



**Effective: December 21, 2000**

United States Code Annotated [Currentness](#)

Title 28. Judiciary and Judicial Procedure ([Refs & Annos](#))

[Part V](#). Procedure

[Chapter 125](#). Pending Actions and Judgments ([Refs & Annos](#))

→ **§ 1961. Interest**

(a) Interest shall be allowed on any money judgment in a civil case recovered in a district court. Execution therefor may be levied by the marshal, in any case where, by the law of the State in which such court is held, execution may be levied for interest on judgments recovered in the courts of the State. Such interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding. [\[FN1\]](#) the date of the judgment. The Director of the Administrative Office of the United States Courts shall distribute notice of that rate and any changes in it to all Federal judges.

(b) Interest shall be computed daily to the date of payment except as provided in [section 2516\(b\)](#) of this title and [section 1304\(b\) of title 31](#), and shall be compounded annually.

(c)(1) This section shall not apply in any judgment of any court with respect to any internal revenue tax case. Interest shall be allowed in such cases at the underpayment rate or overpayment rate (whichever is appropriate) established under [section 6621 of the Internal Revenue Code of 1986](#).

(2) Except as otherwise provided in paragraph (1) of this subsection, interest shall be allowed on all final judgments against the United States in the United States Court of Appeals for the Federal circuit, [\[FN2\]](#) at the rate provided in subsection (a) and as provided in subsection (b).

(3) Interest shall be allowed, computed, and paid on judgments of the United States Court of Federal Claims only as provided in paragraph (1) of this subsection or in any other provision of law.

(4) This section shall not be construed to affect the interest on any judgment of any court not specified in this section.

CREDIT(S)

(June 25, 1948, c. 646, 62 Stat. 957; Apr. 2, 1982, [Pub.L. 97-164, Title III, § 302\(a\)](#), 96 Stat. 55; Sept. 13, 1982, [Pub.L. 97-258](#), § 2(m) (1), 96 Stat. 1062; Jan. 12, 1983, [Pub.L. 97-452](#), § 2(d)(1), 96 Stat. 2478; Oct. 22, 1986, [Pub.L. 99-514](#), § 2, Title XV, § 1511(c)(17), 100 Stat. 2095, 2745; Oct. 29, 1992, [Pub.L. 102-572, Title IX, § 902\(b\)\(1\)](#), 106 Stat. 4516; Dec. 21, 2000, [Pub.L. 106-554](#), § 1(a)(7) [Title III, § 307(d)(1)], 114 Stat. 2763, 2763A-636.)

[\[FN1\]](#) So in original. The period probably should not appear.

[\[FN2\]](#) So in original. Probably should be “Circuit.”

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1948 Acts. Based on Title 28, U.S.C., 1940 ed., § 811 (R.S. § 966; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167).

Changes were made in phraseology. 80th Congress House Report No. 308.

1982 Acts. Senate Report No. 97-275, see 1982 U.S. Code Cong. and Adm. News, p. 11.

[House Report No. 97-651](#), see 1982 U.S. Code Cong. and Adm. News, p. 1895.

1983 Acts. Detailed Explanation prepared by the Office of the Law Revision Counsel, see 1982 U.S. Code Cong. and Adm. News, p. 4301.

1986 Acts. House Conference Report No. 99-841 and Statement by President, see 1986 U.S. Code Cong. and Adm. News, p. 4075.

2000 Acts. House Report No. 106-645 and Statement by President, see 2000 U.S. Code Cong. and Adm. News, p. 2459.

#### References in Text

[Section 6621 of the Internal Revenue Code of 1986](#), referred to in subsec. (c)(1), is section 6621 of Title 26, Internal Revenue Code.

#### Codifications

Amendment of subsec. (b) by Pub.L. 97-452, substituting “section 1304(b) of title 31” for “section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a)” was executed without reference to the intervening amendment by Pub.L. 97-258, as the probable intent of Congress.

#### Amendments

2000 Amendments. Subsec. (a). Pub.L. 106-554, § 1(a)(7) [Title III, § 307(d)(1)], substituted “the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding” for “the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to”.

1992 Amendments. Subsec. (c)(3). Pub.L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1986 Amendments. Subsec. (c)(1). Pub.L. 99-514, § 1511(c)(17), substituted “the underpayment rate or overpayment rate (whichever is appropriate) established under section 6621” for “a rate established under section 6621”.

Pub.L. 99-514, § 2, substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1983 Amendments. Subsec. (b). Pub.L. 97-452 directed that “section 1304(b) of title 31” be substituted for “section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a)”. Amendment was executed by substituting “1304(b) of title 31” for “1304(b)(1) of title 31” as the probable intent of Congress. See Codifications note set out under this section.

1982 Amendments. Subsec. (a). Pub.L. 97-164, § 302(a)(1), (2), designated existing provisions as subsec. (a), in subsec. (a) as so designated substituted “at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immedi-

ately prior to the date of the judgment” for “at the rate allowed by State law” and added provision directing the Director of the Administrative Office of the United States Courts to distribute notice of the rate and any changes in it to all Federal judges.

Subsec. (b). Pub.L. 97-258, § 2(m) (1), substituted “this title and section 1304(b) (1) of title 31” for “title 28, United States Code, and section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a)”.

Subsecs. (b), (c). Pub.L. 97-164, § 302(a) (3), added subsecs. (b) and (c).

#### Effective and Applicability Provisions

1992 Acts. Amendment by Pub.L. 102-572 effective Oct. 29, 1992, see section 911 of Pub.L. 102-572, set out as a note under section 171 of this title.

1986 Acts. Amendment by section 1511(c)(17) of Pub.L. 99-514 applicable for purposes of determining interest for periods after Dec. 31, 1986, see section 1511(d) of Pub.L. 99-514, set out as a note under section 47 of Title 26, Internal Revenue Code.

1982 Acts. Section 2(m) of Pub.L. 97-258 provided in part that the amendment to subsec. (b) would be effective on Oct. 1, 1982.

Amendment by Pub.L. 97-164 effective Oct. 1, 1982, see section 402 of Pub.L. 97-164, set out as a note under section 171 of this title.

#### Calculation of Interest

The method of calculation of interest on money judgments in civil cases recovered in district courts changed as of December 21, 2000, the date of enactment of Pub.L. 106-554, § 1(a)(7) [Title III, § 307(d)(1)] which amended subsec. (a) of this section. It was formerly calculated at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills (for past rates, see Table set out below). It is now calculated at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System. For information regarding weekly releases, see [www.federalreserve.gov](http://www.federalreserve.gov).

#### 52-WEEK T-BILL RATE TABLE OF CHANGES

Date of Auction	Equivalent Coupon Issue Yield
12/11/74	7.07%
01/08/75	6.80%
02/05/75	5.61%
03/05/75	5.99%
04/02/75	6.92%

04/30/75	6.84%
05/28/75	6.17%
06/24/75	6.72%
07/24/75	7.27%
08/20/75	7.89%
09/17/75	7.90%
10/18/75	7.07%
11/13/75	6.40%
12/10/75	6.88%
01/07/76	5.92%
02/04/76	5.92%
03/03/76	6.29%
03/31/76	6.13%
04/29/76	5.98%
05/26/76	6.72%
06/23/76	6.47%
07/21/76	6.25%
08/19/76	5.97%
09/15/76	5.89%
10/13/76	5.41%
11/09/76	5.49%
12/08/76	4.95%
01/05/77	4.97%

02/02/77	5.65%
03/02/77	5.52%
03/30/77	5.44%
04/27/77	5.45%
05/25/77	5.71%
06/22/77	5.72%
07/20/77	5.98%
08/17/77	6.49%
09/14/77	6.55%
10/12/77	7.07%
11/09/77	6.98%
12/07/77	6.99%
01/04/78	6.99%
02/01/78	7.29%
03/01/78	7.34%
03/29/78	7.36%
04/26/78	7.58%
05/24/78	7.97%
06/21/78	8.27%
07/19/78	8.43%
08/16/78	8.50%
09/13/78	8.59%
10/12/78	8.90%

11/08/78	10.17%
12/06/78	10.17%
01/03/79	10.51%
01/31/79	10.21%
02/28/79	10.40%
04/04/79	10.09%
04/25/79	10.10%
05/23/79	10.01%
06/20/79	9.63%
07/18/79	9.70%
08/15/79	10.05%
09/12/79	10.88%
10/10/79	12.83%
11/07/79	13.18%
12/05/79	11.98%
01/02/80	12.25%
01/30/80	12.45%
02/27/80	15.28%
03/26/80	16.46%
04/23/80	11.45%
05/21/80	9.02%
06/18/80	8.08%
07/16/80	8.25%

08/13/80	9.75%
09/10/80	10.93%
10/08/80	13.33%
10/30/80	13.67%
11/26/80	14.97%
12/23/80	13.49%
01/22/81	14.68%
02/19/81	14.39%
03/19/81	12.76%
04/16/81	14.63%
05/14/81	16.70%
06/11/81	14.82%
07/09/81	15.57%
08/07/81	16.60%
09/03/81	17.26%
10/01/81	16.55%
10/29/81	14.84%
11/25/81	11.58%
12/23/81	14.02%
01/21/82	14.92%
02/18/82	14.87%
03/18/82	14.03%
04/15/82	14.30%

05/13/82	13.64%
06/10/82	13.61%
07/08/82	13.79%
08/05/82	12.41%
09/02/82	11.32%
09/30/82	10.41%
10/28/82	9.29%
11/24/82	9.07%
12/23/82	8.75%
01/20/83	8.65%
02/17/83	8.99%
03/17/83	9.16%
04/14/83	8.98%
05/12/83	8.72%
06/09/83	9.59%
07/07/83	10.25%
08/09/83	10.74%
09/01/83	10.58%
09/29/83	9.98%
11/01/83	9.86%
11/23/83	9.93%
12/22/83	10.10%
01/19/84	9.87%

02/16/84	10.11%
03/15/84	10.60%
04/12/84	10.81%
05/15/84	11.74%
06/07/84	12.08%
07/10/84	12.17%
08/02/84	11.93%
08/30/84	11.98%
09/27/84	11.36%
10/25/84	10.33%
11/27/84	9.50%
12/20/84	9.08%
01/17/85	9.09%
02/14/85	9.17%
03/14/85	10.08%
04/11/85	9.15%
05/14/85	8.57%
06/06/85	7.70%
07/09/85	7.60%
08/01/85	8.18%
08/29/85	7.91%
09/26/85	7.87%
10/24/85	8.08%

11/26/85	7.87%
12/19/85	7.57%
01/16/86	7.85%
02/13/86	7.71%
03/13/86	7.06%
04/10/86	6.31%
05/13/86	6.56%
06/05/86	7.03%
07/08/86	6.35%
07/31/86	6.18%
08/28/86	5.63%
09/25/86	5.79%
10/23/86	5.75%
11/20/86	5.77%
12/23/86	5.93%
01/15/87	5.75%
02/12/87	6.09%
03/12/87	6.04%
04/09/87	6.30%
05/12/87	7.02%
06/04/87	7.00%
07/02/87	6.64%
08/04/87	6.98%

09/01/87	7.22%
09/30/87	7.88%
10/22/87	6.90%
11/19/87	6.93%
12/17/87	7.22%
01/14/88	7.14%
02/11/88	6.59%
03/10/88	6.71%
04/07/88	7.01%
05/05/88	7.20%
06/02/88	7.59%
06/30/88	7.54%
07/28/88	7.95%
08/25/88	8.32%
09/22/88	8.04%
10/20/88	8.15%
11/17/88	8.55%
12/15/88	9.20%
01/12/89	9.16%
02/15/89	9.32%
03/09/89	9.43%
04/06/89	9.31%
05/04/89	9.15%

06/01/89	8.85%
06/29/89	8.16%
07/27/89	7.75%
08/24/89	8.27%
09/21/89	8.19%
10/19/89	7.90%
11/16/89	7.69%
12/14/89	7.66%
01/11/90	7.74%
02/13/90	7.97%
03/08/90	8.36%
04/05/90	8.32%
05/03/90	8.70%
05/31/90	8.24%
06/28/90	8.09%
07/26/90	7.88%
08/23/90	7.95%
09/20/90	7.78%
10/26/90	7.51%
11/15/90	7.28%
12/13/90	7.02%
01/10/91	6.62%
02/12/91	6.21%

03/07/91	6.46%
04/04/91	6.26%
05/02/91	6.07%
05/30/91	6.09%
06/27/91	6.39%
07/25/91	6.26%
08/22/91	5.68%
09/19/91	5.57%
10/17/91	5.42%
11/14/91	4.98%
12/12/91	4.41%
01/09/92	4.02%
02/06/92	4.21%
03/05/92	4.58%
04/02/92	4.55%
04/30/92	4.40%
05/28/92	4.26%
06/25/92	4.11%
07/23/92	3.51%
08/20/92	3.41%
09/17/92	3.13%
10/15/92	3.24%
11/17/92	3.76%

12/10/92	3.72%
01/07/93	3.67%
02/04/93	3.45%
03/04/93	3.21%
04/06/93	3.37%
04/30/93	3.25%
05/27/93	3.54%
06/24/93	3.54%
07/22/93	3.58%
08/19/93	3.43%
09/16/93	3.40%
10/14/93	3.38%
11/16/93	3.57%
12/09/93	3.61%
01/06/94	3.67%
02/03/94	3.74%
03/03/94	4.22%
03/31/94	4.51%
04/28/94	5.02%
5/26/94	5.28%
6/23/94	5.31%
7/21/94	5.49%
8/18/94	5.67%

9/15/94	5.69%
10/13/94	6.06%
11/10/94	6.482%
12/08/94	7.22%
1/5/95	7.34%
2/2/95	7.03%
3/2/95	6.57%
3/30/95	6.41%
4/27/95	6.28%
5/25/95	5.88%
6/22/95	5.53%
7/20/95	5.70%
8/17/95	5.89%
9/14/95	5.52%
10/12/95	5.62%
11/15/95	5.45%
12/7/95	5.35%
1/4/96	5.16%
2/1/96	4.89%
2/29/96	5.25%
4/2/96	5.46%
4/25/96	5.60%
5/23/96	5.62%

6/20/96	5.89%
7/18/96	5.81%
8/15/96	5.67%
9/12/96	5.90%
10/10/96	5.64%
11/7/96	5.49%
12/5/96	5.45%
1/2/97	5.61%
1/30/97	5.64%
2/27/97	5.67%
3/26/97	6.00%
4/24/97	6.06%
5/22/97	5.88%
6/19/97	5.65%
7/17/97	5.56%
8/14/97	5.58%
9/11/97	5.60%
10/9/97	5.49%
11/6/97	5.42%
12/4/97	5.468%
1/6/98	5.341%
1/29/98	5.232%
2/26/98	5.407%

3/26/98	5.391%
4/23/98	5.407%
5/21/98	5.434%
6/18/98	5.413%
7/16/98	5.375%
8/18/98	5.271%
9/15/98	4.730%
10/13/98	4.242%
11/9/98	4.616%
12/8/98	4.513%
1/5/99	4.545%
2/2/99	4.584%
3/2/99	4.918%
3/30/99	4.732%
4/27/99	4.727%
5/25/99	4.879%
6/22/99	5.163%
7/20/99	4.966%
8/17/99	5.224%
9/14/99	5.285%
10/13/99	5.411%
11/9/99	5.471%
12/7/99	5.670%

1/4/00	5.997%
2/1/00	6.287%
2/29/00	6.197%
5/31/00	6.375%
8/29/00	6.241%
11/28/00	6.052%

#### CROSS REFERENCES

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Interest on--

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Internal revenue tax cases, interest compounded daily, see [26 USCA § 6622](#).

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[62 ALR 4th 156](#), Prejudgment Interest Awards in Divorce Cases.

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## I. GENERALLY

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### 1. Constitutionality

This section is constitutional. [Weitz Co., Inc. v. Mo-Kan Carpet, Inc., C.A.8 \(Iowa\) 1983, 723 F.2d 1382. Interest !\[\]\(57c18b879714b128ac3cf0d79c251988\_img.jpg\) 3](#)

### 2. Construction

In action brought by United States pursuant to [section 3713\(a\) of Title 31](#), providing that a claim of the United States Government is given first priority of payment when a debtor is insolvent and makes a voluntary assignment of property, subsec. (a) of this section governed the calculation of interest, and not subsec. (c)(1) of this section. [U.S. v. Cole, C.A.9 \(Cal.\) 1984, 733 F.2d 651. Interest !\[\]\(540594218497cab4bac946b0ce928b87\_img.jpg\) 56](#)

### 3. Construction with other laws--Generally

Neither plain meaning of postjudgment interest statute when read together with statute regarding entry of judgment, nor equitable construction of postjudgment interest statute, supported denying plaintiffs postjudgment interest for four-month period between date judgment on jury verdict was entered and date district court denied defendant's motion for judgment notwithstanding the verdict. [Marshall v. Perez-Arzuaga, C.A.1 \(Puerto Rico\) 1989, 866 F.2d 521. Interest 🔑39\(3\)](#)

#### 4. ---- ERISA, construction with other laws

Federal postjudgment interest statute is applicable in ERISA cases. [Quesinberry v. Life Ins. Co. of North America, C.A.4 \(Va.\) 1993, 987 F.2d 1017. Interest 🔑31](#)

In contrast to discretionary pre-judgment interest, a prevailing party in an ERISA action is entitled to post-judgment interest as a matter of right. [Genworth Life and Health Ins. Co. v. Beverly, N.D.N.Y.2008, 547 F.Supp.2d 186. Labor And Employment 🔑639](#)

ERISA did not provide basis for doubling postjudgment interest awarded to pension fund in action brought against employers to recover delinquent contributions; at time of ERISA's enactment, this section provided statutory mechanism for assessment of postjudgment interest in federal court; therefore this section was one of provisions of existing federal law that ERISA did not displace. [I.A.M. Nat. Pension Fund, Plan A, A Benefits v. Slyman Industries, Inc., D.D.C.1989, 704 F.Supp. 301, affirmed 901 F.2d 127, 284 U.S.App.D.C. 21. Labor And Employment 🔑675](#)

#### 5. ---- Voting Rights Act, construction with other laws

Attorneys for plaintiffs who prevailed in suit under Voting Rights Act were not entitled to prejudgment interest on their attorney fee award, considering that statute which provides for attorneys fees under the Act states that the fee shall be "part of the costs," and that prejudgment interest does not apply to costs. [Campaign for a Progressive Bronx v. Black, S.D.N.Y.1986, 631 F.Supp. 975. Interest 🔑39\(2.45\)](#)

#### 6. Purpose

Purpose of postjudgment interest is to compensate successful plaintiff for being deprived of compensation for loss from time between ascertainment of damage and payment by defendant. [Kaiser Aluminum & Chemical Corp. v. Bonjorno, U.S.Pa.1990, 110 S.Ct. 1570, 494 U.S. 827, 108 L.Ed.2d 842, on remand. Interest 🔑39\(3\)](#)

Purpose of awarding interest to a party recovering a money judgment is to compensate the wronged person from being deprived of the monetary value of the loss from the time of the loss to the payment of the money judgment. [Turner v. Japan Lines, Ltd., C.A.9 \(Or.\) 1983, 702 F.2d 752. Interest 🔑39\(1\)](#)

Postjudgment interest is designed to compensate plaintiff for any delay suffered from time damages are reduced to enforceable judgment to time defendant pays judgment. [Rose v. Ireco Inc., N.D.N.Y.1994, 872 F.Supp. 1127. Interest 🔑39\(3\)](#)

Just as prejudgment interest provides full compensation for defendant's patent infringement up until time of judgment, post-judgment interest provides relief from delay in compensation that results, not merely from defendant's decision to appeal, but ultimately from defendant's wrongful infringement and refusal to pay patent owner royalties under his patent. [Devex Corp. v. General Motors Corp., D.C.Del.1984, 579 F.Supp. 690, 222 U.S.P.Q. 22, affirmed 746 F.2d 1466, affirmed 746 F.2d 1468, affirmed 746 F.2d 1469. Patents 🔑319\(4\)](#)

#### 7. Retroactive effect of amendments

Amendment of postjudgment interest statute was not retroactively applicable to judgment entered before effective date of amendment. [Kaiser Aluminum & Chemical Corp. v. Bonjorno, U.S.Pa.1990, 110 S.Ct. 1570, 494 U.S. 827, 108 L.Ed.2d 842, on remand. Interest !\[\]\(144bd6ca55a232a7ce6ff9d490e451c8\_img.jpg\)39\(3\)](#)

Change in the rate of interest to be paid on judgments in civil actions against the United States under revised statute does not apply to judgments entered prior to effective date of statute, October 1, 1982. [Brooks v. U.S., C.A.5 \(Tex.\) 1985, 757 F.2d 734. Interest !\[\]\(909ff976bf47376a7a813dc1902dc014\_img.jpg\)30\(3\)](#)

Amendment to this section establishing new method for calculating postjudgment interest on federal judgments would not be applied retroactively in private antitrust suit, merits of which were pending on date amendment became effective, where no national interests were affected by outcome of collateral action to secure increase in rate of postjudgment interest, defendant had a right to rely on continued accrual of interest at old rate as embodied in former statute and as embodied in stipulation between parties pertaining to interest rate to be applied throughout pendency of appellate review, and defendant was prejudiced in that it might have paid the judgment immediately rather than incur additional liability if it knew that it would be subjected to increased interest. [Litton Systems, Inc. v. American Telephone and Telegraph Co., C.A.2 \(N.Y.\) 1984, 746 F.2d 168. Interest !\[\]\(7e46b98862b032bac4dfd70e25da77c3\_img.jpg\)56](#)

Veteran who was denied reemployment was entitled to interest at rate equal to coupon issue yield equivalent, as determined by Secretary of Treasury, of average accepted auction price for last auction of 52-week United States treasury bill settled immediately prior to date from which prejudgment interest was awarded, even though applicable date for calculating interest rate predated effective date of federal postjudgment interest statute. [Thomas v. City & Borough of Juneau, D.Alaska 1986, 638 F.Supp. 303. Interest !\[\]\(76a3e3fa4264769e246efa8017fe5370\_img.jpg\)31](#)

Provision in Federal Courts Improvement Act, Pub.L. 97-164, Apr. 2, 1982, 96 Stat. 25, which amended this section, establishing higher rate of postjudgment interest received by prevailing parties in federal court litigation did not apply to judgment which was entered before effective date of Act even though litigation was not concluded until after effective date when Supreme Court denied certiorari. [U.S. for Use of Billows Elec. Supply Co., Inc. v. E.J.T. Const. Co., Inc., E.D.Pa.1983, 557 F.Supp. 514, affirmed 729 F.2d 1450. Interest !\[\]\(3f1d9e9f6bcc0837db71d34c7a09f75d\_img.jpg\)30\(3\)](#)

#### 8. Law governing--Generally

In diversity case, postjudgment interest is governed by federal statute. [Schipani v. McLeod, C.A.2 \(N.Y.\) 2008, 2008 WL 2890466. Federal Courts !\[\]\(79590a370fd576bc4ea1423639c518eb\_img.jpg\)415](#)

City was required to pay interest on judgments entered in federal court at rate established by this section on all judgments entered after statute's effective date, regardless of interest limit set by state statute. [Evans v. City of Chicago, C.A.7 \(Ill.\) 1989, 873 F.2d 1007, rehearing denied, certiorari denied 110 S.Ct. 2560, 495 U.S. 956, 109 L.Ed.2d 742. Federal Courts !\[\]\(7c3d2608a7a555c07f6aa454ffa411df\_img.jpg\)415](#)

Award of postjudgment interest on claims alleging violations of federal antitrust laws was governed by federal law rather than state substantive law. [Bonjorno v. Kaiser Aluminum & Chemical Corp., C.A.3 \(Pa.\) 1989, 865 F.2d 566, rehearing denied, certiorari granted 109 S.Ct. 3184, 491 U.S. 903, 105 L.Ed.2d 693, affirmed in part, reversed in part on other grounds 110 S.Ct. 1570, 494 U.S. 827, 108 L.Ed.2d 842, on remand. Interest !\[\]\(a30b5314efefb0416f322d92d9011828\_img.jpg\)39\(3\)](#)

Federal, rather than state, law governed entitlement to, and rate of, postjudgment interest in action brought pursuant to Price-Anderson Atomic Energy Act. [Cook v. Rockwell Intern. Corp., D.Colo.2008, 564 F.Supp.2d 1189. Federal Courts !\[\]\(c2ecea60f1990c304f36f34e0bfaef4d\_img.jpg\)415](#)

When a judgment is based on violations of both federal and state law, courts apply a federal interest rate, most commonly

based on the average rate of return on one-year Treasury bills for the relevant period of time. [Kinneary v. City of New York, S.D.N.Y.2008, 536 F.Supp.2d 326. Federal Courts 🔑415; Interest 🔑31](#)

Appropriate rate of pre-judgment interest on Title VII damages award for lost wages was interest rate set by federal statute, not New York State rate of 9%. [Cioffi v. New York Community Bank, E.D.N.Y.2006, 465 F.Supp.2d 202. Federal Courts 🔑415](#)

Federal rate, rather than state rate, applied to all post judgment interest awarded against city employer in Title VII case. [McDonough v. City of Quincy, D.Mass.2005, 353 F.Supp.2d 179. Federal Courts 🔑415](#)

After jury verdict in favor of police officer on her federal and state retaliation claims against county police department and certain department officials, officer was entitled to prejudgment interest on jury award of back pay calculated pursuant to federal interest rate, not prejudgment interest rate set forth in state law. [Collins v. Suffolk County Police Dept., E.D.N.Y.2004, 349 F.Supp.2d 559. Federal Courts 🔑415; Interest 🔑31; Interest 🔑39\(2.40\)](#)

Postjudgment interest must be set at rate allowed under federal law, rather than at rate for prejudgment interest under Missouri state law. [State of Mo. ex rel. Pemiscot County, Mo. v. Western Sur. Co., E.D.Mo.1994, 852 F.Supp. 23, reversed 51 F.3d 170. Interest 🔑31](#)

Federal, rather than state, law governs award of interest on Miller Act claim. [U.S. for Use and Benefit of Mid Seven Transp. v. Blinderman Const. Co., Inc., N.D.Ill.1990, 735 F.Supp. 272. Interest 🔑2](#)

#### 9. ---- Attorney fees, law governing

Postjudgment interest on an attorney fees award is question of federal law, controlled by statute, regardless whether the fees were awarded under a federal statute or a pendent state statute. [Mid-America Federal Sav. & Loan Ass'n v. Shearson/American Exp., Inc., C.A.10 \(Okla.\) 1992, 962 F.2d 1470. Interest 🔑39\(3\)](#)

Federal law was applicable to determine whether prevailing plaintiff in diversity action was entitled to postjudgment interest on attorney fees, in that imposition of interest on fees was mere procedural matter. Transpower Constructors, a Div. of Harrison Intern. Corp. [v. Grand River Dam Authority, C.A.10 \(Okla.\) 1990, 905 F.2d 1413. Interest 🔑2](#)

In treble damage antitrust action, question of whether plaintiffs should be awarded interest on attorney fees allowed as costs was matter to be determined by federal, not state, law. [Carpa, Inc. v. Ward Foods, Inc., C.A.5 \(Tex.\) 1978, 567 F.2d 1316. Federal Courts 🔑433](#)

#### 10. ---- Diversity actions, law governing

Postjudgment interest rate in diversity action was to be determined by federal statute, rather than Arkansas prejudgment interest statute. [Mobil Exploration & Producing North America, Inc. v. Graham Royalty Ltd., C.A.8 \(Ark.\) 1990, 910 F.2d 504. Interest 🔑38\(1\)](#)

Federal, rather than state, postjudgment interest rate applied in diversity action. [Adams-Arapahoe Joint School Dist. No. 28-J v. Continental Ins. Co., C.A.10 \(Colo.\) 1989, 891 F.2d 772. Federal Courts 🔑415](#)

Federal interest rate, rather than state rate, applied to award of postjudgment interest in federal diversity action. [Forest Sales Corp. v. Bedingfield, C.A.4 \(S.C.\) 1989, 881 F.2d 111. Federal Courts 🔑415](#)

This section was applicable to judgment entered in federal district court, even though court's jurisdiction was based on diversity of citizenship. [Chapman & Cole v. Itel Container Intern. B.V., C.A.5 \(Tex.\) 1989, 865 F.2d 676](#), certiorari denied [110 S.Ct. 201, 493 U.S. 872, 107 L.Ed.2d 155](#), dissenting opinion [110 S.Ct. 261, 493 U.S. 901, 107 L.Ed.2d 210](#), rehearing denied [110 S.Ct. 1515, 494 U.S. 1050, 108 L.Ed.2d 651](#). [Interest](#) 🔑28

Amended federal postjudgment interest statute applies in diversity cases. [Nissho-Iwai Co., Ltd. v. Occidental Crude Sales, Inc., C.A.5 \(Tex.\) 1988, 848 F.2d 613](#). [Federal Courts](#) 🔑415

Federal interest rate rather than state rate governed with respect to award of postjudgment interest in diversity action. [Everaard v. Hartford Acc. and Indem. Co., C.A.10 \(Okla.\) 1988, 842 F.2d 1186](#). [Federal Courts](#) 🔑415

In diversity suit, district court, in awarding postjudgment interest, correctly applied federal interest statute rather than higher state interest statute. [G.M. Brod & Co., Inc. v. U.S. Home Corp., C.A.11 \(Fla.\) 1985, 759 F.2d 1526](#). [Interest](#) 🔑31

State law governs interest rate on judgment in diversity case entered before October 1, 1982. [International Telemeter Corp. v. Hamlin Intern. Corp., C.A.9 \(Wash.\) 1985, 754 F.2d 1492, 225 U.S.P.Q. 548](#). [Interest](#) 🔑28

In diversity-contract dispute in which general contractor filed suit against subcontractor to recover damages because of latter's nonperformance of construction contract, federal law governed award of postjudgment interest while state law governed award of prejudgment interest. [Weitz Co., Inc. v. Mo-Kan Carpet, Inc., C.A.8 \(Iowa\) 1983, 723 F.2d 1382](#). [Federal Courts](#) 🔑415

Federal law governs an award of post-judgment interest in a case arising out of federal court, even if federal court jurisdiction is based upon diversity of citizenship. [Maddox v. American Airlines, Inc., E.D.Ark.2000, 115 F.Supp.2d 993](#), affirmed in part, reversed in part [298 F.3d 694](#), rehearing and rehearing en banc denied, certiorari denied [123 S.Ct. 1273, 537 U.S. 1192, 154 L.Ed.2d 1026](#). [Federal Courts](#) 🔑415

Appropriate postjudgment interest rate in all cases in federal court, including diversity cases, is governed by federal law. [Plaut v. Estate of Rogers, D.Colo.1997, 959 F.Supp. 1302](#). [Interest](#) 🔑28

Statute dealing with postjudgment interest on money judgments awarded in federal district court applies in diversity cases. [F.D.I.C. v. Fidelity and Deposit Co. of Maryland, M.D.La.1993, 827 F.Supp. 385](#), affirmed [45 F.3d 969](#), rehearing denied. [Interest](#) 🔑39(3)

Treasury bills rate specified in 1982 amendment to federal postjudgment interest statute, rather than Illinois interest statute, applied to calculate postjudgment interest to which mortgagee was entitled in mortgage foreclosure action that was grounded in diversity. [World Sav. & Loan Ass'n v. Jakubiec, N.D.Ill.1992, 793 F.Supp. 825](#). [Interest](#) 🔑31

