

Copy 2 of 2 included  
in packet.

NHTSA Reference # 11206504

This copy unmarked, in body of  
article.

**W WARDS AUTO™**

Notes: Sent to AAA for purpose: Independent evidence that such events can occur as a result of a bad, (and therefore) dangerous defective design. Also attempt to convince AAA to stop the practice of "rubber stamping enforcement" (See Reverse Page - 4) ... agency's T.C. reports to



determining  
fault.  
Net  
result  
is  
changes  
to  
the  
community!

INDUSTRY

## M-Class Signals Change in Blinker Placement

The all-new CUV is the first Mercedes with the turn signal placed above the cruise-control stalk on left side of steering wheel, intended to eliminate driver confusion.

Tom Murphy | Jul 15, 2011







MISSOULA, MT – Just about anyone who has driven a Mercedes-Benz in the past decade has experienced it: unintended sudden acceleration because of awkward placement of the cruise-control stalk on the left side of the steering wheel.

A driver may think he is signaling to turn right, when inadvertently he has pushed the cruise control lever upward to the “accel” position, occasionally sending the vehicle bolting forward instead of slowing down to turn at an intersection. This could happen if the cruise control was on but not active.

Left turns were somewhat less problematic because pushing the lever downward put the cruise-control system into “decel” mode.

Nevertheless, with the all-new '12 M-Class cross/utility vehicle going on sale in September, Mercedes has corrected the problem once and for all by placing the turn indicator at the 10 o'clock position and the cruise-control stalk at 8 o'clock.

Until now, those placements were reversed in virtually all Mercedes vehicles, triggering complaints.

The turn-indicator stalk, which also controls the windshield wipers and high-beam headlamps, is longer than the cruise-control lever, and Mercedes engineers are hopeful the new configuration will eliminate any confusion.

Bernie Glaser, general manager-product management for Mercedes-



Benz USA, emphasizes the change in his presentation of the new M-Class to journalists here this week.

“A lot of research has been done,” he says. “Customer feedback went into that decision, and the M-Class is the first Mercedes where this has been changed.

You will see that change in our philosophy here coming with launches of other new models.”

Jim Burch, assistant product manager for the M-Class and GLK CUV,  
says the market drove the new layout.

*Read: "Profits drove the new layout."*  
*Please see Page 6 in Internet article: "The many human errors that brought"*  
“The comments were that there was some confusion with the cruise control,” Burch says.

*down the Boeing 737 Max.* ”

“We wanted to address that issue, and this was the best solution based on testing with those consumers.”

Pricing starts at \$48,990 for the '12 ML350 4Matic, equipped with a new 302-hp direct-injection gasoline 3.5L V-6, while the improved 240-hp diesel ML350 BlueTEC 4Matic starts at \$50,490.

Those prices include destination charges of \$875 and are unchanged from the '11 model year, while incorporating 3% more content.

A 4.6L BiTurbo V-8 version arrives in first-quarter 2012; the engine produces 429 hp in the CL550 4Matic coupe.



A 2-wheel-drive ML350 is expected in showrooms in September 2012.

The gasoline V-6 is anticipated to dominate the mix, while the diesel should constitute up to 20% of sales and the V-8 up to 10%, the auto maker says

Although a hybrid M-Class had been available with the previous generation, Mercedes officials say there are no plans for one in the near future.

Through the year's first half, the outgoing M-Class has continued to sell well, notching 14,189 deliveries, up 14.5% compared with like-2010.

Of 17 vehicles in *Ward's* Middle-Luxury CUV segment, the M-Class places fourth in sales behind only the Lexus RX, Cadillac SRX and BMW X5.

tmurphy@wardsauto.com

**Source URL:** <https://www.wardsauto.com/news-analysis/m-class-signals-change-blinker-placement>



Important: 2nd & 3rd: one (1) of two (2) of nearly identical exhibits.

See Boeing 737 MAX - Jet Investigation: of crashes, after installation of MCAS System (on MAX) without notifying pilots of the change. No Warning.

No flight simulator training. Changes of maximum speed for these jets, under certain conditions, were not effectively promulgated to pilots at any time. Emergency manuals (EC's) were inadequate under stress during failure of either wing sensor, each of which had no redundant back-up sensors. Speed changes occurred and the aircraft's noses veered downwards. Manual override system were physically impossible to employ at out of control, high speed (as much as 400 mph, well past red line). In the crashes, speed changes occurred on their own and the nose continued to veer downward. Manual trim attempts failed. Journalist Parnell Campbell of the "Verge," stated Key Findings: Crashes (ultimately) were the result of Boeing's and the F.A.A.'s, "reluctance to properly inform the pilots of its (MCAS) existence and to regulate it properly. The FAA admitted incompetence regulating software. This policy allows manufacturers to police themselves (safety systems). The Flying certificate does not include the MCAS in any part of its amendments for the Boeing 737 MAX with added MCAS software. 346 deaths combined in two crashes. Still Boeing insists the aircraft is safe to fly. Mercedes-Benz parallels Boeing in many ways. A big difference, however, is that M-B admits nothing, and instead of denials, M-B controls the dialogue, as mentioned more than once in this document (ref 11206504). my effort to notify NWTSA (and D.O.T. of this insidious safety defect. #

Definition of terms: "Runaway Trim": Occurs when a failure causes an airplane's horizontal stabilizer to move when it should remain perfectly still. Up or Down forces result and pilots must battle this result for the rest of their flight. #

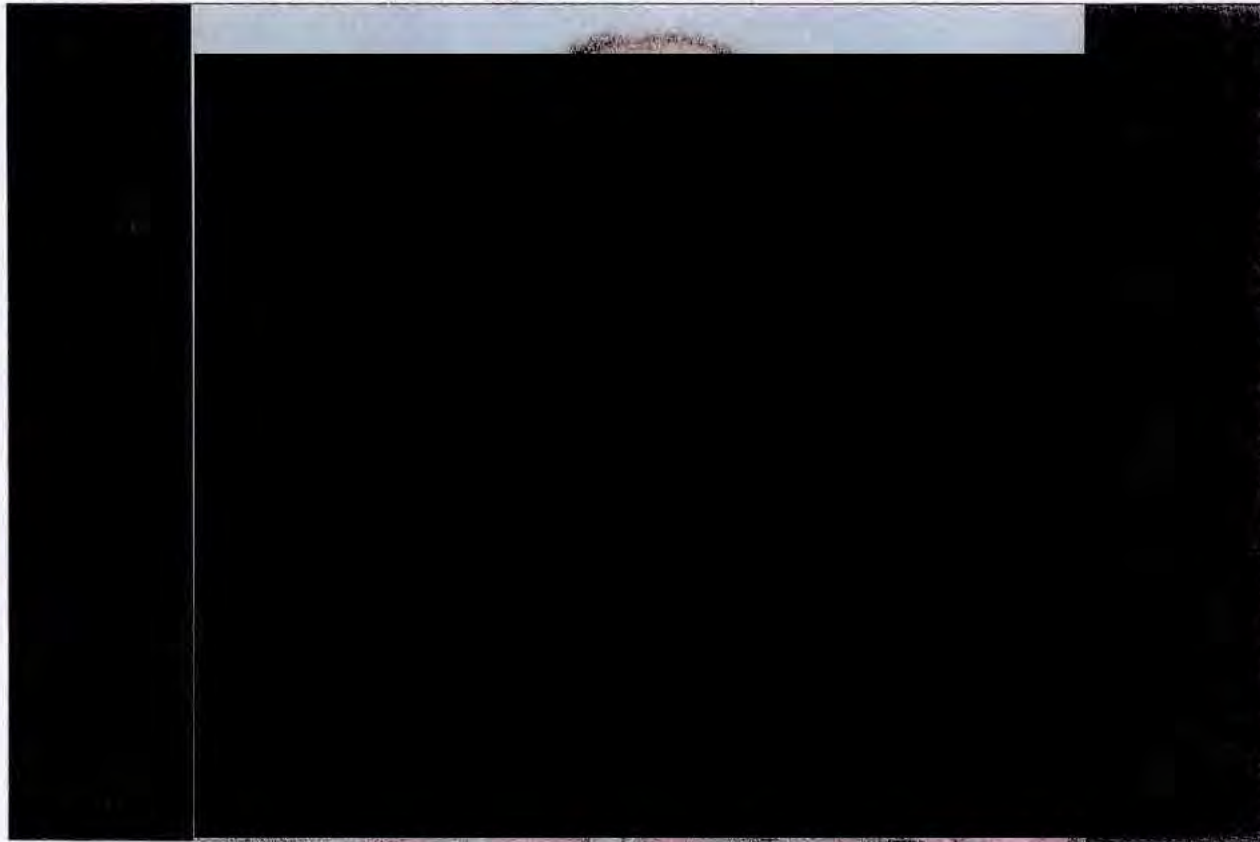


SFGATE

<https://www.sfgate.com/cars/clickandclack/article/Leaving-master-switch-of-cruise-control-on-does-13535870.php>

## Leaving master switch of cruise control on does no harm

Updated 12:09 pm PST, Tuesday, January 15, 2019



Dear Car Talk:

*Note: From NPR radio show (C) by Ray Magliozzi & Doug Derman, 2018*

There are times when I discover that my cruise control is "on" but not engaged. Is driving like that doing any damage, such as lowering my gas mileage? — [REDACTED]

*Comments: SFGate, on-line part of San Francisco Chronicle. From: TTAC - The Truth About Cars. Began publishing in 2002. [REDACTED] became in late 2011. [REDACTED] was founder. [REDACTED] contributed until he left the site in 2015. Company goal: to get at/to the truth about cars.*

No. It's like having a lamp plugged in, but not turning it on. It's a safety system, [REDACTED] Most cars have a "master" cruise-control

*copy-1  
with additional commentary*

*REFERENCE # 11206504*

*claim # [REDACTED]*

*See Page 2.*



This "Known-Design-Flaw" is exactly what was responsible for the same sequence of events that influenced, thus causing my accident on 02/23/2019. (The foot-pinning I have described was part of a "perfect storm.")

