

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

From: [DataQuality, DataQuality \(NHTSA\)](#)
To: [EVOQ \(NHTSA\)](#)
Subject: FW: ODI: 11-50-07-87 [REDACTED] Complaint Vehicle Sudden Acceleration
Date: Tuesday, February 21, 2023 8:12:30 AM

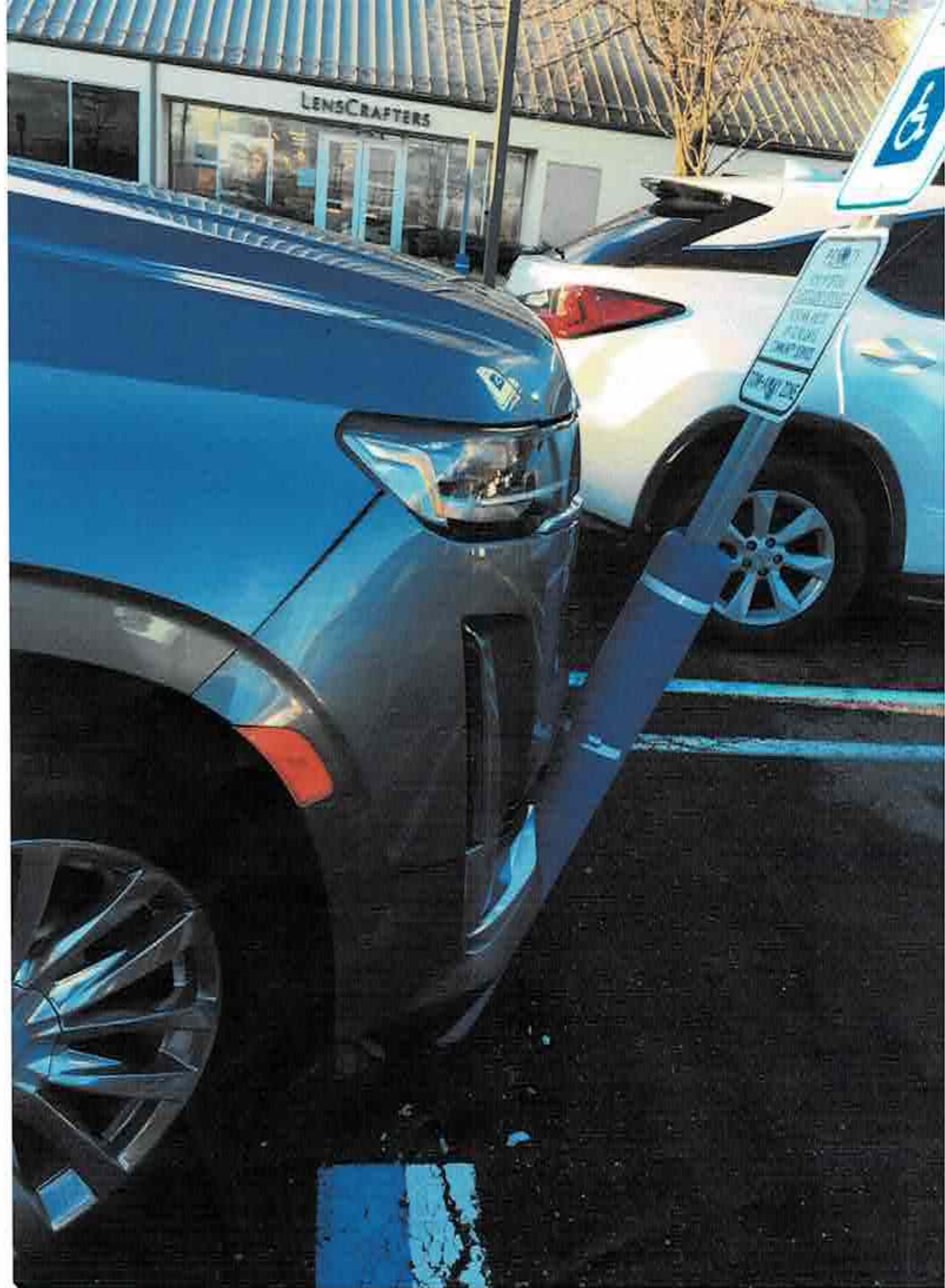
From: [REDACTED]
Sent: Sunday, February 19, 2023 2:43 PM
To: DataQuality, DataQuality (NHTSA) <DataQuality@dot.gov>
Cc: [REDACTED]
Subject: ODI: 11-50-07-87 [REDACTED] Complaint Vehicle Sudden Acceleration

