

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: James H. Shaw and Nonie Houlton Shaw</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>YAMAHA MOTOR CO., LTD., YAMAHA MOTOR CORPORATION, U.S.A., and YAMAHA MOTOR MANUFACTURING CORPORATION OF AMERICA,</p> <p style="text-align: center;">Defendants.</p> <p>CASE NO. 3:09-cv-00179-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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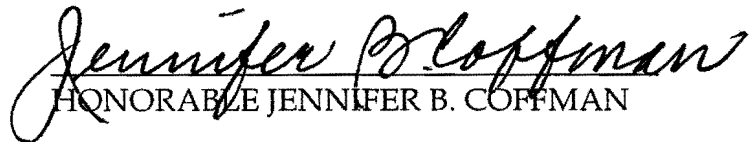
AGREED DISMISSAL ORDER

By agreement of the Plaintiffs, James H. Shaw and Nonie Houlton Shaw ("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. Pursuant to Section I.B.3 of the CBO, 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 in Exhibit A. *See Exhibit A, Certificate of Compliance.*

It is so ORDERED this 14th day of May, 2012.


HONORABLE JENNIFER B. COFFMAN

AGREED TO:

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CERTIFICATE OF SERVICE

On the 11th day of May, 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

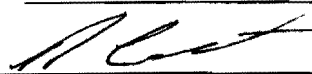
As to James H. Shaw and Nonie Houlton Shaw

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 James H. Shaw and Nonie Houlton Shaw in this action will be applied as a credit to reduce the total amount of credit Plaintiff's counsel is entitled to receive for funds advanced to pay for common benefit costs approved by Lead Counsel.

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

Date: _____

By:  For
Kevin Twidwell
Counsel for Yamaha Defendants

Date: _____

By: 
David Cooper
Counsel for Plaintiffs