

ACSC

Triple

Insurance

CH A 190

policy # 3

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

MATTHEW Tee - 310-2175233 -

HAVE CONTACTED C.S.V. Poly ALD HOF.

also contacted 4 lawyers, none of
whom are interested.

I've asked ACSC to preserve evidence.

T/A Record
Correction
Request

DL 208 - Adobe Acrobat Reader required

Use this Report to dispute
Seems not to correct elements of
the Report.

Provisions 7115(a) P.C. Must be satisfied

ACSC Hqtrs. - Costa Mesa (714) 427-5950
3333 Fairview Road
Costa Mesa, Ca. 92626

4/5/19. Appeal?
Call Matthew Tee.

called @ 2:55 pm of 4/5/19, left message req call

800-367-6371 Accident 2-23-19-405mg
503-582-4343

Ext, 1993
Sign Video (High Performance Video Accessories)
How to Print a Web-Page without Put Offs, ^{outs.} Blank
by Gary Hood
First ~~Print~~ ^{click} on Print Preview:

Rich Tabach 661-291-3873 - Supervisor Interview
exchange of So. Cal. IMG-20190325

Photo Description (2663X2924) 120501.jpg
of Pedal Assembly 350

Cruise Control: <https://www.mbusa.com/mercedes/owners/videos/detail/year-2012/class-C-Class/videoId-eac7ec5571d8b210VCM100000To184335ACRD>.
"8"

Cruise-Control M-B Video - incorrect video
for 2012-2013- continued to be the
wrong one!

"Autoweek" Review - M358 - 302 h.p. 4750 L6

3860

Mercedes-Benz - Eric Wieman CRFETS Engineering
Services Engineering / Field Technical
services.

Rich Tabach AAA

~~562-421-4037~~

719-631-6427; 800-637-2360 ✓ M-B club.

No longer in service

Re: Accident: 2/23/2019

Mercedes-Benz agent rec. packet on April 13 @
11:40 A.M., delivered to agent. See M-B File.

Subsequent notice to be made & delivered re:
confirmation of "sudden acceleration," acc.
to Rich Tabach of AAA. On or about 5/1/2019
by e-mail.

Service Manager - L.B. Service Dept.

Sam Cashion? - Serv. Mgr.

5/9/19 - Ainsworth - NH TSA -

T/c notification:

"Black Box"

3 Casperned. Car # QD1, # - 11206504
NH TSA Gov.

5/9/19 - M.B. Notified by "e-mail" re
"sudden acceleration black box"
findings by AAA, as notified by Rich

Vocabulary. Com - Accident

Accident (2.123/19) Definition of terms & Phrases.

1) "Just about anyone" Introductory clause.

2) influencing; it means to influence something without actually causing it to happen

Vocabulary.
com

3) Influence is the power to have an important effect on someone or something.

If someone influences causing something without any direct or apparent effect.

Vocabulary. com:

n 4) Influence - causing something without any direct or apparent effect.

5) the effect of one thing (or person) on another.

6) have and exert influence or effect.

7)

NTSB B5T 1967 - ACC. Involves Invest est. 1977 married
Accident 02/23/2009 / NTSB

5/19/2019 - 8/3/2004 NTSB - Adopted Accident Report
re: Rear-End Collision and Subsequent Intrusion
Into Pedestrian Space at Certified
Farmers Market Santa Monica, Ca.
on July 16, 2003 (2003).

by/of: NTSB/HAR-04/04
PB2004-9/6204
Notation 7649B

Source: <http://www.nts.gov/investigations/AccidentReports/Reports/HAR0404.pdf>

Known as the "Farmers Market Crash"

Public - NTSB Address: 490 L'Enfant Plaza,
Inquiries: S.W., Washington, D.C. 2054.

National Technical Information Service
5285 Port Royal Road
Springfield, Va. 22161

800-553-6847; 703-605-6002

ASHTO-

American Association of State Highway
and Transportation Officials
EDR-Event Data Recorder
IEEE-Institute of Electrical & Electronics
Engineers

Farmers Market Accident

continued from Prior Page
NPRM - Notice of Proposed Rulemaking
SAE - Society of Automotive Engineers

What
Happ,

[REDACTED] driver - Buick w/o pass
Hit m-B that w/ stopped - continued
Ran into & killed 10 people injured 63
Others in Santa Monica at a Farmers Mkt.

Rec'd H.A. safety issue: EGVIP Vehicles with
Event Data Recorders.

Lic. Revoked - Lack of Knowledge or Skill
Tried 1-3-2004 - 10 counts veh. ~~from~~
manslaughter w/ Gross Negligence
& entered plea of Not guilty 1/6/04

UAI's Page 27 of Report - AKA: "Sudden Acceleration"
Unintended Acceleration.

Page 27 - Daimler-Chrysler "have begun integrating C.D.C.
technologies into their vehicles. - No gov. regs.
voluntary.

Page 28 - Last Page Continued

A Safety Board rec in 1997 after
Public Forum recomm. to NHTSA
Auto Manufacturers, that they develop
& implement a plan to gather better
information on crash pulses & other crash
parameters in actual crashes, utilizing current
or augmented CRASH SENSORS and recording
devices. #

Page 35 - Unintended Acceleration.

[REDACTED] likely confused the
Accelerator Pedal & brake - Report discusses why.

Pg. 36 A Human Performance Analysis of Unintended
Acceleration: a driver's inadvertent initial
~~mistake~~ activation of the accelerator and the
driver's subsequent failure either to recognize
the initial mistake or to correct it. The factors
underlying unintended acceleration are
described below.

Inadvertent Activation:

P. 36 - Well-Documented: moving foot to accelerator
instead of brake; errors in "response choice"
entail making the wrong choice when presented with
alternatives. Not a major factor in V.A.'s.



LAST Page Continued

Intended to press brake pedal. Thought he had.

Errors in response execution involve making the correct choice - for example, to press the brake - but failing to execute the response effectively. In the case of braking, factors effecting execution include response force (the more force used, the greater the variability in the movement), response time (the faster the movement, the greater the force needed), limb size (the larger the limb, the more variability in the motion), head and body position (if the head or body is out of position, the normal habitual movement may result in an error), direction of gaze (looking to the right or left when executing the movement may introduce error), and negative transfer from other vehicles (the learned movement in one vehicle may produce an error in another, to name a few).

Pg 36

Ex: Start, ^{attention on the} then stop of Mercedes - Att. on the car instead of the pedestrians - created a lack of Advance warning - the movement of pedestrians caused sudden braking by the Mercedes - reaction time reduced (coupled w/ violation of expectancy) created situation conducive to human error.

