

**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

AMENDED JUDGMENT

On August 3, 2017, the Court received the Mandate of the Court of Appeals concerning the appeal of this case. In light of the Opinion and Judgment of the Eighth Circuit (Doc. 251), which was issued on July 11, 2017, the Court hereby amends its original judgment consistent with that Opinion as follows:

In consideration of the jury's verdict issued on October 27, 2015, **IT IS ORDERED AND ADJUDGED** 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 that 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 in the Court's Memorandum Opinion and Order filed on January 21, 2016, Simmons is awarded its costs in the amount of **\$16,154.26**.

¹ This 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.

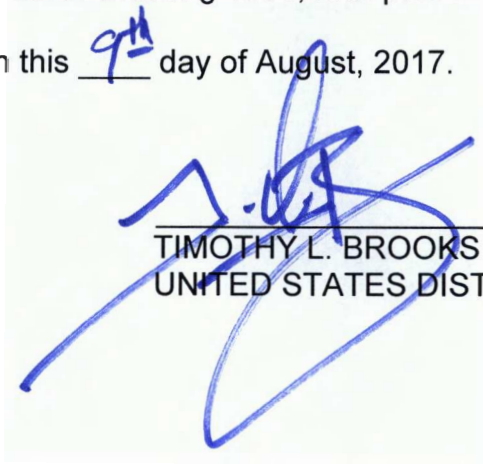
IT IS FURTHER ORDERED AND ADJUDGED that postjudgment interest shall accrue in the manner set forth at 28 U.S.C. § 1961, until paid in full.

IT IS SO ORDERED on this 9th day of August, 2017.

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

AUG 09 2017

DOUGLAS F. YOUNG, Clerk
By
Deputy Clerk



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE