

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**YANMAR AMERICA
CORPORATION, a Georgia
corporation,**

Plaintiff,

v.

**RAY DEAN FARM EQUIPMENT
AUCTION COMPANY, INC. and
RAY DEAN,**

Defendants.

**Civil Action No. 2:12-cv-00731-MHT
(WO)**

CONSENT JUDGMENT AND INJUNCTION

Plaintiff Yanmar America Corporation (“Yanmar”) and Defendants Ray Dean Farm Equipment Auction Company, Inc. (“Ray Dean Company”) and Ray Dean, having conferred and agreed, judgment is hereby entered and Defendant Ray Dean Company is hereby enjoined as follows:

1. Ray Dean Company shall not import or purchase from importers used Yanmar® tractors manufactured for the local market in Japan [“Yanmar® Japanese Local Market tractors”] or used Zen-Noh tractors manufactured for the local market in Japan by the predecessor-in-interest

of Plaintiff's parent company, Yanmar Company Ltd. ("YCL") ["Zen-Noh Japanese Local Market tractors"] [collectively "the accused tractors"].

2. Other than the five tractors in inventory on May 31, 2013 (models 1700, 1800, 3110, and 28D), Ray Dean Company shall not sell or offer for sale any accused tractors;
3. Ray Dean Company shall not use any false designation of origin or false description which can or is likely to lead the trade or public or individuals erroneously to believe that any Yanmar® Japanese Local Market tractor or Zen-Noh Japanese Local Market tractor originally manufactured by the predecessor-in-interest of Yanmar's parent company, Yanmar Company Ltd., or any part or component thereof, has been licensed, sponsored, approved, or authorized by or for Plaintiff;
4. Ray Dean Company shall not assist, aid, or abet any other person or business entity in engaging in or performing any of the activities referred to in paragraphs 1 through 3 above; and

All claims in this action against all parties are hereby dismissed without prejudice. Each side shall bear its own costs in this dismissed action.

Based on the consent reflected below by the signatures of counsel for the parties, it is so ORDERED this 7th day of June, 2013. This case is closed.

/s/ Myron H. Thompson

The Honorable Myron H. Thompson
United States District Court Judge

Respectfully submitted this 4th day of June, 2013.

/s/ James P. Pewitt

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