

Topka, Tanya L.

From: Stern, Richard L.
Sent: Friday, July 14, 2006 2:35 PM
To: Topka, Tanya L.
Cc: Schoem, Marc J.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670237A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Friday, July 14, 2006 8:49 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670237A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Thursday, July 13, 2006 4:25 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670237A

07/13/2006 15:34:32

Name = Jeff or Kariss Miller
Address = po box 4004
City = ramona
State = California
Zip = 92065
Email = 911kariss@cox.net
Telephone = 760.788.3888
Name of Victim = Greg Kaczur
Victim's Address =
Victim's City =
Victim's State = California
Victim's Zip = 92029
Victim's Telephone =

Incident Description: Victim sustained moderate chest injury/3 fractured ribs using this product and was taken to the local emergency department for treatment. Victim currently being monitored by personal physician. Please DO NOT release our information. You are welcome to phone or email for any additional info.

Victim's age at time of incident =
Victim's sex = Male
Date of incident = 07.05.2006
Product involved = Wego Inflatable Towable Kite Tube by Sportsstuff Product brand
name/manufacture = Sportsstuff/Wego Kite Tube Manufacturer street address =
1-888-814-8833 Place where manufactured (City and State or Country) = ?
Product involved still available = Yes
Product model and serial number, manufacture date = Wego Kite Tube Date product purchased
= June 2006 Name Release = Do not release name

Topka, Tanya L.

From: Stern, Richard L.
Sent: Friday, July 14, 2006 2:33 PM
To: Topka, Tanya L.
Cc: Schoem, Marc J.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670223A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Thursday, July 13, 2006 10:33 AM
To: EH-FER
Subject: FW: Internet Form Complaint - Doc #I0670223A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Thursday, July 13, 2006 8:50 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670223A

07/12/2006 18:26:40

Name = Quinn Eades
Address = 6499 N Lakeshore Dr
City = Shreveport
State = Louisiana
Zip = 71107
Email = qeades@sport.rr.com
Telephone = 318-309-8507
Name of Victim = Quinn Eades
Victim's Address = 6499 N Lakeshore Dr
Victim's City = Shreveport
Victim's State = Louisiana
Victim's Zip = 71107
Victim's Telephone = 318-309-8507

Incident Description: I was using the Wego Kite Tube on Cross Lake according to the instructions/video. I was about 15 feet off the water and wind hit the tube making it EXTREMELY unsteady. I hit the water so hard it knocked the breath out of me. I was in severe pain. We took the tube back and deflated it. I had to see a doctor twice. My doctor said I probably tore muscle or pulled the cartilage away from me ribs. This tube is highly dangerous and very unsteady. The video never states that. The manual does reference it, but to no great degree.

Victim's age at time of incident = 41
Victim's sex = Male
Date of incident = 06/08/06
Product involved = Wego Kite Tube
Product brand name/manufacturer = Sportstuff Manufacturer street address = 11213 E Cir
Suite A Place where manufactured (City and State or Country) = Omaha, NE 68137 Product
involved still available = Yes Product model and serial number, manufacture date = Date

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product purchased = 05/06 Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Stern, Richard L.
Sent: Friday, July 14, 2006 2:36 PM
To: Topka, Tanya L.
Cc: Schoem, Marc J.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670238A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Friday, July 14, 2006 8:50 AM
To: EH-FER
Subject: FW: Internet Form Complaint - Doc #I0670238A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Friday, July 14, 2006 8:47 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670238A

07/13/2006 17:02:55

Name = Stephen Dilly
Address = 2125 Palomar Trace Drive
City = Lexington
State = Kentucky
Zip = 40513-1120
Email = stevedilly@insightbb.com
Telephone = 859-223-7697
Name of Victim = Nathan Allen Dilly
Victim's Address = 2125 Palomar Trace Drive Victim's City = Lexington Victim's State =
Kentucky Victim's Zip = 40513-1120 Victim's Telephone = 859-223-7697

Incident Description: While riding a Wego kite tube, my son unexpectedly rose to a height of about 30 feet. The tube then started dipping violently from side to side, flipped completely upside down, and threw Nathan to the water with considerable force. Nathan landed on his back in the water. He was unable to take a breath for about 45-60 seconds. He had to be pulled into the boat and complained of sharp pain at the T4 vertebrae, sternum, and left flank with bruising. We called for an ambulance, which met us at the dock. Nathan was fitted with a neck brace, and strapped to a board, and taken to the hospital. Oxygen blood levels dropped into the 70's, but rose to the 90's when he was given oxygen. Fortunately, there were no broken bones. A cat scan showed blood in the kidneys. Nathan was released from the ER the same day. We followed ALL procedures to the letter when we used the tube. He, myself, and others had ridden it several times previously without incident. The day of the accident, the speed of the boat was at or below the 20 mph recommended speed. In my opinion, the tube has two serious flaws: lack of stability and lack of visibility. Please give me a call if you need any additional information. By the way, when I contacted the manufacturer, they wanted to only exchange the tube for other products. However, the dealer that sold me the tube, Stokley Marine in Nicholasville, Ky., immediately offered to give me a complete refund.

Victim's age at time of incident = 14

Victim's sex = Male

Date of incident = 7/10/2006

Product involved = Wego Kite Tube

Product brand name/manufacturer =

Manufacturer street address = 2125 Palomar Trace Drive Place where manufactured (City and State or Country) = Product involved still available = No Product model and serial number, manufacture date = Date product purchased = 6/29/06 Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Stern, Richard L.
Sent: Friday, July 14, 2006 2:35 PM
To: Topka, Tanya L.
Cc: Schoem, Marc J.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670234A - kite tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Friday, July 14, 2006 8:46 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670234A - kite tube

-----Original Message-----
From: Noble, Laura EW
Sent: Thursday, July 13, 2006 4:24 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670234A

07/13/2006 14:41:00

Name = Gigi Conway
Address = 12844 Howe Road
City = Fishers
State = Indiana
Zip = 46038
Email = mike.conway@insightbb.com
Telephone = 317-842-3897
Name of Victim = Christopher Conway
Victim's Address = 12844 Howe Road
Victim's City = Fishers
Victim's State = Indiana
Victim's Zip = 46038
Victim's Telephone = 317-842-3897

Incident Description: My son rode on a kite tube and came down with the tube, but reportedly landed on his shoulder and ended up hitting his head on something and was diagnosed with a concussion and has memory loss from that day. Seems fine now except for continued memory loss of those hours. He was seen at St Vincent Pediatric ER in Indianapolis

Victim's age at time of incident = 14
Victim's sex = Male
Date of incident = 7/9/06
Product involved = kite tube
Product brand name/manufacturer = Sportstuff Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Product model and serial number, manufacture date = Date product purchased = Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Stern, Richard L.
Sent: Friday, July 14, 2006 2:45 PM
To: Topka, Tanya L.
Cc: Schoem, Marc J.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670228A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Thursday, July 13, 2006 1:49 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670228A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Thursday, July 13, 2006 12:48 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670228A

07/13/2006 10:30:45

Name = Pam Keach
Address = 1206 Maymont Dr.
City = Murfreesboro
State = Tennessee
Zip = 37130
Email = pamelamatlock@aol.com
Telephone = 615-494-1441
Name of Victim = Corinne Neal
Victim's Address = 1206 Maymont DR.
Victim's City = Murfreesboro
Victim's State = Tennessee
Victim's Zip = 37130
Victim's Telephone = 615-494-1441

Incident Description: Middle ear trauma and perforation of ear drum resulting from Wego Kite Tube flipping in wind and crashing the victim into the water.

Victim's age at time of incident = 14
Victim's sex = Female
Date of incident = 7-2-06
Product involved = Wego Kite Tube
Product brand name/manufacturer = SportsStuff Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Yes Product model and serial number, manufacture date = Date product purchased = 6-15-06 Name Release = Release name to the manufacturer and public

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Topka, Tanya L.

From: Schoem, Marc J.
Sent: Friday, July 14, 2006 12:31 PM
To: Ingle, Robin L.
Cc: Topka, Tanya L.
Subject: RE: H0670123A -- kite tube

There supposed to be able to get a refund if that's all they will accept. I'll send this to the firm to fix.

Marc J. Schoem
Deputy Director
Office of Compliance and
Field Operations
301-504-7520 - phone
240-638-6955 - cell

-----Original Message-----

From: Ingle, Robin L.
Sent: Friday, July 14, 2006 12:30 PM
To: Schoem, Marc J.
Cc: Topka, Tanya L.
Subject: FW: H0670123A -- kite tube

Is it supposed to be the case that consumers can't get a refund from Sportsstuff if they ask for one?

-----Original Message-----

From: Information Center
Sent: Friday, July 14, 2006 9:13 AM
To: Emerging Hazards
Subject: H0670123A -- kite tube

Product description: kite tube
Brand: Wego
Model, serial #s, date of mfr: M# 53-5000, DOM unknown
Manufacturer: Sportsstuff
Distributor: unknown
Dealer: Waterriders.com Premier Pool and Spa State of incident: OR Injury description: severe headache

Consumer believes kite tube poses a risk of injury.

5'5" tall, 140lb. 16 year old son was on kite tube being pulled by a boat going approximately 15-18 MPH. Son was approximately 10-12' in the air when a gust of wind caused kite tube to become unstable. Son and kite tube began fluttering from right to left vigorously. Son fell into the water on his right side causing a bruise on his right thigh. 16 year old son also experienced soreness to his chest area and torso. Rx at home.

5'6" tall, 200lb. 13 year old son was on kite tube being pulled by boat going approximately 17-20 MPH. Youngest son was tubing on the water when a gust of wind caused him to fly approximately 4' up in the air. Son flipped down into the water. Son experienced severe headache. Rx at home.

7/9/2006 5'5", 155 lb consumer was on kite tube being pulled by a boat going

approximately 12-14 MPH. Consumer was approximately 10' in the air when the boat turned causing kite tube to become unstable and consumer to fall into the water. The impact of the water caused consumer to experience pain to her left shoulder and left side of her face. Rx at home. Consumer discontinued use of kite tube.

7/13/2006 Consumer contacted the manufacturer and explained the incident to rep., (name unknown). Rep., offered consumer packages of other manufacturer products to equal the value of the kite tube. Consumer declined offer. Consumer requested a refund. Rep., told consumer that there was nothing else they could do. Rep., also told consumer that if she wants her money back she would have to contact the dealer where she purchased the product.

7/13/2006 Consumer contacted the dealer and explained the incident to rep., (name unknown). Rep., offered consumer other products and told her that they were not offering refunds.

If you Wish to view the entire document, click on the link: file:///P:\CPSCPRIV\PDFDOCS
\IPII\2006\q3\H70123.pdf

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT [REDACTED]		2. PHONE NO. (HOME) [REDACTED] (WORK) [REDACTED]	
3. STREET ADDRESS [REDACTED]		4. CITY [REDACTED] ST [REDACTED] ZIPCODE [REDACTED]	
4a. EMAIL ADDRESS unknown		4b. INCIDENT CITY [REDACTED] ST [REDACTED] ZIPCODE [REDACTED]	
5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES 170 lb., 6' tall, son was riding the kite tube while being pulled by a jet ski, at about 30 to 35 miles per hour. Per son's - cont -			
6. DATE OF INCIDENT(S) 06/01/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 17 Y/M AND DESCRIBE INJURY see narrative		8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME not given RELATIONSHIP son
9. DESCRIPTION OF PRODUCT water kite tube		10. BRAND NAME Wego Kite Tube	
11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportstuff Inc. unknown unknown unknown unknown		12. MODEL, SERIAL #'S, DATE OF MFR M# unknown DOM unknown	
<p style="text-align: center;">ISSUE 41</p> <p style="text-align: center;">07/14/2006</p>		13. DEALER'S NAME, ADDRESS & PHONE Cope Marine unknown O'fallon, IL 618-632-6353	
		15. PRODUCT PURCHASED NEW DATE PURCHASED 02/11/2006 AGE 4 M	
14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: "adult supervision"	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES	
FOR ADMINISTRATION USE			
20. DATE RECEIVED 07/13/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670119A	
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200	
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE myg 07/13/2006	

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CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670119A

Narrative Continued

description, the tube was lifted approximately 9 to 15' in the air, where it became inverted, slamming him onto the water. Son was taken to shore. After returning home, son started coughing up blood with severe back pain.

(same day) Consumer took son Union Hospital in Terre Haute, IN, where a CT scan and an MRI was performed. Physician reviewed and son had sustained a mild concussion, bruising to lung, bruising to spleen and a possible fracture to T8 vertebra, which was later ruled out. Physician issued son with pain medication. Consumer was kept for 2 nights and was later discharged. Per physician, advised son 3 months of no contact sports.

Consumer feels the water tube presents a serious injury hazard.

Distributor Phone #:

CPSC Source: DIRECTORY

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT [REDACTED]	2. PHONE NO. (HOME) (WORK) [REDACTED] 518-696-4753
3. STREET ADDRESS [REDACTED]	4. CITY ST ZIPCODE [REDACTED]
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE [REDACTED]

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Kite tube may be under recall for CAP NR#06-210.

- cont -

6. DATE OF INCIDENT (S) 06/18/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX AND DESCRIBE INJURY 33 Y/M two compound fractures in neck	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME not given RELATIONSHIP victim
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9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego
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11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown 866-831-5524 unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# unknown, DOM unknown
	13. DEALER'S NAME, ADDRESS & PHONE unknown

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07/14/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 06/11/2006 AGE 7 D
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Unknown

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/13/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670118A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE emj 07/13/2006

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CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670118A

Narrative Continued

Consumer believes kite tube poses a risk of personal injury.

5'9" tall, 180 lb victim was riding on kite tube being pulled by a boat at approximately 30 MPH when he went up in the air (height unknown) and fell off of it. Victim landed in the water and injure his neck.

6/19/2006 The following day victim went to Evergreen Health Clinic in Corinth, NY where he was examined and treated by physician (name unknown) for a fractured neck. Physician told victim that his neck was fractured in two places.

Distributor Phone #:

CPSC Source: INTERNET

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Friday, July 14, 2006 5:29 PM
To: Blasius, Dennis R.; Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670252A - Kite Tube

Here's one of unknown brand. Shall I assign it?

-----Original Message-----

From: Topping, John C.
Sent: Friday, July 14, 2006 4:54 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670252A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Friday, July 14, 2006 1:49 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670252A

07/14/2006 09:59:52

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = Ohio
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = Ohio
Victim's Zip = 45039
Victim's Telephone = [REDACTED]

Incident Description: I was injured this past Sunday (7-9-06) while riding a Kite Tube at Norris Lake in Tennessee. During the course of riding the Kite Tube it lifted off the water, at which time I lost control of the tube itself. The Kite Tube began to swing back and forth then flipped over causing me to lose my grip on the handles. I was thrown into the water and the next thing I felt was a snap in my left knee. I have been seen by an orthopedic surgeon here locally in Cincinnati (Beacon Orthopedics), had X-rays and MRI, and discovered I suffered a torn Medial Collateral Ligament in my left knee.

Victim's age at time of incident = 39
Victim's sex = Male
Date of incident = 7-9-06
Product involved = Kite Tube
Product brand name/manufacturer = Unknown Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = No Product model and serial number, manufacture date = Date product purchased = Name Release = Release name to manufacturer only

1. NAME OF RESPONDENT [REDACTED]	2. PHONE NO. (HOME) (WORK) [REDACTED] [REDACTED]
3. STREET ADDRESS [REDACTED]	4. CITY ST ZIPCODE [REDACTED] MN 56308
4a. EMAIL ADDRESS unknown	4b. INCIDENT CITY ST ZIPCODE [REDACTED] MN 56308

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Consumer feels the kite tube presents a serious injury hazard.

- cont -

6. DATE OF INCIDENT (S) 06/27/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 17 Y/M AND DESCRIBE INJURY see narrative	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
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9. DESCRIPTION OF PRODUCT 10' kite tube	10. BRAND NAME Sportsstuff Wego Kite Tube
--------------------------------------------	----------------------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsuff Wego Kite Tube unknown unknown 866-831-5524 unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# 53-5000 DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE Stubs Marine unknown Alexandria, MN unknown
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07/14/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 06/27/2006 AGE 1 D	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown
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17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? maybe	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? NO
-------------------------------------------------------------------------------------------	-----------------------------------------------------------------	--------------------------------------------------

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/13/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670111A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE myg 07/13/2006	

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Narrative Continued

180 lb., 6'1 tall, consumer was riding the kite tube while being pulled by boat at no more than 20 miles per hour, when a gust of wind lifted the kite tube approximately 45 to 50' up in the air, and turning the kite tube to its side. Consumer was "shot down" into the water. Consumer experienced temporary loss of breath and began bleeding from his mouth and nose. Consumer rested on boat to regain breath while in severe pain. Consumer returned back home.

The following day, consumer visited Douglas County Clinic where ER staff performed a CT scan and an x-ray. Physician, Dr. Dittburner, reviewed the CT scan and x-ray and determined consumer sustained a partially collapsed and punctured lung with a bleb of air that was squeezed out. Physician scheduled consumer for follow-up CT scan and advised consumer to stay off his feet. Consumer was discharged same day.

06/29/2006 Consumer suddenly started coughing up blood.

06/29/2006 Consumer visited ER at Douglas County Hospital where ER physician, Dr. Begheler, reviewed CT scan, performed by ER staff, where he determined consumer experienced increased air around lung and a lot of internal bruising. Consumer was given medication by IV. Physician explained that if the air does not subside, they will need to have it surgically removed. Consumer was discharged same day.

Distributor Phone #:

CPSC Source: DIRECTORY

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████	2. PHONE NO. (HOME) (WORK) ██████████ ██████████
3. STREET ADDRESS ██████████	4. CITY ST ZIPCODE ██████████ OH 45873
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE ██████████ OH 45873

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Kite tube is under recall for CAP NR# 06-210.

- cont -

6. DATE OF INCIDENT (S) 07/08/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 28 Y/M AND DESCRIBE INJURY broken right ankle	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
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9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego Kite Tube
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11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sprotsstuff unknown unknown unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# unknown, DOM unknown
	13. DEALER'S NAME, ADDRESS & PHONE unknown

ISSUE 41
07/14/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 07/04/2006 AGE 4 D
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Unknown

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/13/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670112A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE emj 07/13/2006	

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Narrative Continued.

Consumer believes kite tube poses a risk of injury.

Consumer was being pulled behind a boat on kite tube when a gust of wind came along causing him to go 30' in the air and loose control. Consumer and kite tube began spinning out of control until consumer was dumped into the water feet first. Consumer injured his right ankle.

7/8/2006 Consumer went to the ER at Defiance regional medical center in Defiance, OH where he was examined and treated by physician (name unknown) for a broken ankle.

Distributor Phone #:

CPSC Source: INTERNET

Topka, Tanya L.

From: Stern, Richard L.
Sent: Wednesday, July 12, 2006 7:34 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670201A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Wednesday, July 12, 2006 10:22 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670201A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Wednesday, July 12, 2006 9:00 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670201A

07/11/2006 22:32:58

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED] a
Zip = 28023
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = James M. [REDACTED] Jr.
Victim's Address = [REDACTED] Victim's City = China Grove Victim's State =
North Carolina Victim's Zip = 28023 Victim's Telephone = [REDACTED]

Incident Description: My son, [REDACTED] Jr. [REDACTED] suffered a broken neck (c-7) on Sun., July 9, 2006 while using the WEGO SKI KITE. A wind gust suddenly took my son to a height of around 40-50 feet and crashed him with an extreme velocity to the water. He came up coughing up blood and in extreme pain. He was rushed to the hospital where he suffered internal injuries and a serious neck fracture. He had blood in his urine with contusions to both lungs and kidneys. The neck fracture is stable, however, he is expected to have a long recovery. The product is owned by friends.

Victim's age at time of incident = 21
Victim's sex = Male
Date of incident = 7-9-06
Product involved = Kite Tube
Product brand name/manufacturer = WEGO
Manufacturer street address =
Place where manufactured (City and State or Country) = Product involved still available =
Product model and serial number, manufacture date = Date product purchased = Name Release
= Do not release name

Topka, Tanya L.

From: Stern, Richard L.
Sent: Wednesday, July 12, 2006 7:43 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670180A - Kitetube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Tuesday, July 11, 2006 3:44 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670180A - Kitetube

-----Original Message-----
From: Noble, Laura EW
Sent: Tuesday, July 11, 2006 8:22 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670180A

07/10/2006 20:11:03

Name = [REDACTED]
Address = [REDACTED] Dr. SW
City = [REDACTED] a
State = [REDACTED]
Zip = 56308
Email = [REDACTED] net
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED] Dr. SW Victim's City = Alexandria Victim's State =
Minnesota Victim's Zip [REDACTED] Victim's Telephone = [REDACTED] 40

Incident Description: While using the Wego Kitetube Tyler was violently thrown into the water from an estimated height of 15 to 20 feet the boat speed was approximately 15 mph. He landed on his back and was unable to respond for approximately 30 to 45 seconds. He was unable to stand and was in very severe pain. We took him to the emergency room of our local hospital and x-rays and CT scan and lab work. He did have blood in his urine and all other tests came back normal. He had very large bruises on his lower back from the impact. I believe that the speed of the boat in thier demonstration video in excess of the speed they recomend for the Kite tube. He was unable to get out of bed for 36 hours and after that amount of time he started to feel better. He still has some discomfort in his left rib area and lower back pain. We watched and followed the manufacturers DVD. This product is very unsafe and even on calm days without a gust of wind is very unpredictable. We are very thankful that Tyler is doing as well as he is but I fear for the people who purchase and use this kitetube not knowing the dangers that it presents. If any further information is needed from us feel free to contact me Lee Ostendorf at work

[REDACTED] Home 3 [REDACTED] Thank-you for your help. Regards [REDACTED]

Victim's age at time of incident = 15

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Victim's sex = Male

Date of incident = 6-27-06

Product involved = Wego Kitetube

Product brand name/manufacturer = Wego

Manufacturer street address = Sportstuff Inc. 11213 E Circle Suite A Omaha, NE 68137

Place where manufactured (City and State or Country) = Product involved still available =

Yes Product model and serial number, manufacture date = 53-5000 Date product purchased =
06-24-06 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Stern, Richard L.
Sent: Wednesday, July 12, 2006 7:32 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670192A - WEGO Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 12, 2006 10:07 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670192A - WEGO Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 12, 2006 9:00 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670192A

07/11/2006 15:12:49

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 2846
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address: [REDACTED] Rd
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 28146
Victim's Telephone = 70[REDACTED]

Incident Description: Crashed into water on SportsStuff Away WEGO Kite tube. One second I was about 5 ft off water, next I was 20+ feet and unstable. I am significantly bruised from waist down, torn muscles in both legs. When I hit, I was unconscious for almost 10 min and suffered from memory loss.

Victim's age at time of incident = 45
Victim's sex = Female
Date of incident = 7/4/2006
Product involved = WEGO Kite Tube
Product brand name/manufacturer = SportsStuff Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Yes Product model and serial number, manufacture date = Date product purchased = Morganton, NC Name Release = Do not release name

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Topka, Tanya L.

From: Stern, Richard L.
Sent: Wednesday, July 12, 2006 7:43 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670156A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Tuesday, July 11, 2006 2:22 PM
To: EH-FER
Subject: FW: Internet Form Complaint - Doc #I0670156A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Monday, July 10, 2006 9:01 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670156A

07/09/2006 23:29:36

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 55331
Victim's Telephone = [REDACTED]

Incident Description: Sportstuff WEGO Flying tube becomes unstable dropping victim from the air in an unpredictable manner causing injury.

Victim's age at time of incident = 18
Victim's sex = Male
Date of incident = 6/7/2006
Product involved = Sportstuff Wego Flying Tube Product brand name/manufacturer =
Sportstuff Wego Flying Tube Manufacturer street address = 11213 E. Cir Suite A Place where
manufactured (City and State or Country) = Omaha, NE 68137 Product involved still
available = Yes Product model and serial number, manufacture date = Wego Flying Tube Date
product purchased = Jan 2006 Name Release = Release name to manufacturer only

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Topka, Tanya L.

From: Stern, Richard L.
Sent: Wednesday, July 12, 2006 7:37 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670118A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Tuesday, July 11, 2006 1:02 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670118A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Friday, July 07, 2006 3:00 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670118A

07/07/2006 13:01:12

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 50129
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 50129
Victim's Telephone = [REDACTED]

Incident Description: I bought the Wego Kite tube in May. I watched the video several times, and I also read the directions that came with the tube. I took the tube out for the second time on 6/4/06.

We started with the 45 foot rope that the recommend for beginners according to the video. I was only on the tube a few minutes when I started to see some of the safety problems. The first problem I saw that when the tube goes into the takeoff position (lifts off the water at a 45 degree angle) the rider can no longer see the boat and the boat can no longer see the rider. The tube is ten foot across and with the rider sitting on the very back of the tube, they are totally hidden. The second problem is that any crosswind sends the tube out of control. It will not land even and will flip over in mid flight.

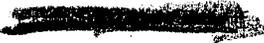
I was on the Wego Kite tube for about three minutes when I thought the tube was getting out of control. I tried to signal the boat to stop but they could not see or hear me. I tried to extend my body to get above the line of site of the tube, but this made the tube fly even higher. When the tube went up it flipped over and slammed me back to the

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water. It happened so fast that I do not even know how I hit the water. After a second in the water my left leg started to hurt. I ran my hand down my leg and I was sure that my leg was broke at the femur. I was taken by ambulance to the hospital. The hospital confirmed that I had a spiral fracture of the left femur (shattered from three inches below the hip down to two inches above the knee). I had a rod and pins put in to stabilize the leg. I also required 2 units of blood the day after surgery and another 2 unit's the next day. After eight days in the hospital I was released. The Doctor said that my recovery will take about four months.

In my opinion this tube is dangerous and should not be sold. There is no way to control the tube when it leaves the water. The second concern is the communication between the boat and the person on the tube.

Thank You,



Victim's age at time of incident = 31

Victim's sex = Male

Date of incident = 6/4/06

Product involved = Wego Kite Tube

Product brand name/manufacturer = Sportssuff Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Yes Product model and serial number, manufacture date = Date product purchased = 5/12/06 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Stern, Richard L.
Sent: Monday, July 17, 2006 9:19 AM
To: Topka, Tanya L.
Cc: Schoem, Marc J.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670252A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Friday, July 14, 2006 4:54 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670252A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Friday, July 14, 2006 1:49 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670252A

07/14/2006 09:59:52

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = 7736 Turtle Hollow
Victim's City = Maineville
Victim's State = Ohio
Victim's Zip = 45039
Victim's Telephone = 513-899-4829

Incident Description: I was injured this past Sunday (7-9-06) while riding a Kite Tube at Norris Lake in Tennessee. During the course of riding the Kite Tube it lifted off the water, at which time I lost control of the tube itself. The Kite Tube began to swing back and forth then flipped over causing me to lose my grip on the handles. I was thrown into the water and the next thing I felt was a snap in my left knee. I have been seen by an orthopedic surgeon here locally in Cincinnati (Beacon Orthopedics), had X-rays and MRI, and discovered I suffered a torn Medial Collateral Ligament in my left knee.

Victim's age at time of incident = 39
Victim's sex = Male
Date of incident = 7-9-06
Product involved = Kite Tube
Product brand name/manufacturer = Unkonwn Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = No Product

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model and serial number, manufacture date = Date product purchased = Name Release =
Release name to manufacturer only

Topka, Tanya L.

From: Stern, Richard L.
Sent: Monday, July 17, 2006 9:18 AM
To: Topka, Tanya L.
Cc: Schoem, Marc J.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670255A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Monday, July 17, 2006 8:38 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670255A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Friday, July 14, 2006 2:38 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670255A

07/14/2006 13:42:53

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED] Victim's City = [REDACTED] Victim's State = Utah
Victim's Zip = 84025 Victim's Telephone = [REDACTED]

Incident Description: I took my family to Willard Bay, UT for a day of wake boarding and kite tubing. My 18 year old son, [REDACTED] was riding the Kite Tube when a gust of wind shot [REDACTED] up in the air about thirty feet out of my rear view mirror. I immediately cut power to the engine as was my practice whenever the tube would start to rise abruptly or swerve from right to left. He veared to the right and the kite tube inverted and dove head first into the water. My wife and the spotters on the boat screamed. We immediately circled to pick [REDACTED] out of the water. When we got to him he was disoriented and dazed. We pulled him out of the water and began asking him questions to see if he was ok. It took [REDACTED] about 45 minutes to regain all his memory. He remembered going high into the air and thinking this is bad, and that is all he remembered. The next morning Mike's neck and head were very sore, but he was ok. Before we used the kite tube for the first time we read all the instructions and watched the dvd that was included. As the driver of the boat it has always been my practice to reduce engine speed whenever the kite tube would go too high or swerve to the right or left. I consider myself a very good driver. I also have at least two designated spotters. Most of my teenage children, myself and my wife have had successful flights on the Kite Tube, but on this particular day all the preparation and safety precautions made little difference. I realized that this product

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as fun as it was, has a terrible downside to it. We haven't used the Kite Tube since that day and we are grateful that we came away without any more serious injury. I am glad to hear that SportsStuff is recalling the product and I plan on turning mine in immediately.

Victim's age at time of incident = 18

Victim's sex = Male

Date of incident = 06/17/2006

Product involved = WEGO KITE TUBE

Product brand name/manufacturer = SPORTSSTUFF Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Yes Product model and serial number, manufacture date = Date product purchased = MAY-2006 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Stern, Richard L.
Sent: Monday, July 17, 2006 9:18 AM
To: Topka, Tanya L.
Cc: Schoem, Marc J.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670258A - KiteTube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Monday, July 17, 2006 8:42 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670258A - KiteTube

-----Original Message-----

From: Noble, Laura EW
Sent: Friday, July 14, 2006 4:14 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670258A

07/14/2006 14:27:20

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED] n
State = [REDACTED]
Zip = 83642
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 83642
Victim's Telephone = [REDACTED]

Incident Description: On Saturday July 8th 2006 Lisa was riding on a SportsStuff Wego KITE Tube on Saturday at Owyhee Reservoir. After about 1 minute she was thrown from it. She sustained a broken back and 3 broken ribs

Victim's age at time of incident = 37
Victim's sex = Female
Date of incident = 07/08/2006
Product involved = SportsStuff Wego KITE Tube Product brand name/manufacture =
SportsStuff Manufacturer street address = ???
Place where manufactured (City and State or Country) = Omaha, Neb Product involved still
available = Yes Product model and serial number, manufacture date = Wego Kite tube Date
product purchased = ??
Name Release = Do not release name

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Topka, Tanya L.

From: Stern, Richard L.
Sent: Friday, July 14, 2006 2:33 PM
To: Topka, Tanya L.
Cc: Schoem, Marc J.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670223A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Thursday, July 13, 2006 10:33 AM
To: EH-FER
Subject: FW: Internet Form Complaint - Doc #I0670223A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Thursday, July 13, 2006 8:50 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670223A

07/12/2006 18:26:40

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 71107
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = Louisiana
Victim's Zip = 71107
Victim's Telephone = [REDACTED]

Incident Description: I was using the Wego Kite Tube on Cross Lake according to the instructions/video. I was about 15 feet off the water and wind hit the tube making it EXTREMELY unsteady. I hit the water so hard it knocked the breath out of me. I was in severe pain. We took the tube back and deflated it. I had to see a doctor twice. My doctor said I probably tore muscle or pulled the cartilage away from me ribs. This tube is highly dangerous and very unsteady. The video never states that. The manual does reference it, but to no great degree.

Victim's age at time of incident = 41
Victim's sex = Male
Date of incident = 06/08/06
Product involved = Wego Kite Tube
Product brand name/manufacturer = Sportstuff Manufacturer street address = 11213 E Cir
Suite A Place where manufactured (City and State or Country) = Omaha, NE 68137 Product
involved still available = Yes Product model and serial number, manufacture date = Date

647

product purchased = 05/06 Name Release = Release name to the manufacturer and public .

Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Wednesday, July 05, 2006 12:31 PM
To: Ingle, Robin L.; Topka, Tanya L.
Subject: FW: Kite tube Incident at Indian lake
Attachments: Kite tube incident I.L..doc

Here's another incident in Ohio, occurred 7/03.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

From: Gogle, Nancy [mailto:Nancy.Gogle@dnr.state.oh.us]
Sent: Wed 7/5/2006 11:13 AM
To: Blasius, Dennis R.
Subject: FW: Kite tube Incident at Indian lake

Dennis,

This was a notification that an incident occurred. Do you want a copy of the full report when I get it in a couple of weeks?

Nancy M. Gogle

phone: 614-265-6615

fax: 614-267-8883

-----Original Message-----

From: Doncyson, Todd
Sent: Wednesday, July 05, 2006 9:20 AM
To: Quinn, Mike
Cc: Wisse, John; McGarity, William; Gogle, Nancy
Subject: FW: Kite tube Incident at Indian lake

-----Original Message-----

From: Trump, Brett

Sent: Monday, July 03, 2006 3:48 PM

To: Sams, Brenda; Doncyson, Todd

7/5/2006

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Ohio Department of Natural Resources
Division of Watercraft
Wapakoneta Field Office
Critical Info:

Date Occurred: July 3, 2006

Time Occurred: 12:40pm

Location: Indian Lake State Park

Nature of Incident: Kite Tube Incident

Officer: T. Martin / P. Angelas

VICTIM

Name: [REDACTED]

DOB: [REDACTED]

Age: 23

Sex: Male

City of Residence: Columbus Area

Type of Injuries: Face Bruise / Blood in Urine

Divisional Response: Dispatched Logan S.O.

Agencies Involved: Parks / Watercraft/ Lake View EMS / Logan County S.O.

Media: None at this time

Adequate Resources: Yes

Comments: Park officials felt this would not be a critical incident. Watercraft Officers went to the hospital to see the extent of his injuries before making that determination. Officer Martin and Angelas took statements at the hospital. Officer Martin reported to me that the extent of the injuries was bruising of the right side of the face and blood in urine. They seemed to believe that [REDACTED] would be treated and released. A critical incident was not called in. Officers will be meeting with the operator of the watercraft tomorrow for issuance of citations.

Brett A Trump

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Topka, Tanya L.

From: Boog, Jerome R.
Sent: Wednesday, July 05, 2006 12:04 PM
To: Ross, Robin M.; Topka, Tanya L.
Subject: RE: Internet Form Complaint - Doc #I0670024A

Robin/Tanya

I spoke with the complainant whom is the father of the 19 year old victim. He owns Shamrock Marina in Tower, MN and is a distributor of this product. He had the Wego Model# 53-500 kit tube. They had used the item about six times on different lakes in Minnesota. On 6-25-2006 they were on Man Trap Lake near St. Cloud, MN. They were pulling his son behind a boat at about 30 MPH. He said a gust of wind came up and pull the kit tube suddenly upwards to about 20'. The boy lost control and fell off into the lake. The force was so violent that he severed his aorta. He was rushed to hospital and is expected to make a 100% recovery. The father said everyone that has used this product has injured himself.

I will attempt to get up to Tower, MN either this week or early next week to examine the suspect kite tube.

Jerry Boog

From: Ross, Robin M.
Sent: Monday, July 03, 2006 4:13 PM
To: Boog, Jerome R.
Subject: FW: Internet Form Complaint - Doc #I0670024A

Please follow up asap. Scott is on leave until Monday.

Thanks

Robin M. Ross
Supervisory Investigator
262-662-2583
262-662-2593 fax
262-366-0144 cell
rross@cpssc.gov

From: Blasius, Dennis R.
Sent: Mon 7/3/2006 11:21 AM
To: Ross, Robin M.; Ault, Eric B.
Cc: Boog, Jerome R.; Putz, Scott W.
Subject: FW: Internet Form Complaint - Doc #I0670024A

As with all these kite tube incidents, please get the preliminary details via telephone and email all to Tanya Topka ASAP.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpssc.gov

7/5/2006

651

From: Topka, Tanya L.
Sent: Mon 7/3/2006 10:01 AM
To: Ingle, Robin L.
Cc: Blasius, Dennis R.; Schoem, Marc J.
Subject: FW: Internet Form Complaint - Doc #I0670024A

This is the 6th one today so same drill.

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

-----Original Message-----

From: Ault, Eric B.
Sent: Monday, July 03, 2006 10:47 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670024A

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, July 03, 2006 7:59 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670024A

07/02/2006 17:34:47

Name = [REDACTED]
Address = [REDACTED]
City = Tower
State = Minnesota
Zip = 55790
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = Tower
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description: Wego Kite tube accident. Gust of wind caused lose of control. Fall from 20' at approx 30 MPH

Victim's age at time of incident = 19
Victim's sex = Male
Date of incident = 6/25/2006
Product involved = Wego Kite tube marketed by Sportsstuff Product brand name/manufacturer = Sportsstuff Kite Tube Manufacturer street address = 11213 E Circle Suite A Place where manufactured (City and State or Country) = Omaha Nebraska Product involved still available = Yes Product model and serial number, manufacture date = model 53-500 Date product purchased = June 2006 Name Release = Do not release name

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Wednesday, July 05, 2006 11:01 AM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670062A - Tube kite

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 10:56 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670062A - Tube kite

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 8:56 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670062A

07/04/2006 22:51:21

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 52806
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = Iowa
Victim's Zip = 52722
Victim's Telephone = [REDACTED]

Incident Description: My brother in law, Scott Olderog, was using a tube kite at approximately 25 ft above water when he lost control (the tube turned in the air) and lost grip. He fell to the water and was knocked unconscious for several minutes. Luckily, two nurses were watching and helped (along with several others) to stabilize him while we attempted to contact the ambulance. He is currently in the intensive care unit for observation of a broken blood vessel in his brain.

Victim's age at time of incident = 30
Victim's sex = Male
Date of incident = 7/4/06
Product involved = Tube kite
Product brand name/manufacturer = Wego
Manufacturer street address = unknown
Place where manufactured (City and State or Country) = unknown Product involved still available = Yes Product model and serial number, manufacture date = unknown at this time
Date product purchased = on ebay, June 2006 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Wednesday, July 05, 2006 11:01 AM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670059A - Kite Tube

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 10:52 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670059A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 8:55 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670059A

07/04/2006 16:06:41

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 96001
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 96001
Victim's Telephone = [REDACTED]

Incident Description: Slightly windy day with Wego Kit Tube on Whiskeytown Lake in Whiskeytown National Recreation Area in Northern California. Travelling about 35mph, kit tube caught a gust of air and reached a height of about 30 or 35ft. Remained stable for a few moments and then suddenly flipped over, I let go to fall and started falling back towards the water. A gust of wind caught the kite tube and it swung between me and the water and I landed on it then the water. I immediately felt pain in my leg and thought maybe it was a dislocated hip. After a car ride to the ER, sitting in the ER for 2 hours, and finally getting X-Rays I was told I'd broken my hip. (Displaced Femoral Neck) which is a major trauma and I had to have surgery that same night. (Surgery involved placing [3] 4" long bolts into my hip) I'm not able to walk on it for 3 months, after which point it will have healed, or it will not have healed properly and I'll have to have another surgery with a full hip replacement. All of the nurses and doctors were shocked that at 20 I'd broken my hip and said the force of the impact must have been extreme. They checked for (but didn't find, luckily) internal bleeding of my organs.

Victim's age at time of incident = 20
Victim's sex = Male
Date of incident = 6/12/06
Product involved = Wego Kite Tube
Product brand name/manufacturer = SportsStuff Manufacturer street address = 11213 E Cir Suite A Place where manufactured (City and State or Country) = Omaha, NE Product involved still available = Yes Product model and serial number, manufacture date = Wego Kite Tube

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Date product purchased = 6/1/06 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Mele, Stephen V.
Sent: Wednesday, July 05, 2006 12:18 PM
To: Ault, Eric B.; Blasius, Dennis R.; Topka, Tanya L.
Subject: RE: Kite tube IDIs (060621HCC1594)
Importance: High

I just got through to Chris Huebner at NC Wildlife Resources Commission this morning. He verified that he added that the kite tube is a **Wego** brand kite tube to his report based on what the investigator told him the safety warning was on the tube. The warning read something to the effect of "Don't fly any higher than you care to fall". He gave me the investigator's number and I left a message. I already have the investigation report from NCWRC (provided by Dennis).

Steve Mele

From: Ault, Eric B.
Sent: Wednesday, July 05, 2006 11:54 AM
To: Dobbins, Allen C.; Poyer, Julie A.; Mele, Stephen V.
Cc: Kohen, Beverly J.
Subject: FW: Kite tube IDIs

Please see the note below from Dennis Blasius concerning giving these assignments priority.

060609HCC1577 - Sue Gabriel
 060619HCC2607 - DuWayne Kapelis
 060620HCC2617 - Just transferred to Helen's team as we have learned that the incident occurred in GA, not OH.
 060621HCC1594 - Steve Mele
 060703HBB2659/2660 - Just assigned to Julie's team this morning.

From: Blasius, Dennis R.
Sent: Wednesday, July 05, 2006 10:38 AM
To: Nava, Frank J.; Ault, Eric B.
Subject: Kite tube IDIs

Hi guys. These IDIs are very high priority. Only one has been completed since we began assigning them two weeks ago, although some of the investigators have given Tanya Topka the quick summary update we asked for.

We need these IDIs just as soon as you can get them completed. As I check the status of these in IFS, few have any investigator progress comments so it is a little difficult to offer assistance, but in some cases we are waiting on official reports, etc. Please let the investigators know that if they run into any roadblocks, I'm more than willing to assist in any way possible.

Some of these IDIs have 45 day target dates-- this just isn't going to work if we want these field investigations to impact any corrective action that might be being considered. I know there are many obstacles... but what can we do to get these completed IDIs very, very quickly?

Dennis

7/5/2006

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Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Wednesday, July 05, 2006 11:27 AM
To: Ault, Eric B.; Nava, Frank J.
Cc: Cave, Carol J.; Ingle, Robin L.; Topka, Tanya L.
Subject: Kite tube incidents
Importance: High
Attachments: FW Internet Form Complaint - Doc #I0670062A - Tube kite.msg; FW Internet Form Complaint - Doc #I0670059A - Kite Tube.msg

We had two more very serious injury incidents (CA and IA) reported this morning. I am forwarding the incident details so that you can have an investigator follow-up ASAP, today if possible. The actual IDI assignments will be made by EPI, no need to create duplicate assignments in IFS.

Can we contact the consumers or family by telephone and obtain the following:

- What model were they on (Wego Kite Tube or the Manta Ray from Sevylor?)
- Where/when did they purchase the product?
- What was their understanding of the warnings (did they read them) and the danger involved?

Confirm reporting regarding the following:

- Age of victim and how much experience they had with product before injury
- Location of incident
- Speed of boat at time of incident
- Summary of accident scenario
- injuries

Please email Tanya Topka, Robin Ingle and me with these details as soon as you can. Provide the completed IDI as quickly as is practical, but the above information will give Tanya enough to keep the case moving.

A little more background: There are two known manufacturers we are currently aware of. The Wego Kite Tube sells for approximately \$500 and is made by Sportstuff Inc., 11213 E. Circle, #A, Omaha, NE, ph. #402-592-9085. It is a circular red, yellow and black tube.

The [REDACTED] sells for \$400-500 and is made by [REDACTED], Los

Call or email me if you have any questions and thanks for all your help.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

7/5/2006

657

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Monday, July 10, 2006 12:20 PM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670156A

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, July 10, 2006 9:01 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670156A

07/09/2006 23:29:36

Name = [REDACTED]
Address = 2 [REDACTED]
City = [REDACTED]
State = M [REDACTED]
Zip = 55331 [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = A [REDACTED]
Victim's Address = 2 [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 55331 [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description: Sportstuff WEGO Flying tube becomes unstable dropping victim from the air in an unpredictable manner causing injury.

Victim's age at time of incident = 18
Victim's sex = Male
Date of incident = 6/7/2006
Product involved = Sportstuff Wego Flying Tube Product brand name/manufacturer = Sportstuff Wego Flying Tube Manufacturer street address = 11213 E. Cir Suite A Place where manufactured (City and State or Country) = Omaha, NE 68137 Product involved still available = Yes Product model and serial number, manufacture date = Wego Flying Tube Date product purchased = Jan 2006 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Monday, July 10, 2006 12:17 PM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670143A -- Sports Stuff Air Pump

Here's a new and different complaint about Sports Stuff.

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, July 10, 2006 9:01 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670143A

07/08/2006 13:27:33

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 55123
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED] Victim's City = [REDACTED] Victim's State =
Minnesota Victim's Zip = 55123 Victim's Telephone = [REDACTED]

Incident Description: Operating air pump in deflation mode when pump head exploded. A portion of the pump head struck victim's left eye causing loss of intra-ocular bleeding and complete loss of vision.

Victim's age at time of incident = 47
Victim's sex = Male
Date of incident = 07/03/2006
Product involved = 2.5 psi Electric Pump Product brand name/manufacturer = Sports Stuff
Manufacturer street address = unknown - 1-888-814-8833 Place where manufactured (City and State or Country) = Made in China Product involved still available = Yes Product model and serial number, manufacture date = 2.5 psi electric pump; Model 57-1504; Date 0104 Date product purchased = 2004 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Schoem, Marc J.
Sent: Monday, July 10, 2006 12:44 PM
To: Topka, Tanya L.
Subject: Fw: Tube Kiting Incident

Marc J. Schoem
Deputy Director
Office of Compliance and
Field Operations
301-504-7520 - work
240-638-6955 - cell

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Wolfson, Scott J.
To: Vallese, Julie M.; Schoem, Marc J.
Sent: Mon Jul 10 11:45:27 2006
Subject: FW: Tube Kiting Incident

FYI.

We really should get Tim McGraw's wife to be a spokesperson for our anti-kite tubing message. :-)

From: Kroh, Mary A.
Sent: Monday, July 10, 2006 11:33 AM
To: Wolfson, Scott J.
Subject: RE: CPSC Newslog 06-120: Recalls, Tube Kiting, Pool Safety, Bicycle Safety

There was an article in the latest People Magazine and his accident was mentioned. After his mishap he could not get out of bed for a couple of days.

Mary

From: Wolfson, Scott J.
Sent: Monday, July 10, 2006 11:28 AM
To: Kroh, Mary A.
Subject: RE: CPSC Newslog 06-120: Recalls, Tube Kiting, Pool Safety, Bicycle Safety

No, we were not aware of that, but that is of great interest to us. Did you happen to see a news story on it?

Thank you.

From: Kroh, Mary A.
Sent: Monday, July 10, 2006 11:26 AM
To: Wolfson, Scott J.
Subject: RE: CPSC Newslog 06-120: Recalls, Tube Kiting, Pool Safety, Bicycle Safety

Are you aware that Tim McGraw the country music singer, recently had a tube kiting accident?

Mary Kroh

Topka, Tanya L.

From: Mele, Stephen V.
Sent: Friday, July 07, 2006 4:14 PM
To: Topka, Tanya L.
Cc: Blasius, Dennis R.
Subject: FW: Heads up -- two KT cases on same lake - Update (060706HBB1616)
Attachments: Kite Tube Short.mpg

I conducted an interview with the complainant/victim today at his office and also just completed a brief telephone interview with the owner of the boat. I obtained the following information:

Victim's age: 40 YOM

Incident location: Raleigh, NC (Falls Lake)

The kite tube is a Wego brand kite tube. The victim provided a short video clip of the kite tube (taken a week or two prior to the incident) which is attached to this email. The video confirms that this is a Wego kite tube. The victim was the only person on the kite tube at the time of the incident.

He stated that the tow rope is 65 feet long that was the section where it was hooked up at the time of the incident. He and the boat owner both said and that it came new with the new Kite tube that his friend (boat owner) purchased on ebay just before memorial day week-end. The boat owner confirmed that the tow rope is 65 feet long and that there are 3 different sections on the rope where it can be hooked onto the boat (at 45 feet, 55 feet or 65 feet). The victim stated that he had used this kite tube 2 or 3 times prior to the incident (on Memorial day and on about 6/1 or 6/2). He has not used any other kite tube in the past, but he has over 20 years experience being pulled by regular tubes. He also parasailed once. He stated that he couldn't get much off of the water the previous times and that they believed that this was because the boat was not traveling fast enough.

The boat owner who was in the boat at the time of the incident stated that the boat was traveling between 29 - 31 mph at the time of the incident. There was little or no wind. It took about this speed to get the victim lift out of the water. The victim weighed an estimated 195 - 200 pounds at the time of the incident.

The victim was only on the kite tube for about 5 minutes when the incident occurred. The victim stated that the kite tube suddenly went up in the air to about 6 feet and immediately flipped over toward the left side as it dove down toward the water. The boat owner stated that the kite tube's height was more like 3 to 4 feet off the water at the time of the incident. The victim is not sure how he landed on the water (i.e. face up, face down, sideways, etc.), but he believes his foot was still in the kite tube and that it struck the kite tube and the water when the crash occurred. He broke his ankle (Talus bone) and has 3 screws in it to repair it. The boat owner is selling the kite tube again on ebay, but promised to take a photo of the labeling on the kite tube and email it to me.

Steve

From: Mele, Stephen V.
Sent: Thursday, July 06, 2006 10:59 AM
To: Blasius, Dennis R.; Ault, Eric B.
Subject: RE: Heads up -- two KT cases on same lake - Update

I spoke to Chris Huebner, NCWRC, He checked and they did not conduct an investigation of this incident, but they will do one now. His investigator is in training and then on vacation, so their investigation may not begin for a few weeks. He will provide me their report when completed.

I just left a voicemail message for the complainant.

Dennis, I asked Chris Huebner about the possibility of doing a search for other kite tube incidents. He said the kite tube wouldn't likely show up in a search, but also added that he's been in his current position since August, 2005 and he reviews every boating accident report (covering all of NC) that is prepared. He indicated that because these products are unique he'd remember if one was mentioned in a previous report. These two incidents are the only ones he's aware of anywhere in NC and according to his conversations with other officers and officials, the May incident was the first time they'd ever seen one of these products on the lake.

7/10/2006

662

Steve

From: Blasius, Dennis R.
Sent: Thursday, July 06, 2006 9:16 AM
To: Ault, Eric B.; Mele, Stephen V.
Subject: Heads up -- two KT cases on same lake

I believe Steve has the first incident, this is believed to be a second. Can he handle both?

Steve, I received the first report from Chris Huebner of the NC Wildlife Resources Commission; fax the request to # 919-707-0045 and tell him you need it right away.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 2:16 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670073A

07/05/2006 13:01:05

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 27596
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description: I was riding a Wego Kite tube on Falls Lake NC. At no more than 6 feet off the water the tube twisted and dived uncontrollably to the water. My right foot somehow took the impact completely snapping my talus bone (Ankle) I required 3 titanium screws to be installed to repair the bone and will not be able to drive for another 8 weeks or so depending on the recovery.

Victim's age at time of incident = 40
Victim's sex = Male
Date of incident = 6/08/06
Product involved = Inflatable watersports tube Product brand name/manufacturer = Wego Kite Tube by Sportstuff Manufacturer street address

7/10/2006

663

Heads up -- two KT cases on same lake

= don't know Place where manufactured (City and State or Country) = don't know Product involved still available = No Product model and serial number, manufacture date = A friend of mine bought the tube. He is now selling it on ebay Date product purchased = Yes Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Friday, July 07, 2006 2:58 PM
To: Ingle, Robin L.; Topka, Tanya L.
Cc: Schoem, Marc J.
Subject: Two more reports attached from MN, three more will be coming from that state
Attachments: MN 063006.pdf; MN 070106.pdf

Not counting the Tower, MN victim case that was reported to us. That victim is reportedly in critical condition.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Friday, July 07, 2006 3:26 PM
To: Ingle, Robin L.; Topka, Tanya L.
Subject: RE: Two more reports attached from MN, three more will be coming from that state
Attachments: MN 070406.pdf

Unfortunately yes. And, here's a third MN case that also just arrived.

From: Ingle, Robin L.
Sent: Fri 7/7/2006 2:00 PM
To: Blasius, Dennis R.
Subject: RE: Two more reports attached from MN, three more will be coming from that state

These are meant to be new reports, right?

From: Blasius, Dennis R.
Sent: Friday, July 07, 2006 2:58 PM
To: Ingle, Robin L.; Topka, Tanya L.
Cc: Schoem, Marc J.
Subject: Two more reports attached from MN, three more will be coming from that state

Not counting the Tower, MN victim case that was reported to us. That victim is reportedly in critical condition.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

State Use Only

STATE OF MINNESOTA WATERCRAFT ACCIDENT REPORT

County Complaint No.

06019389

This form must be submitted whenever a watercraft accident results in:
1. Loss of Life 2. Injury beyond First Aid. 3. Property Damage of \$2000 or more.

PLEASE TYPE OR PRINT. COMPLETE ALL BLOCKS (INDICATE THOSE NOT APPLICABLE BY "NA")

DATE OF ACCIDENT 7/4/2006	TIME 8:25 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	NAME OF BODY OF WATER Eagle Lake	1 <input checked="" type="checkbox"/> LAKE 2 <input type="checkbox"/> RIVER 3 <input type="checkbox"/> POND/DITCH
			4 <input type="checkbox"/> OTHER (Specify)
LOCATION WHERE VICTIM WAS FOUND (Give Location Precisely) NW corner about 300 yard from shore. Out from bridge at bump		NEAREST TOWN/CITY Valer	COUNTY Kandiyohi

OPERATOR (Last, First Middle) R ADDRESS: CITY: Valer STATE: MN ZIP CODE: 55701 TELEPHONE: HOME 820-234-0865 WORK	OPERATOR'S DATE OF BIRTH 5/20/1974	OPERATOR'S EXPERIENCE (check one from each type) This Type of Boat Other Types of Boats 1 <input type="checkbox"/> Under 20 hours 1 <input type="checkbox"/> Under 20 hours 2 <input type="checkbox"/> 20 to 100 hours 2 <input type="checkbox"/> 20 to 100 hours 3 <input type="checkbox"/> 100 to 500 hours 3 <input checked="" type="checkbox"/> 100 to 500 hours 4 <input checked="" type="checkbox"/> Over 500 hours 4 <input type="checkbox"/> Over 500 hours 5 <input type="checkbox"/> Unknown 5 <input type="checkbox"/> Unknown
	OPERATOR'S AGE 32	
OWNER: (Last, First Middle) ADDRESS: CITY: Valer STATE: MN ZIP CODE: 55701 TELEPHONE: HOME WORK	WAS BOAT RENTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OPERATOR'S FORMAL INSTRUCTION IN BOATING SAFETY (Check All that Apply) 1 <input type="checkbox"/> State Permit Number 5 <input checked="" type="checkbox"/> None 2 <input type="checkbox"/> USCG Auxiliary 6 <input type="checkbox"/> Unknown 3 <input type="checkbox"/> U.S. Power Squadrons 7 <input type="checkbox"/> Other (Specify) 4 <input type="checkbox"/> American Red Cross
	NO. OF PERSONS ON BOARD 1	

BOAT NUMBER (State & Number) MN 83870R	BOAT MAKE Skeeterboat	BOAT MODEL Triton	MFG HULL IDENTIFICATION NO. 83870R000000000	BOAT NAME NA
TYPE OF BOAT (Check One) 1 <input checked="" type="checkbox"/> Open Motorboat 9 <input type="checkbox"/> Other 2 <input type="checkbox"/> Cabin Motorboat 3 <input type="checkbox"/> Auxiliary Sail 4 <input type="checkbox"/> Sail (Only) 5 <input type="checkbox"/> Rowboat (non-motorized) 6 <input type="checkbox"/> Canoe 7 <input type="checkbox"/> Personal Watercraft (jet ski) 8 <input type="checkbox"/> Pontoon	HULL MATERIAL 1 <input type="checkbox"/> Aluminum 2 <input checked="" type="checkbox"/> Fiberglass (plastic) 3 <input type="checkbox"/> Wood 4 <input type="checkbox"/> Steel 5 <input type="checkbox"/> Rubber (Vinyl) 6 <input type="checkbox"/> Other (Specify)	ENGINE (check one) 1 <input type="checkbox"/> Outboard 2 <input type="checkbox"/> Inboard-Outdrive 3 <input checked="" type="checkbox"/> Inboard gasoline 4 <input type="checkbox"/> Inboard diesel 5 <input type="checkbox"/> Water Jet 6 <input type="checkbox"/> None 7 <input type="checkbox"/> Other (Specify)	BOAT DATA (Propulsion) Number of Engines: 2 Make of Engine(s): 2003 Horsepower (total): 115 Year Built (Engine): 2003	BOAT DATA (Construction) Length: 27 Feet Inches: Year Built: 1993 (Boat)

PERSONAL FLOTATION DEVICES (Answer All Questions) Yes No <input checked="" type="checkbox"/> <input type="checkbox"/> Was boat adequately equipped with CG Approved Lifesaving Devices <input checked="" type="checkbox"/> <input type="checkbox"/> Were PFD's Accessible <input checked="" type="checkbox"/> <input type="checkbox"/> Were PFD's Used	If Worn, What Type <input type="checkbox"/> I <input type="checkbox"/> II <input checked="" type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V	FIRE EXTINGUISHERS Yes No NA <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Were approved fire extinguishers used (Check Yes or No only if there was a fire)	LIGHTS (Answer All Questions) Yes No NA <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Was boat equipped with required lights (if operating after sunset) <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Were lights used (if operating after sunset)
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

OPERATOR (Last, First Middle) ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE: HOME WORK	OPERATOR'S DATE OF BIRTH	OPERATOR'S EXPERIENCE (check one from each type) This Type of Boat Other Types of Boats 1 <input type="checkbox"/> Under 20 hours 1 <input type="checkbox"/> Under 20 hours 2 <input type="checkbox"/> 20 to 100 hours 2 <input type="checkbox"/> 20 to 100 hours 3 <input type="checkbox"/> 100 to 500 hours 3 <input type="checkbox"/> 100 to 500 hours 4 <input type="checkbox"/> Over 500 hours 4 <input type="checkbox"/> Over 500 hours 5 <input type="checkbox"/> Unknown 5 <input type="checkbox"/> Unknown
	OPERATOR'S AGE	
OWNER: (Last, First Middle) ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE: HOME WORK	WAS BOAT RENTED <input type="checkbox"/> YES <input type="checkbox"/> NO	OPERATOR'S FORMAL INSTRUCTION IN BOATING SAFETY (Check All that Apply) 1 <input type="checkbox"/> State Permit Number 5 <input type="checkbox"/> None 2 <input type="checkbox"/> USCG Auxiliary 6 <input type="checkbox"/> Unknown 3 <input type="checkbox"/> U.S. Power Squadrons 7 <input type="checkbox"/> Other (Specify) 4 <input type="checkbox"/> American Red Cross
	NO. OF PERSONS ON BOARD	

BOAT NUMBER (State & Number)	BOAT MAKE	BOAT MODEL	MFG HULL IDENTIFICATION NO.	BOAT NAME
TYPE OF BOAT (Check One) 1 <input type="checkbox"/> Open Motorboat 9 <input type="checkbox"/> Other 2 <input type="checkbox"/> Cabin Motorboat 3 <input type="checkbox"/> Auxiliary Sail 4 <input type="checkbox"/> Sail (Only) 5 <input type="checkbox"/> Rowboat (non-motorized) 6 <input type="checkbox"/> Canoe 7 <input type="checkbox"/> Personal Watercraft (jet ski) 8 <input type="checkbox"/> Pontoon	HULL MATERIAL 1 <input type="checkbox"/> Aluminum 2 <input type="checkbox"/> Fiberglass (plastic) 3 <input type="checkbox"/> Wood 4 <input type="checkbox"/> Steel 5 <input type="checkbox"/> Rubber (Vinyl) 6 <input type="checkbox"/> Other (Specify)	ENGINE (check one) 1 <input type="checkbox"/> Outboard 2 <input type="checkbox"/> Inboard-Outdrive 3 <input type="checkbox"/> Inboard gasoline 4 <input type="checkbox"/> Inboard diesel 5 <input type="checkbox"/> Water Jet 6 <input type="checkbox"/> None 7 <input type="checkbox"/> Other (Specify)	BOAT DATA (Propulsion) Number of Engines: Make of Engine(s): Horsepower (total): Year Built (Engine):	BOAT DATA (Construction) Length: _____ Feet Inches: Year Built: _____ (Boat)

PERSONAL FLOTATION DEVICES (Answer All Questions) Yes No <input type="checkbox"/> <input type="checkbox"/> Was boat adequately equipped with CG Approved Lifesaving Devices <input type="checkbox"/> <input type="checkbox"/> Were PFD's Accessible <input type="checkbox"/> <input type="checkbox"/> Were PFD's Used	If Worn, What Type <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V	FIRE EXTINGUISHERS Yes No NA <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Were approved fire extinguishers used (Check Yes or No only if there was a fire)	LIGHTS (Answer All Questions) Yes No NA <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Was boat equipped with required lights (if operating after sunset) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Were lights used (if operating after sunset)
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6607

ACCIDENT DESCRIPTION	OPERATION AT TIME OF ACCIDENT (Check all that apply for each Watercraft) 1 <input type="checkbox"/> Fishing 2 <input type="checkbox"/> Cruising 3 <input type="checkbox"/> Anchored 4 <input type="checkbox"/> Drifting 5 <input type="checkbox"/> Approaching or Leaving Dock 6 <input type="checkbox"/> Tied to Dock 7 <input type="checkbox"/> On Boat Lift 8 <input type="checkbox"/> Fueling 9 <input checked="" type="checkbox"/> Water Sports (Skiing etc.) 10 <input type="checkbox"/> Towing a Boat 11 <input type="checkbox"/> Being Towed by Another Boat 12 <input type="checkbox"/> Racing 13 <input type="checkbox"/> Hunting 14 <input type="checkbox"/> Scuba Diving or Swimming 15 <input type="checkbox"/> Other (Specify) _____	WHAT IN YOUR OPINION CAUSED THE ACCIDENT (Check All That Apply) 1 <input type="checkbox"/> Weather Conditions 2 <input type="checkbox"/> Excessive Speed 3 <input type="checkbox"/> No Proper Lookout 4 <input type="checkbox"/> Overloading 5 <input type="checkbox"/> Alcohol / Drug Use 6 <input type="checkbox"/> Improper (Loading) 7 <input type="checkbox"/> Hazardous Waters 8 <input type="checkbox"/> Fault of Equipment 9 <input checked="" type="checkbox"/> Other (Specify) <u>Hazardous Waters</u>	OPERATORS CONDITION (Check for each operator) 1 <input type="checkbox"/> Had Been Drinking 2 <input type="checkbox"/> Had not been drinking 3 <input type="checkbox"/> Unknown 4 <input type="checkbox"/> Other _____ 1) 0.0 BAC 2) 0.0 BAC	WEATHER (Check One Only) 1 <input checked="" type="checkbox"/> Clear 2 <input type="checkbox"/> Cloudy 3 <input type="checkbox"/> Fog 4 <input type="checkbox"/> Rain 5 <input type="checkbox"/> Snow 6 <input type="checkbox"/> _____
	PRIMARY CAUSE OF ACCIDENT (Check one Only) 1 <input type="checkbox"/> Falls Overboard 2 <input type="checkbox"/> Capsizing 3 <input type="checkbox"/> Grounding 4 <input type="checkbox"/> Flooding 5 <input type="checkbox"/> Sinking 6 <input type="checkbox"/> Fire or Explosion (Fuel) 7 <input type="checkbox"/> Fire or Explosion (Other than fuel) 8 <input type="checkbox"/> Collision with watercraft 9 <input type="checkbox"/> Collision with fixed object 10 <input type="checkbox"/> Collision with floating object 11 <input type="checkbox"/> Falls in Boat 12 <input type="checkbox"/> Hit by boat Propeller 13 <input checked="" type="checkbox"/> Other <u>fall overboard</u>	WATER CONDITIONS 1 <input checked="" type="checkbox"/> Calm (Waves less than 6") 2 <input type="checkbox"/> Choppy (Waves 6" to 2') 3 <input type="checkbox"/> Rough (Waves 2' to 6") 4 <input type="checkbox"/> Very Rough (Greater than 6") 5 <input type="checkbox"/> Strong Current Temperatures Air <u>85</u> °F Water <u>78</u> °F WIND 1 <input type="checkbox"/> None 2 <input type="checkbox"/> Light (0 to 6 mph) 3 <input checked="" type="checkbox"/> Moderate (7 to 14 mph) 4 <input type="checkbox"/> Strong (16 to 25 mph) 5 <input type="checkbox"/> Storm (Over 25 mph)		
DESCRIBE WHAT HAPPENED (Sequence of events. Include failure of equipment. If diagram is needed attach separately. Continue on additional sheets if necessary. Include any information regarding the involvement of alcohol and / or drugs in causing or contributing to the accident. Include any descriptive information about the use of PFD's.) This boat was pulling a kite. While pulling the kite the operator of the boat noticed that it was getting too high and was moving towards the boat. The kite was approximately 15 feet above the water. When the boat slowed the kite came down into the water. The victim was seen floating face down in the water. The witness jumped in, turned him over, and lifted him into the boat. The victim was unconscious for an estimated 30 seconds. The witness used a rescue tube to bring the victim to the boat. However, the witness was later taken to the hospital. The witness was later taken to the hospital. The witness was later taken to the hospital.				

VICTIM(S)	<input type="checkbox"/> Deceased <input checked="" type="checkbox"/> Injured NAME (Last, First Middle) ADDRESS: CITY: <u>New London</u> STATE: <u>MI</u> ZIP CODE: <u>56293</u>	DATE OF BIRTH: <u>7/2/65</u> LOCATION WHERE VICTIM WAS FOUND: <u>On Boat</u> DATE AND TIME OF RECOVERY: <u>7/7/06</u> <u>10:00</u> AM <input checked="" type="checkbox"/> PM <input type="checkbox"/> MEDICAL TREATMENT: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NATURE OF INJURY <u>head injury, lacerations and abrasions</u> <input type="checkbox"/> DEATH CAUSED BY <u>falling</u>	WAS VICTIM (Check that Apply) 1 <input type="checkbox"/> Swimmer 2 <input type="checkbox"/> Non-Swimmer 3 <input checked="" type="checkbox"/> Wearing a PFD 4 <input type="checkbox"/> Not Wearing a PFD 5 <input type="checkbox"/> Unknown
	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured NAME (Last, First Middle) ADDRESS: CITY: <u>_____</u> STATE: <u>_____</u> ZIP CODE: <u>_____</u>	DATE OF BIRTH: <u>_____</u> LOCATION WHERE VICTIM WAS FOUND: <u>_____</u> DATE AND TIME OF RECOVERY: <u>_____</u> <u>_____</u> AM <input type="checkbox"/> PM <input type="checkbox"/> MEDICAL TREATMENT: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NATURE OF INJURY <u>_____</u> <input type="checkbox"/> DEATH CAUSED BY <u>_____</u>	WAS VICTIM (Check that Apply) 1 <input type="checkbox"/> Swimmer 2 <input type="checkbox"/> Non-Swimmer 3 <input type="checkbox"/> Wearing a PFD 4 <input type="checkbox"/> Not Wearing a PFD 5 <input type="checkbox"/> Unknown

DAMAGE	ESTIMATE OF DAMAGE Watercraft 1 \$ <u>0</u> Watercraft 2 \$ <u>0</u> Other Property \$ <u>0</u> Total \$ <u>0</u>	DESCRIPTION OF DAMAGE <u>_____</u>	OTHER PROPERTY OWNER NAME (Last, First Middle) ADDRESS: CITY: <u>_____</u> STATE: <u>_____</u> ZIP CODE: <u>_____</u>
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WITNESSES	WITNESS 1 NAME (Last, First Middle) ADDRESS: CITY: <u>_____</u> STATE: <u>_____</u> ZIP CODE: <u>_____</u> TELEPHONE: HOME <u>_____</u> WORK <u>_____</u>	WITNESS 2 NAME (Last, First Middle) ADDRESS: CITY: <u>_____</u> STATE: <u>_____</u> ZIP CODE: <u>_____</u> TELEPHONE: HOME <u>_____</u> WORK <u>_____</u>
	LOCATION AT TIME OF ACCIDENT <u>_____</u>	LOCATION AT TIME OF ACCIDENT <u>_____</u>

COUNTY	REPORTED BY NAME (Last, First Middle) ADDRESS: CITY: <u>_____</u> STATE: <u>_____</u> ZIP CODE: <u>_____</u> TELEPHONE: HOME <u>_____</u> WORK <u>_____</u>	DEPARTMENT RECEIVED BY <u>_____</u> DATE AND TIME RECEIVED <u>7/7/06</u> <u>8:30</u> AM <input checked="" type="checkbox"/> PM <input type="checkbox"/> DATE SUBMITTED <u>7/7/06</u>
	ACTIONS TAKEN BY INVESTIGATOR <u>_____</u>	ARRESTS OR WARNINGS (Last, First Middle) NAME: <u>_____</u> # <u>_____</u> NAME: <u>_____</u> # <u>_____</u>

STATE	NAME OF REVIEWING OFFICE Minnesota Department of Natural Resources	DATE RECEIVED <u>7/7/06</u>	REVIEWED BY <u>_____</u>
	Reports should be forwarded to: BOAT AND WATER SAFETY, MINNESOTA DEPARTMENT OF NATURAL RESOURCES, 500 LAYFAYETTE RD, ST PAUL, MN 55155-4046		

668

A-10126-22

late Use Only
G.P.



STATE OF MINNESOTA WATERCRAFT ACCIDENT REPORT

Hart

County Complaint No.

12763

This form must be submitted whenever a watercraft accident results in:
1. Loss of life. 2. Injury beyond first aid. 3. Property damage over \$500.

PLEASE TYPE OR PRINT. COMPLETE ALL BLOCKS (INDICATE THOSE NOT APPLICABLE BY "NA")

DATE OF ACCIDENT 0.6/30/2006	TIME 2015	NAME OF BODY OF WATER Ethel Lake	<input checked="" type="checkbox"/> LAKE <input type="checkbox"/> RIVER <input type="checkbox"/> POND / DITCH <input type="checkbox"/> OTHER (Specify)
LOCATION WHERE VICTIM WAS FOUND (Give Location Precisely) West side of lake		NEAREST CITY OR TOWN Battle Lake	COUNTY Otter Tail

OPERATOR Last, First, Middle, Address, City, State, Zip Code, Telephone Number(s) [REDACTED]		OPERATOR'S DATE OF BIRTH 11.27.68	OPERATOR'S EXPERIENCE (Check One From Each Type) THIS TYPE OF BOAT <input type="checkbox"/> UNDER 20 HOURS <input type="checkbox"/> 20 TO 100 HOURS <input type="checkbox"/> 100 TO 500 HOURS <input checked="" type="checkbox"/> OVER 500 HOURS <input type="checkbox"/> UNKNOWN	
HOME () WORK () OWNER Last, First, Middle, Address, City, State, Zip Code, Telephone Number(s) [REDACTED]		OPERATOR'S AGE 38	OTHER TYPE(S) OF BOAT(S) <input type="checkbox"/> UNDER 20 HOURS <input checked="" type="checkbox"/> 20 TO 100 HOURS <input type="checkbox"/> 100 TO 500 HOURS <input type="checkbox"/> OVER 500 HOURS <input type="checkbox"/> UNKNOWN	
HOME () WORK ()		WAS BOAT RENTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OPERATOR'S FORMAL INSTRUCTIONS IN BOATING SAFETY (Check All That Apply) <input type="checkbox"/> STATE Permit Number <input checked="" type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER (Specify)	
HOME () WORK ()		NO. OF PERSONS ON BOARD 3	<input type="checkbox"/> USCG AUXILIARY <input type="checkbox"/> U.S. POWER SQUADRONS <input type="checkbox"/> AMERICAN RED CROSS	

BOAT NUMBER (State & Number) [REDACTED]	BOAT MAKE Glastron	BOAT MODEL Rainabout	MFR. HULL IDENTIFICATION NUMBER [REDACTED]	BOAT NAME
TYPE OF BOAT (Check One) <input checked="" type="checkbox"/> OPEN MOTORBOAT <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> CABIN MOTORBOAT <input type="checkbox"/> AUXILIARY SAIL <input type="checkbox"/> SAIL (Other) <input type="checkbox"/> ROWBOAT (Non-Motorized) <input type="checkbox"/> CANOE <input type="checkbox"/> PERSONAL WATERCRAFT (Jet Ski) <input type="checkbox"/> PONTOON	HULL MATERIAL (Check One) <input type="checkbox"/> ALUMINUM <input checked="" type="checkbox"/> FIBERGLASS (Plastic) <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL <input type="checkbox"/> RUBBER / VINYL <input type="checkbox"/> OTHER (Specify)	ENGINE (Check One) <input type="checkbox"/> OUTBOARD <input checked="" type="checkbox"/> INBOARD - OUTDRIVE <input type="checkbox"/> INBOARD GASOLINE <input type="checkbox"/> INBOARD DIESEL <input type="checkbox"/> WATER JET <input type="checkbox"/> NONE <input type="checkbox"/> OTHER (Specify)	BOAT DATA (Propulsion) NUMBER OF ENGINES 1 MAKE OF ENGINE(S) Volvo Full Name HORSEPOWER (Total) 225 YEAR BUILT (Engine) 2005	BOAT DATA (Construction) LENGTH 17 FEET INCHES YEAR BUILT (Boat) 2005
PERSONAL FLOTATION DEVICES (Answer All Questions) Yes No <input checked="" type="checkbox"/> WAS BOAT ADEQUATELY EQUIPPED WITH CG APPROVED LIFESAVING DEVICES <input checked="" type="checkbox"/> WERE PFD'S ACCESSIBLE <input checked="" type="checkbox"/> WERE PFD'S USED		IF YES WHAT TYPE <input type="checkbox"/> I <input type="checkbox"/> II <input checked="" type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V	FIRE EXTINGUISHERS Yes No NA <input checked="" type="checkbox"/> WERE APPROVED FIRE EXTINGUISHERS USED (Check YES or NO only if there was a fire)	LIGHTS (Answer All Questions) Yes No NA <input type="checkbox"/> WAS BOAT EQUIPPED WITH REQUIRED LIGHTS (if operating after sunset) <input checked="" type="checkbox"/> WERE LIGHTS USED (if operating after sunset)

OPERATOR Last, First, Middle, Address, City, State, Zip Code, Telephone Number(s) [REDACTED]		OPERATOR'S DATE OF BIRTH / /	OPERATOR'S EXPERIENCE (Check One From Each Type) THIS TYPE OF BOAT <input type="checkbox"/> UNDER 20 HOURS <input type="checkbox"/> 20 TO 100 HOURS <input type="checkbox"/> 100 TO 500 HOURS <input type="checkbox"/> OVER 500 HOURS <input type="checkbox"/> UNKNOWN	
HOME () WORK () OWNER Last, First, Middle, Address, City, State, Zip Code, Telephone Number(s) [REDACTED]		OPERATOR'S AGE	OTHER TYPE(S) OF BOAT(S) <input type="checkbox"/> UNDER 20 HOURS <input type="checkbox"/> 20 TO 100 HOURS <input type="checkbox"/> 100 TO 500 HOURS <input type="checkbox"/> OVER 500 HOURS <input type="checkbox"/> UNKNOWN	
HOME () WORK ()		WAS BOAT RENTED <input type="checkbox"/> YES <input type="checkbox"/> NO	OPERATOR'S FORMAL INSTRUCTIONS IN BOATING SAFETY (Check All That Apply) <input type="checkbox"/> STATE Permit Number <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER (Specify)	
HOME () WORK ()		NO. OF PERSONS ON BOARD	<input type="checkbox"/> USCG AUXILIARY <input type="checkbox"/> U.S. POWER SQUADRONS <input type="checkbox"/> AMERICAN RED CROSS	

BOAT NUMBER (State & Number)	BOAT MAKE	BOAT MODEL	MFR. HULL IDENTIFICATION NUMBER	BOAT NAME
TYPE OF BOAT (Check One) <input type="checkbox"/> OPEN MOTORBOAT <input type="checkbox"/> OTHER (Specify) <input type="checkbox"/> CABIN MOTORBOAT <input type="checkbox"/> AUXILIARY SAIL <input type="checkbox"/> SAIL (Other) <input type="checkbox"/> ROWBOAT (Non-Motorized) <input type="checkbox"/> CANOE <input type="checkbox"/> PERSONAL WATERCRAFT (Jet Ski) <input type="checkbox"/> PONTOON	HULL MATERIAL (Check One) <input type="checkbox"/> ALUMINUM <input type="checkbox"/> FIBERGLASS (Plastic) <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL <input type="checkbox"/> RUBBER / VINYL <input type="checkbox"/> OTHER (Specify)	ENGINE (Check One) <input type="checkbox"/> OUTBOARD <input type="checkbox"/> INBOARD - OUTDRIVE <input type="checkbox"/> INBOARD GASOLINE <input type="checkbox"/> INBOARD DIESEL <input type="checkbox"/> WATER JET <input type="checkbox"/> NONE <input type="checkbox"/> OTHER (Specify)	BOAT DATA (Propulsion) NUMBER OF ENGINES MAKE OF ENGINE(S) Full Name HORSEPOWER (Total) YEAR BUILT (Engine)	BOAT DATA (Construction) LENGTH FEET INCHES YEAR BUILT (Boat)
PERSONAL FLOTATION DEVICES (Answer All Questions) Yes No <input type="checkbox"/> WAS BOAT ADEQUATELY EQUIPPED WITH CG APPROVED LIFESAVING DEVICES <input type="checkbox"/> WERE PFD'S ACCESSIBLE		IF YES WHAT TYPE <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V	FIRE EXTINGUISHERS Yes No NA <input type="checkbox"/> WERE APPROVED FIRE EXTINGUISHERS USED (Check YES or NO only if there was a fire)	LIGHTS (Answer All Questions) Yes No NA <input type="checkbox"/> WAS BOAT EQUIPPED WITH REQUIRED LIGHTS (if operating after sunset) <input type="checkbox"/> WERE LIGHTS USED (if operating after sunset)

WATERCRAFT NUMBER 1

WATERCRAFT NUMBER 2

669

OPERATION AT TIME OF ACCIDENT (Check All That Apply for Each Watercraft) <i>Paul Hart</i> <input type="checkbox"/> FISHING <input type="checkbox"/> CRUISING <input type="checkbox"/> ANCHORED <input type="checkbox"/> DRIFTING <input type="checkbox"/> APPROACHING OR LEAVING DOCK <input type="checkbox"/> TIED TO DOCK <input type="checkbox"/> ON BOAT LIFT <input type="checkbox"/> FUELING <input checked="" type="checkbox"/> WATER SPORTS (skiing, etc.) <input type="checkbox"/> TOWING A BOAT <input type="checkbox"/> BEING TOWED BY ANOTHER BOAT <input type="checkbox"/> RACING <input type="checkbox"/> HUNTING <input type="checkbox"/> SCUBA DIVING OR SWIMMING <input type="checkbox"/> OTHER (Specify)	WHAT IN YOUR OPINION CAUSED THE ACCIDENT? (Check All That Apply) <input type="checkbox"/> WEATHER CONDITIONS <input type="checkbox"/> EXCESSIVE SPEED <input type="checkbox"/> NO PROPER LOOKOUT <input type="checkbox"/> OVERLOADING <input type="checkbox"/> ALCOHOL / DRUG USE <input type="checkbox"/> IMPROPER LOADING <input type="checkbox"/> HAZARDOUS WATERS <input type="checkbox"/> FAULT OF EQUIPMENT <input checked="" type="checkbox"/> OTHER (Specify) <i>equipment design</i>		OPERATOR'S CONDITION (Check for Each Operator) 1 <input type="checkbox"/> HAD BEEN DRINKING <input checked="" type="checkbox"/> HAD NOT BEEN DRINKING <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER (Specify) 1 D. SAC 2 D. SAC	WEATHER (Check One Only) <input type="checkbox"/> CLEAR <input checked="" type="checkbox"/> CLOUDY <input type="checkbox"/> FOG <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> HAZY			
	WATER CONDITIONS <input checked="" type="checkbox"/> CALM (Waves Less Than 6") <input type="checkbox"/> CHOPPY (Waves 6" to 2') <input type="checkbox"/> ROUGH (Waves 2' to 6") <input type="checkbox"/> VERY ROUGH (Greater Than 6") <input type="checkbox"/> STRONG CURRENT	TEMPERATURES AIR <u>90°</u> WATER <u>75°</u>	WIND <input checked="" type="checkbox"/> NONE <input type="checkbox"/> LIGHT (0 to 6 MPH) <input type="checkbox"/> MODERATE (7 to 14 MPH) <input type="checkbox"/> STRONG (15 to 25 MPH) <input type="checkbox"/> STORM (OVER 25 MPH)	VISIBILITY DAY <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> 1 <input type="checkbox"/> FAIR <input type="checkbox"/> 2 <input type="checkbox"/> POOR <input type="checkbox"/> 3 NIGHT <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3			
PRIMARY CAUSE OF ACCIDENT (Check One Only) <input type="checkbox"/> FALLS OVERBOARD <input type="checkbox"/> COLLISION WITH FIXED OBJECT <input type="checkbox"/> CAPSIZING <input type="checkbox"/> COLLISION WITH FLOATING OBJECT <input type="checkbox"/> GROUNDDING <input type="checkbox"/> FLOODING <input type="checkbox"/> SINKING <input type="checkbox"/> FALLS IN BOAT <input type="checkbox"/> FIRE OR EXPLOSION (Fuel) <input type="checkbox"/> HIT BY BOAT PROPELLER <input type="checkbox"/> FIRE OR EXPLOSION (Other than Fuel) <input checked="" type="checkbox"/> OTHER (Specify)				DESCRIBE WHAT HAPPENED (Sequence of events. Include failure of equipment, if diagram is needed, attach separately. Continue on additional sheets if necessary. Include any information regarding the involvement of alcohol and/or drugs in causing or contributing to the accident. Include any descriptive information about the use of PFD's.) <p><i>In the process of pulling a sail innertube back and forth on the lake at towing speed, Paul was in the air approximately 20 feet. The tube dropped down to the water and he fell on top of the tube. He was put into towing boat, brought to shore, and transported to Lake Region Hospital.</i></p>			

<input type="checkbox"/> DECEASED <input checked="" type="checkbox"/> INJURED NAME: Last, F. (a) Middle, Address, City, State, Zip Code [REDACTED]	DATE OF BIRTH 10/2/85	LOCATION WHERE VICTIM WAS FOUND in water by tube	WAS VICTIM (Check All That Apply) <input checked="" type="checkbox"/> SWIMMER <input type="checkbox"/> NON-SWIMMER <input checked="" type="checkbox"/> WEARING A PFD <input type="checkbox"/> NOT WEARING A PFD <input type="checkbox"/> UNKNOWN
	DATE & TIME OF RECOVERY 06/30/06 2037 (20)	MEDICAL TREATMENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/> DECEASED <input type="checkbox"/> INJURED NAME: Last, First, Middle, Address, City, State, Zip Code	DATE OF BIRTH / /	LOCATION WHERE VICTIM WAS FOUND	WAS VICTIM (Check All That Apply) <input type="checkbox"/> SWIMMER <input type="checkbox"/> NON-SWIMMER <input type="checkbox"/> WEARING A PFD <input type="checkbox"/> NOT WEARING A PFD <input type="checkbox"/> UNKNOWN
	DATE & TIME OF RECOVERY / / (AM/PM)	MEDICAL TREATMENT <input type="checkbox"/> YES <input type="checkbox"/> NO	

ESTIMATE OF DAMAGE WATERCRAFT 1 \$ _____ WATERCRAFT 2 \$ _____ OTHER PROPERTY \$ _____ TOTAL \$ _____	DESCRIPTION OF DAMAGE _____	OTHER PROPERTY OWNER (Name & Address, City, State, Zip Code) _____
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WITNESS 1 (Name & Address, City, State, Zip Code, Telephone Number) [REDACTED] HOME () WORK ()	WITNESS 2 (Name & Address, City, State, Zip Code, Telephone Number) _____ HOME () WORK ()
LOCATION AT TIME OF ACCIDENT in boat	LOCATION AT TIME OF ACCIDENT _____

REPORTED BY (Name & Address, City, State, Zip Code, Telephone Number) [REDACTED] HOME ()	DEPARTMENT RECEIVED BY OTC Dispatch	TIME / DATE RECEIVED 2037 (20) 6/30/06	DATE SUBMITTED 7/1/06
ACTIONS TAKEN BY INVESTIGATOR report written			
ARRESTS OR WARNINGS (Last, First, Middle) NAME # _____ NAME # _____	STATUTE NUMBER # _____ TICKET NUMBER # _____	INVESTIGATOR'S SIGNATURE [Signature] # 346	

NAME OF REVIEWING OFFICE Minnesota Department of Natural Resources	DATE RECEIVED 7/15/06	REVIEWED BY [Signature]
Reports should be forwarded to: BOAT AND WATER SAFETY, MINNESOTA DEPARTMENT OF NATURAL RESOURCES, 601 CLEVELAND ROAD, ST PAUL, MN 55155-0046.		

670

USE ONLY
DeShane
Branis



STATE OF MINNESOTA WATERCRAFT ACCIDENT REPORT

County Complaint No.
 06012881

This form must be submitted whenever a watercraft accident results in:
 1. Loss of life. 2. Injury beyond first aid. 3. Property damage over \$500.

PLEASE TYPE OR PRINT. COMPLETE ALL BLOCKS (INDICATE THOSE NOT APPLICABLE BY "NA")

TIME & PLACE	DATE OF ACCIDENT 07/01/06	TIME 17:50 (AM) (PM)	NAME OF BODY OF WATER OTTERTAIL LAKE	<input type="checkbox"/> LAKE <input type="checkbox"/> RIVER <input type="checkbox"/> POND / DITCH <input type="checkbox"/> OTHER (Specify)
	LOCATION WHERE VICTIM WAS FOUND (Give Location Precisely) NO SIDE OF LAKE OFF RIVER DR.		NEAREST CITY OR TOWN OTTERTAIL CITY	COUNTY OTTERTAIL

WATERCRAFT NUMBER 1	OPERATOR (Last, First, Middle, Address, City, State, Zip Code, Telephone Number(s)) [REDACTED]	OPERATOR'S DATE OF BIRTH 10/21/64	OPERATOR'S EXPERIENCE (Check One From Each Type)	
	HOME () WORK ()	OPERATOR'S AGE 42	THIS TYPE OF BOAT 1 <input type="checkbox"/> UNDER 20 HOURS 2 <input type="checkbox"/> 20 TO 100 HOURS 3 <input type="checkbox"/> 100 TO 500 HOURS 4 <input type="checkbox"/> OVER 500 HOURS 5 <input type="checkbox"/> UNKNOWN	OTHER TYPE(S) OF BOAT(S) 1 <input type="checkbox"/> UNDER 20 HOURS 2 <input type="checkbox"/> 20 TO 100 HOURS 3 <input type="checkbox"/> 100 TO 500 HOURS 4 <input checked="" type="checkbox"/> OVER 500 HOURS 5 <input type="checkbox"/> UNKNOWN
OWNER (Last, First, Middle, Address, City, State, Zip Code, Telephone Number(s)) SAMUEL AS ABRAHAM		WAS BOAT RENTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OPERATOR'S FORMAL INSTRUCTIONS IN BOATING SAFETY (Check All That Apply)	
HOME () WORK ()		NO. OF PERSONS ON BOARD 1	1 <input type="checkbox"/> STATE Permit Number 2 <input type="checkbox"/> NONE 3 <input type="checkbox"/> UNKNOWN 4 <input type="checkbox"/> OTHER (Specify)	
		1 <input type="checkbox"/> USCG AUXILIARY 2 <input type="checkbox"/> U.S. POWER SQUADRONS 3 <input type="checkbox"/> AMERICAN RED CROSS		

BOAT NUMBER (State & Number) MN 6125-JY	BOAT MAKE SEA DOO	BOAT MODEL [REDACTED]	MFR. HULL IDENTIFICATION NUMBER [REDACTED]	BOAT NAME SEA DOO
TYPE OF BOAT (Check One) 1 <input type="checkbox"/> OPEN MOTORBOAT 2 <input type="checkbox"/> CABIN MOTORBOAT 3 <input type="checkbox"/> AUXILIARY SAIL 4 <input type="checkbox"/> SAIL (Only) 5 <input type="checkbox"/> ROWBOAT (Non-Motorized) 6 <input type="checkbox"/> CANOE 7 <input type="checkbox"/> PERSONAL WATERCRAFT (Jet Ski) 8 <input type="checkbox"/> PONTOON	HULL MATERIAL (Check One) 1 <input type="checkbox"/> ALUMINUM 2 <input type="checkbox"/> FIBERGLASS (Fiberglass) 3 <input type="checkbox"/> WOOD 4 <input type="checkbox"/> STEEL 5 <input type="checkbox"/> RUBBER / VINYL 6 <input type="checkbox"/> OTHER (Specify)	ENGINE (Check One) 1 <input type="checkbox"/> OUTBOARD 2 <input type="checkbox"/> INBOARD - OUTDRIVE 3 <input type="checkbox"/> INBOARD GASOLINE 4 <input type="checkbox"/> INBOARD DIESEL 5 <input type="checkbox"/> WATER JET 6 <input type="checkbox"/> NONE 7 <input type="checkbox"/> OTHER (Specify)	BOAT DATA (Propulsion) NUMBER OF ENGINES _____ MAKE OF ENGINE(S) _____ Horsepower (Total) _____ YEAR BUILT (Engine) _____	BOAT DATA (Construction) LENGTH _____ FEET INCHES YEAR BUILT (Boat) _____
PERSONAL FLOTATION DEVICES (Answer All Questions) Yes No <input checked="" type="checkbox"/> WAS BOAT ADEQUATELY EQUIPPED WITH CG APPROVED LIFESAVING DEVICES <input type="checkbox"/> WERE PFD'S ACCESSIBLE <input type="checkbox"/> WERE PFD'S USED		IF YES WHAT TYPE I <input type="checkbox"/> II <input checked="" type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V <input type="checkbox"/>	FIRE EXTINGUISHERS Yes No NA <input checked="" type="checkbox"/> WERE APPROVED FIRE EXTINGUISHERS USED (Check YES or NO only if there was a fire)	LIGHTS (Answer All Questions) Yes No NA <input type="checkbox"/> WAS BOAT EQUIPPED WITH REQUIRED LIGHTS (If operating after sunset) <input type="checkbox"/> WERE LIGHTS USED (If operating after sunset)

WATERCRAFT NUMBER 2	OPERATOR (Last, First, Middle, Address, City, State, Zip Code, Telephone Number(s)) HOME () WORK ()	OPERATOR'S DATE OF BIRTH / /	OPERATOR'S EXPERIENCE (Check One From Each Type)	
	OWNER (Last, First, Middle, Address, City, State, Zip Code, Telephone Number(s)) HOME () WORK ()	OPERATOR'S AGE	THIS TYPE OF BOAT 1 <input type="checkbox"/> UNDER 20 HOURS 2 <input type="checkbox"/> 20 TO 100 HOURS 3 <input type="checkbox"/> 100 TO 500 HOURS 4 <input type="checkbox"/> OVER 500 HOURS 5 <input type="checkbox"/> UNKNOWN	OTHER TYPE(S) OF BOAT(S) 1 <input type="checkbox"/> UNDER 20 HOURS 2 <input type="checkbox"/> 20 TO 100 HOURS 3 <input type="checkbox"/> 100 TO 500 HOURS 4 <input type="checkbox"/> OVER 500 HOURS 5 <input type="checkbox"/> UNKNOWN
		WAS BOAT RENTED <input type="checkbox"/> YES <input type="checkbox"/> NO	OPERATOR'S FORMAL INSTRUCTIONS IN BOATING SAFETY (Check All That Apply)	
		NO. OF PERSONS ON BOARD	1 <input type="checkbox"/> STATE Permit Number 2 <input type="checkbox"/> NONE 3 <input type="checkbox"/> UNKNOWN 4 <input type="checkbox"/> OTHER (Specify)	
		1 <input type="checkbox"/> USCG AUXILIARY 2 <input type="checkbox"/> U.S. POWER SQUADRONS 3 <input type="checkbox"/> AMERICAN RED CROSS		
BOAT NUMBER (State & Number)	BOAT MAKE	BOAT MODEL	MFR. HULL IDENTIFICATION NUMBER	BOAT NAME
TYPE OF BOAT (Check One) 1 <input type="checkbox"/> OPEN MOTORBOAT 2 <input type="checkbox"/> CABIN MOTORBOAT 3 <input type="checkbox"/> AUXILIARY SAIL 4 <input type="checkbox"/> SAIL (Only) 5 <input type="checkbox"/> ROWBOAT (Non-Motorized) 6 <input type="checkbox"/> CANOE 7 <input type="checkbox"/> PERSONAL WATERCRAFT (Jet Ski) 8 <input type="checkbox"/> PONTOON	HULL MATERIAL (Check One) 1 <input type="checkbox"/> ALUMINUM 2 <input type="checkbox"/> FIBERGLASS (Fiberglass) 3 <input type="checkbox"/> WOOD 4 <input type="checkbox"/> STEEL 5 <input type="checkbox"/> RUBBER / VINYL 6 <input type="checkbox"/> OTHER (Specify)	ENGINE (Check One) 1 <input type="checkbox"/> OUTBOARD 2 <input type="checkbox"/> INBOARD - OUTDRIVE 3 <input type="checkbox"/> INBOARD GASOLINE 4 <input type="checkbox"/> INBOARD DIESEL 5 <input type="checkbox"/> WATER JET 6 <input type="checkbox"/> NONE 7 <input type="checkbox"/> OTHER (Specify)	BOAT DATA (Propulsion) NUMBER OF ENGINES _____ MAKE OF ENGINE(S) _____ Horsepower (Total) _____ YEAR BUILT (Engine) _____	BOAT DATA (Construction) LENGTH _____ FEET INCHES YEAR BUILT (Boat) _____
PERSONAL FLOTATION DEVICES (Answer All Questions) Yes No <input type="checkbox"/> WAS BOAT ADEQUATELY EQUIPPED WITH CG APPROVED LIFESAVING DEVICES <input type="checkbox"/> WERE PFD'S ACCESSIBLE <input type="checkbox"/> WERE PFD'S USED		IF YES WHAT TYPE I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V <input type="checkbox"/>	FIRE EXTINGUISHERS Yes No NA <input type="checkbox"/> WERE APPROVED FIRE EXTINGUISHERS USED (Check YES or NO only if there was a fire)	LIGHTS (Answer All Questions) Yes No NA <input type="checkbox"/> WAS BOAT EQUIPPED WITH REQUIRED LIGHTS (If operating after sunset) <input type="checkbox"/> WERE LIGHTS USED (If operating after sunset)

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ACCIDENT DESCRIPTION	OPERATION AT TIME OF ACCIDENT (Check All That Apply For Each Watercraft)	WHAT IN YOUR OPINION CAUSED THE ACCIDENT (Check All That Apply)		OPERATOR'S CONDITION (Check For Each Operator)	WEATHER (Check One Only)
	<input type="checkbox"/> FISHING <input type="checkbox"/> CRUISING <input type="checkbox"/> ANCHORED <input type="checkbox"/> DRIFTING <input type="checkbox"/> APPROACHING OR LEAVING DOCK <input type="checkbox"/> TIED TO DOCK <input type="checkbox"/> ON BOAT LIFT <input checked="" type="checkbox"/> FUELING <input type="checkbox"/> WATER SPORTS (skiing etc.) <input type="checkbox"/> TOWING A BOAT <input type="checkbox"/> BEING TOWED BY ANOTHER BOAT <input type="checkbox"/> RACING <input type="checkbox"/> HUNTING <input type="checkbox"/> SCUBA DIVING OR SWIMMING <input type="checkbox"/> OTHER (Specify)	<input checked="" type="checkbox"/> WEATHER CONDITIONS <input checked="" type="checkbox"/> EXCESSIVE SPEED <input type="checkbox"/> NO PROPER LOOKOUT <input type="checkbox"/> OVERLOADING <input type="checkbox"/> ALCOHOL / DRUG USE <input type="checkbox"/> IMPROPER LOADING <input type="checkbox"/> HAZARDOUS WATERS <input type="checkbox"/> FAULT OF EQUIPMENT <input type="checkbox"/> OTHER (Specify)	<input type="checkbox"/> HAD BEEN DRINKING <input checked="" type="checkbox"/> HAD NOT BEEN DRINKING <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER (Specify) 1 0 BAC 2 0 BAC	<input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> FOG <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> HAZY	
	PRIMARY CAUSE OF ACCIDENT (Check One Only)	WATER CONDITIONS <input type="checkbox"/> CALM (Waves Less Than 6") <input checked="" type="checkbox"/> CHOPPY (Waves 6" To 2') <input type="checkbox"/> ROUGH (Waves 2' To 6") <input type="checkbox"/> VERY ROUGH (Greater Than 6") <input type="checkbox"/> STRONG CURRENT	TEMPERATURES AIR 80 ° F WATER 75 ° F	WIND <input type="checkbox"/> NONE <input type="checkbox"/> LIGHT (0 To 6 MPH) <input checked="" type="checkbox"/> MODERATE (7 To 14 MPH) <input type="checkbox"/> STRONG (15 To 25 MPH) <input type="checkbox"/> STORM (OVER 25 MPH)	VISIBILITY DAY NIGHT <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> 1 <input type="checkbox"/> FAIR <input type="checkbox"/> 2 <input type="checkbox"/> POOR <input type="checkbox"/> 3
DESCRIBE WHAT HAPPENED (Sequence of events. Include failure of equipment. If diagram is needed attach separately. Continue on additional sheets if necessary. Include any information regarding the involvement of alcohol and / or drugs in causing or contributing to the accident. Include any descriptive information about the use of PFD's)					
WITH A PWC, SPEED 20 MPH - PULLING SINGLE TUBAR, WIND EFFECT LIFTED TUBAR AND TUBAR WAS FLIPPED AND PROPAGATED WIND WAVES DOWN IN FRONT OF TUBAR. TUBAR LIFTED					

VICTIM	<input type="checkbox"/> DECEASED <input checked="" type="checkbox"/> INJURED NAME (Last, First, Middle, Address, City, State, Zip Code)	DATE OF BIRTH 03/31/90	LOCATION WHERE VICTIM WAS FOUND 41796 RIVIERA DR LAKE OTTER TAIL LAKE	WAS VICTIM (Check All That Apply)
	[REDACTED]	DATE & TIME OF RECOVERY 07/01/06 1800 (AM)	MEDICAL TREATMENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> SWIMMER <input type="checkbox"/> NON-SWIMMER <input checked="" type="checkbox"/> WEARING A PFD <input type="checkbox"/> NOT WEARING A PFD <input type="checkbox"/> UNKNOWN
	<input type="checkbox"/> DECEASED <input type="checkbox"/> INJURED NAME (Last, First, Middle, Address, City, State, Zip Code)	DATE OF BIRTH / /	LOCATION WHERE VICTIM WAS FOUND	WAS VICTIM (Check All That Apply)
		DATE & TIME OF RECOVERY / / (AM/PM)	MEDICAL TREATMENT <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> SWIMMER <input type="checkbox"/> NON-SWIMMER <input type="checkbox"/> WEARING A PFD <input type="checkbox"/> NOT WEARING A PFD <input type="checkbox"/> UNKNOWN

DAMAGE	ESTIMATE OF DAMAGE	DESCRIPTION OF DAMAGE	OTHER PROPERTY OWNER (Name & Address, City, State, Zip Code)
	WATERCRAFT 1 \$ _____ WATERCRAFT 2 \$ _____ OTHER PROPERTY \$ _____ TOTAL \$ _____		

WITNESSES	WITNESS 1 (Name & Address, City, State, Zip Code, Telephone Number(s)) HOME () WORK () LOCATION AT TIME OF ACCIDENT	WITNESS 2 (Name & Address, City, State, Zip Code, Telephone Number(s)) HOME () WORK () LOCATION AT TIME OF ACCIDENT

COUNTY	REPORTED BY (Name & Address, City, State, Zip Code, Telephone Number)	DEPARTMENT RECEIVED BY OTC DISPATCH 1754 (AM/PM)	TIME / DATE RECEIVED 07/01/06	DATE SUBMITTED 07/02/06
	[REDACTED]	ACTIONS TAKEN BY INVESTIGATOR STABILIZED VICTIM UNTIL RESCUE ALLOWED - INTERVIEWED PARENTS		
	ARRESTS OR WARNINGS (Last, First, Middle)	STATUTE NUMBER	TICKET NUMBER	INVESTIGATOR'S SIGNATURE Charles Vigen # 347
	NAME # _____ NAME # _____			

STATE	NAME OF REVIEWING OFFICE Minnesota Department of Natural Resources	DATE RECEIVED 7/5/06	REVIEWED BY HGS
	Reports should be forwarded to: BOAT AND WATER SAFETY, MINNESOTA DEPARTMENT OF NATURAL RESOURCES, 505 E AVENUE BLDG ST PAUL MN 55155-4046.		

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Topka, Tanya L.

From: Boyd, Mary Ellen
Sent: Tuesday, July 04, 2006 11:58 AM
To: Topka, Tanya L.
Subject: FW: 22 ticketed for boating violations in White County
Attachments: DNR.doc; 7-3-06KiteTubeJournal and Courier Online - News.htm

Hi Tanya here is a copy of the news story Eric refers to. Also the letter I sent to the Indiana Department of Natural Resources to try to get their account. Don't know if John Lewis got the message and or if he was able to come up with anything more immediate or not. Hope you're having a good holiday!

From: Ault, Eric B.
Sent: Monday, July 03, 2006 11:36 AM
To: Lewis, Johnnie; Boyd, Mary Ellen
Subject: FW: 22 ticketed for boating violations in White County

Is either one of you on duty today, and if so, could somebody call as requested and get some preliminary details about the cited incident? Thanks.

From: Blasius, Dennis R.
Sent: Monday, July 03, 2006 10:26 AM
To: Ault, Eric B.; Poyer, Julie A.
Subject: FW: 22 ticketed for boating violations in White County

Julie can we have someone make some calls regarding the kite tube incident mentioned and get back to Tanya with a brief summary as soon as possible?

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

From: Topka, Tanya L.
Sent: Mon 7/3/2006 10:03 AM
To: Ingle, Robin L.; Blasius, Dennis R.
Cc: Schoem, Marc J.
Subject: FW: 22 ticketed for boating violations in White County

Robin actually I think it might be what we are looking for. Go ahead and assign it.
Dennis can you have the field call about the incident listed half way through the news story about a rope from a kite tube getting stuck.
<http://www.jconline.com/apps/pbcs.dll/article?AID=2006607030310>

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

7/6/2006

6073

-----Original Message-----

From: jconline@journalandcourier.com [mailto:jconline@journalandcourier.com]

Sent: Monday, July 03, 2006 10:43 AM

To: Topka, Tanya L.

Subject: 22 ticketed for boating violations in White County

You have been sent the following article from Robin Ingle as a courtesy of the Journal and Courier (Lafayette-West Lafayette, IN).

"22 ticketed for boating violations in White County"

To view this article on The Journal and Courier Web site, go to:

<http://www.jconline.com/apps/pbcs.dll/article?AID=2006607030310>

The following is a short message from Robin Ingle:

There's a tube kite incident mentioned here, but I don't think it's the kind you want -- is it?

Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Thursday, July 06, 2006 9:09 AM
To: Ingle, Robin L.; Topka, Tanya L.
Subject: RE: Heads up -- two KT cases on same lake

Steve Mele has the first one, I'll see if I can arrange for him to handle both

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

From: Ingle, Robin L.
Sent: Thu 7/6/2006 7:22 AM
To: Blasius, Dennis R.; Topka, Tanya L.
Subject: Heads up -- two KT cases on same lake

This report, which I sent to you both yesterday (and is being assigned) occurred on Falls Lake, near Raleigh, NC. Note that we have another, different case that occurred on the same lake. That incident is 060621HCC1594, which occurred on 5/20/07 and involved a male victim in his 20s. That case is still open -- I wonder if the official report will come from the same place? (in the 5/20 case, I think the NC Wildlife Resources Commission was one of the agencies mentioned in the source doc).

Will the same investigator get both cases? I don't want to step on your toes, Dennis -- just wanted to give you a heads up.

Robin

-----Original Message-----
From: Topping, John C.
Sent: Wednesday, July 05, 2006 5:23 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670073A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 2:16 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670073A

07/05/2006 13:01:05

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 27596

075

7/6/2006

Email = [REDACTED]

Telephone = [REDACTED]

Name of Victim [REDACTED]

Victim's Address =

Victim's City =

Victim's State =

Victim's Zip =

Victim's Telephone =

Incident Description: I was riding a Wego Kite tube on Falls Lake NC. At no more than 6 feet off the water the tube twisted and dived uncontrollably to the water. My right foot somehow took the impact completely snapping my talus bone (Ankle) I required 3 titanium screws to be installed to repair the bone and will not be able to drive for another 8 weeks or so depending on the recovery.

Victim's age at time of incident = 40

Victim's sex = Male

Date of incident = 6/08/06

Product involved = Inflatable watersports tube Product brand name/manufacturer = Wego Kite Tube by Sportstuff Manufacturer street address = don't know Place where manufactured (City and State or Country) = don't know Product involved still available = No Product model and serial number, manufacture date = A friend of mine bought the tube. He is now selling it on ebay Date product purchased = Yes Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Wednesday, July 05, 2006 5:31 PM
To: Blasius, Dennis R.; Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670073A - Kite Tube

Will assign as HBB.

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 5:23 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670073A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 2:16 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670073A

07/05/2006 13:01:05

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 27596
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description: I was riding a Wego Kite tube on Falls Lake NC. At no more than 6 feet off the water the tube twisted and dived uncontrollably to the water. My right foot somehow took the impact completely snapping my talus bone (Ankle) I required 3 titanium screws to be installed to repair the bone and will not be able to drive for another 8 weeks or so depending on the recovery.

Victim's age at time of incident = 40

Victim's sex = Male

Date of incident = 6/08/06

Product involved = Inflatable watersports tube Product brand name/manufacturer = Wego Kite Tube by Sportstuff Manufacturer street address = don't know Place where manufactured (City and State or Country) = don't know Product involved still available = No Product model and serial number, manufacture date = A friend of mine bought the tube. He is now selling it on ebay Date product purchased = Yes Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Wednesday, July 05, 2006 5:31 PM
To: Blasius, Dennis R.; Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670072A - Kite Tube

Will assign as HBB.

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 5:23 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670072A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 2:16 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670072A

07/05/2006 12:14:41

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 02762
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 02093
Victim's Telephone = [REDACTED]

Incident Description: [REDACTED] was injured on Saturday July 1, 2006 while on the Wego Kite Tube. He has a broken femur, bruised ribs and has been in ICU since the.

Victim's age at time of incident = 24
Victim's sex = Male
Date of incident = 7/1/2006
Product involved = Kite Tube
Product brand name/manufacturer = Wego
Manufacturer street address =
Place where manufactured (City and State or Country) = Product involved still available =
Yes Product model and serial number, manufacture date = Date product purchased = Name
Release = Do not release name

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Topka, Tanya L.

From: Ingle, Robin L.
Sent: Wednesday, July 05, 2006 5:30 PM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

Will assign as HBB.

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 5:14 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 12:39 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670069A

07/05/2006 10:42:13

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 21911
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = Maryland
Victim's Zip = 21904
Victim's Telephone = [REDACTED]

Incident Description: Travelling 25 mph the tube abruptly flew 25feet in the air and ejected the victim off of the tube. The victim was coughing up blood and had to be flown to a trauma center for evaluation.

Victim's age at time of incident = 19
Victim's sex = Male
Date of incident = 6-11-06
Product involved = Wego Kite Tube
Product brand name/manufacturer = SportsStuff Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Yes Product model and serial number, manufacture date = 53-5000 Date product purchased = 6-1-2006 Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Hull, Robert
Sent: Wednesday, July 05, 2006 2:16 PM
To: Ross, Robin M.; Topka, Tanya L.
Subject: 060703HBB2656 Update
Importance: High

Robin/Tanya,

Here is what I have on the investigation (060703HBB2656) to this point:

- **Product:** Tube Kite (Described as being 10 feet in diameter), Note: Product purchased and in possession of the victim's friend in Arkansas. Investigator is coordinating with and in the process of obtaining contact information, purchase details, positive product identification, and pictures from the victim's friend.
- **Manufacturer:** Preliminary information indicates that the product is a Wego/Sportstuff product.
- **Incident Date:** June 18, 2006
- **Incident Location:** Beaver Lake, Arkansas
- **Victim's Age:** 27-year-old Male
- **Experience:** None (Victim had no prior experience or training in regard to the product).
- **Summary of Incident and Injuries:** A 27-year-old, Kansas City, MO, male was kite tubing with friends on a lake in Arkansas. The consumer watched four other people in his party ride the kite tube approximately five times each and then got onto the kite tube himself. The victim was on a kite tube being pulled by a boat at an undetermined speed for less than 20 seconds when the kite tube lifted the victim approximately 15 to 25 feet into the air and then took a violent downward turn, nosediving into the lake. The victim was knocked unconscious. He was transported to a local hospital emergency room where he was treated for cracked or dislocated ribs, bruises to his lung, whiplash, and a bruised rear end.

Note that the consumer does have video tape of the full incident. This consumer has agreed to provide a copy of the tape.

Thanks,
Bob Hull

From: Topka, Tanya L.
Sent: Mon 7/3/2006 9:05 AM
To: Ault, Eric B.; Ingle, Robin L.
Cc: Blasius, Dennis R.; Schoem, Marc J.
Subject: RE: Internet Form Complaint - Doc #I0660516A

Robin,
Please assign for completion asap. CBB priority if possible.

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

-----Original Message-----

From: Ault, Eric B.
Sent: Monday, July 03, 2006 10:04 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0660516A

FYI - in today's crop of Internet Complaints.

7/6/2006

680

-----Original Message-----

From: Irish, Cathleen A.

Sent: Friday, June 30, 2006 4: 10 PM

To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.

Subject: Internet Form Complaint - Doc #I0660516A

06/30/2006 14:36:49

Name = [REDACTED]
 Address = [REDACTED]
 City = [REDACTED]
 State = [REDACTED]
 Zip = 63401
 Email = [REDACTED]
 Telephone = [REDACTED]
 Name of Victim = [REDACTED]
 Victim's Address = [REDACTED]
 Victim's City = [REDACTED]
 Victim's State = [REDACTED]
 Victim's Zip = 63401
 Victim's Telephone = [REDACTED]

Incident Description: We tried the new Wego kite-tube on Sunday 06/18/06. After several (4 I think) people rode it first it was my turn. Each had approximately 5 tries on it before I did. When I got on the tube my one and only ride lasted around 20 seconds. Soon after the kite-tube caught air with me on it, it took me up to approximately 20 ft within approximately a few seconds. Just as it was hitting its peak it turned downward violently. I was knocked unconscious and when I came to, spit up quite a bit of blood. My injuries included a bruised lung and my ribs had a severe injury, possibly cracked or dislocated. Other injuries include a hurt neck, back and a bad bruise on my back-side.

Victim's age at time of incident = 27

Victim's sex = Male

Date of incident = 06/18/2006

Product involved = kite-tube approx 10ft in diameter Product brand name/manufacturer = Wego/Sportsstuff Manufacturer street address =

Place where manufactured (City and State or Country) = Product involved still available = Product model and serial number, manufacture date =

Date product purchased = Name Release = Do not release name

"It sounds crazy," says Hill of singing alongside her guy. "But it's really incredible—soulful."



dream is to one day walk in your shoes, and you walk in mine."

"I can't help it. I get ready in 10 minutes. I'm a guy," insists McGraw.

"We need a day where we switch..." Hill begins. McGraw finishes her thought: "Yeah, like *Freaky Friday*."

One activity that crosses gender lines is working out. They travel with a specially equipped trailer. "I do Pilates," says Hill. "He has a weight workout. It's basically scheduled within the day."

"Although I haven't done much," he adds, "since you tried to kill me!"

"Right," she agrees.

Right? About two weeks earlier, Hill explains, the family spent a few days off at their place in the Bahamas, and she was driving a boat that was pulling McGraw, holding an innertube, up into the air—"like four stories high," she says. Their account of the accident:

McGraw: "She was going way too fast."

Hill: "You should never have gotten on it! It had the skull with the bones across the face. Not a good sign."

McGraw: "I had a pretty hard crash. I couldn't get out of bed for two days."

FAITH: "HE'S THE BIG DREAMER"

TIM: "THEN SHE HAS TO DO ALL THE DETAILS, COME IN AND CLEAN UP MY MESS..."

FAITH: "... WITH A LOT OF LOVE"

Hill: "What did that sign say? 'Don't go higher than you are afraid to fall.'"

Once again, he admits defeat. As he said joking earlier, "I might as well own up to whatever it is or was—make it my fault, because it always is anyway."

Little wonder that after many a concert, while his wife hunkers down in the bus to sleep, McGraw says he goes

"up front with the bus driver [to] watch the road and listen to music..."

"... And talk guy talk," says Hill.

"Well," says McGraw, "everything else behind that [bus] door is estrogen!" Not that he minds, as evidenced by the loving look—and kiss—he gives his wife during the finale of each concert, sitting across from her strumming his guitar as they sing their duet "I Need You." "It's completely calm and quiet," she says. "He catches his breath and I catch my breath and we're just staring at each other..." It's the only moment, she admits, when she is sure not to "drift away" from her role as sexy star-wife to stressed-out mom: "I'll look out in the crowd and see a kid and think, 'Oh, I forgot to put the clothes out for the girls for bed!'" Okay, so she's not always a romantic—and certainly never a rock chick with tattoos. But she has forgiven her man his sins. "He's a great daddy," says Hill. "Who cares about picking clothes from off the floor?"

By Karen S. Schneider. Natasha Stoyoff in Philadelphia

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Tuesday, July 11, 2006 9:13 AM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: RE: Tube Kiting Incident

I have obtained a photocopy of this article. It happened in the Bahamas. It clearly describes (but doesn't name) a Wego kite tube, and refers to the "Don't go higher than you're willing to fall" statement as well as to telltale markings on the Wego. It says he fell from "like four stories high" and couldn't get out of bed for two days after.

Unfortunately, we can't assign it because it happened in the Bahamas.

-----Original Message-----

From: Topka, Tanya L.
Sent: Monday, July 10, 2006 1:16 PM
To: Ingle, Robin L.
Subject: FW: Tube Kiting Incident

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

-----Original Message-----

From: Schoem, Marc J.
Sent: Monday, July 10, 2006 12:44 PM
To: Topka, Tanya L.
Subject: Fw: Tube Kiting Incident

Marc J. Schoem
Deputy Director
Office of Compliance and
Field Operations
301-504-7520 - work
240-638-6955 - cell

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Wolfson, Scott J.
To: Vallese, Julie M.; Schoem, Marc J.
Sent: Mon Jul 10 11:45:27 2006
Subject: FW: Tube Kiting Incident

FYI.

We really should get Tim McGraw's wife to be a spokesperson for our anti-kite tubing message. :-)

From: Kroh, Mary A.
Sent: Monday, July 10, 2006 11:33 AM
To: Wolfson, Scott J.
Subject: RE: CPSC Newslog 06-120: Recalls, Tube Kiting, Pool Safety, Bicycle Safety

There was an article in the latest People Magazine and his accident was mentioned. After his mishap he could not get out of bed for a couple of days.

Mary

From: Wolfson, Scott J.
Sent: Monday, July 10, 2006 11:28 AM
To: Kroh, Mary A.
Subject: RE: CPSC Newslog 06-120: Recalls, Tube Kiting, Pool Safety, Bicycle Safety

No, we were not aware of that, but that is of great interest to us. Did you happen to see a news story on it?

Thank you.

From: Kroh, Mary A.
Sent: Monday, July 10, 2006 11:26 AM
To: Wolfson, Scott J.
Subject: RE: CPSC Newslog 06-120: Recalls, Tube Kiting, Pool Safety, Bicycle Safety

Are you aware that Tim McGraw the country music singer, recently had a tube kiting accident?

Mary Kroh

cc:

Subject: FW: Confidential - Fw: Kite tube death in Canada

>-----

Mark,

I sent this to Sandra and understand she is out of the office. I will call you in a few minutes to discuss. Thanks

Marc J. Schoem
Deputy Director
Office of Compliance and
Field Operations
301-504-7520 - phone
240-638-6955 - cell

-----Original Message-----

From: Schoem, Marc J.
Sent: Thursday, July 06, 2006 4:07 PM
To: 'Sandra_Wright@hc-sc.gc.ca'
Subject: Confidential - Fw: Kite tube death in canada

Sandra, see below email about a death in Canada involving a kite tube product. We are aware of at least two other deaths in the U S and some 37 injury incidents. Are you aware of these products? Are you investigating? We issued a safety alert a week ago that you can find on our website to see the products in question. If you or someone can call me on this I would appreciate speaking to you further. Thanks Please keep this information confidential.

Marc J. Schoem
Deputy Director
Office of Compliance and
Field Operations
301-504-7520 - work
240-638-6955 - cell

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Vallese, Julie M.
To: Schoem, Marc J.; Topka, Tanya L.; Blasius, Dennis R.; Stern, Richard L.
Sent: Thu Jul 06 14:47:58 2006
Subject: Kite tube death in canada

Just got off the phone with a reporter in Guelph, Ontario. A man died on a kite tube on Lake Belwood a day or two ago. In reading the article, alcohol may have played a role.

My computer is down so I can't attach the article but you can read it at www.guelphmercury.com There will be a follow up article in tomorrow's edition.

Sent from my BlackBerry Wireless Handheld

Unless otherwise stated, any views or opinions expressed in this e-mail (and any attachments) are solely those of the author and do not necessarily represent those of the U.S. Consumer Product Safety Commission.

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Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 06, 2006 10:01 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Wednesday, July 05, 2006 5:14 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 12:39 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670069A

07/05/2006 10:42:13

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 21911
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 21904
Victim's Telephone = [REDACTED]

Incident Description: Travelling 25 mph the tube abruptly flew 25feet in the air and ejected the victim off of the tube. The victim was coughing up blood and had to be flown to a trauma center for evaluation.

Victim's age at time of incident = 19
Victim's sex = Male
Date of incident = 6-11-06
Product involved = Wego Kite Tube
Product brand name/manufacturer = SportsStuff Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Yes Product model and serial number, manufacture date = 53-5000 Date product purchased = 6-1-2006 Name Release = Release name to the manufacturer and public

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Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 06, 2006 10:01 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670072A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 5:23 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670072A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 2:16 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670072A

07/05/2006 12:14:41

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 02762
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = Massachusetts
Victim's Zip = 02093
Victim's Telephone = [REDACTED]

Incident Description: [REDACTED] was injured on Saturday July 1, 2006 while on the Wego Kite Tube. He has a broken femur, bruised ribs and has been in ICU since the.

Victim's age at time of incident = 24
Victim's sex = Male
Date of incident = 7/1/2006
Product involved = Kite Tube
Product brand name/manufacturer = Wego
Manufacturer street address =
Place where manufactured (City and State or Country) = Product involved still available =
Yes Product model and serial number, manufacture date = Date product purchased = Name
Release = Do not release name

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Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 06, 2006 10:01 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670073A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 5:23 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670073A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 2:16 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670073A

07/05/2006 13:01:05

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 27596
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description: I was riding a Wego Kite tube on Falls Lake NC. At no more than 6 feet off the water the tube twisted and dived uncontrolably to the water. My right foot somehow took the impact completely snapping my tallus bone (Ankle) I required 3 titanium scews to be installed to repair the bone and will not be able to drive for another 8 weeks or so depending on the recovery.

Victim's age at time of incident = 40
Victim's sex = Male
Date of incident = 6/08/06
Product involved = Inflatable watersports tube Product brand name/manufacturer = Wego Kite Tube by Sportstuff Manufacturer street address = don't know Place where manufactured (City and State or Country) = don't know Product involved still available = No Product model and serial number, manufacture date = A friend of mine bought the tube. He is now selling it on ebay Date product purchased = Yes Name Release = Release name to the manufacturer and public

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Topka, Tanya L.

From: Mele, Stephen V.
Sent: Thursday, July 06, 2006 12:14 PM
To: Topka, Tanya L.; Ault, Eric B.; Blasius, Dennis R.
Cc: Kohen, Beverly J.
Subject: FW: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)
Importance: High

ALERT: There was yet another kite tube incident in NC. It occurred on Lake Gaston, near the VA/NC border (my area again). Chris Huebner, NCWRC has forwarded the below synopsis to me. He provided me with contact info. for the official and will give me a copy of the report when he receives it, probably next week. I'll contact the responsible NCWRC official after lunch.

Could someone from headquarters create an assignment for me? It appears they are being assigned as HBB assignments, right?

Steve

Stephen V. Mele
U.S. CPSC
Raleigh/Durham Field Office
P.O. Box 52054
Durham, NC 27717
PH: (919) 403-0281
Fax: (775) 908-8050
email: smele@cpsc.gov

From: Huebner, Chris A. [<mailto:chris.huebner@ncwildlife.org>]
Sent: Thu 7/6/2006 12:04 PM
To: Mele, Stephen V.
Subject: FW: Wego Kite Tube Accident

For more info. Contact:
Captain Mark Bruton
252-443-3791

Captain Chris Huebner
Hunter and Boating Safety Coordinator
NCWRC
1717 Mail Service Center
Raleigh NC 27699-1717
919-707-0030

-----Original Message-----

From: Mark H. Bruton [<mailto:lukejack@earthlink.net>]
Sent: Thursday, July 06, 2006 11:31 AM
To: Huebner, Chris A.
Cc: Freeman, Thomas E SAW
Subject: Re: Wego Kite Tube Accident

Chris,

Just had another on my desk on Lake Gaston.
A subject was pulling a female near Jimmy Creek on Lake Gaston and the tube was off the water approximately 2 feet when they hit the main body of the lake and the tube shot up approximately 10 feet and turned sideways and the female was slammed to water and knocked unconscious but was pulled from

7/7/2006

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water by occupants of boat and taken to hospital where she was ok. I just got this across my desk and made contact with the female boyfriend and talked to him about this and he gave me this blow by blow report. If that subject needs to call me about this I can talk to him. I'm sending this boating accident report to Raleigh in Courier today. Let me know if you need further on this.

----- Original Message -----

From: "Huebner, Chris A." <chris.huebner@ncwildlife.org>

To: "Bruton, Mark H." <lukejack@earthlink.net>

Cc: "Reams, John L." <reamsjl@earthlink.net>

Sent: Thursday, July 06, 2006 10:52 AM

Subject: Wego Kite Tube Accident

> Mark,

>

> I have learned of a boating accident that occurred on Falls Lake on June 8th

> 2006.

>

> The accident involved a Wego Kite Tube. Got to this link to see one

> <http://www.sportsstuff.com/towables/wego/index.shtml>

> <http://www.sportsstuff.com/towables/wego/index.shtml>> This tube will fly

> through the air after you get up to speed. It can reach heights up to 60

> feet and apparently we have a couple on Falls Lake. The tube is a big

> concern at the moment with people getting killed and injured all over the

> country. This is the second accident at Falls reported. The first one was

a

> man that broke his femur after falling 20 feet. Jon Evans did that report.

> This one was reported to the Consumer Product Safety Commission (CPSC) and

> needs to be investigated.

>

> The CPSC is looking at taking some kind of action or warning people about

> the dangers of these tubes.

>

> Please have someone get in contact with this man and do a report. If

> possible we need to take pictures of the tube.

>

> The CPSC is using our reports to assist them with doing something about

> these tubes.

>

>

>

> The man involved was

>

> [REDACTED]

>

> [REDACTED]

>

> [REDACTED]

>

>

>

> Phone # [REDACTED]

>

> He fell off the tube and broke his ankle.

>

>

>

> I know Jon is in training so he isn't available.

>

> The man with CPSC is named Steve Mehli (I don't think that is spelled

> correctly) and he has left a message with Jon about the other accident

7/7/2006

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that

> Jon investigated. Could you make sure Jon contacts him back?

>

> His number is 919-403-0281.

>

>

>

>

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>

>

>

> Captain Chris Huebner

>

> Hunter and Boating Safety Coordinator

>

> NCWRC

>

> 1717 Mail Service Center

>

> Raleigh NC 27699-1717

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> 919-707-0030

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Topka, Tanya L.

From: Ingle, Robin L.
Sent: Thursday, July 06, 2006 12:04 PM
To: Topka, Tanya L.
Subject: RE: MI kite tube incident

Will do:

From: Topka, Tanya L.
Sent: Thursday, July 06, 2006 10:22 AM
To: Ingle, Robin L.; Blasius, Dennis R.
Subject: MI kite tube incident

Can we get this one assigned? MI kite tube incident It needs a document number.
<http://www.detnews.com/apps/pbcs.dll/article?AID=/20060706/METRO02/607060315/1050/SPORTS06>

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

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 a battle of the bands

The summer is about to get even hotter!

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Thursday, July 06, 2006

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Charles V. Tines / The Detroit News

Williams patrols Lake Orion and makes safety inspections of boaters and personal watercraft on Wednesday.

Water accidents dampen festivities

Sheriff stresses boating and swimming safety after five major accidents over holiday weekend.

Mike Martindale / The Detroit News

Advertisement

LAKE ORION -- Two near-drownings and two paralyzing accidents over the long holiday weekend have marine deputies preaching water safety to anyone who will listen.

"All these incidents underscore the need for people to always keep safety in mind when having fun," said Oakland County Sheriff Michael Bouchard. "The two most common factors in these tragedies is improper use of equipment or alcohol. We have to be diligent around water because tragedies can happen in a second. You have to be sharp all the time."

The Oakland County Sheriff's Marine Division, which is responsible for 450 lakes, was called out to five serious accidents since Saturday, including three on Tuesday.

Among them:

On Tuesday, a 21-year-old University of Michigan senior from Plymouth Township was

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with college friends on Sylvan Lake when he dove into 29 inches of water and suffered spinal cord injuries. The man, a strong swimmer who previously had participated in triathlon events, is paralyzed. Alcohol was involved.

On Tuesday, a 42-year-old Waterford Township woman was hospitalized, also for partial paralysis, after a kite tube accident on Union Lake. Her husband was also treated temporarily at an area hospital after he attempted to rescue his wife.

On Tuesday, a 3-year-old boy was treated at an area hospital after he wandered into water at a Camp Dearborn beach, near Milford, and was under water for a few minutes. He was revived and reported in good condition.

On Sunday, a 48-year-old man slipped on a dock on Cass Lake and fell into the water unconscious. He was rescued by a neighbor, who performed resuscitation, and was treated at an area hospital for injuries and released. Alcohol was involved, investigators said.

On Saturday, an 11-year-old Cleveland boy on a visit to the area was in a swimming pool in Lathrup Village with other youths when he apparently went under water and did not resurface. The boy, who may have been underwater for 15 minutes, remains hospitalized on life support.

Oakland County has more than 82,000 registered watercraft. On Wednesday, Scott Slagle, 45, of Lake Orion was given a surprise spot safety inspection by deputies to ensure he had the proper equipment on board his Yamaha SR 230. Slagle was "boat legal" and said he was glad to see the deputies out.

"Over the weekend, it was crazy out here," Slagle said. "Boats cutting off other boats. Boaters coming too close to tubers. When somebody falls off a tube, it only takes a second to run over them with another boat; it's not like you have brakes on these like a car."

Sgt. Dan Toth said there have also been several boating accidents including a personal watercraft accident on Lake Neva in White Lake Township in which the operator slammed into an aluminum dock, and an incident on Lake Orion when an intoxicated boater who collided with another craft had to be chased down by deputies.

"I don't know if it's the economy, the hot, humid weather or the holiday falling on a Tuesday,



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Charles V. Tines / The Detroit News

Oakland County Sheriff's Marine Deputy Milt Williams inspects Scott Slagle's boat to ensure Slagle has the proper equipment while he and his family are on Lake Orion. "Over the weekend, it was crazy out here," says Slagle, 45, of Lake Orion. "Boats cutting off other boats." See full image

Safety tips

The Oakland County Sheriff's Office Marine Division offers the following tips for boaters:

- Know your craft.
- Be weatherwise.
- Bring extra gear you may need.
- Tell someone where you're going, who is with you, and how long you'll be away.
- Ventilate after fueling.
- Anchor from bow, not stern.
- Always carry all required safety equipment, including floatation devices for every passenger and a fire extinguisher.
- Take a safe boating course.

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but our lakes seemed more congested with boaters this week," Toth said. "A lot of boaters who normally might be going up north to cottages or campgrounds are staying closer to home. It's putting more boats on our area lakes."

The kite tube accident concerns Toth and others. Kite tubes, relatively new and legal water toys, are towed behind watercraft and can take riders up to 65 feet in the air. The U.S. Consumer Product Safety Commission earlier this month issued warnings about their use after two deaths and 12 serious injuries elsewhere involving the inflatable nylon saucer-shaped tube. People have been seriously injured when abruptly dropping back down and slamming into the water.

The federal group is investigating whether to pull kite tubes off the market.

They have been banned at some U.S. Army Corps of Engineers controlled lakes in Texas and Utah following serious injuries in those states.

You can reach Mike Martindale at (248) 647-7226 or mmartindale@detnews.com.

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Topka, Tanya L.

From: Stern, Richard L.
Sent: Wednesday, July 05, 2006 2:53 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0660516A - Kite-tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Monday, July 03, 2006 11:48 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0660516A - Kite-tube

-----Original Message-----

From: Irish, Cathleen A.
Sent: Friday, June 30, 2006 5:10 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0660516A

06/30/2006 14:36:49

Name = Dwight W. Riney
Address = 10 Sunny Slope Ave
City = Hannibal
State = Missouri
Zip = 63401
Email = drineyw@hotmail.com
Telephone =
Name of Victim = Dwight Riney
Victim's Address = 10 Sunny Slope Ave
Victim's City = Hannibal
Victim's State = Missouri
Victim's Zip = 63401
Victim's Telephone =

Incident Description: We tried the new Wego kite-tube on Sunday 06/18/06. After several (4 I think) people rode it first it was my turn. Each had approximately 5 tries on it before I did. When I got on the tube my one and only ride lasted around 20 seconds. Soon after the kite-tube caught air with me on it, it took me up to approximately 20 ft within approximately a few seconds. Just as it was hitting its peak it turned downward violently. I was knocked unconscious and when I came to, spit up quite a bit of blood. My injuries included a bruised lung and my ribs had a severe injury, possibly cracked or dislocated. Other injuries include a hurt neck, back and a bad bruise on my back-side.

Victim's age at time of incident = 27

Victim's sex = Male

Date of incident = 06/18/2006

Product involved = kite-tube approx 10ft in diameter Product brand name/manufacturer = Wego/Sportsstuff Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Product model and serial number, manufacture

6907

date = Date product purchased = Name Release = Do not release name

Topka, Tanya L.

From: Stern, Richard L.
Sent: Wednesday, July 05, 2006 3:13 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670059A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 10:52 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670059A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 8:55 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670059A

07/04/2006 16:06:41

Name = James Dalziel
Address = 1364 Chestnut St.
City = Redding
State = California
Zip = 96001
Email = sensical@gmail.com
Telephone = 530-524-9654
Name of Victim = James Dalziel
Victim's Address = 1364 Chestnut St.
Victim's City = Redding
Victim's State = California
Victim's Zip = 96001
Victim's Telephone = 530-524-9654

Incident Description: Slightly windy day with Wego Kit Tube on Whiskeytown Lake in Whiskeytown National Recreation Area in Northern California. Travelling about 35mph, kit tube caught a gust of air and reached a height of about 30 or 35ft. Remained stable for a few moments and then suddenly flipped over, I let go to fall and started falling back towards the water. A gust of wind caught the kite tube and it swung between me and the water and I landed on it then the water. I immediately felt pain in my leg and thought maybe it was a dislocated hip. After a car ride to the ER, sitting in the ER for 2 hours, and finally getting X-Rays I was told I'd broken my hip. (Displaced Femoral Neck) which is a major trauma and I had to have surgery that same night. (Surgery involved placing [3] 4" long bolts into my hip) I'm not able to walk on it for 3 months, after which point it will have healed, or it will not have healed properly and I'll have to have another surgery with a full hip replacement. All of the nurses and doctors were shocked that at 20 I'd broken my hip and said the force of the impact must have been extreme. They checked for (but didn't find, luckily) internal bleeding of my organs.

Victim's age at time of incident = 20

Victim's sex = Male

Date of incident = 6/12/06

Product involved = Wego Kite Tube

Product brand name/manufacturer = SportsStuff Manufacturer street address = 11213 E Cir
Suite A Place where manufactured (City and State or Country) = Omaha, NE Product involved
still available = Yes Product model and serial number, manufacture date = Wego Kite Tube
Date product purchased = 6/1/06 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Stern, Richard L.
Sent: Wednesday, July 05, 2006 3:12 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670062A - Tube kite

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 10:56 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670062A - Tube kite

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 8:56 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670062A

07/04/2006 22:51:21

Name = Amanda Olderog
Address = 1210 Royal Oaks Drive
City = Davenport
State = Iowa
Zip = 52806
Email = amanda-olderog@mchsi.com
Telephone = 563-349-4252
Name of Victim = Scott Olderog
Victim's Address = 3112 Summertree Ave
Victim's City = Bettendorf
Victim's State = Iowa
Victim's Zip = 52722
Victim's Telephone = 563-332-1455

Incident Description: My brother in law, Scott Olderog, was using a tube kite at approximately 25 ft above water when he lost control (the tube turned in the air) and lost grip. He fell to the water and was knocked unconscious for several minutes. Luckily, two nurses were watching and helped (along with several others) to stabilize him while we attempted to contact the ambulance. He is currently in the intensive care unit for observation of a broken blood vessel in his brain.

Victim's age at time of incident = 30
Victim's sex = Male
Date of incident = 7/4/06
Product involved = Tube kite
Product brand name/manufacturer = Wego
Manufacturer street address = unknown
Place where manufactured (City and State or Country) = unknown Product involved still available = Yes Product model and serial number, manufacture date = unknown at this time

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Date product purchased = on ebay, June 2006 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Thursday, July 06, 2006 11:47 AM
To: Mele, Stephen V.; Ault, Eric B.
Cc: Ingle, Robin L.; Topka, Tanya L.
Subject: RE: Heads up -- two KT cases on same lake - Update

thanks Steve

From: Mele, Stephen V.
Sent: Thu 7/6/2006 9:58 AM
To: Blasius, Dennis R.; Ault, Eric B.
Subject: RE: Heads up -- two KT cases on same lake - Update

I spoke to Chris Huebner, NCWRC, He checked and they did not conduct an investigation of this incident, but they will do one now. His investigator is in training and then on vacation, so their investigation may not begin for a few weeks. He will provide me their report when completed.

I just left a voicemail message for the complainant.

Dennis, I asked Chris Huebner about the possibility of doing a search for other kite tube incidents. He said the kite tube wouldn't likely show up in a search, but also added that he's been in his current position since August, 2005 and he reviews every boating accident report (covering all of NC) that is prepared. He indicated that because these products are unique he'd remember if one was mentioned in a previous report. These two incidents are the only ones he's aware of anywhere in NC and according to his conversations with other officers and officials, the May incident was the first time they'd ever seen one of these products on the lake.

Steve

From: Blasius, Dennis R.
Sent: Thursday, July 06, 2006 9:16 AM
To: Ault, Eric B.; Mele, Stephen V.
Subject: Heads up -- two KT cases on same lake

I believe Steve has the first incident, this is believed to be a second. Can he handle both?

Steve, I received the first report from Chris Huebner of the NC Wildlife Resources Commission; fax the request to # 919-707-0045 and tell him you need it right away.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 2:16 PM

7/7/2006

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To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670073A

07/05/2006 13:01:05

Name = Iain Hamilton
Address = 25 West Chase court
City = Youngsville
State = North Carolina
Zip = 27596
Email = ihamilton1@nc.rr.com
Telephone = 919 341 5981
Name of Victim = Iain Hamilton
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description: I was riding a Wego Kite tube on Falls Lake NC. At no more than 6 feet off the water the tube twisted and dived uncontrollably to the water. My right foot somehow took the impact completely snapping my talus bone (Ankle) I required 3 titanium screws to be installed to repair the bone and will not be able to drive for another 8 weeks or so depending on the recovery.

Victim's age at time of incident = 40

Victim's sex = Male

Date of incident = 6/08/06

Product involved = Inflatable watersports tube Product brand name/manufacturer = Wego Kite Tube by Sportstuff Manufacturer street address = don't know Place where manufactured (City and State or Country) = don't know Product involved still available = No Product model and serial number, manufacture date = A friend of mine bought the tube. He is now selling it on ebay Date product purchased = Yes Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Webb, Robert L.
Sent: Thursday, July 06, 2006 11:43 AM
To: Kohen, Beverly J.; Topka, Tanya L.
Cc: Blasius, Dennis R.
Subject: RE: Internet Form Complaint - Doc #I0670069A - Kite Tube
Importance: High

Incident involves the Wego Kite tube.

Victim- Henderson- is the brother of the complainant - Klawitter.

Victim - DOB: 09/16/1986; 5'11"; 170 pounds.

At the time of the incident victim was wearing a helmet and life vest. being pulled by a "bay liner boat with MD registration- unknown number at this time.

Speed of the boat was about 25 mph. height of fall was about 25-30 feet to the water. Boat owned by Klawitter. Has the boat for a couple of years.

Kite tube purchased for \$500.00 via the inter-net from BOATTUBE.com and shipped via UPS on or about 05/22/2006.

Product comes with a multi-colored rope for use in the form of 45 feet for beginners; 55 feet and the longest length of 65 feet as per conversation with complainant.

Complainant saw the video on the inter- net and though this might be a "fun" thing to do and have.

Only warning he could remember was "Go as high as you are willing to fall". Will check the tube out during interview meeting.

Victim was flown by helicopter from the accident site to local hospital where he was treated and released for a minor head concussion.

Telephone interview with Klawitter this date. Meeting set for 7:00 AM in Maryland at his home to photograph the kite tube and to obtain any documents that might be available. Victim lives with his parents in a nearby town. This was the first time use by the victim of the kite tube.

Any other areas of concern or concentration for the interview of 07/07/2006 ??

From: Kohen, Beverly J.
Sent: Thursday, July 06, 2006 10:50 AM
To: Webb, Robert L.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

From: Ault, Eric B.
Sent: Thursday, July 06, 2006 8:16 AM
To: Robinson, Pamela
Cc: Kohen, Beverly J.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

An IDI will be forthcoming from Epi on this incident, but we need to get started as soon as possible. Dennis has sent details on areas of interest in this investigations which I forwarded earlier. Thanks.

From: Blasius, Dennis R.
Sent: Wednesday, July 05, 2006 4:31 PM
To: Ault, Eric B.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

May show up in IFS as early as tomorrow, but we can get someone started on it in the meantime?

7/7/2006

1705

From: Ingle, Robin L.
Sent: Wed 7/5/2006 4:30 PM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

Will assign as HBB.

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 5:14 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 12:39 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670069A

07/05/2006 10:42:13

Name = Daniel Klawitter
Address = 105 Turtleback Court
City = Rising Sun
State = Maryland
Zip = 21911
Email = danklaw@yahoo.com
Telephone = 302-631-7393
Name of Victim = Richard Henderson III
Victim's Address = 1784 Jacob Tome HWY
Victim's City = Port Deposit
Victim's State = Maryland
Victim's Zip = 21904
Victim's Telephone = 410-658-6059

Incident Description: Travelling 25 mph the tube abruptly flew 25feet in the air and ejected the victim off of the tube. The victim was coughing up blood and had to be flown to a trauma center for evaluation.

