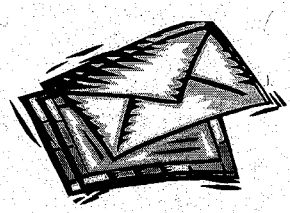
NHTSA ccmMercury Routing Slip



CL-109 26926-2759

Printed: 11/15/2016

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

NHTSA #: ES16-005356	Rec'd Date: 11/15/2016	Referred By: NAD-200
XREF #:	Doc Type: ADE	Doc Date: 11/12/2016
Delivery: EML	Address To: NOA001	**Due Date: 12/5/2016**
S10 #:	DOT/I #:	RMP #:

Subject: A1 INCOMING EMAIL REQUEST: EMAIL FROM [redacted] RE 2015 MERCEDES BENZ CLA250 4MATIC TRANSMISSION ISSUES, MERCEDES BENZ WILL NOT ADDRESSED THE ISSUE.

Ack Date:	Ack By:	
Sign Office: ADMINISTRATOR	Signature: MARK R. ROSEKIND	Signed For:
Cleared Date:	Cleared By:	Cleared For:
File Loc:	XREF File:	**Closed Date:**
Added By: CBUTLER x60180	Modified By: Chris.Butler	

Most Recent Comment:

Author:

[redacted]

NOV 17 2016

Assigned To	Task	Asgn Date	Deadline	Returned Date
NOA-001	SIGN	11/15/2016		
NEF-010	REPLY	11/15/2016	12/5/2016	

RR
111716
SMD

Butler, Chris CTR (NHTSA)

From: Korkor, Julie (NHTSA)
Sent: Monday, November 14, 2016 5:46 PM
To: Butler, Chris CTR (NHTSA)
Subject: FW: Assistance with Serious Vehicle Issue
Attachments: Attorney General Complaint Missouri Attorney General.pdf; Service Report October 25th-26th.pdf; [redacted] Gmail - Service Report from August 24th.pdf; July 1st Service Record-1.pdf; Email to Dietmar Exler.pdf; Email from Mercedes.pdf; Email to Eric Yuneman.pdf; Submit a complaint CFPB Mercedes.pdf; Mercedes email to Klaus Eichhorn.pdf; June 8th Service record-1.pdf; December 16th service record-1.pdf; February 17th service record-1.pdf; August 25th email to Mercedes Benz.pdf; Gmail - renege on agreement Message from Mercedes-Benz USA, LLC.pdf; Gmail - Request for assistance.pdf; Gmail - Transmision Video.pdf; Gmail - Mercedes-Benz USA Follow-up To Your Contact.pdf; [redacted] Report Your Transmission Issues 2.pdf; Report Your Transmission Issues.pdf; Jerk when I reverse - Page 2.pdf; document(32).pdf

Chris,

Please control the incoming request. The Doc Type is ADE.

Thanks!

Julie

EXECUTIVE SECRETARIAT
RECEIVED-NHTSA
2016 NOV 15 A 10:40

From: Rosekind, Mark (NHTSA)
Sent: Monday, November 14, 2016 9:40 AM
To: [redacted]
Cc: Shelton, Terry (NHTSA); Korkor, Julie (NHTSA); Danielson, Jack (NHTSA)
Subject: FW: Assistance with Serious Vehicle Issue

[redacted]

Your request and the information you provided is being directed to NHTSA personnel who will review the situation and respond with any action our agency can take as well as other potential avenues for you.

Thank you for bringing this issue to our attention.

Mark R. Rosekind, Ph.D.
Administrator
National Highway Traffic Safety Administration
U.S. Department of Transportation

Safer drivers. Safer cars. Safer roads.

From: [redacted]
Date: Saturday, November 12, 2016 at 9:49 PM

To: MARK ROSEKIND <mark.rosekind@dot.gov>
Subject: Assistance with Serious Vehicle Issue

November 12, 2016

Good evening Dr. Rosekind,

I am writing to make you aware of a serious vehicle defect affecting the Mercedes Benz CLA250 and to request your assistance. I purchased my 2015 Mercedes Benz CLA250 4Matic on August 15, 2015. The car was purchased brand new. Unfortunately, in October 2015 I began having problems with the transmission, specifically, the transmission. The car jerks violently when shifting from 1st thru 4th gear in both Drive and Reverse. Additionally, the car will get stuck in 2nd and will not shift up or down. The problem happens sporadically, which makes it even more scary. I never know when the car is going to jump when shifting or when it is going to get stuck in gear. Driving has become extremely scary.

I began taking the car to the dealer as soon as the problems began occurring. To date the vehicle has been to the dealer at least six times and out service for 60 days. Accordingly, it meets the requirements to be deemed a lemon. However, Mercedes has refused to comply with the law and the warranty. They claim that because they cannot duplicate the issue they cannot fix the problem, however, this is not true. They know that the vehicle's transmission is defective. Mercedes has worked hard to attempt to cover up the defective transmission and their responsibility to fix it. The problems I am complaining about are major life and death issues. They are not minor quirks with the car.

Unfortunately, after researching this issue I found that this is a known issue. There have been hundreds of complaints by CLA owners about the erratic transmission and the corresponding serious safety issues. There was even a class action lawsuit filed detailing similar transmission issues.

They have manipulated my service records, my car was in service from July 1st to August 24th and they put 300 miles on the vehicle however the service records states that the car was released on July 11th and no miles were put on the car. In another instance Mercedes claims that Transmission is working as designed and I was at fault for the electrical malfunction that occurred, despite their being a Service Bulletin released that addressed the same issue. I have attached the service sheets for your review. If I manipulate my vehicles records and mileage I would be guilty of odometer fraud, a federal offense.

Mercedes Benz USA's response has been absolutely shameful. On August 19, 2016 their customer service representative Irene G, who I had been communicating with since my letter to MBUSA corporate on July 1st, stated that they would buy the vehicle back and provided me with a certificate for $1500 towards a new C Class Mercedes. On August 22nd she reneged on the deal with no explanation. Since that time the vehicle has been back in the shop 4 additional times for the same problem and the issue still exists. I have contacted the President and CEO of Mercedes, he forwarded my complaint back to Irene. I contacted the lead engineer for Mercedes he forwarded my complaint back to Irene. I contacted a VP at Mercedes he forwarded my complaint back to Irene. I filed a complaint with the CFPB Mercedes sent me back to Irene. Each time Irene has told me Mercedes is not going to do anything. She has even refused to work with the dealerships to ensure repairs are made to the vehicle.

This is an absolutely unacceptable response from Mercedes especially because the issue puts thousands of lives in danger. The complaints filed by 2014 - 2016 CLA owners on the NHTSA website attests to the seriousness of this problem. This is comparable to the Toyota acceleration issues and the GM ignition issues. All I want is a safe vehicle to drive but unfortunately the message I have received from Mercedes is that I should just be happy because I drive a Mercedes regardless of whether or not it is unsafe.

Accordingly, it is my hope that the NHTSA will intervene and force Mercedes to address this issue. I have attached my letters to Mercedes, some of the customer complaints, and my service records for your review. Thank you in advance for your prompt attention to this issue.

Sincerely,

[redacted]

(/home)

✔ File uploaded.

Upload Supporting Documentation

Incident #: [redacted]

Browse... No file selected.

Description of File

Limit 200 characters. Enter letters, numbers and spaces only.

Any Microsoft Office files, text files, PDFs and most image file types are acceptable.
(*.doc, *.docx, *.xls, *.xlsx, *.pdf, *.ppt, *.pptx, *.txt, *.htm, *.html, *.msg, *.jpg, *.jpeg, *.tif, *.tiff, *.gif, *.png)

PLEASE NOTE: Due to variations in internet connection speeds, if you have a slower connection it may take a long time to upload a large file.

If you have any questions or need assistance, feel free to email us at **Consumer.Help@ago.mo.gov (mailto:Consumer.Help@ago.mo.gov?Subject=Complaint numbe** [redacted]

Upload File

If you prefer, you may mail a photocopy of your documentation to:

Attorney General's Office
ATTN: Incident [redacted]
Consumer Protection Unit
P.O. Box 899
Jefferson City, MO 65102

ES16-005356

CUSTOMER #: [redacted]

Mercedes-Benz of St. Louis
1048 Hampton Ave.
St. Louis, MO 63139
(314) 647-2400

INVOICE

[redacted]
GREGORY, MI [redacted]
HOME: [redacted]
BUS: CELL:

PAGE 1

SERVICE ADVISOR: 20 DAN ECHEVESTE

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/ OUT	TAG
696NIGHT-B	15	MERCEDES CLA250C4	WDDSJ4GB4FN[redacted]		24203/24205	[redacted]

DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
15AUG15 DD	18DEC14	14AUG2019	WAIT 25OCT16		145.00	CASH	26OCT16

R.O. OPENED	READY	OPTIONS: SOLD-STK: [redacted] DLR: [redacted]
09:36 25OCT16	12:28 26OCT16	ENG:270920-30-586881 TRN:724011-0-0647888 1)117346-1N-[redacted] 2)TRIM 155 3)VM-8-16

LINE OPCODE TECH TYPE HOURS	LIST	NET	TOTAL
A CUSTOMER STATES THE VEHICLE CLUSTER WENT BLANK --DASH LINES APPEARED- RADIO WENT OUT ALSO-TRANSMISSION STARTED TO JERK WHEN DRIVING D1 SHOWED IN LOWER PART OF CLUSTER			
CAUSE: 87100R38			
541011 PERFORM QUICK TEST 29 WS			(N/C)
820700 COMMUNICATIONS SYSTEMS AND INFORMATION SYSTEMS CHECK (AFTER QUICK TEST) 29 WS			(N/C)
829905 SOFTWARE UPDATE FOR RADIO/ COMAND PERFORM 29 WS			(N/C)
540650 ON-BOARD POWER SUPPLY VOLTAGE MAINTAIN (WHEN CHECKING/ TESTING AND TROUBLESHOOTING) 29 WS			(N/C)
,,,,24205 29 - RAN SHORT TEST. FOUND NO FAULTS IN COMAND SYSTEM OR ,,,,TRANSMISSION CONTROL UNIT. FOUND UPDATES AVAILABLE FOR COMAND ONLINE ,,,,AND SOUND/AUDIO. PERFORMED UPDATES TO COMAND ONLINE AND SOUND CONTROL ,,,,UNITS. COMAND FUNCTIONING AS DESIGNED. TEST DROVE VEHICLE. DUAL CLUTCH ,,,,TRANSMISSION IS PERFORMING AS DESIGNED.			
**********			
B CUSTOMER DID PERFORM HARD-RESET PER MB ON NAVIGATION SYSTEM			
51 OK AT THIS TIME 29 C	0.00	0.00	
,,,,24205 HARD RESET OF NAVIGATION SYSTEM MAY HAVE CAUSED FAULTS TO ,,,,CLEAR FROM COMAND CONTROL UNITS - 29			
**********			

**** THANK YOU FOR YOUR BUSINESS ****
Tri-Star Imports is dedicated to 100% customer satisfaction. If you have any questions or comments please call the Service Manager David J Cissi @ 314-833-6045

We're working hard to make customers for life

Thank You!
for allowing us to service your vehicle

STATEMENT OF DISCLAIMER

The factory warranty constitutes all of the warranties with respect to the sale of this item\items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items. I ACKNOWLEDGE AND APPROVE ANY ADDITIONAL WARRANTY WORK PERFORMED ON THIS VEHICLE. I GIVE MY POWER OF ATTORNEY TO TRI-STAR IMPORTS, INC. FOR THE PURPOSE OF ENDORSING ANY INSURANCE PAYMENTS FOR THE ABOVE REPAIR.

DESCRIPTION	TOTALS
LABOR AMOUNT	0.00
PARTS AMOUNT	0.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	0.00
LESS AMOUNT	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	0.00

CUSTOMER COPY

CUSTOMER #: [redacted]

[redacted]
GREGORY, MI [redacted]
HOME: [redacted]
BUS: CELL:

Mercedes-Benz
of St. Louis

1048 Hampton Ave.
St. Louis, MO 63139
(314) 647-2400

INVOICE

PAGE 1

SERVICE ADVISOR: 20 DAN ECHEVESTE

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/ OUT	TAG
696NIGHT-B	15	MERCEDES CLA250C4	WDDSJ4GB4FN[redacted]		22879/22889	[redacted]

DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
15AUG15 DD	18DEC14	14AUG2019	WAIT 12SEP16		145.00	CASH	12SEP16

R.O. OPENED	READY	OPTIONS: SOLD-STK: [redacted] DLR: [redacted]
10:56 12SEP16	13:23 12SEP16	ENG:270920-30-586881 TRN:724011-0-0647888 1)117346-1N-[redacted] 2)TRIM 155 3)VM-8-16

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
A	CUSTOMER STATES THE TRANSMISSION JERKS AND WILL GET STUCK IN 2ND GEAR WHEN DRIVING HIGHWAY SPEEDS CHECK AND ADVISE						
	64	CHECK OUT AND REPORT				0.00	0.00
			36	C			

,,,,22889
,,,,CHECKED FOR CODES AND THERE WERE NO CODES CURRENT OF STORED
,,,,INSTALLED NEW SOFTWARE INTO THE M.E.

****

**** THANK YOU FOR YOUR BUSINESS ****
Tri-Star Imports is dedicated to 100% customer satisfaction. If you have any questions or comments please call the Service Manager David J Cissi @ 314-833-6045

We're working hard to make customers for life

Thank You!
for allowing us to service your vehicle

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DESCRIPTION	TOTALS
LABOR AMOUNT	0.00
PARTS AMOUNT	0.00
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	0.00
LESS AMOUNT	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	0.00

CUSTOMER COPY

[redacted]

Gmail

Service Report from August 24th

[redacted] Fri, Sep 2, 2016 at 2:00 PM

To: Matthew Prunty <mprunty@plazamotors.com>
Cc: "Dan Magraw (MO)" <dmagraw@plazamotors.com>
Bcc: Maritza A <maritza@lemonlawgrouppartners.com>

Thank you!

On Fri, Sep 2, 2016 at 1:30 PM, Matthew Prunty <mprunty@plazamotors.com> wrote:

> Yes we can update the records on this.
>
> **Matthew Prunty**
>
> **Service Manager**
>
> **Plaza Mercedes Benz**
>
> **11830 Olive Blvd**
>
> **Creve Coeur Mo 63141**
>
> **(314)919-8390 Office**
>
> mprunty@plazamotors.com
>
> **From:** [redacted]
> **Sent:** Friday, September 2, 2016 1:28 PM
> **To:** Matthew Prunty <mprunty@plazamotors.com>
> **Cc:** Dan Magraw (MO) <dmagraw@plazamotors.com>
> **Subject:** Service Report from August 24th
>
> Good afternoon Matt,
>
> I was reviewing the paperwork I received from Plaza last Weds. and noticed that it is incorrect. The report lists an incorrect pickup date of July 11, 2016 not August 24th the actual date I picked up my car. Additionally, the mileage out is incorrect, the service report lists that the mileage out was the same as the mileage in 21860 when the mileage out should be 22160 reflecting the 300 miles that was put on my car while it was at the dealer from July 1st to August 24th. Is it possible for me to get a corrected service report

for my records? I have cc'd Dan on this email to ensure your receipt of this request Thank you in advance for your cooperation.

Thank you,

[redacted]

[redacted]

GREGORY, MI [redacted]

POS: [redacted]

INVOICE

PAGE 1

THE PLAZA MOTOR COMPANY
11830 OLIVE CREEK CIRCLE, MD 83148
PHONE (314) 301-1719

CELL [redacted]

SERVICE ADVISOR: 710972 MORGAN MIKEL

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG
2696/Black	15	MERCEDES-BENZ CLA 25	WDDSJ4GB4FN[redacted]		21860/21860	[redacted]

DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
15AUG15 DD			17:00 01JUL16			CASH	11JUL16

R.O. OPENED	READY	OPTIONS:	SOLD-STK: [redacted]	DLR: 0
09:49 01JUL16	15:16 11JUL16			

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL

A CUSTOMER STATES CAR IS JUMPING WHILE IN DRIVE AND REVERSE
CAUSE: NO PROBLEMS FOUND AT THIS TIME
CS CUSTOMER STATES CAR IS JUMPING WHILE IN DRIVE AND REVERSE
580852 ISP (N/C) 0.00

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A:

TEST DROVE VEHICLE MULTIPLE TIMES WHEN HOT AND WHEN COLD, NO JUMPING CHARACTERISTICS NOTED. CONNECT BATTERY CHARGER AND SDS, NO FAULT CODES PRESENT. CHECK ACTUAL VALUES OF TRANSMISSION, ALL READING OK. OUT MILES 21863.

****

B PERFORM A WORLD CLASS MUTI POINT INSPECTION AT NO CHARGE A $142.00 VALUE
DI1 PERFORM A WORLD CLASS MUTI POINT INSPECTION AT NO CHARGE A $142.00 VALUE
580852 ISP (N/C) 0.00

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B:

****

CREATED BY: MMIKEL@PLAZAMOTORS.COM, CREATED ON: 07-01-2016, MODIFIED BY: MMIKEL@PLAZAMOTORS.COM, MODIFIED ON: 07-01-2016, TRANSPORT TYPE: DROP OFF

THANK YOU FOR CHOOSING PLAZA MERCEDES-BENZ FOR YOUR SERVICE NEEDS.

Mercedes-Benz
SPRINTER

WARRANTY STATEMENT AND DISCLAIMER: PLEASE SEE THE DEALERSHIP'S LIMITED WARRANTY ON THE REVERSE SIDE OF THIS REPAIR INVOICE.

By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.

DATE CUSTOMER SIGNATURE AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE

*SHOP SUPPLY COSTS: We have added a charge equal to 15% of the total labor cost, not to exceed $50, to the Repair Order for shop supplies used in connection with this repair.

ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED.

DESCRIPTION	TOTA
LABOR AMOUNT	0.
PARTS AMOUNT	0.
ADJUSTMENT	0.
SUBLET AMOUNT	0.
MISC. CHARGES *	0.
TOTAL CHARGES	0.
LESS INSURANCE	0.
SALES TAX	0.
PLEASE PAY THIS AMOUNT	

REMIT TO: 445 Atlanta South Pkw
College Park, GA 303

CUSTOMER COPY

[redacted]

Gmail

URGENT Follow up

[redacted] Tue, Aug 23, 2016 at 1:20 PM

To: dietmar.exler@daimler.com

August 23, 2016

Good afternoon Mr. Exler,

I am writing follow up to the email I sent on July 27th regarding the ongoing issues with my 2015 Mercedes CLA250 4MATIC. Specifically, the car jerks while switching gears and gets stuck in gear 2. The problem mainly occurs when the car is switching gears from 1 to 2 and 2 to 3. The car jerks so much when shifting it is hard to control the speed. When the car gets stuck in 2nd gear the engine revs but does not shift out of gear. ***Consequently, I do not feel safe driving the vehicle.***

Several events have transpired since I sent the below email. This past Friday August 19th I received notification from Irene at Mercedes Benz USA Customer Service who I have been working with since July, that I would be able to trade the vehicle in for a new one and Mercedes was giving me $1500 towards that new vehicle. It is my understanding that all calls are recorded so the aforementioned can be verified by replaying the conversation.

Unfortunately, yesterday I received a call from the dealer stating that Mercedes would not be trading the car and all that I would get is $1500 it would be up to me to unwind the lease. I contacted Irene at Mercedes Benz customer service and the rep was as surprised as I was when I relayed the dealer's message. She stated she would call me back once she investigated the issue. Again, this call was recorded so the aforementioned can be verified. I received a call a short time later from Irene where she reiterated what the dealer told me was correct I would have to break the lease on my own, fees and all. I asked why Mercedes was reneging on the deal I accepted Friday and received no answer except that the field managers stated that my car does not qualify for lemon law under Missouri Law. Yet, the letter I received regarding the $1500 new vehicle credit states that it expires in one year, which is prior to the date the current lease at issue expires which supports the original offer that was made on Friday.

Both of these statements are incorrect my car meets that statutory requirements under Missouri Lemon Law. However, Missouri law is not applicable in this case because I am a permanent resident of Michigan and my car is registered in Michigan. Therefore Michigan law is governing applicable law and my car meets Michigan's lemon law requirements, a copy of which I have attached to this email. More importantly, the fact that the field managers stated that my car did not qualify for Missouri's lemon law statute expressly states that they never inspected the vehicle as I was told they did by customer service. My car has Michigan plates so there would have been no doubt regarding governing law.

On several occasions, I have expressly stated to both the dealer and Irene that it is my desire to resolve this issue amicably; thus the reason I did not retain legal counsel on the 30th business day that my car was out of commission. Also it is the reason that I agreed to the offer MBUSA extended this past Friday which did not include rolling over my original down payment on to the new vehicle because I wanted to resolve this issue without legal intervention. Unfortunately, without your intervention and assistance it does not appear as though we will be able to reach a resolution that does not involve the legal process. I was contacted by the dealer and asked to return the loaner car I have been driving and pick up my vehicle that is still defective and extremely dangerous to drive. ***I do not feel comfortable driving the car. I do not feel safe driving the car***

and I should not have to put my safety in jeopardy. In fact, I have told my family to pursue any and all available remedies should something happen as a result of my being forced to drive a vehicle that Mercedes knows is inherently dangerous.

It is for this reason I am writing to request your assistance with reaching an amicable resolution to this issue. Again, I request that you review the recorded telephone calls that occurred between July 1st and today which will support the above outlined recitation of events. I thank you in advance for your prompt attention to this issue and for your assistance.

Sincerely,

[redacted]

On Wed, Jul 27, 2016 at 12:58 PM, [redacted]
July 27, 2016

Good afternoon Mr. Exler,

I am writing to request your assistance with an ongoing issue. Previously, I complained about a serious problem with my 2015 Mercedes Benz CLA250. The car jerks while switching gears and gets stuck in gear 2. The problem mainly occurs when the car is switching gears from 1 to 2 and 2 to 3. The car jerks so much when shifting it is hard to control the speed. When the car gets stuck in 2nd gear the engine revs but does not shift. Words cannot express how scary this is for me. The car has been into service several times for this issue. Accordingly, when the issue occurred again on June 29th I contacted both the dealer as well as Mercedes Benz to report it prior to taking it into the dealer.

On July 1st I took the car into service where it has been. Since July 1st I have provided the dealer as well as Mercedes with videos showing the issue that I am complaining about. I have provided copies of other driver's experience with this issue and I have described the issue in detail with the hope that the issue will finally be resolved. I did not receive a response from Mercedes and the dealer has once again contacted me to say they could find nothing wrong with the car. Therefore, once again nothing was done to the car.

Please allow me to preface this by saying that I my salesperson, Dan Magraw has been marvelous as well as my service advisor, Morgan Mikel. However, I understand that there is only so much that they can do. I no longer feel safe in this vehicle because the problem I am complaining about is extremely serious. I do not understand how it can be deemed acceptable to keep a car for 20+ days, do nothing and give it back to the customer in the same unsafe dangerous condition. Vehicle issues particularly vehicle issues as serious as the ones I have complained about several times should not be taken lightly. The car has been into service 3 times and nothing has been done to even attempt to solve this problem. I do not understand how this is an adequate response to a serious issue? I could not provide this response to my employer or any other person/entity to whom I owe a duty of due care, therefore, why is this an acceptable response from Mercedes?

I chose Mercedes over BMW because of its reputation for safety. My family have been Mercedes customers for more than 20 years, 20 years and 10 vehicles. I chose Mercedes because of its commitment to standing behind its product and customer satisfaction. I spoke to a BMW executive who stated that they, BMW, would not have let the issue get to this point because their policy is to replace the vehicle if it has been into service twice for the same issue. Consequently, I am starting to regret my decision to go with Mercedes over BMW.

As I mentioned in my previous I absolutely love my car; however, this issue has taken away the enjoyment of driving it because it is not safe to drive. I never know when it is going to jerk or get stuck in gear. I am particularly fearful in bumper to bumper traffic because I am afraid that I will be unable to stop before rear ending the person of front of me when the car jerks into gear. As I mentioned above, I was contacted by the dealer earlier today requesting that I come pick the car up because they could not find anything wrong. **However, I do not feel comfortable driving the car. I do not feel safe driving the car and I should not have to put my safety in jeopardy.** I have attached the most recent emails I sent regarding this issue for your review. I will appreciate any and all assistance that you can provide with resolving this ongoing issue.

Sincerely,

[redacted]

Gmail - Message from Mercedes-Benz USA, LLC.pdf
105K

[redacted]

Gmail

URGENT Request for Assistance

[redacted] Thu, Aug 25, 2016 at 2:50 PM

To: stephanie.haynes@daimler.com

Thank you. I appreciate the response.

On Aug 25, 2016, at 8:07 AM, stephanie.haynes@daimler.com wrote:

> Hello [redacted]
>
> Thank you very much for your email. We are sorry to hear of your experience. Mr. Eichhorn has discussed this matter with his colleagues and would like for you to know that MBUSA will be contacting you.
>
> Sincerely,
>
> **Stephanie Haynes**
>
> Quality Technical Support Specialist
>
> Mercedes Benz, US International, Inc.
>
> 1 Mercedes Drive
>
> Vance, Al 35490
> Phone- 205-507-2512
> Fax- 205-507-3304
> Email- Stephanie.haynes@daimler.com
>
> **From:** [redacted]
> **Sent:** Tuesday, August 23, 2016 2:39 AM
> **To:** Eichhorn, Klaus (138)
> **Subject:** URGENT Request for Assistance
>
> August 23, 2016

Good evening Mr. Eichhorn,

I am writing regarding an ongoing problem I have been having with my 2015 Mercedes CLA250 4MATIC and to request your assistance. I have attached previous correspondence to Mercedes and the most recent email as background. In short, the car jerks while switching gears and gets stuck in gear 2. The problem mainly occurs when the car is switching gears from 1 to 2 and 2 to 3. The car jerks so much when shifting it is hard to control the speed. When the car gets stuck in 2nd gear the engine revs but does not shift out of gear. Consequently, I do not feel safe driving the vehicle.

The car has been at the dealer several times for this issue but they have been unable to fix the issue. I brought the car into service on July 1st where it has remained for nearly 60 days because they have been unable to fix this issue. Because of the severity of the issue I have been working with Mercedes Customer service. Due to the length of time this past Friday August 19th I received notification from Mercedes Benz USA Customer Service that I would be able to trade the vehicle in for a new one and Mercedes was giving me $1500 towards that new vehicle. It is my understanding that the calls are recorded so the aforementioned can be verified by replaying the conversation.

Unfortunately, today I received a call from the dealer stating that Mercedes would not be trading the car and all that I would get is $1500 it would be up to me to unwind the lease. I contacted Mecedes Benz customer service and the rep was as surprised as I was when I relayed the dealer's message. The representative stated she would call me back once she investigated the issue. Again, this call was recorded so the aforementioned can be verified. I received a call a short time later from the representative where she stated that what the dealer told me was correct I would have to break the lease on my own, fees and all. I asked why Mercedes was reneging on the deal I accepted Friday and received no answer except that the field managers stated that my car does not qualify for lemon law under Missouri Law.

Both of these statements are incorrect my car meets that statutory requirements under Missouri Lemon Law. However, Missouri law is not applicable in this case because I am a permanent resident of Michigan and my car is registered in Michigan. Therefore Michigan law is governing applicable law and my car meets Michigan's lemon law requirements, a copy of which I have attached to this email. More importantly, the fact that the field managers stated that my car did not qualify for Missouri's lemon law statute expressly states that they never inspected the vehicle as I was told they did by customer service. My car has Michigan plates so there would have been no doubt regarding governing law.

On several occasions, I have expressly stated to both the dealer and Mercedes customer service rep that it was my desire to resolve this issue amicably; thus the reason I did not retain legal counsel on the 30th business day. Also it is the reason that I agreed to the offer MBUSA extended this past Friday which did not include my original down payment on the vehicle because I wanted to resolve this issue without legal intervention. Unfortunately, without your intervention and assistance it does not appear as though we will be able to reach a resolution that does not involve the legal process. I was contacted by the dealer and asked to return the loaner car I have been driving and pick up my vehicle that is still defective and extremely dangerous to drive. **I do not feel comfortable driving the car. I do not feel safe driving the car and I should not have to put my safety in jeopardy. In fact, I have told my family to pursue any and all available remedies should something happen as a result of my being forced to drive a vehicle that Mercedes knows is inherently dangerous.**

It is for this reason I am writing to request your assistance with reaching an amicable resolution to this issue. Again, I request that you review the recorded telephone calls that occurred between July 1st and today which will provide context for the basis of my email. I thank you in advance for your prompt attention to this issue and for your assistance.

