

3/16/2005

**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 148131

Priors: No

Open Date: 11/19/2001

Status: CLS

Last Update: 01/13/2002

Address: [REDACTED]

Title:

Phone: [REDACTED]

Residence

City: Portland

OR [REDACTED]

Corres ID:

Agent: [REDACTED]

Phone: 9988

Orig By: P

Orig CD: H0

Region: 6

Market: 3

Service Retailer: 66604

MERCEDES-BENZ OF POR

PORTLAND

OR

Assign Agent: SOM - 25

Orig Retailer: 66607

VALLEY MOTOR COMPANY

SALEM

OR

Sell Retailer: 66607

VALLEY MOTOR COMPANY

SALEM

OR

Disp Amt:

Corr Fwd:

Mailgram Sent:

Grp	Fail	Major	Minor	Rm
10	10	5	3	08

DBAG VIN: 1631541 [REDACTED]

Model: ML320

2000

World VIN: 4JGAB54E4Y [REDACTED]

Mileage:

22000

Engine Number: 11294230607553

Prod Date: 01/05/2000

Warranty Start Date: 07/02/2000

Close Agent: DONALD ZINDA

Field Closing Date: 01/13/2002

Close With: O

Close By: M

Close How: V

Owner Satisfied: Y

**Involved Information**

- > [REDACTED] - Driver, [REDACTED] Portland, OR [REDACTED]  
[REDACTED] Secondary Residence
- > [REDACTED], [REDACTED] Portland, OR [REDACTED]  
[REDACTED] Primary Residence

**Customer Assistance Referral - Full Notes**

Open Date: 11/19/2001 16:18:45

Agent: Tiffany Jones

Phone 9888

Note Type: PC

Primary Phone (w)

Current Mileage: 22000

Warranty Start Date: 07/02/2000

StarMark Warranty: N/A

Previous CA Referrals:

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Previous Summary Notes:

Customer contacted the cac seeking mbusa involvement.

Customer claims that his vehicle has been in the shop 16 times for numerous issues. Customer claims that his vehicle continues to leak on the passenger side front compartment and it has caused them to have to drive around with a towel on the floor.

Customer claims that his heated seats also do not work and that the seats got so hot that it has almost burned a hole in the leather.

Customer is asking the MB swap him out of this vehicle and into a sedan. Customer claims that he has had 4 other MB vehicles and never had such problems as he has with this SUV.

Writer told customer that we would review his request and that someone would be in touch with him.

Open Date: 01/13/2002 20:24:52

Agent: Don Zinda

Phone 7625

Note Type: RC

Met with the client at the dealer. Reviewed Service history with the client and the dealer. Offered to update window switches and replace sun roof and door insulation pro actively. Client was satisfied.

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# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 148734    Priority: Both    Open Date: 12/10/2001    Status: CLS    Last Update: 02/13/2002

Address: [REDACTED]

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Dubuque

IA [REDACTED]

Corres ID:

Agent: Linda Tognetti    Phone: 6268    Orig By: P    Orig CD: H0    Region: 4    Market: g

Service Retailer: 28422    LUJACK S NORTHPARK A    DAVENPORT    IA    Assign Agent: SOM - 29

Orig Retailer: 28422    LUJACK S NORTHPARK A    DAVENPORT    IA

Sell Retailer: 28422    LUJACK S NORTHPARK A    DAVENPORT    IA

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DRAG VIN: 1631721/[REDACTED]    Model: ML430    2001

World VIN: 4JGAB72E9[REDACTED]

Mileage: 22845    Engine Number: 11394230250866

Prod Date: 12/14/2000    Warranty Start Date: 01/16/2001

Close Agent: DON YOAKEM    Field Closing Date: 02/13/2002

Close With: O    Close By: D    Close How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Rn
10	10	5	2	05

## Involved Information

➤ Randall Busch - Owner, 12210 Forest Meadow Dr., Dubuque, IA 520010134  
563-582-4611,    Secondary    Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/10/2001 16:08:11    Agent: Linda Tognetti    Phone 6268    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 22845

Warranty Start Date: 01/16/2001

Starlink Warranty: N/A

Previous CA Referrals: 143795, 145851, 147223

Previous Summary Notes: 414861, 460831

Extremely upset Randall Busch called CAC DEMANDING that vehicle be bought back.

Customer alleging that when the heated seats were turned on this morning, they began to smoke.

When customer contacted dealership, he was told that MM, Earl Brodzik had been fired and there was no factory rep available.

Open Date: 12/12/2001 14:42:21 Agent: Linda Tognetti

Phone 6268

Note Type: PC

writes letter to Paul Halata, dated 10/31/01.

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ML430 picked up from the dealer for the 11h time since purchase.

"...I have asked to speak with the district service manager on many occasions but he has not met with me over these multiple problems..."

Letter faxed to MM, Don Yoakem.

Open Date: 12/17/2001 22:29:47 Agent: Don Yoakem

Phone 7409

Note Type: PC

Merkel Manager contacted on 12/14/01. MM advised the Doctor that I would contact Mr. Bill McComb - SPOM and MBNA special technician Mr. Larry Forbes to coordinate contacts, dealer assistance and repairs to the customers car. Mr. Bill McComb was contacted along with Mr. Larry Forbes and both given the Doctors home telephone. This is the telephone # that the Doctor asked to be used. I advised the doctor that he would be contacted by Mr. McComb.

12/17/01 - MM received a telephone call approx. 12:30pm. Doctor was impatient that the vehicle was still at the dealer and that there appeared to be nothing happening. The doctor also stated that he had spoken to the dealer service manager and that he felt that he was not getting the real story. I advised the doctor that I would recontact Mr. McComb and have him get in touch with the dealer then recontact MM contacted Mr. McComb and advised accordingly. Bill will leave the doctor a follow up telephone call.

Open Date: 12/18/2001 12:24:50 Agent: Bill McComb

Phone 7424

Note Type: RC

Writer contacted this date and advised Technical Specialist will assist Dealer on 12/20/01 with repairs to vehicle. advised Dealer personnel are aware of needed repairs and associated noises. Writer requested drive vehicle with Technical Specialist and Dealer personnel to insure all problems are verified and corrected. also advised he is frustrated with service history with vehicle. I advised I will be at Dealer the week of 1/8/02 and will review his service history at this time. I will re contact and address same at that time. appears to be satisfied with this plan of action at this time. I also advised that I'm in the process of trying to procure back ordered heated seat elements for his vehicle. Service Manager advised he would try to procure same from new vehicle if necessary.

Open Date: 12/18/2001 15:10:40 Agent: Linda Tognetti

Phone 6268

Note Type: PC

This note added by CA Rep, Linda Tognetti (my computer not available.)

faxed letter to CAC on 12/17/01 at 17:30. Writer received this date.

"I have written you previously about the problems with my Mercedes. My problems continue -- there is no regional manager to assist.

Today, the driver side seat warmer was smoking! Please help."

Open Date: 01/14/2002 10:04:49 Agent: Bill McComb

Phone 7429

Note Type: RC

Technical Specialist met with Customer and Dealer rep the week of 12/17/01. Seal parts were installed and wind noise corrected. On 1/11/02 Customer again contacted MM Mr. D. Yoakem complaining of ongoing brake squeak along with other items. I left Customer message advising I will be in Davenport the week of 1/21/02 and will review service history and attempt to resolve his concerns.

Open Date: 01/22/2002 12:13:47 Agent: Bill McComb

Phone 7429

Note Type: RC

called MM Mr. D. Yoakem the week of 1/7/02 advising he is still dissatisfied with vehicle due to brake squeak. Writer left message the week of 1/14/02 that I would be at Davenport on 1/22/02 at which time we will attempt to resolve his complaints. Dealer Gen Mgr advises he has spoken with and feels he is satisfied with this time as the provided him with set of snow tires as goodwill gesture. is aware that new brake calipers will be installed to correct brake squeak condition when available, however, if squeak is caused from light brake application it could still be apparent at times.

Open Date: 02/08/2002 16:37:36 Agent: Andrew Durisavj

Phone 6320

Note Type: PC

Customer called and wants SPOM to contact him regarding return options. He may be reached at 563-582-4511. He alleges ML is now back at dealer for Tele-Aid and turn signals.

Open Date: 02/07/2002 10:49:52 Agent: Bill McComb

Phone 7429

Note Type: RC

Tried again to contact Customer at phone number provided. I left message on his machine requesting he contact me today at Dealer 45421. I also left my voice mail number so he can provide number I can reach him. I have left him several messages previously with no response from Customer.

Open Date: 02/08/2002 11:59:17 Agent: Bill McComb Phone 7429 Note Type: RC  
Writer & Customer discussed vehicle service history. Customer frustrated with vehicle and ongoing brake squeal. Dealer and MB will try to work trade out with Customer. Will close once complete.

Open Date: 02/13/2002 15:17:59 Agent: Bill McComb Phone 7429 Note Type: RC  
Both Dealer & MBUSA assisted Customer with trade out to new E Class vehicle. Customer satisfied.

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# Customer Assistance Referral

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CA Ref ID: 149265    Priors: Both    Open Date: 01/03/2002    Status: CLS    Last Update: 01/07/2002

Address: [Redacted]    Title: [Redacted]  
 Phone: [Redacted]    Business

City: Lutherville Timonium MD [Redacted]    Cases ID:

Agent: Honora Duffy    Phone: 6307    Orig By: P    Orig CD: H0    Region: 1    Market: 1

Service Retailer: 34208    R & H MOTOR CARS, LT    OWINGS MILLS    MD    Assign Agent: SOM - 21

Orig Retailer: 34208    R & H MOTOR CARS, LT    OWINGS MILLS    MD

Sell Retailer: 34208    R & H MOTOR CARS, LT    OWINGS MILLS    MD

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631541 [Redacted]    Model: ML320    2000

World VIN: 4JGAB54E2Y [Redacted]

Mileage: 24769    Engine Number: 11294230687684

Prod Date: 03/30/2000    Warranty Start Date: 04/29/2000

Close Agent: JAMES WILLARD    Field Closing Date: 01/07/2002

Close With: 0    Close By: D    Close How: V    Owner Satisfied: Y

Grp	Fa8	Major	Minor	Rn
20	04	1	3	16
68	73	2	3	16
07	04	2	3	16

## Involved Information

- > [Redacted] - Driver, [Redacted] MD [Redacted]  
Secondary Business
- > [Redacted] [Redacted] MD [Redacted]  
Secondary Business
- > [Redacted] Owner, [Redacted] MD [Redacted]  
Secondary Business
- > [Redacted] Owner, [Redacted] MD [Redacted]  
Secondary Business

## Customer Assistance Referral – Full Notes

Open Date: 01/03/2002 10:08:37

Agent: Honora Duffy

Phone 6307

Note Type: PC

Primary Phone: 4106602983

Current Mileage: 24769

Warranty Start Date: 04/29/2000

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes:

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██████████ called on behalf of his wife, asking for name/address of "owner" of MB. Writer gave him Paul Halata's name/address & then asked what this was about.

Customer indicated that he met with SPOM about 2 months ago "Gary Williams did not provide me with response that I desired" (i.e., customer wants MB to get involved with getting them out of vehicle).

██████████ went through litany of alleged outstanding concerns (some that he has not brought to attention of dealer yet):

1. "Car in 3 times for anti-freeze leak - it's still leaking"
2. "5 times for locks (fixed)"
3. "Driver's side heated seat burns your leg - parts were on back order & came in a week ago & no one called me"
4. "Steering wheel cover is coming off" (not brought to dealer's attention)
5. "Gas cap broken off plastic piece" (not brought to dealer's attention)

"About a month ago, I was at dealer and the valet slammed the trunk lid on my head. I had to go to emergency room & lost vision in my left eye - I had to have cat scan and still continue to have headaches. My lawyers are involved and dealer refuses to respond to either me or them on this issue"

██████████ admitted that goodwill reimbursement was provided to him, but that's not enough.

Customer demanded he have another personal meeting with SPOM; writer advised him MB will uphold warranty and provide assistance via region/dealer to ensure any outstanding concerns are addressed. However, if SPOM has advised ██████████ MB will not get involved in getting them out of vehicle, this is corporate response which will be upheld by executive management @Home Office/Germany.

Open Date: 01/03/2002 13:37:48

Agent: Gary Williams

Phone 7121

Note Type: RC

lit message

Open Date: 01/04/2002 08:39:52

Agent: Gary Williams

Phone 7121

Note Type: RC

vehicle is at dealer today for repairs

Open Date: 01/07/2002 08:47:16

Agent: Gary Williams

Phone 7121

Note Type: RC

tighten lower radiator hose to correct coolant leak, replace both front seat covers, replace steering wheel, replace fuel cap.

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# Customer Assistance Referral

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CA Ref ID: 149516    Priors: No    Open Date: 01/12/2002    Status: CLS    Last Update: 01/17/2002

Address: [REDACTED]

Title:

Phone: [REDACTED]

Residence

City: Elmwood Park

NJ [REDACTED]

Corres ID:

Agent: Linda Tognetti    Phone: 6268    Orig By: P    Orig CD: H0    Region: 5    Market: 3

Service Retailer: 51146    RAY CATENA MOTOR CAR    EDISON    NJ    Assign Agent: SOM - 26

Orig Retailer: 51146    RAY CATENA MOTOR CAR    EDISON    NJ

Sell Retailer: 51146    RAY CATENA MOTOR CAR    EDISON    NJ

Disp Anst:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 163172 [REDACTED]    Model: ML430    2000

World VIN: 4JGAB72E2Y [REDACTED]

Mileage: 16650    Engine Number: 11394230137656

Prod Date: 02/16/2000    Warranty Start Date: 03/09/2000

Close Agent:    Field Closing Date: 01/17/2002

Close With: O    Close By: M    Close How: V    Owner Satisfied: Y

Grp	Full	Major	Minor	Ru
68	93	2	3	16

## Involved Information

> [REDACTED] [REDACTED] [REDACTED]

Primary

Residence

## Customer Assistance Referral -- Full Notes



Open Date: 01/12/2002 16:44:31

Agent: Linda Tognetti

Phone 6268

Note Type: PC

Primary Phone: 9735236630

Current Mileage: 16650

Warranty Start Date: 03/09/2000

StarMark Warranty: N/A

Previous CA Referrals:

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Previous Summary Notes:

Gamal Gad called CAC seeking technical inspection of vehicle. Customer alleges:

"Approximately a week ago, customer start vehicle (heat did not come on), activated heated seats and drove approximately 8 minutes. He parked vehicle and came out about 2 hours later. There allegedly was smoke all over the car. He indicated there was a fire behind the front passenger seat. The heated passenger seat was red...bag full of papers which was behind the passenger seat was in flames.

Customer alleges insurance company wants to total vehicle and then subrogate MBUSA.

No police report issued.

Vehicle is presently outside of customer's residence."

G. Bowne and SPOM notified of case.

Open Date: 01/17/2002 11:24:56

Agent: Bodo Baltycki

Phone

Note Type: RC

Writer spoke customer to advise of inspection. Customer is requesting summary of inspection findings. Writer explained that TS or writer could not provide this directly.

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**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 150210 Priors: No Open Date: 02/11/2002 Status: CLS Last Update: 02/13/2002  
Red Pepper Tech

Address: [REDACTED] Title: [REDACTED]  
Phone: [REDACTED] Residence

City: Hometown	IL [REDACTED]	Corres ID:					
Agent: Linda Tognetti	Phone: 6268	Orig By: P	Orig CD: H0	Region: 4	Market: 2		
Service Retailer: 22111	MERCEDES-BENZ OF ORL	ORLAND PARK	IL	Assign Agent: SOM - 22			
Orig Retailer: 22111	MERCEDES-BENZ OF ORL	ORLAND PARK	IL				
Sell Retailer: 22111	MERCEDES-BENZ OF ORL	ORLAND PARK	IL				
Disp Amt:	Corr Fwd: N	Mailgram Sent: N					
DBAG VIN: 1631541 [REDACTED]	Model: ML320	2000	Grp	Fail	Major	Minor	Run
World VIN: 4JGAB54E0 [REDACTED]			68	06	2	3	09
Mileage: 31285	Engine Number: 11294230766830						
Prod Date: 07/20/2000	Warranty Start Date: 08/29/2000						
Close Agent: SCOTT HICKAM	Field Closing Date: 02/13/2002						
Close With: D	Close By: M	Close How: P	Owner Satisfied: Y				

**Involved Information**

- > [REDACTED] - Driver, [REDACTED] Pl, Hometown, IL [REDACTED]  
Exp [REDACTED] Residence [REDACTED]
- > [REDACTED] - Owner, [REDACTED] PL Hometown, IL [REDACTED]  
Secondary Residence [REDACTED]

**Customer Assistance Referral -- Full Notes**

Open Date: 02/11/2002 13:08:02 Agent: Linda Tognetti Phone 6268 Note Type: PC

Primary Phone: [REDACTED]  
Current Mileage: 31285  
Warranty Start Date: 08/29/2000  
StarMark Warranty: N/A  
Previous CA Referrals:

**Previous Summary Notes:**

Meyank Brahmhatt called CAC alleging heating element failed in driver's seat causing a burn hole (about the size of a dime) in the seat bench and a hole in customer's \$400 jacket. Customer feels some sort of compensation is due him for this "defect."

Customer asked Peter Gisch for address to forward his concerns. He was told to contact CAC.

Open Date: 02/11/2002 16:12:22 Agent: Dave Smith Phone 7423 Note Type: PC  
spom reviewing

Open Date: 02/13/2002 08:56:55

Agent: Dave Smith

Phone 7423

Note Type: RC

Dealer has called customer and informed them we would be replacing his jacket.

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**Customer Assistance Referral** **CONFIDENTIAL**

CA Ref ID: 151802    Priors: Both    Open Date: 04/19/2002    Status: CLS    Last Update: 04/30/2002

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Englewood

NJ [REDACTED]

Corres ID:

Agent: Jacquelyn Galletta    Phone: 6323    Orig By: P    Orig CD: HO    Region: 5    Market: 2

Service Retailer: 51121    PRESTIGE MOTORS, INC    PARAMUS    NJ    Assign Agent: SOM - 24

Orig Retailer: 51121    PRESTIGE MOTORS, INC    PARAMUS    NJ

Sell Retailer: 51121    PRESTIGE MOTORS, INC    PARAMUS    NJ

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631721 [REDACTED]    Model: ML430    2001

World VIN: 4JGAB72E61 [REDACTED]

Mileage: 22000    Engine Number: 11394230226607

Prod Date: 09/20/2000    Warranty Start Date: 10/18/2000

Grp	Fall	Major	Minor	Rat
42	36	5	3	14

Close Agent: GARRET WETTERAUW    Field Closing Date: 04/30/2002

Close With: D    Close By: M    Close How: V    Owner Satisfied: Y

**Involved Information**

> [REDACTED] Englewood, NJ [REDACTED]  
 [REDACTED] Secondary    Residence

**Customer Assistance Referral – Full Notes**

Open Date: 04/19/2002 13:52:21    Agent: Jacquelyn Galletta    Phone 6323    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 20815

Warranty Start Date: 10/18/2000

StarMark Warranty: N/A

Previous CA Referrals: 138739

Previous Summary Notes: 466307

Customer seeking technical assistance and possible goodwill from MBUSA. Customer alleges that brakes have been squealing since beginning of ownership. Customer stated that vehicle is at dealer now for fourth time for brake repair. Customer has been advised by dealer that brake pads should be replaced on vehicle, (wear item-\$500), and customer feels that this will not resolve squeal issue, as it has not in the past. Customer would like MBUSA assistance in resolving this issue.

Customer also alleging that his wife was burned by seat heater. Customer claimed that he contacted "district manager" about this issue but was never called back.

Open Date: 04/26/2002 11:09:16    Agent: Joseph Burke    Phone 6249    Note Type: PC

Owner called back in regards to above. Writer advised to speak with SD at dealer.

Open Date: 04/30/2002 12:38:39

Agent: John F. Mayo

Phone 7522

Note Type: RC

Writer (J. Mayo) spoke with Brian Skully today regarding this case. He informed me he spoke with customer and offered brake pads (to be absorbed by MBUSA) and dealer to pick up labor portion. Brian informed me that customer accepted this offer and I can close out case.

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**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 156323    Priors: No    Open Date: 11/05/2002    Status: CLS    Last Update: 11/18/2002

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Bellevue

NE [REDACTED]

Corres ID:

Agent: Cleveland Best

Phone: 6344

Orig By: P

Orig CD:

Region: 4

Market: g

Service Retailer: 48102

MERCEDES-BENZ OF OMA

OMAHA

NE

Assign Agent: SOM - 28

Orig Retailer: 48100

MERCEDES-BENZ OF OMA

OMAHA

NE

Sell Retailer: 48100

MERCEDES-BENZ OF OMA

OMAHA

NE

Disp Amt:

Corr Fwd: N

Mailgram Sent: N

DBAG VIN: 163154 [REDACTED]

Model: ML320

2001

Grp	Fail	Major	Minor	Ra
54	52	3	3	13

World VIN: 4JGAB54E1 [REDACTED]

Mileage:

19400

Engine Number: 11294230915635

Prod Date: 02/13/2001

Warranty Start Date: 07/30/2001

Class Agent: MICHAEL PUCALIK

Field Closing Date: 11/18/2002

Class With: 0

Class By: M

Class How: P

Owner Satisfied: Y

**Involved Information**

[REDACTED] Bellevue, NE [REDACTED]  
 [REDACTED] Expired      Residence

**Customer Assistance Referral – Full Notes**

Open Date: 11/05/2002 13:33:27

Agent: Cleveland Best

Phone 6344

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 10808

Warranty Start Date: 07/30/2001

StarMark Warranty: N/A

Previous CA Referrals:

**Previous Summary Notes:**

Mr. Meyer called CAC alleging the driver seat caught fire 10/29/02 when he turned on the heated seat. Customer claims dir ordering parts; however, no one has determined why this occurred.

Customer also claims vehicle has allegedly had many problems including broken cup holders, glove box, window switches, interior trim coming apart (these alleged concerns have been addressed). Customer claims the alleged reoccurring concerns is a/c not cooling vehicle, engine hesitation, and squeaking sunroof.

Customer claims he no longer feels safe with vehicle. Customer claims dir unable to duplicate many of his allege concerns. Customer would like MBUSA to take him out of vehicle and exchange it for another MB vehicle.

Open Date: 11/18/2002 12:40:48

Agent: Charles Harper

Phone 7428

Note Type: RC

Dealer trading owner out of ML. MB trade assistance.

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**Customer Assistance Referral** **CONFIDENTIAL**

CA Ref ID: 156816 Priors: No Open Date: 12/02/2002 Status: CLS Last Update: 12/20/2002

Address: [REDACTED] Title: [REDACTED]  
Phone: [REDACTED] Residence: [REDACTED]

City: Palmdale CA [REDACTED] Carres ID: [REDACTED]

Agent: Robyn Letz Phone: 6209 Orig By: P Orig CD: HO Region: 3 Market: 2

Service Retailer: 05703 AUTO STIEGLER, INC. ENCINO CA Assign Agent: SOM - 29

Orig Retailer: 05734 HOUSE OF IMPORTS, IN BUENA PARK CA

Sell Retailer: 05734 HOUSE OF IMPORTS, IN BUENA PARK CA

Dlap Amt: [REDACTED] Corr Fwd: N Mailgram Sent: N

DBAG VIN: 163154 [REDACTED] Model: ML320 2002

World VIN: 4JGAB54E1 [REDACTED]

Mileage: 20271 Engine Number: 11294231084477

Prod Date: 08/23/2001 Warranty Start Date: 10/21/2001

Close Agent: DAN HERBERIAN Field Closing Date: 12/20/2002

Close With: O Close By: D Close How: V Owner Satisfied: Y

Grp	Fail	Major	Minor	Rsu
68	73	5	3	08

**Involved Information**

> [REDACTED] Palmdale, CA [REDACTED]  
Secondary Residence

**Customer Assistance Referral - Full Notes**

Open Date: 12/02/2002 15:35:30 Agent: Robyn Letz Phone 6209 Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 20271

Warranty Start Date: 10/21/2001

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 564528

[REDACTED] is calling to propose a buy back on his vehicle. Customer is seeking intervention from Mercedes for vehicle he believes is a "Lemon." Customer claims numerous electrical problems with his vehicle including the driver seat starting to smoke while he says his wife was driving. Customer alleges dealer Auto Steigler had vehicle for a week after seat was smoking and damaged the front end electrical functions, wipers and foglamps. Customer claims that within the week after picking up the car the seat melted when his wife turned on the seat heaters. Customer also claims that entire climate control system was replaced, but still does not function properly. Customer claims the blower only blows cold unless they push a red button and then customer claims that he cannot regulate the heat. Customer is in contact with the selling dealer to propose the buy back. He alleges the dealer told him to call here.

Open Date: 12/09/2002 13:21:39 Agent: Jeff Bondurant Phone 6200 Note Type: TN

I contacted the owner who is currently going to our Encino, CA (05703) dealer for service. The MB is currently at the dealership. For the above reason I am transferring this case for 05703.

Open Date: 12/20/2002 15:17:04

Agent: Dan Berberian

Phone 7329

Note Type: RC

SPOM confirmed with dealer that the seat pad with the seat heater element in it was replaced. Vehicle is repaired, client was offered a lease payment to restore his lost confidence in the vehicle. No further action was required.

CONFIDENTIAL



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# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 156825 Priors: No Open Date: 12/02/2002 Status: CLS Last Update: 12/19/2002

Address: [Redacted] Title: [Redacted]  
Phone: [Redacted] Residence: [Redacted]

City: Fort Lee NJ [Redacted] Corres ID: [Redacted]

Agent: Cleveland Best Phone: 6344 Orig By: P Orig CD: [Redacted] Region: 5 Market: 2

Service Retailer: 51142 BENZEL - BUSCH MOTOR ENGLEWOOD NJ Assign Agent: SOM - 21

Orig Retailer: 51142 BENZEL - BUSCH MOTOR ENGLEWOOD NJ

Sell Retailer: 51142 BENZEL - BUSCH MOTOR ENGLEWOOD NJ

Diap Amt: [Redacted] Corr Fwd: N Mailgram Sent: N

DBAG VIN: 1631541 [Redacted] Model: ML320 2001

World VIN: 4JGAB54E1 [Redacted]

Mileage: 28850 Engine Number: 11294230907258

Prod Date: 01/17/2001 Warranty Start Date: 02/12/2001

Grp	Full	Major	Minor	Ra
54	73	5	3	14

Class Agent: GARRET WETTERAUW Field Closing Date: 12/19/2002

Class With: D Class By: M Class How: V Owner Satisfied: Y

## Involved Information

[Redacted], N. [Redacted]  
Secondary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 12/02/2002 18:45:33 Agent: Cleveland Best Phone 6344 Note Type: PC

Primary Phone: [Redacted]

Current Mileage: 21708

Warranty Start Date: 02/12/2001

Starmark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes:

Mr. Jain called CAC. Customer claims the driver seat caught fire while driving out of the Lincoln Tunnel on Thanksgiving Day. Customer claims the seat heater was on. Customer claims his pants were burned and he almost got seriously injured.

Customer stated vehicle taken into dr 11/29 and has been there since. Customer claims he no longer feels this is a safe vehicle. Customer claims vehicle will be repaired by dr, but is requesting to be taken out of this vehicle and put him into something else.

Open Date: 12/09/2002 16:16:18 Agent: John F. Mayo Phone 7522 Note Type: PC

Writer (J. Mayo) has been advised by TAC and TS, Mark Walter that he has arranged to inspect vehicle at dealer on Wednesday December 11. I had called the dealer and advised John August of this back on 12/3. He had informed me that vehicle was at dealer and customer authorized repair. I asked that he save all parts for Mark's inspection on the 11th.

Open Date: 12/19/2002 15:46:36

Agent: John F. Mayo

Phone 7522

Note Type: RC

Writer (J. Mayo) was informed that TS, Mark Walter inspected vehicle on 12/11/02 and vehicle has since been repaired and returned to customer. Mark will file report.

CONFIDENTIAL

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 156980    Priors: Both    Open Date: 12/10/2002    Status: CLS    Last Update: 12/13/2002

Address: [Redacted]

Title: [Redacted]  
Phone: [Redacted]

Residence

City: Exeter    PA 18643-1244    Corres ID:

Agent: Honora Duffy    Phone: 6307    Orig By: P    Orig CD: H0    Region: 1    Market: 7

Service Retailer: 67227    MOTORWORLD    WILKES BARRE    PA    Assign Agent: SOM - 29  
Orig Retailer: 67227    MOTORWORLD    WILKES BARRE    PA  
Sell Retailer: 67227    MOTORWORLD    WILKES BARRE    PA

Disp Amt:    Carr Fwd: N    Mailgram Sent: N

DBAG VIN: 163154 [Redacted]    Model: ML320    2000  
World VIN: 4JGAB54EXY [Redacted]  
Mileage: 28211    Engine Number: 11294230640238  
Prod Date: 01/25/2000    Warranty Start Date: 02/12/2000

Grp	Full	Major	Minor	Rtr
00	10	2	3	15

Close Agent: THOMAS ISHLER    Field Closing Date: 12/13/2002  
Close With: O    Close By: D    Close How: V    Owner Satisfied: N

## Involved Information

> [Redacted] Owner, [Redacted] Exeter, PA [Redacted]  
[Redacted] Primary    [Redacted] Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/10/2002 10:48:22

Agent: Honora Duffy

Phone 6307

Note Type: PC

Primary Phone: 5706544371

Current Mileage: 28211

Warranty Start Date: 02/12/2000

StarMark Warranty: N/A

Previous CA Referrals: 140925, 151386

Previous Summary Notes: 408546

CONFIDENTIAL

See former Referrals .. Dr. Balise called again. Vehicle @Dealer & he has several issues:

1. "Today there was no steering in car - I got to dealer & Chris in Service told me this is common problem when it gets cold out - the clamp for the hose broke off - is this true?"
2. "The heater in the seat gets too hot for my legs"
3. "plastic that wraps around the driver's seat has broken for 2nd time - I'm not a fat person - why?"
4. "When you step on brakes & have radio on, you can hear it through the radio"

Writer made every attempt to guide customer back to speaking with Joe Schesney; advising him that Service Manager has complete authority to address his concerns & if dealer feels they need technical help, they have means to contact market team.

Dr. Balise flat out refused & demanded that Ernie Palmer call him personally; I confirmed that will take at least several business days.

After we hung up, I called Service Manager, Joe knows this customer and confirmed vehicle at their facility.

Open Date: 12/10/2002 16:56:37

Agent: Honora Duffy

Phone 6307

Note Type: PC

Ernie called .. he will review, but will not buyback car from customer.

Open Date: 12/11/2002 11:33:54

Agent: Honora Duffy

Phone 6307

Note Type: PC

Ernie left me VM ... when Dr. showed up to dealer, dealer took right into back of shop & immediately put hose clamp back on while he waited for it & filled up p/s fluid & fixed it.

Customer commented about radio reception/noise issue - dealer has ascertained back in August brake pads are worn out & sensor is touching rotor & turning light on. This creates static on AM side of radio. If customer replaces brake pads, this will go away.

Tires are also extremely worn out - not safe to drive. This was mentioned to Dr. - he claims that dealer didn't have tires last time they came in - dealer told him they have tires right in stock - customer declined to have them put on & left dealer with bad brake and tires.

Chris @dealer said he NEVER told customer that this "problem is on all MLs" ... he wrote repair order up that car was unsafe to drive & made the customer sign it.

Open Date: 12/13/2002 15:01:17

Agent: Ernie Palmer

Phone 7126

Note Type: RC

Follow up today with dealer on the above, owner has not returned or called. Owner static on radio is result of brake pads wear sensors grounding through brake discs which is normal. If owner would replace the worn pads this noise would go away when stopping vehicle. Also static noise in radio is result of owner's aftermarket Nokia telephone which he plugs into the lighter located under the radio. This emits EMI electrical interference causing the static. Writer will not repurchase this vehicle for these problems.

3/16/2005

**Customer Assistance Referral** **CONFIDENTIAL**

CA Ref ID: 157355    Priors: No    Open Date: 01/06/2003    Status: CLS    Last Update: 02/10/2003

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Deer Park

NY [REDACTED]

Corres ID:

Agent: James Blasic

Phone: 4620

Orig By: P

Orig CD: H0

Region: 5

Market: 1

Service Retailer: 55138

MERCEDES-BENZ OF SMI

ST. JAMES

NY

Assign Agent: SOM - 23

Orig Retailer: 55138

MERCEDES-BENZ OF SMI

ST. JAMES

NY

Sell Retailer: 55138

MERCEDES-BENZ OF SMI

ST. JAMES

NY

Disp Amt:

Corr Fwd:

Mailgram Sent:

DBAG VIN: 1631541 [REDACTED]

Model: ML320    2001

World VIN: 4JGAB54EX [REDACTED]

Mileage: 18000

Engine Number: 11294230981411

Prod Date: 04/02/2001

Warranty Start Date: 04/24/2001

Close Agent: STEVE DENNIS

Field Closing Date: 02/10/2003

Close With: D

Close By: M

Close How: V

Owner Satisfied: N

Grp	Fall	Major	Minor	Rm
54	73	2	3	08

**Involved Information**

&gt;

[REDACTED]

Secondary

NY [REDACTED]  
Residence**Customer Assistance Referral - Full Notes**

Open Date: 01/06/2003 15:16:12

Agent: James Blasic

Phone 4620

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 10445

Warranty Start Date: 04/24/2001

StarMark Warranty: N/A

Previous CA Referrals:

**Previous Summary Notes:**

Customer alleging electrical issues - console/trip computer replaced 2x - still not working properly; heated seats get "too hot - excessive heat...burns" her;

AC does not work properly (not cold enough), ABS light comes on, brake wear light on; dash often displays "CD not installed" when there is one (intermittent issue).

Customer wants to get out of vehicle - she contacted MBCC but would need to pay remainder of lease - Writer advised her to contact dealership - svc mgr./sales mgr. re: her request to get out of vehicle.

Open Date: 01/07/2003 14:03:53

Agent: Steve Dennis

Phone 7623

Note Type: PC

Information will be sent to the dealer.

Open Date: 01/20/2003 20:02:37 Agent: Steve Dennis Phone 7523 Note Type: PC  
Owner has an appointment on 1/29 for the dealer to address her concerns.

Open Date: 02/10/2003 11:17:22 Agent: Steve Dennis Phone 7523 Note Type: RC  
Service Manager contacted SPOM to advise that all concerns have been addressed with the vehicle.

CONFIDENTIAL

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 157454 Priors: No Open Date: 01/08/2003 Status: CLS Last Update: 03/24/2003

Address: [Redacted]

Title: [Redacted]  
Phone: [Redacted]

Business

City: Rockaway Park NY [Redacted]

Corres ID:

Agent: Cynthia Feuss Phone: 6289 Orig By: P Orig CD: HD Region: 5 Market: 2

Service Retailer: 55164 SOVEREIGN MOTOR CARS BROOKLYN NY Assign Agent: SOM - 27

Orig Retailer: 55164 SOVEREIGN MOTOR CARS BROOKLYN NY

Sell Retailer: 55164 SOVEREIGN MOTOR CARS BROOKLYN NY

Diap Amt: Corr Fwd: Mailgram Seat:

DBAG VIN: 1631741 [Redacted] Model: ML55 2001

Grp	Full	Major	Minor	Rat
68	73	3	3	14

World VIN: 4JGAB74E1 [Redacted]

Mileage: 31545 Engine Number: 11398160025515

Prod Date: 04/10/2001 Warranty Start Date: 06/16/2001

Close Agent: TED ZAWACKI Field Closing Date: 03/24/2003

Close With: O Close By: M Close How: V Owner Satisfied: Y

## Involved Information

- > [Redacted] Rockaway Park, NY [Redacted]  
Secondary Residence
- > [Redacted] Rockaway Park, NY [Redacted]  
Secondary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 01/08/2003 19:37:01 Agent: Cynthia Feuss Phone 6289 Note Type: PC

Primary Phone: [Redacted]  
Current Mileage: 25000  
Warranty Start Date: 06/16/2001  
StarMark Warranty: N/A  
Previous CA Referrals:  
Previous Summary Notes:

[Redacted] son of owner [Redacted] claims that the drivers seat "suddenly started burning, smoke came out and it burned a hole in my pants and it burned my leg." Joseph states he had the heated seat turned on, and he immediately turned it off, states he got home safely, but neither he or Mom feel that the vehicle is safe to drive. Customer claims half of the dash lights have gone out as well.

Customer claims he reported at last service that 1/2 the speedometer lights were out, dealer replaced a cluster bulb. Customer states he will call Sovereign in the morning.

Customer asks to be contacted ASAP.

Copy of these case notes to Frank Beranz/Legal and Gary Bowne/PA

CONFIDENTIAL

Open Date: 01/15/2003 09:32:44 Agent: Thomas Nardi Phone 6297 Note Type: PC  
Customer called stating that the dealer made him pick-up his vehicle. Customer states that he still feels unsafe in the vehicle. Writer explained that we are still in the process of reviewing his situation. Writer left VM for SPOM.

Open Date: 01/15/2003 12:50:03 Agent: Carol Tobias Phone 6243 Note Type: PC  
Below sum note was written by Cheryl Hudspeth, UA on 12/14/2002.  
Customer called stating his BAS/ESP/ETS light was allegedly lit. Customer inquired the status of Ms Merel's current case, writer explained that he will be contacted by the appropriate party shortly and assured customer that the situation is currently being reviewed, confirmed customer's contact number in system. Writer had customer turn the vehicle off and take out the key and let the vehicle sit for 15 seconds. Customer states that when he started the vehicle the indicator had disappeared. Customer satisfied and thanked writer.

Open Date: 01/24/2003 13:07:04 Agent: Honora Duffy Phone 6307 Note Type: PC  
Owner's son called again - saying "someone told me your Legal Department would be calling"

I confirmed he would not be hearing from Legal personally via phone ..that this matter is going to be reviewed by region/dealer & he will be either contacted by dealer/region via phone or be receiving letter from Legal - depends on outcome.

He then said "dealer already replaced seat cushion, but now it doesn't match the top of the seat - they are 2 colors. I just noticed it"

I guided him to speak to Jim McGrory, Service Manager @Brooklyn would have to address this concerns regarding that issue & if he has any questions, he has means to review with regional manager.

My additional notes, Carol's additional notes & Tom Nardi's additional notes sent via E mail to Gary and Frank - cc to Ted Zawacki via E mail.

Open Date: 01/31/2003 08:02:22 Agent: Honora Duffy Phone 6307 Note Type: PC  
Honora,  
Assigned to TS Mark Walter for inspection.

