

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: GLEN BRADLEY MOUNCE v. YAMAHA MOTOR CORPORATION, U.S.A., ET AL.</b></p> <p><b>CASE NO. 3:10-CV-00180-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**

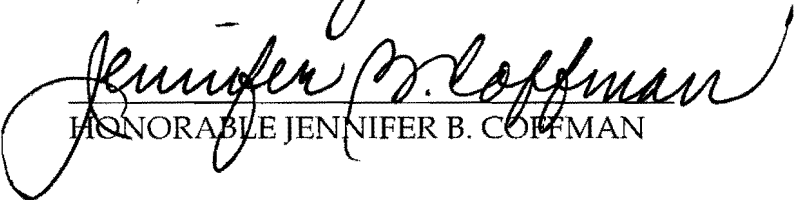
By Agreement of the Plaintiff, Glen Bradley Mounce, and Defendants, Yamaha Motor Corporation, U.S.A., Yamaha Motor Manufacturing Corporation of America, and Yamaha Motor Co., Ltd. ("Yamaha Defendants"); pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, and pursuant to the Yamaha Defendants' notice of dismissal of third-party complaint, filed contemporaneously herewith; 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 withheld and deposited into the Common Benefit Fund established in MDL 2016. See Exhibit A, Certificate of Compliance.

It is so ORDERED this 28<sup>th</sup> day of February, 2012.

  
HONORABLE JENNIFER B. COFFMAN

AGREED TO:

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**COUNSEL FOR YAMAHA DEFENDANTS**

/s/Elizabeth Cabraser (with permission)  
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/s/ Jennifer A. Moore (with permission)

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**LIAISON COUNSEL FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

On the 22nd 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 Glen Bradley Mounce**

**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 Glen Bradley Mounce 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: \_\_\_\_\_

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**Counsel for Yamaha Defendants**

**Counsel for Plaintiff**

**EXHIBIT A**

**CERTIFICATE OF COMPLIANCE**

**As to Glen Bradley Mounce**

**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 Glen Bradley Mounce 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: 2/21/12

By: 

Linsey W. West  
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**Counsel for Yamaha Defendants**

Date: 1-30-12

By: 

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**Counsel for Plaintiff**