Page 37

Moreover, shortly before his vehicle struck the Mercedes, the Buick driver had deposited a letter in a curbside mailbox less than a block away. He had done so while remaining inside the automobile, requiring that he maneuver across the seating area and place the letter through the passenger-side window and into the outside receptacle. Thus, the accident driver may have been slightly out of position as he resumed driving toward the 4th Street Intersection.

Last Page Continued

Pg 37 - "As noted above, one factor that can contribute to an error in response execution (such as applying one's foot to a pedal) is having the body out of position, in which case normal or habitual movement can result in a mistake."

P, 37 - Line 2 - Research indicates that a violation of Driver Expectancy can account for many accidents involving turning movements, and usually the actions of other drivers, rather than roadway geometry, are what violate expectancies. "...and human performance under hypervigilant conditions is generally less reliable than it is otherwise."

3rd paragraph "Hypervigilant Reactions (Panic) / Perceptual Narrowing"

"This term describes situations in which an individual is exposed to a strong, startling stimulus, sometimes perceived as life-threatening accompanied by the perception that a solution must be found quickly. This combination of stimulus and perception can cause a temporary impairment of cognitive function; often, the individual appears to freeze, taking no action at all because his or her internal information processes are overloaded. The individual's attention narrows to the stimulus, and all other cues are missed. Some studies

Continued from Last Page

Pg 38

have shown simplistic reasoning & thinking, primitive motor control, and strong emotions among individuals who are in a hypervigilant state. Due to stress, this hypervigilant state can set the stage for a habitual response.

Pg. 38 - ~~HAB~~ HABITUAL RESPONSES
Under Stress

NHTSA Reference Number: 11206504

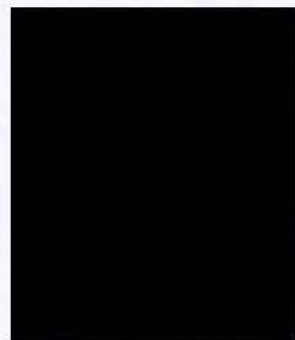
Dowel pins are often used as precise locating devices in machinery. Our Steel precision dowel pins are machined to tight tolerances, as are the corresponding holes. When designing mechanical components, mechanical engineers typically use dowel holes as reference points to control positioning variations. If something other than a dowel pin is used for alignment, there can be significant variation in component positioning. They can also be used as locators so that a part can be removed and will retain its accurate location when replaced.

With a product like this, a diverse selection is necessary. Our expert staff is ready to meet a wide range of customer needs. Some applications are more demanding than others, requiring dowel pins that may be difficult to find elsewhere. With our expansive inventory and custom capabilities, PIC can keep you on target by helping you find the right product for your job.

Part Four (4), sub-letter: (c).

Dowel Pins are made of high-grade steel, often of the stainless steel variety. They are very strong and highly resistive to bending. See Photographic Series 4, 6, 7 for visual of pins and explanations of relevance in the 2/23/2019 accident.

Source of Material: Internet: Key Words: Stainless Steel Dowel Pins and this



DRIVER/INSURED'S INITIAL CONTACT

LETTER

THERE WAS NO RESPONSE TO IT

A SECOND EFFORT BY TELEPHONE RESULTED IN

THE SCREENER SENDING THE SECOND EFFORT

ALONG FO R FURTHER

INVESTIGATION

Note: This was Driver's 1st Contact NHTSA Reference
Effort to report M-B FACTORY No. 11206504.
Design Defect that is a danger to the community safety.

March 23, 2019

Victim (Alleged Cause of Accident)

Simi Valley, Ca.

e-mail

TO: National Highway Traffic Safety Administration, Attention: Administrator, 400 Seventh Street, Washington, D.C. 20590, USA

**REPORT TO NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
OF VEHICLE DEFECT OR DEFECTS: RE: 2014 MERCEDES-BENZ C350 (W)**

Based upon a series of events within our 2014 Mercedes-Benz C350 (W) motorcar, VIN #: WDDGF5HB2 on February 23, 2019 at approximately 15:55 hours, resulting in an injury, 4-car collision, I believe that there are defects in the acceleration systems, including but not limited to the cruise control system. Further, I believe the design layout of the system is inherently dangerous and that in certain circumstances, the layout itself can and did lead to the injury accident which occurred in Los Angeles City and County, California on the I-405 Freeway in the vicinity of Olympic Blvd in the South HOV, #1 and possibly #2 lanes.

I also am reporting that it appears that the Triple-A Insurance Company, also known as the Interinsurance Exchange of the Automobile Club of Southern California is proceeding in a manner which is either intentionally or unintentionally covering up this safety defect, to wit: Prior to all evidence being in, fault was declared one day after the completion of the Traffic Collision Report # despite the fact that I, their insured, had reported that I believed factory defects and design defects and lack of proper intervention systems significantly contributed to the cause of the accident. Triple-A had informed me that it would not assess blame for the accident until a full investigation of the automobile and its various data records had been collected and analyzed, and made this statement to me on March 6 and 7, 2019. However a letter received from Triple-A dated March 6, 2019 found me to be at least 51% at fault for the accident. Although an order for preservation of evidence (car) had been placed by Triple-A employees, data had not yet been collected and analyzed. I also had not an opportunity to view the car nor to have the data collected regarding the cars chips and recorder systems collected, reviewed and/or analyzed.

Further, I believe the California Highway Patrol did not adequately investigate the accident in a rush to judgement, in that on March 5, 2019, the report was completed by K. Sepulveda, Employee and the report was reviewed by Branden Matulich, Employee. The report contained errors in statement of injuries and in statement of time-line facts of what occurred in the 14 page report. Page 14 of the report found that I was in violation of 22350 CVC, Unsafe Speed. The report's contents were inaccurate and incomplete. Without going into details at this point, the investigation, on site by Officer K. Sepulveda was not carried out within the guidelines of proper investigative techniques. As a result, a false impression of what occurred both as to what happened in the time line and the result of the report, cover up defects in the execution and design of the vehicle which the operator was not aware of at the time of his operation of the vehicle, and which materially caused or contributed heavily to the development of conditions within the operating systems of the car

1 of 2

2 of 2 identical copies of this document.

(1) First of two submitted, with packet that is 2 copies of this document.

which contributed much more materially to the cause of the accident, than did operator law violations. Operator error was not alleged.

While not knowing if others have provided notice or information to NHTSA, I none-the-less found a Mercedes-Benz Forum concern written by a former driver of a Mercedes-Benz C350 in which he stated that he repeatedly confused the cruise control for the directional signal during a trip he took from San Diego to Phoenix. Thus, I'm not the only one to have had this difficulty with the system, although in that case, no accident occurred.

I have additionally notified Mercedes-Benz of the accident and provided an outline of system defects which contributed materially to the accident. The company states its investigation is pending on the matter.

I am requesting that the NHTSA initiate an investigation into the rush to judgement that operator violation of the California Basic Speed Law was the cause of the accident when I was the operator and experienced multiple factory defects which caused or were the major cause of the accident.

