

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.

**EDR auth form ACOMO Auto.docx**

33K

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

[REDACTED]

Tue, Mar 5, 2019 at 7:10 PM

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

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

Thanks. My cell phone is back up and running [REDACTED] is the best number to reach me if no answer on the land line. Sent the fax with cover letter. Hope you got it. Let me know [REDACTED]

[Quoted text hidden]

**GET THE APP**
AAA.com/app70

image001.jpg

3K

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

Thu, Mar 7, 2019 at 10:58 AM

To: [REDACTED]

Cc: "Brar.Raman" <Brar.Raman@aaa-calif.com>

Hi [REDACTED]

Please sign the attachment and return asap.

Thanks

Tiffany

From: Brar.Raman**Sent:** Tuesday, March 05, 2019 2:28 PM**To:** [REDACTED]**Cc:** Nguyen.Tiffany; Thompson.Gina; Klaparda.David**Subject:** EDR auth form ACOMO Auto

Good Afternoon [REDACTED]

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

"We're always with you!"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



[Quoted text hidden]

 **EDR auth form ACOMO Auto.docx**
33K

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

Fri, Mar 8, 2019 at 7:44 AM

I faxed this document to you when I had trouble with the system that you sent to me on it. Thanks, [REDACTED]

[Quoted text hidden]

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

Fri, Mar 8, 2019 at 7:47 AM

To: [REDACTED] >

Thank you [REDACTED] Raman advised she received it.

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

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



[Quoted text hidden]
[Quoted text hidden]

Fri, Mar 8, 2019 at 9:01 AM

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

Your Supervisor David was extremely helpful to me in clarifying what I needed to do with regard to placing Mercedes-Benz on notice. I can see that he has extensive experience in this area of the Insurance business. I sent a copy of the notice to Ms. Butler-Porter, since she appears to be headquartered at the facility where the car is located. Please continue to update me as to what transpires. I'm walking a little better each day. [REDACTED] continues in a great deal of pain in the solar plexus area as do I. My legs continue to be hurt. Photographs of my areas of injury and [REDACTED] areas of injury do not really show anything that can be seen on a camera with the exception of my left leg [REDACTED] took a cell phone picture of my left leg, which has healed by at least 50 % but shows remnants of the bruising which covered a great deal of the interior of my leg. We will send that along when we look at it to see how it came out. Thanks, [REDACTED] (other registered and certificate owner of the C350.

[REDACTED]



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

Fri, Mar 8, 2019 at 9:23 AM

Thank you and feel better soon! Have a great weekend!

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

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



From: [REDACTED]
Sent: Friday, March 08, 2019 9:02 AM
To: Nguyen.Tiffany
Subject: Re: FW: EDR auth form ACMO Auto

Your Supervisor David was extremely helpful to me in clarifying what I needed to do with regard to placing Mercedes-Benz on notice. I can see that he has extensive experience in this area of the Insurance business. I sent a copy of the notice to Ms. Butler-Porter, since she appears to be headquartered at the facility where the car is located. Please continue to update me as to what transpires. I'm walking a little better each day. [REDACTED] continues in a great deal of pain in the solar plexus area as do I. My legs continue to be hurt. Photographs of my areas of injury and [REDACTED]s areas of injury do not really show anything that can be seen on a camera with the exception of my left leg. [REDACTED] took a cell phone picture of my left leg, which has healed by at least 50 % but shows remnants of the bruising which covered a great deal of the interior of my leg. We will send that along when we look at it to see how it came out. Thanks, [REDACTED] (other registered and certificate owner of the C350.

Respectfully,

[REDACTED]

*** 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.

NHTSA-Ref: No. 11206504

 Gmail that attempt approach M-B with, "safety issue,"
rebuffed by M-B HQ employee.

(Mercedes-Benz C 350, 2014)

2 messages

Wed, Mar 6, 2019 at 1:19 PM

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

Dear Tiffany,

Thank you for your contact. A call into Silver Star Mercedes-Benz to Dave Hollander, 805-371-5430 revealed that he was working that day. A message was left on his cell phone for the business explaining what happened and why it was important to call back (to advise and request the information about the car, cruise control, injection system, etc. This was on 3/4/2019. Requested return call and left my phone number. through today, 3/6/19, 12:15 hours, no return call received.

Currently attempting to reach Mercedes-benz, starting with a web-site: Reached Mercedes-Benz web site:

<https://mbusa.com> and redirected to <https://mercedes-benz.custhelp.com/app/call>. I dialed 1-800-367-6372.

After leads to "Mercedesme," and an attempt to reach a Customer Service Representative, eventually a woman who identified herself as, "Kale [with accent over the e], she appeared to be a customer service representative. After going back and forth a few times, I gave her a synopsis of what happened on the date of loss/accident. she asked me before and after I detailed to her what happened, what is was that I wanted her to do for me. On both occasions, I detailed to Kale' that I was responding to the official investigation by Triple-A and adjustor assigned to the case, who provided to me a request that I, "make a claim/report regarding alleged cruise control issue."

In response to my question to her, she said if she deemed it appropriate after obtaining further information, she would refer the matter to an executive referral manager. However after telling her what happened and repeating what you asked me to do, Tiffany, Kale' then asked me to contact the Triple-A person (mobile claims manager) and to ask her to call Kale' directly. (Implied is that she refused to take the report, put it in writing and give it to the executive referral manager, off of the information which I presented to her.

Kale' then gave her reason saying (almost exact quote) "When you put the break on, it cancels the cruise control."

I asked her again about whether the cruise control went into sleep mode and could immediately go to maximum acceleration. She answered indirectly by confirming her first statement that when the brake is applied, it cancels the cruise control."

If what she says is true, then even if I inadvertently hit the cruise control resume and increase speed lever, there should have been no response by the Cruise Control Module, because it would be off.

The above is important, because this means there is no known reason why the car should have accelerated, if operating properly.

This also make^s a scientific and proper inquiry into the condition of the fuel system; cruise control system and fuel acceleration and canceling system extremely important in determining the cause of the sudden acceleration, which was the proximate cause of the loss of control of the car and in turn, the accident.

Kale' did not comment at all about my statement that the first thing I noticed was that my foot got pinned under the accelerator pedal.

I did not solicit any information from kale' about the function of the cruise control but had only mentioned to her that maybe the cruise control was in sleep mode. It was to that statement I made, essentially, and after starting to say something else that she made the statement about the cruise control being cancelled.

I will give you a call, because she didn't actually respond one way or another about my personal request. Rather

she sort of put it on me to ask you to call her to ask for what you want. I believe she should have put me through or started the process to put me through to a manager that could take my report and then respond about the cruise control. (Possible that there are other cruise control issues filed by other parties, but that they don't want that brought up and do not want to answer questions about it. Unknown if they have formal or informal policies regarding any problems with cruise control or anything else that might go wrong on one of their cars, or in point of fact, had gone wrong in the past.

Respectfully,
[REDACTED]

PS: Will relate information I received from distant relative who's career was automobile repair and restoration as he gave me his take on what happened.

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

Wed, Mar 6, 2019 at 1:29 PM

To [REDACTED]

Thank you for the update.

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

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



[Quoted text hidden]

*** 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.

NH/SA-Ref. No. 11206504

1) legal notice to M-B - Factory design defect.
2) Urgency to Driver to place M-B on notice: AAA.
Alex Ford <ralexford@gmail.com>



As Requested: Notice by [REDACTED] to Mercedes-Benz, USA with Opportunity to Inspect; Possible Claim; Possible Factory defect in Equipment/Design

2 messages

Fri, Mar 8, 2019 at 8:53 AM

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

Dear Tiffany and Alexandra,

As requested and clarified by Mr. David Klaporde, please find below a copy of letter sent return-receipt requested to Mercedes-Benz, USA Main Office as well as Customer Assistance Center and Mercedes-Benz, USA, Western Region.

I am not a lawyer and am just part of the general motoring public and thus I did the best I could with no training in matters such as this.

Respectfully submitted,

See Below:

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

[REDACTED]
Long Beach, Ca. [REDACTED]

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.

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 NCIO [REDACTED] Officer providing information was Employee #: 20958

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: Alexand,ra 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.Alexanddra@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 Klaparda, 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], 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.

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

Fri, Mar 8, 2019 at 9:06 AM

To [REDACTED] "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Cc: "Klaparda.David" <Klaparda.David@aaa-calif.com>

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

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



[Quoted text hidden]

*** 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.



NHTSA Ref. No. 11206504

- 1) Driver's full explanation of 2/23/19-4-Car Injury Accident.
- 2) Collision explanation.
- 3) Safety of Public endangered by badly researched TCR.

Alex Ford <ralexford@gmail.com>

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

8 messages

Sat, Mar 9, 2019 at 2:15 PM

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

Dear Tiffany,

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

Thank you, [REDACTED] Claim #: [REDACTED]

Please See Below:

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

Accident/Loss: 02/23/2019 -

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

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

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

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

During the last stop and go sequence of this drive and after stopping, prior to the accident, I glanced over at [REDACTED] my wife, and noticed that she was looking at me. She said, "I have been watching you." I quickly asked her if she noticed anything and she responded, to the effect, "JUst that you are letting too many cars cut in front of you and it is slowing us down." At that point, I thought about moving off the freeway to park, in order to let [REDACTED] take over. Just a moment later as I prepared to put on a little gas, as the traffic in the lane was starting to open up again, I felt a stabbing pain on my right foot and immediately noticed that my foot was caught under the accelerator pedal...or at least that is what it felt like. I had an immediate involuntary reaction to this feeling of having my foot clamped in and my leg jerked up. Then I immediately noticed that my foot was clamped in so tightly, that I couldn't get it out and I pulled as hard as I possibly could, simultaneously realizing that within that first second, I had already lost control of the car and its motion and its controls, at least most of them. I could still steer. Within a couple of seconds I made an effort to reach for the key with the idea that I wanted to turn the engine off. My response and intent was rebuffed, however, by the action of the fuel injection system-fuel acceleration system, which was fully engaged and accelerating the car at the maximum possible acceleration

without any input from me that I was aware of. In a very short number of seconds and with control of the vehicle already lost, all I was able to do was steer as I also continued to attempt to free my foot which felt like it was clamped to the floor board. [REDACTED] in the meantime was verbalizing something to the extent that, "...the car is going to fast!"

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

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

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

Eventually, someone was able to partially open the driver's side door. That person tried to help me out, but could not fit between the center divider and the partially open door to help me to get out. I struggled against the cramped space and small door opening until after several efforts I was able to get through the small opening that was available with the door open only about a foot and a half. My knee pain was intense and was made only more severe every time I moved at all or changed positions. [REDACTED] was no where to be seen by me for a while. I believe while I was in the car one or more of the passengers of the two cars that my car struck came up to me to inquire how I was. I was at that time wheezy because I was so concerned about [REDACTED] and the health of the passengers of the two cars that I knew that I had hit. At least three of four people who came up to me told me that they were OK and that there were, "no injuries." The impact or gravity of what had just happened kept emerging in me and I couldn't really "get it together," very well.

