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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MICHAEL MIGIS, individually, and
on behalf of all other persons similarly
situated,
Plaintiff,

Case No. 0711-13531

SUPPLEMENTAL JUDGMENT
& MONEY AWARD

v.

AUTOZONE, INC., a Nevada
corporation,
Defendant.

SUPPLEMENTAL JUDGMENT

On November 21, 2011, a General Judgment & Money Award was entered,
awarding Plaintiff's and class members' requests for relief for unpaid regular wages,
unpaid overtime wages, and civil penalty wages, plus statutory pre-judgment interest
thereon against Defendant AutoZone, Inc.

On December 5, 2011, Plaintiff filed an ORCP 68 Statement of and Petition
("Petition") for the attorneys' fees, costs, disbursements and litigation expenses and
certain simple interest thereon. Defendant made certain objections, and the Court held
an evidentiary hearing on April 17, 2012, during which the Court ruled Plaintiff was
entitled to attorneys' fees under ORS 652.200(2) and ORS 653.055.

The Court later entered an order on that entitlement, and in June 2012, Plaintiff
filed a petition ("Supplemental Petition") for additional attorneys' fees for time spent
after the dates set forth in the December 2011 Petition. Defendant filed certain

1 objections to the June 2012 Supplemental Petition. The Court held an additional
2 hearing in open court on August 16, 2012, issued a written Preliminary Order, and on
3 the record made findings and conclusions relating to both the Petition and
4 Supplemental Petition. The Court carefully considered the relevant ORS 20.075 factors
5 and other applicable law in determining the award of attorneys' fees. NOW,
6 THEREFORE, THE COURT, having reviewed the file, and the submissions by the
7 parties, and for the reasons set forth on the record;

8 IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff is awarded
9 attorneys' fees, costs, disbursements, and litigation expenses against Defendant
10 AutoZone, Inc., upon the Plaintiff's and class members' recovery of their requests for
11 relief for unpaid regular wages, unpaid overtime wages, and civil penalty wages; and
12 that as set forth in the Money Award below, Plaintiff shall recover from and have
13 against Defendant AutoZone a supplemental judgment in the total amount of
14 \$4,659,486.00, plus certain simple interest on categories of costs, disbursements and
15 litigation expenses accruing at \$85.41 per day after December 31, 2011, through date of
16 entry of this Supplemental Judgment, exclusive of post-judgment statutory interest
17 against Defendant AutoZone, all as detailed hereafter:

18 (1) \$409,820.51 for costs, disbursements, litigation expenses and certain
19 simple interest thereon through December 31, 2011, and accruing
20 interest thereafter at the rate of \$85.41 per day, through the entry of this
21 Supplemental Judgment; plus

22 (2) \$4,249,665.49 for fair and reasonable attorneys' fees.

23 All said amounts above shall accrue post-judgment interest at the statutory rate
24 of nine (9) percent per annum. All said amounts above are exclusive of the costs of
25 class notice and administration, and any additional attorneys' fees, costs,
26 disbursements, and litigations expenses incurred by Plaintiff after July 3, 2012, or any

1 further incentive fee award, all of which may be determined at a later time by
2 supplemental judgment.

3 **IT IS HEREBY FURTHER ORDERED AND ADJUDGED** that, as set forth
4 in the Money Award below, named Plaintiff and class representative Michael Migis
5 shall receive as an incentive award of \$25,000.00 from the class common fund that is
6 reflected by the General Judgment & Money Award entered into the register on
7 November 21, 2011. Post-judgment interest on the incentive award shall accrue at the
8 rate of nine (9) percent per annum, from the Common Fund.

9 **IT IS HEREBY FURTHER ORDERED AND ADJUDGED** that, Plaintiff
10 receives no award of attorneys' fees from the common fund reflected in the General
11 Judgment & Money Award, as the Court has found that the award of attorneys' fees
12 from Defendant AutoZone identified above is fair and reasonable.

13 **IT IS HEREBY FURTHER ORDERED AND ADJUDGED** that Defendant
14 AutoZone shall pay to the common fund reflected by the General Judgment & Money
15 Award the amount of \$64,627.37 as previously ordered as the Court-ordered monetary
16 discovery sanction against Defendant, and that said discovery sanction amount has
17 been paid and satisfied.

