

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN THE MATTER OF THE COMPLAINT OF
MNM BOATS, INC., ETC.**

CIVIL ACTION

07-1938

SECTION: "C" (4)

ORDER & REASONS

Before the Court is a Motion to Alter or Amend Judgment by Claimants G&M Marine, Inc. ("G&M") and Thu Van Nguyen. (Rec. Doc. 163). The motion is before the court on the briefs, without oral argument. Having reviewed the record, memoranda of counsel, and the law, the Court GRANTS the Motion for the following reasons.

I. Law and Analysis


This matter was tried before the Court, without a jury, on September 28-30, 2009. On December 4, 2009, the Court issued a Judgment in favor of Thu van Nguyen and G&M, including pre-judgment interest at the rate established by 28 U.S.C. § 1961. By its terms, section 1961 applies to *post* judgment interest. As such, the Court's order was in error.

The Court should have applied the state rate to the pre-judgment interest in this case. *See Hansen v. Continental Ins. Co.*, 940 F.2d 971, 983-84 (5th Cir. 1991). In Louisiana, the rate is established in accordance with Louisiana Revised Statute 13:4202 and attaches from the date of judgment. La. R.S. 13:4203.

Accordingly,

IT IS ORDERED that the Motion to Alter or Amend Judgment is GRANTED. The Court's judgment is amended to award prejudgment interest at the rate established by La. R.S. 13:4202, and post-judgment interest at the rate established by 28 U.S.C. § 1961.

New Orleans, Louisiana, this 17th day of March, 2010.


HELEN G. BERRIGAN
UNITED STATES DISTRICT JUDGE