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 completed Vehicle Owner Questionnaire for the above-referenced complaint. Also attached is a follow-up letter to the original complaint of January 9, 2023, along with the West Windsor, N.J. Police Report, and three photographs of the collision (8 pages).

Thank you for your review of this information,

[REDACTED]



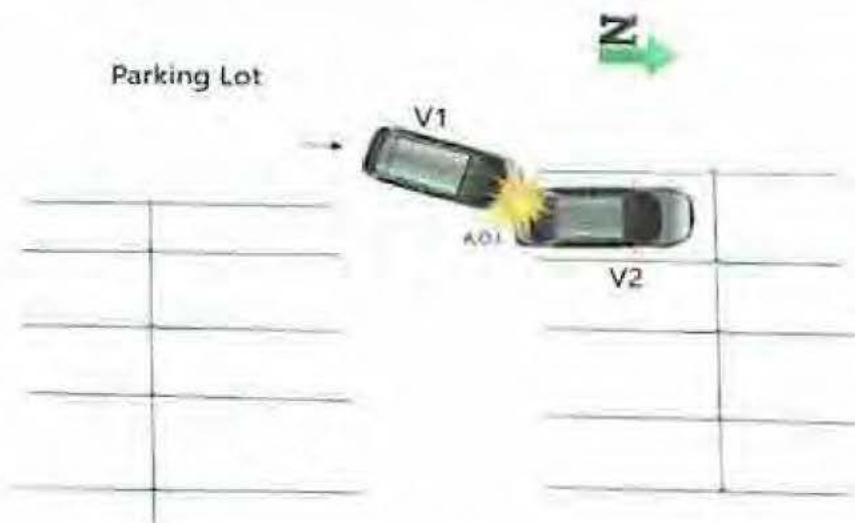
New Jersey Police Crash Investigation Report										☒ Reportable ☐ Non Reportable ☐ Change Report	
05	1 Date/Time		10 Crash Occurred On		11 Speed Limit						
01	2 Police Dept of		3535 U.S. ROUTE 1								
01	WEST WINDSOR POLICE 01		☐ At Intersection (VBI) Road Name Dr 12 Route No. 13 Left 14 Right 15 Speed Limit								
01	3 Location/Address		☐ Feet ☐ N ☐ S ☐ E ☐ W of 17 Cross Road Name								
09	4 Date of Crash		5 Day Of Week		6 Time (Last 2400 hrs)		7 Municipality Code		8 Total Injured		
01	01/06/23		FRIDAY		1514		1113		1		
04	23 Veh #		24 Policy No.		25 R2 Ins. Code		26 Veh #		27 Policy No.		
01	1						2				
02	28 Driver's First Name		29 Last Name		30 Sex		31 Driver's First Name		32 Last Name		
01											
01	33 City		34 State		35 Zip		36 City		37 State		
01	BREWSTER		MA				MANALAPAN		NJ		
02	38 Eyes		39 Date		40 Restrictions		41 License		42 State		
01	02		D		B		MA				
06	43 Driver's License Number		44 DOB		45 Expires		46 Driver's License Number		47 DOB		
01					12		25				
04	48 Owner's First Name		49 Last Name		50 Sex		51 Owner's First Name		52 Last Name		
01											
04	53 Make		54 Model		55 Color		56 Make		57 Model		
01	MERCEDES-B		GLK-CLASS		GY		2014		MA		
01	WDCGG0EB6EG				05		23		1GYS4KKL4MR		
01	60 Vehicle Removed To		61 Vehicle Removed To		62 Vehicle Removed To		63 Vehicle Removed To		64 Vehicle Removed To		
01	ALS SUNOCO		ALS SUNOCO		ALS SUNOCO		ALS SUNOCO		ALS SUNOCO		
01	65 Alcohol/Drug Test		66 Alcohol/Drug Test		67 Alcohol/Drug Test		68 Alcohol/Drug Test		69 Alcohol/Drug Test		
01	Given: ☒ No ☐ Yes ☐ Refused		Given: ☒ No ☐ Yes ☐ Refused		Given: ☒ No ☐ Yes ☐ Refused		Given: ☒ No ☐ Yes ☐ Refused		Given: ☒ No ☐ Yes ☐ Refused		
01	Type: ☐ Breath ☐ Blood ☐ Urine		Type: ☐ Breath ☐ Blood ☐ Urine		Type: ☐ Breath ☐ Blood ☐ Urine		Type: ☐ Breath ☐ Blood ☐ Urine		Type: ☐ Breath ☐ Blood ☐ Urine		
