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April 19, 2007

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## **BY MESSENGER**

Jeffrey L. Quandt, Chief  
Vehicle Control Division  
Office of Defects Investigation  
National Highway Traffic Safety Administration  
400 Seventh St., S.W.  
Washington, D.C. 20590

### **Re: NHTSA Request for Information in Preliminary Evaluation PE07-007 (Electronic Stability Program)**

Dear Mr. Quandt:

This letter is submitted on behalf of DaimlerChrysler AG and Mercedes-Benz USA, LLC (collectively "Mercedes-Benz") to the National Highway Traffic Safety Administration ("NHTSA" or "Agency") in response to the Office of Defect Investigation's February 20, 2007 request for information relating to the Agency's investigation of the Electronic Stability Program (ESP) system in model year 2000 through 2001 Mercedes M-Class vehicles.

As discussed, responses to requests numbered 1-7 are provided with this letter, and the responses to requests numbered 8-16 will be provided in a supplemental submission. Mercedes-Benz's responses to these specific requests for information are included below following a restatement of the Agency's original requests.

**Request No. 1:**      *State, by model, model year and brake system, the number of subject vehicles Mercedes-Benz has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Mercedes-Benz, state the following:*

- a.      *Vehicle identification number (VIN);*
- b.      *Model;*
- c.      *Model Year;*
- d.      *Date of manufacture;*
- e.      *Date warranty coverage commenced;*

- f. Type of brake system; and*
- g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).*

*Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA."*

**Response to Request No. 1:**

Approximately 95,847 subject vehicles were manufactured for sale or lease by Mercedes-Benz for the U.S. The detailed information for requests a-g above is included in the enclosed Microsoft Access 2000 file entitled PRODUCTION DATA.

**Request No. 2:**

*State the number of each of the following, received by Mercedes-Benz, or of which Mercedes-Benz is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:*

- a. Consumer complaints, including those from fleet operators;*
- b. Field reports, including dealer field reports and reports made to Delfi or similar entities;*
- c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;*
- d. Reports involving a fire, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible effect in a subject vehicle, property damage claims, consumer complaints, or field reports;*
- e. Property damage claims;*
- f. Third-party arbitration proceedings where Mercedes-Benz is or was a party to the arbitration; and*
- g. Lawsuits, both pending and closed, in which Mercedes-Benz is or was a defendant or codefendant.*

*For subparts "a" through "e" state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately.*

*In addition, for items "c" through "g," provide a summary description of the alleged problem and causal and contributing factors and Mercedes-Benz' assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," identify the parties*

*to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.*

**Response to Request No. 2:**

With respect to request 2(a), Mercedes-Benz has received approximately 448 calls to its Customer Assistance Center that reference the word "ESP" or "EPS/BAS."

With respect to request 2(b) Mercedes-Benz has two field reports relating to the ESP system.

With respect to requests 2(c)-2(g) Mercedes-Benz has received no reports, claims or lawsuits relating to the alleged defect in the subject vehicles responsive to these requests.

**Request No. 3:** *Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:*

- a. The Mercedes-Benz file number or other identifier used;*
- b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);*
- c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;*
- d. Vehicle's VIN;*
- e. Vehicle's mode and model year;*
- f. Vehicle's mileage at time of incident;*
- g. Incident date;*
- h. Report or claim date;*
- i. Whether a crash is alleged;*
- j. Whether a fire is alleged;*
- k. Whether property damage is alleged;*
- l. Number of alleged injuries, if any; and*
- m. Number of alleged fatalities, if any.*

*Provide this information in Microsoft Access 2000, or a compatible format, entitled 'REQUEST NUMBER TWO DATA.' See Enclosure 1, Data Collection Disc for a pre-formatted table which provides further details regarding this submission.*

**Response to Request No. 3:**

The specific information requested in requests 3(a)-3(m) is included in the attached xls file entitled "Request Number Two Data" with respect to the calls to the Customer Assistance Center referenced above. Additional information responsive to this request related to the two field reports referenced above is summarized in the attached table at tab #2.

**Request No. 4:**      *Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Mercedes-Benz used for organizing the documents.*

**Response to Request No. 4:**

All available documents relating to Request No. 2 have been included at Tab #1 and Tab #2. Tab #1 contains summaries of all calls made to the Customer Assistance Center referencing "ESP" or "ESP/BAS." Tab #2 contains a summary of the two field reports referenced above.

**Request No. 5:**      *State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Mercedes-Benz to date that relate to, or may relate to, the subject system in the subject vehicles; warranty claims; extended warranty claims; claims for goodwill services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.*

*Separately, for each such claim, state the following information:*

- a. The Mercedes-Benz claim number;*
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;*
- c. Vehicle owner's address;*
- d. VIN;*
- e. Repair date;*
- f. Vehicle mileage at time of repair;*
- g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;*
- h. Labor operation number;*
- i. Problem code;*
- j. Replacement part number(s) and description(s);*
- k. Concern stated by customer;*
- j. The cause and correction of the concern; and*
- m. Additional comment, if any, by dealer/technician relating to claim and/or repair.*

*Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.*

**Response to Request No. 5:**

There are approximately 484 warranty claims for all 95,847 subject vehicles. There are approximately 272 claims for MY 2000 subject vehicles, and approximately 212 claims are for MY 2001 subject vehicles. The detailed information requested on each warranty claim in requests 5(a)-5(m) is included in the attached Microsoft Access file entitled "WARRANTY DATA."

**Request No. 6:**

*Describe in detail the search criteria used by Mercedes-Benz to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Mercedes-Benz on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Mercedes-Benz offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.*

**Response to Request No. 6:**

Mercedes-Benz searched for warranty claims by searching for all claims with the damage code for the yaw sensor, which is damage code #43158. The ESP system is covered under Mercedes-Benz's standard 4 year/50,000 mile bumper-to-bumper warranty.

**Request No. 7:**

*Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Mercedes-Benz has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Mercedes-Benz is planning to issue within the next 120 days.*

**Response to Request No. 7:**

Copies of the documents requested in request No. 7 are attached at Tab #3.

Jeffrey L. Quandt, Chief  
National Highway Traffic Safety Administration  
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Please do not hesitate to contact us if you have any questions about this submission.

Sincerely,

A handwritten signature in black ink that reads "Patrick Rahe" with a stylized flourish at the end that looks like "RJM".

Patrick M. Rahe

PMR:def

Enclosures