



Attachment

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8/10/01

BRB

*for Four Wheel All-Terrain Vehicles –
Equipment, Configuration, and
Performance Requirements*

ANSI/SVA 1-1990



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*for Four Wheel All-Terrain Vehicles –
Equipment, Configuration, and
Performance Requirements*

ANSI/SVA 1-1990

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ALM89015

ANSI/SVIA 1-1990

American National Standard
for Four Wheel All-Terrain Vehicles –
Equipment, Configuration, and
Performance Requirements

Secretariat
Specialty Vehicle Institute of America

Approved February 1, 1990
American National Standards Institute, Inc

Foreword (This Foreword is not part of American National Standard ANSI/SVIA 1-1990.)

This standard for four wheel all-terrain vehicles (ATVs) has been developed by members of the Specialty Vehicle Institute of America (SVIA) and Polaris Industries in fulfillment of their commitment to "attempt in good faith to reach agreement on voluntary standards satisfactory to the Consumer Product Safety Commission within four months" of April 28, 1988, the effective date of the final consent decree in *United States v. American Honda Motor Co., et al. and United States v. Polaris Industries, I.P.*

Although much of the final work in developing this standard has been accomplished in the above time period, work on the standard commenced in 1985. An initial draft of the standard, which dealt primarily with vehicle equipment and configuration, was developed later that year. Substantial work was devoted thereafter to revising this draft and to developing a second phase of the standard to deal with the more complex area of performance-related vehicle characteristics.

As a result of these efforts, this voluntary standard addresses a wide range of design, configuration, and performance aspects of ATVs, including, among other items, requirements for service and parking brakes, mechanical suspension, clutch and gearshift controls, engine and fuel cutoff devices, throttle controls, lighting, tires, operator foot environment, service and parking brake performance, and pitch stability. Additional requirements, which address maximum speed capability and speed limiting devices, are included for youth-sized vehicles.

The industry members are not aware of any comparably extensive effort having ever been successfully made with respect to any other off-road vehicle. The breadth and complexity of this voluntary standards undertaking, the absence of reliable accident data and analysis, and the existence of substantial differences of opinion over difficult technical issues, particularly with regard to performance-related criteria, created substantial difficulties in drafting a standard. The participating industry members and the Consumer Product Safety Commission (CPSC) had to reach negotiated, compromise positions with regard to a number of items, which are discussed in more detail below. The industry members believe that resolution of these issues, despite the above constraints, reflects the high degree of government-industry cooperation that was essential to development of this standard.

With respect to pitch stability, the participating industry members believe that use of static procedures to test and establish criteria is not representative of actual operating conditions. Nor has there been any analysis which indicates that static stability criteria have any significant relation to ATV accident or injury causation or frequency. Nonetheless, in an effort to reach a satisfactory resolution of this issue, and notwithstanding the industry's reservations regarding use of static stability criteria with respect to pitch stability, the participating industry members have agreed with the CPSC to adopt a static stability measurement and value which reflects current model production.

The suspension standard also represents a negotiated position. Most industry members view suspension primarily as a matter involving rider comfort. Moreover, there was an absence of accident data and analysis correlating accidents and injuries to the presence or absence of mechanical suspension. The parties were unable to generate appropriate dynamic tests to evaluate the advantages or disadvantages of mechanical suspension on the wide range of vehicle models subject to the standard. As a result of the absence of a suitable dynamic test procedure with respect to suspension, the participating industry members and the CPSC staff have agreed to implement a simple mechanical suspension design criterion as part of the vehicle configuration section of the standard.

Consensus for this standard was developed by use of the Canvass Method. Organizations recognized as having an interest in the standardization of four wheel all-terrain vehicles were contacted prior to the approval of this standard. This does not necessarily imply that all contacted organizations concurred with the submittal of the proposed standard to ANSI.

Suggestions for improvement of this standard will be welcome. They should be addressed to the Specialty Vehicle Institute of America, No. 2 Jenner Street, Suite 150, Irvine, California, 92718-3800, Attention, J. C. DeLaury.

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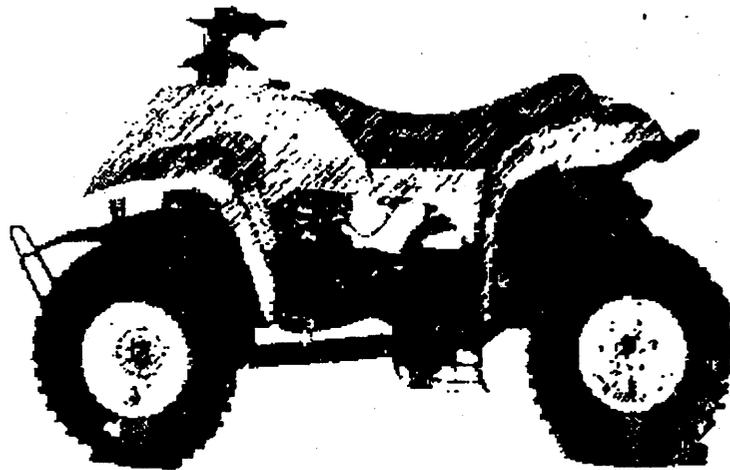
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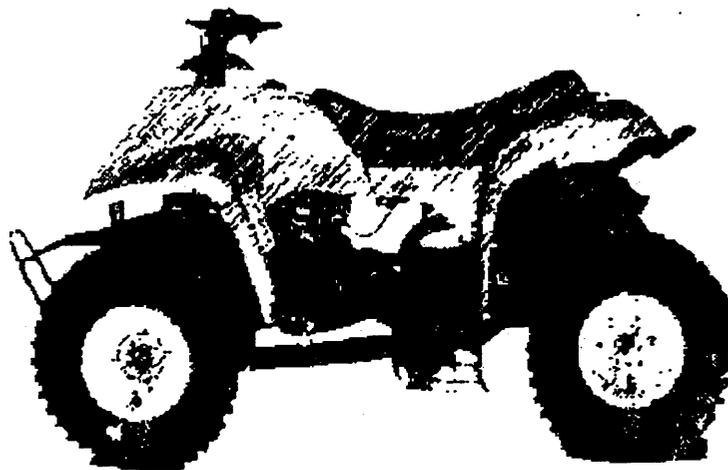
Attachment # 2

IMPULS *ATV*
OWNER'S MANUAL



TXL-50

IMPULS *ATV*
OWNER'S MANUAL



TXL-50

NOTICE

- **OPERATOR ONLY**

This vehicle load limit and seating configuration are designed for operator only. It is not safe for carrying a passenger.

- **ADULT SUPERVISION AND INSTRUCTION ARE REQUIRED**

- **FOR OFF-ROAD USE ONLY**

This vehicle is designed and manufactured for off-road use only. Operation on public streets, roads or highways is illegal.

- **ALWAYS WEAR A HELMET**

- **READ THIS OWNER'S MANUAL CAREFULLY**

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NOTES FOR SAFETY

- ★ Both the parent and their children must fully understand everything in this manual before riding.
- ★ This vehicle is for OPERATOR-ONLY.
- ★ This vehicle is designed to be operated only on level, off road surfaces, free of obstacles.
- ★ It is illegal to ride this vehicle on public roads or highways. If it is necessary to cross a public road, please to get off this vehicle and push it across.
- ★ Don't allow your child to ride without your supervision.
- ★ Do not operate this vehicle while under the influence of alcohol or drugs. This can impair judgement and result in serious injury or even death.
- ★ Maintain a safe distance between your vehicle and other off-road vehicle.

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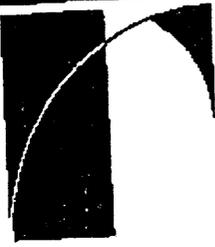
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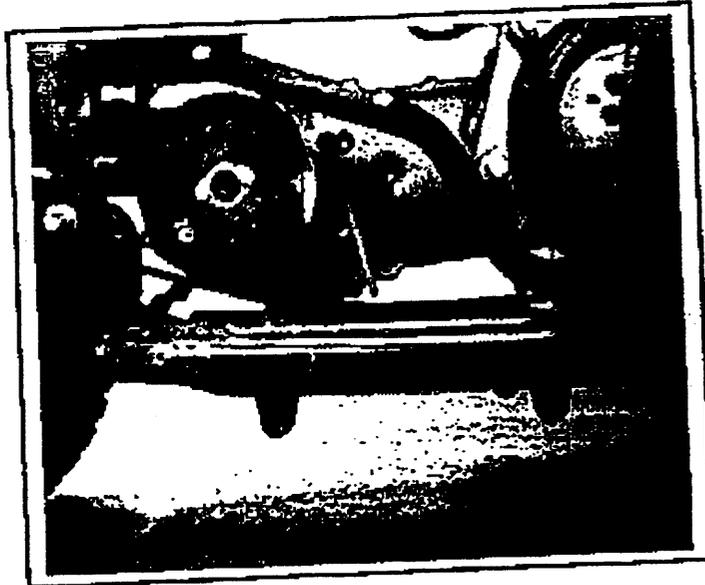
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*Three Separate ATV Plaintiffs vs.
E-TON Dynamics Industrial Corp.,
American Sundiro, Inc., Impuls
International, Inc., and Scooterville,
Inc.*

Confidential Draft Report
for Bob Baxter, CPSC
L. D. Ryan



www.Ryan-Engineering.com E-mail: info@ryan-engineering.com

Note

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August 13, 2001

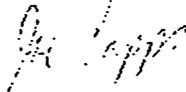
Bob Baxter
US Consumer Product Safety Commission
4815 W. Markham
Little Rock, AR 72205-3867

RE: Three Separate ATV Plaintiffs vs. EATON Dynamics Industrial Corp.,
American Sundiro, Inc., Impuls International, Inc., and Scooterville, Inc.

Dear Mr. Baxter,

Enclosed is the copy of the report that was promised to you from our last visit.
If you have any questions, please let me know.

Sincerely,



Joe Capps, BS



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Industrial Services
Structural Services
Forensic Services

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Accident Description:

1. Unguarded Chain and Sprocket:

Ryan Engineering has three identical accidents involving a child sized ATV that is manufactured and sold under the names E-TON Dynamics Industrial Corp., American Sundiro, Inc., Impuls International, Inc., and Scooterville, Inc. Allegedly E-TON, a Chinese organization, designed and fabricated the components of the ATV, and then shipped them to the other companies in the United States where the product was assembled and sold.

Since there are three identical cases, this report is basically the same for all three cases. However, some of the details of the accidents vary, and each report is customized to a specific plaintiff in the area of accident description. Otherwise, all three reports are indistinguishable since the scientific and engineering problems that caused the three accidents are identical.

One of the accident-ATV's is shown in Figure 1. All three children had their toes and or part of their foot amputated in the sprocket that is hidden behind the stainless steel shield shown in Figure 2.

The focus of the Ryan Engineering investigation is on the stainless steel shield that covers the sprocket shown in Figure 2. The words "*very hot do not touch*" is stamped into the E-Ton shield.

DRAFT
Work In Progress

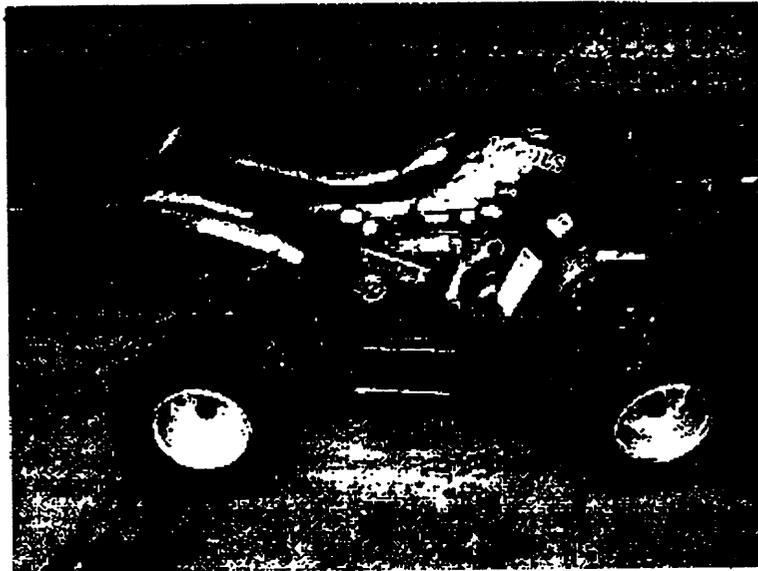


Figure 1. One of the three accident ATV's

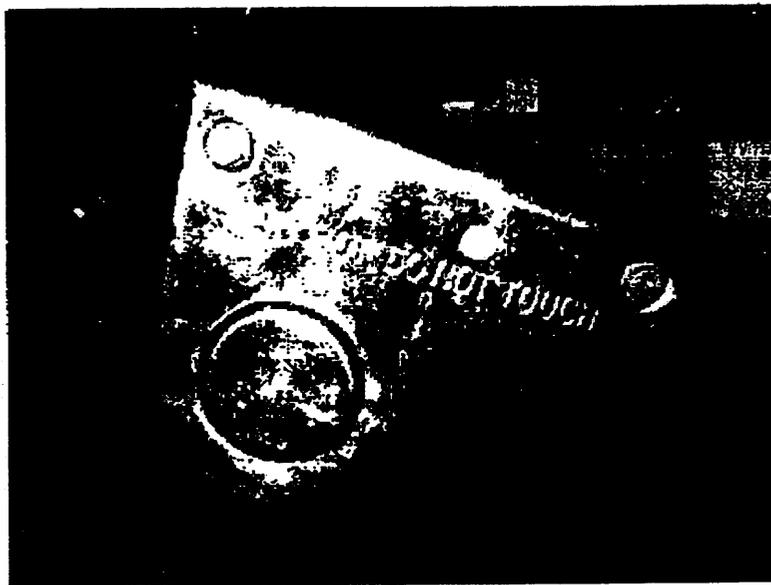


Figure 2. Shield where toes are amputated.

DRAFT
Work In Progress

In this report, there are three items to consider as it relates to the E-TON's improperly guarded sprocket. These are:

1. The shield supplied by the manufacturer that cut-off the children's toes shown in Figure 2.
2. The replacement guard supplied by the manufacturer when requested by one injured party shown in Figure 3. .
3. The guard designed, built and tested by Ryan Engineering shown in Figure 4.



Figure 3. Guard supplied by E-TON when requested.

DRAFT
Work in Progress



Figure 4. Guard designed and tested by Ryan Engineering.

In Figure 3 are shown the E-TON bolt on guard, which is apparently available upon request, and the foot of Shay Hall, one of the three injured children. Had this guard been supplied with ATV, there is a high probability that these three separate accidents would not have happened.

In Figure 4 is shown the Ryan Engineering guard. This guard is permanently attached to the ATV with a hinge so that the machine can be serviced without removing the guard. When the guard is open, it is in the way of the operator. This design will insure that the guard will always remain on the ATV and properly closed. The open guard is shown in Figure 5 and is an improvement over the E-TON guard.

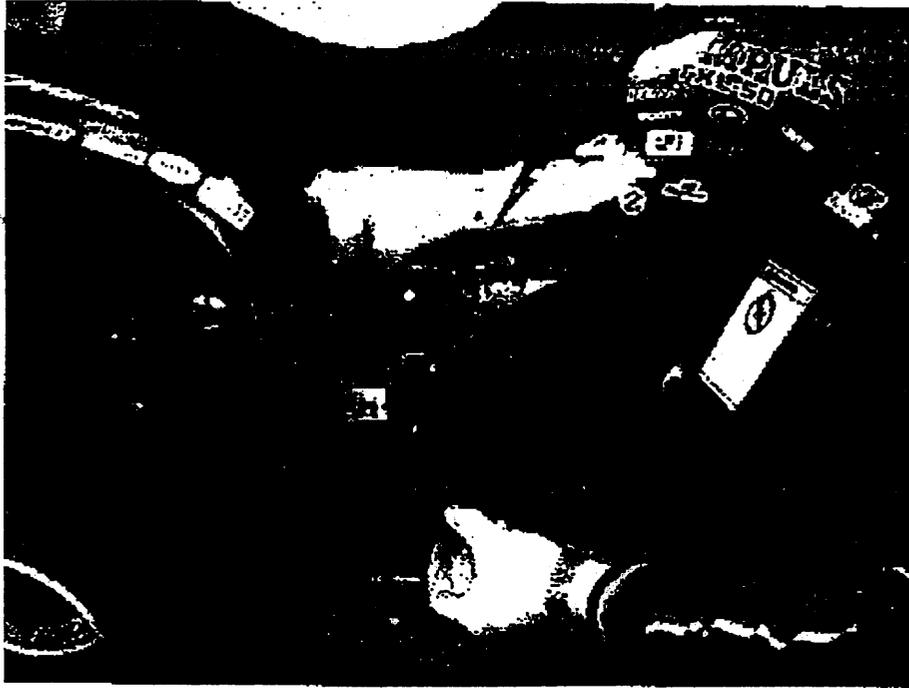


Figure 5. The Ryan Engineering guard opened.

2. The E-TON Shield:

The E-TON shield that is supplied with the ATV, shown in Figure 2, is defective and unreasonably dangerous. The shield does not prevent a child's toes and or foot from being pulled into the pinch point between the chain and the sprocket. The shield was fastened to the exhaust pipe, which in addition creates a burning hazard. E-TON's solution was to stamp a warning into the shield, "*Very hot do not touch*". The newer ATV's that are in Farm and Fleet stores in Michigan have added a sticker to the shield as Shown in Figure 6.

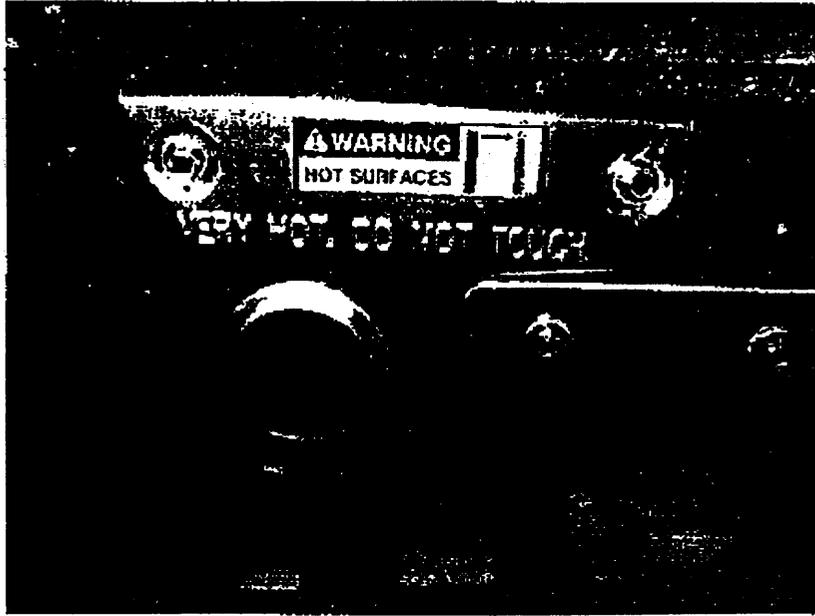


Figure 6. Warnings changed on new E-TOX ATV's in Farm and Fleet Store

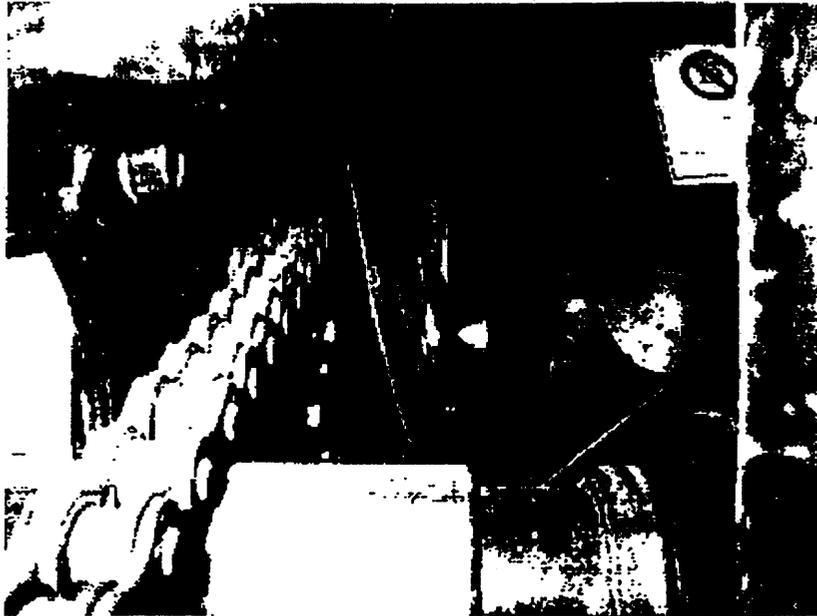


Figure 7. End view of the defective shield.

DRAFT
Work in Progress

There is absolutely nothing stopping body parts from entering to the left side of the shield shown in Figure 2 or Figure 6. Then when the chain pulls the toes into the sprocket, the sharp edge of the shield whacks off the toes as can be seen in Figure 7.

What E-TON is selling to the children in the United States is an ATV with an unguarded in-running nip point, and that makes the subject E-TON ATV defective and unreasonably dangerous.