Amended statute governing interest on civil money judgment recovered in district court does not apply to diversity cases; accordingly, judgment in diversity breach of contract action would stipulate interest at legal rate fixed by Louisiana law. [Freedline v. Luxemburg, M.D.La.1988, 682 F.Supp. 311](#). [Interest](#) 🔑31

Since plaintiff invoked federal forum in diversity action to confirm arbitration award, federal statute governing interest rate applied, interest plaintiff sought was not strictly prejudgment. [Fort Hill Builders v. National Grange Mut. Ins. Co., D.R.I.1988, 682 F.Supp. 145](#), affirmed in part, reversed in part on other grounds [866 F.2d 11](#), rehearing denied. [Federal Courts](#) 🔑415

Statute providing for federal rate of postjudgment interest applied to action based upon diversity. [Harmon v. Clark Equipment Co., D.Me.1987, 657 F.Supp. 873](#). [Interest](#) 🔑31

In diversity case for breach of contract for sale of goods, the postjudgment interest was governed by federal statute, and not by state statutory rate of interest; declining to follow [Davis & Cox v. Summa Corp.](#), 751 F.2d 1507 (9th Cir.); [Lazzara v. Esser](#), 622 F.Supp. 48 (N.D.Ill.). [Commonwealth Edison Co. v. Decker Coal Co.](#), N.D.Ill.1987, 653 F.Supp. 841. [Federal Courts](#) 415

State law on recovery of interest in diversity actions is displaced at postjudgment phase by federal statute authorizing post-judgment interest; declining to follow [Lazzara v. Esser](#), 622 F.Supp. 48 (N.D.Ill.). [Lowell Staats Min. Co., Inc. v. Pioneer Uravan, Inc.](#), D.Colo.1986, 645 F.Supp. 254, reversed on other grounds 878 F.2d 1259. [Federal Courts](#) 415

Federal postjudgment interest statute, 28 U.S.C.A. § 1961, did not apply to federal diversity action arising from alleged breach of contract to procure automobile liability insurance which was based exclusively on state law. [Lazzara v. Esser](#), N.D.Ill.1985, 622 F.Supp. 48. [Federal Courts](#) 415

Awards of postjudgment interest in federal courts, even in diversity cases, are governed by federal statute. [Bodine v. Federal Kemper Life Assur. Co.](#), M.D.Fla.1992, 138 B.R. 88, on reconsideration. [Interest](#) 39(3)

#### 11. Statutory nature of section

Civil litigants who win money judgments in district courts are statutorily entitled to postjudgment interest, and expressly awarding them such interest as part of judgment is redundant. [Pace Communications, Inc. v. Moonlight Design, Inc.](#), C.A.7 (Ill.) 1994, 31 F.3d 587. [Interest](#) 39(3)

Postjudgment interest is awarded by statute as a matter of law so it is automatically added, whether or not district court orders it. [Dunn v. HOVIC](#), C.A.3 (Virgin Islands) 1993, 13 F.3d 58. [Interest](#) 39(3)

Postjudgment interest is a creature of statute. [Williamsburg Wax Museum, Inc. v. Historic Figures, Inc.](#), C.A.D.C.1987, 810 F.2d 243, 258 U.S.App.D.C. 124. [Interest](#) 39(3)

Postjudgment interest is creature of statute and is not discretionary with court. [E.I. Dupont de Nemours v. Robin Hood Shifting and Fleeting Service, Inc.](#), E.D.La.1989, 704 F.Supp. 108. [Interest](#) 39(3)

#### 12. Mandatory nature of section

Award of post judgment interest is mandatory. [Schipani v. McLeod](#), C.A.2 (N.Y.) 2008, 2008 WL 2890466. [Interest](#) 39(3)

District court had no discretion to deny postjudgment interest based solely on party's failure to cite this section. [Bell, Boyd & Lloyd v. Tapy](#), C.A.7 (Ill.) 1990, 896 F.2d 1101. [Interest](#) 66

Language of 28 U.S.C.A. § 1961(a), which provides interest rate on postjudgment interest is mandatory in cases awarding postjudgment interest, and therefore, district court abused its discretion in failing to award discharged employees statutory interest rate on their back wages under Fair Labor Standards Act. [Ford v. Alfaro](#), C.A.9 (Cal.) 1986, 785 F.2d 835. [Interest](#) 31

Interest accrues from date of a judgment whether or not judgment expressly includes it because such interest follows as a legal incident from statute providing for it; this section does not differentiate between stipulated judgments and other judgments. [Wagoner v. R. McGray, Inc.](#), C.A.9 (Cal.) 1984, 743 F.2d 643. [Interest](#) 39(3)

Award of postjudgment interest is a matter of course in civil actions in federal courts. [Donovan v. Sovereign Sec., Ltd., C.A.2 \(N.Y.\) 1984, 726 F.2d 55. Interest 39\(2.6\)](#)

District court, following Court of Appeals' mandate increasing amount of district court award but not mentioning interest, properly denied employee postjudgment interest on an award of wages under Fair Labor Standards Act, however, employee was entitled to change in Court of Appeals' mandate to provide for entry of postjudgment interest award; interest was allowable of right, not as a matter of discretion, and failure of employee to brief the issue was an oversight, not a waiver. [Reeves v. International Tel. & Tel. Corp., C.A.5 \(La.\) 1983, 705 F.2d 750, rehearing granted 709 F.2d 358. Federal Courts 953; Labor And Employment 2392](#)

Claims for reasonable attorneys' fees, being unliquidated until they are determined by a court, are not entitled to prejudgment interest as would be certain liquidated claims, but once a judgment is obtained, interest thereon is mandatory without regard to elements of which that judgment is composed. [Perkins v. Standard Oil Co. of California, C.A.9 \(Or.\) 1973, 487 F.2d 672. Interest 39\(2.20\)](#)

Regardless of whether judgment contains specific award of interest, once final judgment has been entered in a civil suit in federal court, prevailing party becomes a judgment creditor who is entitled to postjudgment interest under mandatory terms of statute. [Wilson v. U.S., D.N.J.1991, 756 F.Supp. 213. Interest 39\(3\)](#)

Postjudgment interest pursuant to this section is nondiscretionary. [Whelan Associates, Inc. v. Jaslow Dental Laboratory, Inc., E.D.Pa.1985, 609 F.Supp. 1325, 226 U.S.P.Q. 1013. Interest 39\(3\)](#)

Allowance of interest in a federal civil suit is not a matter of discretion, but is mandatory; interest is payable on a judgment regardless of whether the judgment order expressly calls for postjudgment interest. [White v. Bloomberg, D.C.Md.1973, 360 F.Supp. 58, affirmed 501 F.2d 1379. Interest 22\(3\); Interest 22\(5\)](#)

Federal district court does not have discretion to "impose" postjudgment interest at rate other than that specified in federal postjudgment interest statute; however, statute does not prohibit parties from stipulating to different postjudgment interest rate. [In re Connaught Properties, Inc., Bkrcty.D.Conn.1995, 176 B.R. 678. Interest 31; Interest 38\(1\); Stipulations 3](#)

Award of postjudgment interest is mandatory. [In re Vic Bernacchi & Sons, Inc., Bkrcty.N.D.Ind.1994, 170 B.R. 647. Interest 39\(3\)](#)

### 13. Duty of court

Interest on judgment being matter of statutory regulation, courts were bound to give or withhold interest as former § 811 of this title [now this section] directed. [Blair v. Durham, C.C.A.6 \(Tenn.\) 1943, 139 F.2d 260. Interest 22\(1\)](#)

### 14. Power of court--Generally

Even if this section making postjudgment interest mandatory for money judgment does not apply in action in equity, equity court has power to grant interest by analogy to this section. [Donovan v. Sovereign Sec., Ltd., C.A.2 \(N.Y.\) 1984, 726 F.2d 55. Interest 39\(2.6\)](#)

### 15. ---- Court of appeals, power of court

This section is authority for court of appeals to include award of interest in its mandate when it orders that a judgment be reversed and that a judgment for money be entered by the district court. [Turner v. Japan Lines, Ltd., C.A.9 \(Or.\) 1983, 702 F.2d 752.](#)

#### 16. Bankruptcy courts

Federal statute providing that interest shall be allowed on any money judgment in civil case applies in bankruptcy context. [In re Pester Refining Co., C.A.8 \(Iowa\) 1992, 964 F.2d 842. Interest 🔑2](#)

Federal postjudgment interest statute applies to judgments entered by bankruptcy court. [Ocasek v. Manville Corp. Asbestos Disease Compensation Fund, C.A.7 \(Ill.\) 1992, 956 F.2d 152. Interest 🔑39\(3\)](#)

Federal Deposit Insurance Corporation (FDIC), as bank's receiver, did not show that preference was granted to judgment creditor by payment of post-judgment interest, which represented only time value of money, such that FDIC was relieved of obligation to pay such interest pursuant to its claim-prioritizing scheme. [Waterview Management Co. v. F.D.I.C., D.D.C.2003, 257 F.Supp.2d 31. Banks And Banking 🔑505; Interest 🔑39\(3\)](#)

Under this section providing that interest shall be allowed on any money judgment in a civil case, a bankruptcy proceeding is a "civil case" and judgments in bankruptcy proceedings are subject to interest. [Woolfson v. Doyle, S.D.N.Y.1960, 180 F.Supp. 86. Interest 🔑22\(3\)](#)

Federal statute governing whether postjudgment interest is awarded on a federal court judgment applies to bankruptcy court judgments, since bankruptcy court is unit of district court. [In re Harvard Knitwear, Inc., Bkrcty.E.D.N.Y.1996, 193 B.R. 389. Interest 🔑39\(3\)](#)

Federal statute governing postjudgment interest awards applies to judgments entered by bankruptcy court. [In re Vic Bernacchi & Sons, Inc., Bkrcty.N.D.Ind.1994, 170 B.R. 647. Interest 🔑31](#)

Federal statute providing that interest shall be allowed on any civil money judgment in district court applies in adversary proceedings in bankruptcy courts. [In re Southern Indus. Banking Corp., Bkrcty.E.D.Tenn.1988, 87 B.R. 518. Interest 🔑22\(1\)](#)

Provision in federal statute on legal rate of interest on federal judgments indicating that section only applies to district courts applies to bankruptcy courts, which are units of the district court. [In re Goldblatt Bros., Inc., Bkrcty.N.D.Ill.1986, 61 B.R. 459. Interest 🔑38\(1\)](#)

#### 17. Court of International Trade

General interest provision applicable to all federal district courts applied to money judgment obtained by Government in civil action in Court of International Trade against surety to recover liquidated damages for breach of bond agreement; however, since any injury to Government was in good measure related to its own laxness in initiating the action, fairness did not dictate granting of prejudgment interest. [U.S. v. Atkinson, CIT 1983, 575 F.Supp. 791, 6 C.I.T. 257. Interest 🔑22\(1\); Interest 🔑39\(2.20\)](#)

#### 18. District courts

Term, "district court," as used in statute providing for calculation of interest on any money judgment in a civil case recovered in a district court, includes judgments recovered in the District Court for the Virgin Islands, notwithstanding statutory admonition that statute is not to be construed to affect the interest on judgments of "any court not specified in this section" and absence of District Court for Virgin Islands from district courts constituted by chapter 5 of Title 28, given Congressional in-

tent to standardize calculation of interest on civil judgments obtained in federal courts. [Alkon v. U.S., C.A.3 \(Virgin Islands\) 2001, 239 F.3d 565. Interest ☞22\(3\)](#)

### 19. Appellate courts--Generally

Former § 811 of this title [now this section] did not apply to decrees in equity nor extend to judgments or decrees of an appellate court. [Clarke v. Hot Springs Electric Light & Power Co., C.C.A.10 \(Wyo.\) 1935, 76 F.2d 918, certiorari denied 56 S.Ct. 147, 296 U.S. 624, 80 L.Ed. 443](#). See, also, [Perkins v. Fourniquet, Miss.1852, 14 How. 328, 14 L.Ed. 441](#); [The New York, Mich.1901, 108 F. 102, 47 C.C.A. 232](#), affirmed [23 S.Ct. 504, 189 U.S. 363, 47 L.Ed. 854](#); [Hagerman v. Moran, Nev.1896, 75 F. 97, 21 C.C.A. 242. Interest ☞22\(3\)](#)

### 20. ---- Supreme Court, appellate courts

Former § 811 of this title [now this section] did not apply to judgments and decrees in the Supreme Court but was confined to judgments at law in the district court. [Perkins v. Fourniquet, U.S.Miss.1852, 55 U.S. 328, 14 How. 328, 14 L.Ed. 441](#). See, also, [Hagerman v. Moran, Nev.1896, 75 F. 97, 21 C.C.A. 242](#).

### 21. Agency actions

This section providing for interest, applying by its terms only to civil cases in United States District Court, was not applicable to refund order of Federal Power Commission. [Gulf Oil Corp. v. F.P.C., C.A.3 1977, 563 F.2d 588, certiorari denied 98 S.Ct. 1235, 434 U.S. 1062, 55 L.Ed.2d 762](#), rehearing denied [98 S.Ct. 1632, 435 U.S. 981, 56 L.Ed.2d 74](#), certiorari dismissed [98 S.Ct. 1462, 435 U.S. 911, 55 L.Ed.2d 502. Gas ☞14.6](#)

### 22. Admiralty and maritime actions

This section providing that all money judgments recovered in civil cases in federal district courts automatically bear interest from date of entry is applicable to judgments rendered in admiralty. [Gele v. Wilson, C.A.5 \(La.\) 1980, 616 F.2d 146. Interest ☞39\(3\)](#)

Owner of oil and gas platform with which vessel allided would be awarded prejudgment interest, where vessel owner argued only that prejudgment interest should be denied because platform owner's claim was inflated, damages award was not substantially less than amount platform owner claimed, and no peculiar circumstances existed that would make it inequitable for vessel owner to pay prejudgment interest. [Basin Exploration, Inc. \(Delaware\) v. Tidewater, Inc., E.D.La.2004, 353 F.Supp.2d 662](#), affirmed [139 Fed.Appx. 605, 2005 WL 1629794. Interest ☞39\(2.25\)](#)

This section providing that all money judgments recovered in civil cases in federal district courts automatically bear interest from date of entry of judgment is applicable to judgments rendered in admiralty just as it is to judgments in traditional civil litigations. [Flowers Transp., Inc. v. M/V Peanut Hollinger, E.D.La.1982, 94 F.R.D. 99. Interest ☞39\(3\)](#)

### 23. Actions constituting judgment--Generally

District court's liability determination in favor of prime contractor and against blasting subcontractor in contract dispute was not a "judgment" triggering computation of interest on subsequent damage award, where other issues remained to be resolved and neither party moved for entry of judgment. [Explosives Corp. of America v. Garlam Enterprises Corp., C.A.1 \(Puerto Rico\) 1987, 817 F.2d 894, certiorari denied 108 S.Ct. 286, 484 U.S. 925, 98 L.Ed.2d 247, certiorari denied 108 S.Ct. 287, 484 U.S. 925, 98 L.Ed.2d 247. Interest ☞21](#)

Trial court's oral expression of future intention to render judgment in certain form did not constitute a judgment and may be

disregarded by reviewing court for all purposes of issues relating to prevailing party's right to interest on award. [Duffer v. American Home Assur. Co., C.A.5 \(Tex.\) 1975, 512 F.2d 793](#). Interest 22(1); Judgment 191

An entry of judgment by court on verdict of jury in favor of plaintiff on issues made by original complaint and answer in action wherein there remained pending a third-party claim to money, was not a money judgment upon which interest must be allowed as provided in this section, prior to “an express determination by the court that there is no just reason for delay” and “an express direction for the entry of judgment.” [Howell v. Sinclair Refining Co., N.D.Ala.1957, 20 F.R.D. 623](#). Interest 22(3)

Opinion and “judgment” of the Court of Appeals for the Federal Circuit was not a “final judgment” within meaning of statute providing for the payment of interest on final judgments against the United States in the Court of Appeals for the Federal Circuit, where the opinion and “judgment” was on remand from the Supreme Court and affirmed prior judgments of the Court of Federal Claims, and did not substitute the Federal Circuit's own judgment. [Marathon Oil Co. v. U.S., Fed.Cl.2003, 56 Fed.Cl. 768](#), affirmed [374 F.3d 1123](#), rehearing and rehearing en banc denied, certiorari denied [125 S.Ct. 2246, 544 U.S. 1031, 161 L.Ed.2d 1057](#). Interest 22(3)

Creditor was not entitled to postjudgment interest pursuant to statute providing that interest shall be allowed on any money judgment in civil case recovered in district court where bankruptcy court entered judgment which quantified debt and determined that debt was nondischargeable as such judgment was declaratory and not money judgment. [In re Thrall, Bkrcty.D.Colo.1996, 196 B.R. 959](#). Bankruptcy 2836

#### 24. ---- Settlements, actions constituting judgment

This section, providing that interest shall be allowed on any money judgment in a civil case recovered in a district court is intended to allow postjudgment interest on money awarded by a judge or jury after litigation, and is not intended to apply to extend to court-approved settlement agreements. [Kincade v. General Tire and Rubber Co., W.D.Tex.1982, 540 F.Supp. 115](#), reversed on other grounds [716 F.2d 319](#). Interest 21

#### 25. ---- Appealed judgments, actions constituting judgment

Fact that recipient of award of costs took appeal from order reducing award did not prevent postjudgment interest from running on award; any equitable considerations were to be addressed through district court's discretionary power to deny or apportion costs, not by disallowing interest. [Wheeler v. John Deere Co., C.A.10 \(Kan.\) 1993, 986 F.2d 413](#). Interest 53

#### 26. ---- Vacated judgments, actions constituting judgment

In most instances where lower court judgment is later invalidated on appeal, extent of invalidation determines whether first judgment or remand judgment triggers accrual of postjudgment interest; in instances in which reversal is not on any basic liability errors or errors in procedure which affected basic issues, postjudgment interest accrues on date of first judgment. [Jane L. v. Bangerter, D.Utah 1996, 920 F.Supp. 1202](#). Interest 39(3)

Former employee in age discrimination suit was not entitled to postjudgment interest on jury's willfulness verdict which was vacated by Supreme Court and never reinstated; employee and employer reached settlement on willfulness issue. [Coston v. Plitt Theatres, Inc., N.D.Ill.1989, 727 F.Supp. 385](#). Interest 39(2.45)

#### 27. Principal amount--Generally

Entire judgment including compensatory and punitive damages as well as attorney fees was required to be considered principal in calculation of postjudgment interest at rate of 8.24% per annum. [Mill Pond Associates, Inc. v. E & B Giftware, Inc.,](#)

[D.Mass.1990, 751 F.Supp. 299](#). [Interest 31](#); [Interest 56](#)

### 28. ---- Gross or net amounts, principal amount

Under federal interest statute, post-judgment interest on employee's FELA award would be based on net judgment that remained following deductions for wage advances and sickness benefits employee had previously received, rather than on gross judgment; allowing interest on amounts already paid would result in windfall, would be inconsistent with statute's purpose, and would have chilling effect on providing pre-litigation benefits to future plaintiffs. [Kossman v. Northeast Illinois Regional Commuter Railroad Corp., N.D.Ill.2000, 114 F.Supp.2d 727](#). [Interest 56](#)

Statutory postjudgment interest due to employment discrimination plaintiff on his back pay award was to be calculated on basis of gross amount rather than net after-tax amount of back pay award; to allow employer to pay interest only on net back pay amount would have given employer a benefit that it did not earn. [Artis v. U.S. Industry and Intern. Ass'n of Machinists and Aerospace Workers, N.D.Ill.1993, 822 F.Supp. 510](#). [Interest 56](#)

### 29. Attorney fees

This section, which provides for interest on money judgments in civil cases, is inapplicable to grant of attorneys' fees in bankruptcy case. [St. Paul Fire & Marine Ins. Co. v. Vaughn, C.A.4 \(Va.\) 1985, 779 F.2d 1003](#). [Bankruptcy 2181](#)

Postjudgment interest begins to accrue on judgment for attorney fees on date fees were meaningfully ascertained and included in final appealable judgment. [Jane L. v. Bangerter, D.Utah 1996, 920 F.Supp. 1202](#). [Interest 39\(3\)](#)

Statute providing for interest on judgments did not allow attorneys representing securities fraud class action plaintiffs to interest from period commencing on date that court made allocation of fees in connection with settlement approval and date when funds were paid to their clients; attorneys fees were contingent upon receipt of payment by clients. [In re Ivan F. Boesky Securities Litigation, S.D.N.Y.1996, 913 F.Supp. 256](#). [Interest 39\(1\)](#)

Plaintiff could receive interest on award of attorney fees when judgment was inclusive of such award. [Raff v. Maggio, E.D.N.Y.1990, 746 F.Supp. 1207](#). [Interest 21](#)

Postjudgment interest was due on attorney fee award in employment discrimination action, where judgment provided for postjudgment interest and did not differentiate between back-pay award and attorney fee award with respect to such interest. [Littlejohn v. Null Mfg. Co., W.D.N.C.1985, 619 F.Supp. 149](#). [Interest 39\(3\)](#)

Attorney fee award was part of judgment, and thus interest was to be allowed on such fees. [Fleet Inv. Co., Inc. v. Rogers, W.D.Okla.1980, 505 F.Supp. 522](#). [Interest 22\(1\)](#)

### 30. Back pay

Employee who prevailed in age discrimination action against employer under Title VII and Puerto Rico anti-discrimination law was entitled to postjudgment interest for Puerto Rico law claims, as well as prejudgment interest on back pay and post-judgment interest as to punitive damages award, but was not entitled to prejudgment interest as to Puerto Rico claims or punitive damages award; employee did not demonstrate that employer acted in obstinate manner during litigation so as to support claim to prejudgment interest on entire amount of damages under Puerto Rico law, and employee was entitled to prejudgment interest as to back pay award and post-judgment interest pursuant to federal law governing civil cases in order to compensate employee during period she was discharged through trial in which she proved employer's intentional discrimination. [Torres v. Caribbean Forms Mfr., D.Puerto Rico 2003, 286 F.Supp.2d 209](#), affirmed and remanded [399 F.3d 52](#). [Interest 39\(2.45\)](#); [Interest 39\(2.55\)](#); [Interest 39\(3\)](#)

Successful age discrimination plaintiff was entitled to postjudgment interest on his award of back pay and liquidated damages. [Tennes v. Com. of Mass., Dept. of Revenue, N.D.Ill.1990, 745 F.Supp. 1352](#), affirmed [944 F.2d 372](#). [Civil Rights](#)  [1576\(2\)](#); [Interest](#)  [39\(3\)](#)

Where amount of back wages and rate of pay after reinstatement were known on date of reinstatement, as were facts in connection with amount wrongfully discharged postal service employee earned between discharge and reinstatement, only simple mathematical calculations were required to determine dollar amount of back wages and, accordingly, order requiring reinstatement and back pay constituted a “money judgment” within meaning of this section providing that interest shall be allowed on any money judgment in a civil case recovered in district court. [White v. Bloomberg, D.C.Md.1973, 360 F.Supp. 58](#), affirmed [501 F.2d 1379](#). [Interest](#)  [22\(3\)](#)

### 31. Contract interest damages

Bank which prevailed on its claim under loan-participation agreement was entitled to award of postjudgment interest on that part of damages made up of contract interest accrued through date of judgment; contract interest was properly awarded as element of bank's money damages, and postjudgment interest must be awarded on entire amount of judgment for money damages. [Drovers Bank of Chicago v. National Bank and Trust Co. of Chariton, C.A.8 \(Iowa\) 1987, 829 F.2d 20](#). [Interest](#)  [39\(3\)](#)

### 32. Costs

Plaintiff was not entitled to interest on its award of costs, where Court of Appeals vacated judgment and remanded breach of contract case without instruction that such interest be paid. [Roboserve, Inc. v. Kato Kagaku Co., Ltd., N.D.Ill.1996, 942 F.Supp. 1199](#). [Federal Courts](#)  [953](#)

Employment discrimination plaintiff was entitled to statutory interest on attorney fees and costs portion of judgment. [Artis v. U.S. Industry and Intern. Ass'n of Machinists and Aerospace Workers, N.D.Ill.1993, 822 F.Supp. 510](#). [Interest](#)  [22\(9\)](#)

Where final judgment in patent action ordered defendant to pay plaintiffs a specified amount plus prejudgment interest, plus postjudgment interest, with costs, and both court of appeals and Supreme Court treated the award of costs as part of the judgment from which defendant appealed, costs were to be considered a part of the judgment for purposes of this section making the allowance of interest on a district court judgment mandatory. [Devex Corp. v. General Motors Corp., D.C.Del.1983, 577 F.Supp. 429](#), affirmed [749 F.2d 1020](#), [224 U.S.P.Q. 544](#), certiorari denied [106 S.Ct. 68](#), [474 U.S. 819](#), [88 L.Ed.2d 55](#). [Interest](#)  [22\(9\)](#)

### 33. Liquidated damages

Stewardesses who obtained awards of liquidated damages under [section 206\(d\) of Title 29](#), were entitled to postjudgment interest on all elements of the judgment, including liquidated damages. [Laffey v. Northwest Airlines, Inc., C.A.D.C.1984, 740 F.2d 1071, 238 U.S.App.D.C. 400](#), certiorari denied [105 S.Ct. 939](#), [469 U.S. 1181](#), [83 L.Ed.2d 951](#). [Interest](#)  [39\(3\)](#)

United States was entitled to postjudgment interest in action against importer and surety to recover unpaid liquidated damages relating to importation of merchandise under immediate delivery and consumption entry bonds after importer failed to export or destroy imported merchandise after issuance of notices of refusal of admission. [U.S. v. Imperial Food Imports, CIT 1987, 660 F.Supp. 958, 11 C.I.T. 254](#), affirmed [834 F.2d 1013](#). [Interest](#)  [39\(3\)](#)

### 34. Penalties

IRS was entitled to postjudgment interest on entire civil judgment entered against taxpayer, including that portion reflecting fraud penalties. [Matter of Resyn Corp., C.A.3 \(N.J.\) 1991, 945 F.2d 1279. Interest 🔑39\(3\)](#)

### 35. Punitive damages

Judgment creditor was entitled to postjudgment interest on entire award, including punitive damages, from date of original judgment. [Bank South Leasing, Inc. v. Williams, C.A.11 \(Fla.\) 1985, 778 F.2d 704. Interest 🔑39\(3\)](#)

### 36. Sanctions

Federal statute allowing interest on money judgment recovered in civil case in district court applies to judgments entered by Bankruptcy Court, including sanction awards. [In re A.S.M., Inc., Bkrtcy.W.D.Tex.1990, 110 B.R. 802. Interest 🔑22\(1\)](#)

### 37. Insurance policy limits

When insurer paid limit of liability, it satisfied its contractual obligations and could not be assessed postjudgment interest on the principal judgment award in addition to its policy limits. [Cox v. Peerless Ins. Co., D.Conn.1991, 774 F.Supp. 83. Insurance 🔑2270\(1\)](#)

### 38. Duration of accrual

Postjudgment interest continued to accrue on federal Government's tax claim only until funds were deposited by taxpayer into United States' treasury account and not until funds were received by Department of Justice. [U.S. v. Bank of Celina, C.A.6 \(Tenn.\) 1986, 823 F.2d 911. Interest 🔑49](#)

Interest on money judgment of federal court in Utah continued during pendency of appeal to court of appeals and attempt to obtain review in United States Supreme Court, when no tender of payment was made. [Woodmont, Inc. v. Daniels, C.A.10 \(Utah\) 1961, 290 F.2d 186. Interest 🔑53](#)

Interest on a judgment for plaintiff in an action under the Federal Employers' Liability Act, § 51 et seq. of Title 45, did not stop running on date counsel for defendant advised counsel for plaintiff that it would pay the full amount of the judgment and costs where such payment was postponed even though postponement was due to delay of plaintiff's counsel in procuring a court order directing distribution of the proceeds, but interest ran until date of payment in absence of defendant's payment of required amounts into court upon receipt of the mandate of the court of appeals. [Fassbinder v. Pennsylvania R. Co., W.D.Pa.1964, 233 F.Supp. 574. Interest 🔑49](#)

### 39. Rate of interest--Generally

Postjudgment interest should have been computed pursuant to this section providing for interest from date of judgment at floating rate determined by coupon yield of United States Treasury bills. [Schumann v. Levi, C.A.8 \(Minn.\) 1984, 728 F.2d 1141. Interest 🔑31](#)

Despite mandatory language in federal statute governing post-judgment interest, the parties in contract dispute could agree to post-judgment interest rate other than standard one contained in statute; statute was intended to be mandatory in sense that district court or other third party, e.g., an arbitrator, had no discretion to award different rate of interest or to decline to award post-judgment interest, but it was not intended to prevent parties themselves from agreeing to different rate. [Horizon Holdings, L.L.C. v. Genmar Holdings, Inc., D.Kan.2003, 244 F.Supp.2d 1250, affirmed 387 F.3d 1188. Interest 🔑34](#)

Any money judgment entered in a civil action between private parties includes interest as part of the judgment; rate of interest is determined by statutory formula. [Cody v. Private Agencies Collaborating Together, Inc., D.D.C.1995, 911 F.Supp. 1.](#) [Interest](#) 22(6); [Interest](#) 31

Statutory, rather than contractual, rate of interest applied to outstanding loan balance owed by lessor, which succeeded in obtaining judgment against lessee for breach of lease, to lender under trust agreement providing that, in the event of default, lessor had to act according to instructions of lender and had to exercise all remedies including liquidated damages provision of lease; under circumstances, outstanding balance was a “money judgment” within meaning of post-judgment interest statute, even though judgment was entered in lessor's name rather than name of lender. [Wilmington Trust Co. v. Aerovias de Mexico, S.A. de C.V., S.D.N.Y.1995, 893 F.Supp. 215.](#) [Interest](#) 31

40. ---- Average principal balance method, rate of interest

In determining postjudgment interest on attorney fee award in patent infringement action, average principal balance method was used. [Water Technologies Corp. v. Calco Ltd., N.D.Ill.1989, 709 F.Supp. 821, 11 U.S.P.Q.2d 1217.](#) [Patents](#) 319(4)

41. ---- Multiple rates, rate of interest

Award of prejudgment interest at rate specified by Louisiana law, and postjudgment interest at rate specified by federal law, was not improper in negligence action governed by the Outer Continental Shelf Lands Act; although Act permits application of a state law to extent it is not inconsistent with federal law, and prejudgment interest pursuant to Louisiana law was thus not prohibited, federal statutes specifically prescribe rate of postjudgment interest. [Bartholomew v. CNG Producing Co., C.A.5 \(La.\) 1987, 832 F.2d 326.](#) [Interest](#) 31

Mortgagee in possession was entitled to postjudgment interest at rate of 7.95% on its initial foreclosure judgment and at rate of 9.20% on attorney fees and advertising expenses later included in that judgment; mortgagee would not be entitled to receive 9.20% on entire amount. [ComFed Sav. Bank v. Newtown Commons Plaza Assoc., E.D.Pa.1989, 719 F.Supp. 367.](#) [Interest](#) 31

42. ---- Admiralty and maritime actions, rate of interest

Action against United States by seaman injured aboard United States vessel was not a “civil case” within meaning of this section specifying rate of postjudgment interest on any money judgment in a civil case recovered in a district court; rather, appropriate rate was that specified in Suits in Admiralty Act, as incorporated in Public Vessels Act. [Blevins v. U.S., C.A.4 \(Md.\) 1985, 769 F.2d 175.](#) [Interest](#) 31

