

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

|   |  |
|---|--|
| <p><b>IN RE: YAMAHA MOTOR CORP.<br/>RHINO ATV PRODUCTS LIABILITY<br/>LITIGATION</b></p> <hr/> <p><b>THIS DOCUMENT RELATES TO:</b><br/><b>Scott R. Wilson</b><br/><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>YAMAHA MOTOR CO., LTD.,<br/>YAMAHA MOTOR CORPORATION,<br/>U.S.A., and YAMAHA MOTOR<br/>MANUFACTURING<br/>CORPORATION OF AMERICA,</b></p> <p><b>Defendants.</b></p> <p><b>CASE NO. 3:10-cv-00552-JBC</b></p> | <p><b>Master File No. 3:09-MD-2016-JBC<br/>MDL No. 2016</b></p> <p><b>JENNIFER B. COFFMAN,<br/>U.S. DISTRICT JUDGE</b></p> |
|---|--|

**AGREED DISMISSAL ORDER**

By agreement of the Plaintiff, Scott R. Wilson ("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 14<sup>th</sup> day of June, 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**

David A. Yavil  
Segal McCambridge Singer & Mahoney, Ltd.  
1818 Market Street, Suite 2600  
Philadelphia, PA 19103  
Telephone: (215) 399-1470  
**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/ Brenda S. Fulmer (with permission)  
Brenda S. Pulmer  
Searcy Denney Scarola Barnhart & Shipley  
2139 Palm Beach Lakes Blvd.  
West Palm Beach, FL 33409  
Telephone: (561) 686-6300  
**LOCAL COUNSEL FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

On the 13th day of June, 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**

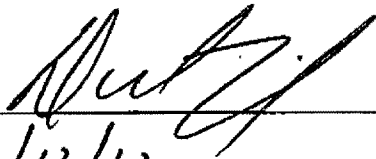
**CERTIFICATE OF COMPLIANCE**

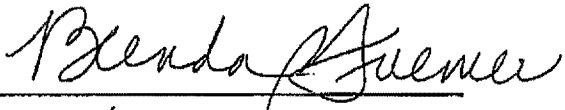
**As to Scott R. Wilson**

**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 Scott R. Wilson 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: 6/12/12  
David A. Yavil  
Counsel for Yamaha Defendants

Date:   
By: 5/21/2012  
Brenda S. Fulmer  
Counsel for Plaintiff