

DAIMLER**VIA FEDERAL EXPRESS**

Daimler Trucks North America
 Andy Jones
 Manager
 Compliance and Regulatory Affairs

October 5, 2018

Office of the Chief Counsel (NCC-111)
 National Highway Traffic Safety Administration
 West Building, W41-227
 1200 New Jersey Avenue, SE
 Washington, DC 20590

Re: Response to NHTSA Audit Query AQ18-002 Request Nos. 1 – 4 Regarding the Scope and Timeliness of DTNA's Recall Nos. 17V-761, 17V-810, 18V-157, and 18V-163, and 18V-190

Dear Mr. Morrison:

Daimler Trucks North America LLC ("DTNA") is submitting its response to the National Highway Traffic Safety Administration ("NHTSA" or "Agency") Office of Defects Investigation's Audit Query AQ18-002, relating to Recall Nos. 17V-761, 17V-810, 18V-157, 18V-163, and 18V-190 filed by DTNA.

Pursuant to consultations with NHTSA, responses to Request Nos. 1 – 4 are submitted in this response, and DTNA will submit responses to Request Nos. 5 – 46 in subsequent phases. The supporting affidavit, required under Instruction No. 8, will accompany the final-phase submission and apply to all submissions.

DTNA has engaged in considerable effort to ensure that its submissions are complete, responsive, and useful to the Agency. DTNA makes the following general qualifications to NHTSA's request:

- Consistent with the requirements of 49 C.F.R. Part 512, Subpart B, DTNA asserts a claim of business confidentiality with respect to the documents and information contained herein and attached hereto marked as "Confidential Business Information," and requests that NHTSA manage this information to protect the confidential nature of the information. A confidentiality request conforming to the requirements of 49 C.F.R. Part 512 accompanies this submission.
- Insofar as the request seeks privileged information, including any and all communications and documents that are protected from disclosure by either the attorney-client communication privilege or attorney work-product doctrine, DTNA will provide a privilege log in accordance with Instruction 4.
- DTNA reserves the right to supplement and revise its response.

Request Nos. 1 – 4 of NHTSA's June 13, 2018 letter are repeated below, followed by the corresponding response.

Reports, Production and Claims**Request No. 1:**

For all subject vehicles except subject vehicles in Recall No. 17V-810 state, by model and model year, the number of subject vehicles DTNA has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by DTNA, state the following:

- (a) Vehicle identification number (VIN);
- (b) Make;
- (c) Model;
- (d) Model Year;
- (e) Part number of the defective component as defined in the Part 573 Report;
- (f) Date of manufacture;
- (g) Date warranty coverage commenced; and
- (h) 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 2010, or a compatible format, entitled "PRODUCTION DATA."

Response to Request No. 1:

The number of subject vehicles manufactured by DTNA for sale or lease in the United States is provided, by recall number, below. Please see Attachment 1, Production Data, for the additional requested information regarding the subject vehicles.

i. 17V-761 (Brake Lights May Not Activate)

17V-761					
Model Year	Cascadia	4700	5700	4900	6900
2008	[]	[]	[]	[]	[]
2009	[]	[]	[]	[]	[]
2010	[]	[]	[]	[]	[]
2011	[]	[]	[]	[]	[]
2012	[]	[]	[]	[]	[]
2013	[]	[]	[]	[]	[]
2014	[]	[]	[]	[]	[]
2015	[]	[]	[]	[]	[]
2016	[]	[]	[]	[]	[]
2017	[]	[]	[]	[]	[]
2018	[]	[]	[]	[]	[]

ii. 18V-157 (Wheelchair Lift Can Be Operated While Not in Park)

Model	Model Year	Count
Minotour	2008	[]
Minotour	2009	[]
Minotour	2010	[]
Minotour	2011	[]
Minotour	2012	[]
Minotour	2013	[]
Minotour	2014	[]
Minotour	2015	[]
Minotour	2016	[]
Minotour	2017	[]
Minotour	2018	[]
Minotour	2019	[]

iii. 18V-163 (Power Steering Fluid Leak or Electrical Arcing)

