	STORED
B1045	Component B14 (Ambient temperature display temperature sensor) or line to component has short circuit or open circuit.	STORED

REAR SAM - Rear signal acquisition and actuation module- f - **i**

MB number	HW version	SW version	Diagnosis version	Pin
0035455201	01.2002	23.2001	1/4	1

Code	Text	Status
B1055	Component E4e4 (Right stop lamp) has Short circuit or open circuit.	STORED
B1061	Fault in component B33 (ATA Inclination sensor)	STORED

Event	Text	Status
B1089	Fault in CAN communication with control unit A1 (Instrument cluster). If fault code occurs with no complaint reported and no malfunctions, erase fault memory and perform a function check.	Event STORED

OCP - Overhead control panel

- F -

MB number	HW version	SW version	Diagnosis version	Pin
2038201401	20.2000	05.2001	0/1	1

Code	Text	Status
B1066	Roof system is not normalized.	Current and stored

UCP - Upper control panel**i**

MB number	HW version	SW version	Diagnosis version	Pin
2038215258	38.2000	10.2001	5/0	1

Event	Text	Status
9021	Fault in CAN communication with control unit A1 (Instrument cluster). If the fault code 9021 appears without any complaints or problems, disregard and delete it from the memory.	Event STORED

ICM - Instrument cluster with maintenance interval display

- f -

MB number	HW version	SW version	Diagnosis version	Pin
2035403711	49.2001	37.2001	0/9	1

Code	Text	Status
B1121	Communication with the Head Unit is faulty. This fault can be ignored if no MB Audio radio is installed.	STORED

AUDIO

- f -

MB number	HW version	SW version	Diagnosis version	Pin
2038201086	24.2001	15.2001	32/2	12

Code	Text	Status
B1074-001	No or incorrect CAN message from control unit N73 (EIS [E2S] control unit)	STORED
B1088	No or incorrect CAN message from control unit A1 (Instrument cluster)	STORED

E-call [USA] - Telematic system

- f -

MB number	HW version	SW version	Diagnosis version	Pin
2038205826	44.2000	20.2001	1/2	12

Code	Text	Status
N1312	Fault in CAN communication with control unit Instrument cluster.	STORED

DCM-FL - Door control module front left				- ✓ -
MB number 2038205526	HW version 16.2001	SW version 11.2001	Diagnosis version 0/0	Pin 1
DCM-FR - Door control module front right				- ✓ -
MB number 2038205626	HW version 16.2001	SW version 11.2001	Diagnosis version 0/0	Pin 1
DCM-RL - Door control module rear left				- ✓ -
MB number 2038206526	HW version 08.2001	SW version 11.2001	Diagnosis version 0/0	Pin 1
DCM-RR - Door control module rear right				- ✓ -
MB number 2038206626	HW version 08.2001	SW version 11.2001	Diagnosis version 0/0	Pin 1
ESA driver - Electric seat adjustment driver (with memory)				- ✓ -
MB number 2118704626	HW version 43.2003	SW version 48.2004	Diagnosis version 0/2	Pin 1
ESA passenger - Electric seat adjustment front passenger (with memory)				- ✓ -
MB number 2038201626	HW version 50.1999	SW version 34.2000	Diagnosis version 0/2	Pin 1
C-AAC - Convenience automatic air conditioning / AAC - Automatic air conditioning / HEAT - Automatic heater				- ✓ -
MB number 2038300685	HW version 10.2002	SW version 45.2001	Diagnosis version 2/2	Pin 1

**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).**