Reference  
NHTSA Claim No. 11206504

switch. Until you set that switch to "on," you cannot engage the cruise control and use it to set the car's speed.

They want to prevent you from accidentally hitting the "set" button on cruise control while you're driving, and then panicking when the car keeps going after you take your foot off the gas. Or, even worse, they don't want you to hit "resume" when you're going 45 mph in traffic, and have the car zoom back to 70 mph -- where you last had the cruise control set. So they make you use two switches. Kind of like the guys in the missile silos in the Cheyenne Mountain Complex.

To use cruise control, the first switch you need to activate is the master switch. Once that's turned on, you'll probably see a green or orange cruise-control light on the dashboard. Only then can you use the steering-wheel controls (on most cars) to set your speed.

By the way, for years now Mercedes has been putting its cruise-control switch on a stalk that comes out the left side of the steering column. We always thought that was a bad design, because it's pretty easy to hit it by accident when you're using the turn-signal stalk. In fact, we've done that when testing Mercedes cars. And it required an immediate change of pants.

As you can imagine, ████████ a safety "on/off" switch is even more important in a car with an ergonomic issue like that. Although we wish they'd just put the controls on the steering wheel, like most other automakers now do. But to answer your question, you're not doing any harm to the engine or to your mileage by leaving the master switch "on." You're just taking the first of two steps in activating cruise control.

(c) 2018 by Ray Magliozzi and Doug Berman

Distributed by King Features Syndicate, Inc.

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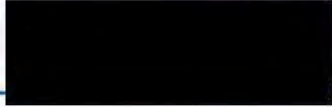
Discusses "Driver Expectations, as Researched in FMC Report, 2004"



Source;  
see:

<https://www.sfgate.com/cars/clickandclack/article/leaving-master-switch-on-cruise-control-of-cruise-control-on-does-13535870.php>

Found by



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03/24/2019

② Goes with "WardsAuto... ①" (3/24/2019)  
by: [REDACTED] actual article  
includes photo of an M-B-CUV (WFF-160)  
Ref. #: 11206504

Reference: Accident of 02/23/2019, Approx. 15:55 hours, 405 Freeway Southbound, Lanes: HOV; Lane # 1 and perhaps Lane #2, [REDACTED]

Source: WardsAuto.com; <https://www.wardsauto.com/news-analysis/m-class-signals-change-blinker-placement>

Headline: "The all new CUV (M-Class) is the first Mercedes with the turn signal placed above the cruise-control stalk on left side of steering wheel, intended to eliminate driver confusion."

by: tmurphy@wardsauto.com (Tom Murphy - writing from Missoula, Montana)

Article: "Just about anybody who has driven Mercedes-Benz in the past decade has experienced it: unintended sudden acceleration because of awkward placement of the cruise-control stalk on the left side of the steering wheel."

"A driver may think he is signaling to turn right, when inadvertently he has pushed the cruise control lever upward to the 'accel' position, occasionally sending the vehicle bolting forward instead of slowing down to turn at an intersection. This could happen if the cruise control was on but not active.

"Left turns were somewhat less problematic because pushing the lever downward put the cruise-control system into 'decel' mode.

"Nevertheless, with the all new '12 M-Class cross/utility vehicle going on sale in September, Mercedes has corrected the problem once and for all by placing the turn indicator at the 10 o'clock position and the cruise-control stalk at 8 o'clock.

"Until now, those placements were reversed in virtually all Mercedes vehicles, triggering complaints.

"The turn-indicator stalk, which also controls the windshield wipers and high beam headlamps, is longer than the cruise-control lever, and Mercedes engineers are hopeful the new configuration will eliminate any confusion.

"Bernie Glaser, general-manager-product management for Mercedes-Benz, USA, emphasizes the change in his presentation of the new M-Class to journalists here this week.

"A lot of research has been done,' he says. 'Customer feedback went into that decision, and the M-Class is the first Mercedes where this has been changed.'

"You will see that change in our philosophy here coming with launches of other new models.'

1 of 2 identical copies included in this package.  
(Sent to M-B and AAA, March, 2019) Page 1 of 2.



NEF-160

Ref #: 11206504

"Jim Burch, assistant product manager, for the M-Class and GLK CUV, says the market drove the new layout.

"The comments were that there was some confusion with the cruise control ,'  
Burch says.

"We wanted to address that issue, and this was the best solution based on testing with those consumers.'

"Pricing starts at \$48,990 for the '12 ML350 4Matic, equipped with a new 302-hp direct-injection gasoline 3.5L V-6, while the improved 240-hp diesel ML 350 blueTEC 4Matic starts at \$50,490..."

#

Note: The article continues with the presentation of other models and prices but has no more engineering nor technological information and no other quotes from Mercedes-Benz regarding cruise control.



NHTSA Ref. No: 112 06504



Mercedes-Benz USA, LLC  
Customer Assistance Center

March 15, 2019

[REDACTED]  
Simi Valley, CA [REDACTED]

Subject: Model: 2014 Mercedes-Benz C350W  
VIN: WDDGF5HB2E [REDACTED]

Dear [REDACTED]

It was a pleasure speaking with you. At Mercedes-Benz, the safety and security of vehicle occupants has always been our foremost priority, and we appreciate the opportunity to review your questions.

In order to best assist you in this investigation of your concern, please complete and return the enclosed questionnaire. If the vehicle was damaged include photographs taken of all sides of the exterior of the vehicle and photos across the interior, front and back through an opened door. Other helpful documents would be a police report, if available, and permission from your insurance company to assess the vehicle if they are involved. We request the completed form is returned at your earliest convenience. MBUSA reminds you that it is incumbent upon you to properly preserve the Mercedes-Benz vehicle and any other relevant evidence.

Thank you for your contact with our Customer Assistance Center.

Warm Regards,

*Susan H*

Susan

Executive Referral Manager

Mercedes-Benz USA, LLC

One Mercedes Drive

Sandy Springs, GA 30328-4312

Phone: (800) 367-6372 Ext. 6324

Fax: 770-705-0152

2 of 2 identical copies included in this package.

Mercedes-Benz USA, LLC A Daimler Company

One Mercedes-Benz Drive Sandy Spring, GA 30328 1-800-FORMERCedes 1.800.367.6372 Fax 1.770.705.0153 www.MBUSA.com





Mercedes-Benz

NTSA-Reference No. 11206504.

## Incident Questionnaire

(Form filled out at request of M-B.)

Return this form along with any relevant photographs by replying to your CAC Case Manager email or by emailing: mbusa\_cac@mbusa.com. Please save a copy of this document for your records.

To assist us in fully understanding the events leading up to the incident you experienced, please take the time to complete all sections of this questionnaire with as much detail as possible.

Your name

Your address

Simi Valley, Ca.

Phone number

Email

Date of incident

02-23-2017

Time of incident

(Please specify whether am/pm)

Approx. 1600 hrs

A.M.

P.M.

Vehicle details

Model

C350 (w)

VIN

WDDGF5HB

(Found in lower left corner of windshield frame, insurance card, or vehicle registration.)

Date of Purchase

01/13/2017

Mileage

32,353

Vehicle owner's address

Simi Valley, Ca.

Incident details

Please describe with as much detail as possible how the incident occurred, what you noticed and how you reacted at the time:

Please see attached time line.

2 of 2 included in this package.





Mercedes-Benz

How long was the trip time immediately before the incident took place?

Approximately 55 min

Most recent service or repair details: 2014 C350 W.

Invoice - # [REDACTED] Multi-Point Inspection - 21 Aug 2017  
B Service, Tire Inspection, 4-wheel alignment, 3 low & high  
A.G. 4th (M-B of Thousand Oaks) [REDACTED] Doc Hillman -  
Service Advisor [REDACTED] WDD6F5MBLE [REDACTED] Five Star New Times

Where is the vehicle located now?

