

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANDLE GRIFFIN,

Plaintiff,

Case No. 11-14876

v.

Hon. John Corbett O'Meara

LOUIS CONDON, *et al.*,

Defendants.

**ORDER GRANTING IN PART
PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT**

Before the court is Plaintiff's motion for entry of judgment, which Defendants oppose. The parties chiefly disagree regarding whether Plaintiff is entitled to prejudgment interest, as well as whether the judgment should provide for an award of costs and attorneys' fees.

It is within the court's discretion to award prejudgment interest, the purpose of which is to "compensate the plaintiff for the delay between the time the cause of action arose and the verdict." Conte v. General Housewares Corp., 215 F.3d 628, 640 (6th Cir. 2000). See also Green v. Nevers, 196 F.3d 627, 633 (6th Cir. 1999) ("[I]n the absence of explicit statutory direction on the issue, the award of prejudgment interest is ... in the discretion of the court."); Pucci v. Somers, 834 F. Supp. 2d 690, 705 (E.D. Mich. 2011), aff'd sub nom. Pucci v. Nineteenth Dist.

Court, 596 F. App'x 460 (6th Cir. 2015).

The jury awarded Plaintiff \$500 in “actual/compensatory/presumed or nominal damages” from each Defendant. (Plaintiff does not seek prejudgment interest on the punitive damage award.) The parties agree that if prejudgment interest is awarded, based on an interest rate of .82%, the amount at issue is \$21.91 for each Defendant. In light of the purpose of prejudgment interest – to make the plaintiff whole – and in the absence of a compelling argument to the contrary, the court will exercise its discretion in favor of an award of prejudgment interest.

The judgment will also provide for Plaintiff’s ability to seek costs and attorneys’ fees, to be awarded in accordance with the law and without prejudice to Defendants’ ability to challenge any such award.

Although the court would have expected the parties to resolve the issues raised here without resort to motion practice, it will decline to award sanctions or attorneys’ fees associated with this motion.

IT IS HEREBY ORDERED that Plaintiff’s motion for entry of judgment is GRANTED IN PART. The court will enter judgment consistent with this order.

s/John Corbett O’Meara
United States District Judge

Date: July 14, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 14, 2017, using the ECF system.

s/William Barkholz
Case Manager