

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Ms. Norma L. Cooke,)	
)	
Plaintiff,)	
)	Case No. 15-cv-00817
v.)	
)	Hon. Ruben Castillo
Jackson National Life Insurance Company)	
(successor to Southwestern)	Hon. Mary M. Rowland, Magistrate
Life Insurance Company and Reassure Ameri-)	
ca Life Insurance Company),)	
)	
Defendant.)	

PLAINTIFF’S RULE 58(d) MOTION FOR JUDGMENT TO BE SET OUT IN SEPARATE DOCUMENT

Plaintiff, Ms. Norma L. Cooke, by her attorneys, Pollack Law Firm and Busse Busse and Grasse’ P.C, request pursuant to Fed. R. Civ. P. 58(d) that judgment be set out in a separate document as required by Rule 58(a), and respectfully states:

The judgment must be re-entered in a separate document because the judgment entered March 20, 2017, (R. 60) was held by the Seventh Circuit to be insufficient for “lack[ing] vital details” because it “bears only the names of the district court’s Clerk of Court and one Deputy Clerk – though Fed. R. Civ. P. 58(b)(2)(B) provides that every judgment other than a simple one on a jury verdict (or one fully in defendant’s favor) must be reviewed and approved by the judge personally.” *Cooke v. Jackson Nat’l Life Ins. Co.*, 882 F.3d 630, 631 (7th Cir. 2018).

Defendant satisfied the judgment for the Policy death benefit of \$191,362.06 plus 10% simple interest, by payment of \$266,648.61 to Plaintiff on August 15, 2017.

The Court entered final judgment on November 19, 2018, awarding costs of \$1,903.50 and attorneys’ fees of \$42,835 plus interest compounded annually at the average annual prime

rate. (R. 107.) The annual average prime rate for 2017 listed by the St. Louis Federal Reserve was 4.10%.¹ Annual interest in 2017 on the \$42,835 fee is \$1,756.23, but pro-rated to \$1,380.93 ($\$1,756.23 * 287/365$) for the partial year, making \$44,215.93 the principle entering 2018.

There is, however, no annual average yet for 2018. (From January to March 2018 the rate was 4.5%, from March to April 4.58%, from April to June 4.75%, from June to July 4.89%, from July to August 5.0%, from August to September 5.03%, and from September to October 5.5%). For simplicity sake, Plaintiff stipulates to an annual average prime rate for 2018 of 4.5% which should prove slightly less than the final average. This amounts to annual interest on \$44,215.93 of \$1,989.72, but pro-rated to \$1,755.31 ($\$1,989.72 * 323/365$) for the partial year to date of order, making \$45,971.24 the entire award of attorneys' fees plus interest compounded annually at the annual average prime rate.

C. Conclusion

WHEREFORE, Plaintiff Norma L. Cooke prays this Court enter a separate document setting out:

1. Judgment is hereby entered in favor of plaintiff and against defendant in the amount of \$191,362.06, plus 10% per annum simple interest running from September 10, 2013, (which Defendant satisfied in total by payment on August 15, 2017);
2. court costs of \$1,903.50; and
3. attorneys' fees of \$42,835, plus interest compounded annually at the annual average of the prime rate, from March 20, 2017 to November 19, 2018, or \$45,971.24 total.

Respectfully submitted,

/s/ Steven B. Pollack

Steven B. Pollack, IL Bar No. 6290482

¹ <https://fred.stlouisfed.org/series/MPRIME> (must edit graph to show annual average rate)

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