Applicable rate of postjudgment interest for action brought under Jones Act and for unseaworthiness of vessel was Treasury Bill rate on date of judgment. [Ward v. American Hawaii Cruises, Inc., D.Hawai'i 1988, 719 F.Supp. 915.](#) [Interest](#) 31

43. ---- Antitrust actions, rate of interest

Applicable interest rate for monetary sanctions imposed on defendant for failure to comply with the discovery orders was governed by statute governing interest on monetary judgment recovered in district court and not by statute governing determination of rate of interest in internal revenue cases. [Wm. T. Thompson Co. v. General Nutrition Corp., Inc., C.D.Cal.1985, 104 F.R.D. 119.](#) [Interest](#) 31

44. ---- Arbitration, rate of interest

Judgment confirming arbitration award, but including no damages due to erroneous application of recoupment or setoff, that

was subsequently vacated on appeal, was not ascertained in meaningful way, and thus did not trigger accrual of post-judgment interest. [Westinghouse Credit Corp. v. D'Urso, C.A.2 \(N.Y.\) 2004, 371 F.3d 96](#). Interest 39(3)

Party seeking to enforce arbitral award providing for future payments and offsets was entitled to post judgment interest only at statutory rate for civil judgments, rather than at higher rate provided for by arbitrators. [Carte Blanche \(Singapore\) Pte., Ltd. v. Carte Blanche Intern., Ltd., C.A.2 \(N.Y.\) 1989, 888 F.2d 260](#). Interest 31

Statute allowing interest to be recovered on any money judgment in a civil case applies to the confirmation of an arbitration award. [McCabe Hamilton & Renny Co., Ltd. v. International Longshore and Warehouse Union, Local 142, AFL-CIO, D.Hawai'i 2008, 557 F.Supp.2d 1171](#). Interest 22(1)

Tribunal to which proceeding had been submitted for arbitration under Federal Arbitration Act (FAA) lacked power to specify rate of postjudgment interest on arbitration award, and thus, tribunal's award of interest would be applied only to period between entry of award and district court's entry of judgment confirming award, with current federal rate applicable to post-judgment interest. [Mantle v. Upper Deck Co., N.D.Tex.1997, 956 F.Supp. 719](#). [Alternative Dispute Resolution](#) 235

#### 45. ---- Bankruptcy actions, rate of interest

Bankruptcy court did not abuse its discretion in awarding supplier of goods to Chapter 7 debtor interest at the federal statutory rate, as opposed to the contract rate; the pleadings of the parties and the trial transcript indicated there was some dispute about whether supplier and debtor had a contractual agreement that the interest rate on purchases of goods would be 18%, there was no evidence in the record to indicate this finding of fact by the bankruptcy court was clearly erroneous, and, as a result, supplier failed to provide substantial evidence the equities required the court to award 18% interest. [In re Buholm Fisheries, Inc., W.D.Wash.2003, 308 B.R. 491](#). Interest 31; Interest 35

Postpetition interest to which landlord was entitled on its general unsecured and administrative claims, pursuant to agreement with Chapter 7 trustee, would be calculated at federal statutory rate of interest on judgments; award of postpetition interest on claims was matter of federal law, which militated against use of state-mandated interest rate. [In re Bayside Marina, Inc., Bkrcty.E.D.N.Y.2002, 282 B.R. 285](#). Interest 28

Federal judgment rate, not state statutory rate, was "legal rate" of interest to which judgment creditor was entitled on its claim for period from petition date through and beyond Chapter 13 plan's effective date; use of federal judgment rate provided trustee with efficient and inexpensive means of calculating amount of interest to be paid. [In re Beguelin, 9th Cir.BAP \(Nev.\) 1998, 220 B.R. 94](#). [Bankruptcy](#) 3710(6); Interest 31; Interest 36(1)

Federal prejudgment interest statute, providing that interest would be calculated at rate equal to the coupon issue yield equivalent of average accepted auction price for the last auction of fifty--two week United States Treasury Bills, governed rate of prejudgment interest in nondischargeability proceeding. [In re Glatstian, Bkrcty.D.N.J.1997, 215 B.R. 495](#). Interest 31

Postpetition, prejudgment interest to which creditors were entitled, after successfully establishing that debtor's obligation to them should be excepted from discharge as one for money fraudulently obtained, had to be calculated at federal statutory rate. [In re Auricchio, Bkrcty.D.N.J.1996, 196 B.R. 279](#). Interest 31; Interest 36(1)

Judgment entered in bankruptcy court in favor of workers' compensation carrier, for money fraudulently obtained by debtor, would bear interest at rate specified under federal statute governing interest awards on money judgments in civil cases. [In re Nedelka, Bkrcty.D.Conn.1993, 155 B.R. 813](#). Interest 31

Creditor to which debtor had written worthless checks was entitled to recover postjudgment interest equal to current coupon

issue yield of 52-week Treasury bill settled immediately before judgment. [In re Levitsky, Bkrcty.E.D.Wis.1992, 137 B.R. 288](#). [Bankruptcy](#) 🔑2836; [Interest](#) 🔑31; [Interest](#) 🔑39(3)

Interest to be paid on Connecticut's priority tax claim under debtor's reorganization plan could be determined by a calculation based on prevailing market rate rather than by statutory 15% per annum rate provided under Connecticut law. [In re F.A.S.I., Inc., Bkrcty.D.Conn.1985, 48 B.R. 147](#). [Bankruptcy](#) 🔑2835.1

Interest rate applicable to priority tax claim intended to be paid over period of time pursuant to plan of reorganization under [section 1101 et seq. of Title 11](#) was that set by terms of this section, rather than [section 6621 of Title 26](#), the former being more closely tied to current economic conditions and the latter being too static and not economically justified; furthermore, application of former rate would best provide the government with full amount of its allowed claim. [In re Connecticut Aerosols, Inc., Bkrcty.D.Conn.1983, 31 B.R. 883](#), affirmed [42 B.R. 706](#). [Interest](#) 🔑31

Neither the 20% interest rate provided for under statute, which related to taxes not paid on time and under which the adjusted prime rate charged by banks during September was to become effective during the subsequent February, nor the ten percent rate of interest on judgments would be applied to provide government with present value of federal tax claims on date of confirmation of Chapter 11 plan of reorganization, but, rather, the formula to be applied would be the formula which was set forth in this section and under which the rate would change 13 times a year. [In re Tacoma Recycling, Inc., Bkrcty.W.D.Wash.1982, 23 B.R. 547](#). [Interest](#) 🔑31

#### 46. ---- Civil rights actions, rate of interest

Postjudgment interest on back pay award, in employment discrimination action, had to be determined by using the Internal Revenue Service prime rates, compounded annually, rather than by state law. [E.E.O.C. v. Guardian Pools, Inc., C.A.11 \(Fla.\) 1987, 828 F.2d 1507](#). [Interest](#) 🔑28; [Interest](#) 🔑38(1); [Interest](#) 🔑60

#### 47. ---- Contract actions, rate of interest

Post-judgment interest rate calculated under federal statute governing interest on money judgments, rather than English interest rate, applied as of date of federal district court's diversity judgment enforcing English judgment in favor of English insurance syndicates' overseer against United States syndicate member; parties had not contractually agreed to rate other than that mandated by federal statute, federal rate reflected economic conditions at time district court rendered its judgment, and application of federal rate also fostered stability and certainty in international commercial transactions. [Society of Lloyd's v. Reinhart, C.A.10 \(N.M.\) 2005, 402 F.3d 982](#), certiorari denied [126 S.Ct. 366, 546 U.S. 826, 163 L.Ed.2d 73](#). [Insurance](#) 🔑3396

Federal district court did not abuse its discretion in declining, on grounds of waiver, to use underlying contract's interest rate rather than rate dictated by federal statute governing interest on money judgments, in action alleging breach of purchase agreement, since plaintiffs could have, but did not, raise issue prior to entry of judgment, e.g. via pretrial motion or by seeking to include issue in pretrial order. [O'Tool v. Genmar Holdings, Inc., C.A.10 \(Kan.\) 2004, 387 F.3d 1188](#). [Federal Civil Procedure](#) 🔑1942

Contract clause providing for 15.5% interest on arbitration award "from the date payment was due to the date payment is made" did not apply, under New York law, to judgments rendered on that award, since it did not indicate parties' intent to deviate from post-judgment interest rate set by statute. [Westinghouse Credit Corp. v. D'Urso, C.A.2 \(N.Y.\) 2004, 371 F.3d 96](#). [Interest](#) 🔑38(2)

Where a stipulated judgment provided that interest was to begin to run on the unpaid portion of the judgment at an interest rate of 24% or the highest amount allowed under Connecticut law, interest should have been calculated at a rate of 10% pur-

suant to a Connecticut statute. [F.D.I.C. v. Cromwell Crossroads Associates, Ltd. Partnership, D.Conn.2007, 480 F.Supp.2d 516. Federal Civil Procedure](#) 2397.5; [Interest](#) 36(1)

Federal statutory interest rate, rather than contractual rate contained in promissory note, applied to post-judgment interest awarded to promisee who had successfully sued on note, but had not demanded contractual rate in pleadings; promisee lacked present entitlement to contractual relief for which it had never sued. [BP Products North America, Inc. v. Youssef, M.D.Fla.2004, 296 F.Supp.2d 1351. Interest](#) 38(2); [Interest](#) 64.1

Acquired company and its president, who prevailed in contract dispute with acquiring company, waived right to assert that two percent per month post-judgment interest rate contained in the parties' agreement applied by failing to include assertion in pretrial order, but plaintiffs could still recover post-judgment interest at rate specified in federal interest statute; acquiring company was entitled to notice that plaintiffs intended to seek postjudgment interest at the contractual rate prior to trial so that it could have raised any factual defenses to request to jury and adequately assessed risks of trial. [Horizon Holdings, L.L.C. v. Genmar Holdings, Inc., D.Kan.2003, 244 F.Supp.2d 1250, affirmed 387 F.3d 1188. Federal Civil Procedure](#) 1942

Appellant-supplier waived its argument that it had an “oversecured claim” against Chapter 7 debtor which entitled it to receive the contractual rate of interest, rather than the rate provided by federal law; there was no mention in supplier's previous pleadings, or in the bankruptcy trial transcript, indicating that supplier had an “oversecured claim,” and since the factual dispute regarding the rate of interest was evident at trial, and supplier had ample opportunity to raise a claim under the relevant section of the Bankruptcy Code at that time, the district court declined to find the existence of exceptional circumstances warranting consideration of the issue for the first time on appeal. [In re Buholm Fisheries, Inc., W.D.Wash.2003, 308 B.R. 491. Bankruptcy](#) 3770

#### [48. ---- Copyright actions, rate of interest](#)

In action for infringement of copyrights to certain computer software programs, judgment would be amended to specifically require postjudgment interest pursuant to this section. [Whelan Associates, Inc. v. Jaslow Dental Laboratory, Inc., E.D.Pa.1985, 609 F.Supp. 1325, 226 U.S.P.Q. 1013. Interest](#) 39(3)

#### [49. ---- Foreclosure actions, rate of interest](#)

Federal statutory interest rate, rather than Illinois statutory interest rate, applied after entry of default order and judgment of foreclosure and sale by Illinois federal court in foreclosure action. [In re Daniels, N.D.Ill.1989, 102 B.R. 680. Interest](#) 31

#### [50. ---- Labor actions, rate of interest](#)

Postjudgment interest on award to District of Columbia government employees based on violation of Fair Labor Standards Act's overtime provisions was properly set at rate established by federal law rather than four percent prejudgment interest rate established by District of Columbia law. [Harrison v. District of Columbia, D.D.C.1988, 704 F.Supp. 244. Federal Courts](#) 415

#### [51. ---- Patent actions, rate of interest](#)

Patentee was adequately compensated for infringement by postjudgment interest at Treasury bill rate rather than prime rate. [Datascope Corp. v. SMEC, Inc., C.A.Fed. \(N.J.\) 1989, 879 F.2d 820, 11 U.S.P.Q.2d 1321, rehearing denied, rehearing in banc declined, certiorari denied 110 S.Ct. 729, 493 U.S. 1024, 107 L.Ed.2d 747, on remand 14 U.S.P.Q.2d 1071. Interest](#) 31

Prevailing patent infringement plaintiff was entitled to award of post-judgment interest at federal statutory rate. [Engineered Products Co. v. Donaldson Co., Inc., N.D.Iowa 2004, 330 F.Supp.2d 1013](#), amended in part [335 F.Supp.2d 973](#), affirmed in part, vacated in part and remanded [147 Fed.Appx. 979, 2005 WL 2090662](#). [Federal Courts](#) 415; [Interest](#) 31; [Interest](#) 39(3)

[52](#). ---- Tax actions, rate of interest

Utilization of 52-week T-Bill rate was inappropriate for determination of interest rate to be paid government on deferred tax claim, where length of payout period to Internal Revenue Service under debtor's plan of reorganization was approximately three years. [In re Inventive Packaging Corp., Bkrcty.D.Colo.1987, 81 B.R. 74](#). [Interest](#) 37(1)

Treasury bill rate, as used in determining interest rates on money judgments, rather than rate imposed on delinquent taxpayers under Internal Revenue Code was properly applied as discount rate for full payment of an Internal Revenue Service's tax claim over a six-year period under Chapter 11 reorganization plan and such interest rate would provide the Government with the value of its claim as of effective date of plan. [In re Connecticut Aerosols, Inc., D.C.Conn.1984, 42 B.R. 706](#). [Interest](#) 31

[53](#). ---- Miscellaneous actions, rate of interest

District court acted within its discretion in deciding that prejudgment interest to be charged to owner operator of oil leases, which had violated mandatory petroleum price regulation by charging customer price in excess of that permitted by ceiling price rule for crude oil, should be calculated in accordance with agency's order rather than market rate; however, postjudgment interest would be calculated under this section. [Christmann & Welborn v. Dept. of Energy, Em.App.1985, 773 F.2d 317](#), certiorari denied [106 S.Ct. 227, 474 U.S. 901, 88 L.Ed.2d 227](#). [Interest](#) 56

Award of prejudgment simple interest would be calculated at federal postjudgment rate, rather than at prevailing rate of interest in effect during applicable time period, such as the prime rate, calculated throughout the liability period, in Central Interstate Low-Level Radioactive Waste Commission's action against Nebraska alleging that the state denied license for low-level radioactive waste (LLRW) facility in bad faith. [Entergy Arkansas, Inc. v. Nebraska, D.Neb.2002, 226 F.Supp.2d 1047](#), affirmed [358 F.3d 528](#), rehearing and rehearing en banc denied [366 F.3d 688](#), petition for certiorari filed [2004 WL 2070640](#), certiorari dismissed [125 S.Ct. 22, 542 U.S. 960, 159 L.Ed.2d 847](#). [Interest](#) 31

Judgment for holder of variable rate promissory note, which noted that prejudgment interest was continuing to accumulate at certain per diem amount, did not intend for post-judgment interest to accrue at combined rate of note's interest rate at time of judgment and applicable statutory rate for post-judgment interest; rather, applicable post-judgment interest rate was statutory rate. [Diversified Credit Extension Corp. v. Cook, D.Me.2002, 206 F.Supp.2d 39](#). [Federal Civil Procedure](#) 2582

Where interest provision of original judgment in favor of the United States on unpaid Small Business Loan was ambiguous, postjudgment interest on renewed judgment accrued at the statutory rate; lesser rate of interest specified in original judgment was construed to apply only to prejudgment interest. [U.S. v. Rose, E.D.Mich.1997, 970 F.Supp. 616](#). [Interest](#) 31

In wrongful death action governed by Warsaw Convention and arising out of airplane crash caused by airline's wilful misconduct, prejudgment interest would be applied to past losses from dates they would have been received until date of judgment, at rate equal to average annual 52-week United States Treasury Bill (T-bill) rate, compounded annually; T-bill rate reflected rate of return on investments that plaintiffs would likely have received had they obtained their judgment at earlier date, T-bill was relatively secure investment and was realistic investment for plaintiffs to have made, and rate accounted for inflation that occurred between date of accident and date of trial. [Hollie v. Korean Air Lines Co., Ltd., S.D.N.Y.1993, 834 F.Supp. 65](#). [Interest](#) 31; [Interest](#) 39(2.50)

