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FOR IMMEDIATE RELEASE

**DEFECTIVE ATV DESIGN, ROLLOVER RESULTING IN SERIOUS INJURY**  
**TO SHERIDAN BOY SPURS LAWSUIT AGAINST YAMAHA**

LITTLE ROCK – Due to a defective design that causes Yamaha’s Rhino all-terrain vehicle to easily roll over and cause serious injury, Little Rock law firm Clark Mason Attorneys has filed suit against the corporation on behalf of a Sheridan boy whose arm was nearly amputated in a severe rollover accident earlier this year.

The Yamaha Rhino 660 has been plagued by rollovers and serious injuries to its riders all across the country since its introduction to the Yamaha line in 2004. In August 2007, after numerous incidences of rollovers involving the Rhino had occurred, Yamaha offered to retrofit 2004 to 2007 Rhino models with side doors to help protect occupants’ arms and legs outside the vehicle during a rollover.

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Now the injuries to Arkansans are beginning to come to light as well, and Clark Mason Attorneys is representing one of those injured: a 13-year-old boy from outside Sheridan whose arm was nearly amputated, and ultimately left permanently disfigured when the Rhino rolled over during a slow turn.

The two-seater ATV, called a side-by-side, is critically prone to rolling over even during slow turns on flat surfaces because of a design that leaves it top-heavy and too narrow, victims across the nation have alleged.

These design defects make the Rhino dangerously unstable, according to Brendan T. Monaghan, one of the attorneys at Clark Mason Attorneys representing Micah Seth Dugal of Sheridan. He and his mother Paula Spence and father Rodney Dugal are suing Yamaha alleging the manufacturer, designers, developers and engineers who created the Rhino could easily have prevented such accidents by using a safer design for the ATV.

On March 13, 2006, Seth was driving a 2005 Rhino on his family's property outside Sheridan.. In Arkansas, minors are allowed to operate an ATV with adult supervision. An adult passenger was present the day of Seth's accident. Seth was turning the Rhino on a dirt road when the vehicle rolled over, crushing his left arm, and causing a "degloving" injury that literally stripped all the skin and muscles from his arm, leaving him without full use of his arm and without use of his hand. Even after immediate intervention from physicians at Arkansas Children's Hospital and multiple surgeries, Seth's arm remains extensively damaged and scarred to this day.

Yamaha touts the Rhino as having a higher ground clearance and narrower wheelbase than many of its competitors. While such claims are advertised as structural

advantages, lawyers with Clark Mason Attorneys contend that such engineering is a major part of the reason that the side-by-side ATV is more prone to rolling over.

Yamaha itself has acknowledged problems. In September 2006 Yamaha issued a safety warning letter to its customers telling them, in part, that turning too fast or sharply increases the risk of tip over and if the Rhino “starts to tip, gradually steer in the downhill direction if there are no obstacles in your path. As you regain proper balance, gradually steer again in the direction you want to go; if you are in a situation where the vehicle is tipping over, do not put your arm or leg outside the vehicle to try to stop it.”

All this provides further evidence that Yamaha knew or should have known that its Rhinos posed serious dangers to its customers because of a higher rollover risk, according to lawsuits filed all across the country.

Clark Mason agrees.

“Yamaha’s conduct, in light of the mounting evidence, injuries, amputations and deaths across the country, is inexcusable,” Mason said. “Yamaha continues to sell this product, knowing full well that innocent people will continue to suffer severe injuries such as amputation and possibly death as a result of the Rhino’s known propensity to rollover, particularly when the vehicle is being operated in what the driver innocently believes is a safe and proper manner. These tragic injuries will continue to mount, and it may take common citizens serving on juries across the country to ultimately force

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Yamaha to recall or retrofit the Rhino to stop the ever-increasing number of amputations, injuries or deaths.

“Yamaha must be held accountable for its conduct and until steps that are meaningful are taken, your friends, your neighbors, or your relatives face a life threatening and totally unacceptable risk,” said Mason.

The lawsuit on behalf of Seth and his family was filed in Grant County Circuit Court on Thursday, November 29, 2007. It seeks judgment against Yamaha and Yamaha Subsidiaries for past and future medical expenses as well as damages for pain, suffering and mental anguish and permanent scarring and disfigurement. The suit likewise seeks punitive damages because of Yamaha’s failure to take any meaningful action to correct the problem with the Rhino, despite its actual knowledge of the design problem with the Rhino and the related amputations, other severe injuries and deaths.