Victim's age at time of incident = 19
Victim's sex = Male
Date of incident = 6-11-06
Product involved = Wego Kite Tube
Product brand name/manufacturer = SportsStuff Manufacturer street address = Place where manufactured (City and State or Country) =
Product involved still available = Yes Product model and serial number, manufacture date = 53-5000 Date product purchased = 6-1-2006 Name
Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Twitchell, Jason M.
Sent: Thursday, July 06, 2006 5:48 PM
To: Kessler, Charles R; Topka, Tanya L.
Subject: FW: JMT - Assign when into IFS Internet Form Complaint - Doc #I0670072A - Kite Tube

I forgot to include that the **boat speed at the time of the incident was estimated to be between 20 and 25 mph.**

Jason Twitchell
Product Safety Investigator
U.S. Consumer Product Safety Commission
P.O. Box 392
Shrewsbury, MA 01545
508-842-5304
jtwitchell@cpsc.gov

From: Twitchell, Jason M.
Sent: Thursday, July 06, 2006 5:43 PM
To: Kessler, Charles R; Topka, Tanya L.
Subject: RE: JMT - Assign when into IFS Internet Form Complaint - Doc #I0670072A - Kite Tube

Spoke with victim's sister, Megan Kirby (22YOF), this afternoon by telephone. The **victim purchased the approximately 12-foot Wego Kite Tube online** (website unknown) and received it Friday, June 30, 2006. According to the sister, there were warnings on the product and/or product literature that mentioned you would be safe as long as you kept the speed below a specified m.p.h. She stated that **the victim had read the warning and had the impression that the product would be safe to operate.**

The victim was a 24 YOM who had no previous experience with this product. The victim lived with his parents on a **small lake in Wrentham, Massachusetts, where the incident occurred.** His parents owned an inboard speed boat (hp unknown) and one of the victim's friends on the lake owned a similar type boat.

The victim received the product in the mail on Friday 6/30, inflated it, and tried it out on the lake with two similar-aged friends. The sister stated that they each took a turn for about 10 to 15 minutes each. One friend suffered a bloody nose from his ride and another friend suffered a slight shoulder strain. The victim operated the kite tube without incident. The following day, July 1, 2006, the victim went out on the lake with three different friends (ages between 21 and 24 YOMs). The sister wasn't sure whose boat they were using. **At about 1 pm, the victim took a turn in the kite tube. He got into the tube in the middle of the lake. He grabbed the handles and when the speed boat accelerated, he was lifted into the air. The victim told his sister that he was at a height of about 25 feet for a few minutes when suddenly the wind must have caught the tube and caused it to tilt and go down sideways. With the victim holding on to it, the tube apparently landed in the water sideways.** Upon impact, he reportedly bounced a considerable distance away from the tube. When the boat circled around to the victim, he appeared unresponsive and they thought that he was either in shock or unconscious. Two of his friends entered the water to rescue him. They reported that the victim started to yell and scream. Concerned that he may have suffered a head or spinal injury they laid him on the end platform of the boat, called 911, and transported him to shore. When they got to shore in about five minutes, the ambulance was there. The EMS took some time to stabilize him and put his leg in traction before transporting him by ambulance to Rhode Island Hospital in Providence, RI.

The victim suffered a broken femur in his right leg and bruised ribs. There was no head or spinal injury. The victim is currently in intensive care due to complications involving bone marrow leaking into the blood which resulted in respiratory difficulties and delay of surgery. Surgery to his leg is scheduled for Monday, July 10.

I'm trying to arrange for an onsite to inspect the kite tube on Monday, July 10, 2006 at the parent's house.

Jason Twitchell
Product Safety Investigator
U.S. Consumer Product Safety Commission
P.O. Box 392
Shrewsbury, MA 01545

7/7/2006

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Topka, Tanya L.

From: Cottral, Bridgette D.
Sent: Thursday, July 06, 2006 4:38 PM
To: Topka, Tanya L.
Subject: FW: Media Coverage Interest on Davenport, IA Tube Kite 7/4/06 Incident

FYI - my appt. with this family is in about 1 hour. I will send some feedback to you tomorrow.

Investigator Bridgette Cottral

US Consumer Product Safety Commission
 Western Division, Davenport, IA Post
 PO Box 595, Rapids City, IL 61278
 309-523-2346, Fax 309-523-2394, Cell 563-650-0945
bcottral@cpsc.gov www.cpsc.gov **HOTLINE: 800-638-2772**
 "Saving Lives and Keeping Families Safe."

From: Cottral, Bridgette D.
Sent: Thursday, July 06, 2006 3:37 PM
To: Vallese, Julie M.
Cc: Ross, Robin M.; Nava, Frank J.
Subject: RE: Media Coverage Interest on Davenport, IA Tube Kite 7/4/06 Incident

Julie -

I want to share some back ground info with you about this area. The location of this incident was near Andalusia, IL on the Mississippi River, which has many dams north of St. Louis to Minneapolis area. The river above each dam is like a large lake, and it draws lots of water sports all summer. Andalusia is south of Davenport, which is one of 4 cities here called the "Quad Cities" which includes 2 cities in Iowa (along with Bettendorf - where this victim lives) and 2 cities in Illinois called Moline and Rock Island. The Mississippi River separates the 2 states. There are about 4 dams within a 100 mile radius of the Quad Cities. Hope this background info helps you.

Investigator Bridgette Cottral

US Consumer Product Safety Commission
 Western Division, Davenport, IA Post
 PO Box 595, Rapids City, IL 61278
 309-523-2346, Fax 309-523-2394, Cell 563-650-0945
bcottral@cpsc.gov www.cpsc.gov **HOTLINE: 800-638-2772**
 "Saving Lives and Keeping Families Safe."

From: Cottral, Bridgette D.
Sent: Thursday, July 06, 2006 2:48 PM
To: Vallese, Julie M.
Cc: Ross, Robin M.; Nava, Frank J.
Subject: Media Coverage Interest on Davenport, IA Tube Kite 7/4/06 Incident
Importance: High

Ref: Doc # I0670062A

Julie - f/u to my phone call -

7/7/2006

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I was contacted by:

Cheri Bustos, Senior Director of Communications
Trinity Hospital
2701 17th Street
Rock Island, IL 61201
309-779-2979
bustosc@trinityqc.com

She is interested in doing a media interview/press release to all local media (TV/Print) ASAP on this July 4th incident, which occurred here on the Mississippi River. He was treated at this hospital and released after 1 day, but has some brain/memory issues. She is trying to get the victim's family to go before the camera and asked for our assistance. I told her I would call you and ask you to call her.

I have a 4:30 pm interview TODAY with the family and several witnesses who include on of this (Trinity) Hospital's Nurses who provided first aid on the scene and may have saved the victim's life.

Thanks for your help.

By the way, you looked "marvelous" on CNN the other day!

Investigator Bridgette Cottral

US Consumer Product Safety Commission

Western Division, Davenport, IA Post

PO Box 595, Rapids City, IL 61278

309-523-2346, Fax 309-523-2394, Cell 563-650-0945

bcottral@cpsc.gov

www.cpsc.gov

HOTLINE: 800-638-2772

"Saving Lives and Keeping Families Safe."

7/7/2006

1709

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Thursday, July 06, 2006 3:54 PM
To: Blasius, Dennis R.; Schoem, Marc J.
Cc: Topka, Tanya L.
Subject: RE: Kite tube death in canada

Here's the article Julie mentioned from Canada, in case you had a hard time locating it:

From the Guelph (Canada) Mercury:

Drowning leads to impaired boating charge

THANA DHARMARAJAH

GUELPH (Jul 6, 2006)

A Brampton man has been charged with operating a motorboat while impaired following a drowning at Belwood Lake near Fergus Tuesday.

Dennis Persaud, 40, also faces charges of driving while disqualified and failure to comply with his probation.

A bail hearing was scheduled for today at provincial court in Guelph.

Just after 8 p.m. Tuesday, 38-year-old Glen Buttigieg of Caledon was on a kite tube being towed by a motorboat with two men on board when the tube flipped and Buttigieg drowned, police report.

The inflatable tube "flies up to about 20 feet," Wellington OPP Constable Keith Robb said yesterday. "It was airborne and it flipped over. He jumped from it into the water and went under."

Buttigieg, a horse trainer, had come to Belwood Lake with a group of friends. A couple of them had been filming from another motorboat while Buttigieg was kite tubing, Robb said.

They jumped into the water to pull him to the shore, but he was pronounced dead at Groves Memorial Community Hospital in Fergus.

An autopsy was performed yesterday to determine the cause of death, but the results were not available at press time.

Police seized both motorboats at the scene of Tuesday's drowning for further investigation.

Under new federal legislation, boaters face tough penalties for being under the influence of alcohol.

These include losing their motor vehicle driver's licence if they're convicted of impaired boating.

"It is an added punishment to deter people from drinking (and operating a boat)," Robb said.

Those charged with boating while intoxicated automatically lose their driver's licence for 90 days.

For a first conviction, a minimum year-long licence suspension is automatic.

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There's a three-year suspension for a second conviction.

Sindy Parsons, public education manager with the Lifesaving Society --an organization that certifies all Canadian lifeguards -- said people need to think twice before getting behind the wheel of any vehicle, including a boat, while drunk.

"People think because it's a boat, it's different . . . but people's lives are at risk," she said.

Parsons said she doesn't believe people are becoming more irresponsible when it comes to water safety, but they are becoming more aware of drowning incidents.

"Water is great fun but we need to be careful around it," she said. "Canadians love to enjoy the water in the summer, but drowning is very quick and silent and you can drown in seconds."

People should remember to wear life-jackets, which will ensure they're kept above water in the event of an accident.

Last summer, three people -- a 40-year-old Kitchener man and two brothers, aged nine and seven, from Toronto -- drowned in a small quarry at the Belwood Lake conservation area.

Prior to those deaths, records show no one had drowned in that vicinity since 1996.

Dave Schultz, spokesperson for the Grand River Conservation Authority, said in response to last year's drowning, the conservation authority started loaning out life-jackets, outfitted beaches with better signs, added buoy lines to show where water is more than four feet deep, and emergency telephones.

However, in Tuesday's kite tubing death, the drowning occurred in circumstances that were beyond the conservation authority's jurisdiction, Schultz said.

"In the lake, when people are on boats, they're under the jurisdiction of federal and provincial laws."

Nancy Buttigieg, Glen Buttigieg's stepmother prior to a divorce, was saddened by Tuesday's drowning.

"It's awful, absolutely awful," she said from her home in Innisfil, Ont., her voice choking with emotion.

She said Buttigieg was known for his love of outdoor activities, and one of his passions was riding horses.

"He was an absolute natural," she said, adding it was a love he shared with his father, who trained thoroughbred horses for a living.

Buttigieg had trained his own thoroughbred horses for several races at the Toronto's Woodbine Racetrack since at least 1992, Woodbine Entertainment spokesperson John Siscos said.

However, records showed a gap from 1995 to this year, when Buttigieg trained two horses.

One of the highlights of his career came in 1994 when Bronze Basque, a four-year-old chestnut gelding, won the Fair Play Breeders' Cup.

tdharmarajah@guelphmercury.com

From: Blasius, Dennis R.

Sent: Thursday, July 06, 2006 3:26 PM

7/7/2006

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Kite tube death in canada

Page 3 of 3

To: Schoem, Marc J.

Cc: Topka, Tanya L.; Ingle, Robin L.

Subject: FW: Kite tube death in canada

Can we ask Canada to investigate this incident Marc?

From: Vallese, Julie M.

Sent: Thu 7/6/2006 1:47 PM

To: Schoem, Marc J.; Topka, Tanya L.; Blasius, Dennis R.; Stern, Richard L.

Subject: Kite tube death in canada

Just got off the phone with a reporter in Guelph, Ontario. A man died on a kite tube on Lake Belwood a day or two ago. In reading the article, alcohol may have played a role.

My computer is down so I can't attach the article but you can read it at www.guelphmercury.com There will be a follow up article in tomorrow's edition.

Sent from my BlackBerry Wireless Handheld

7/7/2006

712

Topka, Tanya L.

From: Ault, Eric B.
Sent: Monday, July 03, 2006 10:47 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670024A

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, July 03, 2006 7:59 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670024A

07/02/2006 17:34:47

Name = Randy Kladivo
Address = 4553 Bradley Road
City = Tower
State = Minnesota
Zip = 55790
Email = shamrock7@frontiernet.net
Telephone = 218-753-5457
Name of Victim = Travis Kladivo
Victim's Address = 4553 Bradley Road
Victim's City = Tower
Victim's State = Minnesota
Victim's Zip = 55790
Victim's Telephone = 218-753-5457

Incident Description: Wego Kite tube accident. Gust of wind caused lose of control.
Fall from 20' at approx 30 MPH

Victim's age at time of incident = 19
Victim's sex = Male
Date of incident = 6/25/2006
Product involved = Wego Kite tube marketed by Sportsstuff. Product brand name/manufacturer
= Sportsstuff Kite Tube Manufacturer street address = 11213 E Circle Suite A Place where
manufactured (City and State or Country) = Omaha Nebraska Product involved still available
= Yes Product model and serial number, manufacture date = model 53-500 Date product
purchased = June 2006 Name Release = Do not release name

Topka, Tanya L.

From: Topka, Tanya L.
Sent: Monday, July 03, 2006 11:04 AM
To: Ingle, Robin L.; Blasius, Dennis R.
Cc: Schoem, Marc J.
Subject: FW: 22 ticketed for boating violations in White County

Robin actually I think it might be what we are looking for. Go ahead and assign it. Dennis can you have the field call about the incident listed half way through the news story about a rope from a kite tube getting stuck.
<http://www.jconline.com/apps/pbcs.dll/article?AID=2006607030310>

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

-----Original Message-----

From: jconline@journalandcourier.com [mailto:jconline@journalandcourier.com]
Sent: Monday, July 03, 2006 10:43 AM
To: Topka, Tanya L.
Subject: 22 ticketed for boating violations in White County

You have been sent the following article from Robin Ingle as a courtesy of the Journal and Courier (Lafayette-West Lafayette, IN).

"22 ticketed for boating violations in White County"

To view this article on The Journal and Courier Web site, go to:
<http://www.jconline.com/apps/pbcs.dll/article?AID=2006607030310>

The following is a short message from Robin Ingle:

There's a tube kite incident mentioned here, but I don't think it's the kind you want -- is it?

Topka, Tanya L.

From: Topka, Tanya L.
Sent: Monday, July 03, 2006 10:24 AM
To: Ingle, Robin L.
Cc: Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670011A

Robin and Dennis same drill as before. Another incident.

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

-----Original Message-----

From: Ault, Eric B.
Sent: Monday, July 03, 2006 10:22 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670011A

Dropping like flies.

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, July 03, 2006 7:58 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670011A

07/02/2006 13:49:14

Name = virginia wilson
Address = 1139 eaton cr 1F
City = castle rock
State = Colorado
Zip = 80104
Email = vwilson4x4@yahoo.com
Telephone = 3039071563
Name of Victim = same
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description: I was riding a wego kite tube when it suddenly and violently nose dived into the water. The result was a splintered femur and I was in the hospital for 9 days

Victim's age at time of incident = 26
Victim's sex = Female
Date of incident = 06-11-06
Product involved = wego kite tube
Product brand name/manufacturer = sportstuff Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Yes Product model and serial number, manufacture date = Date product purchased = may 06 Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Topka, Tanya L.
Sent: Monday, July 03, 2006 10:20 AM
To: Blasius, Dennis R.
Cc: Schoem, Marc J.
Subject: Can field get started?
Attachments: FW Internet Form Complaint - Doc #I0670004A - Kite Tube.msg; RE Internet Form Complaint - Doc #I0670001A - Kite Tube.msg; FW Internet Form Complaint - Doc #I0660516A.MSG

Dennis,
These are all being assigned CBB with a 15 day turn around. Can you make sure the field is at least getting started on these and making phone calls? Thanks.

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

7/3/2006

1716

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Monday, July 03, 2006 9:58 AM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670001A - Kite Tube

-----Original Message-----

From: Topping, John C.
Sent: Monday, July 03, 2006 9:57 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670001A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, July 03, 2006 8:57 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670001A

07/02/2006 19:44:53

Name of Health Care Professional = Sonja Navarro Address = Mecosta CO. ER City = big rapids State = Michigan Zip = 49307 Email = SonjaN911@triton.net Telephone = 231-796-8691

Product involved = Kite Tube
Product brand name/manufacturer =
Manufacturer street address =
Place where manufactured (City and State) = Product model and serial number = Date product purchased =

Incident Description: Patient on a Kite Tube, was up several feet in the air, kite flipped and patient fell off, hitting head on water, sustaining loss of consciousness for several seconds. Awoke vomiting. CT scan is negative for bleed, CT C-spine is negative for fracture. Diagnoses here in ER: vomiting, concussion with loss of consciousness, and cervical neck strain. Injury occurred on Pretty Lake while visiting mother-in-law's at 15664 Jaeger Dr., Mecosta, MI.

Victim's age at time of incident = 35
Victim's sex = Male
Date of incident = 7/2/2006
Name of Victim = Jennings, Shawn
Victim's Address = 723 W. Ridge Ct.
Victim's City = Lake Orion
Victim's State = Michigan
Victim's Zip = 48359
Victim's Telephone = 248-214-1350

Product involved still available = Yes
Where product located = Aaron Pfau in Detroit, MI area

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Monday, July 03, 2006 10:07 AM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670004A - Kite Tube

And another one!

-----Original Message-----

From: Topping, John C.
Sent: Monday, July 03, 2006 10:05 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670004A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, July 03, 2006 8:57 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670004A

07/01/2006 20:02:17

Name = Ryan Rescheske
Address = 2115 S. 94th St.
City = West Allis
State = Wisconsin
Zip = 53227
Email = macoy@wi.rr.com
Telephone = 4146513542
Name of Victim = same
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description: I was on a KITE TUBE and broke my right leg. I was doing exactly what i was instructed to do by the video, when i soared to uncontrolable heights and lost control. I hit the water with such force that i broke my right femur just below my hip. I have done some extensive surgery, and rehabilitation. along with more than 40,000 dollars in medical expenses. I know i am not the first to do this. across the nation is just lighting up with other kite tube injuries, even DEATH!

Victim's age at time of incident = 26
Victim's sex = Male
Date of incident = 05-07-06
Product involved = Kite Tube
Product brand name/manufacturer = Wego
Manufacturer street address =
Place where manufactured (City and State or Country) = Product involved still available =
Product model and serial number, manufacture date = Date product purchased = Name Release
= Release name to manufacturer only

718

Topka, Tanya L.

From: Ault, Eric B.
Sent: Monday, July 03, 2006 10:04 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0660516A

FYI - in today's crop of Internet Complaints.

-----Original Message-----

From: Irish, Cathleen A.
Sent: Friday, June 30, 2006 4:10 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0660516A

06/30/2006 14:36:49

Name = Dwight W. Riney
Address = 10 Sunny Slope Ave
City = Hannibal
State = Missouri
Zip = 63401
Email = drineyw@hotmail.com
Telephone =
Name of Victim = Dwight Riney
Victim's Address = 10 Sunny Slope Ave
Victim's City = Hannibal
Victim's State = Missouri
Victim's Zip = 63401
Victim's Telephone =

Incident Description: We tried the new Wego kite-tube on Sunday 06/18/06. After several (4 I think) people rode it first it was my turn. Each had approximately 5 tries on it before I did. When I got on the tube my one and only ride lasted around 20 seconds. Soon after the kite-tube caught air with me on it, it took me up to approximately 20 ft within approximately a few seconds. Just as it was hitting its peak it turned downward violently. I was knocked unconscious and when I came to, spit up quite a bit of blood. My injuries included a bruised lung and my ribs had a severe injury, possibly cracked or dislocated. Other injuries include a hurt neck, back and a bad bruise on my back-side.

Victim's age at time of incident = 27

Victim's sex = Male

Date of incident = 06/18/2006

Product involved = kite-tube approx 10ft in diameter Product brand name/manufacturer = Wego/Sportsstuff Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = Product model and serial number, manufacture date = Date product purchased = Name Release = Do not release name

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Monday, July 03, 2006 9:24 AM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0660483A - Wego Kite Tube

Importance: High

-----Original Message-----

From: Noble, Laura EW
Sent: Thursday, June 29, 2006 8:33 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0660483A

06/28/2006 19:50:36

Name = John Schreve
Address = 2848 Femrite Drive
City = Cottage Grove
State = Wisconsin
Zip = 53527
Email = jackyikes@aol.com
Telephone = 608-838-7749
Name of Victim = Greg
Victim's Address =
Victim's City = Delafield
Victim's State = Wisconsin
Victim's Zip =
Victim's Telephone =

Incident Description: I can give you more information in the next few days, or give you other names that can. Greg, the friend of a friend, died of internal injuries after using the Wego Kite Tube on Little St. Germain lake, in St. Germain, Wisconsin. He had a broken clavicle, lacerated liver and spleen, and possibly other injuries. He died of a heart attack, caused by the stress of the lacerated liver, which was bleeding profusely, according to reports I received by voice, from a second party, reportedly after the coroner's report. I want to make you aware of this DEATH since I saw a report that you have just started an investigation into this inheritantly dangerous product. I hope you can get it removed from the marketplace. The victim was only 2 to 6 feet off the ground, yet still sustained significant bodily damage when the "kite tube" pummeled him into the water.

Victim's age at time of incident = 44
Victim's sex = Male
Date of incident = 6-26-06
Product involved = Wego Kite Tube
Product brand name/manufacturer = Sportsstuff, Inc.
Manufacturer street address = 11213 "E" Circle (A) Omaha, NE 68137 Place where
manufactured (City and State or Country) = Product involved still available = Yes Product
model and serial number, manufacture date = Date product purchased = June 2006 Name
Release = Do not release name death = yes

Topka, Tanya L.

From: Topka, Tanya L.
Sent: Tuesday, July 11, 2006 9:12 AM
To: Ingle, Robin L.; Blasius, Dennis R.
Subject: FW: 7/05/06. Woman injured in kite tubing accident. Union Lake, MI.
Attachments: 070506. Woman injured in kite tubing accident. Union Lake, MI.pdf

Please assign normal priority can be telephone

Dennis, the investigators do not need to provide me updates anymore. Marc is handling the negotiations with the firm and we don't really need the updates anymore.

Robin and Dennis after tomorrow you do not need to assign anymore of these idis just send me the document numbers so I can keep track of all the reports coming in. Although if either of you really want to assign them you can.

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

From: Grundy, Michelle A.
Sent: Monday, July 10, 2006 10:46 PM
To: Kohen, Beverly J.
Cc: Topka, Tanya L.; Ingle, Robin L.; Blasius, Dennis R.; Vece, John R.
Subject: 7/05/06. Woman injured in kite tubing accident. Union Lake, MI.

This incident was reported tonight on my local news station. This **IS** a kite tubing accident.

Michelle

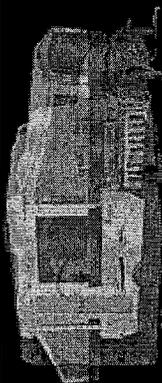
Topka, Tanya L.

From: Grundy, Michelle A.
Sent: Monday, July 10, 2006 10:46 PM
To: Kohen, Beverly J.
Cc: Topka, Tanya L.; Ingle, Robin L.; Blasius, Dennis R.; Vece, John R.
Subject: 7/05/06. Woman injured in kite tubing accident. Union Lake, MI.
Attachments: 070506. Woman injured in kite tubing accident. Union Lake, MI.pdf

This incident was reported tonight on my local news station. This **IS** a kite tubing accident.

Michelle

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Monday, July 10, 2006 Grand Rapids, MI

WZZM13 NEWS FROM ACROSS THE USA

Woman injured in tubing accident

AP

Created: 7/5/2006 8:08:12 AM
Updated: 7/5/2006 8:08:12 AM

UNION LAKE, Mich. (AP) - A 42-year-old Waterford Township woman was knocked unconscious following a tubing accident on Union Lake this afternoon.

West Bloomfield fire officials say the woman was riding in a rubber tube around 3:30 p-m when the tube went airborne throwing the woman into the water.

She had to be rescued from the water.

However, it's unclear if the woman was wearing a personal floatation device.

West Bloomfield paramedics took the woman to Huron Valley Hospital in serious condition.

Web Editor: Michigan Online.

Web Tools:

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- Lockheed to unveil F-35 JSF, hailed as most powerful single-engine fighter
- Coca-Cola Suspect Granted Bond
- Drones reshaping Iraq's battlefields
- Ga. Man Indicted for Poisoning Kids
- Columbine documents released

LATEST NEWS

- Former Kentwood Fire official pleads guilty to child-porn charges
- If the election were held today, who would win?
- Coopersville lawsuit on bond proposal thrown out
- June Allyson, film star, dies at 88
- Stabenow adds to re-election campaign
- Homeowners might get more protection against mortgage fraud
- Lawyers lock horns in Detroit over NSA spying program

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Topka, Tanya L.

From: Ingle, Robin L.
Sent: Tuesday, July 11, 2006 4:09 PM
To: Blasius, Dennis R.; Topka, Tanya L.
Cc: Spittler, Virginia R.
Subject: FW: Internet Form Complaint - Doc #I0670180A - Kitetube

-----Original Message-----

From: Topping, John C.
Sent: Tuesday, July 11, 2006 3:44 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670180A - Kitetube

-----Original Message-----

From: Noble, Laura EW
Sent: Tuesday, July 11, 2006 8:22 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670180A

07/10/2006 20:11:03

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = 328-700- [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED] SW Victim's City [REDACTED] Victim's State =
Minnesota Victim's Zip = 56308 Victim's Telephone [REDACTED]

Incident Description: While using the Wego Kitetube Tyler was violently thrown into the water from an estimated height of 15 to 20 feet the boat speed was approximately 15 mph. He landed on his back and was unable to respond for approximately 30 to 45 seconds. He was unable to stand and was in very severe pain. We took him to the emergency room of our local hospital and x-rays and CT scan and lab work. He did have blood in his urine and all other tests came back normal. He had very large bruises on his lower back from the impact. I believe that the speed of the boat in thier demonstration video in excess of the speed they recomend for the Kite tube. He was unable to get out of bed for 36 hours and after that amount of time he started to feel better. He still has some discomfort in his left rib area and lower back pain. We watched and followed the manufacturers DVD. This product is very unsafe and even on calm days without a gust of wind is very unpredictable. We are very thankful that Tyler is doing as well as he is but I fear for the people who purchase and use this kitetube not knowing the dangers that it presents. If any further information is needed from us feel free to contact me [REDACTED] at work

[REDACTED] Home [REDACTED]. Thank-you for your help. Regards [REDACTED]

Victim's age at time of incident = 15
Victim's sex = Male
Date of incident = 6-27-06
Product involved = Wego Kitetube
Product brand name/manufacturer = Wego
Manufacturer street address = Sportstuff Inc. 11213 E Circle Suite A Omaha, NE 68137
Place where manufactured (City and State or Country) = Product involved still available =
Yes Product model and serial number, manufacture date = 53-5000 Date product purchased =

06-24-06 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Glogowski, Henry P.
Sent: Thursday, July 06, 2006 2:49 PM
To: Webb, Robert L.
Cc: Blasius, Dennis R.; Topka, Tanya L.
Subject: RE: Internet Form Complaint - Doc #I0670069A - Kite Tube

Good job Bob

From: Webb, Robert L.
Sent: Thu 7/6/2006 2:39 PM
To: Glogowski, Henry P.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

FYI
Have spoken with Dennis.
Will write up after meeting with complainant

From: Webb, Robert L.
Sent: Thursday, July 06, 2006 11:43 AM
To: Kohen, Beverly J.; Topka, Tanya L.
Cc: Blasius, Dennis R.
Subject: RE: Internet Form Complaint - Doc #I0670069A - Kite Tube
Importance: High

Incident involves the Wego Kite tube.

Victim- Henderson- is the brother of the complainant - Klawitter.

Victim - DOB: 09/16/1986; 5'11"; 170 pounds.

At the time of the incident victim was wearing a helmet and life vest. being pulled by a "bay liner boat with MD registration-unknown number at this time.

Speed of the boat was about 25 mph. height of fall was about 25-30 feet to the water. Boat owned by Klawitter. Has the boat for a couple of years.

Kite tube purchased for \$500.00 via the inter-net from BOATTUBE.com and shipped via UPS on or about 05/22/2006.

Product comes with a multi-colored rope for use in the form of 45 feet for beginners; 55 feet and the longest length of 65 feet as per conversation with complainant.

Complainant saw the video on the inter- net and though this might be a "fun" thing to do and have.

Only warning he could remember was "Go as high as you are willing to fall". Will check the tube out during interview meeting.

Victim was flown by helicopter from the accident site to local hospital where he was treated and released for a minor head concussion.

Telephone interview with Klawitter this date. Meeting set for 7:00 AM in Maryland at his home to photograph the kite tube and to obtain any documents that might be available. Victim lives with his parents in a nearby town. This was the first time use by the victim of the kite tube.

Any other areas of concern or concentration for the interview of 07/07/2006 ??

From: Kohen, Beverly J.
Sent: Thursday, July 06, 2006 10:50 AM
To: Webb, Robert L.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

7/7/2006

726

From: Ault, Eric B.
Sent: Thursday, July 06, 2006 8:16 AM
To: Robinson, Pamela
Cc: Kohen, Beverly J.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

An IDI will be forthcoming from Epi on this incident, but we need to get started as soon as possible. Dennis has sent details on areas of interest in this investigations which I forwarded earlier. Thanks.

From: Blasius, Dennis R.
Sent: Wednesday, July 05, 2006 4:31 PM
To: Ault, Eric B.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

May show up in IFS as early as tomorrow, but we can get someone started on it in the meantime?

From: Ingle, Robin L.
Sent: Wed 7/5/2006 4:30 PM
To: Topka, Tanya L.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

Will assign as HBB.

-----Original Message-----

From: Topping, John C.
Sent: Wednesday, July 05, 2006 5:14 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670069A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Wednesday, July 05, 2006 12:39 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670069A

07/05/2006 10:42:13

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 21911
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 21904
Victim's Telephone = [REDACTED]

7/7/2006

727

Incident Description: Travelling 25 mph the tube abruptly flew 25feet in the air and ejected the victim off of the tube. The victim was coughing up blood and had to be flown to a trauma center for evaluation.

Victim's age at time of incident = 19

Victim's sex = Male

Date of incident = 6-11-06

Product involved = Wego Kite Tube

Product brand name/manufacturer = SportsStuff Manufacturer street address = Place where manufactured (City and State or Country) =

Product involved still available = Yes Product model and serial number, manufacture date = 53-5000 Date product purchased = 6-1-2006 Name

Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Ault, Eric B.
Sent: Thursday, July 06, 2006 3:40 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670098A

Another one for you guys to assign.

-----Original Message-----

From: Noble, Laura EW
Sent: Thursday, July 06, 2006 11:28 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670098A

07/06/2006 10:11:28

Name = [REDACTED]
Address = [REDACTED] / [REDACTED] City = crystal beach State = Florida Zip =
34681 Email = [REDACTED].com Telephone = [REDACTED] Name of Victim = [REDACTED]
[REDACTED] Victim's Address = [REDACTED] City = crystal beach Victim's State =
Florida Victim's Zip = 34681 Victim's Telephone = [REDACTED]

Incident Description: The Sports Stuff Wego Kite Tube is a very hazardous sporting device that should be pulled from the market. While it was given the 2006 Sports Manufacturer Product of the Year, it will kill people that want to have fun with their towable "toy".
<http://www.sportsstuff.com/towables/wego/>

I am a very active 42 year old and have tried many different sports: wake boarding, water skiing, inter tubing, wind surfing, kite board sailing, snow boarding, snow skiing, knee boarding, barefooting, parasailing, and others. I have never come across a product that I thought could kill me until my recent incident with the Wego Kite Tube. I ask for your help in getting this device off the market. Since my accident I have heard a boat dealer in Columbus OH sent his tubes back because someone died on it in Texas. I wish I had known. Here is the article link of the death. <http://www.kfdm1.com/engine.pl?station=kfdm&id=14598&template=breakoutlocal.html>

Here are a few photos from my smack down on the Kite Tube Saturday 7/1/06. After flying the but 25-30 feet in the air, it inverted and whipped me into the water as we were going 40mph. Luckily, I curled into a ball and have a lot of extra padding in my butt. I was knocked unconscious and floating face down until I was pulled out of the water by the driver [REDACTED]. I am fine, with some bruising, 2 broken ribs and a punctured lung. All will heal. I am sending the tube back. It certainly wasn't stable when it was flying. Of all the sports I have tried, this was the most dangerous and is going to kill someone. Luckily, it wasn't my time...

I want to get the word out that this will kill people and it is not a toy for children

Victim's age at time of incident = 42
Victim's sex = Male
Date of incident = 7/1/2006
Product involved = wego kite tube
Product brand name/manufacturer = sports stuff Manufacturer street address = 11213 e. circle suite a Place where manufactured (City and State or Country) = omaha, ne 68137
Product involved still available = Yes Product model and serial number, manufacture date = wego kite tube towable Date product purchased = 6/20/2006 Name Release = Release name to the manufacturer and public

729

Topka, Tanya L.

From: Ault, Eric B.
Sent: Thursday, July 06, 2006 3:34 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670090A

I don't remember seeing this one before. I assume you will have it assigned.

-----Original Message-----

From: Noble, Laura EW
Sent: Thursday, July 06, 2006 7:50 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670090A

07/05/2006 21:00:28

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

Incident Description: I was using the kite tube for the first time. I was using the shortest rope. The boat was traveling about 30mph and the tube was popping up and down out of the water. The last few times I felt the kite was kind of wobbly so I tried to keep the kite from lifting. I then remember lifting again and kind of coming down towards the left a little. The rest I am amnestic to but my family states after that time a sudden gust of wind picked the kite up 10-15 feet and then flipped over and slammed back down into the water. They said it happened so fast there was no time to do anything to keep it from happening. I am sure I must have lost consciousness, however when they got back to me I was awake and dazed. I remained confused for about 20 minutes they said. I only remember bits and pieces surrounding that time. I did go to the hospital because I had a bad headache and shoulder pain and abdominal pain. There were no serious injuries found. So basically it resulted in a concussion, the left side of my face and my left clavcle was swollen but not broken. I had a hematoma to my left scapula. I did not have any abdominal injuries on the cat scan, but definitely have a strained muscle. And last, my left breast is numb. I spent the entire next day with a severe headache, bouts of nausea and endless tiredness and muscle aches. Of course it is only 2 days since the crash, and hopefully I will make a full recovery.

Victim's age at time of incident = 31
Victim's sex = Female
Date of incident = 7/3/06
Product involved = Wego Kite Tube
Product brand name/manufacturer = Sports Stuff Manufacturer street address = unk Place where manufactured (City and State or Country) = unf Product involved still available = No Product model and serial number, manufacture date = unk Date product purchased = unk Name Release = Do not release name

Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Thursday, July 06, 2006 3:26 PM
To: Ault, Eric B.; Nava, Frank J.
Cc: Cave, Carol J.; Topka, Tanya L.; Ingle, Robin L.; Schoem, Marc J.
Subject: Kite tube investigations update

Thank you to everyone in the Field who has been involved in the investigations concerning kite-tube products. At this point we have upwards of 30 on-site, priority IDIs assigned. The information from these in-person interviews has proved quite valuable and has allowed critical information to be obtained about the products involved.

Unfortunately CPSC is learning of additional injury incidents. For assignments assigned after 7/06/06 involving Wego Kite Tube products, we no longer need copies of the owner's manuals, instructions, or other warning information to be included in the investigative report. We will require one photo of the Wego product (if the unit is still available) to confirm the manufacturer; the consumer may provide this.

Timeliness is still critical in this rapidly progressing inquiry. We need the completed investigative reports as soon as reasonably possible. Investigations assigned after 7/06 do not need to be conducted on-site if we can get all relevant information requested in the assignment message from a combination of the official reports and telephone interviews. Investigators will must decide on a case-by-case basis if they need to follow-up their initial telephone interviews with the victims, boat operators, spotters, law enforcement or other witnesses with any in-person interviews. If in doubt, the Investigator should consult with their supervisor or Tanya Topka (or me.)

If the product/manufacturer involved is not known or involves a product other than the Wego Kite Tube, please conduct a full on-site investigation and carefully document the product.

One note: Please obtain the exact length of the tow rope being utilized to pull the kite tube-like product at the time of the incident, regardless of brand name or manufacturer.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

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Topka, Tanya L.

From: Mele, Stephen V.
Sent: Thursday, July 06, 2006 12:52 PM
To: Mele, Stephen V.; Topka, Tanya L.; Ault, Eric B.; Blasius, Dennis R.
Cc: Kohen, Beverly J.
Subject: RE: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)

Here are some more details for this to be assigned.

Incident location: near Roanoke Rapids, NC (where Jimmy Creek connects with main body of Lake Gaston).
Date of incident: 6/17/06

Victim: 34 YOF
[REDACTED]
[REDACTED]
[REDACTED] (boyfriend's number, [REDACTED])
Boat operator: victim's boyfriend

Owner of boat: [REDACTED]
[REDACTED]

Also note that no photos were taken by NCWRC.

Stephen V. Mele
U.S. CPSC
Raleigh/Durham Field Office
P.O. Box 52054
Durham, NC 27717
PH: (919) 403-0281
Fax: (775) 908-8050
email: smele@cpsc.gov

From: Mele, Stephen V.
Sent: Thu 7/6/2006 12:14 PM
To: Topka, Tanya L.; Ault, Eric B.; Blasius, Dennis R.
Cc: Kohen, Beverly J.
Subject: FW: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)

ALERT: There was yet another kite tube incident in NC. It occurred on Lake Gaston, near the VA/NC border (my area again). Chris Huebner, NCWRC has forwarded the below synopsis to me. He provided me with contact info. for the official and will give me a copy of the report when he receives it, probably next week. I'll contact the responsible NCWRC official after lunch.

Could someone from headquarters create an assignment for me? It appears they are being assigned as HBB assignments, right?

Steve

Stephen V. Mele
U.S. CPSC
Raleigh/Durham Field Office
P.O. Box 52054
Durham, NC 27717
PH: (919) 403-0281

7/7/2006

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Fax: (775) 908-8050
email: smele@cpsc.gov

From: Huebner, Chris A. [<mailto:chris.huebner@ncwildlife.org>]
Sent: Thu 7/6/2006 12:04 PM
To: Mele, Stephen V.
Subject: FW: Wego Kite Tube Accident

For more info. Contact:
Captain Mark Bruton
252-443-3791

Captain Chris Huebner
Hunter and Boating Safety Coordinator
NCWRC
1717 Mail Service Center
Raleigh NC 27699-1717
919-707-0030

-----Original Message-----

From: Mark H. Bruton [<mailto:lukejack@earthlink.net>]
Sent: Thursday, July 06, 2006 11:31 AM
To: Huebner, Chris A.
Cc: Freeman, Thomas E SAW
Subject: Re: Wego Kite Tube Accident

Chris,

Just had another on my desk on Lake Gaston.
A subject was pulling a female near Jimmy Creek on Lake Gaston and the tube was off the water approximately 2 feet when they hit the main body of the lake and the tube shot up approximately 10 feet and turned sideways and the female was slammed to water and knocked unconscious but was pulled from water by occupants of boat and taken to hospital where she was ok. I just got this across my desk and made contact with the female boyfriend and talked to him about this and he gave me this blow by blow report. If that subject needs to call me about this I can talk to him. I'm sending this boating accident report to Raleigh in Courier today. Let me know if you need further on this.

----- Original Message -----

From: "Huebner, Chris A." <chris.huebner@ncwildlife.org>
To: "Bruton, Mark H." <lukejack@earthlink.net>
Cc: "Reams, John L." <reamsjl@earthlink.net>
Sent: Thursday, July 06, 2006 10:52 AM
Subject: Wego Kite Tube Accident

> Mark,
>
> I have learned of a boating accident that occurred on Falls Lake on June
> 8th
> 2006.
>
> The accident involved a Wego Kite Tube. Got to this link to see one
> <http://www.sportsstuff.com/towables/wego/index.shtml>
> <http://www.sportsstuff.com/towables/wego/index.shtml>> This tube will
> fly
> through the air after you get up to speed. It can reach heights up to 60
> feet and apparently we have a couple on Falls Lake. The tube is a big
> concern at the moment with people getting killed and injured all over the
> country. This is the second accident at Falls reported. The first one was

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- a
- > man that broke his femur after falling 20 feet. Jon Evans did that report.
- > This one was reported to the Consumer Product Safety Commission (CPSC) and
- > needs to be investigated.
- >
- > The CPSC is looking at taking some kind of action or warning people about
- > the dangers of these tubes.
- >
- > Please have someone get in contact with this man and do a report. If
- > possible we need to take pictures of the tube.
- >
- > The CPSC is using our reports to assist them with doing something about
- > these tubes.
- >
- >
- >
- > The man involved was
- > [REDACTED]
- >
- > 2 [REDACTED]
- > [REDACTED]
- >
- >
- >
- > Phone # [REDACTED]
- >
- > He fell off the tube and broke his ankle.
- >
- >
- >
- > I know Jon is in training so he isn't available.
- >
- > The man with CPSC is named Steve Mehli (I don't think that is spelled
- > correctly) and he has left a message with Jon about the other accident
- > that
- > Jon investigated. Could you make sure Jon contacts him back?
- >
- > His number is 919-403-0281.
- >
- >
- >
- >
- >
- >
- >
- >
- > Captain Chris Huebner
- >
- > Hunter and Boating Safety Coordinator
- >
- > NCWRC
- >
- > 1717 Mail Service Center
- >
- > Raleigh NC 27699-1717
- >
- > 919-707-0030
- >
- >
- >

Topka, Tanya L.

From: Mele, Stephen V.
Sent: Thursday, July 06, 2006 1:11 PM
To: Blasius, Dennis R.; Ault, Eric B.; Topka, Tanya L.
Subject: FW: Kite tube complaint (I0670073A) Update

This is a f/up email from the complainant (2nd incident on Falls Lake, Raleigh, NC). FYI - I'm meeting the victim at his office tomorrow at noon. He believes the tube has already been sold on ebay, but he'll email me a picture of the kite tube from an earlier video. He has no photos or video from the incident itself.

Steve

Stephen V. Mele
U.S. CPSC
Raleigh/Durham Field Office
P.O. Box 52054
Durham, NC 27717
PH: (919) 403-0281
Fax: (775) 908-8050
email: smele@cpsc.gov

From: ihamilton1@nc.rr.com [<mailto:ihamilton1@nc.rr.com>]
Sent: Thu 7/6/2006 12:31 PM
To: Mele, Stephen V.
Subject: Re: Kite tube complaint (I0670073A)

Steve,

Thank you for the quick response. My friend has the tube for sale on ebay, closing tomorrow. He has email details to prove he bought the tube. We have some video of the particular tube, would that help?

As for what happened I'll call you this afternoon.

----- Original Message -----

From: "Mele, Stephen V." <SMele@cpsc.gov>
Date: Thursday, July 6, 2006 11:29 am
Subject: Kite tube complaint (I0670073A)
To: ihamilton1@nc.rr.com

>
>
> Dear M [REDACTED]
>
> My name is Steve Mele and I'm a Product Safety Investigator with the
> U.S. Consumer Product Safety Commission. I'm contacting you to follow
> up on the complaint you submitted to the CPSC website regarding a kite
> tube incident you had with a Wego brand kite tube that occurred on
> FallsLake on 6/8/06. As you are probably aware, the CPSC has
> jurisdictionover many different types of consumer products.
>
> This product area is currently a high priority with CPSC since kite
> tubes are a new product and there have been a number of recent
> publicized injuries throughout the country involving kite tubes.
> We are

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Re: Kite tube complaint (I0670073A)

> following up on the incidents we are aware of to try to get as much
> detail as possible about how the incident occurred and to document the
> product information on the individual kite tube involved in the
> incident. I'd like to arrange an appointment with you to discuss your
> incident and, if possible, to examine/photograph the kite tube
> that was
> involved in the incident. This would be at a date and time of your
> convenience, but I would like to do it as soon as you are available,
> preferably within the next week.

> You may respond to this email or call me directly at (919) 403-0281.

> Thank You.

> Sincerely,

> Stephen V. Mele
> Product Safety Investigator
> U.S. CPSC
> Raleigh/Durham Field Office
> P.O. Box 52054
> Durham, NC 27717
> (919) 403-0281
> email: smele@cpsc.gov

> PS. I also left you a voicemail message this morning.

> *****

> Unless otherwise stated, any views or opinions expressed in this
> e-mail (and any attachments) are solely those of the author and do
> not necessarily represent those of the U.S. Consumer Product Safety
> Commission.

> Copies of product recall and product safety information can be sent
> to you automatically via Internet e-mail, as they are released by
> CPSC. To subscribe or unsubscribe to this service go to the following
> web page: <http://www.cpsc.gov/cpsclist.asp>

> *****

Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 06, 2006 1:00 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670090A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Thursday, July 06, 2006 1:00 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670090A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Thursday, July 06, 2006 8:50 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670090A

07/05/2006 21:00:28

Name = S
Address =
City =
State =
Zip =
Email =
Telephone =
Name of Victim = Same
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description: I was using the kite tube for the first time. I was using the shortest rope. The boat was traveling about 30mph and the tube was popping up and down out of the water. The last few times I felt the kite was kind of wobbly so I tried to keep the kite from lifting. I then remember lifting again and kind of coming down towards the left a little. The rest I am amnestic to but my family states after that time a sudden gust of wind picked the kite up 10-15 feet and then flipped over and slammed back down into the water. They said it happened so fast there was no time to do anything to keep it from happening. I am sure I must have lost consciousness, however when they got back to me I was awake and dazed. I remained confused for about 20 minutes they said. I only remember bits and pieces surrounding that time. I did go to the hospital because I had a bad headache and shoulder pain and abdominal pain. There were no serious injuries found. So basically it resulted in a concussion, the left side of my face and my left clavcle was swollen but not broken. I had a hematoma to my left scapula. I did not have any abdominal injuries on the cat scan, but definitely have a strained muscle. And last, my left breast is numb. I spent the entire next day with a severe headache, bouts of nausea and endless

tiredness and muscle aches. Of course it is only 2 days since the crash, and hopefully I will make a full recovery.

Victim's age at time of incident = 31

Victim's sex = Female

Date of incident = 7/3/06

Product involved = Wego Kite Tube

Product brand name/manufacture street address = unk Place

where manufactured (City and State or Country) = unf Product involved still available = No

Product model and serial number, manufacture date = unk Date product purchased = unk Name

Release = Do not release name

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Thursday, July 06, 2006 1:16 PM
To: Blasius, Dennis R.; Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670098A - Kite tube

-----Original Message-----

From: Topping, John C.
Sent: Thursday, July 06, 2006 1:12 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670098A - Kite tube

-----Original Message-----

From: Noble, Laura EW
Sent: Thursday, July 06, 2006 12:28 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670098A

07/06/2006 10:11:28

Name = [REDACTED]
Address = [REDACTED] City = crystal beach State = Florida Zip =
34681 Email = bestwing@tampabay.rr.com Telephone = [REDACTED] Name of Victim = [REDACTED]
Victim's Address = [REDACTED] City = crystal beach Victim's State =
Florida Victim's Zip = [REDACTED] Victim's Telephone = [REDACTED]

Incident Description: The Sports Stuff Wego Kite Tube is a very hazardous sporting device that should be pulled from the market. While it was given the 2006 Sports Manufacturer Product of the Year, it will kill people that want to have fun with their towable "toy".
<http://www.sportsstuff.com/towables/wego/>

I am a very active 42 year old and have tried many different sports: wake boarding, water skiing, inter tubing, wind surfing, kite board sailing, snow boarding, snow skiing, knee boarding, barefooting, parasailing, and others. I have never come across a product that I thought could kill me until my recent incident with the Wego Kite Tube. I ask for your help in getting this device off the market. Since my accident I have heard a boat dealer in Columbus OH sent his tubes back because someone died on it in Texas. I wish I had known. Here is the article link of the death. <http://www.kfdm1.com/engine.pl?station=kfdm&id=14598&template=breakoutlocal.html>

Here are a few photos from my smack down on the Kite Tube Saturday 7/1/06. After flying the but 25-30 feet in the air, it inverted and whipped me into the water as we were going 40mph. Luckily, I curled into a ball and have a lot of extra padding in my butt. I was knocked unconscious and floating face down until I was pulled out of the water by the driver [REDACTED]. I am fine, with some bruising, 2 broken ribs and a punctured lung. All will heal. I am sending the tube back. It certainly wasn't stable when it was flying. Of all the sports I have tried, this was the most dangerous and is going to kill someone. Luckily, it wasn't my time...

I want to get the word out that this will kill people and it is not a toy for children

Victim's age at time of incident = 42
Victim's sex = Male
Date of incident = 7/1/2006
Product involved = wego kite tube
Product brand name/manufacturer = sports stuff Manufacturer street address = 11213 e.

circle suite a Place where manufactured (City and State or Country) = omaha, ne 68137
Product involved still available = Yes Product model and serial number, manufacture date =
wego kite tube towable Date product purchased = 6/20/2006 Name Release = Release name to
the manufacturer and public

Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Thursday, July 06, 2006 12:21 PM
To: Topka, Tanya L.; Ingle, Robin L.
Subject: RE: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)

Steve Mele is trying to get more detail now

From: Mele, Stephen V.
Sent: Thu 7/6/2006 11:14 AM
To: Topka, Tanya L.; Ault, Eric B.; Blasius, Dennis R.
Cc: Kohen, Beverly J.
Subject: FW: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)

ALERT: There was yet another kite tube incident in NC. It occurred on Lake Gaston, near the VA/NC border (my area again). Chris Huebner, NCWRC has forwarded the below synopsis to me. He provided me with contact info. for the official and will give me a copy of the report when he receives it, probably next week. I'll contact the responsible NCWRC official after lunch.

Could someone from headquarters create an assignment for me? It appears they are being assigned as HBB assignments, right?

Steve

Stephen V. Mele
U.S. CPSC
Raleigh/Durham Field Office
P.O. Box 52054
Durham, NC 27717
PH: (919) 403-0281
Fax: (775) 908-8050
email: smele@cpsc.gov

From: Huebner, Chris A. [<mailto:chris.huebner@ncwildlife.org>]
Sent: Thu 7/6/2006 12:04 PM
To: Mele, Stephen V.
Subject: FW: Wego Kite Tube Accident

For more info. Contact:
Captain Mark Bruton
252-443-3791

Captain Chris Huebner
Hunter and Boating Safety Coordinator
NCWRC
1717 Mail Service Center
Raleigh NC 27699-1717
919-707-0030

-----Original Message-----

From: Mark H. Bruton [<mailto:lukejack@earthlink.net>]
Sent: Thursday, July 06, 2006 11:31 AM
To: Huebner, Chris A.
Cc: Freeman, Thomas E SAW
Subject: Re: Wego Kite Tube Accident

Chris,

7/7/2006

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- >
- >
- > I know Jon is in training so he isn't available.
- >
- > The man with CPSC is named Steve Mehli (I don't think that is spelled
- > correctly) and he has left a message with Jon about the other accident
- that
- > Jon investigated. Could you make sure Jon contacts him back?
- >
- > His number is 919-403-0281.
- >
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- >
- > Captain Chris Huebner
- >
- > Hunter and Boating Safety Coordinator
- >
- > NCWRC
- >
- > 1717 Mail Service Center
- >
- > Raleigh NC 27699-1717
- >
- > 919-707-0030
- >
- >
- >

Topka, Tanya L.

From: Ault, Eric B.
Sent: Thursday, July 06, 2006 12:18 PM
To: Mele, Stephen V.; Topka, Tanya L.; Blasius, Dennis R.
Cc: Kohen, Beverly J.; Davidson, Verlene; Ingle, Robin L.
Subject: RE: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)

Verlene - looks like they want HQ to assign all of these now. So please ignore my request below. Thanks.

From: Ault, Eric B.
Sent: Thursday, July 06, 2006 11:17 AM
To: Mele, Stephen V.; Topka, Tanya L.; Blasius, Dennis R.
Cc: Kohen, Beverly J.; Davidson, Verlene
Subject: RE: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)

Steve - We can just have Verlene Davidson do it from using this e-mail as the source document. Give it the same priority as the other tube kite incidents.

Verlene - please assign IDI to Helen's team. MIS 12165. Thanks.

From: Mele, Stephen V.
Sent: Thursday, July 06, 2006 11:14 AM
To: Topka, Tanya L.; Ault, Eric B.; Blasius, Dennis R.
Cc: Kohen, Beverly J.
Subject: FW: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)
Importance: High

ALERT: There was yet another kite tube incident in NC. It occurred on Lake Gaston, near the VA/NC border (my area again). Chris Huebner, NCWRC has forwarded the below synopsis to me. He provided me with contact info. for the official and will give me a copy of the report when he receives it, probably next week. I'll contact the responsible NCWRC official after lunch.

Could someone from headquarters create an assignment for me? It appears they are being assigned as HBB assignments, right?

Steve

Stephen V. Mele
U.S. CPSC
Raleigh/Durham Field Office
P.O. Box 52054
Durham, NC 27717
PH: (919) 403-0281
Fax: (775) 908-8050
email: smele@cpsc.gov

From: Huebner, Chris A. [<mailto:chris.huebner@ncwildlife.org>]
Sent: Thu 7/6/2006 12:04 PM
To: Mele, Stephen V.
Subject: FW: Wego Kite Tube Accident

For more info. Contact:
Captain Mark Bruton

7/7/2006

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Topka, Tanya L.

From: Mele, Stephen V.
Sent: Thursday, July 06, 2006 6:38 PM
To: Topka, Tanya L.
Cc: Blasius, Dennis R.
Subject: RE: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)

Tanya,

I don't have an assignment number for this incident yet, but here is some more information I obtained from a telephone interview with the victim's fiancé who was also in the boat at the time of the incident.

Incident occurred on Lake Gaston (near Roanoke Rapids, NC). Victim is a 34 YOF. They do not have any photos of the incident. He confirmed that it was a Wego kite tube and believed it was purchased new about a week before the incident from a retailer near the lake along with the tow rope.

The boat was traveling about 25mph at the time of the incident and the 34 year old victim was riding alone on the kite tube. This was her first time using a kite tube. She was on it about 15 minutes mostly traveling only 2 or 3 feet above the water, when a sudden gust of wind took the kite tube and the victim up to about 10 - 12 feet in the air where she suddenly lost control and slammed down sideways onto the surface of the water. She has used a parasail once before and a regular tube a number of times. The tow rope is estimated to be 20 - 30 feet long (I'll try to get exact info. from boat owner/operator).

Note: victim's fiancé stated that the kite tube appears to rock back and forth and become unstable when wind gets a hold of it and drives it up in the air. He believes the maximum angle that could be achieved on this kite tube and tow rope is about 45 degrees.

I've left a message for the boat operator who owns the boat and will try to get a photo of the kite tube and more specifics from him. I'll also contact the victim tomorrow afternoon, but her fiancé said that as a result of being knocked unconscious (and not breathing for one full minute) during the incident, she still doesn't remember much beyond first getting on the kite tube and after she was back on the dock. The victim was kept overnight at the hospital for observation. She suffered a mild concussion as well as contusions to her left side and shoulder.

I'll receive a copy of the NC Wildlife Resources Commission invest. report next week.

I have some more info from the victim's fiancé, but I believe this is all you require at this point.

Steve

From: Mele, Stephen V.
Sent: Thursday, July 06, 2006 12:52 PM
To: Mele, Stephen V.; Topka, Tanya L.; Ault, Eric B.; Blasius, Dennis R.
Cc: Kohen, Beverly J.
Subject: RE: Wego Kite Tube Accident - NEW ONE! (Lake Gaston)

Here are some more details for this to be assigned.

Incident location: near Roanoke Rapids, NC (where Jimmy Creek connects with main body of Lake Gaston).
Date of incident: 6/17/06

Victim: 34 YOF

[REDACTED]
[REDACTED] (boyfriend's number, [REDACTED])
Boat operator: victim's boyfriend

Owner of boat: [REDACTED]
[REDACTED]

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Topka, Tanya L.

From: Schoem, Marc J.
Sent: Tuesday, June 27, 2006 12:51 PM
To: Topka, Tanya L.; Blasius, Dennis R.; Ross, Robin M.
Cc: Mullan, John G.
Subject: FW: Kite Tube Death in Wisconsin

Robin – can you find out anything about this death for Tanya? Thanks

Marc J. Schoem
Deputy Director
Office of Compliance and
Field Operations
301-504-7520 - phone
240-638-6955 - cell

From: Vallese, Julie M.
Sent: Tuesday, June 27, 2006 12:49 PM
To: Schoem, Marc J.
Subject: RE: Kite Tube Death in Wisconsin

There was a death yesterday of a man who was riding in one of these kite tows in Rhinelander, WI. A reporter from the Daily News in Rhinelander wants an interview with CPSC.

Dean Acheson
The Daily News, Rhinelander, WI
715-365-6375

Deadline is today or tomorrow (preferably today). He is writing a hard news story on the death today. He wants you to be in a sidebar that he's also writing on the safety of these kite tow devices.

From: Schoem, Marc J.
Sent: Tuesday, June 27, 2006 12:28 PM
To: Vallese, Julie M.
Subject: Kite Tube Death in Wisconsin

Julie,

Can you send me any details on the death you received in Wisconsin?

Marc J. Schoem
Deputy Director
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
4330 East West Highway, Suite 610
Bethesda, MD 20814
301-504-7520 - phone
240-638-6955 - cell

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Topka, Tanya L.

From: Schoern, Marc J.
Sent: Tuesday, June 27, 2006 12:13 PM
To: Topka, Tanya L.; Mullan, John G.
Cc: Stern, Richard L.; Blasius, Dennis R.
Subject: OIPA reporting second Kite Tube Death - Privileged and Confidential

Julie advised me she got a call from a reporter advising her of a second kite tube death in Wisconsin. She discussed CPSC issuing something before the July 4 weekend warning consumers about the nature of the product. I advised her we were waiting to hear back from the two firms at the end of the week. I advised her to go ahead and prepare a draft alert for our review and if there was a way we could get something cleared we would so we could try and stay in front of the media on this issue. She will include the actions taken by the National Park Service and others/ . When I get something, I'll share it with you all to review.

Marc J. Schoern

Deputy Director
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
4330 East West Highway, Suite 610
Bethesda, MD 20814
301-504-7520 - phone
240-638-6955 - cell

6/27/2006

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Topka, Tanya L.

From: Ross, Mark K.
Sent: Tuesday, June 20, 2006 9:53 AM
To: Ingle, Robin L.; Topka, Tanya L.; Blasius, Dennis R.
Cc: Spittler, Virginia R.
Subject: RE: Could we have another incident?

I'm trying to track down more information. This is all I know from Julie Vallese:

I called kutv to see if they have a number. She said she'd getback to me but hasn't yet.

His name is [REDACTED]. All I know is he lives in the greater Salt Lake area. His wifes name is [REDACTED] if that helps get a listing. In the story she said these things shouldn't be sold.

Mark

From: Ingle, Robin L.
Sent: Tuesday, June 20, 2006 9:35 AM
To: Topka, Tanya L.; Blasius, Dennis R.
Cc: Ross, Mark K.; Spittler, Virginia R.
Subject: RE: Could we have another incident?

KUTV is the news station that had some of the original videos that we saw about kite tubes (Tanya, I think you watched them in my office); [REDACTED] might have been in those videos.

From: Topka, Tanya L.
Sent: Tuesday, June 20, 2006 9:33 AM
To: Blasius, Dennis R.; Ingle, Robin L.
Cc: Ross, Mark K.
Subject: RE: Could we have another incident?

I don't see this name in the case file anywhere so it might be a new one. Can we get more details from Mark?

Tanya Topka, Compliance Officer
 U.S. CPSC
 301-504-7594
 www.cpsc.gov

From: Blasius, Dennis R.
Sent: Tuesday, June 20, 2006 9:24 AM
To: Ingle, Robin L.; Topka, Tanya L.
Subject: Could we have another incident?

OIPA, Mark Ross, is following up on a TV interview done by KUTV in Utah about an apparent victim named [REDACTED]. Does this ring a bell with you?

1748

6/20/2006

Topka, Tanya L.

From: Wilson, Barbara B.
Sent: Wednesday, June 21, 2006 5:22 PM
To: Topka, Tanya L.
Cc: Englander, Sidney C.
Subject: IDI 060612HCC3582

Tanya-

I am working on the kite tube fatality in Texas. I am still trying to gather information, but understand you wanted some info as soon as possible. Here is what I have so far.

It was a Wego Kite Tube (where they purchased and when is still unknown). I understand Marc Bernstein emailed photos of the Wego Kite tube which is the same one that I am looking at - he also forwarded the owners manual which I obtained and is the same (it will be included as an attachment to the report). The victim was 33 years old and according to the game warden, the boat they purchased was relatively new to him as was the kite tube. They had only tried it one time before which was the day before the incident. The game warden stated that there was inexperience on the part of the victim and the boat operator because of the newness of the product.

The boat that was pulling the victim was owned by the victim and reported to be a 1998 Sea Ray Motorboat. It was 20'10" in length, fiberglass hull, HIN was SERA4458G798, with a 260 hp engine. The boat operator believed he was going approximately 32 mph and that the throttle was 90% of full.

The water depth was 40 feet, 85 degrees, water temp was 80 degrees, winds were blowing south and light (0-6 mph) and the water was calm to choppy (less than 6"). The accident occurred at 3:15 p.m. and visibility was good.

There were four passengers on the boat and the victim was on the kite tube. The observer for the boat told the game warden that he was 15-20 feet in the air when the tube began a hard nose dive to his left. When the victim hit the water, the observer stated he was not in contact with the kite tube. He skidded two times on the surface of the water before coming to a stop.

The warden stated that the cause of death was a transection of the aorta, a deceleration injury caused from the impact of his body with the surface of the water. There was no water in the lungs so the victim died upon impact and did not drown, nor was his neck broken.

I am still investigating and will update you as I get information.

Barb Wilson
Investigator
U.S. Consumer Product Safety Commission
Houston Office
Office: 281-647-0113
Fax: 281-915-4385

6/22/2006

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Topka, Tanya L.

From: Bernstein, Marc M.

Sent: Wednesday, June 21, 2006 4:51 PM

To: Blasius, Dennis R.; Ingle, Robin L.; Topka, Tanya L.; Staebell, Eugene E.; Nava, Frank J.; Vallese, Julie M.

Subject: Kite Tube--preliminary report

As to assignment #060614HCC3606, I have learned that the involved product was a **Wego** kite tube that was purchased in late May 2006 via an online purchase through Wal-Mart (the consumer stated that they product is selling quickly and is hard to find in stores). The price paid for the product was \$499.00 and research shows that that is the common price. The consumer had no prior experience with the product and began using the product during a four day interval on Lake Powell and Utah Lake that saw a total of six people use the product and **three individuals falling** from the product. No one had prior experience. The consumer's wife and 10 year-old son received slight injuries upon using the product. Both fell approximately five feet into the water while the **boat was traveling at 25mph and 20mph**, respectively. Both individuals (wife and son) rode the product three times each before incident. Wife hurt her back while son hurt his knee. No medical attention for either party. The following day, the consumer's friend, the primary victim, received a neck injury (C2 vertebrae fracture). The primary victim is 29 years old and is 6'2, and weighs 190lbs. The product is in the process of being returned to manufacturer--SportsStuff, Inc.

IDI is ongoing. Please call for any additional information.

Marc Bernstein
Investigator
U.S. Consumer Product Safety Commission
1212-H El Camino Real, PMB 582
San Bruno, CA 94066
Tel: 650-871-0995
Fax: 775-278-5863

6/22/2006

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Topka, Tanya L.

From: Perrizo, Rosemary
Sent: Tuesday, June 20, 2006 8:41 PM
To: Blasius, Dennis R.
Cc: Topka, Tanya L.; Ingle, Robin L.; Ross, Robin M.
Subject: RE: Kite Tube - Nebraska
Attachments: Kite-TubePhotos.doc

I interviewed one of the victims and a spotter today. Here are the answers to your initial questions:

What model: Wego Kite Tube by Sports Stuff, Inc. - Omaha, Nebraska
 Where purchased: Omaha Marine Center, Omaha Nebraska
 When purchased: Ordered in April - Received late May - Use the weekends of May 27th and June 3rd
 Incident Date: 6/3/06
 Age of victims: 20 yom, 5' 11", 160# ; 21 yom, 5' 9" 170# (brothers)
 Injuries:

20 yom - Kite-tube landed upside down in water. Victim knocked unconscious for several minutes and was floating face down in water. Dad jumped in and pulled him into boat. He went to ER and had CAT scan. (Neg.) Second degree concussion. Next day - blood in urine. Went to ER two days later for kidney pain. Had trouble with memory for several days. Still has some memory loss of details of incident.

21 yom - Kite-tube made nose dive in water. Victim knocked off tube when it hit water. Coughing up blood and developed bump on a rib the next day. He went to doctor a couple days later as he hurt all over. X-rays taken of chest - OK.

Location of incident: Missouri River - North of Omaha at a place called Ryan's Landing between the towns of Blencoe and Little Sioux.

Speed of Boat: Victims say 25 mph - Omaha Marine Center said after seeing video - 45-50 mph.

I will be interviewing the parents of the victims tomorrow evening who owned the boat and purchased the kite tube as well as the other victim. They have a video of one of the incidents and will make me a copy. They have since returned the kite tube for a partial refund. The parents have found a website where other users of the kite tube have made comments. Some are good reviews, but a number of them are not and note injuries. Website: www.steadywinds.com (It's a regular kite website but has news articles on the kite-tube.)

Reviews are at www.steadywinds.com/archives/2006/02/28/kite-tube/

I also went to the Omaha Marine Center and took photos of a kite-tube on display. It is 300 cm in diameter (10 ft). They provided me with all of the written literature and a copy of the DVD video the owner, boat driver and rider should view before using the kite-tube. They had seen the video shown on TV of the incident and said that the kite-tube was under inflated and that the boat was traveling at 45-50 mph and not the recommended 25 mph. I have attached the photos of the packaging info and the kite-tube. (May take a little while to open.)

From: Blasius, Dennis R.
Sent: Tue 6/20/2006 4:46 PM
To: Perrizo, Rosemary
Cc: Topka, Tanya L.; Ingle, Robin L.; Ross, Robin M.
Subject: RE: Kite Tube - Nebraska

Rose was able to track down our victims this PM.

From: Perrizo, Rosemary
Sent: Tue 6/20/2006 7:51 AM
To: Blasius, Dennis R.
Cc: Topka, Tanya L.; Ingle, Robin L.; Ross, Robin M.
Subject: RE: Kite Tube - Nebraska

I will update you by the end of the day.

6/21/2006

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From: Blasius, Dennis R.
Sent: Tue 6/20/2006 8:42 AM
To: Perrizo, Rosemary
Cc: Topka, Tanya L.; Ingle, Robin L.; Ross, Robin M.
Subject: RE: Kite Tube - Nebraska

yes, I'd also do that

From: Perrizo, Rosemary
Sent: Tue 6/20/2006 7:38 AM
To: Blasius, Dennis R.
Cc: Topka, Tanya L.; Ingle, Robin L.; Ross, Robin M.
Subject: RE: Kite Tube - Nebraska

How about I contact the Marine Center who was quoted in the news article and is a current seller of the kite tube? There was not a reporter noted in the news release, but I will try to find out who it was.

From: Blasius, Dennis R.
Sent: Mon 6/19/2006 9:26 PM
To: Perrizo, Rosemary
Cc: Topka, Tanya L.; Ingle, Robin L.; Ross, Robin M.
Subject: FW: Kite Tube - Nebraska

Don't contact the manufacturer unless Tanya gives the go ahead. I'd contact the news reporter that wrote the story and see what they can do for you.

Dennis Blasius
 Special Assistant to the Deputy Director,
 Office of Compliance and Field Operations
 U.S. Consumer Product Safety Commission
 Ph. # 262-650-1216
 Fax # 262-650-1217
 Cell # 202-595-4619
dblasius@cpsc.gov

From: Perrizo, Rosemary
Sent: Mon 6/19/2006 8:10 PM
To: Ingle, Robin L.; Blasius, Dennis R.; Ross, Robin M.
Subject: Kite Tube - Nebraska

I have one more address to check out for the owner of the boat and if that does not pan out my final choices are to call the news station, marine center that commented in the article or the manufacturer which is located in Omaha. But, if I do that, the cat's out of the bag that we are investigating. Let me know if any of you have an objection to my next steps. If I don't hear from anyone by 9:30 AM tomorrow (6/20) when I have to leave for an appointment, I am planning on stopping at the marine center tomorrow afternoon.

Also, I have contacted or met in person with the following agencies.

Omaha PD
 Omaha FD
 Douglas County Sheriff
 Douglas County Treasurer - (Boat registration)
 U.S. Coast Guard
 Nebraska State Police
 Game & Parks - Boating Law Administration

6/21/2006

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None of them had a report on the incident, or had even heard that it happened. It is possible that the consumers took the child to the medical center on their own and phoned the media about the product.

Topka, Tanya L.

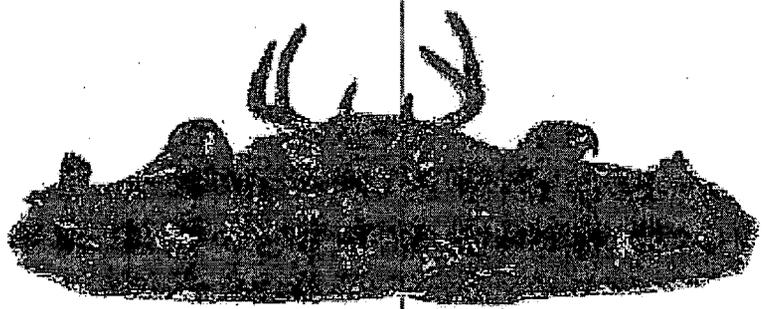
From: Blasius, Dennis R.
Sent: Tuesday, June 20, 2006 10:37 AM
To: Ingle, Robin L.; Topka, Tanya L.
Cc: Spittler, Virginia R.
Subject: North Carolina incident

The North Carolina incident involved a male in his 20s. Being pulled at speed at a height of approx. 20'; boat had to suddenly slow, and kite tube dived to the surface. broke his right femur. Wego again. Occurred on Falls lake, near Raleigh. Official report is on its way to me now.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

6/20/2006

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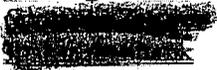
North Carolina Wildlife Resources Commission

Richard B. Hamilton, Executive Director

June 20, 2006

Mr. Dennis R. Blasius
Deputy Regional Director
US Consumer Product Safety Commission
2331 Silvermail Rd #24
Pewaukee WI 53072

SENT VIA FAX TO 262-650-1247
1a17

RE: Boating Accident 05/20/06


Dear Mr. Blasius:

Attached is a copy of the boating accident report referenced to the above dated May 20, 2006. NC G.S. 75A-11 (b) states this report shall not be admissible as evidence.

If I can be of further assistance, please feel free to contact me at (919) 707-0041.

Sincerely,



Nancy Boykin,
Processing Assistant V

Enclosure

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NC Wildlife Resources
Commission

1717 Mail Service Center Raleigh, N.C. 27699-1717

NCWRC FAX

ENFORCEMENT DIVISION

Date: June 20, 2006

Number of pages including cover sheet: 10

TO: Mr. Dennis R. Blasius
Deputy Regional Director
US Consumer Product Safety Commission

Phone: _____
 Fax: 262-650-1216
 CC _____

From: Nancy Boykin

Phone: 919-707-0041
 Fax phone: 919-707-0045

REMARKS: Urgent For your review Reply ASAP Please comment

Attached is the copy of the boating accident report you requested.
 Thank you.

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WILDLIFE COMMISSION N.C. 2006-0052

STATE OF NORTH CAROLINA WILDLIFE RESOURCES COMMISSION		PLEASE TYPE OR PRINT - FILL OUT COMPLETELY BOATING ACCIDENT INVESTIGATORS REPORT		Form MB 4.2 8/01	
ACCIDENT DATA					
VESSEL #1 OPERATOR NAME [REDACTED]		VESSEL #2 OPERATOR NAME NA		VESSEL #3 OPERATOR NAME	
DATE OF ACCIDENT 20-May-06		TIME 4:30 pm		NAME OF BODY OF WATER Falls Lake	
STATE NC		LOCATION (Give location precisely)		NEAREST CITY OR TOWN Wake Forest	
WEATHER <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Fog <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Hazy		WATER CONDITIONS <input checked="" type="checkbox"/> Calm (waves less than 6") <input type="checkbox"/> Choppy (waves 6" to 2') <input type="checkbox"/> Rough (waves 2' to 6") <input type="checkbox"/> Very Rough (greater than 6") <input type="checkbox"/> Strong Current		TEMPERATURE (Estimate) Air 85 ° F Water 71 ° F	
ACCIDENT CAUSE(S) (Check all applicable)		TYPE OF ACCIDENT (Check one)		VISIBILITY Day <input checked="" type="checkbox"/> Good <input type="checkbox"/> Night <input type="checkbox"/> Fair <input type="checkbox"/> <input type="checkbox"/> Poor <input type="checkbox"/>	
<input type="checkbox"/> Careless/Rashless <input type="checkbox"/> No / Improper Lights <input type="checkbox"/> Weather <input type="checkbox"/> Excessive Speed <input type="checkbox"/> No Proper Lookout <input type="checkbox"/> Restricted Vision <input type="checkbox"/> Overloading <input type="checkbox"/> Improper Loading <input type="checkbox"/> Hazardous Waters		<input type="checkbox"/> Dam / Lock <input type="checkbox"/> Sharp Turn <input type="checkbox"/> Ignition of Fuel/Vapor <input type="checkbox"/> Failure to Vent <input type="checkbox"/> Starting in Gear <input type="checkbox"/> Congested Waters <input checked="" type="checkbox"/> Other Riding a flying kite		<input type="checkbox"/> Grounding <input type="checkbox"/> Capsizing <input type="checkbox"/> Flooding <input type="checkbox"/> Sinking <input type="checkbox"/> Falls Overboard <input type="checkbox"/> Falls in boat <input type="checkbox"/> Starting Engine <input checked="" type="checkbox"/> Skier Mishap <input type="checkbox"/> Struck by boat <input type="checkbox"/> Fire or Explosion (Fuel) <input type="checkbox"/> Fire or Explosion (Other than fuel) <input type="checkbox"/> Collision with Fixed Object <input type="checkbox"/> Collision with Floating Object <input type="checkbox"/> Hit by Motor or Propeller <input type="checkbox"/> Collision with Vessel <input type="checkbox"/> Struck Submerged Object <input type="checkbox"/> Other	
VESSEL #1 INFORMATION					
NAME AND ADDRESS OF OPERATOR [REDACTED]		AGE OF OPERATOR GENDER: MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/>		OPERATOR EXPERIENCE <input type="checkbox"/> Under 10 Hours <input type="checkbox"/> 10 to 100 Hours <input checked="" type="checkbox"/> Over 100 Hours	
OPERATOR TELEPHONE NUMBER [REDACTED]		DATE OF BIRTH [REDACTED]		OPERATOR EDUCATION <input type="checkbox"/> State <input checked="" type="checkbox"/> None <input type="checkbox"/> Red Cross <input type="checkbox"/> USCG Auxiliary <input type="checkbox"/> Power Squadron <input type="checkbox"/> Other	
NAME AND ADDRESS OF OWNER Scott William Ziegler 6012 Grayford Dr. Raleigh NC 27604		RENTED BOAT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NUMBER OF PERSONS ONBOARD VESSEL 3	
BOAT REGISTRATION # NC 1238 CG		BOAT NAME		MFR HULL IDENTIFICATION # PBYUS3CRA494	
TYPE OF BOAT <input checked="" type="checkbox"/> Open Motorboat <input type="checkbox"/> Cabin Motorboat <input type="checkbox"/> Auxiliary Sail <input type="checkbox"/> Mini Jet Boat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Other (specify)		HULL MATERIAL <input type="checkbox"/> Wood <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input checked="" type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber/Vinyl <input type="checkbox"/> Plastic <input type="checkbox"/> Other		PROPULSION # of engines 1 Horsepower (total) 175 Type of fuel Gas Has boat had a Safety Examination? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No For current year? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Year	
CONSTRUCTION Length 18' Year built (boat) 1994 Indicate whether <input checked="" type="checkbox"/> USCG Auxiliary Courtesy Marine Exam <input checked="" type="checkbox"/> State / local exam <input type="checkbox"/> Other		OPERATION AT TIME OF ACCIDENT (Check all applicable)		PERSONAL FLOTATION DEVICES (PFD'S)	
<input type="checkbox"/> Commercial Activity <input type="checkbox"/> Cruising <input type="checkbox"/> Maneuvering <input type="checkbox"/> Docking/Undocking <input type="checkbox"/> Rowing/Paddling <input checked="" type="checkbox"/> Water Skiing <input type="checkbox"/> Racing <input type="checkbox"/> Towing <input type="checkbox"/> Sailing <input type="checkbox"/> Changing Direction <input type="checkbox"/> Whitewater Sports <input type="checkbox"/> Starting Engine <input type="checkbox"/> Other (Specify)		<input type="checkbox"/> Drifting <input type="checkbox"/> At Anchor <input type="checkbox"/> Tied to Dock <input type="checkbox"/> Fueling <input type="checkbox"/> Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Skin Diving <input type="checkbox"/> Swimming <input type="checkbox"/> Being Towed <input type="checkbox"/> Lawnmowing <input type="checkbox"/> Changing Speed <input type="checkbox"/> Making Repairs <input type="checkbox"/> Tournament		Was the boat adequately equipped with COAST GUARD APPROVED FLOTATION DEVICES? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Were they accessible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Were they serviceable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Were they used by survivors? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No What type? <input type="checkbox"/> I <input type="checkbox"/> II <input checked="" type="checkbox"/> III <input checked="" type="checkbox"/> IV <input type="checkbox"/> V (specify)	
FIRE EXTINGUISHER Were they used? (if yes, list Types) and # <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA Types:		PROPERTY DAMAGE Estimated amount This Boat None Other Property None DESCRIBE PROPERTY DAMAGE Not Applicable NAME AND ADDRESS OF OWNER OF DAMAGED PROPERTY: Not Applicable DESCRIBE VESSEL DAMAGE: None BOAT SPEED: <input type="checkbox"/> Not Moving <input type="checkbox"/> Under 10mph <input checked="" type="checkbox"/> 10-20 <input type="checkbox"/> 21-40			

RECEIVED JUN 13 2006

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VESSEL # 2 INFORMATION (If more than two vessels, add additional forms)

NAME AND ADDRESS OF OPERATOR Not Applicable		AGE OF OPERATOR	OPERATOR EXPERIENCE <input type="checkbox"/> Under 10 Hours <input type="checkbox"/> 10 to 100 Hours <input type="checkbox"/> Over 100 Hours	
OPERATOR TELEPHONE #		GENDER: Male <input type="checkbox"/> Female <input type="checkbox"/>	OPERATOR EDUCATION <input type="checkbox"/> None	
NAME AND ADDRESS OF OWNER		DATE OF BIRTH	<input type="checkbox"/> State <input type="checkbox"/> Red Cross <input type="checkbox"/> USCG Auxiliary <input type="checkbox"/> Power Squadron <input type="checkbox"/> Other	
BOAT REGISTRATION #		OWNER TELEPHONE #	OWI/ARREST <input type="checkbox"/> Yes B.A.C. _____	
BOAT NAME		RENTED BOAT? # of persons on board vessel <input type="checkbox"/> Yes <input type="checkbox"/> No	# OF OTHER ARRESTS _____ # OF SKIERS TOWED _____	
BOAT MAKE		BOAT MODEL	MFR HULL IDENTIFICATION #	

TYPE OF BOAT <input type="checkbox"/> Open Motorboat <input type="checkbox"/> Cabin Motorboat <input type="checkbox"/> Auxiliary Sail <input type="checkbox"/> Mini Jet Boat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Rowboat <input type="checkbox"/> PWC <input type="checkbox"/> Pontoon <input type="checkbox"/> Houseboat <input type="checkbox"/> Airboat <input type="checkbox"/> Sail only	HULL MATERIAL <input type="checkbox"/> Wood <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber/Vinyl <input type="checkbox"/> Plastic <input type="checkbox"/> Other	ENGINE <input type="checkbox"/> Outboard <input type="checkbox"/> Inboard gasoline <input type="checkbox"/> Inboard diesel <input type="checkbox"/> Inboard-outdrive <input type="checkbox"/> Jet <input type="checkbox"/> Other (Specify) _____	PROPULSION # of engines _____ Horsepower (total) _____ Type of fuel _____ Has boat had a Safety Examination? <input type="checkbox"/> Yes <input type="checkbox"/> No For current year? <input type="checkbox"/> Yes <input type="checkbox"/> No Year _____ Indicate whether <input type="checkbox"/> USCG Auxiliary Courtesy Marine Exam <input type="checkbox"/> State/local exam <input type="checkbox"/> Other	CONSTRUCTION Length _____ Year built (boat) _____
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OPERATION AT TIME OF ACCIDENT (Check all applicable) <input type="checkbox"/> Commercial Activity <input type="checkbox"/> Cruising <input type="checkbox"/> Maneuvering <input type="checkbox"/> Docking/Undocking <input type="checkbox"/> Rowing/Paddling <input type="checkbox"/> Water Skiing <input type="checkbox"/> Racing <input type="checkbox"/> Towing <input type="checkbox"/> Sailing <input type="checkbox"/> Changing Direction <input type="checkbox"/> Whitewater Sports <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Drifting <input type="checkbox"/> At Anchor <input type="checkbox"/> Tied to Dock <input type="checkbox"/> Fueling <input type="checkbox"/> Fishing <input type="checkbox"/> Hunting <input type="checkbox"/> Skin Diving <input type="checkbox"/> Swimming <input type="checkbox"/> Being Towed <input type="checkbox"/> Launching <input type="checkbox"/> Changing Speed <input type="checkbox"/> Making Repairs <input type="checkbox"/> Starting Engine <input type="checkbox"/> Tournament	PERSONAL FLOATATION DEVICES (PFD'S) Was the boat adequately equipped with COAST GUARD APPROVED FLOTATION DEVICES? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they accessible? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they serviceable? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they used by survivors? <input type="checkbox"/> Yes <input type="checkbox"/> No What Type? <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V (specify) _____ Were PFD's property Used? <input type="checkbox"/> Yes <input type="checkbox"/> No Was this vessel carrying NON approved flotation devices? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they accessible? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they used? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, indicate kind _____	PROPERTY DAMAGE Estimated amount: This Boat \$ _____ Other Property \$ _____ DESCRIBE PROPERTY DAMAGE: _____	FIRE EXTINGUISHER Were they used? (if yes, list Type(s) and # used.) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA Types: _____
BOAT SPEED: <input type="checkbox"/> Not Moving <input type="checkbox"/> Under 10 MPH <input type="checkbox"/> 10 - 20 MPH <input type="checkbox"/> 21 - 40 MPH			NAME AND ADDRESS OF OWNER OF DAMAGED PROPERTY: _____ DESCRIBE VESSEL DAMAGE: _____	

FATALITIES AND INJURIES (If more than 3 fatalities and / or injuries, attach additional form(s))

DECEASED					
Name	Address	DATE OF BIRTH	WAS VICTIM?	DEATH CAUSED BY	Physical Condition:
Name Not Applicable Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3			<input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer <input type="checkbox"/> PFD Worn? Yes Type _____	<input type="checkbox"/> DROWNING <input type="checkbox"/> OTHER <input type="checkbox"/> DISAPPEARANCE	Propeller Injury? <input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes B.A.C. _____
Name _____ Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	_____	_____	<input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer <input type="checkbox"/> PFD Worn? Yes Type _____	<input type="checkbox"/> DROWNING <input type="checkbox"/> OTHER <input type="checkbox"/> DISAPPEARANCE	Propeller Injury? <input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes B.A.C. _____
Name _____ Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	_____	_____	<input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer <input type="checkbox"/> PFD Worn? Yes Type _____	<input type="checkbox"/> DROWNING <input type="checkbox"/> OTHER <input type="checkbox"/> DISAPPEARANCE	Propeller Injury? <input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes B.A.C. _____

INJURED					
Name	Address	DATE OF BIRTH	Primary Injury	Secondary Injury	Medical Treatment?
Scott W. Ziegler Vessel # <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	6012 Crayford Dr. Raleigh NC 27604	12-19-83	Right femur broken twice	none	Hospitalized? <input checked="" type="checkbox"/> Yes Alcohol? <input type="checkbox"/> Yes B.A.C. _____ PFD Worn? <input checked="" type="checkbox"/> Yes
Name _____ Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	_____	_____	Propeller Injury? <input type="checkbox"/> Yes Injury Caused By: _____		Hospitalized? <input type="checkbox"/> Yes Alcohol? <input type="checkbox"/> Yes B.A.C. _____ PFD Worn? <input type="checkbox"/> Yes
Name _____ Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	_____	_____	Propeller Injury? <input type="checkbox"/> Yes Injury Caused By: _____		Hospitalized? <input type="checkbox"/> Yes Alcohol? <input type="checkbox"/> Yes B.A.C. _____ PFD Worn? <input type="checkbox"/> Yes

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ACCIDENT DESCRIPTION

DESCRIBE WHAT HAPPENED (sequence of events. Include and explain any failure of equipment or machinery. Include information regarding the involvement of alcohol and/or drugs in causing or contributing to the accident. Include any descriptive information about the use of PFD's)

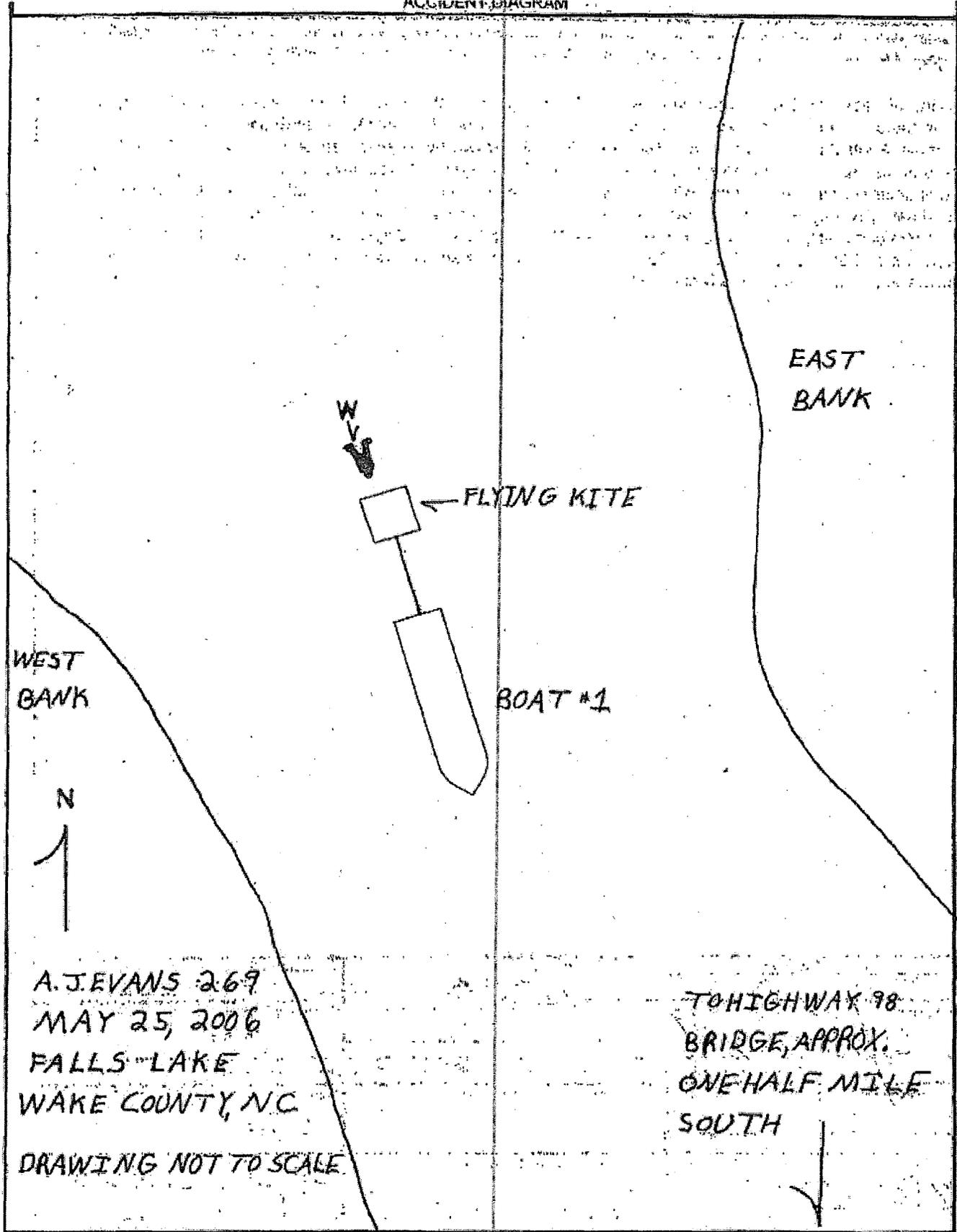
On Saturday, May 20, 2006 at approximately 1630 hours, [redacted] was operating an 18' stingray inboard motor boat on Falls Lake in Wake County, North Carolina. Mr. [redacted] was towing the owner of the motorboat, [redacted], on a flying kite. Mr. [redacted] was flying approximately twenty feet above the surface of the lake, according to witnesses in the boat. The operator slowed down when he began crossing the wake of another boat. At this time, witnesses stated the kite turned over and Mr. [redacted] lost control and fell approximately twenty feet to the surface of Falls Lake. Mr. [redacted] was helped back into the boat by the other passengers and transported to Upper Barton Creek Boat Access Area. Engine 361 from the Bayleaf fire department and Six Forks EMS unit 1272 responded to the boat access area. Mr. [redacted] was transported to Wake Medical Center and treated for a broken femur in his right leg.

WRE60 TUBER KITE
CAP

Name Officer Badge Number	A.J. Evans 269	Address 1217 Small Service Center Wake County NC 27689-3717	Telephone # 919-569-0454
SIGNATURE	<i>A.J. Evans</i> 269		Date Submitted 05-26-06
(do not use) - FOR REPORTING AUTHORITY REVIEW (use agency date stamp)			
Causes based on (check one)	Secondary Cause of Accident	Date Received	
<input checked="" type="checkbox"/> This report <input type="checkbox"/> Investigation <input type="checkbox"/> Investigation and this report <input type="checkbox"/> Could not be determined		6-7-06	
Primary Cause of Accident	Secondary Cause of Accident	Reviewed By	
None. Pilot Kites Lost Of Dir. Control		<i>L. H. [redacted]</i> NCWRC	

Capt. Mark H. Bunker
District 3 Env.
6-8-06

ALLEN, JIMMIE



A. J. EVANS 269
 MAY 25, 2006
 FALLS LAKE
 WAKE COUNTY, NC

TO HIGHWAY 98
 BRIDGE, APPROX.
 ONE HALF MILE
 SOUTH

DRAWING NOT TO SCALE

[Faint handwritten notes]

STATE OF NORTH CAROLINA WILDLIFE RESOURCES COMMISSION	PLEASE TYPE OR PRINT - FILL OUT COMPLETELY BOATING ACCIDENT REPORT	Form MB 4.1 Rev 1/01
----------------------------------------------------------	------------------------------------------------------------------------------	-------------------------

The operator of every vessel involved is required to file a report in writing whenever a boating accident results in loss of life, medical treatment beyond first aid, disappearance from a vessel under circumstances that indicate death or injury, or property damage in excess of \$500. Reports in death, disappearance, and injury cases must be submitted within 48 hours; reports in other cases are required within 10 days. All reports shall be submitted to the Wildlife Resources Commission, 1717 Mail Service Center, Raleigh, North Carolina 27699-1717.

COMPLETE ALL BLOCKS (Mark those not applicable by N/A)

NAME AND ADDRESS OF OPERATOR <i>[Redacted]</i>	AGE OF OPERATOR DATE OF BIRTH <i>[Redacted]</i>	OPERATORS EXPERIENCE <input type="checkbox"/> Under 10 hours <input checked="" type="checkbox"/> 10 to 100 hours <input checked="" type="checkbox"/> Over 100 hours	OPERATOR GENDER <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE
OPERATOR TELEPHONE NUMBER <i>[Redacted]</i>	OWNER TELEPHONE NO. <i>[Redacted]</i>		

NAME AND ADDRESS OF OWNER <i>[Redacted]</i>	RENTED BOAT? <input checked="" type="checkbox"/> No	NUMBER OF PERSONS ON BOARD <i>[Redacted]</i>	FORMAL INSTRUCTION IN BOATING SAFETY <input checked="" type="checkbox"/> None <input type="checkbox"/> State <input type="checkbox"/> U.S. Power Squadron <input type="checkbox"/> USCG Auxiliary <input type="checkbox"/> American Red Cross <input type="checkbox"/> Other (Specify) _____
------------------------------------------------	--------------------------------------------------------	-------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

BOAT REGISTRATION NO. <i>NC 1238 CG</i>	BOAT NAME <i>Sting Ray</i>	BOAT MAKE <i>556 20</i>	BOAT MODEL <i>556 20</i>	MFR HULL IDENTIFICATION NO. <i>BNYU53CR-A494</i>
TYPE OF BOAT <input checked="" type="checkbox"/> Open Motorboat <input type="checkbox"/> Cabin Motorboat <input type="checkbox"/> Auxiliary Sail <input type="checkbox"/> Sail (only) <input type="checkbox"/> PWC <input type="checkbox"/> Canoe <input type="checkbox"/> Other (Specify) _____	HULL MATERIAL <input type="checkbox"/> Wood <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input checked="" type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber/vinyl <input type="checkbox"/> Plastic <input type="checkbox"/> Other _____	ENGINE <input checked="" type="checkbox"/> Outboard <input type="checkbox"/> Inboard <input type="checkbox"/> Inboard-outdrive	PROPULSION No. of engines <i>1</i> Horsepower (total) <i>125</i> Type of fuel <i>Gas</i>	CONSTRUCTION Length <i>[Redacted]</i> Year built (boat) <i>1994</i>
		NUMBER OF SKIERS BEING TOWED: <i>4</i>	Has boat had a Safety Examination? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	For current year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

DATE OF ACCIDENT <i>6-20-05</i>	TIME <i>5:44 pm</i>	NAME OF BODY OF WATER <i>Falls Lake</i>	LOCATION Lat. Long.
STATE <i>NC</i>	NEAREST CITY OR TOWN <i>Raleigh</i>	COUNTY <i>Wake</i>	

WEATHER <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Fog <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Hazy	WATER CONDITIONS <input type="checkbox"/> Calm (waves less than 6") <input type="checkbox"/> Choppy (waves 6" to 12") <input checked="" type="checkbox"/> Rough (waves 2' to 6") <input type="checkbox"/> Very Rough (greater than 6") <input type="checkbox"/> Strong Current	TEMPERATURE (Estimate) Air <i>85</i> °F Water _____ °F	WIND <input type="checkbox"/> None <input checked="" type="checkbox"/> Light (0-6 mph) <input type="checkbox"/> Moderate (7-14 mph) <input type="checkbox"/> Strong (15-25 mph) <input type="checkbox"/> Storm (Over 25 mph)	VISIBILITY Day Night <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------

OPERATION AT TIME OF ACCIDENT (Check all applicable) <input type="checkbox"/> Commercial Activity <input type="checkbox"/> Cruising <input type="checkbox"/> Maneuvering <input type="checkbox"/> Docking/Undocking <input type="checkbox"/> Rowing/Paddling <input checked="" type="checkbox"/> Water Skiing <input type="checkbox"/> Racing <input type="checkbox"/> Towing <input type="checkbox"/> Changing Speed <input type="checkbox"/> Making Repairs <input type="checkbox"/> Tournament <input type="checkbox"/> Changing Direction <input type="checkbox"/> Other (specify) _____	TYPE OF ACCIDENT (Check One) <input type="checkbox"/> Grounding <input type="checkbox"/> Capsizing <input type="checkbox"/> Flooding <input type="checkbox"/> Sinking <input type="checkbox"/> Fire or Explosion (Fuel) <input type="checkbox"/> Fire or Explosion (Other than fuel) <input checked="" type="checkbox"/> Slender Mishap <input type="checkbox"/> Collision with Vessel <input type="checkbox"/> Stalling Engine <input type="checkbox"/> Other (specify) _____	WHAT IN YOUR OPINION CONTRIBUTED TO THE ACCIDENT? (Check all applicable) <input type="checkbox"/> Careless / Reckless <input type="checkbox"/> Weather <input type="checkbox"/> Excessive Speed <input type="checkbox"/> No Proper Lookout <input type="checkbox"/> Restricted Vision <input type="checkbox"/> Overloading <input type="checkbox"/> Improper Loading <input type="checkbox"/> Hazardous Waters <input type="checkbox"/> Dam / Lock <input type="checkbox"/> Sharp Turn <input type="checkbox"/> Starting in Gear <input type="checkbox"/> Failure to Vent <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Wave <input type="checkbox"/> Alcohol use <input type="checkbox"/> Onr use <input type="checkbox"/> Fault of Hull <input type="checkbox"/> Fault of Machinery <input type="checkbox"/> Fault of Equipment <input type="checkbox"/> Operator Inexperience <input type="checkbox"/> Operator Inattention <input type="checkbox"/> No / Improper Lights <input type="checkbox"/> Improper Anchoring <input type="checkbox"/> Compressed Waters <input type="checkbox"/> Ignition of Fuel / Vapor
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

PERSONAL FLOATATION DEVICES Was the boat adequately equipped with COAST GUARD APPROVED FLOTATION DEVICES? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Were they accessible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Were they used by survivors? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No What Type? <input type="checkbox"/> I, <input type="checkbox"/> II, <input checked="" type="checkbox"/> III, <input type="checkbox"/> IV, <input type="checkbox"/> V (specify) _____ Were PFD's property Used? Adjusted? <input checked="" type="checkbox"/> Yes Sized? <input checked="" type="checkbox"/> Yes	BOAT SPEED: <input type="checkbox"/> Not Moving <input type="checkbox"/> Under - 10 mph <input checked="" type="checkbox"/> 10 - 20 mph <input type="checkbox"/> 21 - 40 mph Was the vessel carrying NON approved flotation devices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Were they accessible? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Were they used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, indicate kind _____	PROPERTY DAMAGE Estimated amount: This Boat <i>none</i> Other Property _____ Name and Address of Property Owner <i>Scott W Ziegler</i> <i>10112 Grayford Dr</i> DESCRIBE PROPERTY DAMAGE
DESCRIBE VESSEL DAMAGE		

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Name	Address	Date of Birth	Was Victim? <input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer PFD Worn? <input type="checkbox"/> Yes Type	Death Caused By <input type="checkbox"/> Drowning <input type="checkbox"/> Other	Propeller Injury? <input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes
Name	Address	Date of Birth	Was Victim? <input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer PFD Worn? <input type="checkbox"/> Yes Type	Death Caused By <input type="checkbox"/> Drowning <input type="checkbox"/> Other	Propeller Injury? <input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes
Name	Address	Date of Birth	Was Victim? <input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer PFD Worn? <input type="checkbox"/> Yes Type	Death Caused By <input type="checkbox"/> Drowning <input type="checkbox"/> Other	Propeller Injury? <input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes

INJURED

Name	Address	Date of Birth	Primary Injury Secondary Injury Propeller Injury? Injury Caused By:	Medical Treatment Hospitalized? Alcohol? PFD Worn?	Yes Yes Yes Yes
Name	Address	Date of Birth	Primary Injury Secondary Injury Propeller Injury? Injury Caused By:	Medical Treatment Hospitalized? Alcohol? PFD Worn?	Yes Yes Yes Yes
Name	Address	Date of Birth	Primary Injury Secondary Injury Propeller Injury? Injury Caused By:	Medical Treatment Hospitalized? Alcohol? PFD Worn?	Yes Yes Yes Yes

ACCIDENT DESCRIPTION

DESCRIBE WHAT HAPPENED (sequence of events, include and explain any failure of equipment or machinery. Include information regarding the involvement of alcohol and / or drugs in causing or contributing to the accident. Include any descriptive information about the use of PFD's

Rider riding Rite tube fell 20 ft to the surface of the water sideways and hit surface of the lake

VESSEL NO. 2 (if more than 2 vessels, attach additional form(s).)

Name of Operator	Operator Telephone Number	Boat Number
Not Applicable		
Operator Address		
Name of Owner	Owner Telephone Number	
Scottie Todd		
Owner Address		

WITNESSES

Name	Address	Telephone Number
Name	Address	Telephone Number
Name	Address	Telephone Number

PERSON COMPLETING REPORT

Name	Address	Telephone Number
<input checked="" type="checkbox"/> Operator <input type="checkbox"/> Owner		
Signature		Date Submitted
		5 20 06

Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Tuesday, June 20, 2006 1:45 PM
To: Ingle, Robin L.; Topka, Tanya L.; Spittler, Virginia R.
Subject: NC tube kite report attached
Attachments: NC tube kite report.pdf

Maybe we can use the cover letter as the originating document. I'll forward this on to Eastern Region so they can get a head start.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov



THE STATE OF ARIZONA GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD
PHOENIX, AZ 85023-4399
(602) 942-3000 • AZGFD.GOV

GOVERNOR
JANET NAPOLITANO
COMMISSIONERS
CHAIRMAN, JOE MELTON, YUMA
MICHAEL M. GOLDSBELY, FLAGSTAFF
WILLIAM H. McLEAN, GOLD CANYON
BOB HERNANDEZ, TUCSON
W. HAYS GILSTRAP, PHOENIX
DIRECTOR
DUANE L. SHROUFE
DEPUTY DIRECTOR
STEVE N. FERRELL



LAW ENFORCEMENT BRANCH

Fax Transmittal Sheet
FAX NUMBER (602) 789-3945



TO: Dennis Blasins

FAX NUMBER: 262-650-1217

FROM: Cindy Wall

PHONE NUMBER: 602-789-3320

DATE: 6/16/06

NUMBER OF PAGES TO FOLLOW: 18

COMMENTS:

Here you go! Anything else
just call me!
thanks
CW

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donation on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

Richard



U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
BOAT ACCIDENT
INVESTIGATION REPORT



COAST GUARD CASE #	REPORTING AGENCY CASE #	INVEST. DATE
AZ-2006-0051	06-0946	04/29/06
<input type="checkbox"/> COMMERCIAL <input checked="" type="checkbox"/> RECREATIONAL <input type="checkbox"/> OCCUPATIONAL	TOTAL PROPERTY DAMAGE: \$ none	NUMBER OF VESSELS INVOLVED: (1)
<input type="checkbox"/> INJURY: YES/NO		FATALITY: YES/NO

DATE OF ACCIDENT:	TIME (24 HOUR CLOCK)	NAME OF BODY OF WATER	LOCATION COORDINATES (LAT/LON)	
4-29-06	1730	Lake Mead	36°01'N 114°20'W	
LOCATION: NAME:	NEAREST CITY/TOWN (STATE OF OCCURRENCE)	COUNTY	STATE	ZIP
Tempe Basin	Tempe, AZ	Mohave	AZ	86443
WEATHER (CHECK ALL APPLICABLE)	WATER CONDITIONS	TEMPERATURES	WIND	WARNING IN EFFECT
<input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> FOG <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> CALM (WAVES < 5') <input type="checkbox"/> CHOPPY (4"-7') <input type="checkbox"/> ROUGH (7'-6') <input type="checkbox"/> VERY ROUGH (> 6') <input type="checkbox"/> STRONG CURRENT	AIR 85° WATER 65°	<input checked="" type="checkbox"/> NONE DIRECTION: <input type="checkbox"/> LIGHT (0-6 MPH) <input type="checkbox"/> MODERATE (7-14 MPH) <input type="checkbox"/> STRONG (15-25 MPH) <input type="checkbox"/> STORM (OVER 25 MPH)	<input checked="" type="checkbox"/> NONE <input type="checkbox"/> SMALL CRAFT <input type="checkbox"/> GALE <input type="checkbox"/> STORM

TYPE OF BOAT	HULL MATERIAL	VISIBILITY
<input checked="" type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> OPEN MOTORBOAT <input type="checkbox"/> CANOE/KAYAK <input type="checkbox"/> PWC/WATER SKI <input type="checkbox"/> SAIL BOAT <input type="checkbox"/> ROWING BOAT <input type="checkbox"/> OTHER (SPECIFY)	<input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> WOOD <input type="checkbox"/> FIBERGLASS <input type="checkbox"/> ALUMINUM <input type="checkbox"/> OTHER (SPECIFY)	<input checked="" type="checkbox"/> DAY <input type="checkbox"/> NIGHT <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR

ENGINE	FUEL	PROPULSION	RENTED BOAT
<input checked="" type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> OUTBOARD <input type="checkbox"/> INBOARD <input type="checkbox"/> DIESEL <input type="checkbox"/> ELECTRIC	<input checked="" type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> GASOLINE <input type="checkbox"/> DIESEL <input type="checkbox"/> ELECTRIC	<input checked="" type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> PROPELLER <input type="checkbox"/> WHEEL <input type="checkbox"/> AIRBLAST <input type="checkbox"/> SAIL	<input type="checkbox"/> #1 <input checked="" type="checkbox"/> #2 <input type="checkbox"/> YES <input type="checkbox"/> NO

WHAT CONTRIBUTED TO ACCIDENT	OPERATION AT TIME OF ACCIDENT
<input checked="" type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> WEATHER <input type="checkbox"/> NO PROPER LOOKOUT <input type="checkbox"/> RESTRICTED VISION <input type="checkbox"/> IMPROPER LOADING <input type="checkbox"/> FAIL TO YIELD <input checked="" type="checkbox"/> OPERATOR INEPTITUDE <input type="checkbox"/> OPERATOR DISTRACTION <input type="checkbox"/> PASSENGER/PILOTER BEHAVIOR <input type="checkbox"/> OFF-THE-PROFILE STEERING LOSS <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> EXCESSIVE SPEED <input type="checkbox"/> NO SCRAM LOOKOUT <input type="checkbox"/> OVERLOADING <input type="checkbox"/> HAZARDOUS WATERS <input type="checkbox"/> DRUG USE <input checked="" type="checkbox"/> ALCOHOL USE <input type="checkbox"/> EQUIPMENT FAILURE <input type="checkbox"/> NAV. LIGHTS IMPROPERLY MOUNTED OR COLORED <input type="checkbox"/> CONGESTED WATERS <input type="checkbox"/> RIGID FAILURE

ACTIVITY AT TIME OF ACCIDENT	OPERATION AT TIME OF ACCIDENT
<input checked="" type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> CRUISING <input type="checkbox"/> FISHING <input type="checkbox"/> TOURISM/TREK <input type="checkbox"/> RACING <input type="checkbox"/> SWIMMING/BOUNCE <input type="checkbox"/> MAKING REPAIRS <input type="checkbox"/> WATER SKIING/WATER SKI <input type="checkbox"/> WAKING <input type="checkbox"/> WILDLIFE WATCHING <input type="checkbox"/> FUELING <input type="checkbox"/> NON-RECREATIONAL <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> COLLISION WITH FIXED OBJECT <input type="checkbox"/> COLLISION WITH FLOATING OBJECT <input type="checkbox"/> FALLS OVERBOARD <input type="checkbox"/> FALLS IN BOAT <input type="checkbox"/> STRUCK BY BOAT <input type="checkbox"/> STRUCK BY MOTOR/PROPELLER <input type="checkbox"/> HIT AND RUN <input checked="" type="checkbox"/> OTHER: Fall off tube @ 45mph 15 ft in air

INJURED - IF SUBSTANTIAL BODILY HARM OR FATALITY, ATTACH ADDITIONAL FORMS
SUBSTANTIAL BODILY HARM MEANS A BODILY INJURY WHICH CREATES A SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERSISTENT DISMEMBERMENT OR APPRECIABLE LOSS OF OR IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN OR PROLONGED PHYSICAL PAIN

765

VESSEL #1 NAME OF OPERATOR		FIRST	MI	OPERATOR ADDRESS	
LAST		unknown		unknown	
MALE / FEMALE	HT	WT	EYES	HAIR	AGE
				BLD	45-50 yr
DOB	SOCIAL SECURITY NO.		DOB		
			unknown		
TELEPHONE NO.	STATE		HOW LONG ON WATER BEFORE ACCIDENT?		
OR LIC #	OR RESTRICTIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO		OPERATORS EXPERIENCE		
	IF YES, SPECIFY:		<input type="checkbox"/> NONE <input type="checkbox"/> < 10 HOURS <input type="checkbox"/> 10 TO 50 HOURS <input type="checkbox"/> 50 TO 100 HOURS		
MEDICAL TREATMENT BEYOND FIRST AID? <input type="checkbox"/> NO IF YES, DESCRIBE:			FORMAL INSTRUCTION IN BOATING SAFETY		
transport to WMC by Care Flight			<input type="checkbox"/> STATE COURSE <input type="checkbox"/> US POWER SOON <input type="checkbox"/> USCG AUX <input type="checkbox"/> AMER. RED CROSS <input type="checkbox"/> INFORMAL <input type="checkbox"/> ROPE <input type="checkbox"/> RENTAL FACILITY INSTRUCTION <input type="checkbox"/> OTHER: STATE CERTIFICATE NO.		
NUMBER OF PEOPLE ON BOARD		WAS PFD WORN		ESTIMATED SPEED	
3		<input type="checkbox"/> YES <input type="checkbox"/> NO TYPE		<input type="checkbox"/> UNDER 10 MPH <input type="checkbox"/> 10-20 MPH <input type="checkbox"/> OVER 20 MPH <input checked="" type="checkbox"/> OVER 40 MPH	
NUMBER OF PEOPLE BEING TOWED		OR BEFORE		OR AS A RESULT OF ACCIDENT	
1					
STATE REGISTRATION NO. OR USCG DOCUMENTATION NO.		STATE		HULL IDENTIFICATION NO.	
ID					
LENGTH	YEAR BUILT	BOAT MANUFACTURER		MODEL	
20-25ft					
NAME OF OWNER		NUMBER OF ENGINES		TOTAL HORSEPOWER	
unknown					
OWNER ADDRESS		OWNER TELEPHONE NO.			

OTHER PEOPLE ON BOARD (IF MORE THAN 3 PERSONS, LIST AT TOP OF NARRATIVE)					
#1 NAME	DOB	ADDRESS	TELEPHONE #	WAS PFD WORN	
[REDACTED]	1-6-76	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO TYPE	
MEDICAL TREATMENT BEYOND FIRST AID? <input type="checkbox"/> NO IF YES, DESCRIBE:	FATAL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OR BEFORE	
				OR AS A RESULT OF ACCIDENT	
#2 NAME	DOB	ADDRESS	TELEPHONE #	WAS PFD WORN	
unknown female				<input type="checkbox"/> YES <input type="checkbox"/> NO TYPE	
MEDICAL TREATMENT BEYOND FIRST AID? <input type="checkbox"/> NO IF YES, DESCRIBE:	FATAL: <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OR BEFORE	
				OR AS A RESULT OF ACCIDENT	
#3 NAME	DOB	ADDRESS	TELEPHONE #	WAS PFD WORN	
				<input type="checkbox"/> YES <input type="checkbox"/> NO TYPE	
MEDICAL TREATMENT BEYOND FIRST AID? <input type="checkbox"/> NO IF YES, DESCRIBE:	FATAL: <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OR BEFORE	
				OR AS A RESULT OF ACCIDENT	

VESSEL #2 NAME OF OPERATOR		FIRST	MI	OPERATOR ADDRESS	
LAST					
MALE / FEMALE	HT	WT	EYES	HAIR	AGE
DOB	SOCIAL SECURITY NO.		DOB		
TELEPHONE NO.	STATE		HOW LONG ON WATER BEFORE ACCIDENT?		
OR LIC #	OR RESTRICTIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO		OPERATORS EXPERIENCE		
	IF YES, SPECIFY:		<input type="checkbox"/> NONE <input type="checkbox"/> < 10 HOURS <input type="checkbox"/> 10 TO 50 HOURS <input type="checkbox"/> 50 TO 100 HOURS		
MEDICAL TREATMENT BEYOND FIRST AID? <input type="checkbox"/> NO IF YES, DESCRIBE:			FORMAL INSTRUCTION IN BOATING SAFETY		
			<input type="checkbox"/> STATE COURSE <input type="checkbox"/> US POWER SOON <input type="checkbox"/> USCG AUX <input type="checkbox"/> AMER. RED CROSS <input type="checkbox"/> INFORMAL <input type="checkbox"/> ROPE <input type="checkbox"/> RENTAL FACILITY INSTRUCTION <input type="checkbox"/> OTHER: STATE CERTIFICATE NO.		
NUMBER OF PEOPLE ON BOARD		WAS PFD WORN		ESTIMATED SPEED	
		<input type="checkbox"/> YES <input type="checkbox"/> NO TYPE		<input type="checkbox"/> UNDER 10 MPH <input type="checkbox"/> 10-20 MPH <input type="checkbox"/> OVER 20 MPH <input type="checkbox"/> OVER 40 MPH	
NUMBER OF PEOPLE BEING TOWED		OR BEFORE		OR AS A RESULT OF ACCIDENT	
STATE REGISTRATION NO. OR USCG DOCUMENTATION NO.		STATE		HULL IDENTIFICATION NO.	
LENGTH	YEAR BUILT	BOAT MANUFACTURER		MODEL	
NAME OF OWNER		NUMBER OF ENGINES		TOTAL HORSEPOWER	
OWNER ADDRESS		OWNER TELEPHONE NO.			

OTHER PEOPLE ON BOARD (IF MORE THAN 3 PERSONS, LIST AT TOP OF NARRATIVE)					
#1 NAME	DOB	ADDRESS	TELEPHONE #	WAS PFD WORN	
				<input type="checkbox"/> YES <input type="checkbox"/> NO TYPE	
MEDICAL TREATMENT BEYOND FIRST AID? <input type="checkbox"/> NO IF YES, DESCRIBE:	FATAL: <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OR BEFORE	
				OR AS A RESULT OF ACCIDENT	
#2 NAME	DOB	ADDRESS	TELEPHONE #	WAS PFD WORN	
				<input type="checkbox"/> YES <input type="checkbox"/> NO TYPE	
MEDICAL TREATMENT BEYOND FIRST AID? <input type="checkbox"/> NO IF YES, DESCRIBE:	FATAL: <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OR BEFORE	
				OR AS A RESULT OF ACCIDENT	
#3 NAME	DOB	ADDRESS	TELEPHONE #	WAS PFD WORN	
				<input type="checkbox"/> YES <input type="checkbox"/> NO TYPE	
MEDICAL TREATMENT BEYOND FIRST AID? <input type="checkbox"/> NO IF YES, DESCRIBE:	FATAL: <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		OR BEFORE	
				OR AS A RESULT OF ACCIDENT	

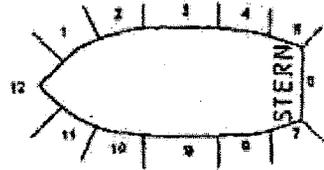
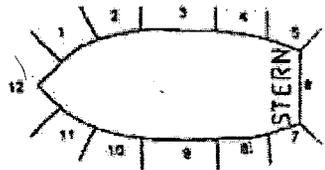
1766

PERSONAL FLOTATION DEVICES		VESSEL 1	VESSEL 2	EQUIPMENT		VESSEL 1	VESSEL 2
WAS THE VESSEL ADEQUATELY EQUIPPED WITH COAST GUARD APPROVED DEVICES?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	FIRE EXTINGUISHER ON BOARD?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
WERE THEY ACCESSIBLE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	FIRE EXTINGUISHER USED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
WERE THEY PROPERLY SIZED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	FLAME ARRESTOR/CONTROL?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
WAS THROWABLE USED?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	SOUND PRODUCING DEVICE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
USE VESSEL SAFETY CHECK DECAL?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				

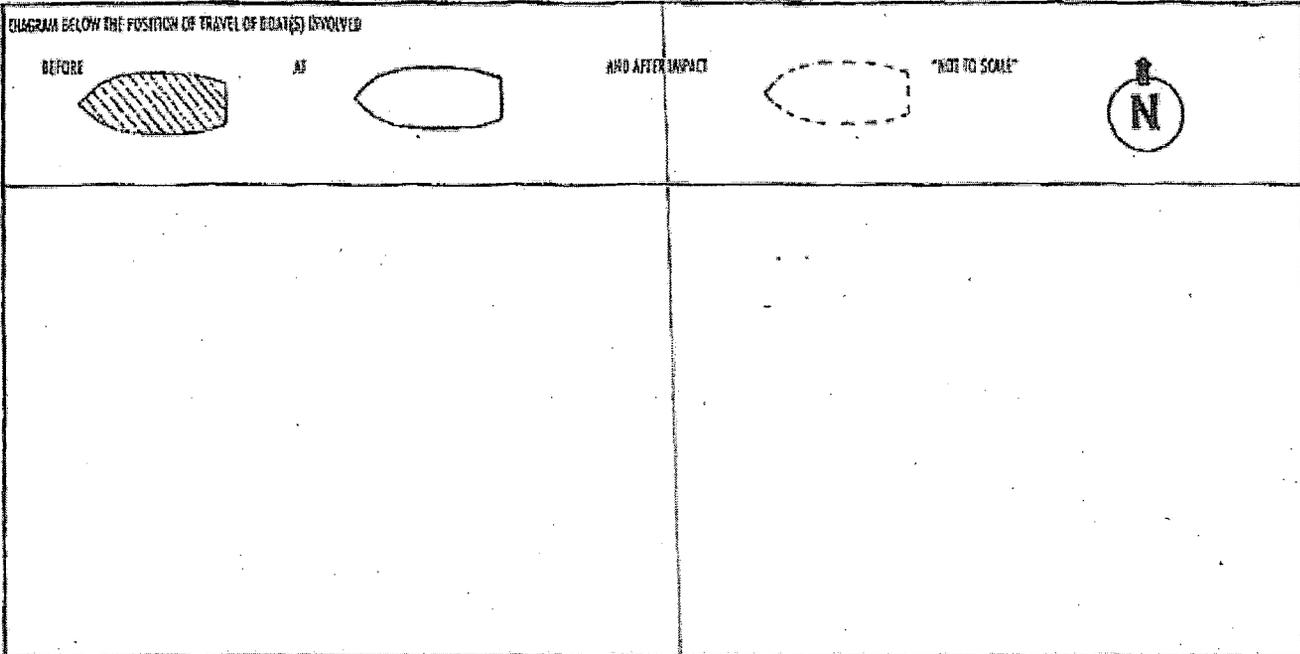
WITNESSES (NOT ON VESSELS)			
NAME	ADDRESS	TELEPHONE #	
[REDACTED]	10-30-75	WT	[REDACTED]
NAME	ADDRESS	TELEPHONE #	
[REDACTED]	7-30-78	[REDACTED]	[REDACTED]
NAME	ADDRESS	TELEPHONE #	
[REDACTED]	9-18-75	[REDACTED]	[REDACTED]
NAME	ADDRESS	TELEPHONE #	
[REDACTED]			

DRUG/ALCOHOL USE			
WAS THERE ANY LIQUOR OR ALCOHOLIC BEVERAGE ON BOARD DURING OPERATION OF VESSEL?	<input type="checkbox"/> NO IF YES: VESSEL #1 AMOUNT AND TYPE: <i>6000 Beer, AMT unknown</i>	VESSEL #2 AMOUNT AND TYPE:	DID ANY OF THE PASSENGERS CONSUME ANY ALCOHOL?
EQUIPMENT		VESSEL 1	VESSEL 2
HAD BEEN DRIVING:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
ALCOHOL/DRUG USE APPARENT:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
DRUG ALCOHOL:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
DRUG ALCOHOL/DRUGS:	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
OPERATOR TEST RESULTS		VESSEL 1	VESSEL 2
BLOOD		_____	_____
BREATH		_____	_____
URINE		_____	_____
TAS / PBT		_____	_____
NOTE		_____	_____
COULD THE ACTIONS OF THE PASSENGERS HAVE CONTRIBUTED TO THE ACCIDENT? IF YES DESCRIBE: <i>voluntarily tied tube to a strangers boat</i>			
VESSEL #1 INSURANCE COMPANY:	<i>unknown</i>	UNFOUNDED/STORER:	
VESSEL #2 INSURANCE COMPANY:		UNFOUNDED/STORER:	

VIOLATIONS CHARGED:		VESSEL #	VIOLATION CODE(S)
NAME:		VESSEL #	VIOLATION CODE(S)
NAME:			
NAME OF OWNER OF DAMAGED PROPERTY OTHER THAN VESSELS	DAMAGE ESTIMATE:		ADDRESS:
DESCRIBE OTHER PROPERTY:			

BOAT #1 DAMAGE ESTIMATE \$		BOAT #2 DAMAGE ESTIMATE \$
INITIAL IMPACT POINT #:	#1	INITIAL IMPACT POINT #:
CIRCLE NUMBERS OF ALL OTHER DAMAGED AREAS	<input type="checkbox"/> 13- BELOW WATER LINE <input type="checkbox"/> 14- LOWER UNIT <input type="checkbox"/> 15- WINDSHIELD <input type="checkbox"/> 16- BUZZER <input type="checkbox"/> 17- STUNK <input type="checkbox"/> 18- NO DAMAGE	CIRCLE NUMBERS OF ALL OTHER DAMAGED AREAS
	INDICATE POSITIONS IN VESSEL FOR OPERATOR (O), PASSENGER # SEATED (S), STAND (A), AND CITLER (N).	
DESCRIBE DAMAGE:	POST ACCIDENT RELATION TO BOAT R - REMAINS ABOARD F - FALL E - EJECTED OVERBOARD L - LEAVES BOAT VOLUNTARILY T - TRAPPED IN OVERTURNED BOAT	DESCRIBE DAMAGE:
	EXAMPLES: OAR = OPERATOR STAND REMAINS ABOARD 2SF = PASSENGER #2 SEATED FALL OVERBOARD	

760



NARRATIVE
BRIEFLY DESCRIBE SEQUENCE OF EVENTS

A 33 year male was being pulled behind a boat on a Kite tube. The boat was reportedly traveling 40-45mph. The tube lifted off the water approximately 15ft. The rider came off the tube and hit the water with his chest. The driver of the boat was a white male who stated he was from Idaho. He returned to the Temple Bar boat launch to get help. He immediately left the area. The injured male was flown to Las Vegas Medical Center. He had a punctured lung, broken ribs, lower vertebrae cracked and a bleeding spleen.

ACCIDENT INVOLVING COMMERCIAL VESSEL- REPORT FORWARDED TO USCG-MSD (SAN DIEGO) NO YES DATE: _____

ACCIDENT INVOLVING POSSIBLE SAFETY DEFECT: USCG STANDARDS BRANCH NOTIFIED NO YES DATE: _____

REPORTING OFFICER'S NAME (PRINT) S. Riley FIGURE # 7027938008 AGENCY NPS DATE 5/2/06

REPORTING OFFICER'S SIGNATURE [Signature] AGENCY ADDRESS 601 Nevada Hwy Boulder City, NV 89005

APPROVED BY (PRINT) _____ SIGNATURE _____ DATE _____

(DO NOT USE) FOR STATE REPORTING AUTHORITY REVIEW

SIGNATURE OF REVIEWING OFFICER [Signature] DATE RECEIVED 6-9-06

PRIMARY CAUSE OF ACCIDENT _____ SECONDARY CAUSE OF ACCIDENT _____

768

NARRATIVE SHEET

Incident Number: LAME0600000946

Supplemental sheet used (if more narrative)

Narrative

SUMMARY:

A 33 year old male was injured at Temple Bar Marina while being towed behind a vessel. He was flown to Las Vegas where he was treated for broken ribs, cracked vertebrae, a punctured lung and a bleeding spleen. The boat operator left the area after requesting help from the gas dock attendant. The operator's identity is not known.

ASSIGNMENT:

Dispatch report through 911 call.

NARRATIVE:

On 04/29/06 at approximately 1730 hours, Rangers received a report of an injured person in the Temple Basin. Ranger I. Kent responded by boat in 81B(sec supplemental). She contacted a male, later identified as [REDACTED] near the Temple Bar Marina. Ranger Kent escorted the injured male to the Temple Bar gas dock. He was reportedly lying on a "kite" tube and coughing up blood. The tube was towed in by [REDACTED]'S vessel (CF 5795TM).

Ranger Marsmaker and I responded and contacted [REDACTED] on the gas dock. He stated that he came off the kite tube and hit the water on the left side of his chest. He stated that while being towed, he tried to signal the boat operator to slow down. He was then thrown from the tube.

[REDACTED] was being towed on a "kite" tube. The tube is approximately 5 feet in diameter with a mesh fabric covering the center. The tube is designed to lift off the water as it catches air underneath while being towed.

[REDACTED] and his friends, [REDACTED] and [REDACTED] were towing the tube behind [REDACTED]'S boat (vessel #1), but could not get the tube to lift off the water. They reportedly met a white male on another vessel (vessel #2), who offered to tow the tube behind his boat because it was faster.

The white male is described as 45-50 years old with dirty blonde hair. A white female who was in his boat was approximately 45 years old. The couple

Reporting Officer's Name

Supervisor's Name (please print)

JERI RILEY

Reporting Officer's Signature

Date

Supervisor's Signature

Date

J. Riley

05/02/06

Eric [REDACTED] 5/1/06

SUPPLEMENTAL INCIDENT RECORD SHEET

Incident Number: LAME0600000246

Supplemental sheet used (if more narrative)

Narrative

had a dog, possibly an australian sheep dog, on board. The operator stated that he was from Cordelaine, ID. He was reportedly drinking a Coors bear while driving. The vessel had an Idaho registration (number unknown) on the side. The vessel is described as approximately 20-25 feet, white with turquoise and yellow stripes. It had an open bow and an inboard motor. The boat appeared to be 2-3 years old.

██████████ and Lane Andrus got into the Idaho boat with the unidentified male and female. Both state that they never got anyone's name. ██████████ got on the kite tube being towed behind the boat. His friends continued to watch from ██████████'s vessel.

Witnesses state that the "kite" tube was moving erratically and lifted approximately 15 feet off the water. The boat was reportedly traveling 40-45mph.

██████████'S friends saw him come off the tube and hit the water. They watched from a distance and then decided that something must be wrong. They approached vessel #2 and saw ██████████ in the water coughing up blood. Lane Andrus jumped into the water and assisted ██████████ on to the tube. They attached the tube to vessel #1 and towed it to the dock. The operator of vessel #2 reportedly stated that he was going to go for help. This was the last time anyone on vessel #1 saw him.

The operator of vessel #2 went to the gas dock and reported the injury to the gas dock attendant Jon Birley (see witness statement). He then went to the boat launch, removed his boat from the lake and left the area.

██████████ was flown to LVMC by Care Flight. In follow up with him later, I learned that he had a punctured lung, broken ribs, cracked vertebrae and a bleeding spleen.

ACTION TAKEN:

Following patient care, a search of the Temple Bar area was completed for the operator of vessel #2. His identity is still not known. The investigation is

Reporting Officer's Name

Supervisor's Name (please print)

JERI RILEY

Reporting Officer's Signature

Date

Supervisor's Signature

Date

Jeri Riley

05/08/06

Eric [Signature]

5/9/06

770

SUPPLEMENTAL INCIDENT RECORD SHEET

Incident Number: LAME0600000946

Supplemental sheet used (if more narrative)

Narrative

ongoing.

INTERVIEWS:

1 [redacted] (01/06/76) stated on scene that the boat operator of vessel #2 said he was from Cordelaine, ID. He stated that the operator was drinking a can of Coors Beer while driving. [redacted] stated that the operator said he was going for help after the accident. [redacted] stated that he jumped in the water and assisted [redacted] onto the tube. He stated that [redacted] was wearing a life jacket at the time of the accident. (see witness statement)

2 [redacted] (10/30/79) stated that his friends met a man while motoring into the marina. The man asked how the tube worked and offered to tow it behind his boat as his boat was faster. Rarick stated that he saw the accident from vessel #1. He stated that the boat operator of vessel #2 was drinking a can of beer. (see witness statement)

3 [redacted] (7/30/79) (see witness statement)

4 [redacted] (9/18/75) stated that the registration on vessel #2 was from Idaho. He stated that he recognized this because he was from Idaho. (see witness statement)

DISPOSITION:

victim-[redacted] flown to LVMC.
suspect-unknown

CHARGES PENDING:

Operating in a reckless/negligent manner.
Failure to report accident.

Reporting Officer's Name

JERI RILEY

Supervisor's Name (please print)

Reporting Officer's Signature

Date

Supervisor's Signature

Date

J. Riley

05/08/06

Eric [redacted] 5/19/06

NATIONAL PARK SERVICE
LAKE MEAD NATIONAL RECREATION AREA
VOLUNTARY STATEMENT

PAGE 1 OF 1

NATURE OF INVESTIGATION: Boat Accident w/PT			DATE RECORDED: 4/29/06	
STATEMENT OF LAST, FIRST, MIDDLE: [REDACTED] Jon C			DATE OF BIRTH:	SEX: m
DRIVERS LIC. NUMBER:	STATE: AZ	SOCIAL SECURITY NUMBER:	HOME TELEPHONE:	[REDACTED]
STREET ADDRESS (APT. #): [REDACTED]			BUSINESS TELEPHONE:	[REDACTED]
CITY: [REDACTED]	STATE: AZ	ZIP CODE:	86443	
LOCATION STATEMENT MADE AT: [REDACTED]		STATEMENT MADE AT: [REDACTED]	DATE TIME STARTED:	04/30/06

About 5:45 A man came to the E/D + ask me to call someone cause there had been a bad injury so I called Bob H. + he called Park Service about 10min later I saw Lisa + I directed her the direction of the injured party. She brought them to the E/D + I assisted to my best ability we got the injured person prepped to move up the dock to the gangway trucks to be transported to the helicopter.

What I gathered from the injured person + his friends is he was being pulled on a flotation device that flies up + down + it got squacky on he so he tried to get control of it + lost it + hit his left side. By the time he got to the dock it looked like he caught up blood.

I HAVE READ THIS STATEMENT GIVEN BY ME OR HAVE HAD IT READ TO ME. I FULLY UNDERSTAND IT AND CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND RECOLLECTION

SIGNATURE OF PERSON GIVING STATEMENT:

Jon C. [Signature]

DATE:

4-30-06

WITNESS BY SIGNATURE:

[Signature]

DATE TIME ENDED:

04/30/06

UNKNOWN

RIN 895

772

NATIONAL PARK SERVICE LAKE MEAD NATIONAL RECREATION AREA VOLUNTARY STATEMENT			PAGE	OF
			CASE NUMBER:	
NATURE OF INVESTIGATION: Boat / Flying Tube Accident			DATE OF INCIDENT: 4/29/06	
STATEMENT OF: LAST, FIRST, MIDDLE: [REDACTED]			DATE OF BIRTH: 9/18/1975	
DRIVERS LIC NUMBER	STATE: UT	SOCIAL SECURITY NUMBER: [REDACTED]	HOME TELEPHONE: [REDACTED]	57
FAMILY ADDRESS (APT #): [REDACTED] 84606			BUSINESS TELEPHONE:	
CITY: [REDACTED] STATE: UT			ZIP CODE: 84606	
LOCATION STATEMENT TAKEN: [REDACTED]			DATE/TIME STARTED:	

WE WERE PULLING A TUBE FOR 2-3 HOURS WITH [REDACTED] NEW BOAT AND WE WERE TRYING TO RIDE IT LIKE IT SHOWED ON THE VIDEO AND WE ONLY GOT SO HIGH BECAUSE HIS BOAT DIDN'T HAVE AS MUCH POWER AS THE ONES ON THE VIDEO. (WE BOUGHT FISHING LICENCES FOR TODAY (TONIGHT) AND TOMORROW TO FISH, SO WE WERE ON OUR WAY IN AND A MAN & HIS WIFE PULLED ASIDE US AND ASKED ABOUT THE FLYING TUBE. HE SAID HIS BOAT WAS FAST ENOUGH TO GET HIM IN THE AIR, MY FRIEND [REDACTED] ACCOMPANIED HIM ON THE BOAT TO HELP, BUT ONCE [REDACTED] GOT AIR BORNE HE WAS SWAYING SIDE TO SIDE OUT OF CONTROL, BUT CLAIMED LATER HE HAD NO WAY OF KNOWING HOW TO TELL THEM TO STOP OR SLOW DOWN. HE SOON CRASHED. I ACTUALLY LOOKED DOWN FOR A MOMENT AT TIME OF IMPACT, BUT I LOOKED UP ^{AFTER} ~~WHILE~~ MY FRIENDS [REDACTED] IN [REDACTED] SAID "DID YOU SEE THAT!" AND I NOTICED THE TUBE FLYING AND [REDACTED] IN

I HAVE READ THE STATEMENT GIVEN BY ME OR HAVE HAD IT READ TO ME. I FULLY UNDERSTAND IT AND CERTIFY THAT IT IS TRUE AND CORRECT. ^{THE WATER} (I ASSUME) (FAR AWAY)
 SIGNATURE OF PERSON GIVING STATEMENT: [Signature] DATE: 4/29/06
 WITNESSED BY (SIGNATURE): [Signature] DATE/TIME ENDED:

7773

NATIONAL PARK SERVICE LAKE MEAD NATIONAL RECREATION AREA VOLUNTARY STATEMENT			PAGE OF <small>CASE NUMBER:</small>
<small>NATURE OF INVESTIGATION:</small>			<small>DATE OF INCIDENT:</small>
<small>STATEMENT OF (LAST, FIRST, MIDDLE):</small>			<small>DATE OF BIRTH:</small>
<small>DRIVERS LIC. NUMBER:</small>	<small>STATE:</small>	<small>SOCIAL SECURITY NUMBER:</small>	<small>HOME TELEPHONE:</small>
<small>STREET ADDRESS (APT #)</small>			<small>BUSINESS TELEPHONE:</small>
<small>CITY:</small>	<small>STATE:</small>	<small>ZIP CODE:</small>	
<small>LOCATION STATEMENT TAKEN</small>			<small>DATE/TIME STARTED:</small>
<p>WE WERE ON OUR WAY back when a gentleman wanted to see how ARE KITE TUB worked. Our Boat () could go fast enough for the tub to go in the AIR. So got at looked ON to his boat with the kite tub, I watched my friend get in the same boat with the guy his wife & a dog. When they took off I noticed he had a BEER. They started to pick up speed and the tub went back & forth REALLY WILD like, and went INTO THE WATER. He was probably going 40mph when we went to in our boat he was coughing up BLOOD and moaning</p>			
<small>I HAVE READ THIS STATEMENT GIVEN BY ME OR HAVE HAD IT READ TO ME. I FULLY UNDERSTAND IT AND CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND RECOLLECTION.</small>			
<small>NAME OF PERSONS GIVING STATEMENT</small>			<small>DATE:</small>
<small>WITNESSED BY SIGNATURE</small>			<small>DATE/TIME ENDED:</small>

774

NATIONAL PARK SERVICE
LAKE MEAD NATIONAL RECREATION AREA
VOLUNTARY STATEMENT

PAGE 01

CASE NUMBER

DATE OF INCIDENT

STATEMENT OF (LAST, FIRST, MIDDLE):

DATE OF BIRTH: 7-30-78

SEX: M

DRIVERS LIC. NUMBER:

STATE: UT

SOCIAL SECURITY NUMBER:

WORKER'S COMP. NO.:

STREET ADDRESS (APT. #):

BUSINESS TELEPHONE:

CITY:

STATE: UT

ZIP CODE:

LOCATION STATE AND COUNTY:

STATEMENT TAKEN BY:

DATE/TIME STARTED:

WAS RIDING A KITE TUBE BEHIND A STRANGERS BOAT. SPEED INCREASED, DA BEGAN ROTATING ON TUBE LEFT TO RIGHT. GOT HIGH IN THE AIR. LOST CONTROL AT PEAK HEIGHT AND CRASHED INTO WATER AT FULL SPEED. THE DRIVER OF BOAT FROM IDAHO WAS SIPPING ALCOHOLIC BEVERAGE. HE WAS WITH A FEMALE MID-40'S, DRIVER WAS MID-50'S.

I HAVE READ THIS STATEMENT GIVEN BY ME OR HAVE HAD IT READ TO ME. I FULLY UNDERSTAND IT AND CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND RECOLLECTION.

SIGNATURE OF PERSON GIVING STATEMENT:

DATE:

4/29/2008

WITNESSED BY SIGNATURE:

DATE/TIME ENDED:

~~_____~~ was being pulled on a kite tube at about 40 to 45 mph. The tube started whipping back and forth and then nose dived into the water. ~~then~~ He fell off, and when we circled around and reached him he was trying to keep his head back so he could breathe, he was also spitting up huge amount of blood. He couldn't open his eyes and kept complaining about not being able to breathe. We pulled him up onto the tube and slowly pulled him in, to where medical assistance awaited.

~~_____~~

NPS Form 342 Aug 2002

NATIONAL PARK SERVICE - PATIENT CARE RECORD

Level of Training Paramedic Park Medic
 EMT - Basic First Responder Other

Patient's Name ANTO CLARITA CA 91367 Job # 10-27-1972
 Address 20000 Location Code 0708
 Incident Code 9100-01

Provider's Name SCHONZEIT Non Staff Paramedic
 EMT Medical

Patient's Age 23 Yr M F O Weight 160 O Kg Lbs
 Location TEMPLE BASIN Altitude 10000 ETA 15 Hrs
 Mechanism of Injury FALL FROM RAFT, HIT WATER SURFACE FROM ~ 20' ABOVE @ 40 MPH. Onset Time 1730

Phone 772 Date 06/16/06 Additional Team & Certification Level
 Site Contact No Yes
 Hospital Name UMC Call Rec'd 1742 (RECEIVED 1752)
 Hospital Contacted Yes No
 Arrive Scene 1752 Enroute 1742 KENT - EMT
 Patient Transported Yes No
 Depart 1830 Riley - EMT
 Arrive Dest 1830 Maresmaker - EMT
 Reporting Provider SCHONZEIT
 Approved SCHONZEIT

CHIEF PROBLEMS/COMPLAINTS
 CC: SOB/LOC SIDE PAIN
 ASSOCIATED w/ 15'-20' FALL WHILE BEING PULLED IN RAFT

GLASGOW COMA SCORE (GCS)
 LOC No Yes X 2 Min
 GCS E1 1755 Time 15
 GCS E2 1815 Time 15

PHYSICAL EXAM
 Temperature N/A How Taken N/A
 General Appearance ANXIOUS, CC: PAIN @ SIDE.
 Head WNL ALO X 4 @ LOC @ PAIN, LAC, ET. PERILLA
 Neck WNL NO JVD, @ TRACH DEVIATION
 Back WNL 4/0 @ SIDE BACK PAIN @ DEFORMITY @ NECK @
 Chest WNL COUGHING BLOOD UNIFORM EXPANSION @ B'S @ RIB FX
 Abd WNL RIGID, GUARDING @ SIDE PAIN @ SIDE, @
 Pelvis WNL NO VIS. STABLE PAIN @ SIDE @ SPINAL INJURIES
 Limbs WNL NO PAIN FROM X 4 LIMBS, NORMAL CMS
 Neuro WNL NORMAL CMS X 4 EXTREMITIES @ NY

TRAUMA SCORE

Resp. Rate	Systolic BP
#1 <u>11</u>	<u>110</u> mmHg
Time <u>1735</u>	
#2 <u>11</u>	<u>100</u> mmHg
Time <u>1815</u>	

VITAL SIGNS TIME

Time	RR	BP	HR	SpO2
1735	16	110/60	100	98
1815	18	100/60	100	98
1825	18	130/80	100	98

TRAUMA SCORE

Resp. Rate	Systolic BP
#1 <u>11</u>	<u>110</u> mmHg
Time <u>1735</u>	
#2 <u>11</u>	<u>100</u> mmHg
Time <u>1815</u>	

VITAL SIGNS TIME

Time	RR	BP	HR	SpO2
1735	16	110/60	100	98
1815	18	100/60	100	98
1825	18	130/80	100	98

PHYSICAL EXAM

Respiratory Rate: 16, 18, 18
 Respiratory Effort: LABORED, SOB, SOB
 Breath Sounds: N/A, MUFFLED, LL QUAD.
 Oxygen Saturation %: 98, 98, 98
 Pulse: Rate 84, 80, 78
 Bounding/Thready: STRONG, REG., REG.
 Blood Pressure: 100/60, 100/60, 130/80
 Capillary Refill: <2sec, <2sec, <2sec
 Pupils: Equal/Reactive: PERILLA, PERILLA, PERILLA
 Skin: Warm/Cool: COOL, COOL, WARM
 Pink/Pale/Blue: PINK, PINK, PINK
 Moist/Dry: (WET FROM LAKE), ,

PAST MEDICAL HISTORY
 ADULT ADHD, PT Denied
 DENIES OTHER PMH. Unknown
 Med Allerg Test

ALLERGIES
 NKDA, NKA Denied
 Unknown

DISPOSITION
 Transport Yes No Visitor
 Ambulance AMA Concession
 Helicopter Treat and Release Government
 Private Car Other

Transfer to: CARE FLIGHT #1 Time: 1830
 Signature: CTO UMC MEDICAL CENTER (NY)
 Total Miles Transported: N/A

PHYSICAL EXAM
 Temperature N/A How Taken N/A
 General Appearance ANXIOUS, CC: PAIN @ SIDE.
 Head WNL ALO X 4 @ LOC @ PAIN, LAC, ET. PERILLA
 Neck WNL NO JVD, @ TRACH DEVIATION
 Back WNL 4/0 @ SIDE BACK PAIN @ DEFORMITY @ NECK @
 Chest WNL COUGHING BLOOD UNIFORM EXPANSION @ B'S @ RIB FX
 Abd WNL RIGID, GUARDING @ SIDE PAIN @ SIDE, @
 Pelvis WNL NO VIS. STABLE PAIN @ SIDE @ SPINAL INJURIES
 Limbs WNL NO PAIN FROM X 4 LIMBS, NORMAL CMS
 Neuro WNL NORMAL CMS X 4 EXTREMITIES @ NY

CARDIAC ARREST
 Witnessed Yes No Time N/A
 CPR started Yes No Time N/A
 AED shock Yes No Times Shocked 0
 Pulse restored Yes No
 Patient survived to hospital discharge Yes No

TREATMENT
 Airway O2 N/A Nasal Advanced Type None
 Oxygen 25 L/min by BVM Mask w/reservoir Nasal Cannula
 MAST Pads Time Applied N/A Time Initiated
 Spinal Immobilization Yes No

IV Type	Gauge	Insertion	Rate	Time	Total Vol. Infused	# IV Reservoirs
<input checked="" type="checkbox"/> LR	<u>18</u>	<u>AC</u>	<u>OPBY</u>	<u>1815</u>	<u>750cc</u>	<u>1 FOR</u>
<input type="checkbox"/> LR	<u>AT</u>	<u>1815</u>	<u>HR3</u>			<u>-1 LUNE</u>

1812 ARRIVE ON SCENE. PT TRANSFERRED FROM BIR (ON SCENE AT 1730). PT FOUND BACKBOARDED w/ C-COLLAR + HEAD IMMobilIZATION, + ON O₂ VIA NRB AT 25 LPM. SIR PROVIDED PT. UPDATE.

1812 PT CC: OF @ SIDE PAIN IN CHEST + ABD. PT REPORTS @ LOC, AND ABLE TO SPEAK IN FULL SENTENCES DESPITE SOB. PT ALOC X 4, @ N/V. PT REPORTED AS "COUGHING UP BLOOD" @ BIR (PRIOR TO ARRIVAL), @ JVD, @ TRACH. DEVIATION. LUNGS CLEAR UPPER MUFFLED @ LOWER PAIN OVER LOWER 4 RIBS @ SIDE, DEFORMITY NOTED. PAIN IN ABD. @ SIDE.

1815 RIGID GUARDING + TENDER. IV ESTABLISHED @ AC, UPON NS, BP SHOWED 30 MMHG ↑ SYSTOLIC w/ 500 cc NS. RECHECKED BP STABLE. GOOD CMS X 4 EXTREMITIES, NORM. NEURO EXAM, PT CC PAIN LOWER BACK ON @ SIDE. PT'S AIRWAY REMAINED INTACT. SUPINE - PT CONT. TO SPEAK IN FULL SENT. PT TRANSFER ARRANGED UP TO LUNCH RAINIE VIA "LITER CHERI" ON BACKBOARD.

1830 PT. TOT CARE FLIGHT w/6 INVOICED. Continued On Reverse

977

PROPERTY SHEET

Incident Number: LAMB0600000946

PROPERTY/SEIZURES

Type	Code	Narrative (include the municipal property #, other id)	# Of Items	Value	Evidence Y/N	Date Rec.
------	------	--------------------------------------------------------------	---------------	-------	-----------------	-----------

VEHICLE

Total Year	Make BOAT	Model	Color White	License Plate/Registration # 3785TH
Date A	Regist. Yr 06	Vehicle Identification #	Vessel Name	Comments

Body Style: Boat

REPA	Value of Archeological Resources	Value of Artifacts Seized	Cost of Restoration/Repair	Amount Given in Rewards
	0	0	0	0

Reporting Officer's Name
MI RILEY

Supervisor's Name (Please Print)

Reporting Officer's Signature

Date

Supervisor's Signature

Date

[Handwritten Signature]

05/08/06

[Handwritten Signature] 5/9/06

06-0946

ink
ada LAMS

UNITED STATES DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE
INCIDENT RECORD
LAKE MEAD NRA

Incident Number: WNE0600006946 ✓ Incident Date: April 29, 2006 Incident time: 1730 Hrs Report date used as incident date? No

Clearance: pen Cleared Exceptionally Not Applicable/Not Cleared Exceptionally Exceptional Clearance Date

Primary Agency: NPS

Reporting Officer ID: 4298J

Primary Location: BOARINA-THEVLE BAR

Offense/Incident Code and Description:
6-00-00 BOATING AND WATER USE ACTIVITIES-ACCIDENTS, FAILURE TO REPORT
6-10-02 BOATING AND WATER USE ACTIVITIES-APPLICABLE REGULATIONS

A/C Location Code and Type
Completed 0807
Completed 0807

Type Of Hate Crime Bias?

Method Of Entry (if Burglary)? N/A

Number of Premises entered if location is a hotel/motel/lodging: N/A

Type of Criminal Activity: N/A

Type of Weapon/Force Involved
Type Code Quantity

N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

Witness Name: HARICK, TERRANCE KEVIN Date of Birth: 10/30/75 Phone Business: 801-358-1049

Address: City: PROVO State: UT Zipcode: Phone Residence:

Name of Investigator Notified: Date: Time:

Reporting Officer's Name: MAX RILEY Supervisor's Name (Please Print):

Reporting Officer's Signature: Date: 05/08/06 Supervisor's Signature: Eric Smith 5/9/06

SUPPLEMENTAL COMPLAINANT/WITNESS SHEET

Incident Number: LAM8050000946

Witness	Name (Last, First, Middle)	Date of Birth	Phone Business
Address Number	City	State	Zipcode
		UT	
			Phone Residence

Witness	Name (Last, First, Middle)	Date of Birth	Phone Business
Address Number	City	State	Zipcode
		UT	84606
			Phone Residence

Witness	Name (Last, First, Middle)	Date of Birth	Phone Business
Address Number	City	State	Zipcode
		UT	84043
			Phone Residence

Complainant	Name (Last, First, Middle)	Date of Birth	Phone Business
Address Number	City	State	Zipcode
		CA	91387
			Phone Residence

	Name (Last, First, Middle)	Date of Birth	Phone Business
Address Number	City	State	Zipcode
			Phone Residence

	Name (Last, First, Middle)	Date of Birth	Phone Business
Address Number	City	State	Zipcode
			Phone Residence

	Name (Last, First, Middle)	Date of Birth	Phone Business
Address Number	City	State	Zipcode
			Phone Residence

	Name (Last, First, Middle)	Date of Birth	Phone Business
Address Number	City	State	Zipcode
			Phone Residence

	Name (Last, First, Middle)	Date of Birth	Phone Business
Address Number	City	State	Zipcode
			Phone Residence

Reporting Officer's Name RT RILEY	Supervisor's Name (Please Print)
--------------------------------------	----------------------------------

Reporting Officer's Signature <i>[Signature]</i>	Date 05/09/06	Supervisor's Signature <i>[Signature]</i>	Date 5/9/06
-----------------------------------------------------	------------------	----------------------------------------------	----------------

SUSPECT/ARRESTEE INFORMATION SHEET

Incident Number: LAH20560000914

Suspect Vehicle Model Year	Make	Model	Color	License Plate/Registration #
State:	Regist Yr	Vehicle Identification #	Vessel Name	Comments
Body Style:				
SUSPECT	Suspect was:	Date of Birth:	Age/Range of Age: 40-45	Sex: Male
Suspect's Name (Last, First Middle)		Alias		Social Security Number
Suspect's Address		Street	City CORDELAINE	State: Zipcode ID
Race	Height	Weight	Eyes	Hair Color Blond or Strawberry
Clothing Description/Other Comments: UNKNOWN				
Scars/Marks/Tatoos: UNKNOWN		Driver's License Number: UNKNOWN		State: ID Warrant?
ARRESTEE Arrest/Citation Date:		Type of Arrest		Primary Arrest/Citation Armed With Offense
Position of Suspect if Under 18		Multiple Clearance Indicator		Resident in Jurisdiction
Citation Notice(s)				

SUSPECT	Suspect was:	Date of Birth:	Age/Range of Age:	Sex:
Suspect's Name (Last, First Middle)		Alias		Social Security Number
Suspect's Address		Street	City	State Zipcode Phone Business
Sex	Height	Weight	Eyes	Hair Color Phone Residence
Clothing Description/Other Comments:				
Scars/Marks/Tatoos:		Driver's License Number:		State: Warrant?
ARRESTEE Arrest/Citation Date:		Type of Arrest		Primary Arrest/Citation Armed With Offense
Position of Suspect if Under 18		Multiple Clearance Indicator		Resident in Jurisdiction
Citation Notice(s)				

Reporting Officer's Name: **xx RILEY** Supervisor's Name (Please Print):

Reporting Officer's Signature: *[Signature]* Date: **05/06/05** Supervisor's Signature: *[Signature]* Date: **5/7/05**

782

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Monday, June 19, 2006 10:37 AM
To: Blasius, Dennis R.; Topka, Tanya L.; Spittler, Virginia R.
Subject: ~~Another Ohio~~ ^{Georgia} kite tube incident

~~Another Ohio~~ ^{Georgia} incident, this one at a place called Lake Harding. We will assign.

Updated spreadsheet to follow.

Kite Tubing Dangers

<http://www.wtvm.com/Global/story.asp?s=5037637>

I SAY: CHICKEN SOUP
YOU THINK OF:

MEMBER CENTER: [Create Account](#) | [Log In](#)

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[WEATHER](#)
[SPORTS](#)
[INSIDE WTVM](#)
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[COMMUNITY](#)

[LIFESTYLE](#)

Email

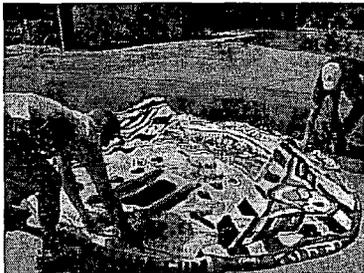
Print

Text Size

Columbus

Kite Tubing Dangers

Kite Tubing Dangers



A fun day on Lake Harding turned into horror for these two water sport enthusiasts.

They were riding what's called a kite tube -- it's an inflatable tube that's pulled behind a boat and eventually becomes airborne.

Sounds exciting, but when a gust of wind hit this tube -- excitement for them turned into fear.

"Big gust of wind went 65 feet in the air back to the water. When you hit the water it's like hitting concrete," says Chase Bailey

After falling from the air, Chase Bailey was face down and unconscious in the water.

He was treated for head injuries.

But, that wasn't enough for his friend who took a ride as well.

"The kite tube stalled out came back down and I landed on top of the kite from mid air just like a trampoline. It shocked my knee and exploded by chin from the inside out, broke off two teeth in the back, and the doctor said I had a pretty good concussion," says Ryan Reid.

In a statement the kite tube manufacturer, Sportsstuff.com, says:

"The Wego Kite Tube has been extensively tested and has been found to be a safe item when properly used under the recommended guidelines."

Those guidelines and warnings are posted all over the kite tube. right here it says "never ride higher than you're willing to fall".

Something these two say is difficult when mother nature is involved.

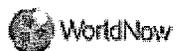
"We are really lucky it didn't break both our necks," says Reid.

Kite tubing has caused at least one death in texas and several injuries across the country.

The manufacturer is stressing the importance of reading the guidelines and watching the instructional video before riding the kite tube.

By Jade Hindmon

jhindmon@wtvm.com



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D85

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Monday, June 19, 2006 10:29 AM
To: Schoem, Marc J.; Topka, Tanya L.; Spittler, Virginia R.; Blasius, Dennis R.
Subject: FW: Internet Form Complaint - Doc #I0660269A - Kite Tube

We will assign.

-----Original Message-----

From: Topping, John C.
Sent: Monday, June 19, 2006 10:20 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0660269A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, June 19, 2006 10:09 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0660269A

06/17/2006 19:52:15

Name of Health Care Professional = Sonja R. Navarro Address = Mecosta Co. Emergency Department City = Big Rapids State = Michigan Zip = 49307 Email = sonjan911@triton.net Telephone = 231-796-8691

Product involved = Kite Tube
Product brand name/manufacturer = Wego
Manufacturer street address = www.sportsstuff.com Place where manufactured (City and State) = Overton's product item #12063 Product model and serial number = Date product purchased = 2006

Incident Description: Being pulled behind boat on a Kite Tube, made by Wego...flipped by air gusts several times and flew up 25' before falling onto chest onto Kite tube, causing facial trauma, and ches wall contusion, with presentation on coughing up blood. Family states rumor afterwards by bystanders of a death of someone on same in Texas.

Victim's age at time of incident= 16
Victim's sex = Male
Date of incident = 6/17/2006
Name of Victim = contact hospital for this and HIPPA compliance regualtion adherence
Victim's Address = Victim's City = Victim's State = Victim's Zip = Victim's Telephone =

Product involved still available = Yes
Where product located = owned by neighbor of victim

Topka, Tanya L.

From: Topka, Tanya L.
Sent: Thursday, June 15, 2006 11:32 AM
To: Ingle, Robin L.
Subject: can we get this assigned?

Can we get this assigned and have an investigator contact him at the number listed?

First Mate
Member # 7336

posted June 03, 2006 09:49 AM   

***** WARNING ***** I'm so sorry to report this but all of you who care about your body (specifically your spinal area) need to read this story that happened to my brother in law yesterday afternoon at Lake Powell.

He was on this kite tube that incidentally I had ordered last week , and was going along fine being towed at 30-35 MPH, and approx 15' in the air when a gust of wind took him for the ride of his life (literally). He spiraled downward hitting the water neck first.

Bottomline it is a miracle (doctors words) that he is alive. He BROKE his C2 (remember Christopher Reeve)in his neck and currently has a cage around his head called a halo to prevent movement that he will have to wear for at least 3 months. His mobility will never be the same and all of you dummys that think your too tough to have this happen to him think about how it will feel to have the Doctor standing over you with a Cordless Drill and a 1/4" drill bit that you would normally use to fix the house up but instead he is drilling into your all important brain. (huh makes you think about it a little more.....) THIS IS REAL PEOPLE AND THIS COMPANY WILL GO DOWN FOR THIS. WE LIVE IN A COUNTRY THAT LITAGATION PROVIDES NEGATIVE RESULTS FOR COMPANIES THAT MANUFACTUR ITEMS THAT HURT PEOPLE.

Dave
801-548-6309 if you have any questions

Dave Young
2000 Bayliner Capri 1850
2006 Dodge Ram "Hemi"

Posts: 17 | From: Utah | Registered: Jun 2006 | IP: Logged | 

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

787

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Tuesday, June 27, 2006 4:08 PM
To: Blasius, Dennis R.; Topka, Tanya L.
Cc: Ross, Robin M.
Subject: RE: WI Kite Tube Death

Doc number is X0660583A.

-----Original Message-----

From: Blasius, Dennis R.
Sent: Tuesday, June 27, 2006 4:03 PM
To: Ingle, Robin L.; Topka, Tanya L.
Subject: Re: WI Kite Tube Death

I just asked Robin Ross to let is know the number Sent from my Blackberry Wireless Handheld

-----Original Message-----

From: Ingle, Robin L.
To: Topka, Tanya L.
CC: Blasius, Dennis R.
Sent: Tue Jun 27 15:02:37 2006
Subject: RE: WI Kite Tube Death

I can get a doc number and IDI number. Unless you've already done that, Dennis? Once I have a doc number I'll send a new spreadsheet. I haven't sent a spreadsheet lately because there haven't been any changes since the last one, to my knowledge.

From: Topka, Tanya L.
Sent: Tuesday, June 27, 2006 2:53 PM
To: Ingle, Robin L.
Cc: Blasius, Dennis R.
Subject: FW: WI Kite Tube Death

Another fatality in WI this time. By the way has there been an updated spread sheet lately?

Dennis can you tell Robin if there has been an IDI number and doc number assigned to this one yet? I am not aware of any yet. Robin this report came from Julie in Public Affairs she got a call from WI media.

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

From: Perrizo, Rosemary
Sent: Tuesday, June 27, 2006 2:49 PM
To: Schoem, Marc J.; Topka, Tanya L.
Cc: Ross, Robin M.; Blasius, Dennis R.
Subject: WI Kite Tube Death

I contacted the Department of Natural Resources (DNR) and learned that they had been contacted by the Vilas Co. Sheriff on a kite tube death in St. Germain, WI. The DNR just has a preliminary report that cannot be released but were able to provide the following information on the death.

Victim: 42-year-old male from ██████████ WI vacationing in St. Germain, WI

Incident Date & Time: 6/26/06 at 8:05 PM

Kite Tube model: Unknown (I have call into DNR warden that investigated.)

Where purchased: Unknown

Incident: Victim was riding a kite tube behind a 17 ft. 150 hp boat with an open motor on Little St. Germain Lake in Vilas County. The driver of the boat and spotter noted that the water was calm. The spotter reported seeing the kite tube veer sharply to the right while in the air and then sharply back down into the water. When the kite tube came down to the water, the victim fell off. The driver of the boat went over to the victim and found him face down in the water and unconscious. They put the victim in the boat and headed for shore. The victim remained unconscious for about 30 - 40 seconds and on their way back to shore, he regained consciousness. When they reached shore, they were met by rescue personnel who transported the victim, who seemed alert, to an area hospital to be checked out. The victim stayed at hospital and died five hours later. (1:00 AM 6/27/02)

I will update you as more information comes in.



Tuesday, Jun 27, 2006

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Posted on Tue, Jun 27, 2006

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Delafield man dies after lake accident

Associated Press

ST. GERMAIN, Wis. - A man was fatally injured in an accident while being towed on an inflatable tube kite on Little St. Germain Lake, authorities said.

The man sailed several feet into the air and then hit the water, suffering fatal head and chest injuries, officials said.

He struck the water around 8 p.m. Monday and died five hours later at a hospital, officials said. It appeared that he hit only the water, conservation warden Mike Sealander said.

The Vilas County Sheriff's Department identified the victim Tuesday as [REDACTED], 42, of Delafield.

He was riding on a tube kite, which is an inflatable platform towed by a boat. It skims across the water and can become airborne.

An autopsy was planned.

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790

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Wednesday, June 28, 2006 8:30 AM
To: Grundy, Michelle A.; Topka, Tanya L.; Blasius, Dennis R.
Cc: Spittler, Virginia R.
Subject: RE: 6/26/06. Man dies after lake accident. St. Germain, WI. KITE TUBE.

Dennis and Tanya,

Virginia appended Michelle's newsclip document to the original document of the Wisconsin death (which is awaiting scanning this morning) so that the investigator will have both to refer to. The doc number is the same as the one I sent yesterday -- X0660583A.

Robin

From: Grundy, Michelle A.
Sent: Tuesday, June 27, 2006 11:18 PM
To: Ingle, Robin L.; Topka, Tanya L.
Subject: FW: 6/26/06. Man dies after lake accident. St. Germain, WI. KITE TUBE.

not sure if Dennis passed this on so sorry if this is a duplication.

Michelle

From: Grundy, Michelle A.
Sent: Tuesday, June 27, 2006 9:03 PM
To: Blasius, Dennis R.
Cc: Vece, John R.
Subject: 6/26/06. Man dies after lake accident. St. Germain, WI. KITE TUBE.

Dennis,

Here is a news article regarding a kite tube death on Monday. I know we are looking for these incidents, but because it occurred in the Western Region, I am not completely sure who I send this to. Can you please let me know?

Thanks
Michelle

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Tuesday, June 13, 2006 8:02 AM
To: Topka, Tanya L.
Cc: Spitler, Virginia R.
Subject: RE: Internet Form Complaint - Doc #I0660124A - Kite Tube

This one was assigned with task number 060609HCC1577, but it might not be in IFS yet, since it was assigned so recently (and the field might not be aware of it until today or tomorrow).

-----Original Message-----

From: Topka, Tanya L.
Sent: Tuesday, June 13, 2006 7:49 AM
To: Ingle, Robin L.
Cc: Spitler, Virginia R.
Subject: FW: Internet Form Complaint - Doc #I0660124A - Kite Tube

If this one hasn't been assigned can we get it assigned? Thanks

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

-----Original Message-----

From: Stern, Richard L.
Sent: Tuesday, June 13, 2006 7:48 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0660124A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Thursday, June 08, 2006 4:53 PM
To: EH-FER
Subject: FW: Internet Form Complaint - Doc #I0660124A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Thursday, June 08, 2006 9:04 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0660124A

06/07/2006 22:48:41

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]

Zip = 33785

Email = [REDACTED]

Telephone = [REDACTED]

Name of Victim =

Victim's Address = same

Victim's City = [REDACTED]

Victim's State = [REDACTED]

Victim's Zip = 33785

Victim's Telephone = [REDACTED]

Incident Description: With careful use by mature adults with all the safety equipment, this is still a very dangerous product. There is no control when it is in the air. It dives or flips violently leaving the rider at great risk of serious injury. My 28 year old son was thrown off, knocked out and landed unconscious in the water. If we had not been able to immediately rescue him, I don't want to think of the possible results. Muscle and bone injuries are common place for most riders. It's not a matter of "if" someone will get seriously hurt... it's just a matter of when. This product must be pulled from the market before more people are seriously injured or even killed.

We are extremely capable and experienced water sport enthusiasts. When this gets into the hands of the typical weekend thrill seeker, there will certainly be serious problems. One death is already reported on the internet along with many other injury stories.

Incidentally, the boat driver is 100% responsible for any injury to the person on the tube! It's the law. You need to let people know that too.

Pull this product before more kids get hurt or killed and well intending boaters have to live with it for the rest of thier lives.

Victim's age at time of incident = 28

Victim's sex = Male

Date of incident = 05-04-06

Product involved = Wego Flying Kite Tube Product brand name/manufacturer = Wego?

Manufacturer street address =

Place where manufactured (City and State or Country) = Product involved still available =

Yes Product model and serial number, manufacture date = Date product purchased = The Week

before Name Release = Do not release name

Topka, Tanya L.

From: Ingle, Robin L.
Sent: Monday, June 12, 2006 11:43 AM
To: Schoem, Marc J.; Blasius, Dennis R.; Topka, Tanya L.
Cc: Spittler, Virginia R.
Subject: FW: Internet Form Complaint - Doc #I0660178A - kite tube

This came in from the CPSC website today. No specific incident to assign, just thought you'd be interested in the timeliness of it.

-----Original Message-----

From: Topping, John C.
Sent: Monday, June 12, 2006 11:40 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0660178A - kite tube

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, June 12, 2006 8:43 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.; Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0660178A

06/10/2006 21:35:57

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

Incident Description: Hello I think you need to look into the tubes very dangerous many people getting hurt a list of people can be found at steadywinds.com. This tube was named product of the year. Its a water toy that when pulled behind the boat will fly above the water but the rider has no control over the tube the driver has some control but when it catches a gust of wind the thing will flip over and crash to the water now the rider is going 25-35 mph and falls 10 -15 ft on to the water ist like hitting cement I have read several complaints of broken bones and puncutred lungs and even killing one man broke his neck I no longer will sell or one one of these tubes thanks troy

Victim's age at time of incident =
Victim's sex =
Date of incident =
Product involved = wego kite tube
Product brand name/manufacturer = sportsstuf Manufacturer street address = Place where manufactured (City and State or Country) = Product involved still available = No Product model and serial number, manufacture date = Date product purchased = Name Release = Do not release name

794

Topka, Tanya L.

From: Perrizo, Rosemary
Sent: Tuesday, June 27, 2006 2:49 PM
To: Schoem, Marc J.; Topka, Tanya L.
Cc: Ross, Robin M.; Blasius, Dennis R.
Subject: WI Kite Tube Death

I contacted the Department of Natural Resources (DNR) and learned that they had been contacted by the Vilas Co. Sheriff on a kite tube death in St. Germain, WI. The DNR just has a preliminary report that cannot be released but were able to provide the following information on the death.

Victim: 42-year-old male from Delafield, WI vacationing in St. Germain, WI

Incident Date & Time: 6/26/06 at 8:05 PM

Kite Tube model: Unknown (I have call into DNR warden that investigated.)

Where purchased: Unknown

Incident: Victim was riding a kite tube behind a 17 ft. 150 hp boat with an open motor on Little St. Germain Lake in Vilas County. The driver of the boat and spotter noted that the water was calm. The spotter reported seeing the kite tube veer sharply to the right while in the air and then sharply back down into the water. When the kite tube came down to the water, the victim fell off. The driver of the boat went over to the victim and found him face down in the water and unconscious. They put the victim in the boat and headed for shore. The victim remained unconscious for about 30 - 40 seconds and on their way back to shore, he regained consciousness. When they reached shore, they were met by rescue personnel who transported the victim, who seemed alert, to an area hospital to be checked out. The victim stayed at hospital and died five hours later. (1:00 AM 6/27/06)

I will update you as more information comes in.

6/27/2006

795

U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT - IDI

Assign No	MIS Code	Status	Assign Type	Region
060612HCC3582	12165	Open	In-Depth Investigation	CFIW
Investigator	Supervisor	Epi Status	Program ID	
Barbara Braspeninckx-Wil	Sidney C. Englander			

		VICTIM INFORMATION	
Assign Date	06/12/06	City	ORANGEFIELD
Target Date	07/30/06	State/Zip	TX
Revised Target Date		Product Description	SPORTS AND RECREATIONAL A
Complete Date		Document Number	X0660330A
Incident Date	06/04/06	HIA No.	HANN012006
		Death Y	

Remarks
on-site per E-Assn

Assignment

U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT - IDI

Assign No 060614HCC3606	MIS Code	Status Open	Assign Type In-Depth Investigation	Region CFIW
Investigator	Supervisor Frank J. Nava	Epi Status	Program ID	

		VICTIM INFORMATION		
Assign Date	06/14/06	City	GLEN CANYON	
Target Date		State/Zip	UT	
Revised Target Date		Product Description		
Complete Date		Document Number	X0660350A	
Incident Date	06/02/06	HIA No.	HANN012006	Death N

Remarks

Assignment

U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT - IDI

Assign No 060614HCC3605	MIS Code	Status Open	Assign Type In-Depth Investigation	Region CFIW
Investigator	Supervisor Frank J. Nava	Epi Status	Program ID	

		VICTIM INFORMATION		
Assign Date	06/14/06	City	GLEN CANYON	
Target Date		State/Zip	UT	
Revised Target Date		Product Description		
Complete Date		Document Number	X0660350B	
Incident Date	06/03/06	HIA No.	HANN012006	Death N

Remarks

Assignment

798

U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT - IDI

Assign No 060614HCC3604	MIS Code	Status Open	Assign Type In-Depth Investigation	Region CFIW
Investigator	Supervisor Frank J. Nava	Epi Status	Program ID	

VICTIM INFORMATION

Assign Date 06/14/06	City GLEN CANYON	
Target Date	State/Zip UT	
Revised Target Date	Product Description	
Complete Date	Document Number X0660350C	
Incident Date 04/07/06	HIA No. HANN012006	Death N

Remarks

Assignment

U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT - IDI

Assign No 060614HCC3603	MIS Code	Status Open	Assign Type In-Depth Investigation	Region CFIW
Investigator	Supervisor Frank J. Nava	Epi Status	Program ID	

		VICTIM INFORMATION		
Assign Date	06/14/06	City	GLEN CANYON	
Target Date		State/Zip	UT	
Revised Target Date		Product Description		
Complete Date		Document Number	X0660350D	
Incident Date	05/22/06	HIA No.	HANN012006	Death N

Remarks

Assignment

JNO

U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT - IDI

Assign No 060614HCC3602	MIS Code	Status Open	Assign Type In-Depth Investigation	Region CFIW
Investigator	Supervisor Frank J. Nava	Epi Status	Program ID	

Assign Date 06/14/06		VICTIM INFORMATION		
Target Date		City	OMAHA	
Revised Target Date		State/Zip	NE	
Complete Date		Product Description		
Incident Date 06/01/06		Document Number	X0660349A	
		HIA No.	HANN012006	Death N

Remarks

Assignment

801

U.S. Consumer Product Safety Commission
ASSIGNMENT REPORT - IDI

Assign No 060609HCC1577	MIS Code 12165	Status Open	Assign Type In-Depth Investigation	Region CFIE
Investigator Susan S. Gabriel	Supervisor Allen C. Dobbins	Epi Status	Program ID	

VICTIM INFORMATION

Assign Date	06/09/06	City	INDIAN ROCKS BEACH	
Target Date	07/21/06	State/Zip	FL	
Revised Target Date		Product Description	KITES OR KITE STRING	
Complete Date		Document Number	I0660124A	
Incident Date	05/04/06	HIA No.	HANN012006	Death N

Remarks
Assigned 6/12

Assignment

802

Topka, Tanya L.

From: Spitler, Virginia R.
Sent: Monday, July 24, 2006 11:10 AM
To: EH-FER; Topka, Tanya L.
Cc: Streeter, Robin A.
Subject: FW: Internet Form Complaint - Doc #I0670423A - Kite Tube

Virginia Spitler
Management & Program Analyst
US Consumer Product Safety Commission
Division of Hazard Analysis
301-504-7301

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, July 24, 2006 8:36 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670423A

07/23/2006 20:17:35

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

Incident Description: Was riding on WEGO Kite and wind caught the kite and immediately went up in air at least 15-20 the wind caught the tube flipped it over and it went crashing into the water. it took several minutes to get my breath and be able to move. My sternum and ribs were injured. Last week due to continued pain sought medical care. xrays of ribs initial reading positive for fracture. I have had to sleep on ice every night. Please warn consumers. We have put our WEGO kite away for good!

Victim's age at time of incident =
Victim's sex = Female
Date of incident = 7/3/06
Product involved = Wego towable water kite Product brand name/manufacturer = sportsstuff
Manufacturer street address = Place where manufactured (City and State or Country) =
Product involved still available = Yes Product model and serial number, manufacture date =
Date product purchased = online Name Release = Release name to manufacturer only

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

NAME OF RESPONDENT ████████████████████	2. PHONE NO. (HOME) (WORK) ████████████████████
. STREET ADDRESS ████████████████████	4. CITY ST ZIPCODE ████████████████████ 40014
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE ████████████████████ 40014

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Respondent believes tube kiting is unsafe.

- cont -

6. DATE OF INCIDENT (S) 06/07/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 19 Y/M AND DESCRIBE INJURY two teeth were knocked out	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME not given RELATIONSHIP son
---------------------------------------	----------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT tube kiting	10. BRAND NAME unknown
------------------------------------------	---------------------------

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

ISSUE 41
07/13/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 01/01/2006 AGE 6 M
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown

17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? NO IF NOT, ITS DISPOSITION never purchased	19. MAY WE USE YOUR NAME WITH THIS REPORT? NO
----------------------------------------------------------------------------------	-----------------------------------------------------------------------------------	-----------------------------------------------

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/11/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670090A
---------------------------------	-------------------------------------------	-------------------------------

23. FOLLOW-UP ACTION	24. PRODUCT CODE (S) 1309
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25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE emj 07/12/2006
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804

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670090A

Narrative Continued

son was tube kiting with friends. Son was 20' in the air when a gust of wind caused him to fall to the water. Son landed on his back in the water causing his knee to hit his mouth and knock two of his teeth. One of son's teeth was completely detached while another was dislocated.

6/7/2006 Son went to the emergency care at a dentist's office (name unknown) where he was examined and treated by physician (name unknown). Physician told son that one of his front teeth was severely dislocated. Physician performed an emergency root canal and reset his front tooth. Physician told son that he may lose his front tooth.

Distributor Phone #:

CPSC Source: WOM

805

Topka, Tanya L.

From: Blasius, Dennis R.
Sent: Wednesday, July 12, 2006 12:10 PM
To: Ingle, Robin L.; Topka, Tanya L.
Subject: RE: kite tube incident count

I'm FedExing two more reports from MN; I may have sent you hard to read scans of the first one previously:

6-25-06 : Fishtrap lake, Lincoln, MN - Victim [REDACTED], 19, ruptured aorta. Still critical. Wego.

7/11/06 (last night) : Lake Julia, Bemidji, MN - Victim [REDACTED], 30, knocked unconscious, concussion.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

From: Ingle, Robin L.
Sent: Wed 7/12/2006 9:43 AM
To: Topka, Tanya L.
Cc: Roegner, Russell H.; Stralka, Kathleen A.; Blasius, Dennis R.
Subject: RE: kite tube incident count

As of 10:30 am on July 12, CPSC staff is aware of 40 incidents associated with kite tubes, including 2 deaths.

Among the injuries resulting from kite tube incidents are:

Cracked vertebrae, broken vertebrae, punctured lungs, broken ribs, injured spleens, broken hips, splintered/broken femurs, head injuries, neck injuries, broken teeth, facial trauma, loss of consciousness in water, respiratory injuries, severed aortas, bruised chests, broken ankle, lung contusions, kidney contusions, other internal bruising, internal bleeding, torn muscles, strained muscles and death.

Robin L. Ingle
Health Statistician, Emerging Hazards
Directorate for Epidemiology
U.S. Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814 | Phone 301.504.7333

From: Topka, Tanya L.
Sent: Wednesday, July 12, 2006 9:28 AM
To: Ingle, Robin L.
Subject: RE: kite tube incident count
Importance: High

7/12/2006

806

Has the count total changed? Just want the most accurate number. Also Marc wants me to list the types of injuries tell me if I would be correct in saying

Fatalities, ruptured aortas, fractures to legs, arms, collar bones, hips, and ribs, concussions, neck fracture, broken noses, rib cartilage swelling, lacerated spleen, and bruised internal organs. Am I missing any types of injuries that you can think of?

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

From: Ingle, Robin L.
Sent: Tuesday, July 11, 2006 2:37 PM
To: Topka, Tanya L.
Cc: Roegner, Russell H.; Stralka, Kathleen A.; Blasius, Dennis R.
Subject: kite tube incident count

As of 2:30 pm on July 11, CPSC staff is aware of 35 injury incidents involving kite tubes. Two of the 35 resulted in deaths.

From: Topka, Tanya L.
Sent: Tuesday, July 11, 2006 12:52 PM
To: Ingle, Robin L.
Subject: RE: 7/05/06. Woman injured in kite tubing accident. Union Lake, MI.

I think a press release might be going out tomorrow on this if not Thursday from what Marc tells me. Can you get us an official count for the press release?

Tanya Topka, Compliance Officer
U.S. CPSC
301-504-7594
www.cpsc.gov

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT [REDACTED]	2. PHONE NO. (HOME) (WORK) [REDACTED]
3. STREET ADDRESS [REDACTED]	4. CITY ST ZIPCODE [REDACTED]
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE [REDACTED]

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Kite tube appears to be under recall for CAP NR#06-210.

- cont -

6. DATE OF INCIDENT (S) 07/09/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 14 Y/M AND DESCRIBE INJURY injured neck	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME unknown RELATIONSHIP son
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9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego
----------------------------------------	------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown	12. MODEL, SERIAL #'S, DATE OF MFR M# unknown, DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE West Shore Marina unknown unknown 860-267-1764
----------------------------------------------------------------------------------------------------	---------------------------------------------------------------	-----------------------------------------------------------------------------------------------

ISSUE 42
07/19/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 07/08/2006 AGE 1 D	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Only kite as high as you're willing to fall.
----------------------------------------------------------------------------------------------------------	----------------------------------------------------------------	----------------------------------------------------------------------------------------------------

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/18/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670155A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE emj 07/18/2006	

808

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670155A

Narrative Continued

Consumer believes kite tube poses a risk of injury.

5'4" tall, 120 lb. son was riding kite tube being pulled by boat at between 20 to 25 MPH. Son was coming down from the air (height unknown) and landed in the water when he suddenly fell onto the kite tube and injured his neck. Rx at home.

5'11" tall, 180 lb. husband was riding kite tube being pulled by boat at approximately 30 MPH. Husband was approximately 1' in the air when he was blown off of kite tube. Husband landed in water on his side and injured the right side of his body.

Consumer took husband to the ER at Backus Hospital in Norwich, CT where he was examined by physician (name unknown). Physician told consumer that the ribs on his right side were severely bruised. Physician prescribed pain killers and told husband that the bruising will heal on its own.

7/13/2006 Consumer contacted the manufacturer and explained the incident to rep., (name unknown). Rep., told consumer that there was a replacement program and to go online and pick out the products that she wanted. Consumer requested a refund of her money. Rep., told consumer that they were not offering refunds.

Vict #	Sex	Age	Name	Relationship
2	M	47 Y	Ricky Wylot	husband

Vict #	Victim Injury Description
2	bruised ribs

Distributor Phone #:

CPSC Source: INTERNET

809

Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 20, 2006 6:58 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670367A - Wego Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Thursday, July 20, 2006 2:51 PM
To: EH-FER
Cc: Streeter, Robin A.
Subject: FW: Internet Form Complaint - Doc #I0670367A - Wego Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Wednesday, July 19, 2006 4:13 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670367A

07/19/2006 14:42:23

Name = [REDACTED]
Address = [REDACTED], Product Compliance, [REDACTED] City = Seattle State =
Washington Zip = [REDACTED] Email = product-safety@amazon.com Telephone = (206) 266-7614
Name of Victim = n/a Victim's Address = n/a Victim's City = n/a Victim's State = Victim's
Zip = n/a Victim's Telephone = n/a

Incident Description: Product flipped, daughter broke vertebrae when she hit the water
from 14' and 25mph.

A product safety incident was submitted in the Amazon.com Customer Review section of an
item/ASIN detail page. URL regarding the product safety review:
http://www.amazon.com/gp/product/B000ENJSSI/ref=sr_11_1/103-3454615-2294221?%5Fencoding=UTF8&v=glance&n=3375251

A customer's review posting had a product concern with the Overton's Wego Kite Tube;
AMAZON.COM ASIN: B000ENJSSI. The customer's review, titled: This is not a toy!!!!, July 9,
2006. "This is not a toy to be taken lightly. The weekend of the Fourth my daughter was
seriously injured. She was at least 14' in the air and travelling about 24 mph when she
was flipped upside down and slammed to the water headfirst. She fractured her C1 vertebrae
and is very very fortunate not to have been paralyzed."

Read news stories on the web from reputable sources. There have been deaths and very
serious injuries reported with this device. It is not a toy and it cannot be controlled by
the tube rider or the driver of the boat as suggested by the manufacturer. You are at the
mercy of the waves and any wind current that can flip the tube. BE VERY CAREFUL BEFORE
DECIDING TO PURCHASE THIS ITEM.

Victim's age at time of incident = n/a

Victim's sex =

Date of incident = n/a

Product involved = Wego Kite Tube

Product brand name/manufacturer = Overton's Manufacturer street address = n/a Place where
manufactured (City and State or Country) = n/a Product involved still available = Product

model and serial number, manufacture date = n/a Date product purchased = n/a Name Release
= Do not release name

Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 20, 2006 6:59 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670374A - Wego Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Thursday, July 20, 2006 2:58 PM
To: EH-FER
Cc: Streeter, Robin A.
Subject: FW: Internet Form Complaint - Doc #I0670374A - Wego Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Thursday, July 20, 2006 8:23 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670374A

07/19/2006 21:53:07

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 22625
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = same
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description: My husband sustained a double shoulder dislocation when he collided with the water after being up in the air with the Kite Tube. He got knocked out and had to go to the ER to have his shoulder reset. He had to keep it immobilized for 3 weeks followed by orthopaedic appts and physical therapy to recover from the injury.

Victim's age at time of incident = 48
Victim's sex = Male
Date of incident = 16 apr 06
Product involved = Wego Kite Tube
Product brand name/manufacturer =
Manufacturer street address =
Place where manufactured (City and State or Country) = Product involved still available =
No Product model and serial number, manufacture date = Date product purchased = Feb 06
Name Release = Release name to the manufacturer and public

812

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT [REDACTED]	2. PHONE NO. (HOME) (WORK) [REDACTED]
3. STREET ADDRESS [REDACTED]	4. CITY ST ZIPCODE [REDACTED]
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE [REDACTED]

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Kite tube may be under recall for CAP NR#06-210.

- cont -

6. DATE OF INCIDENT(S) 05/27/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 28 Y/M AND DESCRIBE INJURY broken bones in left leg, and left ankle	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
--------------------------------------	------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego
----------------------------------------	------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# unknown, DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE unknown
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ISSUE 43
07/24/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 01/01/2006 AGE 4 M	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Unknown
----------------------------------------------------------------------------------------------------------	----------------------------------------------------------------	---------------------------------------------------------------

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/21/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670200A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE emj 07/21/2006	

8/3

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H0670200A

Narrative Continued

Respondent believes kite tube poses a risk of injury.

5'10" tall, 180 lb respondent was riding kite tube and being pulled by a boat going approximately 25-30 MPH. Respondent let go of the handles as he was landing. Respondent was approximately 5' in the air when his left foot became entangled in kite tube. Kite tube began spinning and respondent landed in the water. Consumer and friends pulled respondent from the water and into the boat.

Friends took respondent to the ER at McCalester Hospital in McCalester, OK where he was examined by physician (name unknown). Physician took x-rays and told respondent that both bones in the lower portion of his left leg were broken. Physician also told respondent that his left ankle was broken. Physician told respondent that he would have to see an orthopedic surgeon.

5/31/2006 Respondent went to Southwest Orthopedic in Oklahoma City, OK where he was examined by physician (name unknown). Physician took x rays to confirm his injuries and placed his leg in a splint. Respondent went home.

6/1/2006 Respondent returned to Southwest Orthopedic where physician (name unknown) performed surgery on his left leg. Physician put a plate on respondent's broken bones and put screws and pins in his ankle.

Distributor Phone #:

CPSC Source: INTERNET

814

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

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

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Kite tube is under recall for CAP NR#06-210.

- cont -

6. DATE OF INCIDENT(S) 07/15/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 18 Y/M AND DESCRIBE INJURY broken right collar bone	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME ██████████ RELATIONSHIP brother
--------------------------------------	--------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego
----------------------------------------	------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff Inc. unknown unknown unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# 53-5000, DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE Buster's Marine ebay dealer unknown unknown unknown
---------------------------------------------------------------------------------------------------------	---------------------------------------------------------------	----------------------------------------------------------------------------------------------------

ISSUE 43
07/25/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 07/06/2006 AGE 9 D	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Never kite higher than you're willing to fall.
-------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/21/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670210A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE emj 07/24/2006	

815

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670210A

Narrative Continued

Consumer believes kite tube poses a risk of injury.

6' tall, 155 lb. brother was riding kite tube being pulled by a boat going approximately 30 MPH. Brother was approximately 15-20' in the air when a gust of wind caused kite tube to flip over. Brother lost control of kite tube and fell into the water head and shoulder first. Consumer helped brother climb onto the boat and out of the water.

7/15/2006 Ambulance took brother to the ER at Bloomington Hospital in Bloomington, IN where he was examined by physician (name unknown). Physician told brother that his right collar bone was broken. Physician prescribed pain killers for brother and put his right arm into a sling.

7/19/2006 Consumer contacted the manufacturer and explained the incident to rep., (name unknown). Rep., offered consumer free manufacturer products. Consumer declined offer.

Distributor Phone #:

CPSC Source: CPO

816

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT [REDACTED]	2. PHONE NO. (HOME) (WORK) [REDACTED] unknown
3. STREET ADDRESS [REDACTED]	4. CITY ST ZIPCODE [REDACTED] WI 53220
4a. EMAIL ADDRESS unknown	4b. INCIDENT CITY ST ZIPCODE [REDACTED] WI 53220

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 150 lb., 5'4" tall, daughter was riding the kite tube, while being pulled by a boat, at about 24 miles per hour, up and down a lake,
 - cont -

6. DATE OF INCIDENT(S) 05/31/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 21 Y/F AND DESCRIBE INJURY see narrative.	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME [REDACTED] RELATIONSHIP daughter
--------------------------------------	----------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego Kite Tube
----------------------------------------	----------------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown ISSUE 42 07/19/2006	12. MODEL, SERIAL #'s, DATE OF MFR M# unknown DOM unknow
	13. DEALER'S NAME, ADDRESS & PHONE Ducho Boat Center unknown PEwaukee, WI unknown

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 04/17/2006 AGE 1 M
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/18/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670156A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE myg 07/18/2006	

817

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H0670156A

Narrative Continued

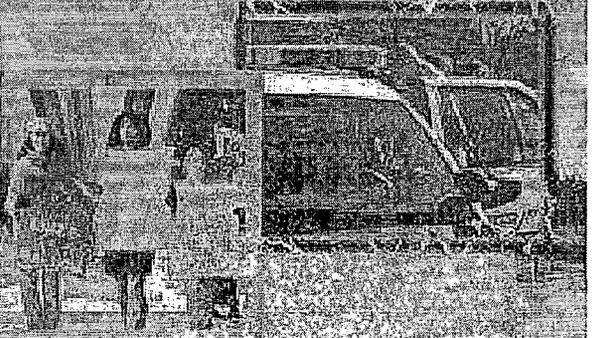
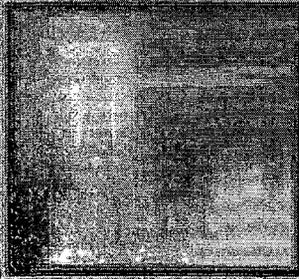
on a windy day. As daughter was approximately 6' high, in air, the kite tube suddenly flipped over, slamming daughter into the water, injuring her head and neck. Daughter returned to boat and appeared to be dazed. Consumer said daughter was unable to turn her neck.

Consumer took daughter to visit with chiropractor, Steven Longo, who examined daughter and took x-rays of neck. Physician informed consumer that the x-ray did not show any signs of fracture. Physician concluded daughter experienced a severe whiplash and provided daughter with treatment advise.

Consumer feels the kite tube can suddenly flip without warning presenting a serious injury hazard.

Distributor Phone #:

CPSC Source: DIRECTORY



Salem-News.com - July 19, 2006 - 12:12 pm

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Jul-19-2006 11:18

First Accident Reported on Kite Tube in Oregon

Salem-News.com

Manufacturers are now recalling some of the kite tubes.

(OWYHEE LAKE) - A recent kite tube accident on Oregon's Owyhee Lake led to the state's first serious injury with the controversial inflatable devices designed to be towed by a boat.

In this case, a 33-year old female was life-flighted to a Boise Hospital with possible crushed vertebra. It happened July 8th.

The Consumer Products Safety Commission sent out an advisory urging water enthusiasts to use extreme care when using this new towable device, prompting the Marine Board to issue an advisory on July 10th.

Kite tubes are large towed, inflatable toys designed to become airborne at moderate speeds. They have been blamed for a number of serious injuries

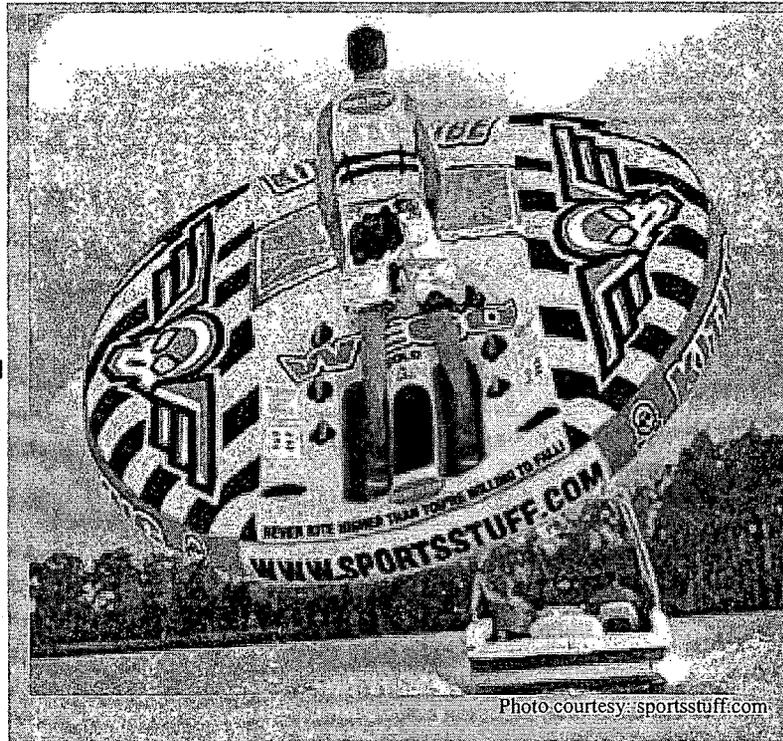
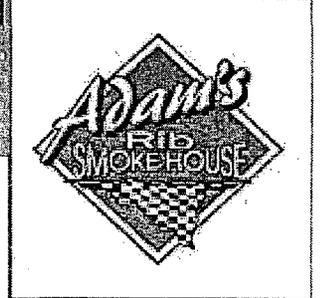
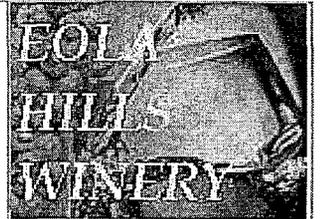


Photo courtesy: sportsstuff.com



About

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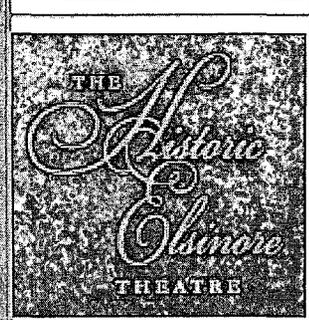
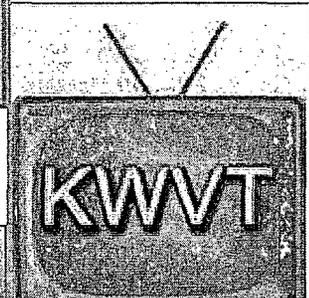
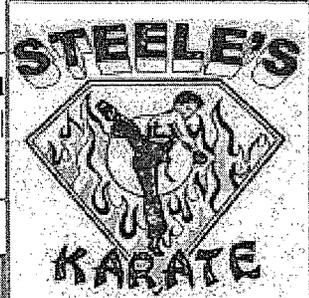
and several fatalities to riders in other states.

"We were hoping to be proactive in alerting boaters about the potential dangers before any injuries occur in Oregon," said Ashley Massey, Public Affairs Specialist for the Marine Board. "Any change in speed, wind direction, or handling by the rider can lead to a serious injury. Riders need to be very cautious."

The Wego Kite Tube appears to be the main product in question. Sportsstuff, Inc., the manufacturer of the Wego kite tube, issued a recall of this product on July 5th, in light of the various nationwide injuries and fatalities.

People who already own a Wego kite tube need to contact the company. Sportsstuff, Inc. will replace the kite tubes with other products up to the same value.

For more information about the recall notification, go to www.boatoregon.com.



Related

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Name:

HTML tags and certain characters are removed. (numbers, letters only or post may be cut short.)

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Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 20, 2006 6:50 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670322A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Tuesday, July 18, 2006 2:26 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670322A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Tuesday, July 18, 2006 8:34 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670322A

07/17/2006 22:15:22

Name = [REDACTED]
Address = 1 [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED] Dr
Victim's City = [REDACTED]
Victim's State = [REDACTED] a
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description: After reviewing the dvd and instructions I took my first ride on the Wego Kite Tube. After traveling about 200 yards on the water surface the tube started to rise above the water. It was impossible to control and bounced up off the water a few times until soaring ~30-40 feet in the air and then turned and plummeted into the lake. I had the wind knocked out of me and my back was extremely sore. Since then I have had limited flexibility and serious back pain resulting in a loss of sleep and restrictions on my activities. Since the condition did not improve over time I visited my Doctor, with Health Partners on 6/29/2006 for an exam where I was told to continue monitoring for improvement. To this day I still have limited mobility, trouble sleeping and have had to eliminate all athletic activities.

Victim's age at time of incident = 46
Victim's sex = Male
Date of incident = 6/15/2006
Product involved = Wego Kite Tube

Product brand name/manufacturer = SportStuff Manufacturer street address = Place where
manufactured (City and State or Country) = Product involved still available = Yes Product
model and serial number, manufacture date = Date product purchased = From Boattube.com
Name Release = Do not release name

Product brand name/manufacturer = SportStuff Manufacturer street address = NE 11213 "E"
Circle (A) Omaha, NE 68137 ...
Place where manufactured (City and State or Country) = United States (?) Product involved
still available = Yes Product model and serial number, manufacture date = Model 53-5000
Date product purchased = April 2, 2006 Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 20, 2006 6:40 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670269A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Tuesday, July 18, 2006 1:03 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670269A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Monday, July 17, 2006 8:53 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670269A

07/14/2006 23:30:11

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

Incident Description: Was using a Wego Kite tube at Assateague Island National Seashore in Ocean City MD, after hitting a gust of wind rose to a height of about 15 feet. The tube went out of control leaning right at first and then rolled to the left completely upside down. I fell and hit the water hard on the left side of my body. i was wearing a half suit and a 100mph jet piolt impact lifevest. When i hit the water I knocked the wind out of my chest and the left side of my face hit the water. I had an extreme headache and my face hurt. The next morning when i woke up my left eye was completely swollen. I went my local medical center and got checked out. over the night my sinus pressure had burst the damaged blood vessels under my eye. My head had continued to hurt on the left side where i was impacted for the next few days also leving me to belive i had suffered a mild concussion.

Victim's age at time of incident = 24
Victim's sex = Male
Date of incident = 7/9/06
Product involved = Wego Kite Tube

Product brand name/manufacturer = Sports Stuff Manufacturer street address = Place where
manufactured (City and State or Country) = Product involved still available = Yes Product
model and serial number, manufacture date = Date product purchased = around 6/30/06 Name
Release = Do not release name

Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 20, 2006 6:53 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670335A - Wego Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Tuesday, July 18, 2006 4:41 PM
To: EH-FER
Cc: Streeter, Robin A.
Subject: FW: Internet Form Complaint - Doc #I0670335A - Wego Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Tuesday, July 18, 2006 4:25 PM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670335A

07/18/2006 11:00:41

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 02885
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description: The incident occurred at the very beginning of my vacation. I was visiting a friend in Maine who had just purchased the Wego Kite Tube - we watched the video (numerous times), and hit the lake. Although I was not the first to try the kite tube, I was the first to actually "catch air". Within seconds of flying through the air the tube luffed at the middle and began to flip over. I let go out of fear of being trapped underneath between it and the water. I flew through the air and crashed face first into the water. The blood vessels in my feet and legs immediately burst - I could not see out of my right eye for hours - 3 weeks later and I still cannot blow my nose without SEVERE pain - I am taking 4 advil every 4-6 hours so my jaw does not ache to the point of tears - 3 weeks later and the bruising is still quite evident on the tops of my legs. I am seeing a doctor this week because I fear that I broke my nose in the fall. The pain I felt when I hit the water was excruciating - worse than labor - this is not something that should be on the market for amatures - users or drivers.

Victim's age at time of incident = 36

826

Victim's sex = Female
Date of incident = 07/02/06
Product involved = Wego Kite Tube
Product brand name/manufacturer = Wego
Manufacturer street address =
Place where manufactured (City and State or Country) = Product involved still available =
Product model and serial number, manufacture date = Date product purchased = Name Release
= Release name to the manufacturer and public

Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 20, 2006 6:51 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670326A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Tuesday, July 18, 2006 2:35 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670326A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Tuesday, July 18, 2006 8:34 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670326A

07/17/2006 18:33:08

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

Incident Description: My partner was severely injured on memorial day weekend on a Kite Tube. He fell from about 20 feet in the air and was knocked unconscious. Because of the water depth I couldn't perform proper cpr, so i proceeded to hit him in the back to get him to expell the water. He remembers being in the air and then does not remember anything until after he got to the hospital. He suffered a compressed neck. He bruised his abdomen, pelvis and groin. He tore his groin muscle and the muscle from his neck to his shoulder. He was off work for 9 days and in a neck brace for weeks. Other then some reaccuring neck pain he has completely healed. I cant say how glad I am that you pulled this stupid product off the market. They forgot to mention on the box that you cant control wind velocity or air current. No thrill ride is worth a life. I promptly deflated the tube and threw it away.

Victim's age at time of incident = 33
Victim's sex = Male
Date of incident = 05/27/2006

828

Product involved = Water Tube
Product brand name/manufacturer = Sportstuff Wego Kite Tube Manufacturer street address =
Place where manufactured (City and State or Country) = Omaha Nebraska Product involved
still available = No Product model and serial number, manufacture date = Date product
purchased = March or April Name Release = Release name to manufacturer only

Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 20, 2006 6:51 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670325A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Tuesday, July 18, 2006 2:33 PM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670325A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Tuesday, July 18, 2006 8:34 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670325A

07/17/2006 18:29:58

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 47720
Victim's Telephone = [REDACTED]

Incident Description: [REDACTED] was on tube and it climbed to approx. ten feet. It turned over in the air and she fell on her back. After seekinf medical attention and getting her back x-rayed it was found that she has a compression fracture in her back.

Victim's age at time of incident = 23
Victim's sex = Female
Date of incident = 7-2-06
Product involved = Sports Stuuf Kite Tube Product brand name/manufacturer = Sports Stuff
Manufacturer street address = 11213 E Circle Place where manufactured (City and State or Country) = Omaha, Nebraska Product involved still available = Yes Product model and serial number, manufacture date = Wego Kite Tube Date product purchased = 6-1-06 Name Release = Release name to the manufacturer and public

Topka, Tanya L.

From: Stern, Richard L.
Sent: Thursday, July 20, 2006 6:55 PM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670358A - Wego Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Wednesday, July 19, 2006 10:32 AM
To: EH-FER
Cc: Streeter, Robin A.
Subject: FW: Internet Form Complaint - Doc #I0670358A - Wego Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Wednesday, July 19, 2006 10:25 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.
Subject: Internet Form Complaint - Doc #I0670358A

07/19/2006 09:15:08

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]na
Zip = 28734
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]na
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description: Sandra was riding the kite tube when it raised very high in the air and flipped. Sandra fell several feet in the water. She fell face first and obtained a large hematoma over left orbital bone, two black eyes and a swollen nose. She did seek medical attention two days after incident due to facial swelling. Xray revealed no broken bones.

Victim's age at time of incident = 36
Victim's sex = Female
Date of incident = 7/09/06
Product involved = Wego Kite Tube
Product brand name/manufacturer = Wego Kite Tube by Sprotsstuff Inc Manufacturer street address = Place where manufactured (City and State or Country) = Omaha, NE Product involved still available = Yes Product model and serial number, manufacture date = 53-5000 Date product purchased = 4/26/06 Name Release = Release name to manufacturer only

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT ██████████		2. PHONE NO. (HOME) (WORK) ██████████ unknown#	
3. STREET ADDRESS ██████████		4. CITY ST ZIPCODE ██████████	
4a. EMAIL ADDRESS unknown		4b. INCIDENT CITY ST ZIPCODE ██████████	
5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES 5'2" 170 lb., nephew was riding the kite tube as it was being pulled by boat, driven by consumer, at about 30 miles mph. While - cont -			
6. DATE OF INCIDENT (S) 06/27/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX AND DESCRIBE INJURY 45 Y/M see narrative		8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
9. DESCRIPTION OF PRODUCT kite tube		10. BRAND NAME Wego Kite Tube	
11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown		12. MODEL, SERIAL #'s, DATE OF MFR M# unknown DOM unknown	
<p style="text-align: center;">ISSUE 42</p> <p style="text-align: center;">07/20/2006</p>		13. DEALER'S NAME, ADDRESS & PHONE The Anchor unknown Rasida, CA unknown	
		14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	
15. PRODUCT PURCHASED NEW DATE PURCHASED 05/01/2006 AGE 1 M		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES	
FOR ADMINISTRATION USE			
20. DATE RECEIVED 07/19/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670177A	
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200	
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE myg 07/19/2006	

832

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H0670177A

Narrative Continued

approximately 15' to 20' in air, he caught a gust of wind. As consumer decreased the boat speed, the kite tube hit the water, and nephew was thrown off. Consumer returned and picked up nephew, who was in a state of shock and was spitting up blood.

Brother, who is a paramedic for the Los Angeles, CA fire dept. and sister, who is a registered nurse, and other 2 brothers, who were at the scene, are EMTs, examined nephew. Nephew's bleeding stopped on its own. No further treatment was needed.

6/2006 180 lb., 5'8 tall, consumer was riding the kite tube, as it was being pulled by boat, driven by nephew, at about 30 miles per hour. As the kite tube reached approximately 20' high in air, he suddenly caught a gust of wind, taking the kite tube to one side and throwing consumer into water. Consumer experienced temporary loss of memory for a day and sustained a concussion. consumer was examined by Brothers and sister, who also kept close observation of consumer.

Vict #	Sex	Age	Name	Relationship
2	M	26 Y	Timothy M. Keane	nephew

Vict #	Victim Injury Description
2	see narrative

Distributor Phone #:

CPSC Source: DIRECTORY

833

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT [REDACTED] (incident)	2. PHONE NO. (HOME) (WORK) [REDACTED] [REDACTED]
3. STREET ADDRESS [REDACTED]	4. CITY ST ZIPCODE [REDACTED] OH 45431
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE Beaver Creek OH 45431

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Kite tube appears to be under recall for CAP NR#06-210.

- cont -

6. DATE OF INCIDENT (s) 05/30/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 32 Y/F AND DESCRIBE INJURY. C2 fracture in neck	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
---------------------------------------	----------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego
----------------------------------------	------------------------

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

ISSUE 42

07/21/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 05/27/2006 AGE 3 Y
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Unknown

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/19/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670183A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE emj 07/20/2006	

834

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670183A

Narrative Continued

Respondent believes kite tube poses a risk of injury.

5'9", 130 lb respondent was riding kite tube being pulled by a boat at approximately 20-25 MPH. Respondent was in the air (height unknown) when a gust of wind caused her and kite tube to flip and fall into the water. Respondent landed in the water head first and could not move. Friends got respondent out of the water and contacted an ambulance.

Ambulance took respondent to the ER at Claiborne County Hospital in Tazewell, TN where she was examined by physician (name unknown).

5/31/2006 Physician contacted respondent and told her that they found a fracture in her neck.

5/31/2006 Respondent went to the University of Tennessee Hospital in Knoxville, TN where she was examined and treated by physician (name unknown) for a C2 fracture in her neck.

Distributor Phone #:

CPSC Source: INTERNET

835

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████		2. PHONE NO. (HOME) (WORK) ██████████ unknown	
3. STREET ADDRESS ██████████		4. CITY ST ZIPCODE ██████████	
4a. EMAIL ADDRESS unknown		4b. INCIDENT CITY ST ZIPCODE ██████████ 91	
5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES 170 lb., 5'11" tall, son was riding the kite tube as it was being pulled by a boat at about 25 miles per hour, when it suddenly - cont -			
6. DATE OF INCIDENT(S) 06/04/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 23 Y/M AND DESCRIBE INJURY see narrative.		8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME RELATIONSHIP ██████████ son
9. DESCRIPTION OF PRODUCT kite tube		10. BRAND NAME Wego Kite Tube	
11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown		12. MODEL, SERIAL #'s, DATE OF MFR M# unknown DOM unknown	
<p style="text-align: center;">ISSUE 42</p> <p style="text-align: center;">07/20/2006</p>		13. DEALER'S NAME, ADDRESS & PHONE Overtons unknown Greenville, NC unknown	
		14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	
15. PRODUCT PURCHASED NEW DATE PURCHASED 05/29/2006 AGE 5 D		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown	
17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? no	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES	
FOR ADMINISTRATION USE			
20. DATE RECEIVED 07/19/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670181A	
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200	
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE myg 07/19/2006	

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670181A

Narrative Continued

started going side to side, the took a nose dive. Son was thrown out the side of kite tube and into water, where he was knocked unconscious. Other son jumped into water and took his face out water. Son regained consciousness after 2 minutes.

Son started vomiting in route to to hospital.

Consumer took son to Bladen Regional hospital in Elizabethtown, NC, where ER staff performed X-ray and MRI's and determined son sustained bruising to rib cage, and a severe concussion. Son was discharged same day.

6/19/2006 Consumer called and explained incident to dealer's rep. (name unknown) who offered consumer a full refund and stated that he will have the kite tube taken off the shelves. Rep. also commented that they have had too many reports of problems with the product.

Distributor Phone #:

CPSC Source: DIRECTORY

837

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT [REDACTED]		2. PHONE NO. (HOME) (WORK) [REDACTED] unknown	
3. STREET ADDRESS [REDACTED]		4. CITY ST ZIPCODE [REDACTED] IL 60142	
4a. EMAIL ADDRESS unknown		4b. INCIDENT CITY ST ZIPCODE [REDACTED] IL 60142	
5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES 155 lb., 5'7" tall, consumer was riding the kite tube as it was being pulled by a boat, driven by friend, at about 20 to 25 mph. - cont -			
6. DATE OF INCIDENT(S) 06/25/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 34 Y/M AND DESCRIBE INJURY see narrative		8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
9. DESCRIPTION OF PRODUCT kite tube		10. BRAND NAME Wego Kite Tube	
11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown 866-831-5524 unknown		12. MODEL, SERIAL #'s, DATE OF MFR M# unknown DOM unknown	
<p style="text-align: center;">ISSUE 42</p> <p style="text-align: center;">07/20/2006</p>		13. DEALER'S NAME, ADDRESS & PHONE e-bay unknown unknown unknown	
		14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	
15. PRODUCT PURCHASED NEW DATE PURCHASED 06/01/2006 AGE 24 D		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown	
17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? yes	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION		19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
FOR ADMINISTRATION USE			
20. DATE RECEIVED 07/19/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL		22. DOCUMENT NO. H0670176A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200	
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE myg 07/19/2006	

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CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670176A

Narrative Continued

Consumer said the kite tube was holding steady at approximately 5' to 8' high in air, elevating to about 10' high, when it drastically increase its height. Once it reached about 25' high, the kite tube started to become unstable, swaying back and forth, at high speed, where consumer began to lose control for about a second. The kite tube then inverted and dove into water. Friend turned the boat around and pulled consumer out of water, who appeared to be in a daze. 30 minutes later, consumer started to regain consciousness.

Consumer was taken to Skaggs Hospital in Branson, MO, Tel: ~~417-735-1111~~ where ER staff performed a cat scan and x-ray. Physician determined consumer had sustained a severe concussion, with pulled ligaments in neck and back. Physician prescribed pain medication and advised to be woken up, from sleep, every 2 hours. If his pupils appeared to be of different dilation, he will need to re-visit hospital. Consumer was discharged same day.

Consumer feels the kite tube presents a serious injury hazard.

Distributor Phone #:

CPSC Source: DIRECTORY

Topka, Tanya L.

From: Stern, Richard L.
Sent: Tuesday, July 18, 2006 6:48 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670269A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Monday, July 17, 2006 11:21 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670269A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Monday, July 17, 2006 8:53 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670269A

07/14/2006 23:30:11

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 21811
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 21811
Victim's Telephone = [REDACTED]

Incident Description: Was using a Wego Kite tube at Assateague Island National Seashore in Ocean City MD, after hitting a gust of wind rose to a height of about 15 feet. The tube went out of control leaning right at first and then rolled to the left completely upside down. I fell and hit the water hard on the left side of my body. i was wearing a half suit and an 100mph jet piolt impact lifevest. When i hit the water I knocked the wind out of my chest and the left side of my face hit the water. I had an extreme headache and my face hurt. The next morning when i woke up my left eye was completely swollen. I went my local medical center and got checked out. over the night my sinus pressure had burst the damaged blood vessels under my eye. My head had continued to hurt on the left side where i was impacted for the next few days also leving me to belive i had suffered a mild concussion.

Victim's age at time of incident = 24
Victim's sex = Male
Date of incident = 7/9/06
Product involved = Wego Kite Tube

840

Product brand name/manufacturer = Sports Stuff Manufacturer street address = Place where
manufactured (City and State or Country) = Product involved still available = Yes Product
model and serial number, manufacture date = Date product purchased = around 6/30/06 Name
Release = Do not release name

Topka, Tanya L.

From: Stern, Richard L.
Sent: Tuesday, July 18, 2006 6:48 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670263A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Monday, July 17, 2006 11:20 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670263A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Monday, July 17, 2006 8:52 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670263A

07/14/2006 18:21:50

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = South Dakota
Zip = 57401
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED] Ave Northeast Victim's City = Aberdeen Victim's State =
South Dakota Victim's Zip = 57401 Victim's Telephone = [REDACTED]

Incident Description: Injury suffered while using the Wego Kite Tube. Was thrown while in the air and suffered a torn AC in the left shoulder.

Victim's age at time of incident = 34
Victim's sex = Male
Date of incident = 6/25/2006
Product involved = Wego Kite Tube
Product brand name/manufacture street address = 11213 E.
Circle, Suite A Place where manufactured (City and State or Country) = Omaha, Nebraska
Product involved still available = Yes Product model and serial number, manufacture date =
Wego Kite Tube, Model #53-5000 Date product purchased = June of 2006 Name Release =
Release name to the manufacturer and public

842

Topka, Tanya L.

From: Stern, Richard L.
Sent: Tuesday, July 18, 2006 6:47 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670261A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----

From: Topping, John C.
Sent: Monday, July 17, 2006 11:20 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670261A - Kite Tube

-----Original Message-----

From: Noble, Laura EW
Sent: Monday, July 17, 2006 8:52 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670261A

07/14/2006 16:15:03

Name of Health Care Professional = self
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = [REDACTED]
Email = [REDACTED]
Telephone = [REDACTED]

Product involved = Wego Kite Tube- inflatable towable for boating Product brand
name/manufacture = Wego Manufacturer street address = ?
Place where manufactured (City and State) = ?
Product model and serial number =
Date product purchased = 07-25-06

Incident Description: While riding the new "Kite Tube", I fell from a height of about ten feet at fifty-five miles per hour injuring my spleen and several ribs. I notified the company the day after the accident complaining about the fact that I could not see through the window provided because of the poor design which causes the window to form a thick layer of condensation which makes it impossible for the rider to see the boat, impossible to see your spotter, and impossible to control the stability of your flight. To add to the danger, your spotter cannot see the rider!! The woman I spoke to knew what I was referring to and told me how to fix the problem, only temporarily. The product, for this reason alone, should have been considered unsafe for distribution to the consumers. Nowhere in the video does it refer to this danger, nor how to deal with it.

Victim's age at time of incident = 38
Victim's sex = Male
Date of incident = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]

843

Victim's City = nashua
Victim's State = New Hampshire
Victim's Zip = 03062
Victim's Telephone = ██████████

Product involved still available = Yes
Where product located = Nashua

Topka, Tanya L.

From: Stern, Richard L.
Sent: Tuesday, July 18, 2006 6:49 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670271A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Monday, July 17, 2006 11:22 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670271A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Monday, July 17, 2006 8:53 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670271A

07/15/2006 02:45:46

Name = [REDACTED]
Address = 3400 Heather [REDACTED]
City = Westland
State = [REDACTED]
Zip = 48090
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED] North Victim's City = Westland Victim's State =
Michigan Victim's Zip = [REDACTED] Victim's Telephone = [REDACTED]

Incident Description: Tom was on the Wego Kite Tube and fell from about 10 feet in the air after catching a coss wind and he hit the water and the tube came down on top of him. He was taken to a local hospital where, after a CT scan, they found that he had bruised his aorta and was seeping blood, every heart beat was putting pressure on the weak point. The doctors said if it split open he would bleed to death in under a minute. He was then air lifted to the University of Michigan hospital where he had bypass surgery immediatly. He suffered from a traumatic aortic tear, and as a result of the surgery he may have permante nerve damage to his vocal cords.

Victim's age at time of incident = 25
Victim's sex = Male
Date of incident = 07/03/2006
Product involved = Big 10 foot flying tube Product brand name/manufacturer = Wego Kite
Tube Manufacturer street address = Place where manufactured (City and State or Country) =
Omaha, Nebraska Product involved still available = Yes Product model and serial number,
manufacture date = 53-5000 Date product purchased = 7/1/06 Name Release = Release name to
the manufacturer and public

8/5

Topka, Tanya L.

From: Stern, Richard L.
Sent: Tuesday, July 18, 2006 6:49 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670299A - kite tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Monday, July 17, 2006 11:29 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670299A - kite tube

-----Original Message-----
From: Noble, Laura EW
Sent: Monday, July 17, 2006 8:55 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670299A

07/16/2006 14:03:11

Name = [REDACTED]
Address = [REDACTED] Dr.
City = [REDACTED]
State = [REDACTED]
Zip = 51623
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = same
Victim's City = same
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description: Kite tubing on a friends boat, was injured after hitting the water. Spent 3 days in hospital, with a broken rib and a collapsed lung. These things are very unsafe. Whomever designed them did not know what they were doing.

Victim's age at time of incident = 48
Victim's sex = Male
Date of incident = 6/28/2006
Product involved = kite tube
Product brand name/manufacturer = not known it is someone elses.
Manufacturer street address =
Place where manufactured (City and State or Country) = Product involved still available =
Product model and serial number, manufacture date = Date product purchased = Name Release
= Release name to manufacturer only

846

Topka, Tanya L.

From: Stern, Richard L.
Sent: Tuesday, July 18, 2006 6:49 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670288A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Monday, July 17, 2006 11:28 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670288A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Monday, July 17, 2006 8:54 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670288A

07/15/2006 12:37:21

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 48657
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = 48657
Victim's Telephone = [REDACTED]

Incident Description: Wego Kite Tube crashed into water on top of victim. Victim sustained concussion and injury to neck, back and right leg.

Victim's age at time of incident = 50
Victim's sex = Male
Date of incident = 05/03/2006
Product involved = Wego Kite Tube
Product brand name/manufacturer = Wego
Manufacturer street address =
Place where manufactured (City and State or Country) = omaha, ne Product involved still available = Yes Product model and serial number, manufacture date = wego kite tube Date product purchased = 4/3/2006 Name Release = Release name to the manufacturer and public

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Topka, Tanya L.

From: Stern, Richard L.
Sent: Tuesday, July 18, 2006 6:50 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670305A - kite tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Monday, July 17, 2006 11:30 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670305A - kite tube

-----Original Message-----
From: Noble, Laura EW
Sent: Monday, July 17, 2006 8:55 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670305A

07/16/2006 22:06:38

Name = [REDACTED]
Address = 1 [REDACTED]
City = [REDACTED]
State = [REDACTED] t
Zip = 06082
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = 1 [REDACTED] d
Victim's City = [REDACTED] ent
Victim's State = [REDACTED]
Victim's Zip = 06082
Victim's Telephone = [REDACTED]

Incident Description: While using wego kite tube manufactured by sportssuff, kite tube flew uncontrollably, throwing me to the water, where I landed feet first. This resulted in a severe ankle sprain requiring emergency room treatment and missed work and pain since.

Victim's age at time of incident = 31
Victim's sex = Male
Date of incident = 7-7-06
Product involved = Wego kite tube
Product brand name/manufacturer = sportsstuff Manufacturer street address = 11213 E Cir Suite A Place where manufactured (City and State or Country) = Omaha, NE 68137 Product involved still available = No Product model and serial number, manufacture date = Date product purchased = dont know Name Release = Do not release name

Topka, Tanya L.

From: Stern, Richard L.
Sent: Tuesday, July 18, 2006 6:50 AM
To: Topka, Tanya L.
Subject: FW: Internet Form Complaint - Doc #I0670304A - Kite Tube

Richard L. Stern
Associate Director
Fuel, Electrical & Recreational Products U.S. Consumer Product Safety Commission
voice: 301-504-7620
fax: 301-504-0359
e:mail: rstern@cpsc.gov

-----Original Message-----
From: Topping, John C.
Sent: Monday, July 17, 2006 11:30 AM
To: EH-FER
Cc: Ingle, Robin L.
Subject: FW: Internet Form Complaint - Doc #I0670304A - Kite Tube

-----Original Message-----
From: Noble, Laura EW
Sent: Monday, July 17, 2006 8:55 AM
To: Emerging Hazards; Internet Incident Reports; Incident Reports; Cohn, Murray S.;
Hudnall, Maria L.; Blasius, Dennis R.; Schoem, Marc J.
Subject: Internet Form Complaint - Doc #I0670304A

07/16/2006 20:03:31

Name = [REDACTED]
Address = [REDACTED]
City = [REDACTED]
State = [REDACTED]
Zip = 59922
Email = [REDACTED]
Telephone = [REDACTED]
Name of Victim = [REDACTED]
Victim's Address = [REDACTED]
Victim's City = [REDACTED]
Victim's State = [REDACTED]
Victim's Zip = [REDACTED]
Victim's Telephone = [REDACTED]

Incident Description: While being towed on the Sportstuff Kite Tube, the tube sharply dove from an allitude of 15 feet uncontrollably. Tube then collapsed and threw the rider (Robert) into the air causing violent crash. The impact caused cracked and bruised ribs. Breathing difficulties and lung problems. Doctor claims 6 months to recover fully. Iam unable to work, and unable to enjoy summer activites. The product did not perform as the manufacturer stated. The tube is very misleading and is dangerous.

Victim's age at time of incident = 43
Victim's sex = Male
Date of incident = 07092006
Product involved = Wego Kite Tube
Product brand name/manufacturer = Sportstuff inc Manufacturer street address = 11213 E Circle Suite A Place where manufactured (City and State or Country) = Omaha, NE United States Product involved still available = Yes Product model and serial number, manufacture date = Wego Kite Tube Date product purchased = 07092006 Name Release = Release name to the

849

manufacturer and public

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT ██████████		2. PHONE NO. (HOME) (WORK) ██████████ / 780 ██████████	
3. STREET ADDRESS ██████████		4. CITY Salem	ST ZIPCODE OR 97302
4a. EMAIL ADDRESS unknown		4b. INCIDENT CITY Salem	ST ZIPCODE OR 97302
5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES 135 lb., 5'11" tall, son was riding the kite tube as it was being pulled by boat, driven by consumer, at about 20 to 25 miles per - cont -			
6. DATE OF INCIDENT (S) 07/16/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 22 Y/M AND DESCRIBE INJURY see narrative.	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME not given RELATIONSHIP son	
9. DESCRIPTION OF PRODUCT kite tube		10. BRAND NAME Sportsstuff	
11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown		12. MODEL, SERIAL #'s, DATE OF MFR M# unknown DOM unknown	
<p style="text-align: center;">ISSUE 42</p> <p style="text-align: center;">07/18/2006</p>		13. DEALER'S NAME, ADDRESS & PHONE e-bay unknown unknown unknown	
		14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	
15. PRODUCT PURCHASED NEW DATE PURCHASED 06/15/2006 AGE 1 M		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES	
FOR ADMINISTRATION USE			
20. DATE RECEIVED 07/17/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670145A	
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200	
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE myg 07/17/2006	

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CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H0670145A

Narrative Continued

hour, when it suddenly went 25' to 30' up in air, then turned sideways. Son was thrown into water.

Son was transported by ambulance to Stayton Memorial Hospital in Stayton, OR, where ER staff, issued son with pain son had sustained 2 crushed vertebrae in neck. ER physician, Dr. Charles Stringham, referred son to a neurosurgeon for further treatment. Son was released same day.

Consumer scheduled appt. with neurosurgeon, Dr. Jerry Hubbard's, office for July 27th.

07/17/2006 Consumer called and explained incident to manufacturer's rep. (name unknown) who offered to send consumer a replacement tube; consumer has not accepted.

Consumer feels the kite tube presents a serious injury hazard.

Distributor Phone #:

CPSC Source: DIRECTORY

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CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████		2. PHONE NO. (HOME) (WORK) ██████████ unknown	
3. STREET ADDRESS ██████████		4. CITY ST ZIPCODE ██████████ NC 27332	
4a. EMAIL ADDRESS unknown		4b. INCIDENT CITY ST ZIPCODE ██████████ NC 27332	
5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES 165 lb., 5'9" tall, son was riding the kite tube while being pulled by boat (speed unknown), driven by husband, and was - cont -			
6. DATE OF INCIDENT(S) 07/05/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX AND DESCRIBE INJURY 15 Y/M see narrative		8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME RELATIONSHIP ██████████ son
9. DESCRIPTION OF PRODUCT kite tube		10. BRAND NAME Wego Kite Tubes	
11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown		12. MODEL, SERIAL #'s, DATE OF MFR M# unknown DOM unknown	
<p style="text-align: center;">ISSUE 42</p> <p style="text-align: center;">07/17/2006</p>		13. DEALER'S NAME, ADDRESS & PHONE KC Marine unknown Sanford, NC unknown	
		14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	
15. PRODUCT PURCHASED NEW DATE PURCHASED 06/30/2006 AGE 5 D		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION		19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
FOR ADMINISTRATION USE			
20. DATE RECEIVED 07/14/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670136A	
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200	
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE myg 07/14/2006	

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CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670136A

Narrative Continued

approximately 16' height in air. As the kite tube started to come down, the tube went down on its side, the abruptly positioned upright, injuring son's right ankle.

Consumer, who is a nurse, examined son's injury and conducted Rx at home.

The following day, consumer re-examined son's ankle and noticed that this ankle had become swollen.

Consumer said prior to riding the kite tube, both son and husband watched a video instruction, demonstrating proper riding.

07/06/2006 Consumer took son to Health Pavilion North in Fayetteville, NC, where x-rays were performed. Physician Assistant (name unknown) determined the bone remained intact. PA placed son's right ankle in a temporary cast. Son was released same day. Consumer said medical registration rep. (name unknown) commented that another patient had come in with similar injuries as result of riding kite tube.

07/13/2006 Consumer took son to visit with orthopedic physician, Dr. Bradley Broussard, 4140 Fern Creek Drive, Suite 801, Fayetteville, 28314, 910-484-2171, who conducted another x-ray and confirmed break to son's ankle. Physician determined surgery was not needed and placed another temporary cast.

Consumer feels the kite tube presents a serious injury hazard.

Distributor Phone #:

CPSC Source: DIRECTORY

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CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT [REDACTED]	2. PHONE NO. (HOME) (WORK) [REDACTED]
3. STREET ADDRESS [REDACTED]	4. CITY ST ZIPCODE [REDACTED] 4
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE [REDACTED] 4

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Respondent believes kite tube poses a risk of injury.

- cont -

6. DATE OF INCIDENT(S) 06/04/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 22 Y/F AND DESCRIBE INJURY burst L2 L3 vertebrae in back	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME [REDACTED] RELATIONSHIP daughter
--------------------------------------	-------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego
----------------------------------------	------------------------

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

ISSUE 42
07/19/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 01/01/2006 AGE 5 M
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown

17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? yes	18. IS THE PRODUCT STILL AVAILABLE? NO IF NOT, ITS DISPOSITION never purchased	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
--------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------	---------------------------------------------------

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/18/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670151A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE emj 07/18/2006

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CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H0670151A

Narrative Continued

Daughter was riding on kite tube being pulled by boat (speed unknown) when she went up 20' in the air. Daughter suddenly fell off of kite tube (reason why unknown) and into the water. Friends pulled daughter out of the water. Daughter injured her neck and experienced a moment of unconsciousness. Daughter experienced tingling in her left arm and had difficulty walking. Friends took daughter home and explained the incident to respondent.

6/4/2006 Respondent took daughter to Gilbert Hospital in Gilbert, AZ where she was examined by physician (name unknown). Physician told respondent that daughter had a burst L2 L3 vertebrae in her back.

7/18/2006 Daughter is now in a body cast. No further information was disclosed.

Distributor Phone #:

CPSC Source: WOM

856

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████	2. PHONE NO. (HOME) (WORK) ██████████
3. STREET ADDRESS ██████████	4. CITY ST ZIPCODE ██████████ GA 30517
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE ██████████ GA 30517

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Kite tube appears to be under recall for CAP NR#06-210.

- cont -

6. DATE OF INCIDENT (S) 07/07/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 21 Y/M AND DESCRIBE INJURY broken bones in right foot	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME unknown RELATIONSHIP brother-in-law
---------------------------------------	----------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego
----------------------------------------	------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Wego unknown unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# unknown, DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE unknown
----------------------------------------------------------------------------------	---------------------------------------------------------------	-----------------------------------------------

ISSUE 42
07/19/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 05/26/2006 AGE 2-M	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Unknown
-------------------------------------------------------------------------------------------------------	-------------------------------------------------------------	---------------------------------------------------------------

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/18/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670154A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE emj 07/18/2006	

857

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670154A

Narrative Continued

6' tall, 180 lb. brother-in-law was riding kite tube being pulled by boat between 15 to 20 MPH. Brother-in-law was approximately 30' in the air when the wind caused kite tube to become unstable and brother-in-law to fall into the water. Brother-in-law fell on his right side and injured his right foot.

Consumer took brother-in-law to the ER at Gainesville Medical Hospital in Gainesville, GA where he was examined by physician (name unknown). Physician told brother-in-law that his foot was broken in five different places. Physician put a cast on brother-in-law's foot.

Distributor Phone #:

CPSC Source: INTERNET

858

Topka, Tanya L.

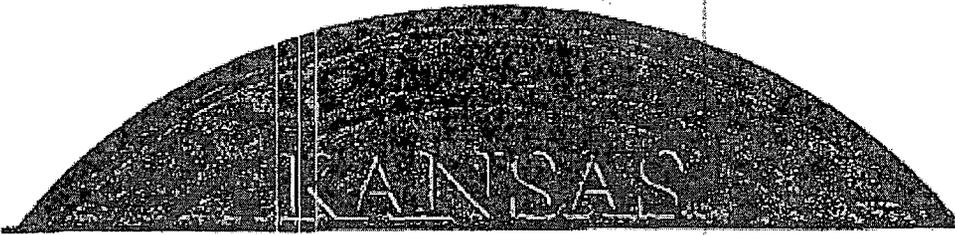
From: Blasius, Dennis R.
Sent: Wednesday, July 26, 2006 4:30 PM
To: Ingle, Robin L.; Topka, Tanya L.
Subject: Kansas Wego incident report
Attachments: Kansas 070106.pdf

Here's another. Punctured lung. This is the entire official report. I talked with the investigator, it was indeed a Wego.

Dennis Blasius
Special Assistant to the Deputy Director,
Office of Compliance and Field Operations
U.S. Consumer Product Safety Commission
Ph. # 262-650-1216
Fax # 262-650-1217
Cell # 202-595-4619
dblasius@cpsc.gov

7/27/2006

859



DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

July 26, 2006

Dennis Blasius
Deputy Regional Director
U.S. Consumer Product Safety Commission
2331 Silvernail, #24
Pewaukee, WI 53072

Dear Mr. Blasius:

Thank you for your request concerning a Boating Accident Report as maintained by the Kansas Department of Wildlife & Parks. This information is included with this correspondence.

We are regulated in our actions in supplying information by a series of state laws which comprise a consumer protection act for the state of Kansas. The laws simply say that we can not provide lists if they will be used to sell to individuals on that list. Kansas state law provides that "No person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records ...". These restrictions also apply to your use or allowed use of this information.

Thank you for your inquiry.

Sincerely,

Cindy Livingston MA

Cindy Livingston, Director
Administrative Services Division

cc: Open Records File

*Kansas state law states
confirms this involved a
Sportsstuff "WEGO" Kite Tube.
Blasius
7/26/06*

860

OFFICER BOAT ACCIDENT REPORT

Reporting Officer Laura Hockett

Date 7-1-06

REV 10/00 PG. 1 of 4

ORI NUMBER KSC1760200

OTHER AGENCY NUMBER _____

KDWP NUMBER 02-25-2006

ACCIDENT CRITERIA

Recreational Boating Accident?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Complete Loss of Vessel?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Number of Boats in Accident:	1		Disappearance of Person?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Injuries Requiring Medical Treatment?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Indicating Injury or Death?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Death Related to Accident?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, number	1	

Property Damage (Estimated)	Date of Accident	Day of Week	Time of Day	Name of Body of Water
Vessel A _____	7-1-06	Saturday	3:45 P.M.	Milford Reservoir
Vessel B _____	Location		Nearest City or Town	County
Vessel C _____	Piney Point		Junction City	Geary
Other Property _____				State
Total Damage \$0				KS

WEATHER

Weather (Check all applicable)		Water Conditions		Temperatures		Wind		Visibility	
<input checked="" type="checkbox"/> Clear	<input type="checkbox"/> Rain	<input type="checkbox"/> Calm (Waves < 6")	Air	99 F	<input type="checkbox"/> None	Day	Night	<input checked="" type="checkbox"/> Good	<input type="checkbox"/>
<input type="checkbox"/> Cloudy	<input type="checkbox"/> Snow	<input checked="" type="checkbox"/> Choppy (6" to 2')	Water	75 F	<input type="checkbox"/> Light (0-6 mph)	<input type="checkbox"/> Fair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Fog	<input type="checkbox"/> Hazy	<input type="checkbox"/> Rough (2' to 6')			<input checked="" type="checkbox"/> Strong (15-25 mph)	<input type="checkbox"/> Poor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/> Very Rough (>6')			<input type="checkbox"/> Storm (Over 25 mph)				
		<input type="checkbox"/> Strong Current							

TYPE OF ACCIDENT

Check all applicable. If more than one, number choices in order of occurrence.

<input type="checkbox"/> Grounding	<input type="checkbox"/> Capsizing	<input type="checkbox"/> Flooding/Swamping	<input type="checkbox"/> Sinking	<input type="checkbox"/> Hit and Run	<input checked="" type="checkbox"/> Skier Mishap
<input type="checkbox"/> Fire or Explosion (Fuel)	<input type="checkbox"/> Fire or Explosion (Other)	<input type="checkbox"/> Collision with Floating Obj.	<input type="checkbox"/> Fall Overboard	<input type="checkbox"/> Collision w/Fixed Obj	<input type="checkbox"/> Fall in Boat
<input type="checkbox"/> Collision w/ Vessel	<input type="checkbox"/> Struck Submerged Obj.	<input type="checkbox"/> Other			<input type="checkbox"/> Struck by Boat

WHAT CONTRIBUTED TO ACCIDENT

Check all applicable. If more than one, number choices in order of occurrence.

<input type="checkbox"/> Weather	<input type="checkbox"/> Careless/Reckless Oper.	<input type="checkbox"/> Excessive Speed	<input type="checkbox"/> Hull Failure
<input type="checkbox"/> Improper Lookout	<input type="checkbox"/> Machinery Failure	<input type="checkbox"/> Restricted Vision	<input type="checkbox"/> Equipment Failure
<input type="checkbox"/> Overloading	<input type="checkbox"/> Operator Inexperience	<input type="checkbox"/> Improper Loading	<input type="checkbox"/> Congested Waters
<input type="checkbox"/> Hazardous Waters	<input checked="" type="checkbox"/> Passenger/Skier Behavior	<input type="checkbox"/> Alcohol Use	<input type="checkbox"/> Drug Use
<input type="checkbox"/> Dam/Lock	<input type="checkbox"/> Failure to Vent	<input type="checkbox"/> Improper Anchoring	<input type="checkbox"/> Sharp Turn
<input type="checkbox"/> Starting in Gear	<input type="checkbox"/> Ignition of Spilled Fuel/Vapor	<input type="checkbox"/> Lack of or Improper Boat Lights	
<input type="checkbox"/> Standing/Sitting on Gunwales, Bow, Transom			
<input type="checkbox"/> Rules of Road Infraction			

VESSEL - A

Operator's Name		Owner's Name (if different from Operator's)	
Address		Address	
City, State, Zip		City, State, Zip	
Salina, KS 67401		()	
Telephone Number		Telephone Number	
()		()	
Operator's DOB	Age	Sex	Operator's Experience
	50	<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Under 10 hours
Operator Factor		Female	<input type="checkbox"/> 10 to 100 hours
<input checked="" type="checkbox"/> Appeared Normal			<input checked="" type="checkbox"/> Over 100 hours
<input type="checkbox"/> Ability Impaired			
Instruction in Boating Safety		Operator Condition	
<input checked="" type="checkbox"/> State Course	<input type="checkbox"/> Had Been Drinking	<input type="checkbox"/> Using Drugs	<input checked="" type="checkbox"/> Other
<input type="checkbox"/> USCG Auxiliary			
<input type="checkbox"/> U.S. Power Squadron			
<input type="checkbox"/> American Red Cross			
<input type="checkbox"/> None			
Blood Alcohol Test		Statement Taken	
<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (mark type(s) and result(s))	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	PBT	Breath	Blood
		Urine	STPS

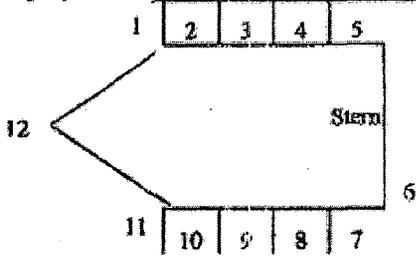
861

ALL FATALITIES CONTINUED

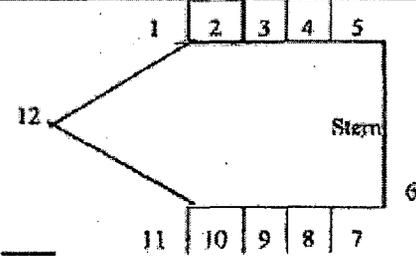
Was the Victim: Operator Passenger Swimmer Water-skiier
 Death Caused by: Other Drowning Hypothermia Impact/Trauma
 Propeller Injury? Yes No
 Activity of Victim: Fishing Hunting Swimming Skin Diving Water Skiing
 Other _____
 Victim's Dress: Bathing Suit Light Clothing Heavy Clothing
 Other _____
 Physical Condition of Victim: Unknown Normal Ill Under the Influence
 Other _____
 Victim's Swimming Ability: Unknown Swimmer Non-Swimmer
 PFD Worn? Yes No Type?

DAMAGE TO ALL BOATS

Damage to Boat A. Damage Estimate: \$0 Damage to Boat B. Damage Estimate: _____
 Initial Impact Point # _____ Shade # of all other damage _____ Initial Impact Point # _____
 Insured: Yes No Insured: Yes No
 Company Name _____ Company Name _____



Indicate Positions IN
 Towed individual (W)
 Vessel for Operator (O)
 Passenger #: Seated (S),
 Stand (A) and other (N)
 Post ACC Relation to Boat



- Below Water Line
- Lower Unit
- Windshield
- Burned
- Sunk
- R - Remains Aboard
- F - Fall
- E - Ejected over board
- L - Leaves Boat Voluntarily
- T - Trapped in Overturned Boat
- Below Water Line
- Lower Unit
- Windshield
- Burned
- Sunk

(Example: OAR - Operator Stand Remains Aboard)

Describe Damage: None Describe Damage: _____

WITNESSES OTHER THAN OCCUPANTS

Name: _____ Address: _____ Telephone: _____
 Name: _____ Address: _____ Telephone: _____
 Name: _____ Address: _____ Telephone: _____
 Name: _____ Address: _____ Telephone: _____

INFORMATION SOURCES

Other Investigating Agencies: _____ Other Agencies Rendering Assistance: _____

ATTACHMENTS

Narrative Diagram of Accident Photographs BAC Reports Coroner's Report
 Medical Reports Others: Witness Statements

VALIDATION

Investigation Prepared by: Lance Hockett NRO I Date: 7-3-06 Agency: Kansas Department of Wildlife and Parks
 Primary Cause of Accident: Skier/Tubing Mishap Secondary Cause of Accident: _____ Causes based on:
 Investigation Invest & Oper. Report Other

KSA #1215 7-24-06 REVIEWER

Reviewed By: *Jan Clayton* Date: 7-26-06 Agency: KDWP

864

No. 33 7-1-06

We went out tubing with this new
 inner tube called the Kite Tube. We were
 all taking turns on it. Danny was last to ride.
 When he was out there he started out real
 good and had control of it. Then a gust of wind
 picked him up and had him up at least 20 ft up and was
 flying for a while then more wind and the tube flipped
 and Danny went head first into the water
 and was knocked out for about 20 seconds then
 Dallas and I dove in and pulled him to the boat.
 He said he didn't know what just happened and was in
 lots of pain and spitting blood. Then we went to the marina to
 call for help.

No. 32 7-1-06

Al C. Peay

ACCIDENT DESCRIPTION

DESCRIBE WHAT HAPPENED (Sequence of events. Include Failure of Equipment, piloting rule and other violations. Continue on additional sheets if necessary. Include information regarding the involvement of alcohol and/or drugs in causing or contributing to the accident. Include any descriptive information about the use of PFD's.

The witnesses stated that the victim (██████████) (a) was being towed behind the boat on a kite tube, when the tube with ██████████ still on it caught some air and went approximately 10-20 feet in the air. The tube then flipped over causing the victim to fall off and hit the water head first, knocking him unconscious. The victim was lying in the water face down but still floating due to his Type III PFD that he was wearing, when the boat turned around to pick him up. Two passengers in the boat, ██████████ and ██████████ jumped into the water and pulled the victim into the boat. The boat then transported the victim to the Rush Creek Marina where they called 911 and the victim was transported by ambulance to the Geary Community Hospital. The victim was admitted to the hospital and was not released until the next day. The victim received a punctured/bruised lung from the accident.

The victim stated that he was riding the kite tube when it caught a gust of wind and went up into the air. He said that he was not able to hang onto the tube and fell off. He stated that he did not remember anything from the time he fell off of the tube until he was back in the boat and they were headed to the marina.

866

SUPPLEMENTAL

REPORTING OFFICER

DATE

REV. 10/00

ORI NUMBER

OTHER AGENCY NUMBER

KDWP NUMBER

VESSEL A B (Circle One)

ALL INJURIES

Name: _____ Address: _____
 City, State, Zip: _____ Phone Number: _____
 DOB: _____ Age: _____ Nature of Injury: _____
 Medical Treatment Beyond First Aid (by a Physician)? Yes No Admitted to Hospital? Yes No Unknown
 Was the Victim: Other Operator Passenger Swimmer Water-skier
 Prop Injury? Yes No Was PFD Worn? Yes No
 Injury (if more than one, number choices in order of severity):
 Contusion Head Injury Hyperthermia Amputation Broken Bone (s) Burns
 Sprain/Strain Neck Injury Back Injury Internal Injury Laceration Spinal Injury
 Other Shock Dislocation Electrocutation
 Injury caused by: Impact with boat Impact with floating object Impact with fixed object Struck by boat

VESSEL A B (Circle One)

Name: _____ Address: _____
 City, State, Zip: _____ Phone Number: _____
 DOB: _____ Age: _____ Nature of Injury: _____
 Medical Treatment Beyond First Aid (by a Physician)? Yes No Admitted to Hospital? Yes No Unknown
 Was the Victim: Other Operator Passenger Swimmer Water-skier
 Prop Injury? Yes No Was PFD Worn? Yes No
 Injury (if more than one, number choices in order of severity):
 Contusion Head Injury Hyperthermia Amputation Broken Bone (s) Burns
 Sprain/Strain Neck Injury Back Injury Internal Injury Laceration Spinal Injury
 Other Shock Dislocation Electrocutation
 Injury caused by: Impact with boat Impact with floating object Impact with fixed object Struck by boat

VESSEL A B (Circle One)

Name: _____ Address: _____
 City, State, Zip: _____ Phone Number: _____
 DOB: _____ Age: _____ Nature of Injury: _____
 Medical Treatment Beyond First Aid (by a Physician)? Yes No Admitted to Hospital? Yes No Unknown
 Was the Victim: Other Operator Passenger Swimmer Water-skier
 Prop Injury? Yes No Was PFD Worn? Yes No
 Injury (if more than one, number choices in order of severity):
 Contusion Head Injury Hyperthermia Amputation Broken Bone (s) Burns
 Sprain/Strain Neck Injury Back Injury Internal Injury Laceration Spinal Injury
 Other Shock Dislocation Electrocutation
 Injury caused by: Impact with boat Impact with floating object Impact with fixed object Struck by boat

VESSEL A B (Circle One)

Name: _____ Address: _____
 City, State, Zip: _____ Phone Number: _____
 DOB: _____ Age: _____ Nature of Injury: _____
 Medical Treatment Beyond First Aid (by a Physician)? Yes No Admitted to Hospital? Yes No Unknown
 Was the Victim: Other Operator Passenger Swimmer Water-skier
 Prop Injury? Yes No Was PFD Worn? Yes No
 Injury (if more than one, number choices in order of severity):
 Contusion Head Injury Hyperthermia Amputation Broken Bone (s) Burns
 Sprain/Strain Neck Injury Back Injury Internal Injury Laceration Spinal Injury
 Other Shock Dislocation Electrocutation
 Injury was caused by: Impact with boat Impact with floating object Impact with fixed object Struck by boat

867

Voluntary Statement Form

Name: [Redacted] Sex: M DOB: 4-25-1977 Age: 29
 Address: 737 Hunt C. Phone: 85-855-1950
 Date: 7-21-2006 Time: 4:25 Location: Milford Lake

I, the undersigned, having knowledge of an incident, which the Kansas Department of Wildlife & Parks is investigating, do hereby state the following:

We were out boating and tubing. My brother [Redacted] was on the kite tube. He was about 15 to 20 feet in the air. The tube started turning over he fell off he was face down in the water. He probably got knocked out for about 10 sec. We got him out of the water he was shaking and getting out blood. We drove him back to the marina.

Signed Anthony Menden

868

Voluntary Statement Form

Name: [REDACTED] Sex F DOB 2-2-85 Age 21
 Address: [REDACTED] Apt. # 1 Phone: [REDACTED] # 32
 Date 7/11/06 Time 4:20 Location Milford Lake

I, the undersigned, having knowledge of an incident, which the Kansas Department of Wildlife & Parks is investigating, do hereby state the following:

We were in the boat pulling a tube kite. [REDACTED] was riding on the tube kite and it was about 20-25 ft in the air and it started to sway a little bit back and forth. [REDACTED] He flew off and hit the water head first and was knocked out. Dallas and I then jumped in the water and got him on the boat. He was then breathing but coughing up blood and his side was already bruised.

Signed J. Johnson

7-1-06

He was riding the tube when it caught edge. The tube
 reacted about 20-25 feet or air when it started to
 fly toward the water. He fell off the tube and about 20-25
 feet in the air & landed face first in the water. He was
 unconscious at impact & stayed face down when myself &
~~another person~~ jumped in & pulled him to the boat & then
 we drove to the marina.

DK

[Signature]
 7-1-06
 16:07

8570

~~_____~~ was on the "Kite" tube. The tube
 was in the air, it turned sideways ~~_____~~
 flew off the tube which was about 10 feet
 in the air. He hit the water head first
 and was knocked out. Dallas jumped out of
 the boat & turned ~~_____~~ over as he
 was face down in the water. When he
 popped ~~_____~~ into the boat he was very
 disoriented & said his stomach hurt. We
 noticed immediate bruising on his left
 side above the hip bone. He coughed up
 some water & then some blood tinged
 saliva. He kept repeating he didn't know
 what happened.

~~_____~~
 116-03
 7-1-06

VOLUNTARY STATEMENT

Page 1 of 1

I, [Redacted], Age 51, Sex M
 Occupation Electronic Tech, Address 733 Huach, cv. do hereby
 make the following statement of my own free will and accord concerning _____
Yes which occurred on the 1st day of July, 2006 at
3.45 am (pm.)

Pulling my son on a kite tube
 about 20-25mph was up in air,
 started to wobble in air ~~back~~ back & forth,
 saw and started to slow down, I was
 told he fell off & hit water, laying
 upside in water. I turned around went
 to him & got him out of the water

A.K.

Person giving voluntary statement:

Signed: Art Rendon

Date/Time July 1st 2006

Witness: _____

Address: _____

Officer: _____

Report/Case # _____

872

4-11-55

16:57 7-1-06

He was trying a new tube - kite tube
 he was up in the Air going straight behind
 the boat - After he was up in the air -
 we turned a little and the tube was
 coming down side ways - He fell off
 side ways - We went back to him - he was
 laying on his side but not moving. After we
 got to him he was on his back - got him in
 the boat - said he didn't know what happen
 to him - I believe the fall knocked the wind
 out of him.

Rowena Klonda
 1702 7-01-06

873

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT Tappahannock	2. PHONE NO. (HOME) [REDACTED]	(WORK) unknown
3. STREET ADDRESS [REDACTED]ail	4. CITY [REDACTED]	ST ZIPCODE [REDACTED] 20100
5a. EMAIL ADDRESS unknown	4b. INCIDENT CITY Powhatan	ST ZIPCODE VA [REDACTED]

6. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 Respondent, who is an ER physician for the Riverside Tappahannock Hospital in Tappahannock VA, called to report victim who visited
 - cont -

6. DATE OF INCIDENT(S) 07/01/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 16 Y/M AND DESCRIBE INJURY see narrative.	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME not given RELATIONSHIP patient
--------------------------------------	----------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Kite Tube
----------------------------------------	-----------------------------

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

ISSUE 42
07/20/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 07/01/2006 AGE 1 D	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown
-------------------------------------------------------------------------------------------------------	-------------------------------------------------------------	---------------------------------------------------------------

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/19/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670172A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE myg 07/19/2006	

874

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670172A

Narrative Continued

hospital after falling off the the kite tube.

Respondent said, per victim's father's description, victim was riding the kite tube as it was being pulled by a boat, driven by father, when suddenly a gust of wind came by and flipped the kite tube. Victim was thrown into water where he became unconscious. Father jumped into water and pulled victim into boat; victim regained consciousness.

Father took victim to Tappahannock Hospital in Tappahannock VA, where respondent's colleague, physician Dr. James Dudley, treated victim, who complained of pain to right chest and abdomen side, face and difficulty breathing. Physician diagnosed victim with near drowning, right pulmonary contusion. Victim was admitted and CAT scan was performed. Physician determined victim sustained subcapsular liver laceration and subcapsular spleen laceration. Victim was discharged the following morning.

07/03/2006 Victim returned to Tappahanock Hospital in Tappahannock VA, where he was seen by respondent for coughing up blood, and worsening shortness of breath. At that point, chest x-ray showed worsening pulmonary contusion. Victim was transferred to Medical College of Virginia in Richmond, VA, where he was admitted. Per respondent's knowledge, victim required a chest tube to right side. No further information.

Respondent suspects victim is recovering.

Distributor Phone #:

CPSC Source: DIRECTORY

875

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT [REDACTED]	2. PHONE NO. (HOME) (WORK) [REDACTED]
3. STREET ADDRESS [REDACTED]	4. CITY ST ZIPCODE [REDACTED]
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE [REDACTED]

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Kite tube appears to be under recall for CAP NR# 06-210.

- cont -

6. DATE OF INCIDENT (S) 06/17/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 53 Y/M AND DESCRIBE INJURY see narrative	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
---------------------------------------	---------------------------------------------------------------------------------------	-----------------------------------------------------------------------------

9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego
----------------------------------------	------------------------

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# unknown, DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE unknown
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ISSUE 42

07/17/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 06/01/2006 AGE 16 D	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown
-------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------	------------------------------------------------------------------

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

FOR ADMINISTRATION USE

20. DATE RECEIVED 07/14/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670126A
23. FOLLOW-UP ACTION		24. PRODUCT CODE (S) 1200
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE emj 07/14/2006

876

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670126A

Narrative Continued

Consumer believes kite tube poses a risk of injury.

(Height and weight unknown) Consumer was on kite tube being pulled by a boat going approximately 25-30 MPH. Consumer was approximately 10' in the air when a gust of wind caused consumer to fall into the water head first. Consumer experienced pain to his right shoulder and right ear.

6/20/2006 Consumer went to Dayton Head and Neck Surgeons Clinic (location unknown) where he was examined and treated by physician Wolfgang Dietz for a ruptured right eardrum.

6/27/2006 Consumer went to orthopedist John Lochner (location unknown) where he was examined for a torn right shoulder rotator cup. Consumer was also examined for a torn right shoulder tendon.

7/2006 Consumer went to clinic (name unknown) where physician (name unknown) performed surgery to repair his shoulder.

Distributor Phone #:

CPSC Source: INTERNET

877

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████		2. PHONE NO. (HOME) (WORK) ██████████ unknown	
3. STREET ADDRESS 11115 Garrett Drive		4. CITY ST ZIPCODE ██████████ ██████████	
4a. EMAIL ADDRESS unknown		4b. INCIDENT CITY ST ZIPCODE ██████████ ██████████ 19336	
5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES 170 lb., 5'11" tall, husband was riding the kite tube while being pulled by boat (driven by nephew) at about 30 miles per hour, - cont -			
6. DATE OF INCIDENT (S) 07/06/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 37 Y/M AND DESCRIBE INJURY see narrative		8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
9. DESCRIPTION OF PRODUCT kite tube		10. BRAND NAME Wego Kite Tube	
11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown		12. MODEL, SERIAL #'s, DATE OF MFR M# unknown DOM unknown	
<p style="text-align: center;">ISSUE 42</p> <p style="text-align: center;">07/17/2006</p>		13. DEALER'S NAME, ADDRESS & PHONE e-bay unknown unknown unknown	
		14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	
15. PRODUCT PURCHASED NEW DATE PURCHASED 06/30/2006 AGE 2 W		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION		19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
FOR ADMINISTRATION USE			
20. DATE RECEIVED 07/14/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670134A	
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200	
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE myg 07/14/2006	

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CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670134A

Narrative Continued

when suddenly the kite tube elevated approximately 25' to 30' into the air. Nephew, who was operating the boat, noticed that the kite tube had gotten abnormally high and proceeded to reduce the boat's speed (speed unknown). As the kite tube started to come down, consumer's left foot hit the tube. The tube then flipped over, throwing consumer into the water.

Wife took consumer to Cookeville Regional Medical Center in Cookeville, TN where ER staff sent consumer for x-rays. ER physician, Dr. Johns examined x-ray and determined consumer had sustained a bi-maleolar fracture, requiring surgical intervention. Dr. Roberts performed surgery where he inserted pins and a plate into consumer's left ankle. Consumer was kept overnight and discharged the following day. Consumer said ER physician, Dr. Johns, mentioned that this is her 3rd patient she has treated as result of kite tube.

Consumer is concerned the kite tube presents serious injury hazard.

Distributor Phone #:

CPSC Source: DIRECTORY

879

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████	2. PHONE NO. (HOME) (WORK) ██████████ ██████████
3. STREET ADDRESS ██████████	4. CITY ST ZIPCODE ██████████ MI 48609
4a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE ██████████ MI 48609

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Kite tube may be under recall for CAP NR#06-210.

- cont -

6. DATE OF INCIDENT (S) 06/24/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 20 Y/M AND DESCRIBE INJURY broken left eardrum	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME not given RELATIONSHIP son
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9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME unknown
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11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# unknown, DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE Spicer's Boat City Marina unknown unknown unknown
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07/17/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 06/01/2006 AGE 23 D	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Unknown
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17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION with consumer	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
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FOR ADMINISTRATION USE

20. DATE RECEIVED 07/14/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670130A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE emj 07/14/2006	

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Narrative Continued

5'9" tall, 185lb. son was on kite tube being pulled by a boat (speed unknown). Son was approximately 16' in the air when kite tube tipped sideways causing him to fall into the water. Son injured his left ear.

6/24/2006 Son went to Mercy Hospital in Grayling, MI where he was examined and treated by physician (name unknown) for a broken left eardrum. Physician told son that his ear will heal on its own in a couple of weeks.

7/2006 Son experienced an ear infection in his left ear.

7/1/2006 Victim (daughter's friend) was riding kite tube (height unknown) being pulled by a boat (speed unknown) when her left knee became stuck in kite tube before she struck the water. Victim injured her left leg.

7/2006 Victim went to hospital (name unknown) where she was examined and treated by physician (name unknown). Physician told victim that her left leg was fractured above knee and below knee.

7/2006 Daughter visited the manufacturer's web site to obtain instructions on how to return kite tube.

Vict #	Sex	Age	Name	Relationship
2	F	26 Y	not given	victim

Vict #	Victim Injury Description
2	two fractures in left leg

Distributor Phone #:

CPSC Source: INTERNET

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CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

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

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Consumer believes kite tube poses a risk of injury.

- cont -

6. DATE OF INCIDENT(S) 07/08/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 13 Y/M AND DESCRIBE INJURY severe headache	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME not given RELATIONSHIP son
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9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego
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11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# 53-5000, DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE Waterriders.com Premier Pool and Spa unknown unknown 952-368-6070
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07/17/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 06/14/2006 AGE 1 M	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: Do not fly higher than you're willing to fall.
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17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION with consumer	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
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FOR ADMINISTRATION USE

20. DATE RECEIVED 07/13/2006	21. RECEIVED BY (NAME & OFFICE) emj/HL	22. DOCUMENT NO. H0670123A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE emj 07/14/2006	

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CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H0670123A

Narrative Continued

5'5" tall, 140lb. 16 year old son was on kite tube being pulled by a boat going approximately 15-18 MPH. Son was approximately 10-12' in the air when a gust of wind caused kite tube to become unstable. Son and kite tube began fluttering from right to left vigorously. Son fell into the water on his right side causing a bruise on his right thigh. 16 year old son also experienced soreness to his chest area and torso. Rx at home.

5'6" tall, 200lb. 13 year old son was on kite tube being pulled by boat going approximately 17-20 MPH. Youngest son was tubing on the water when a gust of wind caused him to fly approximately 4' up in the air. Son flipped down into the water. Son experienced severe headache. Rx at home.

7/9/2006 5'5", 155 lb consumer was on kite tube being pulled by a boat going approximately 12-14 MPH. Consumer was approximately 10' in the air when the boat turned causing kite tube to become unstable and consumer to fall into the water. The impact of the water caused consumer to experience pain to her left shoulder and left side of her face. Rx at home. Consumer discontinued use of kite tube.

7/13/2006 Consumer contacted the manufacturer and explained the incident to rep., (name unknown). Rep., offered consumer packages of other manufacturer products to equal the value of the kite tube. Consumer declined offer. Consumer requested a refund. Rep., told consumer that there was nothing else they could do. Rep., also told consumer that if she wants her money back she would have to contact the dealer where she purchased the product.

7/13/2006 Consumer contacted the dealer and explained the incident to rep., (name unknown). Rep., offered consumer other products and told her that they were not offering refunds.

Vict #	Sex	Age	Name	Relationship
2	M	16 Y	not given	son
3	F	45 Y	self	self

Vict #	Victim Injury Description
2	pain to torso/ribcage; bruise on right leg
3	pain to left shoulder and left side of face

Distributor Phone #:

CPSC Source: INTERNET

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CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT ██████████		2. PHONE NO. (HOME) ██████████ (WORK) unknown	
3. STREET ADDRESS ████████████████████		4. CITY ██████████ ST ██████████ ZIPCODE 47802	
4a. EMAIL ADDRESS unknown		4b. INCIDENT CITY ██████████ ST ██████████ ZIPCODE 47802	

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 170 lb., 6' tall, son was riding the kite tube while being pulled by a jet ski, at about 30 to 35 miles per hour. Per son's
 - cont -

6. DATE OF INCIDENT(S) 06/01/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 17 Y/M AND DESCRIBE INJURY see narrative	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME not given RELATIONSHIP son
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9. DESCRIPTION OF PRODUCT water kite tube	10. BRAND NAME Wego Kite Tube
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11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportstuff Inc. unknown unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# unknown DOM unknown
	13. DEALER'S NAME, ADDRESS & PHONE Cope Marine unknown O'fallon, IL 618-632-6353

ISSUE 41
07/14/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 02/11/2006 AGE 4 M
	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: "adult supervision"

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

20. DATE RECEIVED 07/13/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670119A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE myg 07/13/2006

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CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670119A

Narrative Continued

description, the tube was lifted approximately 9 to 15' in the air, where it became inverted, slamming him onto the water. Son was taken to shore. After returning home, son started coughing up blood with severe back pain.

(same day) Consumer took son Union Hospital in Terre Haute, IN, where a CT scan and an MRI was performed. Physician reviewed and son had sustained a mild concussion, bruising to lung, bruising to spleen and a possible fracture to T8 vertebra, which was later ruled out. Physician issued son with pain medication. Consumer was kept for 2 nights and was later discharged. Per physician, advised son 3 months of no contact sports.

Consumer feels the water tube presents a serious injury hazard.

Distributor Phone #:

CPSC Source: DIRECTORY

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CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

1. NAME OF RESPONDENT [REDACTED]	2. PHONE NO. (HOME) (WORK) [REDACTED] unknown
3. STREET ADDRESS [REDACTED]	4. CITY ST ZIPCODE [REDACTED] FL 33556
4a. EMAIL ADDRESS unknown	4b. INCIDENT CITY ST ZIPCODE [REDACTED] FL 33556

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Consumer feels the kite tube presents a serious injury hazard.

- cont -

6. DATE OF INCIDENT(S) 05/14/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX AND DESCRIBE INJURY 50 Y/F floater to right eye	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
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9. DESCRIPTION OF PRODUCT kite tube	10. BRAND NAME Wego Kite Tube
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11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown unknown unknown	12. MODEL, SERIAL #'s, DATE OF MFR M# 12063 DOM unknown	13. DEALER'S NAME, ADDRESS & PHONE Overtons (internet purchase) unknown Greenville, NC unknown
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07/26/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES IF YES, BEFORE OR AFTER THE INCIDENT? AFTER DESCRIBE: damage: see narrative.	15. PRODUCT PURCHASED NEW DATE PURCHASED 03/11/2006 AGE 2 M	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown
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17. HAVE YOU CONTACTED THE MANUFACTURER? YES IF NOT, DO YOU PLAN TO CONTACT THEM?	18. IS THE PRODUCT STILL AVAILABLE? NO IF NOT, ITS DISPOSITION discarded	19. MAY WE USE YOUR NAME WITH THIS REPORT? YES
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FOR ADMINISTRATION USE

20. DATE RECEIVED 07/25/2006	21. RECEIVED BY (NAME & OFFICE) myg/HL	22. DOCUMENT NO. H0670234A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 3200
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE myg 07/25/2006	

CONSUMER PRODUCT INCIDENT REPORT

Region: EASTERN

H0670234A

Narrative Continued

113 lb., 5'1-2" tall, consumer was riding the kite tube on lake, while being towed by boat (speed unknown), driven by husband, who is a physician. As consumer was riding the kite tube, she suspects a gust of wind came through, lifting her and the kite tube approximately 20' high into air, which then plummeted into the water. Consumer said impact of water was to right side of her face. Consumer felt numbness to face, with light headache for the day.

Shortly after incident (within one or 2 days), in morning, consumer noticed a floater in her right eye.

05/15/2006 Consumer visited with ophthalmologist, Raymond Sever, for the Florida Eye Center in Tampa, FL, who examined consumer's eye and confirmed consumer she had sustained a floater in her right eye. Ophthalmologist indicated that the floater may be permanent.

Consumer poked a hole in kite tube to prevent further usage and discarded.

7/2006 Consumer became aware of CAP for NR# 06-210.

7/24/2006 Consumer called mfr. and explained incident to rep. (name unknown) who said due to consumer no longer having possession of the kite tube, she will need a "receipt of purchase" to receive a replacement.

Distributor Phone #:

CPSC Source: DIRECTORY

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CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

1. NAME OF RESPONDENT ██████████	2. PHONE NO. (HOME) (WORK) ██████████ unknown
3. STREET ADDRESS ██████████	4. CITY ST ZIPCODE ██████████ TX 75070
5a. EMAIL ADDRESS	4b. INCIDENT CITY ST ZIPCODE ██████████ TX 75070

6. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
 The 76" tall, 190 lb., consumer was traveling at speed of about 25 miles per hour when he hit a gust of wind and became airborne.
 - cont -

6. DATE OF INCIDENT (S) 05/29/2006	7. IF INJURY OR NEAR MISS, OBTAIN AGE/SEX 38 Y/M AND DESCRIBE INJURY dislocation to the 4th tarsal in the left foot	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self RELATIONSHIP self
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9. DESCRIPTION OF PRODUCT inflated rubber tube used in water	10. BRAND NAME Wegi Kite Tube
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11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE Sportsstuff unknown unknown 866-831-5524 unknown	12. MODEL, SERIAL #'s, DATE OF MFR unknown	13. DEALER'S NAME, ADDRESS & PHONE on-line retailer unknown unknown unknown
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ISSUE 43
07/27/2006

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? NO IF YES, BEFORE OR AFTER THE INCIDENT? DESCRIBE:	15. PRODUCT PURCHASED NEW DATE PURCHASED 05/25/2006 AGE 2 M	16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: None pertaining to the problem.
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17. HAVE YOU CONTACTED THE MANUFACTURER? NO IF NOT, DO YOU PLAN TO CONTACT THEM? yes	18. IS THE PRODUCT STILL AVAILABLE? YES IF NOT, ITS DISPOSITION	19. MAY WE USE YOUR NAME WITH THIS REPORT? NO
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FOR ADMINISTRATION USE

20. DATE RECEIVED 07/25/2006	21. RECEIVED BY (NAME & OFFICE) mlj/HL	22. DOCUMENT NO. H0670241A
23. FOLLOW-UP ACTION		24. PRODUCT CODE(S) 1124
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE mlj 07/26/2006

Handwritten signature

CONSUMER PRODUCT INCIDENT REPORT

Region: WESTERN

H0670241A

Narrative Continued

While in the air, the consumer and the inflated tube turned a complete 360 degrees (once) and the consumer landed upright on the tube. The consumer estimates that he hit the water at about 20 miles per hour. The consumer landed on the tube, but his foot was wedge between the tube and himself. In the process of getting on the boat after the incident, the consumer noticed that his left foot looked abnormal.

The consumer was taken to E-Care/Urgent Care ER, 2810 Harden Blvd, McKinney, TX. The consumer did not need surgery, but a surgeon examined his left foot. X-rays were taken, a black book was placed on the consumer's foot to stabilize it and he was given crutches. The surgeon referred the consumer to an Orthopedic Surgeon.

The following day, the consumer saw an Orthopedic Surgeon, who deadened the consumer's left foot and popped the bone back into place. The consumer also suffered some ligament damage. X-rays were taken and they showed that the bones were back in place, where they were suppose to be. Pain killers were prescribed and the consumer had to wear the boot for several days after the procedure.

The consumer plans to contact the manufacturer to inform them of this incident.

Distributor Phone #:

CPSC Source: CO

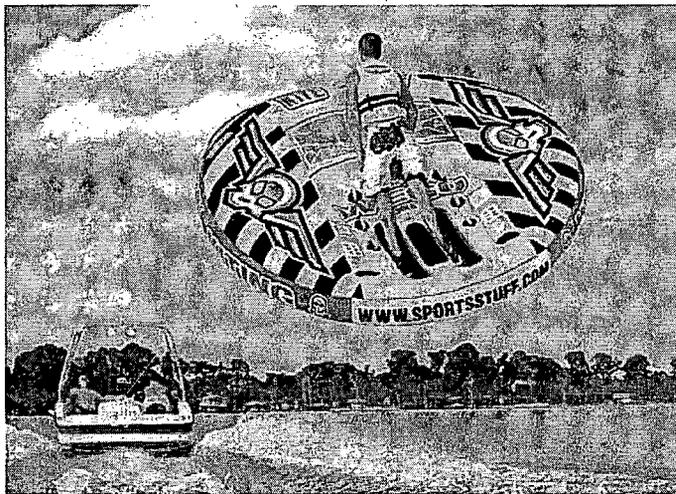
889

IDI 060628CWE5430

INCIDENT REPORT

The 42-year-old victim had been water skiing, tubing and boating for over 10 years. He was a water enthusiast and interested in the latest water recreational products on the market but was not a high risk taker.

In January, 2006, the victim and his 44-year-old male friend went with their wives to an area boat show. At the show, they saw a product called the kite tube which was ten feet in diameter. The friend stated that until now they had been on tubes up to five feet in diameter. They viewed a video tape of the kite tube which showed it in the air about five to ten feet off the water while it was being towed by the boat. They talked with the sales representative who stated that you only have to go 26 mph to get the kite tube to lift off the water. The victim thought the kite tube looked like fun and easy to do. Based on the video, the victim decided to order one to use in the upcoming summer. He purchased it for about \$460 at the boat show discount and it was shipped to him by the end of May, 2006. Following and attached as Exhibit "A" is a picture of this kite tube.



On June 23, 2006, the victim went on vacation with the same friend who had been at the boat show with him as well as another friend who was 45-years-old along with all of their families. They stayed at a resort on a lake so that they could fish, ski and go tubing. The victim brought the kite tube along with him as well as the new 60 foot tow rope which came with it. The victim told his friends that he viewed the kite tube video and read the product literature prior to leaving home. His friends asked if the victim had brought the video along as they wanted to see it, but the victim had left all of the product literature at home.

On June 24th, the victim and his two friends decided to try the kite tube out for the first time. As the two friends were blowing up the kite tube with a compressor, they read the warnings printed on the tube. They attached the tow rope to the back of the boat and

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towed the kite tube behind the victim's boat. The victim and his two friends rode the kite tube separately wearing life jackets. They stood or knelt in the foot pockets and grabbed the handles on the kite tube. None of them had any prior experience with this size of tube. The closest size they had ridden on was a five foot diameter tube. While one was tubing the other two were in the boat driving and spotting. As they took off, the rider would pull on a rope attached to the front middle of the tube to lift the front of the kite tube so that water would not get into the tube. After that, the rider would pull on the kite tube handles to lift the front of the tube up so that it could get air to lift off the water. The victim and his two male friends each tried once riding on the kite tube but could not get the tube to lift off of the water at a speed of 25 mph as recommended. The front of the kite tube would rise off of the water but the back end would drag on top of the water. There were no falls on this day.

Both of the victim's friends remarked that it was very difficult to hold onto the handles for very long as your arms and legs would tire easily. They also noted that they had no control of the kite tube. The front end of the tube would rise up as the boat accelerated and would come down when the boat slowed down. They stated that they were just holding on and were at the mercy of the wind and the driver.

On the following day, they were talking about the kite tube and thought perhaps they needed a bigger boat and motor to get the kite tube to lift off the water as they were larger guys. The 42-year-old victim was 6' and 200#, the 44-year-old friend was 6'1" and 205# and the 45-year-old friend was 5'8" and 150#.

On June 26th at about 8:00 PM, the victim and his two friends decided to try the kite tube out again using his 44-year-old friend's boat which was a 1991 VIP Model SK8 with an Evinrude 150hp motor. The friend who was the owner of the boat attached the tow rope at the 60 foot length and drove the boat. The 45-year-old friend was the spotter and the victim was the rider. As they started out in front of their cabin, the friends noted that the lake was like glass and there was no breeze.

Traveling from the cabin to the end of the lake took less than a minute. During this time, they were able to get the kite tube to lift off the water about two to three feet for about five seconds going at a speed of 30-35 mph. Any less speed and the tube would not lift off the water. The friend who was driving stated that he was constantly adjusting the speed of the boat to get the kite tube in the air. As the rider pulled on the handles which lifted the front of the tube in the air, the tube would catch some air and lift off the water. When the tube was three feet off the water, the driver would try to maintain the speed of the boat and as the tube started to descend to the water, the driver would increase the speed. Both the driver and spotter related that while the tube was in the air, they were unable to see the victim on the tube. They noted that the tube has a plastic window that in theory allows the driver to see the rider and vice versa. When the tube is deflated, you

can see through the window. But, when the tube is inflated the plastic window accumulates condensation, is cloudy and does not allow either party to see each other. Therefore, there was no way to communicate between the driver and rider.

When they reached the end of the lake, the driver slowed the boat down to turn around to come back. At this time, the driver asked the victim how the speed was on the first trip and the victim responded that the speed was perfect and to drive exactly the same on the way back. As they started out, the kite tube performed the same at about 30-35 mph. It lifted off of the water up to three feet and then would come back down. When they were about half way back, the kite tube lifted off of the water to four feet, swayed to the right, then to the left, then shook, then went back to the right and then came down and hit the water. From lift off to touch down took less than five seconds. When the kite tube hit the water, the victim was thrown into the water head first. At this point, the spotter told the driver, that the victim had fallen off. When the driver turned around to look, he saw the kite tube about 20 feet in the air. The driver turned the boat around and started back to the rider. When the boat was within 20 feet of the victim, the driver and spotter noticed that the victim was not moving. When they came within 10 feet of the victim, they observed the victim face down in the water.

The spotter grabbed the life vest of the victim and lifted his face out of the water. They found that the victim was breathing and his lip was bleeding but he was unconscious. The driver started to lightly slap the victim's face to get him to come around but the victim did not respond. At this point, they yelled to shore to send a boat out to help.

An emergency medical technician (EMT) happened to be staying at the same resort and on shore at the time of the incident. He got into his boat and brought additional people along to help with the victim. At this same time, someone on shore called "911" for assistance. When the EMT arrived at the scene, it took six men to pull the victim out of the water and into the boat. By this time, the victim was coming around and could move his legs and talked. The victim knew his name and his birthday but did not know what had happened. When they came back to shore with the victim, an ambulance arrived within two to three minutes. The ambulance took the victim to an area hospital and his wife rode along with him. The 44-year-old friend and his wife followed the ambulance to the hospital.

The Sheriff's Department was also called to the scene by the "911" call. They briefly interviewed the parties involved. Attached as Exhibit "B" is a copy of their call sheet and press release on the incident.

When the victim arrived at the hospital, he was diagnosed with a broken collar bone, a lacerated spleen and liver and a hematoma near his thorax. There were no visible signs of injury, as the injuries were all internal. As the hospital staff was working on draining the fluid from the hematoma, the victim's heart stopped several times. The hospital staff

restarted the victim's heart on each occasion until it stopped at 1:00 AM on June 27th and they were unable to restart it. The hospital noted the cause of death to be cardiac arrest.

The Vilas County Coroner was called to the hospital and an autopsy was scheduled for the following day. The coroner noted the cause of death to be a lacerated artery to the liver. Attached as Exhibit "C" is a copy of the coroner's report.

Following the death of the victim, the county sheriff called the area Department of Natural Resources (DNR) warden to report the incident as the DNR investigates boating deaths. The warden went to the resort and briefly interviewed the 45-year-old friend of the victim regarding the incident. To date, the Department of Natural Resources does not have a releasable report and it is unknown if there will be a formal report by their office.

This injury incident was brought to the attention of the U.S. Consumer Product Safety Commission by a news reporter. This investigator received this assignment on June 28, 2006 and contacted the Department of Natural Resources warden to obtain additional information on the incident. The warden provided the name of the victim as well as the driver and spotter.

On June 30th, this investigator conducted an on-site interview with the victim's friends, the 44-year-old male driver and the 45-year-old male spotter. Their comments have been incorporated into this report. Both of the friends stated that upon returning home from the resort, they inspected the kite tube and did not notice any damages or apparent equipment failure.

PRODUCT IDENTIFICATION

The product involved is a Wego Kite Tube, Model 53-5000 that is 10 feet in diameter x 18" H when inflated and yellow, orange and black in color. The kite tube is pulled behind a motor boat and the rider holds onto handles on the top side of the tube and puts his feet into foot pockets. As the rider pulls on the handles, the front of the tube is lifted in the air. The air goes underneath the tube causing it to lift off the water. The tube may raise straight up or act like a kite swiveling, swooping and turning in the air. The kite tube has been known to reach heights of up to 30 feet in the air before coming back down to the water. It has a UPC 0 29808 00518 5 and is manufactured in China for:

SPORTSSTUFF, INC.
11213 E CIRCLE STREET, #A
OMAHA, NE 68137
(402) 592-9085
(888) 814-8833
www.sportsstuff.com

The kite tube is advertised on the Internet and described as follows:

Wego Kite Tube

10ft diameter flying tube.

Take flight with the WEGO KITE TUBE! The next generation of action towable to here, taking you to a whole new level of excitement! Whip across the water like a deck tube, or fly through the air like a bird! Experience the thrill of flight as you rise above the water, reaching incredible heights, leaving nothing but adrenaline in your wake! The level of extreme sport has been raised with the WEGO KIT TUBE. Anything else is beneath it.....

Model 53-5000 Sug. Retail: \$599.95

The kite tube has the following features:

- **120 inch inflated diameter (10 feet) with slanted saucer configuration.**
- **840D full body nylon double skin cover with PU coating.**
- **Computerized double stitched sewing.**
- **Nylon zippered openings for bladder insertion and adjustment**
- **Multiple mesh drain ports, bar-tacked.**
- **Two heavy-duty PVC bladders-outer ring and slotting cockpit.**
- **Reinforced towing system with molded aluminum connector for easy quick connection.**
- **Speed safety valves for fast easy inflation and deflation.**
- **Parallel slotting system with non-slip footsteps and neoprene padding for comfortable foot, knee, and leg use.**
- **8 padded, non-slip handles with knuckle guard.**
- **Heavy-duty starting leash with easy grip sponge balls.**
- **Reflective Safety Piping on all handles and on the outside top taping.**
- **Variable loops for detachable leash use.**
- **Panoramic see through double windows.**
- **Adjustable length style 45-55-65 foot segmented tow rope included.**
- **High visibility, billboard style, red and yellow watersports safety colors with checkerboard and caution accent striping**
- **Instructional DVD, tow rope and starting leash included.**
- **90 day warranty**

Warnings

The kite tube has warnings noted in its instructional DVD, product literature and printed directly on the kite tube top surface. The warnings on the kite tube are reiterated as follows:

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WARNING

To lessen your risk of serious injury or death, follow these rules:

- **Not a Lifesaving Device.**
- **Never Leave Children Unattended.**
- **Use Only Under Competent Supervision.**
- **Read the owner's manual carefully before using your Sportsstuff towable.**
- **Not for use by children under twelve (12) years of age.**
- **The watercraft driver is responsible for the towable and rider(s) since the towable cannot be controlled by the rider(s). The rider(s) may not be able to see where he/she is going.**
- **Always have an experienced operator (driver) at the helm of the watercraft.**
- **Always have three or more people present for safe tubing: one to drive, one to observe, and one or more to ride.**
- **Observer in the boat should keep the driver aware of the towable rider(s) status.**
- **Always keep a lookout for other watercraft, boats, swimmers, towables, and other obstructions in the water.**
- **Stay away from other boats and personal watercraft, docks, pilings, bridges, shallow water, and the shore.**
- **The watercraft driver should avoid excessive speed or sharp turns which might cause the towable to flip over, resulting in serious injury to the rider.**
- **Do not use at speeds that exceed the skills of the rider. Never exceed 20 mph when towing adults or 15 mph when towing children.**
- **Use a tow rope specifically designed for towables.**
- **Never operate the watercraft or ride the towable under the influence of alcohol or other drugs.**
- **Never place wrists or feet through the handles or towing harness. Ensure that the tow rope is clear of all body parts prior to or during use.**
- **Riders should keep arms and feet out of the water.**
- **Always wear a U.S. Coast Guard (USCG) approved type III (PFD) ski vest or as recommended by proper government authorities.**
- **Do not exceed the manufacturer's recommended number of riders for this tube.**
- **Do not use this unit when it is under-inflated. The risks involved with this could include entrapment which may result in death or serious injury.**
- **Use a tow rope of at least 1500 lbs. average tensile strength for pulling a single person, 2375 lbs. average tensile strength for pulling two people, 3350 lbs. average tensile strength for pulling three people, and 4100 lbs average tensile strength for pulling four people on an inflatable tube. The tow rope should be at least 45 feet in length but not exceed 65 feet.**
- **The manufacturer, Sportsstuff, Inc., does not have control over the use of this product and assumes no liability therein. Under no circumstances is Sportsstuff or the seller liable for any loss, damage, injury, or expenses of**

any kind arising out of the use of this product. It is the responsibility of the user to determine the proper suitability and safety of the product during normal use. This product is subject to age, wear, and deterioration from the use and weather conditions. We strongly recommend that you inspect the product on a regular basis.

102605.02

ITEM NO.: 53-5000

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KITE TUBE BOAT DRIVER

To lessen your risk of serious injury or death, follow these rules:

- Driver should be at least 16 years of age and pass a coast guard approved boating course.
- Utilize a large, wide angle, rear view mirror (20 inch width) to keep eye on Kite elevation.
- Slow speed to reduce height, a sudden gust of wind can send the rider up to 20 feet high or more in half a second.
- Maintain constant communication with spotter about the Kite tube and its performance.
- Adjust boat speed to reduce the height of the Kite tube.
- The Kite Tube is unlike any other towable tube. It can sustain flight at various heights for long periods of time.
- Wind, boat speed, rider weight, and length of rope are big variables in Kiting performance.
- Pay attention and adjust the boat speed frequently to fit the conditions. You are the director.
- Never Kite higher than you want the rider to fall, adjust your speed.
- Avoid excessive boat speed at all times.
- Have pre-ride meeting with spotter and rider to discuss the type of ride to be given.
- Determine the best conditions for Kite tubing based on rider weight, boat speed and wind speed.
- Give-way to all other watercraft, especially sailboats.
- The Kite tube can sustain flight with steady head wind and boat speed. Head into the wind.
- Be aware of cross winds and wind gusts.
- Use the large, panoramic window to monitor and communicate with the rider.
- Don't gamble with rider safety. Driver must accept 100% responsibility for the safety of the rider.
- Instruct the rider to lean back and pull on the leash to keep the nose up until the boat and tube plane out. As the boat planes out and the tube rises out of the water, there will be almost no drag on the boat.
- Most boating accidents happen in less than 2 seconds.
- Reaction time varies from 120 to 255 feet of boat length.

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- Do not be in-attentive. Do not let your mind wander. Focus on what you are doing.
- Never use the Kite Tube with wind forces so strong that you are unable to maintain control.
- Don't Kite in electrical storms.
- The Kite Tube is an air foil of extremely limited capabilities with regard to wind and turbulence.
- Instruct all riders of rules and warnings, plus how to ride.
- In riding position, the rider and tube are at a 45° angle to the water's surface.
- Avoid floating objects and all immoveable objects.
- All riders should be towed at speeds that allow for reasonable control.
- Avoid submarining the towable when first starting out or on spills.
- Slow boat down to 5 mph to turn around and pick up the rider.
- In many cases when the rider falls off, the Kite will continue to be airborne.
- Don't be a gunner, slamming the throttle forward and forgetting about the towable and your rider. Focus.
- In no-wind conditions, use zig-zags, whips, figure eights and circles that the Kite tube will Kite in, but remember the Kite tube is designed to Kite into the wind.
- Do not throw away your owner's manual. You must review periodically and especially when allowing others to use or borrow your Kite tube.
- Unlike most towables that ride on the water's surface and have tremendous drag, when the Kite Tube is Kiting or flying there is almost no drag and the boat has a tendency to go faster, so watch out for this effect (a lot of drag to no drag).
- Don't overload your boat with a lot of passengers.
- Like many towables, rider balance too far forward can cause towable to nose under. This is called submarining. When you start moving forward, make sure the rider holds the leash on the tube to help keep the nose up during takeoff until the boat reaches planing speed and lift occurs on the Kite tube. If the boat driver, spotter and rider are not paying attention, the towable could nose in. This causes the submarine effect, which results in the towable acting like an anchor. Reduce speed immediately otherwise you will create too much drag on the boat and tube, causing something to break.
- Pay attention when starting out to prevent this effect. Let's say everything goes right and the Kite tube and rider are traveling at a sustained height above the water and the rider falls off. The Kite might continue its flight or crash down into the water. We suggest that you slow the boat down to 5 mph, otherwise the towable might again act like a submarine, because it is upside down or wind conditions have forced it into a weird position where it cannot be towed at any speed other than 5 mph.
- It is the obligation of the boat driver to operate the boat in responsible safe manner and not try to "dump the rider".