01	Results: ☐ D = % ☐ Pending		Results: ☐ D = % ☐ Pending		Results: ☐ D = % ☐ Pending		Results: ☐ D = % ☐ Pending		Results: ☐ D = % ☐ Pending		
01	70 Driver No.		71 Driver No.		72 Driver No.		73 Driver No.		74 Driver No.		
01	USDOT		None		USDOT		None		USDOT		
01	MC/AY		None		MC/AY		None		MC/AY		
01	75 Motor Carrier or Government Entity		76 Motor Carrier or Government Entity		77 Motor Carrier or Government Entity		78 Motor Carrier or Government Entity		79 Motor Carrier or Government Entity		
01											
01	80 Damage To Other Property		81 Damage To Other Property		82 Damage To Other Property		83 Damage To Other Property		84 Damage To Other Property		
01	100 Charge		101 Charge		102 Charge		103 Charge		104 Charge		
01	140 Charge		141 Charge		142 Charge		143 Charge		144 Charge		
01	145 Charge		146 Charge		147 Charge		148 Charge		149 Charge		
01	150 Charge		151 Charge		152 Charge		153 Charge		154 Charge		
01	155 Charge		156 Charge		157 Charge		158 Charge		159 Charge		
01	160 Charge		161 Charge		162 Charge		163 Charge		164 Charge		
01	165 Charge		166 Charge		167 Charge		168 Charge		169 Charge		
01	170 Charge		171 Charge		172 Charge		173 Charge		174 Charge		
01	175 Charge		176 Charge		177 Charge		178 Charge		179 Charge		
01	180 Charge		181 Charge		182 Charge		183 Charge		184 Charge		
01	185 Charge		186 Charge		187 Charge		188 Charge		189 Charge		
01	190 Charge		191 Charge		192 Charge		193 Charge		194 Charge		
01	195 Charge		196 Charge		197 Charge		198 Charge		199 Charge		
01	200 Charge										

New Jersey Police
Crash Investigation ReportPolice Dept: **WEST WINDSOR POLIC** Code: **01**Station: **[REDACTED]** Case No: **[REDACTED]**

(Refer to vehicle by number)

	Vehicle	Pos	Phys	Age	Sex	Lat	Type	Ref	Equip	Equip	Equip	Equip	Equip	Equip	Names & Addresses of Occupants - If Deceased, Date & Time of Death
	Occ	W/O	Dist			Int	Int	Mod	Mod	Mod	Mod	Mod	Mod	Mod	
A L L I N V O L V E D	03	04	05	06	07	08	09	10	11	12	13	14	15		

[44] Crash Diagram (NOT TO SCALE)



[45] Crash Description/Narrative

*Box 25 - Out of State Insurance, MA All State

D1 related that she was making the turn when her vehicle just accelerated into the parked car.

Damage:

V1 sustained major damage to the front bumper, hood, grill and quarter panel area.

V2 sustained major damage to the rear bumper area.

Conclusion:

D1 was making a right turn down the aisle when D1 accelerated into the rear of V2. V2 was parked legally and unoccupied at the time of the collision. Based on the driver's statement and physical evidence found at the scene, D1 was found to be at sole fault for this collision. D1 was issued summons # [REDACTED] for Careless Driving, [REDACTED]. The front seat passenger in V1 advised me that she was dizzy from the collision and she did not want any medical attention.

[46] Officer's Signature

KYLE BROWN

[47] Image #

0089

[48] Signature

BROWN

[49] Image #

0089

[50] Date/Time

☐ Pending ☒ Complete

Email to: dataquality@dot.gov

Reference: ODI 11-50-07-87

Revised/updated: February 18, 2023

Complaint: **Sudden Unintended Acceleration – Date: January 6, 2023**

Filed by [REDACTED]

Mercedes Benz GLK250, Year 2014 Vin:WDCGG0EB6EG [REDACTED]

License [REDACTED] Massachusetts)

West Windsor, N.J. Accident Report [REDACTED]

For the record, below is a recap (of what I told ODI by telephone on January 9, 2023) concerning the above-referenced complaint, in my own words, of what happened on January 6:

I was driving the above-referenced vehicle with my daughter in the parking lot in Market Fair Shopping Center, West Windsor, New Jersey, on Friday afternoon, January 6, 2023. The vehicle suddenly accelerated uncontrollably and ran into the back of a parked Cadillac Escalade. My daughter called the police. Officer Brown of the West Windsor police department asked me what happened and I said the car just "took off" accelerating uncontrollably. It did not stop. I told the officer there were two witnesses. I believe he spoke with one of the witnesses. My daughter went up to Officer Brown in his car and told him she was dizzy. He asked her if she wanted him to call an ambulance and she replied, "No.". Officer Brown then gave me a card with a case number and an email address to obtain a copy of the police report. He also said I would be mailed the ticket in a few days.

The following is an update since filing the complaint on January 9, 2023:

- Your office (ODI) said I should call Mercedes Benz to obtain the EDR for my car. The Mercedes Customer Assistance Center told me that, to obtain the EDR, I would have to ask the officer who filed the report to request a subpoena from the Judge.
- I called the West Windsor Police Department (West Windsor, NJ) and both Officer Brown and Sergeant Loretucci refused to request a subpoena for access to the EDR, saying the judges are "too busy to issue subpoenas for every accident." I was frustrated and upset by my inability to obtain the EDR data, as I feel in my particular case- the car surging forward, suddenly accelerating out of control- evidence from the EDR would be very objective and helpful in determining the cause of this acceleration. In other words, a defect in the car, perhaps in the car's electrical/throttle/cruise control systems, caused the car to suddenly accelerate, and data from the EDR would most likely confirm this defect.
- I have also now received a traffic ticket from the West Windsor Police Department, # [REDACTED] (court I.D. [REDACTED] Prefix [REDACTED])

- Allstate Insurance Co. also called me to say they have done an appraisal of my car, as "it was totaled." The vehicle my car hit- a Cadillac Escalade (Vin: 1GYS4KKL4MR [REDACTED], NJ [REDACTED] - "was also totaled. " I told the police and AllState the air bags never were deployed, and asked if a mechanical inspection could be done on my car, and was told, "no."
- Note that nothing was mentioned in the police report about the witnesses who saw my car quickly accelerating. Officer Brown told me "the witnesses just said the car was accelerating."
- Also, the extensive damage to the front end of the other vehicle is not documented. The collision and damage were severe enough to push the large, Cadillac Escalade forward into the metal post of the Handicap parking sign and crushing in the front end of this vehicle in addition to the back end damage.
- In addition, Officer Brown took no pictures of the totaled vehicles at the accident scene.
- The report did not mention that the air bags did not deploy.
- The report states "based on the driver's statement and physical evidence at the scene, D1 [my vehicle] was found to be sole fault of this collision."
- The report also states that I was issued a ticket for Careless Driving, Likely to Endanger Person or Property.

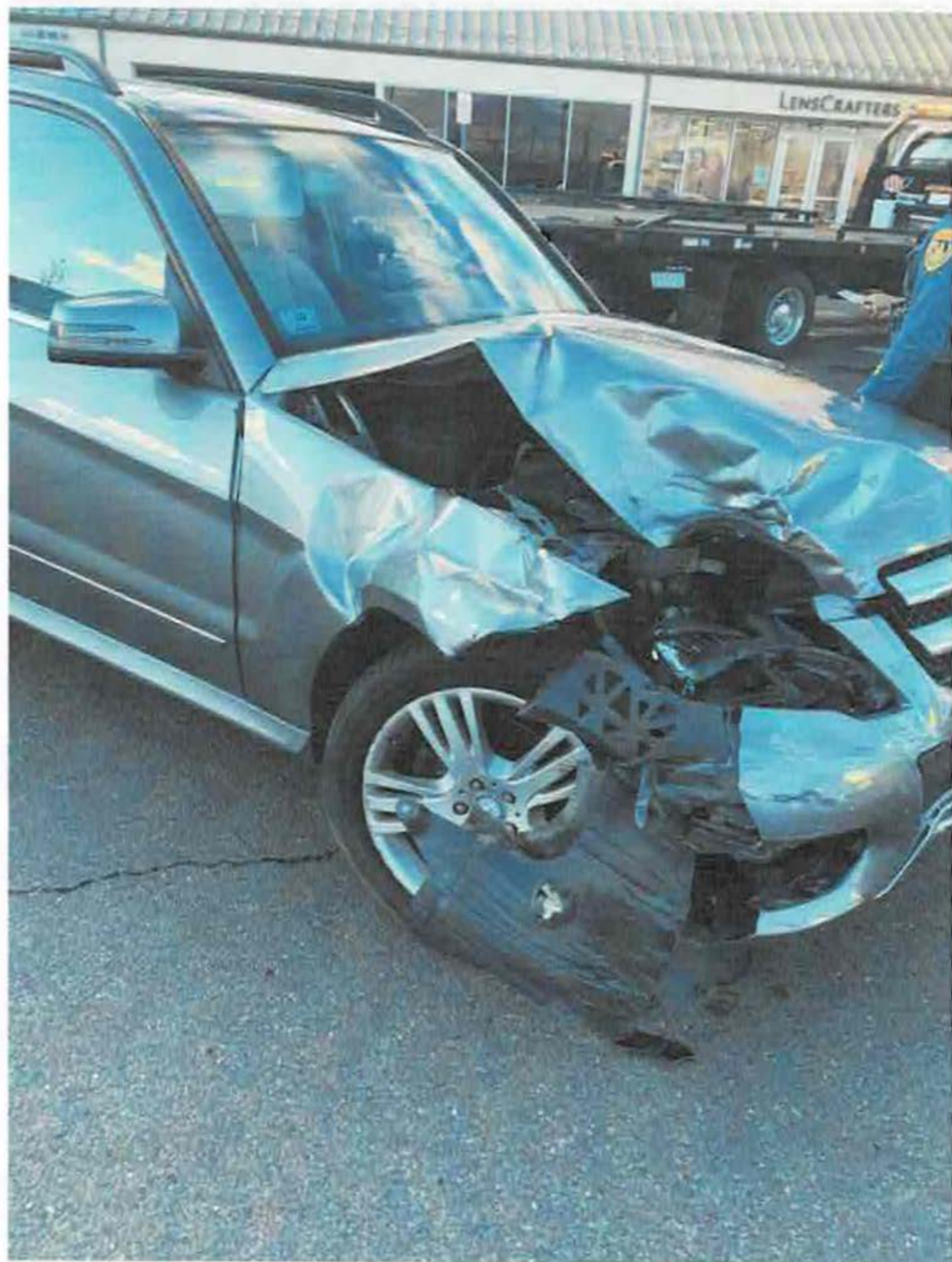
I need to know whether ODI will be accessing the data from my car's EDR. (AllState has refused to do a mechanical inspection and has towed the damaged car to my driveway, so I would like to have this matter resolved as soon as possible. Also, please let me know if you need photos taken of the accident damage.

