

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: Robert Eitel and Dustin Eitel 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-00724-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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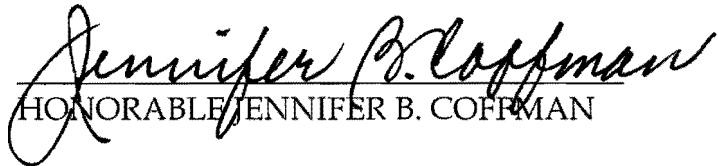
**AGREED DISMISSAL ORDER**

By agreement of the Plaintiffs, Robert Eitel and Dustin Eitel ("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 withheld and deposited into the Common Benefit Fund established in MDL 2016. See Exhibit A, Certificate of Compliance.

It is so ORDERED this 13<sup>th</sup> day of March, 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**

Brian N. Johnson  
Nilan Johnson Lewis, P.A.  
400 One Financial Plaza  
120 South Sixth Street  
Minneapolis, MN 55402  
Telephone (612) 305-7582  
**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 PLAINTIFFS**

/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 PLAINTIFFS**

/s/ Charles H. Johnson (with permission)  
CHARLES H. JOHNSON  
Law Offices of Charles H. Johnson, P.A.  
2599 Mississippi Street  
New Brighton, MN 55112  
Telephone: (651) 633-5685  
**COUNSEL FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

On the 9th day of March, 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

MDL COMMON BENEFIT ORDER

Pursuant to Section I.B.8. of the MDL Common Benefit Order ("CBO"), entered in MDL 2016, on October 6, 2010, counsel for Yamaha Motor Corporation, U.S.A., Yamaha Motor Manufacturing Corporation of America, and Yamaha Motor Company, Ltd. (the "Yamaha Defendants") and the undersigned plaintiffs' counsel hereby certify that a 5% assessment against the recovery in this action by Robert Eitel and Dustin Eitel will be withheld and deposited into the Common Benefit Fund within 5 business days of payment to Plaintiffs or Plaintiffs' counsel in connection with this settlement.

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

Date: 3-7-12

By: Brian Johnson

Brian Johnson  
Counsel for the Yamaha Defendants

Date: 2-24-2011

By: Charles Johnson

Charles Johnson  
Counsel for Plaintiff(s)