

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**AKZO NOBEL COATINGS INC.,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **JOHNSTON PAINT & BODY** )  
 **SUPPLIES, LLC.,** )  
 )  
 **Defendant.** )

**CIVIL ACTION NO. 08-0578-CG-B**

**ORDER**

This matter is before the court on plaintiff’s request that the court determine the amount of pre-judgment interest and costs (Doc. 71). Judgment was previously entered in favor of plaintiff in the amount of \$107,518.77 plus interest and costs. (Doc. 70). After plaintiff filed the current motion, costs were taxed by the clerk in the amount of \$596.79 and plaintiff was advised that in accordance with Local Rule 54.1, if it was not satisfied with the clerk’s taxation of costs, it could file a motion to retax within five days. (Doc. 73). No motion to retax has been filed. Thus, the only remaining issue before the court is plaintiff’s request for a determination of the pre-judgment interest.

Plaintiff asserts that pre-judgment interest totals \$28,403.05, calculated at the rate of 6% per annum for the time period of October 21, 2005<sup>1</sup>, until the date of judgment, November 5, 2009. The court notes that defendant filed no opposition to plaintiff’s motion. After reviewing plaintiff’s motion and the documents in this case, the court finds plaintiff’s motion should be

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<sup>1</sup> October 21, 2005, represents the date plaintiff faxed a copy of records to defendant indicating the balance due on defendant’s account. (See Doc. 49, p. 8; Doc. 49-10, p. 3; Doc. 49-14).

granted.

Plaintiff's motion for determination of pre-judgment interest (Doc. 71) is hereby **GRANTED** and the court declares that plaintiff, Akzo Nobel Coatings Inc., is entitled to **\$28,403.05** in pre-judgment interest.

**DONE and ORDERED** this 16th day of April, 2010.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE