

X0520073

<<Back

South Georgia's #1 News Source **WALB NEWS 10**

Albany boy hurt in ATV wreck



January 6, 2005

FEB 01 2005
ISSUE 19

Albany - An eight year-old is seriously injured in an all terrain vehicle crash. Friday afternoon, [redacted] was driving a Polaris Ranger on Cypress Pond Plantation on Old Pretoria Road. He hit a hole, lost control, and drove into a tree.

[redacted] was taken to Phoebe Putney with critical injuries and later airlifted to an Atlanta hospital.

At least 20 south Georgia children were killed or hurt in ATV accidents in the last two years.

posted at 5:45pm by kathryn.murchison@walb.com

**Nominate Your
Next Mayor of
FORDTOWN**

 WORLDNOW

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050531HNE2454

N055-0267A

SUNDAY PATRIOT-NEWS

JUne 1, 2005

HARRISBURG, PA
SUNDAY 154,891
MAY 15 2005



B Burrelles

178 .4708
.y..k.

42

ZY
XX....

12-year-old boy killed in accident

(CID) 6897CV

From staff reports

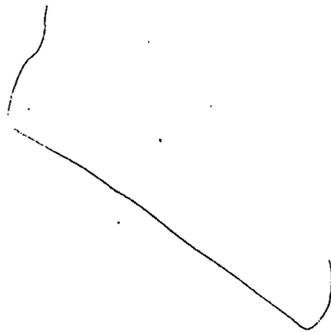
state police at Carlisle said.

A 12-year-old boy was killed yesterday when the all-terrain vehicle he was riding hit a bridge abutment in Cumberland County, causing the vehicle to flip on top of him,

The name of the boy was not released last night.

The accident happened about 5:25 on Pine Road in Dickinson Twp.

No other information was released.



CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████	2. PHONE NO. (HOME) (WORK) ██████████ unknown
3. STREET ADDRESS ██████████	4. CITY ST ZIPCODE ██████████ OH 43762
4a. EMAIL ADDRESS unknown	4b. INCIDENT CITY ST ZIPCODE New Concord OH 43762

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 Consumer is concerned the ATV's gear shift can unexpectedly switch into the wrong gear presenting a serious safety hazard.
 - cont -

6. DATE OF INCIDENT(S) 07/01/2005	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 53 Y/F AND DESCRIBE INJURY see narrative.	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
--------------------------------------	--	---

9. DESCRIPTION OF PRODUCT 4 wheel all terrain vehicle	10. BRAND NAME Yamaha Rhino
--	--------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Yamaha unknown unknown 800-962-7926 unknown	12. MODEL, SERIAL #'S, DATE OF MFR M# R66 DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE Doug Kane Motorsports unknown Zanesville, OH 740-452-5438
--	--	--

ISSUE 10
12/08/2005

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES IF YES, BEFORE OR AFTER THE INCIDENT? AFTER DESCRIBE: damage: see narrative.	15. PRODUCT PURCHASED NEW DATE PURCHASED 04/01/2004 AGE 1 Y	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown
--	---	---

17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
---	---	--

FOR ADMINISTRATION USE

20. DATE RECEIVED 12/07/2005	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H05C0080A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3286
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE myg 12/07/2005	

Narrative Continued

Consumer said prior to incident the ATV would go forward while in reverse.

7/2005 Consumer called and explained safety concern to dealer's rep. Doug Kayne, who suggested consumer have the ATV brought in for repair.

7/18/2005 Consumer visited dealer who inspected the ATV and determined that the bolts to shifter were loose due to vandalism; dealer conducted repairs.

9/10/2005 200 lb., 5'7" consumer was on flat part of hill while on ATV. As ATV was in reverse, the ATV popped out of gear and the ATV went forward towards an embankment. Consumer said the next thing she knew, she was entangled in row bars at bottom of embankment with her feet pinned under the driver's side floor board of ATV. Consumer wiggled her feet out of entrapment and used a grass tool device, that was inside the vehicle, and proceeded to use the tool as crutches where back to farm road. Consumer said 2 men, who were awaiting for consumer to return with some brushhog and heard the accident, picked up consumer in their vehicle, taking her to neighbor's home. Consumer sustained swelling to left and right foot, ankle.

Neighbor transported consumer to Good Samaritan Hospital in Zanesville, OH, where ER staff conducted and x-ray but could not see any fractures in ankle or knees. ER staff placed a splint to consumer's right leg up to her knee. Consumer was released from hospital.

9/13/2005 Consumer visited with orthopedic physician, Dr. John Wolfe, who conducted an x-ray and determined that she had sustained a severe crush injury to right ankle and foot. Physician stated that if consumer began experiencing a fever, to visit with her family doctor.

09/15/2005 Consumer developed a fever.

09/16/2005 Consumer visited with primary physician, Dr. William Overholser, who immediately noticed, after glancing at her leg, which was red and inflamed, that she will need to visit hospital.

Consumer re-visited Good Samaritan Hospital in Zanesville, OH, where ER orthopedic physician (name unknown) and infectious wound physician (name unknown) examined consumer's injury and determined that consumer had developed cellulitis, where she was immediately placed an IV into her chest. After MRI's were conducted, physician determined consumer had sustained trabecular fractures to heel bone and cuboid.

Consumer was released from hospital on 9/30/2005.

Consumer said for the first 2 weeks, every other day, a home health care nurse would visit consumer to check her IV catheter and dress wound. IV was removed on 10/15/2005.

11/2005 Consumer said after visiting with wound physician (name unknown) for routine debridement, where wound physicians would pull away dead skin and tissue to wound area, he discovered consumer had developed a large hole underneath the wound due to hematoma (blood clot.) Physician instructed consumer that she will need to pack wound with a strip of gauze, daily.

11/7/2005 Consumer visited and explained incident to dealer's rep. Chris (last name unknown), who said that when the ATV is reverse it will make a whirl type noise and instructed consumer to push the shifter harder to lock the reverse gear.
No further information.

12/2005 Consumer called and explained incident to manufacturer's customer service rep. Tim (last name unknown) at ext. 7328, who arranged to have dealer conduct repairs.

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H05C0080A

12/03/2005 Consumer visited dealer and spoke with rep. Doug Kayne, who said that he had just had another ATV brought in for a similar problem. Mr. Kayne stated a 3/8" play in the shifter, is causing the ATV to shift to the wrong gear. No further information.

12/05/2005 Consumer called back and spoke with manufacturer's customer service rep. Tim (last name unknown) who became defensive and wanted to know what consumer may be seeking with her discovery. Consumer inquired about medical expenses. Rep. said consumer will need to send a list of all expenses and he will have to speak with his superior. Rep. provided consumer with a fax number.

Consumer said she has had no feeling in both right and left leg since accident.

Distributor Phone #:

CPSC Source: DIRECTORY

17
TIMES GAZETTE
HILLSBORO, OH
AM CIRC. 5,939

JUN-14-2006

County owns ATV involved in accident

59 ■ Teens did not have permission to use vehicle

By RORY RYAN
The Times-Gazette

A 2006 Polaris Ranger 700 all-terrain vehicle involved in an accident in Hillsboro Friday is owned by the Highland County Sheriff's Office, Sheriff Ron Ward told *The Times-Gazette* Tuesday.

The ATV was being stored in a barn on property owned by HCSO Chief Deputy Chuck Middleton.

"It was there for safekeeping because we simply don't have any room for it," Ward said.

"We just purchased it 10 days ago."

Two teenage girls who were riding the ATV were injured in Friday's accident, which occurred on the Middleton property.

Ward said the utility vehicle would be used by the department primarily for drug eradication and other emergency situations where access is not possible with the deputies' cruisers. The ATV was not seriously damaged.

Ward said departmental policies prohibit personal use of county-owned vehicles and equipment. "The girls didn't have permission to use the ATV," Ward said.

"Our policies try to prevent the misuse of equipment. I don't encourage the personal use of any county vehicles or equipment and it is totally against our policy," the sheriff said. "I'm not aware of any other instances where this has

occurred. We will handle it administratively, but I'm not sure any policy was broken.

"This was an unfortunate situation," he said. "If we have to adapt and adjust certain policies, we will."

Ward said he does not anticipate any potential litigation or liability issues for the county.

There was initial confusion on whether the Hillsboro Police Department or the Highland County Sheriff's Office would complete an incident report on the accident. A police department spokesperson said the accident occurred just outside the city limits and, therefore, it would be handled by the HCSO.

Ward said he thought the incident occurred within the city limits; but regardless, he said he requested the report be filed by the Hillsboro Police Department.

MAY 18 2007

X075 0323

April -

Kaur, Amritpal

From: mecap@cpsc.gov
Sent: Wednesday, April 25, 2007 10:55 PM
To: Hazard
Subject: Mecap Report

source 200

TC-32

Medical Examiner`s/Coroner`s Case No. = 09070421 Medical Examiner`s/Coroner`s Name = Andy Harmon

Date of accident = 04-21-2007
Date of death = 04-21-2007
Accident location - city = Houston
Accident location - state = Mississippi

Your name = Andy Harmon
Office = Chickasaw Coroner`s Office
City = Houston
State = Mississippi
County = Chickasaw
Telephone = 662-542-6841
Email address = harmonid2@gmail.com

Brief description of accident sequence = Had 59 yr old male died from fire inside cab of Polars Ranger ATV Name, address and telephone number of any state/local personnel who investigated the accident = Andy Harmon 210 Harrington ST Houston, MS 38851 Office 662-456-2339 Cell 662-542-6841

Type of consumer product involved = Ploars Ranger ATV

Manufacturer and brand name of product =

Product model and serial numbers =

Cause of death = Fire

Is product available for examination? = yes If yes, where? = Chickasaw County, Mississippi

For processing at CPSC:

Report received by: _____
Chief Med. Exam. Rpt ()
Copy for MECAP News ()
Regular MECAP ()
Document No. _____

X075 0519

Mountain Mail / STPNS
May 24, 2007
DISASTER AND ACCIDENT

MAY 31 2007

NM

Polvadera Man Dies After Crash

ISSUE 35

By John Larson
for Mountain Mail

SOCORRO, New Mexico (STPNS) --
A Polvadera man was found Wednesday morning near Escondida Lake.

~~██████████~~; 23, apparently died from injuries sustained in an accident while riding an off-road utility vehicle, according to coroner Keith Bailey of the New Mexico Office of the Medical Investigator.

New Mexico State Police would not release any information until the investigation was finished.

"I was notified at about 6 a.m. after a passerby noticed the overturned ATV," Bailey said.

Bailey said ~~██████████~~ was driving a Yamaha utility vehicle when he overturned on a narrow ditch bank road near the lake.

"It appeared that he had come around too fast and it laid over on top of him," he said.

State Police Captain Jesse Orozco said their investigation should be finished by Thursday.

~~██████████~~ and his girlfriend, ~~██████████~~, have twin one-year-old daughters and reside in the Polvadera Heights community. He worked at Roadrunner Travel Center in Lemitar.

A complete obituary is expected for next week's Mountain Mail.

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http://www.stpns.net/view_article.html?articleId=43046501038724608



CA

Local

Taft man dies after ATV accident

A Taft man has died after injuring himself while riding an ATV early Sunday morning.

28 year-old [REDACTED] was riding an ATV at the Petroleum Club in Taft at about 1:00am when the accident happened.

He was taken to Kern Medical Center where he died about an hour later. No word on what caused the accident.

Story Created: Jul 8, 2007 at 11:19 AM CDT

Story Updated: Jul 8, 2007 at 4:42 PM CDT

Find this article at:

<http://www.eyeforyou.com/news/local/8379162.html>

Check the box to include the list of links referenced in the article.

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N0790812A 09/05/2007



ISSUE; 49

StJoeNews.net | St. Joseph News-Press

Tuesday, September 04, 2007

After ATV accident, Highland man faces long road to recovery

Without help of onlookers, Aaron Powell may have bled to death

Tuesday, September 04, 2007

██████████ might not have made it to Labor Day without a few Good Samaritans disguised as off-road racers who rushed to help him after an unexpected wreck.

The Highland, Kan., man is recovering from a broken left leg he suffered in an Aug. 11 crash near DeKalb, Mo. His situation could have been much worse if not for the presence of spectators trained in emergency response. The serious injury occurred at a time when everyone simply wanted to watch and participate in all-terrain vehicle exhibitions. The trophies he displays in his room at Heartland Regional Medical Center bear testimony to his pride.

"We went there to have fun and enjoy the day," the 22-year-old said last week. "It's a way to release."

He decided to try out a 2007 Yamaha Rhino - a dune buggy-like ATV - on an obstacle course. The 1,700-pound vehicle jumped over one section while ██████████ maneuvered over the course with friend ██████████. He tried to keep the vehicle righted as he felt the Rhino start to slip.

"As soon as it hit, I knew something wasn't right," ██████████ said. "My leg was snapped ... I was in pain."

Spectators rushed in and removed the vehicle. ██████████, a Highland, Kan., resident who has training as an emergency medical technician, noticed that the roll bar had snapped ██████████'s leg just below his knee.

"When I heard him scream, I could tell he was in trouble," ██████████ said. "He was lucky I was there."

He resisted pleas from the crowd to move ██████████, who was bleeding profusely from the break.

"No, we're going to leave him here," ██████████ told the bystanders.

Several people offered their belts as tourniquets to stem the blood flow.

"Everybody wanted to do what they could to help," [REDACTED] said.

[REDACTED] used one of the belts and also kept the wound moist with a rag, keys to the on-scene response. A doctor later said the bleeding would have become fatal in a few minutes without the aid.

[REDACTED] was another onlooker who offered medical response. [REDACTED] requested an air ambulance, which arrived on scene and transported Mr. Powell to Heartland.

"They (hospital staff) said if I'd been alone I'd have been screwed up," [REDACTED] all said. "I owe my life to him (Mr. Huss), pretty much."

[REDACTED] never lost consciousness during the ordeal but he doesn't recall the Rhino's impact with the ground. He lost much of the muscle mass in his calf and has since undergone a series of surgeries. He's ridden ATVs for 12 years.

His rehabilitation involves walking twice a day and other exercises to strengthen and stretch his arms, upper body and ankle. [REDACTED] the passenger, suffered scrapes and bruises in the accident.

[REDACTED]'s mother, J. [REDACTED], said there's still a chance the leg will have to be amputated. And once he's discharged from the hospital, [REDACTED]'s rehabilitation could last up to nine months.

Friends are keeping an eye on the Rhino, which remains functional. It recently was used in a poker run held to raise funds for cystic fibrosis programs.

"I don't even know where it is," [REDACTED] said. "It's just waiting on me."

Related Links

09/12/2007 11:49:09

Name = [REDACTED]
 Address = [REDACTED]
 City = [REDACTED]
 State = [REDACTED]
 Zip = 8 [REDACTED]
 Email = [REDACTED]
 Telephone = [REDACTED]
 Name of Victim = [REDACTED]
 Victim's Address = [REDACTED]
 Victim's City = [REDACTED]
 Victim's State = [REDACTED]
 Victim's Zip = [REDACTED]
 Victim's Telephone = [REDACTED]

Incident Description = In May of 2005 I was operating my 2005 Polaris Ranger and was involved in an accident in which the vehicle rolled onto its side resulting in minor injuries to myself and passenger. After the incident I discovered the right rear stabilizer bar was broken. The vehicle was still under warranty and I reported the incident to the Polaris dealer and also filed a report to Polaris Industries stating that I believed the broken stablizer bar was the cause of the accident.

Polaris agreed to replace the broken stabilizer bar and repair subsequent damage as long as I would sign a release form stating that I would not take any legal action against Polaris.

On Sept 9, 2007, the right rear stablizer broke again in the exact same location. I have spoke with another Ranger owner and he told me he also has had the stablizer break in the exact same spot on two different occasions. I spoke with the local Polaris dealer and he informed me that they are having numerous problems with the stablizer bar breaking. He said they keep plenty replacement bars is stock and that I should report the problem to Polaris.

I reported the problem to Polaris and they said they would evaluate the information.

I believe that the 'stock' stabilizer bar is not adequate for the application on the Polaris Ranger and is definitely a safety hazard. Polaris should recall the defective bar and design a stronger and safer product.

Victim's age at time of incident =
 Victim's sex =
 Date of incident =
 Product involved = Polaris Ranger XP
 Product brand name/manufacturer = Polaris Industries
 Manufacturer street address =
 Place where manufactured (City and State or Country) =
 Product involved still available = yes
 Product model and serial number, manufacture date =
 Date product purchased = 4/19/2005
 Name Release = Release name to the manufacturer and public

Doc No: 10790333A

Issue: 50 09/13/2007

071231

09/12/2007 11:49 09

Name = mike fink
Address = 133 hwy 32
City = lovell
State = Wyoming
Zip = 82431
Email = mikewapiti@hotmail.com
Telephone = 307-272-7335
Name of Victim =
Victim's Address = 133 hwy 32
Victim's City = lovell
Victim's State = Wyoming
Victim's Zip = 82431
Victim's Telephone = 307-272-7335

MFR/PRVLBR NOTIFIED

COMMENTS: YES NO
OVERRULED; ATTACHED

EXCISIONS/FOIA EXS. _____;

DO NOT RE-NOTIFY RE-NOTIFY
08/10/05 RO

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Victim's sex =
Date of incident =
Product involved = Polaris Ranger XP
Product brand name/manufacturer = Polaris Industries
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product involved still available = yes
Product model and serial number, manufacture date =
Date product purchased = 4/19/2005
Name Release = Release name to the manufacturer and public

080811CWE7670

Doc No: I07C0065A

Issue: 10

12/05/2007

080229

12/03/2007 16:06:53

Name = Micah Breshears
Address = 14018 Lanning Dr
City = Whittier
State = California
Zip = 90605
Email = zorahl@msn.com
Telephone = 7147577772
Name of Victim = Micah Breshears
Victim's Address = 14018 Lanning Dr
Victim's City = Whittier
Victim's State = California
Victim's Zip = 90605
Victim's Telephone = 7147577772

MFR/PRVLBR NOTIFIED

COMMENTS: YES NO
 OVERRULED; ATTACHED

EXCISIONS/FOIA EXS. _____;

DO NOT RE-NOTIFY RE-NOTIFY
081105CRP

Incident Description = was riding passanger in a polaris ranger when the vehical rolled on the passanger side feet went out the side of the vehical was unable to move because i was wearing my seat belt my feet hit the ground the the rollbar of the vehical landed on my toes smashing them in my shoe the vehicals roll bar degloved my big toe inside my shoe alsoe chipped of the top of the bone on my big toe and also fractured that same bone

Victim's age at time of incident = 26
Victim's sex = male
Date of incident = 8/19/07
Product involved = 4x4 off road vehical
Product brand name/manufacturer = polaris ranger
Manufacturer street address = 2100 hwy 55
Place where manufactured (City and State or Country) = Medina ,MN
Product involved still available = no
Product model and serial number, manufacture date =
Date product purchased = product was not mine
Name Release = Release name to the manufacturer and public

Doc No: I07C0065A

Issue: 10

12/05/2007

12/03/2007 16:06:53

Name = Micah Breshears
Address = 14018 Lanning Dr
City = Whittier
State = California
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Name Release = Release name to the manufacturer and public

Orland, CA
(Glenn Co.)
Press-Register
(Cir. 3xW. 3/231)

27

ISSUE; 10

NOV 21 2007

Allen's P.C. 18 11/17/07

One injured in ATV rollover

Staff Report

A 60-year-old Orland man suffered major injuries Saturday after the All-terrain vehicle he was a passenger on rolled over at a ranch north of State Route 162.

_____ was a passenger on a 2006 Yamaha Rhino ATV driven by his son, _____, 31, of Middletown when the accident occurred around 1:40 p.m.

California Highway Patrol officers report the ATV was traveling down a steeply sloped hillside that had a dirt surface.

The passenger then began to lean forward and the younger _____ reached over with his right hand in an attempt to secure his father. CHP officials

said. At this time, the ATV struck a small dirt berm and the vehicle pitched to the left and was partially sideways on the steep hillside. The momentum forced it off its wheels where it rolled on its right side, the CHP report said.

The elder _____ was ejected from the ATV and landed on the ground. The ATV then rolled over him and caused major injuries, the CHP press release said.

His son was ejected as well, but he was able to regain his footing and assist the dad.

_____ was taken to Baloe Hospital in Chico for treatment. No word of his condition was listed on the CHP release.

_____ was not hurt and no arrests were made.

Metropolitan Newsclips Service
P.O. Box 3195 • St. Louis, MO 63130

Hale Horizons
Carroll County
Hale MO
825 Weekly
0 Sunday

Handwritten mark

November 21, 2007

Hale Man Injured In ATV Accident

[REDACTED], 27, Hale, Mo., was injured in an ATV accident at approximately 8:40 p.m., Thursday, Nov. 15.

According to the Missouri State Highway Patrol, a Yamaha Rhino ATV was driven by [REDACTED], 17, was a passenger on the ATV.

The accident occurred at Walnut and Second Street in Hale. The accident occurred as [REDACTED] was driving southbound. The ATV left the Road, traveled down an embankment and overturned.

[REDACTED] suffered minor injuries and refused treatment at the scene. Gilson was treated with moderate injuries at the Carroll County Memorial Hospital in Carrollton.

No tickets were issued and investigation continues into the incident. The accident was investigated by Trooper M.P. Fisher.

X1130154A

Stevenson, Todd

From: john sand [johnsand@mac.com]
Sent: Tuesday, March 01, 2011 10:46 PM
To: Schoem, Marc; Topka, Tanya; Hartman, Jason; Paul, Caroleene; Martyak, Joseph
Cc: Stevenson, Todd; Wolfson, Scott; Kumagai, Mark
Subject: More Rhino injuries
Attachments: RHINO 00030060 copy.pdf; RHINO 00030062 copy.pdf; RHINO 00030070 copy.pdf

Are you aware of these injuries?

John Sand
513/207-5556

January 16, 2008

A

Mr. Bruce Enderle
President/CEO Business Dev.
Yamaha Motor Corp., U.S.A.
6355 Katella
Cypress, CA 90630

Re: RHINO ROLL OVER- SEVERE INJURY

Dear Mr. Enderle

While working with the Rhino in my pasture. The vehicle rolled and crushed my lower left leg and as a result I am bedridden. I have medical records, ambulance receipts, and police report for verification. Please see attached letter to the president of HSBC, Mr. Martin JG Glynn. The response received is unfortunate.

I have enjoyed the Yamaha Rhino's ruggedness and durability. The Rhino has been an essential part of maintenance of my property in Richmond, Texas.

As stated previously, I have enjoyed Yamaha's products and have been very satisfied with their performance over the years. The Rhino's strength's and abilities, as a work horse around the farm or as a property management vehicle has been an invaluable tool.

This accident happened traveling at less than 5 miles per hour. I believe, I can explain how the accident happened and reveal flaws that need to be corrected in the Rhino's design. (I'm a degreed engineer.) This can help other Rhino owners to use precautions while using the Rhino and could prevent others from being harmed. This accident should have been avoided, fortunately I was alone and was working, not joy riding!

I have been hospitalized for some time, and continue to be seen as an outpatient. I am unable to do anything on my own, including any activities of daily living. Because of this accident, I need more time to defer payments for at least 6 more months. Can Yamaha help with this? I also need recovery time to heal and walk again. Please offer help by deferring payments or other type of payment hardship program.

Thanks for your help and please send any forms concerning forbearance and deferment at you earliest convenience.

Address: [REDACTED]

Sincerely,
[REDACTED]

RHINO 00030060

11/5/2007

Mr. Martin JG Glynn
President HSBC
HSBC Bank USA
452 Fifth Avenue
New York, New York 10018

A cont.

[REDACTED]

Subject: RHINO ROLL OVER- SEVERE INJURY
PAYMENT DEFERRMENT REQUESTED

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This accident happened traveling at less than 5 miles per hour. I believe, I can explain how the accident happened and reveal flaws, that need to be corrected in the Rhino's design. (I'm a degreed engineer.) This can help other Rhino owners to use precautions while using the Rhino and could prevent others from being harmed. This accident should have been avoided, fortunately I was alone and was working, not joy riding!

I have been hospitalized for some time, and continue to be seen as an outpatient. I am unable to do anything on my own, including any activities of daily living. Because of this accident, I need more time to defer payments for at least 6 more months. Can Yamaha help with this? I also need recovery time to heal and walk again. Please offer help by deferring payments or other type of payment hardship program.

Thanks for your help and please send me any papers concerning forbearance and deferment at you earliest convenience. I have every intention to complete payments.

Sincerely,

[REDACTED]

COPY

RHINO 00030061

B



Insurance Recovery Group

New Directions in Risk Management

Website: www.irgfocus.com

October 10, 2007

Yamaha Motor Corporation
Attn: Risk Management
VIA FACSIMILE: 714-761-7303

Re: My Client: Bridgefield Casualty Insurance Company, Inc.
Policyholder: Myers Chevrolet-Olds Cadillac, Inc.
Injured Employee: [REDACTED]
Date of Accident: 04/28/2006

Corporate Headquarters:
959 Concord Street - Suite 200
Framingham, MA 01701
Toll Free: (800) 798-5474
Fax: (508) 636-1901
E-mail: irg@irgfocus.com

Louisiana Office:
7516 Bluebonnet Blvd. - #183
Baton Rouge, LA 70810
Toll Free: (866) 888-1216
Local: (225) 769-5335
Fax: (225) 769-5385
E-mail: glee@irgfocus.com

Michigan Office:
10425 LaSalle Blvd.
Huntington Woods, MI 48070
Toll Free: (800) 397-4441
Fax: (248) 591-6476
E-mail: arubel@irgfocus.com

Dear Sir or Madam:

Insurance Recovery Group manages the third party recovery efforts on behalf of this client. On the date in question, [REDACTED] was injured when the 2006 YxR660 Yamaha Rhino he was a passenger in rolled over on its side. The employee was injured and my client has made workers' compensation payments on the employee's behalf. The purpose of this letter is to provide you notice of our workers' compensation lien in this matter. IRG has investigated this claim and found the Rhino to be unsafe and to be the proximate cause of this accident. We are aware of the recall on this particular make and model. Unfortunately, this accident occurred before the recall was announced. To date, a total of \$6,244.24 has been paid on this claim. The claim remains open.

Once this claim has been concluded, I will contact you with our final lien amount and supporting documentation. I appreciate your time, and please do not hesitate to call me at 225-769-5505 if you should have any further questions. I would appreciate your acknowledging receipt of this notice. Thank you for your cooperation.

Sincerely,

Rebekah Buco
Recovery Associate
Insurance Recovery Group, Inc.

P.2

225 769 5585

0cc 15 2007 2:11PM

TOTAL P.002

P.002

OCT-15-2007 12:39

96%

RHINO 00030062

Insurance Recovery Group, Inc.
7516 Bluebonnet Blvd. #185
Baton Rouge, LA 70810
Phone: 225 769 5635
Fax: 225 769 5585



B cont.

Fax

OCT 16 2007

To: Risk management From: Rebekah Bueh
 Fax: 714-761-7303 Pages: 2
 Phone: Date: 10-15-07
 Rec: William Holtom CC:
 Urgent For Review Please Comment Please Reply Please Recycle

C
cont.

FIRST REPORT OF INJURY OR ILLNESS
FLORIDA DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF WORKERS' COMPENSATION
 For assistance call 1-800-343-1741
 or contact your local EAO Office
 Report of death within 24 hours 1-800-216-2653 or (850) 827-4353

RECEIVED BY CLAIMS-HANDLING ENTITY	SENT TO DIVISION DATE	DIVISION RECEIVED DATE
02/05/2008		

PLEASE PRINT OR TYPE

EMPLOYEE INFORMATION NAME (Print, Middle, Last) [REDACTED]		Social Security Number [REDACTED]	Date of Accident (Month-Day-Year) 02/01/08	Type of Accident <input type="checkbox"/> Ill <input type="checkbox"/> Inj
HOME ADDRESS STREET/APT # [REDACTED] City: Fort Peirce State: FL Zip: 34981		EMPLOYEE'S DESCRIPTION OF ACCIDENT (Include Cause of Injury) Taking trash to location on way back took corner to quick and rolled ATV on left ankle, ankle is broken.		
OCCUPATION Carpentry		INJURY/ILLNESS THAT OCCURRED Fracture	PART OF BODY AFFECTED Left Ankle	
DATE OF BIRTH 01 / 03 / 1973		EMPLOYER INFORMATION COMPANY NAME [REDACTED] D. B. A. [REDACTED] Street PO Box 4343 City: Fort Peirce State: FL Zip: 34948 TELEPHONE [REDACTED]		
PERMANENT DISABILITY (Print) [REDACTED]		DATE FIRST REPORTED (Month/Day/Year) 02 / 01 / 2008		
NATURE OF BUSINESS Contractor		POLICY/NEWSPR NUMBER 77-735641-3002		
EMPLOYER'S LOCATION ADDRESS (If different) Street [REDACTED] City: [REDACTED] State: [REDACTED] Zip: [REDACTED] LOCATION # (if applicable)		DATE EMPLOYED 02 / 24 / 2005	PAID FOR DATE OF INJURY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
PLACE OF ACCIDENT (Street, City, State, Zip) Street [REDACTED] City: [REDACTED] State: FL Zip: [REDACTED] COUNTY OF ACCIDENT Lucie		LAST DATE EMPLOYEE WORKED 02 / 01 / 2008	WILL YOU CONTINUE TO PAY WAGES INSTEAD OF WORKERS' COMP. <input type="checkbox"/> YES	
DATE OF DEATH (if applicable)		RETURNED TO WORK <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, GIVE DATE	LAST DAY WAGES WILL BE PAID INSTEAD OF WORKERS' COMP.	
RATE OF PAY \$ 18.39 PER		NUMBER OF HOURS PER DAY NUMBER OF HOURS PER WEEK NUMBER OF DAYS PER WEEK		
EMPLOYEE SIGNATURE (If different to name) DATE		NAME ADDRESS AND TELEPHONE OF PHYSICIAN OR HOSPITAL		
EMPLOYER SIGNATURE DATE		AUTHORIZED BY EMPLOYER <input type="checkbox"/> YES <input type="checkbox"/> NO		

CLAIMS-HANDLING ENTITY INFORMATION

1 (a) Denied Case - DWC-12, Notice of Denial Attached
 1 (b) Indemnity Only Denied Case - DWC-12, Notice of Denial Attached
 2. Medical Only which became Lost Time Case (Complete all requisite information in 83)
 3. Lost Time Case - 1st day of disability
 Date First Payment Made: / / AWW: Camp Rate:

T.T. T.T. - 80% T.P. I.B. P.T. DEATH SETTLEMENT ONLY
 Penalty Amount Paid in 1st Payment \$ Interest Amount Paid in 1st Payment \$

REMARKS: [REDACTED]	INSURER NAME Nationwide Mutual Insurance CLAIMS-HANDLING ENTITY NAME, ADDRESS & TELEPHONE PO Box 147061 Gainesville, FL 32614 1-800-985-7078
WALKER CODE # 0339	EMPLOYER'S CLASS CODE [REDACTED]
SERVICE CONTRACT CODE # [REDACTED]	CLAIMS-HANDLING ENTITY FILE # 7709WC63328



Nationwide
On Your Side™

C
cont.

3300 SW Williston Rd * FL-01-18 * Gainesville, FL 32608

February 5, 2008

David A Laliberte Jr.
2622 S. 28th St
Fort Peirce, FL 34981

OUR INSURED: ~~XXXXXXXXXX~~
OUR CLAIM NUMBER: 77 09 WC 363328 02012008 51
DATE OF LOSS: 02-01-2008

STATEMENT OF ISSUES

INSTRUCTIONS: Please IMMEDIATELY complete, sign and return this form in the enclosed envelope.

1. Please advise the date, time and location of your accident: 2-1-08 - 10:00AM
Job site @ Leeper Rd.

2. Describe your accident: I WAS RETURNING FROM DUMPING TRASH
WHICH IS A GOOD DISTANCE AWAY, ON A RHINO A.T.V.
I TURNED A CORNER AND NEXT THING I KNOW THE A.T.V WAS ON TOP
OF ME

3. Describe all injuries from this accident: BROKEN BONE IN LOWER LEG

4. Have you ever had previous injuries, surgery, or received medical or chiropractic treatment to any of the body parts injured in this accident? () Yes (X) No

If Yes, please state when and the name and address of your treating physician(s) for these injuries:

NOTICE - Section 817.234, Florida Statutes, provides in part: "Any person who knowingly and with intent to injure, defraud or deceive any insurer files a statement of claim or an application containing any false, incomplete or misleading information is guilty of a felony of the third degree."



Nationwide
On Your Side™

C
Cont.

5. Within six months prior to this accident, were you under treatment for any of the previous problems mentioned above?

() Yes (✓) No If Yes, when was the last time you received treatment?

6. Was your accident caused by failure or defect of a machine or product? () Yes (✓) No
If Yes, explain: _____

7. Are you a subcontractor (self employed)? () Yes (✓) No
If Yes, explain: _____

Are you paid in cash: () Yes (✓) No. Are taxes taken out of your checks (✓) Yes () No

Do you only work for Paul Jacquin And So If no, provide details: YES

8. Was your accident caused by the negligence of another person? () Yes (✓) No
If Yes, give the person's name, occupation, and the name of his or her employer:

9. Have you ever had a previous Workers' Compensation claim? () Yes (✓) No
If Yes, please state the date(s), the state(s) in which the accident(s) occurred, and the corresponding file or claim number(s):

10. Please state the name and address of all physicians who have treated you in the last five years.
DR [REDACTED] - DIABETES + ENDOCRIN ASSOC.

I attest that the above statements are true and correct.

Name of Employee: David A. Laliberte Jr.
[Signature]
Signature of Employee

2-15-08
Date

NOTICE - Section 817.234, Florida Statutes, provides in part: "Any person who knowingly and with intent to injure, defraud or deceive any insurer files a statement of claim or an application containing any false, incomplete or misleading information is guilty of a felony of the third degree."

PAYOUT LEDGER - DAVID LALIBERTE THRU 04/23/08

DOL: 02/01/2008

EMPLOYER: [REDACTED]

CLAIM#: 7709WC363328

C
Cont.

TECHHEALTH	7.21 2008-04-07	77-422178	MED	.. 11 - Prescription Drug Expenses
[REDACTED]	59.40 2008-04-18	77-428803	MED	.. 12 - Physician Fees (Non Surgical M..
[REDACTED]	92.70 2008-03-04	77-402209	MED	.. 12 - Physician Fees (Non Surgical M..
[REDACTED]	32.30 2008-04-08	77-422342	MED	.. 17 - Radiologist Fees
[REDACTED]	730.83 2008-04-04	77-421174	COMP	.. 42 - Temporary Total Disability
[REDACTED]	204.46 2008-04-04	77-421172	COMP	.. 42 - Temporary Total Disability
[REDACTED]	245.00 2008-03-24	77-414180	COMP	.. 42 - Temporary Total Disability
[REDACTED]	895.74 2008-03-24	77-414178	COMP	.. 42 - Temporary Total Disability
[REDACTED]	245.00 2008-03-10	77-405096	COMP	.. 42 - Temporary Total Disability
[REDACTED]	895.74 2008-03-10	77-405095	COMP	.. 42 - Temporary Total Disability
[REDACTED]	367.50 2008-02-25	77-397735	COMP	.. 42 - Temporary Total Disability
[REDACTED]	1,343.61 2008-02-25	77-397732	COMP	.. 42 - Temporary Total Disability
[REDACTED]	122.50 2008-02-08	77-389231	COMP	.. 42 - Temporary Total Disability
[REDACTED]	447.87 2008-02-08	77-389228	COMP	.. 42 - Temporary Total Disability
[REDACTED]	850.06 2008-04-21	77-430058	COMP	.. 43 - Temporary Partial Disability
[REDACTED]	245.00 2008-04-21	77-430060	COMP	.. 44 - Permanent Partial Disability

Doc No: I0820616A

Issue: 22

02/28/2008

02/26/2008 21:12:34

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = 6 [REDACTED]
Name of Victim = [REDACTED] S
Victim's Address = p [REDACTED] get
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = the yamaha rhino has been recalled because of no side doors. i own a 2008 arctic cat prowler 650 xt and i think it needs the half door yamaha installed on the recalle rhinos. everytime i go around a curve or about to or think i am going to roll over, i stick my leg out. it is a natural reflex. my girlfriend sprained her leg bad doing this while riding with me. yamaha fixed it by putting little half doors an hand holds to hold on to. all utility vehicles should come equipped this way from the factory. thank you,, concerned consumer

Victim's age at time of incident = 28
Victim's sex = female
Date of incident = 2-23-08
Product involved = 2008 arctic cat prowler 650 xt
Product brand name/manufacturer = arctic cat
Manufacturer street address =
Place where manufactured (City and State or Country) = united states
Product involved still available = yes
Product model and serial number, manufacture date = 2008 arctic cat prolwer 650 xt
Date product purchased = january 2008
Name Release = Release name to the manufacturer and public

Y0820449
Y0820450

Y0820451

ISSUE 22 ¹³

FEB 29 2008



U.S. CONSUMER PRODUCT SAFETY COMMISSION

FOR OFFICIAL USE ONLY

February 15, 2008

Page 1 of 12

TC 24

22

Irish, Cathleen

Y082 0149

From: Stevenson, Todd
Sent: Friday, February 29, 2008 8:04 AM
To: Irish, Cathleen
Subject: FW: Yamaha Rhino Injuries/Complaints, Report of 75 Incidents.

FEB 29 2008

Y082 0450

Y082 0451

From: Vincent, Fabrice [mailto:FVINCENT@lchb.com]
Sent: Thursday, February 28, 2008 8:38 PM
To: Stevenson, Todd
Subject: Yamaha Rhino Injuries/Complaints, Report of 75 Incidents.

February 28, 2008

VIA EMAIL AND U.S. MAIL

Todd A. Stevenson
Director, Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814-4408
Phone: (301) 504-6836
Fax: (301) 504-0127
Email: tstevenson@cpsc.gov

Re: Yamaha Rhino Injuries/Complaints, Report of 75 Incidents

Dear Mr. Stevenson:

Thank you for your earlier production to us of the United States Consumer Product Safety Commission's files of Yamaha Rhino vehicle injury and death reports. Pursuant to the CPSC's investigation of Yamaha Rhino accidents, injuries and deaths, enclosed on behalf of the 75 individuals and/or families whom we represent, you will find documents relating to 74 catastrophic injuries and one child death involving pre-recalled, doorless Yamaha Rhino vehicles with unpadded rollcages. Bates numbered Rhino1-R8998.

Our clients submit their information and documents to you with the request and understanding that the U.S. CPSC will keep their personal and medical information private and confidential and never publicly release: the clients'/victims' identities, personal identifying information and/or medical records; we understand that the CPSC can and will keep this information private and confidential under FOIA exemption 3, and 6, 5 U.S.C. Sections 552(b)(3), and (b)(6), and section 25(c) of the CPSA, 15 U.S.C. Section 2074(c). If the information cannot be kept confidential, please then return it to me now instead.

Plec
no

2/29/2008

February 15, 2008

Page 2 of 12

Please also send us any and all new documents of other Rhino injury or deaths not included in the last production you/CPSC graciously made to us by your letter of September 28, 2007.

Very truly yours,

Fabrice Vincent

FV:lh
Enclosures

751236.1

2/29/2008

Yamaha Rhino Catastrophic Injuries and Death to/of Persons and Families Represented by Lieff, Cabraser, Heimann & Bernstein LLP

Private and Confidential, Personal and Medical Information, HIPAA Protected

Y0820449

- A 1. [REDACTED] is a 28-year-old Arizona pipe fitter foreman and married father of three lovely girls whose leg was catastrophically injured by the low speed tipover of a 2007 pre-recalled doorless Rhino on which he was a belted passenger wearing a helmet. [REDACTED] sustained a complex and disabling lower leg fracture on June 8, 2007 when his leg was struck and crushed by the vehicle's unpadded, heavy rigid steel rollcage. He faces an ongoing lifelong risk of infection, amputation and premature death. His current medicals bills are already in excess of \$770,000.
- B 2. [REDACTED] is a beautiful 13-year-old Texas girl who was maimed by the tipover of a 2006 pre-recalled doorless Rhino that caused the traumatic amputation of her dominant arm on June 17, 2007. Her arm was crushed and amputated because it was struck by the vehicle's unpadded rollcage. [REDACTED]'s quality of life and that of family have been irreparably damaged by the loss of her arm and her medical bills are believed to already be in excess of \$100,000 even before any prosthetic equipment has been purchased. She is suffering severe emotional distress and psychiatric complications including phantom pain and a vivid sensation that her missing hand is choking her to death.
- C 3. **DEATH:** [REDACTED] Jr. was a very special and beloved 9-year-old boy from Texas killed in the slow speed tipover of a 2007 pre-recalled doorless Rhino on which he was a belted passenger. He died because the rollcage was heavy rigid steel and unpadded and it struck him in the head. [REDACTED] was pinned under the Rhino in front of his grandfather and sustained terminal injuries despite immediate efforts to preserve his life on June 22, 2007.
- D 4. [REDACTED], a 14 year-old Georgia girl, was maimed by the tipover of a 2007 pre-recalled doorless Rhino that led to the amputation of her right foot on July 28, 2007. The tippy vehicle's unpadded heavy steel rollcage struck and destroyed her foot. She is the daughter of a single mother and they have since lost their insurance as [REDACTED]'s medical bills continue to accrue. [REDACTED] is a gifted student who was looking forward to her college-prep classes; however, in order to concentrate on healing, she has been removed from school indefinitely.
- E 5. [REDACTED] is a 44-year-old Missouri factory worker and father of two, who was catastrophically injured and disable by a tipover of a 2006 pre-recalled doorless Rhino whose unpadded rollcage crushed his leg on June 20, 2007. Prior to his accident, [REDACTED] enjoyed wood-working and being an active, outdoorsman – now he is on disability and is confined indoors. [REDACTED] is in constant pain and his medical bills have grown in excess of \$200,000.
- F 6. [REDACTED], a 16-year-old boy from New York, was injured by the tipover of a 2007 pre-recalled doorless Rhino whose unpadded rollcage crushed his hand on June 21, 2007. Before his accident, [REDACTED] was an avid basketball and football enthusiast, his favorite class at school was gym, and he loved playing video games. Since his accident he has been unable to participate in any of these activities – his life and the life of his family have been forever changed by his accident.
- G 7. [REDACTED], a 29-year-old Kentucky caregiver and father of an 8 year-old boy, was injured by the tipover of a 2005 pre-recalled doorless Rhino on November 17, 2006. The vehicle's heavy rigid and unpadded steel rollcage fractured [REDACTED]'s right ankle and has left him with permanent nerve damage. [REDACTED] once enjoyed hunting, construction work, and caring for his elderly father but now finds himself permanently disabled, in constant pain and unable to participate in the activities he once

2/29/2008

Y0820449

loved.

- H 8. **Chelsea Dennis**, a 16-year-old Arizona girl, was injured by the tipover of a 2006 pre-recalled doorless Rhino whose unpadded rollcage smashed and crushed and destroyed her left arm and left ankle on May 26, 2007. She was looking forward to starting her junior year in high school but her injuries have left her too self-conscious to return. **Chelsea** can no longer participate in the activities she once loved: volleyball, hunting, and playing computer games. She is in constant pain, she continues seeing surgeons, doctors, and is now seeking therapy to help her resolve the trauma she underwent in her accident. Her medical bills are in excess of \$150,000.
- I 9. **Richard Powell**, a 46-year-old California husband and father, was injured by the tipover of a 2007 pre-recalled doorless Rhino whose unpadded rollcage crushed his left leg on February 24, 2007. He has since lost his job, his insurance, and is no longer able to enjoy his numerous outdoor hobbies. **Richard** remains in constant pain and feels that his life and the life of his family has been forever changed by this accident.
- J 10. **Richard Powell**, a 27-year-old Nevada man, was catastrophically injured by a tipover of a 2006 pre-recalled doorless Rhino on which he was a belted passenger. The vehicle's unpadded rollcage crushed his ankle and fractured his heel, several large lacerations, and a broken ankle as a result of the accident. He faces ongoing surgeries and continues to experience pain as a result of his accident on August 4, 2007.
- K 11. **Christina**, a 38-year-old woman from Ohio, was injured by the tipover of a 2007 pre-recalled doorless Rhino whose unpadded rollcage crushed and destroyed her left hand and left ankle. She has had surgery on her hand and ankle, and she faces the possibility of more ankle surgeries in the future. **Christina** who worked as a hairdresser, has been unable to work since the accident and will not be able to resume work for at least several months.
- L 12. **Richard Powell**, a 47-year-old Georgia physician's assistant and retired US Air Force Captain. On August 17, 2007, **Richard's** life was catastrophically changed by the low speed tipover of a 2005 pre-recalled doorless Rhino whose unpadded rollcage crushed his left foot and shoulder. **Richard** was driving when it tipped and pinned him under the vehicle for six hours before being discovered by a police helicopter. **Richard** sustained numerous fractures, dislocations and lacerations to his foot, resulting in the amputation of one-third of his foot. **Richard** is now confined to a wheelchair, suffers from phantom pain and requires heavy narcotics and anti-seizure medication. His once active life which included 12-hour work days in the Macon ER and peaceful evenings in his garden has been ruined by this accident.
- M 13. **Richard Powell**, a 32-year-old husband and father from Michigan, was injured by the tipover of a 2006 pre-recalled doorless Rhino whose unpadded rollcage crushed his foot on August 11, 2007. Before his accident, **Richard** enjoyed wood-working, hunting and fishing. Now he finds himself unable to participate in these activities because he is on crutches and has limited mobility. As the sole provider for his wife and two small children, **Richard's** inability to work since his accident has cost him his job and left his family in serious financial straits.
- N 14. **Richard Powell**, a 12-year-old boy from Texas, was injured by the tipover of a 2007 pre-recalled doorless Rhino whose unpadded rollcage crushed and maimed his left leg on June 2, 2007. Before his accident, **Richard** was an avid football and basketball player, and loved being outdoors with his friends. Since his accident, **Richard** has been confined indoors with extremely limited mobility. **Richard** missed football tryouts, feels that he has lost all his friends, is teased at school because of his limp, and now suffers from weight gain and depression.

2/29/2008



Reference ID: 1301248

Title: WOMAN INJURED IN ATV ACCIDENT

Date Published: Friday, January 18, 2013

Publication: NorthwestMOinfo.com

State: AZ

A 65 YEAR OLD PARNELL WOMAN SUFFERED SERIOUS INJURIES THURSDAY EVENING FOLLOWING A BIZARRE ATV ACCIDENT ON PRIVATE PROPERTY THREE MILES WEST OF RAVENWOOD.

69 YEAR OLD [REDACTED] PARK WAS BACKING A 2012 POLARIS RANGER ATV OUT OF A TRAILER. 65 YEAR OLD [REDACTED] PARK WAS SITTING ON THE TAILGATE OF THE ATV.

WHEN THAT ATV HIT A BUMP, [REDACTED] PARK WAS KNOCKED FROM THE TAILGATE. WITHOUT NOTICING HIS PASSENGER HAD FALLEN, PARK BACKED OVER HER

[REDACTED] PARK WAS TAKEN BY NODAWAY COUNTY AMBULANCE TO ST. FRANCIS HOSPITAL IN MARYVILLE WITH PLANS TO TRANSFER HER TO A TRAMA CENTER AT A LATER TIME.

Y0820449

- O 15. ██████████, a 6-year-old boy from South Dakota, was injured on October 6, 2007 by the tipover of a 2006 pre-recalled doorless Rhino on which he was a belted passenger. ██████████'s right arm was crushed in the tipover by the unpadded rollcage and he sustained damage to his growth plate. A year after the accident, ██████████ continues to experience pain, requires physical therapy, and is severely embarrassed by his scars which other kids make fun of him for. ██████████'s medical bills are estimated at \$200,000.
- P 16. ██████████, a 28-year-old husband and father in North Carolina and employee of the City of Raleigh, was injured on the job by the on pavement tipover of a 2007 pre-recalled doorless Rhino on February 28, 2007. ██████████' ankle was crushed in the tipover by the unpadded rollcage and cause acute compartment syndrome, and he continues to have nerve damage in his dominant ankle. Because of the tipover, Nicholas wakes up in pain and can no longer actively play with his son.
- D 17. ██████████, a 25-year-old husband and father from Monroe, Ohio, was injured catastrophically by the tipover of a 2007 pre-recalled doorless Rhino on July 21, 2007 whose unpadded rollcage crushed and destroyed his right foot. ██████████ has undergone numerous surgeries to repair more than ten bones broken in his right foot. He is in constant pain, he cannot work, and he can no longer enjoy his outdoor hobbies.
- R 18. ██████████, a 48-year-old husband and father from New York, was injured by the tipover of a 2005 pre-recalled doorless Rhino whose unpadded rollcage crushed his left leg on August 17, 2007. ██████████ sustained a compound-fracture to his tibia, painful lacerations to his leg, a sprained knee and a sprained ankle. He has undergone numerous surgeries and doctors predict it will be years before he recovers from his injuries. Before his accident, ██████████ owned and operated a home for the elderly with his wife, ██████████. Now he finds himself unable to do his job or enjoy his outdoor hobbies.
- S 19. ██████████, a 17-year-old student from New York, was injured by the tipover of a 2007 pre-recalled doorless Rhino whose unpadded rollcage crushed his left arm on May 28, 2007. ██████████ shattered both the radius and ulna in his left arm. He is in constant pain and still cannot move his wrist.
- T 20. ██████████, a 16-year-old girl from Utah, was injured by the tipover of a 2007 pre-recalled doorless Rhino whose unpadded rollcage crushed her dominant hand and foot on July 15, 2007. ██████████ sustained two compound fractures in her hand and a deep laceration in her leg. She required hospitalization for four days, a skin graft, and a wound vac for six weeks. ██████████ missed eight weeks of school as a result of the accident and was unable to tryout for her school volleyball team. Kenna's parents also missed work tending to their daughter. ██████████ continues to face painful swelling in her leg and doctors predict the swelling will persist for years to come.
- W 21. ██████████, a 40-year-old husband and father from Maine, was injured by the tipover of a 2007 pre-recalled doorless Rhino whose unpadded rollcage crushed his leg on June 3, 2007. ██████████ sustained multiple fractures to his leg, was in the hospital for two weeks, and underwent eight surgeries and a skin graft procedure. Prior to his accident, ██████████ was actively coaching baseball, basketball and hockey. Now he limps heavily, is in constant pain and cannot sleep at night.
- V 22. ██████████, a 39-year-old father of two from Washington, was injured by the tipover of a 2007 pre-recalled doorless Rhino whose unpadded rollcage crushed his leg on August 11, 2007. ██████████ is in constant pain, he cannot sleep at night, and he does not know if he will get better. This single father once enjoyed hiking, fishing, and working but now finds himself unable to participate in any of these activities.
- W 23. ██████████, a 46-year-old man from Indiana, was injured by the tipover of a 2006 pre-

Y0820449

recalled doorless Rhino whose unpadded rollcage crushed his foot on June 16, 2006. While it has been over a year since his accident, [REDACTED]'s foot is still swollen, he finds it extremely hard to walk, and he is in considerable pain. Vehicle operator was [REDACTED]

X 24. [REDACTED], a 61-year-old man from New York, was injured by the tipover of a 2005 pre-recalled doorless Rhino whose unpadded rollcage crushed and damaged his left shoulder, hip, knee and foot on August 20, 2005. [REDACTED] sustained a large fracture blister, a severed tendon in his knee, required two wound vacs for one month, and required a skin graft. [REDACTED] now requires knee replacement surgery and is still seeing doctors concerning his shoulder. Currently, [REDACTED] cannot walk fifteen feet without almost falling down and feels that the accident has left him severely deformed and permanently disabled.

Y 25. [REDACTED], a 46-year-old husband and father from Arizona, was injured by the tipover of a pre-recalled doorless Rhino whose unpadded rollcage maimed his hand and led to the amputation of his dominant index finger. Before the Rhino accident, [REDACTED] was an active C5/6 Incomplete Quadriplegic who enjoyed playing wheelchair rugby, being outdoors, and running his own company; as a result of his incomplete quadriplegia, he was unusually dependent on his arms and hands. Since the accident, [REDACTED] has been unable to work and needs surgery on his mangled hand.

Z 26. [REDACTED], a 35-year-old man from Colorado, was injured by the tipover of a 2007 pre-recalled doorless Rhino whose unpadded rollcage crushed his dominant foot on June 23, 2007. Since his accident, [REDACTED] has been unable to work, is in continual pain and requires medication to help him sleep at night. He is barely able to walk and doctors predict that [REDACTED]'s foot will never completely heal. Vehicle operator was [REDACTED] and front passenger was J. [REDACTED]

A 27. [REDACTED] is a 16-year-old whose hand was maimed by the tip-over of a doorless 2006 Rhino on August 15, 2007. [REDACTED]'s dominant hand was crushed by a padless rollcage, resulting in the full amputation of his middle finger, the partial amputation of his index finger, and twenty-one bone breaks in his ring finger. Stephen's career ambition of being an electrician has been replaced by pain, depression, sleeplessness, and ongoing anxiety.

B 28. [REDACTED] is a 12-year-old Texas boy whose right leg was crushed by the tip-over of a doorless 2006 Rhino on November 4, 2006. Lance sustained a broken fibula and tibia, extensive tissue damage, and is expected to have long-term disabilities. He has undergone more than five surgeries, including skin graft procedures. Before the accident, [REDACTED] loved running track and prided himself on being the fastest kid in his class. Now he has a significant limp and difficulty walking, including chronic pain, and suffers from depression and a loss of self esteem.

C 29. [REDACTED] is a 46-year-old California husband and father whose dominant leg was crushed by the tip-over of a doorless 2006 Rhino on September 21, 2007. [REDACTED] sustained a severe break of his right tibia, tissue damage in his knee, and has been wearing an external fixator for over four months. He takes daily pain medication, faces painful and ongoing swelling and infections, and a future of prolonged limitation and pain from related arthritis.

D 30. [REDACTED] is a 19-year-old woman whose jaw, skull, and neck were fractured by the tip-over of a doorless 2004 Rhino on May 13, 2007. [REDACTED] was struck by a padless rollcage and sustained three jaw fractures, two skull fractures, and hyper rotation of her C1 and C2 vertebrae. Since the accident, [REDACTED] suffers from disturbing flashbacks, depression, hearing loss, and substantial anxiety.

E 31. [REDACTED] is a 15-year-old California girl whose feet were crushed by the tip-over of a doorless 2007 Rhino on September 30, 2007. She has undergone numerous surgeries and skin graft

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procedures, and is now in a wheelchair. As a result of her injuries, Jessica suffered high fevers for weeks, numerous fever blisters, and her body is rejecting the antibiotics prescribed to her. Jessica faces a future of permanent injury and more surgeries. Since her accident, [REDACTED] has been home-schooled, she cannot dance and play volleyball, and she is battling depression. Her medical bills are in excess of \$800,000.

F 32. [REDACTED] is a 35-year-old Florida man whose left ankle was crushed by the tip-over of a doorless 2007 Rhino on July 2, 2007. While doctors were able to keep [REDACTED]'s ankle from being amputated, he will never be able to move his foot again, he lost four inches of bone in his leg, and he is wheel-chair bound for the next two years or more. [REDACTED]'s medical bills to date are estimated at \$1 million.

G 33. [REDACTED] is a 26-year old Virginia woman whose right foot was crushed by the tip-over of a doorless 2006 Rhino on September 30, 2006. [REDACTED]'s 1st, 2nd, 3rd, and 4th metatarsals were crushed and she sustained severe pressure wounds. Many of the bones in [REDACTED]'s foot had to be fused together, her doctors tell her that her toes will never bend again and that she will have a limited range of mobility in her foot. More than a year and a half later, [REDACTED]'s foot is still painfully swollen and her doctors predict that she will need to undergo more reconstructive surgeries. Her medical bills are in excess of \$100,000.

H 34. [REDACTED] is a 39-year-old Arizona father of two whose left leg and ribs were injured by the tip-over of a doorless 2007 Rhino on September 11, 2007. [REDACTED]'s leg sustained ten broken bones and he also broke four ribs. Doctors say he has permanently lost mobility in his left knee and he is still currently unable to put any pressure on his leg. His medical bills are estimated at \$250,000 and growing.

I 35. [REDACTED] is a 54-year-old Kentucky man who was maimed by the tip-over of a doorless Rhino whose padless rollcage struck him and caused the traumatic below-knee amputation on his dominant, right leg on June 2, 2007.

J 36. [REDACTED] is a 16-year-old Michigan teenager whose left hand was maimed by the tip-over of a doorless Rhino with an unpadded rollcage on August 18, 2007. The tip over led to the traumatic amputation of [REDACTED]'s ring and pinky finger, and caused severe damage to the skin, muscle, and tendons on her left hand. [REDACTED] now suffers from phantom pains, depression, anxiety, and insomnia. She is taking daily medications for the pain, the insomnia, and the depression. Doctors expect her to be on these medications indefinitely.

K 37. [REDACTED] is a 40-year-old California husband and father of three whose left arm and foot were severely injured by the tip-over of a doorless 2007 Rhino on April 1, 2007. [REDACTED] was struck by an unpadded rollcage and sustained a double compound fracture in his left arm and fractured three toes in his left foot. To date, [REDACTED] has undergone four surgeries and one skin graft procedure. He has very limited mobility in his hand and foot, and will undergo a bone graft surgery to transplant bone from his hip to his arm. His medical bills are estimated at \$200,000 and rising.