Sincerely,

[redacted]

If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.

[redacted]

Gmail

Request for assistance

[redacted] Fri, Jul 1, 2016 at 1:06 AM

To: yunemane@mbusa.com

Good evening Mr. Yuneman,

I am writing to request you assistance with an ongoing issue with my 2015 Mercedes Benz CLA250 4MATIC. Unfortunately, I am having an issue with my car jerking when switching gears. The problem mainly occurs when the car is switching gears from 1 to 2 and 2 to 3. The car jerks so much when shifting it is hard to control the speed. The worst incident occurred when the car got stuck in 2nd gear and would not shift. The engine kept revving but the gears would not shift. Words cannot express how scary this incident was for me.

Most recently, the problem occurred when the car was switching gears in reverse. To date I have taken my car to the dealer 3 times for this issue and the issue has not improved. I am scheduled to take my car into service again today for the same reason and am hoping to finally resolve the issue. I had an opportunity to do some research on the issue and it appears that I am not the only CLA owner experiencing this issue. I have attached some of the owner feedback for your review.

I absolutely love my car; however, this issue has taken away the enjoyment of driving it because I never know when it is going to jerk or get stuck in gear. I am particularly fearful in bumper to bumper traffic because I am afraid that I will be unable to stop before rear ending the person of front of me when the car jerks into gear. I will appreciate any assistance that you can provide. Thank you in advance for your time and assistance.

Sincerely,

[redacted]

3 attachments

Stupid question.pdf
444K

Transmission jerks when sarting from rest - Page 6.pdf
331K

Car jerks when braking.pdf
365K

[redacted]

cfpb Consumer Financial Protection Bureau

Log in

Submit a vehicle loan or consumer loan complaint

We'll forward your issue to the company, give you a tracking number, and keep you updated on the status of your complaint.

✓ What happened? | ✓ Desired resolution | ✓ My information | ✓ Product information | 5. Review

Form trouble?
Chat now.

WHAT HAPPENED [EDIT]

Describe what happened so we can understand the issue...

In August of 2015 I leased a 2015 Mercedes Benz CLA250. I began having problems with the vehicle in October 2015. Specifically, jumps while switching gears and gets stuck in gear 2. The problem mainly occurs when the car is switching gears from 1 to 2 and 2 to 3. The car jumps so much when shifting that it is hard to control. When the car gets stuck in 2nd gear the engine revs but does not
shift out of gear. I began taking the car to the dealer; however, the problem was never fixed. The claim was that they could not duplicate the problem. On July 1st I took the car into service and provided the dealer as well as Mercedes with videos showing the issue that I am complaining about. Also I provided copies of other driver's experience with this issue and I have described the issue in detail with the hope that the issue will finally be resolved. Additionally, I told the service manager that the issue appears to be software related specifically it is either malicious or incorrect code in the vehicle software. On August 24th after 53 days in the shop and 300 miles on vehicle they returned it saying they could find nothing wrong with the car so no repairs were done. Upon return of the vehicle I noticed that the service report for the July 1st service was incorrect. The report stated that my car had only been in the shop from July 1st to July 11th and there were no miles put on it while it was in service, which is false. I pointed these errors out to the dealer who noted the inaccurate information. Since then, the car has been in the shop 3 additional times for the same issue and nothing has resolved it. Accordingly, the vehicle meets the statutory requirements to be deemed a lemon and repurchased by the manufacturer. On August 19, 2016 Mercedes made an offer to repurchase the vehicle and give me $1500 towards a new C-Class. However, on Monday August 22, 2016 they reneged. Since reneging on the offer the vehicle has been in the shop 3 to 4 additional times for the same issue. Mercedes has ignored every correspondence and notice that they have received about the vehicle. They have also refused to keep the vehicle until they figure out what is wrong with it and provide alternate transportation. As it stands the car is unsafe to drive, however, I have no choice because they reneged on their offer and as a consequence I am paying for a vehicle and its use is substantially impaired.

Consent to publish the description of what happened? Consent provided

Product Vehicle lease

Issue Managing the loan or lease

DESIRED RESOLUTION [EDIT]

What do you think would be a fair resolution to your issue?

A fair resolution would be the following:

1. Repurchase the vehicle.
2. Refund all payments made since October 2015 when the issue was first reported.
3. Provide a credit or significant incentive towards a new vehicle that is equal to my down payment on the current vehicle.

MY INFORMATION [EDIT]

[redacted]

Privacy Act Statement

[redacted]

Contact information

Mailing address

[redacted]
Gregory MI [redacted]
United States

[redacted]

I am submitting on behalf of ☑ Myself

PRODUCT INFORMATION [EDIT]

☑ Billing address is the same as mailing address.

Account number **********

Information about the company
Mercedes-Benz Financial Services

Supporting documents

Gmail - Service Report from August 24th.pdf (109.19KB)
Gmail - Follow up to Matt-s call.pdf (61.59KB)
Gmail - Mercedes problem.pdf (59.93KB)
Gmail - renege on agreement Message from Mercedes-Benz USA, LLC.pdf (113.34KB)
Gmail - Message from Mercedes-Benz USA, LLC.pdf (111.83KB)
Gmail - Request for assistance.pdf (65.15KB)
Car jerks when braking.pdf (364.33KB)
Mercedes email to Klaus Eichhorn.pdf (49.92KB)
August 25th email to Mercedes Benz.pdf (103.47KB)
Gmail - Mercedes-Benz USA Follow-up To Your Contact.pdf (147.3KB)
July 1st Service Record.pdf (505.16KB)
February 17th service record.pdf (526.16KB)
Gmail - Service Report from August 24th.pdf (109.19KB)
Gmail - Mercedes-Benz USA Follow-up To Your Contact.pdf (147.36KB)
Gmail - Mercedes-Benz USA Follow-up To Your Contact.pdf (147.3KB)

☐ The information given is true to the best of my knowledge and belief. I understand that the CFPB cannot act as my lawyer, a court of law, or a financial advisor.

Submit

---------- Forwarded message ----------
From: [redacted]
Date: Tue, Aug 23, 2016 at 2:39 AM
Subject: URGENT Request for Assistance
To: klaus.eichhorn@daimler.com

August 23, 2016

Good evening Mr.,

I am writing follow up to the email I sent on July 27th regarding the ongoing issues with my 2015 Mercedes CLA250 4MATIC. Specifically, the car jerks while switching gears and gets stuck in gear 2. The problem mainly occurs when the car is switching gears from 1 to 2 and 2 to 3. The car jerks so much when shifting it is hard to control the speed. When the car gets stuck in 2nd gear the engine revs but does not shift out of gear. Consequently, I do not feel safe driving the vehicle.

Several events have transpired since I sent the below email. This past Friday August 19th I received notification from Irene at Mercedes Benz USA Customer Service who I have been working with since July, that I would be able to trade the vehicle in for a new one and Mercedes was giving me $1500 towards that new vehicle. It is my understanding that all calls are recorded so the aforementioned can be verified by replaying the conversation.

Unfortunately, yesterday I received a call from the dealer stating that Mercedes would not be trading the car and all that I would get is $1500 it would be up to me to unwind the lease. I contacted Irene at Mercedes Benz customer service and the rep was as surprised as I was when I relayed the dealer's message. She stated she would call me back once she investigated the issue. Again, this call was recorded so the aforementioned can be verified. I received a call a short time later from Irene where she reiterated what the dealer told me was correct I would have to break the lease on my own, fees and all. I asked why Mercedes was reneging on the deal I accepted Friday and received no answer except that the field managers stated that my car does not qualify for lemon law under Missouri Law.

Both of these statements are incorrect my car meets that statutory requirements under Missouri Lemon Law. However, Missouri law is not applicable in this case because I am a permanent resident of Michigan and my car is registered in Michigan. Therefore Michigan law is governing applicable law and my car meets Michigan's lemon law requirements, a copy of which I have attached to this email. More importantly, the fact that the field managers stated that my car did not qualify for Missouri's lemon law statute expressly states that they never inspected the vehicle as I was told they did by customer service. My car has Michigan plates so there would have been no doubt regarding governing law.

On several occasions, I have expressly stated to both the dealer and Irene that it is my desire to resolve this issue amicably; thus the reason I did not retain legal counsel on the 30th business day that my car was out of commission. Also it is the reason that I agreed to the offer MBUSA

extended this past Friday which did not include rolling over my original down payment on to the new vehicle because I wanted to resolve this issue without legal intervention. Unfortunately, without your intervention and assistance it does not appear as though we will be able to reach a resolution that does not involve the legal process. I was contacted by the dealer and asked to return the loaner car I have been driving and pick up my vehicle that is still defective and extremely dangerous to drive. I do not feel comfortable driving the car. **I do not feel safe driving the car and I should not have to put my safety in jeopardy. In fact, I have told my family to pursue any and all available remedies should something happen as a result of my being forced to drive a vehicle that Mercedes knows is inherently dangerous.**

It is for this reason I am writing to request your assistance with reaching an amicable resolution to this issue. Again, I request that you review the recorded telephone calls that occurred between July 1st and today which will support the above outlined recitation of events. I thank you in advance for your prompt attention to this issue and for your assistance.

Sincerely,

[redacted]

CUSTOMER #: [redacted]

[redacted]

[redacted]

INVOICE

PAGE 1

plaza

THE PLAZA MOTOR COMPANY
11930 OLIVE - CREVE COEUR, MO 63141
PHONE (314) 301-1718

SERVICE ADVISOR: 999733 DEANN PAPPAGEORGE

BUILT / COLOR	YEAR	CHRYS. MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG
2696/Black	15	MERCEDES-BENZ CLA 25	WDDSJ4GB4FN[redacted]		19372/19379	[redacted]

DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
			17:00 08JUN16			CASH	10JUN16

R.O. OPENED	READY	OPTIONS
12:07 08JUN16	08:43 10JUN16	SOLD-STK:[redacted] DLR:0

LINE	OPCODE	TECH	TYPE	HOURS			LIST	NET	TOTAL

A CUSTOMER STATES AT LOWER GEARS MORE BEWTEEN 1-2 AND 2-3 GEARS HARSH SHIFTING..MORE IN E MODE NOT S

CAUSE: CK OUT. PERFORMED SDS TEST. NO FAULT CODES.

C3 ENGINE REVVING B/W GEARS

900489 W08

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: (N/C) 0.00

PERFORMED A TEST DRIVE. COULD NOT DUPLICATE THE COMPLAINT. WENT FOR A RIDE WITH A TEAM LEADER. STILL COULD NOT DUPLICATE

C CUSTOMER STATSE INTERNET IN CAR NOT WORKING

CAUSE: CK OUT, PERFORMED A FUNCTION TEST.

C5 INTERNET IN CAR NOT WORKING

900489 ISP

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE C: (N/C) 0.00

THE INTERNET IS WORKING PROPERLY

D Thank you for choosing Plaza Motors for your service needs. We are proud to offer our loaner vehicle while your car is being serviced at any of our locations. We do have a $9.50 loaner operation fee.

DP10 THANK YOU FOR CHOOSING PLAZA MOTORS FOR YOUR SERVICE NEEDS. WE ARE PROUD TO OFFER OUR LOANER VEHICLE WHILE YOUR CAR IS BEING SERVICED AT ANY OF OUR LOCATIONS. WE DO HAVE A $9.50 LOANER OPERATION FEE.

900489 ISP

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE D: (N/C) 0.00

E CUSTOMER STATSE UPON BRAKING CAN FEEL VIBRATION AT TIMES..HAS WHEEL PACKAGE

CAUSE: CK OUT, TEST DRIVE. FOUND THAT THE FRONT BRAKE ROTORS ARE BAD

C5 WHEN STOPPING RT SIDE VIBRATES - HAS WHEEL PACKAGE

900489 W08 (N/C)

WARRANTY STATEMENT AND DISCLAIMER: PLEASE SEE THE DEALERSHIP'S LIMITED WARRANTY ON THE REVERSE SIDE OF THIS REPAIR INVOICE.

By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.

*SHOP SUPPLY COSTS: We have added a charge equal to 15% of the total labor cost, not to exceed $50, to the Repair Order for shop supplies used in connection with this repair.

ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED.

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
ADJUSTMENT	
SUBLET AMOUNT	
MISC. CHARGES *	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

DATE CUSTOMER SIGNATURE AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE

REMIT TO: 449 Atlanta South Pkwy, Suite 126 College Park, GA 30349

CUSTOMER COPY

[redacted]

INVOICE

PAGE 1

THE PLAZA MOTOR CO
11820 OLIVE CREEK
PHONE (314)

GREGORY, MI [redacted]

HOME: [redacted]

BUS: N/A

CEL [redacted]

SERVICE ADVISOR: 580125 CONRAD KEIL

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT
2696/Black	15	MERCEDES-BENZ CLA 25	WDDSJ4GB4FN[redacted]		9844/9844

DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DAT
15AUG15 DI			WAIT 16DEC15			CASH	16DEC15

R.O. OPENED	READY	OPTIONS:
11:31 16DEC15	12:07 16DEC15	SOLD-STK: [redacted] DLR:0

LINE OPCODE TECH TYPE HOURS LIST NET TOTAL

A NPPMS WIPERS ON THE SAME LINECustomer has a pre-paid maintenance 10K service is due perform per coverage

CAUSE:

FM10 NPPMS WIPERS ON THE SAME LINECustomer has a pre-paid maintenance 10K service is due perform per coverage
710595 WM

1 270-180-01-09 TS OIL FILTER ELEMENT (N/C)
1 007603-014106 SEAL RING,VL (N/C)
1 001-986-80-71-14 WINDSHIELD WASHER FLUID (N/C)
7 000-989-83-01-USB6 MB GENUINE ENGINE OIL 5W-40 MB 229.5 (N/C)
1 176-820-28-00 TS WIPER BLADE (N/C)

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00

performed 10k service per customer request... service code A workshop code 505... replaced wipers...

