

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
AT PIKEVILLE

LISA ANN CHRISPEN,

Plaintiff,

V.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. 7:16-132-KKC

OPINION AND ORDER

This matter came is before the Court on the United States' motion to alter or amend (DE 207) the Court's judgment. For the following reasons, the Court will grant the motion.

The Court conducted a bench trial of plaintiff Lisa Chrispen's claim for medical negligence against the United States asserted under the Federal Tort Claims Act, 28 U.S.C. §§ 2671, *et seq.*, after which the Court found that Chrispen had proved by a preponderance of the evidence that the United States' negligence caused her to suffer damages totaling \$2,082,336.90. The Court entered a judgment awarding Chrispen that amount as compensatory damages "at the legal rate of interest in effect as of the date of this judgment, compounded daily and annually, until paid in full."

With this motion, the United States interprets the judgment to provide that interest begins to accrue against it from the date of the judgment. Citing 31 U.S.C. § 1304(b)(1)(A), the United States argues that it cannot be ordered to pay interest from the date of the judgment, but only from the date the judgment becomes final after review on appeal by the United States. Chrispen concedes that the United States is correct but argues that the judgment entered by the Court does not provide that interest should begin accruing on the date that it is entered.

In order to eliminate any confusion, the Court hereby ORDERS that the motion to alter or amend (DE 207) is GRANTED. The Court will enter an amended judgment ordering that interest will begin accruing on the judgment only “when the judgment becomes final after review on appeal or petition by the United States Government, and then only from the date of filing of the transcript of the judgment with the Secretary of the Treasury through the day before the date of the mandate of affirmance.” 31 U.S.C. § 1304(b)(1)(A); *Lee v. United States*, 765 F.3d 521, 530 (5th Cir. 2014).

Dated October 13, 2017.



Karen K. Caldwell

KAREN K. CALDWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY