



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

1200 New Jersey Avenue SE.
Washington, DC 20590

MAR 10 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julian Soell, General Manager
Engineering Services
Mercedes-Benz USA, LLC
One Mercedes Drive, P.O. Box 350
Montvale, NJ 07645-0350

NVS212ef
EA13-008

Dear Mr. Soell:

As you are aware, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has upgraded PE13-026 to an Engineering Evaluation (EA13-008) to investigate allegations of rear lamp failures (brake, tail and/or turn signal) due to overheated connectors in Model Year (MY) 2008-2011 Mercedes C-Class vehicles manufactured by Mercedes Benz USA LLC (MB), and to request certain information.

This office has received 162 reports (as of 2/20/2014) of rear lamp failures (brake, tail and/or turn signal) in MY 2008-2011 Mercedes Benz C-Class vehicles, all of which appear to involve high resistance in the ground wire for the tail light leading to tail light failure and/or fire. An electronic copy of each of the reports will be provided (emailed) for your information, and a list of the report (ODI) numbers is provided below for reference.

During PE13-026 Mercedes Benz advised the agency that the metal circuit of the bulb connector part was changed on January 25, 2012, from zinc to tin in order to avoid dissimilar metal corrosion.

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

- **Subject vehicles:** all 2008-2011 Mercedes C-Class vehicles manufactured for sale or lease in the United States.
- **Subject component:** the left and right side rear body mounted lamp assemblies, and any associated subassemblies and hardware including bulbs, housings, circuit boards, electrical connectors, electrical terminals, and electrical wiring, manufactured on the subject vehicles.
- **MB:** Mercedes Benz USA LLC, Daimler-Benz AG, all of their past and present officers and employees, whether assigned to their principal offices or any of their field or other

locations, including all of their 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 of a consultant) by or under the control of MB (including all business units and persons previously referred to), who are or, in or after January 1, 2006, 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; or
 - 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.
- **Alleged defect:** A failure of the subject components that resulted in, or may have resulted in, a loss of rear lamps (brake, tail and/or turn signal) or a fire as defined by 49 CFR 579.4(c).
 - **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 MB, 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 MB 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.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as MB has previously provided a document to ODI, MB may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. 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 MB's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State the number of each of the following, received by MB, or of which MB 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 a crash, injury or fatality;
 - d. Reports involving a fire;
 - e. Property damage claims;
 - f. Third-party arbitration proceedings where MB is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which MB is or was a defendant or codefendant.

For subparts "a" through "g," 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. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items “c” through “g,” provide a summary description of the alleged problem and causal and contributing factors and MB’s 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.

2. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 1, state the following information:
 - a. MB’s file number or other identifier used;
 - b. The category of the item, as identified in Request No. 1 (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 make, model 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 2010, 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.

3. 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 MB used for organizing the documents.
4. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by MB to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will 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. MB’s claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer’s or facility’s name, telephone number, city and state or ZIP code;

- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2010, 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.

5. Describe in detail the search criteria used by MB to identify the claims identified in response to Request No. 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. State, by make and model year, the terms of the new vehicle warranty coverage offered by MB 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 MB 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.

Legal Authority for This Request

This letter is being sent to MB 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.

Civil Penalties

MB's failure to respond promptly and fully to this letter could subject MB 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.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165(a), provides for civil penalties of up to \$7,000 per day, with a maximum of \$35,000,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by 77 Fed. Reg. 70710 (November 27, 2012)). This includes failing to respond completely to ODI information requests.

If MB 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, MB does not submit one or more requested documents or items of information in response to this information request, MB 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.

Confidential Business Information

All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office. In addition, do not submit any business confidential information in the body of the letter submitted to this office. Please refer to EA13-008 in MB's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

If MB 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, MB must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. MB 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 or redacted.** Please remember that the phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR 512.6. If you submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

If you have any questions regarding submission of a request for confidential treatment, contact Otto Matheke, Senior Attorney, Office of Chief Counsel at otto.matheke@dot.gov or (202) 366-5253.

Due Date

MB's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **April 1, 2014**. If MB finds that it is unable to provide all of the information requested within the time allotted, MB must request an extension from me at (202) 366-0139 no later than five business days before the response due date. If MB 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 MB then has available, even if an extension has been granted.

Please send email notification to Scott Yon at scott.yon@dot.gov and to ODI_IRresponse@dot.gov when MB sends its response to this office and indicate whether there is confidential information as part of MB's response.

If you have any technical questions concerning this matter, please call Evan Frings of my staff at (202) 366-7021.

Sincerely,



Frank S. Borris II
Director, Office of Defects Investigation

162 report (ODI) numbers discussed above:

10475771, 10524992, 10525528, 10525174, 10537746, 10519533, 10523816, 10525026,
10531821, 10547369, 10525416, 10532677, 10547177, 10525818, 10511017, 10533409,
10525551, 10550717, 10535874, 10551423, 10532083, 10525367, 10554996, 10531718,
10535414, 10542994, 10537717, 10545332, 10525105, 10550608, 10511033, 10508108,
10524886, 10535240, 10532317, 10535999, 10525429, 10534513, 10536684, 10524819,
10524849, 10525335, 10525099, 10466181, 10531757, 10541792, 10536346, 10544138,
10542566, 10525264, 10548646, 10441621, 10549908, 10513304, 10446191, 10531751,
10535018, 10548145, 10549003, 10538533, 10531930, 10525692, 10534430, 10533697,
10520672, 10538329, 10489338, 10499828, 10525299, 10514998, 10551868, 10544839,
10524856, 10479913, 10505806, 10513735, 10502606, 10454173, 10509639, 10544663,
10519714, 10509272, 10551897, 10548994, 10537224, 10535880, 10535128, 10533895,
10531638, 10525312, 10525060, 10525010, 10524967, 10498161, 10551735, 10547471,
10546745, 10542549, 10542284, 10534352, 10533792, 10525200, 10524991, 10537999,
10556248, 10556136, 10556003, 10555888, 10553842, 10553796, 10553096, 10552989,
10552645, 10552501, 10552144, 10565028, 10564973, 10564735, 10564159, 10563852,
10563775, 10563571, 10563487, 10563222, 10562687, 10562683, 10562556, 10562499,
10561745, 10561436, 10560902, 10560861, 10560708, 10560570, 10560564, 10560340,
10560317, 10559731, 10559336, 10559083, 10558919, 10558909, 10558723, 10558627,
10558572, 10558541, 10558498, 10558224, 10558165, 10557948, 10557930, 10557884,
10557725, 10557662, 10557594, 10557592, 10557590, 10557575, 10557258, 10557220,
10556829, 10556792.