- Experience safe Kiting.

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WARNING

KITE TUBE RIDER

To lessen your risk of serious injury or death, follow these rules:

- Avoid gusty and cross winds, use in light to moderate steady winds.
- Gusts and cross winds can cause this product to experience sudden changes in height or direction.
- Use in at least 6 feet of water depth, the higher you Kite, the deeper the water should be.
- Never use in shallow waters.
- Boat driver, spotter and rider are all beginners, take it easy, learn in light steady wind, start slow.
- Your body weight is a factor on balance and control, shifting helps to control kiting (rider is ballast).
- Have pre-ride discussion with rider, driver and spotter.
- Never Kite higher than you're willing to fall.
- Into a steady wind, flight occurs more easily.
- With the wind, flight is not so easy.
- Based on rider weight, a lighter person will Kite easier than heavier person.
- Do not over-estimate your ability. Kiting takes a practiced level of skill.
- Keep tube's nose up when starting out, pull back on the ball/leash to help hold the nose up until the boat reaches planning speed.
- Rider safety is in the hands of the boat driver and spotter.
- Stay 100 yards from shore, avoid other boat traffic, power lines, and other immoveable objects.
- Be aware of natural wind breaks and barriers that change the wind flow.
- Use rear transom tow point. Using higher tow point means the Kite can Kite higher.
- Maximum 1 rider capacity.
- Do not exceed 200 pound maximum weight or 100 pounds minimum, be at least 12 years of age and a height of 5 feet or more.
- Balance to minimize movement while airborne. Too much movement can cause the Kite tube to become wobbly and over turn. Maintain a good center of gravity.
- 10 and 2 o'clock are the best control hand positions.
- Hang time, Kite time, can be 1 second to many minutes.
- Length of hang time depends on the wind, boat speed and rider weight.
- A straight boat heading into the wind creates the optimum Kiting performance.
- Ballet performance is what you are looking for (up and down).
- Use the large panoramic window to see the boat and to view rider height.

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- Force the tube down by pushing your weight down with a swift motion.
- Use your position within the slotting system cockpit to adjust pitch or the angle by which the nose of the tube is inclined up or down from the horizontal.
- Use the handles to adjust left to right balance.
- Utilize a combination of foot and hand positions to accommodate the current wind and boat speed conditions.
- Do not use this tube if you are pregnant, could be pregnant, or if you have neck or back problems.
- Raise arms above head following a spill to signify to the boat driver and spotter that you are okay.
- A rider that falls or is ejected should try to fall away from the Kite tube.
- Experience safe Kiting.

©Sportsstuff, Inc. 2005

WARNING

KITE TUBE USE

Release of Liability:

By assembling and inflating the Kite Tube, you agree that you have read and understand the entire Sportsstuff's product manual, including all instructions and warnings contained in that material prior to using the Kite Tube. You additionally agree that you will ensure any additional or subsequent users of the Kite Tube will read and understand the entire owner's manual. Misuse or improper use of the Kite tube could result in risks, dangers and hazards which may result in serious injury or death. The risks and dangers that may be encountered through the improper use of the Kite Tube can be avoided by reading and following the warning guidelines listed within the owner's manual and by proper use of the Kite Tube. Your assembly and use of this product shall be evidence of your agreement to the fullest extent permitted by law, to properly follow the instructions and abide by the warnings set forth within the product manual. Your assembly and use of the Kite Tube shall also constitute a release, to the extent permitted by law, by you and by any third party permitted by you to use, in any manner, the Kite Tube, to Sportsstuff from any and all liability for any loss, damage, injury and/or expense that you or any user of the Kite Tube may suffer as a result of the use of the Kite Tube. This release shall extend to any loss, damage, injury or expense due to any cause whatsoever, including negligence or breach of contract on the part of Sportsstuff and/or any party participating in the design and/or manufacture of the Kite Tube. The terms of this release shall be effective and binding upon you, your heirs, next of kin, executors, administrators, assigns and representatives. Your assembly and use of the Kite Tube shall constitute your agreement to assume and accept any or all known or unknown risks or injury to you and/or to third parties through the use of the Kite Tube. Sportsstuff and related parties have not made and hereby expressly deny any oral or written representation and/or warranty,

including warranty for a particular purpose, other than what is set forth herein and in the Sportsstuff's Kite Tube manual.

110806.03

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ATTACHMENTS

Exhibit "A" – Pictures and photographs of kite tube as well as the boat used to pull the kite tube the day of the incident.

Exhibit "B" – Sheriff's department call sheet and press release.

Exhibit "C" – Coroner's report.

Exhibit "D" - Authorization to Not Release Name forms.

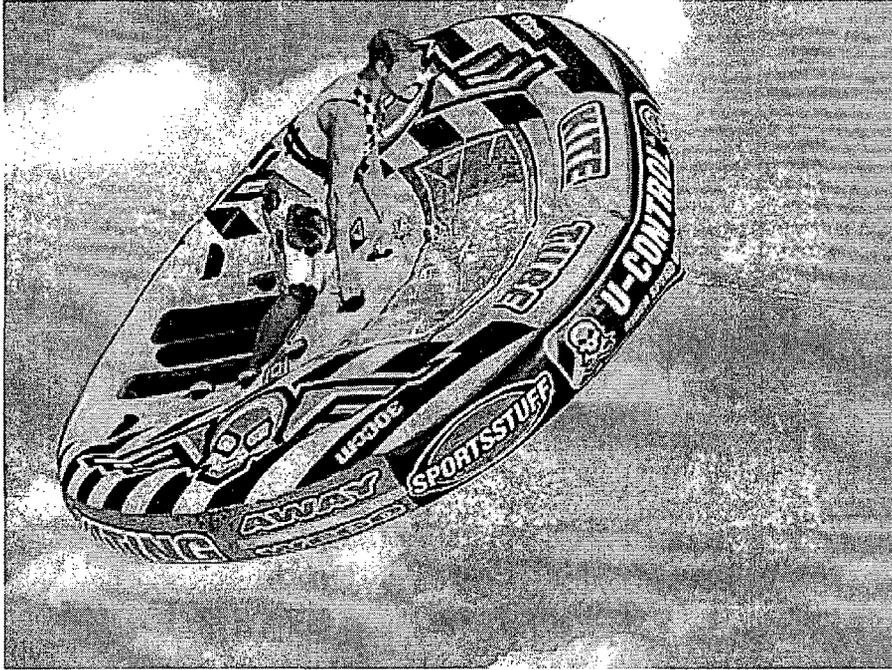
Exhibit "E" – Contact List

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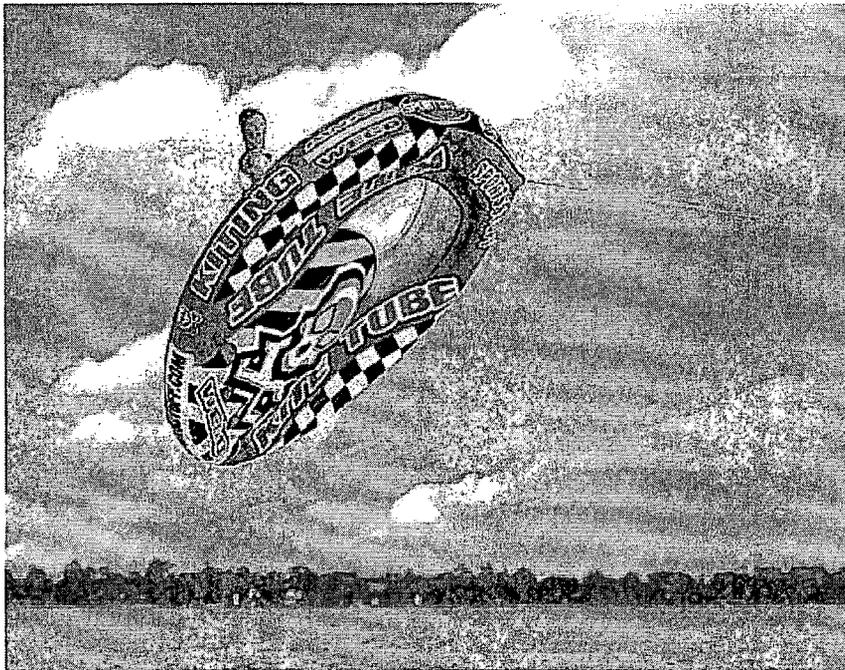


IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Picture off Sportsstuff, Inc. Internet site.

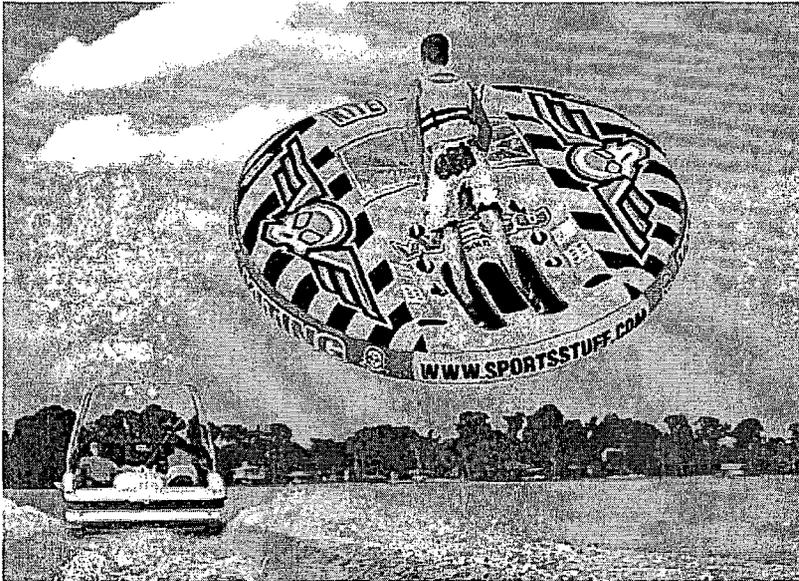
901



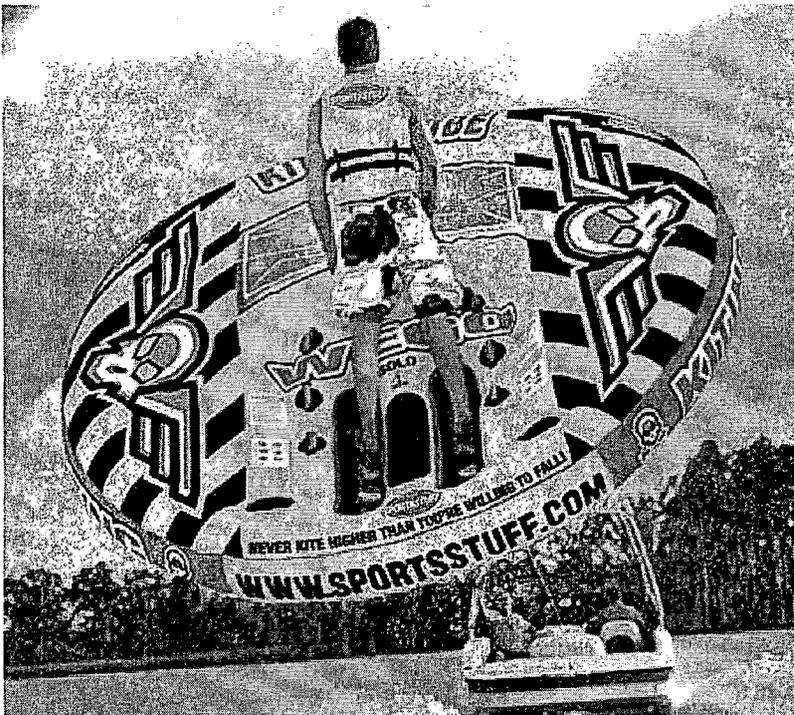
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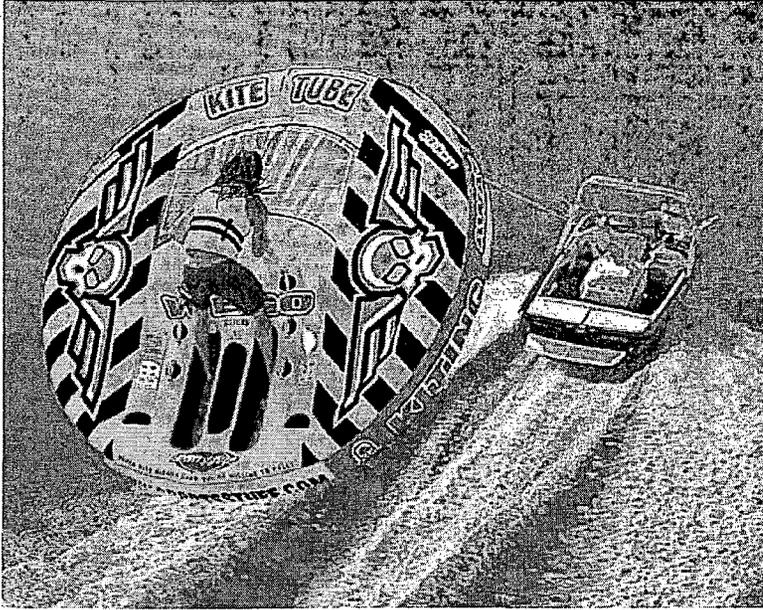
IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Picture off Sportsstuff, Inc. Internet site.



IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Picture off Sportsstuff, Inc. Internet site.



IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Picture off Sportsstuff, Inc. Internet site.



IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Picture off Sportsstuff, Inc. Internet site.



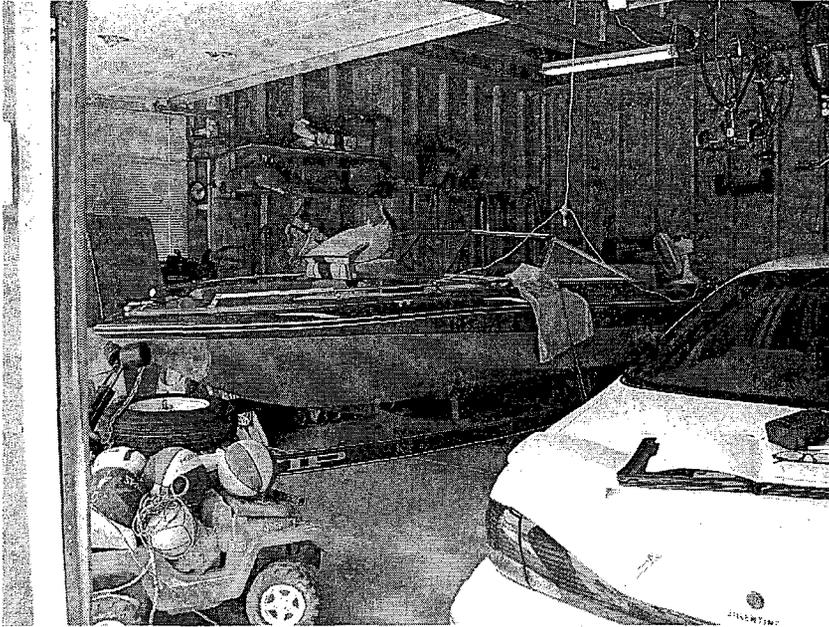
IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Picture off Sportsstuff, Inc. Internet site.



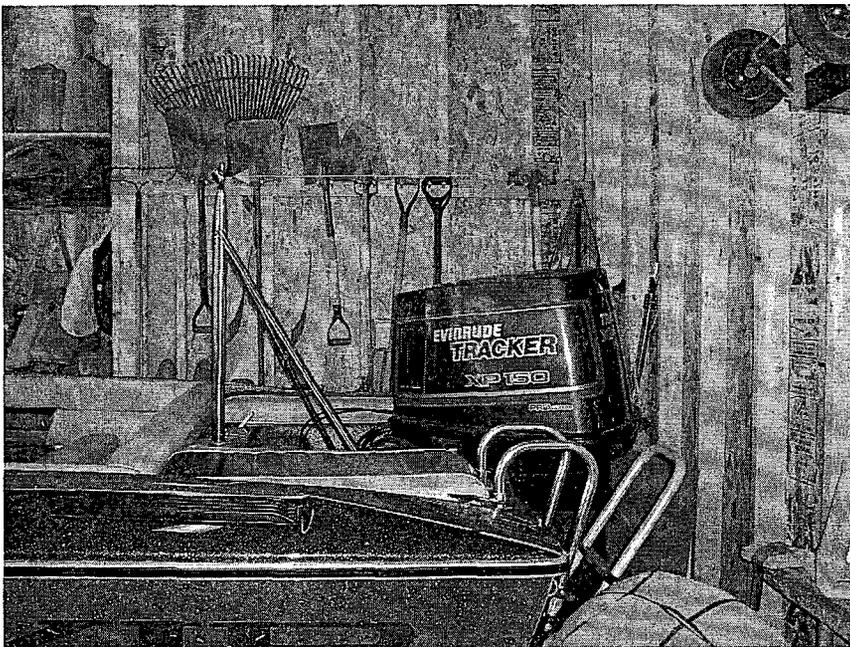
**IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Model 53-5000 –
Purchased by victim.**



**IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Model 53-5000 –
Purchased by victim. – Photograph shows plastic window for rider and driver to
view each other.**



IDI 060628CWE5430 – Exhibit “A” – 1991 VIP 17 foot SK8 boat with an 150 hp Evinrude motor that pulled the Wego Kite Tube the day of the incident.



IDI 060628CWE5430 – Exhibit “A” – 1991 VIP 17 foot SK8 boat with an 150 hp Evinrude motor that pulled the Wego Kite Tube the day of the incident – Arrow points to where tow rope was attached.

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VICTIM

[REDACTED] - 42-year-old male
[REDACTED] Street
[REDACTED]
[REDACTED]

CONTACT LIST

[REDACTED] - 44-year-old male owner of boat and driver
[REDACTED]
[REDACTED]

[REDACTED] dt - 45-year-old male spotter
[REDACTED]
[REDACTED]

Jeff Dautermann - Warden
Michael Sealander - Warden
Chris Spaight - Warden
Department of Natural Resources
223 E. Steinfest Road
Antigo, WI 54409
(715) 623-4190

Vilas County Sheriff's Department
330 Court Street
Eagle River, WI 54521
(715) 479-4441

Paul Tirpe, Coroner
Vilas County Coroner
29 forest Drive
Manitowish Waters, WI 54545
(715) 543-2232

060627WRC9758

This activity was a follow-up to a news clip involving the drowning death involving an inner tube at Pyramid Lake, California.

On 6/22/06 I met with the Los Angeles County Sheriff's Dept. at Pyramid Lake, California. The deputy on site advised me that the incident did involve an inflatable kite raft.

On 5/29/06 the victim was being pulled behind a boat as he rode on top of an inflatable kite raft. The driver of the boat was not paying attention and when he realized another boat was in his way, he swerved sharply, causing the kite raft to whip around and fly into the oncoming boat. The deputy stated witnesses told him that the raft was skimming across the water, it was not up in the air. The victim suffered massive injuries and died.

The operator of the boat pulling the victim is being charged for manslaughter and was arrested for DUI.

The inflatable kite raft is being held in the evidence locker at the Los Angeles County Sheriff's Department, 23740 Magic Mountain Parkway, Valencia, CA.

A digital photograph was taken of the one photograph the deputy had in his file of the actual kite raft. (Exhibit #1)

A copy of the sheriff's report is attached (Exhibit #2).

As it appears this incident may be out of scope, no further follow-up action is being conducted, unless otherwise directed by compliance.

Kathy Bellenfant

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060627WRC9758

Exhibit #1 - 1 Photograph



Digital photograph taken of sheriff's dept. photograph of the inflatable raft involved in the collision where the rider was killed.

Topka, Tanya L.

From: Topka, Tanya L.
Sent: Friday, June 30, 2006 8:20 AM
To: Barton, Keven J.; Bellenfant, Kathleen L.
Cc: Nava, Frank J.
Subject: RE: Report on inflatable kite raft death - 5/29/06 Pyramid Lake, CA

This one is hard because we want to know of all incidents involving the tube kite esp. the Wego. So there are two ways to do it either an IDI or as a memo to Compliance but then it would have to be logged as some type of visit that produced this information. I don't know there might be another way but I haven't seen. I def. don't want it screened out because I want the attachments for the record.

From: Barton, Keven J.
Sent: Thu 6/29/2006 4:51 PM
To: Topka, Tanya L.; Bellenfant, Kathleen L.
Cc: Nava, Frank J.
Subject: RE: Report on inflatable kite raft death - 5/29/06 Pyramid Lake, CA

On second thought I'm not sure if and IDI is the right approach as the incident would be out of scope and normally not investigated or assigned. Any suggestions on how to assign this. If we screen it there will be no attachments.

Keven Barton
 Supervisory Investigator
 LOS / Western Region
 Ph: 714-870-7560
 Fax: 775-254-3947

From: Topka, Tanya L.
Sent: Thursday, June 29, 2006 12:07 PM
To: Bellenfant, Kathleen L.
Cc: Barton, Keven J.; Nava, Frank J.
Subject: RE: Report on inflatable kite raft death - 5/29/06 Pyramid Lake, CA

I read what you have and this does not appear to follow the hazard pattern we are looking at but I would like it written up. I don't see any reason why we need to interview anyone else on this, esp. since it looks as though it was referred to the DA for prosecution. I think what you have is enough we know it is a Sportsstuff Wego Kite Tube from the picture you provided. You also have the report that explains what happened. Unless your supervisor disagrees I think you should write up what you have since that is quite a bit of information about what happened.

Tanya Topka, Compliance Officer
 U.S. CPSC
 301-504-7594
www.cpsc.gov

From: Bellenfant, Kathleen L.
Sent: Thursday, June 29, 2006 2:47 PM
To: Topka, Tanya L.
Cc: Nava, Frank J.; Barton, Keven J.

7/3/2006

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Subject: Report on inflatable kite raft death - 5/29/06 Pyramid Lake, CA

Hi Tanya:

I investigated the death of a man at Pyramid Lake, CA while he was riding on one of the inflatable kite rafts. Per the police report (Attached as exhibit #2), the victim's friend and driver of the boat that was pulling him, was found to be at fault and was also DUI.

I took a digital picture of the deputy's pic of the raft. (Not of the best quality). The raft is in the evidence locker at the sheriff's dept. I have not pursued this case as it appears to be out of scope.

The deputy said that have a lot of these inflatable kite rafts on the Lake, but he has never seen one go any more than a couple feet high. They will contact us if any other incidents occur with these crafts.

Please let me know if you want me to conduct a full IDI on this one.

Thanks,

Kathy

7/3/2006

911

1. Task Number 060707CWE5439		2. Investigator's ID 9011		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2006 05 29	5. Date Initiated YR MO DAY 2006 07 05		
6. Synopsis of Accident or Complaint UPC A 38 year old man was killed when the inflatable kite tube he was riding on hit another boat.				
7. Location (Home, School, etc) 9 - SPORTS OR RECREATION PLACE		8. City GORMAN		9. State CA
10A. First Product 3200 - Water Tubing (activity, Appa		10B. Trade/Brand Name SPORTSSTUFF/WEGO KITE TUBE		10C. Model Number 53-5000
10D. Manufacturer Name and Address SPORTSSTUFF 11213 E. Circle #A Omaha, NE				
11A. Second Product 852 - Rope Or String		11B. Trade/Brand Name UNKNOWN		11C. Model Number UNKNOWN
11D. Manufacturer Name and Address NONE				
12. Age of Victim 38	13. Sex 1 - Male	14. Disposition 8 - Death		15. Injury Diagnosis 71 - Other
16. Body Part(s) Involved 85 - ALL OF BODY	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 1 - On-Site		19. Time Spent (Operational / Travel) 7 / 1
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 05 - Newspaper		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 07/06/2006		25. Reviewed By 9035		26. Regional Office Director Frank J. Nava
27. Distribution Topka, Tanya L.			28. Source Document Number N0670003A	

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IDI #060707CWE5439

Page 1 of 5

This investigation was initiated by a news clip involving the drowning death of a man riding on an inner tube being pulled behind a boat at Pyramid Lake, California. All information in this report was obtained from the Sheriff's Dept. This incident involved a fatality. (Source Document N0670003A).

On 6/22/06 I met with the Los Angeles County Sheriff's Dept. at Pyramid Lake, Gorman, California. Pyramid Lake is located in a remote area, next to Interstate 5 (take Smokey Bear exit), between the town of Gorman and Valencia, in Los Angeles County, CA. It offers boating, fishing, and picnicking.

The victim was 38 year old man, of unknown medical or physical conditions. Per the sheriff's report, the victim's wife stated that this was the first time her husband had been on the kite tube. They had been on the boat since 11:00 that morning. The victim's wife stated that the victim had not been drinking. It is also unknown if the victim had any other experience with inner tubes or rafts or if he had any medical conditions. It is unknown how long the victim had been towed behind the boat before the accident. It is unknown if the victim was wearing any life of life jacket or vest.

The driver of the boat pulling the kite raft stated that this was his first time pulling this type of tube. He stated to the sheriff that he had about 20 years of boating experience.

The driver of the boat that had been towing the victim and all witnesses to the accident would not speak to this investigator due to the pending criminal charges being filed against the boat driver.

On 5/29/06, at approximately 11:40 am, the victim was being pulled behind a boat as he rode on top of an inflatable kite raft. The weather was clear, the water calm, wind was at 7-14 mph, visibility good and the air temperature was 70 degrees and the water temperature was 67 degrees. The boat and kite raft were in one of the numerous finger type coves at the lake called Brazos Cove. This cove runs North/South and is approximately 350 yards wide for most of the cove. The victim was heading northbound being towed behind a 20 foot open bow motor boat. The victim was laying flat on the raft, holding onto the two handles attached to the tope of the raft.

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The driver of the boat stated he was going about 20 MPH and was watching the victim riding on the kite raft. The kite raft was bouncing 3-4 feet into the air and was going side to side over his trailing wake. The driver stated that he was looking back and to the front and was not maintaining a constant watch forward. The length of the tow rope was 63 feet in length.

It was at this time when another motor boat was heading southbound towards the victim. The driver of the victim's boat stated the next thing he saw off to this port (left side) was the other boat heading southbound. He stated that he was so close that he had to alter his course or collide with the other boat. The driver made a right turn and looked back at the victim who came across his trailing wake, bouncing into the air and then strike the bow of the other boat. The driver of the second boat realized the closing distance the victim and his boat were making on them and he felt his best course was to go into neutral and hope the victim on the tube would miss his boat.

The driver pulling the victim then stated the next thing he saw was the tube explode and come over the bow area of the other boat. The victim was in the water, unknown injuries, and someone was helping him. The driver of the boat placed the victim in his boat and took him to the main boat launch ramp for help.

The victim was air lifted to a trauma hospital in Mission Hills, California. He was treated by the emergency room doctor and was pronounced dead at 1240 hours.

The deputy stated witnesses told him that the raft was skimming across the water, bouncing 3 to 4 feet high, and that it was not up in the air.

The operator of the boat pulling the victim was subsequently arrested for is being charged for 191.5 Penal Code Manslaughter and 665 (e) operation of a vessel while under the influence of alcohol causing death to another.

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IDI #060707CWE5439

Page 3 of 5

SAMPLE COLLECTION:

None

PRODUCT EXAMINATION:

None. Product was not available. The inflatable kite raft is being held in the evidence locker at the Los Angeles County Sheriff's Department, 23740 Magic Mountain Parkway, Valencia, CA.

PRODUCT IDENTIFICATION #1:

(This information was obtained from the photograph the Los Angeles County Sheriff's Dept. took of the incident raft right after the accident.

Obtained from the Manufacturer website: www.sportsstuff.com

Product Type: Kite tube
Brand: Wego Kite Tube
Model Number: 53-5000
Manufacturer: Sportsstuff Inc.
Retailer: Unknown
Suggested Retail Price: \$599.95 (Manufacturer website)

Features:

- 120 inch inflated diameter (10 foot) with slanted saucer configuration
- 840D full body nylon double skin cover with PU coating
- Computerized double stitched sewing
- Nylon zippered openings for bladder insertion and adjustment
- Multiple mesh drain ports, bar-tacked
- Two heavy-duty PVC bladders-outer ring and slotting cockpit
- Reinforced towing system with molded aluminum connector
- Speed safety valves for fast easy inflation and deflation

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IDI #060707CWE5439

Page 4 of 5

- Parallel slotting system with non-slip footsteps and neoprene padding
- 8 padded, non-slip handles with knuckle guard
- Heavy-duty starting leash with easy grip sponge balls
- Reflective Safety piping on all handles and on the outside top taping
- Variable loops for detachable leash use
- Panoramic see through double windows
- Adjustable length style 45-55-65 foot segmented tow rope
- High visibility, billboard style, red and yellow

Manufacturer: Sportsstuff Incorporated
11213 E. Circle #A, Omaha, NE 68137
Telephone: (402) 592-9085
Fax: (402) 592-1354
Website: www.sportsstuff.com

PRODUCT STANDARDS:

Unknown standards.

PRODUCT IDENTIFICATION #2:

Product Type:	Tow rope
Brand:	Unknown
Model Number:	Unknown
Manufacturer:	Unknown
Retailer:	Unknown

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IDI #060707CWE5439

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CONTACTS: PURPOSE & RESULTS

Sheriff's Dept.: Obtained incident scenario information

ATTACHMENTS:

Exhibit #1	Respondent Identifiers
Exhibit #2	Photograph
Exhibit #3	Sheriff's Department Vessel Accident Report
Exhibit #4	Manufacturer Website
Exhibit #5	Product Manual
Exhibit #6	Product Towable Owner's Manual
Exhibit #7	Manufacturer Website Registration Domain
Exhibit #8	Missing Document Form

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Exhibit #1

Page 1 of 1

RESPONDENT IDENTIFIERS:

Victim: [REDACTED] (deceased)
Formally residing at: [REDACTED] St.,
Santa Fe Springs, CA 90670
Telephone: [REDACTED]

Driver #1: [REDACTED]
Towing victim [REDACTED] St., Lawndale, CA 90250
Telephone: [REDACTED]

Drive #2: [REDACTED]
Boat Victim hit [REDACTED] CA 91730
Telephone: [REDACTED]

Police Report: Los Angeles County Sheriff's Dept.
23740 Magic Mountain Parkway, Valencia, CA 91355

Lake Property: Pyramid Lake (Los Angeles County) California
Deputy: Hardy
Telephone: 661-255-1121

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Exhibit #2 - 1 Photograph

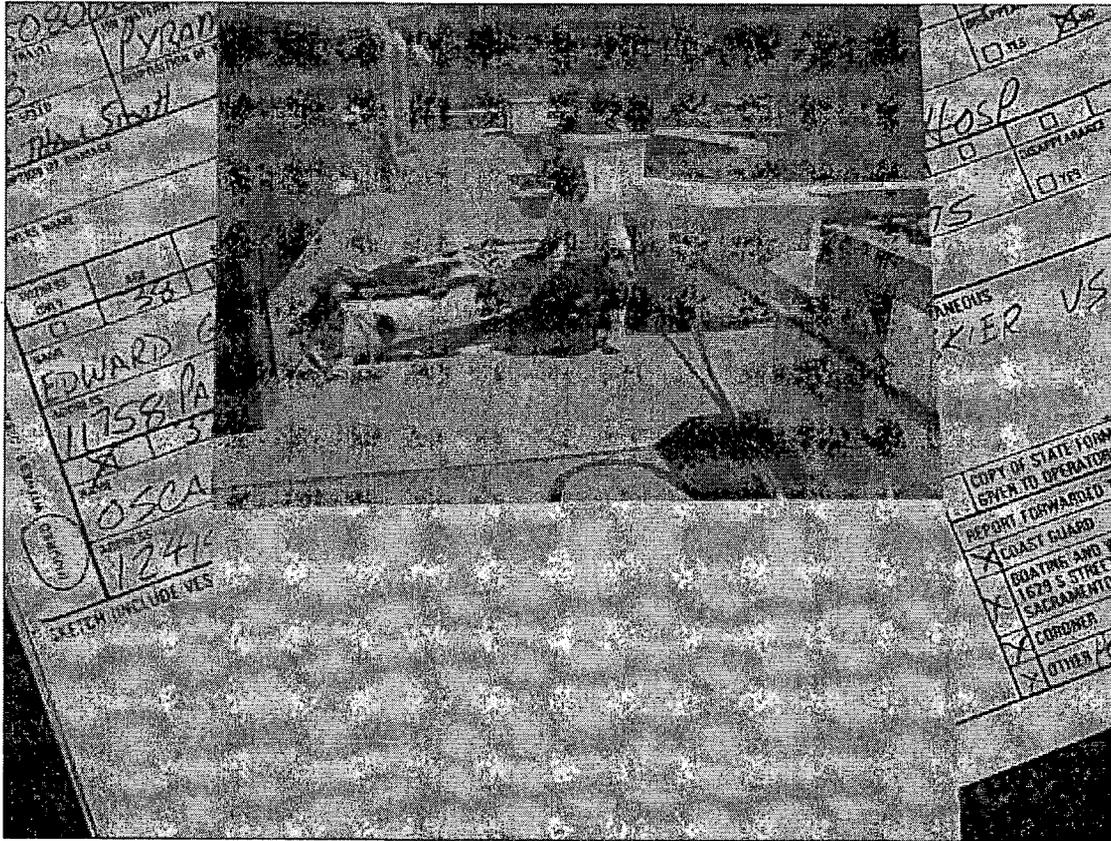


Exhibit 2.1 Digital photograph taken of sheriff's dept. photograph of the inflatable raft involved in the collision where the rider was killed. The original sheriff's photograph was taken on the dock at Pyramid Lake, after the accident. Photograph identifies the raft involved in the incident as a Sportsstuff Wego Kite tube.

NOT FOR PUBLICATION

VESSEL ACCIDENT REPORT CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS

SPECIAL CONDITIONS FATAL B.U.I.	NO INJURED <input checked="" type="checkbox"/>	AGENCY LASD	JUDICIAL DISTRICT NEWHALL	NUMBER 006-08839- -0692-251
	NO KILLED 1	CITY GORMAN LOS ANGELES	COUNTY LOS ANGELES	BEAT 0692

LOCATION ACCIDENT OCCURRED ON PYRAMID LAKE	MONTH 05	DAY 129	YEAR 106	TIME (2400) 1140	DRW NUMBER	OFFICER ID 173091
NEAREST LANDMARK (NAVIGATION AID) 500 FEET WEST	OF VAGUERO BEACH BRAZOS COVE			INVESTIGATED BY HAROY	PHONE (061) 255-1121	

PARTY 1	NAME (FIRST, MIDDLE, LAST)				STREET ADDRESS			
OPERATOR	IDENTIFICATION [REDACTED]	BIRTHDATE 10-06-59	SEX M	RACE W	CITY [REDACTED]	STATE CA	ZIP 90260	PHONE (310) 200-1982
SWIMMER	VESSEL YEAR 88	MAKE/MODEL/LENGTH [REDACTED]	VESSEL NUMBER [REDACTED]	VESSEL NAME [REDACTED]	VIOLATION CHARGED 191.5 P.C.			
MOORED VESSEL	HULL IDENTIFICATION NUMBER [REDACTED]	<input type="checkbox"/> NONE	HORSEPOWER 250	INSURANCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OWNERS NAME [REDACTED]			
OTHER	DIRECTION OF TRAVEL N/B	ON WATERWAY PYRAMID LAKE	PDB 5	OWNERS ADDRESS [REDACTED]				
	ESTIMATED SPEED 20+	DISPOSITION OF VESSEL <input checked="" type="checkbox"/> BY OPERATOR	ON ORDERS OF [REDACTED]	VESSEL DAMAGE <input type="checkbox"/> MINOR <input type="checkbox"/> MOD <input type="checkbox"/> TOTAL	LOCATION EST \$ NONE			

PARTY 2	NAME (FIRST, MIDDLE, LAST)				STREET ADDRESS			
OPERATOR	IDENTIFICATION DLF 06048553	BIRTHDATE 12-11-69	SEX M	RACE W	CITY [REDACTED]	STATE CA	ZIP 91730	PHONE (909) 581-0846
SWIMMER	VESSEL YEAR 94	MAKE/MODEL/LENGTH I/B, 25'	VESSEL NUMBER [REDACTED]	VESSEL NAME [REDACTED]	VIOLATION CHARGED [REDACTED]			
MOORED VESSEL	HULL IDENTIFICATION NUMBER [REDACTED]	<input type="checkbox"/> NONE	HORSEPOWER 400	INSURANCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OWNERS NAME 1 ZAUPA DONALD L			
OTHER	DIRECTION OF TRAVEL S/B	ON WATERWAY PYRAMID LAKE	PDB 5	OWNERS ADDRESS [REDACTED]				
	ESTIMATED SPEED [REDACTED]	DISPOSITION OF VESSEL <input checked="" type="checkbox"/> BY OPERATOR	ON ORDERS OF [REDACTED]	VESSEL DAMAGE <input checked="" type="checkbox"/> MINOR <input type="checkbox"/> MOD <input type="checkbox"/> TOTAL	LOCATION EST \$ BOW AREA			

PROPERTY	DESCRIPTION OF DAMAGE			
	OWNERS NAME	ADDRESS	ZIP	PHONE
				NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO

WITNESS ONLY	AGE	SEX	EXTENT OF INJURY				INJURED WAS				BY VESSEL NUMBER		
			FATAL	SEVERE WOUND	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	OPERATOR	PASS	SKIER	SWIMMER		OTHER	
<input type="checkbox"/>	38	M	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
NAME		PHONE		DISAPPEARANCE									
ADDRESS		ZIP		TAKEN TO (INJURED ONLY)									
<input checked="" type="checkbox"/>	32	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAME		PHONE		DISAPPEARANCE									
ADDRESS		ZIP		TAKEN TO (INJURED ONLY)									

SKETCH (INCLUDE VESSEL, WIND, CURRENT DIRECTION)	MISCELLANEOUS
SEE ATTACHED	SKIER VS BOAT
INDICATE TRUE NORTH	
	COPY OF STATE FORM A-1 GIVEN TO OPERATOR(S)
	REPORT FORWARDED TO:
	<input checked="" type="checkbox"/> COAST GUARD
	<input checked="" type="checkbox"/> BOATING AND WATERWAYS 1629 S STREET SACRAMENTO, CA 95814-7291
	<input checked="" type="checkbox"/> CORONER
	<input checked="" type="checkbox"/> OTHER HOMICIDE, PYRAMID LAKE

1C FAXED TO HOMICIDE & CORONER

2RD Leo

JUN 03 2005 M.M. # 46987

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2 PAGE		05-27-06		1140		1 2		1 2	
DATE OF ACCIDENT (Mo., Day, Yr.)		173091		006-08839-0692251		OTHER ASSOCIATED FACTORS:		VESSEL TYPE:	
OFFICER ID		NUMBER		WIND		WEATHER		OPEN MOTORBOAT	
PRIMARY ACCIDENT FACTOR:		NONE		LIGHT (0-6 mph)		<input checked="" type="checkbox"/> IMPROPER LOOKOUT*		CABIN MOTORBOAT	
<input checked="" type="checkbox"/> SECTION VIOLATION		<input checked="" type="checkbox"/> MODERATE (7-14 mph)		STRONG (15-25 mph)		<input checked="" type="checkbox"/> UNFAMILIAR WITH WATER		RAFT	
<input checked="" type="checkbox"/> OTHER IMPROPER OPERATION*		STORM (25 mph & over)				LOADING*		SAIL	
OTHER THAN OPERATOR*						VESSEL EQUIPMENT*		AUXILIARY SAIL	
UNKNOWN*						VISION OBSCUREMENTS*		ROW BOAT, KAYAK, CANOE	
TYPE OF ACCIDENT:		TIDE				WATER CONDITIONS		PERSONAL WATER CRAFT	
SIDEWIPED		EBB		FLOOD		SPEED		HOUSEBOAT	
BROADSIDE		SLACK WATER (Stand)		<input checked="" type="checkbox"/> NOT APPLICABLE		NOT LEGALLY EQUIPPED*		RENTAL	
GROUNDING		TEMPERATURE ESTIMATE				OPERATOR INEXPERIENCE*		OTHER*	
CAPSIZING		AIR 79 °F		WATER 67 °F		OTHER*			
FLOODING		LIGHTING				SOBRIETY/DRUG		PROPULSION	
SINKING		<input checked="" type="checkbox"/> DAYLIGHT		DUSK-DAWN		<input checked="" type="checkbox"/> HAD NOT BEEN DRINKING		OUTBOARD	
FIRE / EXPLOSION		DARK		ARTIFICIAL LIGHT		<input checked="" type="checkbox"/> HBD NOT UNDER INFLUENCE		INBOARD	
FALLS OVERBOARD		VISIBILITY				<input checked="" type="checkbox"/> HBD UNDER INFLUENCE		INBOARD / OUTBOARD	
PERSONS STRUCK		GOOD		FAIR		<input checked="" type="checkbox"/> HBD IMPAIRMENT (UNKNOWN)		SAIL / SAIL AND AUXILIARY	
BURNS		POOR				UNDER DRUG INFLUENCE		PADDLE (Hand propelled)	
HIT OBJECT FIXED / FLOATING		PERSONAL FLotation DEVICES				OTHER PHYSICAL IMPAIRMENT		JET DRIVE	
OTHER*		Was vessel adequately equipped with Coast Guard approved PFDs? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N				IMPAIRMENT UNKNOWN		OTHER*	
VESSEL INVOLVED WITH:		Were they accessible? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N				NOT APPLICABLE		KIND OF FUEL	
OTHER VESSEL(S) <input checked="" type="checkbox"/> SKIER		Were they used? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N				MOVEMENT PRECEDING ACCIDENT:		<input checked="" type="checkbox"/> GASOLINE	
SWIMMER		FIRE EXTINGUISHERS				<input checked="" type="checkbox"/> CRUISING		DIESEL	
FIXED OBJECT		Was the approved type fire fighting equipment aboard? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N				<input checked="" type="checkbox"/> MANEUVERING		OTHER	
NONCOLLISION		Were they used? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N				WATER SKIING		HULL MATERIAL	
OTHER						TOWING / BEING TOWED		WOOD	
WEATHER:						DRIFTING		ALUMINUM	
<input checked="" type="checkbox"/> CLEAR						AT ANCHOR		STEEL	
CLOUDY						TIED TO DOCK		<input checked="" type="checkbox"/> FIBERGLASS / PLASTIC	
RAIN						FUELING		OTHER	
HAZY						FISHING			
WATER CONDITIONS:						RACING			
<input checked="" type="checkbox"/> CALM						OTHER			
CHOPPY									
VERY ROUGH									
STRONG CURRENT									

ACCIDENT NARRATIVE

EVIDENCE:

EV 1-1 - SPORTS STUFF - KITE TUB RED/YELLOW SAUCER SHAPE -

EV-2-1 EVN CONTAINING SEVERAL PHOTOS OF KITE TUB ALL EVD BOOKED BY DEP FERRONE # 292930 B-107 - P. 138

PASSENGERS/WITNESS CONTINUED V-1 BOAT.

WIT#2 V [REDACTED] FN/39 - D.O.B. 7-9-66 PH [REDACTED] TA FE SPRINGS 901670

WIT#3 [REDACTED] MW/32 - 8-28-73 PH [REDACTED] SS32 W [REDACTED]

INVESTIGATED BY (Name, Rank)	ID NUMBER	INVESTIGATED BY (Name, Rank)	ID NUMBER	REVIEWED BY
P. HARDY	173091			Sgt. Nagler #176250

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VESSEL ACCIDENT REPORT

California Department of Boating and Waterways

SUPPLEMENTAL / NARRATIVE (check one)

- Narrative Continuation Vessel Accident Report
- Supplemental Vessel Accident Report
- Other

DATE OF ORIG. INCIDENT (Mo, Day, Yr) 05-29-06	TIME (2400) 1140	DBW NUMBER	OFFICER ID 173091	NUMBER 08889	PAGE 4
LOCATION / SUBJECT			CITATION NUMBER		
CITY / COUNTY			BEAT		
			AGENCY		

FACTS:

RESPONDED TO THE MAIN LAUNCH RAMP AT PYRAMID LAKE RE: MAJOR INJURY BOATING ACCIDENT. CONTACTED ALL PARTIES AND VESSELS AT RAMP.

SCENE: PYRAMID LAKE HAS NUMEROUS FINGER TYPE COVES. BRAZOS COVE RUNS NORTH/SOUTH AND IS APPROXIMATELY 350 YARDS WIDE FOR MOST OF THE COVE. V-1 WAS HEADING NIB TOWING A TUBE WITH THE VICT RIDING ON IT. V-1 MADE A RIGHT TURN CAUSING THE VICT TO BE WHIPPED INTO THE BOW OF V-2 WHO WAS SIB OUT OF THE COVE CAUSING VICT ~~DEATH~~ DEATH

VESSEL #1 IS A ~~20' PINK/GRN~~ 20' PINK/GRN IN COLOR INBOARD ~~SI~~ AND WAS BEING OPERATED BY P-1 ~~AT THE TIME OF THE COLLISION. THE STEERING AND THROTTLE CONTROLS WERE CHECKED AND FOUND TO BE WORKING PROPERLY.~~

VESSEL #2 IS A 1994 OBSESSION WITH A SPLIT PONTON TYPE HULL ~~25'~~ 25', WHT/GRN IN COLOR, INBOARD AND WAS BEING OPERATED BY P-2 ~~AT THE TIME OF THE COLLISION. THE STEERING AND THROTTLE CONTROLS WERE CHECKED AND FOUND TO BE WORKING PROPERLY.~~

PREPARED BY (Name / Rank) P. HARDY

DATE (Mo, Day, Yr) 5-29-06 ID NUMBER 173091

REVIEWED BY (Name / Rank) Sgt. Nagler #176250

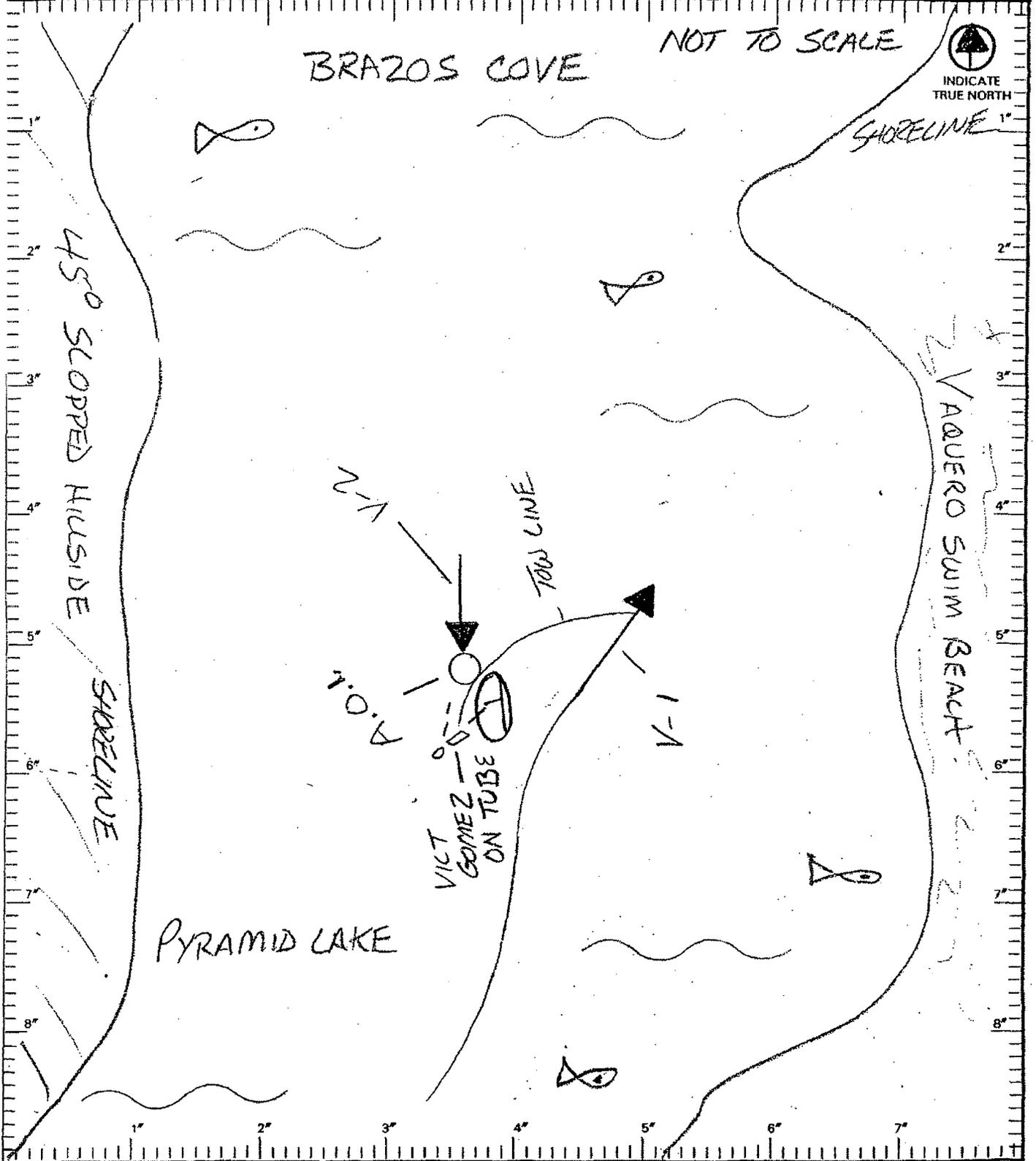
DATE (Mo, Day, Yr) 05-30-06 ID NUMBER _____

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FACTUAL DIAGRAM—NARRATIVE CONTINUATION

DATE OF ACCIDENT MO 05 DAY 29 YR 06	TIME (2400) 1140	DBW NUMBER	OFFICER ID 173091	NUMBER 006-08839-0092-251	PAGE 3
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE=)



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VESSEL ACCIDENT REPORT

SUPPLEMENTAL / NARRATIVE (CHECK ONE) <input checked="" type="checkbox"/> Narrative Continuation Vessel Accident Report <input type="checkbox"/> Supplemental Vessel Accident Report <input type="checkbox"/> Other	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
	05/29/06	1140	006-08839-	
	LOCATION	CITY		BEAT
		COUNTY		AGENCY

INJURIES: VICT [REDACTED] WHO WAS BEING TOWED BY V-1 AND STRUCK V-2 BOW AREA WAS AIRVAC OUT BY LACO FIRE AIR SQ-19 TO HOLYCROSS HOSP FOR MAJOR HEAD TRAUMA. UPON HIS ARRIVAL HE WAS TREATED BY E.R. DOCTOR RODRIGUEZ AND WAS PRONOUNCED DEAD AT 1240 HRS.

PASSENGERS: ALL PASSENGERS ON V-1 (BOAT) WERE LISTED AS WITNESSES ON FACE PAGE. ALL PASSENGERS ON V-2 (BOAT) WILL BE LISTED BY DEP LORENZI #222080 SUPP REPORT.

STATEMENTS: P-1 [REDACTED] TOLD ME THAT HE WAS HEADING N13 IN BRAZOS COVE TOWING THE VICT ON A "KITE TUB" (EV#1). HE TOLD ME THAT THIS WAS THE FIRST TIME HE HAD USED THIS TYPE OF TUBE. HE SAID THAT HE WAS GOING ABOUT 20 MPH OR SO AND WAS WATCHING AS THE VICT ON THE TUBE WAS BOUNCING 3'-4' INTO THE AIR AND WAS GOING FROM SIDE TO SIDE OVER HIS TRAILING WAKE. P-1 [REDACTED] SAID THAT HE WAS LOOKING BACK AND TO THE FRONT AND WAS NOT MAINTAINING A CONSTANT WATCH FORWARD.

PREPARED BY (NAME, RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
P. HAROY #17309	5/29/06		Sgt. Nagler #176250	05/30/06	

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VESSEL ACCIDENT REPORT

SUPPLEMENTAL / NARRATIVE (CHECK ONE) <input checked="" type="checkbox"/> Narrative Continuation Vessel Accident Report <input type="checkbox"/> Supplemental Vessel Accident Report <input type="checkbox"/> Other	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER	
	5/29/06			006-08839	
	LOCATION	CITY		COUNTY	BEAT
				AGENCY	

STATEMENTS CONTINUED

P-1 [REDACTED] SAID THE NEXT THING HE SAW OFF TO HIS (PORT) LEFTSIDE WAS V-2 HEADING SIB. HE SAID THAT HE WAS SO CLOSE THAT HE HAD TO ALTER HIS COURSE OR COLLIDE WITH V-2.

P-1 [REDACTED] MADE A RIGHT TURN AND LOOKED BACK AT VICT [REDACTED] COME ACROSS HIS (V-1'S) TRAILING WAKE BOUNCE INTO THE AIR AND THEN STRIKE THE BOW AREA OF V-2. THE NEXT THING HE SAW, WAS THE TUBE EXPLODE AND COME OVER THE BOW AREA OF V-2 BOAT. HE CONTINUED HIS TURN AND WENT BACK TO V-2. AT THIS TIME, HE SAW SOMEONE IN THE WATER HELPING THE VICT. HE PLACED THE VICT IN HIS BOAT AND BROUGHT HIM BACK TO THE MAIN LAUNCH RAMP. P-1 [REDACTED] TOLD ME THAT HE HAS ABOUT 20 YRS OF BOATING EXPERIENCE. THE HELM ON V-1 IS ON THE LEFTSIDE.

PASSENGER [REDACTED] SAID THAT HE WAS SEATED IN THE FRONT SEAT ON THE RIGHTSIDE. HE TOLD ME HE WAS LOOKING BACK AT THE VICT ON THE TUBE HE SAID THAT THE VICT WAS BOUNCING FROM SIDE TO SIDE. HE TOLD ME HE

PREPARED BY (NAME, RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
P HAROV	5/29/06	173091	Sgt. Nagler #176250	05/30/06	

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VESSEL ACCIDENT REPORT

CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS

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SUPPLEMENTAL / NARRATIVE (CHECK ONE)

- Narrative Continuation Vessel Accident Report
- Supplemental Vessel Accident Report
- Other

DATE OF ACCIDENT 5/29/06	TIME (2400)	REPORT NUMBER 006-08839	CITATION NUMBER
LOCATION		BEAT	
CITY	COUNTY	AGENCY	

STATEMENTS CONTINUED

WAS NOT SURE HOW FAST THEY WERE GOING. THE NEXT THING HE SAW WAS THE VICT HIT THE FRONT AREA OF V-2. HE SAID HE THINKS THAT P-1 [REDACTED] HAD MADE A TURN TO THE RIGHT JUST BEFORE IMPACT. [REDACTED] TOLD ME HE HAD NOT SEEN OR HAD ANY KNOWLEDGE IF P-1 [REDACTED] HAD BEEN DRINKING THAT DAY.

PASSENGER [REDACTED] TOLD ME THAT HE HAD BEEN SEATED IN THE BACK SEAT ON THE RIGHT SIDE BEHIND HIS BROTHER [REDACTED]. HE SAID HE WAS FACING BACKWARDS WATCHING AS THE VICT IN THE TUBE WAS BOUNCING ALL OVER. THE NEXT THING HE SAW WAS THE VICT BOUNCING TO HIS RIGHT SIDE AND THEN STRIKE THE RIGHT BOW AREA OF V-2. [REDACTED] TOLD ME HE WAS NOT SURE HOW FAST THEY HAD BEEN GOING. [REDACTED] ALSO TOLD ME HE WAS UNSURE IF P-1 [REDACTED] HAD BEEN DRINKING.

PASSENGER [REDACTED] (WIFE OF THE VICT) TOLD ME THAT SHE WOULD GIVE ME A STATEMENT. SHE

PREPARED BY (NAME, RANK) P. HARDY	DATE 5/29/06	ID NUMBER 173391	REVIEWED BY (NAME, RANK) Sgt. Nagler #176250	DATE 05/30/06	ID NUMBER
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VESSEL ACCIDENT REPORT

SUPPLEMENTAL NARRATIVE (CHECK ONE) <input type="checkbox"/> Narrative Continuation Vessel Accident Report <input type="checkbox"/> Supplemental Vessel Accident Report <input type="checkbox"/> Other	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
	LOCATION			BEAT
	CITY	COUNTY		AGENCY

STATEMENTS (CONTINUED)

SAID THAT SHE HAD BEEN SEATED ON THE LEFT SIDE BEHIND THE OPERATOR (P-1 [REDACTED]) FACING BACKWARDS. SHE TOLD ME THAT HER HUSBAND HAD ONLY BEEN ON THE TUBE A SHORT TIME SHE ALSO SAID THAT THIS WAS HIS FIRST TIME ON THIS TYPE OF TUBE. SHE ALSO SAID THAT THEY HAD BEEN ON THE BOAT SINCE 1100 AM THAT MORNING AND ADDED THAT HER HUSBAND HAD NOT BEEN DRINKING. AS THEY WERE PULLING HER HUSBAND ON THE TUBE SHE SAW HIM BOUNCE TO HER RIGHT SIDE AND THEN STRIKE THE FRONT END (BOW AREA) OF V-2. I ASKED HER IF THERE WAS ANYTHING SHE COULD ADD AND SHE TOLD ME NO. SEE STATEMENT OF P-2 AND OTHER WITNESS WRITTEN BY DEP LORENZI.

ARREST: DURING MY CONVERSATION/INTERVIEW WITH P-1 [REDACTED] I COULD SMELL THE ODOR OF AN ALCOHOLIC BEVERAGE EMITTING FROM HIS BREATH AND PERSON. I REQUESTED FOR A UNIT WITH A PAS. DEVICE AND UNIT 600MS DEP WELLS # 19241 ARRIVED. SEE B.W. WRITTEN BY DEP WELLS RE: BREATH TEST RESULTS, BLOOD TAKEN FROM P-1 [REDACTED] AND ACTION TAKEN.

PREPARED BY (NAME, RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
P. HARDY	5/29/06	17301	Sgt. Nagler #176250	05/30/06	

VESSEL ACCIDENT REPORT

CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS

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- SUPPLEMENTAL / NARRATIVE (CHECK ONE)
- Narrative Continuation Vessel Accident Report
 - Supplemental Vessel Accident Report
 - Other

DATE OF ACCIDENT 5/29/06	TIME (2400) 006-08839	REPORT NUMBER 006-08839	CITATION NUMBER
LOCATION		BEAT	
CITY	COUNTY	AGENCY	

ARREST CONTINUED

BASED ON THE B.U.I. INVESTIGATION

P-1 [REDACTED] WAS SUBSEQUENTLY ARRESTED FOR 191.5 P.C. MANSLAUGHTER AND 655(c) H&N OPERATION OF A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL CAUSING DEATH TO ANOTHER. P-2 [REDACTED] TOOK A BREATH TEST AND RESULTS WERE .00/-00%

OPINIONS AND CONCLUSIONS: P-1 [REDACTED] WAS NIB IN BRAZOS COVE TOWING THE VICT ON A KITE AIR TUBE DESIGNED TO BOUNCE HIGH AND FLY ABOVE THE WATER OR WITH VERY LITTLE DRAG IN THE WATER. P-1 [REDACTED] HAD JUST PURCHASED THIS TUBE AND WAS LOOKING BEHIND AT THE TUBE. DURING THIS TIME HE FAILED TO MAINTAIN A PROPER LOOKOUT FOR OTHER VESSELS. HE FAILED TO TAKE INTO ACCOUNT THE AMOUNT OF AREA NEEDED TO USE THIS TUBE. THE ROPE WAS MEASURED TO BE 63' IN LENGTH. THE SPEED OF THE BOAT, AS WELL AS, HOW THE BOAT MANEUVERS IN THE WATER GUIDES THE TUBE IN THE WATER. ALL PERSONS IN V-1 WERE LOOKING BEHIND AT THE VICT ON THE TUBE.

PREPARED BY (NAME, RANK) P. HARDY	DATE 5/29/06	ID NUMBER 1735N	REVIEWED BY (NAME, RANK) Sgt. Nagler #176250	DATE 05/23/06	ID NUMBER
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VESSEL ACCIDENT REPORT

CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS

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SUPPLEMENTAL NARRATIVE (CHECK ONE) <input type="checkbox"/> Narrative Continuation Vessel Accident Report <input type="checkbox"/> Supplemental Vessel Accident Report <input type="checkbox"/> Other	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
	5/29/06	1140	006-08839	
	LOCATION	CITY		BEAT
		COUNTY	AGENCY	

OPINIONS AND CONCLUSIONS CONTINUED

WHEN OPERATOR P-1 DID SEE V-2 HE MADE A QUICK TURN TO THE STARBOARD SIDE (RIGHT). THIS CAUSED THE VICT ON THE TUBE TO BE PLACED IN THE PATH OF V-2 (BOAT) P-2 SAID THAT HE WAS IN GEAR, BUT AT AN IDLE SPEED. HE SAID DUE TO V-1'S SPEED AND THE WAY THE VICT WAS BOUNCING AROUND ON THE TUBE, THERE WAS NOTHING HE COULD DO TO GET OUT OF THE WAY. IF V-2 HAD MADE A PORT (LEFT) TURN IT WOULD HAVE BEEN IN THE DIRECTIONS OF V-1 AND THE VICT ON THE TUBE AND CLOSING THE DISTANCE BIT THEM. IF V-2 HAD MADE A STARBOARD (RIGHT) TURN HE WOULD OF EXPOSED THE WHOLE 25' OF HIS BOAT IN THE PATH OF THE VICT ON THE TUBE COMING HIS WAY. P-2 FELT THE ONLY THING HE COULD DO WAS TO MAINTAIN HIS COURSE, GO INTO NEUTRAL, AND HOPE THE VICT ON THE TUBE WOULD MISS HIS BOAT.

WHILE P-1 DID TRY TO CHANGE HIS COURSE, HE WAS OPERATING HIS VESSEL UNDER THE INFLUENCE OF ALCOHOL AND WAS INVOLVED IN AN ACCIDENT

PREPARED BY (NAME, RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
PHARDY	5/29/06	17301	Sgt. Nagler #176250	05/30/06	

VESSEL ACCIDENT REPORT

CALIFORNIA DEPARTMENT

OF BOATING AND WATERWAYS

SUPPLEMENTAL / NARRATIVE (CHECK ONE) <input type="checkbox"/> Narrative Continuation Vessel Accident Report <input type="checkbox"/> Supplemental Vessel Accident Report <input type="checkbox"/> Other	DATE OF ACCIDENT 5/29/06	TIME (2400) 1140	REPORT NUMBER 006-08839	CITATION NUMBER
	LOCATION			BEAT
	CITY	COUNTY	AGENCY	

OPINIONS AND CONCLUSION CONTINUED
WHICH CAUSED THE DEATH OF ANOTHER. P-1
IS RESPONSIBLE FOR THE SAFETY OF THOSE
HE IS TOWING BY MAINTAINING A PROPER LOOKOUT
CCRT-14 RULES, NEGLIGENT OPERATION OF
HIS VESSEL BY NOT MONITORING HIS SPEED,
COURSE (SSA) H+N AND BY BOATING WHILE
UNDER THE INFLUENCE OF ALCOHOL (SSA) H+N.

BASED UPON WITNESS STATEMENT THE PHYSICAL
EVIDENCE P-1 [REDACTED] CAUSED THIS COLLISION.

RECOMMENDATIONS: SUBMIT TO D. A. REVIEW FOR
PROSECUTION.

PREPARED BY (NAME, RANK) K Hardy	DATE 5/29/06	ID NUMBER 173081	REVIEWED BY (NAME, RANK) Sgt. Nagler #176250	DATE 25/30/06	ID NUMBER
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930

VESSEL ACCIDENT REPORT

CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS

SUPPLEMENTAL / NARRATIVE (CHECK ONE) <input checked="" type="checkbox"/> Narrative Continuation Vessel Accident Report <input type="checkbox"/> Supplemental Vessel Accident Report <input type="checkbox"/> Other	DATE OF ACCIDENT	TIME (2400)	REPORT NUMBER	CITATION NUMBER
	LOCATION			BEAT
	CITY	COUNTY		AGENCY

THE FOLLOWING NOTIFICATIONS WERE MADE:

HOMICIDE DET GURMAN # 210938 1340
 CORONER CASE # 8006-04081
 W/C LT. BRISKY # 1300
 USFS DISPATCH 1420
 USCG - L.A. OFFICER NEEDLE 1415
 BOATING AND WATERWAYS 1530

SEVERAL PHOTO'S (EV#2) OF THE RAFT/TUBE WERE TAKEN BY DEP FERRONE AND PLACED INTO EVIDENCE.

PREPARED BY (NAME, RANK)	DATE	ID NUMBER	REVIEWED BY (NAME, RANK)	DATE	ID NUMBER
P. HARDY	5/29/06	173091	Sgt. Nagler #176250	5/30/06	

931

The following information was obtained through a telephone interview with the victim's wife who observed the incident and with the consumer/boat operator. The victim could not be interviewed due to his current medical condition (halo brace). Additional information was obtained through official reports. The investigation was generated by a report submitted by local officials. The involved product is a circular tube kite. There were a total of three separate, but related incidents involving the same product during the two-day period, though only one incident resulted in medical treatment.

The primary victim (hereafter, "victim") is a 29 year-old male, who weighs approximately 190lbs and stands approximately 6'2. The victim has between 15-20 years of experience with similar products and activities, which includes wakeboarding and water skiing. The victim did not incur any injuries while participating in previous water-related activities. The victim had no prior experience with the product. The victim did not read any product-related documentation (e.g., owner's manual) and did not watch the instructional video that was provided to the consumer.

The victim's friend (hereafter, "consumer" or "boat operator"), who is 36 years old, was the owner of the product and the boat operator at the time of the incident. The product was newly purchased in late May 2006 through an online purchase with a major retailer. The consumer reported that the product has been difficult to locate in retail stores as the products have reportedly been selling quickly. Therefore, the consumer received no prior personal instruction from any sales staff on how to operate the product. The consumer recalls that the product included the tube kite, a three-segmented tow rope (i.e., can be used at the adjustable lengths of 45, 55, and 65 feet), and an instructional video (DVD). The consumer reported that his 32 year-old wife (hereafter, "wife"), 10 year-old son (hereafter, "son"), and he watched the instructional video before using the product. The consumer did not read the owner's manual and does not recall if an owner's manual was provided. The consumer did observe numerous warning and caution labels on the product.

Within a day or two after purchasing the product, the consumer began using the product on a four-day trip. It is unknown who inflated the product, or how much the product was inflated (i.e., PSI). There were a total of seven people on the trip/boat, which included five adults and two children. The boat that was used during each incident was a 21-foot, 280 horsepower, inboard runabout, and was operated solely by the consumer, who reported having significant boating experience. The victim reported that no alcohol was consumed by any of the participants at any time.

Prior to the victim sustaining his injuries, both the wife and son individually rode the product a total of three times each, and both were thrown off once while riding the product. All individuals were sole riders during their respective rides. The son's ride lasted a total of a few minutes, though it is unknown how long the wife was on the product before being thrown off. Various boat passengers acted as "spotters" and no one person was specifically designated. The length of the tow rope used during the wife and son's rides is unknown. The wife weighs approximately 115lbs and stands 5'4 while the son weighs approximately 75lbs and stands 4'5. It is unknown what the wife and son were wearing during the incident(s). During the wife's ride, the boat was traveling

approximately 25-30mph, and she maintained elevations between 5-10 feet. While airborne, the product flipped, and caused the wife to fall and land in the water, on her back. During the son's ride, the boat was traveling approximately 20mph while the son maintained elevations between 3-5 feet. During the son's ride the product flipped and with the son still in the product, landed in the water. The son reportedly injured his knees. It is unknown what exact position the son was in when he landed. Neither individual sought medical attention, though the wife reported "back soreness and spitting up blood" shortly thereafter.

On June 2, 2006 at approximately 3:15pm, the victim attempted his first ride on the product. The victim was wearing shorts and a life jacket. Neither the victim, nor the wife and son wore a helmet during their respective rides. The consumer (i.e., boat operator) tied/secured the tow rope to the product at its greatest length, which is 65 feet, and was included with the purchase of the product. The victim did not purposefully read any of the warning labels on the product before riding. The victim's 30 year-old wife acted as a "spotter" while the victim was riding the product. The visibility was good and the water was reportedly calm. The winds were listed as "moderate", and blowing from the southwest at 10mph. The boat was traveling west, into the wind, and at various speeds (a port side crosswind was reported). It is unknown if other vessels were in the waterway during the victim's ride.

While riding, the victim could not see the boat, therefore communication was impaired. Part of the product, near the front, is constructed of a clear plastic and serves as a window, but immediately became fogged up during the ride, thereby preventing the rider to see or communicate with the spotter or boat operator. The victim had planned on using hand signals, as previously learned while participating in other water sporting activities (e.g., water skiing), but was unable to as removal of either of his hands would have caused a weight shift within the product, thereby causing it to become unstable.

During the victim's ride, which lasted a total of 5-10 minutes, he had difficulty getting the product airborne due to the adult (heavier) weight. The boat operator thus increased the speed to approximately 35-40mph. It is unknown what the boat's actual speed was prior to the increase. It was reported that victim reached elevations of three feet or less, and then suddenly reached an elevation of between 15-25 feet when a gust of wind lifted the product further into the air. While at this peak elevation, the product began to wobble left to right and became unstable for approximately three seconds. The port side of the product then flipped up, thereby inverting and accelerating the product towards the water with the front of the product pointing downward. While the product was falling downward and approximately three feet above the water, the victim fell off the product, and landed headfirst in the water, in an angular, corkscrew motion.

The boat operator immediately turned the boat around when he observed the victim land in the water. With assistance from the passengers in the boat, the victim climbed back into the boat. The victim maintained consciousness, but complained of neck pain. The boat operator radioed for assistance and returned to the marina where the victim received initial emergency medical treatment from the responding medics. The victim was transported via ambulance to a local hospital where he received additional treatment and

was diagnosed with a C-2 (neck) vertebrae fracture. Although the victim was released from the hospital, he is to remain in a halo brace for three months and afterwards will retain limited mobility in his neck (90%). Medical records have been requested, but not received.

The victim and consumer both believe that the product is unsafe for various reasons, specifically due to the inability for rider and boat operator to effectively communicate and instability of product while airborne; therefore, should be removed from the market. The consumer contacted the manufacturer shortly after the incident and informed a representative of what occurred, specifically that three individuals were injured to varying degrees while riding the product. The manufacturer's representative reiterated to the consumer the safety information that accompanies the product (e.g., warning labels) and offered to exchange the product for a regular, non-aerial inner tube. The consumer has since repackaged the product, tow rope, and instructional video and returned them to the manufacturer. Neither the victim, nor the consumer reported any damage to the product after the incident. The consumer has had no further communication with the manufacturer. The victim made no attempt to contact the manufacturer.

Internet research revealed correspondence among consumers and operators of the product on various websites. A June 21, 2006 response (i.e., blog) was written (i.e., posted) to concerned consumers of the product by a manufacturer's spokesperson (Exhibit #9), which stated that the manufacturer "follows the guidelines set forth by the Water Sports Industry Association" (paragraph 7 of Exhibit #9). A phone call was placed to the executive director of the Water Sports Industry Association (WSIA) regarding any possible promulgation of standards or endorsement of the product. The director stated that while the WSIA warnings are intended as guidance for manufacturers of water-related products, the product manufacturer made no prior attempts to seek confirmation with WSIA regarding the product or any tow rope standards. The director stated that regarding tube kites, the WSIA has never "crafted any language" as related to tube kites or endorsed the product in anyway. Furthermore, the director stated that the tube rope standards and warnings promulgated by WSIA are not intended for tube kites tow ropes as pertinent factors, such as tensile strength and capacity may differ between regular (inner) tubes and tube kites. The tube and tow rope warnings and standards promulgated by WSIA have been attached as a reference (Exhibits #6-7). No attempt was made to contact the spokesperson for the manufacturer regarding the aforementioned statement as to WSIA guidelines.

On June 15, 2006, and after responding to numerous incidents involving serious injuries, the local officials of the recreational area implemented a ban all on tube kiting. This restriction was generated from the numerous incidents occurring in the recreational area and subsequent interviews with related parties and various agencies (see Exhibit #8 for restriction proposal and related correspondence). The law enforcement specialist also stated that the park rangers have generated approximately 10 additional reports regarding contact with individuals subsequently preparing to participate in tube kiting. All individuals were alerted to the newly imposed ban, and no additional reports of injuries were noted. In addition, the law enforcement specialist at the recreational park/area determined, after watching the product's instructional video (DVD) on numerous

occasions, that the video narrator discloses that the boat operator (and rider) should go only between 10-20mph, but the video consistently shows boat operators going between 30-40mph, enabling the rider to obtain flight.

On June 16, 2006, a local retailer stocking an exemplar product was visited. Exemplar photographs of the packaging were taken and are included as Exhibit #1.

Product Identification:

The product is a **Wego kite tube™**, and is a 120inch (10 foot) inflatable, circular tube kite that is designed for a single rider, and to be towed behind a boat via tow rope and achieve flight when a certain boat speed is attained. The model number for the product as listed on the manufacturer's website and exemplar packaging is: **53-5000**. The product indicates that a patent is pending and that it is made in China. The manufacturer is:

SportsStuff, Inc.
11213 E. Circle, Suite A
Omaha, NE 68137
(402) 592-9085—P
(402) 592-1354—F
www.sportsstuff.com

The suggested retail price as listed on the manufacturer's website is \$599.95; however, the price paid by the consumer was \$499.00 with exemplar units located in retailers also listed as \$499.00. The product is largely yellow in color with wide black diagonal accent striping and a sectional red border with various product labeling and identification, which includes various skull graphics. The product maintains an "840D" nylon covering and panoramic, see-through double plastic windows that are located near the front of the product. Near the rear of the product is a parallel slotting system cockpit for the rider. A handle system is located underneath the nylon covering and is accessible via eight different circular slots that offer the rider eight different "non-slip" handle positions. The product is also equipped with a three-segmented tow rope that is adjustable to lengths of 45, 55, and 65 feet. The front of the product maintains a molded, aluminum connector for attachment to the tow rope.

The product was purchased through Wal-Mart's website: (www.walmart.com).

Various warnings are located on the product's packaging (exemplar), and include a lengthy "Release of Liability" warning (Exhibit #1, photo 8), which iterates that by assembling and inflating the product the consumer has implicitly agreed to have read and understands the owner's manual and releases the manufacturer of any responsibility as related to damage, loss, or injury. The exemplar packaging also retains warnings disclosing that the product is "Not A Lifesaving Device"... "Never Leave Children Unattended"... "Use Only Under Competent Supervision" (Exhibit #1, photo 7). Although the website shows the product with the warning, "NEVER KITE HIGHER THAN YOU ARE WILLING TO FALL" (Exhibit #10), the exemplar packaging does not reveal such a warning on the product. However, the exemplar packaging also reads

that "Designs Featured In Photography Subject To Variations" (Exhibit #1, photo 7). Although two additional warning can be observed on either side of the product's parallel slotting system, neither one is legible as observed as a photograph on the exemplar packaging or website.

Other relevant wording found on the exemplar packaging (Exhibit #1, photo 10) includes, "Whip across the water like a deck tube, or fly through the air like a bird! Experience the thrill of flight as you rise above the water reaching *incredible heights*, leaving nothing but adrenaline in your wake!" (Emphasis added). Instructional wording observed on the exemplar unit (Exhibit #1, photo 12) includes, "Beginners will benefit greatly by following the directions explained in the included instructional DVD and owner's manual... With a good amount of practice, you'll be able to *hover slightly* above the water's surface for minutes at a time!" (Emphasis added).

No incident or exemplar sample was collected, and no incident product photographs could be obtained.

Exhibits:

- A. CPSC Photographs of Exemplar Packaging (10 pages)
 1. Front view of exemplar product packaging
 2. Manufacturer contact information--as viewed on top of exemplar packaging
 3. Exemplar product's model number and UPC
 4. UPC and retailer price of exemplar product
 5. Top view of exemplar product packaging
 6. Product's features--as listed on exemplar product's top (packaging)
 7. Guarantee and warning of top of exemplar product's packaging
 8. Warning label on exemplar product's top (packaging)
 9. Product information--labeling on front of exemplar product
 10. Wording on front of packaging of exemplar product
 11. Bottom view of packaging on exemplar product
 12. Riding instructions on exemplar product (packaging--bottom)
 13. Side view of exemplar product
 14. Product's features--as listed on exemplar product's packaging (side)
- B. Notice of Inspection to Retailer (1 page)
- C. Local Official Incident Report (8 pages)
- D. Owner's Manual for Product (11 pages)
- E. Owner's Manual for Tow Rope (7 pages)
- F. Water Sports Industry Association (WSIA) warning manual (13 pages)
- G. Photos of WSIA warning labels—tow ropes and tubes (1 page)
- H. Local Recreational Officials **Final Draft** Regarding Product Ban and Related Correspondence (70 pages)
- I. Internet Written Response (i.e., "blog") by Manufacturer Spokesman (1 page)
- J. Photo of Product as Seen on Manufacturer's Website (1 page)



Photo#1: Front view of exemplar product packaging



Photo #2: Manufacturer contact information--as viewed on top of exemplar packaging

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U.S. CONSUMER PRODUCT SAFETY COMMISSION

NOTICE OF INSPECTION

1. DATE 6/16/06	3. FROM (Area Office and Address) CPSC - CFIW (D)
2. TIME ____ A.M. 12 P.M.	

4. TO	A. NAME AND TITLE OF INDIVIDUAL Vina Ramus, Parts Manager
	B. FIRM NAME Marlmax
	C. NUMBER AND STREET ADDRESS 1363 Embarcadero (1285)
	D. CITY, STATE AND ZIP CODE Oakland, CA 94606

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*);
- Federal Trade Commission Act (15 U.S.C. 41 *et seq.*);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

To inspect/review Wego Kite Tube, including photographs.

6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting

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060614HCC3606

Boating Accident Report

Glen Canyon National Recreation Area
PO Box 1507, Page, Arizona 86040

#3
Blake
Hanson



Exhibit C

Form 10-341 (rev. 2005)

U.S. COAST GUARD CASE #		REPORTING AGENCY NPS GLCA		REPORTING AGENCY CASE # 06-1301		INVEST. DATE(S) 6/12/06		
NUMBER OF FATALITIES 0		NUMBER OF INJURIES 2		PROPERTY DAMAGE OVER \$500? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> OVER \$1000? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		COMMERCIAL <input type="checkbox"/> RECREATIONAL <input checked="" type="checkbox"/>		
DATE OF ACCIDENT 6/12/06		TIME -15 25	BODY OF WATER Lake Powell		LOCATION (CLOSEST GEOGRAPHIC LANDMARK) Falls Creek Bay			
NO. OF VESSELS INVOLVED 1		NEAREST CITY OR TOWN Bullfrog		COUNTY Kane		STATE Utah		
INFO: OPERATOR ONE	LAST [REDACTED]		FIRST [REDACTED]		M/I [REDACTED]		RES. WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
	ADDRESS [REDACTED]		CITY [REDACTED]		STATE [REDACTED]		HOME PHONE 801-942-9622	
SEX M	WEIGHT 160	HEIGHT 510	EYES Green	HAIR Red	DATE OF BIRTH 2/20/70			
DRIVER'S LICENSE NUMBER 1482422		STATE UT	SEX M		OPERATOR'S INSTRUCTION IN BOATING SAFETY			
OPERATOR'S EXPERIENCE - IN HOURS		STATE UT		SEX M		STATE COURSE <input type="checkbox"/> U.S. POWER SQUADRON <input type="checkbox"/> USCG AUXILIARY <input type="checkbox"/> NONE <input checked="" type="checkbox"/> INTEREST COURSE (SPECIFY) _____ OTHER (SPECIFY) _____		
OPERATOR'S EXPERIENCE - IN HOURS		STATE UT		SEX M		OTHER (SPECIFY) _____		
NAME PASSENGER 1		DOB		ADDRESS		RES. WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 2		DOB		ADDRESS		RES. WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 3		DOB		ADDRESS		RES. WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
TOTAL NUMBER PASSENGERS 7	NUMBER OF VESSELS OR NUMBER TOWED 1		ESTIMATED SPEED (MPH) DRIFTING <input type="checkbox"/> UNDER 10 MPH <input type="checkbox"/> 10-20 MPH <input type="checkbox"/> OVER 20 MPH <input checked="" type="checkbox"/> OVER 40 MPH <input type="checkbox"/>					
REGISTRATION OR DOCUMENTATION NUMBER		STATE UT	HULL IDENTIFICATION NUMBER (HIN)		BOAT NAME			
LENGTH 21.0	YEAR BUILT 2000	MANUFACTURER		MODEL		TOTAL HHP/HP		
NAME OF OWNER		NUMBER OF ENGINES		TOTAL HHP/HP				
OWNER ADDRESS		OWNER TELEPHONE NUMBER						
INFO: OPERATOR TWO	LAST [REDACTED]		FIRST [REDACTED]		M/I [REDACTED]		RES. WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
	ADDRESS [REDACTED]		CITY [REDACTED]		STATE [REDACTED]		HOME PHONE [REDACTED]	
SEX M	WEIGHT [REDACTED]	HEIGHT [REDACTED]	EYES [REDACTED]	HAIR [REDACTED]	DATE OF BIRTH [REDACTED]			
DRIVER'S LICENSE NUMBER [REDACTED]		STATE [REDACTED]	SEX [REDACTED]		OPERATOR'S INSTRUCTION IN BOATING SAFETY			
OPERATOR'S EXPERIENCE - IN HOURS		STATE [REDACTED]		SEX [REDACTED]		STATE COURSE <input type="checkbox"/> U.S. POWER SQUADRON <input type="checkbox"/> USCG AUXILIARY <input type="checkbox"/> NONE <input checked="" type="checkbox"/> INTEREST COURSE (SPECIFY) _____ OTHER (SPECIFY) _____		
OPERATOR'S EXPERIENCE - IN HOURS		STATE [REDACTED]		SEX [REDACTED]		OTHER (SPECIFY) _____		
NAME PASSENGER 1		DOB		ADDRESS		RES. WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 2		DOB		ADDRESS		RES. WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 3		DOB		ADDRESS		RES. WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
TOTAL NUMBER PASSENGERS	NUMBER OF VESSELS OR NUMBER TOWED		ESTIMATED SPEED (MPH) DRIFTING <input type="checkbox"/> UNDER 10 MPH <input type="checkbox"/> 10-20 MPH <input type="checkbox"/> OVER 20 MPH <input checked="" type="checkbox"/> OVER 40 MPH <input type="checkbox"/>					
REGISTRATION OR DOCUMENTATION NUMBER		STATE	HULL IDENTIFICATION NUMBER (HIN)		BOAT NAME			
LENGTH	YEAR BUILT	MANUFACTURER		MODEL		TOTAL HHP/HP		
NAME OF OWNER		NUMBER OF ENGINES		TOTAL HHP/HP				

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WEATHER (CHECK ALL THAT APPLY)	WATER CONDITIONS	TEMPERATURES	WIND DIRECTION SW	VISIBILITY
<input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> HAZY	<input checked="" type="checkbox"/> CALM (0-4 KTS) <input type="checkbox"/> CHOPPY (5-11) <input type="checkbox"/> ROUGH (12-20) <input type="checkbox"/> VERY ROUGH (21-30) <input type="checkbox"/> STRONG CURRENT	AIR _____ WATER _____	<input type="checkbox"/> LIGHT (1-10 MPH) <input type="checkbox"/> MODERATE (11-20 MPH) <input type="checkbox"/> STRONG (21-25 MPH) <input type="checkbox"/> STORM (26-35 MPH) <input type="checkbox"/> HURRY	DAY <input type="checkbox"/> NIGHT <input type="checkbox"/> <input type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR

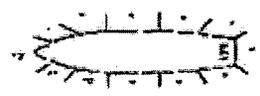
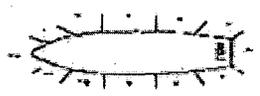
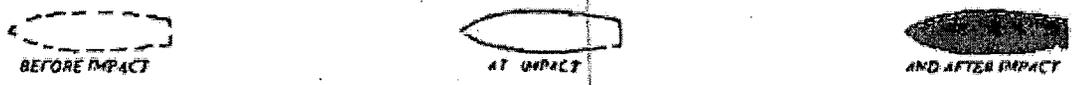
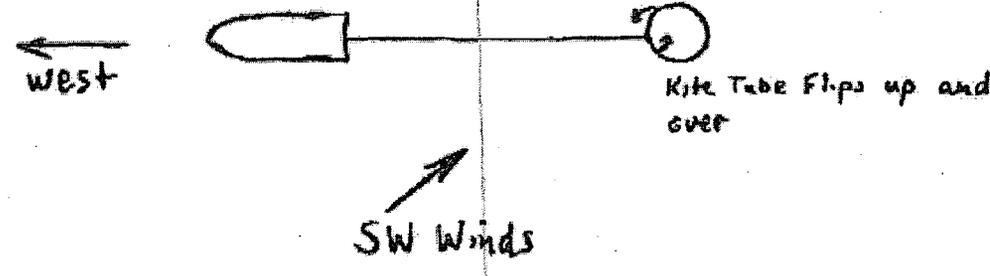
BOAT TYPE	HULL MATERIAL	ENGINE	PROPULSION	RENTAL BOAT
<input type="checkbox"/> OPEN HOOD BOW <input type="checkbox"/> ROW BOAT <input type="checkbox"/> PERS. WATERCRAFT <input type="checkbox"/> AUXILIARY SAIL <input type="checkbox"/> MOTORBOAT <input type="checkbox"/> SAILBOAT <input type="checkbox"/> CANOE/KAYAK <input type="checkbox"/> HUNTING BOAT <input type="checkbox"/> OTHER (SPECIFY)	<input type="checkbox"/> WOOD <input type="checkbox"/> FIBERGLASS <input type="checkbox"/> ALUMINUM <input type="checkbox"/> OTHER (SPECIFY)	<input type="checkbox"/> OUTBOARD <input type="checkbox"/> INBOARD <input type="checkbox"/> STEERING MOTOR <input type="checkbox"/> AIRCRAFT <input type="checkbox"/> OTHER	<input type="checkbox"/> PROPELLER <input type="checkbox"/> AIR THRUST <input type="checkbox"/> MANUAL <input type="checkbox"/> WATER JET <input type="checkbox"/> SAIL <input type="checkbox"/> OTHER	YES NO VESSEL 1 <input type="checkbox"/> <input type="checkbox"/> VESSEL 2 <input type="checkbox"/> <input type="checkbox"/> FUEL <input type="checkbox"/> GASOLINE <input type="checkbox"/> DIESEL <input type="checkbox"/> ELECTRIC

TYPE OF ACCIDENT (RANK BY NUMBER IN ORDER OF OCCURRENCE (NO MORE THAN 3))	CAUSE OF ACCIDENT (RANK BY NUMBER IN ORDER OF IMPORTANCE (ALL THAT APPLY - BUT NO MORE THAN 3))	OPERATION AT TIME OF ACCIDENT	ACTIVITY AT TIME OF ACCIDENT (CHECK ALL THAT APPLY)
<input type="checkbox"/> COLLISION <input type="checkbox"/> CAPSIZING <input type="checkbox"/> FLOODING OR SWAMPING <input type="checkbox"/> SINKING <input type="checkbox"/> FIRE EXPLOSION (FUEL) <input type="checkbox"/> SKIER/BIKESHIP <input type="checkbox"/> COLLISION WITH VESSEL <input type="checkbox"/> COLLISION WITH FIXED OBJECT <input type="checkbox"/> COLLISION WITH FLOATING OBJECT <input type="checkbox"/> FALLS OVERBOARD <input type="checkbox"/> FALLS IN BOAT <input type="checkbox"/> STRUCK BY BOAT <input type="checkbox"/> STRUCK BY MOTOR/PROPELLER <input type="checkbox"/> HIT AND RUN <input type="checkbox"/> FIRE EXPLOSION (OTHER THAN FUEL) <input type="checkbox"/> OTHER	<input type="checkbox"/> WEATHER <input type="checkbox"/> OVERLOADING <input type="checkbox"/> BATTERY/LED VOLTAGE <input type="checkbox"/> IMPROPER LANDING <input type="checkbox"/> FAIL TO YIELD <input type="checkbox"/> OPERATOR INEXPERIENCE <input type="checkbox"/> OPERATOR INATTENTION <input type="checkbox"/> PASSENGER/BIKESHIP BEHAVIOR <input type="checkbox"/> RECKLESS OPERATION <input type="checkbox"/> EXCESSIVE SPEED <input type="checkbox"/> NO PFD OBSERVER <input type="checkbox"/> SKI OBSERVER NOT OBSERVING <input type="checkbox"/> HAZARDOUS WATERS <input type="checkbox"/> DRUG USE <input type="checkbox"/> ALCOHOL USE <input type="checkbox"/> EQUIPMENT FAILURE <input type="checkbox"/> NAVIGATION LIGHTS DISPLAY <input type="checkbox"/> CONGESTED WATERS <input type="checkbox"/> HULL FAILURE <input type="checkbox"/> CARGO MISCARRIAGE <input type="checkbox"/> OTHER	<input type="checkbox"/> CHANGING <input type="checkbox"/> CHANGING DIRECTION <input type="checkbox"/> CHANGING SPEED <input type="checkbox"/> CRUISING <input type="checkbox"/> DOWNING <input type="checkbox"/> BEING TOWED <input type="checkbox"/> ROWING/PADDLING <input type="checkbox"/> SAILING <input type="checkbox"/> LANCHING <input type="checkbox"/> DOCKING/UNDOCKING <input type="checkbox"/> AT ANCHOR <input type="checkbox"/> TIED TO DRY LAND/SHORE <input type="checkbox"/> OTHER	<input type="checkbox"/> RECREATIONAL <input type="checkbox"/> FISHING <input type="checkbox"/> TOURISM/AMFV <input type="checkbox"/> SKATING <input type="checkbox"/> SWIMMING/BOVING <input type="checkbox"/> MAKING REPAIRS <input type="checkbox"/> WATER SKIING/TUBING ETC <input type="checkbox"/> TOWING OTHER VESSEL <input type="checkbox"/> RACING <input type="checkbox"/> WHITE-WATER SPORTS <input type="checkbox"/> FLEETING <input type="checkbox"/> HIRE/RECREATIONAL <input type="checkbox"/> OTHER

PERSONAL FLOTATION DEVICES	VESSEL #1	VESSEL #2	EQUIPMENT
WAS THE VESSEL ADDITIONALLY EQUIPPED WITH COAST GUARD APPROVED FLOTATION DEVICES? <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	FIRE EXTINGUISHER ON BOARD? <input type="checkbox"/> YES <input type="checkbox"/> NO FIRE EXTINGUISHER USED? <input type="checkbox"/> YES <input type="checkbox"/> NO FLAME ARRESTOR CONTROL? <input type="checkbox"/> YES <input type="checkbox"/> NO SAFETY PROTECTING DEVICES? <input type="checkbox"/> YES <input type="checkbox"/> NO EQUIPMENT NUMBERED? <input type="checkbox"/> YES <input type="checkbox"/> NO

NAME	ADDRESS	TELE #

942

ALCOHOL or DRUG USE			
HOW LONG HAD OPERATOR BEEN ON THE WATER BEFORE THIS ACCIDENT OCCURRED? VESSEL #1: 00 VESSEL #2:		WAS THERE ANY LIQUOR OR ALCOHOLIC BEVERAGES ON BOARD DURING OPERATION OF VESSEL #1 AND IF YES VESSEL #1 AMOUNT AND TYPE VESSEL #2 AMOUNT AND TYPE	
ALCOHOL/DRUG USE APPARENT DID OPERATOR HAD ALCOHOL/DRUGS HAD BEEN DRINKING	VESSEL #1 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	VESSEL #2 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OPERATOR TEST RESULTS BLOOD BREATH URINE OTHER NONE
		DID ANY OF THE PASSENGERS CONSUME ANY ALCOHOL? VESSEL #1: VESSEL #2: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
COULD THE ACTIONS OF THE PASSENGERS HAVE CONTRIBUTED TO THE ACCIDENT - IF YES DESCRIBE N/A			
VIOLATIONS AND CITATION DATA			
NAME VESSEL #		VIOLATION CODE(S)	
NAME VESSEL #		VIOLATION CODE(S)	
NAME VESSEL #		VIOLATION CODE(S)	
NAME VESSEL #		VIOLATION CODE(S)	
DAMAGED PROPERTY OTHER THAN VESSELS			
NAME OF OWNER OF DAMAGED PROPERTY N/A	DESCRIBE OTHER PROPERTY AND ESTIMATED DAMAGE	ADDRESS	
VESSEL DAMAGE			
VESSEL #1 DAMAGE ESTIMATE: 5		VESSEL #2 DAMAGE ESTIMATE: 5	
DETOTE INITIAL IMPACT POINT CIRCLE NUMBERS OF ALL OTHER DAMAGED AREAS DESCRIBE DAMAGE		DETOTE INITIAL IMPACT POINT CIRCLE NUMBERS OF ALL OTHER DAMAGED AREAS DESCRIBE DAMAGE	
DIAGRAM BELOW THE POSITION AND DIRECTION OF TRAVEL OF VESSEL(S) INVOLVED			
			
			
NOT TO SCALE			

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Narrative:**SUMMARY:**

On June 2, 2006, subject vessel was underway towing a rider on a kite tube. The tube overturned in the air, plunging the rider head first into the water. Rider suffered a neck injury, possible C-spine vertebra break.

ASSIGNMENT:

On June 2, 2006, at about 15:41, Glen Canyon Dispatch advised of a kite tube accident victim, with neck injury, being sailed to Bullfrog Public Dock. Park Medic Amy Mowat, and Ranger Jason Lux responded with ambulance, and provided prehospital patient care. I responded to conduct a boat accident investigation.

INVESTIGATION:

At about 15:55 a vessel arrived transporting the victim, [REDACTED]. I contacted the vessel owner/operator, [REDACTED] R, as well as passengers [REDACTED] S and [REDACTED] and later victim B [REDACTED]. They advised me of the following: The boat in which victim H [REDACTED] had been transported (a 280 HP Chris Craft, inboard 21 ft runabout, #UT 4640 SG) was involved in the accident. The boat had been towing a kite tube with various riders throughout the day and previous day. At about 15:25 the boat was cruising in Halls Creek Bay with rider [REDACTED] on the kite tube. Length of the tow rope was approximately 60 feet. Passengers in the boat were acting as lookouts. The group was having difficulty in getting the kite tube into the air, due to the adult weight. Therefore the operator cruised westward into the wind, and picked up the speed to about 35 to 40 mph. At that time winds were about SW at 10 mph. (Ranger's note: the direction of travel would have put them into the wind with a crosswind component from the port side.) As a result, the kite tube was elevated to about 10 to 12 feet above the water. At some point, the port side of the kite tube flipped up, the tube then turned completely over, and accelerated downward with the fore end of the tube pointing downward. During the flip, rider [REDACTED] fell off the kite tube, and went head first into the water, with an angular component and a corkscrew motion.

Victim [REDACTED] and other interviewees advised that [REDACTED] did not lose consciousness. The boat immediately swung around and retrieved [REDACTED]. He got into the boat on his own power and with assistance. He then laid down and complained of neck pain. He was transported to their base station house boat, the Desert Illusion, which was moored at Halls Crossing Marina. [REDACTED] continued to feel bad, so he was transported to Bullfrog in the runabout for medical attention.

Owner/operator of the vessel, B [REDACTED] advised that his wife [REDACTED] had a similar accident on the kite tube the previous day. In her case, the kite tube flipped and she fell onto the water on her back. He advised that since then she had been complaining of back soreness, and had been spitting up blood in the night. He advised that she was fine now. He did not request medical assistance. [REDACTED] R was across the bay at Halls Crossing Marina, on a houseboat the Desert Illusion, and I therefore did not interview her.

Passenger I [REDACTED] S advised that a boy in the group had been on the kite tube as well and complained that his arm hurt. However, he advised this was not from the tube flipping, but may have been from holding onto the tube. [REDACTED] advised that with a child as rider, the kite tube was easily lifted into the air. However with the weight of an adult, boat speed had to be increased with boat cruising into the wind in order to lift the kite tube.

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REPORTING OFFICER OR INDIVIDUAL			
DATE REPORT FORWARDED TO U.S. COAST GUARD VSO _____ STATE REPORTING AUTHORITY _____ U.S. COAST GUARD _____ OTHER (AGENCY) _____			
U.S. COAST GUARD'S SAN JUAN ISLAND BRANCH NOTIFIED FOR POSSIBLE CONSIDERATION OF DEFECT NOTIFICATION <input type="checkbox"/> YES <input type="checkbox"/> NO DATE _____			
REPORTING OFFICER'S NAME (PRINT) <i>Sam Papp</i>	PHONE <i>432-242-7511</i>	AGENCY <i>AMS FILE #</i>	DATE <i>06/06/06</i>
REPORTING OFFICER'S SIGNATURE <i>[Signature]</i>		AGENCY ADDRESS <i>Gen. Command Building (ST 8423)</i>	
APPROVED BY (PRINT)	SIGNATURE	DATE	
(DO NOT USE) STATE BOATING ADMINISTRATOR			
CAUSES BASED ON (CHECK ONE) <input type="checkbox"/> THIS REPORT <input type="checkbox"/> INVESTIGATION AND THIS REPORT <input type="checkbox"/> INVESTIGATION <input type="checkbox"/> COLLISION MUST BE DETERMINED		SIGNATURE OF BOATING LAW ADMINISTRATOR OR AGED REVIEWING OFFICER	DATE RECEIVED
PRIMARY CAUSE OF ACCIDENT		NECESSARY CAUSE OF ACCIDENT	

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Glen Canyon National Recreation Area Voluntary Statement

Case #

Return this Form to the Ranger _____

Last Name of Witness First MI Telephone Driver Lic. SSN Date of Birth

[Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] 2-9-70

Street Address Mailing Address City State Zip Code

[Redacted] [Redacted] [Redacted] [Redacted] 84121

How long will you be in the area? Where can you be located?

I [Redacted] do hereby make the following statement of my own free will.
(official signature of witness)

Incident Location on the _____ day of _____ 200__ at _____ AM/PM.

"You are notified that statements you are about to make may be presented to a magistrate or a judge in lieu of your sworn testimony as a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a class A misdemeanor."

Statement: TOWARD KITE TUBE @ 35 MPH TUBE WENT ABOUT 10 FEET IN P.R. FISHER FELT IMPULSION HIS NECK.

Witness Signature [Signature] Date 6-2-06

Officer Signature _____ Date _____ ID# _____

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Glen Canyon National Recreation Area Voluntary Statement

Case # _____ Return this Form to the Ranger _____

Last Name of Witness	First	MI	Telephone	Drivers Lic#	SSN	Date of Birth
[Redacted]	[Redacted]	B	[Redacted]	[Redacted]	[Redacted]	6-5-6
Street Address	Mailing Address		City	State	Zip Code	
[Redacted]	[Redacted]		Highland	CO	80403	

How long will you be in the area? 1 more day thru June 3, 2006 Where can you be located? Hells Creek Bay

I [Redacted] do hereby make the following statement of my own free will.

Incident Kite Tube Crash
 Location Hells Creek Bay
 on the 2nd day of June 2006 at 7:30 AM/PM.

"You are notified that statements you are about to make may be presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a class A misdemeanor."

Statement:

We were pulling [Redacted] on a ORV kite tube into a wind heading west. Boat was traveling at approx 35mph. The tube elevated 10-15 ft and then turned sideways and then upside down and dropped [Redacted] on his head. He was obviously hurt but conscious and able, with help, to climb onto the boat. Immediately the pain became very concentrated in his neck area and we laid him down & elevated his feet. His pupils were not dilated and he had feeling in his hands, fingers and toes. We radioed Bullfrog Central to get help and were able to meet an ambulance crew at the Bullfrog boat ramp.

(continued on back)

Witness Signature	<u>[Signature]</u>	Date	<u>6/2/06</u>
Officer Signature		Date	ID#

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SAN JUAN COUNTY SHERIFF'S OFFICE
BOX 788 / 297 SOUTH MAIN STREET
MONTICELLO, UTAH 84535
(435) 587-2237 FAX (435) 587-2013

STATEMENT

STATEMENT DATE 6-1-06 STATEMENT TIME 4:30 INCIDENT DATE 6-1-06 INCIDENT TIME _____

NAME [REDACTED] AGE 29 D.O.B. 9-30-76 SEX F

FULL ADDRESS 20 [REDACTED] George Utah

TELEPHONE NUMBER HOME [REDACTED] WORK () _____ OTHER () _____

TYPE OF INCIDENT Boating

LOCATION OF INCIDENT Lake Powell

PLEASE DESCRIBE WHAT YOU SAW, HEARD, OR KNOW TO BE TRUE: _____

while using kite tube, flying 10-12 ft. in air. Tube was unstable and he fell off landing in water head first.

I declare the statements I have given herein to be true and correct to the best of my knowledge.
I am hereby notified that any false statements made herein is punishable under law.

SIGNATURE [REDACTED]

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Contact List:

[REDACTED]—(victim's brother-in-law)

[REDACTED] P

[REDACTED]

Date of Contact: June 16, 2006

[REDACTED]—(victim's wife)

[REDACTED] P

[REDACTED] 90-4743

[REDACTED] P

Date of Contact: June 20, 2006

[REDACTED]—(consumer)

[REDACTED]

[REDACTED]

[REDACTED] P

[REDACTED] F

Date of Contact: June 22, 2006

Mark Law, Law Enforcement Specialist

National Park Service

U.S. Department of the Interior

P.O. Box 1507

Page, AZ 86040

(928) 608-6252—P

(928) 608-6259—F

Date of Contact: June 16, 2006

Sportsstuff, Inc. (product manufacturer—Wego)

1-888-814-8833—P

www.sportsstuff.com

Date of Contact: June 16, 2006 (contact was made by CPSC, not respondent)

Diversified Marine Products (product distributor)

1-800-777-0141—P

www.dmpmarine.com

Date of Contact: June 16, 2006 (contact was made by CPSC, not respondent)

Vina Ramus, Parts and Accessories Manager

Marine Max (product retailer--Wego)

1363 Embarcadero

Oakland, CA 94606

(510) 535-6161—P

(510) 535-1787—F

www.marinemax.com

Date of Contact: June 16, 2006 (contact was made by CPSC, not respondent)

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060614HCC3606

Larry Meddock, Executive Director
Water Sports Industry Association
P.O. Box 568512
Orlando, FL 32856-8512
(407) 251-9039—W
(407) 620-7992—C
wsiaheadquarters@earthlink.net
Date of Contact: June 29, 2006

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The following information was obtained through phone interviews with the victim, victim's father-in-law, who was the boat operator, the victim's brother in-law, local officials, and through related documentation. The investigation was generated from a report received from officials at a national recreation area. The investigated product is a circular tube kite.

The victim is a healthy 30 year-old male (he was 29 when the incident occurred) who weighs approximately 190lbs and stands at 6'2. The victim has over 25 years of boating experience and extensive water recreational experience, which includes 10-12 years of wakeboarding, water skiing, and parasailing. The boat operator is the victim's father-in-law (hereafter, "father-in-law"), and has over 30 years of boating experience, particularly towing individuals (adults and children) during water sporting activities (e.g., tubing, water skiing and parasailing). The boat operator has never had an accident or incident that resulted in any injuries while towing an individual during an activity.

The victim, along with his wife, two young children, accompanied both his father and mother-in-law and their children on a work/pleasure trip and traveled via a 2005 houseboat. The boat was the father-in-law's boat. The boat was a 24-foot inboard/outboard with a 280 horsepower, 6.0 liter, V-8 engine. The victim's family has extensive boating experience, which includes boating and water sporting activities (e.g., water skiing, wakeboarding, etc.). The father-in-law newly purchased the product approximately two weeks before the incident from a local retailer. It is unknown if the father-in-law received any information from the local retail sales staff regarding the product. The victim and father-in-law watched the instructional video (DVD) that was included with the product on two occasions; once before embarking on their trip, and again immediately preceding using the product (1-2 hours before activity). The victim did not review the owner's manual, and the father-in-law does not recall seeing an accompanying owner's manual (i.e., he also did not read the owner's manual). The product remained in the original packaging and was not used prior to the trip taken by the victim and his family.

The incident occurred on April 7, 2006 during the early afternoon hours on a national recreational lake. There were a total of 8 people on the boat, which includes four adults and four children. The victim reported that the weather was sunny and pleasant and the water was like "glass" (i.e., extremely clear and calm). The victim stated that there only was an occasional slight breeze; therefore he felt that the wind would not be a factor while riding the tube kite. The victim stated that there were no other boats or water vessels in the area. The victim and father-in-law both reported that no alcohol was consumed by any of the participants. The victim and his father-in-law fully inflated the product according to the product's operating instructions as per the instructional video, which the father-in-law stated to fill the tube until it is "tight". The victim does not recall the exact PSI (pounds per square inch) that the product was inflated or required. The victim's 23 year-old brother-in-law (hereafter, "brother-in-law") tied the tow rope to the product (and boat), and reported that he had no difficulty in tying either end. However, during the victim's ride, the father-in-law removed either one or two sections of the tow rope (the tow rope is segmented into three sections), thus significantly shortening the rope. The father-in-law did not specify why he removed sections of the rope, though he did state that the tow rope was in apparently good operating condition. The initial rider

(brother-in-law) utilized the tow rope at its maximum length (65 feet), while the victim utilized the tow rope after it was shortened to 45 or 55 feet.

The victim was the third individual to ride the product, which was the victim's first experience with the product. The first individual to ride the product was the brother-in-law. The brother-in-law also watched the instructional video, but was still unclear and tentative regarding riding the product. The brother-in-law has experience with water-related activities and was wearing a life jacket while riding the product. The brother-in-law weighs 175lbs and stands approximately 6'0. The brother-in-law was on the product for approximately ten minutes, and achieved heights of approximately 5-10 feet before falling off the product while it was in the air approximately five feet. The product became unstable while in the air (i.e., began rocking left to right) and threw off the brother-in-law. The brother-in-law did not sustain any injuries and "shook off" the incident after getting the "wind knocked out" of him.

The second person to ride the product was the victim's 14 year-old sister-in-law (hereafter, "sister-in-law"). The sister-in-law rode the product for approximately five minutes without incident. The sister-in-law weighs approximately 130lbs and stands at 5'8. However, the sister-in-law rode the product like a "regular inner-tube" with the product never elevating above water. The victim estimated that the boat operator was going at various speeds, but never over 30mph while the brother and sister-in-law were riding the product. It is unknown who acted as a "spotter" for the brother and sister-in-law.

The victim rode the product on two occasions. On both occasions the victim was wearing a wet suit, life vest, "booties" (for foot warmth), and water-skiing gloves. No helmet was worn by any product user. The victim's first occasion was without incident and lasted for approximately five minutes and the product's peak elevation above water was 2-3 feet. The victim waited approximately one hour before attempting to ride the product again. It was determined by the father-in-law (i.e., boat operator) that it would be necessary for the boat to increase its speed for the victim to obtain flight while on the product (it was deduced that the increase in weight required additional speed). The victim rode the product on a second occasion for approximately ten minutes and obtained a maximum height of 10-20 feet. On both occasions, the brother-in-law was the spotter. The boat was traveling approximately 30mph when the victim lost control of the product. While the victim was approximately between 5-10 feet high, a wind came up from underneath the product and lifted the product approximately 20 feet into the air. The product then became unstable (wobbling from side to side) and then suddenly and rapidly nosedived into the water with the victim still in the product. The victim was airborne for no more than 10 seconds immediately preceding the product becoming unstable.

The father-in-law observed the victim fall into the water and immediately turned the boat around to retrieve the victim who remained in the water for approximately 30 seconds before being pulled into the boat. The victim was unresponsive and gurgling water and blood as they traveled back to the launch ramp to seek medical assistance. The victim stated that the product landed in the water with the victim's rib cage absorbing the majority of the impact as his right side was lying against the product when it landed in the water.

The victim received emergency medical assistance at the scene and was transported by air to a medical center for additional treatment. The victim sustained a punctured right lung, internal bleeding, and fractured ribs (four ribs on the victim's right side sustained 2 fractures each—totaling eight fractures). The victim remained in the hospital for one week before being discharged; however, two days later the victim suffered blood clotting on his left side and received additional medical treatment as an outpatient (i.e., treated and released). The victim is expected to make a full recovery.

The victim emphatically stated that he feels the product is unsafe and hazardous for several reasons. Foremost, the victim believes the product becomes extremely unstable while airborne, and is not easy to steer (control). The victim feels that even with the use of a spotter, once airborne, the rider of the product cannot effectively communicate with anyone in the boat (e.g., spotter or boat operator). The victim stated that when he began riding the product, the clear window positioned near the front of the product, and may allow for visual communication, immediately fogged up, thereby preventing communication between the rider and the spotter or boat operator. The victim also stated that once the rider and product become airborne, communication between the rider and anyone in the boat is impeded as the rider in the product cannot see over the front of the product while airborne. The victim further stated that he believes that the product should have two or more attachment points for the tethered rope to increase product stability while in the air. Furthermore, the victim stated that the seriousness of his injury during landing was contributed by the product being fully inflated (i.e., unmalleable).

Subsequent internet research revealed correspondence among consumers and operators of the product on various websites. A June 21, 2006 response (i.e., blog) was written (i.e., posted) to concerned consumers of the product by a manufacturer's spokesperson (Exhibit #9), which stated that the manufacturer "follows the guidelines set forth by the Water Sports Industry Association" (paragraph 7 of Exhibit #9). A phone call was placed to the executive director of the Water Sports Industry Association (WSIA) regarding any possible promulgation of standards or endorsement of the product. The director stated that while the WSIA warnings are intended as guidance for manufacturers of water-related products, the product manufacturer made no prior attempts to seek confirmation with WSIA regarding the product or any tow rope standards. The director stated that regarding tube kites, the WSIA has never "crafted any language" as related to tube kites or endorsed the product in anyway. Furthermore, the director stated that the tube rope standards and warnings promulgated by WSIA are not intended for tube kites tow ropes as pertinent factors, such as tensile strength and capacity may differ between regular (inner) tubes and tube kites. The tube and tow rope warning manual and labels promulgated by WSIA have been attached as a reference (Exhibits #6-7). No attempt was made to contact the spokesperson for the manufacturer regarding the aforementioned statement as to WSIA guidelines.

On June 15, 2006, and after responding to numerous incidents involving serious injuries, the local officials of the recreational area implemented a ban all on tube kiting, as well as other activities (e.g., parasailing). This restriction was generated from the numerous incidents occurring in the recreational area and subsequent interviews with related parties and various agencies (see Exhibit #8 for restriction proposal and related correspondence). The law enforcement specialist also stated that the park rangers have generated approximately 10 additional reports regarding contact with individuals subsequently

preparing to participate in tube kiting. All individuals were alerted to the newly imposed ban, and no additional reports of injuries were noted. In addition, the law enforcement specialist at the recreational park/area determined, after watching the product's instructional video (DVD) on numerous occasions, that the video narrator discloses that the boat operator (and rider) should go only between 10-20mph, but the video consistently shows boat operators going between 30-40mph, enabling the rider to obtain flight.

The victim is currently considering litigation and joining a class-action lawsuit, which is spearheaded by an attorney that represents the family of an individual who died while riding the product. Hence, the victim has deferred any additional inquiries until he can determine how he wishes to proceed. Shortly after the incident, the victim's wife wrote an email to the manufacturer explaining the incident and the perceived hazardous nature of the product. The victim and his wife received only an automatically generated response that their message was received, but have not been personally contacted by the manufacturer.

Though the father-in-law maintains custody of the product, he did not retain the purchase receipt and does not have any related product information or documentation, and does not intend to use the product again and adamantly believes that the product is unsafe and should be removed from the market. The father-in-law reported that he will retain custody of the product as he is considering pursuing legal action against the manufacturer. Photographs of the incident product were requested on numerous occasions, but neither the father-in-law nor brother-in-law has provided any photographs to CPSC. The father-in-law did not report any damage to the product (i.e., post-incident). On June 16, 2006, a local retailer stocking an exemplar product was visited. Exemplar photographs of the packaging were taken and are included as Exhibit #1.

Product Identification:

The product is a **Wego kite tube™**, and is a 120inch (10 foot) inflatable, circular tube kite that is designed for a single rider, and to be towed behind a boat via tow rope and achieve flight when a certain boat speed is attained. The model number for the product as listed on the manufacturer's website and exemplar packaging is: **53-5000**. The product indicates that a patent is pending and that it is made in China. The manufacturer is:

SportsStuff, Inc.
11213 E. Circle, Suite A
Omaha, NE 68137
(402) 592-9085—P
(402) 592-1354—F
www.sportsstuff.com

The suggested retail price as listed on the manufacturer's website is \$599.95; however, the price paid by the consumer was \$499.00 with exemplar units located in retailers also listed as \$499.00. The product is largely yellow in color with wide black diagonal accent striping and a sectional red border with various product labeling and identification, which includes various skull graphics. The product maintains an "840D" nylon covering and

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panoramic, see-through double plastic windows that are located near the front of the product. Near the rear of the product is a parallel slotting system cockpit for the rider. A handle system is located underneath the nylon covering and is accessible via eight different circular slots that offer the rider eight different "non-slip" handle positions. The product is also equipped with a three-segmented tow rope that is adjustable to lengths of 45, 55, and 65 feet. The front of the product maintains a molded, aluminum connector for attachment to the tow rope.

The product was purchased at:

Marine Products Pro Shop
949 W 1700 S
Salt Lake City, UT 84104
(801) 973-4017

Various warnings are located on the product's packaging (exemplar), and include a lengthy "Release of Liability" warning (Exhibit #1, photo 8), which iterates that by assembling and inflating the product the consumer has implicitly agreed to have read and understands the owner's manual and releases the manufacturer of any responsibility as related to damage, loss, or injury. The exemplar packaging also retains warnings disclosing that the product is "Not A Lifesaving Device"... "Never Leave Children Unattended"... "Use Only Under Competent Supervision" (Exhibit #1, photo 7). Although the website shows the product with the warning, "NEVER KITE HIGHER THAN YOU ARE WILLING TO FALL" (Exhibit #10), the exemplar packaging does not reveal such a warning on the product. However, the exemplar packaging also reads that "Designs Featured In Photography Subject To Variations" (Exhibit #1, photo 7). Although two additional warning can be observed on either side of the product's parallel slotting system, neither one is legible as observed as a photograph on the exemplar packaging or website.

Other relevant wording found on the exemplar packaging (Exhibit #1, photo 10) includes, "Whip across the water like a deck tube, or fly through the air like a bird! Experience the thrill of flight as you rise above the water reaching *incredible heights*, leaving nothing but adrenaline in your wake!" (Emphasis added). Instructional wording observed on the exemplar unit (Exhibit #1, photo 12) includes, "Beginners will benefit greatly by following the directions explained in the included instructional DVD and owner's manual... With a good amount of practice, you'll be able to *hover slightly* above the water's surface for minutes at a time!" (Emphasis added).

No incident or exemplar sample was collected, and no incident product photographs could be obtained, though requested.

Exhibits:

- A. CPSC Photographs of Exemplar Packaging (10 pages)
 - 1. Front view of exemplar product packaging
 - 2. Manufacturer contact information--as viewed on top of exemplar packaging
 - 3. Exemplar product's model number and UPC
 - 4. UPC and retailer price of exemplar product
 - 5. Top view of exemplar product packaging
 - 6. Product's features--as listed on exemplar product's top (packaging)
 - 7. Guarantee and warning of top of exemplar product's packaging
 - 8. Warning label on exemplar product's top (packaging)
 - 9. Product information--labeling on front of exemplar product
 - 10. Wording on front of packaging of exemplar product
 - 11. Bottom view of packaging on exemplar product
 - 12. Riding instructions on exemplar product (packaging--bottom)
 - 13. Side view of exemplar product
 - 14. Product's features--as listed on exemplar product's packaging (side)
- B. Notice of Inspection to Retailer (1 page)
- C. Local Official Incident Report— (6 pages)
- D. Owner's Manual for Product (11 pages)
- E. Owner's Manual for Tow Rope (7 pages)
- F. Water Sports Industry Association (WSIA) warning manual (13 pages)
- G. Photos of WSIA warning labels—tow ropes and tubes (1 page)
- H. Local Recreational Officials **Final Draft** Regarding Product Ban and Related Correspondence (70 pages)
- I. Internet Written Response (i.e., "blog") by Manufacturer Spokesman (1 page)
- J. Photo of Product as Seen on Manufacturer's Website (1 page)



Photo#1: Front view of exemplar product packaging



Photo #2: Manufacturer contact information--as viewed on top of exemplar packaging

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WEGO 10FT. KITE TUBE
Model # 53-5000

Patent Pending

© Sportsstuff, Inc., 2005



Photo #3: Exemplar product's model number and UPC.

WEGO KITE TUBE
TUBE Mfg: 72-1124



\$499.99

Photo #4: UPC and retailer price of exemplar product

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U.S. CONSUMER PRODUCT SAFETY COMMISSION

NOTICE OF INSPECTION

1. DATE 6/16/06		3. FROM (Area Office and Address) CPSC - CF(W CD)	
2. TIME ____ A.M. 12 P.M.			
A. NAME AND TITLE OF INDIVIDUAL Vina Ramos, Parts Manager			
B. FIRM NAME Marlmax			
4. TO C. NUMBER AND STREET ADDRESS 1363 Embarcadero (1285)			
D. CITY, STATE AND ZIP CODE Oakland, CA 94606			

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*);
- Federal Trade Commission Act (15 U.S.C. 41 *et seq.*);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

To inspect/review Wego Kite Tube, including photographs.

6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting

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Colin 23
25-29 mph CE

Boating Accident Report

Glen Canyon National Recreation Area
PO Box 1507, Page, Arizona 86040

#1
CASH
Nelson



Exhibit C

060614HCC3603

Form 10-34 (Rev. 2006)

U. S. COAST GUARD CASE #		REPORTING AGENCY NFS GLCA		REPORTING AGENCY CASE # 06-0397		INVEST. DATE(S) 04-07-2006	
NUMBER OF FATALITIES 0		NUMBER OF INJURIES 1		PROPERTY DAMAGE OVER \$500? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> OVER \$2000? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		COMMERCIAL <input type="checkbox"/> RECREATIONAL <input checked="" type="checkbox"/>	
DATE OF ACCIDENT 04/07/06		TIME 1400	BODY OF WATER Lake Powell				
No OF VESSELS INVOLVED 1		NEAREST CITY OR TOWN Page		COUNTY Coconino		STATE AZ	
LAST [REDACTED]		FIRST [REDACTED]		MI H	RED WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	HOME PHONE [REDACTED]	THIS VESSEL ONLY NUMBER DEAD #
ADDRESS [REDACTED]					WORK PHONE [REDACTED]	NUMBER INJURED 1	
SEX M	WEIGHT 211	HEIGHT 63	EYES Green	HAIR BRO-N	DATE OF BIRTH 10-19-33		
DRIVERS LICENSE NUMBER 033776		STATE UT		SSN 02-78-0345	OPERATOR'S INSTRUCTION IN BOATING SAFETY <input type="checkbox"/> STATE COURSE <input type="checkbox"/> U.S. POWER SQUADRON <input type="checkbox"/> USCG AUXILIARY <input type="checkbox"/> NONE <input type="checkbox"/> INTERNET COURSE (SPECIFY) _____ <input type="checkbox"/> OTHER (SPECIFY) _____		
OPERATOR'S EXPERIENCE - IN HOURS <input type="checkbox"/> UNDER 10 <input type="checkbox"/> 10 TO 100 <input type="checkbox"/> 100 TO 500 <input checked="" type="checkbox"/> OVER 500							
NAME PASSENGER 1 Passenger hand at moment		DOB M / F	ADDRESS TELEPHONE #		RED WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 2		DOB M / F	ADDRESS TELEPHONE #		RED WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 3		DOB M / F	ADDRESS TELEPHONE #		RED WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
TOTAL NUMBER PASSENGERS 3	NUMBER OF SKIERS OR NUMBER TOWED	ESTIMATED SPEED DRIFTING <input type="checkbox"/> UNDER 10 MPH <input type="checkbox"/> 10-20 MPH <input type="checkbox"/> OVER 20 MPH <input checked="" type="checkbox"/> OVER 40 MPH <input type="checkbox"/>					
REGISTRATION OR DOCUMENTATION NUMBER Dist W03004757 exp.07-03		STATE UT	HULL IDENTIFICATION NUMBER (HIN) FC68AC1403		BOAT MAKE None		
LENGTH 12'	YEAR BUILT 2000S	MANUFACTURER Cobalt		MODEL 240SD			
NAME OF OWNER Cody Powell		NUMBER OF ENGINES 1		TOTAL HORSEPOWER unknown			
OWNER ADDRESS [REDACTED]				OWNER TELEPHONE NUMBER [REDACTED]			
LAST N/A		FIRST		MI	RED WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	HOME PHONE	THIS VESSEL ONLY NUMBER DEAD
ADDRESS					WORK PHONE	NUMBER INJURED	
SEX M	WEIGHT	HEIGHT	EYES	HAIR	DATE OF BIRTH		
DRIVERS LICENSE NUMBER		STATE		SSN	OPERATOR'S INSTRUCTION IN BOATING SAFETY <input type="checkbox"/> STATE COURSE <input type="checkbox"/> U.S. POWER SQUADRON <input type="checkbox"/> USCG AUXILIARY <input type="checkbox"/> NONE <input type="checkbox"/> INTERNET COURSE (SPECIFY) _____ <input type="checkbox"/> OTHER (SPECIFY) _____		
OPERATOR'S EXPERIENCE - IN HOURS <input type="checkbox"/> UNDER 10 <input type="checkbox"/> 10 TO 100 <input type="checkbox"/> 100 TO 500 <input checked="" type="checkbox"/> OVER 500							
NAME PASSENGER 1		DOB M / F	ADDRESS TELEPHONE #		GLEN CANYON NRA RED WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 2		DOB M / F	ADDRESS TELEPHONE #		CASHY RED WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 3		DOB M / F	ADDRESS TELEPHONE #		RED WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
TOTAL NUMBER PASSENGERS 3	NUMBER OF SKIERS OR NUMBER TOWED	ESTIMATED SPEED DRIFTING <input type="checkbox"/> UNDER 10 MPH <input type="checkbox"/> 10-20 MPH <input type="checkbox"/> OVER 20 MPH <input checked="" type="checkbox"/> OVER 40 MPH <input type="checkbox"/>					
REGISTRATION OR DOCUMENTATION NUMBER		STATE	HULL IDENTIFICATION NUMBER (HIN)		BOAT NAME		
LENGTH	YEAR BUILT	MANUFACTURER		MODEL			
NAME OF OWNER		NUMBER OF ENGINES		TOTAL HORSEPOWER			

961

WEATHER (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> RAINY <input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> HAZY	WATER CONDITIONS <input checked="" type="checkbox"/> CALM (WAVES < 6") <input type="checkbox"/> CHOPPY (6" - 2') <input type="checkbox"/> ROUGH (2' - 6') <input type="checkbox"/> VERY ROUGH (> 6") <input type="checkbox"/> STRONG CURRENT	TEMPERATURES AIR <input type="checkbox"/> °F WATER <input type="checkbox"/> °F	WIND DIRECTION <small>(Miles/Hr)</small> <input checked="" type="checkbox"/> LIGHT (1-6 MPH) <input type="checkbox"/> MODERATE (7-14 MPH) <input type="checkbox"/> STRONG (15-25 MPH) <input type="checkbox"/> STORM (OVER 25 MPH) <input type="checkbox"/> NONE	VISIBILITY DAY <input checked="" type="checkbox"/> NIGHT <input type="checkbox"/> <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR
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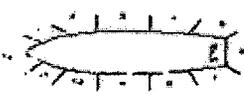
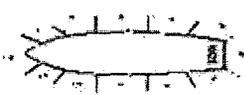
BOAT TYPE <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> OPEN MOTORBOAT <input type="checkbox"/> ROWBOAT <input type="checkbox"/> PLEAS WATERCRAFT <input type="checkbox"/> AUXILIARY SAIL <input type="checkbox"/> HOUSEBOAT <input type="checkbox"/> CABIN MOTORBOAT <input type="checkbox"/> SAIL (ONLY) <input type="checkbox"/> CANOE/KAYAK <input type="checkbox"/> PONTOON BOAT <input type="checkbox"/> OTHER (SPECIFY)	HULL MATERIAL <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL <input type="checkbox"/> RUBBER/VINYL <input type="checkbox"/> ALUMINUM <input type="checkbox"/> FIBERGLASS <input type="checkbox"/> Kevlar/DELAT <input type="checkbox"/> OTHER (SPECIFY) <input type="checkbox"/> CANVAS	ENGINE <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> OUTBOARD <input type="checkbox"/> INBOARD <input checked="" type="checkbox"/> STEER/CRUISE (I/O) <input type="checkbox"/> AIRBOAT <input type="checkbox"/> ELECTRIC	PROPULSION <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input checked="" type="checkbox"/> PROPELLER <input type="checkbox"/> AIR THRUST <input type="checkbox"/> MANUAL <input type="checkbox"/> WATER JET <input type="checkbox"/> SAIL OTHER _____	RENTAL BOAT YES NO VESSEL #1 <input type="checkbox"/> <input checked="" type="checkbox"/> VESSEL #2 <input type="checkbox"/> <input type="checkbox"/> FUEL <input checked="" type="checkbox"/> #1 <input type="checkbox"/> #2 <input checked="" type="checkbox"/> GASOLINE <input type="checkbox"/> DIESEL <input type="checkbox"/> ELECTRIC
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(This area is intentionally left blank for a photograph or drawing of the vessel.)	CAUSE OF ACCIDENT RANK BY NUMBER IN ORDER OF IMPORTANCE (ALL THAT APPLY - BUT NO MORE THAN 3) <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> WEATHER <input type="checkbox"/> OVERLOADING <input type="checkbox"/> RESTRICTED VISION <input type="checkbox"/> IMPROPER LOADING <input type="checkbox"/> FAIL TO YIELD <input type="checkbox"/> OPERATOR INEXPERIENCE <input type="checkbox"/> OPERATOR INATTENTION <input type="checkbox"/> PASSENGER/OKLER BEHAVIOR <input type="checkbox"/> NEGLIGENT OPERATION <input type="checkbox"/> EXCESSIVE SPEED <input type="checkbox"/> NO SKI OBSERVER <input type="checkbox"/> NO OBSERVER NOT OBSERVING <input type="checkbox"/> HAZARDOUS WATERS <input type="checkbox"/> DRUG USE <input type="checkbox"/> ALCOHOL USE <input type="checkbox"/> EQUIPMENT FAILURE <input type="checkbox"/> NAVIGATION LIGHTS DISPLAY <input type="checkbox"/> CONGESTED WATERS <input type="checkbox"/> HULL FAILURE <input type="checkbox"/> CARBON MONOXIDE <input type="checkbox"/> OTHER	OPERATION AT TIME OF ACCIDENT <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input checked="" type="checkbox"/> CHANGING <input type="checkbox"/> CHANGING DIRECTION <input type="checkbox"/> CHANGING SPEED <input type="checkbox"/> DRIFTING <input type="checkbox"/> TOWING <input type="checkbox"/> BEING TOWED <input type="checkbox"/> ROWING/PADDLING <input type="checkbox"/> SAILING <input type="checkbox"/> LAUNCHING <input type="checkbox"/> DOCKING/UNDOCKING <input type="checkbox"/> AT ANCHOR <input type="checkbox"/> TIED TO DOCK/MOORED <input type="checkbox"/> OTHER	ACTIVITY AT TIME OF ACCIDENT (CHECK ALL THAT APPLY) <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> RECREATIONAL <input type="checkbox"/> FISHING <input type="checkbox"/> TOURISM <input type="checkbox"/> RACING <input type="checkbox"/> SWIMMING/DIVING <input type="checkbox"/> MAKING REPAIRS <input checked="" type="checkbox"/> WATERSKIING/TUBING ETC <input type="checkbox"/> TOWING OTHER VESSEL <input type="checkbox"/> SIGHTING <input type="checkbox"/> WHITEWATER SPORTS <input type="checkbox"/> FUELING <input type="checkbox"/> COMMERCIAL RECREATIONAL <input type="checkbox"/> OTHER
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PERSONAL FLOTATION DEVICES WAS THE VESSEL ADEQUATELY EQUIPPED WITH COAST GUARD APPROVED FLOTATION DEVICES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	VESSEL #1 VESSEL #2 <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO	EQUIPMENT FIRE EXTINGUISHER ON BOARD? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO FIRE EXTINGUISHER USED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO FLAME ARRESTOR/CONTROL? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO SOUND PRODUCING DEVICE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO REQUIRED NUMBER(S)? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO
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NAME	ADDRESS	TELE #
Nunc		
NAME	ADDRESS	TELE #

Handwritten signature and notes over the table.

ALCOHOL or DRUG USE			
HOW LONG HAD OPERATOR BEEN ON THE WATER BEFORE THIS ACCIDENT OCCURRED? VESSEL #1: _____ VESSEL #2: _____		WAS THERE ANY LIQUOR OR ALCOHOLIC BEVERAGES ON BOARD DURING OPERATION OF VESSEL? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES VESSEL #1 AMOUNT AND TYPE VESSEL #2 AMOUNT AND TYPE	
ALCOHOL/DRUG USE APPARENT VESSEL #1: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO VESSEL #2: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	OPERATOR TEST RESULTS VESSEL #1: _____ VESSEL #2: _____ BLOOD: _____ BREATH: _____ URINE: _____ OTHER: _____ (Circled 'X' next to OTHER)	DID ANY OF THE PASSENGERS CONSUME ANY ALCOHOL? VESSEL #1: _____ VESSEL #2: _____ <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO	
COULD THE ACTIONS OF THE PASSENGERS HAVE CONTRIBUTED TO THE ACCIDENT? IF YES DESCRIBE: No			
VIOLATIONS AND CITATION DATA			
NAME: N/A VESSEL #: N/A		VIOLATION CODE(S):	
NAME: VESSEL #:		VIOLATION CODE(S):	
NAME: VESSEL #:		VIOLATION CODE(S):	
NAME: VESSEL #:		VIOLATION CODE(S):	
DAMAGED PROPERTY OTHER THAN VESSELS			
NAME OF OWNER OF DAMAGED PROPERTY: No property damage		DESCRIBE OTHER PROPERTY AND ESTIMATED DAMAGE: N/A	
		ADDRESS: N/A	
VESSEL DAMAGE			
VESSEL #1 DAMAGE ESTIMATE: \$ N/A		VESSEL #2 DAMAGE ESTIMATE: \$ N/A	
DENOTE INITIAL IMPACT POINT CIRCLE NUMBERS OF ALL OTHER DAMAGED AREAS DESCRIBE DAMAGE: 		DENOTE INITIAL IMPACT POINT CIRCLE NUMBERS OF ALL OTHER DAMAGED AREAS DESCRIBE DAMAGE: 	
DIAGRAM BELOW THE POSITION AND DIRECTION OF TRAVEL OF VESSEL(S) INVOLVED			
			
<p>Summary: Dispatched to single person skier/tuber injury boat accident. Responded to Antelope Point where Classic Lifeguard Air Medical Service was on scene with the injured subject. Injured subject was flown to Flagstaff, we remained on scene to conduct a boat accident investigation.</p> <p>Assignment: At approximately 1400 hours on 04-07-06, Ranger Stolhand and I were requested to assist with a medical and boat accident investigation at Antelope Point launch ramp.</p>			

050411

Narrative:

We arrived at Antelope Point launch ramp and observed Classic Lifeguard helicopter, NPS ambulance and additional NPS rangers on scene with the injured subject, [redacted] Nelson (identified by word of mouth by his father-in-law, [redacted]). Rangers on scene requested us to do traffic control and complete a boat accident investigation.

Boat operator [redacted] (identified by word of mouth) described the circumstances of the accident as follows. [redacted] was towing [redacted] on a kite tube approximately 75' behind his boat. [redacted] had been riding the kite tube and bouncing 1-2' above the surface of the water prior to the accident. [redacted] was observing [redacted] at the time of the accident. He described the kite tube as lifting approximately 15' above the water surface, invert and drop rapidly back to the water surface with [redacted]. [redacted] stated he immediately called for assistance (via marine band radio) and turned the boat around to retrieve [redacted] who was at that time face down in the water, unresponsive, floating by his PFD. [redacted] reported that [redacted] was in the water for 20-40 seconds before he was pulled by boat passengers onto the boat. [redacted] described [redacted] as unresponsive and gurgling water and blood as they traveled from the accident scene (up lake from Antelope Point near the turn off to Padre Bay) to Antelope Point launch ramp. When [redacted] arrived at Antelope Point launch ramp he was met by the flight crew of Classic Lifeguard Air Medical Services. [redacted] stated that the group had not previously used a kite tube and had watched an instructional video prior to coming to the lake for the day.

Nelson was medically treated on scene by the crew of Classic Lifeguard then transported by air to Flagstaff Medical Center. We gathered additional information to complete our accident investigation.

Passengers on boat:

[redacted]
[redacted]
[redacted]
[redacted]

(All passengers and injured subject are immediate family and may be contacted via boat operator [redacted]).

[redacted] (injured subject)
White male, 6'2", 190#, Dk brn hair
DOB [redacted]
Telephone [redacted] 53

GLEN CANYON 1033
[redacted]
M. Haver
6/15/06

06-11-06

NOT TO SCALE

Narrative:

Handwritten note:
① Under 10/20/06

REPORTING OFFICER OR INDIVIDUAL

DATE REPORT FORWARDED TO US COAST GUARD VESSEL _____ STATE REPORTING AUTHORITY _____ USCGS/7700NMA _____ OTHER (AGENCY) _____

U.S. COAST GUARD STANDARDS BRANCH NOTIFIED FOR POSSIBLE CONSIDERATION OF DEFECT NOTIFICATION YES NO DATE: _____

REPORTING OFFICER'S NAME (PRINT) *Erin J. Jones* PHONE *[REDACTED]* AGENCY NPS (VIA) DATE 04/07/2006

REPORTING OFFICER'S SIGNATURE *[Signature]* AGENCY ADDRESS Glen Canyon-NMA, Page, AZ

APPROVED BY (PRINT) SIGNATURE DATE

(DO NOT USE) STATE BOATING ADMINISTRATOR

CAUSES BASED ON (CHECK ONE):
 THIS REPORT | INVESTIGATION AND THIS REPORT
SIGNATURE OF BOATING LAW ADMINISTRATOR OR AGED REVIEWING OFFICER DATE RECEIVED

INVESTIGATION | COULD NOT BE DETERMINED

PRIMARY CAUSE OF ACCIDENT

SECONDARY CAUSE OF ACCIDENT

05011

Glen Canyon National Recreation Area Voluntary Statement

Case #
CE-0257

Return this Form to the Ranger Erika Jostad

Last Name of Witness	First	MI	Telephone	Drivers Lic#	SSN	Date of Birth
[Redacted]	[Redacted]	H	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Street Address	Mailing Address		City	State	Zip Code	
[Redacted]	[Redacted]		[Redacted]	UT	84601	

How long will you be in the area?	Where can you be located?
Leaving immediately	By telephone

I witness did not sign do hereby make the following statement of my own free will.
(official signature of witness)

Incident Kite tube accident
 Location Lake Powell, splake from Antelope Point near turn off to Packer Bay
 on the 7th day of April 2006 at _____ AM/PM.

"You are notified that statements you are about to make may be presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a class A misdemeanor."

Statement:

Pulling [Redacted] on a Kite tube and tube
Flipped while we were pulling him
and he hit the water and he was
knocked out

SEARCHED
 SERIALIZED
 INDEXED
 FILED
 BY [Signature]
 DATE 4/7/06

Witness Signature	Date
<u>witness did not sign</u>	
Officer Signature	Date
<u>[Signature]</u>	<u>4-7-06</u>
	ID# <u>1010</u>

06-04711

060614HCC3603

GLCA KITE TUBING

6/14/2006
EXHIBIT H

CASE #	DATE	RANGER	INCIDENT	COMMENTS
06-0297	4/7/2006	CLASSIC	EMSALS (serv)	29 YOM FELL 30 FT FROM WATER KITE TUBE
06-0297	4/7/2006	JOSTAD	ACCKITEPI (serv)	29 YOM FELL 30 FT FROM WATER KITE TUBE
06-0941	5/22/2006	BF CLINIC	EMSALS (serv)	34 YOM KITE TUBING ACCIDENT
06-0941	5/22/2006	VANDRAGT	ACCKITEPI (serv)	34 YOM KITE TUBING ACCIDENT
06-1301	6/2/2006	MOWAT	EMSALS (serv)	26 YOM W/NECK INJURY FROM KITE TUBING
06-1334	6/3/2006	STARK	EMSALS (serv)	14 YOF KITE TUBING (30 FT FALL)
06-1334	6/3/2006	STARK	ACCKITEPI (serv)	14 YOF KITE TUBING (30 FT FALL)
06-1334	6/3/2006	STARK	SAR (serv)	14 YOF KITE TUBING (30 FT FALL)
06-1301	6/2/2006	MOWAT	ACCKITEPI (serv)	26 YOM W/NECK INJURY FROM KITE TUBING
06-1526	6/10/2006	SAMPLE	ASSTCTZN (serv)	VERBAL CONTACT WITH KITE TUBER
06-1533	6/10/2006	LARSON	ASSTCTZN (serv)	EDUCATIONAL CONTACT FOR KITE TUBING

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060614HCC3603

Exhibit H

CRNUMB#	INCIDENT	DATE	LOCAT	REMARKS
00-0523	ACCOTHP1 (serv)	4/28/2000BF		21 YOM BROKEN RIGHT ANKLE FROM PARASAILING ACCIDENT
01-0298	ASSTCTZN (serv)	4/11/2001DR		DISABLED SAILBOAT
01-1344	FOUNDPROP (serv)	6/7/2001HC		12 FT SAILBOAT WATERSKIS
01-1822	ACCBTPDO (serv)	6/13/2001WW		SAILBOAT TIPPED OVER
01-3471	ACCBTPI (serv)	7/24/2001WW		PARASAILING ACCIDENT
01-4366	ACCBTPI (serv)	8/16/2001BF		PARASAILING ACCIDENT
01-5316	ACCBTPI (serv)	9/22/2001WW		PARASAILING ACC
01-5316	ACCBTPI (serv)	9/22/2001WW		PARASAILING
02-1741	FOUNDPROP (serv)	6/25/2002HI		SAIL WHITE/ORANGE
03-4718	PTIOTH (p2nt)	10/17/2003WW		VW TO SUBJECT FOR PARASAILING
05-1295	EMSBL5 (serv)	6/16/2005BF		FALL DURING PARASAILING/BACK PAIN
05-1295	ACCOTHP1 (serv)	6/16/2005BF		FALL DURING PARASAILING/BACK PAIN

6/14/2006

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060614HCC3603

Exhibit H

CRNUMBE	INCIDENT	LOCAT	DATE	REMARKS
91-2839	COMILLOP	WW	8/28/1991	PARASAILING THE THE PARK
91-2839	COMILLOP	WW	8/28/1991	PARASAILING IN THE PARK
91-2839	COMILLOP	WW	8/28/1991	PARASAILING IN PARK
91-3565	EMSALS	BF	10/11/1991	PARASAILING ACCIDENT/BLANDING
92-3455	ACCBTPI (serv)	BF	8/10/1992	PARASAILING ACCIDENT
92-3874	ACCBTPI (serv)	BF	9/2/1992	PARASAILING ACCIDENT
92-3874	EMSALS	BF	9/2/1992	PARASAILING ACCIDENT - BACK PAIN
93-3683	EMSALS	BF	9/10/1993	PARASAILING INJ POSS FX ANKLE TRANSPORT TO CLINIC

Query1

6/14/2006

969

060614HCC3603

Exhibit H



Kevin Schneider
06/08/2006 07:41 AM
MST

To: Kitty Roberts/GLCA/NPS@NPS, Nancie E Ames/GLCA/NPS@NPS,
Susan Perkins/GLCA/NPS@NPS, Mike Mayer/GLCA/NPS@NPS, Stan
Burman/GLCA/NPS@NPS, Pat Quinn/GLCA/NPS@NPS, Hank
cc:
Subject: Fw: Contact with Kite Tube Manufacturer and Distributers

fji

Kevin Schneider
Management Assistant
Glen Canyon National Recreation Area
Rainbow Bridge National Monument
928-608-6208

----- Forwarded by Kevin Schneider/GLCA/NPS on 06/08/2006 07:40 AM -----



"Paul Ostapuk"
<postapuk@cableone.net>
06/08/2006 07:39 AM
MST

To: <Kevin_Schneider@nps.gov>
cc:
Subject: Contact with Kite Tube Manufacturer and Distributers

Hi Kevin,

I wanted to let you know that the Friends of Lake Powell has started a letter writing campaign to remove this new dangerous product from the market.

