

5 August 2019

CL- 11206504-2260

[REDACTED]
Simi Valley, Ca [REDACTED]
[REDACTED]
e-mail: [REDACTED]

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US Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation, NEF-100
1200 New Jersey Avenue SE
Washington, D. C. 20077-8382

Dear Ladies and Gentlemen Investigators,

This is a note to let you know that I intended to send to identical packets. I found that the logistics of doing so would have delayed this package to you by several more days. This effort fatigued me quite a bit.

I really hope that I have answered all of your questions with the documents I'm presenting. The purposes included with the material herein are as follows:

- 1) To show to dangerous designs by Mercedes-Benz.
- 2) To show what happens or happened when the two designs, through a perfect storm of events come to gether to cause an accident.
- 3) To show that accidents can happen as a result of consequences of a poor design, rather than solely a direct cause.
- 4) To show that, "influence," can also be part of the consequences of a sequence of events that lead to an accident because of the bad design.
- 5) To not only **not undo** prior work of the NHTSA (that I was able to find and have access to), but also to build upon and utilize prior work by the NHTSA. (Santa Monica Farmers Market Collission Case of 2003 and report of 2004 [reprint included of germane pages]).
- 6) During the presentation herein, to leave the investigator with a natural feeling based upon dates, facts and events, that agencies meant to diagnosing unsafe designs in cars, can repudiate their fidiciary responsibility to promote safety and actually promote danger to the public safety, instead.

EA
9-24-19
UD

7) The public safety can depend upon warnings or recalls of tens of thousands of used cars once a known event has been caused by a dangerous [flawed] design. Rather than simply forcing a manufacturer to admit fault or to do something to increase public safety, engage the manufacture in a conversation that is honest, rather than simply have the manufacturer, "circle the wagons," so to speak to deny everything including any responsibility.

Please take the time to look this over. It is not perfect. I had no one's help in doing this and I am not a professional nor have been trained to do anything other than what I did: A step by step look at the systems involved; and a step by step recounting of what happened. In terms of results or outcome, whether it be of a gross or net variety, no agency was interested in doing just that: a step by step look into what happened and why. Only one packet included. Please disregard mentions of a second document or packet when they are seen in writing (or when they occur.)

Sincerely,

A solid black rectangular box used to redact the signature of the sender.

please Read all attachments a food

Narrative Description of Incident(s), Failure(s), Crash(es), and Injury(ies)

2-28-2015- 405 FWY (I) - S.B. (Past Olympic Blvd., Los Angeles, Ca.)

(Please See included materials.) Essentially, as I glanced at Lane # of FWY my right foot moved from its normal position on the floorboard to a position under the gas pedal (without knowing it migration of foot) had occurred. I placed my hand on the steering wheel at about 9.5 o'clock position. Eyes on road. I then intended to put on right-hand directional signal. Some steering corrections had just been made. Without looking at the lever, the arc of my hand motion inadvertently activated the CRUISE - Control at the "accel" position which is also the "Resume" position of the cruise control lever. Immediately, the car accelerated at its highest possible rate of my foot was pinned to the floorboard & I lost control of the car resulting in 4-car injury collision. CHP did not ask me what had happened at scene or

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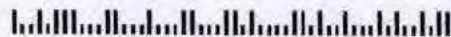
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1200 New Jersey Avenue SE.

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**Think your vehicle
has a safety defect?**

If so:

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form to file a report.**

or visit:

www.safercar.gov

or call:

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888-327-4236**

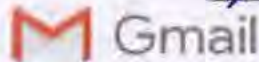


Vehicle Owner's Questionnaire (VOQ)
U.S. Department of Transportation
National Highway Traffic Safety Administration

safercar.gov

NHTSA Reference No. 17E06504.

1) "Pure Safety Issue Described to AAA."



"Diatribes" response and Justice

2 messages

Mon, May 20, 2019 at 10:27 AM

To: "Tabach, Rich" <Tabach.Rich@aaa-calif.com>, "Nguyen, Tiffany" <Nguyen.Tiffany2@aaa-calif.com>

Dear Rich,

The Internet has a response for me to you saying you don't have time to read all the minutia that I send, etc. It is the July 2003 case of the [REDACTED] year old driver who drove his Buick into a crowd of people at Santa Monica's Wednesday Farmer's Market. The L.A. County D.A.'s office jumped to conclusions and filed a 10-count indictment against him charging Vehicular Manslaughter. If I understand correctly, he was found ~~not~~ guilty despite having driven the car that killed the ten people and injured 63 others. How? Because there were people willing to listen to all the minute details of what happened in the order that they happened and why.

Additionally and separately from the trial, the insurance companies and all the lives that were affected, there was a report by an arm of our government that was ordered and completed that contained 51 pages of material. This entailed a meeting of branches of the NTSB. The National Transportation and Safety Board. At the time a team was dispatched from Wa.-D.C.; Atlanta & Denver offices to the scene. Groups were established to investigate human performance and highway, vehicle, and survival factors. No public hearings were held and no depositions were taken. It doesn't say where their data came from, but 8 aspects of the case (and driving and driving devices internally and externally) at the end of the report were discussed.

"Diatribes." This report by the NTSB was an ad-nauseum diatribe, as you call it. Every little response of a person in that driver's general situation, as any other driver might be, was discussed...in detail.

[REDACTED] stated she wanted to know (for a certainty) how my foot got under the gas pedal. A section of the 51 page report covers driver positioning, driving habits with the use of controls in the car and discusses what humans normally do. This was divided into general ergonomics on the one hand and then what happens to people under stress and their responses to that stress and the situation in the car. Moreover, the studies done and reported on a national scale, describes a situation, and situations that lead to limbs and hands making those errors. They don't just say, "Well you did it and that's the bottom line." In fact they look into general human stimulus and response and they analyze why.

This is more than a "Human Error," conclusion. It discusses the environment inside and outside of the vehicle. It also discusses 3rd party reliability and responsibility.

On the surface, there was a Buick driver killing ten and injuring 63 by putting his foot on the gas pedal and then creating mayhem until the vehicle came to rest. Then there was the real cause and effect. This included, as it turned out, municipal responsibility to have done something that would have changed the end-result of the carnage. It had to do with design safety and execution of a plan to save lives: installation of proper barriers, signs, signals and etc. that would have reduced the carnage even with the man doing the same things as he did.

It is safety I'm discussing here, rather than "risk management" as it pertains to law suits and responsibility.

My "diatribes" are not all that dissimilar to what the NTSB did: that is, looking into each aspect of the accident and try to take a look at what could have saved injuries and property damage.

If you haven't read up on that July case, you might consider it. By the way, besides the cases which quoted the UCLA professor Schmidt statistics on UA's, I am now sure that the CHP and other agencies are also well-aware of this case via their training. Just a logical conclusion on my part.

What do you think?

Sincerely,

5/20/2019

Tabach.Rich <Tabach.Rich@aaa-calif.com>

Mon, May 20, 2019 at 10:33 AM

To:

Thank you for your response. I will discuss with management.

Rich Tabach

Claims Service Representative

Office 661-291-3823 fax 714-754-2094

Manager: Joseph Minkin phone: 661-291-3810

"We're always with you"

InterInsurance Exchange of the Automobile Club

From:

Sent: Monday, May 20, 2019 10:27 AM

To: Tabach.Rich;

Subject: "Diatrobe" response and Justice

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NHTSA Ref. No. 11206504.

1) Victims have right to know what happened.



Gmail

2) M-B knew for years re: Safety Design Defect. ← ←

Property_Damage_Limit [REDACTED]

2 messages

Brar.Raman <Brar.Raman@aaa-calif.com>

Mon, Jun 17, 2019 at 2:20 PM

To: [REDACTED]

Hi [REDACTED]

Here is the letter that I mailed to you. Please sign and email it back to me. Thanks.

Sincerely,

Raman Brar

Claims Service Representative II

Office: 661-852-4031 Fax: 657-720-6073

Brar.Raman@aaa-calif.com

Manager: Gina Thompson Phone Number: 661-852-4034

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Property_Damage_Limit [REDACTED]

41K

Thu, Jun 20, 2019 at 1:08 AM

To: "Brar.Raman" <Brar.Raman@aaa-calif.com> [REDACTED]

[REDACTED] "Tabach.Rich" <Tabach.Rich@aaa-calif.com>, "Nguyen.Tiffany" <Nguyen.Tiffany2@aaa-calif.com>

Hope you got the signed fax. Yes of course you can disclose the limits of my policy to those involved in the 2/23/2019 accident. You know, I always felt that car #3,deserved to know, that my car would have directly rear-ended his car, if it weren't for my evasive action, even as my car had been out of my full control, for several seconds prior to impact. As submitted from the first moments after the crash, I took evasive action because I thought the injuries would be very bad for the occupants, if my car just hit the rear end of the car in front of my car, full out. That's why for a few moments, I used what little control I still had over the car (steering only) avoided colliding with car number 3, but ran out of room because of the traffic in the diamond lane to the left. My only other available course was an attempt to steer my out of control car between the cars; but of course we know now as a fact that there wasn't enough room to drive between the cars and my car impacted car #2, a fraction of a second prior to impacting car # 3. I don't know if it would make a shred of difference to them, but this is again part of the truth of this accident that the others involved, simply don't know. They all don't know that I didn't intentionally do anything to cause what happened and that it only happened because of a bad design and design flaw by Mercedes-Benz, the knowledge of which, Mercedes-Benz has known for years. They knew about lever confusion. They controlled the discourse and instruction relative to the cruise-control, to their own advantage. While a few experts managed to get material onto the Internet how dangerous the cruise control system of Mercedes-Benz is, when compared with the number of people who had near accidents due to the unsafe design is likely in the tens of thousands, most of them likely were able to finally get the car to a stop or make a correction, because unlike me, they did not get their foot caught under the accelerator pedal, as I did. It did not do any good that the CHP officer wrote a report making it look like I accidentally hit the accelerator pedal instead of the brake and then pushed even harder on an "imaginary brake", thus causing the accident through this driver error. That didn't happen, but a very bad method of investigation by an officer who's primary mission appeared to me to get the freeway cleared, rather than helping me at the very least by properly documenting my injuries, never bothered to ask my injuries, at least not that I can recall. If she did, she did not allow me to detail those injuries to her as I had six injuries and only two showed up on the report. My worst injuries did not show up on the report.

Yes, the actual victims do not know what happened. AAA does, because I was allowed to detail them in my reports to AAA. The medical doctors do not know the extent of my injuries as the E.R. doctor refused to listen to my injuries, running off and leaving me as I was talking and attempting to tell her of my six injuries. The professionals in this matter and accident have not been "professional at all."

This is why I am very happy that the NHTSA is investigating the matter.

The NHTSA will interview the other drivers involved to get their take. And they may finally tell the folks her were injured the cause of why they were in an accident that day. I don't know if they will be angry or not. I don't know if they will wonder why they were never told.

