



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

PE07-021
NVS-214gtb

Subject: Front Suspension Coil Spring Ejection from 1996 - 1999 Model Year Mercedes-Benz
E-Class Vehicles

Dear Mr. Bowne,

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) opened a Preliminary Evaluation (PE07-021) on April 19, 2007, to investigate the potential for front suspension coil springs to be ejected from 1996 - 1999 model year Mercedes-Benz USA, LLC ("Mercedes-Benz") E-Class vehicles due to the displacement, distortion, flexing, corrosion, and/or fatigue of the front coil spring suspension support(s).

Although the primary focus of this investigation is to evaluate the risks associated with the ejection of the front suspension coil spring from the vehicle, ODI is also requesting information intended to assess the extent to which vehicle control and handling may be compromised in the event that the front suspension spring support is unable to support the front suspension components.

Spring Ejection –

Over the past two years (since March, 2005) ODI has received a number of Vehicle Owner Questionnaires (VOQ), that describe a condition in which the front suspension coil spring support (also described as "tower" or "perch") has rusted, corroded, flexed, fatigued, and/or degraded or deteriorated resulting in total or partial collapse of the front suspension on the affected side of the vehicle. Seven of the reported incidents indicate that a front coil spring dropped or was ejected from the vehicle while the vehicle was traveling; two of the reported incidents indicate that a front coil spring was dropped or was ejected when the vehicle was stopped or parked. (See Attachment A).

ODI is not aware of any incidents in which a coil spring that was dropped or ejected from a 1996 – 1999 model year E-class vehicle has caused or contributed to an injury or fatality.



Nonetheless, ODI is concerned that an ejected spring may pose a hazard to (1) pedestrians and/or; (2) drivers of vehicle(s) operating in proximity to the affected vehicle whose vehicle that may be struck (impacted) by the ejected spring and/or whose operators may attempt evasive vehicle maneuvers, not anticipated by nearby motorists, to avoid striking the unexpected road hazard posed by the ejected spring.

Vehicle Handling –

Mercedes-Benz has provided ODI with a video-tape that illustrates that vehicle handling and control may be reasonably maintained through a series of driving maneuvers following the separation of the front suspension spring support from its mounting. Several VOQ reports have indicated that vehicle handling was affected following the displacement / fracture of the front coil spring suspension support. ODI has reviewed the video-tape and interviewed a number of the VOQ complainants and has tentatively concluded that the separation of a spring support does not appear to significantly compromise the ability of the driver to control the vehicle. ODI remains concerned that drivers may encounter certain driving circumstances in which vehicle handling and control could be compromised. Accordingly, ODI has requested certain information (Request No. 4) about vehicle control and handling and will continue to monitor reports and selectively interview owners who report experiencing compromised vehicle handling and/or control associated with a separated front suspension coil spring support.

In order for my staff to evaluate this issue, ODI is requesting that Mercedes-Benz to provide certain information.

(1) Information Requested -

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** all 1996 - 1999 model year “E-Class” vehicles manufactured including, but not limited to E-210, E-320, E-420 models, to date, by Mercedes-Benz and sold or leased in the United States and equipped with the subject components.
- **Subject components:** The front suspension coil spring support system that is identical to, or essentially similar, to the front suspension support systems installed in vehicles identified in the Vehicle Owner Questionnaire complaints (VOQ) identified in Attachment A.
- **Mercedes-Benz USA, LLC (“Mercedes-Benz”):** all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee to a consultant) by or under the control of Mercedes-Benz (including all business units and persons previously referred to), who are or, in or after 1996 were involved in any way with any of the following related to the alleged defect in the subject vehicles:

- a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits;
 - d. Communication to, from, or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers; or
 - e. Management of any litigation involving Mercedes-Benz' products that relate to the alleged defect.
- **Alleged defect:** Any displacement, deformation, separation and/or fracture of the front suspension coil spring support that causes, or could cause, the front suspension to completely or partially collapse which has, or could, result in the complete or partial ejection of the front suspension coil spring from the vehicle.
 - **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Mercedes-Benz, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of

the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

ODI is requesting certain information to evaluate the alleged defect.

Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response.

After Mercedes-Benz' response to each request, identify the source of the information and indicate the last date the information was gathered.

To the extent possible, provide the requested information in Microsoft Access 2003 or Excel 2003 electronic format.

1. Provide a table that identifies the total number of subject vehicles that Mercedes-Benz has manufactured for sale or lease in the United States by (a) model (b) model year; and (c) the state in which the vehicle was originally sold or registered.

Provide the table in Microsoft Access 2000 or Excel 2003, or a compatible format, entitled "PE07-021, Request Number One – Total Production- Subject Vehicles, Mercedes-Benz."

