

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DONALD MELLWIG and ROSEMARIE MELLWIG, H/W,	:	Hon. Joseph H. Rodriguez
Plaintiffs,	:	Civil Action No. 14-cv-4698
v.	:	
BELLEPLAIN EMERGENCY CORP. and ANDREW R. WHATELEY,	:	MEMORANDUM OPINION
Defendants.	:	

This matter having come before the Court on Plaintiffs' proposed forms of Judgment to include prejudgment interest which the Court construes as a Motion to Alter or Amend Judgment pursuant to Federal Rule of Civil Procedure 59(e); and

The Court having considered the Plaintiffs' submissions and the Defendants' letter in opposition without oral argument pursuant to Federal Rule of Civil Procedure 78(b); and

The Court finding that New Jersey state law governs the issue of prejudgment interest in this tort case;

Specifically, New Jersey Court Rule 4:42-11(a)(ii) establishes 0.25% or the rate of return of the New Jersey Cash Management Fund, whichever is higher, as the appropriate prejudgment interest rate for judgments not exceeding \$15,000, the monetary limit of the Special Civil Part. For

judgments greater than \$15,000, Rule 4:42–11(a)(iii) adds two percentage points to the rate. The New Jersey Cash Management Fund returned less than 0.25% for 2014 and 2015, and 0.31% for 2016. See Rates of Return, Division of Investment, State of New Jersey Department of the Treasury, <http://www.nj.gov/treasury/doinvest/cash3.shtml> (last visited January 5, 2016);

As such, the applicable prejudgment interest rate for this case under Rule 4:42–11 would be 2.25% for 2014 and 2015 and 2.31% for 2016.

Accordingly, the Court finds that for the period of prejudgment interest from July 28, 2014, the date of institution of this action, the calculation for Donald Mellwig is:

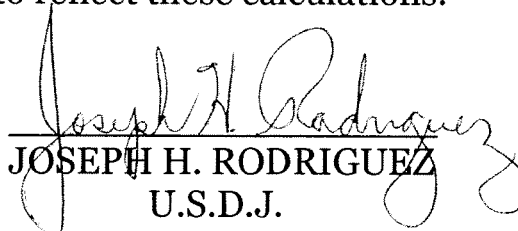
	2014	2015	2016
<b>Rate:</b>	2.25%	2.25%	2.31%
<b>Days:</b>	157	365	321
<b>Per Diem:</b>	\$ 1.23	\$ 1.23	\$ 1.27
<b>Total:</b>	\$ 193.11	\$ 448.95	\$ 407.67

The Court further finds that the calculation for Rosemarie Mellwig is:

	2014	2015	2016
<b>Rate:</b>	2.25%	2.25%	2.31%
<b>Days:</b>	157	365	321
<b>Per Diem:</b>	\$ 3.08	\$ 3.08	\$ 3.16
<b>Total:</b>	\$ 483.56	\$ 1124.20	\$ 1014.36

Amended Judgments will be filed to reflect these calculations.

Dated: January 5, 2017

  
 JOSEPH H. RODRIGUEZ  
 U.S.D.J.