Have spoken to the manufacturer (Sportsstuff) and several distributors asking them to give this product immediate attention.

Thank you for your recent press release and have fun at the celebrations at Park Service Headquarters. I am on my way out of town to the Old Spanish Trail Annual Convention and will miss today's planned activities.

Paul Ostapuk
Friends of Lake Powell

970

060614HCC3603

Exhibit H



"Robert Baron"
<erfpmd1@cox.net>
06/07/2006 10:06 PM
MST

To: "Mayer, Mike" <Mike_Mayer@NPS.gov>
cc: "Steve Luckesen" <Luckesen@Hughes.Net>, "Baron, Robert"
<erfpmd1@cox.net>
Subject: FW: Kite Tubes

FYI

From: Robert Baron [mailto:erfpmd1@cox.net]
Sent: Wednesday, June 07, 2006 10:06 PM
To: Kitty Roberts (Kitty_Roberts@nps.gov)
Subject: Kite Tubes

Kitty,

I have been following the cases of injuries concerning the operation of Kite Tubes. I believe the information collected on the lake, the need to airlift 4 people from the lake in 3 weeks with 1 having a broken neck and 2 others having major chest injuries suggests that this "toy" is just plain too dangerous. If you have not seen video clips of the use of these kites, please go to KUTV.com, click on the video section in the upper right hand corner and click the button that says "see all". Scroll through the options and there you will find a clip from 6/5 & 6/5. These videos show graphically what can happen with these devices.

Kitty, I have heard that your Rangers are suggesting the writing of a compendium that would ban the use of these Kite Tubes on the lake. From an injury prevention viewpoint, I have to agree. Please let me know how this all progresses.

Sincerely,

Bob Baron

9071

060614HCC3603

Exhibit H



Bruce Malloy
05/10/2006 09:34 AM
CDT

To: Randy Y Larson/PAIS/NPS@NPS
cc: Dale Antonich/LAME/NPS@NPS, Dennis Weiland/CHIC/NPS@NPS,
Linda Alick/CURE/NPS@NPS, Linden Schlenker/BICA/NPS@NPS,
Mark Law/GLCA/NPS@NPS, Matthew Senulis/LAMR/NPS@NPS, Mike
Subject: Re: Kite Tubing []

Thanks for the heads up on this potentially dangerous activity. We have not experienced any interest in these types of "above the water" activities. But we anticipated that we would in the future, therefore last year we crafted and implemented a Compendium prohibition on all of these activities except windsurfing/sailboarding. We have not had any comments, negative or positive, on this prohibition.

§ 1.5 Closures and Public Use Limits

(a) Consistent with applicable legislation and Federal administrative policies, and based upon a determination that such action is necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the superintendent may:

(1) Establish, for all or a portion of a park area, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of a park area to all public use or to a specific use or activity.

Kitesurfing, kiteboarding, hang gliding, and parasailing (board riding while attached to wind-driven parachute-like objects or wing devices and/or towed by a vessel or vehicle) are prohibited. The closure is in effect on all park waters.

Kitesurfing/boarding, hang gliding, and parasailing within the National Recreation Area has been deemed an inappropriate activity given safety concerns and resource conflicts that the park is mandated to prevent. The reservoir is a highly used public area with many recreational activities including swimming, fishing, camping, and boating. These activities have a long history of compatible use. Kitesurfing/boarding, and parasailing requires large open areas free of people, obstacles, and other activities. Accepted safety practices by kitesurfing/boarding and parasailing associations and groups advocate no kiteboard or parasailing use in swim areas and avoidance of obstacles. A kite or parasail being operated in the air has a reach of at least 100' and kite lines under tension can cut anything they touch like a razor. Hang gliding while attached to a vessel or vehicle is also prohibited due to the inherent safety risks associated with this activity and the dangers to others either in the towing vessel/vehicle or others nearby. A closure will ensure the safety of park visitors and avoidance of conflict among visitor use activities. **This closure does not include sailboarding, where a sail is permanently affixed to the board.**

Bruce Malloy
Chief Ranger
Amistad National Recreation Area
4121 Veterans Blvd.
Del Rio, Texas 78840
830-775-7492 ext. 213
Randy Y Larson



Randy Y Larson
05/09/2006 12:39 PM
CDT

To: Mike Mayer/GLCA/NPS@NPS
cc: Bruce Malloy/AMIS/NPS@NPS, Dale Antonich/LAME/NPS@NPS,
Dennis Weiland/CHIC/NPS@NPS, Linda Alick/CURE/NPS@NPS,
Linden Schlenker/BICA/NPS@NPS, Mark Law/GLCA/NPS@NPS,
Matthew Senulis/LAMR/NPS@NPS
Subject: Re: Kite Tubing []

972

060614HCC3603

Exhibit H

We have not experienced Kite Tubing but the rage on the coastlines of the country over the last several years is Kiteboarding (also called Kitesurfing). Kiteboarders use smallish like surfboards with footstraps tethered by a 30 meter kevlar line to a parachute. With strong winds kiteboarders use the parachute sail to achieve surface speeds of 30 MPH and in doing so can actually "take off" and get airborne for brief periods.

Our primary concern was a myriad of visitor safety conflicts. At 20-30 MPH a kevlar line could actually sever a limb or neck of a sunbather, swimmer, windsurfer, etc. Further compounding our issue is that PAIS is one of the top 5 windsurfing areas in the country. Windsurfing is embraced and managed by the park and fully compatible with our mission. However the two issues were not compatible together. Windsurfers generally sail perpendicular to the wind while kiteboarders travel parallel with the wind. What we were seeing was an "unguarded intersection" with the potential for a cross collision or "clothesline" at a combined speed of 35-50 MPH. A kevlar line across a body could be disastrous.

We spent a lot of time debating the issue in the park and I met with two local outfitters in Corpus Christi who had the majority of the kiteboarding business. As I looked into accepted safety practices by kiteboarding associations and various kiteboarding group I found commonly accepted standards that advocated no kiteboard use in swim areas and avoidance of crowded beaches. In the end a closure was deemed necessary to ensure the safety of park visitors and avoid conflict with other visitor use activities.

We talked over the applicability of 36 CFR 2.17 with the Solicitor, WASO, and others. We received mixed opinions on the applicability of 2.17, so in the end a compendium closure was crafted which prohibits Kiteboarding at PAIS.

Surprisingly the closure has gone well. I think the safety issue was pretty obvious to everyone and it helped having many alternative sites outside the park for Kiteboarding.

Hope this helps.

Randy Larson
Chief Ranger
Padre Island National Seashore
(361)949-8173 x237
Mike Mayer



Mike Mayer

05/08/2006 11:51 AM
MST

To: Dennis Weiland/CHIC/NPS@NPS, Dale Antonich/LAME/NPS@NPS,
Bruce Malloy/AMIS/NPS@NPS, Matthew Senulis/LAMR/NPS@NPS,
Randy Y Larson/PAIS/NPS@NPS, Linda Alick/CURE/NPS@NPS,
Linden Schlenker/BICA/NPS@NPS, Mark Law/GLCA/NPS@NPS

cc:

Subject: Kite Tubing

The next thing that will cause us trouble with injuries and deaths. Kite Tubing. Three weeks ago we had our first near fatality from this activity. If you haven't seen this you need to go to the web site. www.sportstuff.com. Its made by WEGO Kite Tube and in my estimation they won't be in business long.

Our guy was 75' behind the boat, traveling 28 mph, and about 10-12 feet off the water. The kite tube inverted and plunged or rammed the water surface. Seems innocent enough, but 30mph forward speed + accelerated downward plunge = unconscious tuber with three broken ribs and punctured lung. He was pulled from the water, unconscious and face down (est. 45 sec.) by his party and taken to shore where we air lifted him. We have a history of folks that died from cliff jumping from 20-30 feet and routinely die from 70+ feet.

It won't be long until someone figures out that if we put a 400 foot rope on the kite tube then it can get 50

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Exhibit H

feet in the air.

I am just curious if any of you have experienced this yet?

Mike Mayer
Chief Ranger
Glen Canyon National Recreation Area
office 928-608-6253
cell 928-640-0429
928-608-6259 FAX Office

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BoatingABC.comBoating Message Board and
Forum**Jay Schneider**Warrant Officer
Member # 2167

posted June 21, 2006 11:31 AM June 21, 2006 08:31 AM



Given the recent online discussions about the dangers of using flying tubes like the Wego Kite Tube on this and other forums, we at Sportsstuff would like to reiterate the importance of its proper usage.

There are inherent risks with any water sport, these risks are significantly reduced when the item is properly used under the recommended guidelines.

The Wego kite tube is an extremely popular item and is unlike any other watersport activity. This means that the boat driver, spotter, and rider are all beginners. Take it easy, learn in light steady wind, start slow. Do not over-estimate your ability, Kiting takes a practiced level of skill.

No other towable inflatable on the market has such an extensive system of warnings and instruction - starting with the packaging, the user's manual, the included instructional DVD, the three segment tow rope that is specifically designed to allow a progression of rope length and height relative to user experience, and many warning patches printed on the surface of the tube reiterating the proper usage guidelines. In addition, the slogans and markings on the item itself are there specifically to remind the rider of the possible dangers involved in the misuse of this item. To lessen your risk of serious injury or death, follow the rules.

The guideline manuals and instructional video that are packaged with the item are available directly from our website at: <http://www.sportsstuff.com>

Along with the impressive sales numbers and numerous accolades received on this item, the Wego Kite Tube was also awarded the prestigious Sporting Goods Manufacturers Association - Sports Product of the Year award for 2006.

SportsStuff follows the guidelines set forth by the Water Sports Industry Association (WSIA), is an active member of the safety board, and takes the safety and wellbeing of our customers very seriously.

So please follow the guidelines, use common sense, practice safe boating, and have fun!

If you are interested in learning more about the Kite Tube, please visit <http://www.sportsstuff.com> or call 888-814-8833 and let our friendly customer service staff answer your questions

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Photo #1: Product as seen on manufacturer's website

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Contact List:

[REDACTED] (victim)

[REDACTED]
Date of Contact: June 26, 2006

[REDACTED] (consumer of product and boat operator)

[REDACTED]
[REDACTED]
[REDACTED] 18—H

[REDACTED] 42—W

[REDACTED]—C

[REDACTED]
Date of Contact: June 29, 2006

[REDACTED] (victim's brother-in-law)

[REDACTED]
Date of Contact: June 30, 2006

Mark Law, Law Enforcement Specialist

National Park Service

U.S. Department of the Interior

P.O. Box 1507

Page, AZ 86040

(928) 608-6252—P

(928) 608-6259—F

Date of Contact: June 16, 2006

Sportsstuff, Inc. (product manufacturer—Wego)

1-888-814-8833—P

www.sportsstuff.com

Date of Contact: June 16, 2006

CPSC Investigator made contact, not respondent

Diversified Marine Products (product distributor—Wego)

1-800-777-0141—P

www.dmpmarine.com

Date of Contact: June 16, 2006

CPSC Investigator made contact, not respondent

Vina Ramus, Parts and Accessories Manager

Marine Max (product retailer—Wego)

1363 Embarcadero

Oakland, CA 94606

(510) 535-6161—P

(510) 535-1787—F

www.marinemax.com

Date of Contact: June 16, 2006

CPSC Investigator made contact, not respondent

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060614HCC3603

Larry Meddock, Executive Director
Water Sports Industry Association
P.O. Box 568512
Orlando, FL 32856-8512
(407) 251-9039—W
(407) 620-7992—C
wsiaheadquarters@earthlink.net
Date of Contact: June 29, 2006

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The following information was obtained through a telephone interview with the victim who is also the consumer of the product. Additional information was obtained through internet research, discussions with related officials and official reports. The investigation was generated by a report submitted by local officials. The involved product is a circular tube kite. There were two separate, but related incidents involving the same product during a four-day period, though only one incident resulted in medical treatment.

The victim is a 34 year-old male who stands six feet tall and weighs approximately 185lbs. The victim has extensive boating and water recreational experience. The victim has owned a boat since 1998 and has participated in water skiing, jet skiing, and wakeboarding for at least 15 years. The victim has one previous incident wherein he sustained an injury while participating in a water recreational activity. In 2003, the victim was wakeboarding and fell into the water, breaking two ribs. The victim attributed the incident to his attempt to attain a higher elevation while wakeboarding. Though the victim's wife (hereafter, "wife") was the boat operator during this incident, and only had a limited amount of experience towing the victim (less than one year), the victim reported that he was solely responsible for failing to control the wakeboard. The victim stated that he fully recovered from the incident and his injuries and continued participating in water recreational activities.

Shortly after watching the instruction video (demo) on the manufacturer's website, the victim purchased the product through an online distributor/retailer approximately 2-3 weeks prior to the incident. The victim had no prior experience with the product before embarking on the four-day trip. No other participant was known to have any experience with the product. The product remained in the original packaging until the beginning of the trip (i.e., four days prior to the incident). The victim, his wife, female friend, and brother and sister-in-law all watched the instructional video (DVD) that accompanied the product prior to its use. The victim reported that he did not thoroughly read the owner's manual that accompanied the product prior to using the product, but only "scanned" it, and relied heavily on the instructional video for instruction and guidance.

The participants on the four-day trip included the victim, his 27 year-old wife, his mother and father-in-law (both reportedly in their late 40's), his 25 year-old brother-in-law, his 24 year-old sister-in-law, and a 21 year-old female friend. The boat used for towing the product during riding was a 1998, 27-foot, 300 horsepower inboard/outboard motorboat. The victim reported that he has had no recent mechanical problems with the boat. The first use of the product occurred three days prior to the victim's incident. The three-segmented tow rope, which was part of the product, was attached to the product and boat by the victim, and the tow rope remained at its greatest length of 65 feet during the entire four-day trip. The victim incurred no difficulty in tethering the tow rope to either the boat or the product. The victim reported that the tow rope remained tethered to the product during the entire trip, and was only periodically detached from the motorboat. The victim inflated the product according to the instructional video's direction (i.e., "until very firm").

On the first day of product use the weather was pleasant and clear with only a slight breeze. Although there were other water vessels in the area, the victim's party never had

to alter their direction or course while boating/riding the product. All product riders wore bathing suits and a life vest. No participant wore a helmet, though the victim usually wears a helmet while water skiing. The victim and the other riders decided that the form of communication the rider would use to indicate to the spotter or boat operator to slow down or stop the boat, would be to raise his/her hand high. This was decided as the participants agreed that the usual visual sign of dragging the hand across one's throat to signify slow down or stop may not be visible to the spotter or boat operator. The victim also subsequently learned that any communication via the clear plastic window located near the front of the product was not be possible as the plastic consistently became fogged up almost immediately upon riding.

The victim was the first individual to attempt to ride the product and incurred no incidents during his ride. The victim's father-in-law acted as the "spotter" during the victim's first ride. The victim's wife was the boat operator during the victim's ride and reported no difficulty. On this day, the victim rode the product on two separate occasions. However, the victim was unable to attain elevation at any time while riding the product and became tired from attempting to "lift" the product's nose out of the water (i.e., attain "flight"). Thus, the victim made no further attempts to ride the product until two days later.

The second individual to ride the product was the victim's 21 year-old female friend (hereafter, "friend") who stood at 5'2 and weighed approximately 100lbs. The victim was the boat operator during the friend's ride. It is unknown who acted as the "spotter" while the friend was riding the product. The victim stated that the boat never traveled over 30mph during his friend's ride. The friend was riding the product for approximately 5-10 minutes and attained elevation no higher than 10 feet while on the product. During a 10-20 second period when the product and rider were airborne approximately 5 feet, the product began to rotate approximately 45 degrees (i.e., the product remained on its current axis and rotated much like a clock). When the victim, who was the current boat operator, observed the friend having difficulty controlling the product, he gradually reduced the boat's speed to enable the friend to safely land the product onto the water. The victim estimated that the boat was traveling approximately 15-20 mph when the product made contact with the water. However, when the side of the product made contact with the water (it is unknown which side), the friend was "ejected" from the product and "skipped across the water". The friend sustained no injuries and the product was not damaged. The victim cannot recall if the friend rode the product on a subsequent occasion during the four-day trip.

Between when the friend's incident occurred and when the victim experienced his incident two days later, the other participants (i.e., wife, sister and brother-in-law) used the product without incident. The victim reported that the other participants also remarked on the product rotating while elevated above the water, thus making the product difficult to control, and that brother-in-law also had difficulty in attaining product elevation. The victim concluded that the males maintained a heavier weight, which was preventing the product from attaining elevation; therefore, on May 20, 2006, at some point during the day (two days prior to the victim's incident), the victim decided that the product needed more air and inflated the product on a second occasion. The victim did

not report how much additional air was placed into the product, or if the product actually incurred a reduction in air during the first two days of riding. No other information regarding the other participant's riding experiences was obtained, except that no incidents were noted and no injuries were sustained.

The victim's incident occurred on May 22, 2006 at approximately 1:00pm. The report from local officials (Exhibit C) lists the weather as "cloudy" and categorized the visibility as "fair" while the winds were listed as "strong" (i.e., between 15-25mph) and the water condition was termed, "rough", indicating that the waves were between 2 and 6 feet. The victim concurred that the wind had increased over the two previous days. The wife was the boat operator during the victim's ride and had over three years of experience of towing the victim (her husband) during water recreational activities. During the victim's ride the boat was moving against (into) the wind. The father-in-law again acted as the "spotter" during the victim's ride while the mother-in-law was the "flag person" (i.e., the individual who is responsible for raising the flag to alert other boaters to a person adrift in the water).

On the day of the incident, the victim rode the product only on one occasion, and for a total of 1-2 minutes. The boat was traveling at approximately 30mph during the victim's ride. The victim made several attempts to attain elevation ("lift") by "bunny hopping" while in the product (i.e., the victim, while holding onto the handle system, would jump slightly while lifting the product's nose out of the water). On two attempts the victim was able to attain an elevation between 3-10 feet and maintain elevation for 3-5 seconds. On each attempt, the victim could only gain elevation through "bunny hopping" the product.

On the last (third) attempt, the victim was able to attain an elevation of approximately 10 feet and maintain that height for 5-10 seconds. While at that elevation, a sudden wind came from the front and underneath of the product and lifted the product and victim into the air approximately 40 feet. During ascension, the victim became extremely concerned and kept his body still. The victim reported that after the sudden wind gust that it took only a few seconds before he reached the peak elevation of 40 feet. The victim reported that he could not communicate with the "spotter" or boat operator of his concern and desire to reduce his height. The victim and product remained 40 feet above the water for approximately 5 seconds before the product unexpectedly began to tilt/tip drastically to the left approximately 45 degrees. The victim reported that the boat did gradually slow down, but cannot recall if the boat slowed down before the product began to tilt or after. As the product tilted to its left, it lost all "lift", and the victim and product began to fall towards the water. As the product descended towards the water the victim prepared himself for a "hard landing" and let go of the handle system crossed his arms across his chest when the product was approximately 5 feet above the water. The victim was cognizant of the fact that he was not going to land while in the product, but would land directly in the water due to the drastic tilting of the product.

The victim landed in the water on his left side, and immediately had the "wind knocked out of him". The boat immediately turned around and the brother-in-law assisted the victim into the boat as the victim was unable to use his left arm. The victim and others returned to the houseboat and the victim tried to lie down and rest, but had difficulty

breathing as he left side was causing him significant discomfort. The victim remained on the couch for 5-10 minutes, but decided to get up and walk around. Once the victim began walking around, he began to cough up a small amount of blood and became concerned. His mother-in-law, who is a nurse, suggested he seek medical treatment and drove the victim to a nearby local clinic for emergency medical treatment. After receiving an evaluation, the medics arranged for the victim to be transported by air ambulance to a nearby hospital. The victim received further evaluations, which revealed that he sustained one broken rib on his left side. All subsequent testing was negative for any other injuries. The victim reports that although he has made significant progress in his recovery, he still has soreness in his left side.

The victim reported that he adamantly believes that the product is unsafe for various reasons. The victim reported that all participants that rode the product noted that the product rotated while in the air, which made it very difficult to control. The victim also stated that communication between the rider and the "spotter" and/or boat operator is extremely difficult, and is exacerbated by the fogging of the plastic window that is on the bottom of the product and is assumed to facilitate communication. The victim's wife made numerous phone calls to the manufacturer explaining the incident and the perceived hazardous nature of the product and requested a full refund. However, the manufacturer initially offered to only exchange the product. After a total of at least six phone calls to the manufacturer and retailer, the victim was finally granted a refund in June 2006.

The manufacturer intimated to the victim that a shipping document will be mailed to him regarding the return of the product, but the victim has not yet received the necessary shipping paperwork and maintains custody of the incident product. The victim reported that the product did not sustain any damage during the incident. The victim does not intend to ride the product again and has been contacted by an attorney who is spearheading a class-action lawsuit against the manufacturer (the attorney currently represents the family of an individual who was killed while riding the product).

Internet research revealed correspondence among consumers and operators of the product on various websites. A June 21, 2006 response (i.e., blog) was written (i.e., posted) to concerned consumers of the product by a manufacturer's spokesperson (Exhibit I), which stated that the manufacturer "follows the guidelines set forth by the Water Sports Industry Association" (paragraph 7 of Exhibit I). A phone call was placed to the executive director of the Water Sports Industry Association (WSIA) regarding any possible promulgation of standards or endorsement of the product. The director stated that while the WSIA warnings are intended as guidance for manufacturers of water-related products, the product manufacturer made no prior attempts to seek confirmation with WSIA regarding the product or any tow rope standards. The director stated that regarding tube kites, the WSIA has never "crafted any language" as related to tube kites or endorsed the product in anyway. Furthermore, the director stated that the tube rope standards and warnings promulgated by WSIA are not intended for tube kites tow ropes as pertinent factors, such as tensile strength and capacity may differ between regular (inner) tubes and tube kites. The tube and tow rope warnings and standards promulgated by WSIA have been attached as a reference (Exhibits F & G). No attempt was made to

contact the spokesperson for the manufacturer regarding the aforementioned statement as to WSIA guidelines.

On June 15, 2006, and after responding to numerous incidents involving serious injuries, the local officials of the recreational area implemented a ban all on tube kiting. This restriction was generated from the numerous incidents occurring in the recreational area and subsequent interviews with related parties and various agencies (see Exhibit H for restriction proposal and related correspondence). The law enforcement specialist also stated that the park rangers have generated approximately 10 additional reports regarding contact with individuals subsequently preparing to participate in tube kiting. All individuals were alerted to the newly imposed ban, and no additional reports of injuries were noted. In addition, after watching the product's instructional video (DVD) on numerous occasions, the law enforcement specialist at the recreational park/area determined that the video narrator discloses that the boat operator (and rider) should go only between 10-20mph, but the video consistently shows boat operators going between 30-40mph, enabling the rider to obtain flight.

On June 16, 2006, a local retailer stocking an exemplar product was visited. Exemplar photographs of the packaging were taken and are included as Exhibit A.

Product Identification:

The product is a **Wego kite tube™**, and is a 120inch (10 foot) inflatable, circular tube kite that is designed for a single rider, and to be towed behind a boat via tow rope and achieve flight when a certain boat speed is attained. The model number for the product as listed on the manufacturer's website and exemplar packaging is: **53-5000**. The product indicates that a patent is pending and that it is made in China. The manufacturer is:

SportsStuff, Inc.
11213 E. Circle, Suite A
Omaha, NE 68137
(402) 592-9085—P
(402) 592-1354—F
www.sportsstuff.com

The suggested retail price as listed on the manufacturer's website is \$599.95; however, the price paid by the consumer was \$399.00 and \$50.00 for shipping. The product is largely yellow in color with wide black diagonal accent striping and a sectional red border with various product labeling and identification, which includes various skull graphics. The product maintains an "840D" nylon covering and panoramic, see-through double plastic windows that are located near the front of the product. Near the rear of the product is a parallel slotting system cockpit for the rider. A handle system is located underneath the nylon covering and is accessible via eight different circular slots that offer the rider eight different "non-slip" handle positions. The product is also equipped with a three-segmented tow rope that is adjustable to lengths of 45, 55, and 65 feet. The front of the product maintains a molded, aluminum connector for attachment to the tow rope.

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The product was obtained through an online purchase with "Online Marine" (1-888-933-2628) (www.onlinemarine.com).

Various warnings are located on the product's packaging (exemplar), and include a lengthy "Release of Liability" warning (Exhibit A, photo 8), which iterates that by assembling and inflating the product the consumer has implicitly agreed to have read and understands the owner's manual and releases the manufacturer of any responsibility as related to damage, loss, or injury. The exemplar packaging also retains warnings disclosing that the product is "Not A Lifesaving Device"... "Never Leave Children Unattended"... "Use Only Under Competent Supervision" (Exhibit A, photo 7). Although the website shows the product with the warning, "NEVER KITE HIGHER THAN YOU ARE WILLING TO FALL" (Exhibit J), the exemplar packaging does not reveal such a warning on the product. However, the exemplar packaging also reads that "Designs Featured In Photography Subject To Variations" (Exhibit A, photo 7). Although two additional warning can be observed on either side of the product's parallel slotting system, neither one is legible as observed as a photograph on the exemplar packaging or website.

Other relevant wording found on the exemplar packaging (Exhibit A, photo 10) includes, "Whip across the water like a deck tube, or fly through the air like a bird! Experience the thrill of flight as you rise above the water reaching *incredible heights*, leaving nothing but adrenaline in your wake!" (Emphasis added). Instructional wording observed on the exemplar unit (Exhibit A, photo 12) includes, "Beginners will benefit greatly by following the directions explained in the included instructional DVD and owner's manual... With a good amount of practice, you'll be able to *hover slightly* above the water's surface for minutes at a time!" (Emphasis added).

No incident or exemplar sample was collected. Photographs of the incident product have been requested and are pending.

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Exhibits:

- A. CPSC Photographs of Exemplar Packaging (10 pages)
 - 1. Front view of exemplar product packaging
 - 2. Manufacturer contact information--as viewed on top of exemplar packaging
 - 3. Exemplar product's model number and UPC
 - 4. UPC and retailer price of exemplar product
 - 5. Top view of exemplar product packaging
 - 6. Product's features--as listed on exemplar product's top (packaging)
 - 7. Guarantee and warning of top of exemplar product's packaging
 - 8. Warning label on exemplar product's top (packaging)
 - 9. Product information--labeling on front of exemplar product
 - 10. Wording on front of packaging of exemplar product
 - 11. Bottom view of packaging on exemplar product
 - 12. Riding instructions on exemplar product (packaging--bottom)
 - 13. Side view of exemplar product
 - 14. Product's features--as listed on exemplar product's packaging (side)
- B. Notice of Inspection to Retailer (1 page)
- C. Local Official Incident Report (5 pages)
- D. Owner's Manual for Product (11 pages)
- E. Owner's Manual for Tow Rope (7 pages)
- F. Water Sports Industry Association (WSIA) warning manual (13 pages)
- G. Photos of WSIA warning labels—tow ropes and tubes (1 page)
- H. Local Recreational Officials **Final Draft** Regarding Product Ban and Related Correspondence (70 pages)
- I. Internet Written Response (i.e., "blog") by Manufacturer Spokesman (1 page)
- J. Photo of Product as Seen on Manufacturer's Website—July 5, 2006 (1 page)

U.S. CONSUMER PRODUCT SAFETY COMMISSION

NOTICE OF INSPECTION

1. DATE 6/16/06		3. FROM (Area Office and Address) CPSC - CF(WCD)
2. TIME ____ A.M. 12 P.M.		
A. NAME AND TITLE OF INDIVIDUAL Vina Ramus, Parts Manager		
B. FIRM NAME Marlmax		
4. TO	C. NUMBER AND STREET ADDRESS 1363 Embarcadero (1285)	
	D. CITY, STATE AND ZIP CODE Oakland, CA 94606	

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*);
- Federal Trade Commission Act (15 U.S.C. 41 *et seq.*);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

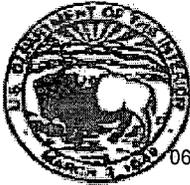
The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

To inspect/review Wego Kite Tube, including photographs.

6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting

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060614HCC3604

Boating Accident Report

Glen Canyon National Recreation Area
PO Box 1507, Page, Arizona 86040

COPY

ITZ
Gregory
Trujillo



Exhibit C

Form 10-34 (rev. 2005)

U.S. COAST GUARD CASE # 116		REPORTING AGENCY NYS GLCA		REPORTING AGENCY CASE # 05-044		INVEST. DATE(S) 5/22/06	
NUMBER OF FATALITIES		NUMBER OF INJURIES 4		PROPERTY DAMAGE OVER \$500? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> OVER \$2000? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		COMMERCIAL <input type="checkbox"/> RECREATIONAL <input checked="" type="checkbox"/>	
DATE OF ACCIDENT 5/22/06		TIME 13:18	BODY OF WATER Lake Powell		LOCATION (CITY, COUNTY, STATE, ZIP)		
NO OF VESSELS INVOLVED 1		NEAREST CITY OR TOWN Bullfrog		COUNTY Kane		STATE UT	
INFO: OPERATOR ONE		LAST Irvine	FIRST Cristine	MI L	FD WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	HOME PHONE 801-446-2471	TIP VESSEL ONLY NUMBER DEAD NUMBER INJURED
SEX F		WEIGHT 150	HEIGHT 5'00"	EYES BRN	HAIR BRN	DATE OF BIRTH 02-27-1964	
DRIVERS LICENSE NUMBER (STATE)		STATE UT	CLASSIFICATION SS	OPERATOR'S INSTRUCTION IN BOATING SAFETY <input type="checkbox"/> STATE COURSE <input type="checkbox"/> POWER SOLARON <input type="checkbox"/> SOC AUXILIARY <input type="checkbox"/> OTHER <input type="checkbox"/> COURSE (SPECIFY)			
OPERATOR'S EXPERIENCE - IN HOURS <input type="checkbox"/> UNDER 10 <input type="checkbox"/> 10 TO 100 <input type="checkbox"/> 100 TO 500 <input type="checkbox"/> OVER 500		OPERATOR'S EXPERIENCE - IN HOURS <input type="checkbox"/> UNDER 10 <input type="checkbox"/> 10 TO 100 <input type="checkbox"/> 100 TO 500 <input type="checkbox"/> OVER 500					
NAME PASSENGER 1 H. Phelan		DOB 08 / 1 / 1968	ADDRESS 1137 Crosswood Drive, Blanding UT 86803	TELEPHONE	FD WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 2		DOB	ADDRESS	TELEPHONE	FD WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 3		DOB	ADDRESS	TELEPHONE	FD WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
TOTAL NUMBER PASSENGERS 3		NUMBER OF ANCHORS OR NUMBER TOWED		ESTIMATED SPEED DRIFTING <input type="checkbox"/> UNDER 10 MPH <input type="checkbox"/> 10-20 MPH <input checked="" type="checkbox"/> OVER 20 MPH <input type="checkbox"/> OVER 30 MPH <input type="checkbox"/>			
REGISTRATION OR DOCUMENTATION NUMBER		STATE UT	HULL IDENTIFICATION NUMBER (HIN)		BOAT MAKE		
LENGTH 16'00"		YEAR BUILT 04	MANUFACTURER		MODEL		
NAME OF OWNER Gregory Irvine		NUMBER OF ENGINES		TOTAL HHP/HP			
OWNER ADDRESS 111 West Crosswood Drive, Blanding UT 86803		OWNER TELEPHONE NUMBER (801) 446-2471					
INFO: OPERATOR TWO		LAST Irvine	FIRST Cristine	MI L	FD WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	HOME PHONE	TIP VESSEL ONLY NUMBER DEAD NUMBER INJURED
SEX F		WEIGHT 150	HEIGHT 5'00"	EYES BRN	HAIR BRN	DATE OF BIRTH 02-27-1964	
DRIVERS LICENSE NUMBER (STATE)		STATE SS	OPERATOR'S INSTRUCTION IN BOATING SAFETY <input type="checkbox"/> STATE COURSE <input type="checkbox"/> POWER SOLARON <input type="checkbox"/> SOC AUXILIARY <input type="checkbox"/> OTHER <input type="checkbox"/> COURSE (SPECIFY)				
OPERATOR'S EXPERIENCE - IN HOURS <input type="checkbox"/> UNDER 10 <input type="checkbox"/> 10 TO 100 <input type="checkbox"/> 100 TO 500 <input type="checkbox"/> OVER 500		OPERATOR'S EXPERIENCE - IN HOURS <input type="checkbox"/> UNDER 10 <input type="checkbox"/> 10 TO 100 <input type="checkbox"/> 100 TO 500 <input type="checkbox"/> OVER 500					
NAME PASSENGER 1		DOB	ADDRESS	TELEPHONE	FD WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 2		DOB	ADDRESS	TELEPHONE	FD WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
NAME PASSENGER 3		DOB	ADDRESS	TELEPHONE	FD WORK YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
TOTAL NUMBER PASSENGERS		NUMBER OF ANCHORS OR NUMBER TOWED		ESTIMATED SPEED DRIFTING <input type="checkbox"/> UNDER 10 MPH <input type="checkbox"/> 10-20 MPH <input checked="" type="checkbox"/> OVER 20 MPH <input type="checkbox"/> OVER 30 MPH <input type="checkbox"/>			
REGISTRATION OR DOCUMENTATION NUMBER		STATE	HULL IDENTIFICATION NUMBER (HIN)		BOAT MAKE		
LENGTH		YEAR BUILT	MANUFACTURER		MODEL		
NAME OF OWNER		NUMBER OF ENGINES		TOTAL HHP/HP			

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WEATHER (Check all that apply) <input type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input type="checkbox"/> CLOUDY <input type="checkbox"/> SNOW <input type="checkbox"/> FOG <input type="checkbox"/> HAZE		WATER CONDITIONS <input type="checkbox"/> CALM (WAVE HGT < 1') <input type="checkbox"/> Choppy (1' - 2') <input type="checkbox"/> ROUGH (2' - 3') <input type="checkbox"/> VERY ROUGH (3' - 4') <input type="checkbox"/> STONIC CURRENT		TEMPERATURES AIR <input type="checkbox"/> <input type="checkbox"/> °F WATER <input type="checkbox"/> <input type="checkbox"/> °F		WIND DIRECTION (Wind) <input type="checkbox"/> LIGHT (0-5 mph) <input type="checkbox"/> MODERATE (7-15 mph) <input type="checkbox"/> FRESH (17-25 mph) <input type="checkbox"/> STRONG (OVER 25 mph) <input type="checkbox"/> NONE		VISIBILITY DAY <input type="checkbox"/> NIGHT <input type="checkbox"/> <input type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR			
BOAT TYPE <input type="checkbox"/> OPEN MOTORBOAT <input type="checkbox"/> RO-RO BOAT <input type="checkbox"/> FIBER WATERCRAFT <input type="checkbox"/> AUXILIARY SAIL <input type="checkbox"/> OUTRIGGER <input type="checkbox"/> CANTER MOTORBOAT <input type="checkbox"/> SAIL (Sloop) <input type="checkbox"/> CANOE/KAYAK <input type="checkbox"/> TUB/TOY BOAT <input type="checkbox"/> OTHER (SPECIFY)		HULL MATERIAL <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL <input type="checkbox"/> RUBBER/VINYL <input type="checkbox"/> ALUMINUM <input type="checkbox"/> FIBERGLASS <input type="checkbox"/> PLASTIC HULL (PLAT) <input type="checkbox"/> OTHER (SPECIFY) <input type="checkbox"/> CANVAS		ENGINE <input type="checkbox"/> OUTBOARD <input type="checkbox"/> INBOARD <input type="checkbox"/> STEERING (NO) <input type="checkbox"/> AIRBLAT <input type="checkbox"/> ELECTRIC		PROPULSION <input type="checkbox"/> PROPELLER <input type="checkbox"/> AIR TRAILS <input type="checkbox"/> MANUAL <input type="checkbox"/> WATERJET <input type="checkbox"/> SAIL OTHER _____		RENTAL BOAT YES NO RENTAL #1 <input type="checkbox"/> <input type="checkbox"/> RENTAL #2 <input type="checkbox"/> <input type="checkbox"/> FUEL <input type="checkbox"/> GASOLINE <input type="checkbox"/> DIESEL <input type="checkbox"/> ELECTRIC			
TYPE OF ACCIDENT MARK BY NUMBER IN ORDER OF OCCURRENCE (MARK MORE THAN 1) <input type="checkbox"/> 1 COLLISION <input type="checkbox"/> 2 CAPSIZING <input type="checkbox"/> 3 FLIPPING OR ROLLING <input type="checkbox"/> 4 SINKING <input type="checkbox"/> 5 FIRE EXPLOSION (SELF) <input type="checkbox"/> 6 SPEED MOTOR <input type="checkbox"/> 7 COLLISION WITH VESSEL <input type="checkbox"/> 8 COLLISION WITH FIXED OBJECT <input type="checkbox"/> 9 COLLISION WITH FLOATING OBJECT <input type="checkbox"/> 10 FALLS OVERBOARD <input type="checkbox"/> 11 FALLS IN BOAT <input type="checkbox"/> 12 STRUCK BY POOT <input type="checkbox"/> 13 STRUCK BY WATER PROPELLER <input type="checkbox"/> 14 HIT AND RUN <input type="checkbox"/> 15 HAD COLLISION (OTHER THAN #1-14) <input type="checkbox"/> 16 OTHER		CAUSE OF ACCIDENT MARK BY NUMBER IN ORDER OF IMPORTANCE (ALL THAT APPLY - BUT NO MORE THAN 3) <input type="checkbox"/> 1 WEATHER <input type="checkbox"/> 2 OVERLOADING <input type="checkbox"/> 3 RESTRICTED VISION <input type="checkbox"/> 4 IMPROPER LADING <input type="checkbox"/> 5 FAIL TO YIELD <input type="checkbox"/> 6 OPERATOR INEXPERIENCE <input type="checkbox"/> 7 OPERATOR DATTENTION <input type="checkbox"/> 8 PASSENGER/WORKER BEHAVIOR <input type="checkbox"/> 9 RECKLESS OPERATION <input type="checkbox"/> 10 EXCESSIVE SPEED <input type="checkbox"/> 11 NO 2ND OBSERVER <input type="checkbox"/> 12 SAID OBSERVER NOT OBSERVING <input type="checkbox"/> 13 2-ND OBSERVER WAS NOT <input type="checkbox"/> 14 DRUG USE <input type="checkbox"/> 15 ALCOHOL USE <input type="checkbox"/> 16 EQUIPMENT FAILURE <input type="checkbox"/> 17 NAVIGATION LIGHTS DISPLAY <input type="checkbox"/> 18 CONCEALED WATERS <input type="checkbox"/> 19 HULL WAS LAR <input type="checkbox"/> 20 CARBON MONOXIDE <input type="checkbox"/> 21 OTHER		OPERATION AT TIME OF ACCIDENT <input type="checkbox"/> 1 CRUISING <input type="checkbox"/> 2 CHANGING DIRECTION <input type="checkbox"/> 3 CHANGING SPEED <input type="checkbox"/> 4 DARTING <input type="checkbox"/> 5 TOWING <input type="checkbox"/> 6 BEING TOWED <input type="checkbox"/> 7 MANEUVERING <input type="checkbox"/> 8 SAILING <input type="checkbox"/> 9 LAUNCHING <input type="checkbox"/> 10 DOCKING/UNDOCKING <input type="checkbox"/> 11 AT ANCHOR <input type="checkbox"/> 12 TIED TO DOCK/MOORED <input type="checkbox"/> 13 OTHER		ACTIVITY AT TIME OF ACCIDENT (CHECK ALL THAT APPLY) <input type="checkbox"/> 1 RECREATIONAL <input type="checkbox"/> 2 FISHING <input type="checkbox"/> 3 TOURNAMENT <input type="checkbox"/> 4 HUNTING <input type="checkbox"/> 5 SWIMMING/DIVING <input type="checkbox"/> 6 MAKING REPAIRS <input type="checkbox"/> 7 WATER SKIING/TUBING ETC <input type="checkbox"/> 8 TOWING OTHER VESSEL <input type="checkbox"/> 9 RACING <input type="checkbox"/> 10 WATER WATER SPORTS <input type="checkbox"/> 11 FISHING <input type="checkbox"/> 12 NON-RECREATIONAL <input type="checkbox"/> 13 OTHER					
PERSONAL FLOTATION DEVICES WAS THE VESSEL ADEQUATELY EQUIPPED WITH COAST GUARD APPROVED FLOTATION DEVICES?				VESSEL #1 <input type="checkbox"/> YES <input type="checkbox"/> NO		VESSEL #2 <input type="checkbox"/> YES <input type="checkbox"/> NO		EQUIPMENT FIRE EXTINGUISHER ON BOARD? <input type="checkbox"/> YES <input type="checkbox"/> NO FIRE EXTINGUISHER USED? <input type="checkbox"/> YES <input type="checkbox"/> NO FLAME ARRESTOR COVERED? <input type="checkbox"/> YES <input type="checkbox"/> NO SOLAR PROTECTIVE SERVICE? <input type="checkbox"/> YES <input type="checkbox"/> NO REQUIRED NUMBER(S)? <input type="checkbox"/> YES <input type="checkbox"/> NO			
NAME		ADDRESS		TELE #							
NAME		ADDRESS		TELE #							
NAME		ADDRESS		TELE #							
NAME		ADDRESS		TELE #							
NAME		ADDRESS		TELE #							

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ALCOHOL or DRUG USE			
HOW LONG HAD OPERATOR BEEN ON THE WATER BEFORE THIS ACCIDENT OCCURRED? VESSEL #1: _____ VESSEL #2: _____		WERE THERE ANY LIQUOR OR ALCOHOLIC BEVERAGES ON BOARD BOARDER(S) AT TIME OF ACCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES: VESSEL #1: AMOUNT AND TYPE _____ VESSEL #2: AMOUNT AND TYPE _____	
ALCOHOL OR DRUG USE ALCOHOL/DRUG USE APPARENT DID ALCOHOL DID DRUGS WAS ALCOHOL/DRUGS HAVE BEEN DRINKING	VESSEL #1 <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO	VESSEL #2 <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO	OPERATOR TEST RESULTS VESSEL #1: _____ VESSEL #2: _____ BLOOD BREATH URINE OTHER NONE
DID ANY OF THE PASSENGERS CONSUME ANY ALCOHOL? VESSEL #1: _____ VESSEL #2: _____ <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO			
WOULD THE ACTIONS BY THE PASSENGERS HAVE BEEN CAUSAL TO THIS ACCIDENT? IF YES, DESCRIBE: NO			
VIOLATIONS AND CITATION DATA			
NAME: _____ VESSEL #1: _____		VIOLATION CODE(S): _____	
NAME: _____ VESSEL #2: _____		VIOLATION CODE(S): _____	
NAME: _____ VESSEL #3: _____		VIOLATION CODE(S): _____	
NAME: _____ VESSEL #4: _____		VIOLATION CODE(S): _____	
DAMAGED PROPERTY OTHER THAN VESSELS			
NAME OF OWNER OF DAMAGED PROPERTY: _____		DESCRIBE OTHER PROPERTY AND ESTIMATED DAMAGE: _____	ADDRESS: _____
VESSEL DAMAGE			
VESSEL #1 DAMAGE ESTIMATE: \$ _____		VESSEL #2 DAMAGE ESTIMATE: \$ _____	
DEWRITE INITIAL IMPACT POINT CIRCLE NUMBERS OF ALL OTHER DAMAGED AREAS DESCRIBE DAMAGE		DEWRITE INITIAL IMPACT POINT CIRCLE NUMBERS OF ALL OTHER DAMAGED AREAS DESCRIBE DAMAGE	
DIAGRAM BELOW THE POSITION AND DIRECTION OF TRAVEL OF VESSEL(S) INVOLVED			
<p style="text-align: center;">BEFORE IMPACT AT IMPACT AND AFTER IMPACT</p> <p style="text-align: center;">#2 #1</p> <p style="text-align: center;">MOM + DRG</p> <ul style="list-style-type: none"> - 25-30 mph - into the wind - Halls Creek Bay - First time got up a way bit - gust of wind took it up - Really fast - Flip upside down - <ul style="list-style-type: none"> - Two day pool - chakra but went down - Family Meeting - Saw video - Mom works at Dr. office - Do exactly as they say 			

Narrative:

At approximately 1318 hours a ~~_____~~ (P-1) self transported a ~~_____~~ age 34, (P-2) to the Bullfrog Medical Clinic. P-1 was the operator of the motorboat which was towing P-2 on a kite tube on Lake Powell, exact location not known. P-1 stated that the kite tube had flipped due to the wind throwing P-2 into the water. P-2 was assessed at the Bullfrog Medical Clinic and medical personnel determined that P-2 had sustained a possible internal injury. P-2 was life flighted from the Bullfrog Medical Clinic to Castleview hospital in Price, Utah.

REPORTING OFFICER OR INDIVIDUAL

DATE REPORT FORWARDED TO US COAST GUARD STATE REPORTING AUTHORITY USNS/77000 OTHER (AGENCY)

US COAST GUARD STANDARDS SEARCH NOTIFIED FOR POSSIBLE CONSIDERATION OF DEFECT NOTIFICATION YES NO DATE _____

REPORTING OFFICER'S NAME (PRINT)	STATE VESSEL	PRINTEL ADDRESS	AGENCY	TYPE CLERK	DATE
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REPORTING OFFICER'S SIGNATURE	5/23/06	AGENCY ADDRESS
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APPROVED BY (PRINT)	SIGNATURE	DATE
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(DO NOT USE) STATE BOATING ADMINISTRATOR

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CALLED BASED ON (CHECK ONE) <input type="checkbox"/> THIS REPORT <input type="checkbox"/> INVESTIGATION AND THIS REPORT	SIGNATURE OF BOARD, LAW ADMINISTRATION OR ACFD REVIEWING OFFICER	DATE RECEIVED
INVESTIGATION PRIMARY CAUSE OF ACCIDENT	SECONDARY CAUSE OF ACCIDENT	

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060614HCC3604

Contact List:

[REDACTED] (victim and consumer)

[REDACTED]
[REDACTED] 49

[REDACTED] 1—H

[REDACTED] 1—C

[REDACTED]
Date of Contact: July 7, 2006

Mark Law, Law Enforcement Specialist
National Park Service
U.S. Department of the Interior
P.O. Box 1507
Page, AZ 86040
(928) 608-6252—P
(928) 608-6259—F
Date of Contact: June 16, 2006

Sportsstuff, Inc. (product manufacturer—Wego)
1-888-814-8833—P
www.sportsstuff.com
Date of Contact: June 16, 2006

Diversified Marine Products (product distributor)
1-800-777-0141—P
www.dmpmarine.com
Date of Contact: June 16, 2006 (contact was made by CPSC, not respondent)

Vina Ramus, Parts and Accessories Manager
Marine Max (product retailer--Wego)
1363 Embarcadero
Oakland, CA 94606
(510) 535-6161—P
(510) 535-1787—F
www.marinemax.com
Date of Contact: June 16, 2006

Larry Meddock, Executive Director
Water Sports Industry Association
P.O. Box 568512
Orlando, FL 32856-8512
(407) 251-9039—W
(407) 620-7992—C
wsiheadquarters@earthlink.net
Date of Contact: June 29, 2006

1. Task Number 060614HCC3602		2. Investigator's ID 9068		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2006 06 03	5. Date Initiated YR MO DAY 2006 06 15		
6. Synopsis of Accident or Complaint UPC 0 29808 00518 5 A 20-year-old male was knocked unconscious and received a concussion when the kite tube he was riding on suddenly crashed into the water. His 21-year-old brother received chest injuries when the kite tube he was riding on lifted up to 25 feet into the air and then suddenly crashed into the water.				
7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY		8. City OMAHA		9. State NE
10A. First Product 3200 - Water Tubing (activity, Appa)		10B. Trade/Brand Name WEGO KITE TUBE		10C. Model Number 53-5000
10D. Manufacturer Name and Address SPORTSSTUFF, INC. 11213 E Circle Street, #A Omaha, NE				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 20	13. Sex 1 - Male	14. Disposition 1 - Injured, not Hosp.	15. Injury Diagnosis 52 - Concussion	
16. Body Part(s) Involved 75 - HEAD	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 1 - On-Site	19. Time Spent (Operational / Travel) 24 / 7	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 04 - Radio, TV		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal				
24. Review Date 07/05/2006	25. Reviewed By 8929		26. Regional Office Director Frank J. Nava	
27. Distribution Topka, Tanya L.			28. Source Document Number X0660349A	

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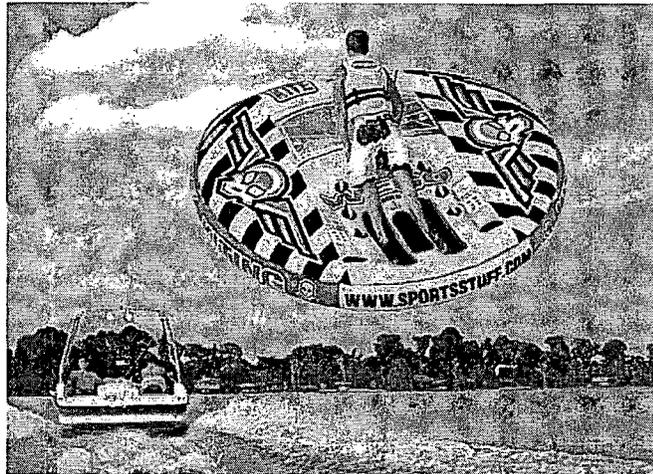
IDI 060614HCC3602

INCIDENT REPORT

The 45-year-old father of the 20 and 21-year old victims has been boating for over 30 years. Over the last ten years the father has taken his sons water skiing and tubing on the Missouri River which is on the Nebraska/Iowa border. The father and mother own a cabin on the river where they vacation on weekends in the summer. The father described his sons as sports and water enthusiasts but not high risk takers.

In January, 2006, the father began looking in boating catalogues at the new tubing products being offered. He saw a product called the kite tube which was ten feet in diameter. The father stated that until now his sons had ridden on tubes up to five feet in diameter. The picture showed the kite tube in the air about five to ten feet off the water while it was being towed by the boat. The father related that he thought the kite tube looked like fun and went on the Internet to check out the prices.

On April 4, 2006, the father went to an area marine center that sold boats and accessories. At the center he saw the kite tube on display and inquired about the product. The marine center sales staff related that they had sold 50 of them at a recent boat show and had a video of the kite tube showing how it performed being pulled behind a boat. The father viewed the video at the center and related that the kite tube appeared to be very stable in the air while being pulled by the boat. Based on this video, the father ordered one of the kite tubes for his sons to use in the upcoming summer. The kite tube arrived at the end of April, 2006 and the father picked it up on May 1, 2006. The regular cost of the kite tube was listed at \$499 but the marine center sold it to the father at the boat show reduced price of \$400. Following and attached as Exhibit "A" is a picture of this kite tube.



Accompanying the kite tube was a 60 foot tow rope, video on how to use the tube and some product literature. The father stated that he and his sons viewed the video and read the product literature prior to using the kite tube. He added that he did not read the warnings printed on the kite tube as he believed they were the same as those mentioned in

the video and printed in the literature. Attached as Exhibit "B" is a copy of the video, owner's manual and product literature.

On May 21, 2006, the father stated that he took his family to their cabin on the river and decided to use the kite tube for the first time. He recalls that it was a nice day with little or no wind. The father blew up the tube with the 12 volt pump that they had used with their other tubes and then attached one end of the new tow rope to his 1990 17 foot Well Craft Inboard/Outboard open bow sport boat with a 165 hp MerCruiser motor and the other end to the kite tube as instructed in the product literature. He added that the tow rope was 60 feet in length but could be shortened by ten foot increments. On this day, the father adjusted the length of the tow rope to 40 feet.

Both of his sons got into the kite tube separately with life jackets on, stood in the foot pockets and grabbed the handles on the kite tube. Neither son had any prior experience with this size of tube. The closest size they had ridden on was a five foot diameter tube. The father was driving the boat and the mother was riding in the boat. As they took off, the son would pull on a rope attached to the front middle of the tube to lift the front of the kite tube so that water would not get into the tube. After that, the rider would pull on the kite tube handles to lift the front of the tube up so that it could get air to lift off the water. The father related that he tried various speeds up to 40 mph but each time the tube would start to lift off the water, it would buckle in the middle. He added that the tube was also bending as it moved side to side in the water.

A few days after this experience, the father went back to the marine center and reported the trouble they were having getting the kite tube off of the water. The marine staff advised that the kite tube was under inflated and showed the father a tube that was inflated to a solid state. The marine staff recommended using a larger pump and showed the father one with 110V, 3 psi for \$70 which he purchased.

The next weekend, May 28th, the father took his wife and 20-year-old son out to the cabin. He blew up the kite tube with the new pump to a solid state. The father attached the tow rope to the boat at a 40 foot length and then later extended the rope length to 60 feet. He added that his son got into the kite tube, stood in the foot pockets and grabbed the handles on the tube. The father was driving the boat and the mother was video taping her son on the tube. The father stated that as the driver, he was constantly adjusting the speed of the boat to get the kite tube in the air. As his son pulled on the handles which lifted the front of the tube in the air, the tube would catch some air and lift off the water. When it was about five to ten feet off the water, the father would try to maintain the speed of the boat and as the tube started to descend to the water, the father would increase the speed. He added that he was always adjusting the speed and it was a constant learning experience. The father related that while the tube was in the air, he was unable to see his son on the tube. He added that the tube has a plastic window that in theory allows the driver to see the rider and vice versa. However, the plastic window is cloudy and the angle of the tube in the air does not allow either party to see each other.

The father noted that the breeze dramatically affected the height of the kite tube off of the water. A small gust of wind would easily lift the tube higher in the air as well as send it diving to the water. The father also noted that the cold water would cause the tube to deflate and they would have to go back to shore sporadically to add air to the tube. On this weekend, the mother video taped several of her 20-year-old son's rides on the tube which show the kite tube in the air as well as crashing down into the water and throwing her son off. No injuries occurred this weekend. Attached as Exhibit "C" is a copy of this video. The first four chapters of the tape are footage from May 28th.

On June 3, 2006, the father again went out to their cabin with his wife and sons. He inflated the kite tube to maximum and attached the tow rope at the 60 foot length. On this day there was a slight breeze and the first to ride on the tube was his 20-year-old son. His 21-year-old son rode on a skee-doo along side the boat. Also present in the boat was the mother who was video taping. The father stated that during this ride, they were able to get the kite tube off of the water on several occasions without incident. The ride lasted about 10-15 minutes as it was hard for the rider to hold onto the handles of the kite tube much longer and the tube needed to be somewhat re-inflated from the cold water. Attached as Exhibit "C" is a copy of this video. Chapters 5-7 are of the 20-year-old son earlier in the day and not of the injury incident.

After this first ride and at about 1:00 PM, the 21-year-old son got on the kite tube with a life jacket and the 20-year-old rode the skee-doo along side. The father related that during this ride they hit speeds of up to 30 mph and were able to get the kite tube off of the water on several occasions without incident. After about five minutes of riding, the kite tube was up in the air when it tipped to the side and came down hard into the water knocking off his son. Attached as Exhibit "C" in chapter 8 of the home video is footage of this injury incident.

From the 21-year-old who is 5'9" and 170# perspective, he stated that he got on the kite tube in the middle of the river and put his feet in the middle pockets and his hands on the middle handles. As they started off, the son pulled on the middle rope to lift the front of the tube out of the water so that water would not get on top of the tube.

As they got going, the son held onto the tube handles and pulled back on them to lift the front of the tube so that it could get air to lift off the water. The son related that for about five minutes, they were able to get the kite tube to lift off the water and then go back down and touch the water. He added that at times he would reach 30 feet in the air before the tube would come back down. On the final lift off, the tube made a 'swoop' in the air at 25 feet and then came down hard on its side to the water. When the tube hit the water the son was knocked off. The son stated that he was a running back in high school football and never received a hit as hard as the one when he hit the water. He added that the wind was knocked out of him and he was coughing up blood. At this point, the 21-year-old son decided he was finished for the day, rode the skee-doo back to the cabin and

drove back home. The son related he continued to cough up blood for several hours before it stopped that evening. He added that his whole body hurt from the impact.

The 21-year-old son reported that there is a window on the kite tube which is there to allow the rider and driver of the boat to see and signal each other; however, you cannot see through the window as it is cloudy. He added that when you are up in the air on the kite tube, there is nothing you can do to change the direction of the tube or make it come back down. The son related that he thought he would have more control as he had on the five foot tube. He added that when the kite tube is in the air, everything happens within a matter of seconds and you are merely along for the ride and have no control.

Later in the day, the 20-year-old son decided to go for another ride on the kite tube. The father drove the boat as he had in prior rides, speeding up to get the kite tube off the water and slowing down a little when it went too high. The son's girl friend was in the boat as well as the mother. The father related that during this ride they hit speeds of up to 30 mph and were able to get the kite tube off of the water on several occasions without incident. After a few minutes of riding, the kite tube was up in the air about five feet and then suddenly went up to 25 feet. It swooped, tipped upside down and came down hard into the water knocking off his son. There is no video tape of this incident.

After the tube hit the water, the father saw his son floating face down and unconscious in the water. He immediately drove the boat over close to his son, jumped into the water and picked up his son. As they were lifting him into the boat, his son started to come around. At this point, they towed the kite tube back to shore and discontinued use. The father reported that there was no evident damage to the kite tube from the incidents.

From the 20-year-old who is 5'11" and 160# perspective, this was his third ride of the day and he was having fun on the kite tube. He put his feet in the middle pockets and his hands on the middle handles. As they started off, the son pulled on the middle rope to lift the front of the tube out of the water so that water would not get on top of the tube. As they got going, the son held onto the tube handles and pulled back on them to lift the front of the tube so that it could get air to lift off the water. The son related that for a few minutes, they were able to get the kite tube to lift off the water and then go back down and touch the water. He added that on one lift off he was about five feet in the air when suddenly the tube went up several more feet, made a circle in the air and then came down hard to the water upside down. The son hit his back and head on the water and was knocked unconscious. The son recalls getting into the boat and not too much more about the incident.

The 20-year-old reiterated what his brother had said about the kite tube having a window to allow the rider and driver of the boat to see and signal each other; however, you cannot see through the window as it is cloudy. He added that when you are up in the air on the kite tube, there is nothing you can do to change the direction of the tube or make it come back down. The 20-year-old also related that he thought he would have more control as

he had on the five foot tube. He added that when the kite tube is in the air, everything happens within a matter of seconds and you are merely along for the ride and have no control.

The father stated that they stayed at the cabin into the evening. He added that they checked on their 20-year-old son often as they noticed that he was staring a lot. When they asked him how he was doing, he continued to repeat himself with the same answer that his ear was plugged. After talking with the victim's girlfriend who was a nursing student and contacting friends, the father and mother decided to take their son to the emergency room of a nearby hospital to be checked out.

Injuries

On June 3rd at 11:00 PM, the son arrived at the emergency room. The staff asked him questions about his age, what day it was, where he lived and the 20-year-old did not give the right answers to the questions. The victim then had a CAT scan which came back showing no bleeding or swelling. The hospital diagnosed a second degree concussion, prescribed ibuprofen and recommended the victim see his regular doctor on June 5th. They further noted that the victim's memory should start coming back in the next few days.

On June 4th, the mother talked with her 21-year-old son who said that he had found a bump on his side and still hurt all over. The mother mentioned that they were taking his brother to the doctor the next day and the 21-year-old decided to come along.

On June 5th, they went to their family doctor and the memory of the 20-year-old son was checked and appeared to be getting better but he still did not remember the details of the incident. The 21-year-old had a chest x-ray that showed some cartilage between his ribs was out of place and swollen. The doctor stated that nothing was broken and the swelling should go down in the next few days.

During the evening of June 5th, the 20-year-old noticed blood in his urine. The mother called the doctor and he said to bring the son in the next day. On June 6th the 20-year-old son went to the doctor and after running some tests, diagnosed that he had kidney stones. The doctor referred the son to an urologist for examination.

On June 7th, the son went to the urologist, an x-ray was taken and he went home. That evening, the 20-year-old son started to complain side and back pain. The father and mother took him to the emergency room for evaluation. When they got to the emergency room, the pain was starting to subside. The doctor speculated that the kidney stone was starting to move which was causing the pain. He gave the son some pain medication and sent him home. The doctor related that the kidney stone was probably present prior to the kite tube incident but was jarred loose from the impact when the son hit the water.

Since that time, the 20-year-old continues to have side and back pain off and on. The family consulted with their physician and decided to have a dye test performed on their son to locate the kidney stone. This test is scheduled for June 23rd. Attached as Exhibit "D" are copies of both sons' medical records noting the injuries, diagnosis and treatment.

On June 5, 2006, the father called the marine center where he purchased the kite tube and reported the incidents. He added that they were not doing anything impractical with the kite tube, only trying like everyone else to get it to fly. The father reported that the kite tube was too unpredictable and unstable in how it performed. He added that the kite tube reacts to changes in tube inflation, speed of the boat and wind which is the most uncontrollable factor. The marine center told the father to bring the kite tube back and that they have had other returns too. The marine center offered a partial refund which was 80% less of purchase price or \$320. The father took part of the refund in merchandise and part in cash.

These injury incidents were brought to the attention of the U.S. Consumer Product Safety Commission through a television news article. In this article the girl friend of the 20-year-old son reports the kite tube injury incident. This investigator received this assignment on June 15, 2006 and contacted a number of law enforcement authorities before locating the girl friend of the 20-year-old male victim. On June 20th, this investigator conducted an on-site interview with the girl friend and 20-year-old victim and on June 21st this investigator conducted an on-site interview with the 21-year-old victim and his parents. During the interview with the parents, the father reported that he believes the kite tube is not safe as it is too unpredictable and unstable in how it performs. He added that the kite tube reacts to changes in tube inflation, speed of the boat, rider experience (including age, weight & height) and wind, which is the most uncontrollable factor.

On June 20th and June 21st, this investigator went to the marine center where the kite tube had been purchased to obtain product information on the kite tube. The sales staff stated that they began selling the kite tube the second week of January, 2006 and estimated that to date they have sold about 38 of the kite tubes. The staff related that they have only had one return and have not received any other complaints. In regards to the one return which was from the consumer in this report, the staff had seen the video clip showed on the television news. They related that the kite tube was under inflated and that it appeared the consumer was going too fast (40-50 mph) and should not have gone faster than 25 mph which caused the incident. The sales staff allowed this investigator to take photographs of a kite tube on display that was inflated and hanging from the ceiling. The sales staff also provided copies of the instructional video, product literature, catalog advertising and the 2006 catalog of products sold by the manufacturer of the kite tube. However, the kite tube was not featured in this catalog. Copies of this product information are included in Exhibit "B".

1800

PRODUCT IDENTIFICATION

The product involved is a Wego Kite Tube, Model 53-5000 that is 10 feet in diameter x 18" H when inflated and yellow, orange and black in color. The kite tube is pulled behind a motor boat and the rider holds onto handles on the top side of the tube and puts his feet into foot pockets. As the rider pulls on the handles, the front of the tube is lifted in the air. The air goes underneath the tube causing it to lift off the water. The tube may raise straight up or act like a kite swiveling, swooping and turning in the air. The kite tube has been known to reach heights of up to 30 feet in the air before coming back down to the water. It has a UPC 0 29808 00518 5 and is manufactured in China for:

SPORTSSTUFF, INC.
11213 E CIRCLE STREET, #A
OMAHA, NE 68137
(402) 592-9085
(888) 814-8833
www.sportsstuff.com

The father first saw the kite tube advertised in a catalogue called Overton's. In this catalogue the kite tube was described as follows:

Wego Kite Tube

Whip across the water like a deck tube or fly through the air like a bird! Experience the thrill of this ride as you rise above the water to incredible heights, leaving nothing but adrenaline in your wake. Designed with 840-denier nylon double skin cover with PU-coating, double stitching, two heavy-duty PVC bladders, speed safety valves, reinforced towing system, 9 padded handles with knuckle guards, neoprene padding for comfortable knees and legs, and double panel panoramic see thru window. 120" diameter. Not recommended for anyone under 12 yrs. of age, less than 100 lbs., or under 5'tall. Max. weight 200 lbs.

12063 Wego Kite Tube

Overton's
499.99

The kite tube is advertised on the Internet and described as follows:

Wego Kite Tube

10ft diameter flying tube.

Take flight with the WEGO KITE TUBE! The next generation of action towable to here, taking you to a whole new level of excitement! Whip across the water like a deck tube, or fly through the air like a bird! Experience the thrill of flight as you rise above the water, reaching incredible heights, leaving nothing but adrenaline in your wake! The level of extreme sport has been raised with the WEGO KIT TUBE. Anything else is beneath it.....

Model 53-5000 Sug. Retail: \$599.95

1001

The kite tube has the following features:

- 120 inch inflated diameter (10 feet) with slanted saucer configuration.
- 840D full body nylon double skin cover with PU coating.
- Computerized double stitched sewing.
- Nylon zippered openings for bladder insertion and adjustment
- Multiple mesh drain ports, bar-tacked.
- Two heavy-duty PVC bladders-outer ring and slotting cockpit.
- Reinforced towing system with molded aluminum connector for easy quick connection.
- Speed safety valves for fast easy inflation and deflation.
- Parallel slotting system with non-slip footsteps and neoprene padding for comfortable foot, knee, and leg use.
- 8 padded, non-slip handles with knuckle guard.
- Heavy-duty starting leash with easy grip sponge balls.
- Reflective Safety Piping on all handles and on the outside top taping.
- Variable loops for detachable leash use.
- Panoramic see through double windows.
- Adjustable length style 45-55-65 foot segmented tow rope included.
- High visibility, billboard style, red and yellow watersports safety colors with checkerboard and caution accent striping
- Instructional DVD, tow rope and starting leash included.
- 90 day warranty

Warnings

The kite tube has warnings noted in its instructional DVD, product literature and printed directly on the kite tube top surface. The warnings on the kite tube are reiterated as follows:

WARNING

To lessen your risk of serious injury or death, follow these rules:

- Not a Lifesaving Device.
- Never Leave Children Unattended.
- Use Only Under Competent Supervision.
- Read the owner's manual carefully before using your Sportsstuff towable.
- Not for use by children under twelve (12) years of age.
- The watercraft driver is responsible for the towable and rider(s) since the towable cannot be controlled by the rider(s). The rider(s) may not be able to see where he/she is going.
- Always have an experienced operator (driver) at the helm of the watercraft.
- Always have three or more people present for safe tubing: one to drive, one to observe, and one or more to ride.

- Observer in the boat should keep the driver aware of the towable rider(s) status.
- Always keep a lookout for other watercraft, boats, swimmers, towables, and other obstructions in the water.
- Stay away from other boats and personal watercraft, docks, pilings, bridges, shallow water, and the shore.
- The watercraft driver should avoid excessive speed or sharp turns which might cause the towable to flip over, resulting in serious injury to the rider.
- Do not use at speeds that exceed the skills of the rider. Never exceed 20 mph when towing adults or 15 mph when towing children.
- Use a tow rope specifically designed for towables.
- Never operate the watercraft or ride the towable under the influence of alcohol or other drugs.
- Never place wrists or feet through the handles or towing harness. Ensure that the tow rope is clear of all body parts prior to or during use.
- Riders should keep arms and feet out of the water.
- Always wear a U.S. Coast Guard (USCG) approved type III (PFD) ski vest or as recommended by proper government authorities.
- Do not exceed the manufacturer's recommended number of riders for this tube.
- Do not use this unit when it is under-inflated. The risks involved with this could include entrapment which may result in death or serious injury.
- Use a tow rope of at least 1500 lbs. average tensile strength for pulling a single person, 2375 lbs. average tensile strength for pulling two people, 3350 lbs. average tensile strength for pulling three people, and 4100 lbs average tensile strength for pulling four people on an inflatable tube. The tow rope should be at least 45 feet in length but not exceed 65 feet.
- The manufacturer, Sportsstuff, Inc., does not have control over the use of this product and assumes no liability therein. Under no circumstances is Sportsstuff or the seller liable for any loss, damage, injury, or expenses of any kind arising out of the use of this product. It is the responsibility of the user to determine the proper suitability and safety of the product during normal use. This product is subject to age, wear, and deterioration from the use and weather conditions. We strongly recommend that you inspect the product on a regular basis.

102605.02

ITEM NO.: 53-5000

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KITE TUBE BOAT DRIVER

To lessen your risk of serious injury or death, follow these rules:

- Driver should be at least 16 years of age and pass a coast guard approved boating course.
- Utilize a large, wide angle, rear view mirror (20 inch width) to keep eye on Kite elevation.

1003

- Slow speed to reduce height, a sudden gust of wind can send the rider up to 20 feet high or more in half a second.
- Maintain constant communication with spotter about the Kite tube and its performance.
- Adjust boat speed to reduce the height of the Kite tube.
- The Kite Tube is unlike any other towable tube. It can sustain flight at various heights for long periods of time.
- Wind, boat speed, rider weight, and length of rope are big variables in Kiting performance.
- Pay attention and adjust the boat speed frequently to fit the conditions. You are the director.
- Never Kite higher than you want the rider to fall, adjust your speed.
- Avoid excessive boat speed at all times.
- Have pre-ride meeting with spotter and rider to discuss the type of ride to be given.
- Determine the best conditions for Kite tubing based on rider weight, boat speed and wind speed.
- Give-way to all other watercraft, especially sailboats.
- The Kite tube can sustain flight with steady head wind and boat speed. Head into the wind.
- Be aware of cross winds and wind gusts.
- Use the large, panoramic window to monitor and communicate with the rider.
- Don't gamble with rider safety. Driver must accept 100% responsibility for the safety of the rider.
- Instruct the rider to lean back and pull on the leash to keep the nose up until the boat and tube plane out. As the boat planes out and the tube rises out of the water, there will be almost no drag on the boat.
- Most boating accidents happen in less than 2 seconds.
- Reaction time varies from 120 to 255 feet of boat length.
- Do not be in-attentive. Do not let your mind wander. Focus on what you are doing.
- Never use the Kite Tube with wind forces so strong that you are unable to maintain control.
- Don't Kite in electrical storms.
- The Kite Tube is an air foil of extremely limited capabilities with regard to wind and turbulence.
- Instruct all riders of rules and warnings, plus how to ride.
- In riding position, the rider and tube are at a 45° angle to the water's surface.
- Avoid floating objects and all immoveable objects.
- All riders should be towed at speeds that allow for reasonable control.
- Avoid submarining the towable when first starting out or on spills.
- Slow boat down to 5 mph to turn around and pick up the rider.

1004

- In many cases when the rider falls off, the Kite will continue to be airborne.
- Don't be a gunner, slamming the throttle forward and forgetting about the towable and your rider. Focus.
- In no-wind conditions, use zig-zags, whips, figure eights and circles that the Kite tube will Kite in, but remember the Kite tube is designed to Kite into the wind.
- Do not throw away your owner's manual. You must review periodically and especially when allowing others to use or borrow your Kite tube.
- Unlike most towables that ride on the water's surface and have tremendous drag, when the Kite Tube is Kiting or flying there is almost no drag and the boat has a tendency to go faster, so watch out for this effect (a lot of drag to no drag).
- Don't overload your boat with a lot of passengers.
- Like many towables, rider balance too far forward can cause towable to nose under. This is called submarining. When you start moving forward, make sure the rider holds the leash on the tube to help keep the nose up during takeoff until the boat reaches planing speed and lift occurs on the Kite tube. If the boat driver, spotter and rider are not paying attention, the towable could nose in. This causes the submarine effect, which results in the towable acting like an anchor. Reduce speed immediately otherwise you will create too much drag on the boat and tube, causing something to break.
- Pay attention when starting out to prevent this effect. Let's say everything goes right and the Kite tube and rider are traveling at a sustained height above the water and the rider falls off. The Kite might continue its flight or crash down into the water. We suggest that you slow the boat down to 5 mph, otherwise the towable might again act like a submarine, because it is upside down or wind conditions have forced it into a weird position where it cannot be towed at any speed other than 5 mph.
- It is the obligation of the boat driver to operate the boat in responsible safe manner and not try to "dump the rider".
- Experience safe Kiting.

©Sportsstuff, Inc. 2005

WARNING

KITE TUBE RIDER

To lessen your risk of serious injury or death, follow these rules:

- Avoid gusty and cross winds, use in light to moderate steady winds.
- Gusts and cross winds can cause this product to experience sudden changes in height or direction.
- Use in at least 6 feet of water depth, the higher you Kite, the deeper the water should be.
- Never use in shallow waters.
- Boat driver, spotter and rider are all beginners, take it easy, learn in light steady wind, start slow.

1005

- Your body weight is a factor on balance and control, shifting helps to control kiting (rider is ballast).
- Have pre-ride discussion with rider, driver and spotter.
- Never Kite higher than you're willing to fall.
- Into a steady wind, flight occurs more easily.
- With the wind, flight is not so easy.
- Based on rider weight, a lighter person will Kite easier than heavier person.
- Do not over-estimate your ability. Kiting takes a practiced level of skill.
- Keep tube's nose up when starting out, pull back on the ball/leash to help hold the nose up until the boat reaches planning speed.
- Rider safety is in the hands of the boat driver and spotter.
- Stay 100 yards from shore, avoid other boat traffic, power lines, and other immoveable objects.
- Be aware of natural wind breaks and barriers that change the wind flow.
- Use rear transom tow point. Using higher tow point means the Kite can Kite higher.
- Maximum 1 rider capacity.
- Do not exceed 200 pound maximum weight or 100 pounds minimum, be at least 12 years of age and a height of 5 feet or more.
- Balance to minimize movement while airborne. Too much movement can cause the Kite tube to become wobbly and over turn. Maintain a good center of gravity.
- 10 and 2 o'clock are the best control hand positions.
- Hang time, Kite time, can be 1 second to many minutes.
- Length of hang time depends on the wind, boat speed and rider weight.
- A straight boat heading into the wind creates the optimum Kiting performance.
- Ballet performance is what you are looking for (up and down).
- Use the large panoramic window to see the boat and to view rider height.
- Force the tube down by pushing your weight down with a swift motion.
- Use your position within the slotting system cockpit to adjust pitch or the angle by which the nose of the tube is inclined up or down from the horizontal.
- Use the handles to adjust left to right balance.
- Utilize a combination of foot and hand positions to accommodate the current wind and boat speed conditions.
- Do not use this tube if you are pregnant, could be pregnant, or if you have neck or back problems.
- Raise arms above head following a spill to signify to the boat driver and spotter that you are okay.
- A rider that falls or is ejected should try to fall away from the Kite tube.
- Experience safe Kiting.

WARNING**KITE TUBE USE****Release of Liability:**

By assembling and inflating the Kite Tube, you agree that you have read and understand the entire Sportsstuff's product manual, including all instructions and warnings contained in that material prior to using the Kite Tube. You additionally agree that you will ensure any additional or subsequent users of the Kite Tube will read and understand the entire owner's manual. Misuse or improper use of the Kite tube could result in risks, dangers and hazards which may result in serious injury or death. The risks and dangers that may be encountered through the improper use of the Kite Tube can be avoided by reading and following the warning guidelines listed within the owner's manual and by proper use of the Kite Tube. Your assembly and use of this product shall be evidence of your agreement to the fullest extent permitted by law, to properly follow the instructions and abide by the warnings set forth within the product manual. Your assembly and use of the Kite Tube shall also constitute a release, to the extent permitted by law, by you and by any third party permitted by you to use, in any manner, the Kite Tube, to Sportsstuff from any and all liability for any loss, damage, injury and/or expense that you or any user of the Kite Tube may suffer as a result of the use of the Kite Tube. This release shall extend to any loss, damage, injury or expense due to any cause whatsoever, including negligence or breach of contract on the part of Sportsstuff and/or any party participating in the design and/or manufacture of the Kite Tube. The terms of this release shall be effective and binding upon you, your heirs, next of kin, executors, administrators, assigns and representatives. Your assembly and use of the Kite Tube shall constitute your agreement to assume and accept any or all known or unknown risks or injury to you and/or to third parties through the use of the Kite Tube. Sportsstuff and related parties have not made and hereby expressly deny any oral or written representation and/or warranty, including warranty for a particular purpose, other than what is set forth herein and in the Sportsstuff's Kite Tube manual.

110806.03

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ATTACHMENTS

Exhibit "A" – Pictures and photographs of kite tube, product information and warnings on the tube as well as the boat used to pull the kite tube.

Exhibit "B" – Copies of the instructional video, product literature, catalog advertising of the kite tube and the 2006 catalog of products sold by the manufacturer of the kite tube. (The video, all of this product literature and advertising will be sent directly to the Compliance Officer.)

1007

Exhibit "C" – Copy of the home video taken by the mother on May 27, 2006 and June 3rd of her 21-year-old son's injury incident. (Video will be sent directly to Compliance Officer.

Exhibit "D" – Copies of the medical records of the 20-year-old son and 21-year-old son.

Exhibit "E" - Authorization to Release Name forms.

Father – No

Mother – Yes

20-year-old son – Yes

21-year-old son - Yes

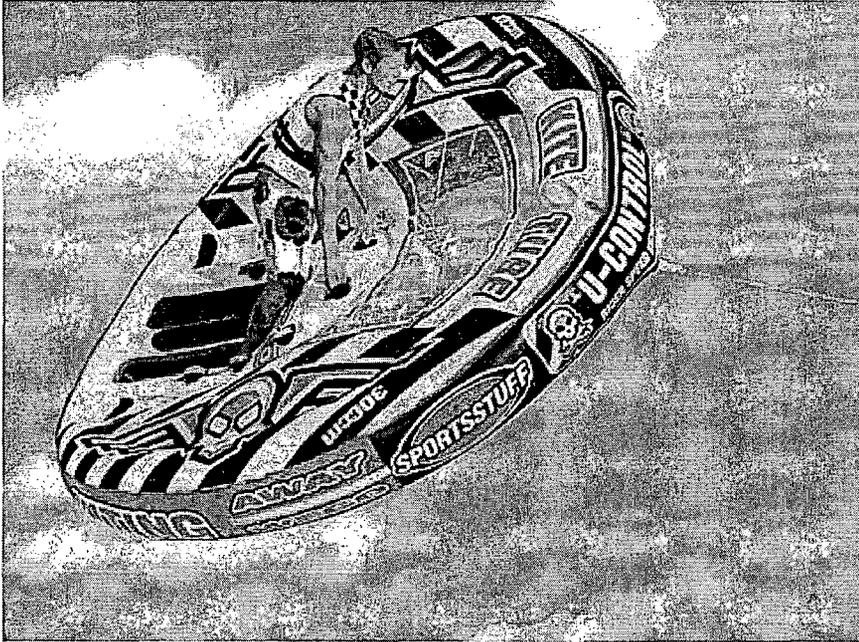
Exhibit "F" – Contact List

1008

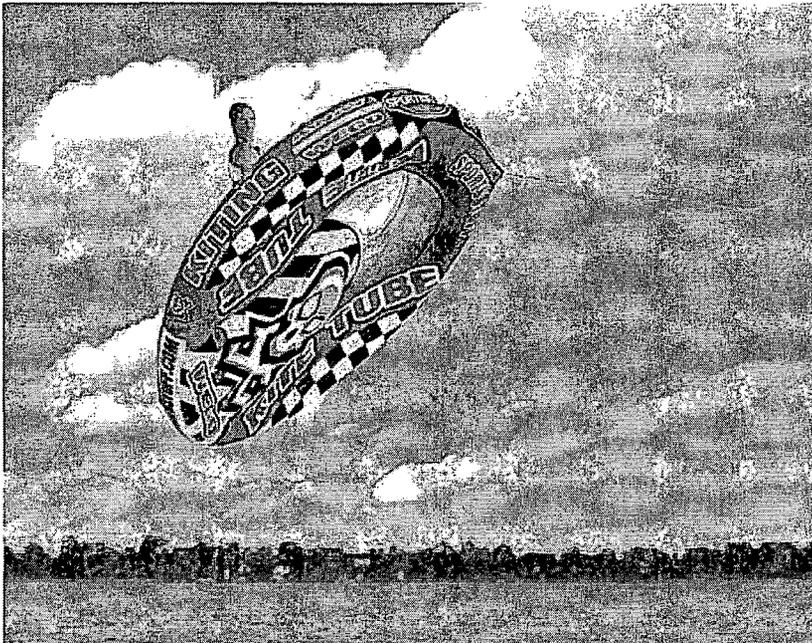


IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – Picture off Sportsstuff, Inc. Internet site.

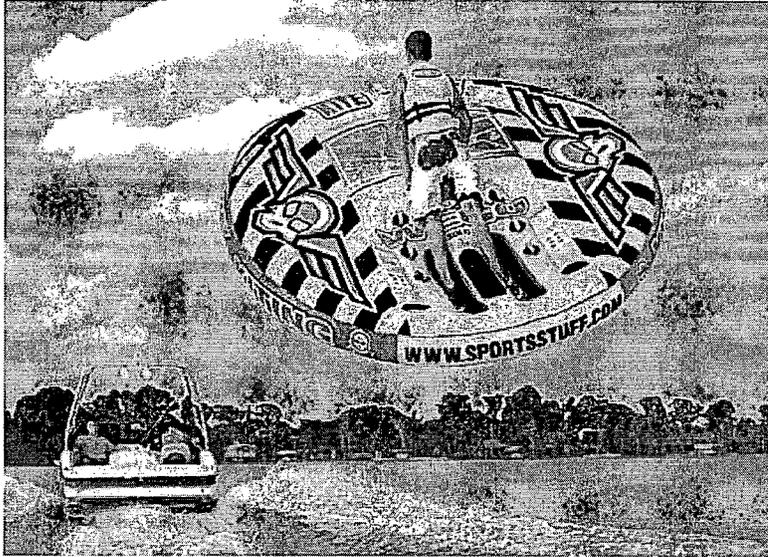
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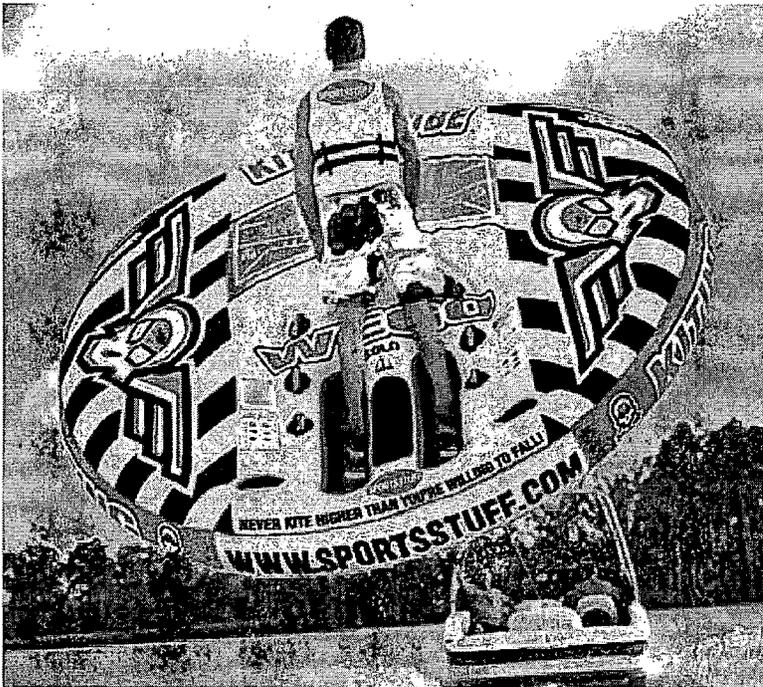
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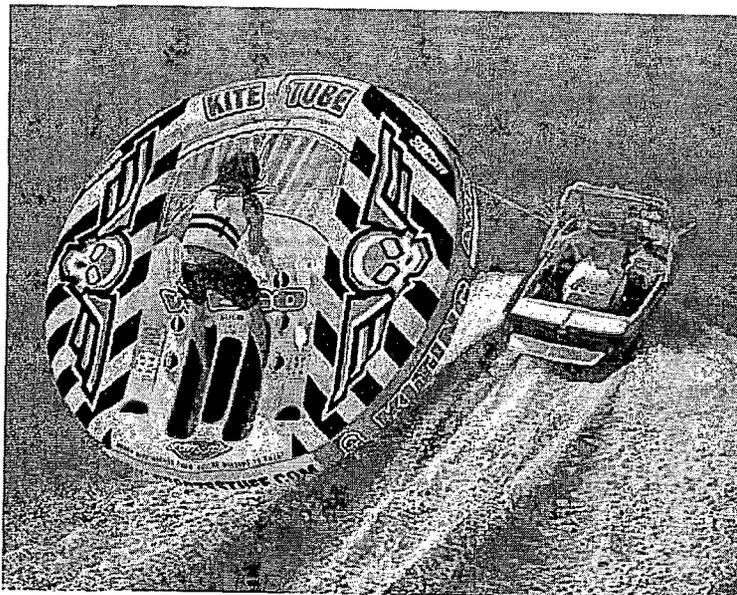


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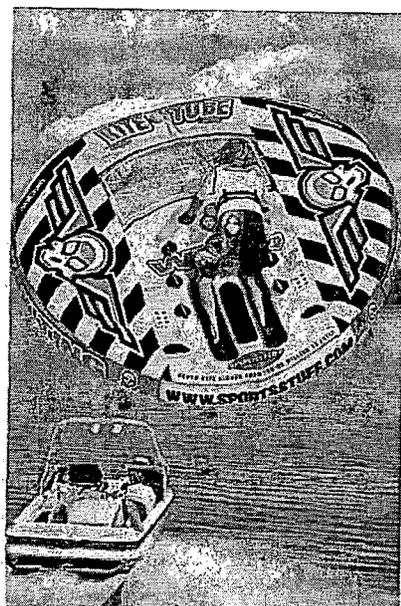


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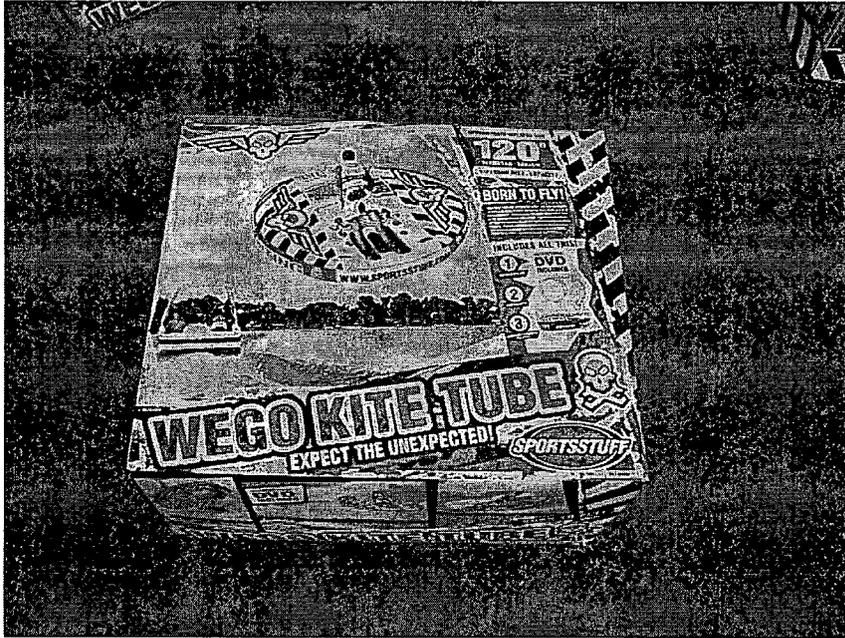
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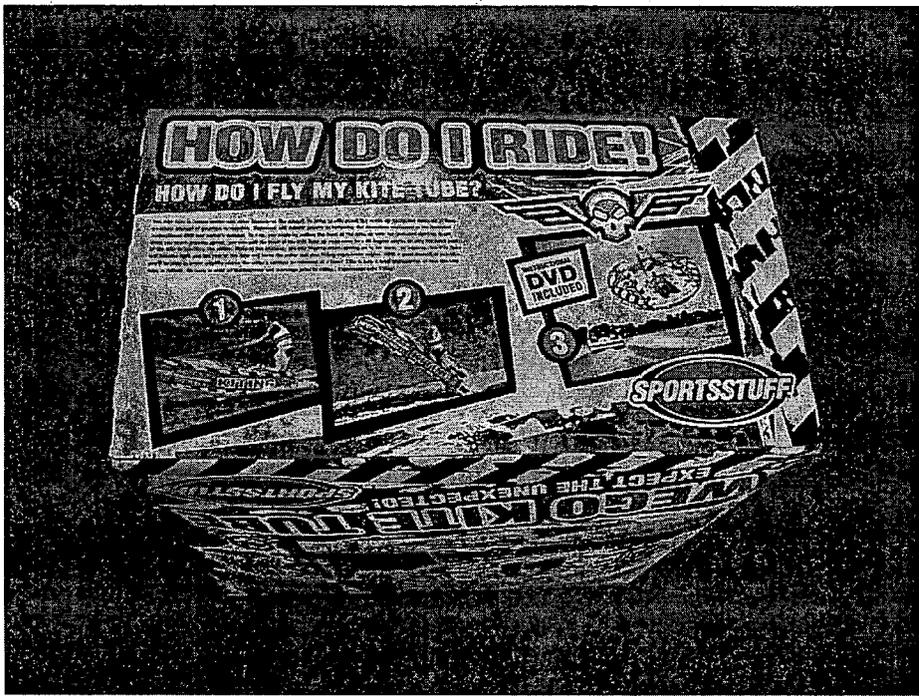
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IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – Picture off Sportsstuff, Inc. Internet site.



IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – Packaging and product information.



IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – Packaging and product information.



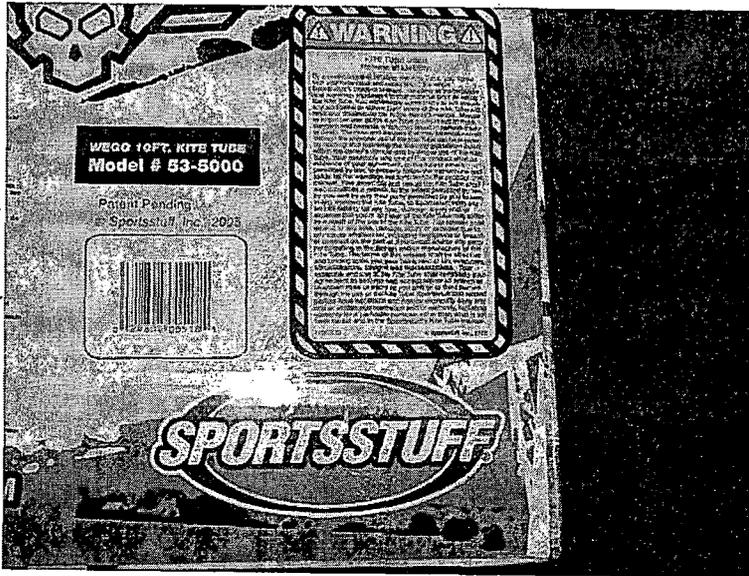
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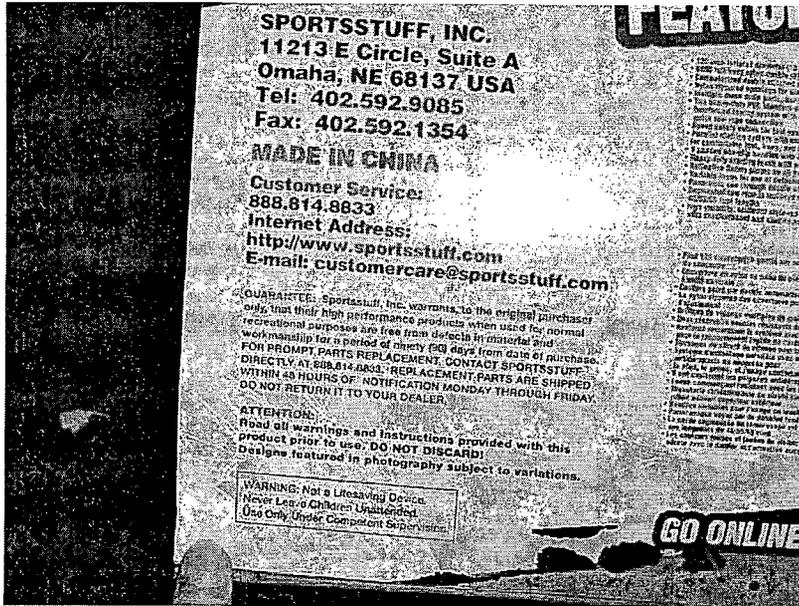
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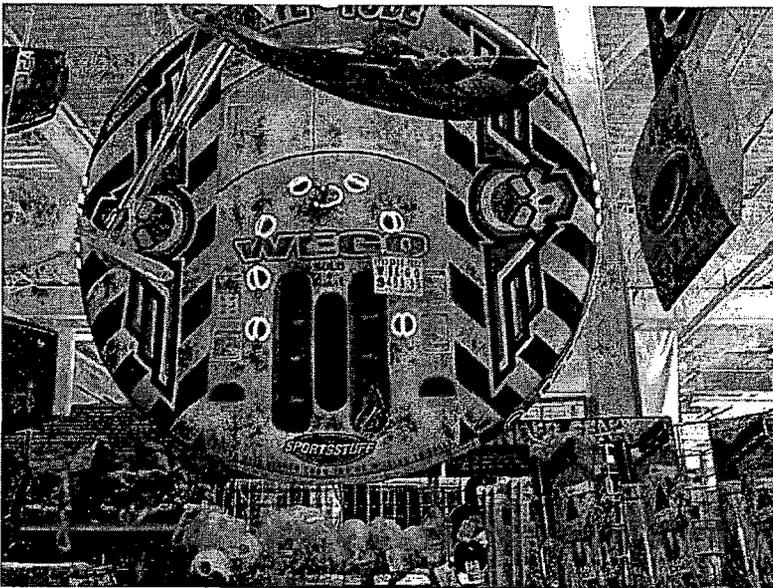
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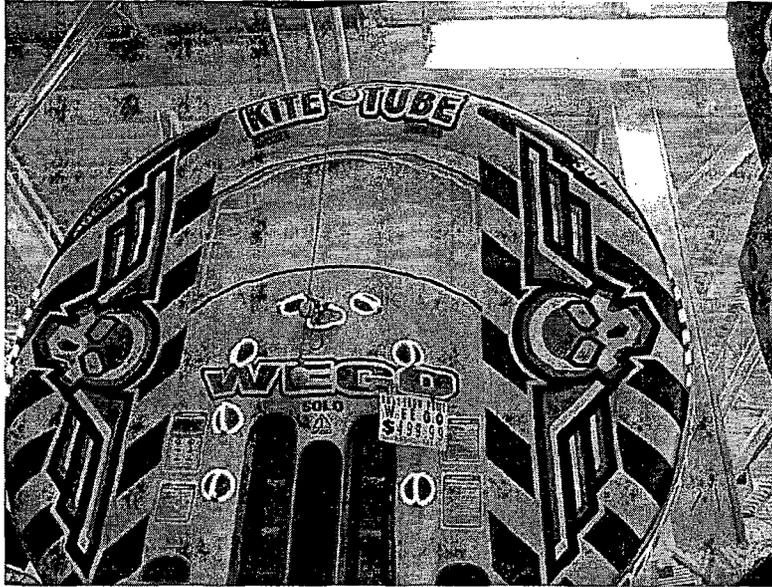
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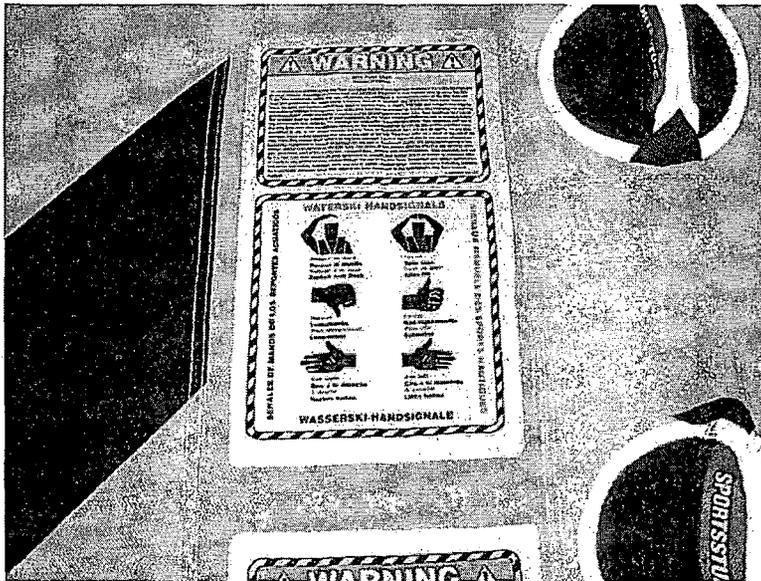
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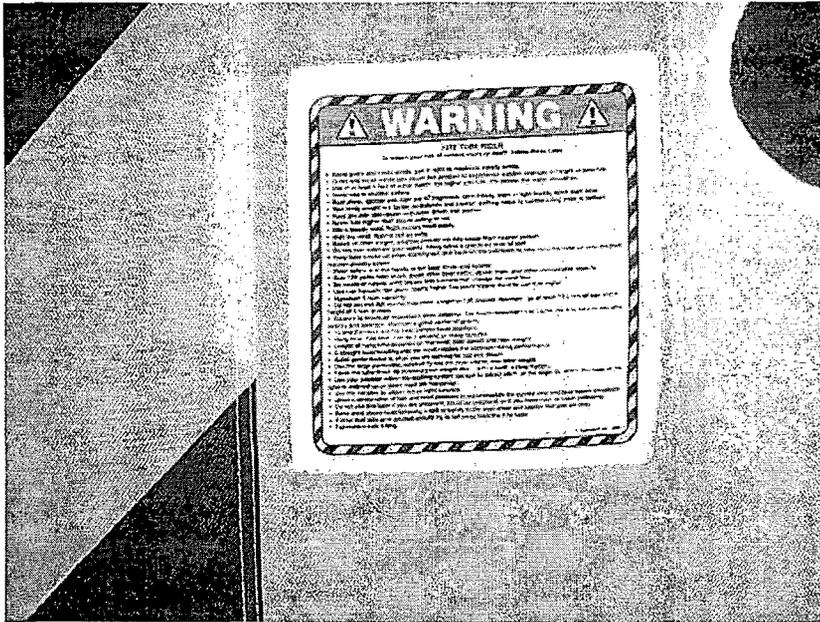
IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – On display at retail store.



IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – On display at retail store. The white box near the top is a see-through window. The rope with the tennis balls hanging from it is for the rider to pull on causing the front end to rise and lift off the water.



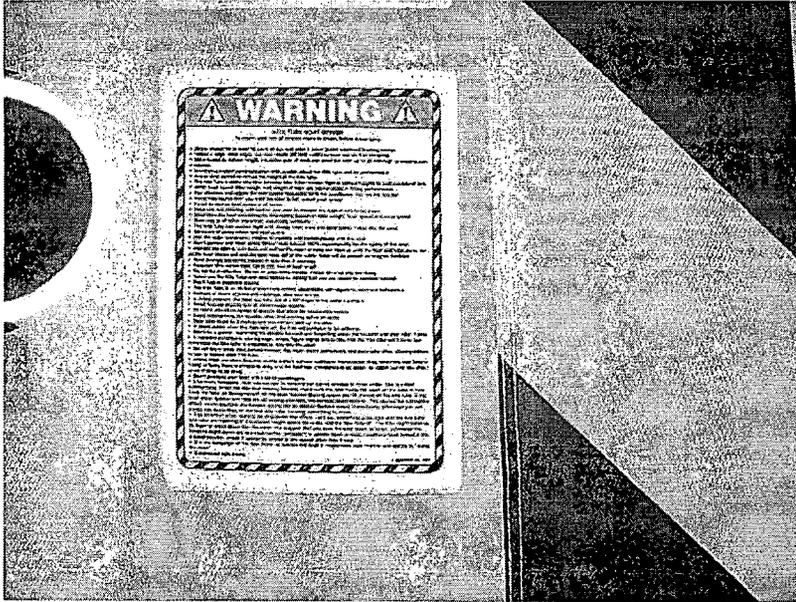
IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – Warnings



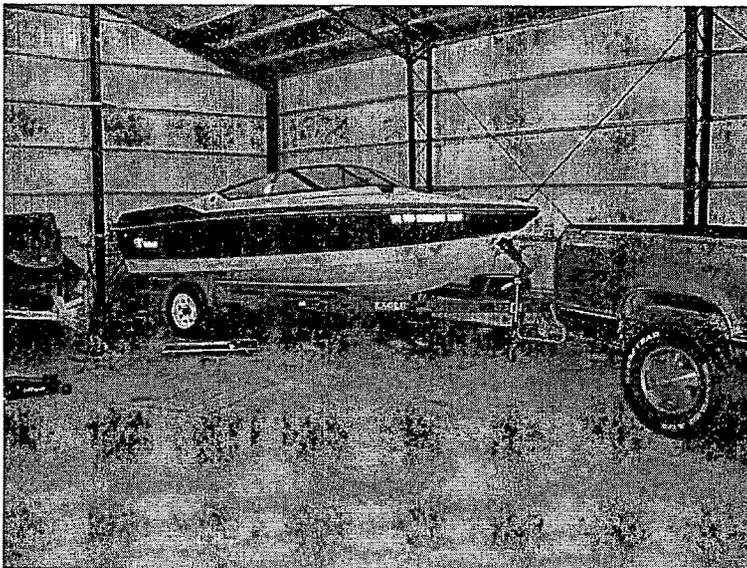
IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – Warnings



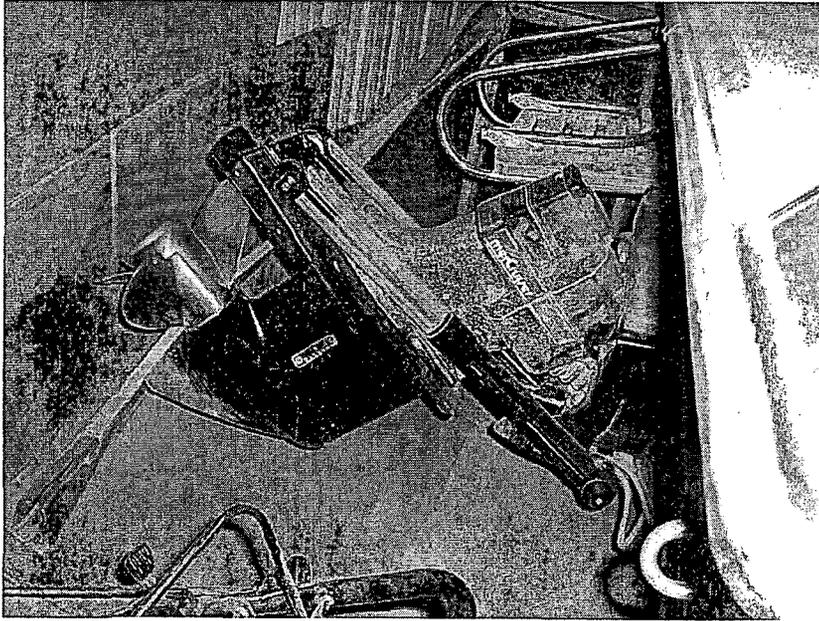
IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – Warnings



IDI 060614HCC3602 – Exhibit “A” – Wego Kite Tube – Warnings



IDI 060614HCC3602 – Exhibit “A” – 1990, 17 foot Well Craft Inboard/Outboard open bow sport boat.



IDI 060614HCC3602 – Exhibit “A” – 165 hp MerCruiser motor on the 1990 17-foot Well Craft Inboard/Outboard open bow sport boat

IDI 060614HCC3602 - Exhibit "B" - Copies of the product literature, catalog advertising of the kite tube and warranty; - 13 pages (Instructional video and 2006 catalog of products sold by the manufacturer of the kite tube sent directly to Compliance Officer.)



SPORTSSTUFF

Patriots

Show your allegiance and stand for freedom with the brave new winged Patriot Series. These heavy-duty nylon covered tubes feature multiple handles, cockpit seating, air wings sides that allow riders to get awesome work action. Durable designs provide stability through fast whips. Reflective safety tape is easily noticed on the water.

- A. 12051 Patriot Single, 68" L x 63" W
- B. 12052 Patriot Double, 77" L x 89" W
- C. 12054 Patriot Triple, 84" L x 116" W

Motopods

With the Motopods you and your friends can get on the water with a great ride at a great price. The air-cushion inflatable floors make this exciting ride just as comfortable as heavy-gauge PVC bladder, double-stitched nylon partition cover, and single chamber inflation. Motopods also offer double-webbing foam handles with knuckle pads, speed safety valve, and reinforced tow system.

- D. 11603 Motopod 1, 66" x 48"
- E. 11604 Motopod 2, 66" x 80"
- F. 11605 Motopod 3, 84" x 104"

G. Chariot Excursion

Big enough for three riders, this huge chariot is ready to action. Ride it standing, kneeling, or sitting, either way will be a ride to remember. Constructed with heavy-gauge PVC bladder, two chambers, and a full nylon cover with zipper. Features double-webbing foam handles with knuckle pads, protective knee pad, multi-speed valve, reinforced tow system, and offshore boarding handles. 77cm dia. x 36" H.

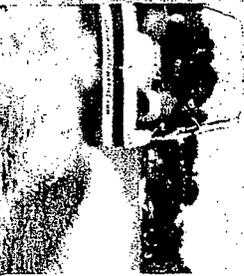
18663 Chariot Excursion

Overton's
329.99

WILD MILD WILD

In an effort to help you choose the towable which best fits your needs, the towables throughout this section have been rated. Whether you are looking for a mild ride or a wild ride Overton's has a towable for you. Remember the greatest farkore in how at

INSTRUCTIONAL VIDEO
3-SEGMENT TOWING
ROPE, AND STARTING
ROPE, LEASHILL



Patriot Towables

Grab your friends and get ready for more fun than you can handle on these unique patriotic towables. Reclined seating with inflated backrests and air-cushioned inflatable floor provide an extra comfortable ride. Multi-speed valve for easy inflation/deflation.

- H. 17729 Duo Patriot, 66" x 80"
- I. 18603 Trio Patriot, 79" x 115"

Overton's J. Mega-Bowl

The Rock-N-Roll 1-person Mega Bowl is filled to the brim with action-packed enjoyment! The first ever bowl-shaped towable can be rocked back and forth and rolled side to side as you barrel your way across the water. Or just kick back inside its spacious and comfortable interior. Attach up to 4 Mega-Bowls together so everyone can join in on the fun! 68" L x 58" W x 26" H.

K. Crazy 8

This 2-person towable will bring out the kid in anyone. This versatile tube provides 2 towing points which allow you to tow from the center or the side of the tube for two distinctly different riding experiences. Features heavy-duty gauge PVC tube with durable nylon cover and comfortable webbing foam handles with knuckle guards. Recessed speed valve for easy inflation/deflation. 75" L x 48" W.

L. Crazy 8

Overton's
129.99

INFLATING TOWABLES

Proper inflation of towables is important for providing the best performance as well as preventing excessive stress on the towable. To get just the right amount of air, pay close attention when inflating. In general, the tube is full when it is very firm. Covered tubes should be free of wrinkles, couple of inches. To achieve this level of inflation, the PVC must stretch. However, just as under-inflation is a problem, over-inflation will cause undue stress on seams. Watch carefully when inflating, and stop as soon as the tube is firm and the cover is smooth.

Don't forget your pump.

1
DARSON

Megok Kite Tube
Whip across the water like a deck tube or fly through the air like a bird! Experience the thrill of this ride as you rise above the water to incredible heights, leaving nothing but adrenaline in your wake. Designed with 840-denier nylon double skin cover with PU coating, double stitching, no heavy-duty PVC bladders, speed safety valves, reinforced towing system, 8 padded handles with knuckle guards, neoprene padding for comfortable knees and legs, and double panel panoramic see-thru window. 120" diameter. Not recommended for anyone under 12 yrs. of age, less than 100 lbs., or under 5' tall. Max. weight: 200 lbs.

12063 Megok Kite Tube
Overton's
499.99





WEGO KITE TUBE OWNER'S MANUAL

Important information is enclosed in this manual. Please read these materials prior to assembling and using this product. Keep for future reference.

For questions on assembly, parts or warranty, contact the experts at Sportsstuff. DO NOT RETURN this product to the store!

Contact us TOLL FREE: 888-814-8833 (USA) (8am-5pm, CST Monday-Friday)

Congratulations on your new towable purchase! Sportsstuff prides itself in making the most innovative inflatable products on the planet. Your high performance towable is designed to provide an exciting and unique riding experience for the whole family.

⚠️ WARNING ⚠️

A RELEASE OF LIABILITY ⚠️

By assembling and inflating the Kite Tube, you agree that you have read and understand the entire Sportsstuff's product manual, including all instructions and warnings contained in that material prior to using the Kite Tube. You additionally agree that you will ensure any additional or subsequent users of the Kite Tube will read and understand the entire owner's manual. Misuse or improper use of the Kite Tube could result in risks, dangers and hazards which may result in serious injury or death. The risks and dangers that may be encountered through the improper use of the Kite Tube can be avoided by reading and following the warning guidelines listed within the owner's manual and by proper use of the Kite Tube. Your assembly and use of this product shall be evidence of your agreement, to the fullest extent permitted by law, to properly follow the instructions and abide by the warnings set forth within the product manual. Your assembly and use of the Kite Tube shall also constitute a release, to the extent permitted by law, by you and by any third party permitted by you to use, in any manner, the Kite Tube, to Sportsstuff from any and all liability for any loss, damage, injury and/or expense that you or any user of the Kite Tube may suffer as a result of the use of the Kite Tube. This release shall extend to any loss, damage, injury or expense due to any cause whatsoever, including negligence or breach of contract on the part of Sportsstuff and/or any party participating in the design and/or manufacture

A KITE TUBE DESCRIPTION A

Away Wego! "Kite Tubing", the mystery of flying, becomes a reality. The Kite Tube creates an air pocket on the under carriage bottom that enables lift via ground effect and the aerodynamic shape. Be prepared to reach new heights! Spend the summer gaining experience riding the Kite Tube. The Kite Tube is designed to glide, soar, and fly. You can use it like a regular deck tube in the whips, figure eights, and circles. It "kites" the best in a straight boat pattern into the wind and will rise out of the water slowly or quickly based on the rider weight, wind and boat speed. Expect the unexpected! The basic idea behind the Kite Tube is simple; The Kite Tube kneels or stands on the tube that is tethered to the tow boat. As the boat moves forward into the wind, the Kite and the rider rise up from the water's surface to perform a water ballet in the air with the rider balancing on top. Kite Tubing is not as dangerous as some extreme sports, however it can be more dangerous than regular tubing with the added dimension of height. In Kite Tubing, safety has to be taken seriously. EVERYONE is a beginner, regardless of previous experience. Read all instruction and warnings before using the Kite Tube. Start slow and begin by using the 45 foot section of the included tow rope.

A KITE TUBE SPECIFICATIONS A

- 120 inch inflated diameter(10 foot) with slanted saucer configuration.
- 840D nylon double cover with pu coating(full body cover).
- Reinforced towing system with molded aluminum connector for easy tow rope connection.
- Computerized double-stitched sewing.
- Multiple mesh bar-tacked drain ports.
- Nylon zippered openings for bladder insertion and adjustment.
- Parallel slotting system with footsteps and neoprene padding for comfort.
- reflective piping on all handles and on the outside top tapping.
- Various loops for use of detachable leash(s).
- Panoramic see-through double windows.
- High visibility red and yellow watersports safety colors with checkerboard and caution accent striping.
- Easily seen bold, billboard-style graphics.
- Skull graphics is a reminder to pay attention and not to fool around, take nothing for granted.
- Two heavy duty pvc bladders, one supports the outer ring and the other is the slotting system cockpit for the rider. Both have speed safety valves for easy inflation/deflation.
- Leash with two sponge balls is included.
- Segmented tow rope is included. Adjustable length style in 45, 55, and 65 foot lengths.

A KITE TUBE ASSEMBLY AND INFLATION A

Proper inflation is key to the optimum performance of this towable. The tube is designed to fit snugly in the cover, and there should be no wrinkles in the cover when the tube is properly inflated.

IMPROPER INFLATION



PROPER INFLATION



Photo "A" shows a severely underinflated tube. Note how the adult sinks in when standing on the tube. Under-inflation causes the towable to sit low in the water. Additional stress is applied to the tube, cover, rope and boat/watercraft, by being dragged through the water instead of pulled across it. This stress causes the air in tubes to be displaced and the tube may rupture. The same stress causes nylon covers to tear and ropes to stretch. The boat/watercraft cannot plane off and extra gas is consumed.

Photo "B" shows a properly inflated tube. Note how the cover is taut with few wrinkles, and how the adult barely sinks in when standing on the tube. This tube would ride high on the water, providing you with an exciting ride - less stress on the tube, cover, rope, and boat/watercraft. Proper inflation will insure a longer life-span for your product.

Inflation Maintenance:

Finally, it is not enough to simply fill it up and go! It is important to monitor the amount of air in this product as heat will cause the bladder to expand, possibly causing damage to the seams or l-beams. Don't let it sit on the beach, dock, or boat/watercraft full of air! If it is stored out of the sun in a cool place, you may need to add air. Check and adjust inflation levels each time you use your tube. You'll have more fun, and your toys will last longer.

The best air pumps to use are:

- 110v electric: 2.5 psi (model #57-1504A) or 3.0 psi (model #57-1508)
- Hand/foot pump specifically for towables: LP1 (model #57-1003)
- 12v pumps (model #57-1510) can also be used but a their maximum output is only .8 psi so a secondary pump such as the Sportsstuff LP1 hand pump (model #57-1003) will need to be used.
- Leaf Blower
- Vacuum with two-way switch

Your WEGO towable is equipped with the Speed Safety Valve pictured below:



Speed Safety Valve - A hybrid valve utilizing the best of both the Oversized Safety Valve and the Speed Valve. Pulls out for fast inflation/deflation, then can be pushed in flush with the tube. For use with standard electric pumps, shop vac, wet vac, leaf blowers, and vacuums with a 2-way switch for fast inflation/deflation.

Secure the valve by firmly inserting the bottom portion of the valve into the base. To inflate, open only the top portion of the valve. Using the hose from your inflator, inflate through the top opening of the valve.

The optimal inflator is a 2.5 psi or higher electric pump. You may also use a 1.1 or 3.0 psi pump. Using the 12v pump (model #57-1510) followed by the LP1 hand pump (model #57-1003) to top off the unit takes about 3.5 minutes. The 1.1 psi 110v pump followed by using the LP1 hand pump (model #57-1003) to top off the unit will inflate the WEGO in a few minutes. The 2.5 electric pump (model #57-1504A) will inflate the WEGO in just over 3 minutes. The 3.0 pump (model #57-1508) will inflate the WEGO in as little as 2 minutes.

Please call Sportstuff at 1-888-814-8833 to order directly.

1. Open the box and locate Owner's manual information and instructional DVD.
2. Review owner's manual and instructional DVD first and share the information with all other users and or spotters.
3. Locate a flat, wide-open, clean and clear area to open and assemble the product.
4. Unfold the nylon cover so the yellow cover with winged skulls is completely unfolded along with slotting system cockpit.
Please notice the bladders have already been assembled in the cover. There are two valves total. One on the slotting portion and another on the outside ring.
6. Locate and open the padded valve cover on the slotting portion (cockpit area) Open the valve and inflate until firm and the cover is wrinkle free and taut. It may be necessary to adjust the cover to fit the inflation holes. Use the zippered openings in the cover to adjust bladder position if necessary.
7. Close valve completely and secure valve cover.
8. Locate the valve on the outer ring and repeat steps 6-7.
9. Please note that the window panels are not supported by an internal bladder, so stay off of this portion of the cover.
10. With assistance, carefully lift the unit into water.
11. Do not drag across harsh surfaces, as this will damage the unit.
12. Once at the water entry point attach tow rope to unit and hook up to the boat. Make sure leash is attached to the nose loop.
13. Enjoy your Kiting experience.

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PLEASE NOTE OVER INFLATION WILL CAUSE THE BLADDER TO HAVE A CONCAVE EFFECT ON THE UNDERSIDE, CAUSING THE KITE TUBE TO SUBMARINE.

PLEASE NOTE UNDER INFLATION WILL CAUSE KITE TUBE TO NOT PERFORM AS DESIGNED. WHEN KITING, YOU CAN TELL VISUALLY IF YOU ARE CORRECTLY INFLATED

Proper inflation means you'll have a wonderful flight experience, so follow the above instructions closely.

▲ KITE TUBE CARE AND MAINTENANCE ▲

- You may clean your towable using a soap and water or mild detergent.
- You should inspect your unit frequently for wear and tear. If you need parts replacement please contact Sportstuff 1-888-814-8833.
- Before each use always check inflation, tow connection and boat connection.
- After using the Kite Tube do not leave out in direct sunlight, but keep it a shaded area.
- When the unit is not in use NEVER leave this unit in direct Sunlight at any time.
- The strong UV rays will quickly destroy and downgrade the nylon cover and age the materials prematurely.
- Monitor and adjust bladder pressure on warm days.
- Never use strong cleaning agents.
- The towable, when clean and dry, can be deflated and stored in a cool, dry area out of direct sunlight. (In between uses and at the end of the boating season.)
- To deflate, simply open red valve.
- Avoid storing this product in areas of extreme temperatures and please take precautions against animals and rodents.
- Bright colored fabric covers used on the towables may bleed or fade when initially wet. Protect all boat interiors, docks and car interiors from possible staining.

▲ KITE TUBE TETHER TOW ROPE ▲

We have included a new style tether tow rope for use with the Kite Tube. Overall the tow rope is 65 foot length, but can be adjusted to 55 foot length and 45 foot length. Since the Kite Tube is unlike any previous towable tube with the added dimension of sustained height. We believe that the boat driver, rider and spotter are all beginners. We recommend the following to get the hang of Kiting, how the Kite reacts being towed by the boat, how the wind affects the flight while being ridden by different size riders. Experience is the best teacher.

Step one: BEGINNER LEVEL

All beginners start with 45 foot tow rope to get some experience. Use at least 12 times for a minimum of 20 minutes per use.

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Step two: INTERMEDIATE LEVEL

All intermediates can increase rope length to 55 foot to get more experience. Use at least 24 times for a minimum of 20 minutes per use.

Step three: MASTER LEVEL.

All masters can increase length to 65 foot to get more experience.

You can spend all summer gaining experience Kiting and really still not have experienced all things, wind speed, rider weight and boat speed create many variables (different kinds of watercraft, lack of wind) etc. Attach the Kite Tube Tether tow rope to the aluminum connector on the tube and to a towable hook on the rear of the boat. We recommend you use a low tow point on the rear transom of the boat or tow hook.

A KITE TUBE HEIGHT INSTRUCTION A

NEVER KITE HIGHER THAN YOU ARE WILLING TO FALL

Just think of the fall, in normal tubing you can get thrown off and go up to 15 to 20 foot high, but in kiting you are already at a certain height above the water and can get thrown higher. At a boat speed of 10 and 20 mph the water gets harder the faster and higher you go so control the boat speed and tube height and watch out for gusty and cross winds. Many bodies of water have natural barriers or wind breaks, be aware of these situations. Due to the height factor, you must use the Kite Tube in waters at least 6 feet deep (a guideline could be 1 foot of water depth for every foot of tube height). For best kiting use against the wind in straight-line runs.

A RIDER INSTRUCTIONS AND WARNING A

To lessen your risk of serious injury or death, follow these rules:

- Avoid gusty and cross winds, use in light to moderate steady winds.
- Gusts and cross winds can cause this product to experience sudden changes in height or direction.
- Use in at least 6 feet of water depth, the higher you Kite, the deeper the water should be.
- Never use in shallow waters.
- Boat driver, spotter and rider are all beginners, take it easy, learn in light steady wind, start slow.
- Your body weight is a factor on balance and control, shifting helps to control kiting (rider is ballast).
- Have pre-ride discussion with rider, driver and spotter.
- Never Kite higher than you're willing to fall.
- Into a steady wind, flight occurs more easily.
- With the wind, flight is not so easy.
- Based on rider weight, a lighter person will Kite easier than heavier person.
- Do not over-estimate your ability, Kiting takes a practiced level of skill.
- Keep tube's nose up when starting out, pull back on the ball/leash to help hold the nose up until the boat reaches planning speed.
- Rider safety is in the hands of the boat driver and spotter.
- Stay 100 yards from shore, avoid other boat traffic, power lines and

other immovable objects.

- Be aware of natural wind breaks and barriers that change the wind flow.
- Use rear transom tow point. Using higher tow point means the Kite can Kite higher.
- Maximum 1 rider capacity
- Do not exceed 200 pound maximum weight or 100 pounds minimum, be at least 12 years of age and a height of 5 feet or more.
- Balance to minimize movement while airborne. Too much movement can cause the Kite Tube to become wobbly and overturn. Maintain a good center of gravity.
- 10 and 2 o'clock are the best control hand positions.
- Hang time, Kite time, can be 1 second or many minutes.
- Length of hang time depends on the wind, boat speed and rider weight.
- A straight boat heading into the wind creates the optimum Kiting performance.
- Ballet performance is what you are looking for (up and down).
- Use the large panoramic window to see the boat and to view rider height.
- Force the tube down by pushing your weight down with a swift, sitting motion.
- Use your position within the slotting system cockpit to adjust pitch, or the angle by which the nose of the tube is inclined up or down from the horizontal.
- Use the handles to adjust left to right balance.
- Utilize a combination of foot and hand positions to accommodate the current wind and boat speed conditions.
- Do not use this tube if you are pregnant, could be pregnant, or if you have neck or back problems.
- Raise arms above head following a spill to signify to the boat driver and spotter that you are okay.
- A rider that falls or is ejected should try to fall away from the Kite Tube.
- Experience safe Kiting.

A BOAT DRIVER INSTRUCTIONS AND WARNING A

To lessen your risk of serious injury or death, follow these rules:

- Driver should be at least 16 years of age and pass a coast guard approved boating course.
- Utilize a large, wide angle, rear view mirror (20 inch width) to keep eye on Kite elevation.
- Slow speed to reduce height, a sudden gust of wind can send the rider up to 20 feet high or more in half a second.
- Maintain constant communication with spotter about the Kite Tube and its performance.
- Adjust boat speed to reduce the height of the Kite Tube.
- The Kite Tube is unlike any other towable tube, it can sustain flight at various heights for long periods of time.
- Wind, boat speed, rider weight and length of rope are big variables in Kiting performance.
- Pay attention and adjust the boat speed frequently to fit the conditions. You are the director.
- Never Kite higher than you want the rider to fall, adjust your speed.

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- Avoid excessive boat speed at all times.
- Have pre-ride meeting with spotter and rider to discuss the type of ride to be given.
- Determine the best conditions for Kite tubing based on rider weight, boat speed and wind speed.
- Give-way to all other watercraft, especially sailboats.
- The Kite Tube can sustain flight with steady head wind and boat speed. Head into the wind
 - Be aware of cross winds and wind gusts.
 - Use the large, panoramic window to monitor and communicate with the rider.
- Don't gamble with rider safety. Driver must accept 100% responsibility for the safety of the rider.
- Instruct the rider to lean back and pull on the leash to keep the nose up until the boat and tube plane out, as the boat planes out and the tube rises out of the water, there will be almost no drag on the boat.
 - **at boating accidents happen in less than 2 seconds.**
 - Reaction time varies from 120 to 255 feet of boat length.
 - Do not be in-attentive. Do not let your mind wander. Focus on what you are doing
- Never use the Kite Tube with wind forces so strong that you are unable to maintain control.
 - Don't Kite in electrical storms.
 - The Kite Tube is an air foil of extremely limited capabilities with regard to wind and turbulence.
- Instruct all riders of rules and warnings, plus how to ride.
 - In riding position, the rider and tube are at a 45° angle to the water's surface.
- Avoid floating objects and all immovable objects.
- All riders should be towed at speeds that allow for reasonable control.
- Avoid submarining the towable when first starting out or on spills.
- Slow boat down to 5 mph to turn around and pick up the rider.
- In many cases when the rider falls off, the Kite will continue to be airborne
 - Don't be a gunner; slamming the throttle forward and forgetting about the towable and your rider. Focus
 - **o-wind conditions, use zig-zags, whips, figure eights and circles**
 - **the Kite Tube will Kite in, but remember the Kite Tube is designed to Kite into the wind.**
- Do not throw away your owners manual or DVD. You must review periodically and especially when allowing others to use or borrow your Kite Tube.
 - Unlike most towables that ride on the water's surface and have tremendous drag, when the Kite Tube is Kiting or flying there is almost no drag and the boat has a tendency to go faster, so watch out for this effect (a lot of drag to no drag).
 - Don't overload your boat with a lot of passengers.
 - Like many towables, rider balance too far forward can cause towable to nose under. This is called submarining. When the you start moving forward, make sure the rider holds the leash on the tube to help keep the nose up during takeoff, till the boat reaches planing speed and lift occurs on the Kite Tube. *If the boat driver, spotter and rider are not paying attention, the towable could nose in.* This causes the submarine effect, which results in the towable acting like an anchor. Reduce speed immediately, otherwise you will create too much drag on the boat and tube, causing something to break.

IDI 060614HCC3602 - Exhibit "B"

- Pay attention when starting out to prevent this effect. Let's say everything goes right and the Kite Tube and rider are traveling at a sustained height above the water and the rider falls off. The Kite might continue its flight or crash down into the water. We suggest that you slow the boat down to 5mph, otherwise the towable might again act like a submarine, because it is upside down or wind conditions have forced it into a weird position where it cannot be towed at any speed other than 5 mph.
- It is the obligation of the boat driver to operate the boat in responsible safe manner and not try to "dump the rider".
- Experience safe Kiting.

A SUBMARINE EFFECT WARNING ▲

LIKE MANY TOWABLES, A RIDER'S BALANCE TOO FAR FORWARD CAN CAUSE TOWABLE TO NOSE UNDER. THIS WE CALL SUBMARINING. WHEN THE BOAT DRIVER STARTS FORWARD, HE OR SHE SHOULD MAKE SURE THE RIDER HOLDS THE LEASH TO HELP KEEP THE NOSE UP DURING TAKEOFF TILL THE BOAT REACHES PLANING SPEED AND LIFT OCCURS ON THE KITE TUBE. IF THE BOAT DRIVER, SPOTTER AND RIDER ARE NOT PAYING ATTENTION THE TOWABLE COULD NOSE IN. THIS CAUSES THE SUBMARINE EFFECT, WHICH RESULTS IN THE TOWABLE ACTING LIKE AN ANCHOR. REDUCE SPEED IMMEDIATELY, OTHERWISE YOU WILL CREATE TOO MUCH DRAG ON THE BOAT AND TUBE CAUSING THE SOMETHING TO BREAK. PAY ATTENTION, WHEN STARTING OUT TO PREVENT THIS EFFECT. LET'S SAY, EVERYTHING GOES RIGHT AND THE KITE TUBE AND RIDER ARE TRAVELING A SUSTAINED HEIGHT ABOVE THE WATER AND THE RIDER FALLS OFF. THE KITE MIGHT CONTINUE IT'S FLIGHT OR CRASH DOWN INTO THE WATER. WE SUGGEST YOU SLOW THE BOAT DOWN TO 5MPH, OTHERWISE THE TOWABLE MIGHT AGAIN ACT LIKE A SUBMARINE BECAUSE IT IS UPSIDE DOWN OR WIND CONDITIONS HAVE FORCED IT INTO A WEIRD POSITION WHERE IT CANNOT BE TOWED AT ANY SPEED OTHER THAN 5 MPH. BOAT DRIVER SHOULD TURN TO PICK UP RIDER AND START ALL OVER AGAIN. IT IS THE OBLIGATION OF THE BOAT DRIVER TO OPERATE THE BOAT IN RESPONSIBLE SAFE MANNER AND NOT TRY TO "DUMP THE RIDER". THE KITE TUBE IS DESIGNED TO BE RIDDEN AT SAFE LEVEL WITHOUT HAVING TO HAVE SOME CRAZY BOAT DRIVER TRYING TO CREATE PROBLEMS. EXPERIENCE SAFE KITING.

A SPOTTER OR OBSERVER INSTRUCTION ▲

- Have watersports safety flag
- Keep driver aware of other boating traffic, obstacles, etc
- Keep driver aware of towable state and rider conditions and how the towable is doing
- Keep tow ropes from getting caught on protrusion from the boat
- We have found that small megaphone helps to communicate with rider prior to takeoff and give last minute instructions

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A WIND SPEED AND EFFECT A

We are providing you with the following information to help you evaluate your current conditions before Kite tubing.

Wind speed(mph)	Wind effect
0-1	smoke rises vertically
2-3	direction of the wind shown by smoke drift, but not by wind vanes
4-7	wind felt on face: leaves rustle: ordinary wind vane moved by wind
8-12	leaves and twigs in constant motion; wind extends a light flag
13-18	raises dust, loose paper: small branches are moved
19-24	small trees in leaf begin to sway: crested wavelets form on inland waters
25-33	large branches in motion; whistling heard in power lines; umbrella difficult to use
34-40	gale
41-47	strong gale
48-55	storm
56-63	violent storm
64+	hurricane

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WARRANTY POLICY:

Sportsstuff warrants, to the original purchaser only, that their high performance products, when used for normal recreational purposes, are free from defects in material and workmanship for a period of ninety (90) days from the date of purchase. This warranty does NOT cover: products for rental, for hire and other uses not considered for normal recreational purposes; nor punctures, cuts, abrasions in normal use. For prompt parts replacement or warranty issues, contact Sportsstuff directly at 888-814-8833. Replacement parts are shipped within 48 hours of notification Monday through Friday. Do not return to your dealer (USA ONLY). This warranty is only valid in the USA.

If you have any questions about any Sportsstuff, Inc. product, replacement parts or locating a dealer in your area, contact us at:

Sportsstuff Inc.
11213 E Circle Suite A
Omaha, NE 68137
Toll Free: 888-814-8833
Tel: 402-592-9085
Fax: 402-592-1354
E-mail: customer@sportsstuff.com

Warranty registration is available on-line at: <http://www.sportsstuff.com>

Prior authorization is required for returned merchandise. No credit will be given for a product that is sent back without prior authorization from Sportsstuff, Inc. After receiving an authorization number, please ship returned products to the following address:

Sportsstuff, Inc. Return Center
11213 E Circle, Suite A
Omaha, NE 68137
(Please label package with RA #)



TOWABLE OWNER'S MANUAL

Important information is enclosed in this manual. Please read these materials prior to assembling and using this product. Keep for future reference.

For questions on assembly, parts or warranty, contact the experts at Sportsstuff. DO NOT RETURN this product to the store!

Contact us TOLL FREE: 888-814-8833 (USA) (8am-5pm, CST Monday-Friday)

Congratulations on your new towable purchase! Sportsstuff prides itself in making the most innovative inflatable products on the planet. Your high performance towable is designed to provide an exciting and unique riding experience for the whole family.

! WARNING !

To lessen your risk of serious injury or death, follow these rules:

- Not a lifesaving device. Never leave children unattended. Use only under competent supervision.
- Read the owner's manual carefully before using your Sportsstuff towable.
- Not for use by children under six (12) years of age.
- The watercraft driver is responsible for the towable and riders since the towable cannot be controlled by the rider(s). The rider(s) may not be able to see where he/she is going.
- Always have an experienced watercraft driver at the helm and always have three or more people present for safe tubing-one to drive the watercraft, one to observe and one or more to ride.
- Observer in the boat/watercraft should keep the driver aware of the towable rider(s) status.
- Always keep a lookout for other boats/watercrafts, swimmers, towables, and other obstructions in the water. Stay away from other boats and personal watercraft, docks, pilings, bridges, shallow water and the shore.
- The watercraft driver should avoid excessive speed or sharp turns which might cause the towable to flip over, resulting in serious injury to the rider.
- Never exceed 20 mph when towing adults or 15 mph with children.
- Use a tow rope specifically designed for the WEGO
- Never operate the boat/watercraft or ride the towable under the influence of alcohol or other drugs.
- Never place wrists or feet through the handles or towing harness.
- Riders should keep arms and feet out of the water.
- Do not exceed the manufacturers recommended number of riders for your particular tube.
- Use a tow rope of at least 1500 lbs average tensile strength for pulling a single person, 2375 lbs average tensile strength for pulling two people, 3350 lbs average

tensile strength for pulling three people and 4100 lbs average tensile strength for pulling four people on an inflatable tube. The tow rope should be at least 45 feet in length but not exceed 65 feet.

- The stress on the rope is different from the stress on the tube, and will vary with the weight of the passengers, design, and surface area of the tube.
- Always wear a U.S. Coast Guard approved Type III (PFD) ski vest or as recommended by proper government authorities.
- Use this product only on water.
- Know your limits. Stop when you're tired. Act responsibly. Be in good physical condition and be cautious in your use of this or any other towable.
- Do not use this unit when it is under-inflated. The risks involved with this could include entrapment which may result in death or serious injury.

The manufacturer, Sportsstuff, Inc., does not have control over the use of this product and assumes no liability therein. Under no circumstances is Sportsstuff or the seller liable for any loss, damage, injury or expenses of any kind arising out of the use of this product. It is the responsibility of the user to determine the proper suitability and safety of the product during normal use. This product is subject to age, wear and deterioration from use and weather conditions. We strongly recommend that you inspect the product on a regular basis.

REPLACING PRODUCT PARTS:

If a leak or problem is suspected with your tube, locate the valves, deflate the item and remove the inflatable PVC bladder to inspect possible problem areas. Contact Sportsstuff warranty department for prompt parts replacement if a problem is located. For non-warranty parts replacement, follow the same procedure. When a replacement is received, follow the steps below:

1. Unfold the cover and lay the bladder out.
2. Locate the bladder and the inflation valve. Carefully place the PVC bladder inside the cover of the product in the appropriate location.
3. Line up the valve with the valve opening in the cover.
4. Refer to the WEGO manual for further assembly information.

MAINTENANCE:

Very little care is required for the bladder or cover:

- You may clean your towable using soap and water or mild detergent.
- Never use strong cleaning agents.
- The towable, when clean and dry, can be deflated and stored in a cool, dry area out of direct sunlight.
- To deflate, simply unfasten the entire valve from the base.
- Avoid storing this product in areas of extreme temperatures and please take precautions against animals and rodents.
- Bright colored fabric covers used on the towable may bleed or fade when initially wet. Protect all boat interiors and all other surfaces from possible staining.

TOW ROPE RECOMMENDATIONS FOR SPORTSSTUFF PRODUCTS:

- The watercraft owner/operator is responsible for informing all the persons riding or using tow ropes of the WSIA Recommendations for tow ropes. Improper use of your tube and rope could result in serious injury or death.
- Following are the WSIA (Water Sport Industry Association) Recommendations for tow ropes (Do not exceed recommended rider capacity for your tube):

ID1 060614HCC3602 - Exhibit "B"

Number of Riders	Combined Weight of Riders	Rope Tensile Strength
One	min 100lbs - max 200 lbs	1500 lbs

- A standard tow rope should not exceed 65 feet.
- The tow rope should be assembled in a manner appropriate for the watercraft and tow tube.
- Please check all rope connections for frays, cuts, sharp edges, knots and wear and tear before each use. Discard any ropes that appear to be worn. It is recommended that you replace each tow rope at the beginning of the boating season.
- Tow ropes are subject to stretching during use. Please warn riders and persons in the boat/watercraft of the danger of ropes recoiling.
- DO NOT place arms, legs or head in the handle section as serious injury may result.
- Ensure that the tow rope is free from all body parts prior to towing a rider and while the tube is in use.
- Do not use a tow rope with a bungee material to pull skiers or riders. This type of apparatus could also result in serious injury or death to the tube rider or passengers in the boat/watercraft.
- Ropes will deteriorate with direct sunlight exposure. Please store away from direct sunlight and discard any rope that is frayed, discolored or raveling.
- Do not add hardware to this product that is not supplied by Sportsstuff.
- Avoid the propeller and engine at all times. Should the rope become tangled in the propeller, shut off the engine and remove key from ignition before retrieving rope from propeller.

▲ WARNING! GENERAL USE AND SAFETY: ▲

- When using a Sportsstuff product, you are engaging in an exciting recreational activity with inherent risks. Act responsibly and only use your product with the awareness of and willingness to accept the risks involved.
- Read all instructions and warnings provided to you in this owner's manual and those printed on the product. Do not discard this manual.
- As in any recreational activity, reckless use, misuse, inexperience and/or neglect of the proper equipment used may result in serious injury or death.
- Visually inspect the towable and tow rope before each use. Do not use if product or tow rope is damaged in any way.
- This product is NOT for use by children under 12 years of age.
- Never leave children unattended. Use only under competent supervision.
- Sportsstuff products are NOT to be used for rental use.
- Do not consume alcohol or other drugs while using this product. Even small quantities of alcohol and other drugs can impair judgment, balance, and coordination which can greatly affect one's performance.
- Make sure all riders are wearing a U.S. Coast Guard Type III (PFD) approved life vest at all times.
- Be conscious of the weather conditions as weather changes can occur very quickly.
- Check with your state or local government to learn their specific legal requirements concerning towables and towing.
- Use tow ropes that are designed specifically for towables with WSIA (Water Sports Industry Association) break strength guidelines.

▲ WARNING! BOAT DRIVERS NOTICE: ▲

- The boat/watercraft driver has the ultimate responsibility for the safety of the riders.
- Carefully survey the water before you begin towing riders.

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- Do Not pull a towable without a rider. A towable is designed to have a rider in order to balance the weight distribution of the product
- Be aware of water conditions along with changes in the weather. The condition of the water greatly influences the type of ride the rider will have. Please take into consideration the age and physical ability of your rider.
- It is the boat/watercraft driver's responsibility to instruct the riders how to ride a towable. The boat/watercraft driver should carefully instruct the riders of potential risks and possible injury that may occur if they partake in careless behavior.
- At the beginning of the ride, carefully take the slack out of the tow rope. Never jerk, start a towable. After the rider has signaled that he/she is ready, the driver can slowly bring the towable to a planing point.
- Most towables will plane out at 10 to 20 mph, depending on the weight of the rider. It is important to keep the nose of the item up until the item is planing.
- The resistance of the product varies widely with these factors: boat speed, turns, water conditions, number of riders and their weight, towable size, shape and function.
- Boat/watercraft driver should adjust the boat speed to fit these situations to minimize resistance of the towable.
- Use in wide, open spaces. Stay at least 100 yards from shallow water, shore, rocks, boats, docks and buoys. Most accidents happen on turns and in congested areas.
- The boat/watercraft driver determines the speed and the action of the towable in turns and when crossing the boat/watercraft wake. In the straight-a-ways, the boat/watercraft towing speed is the same as the towable speed. The towable speed will increase when the boat/watercraft makes a 90 to 180 degree turn without increasing the boat/watercraft speed. If the boat/watercraft speed is 20 mph, the towable speed can be 30-40 mph. The "slingshot effect" sends the user outward from the center of the towable. Be aware of the limitations of the rider.
- Large wakes combined with the wave action and speed can contribute to a rough ride. Use a safe speed that enables the towable to plane out. The boat/watercraft driver should adjust the boat/watercraft speed and turns to fit the water conditions and the age, experience, skill and physical strength of the rider.
- Excessive speed or sharp turns might cause the tube to flip over abruptly, possibly causing serious injury to the rider.
- If the towable overturns, the boat/watercraft driver should not exceed 5 mph until the towable is upright again.
- Under normal conditions, the maximum safe speed for adults is 20 mph. Safe speeds for children are less than 15 mph, depending on the age and physical capability of the child.
- Please make sure your boat/watercraft is tow-worthy and has the appropriate horsepower to pull rider(s) and the tow tube. Do not exceed the boat/watercraft passenger capacity.
- Extreme drag forces can develop when pulling this tube. Please use towable in calm water. Heavy waves or choppy conditions can create more drag or even result in a submarine or anchor effect.
- Extreme drag forces may also result if: the rider(s) fall off, the tube noses in or tips over and water fills cockpit/seating area. The boat/watercraft operator should immediately slow or stop to eliminate this factor.
- Death or serious injury can result from the submarine or anchor effect causing more extreme drag forces on the tow rope and/or tow point. The tow rope might have too much stress and either break and snap back at the rider(s) or other occupants of the boat. It is the boat driver's responsibility to make sure this does not occur.

