

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
-Electronically Filed-

IN RE: YAMAHA MOTOR CORP.
RHINO ATV PRODUCTS
LIABILITY LITIGATION

Master File No. 3:09-MD-2016-JBC
MDL No. 2016

THIS DOCUMENT RELATES TO
DANNY RAY ROBERTS *ET AL.* V.
YAMAHA MOTOR CORP., USA,
ET AL., NO. 3:08-544

JENNIFER B. COFFMAN,
U.S. DISTRICT JUDGE

STIPULATION AND ORDER AS TO REMAND TO
THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI

This Stipulation and Order is entered into by and among Defendants Yamaha Motor Corporation, U.S.A. ("YMUS"), Yamaha Motor Co., Ltd. ("YMC"), Yamaha Motor Manufacturing Corporation of America ("YMMC"), and Plaintiffs (collectively, the "Parties") in *Roberts et al. v. Yamaha Motor Corp., U.S.A., et al.*, C.A. No. 3:08-544, which is one of the cases in *In re Yamaha Motor Corp. Rhino ATV Products Liability Litigation*, pending in the Western District of Kentucky before Judge Jennifer Coffman, Master File No. 3:09-MDL-2016-JBC (the "MDL proceeding"). The Parties hereby stipulate and agree:

1. That the Notice of Removal filed by YMUS, YMC and YMMC on August 29, 2008, is hereby withdrawn;
2. That the Court remand this matter to the Circuit Court of Hinds County, Mississippi;

3. That the Parties bear their own costs and expenses incurred as a result of removal;

4. That nothing in this Stipulation or the [Proposed] Remand Order preclude any defendant in this action from asserting defenses and arguments under the "innocent seller," assumption of the risk, or other doctrines at issue in the removal of this case and their claim of fraudulent joinder;

5. That nothing in this Stipulation or the [Proposed] Remand Order is an admission of the validity of any argument in Plaintiffs' Motion to Remand or Defendant CAB Cycles' Motion to Dismiss, both of which are currently pending before the Court;

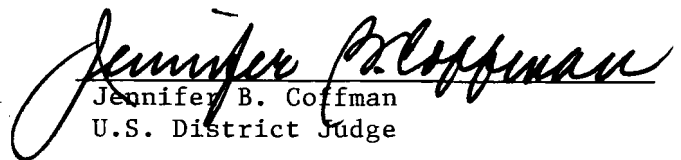
6. That, if so Ordered by the Court, this Stipulation moots all pending motions before the Court, and all pending deadlines and hearings in this case should be taken off the Court's calendar;

7. That upon remand, the defendants will have the time period permitted under local rules to file responsive pleadings in state court;

AGREED TO:

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SO ORDERED, this the 1st
day of April, 2009.


Jennifer B. Coffman
U.S. District Judge

/s/Robert Miller (w/permission)

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AND

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