Lastly, Ms. Nguyen shared with me at one point that she wanted to know how my foot got under the accelerator pedal in the first place so that it got pinned there after the poor design by Mercedes-Benz led to the effectuating of the activation of the cruise-control system, when all the while I was only attempting to put on my right-hand directional signal. Fortunately a series of studies were done by an arm of the D.O.T (Department of Transportation) and an adjunct to the NHTSA (National Highway Transportation Safety Administration). The study by the various agencies was done to find out why limbs do certain things during the course and scope of a person driving a car. That is because of the case known as the, "Farmers Market Massacre." In 2003, an [REDACTED] year old driver drove his Buick the wrong way into a blocked off street and into a car, then people and cars in a Certified Farmers Market that had been regularly operating, legally, for many years. Ten people were killed and 63 were injured or maimed, additionally. The man was ultimately convicted of willful manslaughter in all ten counts filed against him. The judge ruled that he was too sick for prison at age [REDACTED] or something like that and gave him house arrest in lieu of prison. By that time he was mostly bed-ridden and required an in-home nurse. But why? Why had it happened. A number of experts were chosen to investigate this question and various experts in the field did testing and behavioral psychiatrists were also consulted. The question of how movements and decisions are made while a person is driving behind the wheel of a car were investigated.

Importantly arm and leg and foot migrations were discussed. Driving learning and habits were taken up as possible causes for certain decisions and subsequent actions, as well. They were studied when the driver was

under stress. They were studied when the driver was not under stress. Changes of position, both normal and diverse or exceptional were also studied. Other habits and muscle memory were also studied, as they related to driving a car by a human being. The result is that both the migration of my foot was explained by those studies as how it relates to having move to a point where it got pinned under the accelerator pedal.

In addition there were multiple factors involved in how I inadvertently actuated the Cruise Control lever while intending to put on a right-hand lane directional signal and some are explained by behavioral learning and exceptions to that learning and some were explained relative to the positioning of the levers. A bad design by Mercedes-Benz, which the manufacturer knew was bad but did nothing substantial or substantive to alleviate the bad design is likely the cause of the accident.

One of the causes had or has to do with the experience of the driver in a myriad of cars, each with different designs. A discussion regarding placement of brake pedals and accelerator pedals and their actual size and their distance from one another was discussed. The variations in driving different cars over the years created a learning process that become embedded in a human being driving a car. The different locations require different inputs and each has a learning curve until certain actions required in a car become second nature. Full thought is no longer required to perform the required movements from brake to accelerator and back to the brake again as required. This same learning phenomenon is just as likely with arms, shoulders and hands. All the different uses of signals and cruise controls over the years cause differential sets of learning to be stored in the brain and selection of and motion to achieve the intended action is dependent upon the correct learning set. If a person has driven a number of different vehicles with different designs for cruise-control, for example, the actions for each different design become automatic and embedded in the memory of the brain. Proper selection requires the person to make the choice and to select the proper memory set controlling the motions, relative to the particular cruise-control system now in front of the driver during driving sequences. (Driving is nothing but a series of those sequences.) There are a lot of things going on when driving a car and that is why experience helps drivers to become better. Certain functions become automatic and thus the driver doesn't have to think each small exercise and decision as they become automatic and the driver can then focus on the few but important decisions based upon environmental changes as they occur during the driving experience.

Most recently the 737 jet aircraft by Boing has been in the news. The 737 is currently grounded while the plane is being studied to find out if it has an inherently bad (fundamentally) design. Opinion varies. The Airline Pilot's Association or rather most of its members say that the 737 airplane is safe to fly. The two accidents resulted not from the airplane being unsafe, they say. There was an addition of a software program to the 737 at some point that changed the way the airplane flew under different situations than the way it previously flew under the same or similar conditions. That meant pilots were surprised when confronted with the nose down problem. They did not know what to do. They hadn't had notice or a major change in the airplane and they had no practical training in how to deal with it. The stress factor was raised to high for the pilots to go through the protocol successfully to make a correction. (Surprise factor is real). Essentially a design and notification error are responsible while the airline and others blame pilot error.

All of the above is analogous to the Cruise Control system of the Mercedes-Benz, 2011 through 2016, covering unknown thousands of vehicles: There has been no warning of the problem; there has been no instructional on what to do if a problem arises with the system. No warning or training to cancel out the "surprise factors." No training as how to avoid the lever confusion problem.

This is just some of what the NHTSA is in the process of investigating. This needs to be investigated and action taken before what happened to me results in deaths. The only thing that likely saved me from being dead with the Mercedes-

Benz cruise-control system was good luck for me and bad for three other motor cars and their occupants: heavy traffic prevented the car from accelerating to a much-faster speed prior to the accident taking place. Had the freeway been open and not stop and go, it is likely that the car would have accelerated to a very high rate of speed and killed me and my wife and whoever happened to be in the way when contact finally was made: a high speed collision.

And that Brar, is why people should care. To save lives. The alternative is to have a Boeing-like circumstance happen on the roads of America. The FAA doesn't certify Mercedes-Benz cruise control. Like Boeing does, prior to the deaths and crashes, Boeing certified its own planes and now Mercedes-Benz certifies its own cruise-controls. In both cases, the result has been injury accidents. In Mercedes-Benz' case, the result wasn't as

catastrophic. Just ask me, though and I will tell you that only a blessing from God (dense traffic) save the lives of my wife and me.

Respectfully,

[REDACTED]

Copy to National Highway Traffic Safety Administration
[Quoted text hidden]

NH 1 SA Ref. No.: 112 063 04
1) M-B Warnings re: Cruise-Control (Safety).
2) Risk Management
3) Present and future opportunities to prevent accidents.

Daimler-Mercedes-Benz Report

6 messages

To: "Tabach.Rich" <Tabach.Rich@aaa-calif.com> Sun, May 12, 2019 at 12:51 AM

Hi Rich,

here. Just reading M-B commitment to safety. This report speaks to that issue in the earlier paragraph I sent to you. Just a few lines below that there is the safety technology available in the current GLE CUV or what ever it is classed as.

"For example, the Stop-and-Go Assist system in the new GLE can detect traffic jams early on, actively support the driver in stop-and-go traffic up to a speed of approximately 60 km/h, and also help create an emergency lane for rescue crews in the event of an accident."

Rich. Please note that the above is describing a form of "cruise-control." This is a growth of the Distronic Plus Cruise-Control, formerly only available in their S-Class models. A form of ACC (type of automated/automatic /autonomous cruise-control). This shows of course that Mercedes-Benz has not minded providing a safer form of cruise-control, in the past, but only to those who can afford it.

The Auto Industry and regulators of it in this country have long since referred to cruise-control as the first form and most elementary form of autonomous driving. For a period of time, the categories of autonomous driving has been categorized, with cruise-control being in different numbered categories, depending upon what it can or cannot do. Looking into the previous referred manuals and others offered to the public in u-tube videos and in written owners manuals, the Distronic systems actually carry a warning for safety. The warning advises the driver not to depend upon the Distronic systems to automatically brake in all situations and also that when it does brake, it is not always sufficient to stop the vehicle on time (to prevent a collision).

Wouldn't a similar warning to users of the standard cruise-control make sense then, as well? Cruise-control lever confusion exists in the United States. Here are the things you can do to prevent this from happening to you; various examples, i.e.

By not warning the poorer class, those who cannot afford Distronic systems, Mercedes-Benz creates a class and discriminates against it. Violates constitutional guarantees (expected safety) of life, liberty and pursuit of happiness.

In this overview, "risk management" is discussed and that is discussed in other Mercedes-Benz/Daimler articles on line as well. There are some segments which emphasize risk management comparisons and the financial aspect of it is referenced.

I am just continuing to show and demonstrate that had Mercedes done as has been suggested in other communications, there would have been no accident (or if there was, Mercedes-Benz would have done something to prevent it.)

This really means that Mercedes-Benz had the last and best opportunity to prevent the accident of 2-23-2019.

NHTSA Reference No. 11206504

Tabach.Rich <Tabach.Rich@aaa-calif.com>

Mon, May 13, 2019 at 9:00 AM

To:

I am sorry to say I do not have time to read these long diatribes. Nothing that you've said to date answers the question why your foot didn't press the brake pedal to stop the car. You have 50k in coverage per person. If I deny liability, that's going to open you up for a law suit. Even if the claim is less than 50k per person, they're going to go after a lot more than that, and you'll be responsible for paying it unless you somehow prove that Mercedes is DIRECTLY the cause of this accident.

Rich

Rich Tabach

Claims Service Representative

Office 661-291-3823 fax 714-754-2094

Manager: Joseph Minkin phone: 661-291-3810

"We're always with you"

InterInsurance Exchange of the Automobile Club

From

Sent: Sunday, May 12, 2019 12:52 AM

To: Tabach.Rich

Subject: Daimler-Mercedes-Benz Report

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To: "Tabach.Rich" <Tabach.Rich@aaa-calif.com>

Mon, May 13, 2019 at 10:19 AM

Failure to acknowledge contributory, bad
bad - design - negligence, ignores the
Definition of terms, fault: "Influence."

I provided a scientific step-by-step, documented, explanation utilizing (next line)
human performance-based models that explained exactly that.

NHTSA Ref. No.: 11206504

Each diatribe explains an aspect of responsibility. Really, a moral and ethical responsibility for what happened. 2ndly, I've established that "my foot did not go on the brake because it was pinned and at the same time was in an excruciating amount of pain which really changed the scenario because the solution was to brake with the left foot. I really had only a few seconds to think of that solution before it was all too late. That time was filled with one involuntary reaction to the pain, 2 attempts to free my foot from under the gas pedal; and with two attempts to reach the ignition key to turn it off and I was already pinned to the seat by g-force."

As I have said in the last "diatribe" as you put it, Mercedes had only to warn the owners of these cars about this lever confusion that is now well-established or take other action. That would have prevented the accident.

You want me to just accept 51% or more responsibility, solely because it is economically the most expedient and safe thing to do and it will reduce the costs for all concerned.

(At The expense of the "Public Safety.")

I am going to accept your argument. However, to me, the sad thing, is that Mercedes-Benz continues not to notify thousands of people who still drive their cars that have the 2012 through 2016 or possibly even through 2017, as I don't know what year that Mercedes finally moved their regular cruise control to the steering wheel, finally mitigating what happened to me.

All in all, I see a system that is interested in the practical and not the truth. Also, however, if a recall were done with regard to the lever confusion, it could prevent another accident, down the road. Without steps being taken, this danger is still out there. Mercedes-Benz clearly knows it is unsafe for a percentage of drivers under certain conditions, but it is their belief that as long as driver error is involved, they are off the hook for a bad design. And no one cares.

Maybe the NHTSA will do something, but I doubt it. They know of this, I'm sure and they've done nothing about it, all of these years.

[Quoted text hidden]

Tabach.Rich <Tabach.Rich@aaa-calif.com> (a supervisor)
To: [REDACTED]

Mon, May 13, 2019 at 10:23 AM

I appreciate your desire to correct something that is clearly an issue and could result in more accidents. And I hope you continue to pursue Mercedes to correct this flaw.

[Quoted text hidden]

[Quoted text hidden]

To: "Tabach.Rich" <Tabach.Rich@aaa-calif.com>, [REDACTED]

Sat, Jul 13, 2019 at 11:08 PM

Hi Rich,

A funny thing happens when one goes back to re-read e-mail. My e-mail and then yours look like they are diametrically opposed, in that you either deny the liability and claim therefore, or you asses it. You then state the standard is that M-B must be proven to be DIRECTLY responsible. Yet AAA's letter says that I was 51% or more responsible without picking a number. That seems a bit inconsistent. More than that, after reading the NHTSA Farmers Market Crash Report, there were different aspects of driving in an accident that discuss how the systems of the car and their design, work together with scientifically studied human response, that account for the fact that the average person under the same circumstances could not avoid an accident. The other aspect that was discussed in that Report and other studies such as "Schmidt" include some false assumptions in the unintended accelerations studies of the 1980's, that state the driver is always at fault because of driver error. In all of those studies, the designs of the cruise control and the brake systems as well as the accelerator-throttle systems were looked at and ruled out as causes, leaving driver error as 100% responsible. In none of those cases, however, were there a discovery of a design flaw or two design flaws.

NHTSA-Ref. No. 11206504

I have brought to AAA's attention about two fundamental design flaws in the throttle system and the cruise control system. (a third flaw is always relying on the Traffic Collision Report conclusions 100% of the time to also determine fault. In this case, there are a number of indications that the investigating Officer (who also acted as detective in the case) made up her mind before getting the facts and she also suffered from a syndrome of ignoring evidence that did not support her preconceived notion of what happened. The officer, little by little in each critical phase on the scene of the accident violated professional standards of investigation. (She followed a rather time-honored policing tendency to gather and put together only those facts that support her preconceived notions of what happened. (I will cut out a review of all her mistakes. What bothers me as an American citizen is that no one cares. No one can look at the step by step procedure and see anything wrong with what that officer did.

Overall, the main thing the officer did was to record facts and put them into her report if they supported her idea that I must have been a reckless driver. She also failed to record or failed to place facts into the report that did not fit with her ideas of what happened. I've gone over that too. The point is that no one cared or cares that the officer's step by step process was one that did not give me a fair shake.

There are or were two design flaws in the throttle system and Cruise Control system that if any of them had been rectified in the design of the M-B CC or throttle system, the accident just would not have happened.

The problem is that most people cannot analyze a set of factors and a chain of events wherein something within that environment, influenced the driver's actions in a way that the average driver could not anticipate. That, "way," also influences the outcome. The whole point of a number of the NHTSA studies, was to uncover in systems these, "INFLUENCES," which determined (again in the case of the average driver) the outcome of a series of driver driving actions that cause the accident.

Terms like, "Driver Response Errors," or, "Driver Selection Errors," Driver Execution Errors were all studied to see what, if anything, influenced those physical and psychological aspects of human behavior in an accident, that changed the outcome. Some of these might be obvious. But all too often, (to most people) these "influencing factors," are not obvious. In fact some people can't see the influence, even when it is laid out in front of them, moment by moment.

In my particular case, it may be the only time it has ever happened.

The, "Triple-Stack," lever design looks really nice from an aesthetic point of view and it doesn't look ominous. But ominous it is; nefarious as well. And mostly, the design is insidious.

The other problem is that sometimes a diatribe is not a diatribe. It is a step by step explanation of what happened. When combining human behavior and machines, although the average onlooker doesn't understand the science that went into developing designs that allow human and machines to interact easily and with reduced risk to achieve their goals while interacting. The systems of cars is an excellent example.

Review { The skepticism that people have when system flaws are brought to their attention is often the result of human responses in a social milieu that have become standard in our society. "Getting the job done," is one example. "Just lie a little," it will make him or her feel better," is another. "It is OK to cheat a little bit, just as long as you don't get greedy and don't get caught." "Don't make a big deal out of it." "You don't have to turn it into a federal case." "Don't be so meticulous." "Don't get involved." "Mind your own business." "Don't rock the boat." "Keep your mouth shut." "Don't be a rat." "You don't understand how it works here."

These are all things that are not studied in school, but they are learned in school; and in the family; and among friends. And, as well, in the sub-culture and the unwritten parts of the way people learn to behave. This tendency is followed by at least 95% of people. These sort of hints of conduct and watchwords are not designed to make society or people better. They are designed to help people get along in the work environment or the social environment.

and autonomy
There are tremendous negatives that can happen when people lose their independence because of the practicality of getting along. The 9-11 World Trade Center disaster was found by the Commission that studied it, that these very unwritten rules, meant to help people get along on the job, in school, in the family or even in

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church are the ones that obstructed good techniques of security that stopped agencies like the FBI to have prevented the 9-11 attacks.

Duty to Warn
Boeing Aircraft. Yes the 737 Max aircraft can be flown safely. But we have now learned that there are a bunch of design flaws built into the MCAS computer control system of software that regulates the aspects of trims and flaps, etc. that governs a safe flight. A number of initially non-observable design flaws worked their way into the jets. The pilots couldn't see them and the pilots were not told of the systems and were not instructed about their potential flaws which under some circumstances could cause the planes to crash.

A number of individuals (a minority of them) attempted to get through to Boeing, but the bottom line spoke louder. Result 246 deceased passengers and crew in two jet air crashes.

It really is the same idea, the same kind of design flaws that make the M-B a danger to the motoring public. But there are not 2446 dead to provide the impetus for the average employee and maybe even a manager to say, "Let's forget the bottom line for once and look into this with a systems approach and fix it, before more people died. Thus M-B continues to control the conversation and they continue to support profit-based decision making because there isn't an uproar by the public because of some huge tragedy.

I'm trying to get someone to look at human tragedy and loss and property loss as sufficient to do a recall with as little as just a warning to the owners of these M-B cars made in the 2011, 2012, 2013, 2014, 2015 and 2016 model years. This would equate to pilot computer course or a bit of simulator training in the 747 Max, that will eventually get these planes back into the air.

The M-B Cruise Control: has the triple stack arrangement which with the preconditions of the memory still in the module of last speed traveled; a change in the highway environment conditions, perhaps to stop and go from wide open; also that a person wishes to change lanes without taking their eyes off the road and they also wish to signal to move to the lane to the right. With these pre-conditions met, it is easy for the average driver to fall subject to, "lever confusion and inadvertently sweep his hand or fingers through an arc that might just activate the cruise control instead of the directional signal.

Despite the unlikelihood of all of the above happening, it actually happens enough so that the WardsAuto.com article of July 15, 2010 said that with this design, just about everyone who drives a Mercedes (with this triple stack lever system) has experienced unwanted, unexpected and uncontrolled acceleration. M-B was convinced enough where it made a change, but the change it made, may have only made the triple stack lever design even more dangerous than before because of the kinds of things outlined in the Farmer's Market Crash studies. An analogy to Boeing is instructive, I believe. Having put in larger jet engines with more torque in their single aisle passenger aircraft, a solution during take offs and landings was sought to correct too much lift courtesy the larger surface area of the new jet engines. Those engines during testing saved a huge amount of fuel and Boeing already had invested time and money in a redo of the 50 year old design and at the same time Airbus a European manufacturer was a threat to take away more than billion dollar in Boeing sales. Boeing then developed a software known as MCAS. The software instructed the aircraft on such things as speed change, too much nose dive and too much nose lift, all of which could cause the airplane to crash if the proper corrections at certain times were not made. However the needed data to tell the MCAS what it needed to know to interpret what was going on and to correctly provide inputs to the aircraft stabilizers. That information came from two sensors, one mounted on each wing of the aircraft. Never mind that testing showed that the life expectancy of the sensors was about 10% of what the engineers needed to have to be considered safe. Secondly, according to a complex formula the expectancy of total failure was too high to have single sensors installed without back up sensors. A single sensor confused the software and no fail-safe was part of the program which would compensate the information of the other sensor if its mate on the other wing, failed. Designed and engineered as it is, a single sensor's input confused the MCAS and made it do totally unexpected things and often, put the plane in extreme nose dive and also allowed the plane speed to increase towards and even past its red-line. Normal manual check lists or cue sheets would not readily help pilots to know what to do in case of a sensor or other MCAS failure. At the end of the day the FAA and Boeing which had an ongoing understanding of violating their roles due to budgetary constrained on both sides, decided the final flaw in the system: The pilots flying the planes were not informed that the new systems were placed on board; did not have any training therefore in the MCAS system and they also had no time in a simulator with the MCAS system installed to learn how to use it and to cope with it in case of failure. There followed one near plane crash with only extraordinary efforts by the pilots saving the plane from catastrophe. Upon landing, they file a report right down to the shaker stick indicator of

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problems and efforts to do manual trim of the stabilizer. A cursory check of the plane yielded no found problems and the plane got to take off with people on it and then crash and kill all of them. Then a second crash with more dead. Boeing blamed the pilots. Boeing insisted the plane was safe. Europe grounded the 737's anyway. Boeing's President called Donald Trump personally essentially pleading with him not to ground their planes and Trump assured Boeing that there'd be no grounding but within a day or two the fleet was grounded by authorities with the final say.

By now, most folks want to fine Boeing and send some folks to jail. But authorities determined that there was no criminal conduct. Boeing will now inform all pilots and train all of them.

Meantime, Mercedes-Benz talked about "comments" being uncomfortable enough for the company that they made a change designed apparently to deal with, well, "comments." Three sources on all of the Internet found that the particular design of the Mercedes-Benz Cruise Control caused almost everyone who had driven models from 2000 to 2010 to both experience lever confusion and to deploy cruise control inadvertently while attempting to deploy, instead, the right-hand directional signal. Most of the time the surprised driver would put on the brake or take other action to stop the sudden runaway acceleration that occurred upon accidentally pushing into the cruise control lever. (Would the DOT or the NHTSA approve a design that from time to time accelerated the vehicle by and unaware driver, just because that sudden acceleration could likely be corrected? No, these agencies would not approve such a thing in advance. However, if the car already has the system and then the manufacturer recognized that something needed to be done and then they were going to do it, then the DOT and NHTSA likely would not call meetings or attempt to pressure the company to do anything else. In essence, this is exactly what happened.

Like Boeing, M-B did not notify the, "pilots." On our nation's roads these people are called drivers. There are similarities to aircraft right down to the fact that the interior is often referred to as a, "cabin." The dashboard, console, drivers seat and the steering wheel and its controls in that space are often referred to as the, "cockpit." I've been driving M-B automobiles since 1977. I've owned about 10 of them. I've used their cruise controls in all but the first Mercedes I had, a 1962 220S. I received a lot of learning and experience on models that utilized the old cruise control arrangement. A lot of the time a long rod with a synthetic handle on the end of it was pushed in four directions to provide input to the cruise-control-throttle system. I had only one of two errors per year on that system and they were quickly corrected. No harm done. I always worried about the fact that one could push the accel part of the system to the point that the car would go into passing gear and would inject gasoline at a wide open throttle. I had thought that should only be done by a foot and foot pedal. I thought there should be a safety limiter. There was not.

