

SECURITIES AND EXCHANGE COMMISSION

FORM 8-K

Current report filing

Filing Date: **2008-08-29** | Period of Report: **2008-08-29**
SEC Accession No. **0001193125-08-187295**

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FILER

FASTENAL CO

CIK: **815556** | IRS No.: **410948415** | State of Incorporation: **MN** | Fiscal Year End: **1231**
Type: **8-K** | Act: **34** | File No.: **000-16125** | Film No.: **081047362**
SIC: **5200** Building materials, hardware, garden supply

Business Address
*2001 THEURER BLVD
WINONA MN 55987
5074545374*

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

**Pursuant to Section 13 OR 15(d) of
The Securities Exchange Act of 1934**

Date of Report (Date of earliest event reported) August 29, 2008

FASTENAL COMPANY

(Exact name of registrant as specified in its charter)

Minnesota
(State or other jurisdiction
of incorporation)

0-16125
(Commission File Number)

41-0948415
(IRS Employer
Identification No.)

2001 Theurer Boulevard
Winona, Minnesota
(Address of principal executive offices)

55987-1500
(Zip Code)

(507) 454-5374

Registrant's telephone number, including area code

Not Applicable

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Item 7.01. Regulation FD Disclosure

On August 29, 2008, Fastenal Company issued a press release announcing a preliminary agreement to settle a class action lawsuit relating to, among other matters, the calculation of earned overtime wages for certain of the company's former assistant general managers in the United States.

While the company denies the allegations underlying the lawsuit, it has agreed to enter into the settlement agreement in order to avoid significant legal fees, the uncertainty of a jury trial, distractions to Fastenal's operations, and other expenses and management time that would have to be devoted to protracted litigation.

The settlement, which is still subject to court approval, fully resolves all claims brought by the plaintiffs in this lawsuit. Pursuant to the settlement, Fastenal will make a cash payment of \$10 million to cover claims by eligible class members, plaintiff attorneys' fees and costs, and payments to the named plaintiffs. The expense for this settlement will be recorded in the quarter ending September 30, 2008. The company does not expect the settlement to have any material impact on its operating results going forward.

The full text of the press release is set forth in Exhibit 99.1 attached hereto and is incorporated in this Current Report as if fully set forth herein. This information is disclosed pursuant to Regulation FD.

Item 9.01. Financial Statements and Exhibits.

The following is furnished herewith:

(d) Exhibits

99.1 Press release dated August 29, 2008.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Date: August 29, 2008

FASTENAL COMPANY

By:

/s/ Daniel L. Florness

Daniel L. Florness
Chief Financial Officer

INDEX TO EXHIBITS

99.1 Press release dated August 29, 2008

Electronically Filed

PR Newswire - Editorial - Usual Distribution
For immediate distribution, August 29, 2008
Faxed to 612.331.3700, August 29, 2008
Sent via email to mnhubs@prnewswire.com

Contact:

Dan Florness, EVP and Chief Financial Officer 507.454.5374

**FASTENAL COMPANY - ANNOUNCES PRELIMINARY AGREEMENT TO
SETTLE PURPORTED CLASS ACTION LAWSUIT**

Fastenal Company (Winona, MN - NASDAQ: FAST) announced today that it has reached a preliminary agreement to settle a purported class action lawsuit relating to the classification of its Assistant General Managers as exempt for purposes of the overtime provisions of the Fair Labor Standards Act (FLSA) and California, Oregon, and Pennsylvania state statutes. This suit also alleged that Assistant General Managers in California did not receive sufficient meal breaks and paid rest periods under the California Labor Code (Note: This case was originally reported on Fastenal's Form 10-Q for the quarter ended September 30, 2007, filed on October 31, 2007).

The details of this preliminary settlement can be found in the Form 8-K filed with the United States Securities and Exchange Commission on August 29, 2008.

Fastenal sells different types of industrial and construction supplies in the following product categories: threaded fasteners and miscellaneous supplies; tools; metal cutting tool blades and abrasives; fluid transfer components and accessories for hydraulic and pneumatic power; material handling; storage and packaging products; janitorial, chemical and paint products; electrical supplies; welding supplies; safety supplies; and metals, alloys and materials.

As of July 31, 2008, Fastenal operated 2,289 stores in the United States (all 50 states), Canada (all provinces), Puerto Rico (multiple), Mexico (14 states), Singapore (one location), Netherlands (one location), and China (one location) selling to the general public. The Company operates 13 distribution centers located in Minnesota, Indiana, Ohio, Pennsylvania, Texas, Georgia, Washington, California, Utah, North Carolina, Kansas, Ontario, Canada, and Nuevo Leon, Mexico.

Additional information regarding Fastenal Company is available on the Fastenal Company World Wide Web site at www.fastenal.com.

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