

CL-10440519-3635

JAN 4 2012

Moreno Valley, CA

Date: December 20, 2011

Ali Motamedamin, Engineer,
NHTSA Headquarters
1200 New Jersey Avenue, SE
West Building
Washington, DC 20590

REQUEST TO RE-OPEN THE INSTRUMENT CLUSTER FAILURE INVESTIGATION -PE 05-062 RE. NHTSA CAMPAIGN ID NUMBER: 06V028000

2000 S500, VIN NUMBER WDBNG75J5YA - ODI Number 10440519

Dear Mr. Motamedamin:

I am formally requesting a re-opening of the PE 05-062 Investigation because, I believe that MBUSA has not fully complied with the requirements of Title 49 C.F.R. § 573.6(c)(2):

"Identification of the vehicles or items of motor vehicle equipment potentially containing the defect or noncompliance, including a description of the manufacturer's basis for its determination of the recall population and a description of how the vehicles or items of equipment to be recalled differ from similar vehicles or items of equipment that the manufacturer has not included in the recall".

MBUSA has intentionally and unjustifiably limited the number of vehicles recalled and in spite of the inability of MBUSA to explain the relationship of the three(3) ODI complaints that were produced before the dates of production of vehicles affected by the three failure modes identified by MBUSA (please see your ODI Resume / report of 02/08/2006), MBUSA sent out warranty extensions instead of recalling all vehicles affected. Your website contains numerous complaints posted before and after your investigation. There is no correlation with the information identified by MBUSA and the actual extent or degree of the problem, nor does the instrument clusters recalled differ from the instrument clusters subject to the warranty extensions. Also, please visit Benzworld.org - MB Discussion Forum for additional complaints on this same issue. [<http://www.benzworld.org/forums/w220-s-class/1254940-instrument-cluster-recall-s-class.html>]

On or about September 14, 2010, I contacted MBUSA and demanded the following:

Because of the unreasonable denial by MBUSA to honor the recall, I am hereby formally requesting that your office immediately provide me with the following:

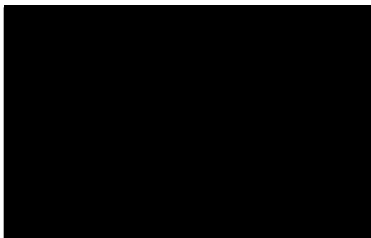
1. The number of MB owners sent the subject recall notice (NHTSA: 06V028000), if any.
2. The number of MB owners sent the warranty extension, instead of the recall notice.
3. Factual and legal justification for sending the warranty notice, instead of the recall notice.

MC
D10572
DW

4. Identity of manufacturer/s of the subject Instrument Cluster Modules; please include name, address, phone number, batch numbers, installation sites, identity of installer/s, etc. Please identify those relating to notices sent for the recall and warranty notices separately.
5. Identify of the MB employee/s that made the determination to send the warranty extension instead of the recall notices.
6. Identify the MB employee who obtained authority from NHTSA to issue the warranty extension, instead of the recall notices, if any or applicable. Provide documentation of the justification by MBUSA and authorization from NHTSA.
7. Please separate the above requested information by years or periods for vehicles recalled; the two periods are 2000-2002 & 2004-2005.

On or about September 28, 2010 I received a letter from Anthony D. Zepf, Counsel, MBUSA (copy attached), basically refusing to disclose any of the requested information and at the same time making some very convoluted and meaningless explanation as to the reason or basis for the limitation of the recall. As stated in my correspondence to MBUSA, the meaningless limitation of the recall to a very few vehicles was only a self serving business decision and as you can see, it does comply with the requirements of Title 49 C.F.R. § 573.6(c)(2). Corporations are required to act in good-faith and comply with all laws and regulations and they may not surreptitiously evade the laws and pass on the burden of fixing a known defect to the consumers.

Please confer with the Office of Kevin Vincent (Chief Counsel), Thomas Z. Cooper (Division Director) and Kathleen C. DeMeter (Office Director) and then re-open the PE 05-062 Investigation, so that the consumers may receive substantial justice and appropriate recourse. MBUSA may not be allowed to make a mockery of the laws/regulations and short change the consumers while gaining an unjust enrichment. Your prompt attention to this matter will be greatly appreciated.



Enclosure: Letter from Anthony D. Zepf, Counsel, MBUSA

Cc: Thomas Z. Cooper, Division Director, NHTSA
Kathleen C. DeMeter, Office Director, NHTSA
Kevin Vincent, Chief Counsel, NHTSA
Anthony D. Zepf, Counsel, MBUSA



Mercedes-Benz

Mercedes-Benz USA, LLC
A Daimler Company

VIA EXPRESS DELIVERY

September 24, 2010

[REDACTED]
Moreno Valley, CA [REDACTED]

**Re: 2000 Mercedes-Benz S500
WDBNG75J5YA [REDACTED]**

Dear [REDACTED]

Mercedes-Benz USA, LLC ("MBUSA") acknowledges receipt of your letter dated September 14, 2010 regarding the subject vehicle. In your letter, you indicate that on February 1, 2006, MBUSA reported a defect with the Instrument Cluster Modules on vehicles which included the model you own, a 2000 Mercedes-Benz S500. You assert that NHTSA issued a recall but MBUSA failed to notify you of the recall and instead issued an extended warranty on all or some of the affected vehicles. You further assert that the issuance of the extended warranty is a "clear indication that MBUSA knew of the problem...and was clearly a self serving business decision..." You conclude that MBUSA's decision constitutes "fraud" and a "criminal violation." You have requested that MBUSA honor the recall and provide you with information and documents which you delineate in your letter.

The facts are as follows: your vehicle, which was produced on June 10, 1999 and retailed on July 27, 1999, was not included in the Instrument Cluster ("IC") recall 2006080004 as it was not produced during a warranty "spike" period, nor was it potentially affected by the three root causes identified during NHTSA investigation PE05-062 which led to the eventual recall. All model year 2000 - 2006 S and CL vehicles, including your vehicle, were provided with a 10-year unlimited mileage warranty extension, from warranty start date, to replace the IC for illumination failure. The extended warranty for the IC on your vehicle expired July 27, 2009.

On November 10, 2005, NHTSA PE05-062 was opened to investigate allegations of IC illumination failure in, among others, model year 2000 - 2001 S-Class vehicles. As part of the investigation, MBUSA presented warranty data to NHTSA which identified "spikes" in IC warranty corresponding to supplier quality issues.

NHTSA was aware of the spikes in warranty and noted in the closing resume that some complaints were in date ranges outside of those to be included in the recall. **NHTSA**

agreed that only the vehicles within the range of the spikes (June-November 2000, January-April, 2002, and May-September, 2004) were required to be recalled.

On February 1, 2006 MBUSA submitted its Part 573 letter to NHTSA which stated in part that the Company identified three production issues with the potential to lead to malfunctions of the IC. The vast majority of all warranty claims fell within the three production periods identified. Moreover, the Company had not identified a defect or root cause in the period between the start of production and June 2000.

In the following months between the Part 573 submission in February, 2006 and the recall launch in September, 2006, parts were manufactured for use in the recall.

On September 27, 2006 certain model year 2000 S-Class vehicles were recalled to inspect for an IC part number and, if certain part numbers were found, the IC would be replaced.

On November 17, 2006, affected vehicle owners (including you) were provided with an extended limited warranty to replace the IC for illumination failure. As noted above, the extended warranty for the IC on your vehicle expired on July 27, 2009.

Based on the foregoing, MBUSA's dealings with you with respect to the IC recall were fully transparent and in accordance with NHTSA. Consequently, we trust that the foregoing is satisfactorily responsive to your inquiry. As such, MBUSA will not provide the information you have requested in your letter and we consider the matter closed.

Very truly yours,

A handwritten signature in black ink, reading "Anthony D. Zepf". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Anthony D. Zepf
Counsel

MORENO VALLEY, CA

SN BERNARDINO CA 923

24 SEP 1994 14:00



USA FIRST CLASS FOREVER

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