

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: Matthew Kerns and Amanda Kerns 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. 3:10-cv-00250-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, Matthew Kerns and Amanda Kerns ("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 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 handled as set forth on Exhibit A. *See* Exhibit A, Certificate of Compliance.

It is so ORDERED this 13th day of March, 2012.


HONORABLE JENNIFER B. COFFMAN

AGREED TO:

/s/ Linsey W. West
LINSEY W. WEST
KARA M. STEWART
DINSMORE & SHOHL LLP
250 West Main Street, Suite 1400
Lexington, KY 40507
Telephone: (859) 425-1000

THOMAS E. FENNELL
JONES DAY
2727 North Harwood Street
Dallas, TX 75201-1515
Telephone: (214) 969-5130
COUNSEL FOR YAMAHA DEFENDANTS

/s/ Elizabeth Kessler

Elizabeth Kessler

Jones Day

P. O. Box 165017

Columbus, Ohio 43216-5017

Telephone: (614) 281-3852

LOCAL COUNSEL FOR YAMAHA DEFENDANTS

/s/ Elizabeth Cabraser (with permission)

Elizabeth Cabraser

LIEFF, CABRASER, HEIMANN &

BERNSTEIN, LLP

Embarcadero Center West

275 Battery Street, Suite 3000

San Francisco, CA 94111-3339

Telephone: (415) 956-1000

LEAD COUNSEL FOR PLAINTIFFS

/s/ Jennifer A. Moore (with permission)

JENNIFER A. MOORE

Grossman & Moore, PLLC

401 West Main Street

One Riverfront Plaza

Suite 1810

Louisville, KY 40202

Telephone: (502) 657-7100

LIAISON COUNSEL FOR PLAINTIFFS

/s/ Raymond Silverman (with permission)

Raymond Silverson

Parker Waichman Alonso LLP

111 Great Neck Road, Suite 101

Great neck, NY 11202

LOCAL COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

On the 9th 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 DEFENDANTS

EXHIBIT A

CERTIFICATE OF COMPLIANCE

As to Matthew Kerns and Amanda Kerns

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 Plaintiffs’ counsel hereby certify that a 5% assessment against the recovery by Matthew Kerns and Amanda Kerns 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: _____

Elizabeth Kessler
Counsel for Yamaha Defendants

By: _____

Raymond Silverman
Counsel for Plaintiffs

EXHIBIT A

CERTIFICATE OF COMPLIANCE

As to Matthew Kerns and Amanda Kerns

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 Plaintiffs' counsel hereby certify that a 5% assessment against the recovery by Matthew Kerns and Amanda Kerns 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: 3/6/12

Date: _____

By: Elizabeth Kessler
Elizabeth Kessler
Counsel for Yamaha Defendants

By: _____
Raymond Silverman
Counsel for Plaintiffs

EXHIBIT A

CERTIFICATE OF COMPLIANCE

As to Matthew Kerns and Amanda Kerns

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 Plaintiffs' counsel hereby certify that a 5% assessment against the recovery by Matthew Kerns and Amanda Kerns 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: _____

By: _____

Elizabeth Kessler
Counsel for Yamaha Defendants

Date: 7-13-11

By: _____

Raymond Silverman
Counsel for Plaintiffs