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

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

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

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

At the Tip Top Tow yard (a Santa Monica Police Department contract towing and storage service), we were able

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

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

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

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

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

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

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

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

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

The above is exhaustive of what happened from my perception and experience and actions relative to the

accident of 02.23-2019, just before 4 P.M. and as indicated above and is my best possible recollection and honest recollection of what happened. Additional recollection in the day or two following the accident occurred to me as my memory improved in certain aspects of what happened as the shock of what happened immediately during and after the accident wore off to some degree and I could better reflect.

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

Respectfully,

[REDACTED] Driver of C350

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

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

If fault is determined solely by the physical results of the car I was driving at the time of the accident and does not involve my intentions and does not involve my actions and does not involve potential systems failures of the car or design flaws of the car, then I understand. That would mean that my intention is to later pass on the responsibility to the manufacture of the car, if such design flaws or actual operational flaws of the system or systems involved can be reasonably demonstrated. Still, I ask: "Why has the 'Determination of Fault' been made prior to a full testing of all the components of the car and prior to an examination of the cruise control and its interaction as one of two stalks on the steering column which each have a distinct purpose, but which have the potential to work at cross purposes, which I the driver could not reasonably have known would interact via my attempts to use one of the systems and not the other, in the normal scope of driving?"

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

Respectfully,

[REDACTED]
3/9/2019

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

Mon, Mar 11, 2019 at 8:07 AM

To [REDACTED]

Cc: "Brar.Raman" <Brar.Raman@aaa-calif.com>, "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Good morning [REDACTED],

Attached is a copy of the police report. It finds you at fault for the accident. Fault was determined because you caused damages/injuries to the other drivers/passengers and their vehicles. My role is to handle the injuries to

the other parties that are involved in the accident that were negligent free. Raman's role is to handle the repairs to the other parties involved. Please contact Alexandra if you would like to inspect your vehicle in the salvage yard.

Thank you,

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

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



[Quoted text hidden]

*** 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.



[REDACTED] pdf
814K

Tue, Mar 12, 2019 at 11:35 AM

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

Please provide copy of this very e-mail to David Kaplarda

As already indicated, I picked up the police report yesterday, but thanks for the extra copy. As I have already said in lengthy discourse, the police report is slightly off base which is significant as it changes the characterization of what happened. Normally a situation like mine is black or white. That is the facts will lead to a

clear finding of fault, regardless of any alleged extenuating circumstances. In this case, if the extenuating circumstances had been properly account for by the manufacturer, this accident would not and could not have happened. No one is interested in looking at that. However, it is now clear to me that I inadvertently activated the "resume" function of the cruise control, while intending to and attempting to put on the right front/rear directional signal. Was this driver error? Yes it was. However it was driver error associated with a set of controls, located so close together, that unintentional activation, under the circumstances might well have been anticipated by Mercedes-Benz, had they bothered to check out the motion, which is practically identical, when following the instruction in the Mercedes-Benz manual. No one seems the slightest bit interested that the driving environment that I was in and all the conditions were as much at fault for the accident as was my "driver error." In point of fact, the police makes it appear as if I disregarded the basic speed law with intention, or at least in the alternate view, that I was solely negligent in my operation of the car. The officer doing the report rushed to judgement and had his or her mind made up before gathering the facts. And my statements which were used against me were recounted incorrectly and out of context. The full context of the accident and its event chain leading to it were not recounted by the officer. And, I was in no physical or psychological condition to give a proper statement at the times I was interviewed on the scene.

Rush to judgement. Mis-statement of facts. Incomplete facts or inaccurate recounting of the chain of events leading to my loss of control of the vehicle. Moment of loss of control not pin-pointed properly. These all are exhibited in the written accounts of this accident by those other than myself.

Again, for those reasons, I am disputing the finding of fault by the officer and Triple-A. At the minimum, I am disputing the characterization of events leading to the accident and therefore the appearance of the amount of culpability and the type of culpability that I have. 100% or the responsibility is not mine.

While those reviewing the accident believe that I am at least 51% at fault, the following statement is true. Had Mercedes-Benz not put a product on the road with two systems right next to one another; had those systems not been designed to operate in the same manner as in this instance (including intent), the accident never would have happened. That is back up logically, because the two systems would not have therefore been in one another's space when I initiated, most apparently, an attempt to turn on a right turn signal.

If Mercedes-Benz could have prevented the accident altogether, how then am I at fault. Particularly since there is nothing in the user's manual or driver's manual of the car, alerting the driver that an accident could occur under certain circumstances. Mercedes-Benz either knew or should have know that an accident could occur in this fashion. Therefore, Mercedes-Benz is at least 51% at fault. As the manufacturer and designer of the car, a design flaw was built into the system that I (and the others involved) were then victimized.

Note: It is obvious that I as a retired civil servant, do not have the money or the means to file a law suit against Mercedes-Benz. To obtain a finding against the manufacturer would require some of the best experts in more than one field of expertise, and would be extremely costly. At this point, the only thing I can do is to point out events that normally would not be apparent to the average outside trier of fact, if I did have the means to go to court. That is the average person with average intelligence likely to be picked for a jury. In other words, random selections from the population. Photographs and diagrams of the cruise control and directional signal systems would be required with someone knowledgeable enough, to explain them to the lay person so that they understand it, to the point where they could actually see the motions involved inside the cockpit of the car.

The other item to show a juror or independent trier of fact(s) is or are the alternatives that Mercedes-Benz had at its disposal during the design phase, rendering and testing phases of this equipment that they put into their C-Series cars in 2014. Once the average person is shown designs by several other manufacturers that accomplish the same end result as Mercedes-Benz accomplished with their entirely different designs and once it is demonstrated to triers of fact that certain other designs inherently eliminate the danger that I was put into (without knowing it) the average person might want to know why a manufacturer with the Mercedes-Benz record of advertising is safety features, did not engineer the possibility of what happened to me, out of its systems altogether, as so many other manufacturers have. In fact an independent-thinking person may well conclude that Mercedes-Benz should have done like other manufacturers and should have designed this danger out of their system before releasing it in a car for sale to the public and ultimately to me.

Respectfully,

[REDACTED] Accident Date: 2-23-2019

Respectfully,

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

Tue, Mar 12, 2019 at 11:46 AM

To: [REDACTED]

[REDACTED]

I received your email.

Thank you

[Quoted text hidden]

[Quoted text hidden]

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

Wed, Mar 13, 2019 at 9:24 AM

To: [REDACTED]

Good morning [REDACTED]

Hope this email finds you well.

I've forward your email to David yesterday, and he told me to let you know that you can submit a supplement to the police, and they will review. If there is new information, we can update our file.

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

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



From: [REDACTED]
Sent: Tuesday, March 12, 2019 11:36 AM
To: Nguyen.Tiffany

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[REDACTED] > Wed, Mar 13, 2019 at 4:06 PM
To: "Nguyen.Tiffany" <Nguyen.Tiffany2@aaa-calif.com>, [REDACTED]

Dear Tiffany,

Thank you. I will be submitting a request for the CHP to change the errors in the Traffic Collision Report. While they are not numerous, they are significant to me and should be significant to anyone interested in actually knowing what happened to cause this accident. It is likely that the errors in sum won't change anyone's mind, especially CHP. Thing is, once officers make up their mind, they not only don't want to change their mind, they disregard facts or believe them to be unimportant and not relevant to the main focus and conclusions of the report. This is called bias. This report is incorrect in enough feature to bias the picture of what happened.

Just want to let you know that I received an official recall notice from Mercedes-Benz on our subject C350 Mercedes-Benz, with letter dated, "March, 2019." This is for the air bags and the VIN is the same as for our subject vehicle. It details the dangers of the bags and corrosion that can build up in the wiring causing a possible life threatening explosion.

I will detail and reference for you and your supervisor the 14-page police report, covering those portions which I know or believe to be erroneous. I will use the lines/guides for the narrative portions, so you will know where they are. As to names, addresses, phone numbers and technical data regarding the locations and what the scene looked like, I was not in condition to even look at those and cannot tell if the officer was accurate or not. However, in reading the report I did not see anything in that aspect of the report to dispute. Pages 1-7, therefore, I have no comment upon of report [REDACTED]. Let me add officially that I do not know the rank or assignment of Branden Matulich, Emp. #: 019859 who was the Reviewer of the report, completed on 3/5-2019.

Page 7 of 14 is a diagram that looks just about exactly like the position of the cars as I knew them to be just after the accident and appears to be a perfect representation of the positions of the cars, although my car might have been angled somewhat, not shown. Photographs will have to come from others, as my cellular telephone was out of order and I left it at home. I had no other camera. My wife had her phone but she did not think to take photos and we were separated much of the time after the accident. I was really in no condition to take photos.

Page 8 appears to be a representation of the freeway is without vehicles on it.

Page 9 of 14 Covers the officer's notification shows receiving notice of the accident at 16:12 hours and his arrival on scene at 16:23 hours. This is a period of 11 minutes. Other First Responders arrived before the officer and at

least one afterwards. Helps to pin down some of the time frames. Noted that Measurements were approximate and information in report was from visual estimation and party statements.

Page 9 of 14 - Lower titled: "Scene". This information, this page appears to be accurate.

Page 10 of 14 - Titled, "Parties." A review of this page shows no errors that I know of. Phrase, "...therefore no measurements were obtained," is accurate. It at this juncture in the report that I will state, that no one else, other than myself, knows what happened inside the drivers area or cockpit of my car. All parties and their cars were in front of me. Their awareness mostly appears to be after they were impacted in some manner by the events of the collision. This is important. I also will affirm and assert at this point that the investigating officer, K. Sepulveda did not spend much time at all with me.

Page 11 of 14, Narrative/Supplemental is accurate from top through line 20.

Page 11 of 14 - This is marked by something that had been left out of the narrative. the officer is quoted as follows starting line 23, "Regarding P-1's statement concerning V-1's accelerator pedal; I asked the Tip Top Tow employee to sit in the driver seat and apply pressure to the pedal. He related the pedal was moving smoothly." What I recall as I stood about 3 feet away was the officer asking the tow driver to check the pedal and I did not hear or notice the officer requesting the driver to, "...sit in the driver seat..." also, I observed said Tow employee to be sort of leaning into the car and I think he told me a little later that he was looking for the car key, when I asked him what he was looking for. I also recall him stating, "The pedal is not stuck." I sort of recall the officer saying something about the pedal is 'moving up and down'. The words were different and motions were different than I recall, but the essence is that at this point in time the gas pedal (accelerator) was moving freely throughout its range. However, what I question with regard to this is the reference part to my statement, contained elsewhere in the report. "My statement" regarding the accelerator pedal, by the officer is incorrectly recorded and that is significant as to what occurred and also to what I said. I believe that is contained further along in the report and I will comment on that statement when I reach that point in the report, next page, page 12 of 14.

Page 12 of 14 - A statement heading of: "PHYSICAL EVIDENCE" is at line 1 of the report. line 7 states, "STATEMENTS ARE NOT VERBATIM AND WRITTEN IN SUMMARY FORM. " Comment is that this statement is accurate. Then it says in bold, "STATEMENTS WERE READ BACK TO THE INVOLVED PARTIES FOR VERIFICATION." First let me say that at no time did I notice this officer read back anything to me at all, let alone tell me that she was confirming what I'd had to say. Beyond that, the officer spent very little time with me. She did not really inquire sufficiently of me what my condition was no did she ask me if I could provide a complete statement of what happened. Instead she asked me a few, 'guided' questions that were somewhat confusing to me. because of their lack of timing in the chain of events which were not exactly followed; and because she asked me leading questions in a manner where answering them made me insecure as guidelines were set up that didn't fit into what I saw and what happened in proper sequence. At this point, the officer mentions that my statement, "...was related in essence..." I will also say that the officer was not interested in starting at the point where I knew what I was saying of what happened was relevant to the accident. I also want to state that no less than three people, including K. Sepulveda, had for no reason that I know of asked me, out of context and out of the blue, at least to me, a question that was similar each time: "Did you put your foot on the accelerator and then it got stuck?" Being trained and taught to be respectful of law enforcement and people in authority I did not do what I naturally wanted to at this point, which would be to ask her why she wanted to know that information. But I was not myself and was in shock and was in a lot of pain in several areas of my body and so I just answered, "Absolutely not." The officer brought this up to me twice at different times. Additionally, a paramedic (I didn't get ID on any of the responders as I was in no condition to do so.) asked me essentially the same question about the accelerator pedal and I responded, "No!" (This in response to the question did I put my foot down on the accelerator and then it got stuck in position, essentially.) And, a tow truck driver on another occasion with no one else present [as was the case each time I was asked] asked me the question, "Did you have a stuck pedal." And I said, "No, I did not." (At the time, I remember thinking to myself, "What? Did these people get together and have a meeting discussing stuck accelerator pedals? Why is everyone asking me the same question?" The other thought that occurred to me at the time, after the second time I was asked about the pedal was, "Why do people keep asking me about something that did not happen, but no one is asking me exactly what did happen?" the officer then says on line 11 of page 12 of 14 that I was, "...driving in the #1 lane at approximately 15-20 miles per hour..." Actually that isn't exactly what happened. The officer asked me about speed and I related that I was unsure. I attempted to detail what my thoughts were in the heavy traffic about driving smoothly and maintaining extra distance from the vehicle in front of me. I had more of an awareness of averaging maybe 10 to 20 miles an

hour and mentioned maybe 15-20 and said maybe even 25 mph or a little more, 26 or 27mph leading up to the the first part of the sequence of events leading to my loss of control over the vehicle.

The officer then states on lines 11 and 12 of page 12 of 14, "He felt the accelerator pedal 'press forward' and felt V-1, 'get faster'. While at one point in the very short discussion, I used the words, "get faster," this was not the main aspect of what I related to the officer, though it is somewhat similar. The officer did not relate the essence of what I was saying and did not really allow me to provide an unvarnished actual sequence of events. In those the officer did allow me to state, she got the words wrong, got them out of sequence and got them out of context. On line 12, I call your attention to the words, "...felt the accelerator pedal 'press forward.' i do not recall using those words at all, despite these words being attributed to me as a quote. She then goes on to say in lines 12 and 13 of page 12 of 14, "He took his foot off the pedal..." I never told the officer (in this event sequence) that I took my foot off the accelerator pedal. (I believe this is what the officer thought happened or wanted to hear.) I absolutely did not tell the officer that I took my foot off the pedal. Not only is the quote incorrect, this did not at all happen. This is not a statement of the facts as they actually transpired. Then the officer goes on to state, "...and it became pinned somewhere" (Should be a period there, but isn't.) I was trying to relay what happened and I got confused, again because of my state of shock and I was still a bit incoherent. I was trying to recall at that moment if my foot was pinned between the tunnel and the pedal or under the pedal (to the left of the pedal and then under). And I was kind of was talking to myself, to sort it out in my head and the officer wrote this down or something similar as my statement. I had to think the matter out and the officer apparently didn't have time to remain with me and to help me work out what actually happened. In my two or three dealings with officer Sepulveda, it seemed to me that she quickly arrived and also, quickly left my location and was not spending a lot of time with me to attempt to really work out what happened. she also appeared not to notice my demeanor and the pain I was in and how it was affecting my statements, my recall and my articulation of the events in attempting to answer her questions the best that I could under the circumstances. Throughout my time standing mostly in one place I was in tremendous pain and this had an influence on everything that I said to a lesser or greater degree. The officer on line 13 also stated, "He could not stop v-1, so he attempted..." This is again a misquote and out of sequence of events as they happened and therefore presents a slightly different picture or video of what happened, than actually what occurred. From the point on line, word #14, "...to steer V-1 in between the HOV and the #1 lane is essentially correct but leaves out a further clarification that only makes sense in the correct context of what happened seconds earlier. (Be aware that my control of the car was lost at the instant the car started to do something other than my intended inputs to the controls of the car. At this point in the narrative with the car speeding ever faster and perhaps exponentially so, I was looking at the vehicle in front of me & estimated that impact was imminent and having already no control over my car other than steering attempted to evade the rear end collision by steering to the left and while doing that I notice that I was about to collide with the car next to me or just in front of me (all traffic now moving much slower than my car) that if I kept moving left I'd smash into that car. To avoid that, I attempted to take the clearest course left to me and that was to attempt to drive between the cars. Just a split second after I made this last steering input and had actually gone between the two cars very momentarily, I believe I collided first with the car in the diamond or HOV lane. This was followed a split second later (millisecond?) by colliding with the car that I had avoided rear-ending or the 3rd car. The first car I collided with was the 2nd car and my car was the first car. At that moment all control over the vehicle was lost including steering and at the same moment in time (for all intents and purposes) all of the air bags in my car deployed. I lost sight of the road mostly until my and other vehicles eventually came to a stop. I briefly glimpsed my car and the second car collide with the center divider and then hit it again and then scrape along the center divider until all three of the cars came to a stop. (I was not aware that car #3 had also been forced into car #4 that had come to a stop in either the number 1 or number 2 lane because of traffic stopping.)

At this point in my review of the CHP Traffic Collision Report, it is necessary to back track a 'few second in time,' in order to review the actual sequence of events that i attempted unsuccessfully to tell the officer, at the time. Proper inquiry technique was not used by the officer and I wasn't in good enough shape at that time to sort of overcome the officers apparent lapses in good sequential statement taking. (By the way, no one checked me as far as I know for drinking or drugs or impaired driving. (Although I was not impaired).

I had been intentionally cautious in the #1 and made an attempt to drive smoothly in order to reduce the braking and alternately coasting or acceleration. The result is that I maintained a good distance from the car in front of me, especially when compared with how a preponderance of the other cars being driven were crowded up against one another in the stop and go conditions. [REDACTED] my wife in the passenger seat was saying to me, "Too many cars are cutting in front of us and she said we were losing our place in line." It was at this point that I

decided to exit the freeway to park and then ask [REDACTED] to take over the driving. (It was during this very brief turn when I was nearly stopped and far from traffic that I momentarily turned toward my wife to give her a quick look, that my foot must have turned to the right, slightly, and also moved the foot two or three inches over to the right from the floor board. My last input is that I had put my foot on the foot brake. This is in direct contrast with officer Sepulveda's statement that I said that, "He took his foot off the pedal..." This is in direct contravention to what I actually told Officer Sepulveda and several others at the scene, professional first responders, fire fighters, tow truck drivers and two Highway Patrol officers. On at least three separate occasion, with nothing that I knew about prompting the question, I was asked if I had put my foot on the accelerator or the gas pedal and words identifying the gas pedal or accelerator pedal or to that affect. Those three questions all the same in essence, made me suspicious that someone was attempting to put words into my mouth. Each time and quickly and emphatically I informed all of the questioners including the CHP officer that I did not put my foot on the accelerator at all. (Despite this not being a difficult concept to understand, the officer did not prove my point, because she wrote the opposite of what I stated to her, doing so as stated on page 12 of the report. Amplified by lying or further clarifying how inappropriate this statement by Officer Sepulveda was (in addition to being absolutely inaccurate and having absolutely nothing to do with what I said, stated or implied) the officer used that statement as a basis for her page 11 of 14 statements under the heading, "OTHER FACTUAL INFORMATION." Please refer to lines 23, 24 and 25 for Officer Sepulveda's 'Field Test,' which she implies she conducted base upon my statement regarding the pedal. As stated previously, however, firstly I did not put my foot on the accelerator pedal, but rather the brake pedal as my last pedal or foot control input. And secondly, I did not removed my foot from the pedal (instead it got pinned at this very point in time, under the accelerator pedal, by the accelerator pedal. This little point is a very big point in the scheme of things as it changes everything about the cause of the accident.. (It must be reiterated here in context that that the officer had earlier asked me if (IF); at least once at the scene and it should also be reiterated again, that two more First Responders asked me if I had put my foot on the accelerator. Plus, all three asked me that while also asking me if I depressed the pedal or pushed down on it and then asked me if after that, the pedal became stuck or got stuck. Of course not! This is because as I always told them, I never pressed down on the accelerator at all. And I never did. Yet, the professional people at the scene repeatedly asked me the same question. At one point I thought to myself, "Why don't these authorities just make a recording and then ask me to turn it on for them so they can keep asking me the same question over and over, hoping somehow that the facts will have changed and with them that I might say, "Oh yes, that is what happened!" But that would be not only a lie, that would be a false police report because I did not put my foot (at the point in time beginning the actual events that triggered both loss of vehicle control and subsequently, the collision. That is why the heading of this section is entitled, "OTHER FACTUAL INFORMATION." What the officer was doing was asking me to submit fictional information, but I wouldn't do it then and I'm not going to do it now. While the car was now at rest with the engine and it's electronics off, it is comforting and informative to know, (whether related to the accident or not) that the accelerator pedal under these isolated conditions was now tested as moving freely. However, this fact has nothing whatsoever to do with what happened. (It does tend to eliminate the officer's theory that she wanted to eliminate a, "stuck pedal," as being the cause of the accident. That also has absolutely nothing to do with whether or not I put my foot on the accelerator or not. Unfortunately, data from the various modules may not preserve the five seconds before the cruise control evidently was inadvertently, unintentionally and as it turned out unhappily pushed toward the "Resume," function. Also it is unfortunate that no system completely turned off the cruise control, since so much time had elapsed and also so many miles had elapsed since it was last used.

That leads to page 12 of 14 under statements, lines 10 through 15, in which I've already stated that statements as written by Officer Sepulveda simply are either fiction, taken out of context, taken out of sequence during a specified sequence of events (weather looked at and considered or not by the officer) and otherwise do not reflect what I told her, because they do not accurately reflect what happened.

By the way, I would have remained on the scene regardless of what happened. But I had no way out of a freeway situation full of cars all around in West Los Angeles area on a Saturday afternoon at 4 P.M. or so. Further, I was no ambulatory and was in a state of shock. In other words, I wasn't going anywhere without assistance.

Page 13 of 14 - Lines 17, 18 and 19. "Due to P-1's unsafe speed for traffic conditions (slowed/stopped traffic), V-1 collided with the right of V-2 and the left of V-3." The incorrect part of this statement is the part that states, "P-1's." That should be replaced with "V-1's." This is because it was the car that caused the accident, not the driver. The car caused the accident because of approximately and at least three different engineering and design flaws built into the Cruise Control system: 1) two levers lined up and near one another that do different things, but are actuated by the same motion, with the controls located so closely together that they had a very good

chance of being mistaken one for another during use, particularly if the drivers eyes are kept on the road where they should be. 2) There is no system within the Cruise Control that cancels the on or active feature, even if the driver has driven a long distance or for a long period of time, or both the long distance and long period of time since he or she last used the cruise control set feature or any other feature activating the system. (This includes if in fact the last input to the system was putting the brake on, thus deactivating the active conduct of the system. Apparently, even the drastic change in percentage of driving speed does not deactivate the system. This makes no sense, because if a long time frame or distance has expired since the last use of the cruise control with its retained memory of that speed, how is the resume feature to know if traffic conditions or weather conditions have changed? It doesn't know. Yet it should know that at least the speed now being traveled is drastically different from the speed stored in the memory and accelerating full tilt from a much slower speed is inherently dangerous and invites an accident. (Since the cruise control system has 1 and 5 mile per hour speed increments but nothing further, this is tantamount to an acknowledgement by the manufacturer, that acceleration at say a ten mile per hour increment is not safe and therefore contraindicated. Yet, there is no fail-safe system to cancel full acceleration or even the memory in the cruise control all together, if too much distance since last use has elapsed; too much time since last use has elapsed (all of which make it likely that traffic conditions are not the same as at the time of the last use); or, if the speed is so substantially low that hard acceleration all the way to the speed of stored memory from a rather low speed at full tilt, is an inherently dangerous manner of driving. This is true even if a manual use of the accelerator was undertaken, such would still be unsafe, except under very unusual circumstances as the amount of time taken is sufficient for traffic conditions to change including the awareness of other drivers that something out of the speed of the normal flow of traffic is happening for just one car accelerated full tilt with cruise control or just manual use of the throttle. A vehicle might well signal and not see the rapidly approaching vehicle in his or her blind spot. Reminds me of a solo car racing down the freeway at 20 or so miles per hour faster than all of the rest of the flow of traffic, or perhaps a car going even faster than that; that is true reckless driving and that is driving intentionally faster than the conditions of traffic and the environment permit. I reiterate, also: placing two levers one just over another, both on the steering column, in fairly close proximity, where some of the movements required to operate these levers are the same; yet the outcomes and desired effects of these two systems are completely different. It should be clear that an engineer designing these systems and a manufacturer designing or approving these systems would not want that dangerous situation of a driver-selection error to even have a chance of happening. Yet, the C350 of 2014 has just such a system. The levers are in close proximity; the levers are lined up one right on top of another; they are not very far apart; the motions to operate them are very similar if not exactly the same, while at the same time they are intended to perform entirely different or even unrelated functions. This is asking for trouble and asking for driver error to enter into the use and selection cycle and demands too much discretion on the part of the driver who always has a number of systems to remain cognizant of, particularly the condition of the road and the traffic conditions, signs, signals, emergency vehicles, pedestrians, bicyclists, motorcyclists, etc. The list is quite long. All of that is demanding and distracting enough. On top of all that, frequently the directional signal is employed without looking at the lever. While it is true that tens of thousands if not millions and millions of turn sign commands are made daily within the State of California, successfully, it is also true that the misapplication of levers that activate the different systems on a car are mistakenly engaged either all the time or at least time to time. That is why my on line search located a Mercedes-Benz C-Series driver who picked up his car in San Diego and drove it to Phoenix. He noted on that Mercedes-Benz forum that he many times attempted to put on the directional signal but kept getting his fingers tangled up in the cruise control. This is proof enough that this doesn't just happen to me [REDACTED] happens to other.

Speaking of safety, people get their feet caught under the accelerator pedals quite a bit. Most often this doesn't result in an accident and they get their foot out and keep driving. In my case it led to loss of control of the car and additional injuries that I might otherwise not have sustained. A friend told me that his daughter while commuting to UCLA where she was a junior had an occasion to get her foot caught under the accelerator pedal. Fortunately for her, she was able to extricate it and go on with her drive without an accident. But this type of thing does happen and it happens often enough where manufacturers also should put a sensor under the pedal that can make a determination that a foot or other object has gone under the pedal that shouldn't be there. This sensor would then and should then trigger a safety intervention to prevent an accident from happening. Perhaps the car could be slowed down or an alarm of some kind could notify the driver so that he could take corrective action. The car's safety systems such as adaptive cruise control could then be employed to allow the person with their foot stuck under the pedal to get off the road and park and see if they could then free themselves. If not, they could use their cell to call for assistance.

Lastly, other officer errors in the report: An officer must be accurate. If the officer makes a number of errors of

fact in a report; how can the rest of the report be trusted? Officer Sepulveda on page 10 of 14, lines 6 and 7, the officer is quoted as saying, "...and his injuries are consistent with being the driver of V-1 at the time of collision." Problem is, the officer did not get the injuries correct, so how could they be consistent with being the driver at the time of the crash as stated on page 10? Refer to page 5 of 14, under a box section entitled, "DESCRIBE INJURIES:" Officer Sepulveda wrote, "Cut to top of right hand and complaint of pain to left knee." The actual injuries that I sustained are as follows: cut or burn to back of left hand; more serious cut or burn to back of right hand; (both consistent with having both hands on the wheel and subsequent air bag deployment; complaint of serious pain to right knee and areas six inches below and six inches above right knee. massive bruising to left thigh and calf, primarily inner; severe pain to right foot (Consistent with story that foot was pinned under the accelerator, plus air bag deployment.); severe and ongoing chest pain (consistent with deployment of the air bag). Inference: Officer Sepulveda did not come close to getting the injuries correct for [REDACTED] myself. While she also indicated that my wife [REDACTED] was complaining of pain to her head, she was complaining of neck and back pain and she was complaining of extremely severe chest or solar plexis area pain as well, the two most major injuries that she suffered, consistent with collision and air bag deployment.

Finally, this brings the reader to page 14 of 14. Cause: "Party #1 (P-1) caused this collision for driving Vehicle #1 (V-1) (Mercedes) in violation of 22350 V.C. -- Unsafe Speed." I can understand this conclusion based upon reliance on all that is written in the report. However the report and certain critical parts of its substantiating material are in error and the errors are among the most important and critical part of the Traffic Accident Report [REDACTED] and the Narrative, therein. The truth is that Mercedes-Benz, USA was guilty of 22350 for allowing systems to be in place likely to cause a driver to lose control of his vehicle in the normal endeavor and activity of driving from point A to point B, with no other unusual circumstances or weather conditions even entering into the equation/picture. The driver could not have anticipated the storm of things that happened to cause him to lose control of the vehicle, but the manufacturer could have. Further efforts to insure safe use of the cruise control and accelerator systems, to make them safe should have been undertaken by Mercedes-Benz prior to offering this car (WDDGF5HB2EA [REDACTED]) for sale. But the inaccurate and therefore biased California Highway Patrol Traffic Collision Report of May 5, 2019 completely obfuscates and clouds the facts and leads the reviewer to false conclusions. systems failures with faulty designs and lack of fail-safe systems are what caused this accident and Mercedes-Benz is at fault.

(Note: while overall, CHP did a pretty good job at the scene as did other first responders of ensuring that none of the drivers on the freeway, party in any way to this accident did not experience any further injuries and did an excellent job of securing every person's safety, the investigation portion of the job was inaccurately done. It appears as if there was some sort of rush to judgement by the CHP Officer in charge of the investigation. It also appears that the investigating officer, Sepulveda, may have had some kind of agenda or preconceived notion. I note that she put a lot of weight on collected details from others, witnesses, victims, tow truck driver, etc. Objectivity and fact gathering and writing and accurately representing what was provided are all vital parts of a valid police investigation whether it is a Traffic Collision Report or a crime report. Also, understanding the medical and emotional state of all of the parties concerned is an important aspect of the investigation. It appears that Officer Sepulveda did not make it her priority to gauge my [REDACTED] injuries properly, nor did she seem to put in any notes on how my condition might affect any information that she was attempting to solicit from me. She proceeded also to practically put words in my mouth instead of allowing me to carry the narrative of what happened. Multiple questions to me about the same subject by the professionals on hand translated to the officer claiming that I had stated the I put my foot on the accelerator and then only later got my foot stuck is not at all what happened. The fact is that I hate criticizing sworn deputies or officers of any kind. They work hard and they put their lives on the line for the citizens of the State and the Country. At the same time, fully trained investigative standards and proper investigative techniques must be maintained in such an important capacity and position within our society. Without those standards, professionalism and technical expertise, the justice system is starting at a disadvantage that it should not have to in determining who did what and why and also determining cause in addition to effect. In this situation, this was not done as suggested above.

[REDACTED] and CHP Collision Report # [REDACTED]
Copy at some point to Mercedes-Benz, USA; copy to my files. Copy to CHP; Original to the Interinsurance Exchange of the Auto Club of Southern California

[Quoted text hidden]

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

Wed, Mar 13, 2019 at 4:14 PM

To: [REDACTED]

Dear [REDACTED],

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

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

Sincerely,

Tiffany

[Quoted text hidden]

[Quoted text hidden]

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

Thu, Jul 25, 2019 at 12:13 PM

I just wanted to respond to your March 11, 2019, e-mail to me. I am claiming that I am negligence-free as well. Reason: Faulty Mercedes-Benz design of both cruise-control and foot pedal. Therefore, I should be represented in the same way as the other victims that you served, or are serving. [REDACTED]

On Mon, Mar 11, 2019 at 8:07 AM Nguyen.Tiffany <Nguyen.Tiffany2@aaa-calif.com> wrote:

[Quoted text hidden]



- 1) "Preservation of Evidence e-mails with AAA"
- 2) "Smudging issue on pedal assembly base-plate"
- 3) "Evidence not preserved."

Alex Ford <ralexford@gmail.com>

Car Examination

8 messages

Tue, Mar 12, 2019 at 11:43 AM

To: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Dear Ms. Butler-Porter,

I am asking that the evidence continue to be preserved, the entire vehicle as it was brought into Triple-A, Interinsurence Exchange, Automobile Club of Southern California. I wish to have my own experts examine the vehicle and its components and black box as well. Please note, if you did not receive a copy of my notice to Mercedes-Benz, that I notified them of all of the particulars of the location of the vehicle and provided them with your name and contact information, should Mercedes-Benz wish to examine the vehicle themselves. I placed them on notice that a claim may be filed against them for systems failures or design flaws or a combination of both.

Thank you and let me know how I may make an appointment to examine the car and the black box.

Thank you.

; accident of 2-23-2019

Butler-Porter.Alexandra <Butler-Porter.Alexandra@aaa-calif.com>

Tue, Mar 12, 2019 at 2:42 PM

To:

Cc: "Brar.Raman" <Brar.Raman@aaa-calif.com>

Hello,

Your vehicle is currently located at Co part- Van Nuys. The address is [7519 Woodman Ave Van Nuys, Ca 91405](#). The lot # is 28523569 and the phone number is 818-782-5315. You would need to provide Raman with the name of the person who will be going to inspect the vehicle. They do not allow any altering of the vehicle. Raman will be able to further assist with the examination of the vehicle. She is the person who will assist you with this portion of the claim. I have put a hold on the vehicle so it will not be sold.

