

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MATTHEW B. MICHAELS,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 13-1128
)	
CITY OF MCPHERSON, KANSAS,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

Before the court is plaintiff's motion to assess a penalty and interest under the Kansas Wage Payment Act. (Doc. 132). Defendant has responded (Doc. 137) and plaintiff has replied (Doc. 145).

The jury found that defendant willfully failed to pay wages owing to plaintiff under the KWPA in the amount of \$992.64. Doc. 126. Pursuant to K.S.A. § 44-315(b), the court assesses a penalty of \$992.64 against defendant and in favor of plaintiff.

Plaintiff also seeks interest in the amount of \$223.34 on the unpaid wages. (Doc. 132 at 2-3). Section 44-323(a) of the Kansas Statutes gives the court discretion to impose such interest. Although defendant essentially argues that its denial of payment was done in good faith, that suggestion is unpersuasive in view of the jury's finding that the city fired plaintiff without cause and willfully failed to pay his accrued wages. The court concludes that interest of \$223.34 should be assessed and included in the judgment together with the penalty noted above. Plaintiff's motion (Doc. 132) is therefore granted.

IT IS SO ORDERED.

Dated this 5th day of January 2015, at Wichita, Kansas.

s/Monti Belot

Monti L. Belot

UNITED STATES DISTRICT JUDGE