



IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

E. Farley Moody, II,  
Plaintiff,

v.

Wayne Barefield, et al.,  
Defendants.

CIVIL ACTION NO.:  
CV 2010-900070

**ORDER**

This cause came before the court on August 2, 2010, on the Plaintiff's Motion for Summary Judgment and motions made in open court by Plaintiff to include as an exhibit to his Motion for Summary Judgment his Requests for Admissions and to sanction Defendants for failure to answer production pursuant to the Order dated July 14, 2010.

Accordingly, the court finds that:

1. Plaintiff's Request for Admissions is included as an attachment to his Motion for Summary Judgment and there being no response from defendants, all requests are admitted.
2. Defendants failed to produce documents Ordered by this court on July 14, 2010 and are hereby sanctioned by this court pursuant to A.R.Civ.P. 37(b) (A) (B) and (C).
3. The court finds in favor of Plaintiff on Count 1 and Count 2 of his complaint and further finds that Defendants obtained money from Plaintiff under false pretenses. The court finds that Defendants committed a false representation and actual fraud, and used a statement in writing that was materially false. The court further finds that the Defendants fraudulently represented their financial condition, upon which Plaintiff reasonably relied and that Defendants' representations were made with intent to deceive.

Accordingly, judgment is entered in favor of Plaintiff and against Defendants, both separately and severally in the compensatory amount of \$63,492.60 as of July 2, 2010, and \$15.42 per day thereafter until the Order is entered. Punitive damages in the amount of \$20,000.00 are awarded as a result of Defendants willful and intentional fraud and deceit.

Costs of court are taxed against Defendants.

**DONE and ORDERED** this 11th day of August, 2010.

s/Hub Harrington  
Circuit Judge

Certified a true and correct copy  
Date: 8/13/11  
*Mary H. Harris*  
Mary H. Harris, Circuit Clerk  
Shelby County, Alabama