



Interinsurance Exchange of the Automobile Club

1500 Commercial Way, Bakersfield, CA 93309



April 2, 2019

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

10583950/100 01983 22 CAA06270421

[REDACTED]
[REDACTED]
SIMI VALLEY CA [REDACTED]

RE: Insured : [REDACTED]
Claim Number : [REDACTED]
Date of Loss : 02/23/2019
Type of Loss : Auto

Dear [REDACTED]

The Interinsurance Exchange of the Automobile Club prides itself on providing legendary service and prompt attention to claims. This letter is in addition to our correspondence outlining the determination of fault made on the above-referenced claim. California law requires we notify you that an injury claim has been presented under the policy and the basis of any determination that the accident resulted in bodily injury or death. This claim has been opened on the basis of our investigation which included a statement from the injured party.

Our claims professionals are committed to exceeding expectations when handling claims. You may request reconsideration of our determination that you were principally at-fault within 30 days of receipt of this notice.

Should you have any questions concerning the accident please do not hesitate to contact me. I can be reached at the number listed below or you may use my e-mail address.

Sincerely,

Raman Brar
Claims Service Representative
Phone No: (661) 852-4031
Fax No: (657) 720-6073
Email Address: Brar.Raman@aaa-calif.com

2 of 2 identical copies included in this package.

HT Fault

Letter
A AA

Version - 2

My Document Which I Created to Cover All Events of Which I Am Aware that Resulted in the Accident of 02/23/2019

Mar 9, 2019, 2:15 PM

to Nguyen.Tiffany by (E-mail); by Driver.
Dear Tiffany,

Please provide to all of those concerned, my account of what happened. This includes thoughts and ideas and information I received subsequent to the accident and any memories of what happened that I thought of after the initial trauma of the accident had subsided..

Thank you, Claim #:

Please See Below:

Prepared by ; Ca D/L#: Claim ; Date of Loss: 02/23/2019 - Determination of Fault and Response to Interinsurance Exchange of the Automobile Club of Southern California; Also addendum to SR-1 to be filed by A. Ford

Accident/Loss: 02/23/2019 -

I was driving my wife and I from home, Valley, Ca. to the home of a friend in Palos Verdes, Ca. but we did not reach our destination due to a 4-car collision.

Relevant facts from my memory leading up to Accident: We were in our 2014 Mercedes-Benz C350 four-door sedan. We entered the 118 Freeway a short time after 3 P.M. and traffic conditions were pretty much wide open allowing me to utilize the 'cruise control' system. We then transitioned to the 405 Freeway South where I continued to use the cruise control for a short period of time. By the time we were passing Roscoe, I discontinued use of the cruise control as traffic conditons were too inconsistent and heavy enough where further use of the cruise control was contraindicated for safety.

Traffic began to get heavier and hence slower and reached the point where we began what is commonly known as, "stop and go." I utilized only the Diamond Lane and the #1 lane for travel. This was stop and go and I used the brake and then the gas pedal as usual in these types of conditions. We went up the hill and then down the other side and had arrived to a point in the West Los Angeles area of the 405 about a mile or so prior to the Santa Monica/10 Freeway Interchange.

I was keeping more than the usual distance from cars in front of me in an attempt to drive more evenly and to maintain a safe distance. My wife was concerned that drivers kept passing and cutting in front of us and that we were losing time. I reassured her verbally that with the traffic conditions as they were, it would not make any significant difference in our arrival time, to try to keep closer to the car in front of us.

During the last stop and go sequence of this drive and after stopping, prior to the accident, I glanced over at my wife, and noticed that she was looking at me. She said, "I have been

2 of 2 identical copies included in this package.

Time
Line
Doc
1

watching you." I quickly asked her if she noticed anything and she responded, to the effect, "Just that you are letting too many cars cut in front of you and it is slowing us down." At that point, I thought about moving off the freeway to park, in order to let [REDACTED] take over. Just a moment later as I prepared to put on a little gas, as the traffic in the lane was starting to open up again, I felt a stabbing pain on my right foot and immediately noticed that my foot was caught under the accelerator pedal...or at least that is what it felt like. I had an immediate involuntary reaction to this feeling of having my foot clamped in and my leg jerked up. Then I immediately noticed that my foot was clamped in so tightly, that I couldn't get it out and I pulled as hard as I possibly could, simultaneously realizing that within that first second, I had already lost control of the car and its motion and its controls, at least most of them. I could still steer. Within a couple of seconds I made an effort to reach for the key with the idea that I wanted to turn the engine off. My response and intent was rebuffed, however, by the action of the fuel injection system-fuel acceleration system, which was fully engaged and accelerating the car at the maximum possible acceleration without any input from me that I was aware of. In a very short number of seconds and with control of the vehicle already lost, all I was able to do was steer as I also continued to attempt to free my foot which felt like it was clamped to the floor board. [REDACTED] in the meantime was verbalizing something to the extent that, "...the car is going to fast!"

As the few seconds that elapsed transpired with us in the car and with my attempts to extricate my foot so that I could use the brake I noted that our car had reached the point where I was about to hit the car in front of me and that the situation was becoming more grave because the car was still accelerating exponentially when compared to my car's position in the stop and go traffic. I did the only thing left to me to attempt to avoid the direct rear-end collision: I steered left. As I did so, still in the number 1 lane, I immediately noted that a car in the diamond lane was just in front of my position and somewhat to the left of my position in my car. So I did the last thing I could possibly do to avoid contact with the car that had been in front of me and the car next to me: attempt to steer between the cars.

The result of my evasive steering is that my continually increasing speed car wound up sandwiched between the two cars and just a fraction of a second later, my car struck both cars nearly simultaneously. The air bags deployed as subsequently, a split second later our cars struck the center divider K-rail and then careened off of the rail. I could not longer see for several seconds after that because of the deployed air bags and also some smoke or residue that those bags were giving off. Also at the point in time of deployment of the airbags, I felt tremendous pain in the solar plexus area of my body as well as to both of my legs.

The next thing I remember is the car sliding along the center divider and coming to a stop with both cars that my car had struck, seemingly being attached to my car via damage or a combination of forces and juxtaposition. I was stunned and could not do anything but check on [REDACTED]. Was she hurt? Could she open her door? She seemed stunned and could not open her door. A moment later, someone, tried to pull her door open. I saw a gas coming from the air bags on [REDACTED] side of the car. At some point after that in time, someone was able to get the passenger side door open and [REDACTED] was either helped out or was able to get out of our car on her own. I was still stuck where I was with my leg in tremendous pain. Finally I was able to free my foot, as the accelerator pedal was now no longer clamping my foot down. I realized that the front knee-curtain air bag had gone off while my foot was still pinned under the accelerator pedal and that overall, my leg was held in place involuntarily while the air bag exploded right on my knee.



Eventually, someone was able to partially open the driver's side door. That person tried to help me out, but could not fit between the center divider and the partially open door to help me to get out. I struggled against the cramped space and small door opening until after several efforts I was able to get through the small opening that was available with the door open only about a foot and a half. My knee pain was intense and was made only more severe every time I moved at all or changed positions. [REDACTED] was no where to be seen by me for a while.

I believe while I was in the car one or more of the passengers of the two cars that my car struck came up to me to inquire how I was. I was at that time wheezy because I was so concerned about Lilly and the health of the passengers of the two cars that I knew that I had hit. At least three of four people who came up to me told me that they were OK and that there were, "no injuries." The impact or gravity of what had just happened kept emerging in me and I couldn't really "get it together," very well.

Other things I remember after the accident were: I saw that CHP had shut down the 405, having arrived on the scene. I saw a Triple-A tow truck and its driver. I saw paramedics and saw them attending to my wife and other passengers and soon to myself. I saw another tow truck driver and then saw vehicles and fire department personnel who responded to the scene.

Also in the aftermath at different times, I was questioned by a paramedic or fire department personnel; a tow truck driver; and a CHP officer (at least once) who asked me if I had accelerated and did the pedal then get stuck. Immediately I responded to each, saying "No," emphatically to one and, "Absolutely not," to another first responder as well as to a tow truck driver who asked me the very same thing. During the time of waiting after the accident, First Responders took my drivers license and insurance card and also asked me identifying information and asked me what had happened. I relayed much of what is contained herein about what happened. (Pretty much the same, but not in as much detail.)

As the officers and first responders did their jobs, slowly compared to the speed of what happened in the accident, vehicles started to be towed away. Officers were conferring and at least one was writing a report or taking notes. Then I saw a CHP officer request that the tow truck driver from, "Tip Top Tow," to check the gas pedal to see if it was stuck. He did so and I heard him report to the officer that the pedal was not stuck.

I noticed that my car was the last on the scene of the accident. The officer asked the tow truck driver to drive us with him to his tow yard. [REDACTED] and I were finally back together and she was all the while complaining of chest pain. I was experiencing extremely sharp pain above and below the knee cap area of my right leg and I couldn't stand on it for more than a brief second or so. At the Tip Top Tow yard (a Santa Monica Police Department contract towing and storage service), we were able to contact friends at the house where we had been on our way to for our friend [REDACTED] birthday gathering and his son [REDACTED] arranged for a "Lyft" driver to pick us up and take us home. We signed papers at the tow yard to release the car to Triple-A, Automobile Club of Southern California and Interinsurance Exchange.

We were picked up and taken home.

One added item. It was a day or two later when I realized one more element of what transpired in the moments leading up to the collision. When I looked over at [REDACTED] and decided that I would start the process of exiting the freeway, I looked at traffic and saw that it was so heavy, that I could not easily move over to the number two lane. I decided that I would signal to see if anyone would let me in. That is the last thing I actually remember. Since that time, I have been asked by Triple-A adjustors if I had signalled to move over. The answer is that although that was my intention, I don't remember if I actually used my left hand and arm to attempt to put on the

[REDACTED]

signal. It sounds logical, but I can't actually remember doing that. I just remember that the next thing I knew, the car was in full acceleration and my foot had gotten pinned under the accelerator pedal.

This has led to speculation that I may have attempted to put on the right directional signal and may have inadvertently hit the cruise control lever, causing the acceleration of the car without intent to do so. I was keeping my eyes on the road, rather than looking at the levers. The other speculation is that my foot may have slipped up under the accelerator pedal when I glanced at my wife. This is speculation but it is plausible. In other related questions that I have been asked in writing by Triple-A, I was asked for photos that I may have taken at the scene of the accident. For a couple of weeks leading up to this event, my cell phone has been sometimes inoperable and the 23rd was no exception to that and I had left my cell phone at home. It was several days until I was able to make a replacement cell phone operable again through Verizon and Google. Based upon all of the above, and told as it happened as best and as honestly as I can recall, although I was driving and my car caused the accident, I believe I am not legally responsible for the accident for the following reasons. My intentions were to drive safely and have nothing happen. I did not disobey any vehicle code rule or law and I was driving wholly within the safety zone of the Basic Speed Law, just prior to the series of events that led to the collision and subsequent occurrences. Further, the design of the systems must have been faulty. When someone's foot is pinned under an accelerator the car's fuel system should shut down at a minimum; further, some braking of the car should occur. Additionally, there should not be, as apparently there is, two stalks coming out of the steering column, one for signaling with turn signals and a separate one to engage the cruise control system. So that inadvertent motions to one lever might mistakenly lead to engagement of the other lever, which potentially creates false impressions on other drivers of a signalling intent; or, creates a situation where the car is suddenly accelerating without the driver's intention that it do so. (Safety Design Flaw).

In follow-up examination of the Internet on a Mercedes-Benz forum, one driver wrote in to state that he drove his Mercedes-Benz from San Diego to Phoenix. During the entire trip, while attempting to reach the cruise control, he mistakenly kept hitting the turn signal. (Shows that I'm not the only one who might not hit the proper lever during driving. This is a normal operation attempt, when keeping one's eyes on the road, as I had been during the events leading up to the accident.

A friend told his daughter about my accident. She responded that she once suffered the fate of getting her foot pinned under the accelerator pedal of her car, while she was driving to college at UCLA. This shows that I'm not the only one who has ever got their foot pinned under the accelerator and that apparently manufacturers have not been able to design a pedal that prevents this from happening.

Research on 'cruise control failures' on the Internet reveal that multiple accidents have happened world wide where the 'cruise control system' was found to have malfunctioned leading to the accident. A woman driving a car on the freeway experienced her cruise control engage and also engage to the maximum. Conditions were wide open. Investigators found that she lost control of the car when the 'cruise control' engaged of its own accord or not her intention, and she could only steer. The car reached a speed of 93 miles per hour when she collided with another vehicle. The driver had all the time been trying to put the brake on to no avail. Two occupants of the vehicles were killed and the others all became paralyzed in arms, legs, or both. (Perhaps it was in deed fortunate that conditions were so heavy on the 405 freeway. Speculation by me after learning all of this information is that if the conditions were



wide open I would have been at a much higher speed before the collision would have taken place and the outcome might well have been catastrophic.

