

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: MICHAEL BRANDON KENNEDY 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. 3:10-cv-00085-JBC</p> | <p>Master File No. 3:09-MD-2016-JBC MDL No. 2016</p> <p>JENNIFER B. COFFMAN, U.S. DISTRICT JUDGE</p> |
|---|--|

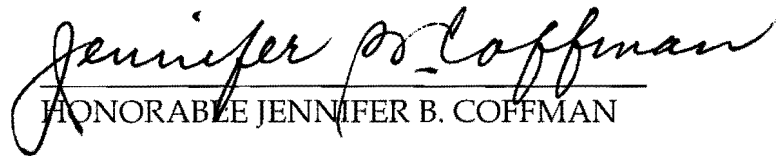
AGREED DISMISSAL ORDER

By agreement of the Plaintiff, Michael Brandon Kennedy ("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 27th 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

ANDREW CHAMBERLIN
ELLIS & WINTERS LLP
333 N. Greene St., Suite 200
Greensboro, NC 27401
Telephone: (336) 217-4193
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 PLAINTIFF

/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 PLAINTIFF

/s/ Rebecca C. Blount (with permission)
Rebecca C. Blount
Blount & Blount P.C.
1420 E. Arlington Blvd., Ste. A
Greenville, North Carolina 27858
Telephone: (252) 752-6000
LOCAL COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

On the 23rd 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

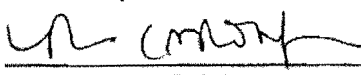
As to Michael Brandon Kennedy

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 Michael Brandon Kennedy 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: 3/9/12
By: 
Andrew Chamberlin
Counsel for Yamaha Defendants

Date: 11/23/11
By: 
Rebecca C. Blount
Counsel for Plaintiff