

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:</b> <b>Matt Peters,</b> <b>Plaintiff,</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> <b>Defendants.</b></p> <p><b>CASE NO. 3:09-cv-00693-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, Matt Peters ("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 in Exhibit A. See Exhibit A, Certificate of Compliance.

It is so ORDERED this 14<sup>th</sup> day of December, 2012.

  
HONORABLE JENNIFER B. COFFMAN

AGREED TO:

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**CERTIFICATE OF SERVICE**

On the 13th day of December, 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 plaintiff's counsel hereby certify that a 5% assessment against the recovery in this action by Matt Peters will be withheld and deposited into the Common Benefit Fund within 5 business days of payment to Plaintiff or Plaintiff's counsel in connection with this settlement.

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

Date: 12/12/12  
By: ~~Robert Miller~~ Paul R. Lee  
Counsel for the Yamaha Defendants

Date: 12/7/12  
By: ~~Robert Nelson~~ Paulina do Amaral  
Counsel for Plaintiff(s)