

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
-Electronically Filed-

<p>IN RE: YAMAHA MOTOR CORP. RHINO ATV PRODUCTS LIABILITY LITIGATION</p> <hr/> <p>THIS DOCUMENT RELATES TO: Myron Jones and Sharon Jones Plaintiff,</p> <p>v.</p> <p>YAMAHA MOTOR CO., LTD., YAMAHA MOTOR CORPORATION, U.S.A., and YAMAHA MOTOR MANUFACTURING CORPORATION OF AMERICA,</p> <p>Defendants.</p> <p>CASE NO. 3:09-cv-00158-JBC</p>	<p>Master File No. 3:09-MD-2016-JBC MDL No. 2016</p> <p>JENNIFER B. COFFMAN, U.S. DISTRICT JUDGE</p>
--	--

AGREED DISMISSAL ORDER

By agreement of the Plaintiffs, Myron Jones and Sharon Jones ("Plaintiffs"), and Defendants, Yamaha Motor Co., Ltd., Yamaha Motor Corporation, U.S.A. and Yamaha Motor Manufacturing Corporation of America ("Yamaha Defendants"), pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, and the Court being sufficiently advised;

IT IS HEREBY ORDERED that this case is dismissed with prejudice, with each party to bear its own costs.

Section I.B.2.a. of the Common Benefit Order [Doc # 2021] ("CBO") entered in the proceeding styled, *In Re: Yamaha Motor Corp. Rhino ATV Products Liability Litigation*, Master File No. 3:09-MD-2016-JBC ("MDL 2016"), requires the Yamaha Defendants to withhold five percent (5%) from the total settlement amount payable to Plaintiffs. Counsel for Plaintiffs and counsel for the Yamaha Defendants certify that a five percent (5%) assessment against the recovery in this action has been handled as set forth on Exhibit A. *See* Exhibit A, Certificate of Compliance.

It is so ORDERED this 30th day of September, 2011.


HONORABLE JENNIFER B. COFFMAN

AGREED TO:

/s/ Linsey W. West
LINSEY W. WEST
KARA M. STEWART
DINSMORE & SHOHL LLP
250 West Main Street, Suite 1400
Lexington, KY 40507
Telephone: (859) 425-1000

THOMAS E. FENNELL
JONES DAY
2727 North Harwood Street
Dallas, TX 75201-1515
Telephone: (214) 969-5130
COUNSEL FOR YAMAHA DEFENDANTS

Donald B. Petrie
GALLAGHER & KENNEDY, P.A.
2575 East Camelback Road
Phoenix, Arizona 85016-9225
Telephone: (602) 530-8000
LOCAL COUNSEL FOR YAMAHA DEFENDANTS

/s/ Elizabeth Cabraser (with permission)
Elizabeth Cabraser
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
Embarcadero Center West
275 Battery Street, Suite 3000
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
LEAD COUNSEL FOR PLAINTIFF

/s/ Jennifer A. Moore (with permission)
JENNIFER A. MOORE
Grossman & Moore, PLLC
401 West Main Street
One Riverfront Plaza
Suite 1810
Louisville, KY 40202
Telephone: (502) 657-7100
LIAISON COUNSEL FOR PLAINTIFF

/s/ David Cooper (with permission)
David Cooper
KELIN DENATALE GOLDNER COOPER
ROSENLIEB & KIMBALL, LLP
4550 California Ave., Second Floor
Bakersfield, CA 93309
Telephone: (661) 395-1000
LOCAL COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

On the 27th day of September, 2011, I electronically filed the foregoing document through the ECF system, which will send a notice of electronic filing to all participants appearing on the Panel Attorney Service List.

/s/ Linsey W. West

COUNSEL FOR YAMAHA DEFENDANTS