To exclude creative people from claiming that the E-TON shield was not on the machine, Ryan Engineering tested for blood on the E-TON shields on all three "All-Terrain-Vehicles". Blood was found on two of the shields. Other tests were conducted to see how difficult it was to clean the blood from the surface, and it was found that it was relatively easy to clean the surface with known blood to get a negative result. The conclusion is that all evidence points to the fact that the shields were in place at the time of the accident.

3. Standards:

Since the workers assembling the ATV are protected by OSHA, it seems fair to give equal protection to the riders of the ATV. It is obvious that the shield on the ATV would get an OSHA violation if the same design existed in the plant where the product is made. It is obvious that the ATV shield would not comply.

Quoting some of OSHA 3067 1992 Revised "Concepts And Techniques Of Machine Safeguarding",
"Chapter 1 - Basics of Machine Safeguarding

DRAFT
Work In Progress

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IN THE CIRCUIT COURT OF POPE COUNTY ARKANSAS

1
2 Individually,)
3 and as a Parent and Next Friend)
4 of a Minor)
5 PLAINTIFFS,)

6 VS.) NO. CIV-2001-21

7 AMERICAN SUNDIRO, INCORPORATED)
8 DEFENDANT.)

9
10
11 ORAL DEPOSITION OF
12 DAVID MCMAHON
13 JUNE 13, 2001
14
15
16
17
18

19
20 KELLY D. HILL
21 501 NAPA VALLEY DRIVE, #612
22 LITTLE ROCK, ARKANSAS 72211
23 (501) 228-5446
24

25
KELLY D. HILL
CERTIFIED COURT REPORTER
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of Arkansas for Medical Sciences

November 13, 2000

Mr. Peter A. Miller
Attorney at Law
1601 South Broadway Street
Little Rock, AR 72206

RE: ██████████ ACH ██████████ DOB: 12/28/96

Dear Mr. Miller:

This letter is in response to your request by letter of October 11, 2000. I am enclosing a narrative report regarding my past treatment of ██████████ and her future prognosis. I am also sending you two copies of the two photographs that I took of her foot at the time of her initial surgery. I will be glad to provide you with additional photos, as you need them.

Sincerely,

A handwritten signature in cursive script that reads "James Aronson".

James Aronson, M.D.
Professor and Chief, Orthopaedic Surgery
Arkansas Children's Hospital and the
University of Arkansas for Medical Sciences

She was scheduled to return to the outpatient clinic on May 5, 2000. At that time, her cast was removed and she was noted to have a 99.9% take of her skin graft. Her donor site was clean and healing. She was recasted and asked to return to clinic in ten days.

She came back on May 15, 2000. At that time she was not having pain or problems. The wounds were healing. A new cast was applied.

She returned on June 16, 2000, again with her father, who reported that she had been walking and running in the cast without problems. Out of the cast, her skin graft was intact and the graft donor site was healed completely. Her ankle dorsiflexion was beyond neutral. Xrays showed absence of all phalanges of the right foot. Her cast was discontinued and she was allowed to resume use of regular shoes. She was allowed to weightbear as tolerated.

She returned October 6, 2000. Her father stated that she does not like to wear a shoe on that foot. He did not feel that she was having pain specifically, although the scars seemed to be a little tender on the lateral side. He said initially she walked on her heel, but was doing better.

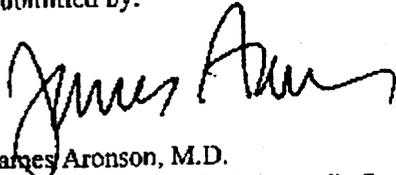
On my examination at that time, she was walking with a heel toe gait, which seemed quite normal. Her hindfoot was in neutral alignment and she had active dorsiflexion and plantar flexion, as well as inversion and eversion of her foot. The scar was healed, although a little raised stiff and red laterally with a mild keloid. Her Tinel's sign over that lateral scar was negative for nerve damage.

It was recommended that her father apply vitamin E oil and massage the scar daily. I indicated that her foot growth needed to be followed periodically to make sure that the scars were not being abnormally stretched. I discussed the possibility of referral to a plastic surgeon in the future. Recommendation was made for return to clinic in six months for xrays of her feet. Following that I would need to see her on an annual basis to assess growth. For shoeing I recommended that she put cotton balls in the toe of her shoe. An extra sock may be one consideration to help fill up the space in the shoe. Mention was made of the rubber toe insert used by ballerinas as well.

In regards to her long-term prognosis, I believe that [redacted] will probably have to undergo further surgery for the scarring of her foot and for potential bony spikes that might occur during her remaining growth. She will have a permanent scar on her foot, as well as a permanent scar on her buttock from the skin graft. She will have subtle changes in her gait pattern, as well as difficulty in shoeing for the rest of her life.

At the present time, this would be the extent of her disability and prognosis.
This is subject to change with further periodic examinations.

Submitted by:

A handwritten signature in black ink, appearing to read "James Aronson". The signature is written in a cursive, flowing style.

James Aronson, M.D.
Professor and Chief, Orthopaedic Surgery
Arkansas Children's Hospital and the
University of Arkansas for Medical Sciences

CONSUMER PRODUCT INCIDENT REPORT

Region: CENTRAL

1. NAME OF RESPONDENT L.D. Ryan (Forensic Engineer)		2. PHONE NO. (HOME) 231-448-2548		2. PHONE NO. (WORK) 501-524-4090	
3. STREET ADDRESS Box 499		4. CITY Beaver Island		5. STATE AND ZIP CODE MI 49782	
4a. EMAIL ADDRESS: lryan@beavensland.k12.m.us					

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES

Respondent (Forensic Engineer, PhD.) is filing the complaint on behalf of the three victims (victims are unrelated, but all lived - cont -

6. DATE OF INCIDENT(S) 10/01/2000	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX AND DESCRIBE INJURY 3 Y/F toes on right foot were severed	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME RELATIONSHIP unknown unknown
--------------------------------------	-----------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT youth gas powered 4-wheel ATVs	10. BRAND NAME E-Ton America
-------------------------------------------------------------	---------------------------------

11. RETAILER/DISTRIBUTOR NAME, ADDR. & PHONE E-Ton America unknown Russville, AK 00000 unknown unknown	12. MODEL, SERIAL NUMBERS MH TX150, Sunray90, American Sundro
	13. DEALER'S NAME, ADDRESS & PHONE unknown

ISSUE 36
06/06/2001

14. WAS THE PRODUCT DAMAGED, RECALLED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED unknown AGE unknown
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Warning: "Recommended for ages 12 years old and up."

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

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20. DATE RECEIVED 06/05/2001	21. RECEIVED BY (NAME & OFFICE) sr/HIL	22. DOCUMENT NO. H0160065A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3286
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE sr 06/05/2001

Narrative Report on Patient [REDACTED]

On April 18, 2000, [REDACTED] a 3 year 3 month old white female, came to the emergency room at 6 p.m., approximately three hours following the accident. It is not clear whether or not she was driving an all terrain vehicle herself or with her father, but she was reportedly wearing some fluffy slippers and her right foot was pulled into the chain where all five toes were cut off with only a piece of tissue holding them to the foot. She went to the hospital in Russellville and was transferred by ambulance to Arkansas Children's Hospital after receiving antibiotics and pain medicine, as well as a tranquilizer. Her foot was wrapped in a saline soaked gauze dressing. Her vital signs were otherwise stable. She was given further pain medicine upon arrival at Arkansas Children's Hospital and evaluated by my resident, Dr. Greg Kassell. I personally examined her and found that all five toes were amputated in a crushing, shearing type fashion and attached only by two crushed tendons to the fifth toe. The amputation occurred at the metatarsal phalangeal joint level. It was felt that the toes could not be replanted based on the crushing injury, as well as the fact that the vessels and nerves are so small in a child of this age with such a distal amputation. This was discussed with the parents and amputation was recommended to be completed to allow for debridement of the wounds and eventual skin grafting.

She was taken to the operating room that same day and the amputation was completed with debridement of dirt, grease and other contaminants including bacteria from her wounds. Following surgery a long discussion was carried out with the family regarding the expected outcome. During that hospitalization, she was continued on intravenous antibiotics and debrided in the operating room 48 hours later. At that time, the wound was felt to be clean enough to have a partial closure and she was placed in a long-leg plaster-healing cast, overwrapped with fiberglass.

She was discharged on April 21, 2000 to go home for nutritional and psychological benefits. She was scheduled to come back to the hospital on April 24, 2000 for possible skin grafting if the wound was granulating and ready. At that time it was felt that the wound was approximately 60% granulated and therefore, not quite ready for skin grafting. She was discharged and rescheduled for skin grafting surgery.

She returned three days later on April 27, 2000, to the operating room and at that time underwent skin grafting using a donor site on the right buttock area to her right foot. She was again placed in a long-leg cast. At that time the wounds were 98% granulated with defects measuring 20 by 70mm squared. She was admitted from the operating room for postoperative pain management.

She was discharged May 1, 2000 following heat lamp treatments to her donor site.

Pick a destination.



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- Service
- Dealer Region

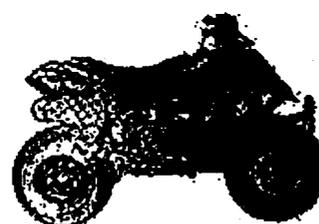


TXL50 FEATURES

- Automatic choke for engine reliability and easy start with no flooding
- Electric start with alternate kick starter
- Fully automatic oil injection eliminates the need to premix the gas and oil
- CVT (Continuous Variable Transmission) provides even torque through all riding conditions
- 4.5 liter gas tank means a lot more fun between refills
- Built-in throttle limiter that can be set for beginning riders
- Training tether with shut-off switch
- Keyed ignition switch for added security
- Electric start interlock; engine can only be started with the parking brake engaged.
- Wide, sturdy wheel-base
- "A" arm independent front suspension has individual shocks for a safer more surefooted ride
- Swing arm rear suspension helps maintain traction under rough riding conditions
- On-board tool box for simple field repairs
- Full floorboards

TXL50 SPECIFICATIONS

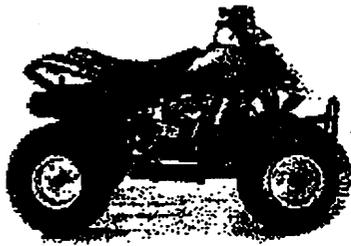
- Engine : 49cc two-stroke single
- Bore x Stroke : 40mm x 39.2mm
- Carburetor : Mikuni 18mm/Electric Choke
- Starter : Electric/Kick
- Transmission : CVT (V-belt)
- Ignition Type : CDI
- Spark Plug : SP7HS (NGK)
- Battery : 12V - 4 pH sealed
- Lubrication : Oil Injection
- Oil Capacity : 1 quart
- Fuel Capacity : 4.5 liter
- Wheelbase : 36.5 inches
- Length : 50 inches
- Width : 32 inches
- Height : 32 inches
- Seat Height : 23.5 inches
- Dry Weight : 187 lbs



Wheelbase : 36.5 inches
 Length : 50 inches
 Width : 32 inches
 Height : 32 inches
 Seat Height : 23.5 inches
 Dry Weight : 187 lbs
 Colors: Red or Yellow



Meets all ANSI standards for a Y-B and the Consumer Product Safety Commission Consent Decree.



Suspension:	FRONT: Single A - Fork REAR: Uni-king arm
Brakes:	FRONT: Drum REAR: Drum
Tires:	FRONT: 16x8-7 (tubeless) REAR: 20x8-7 (tubeless)

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Farm and Recreational Equipment - Massey Ferguson, Arctic Cat, Bush Hog, Gehl, Krone, Tyc, Quicke, Dixor, lawnmower parts
Call us for parts! We ship almost all orders within 24 hours.

www.brewertractor.com 606-845-4961 Brewer Tractor Sales
Welcome!
Route 1, Box 339
Highway 32 East
Flemingsburg, Ky 41031
Fax: 606-845-8023

KRONE **Gehl** **Quicke**
MASSEY FERGUSON **ARCTIC CAT** **BUSH HOG**

Massey Ferguson Arctic Cat ATVs Arctic Cat Generators Sundiro Mini ATVs Bush Hog Gehl Krone Tyc Quicke
Used Equipment Our location: Home E-mail us.

Sundiro

Sundiro Mini ATV Specifications:

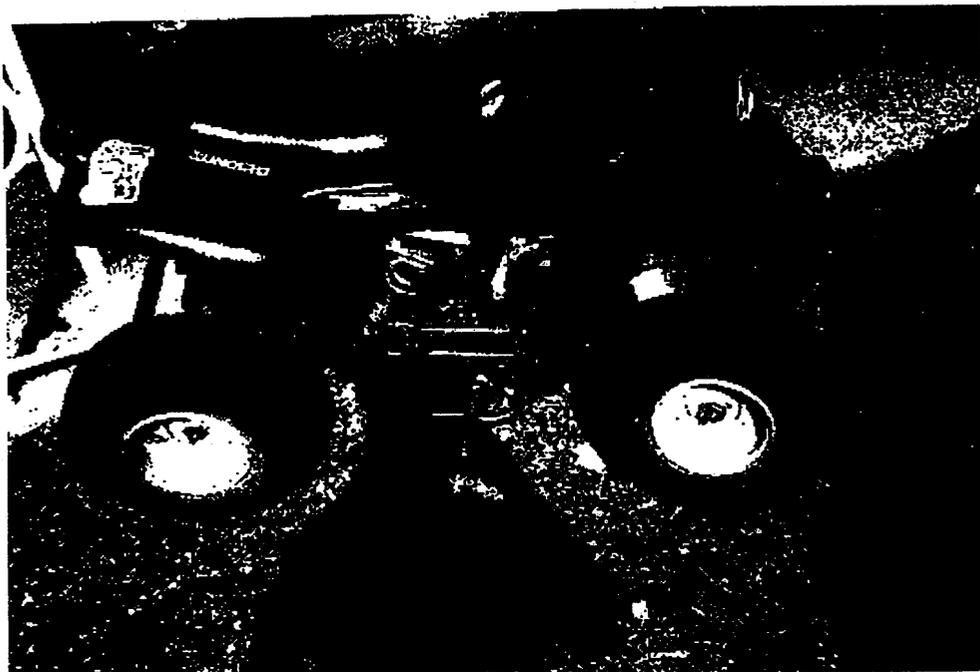
- Engine type ... Air-cooled 2-stroke
- Displacement ... 49cc
- Starting system ... Electric or Kick
- Final drive ... Chain
- Transmission ... Automatic CVT
- Wheelbase ... 35.4 inches
- Seat height ... 24.4 inches
- Tire size ... 16x18-7
- Suspension ... Rear - single shock, Front - adjustable single A-arm
- Brakes F/R ... Drum / disc

Our prices:

___50 cc model ... \$1,800

___90 cc model ... \$2,200

Photo of Product
With the Stainless
Steel Shield (TAKEN by the
ATTORNEY



GAWR 153 KG (337 LB) 788 431 5086
 DATE OF MFG 8-17-99 PSI COLD
 TIRE DIMENSION - RIM 172 KPA (2.5 PSI)
 FRONT KG (LB) 16 X 8.7 172 KPA (2.5 PSI)
 REAR KG (LB) 16 X 8.7 172 KPA (2.5 PSI)

THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S. FEDERAL MOTOR VEHICLE SAFETY
 STANDARDS (FMVSS) IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE.

VIN. 1ALAA7S74XH000767
 TYPE OF VEHICLE ATV SUNRAY

1. Task Number 030612HCC2500		2. Investigator's ID 9068		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 830	4. Date of Accident YR MO DAY 2002 08 11	5. Date Initiated YR MO DAY 2003 06 20		
6. Synopsis of Accident or Complaint UPC A seven-year-old male died and a 24-year-old female suffered injuries when a 4-wheel ATV known as a utility vehicle with a trailer attached rolled over onto its top as it was going backwards down an eight-foot hill. The male suffered a skull fracture and was pronounced dead at the hospital. The female was trapped with the vehicle on her upper torso, lost consciousness and was later resuscitated. Neither party was wearing a helmet. The death was ruled as accidental and no alcohol was involved.				
<p style="text-align: right;"> <input checked="" type="checkbox"/> INFO/PRIV. BR. NOTIFIED <i>ga</i> COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <i>9/9/04</i> <input type="checkbox"/> OVERRULED: <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA Ex. <i>35c</i> <small>Revisions</small> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY </p>				
7. Location (Home, School, etc) 1 - HOME		8. City EAU CLAIRE		9. State WI
10A. First Product 3286 - All Terrain Vehicles (four W		10B. Trade/Brand Name PUG		10C. Model Number PUG
10D. Manufacturer Name and Address PUG 3650 Bay Street Jackson, MS 39213				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 7	13. Sex 1 - Male	14. Disposition 8 - Death	15. Injury Diagnosis 57 - Fracture	
16. Body Part(s) Involved 75 - HEAD	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 8 / 0	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 14 - Death Certificate		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal				
24. Review Date 07/17/2003	25. Reviewed By 9067		26. Regional Office Director Eric B. Ault	
27. Distribution Ingle, Robin L.; Poole, Georgia F.			28. Source Document Number 0255029603	

IDI 030612HCC2500

SUMMARY

A seven-year-old male died and a 24-year-old female suffered injuries when a 4-wheel ATV known as a utility vehicle with a trailer attached rolled over onto its top as it was going backwards down an eight-foot hill. The male suffered a skull fracture and was pronounced dead at the hospital. The female was trapped with the vehicle on her upper torso, loss consciousness and was later resuscitated. Neither party was wearing a helmet. The death was ruled as accidental and no alcohol was involved.

NARRATIVE

On August 11, 2002, the victims along with other family members and friends had spent the day at some go-cart races and then returned to the home of one of the friends for a dinner cook-out. At about 5:00 PM, while dinner was being prepared, seven of the party members decided to go for a ride on the property owner's PUG utility vehicle that had a trailer attached. The driver of the vehicle was the 29-year-old son of the property owner who was an experienced driver of the PUG and had not consumed any alcohol that day. There were seven people on the PUG and no one was wearing a helmet. The driver was seated in one bucket seat in the front of the PUG and his 23-year-old girlfriend with her two-year-old son on her lap in the other bucket seat. In the trailer bed attached behind was the girl friend's six-year-old son, the 26-year-old sister of the girl friend, and her seven-year-old and five-year-old sons.

They proceeded into the woods on a five-foot wide private trail on the property owner's land. They had traveled about 1/4 mile when they went over a bridge and then started to go up a steep hill. When they got partially up the hill, the driver noticed a large log across the trail and attempted to go around it on the right side through ground cover. The PUG lost traction and the driver then tried to back down the hill. As the PUG and trailer were backing up, they began to slide sideways on the incline and tipped completely over and landed on its top at the bottom of an eight-foot embankment. The driver and two-year-old male in the front were thrown from the vehicle and unharmed. The 23-year-old female who had been in the front seat was trapped with the PUG on her upper torso. The four passengers who had been in the back trailer were trapped under it.

The driver tried to pick up the PUG but could not lift it by himself. He then proceeded to the trailer and lifted it enough to allow three of the passengers to escape who were uninjured. The fourth passenger, the seven-year-old male was unconscious and his 26-year-old mother pulled him out from under the trailer. At this point, the driver sent two of the boys back to the house for help. The mother of the seven-year-old rolled him over and saw blood coming out of his nose and ear. She picked him up and started to carry him toward the house.

When the boys arrived at the house, the owner immediately called "911" for help and then ran down the trail, met the mother and son and helped carry him back to the house. At this point, the ambulance arrived, began resuscitation efforts and transported the seven-year-old male to an area hospital. The owner then ran to the accident site and helped his son free his girl friend from under the PUG. The 23-year-old female was not breathing and unconscious but did have a pulse. The father cleared the victim's airway and began CPR efforts. The victim regained consciousness and they carried her back to the house where she was also transported to an area hospital for treatment. She has since completely recovered.

The Eau Claire Police Department was called to the scene where they interviewed various members of the party, examined the accident scene and took photographs. The driver of the vehicle consented to a blood alcohol test, which later came back negative. Attached as Exhibit "B" is a copy of the police reports.

The seven-year-old male victim died later that day at the hospital. The Eau County Coroner was called to the hospital and pronounced him dead. No autopsy was performed at the wishes of the family. After viewing the accident scene, the coroner ruled the death as accidental and listed the immediately cause to be head injury. Attached as Exhibit "C" is a copy of the Coroner's Death Investigation Report.

PRODUCT IDENTIFICATION

The vehicle involved is identified as a red 4-wheel 1992 PUG AT/UV with a 16HP Vanguard engine and articulated. The VIN number was not recorded at the scene and the family has since sold the vehicle. It is a combination of an ATV type vehicle and a utility type vehicle. The articulation is between the forward cab or passenger area and a small, approximately five foot by five foot bed, which can be raised hydraulically. The vehicle did not have any cab or roll bar in place. The vehicle was manufactured by:

PUG INC.
3650 BAY STREET
JACKSON, MS 39213-5509
(601) 366-8910
(601) 366-8905 (FAX)
www.pugpower.com

A Department of Natural Resources warden was called to the scene of the accident as they respond to all incidents involving an ATV. Upon viewing the vehicle, the warden noted that the vehicle involved is not considered an ATV under Wisconsin Statutes. He explained that in order for a vehicle to be considered an ATV, there was a weight limit, a tire pressure limit and the passengers had to sit astride the vehicle. The warden stated that this vehicle did not meet any of those criteria.