L 38. [REDACTED] is a 41-year-old California husband and father of two who was maimed by the tip-over of a doorless 2006 Rhino that crushed his left hand and led to the traumatic amputation of three of his fingers and the partial amputation of his left palm on September 30, 2006. [REDACTED]'s once active life has been irreparably damaged by the loss of his fingers. This once active father now finds himself unable to play catch with his kids and enjoy his outdoor hobbies. His medical bills are in excess of \$125,000.

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- M 39. [REDACTED] is a 41-year-old husband and father of two whose left foot was crushed by the tip-over of a doorless 2007 Rhino on May 31, 2007. [REDACTED] sustained several fractures, broke his navicular, and sustained serious damage to the ligaments and tendons in his foot. While [REDACTED] foot was saved from amputation, [REDACTED] has a chronic limp, experiences continual soreness, and is in pain with every step.
- N 40. [REDACTED] is a 39-year-old Illinois husband and father of two whose left leg was severely crushed by the tip-over of a doorless Rhino on October 3, 2007. [REDACTED] sustained a double compound fracture of the tibia and the fibula, and a twelve inch open wound. He underwent three surgeries, was non-weight bearing for eight weeks, and continues to be in pain on a daily basis.
- O 41. [REDACTED] is a 9-year-old boy whose right arm was crushed by the tip-over of a doorless 2007 Rhino on February 3, 2007. This traumatic experience has caused [REDACTED] permanent damage to his arm, continued physical pain, and numerous emotional struggles with fear, depression, and anxiety. He misses being active with his friends in PE class and his once active childhood of football and basketball has been reduced to worries, a year after the accident, about being unable to ever bend his arm again.
- P 42. [REDACTED] is a 55-year-old North Carolina wife and mother whose left foot was crushed by the tip-over of a doorless 2004 Rhino on July 9, 2006. [REDACTED] sustained damage to her tendons, ligaments, and nerves as well as the degloving of her foot. She has permanently lost mobility and feeling in her foot. Before the accident, [REDACTED] enjoyed running and salsa dancing. Now she cannot do either activity, and she has gained considerable weight from her limited mobility, and faces permanent disfigurement.
- D 43. [REDACTED] is a 21-year-old Florida man whose feet were crushed by the tip-over of a doorless 2006 Rhino on March 20, 2007. [REDACTED] suffered broken and dislocated bones in both feet, and missed five months from work.
- R 44. [REDACTED] is a 16-year-old young man in Minnesota whose right ankle was injured by the tip-over of a doorless 2006 Rhino on July 30, 2006. [REDACTED] required two surgeries, a wound-vac, and an in-home nurse to take care of him.
- S 45. [REDACTED] is a 34-year-old Colorado woman whose right, dominant foot was crushed by the tip-over of a doorless 2005 Rhino on December 25, 2006. [REDACTED] suffered two broken bones and severe tissue damage to her foot. More than a year later, [REDACTED] still has difficulty walking and still experiences cramping in her foot.
- T 46. [REDACTED] is a 44-year-old husband and father of four whose left leg was injured by the tip-over of a doorless 2007 Rhino on February 18, 2007. [REDACTED] sustained a compound fracture and painful damage to the skin on his leg. He required major surgeries, including muscle and skin graft procedures. A year later, [REDACTED] still takes daily pain medicine and suffers from ongoing swelling.
- U 47. [REDACTED] is a 29-year-old male whose left ankle was crushed by the tip-over of a doorless 2006 Rhino on March 31, 2007. [REDACTED] sustained multiple fractures in his left ankle and required a surgery to insert a plate and several screws. His doctors predict that he will not make a full recovery from his injuries.
- V 48. [REDACTED] is a 53-year-old Missouri woman whose right wrist was crushed by the tip-over of a doorless 2005 Rhino on June 16, 2006. [REDACTED] sustained a compound fracture and underwent two surgeries, including the insertion of a titanium plate in her arm. As a result, she is experiencing early arthritis and has limited strength in her dominant hand.

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- W 49. ██████████ is a 37-year-old California husband and father of three whose left foot was crushed by the tip-over of a doorless 2007 Rhino on May 19, 2007. Four months after the tip over, Mr. ██████████ still struggles to walk, faces financial hardship, and is struggling to find employment because of his injuries.
- X 50. ██████████ is a 26-year-old Arizona husband, father of two, and Staff Sergeant in the US Air Force. On May 22, 2007, ██████████'s life was dramatically altered by the tip-over of a doorless 2007 Rhino which crushed his right foot, causing permanent nerve, cartilage, and tissue damage. Among other problems, ██████████ doctors predict he will develop early arthritis as a result of his injuries.
- Y 51. ██████████ is a 24-year-old Oregon man whose right ankle was crushed by the tip-over of a doorless 2006 Rhino on September 1, 2006. ██████████ sustained permanent nerve damage in his ankle as a result of the injury. He continues to be in constant pain.
- Z 52. ██████████ is a 26-year-old Indiana man whose left leg was crushed by the tip-over of a doorless 2007 Rhino on August 28, 2007. His once active life of skiing and wave-boarding has been put on hold as he undergoes physical therapy to repair his leg.
-
- A 53. ██████████ is a 27-year-old husband in Texas whose left hand was crushed by the tip-over of a doorless 2006 Rhino on September 31, 2006. ██████████ continues to experience a loss of strength and dexterity in his hand and doctors predict he will never regain full use of his hand.
- B 54. ██████████ is a 29-year-old husband and father in Virginia whose left leg was injured by the tip-over of a doorless 2007 Rhino on September 1, 2007. ██████████ sustained extensive tissue damage and a compound fracture of both his tibia and fibula. In addition to his physical injuries, Mr. Burner has missed a substantial amount of work and now finds himself and his family in financial distress.
- C 55. ██████████ is a 51-year-old California woman who was injured by the tip-over of a doorless 2006 Rhino on August 1, 2006. ██████████ sustained a concussion, required fourteen stitches in her head, broke a finger on her dominant hand, and injured her knee. Her knee and her hand still cause severe pain 18 months after the accident.
- D 56. ██████████ is a 26-year-old husband and father in California whose left hand was crushed by the tip-over of a doorless 2006 Rhino on December 30, 2006. ██████████ sustained a compound fracture of his index finger and his thumb was completely severed. While doctors were able to reattach his thumb, ██████████ has severely limited mobility and permanent nerve damage in his hand. ██████████ was the belted vehicle operator at the time of the incident.
- E 57. ██████████ is a 59-year-old California grandfather who was catastrophically injured on March 18, 2007, when a doorless Yamaha Rhino tipped over and its unpadded roll cage crushed his right foot. He sustained multiple fractures and dislocations, in addition to associated muscle, skin and tissue damage. He has undergone 12 surgeries, and faces years of continuing pain and treatment, in addition to over \$350,000 in medical expenses. ██████████ is disabled from serving as a compliance inspector at PG&E since the accident.
- F 58. ██████████ is an 18-year-old Arizona woman who was maimed by the tip-over of a doorless 2004 Rhino on Christmas Day, 2005. ██████████'s dominant hand was crushed by the unpadded rollbar, resulting in the amputation of her pinky and ring finger. ██████████ had been training to be an equestrian since a young age, but her dream of participating in professional competitions is all but over, as she barely has enough strength to grasp the reins.

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- G 59. [REDACTED] is a 26-year-old Georgia man who was severely injured on June 2, 2007, when his right leg was crushed by an unpadded roll cage during the tip-over of a doorless Rhino. Mr. [REDACTED] suffered a devastating laceration running the entire length of his lower leg that resulted in major muscle and nerve damage. He still lacks all feeling in his shin, and has difficulty walking.
- H 60. [REDACTED] is a 38 year old California husband and father whose right leg was crushed during the tip-over of a doorless 2006 Rhino on November 11, 2006. [REDACTED] was struck by the unpadded roll cage sustained a badly fractured tibia and a dislocated knee, in addition to suffering a bruised spleen. He is still in constant pain and his leg has popped out of place several times since the accident, causing him to collapse. [REDACTED] had to take considerable time off from work, and at this point his injury still affects his performance as the manager of a car dealership. He is still on heavy pain medication, and has had to give up many of the hobbies most dear to him, including piloting his boat with his family.
- I 61. [REDACTED] is a 29-year-old California wife and mother of three who was permanently injured in a low speed tip-over of a doorless 2007 Rhino on May 21, 2007. [REDACTED] sustained crush fractures to her first, second and third metatarsals from an unpadded roll cage, all of which are important weight bearing bones. She will never regain the strength and mobility that she had prior to the accident. She will never be able to maintain the same active relationship with her three young children that she previously had. In addition to the nearly constant pain, she also has to cope with the added strain of not being able to help out around the house, putting an extra burden on her husband and children. She is unable to pick up or drop off her kids at their various extra-curricular activities, and her job as the owner and manager of a medical billing service has been damaged too.
- J 62. [REDACTED] is a 39-year-old Florida mother who was catastrophically injured in the tip-over of a doorless 2007 Rhino on December 23, 2007. Both of [REDACTED]'s legs were crushed underneath the vehicle by the padless roll cage, resulting in the amputation of her right leg three inches below the knee, as well as multiple breaks in her left leg requiring additional surgery. In addition, she has been unable to return to work since the accident, which adds to the physical and psychological hardships incurred as a result of this tragic incident.
- K 63. [REDACTED] is a 26-year-old California man who was maimed during the tip-over of an unpadded and doorless 2006 Rhino on November 23, 2006. [REDACTED]'s left hand was crushed by its padless roll cage and he sustained multiple compound fractures to his fingers, in addition to severe and permanent tissue and muscle damage. He now lacks considerable strength and mobility in his hand, while two of his fingers were so badly hurt that they no longer move at all. As a direct result of this accident, [REDACTED] missed over six months of work, and even now has trouble with those tasks that he once managed easily.
- L 64. [REDACTED] is a 13-year-old Arizona girl who was the belted passenger in an unpadded and doorless 2004 Rhino when it tipped over and its padless roll cage crushed her dominant leg on January 6, 2005. [REDACTED] sustained a severe crushing injury, and developed compartment syndrome as a result of the incident. She still has serious muscle, skin and tissue damage, as well as severe scarring, which makes her self-conscious around her peers. She still suffers from chronic pain on a daily basis, and her injured leg prevents her from enjoying many childhood activities.
- M 65. [REDACTED] is a 34-year-old California husband and father who suffered lasting injuries following the tip-over of a doorless 2007 Rhino on June 18, 2007. [REDACTED]'s left leg was crushed by the unpadded roll cage of the vehicle, which broke his tibia in three places. He missed over three months of work, and is still limping and in chronic pain. In addition, [REDACTED] also got a pulmonary embolism

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as a direct result of the incident, requiring him to have regular check-ups and take special blood thinning medication for years into the future.

- N 66. [REDACTED] is a 33-year-old Alabama man whose left ankle was crushed by the unpadded roll cage of his doorless 2007 Rhino in January 2007. He suffered a severe fracture that required surgery and multiple screws to put back together. [REDACTED] missed several weeks from work due to this injury, amounting to almost \$20,000 in lost wages. At present he is still dealing with chronic pain and swelling in his ankle and foot that negatively affects many aspects of his day to day life.
- D 67. [REDACTED] is an 11-year-old California boy who sustained permanent injuries from the tipover of an unpadded 2006 Rhino on November 7, 2007. His dominant leg was smashed under the vehicle by the padless roll cage of the doorless Rhino, resulting in a severe crush fracture that became infected. [REDACTED] also had to deal with large and very painful fracture blisters, which accompanied his injury. He has undergone skin graft surgery to repair the tissue damage, and still is in daily pain. Joseph has also had to miss out on considerable time in school and extra-curricular activities, and is embarrassed around his friends because of the extensive scarring from his injury. He now faces a long road to uncertain recovery, including at least a year of physical therapy to try to rebuild the leg muscles that were destroyed.
- P 68. [REDACTED] is a 46-year-old New Mexico mother whose dominant leg was crushed on June 11, 2006, in the tip-over of a doorless 2006 Rhino with a hazardous unpadded roll cage, resulting in a double compound fracture and extensive tissue damage. [REDACTED] has had to undergo multiple surgeries in order to try to repair the injuries to her leg, as well as remain in a wheelchair for over six months. She has missed a total of over three months of work, and was confined to part-time duty for almost four more months. In addition to continuing pain and hardship, [REDACTED] also faces medical expenses in excess of \$100,000.
- D 69. [REDACTED] is a 39-year-old North Carolina father of two who suffered devastating injuries to his left hand and arm during the tip-over of a doorless 2006 Rhino with a padless roll cage on August 3, 2006. He sustained severe muscle, tendon and tissue damage, and several doctors initially supported amputation as the only possibility. Although they managed to save his hand, [REDACTED] still has to deal with horrific scarring and severely limited strength and mobility. Additionally, as a result of this accident, he had to miss six months from his job as president of his trucking and excavation company, which added to his overall financial problems during this difficult time.
- R 70. [REDACTED] is a 50-year-old Nevada husband who was seriously injured in the tip-over of a doorless and unpadded 2006 Rhino on September 8, 2007. [REDACTED] sustained a fractured right tibia, as well as crushing injuries and puncture wounds to his left foot. He was confined to a wheelchair for weeks during the recovery process, and still has to deal with daily pain. He has been unable to work since the accident. At present, there are still open wounds on his legs from the accident. [REDACTED] used to be very active and enjoy spending time hiking, running and golfing, but since the accident he has been severely limited in what he can do, and is no longer able to participate in those hobbies that he used to love.
- S 71. [REDACTED] is a 36-year-old Oregon husband and father of two whose left arm and left leg were crushed during the tip-over of a doorless 2007 Rhino with a padless roll cage on October 21, 2007. [REDACTED] sustained two complete fractures of both his ulna and radius, resulting in surgery and having two steel plates inserted into his forearm. In addition, he broke his lower left leg, and needed another surgery and another steel plate to help his recovery. He spent six weeks in a wheelchair, and in addition to missing several weeks from work, he had to spend several more weeks working half days and doing light duty. Today, [REDACTED] still deals with chronic pain and is unable to participate in

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many of his favorite hobbies, like fishing, skiing and hiking.

- T 72. ██████████ is a 26-year-old California husband who was catastrophically injured in the tip-over of a doorless 2005 Yamaha Rhino on May 27, 2007. ██████████'s left leg was crushed by the unpadded roll cage of the vehicle, which severely fractured his tibia. He spent over 3 weeks recovering in the hospital, and had to undergo six surgeries, including both skin and bone grafts. As a result of this accident, ██████████ missed almost two months from work, followed by an additional six months of light duty. He still has not regained his former mobility and strength, and will be affected by this injury for the rest of his life.
- U 73. ██████████ is a 16-year-old Arizona high school sophomore whose feet were both crushed by the unpadded roll cage in the tip-over of a doorless 2006 Rhino on January 1, 2007. Shantel suffered severe skin and tissue damage as both of her feet were degloved from ankle to toe. In addition, her left foot sustained multiple fractures. At present, Shantel has not yet been able to return to her part time job working at a horse stables.
- V 74. ██████████ is a 42-year-old California man who was catastrophically injured when a doorless 2006 Rhino tipped over and crushed his lower right leg. His fibula was pulverized by the impact of the unpadded roll cage, and ██████████ has needed six surgeries during his ongoing recovery process. In addition to being confined to his bed for a full year while his bones were healing, ██████████ also had 13 pins in his leg for over 12 months. He is facing nearly \$700,000 in medical expenses, and missed over a year of work, costing him an additional \$120,000. Doctors say that he will never be able to enjoy those hobbies that he used to love, including jogging and skiing.
- W 75. ██████████ is a 29-year-old Utah mother and wife whose dominant leg was horribly crushed by a padless roll cage following the tip-over of a doorless Yamaha Rhino on August 4, 2007. Due to the compound fracture in her lower leg, ██████████ has had to undergo multiple surgeries, and was unable to put any weight on her leg for months following the accident.

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████	2. PHONE NO. (HOME) (WORK) ██████████ unknown
3. STREET ADDRESS ██████████	4. CITY ST ZIPCODE ██████████ AL 36530
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE ██████████ AL 36530

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 Consumer believes the All Terrain Vehicle poses a injury and safety hazard.
 - cont -

6. DATE OF INCIDENT(S) 09/03/2005	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 35 Y/M AND DESCRIBE INJURY tibia fib broke left leg	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
--------------------------------------	--	---

9. DESCRIPTION OF PRODUCT ATV 4 wheel	10. BRAND NAME Yamaha Rhino 660
--	------------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Yamaha unknown unknown unknown unknown ISSUE 27 04/02/2008	12. MODEL, SERIAL #'S, DATE OF MFR unknown / unknown
	13. DEALER'S NAME, ADDRESS & PHONE Gulf Shores Power Sports unknown Gulf Shores, AL unknown

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 09/03/2005 AGE 2 Y
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: no

17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
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FOR ADMINISTRATION USE

20. DATE RECEIVED 04/01/2008	21. RECEIVED BY (NAME & OFFICE) jft/HL	22. DOCUMENT NO. H0840004A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3286
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE jft 04/01/2008	

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0840004A

Narrative Continued

Consumer said while he was operating the All Terrain Vehicle at a speed of approximately 15-20 mph while making a left turn on to a dirt road he suddenly lost control of the steering on the vehicle causing it roll over. Consumer said the vehicle landed on his left leg severely injuring it. Consumer was rushed to Baptist Hospital in Pensicola FL. were he was diagnosing as having a severly fractured lower leg.

10/2005 Consumer contacted the mfr. and explained the incident and the safety concerns to a representation. Consumer was told the mfr. was not aware of any safety concerns with the product.

Consumer said he has had 6 separate surgeries to repair his leg. Consumer has read several similar complaints on the Internet involving this product.

No further information.

Distributor Phone #:

CPSC Source: NEWS

Doc No: I0860538A

Issue: 40

06/30/2008

06/26/2008 17:50:59

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = On May 17, 2007, while visiting with her sister in Arkansas my daughter was driving a Yamaha Rhino 660. According to a professional accident investigator, she was going 12 to 17 miles per hour. The dirt road was even and well traveled it followed a small creek that drains the fields. At some point the Rhino started flipping. My daughter remembers being dragged by the vehicle. She was unconscious for a time. When she came to her senses she could hear her passenger, 13 year old [REDACTED] screaming. [REDACTED] realized she was injured when she went to get up to help [REDACTED]. Her left arm was 80% severed. Her brachial artery was severed laterally, and the forearm was laid open. [REDACTED] shoved dirt into the wound to try to stop the bleeding. Finally she got up, twisted the arm around and tucked it under her chin. When she approached the Rhino she could see that Kaitlyn was trapped underneath. [REDACTED] used her right arm and pushed with her legs to lift the Rhino off [REDACTED]. My daughter's left arm was later amputated at Arkansas Children's Hospital in Little Rock. Transcripts mention that she suffered a spiral fracture and an oblique fracture. She took 6 units of blood at the first hospital and more at Arkansas Children's. She spent three weeks in the burn unit. I will happily provide any documentation requested to verify this claim and the injuries that resulted. Though we have met with Yamaha's insurance adjusters, the company itself refuses service of our intentions to sue for damages. Our family is shattered and will never be the same. Since [REDACTED] incident I have met so many other families with similar stories. Please contact me for further information. Thank You [REDACTED]

Victim's age at time of incident = 13
Victim's sex = female
Date of incident = 06-17-07
Product involved = Yamaha Rhino 660 side by side ATV
Product brand name/manufacturer = Yamaha Rhino 660
Manufacturer street address =
Place where manufactured (City and State or Country) = Japan
Product involved still available = yes
Product model and serial number, manufacture date = 2006
Date product purchased = 2006
Name Release = Release name to the manufacturer and public

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Bowling Green Times
Pike County
Bowling Green MO

3125 Weekly
0 Sunday

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April 2, 2008

Jensen is seriously injured in ATV accident

Two Bowling Green residents were injured in an ATV accident last Tuesday night on Pike County Road 496 at Highway 161.

According to the Missouri State Highway Patrol, the accident occurred when the 2008 Polaris Ranger ATV, driven by [REDACTED]

[REDACTED] 17, of Bowling Green, was traveling southbound on Highway 161.

[REDACTED] attempted to turn into a driveway on Pike 496 causing the vehicle to overturn ejecting passengers.

[REDACTED] 19 and [REDACTED] 20, both of Bowling Green were injured. [REDACTED] injuries were serious. He was airlifted to St. John's Mercy Hospital in Creve Couer. Waack sustained moderate injuries. He was taken to Pike County Memorial Hospital, Louisiana, by private conveyance.

The accident occurred at 7:20 p.m. The vehicle received minor damage and was driven from the scene.

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HARLAN CO. JOURNAL
THURSDAY WEEKLY
ALMA, NE

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02/07/2008



issue; 22

Fishermen fall through ice on Harlan County Lake

By CRAIG BROWN

Journal Sports Writer

A near tragic accident occurred around noon time Feb. 3 when four men on an Arctic Proowler ATV were ice fishing and hit a patch of open water. Three of the men on the ATV were tossed into the freezing water as was the ATV. The fourth man, along with another fisherman, were able to rescue

the men from the water. Rescue units from Alma and Republican City along with the Corps of Engineers and the Harlan County Sheriff's Office responded to the accident. One of the men, a 22 year old Colorado man, was taken to Harlan County Health Systems for hypothermia symptoms.

Army Corps of Engineers Park Ranger

Tom Zikmund said the accident occurred just south-southwest of Camp Joy on the north end of Harlan County Reservoir. Zikmund said the fishermen had been to the same area the day before and had no problems but did say that ice is not constant and that with the warmer weather at weeks end the ice was melting. Zikmund said the Corp of Engineers

wants to inform others who wish to ice fish to be smart and use safe ice fishing practices. "We are lucky we didn't have a drowning" said Zikmund, "It only takes a few minutes in water like that before hypothermia sets in." Zikmund also said that many people have had ATVs on the lake and reminds people to just play it safe.

1. Dorton KY - #080609HNE3470 N0860094A 6/10/08
2. Langley KY - # 080608HNE3471 N0860094B

ISSUE; 37

State Journal
Frankfort, KY
Circ. 9926
From Page:
5
5/28/2008
70245



romances.
601-72 9
PIKEVILLE

Boy, 13, girl, 17, die in separate ATV crashes

(AP) — Kentucky State Police are investigating two separate fatal all-terrain vehicle crashes that killed youths in the eastern part of the state.

Authorities said 12-year-old ██████████ ██████████ of Dorton died Sunday when an ATV she and a 13-year-old boy were trying to get unstuck tumbled into a creek on top of them.

Also on Sunday, a 17-year-old girl died from injuries she suffered Saturday in an ATV crash at Hippo.

State police said ██████████ ██████████ of Langley was a passenger on an ATV operated by a 17-year-old boy. The report said the machine struck a bump on a mine road and overturned, fatally injuring the girl.

Contractor ATV Accident With Four Injuries

Great Smoky Mountains National Park

National Park News

Tuesday, Oct 3, 2006

Four Motorola employees who were installing the park's new digital radio system were riding a Polaris Ranger ATV up the Sterling Gap trail on the morning of September 14th when it slid off the trail onto the soft, muddy shoulder. Three of them were seated on a bench seat in the front and the fourth was riding in the bed (the machine is designed to safely carry just two people on the bench seat). All four remained on the ATV while the driver attempted to back the machine onto the trail. The ATV went about ten feet, then slid further over the edge and rolled over an embankment. The person in the bed was ejected almost immediately near the top of the slope; the remaining three people were ejected at different points as the ATV repeatedly rolled over down the next 100 feet down the slope. It then continued rolling down the embankment, finally coming to rest about 360 feet down the slope from the trail. All four were injured to varying degrees and the ATV was extensively damaged. None of the riders was wearing a helmet or seatbelt at the time of the accident. The park's radio technician was at the repeater site, about a mile from the scene of the accident, and advised dispatch after receiving a radio call from the contractors reporting what had happened to them. Rangers, members of a nearby park trail crew, and Haywood County and Fines Creek rescue squad volunteers responded. The driver and front right passenger were in the worst shape, with possible head, neck and internal injuries. They were treated, assisted up the slope with the aid of a 3:1 mechanical advantage haul system, placed in litters on ATV's, and taken to an ambulance waiting at the trailhead. They were then taken to a landing zone about five miles away, transferred to a helicopter, and flown to Asheville Regional Hospital. Both were admitted, treated and released the next day. The other two contractors were treated and released. The injuries consisted of sprains, contusions, abrasions and bruising of varying types and degrees.

http://www.nationalparksgallery.com/park_news/4405



12008-06151

0808284CC1873

TC-32

S-3

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

ISSUE 46

OCME USE ONLY

08-8103

Case number

JUL 14 2008

Date received

Res NR

DECEDENT: [Redacted] First Middle Last Suffix

RESIDENCE: [Redacted] Number and Street City, State County

AGE: 8 SEX: Male Female Unknown

RACE: Black Native American Oriental White Unknown

HISPANIC ORIGIN: Yes No Unknown

X088

0262 INFORMATION ABOUT OCCURRENCE

AUG 13 2008

	DATE	TIME	ADDRESS OR FACILITY	COUNTY
ONSET OF INJURY OR ILLNESS	7/5/08	17:45	[Redacted]	Cherokee
DEATH	7/5/08	17:45	[Redacted]	Cherokee
VIEW OF BODY	7/5/08	1921	<input type="checkbox"/> Scene of death <input checked="" type="checkbox"/> Hospital <input type="checkbox"/> Funeral home <input type="checkbox"/> Other <input type="checkbox"/> Not viewed	
M.E. NOTIFIED	7/5/08	1921	LAW ENFORCEMENT AGENCY: Cherokee County OFFICER: Anders TELEPHONE: _____	
LAST KNOWN TO BE ALIVE	7/5/08	about 1700	Death occurred while in custody: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	

AUTOPSY: None M.E. Authorized Non-M.E. Autopsy facility: _____

BLOOD SAMPLE: Mailed Obtained by pathologist Reason not obtained: _____

IF CLINICAL ALCOHOL DONE, RESULT: _____ By whom: _____

PROBABLE CAUSE OF DEATH: Pending

- Blunt Abdominal Trauma
- ATV crash
-
-

Head Injury

CONTRIBUTING CONDITIONS

MANNER OF DEATH:

Natural Accident Homicide Suicide Pending

OCME REVIEW

- multiple blunt force injuries
- motor vehicle accident
-
-

DUE TO

CONTRIBUTING CONDITIONS

Natural Accident Homicide Suicide Undetermined

Reviewer: Larry DeWitt MD Date: 8/5/08

Information in this block supersedes that contained in space at left.

SDC

None

AL

Dictated

COG

I hereby certify that after receiving notice of the death described herein I took charge of the body and made inquiries regarding the cause of death in accordance with Article 16 of Chapter 130A of the N.C. General Statutes and the information contained herein regarding such death is true and correct to the best of my knowledge and belief.

[Signature]

7/9/08

Cherokee

Watters

MEDICAL HISTORY

- Alcoholism, Diabetes, IV drug abuse, Ischemic heart disease, Smoking, Seizure disorder, Cancer, Hypertension, Depression, HIV/AIDS, Other, Attending Physician Solomon/Murray City Mingo

MEANS OF DEATH

- VEHICLE: Type of vehicle associated with this decedent: Passenger car, Pickup truck, Truck--more than 2 axles, Motorcycle, Bicycle, Farm vehicle, ATV, Moped, Other, Position: Driver, Passenger, Pedestrian, Unknown, Devices: Seat restraints, Air bag, Helmet, Child restraint, None, Unknown, Number of vehicles involved 1, GUN: Rifle--Caliber, Handgun--Caliber, Shotgun--Gauge, Other, INSTRUMENT: Blunt, Sharp, Description, TOXIC AGENT(S) SUSPECTED: Alcohol, Others, DROWNING: Pond, Lake or river, Ocean, Pool, Bathtub, Other, Life preserver: Yes, No, Unknown, Able to swim: Yes, No, Unknown, FIRE: Suspected cause, Smoke detector: Yes, No, Unknown, FALL: From, to, Approximate distance, feet

ACTIVITY OF DECEDENT AND PREMISES

FATAL INJURY OR ILLNESS: Activity Driving ATV, Type of place gravel roadway, Specific location roadside

Fatal injury or illness occurred on a job: Yes, No, Unknown, If yes, was employment: Primary job, Secondary, Volunteer work, Unknown, Name of this employing firm or agency N/A, Type of business or industry, Decedent's occupation child

DEATH: Type of place gravel roadway, Specific location roadside

Examples: Activity: Running, lifting hay bales, eating, typing letter, driving commercial truck, sleeping, bathing, watching television, fighting, etc. Type of place: House, apartment, trailer, school, jail, bar or tavern, hotel, restaurant, store, street, hospital, farm, highway, factory, etc. Specific location: Bathroom, assembly line, kitchen, front yard, office, parking lot, emergency room, roadside, ambulance, car, etc. On a job: Any activity that is income generating regardless of age of decedent including farming or part time work; also include non-income generating volunteer or charity work.

DESCRIPTION OF BODY

- CONDITION: Intact, Decomposition, Skeletonized, Embalmed, Charred, Prolonged immersion, Exhumed, RIGOR: None, 1+, 2+, 3+, LIVOR: None, Anterior, Posterior, Lateral, HEIGHT: 56 inches, Estimate, WEIGHT: 90 pounds, Estimate, BODY TEMPERATURE: Warm, Cool, Cold, HAIR: Color Brown, Beard, Mustache, EYES: Color brown, Abnormalities, TEETH: Upper, Natural, Dentures, Abnormalities, Lower, Natural, Dentures, Abnormalities

CLOTHING: Not clothed, VALUABLES: No valuables

TOXICOLOGY REPORT

Office of the Chief Medical Examiner
Chapel Hill, NC 27599-7580

Toxicology Folder: T200805503
Case Folder: F200808103
Date of Report: 31-jul-2008
Page: 1

DECEDENT: [REDACTED]

Status of Report: Approved
Report Electronically Approved By: Ruth Winecker, Ph.D.

* * *

=====

SPECIMENS received from William M. Walters on 15-jul-2008

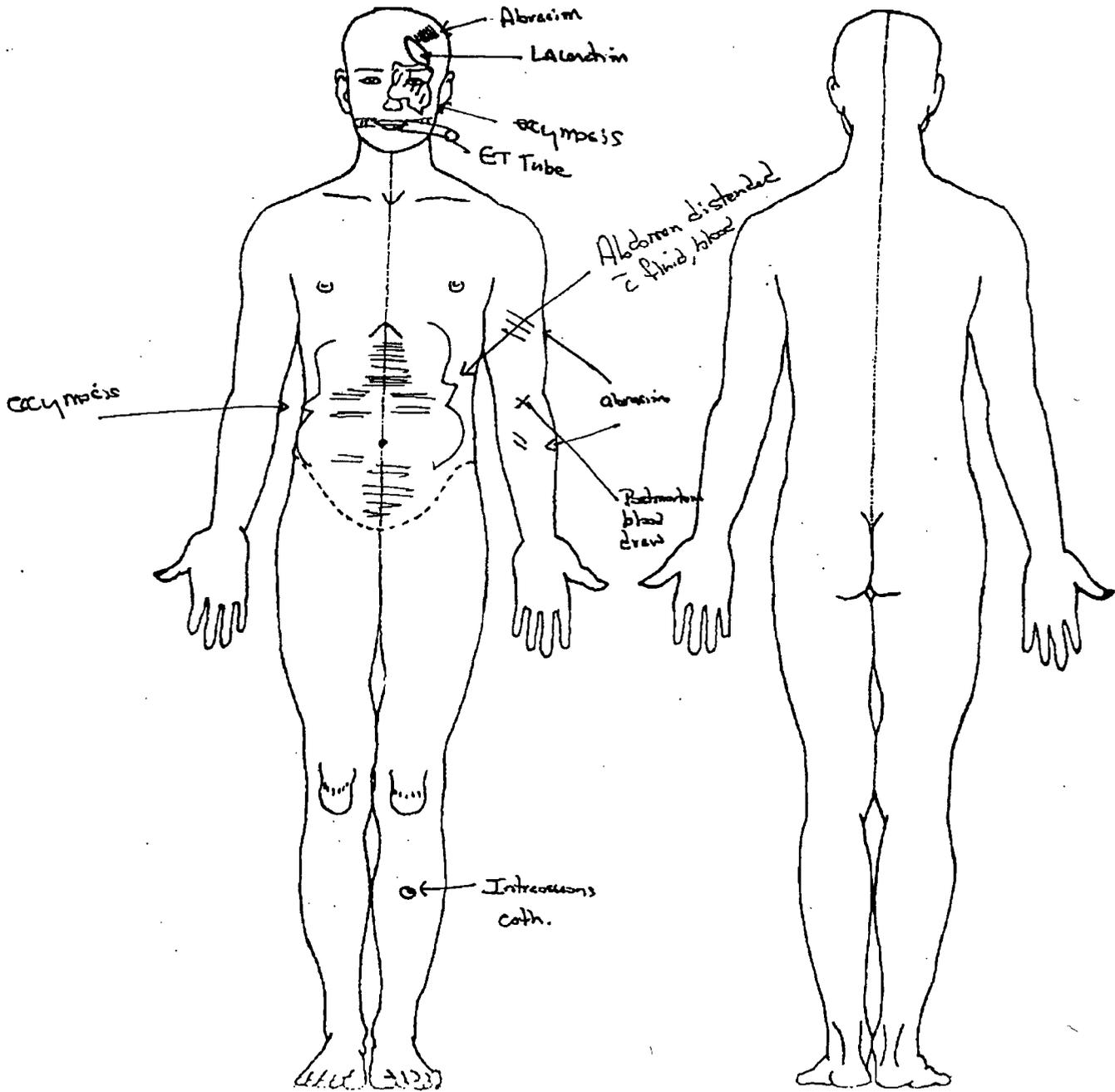
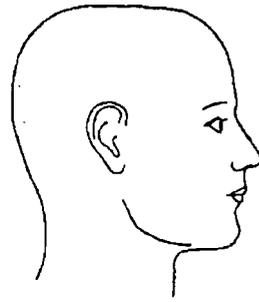
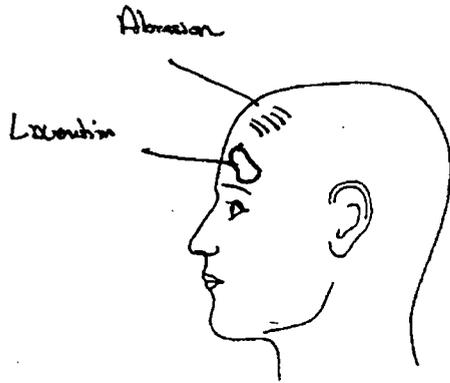
S080016843: 5.0 ml Blood CONDITION: Postmortem
 SOURCE: Left Antecubital vein OBTAINED: 05-jul-2008

Benzodiazepines	-----	None Detected	ELISA	07/31/2008
Cocaine	-----	None Detected	ELISA	07/31/2008
Ethanol	-----	None Detected		07/31/2008
Opiates	-----	None Detected	ELISA	07/31/2008
Oxymorphone	-----	None Detected	ELISA	07/31/2008

S080016844: 3.0 ml Vitreous Humor CONDITION: Postmortem
 SOURCE: Eye OBTAINED: 05-jul-2008

080708 07:03 * * * E N D O F R E P O R T * * *

BODY DIAGRAMS



NARRATIVE SUMMARY OF CIRCUMSTANCES SURROUNDING DEATH

On 7/5/2008 the 8 year old decedent was riding a 4 wheel ATV on a gravel road near his home. When he did not return at the time expected, his parents became concerned and began searching for him. At about 1745 hrs the child's father found the vehicle off an embankment of the gravel road and the ATV was lying on top of the decedent. The child was unresponsive and the father and other bystander moved the body to the road and began CPR. EMS was called at about 1800 hrs. When EMS arrived the decedent was unresponsive in cardiac and respiratory arrest. He was intubated and an intraosseous catheter was placed in the left tibia. Aggressive ACLS resuscitative measures were initiated. He remained in cardiac arrest and was transported to Murphy Medical Center. At about 1900 hrs EMS arrived at the emergency department and the decedent was in asystole. Further resuscitative measures were unsuccessful and he was pronounced dead.

PURPOSE: To document the findings of a medical examiner investigation. When completed, this form constitutes a report to the Chief Medical Examiner as required by G.S. 130A-385(a).

PREPARATION: The investigating medical examiner completes all appropriate information, and signs the certification statement on the front of the form.

DISTRIBUTION: Mail original copy to the Office of the Chief Medical Examiner, Chapel Hill, NC 27599-7580.

DISPOSITION: This form is maintained by the Chief Medical Examiner in accordance with the current records disposition schedule published by the N.C. Division of Archives and History.

COPIES: Additional copies may be ordered from the Office of the Chief Medical Examiner, Chapel Hill, NC 27599-7580.

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT ██████████		2. PHONE NO. (HOME) (WORK) ██████████ unknown	
3. STREET ADDRESS ██████████		4. CITY ST ZIPCODE ██████████ TX 76119	
4a. EMAIL ADDRESS		4b. INCIDENT CITY ST ZIPCODE ██████████ TX 76119	
5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES The 6'3" tall, 215 lbs., consumer was riding the ATV on a grass trail, approx. 30 miles per hour, when it rolled over - cont -			
6. DATE OF INCIDENT(S) 10/24/2008	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 41 Y/M AND DESCRIBE INJURY see narrative		8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
9. DESCRIPTION OF PRODUCT ATV		10. BRAND NAME Yamaha Rhino	
11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Yamaha unknown unknown unknown unknown ISSUE 5 10/31/2008		12. MODEL, SERIAL #'S, DATE OF MFR unknown	
		13. DEALER'S NAME, ADDRESS & PHONE unknown	
14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES IF YES, BEFORE OR AFTER THE INCIDENT? AFTER DESCRIBE: The ATV rolled over.		15. PRODUCT PURCHASED NEW DATE PURCHASED 08/15/2008 AGE 2 M	
		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown	
17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? not sure	18. IS THE PRODUCT STILL AVAILABLE? NO IF NOT, ITS DISPOSITION Located at a friends home.		19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
FOR ADMINISTRATION USE			
20. DATE RECEIVED 10/29/2008	21. RECEIVED BY (NAME & OFFICE) mlj/HL	22. DOCUMENT NO. H08A0263A	
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3286	
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE mlj 10/30/2008	

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H08A0263A

Narrative Continued

unexpectedly. The ATV rolled over the consumer, who was wearing his seatbelt at the time.

Someone called 911 and the consumer was taken to J.C. Smith Hospital, Ft. Worth, TX. The consumer was kept in the ER for several hours. X-rays were taken. The consumer sustained an injury to his lower back and numbness and tingling in his left leg. The consumer was released the next morning and has been unable to move around since that time.

The ATV belongs to a friend's of the consumer, so additional information such as model #, VIN #, date of purchase, where it was purchased from, may be added upon receipt of this report.

Distributor Phone #:

CPSC Source: TEL

081104CNE3885

Doc No: I08B0085A

Issue: 6

11/05/2008

11/04/2008 09:26:48

Name = (b)(3):CPSA Section 25(c)
 Address
 City = Ja
 State = F
 Zip = 322
 Email =
 Telephone
 Name of
 Victim's
 Victim's
 Victim's
 Victim's
 Victim's

MFR/PRVLBR NOTIFIED

COMMENTS: YES NO
 OVERRULED; ATTACHED

EXCISIONS/FOIA EXS. *Xsc. 6*

DO NOT RE-NOTIFY RE-NOTIFY

6/15/09

Incident Description = I was riding my mother's Yamaha Rhino when it flipped at a low rate of speed on a flat surface. I was wearing a seatbelt but my foot was ejected from the machine and the rollbar behind the weight of the machine severed my lower left leg. I have had 19 surgeries (costing over 1.2 million so far) and 16 months later I am still unable to walk but they were able to salvage my leg. I grew up riding motorcycles and 4 wheelers so this was not my first time on an ATV. This vehicle flipped so quickly it was almost instantaneous. You must do something to force Yamaha to improve the safety of this vehicle. Too many people have lost their lives and sustained severe injuries due to vehicle being extremely top heavy and having various other design flaws. The president of Yamaha France tried to implement safety features (in France) to prevent injuries after he himself fell victim to a rollover in which he sustained crushed ankles. Once Yamaha International got wind of the vehicle alterations they made him remove all added safety features. At least someone in the organization is trying to help. You must do something to stop this disregard to product safety. You cannot imagine what I have gone through and I hope my complaint helps prevent it from happening to many others. Please do not release my name to the public because I do not want to be posted all over the internet like some victims. Thank you in advance for any changes that you might enforce.

Victim's age at time of incident = 35

Victim's sex = male

Date of incident = 07/02/2007

Product involved = 2007 Yamaha Rhino 450

Product brand name/manufacture = Rhino 450/Yamaha

Manufacturer street address =

Place where manufactured (City and State or Country) = Newnan, Georgia

Product model and serial number, manufacture date = Model yxr45fwr, serial # 5y4aj19yx7a010191

Product damaged, repaired or modified = no

If yes, before or after the incident =

Description of damage, repair or modification =

Date product purchased = 02/10/2007

Product involved still available = yes

Have you contacted the manufacturer = yes

If not, do you plan to contact them =

Name Release = Do not release name

Doc No: I08B0085A

Issue: 6

11/05/2008

11/04/2008 09:26:48

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = I was riding my mother's Yamaha Rhino when it flipped at a low rate of speed on a flat surface. I was wearing a seatbelt but my foot was ejected from the machine and the rollbar behind the weight of the machine severed my lower left leg. I have had 19 surgeries (costing over 1.2 million so far) and 16 months later I am still unable to walk but they were able to salvage my leg. I grew up riding motorcycles and 4 wheelers so this was not my first time on an ATV. This vehicle flipped so quickly it was almost instantaneous. You must do something to force Yamaha to improve the safety of this vehicle. Too many people have lost their lives and sustained severe injuries due to vehicle being extremely top heavy and having various other design flaws. The president of Yamaha France tried to implement safety features (in France) to prevent injuries after he himself fell victim to a rollover in which he sustained crushed ankles. Once Yamaha International got wind of the vehicle alterations they made him remove all added safety features. At least someone in the organization is trying to help. You must do something to stop this disregard to product safety. You cannot imagine what I have gone through and I hope my complaint helps prevent it from happening to many others. Please do not release my name to the public because I do not want to be posted all over the internet like some victims. Thank you in advance for any changes that you might enforce.

Victim's age at time of incident = 35
Victim's sex = male
Date of incident = 07/02/2007
Product involved = 2007 Yamaha Rhino 450
Product brand name/manufacturer = Rhino 450/Yamaha
Manufacturer street address =
Place where manufactured (City and State or Country) = Newnan, Georgia
Product model and serial number, manufacture date = Model yxr45fwr, serial # 5y4aj19yx7a010191
Product damaged, repaired or modified = no
If yes, before or after the incident =
Description of damage, repair or modification =
Date product purchased = 02/10/2007
Product involved still available = yes
Have you contacted the manufacturer = yes
If not, do you plan to contact them =
Name Release = Do not release name

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

Can you remove the statement "THIS Vehicle Flipped so quickly it was almost INSTANTANEOUS".

My interpretation of this could be different than someone else.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.



Signature

11/11/08

Date

I request that you do not release my name.

You may release my name to the manufacturer but I request that you not release it to the general public.

You may release my name to the manufacturer and to the public.

081123CCC 2144

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

NAME OF RESPONDENT (b)(3) CPSA Section 25(c)	2. PHONE NO. (HOME)	(WORK)
	(b)(3) CPSA	unknown
	4. CITY	ST ZIPCODE
	Hot Springs	AR 71913
	4b. INCIDENT CITY	ST ZIPCODE
	Hot Springs	AR 71913

DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES

e ATV has rolled over on the consumer on 2 different occasions.

cont -

DATE OF INCIDENT(S) 11/15/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 44 Y/M AND DESCRIBE INJURY skinned leg and bruises MFR/PRVLBR NOTIFIED 6/15/09 COMMENTS: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> OVERBILLED: ATTACHED	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
-----------------------------------	--	--

DESCRIPTION OF PRODUCT utility vehicle	<input checked="" type="checkbox"/> EXCISONS/FOIA EXS. 25c. <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY	10. BRAND NAME Yamaha Rhino 660 4 x 4
---	--	--

MFR/DISTRIBUTOR NAME, ADDR. & PHONE Yamaha unknown unknown unknownnw unknown	ISSUE 9 11/24/2008	12. MODEL, SERIAL #'s, DATE OF MFR VIN# unavailable
		13. DEALER'S NAME, ADDRESS & PHONE The Outdoor unknown Benton, AR 501-776-0679

. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES IF YES, BEFORE OR AFTER THE INCIDENT? AFTER DESCRIBE: The utility vehicle rolled over 2 different times.	15. PRODUCT PURCHASED NEW DATE PURCHASED 09/25/2006 AGE 2 Y
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: None pertaining to the problem.

. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? Yes.	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
---	---	---

FOR ADMINISTRATION USE

. DATE RECEIVED 11/20/2008	21. RECEIVED BY (NAME & OFFICE) mlj/HL	22. DOCUMENT NO. H08B0236A
. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 5044
. DISTRIBUTION	26. ENDORSER'S NAME & TITLE mlj 11/21/2008	

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████	2. PHONE NO. (HOME) (WORK) ██████████ unknown
3. STREET ADDRESS ██████████	4. CITY ST ZIPCODE ██████████ AR 71913
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE ██████████ AR 71913

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
The ATV has rolled over on the consumer on 2 different occasions.

- cont -

6. DATE OF INCIDENT(S) 11/15/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 44 Y/M AND DESCRIBE INJURY skinned leg and bruises	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
--------------------------------------	---	---

9. DESCRIPTION OF PRODUCT utility vehicle	10. BRAND NAME Yamaha Rhino 660 4 x 4
--	--

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Yamaha unknown unknownw unknown ISSUE 9 11/24/2008	12. MODEL, SERIAL #'s, DATE OF MFR VIN# unavailable
	13. DEALER'S NAME, ADDRESS & PHONE The Outdoor unknown Benton, AR 501-776-0679

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES IF YES, BEFORE OR AFTER THE INCIDENT? AFTER DESCRIBE: The utility vehicle rolled over 2 different times.	15. PRODUCT PURCHASED NEW DATE PURCHASED 09/25/2006 AGE 2 Y
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: None pertaining to the problem.

17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? Yes.	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
--	---	---

FOR ADMINISTRATION USE

20. DATE RECEIVED 11/20/2008	21. RECEIVED BY (NAME & OFFICE) mlj/HL	22. DOCUMENT NO. H08B0236A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 5044
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE mlj 11/21/2008	

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H08B0236A

Narrative Continued

(11/06) The consumer 5'10" tall, 210 lbs., consumer was riding the ATV and making a turn on a small hill, when the ATV flipped over. The consumer sustained skinned legs, because the ATV did not have doors on it at that time.

The consumer contacted the dealer and relayed the incident information over to a rep. The dealer informed him that the utility vehicles were supposed have doors on them and that either the mfr. or the retailers had sent out letter about the doors. The consumer indicated that he was never informed of this. However, the dealer installed doors and a hand-hold device in the middle of the utility vehicle sometime later (no expense to the consumer).

(10/15/08) The consumer was riding in the utility vehicle down a dirt road and going around a corner, when the vehicle rolled over 3 times. The consumer was wearing boots, a helmet, and his seat belt. The vehicle flipped over so hard that the rear end for the right rear tire came out. The consumer drove it home in that condition. The consumer is experiencing some pain from the incident, but has not seen a doctor for them.

The consumer notes that the doors on this ATV are extremely short and he feels that they do not really provide sufficient protection.

Distributor Phone #:

CPSC Source: INTERNET

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

 _____ 11/29/08
Signature Date

I request that you do not release my name.

You may release my name to the manufacturer but I request that you not release it to the general public.

You may release my name to the manufacturer and to the public.

ATV NEWSWIRE

ATV Industry Mag.

090122CCC1367

FLORIDA WOMAN SUES OVER INJURIES CAUSED BY RHINO ROLLOVER

"A Florida woman has filed a lawsuit against Cypress, CA, based Yamaha Motor Corporation, USA, over injuries she sustained when the Yamaha Rhino utility ATV she was riding in rolled over and trapped her underneath," informed *MarketWatch.com*. The site told us the suit was filed in the Circuit Court for the Fifth Judicial Circuit in Marion County, FL. [redacted], 38, of Ocala, FL, was riding in a Yamaha Rhino on Jul. 7, 2007, in Silver Springs, FL, when the driver attempted to negotiate a simple turn on relatively flat terrain," it explained, adding, "Though the Rhino was traveling at a very low speed, it flipped over onto its right side, pinning [redacted] under the vehicle." The accident is said to have left her with a severe brain injury that required doctors to place a permanent stent in her brain to allow fluid to drain into her stomach. The Florida lawsuit is just the latest against Yamaha, *MarketWatch.com* said, and the U.S. Consumer Product Safety Commission is investigating accidents, injuries and deaths involving the Rhino and other such vehicles.

ATV TRAIL FEES TO INCREASE

According to the *Branson Daily News*, ATV and offroad motorcycle trail riders will have to pay an increase in permit fees for the Mark Twain National Forest, for the first time in 12 years. "The two motorized trails affected are Sutton's Bluff in Reynolds County and Chadwick in Christian County, which is popular in southwest Missouri," the paper said. The new fees will begin on Jan. 1, 2009 and the permit will increase from \$5.00 to \$7.00 and the annual pass will go up from \$35.00 to \$45.00, it explained. Kris Swanson, integrated resources staff officer with the National Forest Service, said more people are using the trails every year and maintenance costs per mile, and miles needing maintenance, are also increasing, the *News* told us, adding maintenance costs for the 103 total miles of motorized trails run between \$2,500 to \$15,000 per mile

Austria." Another 430 blue-collar workers will reportedly be laid off temporarily this quarter and 370 line workers were said to have been laid off in the last quarter. BRP will also cut 20 percent of its products, hoping to result in significant savings, *Canada.com* concluded.

U.S. & CANADA AGREE TO PROMOTE OHV RECREATION IN N.A.

The National Off-Highway Vehicle Conservation Council (NOHVCC) announced that, through a Memorandum of Understanding (MOU), the Canadian Off-Highway Vehicle Distributors Council (COHV) in partnership with All-Terrain Quad Council of Canada (AQCC) and the Motorcyclists Confederation of Canada (MCC), will work together to provide a wide spectrum of programs, materials and information to further a positive future for responsible off-highway vehicle (OHV) recreation in North America. "The mission of NOHVCC and the aims and goals of COHV are parallel and a strong OHV community in both the United States and Canada is mutually beneficial," said Russ Ehnes, executive director of the NOHVCC. He continued, "Together, the NOHVCC and the COHV and its partners, the AQCC and the MCC, enter into this MOU to mutually strengthen responsible OHV recreation in both countries." The MOU, reportedly signed during the AQCC's annual general meeting in September, is said to allow the AQCC and the MCC to appoint one NOHVCC partner for each Canadian province and territory who will in turn work with their NOHVCC counterparts, fulfilling those duties agreed upon by the NOHVCC and the COHV. "The AQCC, MCC and NOHVCC will work cooperatively to share and distribute existing NOHVCC/COHV information, materials, products and programs in Canada and the U.S., while approaching the development of new information and programs in a manner that is adaptable and useful in both the U.S. and Canada," added NOHVCC Communications Director Steve Casper.

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ATVS NOT ALLOWED ON

The Humboldt Sun - August 21, 2007

MASTER [REDACTED]

[REDACTED] age 14, passed away on Aug. 7, 2007, at Onion Reservoir due to a tragic ATV accident.

[REDACTED] was born Nov. 25, 1992, in Winnemucca to [REDACTED] by and [REDACTED]

[REDACTED] would have entered the 9th grade this year. [REDACTED] loved skateboarding, golf and art.

He is survived by his parents; [REDACTED] by and brother [REDACTED], all of Winnemucca; grandparents [REDACTED] and [REDACTED] of Kansas; [REDACTED] and [REDACTED] of Nevada; aunt [REDACTED] and cousin [REDACTED], all of Winnemucca; aunt and uncle [REDACTED] and [REDACTED] and cousins [REDACTED]; aunt and uncle [REDACTED] along with cousins [REDACTED] of Denver, Colo., aunt and uncle [REDACTED] and [REDACTED] of Kansas; aunt [REDACTED] along with cousins [REDACTED], all of Minnesota; uncle and aunt [REDACTED] and [REDACTED] and [REDACTED] of Winnemucca; uncle [REDACTED] of Kansas and [REDACTED] of New Mexico.

Funeral Services were held on Friday, Aug. 10, 2007, at 10 a.m. at the Winnemucca Christian Fellowship Church, with Pastor Mark Clendenen officiating. Albertson Funeral Home was in charge of funeral arrangements.

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Circulation = 2811

WEEKLY

01/08/2009



Lawyers claim Yamaha Rhino is unsafe vehicle

BY SCOTT BOYD
MaconBeacon@aol.com

Four teenage girls miraculously survived an ATV crash last week near Brooksville.

The accident occurred on the afternoon of Dec. 30 on St. Paul Church Road, a gravel road that winds around the western shore of Land O'Lakes. The girls were all thrown from the Yamaha Rhino four-wheeled, utility-styled ATV after they lost control and flipped the vehicle.

Two of the girls on the vehicle were sisters, ~~_____~~, 15, and ~~_____~~, 14. The Ford sisters are granddaughters of longtime Land O'Lakes residents ~~_____~~ and ~~_____~~. Also among the passengers were friends of the Ford sisters, ~~_____~~, 16, and ~~_____~~, 14, both of Meridian.

~~_____~~, mother of the ~~_____~~ sisters, said her daughters have recuperated from minor injuries and were back in school Monday at Central Academy. Pollard and ~~_____~~ suffered more serious injuries, but none that are life-threatening. ~~_____~~ is recuperating from a broken clavicle and some broken ribs. ~~_____~~ suffered damage to one of her knees that may require surgery to repair.

The Rhino ATV belongs to ~~_____~~

Yamaha is facing numerous lawsuits around the U.S. in response to Rhino accidents similar to the one at Brooksville last week - many with more serious consequences.

■ ATV crash

■ Continued from Page One

In October two young Olive Branch, Miss. girls were killed when they crashed a Rhino near their home. It reportedly flipped as it went off the pavement in their subdivision of Hwy. 305 in the Lewisburg community.

The internet is loaded with web sites hosted by lawyers seeking clients who have been injured in Rhino accidents.

One of those law firms, Steigerwall and Associates of San Diego, Calif. claims Yamaha is liable for the accidents because the vehicle's design makes it prone to rollover accidents. "The height of the Rhino partnered with its narrow wheel base creates a high center of gravity. Even when used at its minimum speed capacity, the Rhino's disproportionate design makes it a hazardous vehicle to operate or ride passengers in," says lawyer Kerry Steigerwall.

■ See ATV crash on Page 2

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10-year-old dies in ATV crash in Wilcox County

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- 12th Annual Thunder in the Valley Air Show to be March 21 and 22
- Wal-Mart awards bonuses
- Local projects make stimulus list
- IRS: Super Saturday!
- Investigators identify body of man found in dumpster
- Local men allegedly deal drugs with kids in car
- Etiquette in this Economy

Associated Press - March 17, 2009 8:34 AM ET

CAMDEN, Ala. (AP) - An accident on an all-terrain vehicle over the weekend left a 10-year-old Guntersville girl dead in Wilcox County.

Wilcox County Coroner [redacted] said the crash occurred Saturday. He said the four-wheeler overturned killing [redacted] [redacted], a 4th grade student at Cherokee Elementary School.

[redacted] said the girl died of her injuries at Vaughn Regional Medical Center in Selma.

No other information was available about the accident.

Funeral services are scheduled for Wednesday at 2 p.m. at Guntersville High School.

Information from: The Sand Mountain Reporter, <http://www.sandmountainreporter.com/>

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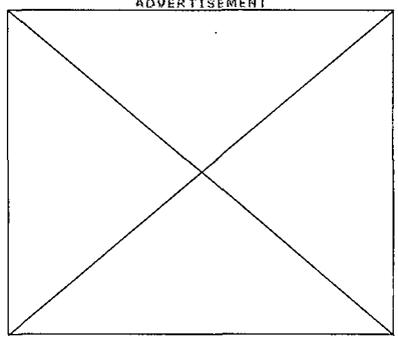


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CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT Tracy Heavyrunner	2. PHONE NO. (HOME) 435-668-5164	(WORK) unknown
3. STREET ADDRESS 239 W. Mustang Rd	4. CITY Enoch	ST ZIPCODE UT 84721
4a. EMAIL ADDRESS	4b. INCIDENT CITY Enoch	ST ZIPCODE UT 84721

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 Consumer is aware on CAP for NR 09-172 involving the product.
 - cont - *Not until after injury - found out 9/6/09*

6. DATE OF INCIDENT(S) 04/06/2009	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 36 Y/M AND DESCRIBE INJURY legs contusion, lung damage, and broken jaw and teeth	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME unknown RELATIONSHIP husband
--------------------------------------	---	---

9. DESCRIPTION OF PRODUCT all terrain vehicle	10. BRAND NAME Yamaha Rhino 660
--	------------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE unknown MFR/PRVLBR NOTIFIED unknown COMMENTS: <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input type="checkbox"/> EXCISIONS/FOIA EXS. 04/13/2009 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY <i>6/15/09</i>	12. MODEL, SERIAL #'s, DATE OF MFR vin 5y4am08y37a020094 / dom 2007	13. DEALER'S NAME, ADDRESS & PHONE Cedar City Dealer - <i>Cedar City Motor Sports</i> Main St. Cedar City, UT unknown
--	--	---

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 05/10/2008 AGE 1Y	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: no
---	---	---

17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? <i>Yes</i>	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
--	---	---

FOR ADMINISTRATION USE

20. DATE RECEIVED 04/10/2009	21. RECEIVED BY (NAME & OFFICE) jft/HL	22. DOCUMENT NO. H0940131A
23. FOLLOW-UP ACTION	24. PRODUCT CODE(S) 3286	
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE jft.04/10/2009	

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT Tracy Heavyrunner		2. PHONE NO. (HOME) (WORK) 435-668-5164 unknown	
3. STREET ADDRESS 239 W. Mustang Rd		4. CITY Enoch	ST ZIPCODE UT 84721
4a. EMAIL ADDRESS		4b. INCIDENT CITY Enoch	ST ZIPCODE UT 84721

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Consumer is aware on CAP for NR 09-172 involving the product.

