

OF INFORMATION ACT (FOIA), 5 U.S.C.552(B)(6)

From: [DataQuality, DataQuality \(NHTSA\)](#)
To: [EVOQ \(NHTSA\)](#)
Subject: FW: Re: Follow up to ODI Complaint -----11428409 -----
Date: Thursday, October 14, 2021 11:55:10 AM
Attachments: [REDACTED]

From: [REDACTED]
Sent: Thursday, October 14, 2021 10:56 AM
To: EVOQ (NHTSA) <EVOQ@dot.gov>; DataQuality, DataQuality (NHTSA) <DataQuality@dot.gov>
Cc: [REDACTED]
Subject: Fwd: Re: Follow up to ODI Complaint -----11428409 -----

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Attached is the questionnaire form for the above referenced complaint along with a copy of an email sent to Mercedes Benz Buckhead and MBUSA describing some of the dangerous experiences with the vehicle.

Thank you for your attention to this matter.

[REDACTED]
P: [REDACTED]
E: [REDACTED]

Kind regards,

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
To: EVOQ (NHTSA) <EVOQ@dot.gov>, <dataquality@dot.gov>
Cc: [REDACTED]
Date: Thursday, October 14, 2021, 10:42 AM -0400
Subject: Re: Follow up to ODI Complaint -----11428409 -----



Attached is the questionnaire form for the D above along with a copy of and email sent to Mercedes Benz Buckhead and MBUSA about the dangerous vehicle.

Thank you for your attention to this matter.

[REDACTED]

On Oct 7, 2021, at 1:06 PM, EVOQ (NHTSA) <EVOQ@dot.gov> wrote:

Please see the attached copy of your recent complaint and instructions. Please make any necessary edits and return via email to dataquality@dot.gov or fax to (202) 366-1767. Due to the volume of complaints we receive and our limited resources, we cannot respond to every complaint.

NHTSA/Office of Defects Investigation

[REDACTED]



U.S. Department of Transportation

National Highway Traffic Safety Administration

DOT Auto Safety Hotline
Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

Form Approved: O.M.B No. 2127-0008

FOR AGENCY USE ONLY 100148

Date Received

05-AUG-2021

Repository []

Reference No. 11428409

OWNER INFORMATION (Type or Print)

Name

Address

City

Atlanta

State

GA

ZIP Code

Daytime Telephone Number

Evening Telephone Number

E-mail Address

SAME

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 83971 (Sep. 3, 2004).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side

MAKE

MERCEDES-BENZ

Model

S560

Model Year

2019

Date Purchased

6-24-2019

Dealer's Name and Telephone Number Mercedes-Benz of Buckhead 8003993804

Engine: 4.0 No. Cylinders: 6

Fuel Type: GAS

Original Owner [X]

Dealer's City Atlanta

STATE

GA

ZIP Code

30305

Transmission Type

- Antilock Brakes []
Cruise Control []

Powertrain REAR WHEEL DRIVE

Multiple failure:

3

Incident Date(s)

May 26, 2021
June 13, 2021
June 29, 2021

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Components Codes: 070000 FUEL SYSTEM, GASOLINE, 060000 ENGINE (PWS)

Battery auxiliary engine failure

Failure Mileage 15000.0

Failure Speed

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTMAL 94BC036)

- Original Requirement []
Prior Repair []

Failure Location:

Tire Component Code

Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:

Date Manufactured:

Model No./Name:

Seat Type:

Installation System:

Child Seat Component Code:

Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the incident(s), failure(s), crash(es), injury(ies).)

Crash

[] Yes [X] No

Tire

[] Yes [X] No

Number of Persons Injured

Number of Deaths

Reported to Police

N

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

Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e., parts repaired or replaced (and if old part is available).

