

## Perry Muscelli

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**From:** Gus Hoppel [GHoppel@mbofhenderson.com]  
**Sent:** Thursday, July 30, 2009 10:45 AM  
**To:** Perry Muscelli  
**Cc:** Josh Sutton; Larry Montoya; Sandra Newsome  
**Subject:** E63 brake system issue

Mr. Muscelli,

I contacted our representative from MBUSA this morning and reviewed your position with him.

He basically stated the same position as was related to me prior to my last email to you.

I then requested a formal position letter from MBUSA. He stated that a position letter would not be forthcoming at the request of the Dealer, that a customer contact must be initiated.

I then called MBUSA Client Assistance Center on your behalf and was informed that you had contacted them yesterday.

I have updated them as to the conversation that I had with our area rep, and asked them to contact you to review further before either stepping up and taking care of this issue or providing a formal denial with justification. At this point, I recommend that you follow up with the Client Care Center and push the issue, as we cannot.

In addition, due to the nature of the modifications to the braking system, the warranty status on the vehicle has been moved from status 6 to status 8. This essentially prevents us from performing any diagnosis or repair, to any system on the vehicle, with the assumption of warranty coverage. It requires that we ask for disposition of coverage from MBUSA on a case-by-case basis based on the cause of failure, which can only be determined after adequate discovery and diagnosis is performed. Even though state law requires that an estimate of diagnosis be given, even on vehicles that are covered by the terms of the manufacturers warranty, we have always taken the position that a problem is covered until proven not, hence we do not require our clients to sign for a reasonable dollar amount to diagnose their symptoms while their vehicle is under the warranty time and mileage limitations.

With a status 8, however, we cannot assume warranty and will have to require you to authorize any diagnosis to determine what is required to repair any concern. Once we have determined the cause and corrections necessary, we can then call MBUSA and request coverage.

They can deny coverage for a number of reasons, including a modification to the vehicle. If this is the case and you declined to have whatever necessary repair completed, you would be responsible for the discovery and diagnosis fees. If the failure is not the result of alteration, damage, abuse, etc, they will approve coverage and will also pay for diagnostic time involved.

I am sorry about the circumstances that surround us and hope that you don't feel ill will towards MB of Henderson, we are, at this point, only the messenger!

Let me know if there is anything else we can do to help you with this going forward.

Thanks,

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