- cont - *Not until after injury - found out 4/6/09*

6. DATE OF INCIDENT(S) 04/06/2009	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 36 Y/M AND DESCRIBE INJURY legs contusion, lung damage, and broken jaw and teeth	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME unknown RELATIONSHIP husband
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9. DESCRIPTION OF PRODUCT all terrain vehicle	10. BRAND NAME Yamaha Rhino 660
--	------------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR vin 5y4am08y37a020094 / dom 2007	13. DEALER'S NAME, ADDRESS & PHONE Cedar City Dealer - <i>Cedar City Motor Sports</i> Main St. Cedar City, UT unknown
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14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 05/10/2008 AGE 1 Y
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: no

17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? <i>Y/N</i>	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
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FOR ADMINISTRATION USE

20. DATE RECEIVED 04/10/2009	21. RECEIVED BY (NAME & OFFICE) jft/HL	22. DOCUMENT NO. H0940131A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3286
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE jft 04/10/2009

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT Tracy Heavyrunner		2. PHONE NO. (HOME) 435-668-5164		(WORK) unknown	
3. STREET ADDRESS 239 W. Mustang Rd		4. CITY Enoch		ST UT	ZIPCODE 84721
4a. EMAIL ADDRESS		4b. INCIDENT CITY Enoch		ST UT	ZIPCODE 84721

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Consumer is aware on CAP for NR 09-172 involving the product.

- cont -

6. DATE OF INCIDENT(S) 04/06/2009	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 36 Y/M AND DESCRIBE INJURY legs contusion, lung damage, and broken jaw and teeth	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME unknown RELATIONSHIP husband
---	--	--

9. DESCRIPTION OF PRODUCT all terrain vehicle	10. BRAND NAME Yamaha Rhino 660
---	---

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE unknown unknown ISSUE 29 04/13/2009	12. MODEL, SERIAL #'s, DATE OF MFR vin 5y4am08y37a020094 / dom 2007
	13. DEALER'S NAME, ADDRESS & PHONE Cedar City Dealer Main St. Cedar City, UT unknown

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 05/10/2008 AGE 1Y
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: no

17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
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FOR ADMINISTRATION USE

20. DATE RECEIVED 04/10/2009	21. RECEIVED BY (NAME & OFFICE) jft/HL	22. DOCUMENT NO. H0940131A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3286
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE jft 04/10/2009

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H0940131A

Narrative Continued

Consumer believes the all-terrain vehicle poses accident and injury hazard.

Consumer said the husband was operating the all-terrain vehicle in the back yard while on a flat surface. Consumer said the husband was driving between 5-10 mph when he made a left hand turn and the vehicle flipped over causing him to be thrown from the vehicle. Consumer said the husband suffered a broken jaw, multiple leg injuries, and broken teeth and was rushed to Valley View Medical Center where he was treated for his injuries.

No further information available.

Distributor Phone #:

CPSC Source: NEWS

7/13/09

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT Joshua Ohler		2. PHONE NO. (HOME) 724-887-3908	(WORK) unknown
3. STREET ADDRESS 476 Wesley Chapel Rd		4. CITY Scottsdale	ST ZIPCODE PA 15683
4a. EMAIL ADDRESS		4b. INCIDENT CITY Scottsdale	ST ZIPCODE PA 15683

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 Consume believes the all terrain vehicle poses a fire, burn and safety hazard.
 - cont -

6. DATE OF INCIDENT(S) 04/26/2009	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 25 Y/M AND DESCRIBE INJURY right arm skin burns	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
--------------------------------------	--	--

9. DESCRIPTION OF PRODUCT All terrain Vehicle	10. BRAND NAME Yamaha Rhino
--	--------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE unknown unknown	12. MODEL, SERIAL #'S, DATE OF MFR m# 450
	13. DEALER'S NAME, ADDRESS & PHONE unknown MFR/PROLBR NOTIFIED COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input type="checkbox"/> EXCISIONS/FOIA EXS. ____; <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY

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04/28/2009

3/2/10

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 03/01/2009 AGE 1 M
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: no

17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
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FOR ADMINISTRATION USE

20. DATE RECEIVED 04/27/2009	21. RECEIVED BY (NAME & OFFICE) jft/HL	22. DOCUMENT NO. H0940287A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3286
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE jft 04/27/2009

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT Joshua Ohler		2. PHONE NO. (HOME) (WORK) 724-887-3908 unknown	
3. STREET ADDRESS 476 Wesley Chapel Rd		4. CITY Scottsdale	ST ZIPCODE PA 15683
4a. EMAIL ADDRESS		4b. INCIDENT CITY Scottsdale	ST ZIPCODE PA 15683

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 Consume believes the all terrain vehicle poses a fire, burn and safety hazard.
 - cont -

6. DATE OF INCIDENT(S) 04/26/2009	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 25 Y/M AND DESCRIBE INJURY right arm skin burns	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
--------------------------------------	--	--

9. DESCRIPTION OF PRODUCT All terrain Vehicle	10. BRAND NAME Yamaha Rhino
--	--------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR m# 450
	13. DEALER'S NAME, ADDRESS & PHONE unknown

ISSUE 31
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14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 03/01/2009 AGE 1 M
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: no

17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
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23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3286
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE jft 04/27/2009

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0940287A

Narrative Continued

Consumer was operating the all terrain vehicle when he noticed a back firing sound coming from the vehicle. Consumer said the girlfriend(passenger) noticed flames coming from between the seats of the unit. Consumer said he stopped the unit and they both unstrapped the seat belts and got out of the unit. Consumer said the 2 foot flames began to grow and eventually engulfed the vehicle and destroyed it. Consumer and passenger sustained minor burns during the incident. No injuries reported.

No further information available.

Vict #	Sex	Age	Name	Relationship
2	F	22 Y	unknown	girlfriend

Vict #	Victim Injury Description
2	left arm skin burns

Distributor Phone #:

CPSC Source: NEWS

Doc No: I0940669A

Issue: 31

04/27/2009

090429CCC3546

04/23/2009 16:38:20

Name = [REDACTED]
Address = [REDACTED]
City = Reno
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = The Rhino rolled over on it's side and the leg of a 13 year old boy was broken. He was wearing the seat belt and helmet. The Rhino was not being driven at high speed. We were unaware of any recall or danger regarding this vehicle. We only heard second hand of this through a person in the Guard who had received this notice ... after the incident occurred.

Victim's age at time of incident = 13
Victim's sex = male
Date of incident = 4/19/09
Product involved = Yamaha Rhino 660
Product brand name/manufacture =
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product model and serial number, manufacture date =
Product damaged, repaired or modified = no
If yes, before or after the incident =
Description of damage, repair or modification =
Date product purchased =
Product involved still available = yes
Have you contacted the manufacturer = yes
If not, do you plan to contact them =
Name Release = Release name to manufacturer only

#090504HWE8213 N0950003A 5/4/09

AZ

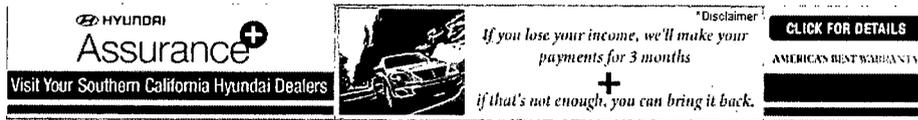
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Apr 27, 2009 1 24 pm US/Pacific

Boy, 10, Killed In Moreno Valley ATV Accident

MORENO VALLEY (CBS) — A 10-year-old boy was killed in an off-road vehicle crash near Moreno Valley, authorities said Monday.

... of Moreno Valley died when the all-terrain vehicle he was riding in overturned and rolled over him, according to the Riverside County Coroner's Office.

The deadly accident took place at 9 p.m. Sunday on residential property near Reche Canyon Road, about a mile west of Moreno Beach Drive, authorities said.

... was in the right seat of the Arctic Cat ATV, which was being driven by 22-year-old ... 21, was seated in the middle of the vehicle, according to the California Highway Patrol.

CHP Officer Sylvia Mosley said Contreras was trying to power the ATV up a steep hill when its "front tires lifted off of the terrain and flipped over backwards."

Mosley said ... unlike ... was not wearing a safety harness and fell out of the vehicle, which rolled over him and continued to roll until coming to rest on its tires at the bottom of the hill.

... was transported to Riverside County Regional Medical Center in Moreno Valley, where he was pronounced dead, the coroner's office said.

... were not injured, and Mosley said there were no arrests pending in connection with the accident.

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A 10-year-old boy was killed in an ATV accident in Moreno Valley.

AP

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Alternative to Open Back Surgery
World Leader of Arthroscopic Procedures for Back and Neck Conditions!
www.laserspineinstitute.com

1 Trick for Flawless Skin
Celebrity Anti-Aging Secrets Revealed. TOP 3 WRINKLE Creams for 2009!
www.BeautyUser.com

Lose 15lbs in 3 Weeks: Free Trial!
Oprah Loves It" and its 100% more effective than Acai. Free Trial!"
www.slim365.com

Doc No: I0950188A

Issue: 32

05/06/2009

090508CCC3573

05/04/2009 22:45:28

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = [REDACTED] was driving our daughter and our niece (age 7) in our back yard when they came around a corner the rhino rolled over injuring all 3 of them with Mark being the worse injured. All 3 were taken by ambulance to the emergency room. [REDACTED] had a head injury . Savanna had a few cuts and bumps on her head, cuts and bruises on her side , hip and leg. [REDACTED] had cuts & bumps to her head, left side and a squished hand. They were all three released that night . [REDACTED] had 2 layers of stitches . This was not the only roll over on this Rhino , however I didn't know it until after the incident. I do not allow people on it now and would greatly appreciate it to be fixed immediately. We spent a lot of money buying it not to mention the extra parts we bought to make it more safe before we heard about a recall.

Victim's age at time of incident = 43 & 9
Victim's sex = female
Date of incident = Sept 30 , 08
Product involved = Rhino 660
Product brand name/manufacturer = Yamaha
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product model and serial number, manufacture date =
Product damaged, repaired or modified = no
If yes, before or after the incident = after
Description of damage, repair or modification =
Date product purchased = 2007
Product involved still available = yes
Have you contacted the manufacturer = yes
If not, do you plan to contact them =
Name Release = Release name to manufacturer only

Doc No: 10950210A

Issue: 32

05/07/2009

0905 08ccc 3585

05/06/2009 01:02:54

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = same
Victim's City = same
Victim's State = Utah
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = I was a passenger in a rhino doing nothing out of the ordinary and the rhino rolled causing me to break my wrist. This was so severe that I had to have my entire wrist replaced. I am not a rooky I grew up on motorcycles and four wheelers and this roll over came out of no where.

Victim's age at time of incident = 33
Victim's sex = female
Date of incident = 07/2008
Product involved = yamaha rhino
Product brand name/manufacture = yamaha
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product model and serial number, manufacture date =
Product damaged, repaired or modified = no
If yes, before or after the incident =
Description of damage, repair or modification =
Date product purchased =
Product involved still available = no
Have you contacted the manufacturer = yes
If not, do you plan to contact them = yes
Name Release = Do not release name

Incident Details

Document 11140510A

Number:

Report 20110421-8FB9A-2147479928

Number:

Who You Consumer

Are:

Incident 2009 Ranger Polaris XP 700.

Description: After only a few months of owning this machine, the plastic posts that hold the seat in place broke while riding down hill. We were fortunate not to slip to the floor and lose control of the machine.

Incident 5/15/2009 This is an estimate

Date:

Incident Place of Recreation or Sports

Location:

Victim Details

First Name:

Last Name:

Injury Injury, No First Aid or Medical Attention Received

Information:

Victim is of No
Hispanic/Latino
origin?

Race: White

Other

Race/Ethnicity:

Source of Respondent - Other

Race

Information:

My Unspecified

Relationship

to Victim:

Gender: Male

Age when 38 Years

incident

occurred:

Address:

E-mail:

Phone

Number:

Product Details

Product 2009 Polaris XP 700 side byside utility vehicle.
Description:

Product Sports and Recreation
Category:

Product Recreational Vehicles (Unlicensed)
Type:

Brand Polaris
Name:

Manufacturer/Private
Labeler
Name:

Model Ranger 700 XP
Name or
Number:

Serial 4XAHH68A394733314
Number:

Date 2/1/2009
Manufactured:

Manufacturer
Date Code:

Manufacturer
Address:

Manufacturer
Website
URL:

Manufacturer
Phone
Number:

Retailer: Cowtown Power Sports
Retailer Texas
State:

Additional Details

Purchase 4/30/2009
Date:

I still have Yes
the product
in my
possession.

The No
product

was
damaged
before the
incident.

The No
product
was
modified
before the
incident.

Have you Yes
contacted
the
manufacturer?

If not, do Not specified
you plan to
contact
them?

Explanation: I have modified the seat post to still use the seat as the manufacture would not warranty this item.

Consent

May we No, do not include my Report on SaferProducts.gov.
include
your
Report,
including
any
documents
or
photographs
that you
have
attached to
your
Report, but
without
your name
and contact
information,
in CPSC's
Public
Database?

May we No, do not release my name and contact information to the product

release
your name
and contact
information
to the
product
manufacturer /
private
labeler
identified
in your
Report?

I certify Yes
that I have
reviewed
the Report
and that
the
information
provided in
this Report
is true and
accurate to
the best of
my
knowledge,
information,
and belief.

OMB Control Number 3041-0146

The Salt Lake Tribune

<http://www.sltrib.com>

Boy hurt when brother's ATV runs over him

By Steve Gehrke And Jason Bergreen

The Salt Lake Tribune

Salt Lake Tribune

Updated:05/19/2009 07:58:21 PM MDT

The Salt Lake Tribune

<http://www.sltrib.com>

A 9-year-old Oakley boy remained in a medically induced coma Tuesday after his 12-year-old brother accidentally backed over him with an ATV the day before.

Oakley 1st Ward LDS Bishop Howard Sorensen said he last heard that the boy will remain that way for three or four days in hopes that swelling in his brain will diminish. He is still listed in critical condition, Sorensen said.

Sorensen described the injured boy as "a bright, young man."

A spokeswoman for Primary Children's Medical Center could not confirm the boy's condition.

The Summit County Sheriff's Office received reports of the accident in Oakley, northeast of Jordanelle State Park, at 8:46 p.m. Monday.

Emergency crews found him unconscious with trauma to his upper torso and head, deputies say.

A helicopter took him to Primary Children's in critical condition.

The Sheriff's Office Traffic Unit has learned the boy was helping his 12-year-old brother to back a Polaris Ranger 4X4 700 into a garage at the family's home.

The 9-year-old boy was standing behind the ATV when his brother lost control and backed over him, the Sheriff's Office said.

Logan Banner
Logan, WV
Circ. 8300
From Page:
1
7/9/2009

ISSUE 44 7-31-2009

Logan fireman runs over 2 with UTV

By MICHAEL BROWNING
Managing Editor

A Logan fireman on a UTV ran over two women Saturday night while they watched the fireworks at the West Virginia Freedom Festival.

Logan Chief E.K. Harper said this morning that Polaris Ranger vehicle on which Logan fireman Gregory Lee Williams was riding malfunctioned and ran over two women who are wives of Logan firemen.

The two women, [redacted] and [redacted], were both transported to

Logan Regional Medical Center, Harper said.

"We believe we had a mechanical malfunction of the vehicle. He got back in it to come back up town and he star it and it was stuck in high with the throttle wide open and he struck two women who were sitting in front of a fire truck right in front of at the fire station," Harper said.

"They were both treated and released. The Hopkins lady had some pretty nasty lacerations to her leg."

Harper said the incident happened at 10:20 p.m. Saturday.

"They were wives of firemen watching the fireworks," Harper, the investigating officer, said.

According to Harper, the Ranger has been sent back to Polaris to be examined. Harper described the vehicle as "a side-by-side ATVs. It's like a Kawasaki Mule. It's a utility vehicle for the fire department and it's insured by the fire department."

Logan Fire Chief Scott Beckett said Williams was

See INCIDENT On Page 6

U0975561

FROM PAGE 1

Incident

not at fault.

"The throttle stuck on the machine," Beckett said. "Our insurance is taking care of it. We were doing a job and a piece of equipment malfunctioned."

Beckett said the incident happened in the fire department bay.

"This was no fault of the operator. We're trying to figure out what happened to the machine," Beckett said. "We were working at the Freedom Festival and the (fireman) got on the ATV and they were getting ready to go back to the Freedom Festival and as soon as he started the key, the engine revved up and the throttle hung wide open on it.

Both were transported and released. One of them had to be stitched up, but she was released. I've already called the insurance company. I've called Polaris and the company we bought it from and our insurance company is sending down mechanical engineers to look at the machine. It was a freak accident."

Davidson, Verlene

From: Nava, Frank
Sent: Monday, April 27, 2009 5:29 PM
To: Davidson, Verlene
Subject: FW: 24-YO Woman Dies After Being Thrown from ATV / Wasilla, Alaska

Doc #.....

From: Englander, Sidney
Sent: Monday, April 27, 2009 7:25 AM
To: Nava, Frank
Subject: FW: 24-YO Woman Dies After Being Thrown from ATV / Wasilla, Alaska

*Sidney C. Englander*

Supervisory Investigator
U.S. CPSC
Western Region
(504)780-9797(voice)
(504)780-7596(fax)
senglander@cpsc.gov

From: Wilson, Barbara
Sent: Monday, April 27, 2009 7:55 AM
To: Englander, Sidney
Subject: 24-YO Woman Dies After Being Thrown from ATV / Wasilla, Alaska

Wasilla woman thrown from ATV dies of injuries

By JAMES HALPIN
jhalpin@adn.com

Published: April 24th, 2009 01:11 PM
Last Modified: April 24th, 2009 01:12 PM

A woman who was ejected this week from an ATV driven by a man later charged with drunken driving has died, according to Alaska State Troopers.

Wasilla resident [REDACTED], 24, died from her injuries at about 1 p.m. Thursday after undergoing emergency surgery and spending five days at Providence Alaska Medical Center, troopers said.

[REDACTED] was fatally injured in an accident at Bogard and Stoney Hollow roads at about 12:35 a.m. Sunday.

Troopers say Wasilla resident [REDACTED], 26, was driving his 2007 Polaris Ranger XL south on Bogard when he took a hard left turn, throwing [REDACTED] out the right side of the vehicle.

Neither person was wearing a seat belt, and [REDACTED] had been drinking, troopers said.

Immediately after the accident, [REDACTED] was arrested on charges of first-degree assault and driving under the influence and booked at the Mat-Su pretrial facility with bail set at \$100,000, troopers said.

Troopers say the investigation is continuing. It was not immediately clear if [REDACTED] would be facing more severe charges.

Barb Wilson

Investigator

U.S. Consumer Product Safety Commission

Houston Field Office

Office: 281-647-0113

Fax: 866-560-5490

bwilson@cpsc.gov

website: www.cpsc.gov

090604 CCC1761

Doc No: I0950859A

Issue: 35

05/27/2009

05/22/2009 15:17:15

Name = [REDACTED]
 Address = [REDACTED]
 City = [REDACTED]
 State = [REDACTED]
 Zip = [REDACTED]
 Email = [REDACTED]
 Telephone = [REDACTED]
 Name of Victim = [REDACTED]
 Victim's Address = [REDACTED]
 Victim's City = [REDACTED]
 Victim's State = [REDACTED]
 Victim's Zip = [REDACTED]
 Victim's Telephone = [REDACTED]

Incident Description = i [REDACTED] was the victim, while riding on the rhino 660 with a male driver we went to make a turn the atv flipped causing me to be ejected the male victim had put his arm over my face the support bars crushed his arm instead of my neck. we were both rushed to the emergency room by a ems later to find the male needed immediate reconstruction surgery on his upper arm, i was told i hade a broken lower leg and my pelvis was shattered and that i might never walk again i had horrible road rash all over my body and to this day i have scars on my whole back and my left knee its not so attractive but after a week in constant care of a nurse to make sure my pelvis didnt move and punture my bladder i was allwoed to return home i wasent able to walk for 1 month and couldnt shower or use the bathroom without sevral people helping me my parents were out of there job due to helping take care of me causing us to loose our income i started high school my 9th grade year in a wheel chair and was on cruches for 4 months after that i found my foot needed pins and screws in it causing for a surgery after another 6 months on cruches i finally was able to be on my own my i know walk and run with a limp. and to this day many scars that cover my back and left leg that cannot be fixed.

Victim's age at time of incident = 14
 Victim's sex = female
 Date of incident = 7/14/06
 Product involved = rhino 660
 Product brand name/manufacturer = yamaha
 Manufacturer street address =
 Place where manufactured (City and State or Country) =
 Product model and serial number, manufacture date =
 Product damaged, repaired or modified = yes
 If yes, before or after the incident = after
 Description of damage, repair or modification = back axel broke and was replaced
 Date product purchased = used in 2006
 Product involved still available = no
 Have you contacted the manufacturer = no
 If not, do you plan to contact them = no
 Name Release = Release name to the manufacturer and public

Streeter, Robin

X096 0271

From: Topka, Tanya
Sent: Tuesday, June 23, 2009 7:21 AM
To: Streeter, Robin
Subject: FW: Maiming of Texas child 822233_1.DOC

090701CCC3707

40

JUN 29 2009

Tanya Topka, Fast Track Compliance Team Lead
U.S. Consumer Product Safety Commission
301-504-7594 Fax: 301-504-0359
www.cpsc.gov www.atvsafety.gov
For Recall Info: <http://www.cpsc.gov/businfo/corrective.html>

From: Vincent, Fabrice [mailto:FVINCENT@lchb.com]
Sent: Monday, June 22, 2009 4:09 PM
To: Topka, Tanya
Cc: tyager@svia.org
Subject: Maiming of Texas child 822233_1.DOC

June 22, 2009

By Email and U.S. Mail

Tanya Topka
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814-4408

Re: 16 year old [REDACTED] of Texas, hand lost by Yamaha Rhino tipover

Dear Ms. Topka:

Ms. [REDACTED] and her family have retained me and my firm to represent them. On April 26, 2009, [REDACTED], a belted, licensed Texas resident, was driving a Yamaha Rhino that rolled over and crushed and destroyed her left hand, which required amputation. The maiming of this child is similar to what happened to licensed and belted [REDACTED] of California when a Rhino tipped over and destroyed and took his left hand. [REDACTED]'s family hopes that lessons can be learned from the loss of her hand that will help prevent needless new Rhino hand amputations. For example, [REDACTED] and her family believe that full Rhino cab doors and/or occupant netting would do much to improve safety and avoid hand amputations like [REDACTED].

090709CCC 2744



X097 0084 A

June 15, 2009



JUL 08 2009

ISSUE 41

The Enquirer

COVINGTON - [REDACTED], 14, died Saturday, June 13, at Memorial Hospital in Manchester, Ky., of injuries sustained in an ATV accident.

He was a student at Holy Cross High School and a member of Holy Cross Church in Latonia who enjoyed skateboarding.

Survivors include his parents, [REDACTED] of Covington; brother, [REDACTED] of Covington; sister, [REDACTED] of Covington; maternal grandparents, [REDACTED] of Wilder; and paternal grandmother, [REDACTED] of Cincinnati.

Visitation will be 9 a.m. until noon Tuesday, June 16, with Mass of Christian Burial following at Holy Cross Church in Latonia. Burial will be in St. Mary Cemetery in Fort Mitchell. Connley Brothers Funeral Home in Latonia is handling arrangements for the family.

Memorials: Holy Cross Church, 3612 Church St., Latonia, KY 41015.

Online condolences to www.connleybrothersfuneralhome.com.

• <http://dunes.cincinnati.com/classifieds/obits/default.aspx> target="_new">Find more current and past obituaries in our database

6/13/2009

14 m

PRODUCER = 5044

YAMASHI RUIHO

(SEE PAGES 2, 3)

Streeter, Robin

From: Topka, Tanya
Sent: Tuesday, June 23, 2009 7:21 AM
To: Streeter, Robin
Subject: FW: death of beloved Josh Davis. 822229_1.DOC

Tanya Topka, Fast Track Compliance Team Lead
U.S. Consumer Product Safety Commission
301-504-7594 Fax: 301-504-0359
www.cpsc.gov www.atvsafety.gov
For Recall Info: <http://www.cpsc.gov/businfo/corrective.html>

From: Vincent, Fabrice [mailto:FVINCENT@lchb.com]
Sent: Monday, June 22, 2009 4:06 PM
To: Topka, Tanya
Cc: tyager@svia.org
Subject: death of beloved Josh Davis. 822229_1.DOC

June 22, 2009

By Email and U.S. Mail

Tanya Topka
United States Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814-4408

Re: 14 year old [REDACTED] of Kentucky, killed by Yamaha Rhino tipover

Dear Ms. Topka:

[REDACTED] of Kentucky has retained me and my firm to represent him. [REDACTED]'s beloved son, 14 year old [REDACTED] was crushed and killed in Kentucky on or about June 14, 2009 when a Yamaha Rhino he was riding upon tipped over, ejected and crushed him. [REDACTED]'s hope is that lessons can be learned from [REDACTED] death that will help prevent needless new Rhino deaths. For example, [REDACTED] believes now that full Rhino cab doors and/or occupant netting would have done much to improve safety and avoid needless deaths such as Josh's.

Thank you.

Holy Cross Student Killed in Accident

Last Update: 6/15 3:03 pm

A sophomore at Holy Cross High School is Covington has died in an accident on a family farm this weekend.

School officials say [REDACTED] flipped a small, personal vehicle, possible a golf cart or an ATV, and was killed. Davis would have been a sophomore in the fall at Holy Cross.

His visitation is Tuesday from 9 a.m. until noon. at Holy Cross with the funeral immediately following.



Josh Davis

Doc No: I0970772A

Issue: 43

07/21/2009

10/30/09

07/20/2009 07:44:21

Name = (b)(6)
 Address =
 City =
 State =
 Zip = 32
 Email =
 Telephone
 Name of
 Victim's
 Victim's
 Victim's
 Victim's

MFR/PRVLBR NOTIFIED

COMMENTS: YES NO
 OVERRULED; ATTACHED

EXCISIONS/FOIA EXS. 6;

DO NOT RE-NOTIFY RE-NOTIFY

3/2/10

Incident Description = Was a passenger in my yamaha rhino when a stick came up through the floor board and hit the underside of my shoe very firmly causing my ankle to be pushed back. there was no open signs of physical trauma but internally I have a swollen ankle and hard to walk on currently. The rhino is equipped with plastic float boards and its a known problem with items beinging able to be pushed through this plastic due to many companies making replacement covers out of aluminum for this exact same problem.

Victim's age at time of incident = 38

Victim's sex = male

Date of incident = 7-19-2009

Product involved = UTV

Product brand name/manufacturer = Yamaha, Rhino

Manufacturer street address = 6555 Katella Avenue

Place where manufactured (City and State or Country) = Cypress, CA 90630

Product model and serial number, manufacture date = Rhino

Product damaged, repaired or modified = yes

If yes, before or after the incident = after

Description of damage, repair or modification = hole in floor board about 4 inches in circumference.

Date product purchased = 2009

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them = no

Name Release = Release name to manufacturer only

07/20/2009 07:44:21

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = Was a passenger in my yamaha rhino when a stick came up through the floor board and hit the underside of my shoe very firmly causing my ankle to be pushed back. there was no open signs of physical trauma but internally I have a swollen ankle and hard to walk on currently. The rhino is equiped with plastic fload boards and its a known problem with items beinging able to be pushed through this plastic due to many companies making replacement covers out of aluminum for this exact same problem.

Victim's age at time of incident = 38
Victim's sex = male
Date of incident = 7-19-2009
Product involved = UTV
Product brand name/manufacturer = Yamaha, Rhino
Manufacturer street address = 6555 Katella Avenue
Place where manufactured (City and State or Country) = Cypress, CA 90630
Product model and serial number, manufacture date = Rhino
Product damaged, repaired or modified = yes
If yes, before or after the incident = after
Description of damage, repair or modification = hole in floor board about 4 inches in circumference.
Date product purchased = 2009
Product involved still available = yes
Have you contacted the manufacturer = no
If not, do you plan to contact them = no
Name Release = Release name to manufacturer only

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.


Signature _____ Date 7-28-09

- I request that you do not release my name.
- You may release my name to the manufacturer but I request that you not release it to the general public.
- You may release my name to the manufacturer and to the public.

Doc No: I0971132A

Issue: 44

07/30/2009

090731 CCC 3838

07/28/2009 15:19:22

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = ?
Victim's Address = ?
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone =

Incident Description = Rhino flipped and driver put foot out to catch it. Both leg bones snapped and broke through skin. Driver was Life Flighted to St. Joseph Hospital in Bryan, TX. He has surgery and later had more surgery due to a stah. infection.

Victim's age at time of incident = 23
Victim's sex = male
Date of incident = March, 2007
Product involved = 2004 Yamaha Rhino 660
Product brand name/manufacture = Yamaha
Manufacturer street address =
Place where manufactured (City and State or Country) = J5 Tractor, Normangee, TX
Product model and serial number, manufacture date = Rhino 660
Product damaged, repaired or modified = no
If yes, before or after the incident =
Description of damage, repair or modification = Frame is bent in rear area
Date product purchased = 2004
Product involved still available = yes
Have you contacted the manufacturer = no
If not, do you plan to contact them = no
Name Release = Release name to manufacturer only

090827 CCC 3927

Doc No: I0980710A

Issue: 47

08/17/2009

08/13/2009 14:15:31

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = He was backing up and turning the Rhino to the left. The ground was flat, dry, & hard, he felt the Rhino tipping stuck out his leg it rolled over on its side and he was pinned two guys rolled the Rhino up on its wheels again to get it off. His leg and ankle crushed with severe wounds.

Victim's age at time of incident = 28
Victim's sex = male
Date of incident = 4/14/07
Product involved = Yamaha Rhino
Product brand name/manufacturer = Yamaha
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product model and serial number, manufacture date =
Product damaged, repaired or modified = yes
If yes, before or after the incident = after
Description of damage, repair or modification = Left rear tail light lens
Date product purchased =
Product involved still available = no
Have you contacted the manufacturer = no
If not, do you plan to contact them = no
Name Release = Release name to manufacturer only

090827CC 3928

Doc No: I0970928A

Issue: 43

07/24/2009

07/22/2009 19:18:37

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = Yamaha rhino was stopped then the driver began a turn to the left and it flipped over on the right side crushing my foot.
Owner of rhino still owns it.

Victim's age at time of incident = 18
Victim's sex = female
Date of incident = 09-22-07
Product involved = Rhino
Product brand name/manufacture = Yamaha
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product model and serial number, manufacture date =
Product damaged, repaired or modified = no
If yes, before or after the incident =
Description of damage, repair or modification = Five point harness added for safety
Date product purchased = 2006
Product involved still available = yes
Have you contacted the manufacturer = yes
If not, do you plan to contact them =
Name Release = Release name to the manufacturer and public

ISSUE 49

JUG 3 1 2009

DINING DEALS NEW CHOICES EVERY FRIDAY

X098 6671

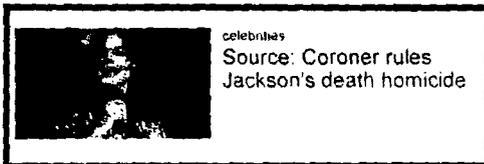
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Man critically injured in ATV crash

August 23, 2009 By The Associated Press

TALKEETNA, Alaska (AP) — A 23-year-old passenger on an all-terrain vehicle was critically injured when it crashed into a tree

Alaska State Troopers say the Anchorage man was on board an ATV, a Polaris Ranger RZR, after 10 p.m. Saturday on a trail near Mile 92 Parks Highway

The four-wheeler is equipped with a windshield and a roll cage

Troopers said the tree entered the cab and hit the passenger in the upper torso. He received injuries to his head and neck.

He was flown to Providence Hospital by Life Guard Air Ambulance

The man's name was not immediately available

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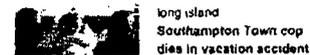
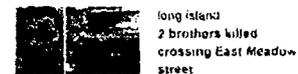
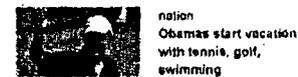


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Alaska 8/22/2009 Product = 5044

AUG 3 1 2009

The Salt Lake Tribune X098 0067

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ATV rider impaled on tree

ISSUE 49

Vehicle hit a bump, she was thrown onto a branch

The Salt Lake Tribune
Salt Lake Tribune

Article Last Updated: 07/12/2008 12:35:26 AM MDT

A woman was impaled by a tree branch while riding an ATV in American Fork Canyon on Friday afternoon.

The 35-year-old woman and her friend were riding a Polaris Ranger in the Tibble Fork section of the canyon when they hit a bump and slammed into a dead tree about 2:15 p.m., said Utah County sheriff's Deputy Collin Gordon.

The injured woman was the passenger in the side-by-side seat on the ATV.

The tree branch, which was about 2 inches in diameter, stabbed a 3-inch wound in the lower-right section of the woman's abdomen, Gordon said. She was able to communicate when rescue workers arrived at the scene, but was flown by helicopter to a Salt Lake County hospital where she was hospitalized for her injuries, he said.

"Based on the information I have, they were serious injuries and she was in critical condition," said Gordon.

The woman's identity and an updated condition were not immediately available on Friday evening.

Gordon said the incident appears to be a "freak accident" and that the driver of the ATV is not at fault.

-The Salt Lake Tribune

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Roane County
Reporter
Spencer, WV
Circ. 2958
From Page:
3
8/27/2009

ISSUE 01 09/30/2009

LOCAL BRIEFS ₉

U0995985

Woman airlifted after utility vehicle accident

An Ambler Ridge woman remains in a Charleston hospital after she was involved in a utility vehicle accident last week. ~~Deel~~, 34, was working around her home at ~~2000 Ambler Ridge~~ when the accident occurred around 5 p.m. Thursday, Walton fire chief Jim Weekley said.

Weekley said ~~Deel~~ was in a Polaris Ranger side-by-side, a four-wheel vehicle that seats two. He said a child may have knocked the vehicle out of gear before it went over an embankment and struck a tree.

"No one seems to know if she was seated in it or trying to get in to set the brake. We never got a clear picture of what happened," Weekley said.

The Roane County Emergency Squad transported Deel to a landing site at Walton, where she was picked up by a helicopter and transported to CAMC General Hospital in Charleston.

A hospital operator said Tuesday that ~~Deel~~ remained a patient at the facility and was under evaluation. A report on her condition was not available.

Doc No: I1010184A

Issue: 15

01/05/2010

01/04/2010 08:31:46

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = Throttle cable froze when riding in the snow and stuck wide open when my son was riding it. He knew the machine well and turned the key off immediately to stop the ATV. He put the ATV in a heated garage and thawed the cable out. Alan Neikirk, a family friend wanted to make sure it was OK before my son rode it and took it out to test it and after 5 minutes of riding it froze open again, but Alan did not know the machine as well and wasn't able to find the key immediately and wrecked the machine, cracking 2 ribs and damaging the body of the machine. That was in 2008. We called the dealer and were told to replace the cable. We did that and the same thing happened this year, this past weekend. I was told by the dealer that he has had the same problem with his machine.

Victim's age at time of incident = 35
Victim's sex = male
Date of incident = 12-29-2008
Product involved = Polaris RAZR ATV
Product brand name/manufacture = Polaris
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product model and serial number, manufacture date =
Product damaged, repaired or modified = yes
If yes, before or after the incident = after
Description of damage, repair or modification = Cracked the plastic body
Date product purchased = 2007
Product involved still available = yes
Have you contacted the manufacturer = no
If not, do you plan to contact them = yes
Name Release = Release name to manufacturer only

X101 0180

JAN 19 2010

ISSUE 17

49° Medford
 Few Clouds updated 5:53 am

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3 teens recovering after ATV accident near White City



January 18, 2010

By Andrea Calcagno

January 18, 2010

NEAR WHITE CITY, Ore. - Three teenage girls are recovering after rolling an ATV on Highway 140 Monday afternoon.

There were four 16-year-old girls in the vehicle when police say the driver lost control while attempting to cross the highway near mile marker 12.

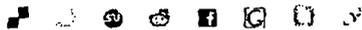
None of the girls were wearing seatbelts. Police say the vehicle flipped multiple times.

"They came out lost control, turned a little bit and rolled the vehicle down the highway multiple times, trapped a couple of the girls under the ATV for a while," said Rebecca Venables with Oregon State Police.

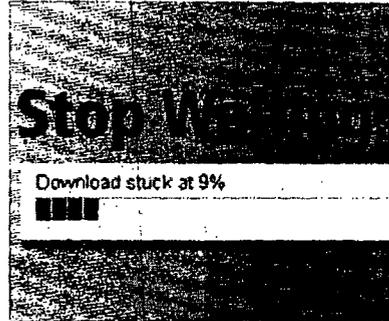
One girl was ejected from the vehicle on its first roll and walked away unharmed. Police say the other girls are recovering from minor injuries in the hospital.

The vehicle was not street legal, but the driver did have a valid driver's license. Police say there is a law now requiring seatbelts to be worn in ATVs. The driver could face a careless driving ticket or reckless endangerment.

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1/18/10
16 F

product code = 5044

MAR 25 2010

X103 0379

Man sues Yamaha Motor Corporation for injuries

3/22/2010 2:00 PM By Kyla Asbury -Kanawha Bureau

ISSUE 26

CHARLESTON -- A Charleston man who claims Yamaha Motor Corporation failed to consider facts and circumstances surrounding the safety of one of its vehicles, is suing after he was injured.

Yamaha Motor Manufacturing Corporation of America and Yamaha Motor Co. LTD were also named in the suit.

[REDACTED] purchased a Rhino off-road vehicle in May 2008, according to a complaint filed March 2 in Kanawha Circuit Court.

On May 8, 2008, Seabolt claims while riding in the front passenger seat near a flat area at a low-rate speed the Rhino tipped/rolled over, pinning his right leg. Seabolt claims he incurred medical expenses of approximately \$100,000.

[REDACTED] claims he sustained extreme physical pain and suffering; extreme mental anguish and suffering; permanent physical impairment; loss of wages and benefits; loss of future earning capacity and benefits; los of capacity to enjoy life; medical expenses; annoyance and inconvenience; and permanent scarring and disfigurement.

"The Rhino is defective and unreasonably dangerous as designed, developed, engineered, manufactured, assembled, wholesaled, distributed, marketed and sold, and was defective and unreasonably dangerous at the time it left the possession of the defendants," the complaint states.

[REDACTED] is seeking compensatory and punitive damages. He is being represented by Robert V. Berthold Jr. and Robert V. Berthold III.

The case has been assigned to Circuit Judge James C. Stucky.

Kanawha Circuit Court case number: 10-C-394

WV
5/8/08
product code = 5044

100326CC 2502

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT ██████████	2. PHONE NO. (HOME) (WORK) ██████████ ██████████
-------------------------------------	---

3. STREET ADDRESS ██████████	4. CITY ██████████	ST WI	ZIPCODE 53144
---------------------------------	-----------------------	----------	------------------

4a. EMAIL ADDRESS none	4b. INCIDENT CITY ██████████	ST WI	ZIPCODE 53144
---------------------------	---------------------------------	----------	------------------

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 About 9/02/09, the consumer had been driving the rhino about 25 to 30 miles per hour for about a half an hour, when he turned in
 - cont -

6. DATE OF INCIDENT(S) 09/02/2009	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 39 Y/M AND DESCRIBE INJURY left leg was crushed	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME Reese Iwen RELATIONSHIP self
--------------------------------------	--	--

9. DESCRIPTION OF PRODUCT 450 Yamaha Rhino 4 wheel side by side	10. BRAND NAME Yamaha
--	--------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Yamaha unknown unknown unknown unknown ISSUE 26 03/24/2010	12. MODEL, SERIAL #'S, DATE OF MFR unknown
	13. DEALER'S NAME, ADDRESS & PHONE Bittner's Yamaha unknown Park Falls, WI unknown

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES IF YES, BEFORE OR AFTER THE INCIDENT? AFTER DESCRIBE: side panels and row bar was dented	15. PRODUCT PURCHASED NEW DATE PURCHASED 06/15/2007 AGE 2 Y
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: none

17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? not sure	18. IS THE PRODUCT STILL AVAILABLE? NO IF NOT, ITS DISPOSITION someone bought it	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
---	---	---

FOR ADMINISTRATION USE

20. DATE RECEIVED 03/23/2010	21. RECEIVED BY (NAME & OFFICE) bjb/HL	22. DOCUMENT NO. H1030381A
---------------------------------	---	-------------------------------

23. FOLLOW-UP ACTION	24. PRODUCT CODE(S) 3286
----------------------	-----------------------------

25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE bjb 03/23/2010
------------------	---

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H1030381A

Narrative Continued

grass. He was turning left when the rhino rolled over on top of him.

The brake level went into the calf of his left leg. An EMT who was with him helped get it off him. His leg was bleeding and pants was soaked with blood.

He was taken to the hospital. They put a drain tube in his leg and stitched it up. There were 9 stitches. He was released a couple of hours later, and given pain pills and an antibiotics.

About 3 days later his leg started to get infected, the skin was turning purple and it was swelling. He was taken to the hospital and they kept him. The consumer stayed in the hospital 7 to 9 days. They had to do surgery which consisted in cutting around the wound and getting all of the debris out.

The consumer has an attorney, but haven't talked with the manufacturer yet. He isn't sure if the attorney has spoken to them.

Distributor Phone #:

CPSC Source: UNK

Doc No: I1040196A

Issue: 28

04/06/2010

04/04/2010 13:14:19

Name = Jerry L Baker
Address = 131 Alberta Street
City = Martin
State = Tennessee
Zip = 38237
Email = jb101@charter.net
Telephone = 731-587-6837
Name of Victim =
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description = I bought a (New) 2009 Polaris Ranger Crew from an authorized Polaris Dealer in Dyersburg Tennessee (Outer Limit Power Sports) on February 2, 2010. The third time I had the Polaris Ranger out of my shop was on March 10, 2010 when my wife and I were checking trails in the woods on a farm I deer hunt on. We were on the very back side of the farm on a dead end trail and I had to backup to get turned around. I looked in the rear view mirror to backup and saw flames coming from the right side tail light area. My wife and I had jackets in the bed of the Polaris Ranger incase the weather turned cool before we returned. We used these two jackets to extinguish the blaze. I had to pull the tail light lens and lens frame down far enough so my jacket would fit in to try to extinguish the blaze. My wife was assisting me trying to put out the fire with her jacket and also she was stomping leaves on the ground with her feet trying to put them out before it set the woods on fire.

When the incident was over my wife had to keep ice on her fingers for two days from the burns. I had large blisters on the palm of my left hand due to pulling the lens frame down to put my jacket inside to put the fire out, also deep burning to the top of my right hand, due to melting plastic from the fender. Oh yes, the two fleece jackets has burn holes all over (just purchased this past fall).

I took the Polaris Ranger to the dealership I purchased it from the same afternoon of this incident. I was told it was on recall for catching fire at the tail light area. When I got home from the dealership I did some investigating about the recall and I found out it has been on recall since August 4, 2009. I was told my Ranger will be ready for pickup on March 17th or 18th. It was April 3rd when I received it. I did take pictures of the fire damage to the Polaris Ranger before I carried it back to the dealership.

So as I see it I bought a (New) 2009 Polaris Ranger Crew off a Polaris Dealership showroom floor that has been on recall for at least six (6) months prior to my purchase and I understand it takes approximately 12 minutes to repair the "Recall". Looks to me like the dealership is negligent and should reimburse my expenses and also pain and suffering caused by the burns to my wife and myself.

Victim's age at time of incident =

Victim's sex =

Date of incident = 03/10/10

Product involved = 2009 Polaris Ranger Crew

Product brand name/manufacturer = Polaris Industries, Inc.

Manufacturer street address = 2100 Highway 55

Place where manufactured (City and State or Country) = Medina, MN 55340

Product model and serial number, manufacture date = Model R09WH68AG Serial # 4XAWH68A192718510

Product damaged, repaired or modified = yes

If yes, before or after the incident = after

Description of damage, repair or modification = Fire damage to right rear tail light area and fender

Date product purchased = 03/10/10

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them = yes

Name Release = Release name to the manufacturer and public

07/26/2010 09:46:05

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED] 50

Incident Description = Rhino atv rollover accident, I was a passenger when this vehicle flipped and nearly decapitated my leg. I received an emergency surgery to try and save my leg. I now have screws and a metal rod as part of my body now. I have an 8 inch gash on my leg and I still can't walk, it's been 7 weeks and my bone shows no signs of fusing at this time. Thank you.

Victim's age at time of incident = 47
Victim's sex =
Date of incident = 05-27-2010
Product involved = Rhino two seater atv
Product brand name/manufacturer = Yamaha
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product model and serial number, manufacture date =
Product damaged, repaired or modified =
If yes, before or after the incident =
Description of damage, repair or modification =
Date product purchased =
Product involved still available =
Have you contacted the manufacturer = no
If not, do you plan to contact them =
Name Release = Release name to the manufacturer and public

4/30/10

Doc No: I1040196A

Issue: 28

04/06/2010

04/04/2010 13:14:19

Name = Jerry L Baker
Address = 131 Alberta Street
City = Martin
State = Tennessee
Zip = 38237
Email = jb101@charter.net
Telephone = 731-587-6837
Name of Victim =
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

MFR/PRVLBR NOTIFIED

Apr 2/4/11

COMMENTS: YES NO
 OVERRULED; ATTACHED

EXCISIONS/FOIA EXS. _____;

DO NOT RE-NOTIFY RE-NOTIFY

Incident Description = I bought a (New) 2009 Polaris Ranger Crew from an authorized Polaris Dealer in Dyersburg Tennessee (Outer Limit Power Sports) on February 2, 2010. The third time I had the Polaris Ranger out of my shop was on March 10, 2010 when my wife and I were checking trails in the woods on a farm I deer hunt on. We were on the very back side of the farm on a dead end trail and I had to backup to get turned around. I looked in the rear view mirror to backup and saw flames coming from the right side tail light area. My wife and I had jackets in the bed of the Polaris Ranger incase the weather turned cool before we returned. We used these two jackets to extinguish the blaze. I had to pull the tail light lens and lens frame down far enough so my jacket would fit in to try to extinguish the blaze. My wife was assisting me trying to put out the fire with her jacket and also she was stomping leaves on the ground with her feet trying to put them out before it set the woods on fire.

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I took the Polaris Ranger to the dealership I purchased it from the same afternoon of this incident. I was told it was on recall for catching fire at the tail light area. When I got home from the dealership I did some investigating about the recall and I found out it has been on recall since August 4, 2009. I was told my Ranger will be ready for pickup on March 17th or 18th. It was April 3rd when I received it. I did take pictures of the fire damage to the Polaris Ranger before I carried it back to the dealership.

So as I see it I bought a (New) 2009 Polaris Ranger Crew off a Polaris Dealership showroom floor that has been on recall for at least six (6) months prior to my purchase and I understand it takes approximately 12 minutes to repair the ~~Recall~~ Recall. Looks to me like the dealership is negligent and should reimburse my expenses and also pain and suffering caused by the burns to my wife and myself.

Victim's age at time of incident =

Victim's sex =

Date of incident = 03/10/10

Product involved = 2009 Polaris Ranger Crew

Product brand name/manufacturer = Polaris Industries, Inc.

Manufacturer street address = 2100 Highway 55

Place where manufactured (City and State or Country) = Medina, MN 55340

Product model and serial number, manufacture date = Model R09WH68AG Serial # 4XAWH68A192718510

Product damaged, repaired or modified = yes

If yes, before or after the incident = after

Description of damage, repair or modification = Fire damage to right rear tail light area and fender

Date product purchased = 03/10/10

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them = yes

Name Release = Release name to the manufacturer and public

X1040389

APR 27 2010

ISSUE 31

The Salt Lake Tribune

TUESDAY, April 27, 2010

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 - Utah teen mowing lawn hits old canister of TNT
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 - Poll stunner: Bennett on brink of defeat
 - Could Chaffetz top Hatch in 2012?
 - Lawmaker wants to bring Arizona immigration law to Utah
 - Pay cuts take toll on Sheriff's Office
 - Four St. George high schools allow gay clubs
 - McEntee: Louise Gardens - a little bit of magic
 - Millard County looking for two burglary suspects
 - Woman who covered up slayings of mother and son will serve up to 15 years in prison
 - Don't put away your snowblower just yet
 - Idaho Falls body likely woman reported missing 3 years ago
 - Interior boss eager to compromise on Utah land issues
 - Former pastor sentenced for exposing himself on Web camera
 - Con man was quick to leave town after Wright's arrest for killing coach
 - Police arrest Clearfield man wanted in girlfriend's assault
 - Two men aboard raft made of logs killed in Zion
 - Group arrested after home invasion, crash
 - Navajo Nation celebrates sovereignty with holiday
 - Order bars dad from discussing polygamy
 - Utah's extreme weather star had a workout this winter
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Charges could be filed in ATV accident

Iron County » Five girls ranging in age from 5 to 9, the youngest one suffering head trauma.

By Mark Haynes
The Salt Lake Tribune

Updated: 04/19/2010 05:48:09 PM MDT

Cedar City » A 5-year-old Beryl girl is recovering from injuries she received when the all-terrain vehicle she was riding with four other girls hit a tree. Police said Monday they will have the case screened for possible negligence charges.

Iron County Sheriff Mark Gower said his office was still investigating Wednesday's crash of the Yamaha Rhino, an ATV that drives like a small truck with a bed and roll bar.

Gower said the girls were riding on a private ranch in the rural residential community 40 miles west of Cedar City when the 9-year-old driver apparently got going too fast and hit a tree.

"The force of the wreck broke the bolts holding the seat," said Gower.

The girls range in age from 5 to 9, and none was wearing a seat belt or helmet, according to Gower. He did not know if they were related.

He said the 5-year-old victim, [REDACTED], suffered head trauma from the roll bar and was later flown to Primary Children's Medical Center in Salt Lake City, where a spokeswoman said she was in good condition on Monday.

The other three victims, who suffered minor injuries, had been taken to private homes and Gower said deputies had to track them down. All five girls were eventually taken to Valley View Medical Center in Cedar City. The Carlisle girl was then transferred to Primary Children's.

He said a second victim was admitted to Valley View, but her condition was

unknown Monday.

Gower said investigators were told the girls took the vehicle on their own. While that was still under investigation, he said the youngsters should have been kept from driving the vehicle. "It was negligent and charges could be filed against whoever allowed it or allowed them to continue riding."

He said the owner of the Rhino lives in Colorado City, Ariz., and was not present when the accident occurred.

Ann Evans, off-highway vehicle coordinator for the Utah Division of State Parks, said it is illegal for anyone younger than 8 to drive an ATV on public lands.

Children from 8 to 15 years can only operate an ATV on public lands with a certificate from the state's Know Before You Go safety course. Those 16 and older must have a valid driver license or a certificate.

Evans said the law applies only to riding on public lands and not private property.

She said one disturbing trend she is seeing at popular ATV locations like Little Sahara Recreation Area is mothers riding with babies nestled in chest carriers. That practice is dangerous for infants because of the risk of brain damage.

"Neither do the babies have helmets," she said, "because they don't even make them that small, for obvious reasons."

mhaynes@sltrib.com

More online

To learn more about ATV laws in Utah and to complete the \$30 state-certified safety course, required for operators ages 8 to 16, go to stateparks.utah.gov.

- Most Viewed**
(From the last 12 hours)
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N1040415A 4/28/10

ISSUE 31

Metropolitan Newsclips Service
P.O. Box 3195 • St. Louis, MO 63130

Springfield News-Leader
Greene County
Springfield MO

64853 Daily
97190 Sunday

April 4, 2010

**Springfield teenager
injured in ATV accident**

68 10
A Springfield teen injured in an ATV accident in Mississippi County was airlifted to a hospital with serious injuries Saturday, according to a report from the Missouri Highway Patrol.
The 14-year-old, who was not wearing a helmet, was westbound on County Road 526, about three and a half miles south of East Prairie, when she lost control of her Polaris Ranger about 3:15 p.m., the report said.
The teen was airlifted to St. Francis Hospital in Cape Girardeau.

X1040420
Yamaha named in separate federal lawsuits

4/28/2010 10:35 AM By Kelly Holleran -Kanawha Bureau

~~31~~ 31
APR 29 2010

BECKLEY -- Two West Virginia residents have filed separate suits against a prominent ATV manufacturer, alleging they were injured after their four-wheelers flipped.

[REDACTED] and J [REDACTED], on behalf of her minor daughter [REDACTED] filed federal suits against Yamaha and Yasufuku.

The [REDACTED] say [REDACTED] suffered a partial amputation to the fingers on her left hand when the Yamaha Rhino on which she was riding on July 13 on Wingrove Road near Glen Daniels rolled over.

"As plaintiff was in the process of making a low speed right hand turn, the Rhino tipped/rolled over and plaintiff [REDACTED] instinctively placed her left arm out of the Rhino in an attempt to stabilize the Rhino," the [REDACTED] suit states. "As she did so, the Rhino's roll cage pinned the plaintiff's left hand/wrist causing a partial amputation to her left hand fingers at the scene while she was left trapped beneath the subject Rhino."

A
WV
7/13/09

Because of the rollover, [REDACTED] endured multiple surgeries and skin grafts on her left hand, palm and stomach; was life-flighted to the hospital; and endured prolonged hospital stays, according to the complaint.

In another Rhino-related accident, [REDACTED] says her daughter sustained severe injuries to her left arm when the Yamaha Rhino on which she was riding on July 10, 2007, on Cermuto Road in Raleigh County rolled over.

B
7/10/07

All plaintiffs say the incidents occurred at low rates of speed and on level ground. They blame Yamaha for causing the rollovers because they say the company knew of the Rhino's tendency to roll over on flat terrain, but induced buyers into purchasing what the company advertised as a safer ATV than its competitors.

"The Yamaha defendants designed, warranted, promoted and manufactured the Rhino with ground clearance, a center of gravity and speed higher than any competing side-by-side, all-terrain vehicle," the suit states. "The Yamaha defendants designed and manufactured the Rhino with seatbelts, a roll cage, bucket seats and a steering wheel, which provided the public with the perception and understanding that it was safer than other all-terrain vehicles, including other side-by-side vehicles."

In fact, since the Yamaha Rhino was introduced to the United States market in 2003, it has been involved in numerous rollover accidents, the [REDACTED] claim.

"Defendants continued, for over three years to market, sell and warrant the Rhino as a safe and stable all terrain utility vehicle effectively minimizing or diluting their responsibility for tipover/rollover injuries," the suit states. "While defendants continued to vigorously sell, market, warrant and advertise to the general public, defendants did not warn the public of the Rhino's unreasonably dangerous nature, and represented to the public that injuries caused were due to inappropriate or aggressive driving on uneven or sloped terrain."

It was not until Sept. 11, 2006, when Yamaha sent a notice to some Rhino owners warning them the vehicle could roll over when driven aggressively or on sloping terrain, the [REDACTED] and [REDACTED] claim. It also cautioned owners that in the event of a rollover, they should not stick their arms and legs outside

the vehicle, according to the complaint.

By March 2007, Yamaha realized it could no longer conceal dangerous engineering flaws, so it hired Yasufuku to analyze, re-engineer and correct certain safety features, the suit states.

"No later than March 2007, defendant Yasufuku was subjectively aware of the dangerous nature of the Rhino product, was under direct instructions from the Yamaha defendants to address these hazards, and was consciously engaged as a co-conspirator in concealing said dangers from the general public while its work was underway," the complaint says. "Despite this knowledge of consumer danger and in violation of its contractual and common law duties, defendant Yasufuku failed to take any action whatsoever to remedy this situation and specifically failed to warn the consuming public; request that the Yamaha defendants warn the consuming public; suggest or require a recall; inform the United States Consumer Product Safety Commission; or conduct its re-engineering work in a reasonable and/or timely manner."

After hearing the numerous 2003 complaints, Yamaha should have designed the Rhino with adequate safety features, such as doors or diagonal bars, which would have protected passengers in the event of an unexpected rollover, the suit states.

"At all time relevant hereto, the Yamaha defendants knew that, in the event of a tip-over/rollover, which was a foreseeable event to defendants but a hidden danger to consumers, there was a high likelihood of an occupants lower and upper extremities coming outside of the frame and being injured and/or crushed," the complaint says. "The Yamaha defendants knew that safety features such as doors were necessary to reduce the risk of injury to the public, including plaintiff, who would unexpectedly be injured, but consciously chose to design, warrant, manufacture, and market the Rhino without implementing such safety features or provide any warning that the Rhino was unreasonably dangerous and would tip/rollover during slow speed turns on flat, even terrain."

Because of [REDACTED]'s and [REDACTED]'s rollover incidents, they say they experienced extreme physical pain, suffering and physical impairment; lost wages, their future earning capacity and their ability to enjoy life; incurred medical costs; and suffered annoyance, inconvenience, permanent scarring and disfigurement.

In their five-count suits, the [REDACTED]s and [REDACTED] are seeking an unspecified judgment and punitive damages, plus costs, attorneys' fees and pre- and post-judgment interest.

They are represented by Brett J. Preston and C. Benjamin Salango of Preston and Salango in Charleston and by Michael Olivio and Travis A. Griffith of Olivio and Griffith in Charleston.

U.S. District Court case numbers: 5:10-cv-371 and 5:10-cv-372

ATV crash injures 2 near Blue Grass

- [Story](#)
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[Rick Rector](#) | Posted: Wednesday, September 9, 2009 5:15 am | [Loading...](#)

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Two people were injured Tuesday night in an all-terrain vehicle crash near Blue Grass, Iowa.

The incident occurred at 7:52 p.m. in a farm field in the 15600 block of 90th Avenue, northeast of Blue Grass, according to the Scott County Sheriff's Department.

The two men were injured when the Yamaha Rhino ATV they were operating rolled down an embankment, and they were ejected from the vehicle. Neither man was wearing a seat belt nor helmet, according to Scott County deputies.

The driver, [REDACTED], 52, of rural Davenport was airlifted to Genesis East Medical Center in Davenport by MedForce helicopter with non-life threatening injuries. The passenger, [REDACTED], 25, of rural Blue Grass, received minor injuries, but refused treatment.

The accident remains under investigation by the Scott County Sheriff's Department.

Posted in [Local](#) on *Wednesday, September 9, 2009 5:15 am* Updated: 6:03 am. | Tags: [Blue Grass](#), [Atv](#), [Yamaha](#)

http://www.qctimes.com/news/local/article_177b703c-9d2a-11de-a7dd-001cc4c03286.html

IA
9/8/09
52M/25M
product = SD44

X1060009 JUN 02 2010

ISSUE 36

Yamaha Rhino Jury Verdict In Favor of Plaintiff

Roger and Glenda McTaggart v. Yamaha Motor Corporation

Gwinnet State Court, State of Georgia, Civil Action No.: 08C-18950-2

5/14/07
product code = 5049

Plaintiff's Counsel: Andy Childers of Childers, Schlueter & Smith, LLC and along with Robert Blanchard and Kim Lambert of Levin, Papantonio, Thomas, Mitchell, Echsner, & Proctor.

Mr. and Mrs. ██████████ purchased a Yamaha Rhino utility-terrain vehicle (UTV) on October 10, 2006 from D&H Cycle in Cullman, Alabama. Little did they know at the time that the vehicle was at serious danger of rollovers, even at low speeds.

Yamaha first began producing the Rhino UTV in 2003. So many complaints were made about the vehicle's instability that the company issued a safety letter in September 2006, including warning labels that owners could place on the vehicle. The letter downplayed the conditions that could cause a rollover and made no mention of possible rollovers at low speeds on flat terrain.

On May 14, 2007, ██████████ was operating his Rhino on uneven, but flat grass-covered terrain. After stopping the UTV, Robert resumed a forward motion while steering to the right. The Rhino tipped onto the driver's side, trapping his leg under the vehicle, causing severe and permanent injuries. Yamaha also failed to put compartment doors on the Yamaha Rhino to prevent riders legs from becoming entrapped outside the vehicle in the event of a roll over.

The UTV's combination of a powerful engine, high center of gravity, narrow wheelbase and small tires can cause the UTV to rollover even at speeds as low as 13 mph. The vehicle's 1,100-pound weight, absence of proper restrains and lack of side doors make it easy for occupants to fall from the passenger compartment and sustain crushing injuries. This is just what happened to ██████████

This unstable design makes the Rhino unsafe for its intended purpose of off-road riding. The vehicle is so prone to tipping that 59 riders had been killed in Rhino accidents as of August of 2009 according to reports. ██████████ counts himself among the lucky survivors but still suffers from the injuries he sustained while using the Yamaha Rhino 660.

A Gwinnett County jury awarded \$317,000 to ██████████ and his wife to cover past and future medical expenses that were a direct result of the incident, ██████████'s pain and suffering loss of consortium damages to ██████████. This is the first successful jury verdict against Yamaha and the Rhino 660.

This Yamaha Rhino jury verdict validates the U.S. Consumer Product Safety Commission's initial concerns and opinions as detailed by Myron Levin of CBS News. In a news piece on the Yamaha Rhino on August 4, 2009, we learned:

The Rhino has "significant problems," said Inez Tenenbaum, who in June became chairman of the U.S. Consumer Product Safety Commission. "The public needs to be aware that, already, 59 people have been killed in these vehicles."

...

In an interview with CBS News, Tenenbaum said the safety commission is continuing

to investigate. She said that if the Rhino is found to be too dangerous even with the changes, she would be willing to seek a ban.

This case is likely to set precedent for hundreds of pending Multidistrict Litigation classes that are waiting to be tried. All pending lawsuits against Yamaha and the Rhino 660 filed in federal court have been gathered for pretrial litigation in the Western District of Kentucky under U.S. District Judge Jennifer B. Coffman. Judge Coffman will preside over a five-trial sampling of cases, scheduled to begin October 18, 2010. Subsequent bellwether cases are scheduled for November 15, November 29, December 13, and January 10, 2011. There are also numerous individual cases still pending in California and Georgia, where the [REDACTED] case was heard and tried.

This entry was posted on Tuesday, May 25th, 2010 at 6:48 pm and is filed under [News](#). You can follow any responses to this entry through the [RSS 2.0 feed](#). You can [leave a response](#), or [trackback](#) from your own site.



ISSUE 36 6/02/2010

Jackson Co. man pinned under ATV

MAQUOKETA, Iowa – A rural Maquoketa man was pinned under an all-terrain vehicle for three hours while rescuers searched for him in a heavily wooded area Sunday night.

██████████, 31, was reported missing at 11:07 p.m. from 9343 95th Ave., which also is the Bluff Lake Catfish farm northwest of Maquoketa, Jackson County sheriff's deputy Mike Peters said.

Maquoketa Rescue Squad members, law enforcement and Monmouth First Responders began looking for Kuhlman. MedForce was called in to help in the search.

Residents near 90th Street, about a mile from ██████████'s home, woke up to hear Kuhlman's call for help. ██████████ was taken by ambulance to Jackson County Regional Health Center with minor injuries to his ankle.

The deputy said ██████████ was driving south on 90th Street when the Polaris Ranger 4x4 hit a rut. ██████████ lost control and the ATV landed on its side, pinning him underneath.

– Sheri Melvold

X107 0821

California jury finds Yamaha not at fault for injuries in crash of Rhino off-road vehicle

ISSUE

44

JUL 30 2010

Associated Press
07/28/10 6:41 PM EDT

SANTA ANA, CALIF. — A California jury says Yamaha Motor Corp. USA is not liable for injuries a man suffered when he crashed in one of the company's off-road vehicles.

The case was the first to go to trial among more than 170 lawsuits filed in California over the company's Rhino brand of vehicles. The cases are all being heard in Orange County Superior Court.

The plaintiff, ██████████, argued that defects in his 2005 Rhino 660 caused it to roll, fracturing two bones in his left leg.

Yamaha says the jury's verdict Monday shows the vehicle's design did not cause the crash.

██████████ attorney did not immediately return messages seeking comment.

Cypress, Calif.-based Yamaha faces about 400 other lawsuits over the Rhino in federal and state courts in Kentucky and Georgia.

Product code = 5044

Injury date: April 2006

X108 0056 AUG 10 2010

46

Yamaha sued over defective Rhino

8/9/2010 10:49 AM By Michelle Massey, East Texas Bureau

TYLER-Two Montgomery County residents have filed a lawsuit against Yamaha after the Yamaha Rhino they were riding in allegedly rolled over, injuring both of them.

[REDACTED], III and [REDACTED] filed suit against Yamaha Motor Corp. U.S.A. on July 6, 2010 in Cherokee County District Court. Yamaha removed the case to federal court in Tyler on Aug. 3.

The incident occurred on Nov. 27, 2009, as [REDACTED] was operating a 2008 Yamaha Rhino with [REDACTED]. The vehicle allegedly rolled over while making a left hand turn and injured both of the occupants.

[REDACTED] and [REDACTED] allege that that vehicle is defectively designed, manufactured, and marketed. Claims of action filed against the defendant include strict liability, negligence, and breach of warranty.

The plaintiffs are seeking damages for medical care and expenses, physical pain and suffering, physical impairment, loss of parental consortium, property damages, and mental anguish.

The petitioners are represented by Richard C. Dalton of Scott, La., and Kevin R. Duck of Duck Law Firm in Lafayette, La.

U.S. District Judge Leonard Davis is assigned to the case.

Case No. 1:10cv00454

11/27/09
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product code = 5044

X108 0413

AUG 24 2010

ISSUE

48

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ATV Accident In Danforth Sends 3 To Hospital

Two In Critical Condition, Officials Said

POSTED 1:27 pm EDT August 15, 2010
 UPDATED 7:57 am EDT August 15, 2010

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DANFORTH, Maine -- The Maine Warden Service said three people were hurt -- two with life-threatening injuries -- when their all-terrain vehicle went airborne and into some hemlock trees.

[REDACTED], 20, was driving the Artic Cat on the Brown Road, which leads to a camp on East Grand Lake, the Maine Warden Service said. Also on board were an 8-year-old girl and a 13-year-old girl, from Princeton.

According to the warden service, the 13-year-old was sitting next to Barnes and the 8-year-old was riding in the dump bucket attached to the ATV when the crash occurred.

A dump bucket is like a minitature dump truck bucket, the warden service said. It was on the rear of the ATV.

The ATV went airborne off the trail and hit hemlock trees at about 5:45 p.m. Saturday, the warden service said. Both [REDACTED], and the 8-year-old were ejected from the vehicle. The 13-year-old was wearing a seatbelt.

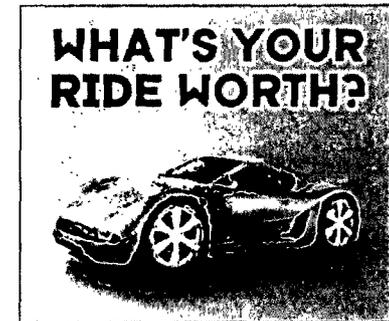
No one was wearing a helmet in the crash, the warden service said.

[REDACTED] suffered broken ribs, internal injuries and internal bleeding, the warden service said. She was taken to Houlton Regional Hospital in Houlton and was later airlifted to Eastern Maine Medical Center in Bangor. She is listed in critical condition.

The 8-year-old had a skull fracture and head swelling, a broken right arm and a broken left collarbone, the warden service said. She was also taken to Houlton Regional Hospital and was airlifted to Eastern Maine Medical Center in Bangor. She is also in critical condition.

The 13-year-old was treated and released from Houlton Regional Hospital.

Danforth and Baileyville rescue assisted the warden service in responding to the crash, which remains under investigation.



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Reader 0070 Sun, Aug 29, 2010

McMinnville, TN
McMinnville-Southern Standard
Circulation 0

5

Kevin Flatt shows improvement after off-road ATV crash

221
By DUANE SHERRILL

Staff reporter for the Southern Standard
(McMinnville, Tenn.)

A local teen is showing steady improvement from a Wednesday afternoon accident where the ATV he was riding in with a friend slammed into a tree near his home.

The victim, ██████████, 16, was airlifted from the scene by LifeFlight helicopter for treatment at Vanderbilt University Medical Center in Nashville for a serious head injury. According to a family friend, ██████████ has shown progress and was talking Friday morning.

The accident happened near the ██████████ home on Wilson Road as ██████████ and high school classmate ██████████ were riding aboard a 2010 Polaris Ranger XP. The Ranger is a utility vehicle more akin to a Gator-type or golf cart-type vehicle than what is commonly known as a four-wheeler. The Ranger is controlled by a steering wheel, not handle bars.

According to a sheriff's department report, the accident happened around 5 p.m. as ██████████ and ██████████ were traveling downhill. ██████████ told lawmen she heard Flatt exclaim "watch it" and he grabbed the wheel of the Ranger, trying to avoid striking a tree. The report did not make it clear who was driving.

Despite ██████████ efforts, the Ranger still hit the tree head-on. The impact sent ██████████ through the opening in the front of the Ranger and into a tree.



The Monroe Times: September 8, 2010 -Page 2a
Monroe, WI

DARLINGTON

Female injured after fall from ATV

DARLINGTON — A female was injured when she fell off a Polaris Ranger at about 8:30 p.m. Sunday on Paulson Road in Blanchard township.

██████████s, address and age unknown, was riding on a Polaris Ranger driven by ██████████, 29, ██████████. He was traveling westbound on Paulson Road and was going around a curve when ██████████ fell off

the Ranger.

She was taken to Upland Hills Hospital in Dodgeville by Blanchardville Emergency Medical Services. She was later taken by Med Flight to the University of Wisconsin Hospital in Madison.

██████████ was arrested for driving while intoxicated. He was released pending court.

The Blanchardville Fire Department assisted at the scene.

1 Glenn Guenard / SBN: 129453
2 GUENARD & BOZARTH
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4 Elk Grove, CA 95624
5 Telephone : (916) 714-7672
6 Facsimile: (916) 714-9031

7 Attorneys for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA

9 FOR THE COUNTY OF ORANGE-CIVIL COMPLEX CENTER

10 **IN RE COORDINATED YAMAHA**
11 **RHINO LITIGATION**

12 JOSEPH OLSEN,

13 Plaintiff,

14 vs.

15 KIRK OLSEN, et al.,

16 Defendants.

Case No.: JUDICIAL COUNCIL
COORDINATION PROCEEDING
NO. 4561

PLAINTIFF'S EVIDENCE IN SUPPORT OF
OPPOSITION TO MOTION FOR SUMMARY
JUDGMENT

Date: July 30, 2010

Time: 10:00 a.m.

Dept.: CX104

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EXHIBIT C Defendant Kirk Olsen's Responses to Form Interrogatories, Set one
EXHIBIT D Plaintiff's First Amended Complaint

1 Does that sound familiar at all?

2 A. Not to me.

3 Q. Okay. Did your dad live in a trailer at any
4 point?

5 A. No.

6 Q. Can you tell me what you did in the 24 hours prior
7 to the accident on March 14th, 2007?

8 A. No.

9 Q. If it was a workday, did you have kind of a
10 typical workday that you can describe?

11 A. No.

12 Q. No?

13 A. I don't have a typical workday.

14 Q. No?

15 A. Dialysis patient, every day is a different day for
16 me.

17 Q. Yeah.

18 A. Some days are good. Some days are bad. Some days
19 I can work. Some days I can't.

20 [Q. Okay. On the day of the accident how did it come
21 to be that Joe was riding in the Rhino with you?

22 A. I asked him if he would like to take a ride, go
23 down and feed the cows and take a ride. And I told him
24 I had to go do the cows first before we take a little
25 spin.]

1 Q. BY MR. KLIEBENSTEIN: So just before we took a
2 break we were talking about being out by the stable and
3 you had had a conversation or talked with Joe about
4 taking a spin after you fed the cows with the Rhino.
5 Do you know what time of day that was?

6 A. Approximately between, I would say, 5:30 to 6:00,
7 6:00 p.m.

8 [Q. Was it -- was it light out?

9 A. It was just -- the sun just settled. And it was
10 just starting to -- what is that called? Dawn?

11 Q. Dusk.

12 A. Dusk. Dusk.

13 Q. Was it dusk when you went down to take the hay
14 down to the cattle or had it gotten dark by then?

15 A. No. The sun had just started to go down.]

16 Q. Were you able to see fine?

17 A. Oh, yeah.

18 Q. Did Joe -- what did Joe say when you talked about
19 taking a ride in the Rhino?

20 A. He got -- he got in. I buckled him up.

21 Q. Okay. You buckled him up yourself?

22 A. Yeah.

23 Q. How come?

24 A. First time in the vehicle.

25 Q. Okay. Did you tell him anything about riding in

1 took to get from the stable down to where that trough
2 is on Exhibit 4?

3 A. What is the route?

4 Q. Yeah.

5 A. You don't have a picture of it.

6 Q. Can you describe it for me.

7 A. Um, the route I took?

8 Q. Yeah.

9 A. I started at the top where the stalls were and
10 drove down the hill over to this area here.

11 Q. Okay. So --

12 A. In this picture here I would be coming from like
13 over here.

14 Q. Okay. Which is kind of generally the direction of
15 the stable?

16 A. Yeah. Correct.

17 [Q. Okay. And your plan was to feed the animals and
18 then go for a spin, I think you said?

19 A. Go for a ride.

20 Q. Okay. Do you know where -- do you have any idea
21 where you were going to go?

22 A. No.

23 Q. Okay.

24 A. Just right here if you can see the -- I got this
25 area here. It's the same as the other side. So that

1 is all. I was just going to drive around there.

2 Q. And you're just pointing on Exhibit 4 to the --
3 kind of the big open area?

4 A. Yeah.

5 Q. Down near where the trough is; right?

6 A. Well, I got acreage here. This is a big arena.

7 Q. Yeah.

8 A. And I got this space here is the same as the other
9 side. And then I got pastures on each side of those.

10 Q. Okay.

11 A. So I can drive all of that land right there.

12 Q. And, again, you're referring to Exhibit 4.

13 So were you going to stay in that area that is
14 around --

15 A. Right.]

16 Q. -- the arena and the flat area --

17 A. Right.

18 Q. -- that is in the picture?

19 A. Yeah.

20 MR. CONNERLEY: Just one warning. When it comes to
21 the description of photographs, you probably want to wait
22 for counsel to completely finish his questioning, because
23 it's kind of difficult to describe these things anyway.
24 So just let him finish with the description and then you
25 can --

1 A. No. Just right -- just put his hand out and turn
2 it.

3 Q. Did he have to lean out of his seat at all?

4 A. No.

5 Q. That gives us the best really idea of where it is.
6 Was the -- Exhibit 4 shows a couple ruts right near
7 the trough. Do you see those?

8 A. Yes.

9 Q. Were those ruts caused or from the Rhino going
10 down through there?

11 A. There is no telling.

12 Q. Okay. Do you know if the wheels of the Rhino were
13 in the ruts when you stopped to turn on the water that
14 day?

15 A. These ruts here, this picture here is not from the
16 same time of the accident. So these ruts here are not
17 accurate to the accident.

18 Q. Okay.

19 A. So I cannot say yes or no, because that is -- this
20 was months later.

21 Q. Okay.

22 A. And from that time vehicles have been driven down
23 there.

24 [Q. Were there some ruts down there though at the time
25 of the accident?

1 A. Yeah. There was a one.

2 Q. So were they similar to that shown in the picture
3 but you just can't say if they were identical or not?
4 Is that right?

5 A. Right.

6 Q. Okay. When -- the ruts that were there at the
7 time of the accident, were the wheels of the Rhino in
8 the ruts when you stopped?

9 A. Just one.

10 Q. Which one?

11 A. The passenger side.

12 MR. CONNERLEY: Would that have been both wheels or
13 one wheel on the passenger's side within the rut, if you
14 know.

15 THE WITNESS: I don't know.

16 Q. BY MR. KLIEBENSTEIN: So then there would have
17 been another rut on the driver's side or towards the
18 driver's side of the Rhino; right?

19 A. No.

20 Q. No?

21 A. No.

22 Q. Was there two ruts?

23 A. No.

24 Q. There was just one rut?

25 A. Uh-huh.

1 Q. Yes?

2 A. Yes. Yes. Yes.]

3 Q. Did Joe have to take a seat belt off to turn the
4 water on?

5 A. No.

6 Q. Did Joe take his seat belt off from any time from
7 the time you left the stable to until the accident
8 happened?

9 A. No.

10 Q. When you stopped by the water trough, did you turn
11 the Rhino off?

12 A. No.

13 Q. Did you have any conversation with Joe there?

14 A. Just told him to turn the water on.

15 Q. Turn it on?

16 A. Yeah.

17 Q. Was the water -- did you have to turn it off, on
18 and off every day or --

19 A. No. Just when it needed to be filled up. Now I
20 have an automatic waterer, automatic.

21 Q. So it wasn't automatic at that time?

22 A. No.

23 Q. All right. So it's got like a little float on it
24 and that goes up and down, the one you have now?

25 A. Yeah. When the cows don't tear it off.

1 before that day?

2 A. Parked it to leave it?

3 Q. No. Had you ever gone down there and basically
4 been in that spot with the Rhino?

5 A. Yes. I've done it myself, turned the driver's
6 side to turn the water on.

7 Q. Okay. Prior to that day of the accident had you
8 driven down and stopped the Rhino kind of in a similar
9 position that you were in with Joseph that day with the
10 front facing away from your house, you know, and the
11 passenger's side --

12 A. Prior to the first time?

13 Q. Hold on. Let me finish.

14 A. Okay.

15 Q. And the passenger's side near the --

16 MR. CONNERLEY: The water trough.

17 Q. BY MR. KLIEBENSTEIN: -- the trough? Had you ever
18 basically parked it in that same kind of way before or
19 stopped, stopped the Rhino there?

20 A. With him?

21 Q. No. At any -- just with or without him.

22 A. No.

23 [Q. Okay. So what did you do once Joe turned the
24 water on?

25 A. I told him we are going to take a ride and come

1 back and we'll turn it off in a little bit.

2 Q. Okay. At that point did you have an idea of where
3 you were going to go?

4 A. No. Just right around the arena.]

5 Q. Okay. How long does it take to fill that trough
6 up?

7 A. 15 minutes.

8 MR. CONNERLEY: Excuse me.

9 Q. BY MR. KLIEBENSTEIN: So did you turn the wheels
10 before you started moving, the front wheels?

11 A. No.

12 Q. At some point you started -- kind of went into a
13 U-turn; right?

14 A. Pardon me?

15 Q. At some point you went into a U-turn, right, with
16 the Rhino?

17 A. Yeah.

18 Q. And you were turning to the left?

19 A. Yes.

20 Q. Okay. When you started moving forward, can you
21 estimate for me how far you went forward before you
22 started making a left steer input?

23 A. How far before I --

24 Q. Yes.

25 A. -- make the turn?

- 1 Q. Correct.
- 2 A. I would say a good six, seven feet.
- 3 Q. How much gas did you give it in that six,
4 seven feet? Can you estimate like how much -- how far
5 you depressed the gas pedal?
- 6 A. No. There is no telling.
- 7 Q. Did any of the wheels spin as you --
- 8 A. No.
- 9 Q. -- made that first --
- 10 A. No.
- 11 Q. Okay. Where did you have your hands on the
12 steering wheel?
- 13 A. Yeah.
- 14 Q. Where at? Like how did you have them positioned
15 on the steering wheel?
- 16 A. Oh, 10:00 and 2:00.
- 17 [Q. All right. And then when you started making the
18 left steer input, did you give it any more gas or did
19 you let off the gas?
- 20 A. No. Just --
- 21 Q. Same amount?
- 22 A. Just a regular turn.
- 23 Q. Okay. But did you give it -- as you started
24 making the turn, did you apply any more acceleration?
- 25 A. No.

1 Q. Did you let off the acceleration?

2 A. After it started to teeter I did, yeah.

3 Q. How about when you first started making the left
4 turn? Did you let off the acceleration at that point?

5 A. No.]

6 Q. I'll show you this photo before we mark it. Is
7 the area where you tipped over or came to rest shown in
8 that photo?

9 A. This photo here?

10 Q. Yes.

11 A. I would say no.

12 Q. Okay. That is what I thought. I don't think we
13 have a good one. Yeah.

14 So you don't have a bigger one like this?

15 MR. CONNERLEY: (Shaking head.)

16 Q. BY MR. KLIEBENSTEIN: Is Exhibit 4 -- is the area
17 where you tipped over or came to rest shown in
18 Exhibit 4?

19 A. I would say, yeah, I could, approximately. I
20 would say around over this area here.

21 Q. Can you put an X where you were just pointing on
22 Exhibit 4?

23 A. I would say approximately maybe here.

24 Q. Okay.

25 A. I'm not for certain, but -- it's been two years;

1 when you first felt the Rhino teeter?

2 A. I was like three quarters of the way through the
3 turn. It was almost completed.

4 Q. Okay. Had you given the Rhino any acceleration
5 from the time you started making the turn until the
6 time it started to teeter?

7 A. More than what I -- no.

8 [Q. Had you used -- hit the brakes at all in that same
9 time, from the time you started making the turn to the
10 left and until you felt it start to teeter?

11 A. No. I just let my foot off the gas pedal.]

12 Q. Can you describe for me from the point it started
13 to teeter, what did it do and what did you feel from
14 that point until it came to rest on its passenger side?

15 A. Yeah. It started to just -- it started to teeter,
16 and I felt it was going to go. And I said, oh, my God,
17 it's going go to over. And it just -- it went right
18 over. And to be honest with you, with my weight on my
19 side, that should have never happened. I'm 350 pounds.
20 He's like 140 I think or 150. That should have never
21 happened, because my weight should counter react him,
22 but it didn't.

23 Q. Okay.

24 A. It was like a slow motion teeter. It teetered and
25 then --

1 A. Yes.

2 Q. -- off his arm?

3 A. Yes.

4 Q. Did somebody call 911?

5 A. Yes.

6 Q. Had you made -- prior to the accident had you made
7 a U-turn in that kind of the same area where the
8 accident happened?

9 A. Have I?

10 Q. Yes.

11 A. I don't remember.

12 Q. Have you done it since the accident?

13 A. Have I done U-turns?

14 Q. Have you made a U-turn in that same area where the
15 accident happened since the accident?

16 A. I can't recall.

17 Q. Can you estimate the speed that you were going
18 when you got to the top of the U-turn when the accident
19 happened?

20 A. When I finished the turn?

21 Q. No. When you got to the very top of it. So the
22 middle of it.

23 A. Show me what you mean on this right here. At what
24 point?

25 Q. Here I'll draw it. I'm just going to draw a

1 typical U.

2 A. Yeah.

3 Q. So the top of it, right there. Halfway through
4 it.

5 A. How fast was it?

6 Q. Yes.

7 A. Approximately five to ten miles an hour.]

8 [Q. And from that point until the Rhino started to
9 teeter did you apply any -- or accelerate at all?

10 A. No.

11 Q. Did you hit the brakes?

12 A. No.

13 Q. Did you let your foot off the gas?

14 A. Yes.

15 Q. Did you let your foot completely off the gas?

16 A. Yes.

17 Q. Did you let your foot off the gas when you felt it
18 start to teeter or before it started?

19 A. Right when it started teetering, I let it off.]

20 MR. CONNERLEY: You're doing a pretty good job, but
21 let him finish his question so that --

22 THE WITNESS: Okay.

23 MR. CONNERLEY: -- it all works out.

24 THE WITNESS: Again I got too comfortable.

25 Q. BY MR. KLIEBENSTEIN: Had you made U-turns down on

EXHIBIT B

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN JOAQUIN

---oOo---

JOSEPH OLSEN,

Plaintiff(s),

v.

No. CV034775

KIRK OLSEN and DOES 1-100,

Defendant(s).

COPY

---oOo---

9:04 a.m.

Tuesday, September 23, 2008

DEPOSITION OF JOSEPH OLSEN

Reported by: DONNA G. SADLER, CSR License No. 5365, RPR

 **Royal**
REPORTING SERVICES

1333 Howe Avenue, Suite 228
Sacramento, California 95825
916.564.0100

1 MR. BROWN: Neil, can I impose on you for a brief
2 break?

3 MR. KLIEBENSTEIN: Sure.

4 VIDEO OPERATOR: Off the record at 2:10 p.m.

5 (Whereupon a short recess was taken.)

6 VIDEO OPERATOR: Back on the record at 2:14 p.m.

7 Q MR. KLIEBENSTEIN: So we're at the -- we're talking
8 about being up at the stable before you took the ride on
9 the Rhino. Did -- have you ever seen the owner's manual
10 or operator's manual for the Rhino?

11 A No, I have not.

12 Q Did Kirk say anything to you prior to you getting in
13 the Rhino about the proper way to ride in the Rhino?

14 A No, he did not.

15 Q Did you see any warning labels on the roll bar of
16 the Rhino prior to the time you got in the Rhino to ride
17 it?

18 A No.

19 Q Did you look?

20 A No.

21 [Q Did anybody prior to the accident tell you that
22 you're supposed to keep your hand -- all your limbs inside
23 the Rhino at all times?

24 A No.]

25 Q Has anybody told you -- have you come to be aware of

1 in front of the stables. So if it's in front of the
2 stables, you cannot get to that road that you get from
3 coming from behind.

4 Q Now, before you actually commenced your ride, did
5 you seat belt up?

6 A Kirk is the one that told us to put our seat belts
7 on.

8 Q So he said make sure to buckle up?

9 A Yes.

10 Q Did he help you buckle up?

11 A No.

12 Q Did he actually manually help you with that at all?

13 A No.

14 Q Okay. But you buckled up?

15 A Yes, I did that myself.

16 [Q Did you recognize that there were hand holds on the
17 vehicle?

18 A No.

19 Q Were you holding onto a hand hold at any time before
20 our accident occurred?

21 A No.]

22 Q Do you recall holding onto the hand hold just before
23 the accident tip-over occurred?

24 A No. I don't recall hand holds up here. The only
25 thing I would recall that might be a hand hold there was a

1 Q So what did you intend to do between the time that
2 Kirk turned it on and the time that it was full, just ride
3 around?

4 [A To be honest, we had not said what we were going to
5 do. Kirk turned it on and then he got back in there and
6 we started to proceed away because I guess he was going to
7 go back and turn it off again.

8 Q Is that something you're guessing or something you
9 know?

10 A I'm presuming that -- you know, this is what he told
11 me, that he had planned to go back and turn it off.

12 Q But did he tell you when he was going to do it? Or
13 were you guys to going ride around for a minute or three?

14 A No, there was no discussion like that about we were
15 going to ride around or anything. I was under the
16 impression that after we turned it on we would probably go
17 back to the stables. I did not know we needed to turn the
18 water off again.

19 Q Well, you understood at some later time the water
20 would be to the top and then he'd turn it off, correct?

21 A At some time I presumed that, yeah.

22 Q Right. So you don't know exactly what he was
23 intending to do?

24 A No.

25 Q In terms of turning it on or off?

1 A No. Because actually they are the ones that kept
2 track of how much water the bull had and all that stuff.
3 That was one of the things I did not --

4 Q So when you indicated in your responses to
5 interrogatories that he was turning to turn it off, that
6 was not something that he had told you?

7 A Not at that point, no.

8 Q Did he tell you at any point later --

9 A Afterwards he told me that he was going to make a
10 U-turn to go back and shut the water off.

11 Q Within seconds of turning it on?

12 A It was -- I don't know how long he had needed to
13 leave it on for or not leave it on for. But he got --
14 turned it on, and then he got back in there. We sat for a
15 minute or that, and then we started to proceed forward. I
16 was not sure what we were doing when we started to drive
17 off again.]

18 Q Fair enough. So you sat there for a minute or so
19 after he had turned it on?

20 A A short period of time.

21 Q Did you talk during that minute?

22 A I'm sure we did, but I don't recall what we talked
23 about.

24 Q Okay.

25 A It was not about what we were going to go and do. I

1 Q Well, did the jiggle take three or four seconds or
2 did it take a multiple of that?

3 A Well, there were like three or four jiggles, so I
4 would say each one was maybe between one to four seconds.
5 I'm not specifically sure.

6 Q Okay. And then it went over?

7 A Yes.

8 Q During those jiggles did you have the thought to
9 yourself, this is going over?

10 A I knew something was happening with this and
11 something was going to happen with the way it was
12 jiggling, yes. I did believe we were going to fall over
13 from it, yeah.

14 Q During those several seconds of jiggling did you say
15 to yourself, I need to find something to hold onto?

16 A No, it happened too quick to do anything like that.

17 Q When it actually tipped over, it tipped over to the
18 right on your side, right?

19 A Yes, it did, yes.

20 Q Did any part of your body other than your right arm
21 somehow escape the confines of the vehicle?

22 A No.

23 Q How did your arm end up -- if I may ask, was it
24 underneath something?

25 A It was underneath the roll bar, the side of the roll

1 bar. The part that goes from -- you know, from behind the
2 seat up to where the hood is, it was pinned underneath
3 that bar, the lengthwise bar. Not the one running this
4 way, but the one running this way, up and down.

5 Q The one running vertical?

6 A Yes.

7 Q And was it the roll bar behind you or the roll bar
8 in front of you?

9 A Behind me.]

10 Q And I understand from your hospital records there
11 was no loss of consciousness?

12 A No.

13 Q You were unmercifully awake throughout the whole
14 thing?

15 A Yes.

16 Q And since there was no loss of consciousness you can
17 tell us what was your first thought when the roll bar hit
18 your arm?

19 A I did not know the roll bar had hit my arm until
20 after we had fallen over and Kirk asked me, "Are you all
21 right" and I looked down and I seen my arm pinned --
22 excuse me, pinned underneath the roll bar with my hand
23 sticking out from it at this very odd angle.

24 Q Okay. Do you want to take a break?

25 A No, no, I'll be all right.

1 Q Did you read any of the stickers or brochures
2 related to it?

3 A No.

4 Q Did you have any curiosity about the machine at all
5 before the day of your accident?

6 A Um, a little curiosity of what it did actually do.
7 You know, what its function was supposed to be.

8 Q Did you see Kirk riding it?

9 A Not until the day of the accident.

10 Q Do you understand what Kirk does for a living?

11 A Yes, I do.

12 Q You understand that he has several different kinds
13 of driver's license classifications?

14 A Yes, I do. Yes, I do, yes.

15 Q He has an A license, a C license, right?

16 A Yes.

17 Q And he's driven professionally?

18 A Yes, he has for many years.

19 Q Okay. Did you consider him a safe driver?

20 A Most of the time yes, I do. Yes, you know.

21 Q Do you consider him a safe driver on this day of our
22 accident?

23 A I'm not sure if the turn was made too quick or not.

24 [Q Okay. And what was the speed that Kirk was going at
25 the time that the rollover started to happen?

1 A I do not know. I was not looking at the
2 speedometer.

3 Q Could you estimate the speed for me?

4 A I would say between zero to 25 miles an hour.]

5 Q Okay. Do you recall telling any of your doctors how
6 fast the vehicle was moving?

7 A I told my doctors that I was not sure how fast it
8 was going. I figured maybe I believe like five-hour --
9 you know, five miles or so.

10 Q I'm going to show you a document from one of your
11 medical records where you were talking to a Dr. Ligman?

12 A I never said one mile per hour.

13 MR. GUENARD: Just for the record, he's looking at a
14 Lodi Memorial Hospital consultation report.

15 MR. BROWN: It's one of the records you provided,
16 Glenn. For the record, I pulled it out of your production
17 of documents and it is the second page, which I don't have
18 here. Third page is Dr. Cathleen Ligman, okay? And it's
19 -- and let's read the first bit together, if we can. And
20 I don't have an extra copy, Counsel.

21 MR. KLIEBENSTEIN: I've seen it.

22 Q MR. BROWN: "He was the passenger and it was being
23 driven by his brother. They were going very slow, about
24 one mile an hour, when they made a turn and the golf cart
25 became unstable and fell on the passenger side, pinning

1 A No.

2 Q Now as you sat there -- can I have Exhibit B back
3 again?

4 A Yes.

5 Q As you sat there, you said that Kirk came back in,
6 buckled up and then you proceeded again --

7 A Yes.

8 Q -- correct? Using that same nice blue marker that
9 counsel's been kind enough to provide me, can you give me
10 an approximation using a dotted line as to what Kirk did
11 next?

12 A Okay. He proceeded to pull forward.

13 Q You can use a little bit more of a dot there.

14 A Okay. He proceeded to pull forward. I'm not a
15 hundred percent sure how far forward we drove. He
16 proceeded to drive forward and then he made a turn like
17 this, and as we were going through the turn here that's
18 when it started to wobble on the top.

19 Q What do you mean wobble on the top? You mean like
20 teeter?

21 A Yes, it started to teeter before we fell over, yes.

22 [Q Did you see Kirk make any sharp sudden turn -- you
23 know how when you're driving a car and you see these
24 movies where they're doing Tokyo Drift or something like
25 that where they're making these huge sharp turns? Did he

1 do anything like that?

2 A No, this was not -- I would not call it a huge sharp
3 turn. What he did was we were driving and then he turned
4 to go into a U-turn. I don't know for sure how sharp the
5 turn was or that. It did -- you know, I felt we turned a
6 little quick, but I'm not sure though exactly because I
7 was not driving.]

8 Q Well, did you see him do any exaggerated arm
9 movements?

10 A Oh, no, no, no, no, no. No, to me it was just like
11 he was making a regular -- we were going to make a turn.

12 Q And at what point during the course of the turn, and
13 I'd like you to put an X on there, did you feel the
14 vehicle start to teeter?

15 A I would say right about here, after we were maybe
16 halfway into the turn -- between a quarter to halfway into
17 the turn it started to teeter.

18 Q Did it teeter to the left side?

19 A No, it teetered to the right side.

20 Q Now, he's a lot heavier than you?

21 A Yes, he is.

22 Q Do you know if the vehicle's tire on that right side
23 was in a rut?

24 A I myself do not know because I was not able to see
25 the tire.

1 [Q In your discovery responses you said that Kirk made
2 a sharp U-turn.

3 A Uh-huh.

4 Q Do you still believe that -- do you still describe
5 the U-turn as sharp?

6 A Yes.]

7 Q When was the last time that you saw Kirk?

8 A Last time I actually physically seen him?

9 Q Yes.

10 A Was months after the accident. My father had to
11 have kidney surgery and me and Kirk seen each other at the
12 hospital. That was the last time we seen each other face
13 to face. And, you know, I couldn't -- I don't remember
14 the exact time, it was months afterwards.

15 Q How often do you talk to him?

16 A Now?

17 Q Yes.

18 A We do not talk that often. Maybe once every few
19 months. In the last month we've talked three to four
20 times.

21 Q So why did you go from being it sounds like pretty
22 regularly in touch with him and doing a lot with him to
23 going talking to him one time per month for a long period?

24 A Because of this accident, that's why.

25 Q What about the accident?

1 Q Was Kirk?

2 A Yes.

3 Q And in order to get the blood compatibility study
4 they did that at Kaiser?

5 A Yes.

6 Q Did you have to have a physical incident to that?

7 A No.

8 Q They just took blood from you there?

9 A Yes, because that's the first step in to see if
10 there's compatibility. Then afterwards there would have
11 been a physical examination, mental examination, tissue
12 testing and all of that.

13 Q Have they done any of that yet?

14 A No.

15 Q Do you know why not?

16 A Because Kirk has not gotten to the weight he's
17 supposed to be for the surgery.

18 [Q Okay. Counsel asked you a fairly simple question
19 and I'm going to explore it and we'll be done. You had
20 indicated that in responses to interrogatories that Kirk
21 had made a "sharp turn"?

22 A Yes.]

23 Q All right. I recognize that the word "sharp turn"
24 may be subjective, each one has its own idea. You told me
25 earlier this day that Kirk made no exaggerated movement as

1 believe he did anything -- he himself was doing anything
2 to try to make this happen or being unsafe.

3 Q And he wasn't showing off?

4 A No.

5 MR. KLIEBENSTEIN: Objection, calls for speculation.

6 Q MR. BROWN: Well, did he say that he was showing you
7 how the machine worked?

8 A No.

9 Q Did he tell you -- I think you've had something like
10 this question before, did he tell you that he was going to
11 show you what the machine could do?

12 A No.

13 Q Did he ever tell you that he was showing off for you
14 the capabilities of this machine?

15 A No. Kirk knew I was scared of these machines, so --

16 [Q And based on that, do you perceive that he was
17 driving in a safe and careful manner?

18 A Outside of the turn maybe being a little sharp, yes.

19 Q And when you say a little sharp, could you tell me
20 what that means? You've been a driver.

21 A Well, it's because we were going straight and then
22 we just turned. It's like not as if you're going and then
23 turning. It didn't -- to me it didn't seem like a real
24 wide turn. It seemed like more of a sharper turn from
25 going straight and then into turning.]

1 Q So it was a tighter turn than you would perceive as
2 a wide looping turn?

3 A Yes.

4 Q But again as you perceived it, as you saw Kirk doing
5 that, was there anything about his movements that were
6 jerky or exaggerated?

7 A No.

8 [Q Did he gun it as he was making the turn?

9 A No, not --

10 Q The speed remained the same?

11 A I believe so, yes.]

12 MR. BROWN: Thank you, that's all I have.

13 MR. KLIEBENSTEIN: I just have a couple follow-ups.

14 MR. GUENARD: This the back and forth part.

15 MR. BROWN: No, I think we're pretty much out of
16 this. We're on the tail end here.

17

18 FURTHER EXAMINATION BY MR. KLIEBENSTEIN

19

20 Q You told me that Kirk currently weighs 286 pounds?

21 A No -- Kirk right now?

22 Q Yeah.

23 A I believe from what I've been told he's at the goal
24 weight of his surgery. So it should be about 268 pounds
25 right now.

1 Q MR. KLIEBENSTEIN: Do you know of any reason why
2 Kirk would have told that to a doctor if he did indeed say
3 it?

4 MR. GUENARD: Same objections, go ahead.

5 THE WITNESS: No, not that I know of.

6 Q MR. KLIEBENSTEIN: And you did not say that to the
7 doctor; is that correct?

8 A No.

9 Q That's correct?

10 A Yes, that is correct. I did not say that to the
11 doctors.

12 [Q When the Rhino was making the sharp U-turn, was
13 it -- was the speed increasing or was it staying the same
14 or do you know?

15 A I could not say for sure.

16 MR. KLIEBENSTEIN: No further questions.

17

18 FURTHER EXAMINATION BY MR. BROWN

19

20 Q Now we have the same question with two different
21 answers, so I'm going to ask it a last time.

22 A Okay.

23 Q You told me a few minutes ago that as the turn was
24 being made the speed remained about the same, and you just
25 said here you're not sure if the speed was increasing.

1 Which is it?

2 A No, I said I believe it remained the same. I'm not
3 a hundred percent sure if it increased or not because I
4 was not driving.]

5 Q Okay. In terms of what you were feeling in the
6 vehicle, though, Mr. Olsen, did you feel an increase in
7 the speed as Kirk made the turn?

8 A No. This happened so fast, you can't -- I don't --
9 you know, it happened so fast -- once we had started to
10 make the turn this happened so quick, I don't remember
11 how, you know, quick things were going or that.

12 Q Well, I understand that but just so we can clear
13 this up, did you sense a change in the acceleration of the
14 vehicle from the point where Kirk pulled away from the
15 water trough area to the point where the accident
16 occurred?

17 A No.

18 Q And you as a driver of longstanding, you understand
19 that when a vehicle pulls away at a sharply increased
20 acceleration you feel a change in your body?

21 A Yes.

22 Q Okay, did you feel any of that change in your body
23 during the course of that turning movement that Kirk made?

24 A The only thing I felt change in my body was as we
25 started to make the turn and it started to wobble was I

EXHIBIT C

CALENDAR

LAW OFFICES OF
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David I. Brown, Esq., SB# 60676
Michael P. Connerley, SB#177069

Attorneys for Defendant,
KIRK OLSEN

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

JOSEPH OLSEN,

Plaintiff,

) Case No.: CV034775
) (Unlimited Civil Case)

vs.

) KIRK OLSEN'S RESPONSES TO
) FORM INTERROGATORIES,
) SET ONE

KIRK OLSEN, and DOES 1-100,
Inclusive,

Defendants.

) _____

AND RELATED CROSS-ACTION

REQUESTING PARTY: Cross-Defendant YAMAHA MOTOR CORPORATION, U.S.A.

RESPONDING PARTY: Defendant/Cross-Complainant KIRK OLSEN

SET NO: ONE

COMES NOW Defendant/Cross-Complainant KIRK OLSEN and responds to Cross-Defendant YAMAHA MOTOR CORPORATION'S form interrogatories, set one, as follows:

PRILIMINARY STATEMENT

Defendant objects to these form interrogatories in their entirety. The objections are based on the ground that each request is vague and ambiguous overbroad and duly burdensome

1 oppressive duplicative request information equally available to the cross-defendant, and irrelevant
2 and not reasonable calculated to lead to the discovery of admissible evidence at trial. Further
3 defendant objects to the interrogatories to the extent they seek information protected by the
4 attorney client privilege and or work product doctrine and the prescriptions of any and all privacy
5 rights privileges including but not limited to the attorney client privilege work product doctrine
6 and medical and tax privacy rights.
7

8 The following responses are given without prejudice to the defendant's right to produce
9 evidence of any newly discovered facts. *Defendant accordingly reserves the right upon request to*
10 *change any and all responses (as additional facts are ascertained and analyses made) all of the*
11 *above mentioned statements and comments to be incorporated into each of the responses that*
12 *follow.*

13 Defendant provides the following responses herein based on information currently known
14 to date. The discovery is continuing and defendant reserves the right to supplement these
15 responses and reserves the right to introduce into evidence any later acquired responsive
16 information at the time of trial, arbitration or mediation of this matter.
17

18
19 **RESPONSES TO FORM INTERROGATORIES**

- 20 1.1 Defendant and his attorneys.
21 2.1
22 (a) Kirk Lawrence Olsen
23 (b) Kirk Lawrence Olsen
24 (c) Not Applicable
25 2.2 August 14, 1962; San Francisco, CA
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2.3 Defendant objects to this interrogatory on the ground that it is overbroad vague and ambiguous and not likely to lead to the discovery of admissible evidence. Without waiver of the objection, defendant states: Yes

- (a) California
- (b) N9327859; class A, class C, and motorcycle license
- (c) August 10, 2005
- (d) No restrictions

2.4 Yes

- (a) California
- (b) Class A and class M (motorcycle)
- (d) No restrictions

2.5

- (a) P.O. Box 702, Clements, CA 95227; Physical address 18580 Rodeo Drive, Lodi CA, 95240
- (b) 3064 Redbridge Road, Tracy, CA 95377
- (c) Present Address: Two years; Tracy address, approximately 5 years

2.6 Objection in so far as this interrogatory seeks irrelevant documents, and violates defendant's privacy rights; without waver and subject to said objection, Defendant responds;

- (a) Universal Service Recycling, 3200 South El Dorado Street, Stockton, CA 95206 (209) 954-9555
- (b) I have been with the same organization for twenty years.

2.7 Objection to this interrogatory on the grounds that it is vague and ambiguous, seeks information not relevant to this action or unreasonably calculated to lead to the discovery of admissible evidence and violates defendant rights to privacy. Without waving said objection, defendant responds;

- (a) College Park High School, Pleasant Hill CA
- (b) Approximately 1976 to 1980

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(c) Graduated twelfth grade

(d) High School Diploma

2.8 Objection to this interrogatory on the grounds that it is vague and ambiguous, seeks information not relevant to this action or unreasonably calculated to lead to the discovery of admissible evidence and violates defendant rights to privacy. Without waving said objection, defendant responds: No.

2.9 Objection to this interrogatory on the grounds that it is vague and ambiguous, seeks information not relevant to this action or unreasonably calculated to lead to the discovery of admissible evidence and violates defendant rights to privacy. Without waving said objection, defendant responds; Yes.

2.10 Objection to this interrogatory on the grounds that it is vague and ambiguous, seeks information not relevant to this action or unreasonably calculated to lead to the discovery of admissible evidence and violates defendant rights to privacy. Without waving said objection, defendant responds; Yes.

2.11 No.

2.12 None as to myself; unknown as to Joseph Olsen.

2.13 Yes.

(a) Kirk Olsen

(b) 1. Renagel

2. Allopurinol

3. Sensipar

4. Atenolol

(c) 1. 800 mg tablets; 4 tablets 3 times a day

2. 300 mg tables; ½ tablet daily

3. 60 mg tablets; 1 tablet two times a day

4. 50 mg tablets; 1 tablet two times a day

(d) 1. 1 with meals

2. At bedtime

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- 3. One in the morning; one at bedtime
- 4. One in the morning; one at bedtime
- (e) Home address
- (f) Myself
- (g) 1. Objection to this request as seeking information not relevant to this action or reasonably calculated to lead to the discovery of admissible evidence and violates defendant's rights to privacy without waiver defendant responds as follows; Renagel, for bone strength. Prescribed by Kaiser through Dr. Mogannam.
- 2. Gout (same doctor)
- 3. Thyroid (same doctor)
- 4. High Blood Pressure (same doctor)
- 4.1 Yes.
 - (a) Automobile bodily injury and umbrella policy.
 - (b) Encompass Insurance
 - (c) Kirk L. Olsen; Anna Olsen
 - (d) 236048443
 - (e) Bodily injury \$250,000/\$500,000; Med pay \$5,000; Umbrella coverage \$5,000,000
 - (f) No
 - (g) Kirk L. Olsen
- 4.2 No.
- 12.1
 - (a) Kirk Olsen and Joseph Olsen
 - (b) Kirk Olsen and Joseph Olsen
 - (c) Kirk Olsen and Joseph Olsen
 - (d) Kirk Olsen and Joseph Olsen
- 12.2 Defendant objects to this interrogatory on the grounds that the information sought is protected by the attorney client and/or attorney work product privileges, and possibly section 1157 of the CA Evidence Code. Further, defendant objects on the ground that this

1 information is equally available to cross-defendant as it is to defendant; without waiver,
2 Kirk Olsen has been interviewed.

3 12.3 Defendant objects to this interrogatory on the ground that the information sought is
4 protected by the attorney client and/or attorney work product privileges, and section 1157 of the
5 CA Evidence code. Without waiving said objection, defendant answers: A recorded statement
6 was obtained from Kirk L. Olsen; None as to plaintiff or anyone else.

7 12.4 Defendant objects to this interrogatory on the grounds that it calls for information
8 protected by the attorney client and/or attorney work product privileges and also seeks to
9 obtain information as to photographs previously provided by plaintiff's counsel. Without
10 waiver of said objections, defendant responds;

- 11 (a) Yes, 26 photographs of the Rhino vehicle and general location.
12 (b) See "a" above
13 (c) The photographs are in the care and custody of defendant's attorneys.
14 (d) The photographs are in the care and custody of defendant's attorneys.
15 (e) The photographs are in the care and custody of defendant's attorneys.

16 12.5 Defendant objects to this interrogatory on the grounds that it calls for information
17 protected by the attorney client and/or attorney work product privileges and also seeks to
18 obtain information as to photographs previously provided by plaintiff's counsel. Without
19 waiver of said objections, defendant responds: Not to my knowledge.

20 12.6 Defendant objects to this interrogatory on the grounds that it calls for information
21 protected by the attorney client and/or attorney work product privileges and also seeks to
22 obtain information as to photographs previously provided by plaintiff's counsel. Defendant
23 further objects to this interrogatory in that it is vague and ambiguous as to the term
24 "report", since this may encompass reports unknown to answering cross-defendant
25 including ambulance and or medical records references. Without waiving said objections,
26 defendant responds as follows: No report was made by defendant or any police
27 department; further, defendant is unaware of any type of incident report.
28

1 12.7 Defendant objects to this interrogatory on the ground that it is vague and
2 ambiguous as to the term "inspected the scene" and further objects on the ground such
3 information being sought is protected by the attorney client and/or work product privileges.
4 Without waiver, defendant claims he has been in the vicinity of the accident location many
5 times while working on his property.

6 16.1 Objection, this question calls for information protected by the attorney client
7 privilege and work product doctrine. Additionally this interrogatory is premature in so far
8 as discovery is still continuing. For reference, responding party directs the propounding
9 party to the instructions for form interrogatories section 2(d) which state, in pertinent part:
10 "The interrogatories in Section 16.0... Should not be used until the defendant has had
11 reasonable opportunity to conduct investigation or discovery of plaintiff's injuries and
12 damages." Responding party, is noted the preliminary statement, above, reserves the right
13 to amend these responses as new information is made available. Without waiving said
14 objections, responding party states: The manufacturer of the Yamaha Rhino product.

15 16.2 Objection, This interrogatory calls for information protected by the attorney client
16 privilege and work product doctrine. Additionally this interrogatory is premature in so far
17 as discovery is still continuing. For example, responding party has not yet received
18 plaintiff's responses to interrogatories, nor has sit received any subpoenaed medical
19 records relating to plaintiffs previous state of health, previous medical treatment as may be
20 relevant to the injuries claimed in this matter, nor have any records been produced by
21 subpoena referable to this subject incident. Responding party reserves the right to amend
22 these responses as new information is made available. Without waiving said objections,
23 responding party answers: No.

24 16.3 Objection, This interrogatory calls for information protected by the attorney client
25 privilege and work product doctrine. Additionally this interrogatory is premature in so far
26 as discovery is still continuing. Responding party has not yet received relevant
27 subpoenaed medical records relating to plaintiff's previous state of health, previous
28 medical treatment as may be relevant to the injuries claimed in this matter, nor have any

1 records been produced by subpoena referable to this subject incident. Responding party
2 reserves the right to amend these responses as new information is made available. Without
3 waiving said objections, responding party answers: He cannot currently determine whether
4 the injuries or the extent of the injuries claimed were caused by the subject accident, in that
5 he is aware Joseph Olsen had previous problems with the same arm, and the extent to
6 which those problems caused or contributed to any of the medical treatment subsequent to
7 the accident in this case is unclear and unknown at this time.

8 16.4 Objection, This interrogatory calls for information protected by the attorney client
9 privilege and work product doctrine. Additionally this interrogatory is premature in so far
10 as discovery is still continuing. Responding party has not yet received relevant
11 subpoenaed medical records relating to plaintiff's previous state of health, previous
12 medical treatment as may be relevant to the injuries claimed in this matter, nor have any
13 records been produced by subpoena referable to this subject incident. Responding party
14 reserves the right to amend these responses as new information is made available. Without
15 waiving said objections, responding party answers: He cannot currently determine whether
16 the injuries or the extent of the injuries claimed were caused by the subject accident, in that
17 he is aware Joseph Olsen had previous problems with the same arm, and the extent to
18 which those problems caused or contributed to any of the medical treatment subsequent to
19 the accident in this case is unclear and unknown at this time.

20 16.5 Objection, This interrogatory calls for information protected by the attorney client
21 privilege and work product doctrine. Additionally this interrogatory is premature in so far
22 as discovery is still continuing. Responding party has not yet received relevant
23 subpoenaed medical records relating to plaintiff's previous state of health, previous
24 medical treatment as may be relevant to the injuries claimed in this matter, nor have any
25 records been produced by subpoena referable to this subject incident. Responding party
26 reserves the right to amend these responses as new information is made available. Without
27 waiving said objections, responding party answers: He cannot currently determine whether
28 the injuries or the extent of the injuries claimed were caused by the subject accident, in that

1 he is aware Joseph Olsen had previous problems with the same arm, and the extent to
2 which those problems caused or contributed to any of the medical treatment subsequent to
3 the accident in this case is unclear and unknown at this time.

4 16.6 Objection, This interrogatory calls for information protected by the attorney client
5 privilege and work product doctrine. Additionally this interrogatory is premature in so far
6 as discovery is still continuing. Responding party directs cross-defendant to the
7 instructions for form interrogatories section 2(d), cited above. Responding party reserves
8 the right to amend these responses as new information is made available. Without waiving
9 said objections, responding party answers that he is not aware plaintiff was gainfully
10 employed prior to the subject incident, and cannot respond to this interrogatory at this
11 time.

12 16.7 Objection, This interrogatory calls for information protected by the attorney client
13 privilege and work product doctrine. Additionally this interrogatory is premature in so far
14 as discovery is still continuing. Responding party directs cross-defendant to the
15 instructions for form interrogatories section 2(d), cited above. Responding party reserves
16 the right to amend these responses as new information is made available. Without waiving
17 said objections, responding party is not aware that Joseph Olsen sustained any property
18 damage, and it is unknown what property damage is being claimed.

19 16.8 Objection, This interrogatory calls for information protected by the attorney client
20 privilege and work product doctrine. Additionally this interrogatory is premature in so far
21 as discovery is still continuing. Without waiving said objections, responding party refers
22 cross-defendant to plaintiff's response to defendant's form interrogatory number 7.1,
23 whereby plaintiff alleges damages to his clothes. Responding party may contend that the
24 dollar value of such clothing, as represented by plaintiff, is not reasonable, however, thus
25 far, there is not enough evidence upon which to base an opinion.

26 16.9 No.

27 16.10 No.

1 20.1 March 14, 2007, at approximately 5:00pm to 6:00pm, at defendant's property
2 located at 18580 Rodeo Drive in Clements, California.

3 20.2

4 (a) Yamaha Rhino YXR66FW; no license plates are required – this is an off road
5 vehicle.

6 (b) Kirk Olsen, P.O. Box 702, Clements, CA 95227, (209) 649-1829.

7 (c) Joseph Olsen

8 (d) Kirk Olsen is the owner the Rhino vehicle.

9 (e) Not applicable.

10 (f) Not applicable.

11 (g) Not applicable.

12 20.3 The ride started and ended all on defendant's property. Defendant pulled the Rhino
13 up to the barn, where Joseph Olsen was located, and asked plaintiff if he wanted to go on a
14 ride. Plaintiff Joseph Olsen agreed. Defendant then left for a ride and stopped at a trough
15 area to turn on some water: after turning on the water, defendant and plaintiff resumed the
16 ride.

17 20.4 See defendant's response to interrogatory number 20.3; additionally, after
18 defendant and plaintiff stopped at the trough and the water was turned on, defendant
19 commenced a U turn.

20 20.5 There was not street or roadway (only open field).

21 20.6 No.

22 20.7 No.