Triple-A (ACSC) informed me (Alexander Butler - Porter) that  
the car is located at: Co-part (lot # [REDACTED] 7519  
WOODMAN Ave, Van Nuys, CA [REDACTED]

Were there any other people injured, or was any third party property damaged as a result?

Refer, please to Traffic Collision Report # [REDACTED]  
[REDACTED] It is inaccurate and incomplete as to my wife's  
injuries and her injuries. Also Contact: [REDACTED]  
[REDACTED] (cell phone) for further injury reports.

☒ I affirm that the information I have provided above is true to the best of my knowledge.\*

☒ I hereby grant Mercedes-Benz USA, LLC (MBUSA) permission to inspect my vehicle.\*

☒ I affirm that I am the owner (or lessee) of the subject vehicle and grant MBUSA permission to retrieve the data contained in the vehicle's Event Data Recorder (EDR). I understand that the EDR may capture



conducted a semblance of an investigation which was driven by her interest to gather and record only that information, which fit in with her preconceived notion of what had happened leading up to, and causing the 4-Car, injury accident of 02/23/2019. Although this request for investigation of a design flaw that endangers the Driving Public, I (Driver) have encountered policies and conduct, under color of authority, that has aided and abetted the continuation of this particular danger to the public, which potentially threatens the health and safety of pedestrians and the Driving Public.



Dated: 5/4/2019

NEF-160

Reference # : 11206504  
11206504

From: [REDACTED] Driver; Registered Owner  
[REDACTED]  
Simi Valley, Ca [REDACTED]

To: Mercedes-Benz, Mercedes-Benz, USA; & Mercedes-Benz Main Office & Mercedes-Benz Customer Assistance center; and Mercedes-Benz, Western Region  
1 Mercedes-Benz Drive  
Sandy Springs, Ga. 303028 Tel: 1-800-367-6372

Western Region Mercedes-Benz, Western Region March 7, 2019

3860 North Lakewood Blvd.  
Long Beach, Ca. 90808

Web Site: <http://www.mercedes-benz.com/en/>

Subject: Legal Notice; Potential defect claim or claims; and, To Be Determined

Identifying information: Accident of 2-23-2019, which is also date of loss; AAA-Automobile Club of Southern California Investigating as am I and my assigns; AAA Claim # [REDACTED] VIN #: WDDGF5HB2E [REDACTED] - for C350W - 4- Door Sedan, Silver

Dear Mercedes-Benz, USA,

This is to place you on notice that there may be a claim of part defect or design defect in one or more of the fuel systems, cruise control systems, pedal systems and/or layout of the 'Cruise Control Systems' of the 2014 C350 Mercedes-Benz 4-door sedan being driven by [REDACTED] on 2-23-2019, when a loss of control of the vehicle occurred leading directly to a 4-car collision with injuries to occupants.

Please be advised that I have turned over the Above identified car to the Automobile Club of Southern California and that it is being presently held at: 16920 South Figueroa Street, Gardena, Ca. 90248-3017. Additionally, I have signed the ownership certificate over to Triple A as the Interinsurance Exchange, Automobile Club of Southern California is also known.

Also, I have signed an, "Authorization" under policy # [REDACTED] for the auto club to begin an inspection of the identified vehicle which includes but is not limited to a forensic inspection of the vehicle and an examination of all of the vehicle's systems in order to help to determine the cause of the accident on the date of loss.

1 of 2 Pages

1 of 2 identical documents included in package







Please also be advised that a California Highway Patrol, West Los Angeles Area, 6300 Bristol Parkway, Culver City, Ca. 1-310-642-3939, report was taken at 1600 hours, 02/23/2019 with NCIC [REDACTED] Officer providing information was Employee #: [REDACTED]

Please note that attempts were made to contact Mercedes-Benz of Thousand Oaks and to Mercedes-Benz, USA and that there was no response from the former. The latter responded via a telephone conversation on 03/06/2019 with an employee, Kale'. She declined to provide access to a manager for further discussion and declined to provide a method of filing a potential report with further potential for a loss claim.

In order that you may have an opportunity to examine the vehicle by your own investigation team or others, a "Preservation of Evidence," hold has been placed upon the vehicle by Triple-A.

Contact persons for Triple-A are multiple and include: Alexandra Butler-Porter, Gardena Claims Branch of IE Auto Club, Gardena Claims Branch, 16920 South Figueroa St., Gardena, Ca. 90248; Brar Raman, Claims Service Representative-310-217-5280 and e-mail: Butler-Porter.Alexandra@aaa.calif.com; Raman Brar, Claims Representative, 661-852-4031; Tiffany Nguyen, Mobile Claims Representative,, 661-481-4156. Lastly, a Manager and Supervisor, Mr. David Kaplarda, 818-438-3317. Each has some knowledge of this accident and has been assigned in some way to work on it. The first contact person has the ability to schedule an inspection by your chosen examiners or representatives, scientists, etc. which may be able to shed some light on what is up to this point a mystery.

Respectfully,

[REDACTED]  
[REDACTED] Registered Owner, Certificate Owner and Driver of referenced C350 M-B on 2-23-2019. I can be e-mailed at: [REDACTED] or reached by telephone [REDACTED] or cell: [REDACTED] P.S. My wife [REDACTED] is co-owner of vehicle & was occupant at time of accident.







NHTSA - Reference No. 11206504

03/05/2019

## AUTHORIZATION

POLICY NUMBER: [REDACTED]

CLAIM [REDACTED]

NUMBER: [REDACTED]

DATE OF LOSS: [REDACTED]

02/23/2019

VEHICLE: VIN: WDDGF5 [REDACTED]

MBNZ C Class 350

I, [REDACTED], am the registered owner and/or lessee of the 2014 MBNZ C Class 350, hereinafter referred to as the "VEHICLE," which was involved in the above referenced date of loss.

I HEREBY AUTHORIZE Automobile Club Inter-Insurance Exchange, its employees, agents, representatives, adjusters, and investigators, hereinafter collectively referred to as the "AUTO CLUB," to inspect, photograph, test, analyze, dismantle, disassemble, tear down, take apart, remove any parts, components, or portions of the VEHICLE, to access, obtain, collect or gather any and all data and/or information recorded or stored through a data recording system within the VEHICLE including but not limited to a Global Position System, Trip Logging Devices, Event Data Recorder, Telematics, and Automatic Vehicle Location to investigate, examine, inquire, assess and determine the damage and/or cause of the damage to the VEHICLE and/or any other property as a result of the above date of loss.

I acknowledge that any costs and fees incurred to inspect, photograph, test, dismantle, disassemble, tear down, take apart, remove any parts, components, or portions of the VEHICLE or to collect any data stored through a data recording system and to reassemble, reattach any portions or parts of the VEHICLE at the request of the AUTO CLUB will be the responsibility of the AUTO CLUB.

I authorize the AUTO CLUB to submit the data or information to a third party for analysis or inspection and acknowledge that the AUTO CLUB may also be obligated to provide the data to third parties as required by Federal or State laws.

I acknowledge that the AUTO CLUB may decline to indemnify, cover or pay for any damage to the VEHICLE which is unrelated to or not resulting from the above loss or otherwise not covered by the AUTO CLUB's policy.

THIS AUTHORIZATION IS NOT AN ADMISSION OF COVERAGE BY THE AUTO CLUB.

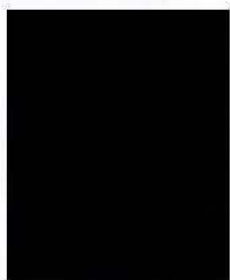
Executed on this 5<sup>th</sup> day of the month of March, 2019. [REDACTED]

Signature: [REDACTED]

Printed name: [REDACTED]

1 of 2 identical copies included in this package.  
(Connected with preservation of evidence.)







03/05/2019

Cover Letter to Triple A - Automobile Club of Southern California

By: [REDACTED] -- Claim #: [REDACTED] Policy #:

To: Raman at 1-661-852-4031, Triple-A

FAX #: 1-657-720-6073

This is a form I have modified and signed, sent to me by Raman who is assigned to work this case or matter, accident and date of loss, 02-23-2019. All material herein is related and connected to the same as referenced.

My purpose in signing this form is to facilitate getting to the bottom of what happened on 2-23-2019.

I will add, that regardless of the information that is gathered, it was not my intention to do anything other than to legally and effectively drive my Mercedes C350 on the 405 Freeway. At no time did I attempt to do anything other than legally and effectively drive my car.

I want to know the exact speed I was traveling just before the fuel system engaged in a manner that I did not personally intend to direct. I want to know the speed at time of impact. I want to know what controls were engaged and occurred during the events that led to the accident.

As a result, I want photographs taken of the Steering column and the cruise control stalk and the directional signal stalk and I want the photographs to show the juxtaposition of the two levers from multiple angles, including but not limited to how those controls looked to a driver behind the wheel of the car on 02-23-2019.