Postjudgment interest rate on award of damages to photographer, after national magazine lost photographic negatives entrusted to it, equaled coupon issue yield equivalent of average accepted auction price for last auction of 52-week Treasury bills, which were settled immediately prior to date of judgment. [Miller v. Newsweek, Inc., D.Del.1987, 675 F.Supp. 872. Interest 🔑31](#)

District court did not have to allow postjudgment interest pursuant to federal postjudgment interest statute, where parties had stipulated to entry of judgment which provided for interest at rate of 12 percent, compounded annually; stipulation, which formed basis for district court's judgment, was binding on judgment debtor pursuant to doctrines of res judicata and judicial estoppel, particularly where debtor did not allege any ground justifying relief from stipulation. [In re Connaught Properties, Inc., Bkrcty.D.Conn.1995, 176 B.R. 678. Interest 🔑38\(1\); Stipulations 🔑14\(1\)](#)

#### 54. Compound interest

When prior judgment consisting of both principal and accumulated interest is not paid, court renewing judgment may award interest on entire amount due, and such action would not constitute impermissible award of "interest on interest." [U.S. v. Hannon, C.A.2 \(N.Y.\) 1984, 728 F.2d 142. Interest 🔑60](#)

Postjudgment interest on judgment in stripper well exemption, as calculated under postjudgment interest statute, was compounded annually. [In re Department of Energy Stripper Well Exemption Litigation, D.Kan.1993, 821 F.Supp. 1432. Interest 🔑60](#)

Although postjudgment interest ran on \$8,813,945.50 royalty award from date judgment was entered to date that royalty award was paid, and postjudgment interest also ran on \$11,022,824.97 prejudgment interest award from date judgment was entered to date that prejudgment interest was paid, where court had not made any postjudgment interest awards, plaintiffs in patent litigation action were not entitled to interest on unpaid postjudgment interest on royalty award and prejudgment interest award on grounds of delay. [Devex Corp. v. General Motors Corp., D.C.Del.1983, 569 F.Supp. 1354, supplemented 577 F.Supp. 429, affirmed 749 F.2d 1020, 224 U.S.P.Q. 544, certiorari denied 106 S.Ct. 68, 474 U.S. 819, 88 L.Ed.2d 55. Interest 🔑39\(2.20\); Interest 🔑39\(3\)](#)

#### 55. United States, judgments against

Statute relating to postjudgment interest in Claims Court [now United States Court of Federal Claims] and Court of Appeals for Federal Circuit was not a waiver of sovereign immunity so as to allow postjudgment interest award against Small Business Administration, as judgment against SBA was not rendered by either of those courts. [A.L.T. Corp. v. Small Business Admin., C.A.5 \(Tex.\) 1987, 823 F.2d 126. United States 🔑110](#)

Federal Courts Improvement Act did not contain sufficiently unambiguous waiver of sovereign immunity against award of postjudgment interest on district court judgments unsuccessfully appealed by government to permit employees of government printing office, who successfully prosecuted sex discrimination suit and defended judgment on appeal, to recover postjudgment interest. [Thompson v. Kennickell, C.A.D.C.1986, 797 F.2d 1015, 254 U.S.App.D.C. 348, certiorari denied 107 S.Ct. 1347, 480 U.S. 905, 94 L.Ed.2d 518. United States 🔑110](#)

Statute, 28 U.S.C.A. § 1961(a), which provides for payment of postjudgment interest in civil cases brought in United States District Court, but only in internal revenue cases in Claims Court [now United States Court of Federal Claims], 28 U.S.C.A. § 1961(c)(3), did not require postjudgment interest against the United States in suit by federal employees against the government under the Fair Labor Standards Act, as the district court sat as a "little Claims Court" pursuant to [28 U.S.C.A. § 1346\(a\)\(2\)](#) and case was not a tax case. [Zumerling v. Marsh, C.A.Fed. \(Pa.\) 1986, 783 F.2d 1032. United States 🔑110](#)

Absent express waiver of sovereign immunity the district court has no authority to award interest on judgment against the

United States for attorney fees under this section. [Arvin v. U.S., C.A.11 \(Fla.\) 1984, 742 F.2d 1301. United States](#)  [110](#)

Federal Courts Improvement Act did not effectuate waiver of sovereign immunity against awards of postjudgment interest against the government. [Easley v. U.S., W.D.N.Y.1989, 719 F.Supp. 145. United States](#)  [110](#)

Absent express waiver of sovereign immunity the United States was not liable for postjudgment interest on district court judgment awarding back pay to members of senior executive service; statute authorizing interest on judgment obtained from court of claims [now United States Court of Federal Claims] or Court of Appeals for Federal Circuit did not provide the necessary waiver of immunity for actions filed in district courts. [Squillacote v. U.S., E.D.Wis.1985, 626 F.Supp. 127. United States](#)  [110](#); [United States](#)  [125\(5\)](#)

Interest is not allowable against the United States government since, as the sovereign, the government is immune from imposition of awards, including interest, unless the government consents to such imposition. [White v. Bloomberg, D.C.Md.1973, 360 F.Supp. 58, affirmed 501 F.2d 1379. United States](#)  [110](#)

Federal statute on award of interest on money judgment in civil case does not constitute express waiver of sovereign immunity that will allow recovery of prejudgment interest from United States. [In re Tecumseh Const. Co., Bkrcty.E.D.Cal.1993, 157 B.R. 471. United States](#)  [110](#)

#### 56. Waiver of objections

Any objection to award of postjudgment interest on damages awarded for intentional infliction of emotional distress was deemed waived where no objection was made to passenger's motion. [Muratore v. M/S Scotia Prince, D.Me.1987, 663 F.Supp. 484. Interest](#)  [39\(3\)](#)

#### 57. Remand

Remand for determination of proper interest rate to be awarded bankruptcy trustee in connection with recovery of preference was required, where interest rate on date of judgment was 7.14%, interest rate on dates of demand were 10.10 and 9.08% respectively, and bankruptcy court had awarded flat rate of 10%. [In re Nucorp Energy, Inc., C.A.9 \(Cal.\) 1990, 902 F.2d 729. Bankruptcy](#)  [3790](#)

Court of Appeals' decision so significantly altered basic liability determinations in action challenging constitutionality of Utah abortion statute that attorney fee amounts to be set forth in remand order had to bear postjudgment interest from date of remand order rather than date of initial judgment. [Jane L. v. Bangerter, D.Utah 1996, 920 F.Supp. 1202. Interest](#)  [53](#)

## II. INTEREST FROM DATE OF ENTRY OF JUDGMENT

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     Verdict - Delay in entering judgment [94](#)  
 Wrongful death actions [103](#)

[81](#). Postjudgment interest generally, interest from date of entry of judgment

Interest rate for any particular judgment is to be determined as of date of judgment, and that is the single rate applicable for duration of interest accrual. [Kaiser Aluminum & Chemical Corp. v. Bonjorno, U.S.Pa.1990, 110 S.Ct. 1570, 494 U.S. 827, 108 L.Ed.2d 842, on remand. Interest 38\(1\)](#)

When Court of Appeals modifies or reverses judgment with direction that particular money judgment be entered on remand, and mandate does not contain instructions about allowance of post-judgment interest, federal district court may not award post-judgment interest from date of original judgment, even when such an award would otherwise be appropriate. [Planned Parenthood of Columbia/Willamette Inc. v. American Coalition of Life Activities, C.A.9 \(Or.\) 2008, 518 F.3d 1013, certiorari denied 129 S.Ct. 145, 172 L.Ed.2d 40. Federal Courts 953](#)

Award of post judgment interest is mandatory. [Schipani v. McLeod, C.A.2 \(N.Y.\) 2008, 541 F.3d 158, on remand 2008 WL 5000215. Interest 39\(3\)](#)

Party awarded legal expenses was not entitled to postjudgment interest for time it took opposing party to issue replacement check after being informed that original check had been lost; fact that payee lost the check, through no fault of payor, did not change fact that payment had been made. [Caffey v. Unum Life Ins. Co., C.A.6 \(Tenn.\) 2002, 302 F.3d 576, on subsequent appeal 102 Fed.Appx. 990, 2004 WL 1662033, rehearing en banc denied. Interest 39\(3\)](#)

Postjudgment interest should be calculated from date of entry of judgment in which money damages, upon which interest is to be computed, were in fact awarded. [Mt. Hood Stages, Inc. v. Greyhound Corp., C.A.9 \(Or.\) 1980, 616 F.2d 394, certiorari denied 101 S.Ct. 99, 449 U.S. 831, 66 L.Ed.2d 36. Interest 39\(3\)](#)

Interest runs not from date of judicial demand but from the date of the judgment. [Golf City, Inc. v. Wilson Sporting Goods, Co., Inc., C.A.5 \(La.\) 1977, 555 F.2d 426. Interest 🔑39\(3\)](#)

Reasonable rate of return, rather than federal post-judgment interest rate, was appropriate rate for prejudgment interest awarded to retired ERISA pension plan participants for wrongfully withheld benefits. [Amara v. CIGNA Corp., D.Conn.2008, 559 F.Supp.2d 192. Interest 🔑31](#)

Postjudgment interest begins to run from the date a court rules that a party is entitled to attorney fees, rather than from the date the court quantifies the amount of the award. [Boehner v. McDermott, D.D.C.2008, 541 F.Supp.2d 310. Interest 🔑39\(3\)](#)

Postjudgment interest covers the period from date of entry of the judgment to the date the judgment is paid, and is computed on the entire amount of the final judgment, including any prejudgment interest. [Richmond Capitol Corp. v. Federal Express Corp., M.D.La.1999, 54 F.Supp.2d 676. Interest 🔑39\(3\); Interest 🔑56](#)

Interest on that part of a judgment affirmed on appeal should be computed from date of judgment's initial entry. [Handgards, Inc. v. Ethicon, Inc., N.D.Cal.1982, 552 F.Supp. 820, affirmed 743 F.2d 1282, 223 U.S.P.Q. 214, certiorari denied 105 S.Ct. 963, 469 U.S. 1190, 83 L.Ed.2d 968. Interest 🔑39\(3\)](#)

#### 82. Finality of judgment, interest from date of entry of judgment

Fact that judgment in favor of participant on ERISA claims was not a final order for purposes of appeal would not otherwise prevent postjudgment interest from running under federal postjudgment interest statute pursuant to a timely request from participant. [Skretvedt v. E.I. DuPont De Nemours, C.A.3 \(Del.\) 2004, 372 F.3d 193, on remand 2006 WL 3623705. Interest 🔑39\(3\)](#)

Postjudgment interest on attorney fee award began to accrue on date that attorney fee award was quantified in final, appealable judgment, notwithstanding plaintiff's claim that it was entitled to interest from date of earlier merits judgment because it became unconditionally entitled to attorney fees under Oklahoma statute on that date. [MidAmerica Federal Sav. & Loan Ass'n v. Shearson/American Exp., Inc., C.A.10 \(Okla.\) 1992, 962 F.2d 1470. Interest 🔑39\(3\)](#)

Post-judgment interest begins to accrue when plaintiffs are entitled to award, not necessarily when award is quantified. [Bogan v. City of Boston, D.Mass.2006, 432 F.Supp.2d 222, affirmed 489 F.3d 417. Interest 🔑39\(3\)](#)

Army officer could not recover interest on award of back pay and benefits made by Claims Court for any period before entry of present final judgment; prior judgments entered by Claims Court and Court of Appeals for Federal Circuit did not conclusively dispose of case and did not conclusively set amount of damages. [Ulmet v. U.S., Cl.Ct.1990, 19 Cl.Ct. 527. United States 🔑110](#)

Postjudgment interest accrues when damages are quantified in final, appealable judgment. [In re Vic Bernacchi & Sons, Inc., Bkrcty.N.D.Ind.1994, 170 B.R. 647. Interest 🔑39\(3\)](#)

#### 83. Amended judgment, interest from date of entry of judgment

Court of Appeals' inadvertent omission of instructions about allowance of post-judgment interest, when reversing punitive damages award and remanding with instructions for specific reduced award, warranted recall of mandate and amendment to allow district court to enter judgment for amount of post-judgment interest appropriate under governing statute. [Planned Parenthood of Columbia/Willamette Inc. v. American Coalition of Life Activities, C.A.9 \(Or.\) 2008, 518 F.3d 1013, certiorari](#)

denied [129 S.Ct. 145, 172 L.Ed.2d 40. Federal Courts](#) 957

Postjudgment interest in lawn and garden equipment manufacturer's breach of contract action against distributor had to be calculated from date of final amended judgment in favor of manufacturer, not from date of entry of judgment on jury verdict in manufacturer's favor; because prejudgment-interest rate on all the claims was substantially higher than postjudgment-interest rate, starting postjudgment interest from judgment on jury verdict granted unjustified benefit to the losing party. [Scotts Co. v. Central Garden & Pet Co., C.A.6 \(Ohio\) 2005, 403 F.3d 781. Interest](#) 39(3)

Postjudgment interest on award against hospital in medical malpractice action ran from entry of original judgment rather than from entry of amended judgment two years and five months later, where amended judgment did not change amount awarded against hospital and only deleted a reference to a settling defendant who had been dismissed. [Krieser v. Hobbs, C.A.5 \(Miss.\) 1999, 166 F.3d 736. Interest](#) 39(3)

#### 84. Entry of judgment, interest from date of entry of judgment

Where deficiency judgment previously entered against partner in Chapter 11 debtor-partnership based on estimated shortfall in estate assets to satisfy creditor claims was for the final and certain sum of \$1,121,743.00, "plus interest from the date of entry of judgment at the rate provided by 28 U.S.C.[A.] § 1961," interest began accruing on the judgment the day it was entered, despite the possibility that the judgment might ultimately be reduced if the actual deficiency of the liquidating trust were found to be less than the judgment. [In re Popkin & Stern, C.A.8 2003, 346 F.3d 804, certiorari denied 124 S.Ct. 2838, 542 U.S. 904, 159 L.Ed.2d 267. Interest](#) 39(3)

In bifurcated trial, postjudgment interest was properly calculated from date damages were awarded at end of damages phase, rather than from date of liability judgment. [Wilson v. Union Pacific R. Co., C.A.10 \(Colo.\) 1995, 56 F.3d 1226. Interest](#) 39(3)

Equity dictated that postjudgment interest be calculated from date judgment should have been entered rather than date it was actually entered 10 months later due to apparent oversight in clerk's office. [Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Knudsen, C.A.8 \(Iowa\) 1984, 749 F.2d 496. Interest](#) 39(3)

Postjudgment interest on attorney fees and costs awarded prevailing party in ERISA benefits case would accrue as of date of underlying merits judgment, not from date of judgment determining precise amount of fee award. [Radford Trust v. First Unum Life Ins. Co. of America, D.Mass.2005, 399 F.Supp.2d 3, reversed in part 491 F.3d 21. Interest](#) 39(3)

Plaintiffs who were awarded judgment of \$66,439 in negligence action were entitled to post-judgment interest from date judgment was entered until date on which defendants consigned amount of judgment to district court, despite fact that in intervening one-and-one-half-year period plaintiffs had filed an appeal of judgment which they later voluntarily dismissed. [Ramos Rosa v. Telemundo CATV, Inc., D.Puerto Rico 1997, 966 F.Supp. 137. Federal Courts](#) 681.1

Employee who prevailed on his state law age discrimination claim was entitled to postjudgment interest from date the judgment was entered. [Lightfoot v. Union Carbide Corp., S.D.N.Y.1995, 901 F.Supp. 166, remanded in part 110 F.3d 898, on remand 1997 WL 543076. Interest](#) 39(3)

