

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: Levi McDermott Plaintiff,</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 – 00132-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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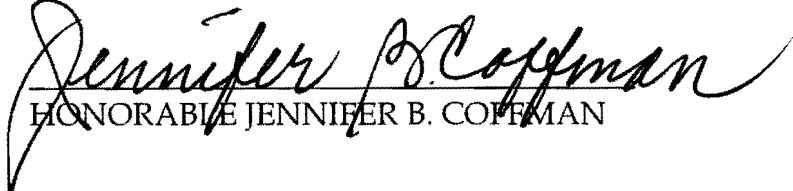
AGREED DISMISSAL ORDER

By agreement of the Plaintiff, Levi McDermott (“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 on Exhibit A. See Exhibit A, Certificate of Compliance.

It is so ORDERED this 10th day of November, 2011.


HONORABLE JENNIFER B. COFFMAN

AGREED TO:

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/s/ Elizabeth Cabraser (with permission)

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LOCAL COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

On the 9th day of November, 2011, 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 Levi McDermott

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 Plaintiff's counsel hereby certify that a 5% assessment against the recovery by Levi McDermott in this action has been withheld and deposited into the Common Benefit Fund.

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

Date: _____

Date: _____

By: _____

By: _____

Jeffrey S. Hawkins
Counsel for Yamaha Defendants

Kimberly Lambert
Counsel for Plaintiff

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 Levi McDermott 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.

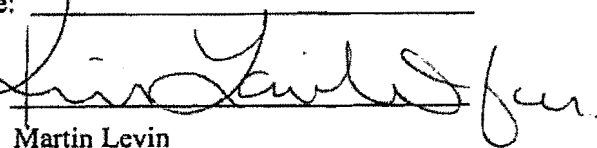
A copy of this Certificate shall accompany the Order of Dismissal in this action.

Date: 10-25-11

By: 

Jeffrey S. Hawkins
Counsel for the Yamaha Defendants

Date: _____

By: 

Martin Levin
Counsel for Plaintiff