****

B PERFORM A WORLD CLASS MUTI POINT INSPECTION AT NO CHARGE A $142.00 VALUE

DI1 PERFORM A WORLD CLASS MUTI POINT INSPECTION AT NO CHARGE A $142.00 VALUE
710595 ISP

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: (N/C) 0.0

performed inspection per customer request...

****

C Rotate Tires Per Customer Request

ROT Rotate Tires Per Customer Request
710595 CPM 29.95 29.9

PARTS: 0.00 LABOR: 29.95 OTHER: 0.00 TOTAL LINE C: 29.9

CHECK TREAD DEPTH AND ROTATE TIRES AS NECESSARY

****

D CUSTOMER STATES NO EXPRESS TECHS AVAIL

CS CUSTOMER STATES NO EXPRESS TECHS AVAIL
710595 ISP (N/C

smart
Mercedes-Benz
SPRINTER

WARRANTY STATEMENT AND DISCLAIMER: PLEASE SEE THE DEALERSHIP'S LIMITED WARRANTY ON THE REVERSE SIDE OF THIS REPAIR INVOICE.

By signing below, you acknowledge that you were notified of and authorized the Dealership to perform the services/repairs itemized in this invoice and that you received (or had the opportunity to inspect) any replaced parts as requested by you. The vehicle is being returned to you in exchange for your payment of the Amount Due.

DATE CUSTOMER SIGNATURE AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE

*SHOP SUPPLY COSTS: We have added a charge equal to 15% of the total labor cost, not to exceed $50, to the Repair Order for shop supplies used in connection with this repair.

ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED.

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
ADJUSTMENT	
SUBLET AMOUNT	
MISC. CHARGES *	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

REMIT TO: 445 Atlanta South Pkwy, College Park, GA 30349

CUSTOMER COPY

MercCAR O

[redacted]

INVOICE

PAGE 1

plaza

THE PLAZA MOTOR COMPANY
11830 OLIVE · CREVE COEUR, MO 63141
PHONE (314) 301-1716

SERVICE ADVISOR: 711101 Cougar Knickerbock

COLOR	YEAR	VIN	LICENSE	MILEAGE IN / OUT	TAG
7896/BLACK	15	MERCEDES-BENZ CLA 25 WDDSJ4GB4FN[redacted]		14104/14104	[redacted]

DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO	RATE	PAYMENT	INV. DATE
			WAIT 17FEB16			CASH	17FEB16

RO OPENED	READY	OPTIONS
07:50 17FEB16	08:47 17FEB16	SOLD-STK:[redacted] DLR:0

LINE OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL

A CUSTOMER STATES THE VEHICLE SHIFTS HARD AND DELAYS IN BETWEEN GEARS. CUSTOMER STATED YESTERDAY THE VEHICLE GOT STUCK IN 2ND GEAR AND WOULD REV HIGH AND THEN JOLTED INTO 3RD. NO CHECK ENGINE LIGHT OR WARNING LIGHTS COME ON DURING THIS ISSUE. IT IS INTERMITTEN. INSPECT AND ADVISE.

CAUSE: NO ISSUES FOUND AT THIS TIME

CS CUSTOMER STATES

500834 W08

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: (N/C) 0.00

SDS TESTED FOUND NO FAULTS. CHECKED SOFTWARE STATUS IN TRANSMISSION AND FOUND IT NORMAL. TEST DROVE VEHICLE, CHECK ALL FLUIDS FOUND NORMAL SHIFTING AT THIS TIME,

****

PERFORM A WORLD CLASS MUTI POINT INSPECTION AT NO CHARGE A $142.00 VALUE

CAUSE: LOOKS OK

DI1 PERFORM A WORLD CLASS MUTI POINT INSPECTION AT NO CHARGE A $142.00 VALUE

500834 ISP

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: (N/C) 0.00

****

THANK YOU FOR CHOOSING PLAZA MERCEDES-BENZ FOR YOUR SERVICE NEEDS.

Mercedes-Benz

***NTY STATEMENT AND DISCLAIMER:** PLEASE SEE THE ...HIP'S LIMITED WARRANTY ON THE REVERSE SIDE OF ...IR INVOICE.*

...below, you acknowledge that you were notified of and ...e Dealership to perform the services/repairs itemized ... and that you received (or had the opportunity to ...eplaced parts as requested by you. The vehicle is ...to you in exchange for your payment of the Amount

*SHOP SUPPLY COSTS: We have added a charge equal to 15% of the total labor cost, not to exceed $50, to the Repair Order for shop supplies used in connection with this repair.

ALL PARTS ARE NEW UNLESS OTHERWISE INDICATED.

DESCRIPTION	TOTAL
LABOR AMOUNT	0.
PARTS AMOUNT	0.
ADJUSTMENT	0.
SUBLET AMOUNT	
MISC. CHARGES *	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

...STOMER SIGNATURE

AUTHORIZED DEALERSHIP REPRESENTATIVE SIGNATURE

REMIT TO: 445 Atlanta So

[redacted]

Gmail

Message from Mercedes-Benz USA, LLC

[redacted] Thu, Aug 25, 2016 at 5:40 PM

To: MBUSA_CAC@mbusa.com

Good afternoon Irene,

Thank you for reiterating Mercedes position regarding my vehicle, however, that position was made abundantly clear when my vehicle was returned to me without any repairs being done. Currently, the vehicle is parked in a garage because I have no assurance that it is safe to drive. I am paying for a car that I cannot use in the manner it should be used. Therefore, I respectfully request that you only contact me with possible solutions to this problem, solutions that you are not going to renege on, as anything else simply makes a bad situation much worse. Thank you in advance for you cooperation with this request. Have a wonderful evening.

Sincerely,

[redacted]

On Aug 19, 2016, at 4:02 PM, MBUSA_CAC@mbusa.com wrote:

Mercedes-Benz

IMPORTANT:

When responding, please "reply with history" as this email includes a special thread ID that ensures faster notification and processing of your response. Please be sure to not delete the **THREAD ID** associated with this e-mail when responding.

[THREAD ID: [redacted]

August 19, 2016

[redacted]

Gregory, MI [redacted]

Subject: Model: 2015 CLA250C4
VIN: WDDSJ4GB4FN[redacted]

Dear [redacted]

Thank you for speaking with me today.

In follow up to our conversation, this letter is to confirm that as a gesture of goodwill Mercedes-Benz USA, LLC (MBUSA) has extended to you $1,500 towards the purchase or lease of a brand new C-Class vehicle or $500 towards a Certified Pre-Owned vehicle. This offer is valid for 1 year and can be redeemed at any authorized Mercedes-Benz dealership.

At the time of redemption, we welcome you to simply provide this letter to your dealer's Sales Manager who can contact MBUSA for processing.

I can be reached at the phone number below if needed.

Sincerely,

Irene G
Regional Case Manager
Mercedes-Benz USA
(800)367-6372 (ext 6203)

Roadside Assistance Mobile App

Enjoy even more convenience when you use the free Roadside Assistance App. Not Only does it allow you to quickly contact Roadside Assistance, it has a GPS-enabled tracker to let you know when help will arrive.

[redacted]

Gmail

Message from Mercedes-Benz USA, LLC

[redacted] Mon, Aug 22, 2016 at 1:07 PM

To: MBUSA_CAC@mbusa.com

Good afternoon Irene,

I just received a call from Plaza Motors stating that they were not taking back the CLA250C4 referenced below. Based on our conversation Friday it was my understanding that Mercedes would be taking the car back and providing $1500 towards a new C Class. Accordingly, I am extremely confused by the call I received from Plaza today stating that they would not be taking the CLA back. Please contact me at your earliest convenience to discuss.

Sincerely,

[redacted]

On Fri, Aug 19, 2016 at 4:02 PM, <MBUSA_CAC@mbusa.com> wrote:

Mercedes-Benz

IMPORTANT:

When responding, please "reply with history" as this email includes a special thread ID that ensures faster notification and processing of your response. Please be sure to not delete the **THREAD ID** associated with this e-mail when responding.

[THREAD ID: [redacted]

August 19, 2016

[redacted]

Gregory, MI [redacted]

Subject: Model: 2015 CLA250C4
VIN: WDDSJ4GB4FN[redacted]

Dear [redacted]

Thank you for speaking with me today.

In follow up to our conversation, this letter is to confirm that as a gesture of goodwill Mercedes-Benz USA, LLC (MBUSA) has extended to you $1,500 towards the purchase or lease of a brand new C-Class vehicle or $500 towards a Certified Pre-Owned vehicle. This offer is valid for 1 year and can be redeemed at any authorized Mercedes-Benz dealership.

At the time of redemption, we welcome you to simply provide this letter to your dealer's Sales Manager who can contact MBUSA for processing.

I can be reached at the phone number below if needed.

Sincerely,

Irene G
Regional Case Manager
Mercedes-Benz USA
(800)367-6372 (ext 6203)

Roadside Assistance Mobile App

Enjoy even more convenience when you use the free Roadside Assistance App. Not Only does it allow you to quickly contact Roadside Assistance, it has a GPS-enabled tracker to let you know when help will arrive.

[redacted]

Gmail

Request for assistance

[redacted] Fri, Jul 1, 2016 at 1:06 AM

To: yunemane@mbusa.com

Good evening Mr. Yuneman,

I am writing to request you assistance with an ongoing issue with my 2015 Mercedes Benz CLA250 4MATIC. Unfortunately, I am having an issue with my car jerking when switching gears. The problem mainly occurs when the car is switching gears from 1 to 2 and 2 to 3. The car jerks so much when shifting it is hard to control the speed. The worst incident occurred when the car got stuck in 2nd gear and would not shift. The engine kept revving but the gears would not shift. Words cannot express how scary this incident was for me.

Most recently, the problem occurred when the car was switching gears in reverse. To date I have taken my car to the dealer 3 times for this issue and the issue has not improved. I am scheduled to take my car into service again today for the same reason and am hoping to finally resolve the issue. I had an opportunity to do some research on the issue and it appears that I am not the only CLA owner experiencing this issue. I have attached some of the owner feedback for your review.

I absolutely love my car; however, this issue has taken away the enjoyment of driving it because I never know when it is going to jerk or get stuck in gear. I am particularly fearful in bumper to bumper traffic because I am afraid that I will be unable to stop before rear ending the person of front of me when the car jerks into gear. I will appreciate any assistance that you can provide. Thank you in advance for your time and assistance.

Sincerely,

[redacted]

3 attachments

Stupid question.pdf
444K

Transmission jerks when sarting from rest - Page 6.pdf
331K

Car jerks when braking.pdf
365K

[redacted]

Gmail

Transmision Video

[redacted] Mon, Jul 11, 2016 at 4:03 PM

To: "Morgan A. Mikel" <mmikel@plazamotors.com>

Good afternoon Morgan,

As we discussed, please find below links to the video that shows how the car jerks when shifting. The video was taken by a GLA owner but the jerking is exactly the same as I am complaining about. It is an extremely scary issue when it occurs particularly because I never know when it is going to occur or the severity of the jerking i.e. how far it is going to jump, if I'm going to hit another car etc. I was not able to find a video of the car getting stuck in gears and revving.

[redacted]

[redacted]

Gmail

Mercedes-Benz USA Follow-up To Your Contact

[redacted] Mon, Jul 11, 2016 at 12:20 PM

To: MBUSA_CAC@mbusa.com

Good afternoon Irene,

I hope this email finds you well. I was able to find an example of the jerking we spoke about last week. The video was taken by another Mercedes owner but the jerking is the same. Please copy and paste the address in your browser. My car does this in Drive and most recently, Reverse. I hope that this is helpful information. Please feel free to contact me should you need any additional information or have any additional questions.

Video of jerking car [redacted]

[redacted]

On Tue, Jul 5, 2016 at 2:02 PM, <MBUSA_CAC@mbusa.com> wrote:

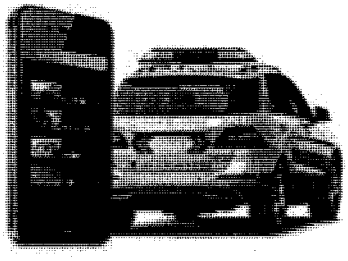
Mercedes-Benz

Dear [redacted]

We appreciate your contact with Mercedes-Benz USA, LLC. In follow up, I tried to contact you without success. I welcome your contact at the telephone number below and look forward to speaking with you.

I am typically in the office Monday through Friday from 12:00 PM to 8:00 PM Eastern Standard Time (EST).

Regards,
Irene G
Regional Case Manager
Mercedes-Benz USA, LLC
(800) 367-6372 (ext. 6203)



Roadside Assistance Mobile App

Enjoy even more convenience when you use the free Roadside Assistance App. Not Only does it allow you to quickly contact Roadside Assistance, it has a GPS-enabled tracker to let you know when help will arrive.

IMPORTANT:

When responding, please "reply with history" as this email includes a special thread ID that ensures faster notification and processing of your response. Please be sure to not delete the thread ID associated with this e-mail when responding.

[THREAD ID:[redacted]

SB-10058525-9629

Mercedes-Benz

CUSTOMER ONE **Action**

Customer ONE Action

Date: June 2015

Action No.: C1A 15 06 01

Group: 68

SUBJECT: **Model 205 (C-Class)**
Model Year 2015
Replace Instrument Panel

This Customer One Action has been initiated due to a quality issue. An authorized Mercedes-Benz dealer will replace the instrument panel on affected vehicles which are in dealer inventory or in transit to the dealer. Please perform this repair immediately. Do not retail the vehicle prior to repair. Parts will be provided directly to the dealer. Do not order parts.

Prior to performing this Customer 1 Action:
Please check VMI to insure the vehicle is involved and to determine if the vehicle has been previously repaired.

Affected VIN List

VIN-No.	Dealer	Sales order no.
55SWF4JB0FU[redacted]	14316	[redacted]
55SWF4JB1FU[redacted]	05179	
55SWF4JB1FU[redacted]	03102	
55SWF4JB1FU[redacted]	05257	
55SWF4JB2FU[redacted]	05235	
55SWF4JB2FU[redacted]	05257	
55SWF4JB3FU[redacted]	05102	
55SWF4JB3FU[redacted]	14147	
55SWF4JB3FU[redacted]	03106	
55SWF4JB3FU[redacted]	05188	
55SWF4JB5FU[redacted]	05737	[redacted]
55SWF4JB6FU[redacted]	05733	
55SWF4JB7FU[redacted]	20100	
55SWF4KB5FU[redacted]	86432	
55SWF4KB6FU[redacted]	09133	
55SWF4KB8FU[redacted]	84116	

Procedure

1. Replace instrument panel (dashboard); refer to WIS: AR68.10-P-1000LW.

Note (regarding above WIS instructions):

- Correction to step 12; should read: "Replace **Head** Unit".
- Be sure to install all components removed from "old" instrument panel into "new" instrument panel.

