

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

<p><b>IN RE: YAMAHA MOTOR CORP. RHINO ATV PRODUCTS LIABILITY LITIGATION</b></p> <hr/> <p><b>THIS DOCUMENT RELATES TO: Darla O'Neal and Jacob D. O'Neal Plaintiffs,</b></p> <p><b>v.</b></p> <p><b>YAMAHA MOTOR CO., LTD., YAMAHA MOTOR CORPORATION, U.S.A., and YAMAHA MOTOR MANUFACTURING CORPORATION OF AMERICA,</b></p> <p><b>Defendants.</b></p> <p><b>CASE NO. 3:09-cv-00165-JBC</b></p>	<p><b>Master File No. 3:09-MD-2016-JBC MDL No. 2016</b></p> <p><b>JENNIFER B. COFFMAN, U.S. DISTRICT JUDGE</b></p>
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**AGREED DISMISSAL ORDER**

By agreement of the Plaintiffs, Darla O'Neal and Jacob D. O'Neal ("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 21<sup>st</sup> day of December, 2011.

  
HONORABLE JENNIFER B. COFFMAN

AGREED TO:

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**CERTIFICATE OF SERVICE**

On the 20th day of December, 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**

**EXHIBIT A**

**CERTIFICATE OF COMPLIANCE**

**As to Darla O'Neal and Jacob D. O'Neal**

**MDL 2016 COMMON BENEFIT ORDER**

Pursuant to Section I.B.2.a. of Common Benefit Order ("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"), counsel for Yamaha Motor Co., Ltd., Yamaha Motor Corporation, U.S.A., and Yamaha Motor Manufacturing Corporation of America ("Yamaha Defendants") and the undersigned Plaintiffs' counsel hereby certify that a 5% assessment against the recovery by Darla O'Neal and Jacob D. O'Neal in this action has been withheld and deposited into the Common Benefit Fund.

A copy of this Certificate of Compliance shall accompany the Agreed Dismissal Order in this action.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Barry Howard  
Counsel for Yamaha Defendants

Jason A. Shamblin  
Counsel for Plaintiffs