I am doing further research into other possible cruise control related accidents at the current time. I would believe that Mercedes-Benz should provide Triple-A with any information it may have with regard to 'cruise control anomalies or related failure or accidents that it may be aware of.

On 03/09/2019, I read on-line, that Mercedes-Benz has redesigned its cruise control system so that it is now operated via controls on the steering wheel, rather than via a stock on the steering column. Immediately, this raises the possibility that Mercedes-Benz made this change to improve the safety of the car and the cruise control system on its 2019 and forward cars. The above is exhaustive of what happened from my perception and experience and actions relative to the accident of 02.23-2019, just before 4 P.M. and as indicated above and is my best possible recollection and honest recollection of what happened. Additional recollection in the day or two following the accident occurred to me as my memory improved in certain aspects of what happened as the shock of what happened immediately during and after the accident wore off to some degree and I could better reflect.

My concern is for all of the victims and their health and of course restoration to them of their vehicles as best as the loss can be made up. And, for their sakes as well as for [REDACTED] and me, we'd like to get to the bottom of the cause of the accident. At this point, I believe that driver error was not the primary cause of the accident but rather systems on the car designed incorrectly and not being designed safely or operating correctly to be the primary and proximate cause of the accident on 2-23-2019 as recorded herein and elsewhere by authorities.

Respectfully,

[REDACTED] Driver of C350

Additional: Having received the Principal Determination of Fault Letter from Triple-A dated March 6, 2019, I assume that all the facts are in. Perhaps the evidence is overwhelming. I have always admitted to driving the car that caused the accident under the claim #. At the same time, I have always claimed that I did not do anything to cause the acceleration of the Mercedes-Benz that I was driving and that for some reason, not determined, the Mercedes-Benz accelerated either due to a defect in the car or one of its systems, or because there was a design defect to the car's cruise control system, which would be high on the potential cause list of the sudden acceleration which caused me to lose control of the car.

I was led to believe that those experienced in automotive systems and employed by Triple-A were going to go over the systems of the Mercedes-Benz which I was driving when the accident occurred. I am surprised that such was completed already and determination of all the systems were made showing that there was no defect in the systems which may have actually been the proximate cause or direct or indirect cause of the accident and the loss of control which I experienced in the vehicle as described in the documentation of this claim #, above.

I would like an opportunity to examine the car myself along with all of its systems.

If fault is determined solely by the physical results of the car I was driving at the time of the accident and does not involve my intentions and does not involve my actions and does not involve potential systems failures of the car or design flaws of the car, then I understand. That would mean that my intention is to later pass on the responsibility to the manufacture of the

[REDACTED]

car, if such design flaws or actual operational flaws of the system or systems involved can be reasonably demonstrated. Still, I ask: "Why has the 'Determination of Fault', been made prior to a full testing of all the components of the car and prior to an examination of the cruise control and its interaction as one of two stalks on the steering column which each have a distinct purpose, but which have the potential to work at cross purposes, which I the driver could not reasonably have known would interact via my attempts to use one of the systems and not the other, in the normal scope of driving?"

Please be advised that I feel that I am a victim of the accident and I am my wife also feel that she was a victim of the accident as well. We feel that either a defective system or a defective design of the system caused the accident.

[REDACTED]
3/9/2019

[REDACTED]
Mar 13, 2019, 4:06 PM

Dear Tiffany, Thank you. I will be submitting a request for the CHP to change the errors in the Traffic Collision Report. While they are not numerous, they are
Nguyen.Tiffany <Nguyen.Tiffany2@aaa-calif.com> [REDACTED]

Mar 13, 2019, 4:14 PM

to me [REDACTED]

Dear [REDACTED],

Thank you again for the email. Please let me know if the police officer updates the report.

Again, I'm glad you and your wife were ok.

Sincerely,

Driver: E-mailed to Tiffany Nguyen, aka
on/at: 3/9/2019 - 2:15 p.m. (Version-1)

NHTSA -
Ref. # 11206504

Re: Accident of 2/23/2019
at approximately 3:55pm
by [redacted]

2 of 2 identical copies included in this package.

Prepared by [redacted]; Date of
Loss: 02/23/2019 - Determination of Fault and Response to Interinsurance Exchange of the
Automobile Club of Southern California, by [redacted]

Note: TO TIFFANY NGUYEN by E-mail.

Accident/Loss: 02/23/2019 - Time-line-DOC.2.

I was driving my wife and I from home, [redacted], Simi Valley, Ca. to the home of a
friend in Palos Verdes, Ca. but we did not reach our destination due to a 4-car collision.

Relevant facts from my memory leading up to Accident: We were in our 2014 Mercedes-Benz
C350 four-door sedan. We entered the 118 Freeway a short time after 3 P.M. and traffic
conditions were pretty much wide open allowing me to utilize the 'cruise control' system. We
then transitioned to the 405 Freeway South where I continued to use the cruise control for a
short period of time. By the time we were passing Roscoe, I discontinued use of the cruise
control as traffic conditions were too inconsistent and heavy enough where further use of the
cruise control was contraindicated for safety.

Traffic began to get heavier and hence slower and reached the point where we began what is
commonly known as, "stop and go." I utilized only the Diamond Lane and the #1 lane for travel.
This was stop and go and I used the brake and then the gas pedal as usual in these types of
conditions. We went up the hill and then down the other side and had arrived to a point in the
West Los Angeles area of the 405 about a mile or so prior to the Santa Monica/10 Freeway
Interchange.

I was keeping more than the usual distance from cars in front of me in an attempt to drive more
evenly and to maintain a safe distance. My wife was concerned that drivers kept passing and
cutting in front of us and that we were losing time. I reassured her verbally that with the traffic
conditions as they were, it would not make any significant difference in our arrival time, to try
to keep closer to the car in front of us.

During the last stop and go sequence of this drive and after stopping, prior to the accident, I
glanced over at [redacted] my wife, and noticed that she was looking at me. She said, "I have been
watching you." I quickly asked her if she noticed anything and she responded, to the effect,
"Just that you are letting too many cars cut in front of you and it is slowing us down." At that
point, I thought about moving off the freeway to park, in order to let [redacted] take over. Just a
moment later as I prepared to put on a little gas, as the traffic in the lane was starting to open
up again, I felt a stabbing pain on my right foot and immediately noticed that my foot was
caught under the accelerator pedal...or at least that is what it felt like. I had an immediate
involuntary reaction to this feeling of having my foot clamped in and my leg jerked up. Then I

It was Driver's [redacted] wish to write this account
as soon as it was possible. It was approximately 12 days
after the accident and pain and dissability were still (over)

This document saved on top (2) file locations on Think Pad. This document
written by driver one day after "At Fault" letter received from AAA. Notes
had been taken, but this was Driver's 1st attempt to type out from notes -
assisted memory, a written statement of what had happened in the accident.

was a slightly edited e-mail to AAA employee Nguyen, Triple A. 4/11/19
Date: 3/9/19
Note: NHTSA Investigators! Please see Version 2 - which
also 3-9-19

First typewritten account by Driver of what transpired on 2/23/19. NHTSA Ref. #: 11286504.

very much a part of my everyday experience (not just me; my wife as well. A lot of damage had been done to both of us by the Takada air bags, as

well as impacts of the accident and its elements. It took all of my energy available to complete this task (during my long road to recovery. Thus I was not able to proof-read the material to make corrections. It is to be noted that I had remained in a state of shock for two full days after the accident. I remained partially disabled right to the present time. I remained partially traumatized for two full months after the accident. It took a period of recovery before I could fully recall what happened. Likewise, it took a period of time before I could begin research in earnest. It also took a similar amount of time for my writing to return to their normal levels.

06/24/2019

~~1st~~ full written version
Response to
3/8/19 fault
letter, reco;
w/ 2 days
max.

As info came in
I made new notes to resp.

(See Over)

immediately noticed that my foot was clamped in so tightly, that I couldn't get it out and I pulled as hard as I possibly could, simultaneously realizing that within that first second, I had already lost control of the car and its motion and its controls, at least most of them. I could still steer. Within a couple of seconds I made an effort to reach for the key with the idea that I wanted to turn the engine off. My response and intent was rebuffed, however, by the action of the fuel injection system-fuel acceleration system, which was fully engaged and accelerating the car at the maximum possible acceleration without any input from me that I was aware of. In a very short number of seconds and with control of the vehicle already lost, all I was able to do was steer as I also continued to attempt to free my foot which felt like it was clamped to the floor board. [REDACTED] in the meantime was verbalizing something to the extent that, "...the car is going too fast!"

As the few seconds that elapsed transpired with us in the car and with my attempts to extricate my foot so that I could use the brake I noted that our car had reached the point where I was about to hit the car in front of me and that the situation was becoming more grave because the car was still accelerating exponentially when compared to my car's position in the stop and go traffic. I did the only thing left to me to attempt to avoid the direct rear-end collision: I steered left. As I did so, still in the number 1 lane, I immediately noted that a car in the diamond lane was just in front of my position and somewhat to the left of my position in my car. So I did the last thing I could possibly do to avoid contact with the car that had been in front of me and the car next to me: attempt to steer between the cars.

The result of my evasive steering is that my continually increasing speed car wound up sandwiched between the two cars and just a fraction of a second later, my car struck both cars nearly simultaneously. The air bags deployed as subsequently, a split second later our cars struck the center divider K-rail and then careened off of the rail. I could not longer see for several seconds after that because of the deployed air bags and also some smoke or residue that those bags were giving off. Also at the point in time of deployment of the airbags, I felt tremendous pain in the solar plexus area of my body as well as to both of my legs.

The next thing I remember is the car sliding along the center divider and coming to a stop with both cars that my car had struck, seemingly being attached to my car via damage or a combination of forces and juxtaposition. I was stunned and could not do anything but check on [REDACTED] Was she hurt? Could she open her door? She seemed stunned and could not open her door. A moment later, someone, tried to pull her door open. I saw a gas coming from the air bags on [REDACTED] side of the car. At some point after that in time, someone was able to get the passenger side door open and [REDACTED] was either helped out or was able to get out of our car on her own. I was still stuck where I was with my leg in tremendous pain. Finally I was able to free my foot, as the accelerator pedal was now no longer clamping my foot down. I realized that the front knee-curtain air bag had gone off while my foot was still pinned under the accelerator pedal and that overall, my leg was held in place involuntarily while the air bag exploded right

on my knee.

Eventually, someone was able to partially open the driver's side door. That person tried to help me out, but could not fit between the center divider and the partially open door to help me to get out. I struggled against the cramped space and small door opening until after several efforts I was able to get through the small opening that was available with the door open only about a foot and a half. My knee pain was intense and was made only more severe every time I moved at all or changed positions. [REDACTED] was no where to be seen by me for a while.

I believe while I was in the car one or more of the passengers of the two cars that my car struck, came up to me to inquire how I was. I was at that time wheezy because I was so concerned about [REDACTED] and the health of the passengers of the two cars that I knew that my car had hit. At least three of four people who came up to me, told me that they were OK and that there were, "no injuries." The impact or gravity of what had just happened kept emerging in me and I couldn't really "get it together," very well.

Other things I remember after the accident were: I saw that CHP had shut down the 405, having arrived on the scene. I saw a Triple-A tow truck and its driver. I saw paramedics and saw them attending to my wife and other passengers and soon to myself. I saw another tow truck driver and then saw vehicles and fire department personnel who responded to the scene.

Also in the aftermath at different times, I was questioned by a paramedic or fire department personnel; a tow truck driver; and a CHP officer (at least once) who asked me if I had accelerated and did the pedal then get stuck. Immediately I responded to each, saying "No," emphatically to one and, "Absolutely not," to another first responder as well as to a tow truck driver who asked me the very same thing. During the time of waiting after the accident, First Responders took my drivers license and insurance card and also asked me identifying information and asked me what had happened. I relayed much of what is contained herein about what happened. (Pretty much the same, but not in as much detail.) Note: Except the CHP female officer who would not allow me to talk and never asked me what happened.)

As the officers and first responders did their jobs, slowly compared to the speed of what happened in the accident, vehicles started to be towed away. Officers were conferring and at least one was writing a report or taking notes. Then I saw a CHP officer request that the tow truck driver from, "Tip Top Tow," check the gas pedal to see if it was stuck. He did so and I heard him report to the officer that the pedal was not stuck.

I noticed that my car was the last on the scene of the accident. The officer asked the tow truck driver to drive us with him to his tow yard. [REDACTED] and I were finally back together and she was all the while complaining of chest pain. I was experiencing extremely sharp pain above and below the knee cap area of my right leg and I couldn't stand on it for more than a brief second or so.

At the Tip Top Tow yard (a Santa Monica Police Department contract towing and storage

[REDACTED]

service), we were able to contact friends at the house where we had been on our way to for our friend [REDACTED] birthday gathering and his son [REDACTED] arranged for a "Lyft" driver to pick us up and take us home. We signed papers at the tow yard to release the car to Triple-A, Automobile Club of Southern California and Interinsurance Exchange.

