



February 13, 2019

Mr. Thad Vasko
14445 Castlereagh Lane
Strongsville, OH 44135

Subject: Model: 2017 Mercedes-Benz E43W4
VIN: WDDZF6EB7HA190927

Dear Mr. Vasko,

Thank you for the opportunity to address your concerns following the September 20, 2018 incident you reported involving your 2017 Mercedes-Benz E43 with Vehicle Identification Number WDDZF6EB7HA190927.

Please be advised that Mercedes-Benz USA, LLC ("MBUSA") conducted a thorough investigation of this matter, which included a physical and diagnostic inspection of your vehicle. Our inspection, which included a test drive of the vehicle under the same conditions you described, revealed that the vehicle's Active Brake Assist (ABA) system is operating as designed. Additionally, in accordance with the vehicle's operator's manual, ABA is an assist system that is intended merely to assist driving. The driver remains responsible for paying attention to the traffic conditions at all times and intervening when necessary. As an assist system that is intended to aid but not replace the driver, ABA cannot always clearly identify objects and respond to complex traffic situations. In such cases, ABA might respond as follows: provide an unnecessary warning, brake the vehicle, not give a warning, or not brake the vehicle. As such, the driver is cautioned to always be prepared to brake or swerve if necessary.

As the vehicle performed as intended, there is no basis for any claim against MBUSA. However, if you or any interested party intends to pursue any claims against MBUSA, it is incumbent upon you and any interested parties to preserve the subject 2017 Mercedes-Benz E43, as well as all component parts, in its current condition. Any failure to preserve the subject Mercedes-Benz vehicle and its components may be the subject of a claim for spoliation of evidence against the party that failed to preserve it.

Thank you again for the opportunity to address your concerns.

Kind regards,

Mercedes-Benz USA, LLC