The contact owns a 2019 Mercedes-Benz S560. The contact stated that while driving at various speeds, the vehicle would jerk upon depression of the accelerator pedal as the battery auxiliary warning message would appear on instrument panel. The contact had initially taken the vehicle to a dealer where they stated that water in the fuel tank had caused the failure; the fuel was drained and replaced with the gasoline at the dealer. The failure persisted and the vehicle was taken back to the dealer. The contact was informed by the dealer that she had compromised the vehicle and that she had to pay for any future repairs to the vehicle, which the contact objected to. After the third failure, the contact was informed that the fuel in her vehicle would be sent to the manufacturer to be tested. The manufacturer was also notified of the failure and was assured that they would test both the fuel and the vehicle however, the contact had yet to receive an update about the vehicle. The vehicle had yet to be repaired and remained in the possession of the dealer. The failure mileage was approximately 15,000. THE CONSUMER STATED THE VEHICLE EXPERIENCED SUDDEN VIOLENT SHAKING, AND SHUT DOWN, DECREASE FROM 60 TO 0 MPH.

A fairly detailed description of incidents is attached.
Email to MBB MBUSA & Germany@EO.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579. This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

Extremely dangerous 2019 S560v

From: [REDACTED]

To: Mercedes-Benz <mercedes_benz@mailbox.business.com>

*Email to
MBB, MBUSA
MB Germany*

Page 1

Email:

TO: Mercedes Benz of Buckhead (MBB); Mercedes Benz USA (MBUSA); Daimler Trust; Daimler AG; Dimitris Psillakis; Jay Schmid; Dianna du Preez; Greg Barranco; Mercedes customer service

RE: 2019 MB S560V VIN# WDDUG8DB5KA [REDACTED]

I write to follow up my numerous prior complaints regarding the above vehicle. I have not had any response by MBB or MBUSA regarding my last correspondence on July 14.

As you know, this car has been at Mercedes Benz of Buckhead (MBB) with the same mechanical malfunction on and off since May 26, 2021. It has remained there un-repaired since June 29. As we have discussed repeatedly, the car has a serious life-threatening defect that impedes anyone's ability to control or operate it safely. Without warning the car will suddenly begin shaking violently, shut down and go from 60 mph to 0. Clearly, this is a very dangerous and potential death trap.

A brief timeline on the issues/experiences are as follows:

1. May 19, 2021: Gas in car
2. May 26, 2021: Mileage Approximately 16,753

My daughter was driving her kids to a destination 5-6 minutes away from her home in Paces Neighborhood when your car began shaking violently, slowed to 0 mph and shut down while she was trying to press the gas pedal to move car off the road to safety. Other drivers behind her swerved, barely missed hitting your car, while honking their horns and screaming at her for almost hitting their cars. Truly frightening! She called me. When I arrived to her, she was

shaking and frozen with fear while her 2 and 5 year old kids were sobbing and fearful . . . In the meantime, she was frantic about her and the children almost being killed because of the car stalling in the middle of a main road. She's still fearful of driving and only drives when necessary within a few miles of her home. If anyone in your repair department remembers a frantic woman calling about her daughter and grandkids almost being killed because of the car stalling in traffic . . . that was ME!

I exchanged cars with my daughter and was able to drive your car directly to MBB with a few stops, stalls, violent jerks and restarts on the way. I could've also been hurt or killed. No one in your MBB repair shop was particularly interested in what had happened to us; I was told to leave the car and the service advisor will call me. I left the car without speaking to a service advisor, but was expecting his call. The call never came.

3. May 27, 2021: 10:51AM

I received a text message from service advisor, Lane Garriott, that said he concluded that the fuel in the car was bad. He said that the tank was now filled with "known good fuel" and that when they drove the car - it did great; engine light didn't come on and it was ready for pickup. There was no mention of water. My son-in-law picked up the car at approximately 2PM.

4. June 13, 2021

The car remained with my son-in-law between May 27 and June 13; he drove it approximately 172 miles. While he was attempting to return the car to me on June 13, the car stopped again suddenly without warning on Woodland Brook Road - a very narrow winding 2 lane stretch of road in the Paces neighborhood. This also placed other people's lives in danger with a repeat of the same frightening, dangerous and serious life-threatening safety issues previously described on May 26. He was finally able to pull it off the road into a private neighborhood and parked it overnight. Significantly, the dashboard said there was an Auxiliary Battery Malfunction. This was on Sunday; the car was towed back to MBB the next day on Monday.