Respectfully and truthfully,

██████████ California Drivers License ██████████ Tripple-A Claim # ██████████ CHP Traffic
Collision Report # ██████████ (2-23-2019) I-405 Southbound Collision, Approx. 1600
Hrs.

ROUGH NOTES

TAKEN BY [REDACTED] (DRIVER)

FROM: 02/24/2019 - 05/19/2019

**ALL WERE PART OF ATTEMPT TO FIND OUT
WHAT HAD HAPPENED TO CAUSE THE ACCIDENT OF
FEBRUARY 23, 2019**

**NOTE LED TO RESEARCH OF THE INTERNET
AND DISCUSSION WITH ANYONE AND EVERYONE
I COULD FIND WHO HAD ANY EXPERIENCE
WITH THE CAR I DROVE OF ACCIDENT SITUATIONS
OF RELATED TYPES.**

**THERE MAY HAVE BEEN OTHER ROUGH NOTES; THESE WERE ALL
I COULDE FIND.**

Accident

M.B. 2-23-2019 - Spoke to her about what happened. She may or may not contact me again. She said their team may look at the car, the data, etc. Also shared my concerns with the design location of operation that had/hus no fail-safe re: the acceleration being full-throttle instead of gradual.

3/14/19: Found that the pol. rept (G.C.R.) turns all with the insurance company. Thus

CRUISE CONTROL Pages 171

Pg 27 - of M-B operator's manual - Data Stored in Vehicle - CUB Code figure 9951 Compliance. EDR - 30 seconds or less.

W.L.A. CHP - 9565 - Sgt. Ruiz - Supervisor -
for Apt. Lt. Rob for/a.

D. O. T.

Transportation Safety Administration

Under "Discussion"

"UA's" behave like

"wrong pedal" occurs more frequently in driving situations that involve turning, perhaps indicating that there is an influence of the upper limb or body that creates a more erroneous lower-limb condition.

errors in response execution = moving too far.

Schmidt (1989) has argued that UAs behave like "response-execution errors in many ways, sensitive to the same factors that influence variability in human driving movements, and are unlikely to be recognized as errors by drivers who have just made them."

"... supports a pedal-misapplication theory, and rejects a theory involving some vehicle defect."

Schmidt in 2010 may have been in error.

Source: Frontiers Media, SA
or provision

Schmidt, UCLA. Professor Emeritus.

3 other cars

3:40pm

2/28/2019 - lengthy (45 min.) discussion with
Triple A adjuster Rarman
1-661-852-4031

Revisited the exact circumstances
of the accident of 2/23/2019 (1600hrs) all
aspects discussed. Cruise control issue
discussed extensively. "Stuck Pedal" ask
3x by 3 different 1st responders
with same question: Did you have a stuck
(gas) pedal? Answer immediately, all 3
times: "No!" emphatically. This was not a
matter of a stuck pedal.

What it was, was a "gas pedal" that
"pinned" my foot to the floor board with so much
force that I couldn't pull it out. Car accelerated
with maximum velocity until I lost control of the
car.

My foot remained pinned at least to the point
in time when the air bags deployed. Would have
been at collision point to cause the air bag to
deploy.

Electronics bleed; caused I car to lose control via
cruise control malfunction. (Internet source of
what happened to another.

Notes: 1

Accident of 2/23/014 Alexander Butler-Porter
claimant # [REDACTED]

3/4/2019 - No Service Manager - Wes Crown
1-800-371-5429

Requested an Mgr. to talk to as req. by
AAA Adjustor -

619-531-1852 - Brian W.

Raman 1-661-852-4031-Trip A.

#1) M.B. 5/16/16 (Prior M.B.) (Based on date of acquisition of 2 or 4.)

#2) { M.B. 5/9/17 claimant # [REDACTED]
5/9/17 " " [REDACTED]
5/9/17 " " [REDACTED]

11/2/17 claimant # [REDACTED]

11/2/17 claimant # [REDACTED]

11/2/18 claimant # [REDACTED]

2/23/19 claimant # [REDACTED]

2/23/19 NHTSA ID # 17V6E7800 - 10/6/17

3/4/19 - \$21,443.87 - Trip A - determined value of the car.

5/9/19 - \$23,351.87 - Total settlement.

3/5/2019 - T/C from Raman - person to examine car's Black box, etc.

Accident: Kinestology

3/19/2019

- claim #

CHP

Location: Co-part Van Nuys. 7579 Woodman Ave.
Van Nuys, Ca. 91405 - Lot #
818-782-5315.

Brav. Raman@aaa-calif.com

3/19/2019 - Email to Raman Brav asking to view vehicle.

Page 28

"If you believe that your vehicle has a defect which could cause a crash or could cause injury or death, you should immediately inform the National Highway Traffic Safety Administration (NHTSA) in addition to notifying Mercedes-Benz, USA, LLC.

Results could be recall.

To Contact NHTSA, you may call the Vehicle Safety Hotline toll-free at 1-888-327-4236; go to www.safercar.gov; or write to: Administrator, NHTSA, 400 Seventh Street, SW, Washington, DC 20590, USA.

Further Info. on vehicle safety can be found at <http://www.safercar.gov>.

Above from C-Class Sedan Owner's Manual, Mercedes-Benz Edition B 2019.

M-BVIN: WDDGF5HB2E [REDACTED]

3/25/2019 - T/C to Adjustor/Claims Service
(Adjuster) - Representative; Alexandra Butler-Poote
(Butler-Poote, Alexandra@aaa-calif.
com)

3/25/19 Refer to Co-part Mgr.: Matthew Tee-310-217-
(called @ 9:56 A.M. Recording. 5233

3/25/19 Co-part Phone: 818-782-5315 #4
Contacted Co-part - Recording received
Press "4" to speak to a Customer Service
Representative.

Erica answered the phone. At first
stated [REDACTED] could come by & had to be
present; then stated that "Adjuster" called
and provided my name. [REDACTED]

Co-part: 818-782-5315 (Ext # [REDACTED])
Location 7519 WOODMAN Ave., Van Nuys, Ca. 91405

www.prevent-ip.org

Auto Safety articles on Internet

11 Jan. 2005 - from Internet Wayback Machine:

PREVENT - Reduce Accidents by 50% by 2010.

European Automotive Industry
Initiative of Objectives by European Auto Industry, a Project.

Daimler-Chrysler joined BMW, Renault,
PSA Peugeot Citroen, Ford, CRF, Volvo Technical
Development, suppliers: Siemens VDO, SAGEM &
Bosch, & Research Institutes: INRETS

W203 Throttle Reset. ^{Super computer} ~~Subcomputer~~ Chess Engine.
P0120 Throttle/Petal Position Sensor/Switch A circuit
Malfunction P0121 ... into output voltage, and emit the
voltage signal to the engine control module (...). This sensor
is internal to the MAF (Mass Airflow Sensor) and it is
common for it to Select Reset W203 Throttle reset.
They can diagnose a Mercedes problem....

tech.slashdot.org Computers/cars, a maddening experience
Nothing of Value?

