

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

SIMMONS FOODS, INC.

PLAINTIFF

v.

CASE NO. 5:13-CV-05204

**INDUSTRIAL RISK INSURERS, AN
UNINCORPORATED FOR PROFIT
ASSOCIATION; SWISS REINSURANCE
AMERICA CORPORATION; WESTPORT
INSURANCE COMPANY; and IRONSHORE
SPECIALTY INSURANCE COMPANY**

DEFENDANTS

JUDGMENT

In consideration of the jury's verdict issued on October 27, 2015, the Court hereby **ORDERS AND ADJUDGES** that Defendants Industrial Risk Insurers, Swiss Reinsurance America Corporation, Westport Insurance Company, and Ironshore Specialty Insurance Company are liable to Plaintiff Simmons Foods, Inc. for breach of contract, and Simmons is entitled to damages as a result of the breach in the net sum of **\$2,817,380.11**.¹

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to the reasoning set forth by the Court in a Memorandum Opinion and Order issued this day, Simmons is awarded its costs in the amount of **\$16,154.26**.

IT IS FURTHER ORDERED AND ADJUDGED that prejudgment interest accruing at a rate of 6% per annum, from August 16, 2012, until today's date, is due and owing to Simmons.

¹This net sum was calculated by subtracting two credits, \$1,170,482.54 and \$2,708,615.45, that the parties stipulated were to be deducted from the jury's finding of total replacement costs in the gross sum of \$6,696,478.10.

IT IS FURTHER ORDERED AND ADJUDGED that postjudgment interest shall accrue in the manner set forth at 28 U.S.C. § 1961, from today's date until paid in full.

IT IS SO ORDERED this 21st day of January, 2016.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE