

Perry Muscelli

From: Gus Hoppel [GHoppel@mbofhenderson.com]
Sent: Wednesday, July 29, 2009 6:07 PM
To: Perry Muscelli
Subject: RE: E63 brake issue

I completely understand your position and will communicate it to the appropriate entity at MBUSA. I will contact you in the morning.
Gus Hoppel

Sent from my Windows Mobile® phone.

-----Original Message-----

From: Perry Muscelli <perrylv@hotmail.com>
Sent: Wednesday, July 29, 2009 5:49 PM
To: 'Gus Hoppel' <GHoppel@mbofhenderson.com>
Cc: 'Ryan Brennan' <ryan@nbj.com>
Subject: RE: E63 brake issue

Gus,

Yes I do remember you and have not bothered you with this directly as Josh had been trying to address these issues. I certainly want the car to be safe and that is why I brought the car to your service center early Saturday when I first recognized the drivability issues as well as the apparent discrepancy with the specification of the "aftermarket brake system". On Saturday, Larry Montoya suggested that the appearance discrepancy of the brake calipers and rotors was probably a model year change thing but he assured me he would investigate further. By Tuesday I pressed the issue again and was given the same response through Josh which he subsequently retracted. I had immediately felt something was wrong with the brakes since I had just had the pleasure of driving the E63 lease for the last 27 months that is now parked out front for sale.

As far as the "dealer only" auction was concerned, this vehicle was purchased by a dealership (Auto Boutique) with which I am affiliated with. The sale was an "open" sale and was freely marketed to non-Mercedes-Benz dealers. The car was not marketed "as-is", but instead as a "California Warranty Buyback" under a yellow caution for which we were presented a disclosure which detailed the issues for which the vehicle was repurchased and for which was repaired and to be warranted by Mercedes-Benz USA, LLC. Nowhere on these disclosers does it mention that the original braking system was removed and replaced with some ill fitting, unsafe substitute. I in fact emailed you to independently confirm that nothing else was showing in the service history that I should be concerned with. (I don't blame you at all and am grateful that you tried to help.) Mercedes offered the car with a pre-inspection report which graded the car a perfect 5. To sum it up, the buying dealer was to know the vehicle was a Lemon Law buyback and that the issues reported had all been repaired. The title was going to be "branded" as a Lemon Law buyback.

This car was in the name and care of Mercedes-Benz since the buyback. I suspect that sometime during the last 10 months the wheels and brakes were stripped off by some thieves. I also suspect that the dealer or whoever had custody of the vehicle decided to replace it with this ridiculous substitute and not report it in the service history that I have repeatedly inquired about. I would like to think that Mercedes-Benz didn't disclose this material defect at the sale because it was unknown to them.

I do not dispute that this substitute hacked brake system is unsafe. I do think it is Mercedes-Benz responsibility to make this car safe or to have sold it disclosing this very material shortcoming. What if we had somehow had an accident? I can't imagine Mercedes would knowingly let this car be on the road. I can however imagine that they would be reluctant to have to pay to repair it properly.

I asked Josh who the previous dealer was in California so I could ask them what had happened. Josh said he would investigate. I would prefer if Mercedes investigated their own dealer in this matter as I think it highly unethical for that prior dealer to put either of us in this situation.

Your contact at MBUSA is misinformed as to the conditions of the sale at the Auction last Friday. The car was not sold "As-Is" and was available to any non Mercedes-Benz dealer. I hope once they verify the accuracy of what I am stating here that they will not fight this further and ethically accept responsibility for a issue that happened under their watch.

Please help me out with this matter or put me in direct contact with the appropriate decision makers. I realize this mess is not your doing, and I am grateful for your continued assistance to bring this matter to an equitable resolution.

-Perry Muscelli

From: Gus Hoppel [mailto:GHoppel@mbofhenderson.com]
Sent: Wednesday, July 29, 2009 4:27 PM
To: Perry Muscelli
Subject: E63 brake issue

Mr. Muscelli,

Perhaps you will remember me, I was able to obtain some information for you about the E63 that you were interested in purchasing.

I have been talking to Josh Sutton, our Service Advisor, and Larry Montoya, our Shop Foreman, about your vehicle.

It appears that at some point in time the brake hardware that the vehicle was manufactured with, including the pads, rotors and calipers, has been replaced with non-AMG components. This is evident by not only appearance but also by cross checking the part numbers on the build sheet against the part numbers currently on the vehicle. There has been some modification to at least one of the backing plates (which are original equipment) in an effort to make things fit.

It is our suggestion that the brake system be put back to standard for your AMG model. We are not engineers, nor are we experts on Federal brake safety guidelines, but from strictly a safety standpoint, we have serious doubts about the braking system currently meeting those guidelines for stopping efficiency for this high-performance model of vehicle.

In the event that you would like the brake system put back to what the vehicle was manufactured with, the estimate to do so is attached. Just let us know what course of action to follow.

In the meantime, I have notified MBUSA of the situation and their response to the circumstance is that buyback vehicles are taken directly to a "Dealer Only" auction where, by definition, only Mercedes-Benz Dealers may bid on them. From there they can go to the Dealer's lot for retail sale, be sold to a wholesaler, go back to a subsequent auction, etc. MBUSA has no culpability in the modification to the vehicle and they state to their Dealer partners that buybacks purchased at these Dealer Auctions are purchased where-is and as-is.

Please advise us on how we can best assist you going forward.

Thank you,

Gus Hoppel

Service Manager

Mercedes-Benz of Henderson

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