ATTACHMENTS

Exhibit "A" – Photographs of the vehicle taken at the accident site.

Exhibit "B" – A copy of the Eau Claire Police Department reports.

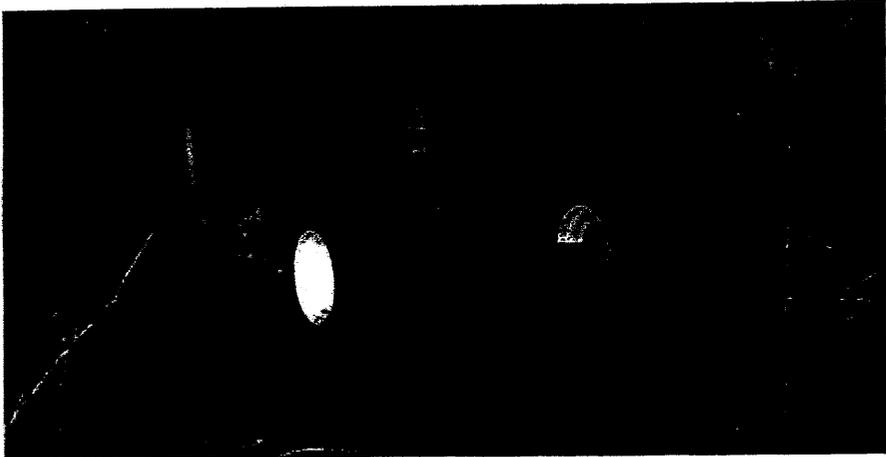
Exhibit "C" – A copy of the Eau Claire County Medical Examiner's Death Investigation Report.

Exhibit "D" – ATV Investigation Questionnaire

Exhibit "E" – Contact List



IDI 030612HCC2500
Exhibit "A"
1992 PUG AT/UV
4-wheel, 16HP engine



IDI 030612HCC2500 - Exhibit "B" - Eau Claire Police Dept. rep
 CITY OF EAU CLAIRE, WISCONS.

POLICE DEPARTMENT SUPPLEMENTAL NAME FORM

Case # 02-19.882 Officer Assigned M. Tobias 106

Type	Sex	Age	Last.	First.	MI	Suffix
W	M	58	[REDACTED]	[REDACTED]	F	
Address			Apt. #		Phone #	
[REDACTED] Ct			[REDACTED]		[REDACTED]	
City	State	Zip	Caution		Alt. Phone #	
Eau Claire	WI		C G M S V W			
Race	DOB	Hgt	Wgt	Hair	Eyes	Phy. Chara.
W	03/20/44					
Type	Sex	Age	Last.	First.	MI	Suffix
W	M	29	[REDACTED]	[REDACTED]	W.	
Address			Apt. #		Phone #	
[REDACTED] Rd			A		[REDACTED]	
City	State	Zip	Caution		Alt. Phone #	
Eau Claire	WI		C G M S V W		[REDACTED]	
Race	DOB	Hgt	Wgt	Hair	Eyes	Phy. Chara.
W	10/19/72					
Type	Sex	Age	Last.	First.	MI	Suffix
SR	F	22	[REDACTED]	[REDACTED]	P.	
Address			Apt. #		Phone #	
[REDACTED] Blvd			7		[REDACTED]	
City	State	Zip	Caution		Alt. Phone #	
Eau Claire	WI		C G M S V W		[REDACTED]	
Race	DOB	Hgt	Wgt	Hair	Eyes	Phy. Chara.
W	03/20/79					
Type	Sex	Age	Last.	First.	MI	Suffix
SR	M	2	[REDACTED]	[REDACTED]	M.	
Address			Apt. #		Phone #	
[REDACTED] Blvd					[REDACTED]	
City	State	Zip	Caution		Alt. Phone #	
Eau Claire	WI		C G M S V W		[REDACTED]	
Race	DOB	Hgt	Wgt	Hair	Eyes	Phy. Chara.
W	03/03/00					
Type	Sex	Age	Last.	First.	MI	Suffix
SR	M	5	[REDACTED]	[REDACTED]	D.	
Address			Apt. #		Phone #	
[REDACTED] Blvd					[REDACTED]	
City	State	Zip	Caution		Alt. Phone #	
Eau Claire	WI		C G M S V W		[REDACTED]	
Race	DOB	Hgt	Wgt	Hair	Eyes	Phy. Chara.
W	05/03/97					
Type	Sex	Age	Last.	First.	MI	Suffix
SR	M	6	[REDACTED]	[REDACTED]		
Address			Apt. #		Phone #	
[REDACTED] St			0		[REDACTED]	
City	State	Zip	Caution		Alt. Phone #	
Eau Claire	WI		C G M S V W		[REDACTED]	
Race	DOB	Hgt	Wgt	Hair	Eyes	Phy. Chara.
W	05/11/96					

Officer M. Tobias 106 Date 02/1/02 Supervisor _____ Date _____

Eau Claire Police Department Written Statement

740 Second Ave., P.O. Box 496
Eau Claire, WI 54702-0496
(715) 839-4972

Case Number 02-1988Z Page 1 of 2 Date 08/01/02 Time 1945

I, [redacted] voluntarily make the following statement to Officer Rokus, who has identified him/herself to me as a police officer of the Eau Claire Police Department. I have been advised that I do not have to make a statement. If I do make a statement, it can and will be used in a court of law against me. No threats or promises have been made to me to induce me to make this statement. I have been advised that I can talk to a lawyer or to anyone else before making this statement. I have also been advised that if I do not have the money to pay for a lawyer, the court or judge may appoint one for me. I know that I can stop writing this statement at any time that I want to.

My name is [redacted], I was born on 10/03/75
and I live at [redacted] Apt A
My phone number is [redacted] at home, and [redacted] at work.

Did you suffer a monetary loss as a result of this case? Yes () No () Amount \$ _____
Did you give anyone permission to commit this crime against you? Yes () No ()

DETAILS:

We went for a ride in my Dad's pug, [redacted] & [redacted] were in the passenger seat, [redacted] & [redacted] were in the bed of the pug. We went down into the woods on the trail behind my dad's house, across the bridge & proceeded up a hill, seeing a log in the trail I attempted to go around it, and loss traction, I proceeded to try to back down the hill, & the pug got sideways, tipping over. I was thrown off, I saw [redacted] trapped under the front, I tried to pick it up & couldn't, then I tried to pick up the rear bed area & got [redacted] & [redacted] out. I believe [redacted] helped pull [redacted] out. [redacted] carried [redacted] up the hill, I was back to help [redacted] get out, she says ([redacted]) help me push up on it to help her breath, I yelled at them to get help & they left, [redacted] was still there. I kept yelling for help & pushing up on the pug or

The above written statement is my own handwriting, and this is the truth as I know it. I have re-read it and initialed all corrections.

Witnessed: [redacted] Signed: [redacted]

COPIES TO: Detectives Court Officer Property Other

Eau Claire Police Department Written Statement

740 Second Ave., P.O. Box 496
Eau Claire, WI 54702-0496
(715) 839-4972

Case Number 02-19882 Page 2 of 2 Date 08/11/02 Time 1945

I, _____ voluntarily make the following statement to _____, who has identified him/herself to me as a police officer of the Eau Claire Police Department. I have been advised that I do not have to make a statement. If I do make a statement, it can and will be used in a court of law against me. No threats or promises have been made to me to induce me to make this statement. I have been advised that I can talk to a lawyer or to anyone else before making this statement. I have also been advised that if I do not have the money to pay for a lawyer, the court or judge may appoint one for me. I know that I can stop writing this statement at any time that I want to.

My name is _____ I was born on _____
and I live at _____
My phone number is () _____ at home, and () _____ at work

Did you suffer a monetary loss as a result of this case? Yes () No () Amount \$ _____
Did you give anyone permission to commit this crime against you? Yes () No ()

DETAILS:

help her breath. I couldn't pick it up enough to get her out, she was screaming in pain, I tried to use a board to pry up the rug, & that helped her breath, but not enough to get her out. I tried to undress she wince & pull it out to the rug, but by that time my dad came down, we together tried to pick up the front, ~~but~~ we did, but she was not responding, I layed on my back & pushed it up with my legs, & my dad pulled her out & got her breathing again. The paramedics arrived shortly after that.

The above written statement is my own handwriting, and this is the truth as I know it. I have re-read it and initialed all corrections.

Witnessed: _____ Signed: _____

COPIES TO: Detectives Court Officer Property Other

EAU CLAIRE POLICE DEPARTMENT WRITTEN STATEMENT

740 Second Ave., P.O. Box 496,
Eau Claire, WI 54702-0496
(715) 839-4972

Case Number 02-19882 Page 1 of Date 8/1/02 Time

I, [REDACTED] voluntarily make the following statement to OFFICER BARTON, who has identified him/herself to me as a police officer of the Eau Claire Police Department. I have been advised that I do not have to make a statement. If I do make a statement, it can and will be used in a court of law against me. No threats or promises have been made to me to induce me to make this statement. I have been advised that I can talk to a lawyer or to anyone else before making this statement. I have also been advised that if I do not have the money to pay for a lawyer, the court or judge may appoint one for me. I know that I can stop writing this statement at any time that I want to.

My name is [REDACTED], I was born on 3/20/61
and I live at [REDACTED]
My phone number is (715) [REDACTED] at home, and (715) [REDACTED] at work.

Did you suffer a monetary loss as a result of this case? Yes () No () Amount \$
Did you give anyone permission to commit this crime against you? Yes () No ()

DETAILS:

THE TWO LITTLEST BOYS WERE (CAME IN SLEEPING)
TRYING TO GET [REDACTED] + [REDACTED] WAS AN ACCIDENT.
I TOOK [REDACTED] TO CALL 911 + HURDED DOWN TO THE
MOODS GOT TO THE GARAGE TO GET THE 4 WHEELER
+ [REDACTED] RAN UP + SAID "DON'T RUN OVER [REDACTED]"
I HAD TO LEAVE HIM ON THE TRAIL" I RAN DOWN
THE TRAIL + SAW HIM LYING ON THE GROUND WITH
I TRIED TO GET THE BLOOD OUT OF HIS MOUTH + GIVE
HIM CPR. BY BLOWING IN HIM MOUTH BUT THE BLOOD
DID NOT CLEAR. I CARRIED HIM UP TO THE DRIVEWAY
+ LEFT HIM WITH OXIE + WENT TO HELP IN THE
YARDS - WHEN I GOT THERE SUSU WAS UNDER THE PUG
+ SKARLE + I WERE ABLE TO LIFT [REDACTED] UP + PULL HER
OUT FROM UNDER. SHE WENT TO HOSPITAL + HER MOUTH WAS
FULL OF BLOOD. I CLEANED IT OUT BEST I COULD + BLOW
INTO HER MOUTH + [REDACTED] PRESSURE ON HER CHEST
+ SHE STARTED TO BREATHE, WITH EM [REDACTED] THE EMT
SHOWED UP.

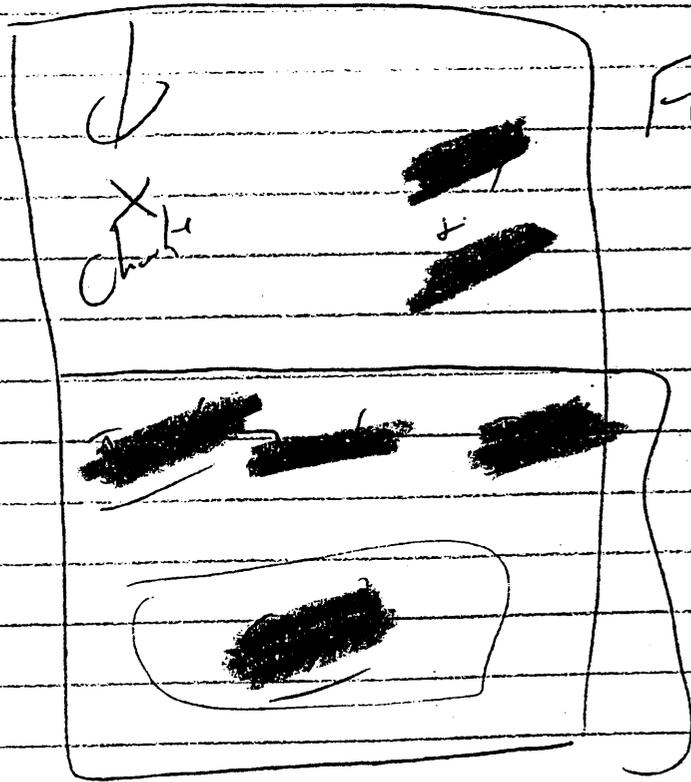
The above written statement is my own handwriting, and this is the truth as I know it. I have re-read it and initialed all corrections.

Witnessed: [REDACTED] 164 Signed: [REDACTED]

COPIES TO: Detectives Court Officer Property Other

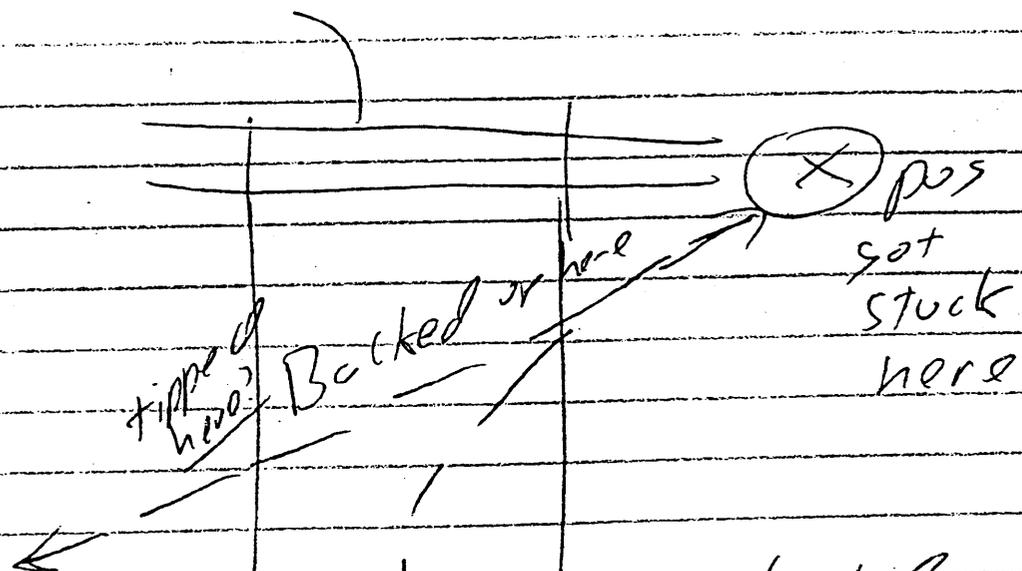
02-1988Z@1716

Driver



02-1988Z

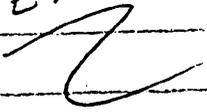
Log door trail



Sketched by ~~_____~~
~~_____~~

TRAIL

Hill
STARTS
HERE



Part 1
 Supplement

CITY OF EAU CLAIRE, WISCONSIN
POLICE DEPARTMENT INCIDENT REPORT

Case # 02-19882 Occurred At: Address [REDACTED] Business Name if Applies Crt. Area of: Sing. Call 4 A

Type of Case EMS (Fatality) Report on Date Time 08-11-02 @ 1716 hrs. Officer Last Name & # Mikunda 178

Day of Week Occurred From Date Time SUN 08-11-02 est. 1710 hrs. Use of Force = 1 2 3 4 Officer Injury Y Prop. (X) Loc = D.

Alarms: Arrival Cleared Int. Robbery Internal Check. Yes No
Activation: Accid. Weather C A Mech. Unk. Owner Contacted Yes No

Contact A = Arrested B = Bicyclist C = Complainant CV = Comp Victim JR = Juvenile Retrd M = Missing OC = Ordin Cite O =
Types: P = Pedestrian RP = Reporting Party SR = Subject of Report S = Suspect SC = Suspect Cleared T = Traffic Cite V = Victim W =

Type Sex Age Last: First MI Suffix
SR M - [REDACTED] [REDACTED] [REDACTED] (DNR)

Address Apt. = Phone =
[REDACTED] [REDACTED] [REDACTED]

City State Zip Caution Alt. Phone =
Fall Creek WI 54742 C G M S V W

Race DOB Hgt Wgt Hair Eyes Phy. Chara. Alias
W unk. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Type Sex Age Last: First MI Suffix

Address Apt. = Phone =

City State Zip Caution Alt. Phone =
[REDACTED] [REDACTED] [REDACTED] C G M S V W

Race DOB Hgt Wgt Hair Eyes Phy. Chara. Alias

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City State Zip Caution Alt. Phone =
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Type Sex Age Last: First MI Suffix

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City State Zip Caution Alt. Phone =
[REDACTED] [REDACTED] [REDACTED] C G M S V W

Race DOB Hgt Wgt Hair Eyes Phy. Chara. Alias

Type Sex Age Last: First MI Suffix

Address Apt. = Phone =

City State Zip Caution Alt. Phone =
[REDACTED] [REDACTED] [REDACTED] C G M S V W

Race DOB Hgt Wgt Hair Eyes Phy. Chara. Alias

Type Sex Age Last: First MI Suffix

Address Apt. = Phone =

Vehicle Bike Type: S = Stolen R = Recovered F = Found M = Misc. T = Towed Entry CIB NCIC

Type Plate = State Plt Type Vin = Ser = Mod Yr; Make Model Type S

Color Special Features (Boys/Girls/Wheel Size) Value Stolen Towed To

Typed Supplement Photos Video X-Ref Case #'s
(X) N (Y) N

Copies To: Detectives Court Officer SSB Property Officer Other

Case = 02-19882

Handcuffs: Used "Snug" Double Locked Complaints of Injury: Y \

Incident Summary:

I responded to [redacted] Crt. in reference to an EMS call of a male juvenile who was hurt from an overturned utility tractor in the woods. Officer Barton responded also to assist.

When I arrived on the scene, EMS personnel also arrived. I was informed by [redacted], she and her sons [redacted] and [redacted] have been the occupants of a utility tractor which had overturned. [redacted] stated [redacted] had been rolled over by the utility tractor, and she had carried him from the accident scene. [redacted] clothes were covered with blood from [redacted]. [redacted] was not breathing and non responsive when I arrived on the scene. I was informed by [redacted] [redacted] F. [redacted] had been operating the utility tractor. She advised another female subject was still at the accident scene underneath the utility tractor.

I proceeded to the accident scene, and spoke with [redacted]. Prior to my arrival, [redacted] was able to remove [redacted] who had been trapped underneath the utility tractor. [redacted] was not responsive, as
Did the victim give anyone permission to commit this crime against them? NO YES

Property: Status: S = Stolen R = Recovered F = Found

Manuf / Model / Description	Status	Qty.	Serial #	S Stolen	S Rec

Officer _____ Date _____ Supervisor _____ Date _____

SUPPLEMENT TO ACCIDENT REPORT

C4104/00

CLARE POLICE DEPARTMENT

Type of Incident EMS (Fatality)	Officer Assigned Mikunde 178	Case Number 07-19882
------------------------------------	---------------------------------	-------------------------

EMS personnel were on the scene with me. [redacted] stated [redacted] sons [redacted] and [redacted] had also been passengers in the utility tractor.

[redacted] stated he had been operating the utility tractor when it overturned. He stated he was driving up a large hill which was steep. When he reached the top of the hill, he observed a tree lying across the trail. [redacted] stated he turned right, and attempted to drive over a smaller hill. While driving up the smaller hill, the tractor trailer began losing traction. He stated he began rolling the utility tractor backward and when he applied the brakes, it began sliding. The utility tractor went over an embankment and overturned. While speaking with [redacted], I did not smell the odor of an intoxicant. [redacted] stated he had not been drinking alcohol.

I secured the scene until Sgt. Page and Sgt. Stearns (ECSD) arrived. I photographed the scene (4 rolls) and awaited Officer Pionkowski's arrival. Yeaman, William (DNIR) also responded to the scene.

When I arrived at headquarters, I was advised by Sgt. Page to secure the scene with tape. When I arrived back at the scene, the utility tractor had been uprighted and moved approximately 50 ft. by family members. I taped off the vehicle from where it was at, to the location of the actual accident.

See Officers Rokus and Officer Walsh supplements.

This is all the information I have at this time.

Officer Mikunde 178	Date 08-11-02	Supervisor	Date
------------------------	------------------	------------	------

Copies to: DET. CT. OFF. PROP. OTHER _____

/0729 1592
WBSO

WI0180000

ATTENTION: DISPATCH/PATROL

REFERENCE: MESSAGE

CAN YOU PLEASE HAVE A DEPUTY GO TO THE PIONEER RESORT ON UPPER LONG LAKE AND
MAKE CONTACT WITH A ██████████ HE IS STAYING THERE AT THIS TIME. HE IS TO
CALL SACRED HEART HOSPITAL RIGHT AWAY AT 715-839-4222. HE IS TO ASK FOR POLICE
CHAPLIN SCHAEFER. THATS ALL WE CAN GIVE AT THIS TIME.