After all the cars I had, I moved on to one of my favorite M-B's the C350. This was a compact four door sedan that had the 3.5 liter V-6 fuel injected engine. The same or very similar engine has been employed regularly in the E-class or mid-size vehicle. My first experience was with a 2012 which I drove until an accident totaled the car. I used the cruise-control with no problem, but I did engage the cruise-control in error a few times. I believe every time I was surprised, I put my foot on the brake, cancelling the sudden acceleration, quite soon after it started. Yet sometimes, that wide open throttle happened if the differential between my current speed and the memory of my prior cruise control managed speed was too great. I don't know what that differential is, but when it happened I felt as if I was out of control and that M-B should change the acceleration rate to 1-3 mph at the maximum. However, still no problem. This is a problem that happens, is uncomfortable, then gets cancelled, and the average person goes on with their drive and many times won't even remember that it happened a short time later. The car's abilities are not impaired and everyone gets to their destination. It is my belief that this is why there hasn't been thousands of reports to M-B and the NHTSA: as in other aspects of life, something comes and goes and there's no change and it just escapes the conscious memory as not being important. There are no traffic conditions intervention; no long-term non-use intervention in either miles or time. Most of all, there is no mention in the driver's manual nor in Mercedes sponsored U-tube videos on how to use the cruise control.

As mentioned, there has been no open discussion by Mercedes-Benz and even after an interview by an inside journalist exposed the problem, M-B entire explanation of what had happened to prompt the manufacturer to change the 3-lever stack by reversing the top and bottom levers and leaving the one in the middle alone. Even without being able to articulate what that means, it just does not seem rational that such a lever swap would relieve, "comments," whatever those were. No openness and no honesty here. A manager went so far as to express a, "hope," that the problem would be solved. Even when the M-B managers spoke of, "Research," being done, this sounded like some sort of code language (via context), meaning that no real extensive scientific

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experiments had been performed until a way was found to eliminate these, "comments." The journalist was clear that the problem had to do with UA's, or "Unintended Accelerations," something that nobody wants. Yet the same exact subject was approached in two entirely different ways: The Journalist who described the problems and the fall-out with the design that had led to a lot of, "complaints." They qualified as, "comments," only because the complaints wound up in M-B Forums where the members' only method of communication (2-way, hopefully) was to type or "post" something in the, "Comments," section of the Forum. This is far different than blogging, which implies an editorial-like column, now on the Internet instead of in the newspapers.

So like Boeing, the "Pilots" were kept in the dark. No notice of the change was given, except in a very few three or four words in one particular M-B instructional on cruise control. Mostly all the surrounding years were mere instructions showing what happened to the car when the lever was pressed in any of the directions shown. Essentially that left the nation's drivers in the dark about the system and its change and what can happen under certain circumstances. Oh, and here are some tips about how to avoid this, "sudden acceleration" problem.

Lastly, how on Earth can someone get their foot caught under the accelerator pedal? Not only that, but how on Earth could a person possibly get his or her foot, "Pinned," under the accelerator pedal? To explain how the foot wanders from where it was intentionally placed to somewhere else without knowing that the foot is moving, *is not difficult.* requires an understanding of all the human muscles and nerves and all aspects of the methods of human learning and skill retention. It has to do with body dynamics and the science of how primary and helper muscles work and how that changes once a person has successfully performed a task for a very long time. People often describe this phenomenon as, "Experience." Initially while people learn a new task, requiring hand-eye coordination, there may be instruction or not. However when people attempt something, they attempt it for the first time. Usually they do not perform the task perfectly. Far from it. However, over time by trying slightly different techniques, different speeds and different forces a person sees what happens when he fails at what he is attempting to duplicate or approximate. The human brain is one of the learning mechanisms in the human being and memories are stored in specialized nerve bundles in different parts of the nervous system. Eventually what was performed as at first a roughly correct skill, or even complete failure becomes a skill which anyone performing it becomes better and better at it. As this happens the conscious thought required by the brain to perform the task, requires a certain amount of less focus and attention to the task, while the completion of the skill is at the same time improved. Some skills are so thorough mastered that mistakes are seldom made or noticed. Further the skill is stored in the nervous system where only the slightest brain cue is required to perform the task and the rest is performed, "automatically." Sometimes this memory is so accurately accessed the task is perfectly performed without conscious effort or thought. The brain will record the results. Further the hand and eye coordination and the skill performance occur so effectively that it is said that the person performing at this level is, "Unconscious." Partially, this is an expression which alludes to the fact that the person is so skilled, they can perform the activity, "...in their sleep." Science has shown, however, that brain activity can be measured with regard to the type of brain wave activity occurring, and there is a difference from when the person first learned the skill and later when they have mastered the skill. In basketball there are a number of skills that improve and although the skills are related, they are different enough where different statistics are kept for each of these "unique" skills. One may also overhear someone say that the person is, "...in a zone." Or, the expression, "Zoned-out," "dialed-in." It seems like no matter how great an athlete is, he will have peak performance, the greatest of which he or she can never duplicate again. A combination of their highest skill set and an internal radar seem to come together all at one moment or in one game. A shorter exhibition of this type of performance can be for shorter durations and also approaching or equaling such competence is sometimes called a burst. (Kind of like a burst by a camera of 30 frames per second or more where each frame examined individually appears to be identical to the last, so the performance of say unusual scoring without a miss seems to be identical each time a human makes an attempt. Sometimes the ball goes through the hoop from long distance in a set of shots where the ball seemingly goes through the hoop without even touching the net.

It turns out that for a person to perform at a "high level," practice is required. How soon a skill is attained and how long the skill can be retained without practice is referred to as natural talent. Some people can develop a skill quickly and once developed seem never to forget it. The only caveat is that physical or mental decline will impact that innate or God-given ability.

Some skills do not have to be perfect but only require competence. Driving is a skill such as this. Still there are long periods of not performing the driving skills, there can be deterioration and this is well understood by most people.

but, it is time consuming.

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Studies done by universities and scientists in a related field to, "trial-learning," have found a complex set of behaviors occur through sympathetic movements, mimic movements, right and left side agreement and others. The NHTSA Report of the Farmers Market Crash Report studies drivers in some detail and discovered that their comprehension of where they are can have an intervening affect on motions such as accelerating, braking and parallel parking, for example. Also, when traffic responds as normal, people with experience drive without much conscious effort. As their expectations are met, over the years, successful driving techniques (properly defensive drivers) are stored in the memory and as the years go by the picture is a bit like a movie that one has seen before: the driver knows how a traffic situation in front of the driver and to a lesser extent to the rear of the driver, will turn out. Traffic immediately to the left or the right is generally less predictable because of both focus difficulties and, "blind spots," locations where no matter what the driver does, he is blocked in some way from seeing what is happening.

Keeping the above information in mind, the simple act of the driver turning to look over his or her shoulder for a glance or glimpse of areas to the rear of him can move the torso enough in the seat, that for a period of time certain arm or leg movements can at the same time be occurring without the driver being conscious of it. This can be attributed to "experience" and certain forms of observable spatial relationships between the driver and the environment in the cockpit. The unconscious movement of a leg or foot from where one put it is known as, "migration." This was again mentioned as an important factor in the FMC Report of 2004 by the NHTSA and should not be taken lightly or discounted altogether.

If one trusts the scientific method and the studies of humans in their environments, then the question of Tiffany Nguyen, "How did your foot get under the (accelerator) pedal, has been answered. That is this is not just a "shot in the dark," but it has been found to be a factor in repeatable experiments.

Lastly, how did the foot get pinned? This is easier to answer. In the 2014 model M-B, when the cruise-control is activated, the plunger rod that is fastened to an actuating system below the visible pedal assembly, is, "pulled." Since the opposite end of the rod is attached to the gas pedal, the pedal is pulled down. In the unusual situation when there is a differential that is comparatively great between the driver's current speed and the prior speed maintained by the active cruise control, this speed memory is accessed within the module storage system. The cruise-control is, "uncomfortable," until the speed in the memory is matched or attained by the vehicle. As a result, "the system," is in a hurry. There is no regard as to weather changes; traffic changes in terms of speed, density or activity and no information as to how far one is from an inanimate object, or a moving vehicle or a pedestrian. If the difference between the last moving speed and the current moving speed is more than several miles per hour, the only option in the cruise control operation is to, "floor it."

If the drivers foot migrated via the methods outline in the FMCR, to a position under the gas pedal, that pedal moves down at a tremendously rapid speed and at the same time the driver wasn't expecting this to happen and takes a longer than normal period of time to process what's happened and then to run through solutions in the driver's mind, then make a solution and execute and remedial attempt which may or may not be the correct solution, or it may or may not result in a proper execution of the skill required to remediate the situation. In my case the amount of force that the pedal was pulled down with, was sufficient enough to cause an injury and to set off a pain and involuntary "flight response." This was an involuntary jerk to attempt to free my right foot from under the pedal. That attempt failed and I tried twice more to free myself with two really quick and very hard jerks of my leg and foot away from the source of pain. By this time panic had already set in. I attempted twice without success to grab the ignition key with the idea to attempt to turn it off. By the time these five actions were completed a few seconds of time had elapsed since the "lever confusion," resulted in an execution error with the primary reason for that being the dangerous design flaw inherent in the levers Triple-stack, where the same motion is easily capable of activation of the intended lever as it is of the lever the driver wants to avoid.)

At this point the speed of the car became so high compared to the to all of the other cars in the environment (stop and go in 6 lanes of freeway traffic) that a collision was within one or two seconds of imminent. The pain in my right foot was so intense it pulled my mind away from an alternate solution of stepping on the brake with the free left foot. For whatever reason the possibility of the left foot on the brake never occurred to me. A less-favorable alternative also came to mind in the last couple of weeks, about four months after the occurrence of the crash on February 23, 2019. That would be to attempt to properly deactivate the cruise-control system by successfully placing the hand this time on the cruise control lever and then successfully executing the "off" entry. (Mostly importantly, the car had reached such a speed and was getting faster, exponentially, to the point that even a successful execution to turning off the control would not have been in time to prevent a serious crash. How

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much mitigation of the "object in motion," would have been achieved is speculative. (Thus the solution by M-B's Susan was not a complete answer, given the dynamics of what happened and the analysis by the NHTSA of what drivers can and cannot do under the circumstances where the outcome was a collision. Further to put upon a driver a responsibility to act like an experienced stunt driver and coolly figure out what had happened and what it would take to neutralize what happened and then execute it, is to ignore reality and to ignore two decades of study of just this kind of situation.)