23 20.8 See defendant's responses to 20.3 and 20.4 as they are responsive to this
24 interrogatory. Additionally, defendant adds that he and plaintiff stopped at the trough to
25 turn on the water; then [defendant pulled away and commenced a U turn at between 5 to 10
26 miles per hour.] As defendant was completing his U turn, the Rhino started to teeter to the
27 passenger's side. Defendant, then, let off the gas, but the vehicle tipped over onto its right
28 side.

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20.9 Objection; this interrogatory is premature and calls for expert opinion which is for later disclosure. It also invades the attorney client and work product privilege. Without waiving said objections, defendant answers that discovery is ongoing.

20.10 See response to 20. 9.

20.11 Kirk L. Olsen.

DATED: October 22, 2008

BAILEY & BROWN

By: 
Michael P. Connerley, Esq., for
DAVID I. BROWN, ESQ.
**Attorneys for Defendant and
Cross-Complainant KIRK OLSEN**

Olsen v. Olsen

VERIFICATION

I, KIRK OLSEN, declare:

I am a party to this action. I have read the foregoing **RESPONSE TO YAMAHA'S FORM INTERROGATORIES, Set One**, and know its contents. The matters stated in it are true of my own knowledge, except as to those matters which are stated upon information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 10-21-08 at Clements,
California.



KIRK OLSEN

Case: Olsen v. Olsen
San Joaquin Superior Court Action No. CV034775

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of eighteen years and not a party to the within above-entitled action. My business address is 1419 Twenty-First Street, Sacramento, California 95811-5208.

On the following date, I served

Kirk Olsen's Responses to Form Interrogatories,

on the parties below by placing a true copy thereof in sealed envelopes and served same addressed as follows:

Glenn Guenard, Esq.
GUENARD & BOZARTH
8830 Elk Grove Boulevard
Elk Grove, CA. 95624

Neil M. Kliebenstein, Esq.
Bowman & Brooke, LLP
1741 Technology Drive, #200
San Jose, Ca 95110-1355

The following is the procedure by which service of this document was affected:

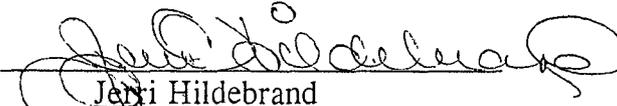
U.S. Postal Service by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing mail in accordance with this office's practice, whereby the mail is deposited in a U.S. Mailbox in the City of Sacramento, California, after the close of the day's business.

Federal Express
 FAX

Express Mail
 Personal Service

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed October 22, 2008 at Sacramento, California.


Jerri Hildebrand



Pecatonica Valley Leader, Argyle: September 16, 2010 -Page 7a
Argyle, WI

Valley Leader "Sheriff's Rep

Lafayette County

Sept. 4:

--At 2:03 a.m. deputies responded to W. Milwaukee St. to assist the Argyle Police Department with several disorderly individuals creating a disturbance.

--At 8:11 p.m. a report was filed for a dog bite incident which had occurred at a residence on Hidden Valley Rd in Argyle township. The victim had been bitten by the owner's dog and had received medical treatment in Monroe.

Sept. 5:

--At 3:30 p.m. a deputy investigated a suspicious activity complaint on Milwaukee St. in Argyle. The case was referred to the Argyle Police Department for possible charges.

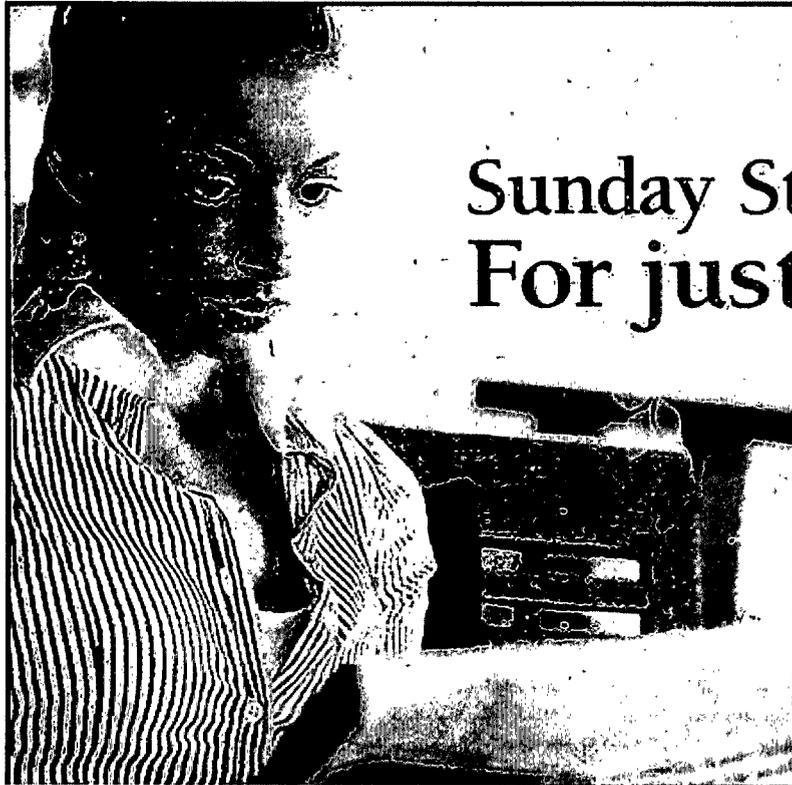
At 8:38 p.m. [redacted], address unknown, received serious injuries after falling from an ATV on Paulson Rd, in Blanchard township, [redacted] 29, [redacted] was operating the Polaris Ranger on the road, heading west and negotiating a curve, when Davis, a passenger, fell off. [redacted] was transported by Blanchardville EMS to Upland Hills in Dodgeville where MedFlight then transported [redacted] to University Hospital. Barr was arrested for operating an ATV while intoxicated. The Blanchardville Fire Department also assisted at the scene.

--At 11:12 a.m. a deputy responded with Woodford First Responders and Fire Department and Argyle Ambulance to a motorcycle crash on Cth Y in Wiota township. [redacted] [redacted] 53, South Holland, IL lost control, left the roadway and overturned in the ditch. He was transported by EMS for treatment of

non-life threatening injuries.
Green County

Sept. 2:

--At 7:24 p.m. deputies were called to investigate an ATV accident that occurred on private property off Hay Hollow Rd in York township. [redacted] [redacted] 26, Beloit, WI, was operating an ATV in a field near



Sunday St For just

File #: 13 88

U101A 8566

Serious injuries for Alton woman; 2 ATV crashes; vehicle 'nose down'

ISSUE 02 10/06/2010

[REDACTED], 31, Alton, suffered serious injuries when thrown from the vehicle she was driving at 6:55 p.m. Saturday. Troop G of the Missouri State Highway Patrol, Willow Springs, reported. A spokeswoman at St. John's Hospital said [REDACTED] is listed in fair condition today.

Sgt. R.T. Rees said the incident took place on E Highway, three miles south of Alton in Oregon County, when [REDACTED] 2002 Jeep ran off the right side of the road and overturned.

The patrol said Simons was not wearing a seatbelt.

2 SEPARATE ATV CRASHES

[REDACTED], 24, and [REDACTED], 41, both of Willow Springs, suffered minor injuries and refused treatment at the scene of a traffic accident at 1:32 a.m. Sunday at the intersection of County Roads 1270 and 3280 in Howell County.

Trooper D.J. Johnson said.

He said [REDACTED] lost control of a 2009 Polaris Ranger all-terrain vehicle (ATV) while turning left and was thrown from it when it overturned. Passenger [REDACTED] was pinned under the ATV, Johnson said.

[REDACTED], 30, Birch Tree, suffered moderate injuries in an ATV accident at 8 p.m. Saturday

See **CRASHES**, Page 5

West Plains Daily Quill
Howell County
West Plains MO

9265 Daily
0 Sunday

September 20, 2010

CRASHES

Continued from Page 1

on private property in Shannon County, Troop G reported. She was taken to St. John's Hospital in Spring- field. No condition report is available.

Trooper Johnson said [REDACTED] driving a 2007 Hummer, was thrown

from it when it overturned as she avoided another four-wheeler.

"NOSE DOWN OVER A ROCK BLUFF"

[REDACTED], 19, Licking, suffered minor injuries in a crash at 12:30 a.m. Sunday on U.S. 63, five miles north of Licking in Texas County, Trooper T.R. Nelson reported.

Nelson said [REDACTED] turned her westbound 2001 Chrysler left into a private driveway, struck a fence, tried to return to the road and traveled west into a rock embankment. The car coming to rest nose down over a rock bluff.

The patrol said she was wearing a seatbelt.

[REDACTED] was taken to Texas County Memorial Hospital in Houston. No condition report is available.

**Lieff
Cabraser
Heimann &
Bernstein**

Attorneys at Law

X10A 0176

49E
p. 3 (Billy James)

OCT 20 2010

ISSUE 04

Media Center

Victims and Consumer Safety Advocates Issue Report on Safety Hazards of Utility Terrain Vehicles (UTVs), Including the Yamaha Rhino

Growing Number of Fatalities and Severe Injury Accidents Occurring Nationwide
February 27, 2009

The safety defects of some Utility Terrain Vehicles (UTVs), also called "Side-by-Side" vehicles, are causing a mounting toll of death and severe injury to users, warns a report issued today by a group of safety advocates and victims. The report calls for basic changes in the design of these rollover-prone off-road vehicles to substantially increase their ability to protect occupants in the event of rollover accidents.

The report, entitled "Citizen Report on UTV Vehicle Hazards," has been submitted by victims of UTV rollovers, including the parents of children killed or injured in such accidents, as well as adult victims, the Trauma Foundation, and the Center for Auto Safety.

The report focuses on the Yamaha Rhino and has been sent to the National Highway Traffic Safety Administration ("NHTSA"), the Consumer Product Safety Commission ("CPSC"), key members and committees of Congress, the Recreational Off Highway Vehicle Association ("ROHVA"), which represents UTV manufacturers, and other organizations and individuals with an interest in the ATV/UTV injury problem.

In releasing the report, Texas mother [REDACTED] noted, "Utility Terrain Vehicles have fallen within a regulatory crevice. These vehicles were introduced to the market and have been sold to consumers without having to meet government safety and performance standards. It is imperative that federal and/or state safety agencies step forward to protect consumers from the growing number of fatalities and severe injuries."

The report focuses particular attention on the safety defects with the Yamaha Rhino UTV. Identified in the report are 38 deaths, many of them of children, believed to have occurred in Yamaha Rhino accidents since the end of 2004. One of these was the death of [REDACTED]'s nine-year-old son. Although he was belted, her son was ejected in a rollover and crushed underneath the half-ton Rhino, which was not equipped with doors or safety netting to contain its occupants.

"A national tragedy is occurring. Scores of adults, teenagers, and children have been left permanently disabled after their hands, arms, feet, and legs have been crushed in Yamaha Rhino rollovers, and many innocent children have been killed," observed [REDACTED]. "We call upon Yamaha and other UTV manufacturers to incorporate key safety features necessary to protect occupants from accidents, injuries, and deaths."

A Legacy of Death and Disfigurement Linked to the Yamaha Rhino UTV

The authors of the report include three individuals who suffered catastrophic injuries while driving or riding in the Yamaha Rhino, as well as the parents of two children who died in horrific accidents involving the Yamaha Rhino.

The authors believe that none of their injuries or family members' deaths would have occurred if Yamaha had incorporated readily available safety measures in the design of the Rhino that would have protected occupants in

the event of a rollover accident.

[REDACTED] of Winnsboro, Texas

[REDACTED] of Winnsboro, Texas, lost her ten-year-old son [REDACTED] in a rollover involving a doorless Yamaha Rhino. [REDACTED] was a happy and vibrant boy. He excelled at academics and sports, was compassionate, and possessed a gift for making people feel special.

On June 22, 2007, [REDACTED] and his older sister [REDACTED] went for a ride in the family's recently purchased, new 2007 model year Yamaha Rhino. With [REDACTED] driving at a slow speed, the Rhino did a one-quarter rollover. J.T. was ejected. Pinned underneath the Rhino, [REDACTED] sustained massive head and neck injuries caused by the Rhino's unpadding steel roll cage.

"Even though he was belted, [REDACTED] was ejected and the half-ton Rhino fell on top of him," explained [REDACTED]. "The seat belt system failed to restrain him. Nor was the Rhino equipped with doors and safety netting that could have kept [REDACTED] inside the Rhino and saved his life."

Several weeks after his death and too late to protect [REDACTED], in a mailing styled as a 'special offer' that did not reach all Rhino owners, Yamaha offered to install half doors and a passenger handhold for all Rhinos free of charge. As discussed below under "Specific Rhino Safety Recommendations," by not calling the program a recall, Yamaha avoided obligations to send follow up retrofit/recall letters to owners, users, and dealers. As a result, only an estimated 50% of such Rhinos have been retrofitted and needless catastrophic leg injuries continue to this day.

In loving memory of [REDACTED] now established Bubba's Angels and the [REDACTED] Memorial Fund which seeks to educate persons on the dangers of UTV and ATV vehicles and prevent repeated accidents and fatalities. Last year, [REDACTED] and her family led an ATV Awareness Day in Winnsboro, Texas, where dozens of citizens marched for UTV and ATV vehicle safety in honor of J.T.

More information on the [REDACTED] Memorial Fund is available at <http://www.jtcrow.net>.

[REDACTED] of Buna, Texas

In the same month that [REDACTED] died in a Yamaha Rhino rollover accident, [REDACTED]'s life was changed forever. [REDACTED] attends high school in Buna, Texas, and is the youngest daughter of [REDACTED]. [REDACTED] is a spirited individual and outstanding athlete.

While visiting family in Arkansas, [REDACTED], then 13, and a friend went for a ride in a Yamaha Rhino. [REDACTED] was driving along a dirt road when suddenly the doorless Rhino rolled over, throwing [REDACTED] from the vehicle and dragging her as it flipped over. A full cab door on the Rhino would likely have saved [REDACTED] from injury.

[REDACTED]'s left arm was mostly severed and she was badly burned. Despite these injuries, [REDACTED] managed to lift the overturned Yamaha Rhino off her friend whose shoulder had dislocated and left arm had been broken in five places. At the hospital, it was necessary to amputate [REDACTED]'s entire left arm.

While the initial trauma of the accident is over, [REDACTED] continues to suffer phantom pain and mental distress. [REDACTED] was forced to give up many of the sports she loved before the accident, including softball, basketball, and track. Yet she remains a determined athlete and competed in a limited capacity in volleyball and tennis her freshman year of high school.

The treating doctors found it miraculous that Sunny did not perish from her massive blood loss. "God let me live to warn others," Sunny explains.

[REDACTED] of Northridge, California

Last May, J██████████, 17, also suffered a life-altering injury in a rollover accident involving the Yamaha Rhino. While camping in Northern California with family and friends, ██████████ took a ride on the family's 2008 Yamaha Rhino 700. The vehicle tipped over and landed on ██████████ left hand, traumatically severing it. ██████████ underwent costly, painful replantation surgery to re-attach his hand. Despite the best effort of his physicians, the replantation procedure ultimately failed and ██████████ was forced to undergo surgery to amputate his left hand at the wrist.

"I had been safely driving Quads and ATV's for years. Our family's Yamaha Rhino was brand new and equipped with all of the available safety options," stated ██████████. "Even though I wore a helmet and was belted, the Rhino became uncontrollable and tipped over. My left arm was thrown out of the vehicle and my left wrist and hand were crushed by the roll cage. The Rhino lacks necessary hand and arm protection."

"We call upon Yamaha to formally recall the Rhino to incorporate essential safety features like full cab doors and/or hand netting that it presently lacks," added ██████████'s mother. "No one should lose a limb or suffer a fatal injury in an instant for simply driving the Rhino."

██████████ of Corinth, Mississippi

Billy James is the 46-year-old devoted husband and the loving father of two children. ██████████'s life was tragically and permanently altered in June 2007 when he was maimed during the rollover of a doorless 2006 Yamaha Rhino. ██████████ suffered what has become a common and devastating injury for Rhino riders, a crushed tibia or fibula.

At the time of the accident ██████████ was belted and driving the Rhino responsibly. The unpadded roll cage landed on his left leg, resulting in multiple, horrific crush fractures to his tibia and fibula. ██████████ has had to undergo seven surgeries as a result of his accident. His left leg will never be the same again. He can no longer stand for more than a few hours at a time and experiences regular pain.

██████████ of Ohio

Ten-year old ██████████ loved to dance and play with her brothers and baby sister. She possessed the qualities of courage, determination and hard work.

In October 2007, ██████████ went for a ride on a Yamaha Rhino. The driver made a turn and the vehicle rolled over, falling on the passenger side. Despite wearing her seat belt, ██████████ was thrown from the Rhino and killed.

██████████ parents ██████████ and John Sand have joined as co-authors of the report. They state, "We have been devastated by the loss of ██████████. We hope that Yamaha will soon realize that its side-by-side must be redesigned so that other parents do not experience our grief."

Summary of the Report

The report calls for significant measures to be undertaken to improve UTV safety, including:

- **Minimum Occupant Containment Standards:** It is essential for the safety of occupants that they remain inside the vehicle during a tip over or rollover accident. The report requests that the NHTSA, CPSC, ROHVA, and/or manufacturers establish tests that evaluate and ensure adequate occupant containment for legs, arms, hands, and heads in rollovers, and establish standards which all UTV vehicles must pass before being sold.
- **Supplementary Safety Restraints:** The safety envelope of UTV vehicles must be substantially improved through supplementary restraints that prevent excursion of the feet/legs, hands/arms, and torso. The report calls for the installation of partial doors, roll cage cushions, and netting on all UTV vehicles.
- **Effective Seat Belt Restraint Systems:** The report seeks all UTV vehicles comply with the United States Federal Motor Vehicle Safety Standards to ensure that occupants are not ejected from the vehicle during a tip over or rollover. The authors of the report believe that one of the reasons for the large number of fatalities and

injuries associated with the Yamaha Rhino is due to a deficient seat belt system.

- **Redesigned Roll Cages with Roll Cage Padding:** In many cases, when occupants have been ejected from their UTV vehicle, they have suffered a fatal or catastrophic injury from being struck by the vehicle's heavy, unpadding, steel roll cage. The report calls for moving of the roll cages further away from the occupants, re-designing them with minimal crush points and the addition of padding.
- **Improved Stability and Handling:** The report's authors call upon NHTSA, CPSC, ROHVA, and/or manufacturers to establish stability and handling standards, including minimum resistance to rollover, for UTV vehicles in order to substantially reduce the likelihood of tip over accidents.

Specific Yamaha Rhino Safety Recommendations

In addition to its general recommendations for all UTVs, the report includes recommendations specific to the Yamaha Rhino.

In August 2007, Yamaha announced that in response to the risk of injury during side rollover accidents it was offering to install half-doors free of charge for all 2004-2007 Rhinos. (For the 2008 model, the half-doors came standard.) However, Yamaha never issued a recall of the vehicle. Yamaha's offer was poorly publicized with only a single mailing. As a result, it is estimated that only half of the 120,000 Rhinos sold in the U.S. from 2004 to 2007 have been retrofitted. Moreover, the report asserts that the half-doors for the Rhino are defective and/or insufficient because they are too low and fail to safeguard occupants' hands and arms during an accident.

The report's authors call upon CPSC, ROHVA, Yamaha, and/or all UTV manufacturers to require Yamaha to recall the Rhino to equip it with full doors and/or netting to protect occupants from needless and continued injuries and fatalities, and asks the CPSC to mandate the recall if Yamaha fails to act. In addition, the report calls for design changes to the Rhino, including adding roll bar padding, increasing its axle width, lowering its center of gravity and/or adding a rear differential, to improve stability and handling.

Further Resources

The "Citizen Report on UTV Vehicle Hazards" is available to the public at yamaharhinorolloverandrecall.com/report.htm.

About Lieff Cabraser

The national plaintiffs' law firm of Lieff Cabraser Heimann & Bernstein, LLP, serves as counsel for [REDACTED] and as additional counsel to [REDACTED], who are principally represented by Michael Roberts, partner at Graydon Head & Ritchey LLP in Cincinnati, Ohio.

Lieff Cabraser is a sixty-plus attorney law firm that represents plaintiffs nationwide in product improvement claims, product recall claims, personal injury and wrongful deaths, and other litigation, from offices located in San Francisco, New York, and Nashville. In many cases, Lieff Cabraser has not only assisted clients obtain favorable recoveries, but also obtained injunctions or agreements which required the defendant to alter the product or change safety procedures for the benefit of all consumers.

About The Center for Auto Safety

Since 1970, the Center for Auto Safety (CAS) has provided consumers a voice for auto safety and quality in Washington, and to help lemon owners fight back across the country. CAS has a small budget but a big impact on the auto industry. With less than half of what General Motors spends on a single Super Bowl commercial, CAS has taken on the auto giants and won for consumers. Learn more about CAS at <http://www.autosafety.org>.

About The Trauma Foundation

Founded in 1981 at San Francisco General Hospital, the Trauma Foundation was established, and continues to

be directed, by Andrew McGuire who was severely burned as a seven-year-old child. The Trauma Foundation works with injury survivors to bring meaning to their painful experiences by becoming survivor advocates. The breadth of activities includes data collection and research to support injury prevention policies, policy development and education, and information dissemination.

The Trauma Foundation is an internationally recognized leader in injury prevention and an "incubator" of projects and organizations committed to the prevention of traumatic injuries. Learn more at <http://www.traumaf.org/>.

Source | Contact

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INSTRUCTIONS

05
AUG 14 2008

ARKANSAS DEPARTMENT OF HEALTH
Vital Records
CERTIFICATE OF DEATH

08 017230

1. DECEDENT'S LEGAL NAME (Include MA if any (First, Middle, Last Name))		2. SEX	3a. DATE OF DEATH (Mo/Da/Yr)	3b. TIME OF DEATH (AM/PM)
[REDACTED]		Male	August 2, 2008	11:00 AM
4. SOCIAL SECURITY NO.	5a. AGE - last Birthday (Years)	5b. UNDER 1 YEAR Months	5c. UNDER 1 DAY Hours	5d. UNDER 1 DAY Minutes
[REDACTED]	41			
6. DATE OF BIRTH (Mo/Da/Yr)		7. BIRTHPLACE (City and State or Foreign Country)		
[REDACTED]		Asweiler, West Germany		
8a. RESIDENCE - STATE OR FOREIGN COUNTRY		8b. COUNTY	8c. CITY OR TOWN	
Arkansas		Craighead	Jonesboro	
9. EVER IN US ARMED FORCES?		10. MARITAL STATUS AT TIME OF DEATH		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Married <input checked="" type="checkbox"/> Widowed <input type="checkbox"/> Never Married <input type="checkbox"/> Married, but Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Unknown		
11. SURVIVING SPOUSE'S NAME (If wife, give name prior to last marriage)				
none				
12a. IF DEATH OCCURRED IN A HOSPITAL		12b. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL		12c. COUNTY OF DEATH
<input type="checkbox"/> Inpatient <input type="checkbox"/> Emergency Room / Outpatient <input type="checkbox"/> Dead on Arrival		<input type="checkbox"/> Decedent's Home <input type="checkbox"/> Hospice Facility <input type="checkbox"/> Nursing Home <input type="checkbox"/> Long Term Care Facility <input checked="" type="checkbox"/> Other Creek		Sharp
12d. FACILITY NAME (If no facility, enter street & town)		12e. CITY OR TOWN		12f. ZIP CODE
[REDACTED]		Center		72542
13. FATHER'S NAME (First, Middle, Last)		14. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last)		
[REDACTED]		[REDACTED]		
15a. INFORMANT'S NAME		15b. RELATIONSHIP TO DECEDENT	15c. MAILING ADDRESS (Number and Street or PO Box, City, State, Zip Code)	
[REDACTED]		Father	[REDACTED]	
16a. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify)				
16b. PLACE OF DISPOSITION (Name of cemetery, crematory, other place)				
Emerson Cremation Services				
16c. LOCATION - CITY, TOWN AND STATE		16d. LOCATION - CITY, TOWN AND STATE		
Jonesboro, Arkansas		Jonesboro, Arkansas		
17a. EMBALMER'S NAME		17b. EMBALMER'S LICENSE #	17c. SIGNATURE (FUNERAL SERVICE USE OR OTHER AGENT)	
<input checked="" type="checkbox"/> Not Embalmed			Rob Donner <i>Rob Donner</i>	
17d. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY				
Emerson Funeral Home 1629 E. Nettleton Jonesboro AR 72401				
17e. LICENSE #				
229				
18a. DATE PRONOUNCED DEAD (Mo/Da/Yr)		18b. TIME PRONOUNCED DEAD (AM/PM)	18c. NAME AND TITLE OF PERSON PRONOUNCING DEATH (PRINT / TYPE)	
Aug 2, 2008		11:00 AM	Alan Price, deputy coroner	
19. WAS MEDICAL EXAMINER OR CORONER CONTACTED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
20. PART I - Enter the chain of events - diseases, injuries, or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line.				
IMMEDIATE CAUSE (Final disease or condition resulting in death)				
Drowning				
Due to (or as a consequence of)				
Due to ATV accident				
Due to (or as a consequence of)				
Due to (or as a consequence of)				
PART II - Enter other significant conditions contributing to death, but not resulting in the underlying cause given in PART I				
21a. WAS AN AUTOPSY PERFORMED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
21b. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
22. MANNER OF DEATH <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending investigation <input type="checkbox"/> Could not be determined				
23. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input checked="" type="checkbox"/> No		24. IF FEMALE <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Unknown if pregnant within the past year		
<input type="checkbox"/> Yes <input type="checkbox"/> Probably <input checked="" type="checkbox"/> No		<input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death		
25a. DATE OF INJURY (Mo/Da/Yr)	25b. TIME OF INJURY (AM/PM)	25c. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area)		25d. INJURY AT WORK? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
August 2, 2008	11:00	Wooded area, Creek		
25e. LOCATION OF INJURY (Number and Street or PO Box, City, State, Zip Code)		25f. DESCRIBE HOW INJURY OCCURRED		
[REDACTED]		Drove off a low water bridge with a Polaris Ranger ATV.		
25g. IF TRANSPORTATION INJURY SPECIFY <input checked="" type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)				
26a. CERTIFIER (Check only one)				
<input type="checkbox"/> Certifying Physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated				
<input type="checkbox"/> Pronouncing & Certifying Physician - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated				
<input type="checkbox"/> Medical Examiner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated				
<input checked="" type="checkbox"/> Coroner - On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated				
<input type="checkbox"/> Hospice Registered Nurse - To the best of my knowledge, death occurred due to the cause(s) and manner stated				
SIGNATURE <i>Alan Price</i>		TITLE <i>Dep Coroner</i>	DATE <i>August 4, 2008</i> (Mo/Da/Yr)	
26b. NAME AND COMPLETE MAILING ADDRESS OF PERSON SIGNING ITEM 26a (Type / Print)		26c. LICENSE #		
Alan Price P.O. Box 146 Hardy Arkansas		JC-24		
27a. SIGNATURE OF REGISTRAR <i>Eva...</i>		27b. FOR REGISTRAR ONLY - DATE FILED (Mo/Da/Yr)		
		August 12, 2008		
28. DECEDENT'S EDUCATION: Check the box that best describes the highest degree or level of school completed at the time of death				
<input type="checkbox"/> 8th grade or less				
<input checked="" type="checkbox"/> 9th - 12th grade, no diploma				
<input type="checkbox"/> High school graduate or GED completed				
<input type="checkbox"/> Some college credit, but no degree				
<input type="checkbox"/> Associate's degree (e.g. AA, AS)				
<input type="checkbox"/> Bachelor's degree (e.g. BA, BS, B.S.)				
<input type="checkbox"/> Master's degree (e.g. MA, MS, MEd, MEd, MEd, MEd, MEd)				
<input type="checkbox"/> Doctorate (e.g. PhD, EdD) or Professional degree (e.g. MD, DDS, DVM, LL.B., J.D.)				
29. DECEDENT OF HISPANIC ORIGIN? Check the box that best describes whether the decedent is Spanish/Hispanic/Latino. Check the "No" box if the decedent is not Spanish/Hispanic/Latino				
<input checked="" type="checkbox"/> No, not Spanish/Hispanic/Latino				
<input type="checkbox"/> Yes, Mexican, Mexican American, Chicano				
<input type="checkbox"/> Yes, Puerto Rican				
<input type="checkbox"/> Yes, Cuban				
<input type="checkbox"/> Yes, other: Spanish/Hispanic/Latino (Specify)				
30. DECEDENT'S RACE (Check one or more race to indicate what the decedent considered himself or herself to be)				
<input checked="" type="checkbox"/> White				
<input type="checkbox"/> Black or African American				
<input type="checkbox"/> American Indian or Alaskan Native (Name of the individual or principal tribe)				
<input type="checkbox"/> Asian Indian				
<input type="checkbox"/> Chinese				
<input type="checkbox"/> Filipino				
<input type="checkbox"/> Japanese				
<input type="checkbox"/> Korean				
<input type="checkbox"/> Vietnamese				
<input type="checkbox"/> Other Asian (Specify)				
<input type="checkbox"/> Native Hawaiian				
<input type="checkbox"/> Guamanian or Chamorro				
<input type="checkbox"/> Samoan				
<input type="checkbox"/> Other Pacific Islander (Specify)				
<input type="checkbox"/> Other (Specify)				
31. DECEDENT'S USUAL OCCUPATION (Indicate type of work done during course of working life. DO NOT USE RETIRED)				
Auto Tech				
32. KIND OF BUSINESS / INDUSTRY				
Automotive				

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ISSUE 10

Stevenson, Todd

From: John Sand [johnsand@mac.com]
Sent: Monday, June 07, 2010 11:21 PM
To: Myron Levin; Northup, Anne; Paul, Caroleene; CPSC-OS; Leland, Elizabeth; Hartman, Jason; Schoem, Marc; Adler, Robert; Nord, Nancy; Paul, Caroleene; Tenenbaum, Inez
Cc: Michael Rey
Subject: Yamaha Rhino case settles
Attachments: Microsoft Word - 880824_1.pdf; UP coming cases.pdf

1) Yamaha settled another case: Massie v Yamaha (No. SC093137) set for trial 8/2010 (see page 3 of attached doc)

2) A list of planned trial dates for 2010 (see pages 10 & 11 of attached doc)

John Sand
513/207-5556

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11 *Plaintiffs' Co-Lead Counsel*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF ORANGE – CIVIL COMPLEX CENTER**

15 **IN RE COORDINATED YAMAHA**
16 **RHINO LITIGATION**

17 **(This Pertains To All Actions)**

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4561

PLAINTIFFS' CASE MANAGEMENT
CONFERENCE STATEMENT
REGARDING TRIAL SELECTION

Date: June 11, 2010
Time: 2:30 p.m.
Place: Dept. CX104
Judge: Hon. Thierry P. Colaw,
Coordination Trial Judge

22 **INTRODUCTION**

23 Pursuant to Case Management Order ("CMO") No. 1, Section X.B., and pursuant
24 to the Court's oral Order on May 14, 2010, the Court has again set aside the upcoming Case
25 Management Conference to consider further the next five cases to be selected for an "on deck"
26 trial pool in the JCCP. At the last Case Management Conference on May 14, 2010, the Court
27 ordered that the parties exchange their proposed five trial candidates, and then the parties are to
28

ELECTRONICALLY
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CIVIL COMPLEX CENTER

Jun 04 2010

ALAN CARLSON, Clerk of the Court
by R. Vavra

1 file a brief addressing the cases proposed by each side. This Case Management Conference
2 Statement serves as that brief.

3 Once again, Plaintiffs reiterate their position that the Court should try so-called
4 “bellwether” trials – i.e., a trial that will be somewhat representative of the more than 160 cases
5 that are now part of this Coordination Proceeding. Obviously, no one case can serve as a
6 bellwether for all of the remaining cases. That said, however, there are some cases that are more
7 representative than others, in that they will turn on common issues and common proof and cannot
8 be dismissed as somehow non-representative and therefore providing little significance to most or
9 the overwhelming majority of the remaining cases. For example, and as set forth below, at least
10 one of the cases Yamaha proposes be tried involves a Rhino that has been so heavily modified
11 that the case will likely involve non-common proof. It is our view that trying a case involving a
12 heavily modified vehicle simply will not advance the litigation. Not surprisingly, Yamaha’s
13 defense will focus on the modifications by the third party as being responsible for the injury and it
14 could be that the Plaintiff will do the same. Such a trial likely will not speak to the core issues in
15 this case, i.e., whether the Rhino has design defects, whether those defects are the proximate
16 cause of plaintiffs’ injuries, and whether the Yamaha defendants should be liable as a result. A
17 case involving a heavily modified vehicle likely will say very little about the majority of cases
18 that do not involve heavy modifications, or involve different modifications.

19 Further, cases involving head or upper body injuries are not going to say anything
20 about the central issue in the overwhelming majority of cases: i.e., whether a door should have
21 been installed to protect against leg injury. From Plaintiffs’ perspective, there are so few upper
22 body injury cases in the JCCP that it does not make sense to try one of these cases in the next set
23 of five trials. Yet, of Yamaha’s seven proposed cases,¹ no less than five are upper body injury
24 cases.

25 Finally, we know from the *Holt* case that cases involving allegations of alcohol use
26 and allegations of drug use will involve a defense that is based almost entirely on those

27 _____
28 ¹ Yamaha chose to disregard the Court’s instruction that each side propose five trial candidates.

1 allegations; as a result, a defense verdict in such a case says precious little about cases that do not
2 involve alcohol and drugs.

3 For these reasons, the next group of cases – like *Massie*, a case that was just settled
4 by Yamaha – should turn on the stock Rhino itself (pre-recall, leg injury) and not on alcohol or
5 drugs or vehicle modifications. From Plaintiffs’ perspective, these are the true bellwethers of this
6 litigation, because they will focus on the product itself and thereby help demonstrate values of all
7 cases. As Plaintiffs have previously indicated, once that baseline value, or, more appropriately,
8 that ceiling is known, then the parties should be able to discount from those values based upon
9 factors such as alcohol or vehicle modifications or an underage driver. But the primary purpose
10 of these trial cases should be to focus on bellwethers that will help the parties assess the value of
11 many of the cases against Yamaha.

12 As such, Plaintiffs are prepared to present the Court with five cases that Plaintiffs
13 propose be tried as “bellwether” trials. Plaintiffs’ Lead Counsel has selected these cases based on
14 their representative nature and facts, their typicality, and lack of non-common factors. Notably,
15 as discussed below, these are not all “clean cases”; in at least two Yamaha will claim the Plaintiff
16 was intoxicated (as they have done in *Holt*) and in all of them Yamaha will doubtlessly – as they
17 have claimed in depositions – assert the Plaintiffs were unbelted. These cases include those that
18 Plaintiffs previously recommended for trial selection: *Smith, Markota, Powell, Orrick* and *Von*
19 *Batsch*. Plaintiffs will continue to propose trial of the *Orrick* and *Von Batsch* cases – despite the
20 fact that both of those cases involve allegations by Yamaha of alcohol abuse. Plaintiffs propose
21 these cases as compromise candidates, knowing that Yamaha has previously indicated its
22 willingness to accept these as among the next five cases. They are not clean cases in the sense
23 that alcohol will again be a central part of the defense.

24 **I. UPDATE OF CASES CURRENTLY SET FOR TRIAL**

25 **A. California JCCP Trial Cases**

26 The second JCCP trial case, set for late August 2010, was *Massie v. Yamaha* (Case
27 No. SC093137). This case has settled. As such, there is no case currently slated to take the
28

1 August slot previously carved out for *Massie*. Plaintiffs propose that one of their five proposed
2 cases be selected to fill the *Massie* slot.

3 The third scheduled JCCP trial case is *Swainston v. Yamaha*, which is tentatively
4 set for September 20, 2010 but will trail the case that fills the *Massie* slot. The subject incident
5 occurred on September 16, 2006, when Daniel Swainston was the passenger in a 2006 Rhino 660.
6 He and his son were driving on a flat and hard dirt road near Highway 55 in Kern County,
7 California. His son went to take a U-turn when the vehicle tipped over to the right, crushing his
8 right leg. He suffered an open tibia fracture, distal fibula fracture at the ankle, and permanent
9 disfigurement. He continues to have pain from the pins in his ankle and will require future
10 treatment. His total medical bills exceed \$182,000.

11 **B. Georgia Coordinated Proceeding**

12 The first Georgia case, *McTaggart vs. Yamaha*, began on May 10, 2010 and ended
13 with a unanimous verdict in favor of the plaintiff just two weeks later. The verdict was for
14 \$317,000. This amount is particularly high given the relatively low amount of medical damages,
15 which equaled just \$13,500. The jury awarded damages for pain and suffering, loss of future
16 wages, past wage loss, and loss of consortium. *McTaggart* involves a 35 year-old driver who was
17 riding a Rhino on his farm on flat ground. The vehicle rolled as he tried to make a turn from a
18 stop, causing an injury to his left leg. The jury did not find allocate any comparative fault to the
19 plaintiff.

20 **C. Cases in Other Jurisdictions**

21 **1. Kennedy v. Yamaha – Court of Common Pleas, Philadelphia,**
22 **Pennsylvania, June 28, 2010**

23 This case involves a lower right leg injury to a passenger who was injured when
24 the vehicle rolled in the middle of a turn in a backyard. Yamaha contends, *inter alia*, the Plaintiff
25 was not belted and the driver was “racing.” These issues are disputed. The court has set the case
26 for a 10 day trial, which the plaintiff agreed to, but the Yamaha defendants have recently
27 requested that the trial be set for 20 days. If the court grants Yamaha’s request, the case will
28 likely be continued due to conflicts due to Plaintiff’s counsel being in trial in *Holt*.

1 2. **Pena v. Yamaha – Oregon State Court, July 19, 2010**

2 Joseph “Tony” Pena was the passenger in a Yamaha Rhino. As the driver made a
3 low-speed turn, the Rhino tipped over onto the passenger side and crushed Pena’s right leg. Pena
4 underwent several surgeries and suffers from severe disfigurement on his right leg. Yamaha
5 contends the driver (who is Mr. Pena’s girlfriend) was at fault and has sued her. Yamaha also
6 contends Mr. Pena was not belted. These points are disputed. This case will also get continued in
7 light of the fact that the same counsel in *Holt* is trial counsel in *Pena*, and *Holt* is now set to
8 resume on July 19, 2010.

9 3. **Schoenbeck v. Yamaha – Nevada State Court, November 15, 2010**

10 Upon returning from a ride around some desert property in Dolan Springs,
11 Arizona, the driver of the Rhino made a left turn traveling on flat dirt when the vehicle tipped
12 over onto the passenger side. As the Rhino tipped over, Schoenbeck’s right leg came out of the
13 vehicle and was crushed. Yamaha alleges that alcohol played a role in the accident and that the
14 Plaintiff was not belted.

15 4. **Bennett v. Yamaha – Nevada State Court, November 15, 2010.**

16 This case involves a Rhino passenger who suffered a right leg injury. The Rhino
17 in question was modified with an extended roll cage and had aftermarket 4 point seatbelts (which
18 Yamaha contends were not being worn). The defense of the case is likely to turn on contentions
19 that the modifications caused the accident and injury.

20 **II. NEW JCCP TRIAL CANDIDATES**

21 Plaintiffs’ Lead Counsel propose the selection of “cases representative of the total
22 mix, to establish a foundation for resolving the balance” of the approximately 160 actions that
23 comprise this JCCP. See Judicial Council of California, *Deskbook on the Management of*
24 *Complex Civil Litigation*, § 3.57, pg. 3-48 (2008). The trial candidates selected by the Court
25 should include those actions in which the outcome turns on the design defect issues at the core of
26 this coordinated litigation, and, thus, are able to serve as testing grounds for Plaintiffs’ underlying
27 theories of liability. The hope is that the cases will serve as baselines for the valuation of the
28 majority of the remaining cases. As such, the trial candidates should consist of common and

1 representative factors, *e.g.*, essentially unmodified vehicles and lower extremity injury, rather
2 than turn on issues that can be easily discounted by the Defendants, such as allegations of
3 significant vehicle modification, non-representative injuries, or admittedly unbelted victims.

4 Only a representative approach to trial selection will ensure that this Coordination
5 Proceeding accomplishes its ultimate objective of valuing cases in an efficient manner. By
6 contrast, unique or atypical cases will have little value as “bellwethers,” and will lead to more
7 trials and more protracted litigation than necessary.

8 **A. Plaintiffs’ Proposed Trial Candidates**

9 Based on the above, Plaintiffs again propose that the following five representative
10 cases be set and placed into a trial pool, and that one case be selected to fill the spot left vacant by
11 *Massie*:

12 **1. Smith v. Yamaha (Case No. 30-2008-00110626)**

13 Scott Smith, 41 years old, was injured in a doorless 2006 Rhino 660 on the
14 morning of August 20, 2006. Mr. Smith is represented by Lieff Cabraser. Mr. Smith was a belted
15 passenger (though this has been contested by Yamaha), and was injured when the Rhino tipped
16 over and crushed his lower right leg and fibula. Mike Johnson, the owner of the Rhino, was the
17 driver at the time of the incident. He was driving on a flat gravel road, in Twain Harte,
18 California, making a wide U-turn when the vehicle tipped onto Mr. Smith’s lower leg. Mr. Smith
19 has suffered severe comminuted fractures to the tibia and fibula of his right leg and now has scar
20 formation and deformity of the lower leg; he can no longer lift heavy materials, stand for any
21 significant period of time or bear weight on his left leg, which make it impossible for him to
22 work. After having suffered seven surgeries, Mr. Smith faces approximately \$700,000 in medical
23 expenses and has not worked for over two years, resulting in lost wages of over \$120,000.

24 **2. Markota v. Yamaha (Case No. 07CC09786)**

25 Nikki Markota is a 27 year-old belted passenger (belting being contested by
26 Yamaha) of a Yamaha Rhino being driven by her husband, Luke Markota. Ms. Markota is
27 represented by Klein DeNatale. The Rhino had aftermarket wheels and tires (which Plaintiffs
28 believe it is uncontested do not significantly change the vehicle’s roll-over propensity), but was

1 otherwise a stock Rhino. Luke made a left turn and the Rhino tipped over onto the passenger
2 side, resulting in an injury to Nikki. Paramedics arrived and Nikki was taken to Ridgecrest
3 Hospital. From there Nikki was air lifted to Kern Medical Center where she stayed for two
4 weeks, followed by treatment and surgeries at St. Mary's Hospital. Her injuries included a
5 Lisfranc fracture of the right foot with right foot degloving. In total, Nikki had seven separate
6 surgical procedures. Luke was off work for several weeks tending to his wife. Nikki continues to
7 suffer from significant pain and her activities are limited. Her medical bills total approximately
8 \$671,937. As in *Smith*, fact discovery is largely completed: site inspections have taken place and
9 the depositions of the plaintiff, the driver, and several other witnesses have been taken.

10 **3. Powell v. Yamaha (Case No. 30-2008-00225475)**

11 Richard Powell is a 45 year-old husband and father who was severely injured
12 during the tipover of a doorless stock 2007 Rhino YXR45 on February 24, 2007 in Borax Bills,
13 California City, California. Mr. Powell is represented by Lieff Cabraser. A belted driver (again
14 Yamaha contests belting) Mr. Powell went to make a slow turn, on flat hard-packed dirt when the
15 vehicle tipped and the roll cage landed on his lower left leg, fracturing both his tibia and fibula
16 near the ankle. Mr. Powell has since developed a non-union of his fibula, a serious complication
17 which causes him continuous pain on both the outside and inside of his ankle. Mr. Powell has
18 received approximately \$45,000 worth of medical treatment and will require future surgeries on
19 his ankle, including an arthroscopy and possible ankle fusion. His medical expense and past loss
20 wages are around \$135,000. As such this is not an especially high value case. Plaintiffs propose
21 this case primarily because it is a straightforward case and because fact discovery in this case is
22 completed: the depositions of the Plaintiff and all percipient witnesses have been taken and
23 earlier recorded confidential settlement privileged statements by the same witnesses were
24 provided voluntarily to Yamaha during a pre-litigation resolution protocol. Yamaha has
25 conducted *two* vehicle inspections and *two* scene inspections. The only remaining depositions
26 would be case-specific experts on damages.
27
28

1 **4. Von Batsch v. Yamaha (Case No. 07CC05584)**

2 Ulrich von Batsch was a belted passenger of a Yamaha Rhino being driven by a
3 friend, Bill Hatton, in Yucca Valley, California. Mr. Von Batsch is represented by Klein
4 DeNatale. Mr. Hatton was driving at approximately 15 mph on flat dirt when he made a left turn
5 and the Rhino tipped over onto the passenger side, resulting in Mr. von Batsch's leg being
6 crushed and pinned under the Rhino. He suffered a fracture of the right ankle and posterior foot
7 and multiple fracture dislocations of the foot, which resulted in the amputation of his toes.
8 Mr. von Batsch's medical bills are approximately \$237,195 and his wage loss totals at least
9 \$120,000. Inspections and the depositions of the plaintiff, the driver, and several other witnesses
10 have been completed. This case involves allegations of alcohol abuse by Yamaha, and also a
11 contention that the Plaintiff was not belted.

12 In the course of our meet and confer negotiations with Yamaha over trial selection,
13 Yamaha previously indicated its willingness to try this case.

14 **5. Orrick v. Yamaha (Case No. 07CC04430)**

15 Amber Orrick was the 31-year-old belted passenger in a 2005 Yamaha Rhino
16 being driven by her husband Richard Orrick. Ms. Orrick is represented by Gary Sutherland. The
17 incident occurred on May 27, 2006 at approximately 7:00 p.m. on desert land near California
18 City, California. The vehicle overturned while Richard made a u-turn on flat open ground. Ms.
19 Orrick's right foot was crushed. The injury has not healed properly and she is in constant pain
20 and has difficulty walking. Her physicians have suggested that she may need future surgeries to
21 provide better movement in her foot. This case involves allegations of alcohol abuse by Yamaha,
22 and also the claim that the Plaintiff was not belted.

23 In the course of our meet and confer negotiations with Yamaha, Yamaha
24 previously indicated its willingness to try this case.

25 Of the five cases Plaintiffs now propose, Yamaha previously agreed to try both
26 *Orrick* (a Gary Sutherland case) and *Von Batsch* (a Klein DeNatale case). Plaintiffs reiterate that
27 their willingness to continue to propose these two cases is an effort at compromise, to
28 accommodate Yamaha's desire to try cases, like *Holt*, that involve allegations of alcohol abuse.

1 Were Plaintiffs to insist on trying only clean cases, the cases they regard as the true bellwethers of
2 this litigation, they certainly would not continue to propose these two cases as among the first to
3 be tried in this JCCP.

4 Each of the proposed Plaintiffs is willing to submit his or her case as a proposed
5 bellwether trial, with the attendant rigors associated with such a designation.

6 **B. Defendants' Proposed Cases**

7 Rather than propose cases that are somewhat representative of the inventory of
8 cases in the Coordination Proceeding, it appears that Yamaha has attempted to precisely the
9 opposite – i.e., select cases that likely will have no significance beyond the case itself. Five of
10 their seven cases involve upper body injury cases, and so are not representative of the majority of
11 cases in the JCCP, as those cases overwhelmingly involve leg injuries, and will focus on the lack
12 of doors as the basic design defect. The only two leg cases Yamaha proposes involve allegations
13 of alcohol abuse and *unbelted* victims, making them, like *Holt*, likely to turn on non-vehicle
14 specific issues. Plaintiffs suggest that there is no reason to try a second case that is largely a
15 repeat of *Holt*, but with Plaintiffs for whom it would be nearly impossible for them to attend trial.

16 1. ***Berends v. Yamaha Motor Corporation, USA, et al.***
17 **(Case No. 07CC10532)**

18 Defendants propose *Berends* as a trial candidate and one of three possible death
19 cases they have put forward. Plaintiffs oppose this case as a representative case because the
20 Yamaha Rhino at issue in this terrible accident was so heavily modified that very little, if
21 anything, would be learned from trial of this case. The vehicle at issue was modified in at least
22 the following ways: an extended roll cage was added to enclose bucket seats that also had been
23 added to the back of the vehicle; a large water cooler was on the back of the vehicle; the vehicle's
24 seatbelts had been replaced with an entirely different belting system. As a result of these
25 extensive modifications, particularly the modifications involving the extended roll cage,
26 Yamaha's defense will likely focus on how this vehicle had been modified, and that those
27 modifications changed the vehicular dynamics and likely played a roll in the accident, so that
28 Yamaha should not be held responsible. The vehicular dynamics and stability of the vehicle in

1 *Berends* would be unique to that case, with basically no applicability to any other action in the
2 Coordination Proceeding that did not have an extended roll cage. Trial of the case may involve
3 the need for new testing, and Yamaha will certainly engage in a completely new round of testing
4 of a vehicle modified as in *Berends*. Yamaha will focus its defense on the modifications, and if
5 there is a defense verdict, that verdict will not speak to any other action that does not involve an
6 extended roll cage; further, if there were a plaintiff verdict, that also would have little
7 applicability because the vehicle at issue was qualitatively different from the vehicular dynamics
8 at issue in almost all the Rhino cases that comprise this JCCP. The decedent here was also
9 unhelmeted, and Yamaha's defense will focus on how a helmet would have prevented the
10 accident. This defense does not speak to the central issues in the overwhelming majority of cases
11 which involve leg injuries.

12 Yamaha says that approximately 30% of all JCCP cases involve a modified Rhino.
13 While Plaintiffs do not accept that number, the reality is that there are different kinds of
14 modifications. That is, there are some modifications that will not change the vehicle's basic
15 characteristics (and note that in *Holt* the vehicle is modified, but neither party contends the
16 modifications impact the vehicle's stability or occupant containment system) and there are more
17 major modifications that allegedly would. There is no question but that Yamaha will argue that
18 having an extended roll cage qualitatively changes the vehicular dynamics. As a result, this case
19 simply makes no sense to try as a bellwether.²

20 **2. *Katin v. Yamaha Motor Corporation, USA et al. (Case No. 00207061)***

21 Plaintiffs submit that *Katin*, Yamaha's second proposed death case, also would be
22 a poor bellwether. First, this accident took place on sand dunes, which makes this case unusual as
23 compared with the overwhelming majority of cases that actually took place on flat solid ground.
24 *Pena*, discussed above and currently set for trial on July 19, 2010, also occurred on sand, and that
25 fact has played a part in all of Yamaha's arguments to date.

26
27 ² Plaintiffs also observe that *Berends* is a Gary Chambers case. Mr. Chambers has indicated that
28 it would be very difficult for him to try a case this fall and early winter due to his other
obligations.

1 Second, and very importantly, the police in this matter initially recommended that
2 the driver of the vehicle, the decedent's husband, be charged for manslaughter. This could
3 certainly complicate the case. Third, the cause of death was due to chest crush, making it a very
4 unusual fact pattern. Finally, the husband has admitted ingesting alcohol prior to the tragic
5 accident.

6 For these very clear and obvious reasons, *Katin* is not a representative action. A
7 defense verdict would not speak to the overwhelming majority of cases that did not take place on
8 sand dunes and that involve a leg injury. This case is prosecuted by Lieff Cabraser.

9 3. *King, et al., v. Yamaha Motor Corporation, USA, et al.*
10 (Case No. 00106486)

11 *King*, Yamaha's third proposed death case, also took place on sand, making it not
12 representative of the overwhelming number of cases in this JCCP. Additionally, both the driver
13 and passenger were admittedly unbelted. The accident pattern here was also extremely unusual,
14 and qualitatively different from every case in this JCCP. The accident occurred during a left turn
15 u-turn. The passenger fell out of the vehicle, suffering a lower leg injury. That is typical. What
16 is atypical here is that according to this passenger, when she gathered her wits after the accident
17 (which was unwitnessed by anyone else), she observed the vehicle resting on the driver's side.
18 The vehicle likely did a ¼ roll, which is very atypical. The driver was unhelmeted and her skull
19 was crushed by the roll cage. No responders took a picture of the accident scene. Ms. King died
20 immediately after being transported by helicopter to a San Diego hospital. This case, like the
21 other proposed death cases, is unspeakably tragic. Yet it is not a bellwether that should be among
22 the first to be tried in this Coordination Proceeding, as it has many unique factors that make it not
23 representative. This case is prosecuted by the Tracey Law Firm.

24 4. *Cardoza v. Yamaha Motor Corporation, USA, et al.* (Case No.
25 07CC04289)

26 Plaintiffs do not regard *Cardoza* as a bellwether case and submit that it is a case
27 very similar to *Holt*, and will not push the litigation beyond whatever happens as a result of *Holt*.
28 Like *Holt*, it involves the plaintiff driving a Rhino at night (11:00 pm). Like *Holt*, it involves

1 allegations of alcohol abuse. Like *Holt*, it involves making a U-turn in an open area. Like *Holt*, it
2 also involves allegations of an unbelted driver. In short, from Plaintiffs' perspective, this case is
3 extremely similar to *Holt*, and will not take the litigation beyond whatever happens as a result of
4 the *Holt* trial. This case is prosecuted by Klein DeNatale.

5 **5. Kisbey v. Yamaha Motor Corporation, USA, et al.**
6 **(Case No. S-1500-CV 262602)**

7 *Kisbey* involves allegations of alcohol abuse and an unbelted victim. For the same
8 reasons that Plaintiffs contend *Cardoza* is not a helpful bellwether, *Kisbey* similarly is not.
9 *Kisbey* involves allegations of alcohol abuse against both the driver and the plaintiff passenger.
10 Yamaha has also cross complained against the driver, which may also raise issues of premises
11 liability, as the accident took place on the driver's ranch. A trial of this case would therefore
12 involve a third party. This is a relatively small value case involving less than \$100,000 in
13 medicals, and approximately \$10,000 in wage loss, as Mr. Kisbey is now back at work.
14 Mr. Kisbey is the sole supporter of his wife and child, lives in Bakersfield, and it would be very
15 difficult for him to miss work to attend a potentially lengthy bellwether trial. This case is
16 prosecuted by Gary Praglin.

17 **6. Koehler v. Yamaha Motor Corporation, USA, et al. (Case No. 00103960)**

18 This is an upper body injury case (arm injury), making it atypical. Something in
19 the range of 90 percent of cases that comprise the JCCP are leg injury cases. There is no reason
20 to try an upper body injury case given that there are relatively few such cases in this JCCP.

21 *Koehler* also involves allegations of alcohol abuse by Yamaha.

22 An additional reason makes this case not representative. There is testimony that
23 following the accident the left tire was off its bead (possibly indicating a tire blowout), and there
24 is testimony that the steering of the Rhino vehicle was broken, including the rack and pinion, the
25 steering knuckle and the ball joint. As a result, this case is atypical not only because it involves a
26 hand injury, but because the case involves unique issues that are related to the broken parts in the
27 steering mechanism and both parties may point to that as a cause of the accident.

1 Discovery in this case is not advanced, as deposition discovery of even the first
2 responders has yet to take place. Mr. Koehler resides in Medford, Oregon (the accident occurred
3 in Northern California). This case is prosecuted by Klein DeNatale.

4 **7. Justin Miller v. Yamaha Motor Corporation, USA (Case No. 00245558)**

5 This is one of the very small handful of cases in the JCCP that involves a Rhino
6 that had the Yamaha half door installed, as it involves a 2008 Rhino. As such, this case is
7 certainly not representative of the overwhelming majority of cases, which involve doorless
8 Rhinos. Like *Koehler*, this case involves an upper body injury (hand amputation), making it not
9 representative of the leg injuries, which comprise most of the cases in the JCCP.³ The *Miller* case
10 also involves a heavily modified Rhino, including an extended roll cage, added rear seat, as well
11 as custom front seats and seat belts.

12 Moreover, an additional party was just named in the case within the last week,
13 meaning that the case could not be ready for trial within the next several months, or possibly
14 longer. Any trial would therefore involve a third party. Finally, the plaintiff is a young man who
15 is now a college student at the University of California in San Diego. His should not be a
16 bellwether trial that will likely take longer than a typical injury trial, one that has the potential to
17 disrupt substantially a semester of his sophomore year. This case is prosecuted by Lief Cabraser.

18 In summary, Plaintiffs submit that the cases Yamaha has proposed will not
19 advance this litigation, but instead will simply drive up costs and eat up time. Five of the seven
20 are not even leg-injury cases. The two leg injury cases Yamaha proposes involve allegations of
21 alcohol and unbelted victims; one also involves a third party that Yamaha has sued.

22 Again, Plaintiffs are of the view that the Court should be strategic in its trial
23 selection. Cases should be selected based on their representativeness, based on how the case will

24 _____
25 ³ Yamaha's statement in its letter brief that 20 percent of all JCCP cases involve arm or hand
26 injuries is likely wrong but is certainly misleading. *Miller* is one of a small handful of cases that
27 involves an upper body injury *only*. There may be other cases that involve principally a leg injury
28 but that other parts of the body were also impacted, thereby leading to the 20 percent figure that
Yamaha is presumably relying on. Plaintiffs submit that likely fewer than 10 percent of the JCCP
cases involve an upper body injury only, and no accompanying leg injury, and those upper body
injuries are widely varied – hand, arm, head, etc, and as to arm/hand injuries as noted above the
issues are somewhat distinct as to passenger or drivers side.

1 advance the litigation as a whole. Plaintiffs suggest that the Court ought to ask regarding each
2 case how a verdict for the plaintiff or for the defendant will advance the litigation. If the answer
3 is not much, because the case will only impact a few other cases, then Plaintiffs submit it is not
4 one that should be among the next few cases tried in the JCCP. In this regard, it is important that
5 the cases Plaintiffs propose are all leg injury cases. These represent the overwhelming number of
6 cases. Three of the five cases Plaintiffs propose are relatively clean cases. No clean case has yet
7 to be tried in this Court. *Holt*, like *Cardozo* and *Kisbey*, is an alcohol/unbelted case. Is it really
8 necessary to try another case like *Holt* in the next five cases? Plaintiffs suggest not.

9 Plaintiffs do include their compromise selections of *Orrick* and *Von Batsch*. These
10 cases involve allegations of alcohol abuse. If Plaintiffs' proposed trial candidates are selected,
11 then no less than three of the first six cases tried in the JCCP would involve allegations of alcohol
12 abuse. Plaintiffs think that ratio is too high, but are willing to recommend for trial the *Orrick* and
13 *Von Batsch* cases in an effort at compromise.

14 CONCLUSION

15 Plaintiffs respectfully request that the Court select for trial the cases Plaintiffs have
16 proposed, and that a case such as *Smith* be slotted in the trial slot previously reserved for *Massie*.

17 Dated: June 4, 2010

Respectfully submitted,

18 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

19
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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF ORANGE – CIVIL COMPLEX CENTER**
15

16 **IN RE: YAMAHA RHINO LITIGATION**

17 This Document Pertains To All Cases
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**JUDICIAL COUNCIL
COORDINATION PROCEEDING
NO. 4561**

Honorable Thierry Patrick Colaw,
Coordination Judge

**YAMAHA DEFENDANTS' BRIEF IN
SUPPORT OF TRIAL CANDIDATE
PROPOSAL**

Hearing Date: June 11, 2010
Hearing Time: 2:30 p.m.
(1:30 p.m. in chambers)
Location: CX104

1 **INTRODUCTION**

2 As the Yamaha Defendants have previously suggested, the aim in selecting the next panel
3 of trial candidates for the JCCP should not be to find only the strongest cases or the weakest ones.
4 Instead, the Court and the parties should endeavor to find cases that share many of the factors
5 found in other JCCP cases, so that the trials will provide a rich lode of information that would be
6 useful in disposition of other cases. To that end, there are a multiplicity of factors that bear on
7 these cases, including use or non-use of seat belts or protective equipment; the extent to which the
8 vehicle was being operated inappropriately (e.g., excessive speed or inappropriate steering); use
9 of alcohol or drugs; type of terrain involved (pavement, slope, etc.); use of the vehicle without
10 proper preparation, instruction, or in ways that are contrary to instructed uses and/or warnings;
11 other warned-against behaviors; vehicle conditions, such as vehicle modifications and whether
12 the vehicle had Yamaha-installed doors or not; facts concerning the injury, such as type and
13 magnitude of injury; and the identity of lead counsel.

14 With these factors in mind, the Yamaha Defendants propose the following for the next
15 group of cases to be set for trial in the JCCP:

- 16 • One selection from among the following three fatality cases: *Berends*, *Katin*, or *King*,
17 two of which do not appear to involve alcohol abuse;
- 18 • *Cardoza* – a leg injury case involving an unbelted driver and apparently some alcohol
19 use;
- 20 • *Kisbey* – a leg injury case involving an unbelted passenger and apparently some
21 alcohol use;
- 22 • *Koehler* – an arm injury case involving an allegedly belted driver and apparently some
23 alcohol use; and
- 24 • *Miller* – a wrist injury/amputation case involving an allegedly belted driver, a
25 modified Rhino, and no apparent alcohol use.

26 As explained more fully below, each of these cases presents a combination of factors that are
27 shared by many cases in the JCCP, such that they will enrich the information gathered from jury
28 reactions in each upcoming trial.

1 Plaintiffs, on the other hand, have indicated that they want to try “clean” cases with few
2 distinguishing facts—i.e., cases involving adult drivers, belted plaintiffs, unmodified vehicles,
3 pre-door offer accidents, no alcohol and leg injuries. Unsurprisingly, Plaintiffs therefore continue
4 to champion the same slate of five cases that they proposed previously: *Powell, Smith, Markota,*
5 *Von Batsch, and Orrick.* By Plaintiffs’ own account, these cases almost exclusively involve one
6 alleged fact scenario—i.e., pre-2007 door offer incidents resulting in leg injuries to allegedly
7 belted passengers or drivers, with no allegations of drugs or alcohol use.¹ As such, Plaintiffs’
8 proposal is representative of only one small segment—indeed, less than a quarter—of cases now
9 pending in the JCCP. Not only have the Yamaha Defendants already accepted two of Plaintiffs’
10 proposed trial candidates—*Orrick* and *Von Batsch*²—but eight additional so-called “clean” cases
11 across the country are set to go to trial in 2010.³ The Yamaha Defendants are not saying that the
12 next five trial candidates should not include a case with the fact pattern favored by Plaintiffs.
13 However, it would be wasteful of the Court’s and parties’ resources to try five such cases from
14 this narrow category, particularly in light of the large number of purported “clean” cases that will
15 be tried between now and the time these cases are likely to start trial. Finally, trial of all five
16 cases proposed by Plaintiffs would be manifestly unhelpful because they all involve substantial
17 claimed medical expenses, with ranges that are seen in only a very few cases in the JCCP.
18 Claims of large medical expenses are not only likely to produce skewed damage awards in the
19 event of a plaintiff verdict, but the severity of injuries and the presence of high dollar amounts in
20 the case may indeed sway the jury in determining the final outcome. As such, a trial of these

21 ¹ Notably, alcohol use is contested in *Von Batsch* and *Orrick*.

22 ² Subsequent to the Yamaha Defendants’ acceptance of *Von Batsch*, on May 26, 2010,
23 Plaintiffs sought to amend the *Von Batsch* complaint to add allegations of punitive damages. The
24 Yamaha Defendants are dismayed that Plaintiffs would seek to change the nature of the case only
25 after the Yamaha Defendants had agreed to its inclusion as a trial candidate.

³ We would note that the parties in the *Massie* case, another supposed “clean” case,
previously set for trial in August 2010, have now reached a settlement.

26 We also note that the *McTaggart* jury reached a verdict in Georgia in a “crashworthiness
27 only” case. The jury rejected punitive damages, and awarded plaintiffs the following amount of
28 damages: medical \$13,690, wages \$38,312, future earnings \$100,000, pain and suffering
\$140,000, and loss of consortium \$25,000. Because the jury’s verdict was less than 125% of
plaintiff’s last demand, plaintiffs are not entitled to recover costs or expert fees under Georgia
law.

1 cases will not be useful in evaluating the vast majority of other JCCP cases.

2 At the end of the day, all of the parties' interests will be better served if the next five
3 JCCP cases to be set for trial, following the *Holt* and *Swainston*, trials include a diverse range of
4 factors and fact patterns that will inform the parties on the broadest possible range of JCCP cases.
5 Plaintiffs' purported "clean" standard is only one such permutation. Now that the Yamaha
6 Defendants have accepted two of Plaintiffs' proposed slate (*Orrick* and *Von Batsch*), the Yamaha
7 Defendants urge the Court to adopt three of the cases included in the Yamaha Defendant's
8 proposal to ensure that the five trial candidates ultimately selected present a greater diversity of
9 factors than those proposed by Plaintiffs.

10 **PROCEDURAL BACKGROUND: HISTORY OF NEGOTIATIONS**

11 When the parties began discussing the process for selecting the next five trial candidates
12 many weeks ago, the Yamaha Defendants understood that there would be some give and take by
13 both sides in order to arrive at a mutually acceptable slate of trial candidates. Since these
14 discussions began, Yamaha has proposed 18 trial candidates, and Plaintiffs have proposed six. Of
15 Plaintiffs' six proposed trial candidates, the Yamaha Defendants have accepted three (although
16 Plaintiffs later took one of those three off the table). Of the Yamaha Defendants' 18 proposed
17 cases, Plaintiffs have selected exactly zero. This is not the spirit of give and take that the Yamaha
18 Defendants had envisioned, or that we believe the Court had in mind.

19 Plaintiffs initially proposed five cases: *Luz*, *Markota*, *Powell*, *Smith* and *Von Batsch*. The
20 Yamaha Defendants accepted Plaintiffs' proposal of *Luz*, which Plaintiffs then immediately
21 withdrew as a proposed candidate. As a substitute for *Luz*, Plaintiffs later offered the *Orrick* case.
22 Plaintiffs have never offered another case for the Yamaha Defendants' consideration.

23 The Yamaha Defendants' initial proposal included seven (7) trial candidates for Plaintiffs'
24 consideration: *Koehler*, *Newman*, *Robertson*, *Jamison*, *Lannoo*, *Connor*, and *Knight*. Plaintiffs
25 rejected all seven cases. Subsequently, the Yamaha Defendants accepted Plaintiffs' *Von Batsch*
26 case and, in addition to those already proposed by the Yamaha Defendants, offered the following
27 package of ten cases:

- 28 • Two Lieff Cabraser cases from the following six candidates: *Apodaca*, *Bithell*,

1 *Hawkins, Katin, Miller (Justin), and Serr;*

- 2 • One fatality case brought by Gary Chambers—either *Vargas* or *Berends*; and
- 3 • *Connors* or *Kisbey*, both of which are Lack/Praglin cases.

4 Plaintiffs rejected all ten of Yamaha's additional proposed cases, but suggested that they
5 "remained open" to considering one of the fatality cases brought by Gary Chambers.

6 On May 12, 2010, the Yamaha Defendants also accepted Plaintiffs' proposal of *Orrick* as
7 a trial candidate.

8 On May 21, 2010, pursuant to the Court's instructions at the May 14, 2010 status
9 conference, the parties exchanged their final trial candidate proposals (attached hereto as Exhibits
10 A and B). In addition to the cases already proposed, the Yamaha Defendants included an
11 additional case for Plaintiffs' consideration—i.e., *Cardoza*. Plaintiffs have not responded at all to
12 the Yamaha Defendants' May 21, 2010 proposal.

13 I. YAMAHA DEFENDANTS' PROPOSAL

14 To ensure that the five trial candidates ultimately selected include not only the kind of so-
15 called "straightforward" or "clean" cases proposed by Plaintiffs, but also cases that involve a
16 greater diversity of factors, the Yamaha Defendants propose the following cases, in addition to
17 Plaintiffs' *Orrick* and *Von Batsch* cases, for inclusion among the next five trial candidates for the
18 JCCP^{4,5}:

19 1. One Selection From Among The Following Three Fatality Cases:

- 20 (a) *Berends v. Yamaha Motor Corporation, U.S.A., et al., Orange*
21 *County Superior Court, Case No. 07CC10532 (filed October 3,*
22 *2007).*

23 On November 26, 2006, 18-year-old decedent Danielle Bernard was operating a modified

24 ⁴ The case descriptions set forth below are based on our current understanding of the facts,
25 which we recognize may change based upon further investigation and discovery.

26 ⁵ The Yamaha Defendants continue to suggest that the *Lannoo* case also be included on
27 the list as a sixth case. Plaintiffs tentatively agreed to the case, but believed it would not be tried
28 until late 2011. That should not bar inclusion. It is a case brought by the Cory Watson firm of
Alabama and the Girardi firm involving a leg injury to an unbelted driver. The Cory Watson firm
has in excess of 50 cases across the country, including six cases in the JCCP with the Girardi
firm.

1 2005 Rhino at Ocotillo Wells State Vehicular Recreation Area. The modifications included
2 aftermarket roll bars, seats, seat belts, tires, wheels and a “CDI box,” among others. Bernard was
3 driving in the open desert when she rode over a berm and turned to the left. The Rhino rolled
4 over, coming to rest on its driver’s side. Bernard sustained fatal injuries to the right side of the
5 head. Bernard was not wearing a helmet. It will likely be disputed whether or not she was
6 wearing a seat belt. Plaintiffs are represented by Gary Chambers.

7 The *Berends* action is representative of three important categories of cases in the JCCP—
8 specifically, incidents resulting in fatal head injuries, occupants not wearing helmets, and
9 incidents involving modified Rhinos. Approximately 6% of all JCCP cases involve head injuries,
10 with over half of those resulting in fatalities. In 100% of those fatality cases, Plaintiffs were not
11 wearing a helmet.⁶ Given the heightened emotional response that a jury may have in a death case,
12 the impact such a response may have on the outcome of the case, and Plaintiffs’ typically
13 astronomical demands in these types of cases, it is useful that one such case be tried early to
14 evaluate this category of cases properly.

15 Moreover, contrary to prior suggestions by Plaintiffs, vehicle modification cases are not
16 “one-off” cases. In fact, approximately 30% of all JCCP cases involve a modified Rhino. As
17 such, a case like *Berends* will assist the parties in evaluating the likely impact modifications will
18 have on the outcomes of this rather large category of cases in the JCCP.

19 (b) *Katin, et al. v. Yamaha Motor Corporation, U.S.A., et al., Orange*
20 *County Superior Court, Case No. 00207061 (filed September*
21 *22, 2008).*

22 On February 23, 2008, plaintiff Paul Katin was driving a 2007 Yamaha Rhino 660 with
23 wife, Stephanie Katin, in the passenger seat. As they were proceeding along the crest of a sand
24 dune, Mr. Katin turned left to go down the dune and lost control of the vehicle. The Rhino rolled
25 down the dune and came to rest on its right side. During the rollover, Stephanie Katin was
26 partially ejected and the right side of the roll cage came to rest on her head and neck. She

27 ⁶ Cases involving Plaintiffs not wearing a helmet are by no means “one-off” cases. In
28 fact, in only 15% of all JCCP cases in which sufficient discovery has been conducted does the
Plaintiff even claim that a helmet was used.

1 sustained major head and neck trauma and died at the scene. Stephanie Katin was not wearing a
2 helmet, and testimony varies as to whether she was belted. Paul Katin stated he drank two beers
3 approximately two hours before the crash. The Rhino was equipped with Yamaha doors and
4 supplemental handholds. Plaintiffs are represented by the Klein firm.

5 Like the *Berends* action, *Katin* is also representative of the category of Rhino cases that
6 involve head injuries to unhelmeted occupants resulting in fatalities. This case is proposed as an
7 alternative to *Berends*, to test different factors. Of the 96 JCCP cases in which there is sufficient
8 discovery on the issue of alcohol, over half of those cases involve admitted alcohol use and/or
9 alcohol use is contested. The *Katin* case also involves a post-door offer incident—a variable seen
10 in approximately 30% of all JCCP cases.

11 (c) **King, et al. v. Yamaha Motor Corporation, U.S.A., et al., Orange**
12 **County Superior Court, Case No. 00106486 (filed May 9, 2008).**

13 On April 14, 2007, in the Imperial Sand Dunes Recreation Area in Imperial County,
14 California, decedent Emily King was operating a 2006 Rhino 660 owned by a third party. King's
15 cousin, Kristy Hall, was riding as a passenger. From a complete stop, King accelerated and
16 turned the Rhino to the left. The Rhino rolled over to the right, coming to rest on its side. Both
17 King and Hall, who were not wearing seat belts, were ejected. King sustained fatal head injuries.
18 Hall sustained fractures to the second and third metatarsals of her right foot and was treated at a
19 hospital in Yuma, Arizona. Neither King nor Hall were wearing a helmet. Plaintiffs are
20 represented by Amir Kahana, and J. Robert Davis and Sean Patrick Tracey of Texas. These
21 plaintiffs' attorneys have 13 cases in the JCCP.

22 In addition to being a head injury to an unhelmeted driver resulting in fatality, *King* is a
23 clear case where neither the driver nor the passenger—both of whom were injured—were wearing
24 their seat belts. Approximately 60% of all JCCP cases involve either non-use of seat belts or
25 disputed/unconfirmed seat belt use, consisting of 20% of plaintiffs who admit they were not
26 wearing their seat belts at the time of the incident and 40% where the plaintiff's claimed seat belt
27 use is challenged and/or seat belt use is unknown.

28

1 2. *Cardoza v. Yamaha Motor Corporation, U.S.A., et al., Orange County*
2 Superior Court, Case No. 07CC04289 (filed March 26, 2007).

3 This case arises out of a May 17, 2006, accident in Tipton, California. Plaintiff Brian
4 Cardoza was operating a 2006 Yamaha Rhino 660 with passenger, David Borges, on flat, gravel
5 terrain. Plaintiff claims he turned to the right while the vehicle was at a complete stop. From this
6 stopped position, the Rhino tipped onto the left side. Plaintiff injured his right leg when it
7 contacted the roof structure. The amount of alcohol use will be disputed. Plaintiff was not
8 wearing a helmet or seat belt. Plaintiff sustained a Grade I-II open tibia/fibula fracture with
9 marked comminution. He later underwent a prophylactic amputation of his left leg below the
10 knee rather than undergo additional treatment to attempt to save his leg. Plaintiff is represented
11 by the Klein firm.

12 In July 2008, Tony Klein and the Yamaha Defendants agreed to try this case after *Holt*
13 and *Rose*.

14 *Cardoza*, like so many of the JCCP cases, involves allegations of some alcohol use and an
15 unbelted driver plaintiff. Of the JCCP cases in which there is sufficient discovery on the issue of
16 alcohol, over half involve confirmed alcohol use or alcohol use is contested. While the *Holt*
17 matter, currently in trial, also involves alcohol, the alcohol use in that case is compounded by
18 allegations regarding the use of marijuana. *Cardoza*, on the other hand, will provide feedback on
19 the role of alcohol without the additional aggravating factor of drug use.

20 *Cardoza* also will provide important feedback regarding Rhino incidents involving an
21 unbelted driver plaintiff. Roughly half of all JCCP cases involve a plaintiff, like *Cardoza*, who
22 either did not wear a seat belt, or seat belt use is contested or unknown.

23 3. *Kisbey v. Yamaha Motor Corporation, U.S.A., et al., Orange County*
24 Superior Court, Case No. S-1500-CV 262602 (filed December 18,
25 2007).

26 This case arises out of a December 18, 2005 incident in Bakersfield, California. Plaintiff
27 Keith Kisbey was the passenger in a 2005 Rhino 660 operated by Cross-Defendant Robert
28 Anderson. Anderson was driving the Rhino on a "rutted dirt road" at approximately 20-25 miles

1 per hour when the Rhino overturned. As the vehicle overturned, the roll cage landed on Kisbey's
2 right leg. Kisbey sustained a leg fracture. Kisbey was not wearing a seat belt or a helmet. There
3 is also a question regarding whether there was any alcohol use. Plaintiff is represented by Gary
4 Praglin of the Engstrom, Lipscomb & Lack law firm.

5 Like *Cardoza*, the *Kisbey* case will provide important feedback on a plaintiff's failure to
6 wear a seat belt. *Kisbey*, however, tests this factor in the context of a passenger plaintiff.

7 **4. *Koehler v. Yamaha Motor Corporation, U.S.A., et al., Orange County***
8 **Superior Court, Case No. 00103960 (filed March 18, 2008).**

9 The subject accident occurred on November 11, 2006 near Copco Lake in Montague,
10 California, near the California/Oregon border. Plaintiff Luther Koehler was operating a 2006
11 Rhino 660 with a passenger when he made a right hand turn to follow the turn on a public dirt
12 road. The Rhino rolled over in the direction of the driver's side. Plaintiff claims he was belted
13 but admits he was not wearing a helmet. Plaintiff says he consumed beer prior to the accident.
14 Plaintiff sustained a left forearm crush injury. Plaintiff is represented by the Klein firm.

15 *Koehler* will test another substantial group of cases in the JCCP—i.e., incidents resulting
16 in upper extremity injuries. Cases involving hand, arm or shoulder injuries constitute
17 approximately 20% of all Rhino cases in the JCCP.

18 **5. *Miller (Justin) v. Yamaha Motor Corporation, U.S.A., et al., Orange***
19 **County Superior Court, Case No. 00245558 (filed 18, 2009).**

20 This action arises from a May 26, 2008, incident involving a modified 2008 Yamaha
21 Rhino 700 owned by a third party. The accident occurred on undeveloped private property in
22 Fresno, CA. Plaintiff Justin Miller, age 16, was operating the 2008 Rhino with his 15 year old
23 half/step brother as a passenger. Both occupants claim they were wearing their seat belts. Justin
24 Miller was on a dirt trail, descending a hill, when the vehicle reportedly struck a rock with its
25 right wheel. The Rhino then rolled on to its left side and the left portion of the roll bar landed on
26 plaintiff's left wrist. The Rhino was equipped with Yamaha doors and supplemental handholds.
27 Plaintiff sustained a left wrist injury, resulting in subsequent amputation. Plaintiff is represented
28 by the Lieff Cabraser firm.

1 Like the *Berends* case, proposed above, a trial of the *Miller* action will provide valuable
2 insight into the approximately 30% of JCCP cases in which sufficient discovery has been
3 conducted that involve non-Yamaha vehicle modifications. However, unlike *Berends*, *Miller*
4 does not involve the compounding factor of a fatality. As such, it is anticipated that the outcome
5 of this case will be informative of many of the JCCP modified Rhino cases.

6 The *Miller* case also will test incidents resulting in arm or hand injuries, which represent
7 approximately 20% of all JCCP cases, and post-door offer incidents, which represent
8 approximately 30% of all JCCP cases.

9 **II. PLAINTIFFS' PROPOSAL**

10 **A. Plaintiffs' Slate of So-Called "Clean" Cases Are Representative of Only a** 11 **Small Fraction of JCCP Cases**

12 Plaintiffs' so-called "clean" cases—i.e., cases involving pre-door offer incidents, belted
13 occupants, no alcohol or drug use, no modifications to the vehicle, no underage drivers, and leg
14 injuries—account for less than a quarter of the total cases in the JCCP. And, even that percentage
15 is likely to decrease as additional discovery is completed. As such, there is absolutely no reason
16 for the Court and parties to squander precious resources trying more than one or two of these
17 cases with the same characteristics. The Yamaha Defendants have already accepted two of the
18 cases proposed by Plaintiffs—*Orrick* and *Von Batsch*. The remaining three slots should be filled
19 with cases that provide different fact scenarios.

20 **B. Several "Clean" Cases Are Already Being Tried or Are Gearing Up for Trial** 21 **in 2010.**

22 As the Court is well aware, the approximately 160 cases in the JCCP represent only one
23 portion of the litigation that is currently underway nationwide involving the Yamaha Rhino. In
24 order to preserve judicial resources and to maximize the utility of each trial, the next five trial
25 candidates in the JCCP should be selected with the nationwide picture in mind. Already, there
26 are eight trials in 2010 that are likely to have cases falling within the category identified by
27 Plaintiffs as "clean" cases.

28

1 The *McTaggart* trial—a case involving a leg injury to an age-appropriate, belted driver, no
 2 alcohol or drug use, and no vehicle modifications—was just completed in Georgia on May 24,
 3 2010. Likewise, the *Kennedy* case—a Klein DeNatale case involving a leg injury to an allegedly
 4 belted passenger, apparently no alcohol or drug use, and an age-appropriate driver—is set for trial
 5 in Pennsylvania on June 28, 2010. *Pena*—an Oregon state case involving a leg injury to an
 6 allegedly belted passenger, apparently no drug or alcohol use, and an age-appropriate driver—is
 7 set for trial on July 19, 2010. A Michigan case, *Tuttle*, involves a leg injury to an allegedly belted
 8 passenger, apparently no drug or alcohol use, no known vehicle modifications, and an age-
 9 appropriate driver, and is set for trial on September 1, 2010. The *O'Sullivan* case—a Florida case
 10 involving a leg injury to an allegedly belted passenger, apparently no drug or alcohol use, no
 11 vehicle modifications, and an age-appropriate driver—is set for trial on September 13, 2010. One
 12 of the two remaining cases in the Georgia Coordination Proceeding's Trial Pool No. 1—
 13 *Laskowski*—and three of the cases in an upcoming trial pool—*Strain*, *Chiappa*, and *Pigneri*—all
 14 involve leg injuries to allegedly belted passengers and drivers, no drug or alcohol use (or
 15 drug/alcohol use is unknown), no modifications (or modifications are unknown), and age-
 16 appropriate drivers. There are currently trial dates set for the Georgia cases on August 9, 2010,
 17 and November 1, 2010. Finally, the Kentucky *Watterson* case—involving a leg injury to an
 18 allegedly belted driver, no alcohol or drug use, no modifications, and an age-appropriate driver—
 19 will be tried on December 13, 2010. All of these cases involve incidents that occurred prior to
 20 Yamaha's door offer.

21 For ease of reference, the chart below graphically illustrates those purported “clean” cases
 22 that are likely to be tried within the next seven months:

24 Case	Trial Date	Pre Door Offer	Claimed Belt Use	No Known Alcohol/ Drug Use	No Known Modifications	Age Appropriate Driver	Leg Injury
26 <i>McTaggart</i> (GA)	5/10/10	X	X	X	X	X	X
28 <i>Kennedy</i>	6/28/10	X	X	X	Roof,	X	X

Case	Trial Date	Pre Door Offer	Claimed Belt Use	No Known Alcohol/ Drug Use	No Known Modifications	Age Appropriate Driver	Leg Injury
(PA-Klein DeNatale)					windshield, cargo cover		
<i>Pena</i> (OR-Lieff Cabraser)	7/19/10	X	X	X	Aftermarket tires	X	X
<i>Tuttle</i> (MI)	9/1/10	X	X	X	X	X	X
<i>O'Sullivan</i> (FL)	9/13/10	X	X	X	X	X	X
<i>Laskowski*</i> (GA)	5/5/10, 8/9/10	X	X	X	X	X	X
<i>Strain*</i> (GA)	11/1/10	X	X	X	X	X	X
<i>Chiappa*</i> (GA)	11/1/10	X	X	X	X	X	X
<i>Pigneri*</i> (GA-Lieff)	11/1/10	X	X	X	X	X	X
<i>Watterson</i> (KY)	12/13/10	X	X	X	X	X	X

Given that the parties are likely to obtain jury feedback from several—if not all—of these “clean” cases long before the next five trial candidates are tried in the JCCP, it is in the best interest of all to broaden the scope of factors being tested in the next five trial candidates.

* *Laskowski* is one of the two remaining cases from Trial Pool No. 1 in the Georgia Coordination Proceeding, and was assigned the trial date of May 5, 2010, along with *McTaggart* and *Miller*. The next potential trial date for this case would be August 9, 2010.

Strain, *Chiappa*, and *Pigneri* are all cases in an upcoming Georgia trial pool and thus, currently are assigned the same trial date of November 1, 2010.

It is unknown whether some or all of these cases will try within the 2010 calendar year. However, given the August 9 and November 1 trial dates, it is entirely likely that as many as two more purported “clean” cases will try in Georgia in 2010.

1 **C. Plaintiffs' Proposed Cases Also Are Unrepresentative Because They Involve**
2 **Substantially Higher Alleged Medical Damages Than Most.**

3 Finally, the cases in Plaintiffs' proposal are particularly ill-fitted to serve as representative
4 cases in the JCCP because they involve substantial claimed medical expenses, ranging from
5 \$135,000 to \$700,000, according to Plaintiffs. Only half of the 129 JCCP cases for which the
6 Yamaha Defendants have been provided medical expense documentation have medical bills
7 exceeding \$60,000, and only 30% of those cases exceed \$150,000 in alleged damages. In
8 particular, Plaintiffs' proposed case *Smith* has \$700,000 in alleged medical expenses and *Markota*
9 has \$671, 937 in alleged medical expenses. Yet less than 5% of those 129 JCCP have medical
10 expenses exceeding \$500,000. As such, these cases are not representative of other cases in the
11 JCCP. Claims of large medical expenses are not only likely to produce skewed damage awards in
12 the event of a plaintiff verdict, but, due to the severity of injury and presence of high dollar
13 amounts in the case, may indeed sway the jury in determining the final outcome. As such, a trial
14 of these "clean" cases with these skewed medical damage figures will not be useful in evaluating
15 the vast majority of other JCCP cases.

16 Dated: June 4, 2010

Respectfully submitted,

JONES DAY

19 By: /s/ Rick McKnight

Rick McKnight
David J. DiMeglio

21 -and-

22 Paul G. Cereghini
23 Robert K. Miller
BOWMAN & BROOKE LLP
24 Co-Lead Counsel for the Yamaha Defendants

EXHIBIT A

JONES DAY

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May 21, 2010

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Re: *In Re: Yamaha Rhino Litigation*, JCCP No. 4561—Trial Candidates

Gentlemen:

Pursuant to the Court's instructions at the May 14, 2010 trial setting conference, set forth below is the Yamaha Defendants' proposal for the next five trial candidates for the JCCP. In addition to the cases below, we expect that Plaintiffs' proposal will include the *Orrick* and *Von Batsch* cases, which the Yamaha Defendants also have already agreed to.

As the Yamaha Defendants have previously suggested, the aim of the case selection process should not be to find only the strongest cases or the weakest ones. Instead, the Court and the parties should endeavor to find cases that have many of the factors found in other cases in the JCCP, so that the trials of each of these cases will provide a rich lode of information that would be useful in disposition of other cases. To that end, the Yamaha Defendants note that there are a multiplicity of factors that bear on these cases, including use or non-use of seat belts or protective equipment; the extent to which the vehicle was being operated inappropriately (e.g., excessive speed or inappropriate steering); use of alcohol or drugs; type of terrain involved (pavement, slope, etc.); use of the vehicle without proper preparation, instruction, or use in ways that are contrary to instructed uses and/or warnings; other warned-against behaviors; vehicle conditions, such as vehicle modifications and whether the vehicle had Yamaha-installed doors or not; and facts concerning the injury, such as type and magnitude of injury. While it would be impossible to select five cases that would test all of these factors, and all permutations thereof, the following proposal provides a diverse test panel from which a number of the more frequent fact patterns in the JCCP cases can be tested.

The case descriptions set forth below are based on our current understanding of the facts, which we recognize may change based upon further investigation and discovery.

LAI-3095678

ATLANTA • BEIJING • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • HONG KONG • HOUSTON
IRVINE • LONDON • LOS ANGELES • MADRID • MILAN • MOSCOW • MUNICH • NEW DELHI • NEW YORK • PARIS • PITTSBURGH
SAN DIEGO • SAN FRANCISCO • SHANGHAI • SILICON VALLEY • SINGAPORE • SYDNEY • TAIPEI • TOKYO • WASHINGTON

Anthony Klein, Esq.
 Robert Nelson, Esq.
 May 21, 2010
 Page 2

1. **One Selection From Among The Following Three Fatality Cases:**

- a. ***Berends v. Yamaha Motor Corporation, U.S.A., et al., Orange County Superior Court, Case No. 07CC10532 (filed October 3, 2007).***

On November 26, 2006, 18-year-old decedent Danielle Bernard was operating a modified 2005 Rhino at Ocotillo Wells State Vehicular Recreation Area. The modifications included aftermarket roll bars, seats, seat belts, tires, wheels and a “CDI box,” among others. Bernard was driving in the open desert when she rode over a berm and turned to the left. The Rhino rolled over, coming to rest on its driver’s side. Bernard sustained fatal injuries to the right side of the head. Bernard was not wearing a helmet. It will likely be disputed whether or not she was wearing a seat belt. Plaintiffs are represented by Gary Chambers.

The *Berends* action is representative of two important category of cases in the JCCP—specifically, incidents resulting in fatal head injuries and incidents involving modified Rhinos. Approximately 6% of all JCCP cases involve head injuries, with over half of those head injury cases resulting in fatalities. Given the heightened emotional response that a jury may have in a death case, and the impact such a response may have on the outcome of the case, it is critical that one such case be tried early to properly evaluate this category of cases.

Moreover, contrary to prior suggestions by Plaintiffs, vehicle modification cases are not “one-off” cases. In fact, approximately 30% of all JCCP cases involve a modified Rhino. As such, a case like *Berends* will assist the parties in evaluating the likely impact modifications will have on this rather large category of cases in the JCCP.

- b. ***Katin, et al. v. Yamaha Motor Corporation, U.S.A., et al., Orange County Superior Court, Case No. 00207061 (filed September 22, 2008).***

On February 23, 2008, plaintiff Paul Katin was driving a 2007 Yamaha Rhino 660, with wife Stephanie Katin, in the passenger seat. As the Katins were proceeding along the crest of a sand dune, Mr. Katin turned left to go down the dune and lost control of the vehicle. The Rhino rolled down the dune and came to rest on its right side. During the rollover, Stephanie Katin was partially ejected and the right side of the roll cage came to rest on her head and neck. Stephanie Katin sustained major head and neck trauma and died at the scene. Stephanie Katin was not wearing a helmet and testimony varies as to whether she was belted. Paul Katin admitted drinking two beers approximately two hours before the crash. The Rhino was equipped with Yamaha doors and supplemental hand holds. Plaintiffs are represented by Tony Klein.

Anthony Klein, Esq.
 Robert Nelson, Esq.
 May 21, 2010
 Page 3

Like the *Berends* action, *Katin* is also representative of the category of Rhino cases that involve head injuries resulting in fatalities. This case is proposed as an alternative to *Berends*, to test different factors. *Katin*, like so many of the JCCP cases, involves allegations of alcohol use. In fact, of the 96 JCCP cases in which there is sufficient discovery on the issue of alcohol, over half of those cases involve alcohol and/or alcohol use is contested.

c. *King, et al. v. Yamaha Motor Corporation, U.S.A., et al., Orange County Superior Court, Case No. 00106486 (filed May 9, 2008).*

On April 14, 2007, near Gordon's Wells in the Imperial Sand Dunes Recreation Area in Imperial County, California, decedent Emily King was operating a 2006 Rhino 660 owned by Karen Wilson and/or her grandson, Korie Nealis, of Wabash, Indiana. King's cousin, Kristy Hall, was riding as a passenger. From a complete stop, King accelerated and turned the Rhino to the left. The Rhino rolled over to the right, coming to rest on its left side. Both Emily and Hall, who were not wearing seat belts, were ejected. King sustained fatal head injuries. Hall sustained fractures to the second and third metatarsals of her right foot and was treated at a hospital in Yuma, Arizona. Neither King nor Hall was wearing a helmet. Plaintiffs are represented by Amir Kahana, J. Robert Davis and Sean Patrick Tracey.

In addition to being a head injury resulting in fatality, *King* is a clear case where neither the driver nor the passenger—both of whom were injured—were wearing their seat belts. Approximately 20% of all JCCP cases involve plaintiffs that admit they were not wearing their seat belts at the time of the incident, and in 40% of the cases, the plaintiff's claimed seat belt use is challenged and/or seat belt use is unknown.

2. *Cardoza v. Yamaha Motor Corporation, U.S.A., et al., Orange County Superior Court, Case No. 07CC04289 (filed March 26, 2007).*

This case arises out of a May 17, 2006, accident in Tipton, California. Plaintiff Brian Cardoza was operating a 2006 Yamaha Rhino 660 with passenger, David Borges, on flat, gravel terrain. Plaintiff claims he turned to the right while the vehicle was at a complete stop. From this stopped position, the Rhino tipped onto the left side. Plaintiff injured his right leg when it contacted the roof structure. The amount of alcohol use will be disputed. Plaintiff was not wearing a helmet or seat belt. Plaintiff sustained a Grade I-II open tibia/fibula fracture with marked comminution. He later underwent a prophylactic amputation of his left leg below the knee rather than undergo additional treatment to attempt to save his leg. Plaintiff is represented by the Klein firm.

In July 2008, Tony Klein and Paul Cereghini agreed to try this case after *Holt* and *Rose*.

Anthony Klein, Esq.
Robert Nelson, Esq.
May 21, 2010
Page 4

Cardoza, like so many of the JCCP cases, involves allegations of alcohol use and an unbelted driver plaintiff.

Of the JCCP cases in which there is sufficient discovery on the issue of alcohol, over half involve confirmed alcohol use or alcohol use is contested. While the *Holt* matter, currently in trial, also involves alcohol, the alcohol use in that case is compounded by allegations regarding the use of marijuana. *Cardoza*, on the other hand, will provide feedback on the role of alcohol without the additional aggravating factor of drug use.

Cardoza also will provide important feedback regarding Rhino incidents involving an unbelted driver plaintiff. Roughly half of all JCCP cases involve a driver plaintiff, like *Cardoza*, who either did not wear a seat belt, or seat belt use is contested or unknown.

3. ***Kisbey v. Yamaha Motor Corporation, U.S.A., et al., Orange County Superior Court, Case No. S-1500-CV 262602 (filed December 18, 2007).***

This case arises out of a December 18, 2005 incident in Bakersfield, California. Plaintiff Keith Kisbey was the passenger in a 2005 Rhino 660 operated by Cross-Defendant Robert Anderson. Anderson was driving the Rhino on a "rutted dirt road" at approximately 20-25 miles per hour when the Rhino overturned. As the vehicle overturned, the roll cage landed on Kisbey's right leg. Kisbey sustained a leg fracture. Kisbey admits that he was not wearing a seat belt or a helmet. There is also a question regarding alcohol use. Plaintiff is represented by Gary Praglin of the Engstrom, Lipscomb & Lack law firm.

Like *Cardoza*, the *Kisbey* case will provide important feedback on the roll of alcohol use and a plaintiff's failure to wear a seat belt. *Kisbey*, however, tests these factors in the context of a passenger plaintiff. This particular combination—i.e., allegations of alcohol use and injury to the passenger plaintiff—is seen in approximately 15% of all Rhino cases.

4. ***Koehler v. Yamaha Motor Corporation, U.S.A., et al., Orange County Superior Court, Case No. 00103960 (filed March 18, 2008).***

The subject accident occurred on November 11, 2006 near Copco Lake in Montague, California, near the California/Oregon border. Plaintiff Luther Koehler was operating a 2006 Rhino 660 with a passenger when he made a right hand turn to follow the turn on a public dirt road. The Rhino rolled over in the direction of the driver's side. Plaintiff claims he was belted but admits he was not wearing a helmet. Plaintiff also admits he consumed beer prior to the accident. Plaintiff sustained a severe left forearm crush injury. Plaintiff is represented by the Klein firm.

Anthony Klein, Esq.
Robert Nelson, Esq.
May 21, 2010
Page 5

Like *Cardoza* and *Kisbey*, *Koehler* provides another opportunity to test the role of alcohol use, but with different variables. For example, *Koehler* will test another substantial group of cases in the JCCP—i.e., incidents resulting in arm or hand injuries. Cases involving hand, arm or shoulder injuries constitute approximately 20% of all Rhino cases in the JCCP.

5. **Miller (Justin) v. Yamaha Motor Corporation, U.S.A., et al., Orange County Superior Court, Case No. 00245558 (filed 18, 2009).**

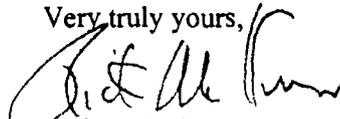
This action arises from a May 26, 2008, incident involving a modified 2008 Yamaha Rhino 700 owned by David McGuire. The accident occurred on undeveloped private property in Fresno, CA. Plaintiff Justin Chase Miller, age 16, was operating the McGuire's 2008 Rhino with his 15 year old half/step brother, Joshua Miller, as a passenger. Both occupants claim they were wearing their seat belts. Justin Miller was on a dirt trail, descending a hill, when the vehicle reportedly struck a rock with its right wheel. The Rhino then rolled on to its left side and the left portion of the roll bar landed on plaintiff's left wrist. The Rhino was equipped with Yamaha doors and supplemental handholds. Plaintiff sustained a left wrist injury, resulting in subsequent amputation. Plaintiff is represented by the Lieff Cabraser firm.

Like the *Berends* case, proposed above, a trial of the *Miller* action will provide valuable insight into the approximately 30% JCCP cases in which sufficient discovery has been conducted that involve non-Yamaha vehicle modifications. However, unlike *Berends*, *Miller* does not involve the compounding factor of a fatality. As such, it is anticipated that the outcome of this case will be truly informative of the JCCP modified Rhino cases.

The *Miller* case will also test incidents resulting in arm or hand injuries, which represent approximately 20% of all JCCP cases.

Please call me next week to discuss our respective trial candidate proposals.

Very truly yours,



Rick McKnight

cc: Brian Cuff

EXHIBIT B

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

ROBERT J. NELSON
PARTNER

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mail@lchb.com
www.lchb.com

NEW YORK
NASHVILLE

May 21, 2010

BY E-MAIL

David DiMeglio
JONES DAY
555 South Flower Street
Fiftieth Floor
Los Angeles, CA 90071

Re: **IN RE COORDINATED YAMAHA RHINO LITIGATION**
Judicial Council Coordination Proceeding (JCCP) No. 4561

Dear David:

Per the Court's oral order of May 14, 2010, the Lead Counsel for the parties are to set forth their proposed next five trial candidates by the end of business today. Once each side has done so, then the parties are to brief the Court as to why their selections are reasonable and would advance the litigation as so-called bellwethers, with the briefs being filed on June 4, 2010.

In connection with our first obligation, i.e., to set forth five cases that we believe should be among those next tried in this Coordination Proceeding, we again forward the same candidates that we have previously: *Smith, Markota, Powell, Von Batsch, Orrick*. I am advised that each of these are leg cases. I am also advised that Von Batsch and Orrick both involve allegations of alcohol abuse by Yamaha. As such, these cases are advanced not as "clean" cases, i.e., belted, no alcohol/drugs, pre-recall leg injury, but as compromise cases that hopefully Yamaha will continue to agree can be among the next cases tried.

If *Massie* were to settle, the next case needs to get worked up quickly so that the *Massie* trial slot is not lost, and we will propose either *Smith* or *Powell*, which are both LCHB cases which could be quickly worked up, for the next slot.

David DiMeglio
May 21, 2010
Page 2

Thank you for your continued cooperation as we try to reach some resolution in connection with the next trial cases.

Very truly yours,



Robert J. Nelson

RJN:dv

cc: Rick McKnight
Paul Cereghini
Robert Miller
Anthony Klein

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PROOF OF SERVICE

VIA LEXISNEXIS FILE & SERVE

I, Diane Finegan, declare:

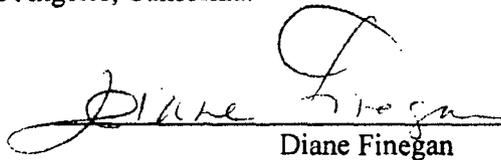
I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Jones Day, 555 South Flower Street, Fiftieth Floor, Los Angeles, California 90071-2300. On June 4, 2010, I served a copy of the document(s) listed below:

YAMAHA DEFENDANTS' BRIEF IN SUPPORT OF TRIAL CANDIDATE PROPOSAL

Pursuant to the Court's June 24, 2009 Order Regarding Electronic Service, the above-named document has been electronically served on counsel of record by transmission through the LexisNexis File & Serve system on the date below. The transmission of this document to the LexisNexis File & Service system was reported as complete and a copy of the LexisNexis File & Serve Transaction Receipt will be maintained along with the original document(s) and proof of service in our office.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 4, 2010, at Los Angeles, California.


Diane Finegan

01/05/2011 15:42:23

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description = Rhino rolled at low speed on March 23, 2007, a week after purchase. No modifications to product prior to loss. Two occupants injured. Passenger's right leg broken between knee and ankle, driver broke finger and sustained back injuries.

Victim's age at time of incident = 38
Victim's sex = male
Date of incident = 3/2008
Product involved = Rhino
Product brand name/manufacturer = Yamaha
Manufacturer street address = California
Place where manufactured (City and State or Country) = California
Product model and serial number, manufacture date =
Product damaged, repaired or modified = no
If yes, before or after the incident =
Description of damage, repair or modification =
Date product purchased = March 15, 2007
Product involved still available = yes
Have you contacted the manufacturer = yes
If not, do you plan to contact them =
Name Release = Release name to the manufacturer and public

X10 B 0092

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Child and an adult are injured in ATV crash

3 days ago | 1769 views | 1 | 4

An ATV passenger was flown to Parkland Hospital in Dallas after the 7-year-old driver drove into a tree on private property north of Achille, the Oklahoma Highway Patrol said.

According to the patrol, [redacted], 7, Dallas, was driving a Polaris Ranger ATV Saturday afternoon, and [redacted], 62, also of Dallas was a passenger. The vehicle was westbound in a pasture when it struck a tree.

[redacted] was taken by private vehicle to Texoma Medical Center in Denison, Texas, where she is listed in fair condition with arm injuries, according to the patrol. Rinker is in stable condition and has head injuries.

The report stated that the vehicle was equipped with seat belts but they were not worn by the occupants.

The vehicle being operated by an inexperienced driver was cited in Trooper Kyle Ince's report as the cause of the crash.

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« wolfdaddy74701 wrote on Sunday, Oct 31 at 10:04 PM »

Two words Ms. Redman: child endangerment!

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DJIA	10788.05	↓ -47.23	-0.44%
NYSE	7281.07	↓ -18.24	-0.25%
RUSS2KG	376.60	↓ -1.12	-0.30%
TSX Comp	12368.65	↓ -14.17	-0.11%

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ISSUE 15

San Bernardino County Sheriff-Coroner Department Protection



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Tuesday - 4. January 2011

Coroner's Press Release

UPDATED: Monday, January 03, 2011 at 9:23:37 PM

UPDATED BY EM

No new Items

Be sure to click the RELOAD or REFRESH key as this page does not reload automatically.

1. Coroner Case #701008641 - On 12/31/2010 at about 10:00 PM, [REDACTED], a 37 year old resident of North Las Vegas Nevada, was the unrestrained driver of a Polaris Razor off-road vehicle who was off-roading in the area of Dumont Dunes In Rural Baker. While driving in the open desert, [REDACTED] lost control of the Razor causing it to roll over and ejecting him. Emergency personnel from Baker Ambulance responded to the scene and pronounced Ruiz dead at 10:30 PM from injuries sustained in the collision. The California Highway Patrol is investigating the collision. (01012011 2252 CN)
2. Coroner case 701100007 -- At 7:45 PM on 12/31/10, San Bernardino County Sheriff's Deputies responded to a subject threatening to shoot neighbors in the 60000 block of Granada Drive, in Joshua Tree. The deputies confronted the subject and a shooting occurred. The subject, later identified as [REDACTED], a 29 year old resident of Joshua Tree, was confirmed dead at the scene at 8:34 PM. An autopsy will be conducted to determine the cause of death. The San Bernardino County Sheriff's Department is investigating the incident. (01012011 2243 CN)
3. Coroner case #701100006; On 01/01/2010 at 3:34 AM, a 911 call was received reporting a single vehicle roll-over on Havasu Lake Road, 4 miles north of Jack Bale Rd., in Havasu Lake, Ca. A 1999 Toyota 4Runner was traveling northbound on Havasu Lake Rd. when it left the roadway and struck a tree. The San Bernardino County Fire Department responded along with the California Highway Patrol. A passenger in the vehicle, [REDACTED], a 37 year old resident of Havasu Lake, was pronounced dead at the scene at 4:11 AM. John was the front seat passenger in . The California Highway Patrol is investigating the incident. (01012011 2240 CN)
4. Coroner Case # 701008639--- On 12/31/2010 at 5:14 PM, California Highway Patrol officers responded to a traffic collision in the area of Sheep Creek Rd and Nielson Rd, in Phelan. Officers and San Bernardino County Fire Department personnel arrived on scene and found [REDACTED], a 65 year old resident of Phelan, had ejected from his vehicle. Bae was transported to Loma Linda Medical Center, in the city of Loma Linda where he died from his injuries at 10:34 PM. An autopsy will be conducted to determine the cause of death. The California Highway Patrol is investigating the incident. (01012011 CN 0158)
5. Coroner Case #701008625; On 12/31/2010 at 09:12 AM, a 911 call was received reporting a traffic collision on Needles Highway at Budwelsler Rd. The California Highway responded to find that a 2006 Nissan Altima traveling northbound on Needles Highway failed to negotiate a slight left curve and crossed over into the southbound lane. It was struck in the passenger side by a 2005 Dodge Magnum. Three people were trapped in their vehicles and had to be extricated by Fire Department Personnel. The victims were airlifted to the Colorado River Medical Center in Needles where [REDACTED], a 61 year old resident of West Covina, was pronounced dead at 11:07 AM. The California Highway Patrol is investigating the incident. (12312010 CN 1930)
6. Coroner Case #701008612 - on 12/30/10 at 10:10 PM, Colton Police officers were sent to the area of 9th St. and Laurel St., in Colton for a report of shots fired. When they arrived on-scene, they found Lester Antonio [REDACTED], a 19 year old resident of San Bernardino, with upper body trauma. He was transported to Arrowhead Regional Medical Center where he was pronounced dead at 10:45 PM. The Colton Police Department Homicide Detail is investigating the incident. An autopsy will be conducted later this week to determine the exact cause of death. (12312010 CN 0250)
7. Coroner case #701008552--On 12/28/10 at 10:22 am California Highway Patrol (CHP) received a 911 call regarding a traffic collision on the northbound 15 freeway in an unincorporated area of Riverside County. [REDACTED], an 11 year old male resident of Orange, was the right rear passenger of a 2000 Toyota Camry when it was struck from behind by a 2006 Ford F150 truck. Joshua was transported to Loma Linda University Medical Center where he succumbed to his injuries. The incident is being investigated by the CHP. (12282010 1645 SY)
8. Coroner case #701008536--On 12-27-10 at 7:05 PM [REDACTED], age: 26, from Fontana was driving a 2008 Suzuki 750 motorcycle northbound on Day Creek Boulevard north of Jack Benny Drive in Rancho Cucamonga and as he traversed a curve in the roadway, he apparently lost control and collided with a guardrail. Paramedics responded and transported him to San Antonio Community Hospital where he was pronounced dead at 7:40 PM. The San Bernardino County Sheriff's Department is investigating the collision. (122810 0600 EM)
9. Coroner case 701008534--On 12/27/10, at 6:06 PM, Ski Patrol and San Bernardino County Fire-fighters responded to a 24 year-old male from Fullerton who was snowboarding at Mountain High Ski Resort in Wrightwood and collided with some trees. Paramedics transported him to Community Hospital of San Bernardino where he was pronounced dead at 7:07 PM. An autopsy will be conducted to determine the cause of death. When next of kin has been notified, his name will be released. (122810 0545 EM)

CA
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12/31/10
product code = 504

X1120393A



Gilbert father faces charge after son, 12, crashes ATV

by Nathan Gonzalez - Feb. 2, 2011 10:53 AM
The Republic | azcentral.com

A Gilbert man faces a misdemeanor charge for allegedly allowing his 12-year-old boy to drive their street-legal ATV, which rolled over and injured three, police said.

The driver was knocked unconscious on Friday and taken to Maricopa County Hospital, Sgt. Bill Balafas said Wednesday.

What happened?

Gilbert police and fire officials were called about 4 p.m. to a greenbelt water-retention basin near the 1000 block of S. Buchanan Street, southeast of Cooper and Warner roads.

"(The boy) was involved in the collision after his father gave him permission to drive the Yamaha Rhino around the neighborhood with two other female juvenile passengers," Balafas said. A Rhino resembles a two-seater ATV and a golf cart.

While driving on the greenbelt, the boy rolled the vehicle and knocked himself unconscious. He regained consciousness and was transported to the hospital, said Capt. Mike Connor, a Gilbert fire spokesman.

The two girl passengers, who were neighbors, were treated at the scene for their minor injuries and released. One of the girls was 8.

Father charged

Following the incident, police charged [redacted] for allowing his son to drive the vehicle a quarter-mile from their home on the 700 block of W. Stottler Place, police said.

[redacted] was cited for a misdemeanor charge of permitting an unauthorized minor to drive a vehicle.

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Port Alsworth crash sends man to hospital

The Associated Press
Published: February 24th, 2011 05:07 AM
Last Modified: February 24th, 2011 05:08 AM

PORT ALSWORTH, Alaska - A crash between a truck and an off-road vehicle in the southwest Alaska community of Port Alsworth injured a 28-year-old South Carolina man.

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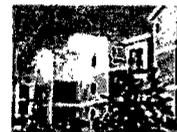
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Driver was flown by medical aircraft to Anchorage after his off-road vehicle crashed into a truck.

Alaska State Troopers say Oliver on Friday was driving a Yamaha Rhino, a four-wheel drive off-road vehicle with seat belts and side-by-side seats like a golf cart.

Troopers say he exited a private driveway at a high rate of speed, turned onto a private road and crashed head-on with a Lake and Peninsula School District truck. The driver of the truck was not hurt.

was not wearing a helmet or the seat belt. His hometown was not available.

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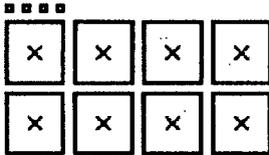
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OCEANO

Fatal crash at dunes has off-road drivers thinking twice about safety

Posted: Mar 6, 2011 5:03 PM by Courtney Meznarich (DL) - Source: KSBY News

Updated: Mar 6, 2011 8:48 PM

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vehicles."

Rangers says [redacted]'s death is the first fatal accident at the dunes in more than a year. Drugs or alcohol do not appear to be a factor in the crash.

Off-road enthusiasts at the Oceano Dunes are being extra cautious after a 37-year-old Visalia man died in an accident at the State Park Saturday.

Park Rangers say [redacted] was pronounced dead at the scene after he rolled his Yamaha Rhino just after 1:30 p.m. They say it appears he was not strapped in.

Visitors at the dunes say it is a somber reminder that off-road drivers need to pay attention to safety.

"Just always be aware of your surroundings and try to keep in mind everybody else is riding around you," said [redacted]

"Know that other motorcycles, that there's dune buggies or whatever, just kind of be aware of them because they're bigger

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Incident Details

Document H1140072A

Number:

Report 20110407-984BB-1175120

Number:

Who You Consumer

Are:

Incident Description: The victim works for a suspension company Fine Line Suspension where he was testing out the shocks on the side by side ATV. He was riding on an off road (dirt road) the ball joints cracked and caused the front end to collapse and fall to the ground.

The ATV flipped forward causing the victim to fall out of the ATV forward and the helmet in which he wore cracked at the top. He received bruising to the ribs and back and he also fractured his ribs .He went Hoag Hospital and he was prescribed with medication.

The vehicle is now currently still in the suspension shop in which he works for and the company's insurance company declared the vehicle a total loss so no repairs have been made the vehicle is currently in the sshop Fine Line Suspension. No repairs have been made and the insurance company of the shop has declared the vehicle as a total loss.

Incident 3/19/2011

Date:

Incident

Location:

Victim Details

First Name:

Last Name:

Injury Injury, Emergency Department Treatment Received
Information:

Victim is of No
Hispanic/Latino
origin?

Race: White

Other

Race/Ethnicity:

Source of Respondent - Self/Family
Race

Information:

My Self
Relationship

to Victim:

Gender: Male

Age when incident
occurred: 32 Years 0

Address: United States

E-mail:

Phone
Number:

Product Details

Product side by side
Description:

Product Sports and Recreation
Category:

Product Recreational Vehicles (Unlicensed)

Type:

Brand
Name:

Manufacturer/Private

Labeler
Name:

Model vin4xajh87a4bb392764

Name or
Number:

Serial
Number:

Date
Manufactured:

Manufacturer 2011

Date Code:

Manufacturer
Address:

Manufacturer
Website
URL:

Manufacturer
Phone
Number:

Retailer:

Retailer
State:

Additional Details

Purchase
Date:

I still have Yes
the product
in my
possession.

The No
product
was
damaged
before the
incident.

The Not specified
product
was
modified
before the
incident.

Have you Not specified
contacted
the
manufacturer?

If not, do Not specified
you plan to
contact
them?

Explanation:

Your Contact Information

First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED]

States

E-mail

Phone: [REDACTED]
Number:

OMB Control Number 3041-0146

X1190584A
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TC 32 MEDICAL EXAMINER'S/CORONER'S REPORTING FORM

To report a case by telephone, call (toll free) 1-800-638-8095. Say "THIS IS A MECAP REPORT." You will then be placed in contact with the MECAP Project Manager for your state, who will ask for the information noted below.

Date of accident 3-25-11 Date of Death 3-25-11

Type of consumer product involved Swimming pool

Manufacturer, Model, Brand name, and Serial No. of product _____

Is product available for examination? Yes No. If Yes, where? _____

Cause of Death: Drowning

Location of Accident: City Daytona Bch State Florida

Brief description of accident sequence: (Please include the AGE and SEX of the VICTIM(S))
3 Yr. old (W/B) (M/F) decedent was found face down in the swimming pool.

McClothren, Paola

Contact Information: Please include the name, address and telephone number of any state/local personnel who investigated the accident.
Daytona Bch. P.D. 2011-0005870

Medical Examiner's/Coroner's Case No. 11-07-161 Telephone No. 386-258-4060

Reporter's Name Shirley Stover-Wilkins Date Reported 07/12/11

Reporters Off. (Incl. City, county, & state) Daytona Beach, FL

Medical Examiner's/Coroner's Name Dr.'s Bulic Snider Herrmann

Inv's: Burch Clark I.unt Pascale

For processing at CPSC: Report received by: Young Soon Dorr

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STE. MARIE

Woman hurt in ATV crash

A woman suffered serious injuries Saturday night when two all-terrain vehicles collided on a country road east of Ste. Marie in Jasper County.

State police said the accident happened at 10 p.m. on County Road 2000 East as a "large group" of ATVs were southbound on the road.

[REDACTED] of Sumner was a passenger on one of the vehicles and was injured when her ATV rolled over after the collision.

[REDACTED] was taken to Richland Memorial Hospital in Olney, where an update on her condition was unavailable Sunday night.

The ATV she was riding on was driven by [REDACTED] 28, of Sumner, who was hospitalized with injuries police said were not serious. He was cited for driving under the influence of alcohol, failure to reduce speed to avoid an accident, operating an ATV on a roadway and not having insurance.

