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

CL-11477377-1000

National Highway Traffic Safety Administration
Office of Defects Investigation
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

July 22, 2022

Dear Sir,

MAJOR SAFETY ISSUE: Several months ago my 2007 Mercedes 550SL suffered a catastrophic brake failure. There are 55,000 miles on the odometer. When I stepped on the brakes for a stop sign, there was "0" braking power and the car continued through the intersection. Frightening! Fortunately, I was going slowly and there was not a car in the intersection. Cause of the problem? Catastrophic failure of the Sensotronic Braking Control (SBC). Rarity? I have learned that the problem is all too common. The internet is full of reports detailing catastrophic brake failure incidences at speeds up to 60 mph. Many resulting in accidents.

Some facts:

2001 – October The SBC was introduced by Mercedes-Benz in Europe.
2004 - 680,000 Mercedes with SBC were recalled.
2005 - Another 1.3 million Mercedes were recalled due to faulty SBC.
2006 - Mercedes dropped the system in their high volume models.
The system was retained in low volume models. (Why? $$$?)
2009 - Mercedes dropped SBC from all low volume models.
2018 - Mercedes extended the warranty on selected vehicles that had the SBC from 10 years to 25 years.

Mercedes has already admitted their culpability in the SBC safety flaws by extending the warranty on selected vehicles from 10 years to 25 years. My car is in that selected group. The warranty extension has no milage or ownership requirements. I do not know whether this extension was the result of a regulatory agency agreement or a Mercedes initiative. Either way it does highlight the seriousness of this safety issue.

Over the last several months I have spoken to a few people in the Mercedes "Customer Complaint Section". The only reason that Mercedes has given me for refusing my request to repair the faults in my SBC under their extended warranty program was that my vehicle was scanned by my local service center. My local service center found the following faults ESP Code 5611 (Fault in SBC system), SBC Codes C26DE (Hydraulic fault malfunction in the pressure supply), C26BB (Malfunction in pressure supply, C25D5 (Hydraulic malfunction). These faults are listed on the invoice. To further assure Mercedes as to the validity of my claim, I have offered to provide Mercedes with notarized affidavits from David Word Automotive Service (my local service center) as to what codes were found and documented when they scanned my vehicle. I am also willing to provide Mercedes with my notarized affidavit as to what I experienced when my SBC failed. Mercedes' refusal to accept scanned data from a reputable auto service center which has been in business for over 35 years reminds me of when the Japanese refused to accept American meat

products because they claimed Japanese stomachs were different from American stomachs. Both positions are laughable and fallacious. The Japanese did reverse their position. After more than 15 years of Mercedes having major issues (2 million recalls, accidents, warranty extensions etc.) with the SBC, Mercedes is well aware of the source of my brake failure.

Because my car has already suffered a "well documented" catastrophic failure of my SBC, there is a high probability that my car will suffer a 2nd catastrophic SBC failure. Despite these facts Mercedes is willing to play "Russian Roulette" with my safety and the safety of any car or pedestrian who could be harmed by the failure of my SBC. *NOTE: THE SBC RESETS AFTER A FAILURE AND THE BRAKES OPERATE NORMALLY UNTIL THE 2ND FAILURE. THUS, CREATING A* ***'TIME BOMB'.***

The only response I have had from Mercedes concerning the car's safety came from a representative in the Customer Complaint Section. The Mercedes representative suggested that I drive the car until the brake hazard light came on again. (The light comes on when there is a catastrophic brake failure.) I have recounted this Mercedes representative's position in a letter to the President and General Counsel of Mercedes-Benz USA. I have not had a response otherwise. Therefore, I believe that Mercedes must feel that my car is safe and is willing to take full responsibility in the event my SBC fails again.

On several occasions I have requested that Mercedes honor its extended warranty and repair my vehicle. Until now the only response I have had is from administrative people whose primary job seems to be to deny that Mercedes has responsibility for any and all claims. The documented facts in this case prove otherwise. Mercedes is culpable. **Would either you or the President of Mercedes-Benz USA let a close family member drive my car on a busy interstate highway, with all the sudden braking, at 60-70 mph?** It is my hope that this letter finds its way to a Mercedes executive who has better judgement and a sense of fairness. Full details attached. I would like you to look into this matter thus ensuring this matter is handled fairly.

Sincerely,

[redacted]

Richmond, Virginia

[redacted]

CC:
Matthew Everett
Mercedes-Benz USA

Dietmar Exler
Mercedes-Benz USA

CC:
Keith Reddy
Mercedes-Benz of Richmond

Complete correspondence with Mercedes-Benz USA

From: customer-advocacy.usa@cac.mercedes-benz.com
Subject: Message from Mercedes-Benz USA, LLC
Date: May 11, 2022 at 1:45 PM
To: [redacted]

[redacted]

Thank you for your contact to Mercedes Benz USA.

While we recognize your continued disappointment, we assure you this matter has been thoroughly reviewed with the Management and all relevant areas of MBUSA. Our company position, as previously conveyed to you in my prior correspondence via phone call on 02/24/2022, respectfully remains unchanged.