Lastly, one more design flaw exists in the 2014 M-B, in the throttle assembly that I wasn't aware of until a couple of weeks ago when I was studying the photographs of the interior of the C350 foot well, and in particular a blow up and most oversized picture of the group of photos of the car. I found something that has been known as alignment pins. I don't know how they are attached to the gas pedal and to the assembly fastening plate, but they are there as a look at the car (I asked to have the evidence preserved, but it looks like AAA sold the car without telling me that they were going to do that despite promising me in writing that the car would not be sold and that the evidence would be preserved. (This appears relevant because the NHTSA asked for the location of the car and weather driver asked that the evidence be preserved.)

(Safety)

Be that as it may, steel dowel pins were discovered by me [REDACTED] after I used the Google Pixel 3 XL, 2019's best cell phone camera, according to some sources. (Now a few months later, while still very good, other cameras in cell phones have now taken the lead as the best.)

I was shocked that the resolution "held up," sufficiently enough to discover the existence of these opposed steel dowel pins which were attached to the plate on top of the bottom fastening plate and a like pin attached to the bottom of the accelerator pedal. As it happened I wore soft cloth upper SKECHERS with soft rubber soles. I have concluded that these steel dowel pins also known as assembly alignment pins dug into the cloth on top of my shoe and the soft rubber on the sole of my shoes and thus kept me trapped until accident intervention shut off the engine and cruise control and the fuel.

Just to see what is going on with Mercedes this year, I photographed the accelerator pedal assembly and tested it. I discovered that the new system, first of all, does not pull the accelerator pedal down during the activation of the cruise control feature. I also tested the "resume" feature and the "accel" feature. Still no downward movement by the gas pedal.

Next, examination of the photographs of the accelerator pedal assembly revealed that there no longer is any kind of a dowel pin, stopping pin, assembly alignment pin, or whatever it is called, affixed to the bottom of the accelerator pedal. Additionally, the bottom of the pedal has what appears to be a stainless steel "spring-plate," screwed in underneath the accelerator pedal. (This would likely not grab the uppers of my skechers or any other shoes I might be wearing; not to mention I make sure my feet do not wander, ever again, under the accelerator pedal.). In the meantime on the fastening plate top surface there is no dowel pin. In its place is a "protrusion" that is part of the forging of the part. This is larger and has a sort of complex shape to it, but can act as an alignment pin of a supplemental stop pin for the top of the accelerator pedal. The whole assembly is coated with something black that is very tough. Lastly there is a plunger pin for the gasoline to be monitored with, but only by pressing down. I don't know but would guess that this activates some sort of monitoring device that facilitates, "drive by wire," rather than a mechanical system. Also, once again the cruise control appears to be an electronic affair that includes something like, "drive by wire," system rather than a mechanical cruise control. The plunger doesn't seem to be pulled during the CC operation and the pedal seems to remain stable. Overall this is a much safer system than that of the 2014 Mercedes.

After this long "diatribe" it is clear to me that I presented proof just by way of what actually happened, that without the design flaws which have been known about by M-B for years, including the dangers, the accident would not have happened.

If the accident would not have happened, if M-B had done almost anything to alleviate the danger, that means M-B was both the first and last and best solution to the problem. M-B has intentionally chosen to ignore this dangerous situation and they deny that it exists. Yet M-B has made several of the changes necessary to alleviate the dangerous situation which they built. These changes are in my 2019 C300. There is no longer a, "Triple Stack," lever arrangement on the steering column of M-B.

Just for clarification, any ACC system or Distronic or Distronic Plus systems are not included in this analysis.

So the physical components are there to be checked.

One more thing. Since NHTSA and my experts did not have a chance to examine the car, despite the AAA promise in writing, that the car would not be sold and the evidence compromised, I have been denied my right to have outside experts examine the sensors. Further, I was not provided notice and was not allowed to observe the process of the examination of the car to ensure that proper procedures were followed and that there was no cross contamination, contamination, destruction or lack of thoroughness in examining the components and sensors. I feel that they would have revealed more than M-B mentioned.

How can I be held responsible, when the evidence that can exonerate me is now been sold and left Co-Part? [REDACTED]

Note: While I appreciate the name of the person at M-B, all kinds of attempts to find out where he is and what his telephone or e-mail address is failed. I placed about 8 calls to different numbers and people in and around the facility in Long Beach and got nowhere. No one ever heard of the fellow and could offer me no advice as to how to locate the person. There was also no offer of help in the matter by anyone working for M-B and they turned down my requests for help in finding the gentleman.

Respectfully submitted,

[REDACTED] claim #.

Tabach.Rich <Tabach.Rich@aaa-calif.com>

Mon, Jul 15, 2019 at 8:52 AM

To [REDACTED]

Thanks for your email. I will take it into consideration and enter it into the file.

Rich Tabach

Claims Service Representative

Office 661-291-3823 fax 714-754-2094

Manager: Joseph Minkin phone: 661-291-3810

MANAGE YOUR POLICY
ANYTIME, ANYWHERE.

AAA.COM/SELF-SERVE

From: [REDACTED]

Sent: Saturday, July 13, 2019 11:09 PM

To: Tabach.Rich; [REDACTED]

Subject: Re: Daimler-Mercedes-Benz Report [REDACTED]

last page, It, not relevant and mostly blank.

END OF

PART TWO

SUMMARY OF PHOTOGRAPHIC SERIES & ITS CONTENTS:

(FORENSIC NOTE: ON EITHER FRONT OR BACK, PHOTOS EACH INCLUDE THE FORENSIC IDENTIFICATION NUMBER AS RECORDED BY THE CAMERA DURING THE SHOOTING PROCESS AND THEN REPRODUCED ONTO EITHER THE FRONT OF BACK OF THE IMAGES, BY DRIVER)

SERIES 1: 5-EXTERIOR PHOTOS OF SUBJECT CAR: (2014-C350W, M-B))

SERIES 2: 10-INTERIOR PHOTOS OF SUBJECT CAR

SERIES 3: 4-INTERIOR PHOTOS OF 2019 M-B C300W

SERIES 4: 2-(M-B, 2014 C350W), INTERIOR PHOTOS OF DRIVERS SIDE FOOT CONTROLS INCLUDING ACCELERATOR PEDAL ASSEMBLY

SERIES 5: 5-PHOTOS OF INTERIOR, DRIVER'S-SIDE OF STEERING WHEEL AND CONTROLS FOR CRUISE-CONTROL & DIRECTIONAL SIGNALS

SERIES 6: 4-PHOTOS OF SHOES/SHOE TOPS WORN BY DRIVER,
2/23/2019

SERIES 7: 5-PHOTOS OF SOLES OF SHOES WORN BY DRIVER, 2/23/2019

SERIES 8: 3-PHOTOS OF DRIVER'S BRUISED FOOT

PHOTOGRAPHS - SERIES 1:

EXTERIOR OF MERCEDES-BENZ C350W

POST - ACCIDENT OF 2/23/2019.

SHOWS DAMAGE CONSISTENT WITH DRIVER'S
STATEMENT AND STATEMENTS OF WITNESSES REGARDING
WHAT OCCURRED
AND CONSISTENT WITH THE
DAMAGE.

TOTAL PICTURES IN SERIES: FIVE (5)

07/20/2019

Contents For NHTSA Reference Number: 11206504

(Note: Material has only a rough chronological order. dates are not always available. Material is listed in order for reference only and ease of seeing what is in this package. The purpose of this submission is to help to find a way to stop this dangerous design defect from causing injury to more people on the roads and taking property and money from users of the roadways of America, unnecessarily.

- i - [REDACTED] Introductory Remarks written June 9, 2019 through June 29, 201
- ii - Contents
- iii - Acronyms and Abbreviations (I may have missed some and apologize in advance, if I did.
- iv - Note: Page numbering at bottom auto filled by printer preferences; I couldn't turn it off in situations where they do not apply; please ignore in those cases. AF

CONTENTS:

PART ONE (1)

- 1) 5/09/2019 - COPY OF REFERRAL FORM FROM NHTSA.
- 2) 5/09/2019 - COPY OF LETTER FROM RAND REID, CHIEF, TO ME. FORM LETTER OF NO DATE.
- 3) Traffic Collision Report Group (TCR):
 - a) 3/05/2019 - TCR No. [REDACTED] by CHP - Accidnet of 02/23/2019
 - b) 2/23/2019 - CHP Report ID. Card (to later p/u report)
 - c) 2/23/2019 - Copy, Tip-Top Tow business card (Place to which C350W initially towed.
 - d) 3/14/2019 - Traffic Collision Report appealed (both formal e-mail & telephone contact).
 - e) 6/29/2019 - Driver Information - Self-Prepared, subject to verification of authorities
 - f) 7/31/2019 - Road and Environmental Conditions Relative to Accident of 2/23/2019
- 4) AAA Insurance Assessed Fault Letters:
 - a) 3/06/2019 - Initial Determination of Fault Letter to Driver/Insured

- b) 3/06/2019 - Letter of enhancement of Determination of Fault - Injury added
- c) 4/02/2019 - Additional Injury Claim enhancement Letter/Notice

5) Time-Line Group Prepared by Driver:

- a) 3/09/2019 - First complete written time line by Driver/Insured - Doc. 1
- b) 3/09/2019 - Timeline completed, acting as appeal of, "At Fault Determination." - Doc. 2
- c) 3/08 to 03/10/2019 - Timeline created over a couple of days, by Driver/Insured to provide basis for Visual Time Line - Doc. 3
- d) 3/10/ to 03/12/2019 - Adjunctive Time-Line to assist Driver/Insured in development of the Visual-diagram type time-line.
- e) 3/08/2019 to 3/12/2019 - Letter to AAA pointing out that Tiffany Nguyen had promised to hold off on determination of fault until all evidence was examined and a complete investigation of systems was done. See letter for details.

6) 3/07 to 3/17/2019 - Time-Line, Diagram Type (One each packet)

7) Publically Distributed Information From the Internet Re: M-B CRUISE-CONTROL; DESIGN FLAWS AND, "LEVER CONFUSION":

- a) March, 2019 (Finding) - "MERCEDES STYLE CRUISE CONTROL SUCKS!" Ineternet Forum Article on two web-sites: Tesla; Mercedeess-Benz; 11/03/2014, Original date. Sent with material to Mercedes-Benz (Please See M-B Group)
- b) March, 2019 - WardsAuto.com Industry Insider Internet Posting originally dated, April 07/15/2011 - "M-Class Signals Change in Blinker Placement." [REDACTED]
- c) Natonal Public Radio Series called: "Leaving master switch of cruise control on does no harm; Updated 12:09, PST, Tuesday, January 15, 2019. From a reprint in 2018, from the San Francisco Chronicle Internet newspaper, "SFGATE," Copyright by Ray Magliozzi & Doug Berman, 2018.
- d) 3/17/2019 - General Letter to AAA and Mercedes-Benz covering material in a, b and c above.

