

ENTERED

8-9-10

11-0694

IN THE CIRCUIT COURT OF BOONE COUNTY, WEST VIRGINIA

ANGELA SMITH,

Plaintiff,

v.

CIVIL ACTION NO.: 08-C-96  
Honorable William S. Thompson

CSX TRANSPORTATION, INC.,  
a Virginia corporation.

Defendant.

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**JUDGMENT ORDER**

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This action came on for trial before the Court and jury, The Honorable William S. Thompson presiding, and the issues having been duly tried, the jury on June 25, 2010, by *Verdict Form* properly returned (Exhibit #1; Exhibit #2), found by a preponderance of the evidence that the Defendant, CSX Transportation, Inc., retaliated against Plaintiff Angela Smith as a result of her complaints of sexual harassment and/or her filing of a lawsuit against it. The jury also found by a preponderance of the evidence that Angela Smith was subjected to a hostile work environment by Defendant in violation of the West Virginia Human Rights Act. The jury further found that Defendant, CSX Transportation, Inc. did not investigate and adequately respond to the misconduct alleged by the Plaintiff. Finally, the jury found that Defendant CSX Transportation, Inc. negligently retained Ernest Wesley Knick as an employee and that such negligence proximately caused the damages alleged by the Plaintiff.

The jury found that, as a direct and proximate result of the defendant's conduct as set forth above, Plaintiff was entitled to an award of back pay, front pay and damages for aggravation, inconvenience, indignity, embarrassment, humiliation and emotional distress. The jury also found that the Defendant's actions in this matter were malicious, oppressive, wanton, willful, reckless or were committed with criminal indifference to civil obligations and that an award of punitive damages was appropriate.

In accordance with the verdict of the jury, it is therefore ORDERED and ADJUDGED that the Plaintiff, Angela Smith, be granted judgment against Defendant CSX Transportation, Inc, in the following amounts:

Back pay	\$ 277,600.00
Pre-judgment interest on back pay awarded by the Court pursuant to W.Va.Code § 56-6-31 and <i>Rodriguez v. Consolidation Coal Co.</i> , 206 W. Va. 317, 524 S.E.2d 672 (1999).	\$ 51,011.85
Front Pay	\$1,000,000.00
Aggravation, inconvenience, indignity, embarrassment, humiliation and emotional distress	\$ 280,000.00
Punitive damages	<u>\$ 500,000.00</u>
TOTAL	\$2,108,611.80

The Court finds, for purposes of the pre-judgment interest calculation on the jury's award of back pay, that the right to bring the above action accrued on April 3, 2008.

It is further ORDERED that Defendant, CSX Transportation, Inc. pay all required court costs.

It is further ORDERED that the Plaintiff in this action receive post-judgment interest from Defendant CSX Transportation, Inc., pursuant to W. Va. Code §56-6-31 at 7.00 percent per annum, from June 25, 2010, until the judgment is paid in full.

To all of which Defendant CSX Transportation, Inc. objects.

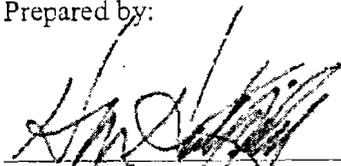
The Clerk shall enter this Judgment Order as of this date and shall issue attested copies of this Judgment Order to all counsel of record.

Entered this 9<sup>th</sup> day of August, 2010.



WILLIAM S. THOMPSON, JUDGE

Prepared by:

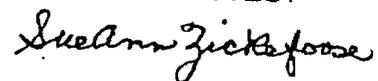


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CIRCUIT COURT

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