Thank you,

Alexandra Butler-Porter

Claims Service Representative

Office 310-217-5280 Fax 714-415-4902

Butler-Porter.Alexandra@aaa-calif.com

Manager: Matthew Tee Phone number 310-217-5233

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



[Quoted text hidden]

*** 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.

[REDACTED] >
To: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Tue, Mar 12, 2019 at 4:17 PM

Dear Ms. Butler-Porter, (3-12-2019)

Does the movement of the car include the disposition of the "black box?" Did anyone from ACSC or its representatives or assigns examine the black box or obtain its data? Also, if data was extracted, what was the method of extraction? Is access to the black box also in Van Nuys at the Woodman address? Thank you in advance for answering these most important questions. Transparency is very important at this time and I am simply trying to get to the bottom of what actually happened. I will tell you that there are a few factual errors in the CHP report along with at least one or two mis-statements that may bear on the appearance of the report and what it is attempting to or appearing to convey.

Respectfully,

[REDACTED], Driver, subject M-B C350 involved in 2-23-2019 Accident, 405 Freeway, in claim # [REDACTED]

Respectfully,

[REDACTED], Driver of the referenced Mercedes-Benz in Claim # [REDACTED] with accident date: 2-23-2019.

[Quoted text hidden]

[REDACTED] >
To: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Sat, Mar 23, 2019 at 2:29 PM

Monday @ 11:15. [REDACTED]

[Quoted text hidden]

**GET THE APP**
AAA.com/app20image001.jpg
3K

Wed, Apr 3, 2019 at 12:18 AM

To: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Hi Ms. Butler-Porter,

Having examined the car, I took some photos without touching anything. I was not able to see under the area where my foot was pinned. Of course the officer does not believe that my foot was pinned under the pedal. One photograph that I took shows the area under the pedal with some apparent black painted metal. Apparently the car washes do not go underneath pedals and such to clean and a lot of dirt and dust accumulated over the years under that pedal. When my foot got pinned under the accelerator pedal, as I mentioned, I made three total attempts to get the foot out from under the pedal. That dust and dirt left an ideal opportunity for forensic scientists who really want to know what happened, rather than to trust a youthful CHP officer who, while educated about the primary causes of UA's, rushed to judgement in this case. The otherwise dirty areas, are smudged to the point of being nearly clean in some spots. The only thing that was under that pedal that could have cause this, is or was my shoe. A good forensic print expert might even find a print pattern from the bottom of my shoe on that smudge. That would prove that my foot was pinned and it contradicts the version of the CHP officer.

What do you think of this development? Would you like me to text you a digital copy of the photo that I am referring to?

Mon, Jun 17, 2019 at 2:32 PM

To: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>, "Tabach.Rich" <Tabach.Rich@aaa-calif.com>

Dear Ms. Butler-Porter,

Claim [REDACTED]; Date of Accident: 2-23-19.

I have examined and photographed the car; AAA has examined the car; Mercedes-Benz has examined the car. I have received a response from NHTSA. The agency has asked if the car has been preserved or if it has been destroyed. It appears to me that there is a better than even chance that the NTSA might like to examine the car themselves. Is it possible to continue to preserve the evidence in the event that the National Highway Traffic Safety Administration might want to examine the car as an agency of the Federal Government? I received the information sometime last week.

Thank you.

Respectfully,

[REDACTED] hidden]

Butler-Porter.Alexandra <Butler-Porter.Alexandra@aaa-calif.com>

Tue, Jun 18, 2019 at 8:25 AM

To: [REDACTED]

Good Morning [REDACTED]

The vehicle was sold last Friday. My manager is trying to see if there is anything we can do, but he is not sure. I will let you know.

(Never did get back to me on this issue,

7/25/19.

Thank you,

Alexandra Butler-Porter

Claims Service Representative

Office 310-217-5280 Fax 714-415-4902

Butler-Porter.Alexandra@aaa-calif.com

Manager: Matthew Tee Phone number 310-217-5233

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.

MANAGE YOUR POLICY
ANYTIME, ANYWHERE.

AAA.COM/SELF-SERVE

From: [REDACTED]

Sent: Monday, June 17, 2019 2:33 PM

To: Butler-Porter.Alexandra; [REDACTED]

Subject: Re: Car Examination

ATTENTION: This e-mail came from an external source. Do not open attachments or click on links from unknown or unexpected emails.

[Quoted text hidden]

*** 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.

Tue, Jun 18, 2019 at 11:22 PM

To: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Thank you [REDACTED]

[Quoted text hidden]

NHTSA-Ref. No.: 11206504-

1) As requested by AAA, Driver Notified M-B of belief that a defect in the design of 2014 C350 E-G, caused (continued) the accident. (It presents on-going danger.)



Alex Ford <alexford@gmail.com>

Crash of 2-23-2019 Update

6 messages

Wed, Mar 13, 2019 at 6:15 PM

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

Hi Tiffany,

I spoke to Susan of Mercedes-Benz, USA, Atlanta, Georgia, today. She seemed to not get it as to why I placed Mercedes-Benz on notice with the one page letter I sent to them. I related to her the entire story of what happened on 2-23-2019. I gave her the new location of the preserved evidence (M-B car) in Van Nuys on Woodman. I also verbally related to her that it is my belief that design flaws were largely responsible for the car's loss of control. That included the same things I've said in my last few e-mails. People who are "experts" have thus far written a report full of errors in even the most basic aspects of what happened. Also it looks as if the officer went out of her way to paint a picture of what happened there on the 405 that was inaccurate. Why? There has been an effort around what happened to try not to place much importance at all on what happened and to not take a look at clear and obvious design flaws by Mercedes-Benz. I mean, if there had been everything the same as it happened, but there was no cruise control on the car at all none of this would have happened because it couldn't have. The cruise control is the instrument that caused this.

Additionally, no one wants to look at the physical position of the controls to see if they are placed really in a really bad place. That is, controls one on top of the other that do different things, but with nearly identical physical motions of the hands. Had I been in a hurry; had I an argument with my wife; Had I been not driving in a very conservative manner. All would have been different. But my driving behavior was solid and safe right up to when one single even occurred all in the space of a second or so. If that cruise control did not have unlimited access to full throttle and if time and space driven when the control was last used, so many miles earlier and so much time earlier on the 405; where a single memory of a prior speed where cruise control was used; if Mercedes-Benz had built in some sort of safety time limit or miles time limit in which the unit would automatically be shut off, the accident would not have occurred. Clearly over these longer distances and time frames, traffic conditions change. But the "full throttle" aspect of returning to a very high speed from a rather comparatively slow speed is simply not safe. But that is what this cruise control mechanism allows. Drivers are required by the DMV to constantly monitor the traffic and weather conditions as they change during a driving. But the cruise control is not held to that same standard. There is no monitoring of the changing traffic conditions over time. So even from a very low speed that was not part of the memory of the driving and conditions that had previously been the case, where the traffic conditions had actually changed, the cruise control just goes right ahead and attempts to reach the speed stored in its memory. And does it use one mile per hour increments built into the system? No. Well then, does it use the 5 mile per hour increments, also built into the system? No. Instead it uses full throttle. That can't possibly be safe. Yet full throttle is the only thing that happens if, "Resume" is activated either purposely or by mistake. That is not safe. This is bad engineering. But this is what Mercedes-Benz chose to put into their 2014 C350. It is a potential 'death trap.' Yet, there is no logic system built in or a fail safe system to compare such a slow speed (see the collision report which mentions numerous times just how slow the traffic was at that time. It just makes sense that a system designed to maintain a steady speed, should not have designed into it the ability to use that system for hard or full throttle acceleration. That job is better left to the accelerator pedal, which is a manual system designed for hard acceleration and constantly monitored by the driver with immediate manual control to slow it down available to the driver at any time. Further, an accelerator pedal does not by itself lock a person's foot underneath it. It doesn't. If a foot gets under neath a pedal, one can just work it out. That's because the pedal is not driven down to the floor by a motor with impunity and with no safety system in the event something goes wrong.

Further, systems designed to maintain a consistent speed should not then be able to participate at all in hard throttle accelerations. That should be reserved for the gas pedal, after which, once the desired speed is attained, the cruise control could then be activated. Much more safe of a system, don't you agree?

██████████

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

Thu, Mar 14, 2019 at 8:19 AM

To: ██████████

Good morning ██████████

Thank you. Please send Susan a letter confirming your conversation with her.

Thanks

(M-B)

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

"We're always with you"

Interinsurance Exchange of the Automobile Club
[Quoted text hidden]

*** 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.

Fri, Mar 15, 2019 at 11:58 AM

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

I did e-mail Susan and i also requested that she send me paper versions of her required forms because the versions she sent via e-mail not only are not interactive, they won't even print on my equipment. ██████████
[Quoted text hidden]

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

Fri, Mar 15, 2019 at 11:59 AM

To: ██████████

Thank you!

[Quoted text hidden]

[Quoted text hidden]

Sat, Mar 16, 2019 at 12:53 AM

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

Lt. Avila contacted me by telephone today and will assign a Supervising Sergeant to go over the report with me to see if a mutual understanding can be reached. A letter with all the particulars will be sent to the CHP so they have an opportunity to review it before the meeting. ██████████
[Quoted text hidden]

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

Mon, Mar 18, 2019 at 7:44 AM

To:

Thank you

[Quoted text hidden]

[Quoted text hidden]

NHTSA Ref. No. 11206504.

1) Discuss with AAA the issue from a Safety standpoint.



Gmail

Alex Ford <ralexford@gmail.com>

2) Detail that M-B should stand up, in this situation, to its reputation as a "Safety Company."

Traffic Collision Report

2 messages

Fri, Mar 15, 2019 at 11:51 AM

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

Dear Tiffany,

I have begun the process of appeal of the CHP Traffic Collision report. I don't know how long this will take to move forward for a full and completed review, but I just wanted you to know that I took exception to the report officially, and not just in an e-mail to you. Really, I also take exception to being found at fault with the primary reason that design flaws in the cruise control system are inherently unsafe in my car. With the systems in place, the likelihood of the occurrence of an accident is increased above and over a design which should have and would have prevented this accident from occurring altogether. (If I am wrong about this, why has the manufacturer of Mercedes-Benz automobiles taken two steps to make the cruise control safer? (Move cruise control from lever on steering column near directional signals to a completely different method of activation to a new location on the steering wheel? Also, why then install something called "Adaptive Cruise Control" which automatically applies the brakes and reduces cruise control speed by the use of cameras and sonar or radar/infa-red or similar technology to automatically reduce the car's speed or even stop the car if the car gets too close to the vehicle in front of it?