We were picked up and taken home.

One added item. It was a day or two later when I realized one more element of what transpired in the moments leading up to the collision. When I looked over at [REDACTED] and decided that I would start the process of exiting the freeway, I looked at traffic and saw that it was so heavy, that I could not easily move over to the number two lane. I decided that I would signal to see if anyone would let me in. That is the last thing I actually remember. Since that time, I have been asked by Triple-A adjustors if I had signalled to move over. The answer is that although that was my intention, I don't remember if I actually used my left hand and arm to attempt to put on the signal. It sounds logical, but I can't actually remember doing that. I just remember that the next thing I knew, the car was in full acceleration and my foot had gotten pinned under the accelerator pedal.

This has led to speculation that I may have attempted to put on the right directional signal and may have inadvertently hit the cruise control lever, causing the acceleration of the car without intent to do so. I was keeping my eyes on the road, rather than looking at the levers. The other speculation is that my foot may have slipped up under the accelerator pedal when I glanced at my wife. This is speculation but it is plausible. In other related questions that I have been asked in writing by Triple-A, I was asked for photos that I may have taken at the scene of the accident. For a couple of weeks leading up to this event, my cell phone has been sometimes inoperable and the 23rd was no exception to that and I had left my cell phone at home. It was several days until I was able to make a replacement cell phone operable again through Verizon and Google.

Based upon all of the above, and told as it happened as best and as honestly as I can recall, although I was driving and my car which caused the accident, I believe I am not legally responsible for the accident for the following reasons. My intentions were to drive safely and have nothing happen. I did not disobey any vehicle code rule or law and I was driving wholly within the safety zone of the Basic Speed Law, just prior to the series of events that led to the collision and subsequent occurrences. Further, the design of the systems must have been faulty. When someone's foot is pinned under an accelerator the car's fuel system should shut down at a minimum; further, some braking of the car should occur. Additionally, there should not be, as apparently there is, two stalks coming out of the steering column, one for signaling with turn signals and a separate one to engage the cruise control system. So that inadvertent motions to one lever might mistakenly lead to engagement of the other lever, which potentially creates false impressions on other drivers of a signalling intent; or, creates a situation where the car is suddenly accelerating without the driver's intention that it do so. (Safety Design Flaw).

In follow-up examination of the Internet on a Mercedes-Benz forum, one driver wrote in to state that he drove his Mercedes-Benz from San Diego to Pheonix. During the entire trip, while attempting to reach the cruise control, he mistakenly kept hitting the turn signal. (Shows that I'm not the only one who might not hit the proper lever during driving. This is a normal operation attempt, when keeping one's eyes on the road, as I had been during the events leading up to the accident.

A friend told his daughter about my accident. She responded that she once suffered the fate of getting her foot pinned under the accelerator pedal of her car, while she was driving to college at UCLA. This shows that I'm not the only one who has ever got their foot pinned under the accelerator and that apparently manufacturers have not been able to design a pedal that prevents this from happening.

Research on 'cruise control failures' on the Internet reveal that multiple accidents have happened world wide where the 'cruise control system' was found to have malfunctioned leading to the accident. A woman driving a car on the freeway experienced her cruise control engage and also engage to the maximum. Conditions were wide open. Investigators found that she lost control of the car when the 'cruise control' engaged of its own accord or not her intention, and she could only steer. The car reached a speed of 93 miles per hour when she collided with another vehicle. The driver had all the time been trying to put the brake on to no avail. Two occupants of the vehicles were killed and the others all became paralyzed in arms, legs, or both. (Perhaps it was in deed fortunate that conditions were so heavy on the 405 freeway. Speculation by me after learning all of this information is that if the conditiions were wide open I would have been at a much higher speed before the collision would have taken place and the outcome might well have been catastrophic.

I am doing further research into other possible cruise control related accidents at the current time. I would believe that Mercedes-Benz should provide Triple-A with any information it may have with regard to 'cruise control anomalies or related failure or accidents that it may be aware of.

On 03/09/2019, I read on-line, that Mercedes-Benz has redesigned its cruise control system so that it is now operated via controls on the steering wheel, rather than via a stock on the steering column. Immediately, this rasises the possibility that Mercedes-Benz made this change to improve the safety of the car and the cruise control system on its 2019 and forward cars.

The above is exhaustive of what happened from my perception and experience and actions relative to the accident of 02-23-2019, just before 4 P.M. and as indicated above and is my best possible recollection and honest recollection of what happened. Additional recollection in the day or two following the accident occured to me as my memory improved in certain aspects of what happened as the shock of what happned immediately during and after the accident wore



off to some degree and I could better reflect.

My concern is for all of the victims and their health and of course restoration to them of their vehicles as best as the loss can be made up. And, for their sakes as well as for Lilly and me, we'd like to get to the bottom of the cause of the accident. At this point, I believe that driver error was not the primary cause of the accident but rather systems on the car designed incorrectly and not being designed safely or operating correctly to be the primary and proximate cause of the accident on 2-23-2019 as recorded herein and elsewhere by authorities.



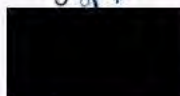
 Driver of C350

Additional: Having received the Principal Determination of Fault Letter from Triple-A dated March 6, 2019, I assume that all the facts are in. Perhaps the evidence is overwhelming. I have always admitted to driving the car that caused the accident under the claim #. At the same time, I have always claimed that I did not do anything to cause the acceleration of the Mercedes-Benz that I was driving and that for some reason, not determined, the Mercedes-Benz accelerated either due to a defect in the car or one of its systems, or because there was a design defect to the car's cruise control system, which would be high on the potential cause list of the sudden acceleration which caused me to lose control of the car.

I was led to believe that those experienced in automotive systems and employed by Triple-A were going to go over the systems of the Mercedes-Benz which I was driving when the accident occurred. I am surprised that such was completed already and determination of all the systems were made showing that there was no defect in the systems which may have actually been the proximate cause or direct or indirect cause of the accident and the loss of control which I experienced in the vehicle as described in the documentation of this claim #, above.

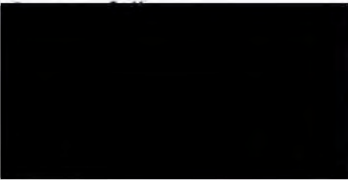
I would like an opportunity to examine the car myself along with all of its systems.

If fault is determined solely by the physical results of the car I was driving at the time of the accident and does not involve my intentions and does not involve my actions and does not involve potential systems failures of the car or design flaws of the car, then I understand. That would mean that my intention is to later pass on the responsibility to the manufacture of the car, if such design flaws or actual operational flaws of the system or systems involved can be reasonably demonstrated. Still, I ask: "Why has the, 'Determination of Fault', been made prior to a full testing of all the components of the car and prior to an examination of the cruise



control and its interaction as one of two stalks on the steering column which each have a distinct purpose, but which have the potential to work at cross purposes, which I the driver could not reasonably have known would interact via my attempts to use one of the systems and not the other, in the normal scope of driving?

Please be advised that I feel that I am a victim of the accident and I am my wife also feel that she was a victim of the accident as well. We feel that either a defective system or a defective design of the system caused the accident.



3/9/2019



2 of 2 identical copies included in this package.



"Timeline" by [redacted] 4-Car injury Collision of 2/23/2019.
e-mail to AAA [redacted]
Initial time-Basis for visual-time-line Ref. # 11206504
(Created between 3/8 to 3/10/19 - Taking minimum of 10 days for written and-
chart-type time lines.)

2-23-2019 - Accident - Report #: [redacted] Triple-A Claim #: [redacted]

2-23-2019 is the same date until any new date is noted, with each part of the timeline referencing a different time or event. All of time frames & approximate. However the occurrences are in order of actual happening & establishes Timeline, by [redacted], as follows:

3 PM, approximately [redacted] depart from house in C350 Mercedes-Benz of which they are registered owners. They are on a trip from their home to the house of a friend, [redacted] who resides in Palos Verdes.

3:10 - 3:20 P.M., approximately - On the 118 Freeway East from Yosemite Stree Entance/Ramp. Also came up the hill and down the other side. Soon conditions were rather wide open and the cruise control of referenced car was engaged and deployed.

3:21-3:24 P.M., approximately -Transitiion to the 405 Freeway South and use Cruise Control until the Nordoff exit reached. Put on brake or deploy lever to stop use of cruise control. Traffic was becoming too thick to benefit at all from use of cruise control.

3:25 - 3:30 P.M., approximately - Continue South in Diamond Lane (HOV) on 405 Southbound and observe the traffic to become increasingly heavier. Complete going through the San Fernando Valley and begin ascent up hill. Traffic getting thicker and thicker.

3:31 - 3:43 P.M., approximately - Remain in Diamon Lane up the hill and part of the way down the hill. Upon noting some openings in lane #1, when broken line became available, moved into the #1 lane. Traffic was by this time a continuation of stop and go. Although there were a number of lane changes by traffic and random starts and stops in different lanes, perhaps the average speed of traffic was approximately 15 mph.

3:44 - 3:54 P.M., approximately - continue stop and go using right foot only driving and utilizing brake pedal and accelerator pedal alternately as needed to control the forward motion of the car and also used, "coasting," at times when lane in front of me was adequately open and no added acceleartion was required for smooth continuation in lane #1.

3:55 P.M., approximately - Remove right foot from brake, car moving a few mph. Room aplenty in front of me. Place right foot on floor board. Glance both at my wife for a second and then scan the #2 lane looking at conditions there and looking for a way into lane #2. (I had decided to exit the freeway at this point in order to allow my wife to take over the driving and this was my intention). There was no room to move into the #2 lane at the pont referenced in checking traffic flow and conditions, speed, etc. (It is at this juncture that my foot may have moved a bit to the right while on the floor board, perhaps moving under the accelerator pedal.) I decided

Adjantive and basis for chart-style "Time-line," (8-Pages)
Time-line-Doc, 3

1 of 8
2 of 2 identical copies included in this package. now 2/8/19.
Note: This time line done/created no later than 3/29/19.

that the best course of action was to signal with the right turn signal with the intent to notify other drivers who could view me that I wished to move over one lane. I hoped that drivers would view my signal and create a space to allow me to move over safely.

3:55+, approximately - The above having taken a very short period of time, I observed that there continued to be ver adequate clearance between my car and the driver's car in front of me. I reached from the 10 o'clock position on my car's steering wheel in an attempt to put on the right directional signal and moved my hand off the steering wheel and over to the side (as I have done hundres of time before), all the while keeping my eyes on the road to ensure that I could respond to anyone who might cut in front of me, which had been going on a bit for the previous half mile or so. Inadvertently, I can only conclude now, I must have accidentally contacted the cruise control lever located on the left side of the steering column of the Mercedes-Benz 350 and moved the lever up past positions 1 and 2 (1 and 5 mph positons) and to the "Resume" position.

3:55++, approximately - The next occurrences happened at approximately the same time with small fractions of a second between or among them, separating them, if they were not simultaneous or overlapping, as follows: The cruise control activated the accelerator pedal from off to full on, that is, the gas pedal or accellerator moved from the 'no-gas-applied' position, all the way to the floorboard in one very swift motion. My foot which was on the floor board after having last touched the brake had somehow moved underneath the accelerator pedal without my having become aware of that fact/position. At the very same instant/instance that the pedal went to the floor, my foot was pinned by the gas pedal/accelerator pedal right to the floorboard. Further it wasn't just the pedal. It was the pedal assembly because the metal bar that is attached under the pedal, also was pressing into my foot. It is instructive to note that this set of motions by the physical equipment occured so quickly and with no warning. Emphasis is on, "No warning!" In other words, there was no opportunity to pull my foot out with some sort of prior indication that something would happen such as what happened. Also, simultaneously the gasoline was now entering the engine at "full throttle." There was almost no lag time. I say that because immediately the car started to accelerate from a speed that I can only estimate to have been between 15-30 mph. The speeds of the car were varying up and down in the 'stop and go' traffic and I was coasting just slightly down hill as the terrain was gradually becoming mor like the horizon or 'level', but had not yet reached level, in the south direction of travel. Also, simultaneously, as this very sudden occurrence commenced, the automobile immediately started accelerating with authority, not only very hard and fast, but to its maximum capacity. As a result, when this happened during this very same second, I immediately had lost control of the car. Let me say that again, "I immediately lost control of the car.!"

This last occurrence in the chain of events, as I am outlining in this timeline, meant that I had not been able to form any thought of speeding up. I made no intentioned movement within and from the drivers seat to increase the car's speed. I can't emphasize enough, just how fast this

sequence of events unfolded. It seemed to me that they all unfolded within a second or a fraction of a second, but certainly no more than a second and a half. Maximum. Also in the instant that my foot was pinned, it was also injured and the nerves in my foot exploded in pain. This caused a reflex response in my leg and caused it to involuntarily attempt to pull away (reflex arc part of nervous system) from the source of the pain (gas pedal pinning the foot) and the failure to pull away meant continuing pain response in my foot, making it difficult for me to attempt to do anything behind the wheel of the car.

