

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

SEA SONG FARMS, LLC,)	
)	
Plaintiff,)	
)	Civil Case No. 10-cv-23-JMH
v.)	
)	
GEOSTAR CORPORATION,)	
)	MEMORANDUM OPINION & ORDER
Defendant.)	

This matter is before the Court upon Plaintiff’s Motion for Prejudgment Interest [DE 20]. In reviewing this motion, the Court is adequately advised and notes that Defendant has conceded its liability under Plaintiff’s breach of contract claim in Count I of the Complaint, the Court has granted summary judgment in favor of Plaintiff with respect to Count I, and Plaintiff’s claims for conversion (Count II) and unjust enrichment (Count III) are ripe for dismissal.

Prejudgment interest is to be awarded as a matter of law to the prevailing party when the damages are liquidated. *Travelers Prop. Cas. Co. of Amer. v. Hillerich & Bradsby Co., Inc.*, 598 F.3d 257, 275 (6th Cir. 2010). Damages are liquidated when the amount in question is either agreed upon by the parties or is fixed by operation of law. *Nucor Corp. v. General Elec. Co.*, 812 S.W.2d 136, 141 (Ky. 1991). Defendant admitted that it owed Plaintiff \$2,110,038.52; and the Court has granted summary

judgment in that precise amount. Plaintiff's damages are liquidated and it is entitled to 8% per annum prejudgment interest as a matter of course. *Id.* Under Kentucky law, this Court may award simple or compound interest. KRS 360.010; *Travelers Prop. Cas. Co.*, 598 F.3d at 275 (citing *Reliable Mech., Inc. v. Naylor Indus. Servs., Inc.*, 125 S.W.3d 856 (Ky. Ct. App. 2003)). In this instance and in the absence of argument to the contrary, the Court concludes that Plaintiff is entitled to compound prejudgment interest. As submitted by Plaintiff, compound interest in the amount of \$963,141.11 (through November 12, 2014), and \$675.42 per diem thereafter through entry of judgment is warranted.

Accordingly, **IT IS ORDERED** that Plaintiff's Motion for Prejudgment Interest [DE 20] is **GRANTED**. Judgment will be entered by separate order.

This the 29th day of February, 2016.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge