

NHTSA ccmMercury Routing Slip



DP05-007

Printed:

NHTSA #: ES05-008245
XREF #:
Delivery: REG

Rec'd Date: 10/13/2005
Doc Type: PET
Address To: NOA010

Referred By: NEC-110
Doc Date: 9/20/2005
Due Date: 2/10/2006

S10 #:

DOT# #:

RMP #:

Subject: PETITION FOR INVESTIGATION INTO DESIGN DEFECT OF THE CUP HOLDER ON THE 2000 E430 MERCEDES BENZ, CUP HOLDER LOCATED OVER SHIFTING MECHANISM, COFFEE SPILLED AND SHUT DOWN ENTIRE ELECTRICAL SYSTEM

Ack Date:
Sign Office: SENIOR AA
VEHICLE SAFETY

Ack By:
Signature: RONALD MEDFORD

Signed For:

Cleared Date:
File Loc:
Added By: SHARRIS x62534

Cleared By:
XREF File:
Modified By: LOGLESBY

Cleared For:
Closed Date:

Most Recent Comment:

Author:

ELYSE GERBER

3110 WEDGEWOOD DRIVE
BELLEAIR BEACH, FL 33708
Tel: Fax: E-mail:

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	10/14/2005	2/10/2006	
	Return Process	10/14/2005		10/14/2005
ODI	REPLY	10/14/2005	2/3/2006	
NVS-010	INFORMATION	10/14/2005		10/14/2005

NVS-200

Belleair Beach, FL

Administrator
National Highway Traffic Safety Administration
400 Seventh Street SW
Washington, DC 20950
September 20, 2005

PETITION

To Whom It May Concern:

I own a 2000 E430 Mercedes Benz which I feel has a design defect due to the fact that coffee from a cup, placed in the cup holder, spilled into the gear shaft and shut down the entire electrical system. The cup holder, when in position, rests almost directly over the shifting mechanism. This "problem" has since been redesigned in newer models so that the entire gear shift is covered with leather and does not expose any part of the mechanism. Customer relations from Mercedes Benz responded that their new vehicle warranty does not cover damage due to accidents, misuse or negligence. It was also stated that the manual cautions "Do not fill containers to a height where the contents could spill during vehicle maneuvers, especially hot liquids". This car was not purchased new and furthermore, the damage was neither due to an accident, misuse or negligence. The response does not note why this should be avoided nor does it specifically note that spilling of any sort of liquid in or near the gear shaft could present major problems. It sounds to me only a cautionary measure after the lawsuit that McDonald's endured with "hot liquids". FYI, the coffee cup was less than half filled and the contents no longer hot! I was also told by a service tech that rainwater from my umbrella would have the same effect.

I was traveling in the middle lane of a major highway at a relatively fast speed when the liquid was spilled. The car jerked and slowed down but I was lucky enough to avoid an accident and still was able to maneuver the vehicle to the right lane and then into an entrance of a shopping center where the car just stopped. I was not able to move the gear shifter nor turn the car on. I had to have it towed to the dealer and repaired at a cost of \$905.27. I feel that the repair cost should be absorbed by Mercedes Benz. I would appreciate your investigation into this matter and look forward to your reply.

Thank you,

ES05-008245

36034

127486



MOTOR COMPANY

19820 U.S. HWY. 19 N. • Clearwater, FL 33784-8010
Phone: (727) 830-1881 • Tampa: (813) 855-4288

INVOICE

PAGE 1

MV # 18182

BELLHAIK BCH, FL

HOME: SUB:

SERVICE ADVISOR: 1076 KIMBERLY STEFFNER

CLERK	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAX	
693-214	00	MERCEDES-BENZ E430W	NDEE 70J4Y		41085/41088	7347	
DEL DATE	PRD. DATE	WARR. EXP.	PROMISED	PC NO.	RATE	PAYMENT	INV. DATE
20JUN2000	10MAY00	19JUN2004	17:12 08OCT04	45592	0.00	CASH	05OCT2004

R.O. OFFERED: READY OPTIONS: STR:3A1047A DLR:14318
 ENG:113940-30-200743 TRN:722632-02-186452
 10:35 05OCT04 15:10 05OCT04 1)210070-1B-154519 2)TLC 3)STARMARK 6)DL (More...)

LINE OPCODE TECH TYPE HOURS LIST NET TOTAL
 A: C/S VEH WILL NOT SHIFT OUT OF GEAR, WILL NOT COME OUT OF PARKING
 370000 REPL SHIFTER

1 210-267-05-24 FLOOR SHIFT 397.50 397.50 397.50

STAR DIA., ERASED CODES

B LOKEY LOANER CAR

999 CMB	0.00	0.00	0.00
C** TOWING			
ADD013 TOWING			
999 CMB	0.00	0.00	0.00
SUBL TOWING			
CMB		95.25	95.25
SHOP SUPPLIES CHARGE			10.29

"Like no other in Tampa Bay"

PAID OCT 05 2004

ALL PARTS ARE NEW OR FACTORY REBUILT
UNLESS OTHERWISE SPECIFIED.

STATEMENT OF DISCLAIMER		DESCRIPTION	TOTALS
ON BEHALF OF SERVING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER, THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.	The factory warranty constitutes all of the warranties with respect to the sale of this merchandise. The Seller hereby expressly disclaims all warranties other express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this merchandise. NOT RESPONSIBLE FOR LOSS OR DAMAGE TO CARS OR ARTICLES LEFT IN CARE IN CASE OF THEFT OR ANY OTHER CAUSE BEYOND OUR CONTROL. LIMITED SERVICE - PARTS AND ACCESSORIES WARRANTY.	LABOR AMOUNT	343.00
		PARTS AMOUNT	397.50
		GAS, OIL, UBER	0.00
		BUSLET AMOUNT	95.25
		SHOP CHARGES	10.29
		TOTAL CHARGES	846.04
		LESS INS./DISCOUNT	0.00
		SALES TAX	59.23
DEALER, GENERAL MANAGER OR AUTHORIZED PERSON	CUSTOMER SIGNATURE	PLEASE PAY THIS AMOUNT	925.27

CUSTOMER COPY