3:55+,, approximately - It is to be noted that my wife [REDACTED] started to loudly inform me that the car was going to fast. She did this in a manner where she was startled and frightened by the sudden acceleration of the car. She also quickly was loudly verbalizing me to do something to correct this anomaly, but I couldn't respond to her at all, as all my attention was focused on attempting some remedial action. I intentionally did two rapid jerks of my leg to attempt to get my foot out from beneath the accelerator pedal, where it was pinned to the floorboard, but to no avail. Failing to free my foot, I then made two rapid attempts (as the car was accelerating ever faster) to move forward to reach for the key of the car (to attempt to turn off the ignition), but 4 to 6 inches away, was as close as I could get with my hand to the key.

3:55 P.M.++++, approximately - It is to be noted that I was drifting cautiously and was putting an air envelope around the only area of the #1 lane of the freeway that I had control of, which was the distance to the car in front of me. In fact, I was going so slowly and maintaining such a distance, that a few cars were encouraged to cut in front of me to get a better position. When this occurred, I simply dropped back a little more to maintain my further than one car length for every ten miles per hour distance. Despite this added 'air cushion' the speed of the car so rapidly increased that the car was now accelerating at a speed much faster than the flow of traffic and I still had not been able to do anything about it. I observed that in very short order, my car was about to, "rear-end," the car in front of my position. (I must note that the pain and also the suddenness and anomalous action of having my foot pinned, worked together so that I did not think of using my free left foot to attempt to brake the car. More on that below herein.) To avoid the immediate rear-end impact which would have been devastating to the car in front of me, as well as my own, I made a left movement toward the HOV or diamond lane. Having accomplished this maneuver, I noted that if I continued to move in the same direction, that I would angle ram the car next to me on the left. So I went for daylight: I attempted to drive between the car in the HOV (diamond) lane and the car that I was about to, "rear-end," in lane # 1. I managed to momentarily get between the two cars mentioned.

3:55 P.M.+++++, approximately - Almost immediately (car continuing to accelerate at full throttle) I crashed into the car in the HOV (diamond) lane (CHP referred to this as car # 2 in report). At about the same time, or less than a half-second later, I also collided with the car that I had avoided, "rear-ending," just a second or seconds earlier (referred to in CHP report as car #

3.). Essentially, I had sandwiched myself between the two cars. The forces of the crash caused the two cars to remain together. Further my speed and mass caused the second car and my car to collide with the center divider which was made of cement, reinforced with metal. (I believe this was more permanent than temporary K-rails and was shaped slightly differently.) Our cars also hit the center divider again after a short bounce off and our cars then partially scraped the center divider as they all came to a stop, still touching one another. In the meantime, and during this same chain of events, the third car hit a 4th car which was at the time, according to the report, stopped in traffic in his lane.

The air bags deployed in my Merdes-Benz C350 (2014) at the moment of impact, descibed above. This was as near to simultaneously as I can recall, as the steering wheel air bag obscured my vision of the roadway with only a glimpse of my car hitting the center divider when it happened being possible. Gases were escaping as some sort of vapor from the air bags, also obscuring my vision and making breathing difficult for minutes after the deployment of said airbags. The extreme pain to my right knee and foot was a combination of my foot having been pinned to the floorboard by the accelerator pedal and the knee curtain airbags going off, while my leg had no freedom to move consequentially when the air bag went off and therefore my knee took a lot more of a hit than for example the left knee which was free to move, somewhat, after air bag deployment and therefore some of the force of the air bag was mitigated. A very short time after the air bag deployed, the Mercedes-Benz automatic fuel shut off system went into effect, and when it did, the accelerator pedal returned to the normal, "ready positon," before one steps on the pedal. That was the first time I was able to free my foot and my body to be able to move in a manner that I directed (save as constrained by my now new and painful injuries.).

Post Accident - Actual time line established by CHP report #: [REDACTED] completed by Officer K. Sepulveda, ID [REDACTED] on 03/06/2019, is as follows: Page 9 of 14 titled, "NOTIFICATION:" - 16:12 hours, officer Northbound 405 , south of Constitution Avenue, arrived on the scene at 16:23 hours and stated a traffic collision had occured 405 Southbound, south of Olympic Boulevard, "...and to involve minor injuries."

I was not able to keep track of approximate times after cars came to a halt on the freeway as I was in too much pain with trauma to my left foot, left knee and chest and with injuries to the backs of both hands (steering wheel airbags deploying?) and with injury to my left leg, although the left leg was not in any noticeable pain. It is notable that only one hand injury and the left leg injury were noted by CHP officer. Further, I was in a state of medical shock and I was also distraught at having been involved in my car which caused damage and injuries to other drivers and passengers and their cars.

The balance of what happened involved me waiting; me being visited by a firefighter and a paramedic and two CHP officers at some points, followed by eventually my wife and I leaving

with the Tip Top tow truck driver, and receiving a ride to his location.

Two, perhaps three notable sets of events occurred during my waiting period at the scene of the accident. After both my wife's door and some time later my door were forced open by persons I did not see nor identify. [REDACTED] was able to get out of the vehicle. Again due to my condition and the air bags, etc. I could not really see where she was or what was happening to her, though at some point she was able to peek in and we exchanged inquiries of how we were doing.

The paramedic did not really talk to me much at all about my condition but did take my blood pressure. I did say that I declined an ambulance and would seek my own medical treatment which I and my wife both did subsequently. There appeared to me to be no report taken by the paramedic about my condition. Likewise, when the investigating officer spoke to me, she neither identified herself to my understanding that she was the investigating officer, nor did she inquire about my medical condition to any extent at all. I thought that was unusual. I did see the officer come to my location and either write something down or ask me a question or two which I will get to, below. I thought it odd that the officer did not do enough inquiry to find out whether or not I could make an informed and intelligent statement, due to my state of shock and physical and emotional pain. (This is perhaps substantiated by the fact that there is nothing about this "inquiry" in the Traffic Collision Report.)

The other thing that struck me as odd, and which I have outlined in writing on more than one occasion to the Triple-A insurance adjusters, is that three different 'first responders' came to me and asked me essentially the same question, out of the blue (as far as I was concerned, as the only person who knew what happened): Words by these three persons at different times and with no one being present when the other person asked were questioning words to the following effect: "Did you put your foot on the accelerator pedal and it then got stuck." Each version of this question was different, but the intent and requested information about what I did were one in the same.

Each time I responded, I indicated, "No." ; "No, that did not happen."; "No, absolutely not." As it so happens, I am an honorably retired Probation Deputy for the County of Los Angeles with, "Investigation Experience," into both criminal and civil matters. Although the CHP has various responsibilities that deviate from some of the responsibilities that depart in significant ways on a freeway in a "field situation." However, when questioning witnesses, victims and interested parties and alleged perpetrators, much of the requisite and required skills are the same. Some of the areas of concern during an interview would also be the same. It is with this latter part of the officer's investigation, as it was occurring that immediately raised red flags with me that it appeared to me that an incorrect investigation was being conducted.

Because there was no real effort by the officer(s) nor the paramedics to determine the extent of my injuries (My wife and I were the most severely injured victims), a first requirement of general investigation was not met. Thus without the extent of injuries and also mental state and

also the state of shock and other emotional aspects, there was not even an evaluation done or mentioned with the important implications of whether any information obtained would be valid for a report. Having gone through the accident and the follow-up that included days and weeks after the accident, as well, I can state that my head did not clear to any form of normalcy until at least two or maybe three days after the accident.

Referring to the last three paragraphs and my condition, no proper statement was obtained.

Additionally, with three or four professionals at the scene all posing a question to me that was a, "leading question," some sort of agenda other than obtaining the truth of what happened, was being followed. How this came to be, I have no idea. But when three random professionals from three different agencies ask the same question, which is leading, there must be an agenda other than the truth. Asking leading questions for which there is no basis, actually deflects away from the truth. Depending upon a perpetrator, interested party or victim's physical, mental or emotional condition questions that suggest the answer might result in a person in similar circumstances to answer incorrectly.

A further note regarding the above: I had answered all of the inquiries about stepping on the gas pedal and then having the pedal get stuck in a very clear manner and made it very clear that the chain of events which actually caused the accident had nothing to do with stepping on the gas pedal (accelerator). Further, there was no stuck pedal involved at all, in what happened. Despite my telling each person including the officer what did not happen, it is implied by the officer, in writing, On page 11 of 14, lines 23-25, the officer stated that she requested the tow truck driver to check the pedal for sticking. However, her basis for asking the driver to do this was flawed, based upon her own words. That is because there was nothing in my actual statement of what occurred to lead anyone to check the accelerator pedal for sticking, nor for that matter to check for the smoothness of its operation. However, if someone did not listen properly; did not engage in a proper interchange of information with the only person who was there when the occurrences leading to the accident happened, then there would be no basis for the examination. Since that did not happen and since my statements were taken out of context and were also inaccurately recorded by officer K. Sepulveda, as indicated on page 12 of 14, contained within lines 11 through 14, which mis-state not only the facts as they transpired, but also mis-stated what I stated to her and also mis-stated the intent of what I was trying to tell her. (Contributing to the errors, was the method of obtaining my statements, which beside erroneously reporting my injuries and not stating properly my emotional condition at the scene (which might impact what I might or did say towards my possibly making errors myself in what I might say at that point) the officer came to my location and left two, three, or four times. I can barely even recall speaking with the officer, such was my condition at the time.

With all that I have written above and while taking that in account, I do recall specifically with regard to the chain of events, being very clear on what those chain of events were leading to the accident. (That information is contained in the above descriptions contained in the "time

line." I believe the officer had in some way, decided what had happened before she began questioning me (very briefly and with no in-depth look, and as stated, sporadically.). This "Rush to Judgement," perhaps colored what she as an investigator did at the scene. There was a period of short moment during my conversation with the officer when I became even more disoriented than I already was, when I sort of mumbled out loud to my self to attempt to hear myself and then get my bearings, so that I might better articulate what actually happened in a way that the officer might be able to understand the chain of events. I tried to indicated to the officer something to this effect, but she turned and left, leaving me mumbling to myself.

Absolutely and clearly, I never used the words, "He took his foot off the pedal..." (page 12 of 14, line 12.) I also never used words that even implied that I took my foot off the pedal. In fact, that was not possible, because during that time frame, my foot was already pinned under the accelerator. The words, "get faster," were incorrect and if they were correct, they were taken out of contexts. It was extremely difficult to talk to the officer who would leave me in the middle of talking to me as stated before, at least that is what I felt and sensed at the time. Also, in particular, the words, "pinned somewhere" is what I stated because I couldn't find the proper words to articulate what I wanted to tell her. Further, I was searching for those words and those two words were not the words that I wanted to or chose to attempt to say, but were words to myself, as I was trying to straighten out my sort of brain fog. Usually quite articulate, I wasn't able to think clearly nor articulate normally, in order, the things I wanted to say. My condition was partly responsible for that and the inconsistency of the officer leaving and coming back to me, contributed to my confusion. Although it is true that getting statements sooner rather than later, and at the scene rather than somewhere else provides what is considered to be the freshest recollections and the truest account because a person doesn't have time to think about it and interject material that is not factual, sometimes the opposite is true, due to environmental conditions and the person who is questioned's physical, mental and emotional condition/state. That was the case here.

These are the crux of the errors that count in this report. They are small in number, but they paint a picture that is completely incorrect, about what happened on 2-23-2019 in the time frame around 4 P.M. as indicated herein.

Notes of Interest: There will be medical reports at Kaiser Permanente Hospital Emergency Room, and the X-Ray Reports. The hospital will confirm that I mention right foot pain and injury and that I mentioned right leg injuries of at least six inches under the knee and six inches above the knee, which will tend to support my statements regarding just what injuries I had. Further, I mentioned to the medical personnel in the E.R. that the severity of these injuries were due to the fact that the accelerator pedal had pinned my right foot to the floorboard of the car just at the time the car started to accelerate and that I could not get my foot free during the entire incident until shortly after the air bag deployment. (Mercedes-Benz accident mitigation system shuts of fuel from tank to engine during accident to avoid gasoline leaks and to avoid potential



NA/NA-Reference
No. 11206504

subsequent fire from starting.) To take pressure off of my leg upon which I could not walk, the doctor prescribed a "walker" for me, which I was to use for nine more days, until it was no longer needed. The tremendous pain in my right knee, right foot and chest (air bag) has continued from the time and date of the accident until the present time, March 20, 2019, and is continuing. The doctor had diagnosed the damage as soft tissue and also informed me that it would take, "a very long time," for me to recover to like I was before the accident.

This concludes the time-line of occurrences and the post time line events.

It wasn't until the afternoon of March 8, 2019, when I received the Traffic Collision Report, that I became aware of the officer's statement. That included the 14th page of the report, when the officer stated that i was violating the California Basic Speed Law which was the cause for the accident. I felt that this conclusion and mis-documentation contained in the report, painted a picture of me and the accident in a manner not consistent with what had happened. 

"Timeline 2" by Alex Ford - 4-Car Injury Collision of 2/23/2019.

(Copy of earlier timeline with added notations.)

Ref. #: 11206504

2-23-2019 Accident Time Line - by [REDACTED] Driver - Registered and Certified Owner C350 MB

Sources: Source my recollection. It is noted that I did not start to put together all that happened, properly in my mind until a few hours after I left the Emergency Room at Kaiser, Woodland Hills on 2-24-2019. Some of what I put here into the report is affected by my training, education and experience. This includes public schooling through high school, an A. A. Degree; B. A. Degree and M. A. Degree. This includes 36 years and 9 months of experience as a Probation Deputy, County of Los Angeles in which I spent several years as an investigator in connection with primarily criminal law but also with some experience in the civil law. I also received training from the Probation Academy as well as ongoing training at not less than 40 hours per year throughout my career including training by the Los Angeles Police Department; Los Angeles Sheriff's Department and the Federal Bureau of Investigation and Offices of the Los Angeles District Attorney and the Public Defender.

Some information was derived from notes and materials sent to me by the Interinsurance Exchange of the Automobile Club of Southern California from 4 employees (1 Supervisor and three Claims Adjustors. Further material including examination of the subject vehicle and research into possible long-term problems associated with design of the cruise control system and related systems and locations of those systems is pending. Some material has already been obtain.

(End of Notes)

TIME LINE:

2-23-2019 - Accident - Report # [REDACTED]; Triple-A Claim #: [REDACTED] (filed 2-24-2019)

2-23-2019 is the same date of all occurrences relative to the accident and until any new date is noted, each part of the timeline referencing a different time or event, within a sequence of events. (While intent is to be sequential, it is possible some of this material will not be completely sequential, despite the intent of the author. If this is the case, it does not alter the accuracy of what is being stated as the absolute truth. All of time frames are approximate. However the occurrences are in the order of actual happening and they establish a, "Timeline," by [REDACTED] Ca. Lic. # [REDACTED], as follows:

3 PM, approximately - [REDACTED] depart from house in C350 Mercedes-Benz of which they are registered owners. They were on a trip from their home to the house of a friend [REDACTED] who resides in Palos Verdes, to visit he, his father [REDACTED] on occasion of his [REDACTED] birthday.

3:10 - 3:20 P.M., approximately - On the 118 Freeway East from Yosemite Street Entrance/Ramp (Eastbound). Also came up the hill and down the other side. Soon conditions were rather wide

One of two E-mails sent on or about 3-29-2019 to AAA, Tiffany Nguyen

Adjunctive and basis for chart-style, "Time-Line." (7-Pages)

2 of 2 identical copies included in this package.

Handwritten text at the top of the page, possibly a title or header.

fitted Time line
2nd DOL - [redacted]

Handwritten text at the bottom of the page, possibly a footer or additional notes.

open and the cruise control of referenced car was engaged and deployed.

3:21-3:24 P.M., approximately - Transition to the 405 Freeway South and use Cruise Control as traffic permitted, until the Nordoff exit reached. I put on the brake (or deployed lever) to stop use of cruise control. Traffic was becoming too thick to benefit at all from the use of cruise control, from that point forward, as was my intent (until collision occurred).

3:25 - 3:30 P.M., approximately - Continue driving South in Diamond Lane (HOV) on I-405 Freeway, southbound and observe the traffic to become increasingly heavier. Complete going through the San Fernando Valley and begin ascent up hill. Traffic getting thicker and thicker.

3:31 - 3:43 P.M., approximately - Remain in Diamond Lane up the hill and part of the way down the hill. Upon noting some openings in lane #1, when broken line became available, moved into the #1 lane. Traffic was by this time a continuation of stop and go. Although there were a number of lane changes by traffic and random starts and stops in different lanes, by other drivers/vehicles, perhaps the average speed of traffic was approximately 15 mph.

3:44 - 3:54 P.M., approximately - Continue stop and go driving, using right foot only, driving and utilizing brake pedal and accelerator pedal alternately as needed to control the forward motion of the car and also used, "coasting," at times when lane in front of me was adequately open and no added acceleration was required for smooth continuation of driving, in lane #1.

3:55 P.M., approximately - Remove right foot from brake, car moving a few mph. Room aplenty in front of me. Place right foot on floor board. Glance both at my wife for a second and then scan the #2 lane looking at conditions there and looking for a way into lane #2. (I had decided to exit the freeway at this point in order to allow my wife to take over the driving and this was my intention). There was no room to move into the #2 lane at this point, as referenced in checking traffic flow and conditions, speed, etc. (It is at this juncture, that my right foot may have moved a bit to the right while on the floor board, perhaps moving under the accelerator pedal.) I decided that the best course of action was to signal with the right turn signal with the intent to notify other drivers who could view me that I wished to move over one lane. I hoped that drivers would view my signal and create a space to allow me to move over safely (into the intended #2 lane).

3:55+, approximately - The above having taken a very short period of time, I observed that there continued to be very adequate clearance between my car and the driver's car in front of me. I reached from the 10 o'clock position on my car's steering wheel in an attempt to put on the right directional signal and moved my hand off the steering wheel and over to the side (as I have done hundreds of time before), all the while keeping my eyes on the road to ensure that I could respond to anyone who might cut in front of me, which had been going on a regularly, for the previous half mile or so. Inadvertently, I can only conclude now, I must have accidentally contacted the cruise control lever located on the left side of the steering column of the

Mercedes-Benz C350 and moved the lever up past positions 1 and 2 (1 and 5 mph positions) and to the "Resume" ('accel') position.

3:55++, approximately - The next occurrences happened at approximately the same time with small fractions of a second between or among them, separating them, if they were not simultaneous or overlapping, as follows: The cruise control activated the accelerator pedal from off to full on, that is, the gas pedal or accelerator moved from the 'no-gas-applied' position, all the way to the floorboard in one very swift motion. My foot which was on the floor board after having last touched the brake had somehow moved underneath the accelerator pedal without my having become aware of that fact/position. At the very same instant/instance that the pedal went to the floor, my foot was pinned by the gas pedal/accelerator pedal right to the floorboard. Further it wasn't just the pedal. It was the pedal assembly because the metal bar that is attached under the pedal, also was pressing into my foot. It is instructive to note that this set of motions by the physical equipment occurred so quickly and with no warning. Emphasis is on, "No warning!" In other words, there was no opportunity to pull my foot out with some sort of prior indication that something would happen such as what happened. Also, simultaneously the gasoline was now entering the engine at "full throttle." There was almost no lag time. I say that because immediately the car started to accelerate from a speed that I can only estimate to have been between 15-30 mph. The speeds of the car were varying up and down in the 'stop and go' traffic and I was coasting just slightly down hill as the terrain was gradually becoming more like the horizon or 'level', but had not yet reached level, in the south direction of travel. Also, simultaneously, as this very sudden occurrence commenced, the automobile immediately started accelerating with authority, not only very hard and fast, but to its maximum capacity. As a result, when this happened during this very same second, I immediately had lost control of the car. Let me say that again, "I immediately lost control of the car.!"

This last occurrence in the chain of events, as I am outlining in this timeline, meant that I had not been able to form any thought of speeding up. I made no intentioned movement within and from the drivers seat to increase the car's speed. I can't emphasize enough, just how fast this sequence of events unfolded. It seemed to me that they all unfolded within a second or a fraction of a second, but certainly no more than a second and a half. Maximum. Also in the instant that my foot was pinned, it was also injured and the nerves in my foot exploded in pain. This caused a reflex response in my leg and caused it to involuntarily attempt to pull away (reflex arc part of nervous system) from the source of the pain (gas pedal pinning the foot) and the failure to pull away meant continuing pain response in my foot, making it difficult for me to attempt to do anything behind the wheel of the car.

3:55+++, approximately - It is to be noted that my wife [REDACTED] started to loudly inform me that the car was going too fast. She did this in a manner where she was startled and frightened by the sudden acceleration of the car. She also quickly was loudly verbalizing me to do something to correct this anomaly, but I couldn't respond to her at all, as all my attention was focused on

[REDACTED]

attempting some remedial action. I intentionally did two rapid jerks of my leg to attempt to get my foot out from beneath the accelerator pedal, where it was pinned to the floorboard, but to no avail. Failing to free my foot, I then made two rapid attempts (as the car was accelerating ever faster) to move forward to reach for the key of the car (to attempt to turn off the ignition), but 4 to 6 inches away, was as close as I could get with my hand to the key in the ignition.

3:55 P.M.++++, approximately - It is to be noted that I was driving cautiously and was putting an air envelope around the only area of the #1 lane of the freeway that I had control of, which was the distance to the car in front of me. In fact, I was going so slowly and maintaining such a distance, that a few cars were encouraged to cut in front of me to get a better position. When this occurred, I simply dropped back a little more to maintain my further than one car length for every ten miles per hour distance. Despite this added 'air cushion' the speed of the car so rapidly increased, after the accelerator pedal went to the floor, that the car was now accelerating at a speed much faster than the flow of traffic and I still had not been able to do anything about it. I observed that in very short order, my car was about to, "rear-end," the car in front of my position. (I must note that the pain and also the suddenness and anomalous action of having my foot pinned, worked together so that I did not think of using my free left foot to attempt to brake the car. More on that below herein.) To avoid the immediate rear-end impact which would have been devastating to the car in front of me, as well as my own, I made a left movement toward the HOV or diamond lane. Having accomplished this maneuver, I noted that if I continued to move in the same direction, that I would angle ram the car next to me on the left. So I went for daylight: I attempted to drive between the car in the HOV (diamond) lane and the car that I was about to (have, prior to evasive action), "rear-end," in lane # 1. I managed to momentarily get between the two cars mentioned.

3:55 P.M.+++++, approximately - Almost immediately (car continuing to accelerate at full throttle) I crashed into the car in the HOV (diamond) lane (CHP referred to this as car # 2 in report). At about the same time, or less than a half-second later, I also collided with the car that I had avoided, "rear-ending," just a second or seconds earlier (referred to in CHP report as car # 3.). Essentially, I had sandwiched myself between the two cars. The forces of the crash caused the two cars to remain together. Further my speed and mass caused the second car and my car to collide with the center divider which was made of cement, reinforced with metal. (I believe this was more permanent than temporary K-rails and was shaped slightly differently.) Our cars also hit the center divider again after a short bounce-off and our cars then partially scraped the center divider as they all came to a stop, still touching one another. In the meantime, and during this same chain of events, the third car hit a 4th car which was at the time, according to the report, stopped in traffic in his lane.

The air bags deployed in my Mercedes-Benz C350 (2014) at the moment of impact, described above. This was as near to simultaneously as I can recall, as the steering wheel air bag obscured my vision of the roadway with only a glimpse of my car hitting the center divider, when the

airbags deployed, then and thereafter making it nearly impossible for me to see much after that, until the vehicles came to a rest. Gasses were escaping as some sort of vapor from the air bags, also obscuring my vision and making breathing difficult for minutes after the deployment of said airbags. The extreme pain to my right knee and foot was a combination of my foot having been pinned to the floorboard by the accelerator pedal and the knee curtain airbags going off, while my leg had no freedom to move consequentially when the air bag went off, (therefore my knee took a lot more of a hit than for example the left knee which was free to move somewhat, after air bag deployment) and therefore some of the force of the air bag was mitigated in the left leg (I didn't really feel much pain in the left leg, despite the extensive bruising). A very short time after the air bag deployed, the Mercedes-Benz automatic fuel shut off system went into effect, and when it did, the accelerator pedal returned to the normal, "ready position," (before one steps on the pedal). That was the first time I was able to free my foot and my body to be able to move in a manner that I directed (save as constrained by my now new and painful injuries.). The condition of the doors of our car was such that neither my wife nor I could get them open. We both were able to release our seat belts [REDACTED] got hers released first. I was too dazed for a period of time to even attempt anything. [REDACTED] was able to exit the car. I couldn't see much of her due to my condition and the air bags, once she got out of the car. I don't exactly know how long it was until someone was able to get my car driver's door partially open. Because of the center divider position, no one was able to help me get out of the car. The door was wedged at that moment that I finally got out of the car that I could barely squeeze out of the small space available.

Post Accident and Post Accident Procured Information - Actual time line established by CHP report # [REDACTED] completed by Officer K. Sepulveda, ID # [REDACTED] on 03/06/2019, is as follows: Page 9 of 14 titled, "NOTIFICATION:" - 16:12 hours, officer Northbound 405, south of Constitution Avenue, arrived on the scene at 16:23 hours and stated a traffic collision had occurred 405 Southbound, south of Olympic Boulevard, "...and to involve minor injuries." (I dispute this as more than one month later, I can still barely get up out of a chair or any sitting position because of the extreme knee pain I still experience. The both my wife and I have continue very difficult pain in the solar plexis areas.)