Does Cruise Control Cause Accidents? April 19, 2017
by: The Rosen News Team?

Source: Wall Street Journal's Report. states a French study
General Dangers of cruise-control.

Car Accidents caused by defective Cruise-Control.
M-B

Attorney, Alan J. Konigsberg (212) 605-6200
1-800-988-8005 (24/7),
Serve Nation-wide

3/26/19 -- Search Internet
Accident

The Sawaya Law Firm
Infographic 11/6/2016

Airbag takes 1/20th of a second to fully inflate.
Safercar.gov

Cause gone wild: The Major Contributor to Unintended
Acceleration in...
by R.A. Schmidt - 2010 - cited by 23
related articles.

200 pedal errors as cause of accidents
Two main classes of explanations have been proposed
for pedal errors ... errors in response choice.
ncbi.nlm.nih.gov/pmc/articles/PMC3153815/

Unintended Acceleration sometimes
called: "Sudden Acceleration."

1980's: considerable attention.

2009 & 2010 - UA accidents resurged.

Some Unknown Phenomenon w/ working

"Frontiers in Psychology - PMID: [REDACTED]
PMID: [REDACTED]"

Richard A. Schmidt and Douglas E. Young -
North Carolina Database - 92% of misapplications
occurred during the driving cycle. In

b) unhurried conditions; c) categorically separate from
those events referred to as unintended acceleration episodes

[REDACTED]

Notes: 2

Claim [REDACTED]

2/5/19 - Print-out Triple A form, authorizing Triple A & its consigns to go into back box of car, etc. in order to attempt to learn the cause of the accident.

3/6/2019 - Rec AAA message to Contact M-B to "make a claim/report regarding your (661-481-4156) alleged cruise control issue."

from Tiffany Nguyen (Nguyen.Tiffany2@aig-cali.com)

12:19 PM 3/6/2019 - HP 5: //mbusa.com/en/home.

Went to Internet, logged in, as already registered. Went to "Contact Us":

1-800-367-6372.

- Pressed 4, then 3 (2015) (then)

- Customer Service Representative -

press 5, then 3, then 5

1-800-367-6372
x 2011

Kate -
manager.

would info to executive referral
"when you put the break
on it cancelled the cruise
control"

03/11/2019 - Rec. notice from AAA regarding policy change & refund for cancellation of insurance on 0350, [REDACTED]

1-661-8524031

3/11/2019 - Raman Trip A - ask for sign authorization - started inspection process (will make last week on 7th or 8th)

Tami

Accidents

3-7-2019 - Spoke to Tiffany Nguyen who listened to explanation of contact & discussion with Kale of Merc. Customer Relations. Refusal of Kale to connect me with a manager. Tiffany said that legally, only the registered owner of the vehicle may make the request for "report/claim" v. M.B. Suggested that I write letter to M.B. with same request & to send it ret. receipt requested.

3-7-2019 - Thinking about AAA suggestion to file claim / Report v. M.B., something comes to mind about the timing of the suggestion. There is very little actual evidence at this point in time, pointing to Mercedes-Benz other than anecdotal.

3/7/2019 - Call to David Klaparda, Supervisor of Tiffany, AAA. Explained - put M.B. on notice that there is a potential defect claim w/ manufacturer. Write letter that places M.B. on notice.

3/7/19 - <https://www.mercedes-benz.com/en/>

M-80254

Weston Region - 3860 North Lakewood Blvd.
Long Beach, Ca. 90808

Customer Assistance Center / Mercedes-Benz Dr.
Main Office / Customer Center

Accident 2-23-2019

3/7/19 - Doug relates his daughter Dana got her foot caught under the accelerator pedal on the way to UCLA. [REDACTED]

3/7/19 - Continue letter of Mercedes-Benz as directed by AGSC IAAH - Trip/EA. Included are Brax, Raman - 661-852-9031, claims representative; Tiffany Nguyen, 661-481-4156, Mobile Claims Representative; Manager; David Klaproder, 818-438-3317, a supervisor; & Alexandre Butler-Porter, Claims Service representative, 310-217-5280. Her e-mail is: Butler-Porter, Alexandre@aaa-calif.com. [REDACTED]

3/7/2019 - Tiffany Nguyen - Nguyen.Tiffany2@aaa-calif.com

NCIC [REDACTED] Records -

W.V 5825 De Soto Ave.
[REDACTED]

1610 Spring Rd.

Woodpark, Ca. 93021-1278
805-553-0800

Went @ 12:15 pm &
Received a copy of
the traffic accident report.

3/7/2019 - Received, Read & Review traffic collision report. Page 12 is both incomplete & inaccurate with regard to my statement as Party #1 (Ford) on lines 12, & 13. For both 14 Under "CONCLUSIONS" & conclusion is an unfair incomplete

3/11/19 - C. M. H. R.

Conclusion to draw is, is biased and is not fully supported by the facts. Further facts were left out of the report & my condition was not adequately taken into account. My condition, emotionally & physically was such that a further statement, which might have been more accurate when I had gotten a bit of recovery & was out of the state of shock & distraught & disoriented that I was in on the side of the road.

Will file my own SR-1, & will send supervisor of report, my complaints regarding

Pages 12, 13 & 14 -

This includes the "cause" June 14 & 15 as being misrepresentative of the facts.

①
3/12/19 M-B

M-B.

left message. X 6324-

#55

M-B, VSA Rec. Notice.

(3/12/2019) - phone call return.

Location: 7519 Woodman Ave. 91405
Lot # 28523569.

Raman will assist me.

3/12/2019-

3/13/19- Black Box is Event Data Recorder.

3/12/19- A C.D.R. Vehicle List, retrieval system via the Bosch Crash Data Retrieval Software & Hardware Products support crash data from vehicles listed. The Mercedes-Benz C350 is not listed as one of those vehicles that data can be retrieved from. C350 or C Series 2014 M-B are not listed.

However, the car has any number of sensors.

C D R - Crash Data Retrieval-

A C M - Air Bag Control Module-

Data may be preserved up to 5 sec prior to crash.
Vehicle Speed
Steering wheel Angle
CRASH Sensor

② 3/13/19
Cont'd

Brake Switch Status
Seat Belt Status
accelerator pedal position
Order of impacts if multiple
Transmission gear position
air bag deployment data
occupant presence

Mercedes-Benz is listed as a manufacturer from
who ⁱⁿ data can be easily retrieved.
(from Professional Analysis and Consulting)

Some EDR info include

- Data after crash
- vehicle dynamics info for 5 sec before crash.
- Driver Inputs for 5 seconds before crash.

