



The Court has not yet entered a judgment on that Order for the purposes of Fed. R. Civ. P. 58. Pursuant to Rule 58, Shorenstein and National Union propose the entry of the attached judgment order. This motion will explain the basis for their calculations.

Because all rights and liabilities were fixed in AMICO's liquidation proceedings as of May 10, 2013, National Union and Shorenstein have calculated their entitlement to post-judgment interest only through that date. *See* 215 ILCS 5/194; *In re Liquidation of Pine Top Ins. Co.*, 322 Ill.App.3d 693, 703–04, 255 Ill.Dec. 529, 537, 749 N.E.2d 1011, 1019 (1st Dist. 2001).

The Court has determined the principal amount of the judgment in favor of Shorenstein and National Union to be \$3,071,571.24, and in accord with *C.R. Bard, Inc. v. M3 Systems, Inc.*, 120 F.Supp.2d 1145, 1149–50 (N.D.Ill. 2000), has held that Shorenstein and National Union are entitled to the post-judgment interest that has accrued since the entry of this Court's judgment prior to the appeals and remand. Under 28 U.S.C. § 1961(a), interest accrues "at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment." The Court entered judgment against AMICO for its failure to indemnify Shorenstein on June 10, 2011. (Doc. 356.) For the week ending June 3, 2011, the rate referenced in § 1961(a) was 0.18%.<sup>1</sup> The period from June 10, 2011, to May 10, 2011, was 1 year, 11 months, and 0 days. *See Robertson-Ceco Corp. v. Nat'l Union Fire Ins. Co. of Pittsburgh, Pa.*, 292 F.Supp.2d 1082, 1086 (N.D.Ill. 2003); *Bargenquast v. Nakano Foods, Inc.*, 243 F.Supp.2d 772, 777 (N.D.Ill. 2002); *Halloran v. Dickerson*, 287 Ill.App.3d 857, 863, 223 Ill.Dec. 323, 328, 679 N.E.2d 774, 779 (5th Dist. 1997) (citing 815 ILCS 205/10). In that time, interest of \$10,596.92 accrued on the judgment against AMICO.

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<sup>1</sup> See Board of Governors of the Federal Reserve System, Selected Interest Rates (Daily) – H.15, Historical Data, Treasury constant maturities – Nominal – 1-year – Weekly (Friday), available at <http://www.federalreserve.gov/releases/h15/data.htm> (last accessed August 5, 2013).

The Court's Order of July 30, 2013, also confirmed its award against AMICO of \$13,759.65 of Shorenstein and National Union's costs. (Doc. 442 at 5.) That award was first entered on August 16, 2011. (Docs. 398, 399; *U.S. Fid. & Guar. Co. v. Shorenstein Realty Servs., L.P.*, 803 F.Supp.2d 920 (N.D.Ill. 2011).) For the week ending August 12, 2011, the applicable interest rate was 0.11%.<sup>2</sup> The period from August 16, 2011, to May 10, 2013, was 1 year, 8 months, and 24 days. In that time, interest of \$26.24 accrued on the award of costs against AMICO.

Shorenstein and National Union have discussed this motion with counsel for AMICO, and AMICO does not agree to the terms of the proposed judgment.

Shorenstein and National Union therefore respectfully request that pursuant to Rule 58, the Court enter the attached judgment order against AMICO in the amount of \$3,071,571.24 in principal, \$13,759.65 in costs, and \$10,623.16 in interest, for a total judgment of \$3,095,954.05.

Respectfully submitted:

/s/ Thomas B. Underwood  
Thomas B. Underwood  
One of the Attorneys for Defendants,  
National Union Fire Insurance Company of Pittsburgh, Pa.;  
SRI Michigan Avenue Venture, LLC; Shorenstein Realty  
Services, L.P.; Shorenstein Management, Inc.; SRI Michigan  
Avenue Management, Inc.; and Shorenstein Company, LLC.

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<sup>2</sup> See Board of Governors of the Federal Reserve System, *supra* n.1.

**United States District Court  
Northern District of Illinois  
Eastern Division**

United States Fidelity & Guaranty Co.

**JUDGMENT IN A CIVIL CASE**

v.

Case Number: 07 C 3179

Shorenstein Realty Services, et al.

Judge Elaine E. Bucklo

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.

Decision by Court.

IT IS HEREBY ORDERED AND ADJUDGED:

Pursuant to this Court's order entered on July 30, 2013, docket numbers 441 and 442, judgment is entered in favor of National Union Fire Insurance Company of Pittsburgh, PA; Shorenstein Realty Services, LP; SRI Michigan Avenue Venture, LLC; and Shorenstein Company, LLC, against American Motorists Insurance Company on Counts I and II of their Third-Party Complaint for Declaratory Judgment in the amount of \$3,071,571.24 in principal, \$13,759.65 in costs, and \$10,623.16 in interest, for a total of \$3,095,954.05.

Date:

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JUDGE ELAINE E. BUCKLO