

## **Exhibit Number: 5**

**The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned.**

**A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.**



EXHIBIT 3  
DATE 2-1-05  
# 057

...contains important



**WARNING**

This ...ent by anyone ... years of age.

IT-1162 3-3

5-199-11

EBU0043B

**WARNING**

Improper ATV use can result in SEVERE INJURY or DEATH.



**ALWAYS USE AN APPROVED HELMET AND PROTECTIVE GEAR**



**NEVER USE ON PUBLIC ROADS**



**NEVER CARRY PASSENGERS**



**NEVER USE WITH DRUGS OR ALCOHOL**

**NEVER operate:**

- without proper training or instruction.
- at speeds too fast for your skills or the conditions.
- on public roads-a collision can occur with another vehicle.
- with a passenger-passengers affect balance and steering and increase risk of losing control.

**ALWAYS:**

- use proper riding techniques to avoid vehicle overturns on hills and rough terrain and in turns.
- avoid paved surfaces-pavement may seriously affect handling and control.

**LOCATE AND READ OWNER'S MANUAL. FOLLOW ALL INSTRUCTIONS AND WARNINGS.**  
(For replacement manual, call 1-800-532-1558)



YAMAHA MOTOR CO., LTD.

PRINTED ON RECYCLED PAPER

PRINTED IN JAPAN  
2002.06-7.8x1 CR  
(E)

## IMPORTANT NOTICE

This machine is designed and manufactured for OFF-ROAD use only. It is illegal and unsafe to operate this machine on any public street, road or highway.

This machine complies with all applicable OFF-ROAD noise level and spark arrester laws and regulations in effect at the time of manufacture.

Please check your local riding laws and regulations before operating this machine.

AFFIX DEALER

LABEL HERE

**YFM660FR**  
**OWNER'S MANUAL**  
 ©2002 by Yamaha Motor Corporation,  
 U.S.A.  
 1st edition, May 2002  
 All rights reserved.  
 Any reprinting or unauthorized use  
 without the written permission  
 of Yamaha Motor Corporation, U.S.A.  
 is expressly prohibited.  
 Printed in Japan.  
 P/N LIT-11626-16-34

⑤

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SFE-21568-01

⑥

**DRIVE SELECT LEVER**

- Read owner's manual carefully before operating.
- ATV MUST be stopped before shifting select lever.
- Shifting into or from reverse or park is impossible without applying rear brake.

5GH-2151E-00

⑧



⑦

**▲ WARNING**

**IMPROPER TIRE PRESSURE OR OVERLOADING CAN CAUSE LOSS OF CONTROL.**

**LOSS OF CONTROL CAN RESULT IN SEVERE INJURY OR DEATH.**

**OPERATING TIRE PRESSURE :** Set with tires cold

- Recommended : FRONT : 35kPa, {0.35kgf/cm<sup>2</sup>}, 5.0psi  
 REAR : 30kPa, {0.30kgf/cm<sup>2</sup>}, 4.3psi
- Minimum : FRONT : 32kPa, {0.32kgf/cm<sup>2</sup>}, 4.6psi  
 REAR : 27kPa, {0.27kgf/cm<sup>2</sup>}, 3.9psi
- Never set tire pressure below minimum. It could cause the tire to dislodge from the rim.

**LOADING/TRAILER TOWING**

- Cargo or a trailer can affect stability and handling. Read owner's manual before loading or towing.
- When loading with cargo or towing a trailer : Reduce speed and allow more room to stop. Avoid hills and rough terrain.
- Maximum Vehicle Load : 220kg, (485 lbs) Includes weight of operator, cargo and accessories (and if applicable, trailer tongue weight).

SKM-21696-00

**! SAFETY INFORMATION**

**AN ATV IS NOT A TOY AND CAN BE HAZARDOUS TO OPERATE.** An ATV handles differently from other vehicles including motorcycles and cars. A collision or rollover can occur quickly, even during routine maneuvers such as turning and riding on hills or over obstacles, if you fail to take proper precautions.

SEVERE INJURY OR DEATH can result if you do not follow these instructions:

- Read this manual and all labels carefully and follow the operating procedures described.
- Never operate an ATV without proper training or instruction. **Take a Training Course.** Beginners should receive training from a certified instructor. Contact an authorized ATV dealer or call 1-800-887-2887 to find out about the training courses nearest you.
- Always follow the age recommendation:
  - A child under 16 years old should never operate an ATV with engine size greater than 90cc.
- Never allow a child under age 16 to operate an ATV without adult supervision, and never allow continued use of an ATV by a child if he or she does not have the abilities to operate it safely.
- Never carry passenger on an ATV.
- Always avoid operating an ATV on any paved surfaces, including sidewalks, driveways, parking lots and streets.
- Never operate an ATV on any public street, road or highway, even a dirt or gravel one.

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**BE CAREFUL WHERE YOU RIDE**

This machine is designed for off-road use only. Riding on paved surfaces can cause loss of control.

**! WARNING**

**POTENTIAL HAZARD**

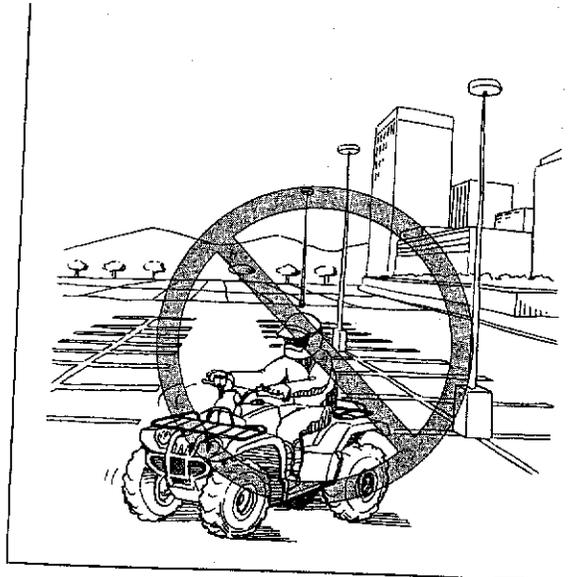
Operating this ATV on paved surfaces.

**WHAT CAN HAPPEN**

ATVs are designed for off-road use only. Paved surfaces may seriously affect handling and control of the ATV, and may cause the vehicle to go out of control.

**HOW TO AVOID THE HAZARD**

Always avoid paved surfaces, including sidewalks, driveways, parking lots and streets.



Do not ride on a way. Riding on public with other vehicl

**! POTENTIAL HAZARD**

Operating this roads or highw

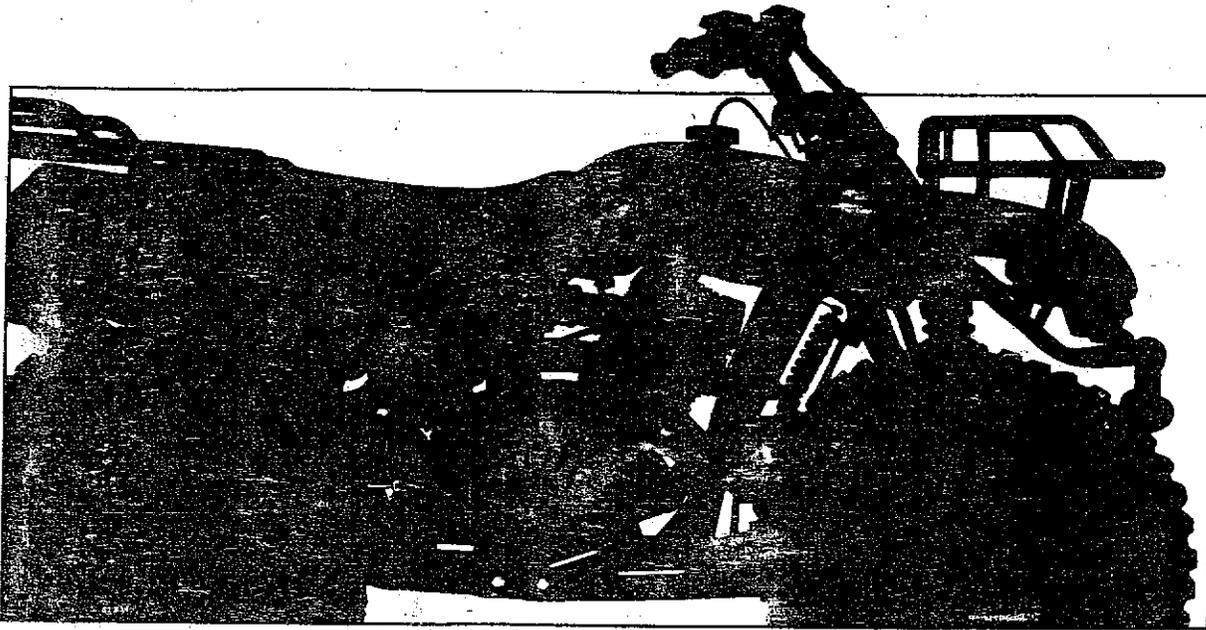
**WHAT CAN HA**  
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**HOW TO AVOID**  
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# YAMAHA

## TIPS AND PRACTICE GUIDE FOR THE ATV RIDER



LIT-11626-15-48

4GB-2819T-11

### *The All-Terrain Vehicle (ATV)*

Knowing all you can about your ATV and the places you can ride is good preparation for safe and enjoyable riding.

