

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DIVISION OF ILLINOIS
EASTERN DIVISION

RYAN CHRISTANSON,)
Plaintiff,)
)
v.)
)
BICYCLE MESSENGERS, INC., and)
YAMAHAHONDA, INC.)
Defendants.)
)
)

Judge: Michael J. McSherry
Case No.: 2009-cv-3243

**DEFENDANT YAMAHAHONDA, INC'S ANSWERS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

NOW COMES, Defendant Yamahonda, Inc., by its undersigned counsel, for its Answers to Plaintiff's First Set of Interrogatories answers as follows:

1. Please list all and describe all safety tests Yamahonda conducted prior to marketing the Penumbra Sport.

ANSWER:

Yamahonda hereby states that it conducted its standard safety inspection tests to comply with all federal and state standards and laws. The Penumbra Sport successfully passed all safety requirements set by federal and state law. Defendant states that no additional tests were performed on the Penumbra Sport that is not ordinarily performed on other Yamahonda models. Additionally, no fewer tests were performed on the Penumbra Sport than on other Yamahonda models.

2. Please list all models of motorcycles currently sold by Yamahonda that do not include side bars.

ANSWER:

The only two motorcycles sold by Yamahonda that do not contain side bars are the Penumbra Sport and Razz. Both of these motorcycles are Yamahonda's Grade III motorcycles, meaning they have engine cylinder displacement of less than 750cc and the vehicles gross weight is less than 1 ton. Furthermore, Yamahonda states that these motorcycles do not possess the proper weight balance to have side bars as the steel side bars will cause the motorcycles to be front heavy increasing the likelihood of flipping the motorcycles in sudden stops.

3. Please state the cost of the Yamahonda's Penumbra Sport motorcycle as was sold to the Plaintiff as spelled out in Paragraph 8 of Plaintiff's complaint. Please also state what the same motorcycle would have cost had side bars been installed on the Penumbra Sport prior to selling the same to Plaintiff.

ANSWER:

The Penumbra Sport sold to Plaintiff as spelled out in Paragraph 8 of Plaintiff's complaint has a MSRP of \$7,500 without side bars. Although Yamahonda maintains in its answer to interrogatory number 2 above that side bars are not plausible, if the Penumbra Sport did have side bars on delivery to a customer, said motorcycle would have a MSRP of approximately \$7,750.

4. If Yamahonda maintains anywhere in its answer to these interrogatories or other pleadings that the Penumbra Sport could not maintain side bars due to dynamic weight properties, please state all reasons for such contention and all tests performed to derive at said conclusion.

ANSWER:

Yamahonda does in fact state that the Penumbra Sport could not have side bars due to dynamic weight properties. See answer to interrogatory number 2. Yamahonda did not conduct

any tests to derive at this conclusion as it is common knowledge among Yamahonda engineers. Furthermore, Yamahonda is not stating that side bars could not have been installed on the Penumbra Sport, Yamahonda is stating that such an installation would require a re-balancing and re-designing of the Penumbra Sport costing Yamahonda millions of dollars.

5. What is Yamahonda's gross revenues and net income for each of the past 5 fiscal years?

ANSWER:

2004 - \$32,000,000 and \$21,000,0000 respectively.

2005 - \$39,555,000 and \$17,000,000 respectively.

2006 - \$47,000,000 and \$30,000,000 respectively.

2007 - \$55,000,000 and \$35,800,000 respectively.

2008 - \$72,000,000 and \$44,000,000 respectively.

6. State whether Yamahonda warned Plaintiff at the time of purchase that leg bars were not affixed to the Penumbra Sport.

ANSWER:

Yamahonda did warn Plaintiff of the dangers in purchasing the Penumbra Sport. Pages 34 and 35 of the Penumbra Sport handbook tendered to Plaintiff at the time of his purchase indicate the dangers in riding the Class III Penumbra Sport including at page 34 that "certain leg protections are not included in the Penumbra Sport. . ."

