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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA

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THE AMERICAN INSURANCE
COMPANY,

Case No. SACV13-01505 DSF (DFMx)

11

COMPANY,

JUDGMENT

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Plaintiff,

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vs.

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COLONY INSURANCE COMPANY,

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Defendants.

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COLONY INSURANCE COMPANY,

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Counterclaimant,

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vs.

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THE AMERICAN INSURANCE
COMPANY,

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COMPANY,

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Counter-Defendant.

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The Motions for Summary Judgment, or in the Alternative, Partial Summary Judgment (collectively, "Motions") filed by Plaintiff and Counter-Defendant The American Insurance Company ("American") and Defendant and Counterclaimant Colony Insurance Company ("Colony") were each fully briefed and submitted for

1 consideration by the Court. The Court, having reviewed and considered the moving
2 papers, the oppositions and replies thereto, as well as other matters presented in
3 connection herewith, GRANTED American's Motion and DENIED Colony's
4 Motion, as set forth in its Memorandum (In Chambers) Order ("Memorandum
5 Order") filed on May 6, 2014, and entered on May 7, 2014 in this matter (Document
6 No. 47).

7 It appearing to the satisfaction of the Court that its Memorandum Order
8 disposes of each and every cause of action asserted in American's Complaint and
9 Colony's Counterclaim in this action, and that a final judgment can and should be
10 entered, and good cause appearing therefor, IT IS HEREBY ORDERED,
11 ADJUDGED AND DECREED as follows:

12 1. Colony is required to reimburse American for the full amount that
13 American paid toward the settlement of the underlying action styled *Barker v.*
14 *Wrye*, Superior Court of California, County of Santa Cruz Case No. CV 174237
15 ("Underlying Action").

16 2. Judgment is entered in favor of American and against Colony in the
17 amount of \$1,750,000.00, the full amount that American paid toward the settlement
18 of the Underlying Action.

19 3. Pre-judgment interest is also awarded in favor of American and against
20 Colony at the legal rate of seven percent per annum pursuant to California Civil
21 Code Section 3287, from July 19, 2013 (the date of American's \$1,750,000.00
22 settlement payment) to the date hereof in the daily sum of \$335.62. The pre-
23 judgment interest is calculated as follows:

24 July 19, 2013 to May 9, 2014 (294 days): \$ 98,672.28.

25 May 9, 2014, to entry of Judgment ($\$335.62 \times 19$ days): \$ 6376.78.

26 Total Pre-Judgment Interest: \$ 105,049.06.

27 4. Including pre-judgment interest, the Total Judgment entered against
28 Colony is \$ 1,855,049.06 ($\$1,750,000.00 +$ Total Pre-Judgment Interest.)

1 5. Pursuant to 28 U.S.C. Section 1961 and Local Rule 58-7, American is
2 entitled to post-judgment interest to be calculated as set forth on the attached
3 Memorandum of Post-Judgment Interest.

4 6. American is entitled to recover its costs of suit herein from Colony, to
5 be addressed in a separate Application to the Clerk to Tax Costs to be noticed and
6 filed by American pursuant to Rule 54(d) of the Federal Rules of Civil Procedure
7 and Local Rule 54-2.

8 This is a final and appealable judgment between American and Colony as to
9 all causes of action, claims, defenses, and issues in this action, including those
10 asserted in American's Complaint and Colony's Counterclaim.

11 **IT IS SO ORDERED.**

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13 DATED: _____5/28/14_____



Dale S. Fischer
United States District Judge

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1 **MEMORANDUM OF POST-JUDGMENT INTEREST**

2 Post-Judgment interest shall be calculated at the rate of ten percent per
3 annum, which is the weekly average, 1-year constant maturity Treasury yield for the
4 week ending May 2, 2014, according to the May 5, 2014 Release of the Board of
5 Governors of the Federal Reserve System. Based on the amount of the Total
6 Judgment as set forth in Paragraph 4 of the Judgment to which the Memorandum is
7 attached, post-judgment interest is to be calculated at a rate of \$ 508.23 per day
8 (Total Judgment x 10% / 365), from the date of entry of Judgment until the date the
9 Judgment is paid.

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