

**AMERICAN ARBITRATION ASSOCIATION  
EMPLOYMENT ARBITRATION TRIBUNAL**

In the Matter of the Arbitration Between  
PAMELA HERRINGTON, individually and  
on behalf of all others similarly situated,  
CLAIMANT,  
and  
WATERSTONE MORTGAGE CORPORATION,  
RESPONDENT.

AAA No. 01 14 0000 4860

**FINAL AWARD**

(July 5, 2017)

I, George C. Pratt, the undersigned arbitrator, having been designated in accordance with the arbitration agreement entered into between the above-named parties; and having been duly sworn; and having heard and duly considered their proofs, arguments, and other submissions, do hereby make this final award.

The Partial Final Award on Liability, dated April 13, 2017, determined that

1. Waterstone is liable to the Claimants under the FLSA for unpaid minimum wages and unpaid overtime, and for unreimbursed expenses to the extent described in this Partial Final Award.
2. Waterstone has waived and is estopped from asserting the "outside sales exemption" defense to Claimants' FLSA claims.
3. Claimants' claims under Wisconsin law are dismissed.
4. Claimants' claims under contract law are dismissed.

5. Claimants' damages under the FLSA shall be determined in the manner and under the principles described above in this Partial Final Award.
6. Waterstone's contractual clawback process does not apply in calculating Claimants' damages under the FLSA.
7. Claimants are entitled to recover attorney's fees and costs to be determined on motion on the schedule set forth above.

The Decision and Partial Final Award on Damages, dated June 12, 2017, determined that "Claimants are entitled to an award of damages under the FLSA in the total amount of \$7,267,919.00."

The Decision and Partial Final Award on Attorney's Fees and Costs, dated July 5, 2017, determined that "On their application for attorney's fees and costs, Claimants are entitled to recover from Waterstone:

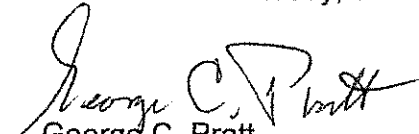
Lodestar	\$2,667,602
Multiplier enhancement (20%)	\$ 533,520
Costs	\$ 97,729
Incentive fee	\$ 20,000
Total	\$3,318,851"

Accordingly, it is determined as a Final Award in this Arbitration that

1. The above partial final awards on liability, damages, and attorney's fees and costs are incorporated herein by reference.
2. Claimants shall recover from Waterstone Mortgage Corporation the sum of \$7,267,919.00 in damages, to be paid to Claimants' attorneys, Getman, Sweeney & Dunn, PLLC, in escrow, to be distributed to the individual claimants as listed on Schedule A attached to this Final Award.

3. Claimants shall recover from Waterstone Mortgage Corporation the sum of \$3,318,851.00 as attorney's fees and costs, to be paid to Getman, Sweeney & Dunn, PLLC.
4. Claimants shall recover from Waterstone Mortgage Corporation the sum of \$20,000 as an incentive fee, to be paid to Claimant Pamela Herrington.
5. The administrative fees of the AAA, totaling \$18,175.00, and the compensation and expenses of arbitrator totaling \$438,077.94, are to be borne by Waterstone Mortgage Corporation.
6. This Award is in full settlement of all claims and counterclaims submitted to this Arbitration. All claims not expressly granted herein are hereby, denied.

Dated: July 5, 2017

  
 George C. Pratt  
 Arbitrator

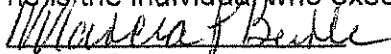
State of New York

County of Nassau

MARCIA P. BURKE  
 NOTARY PUBLIC OF THE STATE OF NY.  
 COUNTY OF NASSAU

01BU4991715 My Commission Expires 4/8/18

On this 5<sup>th</sup> day of July, 2017, the above arbitrator came and appeared before me and confirmed to me that he is the individual described herein and acknowledged to me that he is the individual who executed the foregoing instrument.

  
 Notary Public  
 State of New York

**AMERICAN ARBITRATION ASSOCIATION**

**PAMELA HERRINGTON, both  
individually and on behalf of all other  
similarly situated persons,**

**Claimants,**

v.

**WATERSTONE MORTGAGE  
CORPORATION,**

**Respondent.**

**Arbitrator: Hon. George C. Pratt  
Administrator: Jonathan Weed  
Case Number: 51 160 00393 12**

**CLAIMANTS' INDIVIDUAL FLSA RECOVERY**

<b>Claimant</b>	<b>FLSA Back Pay</b>	<b>FLSA Liquidated Damages</b>	<b>Total FLSA Damages</b>
	\$ 1,037.38	\$ 1,037.37	\$ 2,074.75
	\$ 5,662.50	\$ 5,662.50	\$ 11,325.00
	\$ 27,848.48	\$ 27,848.48	\$ 55,696.96
	\$ 12,939.92	\$ 12,939.92	\$ 25,879.84
	\$ 4,489.36	\$ 4,489.35	\$ 8,978.71
	\$ 6,008.74	\$ 6,008.74	\$ 12,017.48
	\$ 6,872.51	\$ 6,872.50	\$ 13,745.01
	\$ 38,427.99	\$ 38,427.99	\$ 76,855.98
	\$ 3,976.05	\$ 3,976.05	\$ 7,952.10
	\$ 4,805.95	\$ 4,805.94	\$ 9,611.89
	\$ 5,642.50	\$ 5,642.50	\$ 11,285.00
	\$ 1,937.63	\$ 1,937.62	\$ 3,875.25
	\$ 47,450.03	\$ 47,450.03	\$ 94,900.06
	\$ 6,530.93	\$ 6,530.93	\$ 13,061.86
	\$ 2,368.05	\$ 2,368.05	\$ 4,736.10
	\$ 181,476.17	\$ 181,476.18	\$ 362,952.35
	\$ 15,179.96	\$ 15,179.96	\$ 30,359.92
	\$ 12,514.39	\$ 12,514.38	\$ 25,028.77
	\$ 12,874.10	\$ 12,874.10	\$ 25,748.20

Claimant	FLSA Back Pay	FLSA Liquidated Damages	Total FLSA Damages
	\$ 8,346.28	\$ 8,346.28	\$ 16,692.56
	\$ 6,789.75	\$ 6,789.75	\$ 13,579.50
	\$ 35,455.90	\$ 35,455.89	\$ 70,911.79
	\$ 18,548.37	\$ 18,548.38	\$ 37,096.75
	\$ 22,310.90	\$ 22,310.90	\$ 44,621.80
	\$ 9,829.04	\$ 9,829.04	\$ 19,658.08
	\$ 8,628.70	\$ 8,628.71	\$ 17,257.41
	\$ 12,180.52	\$ 12,180.53	\$ 24,361.05
	\$ 8,930.96	\$ 8,930.96	\$ 17,861.92
	\$ 14,487.55	\$ 14,487.55	\$ 28,975.10
	\$ 14,443.36	\$ 14,443.37	\$ 28,886.73
	\$ 2,612.88	\$ 2,612.87	\$ 5,225.75
	\$ 7,827.55	\$ 7,827.55	\$ 15,655.10
	\$ 4,678.40	\$ 4,678.39	\$ 9,356.79
	\$ 113,564.39	\$ 113,564.38	\$ 227,128.77
	\$ 102,542.86	\$ 102,542.86	\$ 205,085.72
	\$ 85,161.66	\$ 85,161.67	\$ 170,323.33
	\$ 133,865.16	\$ 133,865.16	\$ 267,730.32
	\$ 5,513.49	\$ 5,513.50	\$ 11,026.99
	\$ 964.88	\$ 964.87	\$ 1,929.75
	\$ 17,620.46	\$ 17,620.46	\$ 35,240.92
	\$ 4,879.16	\$ 4,879.16	\$ 9,758.32
	\$ 54,786.55	\$ 54,786.55	\$ 109,573.10
	\$ 13,981.95	\$ 13,981.96	\$ 27,963.91
	\$ 9,998.25	\$ 9,998.26	\$ 19,996.51
	\$ 4,697.07	\$ 4,697.06	\$ 9,394.13
	\$ 10,291.28	\$ 10,291.28	\$ 20,582.56
	\$ 10,551.93	\$ 10,551.94	\$ 21,103.87
	\$ 4,291.64	\$ 4,291.65	\$ 8,583.29
	\$ 37,259.54	\$ 37,259.55	\$ 74,519.09
	\$ 51,859.13	\$ 51,859.14	\$ 103,718.27
	\$ 45,396.04	\$ 45,396.04	\$ 90,792.08
	\$ 3,193.56	\$ 3,193.56	\$ 6,387.12
	\$ 18,659.43	\$ 18,659.42	\$ 37,318.85
	\$ 17,369.04	\$ 17,369.05	\$ 34,738.09
	\$ 34,048.67	\$ 34,048.66	\$ 68,097.33
	\$ 9,735.79	\$ 9,735.78	\$ 19,471.57