Plaintiff who obtained default judgment on federal claim was not entitled to prejudgment interest, and was entitled to post-judgment interest only from time final money judgment is reflected in records of clerk's office. [Sea-Land Corp. v. Global Furniture Industries, Inc., E.D.N.Y.1990, 130 F.R.D. 279. Interest](#) 39(2,20); [Interest](#) 39(3)

#### 85. Magistrates' recommendations adopted, interest from date of entry of judgment

Successful plaintiff in libel action was entitled to postjudgment interest on his judgment against defendant from date magistrate's recommendation as to damages was adopted by district court and judgment thus became effective. [Wachs v. Winter, E.D.N.Y.1983, 569 F.Supp. 1438. Interest 39\(3\)](#)

86. Master report filed, interest from date of entry of judgment

Interest on final judgment rendered in private antitrust suit after default judgment had been entered would run from date of district court's judgment and not from time that master, who was appointed for purpose of conducting hearings to determine damages, filed his report. [Trans World Airlines, Inc. v. Hughes, C.A.2 \(N.Y.\) 1971, 449 F.2d 51, certiorari granted 92 S.Ct. 960, 405 U.S. 915, 30 L.Ed.2d 785, reversed on other grounds 93 S.Ct. 647, 409 U.S. 363, 34 L.Ed.2d 577, rehearing denied 93 S.Ct. 1434, 410 U.S. 975, 35 L.Ed.2d 707, rehearing denied 93 S.Ct. 1435, 410 U.S. 975, 35 L.Ed.2d 707, on remand 359 F.Supp. 783. Interest 39\(3\)](#)

Where claims of pilot against pilots' association were not liquidated or even ascertainable until master to whom matter was referred to hear and report made his findings, interest ran from date of judgment for plaintiff entered in accordance with master's finding and not from the date of the jury's verdict for plaintiff merely establishing liability of defendants but not adjudicating what parties were liable. [Browne v. Makin, C.A.5 \(Ga.\) 1949, 177 F.2d 753. Interest 39\(3\)](#)

87. Proposed judgment order, interest from date of entry of judgment

Where judgment was not entered on sum certain until almost five months after issuance of court's findings of fact and conclusions of law, and four months after plaintiffs had submitted proposed judgment ordering plaintiff to execute upon both treble damages and punitive damages award in antitrust case and providing for award of prejudgment interest, plaintiffs were not entitled to recover postjudgment interest from date they submitted their proposed judgment order. [Fishman v. Estate of Wirtz, N.D.Ill.1985, 609 F.Supp. 982. Interest 39\(3\)](#)

88. Post-trial motions, interest from date of entry of judgment

Under this section, where judgment was entered for plaintiffs, and later post-trial motions were denied, interest ran from date of entry of the judgment, and not merely from date of disposition of post-trial motions. [Litwinowicz v. Weyerhaeuser S.S. Co., E.D.Pa.1960, 185 F.Supp. 692.](#)

89. Modification of judgment or award, interest from date of entry of judgment

When first judgment is modified or vacated on appeal, postjudgment interest accrues from date of second judgment if first judgment lacks evidentiary legal basis; when original judgment is basically sound but is modified on remand, postjudgment interest accrues from date of first judgment. [Cordero v. De Jesus-Mendez, C.A.1 \(Puerto Rico\) 1990, 922 F.2d 11. Interest 39\(3\)](#)

When award of costs is modified by district court, interest on revised award should run from date of original award. [Georgia Ass'n of Retarded Citizens v. McDaniel, C.A.11 \(Ga.\) 1988, 855 F.2d 794. Interest 39\(1\)](#)

Where longshoreman recovered judgment against steamship company for personal injuries sustained while loading steel beams aboard defendant's vessel, and, after remittitur of portion of judgment, post-trial motions were denied, interest accrued on the judgment as reduced by the remittitur from date of entry of judgment for the greater amount, and not merely from date at which post-trial motions were denied, since judgment was not vacated but simply modified by reduction in amount by longshoreman's remittitur. [Litwinowicz v. Weyerhaeuser S.S. Co., E.D.Pa.1960, 185 F.Supp. 692. Interest 39\(3\)](#)

After Court of Appeals had modified award of damages in contract action only to extent of reducing amount of attorneys' fees

awarded to prevailing party without providing instructions as to allowance of postjudgment interest to be paid on amount affirmed as contract damages, prevailing party was entitled to postjudgment interest from date money judgment was entered by district court, not from date of Court of Appeals' mandate; Court of Appeals' subsequent silent denial of plaintiff's motion for instructions on interest did not constitute ruling that no interest was allowed, but rather would be construed as determination that no instructions were necessary. [F.H. Krear & Co. v. Nineteen Named Trustees, S.D.N.Y.1989, 124 F.R.D. 59. Interest](#) 39(3)

90. Remand, interest from date of entry of judgment

Post-judgment interest accrued when district court entered judgment on remand confirming arbitrators' damage award, not when district court entered initial judgment, although subsequent judgment did not alter initial damage award; district court was instructed to conduct heightened review of the case on remand, and subsequent judgment did not merely reinstate the initial judgment. [Kyocera Corp. v. Prudential-Bache Trade Services, Inc., C.A.9 \(Cal.\) 2002, 299 F.3d 769](#), rehearing granted, opinion vacated [314 F.3d 1003](#), on rehearing [341 F.3d 987](#), certiorari dismissed [124 S.Ct. 980, 540 U.S. 1098, 157 L.Ed.2d 810. Interest](#) 39(3)

Pre- and postjudgment interest were to be calculated, in proceeding to set aside arbitration award, based on date district court entered judgment on remand confirming award, rather than on date district court had entered initial judgment confirming award which it later vacated, though both judgments sufficiently ascertained damages; initial judgment confirming award was vacated at request of losing party and was unenforceable until district court entered second judgment confirming award, and using second judgment date more fully compensated prevailing party for losing party's actions since state's prejudgment interest rate was higher than federal postjudgment interest rate. [American Tel. & Tel. Co. v. United Computer Systems, Inc., C.A.9 \(Cal.\) 1996, 98 F.3d 1206. Interest](#) 39(3)

Postjudgment interest was properly awarded from date of entry of original judgment in antitrust action, rather than from date judgment was entered following remand, where portion of damages awarded in original judgment was affirmed on appeal, and remand for retrial on punitive damages did not affect portion of damages award that was affirmed. [H.J. Inc. v. Flygt Corp., C.A.8 \(Minn.\) 1991, 925 F.2d 257. Interest](#) 39(3)

When the measure of damages found by second, properly instructed jury following remand after an initial judgment includes within it a lesser amount of damages which was also found by the jury in the first trial, interest on the lesser amount will run from the date of the first judgment. [Bailey v. Chattem, Inc., C.A.6 \(Tenn.\) 1988, 838 F.2d 149](#), certiorari denied [108 S.Ct. 2831, 486 U.S. 1059, 100 L.Ed.2d 931. Interest](#) 39(3)

Unsuccessful applicant for cable television franchise in city of Houston did not achieve clear-cut victory in antitrust suit, and thus, equities in case dictated that interest run from date of judgment in favor of unsuccessful applicant on appellate remand, rather than from date district court erroneously directed verdict against applicant, where city was voluntarily dismissed as defendant, mayor was held to be protected by qualified immunity, judgment was eventually had against only one of original defendants, and final opinion of the Court of Appeals reinstating judgment against defendant rested on sufficiency of evidence. [Affiliated Capital Corp. v. City of Houston, C.A.5 \(Tex.\) 1986, 793 F.2d 706. Interest](#) 39(3)

Plaintiff was entitled to interest, on his judgment in Jones Act and general maritime suit, from date of initial decision where upon remand, district court had entered judgment in same amount it had awarded in first instance, so that mandate of Court of Appeals had not resulted in an alteration of original judgment in more than relatively minor respects. [Reaves v. Ole Man River Towing, Inc., C.A.5 \(La.\) 1985, 761 F.2d 1111. Interest](#) 39(1)

Despite argument of defendant that interest should be awarded only from date of judgment on remand, interest ran from date of judgment as originally entered in district court where court of appeals affirmed entire judgment on first appeal and review by Supreme Court of United States was limited to tolling of statute of limitations issue and did not affect portion of judgment reflecting damages incurred. [Mt. Hood Stages, Inc. v. Greyhound Corp., C.A.9 \(Or.\) 1980, 616 F.2d 394](#), certiorari denied

[101 S.Ct. 99, 449 U.S. 831, 66 L.Ed.2d 36. Interest !\[\]\(d022703cf7c7a09c8fdc4d0a5796b273\_img.jpg\)39\(3\)](#)

Where there were two entries of judgment, original judgment and judgment on remand, postjudgment interest ran from the date of the original entry of judgment on the damages but postjudgment interest on attorney's fees which were not included in the original judgment should not be awarded until after entry of the second judgment. [Lew Wenzel & Co. of Southern California, Inc. v. London Litho Supply Co., Inc., C.A.9 \(Cal.\) 1977, 563 F.2d 1367. Interest !\[\]\(a3859c22c378670cd6224333e3c53990\_img.jpg\)39\(3\)](#)

Where reviewing court's mandate pursuant to which award in favor of United States in its action for damages for fraudulently obtaining government surplus property was increased made no mention of interest and there was no connection between monetary loss to United States and damages awarded, trial court properly followed provisions of this section in making postjudgment interest on additional award commence running from date of entry of judgment on remand rather than from date of original judgment. [U.S. v. Hougham, C.A.9 \(Cal.\) 1962, 301 F.2d 133. Interest !\[\]\(c4aaed3b5c356fb84b11eeae3fb16d4c\_img.jpg\)39\(3\)](#)

Postjudgment interest on medical malpractice award began to run from date of original judgment, rather than date of revised judgment entered on remand from the Court of Appeals, where remand mandate did not specify date from which interest was to run, and Court of Appeals merely altered amount of damages by reducing them to state statutory cap, rather than altering underlying legal basis for award; moreover, defendants would gain a windfall if they were not accountable for interest which accrued from date of original judgment. [Boyd v. Bulala, W.D.Va.1990, 751 F.Supp. 576. Federal Courts !\[\]\(a4d9c663e3eca321595cdf9619555705\_img.jpg\)953](#)

Interest should be paid by defendant, as ordered, on attorney fees and expenses beginning with date of entry of original judgment which awarded attorney fees, expenses, and interest, rather than commencing with date Fourth Circuit issued remand order to the federal district court after unsuccessful appeal. [Anderson v. City of Bessemer City, North Carolina, W.D.N.C.1985, 619 F.Supp. 153. Interest !\[\]\(04174670108811f2fbba5bcdabcf46f4\_img.jpg\)39\(3\)](#)

Postjudgment interest on award against creditor based on unperfected security interest in Chapter 11 debtor supermarket's personal property that did not constitute fixtures and was sold postpetition would begin to accrue from preremand date on which bankruptcy court determined that no items in question were fixtures, rather than date of remand order determining that some items were fixtures. [In re Vic Bernacchi & Sons, Inc., Bkrcty.N.D.Ind.1994, 170 B.R. 647. Interest !\[\]\(0d02338139225ba9482f9993590abfbe\_img.jpg\)39\(3\)](#)

#### 91. Reversals, interest from date of entry of judgment

Where original judgment was reversed in part on appeal, plaintiffs were entitled to postjudgment interest accruing from date of original judgment; elimination of RICO claims in first appeal merely eliminated one ground of liability but did not affect plaintiffs' ultimate right to recovery nor amount of recovery, since other bases for liability and compensatory damages, which were reinstated on remand, were reflected in first judgment. [Loughman v. Consol-Pennsylvania Coal Co., C.A.3 \(Pa.\) 1993, 6 F.3d 88. Interest !\[\]\(0ae0d7098e1824061ea5df9c7417a653\_img.jpg\)39\(3\)](#)

Initial reversal and remand of judgment in favor of plaintiff in products liability action was not based upon procedural oversights, but rather, resulted from errors affecting basic issues of trial, and thus, postjudgment interest in favor of plaintiff properly commenced on date of remand judgment, rather than from date of first judgment. [Wheeler v. John Deere Co., C.A.10 \(Kan.\) 1991, 935 F.2d 1090, rehearing denied. Interest !\[\]\(27ef29dc8b4e394bb982c545d26a8abb\_img.jpg\)39\(3\)](#)

Interest commenced to run on antitrust judgment in favor of baseball owner against concessionaire which held exclusive concession franchise contract, despite fact that judgment was reversed on appeal, where amount of damages found on remand was same amount as found originally since it could be said that second judgment was the same, in the same amount, for the same damages incurred during the same period. [Twin City Sportservice, Inc. v. Charles O. Finley & Co., Inc., C.A.9 \(Cal.\) 1982, 676 F.2d 1291, certiorari denied 103 S.Ct. 364, 459 U.S. 1009, 74 L.Ed.2d 400. Interest !\[\]\(2ef0ac1b4a0cefb388277fc009172759\_img.jpg\)39\(3\)](#)

Under this section, in view of extent to which case was reversed, judgment for purposes of postjudgment interest was entered

by trial court on remand rather than upon date of first judgment. [Ashland Oil, Inc. v. Phillips Petroleum Co., C.A.10 \(Okla.\) 1979, 607 F.2d 335](#), certiorari denied [100 S.Ct. 2153, 446 U.S. 936, 64 L.Ed.2d 788](#).

Where trial court entered judgment for railroad notwithstanding verdict in personal injury action and court of appeals reversed and ordered verdict reinstated, interest on judgment would be calculated from date of entry of judgment on mandate. [Powers v. New York Central Railroad Company, C.A.2 \(N.Y.\) 1958, 251 F.2d 813](#). Interest 39(3)

Plaintiff in antitrust action, who was awarded damages after second trial, was entitled to an award of interest on first judgment against defendant from date of its entry, even though first judgment was reversed by court of appeals on grounds of error in court's instructions to jury and insufficient evidence to support jury charge on one of plaintiff's two theories of liability. [Handgards, Inc. v. Ethicon, Inc., N.D.Cal.1982, 552 F.Supp. 820](#), affirmed [743 F.2d 1282, 223 U.S.P.O. 214](#), certiorari denied [105 S.Ct. 963, 469 U.S. 1190, 83 L.Ed.2d 968](#). Interest 39(3)

In suit against United States under Public Vessels Act, plaintiff became entitled to interest as of day final judgment on issue of liability was rendered, and fact that court had been unable to compute damages satisfactorily and its decisions had been reversed and remanded twice would not be permitted to work to plaintiff's detriment. [Mascuilli v. U.S., E.D.Pa.1974, 383 F.Supp. 50](#), affirmed [519 F.2d 1398](#). Interest 39(3); Interest 49

#### 92. Vacated judgments or awards, interest from date of entry of judgment

Where court of appeals, in vacating original attorney-fee award in civil rights action and remanding for consideration of intervening case law, did not determine whether original award was supported by the evidence, and where court on appeal following remand concluded that original award was supported by factors district court mentioned, plaintiffs were entitled to interest on fees from date of entry of original award. [Guam Society of Obstetricians and Gynecologists v. Ada, C.A.9 \(Guam\) 1996, 100 F.3d 691](#), rehearing and suggestion for rehearing en banc denied [113 F.3d 1089](#), certiorari denied [118 S.Ct. 367, 522 U.S. 949, 139 L.Ed.2d 286](#). Interest 39(3)

When Court of Appeals has vacated first judgment on appeal, and district court has entered second judgment on remand, postjudgment interest accrues from date of entry of judgment on remand, instead of date of district court's original judgment. [Lewis v. Whelan, C.A.2 \(N.Y.\) 1996, 99 F.3d 542](#). Interest 39(3)

Postjudgment interest was to be calculated from date of entry of second judgment following appeal of remand, rather than from date of original judgment, where original judgment had been vacated in its entirety on first appeal and district court was ordered to support its award of damages with specific findings of fact and conclusions of law, and on remand, district court, for first time, calculated monetary worth of injuries suffered and arrived at award different from damage award that resulted from first trial. [Adkins v. Asbestos Corp., Ltd., C.A.6 \(Ohio\) 1994, 18 F.3d 1349](#). Interest 39(2)