I was not able to keep track of approximate times after cars came to a halt on the freeway as I was in too much pain with trauma to my right foot, right knee and chest and with injuries to the backs of both hands (steering wheel airbags deploying) and with injury to my left leg, although the left leg was not in any noticeable pain. It is notable that only one hand injury and the left leg injury were noted by CHP officer. Further, I was in a state of medical shock and I was also distraught at having been involved with driving my car which then caused damage and injuries to other drivers and passengers and their cars, as well as to my wife and our car. I was reminded of the gravity, all the time as I could barely stand with any weight on my right leg because of the intense pain and the swelling that had begun and was rapidly increasing.

[REDACTED]

The balance of what happened involved me mostly just waiting in the cold air. Also though, I was visited by a firefighter and a paramedic and two CHP officers at some points, followed by eventually my wife and I leaving with the Tip Top tow truck driver, and receiving a ride to his location.

Two, perhaps three notable sets of events occurred during my waiting period at the scene of the accident. After both my wife's door and some time later my door were forced open by persons I did not see nor identify [REDACTED] was able to get out of the vehicle. Again due to my condition and the air bags, etc. I could not really see where she was or what was happening to her, though at some point she was able to peek in and we exchanged inquiries of how we were doing.

The paramedic did not really talk to me much at all about my condition but did take my blood pressure. I did say that I declined an ambulance and would seek my own medical treatment which I and my wife both did subsequently. There appeared to me to be no report taken by the paramedic about my condition. Likewise, when the investigating officer spoke to me, she neither identified herself to my understanding that she was the investigating officer, nor did she inquire about my medical condition to any extent at all. I thought that was unusual. I did see the officer come to my location, and either write something down or ask me a question or two which I will get to, below. I thought it odd that the officer did not do enough inquiry to find out whether or not I could make an informed and intelligent statement, due to my state of shock and physical and emotional pain. (This is perhaps substantiated by the fact that there is nothing about this "inquiry" in the Traffic Collision Report.)

The other thing that struck me as odd, and which I have outlined in writing on more than one occasion to the Triple-A insurance adjusters, is that three different 'first responders' came to me and asked me essentially the same question, out of the blue (as far as I was concerned, as the only person who knew what had happened): Words by these three persons at different times and with no one being present when the other person asked were questioning words to the following effect: "Did you put your foot on the accelerator pedal and it then got stuck." Each worded version of this question was different, but the intent and requested information about what I did, were one in the same.

Each time I responded, I indicated, "No." ; "No, that did not happen." ; "No, absolutely not." As it so happens, I am an honorably retired Probation Deputy for the County of Los Angeles with, "Investigation Experience," into both criminal and civil matters. Although the CHP has various responsibilities that deviate from some of the responsibilities that depart in significant ways on a freeway in a "field situation," from my assignment and duties, one might say I can't make any evaluation of what was or should have been done. However, when questioning witnesses, victims and interested parties and alleged perpetrators, much of the requisite and required skills are the same. Some of the areas of concern during an interview would also be the same. It is with this latter part of the officer's investigation, as it was occurring that immediately raised

red flags with me, that it appeared to me, that an incorrect investigation was being conducted.

Because there was no real effort by the officer(s) nor the paramedics to determine the extent of my injuries (My wife and I were the most severely injured victims), a first requirement of general investigation was not met. Thus without the extent of injuries and also mental state and also the state of shock and other emotional aspects, there was not even an evaluation done or mentioned with the important implications of whether any information obtained would be valid for a report. Having gone through the accident and the follow-up that included days and weeks after the accident, as well, I can state that my head did not clear to any form of normalcy, until at least two or maybe three days after the accident.

Referring to the last three paragraphs above and my overall condition, no proper statement was obtained by either paramedics or officer of the California Highway Patrol.

Additionally, with three or four professionals at the scene all posing a question to me that was a, "leading question,," some sort of agenda other than obtaining the truth of what happened, was being followed. How this came to be, I have no idea. But when three random professionals from three different agencies ask the same question, which is leading, there must be an agenda other than the truth. Asking leading questions for which there is no basis, actually deflects away from the truth. Depending upon an injured driver, interested parties who were hit from behind and who knew nothing of the cause of what was about to happen or that had happened, given the 2 or 3 very brief visits to my location by officer Sepulveda for investigative purposes, flies in the face of what a trained investigator does. Surely a victim's physical, mental or emotional condition means that questions that are answered might be called into question (although not ascertaining nor recording the my condition makes backtracking somewhat more difficult to be accurate in such an assessment. Nonetheless, I suggest that answers provided by me or in fact anyone in a similar situation could well result in less-than-factual answers or the recording of incorrect information.

A further note regarding the above: I had answered all of the inquiries about stepping on the gas pedal and then having the pedal get stuck in a very clear manner and made it very clear that the chain of events which actually caused the accident had nothing to do with stepping on the gas pedal (accelerator). Further, there was no stuck pedal involved at all, in what happened. Despite my telling each person including the officer, 'what did not happen,' it is implied by the officer, in writing, On page 11 of 14, lines 23-25, when the officer stated that she requested the tow truck driver to check the pedal for sticking, that I had a slightly different recollection of what happened. Additionally, her basis for asking the driver to do this was flawed, based upon her own words, and possibly the words of other first responders. That is because there was nothing in my actual statement of what occurred (leading up to the accident/collision) to lead anyone to believe that there had been a stuck accelerator pedal and thus to check the accelerator pedal for sticking, nor for that matter to check for the smoothness of its operation. (Unless this is a Standard Operating Procedure, regardless of other information obtained at the



scene.) However, if someone did not listen properly; did not engage in a proper interchange of information with the only person who was there when the occurrences leading to the accident happened, then there would be no basis for the examination. Since the officer did not collect information from me with regard to a stuck (and accelerated pedal) and since my statements were taken out of context and were also inaccurately recorded by officer K. Sepulveda, as indicated on page 12 of 14, (connect with other sentences in report allegedly stated by me) [I did not state the words as se claimed I stated them] within lines 11 through 14, which mis-state not only the facts as they transpired, but also mis-stated what I stated to her and also mis-stated the intent of what I was trying to tell her. (Contributing to the errors, was the method of obtaining my statements, which beside erroneously reporting my injuries and not stating properly my emotional condition at the scene (which might impact what I might or did say towards my possibly making/stating errors). The officer came to my location and then left it, perhaps two, three, or four times. I recall having difficulty with my respnses due to my condition, but at least I can recall what it was I said to the officer and why.

With all that I have written above and while taking that into account, I do recall specifically with regard to the chain of events, being very clear on what those chain of events were leading to the accident. That information is contained in the above descriptions as recalled by me in the "time line." I believe the officer had in some way, decided what had happened, in advance, before she began questioning me (very briefly and with no in-depth look, and somewhat sporadically which is to say, without continuity.). This "Rush to Judgement," perhaps colored what she as an investigator did at the scene.

Medical Note: There was a period of short duration one of the times the officer approached me with a question when I became even more disoriented than I already had been experiencing. This resulted in my talking to myself out loud to attempt to hear myself and then get my articulation bearings, so that I might better able to say what actually happened, in a way that the officer might be able to understand my explanation of the chain of events. I tried to indicated to the officer something to this effect, but she turned and left in the middle of my incomplete explanation.

Absolutely and clearly, I never used the words, "He took his foot off the pedal..." (page 12 of 14, line 12.) I also never used words that even implied that I took my foot off the pedal. In fact, that was not possible, because during that time frame, my foot was already pinned under the accelerator. The words, "get faster," were taken out of context. It was extremely difficult to talk to the officer who would leave me in the middle of talking to me as stated before. At least that is what I felt and sensed at the time.

In particular, the words, "pinned somewhere" (page 12, line 13) is what I stated because I couldn't find the proper words to articulate what I wanted to tell her; instead, I was searching for words to describe where my foot had been pinned. The two words thus quoted were words

to myself, as I was searching for words that would describe what happened.

Usually quite articulate, I wasn't able to think clearly nor articulate normally, then and there, to the officer. My condition was partly responsible for the difficulty I was having in speaking accurately to the officer. (Although it is true immediate on scene statements are best, sometimes the circumstances contraindicate this "best-case" investigative scenario. That was the case here. As indicated not enough was done to determine the best time and place to interview me as dictated by my physical, mental and emotional status at that time.

These are the crux of the errors that count in this report. They are small in number, but they paint a picture that is completely incorrect, about what happened on 2-23-2019 in the time frame around 4 P.M. as indicated herein.

Notes of Interest: There will be medical reports at Kaiser Permanente Hospital Emergency Room, and the X-Ray Reports. The hospital will confirm that I mentioned right leg pain, as my main complaint from the accident.

The doctor prescribed a "walker" for me. Diagnosis: No broken bones nor internal organ damage. The doctor also diagnosed soft tissue damage. Prognosis: "It will take a very long time for you to recover." Nothing else was prescribed except making a follow-up appointment with my primary care physician. That appointment is pending.

This concludes the time-line of occurrences and the post time line events.

Note: It wasn't until the afternoon of March 8, 2019, when I received the Traffic Collision Report, that I became aware of the officer's mis-statements of facts in the report. That included the 14th page of the report, when the officer stated that i was violating the California Basic Speed Law which was the cause of and for the accident. I believe that this conclusion and mis-documentation contained in the report, painted a picture of me and the accident in a manner that is completely consistent with what actually happened.

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The foregoing is true and correct to the best of my recollection, belief and knowledge and this is what I affi



Note: Perusal of the Internet has yielded two articles which indicate that Cruise Control problems identical to what occurred herein, are a common and long-standing problem with the



operation of Mercedes-Benz vehicles from at least 2001 through the present.

Mention of Deceit; Rev. with AAA, Problems with the T.C.R.

e-mail to AAA - claim # 013656426 for NHTSA
TO: Tiffany Nguyen, Adjuster contact: Nguyen.TiffanyL@aaa-calif.com

"Design Flaw"

Ref. #: 11206504

Hi Tiffany,

copy

I am a touch disappointed. Talking to the various adjusters on the 7th and 8th, there were statements directed to me by the adjusters that there would be a serious look at the systems of the car prior to an at fault determination being made. I was also asked to contact M-B to "put them on notice" and give them a chance to look at the car I drove. I did that immediately and sent you proof of that.

Meantime, when I went to CHP today to recover a copy of the report that was made, a 14 page report, I noted that the report was completed and therefore made available on March 5, 2019. Yesterday, I received the letter from you dated March 6, 2019.

We spoke or e-mail on those day or two after that letter dated March 6 and you did not tell me that you'd already wrote a letter to me, finding me at fault.

Linking the Traffic Collision Report done on the 5th with your finding of fault letter to me on the 6th is of course a supposition on my part. However, I looked up what is customary in these matters and found that the adjusters commonly relay pretty much on the police report/Traffic Collision Report to make their finding, nearly all of the time with rare exceptions.

I read the report and saw all facts through page 10 and part of page 11 of the 14 page report and as far as I can tell, know or knew, those pages appear to me to be accurately completed.

Starting with the bottom of page 11, however, and under the section of "OTHER FACTUAL INFORMATION:", I observed the written material on lines 23-25 on page 11 to be somewhat inaccurate; the officer also left some material out of the report that I consider to have some relevance to be germane to the report. For the information on those important three lines to be completely accurate and within context, the officer should have included a bit of further clarifying information.

The officer mentions also the location where the officer talked to me. The officer failed to mention my condition in the report at all and in fact made little effort in inquiring how long I was in the car; how I got out of the car; whether or not I was in a proper state of mind to supply any or all of the information requested. Total time the officer spent with me was under a

5 of 10.
1

2 of 2 identical copies included in this package.

minute. The officer asked me precious little and when I provided a brief outline of what happened, the officer did not repeat back to me any of what I said to show that he heard it correctly. Also when I attempted to provide more information, the officer moved away as if on a schedule of completion (that getting things done and finished was more important than getting the statement from me, at least, correct.)

The fact is, that page 11, "Other Factual Information" leaves out the Context of what the officer did and did not do, short as that statement is, it does make a difference in what it might infer. The Officer earlier asked me one isolated question upon initial contact with me, as did another CHP Officer and a tow truck driver and possibly even one paramedic. The essence of the question was, "Did you put your foot on the accelerator and press down and then the pedal stuck?" To each of the officers, officials, first responders, etc. I had immediately answered, "No." To one I answered, "Absolutely not." It is telling to me that none of those asking me the question did what would normally be the usual follow-up: "Well what then did happen?" None of them asked me that. Had they already made up their mind as to what happened? Were they simply looking for confirmation of their own theory? If so, the analysis was incomplete and was biased. They were not interested, apparently, in what actually happened. At some point I attempted to tell what actually happened to one of the officers. At the time, I was in extreme pain and I was in a condition of shock. My memory of some things was definitely impaired. (That I made a decision to seek my own medical treatment may have influenced the officer in their opinion of what I could tell them on the scene and its accuracy. I know from self-observation during the entire event and for two days after wards, when I finally was out of the immediate shock of the incident, that I was in a better frame of mind to accurately tell what I know or knew and to analyze what I had done and why. But, I had no opportunity to do so and the officers did not even look into the possibility that the time immediately after the accident was not optimum for my state of health to communicate with the officers all of what happened.