I continue to feel bad for all who were involved in this accident that I wish never would have happened. I also wish to proceed with all due haste to help those who were victimized including my wife and myself, also, to be made whole as quickly as possible and I am signing this authorization in an attempt, in good faith, to help speed that process.

Respectfully submitted,

[REDACTED]  
Drivers License: [REDACTED]

2 of 2 identical copies included in this package.

Driver/Insured's explanation for altering this form:  
The printer was not responding to software install, properly.



**END OF**

**PART ONE**



**NHTSA REFERRAL NUMBER: 11206504**

**PART TWO**

**(SEE CONTENTS FOR SPECIFICS OF PART TWO)**

**CONTENTS AND AAA RELATED CORRESPONDENCE**

**INCLUDED HEREIN**

**CONTENTS ARE BREIFLY "ANNOTATED"**



PREPARED ON JULY 26, 2019 BY [REDACTED] Driver Re: Accident of 2/23/2019

**(PART TWO [2])**

(Please see & Read, "Explanation of e-mail Series and its purposes")

**AAA e-mail CORRESPONDENCE RE: ACCIDENT OF 02/23/2019 AND "SAFETY CONCERNS" DATE AND SUBJECT LIST:**

- 2/24/19 - PROVIDE AAA WITH FIRST EVIDENCE OF A SAFETY PROBLEM/BAD DESIGN, SPECIFICALLY, CRUISE-CONTROL/DIRECTIONAL SIGNAL "LEVER CONFUSION" - GINA THOMPSON, SUPERVISOR; RAMON BRAR, ADJUSTOR
- 2/25/19 - AAA, Brar to Frankie, Tip-Top/Release of vehicle permission/request
- 2/25/19 - REQUEST TO ACCUSIGN A FORM WITH REGARD TO CLAIM NO.: [REDACTED] ALEXANDR PORTER-BUTLER, AAA ADJUSTOR
- 2/28/2019 - E-MAIL TO AAA (MS. RAMAN) THAT A PUBLIC RECORD WAS FOUND SHOWING THAT AT LEAST ONE OTHER PERSON HAD, "LEVER CONFUSION." (EVEN IF LANGUAGE IS OBJECTIONABLE).
- 3/4/19 - NO CELL PHONE IN CAR; THEREFORE NO PHOTOS; REQUEST AAA CONDUCT A SERIOUS FORENSIC INVESTIGATION AS TO THE CAUSE OF THE ACCIDENT; PLACE M-B ON NOTICE OF POSSIBLE DANGEROUS DEFECT, DISCUSSED C-C DESIGN FAILURE WITH TIFFANY NGUYEN
- 3/5/19 - AUTHORIZATION TO INSPECT VEHICLE; ADVISED BY AAA TO PLACE M-B UNDER NOTICE OF A DANGEROUS DESIGN POTENTIAL RE 2/23/19 ACCIDENT; RAMAN BRAR, AAA, CONTACT PERSON
- 3/6/19 - LEGAL NOTICE TO M-B RE: FACTORY DESIGN DEFECT THAT IS DANGEROUS; AAA PRESSED DRIVER/INSURED TO PLACE M-B ON NOTICE RE: DANGEROUS DESIGN OR DEFECTIVE CRUISE-CONTROL SYSTEM. CONTACT: TIFFANY NGUYEN
- 3/8/19 - NOTIFY AAA (NGUYEN; BUTLER-PORTER) THAT M-B REBUDED EFFORTS TO BE PLACED ON NOTICE RE: DANGEROUS DESIGN DEFECT; CONTINUED SUGGESTION AT WRITTEN NOTICE TO M-B BY DRIVER/INSURED
- 3/9/19 - DRIVER/INSURED WROTE AND TRANSMITED FIRST FULL WRITTEN STATEMENT OF EVENTS AS THEY OCCURED IN RE: SAID ACCIDENT - (14 PAGES)
- 3/12/19 - DRIVER/INSURED REQUESTED PRESERVATION OF EVIDENCE BY AAA; SMUDGING ISSUE ON PEDAL ASSEMBLY BASEE-PLATE; EVIDENCE PREMATURELY NOT PRESERVED AS REQUESTED; TIFFANY NGUYEN, AAA ADJUSTOR



- 3/13/19 - PER REQUEST BY AAA, DRIVER/INSURED PLACED M-B ON NOTICE OF POSSIBLE DANGEROUS DESIGN FLAW INCLUDING, "LEVER CONFUSION." OF CRUISE-CONTROL; PRESENT CONTINUING AND ON-GOING DANGER TO DRIVING PUBLIC. (TIFFANY NGUYEN)
- 3/15/19 - DISCUSS SAFETY ISSUES WITH AAA (TIFFANY NGUYEN) FROM SAFETY STANDPOINT. (TIFFANY NGUYEN) EXPRESS THAT AAA SHOULD HELP M-B "STAND-UP" AND ACCEPT RESPONSIBILITY FOR DESIGN FAILURE WITH REFERENCE TO THE 2/23/19 ACCIDENT
- 3/19/19 - (RAMAN BRAR) PLACE REQUEST OF AAA TO EXAMINE THE SUBJECT CAR.
- 3/20/19 - EXAM REQUEST AAA OF CAR (BUTLER-PORTER)
- 3/20/19 - SITE VISIT (DRIVER/INSURED) TO EVIDENCE PRESERVATION SITE; NOTICE TO AAA (BUTLER-ALEXANDER) THAT A REQUEST FOR INVESTIGATION OF DANGEROUS SUBMITTED TO NHTSA; REQUEST AAA TO HAVE FORENSIC PRINT EXPERT EXAMINE THE ACCELERATOR-PEDAL ASSEMBLY TO INTERPRET SMUDGE MARKS (CONAINS ONE (1) MARCH 23, 2019 ENTRY IN SIX-PAGE GROUP; AND CONTAINS FOUR (4) 03/25/2019 ENTRIES).
- 4/1/19 - TO M-B; RESPONSE TO E-MAIL FROM SUSAN OF M-B; PROVIDE THREAD ID # (7 PAGES)
- 4/16/19 - RAMAN BRAR STATES A VICTIM PRESENTED AND INJURY CLAIM; UPSET OVER RUSH TO DECLARE DRIVER AS AT FAULT; NOTICE THAT DRIVER APPEALED THE CHP TRAFFIC COLLISION REPORT; SAFETY CONCERNS DOCUMENTED IN E-MAIL; THUS FAR, NO SPECIFIC RESPONSE TO FACTS AS PRESENTED BY DRIVER
- 4/17/19 - NOTIFICATION TO AAA (TIFFANY NGUYEN) PHOTO OF DRIVER/INSURED'S BRUISED FOOT AND SENT PHOTO; AAA DID NOT MENTION OF ACCEPTANCE OF DRIVER'S FOOT BEING PINNED UNDER THE ACCELERATOR PEDAL. IT WAS BELIEVED THAT A PHOTO OF THE BRUISE WOULD HELP CONVINCE AAA THAT INSURED WAS BEING TRUTHFUL ABOUT FOOT BEING "PINNED," DURING THE ACCIDENT.
- 4/17/19 - (TIFFANY NGUYEN) PROVIDE PHOTO OF BRUISED FOOT AND DISCUSS THE EVIDENCE WITH AAA AS IT RELATED TO "PINNED FOOT' DURING ACCIDENT. (ALSO CONTAINS NINE (9) ADDITIONAL AAA ENTRIES FOR 04/18/2019)



4/19/19 - (TIFFANY NGUYEN) FAILURE TO WARN DRIVERS/OWNERS OF THE SAFETY ISSUES IN DETAIL THAT DRIVER PLACED AAA ON ALERT. (INCLUDES TWO ENTRIES FOR 04/19/2019 & ONE (1) FOR 04/22/2019.)

4/21/19 - NOTIFY AAA TIFFANY NGUYEN OF DISCOVERY OF ANOTHER PUBLIC ARTICLE/DOCUMENTING THE KNOWN DANGEROUS DESIGN OF THE M-B CRUISE-CONTROL; EMPHASIZE THAT AAA WAS NOT HELPING THE PUBLIC SAFETY WITH THEIR STANCE TO RELY ON A POORLY PREPARED TCR. INCLUDES 04/22/2019, ENTRY TO SEVERAL AAA EMPLOYEES INCLUDING MANAGER, RICH TABACH.