THANK YOU

AUTHORITY: EAU CLAIRE POLICE DEPT
EAU CLAIRE EMERGENCY CENTER

OPERATOR: DAKEN

02-19882

/9998 1592
TIME 00188146 000035 08/11/02 18:32 01 OF 01
ADMIN MESSAGE
FIELD EDIT SUCCESSFUL

WI0180000

Eau Claire Police Department Written Statement

740 Second Ave., P.O. Box 496
Eau Claire, WI 54702-0496
(715) 839-4972

Case Number 02-1988Z Page 1 of 1 Date 08/11/02 Time 1910

I, [redacted] voluntarily make the following statement to Officer Pokus, who has identified him/herself to me as a police officer of the Eau Claire Police Department. I have been advised that I do not have to make a statement. If I do make a statement, it can and will be used in a court of law against me. No threats or promises have been made to me to induce me to make this statement. I have been advised that I can talk to a lawyer or to anyone else before making this statement. I have also been advised that if I do not have the money to pay for a lawyer, the court or judge may appoint one for me. I know that I can stop writing this statement at any time that I want to.

My name is [redacted], I was born on 10/19/72
and I live at [redacted]
My phone number is [redacted] at home, and (715) [redacted] at work

Did you suffer a monetary loss as a result of this case? Yes () No () Amount \$ _____
Did you give anyone permission to commit this crime against you? Yes () No ()

DETAILS:
I am giving consent to give blood for testing.

The above written statement is my own handwriting, and this is the truth as I know it. I have re-read it and initialed all corrections.

Witnessed: [Signature: M. Tokus] Signed: [Signature: L. P. B.]

COPIES TO: Detectives Court Officer Property Other



STATE OF WISCONSIN
BLOOD / URINE ANALYSIS

ALCOHOL / OTHER DRUGS
WISCONSIN STATUTE 343.305(3)

Send Agency Report to: (or leave blank if subject's own test) Officer: <i>M. Pokus 166</i> Agency: <i>Eau Claire P.D.</i> Address: <i>P.O. Box 496 Eau Claire, WI 54702</i>	Subject Name / Address [REDACTED] <i>Eau Claire, WI 54702</i>			
Agency Telephone (715) <i>839-4972</i>	Date of Birth: <i>10/18/72</i>			
Analysis requested for: <input type="checkbox"/> Alcohol only Alcohol and Drug Testing <input type="checkbox"/> THC (Cannabinoids) <input type="checkbox"/> Cocaine <input checked="" type="checkbox"/> Complete Drug Panel <input type="checkbox"/> Cancel Drug Testing if BAC is over _____ g / 100mL	Drivers License No. [REDACTED]	Citation Number: <i>N/A</i>	Statute: <input type="checkbox"/> 346.63 <input checked="" type="checkbox"/> Other (Specify) <i>Pending Investigation</i>	
LABORATORY INFORMATION				
		Specimen Received By: <i>Susan Percy</i>	Date / Time <i>14 Aug 02 0931</i>	
SPECIMEN COLLECTION				
Date: <i>8-11-02</i> Time: <i>1930</i>		Specimen Condition / Seal / Label / Comments <i>Two specimens were labelled and sealed.</i>		
Specimen type: <input checked="" type="checkbox"/> Blood <input type="checkbox"/> Urine		<table border="1"> <tr> <td data-bbox="1165 1131 1460 1276" style="text-align: center;"> ANALYSIS NUMBER 02 FX- 14495 </td> </tr> </table>		ANALYSIS NUMBER 02 FX- 14495
ANALYSIS NUMBER 02 FX- 14495				
Specimen collected by (Officer, Physician, Technologist)				
Name (print) <i>Molly Beran</i> Signature <i>Molly E Beran</i>				
OFFICIAL REPORT OF ANALYSIS				
Results of Analysis No ethanol was detected in the blood. A separate report on the results of the requested drug testing will be issued when all laboratory analyses are completed.	Date of Analysis 08/14/2002	Date Reported 08/15/2002	Analyst Cert. No. AP-498	
	Analyst Signature <i>Susan Percy</i> Susan Percy			
Laboratory Name / Address Medical Toxicology Section Wisconsin State Laboratory of Hygiene PO Box 7996 Madison, WI 53707-7996 Specimen will be retained no longer than six months unless otherwise requested by agency or subject.	Reviewed by: <i>Patrick Harding</i> Title Patrick Harding Toxicology Section Supervisor			

SUPPLEMENT TO INCIDENT REPORT

EAII CLAIRE POLICE DEPARTMENT

Type of Incident <i>Death/Accident Invest.</i>	Officer Assigned <i>D. Zielke</i>	Case Number <i>107-19882</i>
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On 8-19-02 at about 1230 hrs I picked up a statement from [REDACTED]

[Empty lined area for additional notes]

Officer <i>D. Zielke</i>	Date <i>08-19-02</i>	Supervisor <i>[Signature]</i>	Date <i>8-19-02</i>
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Copies to: DET. CT. OFF. PROP. OTHER *Piotkowski*

SUPPLEMENT TO INCIDENT REPORT

F I CLAIRE POLICE DEPARTMENT

04/04:CC

Type of Incident	Officer Assigned	Case Number
Death Investigation	Pionkowski, 126	02-19882

On 09-04-02 I went to Wisconsin Dept Transportation offices and met with Julie Burkhart reference the scale drawing for this case.

Using the photos and my instructions the final scale drawing was completed and a copy is attached with this report.

Officer	Date	Supervisor	Date
Julie Pionkowski	09-06-02	SCT John Doe	9.6.02

Copies to: 126 DE CT. OFF. PROP. OTHER _____

EAU CLAIRE POLICE DEPARTMENT WRITTEN STATEMENT

740 Second Ave., P.O. Box 496
Eau Claire, WI 54702-0496
(715) 839-4972

Case Number 02-19582 Page 1 of Date 8/18/02 Time 7:00 pm

I, _____ voluntarily make the following statement to _____ who has identified him/herself to me as a police officer of the Eau Claire Police Department. I have been advised that I do not have to make a statement. If I do make a statement, it can and will be used in a court of law against me. No threats or promises have been made to me to induce me to make this statement. I have been advised that I can talk to a lawyer or to anyone else before making this statement. I have also been advised that if I do not have the money to pay for a lawyer, the court or judge may appoint one for me. I know that I can stop writing this statement at any time that I want to.

My name is [redacted], I was born on 4-12-76
and I live at [redacted]
My phone number is (715) [redacted] at home, and (715) [redacted] at work.

Did you suffer a monetary loss as a result of this case? Yes () No (X) Amount \$ _____
Did you give anyone permission to commit this crime against you? Yes () No (X)

DETAILS:

Aug 11th 2002 we decided to take a ride on
a log on [redacted]'s property at around
5:00 pm. [redacted] was driving, my sister
[redacted] & her son [redacted] sat in the front
also. Myself, my son [redacted], my son [redacted]
& my sister's oldest son [redacted] were
riding in the back on the trailer. We started
out at [redacted] house and started down the trail
behind [redacted] house. I think we were about 1/2
mile out on the trail & we came to a
steep hill. [redacted] stopped & seemed to hesitate
whether we would make it or not. On top of
hill I saw that the trail on the left
had a tree down & knew we couldn't get
around or over it so we were going to
take the trail on the right side which to
me now doesn't look like a trail at all.

The above written statement is my own handwriting, and this is the truth as I know it. I have re-read it and initialed all corrections.

Witnessed: [redacted] Signed: [redacted]

COPIES TO: Detectives Court Officer Property Other

EAU CLAIRE POLICE DEPARTMENT WRITTEN STATEMENT

740 Second Ave., P.O. Box 496
Eau Claire, WI 54702-0496
(715) 839-4972

Case Number 02-1988a Page 2 of Date 8/18/02 Time 7:00pm

I, _____ voluntarily make the following statement to _____, who has identified him/herself to me as a police officer of the Eau Claire Police Department. I have been advised that I do not have to make a statement. If I do make a statement, it can and will be used in a court of law against me. No threats or promises have been made to me to induce me to make this statement. I have been advised that I can talk to a lawyer or to anyone else before making this statement. I have also been advised that if I do not have the money to pay for a lawyer, the court or judge may appoint one for me. I know that I can stop writing this statement at any time that I want to.

My name is _____, I was born on 4/12/76
and I live at _____
My phone number is (715) _____ at home, and (715) _____ at work.

Did you suffer a monetary loss as a result of this case? Yes () No (X) Amount \$ _____
Did you give anyone permission to commit this crime against you? Yes () No (X)

DETAILS:

The rug started up the hill and it lost traction and started rolling backward. It started rolling down the left side of the hill & it tipped over. Myself, _____ & _____ were trapped under the trailer with no way to get out. _____ & _____ were crying & scared, so I knew that they were not hurt & going to be alright. _____ was not moving & falling, he was just laying there face down in the dirt. I started yelling to _____ to get trailer off of us because _____ was not moving. _____ came ^{there} ~~there~~ lifting it off, but it was very heavy so I also tried to help & I used my back trying to get it off of us. Finally the 2x4 board fell off of the trailer.

The above written statement is my own handwriting, and this is the truth as I know it. I have re-read it and initialed all corrections.

Witnessed: _____ Signature: _____

COPIES TO: Detectives Court Officer Property Other

EAU CLAIRE POLICE DEPARTMENT WRITTEN STATEMENT

740 Second Ave., P.O. Box 496

Eau Claire, WI 54702-0496

(715) 839-4972

Case Number 02-19882 Page 3 of Date 8/18/02 Time 7:03pm

I, _____ voluntarily make the following statement to _____, who has identified him/herself to me as a police officer of the Eau Claire Police Department. I have been advised that I do not have to make a statement. If I do make a statement, it can and will be used in a court of law against me. No threats or promises have been made to me to induce me to make this statement. I have been advised that I can talk to a lawyer or to anyone else before making this statement. I have also been advised that if I do not have the money to pay for a lawyer, the court or judge may appoint one for me. I know that I can stop writing this statement at any time that I want to.

My name is _____, I was born on 4/12/76
and I live at _____
My phone number is (715) _____ at home, and (715) _____ at work.

Did you suffer a monetary loss as a result of this case? Yes () No (X) Amount \$ _____
Did you give anyone permission to commit this crime against you? Yes () No (X)

DETAILS:

and I told _____ + _____ to get out.
Then I crawled out + pulled _____ out.
I turned him over to see if he had a pulse or to see if he was breathing + he was not + there was blood all over the back of his head and on his face. There was a blood oozing out of his ear (right) + his nose. I then told _____ + _____ to run up to _____ house + get help. I picked up _____ + ran up the hill to get help. I stopped about 3/4 of the way + layed _____ down + tried to give him CPR but it was not working. So I ran up the hill to get _____ to come + carry _____ up the rest of the trail - we were getting so heavy + my arms + legs were getting weak + I was afraid I was

The above written statement is my own handwriting, and this is the truth as I know it. I have re-read it and initialed all corrections.

Witnessed: _____ Signed: _____

COPIES TO: Detectives Court Officer Property Other

Eau Claire Police Department Written Statement
740 Second Ave., P.O. Box 496
Eau Claire, WI 54702-0496
(715) 839-4972

Case Number 02-19382 Page 4 of Date Time

I, _____ voluntarily make the following statement to _____, who has identified him/herself to me as a police officer of the Eau Claire Police Department. I have been advised that I do not have to make a statement. If I do make a statement, it can and will be used in a court of law against me. No threats or promises have been made to me to induce me to make this statement. I have been advised that I can talk to a lawyer or to anyone else before making this statement. I have also been advised that if I do not have the money to pay for a lawyer, the court or judge may appoint one for me. I know that I can stop writing this statement at any time that I want to.

My name is _____, I was born on _____
and I live at _____
My phone number is () _____ at home, and () _____ at work.

Did you suffer a monetary loss as a result of this case? Yes () No () Amount \$ _____
Did you give anyone permission to commit this crime against you? Yes () No ()

DETAILS:

Went to drop him. All the way up the trail I was yelling & screaming for someone to help but no one came & no one heard my cry for help. So I ran into _____'s house & got him to come help. I told his wife _____ to call 911 & to hurry. He ran down & checked _____'s pulse & breathing but he was flat. Then carried _____ up to a patch of grass next to their driveway. Next thing I remember, the fire trucks & ambulance & police cars arrived & started working on _____.

The above written statement is my own handwriting, and this is the truth as I know it. I have re-read it and initialed all corrections.

Witnessed: _____

Signed: _____

COPIES TO: Detectives

Court Officer

Property

Other

0 -1988Z



Environmental Health Division
Wisconsin State Laboratory of Hygiene
2601 Agriculture Dr., P.O. Box 7996
Madison, WI 53707-7996
(608) 224-6202 • (800) 442-4618

Laboratory Report

http://www.slh.wisc.edu

Daniel F.I. Kurtycz, M.D., Medical Director • Ronald H. Laessig, Ph.D., Director

* Page 1 of 1*
Date: 9/17/2002

Submitter copy to:

EAU CLAIRE POLICE DEPARTMENT-3478
COURT OFFICER JOHN FARWELL
740 2ND AVE
PO BOX 496
EAU CLAIRE, WI 54703-5413

Spec #: 02FX014495
Subm #:
Lab: TOXICOLOGY
Tel #: (608)224-6241

Subject

[REDACTED]

DOB:10/18/1972 Sex:M

Coll By: MOLLY BERAN
Date Coll: 8/11/2002
Time Coll: 1930

Date Rcvd: 8/14/2002
Spec Type: BLOOD
Spec Condition: Labelled and sealed

Final Results

ETHANOL	NOT DETECTED	
DRUG PANEL	NOT DETECTED	No drugs were detected in the comprehensive drug screening procedures

Specimen Comments:

REVIEWED BY: Patrick Harding
Patrick Harding, Toxicology Section Supervisor

Continued

EAU CLAIRE POLICE DEPARTMENT

2002-019882-I

Incident No	Date & Time Rept	Offense: EMS
2002-019882-I	08/11/2002 17:16	EMERGENCY MEDICAL SITUATION

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TAKEN FROM WORDPERFECT DOCUMENT 2002019882.001
OFFICER J. PIONKOWSKI'S TYPED SUPPLEMENT

DATE OF TAPING: 08-12-02

TYPE OF CASE:

DEATH INVESTIGATION

LOCATION:

[REDACTED]
EAU CLAIRE

RESIDENT/VEHICLE OWNER:

[REDACTED] F/W, DOB 08-15-49
EAU CLAIRE, WI 54703
PHONE [REDACTED]

THERE ARE NUMEROUS OTHER INDIVIDUALS INVOLVED IN THIS CASE AS VICTIMS AND WITNESSES. SEE OTHER OFFICERS' REPORTS FOR DETAILS.

DETAILS:

I was off duty and was contacted at my residence by the Communication Center at approximately 1740 hours. I was advised by Telecommunicater Bacon that there was an ATV accident that occurred on Lamplighter Ct. and Sgt. Page was requesting me to respond as a crash reconstructionist. He did not know any of the details of the crash. I am aware that the DNR has to be notified of ATV crashes and advised him of such. He advised he would contact the DNR. I then responded directly to the scene in my personal vehicle as soon as possible.

Upon arrival, I was met by Sgt. Page and Sgt. Stearns from the Eau Claire County Sheriff's Department. The incident occurred on the property of [REDACTED] but the property is a very large parcel and it was not clear if part of the property was in the county or if it was entirely in the city. Eventually it was determined by asking the property owner, [REDACTED] that their entire property was in the city as they only pay city property taxes. Sgt. Stearns used his GPS unit he is supplied with for Mayo One to locate the area of the crash. This location would be N44 degrees 48 minutes 319 seconds, O91 degrees 32 minutes 262 seconds. This was not directly on the final rest location of the vehicle but was very close. Officer Mikunda was also at the scene, securing it.

Officer Mikunda advised that he had taken several rolls of film worth of pictures. He described the photos he had taken and I felt that should be sufficient to cover the scene adequately. A

Incident No 2002-019882-I	Date & Time Rept 08/11/2002 17:16	Offense: EMS EMERGENCY MEDICAL SITUATION
S U P P L E M E N T	video camera was attempted to be located but none of the Department cameras were found and therefore no videotape was completed at that point.	
	The vehicle involved is a combination of a ATV type vehicle and a utility type vehicle. Its make is a Pug. Officer Rokus was able to obtain the owner's manual for the vehicle from Mrs. [REDACTED]. The owner's manual identifies it simply as a Pug AT/UV and the manual is dated April 1992. It indicates also it is for all models using a 16 HP Vanguard engine so it possibly could cover several models. Inside the front cover is a notice stating that the unit is not a motor vehicle and is not made for use on road, streets or highways. It is designed as an off-road vehicle. The VIN number was not located in the owner's manual and as the vehicle was still sitting on its top, I could not locate a VIN number on the vehicle itself. The owners indicated they thought it was on the front dash area. We will have to wait until the vehicle is turned over before we can locate the actual VIN number.	
	The vehicle is red in color and is articulated. The articulation is between the forward cab or passenger area and a small, approximately 5 foot by 5 foot, bed which can be raised hydraulically. The vehicle did not have any cab or rollbar in place.	
Later in the investigation I went on the internet to attempt to locate information on this particular vehicle. I was able to locate the manufacturer's website at www.pugpower.com . I was able to locate examples of their current vehicles. None of the vehicles I could observe on the website were exactly like the one involved but similar. I was able to locate an address and phone, etc., for the company. The address is Pug Inc., 3650 Bay St., Jackson, Mississippi, 39213-5509, phone 601-366-8910, fax 601-366-8905, email pug@pugcatv.com . And there was another phone number listed on the website although I'm not sure what that was for, of 1-866-PUG-CATV, Ext. 339. The manufacturer will need to be contacted to obtain the exact vehicle specifications for the vehicle involved in this particular incident. The nearest dealer or service center is O & R Equipment, Box 469, Menomonie, Wisconsin, phone 715-235-9688, fax 715-235-0623. If the vehicle is going to be inspected mechanically, this may be where it is required to be taken.		
DNR Warden William Yearman arrived on the scene. We walked him down to the location and he immediately became concerned. He explained that the vehicle involved is not considered an ATV under Wisconsin State Statute. He indicated that in order for a vehicle to be considered an ATV there was a weight limit and a tire pressure limit. Also the passengers had to sit astride the vehicle. This vehicle did not meet any of those criteria. He indicated that he didn't believe that this was considered a motor vehicle and therefore motor vehicle law did not apply to it. He also examined the scene as he has done ATV crashes previously and		

Incident No	Date & Time Rept	Offense: EMS
2002-019882-I	08/11/2002 17:16	EMERGENCY MEDICAL SITUATION

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took one roll of film. He turned the film over to Officer Mikunda.

I now looked closely at the scene itself. The first and most obvious marks were two ruts created by what I believe are the rear tires off the edge of the trail. This would be consistent with the driver's statement that as he approached the crest of the trail, he saw that it was blocked by a fallen tree. He turned to the right, off the trail, in an attempt to drive around it and these tire marks are consistent with that statement. The slope in this area is somewhat steep. In addition, there is a slight edge where the tires stopped and I believe this edge may have prevented the tires from traveling forward. The tires became stationery while the unit was under power and they dug into the ground. The left rut was considerably deeper by 3 or 4 inches than the right. Looking farther up the slope, on the left side, I could see where decaying branches had been disturbed, likely by the left front wheel. I could not see the same types of marks on the right side, however there really wasn't anything in that area that would readily mark. It is also possible, due to the terrain and the structure of the vehicle, that the right front tire was not on the ground at that point. When the rear tires dug into the ground they dislodged dirt which was directly behind the ruts. In these areas were rolling tire prints. I'm not sure which tire made these prints but it is likely the front tires. The tire was either under power going one direction or the other, or it was free rolling at the time it made the imprints.

The path that the vehicle was originally traveling on appears to be approximately 5 feet wide. As the vehicle was proceeding up this hill, the terrain drops off steeply on the left side of the trail. This is the opposite side from where the driver attempted to go around the fallen tree. The driver had indicated to Officer Mikunda that when the vehicle became stuck and it was clear he was not going to be able to go up the hill, he attempted to back up and as he backed up, the vehicle began to slide and he could not stop it. It appears the trailer began to travel down this steep slope to the left of the trail. It is not clear exactly why at this point the vehicle then continued to travel down this slope but as it did, the vehicle rolled or flipped and landed on its top. It appears that it traveled halfway between a roll and a flip leading with the right side. When the vehicle specifications are obtained and the vehicle can be examined more closely, it could be determined whether the amount of articulation in the vehicle played a role on how the vehicle acted after it got onto the steep slope. The rear of the vehicle appears to have been in contact with the ground during the entire time. The front of the vehicle did not leave marks, therefore I believe it was probably in the air as it traveled down the slope. The point of the articulation will need to be checked for any damage that may indicate what role it played in this incident.