Accelerator position

air bag deployment times

Brake pedal status.

Delta-Y Impact severity

order of impacts if multiple

Pre-Crash Vehicle Data (5 sec prior)

Seat belt status & occupant presence

Steering wheel angle

Valuable Crash Evidence stored in vehicle

Vehicle Speed

Accident
02/27/2019

Ref [redacted] Pers. Inj. Attorneys 800-561-4887
Filled out contact form.

From
Forbes
Magazine

TED. ed

Professor Patrick Lin - Cantis Tutor
Ph.D - U.C. Santa Barbara.
B.A. U.C. Berkeley
Education

"The ethical dilemma of self-driving cars.

"If we think that this industry is as
important as advertised, then it needs to be
able to defend its design decisions in advance,
not after the fact of an accident."

Polytechnic State University San Luis Obispo
Ethics and emerging Sciences Group
philosophy professor

[redacted] - Contact Lin.

from 2015 Autonomous Fahren pp 69-85 cite as
Springer Nature Springer Vieweg, Berlin, Heidelberg
Print ISBN [redacted]

Minami Tamaki, LLP, Law Firm

Updated June 7, 2018

Walter Huang - Mark Fong of Minami Tamaki LLP

NTSB - Death involving autopilot.

Tesla denies responsibility - Blames Walter's inattention as sole cause of the accident.

Walter had multiple warnings from car prior to the accident.

4 sec. before the accident, car accelerated from 62 to 70.8 mph.

The autopilot system should never have caused this to happen.

B. Mark Fong, partner of law firm.

415-581-1497

415-788-9000

Time Line Maker:

Time Line Maker Professional

1-800-850-0122

Purchase: \$95.00 (Sale Price)

1-800-850-0122 (8-4pm, EST, M-F)

e-mail: sales@timelinemaker.com

Item #: P3004-01 / Order #: 4677

Transaction #: 61677450140 Date of Purchase: 3/30/19
w. F. Debit Card.

Timeline Title Timeline Line

4/2/2019 - Tiffany Nguyen - "Must follow the telephone contact 10:35 am"

No Independent. She is now out of picture as driver of judgement as car #3 (Honda Pilot) is now "seriously" factored evaluation. injured. #3 also obtained an attorney.

Tiffany also stated, "I'm out of it."

4/2/2019 - About photo from cell of / or Google photos to get friends of the

Calif. also sent a sort of time line or map of on Mr. Deng, it's cruise control system on some material about its C-C problem history. Included in this history was Alexander Butler - Forster of A.C.C.

Plan to complete time lines do more research on M-R C-C units. - Submit New Time line to all parties to all parties to forensic study of cruise control, b1 with box of at home. info on C-C of use. pedal! (in A.C.C. history).

ACSC Triple-A - [redacted] Insurance
CH A 190 policy # [redacted]

MATTHEW Tee - 310-2175233 -

HAVE CONTACTED C.S.V. Poly AL O Ref.

also contacted 4 lawyers, none of whom are interested.

I've asked ACSC to preserve evidence.

T/A Record
Correction
Request

DL 208 - Adobe Acrobat Reader required

Use this Report to dispute
Seems not to correct elements of
the Report.

Provisions 7115(a) P.C. Must be satisfied

ACSC Hqtrs. - Costa Mesa (714) 427-5950
3333 Fairview Road
Costa Mesa, Ca. 92626

4/5/19. Appeal? Call Matthew Tee. [redacted] M/C# [redacted]
called @ 2:55 pm of 4/5/19, left message req. call, [redacted]

800-367-6375
503-882-4343

Accident 2-23-19-405mg

Ext, 1993

Sign Video (High Performance Video Accessories)

How to Print a Web-Page Without Cut Offs, Blackouts,
by Gary Heed

First ~~Print~~ ^{Click} Now Print Preview:

Rich Tabach 661-291-3873 - Supervisor Interim
Exchange of So. Cal. IMG-20190325-

Photo Description (2663x2924) 120501.jpg
of Pedal Assembly 350

Cruise Control: <https://www.mbusa.com/mercedes/owners/videos/detail/year-2012/class-C-Class/videoId-eac7ec5571d8b210VC/M100000Tc184335RERD>.
"B"

Cruise-Control M-B Video - Incorrect video for 2012. 2013. Continued to be the wrong one!

"Autoweek" Review - M358 - 302 h.p. 4750 L6

3860

Mercedes-Benz - Eric Wieman CRFIS Engineering Services
Engineering / Field Technical Services.

Rich Tabach AAA

566-421-4037

719-633-6427; 800-637-2360 ✓ M-B club.

5/7/19 No longer in service

Re: Accident: 2/23/2019

Mercedes-Benz agent rec. packet on April 13 @
11:40 A.M.; delivered to agent. See M-B File.

Subsequent notice to be made & delivered re:
confirmation of "sudden acceleration" acc.
to Rich Tabach of AAA. On or about 5/1/2019
by e-mail.

Service Manager - L.B. Service Dept.

Sam Cashion? - Serv. Mgr.

5/9/19 - Ainsworth - NH TSA -

T/c notification

"Black box"

3 Cases opened. Car # QD1, # - 11206504
NH TSA Gov.

5/9/19 - M.B. Notified by "e-mail" re
"sudden acceleration black box"
findings by AAA, as notified by Rich

Vocabulary, Com - Accident

Accidents (2/23/19) Definition of terms = Phrases.

1) "Just about anyone" Introductory clause.

2) influencing; it means to influence something without actually causing it to happen

Vocabulary,
com

3) Influence is the power to have an important effect on someone or something.

if someone influences causing something without any direct or apparent effect.

Vocabulary, com:

n 4) Influence - causing something without any direct or apparent effort.

5) the effect of one thing (or person) on another.

6) have and exert influence or effect.

7)

NTSB BSR 1967 - ACC. Involvement Invest est. 1974 Marine
Accident 02/23/2009 / NTSB

5/19/2019 - 8/3/2004 NTSB - Adopted Accident Report
re: Rear-End Collision and Subsequent Intrusion
Into Pedestrian Space at Certified
Farmers Market, Santa Monica, Ca.
on July 16, 2003 (2003).

by/of: NTSB/HAR-04/04
PB2004 9/6/2004
Notation 7649B

Source: <http://www.nts.gov/investigations/AccidentReports/Reports/HAR0404.pdf>

Known as the "Farmers Market Crash"

Public - NTSB Address: 490 L'Enfant Plaza,
Inquiries: S.W., Washington, D.C. 20554.

