

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JEFF NELSON

PLAINTIFF

V.

NO. 09-5034

PTI GROUP, INC., ET AL.

DEFENDANTS

JUDGMENT

This case was called for trial on January 11, 2010.

Plaintiff appeared and was represented by Stephen Lee Wood. Defendants appeared by Todd Grisoff, a duly authorized officer of both Defendants; defendants were represented by Jonathan C. Miesen.

A jury of eight members was empaneled and sworn.

Witnesses were sworn, testimony was given, exhibits were received into evidence, the jury was instructed on the law applicable to this case, and counsel made their arguments to the jury.

After due deliberation, the jury returned the following Verdict on January 12, 2010, which the Court found to be in regular form:

INTERROGATORY NO 1:

Do you find from a preponderance of the evidence that plaintiff has proven his claim for breach of contract?

YES X

NO

1/12/09 (sic)
Date

/s/ (name of foreperson redacted)
Foreperson

INTERROGATORY NO. 2:

State the amount of damages that you find reasonably and fairly compensate plaintiff for the unpaid commissions:

\$73,029.78

1/12/09 (sic)
Date

/s/ (name of foreperson redacted)
Foreperson

Neither party asked that the jury be polled after its Verdict was returned.

It is, therefore, considered, ordered, and adjudged that Plaintiff is awarded Judgment against Defendants, jointly and separately, for \$73,029.78, pre-judgment interest¹ on this amount at the annual rate of six percent (6%) from January 22, 2009 until the date this Judgment is entered, Plaintiff's costs, and post-judgment interest at the annual rate of .31% from the date this Judgment is entered until it is paid in full.

IT IS SO ORDERED this 3rd day of February, 2010.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE

¹The defendants object to an award of pre-judgment interest, specifically arguing that the plaintiff did not plead a claim for prejudgment interest or "even request an award of prejudgment interest in his Complaint." However, the plaintiff's complaint includes a prayer for "[a]ll other relief to which he proves himself entitled." As stated in City of North Kansas City, Mo. v. Sharp, 414 F.2d 359, 369 (8th Cir. 1969), "[c]learly, interest qualifies as 'proper relief.'"