Model Year	XBR	XCL	XCM	XCR
2011	[]	[]	[]	[]
2012	[]	[]	[]	[]
2013	[]	[]	[]	[]
2014	[]	[]	[]	[]
2015	[]	[]	[]	[]
2016	[]	[]	[]	[]
2017	[]	[]	[]	[]

iv. 18V-190 (Propane Line May Chafe and Leak)

Model Year	Saf-T-Liner C2
2014	[]
2015	[]
2016	[]
2017	[]
2018	[]
2019	[]

[] The following describes the last date, by month and year, DTNA gathered information for Request No. 1 for each applicable recall:

- 17V-761: 11/2017
- 18V-157: 12/2017
- 18V-163: 3/2018
- 18V-190: 3/2018

Request No. 2:

State the number of each of the following, received by DTNA, or of which DTNA 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 fatality;*
- (d) *Property damage claims;*
- (e) *Third-party arbitration proceedings where DTNA is or was a party to the arbitration; and*
- (f) *Lawsuits, both pending and closed, in which DTNA is or was a defendant or codefendant.*

For subparts "a" through "f" 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 "f," provide a summary description of the alleged problem and causal and contributing factors and DTNA's 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.

Response to Request No. 2:

I. 17V-761 (Brake Lights May Not Activate)

- a) DTNA has identified two consumer complaints that relate to, or may relate to, the alleged defect in the subject vehicles.
- b) DTNA has identified two field reports that relate to, or may relate to, the alleged defect in the subject vehicles.
- c) DTNA has not identified any reports involving an injury or fatality alleging or proving that a death or injury was caused by a possible defect in a subject vehicle.
- d) DTNA has not identified any property damage claims that relate to, or may relate to, the alleged defect in the subject vehicles.
- e) DTNA has not identified any arbitration proceedings where DTNA is, or was, a party that relate to, or may relate to, the alleged defect in the subject vehicles.

- f) DTNA has not identified any lawsuits in which DTNA is, or was, a defendant or codefendant that relate to, or may relate to, the alleged defect in the subject vehicles.

ii. 18V-157 (Wheelchair Lift Can Be Operated While Not in Park)

- a) DTNA has not identified any consumer complaints that relate to, or may relate to, the alleged defect in the subject vehicles.
- b) DTNA has identified one field report that relates to, or may relate to, the alleged defect in the subject vehicles.
- c) DTNA has not identified any reports involving an injury or fatality alleging or proving that a death or injury was caused by a possible defect in a subject vehicle.
- d) DTNA has not identified any property damage claims that relate to, or may relate to, the alleged defect in the subject vehicles.
- e) DTNA has not identified any arbitration proceedings where DTNA is, or was, a party that relate to, or may relate to, the alleged defect in the subject vehicles.
- f) DTNA has not identified any lawsuits in which DTNA is, or was, a defendant or codefendant that relate to, or may relate to, the alleged defect in the subject vehicles.

iii. 18V-163 (Power Steering Fluid Leak or Electrical Arcing)

- a) DTNA has identified four consumer complaints that relate to, or may relate to, the alleged defect in the subject vehicles.
- b) DTNA has not identified any field reports that relate to, or may relate to, the alleged defect in the subject vehicles.
- c) DTNA has not identified any reports involving an injury or fatality alleging or proving that a death or injury was caused by a possible defect in a subject vehicle.
- d) DTNA has identified seven property damage claims that relate to, or may relate to, the alleged defect in the subject vehicles:

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- e) DTNA has not identified any arbitration proceedings where DTNA is, or was, a party that relate to, or may relate to, the alleged defect in the subject vehicles.
- f) DTNA has identified two lawsuits in which DTNA is, or was, a defendant or codefendant that relate to, or may relate to, the alleged defect in the subject vehicles.