The other ATV was driven by [REDACTED] 29, of Bridgeport, who escaped unhurt along with his passenger, [REDACTED] 25, also of Bridgeport. [REDACTED] was cited for operating an ATV on a roadway.

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Reader 0030 Tue, Apr 26, 2011

Newport, TN

Newport The Newport Plain Talk

Circulation 8,586

X1150118A

Two 12-year-old girls injured in 4-wheeler crash

By **NELSON MORAIS**
NPT Staff Reporter

NEWPORT—Two 12-year-old girls were injured Sunday, April 24, when the side-by-side 4-wheeler they were in turned over to avoid a collision with another 4-wheeler.

██████████, 12, of Wright Road, in Newport, was the driver of the side-by-side. ██████████, 12, of River Chase Trail, in Newport, was a passenger.

A Wings helicopter flew ██████████ and ██████████ to the University of Tennessee Medical Center.

On Monday, a spokesman at the hospital said ██████████ was in "stable" condition.

██████████ was not listed as a patient at UT Medical Center, according to the spokesman.

The two girls suffered non-life threatening injuries to their legs and backs, and other injuries, according to a report by Lt. Richard Caldwell of the Cocke County

CRASH,

CONTINUED FROM PAGE 1A

Sheriff's Department.

The 4-wheeler driven by ██████████ had to be lifted up off of the passenger, ██████████ following the accident.

A witness said another 4-wheeler, driven by a nine-year-old, cut over in front of the side-by-side, causing the side-by-side with ██████████ and ██████████ on it to turn over onto its side. ■

SEE **CRASH**, PAGE 3A



201150359A

Owosso man critically injured in ATV crash

Written by

Lansing State Journal

10:41 PM, May. 8, 2011

CORUNNA — A 29-year-old Owosso man was critically injured Saturday in an ATV crash, officials said.

The Shiawassee County Sheriff's Office said in a statement that shortly after midnight Saturday, six people were riding on a 2010 Polaris Ranger in Shiawassee County near the intersection of M-52 and Brewer Road.

The ATV's driver lost control, went off the track and struck "multiple trees."

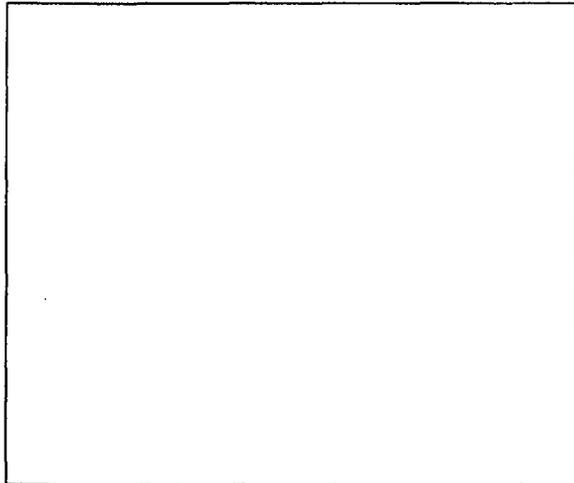
Alcohol and speed were believed to be factors in the crash. The crash remains under investigation.

The driver, a 25-year-old Owosso woman, suffered minor injuries. The other occupants were not injured, the news release said.

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DAILY NEWS

Red Bluff/Tehama County Police and Fire reports: 05/17/11

By DN Staff

Updated: 05/17/2011 11:19:24 AM PDT

The following information is compiled from Red Bluff Police Department, Tehama County Sheriff's Department, Corning Police Department and California Highway Patrol.

Arrests

- Kelly Francis Cahalan, 45, of Red Bluff was arrested Thursday during a traffic stop on Highway 99W at Tyler Road. Tehama County Sheriff's Deputies contacted the driver, Cahalan.

A zip-lock bag with 0.5 grams of crystal methamphetamine was found discarded on the driver's seat where Cahalan had been seated.

A search of the vehicle turned up another zip-lock bag with 0.6 grams of crystal methamphetamine on the driver's side floorboard and other evidence that suggested the methamphetamine was possessed for the purpose of sales.

Cahalan was booked into Tehama County Jail on the charges of transportation and possession for sale of methamphetamine. Bail was \$30,000.

- Robert Guy Hill, 24, of Chico was arrested Thursday on Edith Avenue and Short Drive. He was booked into jail on the charges of robbery: Second degree and false identification to specific officer. Bail was \$53,000.

- Angelica Sanchez, 46, of Azusa and Cordon Roderico, 65, of San Marino were arrested Saturday in the 1900 block of Solano Street. Both were booked into jail on the charges of false checks and insufficient funds. Bail was \$30,000 each.

- An Oregon man was arrested Monday after he was found in possession of weapons during a traffic stop for lighting violations at 2:45 a.m. on Interstate 5 at Adobe Road. During a consent search of the vehicle deputies found martial arts weapons, including a Nunchaku and Yawara Stick, in a backpack behind the driver's seat. Lance Lewis, 21, of Grants Pass claimed ownership and was arrested and booked into Tehama County Jail for

possession of dangerous weapons. Bail was \$15,000.

Crashes

- An Elk Grove man was flown to Mercy Medical Center in Redding for moderate injuries following an ATV crash at 8 a.m. Saturday on private property on the R-Wild Horse Ranch, south of Highway 36W. [redacted] Arroyo, 44, was driving down a steep, descending dirt and gravel trail at speeds of 5 to 10 mph when due to his unsafe speed the ATV overturned, throwing Arroyo onto the trail. The ATV had minor damage.

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- Shuhart Mirzayev was uninjured after crashing his semi at 9:50 a.m. Saturday 60 feet off of Highway 99W. Mirzayev, 22, of Sacramento was going north on 99W at a high rate of speed when he turned left into the Distribution Center and rolled the big rig in the driveway, causing moderate damage.

- A 16-year-old Corning boy was uninjured in a crash at 1:40 p.m. Saturday on Corning Road, west of Tenth Avenue.

The boy was driving west on Corning Road about 55 mph when he looked backward, allowing his vehicle to drift toward the north road edge and overcorrected. The vehicle spun out of control and overturned into a ditch on the north side of Corning road, coming to rest on its roof in the ditch. The boy was wearing his seatbelt. The vehicle had major damage.

- A 69-year-old Los Molinos man was flown to Enloe Medical Center in Chico following a crash at 1:30 p.m. Friday on his 2007 Yamaha Rhino ATV on private property south of Josie Street in Los Molinos.

[redacted] was driving south in a field on the south edge of Josie Street when he tried to make a tight turn. Due to his speed the Rhino overturned and

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DAILY NEWS

came to rest on its passenger side. Peterson, who was not wearing a seatbelt, was thrown from driver's seat to the ground and the ATV, which had major damage, rolled over Peterson, pinning him underneath it.

- A 37-year-old Redding man was arrested on suspicion of DUI following a crash at 8:15 p.m. Friday on northbound Interstate 5 south of Jellys Ferry Road. Randal Keith Reeves, who had been reported by multiple residents as driving recklessly, was going north on I-5 when he drove off the right road edge, overcorrected and ran into an embankment in the center divider. Reeves received minor injuries and his passenger, a 6-year-old Redding girl, had moderate injuries, but sought her own aid. In addition to driving under the influence of a controlled substance, Reeves was booked on the charges of child endangerment and being under the influence of a controlled substance.

- A 28-year-old Corning woman was flown to Enloe Medical Center in Chico with major injuries following a crash at 6:50 a.m. Saturday on Houghton Avenue, south of Loleta Avenue. Lori Gomez, who had been experiencing mechanical problems with her engine, was driving south on Houghton about 65 mph and took her eyes off the road to look at her vehicle's gauges. Gomez allowed her vehicle to veer off the right road edge and into a mature olive tree. The impact caused the vehicle, which had major damage, to overturn into the southbound lane of Houghton Avenue where it came to rest on its roof.

Drugs

- At 12:47 a.m. Sunday, Red Bluff Police contacted an 18-year-old boy and a 17-year-old from Gerber near Jackson Heights School. The 17-year-old was found in possession of tobacco, in violation of the curfew law, in possession of drug paraphernalia and under the influence of a controlled substance and was arrested and booked into the Tehama County Juvenile Justice Center.

- Two 17-year-olds, a Cottonwood girl and a Red Bluff boy, were cited and released to their parents after being found in possession of drugs at 10:39 p.m. Friday on Antelope Boulevard. The boy was found in possession of an open beer, tobacco, and two prescription pills, Tylenol with Codeine. The girl was found in possession of tobacco and marijuana.

Fire

- CalFire and Tehama County Fire responded to a fire

at 8:32 a.m. Sunday on Stanford Avenue and Josephine Street in Los Molinos. The fire, which was contained at 8:40 a.m., was caused by Creosote build up inside the flue. Damage was \$1,000 with a \$75,000 save. Last unit cleared at 9:27 a.m.

C - con.

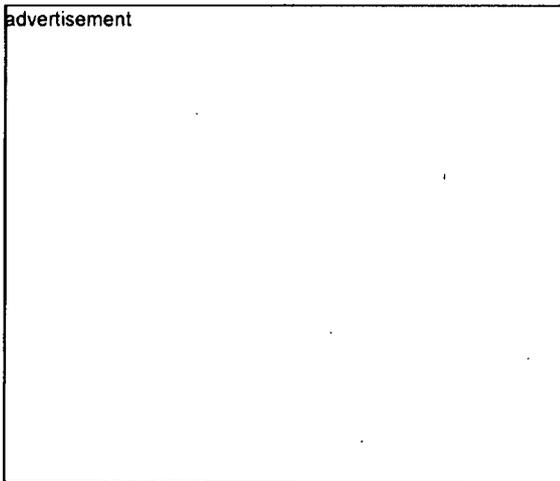
Knife

- At 8:40 a.m. Friday, School Resource Officer Mike Coley contacted two boys walking on the Red Bluff High School campus. The boys told Coley they were walking to class and were late. The boys were escorted to the office where they spoke with a vice principal about being tardy. One of the students, a 15-year-old boy, was found in possession of two knives in a hidden compartment of his backpack and an iPod that was stolen from a 14-year-old student. The boy, who said he had just purchased the iPod from an 18-year-old boy earlier Friday, was arrested for possession of stolen property and carrying a knife on school campus. He was booked into the Juvenile Justice Center. During the follow-up investigation, Coley identified the 18-year-old man who had stolen the iPod. That portion of the case was forwarded to the Tehama County District Attorney's Office for review.

Violence

-At 1:02 p.m. Sunday, officers were sent to the 700 block of South Jackson Street for a battery report. Robert Laplant had telephoned the police department and reported Michael Lee Louis Caddell, a 20-year-old transient, had battered Laplant's 16-year-old daughter. Officers contacted Caddell on Reeds Avenue near South Jackson Street where he was arrested. Caddell was booked into the Tehama County Jail for misdemeanor battery.

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6 Involved in Oklahoma ATV Crash

Posted by Jeremy Thurman
Friday, June 10, 2011 12:39 PM EST

According to the Pauls Valley Democrat, six teens and pre-teens ages 12-18 were involved in a single vehicle accident Thursday night on a county road northeast of Pauls Valley. An Oklahoma Highway Patrol report showed that a 16-year-old girl was the driver of the 2009 Polaris Ranger 700 EFI ATV which was carrying 5 passengers. The driver lost control of the vehicle as it ran off the ride side of the road into a ditch where it hit a tree. Consequently, the driver and two of the passengers were thrown from the ATV an unknown distance. The driver and one of the passengers thrown suffered the most serious injuries.

This accident reinforces the need for proper safety precautions any rider of an ATV should take. Recognizing the dangers of these vehicles, the ATV Safety Institute has 8 "Golden Rules" that all drivers and passengers of ATV's should obey.

- A DOT-compliant helmet, goggles, long sleeves, over-the-ankle boots, and gloves should always be worn.
- ATV's should not be driven on paved roads except to cross.
- Never ride under the influence of alcohol or drugs.
- There should never be any passengers on a single-rider ATV or more than one passenger on an ATV specifically designed for two people.
- Ride an ATV that is suitable for your age.
- Riders younger than 16 should be supervised.
- ATVs should only be ridden on designated trails at a safe speed.
- Riders should take an ATV safety course.

ATVs are not toys, and just like any moving vehicle, significant injury can occur if they are driven recklessly or without adequate safety. Excess riders, no supervision, wrong terrain. Unfortunately, all factors led to disaster in this particular instance.

Our prayers are with the injured riders for a quick and speedy recovery.

Find this article at:

<http://oklahomacity.injuryboard.com/automobile-accidents/6-involved-in-oklahoma-atv-crash.aspx?googleid=291218>

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X1170210A

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8 injured after ATV rolls into pond, driver arrested

Published 10:30am Tuesday, July 5, 2011

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A group of eight Lyle area residents had their trip to the fireworks cut short Sunday night when the all-terrain vehicle in which they were riding rolled into a pond.

The accident took place around 10 p.m. Sunday night near the intersection of 560th Ave. and 105th St. in Lyle.

[REDACTED], 25, was airlifted to St. Marys Hospital by Mayo One, and [REDACTED], 21, was taken to St. Marys Hospital after being seen at Mayo Clinic Health System in [REDACTED] is eight months pregnant, according to Sheriff Terese Amazi. Their conditions and injuries are unknown.

[REDACTED], 39, was driving the 2006 Polaris Ranger. He was arrested on suspicion of DWI. Amazi said charges will be determined once the blood tests are complete.

Other occupants of the vehicle suffered minor scratches.

No related posts.

Austin, Minnesota

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TX
7/3/11

product code = 5044

X1170554A

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Updated: 6:49 PM Jul 15, 2011

UPDATE: Child Injured In RUV Accident

WTAP News

The 6-year-old Waterford boy injured in a recreational vehicle accident Thursday evening is listed in stable condition.

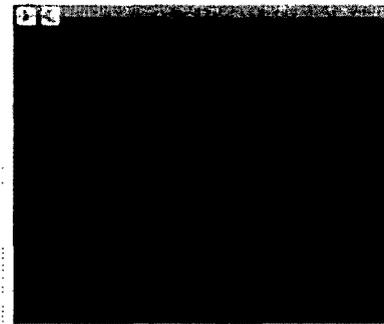
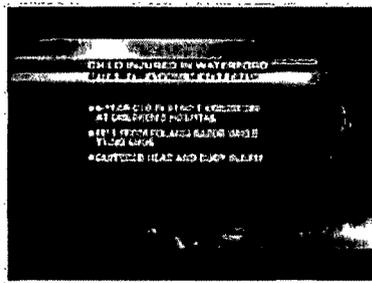
Posted: 11:38 PM Jul 14, 2011

Reporter: Lauren Keeling

Email Address: lauren.keeling@wtap.com

Six Year Old Boy in Stable Condition After Head Trauma

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Story 39 Comments

UPDATE: 7/15/2011 12:16

Font Size: [A] [A] [A]

The 6-year-old Waterford boy injured in a recreational vehicle accident Thursday evening is listed in stable condition at Children's Hospital in Columbus.

Officials with the Washington County Sheriff's Office say around 7:30 Thursday evening a 6-year-old Waterford boy was riding in a Polaris Razor with an adult -- when the child bent over and rolled out of the RUV, landing on his head.

Authorities tell us the child was taken to Marietta Memorial Hospital -- and then taken by medical helicopter to Children's Hospital in Columbus -- where he's listed in critical condition.

The child suffered serious head trauma and injuries to the left side of his body.

Officials say the investigation is continuing.

Click here to post or read all 39 comments.

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WV

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Police & Fire

Teen in Critical Condition After Collision

The accident happened at 4 p.m. on Lower Burris Road, an official said.

By Rodney Thrash [Email the author](#) July 20, 2011

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The 14-year-old was driving this Yamaha Rhino. Credit Tim Cavender

Tell Your Neighbors About Patch

An unidentified 14-year-old boy is in critical condition at Scottish Rite Children's Hospital after an afternoon accident in Canton, [Cherokee](#)



PRESS RELEASE

www.cherokeecountyfire.org

July 20th, 2010

Contact:

Tim Cavender

678-493-4107

tmcavender@cherokeega.com

14 Year Old in Critical Condition After Accident

Cherokee County Fire and Emergency Services responded to an accident this afternoon at approximately 4 o'clock at 2181 Lower Burris Road.

Firefighters arrived on the scene to find a black Nissan automobile had collided with a Yamaha Rhino resulting in it landing on its side. The driver of the Yamaha, a 14 year old male, was in critical condition. Sgt. Brandon Carr stated that the patient had head trauma and was in and out of consciousness. He was taken by ambulance to Scottish Rite Children's Hospital. The male teenagers in the automobile, ages 17 and 19, refused treatment and were not transported.

Both lanes of Lower Burris Road were blocked until the clean-up operation was complete. The cause of the accident is being investigated by the Cherokee County Sheriff's Office.

###

Police & Fire

Teen in Critical Condition After Collision

The accident happened at 4 p.m. on Lower Burris Road, an official said.

By Rodney Thrash [Email the author](#) July 20, 2011

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Tell Your Neighbors About Patch

An unidentified 14-year-old boy is in critical condition at Scottish Rite Children's Hospital after an afternoon accident in Canton, [Cherokee County Fire and Emergency Services](#) spokesman Tim Cavender said.

At 4 p.m., a black Nissan collided with the teen's Yamaha Rhino at 2181 Lower Burris Road. When authorities arrived, the Yamaha was on its side.

"Sgt. Brandon Carr stated that the patient had head trauma and was in and out of consciousness," Cavender said. "The male teenagers in the automobile, ages 17 and 19, refused treatment and were not transported."

Cherokee County Sheriff's Office investigators are still trying to determine the cause of the accident.

GA
7/20/11
14M

product = 5044

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X1180921A

Duluth News Tribune

Published August 21 2011. 02:21 PM

Boy, passenger hurt in Crane Lake ATV accident

An ATV accident in Crane Lake on Friday night resulted in injuries to the 8-year-old driver and an adult passenger

By News Tribune staff Duluth News Tribune

An ATV accident in Crane Lake on Friday night resulted in injuries to the 8-year-old driver and an adult passenger.

The boy, [REDACTED], was operating the side-by-side Polaris Ranger all-terrain vehicle about 9:30 p.m. Friday near 4074 Crane Lake Road when it struck a pothole in the road, causing the ATV to roll and eject its two adult passengers, according to the St. Louis County Sheriff's Office.

One passenger, [REDACTED], 42, sustained head injuries and was flown by helicopter to St. Luke's hospital in Duluth, where he reportedly was in critical condition Saturday. [REDACTED] was taken to Essentia Health St. Mary's Medical Center, where he was listed in stable condition in the pediatrics unit. The other passenger, [REDACTED], 42, received minor injuries.

Alcohol wasn't a factor in the accident, authorities said.

Tags: st louis county, news, updates, outdoors, fcnetwork

MN

8/19/11

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X1180922A

Downieville accident victim identified
The Union staff

Send us your news
Tuesday, August 23, 2011

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A man who was severely injured in an ATV rollover Friday has been identified as ~~Tom Sepak~~ of Downieville.

~~Tom~~ 76, was driving a Polaris Ranger ATV southbound on Lavezzola Road at around 9:39 a.m. Friday when he lost control and veered right, off the road, according to the California Highway Patrol report.

~~Tom's~~ ATV hit a tree and then began rolling sideways down the cliff. ~~Tom~~ was allegedly not wearing a safety harness and was ejected from the ATV. The ATV continued to tumble down the cliff before hitting a large fir tree about 60 feet down; Sepak tumbled about 90 feet before coming to rest against a tree.

Several bicyclists located Sepak at about 10 a.m. after finding the crashed ATV, according to the report.

Sepak sustained severe injuries and was transported by helicopter to Enloe Medical Center in Chico. He is listed in serious condition as of Monday.

CA
8/19/11
76M
product code = 5044

X 1190408A

Local girl survives ATV accident

1388 Community pulls together to aid Sydney's family

By MANDI STEELE
mandi@fultonsun.com

_____ like many 10-year-old girls, is crazy about horses, likes spending time with her dogs and says that recess is her favorite subject in school.

Unlike many 10-year-olds, however, _____ must travel three times a week to the Rusk Rehabilitation Center in Columbia for physical therapy. An injury to her spinal cord left her paralyzed from the waist down.

"_____ is a very strong and determined person," said _____ of New Bloomfield. "She's her own little person. She does what she wants to do when she wants to do it, and that's good because it will help her get through this."

_____ is a cousin to _____'s mother and also has a 10-year-old daughter. She is organizing a benefit on _____'s behalf that will be from noon to 5 p.m. Sunday, Sept. 18, at the Fulton VFW. There will be a spaghetti dinner with a suggested \$7 donation. A live auction will start at 3 p.m.

As _____ played with her teacup chihuahua, Priscilla, on Wednesday at her great-grandmother's house in Fulton, she talked about her accident on July 14 that left her paralyzed. She said she was driving a Ranger ATV when she hit a bump as she was turning it around. The vehicle rolled over on top of her and broke her back. _____ says she remembers rolling but not hitting the ground. Her two friends were on the ATV with her but were uninjured.

When her friends woke her up, _____ said, "I couldn't feel my legs and couldn't move them."

The 10-year-old was airlift-



Ashley Kling/FOR THE FULTON SUN

_____n, 10, of Fulton, holds her teacup chihuahua, Priscilla, on Wednesday at her great-grandma's home in Fulton. _____ was injured in an ATV accident on July 14. There will be a benefit for her from noon to 5 p.m. Sunday, Sept. 18, at the Fulton VFW.

ed from her home in Fulton to University Hospital in Columbia. _____'s mother, _____ said her daughter wasn't driving very fast when the vehicle flipped over.

"It was just a freak accident — how it landed on her," _____ said.

_____ and _____'s father, Willie _____ met their daughter at the hospital

and waited while she underwent a six-hour surgery. _____ said _____'s doctors warned them their daughter only had between a 3-5 percent chance of a full recovery. _____ was moved to Women's and Children's Hospital in Columbia when she was stable and stayed an additional four weeks at Rusk Rehabilitation Center undergoing inten-

sive therapy.

_____ is now staying at her great-grandmother's house in Fulton, because with it being all one-level, it is more wheelchair friendly. She started back to school at Bartley Elementary on Monday where she was excited to learn she has a seat next to her best friend. For the time being, _____ who is in fifth grade, attends only a half day of school but may be able to attend full-time soon.

_____ family is encouraging her to work hard in her therapy so she can walk again.

"It's possible," said _____ grandmother, _____. "Anything's possible."

To help with the cost of _____'s treatment and medical equipment, there have been a couple of benefits in the community already. There was a car wash at AutoZone and a bake sale at C&R Market.

"Everybody's been so supportive and wonderful — friends, family, everybody," Payne said.

_____ said she wishes to say "thank you" to everyone who has donated to and prayed for her.

The family hopes that _____ will be accepted into Shriners Hospital for Children in Chicago, which is noted for treating children with spinal cord injuries.

For now, when she is not at school or at the rehabilitation center, Sydney says she watches movies, does arts and crafts, wheels around the neighborhood with her dogs and plays computer games with her 14-year-old brother _____.

Referring to _____'s tragic accident, her great-grandmother, _____, said, "We're lucky to have our little girl."

Those wishing to donate items for the benefit auction can contact _____ at (573) 642-6661 or 301-2882.

110901CCC2878

This investigation was initiated through a newspaper article in which it was reported that a man was injured in an all-terrain vehicle accident. The victim in this incident is a male, age, height and weight unknown. The incident actually involves a utility vehicle (UTV). Information for this report was obtained from the official police report. Attempts to contact the victim for further information were not successful.

According to the police report, the sheriff's office responded to a 911 call in reference to an injury caused by an ATV accident. Upon arrival of the victim's residence, the officer discovered the victim still in the driver's seat of a UTV, suffering from what appeared to be a shoulder injury. The victim stated that he was riding the UTC on private property near the river when he lost control of the vehicle and it overturned. The victim stated that he was not expecting the terrain to change so fast, causing the UTV to overturn. The victim was transported to the hospital but the exact nature of his injuries was not known. It was also not known whether the victim was treated and released or hospitalized. A copy of the police report is included in this report as Attachment #2. Attempts to obtain additional information from the police regarding this incident were not successful.

It was not known if the victim was wearing a helmet. In addition, the type of seatbelt was not known, nor was it known whether the victim was wearing the belt. There was no information available as to the victim's experience with the utility vehicle and no indication in the police report whether the use of alcohol or drugs was suspected.

The date and place of purchase was not known, and it was not known whether the vehicle was purchased new or used, or rented. It was not known if the vehicle had been modified in any way.

There was no specific information regarding the terrain on which the victim was riding. The incident occurred at approximately 5:19 p.m. and it was not known if the headlights were in use. According to Weather Underground (www.wunderground.com) a website that provides historical weather data, the mean temperature the day of the incident was 61 degrees Fahrenheit. The average dew point was 35 degrees Fahrenheit and the average humidity was 42. Winds were Southeast at 10 mph. There was .05 inches of rain the day of the incident and at the approximate time of the incident it was overcast.

Attempts to contact the victim to obtain further information regarding the incident and his injuries were not successful.

PRODUCT IDENTIFICATION

The product involved in this incident is a utility vehicle (UTV), manufactured by Polaris Industries, 1225 Highway 169 North, Minneapolis, MN 55441. The vehicle was described as a 2010 Polaris Razor, VIN: 4XAVE76A7BB065586. The UTV is black in color. It was not known whether the UTV had been purchased new or used, or rented, or if there had been any modifications made. The type of seatbelt was not known.

110901CCC2878

SAMPLE COLLECTION

There was no sample collected in this incident.

ATTACHMENTS

1. Contact Information.
2. Copy of official police report.
3. Utility Vehicle Data Record Sheet.
4. Copy of letter sent to victim requesting his assistance with additional information.

Contact #1: White County Sheriff's Office (initiated 9/2/11, contacted 9/12/11)
108 N. Main Cross St.
Carmi, IL 62821 (tele #618-382-5321)

Contact #2:  (no contact made)

White County Sheriffs Department					Page 1	Case No. 110000620								
Crime / Incident (Primary, Secondary, Tertiary) Information Reports Information reports no offenses					Beat PH	Rpt Dist DIST	Type:				Seq: 1			
					Attempt:	Occurred	Date	Time	Day					
					<input type="checkbox"/>	On or From	02/20/2011	16:45	Sun					
					<input type="checkbox"/>	To	02/20/2011	17:19	Sun					
					<input type="checkbox"/>	Reported	02/20/2011	20:30	Sun					
Location of Incident CALVIN BOTTOMS, WHITE COUNTY, IL														
Cross Street										County WHI				
Dispo "V" = Victim "RP" = Reporting Party "W" = Witness "S" = Suspect "O" = Other														
O	Last, First, Middle (Firm if Business)				Race W	Sex M	Age 0	HT 0	WT 0	Hair	Eyes	Home Phone ()		
Address				DOB	DL Number			State	Work Phone ()					
City, State, Zip Code				SSN	Local ID #	State #	FBI #	Cell Phone ()						
	Last, First, Middle (Firm if Business)				Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone		
Address				DOB	DL Number			State	Work Phone					
City, State, Zip Code				SSN	Local ID #	State #	FBI #	Cell Phone						
	Last, First, Middle (Firm if Business)				Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone		
Address				DOB	DL Number			State	Work Phone					
City, State, Zip Code				SSN	Local ID #	State #	FBI #	Cell Phone						
	Last, First, Middle (Firm if Business)				Race	Sex	Age	HT	WT	Hair	Eyes	Home Phone		
Address				DOB	DL Number			State	Work Phone					
City, State, Zip Code				SSN	Local ID #	State #	FBI #	Cell Phone						
Synopsis :														
SOLVABILITY	N N N N N N N N N N				Continuation Attached : <input type="checkbox"/>	Property List Attached : <input type="checkbox"/>	Property Damage \$: \$0.00							
					UCR : 9999	Press Release : <input type="checkbox"/>	Domestic Violence Case : <input type="checkbox"/>							
					Gang Related : N	Hate Crime : <input type="checkbox"/>	Victim Senior Citizen : <input type="checkbox"/>							
					Pursuit : <input type="checkbox"/>	Force Used : <input type="checkbox"/>	Child Abuse : <input type="checkbox"/>							
					Solvability Points : 0	County Code : WHI	Disposition :							
										Connecting Case # 97-4				
										CAD/CFS Event # 110000620				
										Assigned To : _____ Date : _____				
					Officer ID : Deputy Scott Cantrell 852					Reviewed By : Amber Baxley			Approved : YES	



White County Sheriffs Department							Page 2	Case No. 110000620			
Crime / Incident (Primary) Information Reports Information reports no offenses							Attempt <input type="checkbox"/>	Type: _____ Seq: 1			
Vehicle Report											
Vehicle License	State	Year	Make	Model	Body Type	Color	VIN				
IL		2010	POL	RAZR	4W	BLK	4XAVE76A7BB065586				
Comments						<input type="checkbox"/> Stolen	<input type="checkbox"/> Stored	<input checked="" type="checkbox"/> Left at Scene	<input type="checkbox"/> Towed	<input type="checkbox"/> Burn/Strip	
						<input type="checkbox"/> Recovered	<input type="checkbox"/> Impounded	<input type="checkbox"/> Released at Scene			
Registered Owner Name / Address ██											
Vehicle License	State	Year	Make	Model	Body Type	Color	VIN				
Comments						<input type="checkbox"/> Stolen	<input type="checkbox"/> Stored	<input type="checkbox"/> Left at Scene	<input type="checkbox"/> Towed	<input type="checkbox"/> Burn/Strip	
						<input type="checkbox"/> Recovered	<input type="checkbox"/> Impounded	<input type="checkbox"/> Released at Scene			
Registered Owner Name / Address											
Vehicle License	State	Year	Make	Model	Body Type	Color	VIN				
Comments						<input type="checkbox"/> Stolen	<input type="checkbox"/> Stored	<input type="checkbox"/> Left at Scene	<input type="checkbox"/> Towed	<input type="checkbox"/> Burn/Strip	
						<input type="checkbox"/> Recovered	<input type="checkbox"/> Impounded	<input type="checkbox"/> Released at Scene			
Registered Owner Name / Address											
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Comments						<input type="checkbox"/> Stolen	<input type="checkbox"/> Stored	<input type="checkbox"/> Left at Scene	<input type="checkbox"/> Towed	<input type="checkbox"/> Burn/Strip	
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						<input type="checkbox"/> Recovered	<input type="checkbox"/> Impounded	<input type="checkbox"/> Released at Scene			
Registered Owner Name / Address											
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Comments						<input type="checkbox"/> Stolen	<input type="checkbox"/> Stored	<input type="checkbox"/> Left at Scene	<input type="checkbox"/> Towed	<input type="checkbox"/> Burn/Strip	
						<input type="checkbox"/> Recovered	<input type="checkbox"/> Impounded	<input type="checkbox"/> Released at Scene			
Registered Owner Name / Address											
Vehicle License	State	Year	Make	Model	Body Type	Color	VIN				
Comments						<input type="checkbox"/> Stolen	<input type="checkbox"/> Stored	<input type="checkbox"/> Left at Scene	<input type="checkbox"/> Towed	<input type="checkbox"/> Burn/Strip	
						<input type="checkbox"/> Recovered	<input type="checkbox"/> Impounded	<input type="checkbox"/> Released at Scene			
Registered Owner Name / Address											
Officer ID : Deputy Scott Cantrell	852	Reviewed By : Amber Baxley	Approved : YES	Date : 02/22/2011							



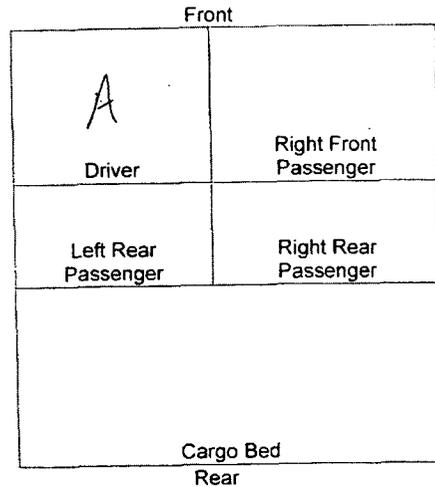
White County Sheriffs Department	Page 3	Case No. 110000620	
	Crime / Incident (Primary) <i>Information Reports Information reports no offenses</i>	Type:	Seq: 1
		Attempt <input type="checkbox"/>	Narrative Report

ON 02/20/2011 AT APPROXIMATELY 5:19 PM, R/O, WHITE COUNTY DEPUTY SHERIFF SCOTT CANTRELL, RESPONDED TO A 911 CALL IN REFERENCE TO AN INJURY CAUSED BY AN ATV ACCIDENT. R/O WENT TO THE RESIDENCE OF ██████████ TO INVESTIGATE. WHITE COUNTY AMBULANCE AND CROSSVILLE FIRST RESPONDERS WERE ALSO DISPATCHED TO THE SCENE. UPON ARRIVAL, R/O SPOKE WITH RADFORD ██████████ WAS STILL IN THE DRIVER'S SEAT OF THE ATV AND WAS SUFFERING FROM WHAT APPEARED TO BE A SHOULDER INJURY. ██████████ STATED HE WAS RIDING THE ATV ON PRIVATE PROPERTY BY THE BIG WABASH RIVER IN THE CALVIN BOTTOMS, WHEN HE LOST CONTROL OF THE ATV AND IT OVERTURNED. ██████████ STATED HE WAS NOT EXPECTING THE TERRAIN TO CHANGE SO FAST AND THE TERRAIN CAUSED THE ATV TO OVERTURN. THE OVERTURN CAUSED THE INJURY. WHITE COUNTY EMS PREPARED ██████████ FOR TRANSPORTATION TO DEACONESS HOSPITAL IN EVANSVILLE IN.

Officer ID: Deputy Scott Cantrell 852	Reviewed By: Amber Baxley	Approved: YES	Date: 02/22/2011
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Utility Vehicle Data Record Sheet



The Utility Vehicle

A:	Age: <i>NOT STATED</i>	Height: <i>UNK</i>
	Gender: <i>M</i>	Weight: <i>UNK</i>
	Helmet (Y/N): <i>UNK</i> Seatbelt (Y/N): <i>UNK</i>	
	Killed/Injured/Neither/Unknown: <i>Injured</i>	
	Injury Description: <i>Shoulder</i>	
	Did vehicle land on victim: <i>Yes</i>	
	Ejected (Either partially or fully): <i>NO</i>	

B:	Age:	Height:
	Gender:	Weight:
	Helmet (Y/N): Seatbelt (Y/N):	
	Killed/Injured/Neither/Unknown:	
	Injury Description:	
	Did vehicle land on victim:	
	Ejected (Either partially or fully):	

C:	Age:	Height:
	Gender:	Weight:
	Helmet (Y/N): Seatbelt (Y/N):	
	Killed/Injured/Neither/Unknown:	
	Injury Description:	
	Did vehicle land on victim:	
	Ejected (Either partially or fully):	

D:	Age:	Height:
	Gender:	Weight:
	Helmet (Y/N): Seatbelt (Y/N):	
	Killed/Injured/Neither/Unknown:	
	Injury Description:	
	Did vehicle land on victim:	
	Ejected (Either partially or fully):	

E:	Age:	Height:
	Gender:	Weight:
	Helmet (Y/N): Seatbelt (Y/N):	
	Killed/Injured/Neither/Unknown:	
	Injury Description:	
	Did vehicle land on victim:	
	Ejected (Either partially or fully):	

F:	Age:	Height:
	Gender:	Weight:
	Helmet (Y/N): Seatbelt (Y/N):	
	Killed/Injured/Neither/Unknown:	
	Injury Description:	
	Did vehicle land on victim:	
	Ejected (Either partially or fully):	

*If victim(s) were injured/killed, please include the other relevant information requested in the assignment message in the text of the IDI.

Using the figure on the left, please fill in where the occupants were in the vehicle at the time of the incident using A, B, C, etc. to identify the occupant(s) location. Fill in the occupants' characteristics in the corresponding location on the right. For example, the driver could be assigned to the letter 'A' and the letter 'A' would be placed in the diagram in the box designated 'Driver', and the drivers' characteristics would be filled on the right. If there were more than six occupants (or more room is needed), please add the other passenger(s)' information (or any other information) as needed. If information is not available, please indicate by 'na'.

Note: Not all locations indicated on the diagram exist in all types of utility vehicles. Please only use the locations that correspond to the incident vehicle. Please place an 'X' over the area if the vehicle was not equipped with the component.



COPY

U. S. CONSUMER PRODUCT SAFETY COMMISSION

EASTERN BRANCH

P.O. Box 23183 • Louisville, KY • 40241 • 502-426-2005 • Fax: 1-866-689-7091 •
eesstes@cpsc.gov

September 26, 2011



Dear 

I am a field investigator for the U.S. Consumer Product Safety Commission. The Commission is a federal agency charged with the mandate to protect consumers from unreasonable risks of injury or death associated with products used in homes, schools and recreational areas.

U.S. CPSC Headquarters received information through a news article indicating that you were injured while driving an all-terrain vehicle in February 2011. I would like to speak with you to obtain additional information regarding the incident, such as the year, make, model and VIN of the vehicle you were driving, the circumstances leading up to the incident, and the nature of your injuries. While I understand that this may be difficult for you to discuss, the information you provide may prevent this type of incident from occurring to someone else.

Please call me at (502) 426-2005 or respond to me by email at eesstes@cpsc.gov at your earliest convenience so that we discuss this matter. I am happy to speak with you at a time that is convenient for you.

Thank you for your assistance in this matter, and I look forward to hearing from you.

Sincerely,

Ellen Estes
Product Safety Investigator

~~FEB~~ 21 2011

Carmi Times

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ATV crash injures one

Victim taken to an Evansville hospital Sunday

By **BRADEN WILLIS**

Of The Times Staff

A Sunday evening all-terrain vehicle crash injured a rural Crossville man in the Calvin Bottoms.

A White County Sheriff's Office incident report said Deputy Scott Cantrell, White County Ambulance Service personnel and Crossville first responders were dispatched to the residence of [REDACTED], age unavailable, at [REDACTED], Crossville, around 5:19 p.m.

Cantrell noted in his re-

port he arrived at the residence and found [REDACTED] seated in the driver's seat of a side-by-side black 2010 Polaris Razor ATV, and he appeared to be suffering from a shoulder injury.

Cantrell said [REDACTED] told him he had been riding near the river in the Calvin Bottoms when he lost control of the ATV and it overturned. First responders and ambulance service personnel treated [REDACTED] at the scene before loading him into the ambulance for transport to an Evansville, Ind., hospital.

X11A0222A

The SARATOGIAN

Serving the Saratoga Springs, N.Y. region

News

Four area teens hurt in UTV accident

Published: Monday, October 03, 2011

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0

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GREENFIELD — Four teenagers suffered non-life threatening injuries Sunday afternoon when their utility vehicle overturned and ejected them, according to the Saratoga County Sheriff's Office.

Deputies say [redacted], 16, of Tannery Road in Porter Corners, was driving a Polaris Ranger UTV eastbound along Ballou Road in Greenfield when he lost control of the vehicle near Allen Road.

[redacted], 16, of Chapman Street in Corinth, [redacted], 16, of Route 9N in Porter Corners, and [redacted], 16, of Gabriel Road in Corinth, were also injured in the crash, deputies said. They were all transported to local hospitals with non-life threatening injuries.

The cause of the accident remains under investigation.

— By Michael Cignoli

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ATV crashes include one death, 13-year-old injured

Wednesday, November 9, 2011
Area Wide News

An Ellsinore man has died from injuries sustained in an ATV crash in Carter County.

The crash happened around 11 p.m. Friday, Oct. 28, on County Road 315, nine miles east of Van Buren.

According to the highway patrol, [redacted] 55, ran the 1995 Honda off the road, hit an embankment and overturned.

The ATV landed on top of Connell, according to troopers.

Connell received serious injuries and was taken to Poplar Bluff Regional Hospital where he died about 3 a.m. Saturday, according to the patrol.

Troopers say he was not wearing a helmet at the time of the crash.

At 6:30 p.m. Oct. 29, two 13-year-old Ellsinore boys were riding a 2005 Honda ATV on private property near Route FF, five miles west of Ellsinore, when the ATV overturned, seriously injuring passenger [redacted].

The driver was uninjured. Neither boy was wearing a helmet.

Ezell was airlifted to Children's Hospital in St. Louis.

At 5:30 p.m. on Oct. 16, [redacted] 20, of West Plains suffered moderate injuries when the 2009 Yamaha Rhino ATV he was driving on private property near Howell County Road 1750, two miles north of West Plains, overturned, partially ejecting [redacted].

[redacted] was taken to Ozarks Medical Center in West Plains. He was not wearing a helmet.

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Please be respectful of others and try to stay on topic.



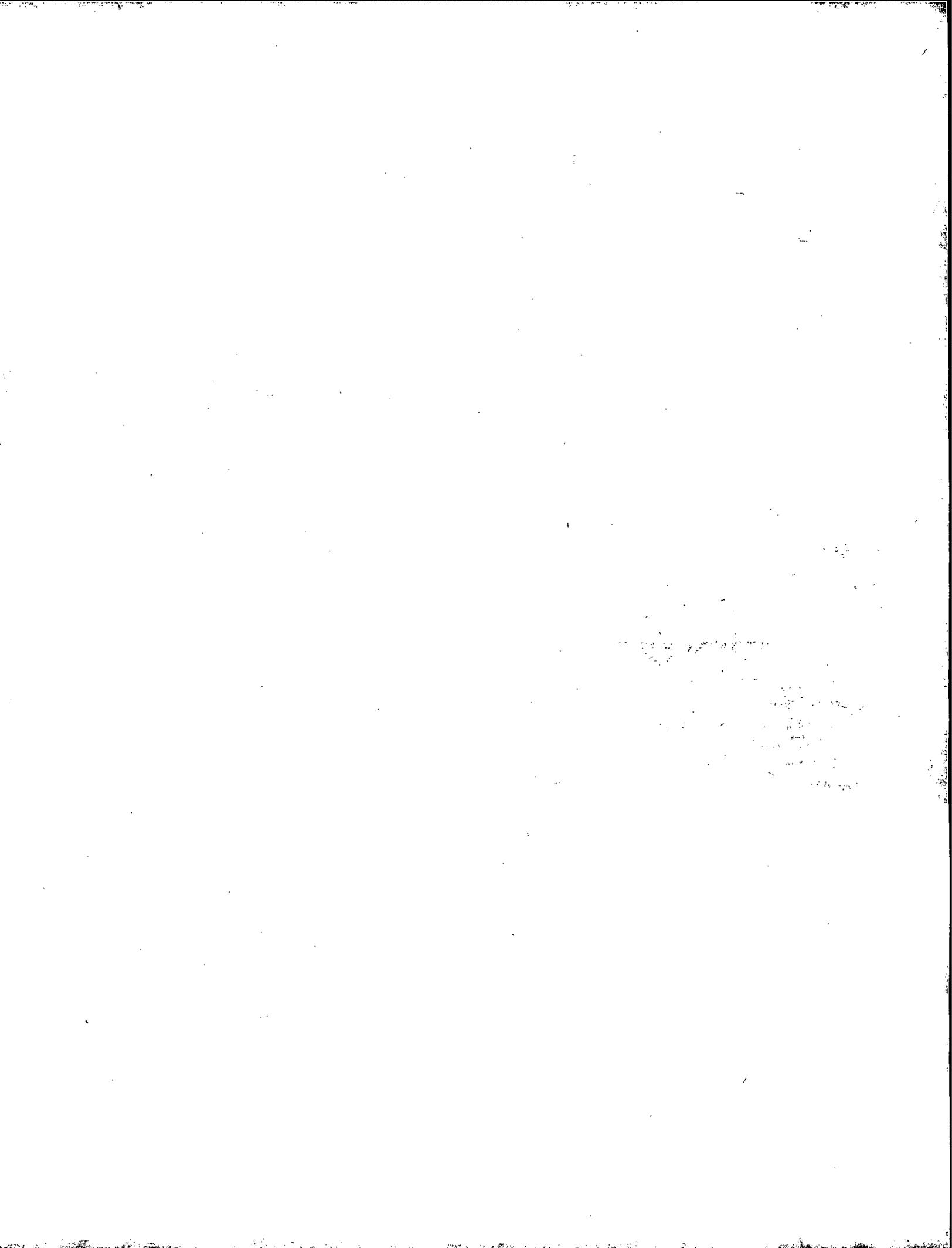
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3:57p Treasurys fall after swap line news
3:55p A stocks double header: Dow nears close above 200-day average
3:52p U.S. stocks rally as central banks unite



November 30, 2011 3:48 PM EST

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Open Closed Closed

DOW	+468.33	NASDAQ	+103.40	S&P 500	+51.20
12.023.96	+4.05%	2.618.66	+4.11%	1.246.39	+4.28%

INVESTOR ALERT Central banks light stocks' fuse

press release
Nov. 29, 2011, 4:49 p.m. EST

Defense Verdict in Yamaha Rhino Trial Involving Statute of Limitations

Yamaha now 10-0 in Rhino Cases That Have Gone to Trial



AZ
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PR Newswire

United Business Media

PHOENIX, Nov. 29, 2011 /PRNewswire via COMTEX/ -- After a two day bench trial to address whether Arizona's two-year statute of limitations barred plaintiff's suit, a judge in the Maricopa County Superior Court, Phoenix, Arizona found in favor of Yamaha in a case involving a 2004 Yamaha Rhino 660. [redacted] es, Plaintiff vs. Yamaha Motor Corporation, U.S.A., Yamaha Motor Manufacturing Corporation of America, Yamaha Motor Co., Ltd., and YSA Motorsports, LLC, Maricopa County Superior Court, State of Arizona, Case No. CV2010-023571, before the Honorable Michael Herrod.

The case involved 16-year-old [redacted] s, who on December 4, 2004 sustained a leg injury while riding as a passenger in a 2004 Yamaha Rhino 660. [redacted] turned 18 on January 28, 2006, and by Arizona law, had two-years to file his personal injury lawsuit. Like most jurisdictions, Arizona has a "discovery rule" that tolls the statute of limitations "until the plaintiff knows, or within reasonable diligence, should know the facts underlying the cause for his injury."

[redacted] claimed that he did not realize he might have a cause of action until the fall of 2009 when he saw a television commercial from the Goldberg & Osborne law firm soliciting potential clients injured in Rhino incidents. [redacted] contacted Goldberg & Osborne and eventually filed his Complaint on August 11, 2010.

After a two day bench trial, the Court found for Yamaha, concluding that at the time of his incident, "sufficient facts existed for Plaintiff to determine that he might have had a case against Yamaha," and that the Plaintiff "had a duty to timely investigate whether the design of the Yamaha Rhino may have been causally related to his injuries." Further, the Court

Most Po



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 stated that Plaintiff presented "no legitimate, justifiable, or equitable reasons for failing to investigate with due diligence." For these reasons, the Court found that Plaintiff failed to satisfy his burden that the statute of limitations was tolled, and that Yamaha was the prevailing party as the statute of limitations had run.

Yamaha's lead counsel, Paul Cereghini, of the national product liability defense firm, Bowman and Brooke LLP, commented on the verdict:

"Anyone who is thinking about bringing a time barred claim should take note of this verdict. This case didn't make it past Yamaha's statute of limitations defense. All this plaintiff will see from this lawsuit is an adverse cost award that he should have to pay.

With this verdict, and with the Georgia Court of Appeals November 15, 2011 decision in the ~~McT...~~ v. Yamaha matter, Yamaha is now 10-0 in Rhino cases that have gone to trial. This stellar record sends a clear message that Yamaha will aggressively and successfully defend these cases, whether they are time barred or not. When they are time barred, like here, the plaintiff is really grasping at straws."

Paul Lee, also of Bowman and Brooke LLP, who tried the case on behalf of Yamaha, said that:

"Plaintiffs have an affirmative duty to investigate, and not wait until plaintiffs' lawyers start running TV advertisements. The Court got it right when it found that Plaintiff's 'view that the cause of action does not accrue until the potential plaintiff knows or should know from the public domain that there is a possible defect of the product would render all such statutes of limitations virtually meaningless.'"

Plaintiff was represented by John E. Osborn, William C. Bacon and Kristin J. Schriener of Goldberg & Osborn in Tucson, Arizona.

Yamaha was represented by Paul G. Cereghini and Paul R. Lee of Bowman and Brooke in Phoenix, Arizona.

Paul G. Cereghini is a Bowman and Brooke executive managing partner. He can be reached at (602) 643-2400 or at paul.cereghini@bowmanandbrooke.com.

Paul R. Lee is a partner at Bowman and Brooke. He can be reached at (602) 643-2418 or at paul.lee@bowmanandbrooke.com.

SOURCE Bowman and Brooke LLP

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120105HCC 3266

2 dead after ATV falls from 500-foot cliff

Published: Dec 23, 2011 at 2:17 PM

Comments (0) Email Print Listen Share Tweet 0

LOS ANGELES, Dec. 23 (UPI) -- The bodies of two men who fell over a 500-foot cliff while riding an all-terrain vehicle in California were found after a five-day search, officials said.

The bodies of [redacted] who were reported missing Sunday, were discovered at the bottom of the cliff in the Mojave Desert Thursday, Kern County sheriff's officials said.

The two men died on impact, the Los Angeles Times reported.

[redacted] of Santa Barbara, departed from a motel in Randsburg before dawn Sunday, riding their 2011 Polaris Razor ATV toward the Cuddeback Dry Lake Bed. A search covering 11,000 square miles began Sunday morning, ultimately leading to the ATV's tracks and the crash site.

[redacted] will forever be remembered as wonderful individuals who touched everyone who crossed their paths," a statement posted on the Friends of the Chns Rice and Dan Carbonaro search Facebook page said



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Incident Details

Document Number: H1230185A
Report Number: 20120316-93F04-1238248
Report Submitted Date: 3/16/2012

Who You Are: Consumer

Incident Description: This report was extracted from email sent to the information center.

Woman, age 25, height 5'4, as passenger with very long braided hair down to her knee. She was not aware of open place next to seat. No warnings/no knowledge of risk.

Hair went down behind/to side of seat and got wrapped around drive shaft; result is she was scalped (literally). She was belted, with helmet, etc. The ATV was not in any way modified from way purchased new spring 2011 and was not being improperly operated. The ATV was being operated time (unknown) on a mud/dirt surface (not paved).

While seated and belted, the young woman's hair became wrapped around the drive shaft below the seat, causing her to be scalped.

The victim was taken first by car to Saint Joseph's Hospital in Savannah, Ga and then ambulance to Medical University hospital (Medical College of South Carolina), Charleston SC for further specialized care.

She was admitted in ICU and hospital for 16 days, followed by about 4 months of home health care. Seven surgeries (so far). Beside being scalped, she sustained fx of T-12.

Manufacturer contacted unknown.

Incident Date: 8/13/2011

Incident Location: Other -

Victim Details

First Name: [REDACTED]

Last Name: [REDACTED]

Injury Information: Injury, Hospital Admission

Victim is of Hispanic/Latino origin?

Race: Unspecified

Other Race/Ethnicity:

Source of Race Information: Unspecified

My Relationship to Victim: My Client, Patient, Student, Etc. (professional relationship)

Gender: Female

Age when incident: 25 Years

occurred:
Address: Pooler, Georgia, United States
E-mail:
Phone Number:

Product Details

Product Two-seat ATV
Description:
Product Sports and Recreation
Category:
Product Type: Recreational Vehicles (Unlicensed)
Brand Name: polaris Razor 800
Manufacturer / Polaris
Importer /
Private Labeler
Name:
Model Name or ATTNTT
Number:
Serial Number: VIN 4XAVH76A29D814493
Date
Manufactured:
Manufacturer
Date Code:
Manufacturer Not specified
Address:
Manufacturer
Website URL:
Manufacturer
Phone Number:
Retailer: unknown
Retailer State: Georgia

Additional Details

Purchase Date: 4/1/2011 This date is an estimate

I still have the Yes
product in my
possession.

The product No
was damaged
before the
incident.

The product No
was modified
before the
incident.

Have you N/A
contacted the
manufacturer?

If not, do you N/A

CPSC does not guarantee the accuracy, completeness, or adequacy of the contents of the Publicly Available Consumer Product Safety Information Database on SaferProducts.gov, particularly with respect to information submitted by people outside of CPSC.

plan to contact
them?

Explanation:

Your Contact Information

First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED]

E-mail: [REDACTED]

Phone Number: [REDACTED]

OMB Control Number 3041-0146

Hylton, Kimberly

Subject: FW: ATV incident/injury / Young woman scalped by drive shaft.of ATV(report# 20120316-93F04-1238248)
Attachments: DSC01156.JPG; DSC01166.JPG; DSC01175.JPG; DSC01186.JPG; DSC01195.JPG; DSC01138.JPG; photo (2).JPG

Document Number: H1230185A
Report Number: 20120316-93F04-1238248

From: Center, Information
Sent: Friday, March 16, 2012 4:16 PM
To: Clearinghouse
Cc: Wolfson, Scott; Filip, Alexander; Fleming, Nychelle
Subject: FW: ATV incident/injury / Young woman scalped by drive shaft.of ATV(report#20120316-93F04-1238248)

To the Clearinghouse:

Please upload pictures to report number above.

Thanks

Maureen

From: [REDACTED]
Sent: Friday, March 16, 2012 9:57 AM
To: Center, Information
Cc: Topka, Tanya
Subject: ATV incident/injury / Young woman scalped by drive shaft.of ATV

Please accept this as a report of serious injury. I have attempted to send on line thru www.saferproducts.gov but have had difficulty navigating the website.

This report concerns a Polaris ATV Razor 800 manf date 3/5/2009. VIN 4XAVH76A29D814493; model ATTNTT. This is a two seat ATV.

Woman, age 25, as passenger with very long braided hair. Hair went down behind/to side of seat and got wrapped around drive shaft; result is she was scalped (literally).

She was belted, with helmet, etc. The ATV was not in any way modified from way purchased new and was not being improperly operated. While seated and belted, the young woman's hair became wrapped around the drive shaft below the seat, causing her to be scalped.

Attached are selected photos: These ought to tell the story. The last email attached (Photo (2) JPG is a photo of the young woman head after 5 surgeries.

No. 1156...photo of both seat that are side by side with device in center, and open spaces on either side. Photo shows seats as would ordinarily be. Hair went down beside the cover with the triangular shapes on the side/back of it.

No. 1166... Photo with both seats pulled forward (there are hinges at the front of the seats, much like front seat of two door car). The drive shaft on which hair caught

The shaft is about 1 inch in diameter.

No. 1175... Substantially same as 1166 except looking straight down...can't see the drive shaft

No. 1186... A device under the hood that shows the VIN, date of manuf and model.

No. 1195 Substantially same as 1166 with ruler inserted.

No. 1138 Photo of the ATV.

The young woman's name is [REDACTED], and lives in Pooler Georgia.

I am her attorney; my address, etc is reflected below

Your inquiry into this incident, and investigation of similar incidents will be appreciated. I am advised that similar incidents have occurred with go carts.

I look forward to such information as you might provide, not only as to this specific product, but other brands/similar devices.