At this point I checked with Sgt. Page whether or not we were

Continued

EAU CLAIRE POLICE DEPARTMENT

2002-019882-

Incident No	Date & Time Rept	Offense: EMS
2002-019882-I	08/11/2002 17:16	EMERGENCY MEDICAL SITUATION

S going to impound the vehicle for further investigation. After some
U time, he advised that we would not be impounding it, that we would
P simply leave it where it was. Officer Mikunda and myself then left
P the scene. Warden Yearman and a co-worker stayed in the area for
L a few more minutes as they examined the scene and then they too
E left. When I returned to the upper part of the yard, I spoke with
M Mrs. [REDACTED] I asked if she had anything with the VIN for the
E vehicle on it and she checked for me but none could be located. At
N this point, believing that the vehicle was ok to be released, I
T advised her that they could go about turning it over and so forth
on their own. I then also cleared the residence. I drove from the
residence to the intersection of Lamplighter Ct. and N. Clairemont
Ave. when Sgt. Page re-contacted me and advised that Medical
Examiner John Folstad was in enroute and wanted to view the scene.
I returned to the residence and waited a few minutes for Mr.
Folstad to arrive. I then walked him to the scene and pointed out
the different physical features of the scene and the vehicle. We
both then cleared the scene. I returned to Headquarters.

By the time I arrived at Headquarters, I was advised by Sgt.
Page that they had now decided to secure the vehicle for further
investigation and Officer Mikunda went to tape off the scene. When
Officer Mikunda arrived he advised the owners had already turned it
upright and had moved it approximately 50 feet from the scene. He
had them leave it where it was and taped off that entire area.
Upon returning to Headquarters, I completed a field sketch of the
scene which is attached to this report. I photocopied the entire
owner's manual for the vehicle so the original can be returned to
its owner.

This officer is continuing with this investigation.

Officer J. Pionkowski, 08-12-02
jeg, 08-12-02 @ 0542 hours

Continued

EAU CLAIRE POLICE DEPARTMENT

2002-019882-I

Incident No 2002-019882-I	Date & Time Rept 08/11/2002 17:16	Offense: EMS EMERGENCY MEDICAL SITUATION
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TAKEN FROM WORDPERFECT DOCUMENT 2002019882.002
OFFICER S. BARTON'S TYPED SUPPLEMENT

DATE OF TAPING: 08-11-02

TYPE OF CASE:
EMS CALL

LOCATION:
[REDACTED] CT.

DETAILS:

AT 1716 hours on August 11, 2002, I responded to an EMS Delta Response to [REDACTED] Ct. Communication Center had advised that there was a traumatic injury to a minor child at that address.

As I arrived at [REDACTED] Ct., I was met by EMS and Reserve Officer Okie Allen. Allen indicated that there was a seven-year-old boy who was brought up onto the hill to the residence who was unconscious. He indicated this was a result of an ATV or some type of tractor roll-over which was down the hill from the residence. As I was speaking with Okie Allen, Officer Mikunda had arrived on scene. I advised Officer Mikunda to speak with a female who was present at the scene who was identified as the patient's mother. I advised Officer Mikunda that we possibly had more injured individuals on the bottom of the hill and, after speaking with the patient's mother, if he could go to the bottom of the hill and check on further injuries.

As Reserve Officer Allen and I were about to perform CPR on the patient who was described as a seven-year-old boy with a first name of [REDACTED] EMS had arrived on scene. Also arriving to our location was Officer Becky Walsh. EMS had indicated that they were a man short to perform CPR duties and at that time I informed Officer Walsh to put on some gloves and to assist in the CPR process.

I contacted squad 80, Sgt. Steve Page and indicated to him that we would need his assistance at the location. I also informed Sgt. Page that I would be calling the Communication Center to have a police chaplain sent to our location.

After Sgt. Steve Page arrived to the location, we discussed the matter and I directed Sgt. Page to the accident location. He indicated that he had contacted Officer Rokus and was having a camera brought to our location for photographs. After speaking with Sgt. Page, I then went back on top the hill to assist with EMS and to gather information. I spoke to Officer Rokus and assisted in getting names of the other passengers on the tractor. Those

Continued

EAU CLAIRE POLICE DEPARTMENT

2002-019882-

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S names were given to Officer Rokus, see Officer Rokus' supplement
U report to this case for the additional passengers on the vehicle.

P EMS then indicated they were doing a transport on the seven
P year old boy with the first name of [REDACTED] to Sacred Heart
L Hospital. I notified the boy's mother and also the operator of the
E vehicle's father that the boy would be going to Sacred Heart
M Hospital. I then spoke to Police Chaplain Jim Schaefer and asked
E if he would go to Sacred Heart Hospital with the patient and the
N patient's mother. The female patient by the name of [REDACTED] was then
T brought up the hill and transported to Luther Hospital. I spoke
briefly with Sgt. Page about the situation and then went to Luther
Hospital to assist Officer Rokus in gathering information. I had
started a statement for [REDACTED] however because of the
confusion at that location [REDACTED] was unable to fill out the
statement for me and I advised him to fill out and complete the
Written Statements about what had happened and what rolls he had
played in the rescue effort and then to give that information to
Officer Rokus before clearing the hospital.

This concludes this case supplement.

Officer S. Barton, 08-12-02
jeg, 08-12-02 @ 0604 hours

Continued

EAU CLAIRE POLICE DEPARTMENT

2002-019882-I

Incident No 2002-019882-I	Date & Time Rept 08/11/2002 17:16	Offense: EMS EMERGENCY MEDICAL SITUATION
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S TAKEN FROM WORDPERFECT DOCUMENT 2002019882.003
U OFFICER M. ROKUS' TYPED SUPPLEMENT

P DATE OF TAPING: 08-11-02

L TYPE OF CASE:
E EMS CALL

M LOCATION:
E [REDACTED]
N EAU CLAIRE

T WITNESS:
[REDACTED] M/W, DOB 03-20-44
EAU CLAIRE, WI
PHONE 832-0538

WITNESS:
[REDACTED], M/W, DOB 10-18-72
EAU CLAIRE, WI
PHONE [REDACTED]
ALTERNATE PHONE [REDACTED]
ALIAS [REDACTED]

SUBJECT OF REPORT:
[REDACTED] F/W, DOB 08-20-79
EAU CLAIRE, WI
PHONE [REDACTED]

SUBJECT OF REPORT:
[REDACTED] M/W, DOB 05-08-97
PHONE [REDACTED]

DETAILS:
On 08-11-02 at 1716 hours, Officers Mikunda and Walsh, as well as Sgt. Page, were detailed to [REDACTED] Ct. reference a report of an EMS Call. The Communication Center advised that a seven-year-old boy had been injured in an ATV accident and was injured critically. After officers arrived at the scene, Sgt. Page requested that I obtain a K1000 and 35mm camera from the Police Department and bring it to [REDACTED]

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S U P P L E M E N T
The accident scene was in the woods behind the residence of [REDACTED]. I took the camera and my squad's evidence kit to the accident scene where I gave them to Officer Mikunda. I spoke with Sgt. Page who requested that I speak to any potential witnesses regarding what had occurred. I then returned up to the residence where I spoke to Lawrence F. Menard regarding what had occurred.

[REDACTED] is the property owner at [REDACTED]. [REDACTED] stated that the area where the accident occurred in the woods behind his actual house is on his property and is within the city limits of Eau Claire. [REDACTED] stated that him and his family had been at some go-cart races earlier today near the Distribution Center and had arrived at his house at approximately 1500 hours. [REDACTED] stated that his son, [REDACTED], who during this report will be referred to as [REDACTED] was there with his girlfriend and her two children. [REDACTED] is [REDACTED] girlfriend and her two children are [REDACTED] and [REDACTED]. [REDACTED] stated that [REDACTED] sister, [REDACTED], was also present at their house with her two children. [REDACTED] two sons are [REDACTED] and [REDACTED]. [REDACTED] stated that they had all been swimming in his pool for an hour or two and were going to be cooking out at his house this evening. [REDACTED] stated that while he was preparing supper, his son, [REDACTED] sister [REDACTED] and the four children were going to go for a ride on his property on [REDACTED] Pug tractor. [REDACTED] stated that he did not go on the tractor ride and that he knew that his son, [REDACTED] was driving the Pug. [REDACTED] stated that [REDACTED] is very familiar with the Pug and he could see no reason why he would have a difficult time driving it. [REDACTED] stated that there was no alcohol involved in their day today and that [REDACTED] does not drink. [REDACTED] stated that he had not been drinking nor had anyone at his house or earlier today at the go-cart track.

[REDACTED] stated that shortly after they had left on the Pug ride, two of the younger children, whom exactly [REDACTED] could not recall, came running up to the house and were yelling that there had been an accident. [REDACTED] stated that he told his wife to call 911 and he ran down the Pug trail where he met [REDACTED]. [REDACTED] stated that [REDACTED] had carried her son, [REDACTED], who was obviously quite injured approximately half or two-thirds of the distance from the accident sight to [REDACTED] house. [REDACTED] stated that when he arrived at [REDACTED] and [REDACTED] on the trail, [REDACTED] had just set [REDACTED] on the ground because she had become tired from carrying [REDACTED]. [REDACTED] stated that [REDACTED] was unconscious and was not breathing at this time.

[REDACTED] stated that there was no clear outward signs of trauma on [REDACTED] however, it was very obvious to him that he was seriously injured. [REDACTED] stated that [REDACTED] was laying on the ground on his back and he checked for signs of breathing and a

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██████████ stated that there were no signs of either. ██████████ stated that there was a great deal of blood coming out of ██████████'s mouth, ears and nose. ██████████ stated that he attempted to perform CPR on ██████████. ██████████ stated that he performed approximately two or three breaths on ██████████. ██████████ stated that the breaths did not appear to be making it to ██████████'s lungs. ██████████ stated that he also tried two or three chest compressions. ██████████ stated that because his attempts at CPR did not appear to be working well, he then carried ██████████ the rest of the way up to his house. ██████████ stated he carried ██████████ up to his yard just in front of his house. ██████████ stated that when he got into the front yard his neighbor, ██████████, was there and he left ██████████ with ██████████. ██████████ stated that he then returned down to the accident sight behind his house.

██████████ stated that when he arrived there his son, ██████████, was trying to free his girlfriend, ██████████, who was still underneath the overturned Pug. ██████████ stated that when he arrived there ██████████ was unconscious. ██████████ stated that ██████████ was pinned underneath the front engine compartment of the overturned Pug and that her legs were sticking out from underneath to the front of the Pug. ██████████ stated that he and ██████████ had a difficult time freeing ██████████ from the Pug. ██████████ stated that they both could pick up the Pug off of her, however, no one could pull her out from underneath it as it took all of both of their power to pick it up off of her. ██████████ stated that ██████████ could not free herself from underneath of it because she was unconscious at this time.

██████████ stated that he and ██████████ tried to prop a board underneath the Pug when picked up off of ██████████ but that would not hold the Pug. ██████████ stated that they finally were able to prop the Pug up by having ██████████ lay on his back and have him lift the Pug up with his legs similar to that of a leg press weight-lifting machine. ██████████ stated that he pulled ██████████ out from underneath it at this time. ██████████ stated that ██████████ was laying underneath the Pug on her stomach. Lawrence stated that when he pulled ██████████ out from underneath the Pug her mouth was full of dirt and she was not breathing.

██████████ stated that he cleared the dirt out of ██████████'s mouth and had checked for her pulse and signs of breathing. ██████████ stated that at this time ██████████ was not breathing at all but he could feel the signs of a faint pulse. ██████████ stated that he administered approximately 10 to 12 breaths similar to that taught in CPR to ██████████. ██████████ stated that he also administered 10 to 12 chest compressions during that time. ██████████ stated that after administering the CPR to ██████████, she began breathing on her own and regained consciousness. ██████████ stated that while conscious, ██████████ was still disoriented and was not coherent. ██████████ stated that a short time later the Eau Claire Fire Department personnel arrived at the scene where they tended to ██████████.

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S U P L E M E N T	<p>Later, after clearing [REDACTED] residence, I met with him at Luther Hospital. At Luther Hospital [REDACTED] completed a Written Statement regarding what he had witnessed today. Please see attached. I also obtained the complete owner's manual and specifications manual for the Pug tractor from [REDACTED]. I gave this information to Officer Pionkowski when she arrived at [REDACTED] residence.</p>	
	<p>While at [REDACTED] residence, I also was able to speak with [REDACTED] age 5, regarding what he had seen. [REDACTED] stated that he went for a ride on the Pug tractor and was riding in the back bucket portion of it. [REDACTED] stated he could not recall were exactly he was sitting in the back bucket area of the Pug at the time of the accident. [REDACTED] stated that he remembered them beginning to go up a hill but were unable to continue. [REDACTED] stated that he remembered that [REDACTED] was driving it and it began backing down the hill slowly. [REDACTED] stated that they suddenly flipped over and that he and the other children were caught underneath it briefly. [REDACTED] stated he remembered [REDACTED] picking up the back of the Pug so he and the other children could get out from underneath it. [REDACTED] was left at the residence with other family members.</p>	
	<p>I then went to Luther Hospital to check on the status of [REDACTED] as well as meet with the driver of the Pug tractor at the time of the accident, [REDACTED]. [REDACTED] formal name is [REDACTED]. He goes by the nickname [REDACTED] and for ease of reporting he will be referred to as such in this report. When I made contact with [REDACTED] he was in the Meditation Chapel located adjacent to the Luther Hospital emergency room. When I first spoke to [REDACTED] I advised him that he was not under arrest at this time and that him speaking to me was strictly on a voluntary basis. I advised [REDACTED] that he did not have to speak with me and he was free to go at any time that he wished. I asked [REDACTED] that based on this, if he would be willing to answer any questions and complete a statement regarding what had occurred. [REDACTED] stated "yes" he was willing to answer any questions I had for him as well as complete a Written Statement.</p>	
	<p>[REDACTED] stated that he and his girlfriend, [REDACTED], her two children, [REDACTED] and [REDACTED], [REDACTED] sister [REDACTED] and [REDACTED] two children, [REDACTED] and [REDACTED], were at the go-cart races earlier today at [REDACTED] near the Mill Run addition. [REDACTED] stated that after being at the go-cart race today, they all decided to go to [REDACTED] father's house to have a cook-out and go swimming today. [REDACTED] stated they had arrived at his father's house at about 1500 hours and swam for about an hour and a half or so. [REDACTED] stated that they were planning on having dinner but before so decided to ride on the Pug for a short time before</p>	

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supper.

stated that he has driven the Pug dozens of times on his father's property. stated that he typically would just drive it on the trail that goes behind the house and that he had just wanted to take the children for a quick ride around the property before supper. stated that he had not consumed any intoxicating beverages today nor had he taken any prescription medication or drugs. stated that he does not drink nor has he ever engaged in any drug activity. stated that he currently is not under a doctor's care nor is he on any prescription medication. While speaking with I could not detect any odor of an intoxicating beverage on his person. mannerisms and demeanor reflected that of a sober person.

stated that when they went for the ride on the Pug, he was driving it. stated that his girlfriend, was sitting on the other front bucketseat with her son, on her lap. stated that was sitting in the back bucket portion of the Pug, directly behind him. stated that brother, was sitting in the middle frontal portion of the bucket while was on the front passenger side of it. stated that and mother, was sitting in the middle of the back portion of the bucket. did draw a diagram from me of the seating arrangement on the Pug. Please see attached.

stated that the accident occurred merely a couple minutes after they had left his father's yard. stated that he was just driving on the trail as he typically does extending behind his father's house. stated that he crossed the bridge located on the base of the hill where the accident occurred. stated that as he was driving up the hill, there was a log going over the trail and he wanted to drive around it. stated that he left the trail going to the right of the log. stated that the grade of the hill was too steep and he lost traction while attempting to climb the hill.

stated that he wanted to back down the hill and then return back home on the Pug. stated that as he began backing down the hill, the Pug tipped over and overturned on its top. stated that it only rolled once over onto the top, making only one-half of a rotation. stated that when the Pug tipped over, everybody was on it in the seating arrangement he had described earlier. stated that when he backed the Pug down the hill, he was backing across the grade of the hill at somewhat of an angle. stated that when he was backing it, the Pug remained straight. did complete a diagram of the hill and the backing maneuver which is attached to this report.

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S U P P L E M E N T	<p>██████████ stated that when the Pug overturned it overturned on its side with the driver side going over the top of the passenger side. ██████████ stated that when it overturned he was thrown from the Pug although most of the other occupants were pinned underneath it. ██████████ stated that as he recalled ██████████ was the only one that was not trapped underneath the Pug when it tipped over. ██████████ stated that he went to the front of the Pug and tried to pick that up, however, with the weight of the engine compartment at the front of the Pug he was unable to pick it up and free where ██████████ was trapped. ██████████ stated that he then went to the rear of the Pug by the bed and picked that up. ██████████ stated that as he could remember all the children were trapped underneath the bucket area. ██████████ stated that when he picked up the bucket portion of the Pug all the children crawled out while ██████████ remained underneath. ██████████ stated that ██████████ mother, ██████████, pulled ██████████ out from underneath it.</p> <p>██████████ stated that after ██████████ had pulled ██████████ out from underneath the Pug it was obvious that he was seriously injured. ██████████ stated that ██████████ did not appear to be breathing and was unconscious. ██████████ stated that there was blood coming from ██████████ mouth and face. ██████████ stated that ██████████ then ran up towards his father's house, carrying ██████████ further. ██████████ stated that he had the remainder of the children continue up to the house so that he could have them call for help.</p> <p>██████████ stated that after ██████████ had left with the children, ██████████ was still trapped underneath the Pug and conscious. ██████████ stated that ██████████ was laying on the ground with her upper body pinned underneath the Pug with her legs extending out from the front of it. ██████████ stated that ██████████ was complaining of having a difficult time breathing because of the weight of the Pug on her torso. ██████████ stated that he tried to pick up the Pug and lift it off of her so she could crawl out from underneath it but could not because of its weight. ██████████ stated that there was a board nearby and he tried to use that as a lever to push the Pug up and free ██████████.</p> <p>██████████ stated that his father, ██████████ arrived within just a couple minutes of sending the children away. ██████████ stated that he and his father tried picking up the engine, the front portion of the Pug to free ██████████ but they were unable to do so. ██████████ stated that he believed when his father had arrived, ██████████ was now unconscious. ██████████ stated that they were able to free ██████████ by having ██████████ pick up the Pug while ██████████ laid on his back and pushed up on it with his legs and then pull ██████████ out from underneath the Pug. ██████████ stated that he watched his father perform CPR on ██████████ after she was freed and that she regained consciousness because of his efforts. ██████████ stated that he stood by with ██████████ until the paramedics arrived and began caring for her. ██████████ did complete a Written Statement regarding what had occurred. Please see attached Written Statement</p>	

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EAU CLAIRE POLICE DEPARTMENT

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forms.
Sgt. Page requested that I obtain a blood sample from [REDACTED] to test for any possible alcohol or drugs in his system. I asked [REDACTED] if he would consent to such a blood draw. [REDACTED] stated that he was willing to do so and he wished to cooperate in any manner that he could with the investigation into this matter. [REDACTED] did write on a Written Statement form that he did consent to this blood sample being taken from him. Please see attached. At Luther Hospital the Luther staff did draw a blood sample from [REDACTED]. The blood sample was taken with the typical OMVWI Case Test Kit. I completed the consent form provided by Luther staff as well as the documentation provided in the test kit. I requested a full toxicology screen be conducted for the sample. After the sample was collected, it was packaged and I placed postage on it later at the Police Department. The blood sample was deposited with postage and a return address in the mailbox located at the corner of 2nd Ave. and W. Grand Ave.

I then went to room #4386 at Luther Hospital where I spoke to [REDACTED] regarding what she had seen. Before speaking with [REDACTED] I did speak to her attending nurse. [REDACTED] nurse stated that [REDACTED] was conscious and alert and coherent. The attending nurse did not believe that it would be any problem for me to speak with her.

[REDACTED] gave an account of what occurred very consistent with that of the one provided by [REDACTED] and [REDACTED]. [REDACTED] stated that she was at the go-cart races earlier today with [REDACTED] and her sister, [REDACTED], with their children. [REDACTED] stated that at no time today was anybody consuming any alcohol or taking any other drugs.

[REDACTED] stated that they swam at [REDACTED] house for about an hour and a half or so before deciding to go for a ride on the Pug before supper. [REDACTED] stated that they left on the Pug ride at 1700 hours exactly. [REDACTED] stated that she was sitting on the front passenger seat of the Pug with her son, [REDACTED], sitting on her front lap. [REDACTED] stated that they had only been on the Pug ride for several minutes before they approached the hill that was blocked by the fallen tree. [REDACTED] stated that they began going up the hill when [REDACTED] decided that he would go around the tree by going up the hill off of the trail. [REDACTED] stated that as [REDACTED] was driving up the hill off of the trail, the Pug began losing traction and its tires were spinning. [REDACTED] stated that it was pretty obvious to her that they would not be able to continue up the hill all the way because of the grade of it.

[REDACTED] stated that [REDACTED] began backing down the hill at somewhat of an angle. [REDACTED] stated that [REDACTED] had to back down the hill at somewhat of an angle because he had made a right turn

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S mid-way up the hill to go off of the trail. [redacted] stated that
U all seven passengers were on the Pug as [redacted] began backing it
P down the hill. [redacted] stated that as [redacted] was backing down the
P hill the Pug overturned on its side. [redacted] stated that the
L driver's side of the Pug overturned over the passenger's side.