I did observe the officer to ask the Tip Top Tow employee to check the pedal. The fact that the officer suggested that the officer asked the Tip Top Tow employee, "to sit in the seat and apply pressure to the pedal," is not exactly what I heard the officer say. Instead, the Officer asked the Tip Top Tow employee to check the accelerator to see if it was sticking. It appeared to me that he did not sit in the seat, but rather was horizontal to some degree on the seat and reached down with his hand to check the pedal and the driver seemed to check the pedal with his hand and then stated, "It's not sticking." He did not say, as the officer claimed, that, "the pedal was moving smoothly."

One more item. I am not sure why the first responders kept asking me if I accelerated and if the pedal stuck. Where did they get that idea? I was the only one who would know that, if that was the case. Because I neither put my foot on the accelerator in the timing or manner implied by the officer, that part of the officer's statement about what I stated was both incorrect and taken out of context. Additionally the minute details of what actually happened was glossed over by the CHP officer, who clearly misunderstood what I had told both he and the other officer who talked to me.

If the officer's intent was to "rule-out" a stuck pedal scenario, then I understand why there was a, "pedal check." However, if anyone bothered to listen to what I reported in the actual sequence of events, stuck pedal was not one of those events I ever reported nor did I even allude to a, "stuck pedal." (It appears that one of the reasons that a, "stuck pedal" question was asked, is that it displays the presupposition [without gathering facts and statements] that I applied my foot to the accelerator to cause the car to accelerate or, "speed up." This in fact never happened at all during the chain of events ending with the collision and the aftermath of the collision. I state truthfully and emphatically: I did not put my foot on the accelerator at all, to cause the car to move forward.

Page 12 of 14, Lines 7 and 8, are the next lines that I dispute to some degree and I am stating those heading statements are not accurate. First of all, it is true that statements were not taken "verbatim". As to the notes or statements being written in summary form, I must simply trust the officer writing the report. I am asserting that as related on line 8, page 12 of 14, that no statements were read back to me (an "involved party"), "for verification." As I related and attempted to detail events in order, it appeared to me that my statements of what actually occurred did not make sense to the officers, based upon the fact that they did not seek any clarification for my statements of the sequence that not only did not make sense to them, it really didn't make logical sense to me. However, those occurrences in sequence, as strange as they seemed, are none-the-less what actually happened and transpired. Had the officer read back to me what the officer put into the report that the officer claimed I said, I'd have immediately told the officer, "No, this isn't what I said and it isn't what happened."

Lines 11, 12 are taken out of context and are also reinserted in time, out of the sequence of events, both as they happened, and as I related that they happened. Not by a lot, really; just by a little bit. Just enough to change the sequence of events to make what happened look like something else other than the factual occurrences to have happened. ^{Context} changes the meaning of what I said enough so that the actual sequence of events were not correct.

Second

Firstly, I was quite equivocal about my actual speed at the moment of the vehicles sudden acceleration. First of all, I was questioned with a suggestion that maybe I was doing 30 miles per hour. I had related to other responders and to at least two CHP officers that I wasn't sure of my exact speed when the events leading to the accident unfolded. I indicated that I was engaged in on and off brake/accelerator pedal actions because that was the condition of the traffic: "Stop and Go." I also related to those who would listen that my wife thought I was being too cautious and not speeding up soon enough and then stopping a bit more suddenly. She was concerned because other autos kept moving in front of me because I was keeping a fully sufficient distance from the car in front of me in lane one where I had been for about a mile or more before the accident occurred. I went on to relate that I also was attempting to keep a more consistent speed at slightly slower than some of the traffic, so that I wouldn't have to move my feet to the two control pedals as often. I would be able to coast down the slight decline more evenly and thus drive more smoothly. In the backdrop of that explanation I mentioned a range of speeds but felt that I was for at least several moments averageing "15-20, maybe 25, 26, 7 miles per hour." I also related that I thought that I hadn't reached 30 miles per hour to that point, but that at a high speed estimate, that speed, "was possible." As to what I related to everyone, it was pretty much the same. I had indicated that some time after I had last braked to slow down, I was coasting (at about the right speed to maintain a safe distance from the car in front of me, while not unduly holding up the car or cars behind me) and had not yet put my foot on the accelerator. Rather than, "He felt the accelerator 'press forward'..." I had related that my foot had not made it back to the accelerator pedal, and instead somehow, became pinned underneath the accelerator pedal as the pedal suddenly clamped down very hard on my foot. (Doesn't really make sense; yet this is what happened.)

Further, I related that this happened simultaneously with me feeling a great deal of pain and it made me involuntarily jerk my leg upwards in attempt to get my foot out of being pinned between the floor board and the accelerator pedal. (At one point, I admitted that when looking down, I could not see anything that was happening because my legs blocked any view of the floor and pedals.) I also indicated that simultaneously to this initial happening just described, the car accelerated not a little bit or part throttle, but at 100% throttle. Again, this is different from the characterization on line 12 where apparently I related, according to the officer, "felt V-1 'get faster.'" [I must point out that the officer spent an extremely limited amount of time with me and during that time I was so shaken up, I could hardly articulate very well. That is because I was distraught, shaken, in shock, worried about others including my wife and from where I was stuck, I couldn't really see anything around me. My chest was throbbing in terrible pain and my knee area/region was in terrible, terrible pain. All of this hindered a normally paced articulation of what happened. The officer did not ask in any great detail, if at all, how I was doing.] I told some of the responders who would listen that with regard to the acceleration that it was essentially "full tilt." It was like a driver (not me) had floored the accelerator pedal and

the car not only took off like a shot, it accelerated at ever increasing speed, because the accelerator pedal was all the way down to the floor board with my right foot pinned under neath of it. That is what i attempted to convey to the officer, but I could tell by looking at the officer and ~~his~~ lack of feedback and lack of eye contact with me, that it was likely that the officer, "was not getting it." That is, he was not hearing the actual sequence of events as I related them or wanted to relay them to the officer. My condition was such that I was intermittently crying and holding back tears.

Also not communicated, but which I put into my statements to responders at the scene of the accident, is just how fast everything happened. I indicated and said more than once to responders that I did not know how the car began its acceleration; that is I did not know what mechanism cause the car to accelerate, but it either wasn't me, or if it was me, I was not conscious of having done anything to start that sudden and full acceleration process. The police officer never stayed around long enough nor did the officer inquire enough nor provide me an opportunity to articulate the things I am writing herein.

What I meant about the alleged exact quote of, "get faster," if that is exactly what I said, was that the car wasn't moving little by little to a faster and faster speed. Instead it was accelerating so hard that the acceleration itself mostly pinned me to my seat back. My legs are reasonably long and I made a very early move in the sequence after the full acceleration began to lean forward to reach the car key to attempt to turn off the ignition. (according to a Mercedes-Benz employee I spoke with on 3/11/2019, it wouldn't have made a difference if I had reached the key, because the Mercedes will not allow a key to be turned off or pulled during acceleration. I also am relating that I no longer had full control over the controls of the car from the very moment the acceleration (that I did not consciously cause, nor did I intend to cause) began. As mentioned, the reasons for that fact is the pain I was experiencing in my foot and the very fact that my foot was pinned; and also the fact that the acceleration was full bore [note that in compact chassis of the C350 Mercedes-Benz, full-bore acceleration produces, even from a stop, a very lively acceleration and when from say 20 to 30 mph, the acceleration is fairly incredible from the 3.5 liter V-6 engine. So strong in fact that not only was I pinned to my seat from that acceleration, my look at the position of my car to the traffic in front of me, made me realize that a collision would occur in a matter of a few scant seconds, and really, there was nothing I could do about it. (Other suggestions on what I might have done included an attempt to shift the car into neutral from drive; attempt to hit the cruise control lever and pull it down; or employ my left foot which was still free to attempt to put on the brakes [which would then disable the cruise control]. With regard to shifting the car into neutral, this did not occur to me at all, but some familiar with the M-B system say that the lever might not have responded to my input under the conditions of acceleration that existed during this very short time and by the time I got this

accomplished, it is likely that I would have rear-ended the car in front of me, even if I had been able to get the car into neutral gear. Lastly, the suggestion to use my left foot instead of my right foot make the most sense to me, and if I were in the scenario again [please God, I hope not!] I would now know to at least attempt that. ⁵ ~~The~~ ² beside not thinking of that option, sensible reasons why I did not attempt the ¹ left-foot braking, had to do with my right foot being pinned with all of the initial pain that I experienced with the involuntary jerk by my muscles and nervous system at the very beginning of the sudden and unexpected (by me) acceleration. Then with the pain in my foot and the acceleration, my first impulse was to pull up really hard to attempt to immediately extricate my foot from under the pedal (to then immediately put the ⁴ brake on). I had just enough time to twice attempt to get my foot out from under the pedal, but could not. Just a very few seconds expired during all I have described to this point in the sequence and with the ever increasing acceleration, I was within maybe 2-4 seconds from a collision. ³ Two seconds, if I remained fully in lane 1, that was for sure.

By the middle of line 13 of page 12 of 14, the officer then got my words and sequence of events correct. I did attempt to avoid a direct rear-end collision by making a left steering maneuver to attempt to avoid hitting the car in front of me, which I believe became the second car I hit, although at that point with the speed changing so much and with me realizing an impact was coming, my clarity on that detail isn't for certain. I think that I attempted at that point not to hit the car in the HOV lane (I called it the diamond lane). So I did my best to steer in between the two cars between the HOV lane ⁶ and the #1 lane. A split second later, I contacted one of the cars with my car (probably the car in the diamond lane, but am not sure; and within another partial second hit the other car (which I think may have been the car in the #1 lane). At this point my car's air bags started to deploy. I don't even know how many air bags deployed, but I know that the steering wheel bag and the passenger dash bag deployed along with the knee curtain bag on my side (and likely the knee curtain bag on the passenger's side). After this, with my leg pinned under the accelerator and with the knee curtain air bag deploying, in this particular accident, my right leg had no room for movement away from the blow of the air bag, and so the full force of that knee curtain drivers side bag hit me flush in the knee with the leg being cocked to one side, because of my foot having been pulled all the way to the floor board by the accelerator pedal. In fact, I felt the metal bar of the accelerator pedal also digging into the top of the arch of my foot. The only thing I remember at that point was my car and at least one of the cars I hit, careening into the K-rail or center divider, at least once and then bouncing off a bit and hitting again and then scraping it for a certain distance until our vehicles came to a stop.

Lines 14 and 15 were correct insofar as they cover what happened, as the officer stated on page 12 of 14: "...After the collisions, he remained on the scene and waited for CHP arrival." What wasn't said, ³ if that after the collisions and with cars coming to rest on the freeway, still right

Inspection revealed that such
turned out not to be the case.

that I had attempted avoid hitting

side up, all of them, I and my wife were pinned into the car and could not get out. I was in tremendous pain in the chest and the right knee area; vapors were rising from the air bag propellant and making me noxious and made it difficult for me to breathe; my wife could not get out and was in a state of shock as was I. First she and then later I was freed when one of the truck drivers or paramedics or firemen or somebody worked my wife's passenger side door hard enough and got it open. At that point I was too dazed to tell if she was helped out of the car or got out on her own. At one point it seemed like a paramedic asked her if she was OK and wanted to go to the hospital, but I don't know exactly at that time what she said. Meantime I sat for a period of time, I'm not sure how long, but it seemed like about 8 minutes or so in real time. For me it just felt like a lot longer. I had realized early on in the automotive sequence at the point of engagement of full bore acceleration by my car, that I'd lost control and that the car was such that it was extremely likely that I was soon to be with my wife in a bad crash. My efforts to do what I could to try to prevent this from happening kept me temporarily from having an emotional reaction during the quick events leading to the collisions. Such was my condition that I did not know that a 4th car was involved until 2 days after the accident. I wasn't myself from the moment of impact, emotionally. Physically, I was hurt and I knew it. But my mind kept going back to the victims in the cars that I knew I had hit and I was remorseful and was weepy off and on when I talked to the other occupants who were checking on me. I think I recall telling at least one of the victims that I was hurt but that I was more concerned about them than anything else other than my wife of whom I was also very concerned. Also, one or more victims tried to elicit from me what had happened and I told them the first thing I remembered at that time, and that was that my foot got pinned under the accelerator pedal. (At some point, I thought it was possible that my foot got pinned between the accelerator and the tunnel area on the right. However, reflecting upon it long enough, I don't think that happened. I think my foot was on the floorboard and somehow moved just enough to get under the pedal and the approximate instant that the pedal went suddenly and forcefully downward, pinning my foot, became forcefully pinned.