IDI 060614HCC3602 - Exhibit B

- Do not exceed the weight guidelines of your boat. Do not allow passengers to hang outside the boat or side on the gunwales (sides/edges of the boat) outside the normal seating area of the boat. Uneven weight distribution or additional weight may affect the handling of the boat. Never allow water to overflow the gunwales (sides/edges of the boat) of the boat.

WARNING! BOAT OWNERS WITH HIGH TOWER AND PYLONS

- Tow/Ski towers are not designed for use with any inflatable tube towing.
- Use only lifting eyes/transoms or tournament-rated ski pylons for towing tubes.
- Consult your boat's manufacturer if you are unsure of it's tournament rating.
- Do not tow any inflatable from a ski eye.
- Any tow pylon or ski pylon installed after market is not intended for inflatable tube towing.
- Death or serious injury may result if an unapproved ski/low pylon is used.

WARNING! SPOTTERS NOTICE:

- Always use a spotter (observer) in the boat to communicate the needs of the rider to the driver.
- The spotter must be the eyes of the driver and the rider, always alert to recognize possible danger so proper action can be taken to avoid any risk to the rider.
- If the towable overturns, the boat/watercraft driver should not exceed 5 mph until the towable is upright again.
- The spotter should hold up a safety flag cautioning all other boaters that riders are in the water.

WARNING! RIDERS NOTICE:

- Do not use this item as a personal flotation device.
- Do not exceed the manufacturer's recommended number of riders for your particular tube.
- Use a tow rope of at least 1500 lbs average tensile strength for pulling a single person, 2375 lbs average tensile strength for pulling two people, 3350 lbs average tensile strength for pulling three people and 4100 lbs average tensile strength for pulling four people on an inflatable tube. The tow rope should be at least 45 feet in length but not to exceed 65 feet.
- Only use this product with a responsible boat/watercraft operator who knows how to effectively operate the equipment.
- This product should be used in water only. Do not launch from dock or land.
- Do not use near piling, docks, shores or shallow water or other obstructions that could cause serious injury to the rider.
- Carefully instruct the other riders the proper way to attach rope and operate the towable.
- DO NOT strap or attach arms or legs to cover or tube. Never place hands or feet in between the tube or cover.
- This item has no braking or steering mechanism and can develop high speeds under certain towing conditions. Use at your own risk!
- This product is not a life saving device.
- Take necessary breaks when you are tired.
- Never get near the propeller with the engine running, even if it is in neutral.

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GENERAL TROUBLE SHOOTING GUIDE:

Symptom: Product won't hold air.

Solution: Check to see that the valve is fastened properly. Re-fasten valve if needed. Check to see if the product was inflated fully from the beginning. If you suspect it wasn't inflated fully, add more air. PVC Repair Adhesive is available from Sportsstuff at www.sportsstuff.com or 888-814-8833 for small hole or seam repairs.

Symptom: Valve is leaking

Solution: Listen closely to hear if air is leaking. Be sure the valve and cap are screwed in or fastened straight and are tight. Leakage can occur if the valve is not fastened correctly.

Symptom: Product inflates but doesn't become firm.

Solution: Please check to make sure it was inflated firmly with a high volume air pump. If you are sure you inflated it properly, fully assess it for a leak or re-fasten valve. If a leak is detected, the bladder may be patched by using Sportsstuff Adhesive which can be purchased directly from Sportsstuff.

Symptom: Cover is very loose (Applies only to products with covers).

Solution: Please check to make sure that your product is inflated fully and the tube is in place. The cover should fit snugly over the well-inflated tube. If the cover remains loose, add more air. See also the INFLATION section of this manual.

WARRANTY POLICY:

Sportsstuff warrants, to the original purchaser only, that their high performance products, when used for normal recreational purposes, are free from defects in material and workmanship for a period of ninety (90) days from the date of purchase. This warranty does NOT cover: products for rental, for hire and other uses not considered for normal recreational purposes; nor punctures, cuts, abrasions in normal use. For prompt parts replacement or warranty issues, contact Sportsstuff directly at 888-814-8833. Replacement parts are shipped within 48 hours of notification Monday through Friday. Do not return to your dealer (USA ONLY). This warranty is only valid in the USA.

If you have any questions about any Sportsstuff, Inc. product, replacement parts or locating a dealer in your area, contact us at:

Sportsstuff Inc.
11213 E Circle Suite A
Omaha, NE 68137
Toll Free: 888-814-8833
Tel: 402-592-9085
Fax: 402-592-1354
E-mail: customercare@sportsstuff.com

Warranty registration is available on-line at: <http://www.sportsstuff.com>

Prior authorization is required for returned merchandise. No credit will be given for a product that is sent back without prior authorization from Sportsstuff, Inc. After receiving an authorization number, please ship returned products to the following address:

Sportsstuff, Inc. Return Center
11213 E Circle, Suite A
Omaha, NE 68137
(Please label package with RA #)

IDI 060614HCC3602 - Exhibit "B"

WATERSPORTS RESPONSIBILITY CODE

Be aware that there are elements of risk in boating, skiing, and riding that common sense and personal awareness can help reduce. Know your ability level and stay within it.

To increase your enjoyment of the sport follow the "Watersports Responsibility Code". It is your responsibility to:

- Familiarize yourself with all applicable laws, the risks inherent in the sport, and proper use of the equipment.
- Know the waterways where you will be skiing or riding. Do not ski or ride in shallow water, near shore, docks, pilings swimmers or other watercraft.
- Always have a person other than the boat driver as an observer and agree on hand signals before starting.
- Always wear a U.S. Coast Guard Type III (PFD) vest.
- Read your owner's manual and inspect your equipment prior to use.
- Ski or ride within your limits. Always ski or ride in control and at speeds appropriate for your ability.
- Always turn ignition off when anyone is near watercraft power drive unit.
- Carbon Monoxide (CO) poisoning from engine exhaust may cause injury or death. Never "Platform Drag" or touch a swim platform while the engine is running.
- Not operate watercraft, ski or ride under the influence of alcohol or drugs.

Water Sports Industry Association

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Place
Postage
Here

IDI-060614HCC3602 - Exhibit "B"

SPORTSSTUFF, INC.
11213 "E" CIRCLE
SUITE A
OMAHA, NEBRASKA 68137 - USA

Sportsstuff, Inc. garantiert dem Erstkäufer für eine
Garanzzeit von 90 Tagen ab Kaufdatum, daß ihre
Hochleistungsprodukte bei normalem Freizeitsgebrauch frei von
Material- und Verarbeitungsfehlern sind. Silltschwerige
Garantien sind ebenfalls auf eine Garanzzeit von 90 Tagen ab
dem Datum des ersten Kaufs beschränkt. In manchen Staaten oder
Ländern sind Beschränkungen stillschweigender Garantien auf
eine bestimmte Garanzzeit unzulässig. In diesem Fall findet die
obige Beschreibung keine Anwendung.

Über die hierf beschriebene Garantie hinaus werden keine
weiteren Garantien gewährt. Sportsstuff, Inc. haftet nicht auf
Schadenersatz für Aufwendungen bei der Vertragsverfüllung oder
für Folgeschäden. In manchen Ländern ist der Ausschub oder die
Beschrenkung von Schadensersatz für Aufwendungen oder
Folgeschäden unzulässig. In diesem Fall findet die obige
Beschrenkung keine Anwendung.

Sportsstuff, Inc. prüft alle Garantieansprüche und repariert
oder ersetzt im Falle eines Mangels nach eigenem Ermessen das
mangelfehre Teil oder den gesamten Kaufgegenstand. Die
Rücksendung der Ware kann nur mit einer von Sportsstuff zuver
erhaltenen Bewilligungsnummer erfolgen. Diese kann man tele
fonisch oder schriftlich unter der unten angegebenen
Telefonnummer bzw. Adresse erhalten. Die Ware muß vorfrankiert
mit Kaufnachweis an die unten angegebene Adresse zurück
geschickt werden. Die Bewilligungsnummer muß frei gedruckt
außen auf das Paket geschrieben werden.

Diese Garantie gewährt Ihnen bestimmte Rechte. Darüber
hinaus können Ihnen, je nach Land, weitere Rechte zustehen.
Diese Garantie findet KEINE Anwendung auf: Produkte, die
Gegenstand einer Miete sind, Benutzung zu anderen Zwecken, die
nicht als normale Freizeitverwecke angesehen werden, auf
Einmalige, Schnitte, Abschürfungen und Verlassen von Fahren als
Folge normalen Gebrauchs, auf Geräte, die infolge eines Unfalls
beschädigt wurden und auf andere unangemessene
Verwendungsverwecke oder auf Schäden infolge unsachgemäßer
Lagerung, Leuchtflächen und Membranen verbllassen, wenn sie für
Längere Zeit, der Sonne ausgesetzt sind, Textilien mit heißen Flächen
können beim ersten Kontakt mit Wasser anlaufen, Schlitten Sie
daher die Innenverkleidung und alle anderen Oberflächen vor
Verschmutzung durch Flecken.

Um diese Garantie in Kraft zu setzen, muß der Käufer die
beigefügte Garantieverstärkungskarte ausfüllen und mit dem
Kaufnachweis innerhalb von 10 Tagen ab Kaufdatum an
Sportsstuff, Inc. zurückschicken. Ausreichung ist auch an
www.sportsstuff.com vorhanden.

Nach Ablauf der Garanzzeit ersetzt Sportsstuff Teile oder
Komponenten mit identischen oder gleichwertigen Teilen bzw.
Komponenten zu einem Preis, der 50% unter dem zu diesem
Zeitpunkt gültigen empfohlenen Ladenpreis liegt, zusätzlich
Porto- und Versandkosten. Bestellungen nimmt unser
Kundendienst unter der gebührenden Rufnummer 888-314-
8833 entgegen.

Zur Wahrung der Garantie die beigefügte
Garantieverstärkungskarte mit dem Kaufnachweis innerhalb von
10 Tagen ab Kaufdatum an SPORTSSTUFF, INC. einreichen.
ACHTUNG: Nicht zur Benutzung durch Kinder unter 6 Jahren.
ACHTUNG: Diese Garantie ist nur in den USA gültig!



**WARRANTY
INFORMATION**

The Distributor and Warrantor of the
product is:

SPORTSSTUFF, INC.
11213 E Circle, Suite A
Omaha, NE 68137 - USA
Tel: 402.592.9085
Fax: 402.592.1354

Website: <http://www.sportsstuff.com>

Customer Service:
888.814.8833
USA ONLY

The following information should be filled
in and kept for your records.

Date of Purchase: _____
Model: _____
Purchased From: _____
City: _____, State: _____
Zip Code: _____, Country: _____
Tel: _____



© Sportsstuff, Inc., 2003

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DI 060614HCC3602 - Exhibit "B"

LIMITED WARRANTY

Sportsstuff, Inc. warrants to the original purchaser only, that their high performance products when used for normal recreation...

There are no warranties which extend beyond the description on the face hereof. Sportsstuff, Inc. shall not be held liable for incidental or consequential damages...

Sportsstuff, Inc. shall inspect all warranty claims and in the event of a defect, repair or replace the defective part or entire item at its option.

This warranty does NOT cover: products for rental, for hire and other uses not considered normal recreational purposes...

To utilize this warranty, the purchaser must fill out and mail the attached Warranty Registration Card along with proof of purchase within ten (10) days from the date of purchase.

Upon expiration of the warranty, Sportsstuff will replace parts or components with an identical or reasonably equivalent part or component for fifty percent (50%) of the then-current suggested retail price plus shipping and handling.

To insure product warranty, complete and mail the attached Warranty Registration Card along with proof of purchase to SPORTSSTUFF, INC. or register at Sportsstuff's internet site within 10 (ten) days of purchase.

WARNING: Not for use by children under six years of age. PLEASE NOTE: This warranty is valid in the USA only!

CANASTA LIMITADA

Sportsstuff, Inc. garantiza al comprador original solamente que sus productos de alto rendimiento, cuando se los usa para fines recreativos normales...

There are no warranties which extend beyond the description on the face hereof. Sportsstuff, Inc. shall not be held liable for incidental or consequential damages...

Sportsstuff, Inc. shall inspect all warranty claims and in the event of a defect, repair or replace the defective part or entire item at its option.

This warranty does NOT cover: products for rental, for hire and other uses not considered normal recreational purposes...

To utilize this warranty, the purchaser must fill out and mail the attached Warranty Registration Card along with proof of purchase within ten (10) days from the date of purchase.

Upon expiration of the warranty, Sportsstuff will replace parts or components with an identical or reasonably equivalent part or component for fifty percent (50%) of the then-current suggested retail price plus shipping and handling.

To insure product warranty, complete and mail the attached Warranty Registration Card along with proof of purchase to SPORTSSTUFF, INC. or register at Sportsstuff's internet site within 10 (ten) days of purchase.

WARNING: Not for use by children under six years of age. PLEASE NOTE: This warranty is valid in the USA only!

GARANTEE LIMITEE

Sportsstuff, Inc. garantit à l'acheteur original seulement que ses produits de haute performance utilisés à des fins normales récréatives sont libres de tous défauts de fabrication et de main d'œuvre pendant une période de quatre-vingt-dix (90) jours à partir de la date d'achat.

There are no warranties which extend beyond the description on the face hereof. Sportsstuff, Inc. shall not be held liable for incidental or consequential damages...

Sportsstuff, Inc. shall inspect all warranty claims and in the event of a defect, repair or replace the defective part or entire item at its option.

This warranty does NOT cover: products for rental, for hire and other uses not considered normal recreational purposes...

To utilize this warranty, the purchaser must fill out and mail the attached Warranty Registration Card along with proof of purchase within ten (10) days from the date of purchase.

Upon expiration of the warranty, Sportsstuff will replace parts or components with an identical or reasonably equivalent part or component for fifty percent (50%) of the then-current suggested retail price plus shipping and handling.

To insure product warranty, complete and mail the attached Warranty Registration Card along with proof of purchase to SPORTSSTUFF, INC. or register at Sportsstuff's internet site within 10 (ten) days of purchase.

WARNING: Not for use by children under six years of age. PLEASE NOTE: This warranty is valid in the USA only!

WARRANTY REGISTRATION CARD TO6- 0095529

*Warranty valid only in the U.S.

Purchaser Name: _____ Date of Purchase: _____
Address: _____
City: _____, State: _____ Zip Code: _____ Country: _____
Date of Purchase: _____ Dealer's Name: _____
Model: _____

Warranty registration also available online at www.sportsstuff.com

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IDI 060614HCC3602

EXHIBIT "C"

Copy of the home video
taken by the mother on May
27, 2006 and June 3, 2006 of
her 20 and 21-year-old sons
kite tubing.

(Video will be sent directly to
Compliance Officer.)

COPY

MCH Health System
Blair, Nebraska

Emergency Department Record

Patient Name:	HUNTER, JONATHAN R.	MR#:	038803
Examining Provider:	WALTER S. WOOD, MD	Date:	06/03/2006

Chief Complaint: Loss of consciousness after falling into water 2 hours ago. Jonathan Hunter is a 20-year-old white male who was out on the Missouri river today being dragged behind a motor boat in a large inner tube that, when it gets fast enough, does get into the air. Apparently he was at least 20 feet in the air according to eye-witnesses when it spun out of the air and crashed into the water at a high rate of speed. There was immediate loss of consciousness and he was found floating face-first in the water. He also notes being dizzy, positive memory loss. He denies any visual symptoms such as blurry vision, loss of peripheral vision or double vision. He does note nausea without vomiting. He feels sluggish and his thought processes are slow. He does have a severe headache. Apparently he had positive loss of consciousness for about 30 seconds. They immediately brought him to shore. They did watch him at home for at least an hour. He was not getting any better. The amnesia was not improving. He did not remember what day it was; he knew who he was and where he was at. He knew who his girlfriend was. He denies neck pain, denies chest pain or difficulty breathing. According to bystanders which include his mom and dad, he did not inhale water. There was no gagging episode.

Nurses' notes were reviewed.

Review of Systems: No fever or chills. Positive confusion. No visual changes, no sore throat, positive headache. No neck stiffness or neck injury. He denies abrasions or lacerations. No chest pain or difficulty breathing.

The remainder of the review of systems was reviewed and negative as it pertains to the chief complaint.

Past Medical History: History of childhood asthma.

Past Surgical History: Sinus surgery.

Current Medications: None.

Allergies: None.

Immunizations: Not pertinent.

Social History: He is in college in Oklahoma. He is currently back home visiting mom, dad, and girlfriend. Denies smoking or alcohol.

Family History: Not pertinent.

Physical Examination: Vital signs: Blood pressure 121/77. Pulse 79. Respirations 16. Temperature 98.3°. O₂ saturations of 98% on room air. The patient is alert and oriented x2. He does not know the correct date. He does know the President of the United States. He does not know any events that occurred today. He does have retrograde amnesia. HEENT: Pupils are equal and responsive to light. Extraocular muscles are intact. No scleral injections. Tympanic membranes - Right TM - normal cone of light. No erythema. Left TM - external auditory canal is cerumen impacted. Nasal mucosa normal and pink in color.

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MCH Health System
Blair, Nebraska

Emergency Department Record

Patient Name:	HUNTER, JONATHAN R.	MR#:	038803
Examining Provider:	WALTER S. WOOD, MD	Date:	06/03/2006

Mouth: Mucus membranes moist. No erythema. No exudate. Tonsils not enlarged. Neck: Trachea midline. No lymph nodes palpable. Heart: Regular rate and rhythm. No murmurs, gallops, or rubs. Lungs: Bilaterally clear to auscultation. No wheezes or rhonchi. No chest wall tenderness. Abdomen: Bowel sounds are positive, soft, nontender, nondistended. Extremities: No clubbing, cyanosis, or edema. Neuro: Cranial nerves 2-12 grossly intact. Strength 5/5 in intensity in bilateral upper and lower extremities. Deep tendon reflexes bilateral biceps 2+, bilateral patella tendons 2+.

Diagnostic Studies: CT scan of the head without contrast shows no intracranial pathology, no evidence of skull fracture.

Emergency Dept. Course: His memory remained an issue here in the Emergency Room. His memory did not come back during his ER stay. He did know events that had occurred a month ago, did not know what he had for lunch or dinner. He did know where he was, did not know the exact date. He did recognize familiar faces but continued to be confused though never somnolent or difficult to arouse. He was always very alert.

Consultations: None.

Critical Care: None.

Procedures: None.

Medical Decision Making: Patient has a concussion with positive loss of consciousness for less than 30 seconds. Currently, he is still having retrograde amnesia, dizziness, and nausea. At this time, we will send him home with a head injury sheet. He is to return to the Emergency Room for worsening symptoms.

Impression: Concussion.

Plan: Return to Emergency Room for difficulty arousing, walking, or multiple episodes of vomiting. I told him to follow up with his physician on Monday secondary to the severity of the symptoms.

WALTER S. WOOD, MD

WSW:jmd
D: 06/03/2006 0012
T: 06/04/2006 1841

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COPY

MCH Health System			
Diagnostic Imaging Department			
Patient Name:	HUNTER, JONATHAN R.	MR-Episode#:	038803-0018 ER
Ordering Provider:	WALTER S. WOOD, MD	Date:	06/03/2006
Supervising Physician: (if PA ordering)		Date of Birth:	02/21/1986
Radiologist:	DEREK A. BURDENY, MD		

CT BRAIN UNENHANCED:

HISTORY: HIT HEAD, LOSS OF CONSCIOUSNESS.

TECHNIQUE: Axial images foramen magnum to vertex without intravenous contrast.

FINDINGS: No significant abnormalities visualized. No evidence of intracranial mass lesion or hemorrhage.

IMPRESSION:

1) NORMAL CT BRAIN.

DAB:mla
D: 06/03/2006 2310
T: 06/04/2006 1909

DEREK A. BURDENY, MD

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COPY

MCH Health System

Diagnostic Imaging Department

Patient Name:	HUNTER, JONATHAN R.	MR-Episode#:	038803-0021
Ordering Provider:	LISA M. ISEMINGER, PA-C	Date:	06/06/2006
Supervising Physician: (if PA ordering)	JOHN K. SIMONSON, MD	Date of Birth:	02/21/1986
Radiologist:	SUZANNE L. HRUZA, MD		

CLINICAL INDICATION: HEMATURIA, BOATING ACCIDENT.

CT OF THE ABDOMEN AND PELVIS WITH AND WITHOUT CONTRAST.

DISCUSSION: Axial images of the abdomen and pelvis were obtained prior to IV contrast administration. The patient then received 125 cc of Optiray 320 intravenously and axial images of the abdomen and pelvis were acquired.

There is bilateral nephrolithiasis. Multiple stones are present within both kidneys. The largest in the left kidney measures about 4 mm in diameter and lies at the midpole. Smaller stones are noted at the upper and lower poles. There are multiple small calculi within the right kidney and right renal pelvis, the largest measuring about 3 mm in diameter. There is no hydronephrosis and no ureterolithiasis is identified.

The liver is intact. The visualized portions of the lung bases are clear.

The spleen is upper normal in size but shows no evidence for laceration. There are no calcified gall stones. The pancreas is unremarkable. No adrenal masses are present. There is no evidence for renal fracture of perinephric hematoma. The abdominal aorta is normal in caliber. No significant free intraperitoneal fluid is present. The urinary bladder, seminal vesicles, and prostate appear normal.

IMPRESSION:

- 1) BILATERAL NEPHROLITHIASIS.**

SLH: meb

D: 06/06/2006 1220

T: 06/06/2006 1252

SUZANNE L. HRUZA, MD

1038

MCH Health System
Blair, Nebraska

Emergency Department Record

Patient Name:	HUNTER, JONATHAN R.	MR#:	038803
Examining Provider:	CAMERON J. OURADA, PA-C	Date:	06/07/2006
Supervising Physician:	JAMES C. JORDAN, MD		

History of Present Illness: This is a 20-year-old gentleman who presents to the emergency department with complaints of right flank pain. On 06/03/2006 the patient was involved in a water sporting accident. He was knocked unconscious at that time and sustained a concussion. On Monday of this week, 06/05/2006 he was at home and developed some bloody urination. That blood was painless. He was seen in the clinic the next day and did have a CT scan of the abdomen and pelvis with and without contrast done. He was found to have bilateral nephrolithiasis. He was pain free at that time. Tonight, he started to have some right flank pain that radiated around and down to the right lower quadrant of his abdomen. This started about 1530 today. He states he has taken some ibuprofen, but that only helped a little bit. Pain continued and he therefore came to the emergency department for evaluation. Review of his CT scan of his head and his abdomen and pelvis were performed. He also saw Dr. Frank today in the Outpatient Clinic. At that time he had a CMP drawn. That was unremarkable. His BUN was 10, his creatinine was 1.1. Patient had a little bit of nausea, did not have any vomiting. Denies sweats.

Past Medical History: History of asthma as a child.

Past Surgical History: He had some nasal polyps removed and sinus surgery.

Current Medications: Ibuprofen p.r.n.

Allergies: None.

Social History: The patient is single and currently staying with his family in Mondamin, Iowa. He is attending some flight school in Oklahoma. He does not use alcohol or tobacco.

Review of Systems: Noncontributory.

Physical Examination: Vital signs: Temperature 97.5°. Pulse 58. Respirations 16. Blood pressure 118/59. O₂ saturations 98% on room air. General: This is a well-developed, well-nourished 20-year-old male who is currently in a mild amount of distress secondary to right flank pain. HEENT: Conjunctivae and sclerae are clear. Tympanic membranes are pearly with good light reflexes bilaterally. Nose is patent with no bleeding or drainage. Pharynx is pink and moist with no redness or exudates. Neck: Supple. No adenopathy or masses appreciated. No JVD. Chest: Lung sounds are clear to auscultation in all fields with no wheezes or crackles appreciated. Heart is a regular, S1, S2 with no murmurs appreciated. Abdomen: Flat, soft with bowel sounds present throughout. He has some mild tenderness in the right lower quadrant. No rebound or guard. Extremities: Intact. No edema or cyanosis present. Neurological: The patient is alert and oriented x 3 with no focal neurological findings.

Assessment:
1) Right renal colic.
2) Right renal lithiasis.

1039

COPY

MCH Health System
Blair, Nebraska

Emergency Department Record

Patient Name:	HUNTER, JONATHAN R.	MR#:	038803
Examining Provider:	CAMERON J. OURADA, PA-C	Date:	06/07/2006
Supervising Physician:	JAMES C. JORDAN, MD		

Plan: Patient was given a prescription for Percocet 5/325 one to two p.o. q. four to six hours p.r.n. pain. He is encouraged to drink lots of fluids and strain his urine. He is to return for any new or worsening symptoms. Follow up with the clinic if no improvement in the next three to five days.

JAMES C. JORDAN, MD

CAMERON J. OURADA, PA-C

CJO:cmm

D: 06/07/2006 1814

T: 06/08/2006 0715

cc: James K. Simonson, MD

1040

COPY

Revised Header		MCH Health System	
Diagnostic Imaging Department			
Patient Name:	HUNTER, JONATHAN R.	MR-Episode#:	038803-0022 OC
Ordering Provider:	CARL T. FRANK, MD	Date:	06/07/2006
Supervising Physician: (if PA ordering)		Date of Birth:	02/21/1986
Radiologist:	SUZANNE L. HRUZA, MD		

CLINICAL INDICATION: GROSS HEMATURIA. STONES SEEN ON CT.

KUB:

DISCUSSION: A supine abdominal film shows a calculus measuring about 2 x 5 mm at the lower aspect of the midportion of the left kidney. There is questionable visualization of two smaller opacities toward the lower pole, which could also reflect calculi. Gas and stool overly the right kidney, making it difficult to identify definite calculus. A definite stone along the course of either ureter is not appreciated. The intestinal gas pattern is nonspecific.

IMPRESSION: LEFT NEPHROLITHIASIS.

SLH:sw

D: 06/08/2006 0820

T: 06/08/2006 0905

R: 06/15/2006 1100 meb

SUZANNE L. HRUZA, MD

1041

COPY

MCH Health System
Blair, Nebraska

Outpatient Clinic

Patient Name:	HUNTER, JONATHAN R.	MR#:	038803
Examining Physician:	CARL T. FRANK, MD	Date:	06/07/2006

Chief Complaint: Gross hematuria.

Drug Allergies: None.

Medications: Ibuprofen 600 mg t.i.d. PRN headache and other pain.

Summary of History: Patient is a healthy-appearing 20-year-old male, height 5'11", weight 163 pounds, blood pressure 110/70. Four days ago, he was involved in a boating accident while riding a tube kite behind a boat, which fell from some 25 feet, and he impacted the water. He sustained a concussion and was unconscious for a time and in connection with the evaluation through the emergency room, had noncontrast and contrast CT of the abdomen and pelvis as well as CT study of the head. Approximately a day and a half thereafter, he had visible total painless hematuria, which has been intermittent and persisted to a lesser extent and voided urine at this time is very faintly positive as far as visible hematuria and a dip stick strongly positive Hematest positive. Urinalysis otherwise shows negative nitrite, negative leukocytes, negative carbohydrate, trace protein, specific gravity 1.020, pH 5, micro examination - many RBC's with no WBC's or visible casts or bacteria.

Physical Examination: Shows an alert, cooperative 20-year-old male with no evidence of anterior abdominal tenderness or organ enlargement on palpation. No flank tenderness. No tenderness over the rib cage on either side, normal external genitalia with a circumcised phallus, no tenderness over the bladder, testicles normal bilaterally.

Review of noncontrast CT from yesterday does show bilateral nephrocalcinosis with the largest stone perhaps 4 mm in diameter occupying a mid polar position in the periphery of his left kidney. On CT, there are smaller peripheral stones in the upper and lower poles of the right kidney; however, on a KUB today, I can only see the left-sided stone. I cannot definitely visualize the right-sided calculi. The kidneys are otherwise normal on CT and show prompt excretion of contrast following ejection, with no hydronephrosis extravasation or evidence of perinephric hematoma. The bladder and ureters visualized on CT also appeared normal. In questioning when the patient did have visible hematuria, it seemed to be consistently concentrated throughout voiding from beginning to end, thus suggesting upper tract rather than lower tract origin. Family history is negative for renal disease or calculi. Both parents are living and well, and both sets of grandparents are still living. The patient has two brothers, who are living and well.

Comment: Basic metabolic profile in addition to serum phosphorus and uric acid were obtained this date. My best guess is that his bleeding may represent a mild renal contusion, although, there is not much in the way of clinical evidence to further enforce this believe. It is also possible that his tiny renal calculi may be causing the hematuria, although why the hematuria started following his fall is unclear. If today's lab tests show hypercalcemia or hypercalcuria. I will probably want to do further tests (i.e. 24-hour urine collection for creatinine clearance, phosphorus, calcium, and uric acid excretions as well as citrate). If all screening tests are within normal range, I have recommended that he at least get a follow-up urinalysis in a week or so and certainly if visible hematuria recurs or persists, I would go ahead with cystoscopy in an attempt to document it's origin, although, at this point either kidney could be suspect with the bilateral renal calculi, and I do not feel that it is coming from the bladder or urethra by virtue of it's nature and his history. Certainly nothing serious such as a renal laceration or obstruction or perinephric hematoma is showing up on CT scan and physical exam, in fact, shows no tenderness today, and I do not think he has sustained an injury sufficient

1042

COPY

MCH Health System
Blair, Nebraska

Outpatient Clinic

Patient Name:	HUNTER, JONATHAN R.	MR#:	038803
Examining Physician:	CARL T. FRANK, MD	Date:	06/07/2006

to keep him at bed rest or restrict his activities. I did encourage him to stop the Ibuprofen 600 mg t.i.d. which conceivably might be adding to a bleeding tendency.

CARL T. FRANK, MD

CTF:dll

D: 06/07/2006 1423

T: 06/07/2006 2208

CC: JOHN K. SIMONSON, MD
LISA M. ISEMINGER, PA-C

1043

38803-0019 AC
 HUNTER, JONATHAN R
 02/21/1986 20 Yrs M NC
 Admit: 6/5/06 9:45 AHC
 Attend: ISEMINGER PA-C, LISA
 Admit:

IDI 060614HCC3602 - Exhibit "D"

Address: _____

PROGRESS NOTE
 Walk-In Clinic Short Form

Phone: 712-646-258

H: _____ W: 160 T: _____ P: 80 OZ: _____ BP: 110/80 R: 16

Nurse's Note: Follow up on Concussion

initials JJ

HPI
 Location, quality, severity, duration, timing, context, modifying factors, associated signs and symptoms.

PFSH	No chng	See note
Past Medical	<input type="checkbox"/>	<input type="checkbox"/>
Family	<input type="checkbox"/>	<input type="checkbox"/>
Social	<input type="checkbox"/>	<input type="checkbox"/>
Meds	<input type="checkbox"/>	<input type="checkbox"/>

No noteworthy changes since last visit. See note dated: 6/5/06

IMMUNIZATIONS
 Up to date
 Needs:

ROS	WNL	See note
Const	<input type="checkbox"/>	<input type="checkbox"/>
Eyes	<input type="checkbox"/>	<input type="checkbox"/>
ENT/mouth	<input type="checkbox"/>	<input type="checkbox"/>
CV	<input type="checkbox"/>	<input type="checkbox"/>
Resp	<input type="checkbox"/>	<input type="checkbox"/>
GI	<input type="checkbox"/>	<input type="checkbox"/>
GU	<input type="checkbox"/>	<input type="checkbox"/>
Musc	<input type="checkbox"/>	<input type="checkbox"/>
Skin/breasts	<input type="checkbox"/>	<input type="checkbox"/>
Neuro	<input type="checkbox"/>	<input type="checkbox"/>
Psych	<input type="checkbox"/>	<input type="checkbox"/>
Endo	<input type="checkbox"/>	<input type="checkbox"/>
Hem/lymph	<input type="checkbox"/>	<input type="checkbox"/>
Allerg/immun	<input type="checkbox"/>	<input type="checkbox"/>

No noteworthy changes since last visit. See note dated: 6/5/06

Exam	WNL	See note
Const	<input type="checkbox"/>	<input type="checkbox"/>
Eyes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ENT/Mouth	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Neck	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Resp	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CV	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chest (breasts)	<input type="checkbox"/>	<input type="checkbox"/>
GI (abdomen)	<input type="checkbox"/>	<input type="checkbox"/>
Lymph	<input type="checkbox"/>	<input type="checkbox"/>
GU	<input type="checkbox"/>	<input type="checkbox"/>
Musc	<input type="checkbox"/>	<input type="checkbox"/>
Skin	<input type="checkbox"/>	<input type="checkbox"/>
Neuro	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Psych	<input type="checkbox"/>	<input type="checkbox"/>

No : no review/exam

ALLERGIES

PATIENT EDUCATION

Verbal

Written

Topic(s): CONCUSSIONS

CC: CT- mild concussion

HPI: No headache, lethargy, nausea, vomiting, blurry vision, weakness

Memory "coming back"

knocked off "kite tube", flew up in air and knocked unconscious when he hit the water

No prior head injuries

- Current Medications**
 Med Sheet Updated _____ initials
- Ø
 - IB
 -
 -
 -
 -

Physician's Signature: _____

Counseling/coordination > 50%
 Total time: _____ min.
 Counseling/coordination time: _____ min.

1044

- CONSTITUTIONAL
 - o Appears healthy, NAD
 - o VS noted
 - o Ill
 - o In distress, 2° to:
- EYES
 - o PERRL
 - o A
 - o EOMI
 - o Hemorrhages L/R, Exudates L/R, Xing changes L/R
 - o Nystagnus
 - o Cataract L/R
 - o Lid edema L/R, lesions L/R, lag L/R
 - o Conjunctiva injected L/R, discharge L/R, icteric L/R
 - o Fundus
 - o Disc blurred L/R, Absent venous pulsations L/R
- ENT
 - o Hearing Decreased L/R
 - o Sinuses Tender maxillary, frontal, ethmoid
 - o Meatus: Impacted L/R, red L/R, discharge L/R
 - o TM's: Red L/R, bulging L/R, perforated L/R, retracted L/R
 - o Nose: Rhinorrhea, flaring
 - o Turbinates boggy L/R, red L/R, pale L/R
 - o Pharynx: Red mucosa
 - o Tonsils absent, enlarged L/R, exudates L/R, vesicles L/R
- NECK
 - o Stiff
 - o Mass
 - o Lymphadenopathy, anterior L/R, posterior L/R
 - o Thyroid: Enlarged, Asymmetric, nodules L/R
 - o Trachea deviated L/R
 - o Carotid bruit L/R
- LUNGS
 - o Percussion: Dullness L/R, o Hyperresonant L/R
 - o Auscultation: Rales L/R, o wheezes, L/R, o rhonchi L/R, o egophony L/R, o ↓ breath sounds L/R
 - o Palpation: ↑↓ Fremitus L/R
- HEART
 - o Palpation: PMI displaced
 - o Thrills present
 - o Auscultation: Irregular rhythm
 - o Friction rub
 - o Murmur (grade ____/VI) describe →
- BREAST
 - o Nipple discharge L/R
 - o tender L/R, o Axillary nodes L/R
 - o Assymetric
 - o Mass L/R, location (describe →)
- GI
 - o Anus - hemorrhoid, sphincter tone, mass
 - o Hernia (location →)
 - o Firm, distended
 - o Hemacult Pos/Neg.
 - o Masses (location/size →)
 - o Rebound, guarding
 - o Tender (location →)
 - o Hepato/splenomegaly
 - o Abnormal bowel sounds (describe →)
- GU Male
 - o Anus - hemorrhoid, sphincter tone, mass
 - o Hernia (location →)
 - o Penis: lesion, discharge
 - o Abn external genitalia (describe)
 - o Scrotal mass, hydrocele, spermatocele
 - o Prostate: tender, boggy, mass, enlarged ____ +
- GU Female
 - o Adenexa: mass L/R, tenderness L/R
 - o Abn. external genitalia (describe →)
 - o Bladder prolapse, cystocele, rectocele
 - o Uterus: mass, tenderness, prolapse, size (describe →)
 - o Vagina: discharge, abn. mucosa, mass
- LYMPH
 - o Lymphadenopathy: axilla L/R, groin L/R, other:
- MUSCULOSKELETAL
 - o Abnormal gait and station
 - o Joint _____ L/R, warmth, crepitus, tender, effusion, ↓ ROM, subluxation, laxity, cogwheeling
 - o Muscle _____ L/R, tender, ↓ strength, spastic, flaccid, atrophic
 - o Back _____ Vertebra(e), SI joint, L/R, stiff, tender, muscle spasm, scoliosis, kyphosis, +SLR, L/R, ____°
- EXTREMITIES
 - o clubbing
 - o edema L/R, Upper, Lower
 - o Pulse: R/L, bruit, ↑↓ amplitude
- SKIN
 - o Rash (describe, location →)
 - o Cyanotic, icteric, ↓ turgor
 - o Cap Ref < 2 sec
 - o Normal turgor
 - o Hair: alopecia, infestation
 - o Lesion (describe, size, location →)
- NEURO
 - o CN II - XII (describe →)
 - o Sensation: _____ dermatome L/R, glove/stocking L/R, fine touch, proprioception, vibration, pinprick
 - o Weakness: L/R, upper, lower extremity
 - o DTRs + L/R, biceps, triceps, knee, o Babinski o Romberg o Cerebellar ankle
- PSYCH
 - o Disoriented
 - o Mood/Affect: Depressed, agitated,
 - o Judgment/Insight
 - o Memory loss: Recent, remote, anxious

ASSESSMENT:

1. CONCUSSION
- 2.
- 3.
- 4.
- 5.

PLAN:

1. head injury instructions
2. flu if worsening Sx's
- 3.
- 4.
- 5.

Pharmacy:

o RTC if Sx worsen, F> _____
or

Pt Ed:
F/U:

Kiva Seminger PAC
Signature

6-5-06
Date

1045

- CONSTITUTIONAL
 - o Appears healthy, NAD
 - o VS noted
 - o Ill
 - o In distress, 2° to:
- EYES
 - o PERRL o A o EOMI
 - o Hemorrhages L/R, Exudates L/R, Xing changes L/R
 - o Nystagnus o Cataract L/R o Lid edema L/R, lesions L/R, lag L/R
 - o Conjunctiva injected L/R, discharge L/R, icteric L/R
 - o Fundns o Disc blurred L/R, Absent venous pulsations L/R
- ENT
 - o Hearing Decreased L/R
 - o Sinuses Tender maxillary, frontal, cfmoid
 - o Meatus: Impacted L/R, red L/R, discharge L/R
 - o TM's: Red L/R, bulging L/R, perforated L/R, retracted L/R
 - o Nose: Rhinorrhea, flaring o Turbinates boggy L/R, red L/R, pale L/R
 - o Pharynx: Red mucosa o Tonsils absent, enlarged L/R, exudates L/R, vesicles L/R
 - o Stiff o Mass o Lymphadenopathy, anterior L/R, posterior L/R
 - o Thyroid: Enlarged, Asymmetric, nodules L/R o Trachea deviated L/R o Carotid bruit L/R
- NECK
 - o Percussion: Dullness L/R, o Hyperresonant L/R
- LUNGS
 - o Auscultation: Rales L/R, o wheezes, L/R, o rhonchi L/R, o egophony L/R, o ↓ breath sounds L/R
 - o Palpation: ↑↓ Fremitus L/R
- HEART
 - o Palpation: PMI displaced o Thrills present
 - o Auscultation: Irregular rhythm o Friction rub o Murmur (grade ___/VI) describe →
- BREAST
 - o Nipple discharge L/R o tender L/R, o Axillary nodes L/R o Assymetric o Mass L/R, location (describe →)
- GI
 - o Anus - hemorrhoid, sphincter tone, mass
 - o Firm, distended o Hemacult Pos/Neg.
 - o Rebound, guarding
 - o Hepato/splcnomegaly
 - o Abn external genitalia (describe →)
- GU Male
 - o Anus - hemorrhoid, sphincter tone, mass
 - o Penis: lesion, discharge
 - o Scrotal mass, hydrocele, spermatocele
 - o Prostate: tender, boggy, mass, enlarged ____ +
- GU Female
 - o Adnexa: mass L/R, tenderness L/R
 - o Bladder prolapse, cystocele, rectocele
 - o Abn. external genitalia (describe →)
 - o Vagina: discharge, abn. mucosa, mass
 - o Uterus: mass, tenderness, prolapse, size (describe →)
- LYMPH
 - o Lymphadenopathy: axilla L/R, groin L/R, other:
- MUSCULOSKELETAL
 - o Abnormal gait and station
 - o Joint _____ L/R, warmth, crepitus, tender, effusion, ↓ ROM, subluxation, laxity, cogwheeling
 - o Muscle _____ L/R, tender, ↓ strength, spastic, flaccid, atrophic
 - o Back _____ Vertebra(e), SI joint, L/R, stiff, tender, muscle spasm, scoliosis, kyphosis, +SLR, L/R, ____°
- EXTREMITIES
 - o clubbing o edema L/R, Upper, Lower
 - o Rash (describe, location →)
 - o Cyanotic, icteric, ↓ turgor
 - o Cap Ref < 2 sec o Normal turgor
- SKIN
 - o Hair: alopecia, infestation
 - o Lesion (describe, size, location →)
- NEURO
 - o CN II - XII (describe →)
 - o Sensation: _____ dermatome L/R, glove/stocking L/R, fine touch, proprioception, vibration, pinprick
 - o Weakness: L/R, upper, lower extremity
 - o DTRs + L/R, biceps, triceps, knee, o Babinski o Romberg o Cerebellar ankle
- PSYCH
 - o Disoriented o Mood/Affect: Depressed, agitated, o Judgment/Insight o Memory loss: Recent, remote, anxious

ASSESSMENT:

1. painless hematuria
- 2.
- 3.
- 4.
- 5.

PLAN:

1. CT abd/pelvis today
2. will confer w urologist p radiologist overread
- 3.
- 4.
- 5.

Pharmacy:

p radiologist overread

o RTC if Sx worsen, F> or

Signature: Kira Iseninger PA-C

Pt Ed: F/U: Date: 6-6-06

MCH Health System

Diagnostic Imaging Department

Patient Name:	HUNTER, STEWART A.	MR-Episode#:	039266-0012 AC
Ordering Provider:	LISA ISEMINGER, PA-C	Date:	06/05/2006
Supervising Physician: (if PA ordering)	JOHN K. SIMONSON, MD	Date of Birth:	09/04/1984
Radiologist:	THOMAS S. FORREST, MD		

CHEST PA AND LATERAL:

REASON FOR EXAMINATION: CHEST PAIN, TUBING ACCIDENT, HYPOXIA, AND HEMOPTYSIS

DISCUSSION: PA and lateral views of the chest show normal heart size. Lung fields are clear. There is no evidence of any pneumothorax or a plural effusion.

IMPRESSION:

- 1) NORMAL PA AND LATERAL CHEST X-RAY. IF PATIENT HAS CONTINUED HEMOPTYSIS, CT COULD BE DONE FOR FURTHER EVALUATION.

TSF:adb
D: 06/07/2006 0950
T: 06/07/2006 1048



THOMAS S. FORREST, MD

1048

CONSTITUTIONAL o Appears healthy, NAD o VS noted o Ill o In distress, 2° to:
EYES o PERRL o A o EOMI o Hemorrhages L/R, Exudates L/R, Xing changes L/R
o Nystagmus o Cataract L/R o Lid edema L/R, lesions L/R, lag L/R
o Conjunctiva injected L/R, discharge L/R, icteric L/R
o Fundus o Disc blurred L/R, Absent venous pulsations L/R
ENT o Hearing Decreased L/R
o Sinuses Tender maxillary, frontal, ethmoid
o Meatus: Impacted L/R, red L/R, discharge L/R
o TM's: Red L/R, bulging L/R, perforated L/R, retracted L/R
o Nose: Rhinorrhea, flaring o Turbinates boggy L/R, red L/R, pale L/R
o Pharynx: Red mucosa o Tonsils absent, enlarged L/R, exudates L/R, vesicles L/R
o Stiff o Mass o Lymphadenopathy, anterior L/R, posterior L/R
NECK o Thyroid: Enlarged, Asymmetric, nodules L/R o Trachea deviated L/R o Carotid bruit L/R
LUNGS o Percussion: Dullness L/R, o Hyperresonant L/R
o Auscultation: Rales L/R, o wheezes, L/R, o rhonchi L/R, o egophony L/R, o ↓ breath sounds L/R
o Palpation: ↑↓ Fremitus L/R
HEART o Palpation: PMI displaced o Thrills present
o Auscultation: Irregular rhythm o Friction rub o Murmur (grade ____/VI) describe →
BREAST o Nipple discharge L/R o tender L/R, o Axillary nodes L/R o Assymetric o Mass L/R, location (describe →)
GI o Anus - hemorrhoid, sphincter tone, mass o Hernia (location →)
o Firm, distended o Hemocult Pos/Neg. o Masses (location/size →)
o Rebound, guarding o Tender (location →)
o Hepato/splenomegaly o Abnormal bowel sounds (describe →)
GU Male o Anus - hemorrhoid, sphincter tone, mass o Hernia (location →)
o Penis: lesion, discharge o Abn external genitalia (describe)
o Scrotal mass, hydrocele, spermatocele o Prostate: tender, boggy, mass, enlarged ____ +
GU Female o Adenexa: mass L/R, tenderness L/R
o Bladder prolapse, cystocele, rectocele o Abn. external genitalia (describe →)
o Vagina: discharge, abn. mucosa, mass o Uterus: mass, tenderness, prolapse, size (describe →)
LYMPH o Lymphadenopathy: axilla L/R, groin L/R, other: Rt. lower ub paw - mid clavicular
MUSCULOSKELETAL o Abnormal gait and station area - cartilagenous area, nodularity over 10th rib
o Joint _____ L/R, warmth, crepitus, tender, effusion, ↓ ROM, subluxation, laxity, cogwheeling
o Muscle _____ L/R, tender, ↓ strength, spastic, flaccid, atrophic Rt. lower back
o Back _____ Vertebra(e), SI joint, L/R, stiff, tender, muscle spasm, scoliosis, kyphosis, +SLR, L/R, _____
EXTREMITIES o clubbing o edema L/R, Upper, Lower o Pulse: R/L, bruit, ↑↓ amplitude
SKIN o Rash (describe, location →) o Cap Ref < 2 sec o Normal turgor
o Cyanotic, icteric, ↓ turgor o Lesion (describe, size, location →)
NEURO o Hair: alopecia, infestation
o CN II - XII (describe →)
o Sensation: _____ dermatome L/R, glove/stocking L/R, fine touch, proprioception, vibration, pinprick
o Weakness: L/R, upper, lower extremity
o DTRs + L/R, biceps, triceps, knee, o Babinski o Romberg o Cerebellar ankle
PSYCH o Disoriented o Mood/Affect: Depressed, agitated, o Judgment/Insight o Memory loss: Recent, remote anxious

ASSESSMENT:

1. Cardiomegaly
2. ub contusion / Separation
- 3.
- 4.
- 5.

PLAN:

1. Stop supplements
 2. consult 2 cardiologist in am - may need echo
 - 3.
 4. Advil 400mg tid 5-7 days
 5. ice/heat to ub areas
- NO weight lifting x 1-2 weeks

Pharmacy:

o RTC if Sx worsen, F> or

Pt Ed: no strenuous exercise
F/U:

Signature Nisa Kauranga PA-C

Date 6-5-06

flu if & better in 2 weeks

6/6/06 echo set up for Friday 6-9-06

1050



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

IDI 060614HCC3602 - Exhibit "E" - Authorization to Not Release Name

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES

NO

Robney Hunter
(Signature)

06-21-06
(Date)

1051



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

IDI 060614HCC3602 - Exhibit "E" - Authorization to Release Name

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

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Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES

NO

Susan Hunter
(Signature)

6-21-06
(Date)



U. S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

IDI.060614HCC3602 - Exhibit "E" - Authorization to Release Name

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

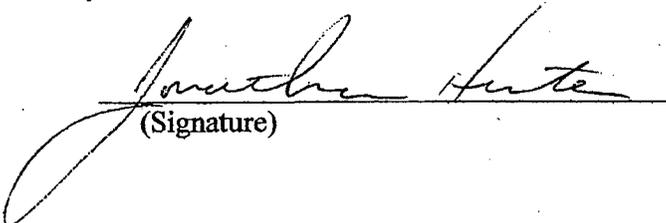
Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES

NO


(Signature)

06-21-06
(Date)



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

IDI 060614HCC3602 - Exhibit "E" - Authorization to Release Name

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

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Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES NO

Steve Hunter
(Signature)

6/21/06
(Date)

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CONTACT LIST

Rodney Hunter – 48-year-old father
Susan Hunter – 43-year-old mother
1861 Highway 127
Mondamin, IA
(402) 212-8985

Victims: Jonathan Hunter – 20-year-old son
Stewart Hunter – 21-year-old son
(Same address)

Colleen York – 21-year-old girl friend of victim (Jonathan)
1937 Kameo Drive
Omaha, NE 68122

Mark Rosenthal – Parts & Sales Manager
Kyle Moore – Manager of Pro Shop (Where kite tubes are sold)
Joe Liss – Salesman in Pro Shop
Paul Davis – Owner (Not available)
9610 L Street
Omaha, NE 68127
(402) 339-9600

Omaha Fire Department – No report
1516 Jackson Street
Omaha, NE 68102
(402) 444-5700

Omaha Police Department – No report
505 S. 15th Street
Omaha, NE 68102
(402) 444-5638

Terrell Odom, Supervisor – No report
Shore Side Detachment (SSD)
U.S. Coast Guard
9800 J.J. Pershing Drive
Omaha, NE 68112
(402) 453-4333

Douglas County Sheriff – No report
1905 Harney St.
Lt. Kevin Conlon – 444-6131
Omaha, NE
(402) 444-7028

Douglas County Treasurer – Boat Registration – (No listing under Colleen York –
Cannot search by last name only. Would not give out address if found.)
4701 S. 24th Street
Omaha, NE 68107
(402) 444-7103

Herb Angell, Stating Boating Law Administrator – No report (but should have had one
from boater.)
Nebraska Game & Parks (Member of NASBLA)
Law Enforcement Division
2200 N. 33rd St.
Lincoln, NE 68503
(402) 471-0641

Lt. Mike Fields
Phyllis Dudgeon, Administrative Specialist
Kentucky Department of Fish & Wild Life
1 Sportsman Lane
Lexington, KY (Frankfort, KY 40601)
(502) 564-3176

Ron Sarber, Director
National Association of State Boating Law Administrators
1500 Leestown Road, Suite 330
Lexington, KY 40511
(859) 225-9487
www.nasbla.org

101060614HCC3602

Exhibit "C"

Home video - 20 yom

5/27/06 - Tubing

6/3/06 - Injury
Incident

ID1 060614 HCC3602

Exhibit "B"

- Instructional video
- Product literature
- Catalog advertising
- 2006 Product Catalog

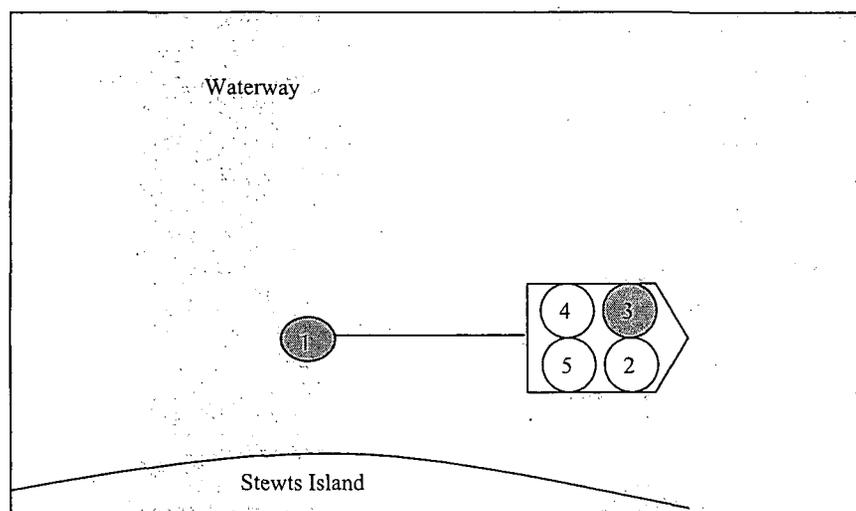
DESCRIPTION OF RESPONDENTS:

This investigation was assigned based on a news article and was requested to be completed on shortened time. The investigative report was obtained from the Texas Parks & Wildlife Department. On June 19, 2006, the Justice of the Peace who declared the victim deceased was contacted for investigative and autopsy reports. On June 21, 2006, this investigator interviewed the game warden who prepared the accident report. On June 23, 2006, this investigator spoke with one of the witnesses (identified as the observer on the boat). On June 23, 2006, this investigator made several attempts to contact the boat operator and the victim's wife. On June 26, 2006, the attorney for the victim's wife returned the telephone call and provided an interview via telephone. The boat operator never returned this investigator's calls. On June 27, 2006, the responsible party with the United States Coast Guard was interviewed.

SUMMARY OF FINDINGS:

The 33-year-old victim and his 31-year-old wife live in Orange, Texas which is approximately two hours east of Houston, Texas. According to the accident investigation report, the victim and his wife recently purchased the kite tube and the boat that was pulling the water kite tube. The report also indicates that the operator of the boat on the day of the incident indicated that the victim had only used the kite tube on one other occasion, the day before the incident.

On Sunday, April 30, 2006, the victim, his wife, and three friends were boating in Sabine Lake near the Neches River. According to the accident investigation report, the victim and his party were near Stewts Island. The report indicates that the victim owned a 1998 fiberglass motorboat with a 260 horsepower engine. The boat operator was the victim's friend. Another friend of the victim, his girlfriend, and the victim's wife were sitting in the boat observing the victim on the kite tube.



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DIAGRAM #1: This diagram shows the boat and who was where in the boat at the time of the incident. #1 is the victim on the kite tube, #2 is the driver of the boat, #3 is the observer on the boat, #4 is the victim's wife, and #5 was a passenger/witness on the boat.

The operator of the boat told the game warden investigating the matter, that at approximately 3:25 p.m. on April 30, 2006, they were boating in Sabine Lake. The operator told the warden that they launched the boat at approximately 1:30 in the afternoon. The operator told the warden that at approximately 3:15 p.m., he was driving the boat and the victim was on the kite tube. The operator stated that he made one pass westbound in front of Stewts Island on the north end of Sabine Lake and turned around in the Neches River and headed eastbound to make another pass in front of the island. According to the operator, he was in the deep part of the channel on the north side of Stewts Island traveling near full throttle while pulling the victim. The operator estimated that he was going approximately 32 miles per hour (mph) and estimated that the throttle was at 90% of its full capacity.

According to the accident investigation report, the operator told the warden that he had reached the eastern most end of Stewts Island and he glanced back and saw that the victim was airborne on the kite tube and he turned back around to concentrate on driving the watercraft. Seconds later, the operator was informed by the second male friend (observer) on the boat that the victim had fallen off the tube and to turn around. When they turned the boat around, the victim was floating face down in the water.

The report indicates that another boat driven by the brother of the male observer on the victim's boat, witnessed the accident and stopped to render aid. The second boat was able to reach the victim first and pulled him into their boat. The people on the second boat did not observe any vital signs and began administering CPR. The boat then called 9-1-1 for medical assistance and sped off to Rainbow Marina to meet emergency service personnel.

The operator of the boat talked with personnel from the United States Coast Guard at the marina and proceeded to ride along with the victim and his wife to the hospital. The victim was pronounced dead by the local Justice of the Peace at St. Mary's Hospital.

The report further stated that the game wardens were patrolling Cow Bayou at approximately 3:45 p.m. when the victim's boat went speeding by with one white male and one white female in the boat. The game wardens pursued the boat at a top speed of 48 mph until they reached the boat ramp at Highway 87 in Bridge City, Texas.

At the boat ramp, the game wardens made contact with the male who was driving the boat back, but was actually the observer in the boat at the time of the incident. When the wardens made contact with the male, he was extremely excited and stated that there was an emergency and he had to leave for the hospital. The male told the wardens about the accident and who was operating the boat at the time of the incident. The male then left the boat running in the water and walked up the dock. The wardens thought he was retrieving a trailer to remove the boat from the water. The male never returned, so the wardens turned off the boat and left a business card for them to contact their office.

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The game wardens contacted the Orange County Sheriff's Office, the Port Arthur Police Department, and the Jefferson County Sheriff's Office to inquire as to whether they were investigating the incident. All agencies responded in the negative. The dispatcher at the Orange County Sheriff's Office contacted the game warden and advised him to contact a Lieutenant at the United States Coast Guard (USCG) for more information.

When the game warden contacted the lieutenant at the USCG, he was informed that a USCG patrol boat met the victim's boat at the Rainbow Marina in Port Arthur where the victim had been taken to meet up with an ambulance. The patrol boat operators spoke with the witnesses and identified the operator of the boat. The patrol boat operators noted that there was alcohol in the boat, but that the operator of the victim's boat did not appear intoxicated. Because no law enforcement officers were on scene to administer a blood alcohol level, none was ever obtained.

On May 5, 2006, the day after the victim's funeral, the game warden contacted the operator of the boat for an interview. The operator gave an interview and signed a written statement. According to the interview, the operator stated that he had not drunk any alcohol on the day of the incident. The operator also stated that the boat belonged to the victim and he was operating the watercraft so the victim could ride the kite tube. The operator told the game warden that the kite tube was designed to lift off the water and become airborne. He verified to the warden that he glanced back and saw the victim airborne and then turned his attention back to driving the boat. The operator told the warden that the male observer in the boat then informed him that the victim fell and when the boat got near the victim, he was face down in the water. The operator stated that there was no contact with any other object with the victim except for the water.

On May 5, 2006, the game warden interviewed the male friend in the boat that was acting as the observer. This witness told the warden that the victim was riding a kite tube that was designed to catch air when certain speeds were reached. The observer told the warden that the victim had the kite tube approximately 15 to 20 feet in the air when the tube began a hard nose dive to the left. The observer stated that when the victim fell into the water he did not have contact with the tube. The observer told the warden that the victim skidded two times on the surface of the water before coming to a stop. The observer noticed that the victim was face down and appeared to be unconscious. According to his statement to the warden, the victim started waving down a nearby boat which was operated by his brother.

The game warden noted that the weather on the day of the incident was clear and the air temperature was 85 degrees Fahrenheit and the water temperature was 80 degrees Fahrenheit. The warden also noted that the winds were light between 0 and 6 mph and the water was choppy. The water depth at the location of the accident was estimated to be 40 foot.

The accident investigation report indicates that the victim was wearing a personal flotation device at the time of the incident. The warden observed that there were Coast

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Guard approved flotation devices in the boat that were accessible, but that the passengers in the boat were not wearing them. The flotation device used by the victim was classified as a Coast Guard approved type III device. The remaining flotation devices in the boat were also type III devices.

The warden noted in the accident investigation report that the operator of the boat did not consume any alcohol or drugs the day of the incident. The victim was reported to have consumed three beers in a two hour period prior to the accident and no drugs.

The warden concluded his report to say that the cause was accidental in nature due to the inexperience of both the boat operator and the victim. Although the boat operator reported that he had over 100 hours of boating experience, this particular boat was new. The operator told the warden that the kite tube was brand new and they had only used it on one prior occasion which was the day before the accident.

The warden noted in the report because of the design of the kite tube, the person riding it controls the height of the tube by leaning forward or backward. The operator of the boat only controls the speed of the boat and thus the kite tube on the water. The warden noted that both parties were inexperienced with the kite tube and were unaware of its inherent dangers.

The game warden stated in his report that this particular piece of equipment is new to the market and therefore he is unsure exactly what a safe speed would be to operate it at. He understood from witnesses that a safe speed was approximately 25 mph and the boat operator was going approximately 32 mph; therefore, he did not think the boat operator was acting recklessly or with criminal negligence.

According to the game warden, he looked at the warning stickers on the kite tube and there was a warning sticker indicating that the tube could reach a height of 20 feet in half of a second.

The game warden noted in the accident investigation report that the autopsy on the victim was completed and that "the cause of death was a transection of the aorta, a deceleration injury caused from the impact of his body with the surface of the water. There was no water in the lungs so the victim died upon impact and did not drown, nor was his neck broken as early reports suggested."

On June 21, 2006, this investigator spoke with the game warden that investigated the matter. The warden stated that he did not directly witness the matter, but collected information for the investigation afterwards. The warden further stated that he viewed the kite tube and tow rope at the business of the deceased. When asked, the warden stated that he did not obtain any information on the tow rope, nor measurements. He stated that it appeared to be a standard ski rope.

The warden stated that when he called the witnesses, they were hesitant to talk with him because an attorney was already involved on behalf of the family. The warden stated

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after the boat operator contacted the attorney and he spoke with the attorney, the operator would then talk with him regarding the investigation. The boat operator told the warden that the manufacturer contacted the victim's wife approximately two days after the incident.

The warden told this investigator that the boat operator and the deceased victim were business partners and that the boat and kite tube were at the business when he inspected them. The game warden stated that the kite tube was deflated when he looked at it and that there were numerous warning stickers all over the product. He said that one of the warning labels stated that the tube could obtain 20 feet in less than half a second.

The game warden told this investigator that the witnesses in this matter might not be willing to talk as the family has retained an attorney. The warden was finally able to talk with two of the witnesses, but did not contact the victim's wife as she was extremely distraught after the incident.

On June 23, 2006, this investigator was able to contact the "observer" on the boat and spoke to him regarding the incident. This person stated that the victim purchased the kite tube over the internet only a couple of days before they used it. He stated that the victim had the product sent overnight and received it either Friday or Saturday before the incident.

The observer stated that on the first day (Saturday, April 29) everyone used the kite tube, but that nobody was getting any "air" and that he found it very difficult to use. He stated that the victim even found it difficult to use and told the others he was going to watch the video that night before trying the kite tube the next day. The observer stated that the kite tube kept folding over and that it was wobbly. He stated that when inflated, it was over 10 foot in diameter.

Prior to using the kite tube the following day, the victim told the others that it was all about technique and that by watching the video he realized that it was more than just hanging on.

The observer told this investigator that the next day, the victim was the only person to use the kite tube and he was attempting the second pass when the accident occurred. The observer stated that the victim had the kite tube in the air and that it suddenly veered to the victim's left (the observer's right) and that the kite tube turned upside down right before it hit the water. He stated that the victim let go of the kite tube immediately before it hit the water and was face down when the boat got back to him.

When this investigator asked about the boat that was being used, the observer stated that the victim owned it less than a month. He further stated that the victim sold his old boat the Friday before Easter to the observer's brother.

When asked about the tow rope that was used, the observer stated he believed it was about 60 foot long and that it was the rope that came with the kite tube. He stated that

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there were three colors to the rope and that each section was approximately 20 feet long. He stated that at the time of the incident, all three colors were attached and that is why he estimates the length at 60 feet. He did not know the brand of the tow rope and only understood it to be the one that came with the kite tube.

This investigator asked about his relationship with the victim, and the observer stated that he has known the victim for a long time and that he is the same age as his sister and the victim lived with his family for some time while he (the observer) was growing up. He stated that he ultimately went to work for the victim at his maintenance shop, however, after the victim's death; the shop was unable to stay open and has since closed.

This investigator asked about the location of the product and the observer stated that they went and picked it up from the Coast Guard and it was stored at the victim's shop, however, everything has been cleaned out and he is unsure where the product is.

On June 23, 2006, this investigator left messages for both the driver of the boat and the victim's wife to return a telephone call.

On June 26, 2006, the attorney for the victim's wife returned the telephone call. At this time, the victim's wife is still very distraught over the incident; therefore, the attorney of record was interviewed in this matter. The attorney stated that the victim purchased the item online from skilimited.com. The attorney believed that the victim purchased the item for about \$499.

According to the attorney, the victim is a water enthusiast and he has grown up on the water and has always done lots of water sports activities. The attorney knows the victim well and considers his family good friends. According to the attorney, the victim is very physically fit and has no physical limitations. The attorney did not know the victim's weight, but stated that he was well over six foot tall. Additionally, the attorney stated that the victim owned a construction business and since the death of the victim, the family has begun to shut the business down as no one else is capable of running the business.

When asked about the tow rope that was used, the attorney stated that the tow rope came with the kite tube. He verified the observer's statement that the rope came in different lengths and further said that the rider would put the length based on how high he wanted the kite tube to go.

The attorney said that the victim and his friends first tried the kite tube on that Saturday after watching the video. The attorney stated that he was told that everyone had difficulty on the kite tube and the victim watched the video again after that day.

According to the attorney and verified by this investigator, on April 28, 2006, the kite tube by this manufacturer was named the 2006 sports product of the year by the Sporting Goods Manufacturers Association. This was broadcast on Fox news under "Fox and Friends." According to the attorney this is where the victim first saw the product and he

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ordered it online that day and received it the next day on April 29, 2006, which is when he first used the product.

The attorney is very concerned about the product being advertised as the sports product of the year since it appears the product is very unstable. The attorney stated that there are too many variables and that the rider has no control. He stated that something as a slight gust of wind can throw the rider off and slam the kite tube with the rider back into the water. The attorney stated that the kite tube is unreasonably dangerous even if it is used as intended by the manufacturer.

The attorney stated that the victim's family has filed suit against the manufacturer and the seller. According to the attorney, neither party has yet to respond to the lawsuit.

The attorney told this investigator that the kite tube is a brand new product out on the market and that he believes it only became available about February or March of this year. He also stated that he understood that the National Park Service at Lake Powell has banned the use of these kite tubes because they are so dangerous. On June 26, 2006, the CPSC investigator in San Francisco provided this investigator the document filed on June 15, 2006, in which a law enforcement specialist with Glen Canyon National Park in Utah/Arizona submitted a request to prohibit kite tubing in that area (See Attachment #6).

On June 26, 2006, this investigator researched the on-line company where the victim purchased the kite tube. The kite tube is listed as no longer available. This investigator called the on-line company and inquired about availability of the kite tube. The customer service representative stated that these specific kite tubes are no longer available. He said that they sold what they had and the manufacturer stated there were no more available at this time.

On June 27, 2006, this investigator spoke with a lieutenant from the United States Coast Guard. This lieutenant stated that they were not the first responders and that they arrived after the victim was in the ambulance being transported to the hospital. He said they contacted the Texas Parks and Wildlife Department to determine if they were going to take jurisdiction. The lieutenant stated that a U.S. Coast Guard boat spotted the kite tube floating in the water after the accident and retrieved it and the following day, the victim's friends picked it up. The lieutenant stated that they did not generate an official report in this matter.

On June 27, 2006, the attorney for the victim's family e-mailed this investigator the Plaintiff's Original Petition (See Attachment #7) that indicates the family and estate is suing the kite tube manufacturer, the on-line company that sold the kite tube, and the boat operator. Given the boat operator's status as a defendant in this matter, this investigator ceased her attempts at contacting him since he was not returning previous telephone calls.

On June 28, 2006, the game warden faxed over the autopsy report on the victim which indicates that the cause of death was transection of aorta with left hemothorax (See Attachment #8). The autopsy report stated that there was 1,200 milliliters of free and

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clotted blood within the left chest cavity. The report also indicates that there were no fractures of the cervical spine. The autopsy stated that the victim was 71 ½ inches tall and weighed 225 pounds. The pathological findings on the victim were:

1. Transection of aorta.
2. Left hemothorax (1,200 milliliters of blood).
3. Mild to moderate atherosclerotic coronary artery disease.

The medical examiner also placed a comment at the end of the report which stated:

“The decedent was being towed behind a boat on a kite tube. According to witnesses, the kite tube flew 15 feet into the air with the decedent and then impacted the water. The impact caused a transection of the aorta due to sudden deceleration of the body.”

Additionally, on June 28, 2006, the Justice of the Peace for Jefferson County faxed an autopsy report and included a toxicology report which indicated the victim's blood alcohol level was .04% (See Attachment #9).

PRODUCT DESCRIPTION:

- 1. Product Type:** Kite Tube
Brand: Wega Kite Tube
Model Number: 53-500
Manufacturer: Sportstuff Incorporated
Retailer: Ski Limited
One Ski Limited Way
P.O. Box 1000
Bethel, NC 27812
Purchase Price: \$499
- 2. Product Type:** Boat
Brand: Sea Ray
Serial Number: SERA4458G798
Year of Boat: 1998
Retailer: Unknown
Purchase Price: Unknown

The first product is the Wego Kite Tube is yellow, black, red, and white in color and is 10 foot in diameter. The CPSC investigator in San Francisco was able to locate and obtain exemplar pictures of the Wego Kite Tube (See Photos 1 through 13).

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PHOTO #1: This photo shows the outside of the exemplar box from the front.



PHOTO #2: This photo identifies the manufacturer of the kite tube and that it was made in China.

The manufacturer's web site provides the following details on the kite tube:

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PHOTO #3: This photo shows the features that the manufacturer advertises for this product.

- “120 inch inflated diameter (10 foot) with slanted saucer configuration
- 840D full body nylon double skin cover with PU coating
- Computerized double stitched sewing
- Nylon zippered openings for bladder insertion and adjustment
- Multiple mesh drain ports, bar-tacked
- Two heavy-duty PVC bladders-outer ring and slotting cockpit
- Reinforced towing system with molded aluminum connector for easy quick connection
- Speed safety valves for fast easy inflation and deflation
- Parallel slotting system with non-slip footsteps and neoprene padding for comfortable foot, knee, and leg use
- 8 padded, non-slip handles with knuckle guard
- Heavy-duty starting leash with easy grip sponge balls
- Reflective Safety piping on all handles and on the outside top taping
- Variable loops for detachable leash use
- Panoramic see through double windows
- Adjustable length style 45-55-65 foot segmented tow rope included
- High visibility, billboard style, red and yellow watersports safety colors with checkerboard and caution accent striping
- Instructional DVD, tow rope, and starting leash included.”

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PHOTO #4: This photo shows the manufacturer's model number and the UPC code.

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PHOTO #5: This photo shows the top view of the product packaging.

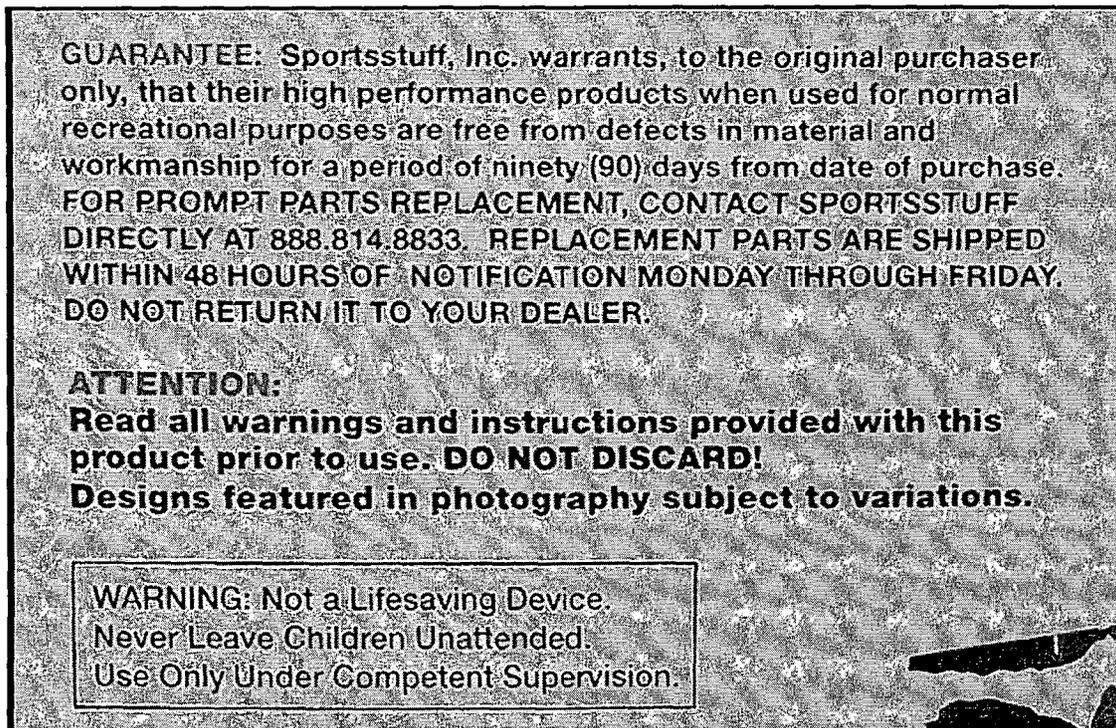


PHOTO #6: This photo shows the guarantee for the product.

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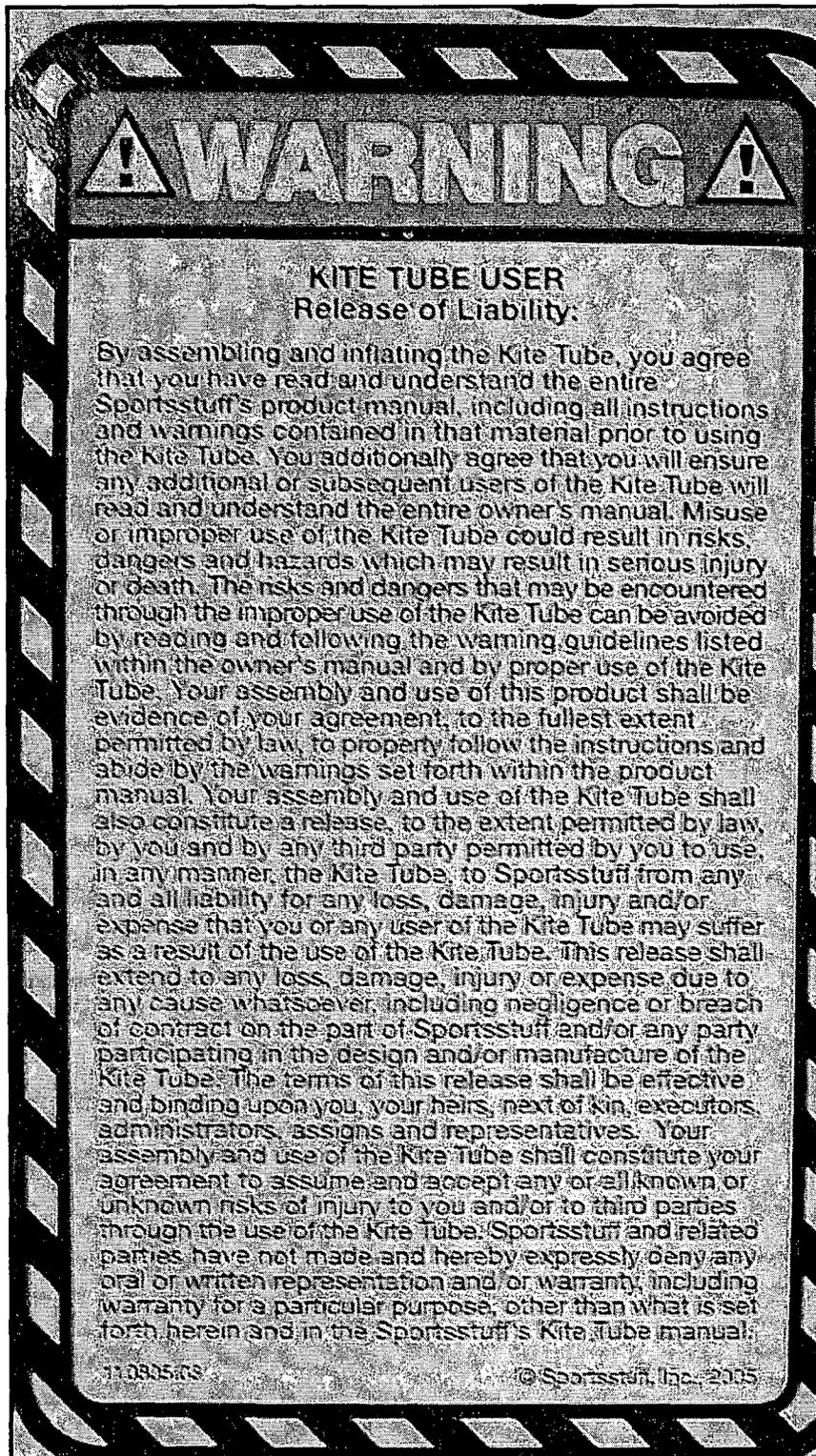


PHOTO #7: This photo shows the warning and release of liability statement that the manufacturer placed on the packaging.

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PHOTO #9: This photo shows the outside of the packaging and indicates that a DVD is included along with a tow rope.

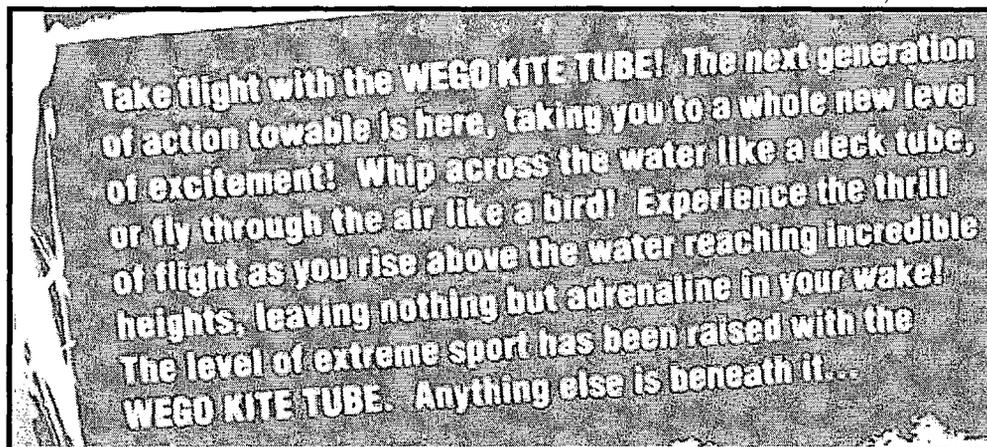


PHOTO #10: This photo shows the statement by the manufacturer about how the product can reach incredible heights.

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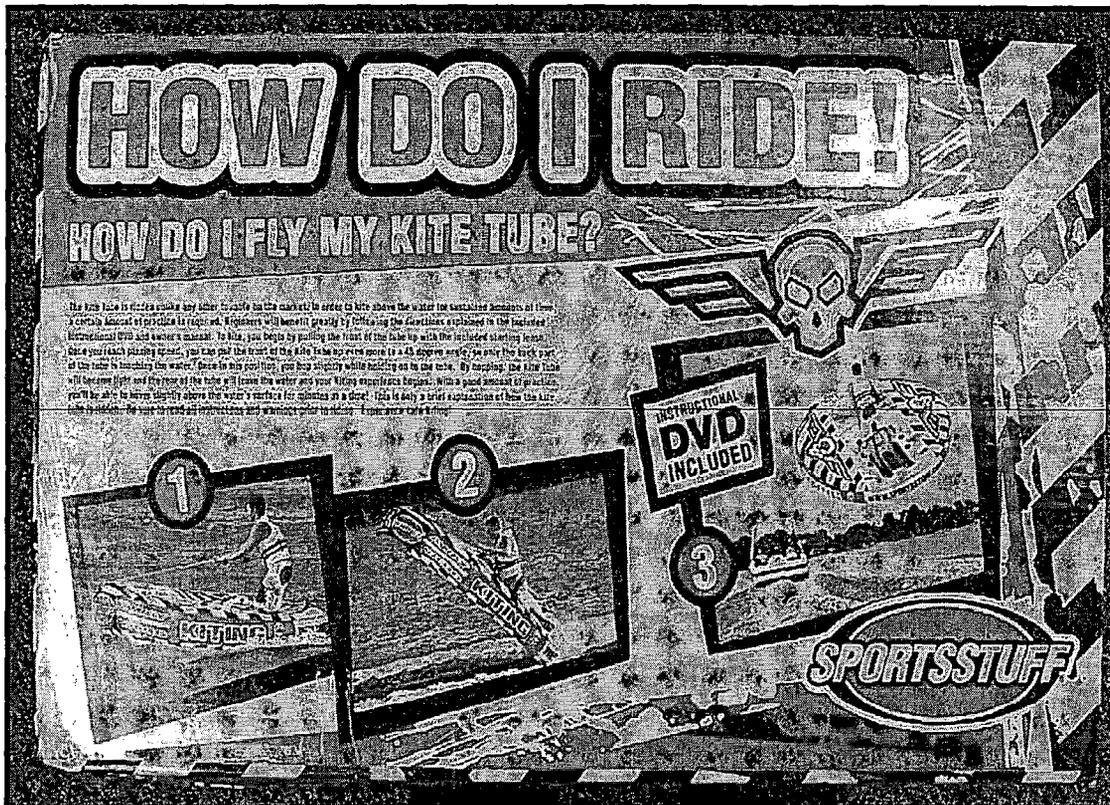


PHOTO #11: This photo from the exemplar packaging shows partial instructions on how to ride the kite tube and that there is an instructional DVD along with the product.

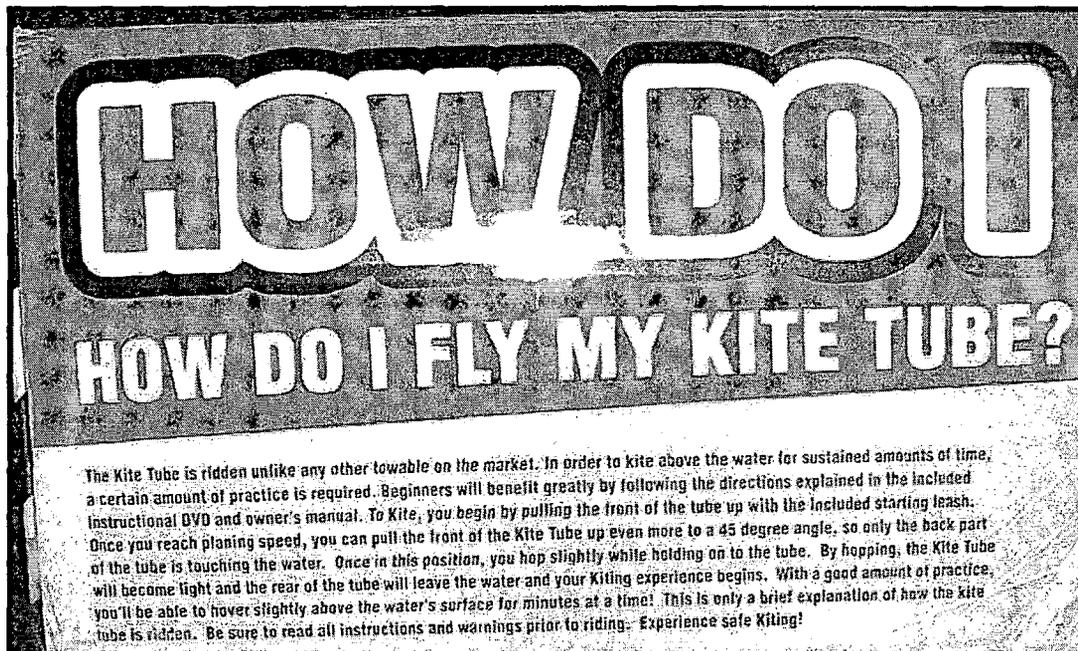


PHOTO #12: This photo from the exemplar packaging gives a statement on how to "fly" the kite tube.

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PHOTO #13: This photo shows more of the exemplar packaging for the kite tube.

The second product is a 1998 Sea Ray motorboat. The boat is 20'10" long and made of fiberglass. The hull is white and the serial number for the boat is SERA4458G798. There was a 260 hp engine on the boat.

One of the witnesses told this investigator that the victim only recently purchased the boat approximately one month before the incident.

SAMPLE COLLECTION:

None.

ATTACHMENTS:

1. Identity of Respondents
2. Authorization of Name Use
3. Texas Parks & Wildlife Accident Investigation Report
4. Sportsstuff Wego Kite Tube Owner's Manual

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5. Sportstuff Towable Owner's Manual
6. Glen Canyon National Park Restriction Proposal
7. Plaintiff's Original Petition
8. Autopsy Report
9. Toxicology Report

IDENTITY OF RESPONDENTS:

1. [REDACTED] da on behalf of [REDACTED]
Attorney Representing the Victim's Family
[REDACTED]
[REDACTED]

2. Ryan Hall
Game Warden
Texas Parks & Wildlife Department
5550 K Eastex Freeway
Beaumont, Texas 77708
(409) 892-8666

3. [REDACTED] (LNU)
Customer Service Representative
Ski Limited
[REDACTED]
[REDACTED]
[REDACTED]

4. The Honorable Tom Gilliam
Justice of the Peace
Jefferson County
525 Lakeshore Drive
Port Arthur, Texas 77640

5. [REDACTED]
Witness (Observer) on Boat
[REDACTED]
[REDACTED]

6. [REDACTED]
Boat Operator
[REDACTED]
[REDACTED]

7. Lt. Steven Stowers
United States Coast Guard
2901 Turtle Creek Drive
Port Arthur, Texas 77462
(409) 719-5060

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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

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Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES

NO

(Signature)

(Date)

Per the attorney for the family of the victim, release of name is not authorized.

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060612HCC3582

Attachment #3

Page 1 of 9

PAGE 1 of 1 REPORT NUMBER



TEXAS PARKS & WILDLIFE DEPARTMENT ACCIDENT INVESTIGATION REPORT

WATERCRAFT ACCIDENT
 DROWNING INVESTIGATION

INVESTIGATING OFFICER: **Ryan L. Hall** ACCIDENT DATE: **04/30/2006** DAY OF WEEK: **Sunday** TIME OF ACC.: **3:15 pm** DATE/TIME NOTIFIED: **4/30/06 9:00pm** TIME ARRIVED: **N/A** SOURCE OF CALL: **Sheriff's Dept.**

TYPE OF ACCIDENT: **Water Skiing** # INJURED: **0** # MISSING: **0** # FATAL: **1** # VESSELS: **1** PROP. DAMAGE: NO YES

BODY OF WATER: **Sabine Lake** COUNTY: **Orange** NEAREST TOWN: **Bridge City** APPROX. WIDTH OF WATERWAY: **1200 ft.** DIST. FROM SHORE (SPECIFY SHORE): **600 ft.**

VESSEL OPER. (V1) DROWNED VICT. (DR1) LAST NAME: **Luna** FIRST NAME: **Joseph** MI: **T** RACE: **White** SEX: **M** DATE OF BIRTH: **08/28/78** SOC. SEC. NO.:

ADDRESS: CITY: **Orange** STATE: **TX** ZIP CODE: **77630** TELEPHONE: RENTAL VESSEL: NO YES NO. PER. ON BOARD: **5**

VESSEL OWNER NAME/ADDRESS: VESSEL REG. OR DOC. NO.:

VESSEL MANUFACTURER: **Sea Ray** YEAR: **98** VESSEL TYPE: **Motorboat** LENGTH: **20'10"** HULL MATERIALS: **Fiberglass** HULL COLOR(S): **White** HIN:

ENGINE MAKE: **N/A** ENGINE HP: **260** ENGINE TYPE: **I/O** ENGINE YEAR: **N/A** CIRCLE ALL DAMAGED AREAS (CHOOSE CORRECT VESSEL CONFIGURATION):

OPER. EST. SPEED OF VESSEL: **32 MPH** EST. THROTTLE POSITION: **90 % OF FULL** OPER. POSITION: **3** INITIAL IMPACT AREA # **N/A**

OPERATION OF VESSEL AT TIME OF ACCIDENT: CRUISING (ON PLANE) PLOWING (BOW ELEVATED) AT ANCHOR DOCKING MANEUVER DRIFTING OTHER:

INSURED NO YES DOLLAR EST. DAMAGE TO VESSEL: **\$0.00**

DESCRIBE DAMAGE: **N/A**

TIME ON WATER PRECEDING ACCIDENT: **approximately 1.5 hours**

VESSEL OPER. (V2) DROWNED VICT. (DR2) LAST NAME: FIRST NAME: MI: **F** RACE: **White** SEX: **M** DATE OF BIRTH: **10/09/72** SOC. SEC. NO.:

ADDRESS: CITY: **Orange** STATE: **Tx** ZIP CODE: **77630** TELEPHONE: RENTAL VESSEL: NO YES NO. PER. ON BOARD:

VESSEL OWNER NAME/ADDRESS: VESSEL REG. OR DOC. NO.:

VESSEL MANUFACTURER: YEAR: VESSEL TYPE: LENGTH: HULL MATERIALS: HULL COLOR(S): HIN:

ENGINE MAKE: ENGINE HP: ENGINE TYPE: ENGINE YEAR: CIRCLE ALL DAMAGED AREAS (CHOOSE CORRECT VESSEL CONFIGURATION):

OPER. EST. SPEED OF VESSEL: MPH EST. THROTTLE POSITION: % OF FULL OPER. POSITION: INITIAL IMPACT AREA #

OPERATION OF VESSEL AT TIME OF ACCIDENT: CRUISING (ON PLANE) PLOWING (BOW ELEVATED) AT ANCHOR DOCKING MANEUVER DRIFTING OTHER:

INSURED NO YES DOLLAR EST. DAMAGE TO VESSEL:

DESCRIBE DAMAGE:

TIME ON WATER PRECEDING ACCIDENT:

V1 V2 THIS VESSEL UNDER 20 HRS. V1 V2 TOTAL BOATING EXPERIENCE UNDER 20 HOURS V1 V2 NONE V1 V2 TEXAS BOATER ED. UNKNOWN OTHER

V1 V2 20 TO 100 HOURS V1 V2 20 TO 100 HOURS V1 V2 USCG AUX. V1 V2 UNKNOWN OTHER

V1 V2 OVER 100 HOURS V1 V2 OVER 100 HOURS V1 V2 OTHER

V1 V2 UNKNOWN V1 V2 UNKNOWN OTHER

INVESTIGATING OFFICER SIGNATURE: REVIEWED AND APPROVED:

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ACCIDENT INVESTIGATION REPORT (CONTINUED)

REPORT NUMBER PAGE
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CODES FOR INVOLVEMENT
 O - OPERATOR
 P - PASSENGER
 W - WITNESS
 SK - WATERSKIER
 SW - SWIMMER
 SC - SCUBA DIVER
 DR - DROWNED VICTIM

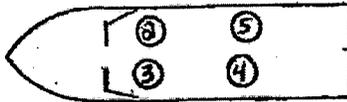
CODES FOR INJURY
 1 - NON-APPARENT
 2 - MINOR
 3 - MODERATE
 4 - SERIOUS
 5 - FATAL
 6 - MISSING

VESSEL NO. 1

USE INDIVIDUAL NUMBER FOR PLACEMENT

VESSEL NO. 2

POST ACC. RELATION TO VESSEL
 1 - REMAINS ABOARD
 2 - EJECTED OVERBOARD
 3 - LEAVES VESSEL VOLUNTARILY
 4 - TRAPPED IN OVERTURNED VESSEL



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OPTIONAL: USE DOTTED LINES WITH ARROWS TO INDICATE MOVEMENT OF PASSENGERS

IND #	INDIVIDUALS INVOLVED				D.O.B.	PFD CODE NO. & LTR.	POST ACC.
	INVLV.	VES. #	INJ.	NAME / ADDRESS / TELEPHONE			
# 1	SK	1	5	[REDACTED] Tx 746-9206	10/09/72	2 C	2
# 2	O	1	1	[REDACTED] Tx 474-0437	08/28/78	3 C	1
# 3	P	1	1	[REDACTED] Tx 466-1410	01/04/79	3 C	1
# 4	P	1	1	[REDACTED] Orange Tx 746-9206	07/23/74	3 C	1
# 5	P	1	1	[REDACTED] City Tx 330-2104	12/15/80	3C	1
# 6							
# 7							
# 8							
# 9							
# 10							

TYPE OF FLOTATION DEVICE

0 - UNKNOWN
 1 - INADEQUATE NUMBER OF PFD'S ON BOARD
 2 - APPROVED, ACCESSIBLE, USED
 3 - APPROVED, ACCESSIBLE, NOT USED
 4 - APPROVED, NOT ACCESSIBLE, NOT USED

6 - NOT APPROVED, ACCESSIBLE, USED
 6 - NOT APPROVED, ACCESSIBLE, NOT USED
 7 - NOT APPROVED, NOT ACCESSIBLE, NOT USED
 8 - NO PFD'S ON BOARD, NONE USED/AVAILABLE
 9 - OTHER

A - TYPE I
 B - TYPE II
 C - TYPE III
 D - TYPE IV
 E - TYPE V
 F - SKI BELT
 G - INFLATABLE
 H - OTHER
 I - NONE
 J - UNKNOWN

AMBULANCE COMPANY
Unknown

HOSPITAL OR CLINIC
St. Mary's Hospital, Port Arthur, Texas

CODES FOR BELOW
 1 - TREATED AND RELEASED
 2 - ADMITTED
 3 - TRANSFERRED TO OTHER HOSPITAL
 4 - REFUSED TREATMENT

IND. #	DESCRIPTION OF INJURY	CODE
# 1	Deceased	
#		
#		
#		
#		

INVESTIGATING OFFICER SIGNATURE

REVIEWED AND APPROVED

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ACCIDENT INVESTIGATION REPORT (CONTINUED)

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WEATHER <input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> FOG <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> HAZY		AIR TEMP 85 °F WATER TEMP 80 °F WATER DEPTH 40 FT		WIND DIRECTION: South <input type="checkbox"/> NONE <input checked="" type="checkbox"/> LIGHT (0-6 MPH) <input type="checkbox"/> MODERATE (7-14 MPH) <input type="checkbox"/> STRONG (15-25 MPH) <input type="checkbox"/> STORM (OVER 25 MPH)		OTHER CONDITIONS <input checked="" type="checkbox"/> DAYTIME <input type="checkbox"/> NIGHT <input type="checkbox"/> DUSK <input type="checkbox"/> DAWN		VISIBILITY DAY NIGHT <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> <input type="checkbox"/> FAIR <input type="checkbox"/> <input type="checkbox"/> POOR <input type="checkbox"/>		BOATING TRAFFIC <input checked="" type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM <input type="checkbox"/> HEAVY		WATER CONDITIONS <input checked="" type="checkbox"/> CALM (WAVES LESS THAN 6") <input type="checkbox"/> CHOPPY (WAVES 6" - 2') <input type="checkbox"/> ROUGH (WAVES 2' - 6') <input type="checkbox"/> VERY ROUGH (WAVES GREATER THAN 6') <input type="checkbox"/> CURRENT <input type="checkbox"/> STRONG CURRENT					
IND # 1		VICTIM'S NAME [Redacted]		LEGAL ID BY Spouse		NEAREST RELATIVE/RELATION [Redacted]		FUNERAL HOME Claybar		PRONOUNCED BY / TITLE Gilliam JPB		AUTOPSY? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES IF YES, BY: Jefferson Co.		BLOOD SAMPLE? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES IF YES, SUBMITTED BY: Morgue		PERSON(S) RECOVERING BODY Family Members	
CAUSE OF DEATH <input type="checkbox"/> DISAPPEARANCE <input type="checkbox"/> OTHER (SPECIFY) <input checked="" type="checkbox"/> ACCIDENTAL <input type="checkbox"/> TRAUMA <input type="checkbox"/> DROWNING				SWIMMING ABILITY <input checked="" type="checkbox"/> STRONG <input type="checkbox"/> NON-SWIMMER <input type="checkbox"/> MEDIUM <input type="checkbox"/> UNKNOWN <input type="checkbox"/> WEAK <input type="checkbox"/> N/A				DATE / TIME OF RECOVERY 4/30/06 3:20pm		METHOD OF RECOVERY by hand							
DESCRIBE FATAL INJURY / TRAUMA heart injury						FROTH CONE <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		LIVIDITY VISIBLE <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES									
OTHER MARKS OR WOUNDS ON BODY N/A						POSITION OF BODY WHEN FOUND Floating		WATER DEPTH & BOTTOM COND. variable 5-35'									
PROPERTY OWNER NAME / ADDRESS N/A										DESCRIBE PROPERTY DAMAGED / LOST AND DOLLAR VALUE N/A							
ANY ALCOHOLIC BEVERAGE WITHIN 8 HRS. OF ACC.? V1/DR1 <input checked="" type="checkbox"/> V2/DR2 <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK IF YES, AMT./TYPE/TIME INVOLVED V1/DR1 V2/DR2 3 beer, 2hr				ANY NARCOTICS OR MED. PRECEDING ACC.? V1/DR1 <input checked="" type="checkbox"/> V2/DR2 <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> UNK IF YES, DESCRIBE V1/DR1 V2/DR2				CHEMICAL OR BREATH TEST? V1/DR1 <input checked="" type="checkbox"/> V2/DR2 <input type="checkbox"/> NOT REQUESTED <input type="checkbox"/> REFUSED <input type="checkbox"/> SUBMITTED		TYPE TEST, RESULTS V1/DR1 V2/DR2							
OPERATOR/VICTIM V1/DR1 V2/DR2 <input type="checkbox"/> EXCESSIVE SPEED <input type="checkbox"/> EXHAUSTION <input type="checkbox"/> FAILED TO KEEP PROPER LOOKOUT <input type="checkbox"/> FAILED TO TAKE EVASIVE ACTION <input type="checkbox"/> FATIGUE <input type="checkbox"/> HEALTH/MEDICAL PROBLEM SPECIFY <input type="checkbox"/> IMPAIRED (ALC./DRUGS) SPECIFY <input type="checkbox"/> INEXPERIENCE <input type="checkbox"/> INATTENTION <input type="checkbox"/> OPERATING TOO CLOSE TO SPECIFY <input type="checkbox"/> OTHER CAUSE NOT LISTED				OPERATOR/VICTIM (CONT'D) V1/DR1 V2/DR2 <input type="checkbox"/> OTHER OPERATOR ERROR/FAULT <input type="checkbox"/> SWIMMING ABILITY (Weak/None) VESSEL / EQUIPMENT V1/DR1 V2/DR2 <input type="checkbox"/> EQUIP. FAILURE (PFD, Bge Pump, etc.) SPECIFY <input type="checkbox"/> MECH. FAILURE (Elec./Fuel, etc.) SPECIFY <input type="checkbox"/> HULL FAILURE <input type="checkbox"/> IMPROPERLY LOADED <input type="checkbox"/> NAVIG. LIGHTS (None/Partial) SPECIFY <input type="checkbox"/> OBSTRUCTED VISIBILITY IN VESSEL				VESSEL/EQUIPMENT (CONT'D) V1/DR1 V2/DR2 <input type="checkbox"/> OVERLOADED (LIST CAP. RATING & ACTUAL LOAD IN NARRATIVE) <input type="checkbox"/> TYPE OF VESSEL ENVIRONMENT V1/DR1 V2/DR2 <input type="checkbox"/> HAZARD IN WATER SPECIFY <input type="checkbox"/> RESTRICTED VISIBILITY (Fog, Rain, etc.) SPECIFY <input type="checkbox"/> WATER CONDITIONS (Rough Chop, Current, etc.) SPECIFY <input checked="" type="checkbox"/> WEATHER CONDITIONS SPECIFY moderate wind gusts									
V1 <input checked="" type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> CITATION ISSUED, CHARGE/COURT DATE/CITY <input type="checkbox"/> REFERRED TO PROSECUTOR FOR CHARGES				V1				V2									
INVESTIGATING OFFICER SIGNATURE [Signature]										REVIEWED AND APPROVED							

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ACCIDENT INVESTIGATION REPORT (CONTINUED)

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On April 30, 2006 I, State Game Warden Ryan L. Hall and Michael Keeney were patrolling Cow Bayou for water safety violations. We observed a white Sea Ray inboard displaying the registration numbers TX 9541 JC occupied by one white male and one white female speed past our patrol boat while the flashing blue lights were activated. We pursued the boat at a top speed of approximately 48 mph until we reached the boat ramp at Hwy 87 in Bridge City, Texas at approximately 3:45 pm.

When we made contact with the white male identified himself as [REDACTED]. He appeared extremely excited and stated that he had an emergency and had to leave right away. I asked him to explain and he indicated that he and some friends were pulling [REDACTED] on a tube by Stewts Island and he fell off and was unconscious and unresponsive. I asked if he had been operating the boat at the time of the accident. He indicated that a person named [REDACTED] had been operating the boat at that time. He said that authorities had met them at Rainbow Marina in Port Arthur and that [REDACTED] had ridden on the ambulance with the victim. [REDACTED] then left the boat running and walked up to where his vehicle was parked and we thought he was going to back down and load the boat onto the trailer. Instead he left the boat in the water and went to the hospital. I turned off the motor and left my business card for them to call me with more information.

I made several phone calls to ensure that someone was investigating the accident and share the information I had with them. Nobody I made contact with such as Port Arthur P.D, Orange County S.O., and Jefferson County S.O. had any information about the accident or which hospital the victim and operator went to. I left word with the dispatcher at Orange County S.O. to call me if she heard anything else. She called later that evening with information from the U.S. Coast Guard and asked me to call a Lieutenant Stowers for more information.

Lieutenant Stowers advised that one of his patrol boats arrived at the Rainbow Marina where the victim had been taken to meet with an ambulance shortly after the boat carrying the victim arrived. He stated that his men spoke with witnesses on the scene and identified the operator of the vessel as [REDACTED] and the victim as [REDACTED]. He had a phone number for [REDACTED]. He stated that his men did not indicate that [REDACTED] appeared intoxicated, but that they did observe alcohol in the boat. He stated that [REDACTED] left with the ambulance and the victim to the hospital. I asked if anyone from law enforcement had been on-scene to order a mandatory blood specimen be taken from [REDACTED] and he indicated that there was not. A blood specimen to test for alcohol was not taken from Mr. [REDACTED].

On May 5, 2006, the day after the funeral services for [REDACTED], I contacted Mr. [REDACTED] III for an interview. He agreed to the interview and gave a written statement of the events that transpired at the time of the accident. He stated that he had not been drinking any alcohol on the day of the accident. He stated that they had launched the boat at approximately 1:30 pm after attending church services. He stated that at approximately 3:15 pm he was operating [REDACTED]'s boat that he had just recently purchased. He was pulling [REDACTED] on a brand new Wego Kite-Tube that they had used on one occasion the day before. He stated that he had made one pass westbound in front of Stewts Island on the north end of Sabine Lake and turned around in the Neches River and headed eastbound to make another pass in front of the island. He stated that he was in the deep part of the channel on the north side of Stewts Island traveling near full throttle which was approximately 32 mph while pulling [REDACTED]. He stated that when he reached the eastmost end of Stewts Island he glanced back and saw that [REDACTED] was airborne on the Kite-Tube. He stated that seconds later his observer and passenger [REDACTED] advised him to turn around that [REDACTED] had fallen off the Kite-Tube. He stated that [REDACTED] was floating face-down in the water unconscious. He advised that another boat witnessed the accident and got to [REDACTED] first and they were able to get him onboard the boat. He stated that they did not observe any vital signs but CPR was administered on the way to the Rainbow Marina after calling 911. He stated that he talked with the U.S. Coast Guard at the Marina and left with the ambulance carrying [REDACTED]. He stated that [REDACTED] was pronounced dead at St. Mary's Hospital in Port Arthur, Texas, by Justice of the Peace Gillam.

On May 5, 2006, after interviewing [REDACTED] I contacted Mr. [REDACTED] for an interview. He agreed to an interview and gave a written statement as well. He stated that at the moment of the accident [REDACTED] rose suddenly on the Kite-Tube approximately 15-20 feet into the air. He stated that the tube became unstable at that height and began a hard dive to the left slamming [REDACTED] down into the water. He stated that [REDACTED] bounced off of the surface of the water approximately 2 times and skidded across the surface of the water. He stated that he was then floating face down unconscious in the water. He stated that he had consumed about one beer before the accident but he stated that Luna had not been drinking at all.

Both witnesses gave the names of the other passengers on board which consisted on Mrs. [REDACTED], the victims wife, and [REDACTED] girlfriend. They also stated that there were no objects in the water nor any other boats in the nearby vicinity that [REDACTED] could have hit to cause his death.

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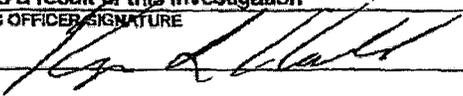
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After interviewing the witnesses on board [redacted]'s boat, witnesses that observed a portion of the accident from the beach on Stewts Island, and consulting the autopsy report I have concluded this investigation. Because of the design of the Wego-Kite-Tube the person riding on the tube controls the height of the tube over the water by leaning forward or backward. Therefore the only input that the operator of the vessel has is the speed at which it is being pulled and staying clear of any other obstacles or vessels in the water. In this case, both the operator and the person riding the Kite-Tube were inexperienced because it was a new piece of equipment. They had ridden on it for the first time the previous day without incident and were unaware of its inherent dangers. Because this is a new piece of equipment to the market, I do not know what is a safe speed to pull this equipment behind a boat. It is my understanding that it is recommended that the Kite-Tube be pulled approximately 25 mph to reach planing speed. Therefore I do not think that Luna was operating the vessel recklessly or with criminal negligence in this case. I also do not believe that alcohol was a factor in this accident, however I do regret not being able to interview the operator after the accident to determine if a blood sample was warranted. There are multiple warning stickers on the Kite-Tube itself, one of which indicates that the tube can lift to a height of 20 feet in half of a second.

The autopsy report on Mr. [redacted] indicates the cause of death as a transection of the aorta, a deceleration injury caused from the impact of his body with the surface of the water. There was no water in the lungs so [redacted] died upon impact and did not drown, nor was his neck broken as early reports suggested.

In my opinion this accident is the result of inexperience with a new piece of equipment on the part of the victim and the operator of the boat. I also have concerns as to the overall safety of the Wego-Kite-Tube for use on public water as there is no limit to the height at which it can attain or how fast it will decelerate after attaining that height. No criminal charges have been filed as a result of this investigation.

INVESTIGATING OFFICER SIGNATURE



REVIEWED AND APPROVED

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TEXAS PARKS & WILDLIFE DEPARTMENT DIAGRAM

REPORT NUMBER
PAGE 6 of 8

<input checked="" type="checkbox"/> Water Craft Accident	BOAT #1 (OPER.) _____	REPORTING OFFICER/BADGE NO. <i>RYAN L. HALL 1392</i>	DATE OF OCCURANCE <i>4/30/06</i>
<input type="checkbox"/> Buoy Diagram	BOAT #2 (OPER.) _____	BODY OF WATER <i>SABINE LAKE</i>	TIME OF OCCURANCE <input type="checkbox"/> AM <input type="checkbox"/> PM
<input type="checkbox"/> Other _____			

NOTE: DIAGRAM IS NOT TO SCALE UNLESS OTHERWISE NOTED.

KEY

- Channel Marker
- Water
- Victim

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INDICATE NORTH

NECHES R.

INTRACOASTAL

STEWTS ISLAND

INVESTIGATING OFFICER SIGNATURE AND BADGE NO. <i>[Signature] 1392</i>	REVIEWED AND APPROVED
--------------------------------------------------------------------------	-----------------------

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TEXAS PARKS & WILDLIFE DEPARTMENT VOLUNTARY STATEMENT

REPORT NUMBER

PAGE 7 of 8

DATE OF STATEMENT

TIME 3:15 PM

5-5-06

NOTE: WITNESS TO SUBMIT A DIAGRAM ON NEXT PAGE, IF APPLICABLE

NAME

AGE 27

DATE OF BIRTH 1-4-79

ADDRESS

TELEPHONE

CITY, STATE, ZIP CODE

77611

STATEMENT VOLUNTEERED TO

Game Warden Ryan C. Hall

I was in the Boat on Sunday April 30th during the time of the accident at or around 2:30-3:00 pm. I was operating the Boat pulling on a new Wego-Kite tube, designed to go air-borne upon catching wind at a certain speed. I was approximately 15-20 ft when the tube began a hard nose dive to his left. Upon hitting the water Mr. had was not in contact w/ the tube. He skid two times on the surface of the water before comming to a stop. I noticed he was unconcious and began to flag a near by boat operated by my Brother to go to his aid.

I have read/written the above statement consisting of 1 pages and attest that it is a true and accurate account of the event(s) which took place on April 30th 2006 and that this statement was given by me freely and voluntarily, without fear or threat or promise of reward.

WITNESS

WITNESS

SIGNATURE

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TEXAS PARKS & WILDLIFE DEPARTMENT VOLUNTARY STATEMENT

REPORT NUMBER	PAGE
DATE OF STATEMENT	8 of 8 TIME <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM
5/5/06	2:00

NOTE: WITNESS TO SUBMIT A DIAGRAM ON NEXT PAGE, IF APPLICABLE

NAME	AGE	DATE OF BIRTH
[REDACTED] III	29	08.28.76
ADDRESS	TELEPHONE	
[REDACTED]	[REDACTED]	
CITY, STATE, ZIP CODE	[REDACTED]	
[REDACTED]	[REDACTED]	
STATEMENT VOLUNTEERED TO	[REDACTED]	
[REDACTED]	[REDACTED]	

On Sunday April 30th at approximately 3:15 pm I, [REDACTED] III was operating [REDACTED]'s 22' Sea-Ray boat near Stewart's Island with passengers [REDACTED] and [REDACTED] on board the boat. We were pulling [REDACTED] behind the boat, he was riding a Wego-kite-tube which is designed to leave the water and become air-borne. My last glance to Mr. [REDACTED] on the tube, I witnessed him air-borne and resumed looking forward. [REDACTED] shortly thereafter informed me [REDACTED] had fallen off the tube. When I looked, [REDACTED] was floating face down in the water unconscious. There was no contact with any other object with [REDACTED] except for the water. Boat owner [REDACTED] was following at a safe distance with his wife [REDACTED], [REDACTED], and others.

I have read/written the above statement consisting of 1 pages and attest that it is a true and accurate account of the event(s) which took place on April 30th, 2006 and that this statement was given by me freely and voluntarily, without fear or threat or promise of reward.

WITNESS	WITNESS
[REDACTED]	[REDACTED]
SIGNATURE	[REDACTED]

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WATER FATALITY REPORT

RECEIVED

RECEIVED

JUN 02 2006

REPORT NUMBER FOR STATISTICAL PURPOSES ONLY BAR NUMBER

VICTIM	NAME OF VICTIM ██████████ 060612HCC3582 Attachment #3 Page 9 of 9		RACE 1 <input type="checkbox"/> Black 2 <input type="checkbox"/> Hispanic 3 <input checked="" type="checkbox"/> White 4 <input type="checkbox"/> Other 5 <input type="checkbox"/> Unknown		VICTIM WEARING PERSONAL FLOTATION DEVICE? 1 <input checked="" type="checkbox"/> Yes 2 <input type="checkbox"/> No 3 <input type="checkbox"/> Unknown	
	Street ██████████ City 77630 Zip		SEX 1 <input checked="" type="checkbox"/> Male 2 <input type="checkbox"/> Female		AGE 33 SWIMMING ABILITY 1 <input checked="" type="checkbox"/> Good 2 <input type="checkbox"/> Poor 3 <input type="checkbox"/> None 4 <input type="checkbox"/> Unknown	
	Texas State Orange County		OCCUPATION Construction Owner			
	ACTIVITY OF VICTIM 1 <input type="checkbox"/> Swimming 2 <input type="checkbox"/> Wading 3 <input type="checkbox"/> Surfing 4 <input type="checkbox"/> Scuba Diving 5 <input type="checkbox"/> Tubing 6 <input type="checkbox"/> Fishing 7 <input type="checkbox"/> Canoeing 8 <input type="checkbox"/> Windsurfing 9 <input type="checkbox"/> Hunting 10 <input type="checkbox"/> Tried Rescue 11 <input type="checkbox"/> Illegal Entry 12 <input type="checkbox"/> Working 13 <input type="checkbox"/> Air Mattress 14 <input type="checkbox"/> Diving 15 <input type="checkbox"/> Jumping 16 <input type="checkbox"/> Jet Ski 17 <input type="checkbox"/> Para-Sailing 18 <input checked="" type="checkbox"/> Skiing 19 <input type="checkbox"/> Boating 20 <input type="checkbox"/> Other		CAUSE FACTOR 1 <input type="checkbox"/> Fell in water 2 <input type="checkbox"/> Whitewater 3 <input type="checkbox"/> Hit by propeller 4 <input type="checkbox"/> Vehicle accident 5 <input type="checkbox"/> Murder 6 <input type="checkbox"/> Suicide 7 <input type="checkbox"/> Power line 8 <input checked="" type="checkbox"/> Other		PHYSICAL LIMITATIONS 1 <input type="checkbox"/> Cramps 2 <input type="checkbox"/> Epilepsy 3 <input type="checkbox"/> Food 4 <input type="checkbox"/> Heart 5 <input type="checkbox"/> Hypothermia 6 <input type="checkbox"/> Mental 7 <input type="checkbox"/> Tired 8 <input type="checkbox"/> Physical handicap 9 <input type="checkbox"/> Unknown 10 <input type="checkbox"/> Other (specify)	
		DRUGS 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No 3 <input type="checkbox"/> Unknown		ALCOHOL 1 <input checked="" type="checkbox"/> Yes 2 <input type="checkbox"/> No 3 <input type="checkbox"/> Unk.		

DATE OF ACCIDENT 4/30/06	TIME 3:15	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	NAME OF BODY OF WATER Sabine Lake	CODE 1700	TYPE OF WATER BODY 1 <input type="checkbox"/> Gulf, bays 2 <input checked="" type="checkbox"/> Lakes 3 <input type="checkbox"/> Rivers 4 <input type="checkbox"/> Creek, stream 5 <input type="checkbox"/> Other (specify)
STATE TEXAS	NEAREST CITY OF TOWN Bridge City		COUNTY Orange	CODE 181	
LOCATION (Give location precisely) On the Northeast end of Stewts Island approximately 1 mile south of Hwy 73.			DID THE ACCIDENT OCCUR IN A STATE PARK? 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No		

ACCIDENT	DATE AND TIME OF RECOVERY 4/30/06	HOW RECOVERED? lifted out of water	ACCIDENT DETAILS (List information sources, witnesses, local agency reports, medical examiner reports, etc.) According to the operator of the towing vessel, Mr. Luna, the victim was riding on a Wego-kite-tube which is designed to lift off the water at an angle when being towed. Luna stated that Slade Hunt was serving as an observer and that the victim's wife was taking pictures. At some point when they neared the northeast end of Stewts Island which is not protected from the south wind the Wego-kite-tube raised approximately 15 feet off of the water surface while being towed at approximately 32 miles-per-hour. When the kite-tube came back down and made contact with the water again the victim, James Freeland, fell off of the kite-tube. The victim skidded across the surface of the water bouncing twice before floating face-down in the water. A friend of the victim was in another boat and observed the accident and got to him first but he was unconscious and non-responsive. An ambulance was called and CPR was conducted on the boat en-route to meet the ambulance. The victim never regained consciousness and was pronounced dead at Saint Mary's Hospital in Port Arthur, Texas. The boat operator gave a statement to the U.S. Coast Guard before he left for the hospital with the victim. They indicated he did not appear intoxicated but that there was alcohol on board the vessel. No law enforcement agency was contacted to interview the operator of the vessel and possibly request a blood sample if alcohol had been detected.		
	WHO RECOVERED? (Only Check One) 1 <input type="checkbox"/> Game Warden 2 <input type="checkbox"/> U.S. Coast Guard 3 <input type="checkbox"/> Sheriff's Office or Police Dept.		4 <input type="checkbox"/> Fire Department 5 <input type="checkbox"/> State Park Peace Officer 6 <input checked="" type="checkbox"/> Other		
	WEATHER 1 <input checked="" type="checkbox"/> Clear 2 <input type="checkbox"/> Cloudy 3 <input type="checkbox"/> Fog 4 <input type="checkbox"/> Rain	VISIBILITY 5 <input type="checkbox"/> Snow 6 <input type="checkbox"/> Hazy 7 <input type="checkbox"/> Natural disaster	TEMPERATURES (Estimates) 1 Air 85 *F 2 Water 80 *F		
	WIND 1 <input type="checkbox"/> None 2 <input checked="" type="checkbox"/> Light (6-6MPH) 3 <input type="checkbox"/> Moderate (7-14 MPH) 4 <input type="checkbox"/> Strong (15-25 MPH) 5 <input type="checkbox"/> Storm (Over 25MPH)	WATER CONDITIONS 1 <input type="checkbox"/> Calm 2 <input checked="" type="checkbox"/> Choppy 3 <input type="checkbox"/> Rough 4 <input type="checkbox"/> Very rough 5 <input type="checkbox"/> Strong current			

BOAT	WAS BOAT INVOLVED? 1 <input checked="" type="checkbox"/> Yes 2 <input type="checkbox"/> No	BOAT NUMBER TX 9541 JC	BOAT NAME N/A	OPERATION AT TIME OF ACCIDENT 1 <input type="checkbox"/> Commercial Activity 2 <input type="checkbox"/> Cruising 3 <input type="checkbox"/> Approaching Dock 4 <input checked="" type="checkbox"/> Water Skiing 5 <input type="checkbox"/> Racing 6 <input type="checkbox"/> Towing 7 <input type="checkbox"/> Being Towed 8 <input type="checkbox"/> Drifting 9 <input type="checkbox"/> At Anchor	
	BOAT MAKE Sea Ray	BOAT MODEL 98	MOTOR BRAND NAME I/O	10 <input type="checkbox"/> Tied To Dock 11 <input type="checkbox"/> Fueling 12 <input type="checkbox"/> Fishing 13 <input type="checkbox"/> Hunting 14 <input type="checkbox"/> Skin Diving or Swimming 15 <input type="checkbox"/> Other (specify)	
	HORSEPOWER 230	MODEL N/A	YEAR N/A		
	WAS THE CAPACITY PLATE RECOMMEND EXCEEDED? Horsepower 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No Maximum Load 1 <input type="checkbox"/> Yes 2 <input checked="" type="checkbox"/> No		LATERAL FLOTATION 1 <input type="checkbox"/> Yes 2 <input type="checkbox"/> No		
WAS THE BOAT ADEQUATELY EQUIPPED WITH: 1 CG approved lifesaving devices? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 2 Were they accessible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3 Were they worn? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			NAME AND ADDRESS OF OPERATOR Joseph T. Luna III, 1900 N. 38 th St., Orange, Tx., 77630		

LAW ENFORCEMENT OFFICER Ryan L. Hall	TITLE Game Warden 1	TELEPHONE NUMBER 409-892-8666
ADDRESS 5550 k Eastex Frwy, Beaumont, Tx. 77708	AGENCY TPWD	DATE 5/5/06

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WEGO KITE TUBE OWNER'S MANUAL

Important information is enclosed in this manual. Please read these materials prior to assembling and using this product. Keep for future reference.

For questions on assembly, parts or warranty, contact the experts at Sportsstuff. DO NOT RETURN this product to the store!

Contact us TOLL FREE: 888-814-8833 (USA) (8am-5pm, CST Monday-Friday)

Congratulations on your new towable purchase! Sportsstuff prides itself in making the most innovative inflatable products on the planet. Your high performance towable is designed to provide an exciting and unique riding experience for the whole family.

WARNING

▲ RELEASE OF LIABILITY ▲

By assembling and inflating the Kite Tube, you agree that you have read and understand the entire Sportsstuff's product manual, including all instructions and warnings contained in that material prior to using the Kite Tube. You additionally agree that you will ensure any additional or subsequent users of the Kite Tube will read and understand the entire owner's manual. Misuse or improper use of the Kite Tube could result in risks, dangers and hazards which may result in serious injury or death. The risks and dangers that may be encountered through the improper use of the Kite Tube can be avoided by reading and following the warning guidelines listed within the owner's manual and by proper use of the Kite Tube. Your assembly and use of this product shall be evidence of your agreement, to the fullest extent permitted by law, to properly follow the instructions and abide by the warnings set forth within the product manual. Your assembly and use of the Kite Tube shall also constitute a release, to the extent permitted by law, by you and by any third party permitted by you to use, in any manner, the Kite Tube, to Sportsstuff from any and all liability for any loss, damage, injury and/or expense that you or any user of the Kite Tube may suffer as a result of the use of the Kite Tube. This release shall extend to any loss, damage, injury or expense due to any cause whatsoever, including negligence or breach of contract on the part of Sportsstuff and/or any party participating in the design and/or manufacture of the Kite Tube. The terms of this release shall be effective and binding upon you, your heirs, next of kin, executors, administrators, assigns and representatives. Your assembly and use of the Kite Tube shall constitute your agreement to assume and accept any or all known or unknown risks of injury to you and/or to third parties through the use of the Kite Tube. Sportsstuff and related parties have not made and hereby expressly deny any oral or written representation and/or warranty, including warranty for a particular purpose, other than what is set forth herein and in the Sportsstuff's Kite Tube manual.

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2. Defendant, SPORTSTUFF, INC., is a corporation duly formed and existing under the laws of the State of Nebraska, and may be served with process by serving its Registered Agent, Leroy Peterson, at 11213 E. Circle, Ste. A, Omaha, Nebraska 68137.

3. Defendant, SKI LIMITED ENTERPRISES, INC., is a corporation duly formed and existing under the laws of the State of Ohio, and may be served with process by serving its Registered Agent, Victor Daprile, at 1303 Boardman-Poland Road, Youngstown, Ohio 44514.

4. Defendant, [REDACTED], is an individual residing in Orange County, Texas and may be served with process at 1900 N. 30th Street, Orange, Texas 77630.

DISCOVERY CONTROL PLAN

5. Pursuant to Rule 190 of the Texas Rules of Civil Procedure, Plaintiffs intend to conduct discovery in this matter under Level 3 as defined in Texas Rule of Civil Procedure 190.4. Plaintiffs would request the immediate entry of a Docket Control Order establishing the date of trial before a jury and deadlines for the completion of discovery, designation of expert witnesses, challenges to expert witnesses and dispositive motions.

VENUE

6. Venue is proper in this Court pursuant to Texas Civil Practice & Remedies Code §15.002(a)(2) since a Defendant resided in Orange County, Texas at the time this cause of action accrued.

designing, manufacturing, marketing, distributing, supplying and/or selling Wego Kite Tubes, and placed into the stream of commerce the Kite Tube at issue. The Kite Tube was in a defective condition at the time it left the control of the Product Defendants and at the time it came into the control of Plaintiffs. The defective condition of the Kite Tube, which made it unreasonably dangerous for the use of the general public and Plaintiffs' decedent, arose because of a defective design, a defect in the manufacturing process and/or because of defective marketing.

FIRST CAUSE OF ACTION
PRODUCTS LIABILITY—GENERAL NEGLIGENCE

12. Plaintiffs reallege and incorporate by reference each allegation contained in paragraphs 1 through 11 above and further allege as follows.

13. PRODUCT DEFENDANTS in designing, manufacturing, marketing, distributing, supplying and/or selling the above mentioned product had a duty to Plaintiffs to do so in a reasonable manner to ensure that the product was safe and did not pose an unreasonable risk of causing harm to those who used the product for its intended purpose.

14. PRODUCT DEFENDANTS breached this duty when they placed the defective and dangerous product into the stream of commerce when they knew or should have known of its defective nature and propensity to cause harm to individuals such as Plaintiffs.

15. Plaintiffs cannot more specifically allege the acts of negligent manufacture or design on the part of PRODUCT DEFENDANTS, because facts in that regard are peculiarly within the knowledge of PRODUCT DEFENDANTS. As such, alternatively, in the event Plaintiffs are unable to prove specific acts of negligent design or

manufacture, Plaintiffs rely on the doctrine of *res ipsa loquitur*. In this connection, Plaintiffs would show that the character of the occurrence giving rise to this litigation is such that it would not have happened in the absence of negligence, and that the design and manufacture of the product was within the exclusive control of PRODUCT DEFENDANTS at the time the negligence occurred. Plaintiffs have no means of ascertaining the method or manner in which the product was designed and/or manufactured, and it came into the Plaintiffs' possession in the same condition it was in when it left the control of PRODUCT DEFENDANTS. Thus, PRODUCT DEFENDANTS were negligent in the design and/or manufacture of the product at issue.

16. As a direct and proximate result of PRODUCT DEFENDANTS' negligence, the defective and dangerous product caused harm and injury to Plaintiffs.

17. Wherefore, Plaintiffs pray for damages as set forth below.

SECOND CAUSE OF ACTION
STRICT PRODUCTS LIABILITY

18. Plaintiffs reallege and incorporate by reference each allegation contained in paragraphs 1 through 17 above and further allege as follows.

19. PRODUCT DEFENDANTS, at all times relevant to this action, engaged in the business of designing, manufacturing, marketing, distributing, selling, and/or supplying the product to consumers in the general public.

20. PRODUCT DEFENDANTS, knew and intended that the product designed, manufactured, marketed, distributed, sold, and/or supplied by PRODUCT DEFENDANTS would be purchased by consumers without inspection for defects.

21. The product in question was unreasonably dangerous and defective at the time it was designed, manufactured, marketed, distributed, sold, and/or supplied.

22. The defects in the product in question included defects in design, manufacture and marketing. The product in question was in a defective condition at the time it left the control of the PRODUCT DEFENDANTS and at the time it came into the control of the Plaintiffs.

23. The defective conditions of the product in question, which made it unreasonably dangerous for the use of the general public and the Plaintiffs, arose because of a defect in the design, manufacturing and/or marketing of the product.

24. The defects in the product in question were a producing cause of the incident, injuries and damages sustained by the Plaintiffs.

25. Plaintiffs are informed and believe, and thereon, allege that PRODUCT DEFENDANTS:

- (a) knew or should have known that the product designed, manufactured, marketed, distributed, sold, or supplied by PRODUCT DEFENDANTS were defective and dangerous in the manner alleged above;
- (b) knew or should have known that because of the defect, the product could not safely be used for the purposes for which it was intended;
- (c) knew or should have known that the product was defective and dangerous, and in conscious disregard of the safety of the general public, consumers, and Plaintiffs, placed it in the stream of commerce without warning customers or the unknowing general public, or Plaintiffs, of the defects;
- (d) knew or should have known that when the product was placed in the stream of commerce, it would be sold to and used by the general public, consumers, and Plaintiffs, without inspection for defects; and

26. PRODUCT DEFENDANTS, in designing, manufacturing, marketing, distributing, selling, and supplying the product, had a duty to Plaintiffs to do so in a reasonable manner and to ensure that the product was without defect. PRODUCT DEFENDANTS breached these duties by placing the defective product into the stream of commerce when they knew or reasonably should have known of the product's defective nature and or its propensity to cause harm to individuals such as Plaintiffs.

27. By placing the defective product into the stream of commerce, PRODUCT DEFENDANTS impliedly represented that it was safe for the purpose for which it was intended. As a direct and proximate result of PRODUCT DEFENDANTS' conduct in the designing, manufacturing, marketing, distributing, selling, or supplying of the defective and dangerous product, Plaintiffs have suffered harm and injuries.

28. Wherefore, named Plaintiffs pray for damages as set forth below.

THIRD CAUSE OF ACTION
PRODUCTS LIABILITY—DEFECT IN DESIGN,
MANUFACTURE and ASSEMBLY

29. Plaintiffs reallege and incorporate by reference each allegation contained in paragraphs 1 through 28 above and further alleges as follows.

30. The product that is the subject of the instant action was not reasonably fit, suitable, or safe for its intended use by reason of a defect in its design, manufacture, or assembly, which caused it to be unreasonably dangerous.

31. The defect in design, manufacture, or assembly existed at the time PRODUCT DEFENDANTS placed the product into the stream of commerce.

32. The product was being used in its intended and reasonably foreseeable manner when it caused injury to Plaintiffs.

33. As a direct and proximate result thereof, Plaintiffs have suffered injuries and damages.

34. Wherefore, named Plaintiffs pray for damages as set forth below.

FOURTH CAUSE OF ACTION
**PRODUCTS LIABILITY—FAILURE TO WARN OF
DANGER IN USE OF PRODUCT**

35. Plaintiffs reallege and incorporate by reference each allegation contained in paragraphs 1 through 34 above and further allege as follows.

36. At all relevant times, the product manufactured and/or distributed by PRODUCT DEFENDANTS was defective as a result of the fact that it was unreasonably dangerous and defective. PRODUCT DEFENDANTS failed to give adequate warning of the high likelihood that the product will become uncontrollably unstable when airborne, thereby causing the rider to have little or no control over the product's flight pattern, thus rendering the product unsafe for its intended or reasonably foreseeable use. PRODUCT DEFENDANTS knew that the product was extremely dangerous, yet advertised the product as fit for inexperienced amateurs, and deliberately decided to omit any safety equipment such as to convey the false impression that little or no risk was involved in using the product.

37. Plaintiffs are informed and believe, and thereon allege, that at all relevant times PRODUCT DEFENDANTS had specific knowledge of the risk or could have known of the risk by the application of scientific and industry knowledge available at the time of the manufacture of the product.

38. At all times herein mentioned, PRODUCT DEFENDANTS knew the product was defective in the manner herein alleged, that in all likelihood the defective

product would produce an injurious result in normal use and that such result was potentially life threatening to each individual to whom the product was sold. Notwithstanding this knowledge, PRODUCT DEFENDANTS failed to give adequate notice to the purchasers of the grave risks associated with the use of the product, and instead placed and persisted in placing the defective product into the stream of commerce, thus causing harm and injuries to Plaintiffs.

39. PRODUCT DEFENDANTS marketed the product as a product fit for amateurs. Had PRODUCT DEFENDANTS given Plaintiffs sufficient, conspicuous notice of the known risks associated with the product, they would not have purchased the product.

40. As a direct and proximate result of PRODUCT DEFENDANTS' failure to warn, this defective and unreasonably dangerous product was purchased by Plaintiffs causing them harm and injuries.

41. Wherefore, named Plaintiffs pray for damages as set forth below.

FIFTH CAUSE OF ACTION
PRODUCTS LIABILITY—BREACH OF WARRANTY

42. Plaintiffs reallege and incorporate by reference each allegation contained in paragraphs 1 through 41 above and further alleges as follows.

43. PRODUCT DEFENDANTS, as the designer, manufacturer, marketer, distributor and/or seller of the product, expressly warranted that the Kite Tube was fit for its intended purpose, that the Kite Tube was of merchantable quality, and that it was safe and fit for the purposes intended when used under ordinary conditions and in an ordinary manner.

44. PRODUCT DEFENDANTS breached such warranties by designing, manufacturing, marketing, distributing, supplying and/or selling the product in question when it was neither safe nor fit for the purposes intended.

45. The product in question was not altered by Plaintiffs. The product was defective when it left the exclusive control of PRODUCT DEFENDANTS, and PRODUCT DEFENDANTS knew the product would be used without additional inspection by the general public, consumers and Plaintiffs. The product was not safe and fit for the purposes intended and Plaintiffs did not receive the goods as warranted.

46. As a direct and proximate cause of PRODUCT DEFENDANTS' breach of express warranty, Plaintiffs have been injured and damaged.

47. Wherefore, named Plaintiffs pray for damages as set forth below.

SIXTH CAUSE OF ACTION
NEGLIGENT RECALL

48. Plaintiffs reallege and incorporate by reference each allegation contained in paragraphs 1 through 47 above and further allege as follows.

49. As described above, PRODUCT DEFENDANTS designed, manufactured, marketed, distributed, sold and/or supplied a defective and unreasonably dangerous product. Once PRODUCT DEFENDANTS learned that the product was defective and unreasonably dangerous, they had a duty to Plaintiffs to institute an effective product recall.

50. PRODUCT DEFENDANTS breached this duty when they failed to institute any product recall upon learning that their product was defective and unreasonably dangerous.

51. As a direct and proximate result of PRODUCT DEFENDANTS' failure to

recall the defective and unreasonably dangerous product, Plaintiffs have suffered harm and injuries.

52. Wherefore, named Plaintiffs pray for damages as set forth below.

SEVENTH CAUSE OF ACTION
INTENTIONAL MISREPRESENTATION

53. Plaintiffs reallege and incorporate by reference each allegation contained in paragraphs 1 through 52 above and further alleges as follows.

54. At all times herein referred to, PRODUCT DEFENDANTS were engaged in the business of designing, manufacturing, marketing, distributing selling and/or supplying the product which is the subject of the instant litigation.

55. PRODUCT DEFENDANTS, acting through their officers, agents, servants, representatives and/or employees, delivered the defective and unreasonably dangerous product to dealers and various other distribution channels.

56. PRODUCT DEFENDANTS willfully, falsely, and knowingly misrepresented material facts relating to the character and quality of the product. These misrepresentations are contained in advertisements and endorsements disseminated or caused to be disseminated by PRODUCT DEFENDANTS in various forms and through various media outlets, and such misrepresentations have been and are reiterated and disseminated by officers, agents, representatives, servants and/or employees of PRODUCT DEFENDANTS acting within the course and scope of their authority, so employed by PRODUCT DEFENDANTS to merchandise and market the product. PRODUCT DEFENDANTS knew that the product was extremely dangerous, yet advertised the product as fit for inexperienced amateurs, and deliberately decided to omit

any safety equipment such as to convey the false impression that little or no risk was involved in using the product.

57. PRODUCT DEFENDANTS' representations were made with the intent that the general public, including Plaintiffs, rely upon them. PRODUCT DEFENDANTS' representations were made with knowledge of the falsity of such statements, or in reckless disregard of the truth thereof.

58. In actual and reasonable reliance upon PRODUCT DEFENDANTS' misrepresentations, Plaintiffs purchased and used the product for its intended and reasonably foreseeable purpose. Plaintiffs were unaware of the existence of facts that the PRODUCT DEFENDANTS suppressed and/or intentionally neglected to disclose in a conspicuous manner. If they had been aware of the suppressed facts, Plaintiffs would not have purchased the defective and unreasonably dangerous product.

59. Plaintiffs are informed and believe, and thereon allege, that PRODUCT DEFENDANTS misrepresented material facts with the intent to defraud Plaintiffs. Plaintiffs were unaware of the intent of PRODUCT DEFENDANTS and relied upon the representations of PRODUCT DEFENDANTS in agreeing to purchase the product. Plaintiffs' reliance on the representations of PRODUCT DEFENDANTS was reasonable.

60. In actual and reasonable reliance upon PRODUCT DEFENDANTS' misrepresentations, Plaintiffs purchased the defective and unreasonably dangerous product and used it for its intended purpose, the direct and proximate result of which was injury and harm to the Plaintiffs.

61. Wherefore, named Plaintiffs pray for damages as set forth below.

EIGHTH CAUSE OF ACTION
NEGLIGENT MISREPRESENTATION

62. Plaintiffs reallege and incorporate by reference each allegation contained in paragraphs 1 through 61 above and further alleges as follows.

63. PRODUCT DEFENDANTS negligently and/or recklessly misrepresented various material facts regarding the quality and character of their product, under circumstances where PRODUCT DEFENDANTS either knew, or in the exercise of reasonable care should have known, that such representations were not true. These misrepresentations are contained in various advertisements and endorsements disseminated or caused to be disseminated by PRODUCT DEFENDANTS in various forms and through various media outlets, and such misrepresentations have been and are reiterated and disseminated by officers, agents, representatives, servants, or employees of PRODUCT DEFENDANTS acting within the course and scope of their authority, so employed by PRODUCT DEFENDANTS to merchandise and market the product.

64. In reasonable reliance upon these misrepresentations, Plaintiffs purchased the product for personal use. Had Plaintiffs known the true facts, including, but not limited to, the fact that the product was defective and unreasonably dangerous, they would not have purchased the product.

65. As a direct and proximate cause of PRODUCT DEFENDANTS' negligent misrepresentations, Plaintiffs have been harmed and injured.

66. Wherefore named Plaintiffs pray for damages as set forth below.

NINTH CAUSE OF ACTION
FRAUD BY CONCEALMENT

67. Plaintiffs reallege and incorporate by reference each allegation contained in paragraphs 1 through 66 above and further alleges as follows.

68. Plaintiffs are informed and believe, and thereon allege, that PRODUCT DEFENDANTS knew that there was a high probability that their product was defective and unreasonably dangerous and concealed this fact.

69. PRODUCT DEFENDANTS had a duty to disclose this information to Plaintiffs, consumers, and the general public. PRODUCT DEFENDANTS failed to timely disclose this information to Plaintiffs, consumers, and the general public.

70. PRODUCT DEFENDANTS concealed such information for the purpose of inducing the purchase and use of the defective and unreasonably dangerous product designed, manufactured, marketed, distributed, sold and/or supplied by PRODUCT DEFENDANTS.

71. PRODUCT DEFENDANTS knew that Plaintiffs were unaware of the existence of certain facts, and that Plaintiffs did not have an equal opportunity to discover such facts. PRODUCT DEFENDANTS were deliberately silent when they had a duty to speak, and actively suppressed and concealed certain material facts. If Plaintiffs had been aware of the facts not disclosed by PRODUCT DEFENDANTS, they would not have agreed to purchase or use the defective and unreasonably dangerous product. Plaintiffs are informed and believe, and thereon allege, that PRODUCT DEFENDANTS concealed such material facts with the intent to defraud Plaintiffs. Under the circumstances, especially since PRODUCT DEFENDANTS omitted and concealed

material facts, Plaintiffs' reliance on the representations of PRODUCT DEFENDANTS was reasonable.

72. As a result of PRODUCT DEFENDANTS' material omissions, failure to disclose and active concealment, Plaintiffs purchased and used PRODUCT DEFENDANTS' defective and unreasonably dangerous product, in the way which it intended, the direct and proximate result of which was injury and harm to the Plaintiffs.

73. Wherefore, named Plaintiffs pray for damages as set forth below.

TENTH CAUSE OF ACTION
NEGLIGENCE

74. DRIVER DEFENDANT owed Plaintiffs a duty to operate the boat in a safe manner.

75. DRIVER DEFENDANT breached this duty when he failed to exercise ordinary care as he did not operate the boat in the same manner as would a person of ordinary prudence under the same or similar circumstances.

76. As a direct and proximate result of DRIVER DEFENDANT'S negligence, Plaintiffs have suffered injuries and damages.

77. Wherefore, Plaintiffs pray for damages as set forth below.

DAMAGES

78. As a proximate result of the occurrence made the basis of this suit, [REDACTED] AND, III sustained severe bodily injuries. He was transported from the scene of the incident to the Emergency Room of a nearby hospital, where he was under the care of physicians and nurses. The estate of [REDACTED] [REDACTED] has paid or incurred liability to pay the reasonable and necessary charges for medical care and treatment including ambulance service fees, fees for the

services of the physicians and nurses and fees for hospital services and supplies. As a proximate result of the accident and the injuries inflicted upon him by the willful and/or grossly negligent conduct of Product Defendants, and the negligent conduct of Driver Defendant, JAMES [REDACTED] III died on April 30, 2006 after forty-five (45) minutes of conscious pain and suffering. The estate of JAMES [REDACTED] FREELAND, III has paid or incurred liability to pay a reasonable and customary charge for funeral and burial.