In addition, I would appreciate receiving, either by email or telephone call, confirmation that your office has received this update.

Thank you very much,

[REDACTED]

Telephone: [REDACTED]





U.S. Department
of TransportationNational 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

FOR AGENCY USE ONLY 100148

Date Received

09-JAN-2023

Repository ☐Reference No.
11500787**OWNER INFORMATION (Type or Print)**

Name

Address

City

Brewster

State

MA

ZIP Code

Daytime Telephone Number

E-mail Address

Evening Telephone Number

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 53871 (Sep. 3, 2004).

VEHICLE INFORMATION

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

WDCGG0ED6G

MAKE

MERCEDES BENZ

Model

GLK250

Model Year

2014

Date Purchased

January 2014

Dealer's Name and Telephone Number

Bridgewater Mercedes (902) 213-5622

Engine

No. Cylinders

2.1 liter

Fuel Type:

diesel

Original Owner

husband Joseph

Dealer's City

Brewster

STATE

ZIP Code

Transmission Type

5-speed auto.

☒ Anti-lock Brakes☒ Cruise Control

Powertrain

AWD

Multiple Failure:

Incident Date(s)

06-JAN-2023

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Components Codes: 181000 VEHICLE SPEED CONTROL/ACCELERATOR PEDAL

Failure Mileage

122000.0

Failure Speed

to be determined

to be determined

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make

NA

Tire Model (Name or Number)

Tire Size (Example P215/65R15)

DOT No. (Example: DOTM1 NABC036)

☐ Original Requirement☐ Prior Repair

Failure Location:

Tire Component Code

Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make:

NA

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 ☐ No

Fire

☐ Yes ☒ No

Number of Persons Injured

Number of Deaths

Reported to Police

Y

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 2014 Mercedes Benz GLK250. The contact stated while driving at a slow speed and seeking a parking spot, the vehicle accelerated independently and caused her to crash into a parked vehicle. The contact stated no warning light was illuminated. The air bags did not deploy. The contact stated she did not sustain any injuries and her daughter (front passenger side) was feeling dizzy but declined to seek medical attention. A police report was filed. The vehicle was not drivable. The contact towed the vehicle to an independent mechanic. The vehicle was not diagnosed or repaired. A dealer was not contacted. The manufacturer had not been informed of the failure. The failure mileage was approximately 122,000.

Addendum 2/17/23 to complaint filed 1/9/23. A follow-up letter was submitted on January 19, 2023 to NHTSA. The cover letter and follow-up letter are attached here. In addition, a copy of the police report is attached. Also, three photos taken of the crash scene are attached. Law enforcement has thus far not requested a subpoena from the judge to obtain the EDR from this vehicle. I believe the information in the EDR is objective evidence of the pre-crash data -seconds before the collision (including information on forward crash speed, brake and throttle status, acceleration, etc.) - to be used in my defense of this very serious charge of "careless driving, likely to endanger person or property." Also, if NHTSA is unable to retrieve and provide analysis of the EDR, I would appreciate a referral to an EDR crash data analysis expert- acceptable to the courts- to perform this evaluation. At this point, I am willing to pay for this evaluation.

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.