Remember, ATVs are intended for off-road use only. Never operate an ATV on public roads, and always avoid paved surfaces. ATVs are not designed to be used on paved surfaces because pavement may seriously affect handling and control.

ATVs are different from other vehicles, as well as from one another. The following is a list of some differences among ATVs:

- Handling characteristics among ATVs vary depending upon their basic design and how they are equipped.
- Most ATVs have front and rear brakes, while some may have linked brakes. Be sure to learn the recommended stopping techniques for your machine.

- There are ATVs with electric starters, kick-starters, and pull starters.
- There are liquid-cooled ATVs and air-cooled ATVs.
- Some ATV transmissions have automatic clutches; some have hand-operated clutches; some transmissions are fully automatic.
- Some ATVs have a reverse gear.
- Most ATVs have solid drive axles and some have differentials.
- Some ATVs have two-wheel drive, and some have four-wheel drive.
- Some ATVs have chain drives, others have shaft drives.
- Most throttles are controlled by pushing a thumb lever next to the handgrip; others may be controlled by twisting a handgrip.
- Controls and their locations differ from one ATV model to another.



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## All Terrain Vehicle (ATV) Accidents on the Rise

May 2004

In 2002, ATV crashes resulted in 357 fatalities and 113,900 injured riders. The number of fatalities is up by 67% from 1997. The number of injured riders more than doubled in the same time period. Sadly, 33% of injured riders since 1992 have been under the age of 12. Children under the age of 12 have accounted for 14% of fatalities.

In 2003, the Consumer Product Safety Commission (CPSC) began hearings to find out why All Terrain Vehicle (ATV) accidents in the United States have risen.

Consider the following:

- Injuries sustained in an ATV accident are fatal to children 12 times more than injuries from bicycle accidents.
- ATVs generate more injuries and deaths than snowmobiles or personal watercraft.

The National Highway Traffic Safety Administration (NHTSA) is not required to regulate ATVs. Neither are the states, and in fact, only 20% of states require helmets and only slightly more (27%) require that operators of ATVs have a driver's license.

West Virginia has the highest ATV fatality rate per capita and after 7 years of debate, has yet to pass a single regulation for ATVs. In 1990, West Virginia has averaged 15 deaths per year from ATV use. There were 27 deaths in 2003.

Some experts believe manufacturers aren't doing enough to prevent their product from causing injuries and death. In fact, as injuries and fatalities continue to increase, the ATV industry has rolled out ATVs with higher speeds and quicker acceleration. Some advocates also point to the fact that ATV manufacturers are marketing ATVs to entire families - adults and children alike with the dangers of ATVs.

Source:

Fialka, John J. "As ATVs Take Off in Sales, Death and Injuries Mount". The Wall Street Journal. 10 February 2004.

## **. SPIRALING ATV DEATHS AND INJURIES INDICT INDUSTRY'S VOLUNTARY APPROACH TO SAFETY**

### **U.S. Consumer Product Safety Commission Must Act Now to Protect Millions of Consumers**

For immediate release

Rachel Weintraub, Consumer Federation of America, 202-939-1012

Scott Kovarovics, Natural Trails and Waters Coalition, 202-429-2696 / 202-320-9171 (cell)

Alix Rauschman, Natural Trails and Waters Coalition, 202-429-2672

Jack Gillis, Consumer Federation of America, 202-737-0766

June 5, 2003

**Morgantown, WV** - Today, in response to the rising tide of injuries and deaths related to all-terrain vehicles (ATVs), the U.S. Consumer Product Safety Commission (CPSC) is holding a field hearing to gather additional input on this growing public health epidemic. Consumer advocates, doctors, and conservation groups are urging the Commission to take proactive steps to better protect consumers - particularly children. They are also calling on CPSC to break the ATV industry's grip on critical safety information that is being withheld from the public.

"The history of ATVs in the United States proves that the current approach - the industry's self-regulating approach - to safety is not working," stated Rachel Weintraub, Assistant General Counsel at Consumer Federation of America. "CPSC's own data illustrates that CPSC and the states must act now to end this hidden epidemic by moving aggressively to protect young children from the dangers posed by adult-size ATVs," she continued.