CONFIDENTIAL

Ted Zawacki

I forwarded to Frank & Gary - FYI

Open Date: 02/27/2003 00:26:27 Agent: Ted Zawacki Phone 7527 Note Type: PC  
SPOM spoke to [redacted] who said sons leg was burnt . SPOM asks [redacted] if son want to Dr or Hospital , she state that she told him to see a Dr. Ms Merel was not sure if he had done so.  
SPOM asked if he could speak so [redacted] ( he was not home) said she would have him call SPOM . SPOM left call back # 800 2245 6262 x7527. No call back to this date and time. SPOM will follow up with customer again.

Open Date: 03/18/2003 12:18:34 Agent: Ted Zawacki Phone 7527 Note Type: RC  
SPOM inspected vehicle at dealer along with ASM Sam Vasquez vehicle has been repaired to customers satisfaction. Dealer will have vehicle detailed at MBUSA expanes. Customer offered 1 Mo lease payment for inconvinis pending signing a MBUSA legal release. Mr Joe. Larubbo accepted offer.



3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 157729    Priors: No    Open Date: 01/16/2003    Status: CLS    Last Update: 01/29/2003

Address: [REDACTED]    Title: [REDACTED]    Phone: [REDACTED]    Residence: [REDACTED]

City: Flushing    NY [REDACTED]    Corres ID: [REDACTED]

Agent: Linda Tognetti    Phone: 6268    Orig By: T    Orig CD: H0    Region: 5    Market: 1

Service Retailer: 56106    HELMS BROS., INC.    BAYSIDE    NY    Assign Agent: SOM - 23

Orig Retailer: 55138    MERCEDES-BENZ OF SMI    ST. JAMES    NY

Sell Retailer: 55138    MERCEDES-BENZ OF SMI    ST. JAMES    NY

Diap Amt:    Carr Fwd: N    Mailgram Sent: N

DBAG VIN: 163174 [REDACTED]    Model: ML55    2001

World VIN: 4JGAB74E51 [REDACTED]

Mileage: 29553    Engine Number: 11398160019382

Prod Date: 10/18/2000    Warranty Start Date: 10/30/2000

Close Agent: STEVE DENNIS    Field Closing Date: 01/29/2003

Close With: D    Close By: M    Close How: V    Owner Satisfied: Y

Grp	Full	Major	Minor	Rat
82	73	2	3	05

## Involved Information

> [REDACTED] Owner, [REDACTED] NY [REDACTED]  
Secondary    Residence

## Customer Assistance Referral -- Full Notes

Open Date: 01/16/2003 19:23:52

Agent: Linda Tognetti

Phone 6268

Note Type: PC

Primary Phone: 6463025222

Current Mileage: 28553

Warranty Start Date: 10/30/2000

StarMark Warranty: N/A

Previous CA Referrals:

**CONFIDENTIAL**

Previous Summary Notes: 563390, 566033

Case generated by Sum Note enter by Universal Agent.

Steven Grodenwald alleges heated driver's seat caused injury to him.

"Call was transferred to customer assistance from ATX via land line. Customer states that his left upper leg had allegedly been burnt by the seat warmers in the drivers seat. Customer states "I thought it was a bug biting me then I smelled smoke." Customer states he immediately turned the seat warmer off and states that the vehicle continued to smell like "burnt hair." Customer states the alleged incident occurred the day before yesterday (January 14, 2003). Customer states he has driven the car since the alleged incident and has allegedly not had any further occurrences.

Customer also states his Tele-Aid is allegedly not working as designed. Customer states that his called allegedly kept "dropping" and he was allegedly unable to contact a Tele-Aid representative. Writer spoke with Carol Tobias, Team Leader of Universal Agents, whom then referred writer to Linda Tognetti, Team Leader of Customer Assistance as well as consulted Roadside Assistance's PJ Quelal whom requested the vehicle to be towed for the opportunity to review the vehicle.

Writer explained to customer that he may be contacted by an MBUSA representative in the next few days in regard to the situation. Customer does not appear at this time to be concerned, and at some points in conversation, was laughing saying that he "bought a real hot seat!"

Writer set up tow to Helms Bros. via Action Towing- ETA is 1- 1/2 hours; writer confirmed with customer. Customer states that he allegedly tried to make an appointment with Helms Bros. in Bayside, NY and was allegedly given an appointment for February 18, 2003.

Writer called to speak with Service Manager of Helms, Mark thanked writer for the forewarning of the situation and states that he will speak with the customer tomorrow when he is able to review the alleged issue. This information forwarded onto TL Linda Tognetti for further review."

CC: Gary Bowne and Frank Berez.

Open Date: 01/16/2003 22:13:33

Agent: Steve Dennis

Phone 7523

Note Type: PC

SPOM will discuss with Product Manager.

Open Date: 01/29/2003 16:50:54

Agent: Steve Dennis

Phone 7523

Note Type: PC

Vehicle has been repaired and returned to customer.

Owner will sign a Legal Release.

3/16/2003

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 158972    Priors: No    Open Date: 03/10/2003    Status: CLS    Last Update: 04/14/2003

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Glen Ridge

NJ

Corres ID: [REDACTED]

Agent: Cleveland Best

Phone: 6344

Orig By: P

Orig CD:

Region: 5

Market: 2

Service Retailer: 51118

GLOBE MOTOR CAR CO.

FAIRFIELD

NJ

Assign Agent: SOM - 24

Orig Retailer: 56118

MERCEDES-BENZ OF SOU

SOUTHAMPTON

NY

Sell Retailer: 56118

MERCEDES-BENZ OF SOU

SOUTHAMPTON

NY

Disp Amt:

Corr Fwd: N

Mailgram Sent: N

DBAG VIN: 163154 [REDACTED]

Model: ML320

2000

World VIN: 4JGAB54E2Y [REDACTED]

Mileage:

38000

Engine Number: 11294230808171

Prod Date: 08/31/2000

Warranty Start Date: 10/31/2000

Close Agent: JOSEPH GALLAGHER

Field Closing Date: 04/14/2003

Close With: D

Close By: M

Close How: V

Owner Satisfied: Y

Grp	Fail	Major	Minor	Rat
68	73	2	2	13

## Involved Information

- > [REDACTED] Glen Ridge [REDACTED]  
Residence
- > [REDACTED] Glen Ridge [REDACTED]  
Residence

**Customer Assistance Referral - Full Notes**

Open Date: 03/10/2003 09:52:04

Agent: Cleveland Best

Phone 6344

Note Type: PC

Primary Phone: 2014458283

Current Mileage: 31832

Warranty Start Date: 10/31/2000

StarMark Warranty: N/A

Previous CA Referrals:

CONFIDENTIAL

Previous Summary Notes:

~~Frank's~~ husband, called CAC. Customer claims "this vehicle is a lemon." Customer claims the vehicle has been into the service department many times for various alleged concerns.

Customer claims the a/c stopped working several times, fuel pump replaced, center console buttons replaced, water leak from sunroof repaired, and once a cell phone had to be replaced because allegedly an electronic failure caused it to "burn out."

Customer claims recently the side view mirrors have been replaced, and they continue to vibrate while driving. Customer also claims the nanny almost lost control of vehicle recently when allegedly the power steering clamp broke.

Customer claims while driving vehicle 3/8, the driver seat caught fire while the heated seat function was on. Customer claims two holes were left in the seat and his shirt was burnt. Customer claims he took vehicle into MB of Southampton, and allegedly they were shock at this. Customer stated he did not leave the vehicle with them and drove the vehicle back home to be repaired by Globe.

Customer demands MB do something about this. Customer would like someone to contact him regarding reviewing the repair history and discussing getting out of this vehicle.

Copy of referral sent to Frank Berenz and Gary Bowns

Open Date: 03/13/2003 17:11:02

Agent: Joseph Gallagher

Phone 7528

Note Type: RC

Writer discussed with SM. Vehicle will be inspected by Tech Specialist on 3/20/03 to address customer concerns. Customer will be given loaner.

Will evaluate after Tech Specialist inspection.

Open Date: 04/09/2003 17:34:38

Agent: Joseph Gallagher

Phone 7529

Note Type: RC

Writer discussed vehicle inspection with Tech Specialist. Most of the customer validations were verified and corrected (replaced trip computer, mirror housing loose-impact damage, driver seat heater concerns, rear shocks have noise in chassis, P/S leak-oil consumption test done, check engine-vacuum leak, wiper blades no contacting windshield, leakage at cooler hose). Seat cushion needed to be ordered and appt setup. All other concerns have been addressed.

Customer has vehicle.

3/16/2003

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 159009    Priors: No    Open Date: 03/10/2003    Status: CLS    Last Update: 05/29/2003

[Redacted]

Address [Redacted]

Title:  
Phone [Redacted]

Residence

City: Chicago    IL [Redacted]

Corres ID:

Agent: Cleveland Best    Phone: 6344    Orig By: P    Orig CD:    Region: 4    Market: 1

Service Retailer: 22415    KNAUZ CONTINENTAL AU    LAKE BLUFF    IL    Assign Agent: SOM - 30

Orig Retailer: 22415    KNAUZ CONTINENTAL AU    LAKE BLUFF    IL

Sell Retailer: 22415    KNAUZ CONTINENTAL AU    LAKE BLUFF    IL

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 163154 [Redacted]    Model: ML320    2001

World VIN: 4JGAB54E1 [Redacted]

Mileage: 25000    Engine Number: 11294230970578

Prod Date: 03/21/2001    Warranty Start Date: 05/31/2001

Close Agent: CLEO GAINES    Field Closing Date: 05/29/2003

Close With: D    Close By: M    Close How: V    Owner Satisfied: Y

Grp	Fall	Major	Minor	Rsu
82				

## Involved Information

\* [Redacted], [Redacted] Deerfield, IL [Redacted]  
 Primary Residence

\* [Redacted], [Redacted] Chicago, IL [Redacted]  
 Secondary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 03/10/2003 16:46:57

Agent: Cleveland Best

Phone 6344

Note Type: PC

Primary Phone: 8478078330

Current Mileage: 25000

Warranty Start Date: 05/31/2001

StarMark Warranty: N/A

Previous CA Referrals:

**Previous Summary Notes:**

██████████ called CAC. Customer claims the vehicle has been repaired several times by the dlr. Customer claims a few months ago, the power steering fluid leaked out, and made it very difficult for her husband to drive vehicle (vehicle has since been repaired by dlr).

Customer claims in December 2002, the driver seat caught fire while her husband was driving—heated seat was on. Customer states her husband was not burned—got up before his clothes caught fire.

Customer claims dlr disable the heated seat and ordered replacement parts. Customer claims dlr just called today to advise the parts arrived, and allegedly apologized because the parts had been sitting at dlr for awhile and no one called to make arrangements for vehicle to be repaired.

Customer claims dlr scheduled to pick up vehicle 3/12 to repaired the alleged faulty seat heater, and is dropping off loaner car. Customer claims the vehicle is not safe to drive and wants assistance with getting out of vehicle.

Copy of referral sent to Gary Bowne and Frank Berenz

Open Date: 05/29/2003 12:00:10

Agent: Cleo Gaines

Phone 7421

Note Type: RC

The dealer replaced the seat cover for the vehicle. The unit is operating normal.

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 159705    Priors: No    Open Date: 04/02/2003    Status: CLS    Last Update: 09/23/2003

Address: 8501 E. Alameda Ave. Unit 616

Title:

Phone:

Residence

City: Denver

CO

Corres ID: 217501

Agent: Robyn Letz    Phone: 6209    Orig By: M    Orig CD: HO    Region: 4    Market: g

Service Retailer: 08512    MURRAY MOTOR IMPORTS    DENVER    CO    Assign Agent: SOM - 28

Orig Retailer: 08512    MURRAY MOTOR IMPORTS    DENVER    CO

Sell Retailer: 08512    MURRAY MOTOR IMPORTS    DENVER    CO

Diap Amt:    Corr Fwd: Y    Mailgram Sent: Y

DBAG VIN: 1631751    Model: ML500    2002

Grp	Fall	Major	Minor	Ra
54	52	3	3	09

World VIN: 4JGAB75E2

Mileage: 9862    Engine Number: 11396530353820

Prod Date: 01/24/2002    Warranty Start Date: 04/25/2002

Close Agent: MICHAEL PUCALIK    Field Closing Date: 09/23/2003

Close With: D    Close By: M    Close How: P    Owner Satisfied: Y

## Involved Information

- > Owner, [Redacted], [Redacted] CO [Redacted]  
Secondary Residence
- > Representative, [Redacted]  
Primary Business
- > Representative, [Redacted], Lakewood, CO [Redacted]  
Secondary Business
- > [Redacted], Denver, [Redacted]  
Primary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 04/02/2003 17:22:41

Agent: Robyn Letz

Phone 6209

Note Type: PC

Primary Phone: 720 216 6483

Current Mileage: 8662

Warranty Start Date: 04/25/2002

Starmark Warranty: N/A

Previous CA Referrals:

CONFIDENTIAL

Previous Summary Notes:

██████████ sent a letter to the CAC demanding MBUSA intervention to repair her vehicle or reimbursement for the difference between her vehicle selling price and that of a repaired ML500. letter is dated 03/29/03 and was received 4/02/03.

Customer wants an answer in 2 weeks or no later than 04/17/03

Customer is claiming that her heated seats malfunctioned and caused a burn on her leg which required medical treatment. Customer also alleges malfunction of the Navigation system, squeaking brakes and warning lights that come on constantly.

customer has lost confidence in the vehicle.

Open Date: 04/04/2003 13:25:25

Agent: Charles Harper

Phone 7428

Note Type: RC

Reviewed with dealer, repair parts on order, all parts in except seat cover which is currently on back order. Contacting Special procurement for assistance. Customer notified by dealer.

Open Date: 04/24/2003 16:12:38

Agent: Robyn Letz

Phone 6209

Note Type: PC

Customer has sent an additional correspondence 218388 by fax to the CAC addressed to Paul Helata. Letter dated 3/18/03, received by executive offices 04/21/03 and received at CAC 04/23/03.

Customer is demanding a response within 12 working days.

Customer is demanding "full reimbursement of the paid price and including any additional cost that I had to pay for the car and cost that might occur to be able to obtain my legal rights."

Customer alleges that we have not respected her deadline nor raised any concern about her health.

Customer will consider the purchase of another vehicle if the issue is addressed in the 12 days.

Customer copied Hogen & Hartson, Mr. George Corneal and the BBB of Denver.

Writer will advise Hans Meyer of the customer's letter.

Open Date: 04/30/2003 17:02:19

Agent: Charles Harper

Phone 7428

Note Type: RC

Customer was contacted by dealer service manager to bring car in for replacement of special ordered parts - seat cushion. Repairs were completed 4/26. Dealer service manager placed two calls to customer 4/28 and 4/29 to follow up and determine satisfaction. Customer's husband called him back today stating that although repairs were satisfactory, they had lost confidence in the car and are requesting a buyback and possible purchase of a new MB vehicle. Am investigating further, will discuss with dealer and owner.

Open Date: 04/30/2003 17:40:40

Agent: Charles Harper

Phone 7428

Note Type: RC

After review, attempted to contact customer 3:36pm (MT) this date. Customer was not available, left message and my office phone number on answering machine with request to call me back. Plan to offer trade assist.

Open Date: 05/01/2003 09:39:47

Agent: Charles Harper

Phone 7428

Note Type: RC

Got call back from Gary Borne, who concurs on trade assist or buy back as required. Added that we should get a release as well. Will try to contact customer again today.

Open Date: 05/01/2003 18:40:54

Agent: Charles Harper

Phone 7428

Note Type: RC

Attempted contact again today, 8:40am, left second message on customer answering machine leaving my cell phone number as well. No return call as yet.



Open Date: 06/04/2003 13:10:15 Agent: Charles Harper Phone 7428 Note Type: RC

Writer has exchanged e-mails and phone calls with Dr. Smeets the owners husband. Have agreed to conduct a trade out to a new 04' CLK500Cab as soon as they become available in August. A vehicle has been ordered to his specs. Details of trade out are yet to be resolved. Owner is satisfied to wait till the new car arrives.

Open Date: 06/08/2003 12:48:43 Agent: Thomas Trivento Phone Note Type: PC

Customer's attorney, Willis Pinkerton, alleges has requested above information in writing from SPOM. T. Trivento advised would leave message with SPOM Meyer regarding his request.

VM left with SPOM.

Open Date: 06/10/2003 18:28:28 Agent: Thomas Trivento Phone Note Type: PC

Below, response to fax to Mr. Halata's office from Mr. Wallace by SPOM Meyer.

Dear Mr. Wallace,

As per your request and on behalf of Paul Halata, President of Mercedes-Benz USA, LLC., I am responding to your request for a written confirmation regarding [redacted] ML 500 sn 4JGAB75E22 [redacted]. Please know that we are deeply sorry for any inconvenience this issue may have caused [redacted].

As discussed with Dr. Smeets [redacted] directly on several occasions and specifically on 5/22/03 during a conference call with Dr. Smeets, Mr. Pierce GM of Murray Motors and myself, we have agreed to exchange the 2002 ML500 for a 2004 CLK500 Cabriolet. This vehicle will be built to [redacted] specifications (limited to optional equipment available in the United States) as noted in your e-mail of 5/30/03 attached below. Per this discussion with Dr. Smeets, he has agreed to keep the ML500 in his possession (noting that he will drive it himself) until the new vehicle becomes available later this summer. I advised him at that time, should this become a problem, we would work with him to keep [redacted] happy in the interim.

The P.O. number of the 2004 CLK500Cab is #0470403583. Delivery is currently expected some time in August of this year pending actual manufacture of the vehicle and official release of this model on the US market.

Since the selling price of the CLK Cabriolet has not yet been released for the United States, Dr. Smeets and I have agreed to postpone the final discussion regarding the financial aspects of this exchange. In principle, we did agree that if the value of the CLK were equal to the value of the ML500 we would conduct the exchange at no charge. However, if the price of the CLK is more than the value of the ML500, that difference would be their responsibility.

Mr. Wallace, I ask that you please review this e-mail with Dr. Smeets and [redacted]. Please provide me with written confirmation (e-mail) that both [redacted] and Dr. Smeets have the same understanding as outlined here.

I am looking forward to hearing from you.

Sincerely,  
Hans J. Meyer

Open Date: 06/10/2003 18:31:00 Agent: Thomas Trivento  
Additional comments regarding above per SPOM Meyer.

Phone

Note Type: PC

CONFIDENTIAL

Tom,

You have no doubt seen my written response to Mr. Wallace in this regard.

I must take issue with the statements of Mr. Wallace in his letter to Paul Halata dated June 8, 2003.

For the record, (please add this to the file) I have received exactly one phone call and two e-mails from Mr. Wallace. The phone message, that I still have recorded on my cell phone, requested my e-mail address so that they could send me a confirmation of the conference call we did on 5/22 with Dr. Smeets, Mr Pierce GM of Murray Motors and myself. I called back and left a message with my e-mail address.

Subsequently, I received the attached e-mail from Mr. Wallace dated 5/30/2003. You will note that nowhere in the e-mail is a "written" response requested. The second e-mail was received Friday 6/8/03, and is also attached. Due to other company obligations including the visit of Keith May to the market on 6/9/03 my intent was to respond to the second e-mail today 6/10/03, which has been done.

Considering the nature of this issue with Mrs. Kinahans ML500, I feel a clear rebuttal must be made to the allegations in Mr. Wallace's letter.

Regards,  
Hans J. Meyer

Below response to SPOM Meyer's email to customer regarding above.

Dear Mr. Meyer:

we acknowledge the receipt of your e-mail. I have discussed the matter with Dr. Smeets and although he understand your answer he cannot accept it. The value of the ML is not our responsibility. The car has been malfunctioning from day 1 and [REDACTED] has tried patiently to find a solution and to work with Mercedes Benz.

Through our sources in Germany, Italy, Holland and Belgium we have been able to determine the value of the CLK 500 equipped as we required in our e-mail (May 30,2003) and the value of a new ML 500 with the same equipment as [REDACTED] drives now. The difference in price through our sources would be around \$3,200 USD. We feel in light of the problems [REDACTED] had to endure, the severe burns, the accumulated costs during this period and time-lapse, that this would be an acceptable amount for Mercedes Benz to absorb.

Should this me not acceptable then the car will be returned with immediate effect requesting the total refund of purchase price of the car and the additional costs that have occurred including the medical bills, rent a car etc. In addition Dr. Smeets has given me the instruction to take Mercedes Benz of the list of car suppliers for all companies controlled/ affiliated by/with Dr. Smeets. We continue to proceed with the procedure announced in our letter to Paul Halata. We have further hired an Independent Appraiser in order to establish the value of the car the way it is and the danger caused by the short circuit seat.

We in feel that we have been patient (perhaps too patient), that we [REDACTED] Dr. Smeets and Myself, have been trying to mediate. Dr. Smeets always mentioned that the purpose is not to make money but to reestablish confidence in the brand, to provide his wife with a vehicle that is acceptable.

As you know I have informed Christine that Dr. Smeets has stopped the process of ordering Mercedes Benz cars and will inform Juergen Schremmp during his business trip to Europe next week.

We, especially me, feel sorry that Mercedes Benz cannot make a firm commitment.

Sincerely

Nike Wallace

CC. Dr. Smeets  
Dr. Martins  
Hogan & Hanson : George Cornaal -ok

CONFIDENTIAL

Open Date: 06/11/2003 08:48:46

Agent: Thomas Trivento

Phone

Note Type: PC

Dear Mr. Meyer:

The total value for the car paid by [REDACTED] in full is \$64,322. In addition the accumulated costs with a first estimate of 12485 \$. So if you are willing to buy the car outright today is \$66,807. This is if you want to buy the car outright today. As you we cannot guarantee what the evolution of the procedure will do as outlined in our letter to Mr. Halata. If you feel that we are bragging with our German contacts or other than this is not the case. If you are not willing to consider or honor the conditions we are able to obtain than that is your problem. I have invested a substantial amount of my time to get Mercedes on board in terms of fleet management. But it looks that you are not interested. I find this disturbing because some people within your company really tried hard.

CONFIDENTIAL

Buying the car outright means (according to my information) that Mercedes Benz will have lost its window of opportunity in being one of our preferential car suppliers and/or [REDACTED] new car.

We have not asked for an open check however I personally feel that if you wanted you could easily strike a deal and I am sure Dr. Smeets would be willing to listen. However you have the right to refuse to strike a deal but so has Dr. Smeets. We know that the deal we are proposing is substantially less expensive than what we can obtain.

As I stated in my letter to Mr. Halata the ball is in your court.

Sincerely

Mike Wallace

cc. Dr. Smeets  
Dr. Martina

Open Date: 06/11/2003 08:49:23

Agent: Thomas Trivento

Phone

Note Type: PC

Dear Mr. Wallace,

It seems you may have misunderstood my comments regarding the "value of the ML500". I am certainly willing to make a straight exchange for the CLK assuming the values are comparable, with in reason. I am sure you can appreciate the fact that I can not commit my company to an open ended agreement when I do not yet know the price of the CLK. While I can appreciate that you have "contacts" in Germany with "Daimler-Chrysler", I can not use that as the basis for a decision. Should it turn out that there is indeed a \$3200 price difference, we would have no problem with that.

I can assure you that we are interested in keeping the good faith of [REDACTED] and Dr. Smeets with regard to our products. If you feel that the exchange worked out by Dr. Smeets and myself on 5/22 is not acceptable, I would be happy to arrange for the outright buyback of the ML500 immediately. [REDACTED] would then be free to arrange for the purchase of the CLK (or any other vehicle of her choosing) on her own, at her convenience.

Looking forward to you response.

Sincerely,

Hans J. Meyer

Open Date: 06/18/2003 12:33:10

Agent: Thomas Trivento

Phone

Note Type: PC

Dear Mr Wallace,

Upon further review with our Product Management department, I have been able to determine that the CLK Cab is anticipated to retail for \$60 to \$66K (depending on options) when introduced this summer. As such I will be able to conduct a straight trade out with your ML500 as you have requested. As you know the CLK is already on order to your specifications.

Please let me know if this is acceptable to Dr. Smeets or if he wishes to proceed with the straight buy out.

Thank you

Hans J. Meyer

Open Date: 06/19/2003 09:40:54

Agent: Thomas Trivento

Phone

Note Type: PC

Dear Mr. Meyer:

I will forward you response to Dr. Smeets and the people in Washington to see whether we are willing to accept this proposal or if we continue the road indicated by my e-mail last week. I will have to talk to Dr. Smeets and with the people that handle the Mercedes Benz account as I only handle active accounts and non-litigation accounts.

sincerely

Mike Wallace

CC: Dr. Smeets

Dr. Martina

Hogan & Hartson: George Corneal

CONFIDENTIAL

Open Date: 06/23/2003 09:05:15

Agent: Thomas Trivento

Phone

Note Type: PC

Dear Mr. Meyer:

Having spoken to our legal advisers Hogan & Hartson and Dr. Smeets, we are willing to accept your proposal for a straight trade out, the ML500 against CLK 500 (with options as in my e-mail May 30, 2003), providing following conditions are met:

1. Confirmation letter of trade out on Mercedes Benz letterhead paper and faxed to our offices.
2. The ML 500 is returned by Thursday June 26 and a replacement car (with GPS) is put at the disposal of [redacted] until the CLK arrives.
3. Mercedes Benz pays for the accumulated legal fees.

Should this not be acceptable, then we will proceed with the road taken, as announced in my previous e-mail. However in this case we are no longer prepared to hold on to the car and require immediate return of the funds paid for the car and the accumulated costs.

We expect a reply no later than June 24 2003 18:00hrs MT. We feel that more than 4 month is enough time to be able to get an amicable agreement going.

sincerely

Mike Wallace

CC: Dr. Smeets

Dr. Martina

Hogan & Hartson: G. Corneal

Open Date: 06/23/2003 10:29:07

Agent: Thomas Trivento

Phone

Note Type: PC

Mr. Wallace,

I would like to clarify two issues please.

Please advise how much the legal fees are?

You state, "However in this case we are no longer prepared to hold on to the car and require immediate return of the funds paid for the car and the accumulated costs."

I take this to mean you want a full refund and costs only if the trade does not take place, not prior to a trade?

Murray Motors, in Denver, has been trying to contact you regarding some questions they have on your specifications for the Cabriolet. Please contact Debi Thompson, the Sales Manager, so we can be sure to build the car as requested.

Thank you,

Hans J. Meyer

Open Date: 06/23/2003 11:17:35

Agent: Thomas Trivento

Phone

Note Type: PC

Dear Mr. Meyer:  
Legal fees total \$1748 .

It means that in case the 3 conditions are not met or accepted we will require the immediate return of the car with full refund of purchase price and accumulated costs .

CONFIDENTIAL

We have been trying to contact Debbie Thompson on Friday and were on hold for about 25 minutes to learn that she is not available on Friday. We left a message with Christine Sipple.

sincerely  
Mike Wallace

CC Dr. Smeets  
Dr. Marlina  
Hogan & Hartson : George Cornall

Open Date: 06/25/2003 09:00:03

Agent: Thomas Trivento

Phone

Note Type: PC

Janel,

Per our discussion, please prepare a written offer to [REDACTED] under the following terms:

We will trade her out of the ML500 to the 04' CLK500 Cabriolet at no cost to them and we will supply a loaner ML500 until the Cabriolet arrives.

or

We will buy back the ML500, refunding all purchase costs.

We will not cover their attorneys fees.

We will require a signed release.

Please fax a copy of the letter directly to Mrs. Kinahan at (fax # to follow)

Thank you for you help on this matter.

Hans J. Meyer  
Service & Parts Operations Manager

Open Date: 06/27/2003 11:11:00

Agent: Thomas Trivento

Phone

Note Type: PC

Dear Mr. Wallace,

Mr. Pierce advised me this morning that you had not yet received our response to your last e-mail, I had asked our legal dept. to fax you the response in writing no later than Wednesday morning and follow that up with a mailed original. Apparently due to clerical issues this was not done. I have asked them to do this immediately today.

In short, our final position is as follows:

We will trade [REDACTED] out of the ML500 to the 04' CLK500 Cabriolet at no cost and we will supply a loaner ML500 until the Cabriolet arrives.

or

We will buy back the ML500, refunding all purchase costs.

We will not cover their attorneys fees.

We will require a signed legal release.

Please let me know when you receive our fax today. Please also advise what [REDACTED] would like to do.

Thank you,  
Hans J. Meyer

Open Date: 06/27/2003 19:51:38

Agent: Thomas Trivento

Phone

Note Type: PC

Dear Mr. Wallace,

As you have not responded to this morning's e-mail (copy attached) I would like to determine if you have received the fax copy (on company letter head as requested) of our companies official and final position regarding this matter and as outlined in my e-mail attached below?

Including my telephone conversation with Dr. Smeets on 6/4, I have now made the offer to either buy back or exchange the ML500 six times.

- 1) This includes my first such authorization to the dealer, Murray Motors, on 5/1/03 that I asked be conveyed to you through them.
- 2) A telephone conversation between Dr. Smeets, George Pierce and myself on 6/4/03 where I believed we had reached an agreement.
- 3) My e-mail to you of 6/10/03
- 4) A second e-mail to you on 6/10/03
- 5) My e-mail to you dated 6/18/03
- 6) My email to from today 6/27/03

My first authorization to the dealer was to simply buy the ML500 back outright or put [redacted] in to a new ML500. In my telephone conversation with Dr. Smeets on 6/4 I was told that this was not acceptable and that he wanted to be traded into an 04' CLK500 Cabriolet, a potentially more expensive car. I agreed to this condition, pending the price determination of the new vehicle. I was then told by you that this was not acceptable and that you wanted a trade directly into the Cabriolet at no cost the [redacted] in my e-mail to you of 6/18 I agreed to your request for a no cost exchange. You then told me that you had an additional demand of supplying [redacted] with a loaner ML 500 "with GPS" and covering your legal expenses of \$1800. In my e-mail of 6/27 I further agreed to the loaner car and denied your request for legal costs and apologizing for our legal department not getting a fax (on letterhead) out to you on 6/25.

After all this, I find it puzzling, Mr. Wallace, that you find me uncooperative, as per you letters to Mr. Halata, President of MBUSA, most recently dated 6/25, because I have not provided this information to you on company letterhead?

Mr. Wallace, as I have now outlined to you in writing numerous times, I am committed to resolving this matter in the best interest of [redacted] and Mercedes-Benz USA. I believe I have negotiated with you in good faith.

Our offer to you stands a seventh time.

MBUSA will trade [redacted] out of the ML500 to the 04' CLK500 Cabriolet at no cost and we will supply a loaner ML500 until the Cabriolet arrives.

or  
MBUSA will buy back the ML500, refunding all purchase costs.

MBUSA will not cover their attorneys or any other fees.

MBUSA will require a signed legal release of further litigation.

By now, you have hopefully received this offer via fax, with our letter head, from our legal department, with a signed hard copy to follow by mail. Please let me know if Mrs. Kinahan accepts this offer or not.

If you, [redacted] or Dr. Smeets have any questions please feel free to speak to me in person at the cell number listed below.

Thank You,  
Hans J. Meyer  
Service & Parts Operations Manager

Open Date: 08/23/2003 15:40:22

Agent: Hans Meyer

Phone 7428

Note Type: RC

As per agreement with Dr. Smeets, a CLK500cab was ordered to the specifications of [redacted]. The customer agreed to a straight exchange of vehicles and signature of a release from further litigation. The new vehicle was delivered to the customer 9/22/03 and the release was signed by the customer. Customer is satisfied.

3/16/2005

**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 162506    Priors: No    Open Date: 07/11/2003    Status: CLS    Last Update: 07/25/2003

Address: 9 Deer Creek Ct.

Title:

Phone:

Residence

City: Reisterstown

MD

Corres ID:

Agent: Cleveland Best

Phone: 6344

Orig By: P

Orig CD:

Region: 1

Market: 5

Service Retailer: 34208

R &amp; H MOTOR CARS, LT

OWINGS MILLS

MD

Assign Agent: SOM - 27

Orig Retailer: 34208

R &amp; H MOTOR CARS, LT

OWINGS MILLS

MD

Sell Retailer: 34208

R &amp; H MOTOR CARS, LT

OWINGS MILLS

MD

Diap Amt:

Carr Pwd: N

Mailgram Sent: N

Grp	Full	Major	Minor	Rsr
10	10	1	3	03

DBAG VIN: 163154

Model: ML320

2001

World VIN: 4JGAB54E51

Mileage:

41419

Engine Number: 11294230848257

Prod Date: 10/18/2000

Warranty Start Date: 01/27/2001

Close Agent: BRIAN MALONEY

Field Closing Date: 07/25/2003

Close With: D

Close By: M

Close How: P

Owner Satisfied: Y

**Involved Information**

- > [Redacted] Owner, [Redacted] MD [Redacted]  
Primary Residence
- > [Redacted] [Redacted] MD [Redacted]  
Secondary Residence

**Customer Assistance Referral - Full Notes**



Open Date: 07/11/2003 15:27:36

Agent: Cleveland Best

Phone 8344

Note Type: PC

Primary Phone: 4104539782

Current Mileage: 41419

Warranty Start Date: 01/27/2001

StarMark Warranty: N/A

Previous CA Referrals:

CONFIDENTIAL

Previous Summary Notes: 451753, 527846

Mrs. Miller called CAC. Customer claims she is very dissatisfied with the quality of the vehicle. Customer claims the vehicle has been in out of the service department every week in the last 2 months for various alleged repairs (engine pan loose, power steering hose detached, catalytic converter replacement-left side).

Customer claims the vehicle is back at the dlr today allegedly the second time for the catalytic converter--this time allegedly the dlr advised the right side of the converter has a hole and needs replacing.

Customer claims in February 2003, the driver's seat caught fire, vehicle sat at dlr for 6 weeks while the dlr awaited parts. Customer claims too date, she still has not received a check from MBUSA reimbursing her for her coat that was burnt.

Customer states the dlr has been great, but she is no longer wants this vehicle. Customer is requesting assistance with getting out of this vehicle.

Copy of referral sent to Gary Sowme and Frank Berenz.

Open Date: 07/24/2003 07:07:29

Agent: Brian Maloney

Phone 7127

Note Type: PC

Writer authorized payment for dress. Customer has vehicle back in her possession.

Open Date: 07/25/2003 10:08:52

Agent: Brian Maloney

Phone 7127

Note Type: RC

Writer spoke to Sm at 34206 about Feb. repair. SM states that former Sm observed seat heater had burned through seat cover (NO FIRE) and had caused the customers dress to become discolored. Former SM was to have paid for dress and submit claim to MB. Former SM did not do this, that is why being paid now.

3/16/2005

# Customer Assistance Referral CONFIDENTIAL

CA Ref ID: 163750    Priors: No    Open Date: 08/25/2003    Status: CLS    Last Update: 09/24/2003

Address: [REDACTED]    Title: [REDACTED]  
 Phone: [REDACTED]    Residence: [REDACTED]

City: Concord    MA 01742-1651    Corres ID:

Agent: Michael Reger    Phone: 6383    Orig By: P    Orig CD: H0    Region: 1    Market: 3

Service Retailer: 36122    FOREIGN MOTORS WEST,    NATICK    MA    Assign Agent: SOM - 46

Orig Retailer: 50100    HOLLOWAY MOTOR CARS    MANCHESTER    NH

Sell Retailer: 50100    HOLLOWAY MOTOR CARS    MANCHESTER    NH

Disp Amt:    Carr Fwd: N    Mailgram Sent: N

DBAG VIN: 163154 [REDACTED]    Model: ML320    2000

World VIN: 4JGAB54E4 [REDACTED]

Mileage: 31966    Engine Number: 11294230692071

Prod Date: 03/31/2000    Warranty Start Date: 02/23/2001

Close Agent: JIM MCINTOSH    Field Closing Date: 09/24/2003

Close With: O    Close By: M    Close How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Ru
82	73	3	3	13

## Involved Information

> [REDACTED] MA [REDACTED]  
 Primary    Residence

## Customer Assistance Referral – Full Notes

Open Date: 08/25/2003 13:40:04    Agent: Michael Reger    Phone 6383    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 31966

Warranty Start Date: 02/23/2001

Starlink Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 484734

The customer called the CAC alleging that she has second degree burns on her back and legs from the heated seats (from driving the vehicle 08/24/2003).

The customer explained that she has an appointment set for Sept 3rd, at dealer 36122.

The customer requested to have this situation investigated.

Open Date: 08/25/2003 13:46:51    Agent: Michael Reger    Phone 6383    Note Type: PC

The writer will CC Gary Bowne

Open Date: 08/26/2003 11:42:11    Agent: Ron StPierre    Phone 7125    Note Type: RC

Service MANAGER Phil Cicio to investigate complaint.

Open Date: 08/26/2003 12:21:09

Agent: Michael Reger

Phone 6383

Note Type: PC

Cor # 225262 Other Comments & Questions (OCAQ)  rosann.feischauer@verizon.net

08/25/2003 10:33 PM

To: mailmaster@mbusa.com

cc:

Subject: Other Comments & Questions (OCAQ)

CONFIDENTIAL

Subject: Other Comments & Questions (OCAQ)

From: rosann.feischauer@verizon.net

To: mailmaster@mbusa.com

\*\*\* Other Requests & Comments \*\*\*

The following person has filled out the Other Requests & Comments Form on www.MBUSA.com.

Contact Information

Title: MRS

First Name: [REDACTED]

Initial:

Last Name: [REDACTED]

Suffix:

Street: [REDACTED]

Address 2:

City: Concord

State: MA

Zip: 01742

E-mail: [REDACTED]

Comments

I have an ML 320. Today it literally burned me. I was having trouble with my back so I turned on the seat. The seat proceeded to give me a second degree burn. When I called to report the accident the MBUSA rep did not offer to help nor apologize, he just told me to call my local dealership and have it looked at. He did not care that I had just returned from the emergency care of a neighbor who is a physicians assistant, nor that I was in pain. He did not even offer a way to make sure the seat did not continue to heat up. I looked through the owners manual today and could not figure out how to pull the fuse. I am now unable to drive but afraid to even start up the car for fear of burning myself again. I was completely disgusted by the lack of quality control on my vehicle overall since I got it. I have been left on the side of the road by this awful car and now injured by it and all I got from MBUSA was basically a "we are not going to do anything about this" and a hang up. That is no way to treat a customer who is looking towards the end of her lease and a new BMW. I now want a good reason to not take this situation to the press and to my lawyer, I trust you will contact me shortly and make my vehicle safe to drive again.

Survey Information

MB Vehicle you are most interested in:

When do you plan to purchase or lease your next car?