National Technical Information Service
5285 Port Royal Road
Springfield, Va. 22161

800-553-6847; 703-605-6002

ASHTO-

American Association of State Highway
and Transportation Officials
EDR - Event Data Recorder
IEEE - Institute of Electrical & Electronics Engineers

2019-2-20 D

Farmers Market Accident

continued from Prior Pages

NPRM - Notice of Proposed Rulemaking

SAE - Society of Automotive Engineers

What
Happ,

[REDACTED] driver - Buick w/o front
Hit m-B that w/ stopped - continued
Ran into & killed 10 people injured 63
Others in Santa Monica at a Farmers Mkt.

Rec'd H.A. safety issue: EGVIP Vehicles with
Event Data Recorders.

Lic. Revoked - "lack of Knowledge or Skill"
Tried 1-3-2004 - 10 counts veh. ~~from~~
manslaughter w/ Gross Negligence
& entered plea of Not guilty 1/6/04

UAI's Page 27 of Report - AKA: "Sudden Acceleration"
Unintended Acceleration.

Py 27 - EDC - Crash Data Collection - by 2004,
Daimler-Chrysler "have begun integrating C.D.C.
technologies into their vehicles. - No gov. regs.
voluntary.

Page 28 - Last Page Continued

N Safety Board rec in 1997 after
Public Forum recomm. to NHTSA &
Auto Manufacturers, that they develop
& implement a plan to gather better
information on crash pulses & other crash
parameters in actual crashes, utilizing current
or augmented CRASH SENSING and recording
devices. #

Page 35 - Unintended Acceleration.

[REDACTED] likely confused the
Accelerator Pedal & brake - Report discusses why.

Pg. 36 A Human Performance Analysis of Unintended
Acceleration: a driver's inadvertent initial
~~mistake~~ activation of the accelerator and the
driver's subsequent failure either to recognize
the initial mistake or to correct it. The factors
underlying unintended acceleration are
described below.

Inadvertent Activation:

P. 36 - Well-Documented: moving foot to accelerator
instead of brake; errors in response choice
entail making the wrong choice when presented with
alternatives. Not a major factor in V.A.'s.



LAST Page Continued

Intended to press brake pedal, thought he had.

Errors in response execution involve making the correct choice - for example, to press the brake - but failing to execute the response effectively. In the case of braking, factors effecting execution include response force (the more force used, the greater the variability in the movement), response time (the faster the movement, the greater the force needed), limb size (the larger the limb, the more variability in the motion), head and body position (if the head or body is out of position, the normal, habitual movement may result in an error), direction of gaze (looking to the right or left when executing the movement may introduce error), and negative transfer from other vehicles (the learned movement in one vehicle may produce an error in another), to name a few.

Attention on the ~~the~~ ^{the} ~~the~~ ^{the} instead

Ex: Start, of then stop of Mercedes - Atl. on the ~~the~~ ^{the} ~~the~~ ^{the} instead of the pedestrians - created a lack of advance warning - the movement of pedestrians caused sudden braking by the Mercedes & reaction time reduced (caused ^{violation of} expectancy) created situation conducive to human error.

Moreover, shortly before his vehicle struck the Mercedes, the Buick driver had deposited a letter in a curbside mailbox less than a block away. He had done so while remaining inside the automobile, requiring that he maneuver across the seating area and place the letter through the passenger-side window and into the outside receptacle. Thus, the accident driver may have been slightly out of position as he resumed driving toward the 4th Street Intersection.

Last Page Continued

Pg 37 - "As noted above, one factor that can contribute to an error in response execution (such as applying one's foot to a pedal) is having the body out of position, in which case normal or habitual movement can result in a mistake."

P, 37 - Line 2 - Research indicates that a violation of Driver Expectancy can account for many accidents involving turning movements, and usually the actions of other drivers, rather than roadway geometry, are what violate expectancies. "...and human performance under hypervigilant conditions is generally less reliable than it is otherwise."

3rd paragraph "Hypervigilant Reactions (Panic) / Perceptual Narrowing:"

"This term describes situations in which an individual is exposed to a strong, startling stimulus, sometimes perceived as life-threatening accompanied by the perception that a solution must be found quickly. This combination of stimulus and perception can cause a temporary impairment of cognitive function; often, the individual appears to freeze, taking no action at all because his or her internal information processes are overloaded. The individual's attention narrows to the stimulus, and all other cues are missed. Some studies

Continued from Last Page

Pg 38

have shown simplistic reasoning & thinking primitive motor control) and strong emotions among individuals who are in a hypervigilant state. Due to stress, this hypervigilant state can set the stage for a habitual response.

Pg. 38 - ~~HAB~~ HABITUAL RESPONSES
Under Stress

7/04/2019 - Accident Related:

Muscle types: Fast twitch & sub-type,
slow twitch
combination

Muscular Task Learning

S.D. starts at Core & support muscles →
Skill Development → large groups at center; →
moves out to limbs, starting with the
larger; then to arms & legs; then
to feet & hands & then to fingers &
toes (priority to fingers)

Learn from in to out



(NHTSA REFERRAL NUMBER: 11206504)

PART ONE

(SEE CONTENTS FOR SPECIFICS OF PART ONE)

2 of 2 identical copies included with this package.
[REDACTED] Introductory Remarks

6/9/2019

NHTSA-

From: [REDACTED] Victim/Driver

(NEF-160) Reference #: 11206504

Simi Valley, Ca., U.S.A. [REDACTED]

[REDACTED] cell; [REDACTED] E-mail: [REDACTED]

To: National Highway Traffic Safety Administration - U. S. Department of Transportation
Office of Defects Investigation, NEF-100
1200 New Jersey Avenue SE
Washington, D.C. 20077-9382

Subject: Cover Letter For Follow-Up to call-in on Vehicle Hot Line for Vehicle Owner's
Questionnaire (Note: Signed by Randy Reid, Chief, Correspondence Research Division, Office of
Defects Investigation; Enforcement) (Origin Date: 09 May 2019.)

Dear Investigation; Enforcement NHTSA Personnel, Correspondence Research Division & To
Whom It May Concern,

I have received your letter and have added to the supplied-and-enclosed, partially filled-out
VOQ, with changes, additions and corrections, as necessary. All statements below are my
opinion or my research. There has been no public release of the statements because my
allegations must be looked at by those who guard the public safety to see if what I allege is true.

Regarding disposition of the (2/23/2019) accident vehicle: Towed to Tip Top Tow on 2/23/19;
towed to AAA lot on Figueroa St., Los Angeles, date unknown; towed to Co-Part in Van Nuys.
Separate tests on different dates (likely unmonitored by anyone) by AAA and Mercedes-Benz,
USA on unknown dates and by myself (unmonitored) -- I took some photographs of the car.
During the week of June 16, my question to AAA regarding preservation of the car was
answered by an AAA Adjuster stating, "The car was sold yesterday. I'll see if I can get a hold of
the purchaser." No further response from AAA.