Reports of Front Suspension Support Separation, Fracture, Distortion and/or Displacement -

2. State by (a) model (b) model year; and (c) the state in which the vehicle was originally sold or registered, the number of each of the following, whether or not confirmed, 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;

- c) Reports involving an injury or a 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) Property damage claims;
- e) Third-party arbitration proceedings where Mercedes-Benz is or was a party to the arbitration; and,
- f) Lawsuits, both pending and closed, in which Mercedes-Benz is or was a party.
- g) Warranty claims, whether or not reimbursed, including requests for special policy adjustment, extended warranty, and/or other similar consumer considerations such as "good will" and/or any and all other reimbursement request programs.

For subparts "a" through "d" and "g," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple reports of the same incident are to be counted separately (i.e., a consumer complaint and a field report involving the same incident are to be counted as a field report and a consumer complaint, etc.).

In addition, for items "c" through "f," 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 "e" and "f," 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.

Provide the table in Microsoft Access 2003 or Excel 2003, or a compatible format, entitled "PE07-021Request Number Two – Complaint Information, Mercedes-Benz."

Note: ODI is requesting only summary data. ODI is not requesting the specific details / information that describe the circumstances of each claim at this time.

Reports of Dropped or Ejected Front Suspension Coil Springs -

3. State by (a) model (b) model year; and (c) the state in which the vehicle was originally sold or registered, whether or not confirmed, 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, reports in which the front suspension coil spring has been completely separated from its mounted position and dropped or ejected completely from the vehicle whether traveling or parked due to the alleged defect in the subject vehicles:
 - a) Consumer complaints, including those from fleet operators;
 - b) Field reports, including dealer field reports;
 - c) Reports involving an injury or a 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) Property damage claims;

- e) Third-party arbitration proceedings where Mercedes-Benz is or was a party to the arbitration; and,
- f) Lawsuits, both pending and closed, in which Mercedes-Benz is or was a party.
- g) Warranty claims, whether or not reimbursed, including requests for special policy adjustment, extended warranty, and/or other similar consumer considerations such as “good will” and/or any and all other reimbursement request programs.

For subparts “a” through “d” and “g,” state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple reports of the same incident are to be counted separately (i.e., a consumer complaint and a field report involving the same incident are to be counted as a field report and a consumer complaint, etc.).

In addition, for items “c” through “f,” 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 “e” and “f,” 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.

Provide the table in Microsoft Access 2003 or Excel 2003, or a compatible format, entitled “PE07-021Request Number Three – Reports of Spring Ejection, Mercedes-Benz.”

Note: ODI is requesting only summary data. ODI is not requesting the specific details / information that describe the circumstances of each claim at this time.

Reports of Compromised Handling / Vehicle Control -

- 4. State by model and model year, the number of each of the following, whether or not confirmed, received by Mercedes-Benz, or of which Mercedes-Benz is otherwise aware, which relate to, or may relate to, reports in which owners have reported experiencing compromised vehicle handling and/or control associated with the alleged defect in the subject vehicles:
 - b) Consumer complaints, including those from fleet operators;
 - b) Field reports, including dealer field reports;
 - c) Reports involving an injury or a 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) Property damage claims;
 - e) Third-party arbitration proceedings where Mercedes-Benz is or was a party to the arbitration; and,
 - f) Lawsuits, both pending and closed, in which Mercedes-Benz is or was a party.

- g) Warranty claims, whether or not reimbursed, including requests for special policy adjustment, extended warranty, and/or other similar consumer considerations such as “good will” and/or any and all other reimbursement request programs.

For subparts “a” through “d” and “g,” state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple reports of the same incident are to be counted separately (i.e., a consumer complaint and a field report involving the same incident are to be counted as a field report and a consumer complaint, etc.).

In addition, for items “c” through “f,” 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 “e” and “f,” 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.

Provide the table in Microsoft Access 2003 or Excel 2003, or a compatible format, entitled “PE07-021 Request Number Four – Reports of Compromised Handling / Control Complaint Information, Mercedes-Benz.”

Note: ODI is requesting only summary data. ODI is not requesting the specific details / information that describe the circumstances of each claim at this time.

5. Describe in detail the search criteria used by Mercedes-Benz to identify the claims identified in response to Request Nos. 2, 3, and 4, 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.
6. Describe (a) the normal warranty coverage terms and (b) the terms, guidelines, and/or criteria pertaining to all extended warranty, customer satisfaction and/or “goodwill” programs that Mercedes-Benz provided for the subject vehicles / subject components.

Front Suspension Spring and Spring Support Drawing Request -

7. Provide engineering drawings of (a) the right and left front suspension coil spring(s) and (2) the right and left upper suspension (cup-shaped) support(s) installed in the subject vehicles.

Provide an estimate of the weight of each front suspension coil spring and its nominal spring rate (lbs/inch or metric equivalent units).

