

Subject: FW: VOQ 10440519
Date: Wednesday, January 04, 2012 3:23:41 PM
Attachments: [VOQ_10440519.pdf](#)

INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C . 552(B)(6)

 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 19-DEC-2011	Repository ☐ Reference No. 10440519		
OWNER INFORMATION (Type or Print)				Daytime Telephone Number	
Name		Address		E-mail Address	
City	State	Zip Code	Evening Telephone Number		
MORENO VALLEY	CA				
The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).					
VEHICLE INFORMATION					
17 digit Vehicle Identification Number Located at bottom of windshield on driver's side		Make	Model	Model Year	
WD8NG75J5YA		MERCEDES BENZ	500S	2000	
Date Purchased	Dealer's Name and Telephone Number		Engine:	Fuel Type:	
Original Owner	Dealer's City		No: Cylinders		
Transmission Type	☐ Antilock Brakes	Powertrain	Multiple Failure:	Incident Date(s)	
	☐ Cruise Control			17-AUG-2010	
FAILED COMPONENT(S)/PART(S) INFORMATION					
Vehicle Component Codes: 120000 EXTERIOR LIGHTING, 110000 ELECTRICAL SYSTEM			Failure Mileage	Failure Speed	
			69565	40	
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	Failure Location:			
	☐ Prior Repair				
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			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).					
REQUEST TO RE-OPEN "PE 05-062" INVESTIGATION & ORDER AN EXPANSION OF THE RECALL ON THE DEFECTIVE INSTRUMENT CLUSTER ON ALL MODELS AFFECTED ON OR ABOUT 8/17/2010, I FIRST NOTICED THE FICKERING OF THE CLUSTER PANEL (CP), WHICH WOULD COME AND OFF; I THEN CONTACTED A MB DEALER IN MY AREA AND EXPLAINED THE PROBLEM/DEFECT AND THE DEALER IN TURN CONTACTED MB TO REQUEST AUTHORIZATION TO REPLACE THE DEFECTIVE CP. THE DEALER WAS TOLD THAT MY VEHICLE WAS NOT SUBJECT TO THE RECALL BUT RATHER, SUBJECT TO THE EXTENDED WARRANTY; I THEN CONTACTED MB AND DEMANDED PROOF AS TO THE RATIONALE FOR RECALLING VERY FEW VEHICLE SUBJECT TO THIS KNOWN PROBLEM AND DEMANDED DOCUMENTATION AS REGARDS THE MANUFACTURER(S) OF THIS PRODUCT(CP). THE COUNSEL FOR MB, MR. ZEPF RESPONDED ON 9/24/2010 WITH A CONVOLUTED EXPLANATION AND AT THE SAME REFUSING TO PROVIDE ME WITH THE REQUESTED INFORMATION. ON 12/04/2011, I WAS TOLD THAT MY REAR LIGHTS(BRAKE, ETC) WERE NOT COMING ON, I HAVE SINCE STOPPED USING MY VEHICLE. MB HAS INTENTIONALLY LIMITED THE NUMBER OF VEHICLE RECALLED AND DESPITE THE INABILITY OF MB TO EXPLAIN THE RELATIONSHIP OF THREE(3) ODI COMPLAINTS THAT WERE PRODUCED BEFORE THE DATES OF PRODUCTION OF VEHICLES AFFECTED BY THE THREE FAILURE MODES IDENTIFIED BY MB. [A. MOTAMEDAMIN 2/8/06] ALSO, PLEASE VISIT BENZWORLD.ORG - MB DISCU:					
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.					

[REDACTED]
Moreno Valley, CA [REDACTED]

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 [REDACTED] - 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:

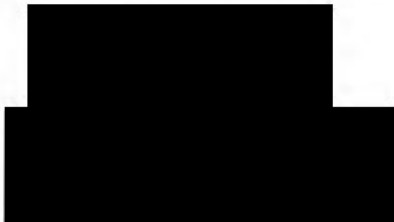
Because of the unreasonable denial by MBUSA to honor the recall, I am hereby formally requesting that your office immediately provide me with the following:

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.

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]
[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 blue ink, reading "Anthony D. Zepf", with a long horizontal flourish extending to the right.

Anthony D. Zepf
Counsel