Technical Notes: 1) My report to AAA filed 2/24/2019. My visit to Emergency Room was
2/25/2019. Doctor refused to allow me to detail my injuries there (Kaiser Emergency).
2) Although promising to wait until all facts were in during telephone conversations of 3/7 and
again 3/8/2019 with Tiffany Nguyen, Adjuster, an at fault letter signed by her was dated
3/6/2019; significance: The initial "Rush to Judgement" by CHP was joined to a second, "Rush to
Judgement," by AAA, and they were deceitful about it. Importance: Safety of the Public
continues to be endangered by auto Insurance professionals who refuse to look into an
apparent, previously-known and flawed design by Mercedes-Benz, USA and Daimler-Benz
because, "...it is too expensive to battle M-B, and they will sue you for libel and slander - ('...and
you can't afford monetarily to take them on.')

A Safety Defect (I contend after extensive research of the literature) exists with 2011-2016
Mercedes-Benz passenger vehicles equipped with Cruise Control. The defect known commonly
as, "Lever Confusion," has been an issue in said cars since model year 2000. First acknowledged

Note: Completed: 06/29/2019.

Note: 7 Pages.

publicly (as far as I know) by M-B in 2010, a design-change was then made, that (in my opinion) likely made their cars more dangerous. (See Boeing 737 Max Investigation-Effect of no notification (to pilots re: MCAS Installation by Boeing) to public by M-B of change; no warnings of dangers and how best to avoid them. "Lever Confusion," problems, or issues".).

My concern is for the, "public safety," and my interest in this began, after the 02/23/2019 accident, when my search of the literature revealed clearly the unsafe design of the cruise-control lever system by Mercedes-Benz (hereinafter, M-B.). Said search also revealed that Mercedes-Benz has very carefully controlled the dialogue and information regarding this known safety risk, inherent in the design. The motive for said control is the maintenance of the company's reputation (for safety) and in order to protect its bottom line: profitability. Contemporaneous communication from Mercedes-Benz by "Susan," Executive Referral Manager, (M-B, USA, LLC), Ga.- HDQ. In a business communication, she did not supply her last name (communications control attempt). Letter Instructive: 1st Paragraph states "...safety of vehicle occupants has always been our foremost priority, and we appreciate the opportunity to review your questions." Again, controlling the narrative by characterizing my notice of the existence of their dangerous cruise-control system in an M-B car as, "...your questions." (See enclosed M-B Letter from Executive Referral Manager, dated March 15, 2019, to me.)

As controlled as discussion of the safety of the cruise-control design has been (by Mercedes-Benz, USA), three important written documents included with this packet, emerged which make it appear to me that the design-hazard exists and M-B knew it. At important levels Mercedes-Benz management did nothing substantive about the identified danger: Driver, "Lever-Confusion". The "Why" of Mercedes-Benz decision is something called, "Risk Management." (Given the number of years this has gone on, an open admission and delineation of the safety problem [by M-B] could open a floodgate of law suits. It was better to control the dialogue, M-B appears to have believed (apparently acting accordingly), and also controlling the, "definition of terms," than to face a potential financial nightmare that an admission by its management might create, as a result of such admission. The risk for Mercedes-Benz is and would have been, financial. The loss of their image as a company committed to the public safety were and are the stakes. If it's credibility on safety were challenged, and Mercedes-Benz were to be perceived, by the by the notified-buying-public of being found wanting, sales might be negatively impacted. "Public Safety," and the image of a commitment to safety, perceptually compromised, it might become very uncomfortable for M-B, if the public-at-large suddenly found out that M-B had been intentionally lying to them about one of their systems that impacted the, "Public Safety."

Germane notation: "How did your foot get under the accelerator pedal?" This question was asked only by the insurance company (Tiffany Nguyen, Adjuster-AAA). This important and peculiar and/or unusual aspect of the subject accident has been explored by myself, only. Furthermore, the "Rush to Judgment" (by CHP) and lack of proper investigation by the CHP, led to said aspect of the 02/23/2019 accident, from being explored and considered by the public and private agencies charged with this responsibility. This failure by authorities, clearly impacts the public safety, because it is just as if the authorities are 'covering up' what happened, each agency for their own reasons. These reasons appear to include money and reputation as their bottom line motives. (See June, 2019 accident investigation disclosures of Boeing 737 Max Jet Aircraft, MCAS and Certification issues, for an apt analogy. There is considerable information

that is analagous to the M-B cover-up regarding the "Lever Confusion," in the public news, wherein Boeing made attempts to control the definition of terms and the dialogue; to blame pilots for the crashes; and even using official contact with the President of the United States to plead that the jets not be grounded for investigation of the systems and perhaps the certification process as well. M-B, however, would rather do it themselves.

To determine, "how," Mercedes-Benz has controlled the discussion (dangerous design type) required looking at their sites, their instruction videos and manuals, speaking to them and examining the literature, both domestically and in Europe. Difficult to explain, this control of the narrative became more evident while I was reading the 2010 article in WardsAuto.com insider newsletter/magazine, herein included in this packet.

Relative to above paragraph, AAA, CHP and M-B have avoided a scholarly and open discussion and examination of the faulty Traffic Collision Report (3/6/2019), made by a young CHP officer. They've avoided looking at the, "Definition of Terms," in particular: "Influence"; "influencing"; "influenced". It is extremely inconvenient for CHP and AAA to look at NHTSA Farmers Market Crash studies that mention the importance of defining terms, such as, "...the ability of something to influence an outcome without having actually caused it to happen. Another way to define influence, "...is the power to have an important effect on someone or something." And, there is the idea that, "...Something causes something to happen (effect or outcome), without direct or apparent connection." (The systems designs of the subject Buick [FMC- Investigation, 2003] were found not to be a factor in that 2003 accident. It is notable that the Buick's controls and systems were studied and considered prior to ruling them out. In contrast, CHP, AAA and M-B have chosen not to look at the issue while keeping such definidtion of terms in mind as imortant, in a scientific look at the cruise-control system and a look at, "Lever-Confusion," as both real as a potential-flaw and therefore a danger to the, "Pblic Safety." (There has been no oversight of the agencies with a stake in this matter, during their alleged study of the car's systems. Claims that full scientific efforts to retrieve data (from the subject car) are something for which there has been no substantiation. There was no independent monitoring. I was not given notice of the Technical Teams appointment with the car for gathering and testing evidence and thus no opportunity to observe. In addition to no independent monitoring of the process of the investigation of the car's multiple sensors at the Co-Part of Van Nuys location, capable of preventing any tampering or evenincompetence, there was no written report provided to me of the methodology, the sensors and systems investigated and the was no written report of the results.

After the above examinations were completed, there was no effort by AAA to contact me prior to taking the car off, "preservation status;" rather than do this, AAA simply, "sold the car."

