

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**JOHN PAUL CLIFTON**

**CIVIL ACTION NO. 07-872**

**VERSUS**

**JUDGE MELANCON**

**SEAWAY TOWING CO.**

**MAGISTRATE JUDGE HANNA**

***MINUTES AND RULING***  
**(Rec. Doc. 34)**

A telephone hearing was held on July 26, 2010, beginning at 3:30 p.m. and ending at 3:45 p.m.<sup>1</sup> Participating in the conference were counsel for plaintiff, Lawrence N. Curtis, and counsel for defendant, Eve Reardon. Oral argument was held on plaintiff's Motion for Contempt Citation and Sanctions. Plaintiff argued Louisiana's judicial interest rate was applicable, and defendant argued the federal interest rate was applicable to a previous order by this Court awarding interest on a settlement that was not paid timely as a sanction.

The undersigned determined the basis of the award of judicial interest was issued pursuant to a federal court order in the nature of sanctions for a tardy payment of settlement funds.<sup>2</sup> Thus, the interest ordered to be paid was "interest on a money judgment in a civil case" pursuant to 28 U.S.C. § 1961, and was to be paid at the federal rate. It was undisputed that accrued interest at the federal rate amounts to \$139.81. Counsel for defendant agreed to overnight mail that sum to plaintiff. Therefore,

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<sup>1</sup>Statistical time: 15 minutes.

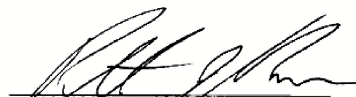
<sup>2</sup>See Order (Rec. Doc. 33).

**IT IS ORDERED** that plaintiff's Motion for Contempt Citation and Sanctions (rec. doc. 34) is **DENIED**;

**IT IS FURTHER ORDERED** that defendant shall overnight mail to plaintiff a check in the amount of \$139.81.

**IT IS FURTHER ORDERED** that oral argument on the motion set for July 28, 2010, is **CANCELED**.

Lafayette, Louisiana, this 26<sup>th</sup> day of July, 2010.



Patrick J. Hanna  
United States Magistrate Judge  
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