Obviously I was driving. Obviously (at this point) I must have hit the cruise control (by mistake). However, it is what happened from that instant on, as well as just before that time, that driver inputs were made resulting in what happened. Since cruise control is a drivers aid; and since all manufacturers recommend using cruise control only in wide open situations on the freeway; and since I never intended to initiate cruise control but rather the directional signals, it is obvious to the average person that a design flaw in the location of the cruise control contributed to what happened. Further, if additional monitoring of time and distance were part of the cruise control function that included cancellation of the memory in the control (because traffic conditions change while a cruise control is not operating while the memory of last speed is still stored), as a mandatory safety feature, the accident also would have been averted. Having also provided you with a summary of written evidence on the web that other people have mistaken or confused the cruise control and directional signal, it should be clear that inadvertent human error on mistakenly hitting one of those levers instead of the other is a mistake where the intent was the opposite of what happened. Usually when being held responsible for something, intent or at least awareness of one's actions and the potential outcomes are taken into account. Usually if one intends something other than what happened, one is also relieved of responsibility for what happened.

Really, if I hadn't tried to signal to change lanes, the accident would not have occurred.

Really, and clearly, if Mercedes-Benz had not put the lever where it did the accident would not have happened (as for example most American cars which have buttons on the steering wheel for cruise control), the accident would not have occurred.

Further, if Mercedes-Benz had put in some intervening safety measures to ensure that full throttle acceleration did not occur from such a slow speed, the accident would not have occurred. (In deed, a partial depression of the accelerator would have allowed me to free my foot from under the pedal and then immediately I would have braked, also averting the accident.

In other words, Tiffany, Mercedes-Benz had multiple opportunities to provide a safer cruise control to prevent just such an accident but failed to do so. Further, no warning was given regarding the potential for an accident. I looked in the manual for an instruction which might even warn the user of cruise control to always cancel the function and thus the save memory when no longer immediately using cruise control (2014 C-Series Drivers Handbook/Manual) and no such warning and no such recommendation is contained in the manual.

Thank you once again for reconsidering.

[REDACTED]

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

Fri, Mar 15, 2019 at 11:57 AM

To [REDACTED]

Hi [REDACTED]

Thank you for doing that. Please let me know if the police contacts you or make any changes.

Take care and have a good weekend.

Tiffany

[Quoted text hidden]

*** 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.



View of the M-B C350

1 message

Tue, Mar 19, 2019 at 7:40 PM

[REDACTED]
To: AAA Claims On Behalf of <Brar.Raman@aaa-calif.com>

Hi Brar,

[REDACTED] here. I would like to view the c350 that is being reserved for Mercedes-Benz and for myself. I was instructed to contact you to set that up. However, I was also given a telephone number of the place that has the car. Do I go through you to get that done? Thanks [REDACTED]

1) Evidence Exam request by Driver.

11 Evidence Examination Request to AAA



Alex Ford <ralexford@gmail.com>

NHTSA Ref No: 11206504

RE: View of the M-B C350, Claim [REDACTED]

2 messages

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

Wed, Mar 20, 2019 at 12:10 PM

To: [REDACTED]

Cc: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Hello [REDACTED]

I am assisting your adjuster Raman Brar while she is out of the office unexpectedly.

Please reach out to Alexandra Butler-Porter regarding this request. I am including her on the email as well, but she will be able to coordinate your request.

Thank you,

Audrey Herrera

Claims Service Representative II

Office (661) 852-4058 | Fax (714) 327-4332

Email Address: Herrera.Audrey@aaa-calif.com

Manager: Dianna Wilson | (661) 852-4052

"We're always with you"

From: [REDACTED]**Sent:** Tuesday, March 19, 2019 7:40 PM**To:** Brar.Raman**Subject:** View of the M-B C350

Hi Brar,

[REDACTED] here. I would like to view the c350 that is being reserved for Mercedes-Benz and for myself. I was instructed to contact you to set that up. However, I was also given a telephone number of the place that has the car. Do I go through you to get that done? Thanks, [REDACTED]

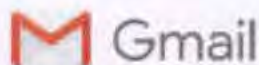
*** Disclaimer ***

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.

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

Sat, Mar 23, 2019 at 12:15 PM

Thank you, Audry [REDACTED]
[Quoted text hidden]



1) Evidence Preservation site visit.
2) Notice to AAA of Request for NHTSA Safety Investigation
3) Request AAA to have Forensic Print Experts Examine
↳ pedal Assembly.

Alex Ford <ralexford@gmail.com>

Claim: [REDACTED]

8 messages

Butler-Porter.Alexandra <Butler-Porter.Alexandra@aaa-calif.com>

To [REDACTED]

Wed, Mar 20, 2019 at 12:31 PM

Hello,

Please let me know the date you would like to visit Co-part and I will call to let them know.

Thank you,

Alexandra Butler-Porter

Claims Service Representative

Office 310-217-5280 Fax 714-415-4902

Butler-Porter.Alexandra@aaa-calif.com

Manager: Matthew Tee Phone number 310-217-5233

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



*** 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.

Sat, Mar 23, 2019 at 12:14 PM

To: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Monday would be a good time. By the way, I let the NHTSA know about the accident and that I think that the accident was not caused by driver violation of the Basic Speed Law, but rather defects in design by the auto manufacturer. I doubt they will do anything, since they need multiple reports of the same thing, but you never know. Monday at 11:15 would be a good time and date. Thanks, [REDACTED]

[Quoted text hidden]

Butler-Porter.Alexandra <Butler-Porter.Alexandra@aaa-calif.com>

Mon, Mar 25, 2019 at 8:53 AM

To: [REDACTED]

Hello [REDACTED]

I called Co Part and informed them you would be coming today around 11-11:15 am. They did ask for you to call them an hour to an hour half before you arrive to confirm. I spoke with James by the way. The phone number is 818-782-5315 and the lot # is 28523569.

Thank you,

Alexandra Butler-Porter

Claims Service Representative

Office 310-217-5280 Fax 714-415-4902

Butler-Porter.Alexandra@aaa-calif.com

Manager: Matthew Tee Phone number 310-217-5233

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



From: [REDACTED]

Sent: Saturday, March 23, 2019 12:15 PM
To: Butler-Porter.Alexandra
Subject: Re: Claim: [REDACTED]

ATTENTION: This e-mail came from an external source. Do not open attachments or click on links from unknown or unexpected emails.

[Quoted text hidden]
[Quoted text hidden]

[REDACTED] >
To: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Mon, Mar 25, 2019 at 9:46 AM

Thank you. I will make contact at the present time. [REDACTED]
[Quoted text hidden]

Butler-Porter.Alexandra <Butler-Porter.Alexandra@aaa-calif.com>
To [REDACTED]

Mon, Mar 25, 2019 at 9:56 AM

Hello [REDACTED]

I understand you called my manager informing him you will be arriving at Co Part between 11:15-11:30. You will need to call Co Part. The number is 818-782-5315 and the lot # is 28523569. You accidentally called my manager at 310-217-5233.

Thank you,

Alexandra Butler-Porter
Claims Service Representative
Office 310-217-5280 Fax 714-415-4902
Butler-Porter.Alexandra@aaa-calif.com
Manager: Matthew Tee Phone number 310-217-5233

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



From: Butler-Porter.Alexandra
Sent: Monday, March 25, 2019 8:54 AM
To: [REDACTED]
Subject: RE: Claim: [REDACTED]

Hello [REDACTED]

I called Co Part and informed them you would be coming today around 11-11:15 am. They did ask for you to call them an hour to an hour half before you arrive to confirm. I spoke with James by the way. The phone number is 818-782-5315 and the lot # is 28523569.

Thank you,

Alexandra Butler-Porter

Claims Service Representative

Office 310-217-5280 Fax 714-415-4902

Butler-Porter.Alexandra@aaa-calif.com

Manager: Matthew Tee Phone number 310-217-5233

"We're always with you"

Interinsurance Exchange of the Automobile Club

AAA App

Get your digital membership card and unlock a world of benefits with the AAA app.



From: [REDACTED]
Sent: Saturday, March 23, 2019 12:15 PM
To: Butler-Porter,Alexandra
Subject: Re: Claim: [REDACTED]

ATTENTION: This e-mail came from an external source. Do not open attachments or click on links from unknown or unexpected emails.

Monday would be a good time. By the way, I let the NHTSA know about the accident and that I think that the accident was not caused by driver violation of the Basic Speed Law, but rather defects in design by the auto manufacturer. I doubt they will do anything, since they need multiple reports of the same thing, but you never know. Monday at 11:15 would be a good time and date. Thanks, [REDACTED]

[Quoted text hidden]

[Quoted text hidden]

[REDACTED] [REDACTED]
To: "Butler-Porter,Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Mon, Mar 25, 2019 at 6:31 PM

Yes. I misunderstood the procedure a bit. After re-reading your first e-mail I then called Co-part. Interesting. Buildings on the opposite side of the street had the identical address. However it turned out quite well as we went to the right place. The staff were friendly and helpful. We got to put on yellow vests and sign in and out and we looked at the car. I have a request that I consider to be very important. I believe that special photo equipment or a fingerprint specialist should obtain finger-prints and hand or print smudges from the steering wheel, directional signal and the cruise control user-interface surfaces. The prints and smudges will be in a specific pattern that would be forensic evidence that will show that my hands were where I said they were, during the last drive leading to the accident. Those last touches and the human DNA and oils, and skin cells, etc. will form a specific pattern that can confirm or can show what I have said happened, did in fact happen. The person or persons taking the prints will need to be print experts. Given the gravity of a four-car collision with quite a bit of damage and physical injuries, the importance of getting to the truth cannot be over-stated. I was able to take photos. Still in process of getting materials to Mercedes-Benz that they requested and they continue to ask for preservation of the evidence. I mentioned that to the Co-part personnel, assisting us ([REDACTED] was with me.)

I would like to add, that through today, March 25, a month and two days after the accident, I still am having pain in the solar plexus area of my chest and my wife continues to have the same pain. I will point out that your documents sent to me, do show a recall for the airbags and also a grounding unit in the steering column. My knees and right foot continue to give me problems and cause me pain as well as a loss of normal mobility. Please add this information to my file.

Respectfully and thank you,

[Quoted text hidden]

Butler-Porter.Alexandra <Butler-Porter.Alexandra@aaa-calif.com>

Tue, Mar 26, 2019 at 8:24 AM

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

Cc: [REDACTED]

Hello [REDACTED]

I have forwarded this email over to Raman.

[Quoted text hidden]

[Quoted text hidden]

Tue, Mar 26, 2019 at 9:02 AM

[REDACTED]
To: "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Thank you. [REDACTED]

[Quoted text hidden]

NHTSA Ref. No.: 11206504.1) on-going correspondence with M-B; progression packet2) Provide to Susan, MB Representative3) Details of photographic evidence shared with M-B; problems with Traffic collision report described in detail**A Message from Mercedes-Benz USA**

3 messages

MBUSA_CAC@mbusa.com <MBUSA_CAC@mbusa.com>

Mon, Apr 1, 2019 at 12:16 PM

To: [REDACTED]

IMPORTANT:

When responding, please "reply with history" as this email includes a special thread ID that ensures faster notification and processing of your response. Please be sure to not delete the thread ID associated with this e-mail when responding.

[THREAD ID:1-KC8E61]

Dear [REDACTED]

As of today, we have not received a completed incident questionnaire. I mailed a copy you a copy on March 15, 2019. As such we are unable to move forward with your concerns. Please return the completed questionnaire 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.