In addition to the above, Susan, the referenced Executive Referral Manager listened to my entire presentation, including critical sequences (According to the NHTSA study of FMC referenced above), for example: stress; the cascade effect; certain forms of habitual learning; explantion of driver selection errors etc., impact what a driver does during a momentary and unfamiliar sequence); lack of proper or complete drivers manual information and lack of videos containing that same information on, "Lever Confusion", are more than just very concerning with regard to M-B's lack of response to these phenomena. They are also similar to what is



going on in the previously referenced Boeing-Crashes-MCAS-investigation.

Disregarding the sequences that led to my loss of control, Susan calmly proffered the solution: "Use the left foot to step on the brake". By omission of the discussion of design factors and design development history, situational- stress and other learning factors, by implication, Mercedes-Benz contributed knowingly to creating a condition, whereby the design-flaw cannot be discussed and also in essence, cannot possibly exist. Thus the subject, "a potentially dangerous system," cannot be rectified nor improved upon. (Again see both NHTSA investigation of MCAS-737 Max passenger aircraft investigation, June, 2019; and the FMC Report, 2004, Pages 35-40. The use of, "definition of terms," (with regard to the addition of the term, "Influence," as part of the guiding examination process, is necessary to scientifically study, "Lever-Confusion," while creating repeatable experiments or looking at collected data from individuals experiencing such, "Lever-Confusion," whether or not an accident actually occurred after a, UA or SA occurred, also requiring an immediate correction to alleviate the loss of control of the vehicle. Testing of, "Lever-Confusion," UA's or SA's, including the, "Influence-Factor," provides a better look at just how much the Public Safety is threatened by this known and documented phenomenon.

The NTSA Investigation of the, "Santa Monica Farmers Market Crash," provided solid scientific-based explanations regarding both foot migration (demonstrates how my foot could/did get pinned under the accelerator pedal) and demonstrated why normal physical-choice-learning is part of the reason why the seriously-flawed Mercedes-Benz-Cruise-Control-Design results (resulted) in danger to the, "public safety." "Lever Confusion," has as of 02/23/2019, caused injuries and damage to real people and therefore established a threat to, the "Public Safety." M-B, however has made no genuine effort, in this case, to scientifically investigate the issue brought to its attention and therefore has disregarded the, "Public Safety."

Two national articles addressed the issue of, "Lever Confusion," as being a frequent and common cause of, or contributor to Unexpected/Sudden Accelerations, within the United States driving community. The article, written by Industry Journalist, Tom Murphy for WardsAuto.com (This is an Insider Industry monthly news magazine intended for limited circulation. This Journal or magazine is not generally read by the public and the company reputation is based upon being factual and providing multiple forms of assistance to the automotive industry.) The author was just doing his job as a professional journalist. It is notable that no complaints or retractions were ever requested with regard to this article. [Please see: <https://www.wardsauto.com/>, for annotated description]. A second article, based upon a national broadcast PBS regular feature called, "The Truth About Cars," by people who tested Mercedes-Benz for a living (among other brands as well) and were specific as to "lever confusion," causing, "Unintended Sudden Accelerations," in Mercedes-Benz models equipped with the cruise control. (This was adjunct info for a caller asking about other aspects of cruise control. Key: The garage owner stated he never liked the design (of the M-B Cruise Control.)

Then as now, Mercedes-Benz is/was well-aware of the safety issue of "'lever confusion," but has done nothing substantive about it, except perhaps to make the danger worse, via the 2011 Model Year design change. The language in the WardsAuto.com article of 2010, used by Mercedes-Benz, USA Management refers only to, "comments." Clearly there was more to the

cruise-control design issues than, "comments." Exchanging the positions (swapping them) of the directional signal lever (stalk) with the Cruise-Control lever (stalk), strongly suggests that Mercedes-Benz knew about the danger that the, "Lever-Confusion," inherent in their faulty design, was causing. Yet M-B continued to leave the levers, one on top of the other. No study and no declaration was or were made public by M-B demonstrating that, "lever confusion" is somehow rectified and corrected for drivers, under the same conditions for such driver-experienced- "lever confusion," after the change by M-B with the problem continuing to exist just as it had been to begin with. In Fact the NHTSB/NHTSA Santa Monica Farmers Market study demonstrated that earlier driver learning habits remain in effect, and may influence driving limb decisions, or may cause additional confusion in drivers experienced in using differently designed autos, with diverse designs, learned over a lifetime of driving. Current Boeing 737 Max MCAS studies of the two crashes (in international news in June, 2019) in hearings as well as with input by pilots and the Pilot Association (Union) of American Airlines discussed a lack of notice to the pilots of the installations of said system(s) in the jets, being the primary or main cause of the airline accidents. Further, Boeing spokespersons or U.S. lawmakers, "alleging pilot error," as the cause of the deadly accidents, were completely incorrect, as noted by the U. S. pilots themselves. The point being, M-B did essentially the same thing when it made its lever position change in the 2011 models: M-B failed to notify the public of the changes and the true reasons therefore.

Susan, the referenced manager of Mercedes-Benz seemed to take the exact same position as did the Boeing managers and intimated that, "Driver Error," was the only cause-and-effect of the accident. She controlled the conversation and dialogue to exclude the long- known history of "lever confusion," by the driver (myself, apparently), as being significantly contributory to the driver inputs and unfortunate results. She ensured that once she stated a potential corrective option of, "...brake with the left foot...", that nothing else mattered and that the reason for our conversation was over: the matter had been decided. Just like M-B has done for the past 12 years and since their "design change in 2010. The purpose of her call had been to notify me, officially, of the M-B Technical Team's findings.

Susan informed me of the M-B Technical team's findings, telling me that there was no black box (event data recorder), (Lots of other sensors not at all mentioned), and that the Technical Assistance Team determined that all fuel systems were, "operating properly." (Susan ignored the presented information regarding the design-flaw problems and did not comment at all upon the various solutions to the (extant-and-flawed) cruise-control design of and by M-B, as I presented to her. (Please see other documents submitted with this packet for apt discussion of the M-B "cruise-control" design-flaws and solutions to them.).

The Continuing historical aspect of Mercedes-Benz' safety-first public reputation and hence, advertising, often related to that idea as stated in the first paragraph of M-B and Susan's letter to me (dated, 03/15/2019): "Safety." Yet, Susan representing M-B verbally stated in her follow-up telephone call to me, that no black box (event data recorder) existed in the 2014 C350W model. 17 years after asking for this voluntary cooperation, Mercedes-Benz had not thought enough of the importance of safety to have installed Event Data Recorders in the C350W passenger sedans, such as the one in which I had just had a 4-car injury accident. (See referenced FMC Report, pages 46 and 50 for the reasons for and the recommendations for