5. June 14, 2021

After I arose early to wait for the tow truck, I texted Lane Garriott at 6:45AM that the car had broken down 3 times again on a narrow road; I left the car overnight and it will have to be towed to MBB today. I received an automatic text response that he was on vacation. I personally paid for AAA to tow the car to MBB.

6. June 18, 2021

On June 18, several days since my June 14 text and breakdown of car, Lane Garriott texted me at 9:38am:

"Good morning this is Lane at mercedes and the tech found the fuel pump was rusted and failed from the bad gas that was put in prior to you bringing it in for the fuel line. We can warranty it out this time but if anything else goes wrong from the bad gas mercedes wont warranty it. We drove it about 50 miles to make sure everything is good and nothing is acting up. The car will be ready for pickup this afternoon after we get done washing it. Let me know if you have any questions Thanks

--Lane Garriott Mercedes-Benz of Buckhead"

This was the first time that I was hearing anything about a fuel line or rust. I asked myself "what fuel line?" I was so confused. I responded as follows:

"Lane, that fuel had been in the tank less than a week, i find it really difficult to believe that can rust a fuel tank....I would need to discuss this further. Thanks!

Lane, just thought more about your text and actually I'm upset/pissed.... I believe this car is a lemon and Mercedes is using a gasoline story. I reject your conclusion as a gasoline problem to make us pay for future problems with it and to not deal with this crap car especially when the indication lights were reading battery auxiliary malfunction yet nothing was said about that until I asked."

I reject the assertion that we put bad fuel in the car and the assertion that we would be responsible to fix a, well-cared for and a warranted car that is under 17K miles. I asked him how/what does a "Battery Auxiliary Malfunction" problem relate to bad gas? If there was a rust problem, it would be a Mercedes problem. We did nothing to cause a rust problem. I have yet to receive an answer to my questions. I've also asked for photos of the allegedly rusted out fuel line; I have received NOTHING!

7. June 29, 2021 - Mileage Approximately 17,048 miles

When [redacted] picked up the car from MBB on June 29, Lane Garriott said to [redacted] "It's not your fault and not our fault." Lane also said he had put fuel in the car; but had not done so. [redacted] took the car to be fueled. Within an hour of picking it up, it had again malfunctioned with the same terrifying near death experience that had occurred previously. This malfunction occurred on a blind corner with cars barreling towards him and he was unable to exit the car. He was totally shaken. He waited hours for a tow truck to return the car

to MBB.

8. July 1, 2021

[redacted] called Greg Barranco at 8:01PM; Greg Barranco returned the call at 8:24PM and they spoke for 8 minutes. Greg told [redacted] that he would get back to him.

9. July 2, 2021

Greg Barranco called [redacted] at 2:50PM; they spoke for 14 minutes. Greg Barranco suggested [redacted] call his insurance agent to pay for the repairs that would cost around \$14K and that MBB would guarantee the repair job; I've since been quoted \$20K from the shop manager when I stopped by MBB to retrieve my belongings at noon on August 11. [redacted] spoke with his insurance agent; the insurance agent believed this to be a peculiar request and recommendation from the dealer, especially after 3 consecutive incidents and attempted repairs. We reject any assertion that we put gas mixed with water in the car. We have other luxury cars that are garaged, well maintained and cared for car. We have never had issues with gas mixed with water.

It is not our financial burden since the electrical defect issue and any rust issues is a Mercedes issue/responsibility. Any defects would've existed before/when it was leased to us.

10. July 14, 2021

In MBB's call and apology for their mismanagement of the situation, there was an attempt to explain their financial responsibility towards the replacement of the car that was unclear and confusing to me. Adding to that confusion, was the follow up email from that call that can, perhaps be explained from my point of view as paranoia of being stuck with a liability upwards of \$70,000 for a car I'm certainly not financially responsible for and not willing to die in. I replied to the email that I was expecting a car of equal value for the balance of the lease term since I was very uncomfortable in that car; it was unfortunate but I did not find such an offer in their email.