5/6/19 - AAA, RICH TABACH, SUPERVISOR SENT E-MAIL SUGGESTING THAT DRIVER CONTACT A PERSON WHO TYPICALLY DOES THEIR EDR READINGS; A TICKLER OF INFORMATION TO LOCATE THE PERSON FAILED; SEVERAL MONTHS LATER, DRIVER/INSURED THEN FOLLOWED UP WITH A METICULOUS REVIEW OF THE ACCIDENT AND ALL EVENTS SINCE THAT TIME; AAA SHOWED THAT ONGOING DANGER TO THE DRIVING PUBLIC WAS NOT THEIR CONCERN. DESPITE SEVEN ADDITIONAL PAGES TO RICH TABACH, HIMSELF A SUPERVISOR, HE CONTINUED TO INSIST THAT ONLY A DIRECT CAUSE BY M-B (I'M NOT SURE THAT EXISTS IN ANY ACCIDENT, UNLESS MEMOS WERE FOUND IMPLICATING CRIMINAL NEGLIGENCE. THIS WAS NOT A DIRECT FAILURE BECAUSE OF SUBSTANDARD MATERIALS. INSTEAD, IT WAS A DESIGN THAT WITH CERTAIN KNOWN CONDITIONS INDUCED THE DRIVER INTO THE MOTIONS AND MOVEMENTS THAT CAUSED A CHAIN REACTION THAT CAUSED THE ACCIDENT. INDIRECT DESIGN FLAWS NONETHELESS WERE THE PROMINENT CAUSE OF THE ACCIDENT. THEY INFLUENCED THE MOVEMENTS THAT RESULTED IN THE SELECTION ERROR. NHTSA HAS SPENT YEARS FINDING OUT THE REAL REASON FOR ACCIDENTS, BUT MR. RICH TABACH DOESN'T BELIEVE IN THE ACCUMULATION OF KNOWLEDGE WHEREIN "INFLUENCE" CAN EQUAL THE CAUSE OF THE DRIVER SELECTION ERRORS. OTHERWISE WHY HAVE EXPERTS IN MUSCLE AND NERVE INTERACTIONS, LEARNING AND HUMAN MOVEMENT? REMAINDER OF THE DOCUMENT ATTEMPTS TO CONVINCE AAA BY PROPER SHOWING THAT A DANGER TO THE DRIVING PUBLIC IS THEIR RESPONSIBILITY JUST LIKE ANY AGENCY WITH A FIDUCIARY RESPONSIBILITY. TOTAL: 24 PAGES. RESEARCH, EXHIBITS, ETC. CLEARLY SHOW THAT THERE'D HAVE BEEN NO ACCIDENT IF A NUMBER OF THE FLAWS HAD BEEN CORRECTED. THIS IS OF NO IMPORTANCE TO THE PROFESSIONALS, WHO CARE ABOUT EXPEDIENCY, BUT NOT THE PUBLIC SAFETY. (INCLUDES ONE (1) 05/07/2019 ENTRY; INCLUDES ONE 05/08/2019 ENTRY [TABACH]; ONE (1) 05/09/2019 ENTRY [TABACH]; A 05/11/2019 ENTRY, [ME TO TABACH]; AN 05/22/2019 ENTRY, ME TO TABACH); A LAST ENTRY OF 05/22/2019 TO TABACH) (PLEASE READ THESE 24 PAGES.)

5/12/19 - TO AAA - RICH TABACH - THIS PARTICULAR MANAGER EMERGED AS HAVING



THE FINAL SAY FROM THE INSURANCE STANDPOINT AS TO WHETHER THE LAYING OUT OF THE STORY AS TO WHAT HAD HAPPENED LEADING TO THE ACCIDENT, CONSTITUTED A CREDIBLE DANGER. HE AND HIS SUPERVISED ADJUSTOR, TIFFANY NGUYEN, COULD NOT ACCEPT THAT MY FOOT WAS PINNED, IMMEDIATELY UNDER THE ACCELERATOR.

THIS DOCUMENT OF 11 PAGES, WAS TO BRING FORWARD M-B'S LONG RECORD OF SAFETY AND ALSO TO PROVIDE FACTUAL INFORMATION BASED UPON WHAT IS AVAILABLE TO THE PUBLIC DOMAIN, FROM THE INTERNET. THE INTENT WAS TO PROVIDE ENOUGH INFORMATION TO DEMONSTRATE THAT IN THE INSTANT CASE, "RISK-MANAGEMENT," HAD AS MUCH OR MORE TO DO WITH M-B'S RESPONSES IN THIS CASE THAN DID "SAFETY." I SPOKE ABOUT INSURANCE IN GENERAL HAVING A RESPONSIBILITY TO MAKE THE ROADS A SAFER PLACE TO DRIVE, ORALLY MR. TABACH SPOKE ABOUT HOW DAUNTING A TASK IT WOULD BE TO DEFEND A SUIT AGAINST MERCEDES-BENZ. THAT THE COMPANY WOULD SUE ME AND TAKE EVERYTHING I OWNED IN DEFENDING THE CASE. IN WRITING HE WOULD ONLY LISTEN IF IT COULD BE SHOWN THAT M-B WAS DIRECTLY THE CAUSE OF THE ACCIDENT. THAT WOULD BE A TASK SO RISKY THAT IT WAS FOOL- HARDY TO TAKE IT ON. BY APPLICATION OF FACTS IN COLLATERAL SITUATIONS AND BREAKING DOWN WHAT HAPPENED INTO ITS COMPONENT PARTS ON THE FIRST HAND; AND BREAKING DOWN THE COMPONENT PARTS OF THE COMPONENTS AND HOW THEY FUNCTION AND DEMONSTRATING RISKS THROUGH COMPARISONS THAT EXISTED, THE INTENT WAS TO FIRST SHOW MR. TABACH WHAT ACTUALLY HAPPENED; HOW AND WHY THE DESIGN WAS THE TRUE REASON FOR THE ACCIDENT; AND SHOW WHAT THE COMPONENTS LOOKED LIKE IN BOTH THEIR INDIVIDUAL AND COMPONENT PARTS. IT APPEARS THAT RISK MANAGEMENT IS ONE OF THE THINGS AAA IS ENGAGING IN AS A PART OF THEIR DECISION-MAKING PROCESS, JUST AS M-B IS ENGAGING IN IT. PERHAPS AN OPPORTUNITY TO PREVENT FUTURE ACCIDENTS WOULD SWAY HIM? NO. SEE REST OF THE 11 PAGES TO LOGICALLY AND SEQUENTIALLY SHOW THE TRUTH AND THE DANGERS INHERENT IN THE DESIGN OF THIS M-B. (CONTAINS AN ENTRY OF 05/13/2019 [TABACH]; [ADDITIONAL FOUR (4) ENTRIES FOR THE FOLLOWING: 05/13/2019 [TABACH]; 05/13/2019 [TABACH]; 07/13/2019 [TABACH]; AND, 07/15/2019 [TABACH].

5/20/19 - ATTEMPT TO SHOW MR TABACH THAT IT IS IN FACT THE TINY TECHNICAL ASPECTS; THE VERY TINY PARTS, COMPONENT PARTS OF HUMAN BEHAVIOR. THAT FMCR DEMONSTRATED THAT THERE IS MORE TO A SYSTEM THAN JUST BUILDING IT AND SHOWING THE DRIVER HOW TO USE IT WITH A DRIVER'S MANUAL OR A DIGITAL VIDEO. SAFETY INCLUDES LOOKING AT THE INTRICATE PARTS AS WELL AS THEIR OVERALL APPEARANCE WHEN COMPLETED. REITERATED IN THIS AAA DIRECTED E-MAIL WAS ANOTHER ATTEMPT TO SHOW WITH SOME DIFFERENT WORDS, HOW DANGEROUS THE OVERALL SYSTEM OF THE C-C BY M-B IS.



6/17/2019 - RAMAN BRAR, AAA, SENT ME A FORM TO SIGN. THIS HAPPENS WHEN AAA HAS MADE THE FINAL JUDGEMENT AFTER REVIEWING ALL THE FACTS AND HAS MADE A DETERMINATION. IN KEEPING WITH THE GOAL NOT TO HOLD UP THE VICTIMS IN THIS CASE, OTHER THAN MY WIFE AND MYSELF, I FELT COERCED TO SIGN THE FORM AND THEREFORE DID SO. I ALSO POINTED OUT TO MS. BRAR THAT DESPITE MY SIGNATURE/APPROVAL TO ATTEMPT TO SETTLE WITH THE VICTIMS IN THIS CASE, I BELIEVED THAT THE VICTIMS DID NOT KNOW WHAT HAD HAPPENED TO THEM BECAUSE OF THE COMPLETE WHITE WASH THAT THE TCR WAS. THOSE VICTIMS DESERVED A WRITTEN SUMMARY OF WHAT I SAY HAPPENED LEADING UP TO THE ACCIDENT OF 2/23/2019.

#



July 26, 2019

From [REDACTED] /Driver of M-B C350W in 02/23/2019 accident

Explanation of e-mail Series and its purposes:

Starting with moments after the 2/23/19 accident I had a thirst to know what happened to me. Something wasn't quite right in this situation. During the hours, days, weeks and months that elapsed since the accident, I spent a great deal of time attempting to find out what happened. During this process, I believe that I not only know, by finding out for myself what happened, I believe I found out why this accident happened.

In my lifetime, after hundreds of thousands of miles of driving I acknowledge five accidents that I can recall that were my fault. My first accident at age [REDACTED] was because I lacked experience in driving and my father was my co-pilot telling me what to do. I couldn't execute my father's instruction as I simply did not have enough experience behind the wheel. The result is that I had an intersection crash in downtown San Diego, early 1960's. I hit a curb once while losing control of my car in Griffith Park, Los Angeles. Damaged my own car. I couldn't control my car because I attempted a maneuver that I wasn't capable of and bent a wheel was the result in the 1970's. A year later I was in a crash in unfamiliar San Francisco hills when a green, yellow, red-light scenario occurred resulting in a collision. No report was taken as the other part quickly ran off, never to be seen again, around 1975. In the 1990's I had almost arrived at work while in a residential section of Van Nuys, when a pedestrian caught my attention just after I stopped behind a car at a 4-way stop. The car in front of me saw that it was clear and then began to drive after stopping. I started to drive, then glanced at the pedestrian at the same time as the car in front of me braked in the middle of the intersection. There was no one in the street; no dog or cat; no reason, just a stop. That momentary distraction of the side-walk pedestrian for only a moment resulted in my seeing the car in front of me stopped, when I hadn't expected the car to stop at all. I braked but not in time. A five-mile per hour crash resulted in the slightest damage to both cars. In the year 2000, I was stopped on a downhill section of Torganza Canyon Blvd., as I was driving my son to school, behind a small foreign very old pick up truck. There were six or seven cars in front of me with a red light at an intersection. All the cars began to go. I was watching, but somehow did not allow enough space in front of me. Unexpectedly a couple of cars quickly came to a stop for no apparent reason. The car in front of me braked only slightly and then hit the car in front of him, causing his pick up truck to stop suddenly. I braked but not in time and again, I had another five-mile and hour crash. No one hurt and my car sustained no damage. The pickup truck had its bent down bumper repaired for less than 500 dollars. The cause was my driving a little too close, on a down hill section after a green light allowed my line of traffic to proceed. I hadn't anticipated the collision of the vehicle in front of me. Combined with the down hill and the unexpected rear-ender in front of me, the bumper accident happened.



The above are the accidents that I can recall for which I was at fault. In each case, I did something that I shouldn't have, all of which were related in some way to a violation of the California Basic Speed law that I had committed. I knew that in each case I either made a driver selection error; a distracted driving error or a poor estimation of time and distance as I moved before I should have.

The accident of February 23, 2019 was different. In each of the previously cited accidents I knew what I'd done and why and I knew I'd erred. Also, after each of the accidents, nothing happened that was unusual to me or that I didn't expect, with the communications needed after the accident.

I was the victim of two high speed accidents, while I was driving in Van Nuys in which I was t-boned by a driver doing about 75 miles per hour in town who flat ran a red light. I was rather seriously injured but recovered after several weeks of time. In that case the person stopped and was cited police and had insurance. I wasn't killed because I made a very sharp evasion attempt that was partly successful. My Honda civic was totalled after the huge collision in which the car was sent spinning several times as the result of the impact, with the spinning absorbing a large part of the impact. Another time I was rear ended while driving on Hollywood Boulevard while on the job. I was waiting at a light when it turned green. However, there was still a car that had not cleared the intersection, so I did not proceed because it was not safe. A Young couple was in a 260Z Nissan or Datsun at a light further to the rear of me. When the light turned green the driver pulled out with an exhibition of speed, never saw me and slammed right into the rear of my car. I had quite a bit of damage to my old 1962 Mercedes 220S four-door sedan. The police came and took a report and I got help and that was that. That was in the 1980's. One more. I was in the Simi Valley Post Office in a collector 1974 Porsche painted a rather loud factory color called emerald green metallic. I had just finished several years of work totally restoring the car to factory original. While in the post office, having just mailed a letter inside, I got back into the 911, started the car and seatbelted myself in and began to back out. I then observed a large Chrysler 300 out of the corner of my eye, moving towards me and suddenly I realized that the car was attempting to hit me. I had never seen the car before and could not make out who was inside. I quickly put my car in reverse and avoided the Chrysler's thrust (in reverse). I immediately put the car in first gear as I had reached the driveway exit and I took off fairly quickly but legally headed north out of the post office, traveling an eighth to a quarter of mile when I came to a stop behind three or four cars in the right hand only turn lane, waiting for the light to turn green. I looked in the mirror horrified to see this car speeding towards me and there was nothing I could do. At the last moment this Chrysler which had reached a high rate of speed braked and skidded until he smashed right into my little jewel of a car, pushing it forward right into a RAV4 containing two women in their car where they'd also been waiting for the light to change green in that right-hand turn lane. I was rather injured and the ambulance took me to the Simi Valley hospital ER. When I told the police what had happened, they did not believe me. The driver of the car was cited for both 22350 VC as well as "Distracted Driving," and was



declared 100% at fault. His story was that his glasses fell to the floorboard of his car and that he kept on driving while attempting to pick up his glasses. My wife and I cancelled our plane tickets and hotel reservations for Washington D.C. and I took six or seven months to get better. The car took me about three and one half years to be restored again. It was never the same and I sold the car. The guy who hit me left it to his insurance company, Mercury, which refused to pay me for my loss but offered me a scant \$6,000. for my wrecked car. I declined and sued and three and a half years later as well, it was repaired to as close as possible as to its prior condition. It wasn't the same. I sold it.

In all of the above cases, not much happened that I thought was unusual and I knew to who to attribute the accidents causes. The authorities and medical professionals acted as they should. I didn't like any of them, but I understood them.

Then on February 23 of 2019, all that I was familiar with became a sort of "Twilight Zone," for me.

The Accident itself involved four cars. But during the very short number of seconds during which the entire accident transpired, at the time, I did not really know what had happened, or why. The first responders to the scene on a freeway came and started doing tasks, but within a period of time in the aftermath of the injury collision was and were several things I never have experienced and could not explain. Some of them, I still can't exactly explain for a certainty.

One paramedic took my blood pressure and asked me a single question. None of the rest of the first responders including highway patrol inquired about any of my injuries. This is not the place to go into details. I did have three different professionals propose to me what happened in the form of a nearly identical question.

The CHP managed to detail objective data other than that which was connected with my wife and me. The officer did not conduct a correct investigation. The officer never contacted me again. On March 5 she completed her report and apparently got it to the insurance company: AAA.

At the ER on the 25th, the doctor refused to listen to my six injuries. As a result, no medical professional documented my six injuries.

AAA employees promised me during contacts with them that they would wait until all the facts were in before assessing fault, during two days of phone call contacts and e-mail. Then on or about the 7th or 8th of the month, the very person who promised to wait was the signatory of the "At Fault," letter from AAA.

Another surprise: After reading the Traffic Collision Report and going through it, I found a surprising number of errors made by the CHP officer assigned to write the report, and officer



from the scene of the accident. That too is to be covered elsewhere in this package,

After reading that Traffic Collision Report I knew for a fact that i was now a victim of a popular form of Police Brutality: "A Rush To Judgement." And I confirmed within a couple of more days that the Report upon which the insurance company depends, made the officer, "the judge, jury and executioner."

Having spoken with my insurance adjustors and read the CHP Traffic Collision report, I realized that no one knew what happened on Feb. 23. I also realised that none of them cared to known. Reflecting after a couple of weeks, I realized that from the moment she was assigned to the case, the CHP officer was one of those who did not care what had happened,

If there was to be recorded the facts of what happened, I, the now, "at fault driver," was the only one who would piece it together. No one else wanted to do so. No one else cared. And I was to discover that no one had an open mind to the truth.

In a nut shell I put together everything: A full version of what happened, even if it took me a bit of refinement over time; Photographs of collision-connected items relevant to a proper investigation; an appeal of the Traffic Collision Report; an appeal of the AAA determination; contact with Mercedes-Benz; request to AAA for evidence preservation; request a forensic study of the car and any other relevant evidence; and more.

I also educated myself about human learning, the body, muscles and nerves, response, memory and man and machine relationships.

Regarding investigative techniques, I was a State of California sworn Probation Deputy (Los Angeles) with 36 years and 9 months of training, education and experience, while also passing the California Private Investigator exam and being subsequently licensed.

As a reader of hundreds of police and arrest reports and also working directly with police for more than 20 years of my career, I believe I have as good an idea as anyone of how an investigation is or should be conducted.

Finally Danger to the Community was something that I observed and defined thoroughout my law enforcement career. That was one of my main tasks: protecting the community.

As my observations and investigation unfolded I realized that the accident occured because the entity with the first, last, and best opportunity to prevent the accident my car had caused, was Mercedes-Benz.

In order to be complete, I've attempted to include original copies of e-mails I sent to AAA and in one case Mercedes-Benz. It is possible that I might have failed to locate a few but I've included all that I have. These e-mails shed light on the kind of danger that the cruise-control system as



designed and implemented by Mercedes-Benz, presents.

Although some might conclude that all systems have a degree of risk or danger inherent in them. That would be simplistic. In certain industries including aeronautical and automotive the risk of those systems is analyzed and assessed before the systems are approved for use by human beings. So there are standards.

The final authority has to do with performance. It has to do with failures or failure rates. It has to do with longevity. When injuries or deaths occur during the inter-involvement of man and machines and specified systems, investigations take place to determine why those injuries and deaths happened.