Regards,

Hona
Executive Referral Manager
Mercedes-Benz USA, LLC

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.

[ACTIVITY[redacted]]

Dietmar Exler
President
Mercedes-Benz USA
1 Mercedes-Benz Drive
Sandy Springs, Georgia 30328

April 14, 2022

Over the last few months I have talked to several people in your Customer Complaint Department regarding the catastrophic brake failure that my 2007 Mercedes 550SL suffered. (Details in attached letters) The vehicle has less than 55,000 miles on the odometer. Neither representative was interested in the details of my problem but were only interested in repeating the practiced mantra, "If we cannot duplicate the problem in our shop we will not fix the problem under our extended warranty program".

While I understand that policy for the average warranty problem, it does not fit for my egregious brake failure for the following reasons:

1. We are dealing with a major safety issue. The problem was not caused by normal wear and tear but by a Mercedes-Benz design flaw causing the safety issue. Being behind the wheel of a vehicle with absolutely no breaking power is a terrifying experience which could have led to tragic results.
2. Because the sensotronic brake system resets and functions normally after the ignition is turned off and the vehicle restarted, I was unaware of the magnitude of the problem. Subsequently, I searched the internet and found the sensotronic braking failure problem to be ubiquitous. A number of vehicles highlighted were identical to my vehicle and had suffered identical complete brake failure. Although I had taken my car to local Mercedes dealer several times prior to the brake incidence, I was unaware of the brake problem and the extension of the brake program. I was on their mailing list and received service flyers.
3. Since I was due for an oil change I took my vehicle to a local shop that specializes in Mercedes among other foreign cars. David Word Automotive has been in business over 35 years. They were founded, owned and are operated by an ASE certified master mechanic. In addition to an oil change I asked them to check out my brakes. They ran a scan and found the following faults. ESP Code 5611, SBC Codes C26DE (Hydraulic fault-Malfunction in the pressure supply), C26BB (Malfunction in pressure

supply), C25D5 (Hydraulic malfunction). These faults are also listed on invoice.

4. The mechanic wiped the codes in order to determine if the codes would reappear when he tested the car. He was unaware that Mercedes had extended the warranty on the sensotronic braking system on selected models from 10yrs to 25ys regardless of mileage or ownership. The extent of the warranty extension program certainly indicates that this is a serious and dangerous problem.
5. One of your representatives suggested that I drive the car until the "Red Light" (brakes failed) came on again. I do not think this is a very good idea either for my safety or the safety of the public.
6. In order to assure you that this is a credible claim I am willing to obtain and present you with a notarized affidavit from David Word Automotive as to what they did and the code faults they found. I will also supply you with my Notarized affidavit as to my experience with the brake failure.

I believe that the faults found in the sensotronic brake system meet all the conditions and intent of your extended the sensotronic brake system warranty. Please do the right thing and repair my sensotronic brake system under your extended warranty.

Sincerely,

[redacted]

Richmond, Virginia [redacted]

[redacted]

CC:
Matthew Everett
Mercedes-Benz USA

Keith Reddy
Mercedes-Benz of Richmond

Dietmar Exler
President
Mercedes-Benz USA
1 Mercedes-Benz Drive
Sandy Springs, Georgia 30328

February 3, 2022

Attached is an account of the complete brake failure I experienced on my 2007 Mercedes 550SL:

Over the last few weeks I have been reading the extensive volume of data available concerning the problems that select Mercedes models have incurred with the Sensotronic Brake Control (SBC) system. My vehicle falls into that category.

It was a little alarming to read that vehicles similar to mine have experienced complete brake failure at speeds from 30-60 mph. I am certain that the vehicles highlighted were only a small sampling of the problem. I would also guess that the chances of my car experiencing another complete brake failure have increased significantly since my first brake failure.

Mercedes did not extend the warranty of this vehicle to 25 years with no mileage restriction without good cause. This is a dangerous safety issue caused by the defective brake system. I believe that after reading the attached memo and invoice (the faulty codes are listed on the invoice) you will agree that I have suffered the same problem that is covered by your extended warranty.

The only difference we have is that a Mercedes Dealer's mechanic did not see the code faults. The faults were seen by an experienced mechanic who ran the test and then made note of the faults he observed. I am willing, as I stated in the memo, to provide you with a notarized affidavit as to what the mechanic did and observed. I will also provide you with a notarized affidavit as to my experience when the brakes completely failed.

Mercedes, to their credit, has taken responsibility for the dangerous defects in their SBC system and has extended the warranty to 25 years. Since my vehicle has the SBC defect that your extended warranty program was established to rectify, please correct the defects in my car. Such an action would live up to the spirit and intent of your extended warranty program. My request is both a reasonable and a fair solution to the problem. Thank you for your consideration and help.