We have determined that the possibility this car can be properly repaired by MBB after all those fearful incidents is an enormous safety risk - a risk we are no longer willing to take as a result of the life-threatening danger and trauma it has posed to us. As noted above, we also pumped gas in our Porsche from the same pump within the same hour and our Range Rover from another station where we always gas up and both vehicles remain problem free. There have been no reports of bad gas at those stations or around that area.

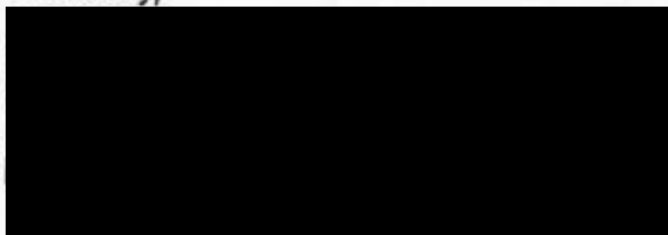
Georgia Department of Agriculture (GDA) did an on-site investigation into the very stations where we had purchased gas. The GDA onsite investigation and sampling gas revealed there were no problems with the stations and a written report has been issued to support those findings.

The car drove perfectly on the same gas May 19 (first day the supposedly bad gas was put in the car) to May 26 without any hint of problems. When I informed him our Porsche received gas from the very same station and very same pump within the same hour as the gas that was put in the Mercedes, Lane Garriott said your Mercedes car is superior to all others, super-sensitive and will immediately stall when the tank is compromised (This statement contradicts the fact that the car operated perfectly on so-called bad gas over a week without any indication of a problem). Again, the Porsche has NO problems and the gas has been deemed problem-free by the GDA.

We have continued making lease payments throughout this ordeal, even though there were attempts to communicate with MBB and MBUSA without them replying. After far too many attempts for a life-threatening safety problem with their car, Mercedes has failed to repair the car to operate safely and without defect or malfunction that impedes the ability to control or operate it without considerable risk of bodily harm or death. Additionally, due to Mercedes' negligence and the unfortunate circumstances and mishandling of this situation with utterly bad customer service and indifference to our clearly traumatic and frightening experiences in their car, we are not inclined to drive or recommend/deal with this manufacturer again. Further, to blame and request decent, honest, hardworking customers pay for what is clearly a Mercedes problem is unconscionable. There is that unfortunate feeling of the big corporation attempting to crush a lone consumer because they can . . . VERY STRESSFUL and HORRIBLE!

Mercedes has broken their own commitment under the lease agreement by not supplying a car that can be safely driven without malfunctioning defects that threaten our lives. Instead, you have provided a car that your very own service people are unable to diagnose and properly repair after several attempts to do so. Accordingly, I am hereby requesting a reimbursement of the car insurance, Georgia Department of Motor Vehicle (DMV) registration and lease payments made to Mercedes from May to August 2021 when the vehicle was inoperable. Additionally, because Mercedes has broken their own lease agreement by not providing us the safe vehicle contemplated by our lease agreement, effective immediately, I will cancel any future payments, insurance and DMV information associated with Kenny Leon Productions. MBB already has both keys for this car.

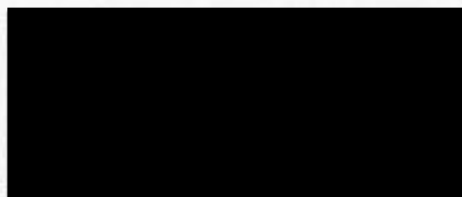
Sincerely,



USPS mail:

cc: Daimler Trust, Ola Kallenius, MB Financial Service; Mercedes Benz of Buckhead (MBB); Mercedes Benz USA (MBUSA); Daimler Trust; Daimler AG; Dimitris Psillakis; Jay Schmid; Dianna Du Preez ; Nora Bushfield; Greg Barranco; Mercedes customer service; Consumer Reports; GBB; Georgia Law; NHTSA

Sincerely,



3:02 AM, Mon, September 13, 2021



Our reference [REDACTED] - your letter dated August 27th 2021

From: <Germany.BOM@cac.mercedes-benz.com>

To: [REDACTED]

*From:
MB Germany Reply email*

Dear [REDACTED]

We appreciate the time taken to write and express your concerns to Mr Källenius regarding your Mercedes-Benz vehicle.

