

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION

IN RE: YAMAHA MOTOR CORP. RHINO  
ATV PRODUCTS LIABILITY  
LITIGATION

Master File No. 3:09-MD-2016-JBC  
MDL No. 2016

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THIS DOCUMENT RELATES TO:

JENNIFER B. COFFMAN,  
U.S. DISTRICT JUDGE

ALL ACTIONS

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**AGREED ORDER ESTABLISHING PROCEDURE  
FOR SETTLEMENTS INVOLVING MINORS**

Plaintiffs and Yamaha Motor Co., Ltd., Yamaha Motor Corporation, U.S.A., and Yamaha Motor Manufacturing Corporation of America (the "Yamaha Defendants") agree to the following general procedure for the final approval of settlements of claims by minor Plaintiffs. Specific details related to each case will be addressed by Plaintiffs and the Yamaha Defendants on a case by case basis.

1. Except for those cases governed by paragraph 2, *infra*, or where otherwise agreed by the parties, Plaintiffs will propose a suitable ad litem to serve in the interests of the minor Plaintiff. Plaintiffs will prepare a Motion for Appointment of Ad Litem. If there is more than one minor Plaintiff, the same ad litem will represent all minors in the action, unless the ad litem determines such representation would create a conflict or otherwise by agreement of the Parties or upon motion to the Court.

2. Except upon good cause shown, in cases where the total amount of the settlement does not exceed \$10,000, unless otherwise required by state law, the Court will not require the appointment of an ad litem.
3. If Yamaha Defendants have an objection to the proposed ad litem, they will, after conferring with Plaintiffs, present their position to the Court within Five (5) days of the filing of the Motion for Appointment of Ad Litem.
4. The Yamaha Defendants will prepare the Confidential Settlement Agreement and Release that, upon agreement, is to be signed by the representative/next friend of the minor and the ad litem.
5. Plaintiffs will prepare and confer with the Yamaha Defendants on a Motion to Approve the Minor's Settlement and Order regarding same. The Motion will be accompanied by an affidavit—the form of which will be approved by counsel for both parties—from the representative/next friend of the minor Plaintiff approving the settlement and requesting that the Court approve the settlement. Where an ad litem has been appointed, the Motion will also be accompanied by an affidavit from the ad litem stating whether the ad litem approves the settlement and finds that it is in the best interest of the minor.
6. The settlement amount is to remain confidential and shall not be stated in any public document. To the extent the settlement amount is listed in the Motion to Approve the Minor's Settlement or any attachments, those documents shall be filed under seal.

7. If a hearing is necessary on the Motion to Approve the Minor Settlement, the hearing and any testimony related thereto may be handled telephonically with the Court.
8. Any fees and costs incurred in connection with the appointment of an ad litem shall be paid from the minor's settlement proceeds, unless otherwise agreed by the parties.
9. Notwithstanding Local Rule 83.2, an attorney appointed by the Court to serve as an ad litem is hereby admitted to practice in this Court for purposes of serving as an ad litem in this MDL.
10. The parties and Court acknowledge that modification of this Order may be necessary based on experience operating under it, and any party is free to seek modification of this Order for good cause shown.

ORDERED on this the 19<sup>th</sup> day of Oct, 2010.

  
JENNIFER B. COFFMAN  
U.S. DISTRICT JUDGE

**AGREED TO:**

Dated: October 18, 2010

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