Claimant	FLSA Back Pay	FLSA Liquidated Damages	Total FLSA Damages
	\$ 12,758.18	\$ 12,758.18	\$ 25,516.36
	\$ 1,904.00	\$ 1,904.00	\$ 3,808.00
	\$ 2,857.75	\$ 2,857.74	\$ 5,715.49
	\$ 17,269.52	\$ 17,269.51	\$ 34,539.03
	\$ 12,724.57	\$ 12,724.57	\$ 25,449.14
	\$ 18,157.47	\$ 18,157.47	\$ 36,314.94
	\$ 22,450.84	\$ 22,450.83	\$ 44,901.67
	\$ 36,829.25	\$ 36,829.25	\$ 73,658.50
	\$ 50,361.81	\$ 50,361.80	\$ 100,723.61
	\$ 34,202.34	\$ 34,202.33	\$ 68,404.67
	\$ 5,787.12	\$ 5,787.11	\$ 11,574.23
	\$ 7,098.84	\$ 7,098.85	\$ 14,197.69
	\$ 7,197.83	\$ 7,197.84	\$ 14,395.67
	\$ 4,203.38	\$ 4,203.38	\$ 8,406.76
	\$ 33,804.08	\$ 33,804.08	\$ 67,608.16
	\$ 12,968.59	\$ 12,968.59	\$ 25,937.18
	\$ 26,753.19	\$ 26,753.20	\$ 53,506.39
	\$ 62,826.29	\$ 62,826.29	\$ 125,652.58
	\$ 8,648.63	\$ 8,648.62	\$ 17,297.25
	\$ 5,373.41	\$ 5,373.41	\$ 10,746.82
	\$ 4,376.43	\$ 4,376.44	\$ 8,752.87
	\$ 11,453.44	\$ 11,453.44	\$ 22,906.88
	\$ 11,774.26	\$ 11,774.26	\$ 23,548.52
	\$ 1,553.17	\$ 1,553.17	\$ 3,106.34
	\$ 2,787.13	\$ 2,787.12	\$ 5,574.25
	\$ 16,272.60	\$ 16,272.61	\$ 32,545.21
	\$ 19,616.49	\$ 19,616.48	\$ 39,232.97
	\$ 50,311.13	\$ 50,311.13	\$ 100,622.26
	\$ 7,263.21	\$ 7,263.20	\$ 14,526.41
	\$ 7,892.63	\$ 7,892.62	\$ 15,785.25
	\$ 5,385.27	\$ 5,385.27	\$ 10,770.54
	\$ 14,412.06	\$ 14,412.07	\$ 28,824.13
	\$ 23,773.96	\$ 23,773.96	\$ 47,547.92
	\$ 3,366.05	\$ 3,366.05	\$ 6,732.10
	\$ 4,398.15	\$ 4,398.16	\$ 8,796.31
	\$ 3,724.59	\$ 3,724.58	\$ 7,449.17
	\$ 7,170.74	\$ 7,170.75	\$ 14,341.49
	\$ 20,261.33	\$ 20,261.33	\$ 40,522.66

Claimant	FLSA Back Pay	FLSA Liquidated Damages	Total FLSA Damages
	\$ 54,954.58	\$ 54,954.57	\$ 109,909.15
	\$ 69,533.13	\$ 69,533.14	\$ 139,066.27
	\$ 9,245.04	\$ 9,245.04	\$ 18,490.08
	\$ 9,800.21	\$ 9,800.22	\$ 19,600.43
	\$ 3,715.24	\$ 3,715.25	\$ 7,430.49
	\$ 13,185.80	\$ 13,185.80	\$ 26,371.60
	\$ 10,608.25	\$ 10,608.25	\$ 21,216.50
	\$ 19,550.14	\$ 19,550.14	\$ 39,100.28
	\$ 2,749.95	\$ 2,749.96	\$ 5,499.91
	\$ 11,336.28	\$ 11,336.29	\$ 22,672.57
	\$ 35,356.15	\$ 35,356.14	\$ 70,712.29
	\$ 132,085.05	\$ 132,085.05	\$ 264,170.10
	\$ 9,105.60	\$ 9,105.60	\$ 18,211.20
	\$ 46,352.26	\$ 46,352.27	\$ 92,704.53
	\$ 4,308.58	\$ 4,308.58	\$ 8,617.16
	\$ 2,201.12	\$ 2,201.11	\$ 4,402.23
	\$ 6,856.88	\$ 6,856.87	\$ 13,713.75
	\$ 24,818.19	\$ 24,818.19	\$ 49,636.38
	\$ 23,529.01	\$ 23,529.01	\$ 47,058.02
	\$ 15,966.36	\$ 15,966.35	\$ 31,932.71
	\$ 2,844.50	\$ 2,844.50	\$ 5,689.00
	\$ 22,637.57	\$ 22,637.56	\$ 45,275.13
	\$ 51,368.08	\$ 51,368.08	\$ 102,736.16
	\$ 2,021.76	\$ 2,021.76	\$ 4,043.52
	\$ 2,611.03	\$ 2,611.04	\$ 5,222.07
	\$ 19,210.94	\$ 19,210.93	\$ 38,421.87
	\$ 17,015.70	\$ 17,015.70	\$ 34,031.40
	\$ 19,843.60	\$ 19,843.60	\$ 39,687.20
	\$ 11,821.71	\$ 11,821.72	\$ 23,643.43
	\$ 75,686.20	\$ 75,686.21	\$ 151,372.41
	\$ 26,010.45	\$ 26,010.46	\$ 52,020.91
	\$ 7,651.30	\$ 7,651.29	\$ 15,302.59
	\$ 20,632.97	\$ 20,632.98	\$ 41,265.95
	\$ 5,325.86	\$ 5,325.85	\$ 10,651.71
	\$ 13,798.73	\$ 13,798.72	\$ 27,597.45
	\$ 7,494.85	\$ 7,494.84	\$ 14,989.69
	\$ 9,733.19	\$ 9,733.19	\$ 19,466.38
	\$ 16,899.81	\$ 16,899.80	\$ 33,799.61