E [redacted] stated that she could recall being trapped underneath
M the Pug laying on her stomach. [redacted] stated that she believed
E her head and shoulders were trapped underneath one of the seats
N while her legs extended out towards the front of the Pug. [redacted]
T stated that she had a very difficult time breathing because of the
weight of the Pug on her upper torso. [redacted] stated that she
recalled [redacted] trying to pick up the front of the Pug to free her
from being trapped underneath of it. [redacted] stated that she does
not recall [redacted] arriving to assist in the lifting of the
Pug off of her. [redacted] stated that she did recall Eau Claire Fire
Department paramedics tending to her after she had been freed from
the Pug.

I did show her the diagram that [redacted] had completed
earlier of the seating arrangement on the Pug. [redacted]
stated that this was representative of what she recalled of the
seating arrangement. It should be noted that [redacted]
reported being very sore and had many tubes in her arms. [redacted]
[redacted] stated she would be willing to complete a Written Statement
at a later time when she felt better.

Before clearing Luther Hospital, I did make phone contact with
Sgt. Page and explained the information that I had obtained
regarding the witness accounts of the Pug's occupants. Sgt. Page
advised that, based on this information, all the parties I spoke to
should be released and I could clear Luther Hospital. I did as
such.

This concludes my portion of the report.

Officer M. Rokus, 08-11-02
jeg, 08-12-02 @ 0744 hours

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S TAKEN FROM WORDPERFECT DOCUMENT 2002019882.004
 U OFFICER R. WALSH'S TYPED SUPPLEMENT

P DATE OF TAPING: 08-11-02

L
 E TYPE OF CASE:
 M FIRE/JUVENILE DEATH
 E

N
 T LOCATION:

[REDACTED]

VICTIM:

[REDACTED] M/W, DOB 03-26-95
 EAU CLAIRE, WI
 PHONE [REDACTED]

MOTHER:

[REDACTED], F/W, DOB 04-12-76
 EAU CLAIRE, WI
 PHONE [REDACTED]

DETAILS:

Detailed to [REDACTED] reference a Fire/EMS call involving blunt trauma to seven-year-old [REDACTED] as a result of an ATV accident. Upon arrival, I observed Eau Claire Fire performing CPR on [REDACTED]. At the request of Fire, I assisted by providing compressions to [REDACTED]. I continued assisting in CPR until relieved by Fire EMS. Once relieved by Fire EMS, I responded to Sacred Heart Hospital in interview those involved in the incident.

Upon arrival at the hospital, I sat in the waiting room with [REDACTED] and Chaplain Schaefer. Chaplain Schaefer and myself assisted [REDACTED] in contacting family members and having them respond to the hospital. While doing so, we were informed by Dr. Shynol that [REDACTED] had died of a skull fracture. I sat with [REDACTED] and family as more and more family members continued to show up. Several family members asked [REDACTED] what happened on different occasions. [REDACTED] stated each time that [REDACTED] was driving and they were trying to go up a hill but lost traction and rolled back down and that's when the trailer flipped. [REDACTED] stated that [REDACTED] was driving the tractor, [REDACTED]'s sister, [REDACTED] was sitting next to [REDACTED] and had [REDACTED] in her lap. [REDACTED] was in the back of the trailer with her son, [REDACTED] in between her legs, [REDACTED] was sitting to the left of her and [REDACTED] was sitting to the right of her. [REDACTED] stated that they were

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S on the Pug and they were going to go to the right on the trail,
U however, there was a tree in the way. ██████████ stated that they
P then attempted to go to the left up a steep hill. ██████████ stated
P that the power went out and they lost traction which caused the Pug
L to roll backwards. ██████████ stated that the next thing she knew
E the trailer tipped over and she, ██████████ and ██████████ were
M trapped underneath. ██████████ stated she looked at ██████████ who
E wasn't moving and was very bloody. ██████████ stated that ██████████
N lifted up the trailer and she was able to slid both herself and
T ██████████ out. ██████████ ran to the top of the driveway with ██████████
in attempts to obtain help. While running with Jordan, Schlewitz
stated that she temporarily stopped in an attempt to give him CPR
because he wasn't breathing. ██████████ began crying and stated
that blood was coming out from everywhere and she didn't know what
to do. ██████████ stated that upon arriving at the house, she
dialed 911 at which point Fire EMS officials arrived. ██████████
stated that ██████████ was not driving the Pug at a fast rate of speed
at all but did not estimate at what speed approximately he was
traveling.

I informed ██████████ that we would need her to write out a
statement about what occurred this afternoon. ██████████ originally
asked if I could write it for her but then agreed to write it this
evening when she got home. I left ██████████ numerous Statements
with the case number on it as well as a business card for her to
call the Police Department when she was completed with the
Statements. ██████████ stated she would write them tonight and
would give us a call when they were completed.

A short time later after speaking with ██████████ her father,
██████████ arrived at the hospital. Upon hearing the news, ██████████
became very irate and combative. Several members of ██████████ family
held him down until he calmed down. ██████████ repeatedly stated that if
██████████ was drinking ██████████ was going to jail tonight because ██████████
was going to kill him. I obtained information from officers at
Luther that ██████████ was not drinking and informed ██████████ of this.
██████████ seemed satisfied with this and stated he would not harm
██████████ repeatedly stated that he was going to stay with
██████████ tonight and he was not going to leave. Chaplains and
members of ██████████ family were able to convince him to leave for the
evening. Family members of ██████████ expressed concern as ██████████ was
due to report to both Chippewa and Eau Claire Counties at 10:30 in
the morning for a breathalizer as a result of several DUI's. They
wanted it on record that due to this incident, ██████████ would not be
showing up for these tests tomorrow.

I informed both ██████████ and ██████████ that we would be continuing
the investigation and they would be contacted about this incident.
I asked both ██████████ and ██████████ if they had any questions and they
stated that they did not. I urged them to contact the Police
Department with any questions and they stated they would do so.

Incident No	Date & Time Rept	Offense: EMS
2002-019882-I	08/11/2002 17:16	EMERGENCY MEDICAL SITUATION

S End of segment. Officer cleared.

U
P Officer R. Walsh, 08-11-02
P jeg, 08-12-02 @ 0829 hours

L
E
M
E
N
T

Type of Incident: Death Investigation Officer Assigned: Jim Krusk 126 Case Number: 02-19882

I am continuing with the investigation of the death of [REDACTED] m/w DOB 03-26-95 on 08-11-02 at [REDACTED] Court.

In the early morning of 08-12-02 I discussed the investigation with Sgt's Stur and Arnette. It was determined a video tape and measurements of the scene should be obtained. It was determined the vehicle could be released.

I made phone contact with [REDACTED] M F/W DOB 08-15-49. I explained what we need to do at the scene (video tape and measurements) and asked if we could enter the property. She stated that would be fine. Arrangements were made with State Patrol District 6 for their assistance with the total station mapping unit at the scene.

I returned to the scene and video taped the scene and the immediate area a vehicle. The vehicle had been turned upright and moved a short distance the previous evening. In addition it had rained over and a light rain was falling during the video taping. This was accomplished between approximately 0830 and 0900 hours.

At 0900 hours Troopers Keith Young

Officer <u>Jody Podkorski</u>	Date <u>08-16-02</u>	Supervisor <u>Sgt Jan Van</u>	Date <u>8.16.02</u>
----------------------------------	-------------------------	----------------------------------	------------------------

Copies to: 126 **DET.** CT. OFF. PROP. OTHER _____

Type of Incident: Death Investigation Officer Assigned: Pionkowski 126 Case Number: 02-19882

and a short time later Mark Kittelson and we proceeded to the scene. I assisted while the trappers mapped the scene based on my descriptions and requests. Trooper Young made an additional field sketch. We then cleared the scene at approximately 11:30 hours.

The data collected was then transferred to a state DOT employee computer for processing. The employee, Tom Rust, produced a rough draft of the measurements, 2 profiles of the slopes and the shot report. These items were turned in for the report. The shot report is evidence. In the next week or so, a final complete drawing of the scene will be completed.

I tagged the video tape as evidence and placed it in locker #5.

The remaining step of the investigation will be to complete the drawing.

Officer: Jody Pionkowski Date: 08-16-02 Supervisor: Scott H. [Signature] Date: 8.16.02

Copies to: 126 DET. CT. OFF. PROP. OTHER _____

L

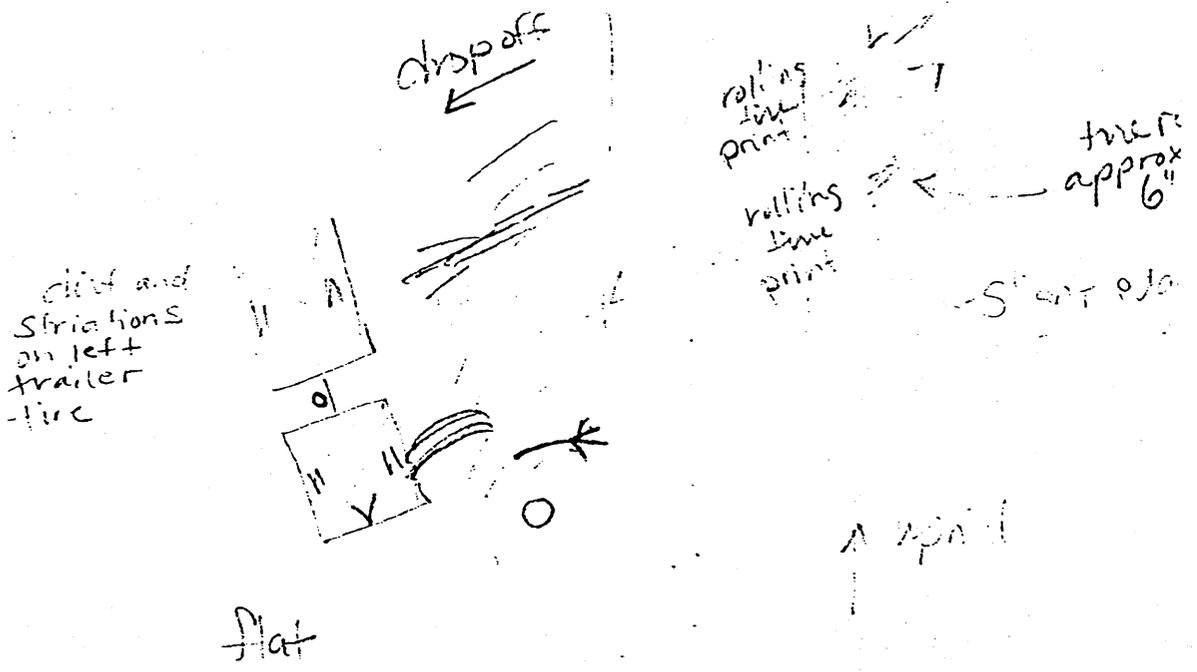
OFFICER ASSIGNED Pionkowski 126	CASE # 0279882
-------------------------------------------	--------------------------

Field Sketch

08-11-02

~~REDACTED~~ Court
Pionkowski 126

Flat area
tree at crest
tire rut approx 8" 10' deep
marks fr left fr



X GPS
N 44° 48 min
O 91° 32 min

Bridge

OFFICER'S SIGNATURE Pionkowski 126	DATE 08-12-02
SUPERVISOR'S SIGNATURE [Signature]	DATE 08-12-02

CITY OF EAU CLAIRE, WISCONSIN
POLICE DEPARTMENT SUPPLEMENTAL NAME FORM

Case # 02-19882

Officer Assigned Pionkowski 126

Type <u>V</u>	Sex <u>M</u>	Age	Last [REDACTED]	MI <u>T</u>	Suffix
Address [REDACTED]			Apt. #		Phone # [REDACTED]
City <u>Eau Claire WI</u>		State <u>WI</u>	Zip <u>54703</u>	Caution C G M S V W	
Race <u>W</u>	DOB <u>03-26-95</u>	Hgt	Wgt	Hair	Eyes
Phy. Chara.					Alias
Type <u>W</u>	Sex <u>F</u>	Age	Last [REDACTED]	MI <u>D</u>	Suffix
Address [REDACTED]			Apt. #		Phone # [REDACTED]
City <u>Eau Claire WI</u>		State <u>WI</u>	Zip <u>54703</u>	Caution C G M S V W	
Race <u>W</u>	DOB <u>04-12-76</u>	Hgt	Wgt	Hair	Eyes
Phy. Chara.					Alias
Type <u>SR</u>	Sex <u>M</u>	Age	Last [REDACTED]	MI	Suffix
Address [REDACTED]			Apt. #		Phone # [REDACTED]
City <u>Eau Claire WI</u>		State <u>WI</u>	Zip <u>54701</u>	Caution C G M S V W	
Race <u>W</u>	DOB <u>06-12-75</u>	Hgt	Wgt	Hair	Eyes
Phy. Chara.					Alias
Type <u>W</u>	Sex <u>F</u>	Age <u>52</u>	Last [REDACTED]	MI	Suffix
Address [REDACTED]			Apt. #		Phone # [REDACTED]
City <u>Eau Claire WI</u>		State <u>WI</u>	Zip <u>54703</u>	Caution C G M S V W	
Race <u>W</u>	DOB <u>8-15-49</u>	Hgt	Wgt	Hair	Eyes
Phy. Chara.					Alias
Type	Sex	Age	Last	MI	Suffix
Address			Apt. #		Phone #
City		State	Zip	Caution C G M S V W	
Race	DOB	Hgt	Wgt	Hair	Eyes
Phy. Chara.					Alias
Type	Sex	Age	Last	MI	Suffix
Address			Apt. #		Phone #
City		State	Zip	Caution C G M S V W	
Race	DOB	Hgt	Wgt	Hair	Eyes
Phy. Chara.					Alias

Officer Andreas Pionkowski - Date 11-12-02 Supervisor [Signature] Date 11-12-02

IDI 030612HCC2500
Exhibit "C" - Eau Claire
Co. Medical Examiner's
report.

Eau Claire County
Eau Claire County Courthouse
721 Oxford Avenue
Eau Claire, Wisconsin 54703

OFFICE OF THE MEDICAL EXAMINER

DEATH INVESTIGATION REPORT

CASE NO. 02-243

Name of Deceased	[REDACTED]	Date of Birth	3/26/1995
Address	[REDACTED] Eau Claire, WI	Age	7
Date of Death	8/11/2002	Time of Death	1758
DA Notification by	Eau Claire Police Department	Date & Time	
Death Reported by	Dr. Schynoll, a physician in the Emergency Medical and Trauma Center at Sacred Heart Hospital	Time Reported	1820
Place of Death	Sacred Heart Hospital Eau Claire, WI	Physician	
Date of Incident	8/11/2002	Time of Incident	Approximately 1716
Location of Incident	[REDACTED] Eau Claire, WI		
Autopsy performed by	None	Funeral Director	Smith Funeral Home, Eau Claire, WI
Cause of Death	Head Injury		
Manner of Death	Accidental		
DESCRIPTION OF THE BODY			
Sex	Male	Race	White
Height		Weight	
Eyes	Brown	Hair	Brown
Injuries	As noted in the narrative report		
Clothing	Black swimming trunks.		
Photos by	None	Investigated by	John Folstad
Specimens taken	Blood	Specimens Collected by	John Folstad
Miles Traveled	12	Investigation Time	5.0 hours

CORONER'S/MEDICAL EXAMINER'S DEATH REPORT**Narrative Report of Investigation****NAME OF DECEASED:** [REDACTED]**Report:**

I was contacted by Dr. Schynoll, a physician in the Emergency Medical and Trauma Center at Sacred Heart Hospital, at 1820 on 8/11/02. Dr. Schynoll stated that he was reporting the death of the subject, [REDACTED]. Dr. Schynoll stated he was reporting the death of the subject to the Medical Examiner because the subject had been involved in an all-terrain vehicle accident in the city of Eau Claire. I arrived at Sacred Heart Hospital at 1855.

I initially interviewed Dr. Wesley. Dr. Wesley stated that the subject was transported to Sacred Heart Hospital with cardiopulmonary resuscitative measures in progress. The resuscitative measures were continued in the Emergency Medical and Trauma Center, but were to no avail. A cervical spine x-ray and skull films were done in the Emergency Department. According to Dr. Wesley the subject had a large skull fracture. The cervical spine x-ray did not show any cervical spine fracture or dislocation. I also had Dr. Whitis, a Radiologist, read the cervical spine film and he likewise indicated that there was no identifiable cervical spine injury. Dr. Wesley stated that his examination of the subject revealed what appeared to be a significant basilar skull fracture. This was evidenced by both blood and what appeared to be brain tissue coming out of the right ear canal.

I subsequently interviewed Allyn Bertrang and Mark Mernitz, paramedics with the Eau Claire Fire Ambulance Service. The paramedics indicated that they were told that the mother had been doing cardiopulmonary resuscitative measures until an Emergency Medical Services worker that was a neighbor arrived on the scene. When Eau Claire Fire Ambulance personnel arrived on the scene, paramedic Bertrang indicated that the

child was lying supine next to the driveway. The initial cardiac rhythm was asystole and there were no spontaneous respirations. Resuscitative measures were continued and advanced cardiac life support measures were implemented by the paramedics in the field. According to the paramedics, they were never able to re-establish a cardiac rhythm. They indicated that they were uncertain as to the circumstances surrounding the accident.

Examination of the subject revealed that there was a needle in both the right and left upper anterior chest wall. Dr. Wesley stated that these needles were placed in the Emergency Medical and Trauma Center at Sacred Heart Hospital to rule out a tension pneumothorax. There were intraosseous catheters in both lower legs, just below the anterior portions of the knees. There was not an endotracheal tube in place. Dr. Wesley stated that the endotracheal tube was inadvertently dislodged after resuscitative measures were discontinued, when they were repositioning the subject. There was a considerable amount of blood and white matter, which appeared to brain matter, coming from the right ear canal. A thorough examination of the subject did not reveal any other injuries or unusual findings.

I interviewed the subject's mother, [REDACTED] stated that she and three other children, including the subject, were riding in the back of a PUG in a wooded area at a residence at [REDACTED] Court, when the accident occurred. [REDACTED] stated that the PUG was going up a hill on a trail when it was noted that there was a tree across the trail. The driver of the PUG as well as two passengers were in the front seat of the PUG and the other four including [REDACTED] and the subject were in the trailer portion of the PUG. The driver of the PUG decided to back up slightly and attempt to go over a small incline to get around the downed tree. When the driver attempted to get over the incline, the PUG apparently spun out and began to go backwards. The PUG ultimately tipped over and landed on it's top. All four people in

the back trailer portion of the PUG were trapped according to [REDACTED]. She stated that she immediately noted that the subject was not moving. He was lying face down at the time. All four of the people in the back were trapped so the driver had to use a board to pry the PUG up and allow the other passengers to escape. [REDACTED] stated that she immediately started CPR and ran with the subject up to the residence at [REDACTED] Court. According to [REDACTED] the subject had no past medical history and was on no medications at the time of his death.

I went out to the site of the accident. The site of the accident was on property owned by [REDACTED] at [REDACTED] Court Eau Claire Wisconsin. One of the Eau Claire Police Officers who was responsible for reconstructing the scene escorted me to the location of the accident. I would estimate that the accident occurred a third to a half mile back in a wooded area. The area leading up to the accident site was a well groomed path. It could be seen where the tree was across the trail area that the PUG was attempting to travel on. It was evident where the driver attempted to go over the incline to go around the downed log. There appeared to be some spinning of the tires at the site of the incline. The PUG was located down an embankment, which I would estimate at 8 feet or more in height. In looking at how the trees were either bent or broken off I believe that the PUG as it lost power may have started going backwards and subsequently jackknifed and rolled over. The PUG was lying completely on it's top, facing in North to South direction, with the front of the PUG furthest to the North. There was a board that was lying in the area between the front and back portion of the PUG. I believe this board was the one that was used to pry the vehicle from on top of the victim's. Pictures of the accident site were taken by Eau Claire Police Department Personnel.

After visiting the accident site I returned to Sacred Heart Hospital. I spoke with [REDACTED] and other family members. [REDACTED] stated that it was determined

that the family members did not want an autopsy performed and that they did not want any organ or tissue procurement. [REDACTED] was divorced from the subject's father, but the father had been notified by family members and had arrived at the Hospital by the time I returned to the Hospital. [REDACTED] stated that family had decided that Smith Funeral Home would handle the funeral arrangements.

In view of the fact that it was evident that the subject had a skull fracture and thorough investigation of the subject did not reveal any other concerning findings, I determined that an autopsy was not required. Eau Claire Police Officer Joy Zimbauer was at the Hospital. I asked her if the Police Department believed that an autopsy was necessary for any purposes. She subsequently put me in contact with Detective Page. I spoke to Detective Page. He indicated that from the Police Departments perspective there was no need to do an autopsy as long as I was comfortable with knowing what the cause and manner of death was.

I have ruled the subject's manner of death to be accidental. The cause of death was a head injury. An autopsy was not performed on the subject.


