

/s/ David R. Janes  
Circuit Court Judge  
Ref. Code: 206DJO9

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CC-24-2017-C-163  
Marion County Circuit Clerk  
Rhonda Starn

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

ADAM J. DAVIS, Individually and  
on Behalf of Those Similarly-Situated,

Plaintiff,

v.

Case No. CC-24-2017-C-163  
Honorable David R. Janes

FAIRMONT TOOL, INC.,

Defendant.

**Final Judgment Order**

As all claims and matters in this action have been resolved, this Court enters final judgment as follows:

1. By Order entered June 5, 2018, the Court granted class certification. By Agreed Order entered July 2, 2018, this Court modified the class definition to read as follows:

For the period from July 1, 2012, through July 31, 2017: All persons currently and/or formerly employed by Defendant Fairmont Tool, Inc. in West Virginia who are not shareholders of Fairmont Tool, Inc. and who had their wages owed by Fairmont Tool, Inc. reduced by Fairmont Tool, Inc. relative to uniforms, model uniforms, and/or purchases categorized by Fairmont Tool, Inc. as MDSE, inclusive of, but not limited to, the purchase of boots and tools.

Following this Order, the Court approved notice of this action and the opportunity to opt out to members of the class (the "Class Notice"). The Class Notice was mailed to class members in December 2018, and in response 43 persons opted out of the class. The final class consists of 136 employees. **A final class list is attached.**

2. By Order dated June 21, 2019, the Court resolved the parties' motions for summary judgment, granting summary judgment to Plaintiff and the class on Count II of the Complaint, denying Defendant's cross-motion for summary judgment, and granting Plaintiff's motion for summary judgment on Defendant's counterclaims.

3. By Order dated November 7, 2019, the Court awarded Plaintiff and the class

damages in the amount of \$325,728.00, plus prejudgment interest through the date of that Order at 7.00% per annum, plus post-judgment interest following the date of that Order at 5.50% per annum.

4. By Order dated July 2, 2020, the Court awarded Plaintiff his reasonable attorneys' fees in the amount of \$160,000.00, his reasonable litigation costs in the amount of \$21,518.14, and a justified and appropriate service award of \$5,000.00.

Pursuant to the above rulings, the Court enters judgment as follows:

5. Judgment is entered in favor of Plaintiff and the class in the amount of \$325,728.00, plus prejudgment interest through November 7, 2019, at 7.00% per annum, plus post-judgment interest following November 7, 2019, at 5.50% per annum.

6. Plaintiff is awarded his attorneys' fees and litigation costs in the total amount of \$181,518.14. The Class Representative (*i.e.*, Adam J. Davis) is awarded a service award in the amount of \$5,000.00. Such fees, costs, and service award shall be in addition to the \$325,728.00 judgment, and such fees, costs, and service award shall accrue interest at the post-judgment interest rate of 5.50% per annum, beginning July 2, 2020.

7. The Defendant's objections are noted.

**It is so ORDERED.**

The Clerk of this Court is hereby directed to transmit a certified copy of this Order to all current counsel of record in this case.

PREPARED BY:

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/s/ David R. Janes

Circuit Court Judge

16th Judicial Circuit

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