1. []

a. **Parties to the action:**

Plaintiffs:

- Progressive Specialty Insurance Company, an Ohio Corporation
- Coastal Select Insurance Company, a California Corporation, a/s/o of Thomas Schmitt

Defendants:

- Tiffin Motor Homes, Inc., an Alabama Corporation
- Cummins Inc., an Indiana Corporation
- Daimler Trucks North America LLC, a Delaware Corporation

b. **Caption:** *Progressive Specialty Ins. Co. v. Tiffin Motor Homes, Inc.*

c. **Court:** United States District Court for the District of Idaho

d. **Docket Number:** 3:17-cv-405-BLW

e. **Date on which the complaint or other document initiating the action was filed:** October 4, 2017

2. []

a. **Parties to the action:**

Plaintiffs:

- State Farm Mutual Automobile Insurance Company a/s/o David Lightholder

Defendants:

- Newmar Corporation
- Daimler Trucks North America LLC

- b. **Caption:** *State Farm Mut. Auto. Ins. Co. v. Newmar Corp.*
- c. **Court:** State Court of Gwinnett County, State of Georgia
- d. **Docket Number:** 18C02404-4
- e. **Date on which the complaint or other document initiating the action was filed:** March 30, 2018

iv. 18V-190 (Propane Line May Chafe and Leak)

- a) DTNA has identified one consumer complaint that relates to, or may relate to, the alleged defect in the subject vehicles.
- b) DTNA has not identified any field reports that relate to, or may relate to, the alleged defect in the subject vehicles.
- c) DTNA has not identified any reports involving an injury or fatality alleging or proving that a death or injury was caused by a possible defect in a subject vehicle.
- d) DTNA has not identified any property damage claims that relate to, or may relate to, the alleged defect in the subject vehicles.
- e) DTNA has not identified any arbitration proceedings where DTNA is, or was, a party that relate to, or may relate to, the alleged defect in the subject vehicles.
- f) DTNA has not identified any lawsuits in which DTNA is, or was, a defendant or codefendant that relate to, or may relate to, the alleged defect in the subject vehicles.

[] The following describes the last date DTNA gathered information for Request No. 2 for each applicable recall:

- 17V-761: 8/2018
- 18V-157: 9/2018
- 18V-163: 10/2018
- 18V-190: 10/2018

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) *DTNA's 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), street address, email 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 property damage is alleged;
- (j) Number of alleged injuries, if any; and
- (k) Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

Response to Request No. 3:

The requested information is provided in Attachment 2, Request Number Two Data.

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] The following describes the last date DTNA gathered information for Request No. 3 for each applicable recall:

- 17V-761: 8/2018
- 18V-157: 9/2018
- 18V-163: 10/2018
- 18V-190: 10/2018

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 DTNA used for organizing the documents. Describe in detail the search methods and search criteria used by DTNA to identify the items in response to Request No. 2.

Response to Request No. 4:

The requested documents are provided in Attachment 3, Request Number Two Documents (Customer Complaints); Attachment 4, Request Number Two Documents (Field Reports); and Attachment 5, Request Number Two Documents (Property Damage Claims). DTNA intends to provide documents supporting subsequent, recall-specific requests that may also be responsive to Request No. 4. Provided below are descriptions of DTNA's search methods and criteria for each applicable recall.

i. 17V-761 (Brake Lights May Not Activate)

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ii. 18V-157 (Wheelchair Lift Can Be Operated While Not in Park)

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iii. 18V-163

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iv. 18V-190 (Propane Line May Chafe and Leak)

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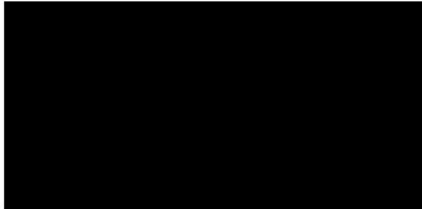
] The following describes the last date DTNA gathered information for Request No. 4 for each applicable recall:

- 17V-761: 8/2018
- 18V-157: 9/2018
- 18V-163: 10/2018
- 18V-190: 10/2018

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Please do not hesitate to contact us should you have any questions regarding this response.

Sincerely,



Andy Jones

cc: Otto Matheke, Office of the Chief Counsel