Note (regarding referenced WIS instructions):

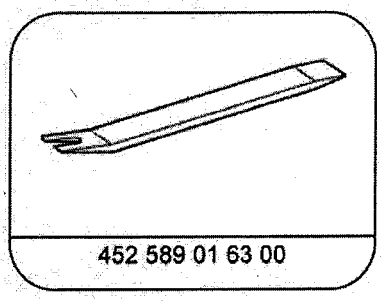
Be sure to replace:

- Self-locking bolt securing steering wheel to steering column and
- Wiring harness lock securing the harness connector to the steering module connector.
  (The above parts will be included in parts kit.)

Note:

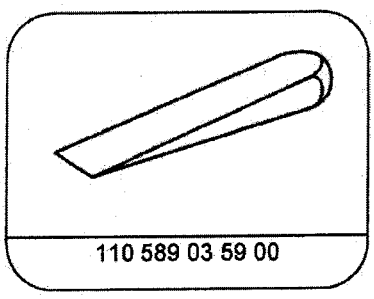
- Parts will be automatically shipped at no charge including fasteners (e.g.: self-locking bolt for steering wheel, wiring harness lock for steering module harness, cable ties etc.).
- We are reimbursing for parts handling, please submit $750.40 via sublet
- **"Old" instrument panel must be scrapped/destroyed.**

Special Tools



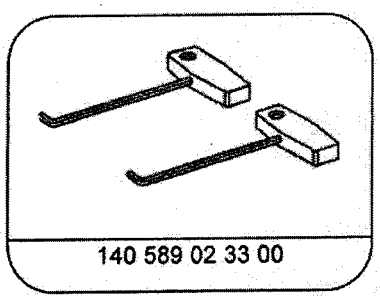
452 589 01 63 00

Clip Remover



110 589 03 59 00

Mounting Wedge



140 589 02 33 00

Pulling Hook

Note:

- Please be aware that only the part number(s) referenced in the Campaign Bulletin is/are approved for use to repair the vehicle. Repairs performed using any other part(s) will not have been performed in accordance with the campaign. Accordingly, warranty claims submitted with reference to an improper part number(s) will be denied.
- The following allowable labor operation should be used when submitting a warranty claim for this repair:

Warranty Information

Operation: Disconnect battery ground cable (54-7989)
Remove/Install instrument panel (68-4608)
Replace instrument panel (68-4635)

Damage Code	Operation Number	Labor Time (hrs.)
21 630 00 7	54-7989	0.2
	68-4608	2.6
	68-4635	0.4

Note

- We are reimbursing for parts handling, please submit $750.40 via sublet.
- Submit parts handling as a SUBLET utilizing sublet code of SUB and $750.40
- Operation Number labor times are subject to change.

SB-10058546-3129

Fault Code P089300 on 722.9 Transmission with VGS4NAG2

Topic number	LI27.00-P-060097
Version	2
Design group	27.00 General
Date	07-07-2015
Validity	All vehicles with transmission 722.9 and control unit variant VGS4NAG2
Reason for change	Solution Provided
Reason for block	

Complaint:
Vehicle in limp-home mode with fault code P089300. Normal operation returns after key cycle.

Cause:
Shift valve fault or stuck on clutch pack

Remedy:
Test drive vehicle to ensure that there is not a present concern (i.e. vehicle shifts to limp home mode on specific gearshifts)

Evaluate freeze frame data for fault frequency

If the fault has happened 2 times or less:

1. Drain transmission & remove valvebody
2. Remove all solenoids from valvebody
3. Rinse solenoid screens in clean transmission fluid
4. Reassemble and install valvebody to transmission
5. Fill transmission with new, clean fluid

If fault has occurred more than 2 times:

Please Create a PTSS case with the following data:

- Current Quicktest
- Results of driving evaluation
- VGS Control Unit Log
- EEPROM in LOG or TXT format

Front line agent will evaluate and respond to the case

Symptoms
Power transmission / Automatic transmission / Automatic transmission - function / Limp-home mode

Control unit/fault code		
Control unit	Fault code	Fault text
VGS - Fully integrated transmission control (Y3/8n4) (VGS4NAG2)	P089300	Hydraulic fault in transmission

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Work units				
Op. no.	Operation text	Time	Damage code	Note
54-0650	12V		27401 B1	
54-1011	QUICK TEST		27401 B1	
27-1256	DRAIN/FILL TRANS		27401 B1	
27-4989	R&R VALVE BODY		27401 B1	
00-8515	CLEAN OUT VALVE BODY SOLENO-IDS		27401 B1	
27-1047	ADAPTATION SEPARATE PUNCH, IN/ OUT MILEAGE		27401 B1	

Validity		
Vehicle	Engine	Transmission
166.003	*	722
166.004	*	722
166.023	*	722
166.024	*	722
166.055	*	722
166.056	*	722
166.057	*	722
166.058	*	722
166.062	*	722
166.073	*	722
166.074	*	722
166.823	*	722
166.824	*	722
166.856	*	722
166.864	*	722
166.872	*	722
166.873	*	722
166.874	*	722
205.002	*	722.908
205.003	*	722.908
205.004	*	722.908
205.008	*	722.908
205.009	*	722.965
205.036	*	722.993
205.037	*	722.993
205.040	*	722.995
205.042	*	722.995

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205.045	*	722.995
205.048	*	722.994
205.049	*	722.969
205.066	*	722.961
205.086	*	722.930
205.087	*	722.930
205.140	*	722.995
205.142	*	722.995
205.145	*	722.995
205.204	*	722.908
205.208	*	722.908
205.209	*	722.965
205.236	*	722.993
205.237	*	722.993
205.240	*	722.995
205.242	*	722.995
205.245	*	722.995
205.266	*	722.961
205.286	*	722.930
205.287	*	722.930
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212.036	*	722
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212.047	*	722
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212.221	*	722

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212.223	*	722
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212.293	*	722
212.294	*	722
212.297	*	722
212.299	*	722
217.377	*	722.931
217.378	*	722.971
217.379	*	722.932
217.382	*	722.909
217.385	*	722.967
222.032	*	722
222.033	*	722
222.077	*	722
222.082	*	722

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222.085	*	722
222.123	*	722
222.132	*	722
222.133	*	722
222.162	*	722
222.165	*	722
222.167	*	722
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222.177	*	722
222.178	*	722
222.179	*	722
222.182	*	722
222.185	*	722
222.967	*	722
222.976	*	722
222.982	*	722
CLS (218)	*	722
SL (231)	*	722

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Mercedes-Benz

MERCEDES-BENZ USA, LLC
One Mercedes Drive, P.O. Box 350, Montvale, NJ 07645-0350
Phone (201) 573-0600
Fax (201) 573-0117
www.MBUSA.com

newschannel update

SB-10058543-3146

TO: Mercedes-Benz Dealer Principals, General Managers, Sales Managers, Service Managers, Parts Managers	FROM: Thomas Brunner, Department Manager, Vehicle Compliance and Analysis, Engineering Services
RE: **Service Campaign 2015070001 –Update ESP Control Module Software. Model 190. Model Year 2016**	DATE: July 17, 2015

IMPORTANT SERVICE CAMPAIGN LAUNCH INFORMATION

This Service Campaign is being launched today and the 668 affected vehicles will be flagged in VMI.

Parts - **No parts are required. Software update rate is 100%.** Use DAS/Xentry 07-08/15 with all associated patches or higher.

Owner Notification - As this is a voluntary customer care initiative, **no customer letter will be mailed.**

What's the Issue:

Daimler AG (DAG), the manufacturer of Mercedes-Benz vehicles, has determined that the software in the ESP control module may not meet current production configuration. To correct this condition an authorized Mercedes-Benz dealer will update the ESP Control Module software at the next dealer visit.

A copy of the campaign bulletin is attached, and may also be found on StarTekInfo.

When scheduling customers for an appointment please ensure that you are aware of any open campaigns in VMI so that the customer is advised about the time necessary to complete all campaigns.

Note: VMI must always be checked before performing campaigns to verify that the campaign is required on a specific vehicle.

Dealers may also identify vehicles subject to a campaign through NetStar by selecting "Campaign" under the Controlling tab. Only vehicles that have been retailed by the respective dealer will be displayed within this program.

While we regret any inconvenience this may cause, Mercedes-Benz USA, LLC is determined to maintain a high level of vehicle quality and customer satisfaction.

Please refer all customer inquiries to the Customer Assistance Center at 1-800-FOR_MERCedes (1-800-367-6372).

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Service Campaign Bulletin

Mercedes-Benz

Campaign No. 2015070001, July 2015

TO: ALL MERCEDES-BENZ CENTERS

SUBJECT: **Model 190, Model Year 2016**
Update ESP Control Module Software

This Service Campaign has been initiated because Daimler AG (DAG), the manufacturer of Mercedes-Benz vehicles, has determined that the software in the ESP Control Module may not meet current production configuration. To correct this condition an authorized Mercedes-Benz dealer will update the ESP Control Module software at the next dealer visit.

Prior to performing this Service Campaign:

- Please check VMI to determine if the vehicle is involved in the Campaign and if it has been previously repaired.
- Please review the entire Service Campaign bulletin and follow the repair procedure exactly as described.

Approximately 668 vehicles are affected.

Order No. P-SC-2015070001
This bulletin has been created and maintained in accordance with MBUSA-SLP S423QH001, Document and Data Control, and MBUSA-SLP S424HH001, Control of Quality Records.

Service Campaign Bulletin

Procedure

Note:

- Use DAS/Xentry 07-08/15 with all associated patches or higher.
- Follow the steps exactly as described in DAS/Xentry.
- Connect battery charger (battery voltage >12.5V).
- Ensure all electrical consumers are switched-off.
- In the event of software/SCN update issues, contact Star Diagnosis User Help Desk. Please refer to the "pre-call" check list before contacting UHD
- Refer to Star Diagnosis System (SDS) Best Practices Guide.

1. Update ESP control module software: Quick test view / ESP® Electronic Stability Program / Control unit adaptations / Control unit programming.
2. Follow on-screen instructions.

Note:

The following allowable labor operation should be used when submitting a warranty claim.

Warranty Information

Operation: Connect/disconnect battery charger (02-5058)
Star Diagnosis System (SDS), Connect/disconnect (02-4762)
Update ESP control module software (02-9137).

Damage Code	Operation Number	Labor Time (hrs.)
42 960 32 8	02-5058	0.1
	02-4762	0.1
	02-9137	0.1

Note

Operation Number labor times are subject to change.

Report Your Transmission Issues

This is a discussion on Report Your Transmission Issues within the CLA General Discussion forums, part of the Mercedes-Benz CLA Forum category; It seems several of us are having transmission shifting issues. My problem is shifting from first to second when the car it not fully up ...

Thread: Report Your Transmission Issues

4 Likes

04-10-2015, 11:04 AM #1

[redacted]

Join Date: Nov 2014
Location: Austin, TX USA
Posts: 87
Mentioned: 0 Post(s)

Report Your Transmission Issues

It seems several of us are having transmission shifting issues. My problem is shifting from first to second when the car it not fully up to running temp (but nor necessarily "cold"). I accelerate from a full stop and then it begins to slip and rev, before dropping into 2nd with a heavy "thunk" and forward jerk. Almost got hit this morning as I pulled out into traffic!

I took it to the shop on Monday. They did not find anything, of course, in their analysis. They reset the transmission to default settings, but it continues to occur with some frequency, however, unpredictably. But the service rep did say they have been getting reports of these issues and the best thing to do is to bring it in for a check. This will get your problem recorded and also serve as data point for MB.

So, if you are experiencing any transmission issues, DO take it into MB. We can only hope that enough of these will result in some sort of update or repair. And if it should cause an accident, you will be on record having reported the issue and complained about it, while MB did not resolve it for you.

[redacted] likes this.

CLA 250 MY2015
- Mountain Grey Metallic
- Sport Plus
- Multimedia
- Premium Interior
- Driver Assist
- Bi-xenon Headlamps
- Rear view camera

Register To Reply

04-10-2015, 11:07 AM #2

[redacted]

Same issue during winter!

[redacted]

Join Date: Apr 2015
Location: Pennsylvania, USA
Posts: 87
Mentioned: 0 Post(s)

I just let it sit for at least 5-10min before I take off...
Probably good for the car anyways..

Funny how the "gearbox" needs to heat up(?) as I never had this issue with other cars, but oh well

2014 CLA250 4Matic

DIY Plan: Black-Paint 18' AMG 5-spoke Wheels, Rear View Camera

Register To Reply

04-10-2015, 12:14 PM #3

[redacted]

Join Date: Apr 2014
Location: Northern Virginia
Posts: 309
Mentioned: 1 Post(s)

NOTE: I drove with a MB tech and was able to replicate the issue twice. Afterwards, we brought it to the service manager and after a day of testing, he claims the car is "driving as Mercedes intended" since they could not find any electronic issues and won't do anything to help me. What can I do? I've called mercedes customer service center and they told me to work with the dealership. But if they dealership claims there is no problems, they obviously won't fix anything.... Clearly there is something wrong with my car here. Do I just have to deal with it?

Long story short: Usually when I drive, my car is in Eco mode (I live in Northern VA, near DC, so many traffic lights and cops) and it drives and shifts perfectly fine. The issue happens when I switch it to Sport mode to have fun. Even though it shifts okay at normal speeds, when I want to take off hard (such as flooring it from a red light or when I get off a high way ramp), it doesn't shift properly from 2nd to 3rd. Same problem from 3rd to 4th.

What happens is my RPM will hit 5000+, but it won't shift to the next gear to drop my RPM back down. To fix this, I have to manually shift it using the peddle shifters. Only then it will change gears for me. This is very inconvenient and if I'm driving in S mode it should be automated. I almost got hit because I changed lanes and it wouldn't let me shift when I hit the accelerator

PS: I've test driven 2 other CLA250s including a friend's and their loaner. Both of them shifted just fine.

