

NIS-200

[Redacted]

2009 MAR -5 PM 5:44

Oceanside CA

CL-10261250-7258

[Redacted]

February 17, 2009

Mr. Alan J. McLaren
Vice President, Customer Services
Mercedes-Benz USA, LLC
One Mercedes Drive
Montvale, NJ 07645-0350

Re: Safety Recall #2003-040005
VIN # 4JGAB54E91 [Redacted]

Dear Mr. McLaren:

This letter is written pursuant to my phone conversation with Tim of your office on February 9, 2009.

Per your January 2009 Safety Recall letter, we took our vehicle in to Mercedes-Benz of Escondido for repairs on February 4, 2009. We informed the service advisor that the power steering pump had previously failed and ran completely dry and was now making a lot of noise. The dealership made repairs to the hose and clamp but refused to replace the power steering pump citing that Mercedes would not pay for replacement of the pump even after acknowledging that it is making noise and may need replacement.

On April 16, 2007, at 120,494 miles the broken power steering hose was repaired by European Motorsports per the invoice # 13854 (please see attached). The total cost of repairs relating to the power steering was \$237.41. We were in Orange County, California when the pump had completely failed with loss of power steering control. From the repairs performed, it is patently obvious that the failure of the hose and clamp had caused damage to the power steering pump. As stated in your letter "A loss of power steering fluid may result in diminished power assist for steering the vehicle and ultimately can also damage the power steering pump".

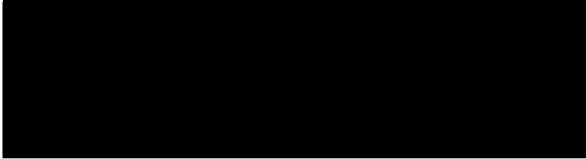
Per Tim of your office, this recall would only cover repairs to the hose and clamp and collateral damage would not be covered. The damage suffered by the power steering pump would hardly be considered collateral damage since the power steering pump is part and parcel of the power steering system as evidenced in part by your recall letter. If it was an unrelated component or part, I could understand Tim's comment which I thought was rather unprofessional.

Based on the aforementioned and this being a serious safety issue, I request Mercedes-Benz to reconsider their position and pay for replacement of the power steering pump. We are also seeking reimbursement in the amount of \$237.41 for repairs previously made.

ET
Dij:44
3/15/09
NT

Page 2 of 2, Mercedes-Benz USA, LLC

Sincerely,



Cc: Doug Gilbert, Service Director, Mercedes-Benz of Escondido
Administrator, National Highway Traffic Safety Administration

I hereby authorize the repair work listed hereon, including necessary materials. You and your employees may operate of testing, inspection or delivery at my risk. An express lien secure the amount of repairs thereto. You will not be held vehicle or articles left in vehicle in case of fire, theft, accident, or any other cause beyond your control. Customer agrees to pay all collection costs and/or attorney's fees in the event default is made in any payment due. If automobile is returned to customer without repair service being performed, a diagnostic and handling fee (including reassembling) may be charged. I have read and understand the above and acknowledge receipt of an estimate.

sublet work, to be done along with the described vehicle for purposes is acknowledged on said vehicle to responsible for loss or damage to

EUROPEAN MOTORSPORTS

2588 PROGRESS ST. #11
 VISTA CA 92081
 (760) 599-9307
 BAR NO. AJ 168842
 EPA# CAL00232465

CUSTOMER SIGNATURE _____ DATE _____

Cars left after work is completed may be subject to a storage fee.

CUSTOMER SIGNATURE _____ DATE _____

Buyer hereby acknowledges receipt of merchandise and services set forth herein and a copy of this sales invoice.

2001 MERCEDES BENZ ML 320

INVOICE #: 13854

LICENSE: _____ MI IN: 120494 OUT: 120494 DATE/TIME: 4/16/07 5:35PM

VIN: 4JGAB54E91 _____ BODY: _____ WRITTEN BY: _____

COLOR CO: _____ TAG: _____ TYPE: CUSTOMER

ENGINE N: _____

QTY	COND	PART NUMBER	DESCRIPTION	PRICE	TOTAL
1.00	N		HOSE	71.00	71.00
3.00	N	ATF	DEXTRON 3 TRANS FLUID	4.99	14.97
2.00	N	001 544 55 94	OSRAM LIGHT BULB, 12V 2W	3.50	7.00
1.00	N	163 460 52 24	POWER STEERING HOSE	34.50	34.50
HRS EMP LABOR DESCRIPTION					TOTAL
SF		CUSTOMER REPORTS POWER STEERING HAS FAILED, CHECK & REPORT. REPLACE BROKEN POWER STEERING HOSE FROM RACK TO COOLER.			89.95
SF		SPEEDOMETER LIGHT IS OUT, REPLACE BULB FOR GAGES.			170.91
#		CHECK FLUID LEVELS.			26.99

ESTIMATE OF REPAIRS: Includes all parts, labor, handling and diagnosis. If on closer analysis it is found that additional repairs are necessary, you will be contacted for authorization.

ORIGINAL ESTIMATE \$306.99
 RJ 4/16/07 10:26AM ALE 458-2221 \$398.00
 HOSE, INST LIGHTS

REVISED ESTIMATE TOTAL \$696.99

CUSTOMER SIGNATURE _____ DATE _____
 I acknowledge notice and oral approval of an increase in the original estimated price.

\$ 237.41

- WARRANTY: FROM DATE OF DELIVERY FOR A PERIOD OF 6,000 MILES OR 6 MONTHS, WHICHEVER COMES FIRST. EUROPEAN MOTORSPORTS WILL REPAIR FREE OF CHARGE ANY DEFECTS IN PARTS & LABOR TO REPAIRS STATED ON THIS INVOICE. ALL WORK TO BE DONE AT OUR SHOP ONLY. AFTERMARKET PARTS & TOWING NOT COVERED.

* = NON-TAXED

METHOD OF PAYMENT	PARTS	LABOR
PAYMENT DATE 4/16/07	127.47	287.85
CHECK # 1426.59	HAZARD 0.75	SUB TOT 416.07
CHECK # 1096	TAX 10.52	

TOTAL \$426.59

RECOMMENDED SERVICES / FUTURE NEEDS

POWER STEERING PUMP SEEPING
 FRONT BRAKE PADS 20% REMAINING

Mercedes-Benz of Escondido

CUSTOMER #:

528806

1101 West 9th Ave.
Escondido, California 92025
(760) 745-5000 · 1-800-552-7772
Service & Parts (760) 233-3113

INVOICE

For Your Convenience
Service Reception Hours

Monday Thru Friday 7:00 A.M To 6:00 P.M.

BAR # RC252958 EPA# CAL000326641

OCEANSIDE, CA

HOME: [REDACTED] CONT:N/A

BUS: [REDACTED] CELL: [REDACTED]

PAGE 1
ASSISTANT

SERVICE MANAGER:

18555 MICHAEL ESTES

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG
261/189	01	MERCEDES ML320	4JGAB54E91 [REDACTED]	[REDACTED]	150756/150756	
IN SERVICE DATE	PROD. DATE	WARR. EXP.	PROMISED	PO. NO.	PAYMENT	INV. DATE
05JUN01 IS			17:00 04FEB09		CASH	04FEB09
R.O. OPENED	READY	OPTIONS: STK:211081T DLR:05762 ENG:112942-30-985190 AXL:33131				
10:45 04FEB09	16:13 04FEB09					

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

A PER CAMPAIGN #2003040005 MODEL 163 REPLACEMENT OF CLAMP FOR LOWER POWER STEERING HOSE DUE TO POSSIBLE FLUID LOSS

CAUSE: A

023902 LOWER POWER STEERING HOSE & CLAMP AT RADIATOR FITTING, REPL. (RECALL CAMPAIGN 2003040005 & DTB T-B-46.30/13)

18437 W 1.00
1 163-460-52-24-05 LINE
10 BB
1 Q-1-46-0001 POWER STEERI

(N/C)
(N/C)
(N/C)

150756 WAR PER CAMPAIGN, REPLACED POWER STEERING HOSE, TOPPED OFF FLUID, AL OK

B CLIENT STATES POWER STEERING MAKES NOISE

461 SEE LINE "A"

18437 C 0.00

0.00 0.00

150756 POWER STEERING WAS LOW BEFORE HOSE WAS REPLACED, MAY NEED RES OR PUMP IF NOISE GETS LOUDER

C CLIENT STATES A KEY UNDER PASSENGER SEAT- TRY TO REMOVE

681 SEE ADVISOR

18437 C 0.00

0.00 0.00

150756 COULD NOT RETRIEVE

D Loaner Fees: a \$15.00 fee will be added to this invoice for fuel cost. Loaners are for 24 Hours ONLY and must be returned within this time frame or a \$50.00 per day fee will also be added to this invoice

LNF E

99 CLF 0.00

15.00 15.00

E S9160

L S9160

99 C 0.00

0.00 0.00

24 Hour Roadside Service 1-800-222-0100	ALL PARTS ARE NEW UNLESS SPECIFIED OTHERWISE	ESTIMATE \$	ADD'L COST	REV. ESTIMATE (1)	TIME	DATE	DESCRIPTION	TOTALS
FACTORY AUTHORIZED SALES-SERVICE PARTS-LEASING PLEASE SEE IMPORTANT CONSUMER INFORMATION ON REVERSE	CODES: (FOLLOWING) PART NUMBER 00 - VENDOR OTHER THAN M.B.N.A. 70 - CORE CHARGE/CREDIT 80 - REBUILT PART, NO CORE REQUIRED 88 - REBUILT PART, CORE REQUIRED	AUTHORIZED BY <input type="checkbox"/> IN PERSON <input type="checkbox"/> BY PHONE		NUMBER CALLED	BY		LABOR AMOUNT	
		ESTIMATE \$		ADD'L COST	REV. ESTIMATE (2)	TIME	DATE	PARTS AMOUNT
THANK YOU FOR THIS OPPORTUNITY TO SERVE YOU. WE TRUST YOU WERE SERVED IN A COURTEOUS AND PROFESSIONAL MANNER. IF YOU HAVE ANY QUESTIONS, PLEASE NOTIFY YOUR ASSISTANT SERVICE MANAGER IMMEDIATELY.	I acknowledge notice and oral approval of any additional client or warranty work performed. I also acknowledge and approve all repairs as itemized and receipt of vehicle.	AUTHORIZED BY <input type="checkbox"/> IN PERSON <input type="checkbox"/> BY PHONE		NUMBER CALLED	BY		GAS, OIL, LUBE	
		REASON (1)		REASON (2)			SUBLET AMOUNT	
CLIENT SIGNATURE		I ACKNOWLEDGE NOTICE & ORAL APPROVAL OF AN INCREASE IN THE ORIGINAL ESTIMATED PRICE. SIGN. OR INITIALS. X					MISC. CHARGES	
							TOTAL CHARGES	
							LESS INS/ADJ.	
							SALES TAX	
							PLEASE PAY THIS AMOUNT	

NOTICE TO CONSUMER: PLEASE READ IMPORTANT INFORMATION ON BACK

Mercedes-Benz of Escondido

CUSTOMER #:

528806

1101 West 9th Ave.
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OCEANSIDE, CA

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CONT: N/A

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261/189	01	MERCEDES ML320	4JGAB54E91		150756/150756		
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05JUN01 IS			17:00 04FEB09		CASH	04FEB09	
R.O. OPENED	READY	OPTIONS:					
10:45 04FEB09	16:13 04FEB09	STK:211081T DLR:05762 ENG:112942-30-985190 AXL:33131					
LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
EST:	60.00			04FEB09 10:45	SA:	18555	

PAID

FEB 04 2009

BY:

24 Hour Roadside Service 1-800-222-0100	ALL PARTS ARE NEW UNLESS SPECIFIED OTHERWISE	ESTIMATE	ADD'L COST	REV. ESTIMATE (1)	TIME	DATE	DESCRIPTION	TOTALS
FACTORY AUTHORIZED SALES-SERVICE PARTS-LEASING PLEASE SEE IMPORTANT CONSUMER INFORMATION ON REVERSE	CODES: (FOLLOWING) PART NUMBER 00 - VENDOR OTHER THAN M.B.N.A. 70 - CORE CHARGE/CREDIT 80 - REBUILT PART, NO CORE REQUIRED 88 - REBUILT PART, CORE REQUIRED	\$					LABOR AMOUNT	15.00
		AUTHORIZED BY	<input type="checkbox"/> IN PERSON	NUMBER CALLED	BY		PARTS AMOUNT	0.00
THANK YOU FOR THIS OPPORTUNITY TO SERVE YOU. WE TRUST YOU WERE SERVED IN A COURTEOUS AND PROFESSIONAL MANNER. IF YOU HAVE ANY QUESTIONS, PLEASE NOTIFY YOUR ASSISTANT SERVICE MANAGER IMMEDIATELY.		\$					GAS, OIL, LUBE	0.00
		ESTIMATE	ADD'L COST	REV. ESTIMATE (2)	TIME	DATE	SUBLET AMOUNT	0.00
I acknowledge notice and oral approval of any additional client or warranty work performed. I also acknowledge and approve all repairs as itemized and receipt of vehicle.		AUTHORIZED BY	<input type="checkbox"/> IN PERSON	NUMBER CALLED	BY		MISC. CHARGES	0.00
			<input type="checkbox"/> BY PHONE				TOTAL CHARGES	15.00
CLIENT SIGNATURE		REASON (1)	REASON (2)				LESS INS/ADJ.	0.00
		I ACKNOWLEDGE NOTICE & ORAL APPROVAL OF AN INCREASE IN THE ORIGINAL ESTIMATED PRICE. SIGN, OR INITIALS. X					SALES TAX	0.00
							PLEASE PAY THIS AMOUNT	15.00

NOTICE TO CONSUMER: PLEASE READ IMPORTANT INFORMATION ON BACK



Mercedes-Benz

Mercedes-Benz USA, LLC

Alan I. McLaren
Vice President
Customer Services

Safety Recall #2003-040005

January, 2009
2003040005
4JGAB54E91

Oceanside, CA



Dear Mercedes-Benz Owner,

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

In 2003 Daimler AG (DAG) decided that a defect relating to motor vehicle safety existed in certain Model Year 1998-2003 M-Class vehicles. Specifically, DAG determined that M-Class vehicles in this group had a hose clamp used to secure the power steering fluid cooling hose to the power steering fluid cooler which might not provide sufficient clamping force for this connection and required replacement. A loss of power steering fluid may result in diminished power assist for steering the vehicle and ultimately can also damage the power steering pump. This could result in a loss of control and a crash without warning.

Mercedes-Benz USA, LLC (MBUSA) therefore initiated a voluntary recall of these vehicles. Our records indicate that your vehicle was included in this group and was previously repaired under this recall campaign.

The earlier recall repair performed on your vehicle may not be sufficient to prevent a future leakage or failure of this power steering hose connection. Therefore, MBUSA is reopening this campaign on your vehicle and requests that you bring in your vehicle for repair. WE SENT YOU THIS NOTICE BECAUSE WE ARE CONCERNED ABOUT YOUR SAFETY.

Your authorized Mercedes-Benz dealer is available to provide this service to correct the situation described above. This service will be provided free of charge. The working time required is approximately 1 hour. As a matter of normal service process, your authorized Mercedes-Benz dealer will also check for other repair measures which might be applicable to your vehicle and this may increase the required working time. Please contact your authorized Mercedes-Benz dealer for additional information and to schedule an appointment at your earliest convenience. Please mention Recall Campaign #2003-040005.

If you are no longer the vehicle owner, or have a change of address, please complete the reverse side of this letter and return the complete letter in the enclosed envelope. If this is a leased vehicle and the lessor and registered owner receive this notice, please forward this information by first class mail to the lessee. If you have paid to have this recall condition corrected prior to this notice you may be eligible to receive reimbursement. Please see the reverse side of this notice for details.

Please contact your authorized Mercedes-Benz dealer should you have any questions or encounter any difficulty regarding this recall. If your dealer is unable to remedy your situation please contact us at 1-(800) FOR-MERcedes (1-800-367-6372).

If an authorized Mercedes-Benz dealer or Mercedes-Benz USA, LLC, fails or is unable to perform this service without charge within 60 days, pursuant to law 49 U.S.C. Chapter 301, you may submit a complaint to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590 or call the toll-free Auto Safety Hotline at 1-888-327-4236 (TTY 1-800-424-9153); or go to <http://www.safercar.gov>.

We apologize for any inconvenience this situation may cause you.

Sincerely,

2/5/09 - 9:30am Customer Relations Joe -
Escalation Specialist

2/9/09 - Tim - Mercedes Benz - Hose & Clamp repair performed
by recall. No collateral damage.

Mercedes-Benz USA, LLC
One Mercedes Drive
P.O. Box 350
Montvale, NJ 07645-0350
Phone 1-800-FOR-MERcedes (1-800-367-6372)
Fax (201) 376-2911