

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 14-cv-01318-RM-CBS

GAYLA MORTENSEN,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY

Defendant.

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**ORDER**

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This matter is before the Court on Plaintiff's Motion to Tax Statutory Interest and Enter Judgment against Defendant. (ECF No. 72.) Plaintiff's motion indicates that Defendant does not oppose the relief sought therein.

This matter was tried to a jury in this Court from January 11, 2016 to January 14, 2016. The jury returned a verdict on January 14, 2016 in favor of the Plaintiff, Gayla Mortensen, and against the Defendant, American Family Mutual Insurance Company, in the amount of \$220,000.00. As this is an underinsured motorist case, the judgement is reduced by the amount recovered from the negligent driver's insurer before interest is calculated. *Witt v. State Farm*, 942 P.2d 1326, 1327 (Colo. App. 1997). Thus, the \$220,000.00 verdict amount is reduced by the \$100,000.00 Plaintiff received from the tortfeasor, leaving \$120,000.00. Pursuant to C.R.S. § 13-21-101, and as calculated in Plaintiff's motion (ECF No. 72 at 2), the total amount of pre-judgment interest to be taxed against the Defendant, and in favor of the Plaintiff, is \$79,547.78.

Adding this interest calculation to the post-offset judgment, the total judgment to be entered against Defendant, inclusive of interest to the date of verdict, January 14, 2016, is \$199,547.78.

Having reviewed the record, and otherwise being fully informed, the Court hereby ORDERS as follows:

1. Plaintiff's Motion to Tax Statutory Interest and Enter Judgment against Defendant (ECF No. 72) is GRANTED.

2. The Clerk of Court is directed to enter JUDGMENT against Defendant American Family Mutual Insurance Company in the amount of \$199,547.78.

3. Pursuant to C.R.S. § 13-21-101, this Judgment, inclusive of pre-judgment interest, in the amount of \$199,547.78, shall continue to accrue post-judgment interest at the rate of 8% per annum (\$43.74 per day), compounded annually, until the Judgment is paid.

4. Plaintiff shall file a separate Bill of Costs with costs to be taxed against the Defendant.

DATED this 9th day of February, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE  
United States District Judge