Preventive Maintenance and Containment -

8. Summarize and provide copies of relevant documents that describe Mercedes-Benz' maintenance requirements for the front suspension system, including, but not limited to, recommended inspection and/or replacement protocols and frequency, accept-reject criteria for continued use of components, and/or other maintenance recommendations, guidelines, and/or instructions intended to detect and assess corrosion, fatigue, or other degradation and/or deterioration of the front suspension support system.
9. Describe each standard and/or optional design, system or methods that Mercedes has evaluated and/or adopted for either original equipment or aftermarket installations that are intended to prevent the front suspension spring from separating, dropping, and/or being ejected from the vehicle if and when the front suspension support and retention system is fractured, separated, bent, corroded, fatigued, and/or deteriorated or degraded.

Similarities and Differences to other Mercedes-Benz vehicle models -

10. Briefly identify and describe the significant dimensional and property characteristics of the front suspension support systems for each vehicle model that Mercedes Benz manufactured in model years 1996 - 1999 including but not limited to, the material and dimensional specifications, including thickness, of the upper spring support cap, the attachment welds including the number and location of the attachment welds for the upper spring support, fillet size and length of the attachment welds, applied plating, coatings, etc. intended to provide corrosion protection, an estimation of the range (maximum to minimum) of the applied spring forces on the upper spring support bracket, etc.

Replacement Parts Sales and Instructions -

11. List the original equipment and all current and interim replacement part numbers that identify all (a) front suspension coil spring support(s) and (b) all front suspension coil spring(s) that Mercedes-Benz has sold, or offered for sale since 1996, that were intended for aftermarket installation in the subject vehicles.

For each of the part numbers identified, describe the significant differences / changes between the component identified by its respective part number and its antecedent component.

Using their designated part number identification, provide a summary of the quantity of components that Mercedes-Benz has sold by part number, by state and by year of sale.

Chronology -

12. Provide a chronology and describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions"), including, but not limited to, pre-productions tests, that relate to, or may relate to, the alleged defect in vehicles identified in response to Request No. 1 that have been conducted,

are being conducted, are planned, or are being planned by, or for, Mercedes-Benz, its suppliers, customers, dealers, and/or its representatives or agents since Mercedes-Benz first became aware of the issue to the present date.

For each such action, provide the following information:

- (a) Action title or identifier;
- (b) The actual or planned start date;
- (c) The actual or expected end date;
- (d) Brief summary of the subject and objective of the action;
- (e) Engineering group(s)/supplier(s) responsible for planning and for conducting the action; and
- (f) A summary of the actions, assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations and/or conclusions resulting from the action.

Provide this information in Microsoft Access 2003, Excel 2003, Word 2003 or a compatible format, entitled "PE07-021 Request Number Twelve – Mercedes-Benz Product Evaluations."

Notices

13. 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.

Manufacturer's Assessment

14. Furnish Mercedes-Benz' assessment of the front suspension spring support separation and front spring ejection in the subject vehicles, including:
 - (a) The failure mechanism(s) / typical sequence of events that ultimately lead to the fracture or separation of the support from the vehicle chassis;
 - (b) The risk to motor vehicle safety posed the fracture or separation of the suspension spring support from the vehicle body/chassis;
 - (c) The risk to motor vehicle safety posed by the dropping and/or ejection of the front coil spring following the fracture or separation of the suspension spring support from the vehicle chassis including a discussion of the estimated frequency that the spring may be completely separated from the vehicle. (Provide the basis for the frequency estimate provided.)

(d) What warnings, if any, would be provided to (1) the operator; (2) pedestrians; and/or (3) nearby motorists that would indicate the alleged defect had occurred or was about to occur.

(e) An assessment of the estimated efficacy of requiring owners have a regular inspection of the front suspension to assess its integrity;

(f) An assessment of the estimated efficacy of installing a containment system in the subject vehicles that would retain the front suspension coil spring in the vehicle in the event that a complete or partial collapse of the front suspension support system occurs.

This letter is being sent to Mercedes-Benz pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Mercedes-Benz' failure to respond promptly and fully to this letter could subject Mercedes-Benz to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$6,000 per day, with a maximum of \$16,375,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond fully to ODI information requests.

If Mercedes-Benz cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Mercedes-Benz does not submit one or more requested documents or items of information in response to this information request, Mercedes-Benz must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Mercedes-Benz' response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office **June 7, 2007**.

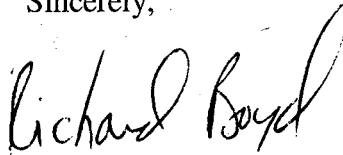
Please refer to PE07-021 in Mercedes-Benz' response to this letter. If Mercedes-Benz finds that it is unable to provide all of the information requested within the time allotted, Mercedes-Benz must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If Mercedes-Benz is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Mercedes-Benz then has available, even if an extension has been granted.

If Mercedes-Benz claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C.

§ 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Mercedes-Benz must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, to the Office of Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Mercedes-Benz is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Mr. Tom Bowman of my staff at (202) 366-2583.

Sincerely,

A handwritten signature in black ink that reads "Richard Boyd". The signature is written in a cursive style with a large, looping initial "R".

Richard Boyd, Chief
Medium and Heavy Duty Vehicle Division
Office of Defects Investigation