[redacted] likes this.

Mercedez-Benz CLA250 2014 - Build Thread
Exterior: Cirrus White | Interior: Black MB-Tex

- Sport Package | Bi-Xenon Lights | Illuminated Star | Night Styling Package
- AMG Front Lip| AMG Front Splitters| AMG Diffuser | AMG Grill (Black)
- AMG Door Pins | AMG Exhaust| AMG Steel Pedals | CF Interior Trim
- Center Wheel Caps| Red Painted Calipers | 35% All-Around Tint

Register To Reply

04-10-2015, 01:05 PM #4

[redacted]

Join Date: Jul 2013
Location: Chadds Ford, PA
Posts: 541
Mentioned: 1 Post(s)

This has all happened to me since Sept 2013. MB knows about this issue, seems to be ignoring it.

Register To Reply

#5

04-10-2015, 03:26 PM

[redacted]

Join Date: Jul 2014
Location: Norcal
Posts: 1,684
Mentioned: 2 Post(s)

Just want to be clear, in hard acceleration, the gear will not shift even at 5,000+ RPM? Did you then let off the gas? Or did you continue to press hard to see if it will shift?

The redline is at 6,250 and the engine will cut off at 6,500. If you become scared because the high rev and let off the gas, the car will slow down. But if you press harder instead, it should switch gear before or at redline, which is what a hard acceleration should be.

Register To Reply

04-10-2015, 03:53 PM #6

[redacted]

Join Date: Sep 2014
Location: LA, California
Posts: 387
Mentioned: 19 Post(s)

I noticed after a few days from taking delivery of my 45 last month that when slowing down from about 15mph and under, the transmission would make a "thud" sound on the downshift. I tried it all modes as well and same thing, from about 10mph and under it was very noticeable. My fiancé even asked me a couple times, "did you hear that or did you feel that?" I thought it was maybe because the car wasn't all the way warm but even when everything was warmed up it was still do it once in a while. It essentially sounded like someone was in the trunk and bumping a wall with their hand. I want to clear it up with the dealer when it arrives from euro delivery.

Anyone else experience this?

2015 CLA45 AMG | Cirrus White | Black Leather Interior | Premium Package | Pano Roof | Bi-Xenons | 19" 16 Spoke Wheels | Black Ash Wood Trim | Multi-Media | Night Styling | AMS Intake | Pedal Commander | Rebellion Goodies | KW V3 Suspension
Click Here for March 15' European Delivery + AMG Tour ----- The Progress Build Here

Register To Reply

04-10-2015, 05:03 PM #7

[redacted]

Join Date: Apr 2014
Location: Northern Virginia
Posts: 309
Mentioned: 1 Post(s)

> Originally Posted by [redacted]
> Just want to be clear, in hard acceleration, the gear will not shift even at 5,000+ RPM? Did you then let off the gas? Or did you continue to press hard to see if it will shift?
>
> The redline is at 6,250 and the engine will cut off at 6,500. If you become scared because the high rev and let off the gas, the car will slow down. But if you press harder instead, it should switch gear before or at redline, which is what a hard acceleration should be.

I usually let off the gas or manually switch gears out of fear that keeping the car in 5000+ RPM too long would over work and damage in transmission/engine somehow.

Are you saying if I floor it, it will automatically shift once I hit around 6250? If so, I will try that once I get the car back from Mercedes on Monday.

Mercedez-Benz CLA250 2014 - Build Thread
Exterior: Cirrus White | Interior: Black MB-Tex

- Sport Package | Bi-Xenon Lights | Illuminated Star | Night Styling Package
- AMG Front Lip | AMG Front Splitters | AMG Diffuser | AMG Grill (Black)
- AMG Door Pins | AMG Exhaust | AMG Steel Pedals | CF Interior Trim
- Center Wheel Caps | Red Painted Calipers | 35% All-Around Tint

Register To Reply

04-10-2015, 05:09 PM #8

Its due to the style of transmission we have in these cars, we do no have a torque converter then them and we have

[redacted]

Join Date: Mar 2014
Location: Florida
Posts: 506
Mentioned: 14 Post(s)

a actual clutch and this is how they drive. Went thought the same song and dance with my dealer and this is what they told me.

2014 CLA250 [redacted] Build Page

Mountain Grey Metallic | Black MB-Tex | Sport Package | Bi-Xenon Lights | Illuminated Star | 18" AMG Gloss Black Rims | Night Package | Gloss Black Grill Wing | Piecha Rear Diffuser w/ Quad Tips| Vinyl Wrapped Roof Gloss Black | Blacked Out Tail Lights | Painted License Plate Area Gloss Black | AMG Door Pins | AMG Sport Pedals | Black D-Wing Spoiler | Front Canards Gloss Black | HG Motorsports Intake

Register To Reply

04-10-2015, 05:28 PM #9

[redacted]

Join Date: Apr 2014
Location: Northern Virginia
Posts: 309
Mentioned: 1 Post(s)

> Originally Posted by [redacted]
> Its due to the style of transmission we have in these cars, we do no have a torque converter then them and we have a actual clutch and this is how they drive. Went thought the same song and dance with my dealer and this is what they told me.

Nice sig.

Mercedez-Benz CLA250 2014 - Build Thread
Exterior: Cirrus White | Interior: Black MB-Tex

- Sport Package | Bi-Xenon Lights | Illuminated Star | Night Styling Package
- AMG Front Lip| AMG Front Splitters| AMG Diffuser | AMG Grill (Black)
- AMG Door Pins | AMG Exhaust| AMG Steel Pedals | CF Interior Trim
- Center Wheel Caps| Red Painted Calipers | 35% All-Around Tint

Register To Reply

04-10-2015, 05:38 PM #10

[redacted]

Join Date: Mar 2014
Location: Florida
Posts: 506
Mentioned: 14 Post(s)

> Originally Posted by [redacted]
> Nice sig.

thanks

2014 CLA250 [redacted] Build Page

Mountain Grey Metallic | Black MB-Tex | Sport Package | Bi-Xenon Lights | Illuminated Star | 18" AMG Gloss Black Rims | Night Package | Gloss Black Grill Wing | Piecha Rear Diffuser w/ Quad Tips| Vinyl Wrapped Roof Gloss Black | Blacked Out Tail Lights | Painted License Plate Area Gloss Black | AMG Door Pins | AMG Sport Pedals | Black D-Wing Spoiler | Front Canards Gloss Black | HG Motorsports Intake

Register To Reply

You may not post new threads
You may not post replies
You may not post attachments
You may not edit your posts

BB code is On
Smilies are On
[IMG] code is On
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Report Your Transmission Issues

This is a discussion on Report Your Transmission Issues within the **CLA General Discussion** forums, part of the Mercedes-Benz CLA Forum category; It seems several of us are having transmission shifting issues. My problem is shifting from first to second when the car it not fully up ...

Thread: Report Your Transmission Issues

4 Likes

04-10-2015, 11:04 AM #1

[redacted]

Join Date: Nov 2014
Location: Austin, TX USA
Posts: 87
Mentioned: 0 Post(s)

Report Your Transmission Issues

It seems several of us are having transmission shifting issues. My problem is shifting from first to second when the car it not fully up to running temp (but nor necessarily "cold"). I accelerate from a full stop and then it begins to slip and rev, before dropping into 2nd with a heavy "thunk" and forward jerk. Almost got hit this morning as I pulled out into traffic!

I took it to the shop on Monday. They did not find anything, of course, in their analysis. They reset the transmission to default settings, but it continues to occur with some frequency, however, unpredictably. But the service rep did say they have been getting reports of these issues and the best thing to do is to bring it in for a check. This will get your problem recorded and also serve as data point for MB.

So, if you are experiencing any transmission issues, DO take it into MB. We can only hope that enough of these will result in some sort of update or repair. And if it should cause an accident, you will be on record having reported the issue and complained about it, while MB did not resolve it for you.

[redacted] likes this.

CLA 250 MY2015
- Mountain Grey Metallic
- Sport Plus
- Multimedia
- Premium Interior
- Driver Assist
- Bi-xenon Headlamps
- Rear view camera

Register To Reply

04-10-2015, 11:07 AM #2

[redacted]

Same issue during winter!

[redacted]

Join Date: Apr 2015
Location: Pennsylvania, USA
Posts: 87
Mentioned: 0 Post(s)

I just let it sit for at least 5-10min before I take off...
Probably good for the car anyways..

Funny how the "gearbox" needs to heat up(?) as I never had this issue with other cars, but oh well

2014 CLA250 4Matic

DIY Plan: Black-Paint 18' AMG 5-spoke Wheels, Rear View Camera

Register To Reply

04-10-2015, 12:14 PM #3

[redacted]

Join Date: Apr 2014
Location: Northern Virginia
Posts: 309
Mentioned: 1 Post(s)

NOTE: I drove with a MB tech and was able to replicate the issue twice. Afterwards, we brought it to the service manager and after a day of testing, he claims the car is "driving as Mercedes intended" since they could not find any electronic issues and won't do anything to help me. What can I do? I've called mercedes customer service center and they told me to work with the dealership. But if they dealership claims there is no problems, they obviously won't fix anything.... Clearly there is something wrong with my car here. Do I just have to deal with it?

Long story short: Usually when I drive, my car is in Eco mode (I live in Northern VA, near DC, so many traffic lights and cops) and it drives and shifts perfectly fine. The issue happens when I switch it to Sport mode to have fun. Even though it shifts okay at normal speeds, when I want to take off hard (such as flooring it from a red light or when I get off a high way ramp), it doesn't shift properly from 2nd to 3rd. Same problem from 3rd to 4th.

What happens is my RPM will hit 5000+, but it won't shift to the next gear to drop my RPM back down. To fix this, I have to manually shift it using the peddle shifters. Only then it will change gears for me. This is very inconvenient and if I'm driving in S mode it should be automated. I almost got hit because I changed lanes and it wouldn't let me shift when I hit the accelerator

PS: I've test driven 2 other CLA250s including a friend's and their loaner. Both of them shifted just fine.

[redacted] likes this.

Mercedez-Benz CLA250 2014 - Build Thread
Exterior: Cirrus White | Interior: Black MB-Tex

- Sport Package | Bi-Xenon Lights | Illuminated Star | Night Styling Package
- AMG Front Lip| AMG Front Splitters| AMG Diffuser | AMG Grill (Black)
- AMG Door Pins | AMG Exhaust| AMG Steel Pedals | CF Interior Trim
- Center Wheel Caps| Red Painted Calipers | 35% All-Around Tint

Register To Reply

04-10-2015, 01:05 PM #4

[redacted]

Join Date: Jul 2013
Location: Chadds Ford, PA
Posts: 541
Mentioned: 1 Post(s)

This has all happened to me since Sept 2013. MB knows about this issue, seems to be ignoring it.

Register To Reply

#5

04-10-2015, 03:26 PM

[redacted]

Join Date: Jul 2014
Location: Norcal
Posts: 1,684
Mentioned: 2 Post(s)

Just want to be clear, in hard acceleration, the gear will not shift even at 5,000+ RPM? Did you then let off the gas? Or did you continue to press hard to see if it will shift?

The redline is at 6,250 and the engine will cut off at 6,500. If you become scared because the high rev and let off the gas, the car will slow down. But if you press harder instead, it should switch gear before or at redline, which is what a hard acceleration should be.

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04-10-2015, 03:53 PM #6

[redacted]

Join Date: Sep 2014
Location: LA, California
Posts: 387
Mentioned: 19 Post(s)

I noticed after a few days from taking delivery of my 45 last month that when slowing down from about 15mph and under, the transmission would make a "thud" sound on the downshift. I tried it all modes as well and same thing, from about 10mph and under it was very noticeable. My fiancé even asked me a couple times, "did you hear that or did you feel that?" I thought it was maybe because the car wasn't all the way warm but even when everything was warmed up it was still do it once in a while. It essentially sounded like someone was in the trunk and bumping a wall with their hand. I want to clear it up with the dealer when it arrives from euro delivery.

Anyone else experience this?

2015 CLA45 AMG | Cirrus White | Black Leather Interior | Premium Package | Pano Roof | Bi-Xenons | 19" 16 Spoke Wheels | Black Ash Wood Trim | Multi-Media | Night Styling | AMS Intake | Pedal Commander | Rebellion Goodies | KW V3 Suspension
Click Here for March 15' European Delivery + AMG Tour ----- The Progress Build Here

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04-10-2015, 05:03 PM #7

[redacted]

Join Date: Apr 2014
Location: Northern Virginia
Posts: 309
Mentioned: 1 Post(s)

> Originally Posted by [redacted]
>
> Just want to be clear, in hard acceleration, the gear will not shift even at 5,000+ RPM? Did you then let off the gas? Or did you continue to press hard to see if it will shift?
>
> The redline is at 6,250 and the engine will cut off at 6,500. If you become scared because the high rev and let off the gas, the car will slow down. But if you press harder instead, it should switch gear before or at redline, which is what a hard acceleration should be.

I usually let off the gas or manually switch gears out of fear that keeping the car in 5000+ RPM too long would over work and damage in transmission/engine somehow.

Are you saying if I floor it, it will automatically shift once I hit around 6250? If so, I will try that once I get the car back from Mercedes on Monday.

Mercedez-Benz CLA250 2014 - Build Thread
Exterior: Cirrus White | Interior: Black MB-Tex

- Sport Package | Bi-Xenon Lights | Illuminated Star | Night Styling Package
- AMG Front Lip| AMG Front Splitters| AMG Diffuser | AMG Grill (Black)
- AMG Door Pins | AMG Exhaust| AMG Steel Pedals | CF Interior Trim
- Center Wheel Caps| Red Painted Calipers | 35% All-Around Tint

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04-10-2015, 05:09 PM #8

Its due to the style of transmission we have in these cars, we do no have a torque converter then them and we have

[redacted]

Join Date: Mar 2014
Location: Florida
Posts: 506
Mentioned: 14 Post(s)

a actual clutch and this is how they drive. Went thought the same song and dance with my dealer and this is what they told me.

2014 CLA250 [redacted] Build Page

Mountain Grey Metallic | Black MB-Tex | Sport Package | Bi-Xenon Lights | Illuminated Star | 18" AMG Gloss Black Rims | Night Package | Gloss Black Grill Wing | Piecha Rear Diffuser w/ Quad Tips| Vinyl Wrapped Roof Gloss Black | Blacked Out Tail Lights | Painted License Plate Area Gloss Black | AMG Door Pins | AMG Sport Pedals | Black D-Wing Spoiler | Front Canards Gloss Black | HG Motorsports Intake

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04-10-2015, 05:28 PM #9

[redacted]

Join Date: Apr 2014
Location: Northern Virginia
Posts: 309
Mentioned: 1 Post(s)

> Originally Posted by [redacted]
>
> Its due to the style of transmission we have in these cars, we do no have a torque converter then them and we have a actual clutch and this is how they drive. Went thought the same song and dance with my dealer and this is what they told me.

[redacted]

Mercedez-Benz CLA250 2014 - Build Thread
Exterior: Cirrus White | Interior: Black MB-Tex

- Sport Package | Bi-Xenon Lights | Illuminated Star | Night Styling Package
- AMG Front Lip| AMG Front Splitters| AMG Diffuser | AMG Grill (Black)
- AMG Door Pins | AMG Exhaust| AMG Steel Pedals | CF Interior Trim
- Center Wheel Caps| Red Painted Calipers | 35% All-Around Tint

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04-10-2015, 05:38 PM #10

[redacted]

Join Date: Mar 2014
Location: Florida
Posts: 506
Mentioned: 14 Post(s)

> Originally Posted by [redacted]
>
> Nice sig.

thanks

2014 CLA250 [redacted] Build Page

Mountain Grey Metallic | Black MB-Tex | Sport Package | Bi-Xenon Lights | Illuminated Star | 18" AMG Gloss Black Rims | Night Package | Gloss Black Grill Wing | Piecha Rear Diffuser w/ Quad Tips| Vinyl Wrapped Roof Gloss Black | Blacked Out Tail Lights | Painted License Plate Area Gloss Black | AMG Door Pins | AMG Sport Pedals | Black D-Wing Spoiler | Front Canards Gloss Black | HG Motorsports Intake

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Jerk when I reverse

This is a discussion on Jerk when I reverse within the [redacted] part of the Mercedes-Benz CLA Forum category; Go to dealer. I just got a JD power Associates survey and they specifically asked if you had this problem. So it looks like your ...

Thread: Jerk when I reverse

2 Likes

10-22-2016, 11:48 AM #11

[redacted]

Join Date: Nov 2013
Location: Staten Island, NY
Posts: 889
Mentioned: 4 Post(s)

Go to dealer. I just got a JD power Associates survey and they specifically asked if you had this problem. So it looks like your not alone.

CLA 250, Cirrus White, Tan MB-Tex, premium 1 package, multimedia package, sport package, Xeon's, Rear spoiler Illuminated Star,Illuminated door sills, Dash Cam, Turbo Kits bov, Pedal Commander, Exhaust Modified. Cquartz Finest Applied.

Register To Reply

11-05-2016, 07:23 AM #12

[redacted]

Join Date: Jul 2016
Posts: 14
Mentioned: 0 Post(s)

Dealer told me it has a problem with transmission. They are replacing all the parts relate to transmission. I can pick up my car next week.

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Reverse jerk By [redacted] in forum CLA Problems/Issues/Complaints	Replies: 30 Last Post: 01-19-2016, 05:29 PM
Unable to Go into reverse? By [redacted] in forum Mercedes-Benz CLA45 AMG	Replies: 5 Last Post: 10-08-2015, 11:06 AM
Reverse camera By [redacted] in forum CLA General Discussion	Replies: 11 Last Post: 03-16-2015, 10:14 PM
Reverse Sensing System By [redacted] in forum CLA Exterior Styling	Replies: 4 Last Post: 12-29-2014, 03:02 PM
Shift into park/reverse while driving By [redacted] in forum CLA General Discussion	Replies: 29 Last Post: 02-20-2014, 12:28 AM

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Counsel for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

[redacted]
Behalf Of Themselves And All Others Similarly Situated,

Plaintiffs,

vs.

MERCEDES-BENZ USA, LLC,

Defendant.

CASE NO.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

NATURE OF THE ACTION

1. Plaintiffs [redacted] (collectively "Plaintiffs"), both residents of California, bring this action on behalf of themselves and all other similarly situated owners and lessees in California of Mercedes-Benz automobiles equipped with the 722.9 7G-Tronic automatic transmission. As detailed, herein, the subject transmission is defective, having a defect in the transmission's valve body and conductor plate that causes the transmission to fail prematurely and need replacement well before the useful life of the transmission or the vehicle in which it is housed. Defendant Mercedes-Benz USA, LLC ("MBUSA" or "Defendant") has known about this defect for years, circulating internal Technical Service Bulletins to its factory-authorized dealerships that detail the nature of the transmission problem. Indeed, the defective 722.9 transmission has failed to such a widespread extent that, at one point, MBUSA was unable to supply sufficient replacement transmission components to have the defective transmissions repaired and, as a result, for a long time, MBUSA prevented independent service stations from purchasing such replacement parts. Worse yet, when the transmission valve body or conductor plate fails in the Mercedes-Benz 722.9 transmission, a real safety hazard ensues. As a result of the defect, the transmission will have a difficult time shifting from first to second gear, and will not shift to higher gears, causing the vehicle to be unable to be driven at any speed. The fault will then generally cause the transmission to enter what is referred to as "Limp Mode," leaving the car to "limp" along the roadway in a very restricted and limited fashion. Despite this and despite the clear defect and Defendant's knowledge of it, MBUSA has failed to take any action. Because the defective transmission typically manifests itself outside the 4 year/50,000 mile durational limit of MBUSA's New Vehicle Limited Warranty, MBUSA washes its hands of any liability, fails to disclose this defect, and leave consumers of the affected vehicles, like Plaintiffs, to pay for the costly repair of the transmission to the tune of several thousands of dollars. Plaintiffs, who own a 2007 Mercedes-Benz S-550 originally equipped with

the defective 722.9 7G-Tronic transmission suffered this fate, had their vehicle's transmission fail repeatedly on the roadway when the car had just 57,000 miles or so, and were denied any redress by MBUSA. Given MBUSA's failure to stand behind its product, Plaintiffs were forced to and did pay over $2,000 to have the transmission valve body replaced. Needless to say, transmissions in cars having only 57,000 miles should not fail—much less should they fail by the thousands in Mercedes-Benz cars across the country and the world. Plaintiffs file this lawsuit to seek redress for MBUSA's violations of the California Consumer Legal Remedies Act ("CLRA") and California's Unfair Competition Law ("UCL").

JURISDICTION AND VENUE

2. This Court has subject matter over this action pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332 (as amended 2005) because the Class Action Complaint pleads a class action involving more than $5 million in controversy (excluding pre-judgment interest and costs), and involves a putative plaintiffs class of diverse citizenship (i.e., California) than Defendant's citizenship (i.e., Georgia).

3. This Court has personal jurisdiction over Defendant Mercedes-Benz USA, LLC because Defendant markets and distributes Mercedes automobiles, including the ones forming the subject of this Class Action Complaint, within this judicial district.

4. Venue is proper in this district because Plaintiffs are residents of this judicial district, their vehicle was purchased and malfunctioned within this judicial district, the vehicle was repaired and the damages were incurred within this judicial district, and the events giving rise to Plaintiffs' claims took place within this judicial district. Venue in this district is therefore proper pursuant to 28 U.S.C. § 1391.

THE PARTIES AND THEIR EXPERIENCES

5. Plaintiffs [redacted] are husband and wife who reside in California and are the owners of a 2007 Mercedes S550 vehicle,

which they purchased in October 2011. Starting on or about January 2014, Plaintiffs began experiencing very rough jolting type of shifting, which at the time most commonly occurred after the car had been parked at an incline or decline. The same jolting and erratic shifting also occurred when driving up or down an incline or on the freeway or after using the car's cruise control. The car's transmission would shift in such jolting fashion from first to second gear and occasionally to third gear but would not shift into any of the other of the remaining higher gears of the transmission. Instead, the vehicle would enter its so-called "Limp Mode," leaving the car to limp along at low speeds (even if one were traveling on the freeway or roadways with fast moving traffic). The car would remain in this "Limp Mode" state, and the only way to cause it to exit that state would be to turn it off completely, wait for some period of time and then restart the vehicle in order to apparently reset the transmission components. This would then cause the "Check Engine Light" in the vehicle's instrumentation cluster to illuminate but no more specific reason for the "Check Engine Light's" illumination was provided.

6. The danger posed by this erratic transmission was so acute that Mr. [redacted] would not have his wife drive the car unless he was also in the car with her. It takes no particular insight to discern that a car that erratically fails to shift and is forced to limp along at relatively slow speeds on a freeway or busy roadway poses a serious safety risk to its driver, occupants, and other drivers and occupants on the roadways.

7. Plaintiffs repeatedly turned to Defendant and its dealerships to get them to repair this obviously defective transmission, but at each turn Defendant refused to provide any coverage for the repair and insisted that Plaintiffs bear the full and sole responsibility for any and all costs associated with repairing the faulty transmission. Having no choice, on October 2014, Plaintiffs eventually located an independent transmission repair garage that advised them that ultimately the whole transmission unit in Plaintiffs' car would have to be replaced, but that they could "band-aid" it by replacing only the transmission valve body and obtain a 1-year or 12,000 mile warranty covering the defective part and labor at a cost of over two thousand dollars. Plaintiffs

were advised that replacement of the entire transmission unit—the true "fix" for the problem plaguing their transmission— would have cost approximately $7,500 at a minimum. Plaintiffs paid for the "band-aid" repair approach and had the transmission valve body replaced at a cost of over $2,000.

8. Defendant Mercedes-Benz USA, LLC is a limited liability corporation having its principal place of business at 303 Perimeter Center North in Atlanta, Georgia 30346. Defendant is a subsidiary of Daimler, Inc., the manufacturer of Mercedes-Benz-branded vehicles. Founded in 1965, Mercedes-Benz USA, LLC is responsible for the distribution and marketing of Mercedes and Maybach automobiles within the United States. Defendant was the entity responsible for injecting the Mercedes-Benz vehicle currently owned by Plaintiffs into the United States stream of commerce.

THE PERVASIVE NATURE OF THE PROBLEM

9. Regrettably, Plaintiffs' experiences with their defective 722.9 7G-Tronic transmission are hardly anomalous. Owners of Mercedes-Benz vehicles worldwide have experienced the same or similar fate. The internet is replete with postings about such consumer experiences not merely in California, or even across the United STatesm but across the globe. By way of example, one posting on the webpage: [redacted] states the following:

> With the introduction of the most defective transmission (722.69 7-gtronic) it became obvious that the sensor failure had become an everyday occurrence. To date it is hard to keep track of how many replacement part numbers have been introduced and the instructions have also changed so often that it raises the obvious question of doing R & D on customer's cars behind their backs at the risk of their death.
>
> Please take the time to [redacted] the terms 722.9, defective, sensors, ESP etc. to get a favour [sic] of the depth of customers anguish worldwide to this abomination of a transmission.
>
> As a result Daimler Engineers seem to have deactivated the previous limp-home system, putting the car in third gear without a serious warning to the customer such that when the car is restarted a self check restores the car to normal functioning (gear change available) until the next occurrence of sensor failure. In this way most customers would not even notice the defect but in rare case if the defect occurs while the customer is overtaking, without

> warning he may be unable to accelerate and may die as a result.
>
> Even after that while examining the car, it may easily be said 'THAT THERE WAS NO WARNING ON THE DASHBOARD AND THRERFORE THERE WAS NO FAILURE'. Only the company engineers would be able to go into the stored faults and see the KM reading of Fault occurrence whereby the evidence is totally within their control!! Aftermarket scanners are not allowed to display THIS information.
>
> Understanding the risks Daimler AG has turned off the warning system and they use this as a trick to replace affected parts without admitting the failure. This is a case of increasing the customer's exposure to death just to avoid a recall campaign.
>
> . . . .
>
> After two car's belonging to our companies have been found and proved to have these failures along with a large number of our customer's cars, we have been refused even a response to our questions!!!
>
> Customers have even been asked to bring back their cars when 'alleged' defect appears which further deceives them to believe that the fault is not serious. The same defects are known worldwide and there is evidence of total disgust at this cover-up.
>
> . . . .
>
> Information of valve body change is never admitted but evidence including constant new part numbers raise the question of ongoing R&D at the cost of customers lives.
>
> Additionally the ENDLESS reprogramming of the Transmission Control Unit goes on to this day as can be seen from this list of repeat measures for newer experimental control unit software.
>
> We have ourselves been locked in gear, unable to down/up shift in a moving car while overtaking and so have our customers. As can be seen from our [redacted] every permutation of the sensor failures admitted in the documents has been caught live by us and after importing a scanner from Autologic UK we were able to see the internal/turbine/output speed sensors in total failure while the warning systems remained deactivated.

Ex. 1 hereto (underlining and capitalization in original).

10. Similarly, in another posting, an independent service garage in the business of repairing Mercedes-Benz vehicles, details the defect and pervasive nature of the problems plaguing the 722.9 7G-Tronic transmission. That posting, attached hereto as Exhibit 2 documents how Mercedes-Benz embargoed all replacement parts needed to repair the 722.9 transmission from being distributed to non-Mercedes-Benz dealerships

because the number of such parts needed by dealerships to repair defective transmissions being presented to them was so high:

> **A note of caution regarding the electronic plate and TCM:**
>
> These units are failing so often that many dealers restricted selling them even in their own shop. To order a part the dealer must submit a request with computer scans and control unit log reports of the suspected failed vehicles electronics. The factory then sends the parts they deem necessary for the repair (conductor plate assembly or complete valve body)
>
> It's rumoured that Siemens VDO the manufacturer of the electrical control units is in a battle with Mercedes over the validity of failing units. Why should an Internal problem with Mercedes and its suppliers affect our ability to acquire parts and repair our customer's vehicle? Mercedes is requiring the vehicles be brought into one of their dealers for any valve body or conductor plate repair even if the vehicle is not covered under warranty and the customer is paying for it.
>
> How DATSC can help:
>
> We can repair and even virginise TCM and electronic plates so that they can be reused when rebuilding a transmission. Drop us a line if you have a 722.9 fault.

Ex. 2 hereto.

11. Another independent Mercedes-Benz garage based in Oakland Park, Florida detailed the same experience in its online posting:

> 6/2011
>
> Mercedes now will not sell 722.9 valve bodies or conductor plate control units, even with the TRP paperwork completed. The newer Mercedes 7-speed transmissions (also called G-tronic) have the electronic control unit mounted inside the transmission. These control units are failing frequently with speed sensor codes. (The usual codes are related to speed sensor faults.) The speed sensors are not replaceable as they are part of the electrical conductor plate that bolts to the valve body inside the bottom of the transmission. The transmission does not need to be removed to replace the

> valve body or the conductor plate. A valve body comes complete with the conductor plate / control unit. Early valve bodies must be replaced as a complete unit, but later second or third generation units can be repaired by just replacing the conductor plate / control unit assembly. We have replaced many of these and have the capability of performing the SCN coding to complete the installation of this repair.
>
> These units are failing so often that the dealer has restricted selling them even in their own shop. To order a part the dealer must submit a request with computer scans and control unit log reports of the suspected failed vehicles electronics. The factory then sends the parts they deem necessary for the repair (conductor plate assembly or complete valvebody).
>
> It's rumored that Siemens VDO (the manufacturer of the electrical control units) is in a battle with Mercedes over the validity of failing units. Why should an internal problem with Mercedes and its suppliers affect our ability to acquire parts and repair our customers' vehicles? Mercedes is requiring the vehicles be brought into one of their dealers for any valve body or conductor plate repair even if the vehicle is not covered under warranty and the customer is paying for it. In our customers' view this would be perceived as an inability for us to repair their vehicles and give the dealers an unfair advantage at gaining the customers' business. One customer lost for life could be worth hundreds of thousands of dollars.

Ex. 3 hereto, at p.2

12. Comments posted by individual consumers and owners of other Mercedes-Benz repair garages detail the nature and extent of customers' experiences in dealing with this defective transmission. By way of illustration, one online post by user Lino Dukic states that:

> We are an independent shop specializing in the repair and maintenance of the mercedes- benz vehicle. We are really upset with this whole situation and it definitely monopolizes the industry which I understood was illegal. We have cars towed in needing valve bodies and we have accomodated our customers by paying for the tow into the dealers after towing it to our facility. We are losing money big time and this has got to stop but don't know what to do to stop it. Very frustrating to say the least!

Id., at p.4.

Another posting by a customer with the username [redacted] states:

> My 2007 Mercedes ML350 has been trapped at Knopf Mercedes for over a month. The valve body has to be replaced. The dealership has no idea when the part will be available. There are four other cars at the dealership with the same problem. I've contacted the Attorney General in PA and Mercedes Corporate. They haven't offered a loaner and I no longer see the luxury in driving a Mercedes.

Id.

Yet another posting by a customer with the username [redacted] details that:

> Mercedes claims the Valve Body is part of the security system and won't sell the part because it could aid auto theft. That argument is BS because they will sell a complete transmission to independent shops. So their theft excuse is nothing more than just that, excuses. My wife's 2006 CLK500 will suddenly go into neutral while driving on the Freeway. If that's not a safety problem I don't know what is. Dealers claim they never heard of the problems which is a flat out lie. They hope they can stall long enough that they don't have to replace all of these transmissions. If you think the new 2011 & 2012 models are any better, wait until they have 60000 miles on them. Mercedes has already issued over 20 service bulletins on the newest transmissions. I've owned a Mercedes-Benz for over 40 years, and this is the last. They are dishonest and unethical. They put their customers safety at great risk and then lie about it.

Yet another online poster, [redacted] detailed a similar experience:

> I just began having issues with my 2004 S500 with only 35k miles on it!. (Just bought it 4 mos ago). The error code said P0718 Turbine/Input Shaft Speed Sensor Circuit Intermittent. From reading several posts on MB forums, I gather my 722.9 transmission needs a valve body, and my independent repair shop (who I trust immensely) said only the stealership can perform that repair...for $2,000! I hate feeling obligated to go to the dealer and accept their monopolistic service. I love the car, but in the short period of time I've owned it, I've replaced the Airmatic pump and relay

> ($500) and now this....all within 4 mos and 2,900 miles. I should have bought the warranty.

Id., at p. 7.

A driver in Australia of a Mercedes-Benz vehicle equipped with the same transmission relayed that same concerns:

> I just bought a used 06 CLK 500 with only 25k km on the clock. Transmission was revving high on fwy so took it in to the dealer in Sydney and was told it needed a new valve body – quoted A$6300!!! They initially said it not their problem as car is out of wty. Eventually they agreed to do it for $4800. Given the very low mileage and that this really smells like a recall/safety issue this seems inadequate. I've had three Audis and never seen anything like this. Will make me think carefully about buying another MB.

Id., at p.9.

13. The 722.9 7G-Tronic transmission was first launched by Mercedes-Benz in the year 2000 in Mercedes' overseas (i.e., outside the United States) C-class vehicles. The 722.9 7G-Tronic transmission was first introduced in the United States in the 2005 production year, and powers a variety of Mercedes-Benz vehicle model lines from the C-class all the way to the more expensive S-class.

14. Given that 5-year timeline between when the 722.9 7G-Tronic transmission was first introduced and when it was made available in the United States, by the time Plaintiffs' and the class members' vehicles were first sold in the United States, Mercedes-Benz and Defendant already knew and had notice of the defects plaguing that transmission. Indeed, the manifestation of these defects to the transmission routinely occurs within five years or less of the vehicle's first sale.

15. Despite this knowledge, Defendant never disclosed this defect to Plaintiffs, the class members, or the public at large. This material omission of the defect was therefore visited upon the entire class.

16. As the manufacturer-distributor of the Class vehicles and their 722.9 7G-Tronic transmissions, Defendant had exclusive knowledge about the existence of this defect. The defect also poses a definite safety risk, as alleged herein. For at least both of these reasons, Defendant had a duty to disclose the existence of this defect to the transmission, but it did not do so.

CLASS ACTION ALLEGATIONS

17. Pursuant to Federal Rule of Civil Procedure 23, Plaintiffs bring this action as a class action on behalf of all owners and lessees within California of Mercedes vehicles equipped with the 722.9 7G-Tronic transmission, subject to the qualifications listed herein. Collectively, the foregoing vehicles are referred herein as the "Class vehicles." Plaintiffs are owners of a Class vehicle. Specifically excluded from the class are all judicial officers assigned to this case, as well as all federal and state employees, and the employees of Defendant or its corporate affiliates. Also excluded from the class definition are any individuals who allegedly have suffered personal injuries as a result of the alleged defects. Plaintiffs reserve the right to amend or supplement this class definition as discovery or other case development warrant.

18. Although the exact number of class members is presently unknown, Plaintiffs are informed and believe, based upon the number of Mercedes-Benz vehicles manufactured for sale in the U.S. that were originally equipped with the 722.9 7G-Tronic transmission, and thereon allege that the class will number in the thousands of consumers, thereby making joinder impracticable.

19. Class certification is also appropriate because there are questions of fact and/or law that are common to the class members. Among these common questions of fact and/or law are:

a. Whether Defendant is responsible for injecting allegedly defective vehicles in to the United States' stream of commerce;

b. Whether the subject vehicles are defective, and, if so, the nature of the defect;

c. Defendant's knowledge and Defendant's concealment of the defect;

d. Whether Defendant violated (i) California's UCL, (iii) the California CLRA;

e. Whether class members are entitled to the relief sought, and if so, the proper scope of such relief.

20. Plaintiffs' claims are typical of the claims of the absent class members in that Plaintiffs, like all the absent class members, claim that they are owners of a Mercedes vehicle that was factory-equipped with the 722.9 7G-Tronic transmission that is defective. Plaintiffs are members of the class they seek to represent, and the claims they advance on their own behalf are identical to the claims asserted on behalf of the class.

21. Plaintiffs are adequate class representatives in that, as members of the class and as current owners of an allegedly defective Mercedes vehicle equipped with the 722.9 7G-Tronic transmission, Plaintiffs' interests are entirely aligned with those of the class. There are no individual conflicts that prevent Plaintiffs from adequately representing the class. Plaintiffs have also retained competent counsel experienced in class action litigation.

22. Class certification is proper because common questions of fact and law predominate over questions that may affect only individual members of the class. The subject vehicles are manufactured on an assembly line setting, subject to a common design and manufacturing plan, such that evidence of a defect in the transmission would be one that would predominate over the entire class membership, as would evidence of Defendant's course of action, knowledge of the alleged defect, and any alleged concealment thereof.

23. A class action presents a superior form of adjudication over individual litigation. The costs of litigating this action against a large and sophisticated defendant

like Defendant in comparison to the recovery or relief sought would make individual litigation impracticable. In addition, forcing individual litigation would risk the result of inconsistent rulings with respect to Defendant's duties owed to the various vehicle owners and lessees.

24. A class action is manageable. The proposed class represents an identifiable community that can be readily identified, and the relief sought is one that can be overseen by the Court.

COUNT I

(VIOLATION OF CALIFORNIA'S CONSUMER LEGAL REMEDIES ACT FOR DECLARATORY, EQUITABLE, AND INJUNCTIVE RELIEF ONLY)

25. Plaintiffs hereby incorporate by reference each of the preceding allegations as though fully set forth herein.

26. Defendant has violated the following provisions of Cal. Civ. Code §1750 et. seq.:

(a) Cal. Civ. Code §1770(a)(5): by representing that its goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have;

(b) Cal. Civ. Code §1770(a)(7): by representing that its goods or services are of a particular standard, quality, or grade, if they are of another;

(c) Cal. Civ. Code §1770(a)(9): by advertising goods and services with the intent not to sell them as advertised;

(d) Cal. Civ. Code §1770(a)(14): by representing that its subscription service confers or involves rights, remedies, or obligations which it does not have or involve;

(e) Cal. Civ. Code §1770(a)(16): by representing that the subject of a transaction has been supplied in accordance with a previous representation when it has not.

27. Defendant undertook the above and acts or practices in transactions intended to result, or which did result, in the sale of its vehicles to customers for

personal, family, or household use.

28. Defendant has therefore violated the Consumers Legal Remedies Act, and Plaintiffs pray for declaratory, equitable and injunctive relief authorized by that Act.

29. Pursuant to Cal. Civ. Code §1782, Plaintiffs will serve Defendant with a written demand seeking that Defendant provide full redress for the CLRA violations complained of. If within the demand period provided for by the statute Defendant fails to provide such full redress, then Plaintiffs will amend this Class Action Complaint to seek, *inter alia*, money damages as redress for Defendant's CLRA violations.

COUNT II

(VIOLATION OF CALIFORNIA'S UNFAIR COMPETITION LAW, CAL. BUS. AND PROFESSIONS CODE, § 17200 ET. SEQ.).

30. Plaintiffs hereby incorporate by reference each and every allegation of this Class Action Complaint with the same force and effect as if it these allegations had been fully restated herein.

31. California's Unfair Competition Law ("UCL") prohibits and makes actionable any unlawful, unfair, or deceptive business practice. Mercedes' actions, as alleged herein, in connection with the sale and marketing of the subject vehicles with a latent defect to their transmission amounts to, at least, an unlawful and deceptive business practice and, hence, a violation of the UCL.

32. For at least the reasons alleged in Count I of this Class Action Complaint, Mercedes' actions are an unlawful business practice in that Mercedes' violation of the California Consumer Legal Remedies Act is independently unlawful and violates that separate statute.

33. MBUSA's marketing and sale of the subject vehicles without disclosing the existence of the latent defect plaguing the cars' 722.9 &G-Tronic transmission when Defendant knew of the defect also amounts to a deceptive business practice within the meaning of the UCL. The conduct was deceptive because it was intended to and did

mislead and deceive Plaintiffs and the class members. Had Mercedes disclosed to Plaintiffs that the subject vehicles contained a latent defect that would result in their vehicle's transmission failing well before its useful or reasonably expected lifetime (i.e., in Plaintiffs' case , when the car and transmission had logged only 57,000 miles) Plaintiffs would not have purchased this vehicle. Mercedes knew that if it were to make such a disclosure as to the existence of this latent defect, consumers at large would feel and react similarly and forego their purchases of these vehicles or pay less for the cars than they paid without having such a disclosure. As a result, Mercedes intentionally elected to conceal its knowledge of this existing latent defect.

34. As a direct, proximate, and foreseeable result of Mercedes' unlawful and/or deceptive business practice, Plaintiffs and the putative class members have sustained an ascertainable loss, in that: they are left with, or have paid, an expense of thousands of dollars to have their vehicles repaired to remedy the defective transmission; their vehicles have sustained a loss or diminution of value as a result of this undisclosed defect; and, have or will incur incidental expenses attributable to the loss of use of the vehicle during the time that the vehicles are being repaired.

35. Moreover, because of Mercedes' unlawful and/or deceptive business practices, class members conveyed moneys and benefits to Mercedes in the form of either the purchase price or lease payments for their vehicles and/orthe repair and parts costs for their vehicles to repair the damage caused by the defect at issue.

36. Plaintiffs and the class members are entitled to and do seek an order of restitution forcing Mercedes to restore to them the benefits and monies they conveyed to Mercedes in connection with their purchase of the subject vehicles or any repair or replacement of the defective transmission of these vehicles.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and the class members pray for judgment against Defendant as follows:

a) That the Court determine that this action may be litigated as a class action, and that Plaintiffs and their counsel be appointed class representative and class counsel, respectively;

b) That the Court enter judgment against Defendant and in favor of Plaintiffs and the class on all counts;

c) That the Court enter a declaratory judgment, declaring as a matter of law that Defendants' practices alleged in this Class Action Complaint amount to violations of the California Consumer Legal Remedies Act and the California Unfair Competition Law;

d) That Defendant be enjoined from continuing to either market such vehicles without making disclosure as to the defective nature of the vehicles' transmissions;

e) That restitution or disgorgement be awarded to each Plaintiff and class member according to proof;

f) That Plaintiffs and the class members be awarded all such other relief as this Court deems just and proper.

Plaintiffs request a jury trial on all counts so triable.

Dated this 2nd day of February, 2016.

Respectfully submitted,

/s/ Roy A. Katriel

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