In fact, my foot was not released until after the Mercedes-Benz accident-response automatic fuel shut-off sequence was initiated at which point the accelerator pedal released and went back up to its normal, "at-rest position."

Page 13 or 14: "Opinion and Conclusions" section of report and Summary: I am not sure of the exact speed I was going, as it varied. I was averaging just over about 20 miles per hour. I did relate that my vehicle speed was varied depending upon what the traffic was doing, that is coming to a stop, or then moving ahead when there was space, in reference to line 12 on page 13 of 14. My initial position was directly behind V-3, if I understand the reference # correctly as listed in the report. What I take issue with is the characterization of my driving. As stated earlier

in this and other statements, I was actually moving somewhat slower and more distant from the car in front of me than the average driver in that very heavy traffic I was driving in. Line 17, first full sentence looks OK on its face, but it paints a characterization of intent and of wanton disregard for the safety of others while driving under the basic speed law. Hence, "Due to P-1's unsafe speed for traffic conditions (slow/stopped traffic)..." The problem with this sentence is that technically it is correct. My car was moving too fast for the conditions and created a hazard that resulted in the recounted traffic collisions. However, there is no mention of extenuating circumstances. The police officer does not relate correctly about where my foot was and makes it appear that I put my foot down on the accelerator pedal during the sequence of events resulting in said collisions. Nothing could be further from the truth. The truth is, that some sequence of events occurred while I was driving, that I did not intend to happen. I did not choose a maneuver nor accelerate intentionally and thus I had no conscious involvement in my vehicle, (V-1) attaining any speed other than my last prior input, which was braking to slow down, followed by coasting. From then on, including acceleration, I had no involvement or intent of involvement in doing anything other than coast. The sudden acceleration occurred without my doing anything consciously. (Unconsciously, or out of my awareness, it is possible that I did something to cause the chain of events. However, I did not do this alone without other intervening factors. Again, this possibility is not even mentioned by the officer, although I mentioned it time and again. The report makes it appear as if I attempted an acceleration on a slow and stopped 405 freeway, of my own intent and volition. This is where the "characterization" part of the report is improper, incomplete and taken out of context. Further it is written without the officer receiving all the short-lived but technical occurrences that resulted in the accident. This was a jump to conclusions and a rush to judgment.

Finally on page 14 of 14 of the report # [REDACTED] under "cause:", the officer's is technically correct once again. The vehicle I was driving did reach an unsafe speed and was the proximate cause of the collision. However, I was not knowingly reckless in my driving. Rather I was a victim of a perfect storm of events that are very unusual statistically. I did not choose to drive the car at an unsafe speed. Instead the car accelerated "out of the blue," and without any warning and without my input. (For example, my foot was not on the accelerator when the acceleration started.) While the officers investigation, as written (and it is written incorrectly as to the actual facts of what occurred in my car, a Mercedes-Benz C350 [W]), the errors and mistakes ignore the "intent" factor. The real or true cause of the accident provided is false and provides an incorrect picture of what happened. A whole sequence of events with some of those events not recorded because they were ignored provides an incorrect set of facts leading to both the cause and the conclusion. One small detail in the report as mentioned above in and of itself, begs for further investigation and clarification, which the officer doing this investigation did not notice or did not see fit to deem relevant. 22350 V.C. Please now see below:

6 of 10
78 [REDACTED]

"22350. No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property."

[REDACTED] With reference to above, I have provided a sequence of events which shows that I as a person did not drive as indicated is prohibited in 22350CVC. Rather the vehicle in which I was seated, but no longer in control of, was proceeding for a scant number of seconds at that unsafe speed without any known input from me as a driver. Something that the vehicle did without my intent cause the speed to occur. What ever that was had to be the result of a mechanical defect in the car's operating system or systems in combination. If I inadvertently caused the acceleration of the car while driving leading to the sudden acceleration, instead of mechanical or electrical failure, then that inadvertent action, it can be concluded, was because of or due to a design flaw or defect or more than one design flaw or design defect, inherent within the car. Further that such design defect or defects existed, goes back to the manufacturer of the car, who either knew or should have known that there was inherent danger in the design of the system or systems and/or their juxtaposition to one another as one element of this or these flaws. And that further, the design in the function and features of one of the systems, most likely the cruise control, was constructed in a manner and in a way of use of the system, that it would be likely that eventually, such design would cause a traffic accident of greater or lesser degree. If the manufacturer did not know, then the manufacturer did not put the design through enough design testing and sequence testing on the system itself when acting alone; nor did the manufacture put the design of the system through testing in connection with the system or systems' immediate surroundings where human touch, movements, activation, deactivation, resumption and other possible actions of said system could interact with the motions required with any other nearby systems, that had a different function, but which also required similar motions and functions from a human being or operator, operating them to ensure that an accident could not occur in certain normal operational combination, that may statistically or otherwise, come to occur in a manner greater than a rare anomaly would allow for, either statistically or in a random sequence, that might produce a "perfect storm" of normal interactions of driving that would then be likely or possible, to cause a traffic accident or produce conditions in the vehicle, likely to cause an accident (ie: unsafe speed).

If the officer had followed up with me, after I was out of shock; after I was out of intense pain; after the immediate psycho and physiological effects of the immediate shock of the accident had worn off, it is not only possible, it is likely that a scenario could be painted where the average person might see upon examination, that design flaws were more causative of the events leading to the collisions, than was or were, any intentional conduct on the part of me the driver, or even any unsafe action on my part, away from the ordinary use of the instruments

[REDACTED] and controls of the car, occurred by conscious intention. In fact there was not even negligent use of the controls by me the driver that was pointed out in the report, other than one false statement that I had put my foot to the accelerator (which I had not done) prior to the car's hard acceleration to an unsafe speed resulting in the accident.

Further examination of the systems themselves along with an unbiased and scientific look at the acceleration systems of the referenced Mercedes-Benz C350 should be undertaken and completed, prior to the preliminary assessment of blame for cause. Secondly, a proper engineering study should be made of the three systems of the left side of the steering column to see whether or not it might be possible for the average driver to cause a fuel system to be activated by mistake, unintentionally, because of the motions those systems require that overlap one another while at the same time those systems are so close to one another as to render it more likely than a one-off anomaly, that this kind of activation could recur and recur again and with different people driving the same car with the same systems, yet under a variety of conditions, or even under the same general conditions as existed on 2-23-2019. [REDACTED]

I believe the design of the systems and their juxtaposition and overlapping requirements to do similar things with the different systems to activate those systems was inherently unsafe and should not have been put into a regular production vehicle to be driven on public roads anywhere including but not limited to freeways. I also believe that had these systems not been approved for operation in the vehicle as they were, the accident and the sequence of events leading to the accident, would never have occurred.

Thank you for taking the time to read this material and to consider it in a scholarly and serious and even scientific fashion.

Respectfully submitted,

[REDACTED]

PS: Please submit this to your Supervisor for his thorough review. Thank you.

FOR:
D.O.T.;
NHTSA;
NHTSA.

GOES WITH WRITTEN TIME LINE

Note: During stop/go sequences "Air Cushion" method of driving employed.

(Identical Copy-2)

NHTSA - Reference No. 11206504

Note: CHP Investigation was a "Rush to Judgment." Auto Accident Date: 02/23/2019 - Time Line -
ALL Times are Approximate.

Traffic Thickens after
Transition to H.O.V. (Diamond)
Lane, I-405 FWY (at U.S. Route 101).
3:25-3:30 P.M.

Simultaneous/overlapping: Cruise Control activated accelerator pedal to full-on (to floor) My Right
Foot Pinned under Pedal to floor w/ warning Car bolted forward / Complete loss of control / Extreme Pain
3:55++
-- in right foot / involuntary reflex pull w/ whole right leg / Attempts to Stop Car to follow.

Cruise-Control deployed
ON CA.S.R. 118 FREEWAY
3:10-3:20 P.M.

Stop go: Right foot
ONLY-Brake Pedal &
Accelerator alternate by
AS NEEDED. ALSO "WASTING"
3:44-3:54 P.M.

Wife loudly alerting me of
Speed anomaly / Rapid leg
jerks. 2 attempts to reach
IGNITION Key / Fail.
3:55++ P.M.

Sandwich Position ensues:
- Collision! (Car #1 collides w/ car
3:55++++ P.M. #2 [Hou]. Car #1 collides with
- Car #3; Car #3 rear-ends -
Car #4 / 1,2,3 Cars hit center-
Divider / bounce off / Hit Center
Divider Again / scrape divider /
come to rest. Air bags deploy.
Immediate intense pain to CAR #3
occupants.

Begin trip by car from
Westwood St. Cottonwood, Yosemite
[redacted] from home
TO S.R. CA-118 FREEWAY
3:00 P.M.

From S.R. - CA-118 FWY -
-- Transitioned to I-405 FWY
Deployed Cruise-Control (em)
Stop C.-C. Use. 3:21-3:24 P.M.

TRANSITION
From HOV Lane
TO #1 Lane -
AV. SPEED 15 MPH
3:31-3:43 P.M.

Remove foot from brake.
Place right foot on floor board.
Glance @ Wife @ #2 Lane
3:55 P.M.

DECIDE -
- TO -
- SIGNAL -

ADJUST Steering WHEEL;
Attempt SIGNALING w/ Left Hand;
3:55+
INADVERTENTLY
CRUISE CONTROL
Lever Activated.

All Lanes Congested;
Left hand 10 o'clock;

3:55++++ P.M.

STAPLES

Post Collision: occupants Car #1 -
Captive for time in car. outside
assistance needed to get door open.
vision blocked by air bags. gas
material leaked from air bags
causing coughing after injuries that
were caused by airbag deployment
to chest area of [redacted]
[redacted] in post accident shock for days
after collision. 3 people asked me
4 times about a "Stuck Pedal"
Each time I respond "No." No stuck pedal.

Prior Air Cushion / closing rapidly on Car 3 (front
of me / lane #1. "Rear End collision" imminent. Left
evasive action taken / Position: Between HOV &
#1 Lane / CAR Acceleration ever increasing.
Instead of rear ending car #3, temporarily
vector position between 2 cars / HOV and
Lane #1 / EVASIVE Move prevents rear-
END Collision. (momentarily)

LEGEND: "+" Marks in timeline
indicate fractions of a second.
Vertical markers are not to
time scale and are solely
positioned for reference. They
are as best as possible,
in TIME SEQUENCE.

Author - 3/25/2019

REVIEWER #11206504



(2 of 2 identical copies included in this package.)

Mercedes Style Cruise Control SUCKS!

Submitted by avanti5010 on November 3, 2014

I took my 85 from Oceanside, CA to Cave Creek, AZ yesterday. It was my first long trip. Well, the German cruise control drove me crazy. I kept grabbing the signal stalk instead of the cruise control. The real problem though is that I had no idea how to use the stupid stalk (OK I didn't read the owners manual before I got on the road), but it is totally illogical to me (Germans are good at that). Half the time I couldn't get it to engage. I finally figured out that "up" increases speed and "down" decreases speed, BUT there was a tremendous lag in the time from when I raised or lowered it, that it didn't seem to set the speed up or down. Well I finally figured I had to wait a few seconds before the new speed would show on the screen. The stop to raise or lower the speed in one mph increments is almost impossible to feel, and as result, I would engage the "let her rip" adjustment and found myself blasting off instead of just moving up one mph. Very frustrating!! Having owned mostly Japanese cars, I can truly say Tesla ought to look at their steering wheel cruise control setup. It is easy to see and each switch is clearly marked. So much for "German engineering".

I also had a problem at the Yuma, AZ Supercharger. I could not get the charge port to open with the button on the screen or the button on the plug of the charger. Called Tesla, and after waiting about 10 minutes, I got a person who said it was probably the magnet in the charge port door sticking too hard and it would need an adjustment. He then said "Hit it near the lower right hand corner with your hand". I tried punching the hell out of it, but it wouldn't open. I put the charger cable back on the hook, and went to the control panel button, which finally opened it. This little fiasco cost me about 10 minutes extra on my travel time. No biggie, but it kinds of send a scare into you when you cant get the charge port door to open in the middle of nowhere!

tvprrier | November 3, 2014

NHTSA Referevke #11206504

This is one of three mentions in the Internet literature that I was able to find (Comments in the reader's sections, not included.)

3/8/19 to print date
of 3/24/2019

a-mail:

Thread ID:

Claim #
with Automobile Club
of Southern California

Traffic Collision

Report #:

Accident Date: 2/23/2019.

phone Contact:

3 M-B
DRIVE-CH
SUCKO!!