8) Mercedes-Benz Inquiry and Notice Group

- a) 03/15/2019 Letter from Mercedes-Benz to Driver/Insured re: accident in M-B C350 with Cruise-Control Design Flaw Issues that present on-going safety and threat issues to the Pulice drivers of the cars of indicated dates.
- b) 03/15/2019 - Form supplied by Mercedes-Benz and filled out by Driver/Insured
- c) 05/04/2019 - Driver/Insured Letter to M-B, placing company on notice that their

Dangerous Design caused accident of 02/23/2019.

- 9) 03/05/2019 - Authorization to give up right to privacy for AAA, Mercedes-Benz and the CHP to examine the vehicle. In Connection with Preservation of Evidence. Investigator/Reader is referred to the, "AAA" document group to connect the preservation of evidence aspect & how it relates to the AAA Communications Group.

PART TWO (2)

- 10) E-MAIL CORRESPONDENCE FROM DRIVER/INSURED TO AND FROM AAA.
SERIES OF E-MAILS FROM AND TO AAA. SEE SECTION FOR DESCRIPTIONS, AND E-MAILS THEMSELVES TO OBSERVE RANGE OF TOPS. INCLUDES EXACT DATES WHEN POSSIBLE, APPROXIMATE DATES WHEN NOT OR A DATE RANGE WHEN THE E-MAILS APPEAR OVER A PERIOD OF TIME.

PART THREE (3) PHOTOGRAPHIC SERIES

- Part 3** - Camera Notes; Complete Listing of Forensic Photo Authentications
(Available for check over the Internet by request of the Investigator for authentication but included herein is copy for viewer's convenience.)

- 11) CONSTITUTES 8 SERIES OF PHOTOGRAPHS PRINTED ON A HOME PRINTER, NON-POTOGRAPHIC PAPER. [IT APPEARS THAT FOR THE PURPOSES OF THIS NOTICE TO THE NHTSA THAT THE PRINTED PHOTOGRAPHS ARE JUST FINE. THEY ARE ALL DIGITAL PHOTOGAPHS FROM A 2018/2019 GOOGLE PIXEL 3 XL CELLULAR TELEPHONE WITH BUILT IN LENS AND CAMERA. NO ADDED ATTACHMENTS WERE USED ON THE CELL PHONE OR CAMERA FOR IMAGES. SOMETIMES CROPPING WAS DONE TO MAKE THE NET RESULT A PROPER COMPOSITON [REMOVE EXTRANEIOUS AND UNRELATED MATERIAL. OTHER CROPPING WAS FOR THE PURPOSE OF ENLARGING TO MAKE CERTAIN EXTANT IMAGES OR PORTIONS THEREOF, MORE EASILY SEEN.]

SPECIAL NOTE: TO MY KNOWLEDGE, DESPITE BEING AFFORDED THE OPPORTUNITY, THE AGENCIES OF THE CHP, AAA AND MERCEDES-BENZ HAVE NOT MADE SETS OF SIMILAR PHOTOGRAPHS OR DONE STUDIES AS HAVE BEEN DONE, SEEN HEREIN.

I SAW RESPONSES FROM THE PROFESSIONALS FROM THESE AGENCIES THAT SHOWED TO ME THAT NO ONE IN THOSE AGENCIES EXPRESSED ANY CARING ABOUT FUTURE SAFETY. FURTHER NONE OF THOSE THREE AGENCIES PROVIDED ME ANYTHING IN WRITING OR DIAGRAMS OR PHOTOGRAPHS THAT WOULD DEMONSTRATE THAT THEY WANTED TO GET IT RIGHT. NONE OF THOSE I INTERACTED WITH SEEMED TO WANT THE TRUTH. NONE OF THEM SEEMED WILLING TO DO MORE THAN A VERY CURSORY EFFORT TO FIND OUT WHAT HAPPENED. I CAN ONLY ASSUME THAT THE AGENCIES INVOLVED IN THE POST-ACCIDENT EFFORTS HAD THEIR OWN NEEDS AND AGENDAS. FINDING OUT WHAT ACTUALLY HAPPENED WASN'T ON THEIR AGENDA AND WAS ANYTHING BUT THEIR PRIORITIES.

NOTE 2 - FOR THE MOST PART, THE PHOTOGRAPHS, ALL TAKEN WELL-AFTER THE ACCIDENT DATE, ARE MORE OR LESS CHRONOLOGICAL, AT LEAST AS TO THE GROUP.

SERIES 1 - FIVE (5) PHOTOS DEPICTING DAMAGE TO THE SUBJECT C350W 4-DOOR SEDAN WITH GENERAL PICTURES OF THE FRONT AND SIDES AT ANGLE AND THE DRIVER'S SIDE IN SILHOUETTE; LASTLY A REAR SHOT. THERE WERE TWO VEHICLES IN THE VICINITY MAKING IT VERY DIFFICULT TO GET EVEN ANGLES ALL AROUND. PHOTOGRAPHS DO NOT DEPICT OR RELATE JUST HOW DIFFICULT IT IS TO OPEN THE LIDS AND DOORS.

SERIES 2 - ELEVEN (11) PHOTOS DEPICTING THE PART OF THE INTERIOR SPECIFICALLY SHOWING THE DRIVER'S COCKPIT AND MORE SPECIFICALLY, THE LEVERS INVOLVED IN THE, "LEVER CONFUSION," THAT WAS PART OF THE END RESULT THAT INFLUENCED (WITH SOME OTHER CRITICAL FACTORS) THE DRIVER'S MOVEMENTS THAT RESULTED IN "DRIVER SELECTION ERROR,". THIS IS A PART OF PAST STUDIES BY NHTSA, FARMERS MARKET CRASH, SANTA MONICA IN 2003, WITH GERMANE PAGES OF THAT REPORT INCLUDED IN THIS PACKAGE. PICTURES THROUGHOUT THESE SERIES CONTAIN COMMENTARY, FACTS, BELIEFS AND REFERENCES TO WHAT PROFESSIONALS IN RELATED FIELDS HAVE DISCOVERED IN TRACING THE BACK STORY OF OFTEN HORRENDOUS, HORRIBLE CRASHES IN THE PAST. DRAWING ON EXPERIENCE MAKES SENSE; OTHERWISE NO LEARNING AND ADVANCEMENT WOULD BE MADE IN THIS OR ANY FIELD.

SERIES 3 - A TOTAL OF FOUR (4) PHOTOS DEPICTS A 2019 C-300W STEERING WHEEL AREA AND SYSTEMS ACTIVATION LEVERS. THIS IS PROVIDED TO SHOW WHERE MERCEDES IS HEADED WITH THEIR CRUISE-CONTROL DESIGN. IT PROVIDES A CONTRAST WITH THEIR EARLIER DESIGN IN THE 2014 MODEL (AND SEVERAL OTHER YEARS MODELS

WHICH HAD LIKE SYSTEMS IN PLACE. AFTER EXTENSIVE TESTING WITH THE NEW DESIGN IT IS BOTH SAFER AND LARGELY SAFE, ALTHOUGH NOT AS SAFE AS THE ACC SYSTEM IS WHICH IS AVAILABLE IN THE S-CLASS SERIES AND I BELIEVE A-SERIES SEDANS AND SUV'S AND PERHAPS OTHER SUV'S. CHANGES WERE ACTUALLY NMEROUS WITH ONE OF THEM BEING THE ELIMINATION OF, "LEVER CONFUSION WITH THE NEW DESIGN.

SERIES 4 - REQUIRING JUST TWO (2) PHOTOS TO DEMONSTRATE FLAWS IN THE ACCELERATOR PEDAL ASSEMBLY, CONSIDERABLY MORE COMMENTS WERE REQUIRED TO DISCUSS THE DESIGN FLAWS THAT M-B BUILT INTO THIS PART OF THE FUEL-CONTROL MECHANISMS OF THE SUBJECT CAR,

SERIES 5 - FIVE (5) PHOTOGRAPHS DEPICT THE ACCELERATOR PEDAL ASSEMBLIES AND PROVIDE A CONTRAST TO THE 2014 GAS-PEDAL ASSEMBLY. MARKINGS AND COMMENTARY ARE USED TO ASSIST THE READER IN UNDERSTANDING THE CHANGES IN DESIGN. THIS DESIGN IS 100% SAFER THAN IS THE EARLIER DESIGN FROM 2014, REPRESENTATIVE OF THE SUBJECT C350W.

SERIES 6 - FOUR (4) PICTURES ARE USED IN THIS SERIES TO DEPICT THE ACTUAL SHOES THAT THE DRIVER/INSURED WORE DURING THE DRIVING AND DURING THE ACCIDENT OF FEBRUARY 23, 2019. COMMENTS DESCRIBE HOW THE SHOES PLAY A SMALL BUT IMPORTANT PART IN THE CAUSE OF THE ACCIDENT, IN CONJUNCTION WITH THE TWO-PICTURE SERIES SHOWING THE THE 2014 ACCELERATOR-PEDAL ASSEMBLY.

SERIES 7 - FIVE (5) PHOTOS COMBINE WITH THOSE IN SERIES 6 TO EXPLAIN HOW THE SOLES COMBINED WITH A DANGEROUS DESIGN BY M-B TO IMPRISON THE DRIVING FOOT DURING THIS PARTICULAR ACCIDENT. COMBINING AND COMPARING THE NEW DESIGN, SHOWS JUST HOW MUCH SAFEER THE NEW DESIGN IS. BY THE WAY, THOUGH. THERE ARE TENS OF THOUSAND OF CARS ON THE ROAD, STILL, WITH THE OLD DESIGN. THE DESIGN IS FLAWED AND DANGEROUS. MY CONCERN IS WITH THE CARS ON THE RAOD THAT HAS NEVER DRAW SO MUCH AS A WARNING FROM MERCEDES-BENZ.