John Folstad
Deputy Medical Examiner
Eau Claire County

jcm

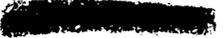
Contact List

Tom Bokelman – Safety Warden – No report
WI Department of Natural Resources
1300 W. Clairemont
Eau Claire, WI 54702
(715) 839-3717

John Folstad – Deputy Medical Examiner
Eau Claire County
721 Oxford Avenue
Eau Claire, WI 54703
(715) 839-4121

Eau Claire Police Department
Jeff Leppert - Officer
Records Section
740 2nd Avenue
Eau Claire, WI 54703
(715) 839-4972

 – Wife of owner of PUG

Eau Claire, WI 54703


Task Number 030612HCC2500

INTERVIEWER: When the response to a particular question is unknown, please leave blank.

Type of respondent: Coroner's Office

Other, specify:

1. What type of vehicle was involved in the incident? (If vehicle is not an ATV, or if ATV has more than 4 wheels, politely thank respondent for her/his cooperation and terminate interview).

- | | |
|---------------------------------------|---------------------|
| 1 - 3 wheeled ATV | 7 - Utility Vehicle |
| 2 - 4 wheeled ATV | 8 - Other Vehicle |
| 3 - ATV with unknown number of wheels | 0 - Unknown |
| 4 - 2 wheeled motorcycle | |
| 5 - Dune Buggy | |
| 6 - ATV with more than 4 wheels | |

2. What is the manufacturer/brand name of the ATV(s) involved in the incident? If more than two ATVs, use an additional sheet.

ATV #1

ATV #2

Manufacturer: 88 - Other

Manufacturer:

3. What is the model name or number and/or vehicle identification number (VIN) of the ATV?

Model: PUG

VIN:

4. What is the model year of the ATV? (Record last two digits of model year. For example 89,90).

Model Year: 1992

5. What is the engine size (in CCs) of the ATV?

Engine Size: Unknown

6. Was there more than one death involved in this incident? If more than two individuals were killed use an additional sheet.

Death #1

Death #2

Date of Death: 08/11/2002

Age/Sex: 7/Male

State of Death: WISCONSIN

City of Death: Eau Claire

County of Death: Eau Claire

7. Describe how the incident occurred. (Use additional sheets if necessary).

A seven-year-old male died and a 24-year-old female suffered injuries when a 4-wheel ATV known as a utility vehicle with a trailer attached rolled over onto its top as it was going backwards down an eight-foot hill. The male suffered a skull fracture and was pronounced dead at the hospital. The female was trapped with the vehicle on her upper torso, loss consciousness and was later resuscitated. Neither party was wearing a helmet. The death was ruled as accidental and no alcohol was involved.

8. Did the ATV overturn/tipover/rollover? Rolled Over

9. If ATV overturned/tipped over/rolled over, did it land on the victim?

Victim 1:

Victim 2:

Yes No Unknown

Yes No Unknown

10. Who was killed in the incident? Check all that apply.

1 - Driver 3 - Bystander 8 - Other

2 - Passenger 4 - Driver/Other Vehicle

11. Was the victim wearing a helmet at the time the incident occurred?

Victim 1:

Victim 2:

Yes No Unknown

Yes No Unknown

12. How many riders (including the driver) were on the ATV at the time the incident occurred?

0 - Unknown 2 - Two riders 4 - Four or more riders

1 - One rider 3 - Three riders

13. List the following physical characteristics of the DRIVER of the ATV:

Age: 29

Height: (inches)

Weight:

Sex: Male

14. How did the driver learn to operate an ATV (READ LIST)

- 1 - Organized Program **Sponsor's Name:**
- 2 - Dealer/Salesperson **Arranged through dealer:**
- 3 - Friend/Relative **Friend/Relative Age:**
- ④ - Self
- 5 - Other (Specify)
- 9 - Don't Know

15. What was the type of terrain (ground surface) being travelled at the time the incident occurred?

07 - Field, Pasture, Farmland, Ranchland

16. Type of road being travelled by ATV when incident occurred?

02 - Private road

17. Identify any other motor vehicle(s) involved in this incident.

09 - NA (Not a traffic incident)

18. Had the driver of the ATV used alcohol just prior to the incident?

2 - No

19. Had the driver taken any drugs or medication just prior to the incident?

2 - No, Drugs

Additional Comments:

LAZARE POTTER GIACOVAS & KRANJAC LLP

Attorneys at Law

950 Third Avenue • New York, New York 10022
Telephone (212) 758-9300 • Facsimile (212) 888-0919

www.lpgk.com

WRITER'S EMAIL

mkranjac@lpgk.com

WRITER'S DIRECT DIAL

(212) 734-2404

September 19, 2003

Via Overnight Courier and Facsimile
(301) 504-0025

U.S. Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Hwy. - Room 504
Bethesda, MD 20814

Attn: Ann DeTemple, Director

Re: Task No.: 030612HCC2500
Investigator's ID 9068
Office Code: 830
Product Name: PUG
Our file no.: 2202-01

Dear Ms. DeTemple:

We are writing to you as legal counsel on behalf of Pug, Inc. ("Pug") regarding a notice dated July 31, 2003 and related fact sheet received from the U.S. Consumer Product Safety Commission (the "CPSC") in connection with the above referenced matter that involved an accident that occurred on August 11, 2002. The accident involved a utility vehicle manufactured in 1992 bearing the name PUG. Ms. Donna Warfield of the CPSC granted us a thirty (30) day extension of time on August 22, 2003 within which to file a response on behalf of Pug from the initial due date through and until September 21, 2003.

The accident outlined in the CPSC's fact sheet is extraordinarily unfortunate and Pug extends its sympathy and regret to all parties involved therein. Pug, however, is a Delaware corporation that was formed on July 12, 2001. Pug did not manufacture and has no relationship to or with the company that manufactured the vehicle that was involved in the accident at issue. Without any prejudice to Pug, it is willing to cooperate with any safety changes or the like proposed by the CPSC or any related or similar organization. Accordingly, if Pug can be of any assistance in connection with this matter or otherwise, please do not hesitate to let us know.

Pug is not aware of any defect in connection with the product at issue in the accident that would create a substantial product hazard, or create an unreasonable risk of death or serious injury.

LAZARE POTTER GIACOVAS & KRANJAC LLP

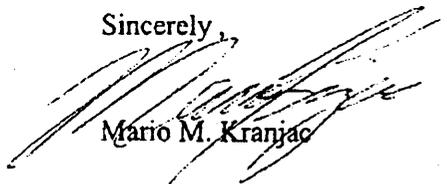
U.S. Consumer Product Safety Commission
National Injury Information Clearinghouse
September 19, 2003
Page 2 of 2

In fact, Pug is not aware of any defect in connection with any PUG product. As such and unless we hear from you otherwise, there is no reason for Pug to contact the Office of Compliance at the CPSC. Kindly notify us in the event that CPSC receives any request for disclosure of information in connection with this matter.

Nothing contained in this letter shall be deemed a waiver of any right, claim or defense available to Pug.

Pug appreciates your attention to this matter. If anything further is required by Pug, please do not hesitate to contact me on behalf of Pug.

Sincerely,



Mario M. Kranjac

cc: Mr. Rand Ray

LAZARE POTTER GIACOVAS & KRANJAC LLP

Attorneys at Law

950 Third Avenue • New York, New York 10022
Telephone (212) 758-9300 • Facsimile (212) 888-0919

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WRITER'S EMAIL

ascardino@lpgk.com

WRITER'S DIRECT DIAL

(212) 784-3294

August 22, 2003

8/25

Via Facsimile: (301) 504-0025

Ms. Donna Warfield
U.S. Consumer Product Safety Commission
National Injury Information Clearinghouse
4330 East West Hwy., Room 504
Bethesda, MD 20814

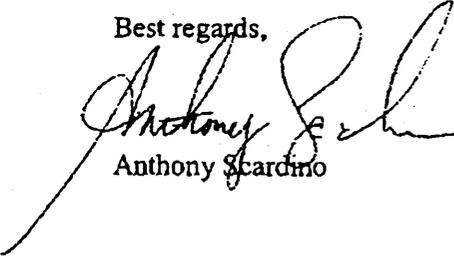
Doc No.: 030612HCC2500
Product name: PUG
Our File No.: 2202-01

Dear Ms. Warfield:

Further to our telephone conversation today, this letter is to confirm your approval of a thirty (30) day extension from today's date within which Pug, Inc. may submit comments in response to a notice received from the U.S. Consumer Product Safety Commission in connection with the above referenced matter.

Thank you for your assistance hereon. If you have any comments or questions, please contact me at (212) 758-9300.

Best regards,



Anthony Scardino

cc: Mario M. Kranjac, Esquire
Mr. Rand Ray

55 AUG 28 20 02 029603

STATE OF WISCONSIN DEPARTMENT OF HEALTH AND FAMILY SERVICES ORIGINAL CERTIFICATE OF DEATH

Form fields including: 1. DECEDENT'S NAME (Full Middle Last), 2. SEX (M/F), 3. SOC. SEC. NUMBER OF DECEDENT, 4. PRONOUNCED DEAD DATE, 5. BODY FOUND, 6. DATE OF BIRTH, 7. DATE OF DEATH, 8. COUNTY OF DEATH, 9. DEATH AT HOSPITAL, 10. OTHER PLACE, 11. HOSPITAL (AND CAMPUS) OR NURSING HOME, 12. MARITAL STATUS, 13. RESIDENCE - COUNTY, 14. NUMBER, STREET, CITY, VILL, TOWNSHIP, 15. STATE OF BIRTH, 16. FATHER'S NAME, 17. MOTHER'S NAME, 18. RACE, 19. HISPANIC ORIGIN, 20. USUAL OCCUPATION, 21. EDUCATION, 22. DECEDENT EVER IN U.S. ARMED FORCES?, 23. SURVIVING SPOUSE, 24. MAILING ADDRESS, 25. PLACE OF DISPOSITION, 26. PLACE OF DISPOSITION, 27. LOCATION CITY/Village/Township, State, 28. DATE SIGNED BY FUNERAL SERVICE LICENSEE, 29. DATE RECEIVED FROM MED CERT, 30. FUNERAL SERVICE LICENSEE, 31. NAME AND MAILING ADDRESS OF FACILITY, 32. DATE OF DEATH, 33. MANNER OF DEATH, 34. AUTOPSY PERFORMED?, 35. DATE SIGNED, 36. PHYSICIAN LICENSE NO., 37. CERTIFIER'S MAILING ADDRESS, 38. REGISTER SIGNATURE, 39. DATE OF INJURY, 40. HOUR OF INJURY, 41. PLACE OF INJURY, 42. INJURY AT WORK?, 43. LOCATION, 44. REGISTER SIGNATURE, 45. DATE RECEIVED BY REGISTRAR, 46. PART I. Enter the diseases, injuries or complications that caused the death, 47. IF INJURY, DESCRIBE HOW INJURY OCCURRED.

Type or Print Use Permanent Black Ink No Whiteout or Erasures

Reserved for Corrections & Amendments

1869

4/4/03

NOTE - EDDIE AS ATN 7 PER ROBIS I. Based under a PUD that will cover over a trial in a wooded area

1. CASE NO.		2. INVESTIGATOR'S ID		3. OFFICE CODE		EPIDEMIOLOGIC INVESTIGATION REPORT	
011203HEP2366		4410		591			
4. DATE OF ACCIDENT		5. DATE INVESTIGATION INITIATED		YR MO DAY			
01 11 30		01 12 27					
6. SYNOPSIS OF ACCIDENT OR COMPLAINT: <u>The victim is a 20 year old male who was injured while riding his ATV in an open field. He hit a ditch and was thrown off the vehicle. He injured his head in the accident. He went to the hospital and was treated for a head contusion before being released later the same day.</u>							
7. LOCATION (HOME, SCHOOL, ETC.)		8. CITY		9. STATE			
0		Greensboro		NC			
10. FIRST PRODUCT		11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS		11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS			
3286		BENZAI					
12. AGE OF VICTIM		13. SEX (1 = M, 2 = F, 3 = Unk)		14. DISPOSITION		15. INJURY DIAGNOSIS	
020		1		1		53	
16. BODY PART		17. RESPONDENT(S) (Mother, Friend)		18. TYPE INVESTIGATION (1-ON SITE, 2-TELEPHONE, 3-OTHER)		19. TIME SPENT	
75		3		2		45 Min	
20. ATTACHMENTS		21. CASE SOURCE		22. REVIEWED BY		YR MO DAY	
				B S 21		2 2002	
24. NARRATIVE (More Detail May Be Included On Separate Page)							

CPSC FORM NO. 182 (Revised 10/1985)

NEP/PRV/BR NOTIFIED
 COMMENTS: YES NO
 OVERRULED: ATTACHED
 EXCERPTIONS/FOIA Ex. Revisions
 DO NOT RE-NOTIFY RE-NOTIFY

9/19/04

Person to be Interviewed

Please review the NEISS information, including the injured person's name, age, and the hospital name. If the injured person is 12 years old or younger, interview the parent or guardian. If the injured person is 13 to 17 years old, ask permission from the parent or guardian to interview the injured person. If permission is NOT granted, interview the parent or guardian.

If the injured person listed on the NEISS record or the parent or guardian is not familiar with the ATV accident, ask to speak to the person in the household who is most familiar with the accident. If this other person is 12 years old or younger, end interview. If this other person is 13 to 17 years old, ask permission from the parent or guardian to interview this other person. If permission is NOT granted, end interview.

References to Respondent in Questions

References to the injured person in the question below are noted in italics with *you/your child/the injured person*. Use the appropriate option depending on whether the respondent is the injured person, their child, or someone else.

The injured person may be a driver or passenger of the ATV or a bystander. Certain questions below concern the driver or the passenger, whether or not they are the injured person. It is helpful for the interviewer to keep in mind whether the respondent is the injured person and whether the injured person was the driver, passenger, or bystander. For example, the respondent may be the parent of the injured person and the injured person may be a passenger. Question 2 and Question 5 determine this information. The interviewer should make a note of the answers to these questions for later use. *You/your child* should be substituted for "the driver" or "the passenger" wherever appropriate.

Interviewer Notes in the Questionnaire

The bolded text contains instructions for the interviewer and should not be read to the respondent. Unless otherwise noted, only the question should be read and not the listed responses. When the question indicates that the list of responses should be read, the "don't know/refused" response should not be read.

Some questions ask for the number of hours of some activity. The response should be rounded to the nearest half-hour. For example, if the response is four hours, record 4. If the response is four and half hours, record 4.5 hours. If the response is four and a quarter hours, record 4.5 hours.

If the survey prompts the interviewer to end the interview, thank the respondent for their time and cooperation.

Instructions for Specific Questions

Question 6 determines if there was a passenger. A section on the passenger later in the survey is asked only if there was a passenger(s).

A letter requesting that the injured person record some information on the ATV should have been sent to the injured person. It is referred to before Question 7.

Question 8 determines if the ATV has 4-wheel drive. A question on the accident later in the survey (Question 62) is asked only if the ATV has 4-wheel drive.

Question 27 involves multiplying the responses of Question 25 and Question 26. A calculator may be helpful. For example, if the response to Question 25 is 5 and the response to Question 26 is 4, then the number 20 should be entered in the blank space in Question 27.

Survey Length

If the respondent asks how long the survey will take, answer "around 25 minutes."

Contact Person

If you have any questions or comments about this study, please contact Mark Levenson at 301-504-0470 extension 1222.

Hello. May I speak with _____? Ask for the injured person by name. If the injured person is 17 or younger, ask for a parent or guardian. If this person is not available, set up a time to call back and record on page 1.

Hello. I'm _____ from _____. We are working with the U.S. Consumer Product Safety Commission and some hospitals to find out how accidents occur with all-terrain vehicles (ATVs).

1. I understand that you were/your child was treated at Alfred Core (Insert hospital name.) on 11/30/01 (Insert treatment date.) for an injury involving an all-terrain vehicle (ATV). Is that correct?
- 0 No
→ What information is incorrect?
- 0 No one in household visited the emergency room → End Interview
 - 1 There was no vehicle involved in the injury → End Interview
 - 2 Someone else in the household was involved in ATV incident → Base survey on correct injured person. If necessary, set up a time to call back and record on page 1.
 - 3 The treatment date is incorrect → Enter correct date _____
- 1 Yes
- 8 Don't Know → Ask to speak to the person in the household who is most familiar with the accident. If necessary, set up a time to call back and record on page 1.

Note to interviewer: If the injured person or respondent is a child between 13 and 17, ask for permission from the parent or guardian to interview the child directly. The parent may be present or on another telephone line during the interview. If the injured person is 12 or younger, interview the parent or guardian. If the injured person listed on the NEISS record or the parent or guardian is not familiar with the accident and the person in the household who is most familiar with the accident is 12 or younger, end interview. If necessary, repeat the introduction.

2. Would you answer some questions so that we can learn how these accidents happen? Your participation is entirely voluntary. Of course, your answers will be kept completely confidential, and no record will be kept of your name.
- 0 No → Ask if another time would be better and set up a time to call back and record on page 1.
- 1 Yes
→ (Circle appropriate choice or ask if necessary.) Are you... (Read list.)
- 1 Injured person (Skip to Q3.)
 - 2 Parent or guardian
 - 7 Other → Specify _____
- Did you witness the accident?
- 1 Yes
 - 2 No
 - 8 Don't know/Refused

3. Just to clarify, an ATV is a four- or three-wheeled off-road vehicle with large, low-pressure balloon tires, a seat designed to be straddled by the operator, and handlebars for steering. Dune buggies and four-wheel drive cars and trucks are not ATVs. Was the vehicle involved in the accident an ATV?
- 1 Yes
 - 2 No → End Interview
 - 8 Don't know/Refused
4. When the accident happened, was the ATV being operated, being repaired, being transported, or something else?
- 1 Being operated (includes being started, stopped, and in motion)
 - 2 Being repaired → End Interview
 - 3 Being transported (includes being loaded and unloaded) → End Interview
 - 7 Something else → Specify _____
 - 8 Don't know/Refused

Note to interviewer: Note the responses to Q5 and Q6 for later use.

5. *Were you/was your child/was the injured person* the driver of the ATV, a passenger, a bystander, or involved in some other way?
- 1 Driver
 - 2 Passenger
 - 3 Bystander
 - 7 Other → Specify _____
 - 8 Don't know/Refused
6. Including the driver, how many persons were riding the ATV at the time of the accident?
- 1 One
 - 2 Two
 - 3 Three
 - 7 Other → Specify _____ (Write in number.)
 - 8 Don't know/Refused

Read: Let's talk about the ATV involved in the accident. You may have been sent a letter encouraging you to record information on this ATV. If you need the letter at any point, I would be happy to wait for you to get it.

Note to interviewer: If there was more than one ATV involved in the incident, the ATV in these questions should refer to the ATV that the respondent was riding. If the respondent was a bystander, the ATV should refer to the ATV most involved in the injury (for example, the ATV that struck the bystander).

7. Who owns this ATV? Is it the person who was driving at the time of the accident or someone in the driver's household? Or was the ATV borrowed or rented?
- 1 Owned by driver or someone else in driver's household
 - 2 Borrowed or rented
 - Does the driver or someone else in the driver's household own any ATVs?
 - 01 Yes
 - 02 No
 - 88 Don't know/Refused
 - 8 Don't know/Refused

Note to interviewer: Note the response to "4-wheel drive" in Q8 for later use.

8. How many wheels does the ATV involved in the accident have?
- 0 4 wheels
 - Does this ATV have 4-wheel drive?
 - 00 No
 - 01 Yes
 - 88 Don't know/Refused
 - 1 3 wheels
 - 2 Other → Specify _____ (Write in number.) → End Interview
 - 8 Don't know/Refused

9. What company manufactured this ATV? (Read list only if necessary.)

- 01 Arctic Cat
- 02 Bombardier
- 03 Honda
- 04 Kawasaki
- 05 Polaris
- 06 Suzuki
- 07 Yamaha
- 08 Action
- 09 Alpha Sports
- 10 Avanti
- 11 Benzai (Aeon)
- 12 Cannondale
- 13 Cosmopolitan (Cosmo)
- 14 Dinli
- 15 DRR
- 16 E-Ton (Impulse)
- 17 Flexible Flyer (Yerf Dog)
- 18 Gilera
- 19 Her Chee
- 20 International (Husky)
- 21 JEHM (Blazer)
- 22 Kasea
- 23 LEM
- 24 Manco
- 25 Midwest
- 26 National
- 27 Panda
- 28 Startrack
- 29 Sundiro
- 30 T-Rex (Transnational)
- 31 United
- 32 X-Squared
- 33 Xtreme
- 77 Other → Specify _____
- 88 Don't know/Refused

10. What is the model name and model number of this ATV? (Probe for letters at the end of model number.)

_____	Model Name
_____	Model Number
8888 Don't know/Refused	

11. What is the engine size in cc's (cubic centimeters) of this ATV? (If necessary, probe: "Engine size may be the same as the model number.") (Write in number.)

888 cc's
Don't know/Refused

If Don't know/Refused:

→ We would really like to get engine size. Is there someone else there now who might know? I'd be glad to wait while you ask.