79. [REDACTED] AND, III was thirty-three (33) years of age at the time of his death. He was in good health with a reasonable life expectancy of forty-one (41) more years. He was married only once, to Plaintiff [REDACTED] on December 5, 1998. As stated, two (2) children were born of the marriage, being those named above and joined as Plaintiffs. During his lifetime, Plaintiff's Decedent was industrious and energetic, a good father, husband and provider. He performed numerous and usual tasks in and about the family residence, and gave advice, counsel, comfort, care and protection to his wife and family. In all reasonable probability, he would have continued to do so, providing for and supporting his wife for the remainder of her natural life and caring for and supporting his children at least until they attained adulthood, and probably thereafter, as he planned to provide each with all the costs incident to attending college in accordance with their desires and goals in life. At his death, [REDACTED] III possessed assets and accumulated savings from his past earnings, which, in all reasonable probability, he would have continued to accumulate for the remainder of his natural life. At the time of Plaintiffs'

Decedent's death, BRIDGET KAYE FREELAND was thirty-one (31) years of age, in good health, with a reasonable life expectancy of forty-nine (49) more years.

80. As a result of the untimely death of Plaintiffs' Decedent, [REDACTED], [REDACTED] has suffered pecuniary loss from the death of her husband, [REDACTED], [REDACTED], III, including losses of care, maintenance, support, services, advice, counsel, and contributions of pecuniary value that she would have received from her husband during his lifetime had he lived. In addition, she has suffered loss of consortium and damage to the husband-wife relationship, including loss of affection, solace, comfort, companionship, society, assistance, sexual relations, emotional support, love and felicity necessary to a successful marriage. She has suffered severe mental anguish, grief, and sorrow as a result of the death of her husband, [REDACTED], [REDACTED], and is likely to continue to suffer for a long time in the future. For these losses, [REDACTED] AND seeks damages in a sum within the jurisdictional limits of this Court.

81. [REDACTED] AND [REDACTED] have suffered pecuniary loss from the death of their father, [REDACTED], III, including losses of care, maintenance, support, services, advice, counsel, and contributions of pecuniary value that they would have received from their father during his lifetime had he lived. They have suffered additional losses by virtue of the destruction of the parent-child relationship, including the right to love, affection, solace, comfort, companionship, society, emotional support, and happiness. They have suffered severe mental depression and anguish, grief, and sorrow as a result of the death of their father, J. [REDACTED], III, and are likely to continue to suffer for a

long time in the future. For these losses, B [REDACTED] and [REDACTED] seek damages in a sum within the jurisdictional limits of this Court.

82. Plaintiffs would show that the negligence described above was of such a character as to make PRODUCT DEFENDANTS guilty of gross negligence. The acts and/or omissions of PRODUCT DEFENDANTS, when viewed objectively from the standpoint of the PRODUCT DEFENDANTS, involved an extreme degree of risk, considering the probability and the magnitude of potential harm to others. Moreover, PRODUCT DEFENDANTS engaged in such conduct with conscious indifference to the rights, safety or welfare of others, despite the PRODUCT DEFENDANTS' actual, subjective awareness of the risk involved. Accordingly, Plaintiffs seek punitive damages against PRODUCT DEFENDANTS in an amount that may be found by the trier of fact.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray for judgment against DEFENDANTS as follows:

1. For special damages according to proof;
2. For general damages according to proof;
3. For punitive and exemplary damages against Product Defendants pursuant to causes of action 1, 2, 3, 4, 6, 7, and 9, the bases for which will be proven at trial. Said exemplary or punitive damages are due and awardable pursuant to the actions of Product Defendants described above, including fraud and deceit, wanton and reckless acts of commission and omission, and outrageous and malicious conduct, in an amount in favor of Plaintiffs, as a multiple of Plaintiffs' compensatory damages, all totaled to

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an amount sufficient to punish said Defendants so as to deter it and others like it from similar wrongdoing.

4. Pre-judgment interest;
5. Post-judgment interest;
6. For Plaintiffs' attorneys fees and costs of suit incurred herein; and
7. Such further legal and equitable relief as this court may deem proper.

JURY DEMAND

Plaintiffs respectfully demand a trial by jury.

REQUEST FOR DISCLOSURE

Under the Texas Rule of Civil Procedure 194, Plaintiffs request that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2 (a-k).

Respectfully submitted,

LAW OFFICES OF DAVID E. BERNSEN, P.C.

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Texas Bar No. 02217500
Brian N. Mazzola
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Beaumont, Texas 77704
Tel. (409) 832-1957
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Attorneys for Plaintiffs,

**[REDACTED], Individually
and as Representative of the Estate of [REDACTED]
[REDACTED], III, and as next friend
of [REDACTED] and [REDACTED]
[REDACTED], minor children**

AUTOPSY REPORT

Case # [REDACTED]

May 1, 2006

ON THE BODY OF

[REDACTED]
[REDACTED]
Orange, Texas

CAUSE OF DEATH: Transection of aorta with left hemothorax.

MANNER OF DEATH: Accident.


Dr. Tommy J. Brown
Forensic Pathologist

5/9/2006
Date

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POSTMORTEM EXAMINATION ON THE BODY OF

[REDACTED]
Orange, Texas

HISTORY: This 33 year old Caucasian male was pronounced dead at 3:45 p.m. on April 30, 2006, at Christus Hospital - St. Mary in Port Arthur, Texas.

AUTOPSY: The autopsy was performed by Dr. Tommy J. Brown at the request and upon the written authorization of The Honorable Tom Gillam, III, Justice of the Peace, Precinct 8, Jefferson County, Texas, beginning at 7:00 a.m. on May 1, 2006, in the Southeast Texas Forensic Center, Inc., DBA: Jefferson County Morgue.

CLOTHING: The decedent was dressed in black and blue swim trunks and a pair of white jockey undershorts.

PERSONAL PROPERTY: There was a silver colored chain necklace around the neck.

EVIDENCE OF MEDICAL INTERVENTION: There was an endotracheal tube within the mouth. A neck brace was in place around the neck. There were EKG electrode disks over the chest and abdomen. There were defibrillator/ ECG/ pacing adhesive electrodes over the right upper and left lower lateral chest. There was an intravenous line in the right antecubital space.

EXTERNAL APPEARANCE: The body was that of a white male that measured 71½ inches in length, weighed 225 pounds and appeared the stated age of 33 years. There was full rigor mortis. The hair was brown with blonde tips and measured 1 inch in length. The eyes were closed; the conjunctivae were clear; the corneae were clear; the irides were green. There was a small amount of pink foamy fluid around the nostrils. The nose was otherwise unremarkable. Both ears were unremarkable. The teeth were natural. There were no abrasions, contusions or lacerations of the inner mucosa of the lips. The neck was symmetrical and without scars or evidence of trauma. The chest was symmetrical and without scars or

evidence of trauma. The abdomen was mildly protuberant and without palpable masses or scars. The pubic hair was small in quantity. The penis appeared circumcised. Both testicles were within the scrotal sac. There was a 1 by 1 inch abrasion on the medial right knee. Several small abrasions were present over the left knee. There were small scars of the knees and anterior lower legs. There were small scars of the forearms and back of the hands. There was a faint 1¼ inch abrasion on the anterior left upper arm. There was a tattoo of the head of a cat on the lateral left upper arm. The back had dependent posterior fixed lividity with blanching over the pressure areas. There was a tattoo of a tasmanian devil with the words "Double the" above it and "trouble" below it on the lateral right buttock.

INTERNAL EXAMINATION: The body was opened with a Y-shaped thoracoabdominal incision to reveal fat and red-brown muscles of the upper anterior thorax. The abdominal panniculus at the level of the umbilicus measured 1³/₈ inches. The organs were in their usual locations and had normal anatomic relationships to one another. There was 1,200 milliliters of free and clotted blood within the left chest cavity. There was a transection of the aorta. A large amount of blood was present within the mediastinum. There was no fluid within the peritoneal cavity. A small amount of serous fluid was present in the pericardial sac.

CARDIOVASCULAR SYSTEM: The heart weighed 410 grams. It had a smooth and glistening epicardial surface with a moderate amount of fat. The coronary arteries followed a normal distribution. There was mild to moderate atherosclerosis of the left anterior descending coronary artery. There was mild atherosclerosis of the right and circumflex coronary arteries. On sectioning, the myocardium was red-brown. There was no fibrosis. The walls of the right and left ventricles were of normal thickness. The cardiac valves were of normal size and had thin pliable cusps. There was a transection of the aorta just distal to the origination of the left subclavian artery. A large amount of blood was present in the left chest cavity, within the mediastinum and of the left hilus area.

RESPIRATORY SYSTEM: The right lung weighed 545 grams and the left weighed 250 grams. The left lung was compressed due to the blood. The upper pleural surfaces were pink and became darker in the more dependent portions. On sectioning, there was no tumor, infectious process, hemorrhage or pulmonary emboli.

HEPATOBIILIARY SYSTEM: The liver weighed 1,830 grams. It had a dark brown external and cut surface. There was no tumor, infectious process or hemorrhage. The gallbladder contained 40 milliliters of a viscid green bile. There were no stones. The hepatobiliary ducts were patent.

SPLEEN: The spleen weighed 210 grams. It had a dark purple-gray intact capsule. On sectioning, the parenchyma was red-brown. The Malpighian corpuscles were prominent.

ADRENALS: Both adrenal glands were surrounded by a moderate amount of fat. On sectioning, the cortex was yellow and of normal thickness. The medulla was gray-tan and unremarkable.

PANCREAS: The pancreas had the usual size and shape. It was red-brown and lobulated on external and cut surface. It was unremarkable.

GASTROINTESTINAL TRACT: The esophagus had a gray-tan mucosa. The stomach contained 20 milliliters of a liquid digestate. The duodenum, small and large bowels were unremarkable. The appendix was present at the tip of the cecum.

GENITOURINARY TRACT: The left kidney weighed 150 grams and the right weighed 140 grams. Both had capsules that stripped with ease to reveal smooth brown surfaces. On sectioning, the cortex and medulla were well demarcated. There was no tumor, infectious process or hemorrhage. The urinary bladder was empty. The bladder mucosa was white-tan. The prostate was of normal size and had a homogenous pink-tan surface. There were no nodules.

NECK: The internal structures of the neck were examined. There were no fractures of the cervical spine. The proximal esophagus had a gray-tan mucosa. The larynx contained a small amount of mucous but was otherwise unremarkable. There was no food lodged in the upper airway. The hyoid bone, thyroid cartilage and cricoid cartilage were intact and had no fractures. The thyroid gland had the usual butterfly shape and was red-brown on both external and cut surfaces. There were no nodules.

HEAD: The scalp was incised and reflected in the usual manner. There were no subscalp hemorrhages. The top of the skull was removed and had no fractures. There was no epidural, subdural or subarachnoid hemorrhage. The brain weighed 1,430 grams. The vessels at the base of the brain were intact and had no anomalies or abnormalities. On sectioning the cerebrum, cerebellum, and brain stem, there was no tumor, infectious process or hemorrhage. The base of the skull was intact and had no fractures. There were no neck fractures.

PATHOLOGICAL FINDINGS

1. Transection of aorta.
2. Left hemothorax (1,200 milliliters of blood).
3. Mild to moderate atherosclerotic coronary artery disease.

CAUSE OF DEATH: Transection of aorta with left hemothorax.

MANNER OF DEATH: Accident.

COMMENT: The decedent was being towed behind a boat on a kite tube. According to witnesses, the kite tube flew 15 feet into the air with the decedent and then impacted the water. The impact caused a transection of the aorta due to sudden deceleration of the body.

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Attachment #9
Page 1 of 1

AMERITOX
9930 W Hwy 80 Midland, TX 79706
Tel (866) 926-9264 Fax (432) 561-8619

Toxicological Laboratory Report

Name: ██████████

Case Number: ██████████

Medical Examiner: Dr. Tommy Brown

Company Name: Jefferson County Morgue

Drugs of Abuse Screen

Blood Negative

Quantitative Tests

Blood Alcohol: Ethyl 0.04 %

Blood Alcohol: n-propanol, acetone, methanol, isopropyl Negative

Other Tests

Blood Salicylate, spot test Negative

Blood Tricyclic Antidepressants Screen Negative

Blood Acetaminophen Screen Negative

* No vitreous available to reconfirm alcohol level.

Joseph R. Monforte
Joseph R. Monforte, Ph.D., DABFT
Laboratory Co-Director

MAY 11 2006

Date

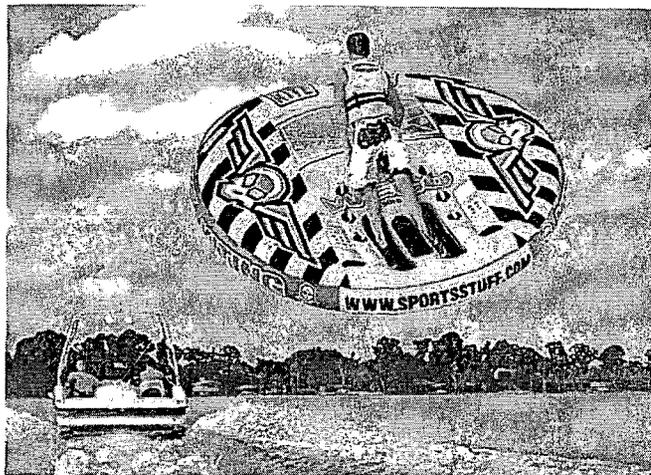
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IDI 060628CWE5430

INCIDENT REPORT

The 42-year-old victim had been water skiing, tubing and boating for over 10 years. He was a water enthusiast and interested in the latest water recreational products on the market but was not a high risk taker.

In January, 2006, the victim and his 44-year-old male friend went with their wives to an area boat show. At the show, they saw a product called the kite tube which was ten feet in diameter. The friend stated that until now they had been on tubes up to five feet in diameter. They viewed a video tape of the kite tube which showed it in the air about five to ten feet off the water while it was being towed by the boat. They talked with the sales representative who stated that you only have to go 26 mph to get the kite tube to lift off the water. The victim thought the kite tube looked like fun and easy to do. Based on the video, the victim decided to order one to use in the upcoming summer. He purchased it for about \$460 at the boat show discount and it was shipped to him by the end of May, 2006. Following and attached as Exhibit "A" is a picture of this kite tube.



On June 23, 2006, the victim went on vacation with the same friend who had been at the boat show with him as well as another friend who was 45-years-old along with all of their families. They stayed at a resort on a lake so that they could fish, ski and go tubing. The victim brought the kite tube along with him as well as the new 60 foot tow rope which came with it. The victim told his friends that he viewed the kite tube video and read the product literature prior to leaving home. His friends asked if the victim had brought the video along as they wanted to see it, but the victim had left all of the product literature at home.

On June 24th, the victim and his two friends decided to try the kite tube out for the first time. As the two friends were blowing up the kite tube with a compressor, they read the warnings printed on the tube. They attached the tow rope to the back of the boat and

towed the kite tube behind the victim's boat. The victim and his two friends rode the kite tube separately wearing life jackets. They stood or knelt in the foot pockets and grabbed the handles on the kite tube. None of them had any prior experience with this size of tube. The closest size they had ridden on was a five foot diameter tube. While one was tubing the other two were in the boat driving and spotting. As they took off, the rider would pull on a rope attached to the front middle of the tube to lift the front of the kite tube so that water would not get into the tube. After that, the rider would pull on the kite tube handles to lift the front of the tube up so that it could get air to lift off the water. The victim and his two male friends each tried once riding on the kite tube but could not get the tube to lift off of the water at a speed of 25 mph as recommended. The front of the kite tube would rise off of the water but the back end would drag on top of the water. There were no falls on this day.

Both of the victim's friends remarked that it was very difficult to hold onto the handles for very long as your arms and legs would tire easily. They also noted that they had no control of the kite tube. The front end of the tube would rise up as the boat accelerated and would come down when the boat slowed down. They stated that they were just holding on and were at the mercy of the wind and the driver.

On the following day, they were talking about the kite tube and thought perhaps they needed a bigger boat and motor to get the kite tube to lift off the water as they were larger guys. The 42-year-old victim was 6'1" and 225#, the 44-year-old friend was 6'1" and 205# and the 45-year-old friend was 5'8" and 150#.

On June 26th at about 8:00 PM, the victim and his two friends decided to try the kite tube out again using his 44-year-old friend's boat which was a 1991 VIP Model SK8 with an Evinrude 150hp motor. The friend who was the owner of the boat attached the tow rope at the 60 foot length and drove the boat. The 45-year-old friend was the spotter and the victim was the rider. As they started out in front of their cabin, the friends noted that the lake was like glass and there was no breeze.

Traveling from the cabin to the end of the lake took less than a minute. During this time, they were able to get the kite tube to lift off the water about two to three feet for about five seconds going at a speed of 30-35 mph. Any less speed and the tube would not lift off the water. The friend who was driving stated that he was constantly adjusting the speed of the boat to get the kite tube in the air. As the rider pulled on the handles which lifted the front of the tube in the air, the tube would catch some air and lift off the water. When the tube was three feet off the water, the driver would try to maintain the speed of the boat and as the tube started to descend to the water, the driver would increase the speed. Both the driver and spotter related that while the tube was in the air, they were unable to see the victim on the tube. They noted that the tube has a plastic window that in theory allows the driver to see the rider and vice versa. When the tube is deflated, you

can see through the window. But, when the tube is inflated the plastic window accumulates condensation, is cloudy and does not allow either party to see each other. Therefore, there was no way to communicate between the driver and rider.

When they reached the end of the lake, the driver slowed the boat down to turn around to come back. At this time, the driver asked the victim how the speed was on the first trip and the victim responded that the speed was perfect and to drive exactly the same on the way back. As they started out, the kite tube performed the same at about 30-35 mph. It lifted off of the water up to three feet and then would come back down. When they were about half way back, the kite tube lifted off of the water to four feet, swayed to the right, then to the left, then shook, then went back to the right and then came down and hit the water. From lift off to touch down took less than five seconds. When the kite tube hit the water, the victim was thrown into the water head first. At this point, the spotter told the driver, that the victim had fallen off. When the driver turned around to look, he saw the kite tube about 20 feet in the air. The driver turned the boat around and started back to the rider. When the boat was within 20 feet of the victim, the driver and spotter noticed that the victim was not moving. When they came within 10 feet of the victim, they observed the victim face down in the water.

The spotter grabbed the life vest of the victim and lifted his face out of the water. They found that the victim was breathing and his lip was bleeding but he was unconscious. The driver started to lightly slap the victim's face to get him to come around but the victim did not respond. At this point, they yelled to shore to send a boat out to help.

An emergency medical technician (EMT) happened to be staying at the same resort and on shore at the time of the incident. He got into his boat and brought additional people along to help with the victim. At this same time, someone on shore called "911" for assistance. When the EMT arrived at the scene, it took six men to pull the victim out of the water and into the boat. By this time, the victim was coming around and could move his legs and talked. The victim knew his name and his birthday but did not know what had happened. When they came back to shore with the victim, an ambulance arrived within two to three minutes. The ambulance took the victim to an area hospital and his wife rode along with him. The 44-year-old friend and his wife followed the ambulance to the hospital.

The Sheriff's Department was also called to the scene by the "911" call. They briefly interviewed the parties involved. Attached as Exhibit "B" is a copy of their call sheet and press release on the incident.

When the victim arrived at the hospital, he was diagnosed with a broken collar bone, a lacerated spleen, a bruised liver and a hematoma near his thorax. There were no visible signs of injury, as the injuries were all internal. As the hospital staff was working on draining the fluid from the hematoma, the victim's heart stopped several times. The hospital staff restarted the victim's heart on each occasion until it stopped at 1:00 AM on

June 27th and they were unable to restart it. The hospital noted the cause of death to be cardiac arrest.

The Vilas County Coroner was called to the hospital and an autopsy was scheduled for the following day. The coroner noted the death to be accidental and the cause to be exsanguination, severed hepatic artery and blunt force trauma. Attached as Exhibit "C" is a copy of the coroner's report.

Following the death of the victim, the county sheriff called the area Department of Natural Resources (DNR) warden to report the incident as the DNR investigates boating deaths. The warden went to the resort and briefly interviewed the 45-year-old friend of the victim regarding the incident. To date, the Department of Natural Resources does not have a releasable report and it is unknown if there will be a formal report by their office.

This injury incident was brought to the attention of the U.S. Consumer Product Safety Commission by a news reporter. This investigator received this assignment on June 28, 2006 and contacted the Department of Natural Resources warden to obtain additional information on the incident. The warden provided the name of the victim as well as the driver and spotter.

On June 30th, this investigator conducted an on-site interview with the victim's friends, the 44-year-old male driver and the 45-year-old male spotter. Their comments have been incorporated into this report. Both of the friends stated that upon returning home from the resort, they inspected the kite tube and did not notice any damages or apparent equipment failure.

PRODUCT IDENTIFICATION

The product involved is a Wego Kite Tube, Model 53-5000 that is 10 feet in diameter x 18" H when inflated and yellow, orange and black in color. The kite tube is pulled behind a motor boat and the rider holds onto handles on the top side of the tube and puts his feet into foot pockets. As the rider pulls on the handles, the front of the tube is lifted in the air. The air goes underneath the tube causing it to lift off the water. The tube may raise straight up or act like a kite swiveling, swooping and turning in the air. The kite tube has been known to reach heights of up to 30 feet in the air before coming back down to the water. It has a UPC 0 29808 00518 5 and is manufactured in China for:

SPORTSSTUFF, INC.
11213 E CIRCLE STREET, #A
OMAHA, NE 68137
(402) 592-9085
(888) 814-8833
www.sportsstuff.com

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The kite tube is advertised on the Internet and described as follows:

Wego Kite Tube

10ft diameter flying tube.

Take flight with the WEGO KITE TUBE! The next generation of action towable to here, taking you to a whole new level of excitement! Whip across the water like a deck tube, or fly through the air like a bird! Experience the thrill of flight as you rise above the water, reaching incredible heights, leaving nothing but adrenaline in your wake! The level of extreme sport has been raised with the WEGO KIT TUBE. Anything else is beneath it.....

Model 53-5000 Sug. Retail: \$599.95

The kite tube has the following features:

- **120 inch inflated diameter (10 feet) with slanted saucer configuration.**
- **840D full body nylon double skin cover with PU coating.**
- **Computerized double stitched sewing.**
- **Nylon zippered openings for bladder insertion and adjustment**
- **Multiple mesh drain ports, bar-tacked.**
- **Two heavy-duty PVC bladders-outer ring and slotting cockpit.**
- **Reinforced towing system with molded aluminum connector for easy quick connection.**
- **Speed safety valves for fast easy inflation and deflation.**
- **Parallel slotting system with non-slip footsteps and neoprene padding for comfortable foot, knee, and leg use.**
- **8 padded, non-slip handles with knuckle guard.**
- **Heavy-duty starting leash with easy grip sponge balls.**
- **Reflective Safety Piping on all handles and on the outside top taping.**
- **Variable loops for detachable leash use.**
- **Panoramic see through double windows.**
- **Adjustable length style 45-55-65 foot segmented tow rope included.**
- **High visibility, billboard style, red and yellow watersports safety colors with checkerboard and caution accent striping**
- **Instructional DVD, tow rope and starting leash included.**
- **90 day warranty**

Warnings

The kite tube has warnings noted in its instructional DVD, product literature and printed directly on the kite tube top surface. The warnings on the kite tube are reiterated as follows:

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WARNING

To lessen your risk of serious injury or death, follow these rules:

- **Not a Lifesaving Device.**
- **Never Leave Children Unattended.**
- **Use Only Under Competent Supervision.**
- **Read the owner's manual carefully before using your Sportsstuff towable.**
- **Not for use by children under twelve (12) years of age.**
- **The watercraft driver is responsible for the towable and rider(s) since the towable cannot be controlled by the rider(s). The rider(s) may not be able to see where he/she is going.**
- **Always have an experienced operator (driver) at the helm of the watercraft.**
- **Always have three or more people present for safe tubing: one to drive, one to observe, and one or more to ride.**
- **Observer in the boat should keep the driver aware of the towable rider(s) status.**
- **Always keep a lookout for other watercraft, boats, swimmers, towables, and other obstructions in the water.**
- **Stay away from other boats and personal watercraft, docks, pilings, bridges, shallow water, and the shore.**
- **The watercraft driver should avoid excessive speed or sharp turns which might cause the towable to flip over, resulting in serious injury to the rider.**
- **Do not use at speeds that exceed the skills of the rider. Never exceed 20 mph when towing adults or 15 mph when towing children.**
- **Use a tow rope specifically designed for towables.**
- **Never operate the watercraft or ride the towable under the influence of alcohol or other drugs.**
- **Never place wrists or feet through the handles or towing harness. Ensure that the tow rope is clear of all body parts prior to or during use.**
- **Riders should keep arms and feet out of the water.**
- **Always wear a U.S. Coast Guard (USCG) approved type III (PFD) ski vest or as recommended by proper government authorities.**
- **Do not exceed the manufacturer's recommended number of riders for this tube.**
- **Do not use this unit when it is under-inflated. The risks involved with this could include entrapment which may result in death or serious injury.**
- **Use a tow rope of at least 1500 lbs. average tensile strength for pulling a single person, 2375 lbs. average tensile strength for pulling two people, 3350 lbs. average tensile strength for pulling three people, and 4100 lbs average tensile strength for pulling four people on an inflatable tube. The tow rope should be at least 45 feet in length but not exceed 65 feet.**
- **The manufacturer, Sportsstuff, Inc., does not have control over the use of this product and assumes no liability therein. Under no circumstances is Sportsstuff or the seller liable for any loss, damage, injury, or expenses of**

any kind arising out of the use of this product. It is the responsibility of the user to determine the proper suitability and safety of the product during normal use. This product is subject to age, wear, and deterioration from the use and weather conditions. We strongly recommend that you inspect the product on a regular basis.

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ITEM NO.: 53-5000

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KITE TUBE BOAT DRIVER

To lessen your risk of serious injury or death, follow these rules:

- Driver should be at least 16 years of age and pass a coast guard approved boating course.
- Utilize a large, wide angle, rear view mirror (20 inch width) to keep eye on Kite elevation.
- Slow speed to reduce height, a sudden gust of wind can send the rider up to 20 feet high or more in half a second.
- Maintain constant communication with spotter about the Kite tube and its performance.
- Adjust boat speed to reduce the height of the Kite tube.
- The Kite Tube is unlike any other towable tube. It can sustain flight at various heights for long periods of time.
- Wind, boat speed, rider weight, and length of rope are big variables in Kiting performance.
- Pay attention and adjust the boat speed frequently to fit the conditions. You are the director.
- Never Kite higher than you want the rider to fall, adjust your speed.
- Avoid excessive boat speed at all times.
- Have pre-ride meeting with spotter and rider to discuss the type of ride to be given.
- Determine the best conditions for Kite tubing based on rider weight, boat speed and wind speed.
- Give-way to all other watercraft, especially sailboats.
- The Kite tube can sustain flight with steady head wind and boat speed. Head into the wind.
- Be aware of cross winds and wind gusts.
- Use the large, panoramic window to monitor and communicate with the rider.
- Don't gamble with rider safety. Driver must accept 100% responsibility for the safety of the rider.
- Instruct the rider to lean back and pull on the leash to keep the nose up until the boat and tube plane out. As the boat planes out and the tube rises out of the water, there will be almost no drag on the boat.
- Most boating accidents happen in less than 2 seconds.
- Reaction time varies from 120 to 255 feet of boat length.

- Do not be in-attentive. Do not let your mind wander. Focus on what you are doing.
- Never use the Kite Tube with wind forces so strong that you are unable to maintain control.
- Don't Kite in electrical storms.
- The Kite Tube is an air foil of extremely limited capabilities with regard to wind and turbulence.
- Instruct all riders of rules and warnings, plus how to ride.
- In riding position, the rider and tube are at a 45° angle to the water's surface.
- Avoid floating objects and all immovable objects.
- All riders should be towed at speeds that allow for reasonable control.
- Avoid submarining the towable when first starting out or on spills.
- Slow boat down to 5 mph to turn around and pick up the rider.
- In many cases when the rider falls off, the Kite will continue to be airborne.
- Don't be a gunner, slamming the throttle forward and forgetting about the towable and your rider. Focus.
- In no-wind conditions, use zig-zags, whips, figure eights and circles that the Kite tube will Kite in, but remember the Kite tube is designed to Kite into the wind.
- Do not throw away your owner's manual. You must review periodically and especially when allowing others to use or borrow your Kite tube.
- Unlike most towables that ride on the water's surface and have tremendous drag, when the Kite Tube is Kiting or flying there is almost no drag and the boat has a tendency to go faster, so watch out for this effect (a lot of drag to no drag).
- Don't overload your boat with a lot of passengers.
- Like many towables, rider balance too far forward can cause towable to nose under. This is called submarining. When you start moving forward, make sure the rider holds the leash on the tube to help keep the nose up during takeoff until the boat reaches planing speed and lift occurs on the Kite tube. If the boat driver, spotter and rider are not paying attention, the towable could nose in. This causes the submarine effect, which results in the towable acting like an anchor. Reduce speed immediately otherwise you will create too much drag on the boat and tube, causing something to break.
- Pay attention when starting out to prevent this effect. Let's say everything goes right and the Kite tube and rider are traveling at a sustained height above the water and the rider falls off. The Kite might continue its flight or crash down into the water. We suggest that you slow the boat down to 5 mph, otherwise the towable might again act like a submarine, because it is upside down or wind conditions have forced it into a weird position where it cannot be towed at any speed other than 5 mph.
- It is the obligation of the boat driver to operate the boat in responsible safe manner and not try to "dump the rider".

- Experience safe Kiting.

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WARNING

KITE TUBE RIDER

To lessen your risk of serious injury or death, follow these rules:

- Avoid gusty and cross winds, use in light to moderate steady winds.
- Gusts and cross winds can cause this product to experience sudden changes in height or direction.
- Use in at least 6 feet of water depth, the higher you Kite, the deeper the water should be.
- Never use in shallow waters.
- Boat driver, spotter and rider are all beginners, take it easy, learn in light steady wind, start slow.
- Your body weight is a factor on balance and control, shifting helps to control kiting (rider is ballast).
- Have pre-ride discussion with rider, driver and spotter.
- Never Kite higher than you're willing to fall.
- Into a steady wind, flight occurs more easily.
- With the wind, flight is not so easy.
- Based on rider weight, a lighter person will Kite easier than heavier person.
- Do not over-estimate your ability. Kiting takes a practiced level of skill.
- Keep tube's nose up when starting out, pull back on the ball/leash to help hold the nose up until the boat reaches planning speed.
- Rider safety is in the hands of the boat driver and spotter.
- Stay 100 yards from shore, avoid other boat traffic, power lines, and other immoveable objects.
- Be aware of natural wind breaks and barriers that change the wind flow.
- Use rear transom tow point. Using higher tow point means the Kite can Kite higher.
- Maximum 1 rider capacity.
- Do not exceed 200 pound maximum weight or 100 pounds minimum, be at least 12 years of age and a height of 5 feet or more.
- Balance to minimize movement while airborne. Too much movement can cause the Kite tube to become wobbly and over turn. Maintain a good center of gravity.
- 10 and 2 o'clock are the best control hand positions.
- Hang time, Kite time, can be 1 second to many minutes.
- Length of hang time depends on the wind, boat speed and rider weight.
- A straight boat heading into the wind creates the optimum Kiting performance.
- Ballet performance is what you are looking for (up and down).
- Use the large panoramic window to see the boat and to view rider height.

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- Force the tube down by pushing your weight down with a swift motion.
- Use your position within the slotting system cockpit to adjust pitch or the angle by which the nose of the tube is inclined up or down from the horizontal.
- Use the handles to adjust left to right balance.
- Utilize a combination of foot and hand positions to accommodate the current wind and boat speed conditions.
- Do not use this tube if you are pregnant, could be pregnant, or if you have neck or back problems.
- Raise arms above head following a spill to signify to the boat driver and spotter that you are okay.
- A rider that falls or is ejected should try to fall away from the Kite tube.
- Experience safe Kiting.

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WARNING

KITE TUBE USE

Release of Liability:

By assembling and inflating the Kite Tube, you agree that you have read and understand the entire Sportsstuff's product manual, including all instructions and warnings contained in that material prior to using the Kite Tube. You additionally agree that you will ensure any additional or subsequent users of the Kite Tube will read and understand the entire owner's manual. Misuse or improper use of the Kite tube could result in risks, dangers and hazards which may result in serious injury or death. The risks and dangers that may be encountered through the improper use of the Kite Tube can be avoided by reading and following the warning guidelines listed within the owner's manual and by proper use of the Kite Tube. Your assembly and use of this product shall be evidence of your agreement to the fullest extent permitted by law, to properly follow the instructions and abide by the warnings set forth within the product manual. Your assembly and use of the Kite Tube shall also constitute a release, to the extent permitted by law, by you and by any third party permitted by you to use, in any manner, the Kite Tube, to Sportsstuff from any and all liability for any loss, damage, injury and/or expense that you or any user of the Kite Tube may suffer as a result of the use of the Kite Tube. This release shall extend to any loss, damage, injury or expense due to any cause whatsoever, including negligence or breach of contract on the part of Sportsstuff and/or any party participating in the design and/or manufacture of the Kite Tube. The terms of this release shall be effective and binding upon you, your heirs, next of kin, executors, administrators, assigns and representatives. Your assembly and use of the Kite Tube shall constitute your agreement to assume and accept any or all known or unknown risks or injury to you and/or to third parties through the use of the Kite Tube. Sportsstuff and related parties have not made and hereby expressly deny any oral or written representation and/or warranty,

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including warranty for a particular purpose, other than what is set forth herein and in the Sportsstuff's Kite Tube manual.

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ATTACHMENTS

Exhibit "A" – Pictures and photographs of kite tube as well as the boat used to pull the kite tube the day of the incident.

Exhibit "B" – Sheriff's department call sheet and press release.

Exhibit "C" – Coroner's report.

Exhibit "D" - Authorization to Not Release Name forms.

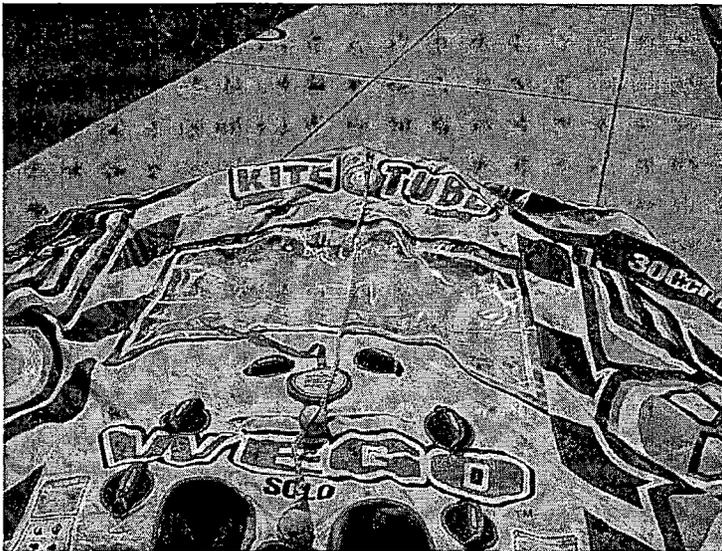
Exhibit "E" – Contact List



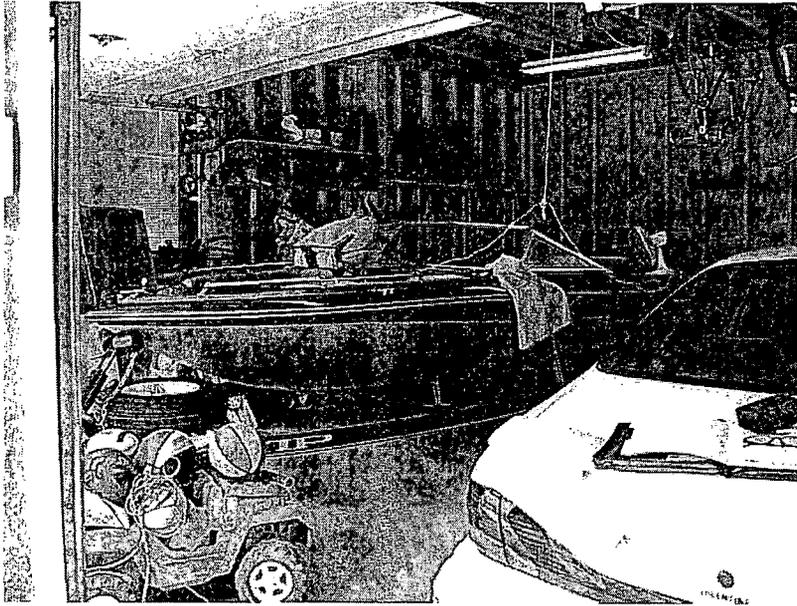
IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Picture off Sportsstuff, Inc. Internet site.



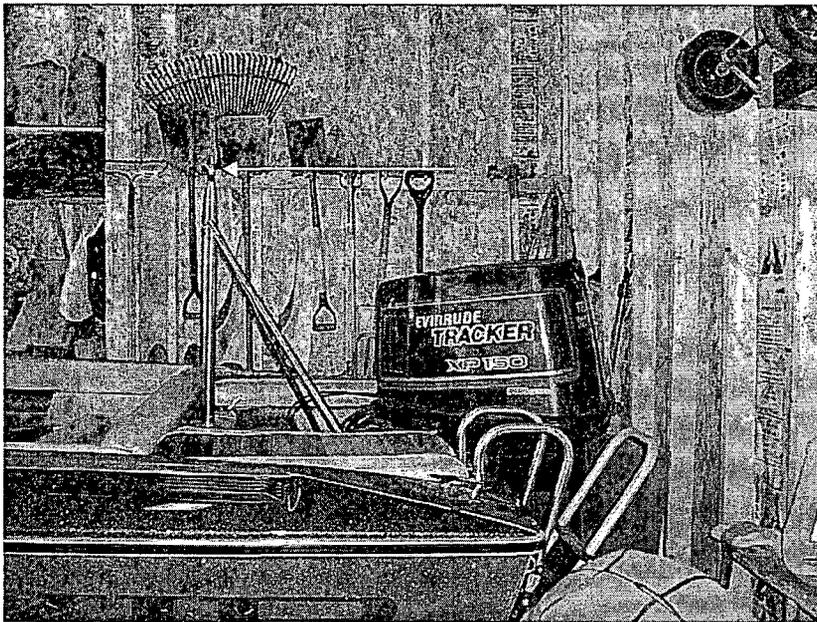
IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Model 53-5000 – Purchased by victim.



IDI 060628CWE5430 – Exhibit “A” – Wego Kite Tube – Model 53-5000 – Purchased by victim. – Photograph shows plastic window for rider and driver to view each other.



IDI 060628CWE5430 – Exhibit “A” – 1991 VIP 17 foot SK8 boat with an 150 hp Evinrude motor that pulled the Wego Kite Tube the day of the incident.



IDI 060628CWE5430 – Exhibit “A” – 1991 VIP 17 foot SK8 boat with an 150 hp Evinrude motor that pulled the Wego Kite Tube the day of the incident – Arrow points to where tow rope was attached.

Tue Jun 27 01:05:06 CDT 2006 L Scarcelli
Traci England, medical examiner from Oneida, calling to request our coroner.
Tue Jun 27 01:05:19 CDT 2006 A Mattke
Paged 249 P Tirpe. Also notified C161 M Sealander and 210 D Gardner. 202 J
Fath notified.

IDI 060628CWE5430 - Exhibit "B"

PRESS RELEASE

For Immediate Release

For more information contact:
John Niebuhr, Sheriff
715-479-4441

David Gardner, Lieutenant

Boating Accident - Fatality

St. Germain, WI, Little St. Germain Lake, June 27, 2006

VCSD Case No. 06-006594

St. Germain, WI, June 26, 2006 -- On Monday, June 26, 2006, at approximately 8:07 PM, the Vilas County Sheriff's Department received a call requesting medical assistance at ~~1500 Little St. Germain Lake~~, St. Germain. The caller stated a boating accident on Little St. Germain Lake had occurred and one person was injured. St. Germain Rescue, Plum Lake 91 and Med 5 were dispatched to the scene. The injured party was transported to Howard Young Medical Center for treatment and was later pronounced dead. The name of the deceased is being withheld pending notification of family.

The accident is under investigation by the Wisconsin Department of Natural Resources, Vilas County Sheriff's Department and Vilas County Coroner's Office.

Lt. David Gardner
Tuesday, June 27 02:19:00 CST 2006

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IDI 060628CWE5430 - Exhibit "C" - Coroner's report - 3 pages

VILAS COUNTY CORONER'S REPORT

Name of Deceased: [REDACTED] DOB: 10 [REDACTED] CO#: 06-006594

Address: [REDACTED] Age: 42

Date of Death: 06/27/06 Time of Death: Pron. 0050

D.A. Notified: YES Date: 06/27/06 Time: 0830

Reported By: Vilas Sheriff's Office per request of HYMC ER Staff

Time reported: 0106 Doctor:

Cause of Death A. Exsanguination
 B. Severed Hepatic Artery
 C. Blunt Force Trauma

Natural: Suicide: Homicide: Accidental: X

Date of Incident: 06/26/06 Time of Incident: 2005hrs
Location: 1130 Gessert Road, Little St. Germain Lake, St. Germain,
Township

Autopsy performed By: Dr. Kelley

Funeral Director: Church and Chapel Funeral Service

DESCRIPTION OF BODY

Sex: Male Race: White Height: 6'1" Weight: 226 Eyes: Hazel
Hair: Blonde Personal Effects: Silver Colored band on left ring finger.
Left with body at Fond du Lac Medical Examiner.

Trauma: See autopsy report

Specimens Taken: Blood, Usual autopsy specimens

Photos: Autopsy

Investigated by: 249 Tirpe, Warden Selander

Next-of-Kin: [REDACTED] - Wife Notified: By HYMC ER Staff

Address: Same Phone: [REDACTED]

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IDI 060628CWE5430 - Exhibit "C"

VILAS COUNTY CORONER'S DEATH REPORT

DECEASED NAME: ██████████

I was contacted by the Vilas County Sheriff's Department to respond to a death at the Howard Young Medical Center Emergency Room. Upon my arrival I met with the ER physician, Dr. Mark Richards who advised me that the deceased had been brought to Howard Young following a tubing accident in St. Germain. He advised me that the deceased had been alert and oriented and that following his return from the CT scanner the deceased suddenly crashed and that a code ensued. Dr. Richards stated that they had coded Mr. ██████████ for almost 2 hours before declaring him dead. Dr. Richards stated that the CT appeared to show a small laceration to the spleen and bruising to the liver with a small amount of blood in the cavity. According to Dr. Richards the deceased also had a left pneumothorax that was reduced with a chest tube and a pulmonary contusion.

Following this I met with ██████████ and ██████████ (11/14/61) who was the driver of the boat that was towing Mr. ██████████. Mr. ██████████ stated that he was towing Mr. ██████████ on a "kite tub" around Little St. Germain Lake and had a spotter, Mr. ██████████, in the rear of the boat watching Mr. ██████████ on the tube. According to Mr. ██████████ they were traveling between 40 and 45mph and that the tube was bouncing off the water approx. 2' into the air and then back down onto the water.

Mr. ██████████ stated that Mr. ██████████ informed him that Mr. ██████████ had fallen off of the tube and then they turned the boat back to where they thought Mr. ██████████ was to pick him up. According to Mr. ██████████ when they approached Mr. ██████████, Mr. ██████████ told him that Mr. ██████████ was lying face down in the water and had not given him the "OK" sign. Mr. ██████████ then came to assist Mr. ██████████ in rolling Mr. ██████████ over onto his back. As they rolled Mr. ██████████ over he noted that Mr. ██████████ had "snoring" respirations. Mr. ██████████ stated that Mr. ██████████ was wearing a life vest but was too heavy for him and Mr. Roadt to get into the boat by themselves. Mr. ██████████ and Mr. ██████████ stated calling for help and some bystanders on the shore came out in their boat and assisted them in getting Mr. ██████████ back into the boat and to shore. Mr. ██████████ stated that by the time they arrived at the shore and called 911 that Mr. ██████████ was beginning to regain consciousness. Mrs. ██████████ stated that the deceased had no significant medical history and was on no prescription medications.

At this point I advised Mrs. ██████████ that I would be requesting an autopsy be done and that I would speak with her following the autopsy. I then proceeded to take Mr. ██████████ into my care and setup an autopsy to be done that day at the Fond du Lac County Medical Examiner's Office. I also released the deceased for skin and bone donation at the wife's request. I also spoke with Warden Selander regarding the incident. Following this I transported the deceased to the Fond du Lac County Medical Examiner's Office in Fond du Lac for the autopsy.

See Page 3

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IDI 060628CWE5430 - Exhibit "C"

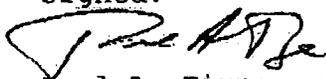
VILAS COUNTY CORONER'S DEATH REPORTDECEASED NAME: ~~XXXXXXXXXXXXXXXXXXXX~~

Page 3

Dr. Kelley the Fond du Lac County Medical Examiner performed the autopsy and noted that a large quantity of blood was found in the abdominal cavity. He proceeded to explore the cavity and found that a hepatic artery had been severed. Dr. Kelley also noted that there were posterior rib fractures on the left side indicating a substantial amount of force had been transferred to the body when the deceased struck the water.

Following the autopsy I advised Mrs. ~~XXXXXXXXXX~~ by phone of the results of the autopsy and answered what questions she had. I then released the deceased to the funeral home for final disposition at the request of the family.

Signed:



Paul A. Tirpe - Coroner

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U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

IDI 060628CWE5430 - Exhibit "D" - Authorizations To Not Release Names - 2 pages

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES

NO



(Signature)

7-7-06

(Date)

P.S. Please do what you can to outlaw this kite tube "monster".





U. S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

IDI 060628CWE5430 - Exhibit "D"

U. S. CONSUMER PRODUCT SAFETY COMMISSION

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Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES

NO



(Signature)

7-6-06

(Date)

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VICTIM

[REDACTED] - 42-year-old male
[REDACTED] Street
[REDACTED]
[REDACTED]

CONTACT LIST

[REDACTED] - 44-year-old male owner of boat and driver
[REDACTED]
[REDACTED]

[REDACTED] - 45-year-old male spotter
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] - Friend of victim
[REDACTED]
[REDACTED]
[REDACTED]

Jeff Dautermann - Warden
Michael Sealander - Warden
Chris Spaight - Warden
Department of Natural Resources
223 E. Steinfest Road
Antigo, WI 54409
(715) 623-4190

Vilas County Sheriff's Department
330 Court Street
Eagle River, WI 54521
(715) 479-4441

Paul Tirpe, Coroner
Vilas County Coroner
29 forest Drive
Manitowish Waters, WI 54545
(715) 543-2232

1. Task Number 060705HBB3646		2. Investigator's ID 8999		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2006 06 11	5. Date Initiated YR MO DAY 2006 07 06		
6. Synopsis of Accident or Complaint UPC A 26-year-old woman suffered multiple fractures in her thighbone when she was riding a kite tube at a public lake and the kite tube nosedived into the lake from about 15 feet above the water.				
7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY		8. City PUEBLO		9. State CO
10A. First Product 1264 - Water Skiing (activity, Appa		10B. Trade/Brand Name WEGO KITE TUBE		10C. Model Number 53-5000
10D. Manufacturer Name and Address SPORTSSTUFF 11213 E. Circle, Suite A Omaha, NE				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 26	13. Sex 2 - Female	14. Disposition 4 - Hospitalized		15. Injury Diagnosis 57 - Fracture
16. Body Part(s) Involved 81 - UPPER LEG	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 1 - On-Site		19. Time Spent (Operational / Travel) 20 / 8
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 07 - Consumer Complaint		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 07/20/2006	25. Reviewed By 8929		26. Regional Office Director Frank J. Nava	
27. Distribution Topka, Tanya L.; Blasius, Dennis R.			28. Source Document Number I0670011A	

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This investigation was done as follow-up to an incident report from the CPSC Internet Hotline. The victim reported that she was riding on a kite tube when she suddenly lost control and the kite tube dove head-first into the lake from about 15 feet in the air. The victim rode the kite tube into the water and suffered multiple fractures to her thigh bone, near the hip socket. Information for this report is from interviews with the victim and her father, the owner/driver of the boat and kite tube.

Incident

This incident took place at a public reservoir. The AAA tour book lists the lake as a 17,000 acre reservoir. The town the lake was named for is at an elevation of 4,662 feet above sea level according to AAA.

The boat and recreation equipment was owned and operated by the victim's father. The father owns a vacation home near the lake and the victim said the family has gone to that lake most of her 26 years. The family uses their boat for waterskiing, towing a tube, and wake boarding.

The victim is a 26-year-old woman. She said she is experienced with the water activities the family has done in the past, but preferred to ride on the tube towed by the boat. Since she has been an adult, she averages 2 trips per summer to the family vacation home and water activities. The victim is 5'7" tall and weighs about 130 pounds.

In April 2006, the father was at the boat dealer near the lake getting a new tube to tow behind his boat. At the time he bought the tube, he saw a print advertisement for the kite tube and asked the dealer about the kite tube. About 1 week after he bought the other tube, he was back at the boat dealer and saw the kite tube. He discussed the kite tube with the dealer and decided to trade the new tube for the kite tube. The dealer and the father had never seen a kite tube prior to the purchase, but both of them thought it would be a fun product to use on the lake that summer.

The father said that he received instruction manuals and a DVD instruction video with the kite tube. He said he read the literature and watched the video prior to using the product for the first time. The victim said she also watched the video prior to using the kite tube.

On the day of the incident, several people were down at the lake to use the kite tube for the first time. The daughter said they were using 2 boats for various activities on the lake, but had to use the "faster" boat to tow the kite tube. The father said that he attached the kite tube to his boat using the instructions from the product as well as the 45-foot tow rope that came with the kite tube.

During the day, different groups of people were on the boat while several people tried using the kite tube. The father said that he was learning to drive the boat (so it would work the best way for the kite tube) each time they tried it. He said they were the only boaters on their section of the lake. He said that there were things he learned during the

day about operating the boat and towing the kite tube that were not in the instruction manual. Some of them were:

1. The instructions state that the kite toy should not be towed at speeds greater than 15 miles per hour. The father believes that because of the high altitude at the lake, he had to drive at least 25 miles per hour to get the kite tube to lift off the water.
2. The father had to drive the boat into the wind to get the kite tube to lift off the water at 25 mph. He said that he estimated that he would have to drive at 45 mph to get the tube to lift with a tail wind, and he believed that was too fast to tow any people behind his boat, regardless of the device they were riding on. The father said the kite tube was too unstable in the air to use in a cross-wind because it would swing from side to side in the air.
3. There was a translucent panel in the front half of the kite tube that appeared to be a window so that the rider and boaters could see and communicate with each other. Both the father and daughter said that the rider could not see the boat through the window. The father said he could not see the rider behind him through the window, so it was not possible to use hand signals to communicate. He had to watch the kite tube to see if the person was still riding or if they fell off.
4. The father said that when he started towing the rider on the kite tube, the nose of the kite tube (where the tow rope attached) would submarine under the water surface. He had to watch the rider who was holding the ball rope to time his acceleration with a point where the rider was able to pull the nose of the kite tube above the surface. As soon as the kite tube accelerated enough to keep the nose above water, the rider had to immediately let go of the ball rope and grab the handles on the kite tube.
5. The father said that once the kite tube was airborne, neither he, nor the rider could control the direction of the kite tube. He also said there was no way for him to slow down once the rider was airborne because it would make the kite tube crash. None of the riders or the father was able to figure out a way to land the kite tube without crashing. The father said none of the instruction materials that came with the kite tube told them how to land it, and the video did not show any of the demonstration riders landing the kite tube after a ride.

The father said they used the kite tube for about 3 hours total on the day of the incident. It was the first time they tried the new kite tube. The wind was calm, and the father estimated the speed at about 10 to 15 mph while they were on the lake. The daughter said the water was also calm, and they were not near other boaters, so no other boats were disturbing the water around them.

Most of the people with the group that day were not able to get the kite tube to lift up off the water. Prior to the incident, the daughter's husband was able to get it about 4 feet above the water before he fell off and hit his head in the water. The daughter said her husband was about 5'7" tall and 160 pounds. After his crash, he said he had a headache, but did not think he was hurt enough to need medical attention.

The daughter said she was on her third ride of the day when she had the crash. Both her father and she said she was the best rider of the group, and the only one to really get the kite tube to lift and fly off the water. She was wearing a floatation vest, but no other safety equipment.

The daughter said on her last ride, she remembered getting about 15 to 20 feet up in the air. The father said they were driving about 30 mph, and he was watching her during her ride while he drove the boat.

The daughter said she did not remember shifting her weight or changing position when the kite tube suddenly dove nose first toward the water. The father said he did not change speed on the boat, and no wind or water activity changed at the time the kite tube started to dive.

The daughter said she remembered seeing her husband crash away from the kite tube, so she decided to hang on to the kite tube and ride it down to the water. She remembers the front of the tube hitting the water first, and then falling into the water. She remembered feeling pain in her leg, but did not realize she was hurt until she tried to climb up on the ski ramp at the back of the boat and could not support her weight on her leg.

The father said that he saw the kite tube dive, hit the water, and bounce back up before hitting the lake again. He said he knew his daughter had fallen into the water on the first bounce, so he tried to turn the boat around to go back and get her. He said that the drag from the un-manned kite tube severely slowed the boat because it was submarining in the water and acting like an anchor.

The father could not see his daughter as she fell, but he believes that her knees and lower leg were held in the pocket on the kite tube where it inflates to make a pocket for the riders legs and feet to rest while taking off. When the kite tube hit the water, the father believes the injured leg was stuck in the pocket while the other leg released and the woman fell forward into the water. He believes that the forward momentum from the impact caused the bone to break before his daughter fell off of the kite tube.

When the father got to his daughter, he realized she was severely injured, and rolled her up onto the ski ramp and held her while they drove back to shore.

Other boaters in the area saw the incident and called 911 for help. The daughter said that she remembered the park rangers meeting them while they were still on the water, and that paramedics and an ambulance were on scene when they reached shore.

The daughter was taken to a local hospital where she was treated for multiple fractures to her thigh bone, near the area where the thigh meets the hip socket. She has a plate in her leg, and currently is on 12 weeks where she may not put weight on the leg. The doctors told her that it may be 2 years before they know if the bone will heal from the injury.

The father has reported the incident to his insurance carrier, but not to the retailer or manufacturer as of 7-18-06.

Product Information

The incident product is a **Wego, model 53-5000 kite tube**. The box listed the manufacturer as: **Sportstuff, Inc., 11213 E. Circle, Suite A, Omaha, NE 68137, phone 402-592-9085, Fax 402-592-1354.**

The kite tube was purchased at **Rocky Mountain Boat Company, 290 S. McCulloch Blvd., Pueblo West, CO 81007, 719-547-3100**. The invoice was dated 4-29-06 and number 5862.

The family used the kite tube for the first time on the day of the incident.

The father said he has been notified of the recent recall of the product in July 2006. He still has the product and packaging. Photographs of the product, packaging, and inserts are attached to this report.

Attachments

Attachment 1 Photographs of incident product and packaging.

Attachment 2 Name Release Form.

Attachment 3 Medical Records Release.

Attachment 4 CPSC News 06-210, Recall announcement.

Contacts

Victim: [REDACTED], CO 80104. Phone [REDACTED]
[REDACTED] Email sent 7-6-06, Called Noon, 7-6-06, left voice mail. Victim called back
2:21 p.m. left voice mail. Called her back 7-7-06 and set appointment for on-site 7-13-
06.

Father/owner: D [REDACTED], CO Cell 3 [REDACTED] On-site
visit 5:30 p.m. 7-18-06.

Witnesses on boat: B [REDACTED] son, Stepmother: Interviewed with father.

[REDACTED] age 18, Stepbrother/son of B [REDACTED] Not interviewed/present
during visit.

[REDACTED] Victim's Brother, age 16, not interviewed/present during
visit.

[REDACTED] Family Friend, adult, not interviewed/present during visit.

Dennis Berayer, Pueblo State park ranger [REDACTED] 9, case #PUE-06-072
Attempting to get copy of report left message 7-20-06 10:15 a.m.

Parkview Medical Center, Hospital "Lisa" 719-584-4527. Attempting to contact for
medical information. Family not sure of her position at hospital.

[REDACTED] Insurance Investigator for Boat US Insurance. Claim
[REDACTED], Policy [REDACTED] agent, 1 [REDACTED] 2, ext. 3962.

Attachment 1 Photographs

Photo 1 shows the deflated kite tube at the father's house.



Photo 2 shows the labeling on the kite tube.



Photo 3 shows the company phone number around the smiley face. The ball rope is on the left side of the face.



Photo 4 shows another warning label with instructions for starting out holding the ball rope.



Photo 13 shows the marking on the tow rope that came with the kite tube. The family was using this rope at the time of the incident. It was a 45 foot beginner rope.



Photo 14 shows the DVD instruction video that came with the kite tube.

The father and daughter said they both watched this video before using the kite tube.



060705HBB3646
Kite Tube

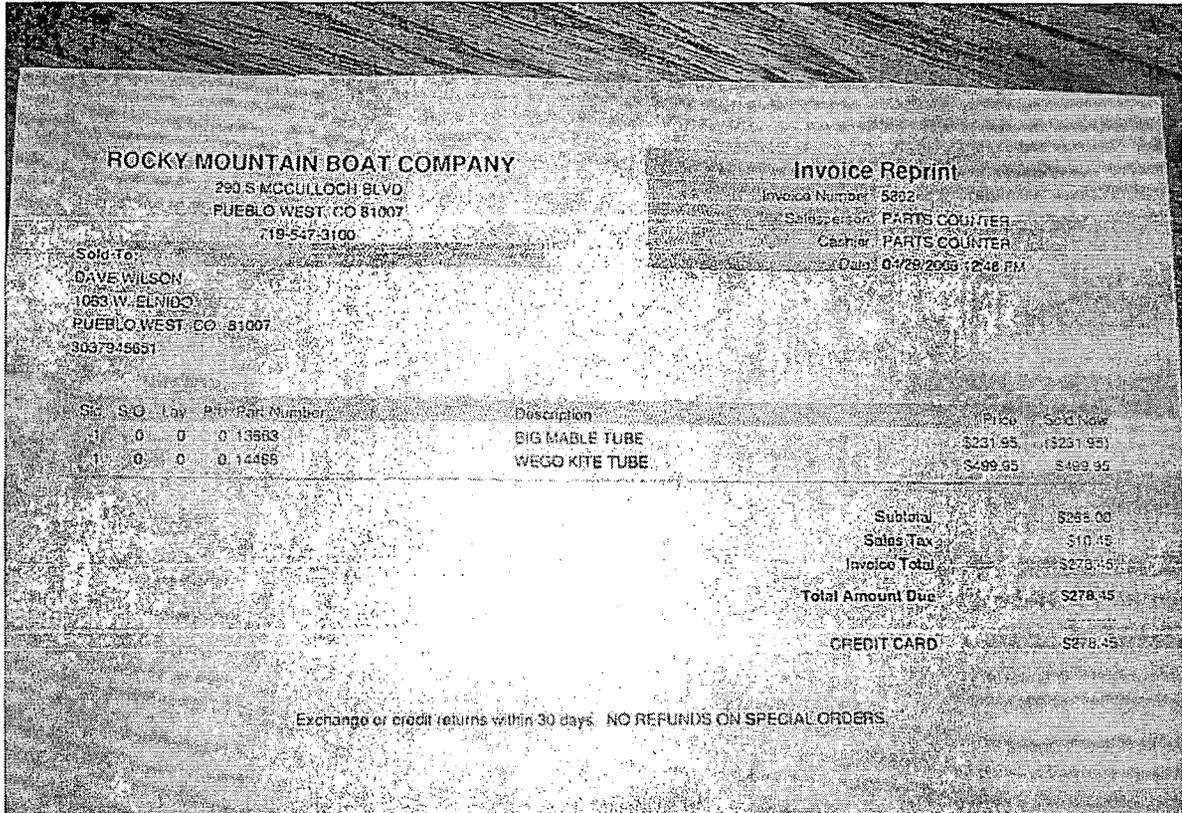


Photo 18 is the receipt for the purchase of the kite tube by exchanging the "Big Mable Tube" for credit toward "Wego Kite Tube."

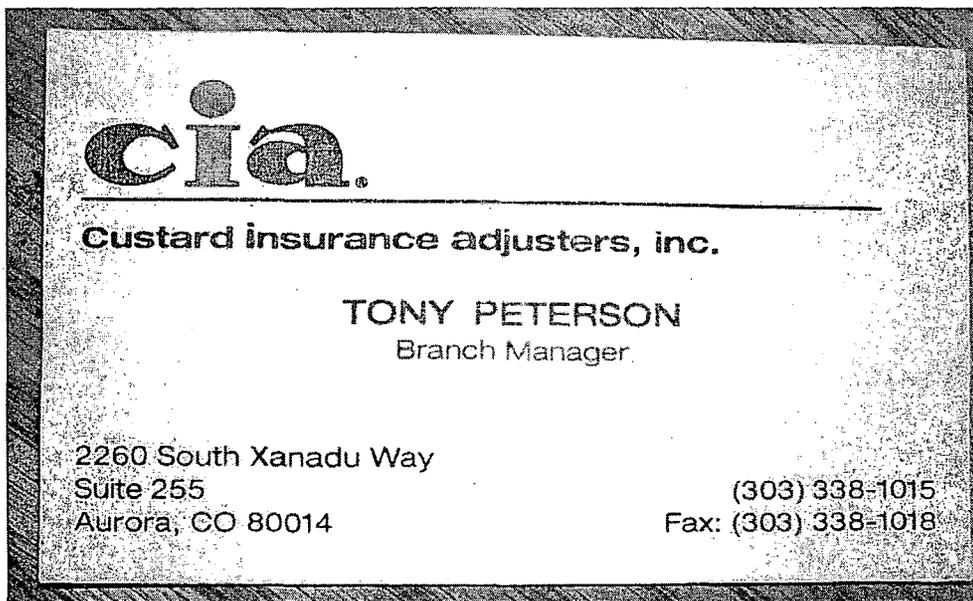


Photo 19 is the insurance investigator's card.

1149

060705ABB364C

Attachment 2

U.S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collection information on a potential product safety problem. The Consumer Product Safety Commission depends on a concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated you preference, please sign your name and date the document on the lines provided.

You are hereby authorized to disclose my name and address with the information collected on this case.

My identity is to remain confidential.

 _____

(signature)

7-13-06

(date)

060705 HBB 364/6

Attachment 3

APPENDIX VII-D-7 MEDICAL RECORDS DISCLOSURE FORM

U.S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR MEDICAL RECORDS DISCLOSURE

This form authorizes release of information in accordance with the Health Insurance Portability and Accountability Act, 45 C.F.R. Parts 160 and 164, 5 U.S.C. 552a, and 38 U.S.C. 5701 and 7332. I understand that my disclosure of the information requested on this form is voluntary. I further understand that the Social Security Number will be used to locate records for release and if not voluntarily furnished completely and accurately, the health or medical facility will be unable to comply with the request.

TO WHOM IT MAY CONCERN:

I request and authorize Parkview Medical (name of health or medical facility) to furnish the United States Consumer Product Safety Commission all information and copies of any and all records you may have pertaining to (my case)(the case of)

Patient Name [REDACTED]

Relationship to you Self - Patient

Patient Social Security Number [REDACTED]

including, but not limited to, medical history, physical reports, laboratory reports and pathological slides, and X-ray reports and films.

AUTHORIZATION: I certify that this request has been made freely, voluntarily and without coercion and that the information given above is accurate and complete to the best of my knowledge. I understand that I will receive a copy of this form after I sign it. I may revoke this authorization, in writing, at any time except to the extent that action has already been taken to comply with it. Written revocation is effective upon receipt by the unit or office at the facility housing the records. Redisclosure of my medical records by those receiving the above authorized information may be accomplished without my further written authorization and my records may no longer be protected. Without my express revocation, the authorization will automatically expire: (1) upon satisfaction of the need for disclosure; (2) on _____ (date supplied by patient); or (3) under the following conditions:

7-13-06
(DATE)

[REDACTED]
(SIGNATURE OF PATIENT OR PERSON AUTHORIZED TO SIGN FOR PATIENT)

(WITNESS)

Task No.: 060705HBB3646

STATUS OF MISSING DOCUMENT

The purpose of this record is to notify the reader that the following document(s), which is/are missing from this report, will not be collected.

1. Park Ranger Report

2. Medical Records

3. _____

The investigator indicates in the report that he/she requested a copy of the above listed document(s), but the document(s) was/were not yet available when the investigation report was completed. The investigator intended to forward the document(s) for attachment to this report when the requested material was obtained.

The investigator has made numerous attempts, since the original request, to collect a copy of the requested document(s) but has not been successful. Because of the problems associated with the collection of this material and our limited investigation resources, no additional efforts will be made to collect the missing document(s).

We apologize for any inconvenience the missing data may cause you.

Date: July 20, 2006

Investigator No.: 8999

Regional Office: _____

Supervisor No.: _____

1152

SUMMARY OF FINDINGS:

On July 2, 2006 the victim was on a friend's boat when he decided to go tubing using the kite tube. The victim was wearing a life preserver and there were spotters on the boat. This was the victim's second time using the kite tube; however he grew up on the water and has been water tubing for many years. The first time he used the tube he injured his foot but did not seek medical attention. He described the kite tube as performing differently from any other water tubes he has used in the past.

The victim was approximately $\frac{1}{4}$ of the way around the lake when he started to lose control. He described himself as being approximately six feet up in the air when the tube started to turn on an angle, almost turning upside down. He could not take his hand off the tube to signal the boat driver to slow down. He stated that because it happened so fast he was unable to lower the tube. The victim does not remember any other details. He fell into the water and lost consciousness for a few seconds before his friends turned the boat around to retrieve him from the water. When his friends reached him the victim knew he was not feeling well. He was taken to a local hospital where he was treated for vomiting, concussion and a cervical neck strain. A cat-scan was performed and revealed negative results for bleeding and spine fractures. At the time of this interview the victim stated that he is still experiencing neck pain similar to whiplash.

The victim did not know the length of the tow rope but was aware that it was available in different lengths. He stated that the longer the rope the higher you go in the kite tube.

The tubing took place on Pretty Lake, in Mecosta, MI. The lake is described as being approximately one mile in diameter and a round circular shaped lake.

The victim is described as a thirty-five year old male weighing 240 pounds.

The consumer of the kite and boat owner is described as a twenty-six year old male. He also grew up on the water and has been driving boats for several years. He described

himself as having ten years of experience in pulling skiers and tubers on boats.

He purchased the kite tube in April, 2006 for \$499 plus tax from Skier's Pier, in the Detroit area, MI. At the time of purchase he did not ask the sales staff how to use the product. Included in the purchase of the kite tube were an instructional video and two tow ropes. One rope was 40 feet in length and the other was 20 feet in length, however the two ropes would be tied together to total 60 feet of rope. The consumer watched the video approximately 15 times. He also read the warning statements that were on the kite tube as well as the owner's manual that was included with the tube. He began using it on Memorial Day week-end and used it approximately every other week-end from then until the incident. Approximately 10-12 people have used the kite tube while on his boat. He explained that many of the people that used it complained of sore necks and backs; however the victim's injury was the most severe.

On the day of the incident the consumer used the 60 feet of tow rope to pull the kite tube. There were spotters on the boat however he stated that he does not rely solely on the spotters. He frequently uses his mirrors because he does not feel that the reaction time is always quick enough with the spotters. While pulling the victim he described the boat speed at traveling approximately 25-30 miles per hour. He described the victim as being approximately five feet in the air when he noticed him starting to lose control and the kite tube jerking from the left to right and left to right again. He explained the victim as reacting in a "squirrely" manner. He slowly started slowing down and attempted to get the victim as close to the water as possible to lessen the length of his fall when the victim fell into the water. He did not see the kite tube actually dive to the surface. He turned the boat around and went to retrieve the victim from the water. When he reached the victim, the victim told the consumer that he was not feeling well.

He noted no damage or apparent equipment failure on the tube.

The consumer stated that the most important factors in deciding what speed to travel at, in his opinion are the

weight of the tube rider and the wind direction. The key factor in the height of the kite tube is the speed of the boat. According to the consumer the driver has to be aware and if the tube gets too high then you have to let up on the throttle. He added that when you let up on the throttle it must be accomplished slowly because if done quickly, it would bring the tube down too fast. He stated that communication with the tube rider is difficult for two reasons. The first reason is that it's difficult for the tube rider to let go of the tube. The second reason is even if the tube rider is able to let go of the tube with one hand it is difficult for the driver to see the tube rider's hand.

The consumer gave an example of another kite tubing incident prior to the victim's incident:

Another rider prior to the victim, described as weighing 180 pounds, reached a height of approximately 15-20 feet. The consumer started slowing the throttle down when the tube did a complete 360 degree turn. He missed the tube on the last spin and hit the water. He experienced a sore neck but did not seek medical attention.

PRODUCT: Water Tube

The product involved in this incident is the Sportsstuff Wego Kite Tube. The tube is yellow in color with black, red, and white writing and designs.

There are two Skier's Pier's located at:

2505 Dixie Highway
Waterford, MI 48328
248-674-8800

3599 Orchard Lake Road
West Bloomfield, MI 48329
248-682-2180

Manufacturer: Sportsstuff
1-888-814-8833

ATTACHMENTS:

Exhibit "A" - Contact List

Exhibit "B" - Authorization for Release of Name

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Exhibit "C - Status of Missing Document Form

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Exhibit "A" - Contact List

This in-depth investigation was assigned and initiated on 7/10/06. The information contained in this report was obtained during telephone interviews with the victim, [REDACTED] and the consumer/boat owner, [REDACTED].



CP 070340B 2659
Exhibit B

U. S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES

NO

Heley Gergak for Aaron [redacted]
(Signature)

7-18-06
(Date)

*telephone interviews
on 7/18*

Exhibit C

Task No: 060703NBB2659
Date: 7-20-06

STATUS OF MISSING DOCUMENT(S)

The official records below were requested for this investigation report, but could not be obtained.

1. Photograph of the product
2. _____
3. _____
4. _____
5. _____

Date: 7-20-06 Investigator No: 9099

Regional Office: CFE Supervisor No: _____

SUMMARY OF FINDINGS:

The complainant notified CPSC via the web site to describe an accident he was involved in while riding on a Wego/Sportsstuff Kite Tube. (Ref. Doc No. I0660516A) The assignment was originally assigned to CPSC Investigator Hull then transferred to CPSC Investigator Gaines since the complainant was located in Kansas City, MO. The following limited information was obtained during the investigation.

Information obtained by CPSC Investigator Hull:

Consumer/Victim: Contact made on 7/5/06. The consumer lives in Kansas City, MO, with a permanent address of 1 [REDACTED] al, MO 63401. He provided the following phone and fax numbers to reach him in Kansas City: Phone: [REDACTED], Fax: [REDACTED]. Note that the incident took place on Beaver Lake in Arkansas.

The consumer provided an overview of the incident as well as confirmed the information as noted below. I did fax an Authorization for Medical Records Disclosure to him which I hope to get back today. As stated below, the consumer's friend has the product. The consumer agreed to make contact with his friend to get identifying information off of the product, purchase details, and pictures. He also agreed to provide full contact information for his friend. In addition, he is working with his girlfriend to make a copy of a video of the actual incident that she has (I told the consumer that we would be willing to pay for a copy of the tape and for overnight shipping.

- Product: Tube Kite (Described as being 10 feet in diameter), Note: Product purchased and in possession of the victim's friend in Arkansas. Investigator is coordinating with and in the process of obtaining contact information, purchase details, positive product identification, and pictures from the victim's friend.
- Manufacturer: Preliminary information indicates that the product is a Wego/Sportstuff product.
- Incident Date: June 18, 2006
- Incident Location: Beaver Lake, Arkansas
- Victim's Age: 27-year-old Male
- Experience: None (Victim had no prior experience or training in regard to the product).

- Summary of Incident and Injuries: A 27-year-old, Kansas City, MO, male was kite tubing with friends on a lake in Arkansas. The consumer watched four other people in his party ride the kite tube approximately five times each and then got onto the kite tube himself. The victim was on a kite tube being pulled by a boat at an undetermined speed for less than 20 seconds when the kite tube lifted the victim approximately 15 to 25 feet into the air and then took a violent downward turn, nose-diving into the lake. The victim was knocked unconscious. He was transported to a local hospital emergency room where he was treated for cracked or dislocated ribs, bruises to his lung, whiplash, and a bruised rear end.
- Hospital: Northwest Medical Center – Bentonville, 3000 Medical Center Parkway, Bentonville, Arkansas 72712, 479-553-1000.

Follow up information obtained by CPSC Investigator Gaines:

On 7/10/06 I contacted the victim to obtain additional information about the incident. The victim was hesitant and said he was confused as to why so many people were contacting him about the incident. He stated that he wishes he hadn't reported the incident and wants to "take a step back" from the whole thing. He stated that the situation is getting a little sensitive on his end with everyone involved especially since it was his girlfriend's parents place where the accident happened. At this time he was unwilling to provide any additional information.

After I explained CPSC's position and roll in the investigation and why we were trying to obtain the information, he was a little more relaxed. He stated that he had not been able to contact his friend yet who actually had the item. The victim did state that he was feeling better and is healing well. I provided my phone number and told him I would send him an e-mail so that he would have that information in case he was willing to provide any additional information on the incident. I also encouraged him to pass my information on to his friend and encourage him to contact me with any information on the product.

On 7/10 I also contacted the Bentonville Sheriff's Department, Army Corps of Engineers at Beaver Lake and the Game and Fish Department at Beaver Lake; they all stated that they were unaware of the incident. The ranger at the Game and Fish Dept. stated that many times people don't think to report incidents to them.

Attachments

None

1. Task Number 060710HBB2674		2. Investigator's ID 8156		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2006 07 04	5. Date Initiated YR MO DAY 2006 07 12		
6. Synopsis of Accident or Complaint UPC 029808 The 40 year old male victim was riding a kite tube on a lake pulled by a 21' boat powered by a 351 HP inboard engine. He was riding at about 15' when a wind gust pushed the kite tube up to about 25/30'. The kite tube nose dived into the water. The victim was rescued and he was taken to the hospital and treated for a perforated right ear drum.				
7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY		8. City WILMAR		9. State MN
10A. First Product 3200 - Water Tubing (activity, Appa		10B. Trade/Brand Name SPORTSSTUFF		10C. Model Number WEGO 53-5000
10D. Manufacturer Name and Address SPORTSSTUFF, INC. 11213 E. Circle Suite A Omaha, NE				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 40	13. Sex 1 - Male	14. Disposition 1 - Injured, not Hosp.	15. Injury Diagnosis 62 - Intern. Org. Inj.	
16. Body Part(s) Involved 94 - EAR	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 3 - Other	19. Time Spent (Operational / Travel) 14 / 4	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 13 - Other Case Source		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Verbal				
24. Review Date 07/26/2006	25. Reviewed By 8929		26. Regional Office Director Frank J. Nava	
27. Distribution Topka, Tanya L.; Blasius, Dennis R.			28. Source Document Number X0670097A	

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060710HBB2674

SUMMARY

The product involved in this incident is a 10' diameter flying kite tube. It is similar to inner tubs that are designed to be towed behind a motorized boat on the water. With this inflatable device you can pull up on the front of the kite tube and it becomes airborne as it is being pulled.

The brother-in-law of the 40 year old victim (180 lbs) is a deputy sheriff. On 7-3-2006 he went into a sporting goods store with his brother with the intention of buying a towable inner tube. They were going up to their mother's house which is on Eagle Lake north of Wilmar, MN. While in the store there was a video tape playing and promoting the "Wego" kite tube. He said the video tape really made riding the kite tube look like a lot of fun so they decided to buy one.

They brought it home that day and they watched the enclosed DVD. They watched the DVD because they wanted to learn how to ride or operate the kite tube. They wanted to know how to get the kite tube airborne and maneuver it. They didn't read the owners manual or any other written instructions or warnings that came with it.

They went out to their mother's house for the holiday and some fun on the water. They used the kite tube several times without any problems on the first day.

The next day (7-4-2006) they decided to use the kite tube once again. The temperature was around 85 degrees F and there was moderate wind estimated at between 7/14 MPH.

The boat they were using was a 21' 1993 inboard fiberglass motorboat. It was powered by a 351 Ford engine. It was owned by the brother of respondent.

They used trial and error figuring out how to ride the kite tube. They used the tow rope that was provided with it. They used it at the 65' length. They found that you have to be traveling between 25/30 MPH to get the rider up in the air. You also have to be traveling against the wind.

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He said during the course of the day four of the family members had used the kite tube with different degrees of success.

His wife used it and never got it off the water. She rode it around the lake similar to a normal towable inner tube. The respondent and his brother both weigh about 250 lbs. He said when they rode the kite tube it would bounce up and down off the water. He said it was similar to a frog hopping up and down. They never got more than 6/7' off the water. His brother was riding it once and never got more than a couple feet off the water. He got thrown off the kite tube and sustained a bruise to his arm. The injury wasn't serious and he didn't require any professional medical attention.

He said his brother-in-law doesn't weigh as much as he estimated his weight at about 180 lbs. He was able to get a little higher while riding the kite tube.

He said at the time of the accident his brother-in-law was riding the kite tube. They were going across the lake at about 30 MPH and he was riding at about 7'. Near the end of the ride when they were nearing the end of the lake the kite tube went up to about 15/20'. They were nearing the end of the run and started to slow down to lower the kite tube. He said they hit a wind gust which pushed up the kite tube to about 25/30'. The kite tube turned and did a nose dive to the water.

The rider held onto the kite tube as it hit the water. When they looked back the victim was laying face first in the water. He was wearing a PFD. They quickly turned around and drove back to the victim. He dove into the water and pulled him into the boat. He was still unconscious so they unhooked the kite tube, called 9-1-1 on their cell phone and headed to shore.

While on the way to shore the victim regained consciousness and started to spit out water. He guessed that the victim was out about 30 seconds. When they arrived on shore the paramedics had arrived and checked over the victim. He was

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starting to feel better and told the paramedics he didn't need to go to the hospital. Later that day he complained of water in the ear and his wife took him into the ER. He was diagnosed with a perforated ear drum.

The respondent said once you get the kite tube up in the air you are at the hands of driver of the boat. He said while you are close to the water you can maneuver the kite tube by shifting your weight with your feet and pulling on the handles and rope. However, once you are airborne the boat controls the kite tube. He said once you get up you can't see the boat anymore. There is a plastic window, but you can't see through it. He had a hard time figuring out how high the kite tube was flying while he was on it. He said hand signals wouldn't work as no one would see them.

I spoke with the 40 year old victim. He said the kite tube was purchased by the respondent's brother. He had never been on a kite tube until the day of the accident. He hadn't looked at any training DVD's or the owners manual. His brother-in-law briefly told him what he had to do to ride the kite tube.

He said the first time he rode the kite tube he had no problems. He was pulled across the lake at about 30 MPH behind the boat and he went up and down in the air. He guessed that he might have reached a height of about 10/15'. The longest ride in the air was about 15 seconds.

He said during the second ride he was able to get the kite tube off the water easier. He said the last thing he remembers was being up in the air about 15' and the kite tube shooting up higher in the air and the nose turning over towards the water. The last thing he remembers was the kite tube nose diving towards the water.

The next thing he remembers was sitting on the dock and the paramedics were examining him. He told the paramedics that he was feeling better and they could leave. However, later he started his head continued to ring and he had a headache. His wife took him to the hospital and he was treated for a perforated right eardrum. He is still experiencing soreness in his right shoulder and neck from his injuries.

He said that once you are in the air riding the kite tube you have no control over it. You are controlled by the speed of the boat and wind. Once in the air he couldn't see the boat or boat operators because of the angle of the kite tube. He said there was a plastic window that you couldn't see through.

PRODUCT IDENTIFICATION

The product involved in this incident is a 10' diameter flying inner tube. It has two heavy duty bladders that are covered by a nylon skin cover. There are two built in slots for the rider's feet and 8 padded handles. There is a rope with easy grip sponge balls attached to the front for pulling up the front during use.

The suspect kite tube was purchased on 7-3-2006 from:

Shields Sporting Goods Store
St. Cloud, MN

It was identified as a "Wego" kite tube Model# 53-5000. It is distributed by:

Sportsstuff, Inc.
11213 E. Circle Suite A
Omaha, NE 68137

The suspect kite tube had been returned to the dealer so no photographs were available.

The boat used during the incident is a 1993 21' open motorboat with a fiberglass hull. It is powered by an inboard Ford 351 engine.

ATTACHMENTS

1. Minnesota DNR Report
2. Contact List

STATE OF MINNESOTA WATERCRAFT ACCIDENT REPORT

060710HBB2674 Attachment #1

06019380

This form must be submitted whenever a watercraft accident results in: 1. Loss of Life 2. Injury beyond First Aid. 3. Property Damage of \$2000 or more.

PLEASE TYPE OR PRINT. COMPLETE ALL BLOCKS (INDICATE THOSE NOT APPLICABLE BY "NA")

Time & Place DATE OF ACCIDENT 7/4/2006 TIME 04:45 AM PM NAME OF BODY OF WATER Eagle Lake LOCATION WHERE VICTIM WAS FOUND NEAREST TOWN/CITY Willmar COUNTY Kandiyohi

WATERCRAFT NUMBER 1 OPERATOR (Last, First Middle) ADDRESS CITY STATE: MN ZIP CODE: 56201 TELEPHONE: HOME WORK OWNER: (Last, First Middle) ADDRESS CITY STATE: MN ZIP CODE: 56201 TELEPHONE: HOME WORK BOAT NUMBER (State & Number) MN 3197 GP BOAT MAKE Ski Centurion BOAT MODEL Trutrac II MFG HULL IDENTIFICATION NO. FINA1664J889 BOAT NAME N/A

WATERCRAFT NUMBER 2 OPERATOR (Last, First Middle) ADDRESS CITY STATE: ZIP CODE: TELEPHONE: HOME WORK OWNER: (Last, First Middle) ADDRESS CITY STATE: ZIP CODE: TELEPHONE: HOME WORK BOAT NUMBER (State & Number) BOAT MAKE BOAT MODEL MFG HULL IDENTIFICATION NO. BOAT NAME

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ACCIDENT DESCRIPTION	OPERATOR AT TIME OF ACCIDENT (Check all that apply for each Watercraft) 1 <input type="checkbox"/> Fishing 2 <input type="checkbox"/> Cruising 3 <input type="checkbox"/> Anchored 4 <input type="checkbox"/> Drifting 5 <input type="checkbox"/> Approaching or Leaving Dock 6 <input type="checkbox"/> Tied to Dock 7 <input type="checkbox"/> On Boat Lift 8 <input type="checkbox"/> Fueling 9 <input checked="" type="checkbox"/> Water Sports (Skiing etc.) 10 <input type="checkbox"/> Towing a Boat 11 <input type="checkbox"/> Being Towed by Another Boat 12 <input type="checkbox"/> Racing 13 <input type="checkbox"/> Hunting 14 <input type="checkbox"/> Scuba Diving or Swimming 15 <input type="checkbox"/> Other (Specify)	WHY, IN YOUR OPINION CAUSED THE ACCIDENT (Check All That Apply) 1 <input type="checkbox"/> Weather Conditions 2 <input type="checkbox"/> Excessive Speed 3 <input type="checkbox"/> No Proper Lookout 4 <input type="checkbox"/> Overloading 5 <input type="checkbox"/> Alcohol / Drug Use 6 <input type="checkbox"/> Improper (Loading) 7 <input type="checkbox"/> Hazardous Waters 8 <input type="checkbox"/> Fault of Equipment 9 <input checked="" type="checkbox"/> Other (Specify) Hazardous water toy	OPERATORS CONDITION (Check for each operator) 1 <input type="checkbox"/> Had Been Drinking 2 <input type="checkbox"/> Had not been drinking 3 <input type="checkbox"/> Unknown 4 <input type="checkbox"/> Other 1) 0 BAC 2) 0 BAC	WEATHER (Check One Only) 1 <input checked="" type="checkbox"/> Clear 2 <input type="checkbox"/> Cloudy 3 <input type="checkbox"/> Fog 4 <input type="checkbox"/> Rain 5 <input type="checkbox"/> Snow 6 <input type="checkbox"/>								
	PRIMARY CAUSE OF ACCIDENT (Check one Only) 1 <input type="checkbox"/> Falls Overboard 2 <input type="checkbox"/> Capsizing 3 <input type="checkbox"/> Grounding 4 <input type="checkbox"/> Flooding 5 <input type="checkbox"/> Sinking 6 <input type="checkbox"/> Fire or Explosion (Fuel) 7 <input type="checkbox"/> Fire or Explosion (Other than fuel) 8 <input type="checkbox"/> Collision with watercraft 9 <input type="checkbox"/> Collision with fixed object 10 <input type="checkbox"/> Collision with floating object 11 <input type="checkbox"/> Falls in Boat 12 <input type="checkbox"/> Hit by boat Propeller 13 <input checked="" type="checkbox"/> Other Fell off kite	WATER CONDITIONS 1 <input checked="" type="checkbox"/> Calm (Waves less than 6") 2 <input type="checkbox"/> Choppy (Waves 6" to 2') 3 <input type="checkbox"/> Rough (Waves 2' to 6') 4 <input type="checkbox"/> Very Rough (Greater than 6') 5 <input type="checkbox"/> Strong Current Temperatures Air 85 °F Water 70 °F WIND 1 <input type="checkbox"/> None 2 <input type="checkbox"/> Light (0 to 6 mph) 3 <input checked="" type="checkbox"/> Moderate (7 to 14 mph) 4 <input type="checkbox"/> Strong (16 to 25 mph) 5 <input type="checkbox"/> Storm (Over 25 mph)			VISIBILITY <table border="1"> <tr> <th>DAY</th> <th>NIGHT</th> </tr> <tr> <td>1 <input checked="" type="checkbox"/> Good</td> <td>1 <input type="checkbox"/></td> </tr> <tr> <td>2 <input type="checkbox"/> Fair</td> <td>2 <input type="checkbox"/></td> </tr> <tr> <td>3 <input type="checkbox"/> Poor</td> <td>3 <input type="checkbox"/></td> </tr> </table>	DAY	NIGHT	1 <input checked="" type="checkbox"/> Good	1 <input type="checkbox"/>	2 <input type="checkbox"/> Fair	2 <input type="checkbox"/>	3 <input type="checkbox"/> Poor
DAY	NIGHT											
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2 <input type="checkbox"/> Fair	2 <input type="checkbox"/>											
3 <input type="checkbox"/> Poor	3 <input type="checkbox"/>											

DESCRIBE WHAT HAPPENED
 (Sequence of events. Include failure of equipment. If diagram is needed attach separately. Continue on additional sheets if necessary. Include any information regarding the involvement of alcohol and / or drugs in causing or contributing to the accident. Include any descriptive information about the use of PFD's.)
 This boat was pulling a Kite Tube. While pulling the kite the operator of the boat noticed that it was getting too high, so he slowed the boat. Witnesses estimated the kite tube was approximately 15 feet above the water. When the boat slowed the kite tube dove into the water. The victim was seen floating face down in the water. The witness jumped in, turned him over, and lifted him into the boat. The victim was unconscious for an estimated 30 seconds. The victim refused transport by the ambulance, however was later taken to the emergency room by his wife. He learned that he had a perforated ear drum. The victim was wearing a PFD.

VICTIM(S)	<input type="checkbox"/> Deceased <input checked="" type="checkbox"/> Injured NAME (Last, First Middle) ADDRESS: CITY: NEW STATE: MN ZIP CODE: 56273	DATE OF BIRTH 10-02-65 LOCATION WHERE VICTIM WAS FOUND same as accident	WAS VICTIM (Check that Apply) 1 <input type="checkbox"/> Swimmer 2 <input type="checkbox"/> Non-Swimmer 3 <input checked="" type="checkbox"/> Wearing a PFD 4 <input type="checkbox"/> Not Wearing a PFD 5 <input type="checkbox"/> Unknown
	<input type="checkbox"/> Deceased <input type="checkbox"/> Injured NAME (Last, First Middle) ADDRESS: CITY: STATE: ZIP CODE:	DATE OF BIRTH LOCATION WHERE VICTIM WAS FOUND DATE AND TIME OF RECOVERY 7/4/2006 4:45 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM MEDICAL TREATMENT <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> NATURE OF INJURY knocked unconscious and perforated <input type="checkbox"/> DEATH CAUSED BY ear drum.	WAS VICTIM (Check that Apply) 1 <input type="checkbox"/> Swimmer 2 <input type="checkbox"/> Non-Swimmer 3 <input type="checkbox"/> Wearing a PFD 4 <input type="checkbox"/> Not Wearing a PFD 5 <input type="checkbox"/> Unknown

DAMAGE	ESTIMATE OF DAMAGE Watercraft 1 \$ 0 Watercraft 2 \$ Other Property \$ Total \$ 0	DESCRIPTION OF DAMAGE 0	OTHER PROPERTY OWNER NAME (Last, First Middle) ADDRESS: CITY: STATE: ZIP CODE:
---------------	------------------------------------------------------------------------------------------------------	-----------------------------------	------------------------------------------------------------------------------------------------

WITNESSES	WITNESS 1 NAME (Last, First Middle) ADDRESS: CITY: STATE: MN ZIP CODE: 56201 TELEPHONE: HOME WORK	WITNESS 2 NAME (Last, First Middle) ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE: HOME WORK
	LOCATION AT TIME OF ACCIDENT in the boat that was pulling the kite tube.	LOCATION AT TIME OF ACCIDENT

COUNTY	REPORTED BY NAME (Last, First Middle) ADDRESS: CITY: STATE: MN ZIP CODE: 56201 TELEPHONE: HOME WORK	DEPARTMENT RECEIVED BY Kandiyohi County Sheriff's Office	DATE AND TIME RECEIVED 7/4/2006 4:48 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	DATE SUBMITTED
	ARRESTS OR WARNINGS (Last, First Middle) NAME: # NAME: #	ACTIONS TAKEN BY INVESTIGATOR Gathered information and completed watercraft accident report. Advised operators about information received about other accidents and safety concerns.	INVESTIGATOR'S SIGNATURE	

STATE	NAME OF REVIEWING OFFICE Minnesota Department of Natural Resources	DATE RECEIVED	REVIEWED BY
	Reports should be forwarded to: BOAT AND WATER SAFETY, MINNESOTA DEPARTMENT OF NATURAL RESOURCES, 500 LAYFAYETTE RD, ST PAUL, MN 55155-4046		

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060710HBB2674

Attachment# 2

Contact List

Kandiyohi County Sheriffs Department
Todd Newman
Wilmar, MN
320-214-6700

[REDACTED]
Brother-in-law
[REDACTED]
[REDACTED]

[REDACTED]
Victim
[REDACTED]
[REDACTED]

The kite tube involved in this incident is owned by the victim's friend, as was the boat that pulled the kite tube. The kite tube was utilized with the tow rope that came with the tube upon purchase (believed to be about a fifty-foot length rope by the victim's friend). The victim and group of friends arrived at Pewaukee Lake in Wisconsin around noon. The victim indicated that he and other friends had read the manual, warning labels and watched the informational DVD provided for the kite tube and were excited to try it out.

The boat pulling the kite tube at the time of the incident was a "19-foot, Malibu, Sportster, in-board motor" with a "350 Chevy Engine (about 310 HP)". The boat was driven by the victim's twenty-six-year-old friend, who according to the victim is an experienced boater. The victim relayed that the boat driver and kite tube owner, his friend would be willing to answer any questions that CPSC might have about the incident.

According to the victim, the winds were about fifteen miles per hour around the time the incident. The victim stated that they were on the west side of Pewaukee Lake, which according to the victim is somewhat more protected from the wind and other weather elements, by the many trees along the shore. The victim said that it was the first "real nice weekend that we had in Wisconsin this season".

The incident occurred on the first occasion that the victim tried the kite tube. The victim was wearing an approved personal flotation device while riding the kite tube. There were six people riding in the boat that pulled the victim on the kite tube. As a result, there were at least three to four spotters available to watch and relay the victim's status to the boat driver.

The victim is a twenty-six-year-old male (D.O.B. 2/18/1980), who describes himself as fit and active, with a lean, muscular build. He weighs about 145 pounds and is approximately five foot nine inches tall. The victim has water-skied, jet skied and been active in water sports for many years prior to this incident.

On May 7, 2006, at around 12:30 p.m. the victim decided to try the kite tube after watching one other friend ride the tube before him. He instructed the driver of the boat to go no more than twenty miles per hour and to take it easy with him. Thus the victim indicated that the boat was going no more than twenty miles an hour while he was on the tube. The victim estimated that he was on the kite tube for a total of about two minutes prior to the kite suddenly crashing down to the water.

The victim described that he was on the tube and "not catching much air at first, until the boat turned into the wind". When the boat was traveling into the wind the kite went approximately ten feet up and stayed at that height for about a minute. Then suddenly, a gust of wind appeared to catch the kite tube causing it to soar approximately twenty-five feet into the air. Then according the victim, while twenty-five feet in the air, the kite tube abruptly twisted to the right and then twisted to the left, with the victim unable to control the movement of the tube. After twisting to the left, the victim explained that the kite tube stayed sideways and rapidly plummeted to the water.

The victim indicated that his body stayed on the tube the entire time during rapid plunge to the water and upon hitting the water his body seemed to be thrown in one direction, while his right

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leg stayed in the leg slot (cockpit area) on the kite tube. The victim then explained that he somehow released his leg from the tube and was stunned by the tremendous pain that he felt in his right hip and leg area. The victim said that he thought that either his leg and/or hip was dislocated or broken. The victim indicated that he experienced some numbness right away, but mainly extreme pain in his hip and leg.

The boat that had been pulling the victim came around to pick him up. However, the victim was unable to get himself into the boat. The victim described that a couple of his friends had to lift him out of the water by his life jacket onto the boat's swim platform and then into the back of the boat. Once out of the water and in the boat, the victim stated that he was in the most severe pain he has ever experienced. One of the victim's friends called 911 from a cell phone while they were out towards the middle of the lake and arranged for the boat to meet emergency medical services (EMS) at the boat dock. The victim explained that as far as he could remember it seemed like EMS was at the dock by the time the boat reached the dock area, and this was within a couple of minutes of the call to 911.

The victim explained that he was in such extreme pain that he could not be moved from the boat until EMS administered an IV and gave him two doses of morphine. Then the victim still could not be moved from the back seat of the boat. As a result, the EMS team removed the boat seat and lifted the boat seat along with the victim into the ambulance. The victim indicated that the ambulance proceeded to the hospital emergency room where he was admitted.

The next day, about twenty-six hours after the accident, the victim explained that he underwent surgery to repair a broken right femur. The victim stated that his doctor explained to him that the amount of force it takes to break a femur is great. In fact, the victim relayed that his doctor explained that femur breaks are most often seen as an injury from a violent car crash and such a break can be life threatening.

The victim explained that thus far he has been out of work as a carpenter for more than two months and therefore has been without income for two months. In addition, he has observed bills for his medical expenses in excess of forty thousand dollars; three thousand of which has been "out of pocket" expenses that the victim has incurred as a result of this incident (See Exhibit B Compcare Insurance Statements). The victim indicated that he has been seeing an orthopedic physician on a regular basis due to this injury and that the injury according to the physician appears to be healing well.

At the time of the interview, on July 7, 2006, the victim continues to walk with a considerable limp and the assistance of a cane. The victim indicated that the future extent of his injury is unknown at this time; however, he plans to continue physical therapy and hopes to be back to work soon. The victim indicated that he had not yet contacted the manufacturer of the kite tube to inform them of the incident and his serious injury, but he planned to contact them with this information in the near future.

The victim explained that after reading on the internet about other serious injuries and even deaths associated with this product he decided to file an internet complaint with the U.S. CPSC to let the agency know about his injury. The victim's complaint was received by CPSC on July 1, 2006 and assigned for investigation on July 3, 2006. This Investigator received the investigation assignment on July 5, 2006, and conducted the in-person interview on July 7, 2006.

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PRODUCT IDENTIFICATION

Manufacturer: Sportsstuff Inc.
Omaha, NE

Product Name: Wego Kite Tube

Warnings: Numerous, previously recorded by CPSC and not requested for this
Investigation.

ATTACHMENTS

Exhibit A-Digital Photographs

Exhibit B-Compcare Medical Documentation of Expenses provided by the Victim

Exhibit C-Release of Name Form

Exhibit D-Investigation Contact Sheet

Exhibit E-Missing Document Form

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DIGITAL PHOTOGRAPHS

A-1 Overview photo taken by CPSC Investigator during in-person interview, showing the kite tube involved in this incident (deflated after incident)

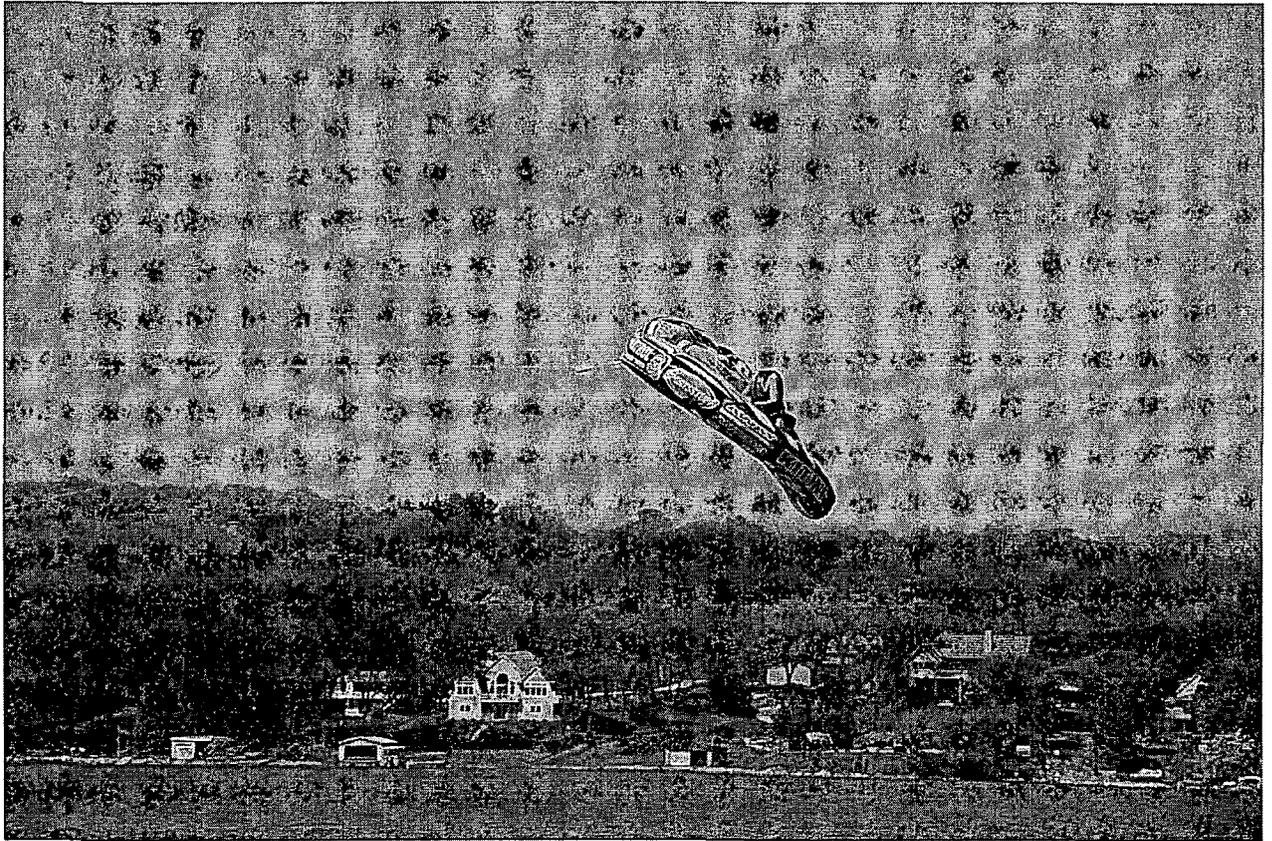


A-2 Photo provided by the victim, taken by one of his friend's showing the inflated kite tube just after the incident



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A-3 Photo provided by the victim, showing the victim high in the air, on the kite tube just prior to the kite tube plummeting to the water. The victim estimated that he was about 25 to 27 feet above the water in this photo.



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Statement Date: 07/03/2006

Page: 2 of 2

AN J RESCHESKE
15 S 94TH STREET
ST ALLIS, WI
227-1405

Patient Name: RESCHESKE, RYAN J
Member ID Number: ZRR99147072

Group Name:

Primary Identification:

Amount We Paid: 142.15

Amount Paid: PROVIDER OF SERVICE

Other Coverage Paid: 0.00

Additional Information Follows:

Provider of Service: LAKESHORE MEDICAL CLINIC LTD
Patient Account Number: 31320260
Claim Number: 667005297-00-00

You may owe:

Deductible = 0.00

Coinurance = 0.00

Copayment = 30.00

Other = 0.00

Patient Liability = 30.00

Questions-Please Contact Us At:

P.O. BOX 2270
FOND DU LAC, WI 54936-2270
TOLL FREE: 1-888-239-9514
TDD #: 1-800-722-8140
HOURS: M-F 7:00-5:00

Plan Accumulations:

Benefit Year	Year to Date	Remaining
Individual Deductible		
Family Deductible	0.00	0.00
Individual Out-of-Pocket	2,000.00	0.00
Family Out-of-Pocket	0.00	0.00
Annual Benefit Limit	51,028.26	1,948,971.74
Lifetime Maximum		

Code/Description	Date(s) of Service	Charge		Message	Deductible	Coinurance	Amount Paid
		Allowed	Not Allowed				
AVID S STOLP MD 99203/MEDICAL SERVICES	06/07/06	224.00	51.85	E8 E8 A2	0.00	30.00	142.15
TOTALS		224.00	51.85		0.00	30.00	142.15

- (A2) CONTRACTUAL ADJUSTMENT
- (01) PAYMENT IS BASED ON AN AGREEMENT WITH THIS PROVIDER. IF THERE IS A DIFFERENCE BETWEEN THE CHARGE AND THE ALLOWED AMOUNTS, YOU ARE NOT RESPONSIBLE FOR THE BALANCE
- (E8) QUESTIONS ABOUT YOUR CLAIM PAYMENT? VISIT OUR NEW WEBSITE FOR 24-HOUR CUSTOMER SERVICE ACCESS. EASY, CONVENIENT, CONFIDENTIAL.
WWW.BLUECROSSWISCONSIN.COM
- (EB) IF YOUR CLAIM HAS BEEN DENIED, PLEASE READ THE 'YOUR RIGHT TO A REVIEW OF A DENIED CLAIM' NOTICE ON PAGE ONE OF THIS EOB.

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Compass
Insurance Corporation

Statement Date: 06/05/2006

Page: 2 of 2

Questions-Please Contact Us At:

P.O. BOX 2270
FOND DULAC, WI 54936-2270
TOLL FREE: 1-888-239-9514
TDD #: 1-800-722-8140
HOURS: M-F 7:00-5:00

Provider of Service: LAKE COUNTRY EMERGENCY PHYS

Patient Account Number:

Claim Number: 664208389-00-00

Patient Name: RESCHESKE, RYAN J
Member ID Number: ZRR999147072

Group Name:
Summary Information:

You may owe:

Amount We Paid:	241.80	Deductible =	0.00
We Paid: PROVIDER OF SERVICE		Coinsurance =	0.00
		Copayment =	30.00
		Other =	0.00
Other Coverage Paid:	0.00	Patient Liability =	30.00

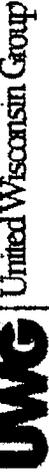
Plan Accumulations:	
Benefit Year	Year to Date
2006	
Individual Deductible	
Family Deductible	0.00
Individual Out-of-Pocket	2,000.00
Family Out-of-Pocket	0.00
Annual Benefit Limit	
Lifetime Maximum	49,710.76
	1,950,289.24
	Remaining

Detail Information Follows:

Provider:	Code/Description:	Date(s) of Service:	Charge:	Allowed:	Not Allowed:	Message:	Deductible:	Coinsurance Copayment:	Amount Paid:
MICHAEL KEFER MD	99284/MEDICAL SERVICES	05/07/06	302.00	271.80	30.20	E8 EB A2	0.00	30.00	241.80
TOTALS			302.00	271.80	30.20		0.00	30.00	241.80

- (A2) CONTRACTUAL ADJUSTMENT
- (01) PAYMENT IS BASED ON AN AGREEMENT WITH THIS PROVIDER. IF THERE IS A DIFFERENCE BETWEEN THE CHARGE AND THE ALLOWED AMOUNTS, YOU ARE NOT RESPONSIBLE FOR THE BALANCE.
- (EB) QUESTIONS ABOUT YOUR CLAIM PAYMENT? VISIT OUR NEW WEBSITE FOR 24-HOUR CUSTOMER SERVICE ACCESS. EASY, CONVENIENT, CONFIDENTIAL. WWW.BLUECROSSWISCONSIN.COM
- (CB) IF YOUR CLAIM HAS BEEN DENIED, PLEASE READ THE 'YOUR RIGHT TO A REVIEW OF A DENIED CLAIM' NOTICE ON PAGE ONE OF THIS EOB.

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Questions-Please Contact Us At:

P.O. BOX 2270
 FOND DULAC, WI 54936-2270
 TOLL FREE: 1-888-239-9514
 TDD #: 1-800-722-8140
 HOURS: M-F 7:00-5:00



Statement Date: 06/01/2006

Page: 2 of 5

RYAN J RESCHESKE
 2115 S 94TH STREET
 WEST ALLIS, WI
 53227-1405

Patient Name: RESCHESKE, RYAN J
 Member ID Number: ZRR999147072

Provider of Service: OCONOMOWOC MEMORIAL HOSPITAL I

Patient Account Number: 838362

Claim Number: 663725627-00-00

You may owe:

Amount We Paid:	14,720.40	Deductible =	1,000.00
We Paid: PROVIDER OF SERVICE		Coinsurance =	2,000.00
		Copayment =	0.00
		Other =	0.00
Other Coverage Paid:	0.00	Patient Liability =	3,000.00

Plan Accumulations:

Benefit Year	2006	Year to Date	Remaining
Individual Deductible	1,000.00	1,000.00	0.00
Family Deductible	0.00	0.00	0.00
Individual Out-of-Pocket	2,000.00	2,000.00	0.00
Family Out-of-Pocket	0.00	0.00	0.00
Annual Benefit Limit			
Lifetime Maximum	47,271.01	1,952,728.99	

Detail Information Follows:

Provider:	Code/Description:	Date of Service:	Charge:	Allowed:	Not Allowed:	Message:	Deductible:	Coinsurance:	Copayment:	Amount Paid:
OCONOMOWOC	MEMORIAL HOSPITAL I 0121/ROOM CHARGES	05/07/06-05/11/06	1,576.00	1,292.31	283.69	E8 EB A2	1,000.00	58.46	0.00	1,073.53
OCONOMOWOC	MEMORIAL HOSPITAL I 0250/DRUGS	05/07/06-05/11/06	2,924.98	2,398.48	526.50	E8 EB A2	0.00	479.70	0.00	1,992.63
OCONOMOWOC	MEMORIAL HOSPITAL I 0258/DRUGS	05/07/06-05/11/06	496.00	406.72	89.28	E8 EB A2	0.00	81.34	0.00	337.86
OCONOMOWOC	MEMORIAL HOSPITAL I 0260/MEDICAL SUPPLIES	05/07/06-05/11/06	50.00	41.00	9.00	E8 EB A2	0.00	8.20	0.00	34.06
OCONOMOWOC	MEMORIAL HOSPITAL I 0270/MEDICAL SUPPLIES	05/07/06-05/11/06	1,320.30	1,082.65	237.65	E8 EB A2	0.00	216.53	0.00	899.36
OCONOMOWOC	MEMORIAL HOSPITAL I 0271/MEDICAL SUPPLIES	05/07/06-05/11/06	357.00	292.74	64.26	E8 EB A2	0.00	58.55	0.00	243.18
OCONOMOWOC	MEMORIAL HOSPITAL I 0272/MEDICAL SUPPLIES	05/07/06-05/11/06	111.85	91.72	20.13	E8 EB A2	0.00	18.34	0.00	76.19

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Questions-Please Contact Us At:

P.O. BOX 2270
 FOND DULAC, WI 54936-2270
 TOLL FREE: 1-888-239-9514
 TDD #: 1-800-722-8140
 HOURS: M-F 7:00-5:00



Statement Date: 06/01/2006

Page: 3 of 5

RYAN J RESCHESKE
 2115 S 94TH STREET
 WEST ALLIS, WI
 53227-1405

Provider of Service: OCONOMOWOC MEMORIAL HOSPITAL I

Patient Account Number: 838362

Claim Number: 663725627-00-00

Patient Name: RESCHESKE, RYAN J

Member I.D. Number: ZRR999147072

Group Name:

Detail Information Follows:

Provider:	Code/Description:	Date(s) of Service:	Charge:	Allowed:	Not Allowed:	Message:	Deductible:	Coinsurance:	
								Copayment:	Amount Paid:
OCONOMOWOC	MEMORIAL HOSPITAL I 0278/INPT SURGERY	05/07/06-05/11/06	6,504.57	3,529.58	774.79	EB EB A2	0.00	705.92 0.00	2,932.03
OCONOMOWOC	MEMORIAL HOSPITAL I 0300/LABORATORY	05/07/06-05/11/06	16.00	13.12	2.88	EB EB A2	0.00	2.62 0.00	10.90
OCONOMOWOC	MEMORIAL HOSPITAL I 0301/LABORATORY	05/07/06-05/11/06	160.00	151.20	28.80	EB EB A2	0.00	26.24 0.00	108.99
OCONOMOWOC	MEMORIAL HOSPITAL I 0302/LABORATORY	05/07/06-05/11/06	78.00	63.96	14.04	EB EB A2	0.00	12.80 0.00	53.13
OCONOMOWOC	MEMORIAL HOSPITAL I 0305/LABORATORY	05/07/06-05/11/06	129.00	105.78	23.22	EB EB A2	0.00	21.15 0.00	87.87
OCONOMOWOC	MEMORIAL HOSPITAL I 0307/LABORATORY	05/07/06-05/11/06	25.00	20.50	4.50	EB EB A2	0.00	4.10 0.00	17.03
OCONOMOWOC	MEMORIAL HOSPITAL I 0320/INPT SURGERY	05/07/06-05/11/06	1,635.00	1,340.70	294.30	EB EB A2	0.00	0.00 0.00	1,113.72

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Compass
Health Services
Business Corporation

Questions-Please Contact Us At:

Statement Date: 06/01/2006

Page: 5 of 5

RYAN J RESCHESKE
2115 S 94TH STREET
WEST ALLIS, WI
53227-1405

P.O. BOX 2270
FOND DULAC, WI 54936-2270
TOLL FREE: 1-888-229-9514
TDD #: 1-800-722-8140
HOURS: M-F 7:00-5:00

Provider of Service: OCONOMOWOC MEMORIAL HOSPITAL I

Patient Account Number: 838362

Claim Number: 663725627-00-00

Patient Name: RESCHESKE, RYAN J

Member I.D. Number: ZRR999147072

Group Name:

Detail Information Follows:

Provider:	Code/Description:	Date(s) of Service:	Charge:	Allowed:	Not Allowed:	Message:	Deductible:	Coinsurance:		Amount Paid:
								Co-payment:	Co-pay:	
OCONOMOWOC	MEMORIAL HOSPITAL I 0710/INPT SURGERY	05/07/06-05/11/06	1,315.00	1,078.30	236.70	E8 EB AZ	0.00	0.00	0.00	895.75
OCONOMOWOC	MEMORIAL HOSPITAL I 0940/MISCELLANEOUS	05/07/06-05/11/06	36.00	29.52	6.48	E8 EB AZ	0.00	0.00	0.00	24.52
TOTALS								1,000.00	2,000.00	14,720.40

- (A2) CONTRACTUAL ADJUSTMENT
- (01) IF THERE IS A DIFFERENCE BETWEEN THE CHARGE AND THE ALLOWED AMOUNT, IT IS BASED ON AN AGREEMENT WITH THIS PROVIDER. YOU ARE NOT RESPONSIBLE FOR THIS DIFFERENCE AND SHOULD NOT BE BILLED BY THE PROVIDER.
- (E8) QUESTIONS ABOUT YOUR CLAIM PAYMENT? VISIT OUR NEW WEBSITE FOR 24-HOUR CUSTOMER SERVICE ACCESS. EASY, CONVENIENT, CONFIDENTIAL. WWW.BLUECROSSWISCONSIN.COM
- (EB) IF YOUR CLAIM HAS BEEN DENIED, PLEASE READ THE 'YOUR RIGHT TO A REVIEW OF A DENIED CLAIM' NOTICE ON PAGE ONE OF THIS EOB.

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INVESTIGATION CONTACT SHEET

Name:	Ryan Rescheske	Contact Dates/Information
Title:	Victim	Initial -07/05/06 emailed & telephoned victim 7/6/06-set up in person interview
Address:	2115 S. 94 th St. West Allis, WI 53227	07/07/06-in person interview with victim
Phone:	(414) 651-3542	7/10/06-emailed victim to request that he obtain medical records 7/13/06 emailed about recall
Email:	macoy@wi.rr.com	7/17/06-follow up on records not yet obtained, is working on doing that
Name:	Waukesha County Sheriff's Dept.	Contact Dates/Information
Address:	515 W. Moreland Blvd. Waukesha, WI 53187	7/10/06 No report done as a result of incident (per D. Blasius)
Phone:	(262) 548-7126	
Name:	City of Pewaukee Police Dept.	Contact Dates/Information
Address:	W240 N3065 Pewaukee Road Pewaukee, WI 53072	7/10/06 No report done as a result of incident (per D. Blasius)
Phone:	(262) 446-5070	
Fax:	(262) 691-5720	
Name:	Village of Pewaukee Police Dept.	Contact Dates/Information
Address:	235 Hickory St. Pewaukee WI 53072	7/10/06 No report done as a result of incident (per D. Blasius)
Phone:	(262) 691-5678	
Name:	Town of Delafield Fire & Rescue	Contact Dates/Information
Address:	W304 N2455 Maple Avenue Delafield, WI 53018	7/10/06 Faxed request for report. No response received as of 7/18/06
Phone:	(262)367-6930	
Fax:	(262)367-9544	

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Status of Missing Document(s)

The official records below were requested for this investigation report, but could not be obtained.

1. Town of Delafield Fire and Rescue Report

2. _____

3. _____

4. _____

5. _____

On 5/20/06, a 22 year old male suffered a broken femur bone in his right leg as a result of riding a kite tube that crashed while being towed by a motorboat on a lake. The victim was riding the kite tube about 20 feet in the air when it suddenly fell and turned over sideways, apparently causing the victim to strike the kite tube with his leg after the kite tube bounced off of the water.

Information in this report was obtained through in-person interviews with the victim and the boat operator (where photos were taken of the kite tube and of X-rays of victim's injuries), a boating accident report received from the NC Wildlife Resources Commission (NCWRC), product description, specifications and return information on the manufacturer's web-site [see Exhibits 3,5,7]. The NC Wildlife Resources Investigator did not take any photos. This product was recalled by the manufacturer on 7/13/06 [see Exhibit 6]. No samples were requested in the assignment instructions, only photographs were required. Photos were taken of the victim's X-rays. No medical release was provided by the victim so medical records were not requested from the hospital. The victim did grant authorization for his name to be released [see Exhibit 4]. An EMS report was requested, but was not provided [see Exhibit 9]. There were no other officials involved/official reports to collect.

The kite tube involved in the incident was about two to three weeks old when the incident occurred. The victim stated that he had no previous experience with similar products, but he had ridden on regular tubes a number of times. Both he and the boat operator stated that the kite tube and the tow rope were new and appeared to be in good condition at the time of the incident. He had used this kite tube four times prior to the incident without any major problems or injuries. He stated that he did get the kite tube up to 20 feet on one occasion prior to the day of the incident.

On the day of the incident, the victim was at the lake with his friends. They were riding on his 18 foot stingray ski boat. One of his friends was driving the boat while he got ready to ride on his kite tube. The victim was wearing a life jacket. He stated that a DVD comes with the product and that he and the driver of the boat had watched the DVD and followed all of the directions. The victim stated that he read the warnings that are printed on the kite tube. He

said he did not ask the retail sales staff any questions when he purchased the kite tube and they did not offer any directions or cautions.

At the time of the incident, the weather was clear, the temperature was 85 degrees, Fahrenheit and the water conditions were calm (waves less than 8 inches), the wind was moderate (7 to 14 mph), and the visibility was good. Alcohol was not listed as a factor in the incident [see Exhibit 3, pg. 1].

According to the boating accident report, On May 20, 2006 at about 4:30 pm, the 22 year old male victim was flying on a "flying kite" (kite tube) about 20 feet above the surface of the lake when the operator slowed down after crossing the wake of another boat. The kite turned over and the victim lost control, falling about 20 feet to the surface of the lake. The victim was helped back into the boat by the other passengers and transported to the boat access area when EMS arrived on the scene. EMS transported the victim to the emergency room where he was treated for a fractured femur in his right leg [see Exhibit 3, pg. 3]. The yellow section of the tow rope broke in two during the incident [see Exhibit 1(I-L)].

The victim was the only person on the kite tube and he was the only one being towed by the boat at the time of the incident. The boat operator (victim's friend) had over 100 hours of experience operating boats and the victim stated that his friend had driven his boat on numerous occasions for two years. The victim's estimated height and weight are six feet tall and about 170 pounds.

The victim stated that he did not believe that he could direct/control the direction and height of the kite tube. He stated that he achieved a maximum height of about 25 to 30 feet above the water during the incident and that he was this high (25 - 30 feet) off the water when things began to go wrong. He said all of the sections of the tow rope were tied together and being used at the time of the incident. This would make the length of the tow rope about 65 feet long. The victim estimated that the boat was going about 25 miles per hour at the time of the incident. He said that was the speed it took to get the kite tube halfway out of the water and from there one pushes off with his legs to get the kite tube to fly.

The victim stated that he could see the boat through the window of the kite tube. He did not signal the boat to slow down. It was already slowing down when he was 30 feet in the air and then the wind stopped blowing and the kite tube suddenly dove down to the water. He could not do anything to lower the kite tube towards the water. He did not notice any mechanical issues with the kite tube except that "you can't control anything".

Both the victim and the boat operator stated that the victim fell sideways toward the water and struck the water sideways, on his right side/right leg. The victim stated that he was still on the kite tube when it struck the water and he believes that his leg actually struck the kite tube after the kite tube bounced off the water, then bounced back into the air before it finally landed in the water.

The boat operator stated that the maximum height achieved during the incident was more like 20 feet above the water and this was about the height when the kite tube dove down to the water. He stated that the speed of the boat just prior to the incident had been about 25 miles per hour, but he was already slowing down at the time of the incident to less than 25 mph. He said there was nothing else he could do to halt the dive. The boating accident report form completed by the operator lists the boat speed at 10 - 20 miles per hour at the time of the incident. The NC WRC investigator also put the speed of the boat at about 10 - 20 mph at the time of the incident. The boat operator stated that he could not communicate with the rider (victim). He did not remember who attached the tow rope/tow harness to the kite tube and boat just prior to the time of the incident. He agreed with the victim that all three sections of the tow rope were being used at the time of the incident (65 feet).

The victim was operated on that same day (5/20/06) to repair the fracture. His right femur bone had broken in three places and the doctors inserted a rod and screw into his leg to help repair the fracture [see Exhibit 2(a-e) to view photos of victim's X-rays]. The victim was released from the hospital that same day (5/20/06). He was still utilizing crutches one month after the incident. He claims to have incurred over \$40,000 in medical bills as a result of his injury.

060621HCC1594

The victim did not report the incident to the manufacturer, but he was considering contacting them to obtain a replacement or refund for the recalled kite tube. He still had possession of it at the time he was interviewed by this investigator. He is also considering pursuing litigation to cover the medical expenses he has incurred as a result of his injury.

PRODUCT INFORMATION

The product is a Wego brand inflatable kite tube that is 10 foot in diameter, yellow colored, and designed to be towed behind a power boat.

MANUFACTURER: SPORTSSTUFF, INC.
11213 E. Circle, Suite A
Omaha, NE 68137

BRAND: WEGO
MODEL: 53-5000

The victim purchased the kite tube from Overton's Boat and Supply store, Wake Forest Road, Raleigh, NC around the first week of May. He no longer has the original sales receipt. The retail price of the kite tube was \$499.99.

The product description and specifications for the kite tube are as follows (see Exhibit 5):

Wego Kite Tube

10ft diameter flying tube

Take flight with the WEGO KITE TUBE! The next generation of action towable is here, taking you to a whole new level of excitement! Whip across the water like a deck tube, or fly through the air like a bird! Experience the thrill of flight as you rise above the water, reaching incredible heights, leaving nothing but adrenaline in your wake! The level of extreme sport has been raised with the WEGO KITE TUBE. Anything else is beneath it...

Model 53-5000 Sug. Retail: \$599.95

KITE TUBE WITHDRAWN FROM MARKET - CLICK HERE FOR INFO

Features:

- 120 inch inflated diameter (10 foot) with slanted saucer configuration
- 840D full body nylon double skin cover with PU coating

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060621HCC1594

- Computerized double stitched sewing
- Nylon zippered openings for bladder insertion and adjustment
- Multiple mesh drain ports, bar-tacked
- Two heavy-duty PVC bladders-outer ring and slotting cockpit
- Reinforced towing system with molded aluminum connector for easy quick connection
- Speed safety valves for fast easy inflation and deflation
- Parallel slotting system with non-slip footsteps and neoprene padding for comfortable foot, knee, and leg use
- 8 padded, non-slip handles with knuckle guard
- Heavy-duty starting leash with easy grip sponge balls
- Reflective Safety piping on all handles and on the outside top taping
- Variable loops for detachable leash use
- Panoramic see through double windows
- Adjustable length style 45-55-65 foot segmented tow rope included
- High visibility, billboard style, red and yellow watersports safety colors with checkerboard and caution accent striping
- Instructional DVD, tow rope, and starting leash included

Watch the included instructional video to learn how to fly:
[Kite Tube Instructional Video](#)

The kite tube is labeled in part: "***KITE TUBE***WEGO***SPORTSSTUFF***NEVER KITE HIGHER THAN YOU'RE WILLING TO FALL!***WARNING! KITE TUBE USER Release of Liability: By assembling and inflating the Kite Tube, you agree that you have read and understand the entire Sportstuff's product manual...This release shall extend to any loss, damage, injury, or expense due to any cause whatsoever including negligence or breach of contract on the part of Sportstuff and/or any party participating in the design and/or manufacture of the kite tube***Water-ski handsignals***ITEM NO:53-5000***U-CONTROL RIDER SPEED HEIGHT SAFETY***[see Exhibit 1(a-h)].

The original retail box that the kite tube was packaged in is labeled in part: "***WEGO KITE TUBE*** SPORTSSTUFF***120" diameter***WEGO TOWABLE***\$499.99*** FEATURES! 120 inch inflated diameter (10 foot) with slanted saucer configuration***840D full body nylon double skin cover with PU coating***...Speed safety valves for fast easy installation /deflation***Parallel slotting system with non-slip footsteps and neoprene padding for comfortable foot, knee and leg use***8' padded non-slip handles with knuckle

060621HCC1594

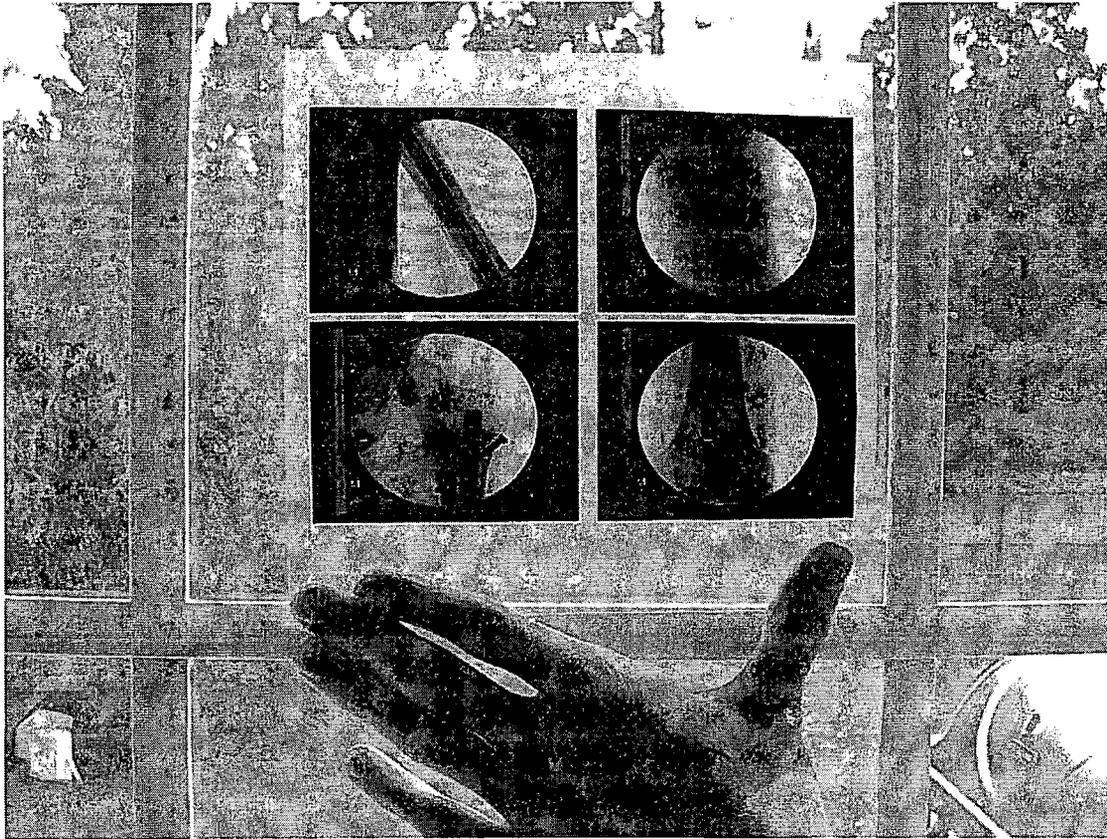
guard***Segmented tow rope is included adjustable length style 45/55/65 foot lengths...***" [see Exhibit 1 (m-0)].

ATTACHMENTS

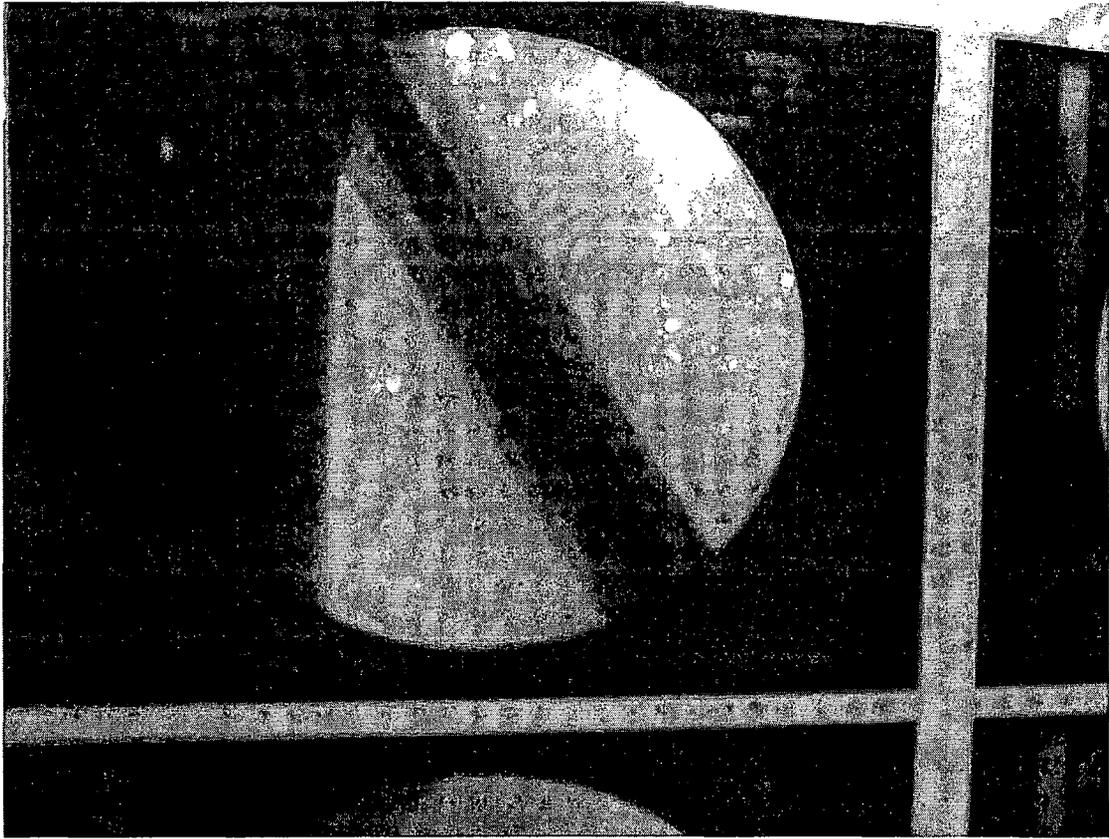
- Exhibit 1(a-0) - Photos of kite tube, rope & packaging.
- Exhibit 2(a-e) - Photos of victim's X-ray.
- Exhibit 3 - Boating accident report (NCWRC).
- Exhibit 4 - Authorization for Release of Name.
- Exhibit 5 - product info. from SportsStuff web-site.
- Exhibit 6 - Release NO. 06-210 (Kite tube recall).
- Exhibit 7 - Return info. from SportsStuff web-site.
- Exhibit 8 - Contact List.
- Exhibit 9 - Status of Missing document form.



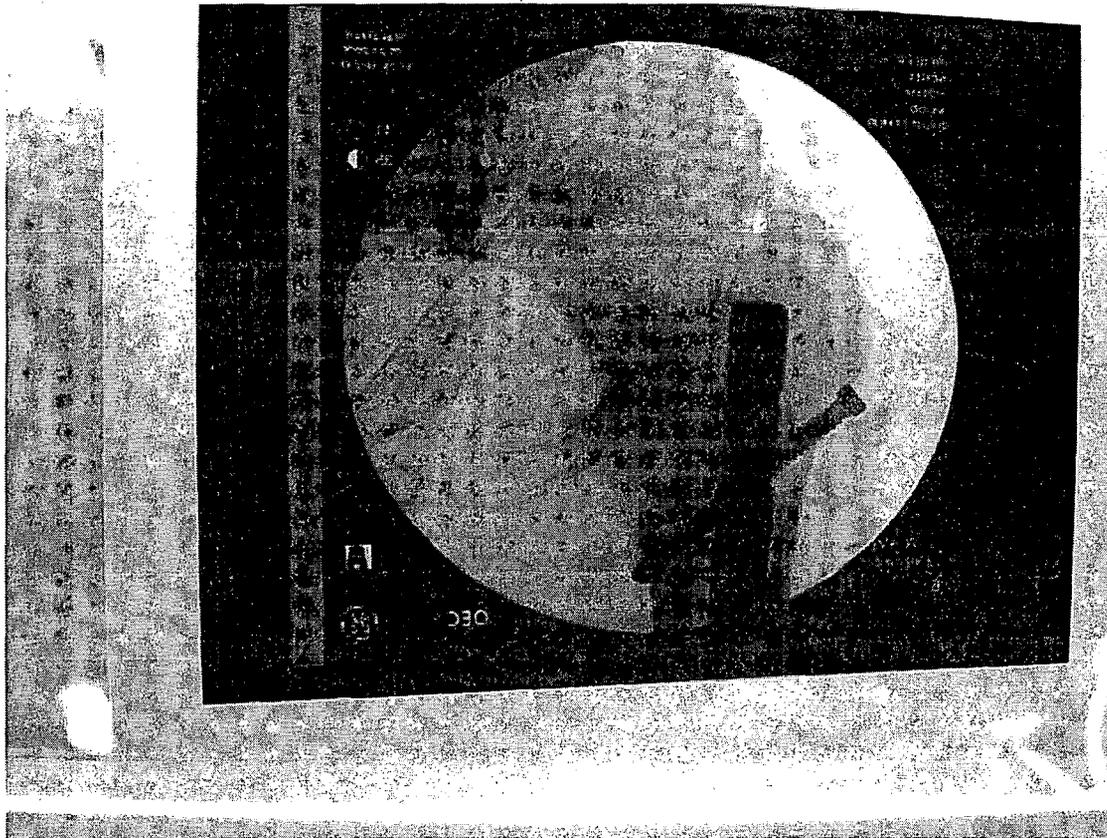
060621HCC1594 Exhibit 1(a) – view of one side of deflated kite tube that was involved in the incident. “KITE TUBE” labeling is visible in this photo.



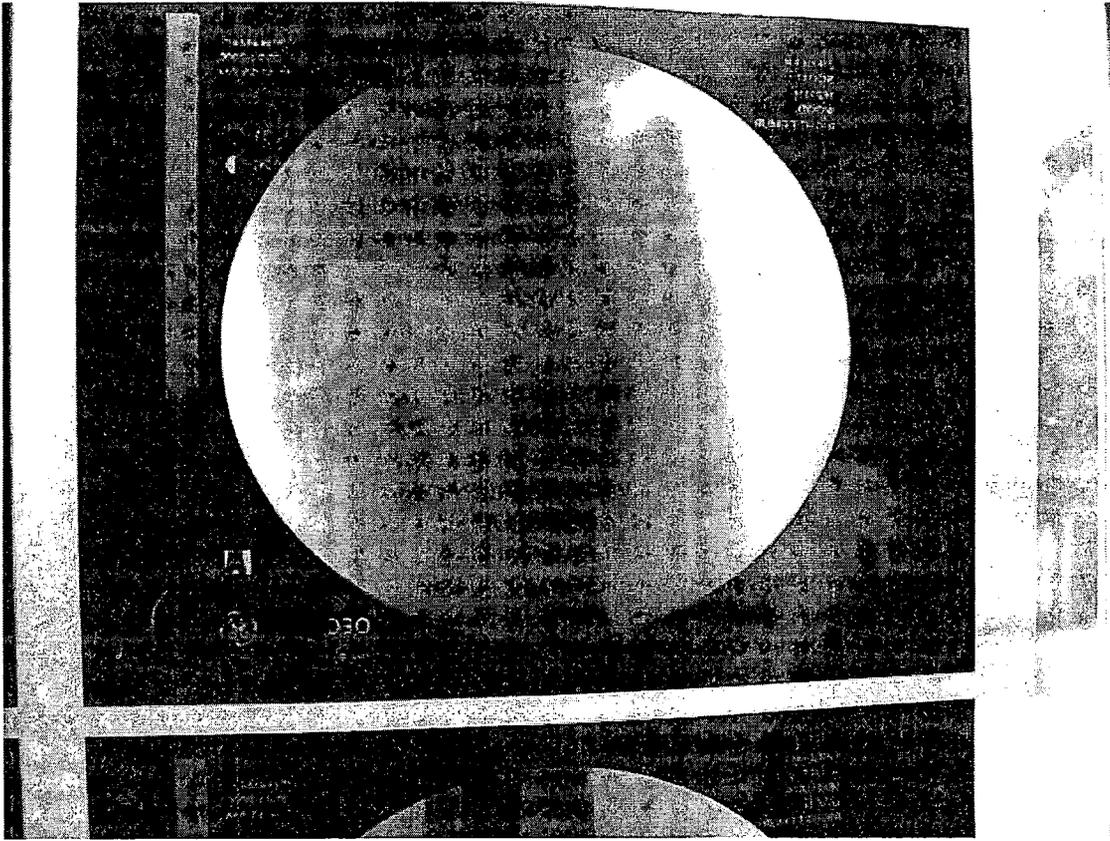
060621HCC1594 Exhibit 2(a) – photo of victim’s x-rays depicting victim’s injury and treatment.



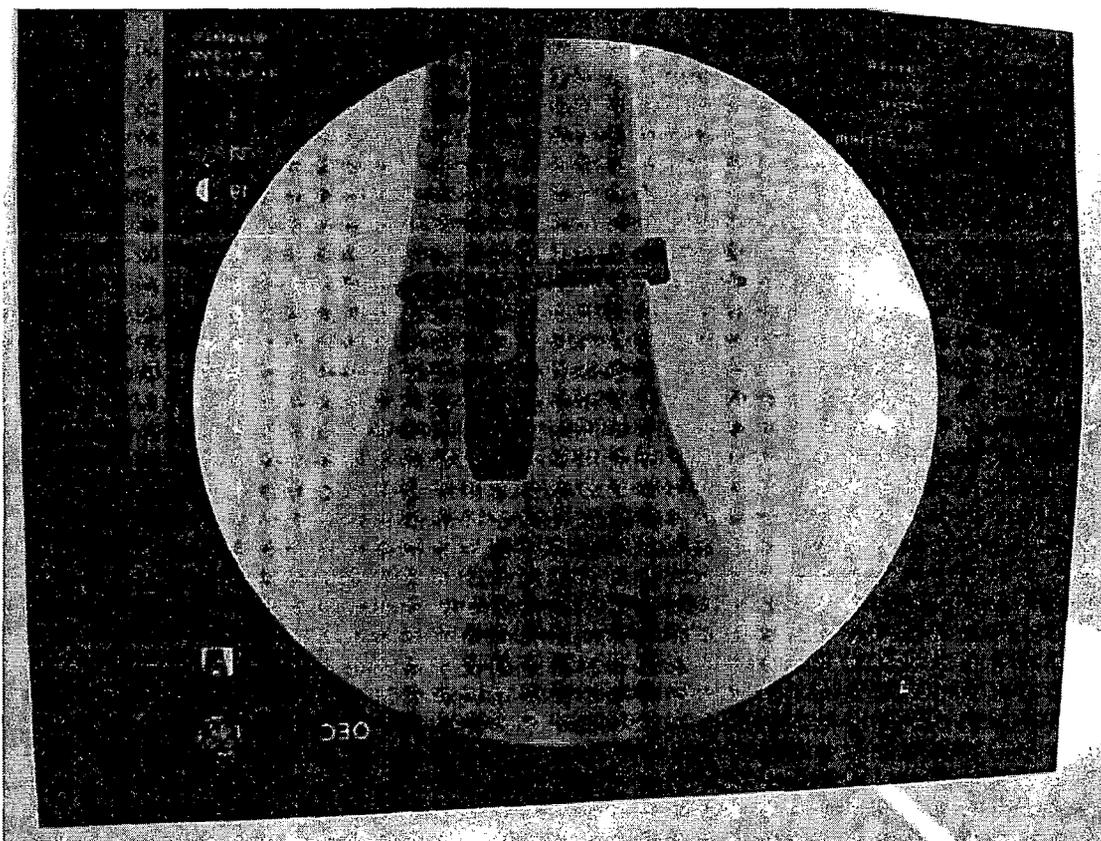
060621HCC1594 Exhibit 2(b) – close-up photo of upper left x-ray (from Exhibit 1a) of victim's femur bone showing victim's injury.



060621HCC1594 Exhibit 2(c) – photo of lower left x-ray (from Exhibit 1a) of victim's femur after treatment - showing the metal rod and screw that doctors placed in victim's leg to help heal the fracture.



060621HCC1594 Exhibit 2(d) – close-up photo of upper right x-ray (from Exhibit 1a) of victim's femur showing another angle of victim's injury.



060621HCC1594 Exhibit 2(e) – photo of lower right x-ray (from Exhibit 1a) of victim's femur after treatment - showing another angle of the metal rod and screw that doctors placed in victim's leg to help heal the fracture.

WILDLIFE RESOURCES COMMISSION

STATE OF NORTH CAROLINA WILDLIFE RESOURCES COMMISSION		PLEASE TYPE OR PRINT - FILL OUT COMPLETELY BOATING ACCIDENT INVESTIGATORS REPORT		Form MB 4.2 8/01			
ACCIDENT DATA							
VESSEL #1 OPERATOR NAME Justin Anthony Shank		VESSEL #2 OPERATOR NAME NA		VESSEL #3 OPERATOR NAME			
DATE OF ACCIDENT 20-May-06		TIME 4:30 pm		NAME OF BODY OF WATER Falls Lake			
STATE NC		LOCATION (Give location precisely)		NEAREST CITY OR TOWN Wake Forest			
WEATHER <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Fog <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Hazy		WATER CONDITIONS <input checked="" type="checkbox"/> Calm (waves less than 8") <input type="checkbox"/> Choppy (waves 8" to 2') <input type="checkbox"/> Rough (waves 2' to 6") <input type="checkbox"/> Very Rough (greater than 6") <input type="checkbox"/> Strong Current		TEMPERATURE (Estimate) Air 85 ° F Water 71 ° F			
ACCIDENT CAUSE(S) (Check all applicable)		TYPE OF ACCIDENT (Check one)		VISIBILITY Day <input checked="" type="checkbox"/> Good Night <input type="checkbox"/> Fair <input type="checkbox"/> Poor			
<input type="checkbox"/> Careless/Rckless <input type="checkbox"/> No / Improper Lights <input type="checkbox"/> Weather <input type="checkbox"/> Excessive Speed <input type="checkbox"/> No Proper Lookout <input type="checkbox"/> Restricted Vision <input type="checkbox"/> Overloading <input type="checkbox"/> Improper Loading <input type="checkbox"/> Hazardous Waters		<input type="checkbox"/> Improper Anchoring <input type="checkbox"/> Wake <input type="checkbox"/> Alcohol use <input type="checkbox"/> Drug Use <input type="checkbox"/> Fault of Hull <input type="checkbox"/> Fault of Machinery <input type="checkbox"/> Fault of Equipment <input type="checkbox"/> Operator Inexperience <input type="checkbox"/> Operator Inattention		<input type="checkbox"/> Dam / Lock <input type="checkbox"/> Sharp Turn <input type="checkbox"/> Ignition of Fuel/Vapor <input type="checkbox"/> Failure to Vent <input type="checkbox"/> Starting in Gear <input type="checkbox"/> Congested Waters <input checked="" type="checkbox"/> Other Riding a flying kite		<input type="checkbox"/> Grounding <input type="checkbox"/> Capsizing <input type="checkbox"/> Flooding <input type="checkbox"/> Sinking <input type="checkbox"/> Falls Overboard <input type="checkbox"/> Falls in boat <input type="checkbox"/> Starting Engine <input checked="" type="checkbox"/> Skier Mishap <input type="checkbox"/> Struck by boat	
VESSEL #1 INFORMATION							
NAME AND ADDRESS OF OPERATOR Justin Anthony Shank 8012 Crayford Dr. Raleigh NC 27604		AGE OF OPERATOR GENDER: MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/>		OPERATOR EXPERIENCE <input type="checkbox"/> Under 10 Hours <input type="checkbox"/> 10 to 100 Hours <input checked="" type="checkbox"/> Over 100 Hours			
OPERATOR TELEPHONE NUMBER 919-627-8577		DATE OF BIRTH 11-Mar-84		OPERATOR EDUCATION <input type="checkbox"/> State <input checked="" type="checkbox"/> None <input type="checkbox"/> Red Cross <input type="checkbox"/> USCG Auxiliary <input type="checkbox"/> Power Squadron Other <input type="checkbox"/>			
NAME AND ADDRESS OF OWNER Scott William Ziegler 6012 Crayford Dr. Raleigh NC 27604		RENTED BOAT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NUMBER OF PERSONS ONBOARD VESSEL 3			
BOAT REGISTRATION # NC 1238 CG		BOAT NAME		MFR HULL IDENTIFICATION # PBYUS3CRA494			
TYPE OF BOAT <input checked="" type="checkbox"/> Open Motorboat <input type="checkbox"/> Cabin Motorboat <input type="checkbox"/> Auxiliary Sail <input type="checkbox"/> Mini Jet Boat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Other (specify)		HULL MATERIAL <input type="checkbox"/> Wood <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input checked="" type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber/Vinyl <input type="checkbox"/> Plastic <input type="checkbox"/> Other		PROPULSION # of engines 1 Horsepower (total) 176 Type of fuel Gas			
CONSTRUCTION Length 18' Year built (boat) 1984		ENGINE <input type="checkbox"/> Outboard <input checked="" type="checkbox"/> Inboard gasoline <input type="checkbox"/> Inboard diesel <input type="checkbox"/> Inboard-outdrive jet <input type="checkbox"/> Other (Specify)		OWI ARREST <input type="checkbox"/> Yes B.A.C. _____ NUMBER OF OTHER ARRESTS 0 NUMBER OF SKIERS TOWED 1			
OPERATION AT TIME OF ACCIDENT (Check all applicable)		PERSONAL FLOTATION DEVICES (PFD'S)		PROPERTY DAMAGE			
<input type="checkbox"/> Commercial Activity <input type="checkbox"/> Cruising <input type="checkbox"/> Manoeuvring <input type="checkbox"/> Docking/Undocking <input type="checkbox"/> Rowing/Paddling <input checked="" type="checkbox"/> Water Skiing <input type="checkbox"/> Racing <input type="checkbox"/> Towing <input type="checkbox"/> Seining <input type="checkbox"/> Changing Direction <input type="checkbox"/> Whitewater Sports <input type="checkbox"/> Starting Engine <input type="checkbox"/> Other (Specify)		Was the boat adequately equipped with COAST GUARD APPROVED FLOTATION DEVICES? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Were they accessible? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Were they serviceable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Were they used by survivors? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No What type? <input type="checkbox"/> I <input type="checkbox"/> II <input checked="" type="checkbox"/> III <input checked="" type="checkbox"/> IV <input type="checkbox"/> V (specify)		Estimated amount: This Boat None Other Property None DESCRIBE PROPERTY DAMAGE Not Applicable NAME AND ADDRESS OF OWNER OF DAMAGED PROPERTY: Not Applicable DESCRIBE VESSEL DAMAGE: None BOAT SPEED: <input type="checkbox"/> Not Moving <input type="checkbox"/> Under 10mph <input checked="" type="checkbox"/> 10-20 <input type="checkbox"/> 21-40			
FIRE EXTINGUISHER Were they used? (If yes, list Types(s) and #) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA Types:		Was the vessel carrying NON approved flotation devices? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Were they accessible? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they used? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, indicate kind					

RECEIVED JUN 13 2006

1200

VESSEL # 2 INFORMATION (If more than two vessels, add additional forms)

NAME AND ADDRESS OF OPERATOR Not Applicable		AGE OF OPERATOR GENDER: Male <input type="checkbox"/> Female <input type="checkbox"/>		OPERATOR EXPERIENCE <input type="checkbox"/> Under 10 Hours <input type="checkbox"/> 10 to 100 Hours <input type="checkbox"/> Over 100 Hours	
OPERATOR TELEPHONE #		DATE OF BIRTH		OPERATOR EDUCATION <input type="checkbox"/> State <input type="checkbox"/> Red Cross <input type="checkbox"/> None <input type="checkbox"/> USCG Auxiliary <input type="checkbox"/> Power Squadron <input type="checkbox"/> Other	
NAME AND ADDRESS OF OWNER		RENTED BOAT? # of persons on board vessel <input type="checkbox"/> Yes <input type="checkbox"/> No		OW/ARREST <input type="checkbox"/> Yes B.A.C. _____ # OF OTHER ARRESTS _____ # OF SKIERS TOWED _____	
BOAT REGISTRATION #	BOAT NAME	BOAT MAKE	BOAT MODEL	MFR HULL IDENTIFICATION #	
TYPE OF BOAT <input type="checkbox"/> Open Motorboat <input type="checkbox"/> Cabin Motorboat <input type="checkbox"/> Auxiliary Sail <input type="checkbox"/> Mini Jet Boat <input type="checkbox"/> Canoe/Kayak <input type="checkbox"/> Other (specify) _____		HULL MATERIAL <input type="checkbox"/> Wood <input type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input type="checkbox"/> Fiberglass <input type="checkbox"/> Rubber/Vinyl <input type="checkbox"/> Plastic <input type="checkbox"/> Other		ENGINE <input type="checkbox"/> Outboard <input type="checkbox"/> Inboard gasoline <input type="checkbox"/> Inboard diesel <input type="checkbox"/> Inboard-outdrive <input type="checkbox"/> Jet <input type="checkbox"/> Other (Specify) _____	
PROPULSION # of engines _____ Horsepower (total) _____ Type of fuel _____		CONSTRUCTION Length _____ Year built (boat) _____		Has boat had a Safety Examination? <input type="checkbox"/> Yes <input type="checkbox"/> No For current year? <input type="checkbox"/> Yes <input type="checkbox"/> No Year _____ Indicate whether <input type="checkbox"/> USCG Auxiliary Courtesy Marine Exam <input type="checkbox"/> State/local exam <input type="checkbox"/> Other	
OPERATION AT TIME OF ACCIDENT (Check all applicable) <input type="checkbox"/> Commercial Activity <input type="checkbox"/> Cruising <input type="checkbox"/> Maneuvering <input type="checkbox"/> Docking/Undocking <input type="checkbox"/> Rowing/Paddling <input type="checkbox"/> Water Skiing <input type="checkbox"/> Racing <input type="checkbox"/> Towing <input type="checkbox"/> Sailing <input type="checkbox"/> Changing Direction <input type="checkbox"/> Whitewater Sports <input type="checkbox"/> Other (Specify) _____		PERSONAL FLOATION DEVICES (PFD'S) COAST GUARD APPROVED FLOTATION DEVICES? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they accessible? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they used by survivors? <input type="checkbox"/> Yes <input type="checkbox"/> No What Type? <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V (specify) _____ Were PFD's property used? <input type="checkbox"/> Yes <input type="checkbox"/> No Was the vessel carrying NON approved flotation devices? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they accessible? <input type="checkbox"/> Yes <input type="checkbox"/> No Were they used? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, indicate kind _____		PROPERTY DAMAGE Estimated amount: This Boat \$ _____ Other Property \$ _____ Were they used? (if yes, list Type(s) and # used.) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA Types: _____	
BOAT SPEED: <input type="checkbox"/> Not Moving <input type="checkbox"/> Under 10 MPH <input type="checkbox"/> 10 - 20 MPH <input type="checkbox"/> 21 - 40 MPH		FATALITIES AND INJURIES If more than 3 fatalities and / or injuries, attach additional form(s)			
DECEASED					
Name Not Applicable Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	Address	DATE OF BIRTH	WAS VICTIM? <input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer PFD Worn? <input type="checkbox"/> Yes Type _____	DEATH CAUSED BY <input type="checkbox"/> DROWNING <input type="checkbox"/> OTHER <input type="checkbox"/> DISAPPEARANCE	Physical Condition: Propeller Injury? <input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes B.A.C. _____
Name Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	Address	DATE OF BIRTH	WAS VICTIM? <input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer PFD Worn? <input type="checkbox"/> Yes Type _____	DEATH CAUSED BY <input type="checkbox"/> DROWNING <input type="checkbox"/> OTHER <input type="checkbox"/> DISAPPEARANCE	Physical Condition: Propeller Injury? <input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes B.A.C. _____
Name Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	Address	DATE OF BIRTH	WAS VICTIM? <input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer PFD Worn? <input type="checkbox"/> Yes Type _____	DEATH CAUSED BY <input type="checkbox"/> DROWNING <input type="checkbox"/> OTHER <input type="checkbox"/> DISAPPEARANCE	Physical Condition: Propeller Injury? <input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes B.A.C. _____
INJURED					
Name Scott W. Ziegler Vessel # <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	Address 6012 Grayford Dr. Raleigh NC 27604	DATE OF BIRTH 12-19-83	Primary Injury Secondary Injury Propeller Injury? <input type="checkbox"/> Yes Injury Caused By: <u>right femur broken twice</u> <u>none</u> <u>impact with water</u>	DEATH CAUSED BY <input type="checkbox"/> DROWNING <input type="checkbox"/> OTHER <input type="checkbox"/> DISAPPEARANCE	Medical Treatment? <input checked="" type="checkbox"/> Yes Hospitalized? <input checked="" type="checkbox"/> Yes Alcohol? <input type="checkbox"/> Yes B.A.C. _____ PFD Worn? <input checked="" type="checkbox"/> Yes
Name Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	Address	DATE OF BIRTH	Primary Injury Secondary Injury Propeller Injury? <input type="checkbox"/> Yes Injury Caused By: _____	DEATH CAUSED BY <input type="checkbox"/> DROWNING <input type="checkbox"/> OTHER <input type="checkbox"/> DISAPPEARANCE	Medical Treatment? <input type="checkbox"/> Yes Hospitalized? <input type="checkbox"/> Yes Alcohol? <input type="checkbox"/> Yes B.A.C. _____ PFD Worn? <input type="checkbox"/> Yes
Name Vessel # <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	Address	DATE OF BIRTH	Primary Injury Secondary Injury Propeller Injury? <input type="checkbox"/> Yes Injury Caused By: _____	DEATH CAUSED BY <input type="checkbox"/> DROWNING <input type="checkbox"/> OTHER <input type="checkbox"/> DISAPPEARANCE	Medical Treatment? <input type="checkbox"/> Yes Hospitalized? <input type="checkbox"/> Yes Alcohol? <input type="checkbox"/> Yes B.A.C. _____ PFD Worn? <input type="checkbox"/> Yes

1201

ACCIDENT DESCRIPTION

DESCRIBE WHAT HAPPENED (sequence of events. Include and explain any failure of equipment or machinery. Include information regarding the involvement of alcohol and or / drugs in causing or contributing to the accident. Include any descriptive information about the use of PFD's)

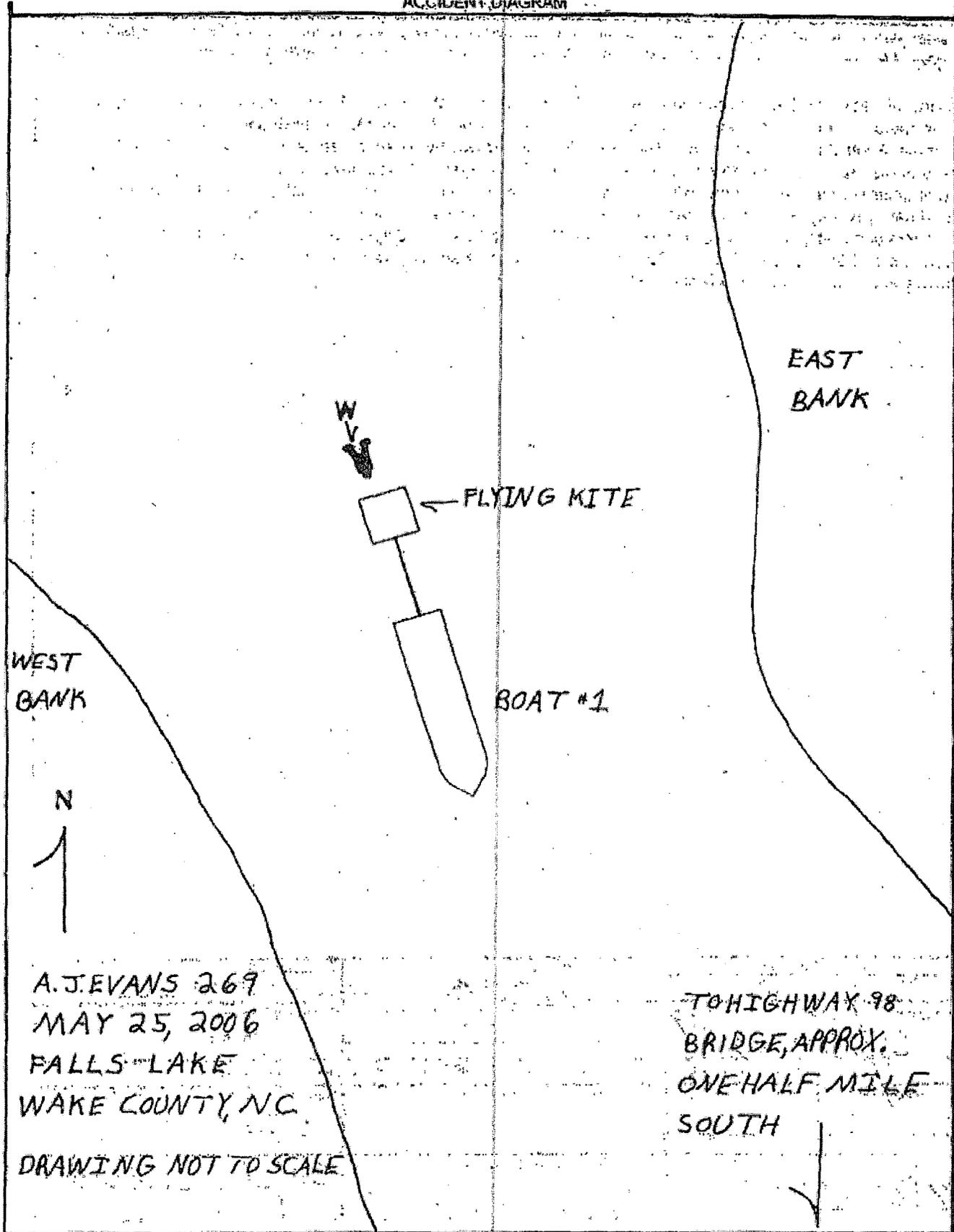
On Saturday, May 20, 2006 at approximately 1630 hours, Justin Anthony Shank was operating an 18' stingray inboard motor boat on Falls Lake in Wake County, North Carolina. Mr. Shank was towing the owner of the motorboat, Scott William Ziegler, on a flying kite. Mr. Ziegler was flying approximately twenty feet above the surface of the lake, according to witnesses in the boat. The operator slowed down when he began crossing the wake of another boat. At this time, witnesses stated the kite turned over and Mr. Ziegler lost control and fell approximately twenty feet to the surface of Falls Lake. Mr. Ziegler was helped back into the boat by the other passengers and transported to Upper Barton Creek Boat Access Area. Engine 361 from the Bayleaf fire department and Six Forks EMS unit 1272 responded to the boat access area. Mr. Ziegler was transported to Wake Medical Center and treated for a broken femur in his right leg.

WRE60 TUGK KZTG
CAP

Name A.J. Evans	Address 1717 Small Service Center Raleigh NC 27609-4717	Telephone # 919-369-0454
Officer Badge Number 269		Date Submitted 05-25-06
SIGNATURE <i>A.J. Evans</i> 269		
(do not use) - FOR REPORTING AUTHORITY REVIEW (use agency date stamp)		
Causes based on (check one) <input checked="" type="checkbox"/> This report investigation <input type="checkbox"/> Investigation and this report <input type="checkbox"/> Could not be determined	Secondary Cause of Accident	Date Received 6-7-06
Primary Cause of Accident <i>Wing Kite Lost Control</i>	Secondary Cause of Accident	Reviewed By <i>Dr. G. H. ...</i> NCWRC

Capt. Mark H. Banton
District 3 Enf.
6-8-06

ALLEGEDLY, UNIDENTIFIED



WEST BANK

EAST BANK



FLYING KITE

BOAT #1



A. JEVANS 269
MAY 25, 2006
FALLS LAKE
WAKE COUNTY, N.C.

DRAWING NOT TO SCALE

TO HIGHWAY 98
BRIDGE, APPROX.
ONE HALF MILE
SOUTH

A. JEVANS

STATE OF NORTH CAROLINA WILDLIFE RESOURCES COMMISSION		PLEASE TYPE OR PRINT - FILL OUT COMPLETELY BOATING ACCIDENT REPORT		Form MB 4.1 Rev 1/01	
The operator of every vessel involved is required to file a report in writing whenever a boating accident results in loss of life, medical treatment beyond first aid, disappearance from a vessel under circumstances that indicate death or injury, or property damage in excess of \$500. Reports in death, disappearance and injury cases must be submitted within 48 hours; reports in other cases are required within 10 days. All reports shall be submitted to the Wildlife Resources Commission, 1717 Mail Service Center, Raleigh, North Carolina 27699-1717					
COMPLETE ALL BLOCKS (Indicate those not applicable by N/A)					
NAME AND ADDRESS OF OPERATOR		AGE OF OPERATOR	OPERATORS EXPERIENCE		OPERATOR GENDER
DATE OF BIRTH		Under 10 hours	10 to 100 hours		MALE
OWNER TELEPHONE NUMBER		OWNER TELEPHONE NO.	Over 100 hours		FEMALE
NAME AND ADDRESS OF OWNER		RENTED BOAT?	NUMBER OF PERSONS ON BOARD	FORMAL INSTRUCTION IN BOATING SAFETY	
Boat Ziegler Dr Raleigh NC 27604		Yes	4	None State U.S. Power Squadron USCG Auxiliary American Red Cross Other (Specify) A ADVER	
BOAT REGISTRATION NO.	BOAT NAME	BOAT MAKE	BOAT MODEL	MFR HULL IDENTIFICATION NO.	
NC 1238 CG	Stingray	Stingray	356 ZD	NYPUS3GR-A494	
TYPE OF BOAT	HULL MATERIAL	ENGINE	PROPULSION	CONSTRUCTION	
Open Motorboat Cabin Motorboat Auxiliary Sail Sail (only) PWC Canoe Other (Specify)	Wood Aluminum Steel Fiberglass Rubber/Vinyl Plastic Other	Outboard Inboard Inboard-outdrive	No. of engines Horsepower (total) Type of fuel	Length Year built (boat)	
			1 17.5 795	1794	
		NUMBER OF SKIERS BEING TOWED	Has boat had a Safety Examination?	Indicate Weather	
		4	For current year? Yes No	USCG Auxiliary Courtesy Marine Exam State / local examination Other	
DATE OF ACCIDENT	TIME	NAME OF BODY OF WATER	LOCATION	Lat Long	
5-20-05	9:44 am	Falls Lake	Wake		
STATE	NEAREST CITY OR TOWN	COUNTY			
NC	Raleigh	Wake			
WEATHER	WATER CONDITIONS	TEMPERATURE	WIND	VISIBILITY	
Clear Cloudy Fog Rain Snow Hazy	Calm (waves less than 6") Choppy (waves 6" to 12") Rough (waves 2' to 6") Very Rough (greater than 6") Strong Current	Air 85 Water	None Light (0-6 mph) Moderate (7-14 mph) Strong (15-25 mph) Storm (Over 25 mph)	Day Night Good Fair Poor	
OPERATION AT TIME OF ACCIDENT	TYPE OF ACCIDENT (Check One)	WHAT IN YOUR OPINION CONTRIBUTED TO THE ACCIDENT? (Check all applicable)			
Commercial Activity Cruising Maneuvering Docking/Undocking Rowing/Paddling Water Skiing Racing Towing Changing Speed Making Turns Topcruitment Changing Direction Other (specify)	Drifting At Anchor Tied to Dock Fading Fishing Hunting Skin Diving Swimming Being Towed Launching Starting Engine Starting Engine Whitewater Sports Sailing	Grounding Capsizing Flooding Sinking Fire or Explosion (Fuel) Fire or Explosion (Other than fuel) Skier Mishap Collision with Vessel Starting Engine Other (specify) Collision with Fixed Object Collision with Floating Object Falls Overboard Falls in boat Hit by Motor or Propeller Struck by boat Struck submerged object			
Careless / Reckless Wave Weather Excessive Speed No Proper Lookout Restricted Vision Overloading Improper Loading Hazardous Waters Dam / Lock Sharp Turn Starting in Gear Failure to Vent Other	Alcohol use Drug Use Fault of Hull Fault of Machinery Fault of Equipment Operator Inexperience Operator Inattention No / Improper Lights Improper Anchoring Congested Waters Ignition of Fuel / Vapor				
PERSONAL FLOTATION DEVICES	BOAT SPEED:	PROPERTY DAMAGE	FIRE EXTINGUISHER		
Was the boat adequately equipped with COAST GUARD APPROVED FLOTATION DEVICES? Were they accessible? Were they serviceable? Where they used by survivors? What Type? I, II, III, IV, V (specify) Were PFD's properly Used? Adjusted? Sized?	Not Moving Under - 10 mph 10 - 20 mph 21 - 40 mph	Estimated amount: This Boat Other Property	Were they used? (if yes, list Types (s) and number used.) Yes No NA		
Yes No	Was the vessel carrying NON approved flotation devices? Were they accessible? Were they used? If Yes, indicate kind	None	Name and Address of Property Owner		
	Yes No Yes No Yes No		Scott W Ziegler 10216 Crawford Dr		
DESCRIBE VESSEL DAMAGE	DESCRIBE PROPERTY DAMAGE				

1204

Name	Address	Date of Birth	Was Victim?	Death Caused	Propeller Injury?
			<input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer PFD Worn? <input type="checkbox"/> Yes <input type="checkbox"/> No Type	By <input type="checkbox"/> Drowning <input type="checkbox"/> Other	<input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes
			<input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer PFD Worn? <input type="checkbox"/> Yes <input type="checkbox"/> No Type	By <input type="checkbox"/> Drowning <input type="checkbox"/> Other	<input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes
			<input type="checkbox"/> Swimmer <input type="checkbox"/> Non Swimmer PFD Worn? <input type="checkbox"/> Yes <input type="checkbox"/> No Type	By <input type="checkbox"/> Drowning <input type="checkbox"/> Other	<input type="checkbox"/> Yes Alcohol Involved? <input type="checkbox"/> Yes

INJURED

Name	Address	Date of Birth	Primary Injury	Medical Treatment	Yes
Scott Ziegler	6012 Crayford Drive Raleigh NC 27604	1-2-19	Broken Leg <input type="checkbox"/> Propeller Injury? Injury Caused By:	Hospitalized? Alcohol? PFD Worn?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes <input type="checkbox"/> Yes
			Primary Injury Secondary Injury Propeller Injury? <input type="checkbox"/> Yes Injury Caused By:	Medical Treatment Hospitalized? Alcohol? PFD Worn?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes <input type="checkbox"/> Yes
			Primary Injury Secondary Injury Propeller Injury? <input type="checkbox"/> Yes Injury Caused By:	Medical Treatment Hospitalized? Alcohol? PFD Worn?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes <input type="checkbox"/> Yes

ACCIDENT DESCRIPTION

DESCRIBE WHAT HAPPENED (sequence of events, include and explain any failure of equipment or machinery. Include information regarding the involvement of alcohol and / or drugs in causing or contributing to the accident. Include any descriptive information about the use of PFD's)

Rider riding Rite tribe fell 20 ft to the surface of the water sideways and hit surface of the lake

VESSEL NO. 2 (if more than 2 vessels, attach additional forms).

Name of Operator	Operator Telephone Number	Boat Number
Not Applicable	919 827 8377	NC1238CC
Operator Address		
6012 Crayford Drive Raleigh NC 27604		
Name of Owner	Owner Telephone Number	
Scott Ziegler	919 623 3067	
Owner Address		
6012 Crayford Drive Raleigh NC 27604		

WITNESSES

Name	Address	Telephone Number
Dennis Gilby	1057 Spawn Place	919 417 1173
Name	Address	Telephone Number
Name	Address	Telephone Number

PERSON COMPLETING REPORT

Name	Address	Telephone Number
Justin A Shank	6012 Crayford Dr Raleigh NC 27604	919 827 8377
<input checked="" type="checkbox"/> Operator <input type="checkbox"/> Owner		
Signature		Date Submitted
Justin Shank		5 20 06

1205

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

060621HCC1594 Exhibit 4, Pg. 1 of 1

U. S. CONSUMER PRODUCT SAFETY COMMISSION

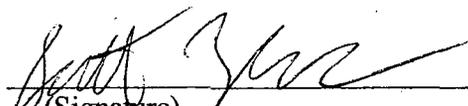
AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES NO


(Signature)

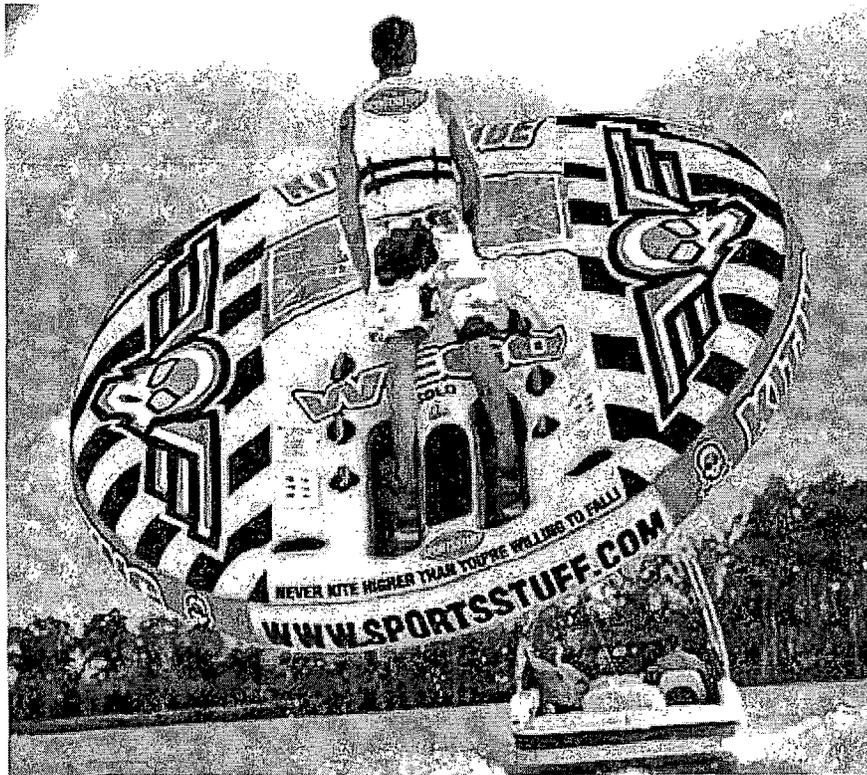
7/13/06
(Date)

1206



HOME TOWABLES LIFE VESTS INFLATION GUIDE LOUNGES SNOW SPORTS FISHING RIVER TUBING TUBES
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YOU ARE HERE: HOME - TOWABLES - WEGO KITE TUBE

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Wego Kite Tu

10ft diameter flying tu
Take flight with the WE
action towable is here,
excitement! Whip acro
through the air like a b
rise above the water, r
nothing but adrenaline
has been raised with t
beneath it...

Model 53-5000 Sug. R

KITE TUBE W MARKET - CL

Features:

- 120 inch inflat configuration
- 840D full body
- Computerized
- Nylon zippered adjustment
- Multiple mesh
- Two heavy-dut cockpit
- Reinforced tow connector for e
- Speed safety v
- Parallel slotting neoprene padd use
- 8 padded, non
- Heavy-duty sta
- Reflective Safe outside top tap
- Variable loops
- Panoramic see
- Adjustable leng rope included
- High visibility, watersports sa caution accent
- Instructional D included



WATCH VIDEO FULL GUYER 2H RECOMMENDED TOW ROPE 1 MPA RIDERS 2 GET MANUAL

1207

Wego Kite Tube

10ft diameter flying tube

Take flight with the Wego Kite Tube. The next generation of action towable is here, taking you to a whole new level of excitement. Whip across the water like a deck tube, or fly through the air like a bird. Experience the thrill of flight as you rise above the water, reaching incredible heights, leaving nothing but adrenaline in your wake. The level of extreme sport has been raised with the Wego Kite Tube. Anything else is beneath it.

Model 5 -5000 Sug Retail: **\$599.95**

KITE TUBE WITHDRAWN FROM MARKET - CLICK HERE FOR INFO

Features:

- 120 inch inflated diameter (10 foot) with slanted saucer configuration
- 840D full body nylon double skin cover with PU coating
- Computerized double stitched sewing
- Nylon zippered openings for bladder insertion and adjustment
- Multiple mesh drain ports, bar-tacked
- Two heavy-duty PVC bladders-outer ring and slotting cockpit
- Reinforced towing system with molded aluminum connector for easy quick connection
- Speed safety valves for fast easy inflation and deflation
- Parallel slotting system with non-slip footsteps and neoprene padding for comfortable foot, knee, and leg use
- 8 padded, non-slip handles with knuckle guard
- Heavy-duty starting leash with easy grip sponge balls
- Reflective Safety piping on all handles and on the outside top taping
- Variable loops for detachable leash use
- Panoramic see through double windows
- Adjustable length style 45-55-65 foot segmented tow rope included
- High visibility, billboard style, red and yellow watersports safety colors with checkerboard and caution accent striping
- Instructional DVD, tow rope, and starting leash included

Watch the included instructional video to learn how to fly:

[Kite Tube Instructional Video](#)

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WEGO KITE TUBE REPLACEMENT REQUEST

After this form has been submitted, a Customer Service Representative will contact you with an RMA number. Please use the form on this page to request your replacement product(s). Before we ship your chosen replacements, you must send us your Wego Kite Tube as outlined below:

Please completely fill out the form and press the SUBMIT button when you're finished. * ALL FIELDS ARE REQUIRED			
Date Purchased:	Month <input type="text"/>	Day <input type="text"/>	Year <input type="text"/>
Product condition:	<input type="text" value="<Select Condition>"/>		
Store where product was purchased:	<input type="text"/>		
First and last name:	<input type="text"/>	<input type="text"/>	
Street address:	<input type="text"/>		
City:	<input type="text"/>		
State/Province:	<input type="text" value="<Select>"/>		
Zip:	<input type="text"/>		
Country:	<input type="text" value="<Select>"/>		
E-mail address:	<input type="text" value="yourmail@serviceprovider.com"/>		
Area code + phone number:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Please choose your desired replacement option:	<input type="text" value="<Select Replacement Option>"/>		
	Learn more about the replacement options here Close the new window when done to return to this form		
<input type="button" value="CLEAR FORM"/>	<input type="button" value="SUBMIT"/>		Thank You

Wego Return Procedure:

[Click here if your kite tube is new or unused and has NEVER been inflated.](#)
 If your Wego Kite Tube has been used, we will need you to complete the following steps:

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PLEASE CUT OFF THE FOLLOWING PARTS OF YOUR UNIT TO RETURN TO SPORTSSTUFF:

1. CUT OFF THE ALUMINUM TOW CONNECTOR FROM THE COVER.
2. USING SCISSORS, CAREFULLY CUT OUT ONE (1) WARNING PATCH ON THE WEGO COVER. IT IS NECESSARY THAT YOU CUT ALL THE WAY THROUGH THE COVER TO RETURN THE WARNING PATCH. PLEASE USE THE WARNING PATCH WITH THE ITEM NUMBER 53-5000 PRINTED ON IT.
3. PLEASE LOCATE THE VALVES ON EACH OF THE TWO (2) INNERTUBES. CUT OUT EACH VALVE LEAVING A 1 INCH RADIUS AROUND EACH VALVE. WITHIN THIS RADIUS THERE SHOULD BE AN ITEM NUMBER 53-5000. BE SURE TO LEAVE THIS NUMBER INTACT SO THAT WE CAN IDENTIFY THE ITEM WHEN YOU RETURN IT TO US.
4. PLACE ALL OF THESE PARTS INTO A SINGLE APPROPRIATE SIZED MAILER. AGAIN WE MUST HAVE ALL PARTS BACK IN ORDER TO PROCESS THE RETURN.

AGAIN, THE PARTS TO RETURN ARE:

- 1 ALUMINUM TOW CONNECTOR,
- 1 WARNING PATCH CONTAINING THE ITEM NUMBER CUT FROM THE COVER
- 2 VALVES FROM THE INNERTUBES WITH ITEM NUMBERS INTACT

5. PLEASE WRITE THE RMA NUMBER THAT YOU RECEIVE AFTER SUBMITTING YOUR REQUEST ON THE OUTSIDE OF THE MAILER. **THIS RMA NUMBER IS EXTREMELY IMPORTANT. WITHOUT IT OUR RETURN AND EXCHANGE ORDER MAY NOT BE PROCESSED.** PLEASE PRINT THE ENTIRE NUMBER CLEARLY. SPORTSSTUFF WILL NOT BE RESPONSIBLE FOR RETURNS THAT ARE MISSING THE RMA NUMBER.

We MUST have all of these parts returned before we will ship out the replacement product. Please send envelope to :

Sportsstuff Inc.
11213 E. Circle
Suite A
Omaha, NE 68137
ATTN: RMA # _____

When you return your Wego unit to us, please follow these instructions:

1. Be sure to securely close your Wego back in its original carton. All parts must be inside the box if you had previously opened it, including manuals and DVD.
2. Remove any shipping labels that were placed on the outside of the carton
3. Write the RMA number that you receive from Customer Service on the outside of the carton.
4. Please also write the name of the person we are shipping the exchange order to on the outside of the carton, along with the return address.
5. Please return the Wego Unit to:

Sportsstuff Inc.
11213 E Circle
Suite A
Omaha NE 68137
Attn: RMA # _____

6. You should use UPS Ground Service to return the unit, and you may charge the ground freight to our UPS account. Sportsstuff Customer Service will give you the account number when your request is received.
7. Once we have received your Wego return, we will process and ship out your exchange product via UPS Ground service.

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CONTACT LIST (060621HCC1594)

1. Scott Ziegler/victim
Justin Shank/boat operator
6012 Crayford Dr.
Raleigh, NC 27604
(919) 996-4885

6/20 - initiated with phone messages for boat operator and victim.

7/13 - in-person interviews with victim & boat operator.

2. CPT Chris Huebner / Officer John Evans
NC Wildlife Resources Commission
1717 Mail Service Center
Raleigh, NC 27699-1717
(919) 707-0033 / (919) 569-0454

7/5 & 7/24 - brief telephone interviews.

Task Number: 060621HCC1594

Date: 7/24/06

Status of Missing Document(s)

The official records below were requested for this investigation report, but could not be obtained.

1. EMS Report (Bay Leaf Fire Dept./Six Forks EMS).

2.

3.

4. _____

5. _____

060706HBB1617
Doc # 10670069A

This assignment was predicated upon a consumer's complaint of a kite tube incident involving the complainant's nineteen year old brother (DOB: 09/16/1986; 5'11"; 170 pounds), as the victim. The complainant provided the information in this report, as he was the owner and the driver of the 19 foot "Bayliner Capri" boat, bearing Maryland vessel registration # MD 8594BS being used to tow the kite tube, at the time of the incident. The complainant has owned this boat for a three year period prior to the kite tube incident. The victim was unavailable for interview as he was out of the area.

The product involved in this incident is one of the emerging hazard products, described as a "Wego" kite tube by Sportsstuff Inc.; - model 53-5000, of 11213 East Circle, #A, Omaha, NE - ((402) 592-9085). The complainant (DOB: 07/18/1974; 5'9"; 175 pounds) had purchased the kite tube off of the inter-net, after seeing a video on the kite tube and thinking this might be a "fun" thing to do, from "boattube.com, on 05/18/2006, under their order # 1293. The kite tube was delivered to the complainant on 05/22/2006 via United Parcel Services (UPS) at the cost of \$499.95. Included in this order was a "free" life vest as a gift for purchasing the kite tube. Also received was an instruction video to be reviewed prior to using the kite tube. No changes, repairs or modifications were made to the kite tube by the complainant.

On Sunday evening, 06/11/2006, at about 5:00 PM, the complainant, the victim, the victim's 18 year old girlfriend and a 19 year old male friend of the victim's (both the girlfriend and the male friend's dates of birth; height and weight are unknown), were all in the boat on the Susquehanna river, in an area down stream of the Conowingo Dam, near the town of Port Deposit, Maryland. The weather was bright and sunny, with a strong wind blowing. Boat traffic in the area was light and the area was clear of any other obstructions. According to the complainant, "it was the ideal weather conditions and time of day, to fly the kite tube". Both the victim and the complainant had on at least three separate occasions, prior to the incident, watched the instructional video to insure that they understood the safety issues on the use of this kite tube. It should also be noted that on at least two separate dates/occasions, before the incident, both the complainant and the victim had attempted to "fly" the kite tube by pulling it behind the boat, but had been unsuccessful, in at least eight to ten attempts to get the kite tube out of the water and into the air. The victim, who was wearing the "free gift" life vest and a water ski type of helmet, was the only person on the kite tube. The complainant attached the kite tube harness to the back of his boat and adjusted the tow rope to a length of about forty five feet, which was the recommended length for a beginner to use as outlined in the instructional video. With all in place the boat was moved out to a position to stretch of the rope away from the boat.

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Doc # 10670069A

Once all was in place, the complainant began to run the boat at a speed of between twenty five (25) and thirty (30) mile per hour (mph). This was the recommended speed to travel in order to get the kite tube up in the air according to the instructional video. Once the boat reached this speed, the kite tube became airborne. The kite tube was in the air at a height estimated to have been about twenty five feet off of the surface of the water, for about a three to four minute period. At this point a gust of wind suddenly "kick up", causing the kite to dip and begin turning towards a vertical position. In order to try to right the kite tube, the complainant sped up the speed of the boat, a little, which only caused the kite tube to go more out of control, as it turned and twisted in the air. The complainant then tried backing off of the speed that the boat was traveling, but at this point the kite tube was in the vertical position and tossed the victim off and into the water below. The complainant could not see whether or not the kite tube landed on top of the victim as he was turning the boat around to go to the area in which the victim had landed in the water. Arriving at the point where the victim was in the water, the people in the boat pulled the victim into the boat and they took him to the shore. The victim had blood running from his mouth as he was coughing up the blood and water which had gotten into his body from this incident. Medical personnel were called to the scene and medical treatment was begun at the boat dock area. A medical helicopter was called to the scene and the victim was air lifted to the University of Maryland medical center in Baltimore, Md.

Maryland Natural Resources police- officer J. Vogt, was the responding official, to take charge at the incident scene. Under that organization's central region case number of 106007225-N, the report was filed at 3738 Gwynnbrook Ave., Owings Mills, Maryland 21117 - ((410) 356-7060), the police headquarters.

On 07/06/2006 in a telephonic interview and again on 07/07/2006 in a face to face meeting with the complainant at his home, the facts of this incident were verified. The complainant stated that this was the first inflatable product that he had ever towed behind his boat. He additionally stated that both he and the victim had planned to use hand signals to communicate while using the kite tube, but that with the distance off of the water and size and configuration of the kite tube this was not able to be done as they could not see one another. The complainant saw the victim fall from the kite tube, land in the water, but lost sight of the victim for a brief period as he began to turn the boat around to go to the aid of the victim. The complainant executed a Release of Name Authorization which is attached as an exhibit to this report.

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Further from watching the instructional video pertaining to the kite tube, it was the impression of both the victim and the complainant, that the kite tube could be controlled by the length of rope being used as it limited the height that could be reached. The consumer noticed no mechanical issues with the kite tube after the incident and stated that he saw none prior to the incident. The complainant felt, that even though the instructional video did not show the kite tube rider wearing a helmet, it was very fortunate that the victim was wearing one at the time of this incident, along with the life vest. In regards to the safety warnings that appear both on the kite tube and in the video the complainant and the victim had both been made aware of them and read them fully before using the kite tube. The complainant did state that it is written in bold lettering on the kite tube- "never kite higher, than you are willing to fall", which the complainant found interesting in light of this incident.

A copy of the medical release form was provided to the complainant to obtain the release of medical records for treatment of the victim, by obtaining the victim's signature, when he returns to the area. The victim was treated and released from the medical center at the University of Maryland, without an over night stay for a slight head concussion. The victim does not suffer from any lingering effects of this incident, although he still has follow up doctor's visits to be made.

Telephonic contact was made with the responding police department in order to obtain a copy of their report. The report has not yet been completed and should be forwarded to this office when ready for public information.

In a telephonic briefing to the Special Assistant to the Deputy Director, Office of Compliance and Field Operations and follow up e-mail instruction, no copy of the owner's manual was obtained in this investigation. During the face to face meeting with the complainant, the kite tube was inflated in the garage area of the complainant's home and a color photograph of the kite tube was exposed as required by the assignment instruction to verify the manufacturer of the kite tube.

PRODUCT IDENTIFICATION:

The product involved in this incident is a kite tube, inflatable, purchased on line from "Boattube.com" for \$499.95. Kite tube by "WEGO" is made by Sportsstuff, Inc., 11213 East Circle, #A, Omaha, NE.

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ATTACHMENTS:

- 1) Contact Information
- 2) Release of Name Authorization
- 3) Missing document form
- 4) Color identifying photograph

0607060HBB1617
Doc # 10670069A

CONTACT INFORMATION;

Daniel Klawitter, 105 Turtleback Court, Rising Sun, MD 21911 – ((302) 631-7393) -
contact dates 07/06 & 07/2006



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

060706 HBB1617

EX #2

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES NO

Daniel Clavitt
(Signature)

7/7/206
(Date)

STATUS OF MISSING DOCUMENT

The purpose of this record is to notify the reader that the following document(s), which is/are missing from this report, will not be collected.

1. victim's medical records
2. Police report
3. _____

The investigator indicates in the report that he/she requested a copy of the above listed document(s), but the document(s) was/were not yet available when the investigation report was completed. The investigator intended to forward the document(s) for attachment to this report when the requested material was obtained.

The investigator has made numerous attempts, since the original request, to collect a copy of the requested document(s) but has not been successful. Because of the problems associated with the collection of this material and our limited investigation resources, no additional efforts will be made to collect the missing document(s).

We apologize for any inconvenience the missing data may cause you.

Date: July 8, 2006

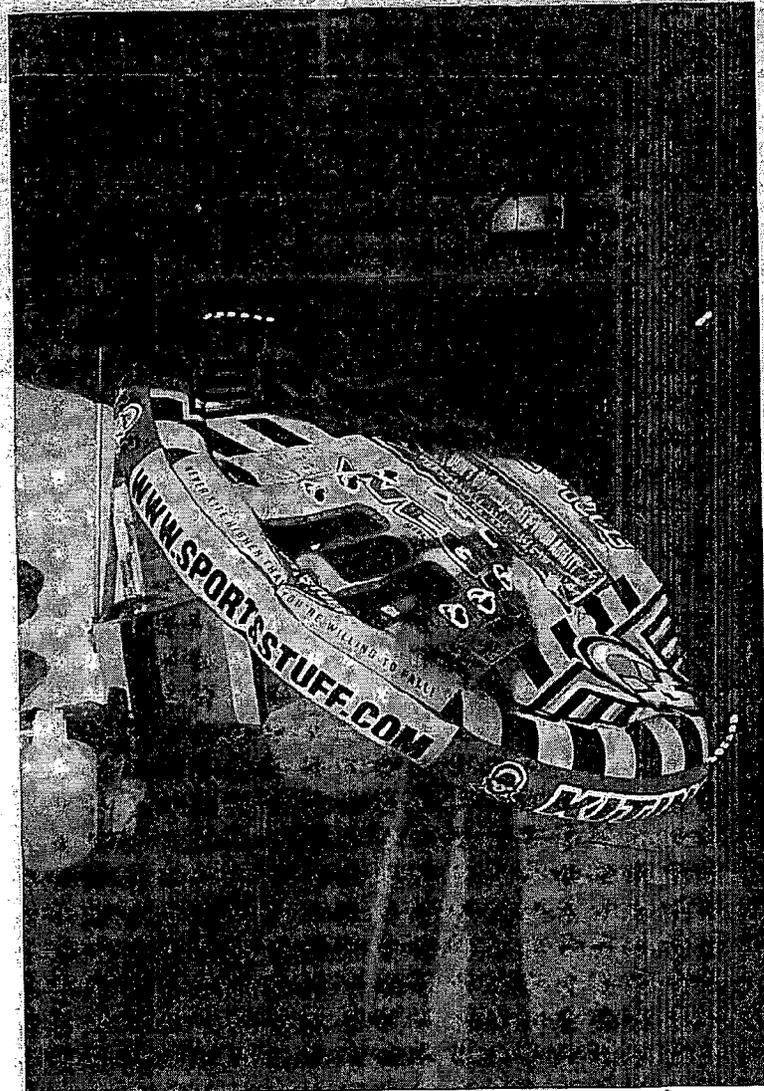
Investigator No.: 8951

Regional Office: _____

Supervisor No.: _____

060706HBB1617
Doc # 10670069A

Identifying photograph of the kite tube



1. Task Number 060703HBB2657		2. Investigator's ID 8156		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2006 06 25	5. Date Initiated YR MO DAY 2006 07 05		
6. Synopsis of Accident or Complaint UPC 759641. A 19 year old male was using a kite tube on a lake. He was being pulled by a boat at about 30 MPH when a gust of wind pushed the kite tube upwards. He was thrown from from it and landed right shoulder first into the water. He was air lifted to the hospital and treated for a severed aorta, minor spleen, kidney injuries and concussion. He was hospitalized for a week and released.				
7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY		8. City LITTLE FALLS		9. State MN
10A. First Product 3200 - Water Tubing (activity, Appa		10B. Trade/Brand Name WEGO		10C. Model Number 53-5000
10D. Manufacturer Name and Address SPORTSTUFF, INC. 11213 E. Circle Suite A Omaha, NE				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 19	13. Sex 1 - Male	14. Disposition 4 - Hospitalized	15. Injury Diagnosis 62 - Intern. Org. Inj.	
16. Body Part(s) Involved 89 - NECK	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 1 - On-Site	19. Time Spent (Operational / Travel) 18 / 9	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 07 - Consumer Complaint		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal				
24. Review Date 07/12/2006	25. Reviewed By 8929		26. Regional Office Director Frank J. Nava	
27. Distribution Blasius, Dennis R.; Topka, Tanya L.; Ingle, Robin L.			28. Source Document Number I0670024A	

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060703HBB2657

SUMMARY

The product involved in this accident is 10' diameter flying kite tube. It is similar to inner tubes that are designed to be pulled behind a boat on the water. With this inflatable device you can pull up on the front of the kite tube and it becomes airborne as it is being pulled behind a boat.

The complainant's 19 year old son (160 lbs.) saw this item advertised on the internet. His family owns a resort and marina on a lake in northern Minnesota. The father ordered one of the kite tubes directly from their marina supplies dealer in Minnesota. He purchased the kite tube in June 2006. The kite tube was sent directly to them from the dealer which is about 220 miles away. There were no discussions with the dealer about any potential safety issues with the kite tube.

The kite tube came with an owner's manual, instructions for using it and also a DVD covering the safe use of it. The 19 year old victim said he read over the manuals and the warnings that covered the 10' diameter kite tube. He didn't watch the DVD that came with it.

To use the kite tube you knee down in the two slotted openings. You hold onto the ball and leash to keep the tip of the kite tube out of the water. When you hit the proper speed the kite tube will lift off the water and you stand up. You then use the hand grips and position of your feet to control the flight. The manufacturer states if you sit down quickly it will bring down the kite tube. Please see the attached owner's manual for the proper use of a kite tube.

The victim always used a certified floatation device when using the kite tube. He used no other protective equipment.

He said during the first time he attempted to use the kite tube he had some difficulty getting it off the water. He said this was the first kite tube device he has attempted to ride. He tried the three different lengths of tow rope that came with it. He said the distributor said at about

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20 mph the kite tube should become airborne. He said the boat had to be traveling at least 25 MPH with some wind before he was able to become airborne. He said if there wasn't any wind the boat had to be traveling at over 30 MPH.

The father who drove the boat several times while pulling individuals on the kite tube agreed that the boat had to be moving at least 25 MPH before anyone could get the kite tube airborne.

The victim had used the kite tube about six times before the accident. He had one other incident where he sustained some injuries using it. About two weeks before the accident he was out on the lake and was being pulled by their boat. He guessed that he was up in the air about 15-20' when he hit a wind gust. This threw the kite tube off balance and it came down hard on its side in the water. He was able to hold onto the kite tube, but he sustained bruises to both of his elbows from his impact with the water. While he was riding the kite tube his sister was taking a video tape of him. It shows the kite tube up in the air and losing control of it as it hits the water. The victim sent me a copy of this incident and it is attached.

Several other members of the family have experienced accidents while attempting to ride the kite tube. The victim's brother (225 lbs.) was riding it and got it airborne. He lost control and the kite tube came down hitting the water very hard. He hit the side of his upper torso and had the wind knocked out of him.

His uncle (185 lbs.) had the same thing happen to him. This time the kite tube flipped over and he landed on his back and shoulder. He sustained a bruised shoulder and ribs.

His 16 year old sister (115 lbs.) came down hard sideways into the water and hit face first. She sustained a bloody nose. None of these injuries required professional medical attention.

On the day of the incident (6-25-2006) they had driven to Fish Trap Lake near Little Falls, MN. There were several family members there for the day and they were using the kite tube most of the day.

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The weather according to the National Weather Service for a nearby reporting station was a high of 79 degrees F with an overcast sky for parts of the day. The average wind speed was 5.5 MPH with gusts of 20 MPH.

The son couldn't remember any of the details of the accident due to his injuries.

At the time of the accident the father of the victim was driving the boat. He said they were traveling at about 30 MPH. He was driving into the wind and the victim was up in the air about 10-15' on the kite tube. He said they hit a gust of wind and the kite tube flew up into the air to about 25'. He said the kite tube went flying one way and the victim went flying off the other way. He said the victim went right shoulder first into the water. He said it sounded like a rifle shot when the boy hit the water.

The victim was unconscious when he pulled him partially into the boat. He said he pulled his upper torso into the boat and let his legs dangle in the water. He is a life responder for the local fire department and didn't want to pull the boy into the boat in case he had back or neck injuries. He called 9-1-1 from the boat and drove back to shore. He said the boy regained consciousness within a couple of minutes.

When they reached shore the local paramedics had arrived. They C collared the victim and drove him out of the resort area up to the road when a helicopter was waiting. The boy was air lifted to the hospital in St. Cloud, MN. It was determined that he had severed his aorta. He also had minor kidney, spleen damage and a concussion. He was transferred to Hennepin County Medical Center, Minneapolis, MN.

He spent one week in the hospital, 3 days in intensive care. The doctors told the family that someone normally has less than 1% chance of surviving this type of injury. The victim is at home recovering from his injuries. He is at about 90% and is scheduled for a follow-up visit within the next week. He hopes to get clearance to return to all his normal activities. The father said during his next visit to the hospital he will attempt to get copies of medical records covering his son's injuries.

The father and son said this kite tube is very dangerous to use and has several inherent problems. The driver of the boat has complete control over the entire flight of the kite tube. He determines the boat speed that you have to pull the kite tube to get it airborne and have to watch the flight of the kite tube to see how it is reacting. He has to make sure that you are driving into the wind and not into a cross wind. Driving into a cross wind will make the kite tube unstable and can cause it to flip over. If the rider is having some difficulties he has to slow down to lower the kite tube. However, you can't slow down too quickly as the kite tube will nose dive into the water.

The owner's manual recommends that you have a spotter and it is a state law that you do have a spotter with this type of activity. However, the driver has to react immediately to how the kite tube is reacting so he has to watch it himself or it will flip over or nose dive into the water. The father said you have to watch the kite tube so you're driving the boat one direction and looking back in the other direction. He heard of one incident involving a kite tube where the boat actually drove right into a tree as the driver was watching the rider not where he was headed.

The victim said when you are up in the air riding the kite tube you are completely in the hands of the boat driver. He said you lean back and can't see over or around the kite tube. He said they have a clear plastic panel in the kite tube. However, you can't see through it and any hand signals wouldn't be seen. The motor on the boat is loud enough where it is difficult to yell loud enough to be heard.

He said the speed of the boat, length of tow rope and wind speed determines how high the kite tube goes. He has heard of individuals using 100' of tow rope and a very fast boat to get the kite tube very high.

He doesn't know if you could make this kite tube safe. He said the kite tube has a single connection point in the middle front for the tow rope. So when you pull it up into the air you have a 10' diameter saucer shaped device being pulled by a single rope traveling at high speeds. This is

inherently unstable. He wondered if you had two tow ropes secured to the front spread apart if the kite tube would be a little more stable while up in the air. He didn't know if this would be more dangerous if the kite tube nose dived into the water or flipped over.

They spoke with their dealer about this incident. They are a larger marine supply distributor in Twin Cities, MN. They told the father that they had sold about 1,000 of the suspect kite tubes. They were aware of several other minor injuries caused by riding a kite tube. However, none were as serious as sustained by the victim.

The aunt of the victim called the manufacturer and complained about the danger of riding a kite tube. They told her if the instructions are followed it should be safe to use their kite tube.

PRODUCT IDENTIFICATION

The product involved in this incident is a 10' diameter flying inner tube. It has two heavy duty PVC bladders that are covered by a nylon skin cover. There are two built in slots for the rider's feet and 8 padded handles. There is a rope with easy grip sponge balls attached to the front for pulling up the front during use. There is colorful labeling on the nylon cover along with numerous cautions and warnings. Please see the attached photographs for a view of the complainant's kite tube.

The kite tube was purchased in June 2006 from:

Bell Industries, Inc.
580 Yankee Doodle Road
Eagan, MN 55121
651-452-3165

It is identified as a "Wego" kite tube Model 53-5000. It is distributed by:

Sportstuff, Inc.
11213 E. Circle Suite A
Omaha, NE 68137
402-592-8833

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Please see the attached photographs for a view of the suspect kite tube.

ATTACHMENTS

1. Photographs and video showing kite tube accident
2. Entries from Steadywinds.com covering safety concerns
3. Page from www.sportstuff.com describing kite tube
4. Wego Kite Tube Owner's Manual
5. Towable Owner's Manual
6. Warranty Information
7. Authorization For Release of Name
8. Contact List

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060703HBB2657

Attachment#1

Shows view of the "Wego" kite tube.



060703HBB2657

Shows another view of the "WEGO SOLO" 10' diameter kite tube. It is distributed by www.sportstuff.com. It is their Model#53-5000.



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060703HBB2657

Shows the master length (65')
for the tow rope for the tube
kite. This is the length of tow
rope being used by the victim.



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060703HBB2657
Attachment# 7

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES NO

Travis Adams
(Signature)

7/6/06
(Date)

1232

O60703HBB2657

Contact List

Randy (Father) & Travis (Victim) Kladivo-Complainant
4553 Bradley Road
Tower, MN 55790
218-753-5457

The following information was obtained through a telephone interview with the consumer/boat operator and victim's 20 year-old brother (hereafter, "older brother"). Both interviewees witnessed the incident while the older brother also rode the product. Inquiries made to the victim and her parents have gone unreturned. Additional information was obtained through internet research, discussions with related officials and official reports. The investigation was generated by a report submitted by local officials. The involved product is a circular tube kite. There was only one incident that resulted in medical treatment, but other riders also complained of product-related problems (e.g., instability of the product while airborne).

The victim was one of a total of 20 individuals (12 children) participating in a weekend recreational activity with family members and friends. No alcohol or other illegal drugs were used by any of the participants. The victim is a 16 year-old female who stands at 5'1 and weighs approximately 90lbs (Please note that the report from the local officials lists the victim's age as 14 years old, but her birth date as 05/10/1990). Although the victim is athletic and participates in formal swimming activities at her school, she has limited water-related activity experience, and has only participated in water-tubing (regular—not tube kiting) on several occasions. No occasion resulted in an incident or injury. No additional relevant information could be obtained regarding the victim's history.

The consumer of the product (hereafter, "boat operator/consumer") is a 56 year-old male, who was also the boat operator during every occasion the product was used (rode). The boat operator/consumer has known the victim and her family for approximately 15 years. The boat operator/consumer has extensive water-related experience, which includes having owned several motorboats, sailboats, and having served in the U.S. Navy and as Merchant Marine. The boat operator/consumer also has 5 years of experience of towing adults and children in water-related recreational activities. The boat operator/consumer reported no prior incidents while he was towing any rider.

The boat operator/consumer watched the product demonstration video on the manufacturer's website on May 25, 2006 and purchased the product on May 28, 2006 at a local retailer. The boat operator/consumer had no prior knowledge or experience with the product. While at the retailer, the boat operator/consumer watched the product demonstration video for a second time before purchasing the product. The boat operator/consumer received no product-related information from the sales staff. The product remained in its original packaging until June 1, 2006 when the boat operator/consumer, victim, and others embarked on their trip. Upon opening the product, the boat operator/consumer observed the tube kite, a three-segmented tow rope, the instructional video, and an owner's manual. The boat operator/consumer did not read the owner's manual, but instead relied heavily on the previously viewed instructional video for guidance and information on the product. The older brother also watched the instructional video on the manufacturer's website approximately one month prior to the incident. It is not known if any other participant watched the instructional video or read the owner's manual.

The boat used to tow the riders was a 1991, 20-foot, 200 horsepower motorboat. The boat operator/consumer reported no recent mechanical problems with the boat, though subsequent to the incident, the victim's brother incurred problems with the throttle. No

prior agreement was made among the participants regarding how the rider of the product would communicate with anyone on the boat and no one person was specifically designated as "spotter". Only one individual rode the product per occasion. All rides occurred on either June 2nd or 3rd of 2006.

The boat operator/consumer and the victim's 54 year-old father inflated the product on June 1, 2006. However, after a few attempts to ride the product by the victim's older brother, it was concluded that the product was not properly inflated, which was preventing the rider in attaining elevation. No incidents were reported. The boat operator/consumer learned that the product retained a second center compartment and a second fill valve that also required inflation. The boat operator/consumer drained the water that filled the compartment during the first riding attempts and inflated the center compartment. It is unknown how much water that inadvertently filled the inner compartment. On each occasion, the boat operator/consumer inflated the product according to the instructional video's guidelines that stated to fill the product until "firm". The boat operator/consumer tethered the tow rope to the motorboat and the product, and reported no difficulty. The boat operator/consumer utilized the tow rope at its maximum length (65 feet) for all riders.

The first individual to ride the product was the victim's 20 year-old brother (hereafter, "older brother"). The older brother is reportedly in excellent shape and stands at 5'7 and weighs approximately 160lbs. The older brother has 3-4 years of water recreational experience that includes wakeboarding and jet skiing, and reported that he has not been involved in any water-related incidents resulting in injury. This was the older brother's first experience with the product. The older brother rode the product for approximately twenty minutes, which includes before and after the product was inflated for the second time. The older brother was able to lift the product out of the water and maintain an elevation of 4 feet for approximately 10 seconds. The boat was reportedly traveling between 30-40mph. Although the older brother did not report any incident where he fell from the product, he did report having great difficulty in lifting the product out of the water and maintaining control of the product once he attained elevation. The older brother reported that the product, once airborne, would oscillate and become unstable. The older brother attempted to shift his weight while in the product and airborne to compensate for the oscillation, but reported it was quite difficult to keep the product stable. The older brother also stated that he could not communicate with anyone on the boat once he and the product became airborne as he could not see over the front of the product and the double-paned window (plastic) near the front of the product did not provide a clear view (e.g., became fogged).

The second individual to ride the product was the victim's 16 year-old brother (hereafter, "brother"). The brother stands at 5'7 and weighs 130lbs, and is reportedly also in excellent shape. No additional information regarding the brother's history or product-related experience could be obtained. Although the brother did not fall off the product or sustain any injury while riding the product, he did lament to the others that the product was difficult to lift out of the water and control once airborne. It is unknown how long the brother rode the product or if he attained elevation or the exact altitude. The boat operator/consumer reported that the boat was traveling approximately 30mph during the brother's ride.

The last person to ride the product was the victim. The incident occurred on June 3, 2006 at approximately 1:30pm. The weather was reported as pleasant and the wind was listed as light (0-6 mph) and the water condition was reported calm (waves < 6in.). Vessel traffic in the area was light. This was the victim's first experience with the product, and with the entire riding experience lasting 3-4 minutes. Again, no specific individual was designated as "spotter" while everyone attempted to observe the victim during her ride. On 4-5 occasions before the incident, the victim was unsuccessful in her attempts to lift the product out of the water and attain elevation. On the victim's last attempt to lift the product out of the water and attain elevation, she was able to maintain an elevation of approximately 5 feet for a few seconds before the product continued to rise approximately 30 feet above the water. The victim's older brother reported that he could not see the victim at anytime while she was airborne, and thus it was not possible to communicate.

Almost immediately after reaching the peak elevation of 30 feet, the product began to oscillate and the observers on the boat told the boat operator/consumer to slow down. The boat operator/consumer immediately "cut the power" to the boat when he observed the product oscillating and approximately 30 feet in the air (the boat operator/consumer learned from towing the victim's two brothers that once the product begins to oscillate, the boat needs to immediately slow down to assist the rider in controlling the product). The boat operator/consumer estimated that the product oscillated for approximately 20 seconds before the product began to "nose dive" towards the water. While descending the product continued to oscillate and became even more unstable and began to lean to the left, and subsequently became inverted and ejected the victim from the product while at 15-20 feet above the water. The boat operator/consumer reported that once the product began to nose dive, it (and the victim) seemed to accelerate, and it took approximately a total of 2-3 seconds for the victim to become ejected from the product and land in the water.

The victim fell into the water at an awkward position with her feet above her head. The victim's right shoulder/side landed first into the water and she was at approximately a 30 degree angle with the water's plane. The boat operator/consumer immediately turned the boat around and the victim's family members assisted the victim back into the boat. The victim was crying incessantly but was able to move all extremities. The party returned to the houseboat, and when the victim began to complain of numbness in her face/cheek and legs, the boat operator/consumer radioed for medical assistance.

When the local officials arrived at the houseboat to provide medical assistance, the victim was situated in a home-made C-collar and was complaining of back pain and shortness of breath. The victim reported to the local officials that she did not recall landing in the water (i.e., incident) and may have lost consciousness. An orthopedic surgeon was located nearby and overheard the radio call for assistance and also arrived on the scene. The surgeon evaluated the victim and did not observe any signs of motor functioning impairment, but did feel in-line point tenderness at the victim's C-6 vertebrae and suggested that the victim receive further medical treatment. The local officials agreed with the surgeon's recommendations, and the victim was transported by air ambulance to a local hospital to receive further treatment. Further evaluations revealed that the victim

did not sustain any specific injury and was given two 500mg of pain reliever and released to her parents' custody. The victim and others returned to their vacationing activities without incident. The victim has also returned to her normal routine of physical activities (e.g., swimming) and has not reported any further complications stemming from the incident.

The product did not sustain any damage, and once the boat operator/consumer returned to the houseboat, he immediately deflated the product after deciding that no one would ride the product after the victim's incident. On June 7, 2006 the boat operator/consumer returned the product to the retailer requesting, and was granted, a full refund. The boat operator/consumer stated that he believes the product is unsafe for both adults and children, particularly since the boat has to travel over 30mph in order for the product's rider, be it adult or child, to attain elevation. The boat operator/consumer stated that at that speed, the product easily becomes unstable once airborne. Relatedly, the boat operator/consumer feels that the product's instruction to maintain the boat's speed below 20mph is in contrast with attaining elevation (i.e., the boat must go faster than 20mph for the rider to attain elevation).

Internet research revealed correspondence among consumers and operators of the product on various websites. A June 21, 2006 response (i.e., blog) was written (i.e., posted) to concerned consumers of the product by a manufacturer's spokesperson (Exhibit I), which stated that the manufacturer "follows the guidelines set forth by the Water Sports Industry Association" (paragraph 7 of Exhibit I). A phone call was placed to the executive director of the Water Sports Industry Association (WSIA) regarding any possible promulgation of standards or endorsement of the product. The director stated that while the WSIA warnings are intended as guidance for manufacturers of water-related products, the product manufacturer made no prior attempts to seek confirmation with WSIA regarding the product or any tow rope standards. The director stated that regarding tube kites, the WSIA has never "crafted any language" as related to tube kites or endorsed the product in anyway. Furthermore, the director stated that the tube rope standards and warnings promulgated by WSIA are not intended for tube kites tow ropes as pertinent factors, such as tensile strength and capacity may differ between regular (inner) tubes and tube kites. The tube and tow rope warnings and standards promulgated by WSIA have been attached as a reference (Exhibits F & G). No attempt was made to contact the spokesperson for the manufacturer regarding the aforementioned statement as to WSIA guidelines.

On June 15, 2006, and after responding to numerous incidents involving serious injuries, the local officials of the recreational area implemented a ban all on tube kiting. This restriction was generated from the numerous incidents occurring in the recreational area and subsequent interviews with related parties and various agencies (see Exhibit H for restriction proposal and related correspondence). The law enforcement specialist also stated that the park rangers have generated approximately 10 additional reports regarding contact with individuals subsequently preparing to participate in tube kiting. All individuals were alerted to the newly imposed ban, and no additional reports of injuries were noted. In addition, after watching the product's instructional video (DVD) on numerous occasions, the law enforcement specialist at the recreational park/area determined that the video narrator discloses that the boat operator (and rider) should go

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only between 10-20mph, but the video consistently shows boat operators going between 30-40mph, enabling the rider to obtain flight.

On June 16, 2006, a local retailer stocking an exemplar product was visited. Exemplar photographs of the packaging were taken and are included as Exhibit A.

Product Identification:

The product is a **Wego kite tube™**, and is a 120inch (10 foot) inflatable, circular tube kite that is designed for a single rider, and to be towed behind a boat via tow rope and achieve flight when a certain boat speed is attained. The model number for the product as listed on the manufacturer's website and exemplar packaging is: **53-5000**. The product indicates that a patent is pending and that it is made in China. The manufacturer is:

SportsStuff, Inc.
11213 E. Circle, Suite A
Omaha, NE 68137
(402) 592-9085—P
(402) 592-1354—F
www.sportsstuff.com

The suggested retail price as listed on the manufacturer's website is \$599.95; however, the price paid by the consumer was \$499.00. The product is largely yellow in color with wide black diagonal accent striping and a sectional red border with various product labeling and identification, which includes various skull graphics. The product maintains an "840D" nylon covering and panoramic, see-through double plastic windows that are located near the front of the product. Near the rear of the product is a parallel slotting system cockpit for the rider. A handle system is located underneath the nylon covering and is accessible via eight different circular slots that offer the rider eight different "non-slip" handle positions. The product is also equipped with a three-segmented tow rope that is adjustable to lengths of 45, 55, and 65 feet. The front of the product maintains a molded, aluminum connector for attachment to the tow rope.

The product was purchased at:

Bass Pro Shops
Outdoor World
7970 East 49th Ave.
Denver, CO 80238
(720) 385-3600

Various warnings are located on the product's packaging (exemplar), and include a lengthy "Release of Liability" warning (Exhibit A, photo 8), which iterates that by assembling and inflating the product the consumer has implicitly agreed to have read and understands the owner's manual and releases the manufacturer of any responsibility as related to damage, loss, or injury. The exemplar packaging also retains warnings disclosing that the product is "Not A Lifesaving Device"... "Never Leave Children Unattended"... "Use Only Under Competent Supervision" (Exhibit A, photo 7). Although the website shows the product with the warning, "NEVER KITE HIGHER

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THAN YOU ARE WILLING TO FALL” (Exhibit J), the exemplar packaging does not reveal such a warning on the product. However, the exemplar packaging also reads that “Designs Featured In Photography Subject To Variations” (Exhibit A, photo 7). Although two additional warning can be observed on either side of the product’s parallel slotting system, neither one is legible as observed as a photograph on the exemplar packaging or website. A photograph of the incident product (Exhibit C, page 3) reveals the wording along the outer perimeter of the product, “U-CONTROL: RIDER SPEED HEIGHT SAFETY”. Clearer photographs were requested from the relevant officials, but not have been received as of yet.

Other relevant wording found on the exemplar packaging (Exhibit A, photo 10) includes, “Whip across the water like a deck tube, or fly through the air like a bird! Experience the thrill of flight as you rise above the water reaching *incredible heights*, leaving nothing but adrenaline in your wake!” (Emphasis added). Instructional wording observed on the exemplar unit (Exhibit A, photo 12) includes, “Beginners will benefit greatly by following the directions explained in the included instructional DVD and owner’s manual... With a good amount of practice, you’ll be able to *hover slightly* above the water’s surface for minutes at a time!” (Emphasis added).

No incident or exemplar sample was collected.

Exhibits:

- A. CPSC Photographs of Exemplar Packaging (10 pages)
 - 1. Front view of exemplar product packaging
 - 2. Manufacturer contact information--as viewed on top of exemplar packaging
 - 3. Exemplar product's model number and UPC
 - 4. UPC and retailer price of exemplar product
 - 5. Top view of exemplar product packaging
 - 6. Product's features--as listed on exemplar product's top (packaging)
 - 7. Guarantee and warning of top of exemplar product's packaging
 - 8. Warning label on exemplar product's top (packaging)
 - 9. Product information--labeling on front of exemplar product
 - 10. Wording on front of packaging of exemplar product
 - 11. Bottom view of packaging on exemplar product
 - 12. Riding instructions on exemplar product (packaging--bottom)
 - 13. Side view of exemplar product
 - 14. Product's features--as listed on exemplar product's packaging (side)
- B. Notice of Inspection to Retailer (1 page)
- C. Local Official Incident Report (11 pages)
- D. Owner's Manual for Product (11 pages)
- E. Owner's Manual for Tow Rope (7 pages)
- F. Water Sports Industry Association (WSIA) warning manual (13 pages)
- G. Photos of WSIA warning labels--tow ropes and tubes (1 page)
- H. Local Recreational Officials **Final Draft** Regarding Product Ban and Related Correspondence (70 pages)
- I. Internet Written Response (i.e., "blog") by Manufacturer Spokesman (1 page)
- J. Photo of Product as Seen on Manufacturer's Website--July 5, 2006 (1 page)

U.S. CONSUMER PRODUCT SAFETY COMMISSION

NOTICE OF INSPECTION

1. DATE 6/16/06	3. FROM (Area Office and Address) CPSC - CFIW (D)
2. TIME ____ A.M. 12 P.M.	
A. NAME AND TITLE OF INDIVIDUAL Vina Ramus, Parts Manager	
B. FIRM NAME Marinemax	
4. TO C. NUMBER AND STREET ADDRESS 1363 Embarcadero (1285)	
D. CITY, STATE AND ZIP CODE Oakland, CA 94606	

Notice of Inspection is hereby given pursuant to:

- Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*);
- Federal Trade Commission Act (15 U.S.C. 41 *et seq.*);
- Sections 16, 19 and 27 of the Consumer Product Safety Act (15 U.S.C. 2065, 2068 and 2076)
- Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) [Authority for inspections in connection with the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*)] and/or
- Section 11(b) of the Federal Hazardous Substances Act as Amended (15 U.S.C. 1270(b)).

Refer to the back of this form for a discussion of inspectional authority and for pertinent statutory language.

5. PURPOSES OF INSPECTION AND NATURE OF INFORMATION TO BE OBTAINED AND/OR COPIED.

The purpose of this inspection is to obtain information; to review and obtain copies of items including but not limited to records, reports, books, documents; and labeling; and to obtain samples, in order to enforce or determine compliance with the Acts administered by the Consumer Product Safety Commission.

To inspect/review Wego Kite Tube, including photographs.

6. FREEDOM OF INFORMATION REQUIREMENTS

Those from whom information is requested should state whether any of the information submitted is believed to contain or relate to a trade secret or other matter which should be considered by the Commission to be confidential and whether any of the information is believed to be entitled to exemption from disclosure by the Commission under the provisions of the Freedom of Information Act (15 U.S.C. 552). Any statement asserting

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FORM 10-384
GCA Rev (10/)

24
L. Marchant

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

CASE INCIDENT RECORD

1. ORGANIZATION CODE 1440	2. ORGANIZATION (PARK) NAME Glen Canyon NRA	3. LOCATION CODE HCW	4. CASE/INCIDENT NO. 06-1385	5. SAR NO. n/a	6. MAJOR SAR ACTY NO. n/a
8. LOCATION OF INCIDENT Iceberg Canyon		7. NATURE OF INCIDENT "Kite-tubing" Accident/ BLS		9. REPORTING RANGER M. Stark	
10. OFFENSE/INCIDENT CODE 80-10-00 31-00-02		11. INCIDENT DATE 06/03/2006	12. INCIDENT TIME 1132	13. WHEN CLEARED DATE	
				14. WHEN CLEARED TIME	

CODE	INVOLVED PERSONS	ADDRESS	PHONE	SEX	RACE	AGE	DATE OF BIRTH
P	Juvenile 1	5515 Ginger Bell Dr. Houston, TX 77084	281-483-4217	F	W/A	14	05/10/1990
W	Gavin Marchant (Brother)	P.O. Box 3315 West Point, NY 10997	281-734-5265	M	W/A	20	10/07/1985
RP	Todd Marchant (Father)	5515 Ginger Bell Dr. Houston, TX 77084	281-723-7987	M	W	54	04/04/1952
W	Steve Yoder (Vessel Operator)	7767 Orion St. Aurora, CO 80007	303-456-5747	M	W	64	01/22/1950
W	Mitchell T. Copland	2029 N. 12 th Street Grand Junction, CO 81501	970-245-0484	M	W	UNK	UNK

15. INCIDENT NARRATIVE:

Incident Summary : On Saturday June 3, 2006 at 1332 hours I was advised on an injured female in the area of Iceberg Canyon. Glen Canyon dispatch center was notified of a tubing accident via marina band radio with the reporting party requesting medical assistance. Ranger Scott Sample and I responded to the area in NPS patrol vessel 256. As Ranger Sample and I arrived to the area of buoy 79 we were directed to a houseboat beached on the western shore of the main channel. The patient, Juvenile 1, was contacted inside the houseboat. Juvenile 1 was seated, up-right on a couch, with a home-made C-collar applied. Juvenile 1 appeared to be in distress and was complaining of back pain and shortness of breath.

I was contacted by Dr. Copland an orthopedic surgeon with a practice in Grand Junction, CO. Dr. Copland was unassociated with the party and had heard over marine band radio a call for help. Dr. Copland had stated that based on his preliminary exam he did not observe any signs of motor function impairment or neurological deficit. He did, however, state that he felt in-line point tenderness at the C-6 vertebra upon palpation of Juvenile 1. Dr. Copland was requesting further medical treatment with Juvenile 1 evacuated by helicopter to St. Mary's hospital in Grand Junction, CO. Based upon my additional examination of the patient and the traumatic nature of the accident, I agreed with Dr. Copland's recommendations. Classic lifeguard helicopter landed at a high point adjacent to the houseboat, several yards away and the patient was transported to the helicopter.

On Sunday, June 4, 2006 I contacted Todd Marchant via cell phone at St. Mary's hospital. T. Marchant stated that his daughter had suffered no medical injuries as a result of the "kite-tubing" accident. T. Marchant stated that she only had a sore neck. The family was returning to Glen Canyon that day to continue their vacation.

REPORTING RANGER (Signature and Date) <i>[Signature]</i> 6/6/06	APPROVED BY (Signature and Date) <i>[Signature]</i> 6/6/06	CASE STATUS
--------------------------------------------------------------------	---------------------------------------------------------------	-------------

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UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SUPPLEMENTAL INCIDENT RECORD

FORM 10-344
VERSION 04.01.00
GLEN CANYON NRA

Case #: 06-1365

Juvenile 1: Laura Nanjowg Marchant
5515 Ginger Bell Dr.
Houston, TX 77084
281-463-4217
DOB: 05/10/1990

Accident summary: During our initial contact with L. Marchant, I asked the parties involved how the accident occurred. Steve Yoder, the owner/operator, was driving his vessel, a 20 ft. Four Winns towing L. Marchant on a "kite-tube" in the area of buoy 79 at the mouth of Iceberg Canyon. Yoder estimated his vessel's speed while towing L. Marchant was between 20 to 26 mph. Witnesses on the vessel stated that they suggested to L. Marchant to adjust her position on the kite-tube, by moving up a position on the kite-tube's foot pegs, in order to assist the tube in lifting off the water and into the air. This is the desired function of the tube. L. Marchant weighs an estimated 80 lbs. Witnesses stated that after L. Marchant made the adjustment on the tube, she was propelled into the air an estimated 15 to 30 ft. From this height she lost control of the kite-tube, the tube flipped 180° as it "curk-screwed" to the water. L. Marchant landed on her back as the tube struck the water. Yoder stated that he could not slow the vessel's speed to prevent this accident. Yoder, the owner of the kite-tube is returning the tube to the merchant who sold it. See attached vessel accident report by Utah State Parks Ranger Jared Jones.

On scene patient care: Ranger Sample and I contacted L. Marchant inside the houseboat beached on the western shore in the area of buoy 79 in the main channel. L. Marchant was seated up-right on a couch. A homemade C-collar had been placed around her neck, preventing her from moving her head. Dr. Copland was attending to her as we arrived.

Dr. Copland stated that based on his preliminary exam he did not observe any signs of motor function impairment or neurological deficit. He did, however, state that he felt in-line point tenderness at the C-6 vertebra upon palpation of L. Marchant's back. Dr. Copland was requesting further medical treatment with L. Marchant evacuated by helicopter to St. Mary's Hospital in Grand Junction, CO.

Ranger Sample and I, with the assistance of Dr. Copland, placed L. Marchant onto a back-board and immobilized her. We removed the homemade C-collar, replacing it with an adjustable collar from our medical kit. Upon our examination, L. Marchant stated that she could not remember hitting the water on the kite-tube. This suggested to me that L. Marchant lost consciences, if only for a brief time. This further indicated to me that additional medical treatment was needed. In addition, head, neck and back pain were noted upon palpation of these areas. L. Marchant stated that her pain tolerance level was a 7 out of a possible 10. She was also complaining of shortness of breath. L. Marchant was placed on 6 ml. of 100% oxygen via a nasal cannula. See attached patient care record.

(Continued)

Reporting Officer's Name	ID	Supervisor's Name	ID
R. M. [Signature]	1754		
Reporting Officer's Signature	Date	Supervisor's Signature	Date
[Signature]	6-6-06		

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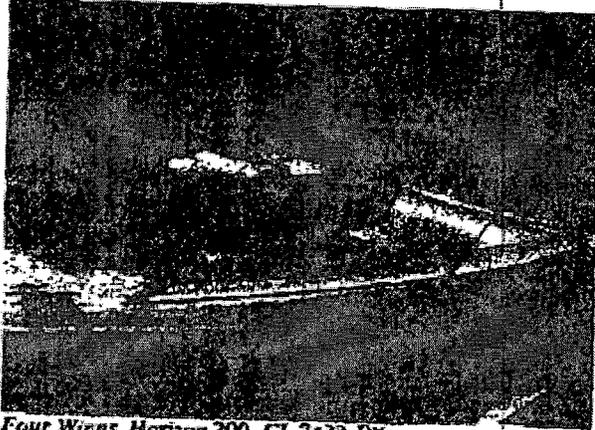
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SUPPLEMENTAL INCIDENT RECORD

FORM 10-344
VERSION 04.01.00
GLEN CANYON NRA

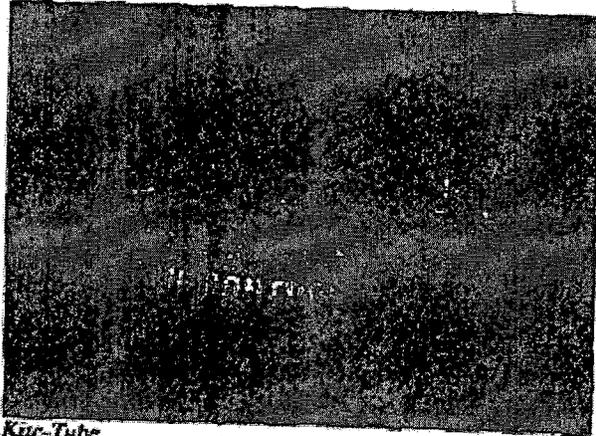
Case #: 06-1365

Environmental Factors: As Ranger Sample and I approached the area of the accident I noted the current wind speeds between 5 to 10 mph. Vessel traffic in the area was light with calm sea conditions.

Photographs: Below are photographs of the associated vessel and kite-tube. Photographed taken at the houseboat.



Four Winns, Horizon 200-CL 7433-PX



Kite-Tube

END

Reporting Officer's Name	ID	Supervisor's Name	ID
<i>R. Matthew Strick</i>	17574		
Reporting Officer's Signature	Date	Supervisor's Signature	Date
<i>[Signature]</i>	6-6-06		

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Pa.D
Todd Marchant
4-4-52

(H) 281-463-4217
Cell 281-723-7887

Photographer

Helen Marchant
7-15-88

MARCHANT/D Colorado dr
with 78 @ ...
Asuley White 832-647-1710

R. LAURA NAJOUNG MARCHANT
10 MAY 1970
5515 GINGER BELL DR
HOUSTON, TX. 77084
(281) 463-4217

6-3-02

Myraill Laura Marchant
5-10-92

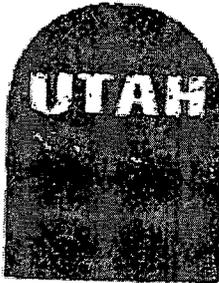
Kevin Marchant
7-85

DL 934-5265

PL-2985-FC

See wife's

200 horizon



Park Database Management System

INCIDENT / ACCIDENT REPORT

[Click here to access MAIN MENU](#)
LOGOUT (mandatory for security integrity)

Utah Division of Parks & Recreation

INCIDENT/ACCIDENT REPORT

Case #: 200600428 Incident: Accident ULEIN Case #: Place: Off park
 Involvement: Boat Incident Type: *Other:
 Occurrence Date: 6/3/2006 Time: 1215 Report Date: 6/5/2006
 County: KANE Nearest city/town: Bullfrog
 Area(general): Lake Powell Location(specific): Buoy 79 Location
 Code: LP3
 Reporting Employee: Jared Jones Badge #: 236 Park Code: 4552 Total
 Time(hrs): 2.0000
 Weather: Visibility:
 Other Agency Involved? Yes? *Submit copy of report *Agency: NPS *Case
 #:
 Synopsis: 06031430

Vessel accident with injury to female being towed on Kite Tube.
 Narrative: At approximately 1400 hours on 6/3/06 I heard a medical call on the
 NPS radio concerning a female who had been injured while riding a tube behind
 a vessel. I responded to the scene to conduct the accident investigation as the
 NPS Rangers were on scene handling the medical.

When I arrived at the scene the female victim, Laura Merchant, was being flown
 via helicopter to a hospital. I talked with the driver of the vessel that was towing
 the Laura and other witnesses who were also on the vessel.

Apparently Laura was riding on a Kite Tube behind the vessel and the tube lifted
 up approximately 20 feet off the water as it is designed to do (anywhere from 15

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to 30 feet according to different witnesses). The tube then became unstable and oscillated back toward the water at a high velocity. Laura fell and struck her back on the water. She was helped back into the boat and taken back to their nearby houseboat where they called for help. NPS Rangers Matt Stark and Scott Sample treated her until Classic Helicopter arrived and flew her out.

There have been several similar accidents with this type of tube at Lake Powell this year resulting in serious injury. Pictures of the tube and the vessel towing it are available upon request.



Associated Report:

Individual # 1

Type: Operator/Owner Sex: M Last Name: Yoder First Name: Steve
Middle Initial: B
DOB: 1/22/1960 Age: 56 DL or other #: 98-204-1201 SS #:
Address: 7787 Orion St
City: Arvada State: CO Zip Code: 80007 Work Phone: Home
Phone: 303-456-5747
Injury: No Injury Treatment: Treated By:
Transported: Alcohol and/or Drugs: *Results:
Enforcement Action: None *Code(s)/Rule(s):
Vehicle/Boat Disposition: *List vehicle/boat number and where impounded in narrative
Property Damage (estimate): \$0.00 Evidence Seized? *List details in narrative

Boating Accident Related Data (Injury/Fatality)

Operator Status: Alive	Report Status: Complete	BUI Arrest?: N	# of Other Boating Citations:
Propeller Injury? N	Injury Caused By:	Primary Injury:	Secondary Injury:
Victim Was:	Toxicology Report Received? N	DOH Report Received? N	Death Caused By:
Victim Activity:	Victim Disappeared? N	Physical Condition:	Swimming Ability? N
Type of PFD:	Inflatable?		

Individual # 2

Type: Injured Sex: F Last Name: Marchant First Name: Laura Middle

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Initial:

DOB: 5/10/1992 **Age:** 14 **DL or other #:** 000000000 **SS #:**
Address: 5516 Ginger Rd
City: Houston **State:** TX **Zip Code:** 77084 **Work Phone:** Home
Phone: 281-463-4217
Injury: Possible Injury **Treatment:** Emergency room **Treated By:**
Transported: Airvac **Alcohol and/or Drugs:** *Results:
Enforcement Action: None ***Code(s)/Rule(s):**
Vehicle/Boat Disposition: *List vehicle/boat number and where impounded in narrative
Property Damage (estimate): \$0.00 **Evidence Seized?** *List details in narrative

Boating Accident Related Data (Injury/Fatality)	
Operator Status: Alive	Report Status: Complete
BUI Arrest?: N	# of Other Boating Citations:
Propeller Injury? N	Injury Caused By:
Primary Injury: Back Injury	Secondary Injury:
Victim Was: Toxicology Report Received? N	DOH Report Received? N
Death Caused By: Victim Activity:	Victim Disappeared? N
Physical Condition: Swimming Ability? N	Type of PFD: Inflatable?

Individual # 3

Type: Witness **Sex:** F **Last Name:** White **First Name:** Ashley **Middle Initial:** H
DOB: 2/20/1986 **Age:** 20 **DL or other #:** 000000000 **SS #:**
Address: 4435 Field Meadow
City: Katy **State:** TX **Zip Code:** 77449 **Work Phone:** Home
Phone: 281-855-2647
Injury: No Injury **Treatment:** Treated By:
Transported: Alcohol and/or Drugs: *Results:
Enforcement Action: None ***Code(s)/Rule(s):**
Vehicle/Boat Disposition: *List vehicle/boat number and where impounded in narrative
Property Damage (estimate): \$0.00 **Evidence Seized?** *List details in narrative

Boating Accident Related Data (Injury/Fatality)	
Operator Status:	Report Status: Not Required
BUI Arrest?: N	# of Other Boating Citations:
Propeller Injury? N	Injury Caused By:
Primary Injury:	Secondary Injury:
Victim Was: Toxicology Report Received? N	DOH Report Received? N
Death Caused By: Victim Activity:	Victim Disappeared? N
Physical Condition: Swimming Ability? N	Type of PFD: Inflatable?

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Individual # 4

Type: Witness Sex: M Last Name: Marchant First Name: Gavin Middle Initial: J

DOB: 10/7/1985 Age: 20 DL or other #: 00000000 SS #:

Address: P.O. Box 3315

City: West Point State: NY Zip Code: 10997 Work Phone: Home

Phone: 281-734-5265

Injury: No Injury Treatment: Treated By:

Transported: Alcohol and/or Drugs: *Results:

Enforcement Action: None *Code(s)/Rule(s):

Vehicle/Boat Disposition: *List vehicle/boat number and where impounded in narrative

Property Damage (estimate): \$0.00 Evidence Seized? *List details in narrative

Boating Accident Related Data (Injury/Fatality)

Operator Status: Report Status: Not Required BUI Arrest?: N # of Other Boating Citations:

Propeller Injury? N Injury Caused By:

Primary Injury: Secondary Injury:

Victim Was: Toxicology Report Received? N DOH Report Received? N

Death Caused By: Victim Activity: Victim Disappeared? N

Physical Condition: Swimming Ability? N Type of PFD: Inflatable?

General Boating Accident Data

USCG Case #: 2006UT0001 Air Temperature(est.): 98 Water Temperature(est.): 72

Water Condition: Calm (waves < 8 in.) Wind Condition: Light (0-6 mph)

Type Of Accident: Sinking, *Other:

What caused the accident? Other*, *Other: Fault of equipment-t

Machinery Failure: Equipment Failure:

Accident Descriptors: Hit and Run? N

Investigation Status: Complete Causes Based On: Operator Report

Reviewer:

Date Investigation Completed: 6/5/2006 Date Investigation Report Received:

Boat # 1

Individual #: 1 Make: Four Winns Model: 200 Horizo Year: 1991

Length: 240 Beam:

PFDs
Adequate number? Y Accessible? Y Serviceable? Y Proper size? Y
Were they used? Y

Did the boat have a safety examination?
Safety Examination? N Current? Examined By: *Other

Were fire extinguisher used?: N
Operation at time of accident: Cruising, ,
Activity at time of accident: Water Skiing, Tubing Speed: 21 to 40 mph

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NATIONAL PARK SERVICE		SEARCH & RESCUE REPORT - Page 1		10-16-2003 Version 3.2
Note: Use TAB to move from field to field.				
Note: These Pages of Instructions can be found at the end of this Word Template.				
1.	CASE NUMBER: 06-1334	PARK: GLCA (ALPHA)	Region: IMR	Park SAR # 31
2.	DATE: 06-1334	TIME: 1332 (24 HOUR)	DAY: 7 - Saturday	
SUBJECT INFORMATION				
SUBJECT ONE:		19 - 19 Years Old	SEX: FEMALE	
SUBJECT TWO:		Click Here For Options		Click Here For Options
SUBJECT THREE:		Click Here For Options		Click Here For Options
4.				
NUMBER NOT ILL OR INJURED		NUMBER ILL OR INJURED	NUMBER OF FATALITIES	NUMBER OF SAVES
0		1	0	0
Search Over 2000		NO	INITIAL AID	YES
SUBJECT ORGANIZATION		1 - National Park Service		
HOW NOTIFIED		3 - Marine Radio / Citizen's Band Radio		
SUBJECT ACTIVITY		04 - BOATING - Motorized OR Click Here For Options		
RESCUE ENVIRONMENT		08 - Lake		
CONTRIBUTING FACTOR - Primary		06 - FALLS		
CONTRIBUTING FACTOR - Second		20 - INSUFFICIENT INFO / ERROR IN JUDGEMENT		
CONTRIBUTING FACTOR - Third		Click Here For Options		
HORIZONTAL TRAVEL FROM PLS		Click Here For Options		
VERTICAL TRAVEL FROM PLS		Click Here For Options		
SEARCH TYPE		Click Here For Options		
RESCUE METHOD - One		04 - Helicopter Evacuation		
RESCUE METHOD - Two		Click Here For Options		
RESCUE METHOD - Three		Click Here For Options		
SEARCH DURATION		Click Here For Options		
SEARCH DISPOSITION		Click Here For Options		
Brief Narrative: A 14 yr. old female was "kay-tubing" at the mount of Iceberg Canyon when she lost control of the tube. Witnesses estimated she was 15 ft. in the air when the tube flipped over, slamming her into the water, with the vessel towing her at an approximated speed of 20 to 25 mph. She was suffering from neck and back pain. Patient was placed onto a back board and immobilized. Classic lifeguard helicopter air transported her to St. Mary's hospital in Grand Junction, CO.				

9286086259:#11

: 13:51 : 6 - 6 - 9 : NAT'L PARK SERVICE

SENT BY:GLEN CANYON NRA

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NATIONAL PARK SERVICE
SEARCH & RESCUE REPORT - Page 2
 10-15-2003
 Version 2.2

PARK: GLCA (ALPHA) CASE NUMBER: 06-1334 PARK BAR #: 31 SAR Account: -

Note: Three Pages of Instructions can be found at the end of this report template.

TIME/COST SUMMARY		HOURS	COST
NPS Programmed Hours	Actual regular hour costs for permanent and seasonal NPS employees		\$
NPS Unprogrammed Hours	Actual overtime, hazard pay costs, emergency rates (AD) per unassigned personnel, and intermittent employee time		\$
Non-NPS Hours	Volunteer, military, and other non-NPS time. Estimate costs incurred for time. Volunteer specialist (See below), and military time, use \$10 per hour (unless known). Do not include the costume of pilot/crews - unless they are included with aircraft figures.		\$
Totals:			\$

Other Services and Materials		COSTS
Supplies and Equipment	Non-budgeted supplies and NPS equipment not on camera.	\$
Other Services and Costs	Mileage, travel, equipment rental, contracted hourly services, etc.	\$
Totals:		\$

Aircraft Summary:		HOURLY RATE	HOURS	COSTS
Military Fixed Wing	See costs below.	\$		\$
Military Helicopter	See costs below.	\$		\$
NPS - Fixed Wing - NPS Owned	See costs below.	\$		\$
NPS - Helicopter - NPS Owned	See costs below.	\$		\$
Other Fixed Wing	See costs below.	\$		\$
Other Helicopter	See costs below.	\$		\$
Totals:				\$

Fixed Wing: Single Engine = \$150 per hour Twin Engine = \$450 per Hour Float Plane = \$600 per Hour

Helicopter Type	Cost / hour	Payload	Passengers	Retardant / H2O Capacity	Maximum Weight
Helicopter - Type I Heavy	\$4,500	5,000 Lbs.	15 +	700 gallons	12,501 or more
Helicopter - Type II Medium	\$2,000	2,500 Lbs.	9 to 14	300 Gallons	6,000 to 12,500
Helicopter - Type III Light	\$1,000	< 2,500 Lbs.	< 9	< 300 Gallons	< 6,000

Selected Hourly Rates for Helicopters: (Military Source)								
Blackhawk	(H-60)	\$4242	Super Jolly Green	H-63A	\$5340	Sea Knight	(CH-46)	\$2643
Dolphin	(H-66)	\$5139	Jolly Green Giant	(H-3)	\$2913	Chinook	(CH-47)	\$2400
Huey	(HU-1)	\$1200	Jolly Green Giant	H-63J	\$6100			

Vessels		HOURLY RATE	HOURS	COSTS
Military Vessels		\$		\$
NPS Vessels		\$		\$
Other Vessels		\$		\$
Total:				\$

Selected Hourly Rates for Vessels:					
Length	0 - 18'	18' - 25'	25' - 40'	40' - 65'	Over 65'
Hourly Rate	\$50	\$100	\$150	\$250	\$500

Non-NPS Total: NPS Total: Grand Total: \$

Prepared By: R. Matthew Stark Approved By:
 Signature: [Signature] Date: 06/05/2006 Signature: Date:

Superintendent Signature of Regional Director Approved/Disapproved
 Signature: Date: Signature: Date:

9286086259#12

: 6 - 6 - 6 : 13:54 : NAT'L PARK SERVICE-

SENT BY: GLEN CANYON NRA

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060614HCC3605

Contact List:

Gavin Marchant (victim's brother/witness)
P.O. Box 3315
West Point, NY 10997
(281) 734-5265—C
Date of Contact: July 10, 2006

Steve Yoder (boat operator/consumer)
7787 Orion St.
Avarda, CO 80007
(303) 456-5747—H
Date of Contact: July 11, 2006

Mark Law, Law Enforcement Specialist
National Park Service
U.S. Department of the Interior
P.O. Box 1507
Page, AZ 86040
(928) 608-6252—P
(928) 608-6259—F
Date of Contact: June 16, 2006

Sportsstuff, Inc. (product manufacturer—Wego)
1-888-814-8833—P
www.sportsstuff.com
Date of Contact: June 16, 2006 (contact was made by CPSC, not respondent)

Diversified Marine Products (product distributor)
1-800-777-0141—P
www.dmpmarine.com
Date of Contact: June 16, 2006 (contact was made by CPSC, not respondent)

Vina Ramus, Parts and Accessories Manager
Marine Max (product retailer--Wego)
1363 Embarcadero
Oakland, CA 94606
(510) 535-6161—P
(510) 535-1787—F
www.marinemax.com
Date of Contact: June 16, 2006

Larry Meddock, Executive Director
Water Sports Industry Association
P.O. Box 568512
Orlando, FL 32856-8512
(407) 251-9039—W
(407) 620-7992—C
wsiaheadquarters@earthlink.net
Date of Contact: June 29, 2006

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0606 14HCC3605

Tammy Wright, Law Enforcement Officer
Utah State Parks and Recreation
1594 W. North Temple
Salt Lake City, UT 84114
(801) 538-7359—W
Date of Contact: July 12, 2006

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The information contained within this report was obtained from the victim's sister, stepmother, and friend during separate telephone interviews; from the local fire official during a telephone interview and review of the incident and emergency medical services report; and from the state environmental police official during a telephone interview. As instructed by the Compliance Officer, this high-priority assignment did not require an onsite investigation or the collection of product literature. As this investigator did not have the opportunity to examine the incident product, the information contained in the product identification section of this report is based upon information received from the above-listed respondents and/or from the manufacturer's website.

The victim's sister, a 22-year-old female, and the victim's friend, a 24-year-old male, provided the majority of the details for this incident involving a kite tube. The 24-year-old male victim, approximately 160-pounds in weight, was described as a normally active young adult with no known medical or psychological abnormalities. The victim lived with his parents on a small lake where the incident occurred. The victim's father owned a 340-horsepower inboard-motor power boat which was docked at this same address. Although the victim had limited previous experience with the incident product, the victim's friend stated that the victim, who had lived on the lake his entire life, was considered to be an expert-level water skier, a near expert wake boarder, and experienced with water tubing activities. He further explained that the victim and his friends, described as experienced with various water sports, were always seeking to try new watercraft devices.

On June 30, 2006, the victim received the recently purchased kite tube via the mail. Upon opening the product packaging and reading the instructions, the victim and two friends decided to try the product on the lake. According to the victim's sister and friend, there were warnings on the product and/or product literature that mentioned you would be safe as long as you kept the speed below 25 m.p.h. She stated that the victim had read the warnings and had the impression that the product would be safe to operate. The product was sold with an adjustable tow rope. According to the victim's friend, the tow rope was adjusted by the victim to the expert-level length of 65 feet. Each of the three participants took a brief ride on the incident kite tube. The average boat speed was estimated to be 25 m.p.h and the average height of the rider did not exceed 10 feet. The friend stated that although the victim's ride was without incident, he (the friend) suffered a minor shoulder strain from his ride and that the other rider suffered a bloody nose. Neither injury required medical treatment.

On July 1, 2006, the following day, the victim took his father's boat out on the lake with three different male friends, ages 21, 22, and 23. The 21-year-old male was the driver of the boat at the time of the incident while the other two friends were spotters. The driver reportedly had more than 500 hours experience operating power boats. The tow rope length was maintained at 65 feet. The victim was wearing a bathing suit and life vest. According to the historical weather data website, www.weatherunderground.com, the weather conditions for the local area at the approximate time of the incident were as follows: 82° F temperature, 44% humidity, 15 m.p.h. wind speed, 20 m.p.h. wind gusts, and clear.

The victim entered the water to prepare for his ride at approximately 1 p.m. The 24-year-old friend, who was not present, stated that the friends present on the boat and witnesses on the lake have described the following details to him. During the victim's ride, the boat speed was reported as averaging between 25 m.p.h and 35 m.p.h. He apparently had no problems becoming airborne and maintained a height of about 12 feet for approximately one minute. As the boat accelerated, he then reportedly increased an additional 10 feet to a total height of between 20 and 25 feet.

Almost immediately after reaching a height of between 20 and 25 feet, the incident kite tube suddenly tilted sideward with the victim holding on to it, and fell to the water below.

Upon impact, the victim reportedly bounced a considerable distance away from the tube. The boat immediately circled around to the victim. Upon approach, he appeared unresponsive and they thought that he was either in shock or unconscious. Two of his friends (the spotters) entered the water to rescue him. They reported that the victim started to yell and scream. Concerned that he may have suffered a head or spinal injury, they laid him on the swim platform located on the stern of the boat, called 911 with a cell phone, and transported him to shore. When they got to shore in about five minutes, the ambulance was there. The victim was reportedly in extreme pain. The local EMS technicians took some time to stabilize him and put his leg in traction before transporting him by ambulance to a local hospital.

The victim suffered a broken femur in his right leg and bruised ribs. There was no head or spinal injury. The victim was treated in intensive care unit due to complications involving bone marrow leaking into the blood which resulted in respiratory difficulties and delay of surgery.

On July 10, 2006, successful surgery was performed on the victim's right leg. The victim's stepmother stated that the victim's recovery was progressing well.

The state's department of environmental police responded to the scene and conducted an investigation. A copy of their investigative report was requested. The local emergency medical services report was obtained and a copy of the victim's medical records was requested from the family. When or if these records are received, a separate addendum will be submitted.

PRODUCT INFORMATION

The product was a tube kite. **The Wego-brand inflatable tube kite**, model 53-5000 was approximately 10-foot in diameter, circular in shape, and red, yellow, and black in color. The saucer-type tube was composed of mostly heavy-duty nylon materials and included 8 handles. The product contained black cautionary warning stripes on the floor and black skull and crossbones on the bottom. The product was purchased, online, by the victim and received via the mail on June 30, 2006. The purchase cost was approximately \$500. The product was sold with a tow rope component. The adjustable tow rope was

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segmented into three different lengths; 45 foot for beginner level; 55 feet for intermediate level; and 65 feet for expert level.

The product was manufactured by:

Sportstuff Inc.
11213 East Circle, #A
Omaha, NE 68102
Tel 402-592-9085

PRODUCT RECALL NOTICE

On July 13, 2006, during this ongoing in-depth investigation, the U.S. Consumer Product Safety Commission (CPSC) announced a recall (Release #06-210) of the incident product. Upon review of the recall notice, the victim's sister confirmed that the product involved in this incident was the same as the recalled product.

SAMPLE COLLECTION

As per CRC instructions, there was no sample collected.

ATTACHMENTS

- Exhibit 1: Contact List
- Exhibit 2: Local fire department response and emergency medical services report
- Exhibit 3: CPSC recall notice dated 7/13/06
- Exhibit 4: Missing document form

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Contact List

[REDACTED] roy, Victim's sister
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Telephone interview conducted on 7-6-06; email exchange on 7/13/06.

[REDACTED] y, Victim's stepmother
[REDACTED]
[REDACTED]
[REDACTED]

Incident location: Lake Pearl, Wrentham, MA

Telephone interview conducted on 7-13-06.

[REDACTED] ss, Victim's friend
[REDACTED]
[REDACTED]
[REDACTED]

Telephone interview conducted on 7-13-06.

Robert Morrill, Fire Chief
Wrentham Fire Department
99 South Street
Wrentham, MA 02093
Tel. 508-384-3131
Email: rmorrill@fire.wrentham.ma.us

Telephone interview conducted on 7-10; and received EMS report 7-11-06.

Joseph Collamati, Chief of Police
Wrentham Police Department
89 South Street
Wrentham, MA 02093
Tel. 508-384-2121

Telephone interview conducted on 7-10-06.

Officer Robert Forseyth
Massachusetts Environmental Police
251 Causeway Street, 1st Floor
Boston, MA 02114
Tel. 617-626-1650 / 800-632-8075

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Telephone interview conducted on 7-10-06.

Sargeant Richard Sylvia
Massachusetts Environmental Police
Boat & R.V. Safety Bureau
Building 1019, Route 132, 2nd Floor
Hyannis, MA 02601
Tel. 617-727-2617

Requested investigative report by telephone on 7-12-06.

Wrentham Fire Department EMERGENCY PATIENT REPORT

ALS Intercept
 YES NO

DISPATCHED AS: **BROKEN LEG**

DISPATCH LOCATION 2	MUTUAL AID <input type="checkbox"/> TO <input type="checkbox"/> FROM	MO. DAY YR. 7 1 06	DISPATCHED TIMES DISP. L 1333	TRIP NO. 752
PATIENT NAME [REDACTED]	SEX M	AGE 24	DOB MO. DAY YR. 4 21 82	MILEAGE IN: 846
ADDRESS [REDACTED] MA 02093	PHONE [REDACTED]	ON SCN. 1336	IV SCN. 1413	OUT: 892
S.S.#	NEXT OF KIN	IN SERV. 1434	VEHICLE# R2	
INSURANCE CO.	INSURANCE NO.	GROUP #		

EYES OPEN	VERBAL RESPONSE	MOTOR RESPONSE	RESPIRATORY RATE	RESPIRATORY EXPANSION	SYSTOLIC B/P	CAPILLARY REFILL	SUSPECTED DIAGNOSIS
4- SPONTANEOUSLY 3- TO VOICE 2- TO PAIN 1- NONE	5- ORIENTED x3 4- CONFUSED 3- INAPPROPRIATE 2- INCOMPREHENSIBLE 1- NONE	6- OBEYS COMMAND 5- LOCALIZES (PAIN) 4- WITHDRAWS (*) 3- FLEXION (PAIN) 2- EXTENSION (*) 1- NONE	3- 10-24/MIN 3- 24-35/MIN 2- 36-45/MIN 1- 1-9/MIN 0- NONE	1- NORMAL 0- REACTIVE	0- 90 3- 70-89 2- 50-69 1- 0-19 0- NONE	2- NORMAL 1- DELAYED 0- NONE	GLASCOW COMA SCORE TRAUMA SCORE COMBINED TRAUMA SCORE

NARRATIVE: SUBJECT, OBJECT, NEURO, RESP, CV, GI, GU, MSI, ASSES, P/I

(SUB) 24 Y/O ♂ CA0x3 POSSIBLE (R) FEMUR FRACTURE.
PT WAS TUBING ON LAKE PERL ON A TUBE
W/ WINGS" @ 40MPH PT ON TUBE WENT
APPROX. 20 FT INTO AIR CAME DOWN ON TUBE
INJURED FEMUR. LOC

(OBS) ODA PT TRANSPORTED TO DOCK ON MOTOR
BOAT W/ FRIENDS. PT IN OBVIOUS PAIN
FROM ANGLATED (R) FEMUR. CLIMBED INTO
BOAT HELD MAINTAINED TRACTION W/ RELIEF.
PT COLLAPSED TO LOW BOARD W/ FULL C-SPINE
MEASUREMENTS TO A.M.B.

(NEWS) PT IS GPPx7 LOC (+) OSM
ALL 4 EXTREM.

(VITALS) Spontaneous @ 12 SpO2 = 90% RA
↑ 100% 15LPM O2 NRIB PT c/o

(PAIN) RB PAIN W/ RESPIRATORYS SOME DYSPNOEA
(R) LS CLEAR DIMINISHED (L) EFFORT??

(O2) SKIN PINK WARM + DRY @ LP (+)
DISTAL PULSES @ 90 @ CAP REFILL @ FOOT
NSR LEAD II @ 90

TIME	RHYTHM	P	B/P	RR	O2%	TX/MED. & DOSE	ROUTE	BY
	NSR	90	118/102	12	90% RA			RN
	IV's	16 ga	18 ga	(R) FOREARM				AM
	Blood Sugar	121 mg/dL	IV STICK					CB
1406	MORPHINE	1 mg	IV P.				IV P	RN
1408	NSR	92	110/70	12	100% 15LPM		NRIB	
1402	MORPHINE	1 mg	IV P				IV P	RN
1420	NSR	93	100/70	12	100%			
1430	NSR	94	100/70	12	100%			

ASSESS / (R) PT @ A.M.B HELD MAINTAINED TRACTION
DIMINISHED TRACTION SPLINT BROKEN ON SCENE
2 IV's (R) FOREARM 18 + 16 NS KVO BLOOD SUGAR = 121 mg/dL IV STICK. 1 mg MORPHINE
IV FLUIDS REQUESTED 1 mg MORPHINE REQUESTED

TRACTION SPLINT APPLIED TRANSPORTED TO (R)
TRAUMA W/ CONTINUED CARE + PRESENTED IN
KNEE SECONDARY HTT EXAM @ SIDE (R) @ IN
W/ RESPIRATION @ SIDE SHOULDER PAIN.
PT CASE → R1 TRAUMA W/ VERBAL REPORT

NOTE PT c/o
(R) SIDE (R) PAIN
MAED CONTROLLED CALLED
FOR MORPHINE AT
CNH.

NILA
R2 TRAUMA

C. D. MARSH P 851514
R. HOLT P

TRIP NO. 752
DATE 7/1/06

Wrentham Fire Department

Incident Detail

Print Date: July 11, 2006

Printed By: rmorill

Incident No: 200600001450

CAD No: 200600001554

File Number:

Nature: Ambulance Call

Date: 7/1/06 13:32

Address: [Redacted] Wrentham, MA 02093

Location Type: Street address

Structure:

Alarm:

Priority:

Occupant(s): Occ. No. Occupant

Comments:

Date/Time Lap/Time Total

Received Date: 7/1/06 13:32

Call Taker:

Dispatched: 7/1/06 13:33

Dispatcher: Jason C Acord

Out of Station:

00:01:00

Member Making Report: Gordon L Winget

Arrived: 7/1/06 13:33

00:01:00

Shift Supervisor: Gordon L Winget, Capt.

To Medical:

Officer in Charge: Gordon L Winget, Capt.

At Medical:

Caller Name:

Cleared: 7/1/06 14:55

Caller Address:

Type

Caller Phone Number:

Status: New

Incident Type(s): Primary Reported Description

Actions Taken

EMS call, excluding vehicle accident witt

Provide advanced life support (ALS)

Involved Fire Fighter(s):

<u>Name/Title</u>	<u>Division</u>	<u>Agency Description</u>
Christopher Duvarney	Fire Fighter	
Notes:		
Robert W Holst	Fire Fighter	
Notes:		
Antonio R Marino	Fire Fighter	
Notes:		
Walter F Pelrine	Fire Fighter	
Notes:		
Gordon L Winget, Capt.	Fire Captain	
Notes:		

<u>Unit Chronology :</u>	<u>Unit Type</u>	<u>Time</u>	<u>Status</u>
	E1	13:33:05	
		13:33:49	
		13:36:18	
		14:08:09	
		14:08:12	
	<u>Unit Summary</u>	<u>Time:</u>	<u>Status</u>
	Unit: E1	0.35	

Unit Chronology : Unit Type Time Status

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Wrentham Fire Department

Incident Detail

Print Date: July 11, 2006

Printed By: rmorrill

R2

13:33:05
 13:33:50
 13:36:23
 14:13:32
 14:34:19
 14:34:20
 14:55:20

Unit Summary
Unit: R2

Time: 1.22

Unit Chronology :	Unit-Type	Time	Status
	E1-Wrentham FD Engine	13:33:05	Dispatched
		13:33:49	On Air
		13:36:18	On Scene
		14:08:09	Returning
		14:08:12	In Quarters

Unit Summary: Unit: E1-Wrentham FD Engine Time: 0:00:35:07

R2-Wrentham EMS Rescu	13:33:05	Dispatched
	13:33:50	On Air
	13:36:23	On Scene
	14:13:32	To Hospital - ALS
	14:34:19	At Hospital
	14:34:20	Returning
	14:55:20	In Quarters

Unit Summary: Unit: R2-Wrentham EMS Rescu Time: 1:00:22:15

Narratives for Incident Number 200600001450? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Capt. Gordon Winget

Seq No:	Date & Time	Description	Entered by	Status	Reviewed by	Last Edit Date
1	7/1/2006 3:10:00PM	Narrative Statement Type C				07/01/2006

R2, E1 out to the above address for an water skiing accident. R2 on scene and needing equipment that works. Request for R1 to respond with hair traction splint. R2 transported. 1 to R.I. Trauma ALS EMS # 752 R1 responded to second medical

Print Date: July 11, 2006

Related Incidents

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060706HBB1619

Exhibit 2

page 4 of 4

Wrentham Fire Department

Incident Detail

Print Date: July 11, 2006

Printed By: rmorrill

Incident No.

Exposure No.

Date/Time

Address

Occupant

Incident Type

0

No data on file

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1. Task Number 060710HBB2669		2. Investigator's ID 9044		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2006 07 04	5. Date Initiated YR MO DAY 2006 07 10		
6. Synopsis of Accident or Complaint UPC Unknown While airborne on a kite tube about 40 feet in the air, a consumer lost control when it began twisting and flipping and he let go and fell into the Mississippi River and he was knocked unconscious. He was wearing a life jacket. He was rescued and then hospitalized for one day in ICU for a brain injury that was caused by a broken blood vessel. He is experiencing short term memory loss and unable to work temporarily.				
7. Location (Home, School, etc) 9 - SPORTS OR RECREATION PLACE		8. City ANDALUSIA		9. State IL
10A. First Product 3200 - Water Tubing (activity, Appa		10B. Trade/Brand Name WEGO		10C. Model Number 53-5000
10D. Manufacturer Name and Address SPORTSSTUFF INC. 11213 E. Circle # A Omaha, NE				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 30	13. Sex 1 - Male	14. Disposition 4 - Hospitalized	15. Injury Diagnosis 52 - Concussion	
16. Body Part(s) Involved 75 - HEAD	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 1 - On-Site	19. Time Spent (Operational / Travel) 16 / 1	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 07 - Consumer Complaint		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 07/13/2006	25. Reviewed By 8929		26. Regional Office Director Frank J. Nava	
27. Distribution Blasius, Dennis R.; Topka, Tanya L.; Ingle, Robin L.			28. Source Document Number I0670062A	

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All information contained in this report, was obtained through an on-site visit with the victim and several witnesses, including family members, who reported this incident (source document).

In June, 2006, a consumer purchased a new water tubing product called a "kite tube" from an on-line company called EBay (exhibit 7). He had researched the product both on-line (exhibit 2) and in magazines, including one called "Wake Boarding".

The consumer was looking for the largest model with the widest diameter he could find because he noted the weight limit for the rider was generally about 200 pounds. He planned to use the new kite tube with his brother. He and his twin brother were approaching their 31st birthday's, on 7/9/2006. Both men were about 6'2" tall and they each weighed about 200 pounds.

They observed many places on-line that sold kite tubes. Prior to purchasing the kite tube, the consumer observed a video on-line that showed how the product was used and detailed several key safety rules. The consumer understood that it was a new sport using a newly invented product that was considered an extreme sport. However, he felt confident in the safety of the product as well as his ability to operate it. Both he and his brother enjoyed many sports over the years including snow and water skiing. They also had experience with ATV's and had been avid boaters for many years.

The consumer purchased the kite tube on a website called EBay (exhibit 7) for about \$389.00, plus shipping, and it was delivered to his home a few days later. He purchased the associated tow robe along with the kite tube and it also came with a DVD that he watched. It arrived in an original shipping carton and was not inflated. The consumer did not remember seeing the owner's manual. They inflated the kite tube and used it for the first time a few days later.

They used the kite tube twice in the first month they had it. The first time they used it, the kite tube did not fly. They thought it was under-inflated and that may have

caused it to not go airborne as it was designed to do. A few weeks later, they took it out again. This time they inflated the kite tube with more air and it was used by younger, smaller males who were in their boating party.

During this second use of the kite tube, it became airborne about 5" or more from the water, while they were operating the boat at about 25 mph. They took turns with two younger males using it, including a 10-year-old, and a 15-year-old family member. The 15-year-old male was about 5'8" tall and he weighed about 130 pounds. The older 30-year-old twin brothers observed the kids on the kite tube and thought that it looked fun. They planned to take the kite tube out in the near future again.

On 7/4/2006, the family took the boat out for the day into the Mississippi River where it bordered Iowa and Illinois. The boat they were operating was a 1994 model, 25 1/2" "Cobalt", with a 350 HP inboard/outboard motor. They were very familiar with it and had owned it for many years. The family was avid boaters and they took the boat out about twice a week near their home in eastern Iowa. They also took regular boating and fishing trips to Canada, as well as to other lakes in the Midwest.

On the boat that day were the 30-year-old twin brothers, their wives, the two family's four young children and the family dog. They planned to use the kite tube during the day on the river and had inflated it as directed. The part of the Mississippi River (exhibit 9) they were boating in had had some back-water known as sloughs that were lake-like with deep water in parts. They had boated in this area 100's of times. It was a busy "Holiday" on the river, with many people nearby including some enjoying several beach areas on a large nearby island. There were at least 8 boats in the area and many people were in or near the water, enjoying the hot summer day which was sunny with a light breeze.

At about 12 noon, on 7/4/2006, they had been on the river for about 3 hours and they prepared to use the kite tube. The twin brother who had purchased the kite tube, climbed onto it, and the other twin brother operated the boat. Other family members watched. He was able to get the kite tube airborne about 10 feet above the water during the

about 20 minutes that he was on it.

Later, the brothers switched places. The brother, who was wearing a life jacket, climbed onto the kite tube, while his twin brother operated the boat, and other family members watched. They were excited and were enjoying this twin brother's first attempt to fly the kite tube.

All the family members were watching from the boat as the twin brother riding the kite tube became airborne. The tow rope was extended to the maximum amount about 65 feet. As the boat speeded up the kite tube went higher into the air. The maximum they operated the boat speed at was about 40 mph, but they ran it mostly from 25-30 mph. The kite tube rider appeared to be having fun as it went up and down in the air.

Others, nearby in boats and on the beaches were watching them. Someone yelled "Here he comes again". All eyes were reportedly on the man riding on the kite tube. He went very high in the sky, higher than any other time they had used the kite tube. One witness described what happened next:

"He was using a tube kite at about 25 feet above the water when he lost control (the tube kite turned in the air) and lost grip. He fell into the water and was knocked unconscious for several minutes. Luckily, two nurses were watching and helped (along with several others) to stabilize him while we attempted to contact the ambulance."

The victim reportedly became unstable as he was up in the air, reportedly at heights at or exceeding 40 feet above the water. He was trying to maintain the stability of the kite tube, but it was moving and twisting and dipping from side to side. He reportedly felt like he was going to fall, and it got very scary for him, so he let go of the handles and fell into the water, which was as much as 40 feet below him.

When the victim hit the water, he fell feet first, but hit his upper chest and head at an angle to the water. He was knocked unconscious from the impact with the water. He was floating in the water because he was wearing a life jacket.

His twin brother, who was operating the boat at the time of the incident, immediately stopped the boat and then he jumped into the water to rescue his brother.

The brother pulled the victim along side the boat. Soon a friend of the family, who was a Registered Nurse for over a dozen years in the medical-surgical area, also came along side the boat and assisted in the rescue effort. They found the victim was breathing, but he remained unconscious. He was gurgling and had blood coming from his mouth. They wanted to get him into the boat in case they needed to perform other emergency medical steps including CPR or artificial resuscitation.

Others gathered around to assist in lifting him into the boat. The first responders, including another registered nurse came over to help, decided they needed to keep him rigid in case he had spinal or other neck or head injuries. It was a very difficult situation because the victim was unconscious, but he continued breathing.

Others in the area including several family members called 911 on cell phones to request help. Several attempted to communicate with the US Coast Guard by radio. All were asking for immediate medical emergency rescue of the victim at the location of the incident, due to the severity of his injuries. However, they encountered many problems including difficulty in identifying their exact location in the river, and dropped or lost cell phone calls and loss of radio contact. The situation was very difficult and no one knew if a rescue could be completed in this location.

After about a total of 5-10 minutes, the victim became alert and was able to respond to his rescuers efforts to help him. They observed that he was awake but he wasn't thinking clearly. His color improved but he got a bit combative. They tried to hold him rigid. As he became more alert, he started pulling himself into the boat, and other assisted him into the boat.

They took him to a nearby dock area about ½ mile away, where they found an ambulance and police waiting for them. The ambulance stopped a few miles away and picked up a paramedic. They transported the victim about 5 miles to the nearest hospital and he was admitted for care in the

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intensive care unit. They performed many medical procedures including a cat-scan, chest x-ray and EKG to determine his condition.

On 7/5/2006, a victim's family member reported this incident to CPSC on-line (source document). She reported that he was currently hospitalized in the intensive care unit due to his injuries, which included a broken blood vessel in his brain. This condition affected his short term memory. The victim was released from the hospital on 7/6/2006 and was advised to stay off work. He continued to suffer from some memory loss and had some bruising and cuts and there was concern that he had swallowed some river water during the incident.

On 7/6/2006, I visited the victim and his family and other witnesses to this incident. The nature of the interview process included interviews of the individuals separately and together and the following additional information was collected.

Also during this visit, they placed the deflated incident unit in the driveway, and I photographed it (exhibit 1). The tow rope was not photographed because it was not available. They provided information about where they had purchased the kite tube including the reference number (7247541437) for their purchase through EBay, and explained that it came with the tow rope, training video on DVD, and starting leash. They identified the email address for the seller on EBay and noted that he was selling them, and currently had 12 units available for sale.

I observed information on the incident unit at the manufacturers website (exhibit 2), including the Kite Tube Owner's Manual (exhibit 3) and Towable Owner's Manual (exhibit 4). I also observed a contest that they were announcing at this website called the "The Great Tube Challenge" (exhibit 5) for new designs of kite tubes.

In addition, the victim's family reported that they had heard a nearby large sports and boating retailer called "Scheels Sports" had discontinued sales of tube kites and that they were advertising that they would refund any they had previously sold "no questions asked." I found this information was advertised on their website (exhibit 6) at

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www.scheelssports.com and www.msnbc.com.

During this visit, the victim's family members explained that the tow rope that came with the kite tube was adjustable in three lengths including 45, 55 and 65 feet long. They stated that they were using the rope at the longest length of 65 feet during the incident because they wanted it to fly. They explained that the other two times they used it at the shorter lengths, but that it did not go airborne very high and they were dissatisfied with the experience.

The victim and his brother reported that that they felt they had a very strong grip while using the handles on the kite tube and felt comfortable with the grasp they had as the kite tube went airborne. The victim said he bailed out only when the kite tube became unstable and he thought he was losing control of it. They said no one thought the kite tube would go so high. The victim said it took a long time to fall into the water from the height of about 40 feet.

During this visit, the victim's brother, who had purchased the kite tube, reported that it had "shot up so quickly", that it doubled in airborne height so incredibly fast, and that it looked like it was very difficult to control by his brother at that height. He stated that after the incident, they had thought about how high the kite tube must have gone in the incident and determined that it had to be as much as 40 feet in the air. He stated that they had never seen it go that high before.

Also, during this visit, the victim's wife explained she did not realize the risk involved in using the kite tube and that it appeared to her that he had no way to control it while airborne. In addition, she noted it was difficult to see the rider when airborne and for them to see the boat so communication was difficult between them. They also noted that the window on the kite tube was very hard to see through and that it did not work so that the rider was left to look over the side to see the boat below and it was not normal to look down but rather up.

They reported that they did not know what they will do with the incident unit or if they will notify the manufacturer

of this incident. They stated that they were not aware of the CPSC news release (reference CPSC News Release 06-202, dated June 30, 2006) until after this incident. They said that the product needs to be redesigned to make it safer and that it needs some way to better stabilize it when it is airborne. They noted that the kite tube weighs about 50 pounds as dry weight and about 55 pounds when inflated. They noted that the kite tube could cause some serious injuries if it hit someone when it landed.

The victim reported that the head injury this incident caused him, gave him the worst headache he has ever had in his life and that it lasted well over 24 hours. He stated that he felt fortunate that this was the worst that had happened to him. I requested his medical records and will provide them as an addendum to this report (exhibit 11) when they are received.

ADDITIONAL INFORMATION:

FROM VICTIM:

- How many people were on the kite tube at the time of the incident? ONE
- Did you have previous experience with similar products? NO
- Did you have any experience with this unit? NO
- Did this unit perform differently than the others you tried? NO EXPERIENCE
- Did you believe you could direct / control the direction and height of the kite tube? YES
- What happened when you became airborne? LOST CONTROL
- How high off the surface of the water were you at the time that things began to go wrong? ABOUT 40 FEET
- What was the maximum height achieved during the incident? ABOUT 40 FEET
- Could you see the boat (due to the angle of the tube kite)? NOT VERY WELL
- Did you try to signal the boat to slow down? NO
- Did you do anything to try to lower the tube kite back down towards the water? HAD NO CONTROL
- Describe specifics regarding the actual crash. LET GO AND DROPPED TO WATER
- Did you notice any mechanical issues with tube kite? YES, IT WAS MOVING, TWISTING AND DIPPING FROM SIDE TO SIDE
- What were you wearing (safety gear)? YES, LIFE JACKET

FROM DRIVER AND WITNESSES:

- Had you towed inflatable or similar products behind the boat previously? YES
- What experience did you have with this particular product? THIRD USE
- Who attached the tow rope/ tow harness to the tube kite and to the boat? DRIVER

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- Was it done based on instructions provided? YES
- How long was the rope (i.e., distance from where it was tied on boat to where it was tied to the kite tube, after tying)? SET AT MAX LENGTH OF 65 FEET
- What was the age and condition of the tow rope? NEW, CAME WITH ORDER
- What was the speed of the boat? ABOUT 25 MPH
- How did you decide what speed you would travel? FROM EXPERIENCE
- How high off the surface of the water was the kite tube at the time that things began to go wrong? ABOUT 40 FEET
- What was the maximum height achieved during the incident? ABOUT 40 FEET
- How did you communicate with the kite tube rider? SIGHT ONLY
- Did you actually see the kite tube dive to the surface? NO, FIRST SAW THE VICTIM FALL
- Why/ why not? KITE TUBE FELL TOO, WHEN STOPPED BOAT
- Did you try to do anything to halt the dive or avoid the crash? SLOWED DOWN
- What did you do after the crash? RESCUE VICTIM
- Was there any damage or apparent equipment failure noted? NO

FROM PURCHASER OF KITE TUBE:

- Did you ask the sales staff how to use the product? BOUGHT ON-LINE, SAW INFO ON WEBSITE ONLY
- Did they offer any directions/ cautions? YES, IN VIDEO
- Did any instructional material come with the product? SAW VIDEO BUT DO NOT REMEMBER SEEING ANY WRITTEN MATERIAL
- Did you read it? YES, SAW VIDEO ONLY
- Did you read any safety warnings that may have been on the product itself? YES, HAS MANY, READ THEM ALL.

PRODUCT IDENTIFICATION:

Water Tubing (Product Code 3200)

Type: Kite Tube, included tow rope, DVD and starting leash

Item # 53-5000

Brand: "WEGO"

Manufacturer: Sports Stuff Inc., 11213 E. Circle # A,
Omaha, NE, 402-592-9085, www.sportstuff.com (exhibit 2)

Retailer: Purchased from EBay (Ref. # 7247541437) in June
2006, from trigger@wabash.net, reportedly located in
Dundas, IL (exhibit 7)

Price: \$ 389.00 (plus shipping)

SAMPLES COLLECTED: None

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ATTACHMENTS:

- Exhibit 1 - 10 Photographs
- Exhibit 2 - Manufacturer's Internet Product Information
- Exhibit 3 - "Sportstuff Wego" Kite Tube Owner's Manual
- Exhibit 4 - "Sportstuff" Towable Owner's Manual
- Exhibit 5 - Manufacturer's "The Great Tube Challenge"
- Exhibit 6 - "Scheel's Sports" Recall and Store Information
- Exhibit 7 - "EBay" Sales Information
- Exhibit 8 - Authorization for Release of Name
- Exhibit 9 - Map of Incident Location
- Exhibit 10- Description of Respondents
- Exhibit 11- Medical Records

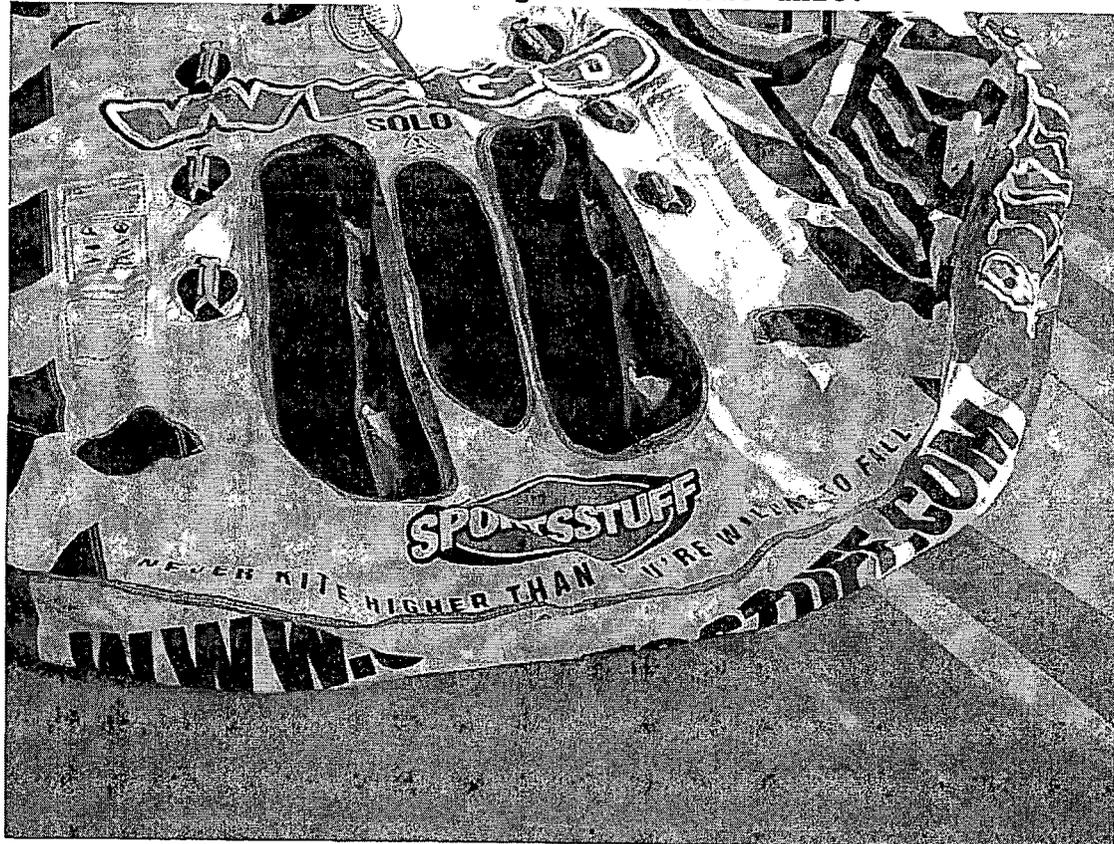
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Exhibit 1, Photo 1: Incident unit.



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Exhibit 1, Photo 2: Labeling on incident unit.



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Web MSNBC

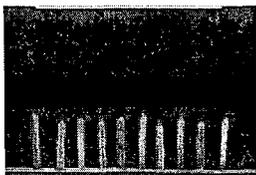
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July 6

A popular water sport could be seeing its last days. The Consumer Product Safety Commission is now warning consumers about the possible dangers associated with a new type of water recreation known as tube kiting. Tube kites, which can fly up into the air several feet above the water, are larger than other tubes on the market and more difficult to control.

This year two people died from injuries they received while tube kiting and many others have suffered a long list of injuries including broken necks, ribs, and jaw fractures.

Scheels Sports has decided to pull the product from its shelves nationwide.

Ryan LaBarge, Scheels Assistant Manager

"What we did is a voluntary recall, so we decided that anyone who purchased a Wego here, no questions, you can return it here just because we feel it's unsafe."

For more information on the dangers of tube kiting you go to the

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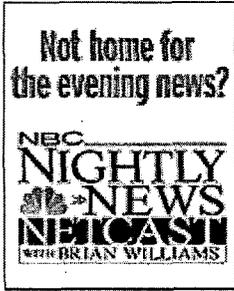
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U. S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

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NO

[Redacted]

[Redacted]
(signature)

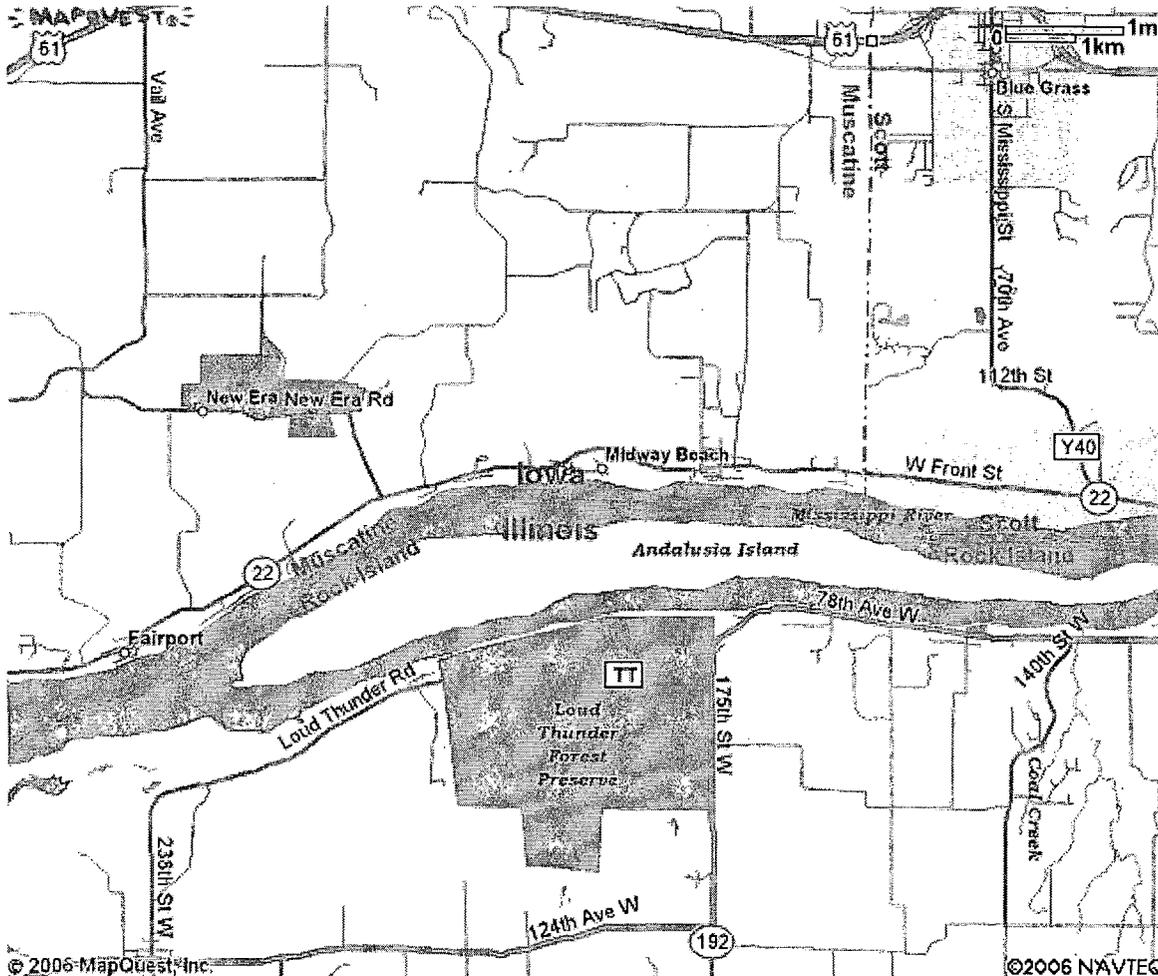
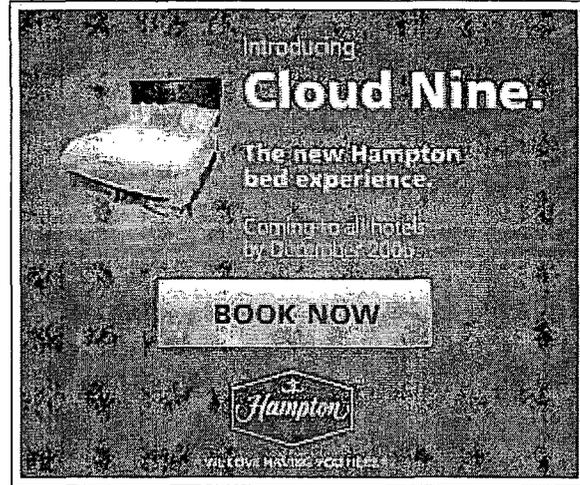
7/6/06
(Date)

060710HBB2669
Exhibit 9
LOCATION OF INCIDENT



Andalusia IL
US

Notes:



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Exhibit 10

DESCRIPTION OF RESPONDENTS:

1. [REDACTED] eg, Victim
[REDACTED], Witness
[REDACTED] IA 52722
[REDACTED]

On-site visit on 7/6/2006

2. [REDACTED] eg, Witness
[REDACTED], Witness
[REDACTED] t, IA 52806
[REDACTED] 52, [REDACTED]

Intially contacted on 7/5/2006
On-site visit on 7/6/2006

3. [REDACTED] y, Witness
Trinity Hospital, Rock Island, IL
Cell [REDACTED]

On-site visit on 7/6/2006

4. Cheri Bustos, Senior Director of Communications
Trinity Hospital, 2701 17th Street, Rock Island, IL
61201, 309-779-2979, bustosc@trinityqc.com

Initial contact on 7/5/2006