Kindly be advised that your letter has been forwarded again to Mercedes-Benz USA, LLC ("MBUSA") where it will be reviewed. Our colleagues in the United States are in the best position to respond to your letter. We are sure that you can appreciate that the Home Office of each country is responsible for handling its own domestic matters.

As this is a duplicate correspondence, you will only be notified by MBUSA if there is a change in the determination previously provided to you. Thank you for contacting us.

Yours sincerely,

Mascha Obermeier
Daimler Team for the Board of Management /
Daimler Kundenbetreuungsteam für den Vorstand

Daimler AG
Sitz und Registergericht/Domicile and Court of Registry: Stuttgart
HRB-Nr./Commercial Register No. [REDACTED]
Vorsitzender des Aufsichtsrats/Chairman of the Supervisory Board: Bernd Pischetsrieder
Vorstand/Board of Management: Ola Källenius (Vorsitzender/Chairman), Renata Jungo
Brünger, Martin Daum, Markus Schäfer, Wilfried Porth, Britta Seeger, Hubertus Troska,
Harald Wilhelm

From: [REDACTED]

Subject: Fwd: Re[2]: Our reference [REDACTED] your letter dated August 27th 2021

Date: Oct 10, 2021 at 9:39:29 PM

To: [REDACTED]

TO!
Reply To
MB Germany
page 1

On Sep 17, 2021, at 3:15 PM, [REDACTED]

[REDACTED] wrote:

Subject: Our reference [REDACTED] your letter dated August 27th 2021
Mascha Obermeier

Dear Ms. Obermeier

Thank for your courteous and prompt reply to my customer inquiry referenced above in the subject. Your quality of customer service created a positive moment for the diminished brand image of Mercedes-Benz due to no response or service from Mercedes-Benz USA (MBUSA) and Mercedes-Benz of Buckhead (MBB) on a matter that is life threatening with one of your vehicles.

My letter was sent on a recommendation by an associate of Mr. Kallenius' that suggested he would be interested in knowing of the diminishing 'best Or nothing' slogan that is taken literally by MBUSA and MBB as the 'BEST OF NOTHING' (they have chosen nothing). If a company prides itself on the experience it provides its customers, anytime that experience is different/diminished, there's a disconnect. My experience as a returning customer with MB is less than satisfactory and undoubtedly leaves an undesirable experience that cannot attest to your slogan.

To bring this to life and perspective to all, do you have loved ones that you would protect at all cost? Here are mine that was endangered by your car. Clearly i'm outraged that your company have treated my experience with my families lives and others around us with such indifference. We live in the very community MBUSA and MBB has chosen to establish their business.



To: reply to
MB Germany
page 2

Previously, I had asked/requested/hoped for the lemon car to be replaced by a car of equal value since there was clearly a problem with the car that not even Mercedes' trained mechanics can properly diagnose and guarantee fix. The car has been frightening and un-drivable since May and has remained in their repair shop without any followups from either MBUSA or MBB, with continued payments on an inoperable car. I would like every payment made to Mercedes since then to be refunded since I am no longer interested in driving a Mercedes vehicle but rather extinguishing the lease on this inoperable vehicle and moving on. Mercedes USA and MBB has had every opportunity to handle this with integrity in a respectful, decent customer service friendly way and has chosen the Goliath approach while they're still in possession of the car. Its shameful!

From my experience, it seems customer service is not a priority for your USA partners and lack of respect for customers is the norm. This is a complete let down in a brand that touts a 'Best or Nothing slogan.

Kind regards,




----- Forwarded message -----

From: <Germany.BOM@cac.mercedes-benz.com>

To:

Date: Monday, September 13, 2021, 3:02 AM -0400

Subject: Our reference  your letter dated August 27th 2021