



MILODRAGOVICH ◦ DALE ◦ STEINBRENNER, P.C.
ATTORNEYS

[REDACTED]

[REDACTED]

May 15, 2015

[REDACTED]
Case Manager
CAC Operations
MERCEDES BENZ USA, LLC
One Mercedes Drive
Montvale, NJ 07645-0350

SENT VIA EMAIL (MBUSA_CAC@mbusa.com) ONLY + SNAIL MAIL

Re: [REDACTED]
OF No. [REDACTED]

[REDACTED] Purposes Only - [REDACTED] to be
Subject to Montana [REDACTED] of [REDACTED]

Mr. [REDACTED]

This letter is to inform you that our firm has been retained by [REDACTED] to represent [REDACTED] regarding his 2010 Mercedes-Benz ML350 Bluetec. Specifically, my client purchased his ML350 new from an authorized Mercedes-Benz dealership: [REDACTED] in [REDACTED], Montana on [REDACTED]. Since the purchase, he has had extensive mechanical issues, requiring numerous repairs, which culminated with the motor seizing with just over 80,000 miles.

This is hardly the quality my client expected when he purchased his brand new ML350. My client purchased his ML350 desiring a safe and reliable vehicle for his growing family. He expected this purchase to be the first of many as he fully intended on becoming a lifetime Mercedes-Benz customer. While his faith in this particular ML350 is diminished and his trust in Mercedes-Benz is diminished, I have been authorized to reach out to you in an attempt to informally resolve this issue so that my client's faith in Mercedes-Benz can be restored.

As such, the contents of this letter are intended to be [REDACTED] and [REDACTED] furnished [REDACTED] in [REDACTED] should this matter proceed to litigation.

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You will note from the attached records that my client began to have issues with his ML350 at just 20,000 miles when he reported that the vehicle "stutters when first accelerating." Then, at 30,367 miles, my client's battery died – this was less than two years after purchasing the ML350. At 40,264 my client reported that his ML350 felt like it lunges when shifting from first to second gear. Further, the software was updated because "Xentry" had issues with freezing. Again at 49,980 miles, my client had additional issues with his battery – not yet three years since he purchased their ML350. At 59,250, my client had issues with the glow plugs and a faulty glow plug module.

At 67,418 miles, and after noticing leaking oil in the parking areas of my client's car, my client had to have the engine cooler seals replaced and had to pay one-third of the cost. As you will also note, although service records indicate 10 units of oil in prior services, the authorized Mercedes-Benz Center only filled it with 9 units after replacing the oil coolant seal. Then at 76,094 miles, the ML350 had yet another issue, this time with the Adblue tank heating element. Although this record reflects that the ML350 was "7,000 miles past due" for a service, this is inaccurate as the records very clearly show that the authorized Mercedes-Benz Center replaced the oil when it replaced the engine oil cooler seal. Less than one month after the Adblue tank heating element was replaced, issues developed with the Adblue pump. Furthermore, throughout his ownership of the ML350, my client relied on the authorized Mercedes-Benz Center to perform any and all scheduled maintenance. Please also note from service records that my client's ML350 was serviced by the Center more than once during each year of ownership, and within each 10,000 mile maintenance schedule interval.

The official Mercedes-Benz Maintenance Booklet states: "An extensive and well-equipped network of authorized Mercedes-Benz Centers is at your disposal for service work. Your authorized Mercedes-Benz Center can ensure that your vehicle is professionally and thoroughly serviced and repaired." The Maintenance Booklet further states: "Your authorized Mercedes-Benz Center will certify in this booklet the maintenance services on your vehicle which it has performed." However, nowhere in my client's Maintenance Booklet did the authorized Mercedes-Benz Center certify that any maintenance was performed.

Curiously, after all of the major and disconcerting repairs to the vehicle, and just over 10,000 miles and one year after the engine oil cooler seals were replaced and the Adblue system had heating issues, the ML350's engine seized, without warning lights. The official Mercedes-Benz M-Class Operator's Manual dedicates at pages 273-297 to sensor warnings issues. What's even more disturbing that the ML350 did not warn my client of a leaking and/or oil issue is that the official Mercedes-Benz M-Class Operator's Manual states: "Engine oil level warnings should not be ignored." Yet, no warning was displayed. Rather, after the ML350 had stopped running and could not be restarted it presented the message "Drive directly to servicer without changing gears." My client had his ML350 towed directly to the local authorized Mercedes-Benz Center on April 26th where it has been since.