I would like a test drive:

I would like to be contacted by a salesperson:

Day Phone Number: - ext:

Evening Phone Number: [REDACTED]

Preferred number: Home

Preferred time to call: Morning

Mercedes-Benz Ownership

Have you ever leased or owned a Mercedes-Benz?

Vehicle Year:

Model last leased or owned:

Do you currently own a Mercedes-Benz? Yes

Vehicle Year: 2000

Model You Own: M-Class

The writer didn't respond to the customer since the referral was opened.

Open Date: 08/26/2003 13:56:38

Agent: Linda Tognetti

Phone 6268

Note Type: PC

Response to customer's e-mail:

Dear [REDACTED]

CONFIDENTIAL

Thank you for your Internet message.

We regret to learn of the circumstances that prompted you to contact us yesterday afternoon. Your dissatisfaction with your vehicle is especially distressing to us, as Mercedes-Benz prides itself on the well-deserved reputation our products and services have earned, as well as our on-going efforts to both maintain and further improve that reputation.

[REDACTED] we would like to assure you that our company sees not just the servicing of its products, but also the care of our customers as one of its most important duties. Contrary to your comments, our representative did document your concerns and forward them to the appropriate people for review. Someone will be in contact with you shortly.

We appreciate the opportunity to review this matter.

Sincerely yours  
Linda Tognetti  
Team Leader, Customer Relations  
1-800-FOR-MERCEDES, Ext. 6268

Open Date: 08/27/2003 08:00:23

Agent: Linda Tognetti

Phone 6268

Note Type: PC

Response from [REDACTED]

:Dear Ms Tognetti

I am glad to hear the representative did forward the issue to the appropriate party, after our call I was not sure he was going to do anything at all.

I look forward to hearing from a rep regarding this issue so we can find a mutually agreeable solution to the problem at hand.

Sincerely,  
[REDACTED]

Open Date: 09/04/2003 09:52:59

Agent: Carol Tobias

Phone 6243

Note Type: PC

Below notes taken by Carol Pantus, Universal Agent:

Regarding CA Ref# 163760

Customer called and claims that she has called the CAC and dealership several times regarding her vehicle and allegedly has not received a call back. Customer claims that she allegedly "suffered 2nd degree burns from the car's heated seat." Customer claims that the last time that she called was on Aug. 26th, she was allegedly promised a call back and never received one. Customer claims that today she called and spoke with SM Phil Cicio who allegedly advised her that "the seat was pulling too many amps" and that is what allegedly caused the concern. Customer claims that SM's alleged statement gives her the proof that she needed. Customer claims that SM allegedly advised Service Advisor "Mike" to inform customer that a Regional Rep would be inspecting the vehicle tomorrow. Customer claims that she will go to the dealership tomorrow for a resolution and that her attorney is aware and working on her concern. Writer apologized to customer for her dissatisfaction and advised that her concern would be documented and reviewed further.

Open Date: 09/04/2003 09:55:12

Agent: Carol Tobias

Phone 6243

Note Type: PC

Writer left a message on SPOM's voice mail advising him of customer's call.

Open Date: 09/04/2003 12:27:56 Agent: Linda Tognetti

Phone 6268

Note Type: PC

E-mail received from [REDACTED]

\*Ma Tognetti

CONFIDENTIAL

Foreign Motors West confirmed today that the seat is pulling too many amps.

At this point, your company has very few options. First and foremost it is in your company's best interest to have someone who can help me reply to this email. The buyout date is fast approaching and at this point, I am more than ready to walk away from the table and go get a BMW.

Open Date: 09/04/2003 12:58:02

Agent: Linda Tognetti

Phone 6268

Note Type: PC

After speaking with SPOM, following response e-mailed to [REDACTED]

\*Dear [REDACTED]

Thank you for your additional message.

We understand that a representative of Foreign Motors West will be in contact with you shortly, if not already, to discuss your concerns.

Sincerely yours,

Linda Tognetti

Team Leader, Customer Relations

1-800-FOR-MERCEDES, Ext. 6268 \*

Open Date: 09/05/2003 07:31:11

Agent: Jim McIntosh

Phone 7132

Note Type: RC

Writer and 36122 Service Director met with customer. Dealer tech did verify that the seat heater did malfunction and replaced faulty components. Writer introduced customer to 36122 Sales Manager Steve Boston as she wished to discuss options relating to trading the car in, keeping it thru May 2004 or paying off the lease at this time. [REDACTED] to discuss with her husband and will advise on their decision.

Open Date: 09/24/2003 11:19:06

Agent: Jim McIntosh

Phone 7132

Note Type: RC

Writer called to follow up with [REDACTED]. She is satisfied with seat repair and will wait to see how things go with this vehicle before she decides if she wants to trade it or not. 36122 Service Director Phil Cicio has made arrangements to send her a dinner certificate at an area restaurant to thank her for her patience and understanding.

3/16/2005

**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 165927    Priority: No    Open Date: 11/18/2003    Status: CLS    Last Update: 12/07/2003

Address: 527 Mooney Rd. N.W.

Title:

Phone: [REDACTED]

Residence

City: Fort Walton Beach FL [REDACTED]

Corres ID: 229801

Agent: Frank Parente

Phone: 4675

Orig By: M

Orig CD: HO

Region: 2

Market: g

Service Retailer: 00222 JACKSONVILLE RGN

Assign Agent: SOM - 30

Orig Retailer: 14341 QUALITY IMPORTS, INC FORT WALTON FL

Sell Retailer: 14341 QUALITY IMPORTS, INC FORT WALTON FL

Dep Amt:

Carr Fwd: Y

Mailgram Sent: Y

DBAG VIN: 1631541 [REDACTED] Model: ML320 2000

World VIN: 4JGAB54E9Y [REDACTED]

Mileage: 44657

Engine Number: 11294230630592

Prod Date: 01/12/2000

Warranty Start Date: 10/25/2000

Close Agent: LARRY SCRUGGS

Field Closing Date: 12/07/2003

Close With: D

Close By: M

Close How: M

Owner Satisfied: Y

Grp	Full	Major	Minor	Rn
82	52	5	3	14

**Involved Information**

- > [REDACTED], Fort Walton Beach, FL [REDACTED]  
Primary Residence
- > [REDACTED]-L, Fort Walton Beach, FL [REDACTED]  
Primary Residence

**Customer Assistance Referral - Full Notes**

Open Date: 11/18/2003 14:17:15    Agent: Frank Parente    Phone 4675    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 44657

Warranty Start Date: 10/25/2000

Starmark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes:

[REDACTED] driver of vehicle- sent a letter to CAC dated 11/12 and received on 11/18. Customer claims that she received a "substantial burn" on her upper thigh as a result of using the heated seat. Customer claims that seat had a "hot spot" which caused the burn.

Customer maintains that she is bringing this to MBUSA attention at the urging of her physician out of concern for others who may be injured in this way.

Customer can be contacted at her residence on [REDACTED]

Writer will bring matter to attention of Product Analysis and Legal.

Open Date: 11/19/2003 11:29:03 Agent: Larry Scruggs Phone 7230 Note Type: PC  
 11/19/03-SPOM LEFT VOICE MAIL, 11/19/03 FOR LEGAL, MARK KELLY TO CALL WRITER TO DISCUSS CASE.

Open Date: 11/19/2003 11:31:44 Agent: Larry Scruggs Phone 7230 Note Type: PC  
 11/19/03-SPOM CONTACTED SERVICE MANAGER, PAT EVANS AND INQUIRED AS TO IF CUSTOMER HAS BROUGHT VEHICLE IN FOR INSPECTION. SERVICE MANAGER TOLD WRITER THAT VEHICLE HAS BEEN IN AND PARTS ARE ON ORDER. SPOM REQUESTED THAT SERVICE MANAGER DISCUSS WITH SERVICE ADVISOR/TECH TO DETERMINE CAUSE OF SEAT HEATER CONCERN. SERVICE MANAGER SAID HE WILL DO AS REQUESTED AND CONTACT CAC WITH HIS FINDINGS.

Open Date: 11/23/2003 16:37:50 Agent: Larry Scruggs Phone 7230 Note Type: PC  
 11/23/03-MESSAGE FROM SERVICE MANAGER, PAT EVANS  
 Larry,  
 Contacted CAC the other day, we have ordered a seat cover and heating element and we have both pieces as of 19th. We will contact and schedule Monday  
 Have a good weekend  
 Pat Evans

Open Date: 12/02/2003 20:12:53 Agent: Larry Scruggs Phone 7230 Note Type: PC  
 12/02/03-MESSAGE FROM SERVICE MANAGER, PAT EVANS  
 Larry,

[REDACTED] is scheduled for tomorrow (12-3) to have the heater and pad installed. I'll let you know when its done

Pat Evans

Open Date: 12/07/2003 15:43:30 Agent: Larry Scruggs Phone 7230 Note Type: PC  
 12/07/03-MESSAGE FROM SERVICE MANAGER, PAT EVANS  
 Larry,

We did get the seat heater car done and I talked to the customer on the drive before she left. She wanted to look at the old parts and I inspected them with her. She expected to see some kind of burned area but there was nothing evident in the condition of the cover that would indicate it got too hot. I apologized again for the problem. She also mentioned that she refused to stop on the road and try to try to shut it off or do anything about it because she was traveling on I-10 at night by herself.  
 When she got done, I asked if there was anything further I could do for her relating to this incident and she said no there wasn't.

I have the seat cover in my office, and if you need to have the parts shipped back to someone special before I get back, contact John Stine and let him know where to send them. Otherwise I will handle it when I get back.  
 I can be reached by cell  
 Pat

Open Date: 12/07/2003 15:45:45 Agent: Larry Scruggs Phone 7230 Note Type: PC  
 12/07/03-REQUESTED PARTS WILL BE SENT TO THE ATTENTION OF:  
 GARY BOWNE  
 DEPT MANAGER  
 PRODUCT ANALYSIS  
 210/573-2719

3/16/2005

# Customer Assistance Referral CONFIDENTIAL

CA Ref ID: 166076    Priors: Cus    Open Date: 11/24/2003    Status: CLS    Last Update: 01/09/2004

Address: [REDACTED]    Title: [REDACTED]    Mobile: [REDACTED]  
 Phone: [REDACTED]

City: La Porte    IN [REDACTED]    Corres ID: [REDACTED]

Agent: Kathleen Durning    Phone: 4633    Orig By: P    Orig CD: H0    Region: 4    Market: 2

Service Retailer: 25425    GURLEY-LEEP MOTOR WE    MISHAWAKA    IN    Assign Agent: SOM - 22

Orig Retailer: 22424    NAPLETON S AUTOWERKS    BOURBONNAIS    IL

Sold Retailer: 22424    NAPLETON S AUTOWERKS    BOURBONNAIS    IL

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 163157 [REDACTED]    Model: ML350    2003

World VIN: 4JGAB57E9 [REDACTED]

Mileage: 11000    Engine Number: 11297031433552

Prod Date: 12/17/2002    Warranty Start Date: 12/28/2002

Close Agent: SCOTT HICKAM    Field Closing Date: 01/09/2004

Close With: 0    Close By: M    Close How: P    Owner Satisfied: Y

Grp	Fail	Major	Minor	Ra
54	73	3	3	13

## Involved Information

> [REDACTED] La Porte, IN [REDACTED]  
 Expired    Business

## Customer Assistance Referral - Full Notes

Open Date: 11/24/2003 22:59:33    Agent: Kathleen Durning    Phone 4633    Note Type: PC

Primary Phone: [REDACTED]  
 Current Mileage: 7855  
 Warranty Start Date: 12/28/2002  
 Starlink Warranty: N/A  
 Previous CA Referrals: 94767, 124781

Previous Summary Notes: 122776, 179767, 200440, 213528, 338916, 398242, 414288, 482752, 516273

[REDACTED] phoned the CAC to state that he was burned this evening from the heated seat since it would not shut off and he was driving on a highway so he could not get off until he got to an exit.

Customer stated that it actually began to burn the leather on the seat as well as him. Customer will contact the dealer in the AM but wanted to file a complaint with MB regarding this matter since he was injured.

CC: F. Berenz  
 A. Katz

G. Bowne



Open Date: 12/18/2003 23:56:50 Agent: Kathleen Durning Phone 4633 Note Type: PC  
 Rcvd. faxed letter dated 12/13/03- letter states that Mr. Wade Messing has been in touch with [REDACTED] regarding his burn and the heated seat malfunction which he called in on 11/24/03 and which this referral was opened.

Customer states that the offer of \$3000 for his injury due to this malfunction is "an insult to my intelligence". [REDACTED] states that during the past 8 years he has purchased 9 MB and DaimlerChrysler vehicles.

He expects MB to do the right thing and allow him to trade into a 2004 M-Class at little or no cost to him since he does not believe his injuries are a laughing matter.

Customer is requesting a final response and if not favorable will then pursue legal action.

Writer will leave voice message for Wade Messing since referral is from late Nov. and is still not closed out.

Open Date: 01/08/2004 19:33:36 Agent: Kathleen Durning Phone 4633 Note Type: PC  
 e-mail from Wade Messing:

Kathy,

I called him back and "slightly" increased my offer, I believe it was between \$3,000 and \$3,500 with the dealer selling it at cost and he accepted. I was on vacation at the end of the year but my Market Manager Mr. Mike Comer states that the vehicle was delivered before the end of the year.

Regards,

Wade Messing  
 Service & Parts Operations Manager  
 Chicago Region, Market 2  
 800-225-6282 x7422

Open Date: 01/09/2004 09:14:43 Agent: Wade Messing Phone 7423 Note Type: RC

Sporn contacted client's residence on 11-28-03 @ 1:20 pm and spoke to client's wife who "chuckled" about her husband's incident. Sporn then attempted to contact client on his cell phone and left him message informing him that Sporn was trying to reach him. Due to the conversation that Sporn just had with client's wife and thinking about that conversation while leaving client the message on his cell phone, Sporn did make the "mistake" of letting a "chuckle" slip during the message. Sporn was able to reach client again on 12-4-03 @ 5:00pm to discuss situation. Sporn apologized for previous message and proceeded to review situation. Sporn offered to reimburse client for downtime or offer an 1 yr. ELW. Client wanted trade assistance from MBUSA to trade in his 02 ML 320 4JGAB54E82 [REDACTED] (not the vehicle involved in the seat-heater repair) for a new 04 ML350. Sporn informed client that this would be reviewed with his dealer and that dealer would review numbers of new vehicle deal to him. Client not satisfied with deal. Sporn contacted client on 12-22-03 to review offer by dealer and to clarify some of the numbers which were not correct. Sporn very slightly increased offer and informed client that the offer was final and only valid until the end of the year. Client stated that he would not accept and that he would be better off spending his money on his attorney's efforts. Conversation ended. Client called Sporn back within a half hour and accepted offer. Client has purchased new vehicle and signed legal release.

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 166149    Priors: No    Open Date: 11/27/2003    Status: CLS    Last Update: 12/10/2003

[Redacted] Esq.  
Address: 11067 Elderwood Ln    Title:  
Phone: [Redacted]    Residence

City: San Diego    CA [Redacted]    Carres ID: 230303

Agent: Kathleen Durning    Phone: 4633    Orig By: M    Orig CD: H0    Region: 3    Market: 1

Service Retailer: 05718    MERCEDES-BENZ OF SAN    SAN DIEGO    CA    Assign Agent: SOM - 22

Orig Retailer: 05718    MERCEDES-BENZ OF SAN    SAN DIEGO    CA

Sell Retailer: 05718    MERCEDES-BENZ OF SAN    SAN DIEGO    CA

Disp Amt:    Corr Fwd: Y    Mailgram Sent: Y

DBAG VIN: 1631541 [Redacted]    Model: ML320    2001

World VIN: 4JGAB54E1 [Redacted]

Mileage: 50722    Engine Number: 11294230953818

Prod Date: 03/05/2001    Warranty Start Date: 08/03/2001

Close Agent: SCOTT FISCHER    Field Closing Date: 12/10/2003

Close With: 0    Close By: D    Close How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Rm
54	93	3	3	09

## Involved Information

- > [Redacted] San Diego, CA [Redacted]
- > [Redacted] Residence
- > [Redacted] San Diego, CA [Redacted]
- > [Redacted] Residence

## Customer Assistance Referral - Full Notes

Open Date: 11/27/2003 01:08:14

Agent: Kathleen Durning

Phone 4833

Note Type: PC

Primary Phone: 8582281042

Current Mileage: 50722

Warranty Start Date: 06/03/2001

StarMark Warranty: N/A

Previous CA Referrals:

CONFIDENTIAL

**Previous Summary Notes:**

Rec'd. letter on 11-26-03 and letter was written on 11-25-03 addressed to Paul Juron - GM of the CAC.

Customer states that on or about 11-14-03, Mrs. Sapier was in the front passenger seat of this M-Class vehicle and attempted to move the seat back to get more leg room. Once the seat snapped into place, there suddenly was smoke and a burning smell coming from under the seat.

The customer claims to have pulled the vehicle over on the highway and evacuated his wife and children. Allegedly the smoke stopped and upon inspecting under the seat Mr. Sapier claims to have seen a cable apparently cut by the seat mechanism. The dealership confirmed this upon inspection.

Customer states that his insurance will not cover the this repair stating that it is caused by the defective design of the seat mechanism. The dealer SM informed him that the vehicle is out of warranty and the repairs to the seat and the electrical system will cost approx. \$10,000.

Mr. Sapier states that he believes this could have been "prevented had MB foreseen such possible complication due to the present design of the vehicle."

Mr. Sapier states " We are humbly requesting that MB graciously take the responsibility and make the necessary repairs."

CC: F. Berenz

G. Bowns

T. Shi

Open Date: 12/01/2003 15:20:13

Agent: Scott Fischer

Phone 7322

Note Type: RC

Tom, please discuss with me during my visit on 12/2/03. If possible I would like to inspect the vehicle. Thanks, Scott

Open Date: 12/01/2003 18:44:16

Agent: Kathleen Durning

Phone 4833

Note Type: PC

Hi Scott,

Please look into this matter and call me to discuss.

Thanks,

Gary H. Bowns

Department Manager - Product Compliance & Analysis

Mercedes-Benz USA, LLC

Open Date: 12/10/2003 12:50:15

Agent: Scott Fischer

Phone 7322

Note Type: RC

Per Tom Fox, SM, he contacted the client and requested that he bring the vehicle in for further diagnosis. I asked Tom to assure that there is no aftermarket equipment installed that can be attributed to this failure.

The vehicle is at the dealership and repairs are being completed on a goodwill basis. Customer satisfied.

3/16/2005

**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 166157 Priors: No Open Date: 12/01/2003 Status: CLS Last Update: 12/10/2003

Chalmers Proper

Address: [REDACTED]

Title:

Phone: [REDACTED]

Residence

City: Manassas

VA [REDACTED]

Carres ID:

Agent: Cynthia Feuss

Phone: 6289

Orig By: P

Orig CD: H0

Region: 1

Market: 1

Service Retailer: 00111

WASHINGTON RGN

Assign Agent: SOM - 22

Orig Retailer: 80215

MERCEDES-BENZ OF TYS

VIENNA

VA

Sell Retailer: 80215

MERCEDES-BENZ OF TYS

VIENNA

VA

Disp Amt:

Corr Fwd:

Mailgram Sent:

DBAG VIN: 163157 [REDACTED]

Model: ML350

2003

World VIN: 4JGAB57E1 [REDACTED]

Mileage:

9000

Engine Number: 11297031493047

Prod Date: 03/13/2003

Warranty Start Date: 05/30/2003

Close Agent: JOHN FREUND

Field Closing Date: 12/10/2003

Close With: 0

Close By: D

Close How: V

Owner Satisfied: Y

Grp	Fail	Major	Minor	Rsr
68	73	2	3	14

**Involved Information**

- > [REDACTED] Driver, [REDACTED] Vienna, VA [REDACTED]  
Primary Residence
- > [REDACTED] - Owner, [REDACTED] Manassas, VA [REDACTED]  
Secondary Residence

**Customer Assistance Referral - Full Notes**

Open Date: 12/01/2003 10:28:59

Agent: Cynthia Feuss

Phone 6289

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 9000

Warranty Start Date: 05/30/2003

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes:

Drive is [REDACTED]

Owner alleges seat heater burned hole through left rear portion of drivers seat bottom upholstery and burned his jacket. Owner claims this occurred yesterday. Owner claims "this is a serious safety issue...I called the dealer and they want me to wait until Thursday for an appt. Under the circumstances, I feel this is an emergency issue...I do not feel that the car is safe to drive. I could have ignited on fire. I would like an immediate appointment and assurance that this has been resolved."

Copy of case notes to Gary Bowne and Anthony Zepf as an FYI.

Open Date: 12/01/2003 11:03:54

Agent: John Freund

Phone 7122

Note Type: PC

Writer spoke with the Service Manager @ 80215. Service Manager to call the customer to get the vehicle immediately.

Open Date: 12/03/2003 10:58:28 Agent: John Freund Phone 7122 Note Type: PC  
Dealership advises they called the customer on 12-01-03 at writers request. At this point the customer has not responded.  
Dealership will call again. Vehicle does show on the schedule for 12-04-03.

Open Date: 12/10/2003 09:30:13 Agent: John Freund Phone 7122 Note Type: RC  
Vehicle repaired and returned to the customer. repairs and observations discussed with Product Analysis.

CONFIDENTIAL



Open Date: 12/08/2003 11:26:40 Agent: George Monichol Phone 7124 Note Type: RC  
Service Manager Tom Halg states burn was caused by seat heater. seat cover and heater replaced and car returned to client.

CONFIDENTIAL

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 166526    Priors: No    Open Date: 12/18/2003    Status: CLS    Last Update: 01/05/2004

[Redacted]

Address: [Redacted]

Title:

Phone: [Redacted]

Residence

City: Winnetka

IL

[Redacted]

Corres ID:

Agent: Arnold Almaguer    Phone: 4621    Orig By: P    Orig CD: HO    Region: 4    Market: 1

Service Retailer: 22420    AUTOHAUS ON EDENS, I    NORTHBROOK    IL    Assign Agent: SOM - 30

Orig Retailer: 22415    KNAUZ CONTINENTAL AU    LAKE BLUFF    IL

Sell Retailer: 22415    KNAUZ CONTINENTAL AU    LAKE BLUFF    IL

Diag Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 16315410 [Redacted]    Model: ML320    2003

World VIN: 4JGAB54E53 [Redacted]

Mileage: 23344    Engine Number: 11294231310683

Prod Date: 08/21/2002    Warranty Start Date: 10/24/2002

Class Agent: CLEO GAINES    Field Closing Date: 01/05/2004

Class With: D    Class By: M    Class How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Rst
82	52	2	3	14

## Involved Information

Owner, [Redacted] Winnetka, IL [Redacted]  
Primary Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/18/2003 11:07:43    Agent: Arnold Almaguer    Phone 4621    Note Type: PC

Primary Phone [Redacted]

Current Mileage: 23344

Warranty Start Date: 10/24/2002

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 158717

[Redacted] claims that driver's side front seat burnt a whole the size of a quarter, while the heated seat were activated. Customer claims that her coat also was burnt.

[Redacted] stated that incident occurred last night, 12/17/03, and drove vehicle today (12/18/03) into Autohaus on Edens. Customer stated that the service person informed her to contact the CAC.

Writer contacted dealer, and spoke to Chuck, the SM, who explained that vehicle is at the dealer and tech's have inspected car. SM stated that part has been order but repair has not been made yet.

Writer will CC Legal Dept.



Open Date: 12/23/2003 09:31:55

Agent: Cleo Gaines

Phone 7421

Note Type: RC

Parts are on order for this customer's vehicle also the cost of the jacket was requested from the customer. MBUSA will reimburse the customer for the cost of the jacket and repair the vehicle. the customer's contact person at Northbrook is Chuck Turck.

Open Date: 01/05/2004 13:20:29

Agent: Cleo Gaines

Phone 7421

Note Type: RC

The part were received and an appointment is scheduled to replace the seat cover. Also, the customer will bring in a receipt for the jacket and I will reimburse the customer for the cost of the jacket. The customer will receive a check from the dealer after processing.

CONFIDENTIAL

3/16/2005

**Customer Assistance Referral** **CONFIDENTIAL**

CA Ref ID: 166541 Priors: No Open Date: 12/18/2003 Status: CLS Last Update: 12/30/2003

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Germantown

MD [REDACTED]

Corres ID:

Agent: Lois Grillo

Phone: 4627

Orig By: P

Orig CD: HO

Region: 1

Market: 1

Service Retailer: 00111

WASHINGTON RGN

Assign Agent: SOM - 22

Orig Retailer: 80215

MERCEDES-BENZ OF TYS

VIENNA

VA

Sell Retailer: 80215

MERCEDES-BENZ OF TYS

VIENNA

VA

Disp Amt:

Curr Fwd:

Mailgram Sent:

DBAG VIN: 163154 [REDACTED]

Model: ML320

2000

Grp	Fail	Major	Minor	Ru
68	73	2	3	09

World VIN: 4JGABS4E1Y [REDACTED]

Mileage:

60000

Engine Number: 11294230675082

Prod Date: 03/14/2000

Warranty Start Date: 04/06/2000

Close Agent: JOHN FREUND

Field Closing Date: 12/30/2003

Close With: O

Close By: D

Close How: V

Owner Satisfied: Y

**Involved Information**

[REDACTED] Germantown, MD [REDACTED]

Secondary

Residence

**Customer Assistance Referral -- Full Notes**

Open Date: 12/18/2003 15:48:04

Agent: Lois Grillo

Phone 4627

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 60000

Warranty Start Date: 04/06/2000

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 233137

Customer [REDACTED] phoned the CAC alleging that the seat warmer in his vehicle burned a hole in the leather of the driver's seat. Customer claims that it happened over this past weekend.

Customer alleges that he was driving and smelled a bad smell and noticed some smoke. Customer did not indicate he was injured in anyway but did inquire if MBUSA would cover repair under warranty.

Writer referred customer to the S/M, David Sullivan, at dealer 80215 for investigation. Writer also stated that the S/M has been empowered by MBUSA to review all requests for post warranty consideration.

CC: Gary Bowne, Frank Berenz

Open Date: 12/18/2003 16:32:09  
E-mail to G. Bowne & F. Berenz:

Agent: Lois Grillo

Phone 4627

Note Type: PC

Hello:

Please note the following allegation of possible product liability.

CONFIDENTIAL

Regards,  
Lois Grillo  
Customer Relations

Referral 166541

Customer: [REDACTED]

□ Germantown, MD

Model: □ 2000 ML320

4JGAB54E1Y [REDACTED]

SPOM: John Freund, Rgn 1, Mkt 1

Primary Phone: [REDACTED]

Current Mileage: 60000

Warranty Start Date: 04/06/2000

StarMark Warranty: N/A

Previous CA Referrals:

Previous-Summary Notes: 233137

Customer [REDACTED] phoned the CAC alleging that the seat warmer in his vehicle burned a hole in the leather of the driver's seat. Customer claims that it happened over this past weekend.

Customer alleges that he was driving and smelled a bad smell and noticed some smoke. Customer did not indicate he was injured in anyway but did inquire if MBUSA would cover repair under warranty.

Writer referred customer to the S/M, David Sullivan, at dealer 80215 for investigation. Writer also stated that the S/M has been empowered by MBUSA to review all requests for post warranty consideration.

CC: Gary Bowne, Frank Berenz

Open Date: 12/19/2003 11:51:31

Agent: John Freund

Phone 7122

Note Type: PC

under review.

Open Date: 12/29/2003 10:58:47

Agent: John Freund

Phone 7122

Note Type: RC

Seat cover and associated parts ordered for the customer. The repair will be performed as a goodwill gesture.

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 166604    Priors: No    Open Date: 12/22/2003    Status: CLS    Last Update: 01/30/2004

Address: [Redacted]

Title: [Redacted]  
Phone: [Redacted]    Residence

City: Redwater    TX [Redacted]    Curres ID:

Agent: Honora Duffy	Phone: 6307	Orig By: P	Orig CD: H0	Region: 6	Market: 6
Service Retailer: 75523	PETE MANKINS PONTIAC	TEXARKANA	TX	Assign Agent: SOM - 32	
Orig Retailer: 75523	PETE MANKINS PONTIAC	TEXARKANA	TX		
Sell Retailer: 75523	PETE MANKINS PONTIAC	TEXARKANA	TX		
Diag Amt:	Corr Fwd: N	Mailgram Sent: N			
DBAG VIN: 1631541 [Redacted]	Model: ML320	2000			
World VIN: 4JGAB54E8Y [Redacted]					
Mileage: 46000	Engine Number: 11294230697326				
Prod Date: 04/12/2000	Warranty Start Date: 09/07/2000				
Class Agent: CRAIG DEARING	Field Closing Date: 01/30/2004				
Class With: O	Class By: D	Class Flow: V	Owner Satisfied: Y		

Grp	Fall	Major	Minor	Ru
10	10	1	1	14

## Involved Information

- > [Redacted] Driver, [Redacted] TX [Redacted]  
Secondary Residence
- > [Redacted] Owner, [Redacted] TX [Redacted]  
Primary Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/22/2003 17:35:11

Agent: Honora Duffy

Phone 6307

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 48000

Warranty Start Date: 09/07/2000

Starmark Warranty: Y

Starmark Retail Date: 07/11/2003

Starmark Warranty: BAS

Starmark Dtr: 75523

Previous CA Referrals:

CONFIDENTIAL

**Previous Summary Note:**

Owner's wife, [REDACTED] called alleging "we bought car under Starmark and for every day I've driven the car since July, it's been in the shop 5 days - it's back in the shop today."

"Once about 3 months ago the heated seats burned my leg - my attorney told me to call to see if you would do anything for me"

I asked customer what she wanted - she had no reply other than she feels that "dealer has been fine & fixing my car, but I feel that there is too many technical problems". I guided customer to speak to either Sales Manager or General Manager @dealership; they have full authority to review the file since they sold her this car under Starmark & discuss her desires.

Writer felt referral was warranted for record purposes, since customer alleged she "contacted an attorney after the heated seat burned my leg".

Mrs. Clark NOT happy that she has been guided to review her concerns with dealer's management.

Copy of Referral notes sent to Janet Charles in Legal

Open Date: 01/29/2004 09:43:39

Agent: Craig Dearing

Phone 7693

Note Type: RC

Per Sales Manager Mr. Charles Crooks the client had been offered to trade into another vehicle. The client to this date has not accepted or declined dealers offer. Case will be closed based on the information at hand.

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 166835 Priors: No Open Date: 01/07/2004 Status: GLS Last Update: 01/12/2004

Address: [REDACTED] Title: [REDACTED]  
Phone: [REDACTED] Residence

City: Rockaway NJ [REDACTED] Corres ID: [REDACTED]

Agent: Cynthia Fauss Phone: 6289 Orig By: M Orig CD: HD Region: 5 Market: 3

Service Retailer: 51113 MERCEDES-BENZ OF MOR MORRISTOWN NJ Assign Agent: SOM - 25

Orig Retailer: 51113 MERCEDES-BENZ OF MOR MORRISTOWN NJ

Sell Retailer: 51113 MERCEDES-BENZ OF MOR MORRISTOWN NJ

Disp Amt: [REDACTED] Corr Fwd: Y Mailgram Sent: Y

DBAG VIN: 163175 [REDACTED] Model: ML500 2002

World VIN: 4JGAB75EX [REDACTED]

Mileage: 33895 Engine Number: 11396530366489

Prod Date: 03/05/2002 Warranty Start Date: 03/28/2002

Close Agent: ERIC ERDENBERGER Field Closing Date: 01/12/2004

Close With: D Close By: M Close How: V Owner Satisfied: Y

Grp	Full	Major	Minor	Ru
82	52	3	3	13

## Involved Information

▶ [REDACTED] 80 W Lakeshore Dr, Rockaway, NJ [REDACTED]  
Secondary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 01/07/2004 17:59:22 Agent: Cynthia Fauss Phone 6289 Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 33895

Warranty Start Date: 03/28/2002

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes:

CORRES # 232148: Owner writes to Paul Juron, sends letter both via FAX & Airborne Express, rec'd in P. Juron's office 1-5-03, rec'd by this writer 1-6-03.

Owner expresses overall dissatisfaction with ML500 repair history, alleges "it is by far the worst car I have ever owned" and writes "I want out of the lease without penalty." Owner alleges "the navigation system has never worked properly, the brake pads need changing every 15km miles at an enormous cost of \$600 per occurrence, the brakes constantly squeak & screech. The headlight and brake light bulbs need constant replacing, the car has in interior noise of a tractor, various hoses need repeated changing due to numerous fluid leaks, the heated seats needed replacement since they burned the drivers behind. The horn has ceased to operate from time to time, or alternately let out a sound equivalent to a moped's horn...and the list goes on."

Open Date: 01/12/2004 15:11:31

Agent: Eric Erdenberger

Phone 7525

Note Type: RC

SPOM reviewed case today with SM Diaz. Dealer replaced lower radiator hose, horn, GPS antenna and returned vehicle to owner. All issues addressed and fully repaired. Vehicle currently has 43,314 miles. SPOM closed case today since everything is repaired.

CONFIDENTIAL

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 167206    Priors: No    Open Date: 01/23/2004    Status: CLS    Last Update: 01/30/2004

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence: [REDACTED]

City: Lavonia

GA [REDACTED]

Corres ID: [REDACTED]

Agent: Lois Grillo

Phone: 4627

Orig By: P

Orig CD: HO

Region: 2

Market: 2

Service Retailer: 17100

MERCEDES-BENZ OF ATH

ATHENS

GA

Assign Agent: SOM - 23

Orig Retailer: 17311

RADER, INC.

AUGUSTA

GA

Sell Retailer: 17311

RADER, INC.

AUGUSTA

GA

Disp Amt:

Corr Fwd:

Mailgram Sent:

DBAG VIN: 163154 [REDACTED]

Model: ML320

2001

World VIN: 4JGABS4E7 [REDACTED]

Mileage:

56000

Engine Number: 11294230984855

Pred Date: 04/16/2001

Warranty Start Date: 04/30/2001

Close Agent: MICHAEL ELLIS

Field Closing Date: 01/30/2004

Close With: O

Close By: D

Close How: V

Owner Satisfied: Y

Grp	Fail	Major	Minor	Rn
68	09	2	3	09

## Involved Information

- > [REDACTED] - Owner, [REDACTED] Lavonia, GA [REDACTED]  
Primary Residence
- > [REDACTED] - Driver, [REDACTED] Lavonia, GA [REDACTED]  
Primary Residence

## Customer Assistance Referral - Full Notes

Open Date: 01/23/2004 13:47:59

Agent: Lois Grillo

Phone 4627

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 56000

Warranty Start Date: 04/30/2001

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 481037

Customer, Sandy Sheriff, phoned the CAC alleging a possible "scorch mark" on the passenger seat of her vehicle. Customer alleges that the mark is 1/4" x 1" and is hard; customer claims it is related to the heated seats in her vehicle.

Writer referred customer to the S/M at dealer 17100 for investigation.

CC: Gary Bowne, Frank Barenz



Open Date: 01/23/2004 16:13:54

Agent: Lois Grillo

Phone 4627

Note Type: PC

e-mail to GB & FB

Hi:

For your information I have attached Referral 167206.

**CONFIDENTIAL**

Regards,  
Lois Grillo

Sandy & Joseph Sheriff

Lawton, GA

2001 ML320

4JGAB54E7

SPOM: Michael Ellis, Ron 2, Mkt 2

Primary Phone:

Current Mileage: 56000

Warranty Start Date: 04/30/2001

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 481037

Customer, Sandy Sheriff, phoned the CAC alleging a possible "scorch mark" on the passenger seat of her vehicle. Customer alleges that the mark is 1/4" x 1" and is hard; customer claims it is related to the heated seats in her vehicle.

Writer referred customer to the S/M at dealer 17100 for investigation.

CC: Gary Bowna, Frank Berenz

Open Date: 01/25/2004 19:53:57

Agent: Michael Ellis

Phone 7223

Note Type: RC

SPOM TO CONTACT DEALER FOR CURRENT STATUS

Open Date: 01/26/2004 11:36:21

Agent: Michael Ellis

Phone 7223

Note Type: RC

SPOM SPOKE WITH SERVICE MANAGER AND VEHICLE HAS NOT BEEN TO DEALER FOR THIS ISSUE, AND IS NOT THERE NOW. DEALER TO CONTACT CLIENT AND INSPECT VEHICLE AND ADVISE SPOM OF RESULTS.

Open Date: 01/30/2004 09:33:01

Agent: Michael Ellis

Phone 7223

Note Type: RC

Spom spoke with service director who has inspected vehicle and found leather seat cover has been damaged by seat heater. dealer to offer goodwill assistance for repairs per F X Mac Auley S@P Director

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 167207    Priors: No    Open Date: 01/23/2004    Status: CLS    Last Update: 01/29/2004

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Staten Island

NY [REDACTED]

Corres ID:

Agent: Miriam Clark

Phone: 4699

Orig By: P

Orig CD: HO

Region: 5

Market: 3

Service Retailer: 00555

N.Y. RGN

Assign Agent: SOM - 27

Orig Retailer: 51146

RAY CATENA MOTOR CAR

EDISON

NJ

Sell Retailer: 51146

RAY CATENA MOTOR CAR

EDISON

NJ

Disp Amt:

Corr Fwd:

Mailgram Sent:

DRAG VIN: 1631571 [REDACTED]

Model: ML350

2003

World VIN: 4JGAB57E4 [REDACTED]

Mileage: 12000

Engine Number: 11297031474615

Pred Date: 02/18/2003

Warranty Start Date: 03/08/2003

Grp	Fail	Major	Minor	Rat
68	73	3	3	14

Close Agent: TED ZAWACKI

Field Closing Date: 01/29/2004

Close With: D

Close By: M

Close How: V

Owner Satisfied: Y

## Involved information

X

Owner, [REDACTED]

Staten Island, NY [REDACTED]

Primary

Residence

Customer Assistance Referral -- Full Notes

Open Date: 01/23/2004 14:20:14

Agent: Miriam Clark

Phone 4899

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 12000

Warranty Start Date: 03/08/2003

Starmark Warranty: N/A

Previous CA Referrals:

**CONFIDENTIAL**

Previous Summary Notes: 698234

**CUSTOMER SEEKS TECH ASSISTANCE**

Customer called the CAC alleging that currently the vehicle has been at dealer for a heated seat problem....He alleges that last week the heated seats began smoldering and they became so hot that it burned him....

Customer alleges he has had other issues with the vehicle and that he would like the vehicle replaced.

Customer advised he is not getting answers from dealership as to when the vehicle will be repaired....

I apologized to the customer and advised that I will contact dealer SM and that if necessary offer assistance in location part, however, we are not in the position to repurchase the vehicle....

I spoke with SM Glen Gallo who advised the issue is "hot" as customer does not want the vehicle....He stated the customer was burned when the seat heating system never turned off....consequently, customer was burned on the leg the size of a nickel....He stated parts are not available and no ETA.....SPOM is involved....

CC Frank Berenz, Gary Bowme

Open Date: 01/23/2004 16:01:23

Agent: Ted Zawacki

Phone 7527

Note Type: PC

1/20/04 SPOM reviewed with Glen Gallo SM and Frank Berenz MBUSA legal

Open Date: 01/29/2004 15:30:10

Agent: Ted Zawacki

Phone 7527

Note Type: RC

SPOM discussed with Anthony Zeph MBUSA legal Dept.

3/16/2005

**Customer Assistance Referral CONFIDENTIAL**

CA Ref ID: 167219 Priors: No Open Date: 01/23/2004 Status: CLS Last Update: 03/04/2004

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Cincinnati

OH [REDACTED]

Ceres ID:

Agent: Joseph Burke

Phone: 6249

Orig By: P

Orig CD: H0

Region: 4

Market: 6

Service Retailer: 00444

CHICAGO RGN

Assign Agent: SOM - 26

Orig Retailer: 62410

MERCEDES-BENZ OF CIN

CINCINNATI

OH

Sell Retailer: 62410

MERCEDES-BENZ OF CIN

CINCINNATI

OH

Disp Amt:

Carr Fwd: N

Maligram Seat: N

DBAG VIN: 1631S4 [REDACTED]

Model: ML320

2002

World VIN: 4JGAB54E32 [REDACTED]

Mileage:

29352

Engine Number: 11294231232235

Prod Date: 04/12/2002

Warranty Start Date: 05/24/2002

Grp	Fall	Major	Minor	Ru
S4	93	3		

Clean Agent: GEOFF LEWIS

Field Closing Date: 03/04/2004

Close With: 0

Close By: D

Close How: P

Owner Satisfied: Y

**Involved Information**

[REDACTED] Dr, Cincinnati, OH [REDACTED]

Primary

Residence

**Customer Assistance Referral -- Full Notes**

Open Date: 01/23/2004 18:28:42

Agent: Joseph Burke

Phone 6249

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 29352

Warranty Start Date: 05/24/2002

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 698707

Case generated by above SN.

Customer called claiming that vehicle's heated seats caused his coat to catch on fire. Customer was able to put out fire and was advised by writer to shut off heated seats; writer offered to have vehicle towed. Customer declined to have the vehicle towed to dealership and decided to drive the vehicle. Customer will bring to dealer for evaluation.

cc: Gary Bowns, Product Analysis  
Frank Berenz, Legal

Open Date: 01/27/2004 21:36:26

Agent: Steve Neukam

Phone 7427

Note Type: RC

SPOM checking with SM.

Open Date: 03/04/2004 18:58:04 Agent: Steve Neukam  
Vehicle repaired. Owner reimbursed for damaged clothing. Customer happy.

Phone 7427

Note Type: RC

**CONFIDENTIAL**

3/16/2005

**Customer Assistance Referral CONFIDENTIAL**

CA Ref ID: 167224

Priors: Cua

Open Date: 01/26/2004

Status: CLS

Last Update: 02/18/2004

Address: One Centre Drive

Title:

Phone:

Residence

City: Jamesburg

NJ

Corres ID:

Agent: James Blasic

Phone: 4620

Orig By: P

Orig CD: H0

Region: 5

Market: 3

Service Retailer: 00555

N.Y. RGN

Assign Agent: SOM - 27

Orig Retailer: 51146

RAY CATENA MOTOR CAR

EDISON

NJ

Sell Retailer: 51146

RAY CATENA MOTOR CAR

EDISON

NJ

Diap Amt:

Corr Fwd:

Mailgram Sent:

DBAG VIN: 1631541

Model: ML320

2003

World VIN: 4JGAB54E73

Mileage:

19154

Engine Number: 11294231305926

Prod Date: 08/08/2002

Warranty Start Date: 08/31/2002

Close Agent: TED ZAWACKI

Field Closing Date: 02/18/2004

Close With: 0

Close By: D

Close How: V

Owner Satisfied: N

Grp	Full	Major	Minor	Rm
60	10	3	3	14

**Involved Information**

- > Owner, [REDACTED] Jamesburg, NJ [REDACTED]  
Secondary Residence
- > - T. [REDACTED] Island, NY [REDACTED]  
Primary Residence
- > - Driver, [REDACTED] Staten Island, NY [REDACTED]

**Customer Assistance Referral -- Full Notes**

Open Date: 01/26/2004 10:21:49

Agent: James Blasic

Phone 4620

Note Type: PC

Primary Phone: 9174767431

Current Mileage: 19154

Warranty Start Date: 08/31/2002

StarMark Warranty: N/A

Previous CA Referrals:

**Previous Summary Notes:**

Edward Monahan called and alleged that he/spouse are lessees of vehicle through dealer/Hann Leasing. (Writer spoke to Rosanna in dealer Tilling, she confirmed that Hann Auto Trust is owner, E. Monahan is lessee.) He alleged that vehicle has been nothing but problems since they received vehicle. He alleged that "coils in seat" "shorted out", burned through seat and burned wife's leg.

He stated vehicle is at dealership now, that she has "discoloration on leg", that she did not go to hospital. Customer alleged wife "will not drive vehicle", he/she is concerned over safety, they want a different vehicle.

Copy of notes sent to F. Berenz & G. Bowns.

Open Date: 01/27/2004 12:04:58 Agent: Ted Zawacki Phone 7527 Note Type: PC  
SPOM reviewed with Glen Gatto SM Vehicle is repaired and ready for pickup at dealer 61148

Open Date: 01/28/2004 11:22:23 Agent: James Blazie Phone 4620 Note Type: PC  
Copy of msg G. Bowns sent to SPOM:  
Hi Ted,

Please see what you can do to satisfy this customer.

Thanks,

**CONFIDENTIAL**

Gary H. Bowns  
Department Manager - Product Compliance, Analysis & Safety Engineering

Open Date: 01/29/2004 15:34:23 Agent: Ted Zawacki Phone 7527 Note Type: PC  
SPOM reviewed with dealer SM Glen Gatto.  
Vehicle repaired and picked up by customer.  
Dealer offered customer 1 lease payment for down time and inconvenience in return for signed legal release.  
Customer will consult his attorney to discuss.

Open Date: 02/03/2004 13:50:29 Agent: Ted Zawacki Phone 7527 Note Type: RC  
SPOM spoke with SM Glen Gatto. Customer will contact his attorney

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 167238    Priors: No    Open Date: 01/26/2004    Status: CLS    Last Update: 03/04/2004

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence: [REDACTED]

City: South Richmond Hill NY [REDACTED]    Corres ID: [REDACTED]

Agent: James Blazie    Phone: 4620    Orig By: P    Orig CD: H0    Region: 5    Market: 2

Service Retailer: 55164 SOVEREIGN MOTOR CARS    BROOKLYN    NY    Assign Agent: SOM - 27

Orig Retailer: 55164 SOVEREIGN MOTOR CARS    BROOKLYN    NY

Sell Retailer: 55164 SOVEREIGN MOTOR CARS    BROOKLYN    NY

Disp Amt:    Corr Fwd:    Mailgram Sent:

DBAG VIN: 163154 [REDACTED]    Model: ML320    2002

World VIN: 4JGAB54E6 [REDACTED]

Mileage: 21747    Engine Number: 11294231181810

Pred Date: 01/30/2002    Warranty Start Date: 04/27/2002

Close Agent: TED ZAWACKI    Field Closing Date: 03/04/2004

Close With: O    Close By: M    Close How: V    Owner Satisfied: N

Grp	Fall	Major	Minor	Ra
18	04	3	3	13

## Involved Information

> [REDACTED]    [REDACTED]    South Richmond Hill, NY [REDACTED]  
Secondary    Residence

## Customer Assistance Referral – Full Notes

Open Date: 01/26/2004 13:14:33    Agent: James Blazie    Phone 4620    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 21747

Warranty Start Date: 04/27/2002

Starlink Warranty: N/A

Previous CA Referrals:

Previous Summary Notes:

[REDACTED] called and alleged that vehicle has poor repair history; he alleged that vehicle was just in for low coolant light issue, that he picked up vehicle last week and low coolant light is on again.

(Customer also referred to seat issue in that driver seat "caught fire" last month and dealer just received and replaced new seat; that passenger seat has been repaired 2x for heating issue, that it "seemed fixed now.")

Customer also requested consideration for down time of vehicle and repairs - writer suggested that customer discuss that request with svc mgr.

Copy of notes sent to F. Barez & G. Borne.



Open Date: 01/26/2004 15:56:04 Agent: James Blazie Phone 4820  
Legal advised notes be sent to regional Legal rep - that this was considered buy back request.  
Copy of notes sent to A. Zepf.

Note Type: PC  
**CONFIDENTIAL**

Open Date: 01/30/2004 14:36:24 Agent: Ted Zawacki Phone 7527 Note Type: RC  
SPOM spoke to Dealer SM Jim McGrory Dealer will call customer to arrange appointment for customer to repair coolant leak.  
SPOM will review with dealer at that time.

Open Date: 02/18/2004 22:10:07 Agent: Ted Zawacki Phone 7527 Note Type: PC  
SPOM sent note to SM Jim McGrory asking for update

Open Date: 03/04/2004 21:21:50 Agent: Ted Zawacki Phone 7527 Note Type: RC  
SPOM review with Sammy Vaequez ASM  
Customer accepted vehicle detail and \$200 accessory voucher for down time and inconveniences.

3/16/2005

**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 167607    Priors: No    Open Date: 02/10/2004    Status: CLS    Last Update: 03/01/2004

Lancaster Pre-Owned

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence

City: Lancaster    PA [REDACTED]    Corres ID:

Agent: James Blaisie    Phone: 4620    Orig By: P    Orig CD: H0    Region: 1    Market: 5

Service Retailer: 00111    WASHINGTON RGN    Assign Agent: SOM - 27

Orig Retailer: 34203    EURO MOTORCARS, INC.    BETHESDA    MD

Sell Retailer: 34203    EURO MOTORCARS, INC.    BETHESDA    MD

Diap Amt:    Corr Fwd:    Mailgram Sent:

DBAG VIN: 163157 [REDACTED]    Model: ML350    2003

World VIN: 4JGAB57E83 [REDACTED]

Mileage: 18600    Engine Number: 11297031419821

Prod Date: 12/06/2002    Warranty Start Date: 01/02/2003

Close Agent: BRIAN MALONEY    Field Closing Date: 03/01/2004

Close With: D    Close By: M    Class How: V    Owner Satisfied: Y

Grp	Full	Major	Minor	Rn
68	73	5	3	14

**Involved Information**

- > [REDACTED] - Driver, [REDACTED] York, PA [REDACTED]  
Primary Business
- > [REDACTED] Owned - Owner, [REDACTED] Lancaster, PA [REDACTED]  
Primary Residence

**Customer Assistance Referral - Full Notes**

Open Date: 02/10/2004 09:09:13    Agent: James Blaisie    Phone 4620    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 10788

Warranty Start Date: 01/02/2003

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes:

[REDACTED] called and stated Lancaster Pre-Owned is owner of vehicle and that he is a manager with the company.

He alleged that while driving vehicle on 2/8/04 at 9 PM he had turned on heated seats, he "felt like a bee sting" and noted that his seat was burned and there was hole in his pants. He stated he was alone in vehicle with seat belt on.

He stated that he has a burn mark on back side; that he wants vehicle repaired, and new pants.

Vehicle is at 1401 Carlisle Road, York, PA (his office).

Copy of notes sent to F. Berenz &amp; G. Bowns.

Open Date: 02/11/2004 11:35:40 Agent: James Biazio Phone 4620  
SPOM provided information that he has contacted customer and is addressing customer issues.

Note Type: PC

Open Date: 03/01/2004 14:53:21 Agent: Brian Maloney Phone 7127  
Vehicle has been repaired. Please contact legal if any further information needed on this case.

Note Type: RC

**CONFIDENTIAL**

3/16/2005

# Customer Assistance Referral CONFIDENTIAL

CA Ref ID: 167735      Priors: Both      Open Date: 02/17/2004      Status: CLS      Last Update: 02/23/2004

Address: [REDACTED]      Title: [REDACTED]  
 Phone: [REDACTED]      Residence: [REDACTED]

City: Reading      PA [REDACTED]      Corres ID: [REDACTED]

Agent: Cynthia Feuss      Phone: 6289      Orig By: P      Orig CD: H0      Region: 1      Market: 2

Service Retailer: 67264      MERCEDES-BENZ OF DEV      DEVON      PA      Assign Agent: SOM - 24

Orig Retailer: 67234      TOM MASANO, INC.      READING      PA

Sell Retailer: 67234      TOM MASANO, INC.      READING      PA

Disp Amt:      Corr Fwd:      Mailgram Sent:

DBAG VIN: 163157 [REDACTED]      Model: ML350      2003

World VIN: 4JGAB57E7 [REDACTED]

Mileage: 14426      Engine Number: 11297031485696

Prod Date: 03/13/2003      Warranty Start Date: 06/11/2003

Close Agent: GEORGE MCNICHOL      Field Closing Date: 02/23/2004

Class Wid: O      Close By: M      Close How: V      Owner Satisfied: Y

Grp	Fail	Major	Minor	Rsn
67	06	2	3	09

## Involved Information

[REDACTED] Reading, PA [REDACTED]  
 Secondary Residence  
 [REDACTED] Reading, PA [REDACTED]  
 Secondary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 02/17/2004 09:20:23      Agent: Cynthia Feuss      Phone 6289      Note Type: FC

Primary Phone: [REDACTED]  
 Current Mileage: 14426  
 Warranty Start Date: 06/11/2003  
 Starmark Warranty: N/A  
 Previous CA Referrals: 164061  
 Previous Summary Notes: 436184

Owner asks to speak directly with SPOM, (I explain that dealer SM is our point of contact with customers), as owner is requesting for MB to pay for replacement windshield. Owner alleges 67264 has to remove rearview mirror due to microphone malfunction and claims windshield cracked while dealer was doing this. Owner claims dealer has advised there was a small chip in the windshield that resulted in the crack. Owner alleges "this would not have happened if they did not have to remove the mirror for repairs."

Owner alleges "this vehicle has given me nothing but trouble since I bought it for my wife. There is a serious electrical problem, lights flickered, windows went down on their own, the radio volume increased to a very high volume but the dealer could not duplicate so they said nothing was wrong. the drivers seat literally caught on fire and had to be replaced, now they said the mic in the rear view mirror is defective. This is inexcusable."

Copy of these Case notes e-mailed to Gary Bowns.

Open Date: 02/18/2004 15:06:42 Agent: Carol Tobias  
Below notes taken by Julia Hart, Universal Agent:

Phone 6243

Note Type: PC

**CONFIDENTIAL**

██████████ called regarding CA REF ID # 167735.

Customer claims there has been electrical issues for the last eight months. Customer alleges the rearview mirror was replaced due to a "defect" in the microphone which then caused a crack in the windshield. Customer claims this was fault of the dealer and should not have to pay for the price of the windshield.

Customer claims Ed (Asst SM) called him this morning & informed his mother that he would be responsible for the charges of the windshield. Customer stated "You can come pick up my vehicle, because I am not paying for the windshield." Customer would like to speak w/ "head of customer service."

Writer informed customer that the SM has fully authority and MBUSA fully empowers his decision. Customer ended the call.

Writer contacted the SM Doug Will at dealer 87284. Doug stated that customer would be responsible for charges and Ed (Asst SM) spoke w/ customer's mother to inform him of that.

Doug stated that he is fairly new and would review this w/ the GM.

Writer advised Doug that cust. was informed of SM position & MBUSA fully upholds that decision.

Open Date: 02/19/2004 15:44:57 Agent: Cynthia Fauss

Phone 6289

Note Type: PC

FOLLOWING EMAIL FROM GARYBOWNE TO SPOM MCNICHOL: Hi George, Please see what you can do to satisfy the customer with respect to the seat heater issue. Thanks, Gary H. Bowne

Open Date: 02/23/2004 09:08:25 Agent: George McNichol

Phone 7124

Note Type: PC

2/20/04 I spoke to customer mother who is handling this issue while son is away.

Customer feels MB or Dealer should participate in \$500 + bill to replace windshield as it would no need to be replaced at this time if it were not for a warranty problem.

I told her that I would review matter at dealer on 2/23/04 and get back to her.

Open Date: 02/23/2004 10:45:12 Agent: George McNichol

Phone 7124

Note Type: PC

I phoned customer and told her that Dealer would reimburse her 50% of windshield repair. Customer stated she has not paid bill yet and will send check tonight for 50% of windshield.

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 167779    Priors: No    Open Date: 02/18/2004    Status: CLS    Last Update: 02/20/2004

Address: [REDACTED]    Title: [REDACTED]    Phone: [REDACTED]    Residence: [REDACTED]

City: Glendale Heights    IL [REDACTED]    Carres ID: [REDACTED]

Agent: Joyce Dever    Phone: 6205    Orig By: P    Orig CD: H0    Region: 4    Market: 1

Service Retailer: 00444    CHICAGO RGN    Assign Agent: SOM - 30

Orig Retailer: 22402    MARK MOTORS, INC.    ARLINGTON HE    IL

Sell Retailer: 22402    MARK MOTORS, INC.    ARLINGTON HE    IL

Diap Amt:    Corr Fwd:    Mailgram Sent:

DBAG VIN: 1631571 [REDACTED]    Model: ML350    2003

World VIN: 4JGAB57E7 [REDACTED]

Mileage: 10143    Engine Number: 11297031449178

Prod Date: 01/31/2003    Warranty Start Date: 02/20/2003

Close Agent: CLEO GAINES    Field Closing Date: 02/20/2004

Close With: D    Close By: M    Close How: P    Owner Satisfied: Y

Crp	Fall	Major	Minor	Ra
68	10	2	3	09

## Involved Information

> [REDACTED] - Owner, [REDACTED], Glendale Heights, IL [REDACTED]  
Secondary    Residence

## Customer Assistance Referral – Full Notes

Open Date: 02/18/2004 10:20:51    Agent: Joyce Dever    Phone 6205    Note Type: PC

Primary Phone: [REDACTED]  
Current Mileage: 10143  
Warranty Start Date: 02/20/2003  
StarMark Warranty: N/A  
Previous CA Referrals:

Previous Summary Notes: 404286, 649657

Customer phoned Roadside Assistance last evening - she claims she turned on the driver's side heated seat and subsequently detected a burning odor and noted there was a burn mark on the seat and her coat. Vehicle was towed to Arlington Heights dealer.

cc: G. Bowne, F. Berenz

Open Date: 02/20/2004 17:48:41    Agent: Cleo Gaines    Phone 7421    Note Type: RC

the dealer will repair the vehicle. also the customer will provide receipts for the coat and will be reimbursed.

3/16/2005

# Customer Assistance Referral CONFIDENTIAL

CA Ref ID: 167784    Priors: No    Open Date: 02/18/2004    Status: CLS    Last Update: 04/07/2004

Address: [REDACTED]    Title: Md  
 Phone: [REDACTED]    Residence

City: Ashland    KY [REDACTED]    Corres ID:

Agent: Christine Dingler    Phone: 6361    Orig By: P    Orig CD: HO    Region: 4    Market: 6

Service Retailer: 00444    CHICAGO RGN    Assign Agent: SOM - 26

Orig Retailer: 31100    SIM FRYSON MOTOR CO.    ASHLAND    KY

Sell Retailer: 31100    SIM FRYSON MOTOR CO.    ASHLAND    KY

Disp Amt:    Carr Fwd:    Mailgram Sent:

DBAG VIN: 1631751 [REDACTED]    Model: ML500    2003

World VIN: 4JGAB75E93 [REDACTED]

Mileage: 25799    Engine Number: 11396530444279

Prod Date: 11/13/2002    Warranty Start Date: 12/10/2002

Class Agent: STEVE NEUKAM    Field Closing Date: 04/07/2004

Class With: 0    Class By: D    Close How: P    Owner Satisfied: Y

Grp	Fold	Major	Minor	Ra
68	73	3		

## Involved Information

[REDACTED] Owner, [REDACTED] Ashland, KY [REDACTED]  
 [REDACTED] Secondary    Residence

## Customer Assistance Referral - Full Notes

Open Date: 02/18/2004 11:06:08    Agent: Christine Dingler    Phone 6361    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 19252

Warranty Start Date: 12/10/2002

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 696105

Charlie from dealer 31100 phone the CAC stating the Dr. Borst phoned the dealer alleging that he had been burned by his heated seats. Dealer is arranging to have vehicle towed to dealer and checking for most up-to-date phone # for customer. Charlie advised that customer claimed he had gone to work today.

Writer will update information as soon as it becomes available and contact customer.

CC: G.Bowme, F.Berenz.

Open Date: 02/18/2004 14:32:48    Agent: Christine Dingler    Phone 6361    Note Type: PC

Charlie from dealer phoned writer to update mileage to 25,799.

Open Date: 02/19/2004 21:48:08    Agent: Steve Neukam    Phone 7427    Note Type: RC

SPOM checking with SM.

Open Date: 02/23/2004 14:01:19  
Writer received Email from G. Bowne.  
Hi Steve,

Agent: Christine Dingler

Phone 6361

Note Type: PC

**CONFIDENTIAL**

Please see what you can do.....

Thanks,

Gary H. Bowne

Open Date: 04/07/2004 21:49:04  
Case Closed.

Agent: Ira Zahner

Phone 7426

Note Type: PC



3/16/2005

**Customer Assistance Referral** **CONFIDENTIAL**

CA Ref ID: 168274 Priors: No Open Date: 03/11/2004 Status: CLS Last Update: 04/26/2004

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Princeton

NJ [REDACTED]

Corres ID:

Agent: Cleveland Best

Phone: 6344

Orig By: P

Orig CD:

Region: 5

Market: 3

Service Retailer: 00555

N.Y. RGN

Assign Agent: SOM - 25

Orig Retailer: 51147

MERCEDES-BENZ OF PRI

LAWRENCEVILL

NJ

Sell Retailer: 51147

MERCEDES-BENZ OF PRI

LAWRENCEVILL

NJ

Disp Amt:

Carr Fwd: N

Mailgram Sent: N

DBAG VIN: 163175 [REDACTED]

Model: ML500

2002

World VIN: 4JGAB75E2 [REDACTED]

Mileage:

50000

Engine Number: 11396530368041

Prod Date: 03/08/2002

Warranty Start Date: 04/13/2002

Class Agent: ERIC ERDENBERGER

Field Closing Date: 04/26/2004

Class With: D

Class By: M

Class How: V

Owner Satisfied: N

Grp	Fail	Major	Minor	Rst
54	52	3	3	13

**Involved Information**

&gt;

[REDACTED]

Secondary

NJ [REDACTED]  
Residence**Customer Assistance Referral - Full Notes**

Open Date: 03/11/2004 11:58:17

Agent: Cleveland Best

Phone 6344

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 50000

Warranty Start Date: 04/13/2002

StarMark Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 307091

[REDACTED] called CAC to express his alleged dissatisfaction with vehicle. Customer claims since the lease began, the vehicle has been repaired many times for alleged electrical problems.

Customer claims 2/13, the dir replaced the driver's side heated seat option burned through seat and burned his wife's coat. Customer claims this vehicle is unsafe to drive, and claims he would be "having a different conversation with us had the seat burned his wife's skin."

Customer claims the dir looked at his wife's coat and saw the burn marks (customer noted they still have the coat if MBUSA needs to look at it directly). Customer demands MBUSA assistance with getting out of vehicle and into another vehicle, or would like MB to have the lease ended early to due the alleged danger of vehicle electronics.

Copy of referral sent to G. Bowne and Frank Berez

Open Date: 03/18/2004 14:30:01 Agent: Eric Erdenberger  
SPOM will discuss case with dealer on next dealer visit, Tuesday, 3/23.

Phone 7525

Note Type: PC

Open Date: 04/28/2004 16:28:53 Agent: Eric Erdenberger  
Dealer fully repaired owners vehicle and returned to owner. SPOM closed case.

Phone 7525

Note Type: RC

**CONFIDENTIAL**

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 168405    Priors: No    Open Date: 03/16/2004    Status: CLS    Last Update: 03/22/2004

[Redacted]

Address: [Redacted]

Title:

Phone: [Redacted]

Residence

City: Lake Forest

IL [Redacted]

Corres ID:

Agent: Nicole Shababb    Phone: 4619    Orig By: M    Orig CD: HO    Region: 4    Market: 1

Service Retailer: 22420    AUTOHAUS ON EDENS, I    NORTHBROOK    IL    Assign Agent: SOM - 30

Orig Retailer: 22420    AUTOHAUS ON EDENS, I    NORTHBROOK    IL

Sell Retailer: 22420    AUTOHAUS ON EDENS, I    NORTHBROOK    IL

Diap Amt:    Corr Fwd: Y    Mailgram Sent: Y

DBAG VIN: 163157 [Redacted]    Model: ML350    2003

World VIN: 4JGAB57B4 [Redacted]

Mileage: 20190    Engine Number: 11297031433861

Prod Date: 12/16/2002    Warranty Start Date: 12/26/2002

Close Agent: CLEO GAINES    Field Closing Date: 03/22/2004

Close With: D    Close By: M    Close How: V    Owner Satisfied: Y

Grp	Fall	Major	Minor	Res
10	10	2	3	08

## Involved Information

> [Redacted] [Redacted] Lake Forest, IL [Redacted]  
Primary                      Residence

## Customer Assistance Referral - Full Notes

Open Date: 03/16/2004 18:55:47

Agent: Nicola Shababb

Phone 4619

Note Type: PC

Primary Phone: [REDACTED] (Primary)

Current Mileage: 20190

Warranty Start Date: 12/26/2002

Starmark Warranty: N/A

Previous CA Referrals:

**CONFIDENTIAL**

Previous Summary Notes:

CORR # 235670

Customer [REDACTED] sent a letter addressed to Paul Halata dated 02/27/04 and received 03/15/04.

Customer alleging the vehicle has been to the dealership for service nine times and a total of 38 days. Customer alleging the vehicle has had brake failure, a leak from the hood in to the interior cabin, the driver's side seat warmer began to smoke and burn through the seat (allegedly burning the customer), the steering ability collapsed allegedly making the vehicle un-manueverable, and an alleged offensive odor that surfaces when the driving conditions are wet.

Customer alleging he is no longer confident in the vehicle's safety. Customer alleging Chuck Turck offered to purchase the ML350 as a trade in, with current trade in value. Customer alleging he not pleased with this offer and feels as though MBUSA does not want to seriously address his concerns.

Customer ends letter by alleging the only fair solution to his concerns is to receive a new ML350.

Special mailgram to be sent to customer

cc: Cleo Gaines, SPOM  
Al Katz, S & P Manager  
Mark Kelly, Legal

Open Date: 03/18/2004 15:20:50

Agent: Cleo Gaines

Phone 7421

Note Type: RC

I reviewed the customer history and much of the items listed were NPF (No problems found). The days in service do not indicate a repair issue that the dealer could not find. I offered the customer \$3000 towards the trade of another MB unit and the dealer is working with the customer to determine the customer's next step. The history of the vehicle does not support a repurchase by MBUSA, in my opinion. The dealer continue discussions with the customer to complete the trade.

Open Date: 03/22/2004 16:06:12

Agent: Cleo Gaines

Phone 7421

Note Type: RC

The dealer completed a trade with the customer with assistance from MBUSA. The customer took delivery of the new unit and is driving the new unit.

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 168936    Priors: No    Open Date: 04/05/2004    Status: CLS    Last Update: 04/27/2004

Address: [REDACTED]    Title: [REDACTED] Jr.  
Phone: 410-745-4057    Residence

City: Royal Oak    MD [REDACTED]    Corres ID: 236699

Agent: Robyn Letz    Phone: 6209    Orig By: M    Orig CD: HO    Region: 1    Market: 5

Service Retailer: 34107    MERCEDES-BENZ OF ANN    ANNAPOLIS    MD    Assign Agent: SOM - 27

Orig Retailer:

Sell Retailer: 34107    MERCEDES-BENZ OF ANN    ANNAPOLIS    MD

Disp Amt:    Corr Fwd: Y    Mailgram Sent: Y

DBAG VIN: 163157 [REDACTED]    Model: ML350    2003

World VIN: 4JGAB57E43 [REDACTED]

Mileage: 18436    Engine Number:

Prod Date: 02/25/2003    Warranty Start Date: 04/29/2003

Close Agent: BRIAN MALONEY    Field Closing Date: 04/27/2004

Close With: O    Close By: M    Close How: P    Owner Satisfied: Y

Grp	Fail	Major	Minor	Ra
68	53	5	3	14

## Involved Information

[REDACTED] Owner, [REDACTED] Royal Oak, MD [REDACTED]  
[REDACTED] Secondary    [REDACTED] Business

## Customer Assistance Referral -- Full Notes

Open Date: 04/05/2004 14:12:20    Agent: Robyn Letz    Phone 6209    Note Type: PC

Primary Phone: [REDACTED]  
Current Mileage: 18436  
Warranty Start Date: N/A  
StarMark Warranty: N/A  
Previous CA Referrals:

Previous Summary Notes: 184525, 622056, 626998, 721028

[REDACTED] sent letter to Mr. Halata received at CAC 04/02/04.

[REDACTED] asks for assurances that vehicle is drivable and "something like this won't happen again."

Customer alleges seat warmer caused a "burning odor and the appearance of smoke." Customer claims there was a burn mark on the seat and his wife's slacks.

Writer will copy G. Bowne and F. Berenz

**Open Date: 04/05/2004 15:38:20****Agent: Robyn Letz****Phone 8209****Note Type: PC****From SPOM:**

Vehicle was repaired on 3/29. Robyn had contacted SM on Friday. I've instructed the SM to contact customer to offer reimbursement of stack cost.

Letter faxed to Frank Beranz at his request.

**Open Date: 04/13/2004 10:01:29****Agent: Brian Maloney****Phone 7127****Note Type: PC**

Writer had followed up with SM at 34107 on 3/9. SM stated he had not heard from cust since original attempt to contact on 3/8. Writer requested that SM attempt again on 3/9. Today, writer emailed GAC with following request...

Robyn,

Please send a mailgram to Mr. Endy requesting he contact me to discuss the issue surrounding his seat heater. I've called and left messages at both contact numbers (410.745.5527 & 410.745.4057) today. The service manager had left 2 messages to date, asking Mr. Endy to call him.

**Open Date: 04/13/2004 10:04:49****Agent: Brian Maloney****Phone 7127****Note Type: PC**

The dates in the previous added note should be 4/7, not 3/7

**Open Date: 04/27/2004 09:31:11****Agent: Brian Maloney****Phone 7127****Note Type: RC**

Writer spoke to cust on 4/26. Writer assured cust that replaced seat heater was not going to cause same issue. Writer offered to pay for reported wife's damage pants. Cust appreciated offer but declined. Cust appreciated f/u from MB.

3/16/2005

**Customer Assistance Referral** **CONFIDENTIAL**

CA Ref ID: 169336 Priors: No Open Date: 04/21/2004 Status: CLS Last Update: 06/03/2004

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Westfield

NJ [REDACTED]

Carras ID: [REDACTED]

Agent: James Dowles

Phone: 4628

Orig By: P

Orig CD: HO

Region: 5

Market: 3

Service Retailer: 00555 N.Y. RGN

Assign Agent: SOM - 27

Orig Retailer: 51146

RAY CATENA MOTOR CAR

EDISON

NJ

Sell Retailer: 51146

RAY CATENA MOTOR CAR

EDISON

NJ

Disp Amt:

Carr Fwd:

Mallgram Sent:

DBAG VIN: 1631541 [REDACTED]

Model: ML320 2001

Gry	Fall	Major	Minor	Res
99	99	2	3	14

World VIN: 4JGAB54E8 [REDACTED]

Mileage: 39000

Engine Number: 11294231047581

Prod Date: 06/26/2001

Warranty Start Date: 07/21/2001

Close Agent: TED ZAWACKI

Field Closing Date: 06/03/2004

Close With: D

Close By: M

Close How: V

Owner Satisfied: Y

**Involved Information**

[REDACTED] - Owner, [REDACTED] Westfield, NJ [REDACTED]  
 Primary Residence

**Customer Assistance Referral - Full Notes**

Open Date: 04/21/2004 15:03:58

Agent: James Dowles

Phone 4628

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 39000

Warranty Start Date: 07/21/2001

Starlink Warranty: N/A

Previous CA Referrals:

Previous Summary Notes:

Customer called CAC claiming multiple ongoing electric issue's and claiming when she sits in vehicle she gets "shocked."

Customer claimed she has had multiple electric issue's. Customer claimed currently interior lights and heated seats do not work right now. customer claimed currently when she sits in vehicle she gets "shocked."

Customer seeking assistance in addressing alleged issue.

CC: Frank Berez and Gary Bowne

Open Date: 04/21/2004 16:23:41

Agent: Ted Zawacki

Phone 7527

Note Type: PC

SPOM spoke to Glen Gatto who will call customer

**CONFIDENTIAL**

Open Date: 04/21/2004 17:02:29

Agent: James Douglas

Phone 4628

Note Type: PC

Per email from SPOM:

SPOM spoke to Mr. Roock at 4:10, offered to tow vehicle to dealer. Customer stated dome light inop, said wife feels a shock coming from RF and LF seat (sometimes) and shakes (sometimes) Customer did not want vehicle towed said he would drive to dealer.

SPOM spoke to Glen Gatto SM 51146 who will call Mr. Roock and arrange an appointment.

Regards,

Ted

Open Date: 06/03/2004 14:21:01

Agent: Ted Zarweckl

Phone 7527

Note Type: RC

SPOM spoke to Glen Gatto Dealer 51146 inspected vehicle could not duplicate customer concerns.



3/16/2005

**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 173475    Priority: No    Open Date: 10/04/2004    Status: CLS    Last Update: 10/13/2004

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence

City: Royal Palm Beach    FL [REDACTED]    Corres ID:

Agent: Cleveland Best    Phone: 6344    Orig By: P    Orig CD:    Region: 2    Market: 6

Service Retailer: 14323    MERCEDES-BENZ OF PAL    WEST PALM BE    FL    Assign Agent: SOM - 24

Orig Retailer: 14323    MERCEDES-BENZ OF PAL    WEST PALM BE    FL

Sell Retailer: 14323    MERCEDES-BENZ OF PAL    WEST PALM BE    FL

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631571[REDACTED]    Model: ML350    2003

World VIN: 4JGAB57B63[REDACTED]

Mileage: 17539    Engine Number: 11297031485799

Prod Date: 03/03/2003    Warranty Start Date: 03/12/2003

Close Agent: WILLIAM NORMAN    Field Closing Date: 10/13/2004

Close With: D    Close By: M    Close How: V    Owner Satisfied: Y

Grp	Fall	Major	Minor	Ra
68	73	5	2	05

**Involved Information**

- > [REDACTED] Driver, [REDACTED] Royal Palm Beach, FL [REDACTED]  
Primary Residence
- > [REDACTED] - L, [REDACTED] Royal Palm Beach, FL [REDACTED]  
Primary Residence

**Customer Assistance Referral - Full Notes**

Open Date: 10/04/2004 15:30:37    Agent: Cleveland Best    Phone 6344    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 17539

Warranty Start Date: 03/12/2003

Starlink Warranty: N/A

Previous CA Referrals:

Previous Summary Notes: 616933, 698052, 707021, 712072, 742051, 779826

[REDACTED] called CAC claiming his vehicle is a "lemon." Customer claims 1 week ago allegedly the seat heater on the driver's seat burned his wife's leg. Customer claims there is a burn spot on the seat itself and wants to know why this occurred.

Customer demanding contact from MB rep as to why this happen and is seeking assistance with getting out of vehicle. Customer claims his wife just called the dir Thursday or Friday to advise of the alleged incident, and he is awaiting a callback from dir to schedule an appt. to bring vehicle for this alleged concern.

Copy of referral sent to G. Bowne and F. Berenz

Open Date: 10/04/2004 16:07:40

Agent: Cleveland Best

Phone 6344

Note Type: PC

Hi Bill,

Please see what you can do to satisfy this customer.

Thanks,

Gary H. Bowne  
Department Manager  
Product Compliance, Analysis & Safety Engineering  
Mercedes-Benz USA, LLC  
One Mercedes Drive  
Montvale, NJ 07645

Phone [REDACTED]  
Cell: [REDACTED]  
Fax: [REDACTED]  
email: [REDACTED]

**CONFIDENTIAL**

Open Date: 10/06/2004 14:27:11

Agent: ANDREW KAMBICH

Phone 7226

Note Type: PC

Spom reviewed with dealer SD. SD advises that they have not seen vehicle yet, however SD advises that the left a message for client two days ago and has not heard back from client. SD to follow up and advise.

Open Date: 10/07/2004 14:23:38

Agent: Robyn Letz

Phone 6208

Note Type: PC

[REDACTED] called the CAC. Customer demands MBUSA terminate his lease. Customer demanded to speak with Bill Norman directly. Bill is on vacation.  
Writer called SD Ron Yannie from dealer to advise customer called here.  
Above note says SD is trying to reach the customer.  
writer asked SD to call customer at 561-792-4086.

Open Date: 10/08/2004 13:30:40

Agent: WILLIAM NORMAN

Phone 7234

Note Type: PC

SPOM requested e-mail update from serv. mgr. at Palm Beach

Open Date: 10/13/2004 11:30:14

Agent: WILLIAM NORMAN

Phone 7234

Note Type: RC

SPOM and Serv. Cir. of Palm Beach called customer who stated that his wife was not burned badly and he is a doctor and treated her with a cream. Seat is repaired, but customer is not happy with the fit of the new seat cover. SPOM will meet with the customer on 10/16/04 at Palm Beach and resolve current issue.

3/16/2005

**Customer Assistance Referral** **CONFIDENTIAL**

CA Ref ID: 173963    Priors: No    Open Date: 10/20/2004    Status: CLS    Last Update: 11/23/2004

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence

City: Silver Spring    MD [REDACTED]    Carres ID:

Agent: Gregg Mault    Phone: 6350    Orig By: P    Orig CD: H0    Region: 1    Market: 1

Service Retailer: 00111    WASHINGTON RGN    Assign Agent: SOM - 21

Orig Retailer: 34203    EURO MOTORCARS, INC.    BETHESDA    MD

Sell Retailer: 34203    EURO MOTORCARS, INC.    BETHESDA    MD

Dsp Asst:    Corr Fwd:    Mailgram Sent:

DBAG VIN: 163157 [REDACTED]    Model: ML350    2003

World VIN: 4JGAB57E1 [REDACTED]

Mileage: 12860    Engine Number: 11297031508747

Prod Date: 04/21/2003    Warranty Start Date: 05/30/2003

Class Agent: JAMES WILLARD    Field Closing Date: 11/23/2004

Class With: 0    Class By: D    Close How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Rsr
68	93	2	3	14

**Involved Information**

> [REDACTED] Owner, [REDACTED] Silver Spring, MD [REDACTED]  
[REDACTED] Primary    [REDACTED] Residence

**Customer Assistance Referral -- Full Notes**

Open Date: 10/20/2004 16:21:35    Agent: Gregg Mault    Phone 6350    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 12860

Warranty Start Date: 05/30/2003

Previous CA Referrals:

Previous Summary Notes:

Customer called stating his wife was driving vehicle and alleged she smelled smoke after she put on the driverside heated seat and realized that a hole had burned through the seat. Customer will be bringing vehicle into dealer 34203 for inspection. Customer wants to know what could have caused this incident.

CC: G. Bowne  
G. Cilla  
T. Brunner  
F. Berenz

Open Date: 10/21/2004 14:03:19    Agent: JOHN FREUND    Phone 7122    Note Type: PC  
Under review.

**Open Date:** 10/22/2004 08:51:29    **Agent:** JOHN FREUND    **Phone:** 7122    **Note Type:** PC  
Service Manager advises the customer has not called for an appt. yet. When the vehicle is diagnosed writer advised the dealership to explain in detail their findings with the customer. Writer did not feel that a Product Analysis Investigation was needed for this complaint.

**Open Date:** 10/28/2004 11:19:21    **Agent:** JAMES WILLARD    **Phone:** 7121    **Note Type:** PC  
Customer has brought vehicle to dir 34203 where it was diagnosed and new seat cover and heating element was ordered. Writer also left message for customer.

**Open Date:** 11/04/2004 14:06:18    **Agent:** JAMES WILLARD    **Phone:** 7121    **Note Type:** PC  
Writer has left several messages with customer's voice and received no response.

**Open Date:** 11/18/2004 10:45:06    **Agent:** JAMES WILLARD    **Phone:** 7121    **Note Type:** PC  
Writer still has not heard from customer. Part is still on backorder, SP form was sent in by dealer on 11/4 with no eta as of yet. Writer left message with Steve Langelotti in SP to call me back. Also explained importance of expediting part. Writer will wait for response.

**Open Date:** 11/17/2004 07:07:38    **Agent:** JAMES WILLARD    **Phone:** 7121    **Note Type:** PC  
Writer spoke to S. Langelotti in SP who is trying to obtain the part from MBUSI.

**Open Date:** 11/22/2004 10:58:39    **Agent:** JAMES WILLARD    **Phone:** 7121    **Note Type:** PC  
Writer verified part has arrived. Waiting for customer to bring in vehicle for replacement.

**Open Date:** 11/23/2004 11:24:47    **Agent:** JAMES WILLARD    **Phone:** 7121    **Note Type:** RC  
Vehicle has been repaired and returned to customer.

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 174292    Priors: No    Open Date: 11/03/2004    Status: CLS    Last Update: 11/09/2004

Address: 7913 Corte Nobleza

Title:

Phone: [REDACTED]

Residence

City: Bakersfield

CA [REDACTED]

Carres ID:

Agent: John Hart

Phone: 4669

Orig By: P

Orig CD: HO

Region: 3

Market: 5

Service Retailer: 00333

L.A. RGN

Assign Agent: SOM - 29

Orig Retailer: 05745

MERCEDES-BENZ OF BAK

BAKERSFIELD

CA

Sell Retailer: 05745

MERCEDES-BENZ OF BAK

BAKERSFIELD

CA

Disp Amt:

Corr Fwd: N

Mailgram Sent: N

DBAG VIN: 1631571P[REDACTED]

Model: ML350

2003

World VIN: 4JGAB57E03[REDACTED]

Mileage:

14369

Engine Number: 11297031489993

Prod Date: 03/08/2003

Warranty Start Date: 08/25/2003

Close Agent: DAN BERBERIAN

Field Closing Date: 11/09/2004

Close With: O

Close By: D

Close How: V

Owner Satisfied: Y

Grp	Fail	Major	Minor	Rt
82	73	5	3	16

## Involved Information

Owner, [REDACTED]

Secondary

Bakersfield, CA [REDACTED]

Residence

## Customer Assistance Referral - Full Notes

Open Date: 11/03/2004 12:31:51

Agent: John Hart

Phone 4669

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 14369

Warranty Start Date: 08/25/2003

Previous CA Referrals:

Previous Summary Notes:

Customer [REDACTED] phoned the CAC alleging "while driving the driver's seat began to catch fire and burn through my jeans into the wallet".

"I do not intend to take this vehicle back at this point and time".

No injuries experienced and is seeking a vehicle inspection from MBUSA.

Writer advised customer we will review and document concerns.

CC: Frank Berenz, Gary Bowns, Regina Cite, Thomas Brunner

Open Date: 11/03/2004 17:44:18

Agent: DAN BERBERIAN

Phone 7329

Note Type: PC

SPOM reviewed w/dealer and verified that the element had failed. SPOM offered goodwill gesture in addition to the warranty repair to restore the clients lost confidence. Dealer will review with client and follow up.

Open Date: 11/05/2004 11:13:48

Agent: John Hart

Phone 4669

Note Type: PC

E-mail from Gary Bowne:

**CONFIDENTIAL**

Hi Dan,

Please look into this. If this is a seat heater issue, please see what you can do to satisfy the customer.

Thanks,

Gary H. Bowne  
Department Manager  
Product Compliance, Analysis & Safety Engineering  
Mercedes-Benz USA, LLC  
One Mercedes Drive  
Montvale, NJ 07645

Pho  
Cell  
Fax  
ema

— Forwarded by Gary Bowne/171/DCAG/DCX on 11/04/2004 05:20 PM —

Open Date: 11/09/2004 12:47:48

Agent: Honora Duffy

Phone 6307

Note Type: PC

called wanting status - I told him to speak to Bill Smith @dealer who's reviewing his concerns with regional market team.

He also asked if MB is going to be inspecting; I confirmed not necessarily needed. Dealer is fully trained to inspect and provide technical information to regional market team - then decision will be made and Service Manager would provide to him.

Customer will call Service Manager to find out status.

Open Date: 11/09/2004 18:32:44

Agent: DAN BERBERIAN

Phone 7329

Note Type: RC

SPOM reviewed with dealer and offered client a gesture of goodwill as an apology for the failure. Client accepted two lease payments and replacement of the pants that were damaged. SPOM instructed the dealer to provide two pair of pants along with the two lease payments. Client is satisfied and the vehicle repair is being completed. No further assistance was required at this point.

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 174307    Priors: No    Open Date: 11/03/2004    Status: CLS    Last Update: 01/19/2005

Address: [REDACTED]    Title: [REDACTED]    Phone: [REDACTED]    Residence

City: Ojai    CA [REDACTED]    Corres ID:

Agent: Christine Dingler    Phone: 6361    Orig By: P    Orig CD: HO    Region: 3    Market: 5

Service Retailer: 05123    CALABASAS MOTORCARS,    CALABASAS    CA    Assign Agent: SOM - 29  
Orig Retailer: 05123    CALABASAS MOTORCARS,    CALABASAS    CA  
Sell Retailer: 05123    CALABASAS MOTORCARS,    CALABASAS    CA

Disp Amt:    Carr Fwd:    Mailgram Sent:

DBAG VIN: 1631541 [REDACTED]    Model: ML320    2003  
World VIN: 4JGAB54E93 [REDACTED]  
Mileage: 26900    Engine Number: 11294231354390  
Prod Date: 09/24/2002    Warranty Start Date: 12/26/2002

Grp	Full	Major	Minor	Exp
82	73	2	3	16

Close Agent: DAN BERBERIAN    Field Closing Date: 01/19/2005  
Close With: O    Close By: D    Close How: V    Owner Satisfied: Y

## Involved Information

- > [REDACTED] Driver, [REDACTED] Ojai, CA [REDACTED]  
Primary Residence
- > [REDACTED] - Owner, [REDACTED] Ojai, CA [REDACTED]  
Expired Residence

## Customer Assistance Referral -- Full Notes

Open Date: 11/03/2004 16:10:30

Agent: Christine Dingler

Phone 6361

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 28900

Warranty Start Date: N/A

Previous CA Referrals:

Previous Summary Notes: 713059

**CONFIDENTIAL**

[REDACTED] wife of [REDACTED] (owner), phoned the CAC advising that her driver's seat caught fire after the heated seat had been on. Customer advised that she was not injured, just very upset and shaken. Customer requested inspection of vehicle. Customer advised that she had not yet contacted dealer to schedule appointment.

Customer also alleges that while she loves this vehicle and the brand, she is becoming "leery" of vehicle as the transmission was replaced 3 months ago.

Customer advised that she loves this dealer, despite the fact that they are 70 miles from her home and is requesting that they pick up the vehicle as she is disabled and her child has diabetes.

Writer advised that writer can document request, but advised that her requests need to be made to dealer.

Customer is pleasure to speak with . This is her and her husbands 3rd MB>

CC: Frank Beranz, G.Bowne, R.Cila, T.Brunner

Open Date: 11/03/2004 17:57:54

Agent: DAN BERBERIAN

Phone 7329

Note Type: PC

SPOM contacted dealer to review the case and make arrangements to collect the vehicle and inspect the failure. Follow up.

Open Date: 11/05/2004 13:28:02

Agent: James Dowles

Phone 4628

Note Type: PC

Amy Thomas called writer directly on my extension and knew writer's first and last name.

Customer asked for "what specific model or who the manufacture is on the seat warmer that is in my vehicle."  
Customer left phone number for writer [REDACTED]

Writer has not spoken with customer or her husband per FASTRACC records.

Writer is not returning phone call to customer per T/L Linda T.

Open Date: 01/19/2006 18:59:56

Agent: DAN BERBERIAN

Phone 7329

Note Type: RC

SPOM confirmed that the vehicle was repaired by the dealership with the replacement of the seat element. Client was satisfied with the action taken.



3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 174319    Priors: No    Open Date: 11/03/2004    Status: CLS    Last Update: 11/08/2004

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Business

City: Natick

MA [REDACTED]

Corrus ID:

Agent: Kathleen Durning    Phone: 4633    Orig By: P    Orig CD: H0    Region: 1    Market: 3

Service Retailer: 36132    MERCEDES-BENZ OF WES    WESTWOOD    MA    Assign Agent: SOM - 46

Orig Retailer: 36132    MERCEDES-BENZ OF WES    WESTWOOD    MA

Sell Retailer: 36132    MERCEDES-BENZ OF WES    WESTWOOD    MA

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631571 [REDACTED]    Model: ML350    2003

World VIN: 4JGAB57E7 [REDACTED]

Mileage: 20420    Engine Number: 11297031421368

Prod Date: 12/06/2002    Warranty Start Date: 03/21/2003

Close Agent: JIM MCINTOSH    Field Closing Date: 11/08/2004

Close With: 0    Close By: D    Close How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Ret
68	73	2	3	16

## Involved information

> [REDACTED] [REDACTED], Natick, MA [REDACTED]  
Primary    Business

## Customer Assistance Referral - Full Notes

Open Date: 11/03/2004 22:39:23

Agent: Kathleen Durning

Phone 4633

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 20420

Warranty Start Date: 03/21/2003

Previous CA Referrals:

**CONFIDENTIAL**

**Previous Summary Notes:**

Customer phoned the CAC stating that when his wife was driving home yesterday the heated seat became excessively hot and then she began to smell a burning odor.

The vehicle was taken into the Westwood dealer for inspection but this customer is concerned that this issue may occur and stated that she was on a highway during rush hour and had difficulty getting off the road to shut the car down and exit. She stated she could have been severely burned and believes this is a safety issue with the vehicle.

She wants to know what MBUSA is planning on doing about this other than repair and replace it under warranty. She wants to know what reassurance she can get that this will not occur again and put her at risk.

Customer requests to speak directly with the MB representative since the dealer has been unable to provide such reassurance.

cc: G. Bowne

F. Berenz

G. Cline

T. Brunner

Open Date: 11/04/2004 10:34:01

Agent: JIM MCINTOSH

Phone 7132

Note Type: RC

Writer received case.

Open Date: 11/04/2004 12:07:04

Agent: JIM MCINTOSH

Phone 7132

Note Type: RC

Writer called and reviewed with 36132 Service manager Bob Joyce. Vehicle seat cover and heating pad have been replaced.

Writer called and LM at [REDACTED]

Open Date: 11/08/2004 09:23:18

Agent: JIM MCINTOSH

Phone 7132

Note Type: RC

11/05/04- Writer spoke with customer. Customer concerned that this will be an on-going problem. Writer tried to reassure her that we have no reason to believe that this problem would reoccur and are confident that the dealer identified the defect and replaced the faulty components.

Customer would like to trade the vehicle in. Writer put her in contact with 36132 Sales manager Nick Mazzeo.

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 174647    Priors: No    Open Date: 11/15/2004    Status: CLS    Last Update: 11/19/2004

[Redacted]

Address: [Redacted]

Title:

Phone: [Redacted]

Residence

City: New Hyde Park    NY [Redacted]

Corres ID:

Agent: Kathleen Durning    Phone: 4633    Orig By: T    Orig CD: HD    Region: 5    Market: 1

Service Retailer: 55124 LAKEVIEW AUTO SALES    ROCKVILLE CE    NY    Assign Agent: SOM - 24

Orig Retailer: 55124 LAKEVIEW AUTO SALES    ROCKVILLE CE    NY

Sell Retailer: 55124 LAKEVIEW AUTO SALES    ROCKVILLE CE    NY

Disp Amt:    Corr Fwd:    Mailgram Sent:

DBAG VIN: 163157 [Redacted]    Model: ML350    2003

World VIN: 4JGAB57E13 [Redacted]

Mileage: 31414    Engine Number: 11297031471113

Fred Date: 02/14/2003    Warranty Start Date: 04/24/2003

Class Agent: JOSEPH GALLAGHER    Field Closing Date: 11/19/2004

Close With: D    Close By: M    Close How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Ra
68	93	2	3	09

## Involved Information

[Redacted]    [Redacted] New Hyde Park, NY [Redacted]  
Primary    Residence

## Customer Assistance Referral – Full Notes

Open Date: 11/15/2004 18:15:48    Agent: Kathleen Durning    Phone 4633    Note Type: PC

Primary Phone: [Redacted]

Current Mileage: 31414

Warranty Start Date: 04/24/2003

Previous CA Referrals:

Previous Summary Notes: 366422, 805720

Rvcd. Tele Aid call # 63903835- customer stated that while driving home on 11/12/04 he put on his heated seats and shortly there after smelled something burning. There apparently was a hole in the leather seating and his Burberry jacket. Customer was advised at the time to contact the dealer immediately and the SM's name was provided.

Open Date: 11/19/2004 14:38:43    Agent: JOSEPH GALLAGHER    Phone 7526    Note Type: RC

Writer reviewed and discussed with SM. Writer agreed to repair vehicle and reimburse customer for his clothing as long as customer would sign release. Customer agreed. Dealer repaired vehicle and sent customer a check for reimbursement of damaged clothing.

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 175061    Priors: No    Open Date: 12/02/2004    Status: CLS    Last Update: 12/03/2004

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence: [REDACTED]

City: Johnson City    TN [REDACTED]    Corres ID: [REDACTED]

Agent: Miriam Clark    Phone: 4699    Orig By: P    Orig CD: HO    Region: 2    Market: 4

Service Retailer: 00222    JACKSONVILLE RGN    Assign Agent: SOM - 25

Orig Retailer: 59218    LEITH, INC.    RALEIGH    NC

Sell Retailer: 59218    LEITH, INC.    RALEIGH    NC

Dip Amt:    Corr Fwd:    Mailgram Sent:

DBAG VIN: 163154 [REDACTED]    Model: ML320    2002

World VIN: 4JGAB54E1 [REDACTED]

Mileage: 52000    Engine Number: 11294231181169

Prod Date: 01/15/2002    Warranty Start Date: 01/25/2002

Close Agent: JACQUELINE HOBY    Field Closing Date: 12/03/2004

Close With: D    Close By: M    Close How: P    Owner Satisfied: Y

Grp	Fail	Major	Minor	Rm
68	93	3	3	09

## Involved Information

> [REDACTED], [REDACTED] Johnson City, TN [REDACTED]  
Secondary    Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/02/2004 09:50:52    Agent: Miriam Clark    Phone 4699    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 52000

Warranty Start Date: 01/25/2002

Previous CA Referrals:

Previous Summary Notes:

### CUSTOMER ALLEGES HEATED SEAT MALFUNCTION (NO INJURY)

Customer called the CAC alleging that while driving today, she experienced the driver's heated seat became increasingly hot and it burned her leather coat...

She alleges that there is a burnt mark on her driver's seat...

She stated the vehicle was purchased at 8000 miles from an auction...

Customer stated she was going to call the dealer and make an appt...

CC: Gary Bowne, Frank Berenz, R. Cifa, T. Brunner

**CONFIDENTIAL**

Open Date: 12/03/2004 08:58:17 Agent: JACQUELINE HOEY

Phone 7235

Note Type: RC

Writer spoke with Service Manager, Greg Durham, this date and time. [REDACTED] has already contacted Greg and brought vehicle into dealership for inspection.

Initial inspection determined a short. Greg ordered necessary parts to repair vehicle which should arrive on Monday. 100% post warranty assistance - parts and labor. Customer satisfied.

3/16/2005

# Customer Assistance Referral

**CONFIDENTIAL**

CA Ref ID: 175155    Priors: No    Open Date: 12/06/2004    Status: CLS    Last Update: 01/07/2005

Address: [Redacted]

Title:

Phone: [Redacted]

Residence

City: Chesterfield

MO [Redacted]

Carres ID:

Agent: Christine Dingler    Phone: 6361    Orig By: E    Orig CD: HO    Region: 4    Market: 3

Service Retailer: 45101    TRI - STAR IMPORTS,    ELLISVILLE    MO    Assign Agent: SOM - 23

Orig Retailer: 45101    TRI - STAR IMPORTS,    ELLISVILLE    MO

Sell Retailer: 45101    TRI - STAR IMPORTS,    ELLISVILLE    MO

Disp Amt:    Corr Fwd: Y    Mailgram Sent: Y

DBAG VIN: 163154 [Redacted]    Model: ML320    2003

Grp	Fail	Major	Minor	Rat
68	10	3	3	14

World VIN: 4JGAB54E63 [Redacted]

Mileage: 22450    Engine Number: 11294231347776

Prod Date: 09/25/2002    Warranty Start Date: 10/09/2002

Close Agent: SCOTT HICKAM    Field Closing Date: 01/07/2005

Close With: D    Close By: M    Close How: P    Owner Satisfied: N

## Involved Information

Owner, [Redacted] Chesterfield, MO [Redacted]  
Primary    Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/06/2004 13:27:41

Agent: Christine Dingler

Phone 6361

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 22450

Warranty Start Date: 10/09/2002

Previous CA Referrals:

Previous Summary Notes: 679439, 814902

**CONFIDENTIAL**

Case opened upon receipt of the following e-mail:

Mr. Paul G. Juron  
General Manager  
Customer Assistance Center

Dear Mr. Juron:

This email is to bring to Mercedes attention the need to correct a situation with my Mercedes ML320. Let me emphasize that I am requesting this issue be addressed immediately by Mercedes due to the sudden and severe nature of the problem!

Three days ago the drivers side, front seat heater shorted out while I was driving my car. The short burned through my leather upholstery and also through a very heavy set of denim jeans I happened to be wearing. This is an extremely critical problem that needs proactive remedial action immediately by Mercedes! I or a family member could have been severely burned, the car could have caught fire, or perhaps worse yet, someone could have become involved in a serious accident due to the sudden and severe nature of this burn out. Furthermore, I find three additional documented cases of this problem listed by the NTSB. These incidents, according to NTSB reports, resulted in personal burns and one vehicle being destroyed by fire. I understand that Mercedes knows of this problem, but, to date has not taken action. I am resolved to have this email, first, document the issue with my own ML320 and, secondly, in the strongest language possible ask that Mercedes take immediate corrective action to resolve this highly dangerous situation, such that my vehicle is safe for use. This has been documented with my dealer as well....Tristar Mercedes of Ellaville, Missouri.

Regards,

[REDACTED]  
Greensboro, NC  
Tel: [REDACTED]

CC: Gary Bowne, Regina Cks, Thomas Brunner, Frank Berenz

Mailgram to be sent advising that concerns will be reviewed on local level and customer to receive further contact shortly if not already.

Open Date: 12/06/2004 15:46:06

Agent: SCOTT HICKAM

Phone 7423

Note Type: PC

Spom has contacted the customer and the dealer. Customer is advised that the spom will inspect the vehicle on 14 December.

Spom has advised the customer that the drivers seat cover, element is on order.

Spom has advised the customer that in addition to the drivers seat cover, the dealer will order the passenger seat cover, element and occupancy sensor as well.

Service Manager will make arrangements with the customer to pick up the vehicle for inspection.

Open Date: 12/15/2004 07:39:32

Agent: SCOTT HICKAM

Phone 7423

Note Type: RC

Spom has inspected the customers driver seat and verified that there is a burn hole in it.

Spom has had the service department unplug both seat heaters until the replacement seat covers and replacement heating elements come in.

Spom has advised the customer of this fact. customer has stated that he wants Spom to Guarantee that this vehicle will not have this problem again, once repaired. Spom has advised the customer that, once repaired the seats will be functioning as designed. Customer is not satisfied.

Repairs to seats have been completed including, both front seat covers, cushions, and seat heating elements.

Customer has vehicle back in his possession. No further action needed.

email received from customer: Per Frank Baranz in legal, he will respond to the customer.

December 17, 2004

**CONFIDENTIAL**

Mr. Paul G. Juron  
General Manager  
Customer Assistance Center

Dear Mr. Juron:

On December 3, 2004 I sent an urgent email letter to you regarding my Mercedes ML320 (VIN 4JGAB54E8[REDACTED]). That email was to bring to Mercedes' attention an extremely dangerous, perilous and violent situation regarding the seat heaters in my ML320. As you may recall, the drivers side front seat heater had shorted out and burned through the leather seat upholstery and my denim jeans in a forthright fashion. Mercedes has assigned Case No. 175155 to the problem.

Mr. Scott Hickam, of your company, completed an investigation and evaluation of the problem with my vehicle on December 14, 2004. He has officially confirmed the Tri-Star Mercedes dealership diagnosis, that, the seat heater was faulty and had indeed shorted out. Mr. Hickam has advised that both of the front seat heaters (and essential upholstery and seat parts) will be replaced. However, he has postulated that he believes this to be a fairly isolated case and advises the problem will be handled as it customarily would be with any other ordinary warranty item. Furthermore, he either is unable or unwilling to ascertain that the new replacement seat cushions/heaters will specifically address the original problem with my car. He has maintained that he does not know any of the technical details that might be germane to the replacement parts; i.e. do these new seat cushions/heaters specifically fix the electrical/potential fire problem of shorting out. He simply maintains the replacement parts are Mercedes OEM replacement parts, just like new replacement parts for any other warrantable item.

First, this is to document with Mercedes that I am dissatisfied and greatly concerned with Mr. Hickam's and Mercedes' approach. Due to the critical nature of this problem, I am still requesting Mercedes to specifically identify what caused my seat heaters to short out and burn through my seat and jeans in such a violent manner and why I wasn't protected from such vicious action via a fuse, circuit breaker, etc. Secondly, I am asking Mercedes to assure me that the problem has indeed been specifically addressed/fixd and that Mercedes is not simply replacing like for like without addressing my problem. I do not believe that this is an isolated incident and I do not believe it should be treated so cavalier. For instance, I find other documented cases of the same problem on the NTSB website and understand that there are others even beyond this. If not properly addressed I am acutely fearful that a recurrence could and would easily cause personal injury, a vehicle fire or serious accident.

Clearly, I am asking Mercedes to be accountable and responsible for correcting a problem with the product I have been sold. Consequently, this to further serve as a documented, second communiqué to Mercedes, whereby, I am requesting corrective action be undertaken by Mercedes immediately to correct this dangerous, nasty and alarming situation. If chaotic driving actions were to occur, as a result of one getting burned by one of these faulty heaters, the results obviously could be horrendous and sorrowful.

Finally, Mr. Hickam advises that the required seat heaters/cushions are on back order and repairs to my vehicle will have to wait; he estimates perhaps three (3) weeks or more. If there's no growing and widespread problem with these seats, as Mr. Hickam proposed, surely there are two new seats that can be procured for my vehicle in a more expeditious manner. I ask for your assistance in accomplishing this. Needless to say, I'm a bit perplexed with "no specific action required because this is an isolated case" and yet no



Sincerely,

[REDACTED]  
Chesterfield, MO  
[REDACTED]

**CONFIDENTIAL**

3/16/2005

# Customer Assistance Referral

**CONFIDENTIAL**

CA Ref ID: 175182    Priors: No    Open Date: 12/07/2004    Status: CLS    Last Update: 02/28/2005

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence: [REDACTED]

City: Findlay    OH [REDACTED]    Corres ID: [REDACTED]

Agent: Robyn Letz    Phone: 6209    Orig By: P    Orig CD: HO    Region: 4    Market: 4

Service Retailer: 00444    CHICAGO RGN    Assign Agent: SOM - 24

Orig Retailer: 62404    COPPUS MOTORS, INC.    TIFFIN    OH

Sell Retailer: 62404    COPPUS MOTORS, INC.    TIFFIN    OH

Disp Amt:    Corr Fwd:    Mailgram Sent:

DBAG VIN: 1631751 [REDACTED]    Model: ML500    2003

World VIN: 4JGAB75E03 [REDACTED]

Mileage: 7868    Engine Number: 11396530481211

Prod Date: 03/28/2003    Warranty Start Date: 04/28/2003

Close Agent: DAMON BLAKEMORE    Field Closing Date: 02/28/2005

Class With: O    Close By: M    Close How: P    Owner Satisfied: Y

Grp	Full	Major	Minor	Ra
10	S1	3	3	09

## Involved Information

[REDACTED] Owner, [REDACTED] Findlay, OH [REDACTED]  
[REDACTED] Primary    [REDACTED] Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/07/2004 09:28:50

Agent: Robyn Letz

Phone 6209

Note Type: PC

Primary Phone [REDACTED]

Current Mileage: 7868

Warranty Start Date: N/A

Previous CA Referrals:

Previous Summary Notes: 815238

Servicing dealer 62405 Sylvania OH

Entered per contact with UA Rob Murphy, TL Carol Tobias request:

[REDACTED] contacted CAC to advise that he was driving in his ML 500 with his wife last night when his seat warmer burned a hole in his driver's seat.

Customer advised writer that there is a "quarter-sized hole" in the lower left portion of the seat.

Customer also stated that his trousers have a hole and that his leg has a small burn on it as well.

Writer expressed sympathy to customer for his experience and inquired as to whether or not customer would be seeking medical attention.

Customer advised writer that he is fine but that he will be bringing his vehicle into the dealership tomorrow to have the issue handled.

Writer advised customer that his concerns would be documented and again apologized to customer for his experience. Customer thanked writer and ended call.

CC: F. Berenz, G. Bowne, RT Brunner, R. Cila.

Open Date: 12/16/2004 10:58:47

Agent: DAMON BLAKEMORE

Phone 7424

Note Type: PC

Dealer has ordered needed parts to repair vehicle. Repairs to be complete upon receipt of parts.

Open Date: 01/28/2005 11:45:21

Agent: DAMON BLAKEMORE

Phone 7424

Note Type: PC

Customer who came into dealership is [REDACTED] SPOM has left two messages for customer. Customer has stated to dealer that he has contacted a lawyer. SPOM to determine exactly what customer is looking for.

Open Date: 02/08/2005 12:57:30

Agent: DAMON BLAKEMORE

Phone 7424

Note Type: PC

SPOM spoke with customer regarding vehicle malfunction. Customer requested settlement of \$1500 plus replacement of ruined pants at \$75. SPOM provided release agreement to customer for review and signature.

Open Date: 02/22/2005 11:10:08

Agent: DAMON BLAKEMORE

Phone 7424

Note Type: PC

SPOM follow up with customer on release agreement that was emailed to customer on above date. Message left for customer to contact with status of signature and notarization.

Open Date: 02/28/2005 18:03:25

Agent: DAMON BLAKEMORE

Phone 7424

Note Type: RC

SPOM in receipt of signed release agreement from customer. SPOM authorized payment of \$1575.00. SPOM to forward release agreement to Frank Berenz. Close.

**CONFIDENTIAL**

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 175288    Priors: No    Open Date: 12/09/2004    Status: CLS    Last Update: 12/13/2004

Address: [Redacted]

Title:

Phone: [Redacted]

Residence

City: San Leandro

CA 9

Corres ID:

Agent: Carol Tobias    Phone: 6243    Orig By: P    Orig CD: H0    Region: 6    Market: 1

Service Retailer: 05636    CLARIDGE S LTD.    FREMONT    CA    Assign Agent: SOM - 23

Orig Retailer: 66103    MERCEDES-BENZ OF EUG    EUGENE    OR

Sell Retailer: 66103    MERCEDES-BENZ OF EUG    EUGENE    OR

Disp Amt:

Corr Fwd:

Mailgram Sent:

OBAG VIN: 163154 [Redacted]    Model: ML320    2001

World VIN: 4JGAB54E71 [Redacted]

Mileage: 80000

Engine Number: 11294230976994

Prod Date: 03/28/2001

Warranty Start Date: 04/19/2001

Grp	Fall	Major	Minor	Em
68	00	3	3	17

Class Agent: kenneth fletcher

Field Closing Date: 12/13/2004

Class With: 0

Class By: D

Class How: V

Owner Satisfied: Y

## Involved Information

> [Redacted] Owner, [Redacted] San Leandro, CA [Redacted]  
Primary Residence [Redacted]

## Customer Assistance Referral -- Full Notes

Open Date: 12/09/2004 11:37:01

Agent: Carol Tobias

Phone 6243

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 80000

Warranty Start Date: 04/19/2001

Previous CA Referrals:

Previous Summary Notes: 616322

**CONFIDENTIAL**

Below notes taken by Shakir Smith:

Customer called the CAC to lodge a complaint about heated seat igniting. Customer alleges before last summer her heated seat would get extremely hot and burn her legs (driver's seats). Customer alleges that she took the vehicle into dealer 05636 to be service. Customer alleges that the seat was repaired and she hasn't used the heated seat feature since then until last Sunday. Customer alleges that she was driving along the freeway and smelled something burning, but didn't think anything of it. Customer alleges that the smell got stronger and her leg began to burn. Customer alleges that she exited the vehicle and saw that her seat was smoking. Customer stated that she took the vehicle into the dealer to be repaired but the part is on backorder. Customer stated that she does not feel safe driving the vehicle. She stated "what if my kids were in the car".

Writer apologized for inconvenience. Writer asked customer was she or any one else in the vehicle hospitalized? Customer's reply was no. Writer asked customer what is her current state, customer stated that she is just shaken up.

Customer stated that her service advisor (Kimo Sanchez) has been very pleasant in assisting her in the matter. Customer stated that she does not want to get any boy in trouble; she just wants the matter fixed.

Writer advised customer that I sympathizes. Writer apologized and assured customer that her concerns and comments will be documented and forwarded to the appropriate parties. Writer advised customer to stay in contact with dealership.

Forwarded to Gary Bowne, Product Liability and Frank Berenz, Legal

Open Date: 12/09/2004 16:28:27

Agent: kenneth fletcher

Phone

Note Type: PC

SPOM called Assistant Service Manager. The ASM was on a test drive with another customer and said he would call the SPOM back.

Open Date: 12/10/2004 17:25:51

Agent: Carol Pantua

Phone 4635

Note Type: PC

Customer called back to voice her dissatisfaction that she has just been allegedly advised by Asst. SM "Dave" to drive her vehicle while they wait for the b/o part. Customer claims that she has no choice, since she has no other transportation. Writer advised customer to speak with dir about possible alt. transportation. Customer claims further that dir allegedly "said it was fixed the first time, but it's happening again." Customer seeks resolution from MBUSA. Writer advised customer that her concern has been reported and is under review.

Open Date: 12/13/2004 12:23:25

Agent: kenneth fletcher

Phone

Note Type: RC

Vehicle was inspected by Technical Specialist, Joe Girald. Joe repaired the vehicle by Replacing the driver's seat heater element and control relays to repair.

3/16/2005

**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 175431 Priors: No Open Date: 12/15/2004 Status: CLS Last Update: 12/30/2004

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: San Jose

CA [REDACTED]

Corres ID: [REDACTED]

Agent: Carol Tobias

Phone: 6243

Orig By: P

Orig CD: H0

Region: 6

Market: 2

Service Retailer: 05137

BESHOFF MOTORCARS

SAN JOSE

CA

Assign Agent: SOM - 21

Orig Retailer: 05636

CLARIDGE S LTD.

FREMONT

CA

Sell Retailer: 05636

CLARIDGE S LTD.

FREMONT

CA

Disp Amt:

Curr Fwd:

Malgram Seat:

DBAG VIN: 163157 [REDACTED]

Model: ML350 2003

Grp	Full	Major	Minor	Rat
82	73	2	3	05

World VIN: 4JGAB57E83 [REDACTED]

Mileage: 38000

Engine Number: 11297031428968

Prod Date: 12/18/2002

Warranty Start Date: 02/23/2003

Close Agent: CHRISTOPHER CARTER

Field Closing Date: 12/30/2004

Close With: O

Close By: M

Close How: P

Owner Satisfied: N

**Involved Information**

▶

[REDACTED]

[REDACTED]

San Jose, CA

[REDACTED]

Primary

Residence

**Customer Assistance Referral - Full Notes**

Open Date: 12/15/2004 11:13:05

Agent: Carol Tobias

Phone 6243

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 38000

Warranty Start Date: 02/23/2003

Previous CA Referrals:

Previous Summary Notes: 719132, 818815

Below notes taken by Katina Clement, Universal Agent:

Customer called CAC alleging he was burned on December 13th, 2004. Customer stated the heated seat became exposed by burning through the seat. Customer alleges he went to [REDACTED] hospital in San Jose for treatment today. Customer alleges he spoke with Mark Peachy Service Manager who advised customer to call NBUSA.

Writer apologized that this has occurred. Writer advised customer to call Mark to make an appointment for inspection of vehicle and repair.

Forwarded to Frank Berenz, Legal and Gary Bowne, Product Liability.

Open Date: 12/15/2004 16:33:27

Agent: CHRISTOPHER CARTEF

Phone 7621

Note Type: PC

Sent a note to Gary Bowne asking what he suggests I do with this customer.

Open Date: 12/17/2004 15:59:53 Agent: CHRISTOPHER CARTEF Phone 7621 Note Type: PC  
I called the customer to discuss his situation. There was no answer, I left message asking for a return phone call.

Open Date: 12/20/2004 17:28:58 Agent: CHRISTOPHER CARTEF Phone 7621 Note Type: PC  
I tried calling the customer today 3 times and the phone rang busy each time.

Open Date: 12/21/2004 13:54:38 Agent: CHRISTOPHER CARTEF Phone 7621 Note Type: PC  
I finally spoke with the customer yesterday. His correct number is [REDACTED] He has a speech impediment and prefers email [REDACTED]

The customer wanted to know exactly why the seat heater failed. I informed that the dealership technicians may not be able to tell exactly why it failed, only that it did fail. I asked the customer what else we could do to restore his confidence, such as make some of his lease payments in exchange for a release agreement, etc. He stated he would get back to me in a few days after he talks to a few people.

Open Date: 12/30/2004 13:05:01 Agent: CHRISTOPHER CARTEF Phone 7621 Note Type: RC  
Closing contact due to non response from customer.

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 175484    Priors: Both    Open Date: 12/16/2004    Status: CNG    Last Update: 03/10/2005

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: El Segundo

CA [REDACTED]

Carres ID:

Agent: Joseph Leonard

Phone: 6255

Orig By: E

Orig CD: HO

Region: 3

Market: 4

Service Retailer: 00333

L.A. RGN

Assign Agent: SOM - 24

Orig Retailer: 05721

W. I. SIMONSON, INC.

SANTA MONICA

CA

Sell Retailer: 05721

W. I. SIMONSON, INC.

SANTA MONICA

CA

Disp Asst:

Corr Fwd:

Mailgram Sent: Y

DBAG VIN: 163157 [REDACTED]

Model: ML350    2003

World VIN: 4JGAB57E53 [REDACTED]

Mileage: 5489

Engine Number: 11297031489730

Prod Date: 03/07/2003

Warranty Start Date: 04/17/2003

Close Agent:

Field Closing Date: 00/00/0000

Close With:

Close By:

Close How:

Owner Satisfied:

## Involved Information

Owner, [REDACTED]

El Segundo, CA [REDACTED]

Primary

Residence

## Customer Assistance Referral -- Full Notes



Open Date: 12/18/2004 11:04:14

Agent: Joseph Leonard

Phone 6255

Note Type: PC

Primary Phone: [REDACTED]  
Current Mileage: 5489  
Warranty Start Date: N/A  
Previous CA Referrals: 175477

**CONFIDENTIAL**

Below CORRES-255995:

Customer claiming seat warmer burned through the seat. New part on backorder.

Subject: Vehicle Technical Questions (CVTQ)From: zagi@zagl.com

To: mailmaster@mbusa.com

\*\*\* Customer Assistance \*\*\*

The following person has filled out the Customer Assistance Form on www.MBUUSA.com.

Contact Information:

Title: MR

First Name: [REDACTED]

Last Name: [REDACTED]

Street: [REDACTED]

Address 2:

City: El Segundo

State: CA

Zip: [REDACTED]

E-mail: [REDACTED]

Comments: I chose the Mercedes Benz ML350 for three reasons: Safety, reliability and service. Start with safety and reliability. December 7th 2004. It was a cold wet day so the seat warmer was on. I was on my way home at rush hour, driving north on Sepulveda Boulevard, entering the tunnel under the runways at LAX. Traffic was moving 50 mph. Seconds after entering the tunnel I felt a stabbing sensation in my posterior. Thinking it was something in my pocket, I reached to adjust the contents of my back pocket. Pocket was empty - continued driving. Another stabbing sensation in the same place only this time I smell smoke. Smoke like bar barbecue gone bad. By now I figured that the stabbing sensation was my but being burned by the seat warmer. Turn off the seat warmer. Nowhere to pull over in a tunnel and the burning smell gets worse. I can not look down to see if there is flame nor do I want to reach back to feel around for the source. Scooted forward in my seat, it was a very anxious mile before I could exit the tunnel and maneuver into the right lane, pull off the road to deal with what I thought was a fire. Inspecting the seat, I found a hole burned through the leather cover. Waited a while to see if fire would develop. So in terms of safety, this situation it is not so much protection in my car rather protection from my car. Now service. Called my dealer, W.I. Simonson, they agreed that it was an emergency and asked me to bring the car in immediately. They gave me an ML350 courtesy car. So far service is great. Next day the servicerep called to tell me that the seat warmer can be disabled but not replaced until late February—the end of winter in California. I don't understand. I am not ordering an obscure part for an old car. I have a 2003 car with a little over 7000 miles. This is not the safety, reliability or service I expected when I chose a Mercedes Benz product. Sincerely, Jerry Teisan ☐☐☐

☐☐

Survey Information:

Day Phone Number: (310) 322-9244 ext:

Evening Phone Number: (310) 770-2114 ext:

Preferred number: Home

Preferred time to call: Morning

Fax: (310)322-9055

VIN Number: 4JGAB57E53 [REDACTED]

CC G. Bowne, F. Berenz, G Cils, T. Brunner

Open Date: 12/17/2004 10:09:43  
message to PAC:

Agent: Michael Reger

Phone 6383

Note Type: PC

**CONFIDENTIAL**

Customer: □□  
Date Received □12/17/2004□  
Date Sent To PAC 12/17/2004  
Model: □□2003 ML350□ □  
VIN:□ □4JGAB57E53□ □□  
Dealer: □05721 W. L. SIMONSON, INC.  
Sum Note/Referral:□CASE 175484  
SPOM: □Bae, Brian  
Customer asking for MBUSA intervention to assist dealer in obtaining b/o part: □□

Customer claiming seat warmer burned through the seat. New part on backorder.

Thanks...

Open Date: 12/17/2004 11:21:44  
Hi Michael,

Agent: Michael Reger

Phone 6383

Note Type: PC

□The seat cover for this client is unfortunately on backorder. The ETA right now is hopefully at the end of this month. This is the best ETA that can give at this time. If you have any questions please contact me.

□□□□□□Thank you

Michael J Vasile

Open Date: 12/20/2004 11:04:12

Agent: BRIAN BAE

Phone 7324

Note Type: PC

Request made of SM to provide all pertinent information and recommendations for resolution. Follow up to continue.

Open Date: 03/10/2005 18:18:28

Agent: BRIAN BAE

Phone 7324

Note Type: PC

Michael,

I don't know if you recall this one. Do you know if the part arrived?

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 175486    Priors: No    Open Date: 12/16/2004    Status: CLS    Last Update: 01/18/2005

Address: [REDACTED]    Title: [REDACTED]    Phone: [REDACTED]    Residence

City: Fairfield    CT 06825-1932    Carra ID:

Agent: Carol Pantua    Phone: 4635    Orig By: P    Orig CD: HO    Region: 1    Market: 6

Service Retailer: 09127    MERCEDES-BENZ OF NOR    NORTH HAVEN    CT    Assign Agent: SOM - 28

Orig Retailer: 09115    MERCEDES-BENZ OF FAI    FAIRFIELD    CT

Sell Retailer: 09115    MERCEDES-BENZ OF FAI    FAIRFIELD    CT

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 163175 [REDACTED]    Model: ML500    2003

World VIN: 4JGAB75E7 [REDACTED]

Mileage: 38241    Engine Number: 11396530421420

Prod Date: 09/09/2002    Warranty Start Date: 09/13/2002

Close Agent: KEVIN CANTY    Field Closing Date: 01/18/2005

Close With: O    Close By: D    Close How: V    Owner Satisfied: Y

Grp	Fall	Major	Minor	Rsr
68	32	2	3	14

## Involved Information

> [REDACTED] Fairfield, CT [REDACTED]  
Expired    Residence

## Customer Assistance Referral – Full Notes

Open Date: 12/16/2004 11:51:41    Agent: Carol Pantua    Phone 4635    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 38241

Warranty Start Date: 09/13/2002

Previous CA Referrals:

Previous Summary Notes: 815960, 819473

Customer called and claims that yesterday (first very cold day of Dec), heated seats allegedly became "so hot that it burned my ass and now there's a brown spot on the upholstery." Customer claims that the whole seat be completely replaced.

Customer claims that he intends to bring vehicle to MB of North Haven, due to his extreme dissatisfaction with MB of Fairfield. Writer apologized to customer for his dissatisfaction and advised customer that his concern would be documented and reviewed.

cc: Gary Bowne, Frank Beretz, RT Brunner, R Clla

Open Date: 12/16/2004 14:29:50    Agent: KEVIN CANTY    Phone 7128    Note Type: RC  
12/16 Received for review by SPOM

Open Date: 12/17/2004 14:58:59 Agent: KEVIN CANTY Phone 7128 Note Type: RC

12/17 Details reviewed with Serv Mgr Steve Zaletta of N Haven for follow-up.

Open Date: 12/23/2004 18:08:25 Agent: KEVIN CANTY Phone 7128 Note Type: RC

12/23 SPOM followed up with Serv Mgr. Repeated attempts to call Owner. Phone rings but no answer or voicemail. SPOM to request mailgram to have Owner contact Serv Mgr.

Open Date: 12/23/2004 18:13:30 Agent: KEVIN CANTY Phone 7128 Note Type: RC

12/23 Memo sent by Writer to Carol Pantua requesting mailgram.

Open Date: 12/23/2004 18:27:20 Agent: Carol Pantua Phone 4835 Note Type: PC

SPOM emailed writer today and stated as follows:

Hi Carol,

I followed up with Serv Mgr Steve Zaletta at our Dealer in N Haven today in reference to CA Referral #175486 Chester Woods. Steve has attempted to contact owner via phone several times. Phone rings off hook without a voicemail recorder. Please send a mailgram to Owner's attention asking him to contact Steve directly to arrange service. Any questions please advise. Thanks.

Regards,  
Kevin

Open Date: 12/23/2004 18:44:45 Agent: Carol Pantua Phone 4835 Note Type: PC

The following mailgram will be sent on Tues. 12/28 (after holiday):

Dear Mr. Woods:

The Service Manager at Mercedes-Benz of North Haven, Steve Zaletta has attempted to reach you by phone on several occasions, without success.

Please contact Steve Zaletta at (203)236-1717 and leave a phone number where you can be reached during normal business hours, so that your concerns can be addressed on our company's behalf.

Your cooperation is appreciated; the dealership looks forward to hearing from you in the near future.

Sincerely,  
Carol Pantua  
Customer Relations

Open Date: 12/30/2004 14:58:16 Agent: KEVIN CANTY Phone 7128 Note Type: RC

Mailgram sent 12/28/04

Open Date: 01/04/2005 10:38:45 Agent: KEVIN CANTY Phone 7128 Note Type: RC

1/4/05 SPOM followed up with Serv Mgr Steve Zaletta. Has not yet heard from Owner.

Open Date: 01/08/2005 18:29:00 Agent: KEVIN CANTY Phone 7128 Note Type: RC

Owner has contacted Serv Mgr to set up appt 1/17/04.

Open Date: 01/18/2005 11:41:58 Agent: KEVIN CANTY Phone 7128 Note Type: RC

1/17/05 Vehicle in for service. Seat cover which was prev ordered (due to back orders) was replaced. Condition corrected.

3/16/2005

# Customer Assistance Referral

**CONFIDENTIAL**

CA Ref ID: 175490    Priors: No    Open Date: 12/16/2004    Status: CLS    Last Update: 02/22/2005

Address: [Redacted]

Title: [Redacted]  
Phone: [Redacted]

Residence

City: Gurnee    IL [Redacted]    Corres ID:

Agent: Arnold Almaguer    Phone: 4621    Orig By: P    Orig CD: HO    Region: 4    Market: 1

Service Retailer: 22415    KNAUZ CONTINENTAL AU    LAKE BLUFF    IL    Assign Agent: SOM - 30

Orig Retailer: 22415    KNAUZ CONTINENTAL AU    LAKE BLUFF    IL

Sell Retailer: 22415    KNAUZ CONTINENTAL AU    LAKE BLUFF    IL

Diap Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631571 [Redacted]    Model: ML350    2003

Grp	Fall	Major	Minor	Ra
82	73	2	3	14

World VIN: 4JGAB57E53 [Redacted]

Mileage: 22703    Engine Number: 11297031418517

Prod Date: 12/03/2002    Warranty Start Date: 12/30/2002

Class Agent: CLEO GAINES    Field Closing Date: 02/22/2005

Class With: D    Class By: M    Class How: V    Owner Satisfied: Y

## Involved Information

> [Redacted] Owner, [Redacted] IL [Redacted]  
[Redacted] Primary    [Redacted] Residence

## Customer Assistance Referral -- Full Notes

Open Date: 12/16/2004 12:30:18    Agent: Arnold Almaguer    Phone 4621    Note Type: PC

Primary Phone: [Redacted]

Current Mileage: [Redacted]

Warranty Start Date: 12/30/2002

Previous CA Referrals: none

Previous Summary Notes: none

[Redacted] claims his father was using his vehicle on 12/15/04 and allegedly the heated seat on the driver's side caught on fire. The customer claims his father's pants were burned and allegedly his father was also burned. However, he claims he didn't visit any doctors.

[Redacted] stated that no accidents occurred but spoke at length about the hypothetical. [Redacted] stated he no longer wants this vehicle and plans to seek legal advice. He feels that MBUSA should perform a national recall on the heated seats for the ML-Class.

[Redacted] stated he has an appointment tomorrow (12/17/04) with the authorized dealer, Knauz.

cc: F. Berenz, G. Bowne, R. Cita, T. Brunner.

Open Date: 12/20/2004 12:07:22 Agent: James Dowles Phone 4628 Note Type: PC  
Customer called CAC claiming "My dealer told me this happens all the damn time, what the fck?"

Writer advised customer I was not aware of his concerns.

**CONFIDENTIAL**

Writer advised customer information is currently being reviewed.

Customer demanded that the following be put in the notes. "Arnold told me he couldn't guess what happened, he said we could hypothesize all day long and we wouldn't know, I want that documented!"

Writer advised customer this office could not make speculations from this vantage point, dealership/ regional team is in best position for inspection/ review.

Customer ended-conversation.

Open Date: 12/30/2004 11:03:59 Agent: Lois Grillo Phone 4627 Note Type: PC

Customer called the CAC (manner angry); customer again vented about the alleged seat heater burning through.

Customer alleging that his vehicle is currently at dealer for the following repairs:

\*Seat heater/seat (on backorder)

\*Transmission leak

\*Heater sound

\*Brake pads

\*Tires are wearing

Customer DEMANDS that his vehicle be repaired this week.

Writer called the S/M, Axel, with a heads up; he advises that the vehicle was brought to dealer on 12-28-04 (PM) and that the seat heater/seat (part #163 910 1846 9950) is on backorder and the SPOM, Cleo, is involved with this issue.

Writer apologized to customer for his inconvenience.

Open Date: 02/03/2005 12:35:47 Agent: CLEO GAINES Phone 7421 Note Type: RC

Parts arrived and the customer will be contacted by the dealer for install of the parts for the repair.

Open Date: 02/22/2005 10:44:55 Agent: CLEO GAINES Phone 7421 Note Type: RC

The part was installed and the vehicle returned to the customer. The vehicle is operating normal and no further action is required.

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 175347    Priors: No    Open Date: 12/17/2004    Status: CLS    Last Update: 01/12/2005

Address: [REDACTED]    Title: [REDACTED]    Phone: [REDACTED]    Residence: [REDACTED]

City: Larchmont    NY [REDACTED]    Carres ID: [REDACTED]

Agent: William Maher    Phone: 6250    Orig By: P    Orig CD: HO    Region: 5    Market: 4

Service Retailer: 55143    MERCEDES-BENZ OF WHI    WHITE PLAINS    NY    Assign Agent: SOM - 26

Orig Retailer: 55143    MERCEDES-BENZ OF WHI    WHITE PLAINS    NY

Sell Retailer: 55143    MERCEDES-BENZ OF WHI    WHITE PLAINS    NY

Disp Amt:    Car Fwd:    Mailgram Sent:

DBAG VIN: 163157 [REDACTED]    Model: ML350    2003

World VIN: 4JGAB57E7 [REDACTED]

Mileage: 10258    Engine Number: 11297031501634

Prod Date: 03/28/2003    Warranty Start Date: 04/28/2003

Close Agent: GARRET WETTERAUW    Field Closing Date: 01/12/2005

Close With: O    Close By: D    Close How: P    Owner Satisfied: Y

Grp	Fail	Major	Minor	Rst
68	73	3	3	13

## Involved Information

> [REDACTED]    [REDACTED]    [REDACTED]    [REDACTED]  
Secondary    Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/17/2004 16:24:28    Agent: William Maher    Phone 6250    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 10258

Warranty Start Date: N/A

Previous CA Referrals:

Previous Summary Notes: 819290

Writer received information from Roadside Assistance that customer called claiming that his wife was driving the vehicle and the heated seats burnt her legs.

Vehicle being taken to dealership for them to review.

cc: Gary Bowne, Regina Cile, R. Thomas Brunner, Frank Barenz

Open Date: 12/20/2004 10:51:03    Agent: GARRET WETTERAUW    Phone 7522    Note Type: RC

Customer concerns under review with dealer service management.

Open Date: 12/23/2004 10:48:06    Agent: GARRET WETTERAUW    Phone 7522    Note Type: RC

Appointment set for 01/06/05. This SPOM/TAC to provide technical assistance as needed.

**CONFIDENTIAL**

**Open Date:** 12/30/2004 17:00:32    **Agent:** GARRET WETTERAUW    **Phone:** 7522    **Note Type:** RC  
**Seat cover has not yet arrived at dealer (was scheduled to arrive today) This SPOM following up with PAC.**

**Open Date:** 01/12/2005 12:04:14    **Agent:** GARRET WETTERAUW    **Phone:** 7522    **Note Type:** RC  
**Parts have arrived, however customer did not keep his appointment for warranty repair. Customer to reschedule.**



3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 175603    Priors: No    Open Date: 12/21/2004    Status: CLS    Last Update: 01/06/2005

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence: [REDACTED]

City: Lancaster    PA    Corres ID: [REDACTED]

Agent: Carol Pantua    Phone: 4635    Orig By: P    Orig CD: HO    Region: 1    Market: 5

Service Retailer: 67207    MERCEDES-BENZ OF LAN    LANCASTER    PA    Assign Agent: SOM - 27

Orig Retailer: 67234    TOM MASANO, INC.    READING    PA

Sell Retailer: 67234    TOM MASANO, INC.    READING    PA

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631541 [REDACTED]    Model: ML320    2002

World VIN: 4JGAB54E82 [REDACTED]

Milage: 55000    Engine Number: 11294231175076

Pred Date: 01/07/2002    Warranty Start Date: 02/15/2002

Close Agent: BRIAN MALONEY    Field Closing Date: 01/06/2005

Close With: D    Close By: M    Close How: P    Owner Satisfied: Y

Grp	Fail	Major	Minor	Rsr
68	73	5	3	14

## Involved Information

- > [REDACTED] [REDACTED] Lancaster, PA [REDACTED]  
Secondary Residence
- > [REDACTED] Owner, [REDACTED] Manheim, PA [REDACTED]  
Secondary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 12/21/2004 09:52:24

Agent: Carol Pantua

Phone 4635

Note Type: PC

Primary Phone: [REDACTED]  
Current Mileage: 55000  
Warranty Start Date: 02/15/2002  
Previous CA Referrals:

**CONFIDENTIAL**

**Previous Summary Notes:**

Customer called and claims that last night, her husband [REDACTED] drove vehicle and was allegedly "burned by the heated seats." Customer claims that there is a hole in the seat itself and her husband's pants allegedly has burn marks.

Customer says that she wants vehicle repaired, reimbursement for the parts, and seems to may seek further compensation.

Customer claims that she called the dealership who allegedly advised that they could not handle the vehicle for another week. Customer claims that SM was not on duty today. Writer called dealership and spoke with acting SM "Jim Robinson" and explained customer's concern and that a referral would be opened, and SPOM notified for possible inspection.

Writer transferred customer's call to Jim Robinson, with his permission, for handling. Jim Robinson advised that the dir would take vehicle in today. Writer advised customer that her concern would be documented and reviewed.

cc: Barez, Bowne, RT Brunner, Cia

Open Date: 12/21/2004 10:14:02

Agent: Carol Pantua

Phone 4635

Note Type: PC

Tom Brunner emailed SPOM & cc'ed writer and stated as follows:

Hi Brian,  
Please look into this matter and consider goodwill, if appropriate.

Thanks & regards,  
Tom

R. Thomas Brunner  
Product Analysis  
201-573-2822 office  
201-888-8988 cell  
201-476-2866 fax

Open Date: 01/06/2005 10:30:51

Agent: BRIAN MALONEY

Phone 7127

Note Type: RC

Spoke to SM at dealer. SM states that dealer waiting for B/O parts and cust OK with waiting for part. Cust OK with MB reimbursing for pants. writer suggested that we get a non heated seat cover to replace temp to appease cust. Sm states that not necessary, cust OK with waiting for correct part.

3/16/2005

# Customer Assistance Referral CONFIDENTIAL

CA Ref ID: 175622    Priors: No    Open Date: 12/21/2004    Status: CLS    Last Update: 12/22/2004

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence: [REDACTED]

City: Boston

MA [REDACTED]

Corres ID: [REDACTED]

Agent: Cleveland Best

Phone: 6344

Orig By: P

Orig CD: [REDACTED]

Region: 1

Market: 3

Service Retailer: 36100

FLAGSHIP MOTORCARS

LYNNFIELD

MA

Assign Agent: SOM - 25

Orig Retailer: 36100

FLAGSHIP MOTORCARS

LYNNFIELD

MA

Sell Retailer: 36100

FLAGSHIP MOTORCARS

LYNNFIELD

MA

Diap Amt: [REDACTED]

Corr Fwd: N

Malgraan Seat: N

DBAG VIN: 1631571 [REDACTED]

Model: ML350

2003

World VIN: 4JGAB57E63 [REDACTED]

Mileage: 9141

9141

Engine Number: 11297031503989

Prod Date: 04/02/2003

Warranty Start Date: 07/07/2003

Close Agent: RONALD ST PIERRE

Field Closing Date: 12/22/2004

Close With: O

Close By: D

Close How: V

Owner Satisfied: Y

Grp	Fail	Major	Minor	Rgr
68	73	2	3	09

## Involved Information

&gt;

Owner: [REDACTED]

Secondary: [REDACTED]

Residence: [REDACTED]

## Customer Assistance Referral – Full Notes

Open Date: 12/21/2004 14:35:52

Agent: Cleveland Best

Phone 6344

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 9141

Warranty Start Date: 07/07/2003

Previous CA Referrals:

Previous Summary Notes:

[REDACTED] called CAC claiming the driver's side heat seat malfunctioned on last week and allegedly burned a hole in her husband's pants and wallet. Customer states vehicle taken to Flagship, and they allegedly advised that a part to repair vehicle is on back order—no ETA on when the part will arrive and to come pick up vehicle.

Customer questioned why the part malfunction; safety hazard which endanger to life of her husband. Customer requesting that she is compensated for losses: husband wallet and pants.

CC: G. Bowns, G. Ciba, T. Brunner, F. Berenz

Open Date: 12/23/2004 07:23:25

Agent: RONALD ST PIERRE

Phone 7125

Note Type: RC

Received case.

Open Date: 12/22/2004 11:39:55 Agent: RONALD ST PIERRE Phone 7125 Note Type: RC

Part has arrived at dealer, and is being installed as this is written. Customer advised to present receipts to dealer for reimbursement for damaged pants and wallet. Customer satisfied.

**CONFIDENTIAL**

3/16/2005

**Customer Assistance Referral****CONFIDENTIAL**

CA Ref ID: 175626    Priors: Cus    Open Date: 12/21/2004    Status: CLS    Last Update: 02/15/2005

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence: [REDACTED]

City: New Rochelle    NY [REDACTED]    Corres ID: [REDACTED]

Agent: Arnold Almaguer    Phone: 4621    Orig By: P    Orig CD: HO    Region: 5    Market: 4

Service Retailer: 55143    MERCEDES-BENZ OF WHI    WHITE PLAINS    NY    Assign Agent: SOM - 26

Orig Retailer: 55143    MERCEDES-BENZ OF WHI    WHITE PLAINS    NY

Sell Retailer: 55143    MERCEDES-BENZ OF WHI    WHITE PLAINS    NY

Diap Amt:    Carr Fwd: N    Mailgram Sent: N

DBAG VIN: 163157 [REDACTED]    Model: ML350    2003

World VIN: 4JQAB37E83 [REDACTED]

Mileage: 8000    Engine Number: 11297031411289

Prod Date: 11/25/2002    Warranty Start Date: 12/16/2002

Close Agent: GARRET WETTERAUW    Field Closing Date: 02/15/2005

Close With: O    Close By: D    Close How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Ra
82	93	3	3	13

**Involved Information**[REDACTED]    [REDACTED] New Rochelle, NY [REDACTED]  
Secondary    Business**Customer Assistance Referral – Full Notes**

Open Date: 12/21/2004 14:57:42    Agent: Arnold Almaguer    Phone 4621    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 8000

Warranty Start Date: 12/16/2002

Previous CA Referrals: 88886

Previous Summary Notes: 172487, 177914, 177931, 236258

[REDACTED] is requesting MBUSA intervention with technical assistance to resolve an alleged issue with the driver's side heated front seat. The customer claims while using the heated seats today, it allegedly burned a section of the seat and a discoloration has allegedly occurred. The customer claims his pants were ruined but no severe injuries occurred to himself.

[REDACTED] feels that this issue is safety related and requested that MBUSA investigate this alleged issue. He feels a national recall is merited.

[REDACTED] is skeptical about MB of White Plains ability to repair this alleged issue. He spoke about past repairs he had to the seat of a former SLK vehicle he had owned. Therefore, he wants the reassurance from MBUSA that the proper repair(s) will take place.

cc: F. Berenz, G. Bowns, R. Cita, and T. Brunner

**CONFIDENTIAL**

**Open Date:** 12/21/2004 16:13:17 **Agent:** GARRET WETTERAUW **Phone** 7522 **Note Type:** RC  
 Customer concerns under review with Dealer Service Manager Jose Mens. Customer has appointment for 01/17. Dealer will contact customer to make appointment sooner. This SPOM will contact customer once a closer appointment is confirmed to arrange inspection and provide technical assistance.

**Open Date:** 12/22/2004 15:26:59 **Agent:** Michael Reger **Phone** 6363 **Note Type:** PC  
 part request sent to PAC:

driver's side heated front seat

**Open Date:** 12/22/2004 16:38:39 **Agent:** William Maher **Phone** 6250 **Note Type:** PC  
 Writer received update from PAC:

Part# A16391032467E39 should arrive the end of December to the beginning of Jan.

**Open Date:** 01/12/2005 12:48:49 **Agent:** GARRET WETTERAUW **Phone** 7522 **Note Type:** RC  
 Part remains on back-order as of this date.

**Open Date:** 01/20/2005 10:40:42 **Agent:** GARRET WETTERAUW **Phone** 7522 **Note Type:** RC  
 Part continues to be in back-order status.

**Open Date:** 01/21/2005 15:14:57 **Agent:** James Blasie **Phone** 4620 **Note Type:** PC  
 Copy of e-mail sent to SPOOM:  
 Garrett:

[REDACTED] (referral 175626 - White Plains) called in and alleged driver seat burn issue - he stated eh dropped off vehicle on 1/17, and dealer advised him part was on back order, expected on 1/21. He was given a loaner. Customer stated he was contacted today by dealer and advised that part is not expected until next week, that they want him to drop off their loaner vehicle. Customer stated he declined to do so, that he has been inconvenienced due to issue and wait for part, that dealer can drop off his vehicle and pick up the loaner, if they wish.

I did apologize for any inconvenience and advised him I would share the information with our field rep.

Regards,

James Blasie  
 Customer Relations

**Open Date:** 01/21/2005 15:40:45 **Agent:** James Blasie **Phone** 4620 **Note Type:** PC  
 Copy of e-mail from SPOM:  
 James,

I contacted Jose Mens, MB of White Plains Service Manager. There was a miscommunication at the dealership level regarding the atrans arrangements. Customer is welcome to stay in the loaner. Jose is calling [REDACTED] as I write this message. Thanks for the heads up!!!

Regards,

Garret Wetterauw  
 Service & Parts Operations Manager

**Open Date:** 02/15/2005 15:52:58 **Agent:** GARRET WETTERAUW **Phone** 7522 **Note Type:** RC  
 Parts arrived on 02/03/05. Vehicle repaired and delivered back to customer.

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 175691    Priors: No    Open Date: 12/23/2004    Status: CLS    Last Update: 01/11/2005

Address: [REDACTED]

Title: [REDACTED]

Phone: [REDACTED]

Residence

City: Midlothian

VA

Corres ID: 256850

Agent: Carol Pantua

Phone: 4635

Orig By: M

Orig CD: HO

Region: 1

Market: 4

Service Retailer: 80102

MERCEDES-BENZ OF RIC

MIDLOTHIAN

VA

Assign Agent: SOM - 26

Orig Retailer: 80102

MERCEDES-BENZ OF RIC

MIDLOTHIAN

VA

Sell Retailer: 80102

MERCEDES-BENZ OF RIC

MIDLOTHIAN

VA

Disp Amt:

Corr Fwd: Y

Mallgram Sent: Y

DBAG VIN: 1631571

Model: ML350

2004

Grp	Fail	Major	Minor	Rpt
68	09	3	3	14

World VIN: 4JGAB57E94

Mileage: 19255

Engine Number: 11297031561060

Prod Date: 07/08/2003

Warranty Start Date: 10/29/2003

Close Agent: THOMAS ISHLER

Field Closing Date: 01/11/2005

Close With: D

Close By: M

Close How: P

Owner Satisfied: Y

## Involved Information

>

Owner, [REDACTED]

Primary

Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/23/2004 08:48:37

Agent: Carol Pantua

Phone 4635

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 19255

Warranty Start Date: N/A

Previous CA Referrals:

Previous Summary Notes:

Writer received customer's letter (corr 256850) claiming that vehicle has been in the dir since Nov 28th, after customer was allegedly burned by the heated leather seat.

Customer claims that he noticed that the seat was allegedly becoming unusually warm and before he could turn it off, "it zapped" him. Customer claims that the heat "or electric shock" made him jump and he allegedly swerved into oncoming traffic, but was able to avoid an accident.

Customer claims that there is a burn mark on the seat and a burning odor. Customer claims that his left buttock "sustained a minor 'sunburn' that was fine the next day."

Customer claims that in the duration since vehicle has been in the dir, the wrong seat was allegedly ordered.

cc: Benz, Borne, Brunner, Cila

Open Date: 12/23/2004 10:54:19 Agent: THOMAS ISHLER Phone 7126 Note Type: PC

Writer received case and customer letter today. Writer will review with SM at dealer for update on repair status and possible settlement.

Open Date: 12/23/2004 11:30:58 Agent: Carol Pantua Phone 4635 Note Type: PC

Customer called for an update. Writer advised customer that his concern is currently under review.

Open Date: 12/23/2004 15:39:56 Agent: Carol Pantua Phone 4635 Note Type: PC

Tom Brunner emailed SPOM today as follows:

Hello Tom,

Please review and see if there is anything you feel should be done to satisfy the customer.

Regards,  
Tom

R. Thomas Brunner  
Product Analysis  
201-573-2622 office  
201-868-8888 cell  
201-476-2666 fax

Open Date: 12/23/2004 17:52:35 Agent: THOMAS ISHLER Phone 7126 Note Type: PC

Writer discussed with SM today. SM will update writer on parts (seat cover) next Monday, Dec. 27.

Open Date: 12/28/2004 14:18:43 Agent: THOMAS ISHLER Phone 7126 Note Type: PC

Writer reviewed again today with dealer. Dealer advised that correct seat cover has not yet arrived. Writer advised that PM is out and will return on Thursday. Writer will follow up with PM on Thursday.

Open Date: 01/04/2005 14:20:50 Agent: THOMAS ISHLER Phone 7126 Note Type: PC

Writer was advised that part (seat cover) has arrived and customer has appt to bring vehicle in tomorrow for repair. SM to follow up with writer once repair is complete to discuss customer compensation.

Open Date: 01/11/2005 19:18:37 Agent: THOMAS ISHLER Phone 7126 Note Type: RC

SM advised writer today that the seat cover was replaced. SM provided customer with a Mercedes-Benz collection catalog and advised customer that on behalf of MBUSA and the dealer the customer should pick out \$500.00 worth of collection items as a gesture of goodwill. SM advised writer that the customer was very pleased.



3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 175730    Priors: Cuz    Open Date: 12/27/2004    Status: CLS    Last Update: 01/18/2005

Address: [Redacted]

Title: [Redacted]  
Phone: [Redacted]    Residence

City: Arlington Heights    IL    [Redacted]    Corres ID:

Agent: James Dowlas    Phone: 4628    Orig By: P    Orig CD: HO    Region: 4    Market: 1

Service Retailer: DD444    CHICAGO RGN    Assign Agent: SOM - 30

Orig Retailer: 22427    MOTOR WERKS OF BARRI    BARRINGTON    IL

Sell Retailer: 22427    MOTOR WERKS OF BARRI    BARRINGTON    IL

Disp Amt:    Corr Fwd: Y    Mailgram Sent: Y

DBAG VIN: 163157 [Redacted]    Model: ML350    2003

World VIN: 4JGAB57E13 [Redacted]

Mileage: 47654    Engine Number: 11297031429981

Prod Date: 12/13/2002    Warranty Start Date: 02/08/2003

Close Agent: CLEO GAINES    Field Closing Date: 01/18/2005

Close With: D    Close By: M    Close How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Rat
82	73	3	3	13

## Involved Information

> [Redacted] Owner, [Redacted] Arlington Heights, IL [Redacted]  
Secondary    Residence

## Customer Assistance Referral -- Full Notes

Open Date: 12/27/2004 11:41:13

Agent: James Dowles

Phone 4525

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 47654

Warranty Start Date: 02/08/2003

Previous CA Referrals: 150090

**CONFIDENTIAL**

Previous Summary Notes: 264979, 474252, 475976

Mrs. Lukovic called CAC claiming "My coat caught fire from your seat, you need to replace my leather coat!"

Customer claimed she was driving on 12/26/04. Customer claimed to be only person in vehicle, customer claimed to be wearing seatbelt.

Customer claimed "My skin was burning/ itching, it was like needles."

Customer claimed "My coat has a 1 inch hole!"

Customer claimed vehicle currently located at 22427.

Customer claimed no injuries.

Customer claimed no police report.

Customer unwilling to provide insurance company name/ policy number.

CC: Frank Berenz

Gary Bowne

Regina Cila

Tom Brunner

Open Date: 01/18/2005 16:02:09

Agent: CLEO GAINES

Phone 7421

Note Type: RC

The dealer replaced the seat heater and had the customer coat cleaned.

3/16/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 175752 Priors: No Open Date: 12/28/2004 Status: CLS Last Update: 01/25/2005

[Redacted]

Address: [Redacted]

Title:

Phone: [Redacted]

Residence

City: Garden City

NY [Redacted]

Corres ID:

Agent: William Maher Phone: 6250 Orig By: M Orig CD: HO Region: 5 Market: 1

Service Retailer: 55109 RALLYE MOTORS LLC ROSLYN NY Assign Agent: SOM - 23

Orig Retailer: 55109 RALLYE MOTORS LLC ROSLYN NY

Sell Retailer: 55109 RALLYE MOTORS LLC ROSLYN NY

Disp Amt: Corr Fwd: Y Mailgram Sent: Y

DBAG VIN: 163157 [Redacted] Model: ML350 2003

World VIN: 4JGAB57E93 [Redacted]

Mileage: 25000 Engine Number: 11297031499560

Prod Date: 03/26/2003 Warranty Start Date: 04/30/2003

Grp	Fall	Major	Minor	Rn
10	10	2	3	14

Class Agent: STEVE DENNIS Field Closing Date: 01/25/2005

Class With: D Class By: M Class How: P Owner Satisfied: Y

## Involved Information

- > [Redacted] Driver, [Redacted] Garden City, NY [Redacted] Residence
- > [Redacted] P-L, [Redacted] Garden City, NY [Redacted] Residence

## Customer Assistance Referral - Full Notes

Open Date: 12/28/2004 13:47:35 Agent: William Maher Phone 6250 Note Type: PC

Primary Phone: [Redacted]

Current Mileage: 21872

Warranty Start Date: 04/30/2003

Previous CA Referrals:

Previous Summary Notes: 444682, 611712

Writer received letter from customer claiming that the heated seat on the vehicle burnt her leg. She claims the dealership has repaired the seat, however she claims that she should have been treated with a little more concern. She claims that nobody asked her what happened or if she was ok.

Customer claims that she just wants to inform us of the situation.

cc: Gary Bowns, Regina Cita, R. Thomas Brunner, Frank Berenz

Open Date: 01/20/2005 14:30:50 Agent: STEVE DENNIS Phone 7523

Note Type: PC

Service Director tried to contact customer, to date the owner has not returned phone call.

Open Date: 01/25/2005 09:37:41

Agent: STEVE DENNIS

Phone 7523

Note Type: RC

See the message below from the Service & Parts Director of Rallye Motors:

Dear Steve,

Here is a quick update on this CAC contact :

Stephen Soviero

CAC#175752

2003 ML350

Vin#4JGAB57E93

I spoke to [REDACTED] and apologized for her bad experience with her ML seat heater. The seat caused her stress, and she wanted to be compensated , for that. I offered, and she accepted, one month's lease payment, for her experience.

Best regards,

Charlie Ludemann  
Service & Parts Director  
Rallye Motors

**CONFIDENTIAL**

3/16/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 175944    Priority: No    Open Date: 01/05/2005    Status: CLS    Last Update: 02/02/2005

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence [REDACTED]

City: Florissant    MO [REDACTED]    Corres ID: [REDACTED]

Agent: Ed Duffy    Phone: 6296    Orig By: P    Orig CD: HO    Region: 4    Market: 3

Service Retailer: 45102    PLAZA MOTOR COMPANY    CREVE COEUR    MO    Assign Agent: SOM - 23

Orig Retailer: 45102    PLAZA MOTOR COMPANY    CREVE COEUR    MO

Sell Retailer: 45102    PLAZA MOTOR COMPANY    CREVE COEUR    MO

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631571 [REDACTED]    Model: ML350    2004

World VIN: 4JGAB57E94 [REDACTED]

Mileage: 34261    Engine Number: 11297031566311

Prod Date: 07/18/2003    Warranty Start Date: 11/15/2003

Close Agent: SCOTT HICKAM    Field Closing Date: 02/02/2005

Close With: O    Close By: M    Close How: P    Owner Satisfied: N

Grp	Fall	Major	Minor	Rsr
68	93	2	3	13

## Involved Information

> [REDACTED] Owner, [REDACTED] Florissant, MO [REDACTED]  
[REDACTED] Secondary    Residence [REDACTED]

## Customer Assistance Referral -- Full Notes

Open Date: 01/06/2005 10:50:38    Agent: Ed Duffy    Phone 6296    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 34261

Warranty Start Date: 11/15/2003

Previous CA Referrals:

Previous Summary Notes: 785913, 807617, 810957

[REDACTED] called again stating that the drivers side heated seat allegedly burned through the seat covering and burnt her while sitting in the seat. Customer alleges other issues on the vehicle that are unresolved also.

Customer alleges discrimination for being African American by this dealer and per prior sum note is not welcome at this dealer for service. Customer was outraged, abusive to the other reps at the CAC and threatening to both the dealer personnel and CAC staff.

[REDACTED] stated " I will shoot the dealer, Dennis, Tigh, Howard, Joe (CAC) and you then shoot myself, I have nothing to loose nothing to live for, I have no family left."

Customer stated she will be contacting Channel 2 News

Copy of referral being sent to Frank Beranz, Gary Bowne and staff, and Donna Boland

Open Date: 01/05/2005 11:10:09 Agent: Ed Duffy Phone 6296 Note Type: PC

Writer contacted dealer and spoke with Howard S. Service Manger and advised of threats made by customer also contacted SPOM and advised of same.

Open Date: 01/05/2005 11:51:48 Agent: Ed Duffy Phone 6296 Note Type: PC

Creve Coeur Police Dept Captain Dennis Sperry called requesting writer advise him of the conversation writer had with [redacted] Writer and Supervisor contacted Corp. Council Frank Berenz and was advised writer could speak with Captain Sperry. Writer returned the call to Captain Sperry at 11:45 a.m. at 314-432-8000 and advised of the conversation and notes document, answered his general questions and provided my direct contact number. Verbal conversation was all that was supplied.

Open Date: 01/05/2005 13:30:40 Agent: Frank Parente Phone 4875 Note Type: PC

Customer called again, asking for a supervisor. Writer informed her none available - customer hung up.

Open Date: 01/10/2005 08:19:54 Agent: Honora Duffy Phone 6307 Note Type: PC

[redacted] called again - I taped the phone call.

Once I listen to tape, I'll "document" everything she said - per her request.

She claims many things ... that [redacted] called the police on me ... after I got off phone with him I passed out and ended up back in hospital"

She claims she's contacted lawyers, "Channel 2 news", etc. She demands to know what we are doing about this - I told her that we are currently investigating.

She also confirmed "I've had 2 nervous breakdowns" ... I'll type up the rest of the notes later.

She wanted to know "what am I supposed to do with my car that caught on fire?". I told her I can't tell her what do so ... that's her choice at this point.

I've sent E mail to [redacted] (with above notes):

She wanted to know "what am I supposed to do with my car that caught on fire?". I told her I can't tell her what do so ... that's her choice at this point. She is aware that Creve Coeur is not allowing her back in their facility .. I told her next closest dealer to her is Ellisville, Missouri.

I'm not sure whether she will call them or show up there .. at this point, if she continues to call ... what are we supposed to tell customer? Is she supposed to bring vehicle into an authorized dealer for inspection? If so, which one?