SERIES 8 - THREE (3) PHOTOS OF DRIVER'S/INSURED'S RIGHT (PEDAL FOOT) FOOT. THERE WAS TREMENDOUS PAIN, THE MOMENT THAT THE ACCELERATOR PEDAL SUDDENLY CLAMPED DOWN UPON ON THE DRIVER'S FOOT, TO THE POINT WHERE AN AUTOMATIC JERKING RESPONSE OCCURRED WITH THE ENTIRE RIGHT LEG DOWN TO THE FOOT (HUMAN BODY'S FLIGHT RESPONSE, BYPASSING THE BRAIN, UTILIZING THE SHORT-CIRCUIT LOOP OF THE NERVOUS SYSTEM). DURING THE HEALING PERIOD, NO

MARKINGS APPEARED ON THE FOOT FOR A MATTER OF WEEKS. FINALLY, AROUND APRIL 10, AS PAIN WAS BEGINNING TO SUBSIDE IN THE RIGHT FOOT, A DISCOLORATION STARTED TO DEVELOP, NOT AT FIRST MARKEDLY DISCERNABLE. BY THE 15TH AND 16TH OF APRIL THE BRUISE HAD BECOME PROMINENT ENOUGH THAT MY WIFE COULD EASILY SEE. ON THE 17TH AS THE BRUISE STARTED TO LIGHTEN UP I REALIZED THAT THIS WAS MY CHANCE TO TAKE A PHOTOGRAPH OF THE BRUISE AND I DID SO WITH MY CELL PHONE ON 04/17/2019 AT 9:00 AM (AND 17 SECONDS). THE FORENSIC FILE NUMBER STORED BY THE CELL PHONE WITH THE PHOTOGRAPH PIN POINTS THE EXACT TIME PHOTO WAS TAKEN. (PEOPLE ASKED ME, WHY DIDN'T YOU TAKE THE PHOTO WITHIN THE FIRST COUPLE OF DAYS? AS MENTIONED THE BRUISE WAS DEEP AND DIDN'T SHOW UP FOR QUITE A LONG TIME. IT HADN'T OCCURED TO ME TO TAKE A PHOTOGRAPH UNTIL AFTER THE BRUISE STARTED TO LIGHT AND GO AWAY. LOCATIONS OF THE BRUISE ON THE FOOT ARE THE AREAS THAT THE ACCELERATOR PEDAL CLAMPED DOWN ON THE FOOT. THE EFFORTS OF JERKING A TOTAL OF THREE TIMES TO ATTEMPT TO UNPIN THE FOOT MAY HAVE CONTRIBUTED TO THE INJURY.

PART FOUR (4)

14) REFERENCE AND COLLATERAL MATERIALS

- a) Highway Accident Report: "Farmers Market Crash-Santa Monica";
applicable pages (non-applicable left out)
- b) The verge - Boeing 737 Max, The Unfinished Story
- c) Dowel Pins, Stainless Steel

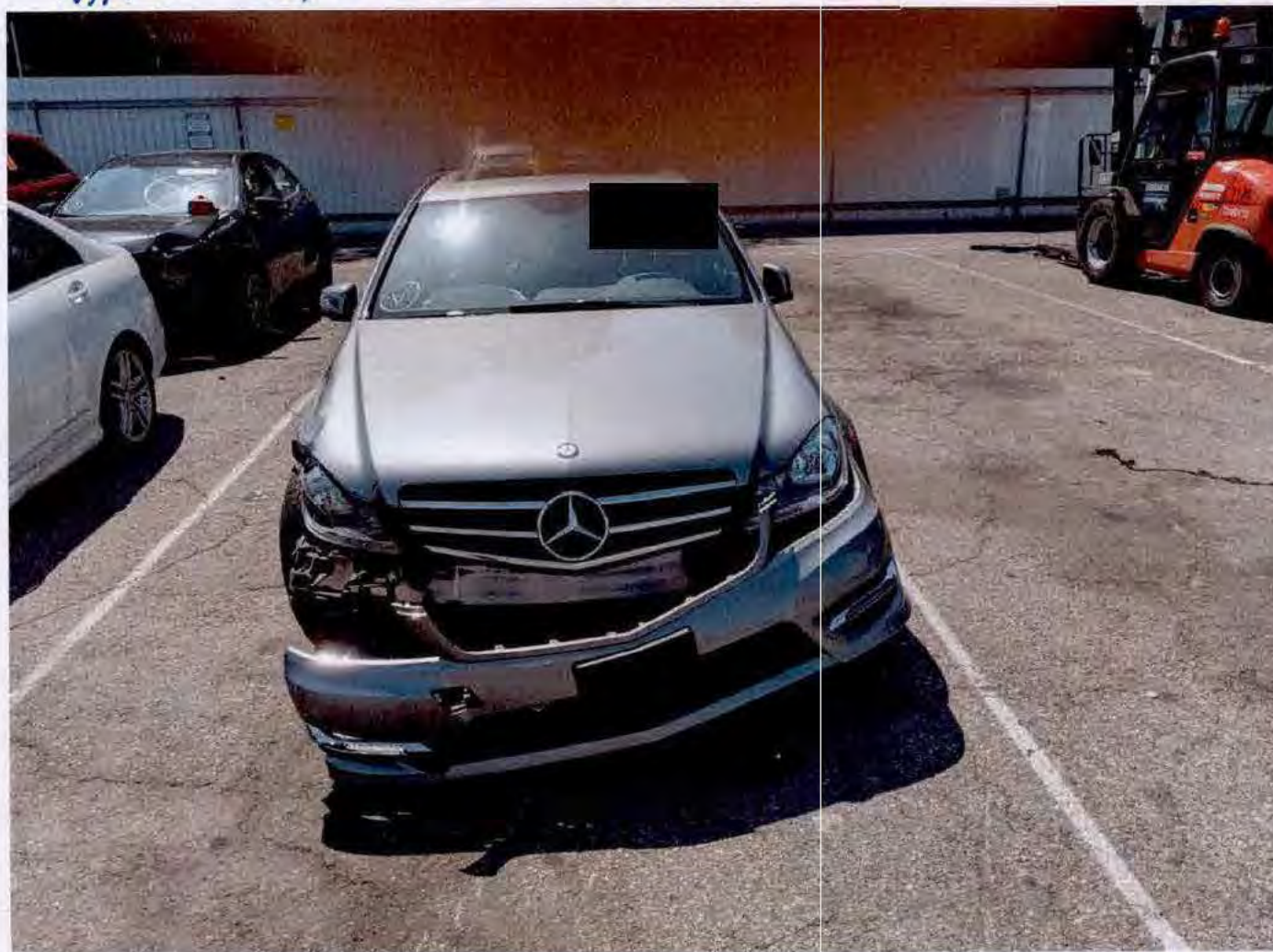
PART FIVE (5)

15) DRIVER/INSURED'S INITIAL CONTACT LETTER TO NHTSA

PART SIX (6)

16) NOTES: ROUGH NOTES TAKEN BY DRIVER FROM 2/24/2019, REGARDING ANY ASPECT OF THE ACCIDENT OF 02/23/2019

NHTSA Reference #: 11206504



Damage:

Front view - M-B C350 W - 2014 Model.

Vehicle preservation
promised by AAA-
ACSC Insurance.

Filmed at Co-Part,
Van Nuys, Ca.

Despite pending
examination, AAA
sold the car w/o first
notifying driver the
insured [redacted]

Taken: 03/25/2019 approximately: 12:10 p.m.

Always in a rush!

Accident: 02/23/2019

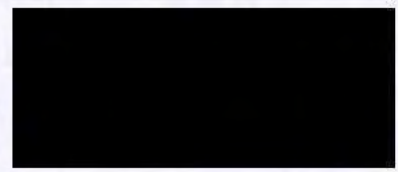
Forensic Photo ID. No.: March 25, 2019 - MONDAY - 12:04 PM; IMG_2010325-
120406.jpg; 12.2MP 4032x3024 5.01MB; Google Pixel 3 XL; f/1.8
1/7813 4.44mm 15062.

1 of 2 identical images included in this package.

2-23-81

Always in a rush!

69



NHTSA-Ref #: 11206504



Front-Left 1/4-View

M-B - C350 W - 2014 Model Year

Evidence Preservation at
request to AAA, So. Cal.

VIN #: WDDGF5HB2E

Taken: 03/25/2019

At: Co-Part, Van Nuys, Ca.

Forensic Photo ID. No: March 25, 2019 - Monday - 12:04 PM;
IMG_2010325_120406.jpg; 12.2 MP 4032 x 3024 5.0 MB; Google
Pixel 3 XL; f/1.8 1/7813 4.44mm ISO 62.

(continued from other side) ... in this package.

by



03/25/2019

NHTSA Ref.#: 11206504

2/23/19-4-Car Injury Collision



(1 of 2 identical images included in package.)

Exterior of VIN: WDDGF5HB2
C350 W Mercedes-Benz - 2014-Model

Forensic Taken: March 25, 2019 - approximately 12:10 pm.
Photo ID: MARCH25, 2019-MONDAY-12:04 PM; IMG-20190325-120411.jpg;
8.0MP 3021x2650 50MB. Google Pixel 3XL; f/1.8 1/5882 4.44mm
ISO 85.

1 of 1 Photo 1 of this view.

Right X-View

NHTSA-Ref#: 11206504



Left-Side View - 2014-C350W-M-B

Evidence Preservation at Co-Part, Van Nuys,

CA. 91405 - 7519 Woodman Ave., Building!

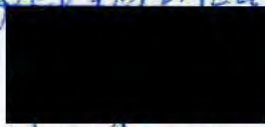
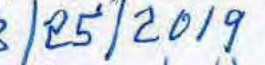
Accident Date: 2/23/2019 -

VIN#: WDDGF5HBLE

Traffic Collision Report#:

(from: California Highway Patrol - Culver City.)

In writing, AAA promised ^{to} keep the car in evidence preservation (see AAA e-mail copy in package for verification.) Two points emerged: 1) During day of visit, AAA did not show up although a representative did telephone to state that no one from AAA would be present and decided would not accompany insured to look at the C350 that caused accident. 2) There was no monitor present during my visit with the car to ensure that the evidence remain uncompromised. Technical personnel from AAA and Mercedes-Benz visited the site. I presume but do not know whether or not these visits were on the same day or at the same time. I can only surmise that they each were Picture 1 - unmonitored. After receiving (over) 6/23/2019, 10:56 AM

(Continued from other side) ... phone calls from AAA and Mercedes-Benz and follow-up written e-mail from AAA, I apt 2 different reports: AAA was able to determine that a "sudden acceleration" had occurred. AAA suggested that I contact a specific person who is located with Mercedes-Benz technical arm in Long Beach, Ca, no further contact information, except the name: Eric Wierman, CRF TS Engineering Services, Field ^{TECHNICAL} Services. Address: 3860 Lakewood Blvd, Long Beach, Ca. My efforts to locate this gentleman went ~~on~~ unrewarded. Susan, (no last name provided) telephoned me (Driver) on our home land-line in order to verbalize the M-B Technical Team results. The only thing "Susan" was able to tell ^(or told) me, was that all systems were operating as they should. I had the distinct feeling that the language used was not only carefully scripted, but had been used many, many times before to other customers expressing one or more problems with their Mercedes-Benz. Additionally I was "ill-at-ease" with a feeling or a belief that there was not enough said. Whether an inadequate effort had been made with available sensors; or if there was more to be known or already known, I believe I received ^{on} views of findings that are or were "Spunitized." A report of sensors and systems examined; methods of examination; names and credentials, date and times of tests and reasons for tests that were performed or not performed and the written reasons therefore by  not only would have been a preferred report, but much more professional as well as much  more believable. (03/25/2019 at Approx: 12:15 pm) Given the M-B reputation for completeness, the supplied information ^{provided to me} had to me ^{gave me} the feeling of a "white wash." I believe M.B was lying to [#]

NHTSA-Reference#: 11206504



Photo ID. No.: March 25,
2019-Monday-12:03 PM;
IMG_20190325-120335.jpg
12.2MP 4032x3024 4.6µm
Google Pixel 3XL; f/1.8
1/5882 4.44mm ISO64

Rear View with 80% Angle
Damage to all-4-Sides.