Kind regards,

Susan

Executive Referral Manager

Mercedes-Benz USA, LLC

Phone: (800) 367-6372 Ext. 6324

Fax: 770-705-0152

Mon, Apr 1, 2019 at 10:29 PM

To: MBUSA_CAC@mbusa.com

Thank you, I will do that. I apologize for taking so long. A lot going on right now, both personal & other things as well as the accident & family commitments. We are still in pain. Have some photos of the car taken in evidence preservation. Will get them to you as soon as possible. Thank you. Alex Ford

[Quoted text hidden]

Wed, Apr 3, 2019 at 6:10 AM

To: MBUSA_CAC@mbusa.com, truz@chp.ca.gov, "Butler-Porter.Alexandra" <Butler-Porter.Alexandra@aaa-calif.com>

Dear Susan, Thread ID: 1-KC8E61; claim # [REDACTED]; Traffic Collision Report # CHP:

I continue to have nothing to hide. I have sent photos to CHP, Insurance and Mercedes-Benz as of today of the

NHTSA-Ref. No. 11206504.

car. I'm not trained in forensic photography, but am trained in public and private investigations in connection with my 36 years and 9 months as a Probation Deputy with over a thousand hours of law enforcement training. I can't just divorce my life's experiences from my situation of an accident which I did not want, nor did I intentionally create. To that end, I read the Mercedes-Benz Drivers Manual with particular attention on cruise control. Mainly conditions of roadway for selection of use were the primary criteria published in the manual. To me, there wasn't anything in that manual to suggest that what happened factually in my case could happen (the idea being, so be on the lookout and attempt to avoid any chance of such happening. While some warnings did exist in the sections on the cruise control, the scenario as sequenced leading up to the accident was not covered. Thus, I the driver was not really warned by M-B USA of this particular potential. I will also say that M-B knew of this kind of danger and should have posted it in the manual. Similar problems were brought to M-B's attention in the past from 2001 through 2011. (Read Insider Industry house organ or news letter by Tom Murphy, WardsAuto.com dated July 15, 2011. The information is telling. Two Mercedes-Benz employees working with the M-Class and the CLK class, I believe, were quoted about this very problem. I contacted Mr. Murphy via e-mail at: tmurphy@wardsauto.com and invite you to do the same. Moreover, the employees of Mercedes-Benz in quoted in the article fairly extensively and admitted the problem while only citing some of their sources. Statements were made by those employees that to my mind are difficult to reconcile and also cast some doubt about what exactly they were saying about the safety of the new lever or stalk location.

There were apparently two recalls in place on the c350, VIN: WDDGF5HB2E [REDACTED] the car herein in question and in accident and now being stored in forensic evidence preservation at Co-part of Van Nuys, Ca., where I have visited and had the opportunity to look at the car and take pictures. My wife and I were there together. We signed a number of forms. I believe we were not to touch or take anything from the car. The only thing I did was take photographs with my cell phone and a camera. The cell phone and camera photos are stored somewhere in the cloud. I only know at present how to send the cell phone pictures, so I sent them into you all.

While there has been a rush to judgement by the CHP, which completed a traffic collision report dated, 03/05/2019, with Supervisor review, done by K. Sepulveda Employee #: 020958. Accident was 2-23-2019. During the approximately ten days that Officer Sepulveda took to prepare the report, she did not call me at all. Not that I am aware of. I have submitted statements to everyone connected to this case that i have access to that I was in a state of shock and trauma and physically hurt at the moment of impact and air bag deployment. I wasn't in the best condition to provide proper statements. There was one moment when I could not articulate what I was saying and mumbled words to myself in an attempt to hear myself so that I could speak to officer Sepulveda to properly answer her question. At that moment in time I was still in the continuous state of trauma and shock that occurred from those initial moments. In fact, I was traumatized to a great extent, the moment the C350 started to "bolt" at full force forward and this was at that moment to my complete surprise. My wife [REDACTED] quickly and with a somewhat raised voice informed me that the car had started to accelerate but I couldn't answer her. Further in the moments that followed, I was so incapacitated and dazed that I couldn't really inquire to her about how she was but after the cars had come to a stop and after I recovered some degree of composure, as little as it was, I got off one inquiry.

Officer Sepulveda while engaged in a number of duties at the scene of a somewhat chaotic 4-car injury collision and i don't really know what they all were. However those duties included collecting statements from all the principals, making assessments with regard to photos being taken or not and with regard to measurements being taken, one of the previous two mentioned in the report, apparently.

The strangest thing that occurred around me that I noticed, was a fire fighter and/or paramedic; a CHP officer; and a tow truck driver all asking me if I had put my foot on the gas (or accelerated), followed by the gas pedal getting stuck. I just thought it strange that three different professionals asked me (especially in as much shock and with as many injuries as i had experienced in multiple parts of my body) the exact same leading question. These professionals spent little or no time inquiring how I was with a single person, perhaps a paramedic taking my blood pressure and having me sign or state that I'd seek my own medical assistance, which I did pursue on my own. Also, none of these trained professionals asked me what happened and that would include officer Sepulveda. She did not inquire what had happened and did not give me any reasonable time to answer. She left me in her questioning. Normally, in my career, I experienced that in court by either a defense attorney or a District Attorney, depending upon weather or not they thought I was a hostile witness. The officer during the post accident on site investigation came to me two or three times and asked a few very short questions. To me she did not appear concerned at all for my well-being and did not express anything that I understood, to be inquiring about how I was, physically and/or mentally/emotionally. I tried to explain how concerned I was for all who'd

NHTSA-Reference No. 11206504.

been involved in this crash, but many times I just couldn't speak and broke into brief fits of sobs.

In fact, early on, one or perhaps two of the people who had been in their cars when the C350 struck their vehicles, asked me what had happened. I'm not sure how many asked me that. I was in too much of a state of shock to recall that aspect, rather soon after someone was able to pry my door open. It was only with great difficulty that I was able to exit the car at all. I had personally been unable to open the door. My wife was injured. My vision was blocked and I also was coughing and had my vision impaired for a while by gasses or substances that escaped from the airbags in my car.

I must point out that from the moment of impact until right now on 4/3/2019, both my wife and I are still injured. We are in pain and we still do not have full movement of our limbs and the movement we have is with great difficulty and/or with pain, depending upon the movements that we must make, even to go to the bathroom or to take a shower or bath or to put our clothes on.

The other thing that was somewhat interesting to me was that no less than four occupants in their vehicles came to either me or my wife or both of us to inquire how we were. I was near sobbing from the fact that I knew I'd lost control of the car the moment the car started accelerating at full tilt. The seconds after that moment were actions and moments of futility as I quickly tried to prevent and stop what was happening to no avail. No professional at the scene appeared interested in that fact.

The woman in the SUV, now identified as the Honda Pilot, I'm told, came to me two or three times, I can't be certain if it was two or three, saying that the main thing is that no one was hurt. I believe that was car #3 in the report. I was too shaken up to tell her that when a rear-end collision was pending that I knew or at least believed would cause great bodily injury, that I took evasive action with the Mercedes, as 'steering' was the only part of the car that I then had any actual control over. As I made the action I observed the vehicles in the HOV lane and had to stop my left moving evasion, or I would directly crash into them rather heavily. I saw the only thing I could do to avoid the collision and that was to attempt to drive between the HOV lane and the #1 lane. The whole time, a matter of some seconds, the amount of which I really can't be sure of, the Mercedes-Benz was accelerating at a terrific speed, frankly more than I'd ever experienced it under such conditions or maybe at all. It seemed to me like the car was gaining speed, exponentially.

Within a second or two after my attempt to avoid the rear end collision, or so it seemed to me, my car collided, almost at the same time with the cars #2 and #3 in what essentially was a sandwich situation and collision. After that, the laws of physics took over and I believe the three cars stayed more or less together due to the damage as my car and the #2 car (at least) collided with the Center Divider made of cement and metal reinforcement, the air bags already having deployed causing me immediate and extreme pain over and above the right foot pain I had already experienced from having my foot previously pinned under the gas pedal, I really couldn't see too much, but I saw glimpses of hitting the wall a second time and heard the cars scraping along the center divider as our cars, more or less still together came to a rest, with movement over. I sensed that other cars around me had narrowly avoided hitting being hit or hitting us due to our anomalous movements.

I spoke with Tiffany Nguyen today, a Triple-A Automobile Club of Southern California adjuster and employee who told me she was now out of the involvement of the accident as the older gentleman, the driver of the Honda Pilot and also referred to as car #3 and by my wife as an "SUV" had now sustained "serious injuries" and had hired a lawyer. I saw him at the scene walking around with no apparent problems, although I did not see much of him and I was not able to notice too much of what was going on around me. Mainly, I remember a woman, more or less the same age of the driver come over to me more than once to tell me that no one had been hurt and that was the most important thing. My wife and a tow truck driver informed me when we were the only ones still at the scene that the "SUV" had driven away.

I only learned after I received the report that car #3 had struck car #4 which had been stopped for traffic. The report seemed to indicate that car #4 sustained mostly minor cosmetic damage to the rear bumper. That car also was driven away by its owner.

To those professionals who asked, I informed them that my right foot and most of my right leg were in extreme pain. I could not put weight on my right leg. My left leg experienced a degree of discomfort and when I finally observed it with my pants off, I saw that fully 50% of the leg was severely bruised. I thought it odd that I didn't notice much pain in that left leg, once I saw it. The right leg began swelling up immediately. I attributed this to my

NHTSA-Ref. No. 11206504

right foot being pinned under the accelerator where I did one involuntary jerk to get the foot out but with my entire leg jerking just do the the reflex action with the extreme pain of the gas pedal clamping suddenly down on my foot. Then the collision occurred with my leg straighter than normally because of the pin condition or the right foot. Then, when the knee curtain air bag went off, there was no where for the right leg to move to in rebound, for example, so the full force of the air bag slammed into my right knee, apparently hitting below the knee as well with the pain extending at least 6 inches above my knee cap. After my visit to the hospital, the doctor prescribed a "walker" for me. I had been in such extreme pain and shock that I mostly slept for about 30 hours or more after the accident, at which point I was taken to the Emergency Room by my friend Jerry, while my wife attempted to rent a car from Enterprise Rent-a-Car.

I pulled myself together enough to report the accident to the Auto Club the day after the accident.

I looked on the Internet and found a forum discussion in a comments section by a person who cited picking up ~~and~~ Mercedes in the San Diego County area and he cited driving the car ~~of~~ a location in Arizona. He stated that the entire time he was driving, he kept attempting to put on the cruise control and kept hitting the directional signal. He also used words about the Mercedes Cruise-Control that I won't use. This is a driver who kept his eyes on the road but kept confusing the two levers or stalks. As I recall this was a 2014 Mercedes sedan.

I talked to a friend who had an SLK for a while and he is a pilot by profession, a Captain, flying commercial aircraft. He informed me that during his ownership experience with the car, he often hit one of the levers when he intended to hit the other. His name is Eddie Crespi.

Meantime, the article by Tom Murphy opened with this quote: "The all new CUV is the first Mercedes with the turn signal placed above the Cruise-Control stalk on (the) left side of (the) steering wheel, intended to eliminate driver confusion."

I spoke to a friend of mine who told me that his daughter, a third year college student was driving a commute to University of California at Los Angeles (UCLA) when inexplicably her foot got caught under the gas pedal. She was able to get the foot out before anything untoward happened.

My initial reason for contacting Mercedes-Benz was that insurance adjuster for the occupants of car #3, Tiffany Nguyen, advised me to file a "claim/report." I didn't quite understand the motivation, so I asked to speak with her supervisor, a Mr. David Klaparda. He explained that I should put Mercedes "on notice" that there is a potential defect claim with the manufacturer.

I spoke with one Kale' who refused to refer me further, after I gave her the primary facts of the situation. She further stated, "When you put the brake on it cancels the Cruise-Control." It was after that when I had further contact with adjusters from the auto club that I learned that the auto club could also place Mercedes, "on notice," regarding a potential manufacturer defect and that mainly, the Auto Club wanted to give Mercedes a chance to examine the car and if they so desired, also request a forensic evidence hold on the car.

Having been through the accident and process, I found that the position of the two primary levers on the left side of the steering column (not steering wheel, as is commonly implied), so close to each other, has caused a very common problem of the driver hitting one lever when intending to hit or touch a different lever on Mercedes vehicles built from 2001 through 2016 or 2017.

AS far as "Unintended Accelerations," are concerned (also known as UAs) apparently their has been extensive study by the National Highway Traffic Safety Administration, Transportation Safety Administration, and other Federal agencies. The matter has been studies by Philosophy Doctors with regard to ethics, one of them who is world renowned stated, "If we think this industry (automotive) is as important as advertised, then it needs to be able to defend its design decisions in advance, not after the fact of an accident." -- Professor Patrick Lin, Cal State San Luis obispo (and a whole host of university and automotive connections, the world over.

Thus far, and I don't know why, Mercedes-Benz and perhaps some other auto manufacturers have kept the practice of designing Cruise-Control so that if resume is pushed and the memory records a speed from past cruise-control usage, the car will upon experiencing a "Resume" instruction, accelerate at full throttle. It's my belief that this design feature is inherently dangerous during driving.

NHTSA-Ref. No: 11206504.

Stacking levers, one atop of the other, when a very similar sequence by a limb (arm), hand and/or fingers is required to activate either lever, yet to do a different thing, is in and of itself dangerous and is designing into the Cruise-Control system, "an-accident-waiting-to-happen." I have talked to others who have mistakenly hit the cruise control instead of the directional signal and have activated "Resume," mistakenly or inadvertently. The driver recovered before an accident occurred, but these drivers maintained that on some instances, they just barely averted an accident or even a disaster.

Source: <https://www.torquenews.com/106/mercedes-benz-recalls-137000-m...> and, <https://www.torquenews.com/1083/study-mercedes-benz-c-class-h...> : by Patrick Rall G+ April 5, 2011 - "Mercedes-Benz recalls 137,000 M-Class SUV's for cruise control problems" -- "Mercedes-Benz is recalling 137,000 sport utility vehicles from the 2000-2004 model years over a cruise control problem that can prevent the system from disengaging the cruise control system when the brakes are applied."

"Additionally, John Gorham of G+, May 24, 2018 states in headline: "Study: Mercedes-Benz C-Class Has Highest Recall Rate of Any Vehicle" -- A new study has found that of all the cars, trucks, crossovers, and SUV's for sale in America, the Mercedes-Benz C-Class has the highest recall rate." -- "It was found to have a recall rate of 7.3 times the average for all vehicles." (Par.) : The study was conducted by iSeeCars.com. The research team looked at the numbers of individual vehicle recall campaigns from the National Highway Traffic Safety Administration's (NHTSA) recall database as of May 1, 2018, for every model vehicle from model years 2013-2017. It then calculated an average recall rate (number of recall campaigns/year per 100,000 new car units sold) for each model. It should be noted that other cars may have a greater actual number of recalls, but when the volume of vehicles sold is factored in Mercedes-Benz' C-Class has the highest rate. The C-Class is Mercedes-Benz highest volume vehicle model, finishing 2017 with over 77,000 units sold and accounting for nearly a quarter of all Mercedes vehicles sold in America."

"The average rate of recalls measured in Campaigns/year per 100k Units sold, was found by the study to be 0.79. The Mercedes-Benz C-Class had a rate of 5.77. The second vehicle on the list was found to be the GMC Sierra pick-up with a rate of 3.25."

"A recall means hours of lost time on top of potential safety issues," explained Phong Ly, iSeeCars.com CEO. "At the very least, it involves an appointment, a trip to the dealership, and waiting around while the repairs are being made or dealing with a loaner car if the dealership is even prepared to make the fix. Owners of cars with repeated recalls are faced with the hassle many times over," Ly went on to note. "Luxury cars such as the Mercedes C-Class or the BMW 3-Series and 4-Series, which are third on the list, are packed with features, and each additional feature can be another point of failure. This could explain why C-Class owners have to contend with so many recall-related headaches."

"iSeeCars reported that recalls for the C-Class over the period studied included multiple campaigns involving failure in the steering column."

As mentioned before, I signed an agreement allowing all parties involved in the accident an opportunity to examine the vehicle. I presume that this preservation state at the Co-part lot is an expensive proposition. I know that the Auto Club would like to have this car looked at and completed as soon as possible. However, now that the Car #3 driver has gone from being not hurt at all to being, "Seriously Injured," I suspect the lawyer is also going to want to, "preserve the evidence. I suggest that the car be viewed by experts as soon as possible when the evidence is at its freshest."

AudaExplore, a Solera Company provided a market driven valuation of the C350 to the Auto Club of So. Cal. which in turn sent it to me putting the C350 at a net adjusted value of \$21,443.00 after a \$500.00 deductible. A typical Mercedes of its age has 66,888 miles on the odometer and also took into account condition and accessories above standard, which included the metallic paint at \$1,515.00, rear side air bags at \$420.00 and 18" aluminum or alloy wheels at \$1,040.00; wheels locks at \$140.00; Driver assistance package, \$2,950.00; and a series of other options. Base retail price was 43,025.00 while Loss Vehicle manufacturer's suggested retail price as reported: \$49,555.00. End Report.

Total Loss reimbursement on the C350 was \$23,351.87 as settlement amount.

Another study found that in use of substandard metals, whiskers develop in the metal and this takes away the

NHTSA-Ref No: 11206504.

insulation effect and causes "Electronics Bleed." Such deterioration also was confirmed to caused the driver to lose control and to have cruise control malfunction. (Source, Internet search on 2/28/19.

I have suggested that The Automobile Club hire Independent investigators capable of obtaining Forensic evidence from the pedals of the car; from the cruise control sensors and the Black box and from the air bag sensors. A retrieval system must be used such as the Bosch type. Crash Data Retrieval can tell a lot about what happened according to the article by private engineers with training of this type. Also worth retrieving is the ACM or Air Bag Control Module. Each of these systems can retrieve information up to five seconds prior to the crash. This can include the vehicle speed; Steering wheel angle; crash severity; brake switch status; seat belt status; accelerator pedal position; order of impacts if multiple (this one included several); transmission gear position; air bag deployment data; occupants present; ESR data includes data after crash; vehicle dynamics at 5 seconds prior to crash and driver inputs 5 seconds before crash. (It is presumed that this information would refute the information put forth by Officer Sepulveda in the report. Brake pedal status can also be ascertained; impact severity; vehicle crash evidence and vehicle speed.

I have shared my concerns with regard to the design/location of the levers of cruise-control and directional signals; lack of full throttle mitigation; lack of mitigation for both time and distance after memory was last stored. Full throttle acceleration mitigation altogether at all times. Full throttle acceleration under "Resume" was partly responsible for this accident and it was also responsible for the severity of the accident. Had any of these mitigations been in place the accident would not have occurred or the severity would have been reduced in damage and injuries. Because the systems were not in place, I reported the occurrence to the NHTSA.

In Europe, Mercedes-Benz is a primary player in an organization and effort called: PReVENT and is addressed on the net at www.prevent-ip.org. Members of the organization had pledged their goal to reduce accidents by 50% by a certain year, now passed.

The W203 has a Throttle Reset. The system is described by some as a, "Super-Computer." 80120 (I don't understand it) allows for throttle/ pedal position sensor/switch circuit malfunction is a code: P0120...something occurs with the output voltage and emits the voltage to the engine control module: C)...This sensor is integral to the MAF (Mass Air Filter) Intake. Recall has happened when voltage is incorrect and evaluates the mass airflow, incorrectly. That is possible to diagnose in a Mercedes.

A Wall Street Journal article reported on the general dangers of the cruise control system and cited a French study dated April 19, 2017 and cites incidents wherein cruise control has caused accidents.

In an article dated by Schmidt after studying accidents in a specific part of the Southeastern United States (North Carolina) cited the studies of 2009 and 2010 in which Unintended Acceleration was called, "Sudden Acceleration." Initially believed to be some unknown cause, articles and studies by Schmidt concluded that some form of, "driver error," was involved in 99% of the accidents, if not 100%. This had to do with drivers who mistakenly hit the accelerator, thinking it was the brake. UAs studied included the cycle of starting the car and going into reverse, and cycles where the driver was out on the roads during regular to even late night time frames.

Timing elements and selection were found by Schmidt in 1989 to be required along with decisions of where to place the foot with regard to pedal and brake. Schmidt believed that he proved that pedal-misapplication was responsible for all of the Unintended Acceleration cases and that these accident were not caused by some vehicle defect. This was based upon taking the systems apart and looking for mechanical or electrical problems. These studies could not locate any of those problems. Although Schmidt may have been overconfident in his studies and conclusions, he may not have been right. None the less, officers may well receive training in which these studies are cited. if so, this could provide officers with a pre-conceived bias about what happened to cause an accident based upon overwhelming statistics in favor of accident causes of similar types. That could, in some cases, lead to a "rush to judgement."

It is noted that Schmidt is a Professor Emeritus at UCLA in Los Angeles and therefore law enforcement in California are likely to be familiar with his studies and theories. If that is the case, it would account for all these questions I faced about a "stuck pedal," even though a stuck pedal or belief in a stuck pedal was never part of this case except in the minds of the officer(s) involved.

Tesla is currently being sued in California due to a collision and death because of both system and design

I believe (with multiple basis) that some form of bias influenced both the investigation and the writing of the T.C.R.

NHTSA - Ref. No. 11206504

failures. Tesla denies responsibility. But a body of evidence is developing that there were design problems in the car and that the systems failed, as the car went to ever higher speeds before the accident.

That is the current state of this report at this time.

Further information is being prepared, however, because i believe I did not engage in driving faster than conditions permitted at the time or just before the accident occurred. Mercedes should step up and accept responsibility for a bad design, where no correction was made of the design until 2017 or 2018 in the cruise control.

Note: 2018 and 2019 models of the C-Class have finally moved the cruise control lever off of the left steering column and have placed the control on the steering wheel where buttons and not levers control the cruise control function. Had this been in place in 2014, or even if proper warnings had been issued along with suggested corrective actions until a recall could be accomplished, this accident would never have happend.

Respectfully submitted

[Quoted text hidden]