- 1 Yes → Specify _____ cc's
2 No
 8 Don't know/Refused

12. What is the model year for this ATV? (Write in number.)

Model Year
8888 Don't know/Refused

13. What year and month did the owner purchase or obtain this ATV? (Write in number.)

____ Year
 ____ Month
8888 Don't know/Refused

14. Was this ATV new or used when it was obtained by the present owner?

- 1 New
 2 Used
8 Don't know/Refused

15. Other than for routine maintenance or repairs, have any parts or accessories been installed on this ATV, such as... (Read list.) (Circle a response for each part—a through g.)

	<u>Yes</u>	<u>No</u>	<u>Don't Know/ Refused</u>
a. Different tires or wheels	1	2	<u>8</u>
b. Special exhaust system	1	2	<u>8</u>
c. Suspension modifications	1	2	<u>8</u>
d. Engine high performance kit	1	2	<u>8</u>
e. Utility rack	1	2	<u>8</u>
f. Winch kit	1	2	<u>8</u>
g. Any other modifications	1	2	<u>8</u>
If yes to "Any other modifications":			
→ What is it? Specify _____			

16. Was this ATV equipped with a rack at the time of the accident?

0 No

1 Yes

→ Was the rack mounted on the front or the back of the ATV?

01 Front

02 Back

03 Front and back

88 Don't know/Refused

→ Was the rack carrying a load?

00 No

01 Yes

→ About how heavy was the load? (Write in number.)

_____ Pounds

888 Don't know/Refused

88 Don't know/Refused

8 Don't know/Refused

17. Could you please describe in detail how the injury happened? Please include the sequence of events just prior to, during, and after the injury.

NOTE to interviewer: Probe for details. Find out the series of events in the accident and factors that may have contributed to the accident. Review the main points of the summary to the respondent. Ask if you missed any important details. In retelling the response, make sure that it makes sense. Ask respondent to expand on parts that are unclear.

The victim is a 20 year old male who was injured while riding his Benzai ATV in an open field. The victim's mother said this type of ATV is build for speed and racing. The victim told her that he riding when he ran into a ditch and was thrown off, landing on his head. She suspects that he was going pretty fast. He went to the hospital. He was examined and found to have sustained a head contusion and thankfully nothing more serious, such as a concussion. He was treated and released the same day. The victim's mother said that the victim no longer lives with her and gave his new phone number. When he was contacted, he declined to be interviewed for the survey. **End of Interview.**

Note to interviewer: Ask questions 18-36 about the driver of the ATV, whether or not the injured person was the driver. If respondent was the driver, change the words "the driver" to "you" wherever appropriate. If respondent is the parent or guardian of the driver, change the words "the driver" to "your child" wherever appropriate.

Read: The next few questions concern the person who was driving the ATV when the accident happened.

18. How old is the driver? (Write in number.)

____ Years

888 Don't know/Refused

If Don't know/Refused:

→ Was the driver... (Read list.)

1 18 years or older

2 16 or 17 years old

3 Younger than 16

8 Don't know/Refused

19. Is the driver female or male?

0 Female

1 Male

8 Don't know/Refused

20. About how tall is the driver? (Write in number.)

____ Feet

____ Inches

88 Don't know/Refused

21. About how much does the driver weigh? (Write in number.)

____ Pounds

888 Don't know/Refused

22. Prior to this accident, how many months or years had the driver been operating any ATV?
(Write in number.)

_____ Less than one month

→ How many days? (Write in number.)

_____ Days

88 Don't know/Refused

_____ Months (Skip to Q24.)

_____ Years (Skip to Q24.)

88 Don't know/Refused (Skip to Q24.)

23. In the last 30 days prior to this accident, about how many total hours did the driver operate ATVs? (Write in number.) (Round to nearest half-hour.)

_____ Hours (Skip to Q30.)

88 Don't know/Refused

If Don't know/Refused:

→ Which of the following ranges would it be closest to? (Read list.)

01 Less than 10 hours (Skip to Q30.)

02 10 to less than 50 hours (Skip to Q30.)

03 50 to less than 100 hours (Skip to Q30.)

04 100 hours or greater (Skip to Q30.)

88 Don't know/Refused (Skip to Q30.)

24. Prior to this accident, in how many of the last 12 months did the driver operate any ATV?
(Write in number.)

_____ Months

00 Zero months (Did not operate ATV in last 12 months) (Skip to Q30.)

88 Don't know/Refused

25. In the last 30 days before this accident, about how many days did the driver operate any ATV? (Write in number.)

_____ Days

00 Zero days (Did not operate ATV in last 30 days) (Skip to Q28.)

88 Don't know/Refused (Skip to Q28.)

26. On an average day of driving in the last 30 days before this accident, about how many hours did the driver spend actually operating any ATV (as opposed to transporting the ATV to the riding site, loading, or refueling, etc.)? (Write in number.) (Round to nearest half-hour.)

_____ Hours

88 Don't know/Refused (Skip to Q28.)

27. Based on what you told me, the driver operated ATVs _____ (Calculate Q25 times Q26 and insert in blank.) hours in the last 30 days before this accident. Is this about average for the months the driver operated ATVs in the last 12 months prior to this accident?

0 No

1 Yes (Skip to note before Q29.)

8 Don't know/Refused

28. In the last 12 months prior to this accident, about how many hours did the driver operate ATVs in an average month in which the driver operated ATVs? (Write in number.) (Round to nearest half-hour.)

_____ Hours

88 Don't know/Refused

If Don't know/Refused:

→ Which of the following ranges would it be closest to? (Read list.)

01 Less than 5 hours

02 5 to less than 10 hours

03 10 to less than 15 hours

04 15 to less than 25 hours

05 25 to less than 50 hours

06 50 hours or greater

88 Don't know/Refused

Note to interviewer: Ask Q29 only if the response to Q24 is "Don't know/Refused." Otherwise, skip to Q30.

29. In the last 12 months prior to this accident, about how many total hours did the driver operate ATVs? (Write in number.) (Round to nearest half-hour.)

_____ Hours
88 Don't know/Refused

If Don't know/Refused:

→ Which of the following ranges would it be closest to? (Read list.)

- 01 Less than 10 hours
- 02 10 to less than 50 hours
- 03 50 to less than 100 hours
- 04 100 hours or greater
- 88 Don't know/Refused

30. Now let's consider how ATVs are used. During the past year, did the driver operate ATVs for any of the following non-recreational purposes? (Read list.) (Circle a response for each part—a through d.)

	<u>Yes</u>	<u>No</u>	<u>Don't Know/ Refused</u>
a. Farming or ranching	1	2	8
b. Other business or occupational tasks (excluding farming or ranching)	1	2	8
c. Household chores such as yard or garden work	1	2	8
d. Any other non-recreational purposes	1	2	8

If yes to "Any other non-recreational purposes":

→ What is it? Specify _____

Note to interviewer: If responses to all parts of Q30 are No or Don't Know/Refused, skip to Q32.

31. For every 10 hours the driver operated ATVs during the past year, about how many hours did the driver operate ATVs for non-recreational purposes? (Write in number.) (Round to nearest half-hour.)

_____ Hours
88 Don't know/Refused

32. Now I am going to ask you about clothing. When the accident happened, was the driver wearing any special clothing such as a helmet, goggles, gloves, or ankle-length boots?
- 0 No
- 1 Yes (Circle all that apply.)
- 01 Helmet
 - 02 Goggles
 - 03 Gloves
 - 04 Ankle-length boots
 - 77 Other → Specify _____
- 8 Don't know/Refused
33. Thinking about helmet use, for every 10 hours the driver operated ATVs during the past year, about how many hours did the driver wear a helmet? (Write in number.) (Round to nearest half-hour.)
- _____ Hours
- 88 Don't know/Refused
34. During the past year, did the driver carry passengers while operating ATVs?
- 1 Yes
- 2 No (Skip to Q36.)
- 8 Don't know/Refused (Skip to Q36.)
35. For every 10 hours the driver operated ATVs during the past year, about how many hours did the driver carry passengers? (Write in number.) (Round to nearest half-hour.)
- _____ Hours
- 88 Don't know/Refused
36. How did the driver learn to operate ATVs? (Read list.) (Circle all that apply.)
- 1 Organized training program
- What was the name of the training organization? Specify _____
- Was the organized training program arranged through the dealer as part of the purchase?
- 00 No
 - 01 Yes
 - 88 Don't know/Refused
- 2 Trained by ATV dealer or salesman
- 3 Friend or relative
- 4 Self-taught
- 5 Watched a training video
- 7 Other → Specify _____
- 8 Don't know/Refused

Note to interviewer: If there were no passengers (that is, Q6 is one), skip to note before Q49.

Ask questions 37-48 about the passenger(s) on the ATV, whether or not the injured person was the passenger. If respondent was the passenger, change the words "the passenger" to "you" wherever appropriate. If respondent is the parent or guardian of the passenger, change the words "the passenger" to "your child" wherever appropriate.

Note to interviewer: If there was one passenger (Q6 is two), read: I have a few questions about the passenger on the ATV at the time of the accident.

Note to interviewer: If there was more than one passenger (Q6 is three or more), read: I have a few questions about the passengers on the ATV at the time of the accident. Now, let's talk about the first passenger.

37. What is the age of the passenger who was riding the ATV when the accident occurred?
(Write in number.)

____ Years

888 Don't know

38. Is the passenger female or male?

0 Female

1 Male

8 Don't know/Refused

39. About how tall is the passenger? (Write in number.)

____ Feet

____ Inches

88 Don't know/Refused

40. About how much does the passenger weigh? (Write in number.)

____ Pounds

888 Don't know/Refused

41. When the accident happened, was the passenger wearing any special clothing such as a helmet, goggles, gloves, or ankle-length boots?

0 No

1 Yes → (Circle all that apply.)

01 Helmet

02 Goggles

03 Gloves

04 Ankle-length boots

77 Other → Specify _____

8 Don't know/Refused

42. Where was the passenger seated? (Read list.)
- 1 In front of the driver
 - 2 In back of the driver
 - 7 Somewhere else → Specify _____
 - 8 Don't know/Refused

Note to interviewer: If there was only one passenger (Q6 is two), skip to note before Q49.

Read: Now let's talk about the second passenger.

43. What is the age of the second passenger? (Write in number.)
- ____ Years
- 888 Don't know
44. Is the second passenger female or male?
- 0 Female
 - 1 Male
 - 8 Don't know/Refused
45. About how tall is the second passenger? (Write in number.)
- ____ Feet
- ____ Inches
- 88 Don't know/Refused
46. About how much does the second passenger weigh? (Write in number.)
- ____ Pounds
- 888 Don't know/Refused
47. When the accident happened, was the second passenger wearing any special clothing such as a helmet, goggles, gloves, or ankle-length boots?
- 0 No
 - 1 Yes → (Circle all that apply.)
 - 01 Helmet
 - 02 Goggles
 - 03 Gloves
 - 04 Ankle-length boots
 - 77 Other → Specify _____
 - 8 Don't know/Refused
48. Where was the second passenger seated? (Read list.)
- 1 In front of the driver
 - 2 In back of the driver
 - 7 Somewhere else → Specify _____
 - 8 Don't know/Refused

Read: Earlier you told me how the accident happened. I would like to review some of the details.

49. At the time of the accident, what was the ATV being used for? (Read list.)
- 1 General recreation
 - 2 Hunting or fishing
 - 3 Farming or ranching
 - 4 Other business or occupational tasks (excluding farming or ranching)
 - 5 Household chores such as yard or garden work
 - 6 Organized events such as racing
 - 7 Other → Specify _____
 - 8 Don't know/Refused
50. On the day of the accident, how long had the driver been operating the ATV involved in the accident before the accident happened? (Write in number.)
- _____ Minutes
- _____ Hours
- 88 Don't know/Refused
51. Did the accident occur on private property or on public property?
- 0 Private property
 - 1 Public Property
 - 8 Don't know/Refused
52. Did the accident occur on a road?
- 0 No
 - 1 Yes
 - Was the driver... (Read list.)
 - 00 Driving on the road
 - 01 Crossing the road
 - 88 Don't know/Refused
 - Was it a... (Read list.)
 - 01 Public road
 - 02 Private road
 - 88 Don't know/Refused
 - Was it... (Read list.)
 - 01 Unpaved (Skip to Q54.)
 - 02 Paved (Skip to Q55.)
 - 88 Don't know/Refused (Skip to Q54.)
 - 8 Don't know/Refused

53. What type of terrain did the accident occur on? (Read list.)
- 1 Cultivated field, pasture, or range
 - 2 Forest or woods
 - 3 Yard or lawn
 - 4 Desert or sand dunes
 - 7 Other → Specify _____
 - 8 Don't know/Refused
54. Was the ground surface grass, dirt, sand, gravel or stones, paved, or something else?
- 1 Grass
 - 2 Dirt
 - 3 Sand
 - 4 Gravel or stones
 - 5 Paved
 - 7 Other → Specify _____
 - 8 Don't know/Refused
55. Were there surface irregularities such as potholes, ruts, or bumps?
- 0 No
 - 1 Yes
 - Specify (Circle all that apply.)
 - 01 Potholes
 - 02 Ruts
 - 03 Bumps
 - 77 Other → Specify _____
 - 88 Don't know/Refused
 - 8 Don't know/Refused
56. Was there a surface covering such as water, snow, ice, leaves, or something else?
- 0 No
 - 1 Yes
 - What was the covering? (Circle all that apply.)
 - 01 Water → Specify (e.g., Puddle, stream, etc.) _____
 - 02 Snow
 - 03 Ice
 - 04 Leaves
 - 77 Other → Specify _____
 - 88 Don't know/Refused
 - 8 Don't know/Refused

57. When the accident occurred, was the ATV on level ground, facing uphill, downhill, across the hill, or at the crest of a hill?
- 1 Level ground
 - 2 Uphill
 - 3 Downhill
 - 4 Across the hill
 - 5 Crest of hill
 - 8 Don't know/Refused
58. At the time of the accident, was the ATV travelling forward, backward, or not moving at all?
- 1 Forward
 - 2 Backward
 - 3 Not moving at all (stopped) (Skip to Q67.)
 - 7 Other → Specify _____
 - 8 Don't know/Refused
59. When the accident happened, was the ATV beginning to move, speeding up, slowing down, stopping, or being driven at a constant speed?
- 1 Beginning to move (starting up)
 - 2 Speeding up
 - 3 Slowing down
 - 4 Stopping
 - 5 Being driven at a constant speed
 - 8 Don't know/Refused (Skip to Q61.)
60. Did the driver intend to do this (start, speed up, slow down, stop, or ride at a constant speed)?
- 0 No
 - 1 Yes
 - 8 Don't Know/Refused
61. About how fast was the ATV going at the time of the accident? (Write in number.)
 _____ Miles per hour
 888 Don't know/Refused

Note to interviewer: Ask Q62 only if Q8 indicates that the ATV has "4-wheel drive." Otherwise, skip to Q63.

62. What speed range was the ATV in? (Read list.)
- 1 High
 - 2 Low
 - 3 Superlow
 - 8 Don't know/Refused

63. Did the ATV hit an obstacle such as a bump, a tree, or a vehicle?

0 No (Skip to Q65.)

1 Yes

→ Was it... (Read list.) (Describe size and shape.)

01 Ground irregularity (bump, rut, series of ruts)

02 Stationary object (tree, fence)

03 Moving object (ATV, vehicle, person, animal)

04 Other moving object hit ATV

77 Other

8 Don't know/Refused (Skip to Q65.)

64. Did the ATV hit a second obstacle?

0 No

1 Yes

→ Was it... (Read list.) (Describe size and shape.)

01 Ground irregularity (bump, rut, series of ruts)

02 Stationary object (tree, fence)

03 Moving object (ATV, vehicle, person, animal)

04 Other moving object hit ATV

77 Other

8 Don't know/Refused

65. Again, when the accident happened was the driver trying to swerve or make a turn?
- 0 No
 - 1 Yes
 - Was the driver turning on a curved path, swerving to avoid something, or turning for some other reason?
 - 00 On a curved path
 - 01 Avoiding something
 - 77 Other → Specify _____
 - 88 Don't know/Refused
 - 8 Don't know/Refused
66. Did the driver apply the brakes right before the accident?
- 0 No
 - 1 Yes
 - Why? (Read list.)
 - 01 To avoid hitting something
 - 02 To slow down or stop
 - 77 Other → Specify _____
 - 88 Don't know/Refused
 - 8 Don't know/Refused
67. Did any rider's foot contact the ground to balance the ATV (or for any other reason) at the time of the accident?
- 0 No
 - 1 Yes
 - Whose foot?
 - 01 Driver
 - 02 Passenger
 - 03 Both
 - 88 Don't know/Refused
 - 8 Don't know/Refused
68. Did any rider's foot contact the rear wheel of the ATV?
- 0 No
 - 1 Yes
 - Whose foot?
 - 01 Driver
 - 02 Passenger
 - 03 Both
 - 88 Don't know/Refused
 - 8 Don't know/Refused

69. When you think back about the accident, would you say the first event in the sequence was:
 hitting an obstacle, turning, driving on a slope, or something else?
 1 Hitting an obstacle
 2 Turning
 3 Driving on a slope
 7 Something else → Specify _____
 8 Don't know/Refused
70. Did the ATV tip (one or more wheels leave the ground) during the accident sequence?
 0 No (Skip to Q74.)
 1 Yes
 → In what direction did the ATV tip--right, left, forward, or backward?
 01 Right
 02 Left
 03 Forward
 04 Backward
 77 Combination → Specify _____
 88 Don't know/Refused
 8 Don't know/Refused (Skip to Q74.)
71. Did the ATV overturn during the accident sequence?
 0 No (Skip to Q73.)
 1 Yes
 → In what direction did the ATV overturn--right, left, forward, or backward?
 01 Right
 02 Left
 03 Forward
 04 Backward
 77 Combination → Specify _____
 88 Don't know/Refused
 8 Don't know/Refused (Skip to Q73.)
72. Did you/your child/the injured person roll with the ATV as it overturned?
 0 No
 1 Yes
 8 Don't know/Refused
73. Did the tip or overturn occur prior to, during, or after the injury?
 0 Prior to the injury
 1 During the injury
 2 After the injury
 8 Don't know/Refused

74. *Were you/was your child/was the injured person thrown, or did you/your child/the injured person fall or jump from the ATV during the accident?*

0 No

1 Yes

→ Specify

01 Thrown

02 Fall

03 Jump

77 Other → Specify _____

88 Don't know/Refused

8 Don't know/Refused

75. *Did the ATV land on, run over, or contact any part of your/your child's/the injured person's body?*

0 No

1 Yes

8 Don't know/Refused

76. *At the time of the accident, was the driver doing any maneuver such as jumping, wheelies, or racing?*

0 No

1 Yes

→ Specify (Circle all that apply.)

01 Jumping

02 Wheelies

03 Racing

77 Other → Specify _____

88 Don't Know/Refused

8 Don't know/Refused

81. *Do you/does your child/does the injured person have a job?*
 0 No (Skip to Q83.)
 1 Yes
 8 Don't know/Refused (Skip to Q83.)
82. *As a result of this accident, did you/your child/the injured person miss any days of work?*
 0 No
 1 Yes
 → How many days? (Write in number.)
 _____ Days
 88 Don't know/Refused
 → *Are you/is your child/is the injured person still unable to work, as a result of this accident?*
 00 No
 01 Yes
 88 Don't know/Refused
 8 Don't know/Refused
83. *Do you/does your child/does the injured person attend school?*
 0 No (Skip to Q85.)
 1 Yes
 8 Don't know/Refused (Skip to Q85.)
84. *As a result of this accident, did you/your child/the injured person miss any days of school?*
 0 No
 1 Yes
 → How many days? (Write in number.)
 _____ Days
 88 Don't know/Refused
 → *Are you/is your child/is the injured person still unable to attend school, as a result of this accident?*
 00 No
 01 Yes
 88 Don't know/Refused
 8 Don't know/Refused

87. Which of the following activities do the labels warn against? (Read list.) (Circle a response for each part—a through l.) (Have the respondent answer without consulting any documents or the ATV itself.)

	<u>Yes</u>	<u>No</u>	<u>Don't Know/ Refused</u>
a. Carrying passengers	1	2	8
b. Driving on public roads	1	2	8
c. Driving on paved surfaces	1	2	8
d. Driving without a helmet	1	2	8
e. Touching the hot engine	1	2	8
f. Riding too fast	1	2	8
g. Drug and alcohol use while operating an ATV	1	2	8
h. Stunt riding	1	2	8
i. Smoking and riding	1	2	8
j. Wearing soft-soled shoes	1	2	8
k. The use of an adult-sized ATV (engine size greater than 90 cc) when under age 16	1	2	8
l. The use of an ATV with engine size between 70 cc and 90 cc when under age 12	1	2	8

88. Did the driver involved in this accident take any medication or drugs prior to the accident? (If helpful, remind respondent that names are never associated with this survey.)

0 No

1 Yes → Specify _____

8 Don't know/Refused

89. Did the driver have any alcoholic beverage prior to the accident? (If helpful, remind respondent that names are never associated with this survey.)

0 No

1 Yes → Specify _____

8 Don't know/Refused

Thank you very much for your cooperation in this effort to prevent others from having these accidents.