18 **MONEY AWARD**

- 19
- 20 1. JUDGMENT CREDITOR(S): **Michael Migis, et al.**
21 Address: c/o Bailey Pinney & Associates, LLC
22 2401 SE 161st Court, Suite C
Vancouver, WA 98683
- 23 2. JUDGMENT CREDITOR
ATTORNEYS: **A. E. "Bud" Bailey**
24 Address: **J. Dana Pinney**
Bailey Pinney & Associates, LLC
25 2401 SE 161st Court, Suite C
Vancouver, WA 98683
26 Phone: 360 - 567 - 2551
Fax: 360 - 567 - 3331

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3. JUDGMENT DEBTOR: **AutoZone, Inc.,**
Address: 123 South Front St
Memphis, TN 38103
Tax ID Number: 62-1482048
4. JUDGMENT DEBTOR ATTORNEYS:
Address: **Leigh Ann Collings-Tift**
Littler Mendelson, PC
600 University Street, Suite 3200
Seattle, WA 98101-3122
Phone: 206 - 381 - 4905
Fax: 206 - 447 - 6965
- Address: **Roy Pulvers**
Hinshaw & Culbertson, LLP
1000 SW Broadway, Suite 1250
Portland, OR 97205-3078
Phone: 503 - 243 - 3243
Fax: 503 - 243 - 3240
5. Name of persons/public body known to Judgment Creditor entitled to a portion of a payment on the judgment: None
6. Plaintiff's Costs, Disbursements, & Litigation Expenses: \$346,387.10
7. Plaintiff's Incentive Award from the class common fund reflected by the General Judgment & Money Award entered November 21, 2011: \$25,000.00
8. Plaintiff's Attorneys' Fees: \$4,249,665.49
9. Court-awarded Interest on the amount in Item 6. above: \$63,433.41 in simple interest at nine (9) percent per annum through December 31, 2011, and accruing thereafter at the rate of \$85.41 per day, through the date of entry into the register of this

Supplemental Judgment & Money Award.

10. **Post-Judgment Interest** on the amounts in Items 6, 8, and 9, above against Defendant AutoZone:

Simple interest accruing at the rate of nine (9) percent per annum on the total sum of Item 6, plus Item 8, plus Item 9, above, beginning on the first day after entry into the register of this Supplemental Judgment & Money Award.

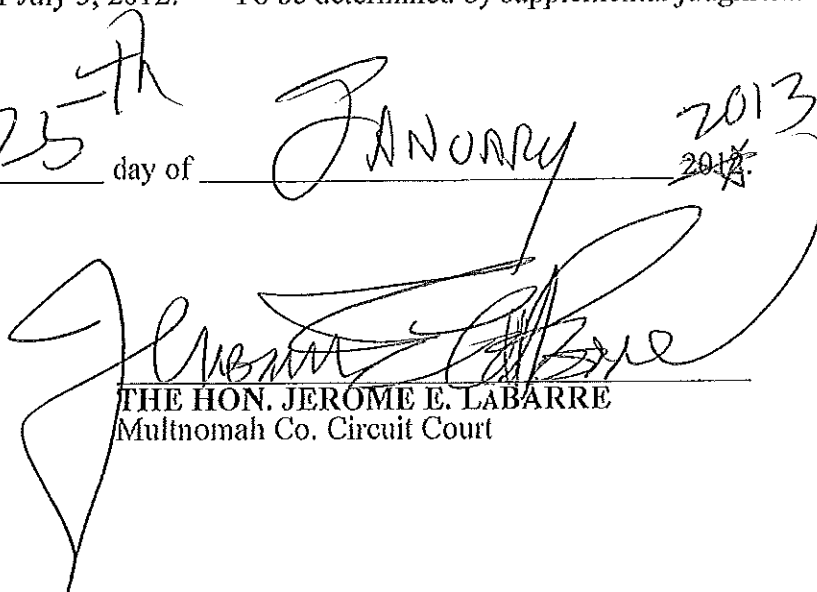
11. **Post-Judgment Interest** on the amount in Item 7, above, to be paid from the Common Fund:

Simple interest accruing at the rate of nine (9) percent per annum on Item 7, above, beginning on the first day after entry into the register of this Supplemental Judgment & Money Award.

12. **Costs of Class Notice & Administration, and Plaintiff's additional fees, costs, disbursements, and litigation expenses** incurred after July 3, 2012:

To be determined by supplemental judgment.

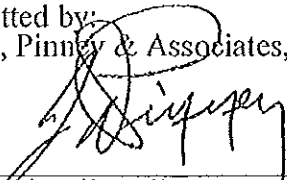
SIGNED this 25th day of JANUARY, 2013


THE HON. JEROME E. LABARRE
Multnomah Co. Circuit Court

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Submitted by:
Bailey, Pinney & Associates, LLC



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