

IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA

DANNY L. BENSON,

Plaintiff,

v.

Civil Action No. 99-C-105

AJR, INC., a West Virginia corporation,
and JOHN M. RHODES,

Defendants.

STIPULATION AND ORDER

Plaintiff Danny L. Benson ("Plaintiff"), by counsel, and Defendants AJR, Inc. and John M. Rhodes (collectively "Defendants"), by counsel, have agreed and hereby stipulate that the amount of damages Plaintiff has allegedly suffered is in the amount of \$94,910.25. These damages are calculated as follows:

1998	\$41,210 - \$7,967 in earned wages - \$8,310.75 (25% offset for Plaintiff's failure to mitigate his damages) = \$24,932.25
1999	\$41,210 - \$19,431 in earned wages = \$21,779.00
2000	\$41,210 - \$27,695 in earned wages = \$13,515.00
2001	\$41,210 - \$32,042 in earned wages = \$ 9,168.00
2002	\$41,210 - \$32,387 in earned wages = \$ 8,823.00
2003	\$41,210 - \$31,204 in earned wages = \$10,006.00
2004	\$41,210 - \$34,523 in earned wages = \$ 6,687.00
2005 (through 8/28/05)	= \$27,473.87 - \$36,188 in earned wages = \$0.00

Defendants object that the entry of judgment in favor of Plaintiff on the issue of liability is contrary to the law and the verdict rendered by the jury at the trial of this matter.

Being informed of the stipulation of the parties and noting Defendants' objections, the Court hereby **ORDERS** that Plaintiff has suffered damages in the amount of \$94,910.25.

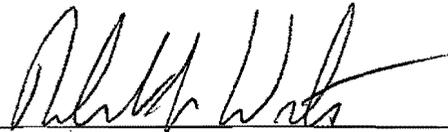
The Clerk is directed to send a certified copy of this Stipulation and Order to all counsel of record.

ENTERED
C.A. No. 99-C-105
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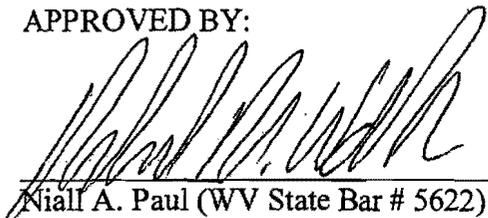
CAROLE JONES
CLERK CIRCUIT COURT

ENTERED this 18th day of July, 2008.



ROBERT A. WATERS
Judge

APPROVED BY:



Niall A. Paul (WV State Bar # 5622)
Eric E. Kinder (WV State Bar # 8817)
Richard M. Wallace (WV State Bar # 9980)
Spilman Thomas & Battle, PLLC
300 Kanawha Boulevard, East
P.O. Box 273
Charleston, WV 25321-0273
304-340-3800

APPROVED BY:

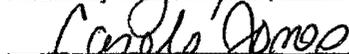


Walt Auvil (WV State Bar # 190)
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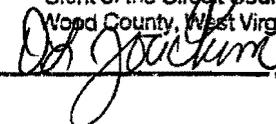
STATE OF WEST VIRGINIA,
COUNTY OF WOOD, TO-WIT:

I, CAROLE JONES, Clerk of the Circuit Court of Wood County, West Virginia, hereby certify that the foregoing is a true and complete copy of an order entered in said Court, on the 18th day of July, 2008, as fully as the same appears to me of record.

Given under my hand and seal of said Circuit Court, this the 18th day of July, 2008.



Clerk of the Circuit Court of
Wood County, West Virginia

By:  Deputy