



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

February 12, 2019

[REDACTED]

Orange Park, FL [REDACTED]

Dear [REDACTED]

NEF-109 nam  
Ref. No. 11051743

Thank you for your correspondence concerning your mother's model year (MY) 2006 Mercedes-Benz CLK350. The National Highway Traffic Safety Administration's (NHTSA) Office of Defects Investigation received your correspondence. Our office received an unprecedented increase in the number of correspondence this year. Our limited resources were overwhelmed and we are now just getting to your letter. We regret any inconvenience this delay may have caused you.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or motor vehicle equipment when our investigations indicate that they contain safety defects in their design, construction, or performance. We also monitor the completion rates and adequacy of manufacturers' recall campaigns.

We appreciate the report you provided. Reports from motorists are a very important source of information for us. The engine balance shaft problem in your mother's MY 2006 Mercedes-Benz CLK350 vehicle has not been recalled. The document you reference is a Mercedes-Benz technical service bulletin (TSB No. LI03.30-P-050027) issued on May 31, 2011. The TSB provides dealers instructions on how to address the check engine light and balance shaft problem in 272 and 273 engines produced in late 2006. Please note that the issuance of a TSB does not necessarily reflect the existence of a safety-related defect in accordance with our statute, the National Traffic and Motor Vehicle Safety Act. Therefore, NHTSA cannot require Mercedes-Benz to perform the corrective action described in the TSB on your mother's vehicle at no cost.

We reviewed our database and the TSB in an effort to identify whether a safety defect trend exists with regard to engine balance shaft problem in MY 2005 through MY 2008 Mercedes-Benz CLK350 vehicles. At this time, there is insufficient evidence to indicate a defect trend that warrants opening a safety defect investigation or a recall. In addition, NHTSA does not participate in private tort litigation nor do we have any authority to enforce the terms of settlements from lawsuits. The information you provided has been entered into our database. It will be considered with future reports to identify any safety defect trends that may require our attention. For your information, an explanation of NHTSA investigation and recall process is on

our website at

[https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mvdefectsandrecalls\\_808795.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/mvdefectsandrecalls_808795.pdf).

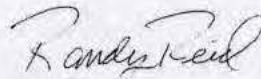
We recommend that you continue to work with Mercedes-Benz and your dealer for an amicable resolution to this matter.

You may consider contacting your local Consumer Protection Agency, the Florida Office of the Attorney General, or a private attorney regarding your problem and rights under the state laws. You may also ask your dealership for a meeting with a Mercedes-Benz district manager regarding your problem. In addition, the Federal Trade Commission (FTC) has jurisdiction over non-safety defects, paint, fraud or deception, warranty and dealership problems, remuneration matters, and fair trade practices. There are three ways to contact the FTC: by toll free telephone at 877-382-4357; by mail at Federal Trade Commission, CRC-240, Washington, DC 20580; and by using the Internet complaint form at [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov).

You may also consider contacting the Better Business Bureau (BBB) Auto Line. The BBB offers free mediation/arbitration to resolve warranty disputes under guidelines established by the FTC. Remedies include repair, reimbursement, repurchase or replacement, depending on program eligibility. You can visit their website at [www.bbb.org](http://www.bbb.org) to file a complaint and review eligibility information, or call the BBB Auto Line at 800-955-5100.

Should you encounter a safety-related problem with a motor vehicle or motor vehicle equipment in the future, we would appreciate it if you would complete an electronic Vehicle Owner's Questionnaire online at [www.nhtsa.gov](http://www.nhtsa.gov) or call the Auto Safety Hotline at 888-327-4236. Also, a summary listing of vehicle owners' complaints, safety recalls, manufacturers' service bulletins, etc. can be obtained at our website.

Sincerely,

A handwritten signature in cursive script that reads "Randy Reid".

Randy Reid, Chief  
Correspondence Research Division  
Office of Defects Investigation  
Enforcement