

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: Lynette Petersen and Aaron Petersen 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>Defendants.</p> <p>CASE NO. 3:09-cv-00628-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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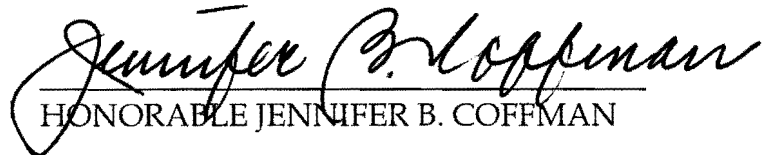
AGREED DISMISSAL ORDER

By agreement of the Plaintiffs, Lynette Petersen and Aaron Petersen ("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 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 29th day of August, 2012.


HONORABLE JENNIFER B. COFFMAN

AGREED TO:

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CERTIFICATE OF SERVICE

On the 24th day of August, 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 Lynette Petersen and Aaron Petersen 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: 2/15/12

By: Timothy J. Mattson

Timothy Mattson
Counsel for the Yamaha Defendants

Date: 07.19.2011

By: Charles H. Johnson

Charles H. Johnson
Counsel for Plaintiffs