

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

SPENCER W. GUILBEAU, WILFRED  
M. GUILBEAU AND MELISSA M.  
GUILBEAU

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CIVIL ACTION NO. 09-740

VERSUS

JUDGE: JAMES J. BRADY

YAMAHA MOTOR CORPORATION,  
U.S.A., YAMAHA MOTOR  
MANUFACTURING CORPORATION  
OF AMERICAN AND YAMAHA  
MOTOR CO., LTD.

MAG: CHRISTINE A. NOLAND

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**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

**COME NOW** Plaintiffs, Spencer W. Guilbeau, Wilfred M. Guilbeau and Melissa M. Guilbeau (Plaintiffs), and Defendants, Yamaha Motor Corporation, U.S.A., Yamaha Motor Manufacturing Corporation of America and Yamaha Motor Co., Ltd. (Yamaha Defendants), by and through their respective attorneys, and hereby stipulate and agree pursuant to Rule 41 of the Federal Rules of Civil Procedure that this matter should be dismissed, with prejudice.

**IT IS HEREBY ORDERED** that the above-captioned action and all claims in the action are dismissed with prejudice, with each party to bear its own costs and attorney's fees.

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 of this action has been withheld and deposited into the Common Benefit Fund. See Exhibit "A," Certificate of Compliance.

It is **ORDERED** this 9<sup>th</sup> day of October, 2012. BATON ROUGE, LA.

HONORABLE JAMES J. BRADY

DISTRICT JUDGE

AGREED TO:

s/J. E. Cullens, Jr.

J.E. CULLENS, JR.

EDWARD J. WALTERS, JR.

Walters, Papillion, Thomas, Cullens, LLC

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Counsel for Plaintiffs, Spencer W. Guilbeau, Wilfred M. Guilbeau and Melissa M. Guilbeau

**DUPLASS, ZWAIN, BOURGEOIS,  
PFISTER & WEINSTOCK**

s/Joseph G. Glass

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Counsel for Defendants, Yamaha Motor Corporation, U.S.A., Yamaha Motor Co., Ltd. and Yamaha Motor Manufacturing Corporation of America

**EXHIBIT A**

**CERTIFICATE OF COMPLIANCE**

**MDL COMMON BENEFIT ORDER**

Pursuant to Section I.B.3 of the MDL Common Benefit Order ("CBO"), entered in MDL 2016, on October 6, 2010, and as supplemented on April 1, 2011, counsel for Yamaha Motor Corporation, U.S.A., Yamaha Motor Manufacturing Corporation of America, and Yamaha Motor Company, Ltd. (the "Yamaha Defendants") and the undersigned plaintiffs' counsel hereby certify that a 5% assessment against the recovery in this action by Spencer Wayne Guilbeau, Wilfred M. Guilbeau and Melissa M Cuilbeau has been withheld and paid to the Common Benefit Account.

A copy of this Certificate shall accompany the Order of Dismissal in this action.

Date: October 5, 2012

Date: October 5, 2012

By: s/ Joseph G. Glass

By: s/ J. E. Cullens, Jr.

Joseph G. Glass  
Counsel for the Yamaha Defendants

J.E. Cullens, Jr.  
Counsel for Plaintiffs