Open Date: 01/10/2005 08:35:29

Agent: Honora Duffy

Phone 6307

Note Type: PC

Scott called - he ordered seat covers and new components for vehicle [REDACTED] is probably going to bring vehicle to Scott's house to fix.

Scott tried to call her couple of times Friday and Thursday .. couldn't reach her. Scott and I conference called with customer - conversation was taped.

Scott introduced himself - told her that parts are on order and he's going to call her back once parts arrive. Customer simply wants out of vehicle ... she claims she's tried to trade vehicle @Nissan and other dealers but claim that "no one will take it because it's a lemon"

Scott told customer he can't give her answer right away ... only thing he can provide her with is our position on fixing the vehicle at this point.

Customer went on & on ... claiming she was "lied to" by reps here @Customer Relations. Scott listened to her patiently, then told her what he's here to do is, again, review current situation.

Customer stated that "If I don't get compensated properly I've already contacted Attorney and Channel 2 news." She also claims that dealer lost her garage door opener & new one will cost her \$150.

Scott told her he can't do about anything in the past ... customer interrupted and spoke about losing jobs, etc. Scott confirmed that MBUSA can uphold terms of warranty.

Customer interrupted, then claimed she was "tricked" into signing extended warranty ... she wants her money back. Scott told her on issue with dealer, he can't comment on details or what happened in the past.

Scott told her he feels very badly about her experience - she continued to interrupt and not let Scott finish a sentence. He confirmed that his reason for phone call is about seat ...

She claimed that she has outstanding issues with brakes ("going out every 2 weeks and squeaking, going to the ground", "stalling/shaking" and seat.

She agreed to waiting to hear back from Scott when parts come in for seat ... she thanked Scott for calling her.

Open Date: 01/10/2005 12:57:15

Agent: SCOTT HICKAM

Phone 7423

Note Type: PC

Sporn has contacted the customer and conferenced in Honora.

Customer is advised that Sporn will contact her once the Seat covers etc arrive at the dealership.

Sporn has provided the customer with his contact information in case of any further concerns.

Open Date: 01/18/2005 17:56:39

Agent: SCOTT HICKAM

Phone 7423

Note Type: PC

Sporn has placed the order for the replacement parts for the customers seats.

Parts have arrived at the dealer.

Sporn will advise customer and set an appointment to make the needed repairs on Friday, 21 January due to Sporn's schedule.

Note this repair will be made by the sporn and [REDACTED] due to the situation with the customer and the area dealers.

Open Date: 01/21/2005 09:38:23

Agent: Honora Duffy

Phone 6307

Note Type: PC

Scott Hickam sent below Email today:

Honora,

Please update this case with the notes below. The system must be down.

Sporn has left a message for the customer advising her that the parts have arrived for her vehicle. Sporn has requested that the customer confirm that it is ok to pick up the vehicle on Wed. Feb 2 2005 in order to make the needed repairs. Sporn will wait for the customers confirmation.

Open Date: 01/24/2005 08:30:17

Agent: SCOTT HICKAM

Phone 7423

Note Type: PC

Monday, 24 Jan 2005

Sporn has left another message for the customer advising her that the parts have arrived for her vehicle. Sporn has requested that the customer confirm that it is ok to pick up the vehicle on Wed. Feb 2 2005 in order to make the needed repairs. Sporn will wait for the customers confirmation.

Open Date: 01/24/2005 10:45:51 Agent: Honora Duffy  
Below mailgram being sent to customer today:

Phone 8307

Note Type: PC

SPECIAL MAILGRAM

CONFIDENTIAL

January 24, 2005

[REDACTED]  
Florissant, Missouri [REDACTED]

Subject: □ Model ML320 2004  
□ Serial No. 4JGAB57E9 [REDACTED]

Dear Mr. [REDACTED]

I have attempted to reach you by phone on several occasions, without success.

Please contact me at 1-800-225-6262 (ext. 7423) and provide a phone number where you can be reached during regular business hours.

Your cooperation is appreciated; I look forward to hearing from you in the near future.

Sincerely,

Scott A. Hickam  
Service/Parts Operations Manager  
Chicago Region

Open Date: 02/02/2005 14:07:18 Agent: SCOTT HICKAM

Phone 7423

Note Type: PC

Dave, (Dealer 45101)

I have confirmed the date to pick up and to have your service department repair this customer's vehicle:

Wed, Feb 2, 2005

Services needed:

Replace both front seat covers.

Inspect front and rear brake pads and rotors, replace needed parts

Complete interior and exterior detail.

I also would like for you to consider a loaner (of some variation) for the customer to use during the repairs.

I'm and I will pick up and deliver vehicle.

[REDACTED]  
4JGAB57E9 [REDACTED]  
[REDACTED]



Open Date: 02/02/2005 14:27:50

Agent: SCOTT HICKAM

Phone 7423

Note Type: PC

Spom has contacted the customer confirm coming to her work to pick up her vehicle for service.

Spom has contacted Enterprise rent a car in Ellieville 838 391 5100 to arrange for a rental car for customer during the servicing of her vehicle.

Spom had planned to pay for the rental with his company assigned credit card as customer has no credit card.

Enterprise advised Spom that in order to rent a vehicle for the customer, she would need to be present with a valid drivers license and insurance.

Spom contacted the customer to advise her of this.

Spom has asked the customer if he could come and pick her up and drive her to the rental car agency in order to rent her a car.

Customer advised the spom that she was not able to due to the fact that her house was going to be inspected by the fire marshall and police and was probably going to be condemned and go into foreclosure, she stated that due to this situation that she would not be able to rent a vehicle.

Customer then stated that she could borrow her sons vehicle and asked the Spom to come and pick her vehicle up from her home.

Spom agreed to pick up the vehicle. Customer then hung up on the Spom.

Customer then called back the spom and advised him not to pick up the vehicle as she was going to pursue legal action against MBUSA and Creve Coeur (45102). Customer has also stated that she has contacted channel 2 news.

Spom advised the customer that he was on the phone to assist the customer. Customer advised the Spom that having her vehicle was an

Inconvenience and she would just deal with it.

Spom has advised the customer that her concerns would be documented and the Spom would wait to hear from the customer once the customers scheduld becomes less cumbersome.

Open Date: 02/02/2005 14:33:15

Agent: SCOTT HICKAM

Phone 7423

Note Type: RC

Please send a Mail-Gram to customer advising her to contact the Spom when she is available to have her vehicle in for warranty service.

Spom will have the vehicle towed to one of the St. MB dealers to assist the customer in the repair of her seat heater. customer will have to arrange for her own transportation during that time period.

3/17/2005

# Customer Assistance Referral

CONFIDENTIAL

CA Ref ID: 175960 Priors: No Open Date: 01/05/2005 Status: CLS Last Update: 02/28/2005

[Redacted]

Address: [Redacted]

Title:

Phone: [Redacted]

Residence

City: Grosse Pointe

MI [Redacted]

Corres ID:

Agent: Miriam Clark Phone: 4699 Orig By: P Orig CD: HO Region: 4 Market: 4

Service Retailer: 39417 MERCEDES-BENZ OF BLO BLOOMFIELD H MI Assign Agent: SOM - 24

Orig Retailer: 39106 MERCEDES-BENZ OF NOV NOVI MI

Sell Retailer: 39106 MERCEDES-BENZ OF NOV NOVI MI

Disp Amt:

Corr Fwd:

Mallgram Sent:

DBAG VIN: 16315 [Redacted] Model: ML350 2004

World VIN: 4JGAB57E14 [Redacted]

Mileage: 11409

Engine Number: 11297031670839

Pred Date: 11/26/2003

Warranty Start Date: 12/31/2003

Grp	Fall	Major	Minor	Rn
10	SI	3	3	09

Close Agent: DAMON BLAKEMORE Field Closing Date: 02/28/2005

Close With: O Close By: M Close How: P Owner Satisfied: Y

## Involved Information

> [Redacted] Grosse Pointe, MI [Redacted]  
Primary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 01/05/2005 16:30:04 Agent: Miriam Clark Phone 4699 Note Type: PC

Primary Phone: [Redacted]

Current Mileage: 11409

Warranty Start Date: 12/31/2003

Previous CA Referrals:

Previous Summary Notes:

### CUSTOMER ALLEGES DRIVER'S SEAT CAUGHT ON FIRE

Customer called the CAC alleging that her seat warmers caused such heat it smelled like fire and it burned a hole in the driver's seat.

Customer stated that she did not think the heat reached her skin as she was wearing a coat.

Customer stated that when she turned off the feature, the heat went off..I recommended that she contact the dealer ASAP.

CC: Gary Bowne, Frank Berenz, R. Cila, T. Brunner

Open Date: 01/06/2005 10:42:24  
Hi Damon,

Agent: Miriam Clark

Phone 4699

Note Type: PC

Please see what you can do to satisfy this customer.

Thanks,

**CONFIDENTIAL**

Gary H. Bowne  
Department Manager  
Product Compliance, Analysis & Safety Engineering  
Mercedes-Benz USA, LLC  
One Mercedes Drive  
Montvale, NJ 07645

Phone: (201) 573-2719  
Cell: (201) 218-2077  
Fax: (201) 478-2688

Open Date: 01/19/2005 09:23:54 Agent: DAMON BLAKEMORE Phone 7424 Note Type: PC

SPOM spoke with customer regarding vehicle. Customer did not sustain any injury but stated her coat was ruined. Customer has been unable to take vehicle in due to some family issues. Has appt on 1/25 at dealer for repairs. SPOM asked customer to bring in documentation for cost of coat. SPOM will secure release if needed.

Open Date: 02/03/2005 10:31:40 Agent: DAMON BLAKEMORE Phone 7424 Note Type: PC

SPOM forwarded release to customer for signature. Upon receipt of signed document, MBUSA will reimburse customer \$505.62 for damage to coat.

Open Date: 02/22/2005 11:02:59 Agent: DAMON BLAKEMORE Phone 7424 Note Type: PC

SPOM contacted [REDACTED] to follow up. Release has not been received to date. Customer stated that it had been signed, but she had not yet gotten it notarized. Customer states she will get document notarized and send it in so that we can close out this issue.

Open Date: 02/28/2005 16:05:27 Agent: DAMON BLAKEMORE Phone 7424 Note Type: RC

SPOM received signed release agreement from customer. SPOM authorized payment of \$506.62. SPOM to forward release to Frank Berenz. Close.

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 176399    Priors: No    Open Date: 01/24/2005    Status: CLS    Last Update: 02/07/2005

Address: 60 Compass Ln.

Title:

Phone:

Residence

City: Tewksbury

MA

Corres ID:

Agent: James Blaisie

Phone: 4620

Orig By: P

Orig CD: HD

Region: 1

Market: 3

Service Retailer: 36200

CHAMBERS MOTORCARS O

SOMERVILLE

MA

Assign Agent: SOM - 25

Orig Retailer: 36200

CHAMBERS MOTORCARS O

SOMERVILLE

MA

Sell Retailer: 36200

CHAMBERS MOTORCARS O

SOMERVILLE

MA

Disp Amt:

Corr Fwd:

Mailgram Sent:

DBAG VIN: 163154

Model: ML320

2003

World VIN: 4JGAB54E93

Mileage:

32335

Engine Number: 11294231349435

Prod Date: 09/06/2002

Warranty Start Date: 10/17/2002

Case Agent: RONALD ST PIERRE

Field Closing Date: 02/07/2005

Case With: O

Case By: D

Case How: V

Owner Satisfied: Y

Grp	Fail	Major	Minor	Rsr
68	73	2	3	08

## Involved Information

Owner: [Redacted] Tewksbury, MA [Redacted]

Primary

Residence

## Customer Assistance Referral - Full Notes

Open Date: 01/24/2005 09:29:34

Agent: James Blaisie

Phone 4620

Note Type: PC

Primary Phone: [Redacted]

Current Mileage: 32335

Warranty Start Date: 10/17/2002

Previous CA Referrals:

Previous Summary Notes:

[Redacted] called and alleged that vehicle has poor repair history (loss of power steering), that on Saturday, 1/22, driver side heated seat burned through the leather and burned him. Customer stated he was interested in trade of vehicle for new MB.

36200 - Chambers of Somerville, Somerville, MA

Copy of notes sent to F. Berenz, G. Bowne, T. Brunner, R. Cila, R. St. Pierre.

Open Date: 01/24/2005 14:16:56

Agent: RONALD ST PIERRE

Phone 7125

Note Type: RC

Received case.

Open Date: 02/07/2005 10:47:49

Agent: RONALD ST PIERRE

Phone 7125

Note Type: RC

Vehicle repaired 2/1/05. Customer states no injuries from seat heater malfunction. Customer met with dealer sales department, but a purchase of a new car is not imminent at this time.

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 176404    Priors: No    Open Date: 01/24/2005    Status: CNG    Last Update: 01/28/2005

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence: [REDACTED]

City: Toronto, Ontario    [REDACTED]    Corres ID: [REDACTED]

Agent: Arnold Almaguer    Phone: 4621    Orig By: P    Orig CD: HO    Region: 1    Market: 7

Service Retailer: 00111    WASHINGTON RGN    Assign Agent: SOM - 31

Orig Retailer: 05766    BEVERLY HILLS, LTD.    BEVERLY HILL    CA

Sell Retailer: 05766    BEVERLY HILLS, LTD.    BEVERLY HILL    CA

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 163154 [REDACTED]    Model: ML320    2001

World VIN: 4JGAB54EX1 [REDACTED]

Mileage: 59000    Engine Number: 11294231022942

Prod Date: 05/24/2001    Warranty Start Date: 08/21/2001

Close Agent:    Field Closing Date: 00/00/0000

Close With:    Close By:    Close How:    Owner Satisfied:

## Involved Information

- > [REDACTED] - Owner, [REDACTED] Toronto, Ontario, [REDACTED]  
Secondary Residence
- > [REDACTED] Driver, [REDACTED] Toronto, Ontario, [REDACTED]  
Primary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 01/24/2005 12:40:16

Agent: Arnold Almaguer

Phone 4621

Note Type: FC

Primary Phone: [REDACTED]

Current Mileage: 59000

Warranty Start Date: 08/21/2001

Previous CA Referrals: None

**CONFIDENTIAL**

Previous Summary Notes: 450416, 700853, 700705, 719247, 832528

[REDACTED] called extremely dissatisfied rehashing the same complaint that her husband expressed on sum note 832221.

[REDACTED] claims the driver's side seat "sparked" and the leather is burnt. She believes this is due from the heated seat feature. [REDACTED] stated that no injuries occurred to herself when this alleged incident occurred. She demanded that Paul Halata replace her vehicle or she will seek legal actions against MBUSA. [REDACTED] claims this allegedly occurred 3 years ago also. She stated MB of Toronto repaired this alleged issue and it has allegedly occurred again on 1/14/05.

Customer claims she spoke with MB of Toronto and stated that she will visit them on Monday, 1/24/05. She demanded that MBUSA be involved. She claims her Service Manager advised her that they are already in the process of communicating with MBUSA.

Writer emailed F. Berenz, G. Bowns, R. Cile, T. Brunner

Open Date: 01/27/2005 16:43:26

Agent: WES AULT

Phone 7131

Note Type: RC

SPOM received case.

Open Date: 01/28/2005 16:19:15

Agent: WES AULT

Phone 7131

Note Type: RC

SPOM provided a goodwill Extended Limited Warranty to customer the last time they had problems (April 2004). SPOM made several calls to Canadian Mercedes-Benz dealers attempting to discover what happened and what was done to repair. Service Advisor at Dundas was not available, SPOM asked to call back next week.



Open Date: 02/02/2005 11:37:07

Agent: MIKE WILLARD

Phone 7526

Note Type: RC

Below is a message from SM Steve Vogt:

MIKE

THIS IS COMPLETED IT WAS COOLANT THAT WAS LEAKING THIS TIME FROM UPPER AND  
LOWER HOSES. LAST REPAIR WAS TRANS COOLER LINES

STEVE

CONFIDENTIAL



3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 176723    Priors: No    Open Date: 02/03/2005    Status: CLS    Last Update: 02/04/2005

Address: [Redacted]    Title: [Redacted]    Phone: [Redacted]    Residence

City: Franklin Lakes    NJ [Redacted]    Corres ID:

Agent: Joseph Leonardi    Phone: 6255    Orig By: P    Orig CD: HO    Region: 5    Market: 3

Service Retailer: 51121    PRESTIGE MOTORS, INC    PARAMUS    NJ    Assign Agent: SOM - 28

Orig Retailer: 51121    PRESTIGE MOTORS, INC    PARAMUS    NJ

Sell Retailer: 51121    PRESTIGE MOTORS, INC    PARAMUS    NJ

Disp Amt:    Corr Fwd:    Mailgram Sent:

DBAG VIN: 1631571 [Redacted]    Model: ML350    2003

World VIN: 4JGABS7E2 [Redacted]

Mileage: 18846    Engine Number: 11297031409991

Prod Date: 11/21/2002    Warranty Start Date: 02/28/2003

Close Agent: MIKE WILLARD    Field Closing Date: 02/04/2005

Close With: O    Close By: D    Close How: P    Owner Satisfied: N

Grp	Full	Major	Minor	Rsr
54	52	5	3	05

## Involved Information

[Redacted]    [Redacted] Franklin Lakes, NJ    [Redacted]  
Secondary    Residence

## Customer Assistance Referral - Full Notes

Open Date: 02/03/2005 14:25:57

Agent: Joseph Leonardi

Phone 6255

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 16848

Warranty Start Date: 02/28/2003

Previous CA Referrals:

Previous Summary Notes: 838144

**CONFIDENTIAL!**

Below notes taken by Julia Hart (Customer Relations Representative)

Customer called the CAC via Tele Aid (Incident # 64122189).

Customer alleges after driving the vehicle 300 feet from her home, the vehicle began to smoke. Customer stated "the heated seat warmer caught on fire" which allegedly caused her skirt, panty hose, & leg to burn. Customer claims she waited a few minutes for the seat to cool down in which she drove the vehicle back to her home. Customer is requesting the vehicle be towed to the dealership as she is afraid to drive the vehicle any further.

Writer apologized & made arrangements for JJ's Tow to pick the vehicle up & flat bed the vehicle to Prestige.

Writer advised customer technical & regional staff will be made aware of the situation in which she should stay in contact with the SM at her dealer.

CC Gary Bowne/T. Brunner/G. Cila and Frank Berenz

Open Date: 02/04/2005 12:45:26

Agent: MIKE WILLARD

Phone 7528

Note Type: RC

Customer was given loaner and vehicle at dealer. SM Steve Vogt is handling the customer and as inconvenience will offer goodwill.

If offer is not good because customer was very upset over situation (she thought the incident would affect her pacemaker), then Steve will contact writer.

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 176730    Priors: Cus    Open Date: 02/03/2005    Status: CLS    Last Update: 02/10/2005

[Redacted]

Address: [Redacted]

Title: [Redacted]

Phone: [Redacted]

Residence

City: San Diego

CA [Redacted]

Corres ID: 260343

Agent: Joseph Leonardi    Phone: 6255    Orig By: M    Orig CD: HO    Region: 3    Market: 1

Service Retailer: 05762    MERCEDES-BENZ OF ESC    ESCONDIDO    CA    Assign Agent: SOM - 21

Orig Retailer: 05101    FLETCHER JONES MOTOR    NEWPORT BEAC    CA

Sell Retailer: 05101    FLETCHER JONES MOTOR    NEWPORT BEAC    CA

Disp Amt:    Corr Fwd: Y    Mailgram Sent: Y

DBAG VIN: 163157 [Redacted]    Model: ML350    2004

World VIN: 4JGAB57E04 [Redacted]

Mileage: 10912    Engine Number: 11297031575547

Prod Date: 07/18/2003    Warranty Start Date: 12/05/2003

Close Agent: FRANK DINGMAN    Field Closing Date: 02/10/2005

Close With: O    Close By: D    Close How: V    Owner Satisfied: Y

Grp	Fail	Major	Minor	Rat
54	73	3	2	07

## Involved Information

➤ [Redacted] - Owner, [Redacted] San Diego, CA [Redacted]  
Secondary    Residence

## Customer Assistance Referral - Full Notes

Open Date: 02/03/2005 14:48:23

Agent: Joseph Leonardi

Phone 6255

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 10912

Warranty Start Date: 12/05/2003

Previous CA Referrals:

Previous Summary Notes: 19266, 57375, 106489, 110464

**CONFIDENTIAL**

Primary Phone: [REDACTED]

Current Mileage: 10912

Warranty Start Date: 12/05/2003

Previous CA Referrals:

Previous Summary Notes: 19266, 57375, 106489, 110464

Below is the e-mail (CORRES 280343) Ben Clay sent to the CAC.

Title: MR

First: [REDACTED]

Initial: [REDACTED]

Last Name: [REDACTED]

Suffix: [REDACTED]

Street: [REDACTED]

Address 2:

City: San Diego

State: CA

Zip: 92101

E-mail: [REDACTED]

Comments:

My heated seat caught fire on my 2004 ml 350 and my dealer has ordered a new seat cover and I do not have the replacement. It has been two months and the dealer Escondido MZB in ca has had it on order from Germany> I have bought 6 MZBs during my life time and this does not cut it. I need the heated seats in the winter and not in the summer. This is poor service. Ben Clay

CC G Bowns, F Berenz J. Cila T. Brunner

Open Date: 02/03/2005 15:21:50

Agent: William Maher

Phone 6250

Note Type: PC

Writer sending B/O Parts Inquiry to PAC:

Open Date: 02/04/2005 13:54:42

Agent: FRANK DINGMAN

Phone 7321

Note Type: RC

The part arrived at the dealer yesterday and they've contacted the customer to set an appointment to have it installed.

Open Date: 02/10/2005 17:38:09

Agent: FRANK DINGMAN

Phone 7321

Note Type: RC

Vehicle at dealer being repaired

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 176743    Priors: No    Open Date: 02/03/2005    Status: CLS    Last Update: 02/04/2005

Address: [REDACTED]    Title: [REDACTED]    Phone: [REDACTED]    Residence: [REDACTED]

City: Manalapan    NJ [REDACTED]    Carres ID: [REDACTED]

Agent: Kathleen Durning    Phone: 4633    Orig By: S    Orig CD: H0    Region: 5    Market: 3

Service Retailer: 51142    BENZEL - BUSCH MOTOR    ENGLEWOOD    NJ    Assign Agent: SOM - 28

Orig Retailer: 51142    BENZEL - BUSCH MOTOR    ENGLEWOOD    NJ

Sell Retailer: 51142    BENZEL - BUSCH MOTOR    ENGLEWOOD    NJ

Disp Amt: [REDACTED]    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631571 [REDACTED]    Model: ML350    2003

World VIN: 4JGAB57E23 [REDACTED]

Mileage: 25267    Engine Number: 11297031530614

Prod Date: 05/07/2003    Warranty Start Date: 08/12/2003

Grp	Fall	Major	Minor	Rm
54	52	5	3	05

Class Agent: MIKE WILLARD    Field Closing Date: 02/04/2005

Class With: 0    Close By: D    Close How: P    Owner Satisfied: N

## Involved Information

[REDACTED]    [REDACTED] Manalapan, NJ [REDACTED]  
Secondary    Residence

## Customer Assistance Referral - Full Notes

Open Date: 02/03/2005 17:16:36    Agent: Kathleen Durning    Phone 4633    Note Type: PC

Primary Phone: [REDACTED]  
Current Mileage: 25267  
Warranty Start Date: 08/12/2003  
Previous CA Referrals:

Previous Summary Notes: 633717

Customer stated that her seat went on fire burnt her jacket and a hole through the seat. Customer stated she was told it would take a week to repair and it took a month, burn mark still was not covered. Customer stated that dealer promised to take vehicle back and give customer a "brand new car" then they decided not to.

Customer stated "I was literally on fire." Customer stated she has a "good lawsuit"

cc: F. Berenz  
G. Bowns

Open Date: 02/04/2005 09:34:17    Agent: MIKE WILLARD    Phone 7528    Note Type: RC

Writer already involved with Customer Relations mgr. Customer was already compensated for this. Customer has 2/15 appointment to put cover back on. At this point the 1408.91 for inconvenience which customer was sent and agreed to will stand. Part to fix was on back order and customer was not told that they had to go to Freehold but if they wanted to.

3/17/2005

# Customer Assistance Referral

**CONFIDENTIAL**

CA Ref ID: 176935    Priors: No    Open Date: 02/10/2005    Status: CLS    Last Update: 02/28/2005

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence: [REDACTED]

City: Cedarhurst    NY [REDACTED]    Corres ID: 261077

Agent: Arnold Almaguer    Phone: 4621    Orig By: E    Orig CD: HO    Region: 5    Market: 2

Service Retailer: 55124    LAKEVIEW AUTO SALES    ROCKVILLE CE    NY    Assign Agent: SOM - 24

Orig Retailer: 55124    LAKEVIEW AUTO SALES    ROCKVILLE CE    NY

Sell Retailer: 55124    LAKEVIEW AUTO SALES    ROCKVILLE CE    NY

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631571 [REDACTED]    Model: ML350    2003

World VIN: 4JGAB57E5 [REDACTED]

Mileage: 12516    Engine Number: 11297031500768

Prod Date: 03/27/2003    Warranty Start Date: 08/22/2003

Close Agent: JOSEPH GALLAGHER    Field Closing Date: 02/28/2005

Close With: D    Close By: M    Close How: V    Owner Satisfied: Y

Grp	Full	Major	Minor	Rsu
68	93	2	3	09

## Involved Information

> [REDACTED] Cedarhurst, NY [REDACTED]  
Secondary    Business

## Customer Assistance Referral - Full Notes

Open Date: 02/10/2005 11:48:26

Agent: Arnold Almaguer

Phone 4621

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 12516

Warranty Start Date: 08/22/2003

Previous CA Referrals: None

Previous Summary Notes: None

**CONFIDENTIAL**

Writer received the below email today, 2/10/05.

Copy of [REDACTED]'s email to the CAC:

Subject: Retailer Questions (CDQI) From: jmrosen98@aol.com

To: malimaster@mbusa.com

\*\*\* Customer Assistance \*\*\*

The following person has filled out the Customer Assistance Form on www.MBUSA.com.

Contact Information:

Title [REDACTED]

First Name: [REDACTED]

Last Name: [REDACTED]

Street [REDACTED]

Address 2:

City: cedarhurst

State: NY

Zip: [REDACTED]

E-mail: jmrosen98@aol.com

Comments: I was driving the other day in my 2003 ML 350 truck and it was cold so I put on the seat heat and within 3 minutes my rear end was on fire. The seat heater burned a hole right through the seat and into the pocket of my slacks. I am very upset that this happened. I would like to know besides a new seat how MB plans to compensate me for this near major fire. Luckily the burn stopped at the size of a dime. If I was driving on the highway I could have caught fire if I didn't stop to see that the seat was burning. This makes me very concerned about the safety of this vehicle for the future. Please respond with some amicable solution to make me feel more secure about this piece of junk that I am driving. ☺☺☺☺

Survey Information:

Day Phone Number: [REDACTED]

Evening Phone Number: [REDACTED]

Preferred number: Work

Preferred time to call: Morning

Fax: -

VIN Number: 4JGAB57E53 [REDACTED]

Writer cc: G. Bowne, T. Brunner, R. Cifa, and F. Berenz.

Open Date: 02/10/2005 11:54:48

Agent: Arnold Almaguer

Phone 4621

Note Type: PC

Writer called customer at [REDACTED] and empathized with his concerns. Writer explained that his concerns have been referred to the appropriate individuals within our company.

[REDACTED] stated that his pants were burned and he wants to be compensated.

Customer stated he has called Lakeview Auto Sales and is awaiting a time from them to drop off his vehicle and to pick up a loaner.

Writer explained that his point of reference is the Service Manager. Writer also provided customer with my ext.

Open Date: 02/14/2005 15:40:56

Agent: JOSEPH GALLAGHER

Phone 7529

Note Type: RC

Writer advised SM that MB will reimburse customer the cost of his clothing. Customer to provide information. Vehicle will be repaired under warranty.

Open Date: 02/28/2005 12:16:31

Agent: JOSEPH GALLAGHER

Phone 7529

Note Type: RC

Customer picked up vehicle and will return with receipt for pants. Once receipt provided, dealer will submit to writer for reimbursement.

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 177034 Priors: No Open Date: 02/14/2005 Status: CLS Last Update: 02/23/2005

[Redacted]

Address: [Redacted]

Title: [Redacted]  
Phone: [Redacted]

Residence

City: Greenvale NY [Redacted] Corres ID:

Agent: James Dowles Phone: 4628 Orig By: P Orig CD: HO Region: 5 Market: 1

Service Retailers: 00555 N.Y. RGN Assign Agent: SOM - 23

Orig Retailer: 55138 MERCEDES-BENZ OF SMI ST. JAMES NY

Sell Retailer: 55138 MERCEDES-BENZ OF SMI ST. JAMES NY

Diap Amt: Corr Fwd: Mailgram Sent:

DBAG VIN: 1631571 [Redacted] Model: ML350 2003

World VIN: 4JGAB57E63 [Redacted]

Mileage: 21588 Engine Number: 11297031510758

Prod Date: 04/24/2003 Warranty Start Date: 08/16/2003

Close Agent: STEVE DENNIS Field Closing Date: 02/23/2005

Close With: D Close By: M Close How: V Owner Satisfied: Y

Grp	Fall	Major	Minor	Rat
54	73	2	3	05

## Involved Information

> [Redacted] - Driver, [Redacted] Greenvale, NY [Redacted]  
Primary Residence

> [Redacted] - Owner, [Redacted] Greenvale, NY [Redacted]  
Primary Residence

## Customer Assistance Referral -- Full Notes



Open Date: 02/14/2005 12:54:56

Agent: James Dowles

Phone 4828

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 21688

Warranty Start Date: 08/16/2003

Previous CA Referrals:

**CONFIDENTIAL**

**Previous Summary Notes:**

M [REDACTED] contacted CAC and spoke with Reina Rojas CA REP, customer claims vehicle "seat caught on fire."

Below notes from [REDACTED]

Phone [REDACTED] Dealer: 66138 Miles: 28,700

[REDACTED] wife called alleging last night 2/13/04 at around 10pm her husband "seat caught on fire." Customer alleged there was a burning smell inside the vehicle, her husband felt his seat very warm & claimed when husband went to touch the seat "seat caught on fire and burned his leg." Customer claimed injury was minor and that husband "did not need medical treatment," no hospitalization. Police nor Ambulance were involved, customer alleged there were 4 passengers, her husband, two diplomats and herself, all wearing seatbelts. Customer alleged they were able to pull over fast and "avoid an accident...no one else hurt...only the inconvenience of smoke." Vehicle is currently at home address, [REDACTED] advised husband drove back home.

Customer demanded what her "rights were" and requested that MBUSA get her a "new" vehicle.

[REDACTED] stated she feels "frightened" to drive vehicle, claimed she has no other vehicle and claimed she will not drive current vehicle. Writer apologized to customer for inconvenience advised her that I would document her concerns and contact dealership and regional management on her behalf. Customer inquired about loaner vehicle, write advised I would have SM contact her for loaner/rental arrangements. Writer also advised Regional Mngmt will have SM contact her or her husband on at telephone number provided in regards to issue.

Insurance Info: ALL STATE INSURANCE: Policy # 903540237 08/16

CC: Frank Beranz

Gary Bowne

Regina Cita

Tom Brunner

Open Date: 02/14/2005 13:30:19

Agent: Frank Parents

Phone 4875

Note Type: PC

Customer called claiming that she is expecting someone to call her this morning - customer cannot understand why no one has called. Writer explained that a formal case has been made of her issue and she will be called usually within two to three days of reporting the incident.

Customer insisting that she was told someone will call her within hours of her initial call. Writer again assured her that we have her issue documented and she will be contacted.

Open Date: 02/14/2005 15:50:41

Agent: STEVE DENNIS

Phone 7523

Note Type: PC

Information sent to dealer, SPOM will discuss with dealer during next dealer visit.

Open Date: 02/15/2005 14:26:47

Agent: STEVE DENNIS

Phone 7523

Note Type: PC

General Manager contacted this customer directly and advised them they will pick up the vehicle and leave a loaner vehicle. Customer was very happy and never mentioned the fact that they wanted a new vehicle.

Open Date: 02/23/2005 19:16:17

Agent: STEVE DENNIS

Phone 7523

Note Type: RC

See the message below from the Service Manager of MB Smithtown:

Steve,

[REDACTED] car was repaired and they are very happy how it was handled ( we picked up the car and dropped off a loaner and returned the car when it was finished). They stated that Rob Ficore is absolute wonderful and looking forward to do business with him.

Andy Schiefelder

Service Manager

MB Smithtown

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 177376    Priority: Cus    Open Date: 02/24/2005    Status: CLS    Last Update: 03/07/2005

Address: 13929 86Th Rd.

Title:

Phone:

Residence

City: Jamaica

NY 1

Carrs ID:

Agent: Robyn Letz

Phone: 6209

Orig By: P

Orig CD: HO

Region: 5

Market: J

Service Retailer: 00555

N.Y. RGN

Assign Agent: SOM - 23

Orig Retailer: 55109

RALLYE MOTORS LLC

ROSLYN

NY

Sell Retailer: 55109

RALLYE MOTORS LLC

ROSLYN

NY

Disp Amt:

Corr Fwd:

Mallgram Sent:

DBAG VIN: 1631571

Model: ML350

2003

World VIN: 4JGAB57E93

Mileage: 27831

Engine Number: 11297031476744

Prod Date: 03/01/2003

Warranty Start Date: 03/27/2003

Close Agent: STEVE DENNIS

Field Closing Date: 03/07/2005

Close With: D

Close By: M

Close How: V

Owner Satisfied: N

Grp	Full	Major	Minor	Ret
10	10	2	3	14

## Involved Information

L. [Redacted] Jamaica, NY [Redacted]  
Secondary Residence

## Customer Assistance Referral -- Full Notes

Open Date: 02/24/2005 11:11:30

Agent: Robyn Letz

Phone 6209

Note Type: PC

Primary Phone: 718 845 5244

Current Mileage: 27831

Warranty Start Date: 03/27/2003

Previous CA Referrals:

Previous Summary Notes:

[Redacted] called the CAC.

Customer demands MBUSA inspect vehicle. claims seat heater burned through seat cushion.

Customer also alleges vehicle has intermittently stalled when in "Drive" mode, but restarts and that driver's seat belt will not come out of retractor.

Customer will call dealership to ask for dealer to pick up vehicle and bring loaner vehicle.

CC: F. Beranz G. Bowne, RT Brunner, R. Cils

**Open Date:** 02/24/2005 12:26:19    **Agent:** Brian Dudek    **Phone:** 7814    **Note Type:** PC  
 Customer phoned the CAC to advise she will be bringing the vehicle to Lakeview Auto Sales in Rockville Centre and the appointment is for 2/28/06.

Writer advised customer we will update the system with the information.

**CC:** F. Berenz G. Bowne, RT Brunner, R. Cila

**Open Date:** 02/25/2006 14:37:04    **Agent:** Robyn Letz    **Phone:** 6209    **Note Type:** PC  
 HI Joe,

Please see what you can do to satisfy this customer with respect to the seal heater issue.

Thanks,

Gary H. Bowne

**Open Date:** 02/28/2005 12:21:57    **Agent:** Robyn Letz    **Phone:** 6209    **Note Type:** PC  
 From Joe Gallagher:

per SM at Lakeview, they inspected vehicle and advised customer that it appeared vehicle was in an accident. Customer took vehicle out of dealer and said they were going back to Rallye since they would help them. I noticed in Fastrac that this referral is not assigned to Lakeview as of yet. Please leave at 55109.

Writer reassigned case to Steve Dennis.

**Open Date:** 02/28/2005 20:04:50    **Agent:** STEVE DENNIS    **Phone:** 7523    **Note Type:** PC  
 SPOM sent an e-mail to the Service & Parts Director of Rallye Motors. SPOM advised dealer to have the Bodyshop inspect the vehicle as well to verify the comments from Lakeview Auto Sales.

**Open Date:** 03/01/2005 14:43:54    **Agent:** STEVE DENNIS    **Phone:** 7523    **Note Type:** PC  
 See the message below from the Service & Parts Director of Rallye Motors:

To All:

The said vehicle is here today, and it was in an accident. The left side of the truck is damaged, and the undercarriage is also damaged (IE: sub frame is dented and rusty, the R/F headlight is broken, and the L/F fender has been pushed back). The seatbelt is due to outside influence, and is customer pay. The SDS tells us that the first threshold was reached, so only the seatbelts were activated. The customer did make a scene this morning, especially when I asked about the accident with the vehicle.

Best regards,

Charlie Ludemann  
 Service & Parts Director  
 Rallye Motors

PS\_He asked for a replacement vehicle, and I told him no!!!

**Open Date:** 03/01/2005 14:55:49    **Agent:** STEVE DENNIS    **Phone:** 7523    **Note Type:** PC  
 MBUSA will not buy the vehicle back, nor will MBUSA assist financially in a trade of the vehicle.

**Open Date:** 03/02/2005 15:48:06    **Agent:** STEVE DENNIS    **Phone:** 7523    **Note Type:** PC  
 All warranty issues have been addressed and are waiting for the customers response.

**MBUSA WILL STAND BEHIND THE DEALERS DECISION AND WILL NOT OFFER TO BUY THE VEHICLE BACK OR OFFER ANY FINANCIAL ASSISTANCE!!!!**

**Open Date:** 03/07/2005 17:15:52    **Agent:** STEVE DENNIS    **Phone:** 7523    **Note Type:** RC  
 See the message above!!

**MBUSA will not offer any assistance!!!**

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 177469    Priority: No    Open Date: 02/28/2005    Status: CLS    Last Update: 03/04/2005

Address: [REDACTED]    Title: [REDACTED]    Phone: [REDACTED]    Residence [REDACTED]

City: New Hope    PA [REDACTED]    Corres ID: [REDACTED]

Agent: Carol Pantua    Phone: 4635    Orig By: P    Orig CD: HO    Region: 1    Market: 2

Service Retailer: 67294    KEENAN MOTORS    DOYLESTOWN    PA    Assign Agent: SOM - 24

Orig Retailer: 51147    MERCEDES-BENZ OF PRI    LAWRENCEVILL    NJ

Sell Retailer: 51147    MERCEDES-BENZ OF PRI    LAWRENCEVILL    NJ

Disp Amt:    Corr Fwd: N    Mailgram Sent: N

DBAG VIN: 1631721 [REDACTED]    Model: ML430    2000

World VIN: 4JGAB72E8Y [REDACTED]

MDenge: 79000    Engine Number: 11394230152988

Prod Date: 02/04/2000    Warranty Start Date: 02/26/2000

Close Agent: GEORGE MCNICHOL    Field Closing Date: 03/04/2005

Close With: O    Close By: M    Close How: P    Owner Satisfied: Y

Grp	Fall	Major	Minor	Rn
82	73	2	3	09

## Involved Information

> [REDACTED] Owner, [REDACTED] New Hope, PA [REDACTED]  
[REDACTED] Secondary    [REDACTED] Residence

## Customer Assistance Referral -- Full Notes

Open Date: 02/26/2005 14:16:48

Agent: Carol Pantus

Phone 4635

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 79000

Warranty Start Date: 02/26/2000

Previous CA Referrals:

**CONFIDENTIAL**

Previous Summary Notes: 109120, 188388, 339140, 838553

[REDACTED] called and claims that the driver's heated seat allegedly started "smoking a few hours ago and burned through the driver's seat, leaving a hole as if burned through by a cigarette." Customer claims no one was injured.