This covers an over view before the investigator reviews the e-mails and other exhibits in this package.

One other concept, possibly only lightly covered elsewhere in this packet has to do with the design of a system which induces errors that must be corrected before normal operation can resume. It is doubtful that agencies charged with safety of the machines and systems they use in their function as sub-systems would receive approval if the design induced from time to time a loss of control of the vehicle. In fact even if that loss of control is only temporary and resulted in no deaths or injuries, the fact that normal control had to be recovered, before safe operation could continue would probably not be a design that would be approved of in advance. If the investigator will keep that in mind as the review is done, then my job is probably successfully done.

A bad design doesn't always cause accidents in every case. Sometimes a bad design doesn't even result in even a temporary loss of control. In the right circumstances all will go well and no one will even be aware that there is a bad design. As a result, when something does go wrong, operator error will be the diagnosis of what went wrong.

However, that determination is only made after an accident, an accident with injuries, or an accident with death(s) or a combination of the above. The rest of the untoward times, the operator makes a correction to bring the vehicle back under control and normal and safe operation is resumed.

This happens when, for example. when a person attempting to activate a directional signal, accidentally hits the cruise control memory that still has a residual memory in it from prior use during the current cycle, which then results in an acceleration at the slow, medium or full-throttle positions. Immediately the driver detects this driver selection error as undesirable as the driver starts to lose control of the car and therefore reacts with the first solution that the person thinks of or an instinctive action resulting from experience is carried out. For example a foot on the brake quickly, deactivates the cruise-control caused acceleration before much



control is lost.

As disconcerting to the driver as the above scenario would cause, the immediate correction, with no accidents of any kind and also followed by normal resumption of operations by the driver and the car in interaction, cancels out the concern that the driver of the vehicle may have briefly had.

However, as a result of what was explained in the above paragraph, there is no recording of the incident, anywhere. Certainly, no engineer or architect hears about it. It passes in short order to the rear and depths of the driver's memory banks, only to be recalled if a similar incident with the system occurs again.

Although the non-record of the actual actions does not accumulate, the time and space combination continue without any recording. The system in the car accumulates a, "good record," albeit falsely.

If the car had on-board diagnostics and event record accumulation built into the systems, then each of the events, even if only a "near-problem," the potential for a real problem could start to be adequately gauged. This is because a history of the events would be created. This in turn would help engineers analyze the systems and make improvements.

There should be degrees of the recording as well. The longer it takes the driver to turn off the cruise control the more critical it is that this data be accumulated because eventually the car and cruise control system would go beyond fail-safe; which means an accident would occur when the loss of control reaches a critical point.

The only other aspect not mentioned is an additional "variable," brought into the equation. Such variable is often rare or scarce when accumulating statistics on additional variables, within the event structure described above.

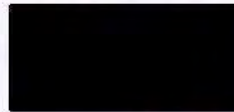
The investigator must keep these factors in mind in order to give depth to the study of what happened and whether it was caused indirectly by a dangerous aspect of a design built into the system at the factory by architects, engineers, systems analysts, system creators, workers and managers involved in approval of such systems.

On the 23rd, the "variable," was the rare happenstance of the Driver having his foot pinned under the accelerator pedal (which then and there quickly introduced a new set of unanticipated variables). No failsafe system was built-in to cope with the variables. And as the studies by the NHTSA confirmed in the FMCR, an average Driver under these conditions not only will not, he cannot cope with the load and will make correction errors right up until the accident after the initial execution error or errors that cause the variables to intervene to begin with.

If the investigator can keep all of this in mind, then I will be happy with whatever outcome is



decided by the NHTSA.





NH TISA Ref. No: 11206504.



Gmail

1) Provide AAA with 1<sup>st</sup> Evidence with Safety Design-  
(Continued) Issues with M-B-C-C.

Claim

Raman Brar 661-852-4031

2 messages

AAA Claims On Behalf of &lt;Brar.Raman@aaa-calif.com&gt;

Sun, Feb 24, 2019 at 12:39 PM

To



Dear

Thank you for contacting AAA and allowing us to assist you with your claim. It will be my privilege to serve as your dedicated Claims Service Representative. For your convenience I can be reached by phone at 661-852-4031. Your claim number is for date of loss 02/23/2019.

If you prefer, you may also reach me at [Brar.Raman@aaa-calif.com](mailto:Brar.Raman@aaa-calif.com)

My manager is Gina Thompson and can be reached at [Thompson.Gina@aaa-calif.com](mailto:Thompson.Gina@aaa-calif.com)

I look forward to assisting you with your claim. Please feel free to contact me with any questions or concerns.

AAA Claims On Behalf of Raman Brar

Claims Service Representative

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

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

Email: [Thompson.Gina@aaa-calif.com](mailto:Thompson.Gina@aaa-calif.com)

"We're always with you"

AAA personal lines insurance is provided by Interinsurance Exchange of the Automobile Club

Click on [aaa.com](http://aaa.com) to see what you can expect during the claims process and frequently asked questions regarding your claim.



NHTSA-Ref. No. 11206504.



**A document from AAA Claims for claim number [REDACTED] is available for you to sign**

2 messages

**Alexandra Butler-Porter** <notifications@assuresign.com>

Mon, Feb 25, 2019 at 11:30 AM

Reply-To: Alexandra Butler-Porter <butler-porter.alexandra@aaa-calif.com>

To: [REDACTED]

Dear [REDACTED]

You have been invited by AAA Claims to sign or provide input on an AssureSign document. Please click "Begin Signing" to begin this process.

**Begin Signing**

If Applicable, please mail your vehicle's title and any extra vehicle keys to:

AAA Claims: Total Loss Department

16920 S. Figueroa St

Gardena, CA 90248

Please write your Claim Number [REDACTED] on the envelope.

Thank you

Document signing powered by **AssureSign**.

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**Alexandra Butler-Porter** <notifications@assuresign.com>

Mon, Feb 25, 2019 at 11:30 AM

Reply-To: Alexandra Butler-Porter <butler-porter.alexandra@aaa-calif.com>

To: [REDACTED]

Dear [REDACTED]

[Quoted text hidden]





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## 2014 Mercedes-Benz

1 message

Mon, Feb 25, 2019 at 10:21 AM

To: frankie@tiptoptow.com, brar.raman@aaa-calif.com

Dear Tip Top Towing, Please release the 2014 Mercedes Benz to Triple A Insurance. I am the owner of the vehicle, both pink slip and registered owner.

Spoke to Frankie. Raman is Triple A adjuster. Her phone is: 661-852-4031.

Silver color

Respectfully





AAA Services



Products



Information

## \*\*\* Disclaimer \*\*\*

This communication (including all attachments) is solely for the use of the person to whom it is addressed and is a confidential AAA communication. If you are not the intended recipient, any use, distribution, printing, or copying is prohibited. If you received this email in error, please immediately delete it and notify the sender.

Thu, Feb 28, 2019 at 7:36 PM

To: AAA Claims On Behalf of &lt;Brar.Raman@aaa-calif.com&gt; [REDACTED]

<https://forums.tesla.com/forum/forums/mercedes-style-cruise-control-sucks>

Dear Ms. Raman,

While I don't agree with the language, this particular person details how he drove the M-B from California to Arizona and had trouble the whole way, mistaking the cruise control for the cruise control. He was trying to use the cruise control but kept grabbing at the directional signal. Furthermore, no accident was involved. He was just complaining. While I have referenced the possibility that I might have have grabbed onto cruise control instead of the directional signal, this report, documented on the net, shows that at least one other person had a similar problem. When I propose that I did not make any intentional error in driving and that at the same time, a design error in the controls was the primary cause of the accident, this documentation supports that contention. It seems to me that Mercedes-Benz should not be let off the hook for bad design. Further and just as important, I read that the M-B incremental increase is supposed to occur first before a sudden and full on acceleration with no warning. This material is commonly available on the public Internet. Thank you for also forwarding this material to those who investigate the vehicles electronics systems including the cruise control. I will add that another system in the car, the radio, has been subject to extreme static. This involves electricity too. This is an intermittent problem. I add this to what I told you today about tow accidents and subsequent repairs that are on record and can be shown. After the big Semi-truck hit us in the rear and all repairs were done and the vehicle inspected. Three documented problems were found and corrected after the repair inspection by Newcastle Automotive. There was an alignment problem corrected subsequently by Silver Star/Thousand Oaks Mercedes-Benz. Then, Silver Star also corrected the foot brake release lever problem and also the trunk release problem. Neither of those systems worked properly after the accident and the post-repair inspection. At that time, I brought up to both Newcastle and to Mercedes Benz of Thousand Oaks, the possibility that other systems might be affected. I thought such might include any circuit board controlling the car's functions. These factors all raise suspicions that the cruise control might have been one of the systems affected. Further the drive by wire aspect, if that exists, might have also become affected and was in fact weakening until the event of loss occurred. Thank you also for considering this in addition to all the statements and information I previously provided. Respectfully [REDACTED]

[Quoted text hidden]



NHTSA Ref. No: 11206504.



