

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KIMBERLY J. GUEST-MARCOTTE,

Plaintiff,

Case No. 15-cv-10738

v

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

METALDYNE POWERTRAIN
COMPONENTS, Inc., et al.,

Defendants.

ORDER OVERRULING PLAINTIFF'S OBJECTION

Plaintiff Kimberly J. Guest-Marcotte initiated this case by filing her two-count complaint on February 27, 2015. Complaint, ECF No. 1. Plaintiff alleges that Defendants violated her rights under the Employee Retirement Income Security Act, 29 U.S.C. § 1132(a)(1)(B) and (a)(2) ("ERISA") in denying her request for short term disability benefits, and her rights under Michigan's Persons with Disabilities Civil Rights Act ("PWDCRA") in subsequently terminating her employment. Plaintiff filed her amended complaint on April 19, 2016. *See* ECF No. 44. On December 1, 2016 the magistrate judge issued a report and recommendation addressing Plaintiff's motion for judgment, Plaintiff's motion for consideration of recent case law, and Defendant's motion to dismiss the case and for judgment on its counterclaim. *See* ECF No. 54, 55, 60. The magistrate judge recommended that Plaintiff's motion for consideration be granted, but that her motion for judgment be denied. *See* ECF No. 63. The report also recommended granting Defendant's motion for judgment and dismissing Plaintiff's complaint with prejudice.

In response, Plaintiff filed three objections. *See* ECF No. 64. Plaintiff did not specifically object to the magistrate judge's finding that judgment should be entered in favor of Defendant as

to its counterclaim. By an order dated January 6, 2017 Plaintiff's objections were overruled on the grounds that they were improperly general and merely restated the core arguments previously raised and already addressed by the magistrate. The magistrate judge's report was adopted, and Defendant was directed to submit a proposed judgment in compliance with Eastern District of Michigan Local Rule 58.1(c).

Defendant submitted its proposed judgment on January 12, 2017. *See* ECF No. 68. In the proposed judgment, Defendant seeks an award in the amount of \$7,286.29 plus prejudgment interest from April 24, 2015 and postjudgment interest. *Id.* On January 17, 2017 Plaintiff filed an objection to any award of prejudgment interest. *See* ECF No. 69. Defendant has since filed a response, arguing that the award is appropriate because the 1-year Treasury constant maturity rate has been less than 1% and because Plaintiff prolonged Defendant's attempt to secure judgment.

While Defendant's argument that Plaintiff's legal strategy caused unnecessary delay is unpersuasive, pre-judgment interest is still appropriate. "Though ERISA does not address the propriety of awarding prejudgment interest, prejudgment interest may be awarded in the discretion of the district court. Awards of prejudgment interest are compensatory, not punitive, and a finding of wrongdoing by the defendant is not a prerequisite to such an award." *Rochow v. Life Ins. Co. of N. Am.*, 780 F.3d 364, 376 (6th Cir.) (quoting *Tiemeyer v. Cmty. Mut. Ins. Co.*, 8 F.3d 1094, 1103 (6th Cir. 1993)). Plaintiff enjoyed the benefit of payments that she was not entitled to. Prejudgment interest has the effect of compensating Defendant for the lost interest value of the payments. Furthermore the requested rate is not excessive. Plaintiff's objection will be overruled, and prejudgment interest awarded.

Accordingly it is **ORDERED** that Plaintiff's objection, ECF No. 69 is **OVERRULED**.

Defendant's proposed judgment will be entered as submitted.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 2, 2017

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 2, 2017.

s/Kelly Winslow for
MICHAEL A. SIAN, Case Manager