Sincerely,

[redacted]

Richmond, Virgini[redacted]

[redacted]

BRAKING ISSUE –

My vehicle is in excellent condition and only has 55,000 on the odometer. I like the car and intend to keep it for many years. The Mercedes Dealer also informed me that once there is an occurrence of any car problem, "The problem does not disappear". In other words the problem could happen anytime. "Anytime" is not usually a good time.

The only difference we have is that a Mercedes Dealer's mechanic did not see the four brake fault codes. The David Word Automotive Invoice (ATTACHED) establishes the fact that four brake faults were found. An experienced mechanic who ran the test noted the faults and made note of the faults he found. I am willing to obtain and supply you with notarized affidavits from the local shop (they have been in business for over 30 years) and the mechanic who ran the test. I will also provide you with a notarized affidavit from myself as to my brake light coming on and to my brakes becoming completely inoperative. I believe this should be more than sufficient proof to prove that my car suffered a complete brake failure due to a serious and dangerous defect in the brake system.

[redacted]

[redacted]

SUBJECT: BRAKING ISSUE

12/12/21 – I backed my 2007 550SL out of my driveway. Shortly after driving down the street the red BRAKE light came on and I had NO brakes. I pressed the pedal to the floor repeatedly and the car kept moving. FRIGHTENING. I live in a quiet neighborhood and no cars or walkers were on the street. I was proceeding slowly so I drove close to the curb until the car stopped. I was then able to inch the two blocks home to my home. If the brake failure had occurred five minutes later I would have been on a very busy road.

12/13/21 – I tried to move my car a short distance and amazingly the brakes were fine. Over the next several days I tested the brakes several times and they were operating correctly.

12/15/21 – I took the car to a local shop, they specialize in Mercedes, for an oil change. I use both the Mercedes dealer and the local shop (oil changes, state inspections etc. -convenient location). I also had the local shop check my brakes. They ran a test on the brakes (see attached invoice) and cleared the brake system codes. The fault codes were noted and are listed on the invoice. The local shop stated that they had cleared the codes because the brakes were operating correctly and they wanted to see if the faults reappeared after they drove the car. Neither the mechanic nor I was aware the brakes had a serious defect which caused the brakes to fail or that, due to this defect, Mercedes had extended the warranty to 25 years. I have owned the car for about seven years, taken the car to the dealer several times, received the dealer's regular mailers but have never been notified there was a potential safety issue with the brakes.

12/17/21 – 1/10/22 I did not use the car.

1/10/22 – I took the car to the West Broad Street, Richmond, Va. Mercedes dealer. The dealer checked the car and found that the brake system codes had been cleared. The Service Director informed me that under the extended warranty program they could only fix the problem if the codes were showing. He told me to call Mercedes Customer Service. I neglected to tell him that the local shop had specified the faulty codes.

Since 1/10/22 - I have not driven the car.

David Word Automotive, INC
2000 Dabney Road
Richmond, VA 23230
Phone: 804-358-9100 Fax: 804-358-0529
Dedicated to Quality and Integrity

INVOICE
[redacted]

INVOICE

[redacted]
Richmond, VA
Cel[redacted]

Printed Date: 01/19/2022 **Work Completed: 12/17/2021**

2007 Mercedes-Benz - SL550 - 5.5L, V8 (333CI) VIN(Not Availal
Lic # : [redacted] Odometer In : 54886

VIN # : WDBSK71F2 7[redacted]

Part Description	Qty	Sale	Ext
Shop Supplies			5.20

Labor Description	Ext
CHECK OVER FOR SERVICE COMPUTER DIAGNOSTIC: 4 BRAKE RELATED FAULTS/ CLEARED//OLD FAULTS IN SYSTEM. ESP CODE 5611 SBC CODES C26DE,C26BB,C25D5 UPDATED BRAKE MODULE PASSED ALL THE TESTS IF VEHICLE FAILS AGAIN: SENSOTRONIC BRAKE CONTROL MAY BE NEEDED	130.00
THE OTHER DAY BRAKE PEDAL WENT TO THE FLOOR AND RED WARNING LIGHT ON DASH WAS ON CUSTOMER LIMPED HOME WHEN RESTARTED VEHICLE IT SEEM TO BE OPERATING FINE CHECK AND ADVISE	n/c
Hazardous Materials	3.25

[Recommendations]
Next oil change occurs at 57,135 Miles - Premium Motor Oil

Org. Estimate 138.76 Revisions 0.00 Current Estimate 138.76

Labor:	130.00
Parts:	5.20
HazMat:	3.25
SubTotal:	138.45
Tax:	0.31
Total:	138.76
Bal Due:	$0.00

[Payments - Visa - $138.76]

Vehicle Received: 12/17/2021

Customer Number [redacted]

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the car or truck herein described on street, highways or elsewhere for the purpose to testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto. Warranty on parts and labor is one years or 12,000 miles whichever comes first. Warranty work has to be performed in our shop & cannot exceed the original cost of repair.

Signature _____ Date _____

Visit us on the web: www.davidwordautomotive.com Email Address: *davidwordauto@gmail.com*

Service Advisor: Rubiam, Lou. Tech: McDermott, Glenn

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