



## **II. Prejudgment Interest**

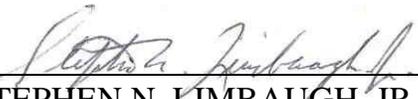
The Eighth Circuit held that state law should be applied when determining whether prejudgment interest is appropriate in a § 1983 case. *Winter v. Cerro Gordo County Conservation Bd.*, 925 F.2d 1069, 1073 (8th Cir. 1991). Although the Eighth Circuit provided little analysis in so holding, this Court has acknowledged that it is bound by that decision. *H/N Planning & Control, Inc. v. City of St. Peters, Missouri*, 4:04CV01099 ERW, 2007 WL 1445121, at \*6 (E.D. Mo. May 14, 2007), rev'd and remanded on other grounds sub nom. *Hodak v. City of St. Peters*, 535 F.3d 899 (8th Cir. 2008). Defendants contend that plaintiffs are not entitled to prejudgment interest because the damages were not reasonably ascertainable until the jury returned with its verdict. Plaintiffs contend that they are entitled to prove their entitlement to prejudgment interest pursuant to § 408.040 RSMo, which allows for computation of prejudgment interest in certain circumstances following a prejudgment demand. Indeed, the proposed judgment submitted by plaintiffs simply allows them to submit a Motion for Award of Prejudgment Interest within 21 days of entry of the judgment. The Court will allow plaintiffs to file such a motion; however, they should file it 21 days after the defendants' post-trial motions, discussed above, have been ruled upon.

## **III. Post-judgment Interest**

Finally, plaintiffs and defendants disagree regarding the interest rate to be applied to the judgment. This issue, too, is premature.

Judgment shall be entered in accordance with this Memorandum.

Dated this 29<sup>th</sup> day of November, 2016.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE