

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>Master File No. 3:09-MD-2016-JBC MDL No. 2016</p>
<p>THIS DOCUMENT RELATES TO: Ronald Cody Varilek 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-00904-JBC</p>	<p>JENNIFER B. COFFMAN, U.S. DISTRICT JUDGE</p>

AGREED DISMISSAL ORDER

By agreement of the Plaintiff, Ronald Cody Varilek ("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 withheld and deposited into the Common Benefit Fund established in MDL 2016. See Exhibit A, Certificate of Compliance.

It is so ORDERED this 9th day of March, 2012.


HONORABLE JENNIFER B. COFFMAN

AGREED TO:

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CERTIFICATE OF SERVICE

On the 8th day of March, 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 DEFENDANT

EXHIBIT A

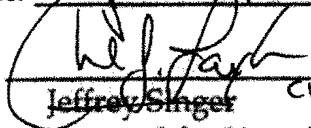
CERTIFICATE OF COMPLIANCE

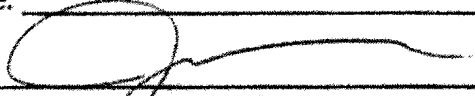
As to Ronald Cody Varilek

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 Ronald Cody Varilek 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: Sept. 28, 2011
By: 
Jeffrey Singer *cmw scribble*
Counsel for Yamaha Defendants

Date: _____
By: 
Jason A. Shamblin
Counsel for Plaintiff

It is Defendants' understanding that this assessment was paid by their counsel.
cjs