M-B - 2014 Model Year

Location: Co-Part, Van Nuys, Ca.

OWNER Requested Evidence Preservation.

1) [REDACTED] March 25, 2019 @ 12:05 - 12:15, Nominal

2) AAA Technical Team

3) M-B Technical Team

Each Examined vehicle at this location: Co-Part.

1 of 2 identical images in package.

by



03/25/2019 approx 12:20

PHOTOGRAPHS - SERIES 2:

INTERIOR OF MERCEDES-BENZ C350W

POST - ACCIDENT OF 2/23/2019.

SHOWS DAMAGE CONSISTENT WITH DRIVER'S

STATEMENT AND WHAT OCCURRED.

AND CONSISTENT WITH THE

DAMAGE. SHOWS AIRBAG DEPLOYMENT. ELEMENTS OF

MERCEDES-BENZ DEFECTIVE TRIPLE-STACK

DESIGN ARE DISCUSSED. TAKEN FROM MULTIPLE ANGLES AS A HUMAN

MIGHT EXPERIENCE DURING OPERATION; MARKINGS ARE

TO ASSIST THE VIEWER IN OBSERVATION OF MOVEMENTS

REQUIRED FOR DEPLOYMENT OF THE C-C AND D-S

LEVERS.

TOTAL PICTURES IN SERIES: TEN (10)

NHTSA Reference #: 112 06 504 (see other side).

Vector



2014-Model employs the here-depicted design cluster - Also includes model years: 2011, 2012, 2013, 2015 and 2016, for the 3-Lever, vertical-stack design. (1 of 2 identical images in this package)

Left SHOULDER, ARM, & hands - fingers move through the Direction of travel. (see other side).

(Continued from other side) It might be an arc, it might be a series of corrections. The Vector, or direction of travel is only a guide. Part of the movement is the circular-field-of-view provided in the foreground in generally 2-Dimensions. At the same moment the driver's touch experiences the steering wheel as 3-Dimensional. The method of successful deployment in using the 2 pictured longer levers vary from person to person and entire books exist explaining human learning of motion-control. There are a variety of muscles generally called fast and slow twitch fibers. There are in humans two basic nerve types and pathways that nerves follow in the body: "brain" and "spinal," in nature. The nervous system is exceptionally complex. Learning and storage of learning ^{are} is mostly a matter of refinement, via a process known as "trial and error," leading to correction attempts, until a skill being learned by a human being becomes acceptable within a culture, a specialized group of people in a homogenous situation or environment. One example is the game of basketball. Another example meeting these criteria is the art and skills automobile where there is clear goal achievement; "stimulus and response," combine with reward and achievement or failure and punishment, systems which engage a human being's 5 physical senses, which also include "thinking," by the human brain and also in some cases, "intuition," to complete the learning process. Since none of us are perfect, it follows that no one is a perfect driver. Since driving is a privilege and not a right the state government regulates who is or isn't allowed to drive, accomplished by way of basic physical competency exams and written and practical exams in most cases. The candidate can fail a percentage of exams and still be licensed. Every few years, a driver must prove by retest that he or she is still competent enough to receive a license renewal. Because drivers are not perfect, insurance is required. Insurance companies recognize additional learning and experience with lower insurance premiums to reward safe driving records/excellence. In the meantime, the Department of Transportation and National Highway and Traffic Safety Administration require that the automotive manufacturers adhere to certain minimum standards in the construction of vehicle sold to the public. A driver is held to ongoing safe driving standards by police, sheriff's highway patrol and other, "deputized," personnel. Likewise, automotive manufacturers are held to their standards by Public and its agencies with the NHTSA taking the lead role. In the cases of unsafe design, admission by the manufacturer is not always easy to obtain. In the Mercedes-Benz to admit to its unsafe cruise control Design, (See over) ^{2 of 2 identical images} in this package.

→ CRUISE-CONTROL Directional Signal →
direction of deployment



Forensic Photo ID. No: March 25, 2019 - NOV 27 - 12:05 PM; IMG_20190325_120524.jpg; 12.2 MP 3024X 4032 3.5 MB; Google Pixel 3 XL; f/1.8 1/690 4.44mm 15065.

Activation-Vector

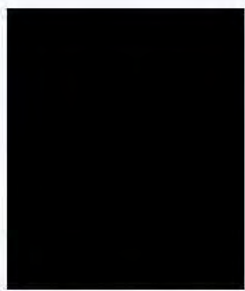
2-Deployed Airbags showing.

1 of 2 identical images in package.

Forensic Photo ID. No.: March 25, 2019-Monday-12:04pm
IMG-20190325-120446.jpg; 6.0MP 2044x2935
3.4MB; Google Pixel 3 XL; f/1.8 1/60P 4.4mm
ISO 56.

Photo also depicts vector that is the same for levers controlling disparate functions. This activity involves not only the driver recalling which lever does what, it does (which function), but also involves correct execution of the choice the driver makes, often attempted while the driver is not looking at the levers because the driver first responsibility is to keep his or her eyes on the road. Thus the risk of a "driver execution-error," appears be higher than with most popular designs with regard to the activation controls, levers, buttons or switches. The design is documented by the package-enclosed article in SF Gate, "The Truth About Cars," a PBS weekly radio show, transcribed for the article. The design-flaw is also documented in the WardsAuto.com article of July 13, 2010, which asserts that incorrect lever-selections in M-B cars happens to, "just about anyone," or everybody who has driven these cars.

#



Reference #: 11206504

to to.



C350 - MERCEDES-Benz - 2014 Model, (w)

VIN #: WDDGF5HB2

Wide Angle of Dash, 2 air bags deployed,
 Light switches & 3 column-mounted levers.
 (top to bottom): Directional signals/windshield wipers,
 Lever/Switch for Adjustment of Steering wheel & Column,
 and Cruise Control lever.

Photo ID. No.: March 25, 2019 - Monday - 12:04 PM; IMG -
 20190325_120452.jpg; 6.1MP 4032 x 1501 3.1MB; Google
 Pixel 3 XL; f/1.8 V228 4.44mm 15055

Note: All Photos by [REDACTED] All Photos of Actual Vehicle involved
 in crash of 2/23/2019. Mileage: 32,353. 2014 Model

(#1 of 2 identical images in package)
 by [REDACTED]

NHTSA-Reference #: 11206504.



Cruise-Control (Note Picture Angle.)

WORK SHEET.

General vector of travel for fingers, hand, arm to deploy, "cruise-control," then, "directional signal."

Photo ID. No.: March 25, 2019-Monday-12:05 PM; IMG_20190325_120537-1.jpg; 12.2 MP 4032 x 3024 3.0 MB; Google Pixel 3 XL; f/1.8 1/350 4.44mm ISO 56 — — Narrative: Although shorter, the lever for the C-C is, "solid," no rotating parts. In contrast, the Directional-Signal has a button on its end that moves inwards for activation of windscreen squitters, (not pictured); and there is a rotating knob on the end of the D-S, which has five different negotiable positions of deployment-selections. The lever can be pulled out (D-S) with the fingers, at the rear of said lever, to momentarily, "flash," the high-beam headlamps. Further, the D-S lever may be pushed forward to a rear-detent position, to deploy the, high beam headlamps (position #2). Pulling the lever back, returns the D-S lever to its normal position (#1) and cancels the, "high beams," and returns the headlamps to their standard intensity.

(Continued from other side) ... and position of the regular level, of intensity and operation. These options together comprise a total of 15 functions that the driver must familiarize him or herself with to master the multifunctional D-S lever. To some degree, these functions effectively shorten the, "usable-length of the Directional-Signal-Lever. (As fingers move closer to the steering column, to avoid incidental wiper activation, the Directional-Signal becomes effectively, the same length as the Cruise-Control lever." Thus, potential for the concept of, "lever-confusion," is increased with the combination of the levers, in the M-B Triple-Stack (stalks) design. The number of choices for the driver within a very compact physical space, are voluminous. Therefore the potential for, "driver-selection-errors," are unnecessarily enhanced by bad physical design that increases safely risks by increasing the opportunities for, "driver-selection errors. Why? The remedy is simple. But the admission of mistakes is not so simple because egos, money and reputations get in the way. These are just some, but main reasons that M-B hasn't stepped up for different opportunities to acknowledge the bad design, take steps to supply warn- or temporary fixes, to increase therefore, the public safety. After all with the 2019 system, the public safety has been dramatically enhanced. Why not also for the design of the 2011-2016 models, cruise-control system?

(#)



#1 of 2 identical images, in this ↓
package.



Larger Than Life-Size

↑ Angle of deployment Accident of: (2/23/2019)

Photographs of subject M-B: c350 Interior Controls were taken at different angles to demonstrate different perspectives, with just slight movements of the camera. This mimics driver movements in the driver's seat while driving. (See Reverse side.)

See Other Side

NHTSA Ref. No: 11206504

Reader/Viewer is referred to Pages 35-39, Farmers Market
Crash Investigation Report by the NHTSA: D.O.T., N.H.S.A.

A 5-month investigation by the California Highway Patrol culminated in a 917
Page report was completed and the [redacted] year old [redacted] driver was at fault.

There was a NTSB Report as well, or NHTSA report completed in
2004 and submitted to Department of Transportation (DOT). Said report with
some non-applicable pages not included, is submitted with this package #

Photo ID. No.: March 25, 2019-Monday-12:05PM; IMG_20190325_120537
—1.jpg; 5.0MP 3017 x 1662 3.0MB; Google Pixel 3; f/1.8 1/350; 4.4mm
ISO 56.

Ref #: 11206504
N.H.T.S.A.

Steering wheel.



NO. 1 of same photo. # 50527 of 1-5134390

Mercedes-Benz, 2014 Model - C350 W

Depicts: Top to bottom: Directional signal; steering column/wheel Adjuster lever; cruise-control system, with "off", "Resume", "ACCEL", and "DECEL", showing. Note the direction of arrows to activate functions, on cruise-control lever. Note direction of arrows on Directional Signal lever. (should be up, & down).

Levers are Column-mounted, left-side.

IF Steering wheel is being moved right and left, and driver is at 9 and 3 o'clock or 10 and 2 o'clock, movements of traffic, while eyes are on road (over)

(continued from bottom right, other side):

can easily alter driver's perception. Levers are so close together (despite being of SLIGHTLY DIFFERENT LENGTHS) that a movement upwards from the steering wheel can be misjudged by a driver intending to signal for a right-hand turn. The sweeping up motion can just as easily catch the cruise-control lever, as the intended directional signal. This then immediately activates the cruise-control, if the memory is stored in the system, after the brake was used to deactivate the cruise-control, with cruise-control not being deactivated by pushing lever towards the dash, there is no contingency for change in traffic conditions nor speed, nor miles, since the last memory use, of the cruise-control.