#### **Industry's Voluntary Approach to Safety is Failing:**

The ATV industry assumed a voluntary approach to safety in 1998. This approach relies almost exclusively on recommendations not to sell large ATVs for use by children, warning labels and tiny print in advertisements to communicate critical safety information, and optional safety training for purchasers of new ATVs.

Earlier this year, CPSC issued the latest in a long line of studies documenting the dramatic increase in ATV injuries and deaths. In assessing trends since the voluntary approach began (1997 through 2001), the Commission provides compelling evidence that it is failing to protect consumers. CPSC concludes:

- ATV-related injuries requiring emergency room treatment increased 104 percent from 54,700 to 111,700;
- Injuries suffered by children under 16 increased 56 percent to more than 33,000 in 2001;
- Injuries caused by bigger and more powerful ATVs, defined by the Commission as machines with engines bigger than 400 cc, shot up 567 percent from 3,662 to 24,437; and
- The ATV industry's contention that rising injuries can be explained by the significant growth in the number of ATVs, hours driven, and drivers is not supported by the evidence.

While these findings speak for themselves, the Consumer Federation and Natural Trails performed additional analysis of data from 2001 - not previously released by the Commission - which cements the conclusion that core elements of the industry's voluntary approach are ineffective. For example:

- Less than four percent of injured ATV drivers received formal safety training from a dealer, salesperson or organized training program. This proportion is unchanged since 1997;
- More than 40 percent of drivers injured in 2001 stated that their ATV did not have warning labels or they did not know if it did at the time of the accident; and
- Nearly 90 percent of children under 16 were injured while riding adult-size ATVs in spite of the industry's voluntary policy not to sell these machines for use by children. This proportion is also unchanged since 1997.

#### **Doctors See Emergency Room Cases Daily and Call for Action:**

Pediatricians, surgeons, and nurses on the front lines in emergency rooms and local offices are sounding the alarm and calling on the Commission to act to better protect children from the threats posed by ATVs. "Since 1998, the number of children who have been injured in ATV accidents has more than tripled. Not only have the numbers increased, but the injuries are more severe and often result in death," said Dr. Jeffrey Upperman MD, Pediatric Trauma Surgeon at Children's Hospital of Pittsburgh. "Pennsylvania ranks third in the nation for ATV-related deaths among children under the age of 16. This rapidly increasing trend is leaving many children without a future," he concluded.

"As ATV-related injuries and deaths continue to rise disproportionately in children under 16 years of age, we are approaching the same crisis situation we found ourselves in 1988 with three-wheelers. It is our responsibility as parents, physicians, and ATV dealers and manufacturers to ensure the safety of our children," said Dr. Rebecca Brown MD, Assistant Director of Trauma Services at Cincinnati Children's Hospital Medical Center. "We should support the recommendations set forth by the American Academy of Pediatrics and American Academy of Orthopaedic Surgeons that children under 16 years of age not ride 'adult-sized' ATVs under any circumstance and ban the sale of 'adult-size' ATVs for use by children under 16."

**ATV Industry is Withholding Critical Safety Information:**

The growing number of serious injuries and deaths caused by ATVs is alarming and proves that the industry's voluntary approach to safety is failing to protect consumers. However, this is only half of the picture. The large population of ATV drivers, which the Commission conservatively estimates totaled more than 16 million in 2001, is at risk of serious injury or death. Unfortunately, the Commission, as a condition of receiving this important information from the ATV industry, can not release the data to the public. The industry appears not to want the public to know how many riders don't know if their ATV has warning labels or the reasons that more than 90 percent of all riders do not receive safety training from a dealer or organized program.

"As the Commission meets today to examine the explosive growth of injuries and deaths caused by ATVs, the ATV industry is withholding critical information about its voluntary approach to safety," said Scott Kovarovics, Director of the Natural Trails and Waters Coalition. "This information is key to understanding how many more riders may end up in the emergency room or the morgue following an ATV crash."

Commission analysis, on-going medical research, and other evidence prove that the ATV industry's voluntary approach to safety is failing and must be replaced with a proactive safety initiative implemented by CPSC. Consumer advocates, doctors, and conservation groups are urging the Commission to prohibit the sale of large ATVs for use by children under age 16. As part of a multi-tiered response involving states, parents and industry, the Commission should act immediately to better protect children from this persistent public health problem.

For additional background information, please visit:

<http://www.naturaltrails.org/issues/ATVSafety/index.html> and <http://www.consumerfed.org/>

## **Bluewater Network \* Consumer Federation of America \* Natural Trails and Waters Coalition**

### **2003 Is Another Record-Breaking Year for Serious ATV Injuries and Deaths**

**Federal Consumer Watchdog Agency Failing to Respond to Crisis or Demonstrate National Leadership**

FOR IMMEDIATE RELEASE

January 27, 2005

CONTACT:

Scott Kovarovics (NTWC)

(202) 429-2696

Rachel Weintraub (CFA)

(202) 939-1012

Sean Smith, (BWN)

(415) 544-0790 x. 19

Washington, DC - A report released yesterday by the U.S. Consumer Product Safety Commission (CPSC) estimates that all-terrain vehicles (ATVs) caused 125,500 injuries requiring emergency room treatment in 2003 - representing the second consecutive record-breaking year. The CPSC also estimates that ATV-related deaths were the highest ever, rising to a minimum of 621 in 2002. Children under age 16 continued to suffer more injuries than any other age group.

"The continuous increase in deaths and injuries caused by ATVs has created a public health crisis in the United States which demands a serious and aggressive solution by CPSC and state governments," said Rachel Weintraub, Assistant General Counsel of Consumer Federation of America. "At a minimum, CPSC must take strong steps to ensure that children are not riding adult-size ATVs."

"The number of children treated for ATV-related injuries at Children's Hospital of Pittsburgh has more than tripled since 1998," said Jeffrey Upperman, MD, a surgeon at Children's. "Young children don't have the cognitive skills, size or strength to safely drive these vehicles, and often their injuries are more severe because they're not wearing proper safety equipment, such as a helmet. Tragically, these injuries can be so severe that we have seen several children killed in recent years."

Major findings of the CPSC 2003 Annual Report on All-Terrain Vehicle (ATV)-Related Deaths and Injuries include:

- Serious injuries requiring emergency room treatment increased 10 percent from 113,900 in 2002 to 125,500 in 2003.
- The estimated number of ATV-related fatalities increased from 609 in 2001 to 621 in 2002 - another gruesome record.
- In 2003, ATVs killed at least 111 children younger than 16 accounting for 27 percent of all fatalities.
- Children under 16 suffered 38,600 serious injuries in 2003 - or 31 percent of all injuries. This age group received more serious injuries than any other.
- Between 1985 and 2003, children under 16 accounted for 37 percent of all injuries.

The release of the 2003 injury data has been delayed by CPSC for months. Historically, these reports were issued in the late spring or early summer of the following year. However, 2002 data was not released until late October 2003 and CPSC did not release any national data in 2004. The problem extends beyond failing to provide important safety information in a timely fashion. When the Washington Post asked Chairman Hal Stratton about what the Commission plans to do to address the ATV problem, he explained that "he was waiting for someone to tell him what to do." ("Critics Doubt Safety Chief's Priorities: Agency Chairman Called Soft on Manufacturers," October 30, 2004, p. E1 and E2)

"As serious injuries mount and parents seek up-to-date information to make potentially life and death decisions, CPSC can not even do something as simple as release basic safety facts on time," said Scott Kovarovics, Director of the Natural Trails and Waters Coalition. "If Chairman Stratton wants advice about what to do, he and CPSC can start leading a national response to this crisis today."

The 2003 CPSC report comes nearly two and one half years after a coalition of medical, consumer and conservation groups, including Consumer Federation of America, American Academy of Pediatrics, Bluewater Network, and National Association of Orthopaedic Nurses, formally petitioned CPSC to issue a federal rule that would bar the sale of adult-size ATVs (defined by industry and CPSC as vehicles with engines larger than 90 cc) for use by children under age 16. Although the Commission held field hearings in West Virginia, Alaska and New Mexico in 2003, it has failed to move aggressively to address this problem or to respond to the petition in a substantial way.

"The CPSC's latest ATV safety numbers once again provide stark evidence of the mounting carnage, as well as industry's continued failure to stem the tragedy. How many more will have to suffer before CPSC takes action?" said Sean Smith, Public Lands Director at Bluewater Network.

*Consumer Federation of America is a non-profit association of 300 consumer groups, with a combined membership of more than 50 million people. CFA was founded in 1968 to advance the consumers' interest through advocacy and education. [www.consumerfed.org](http://www.consumerfed.org)*

*Natural Trails and Waters Coalition includes more than 100 conservation, recreation and other groups working to protect and restore all public lands and waters from the damage caused by snowmobiles, all-terrain vehicles, dirt bikes, jet skis and all other off-road vehicles. [www.naturaltrails.org](http://www.naturaltrails.org)*

*Bluewater Network is a national organization aggressively confronting the root causes of climate change and fighting environmental damage from the shipping, oil, and motorized recreation industries. [www.bluewaternet.org](http://www.bluewaternet.org)*