1) No cell-phone in car notice. No Photo's.

2) AAA Requested to have, "investigation team," look into accident to

CAA062704821 | Form: PPA | Ins [REDACTED] DOL: 02/23/2019 | St: open |

Adj: Raman Brar (Bakersfield ER2) | Claim: [REDACTED]

6 messages

Nguyen.Tiffany &lt;Nguyen.Tiffany2@aaa-calif.com&gt;

Mon, Mar 4, 2019 at 11:37 AM

To: [REDACTED]

Hi [REDACTED]

I work for AAA insurance and I called you earlier this morning but your voice mail is not set up. I am handling the injury portion of the claim. Do you have photos of the accident? Can you please email them to me as soon as possible. I also want to go over the claim with you to confirm all the information. Please call me when you have a moment.

Thanks

Tiffany Nguyen  
Mobile Claims Representative  
Cell 661-481-4156 Fax 714-800-2794

Email: Nguyen.TiffanyV@aaa-calif.com  
Manager: David Klaparda 818-438-3317

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Driver repeatedly explained to AAA that my cell phone was in need of fixing, so I hadn't brought it with me on this trip. Therefore, no photographs.

determine the cause of the accident.



If you received this email in error, please immediately delete it and notify the sender.

Tue, Mar 5, 2019 at 11:52 PM

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

Dear Tiffany,

Just to let you know one other detail only from my perspective. At the scene on the 23rd, just after the accident I observed my car entangled with two cars and subsequently because of the victims coming to me, I was able to count 2 each in each of the cars which my vehicle struck. They related to me that they were all right, verbally. Meantime I only learned of another vehicle's involvement a day or two later when one of the adjusters related this fact to me. Thus I have no knowledge concerning the third vehicle that my vehicle struck or caused to be struck by someone or something. I was never told this at the scene. I don't know how many people were involved with that third car. I'm sure you have all of that information. I already was worried about victims within seconds of my car starting to drive on its own and with me losing control of the car without even knowing why. And I was stunned and hurt. I had to be extricated from the car with help from someone. I don't remember who it was that helped me out of the car. My wife said a CHP officer was the one who helped me from the car. As for pictures, first and foremost, my cell phone camera was not in the car because I'm in transition with the phone to get a new phone, and my phone was not working, so I left it at home. So I didn't have my phone to take pictures, even with me. Beyond that, I was quite injured in the crash and very stunned from the collision, air bags exploding and from the gas/smoke from the air bags. I continue in pain through today, March 4. My wife as well. Kaiser gave no further referrals and confirmed soft tissue damage but no broken bones according to X-Rays. Taken at the Woodland Hills branch of Kaiser via the Emergency Room on the 24th for [REDACTED] and on the 25th for me.

I am hoping that testing will be done by Triple-A to try to determine the cause of this crash or what most likely happened to cause the crash events, sequence. With a long explanation's sent in already to other associates of Triple-A, my best guess is that somehow my foot migrated enough to get grasped or captured underneath the gas peddle. That prevented me from responding any more quickly than I did and that instant occurrence at the same time, which I do not recall initiating also was one of the events, right from the start that caused me to lose control of the car and not to be able to regain control before it was too late. That is because my right foot became pinned while at the same time causing me a great deal of pain and also limited my movement so that doing anything at all became a near impossible struggle. As mentioned to the others, I was not released from that pin until after the cars all came to a stop.

I'm so tired right now. We can go over more tomorrow, hopefully. I'm walking a bit better than before. My wife is scheduling medical appointments and she continues, as do I with a great deal of chest pain from the air bags which hit us at impact. My right leg is not doing well because of being pinned when the air bag went off. The accident may have impacted both of us as well. Our E. R. Doctor told us both that healing from this accident will, "Take a long time."

Respectfully,

[REDACTED] Date of Loss: 2/23/2019

[Quoted text hidden]

Nguyen, Tiffany <Nguyen.Tiffany2@aaa-calif.com>

Wed, Mar 6, 2019 at 8:11 AM

To: [REDACTED]

Good morning [REDACTED]

I'm glad you and your wife are doing ok.

Please contact Mercedes Benz and make a claim/report regarding your alleged cruise control issue.



I hope you feel better and please call me if you have any updates from Mercedes.

Thanks

Tiffany Nguyen  
Mobile Claims  
Cell: 661-481-4156  
Fax: 714-800-2794  
Nguyen.Tiffany2@aaa-calif.com  
Manager: David Klaparda 818-438-3317

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[Quoted text hidden]  
[Quoted text hidden]

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Sat, Mar 9, 2019 at 2:11 PM

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

Hi Tiffany - This is to acknowledge that I received your letter finding me principally at fault for the accident of 02/23/2019 in claim # [REDACTED]. I have been involved in accidents where I was a victim and in which I was at fault (two occasions in my past driving.) In those two prior occasions, I did something or failed to do something that led to the accident. In the case of this accident, that may also have been the case with one exception. This is the first time I have been declared responsible for an accident where I did not make some sort of conscious mistake or omission or knowingly make a commission of which I am aware, that then was a cause of the accident. As mentioned, elsewhere, the vehicle suddenly accelerated full-tilt most immediately causing me to lose control of the vehicle. At the same time, I made no conscious movement that I know of to cause the car to accelerate, which was the clear cause of all that happened after that which resulted in the collision.

I hope that the efforts to look into the systems of the car, now that I have been determined to be the cause of the accident by Triple-A and Mobile Claims Unit and Representative that your experts will be the best in the business and that they will seek out to find the cause in the system of that sudden acceleration.

Thank you,

[REDACTED]  
On Mon, Mar 4, 2019 at 11:37 AM Nguyen.Tiffany <Nguyen.Tiffany2@aaa-calif.com> wrote:  
[Quoted text hidden]

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Nguyen.Tiffany <Nguyen.Tiffany2@aaa-calif.com>  
To: [REDACTED]

Mon, Mar 11, 2019 at 8:10 AM

Thank you [REDACTED]

Tiffany Nguyen  
Mobile Claims Representative  
Cell 661-481-4156 Fax 714-800-2794  
Email: Nguyen.TiffanyV@aaa-calif.com



Manager: David Klaparda 818-438-3317

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**From:** [REDACTED]  
**Sent:** Saturday, March 09, 2019 2:11 PM  
**To:** Nguyen.Tiffany  
**Subject:** Re: [REDACTED] Form: PPA | Ins: [REDACTED] DOL: 02/23/2019 | St: open | Adj: Raman Brar (Bakersfield ER2) | Claim [REDACTED]

Hi Tiffany - This is to acknowledge that I received your letter finding me principally at fault for the accident of 02/23/2019 in claim # [REDACTED] I have been involved in accidents where I was a victim and in which I was at fault (two occasions in my past driving.) In those two prior occasions, I did something or failed to do something that led to the accident. In the case of this accident, that may also have been the case with one exception. This is the first time I have been declared responsible for an accident where I did not make some sort of conscious mistake or omission or knowingly make a commission of which I am aware, that then was a cause of the accident. As mentioned, elsewhere, the vehicle suddenly accelerated full-tilt most immediately causing me to lose control of the vehicle. At the same time, I made no conscious movement that I know of to cause the car to accelerate, which was the clear cause of all that happened after that which resulted in the collision.

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

Tue, Mar 12, 2019 at 12:49 AM

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

Hi Tiffany,

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 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. Changes the meaning of what I said enough so that the actual sequence of events were not correct.

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 averaging "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 underneath 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 reasonable 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 run 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 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. The beside not thinking of that option, sensible reasons why I did not attempt the 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 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. 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 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, it that after the collisions and with cars coming to rest on the freeway, still right 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.

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:

**"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."

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 caused 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 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 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.



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]  
[REDACTED]

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

Further information of support for the above scenario in which the manufacturer created a set

[Quoted text hidden]





NHTSA Ref. No. 11206504  
1) permission to inspect Authorization form request  
2) AAA directing or pushing Driver to place M-R Notice (re: systems defect.)

## EDR auth form ACMO Auto

7 messages

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

Tue, Mar 5, 2019 at 2:27 PM

To:

Cc: "Nguyen.Tiffany" <Nguyen.Tiffany2@aaa-calif.com>, "Thompson.Gina" <Thompson.Gina@aaa-calif.com>, "Klaparda.David" <Klaparda.David@aaa-calif.com>

Good Afternoon

Since you present a problem with your 2014 MBNZ C Class 350, vehicle that was involved in the incident on 02/23/2019, that it accelerated forward while your foot was pinned to the floor, we need to inspect your vehicle to assist you in this matter. I have attached an authorization form with this email. Please print it out, fill the form, sign it and email back to me so we can start the investigation process. Please let me know if you have any questions.

Sincerely,

Raman Brar

Claims Service Representative II

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

Brar.Raman@aaa-calif.com

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

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