

CL-10609375-7449

[REDACTED]  
New Market, MD [REDACTED]  
September 24, 2014

National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
West Building  
Washington, DC 20590

OCT 1 - 2014

Re: Email to Mercedes-Benz

To Whom It May Concern:

Attached is a copy of an email dated September 24, 2014, I sent to Mr. Juan D., the Mercedes-Benz Regional Case Manager, regarding their decision to cease any further review regarding the incident we encountered while traveling to the Bayonne NJ Cruise Port.

I had previously forwarded the National Highway Traffic Safety Administration a letter dated June 20, 2014, and hoped to hear from you regarding what I consider a safety issue.

Sincerely,

[REDACTED]

Attachments:

9/24/14 Email to Mercedes-Benz  
Courtesy copy of 6/20/14 letter

cc: MercedesBenz USA, Inc.  
Client Assistant Center  
One Mercedes Drive  
Montvale, NJ 07645-0350

cc: Insurance Institute for Highway Safety  
1005 N. Glebe Road, Suite 800  
Arlington, VA 22201

NM  
10/16/14  
TCW

**From:** [REDACTED]

**To:** mbusa\_cac <mbusa\_cac@mbusa.com>

**Subject:** M-B E320 4-matic Wagon

**Date:** Wed, 24 Sep 2014 11:17 am

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Juan,

Thank you for getting back to us on Thursday (9-11-14) regarding your review of the incident with our Mercedes-Benz E320-4Matic wagon.

We're sorry and disappointed to hear that Mercedes' Engineering Department has decided that since the car is no longer available for viewing, they cannot provide you with input and consequently in response, you have opted to abandon any further review.

We presume you and Mercedes-Benz do not consider the incident a serious matter since no one was injured or killed. However, as we have stated before, we do consider the deployment of all air bags (except the front bags) and loss of power and ultimate control of the car on a high-speed highway to be a very serious and certainly a life-threatening incident.

We have related the incident to friends/acquaintances/family members, as well as auto dealers in our search for a replacement vehicle for our E-320-4Matic wagon, and they were all appalled by not only the incident but by Mercedes' response and lack of further review.

Nevertheless, we would like to thank you for your consideration.

Sincerely,

[REDACTED]

[REDACTED]  
New Market, MD [REDACTED]  
June 20, 2014

Mercedes-Benz USA, Inc.  
Client Assistant Center  
One Mercedes Drive  
Montvale, NJ 07645-0350

Re: Deployment of Air Bags on Mercedes E-320 Station Wagon

To Whom It May Concern:

We are writing regarding the 2000 E-320 Mercedes-Benz station wagon we owned, which had a mechanical malfunction on a recent trip to the Bayonne, NJ Cruise Port from our home in New Market, MD. The mechanical malfunction caused the deployment of air bags and resulted in a potentially life-threatening situation. This incident was not only very traumatic, but we consider it a very serious safety hazard.

We had booked a cruise to celebrate our 50<sup>th</sup> wedding anniversary. This incident certainly put a damper on the celebration and the cruise itself for us, as well as the family/friend who accompanied us on the cruise. This incident not only inflicted trauma on us, but we also faced the uncertainty of the condition and fate of our car and how we would get home after returning from the cruise. As such, the morning after boarding the ship, we went to the ship's guest relations and told them of our dilemma. The ship was very accommodating and allowed us to use their telephone system numerous times during the duration of our cruise to contact AAA and our insurance company. We spent many hours at the guest relations desk making our phone contacts during the week. Nevertheless, the cruise was not the pleasant celebration we had originally planned.

Details of the Incident:

At approximately 2:00 p.m. on Thursday, May 8, 2014, I/we (i.e., my wife, my sister, her finance) were driving in the express lane on Interstate-78 in NJ on our way to the Cruise Port. As I began moving over to the local lanes to exit the highway, our car began to act as if we were on rumble strips, noisy and vibrating, then all of a sudden there was a loud bang and all of the interior air bags in the car exploded except for the front two air bags. In addition to the air bags deploying, the car lost power. It was a miracle that we were able to cross the three local lanes of heavy traffic without further incident and get to the side of the road. To say the least, we were all traumatized, and obviously distressed. The resulting chaos could have resulted in a much more serious incident if we had not been able to get to the side of the road safely.

From our cell phone, we called the State police, AAA, and Premier Parking Company (where we had prearranged and prepaid for parking near the Cruise Port).

When the State police arrived, the trooper noted that the car had lost most, if not all of the transmission fluid, and indicated we probably lost our transmission. He immediately ordered an MVA truck with a blinking "Move Over" sign to divert the heavy traffic away from us and the car.

AAA sent a tow truck and a taxi. The tow truck driver said that he would tow the car to the AAA Car Center in Springfield, NJ, where it would be safely stored until we returned from our cruise.

The taxi driver was able to get us to the Cruise Port to board the ship before the scheduled 4:00 p.m. departure. The taxi fare was \$120.

Another expense we incurred as the result of this car incident was the \$123 parking fee we prepaid Premier Parking. Since returning from the Cruise, we have telephoned and emailed Premier Parking several times regarding some form of reimbursement, they continue to ignore our calls and emails.

When we contacted AAA from the ship phone, they arranged for a Hertz rental car to get us home. Hertz would not deliver the car to the Cruise Port and we were directed to pick up the car at the Newark Airport. We arranged to take a ship's shuttle (at a cost of \$114) from the Cruise Port to the Newark Airport to pick up the rental car.

After picking up the rental car we proceeded to the AAA Car Center in Springfield, NJ, and spoke to the AAA Service Manager, who indicated that both he and the insurance adjuster had looked at the car. Upon inspection, they noted that the "drive shaft" was missing from the car and decided this was the problem. The Service Manager indicated that the drive shaft most likely hit a transmission line that ruptured, thus draining the transmission. Unfortunately, we had to abandon our car and return from our trip in the rental car.

The Insurance Company considered the car a total loss (i.e., not worth the expense of replacing the air bags and repairing the car). The direct cost incurred by us was \$750. This included the taxi (\$120), transfers to the airport (\$114), car rental including the required gas fill-up (\$395), and prepaid car parking (\$123). In addition, we now must incur the cost of replacing what we considered a perfectly good car.

We do not believe the air bags should have exploded (deployed) because of a mechanical malfunction, which most importantly, could have caused a more serious accident. We also believe that a main car part should not just drop off the car. Therefore, we are alerting Mercedes-Benz regarding these problems.

We enjoyed the Mercedes and would consider another as a replacement. However, since the incident, we are concerned about parts "unexpectedly" falling off the car and air bags deploying.

In addition to a response from Mercedes regarding these serious safety issues, we would appreciate any compensation Mercedes deems warranted for the out-of-pocket expenses we incurred because of the air bags deploying unexpectedly and a major car part falling off the car.

I look forward to your reply.

Sincerely,

cc:

National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE, West Building  
Washington DC 20590

Insurance Institute for Highway Safety  
1005 N. Glebe Road, Suite 800  
Arlington, VA 22201



New Market, MD

BAITIMORE MD 212

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NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
1200 NEW JERSEY AVENUE, SE, WEST BUILDING  
WASHINGTON, DC 20590

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