Thank. You

[REDACTED]

Disclaimer

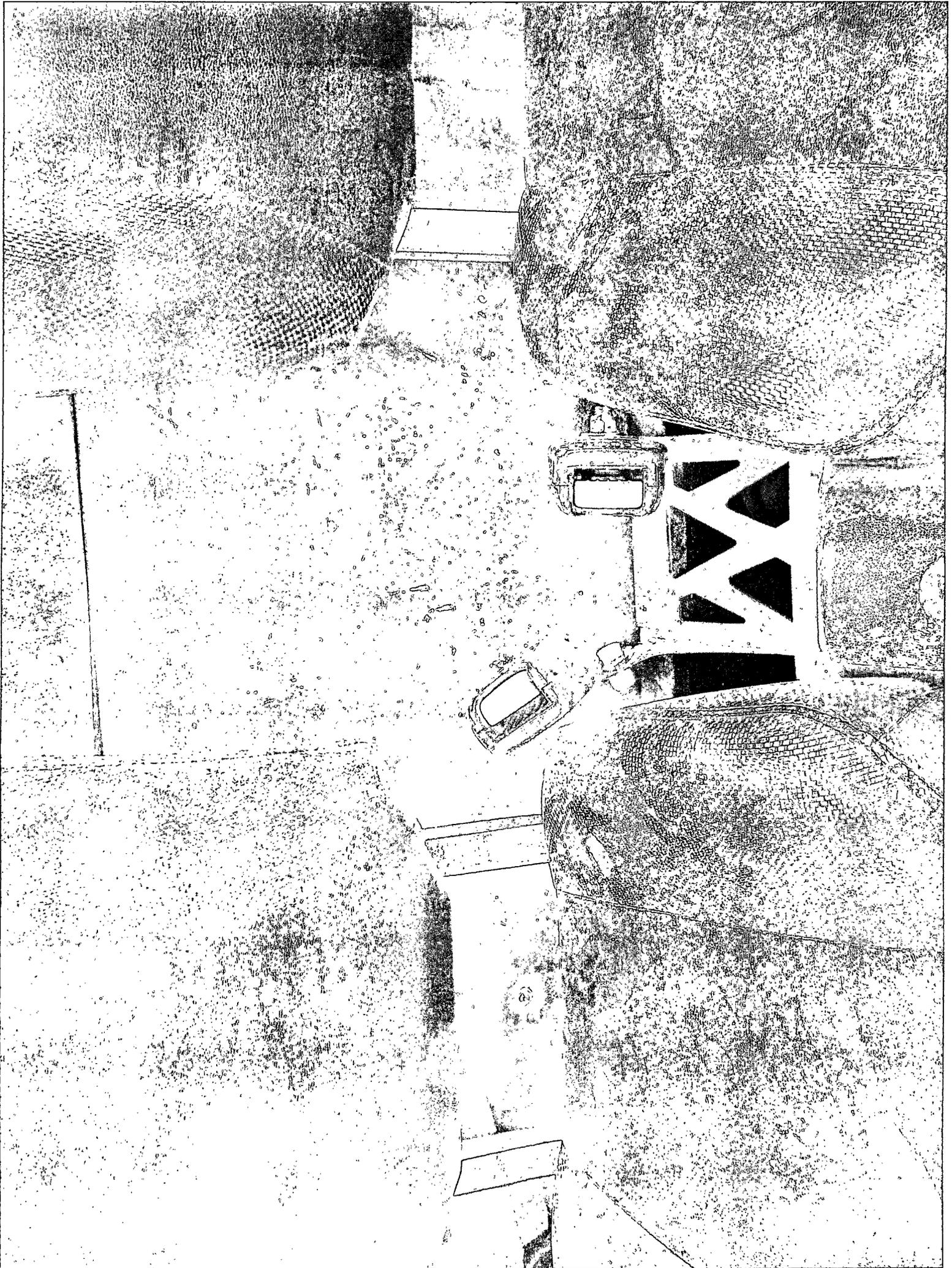
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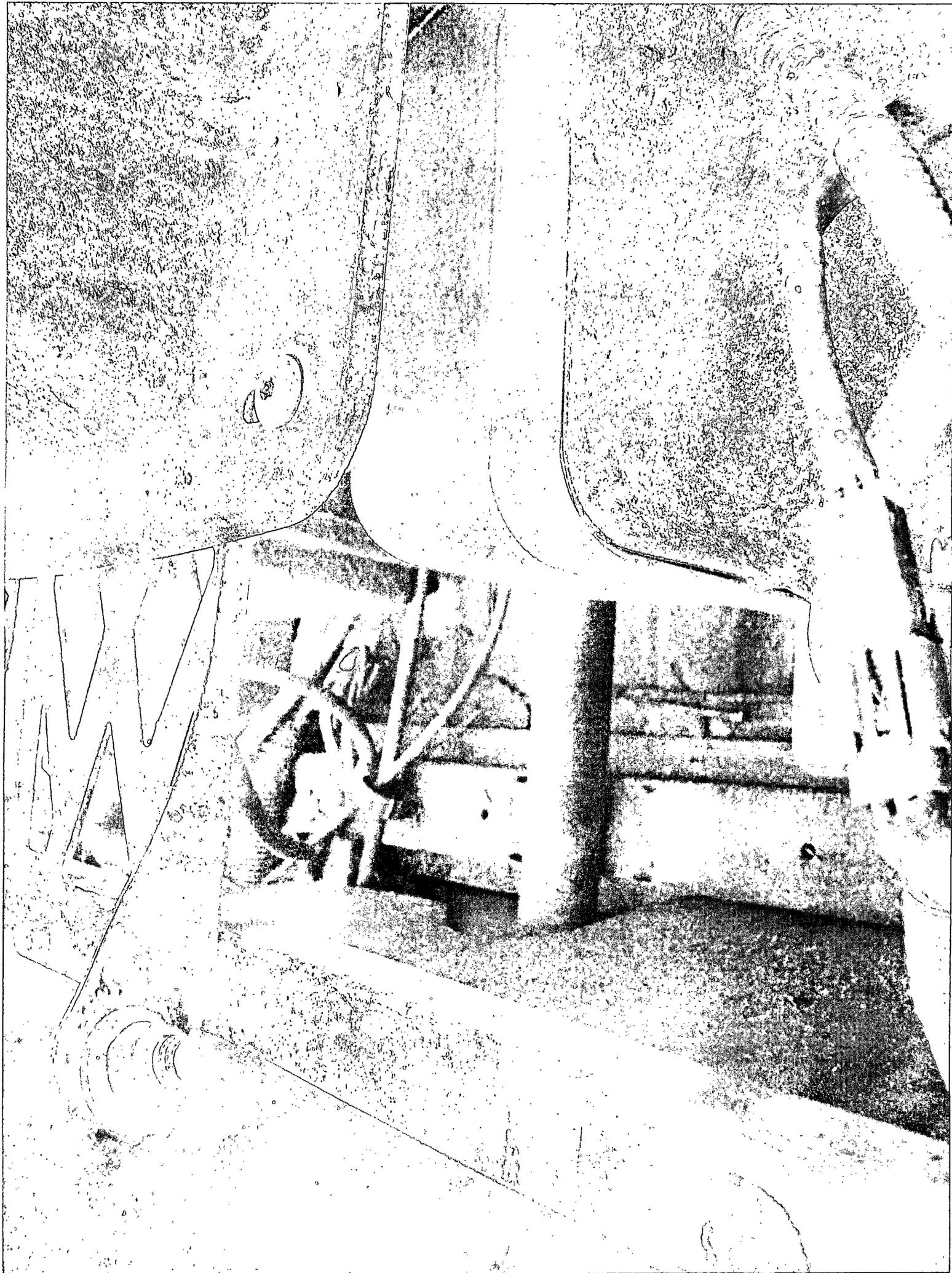
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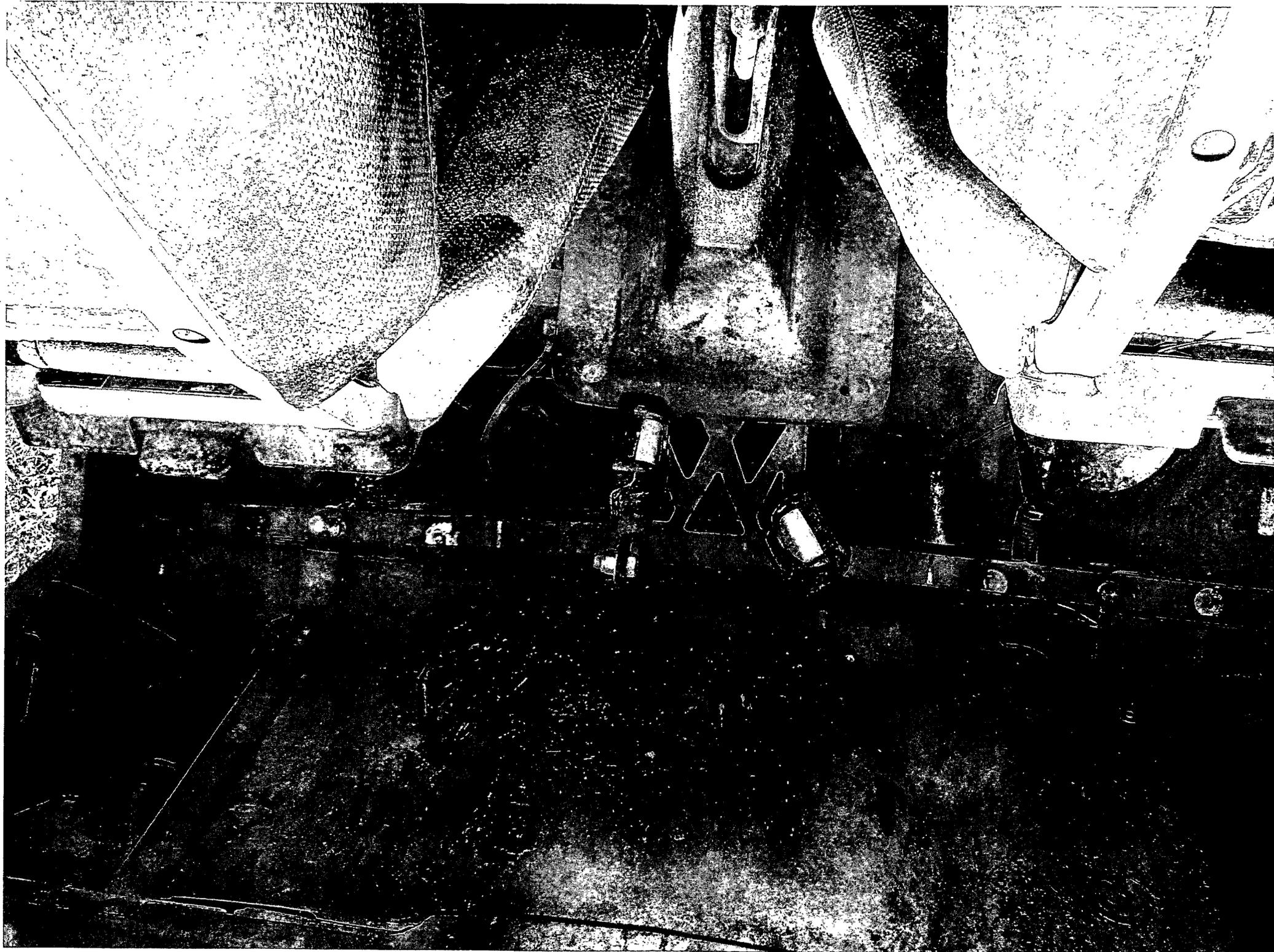
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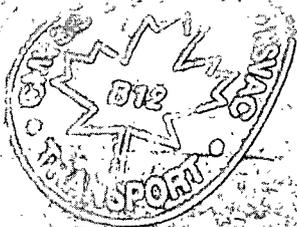
[REDACTED]

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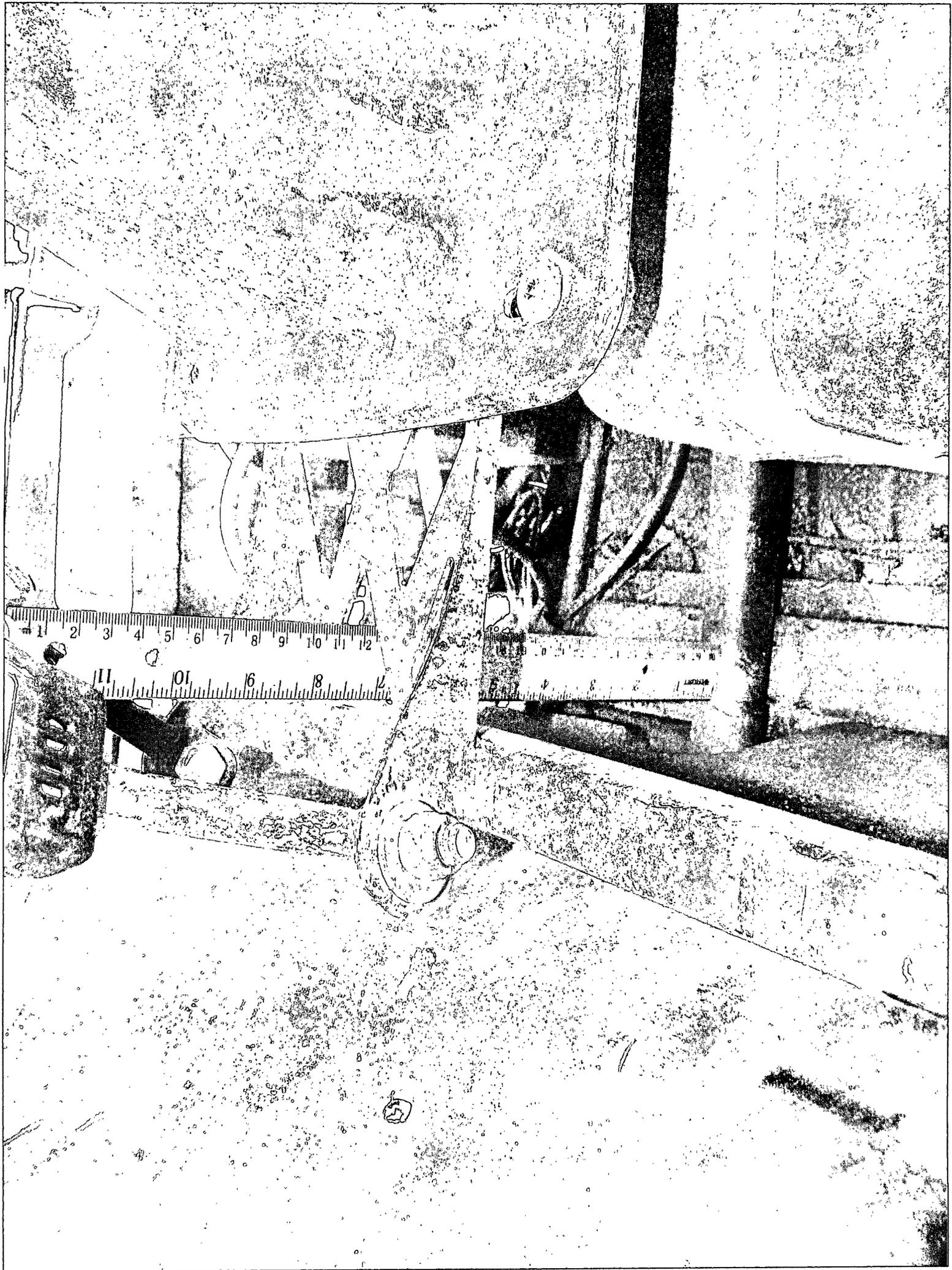
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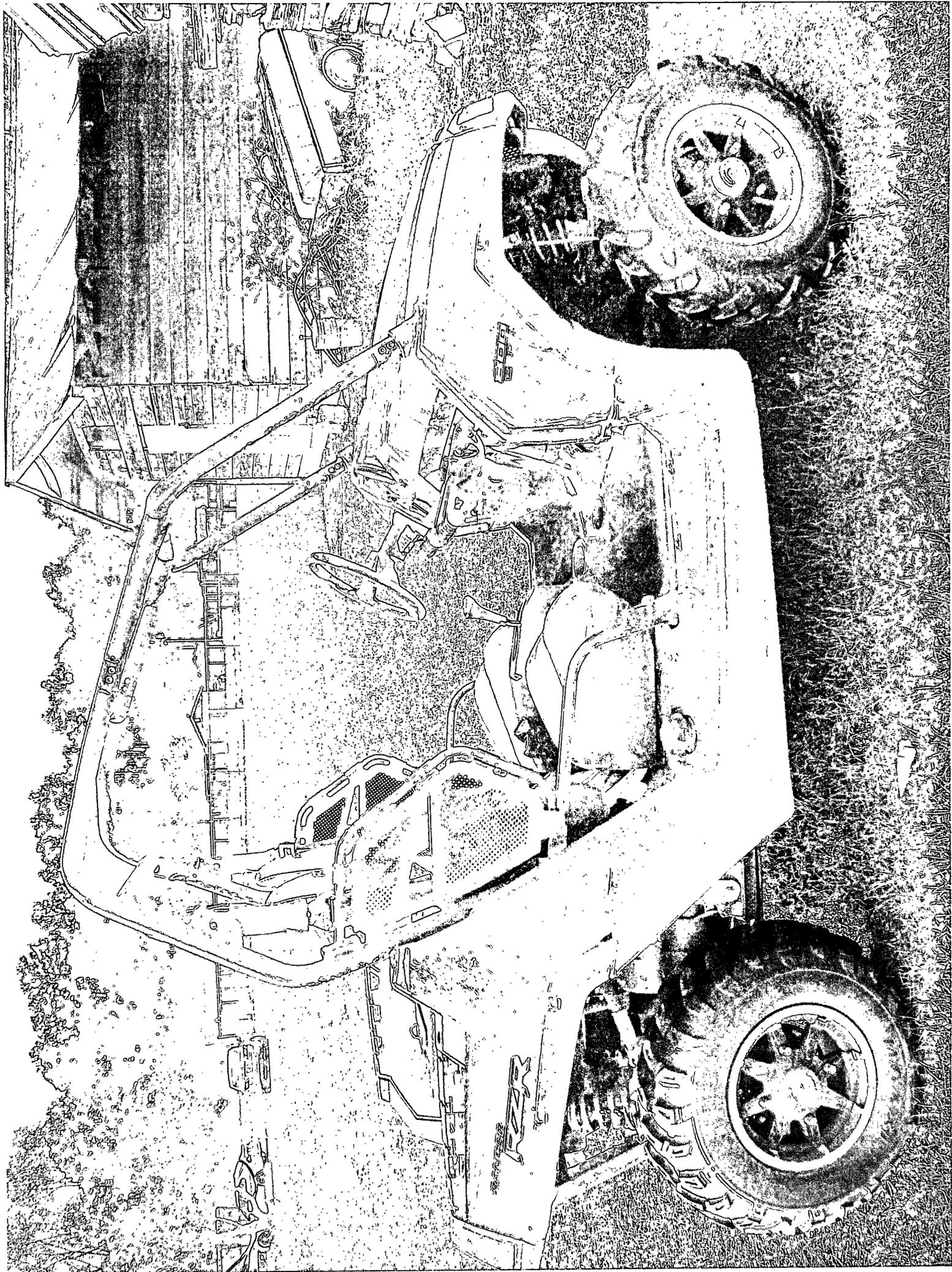
2100 Highway 55
Medina MN 55340

DATE: 03/05/2009

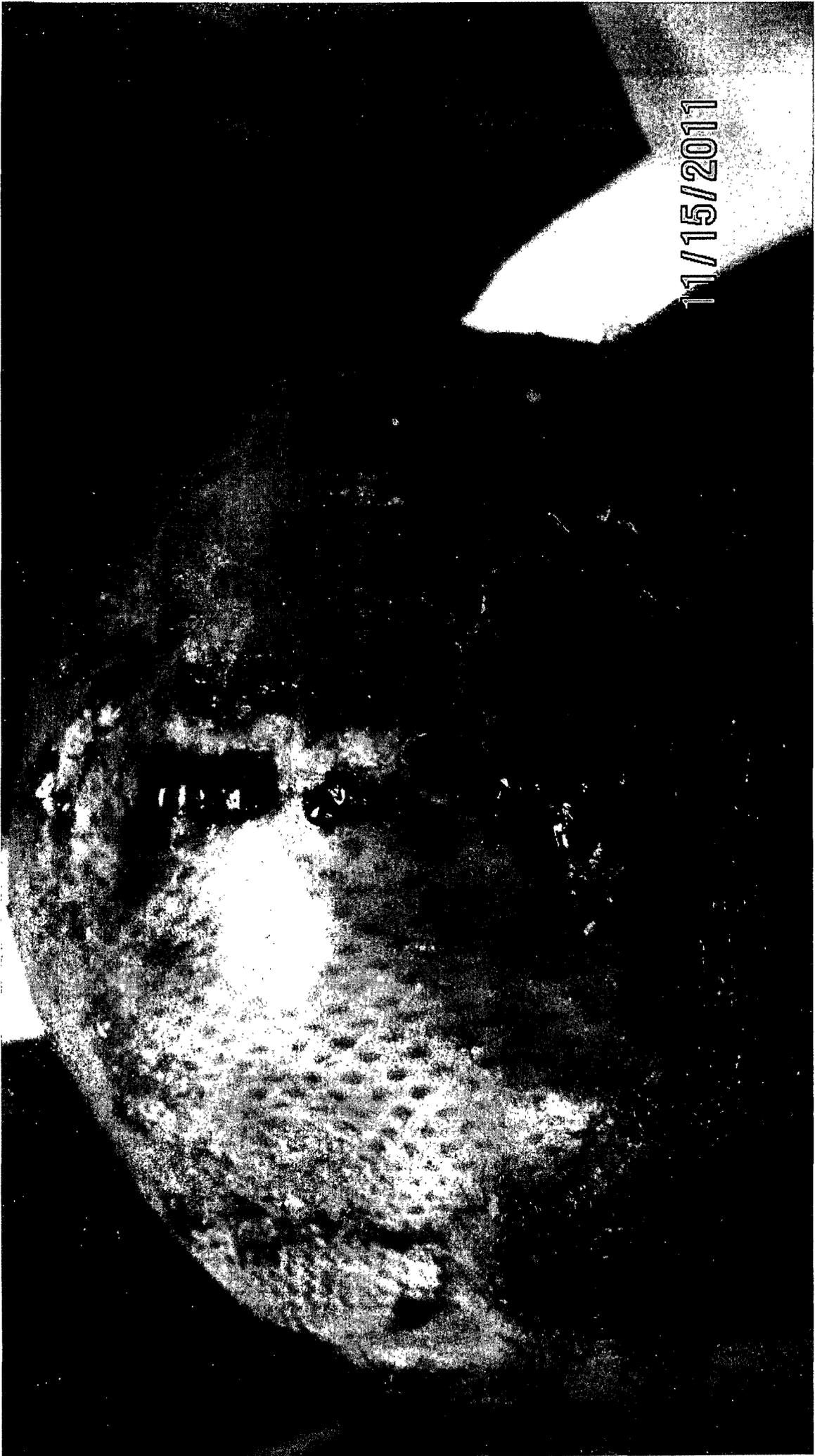
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11/15/2011



H1230185A

Report No: 20120316-93F04-1238248

Consent & Submit

Please let us know how you would like us to handle your Report.

May we include your Report, including any documents or photographs that you have attached to your Report, but **without your name and contact information**, in the CPSC's Public Database?

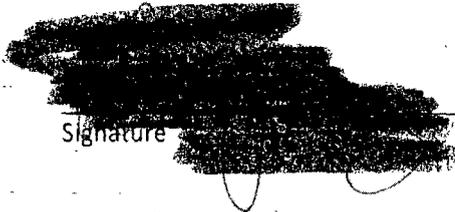
- Yes, you may include my Report in the Public Database.
- No, do not include my Report in the Public Database.

May we release your name and contact information to the product manufacturer / private labeler identified in your Report?

- Yes, you may release my name and contact information to the product manufacturer/private labeler.
- No, do not release my name and contact information to the product manufacturer/private labeler.

By signing this form, I certify that I have reviewed the Report and that the information provided in this Report is true and accurate to the best of my knowledge, information, and belief.

Signature



Date

3/27/2012

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Published: March 12, 2012 Updated: 9:03 p.m.

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Seal Beach man dies after off-road crash in desert

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Luggatti's Italian Grill 50% off! \$20 for \$40 worth of food and drink at Luggatti's Italian Grill!

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By SEAN EMERY / THE ORANGE COUNTY REGISTER

Authorities on Monday identified a Seal Beach man who died after an accident involving an off-road vehicle near the Calico Ghost Town.

ADVERTISEMENT

Donofrio, 42, died at the Barstow Community Hospital on Saturday night, less than an hour after he overturned an off-road vehicle about one mile east of the Calico Ghost Town, according to the San Bernardino Coroner's Office.

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Investigators believe Donofrio and a Buena Park man were driving through a mountainous area in a 2008 Polaris RZR about 35 mph when he lost control during a turn and rolled the vehicle onto its left side, according to a California Highway Patrol report.

CHP officials said Donofrio and the passenger righted the Polaris and drove back to their campsite. Investigators believe Donofrio stepped out of the Polaris, then laid down next to the vehicle, at which point the other man called 911.

Authorities are awaiting the results of an autopsy before releasing the cause of Donofrio's death.

Contact the writer: 714-796-7939 or semery@ocregister.com

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2. No profanity, vulgarity, racial slurs or personal attacks.
3. People who harass others or joke about tragedies will be blocked.

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**Two teenagers injured
in ATV rollover Saturday**

RANSOM COUNTY, N.D.

- Two teenagers were injured Saturday night when the ATV they were riding in rolled on North Dakota Highway 27 here.

According to a news release from the North Dakota Highway Patrol, the 2009 Polaris Ranger was eastbound in the south ditch of the highway near mile marker 13 about 7:45 p.m. when it struck an approach and rolled.

Both the driver, [REDACTED] 19, of Englevale, N.D. and his passenger, [REDACTED] 19, whose hometown was not listed, were ejected from the vehicle. Weight was airlifted and [REDACTED] was transported by ambulance to Sanford Health in Fargo, the release said.

The ATV was totaled, and its occupants weren't wearing seat belts. The crash remains under investigation by the patrol.

X1250361A

TN

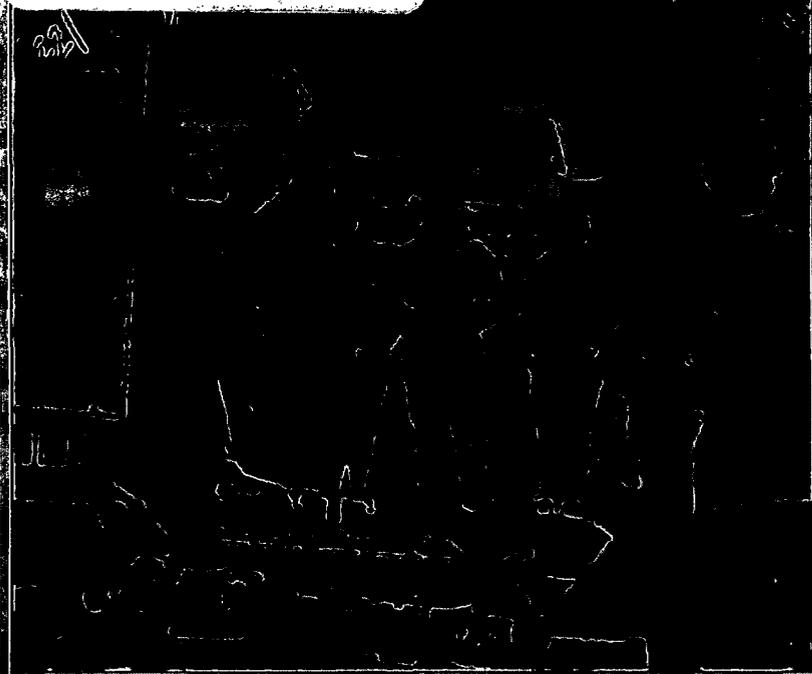
TN PRESS SERVICE

Clipping Bureau

(865)584-5761 newsclips@tnpress.com

Reader 0030 Wed, Apr 25, 2012

Lexington, TN
Lexington Progress
Circulation 5,802



A teenager was injured late Saturday afternoon when he lost control of a Polaris Ranger side-by-side ATV. The teen received serious leg and ankle injuries when the ATV overturned in a sharp curve on Blue Cut Road, just off Shady Acres Lane east of Lexington. Henderson County Emergency Services personnel called for a medical helicopter shortly after arriving on the scene. The patient was conscious and able to talk with the medical team at the scene.

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The Nome Nugget.

Alaska's Oldest Newspaper

• USPS 598-300 • Single Copy Price - 50 Cents in Nome •
VOLUME CXII NO. 13 March 29, 2012

Man dies in four-wheeler accident on Beltz Hgwy.

By Diana Haecker

A 26-year-old Nome man died in a single vehicle accident Tuesday, March 20 on the Nome-Beltz Highway, Nome. Police report that Christopher Ahkinga was driving a 2012 Can-Am side-by-side ATV

southbound on the highway, traveling at a high rate of speed.

According to police Sgt. Preston Stotts, Ahkinga lost control over the four-wheeler, it veered off into the

continued on page 4

• Man dies in 4-wheeler accident

continued from page 1

snow, swerved and hit a utility pole near mile marker 0.5 of the highway. The ATV snapped the power pole and five electrical wires lay on the ground. Stotts said. Witnesses called 911 and provided immediate assistance until the Nome Volunteer Fire Department and the Nome Volunteer Ambulance Department arrived to extricate Ahkinga from the ATV that had rolled to the side and came to rest on the driver's side. Ahkinga was taken to Norton

Sound Regional Hospital and was pronounced dead a short time later, police said. Ahkinga was not wearing a helmet or safety devices such as a seatbelt. Police said that alcohol was not a factor in the accident. The state medical examiner ordered the body of Ahkinga to be flown to Anchorage for an autopsy.

Sgt. Stotts added that travel on a four-wheeler on state highways is not allowed. "We encourage the use of helmets and not to drive at excessive speeds," Stotts said.

X 1260106A

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Photo



Off-road crash hurts one, driver arrested

Victim suffered head, neck injuries

Updated: Sunday, 27 May 2012, 12:22 PM EDT
Published: Sunday 27 May 2012 12:22 PM EDT

ANGOLA, Ind. (WANE) - The driver of an off-road vehicle in Steuben County has been arrested for operating the vehicle while intoxicated after investigators responded to a crash that required one person to be airlifted to a Fort Wayne hospital.

According to the Indiana Department of Natural Resources (DNR), 27-year-old [redacted] was driving a Polaris Ranger in a grassy area with two passengers on board late Saturday

The Ranger hit a pipe attached to a propane tank on the property off E. Division Road in Angola. One of the passengers, [redacted], 29, was thrown from the vehicle suffering head and neck injuries

Armstrong was flown from the crash site to Parkview Regional Medical Center for treatment.

Masters was taken into custody and transported to the Steuben County jail.

Local News



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X1270223A

UTV accident in Fred sends woman to hospital

by Emily Waldrep

A UTV accident in Fred on Sunday afternoon, June 24, sent one passenger to the hospital by life flight with serious leg injuries.

Witnesses say that the two women, [redacted] were riding a side-by-side Rhino near their home. Kreeel was reported the be driving, and when she turned into the driveway she misjudged the turn and hit a culvert. The vehicle flipped and landed on [redacted] causing her to become trapped underneath.

Gore was rushed to the Hospital by emergency life flight and she is currently undergoing treatment for serious injuries to her legs.

The accident didn't involve any other vehicles.

Neither Kreeel nor Gore were reported to be wearing a helmet or seat belt while riding the UTV.

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ATV accident injures teen girl

Posted: Jul 12, 2012 7:09 AM EDT

Updated: Jul 19, 2012 7:09 AM EDT

Posted by Sean Edmondson - bio | email

PIKE CO, IN (WFIE) - Another off road vehicle accident involving teenage girls in the Tri-State.

It happened near Petersburg Wednesday evening around 7:30 local time.

Indiana conservation officers say two 13-year-old girls were riding a Polaris Ranger on C.R. 700 West, when it left the road and overturned in a soybean field.

One of the girls was treated for a foot injury at Jasper Memorial.

The other girl was not hurt.

Over the weekend, two 16-year-old girls were hurt after a Kubota RTV 900 overturned in Henderson County.

The driver was taken to St. Mary's while the passenger went to Methodist Hospital for treatment.

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This is a copy of your Report to the U.S. Consumer Product Safety Commission submitted on 7/25/2012

Incident Details

Document Number: 11270508A
Report Number: 20120725-0E923-2147465383
Report Submitted Date: 7/25/2012
Who You Are: Consumer
Incident Description: On 06/23/2012 my boyfriend and I were riding our 2008 Polaris RZR 800 when it overturned to its side and an exposed bolt on the backside of the seatbelt mechanism tore off the top of my hand crushing my bones and ripping out my tendons and muscles. I believe this is a defect that needs attention from Polaris before other innocent individuals like me are hurt. My hand will never be the same. I'm in physical therapy 2 days a week and am scheduled for a second surgery on 07/30/12. I have a horrible scar and hardly any movement of my right hand which is my primary hand. On the newer Polaris RZR models I have noticed that Polaris has made adjustments, so that this bolt is not as prominent, but that does not help us consumers that have older models and were unaware of this hazard! I did have my seatbelt on and we were not going fast or being reckless by any means when this accident occurred.
Incident Date: 6/23/2012
Incident Location: Farm/Ranch [REDACTED]

Victim Details

First Name: [REDACTED]
Last Name: [REDACTED]
Injury Information: Injury, Hospital Admission
Victim is of Hispanic/Latino origin? No
Race: White
Other Race/Ethnicity:
Source of Race Information: Respondent - Self/Family
My Relationship to Victim: Self
Gender: Female
Age when incident occurred: 20 Years
Address: [REDACTED]
E-mail: [REDACTED]
Phone Number: [REDACTED]

Product Details

Product Description: 2008 Polaris Ranger RZR Model Type Utility BASE MSRP(US) \$10,299.00 Cylinders 2 Engine Stroke 4-Stroke Valve Configuration OHV Displacement (cc/ci) 760 / 46.4 Carburetion Type Fuel Injected Transmission Type Continuously Variable (CVT) Primary Drive (Front Wheel) Shaft Reverse Yes
Wheels & Tires: Front Tire (Full Spec) Maxxis® 25 X 8-12 Rear Tire (Full Spec) Maxxis® 25 X 10-

CPSC does not guarantee the accuracy, completeness, or adequacy of the contents of the Publicly Available Consumer Product Safety Information Database on SaferProducts.gov, particularly with respect to information submitted by people outside of CPSC.

12 Brakes: Front Brake Type Hydraulic Disc Rear Brake Type Hydraulic Disc Technical Specifications: Wheelbase (in/mm) 77 / 1955.8 Dry Weight (lbs/kg) 945 / 428.7 Fuel Capacity (gal/l) 7.3 / 27.6 Seats: Number Of Seats 2 Drive Line: Driveline Type Selectable 4X2 / 4X4 Number Of Driveline Modes 2 Limited Slip Differential Standard Lights: Halogen Headlight (s) Standard

Product Category: Sports and Recreation

Product Type: Recreational Vehicles (Unlicensed)

Brand Name: Polaris Ranger RZR

Manufacturer / Polaris

Importer /

Private Labeler Name:

Model Name or Number:

Serial Number:

Date

Manufactured:

Manufacturer

Date Code:

Manufacturer Not specified

Address:

Manufacturer

Website URL:

Manufacturer

Phone Number:

Retailer: Valley ATV

Retailer State: Ohio

Additional Details

Purchase Date: 6/7/2012 This date is an estimate

I still have the product in my possession. Yes

The product was damaged before the incident. No

The product was modified before the incident. N/A

Have you contacted the manufacturer? No

If not, do you plan to contact them? Yes

Explanation: I plan to tell Polaris that this product is unsafe and needs immediate attention!

CPSC does not guarantee the accuracy, completeness, or adequacy of the contents of the Publicly Available Consumer Product Safety Information Database on SaferProducts.gov, particularly with respect to information submitted by people outside of CPSC.

Your Contact Information

First Name: [REDACTED]

Last Name: [REDACTED]

Address: [REDACTED]

E-mail: [REDACTED]

Phone Number: [REDACTED]

Consent

May we include your Report, including any documents or photographs that you have attached to your Report, but without your name and contact information, in CPSC's Public Database? Yes, you may include my Report with any attachments on SaferProducts.gov.

May we release your name and contact information to the product manufacturer / importer / private labeler identified in your Report? Yes, you may release my name and contact information to the product manufacturer / importer / private labeler.

I certify that I have reviewed the Report and that the information provided in this Report is true and accurate to the best of my knowledge, information, and belief. Yes

OMB Control Number 3041-0146



X12B0635A

Reference ID: 1209288

Title: 7-year-old injured in ATV accident in Tooele County

Date Published: Sunday, September 02, 2012

Publication: KTVX-TV - Online

State: UT

VERNON, Utah (ABC 4 News) - A 7-year-old boy was injured when his motorcycle collided with an ATV in Tooele County Sunday afternoon. The Tooele County Sheriff's office says the boy was riding a 50 cc motorcycle on a trail at a popular recreation site near Vernon when he collided with a Rhino ATV, driven by a 40-year-old woman. Officials say the boy was traveling in a wooded area where trails merge. His vehicle, as well as the ATV, approached a crossroad at the same time. He tried to swerve and avoid the collision, but was thrown under the ATV. He was flown by medical helicopter to Primary Children's Medical Center in stable condition. He suffered broken bones and a laceration to his face. The boy was wearing a helmet at the time of the accident. 7-year-old injured in ATV accident in Tooele County

VERNON, Utah (ABC 4 News) - A 7-year-old boy was injured when his motorcycle collided with an ATV in Tooele County Sunday afternoon.

120904HCC3827

Fatal ATV Accident Kills 19-year-old Bozeman, Montana
08/06/2012

By Anthony Effinger

BOZEMAN, Mont. -- The all-terrain vehicle accident that killed a 19-year-old at Montana's exclusive Yellowstone Club happened on the first night of the community's annual family weekend, according to a person familiar with the event.

The ski-and-golf club - which includes Microsoft co-founder Bill Gates, Tour de France champion Greg LeMond and hedge fund manager Cliff Asness of AQR Capital Management as members - holds the three-day "Camp Yellowstone" every year. There are sack races, an egg toss and tug-of-war, according to the person, who said he couldn't speak publicly about activities at the private club southwest of Bozeman.

What was supposed to be a festive occasion became tragic. [REDACTED], of Mendham, N.J., died after his prep-school roommate, [REDACTED], the son of a New York hedge-fund manager, made a turn late on Thursday in the 13,600-acre (5,500 hectare) haven, causing Regan to fall out of the vehicle, according to an affidavit filed in state court by a Montana highway patrolman.

[REDACTED], also 19, was arrested and charged with negligent vehicular homicide under the influence of alcohol. He posted \$50,000 bail and was released from jail Friday.

[REDACTED] was visiting the club with the [REDACTED] family, his father, [REDACTED], said in an Aug. 3 interview. [REDACTED] and [REDACTED] were roommates at Suffield Academy, a boarding school in Suffield, Conn., where Regan was an honor student, according to the school's website. [REDACTED] who goes by [REDACTED], according to the site, is a star soccer player.

The Montana Highway Patrol is investigating the accident, said Sergeant Chad Dever. The charge against [REDACTED] carries a maximum sentence of as long as 30 years in prison and \$50,000 in fines in Montana, according to the state's statutes.

"It's early in the investigation," said Dever.

Membership at Yellowstone is limited primarily to those who own one of the houses and condominiums scattered among 15 ski lifts and an 18-hole golf course. Prices range from \$2.5 million for a condominium to \$18 million for a ranch with 350 acres. Members pay a \$300,000 initiation fee that they get back if they sell their property. Dues are \$30,000 a year.

Yellowstone Club spokesman Greg Hitt said the club is cooperating with the probe.

██████████ was driving a 2012 Polaris Ranger Crew, a four-wheel-drive vehicle. He told police he was making a left turn on Andesite Ridge Road when ██████████ "fell out," according to the affidavit by Trooper Joshua Brown.

After the incident, ██████████ refused to submit to a breath test and blood test, according to Brown's report. He smelled of alcohol, his eyes were watery and bloodshot and his clothes were bloody, the report said.

Montana officers were able to obtain a blood sample from ██████████ after getting a search warrant by telephone from a Madison County district judge, the report said.

On April 17, ██████████ was convicted of driving under the influence of alcohol in a separate incident, according to the affidavit. It didn't say where that conviction occurred.

██████████ was held in jail until about 5 p.m. Aug. 3, when he appeared in Gallatin County Justice Court in Bozeman, posted bail and was released, according to Officer Wylie Herrera at the Gallatin County Detention Center.

██████████ attorney, William Bartlett of Angel, Coil & Bartlett in Bozeman, didn't return telephone calls.

██████████ is the son of ██████████, founder of ██████████ Capital Partners. The hedge fund, with offices on Park Avenue in New York, had \$350 million in assets at the end of December, according to a filing with the Securities and Exchange Commission. The family lives in Bronxville, N.Y. ██████████, reached in Montana, declined to comment on the incident.

— With assistance from Saijel Kishan.



X12B0345A

Reference ID: 1210169

Title: Three injured in UTV rollover

Date Published: Tuesday, October 02, 2012

Publication: The Richfield Reaper

State: UT

HEPPLERS PONDS _ Three youths were injured, one critically, when a 2009 Polaris Ranger rolled near Hepplers Ponds at approximately 6 p.m. Sept. 25.

The incident occurred approximately three miles west of Glenwood, according to the Utah Highway Patrol.

The 15-year-old male driver of the Ranger, and a 14-year-old male passenger both received minor injuries in the accident, according to the UHP.

A 14-year-old female, S [REDACTED], was pinned under the Ranger. After being freed from beneath the vehicle, emergency medical technicians worked to stabilize her. [REDACTED] was transported via helicopter to Primary Children's Medical Center in Salt Lake City for treatment of her injuries.

No one in the Ranger was using safety equipment at the time of the incident, according to the UHP accident report.

Investigation of the incident was turned over to the UHP, because one of the accident victims was related to a Sevier County Sheriff's Office deputy, said Sheriff Nate Curtis.

Community members gathered in Annabella for a candlelight vigil for Benson Friday night. For more about the vigil, see page 1A of this week's edition of The Richfield Reaper.



X12B0266

Reference ID: 1210090

Title: St. Clair Woman Dies in Accident

Date Published: Wednesday, October 03, 2012

Publication: The Missourian

State: MO

A 32-year-old St. Clair woman died a day after she was involved in an all-terrain vehicle crash southwest of the Luebbering area on Saturday evening.

According to the Missouri Highway Patrol's online report, [REDACTED] died as a result of the accident that took place on Elmwood Church Road at 7:02 p.m. on Sept. 29. She was pronounced dead at Mercy Hospital St. Louis at about 5 p.m. Sunday. She was flown there by air ambulance following the incident.

According to the patrol, [REDACTED] was a passenger on a 2009 Can-Am 880-R driven by [REDACTED], 37, of St. Clair. The duo was westbound on Elmwood Church Road about 1.3 miles east of Highway 47 when the ATV traveled off the right side of the road and struck a tree.

Neither person was wearing a helmet.

[REDACTED] was taken to Mercy Hospital St. Louis by St. Clair Ambulance. His injuries were listed as moderate.

Damage to the ATV was extensive.

At the hospital, Benjamin Erbes was arrested for suspicion of driving while intoxicated and second-degree assault. He later was released.

Other Crash

St. Clair Fire Protection District Chief Mike Kelley told The Missourian on Monday morning that a fire crew was returning from an earlier separate crash involving an ATV on Saturday evening when they saw [REDACTED] standing along Elmwood Church Road seeking assistance. A

_'He flagged them down,' Kelly said. 'He led the guys to the accident scene.'

The other ATV crash took place on Little Indian Creek Road just south of Rye Creek Road at 6:25 p.m. on Saturday. The location of that incident is southeast of where the fatal accident occurred and is close to the Franklin-Washington County line.

According to the patrol's report, Craig G. Myers, 43, of St. Clair, was northbound on Little Indian Creek Road driving a 2006 Polaris Ranger 500. He stopped on the bridge over Rye Creek and as the ATV began moving forward, a passenger, [REDACTED], 43, of Cadet, fell off.

[REDACTED] injuries were listed as moderate. He was not wearing a helmet.

He was taken by St. Clair Ambulance to Mercy Hospital Washington. The ATV was not damaged.

[REDACTED] who was not injured or wearing a helmet, was arrested for suspicion of DWI and second-degree assault.

The patrol's online report stated he was held at the Franklin County Jail on a 12-hour hold.

B



X12B0258A

Reference ID: 1210082

Title: ATV accident victim yells for help for 11 hours before being rescued

Date Published: Tuesday, October 16, 2012

Publication: Detroit Lakes Online

State: MI

A rural Audubon man was seriously injured when his ATV tipped over on the north side of Little Cormorant Lake Saturday morning.

██████████ 55, was not able to tip the ATV back up or walk for help, apparently because of injuries he suffered in the crash.

He had to stay where he was and yell for help, which he did for some 11 hours until someone heard him.

He told a deputy that he was going hunting about 8:30 a.m. Saturday.

He was traveling on Agassiz Lane, was nearing the end of the road, and was making a left turn to turn around when one of his dogs jumped down. That caused his foot to hit the accelerator, causing the ATV to tip over on its right side.

He was driving a 2012 Polaris Ranger side-by-side 500cc ATV. It sustained damage to the windshield.

The person that heard his calls for help was ██████████, 34, who said he was in his yard shortly after 6 p.m. and his daughter told him she could hear someone yelling.

██████████ said he drove around and found the injured man. He said that Head was sitting up near the ATV and was alert and conscious. Head told him he had been there for almost 11 hours.

Head was transported by ambulance to Essentia St. Mary_s hospital, with serious, but non-life-threatening injuries, according to the sheriff_s office.

Audubon Rescue assisted at the scene.



X12B0933A

Reference ID: 1210302

Title: Teens hurt in ATV crash in southern Meeker County, Minn.

Date Published: Monday, October 29, 2012

Publication: West Central Tribune - Online

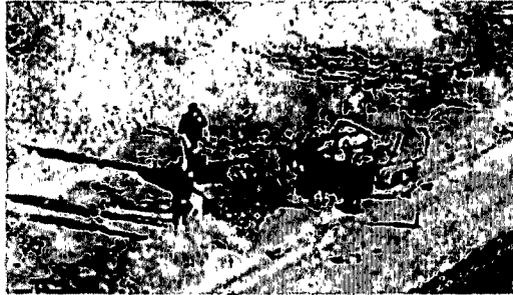
State: MN

LITCHFIELD ? Two teenagers were hurt in a ATV crash reported around 3:15 p.m. Sunday in Cedar Mills Township of Meeker County. By: Tribune News, West Central Tribune LITCHFIELD ? Two teenagers were hurt in a ATV crash reported around 3:15 p.m. Sunday in Cedar Mills Township of Meeker County. According to the Meeker County Sheriff?s Office, Katlin Davis, 16, of Hutchinson, was driving a 2011 Artic Cat side-by-side type ATV southbound on 610th Avenue and lost control about a half mile south of 130th Street. She had minor injuries. A passenger, ██████████, 16, of Hutchinson, was taken by ambulance to Hutchinson Hospital for treatment of non-life threatening injuries. The case is under investigation by the Sheriff?s Office.



X12130145A

6 kids hurt in ATV crash in Goodyear



By Phil Benson, Jadiann Thompson
Nov 5, 2012 3:13 p.m.

GOODYEAR, AZ (CBS5) -- Six kids were hurt in an ATV crash in Goodyear Sunday afternoon and all taken to Valley hospitals, police said.

All six on board were under 18, according to Goodyear Police Department Spokesman Lt. Scott Benson.

There was conflicting information about the number of people injured early in the investigation.

The driver of the ATV had his arm nearly torn off and the passenger in the ATV had serious head trauma while a third passenger may have a broken leg, according to investigators.

The one child with the head injury was airlifted and the rest went to hospitals by ambulance, Benson said.

Officers said no one was wearing helmets.

The accident occurred near Rainbow Valley and Ray Road.

Investigators were on scene for hours trying to determine how the crash happened.

Benson said it appeared that some families were out enjoying the Sunday weather while the kids rode in the ATV described as a Rhino, which is a larger ATV that can seat several people.

"It is a paved road and everything on each side is desert," Benson said. "There's a lot of soft sand, so depending on if they were entering or leaving the roadway from the sand to the road or vice versa, that could have been a contributing factor."

A 16-year-old had been driving, but turned the wheel over to a 14-year-old, who began driving off course, police said. The older teen reached over to help correct the course when the crash occurred, officers said.

Police said three of the kids were ejected and one was wearing a seat belt.

The names of the injured were not released.

Their conditions are not known.

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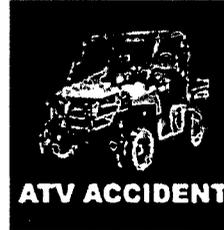


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Las Vegas man injured in ATV accident

By Kevin McKinnon, November 12, 2012

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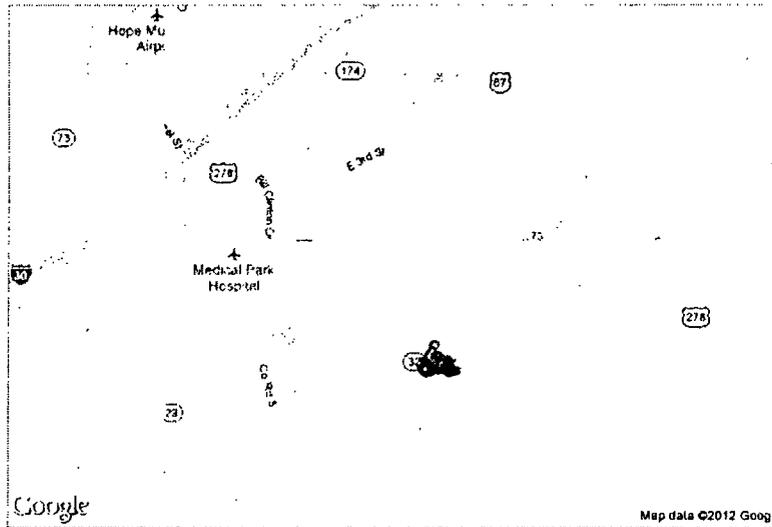


A Las Vegas man was injured in a four-wheeler accident in Hempstead County Sunday night.

38. was driving a 2011 Polaris Ranger at the sand pits in the 600 block of Hempstead 52 around 9 p.m. when he

drove off a 20 foot cliff.

Lindberg suffered a head injury in the fall and was transported to Christus Saint Michael Health System in Texarkana by Pafford EMS



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X12B1134A

November 14, 2012 4:06PM

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Two men hurt in ATV crash

A Ridgway man and an Eldorado man were injured in an all-terrain vehicle crash in Gallatin County 7:50 p.m. Monday.

A Ridgway man and an Eldorado man were injured in an all-terrain vehicle crash in Gallatin County 7:50 p.m. Monday.

██████████, 37, Ridgway, was driving a Polaris Ranger west on Dickey Ford Road and was approaching the intersection with Cottonwood Road in Gallatin County, according to a release from Illinois State Police. The Polaris travelled off the north side of the road into a deep ditch where it overturned and came to rest upside down.

██████████ and passenger ██████████, 29, Eldorado, were ejected and injured. Gallatin and Saline County Ambulance transported the two to Ferrell Hospital and Baird was later taken to Deaconess Hospital in Evansville, Ind., for further treatment, according to the release.

Open alcoholic beverages were in the ATV and at the crash site, according to the release.

Saline County Sheriff's Office assisted.

██████████ was charged with driving under the influence, improper lane usage, reckless driving, careless operation of an ATV, illegal transportation of an alcoholic beverage and failure to wear a seat belt, according to the release.

██████████ was charged with illegal transportation of an alcoholic beverage and failure to wear a seat belt.

<http://www.olneydailymail.com/article/20121114/NEWS/121119601>

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121119HCC 2133

Reference ID: 1210195

Title: Two Men Killed in ATV Accident in Pope County

Date Published: Sunday, October 21, 2012

Publication: ArkansasMatters.com (KARK-TV - Online)

State: AR

Two men are dead after crashing on an all-terrain vehicle in Pope County. Forty-two-year-old [REDACTED] and 48-year-old [REDACTED] West were killed. They were from Texas. It happened around 1:00 Saturday morning on Forest Service Road number 1310. State Police Investigators say [REDACTED] was driving and failed to negotiate a turn. The Polaris Razor left the road and hit a tree. Both men died on the scene.



1301074 CC 3288

Reference ID: 1212339

Title: 12-year-old boy dies in ATV crash

Date Published: Thursday, December 27, 2012

Publication: News Journal -Online

State: TX

A 12-year-old boy died on Christmas Eve after he was thrown from the ATV he was riding on a property in the 4300 block of Cooks Road in Harrison County, according to a press release from the Harrison County Sheriff's office.

Harrison County 911 dispatchers received a call for assistance about 10:45 p.m. regarding an accident with injuries.

An adult also was injured during the accident. He was transported to Good Shepherd Medical Center-Marshall where he was treated for back and shoulder injuries.

"It's just one of those terribly sad Christmas Eve events," said Jay Webb, administrative deputy for the Harrison County Sheriff's Office.

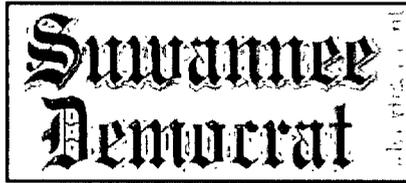
Webb said the incident remains under investigation but appears to have been an accident.

Webb believes neither victim was wearing a helmet at the time of the accident.

Officials are not releasing the name of the deceased because of his age. The name of the second adult victim has not been released.

Webb did not know which victim was operating the ATV at the time of the accident.

130114CNE0001



Search

3 teens seriously injured in ATV crash
(<http://suwanneedemocrat.com/local/x1633451854/3-teens-seriously-injured-in-ATV-crash>)

Staff
Suwannee Democrat (<http://suwanneedemocrat.com>)

Live Oak — Three teens were seriously hurt in a Saturday afternoon ATV crash, according to the Florida Highway Patrol.

According to FHP, [REDACTED], 15, Lake City; [REDACTED], 15, Live Oak and [REDACTED], 15, Live Oak, suffered the injuries following the 3 p.m. crash.

FHP reports that the 2006 Yamaha Rhino was traveling northbound on Hogan Road, south of CR 136, when it entered a curve and for unknown reasons rolled over onto its left side. The ATV then slid in a northerly direction before coming to a final rest on Hogan Road, facing a southerly direction.

The left arm of the driver, [REDACTED], became pinned between the ATV roll bar and the road. The Townsends were ejected from the vehicle, according to FHP.

FHP reports that neither rider was wearing a helmet.

[REDACTED] was transported to Shands Gainesville, while the [REDACTED] were sent to Shands Live Oak.

Charges are pending a further investigation, FHP reported.

Suwannee Democrat 211 Howard Street East Live Oak, FL 32064



X1310864A

Reference ID: 1301248

Title: WOMAN INJURED IN ATV ACCIDENT

Date Published: Friday, January 18, 2013

Publication: NorthwestMOinfo.com

State: AZ

A 65 YEAR OLD PARNELL WOMAN SUFFERED SERIOUS INJURIES THURSDAY EVENING FOLLOWING A BIZARRE ATV ACCIDENT ON PRIVATE PROPERTY THREE MILES WEST OF RAVENWOOD.

69 YEAR OLD [REDACTED] WAS BACKING A 2012 POLARIS RANGER ATV OUT OF A TRAILER. 65 YEAR OLD [REDACTED] WAS SITTING ON THE TAILGATE OF THE ATV.

WHEN THAT ATV HIT A BUMP, [REDACTED] WAS KNOCKED FROM THE TAILGATE. WITHOUT NOTICING HIS PASSENGER HAD FALLEN, [REDACTED] BACKED OVER HER

[REDACTED] WAS TAKEN BY NODAWAY COUNTY AMBULANCE TO ST. FRANCIS HOSPITAL IN MARYVILLE WITH PLANS TO TRANSFER HER TO A TRAMA CENTER AT A LATER TIME.



201310896A

Reference ID: 1301280

Title: Clay County ATV Accident

Date Published: Monday, January 21, 2013

Publication: KVRR

State: FL

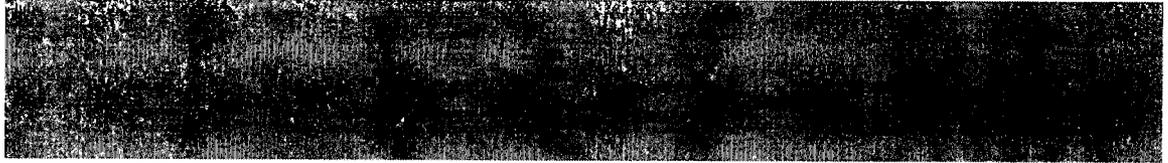
A man was taken to the hospital after an ATV accident north of Moorhead.

A young adult male and a juvenile male were riding in a side-by-side Polaris Ranger when they drove out of the ditch and the ATV tipped over, on Oakport Street North near County Road 26.

The accident happened shortly before 7 AM.

No word on the extent of injuries.

X1320228A



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Two injured in Morgan County ATV accident

Updated: Wednesday, 30 Jan 2013, 9:11 AM EST
Published: Wednesday, 30 Jan 2013, 9:11 AM EST

MORGAN COUNTY (WISH) - Indiana Conservation Officers are investigating an ATV accident that occurred Tuesday afternoon in Morgan County near the town of Wilbur.

According to a press release, Michael Mills, 35, of Martinsville, was operating a 2008 Yamaha Rhino at the intersection of Little Hurricane Road and Twin Lakes Road when he lost control of the ATV causing it to flip. The machine then landed on two passengers that were ejected from the ATV.

Patricia Myers, 35, of Martinsville, suffered a broken jaw and clavicle. A juvenile passenger suffered a broken arm. Both injured passengers were taken to IU Methodist Hospital in Indianapolis by ambulance.

It does not appear that any occupants were wearing seatbelts or safety equipment at the time of the accident.



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Worth County teen injured in ATV accident

by Sean Streicher

Posted: 02 21 2013 at 11:30 AM

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Sean Streicher
Sean Streicher joined FOX 31 in May 2012 as a reporter for the nightly newscast
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WORTH COUNTY, GA -- According to worth2u.net, a Polaris Ranger ATV carrying four passengers overturned on Blue Springs Road Wednesday afternoon

A neighbor witnessed the accident and helped keep the passengers calm until emergency officials arrived on scene

A 14-year-old female passenger sustained possible head injuries and was transported to Macon Medical Center via Air Evac out of Cordele

Worth County EMT's took the female just north of the scene to meet the helicopter and prepare her for transportation

The female was held overnight for further observation.

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Lake County ATV crash sends two to Santa Rosa hospital

By staff reports Record Bee

Updated:

UkiahDailyJournal.com

X1330029A

LAKE COUNTY -- Two Willits women were airlifted to Santa Rosa Memorial Hospital after an off-road vehicle they rode in crashed on Indian Valley Reservoir Road Saturday.

[REDACTED], 52, of Ukiah was driving a 2012 Can Am side-by-side all-terrain vehicle (ATV) on the road north of Walker Ridge Road when he lost control and the ATV overturned, according to California Highway Patrol Officer Joe Wind.

Authorities allege [REDACTED] who suffered minor injuries, was drunk at the time of the crash.

Front-right passenger [REDACTED] k, 47, of Willits suffered major injuries and was airlifted by Calstar to Santa Rosa Memorial Hospital, Wind stated.

[REDACTED], 55, of Willits was riding unrestrained on the back of the ATV and was thrown off it during the crash, Wind stated. She was transported by REACH to the Santa Rosa hospital.

[REDACTED], 19, of Willits was also riding on the back and was ejected from the ATV during the rollover, Wind stated. She suffered minor injuries.

[REDACTED] was later arrested on suspicion of driving under the influence causing injury.