

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.: 08-cv-00091-WYD-CBS

WAYNE WATSON and
MARY WATSON

Plaintiffs,

v.

DILLON COMPANIES, INC., d/b/a KING SOOPERS, also d/b/a INTER-AMERICAN
PRODUCTS, INC., et al.

Defendants.

ORDER

THIS MATTER is before the Court on both Defendants' Unopposed Motion to Amend the Second Amended Final Judgment Pursuant to Fed. R. Civ. P. 59 and 60 to Exclude Interest on Punitive Damages (ECF No. 913) and Plaintiffs' Unopposed Motion to Amend Second Amended Final Judgment Pursuant to Fed. R. Civ. P. 59 and 60 (ECF No. 912). After a careful review of the relevant record and controlling law, I grant the motions. Accordingly, it is

ORDERED that Defendants' Unopposed Motion to Amend the Second Amended Final Judgment Pursuant to Fed. R. Civ. P. 59 and 60 to Exclude Interest on Punitive Damages (ECF No. 913) is **GRANTED**. In accordance therewith, first, the Second Amended Final Judgment is amended to exclude pre-judgment interest on the corrected punitive damage award, and award pre-judgment interest only on the compensatory portion of the award. Second, the stay of execution on the judgment is extended until 14 days after the Court enters an amended final judgment on which no post-judgment

motions remain. Finally, the commencement of the time for posting the supersedeas bond and filing a notice of appeal is delayed until after the Court disposes of the pending motions. It is

FURTHER ORDERED that Plaintiffs' Unopposed Motion to Amend Second Amended Final Judgment Pursuant to Fed. R. Civ. P. 59 and 60 (ECF No. 912) is **GRANTED**. In accordance therewith, the Clerk of the Court shall amend the Second Amended Final Judgment to reflect the following damage calculation:

Gilster-Mary Lee

Economic	\$ 534,368.80
Non Economic	\$ 366,250.00
Physical Impairment	\$ 360,000.00
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Wayne Watson Total Actual Damages	\$ 1,260,618.80
Pre-judgment Interest of 9% compounded from the filing date of 1/15/08 to the judgment date of 9/26/12	\$ 630,166.11
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Wayne Watson Actual Damages + Interest	\$ 1,890,784.91
Punitive Damages	\$ 1,890,784.91
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<i>Wayne Watson Damages against Gilster-Mary Lee</i>	\$ 3,781,569.82
Mary Watson Consortium	\$ 80,000.00
Pre-Judgment Interest at 9%	\$ 39,990.91
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<i>Mary Watson Damages against Gilster-Mary Lee</i>	\$ 119,990.91
Total Damages Against Gilster-Mary Lee	\$ 3,901,560.73

Kroger

Economic	\$ 100,194.15
Non Economic	\$ 50,000.00
Physical Impairment	\$ 67,500.00
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Wayne Watson Total Actual Damages	\$ 317,694.15
Pre-judgment Interest of 9% compounded from the filing date of 1/15/08 to the judgment date of 9/26/12	\$ 158,810.96
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<i>Wayne Watson Damages against Kroger</i>	\$ 476,505.11

Mary Watson Consortium	\$ 15,000.00
Pre-judgment Interest at 9%	\$ 7,498.29
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<i>Mary Watson Damages against Kroger</i>	\$ 22,498.29
Total Damages Against Kroger	\$ 499,003.41

Dillon

Economic	\$ 33,398.05
Non Economic	\$ 50,000.00
Physical Impairment	\$ 22,500.00
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Wayne Watson Total Actual Damages	\$ 105,898.05
Pre-judgment Interest of 9% compounded from the filing date of 1/15/08 to the judgment date of 9/26/12	\$ 52,936.99
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<i>Wayne Watson Damages against Dillon</i>	\$ 158,835.04
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Mary Watson Consortium	\$ 5,000.00
Pre-judgment Interest at 9%	\$ 2,499.43
<i>Mary Watson Damages against Dillon</i>	\$ 7,499.43
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Total Damages Against Dillon	\$ 166,334.47
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Subtotal	\$ 4,566,898.60
Attorney Fees	\$ 826,500.00
Costs	\$ 387,189.33
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Total	\$ 5,780,587.93
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Dated: December 23, 2013

BY THE COURT:

s/ Wiley Y. Daniel _____
Wiley Y. Daniel
Senior United States District Judge