

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: Justin Montover 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. 3:10CV-555-JBC</p>	<p>Master File No. 3:09-MD-2016-JBC MDL No. 2016</p> <p>JENNIFER B. COFFMAN, U.S. DISTRICT JUDGE</p>
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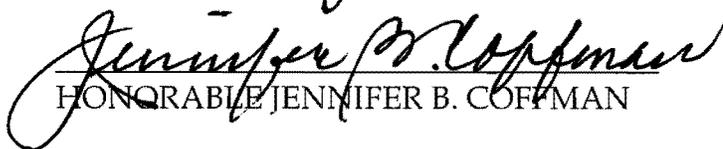
AGREED DISMISSAL ORDER

By agreement of the Plaintiff, Justin Montover ("Plaintiff"), 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 Plaintiff. Counsel for Plaintiff 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 22nd day of February 2012.


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

/s/ Peter C. Middleton (with permission)

Peter C. Middleton
Hall & Evans, LLC
1125 Seventeenth Street, Suite 600
Denver, CO 80202
Telephone: (303) 628-3409

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/ Brenda S. Fulmer (with permission)

Brenda S. Fulmer
Searcy Denney Scarola Barnhart & Shipley
2139 Palm Beach Lakes Blvd.
West Palm Beach, Florida 33409

LOCAL COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

On the 21st day of February, 2012, 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 Justin Montover

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 Plaintiff's counsel hereby certify that a 5% assessment against the recovery by Justin Montover 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: _____

**Kenneth Lyman
Counsel for Yamaha Defendants**

**Brenda S. Fulmer
Counsel for Plaintiff**