Claimant	FLSA Back Pay	FLSA Liquidated Damages	Total FLSA Damages
	\$ 7,761.70	\$ 7,761.69	\$ 15,523.39
	\$ 22,126.61	\$ 22,126.62	\$ 44,253.23
	\$ 10,762.83	\$ 10,762.83	\$ 21,525.66
	\$ 6,689.20	\$ 6,689.21	\$ 13,378.41
	\$ 19,454.14	\$ 19,454.15	\$ 38,908.29
	\$ 24,226.26	\$ 24,226.25	\$ 48,452.51
	\$ 2,737.68	\$ 2,737.69	\$ 5,475.37
	\$ 77,461.66	\$ 77,461.66	\$ 154,923.32
	\$ 12,935.42	\$ 12,935.42	\$ 25,870.84
	\$ 20,011.55	\$ 20,011.54	\$ 40,023.09
	\$ 10,878.44	\$ 10,878.44	\$ 21,756.88
	\$ 12,167.84	\$ 12,167.84	\$ 24,335.68
	\$ 6,570.54	\$ 6,570.54	\$ 13,141.08
	\$ 3,618.65	\$ 3,618.65	\$ 7,237.30
	\$ 2,430.63	\$ 2,430.62	\$ 4,861.25
	\$ 4,683.29	\$ 4,683.29	\$ 9,366.58
	\$ 4,545.07	\$ 4,545.07	\$ 9,090.14
	\$ 21,841.92	\$ 21,841.93	\$ 43,683.85
	\$ 60,152.16	\$ 60,152.15	\$ 120,304.31
	\$ 7,455.13	\$ 7,455.12	\$ 14,910.25
	\$ 69,792.50	\$ 69,792.49	\$ 139,584.99
	\$ 22,484.27	\$ 22,484.28	\$ 44,968.55
	\$ 15,031.53	\$ 15,031.53	\$ 30,063.06
	\$ 19,076.13	\$ 19,076.12	\$ 38,152.25
	\$ 11,100.63	\$ 11,100.63	\$ 22,201.26
	\$ 9,069.14	\$ 9,069.13	\$ 18,138.27
	\$ 77,668.78	\$ 77,668.78	\$ 155,337.56
	\$ 6,920.72	\$ 6,920.72	\$ 13,841.44
	\$ 15,416.65	\$ 15,416.65	\$ 30,833.30
	\$ 20,174.23	\$ 20,174.22	\$ 40,348.45
	\$ 14,090.89	\$ 14,090.90	\$ 28,181.79
	\$ 60,134.56	\$ 60,134.55	\$ 120,269.11
	\$ 16,040.48	\$ 16,040.49	\$ 32,080.97
	\$ 45,264.74	\$ 45,264.75	\$ 90,529.49
	\$ 20,756.41	\$ 20,756.41	\$ 41,512.82
	\$ 3,588.18	\$ 3,588.19	\$ 7,176.37
	\$ 9,474.25	\$ 9,474.25	\$ 18,948.50
	\$ 19,031.65	\$ 19,031.65	\$ 38,063.30



<b>Claimant</b>	<b>FLSA Back Pay</b>	<b>FLSA Liquidated Damages</b>	<b>Total FLSA Damages</b>
	\$ 15,638.15	\$ 15,638.15	\$ 31,276.30
	\$ 4,342.84	\$ 4,342.85	\$ 8,685.69
	\$ 13,310.90	\$ 13,310.90	\$ 26,621.80
	\$ 5,403.42	\$ 5,403.42	\$ 10,806.84
	\$ 457.29	\$ 457.29	\$ 914.58
<b>Total Damages</b>	<b>\$3,633,959.59</b>	<b>\$3,633,959.53</b>	<b>\$7,267,919.12</b>