Customer claims that he has allegedly experienced numerous concerns with the vehicle and advised that he will seek legal action.

Customer claims that he has no faith in the local MB dealerships' service, due to alleged "lies about services needed. They told me it would be \$2000 to fix the seat before this happened. I refused and found out later that it just needed a new fuse. That's one of many incidents." Customer claims that though he left a message with SM "Thomas Helg," he will keep the vehicle at his home, where it now remains.

Customer claims that he has owned 6 Mercedes vehicles and believes that he is a loyal customer and continues to be one. However, customer claims that he dislikes the dealerships and requests "someone from Mercedes corporate to come here and look at the car." Customer claims that in the meantime, he will contact his attorney and insurance company.

Writer advised customer that his concern would be documented and reviewed. Customer claims that he will wait for a call from MBUSA.

cc: Berenz, Bowne, Brunner, Cila

Open Date: 03/03/2005 17:13:16

Agent: Carol Pantus

Phone 4635

Note Type: FC

Gary Bowne emailed SPOM today and stated:

Hi George,

Please see what you can do to satisfy this customer.

Thanks,

Gary H. Bowne  
Department Manager  
Product Compliance, Analysis & Safety Engineering

Open Date: 03/04/2005 11:21:03

Agent: GEORGE MCNICHOL

Phone 7124

Note Type: RC

I phoned owner, who states an independent is installing a new seat heater in his car tomorrow and his after market extended warranty is paying the bill.

He also states that his E-Class has a bad seat heater but the car is in Florida. I told him when the car comes back from Florida and it's at the dealer to call me and I will participate in the repair. Owner satisfied and I gave him my phone number.

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 177772    Priors: No    Open Date: 03/09/2005    Status: CLS    Last Update: 03/11/2005

Address: Po Box 101

Title:

Phone:

Residence

City: Lewiston

NY

Corres ID:

Agent: Nicole Shababb

Phone: 4619

Orig By: P

Orig CD: HO

Region: 1

Market: 7

Service Retailer: 00111

WASHINGTON RGN

Assign Agent: SOM - 31

Orig Retailer: 51118

GLOBE MOTOR CAR CO.

FAIRFIELD

NJ

Sell Retailer: 51118

GLOBE MOTOR CAR CO.

FAIRFIELD

NJ

Map Amt:

Corr Fwd:

Mailgram Sent:

DBAG VIN: 163154

Model: ML320

2000

World VIN: 4JGAB54E1Y

Mileage:

53698

Engine Number: 11294230685540

Prod Date: 03/24/2000

Warranty Start Date: 10/19/2000

Close Agent: WES AULT

Field Closing Date: 03/11/2005

Close With: D

Close By: M

Close How: P

Owner Satisfied: Y

Grp	Fail	Major	Minor	Rsn
82	73	5	3	08

## Involved Information

▶

Owner: [Redacted] Lewiston, NY [Redacted]

Expired

Residence

## Customer Assistance Referral -- Full Notes

Open Date: 03/09/2005 10:28:45

Agent: Nicole Shababb

Phone 4619

Note Type: PC

Primary Phone: [Redacted]

Current Mileage: 53698

Warranty Start Date: 10/19/2000

Customer, [Redacted] contacted the CAC alleging, while driving to the local gas station this morning, her vehicle's front driver's seat went on fire as a result of a short in the heated seat coils. Customer alleging she drove her vehicle for approximately one mile when she "felt a tingling/burning on her backside". Customer claims she had just pulled in to the local gas station and therefore immediately jumped out of the vehicle. Customer alleges "there is a melted hole in the vehicle's leather and the car smells like burning flesh". Customer claims she does not need medical attention but that the area affected is "still stinging". Customer alleges she was traveling with her one year old child at the time of the incident.

Vehicle is currently located at the customer's residence and she advised she will not drive the vehicle until she hears from Mercedes-Benz in regards to an inspection.

cc: Frank Berenz, Gary Bowne, Gina Gila, and Tom Brunner.

Open Date: 03/09/2005 14:08:49

Agent: Frank Parents

Phone 4675

Note Type: PC

Telephone contact for customer residence is [Redacted] Husband called asking what to do with car. Writer suggested that he leave it at home for tech to inspect.

Customer claims that someone at dealer told him that "this happens all the time." Writer assured him that it does not.

Open Date: 03/10/2005 09:47:44 Agent: WES AULT  
SPOM received case.

Phone 7131

Note Type: RC

Open Date: 03/11/2005 09:38:20 Agent: WES AULT  
55201 repairing vehicle as a goodwill gesture, customer satisfied.

Phone 7131

Note Type: RC

**CONFIDENTIAL**

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 177801    Priors: No    Open Date: 03/09/2005    Status: CNG    Last Update: 03/16/2005

Address: [REDACTED]    Title: [REDACTED]  
Phone: [REDACTED]    Residence [REDACTED]

City: Tarrytown    NY [REDACTED]    Corres ID: [REDACTED]

Agent: Anthony Turturiello    Phone: 6339    Orig By: P    Orig CD: HO    Region: 5    Market: 5

Service Retailer: 09103    MERCEDES-BENZ OF GRE    GREENWICH    CT    Assign Agent: SOM - 26

Orig Retailer: 09103    MERCEDES-BENZ OF GRE    GREENWICH    CT

Sell Retailer: 09103    MERCEDES-BENZ OF GRE    GREENWICH    CT

Disp Amt:    Corr Fwd:    Mailgram Sent:

DBAG VIN: 1631571 [REDACTED]    Model: ML350    2004

World VIN: 4JGAB57EX4 [REDACTED]

Mileage: 20000    Engine Number: 11297031593949

Prod Date: 08/14/2003    Warranty Start Date: 10/31/2003

Close Agent:    Field Closing Date: 00/00/0000

Close With:    Close By:    Close How:    Owner Satisfied:

## Involved Information

➤ [REDACTED] Owner, [REDACTED], Tarrytown, NY [REDACTED]  
Primary    Residence

## Customer Assistance Referral – Full Notes

Open Date: 03/09/2005 17:09:42    Agent: Anthony Turturiello    Phone 6339    Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 20000

Warranty Start Date: 10/31/2003

Previous CA Referrals:

Previous Summary Notes: 825282

[REDACTED] called claiming that she has been experiencing numerous issues with her vehicle. The customer claims that the fuel gauge has been malfunctioning and the vehicle dies out while driving when customer accelerates. The customer alleges that these issues have been addressed by dealer 09103, however they are still occurring.

The customer then claimed that her heated seats system malfunctioned causing the driver's seat to overheat and burn through the leather. The customer alleges that she is waiting for the dealer since they are ordering replacement parts for her heated seat.

Writer advised customer to contact the Service Manager at her dealer and that I would document her concerns. AT

cc: G. Bowne, F. Baranz



Open Date: 03/09/2005 18:57:53 Agent: GARRET WETTERAUW Phone 7522  
Customer concerns are under review with dealer service management.

Note Type: RC

Open Date: 03/10/2005 10:59:15 Agent: Anthony Turturillo Phone 6339  
Hi Garret,

Note Type: RC

Please see what you can do to satisfy this customer with respect to the heated seat issue.

Thanks,

Gary H. Borne  
Department Manager  
Product Compliance, Analysis & Safety Engineering

Open Date: 03/10/2005 13:00:35 Agent: GARRET WETTERAUW Phone 7522  
Seat parts are at the dealer. Dealer Service Manager is attempting to contact customer.

Note Type: RC

Open Date: 03/16/2005 16:40:53 Agent: GARRET WETTERAUW Phone 7522  
Additional message left for customer by dealer.

Note Type: RC

3/17/2005

# Customer Assistance Referral **CONFIDENTIAL**

CA Ref ID: 177903      Priors: No      Open Date: 03/14/2005      Status: NEW      Last Update: 03/14/2005

Address: 12311 Foxcroft PL

Title:

Phone:

Residence

City: Granada Hills

CA

Corres ID: 263707

Agent: Lois Grillo

Phone: 4627

Orig By: E

Orig CD: HO

Region: 3

Market: 2

Service Retailer: 00333

L.A. RGN

Assign Agent: SOM - 26

Orig Retailer: 05101

FLETCHER JONES MOTOR

NEWPORT BEAC

CA

Sell Retailer: 05101

FLETCHER JONES MOTOR

NEWPORT BEAC

CA

Disp Amt:

Corr Fwd: Y

Mallgram Sent: Y

DBAG VIN: 1631751

Model: ML500      2003

World VIN: 4JGAB75E23

MBadge:

34845

Engine Number: 11396530455721

Prod Date: 12/11/2002

Warranty Start Date: 04/22/2003

Close Agent:

Field Closing Date: 00/00/0000

Close With:

Close By:

Close How:

Owner Satisfied:

## Involved Information

>

Granada Hills, CA

Secondary

Residence

## Customer Assistance Referral -- Full Notes

Open Date: 03/14/2005 11:50:59

Agent: Lois Grillo

Phone 4827

Note Type: PC

Primary Phone: [REDACTED]

Current Mileage: 34845

Warranty Start Date: 04/22/2003

Previous CA Referrals:

Previous Summary Notes: 519549

**CUSTOMER ALLEGES PRODUCT LIABILITY ISSUE.**

Customer [REDACTED] sent an internet message addressed to Paul Halata ("original message dated 2/18/05") and then re-sent on 3/11/05 to CAC. (See below for customer message.) Customer indicates that he may consult with a lawyer soon.

Customer alleges that the seat heater burned through the seat & pants. Customer also alleges other outstanding issues with the vehicle (body rattles, issues folding down seat, overhead console & side view mirror malfunctions.

Note - dealer 06703 advises that vehicle was serviced on 2/28/05.

\*\*\*\*\*

[REDACTED]  
 03/11/2005 01:11 PM  
 CC  
 To: <CACINTERNET@MBUSA.COM>  
 cc:  
 Subject: FW: 2003 ML

I thought I should have send this to you, since no one bothers to care.

-----Original Message-----

From: [REDACTED]  
 Sent: Friday, February 18, 2005 10:26 AM  
 To: Paul\_Halata@mercedesbenz.com  
 Subject: 2003 ML

Mr. Halata,

I am writing to you to bring to your attention the latest turn of events that almost cost my life driving one of the most prestigious, admired vehicles in the world. I owned a 2003 ML500, my wife was driving a 2000 SLK230 and was planning to get the new SLK next month as my wife's SLK lease will be up in March. But all this changes now and I am having a second thought on buying another Benz in the future. I am so disappointed with my ML and I just owned it for almost two years, seems like the car was getting worst before it gets better. The body rattles so bad in bumpy roads, especially when running over in a railroad track, the rear fold down seat was a struggle, I almost break my wrist to make it fold down completely, the rear seat also rattles, the overhead console always has an error, right side view mirror doesn't goes back to the set memory functions after going on reverse and so on and on. And the worst thing happened, last Tuesday, I turned on the seat heater, it got so hot, it burned the seat, burned my pants and if I don't have my wallet, it will burned my flesh. The car was in the dealer right now, but I am having some paranoia driving the car again. I am right now asking for opinion to what rights I might legally have and might be thinking of consulting a lawyer soon.

CC: Gary Bowne, Frank Berenz

Open Date: 03/14/2005 11:58:27

Agent: Lois Grillo

Phone 4627

Note Type: PC

Des [REDACTED]

**CONFIDENTIAL**

Thank you for your internet message to our President, Paul Halata. I have been asked to respond on his behalf.

Your authorized Mercedes-Benz dealership is in the best position to address matters of this nature on behalf of Mercedes-Benz USA. Arrangements have been made for your concerns to be reviewed on a local level; you may expect further contact shortly, if not already.

Sincerely,  
Lois Grillo  
Customer Relations Liaison

Open Date: 03/14/2005 12:01:42

Agent: Lois Grillo

Phone 4627

Note Type: PC

G Bowne, F Berenz, R Reynolds emailed this date/time.

Open Date: 03/14/2005 15:18:07

Agent: Lois Grillo

Phone 4627

Note Type: PC

3/14/05 email -

Hi Ron,

Please see what you can do to satisfy this customer with respect to the seat heater issue.

Thanks,

Gary H. Bowne

Department Manager

**BENEDICT P. MORELLI & ASSOCIATES P.C.**

*attorneys at law*

220 Times Avenue, New York, New York 10036  
TEL: 212-693-1558 / FAX: 212-693-0846

#3754 on  
Pre-Owned roof  
black opel  
April 12, 2004

VIA FACSIMILE  
212-693-0828  
Mercedes Benz of Manhattan, Inc.  
430 Park Avenue  
New York, New York 10022

Attn: Mr. Kevin Fox

Re: [REDACTED] v. MERCEDES BENZ  
VIN: 4JGAB4E72[REDACTED]  
MODEL #: ML320 YEAR 2003

Dear Mr. Fox:

As per our conversation of this morning, be advised that we are the attorneys for Peter and Marion Goodman.

As you know, [REDACTED] returned the aforementioned leased vehicle to your possession on April 7, 2004. On February 13, 2004 [REDACTED] reported to your dealership that the drivers seat was overheating upon activation of the heated seat switch. We have confirmed through our own inspection that the seat is dangerous and defective. [REDACTED] after driving said vehicle, suffered severe burns as a result.

Please allow this letter to serve as written notice of the defective condition and as an indication for your company to inspect the seat in question.

Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

*Arthur J. Salmon*  
Arthur J. Salmon

ALS:wb

TCO Inspection Vehicle 4/13/04

MBC owned vehicle  
15 month lease turned into.

- Stephen R. Morelli
- John S. Barone
- Anthony J. Colan Jr.
- Timothy S. Amorella
- Thomas C. Pincus
- Charles M. Johnson
- Robert A. Goffin
- James L. Scutaro
- James B. Shaver
- Anthony L. Sacco
- Joseph P. ...
- Clifford
- Teri A. ...
- Charles L. ...
- Robert J. ...
- Special Counsel
- Tom ...

# F A C S I M I L E

BENEDICT P. MORELLI & ASSOCIATES, P.C. 212-781-9800 / Fax: 212-781-0048

<b>Name:</b>	Mr. Kevin Fox
<b>Organization:</b>	Mercedes Benz of Manhattan, Inc.
<b>Fax:</b>	212-693-0024
<b>From:</b>	Arthur L. Salmon, Esq.
<b>Date:</b>	April 12, 2004
<b>Subject:</b>	[REDACTED] v. MERCEDES BENZ
<b>File:</b>	DB17
<b>Pages:</b>	2 (including cover)

**Comments:**

Please see attached.

ATTN: Holly  
+ DAN EDWARDS

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Index No.: 101592/05  
Date Purchased: 2/13/05  
**SUMMONS**

PC 390, 3301

[Redacted]

Plaintiff,

- against -

**MERCEDES-BENZ OF MANHATTAN, INC., and  
MERCEDES-BENZ USA, LLC**

Defendants.

Plaintiff designates New York  
County as the place of trial.

The basis of venue is: Plaintiff's  
Residence



To the above named Defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney within twenty days after the service of this summons, exclusive of the day of service, when service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, NY  
February 1, 2005

*MR*  
**ROBY LANCIAN**  
Domenico P. Morrelli & Associates, P.C.  
Attorneys for Plaintiff  
**MARIAN H. GOODMAN**  
930 Third Avenue, 11<sup>th</sup> Floor  
New York, NY 10022  
212-751-9800  
Our File No. D517

TO: Mercedes-Benz of Manhattan, Inc.  
430 Park Avenue  
New York, New York 10022

Mercedes-Benz USA, LLC  
One Mercedes Drive  
P.O. Box 350  
Montvale, New Jersey 07645

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

X

Index No.:  
Date Filed:

**VERIFIED COMPLAINT**

[REDACTED]  
Plaintiff,

- against -

**MERCEDES-BENZ OF MANHATTAN, INC., and  
MERCEDES-BENZ USA, LLC**

Defendants.

X

Plaintiff, by her attorneys, **BENEDICT P. MORELLI & ASSOCIATES, P.C.**, complaining of the Defendants, respectfully alleges, upon information and belief:

**GENERAL ALLEGATIONS**

1. At all times herein mentioned, Plaintiff [REDACTED] was, and still is, a resident of the County of New York, State of New York.
2. At all times herein mentioned, Defendant **MERCEDES-BENZ OF MANHATTAN, INC.**, (hereinafter referred to as "**MERCEDES-BENZ-MANHATTAN**") was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.
3. At all times herein mentioned, Defendant **MERCEDES-BENZ-MANHATTAN** was and still is a foreign corporation, duly authorized to do business in the State of New York.
4. At all times herein mentioned, Defendant **MERCEDES-BENZ-MANHATTAN** maintained its principal place of business within the County of New York, State of New York.
5. Defendant **MERCEDES-BENZ-MANHATTAN**, committed a tortious act within the State of New York.
6. Defendant **MERCEDES-BENZ-MANHATTAN**, regularly does, or solicits, business in the State of New York.



7. Defendant MERCEDES-BENZ-MANHATTAN received substantial revenue from goods used or consumed, or services rendered, in the State of New York.

8. At all times herein mentioned Defendant MERCEDES-BENZ-MANHATTAN was in the business of selling, manufacturing and distributing for the purpose of sale and use to the general public.

9. At all times herein mentioned Defendant MERCEDES-BENZ-MANHATTAN was in the business of selling, manufacturing and distributing for the purpose of sale and use to businessmen.

10. Defendant MERCEDES-BENZ-MANHATTAN manufactured, produced and distributed an "ML320" automobile with heated front seats, VIN 4JGAB54E73 [REDACTED]

11. At all times herein mentioned, and prior to February 2, 2004, Defendant MERCEDES-BENZ-MANHATTAN leased, sold, distributed and/or delivered to Plaintiff [REDACTED] husband, Peter Goodhue, the above mentioned automobile.

12. At all times herein mentioned, Defendant MERCEDES-BENZ, USA, LLC, INC., (hereinafter referred to as "MERCEDES-BENZ-USA") was and still is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

13. At all times herein mentioned, Defendant MERCEDES-BENZ-USA was and still is a foreign corporation, duly authorized to do business in the State of New York.

14. At all times herein mentioned, Defendant MERCEDES-BENZ-USA maintained its principal place of business within the County of New York, State of New York.

15. Defendant MERCEDES-BENZ-USA committed a tortious act within the State of New York.

16. Defendant MERCEDES-BENZ-USA regularly does, or solicits, business in the State of New York.

17. Defendant MERCEDES-BENZ-USA received substantial revenue from goods used or consumed, or services rendered, in the State of New York.

18. At all times herein mentioned Defendant MERCEDES-BENZ-USA was in the business of selling, manufacturing and distributing for the purpose of sale and use to the general public.

19. At all times herein mentioned Defendant MERCEDES-BENZ-USA was in the business of selling, manufacturing and distributing for the purpose of sale and use to business.

20. Defendant MERCEDES-BENZ-USA manufactured, produced and distributed an "ML320" automobile with heated front seats, VIN 4JGAB54E73 [REDACTED]

21. At all times herein mentioned, and prior to February 8, 2004, Defendant MERCEDES-BENZ-USA manufactured, leased, sold, distributed and/or delivered to Plaintiff [REDACTED] [REDACTED] husband, Peter Goodman, the above mentioned automobile.

22. That on February 8, 2004, Plaintiff [REDACTED] used said automobile of Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA.

**AS AND FOR A FIRST CAUSE OF ACTION  
ON BEHALF OF [REDACTED]  
(EXPRESS WARRANTY)**

23. Plaintiff [REDACTED] repeats, reiterates and realleges each and every allegation contained above, together with the same force and effect as though set forth at length herein.

24. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA expressly warranted said automobile was fit for the purpose for which it was intended.

25. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA expressly warranted that said automobile was safe to use in every respect, and had been manufactured safely and warranted that it was good, safe and proper to use.

26. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA expressly warranted that the said automobile was of merchantable quality and was safe for use.

27. That relying upon said express warranties, Plaintiff proceeded to use the said automobile in accordance with its intended use.

28. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA provided certain written instructions in connection with the use of the automobile.

29. That on February 8, 2004 the Plaintiff while using the automobile in accordance with its intended use and pursuant to the written instructions aforementioned, the front end overloaded and caused Plaintiff to suffer and sustain severe bodily injuries.

30. The aforesaid accident was caused solely and wholly by reason that Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA breached its express warranty of fitness for intended use of the said automobile.

31. That by reason of the foregoing, Plaintiff [REDACTED] was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that those injuries and their effects will be permanent, and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention, and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss of freedom.

32. That this action falls within one or more exceptions set forth in § 1602 of the CPLR.

33. That as a result of the foregoing, Plaintiff was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION  
ON BEHALF OF [REDACTED]  
(IMPLIED WARRANTY OF MERCHANTABILITY)**

34. Plaintiff [REDACTED] repeats, reiterates and reallleges each and every allegation contained above, together with the same force and effect as though set forth at length herein.

35. Defendants, MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA impliedly warranted that the said automobile was of merchantable quality and was safe for use.

36. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA impliedly warranted that said automobile was safe to use in every respect, and had been manufactured safely and warranted that it was good, safe and proper to use.

37. That relying upon said implied warranties, Plaintiff proceeded to use the said automobile in accordance with its intended use.

38. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA provided certain written instructions in connection with the use of the automobile.

39. That on February 8, 2004 the Plaintiff while using the automobile in accordance with its intended use and pursuant to the written instructions aforementioned, the front end oversteered and caused Plaintiff to suffer and sustain severe bodily injuries.

40. The aforesaid accident was caused solely and wholly by reason that Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA breached its implied warranty of merchantability.

41. That by reason of the foregoing, Plaintiff [REDACTED] was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss of earnings.

42. That this action falls within one or more exceptions set forth in § 1602 of the CPLR.

43. That as a result of the foregoing, Plaintiff was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CASE OF ACTION  
ON BEHALF OF [REDACTED]  
(IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE)**

44. Plaintiff [REDACTED] repeats, reiterates and reaffirms each and every allegation contained above, together with the same force and effect as though set forth at length herein.

45. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA impliedly warranted said automobile was fit for the purpose for which it was intended.

46. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA impliedly warranted that said automobile was safe to use in every respect, and had been manufactured safely and warranted that it was good, safe and proper to use.

47. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA impliedly warranted that the said automobile was safe for use.

48. That relying upon said warranties, Plaintiff proceeded to use the said automobile in accordance with its intended use.

49. Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA provided certain written instructions in connection with the use of the automobile.

50. That on February 8, 2004 the Plaintiff while using the automobile in accordance with its instructions and pursuant to the written instructions aforementioned, the front seat overhauled and caused Plaintiff to suffer and sustain severe bodily injuries.

51. The aforesaid accident was caused solely and wholly by reason that Defendants, MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA breached its implied warranty of fitness for intended use of the said automobile.

52. That by reason of the foregoing, Plaintiff [REDACTED] was caused to sustain serious injuries and to have suffered pain, shock and mental anguish; that these injuries and their effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a substantial loss of income.

53. That this action falls within one or more exceptions set forth in § 1602 of the CPLR.

54. That as a result of the foregoing, Plaintiff was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION  
ON BEHALF OF [REDACTED]  
(DIRECT LIABILITY)**

55. Plaintiff [REDACTED] repeats, reiterates and realleges each and every allegation contained above, together with the same force and effect as though set forth at length herein

56. The said automobile was defective and that said defect was a substantial factor in causing the injury to the Plaintiff.

57. That on February 8, 2004, Plaintiff [REDACTED] used the automobile for the purpose and use normally intended.

58. That on February 8, 2004, while Plaintiff [REDACTED] was using the said automobile, the front seat overheated causing Plaintiff to suffer severe bodily injuries.

59. That by reason of the foregoing, Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA, their agents, servants, employees and/or licensees are liable to Plaintiff in strict liability and tort, and/or strict automobile liability.

60. That by reason of the foregoing, Plaintiff [REDACTED] has been damaged in a case which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION  
ON BEHALF OF [REDACTED]  
[REDACTED]**

61. Plaintiff [REDACTED] repeats, reiterates and reiterates each and every allegation contained above, together with the same force and effect as though set forth at length herein.


62. That Plaintiff [REDACTED] was caused to sustain those bodily injuries through no fault or carelessness of her own, but due wholly and solely to the acts and/or omissions which constituted the negligence of Defendants MERCEDES-BENZ-MANHATTAN and MERCEDES-BENZ-USA, their agents, servants, employees and/or licensees in improperly and negligently manufacturing and producing said automobile for use by the general public; and in otherwise being careless and negligent.

63. That by reason of the foregoing, Plaintiff [REDACTED] has been damaged in a case which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE, Plaintiff demands judgment against the Defendants herein on all causes of action, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.**

**Dated: New York, NY  
February 1, 2005**

Yours, etc.



---

**RORY LADDEMAN, ESQ.**  
**Benedict P. Morelli & Associates, P.C.**  
**Attorneys for Plaintiff**  
**950 Third Avenue, 11<sup>th</sup> Floor**  
**New York, NY 10022**  
**212-751-9800**  
**Our File No. D517**

STATE OF NEW YORK )

COUNTY OF NEW YORK

I, the undersigned, [REDACTED] state under penalty of perjury that I am the Plaintiff in the within action; I have read the foregoing COMPLAINT and know the contents thereof are true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe to be true.

[REDACTED]

STATE OF NEW YORK )

ss:

COUNTY OF NEW YORK )

On the 1<sup>st</sup> day of February, 2005, before me personally came and appeared [REDACTED] [REDACTED] to me known and known to me to be the individual described herein and who executed the foregoing instrument, and who duly acknowledged to me that she executed the same.



NOTARY PUBLIC/COMMISSIONER OF DEEDS

DELIA CLARK  
Commissioner of Deeds  
City of New York - NY 10018  
Qualifies Filed in Queens County  
Commission Expires January 1, 20 07

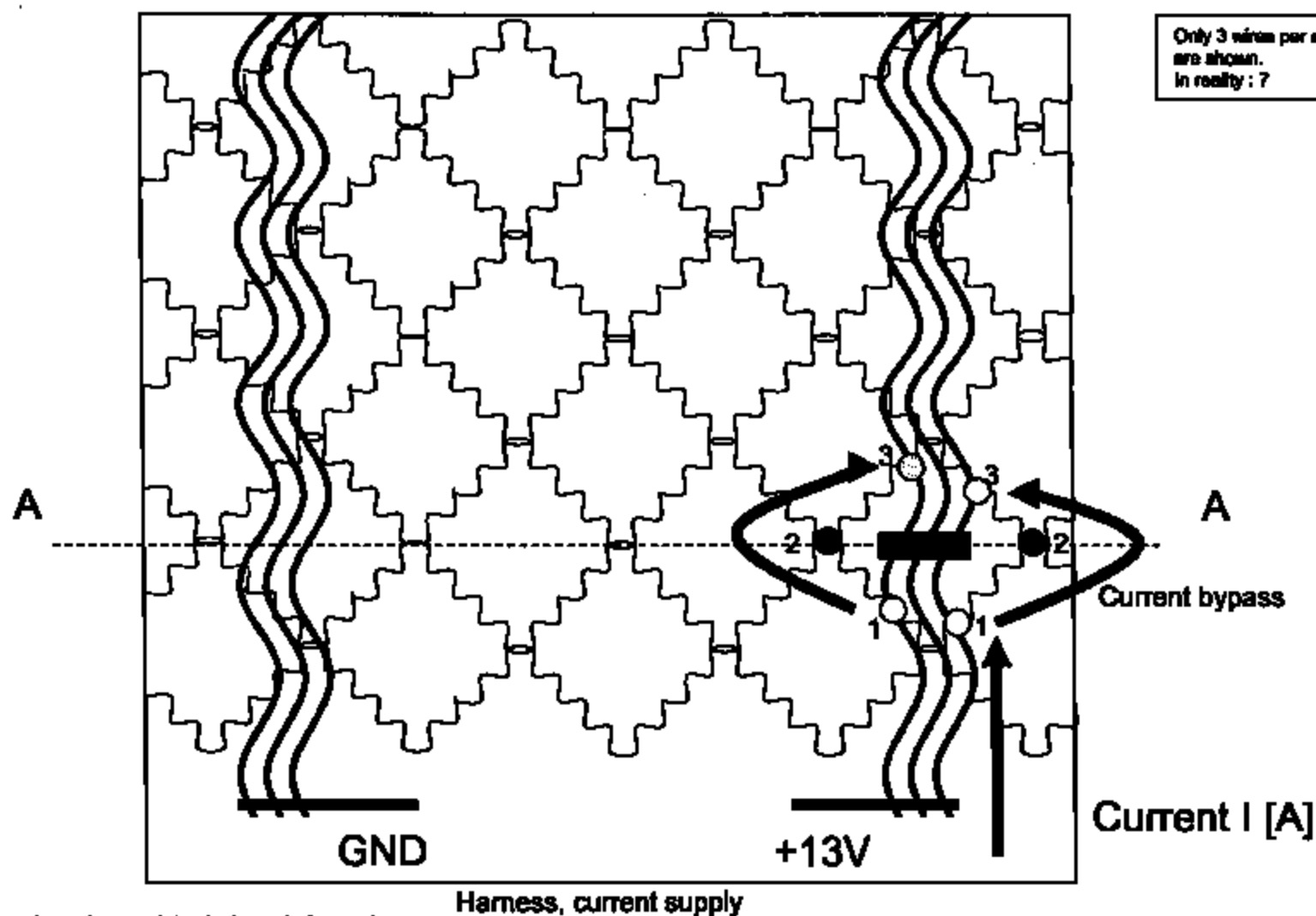




## **Electrode Break, Explanations**



## Current Bypass in Case of Electrode Break





## **Electrode break, Explanations** (see last preceding foil)

- A crosslinked carbon heater is supplied with voltage and current by two electrode branches.
- If on a level with the line A-A an electrode breaks completely the upper area of the heater can no longer be supplied with current.
- Through the carbon network, however, there are still electrical connections between the two electrode sections which have been separated due to the break.
- In each case the current takes the path with low resistance from the contact point 1 (electrode-carbon) across contact point 2 (carbon-carbon) to the other electrode side 3 (carbon-electrode).
- Normally no current (or only very small current) flows through these paths.
- In case of break, however, the complete heating current I has to flow through these bypasses which are, however, not designed for this purpose.
- This results in very high temperatures, especially at the contact resistances 1, 2, and 3, but also in the carbon thread itself..
- Most critical are the carbon-carbon-points 3 since carbon has only a small heat capacity. The heat which is caused by the current won't be distributed quickly or conducted away (as in case of copper). The result are high local temperatures culminating in glowing..
- After approx. 1 - 3 minutes the effect limits itself. Threads have melted, resistances increase, currents get less, temperatures fall.
- A hotspot marking remains which, as the case may be, has burnt through to the seat surface.



## Electrode Break, Current Bypass



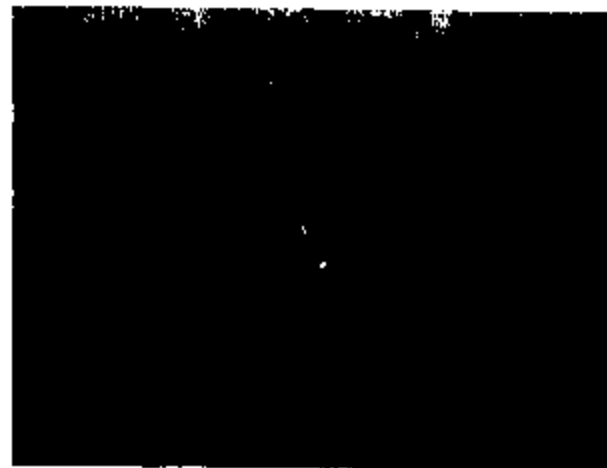
Heating element  
more constant



Here we  
separate  
the  
electrodes



Cut through

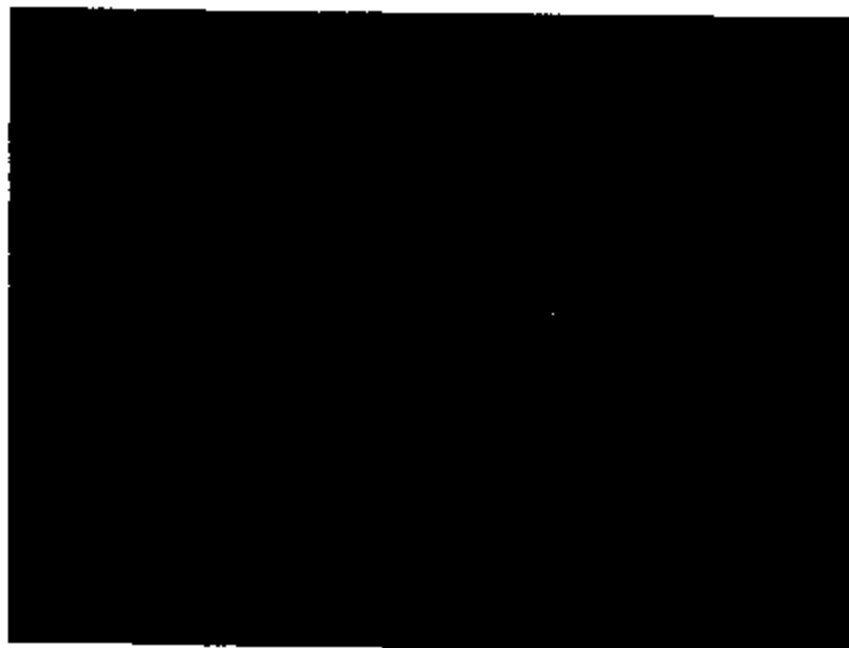


Result  
current  
bypass

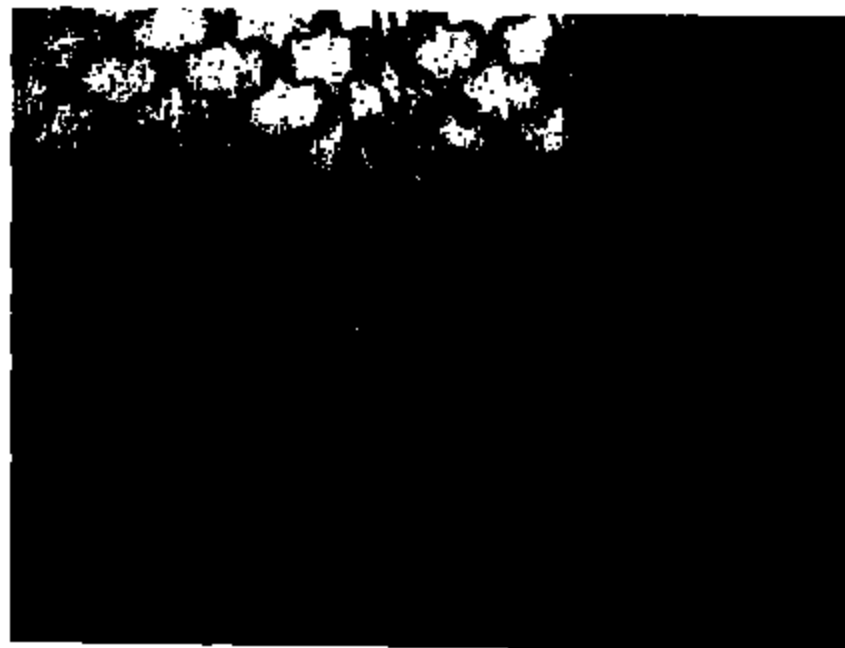


## Electrode Break, Current Bypass

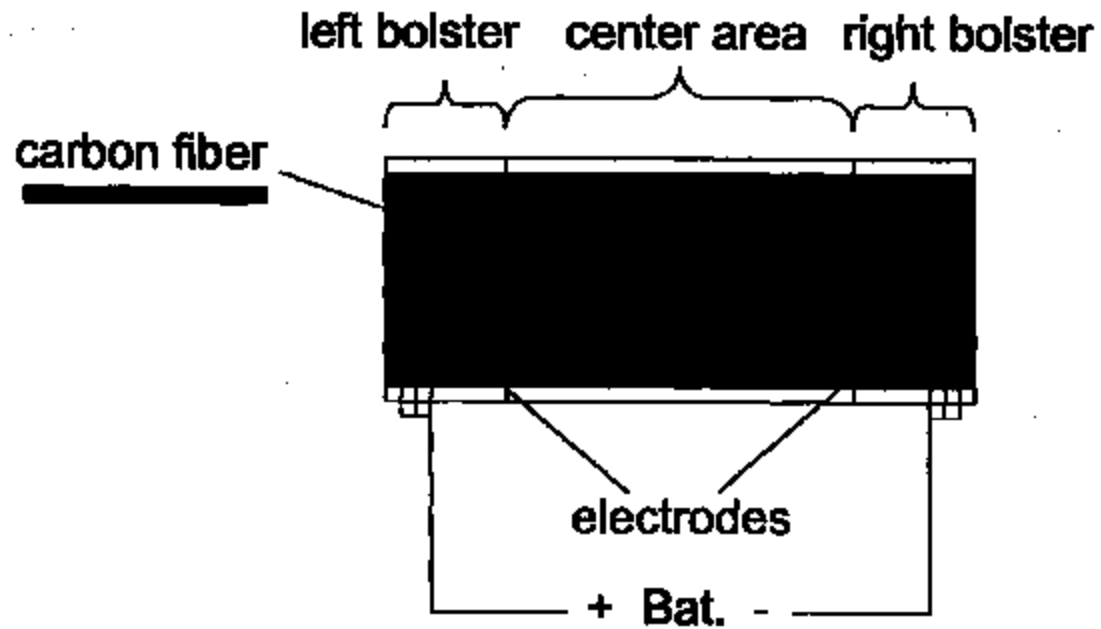
Result



Extinguished



**Prior Nov 2004**



**Since Nov 2004**