After entry of final judgment as to liability and damages, decision to vacate damage award on appeal and issuance of order requiring further proceedings to quantify recoverable damages did not prevent accrual of postjudgment interest at federal statutory rate on amount common to earlier and later judgments from date that original judgment was entered in favor of diver for repairing ferry. [Clifford v. M/V Islander, C.A.1 \(Mass.\) 1989, 882 F.2d 12](#). Interest 39(3)

On appeal by power company from judgment in personal injury action against power company and city, in vacating judgment as legally insufficient, court properly vacated as to both power company and city, and postjudgment interest did not run from date of the vacated judgment but from date when trial court entered judgment after remand. [Hysell v. Iowa Public Service Co., C.A.8 \(Iowa\) 1977, 559 F.2d 468](#). [Federal Courts](#) 932.1; Interest 53

Where court of appeals had vacated award of damages and directed the district court to enter a judgment in a fair and proper amount, plaintiff was entitled to interest only from date that the district court entered its judgment on remand and not from

the date of original judgment. [Riha v. International Tel. & Tel. Corp., C.A.8 \(Neb.\) 1976, 533 F.2d 1053](#). Interest 39(3)

Court of Appeals' opinion vacating awards of front pay and attorney fees and costs to employment discrimination plaintiff, but affirming award of prejudgment interest on plaintiff's back pay award, denial of attorney fees to employer, and all other aspects of the judgment was not akin to a reversal on any basic liability error or error in procedure which affected the basic issues and accordingly, plaintiff was entitled to postjudgment interest on the attorney fee award of \$101,847 at the existing rate of interest on date on which the fees were originally awarded, as opposed to date of the remand judgment. [Dalal v. Alliant Techsystems, Inc., D.Colo.1996, 927 F.Supp. 1383](#), affirmed [182 F.3d 757](#). Interest 31; Interest 39(3)

Prevailing plaintiffs in employment discrimination suit were entitled to postjudgment interest on amount of recalculated award of attorneys fees from date of original order allowing award, notwithstanding fact that original judgment for attorneys fees was vacated by Court of Appeals. [Black Grievance Committee v. Philadelphia Elec. Co., E.D.Pa.1988, 690 F.Supp. 1393](#). Interest 39(3)

Where plaintiff had recovered judgment against railroad under Federal Employers' Liability Act, § 51 et seq. of Title 45, but had refused to remit portion of \$80,000 verdict, whereupon district court granted new trial and where, on appeal, court of appeals vacated judgment on second verdict and ordered that original verdict in favor of plaintiff be reinstated, plaintiff was entitled to interest from date original judgment was entered. [Taylor v. Washington Terminal Co., D.C.D.C.1970, 308 F.Supp. 1152](#). Interest 39(3)

#### 93. Verdict, interest from date of entry of judgment--Generally

Postjudgment interest began to run from date of judgment rather than date of verdict. [Kaiser Aluminum & Chemical Corp. v. Bonjorno, U.S.Pa.1990, 110 S.Ct. 1570, 494 U.S. 827, 108 L.Ed.2d 842](#), on remand. Interest 39(3)

Award of postjudgment interest in railroad employee's action under Federal Employers' Liability Act ran from date that verdict was rendered, and not from date that judgment was entered. [Poletto v. Consolidated Rail Corp., C.A.3 \(Pa.\) 1987, 826 F.2d 1270](#). Interest 39(3)

#### 94. ---- Delay in entering judgment, verdict, interest from date of entry of judgment

Under former § 811 of this title [now this section] providing that interest be allowed from date thereof on all judgments in civil cases recovered in a district court, interest could be awarded from date of verdict where, without fault of plaintiff, an appreciable time had elapsed between rendition of verdict and entry of judgment. [Louisiana & Ark. Ry. Co. v. Pratt, C.C.A.5 \(La.\) 1944, 142 F.2d 847](#). Interest 39(3)

Jury verdict, rather than entry of judgment, commenced accrual of postjudgment interest pursuant to equitable construction of statute requiring calculation of interest from date of entry of judgment, even though award of damages was subsequently reduced by acceptance of remittitur; clerk failed to enter judgment through no fault of plaintiff. [Burney v. Intermare K.G., K.S. Kuhlschiff K.m.b.H. and Co., M.D.Fla.1988, 717 F.Supp. 793](#), affirmed [886 F.2d 1323](#). Interest 39(3)

#### 95. Declaratory judgments, interest from date of entry of judgment

Landlords were not entitled to postjudgment interest on judgment for rent until judgment was entered on landlord claim for supplemental relief in declaratory judgment action, and they were not entitled to have postjudgment interest from the date that court issued its declaratory judgment that tenant was obligated to perform the lease. [Happy Chef Systems, Inc. v. John Hancock Mut. Life Ins. Co., C.A.8 \(Iowa\) 1991, 933 F.2d 1433](#), rehearing denied. Interest 39(3)

#### 95a. Demand for interest, necessity

Prevailing plaintiff in federal suit is entitled to post-judgment interest at rate fixed in statute, whether or not party requests post-judgment interest in complaint. [Morrison Knudsen Corp. v. Ground Improvement Techniques, Inc., C.A.10 \(Colo.\) 2008, 532 F.3d 1063](#). Interest 66

96. Admiralty and maritime actions, interest from date of entry of judgment

Although interest is allowed on any money judgment in civil case in district court including maritime action calculated from date of entry of judgment, interest may not be calculated from date of judgment for damages that were not supported by evidence. [Tinsley v. Sea-Land Corp., C.A.9 \(Wash.\) 1992, 979 F.2d 1382](#), certiorari denied [114 S.Ct. 69, 510 U.S. 817, 126 L.Ed.2d 38](#). Interest 39(3)

Award of interest from date of entry of judgment rather than from date of verdict for seaman in case under this section six weeks earlier was not abuse of discretion. [Barrios v. Louisiana Const. Materials Co., C.A.5 \(La.\) 1972, 465 F.2d 1157](#). Interest 39(3)

Plaintiff who recovered on counts for negligence under the Jones Act, for unseaworthiness under the general maritime law and for maintenance and cure for personal injuries sustained while employed as a fisherman on vessel was entitled to interest from date of entry of judgment. [Parisi v. Lady In Blue, Inc., D.C.Mass.1977, 433 F.Supp. 681](#). Interest 39(3)

97. Arbitration, interest from date of entry of judgment

Postjudgment interest on reinstated arbitration award ran from entry of original judgment, even though that judgment vacated arbitration award; failure to allow postjudgment interest from entry of original judgment would penalize parties for choosing arbitration rather than jury trial, contrary to national policy favoring arbitration. [Northrop Corp. v. Triad Intern. Marketing, S.A., C.A.9 \(Cal.\) 1988, 842 F.2d 1154](#). Interest 39(3)

Confirmed arbitration award made under Federal Arbitration Act bears interest from date of the judgment confirming it. [Trustees of Lawrence Academy at Groton v. Merrill Lynch, Pierce, Fenner & Smith, Inc., D.N.H.1993, 821 F.Supp. 59](#). Interest 39(3)

98. Bankruptcy actions, interest from date of entry of judgment

Judgment which district court entered for trustee in bankruptcy for amount of preferential payments received by defendant creditor from insolvent debtor, would automatically bear interest from date of judgment to date of payment, in accordance with mandatory provision of this section. [Salter v. Guaranty Trust Co. of Waltham, C.A.1 \(Mass.\) 1956, 237 F.2d 446](#). Interest 39(3)

Law firm that represented debtors in jointly administered bankruptcy cases could not recover post-judgment interest on its fee award pursuant to federal statute providing for interest on money judgments in civil cases; award of compensation was expense of administering bankruptcy estate, and was not monetary award. [In re El Comandante Management Co., LLC, D.Puerto Rico 2008, 395 B.R. 807](#). Interest 39(3)

Liquidating trustee who prevailed on preference claims against firm that provided consultants to Chapter 11 debtor was entitled to mandatory award of post-judgment interest until bankruptcy court's judgment was satisfied. [In re USN Communications, Inc., Bkrcty.D.Del.2002, 280 B.R. 573](#). Bankruptcy 2729

Bankruptcy trustee, who successfully avoided transfers made to investor in Chapter 7 debtors' Ponzi scheme as preferential and fraudulent, was entitled to recover from investor postjudgment interest on entire judgment amount. [In re Ramirez Rodri-](#)

[guez, Bkrcty.S.D.Tex.1997, 209 B.R. 424. Bankruptcy !\[\]\(f751fb5266fcde85b8e494ae0908d01e\_img.jpg\)2729; Interest !\[\]\(bc36180da5694a22709f5dfeb5870229\_img.jpg\)56](#)

99. Civil rights actions, interest from date of entry of judgment

Postjudgment interest began to accrue on date initial judgment for employees was entered, rather than date new judgment was entered following remand for recalculation of damages in civil rights action for political firing of municipal employees; first damages award was remanded because of possibility of duplicative damage resulting from incorrect instruction, but adequate evidence supported jury's award and jury's initial determination of liability was upheld. [Cordero v. De Jesus-Mendez, C.A.1 \(Puerto Rico\) 1990, 922 F.2d 11. Interest !\[\]\(4f522d70b8e25004dfc6cf6b1b2cbec2\_img.jpg\)39\(3\)](#)

Male employee, who prevailed on his Title VII reverse sex discrimination claim, was entitled to recover post-judgment interest, to be calculated at federal statutory rate. [Wirtz v. Kansas Farm Bureau Services, Inc., D.Kan.2003, 274 F.Supp.2d 1215. Interest !\[\]\(5c65cabb9dec68d83bd41cb0bb782f76\_img.jpg\)31; Interest !\[\]\(d62d11167d365c8564f6f2e84fc24572\_img.jpg\)39\(3\)](#)

Interest on attorney fee award in civil rights action which could be paid in installments over two fiscal years of defendant school board, was to commence on date of entry of judgment for the award, which date was also reasonably close to first date upon which district court could have completed its own work in connection with the issues involved with the award; all interest unpaid from time to time, due and owing on each installment payment date, was to be paid in full and up to date on each such payment date. [Vaughns v. Board of Educ. of Prince George's County, D.Md.1985, 627 F.Supp. 837. Interest !\[\]\(a117e00aa367c00a8bbb72cb7f59fe3a\_img.jpg\)39\(3\)](#)

100. Insurance actions, interest from date of entry of judgment

Where an explosion policy contained a warranty clause providing same terms and conditions were “to follow” settlements of other insurers, and such other insurers vigorously contested question of liability, and such question was not settled until judgment against insurers was entered, liability of insurer under such warranty clause then followed, and interest on amount of its liability therefore did not accrue until date of judgment. [Millers' Nat. Ins. Co., Chicago, Ill. v. Wichita Flour Mills Co., C.A.10 \(Kan.\) 1958, 257 F.2d 93. Interest !\[\]\(b28a70298ac8b6ba56c085c416a1008b\_img.jpg\)44](#)

In action by excess insurance company against other excess company in which it sought to recover amount contributed to settlement of personal injury action brought against insured of both companies, prevailing plaintiff was entitled to interest subsequent to date of entry of final judgment. [U.S. Fire Ins. Co. v. Federal Ins. Co., S.D.N.Y.1987, 670 F.Supp. 1191, affirmed in part, reversed in part on other grounds 858 F.2d 882, certiorari denied 109 S.Ct. 1744, 490 U.S. 1020, 104 L.Ed.2d 181. Interest !\[\]\(1b64d187a896ffd1893aaa7e386df451\_img.jpg\)22\(3\)](#)

101. Labor actions, interest from date of entry of judgment

Postjudgment interest on award of prejudgment interest for ERISA benefits would be calculated based upon the underlying judgment and award of prejudgment interest. [Skretvedt v. E.I. DuPont De Nemours, C.A.3 \(Del.\) 2004, 372 F.3d 193, on remand 2006 WL 3623705. Interest !\[\]\(0b52aeeccc30b927bed70000ab7a4697\_img.jpg\)56](#)

Employee, who was discharged for serving on jury, was entitled to postjudgment interest from date of judgment on entire amount of final judgment including damages, prejudgment interest, and attorney fees. [Fuchs v. Lifetime Doors, Inc., C.A.5 \(Tex.\) 1991, 939 F.2d 1275. Interest !\[\]\(abd48afe9ce15c21a0574dd96444958a\_img.jpg\)39\(3\)](#)

Plaintiff who obtained judgment under Fair Labor Standards Act was entitled to postjudgment interest from date of entry of judgment, as opposed to date of verdict. [Saglimbene v. Venture Industries Corp., E.D.Mich.1990, 739 F.Supp. 1100. Interest !\[\]\(63763f84dedeb750ab8af7a0588bc1da\_img.jpg\)39\(3\)](#)

102. Tort actions, interest from date of entry of judgment

Federal government was entitled to postjudgment interest on its contribution judgment against New York State Department of Health only from date contribution award ripened into unconditional, ascertained, and enforceable judgment by government's payment to plaintiff in satisfaction of judgment on plaintiff's Federal Tort Claims Act (FTCA) claim, rather than from date of entry of original judgment on government's contribution claim, through date Department paid government in satisfaction of contribution judgment. [Andrulonis v. U.S., C.A.2 \(N.Y.\) 1994, 26 F.3d 1224](#), on remand [1995 WL 46331](#). Interest 39(3)

In an action for personal injuries, it was proper to allow interest from the date of the judgment. [Arizona & N. M. Ry. Co. v. Clark, C.C.A.9 \(Ariz.\) 1913, 207 F. 817, 125 C.C.A. 305](#), affirmed [35 S.Ct. 210, 235 U.S. 669, 59 L.Ed. 415](#). Interest 39(3)

#### 103. Wrongful death actions, interest from date of entry of judgment

In the federal courts, interest on a wrongful death recovery is allowable from the date of judgment, not from the date of death. [In re Paris Air Crash of March 3, 1974, C.D.Cal.1975, 69 F.R.D. 310](#). Interest 39(3)

#### 104. Miscellaneous actions, interest from date of entry of judgment

Counsel was liable for interest on Rule 11 sanctions only from date judgment imposed joint and several liability on counsel, rather than earlier date when sanctions were imposed on client. [Estate of Calloway v. Marvel Entertainment Group, a Div. of Cadence Industries Corp., C.A.2 \(N.Y.\) 1993, 9 F.3d 237](#), certiorari denied [114 S.Ct. 1829, 511 U.S. 1081, 128 L.Ed.2d 459](#). Interest 39(1)

Plaintiffs were entitled to postjudgment interest from original judgment on punitive damages award; punitive damages were not explicitly provided for in original judgment because district court felt they were subsumed within treble damages awarded under RICO, court refused to allow entry of both punitive damages and treble compensatory damages, plaintiffs had opted for RICO damages and RICO claims were eliminated in first appeal. [Loughman v. Consol-Pennsylvania Coal Co., C.A.3 \(Pa.\) 1993, 6 F.3d 88](#). Interest 39(3)

Provision of settlement agreement, by which plaintiff agreed that settlement reflected settlement of all claims for alleged damages, interest, attorney fees and costs, contemplated only prejudgment interest, attorney fees and costs and therefore plaintiff was entitled to postjudgment interest from date of judgment until date of payment of principal amount. [Burke v. Guiney, C.A.1 \(Mass.\) 1983, 700 F.2d 767](#). Interest 39(3)

United States bringing action for treble damages against shipper for knowingly receiving from railroad an illegal rebate was entitled to interest on the judgment as reduced by court of appeals from the date of the original district court's judgment. [U.S. v. Michael Schiavone & Sons, Inc., C.A.1 \(Mass.\) 1971, 450 F.2d 875](#). Interest 39(3)

Patentee, which established willful infringement of patent directed to a media server capable of delivering multimedia information over any network configuration, was entitled to an award of post-judgment interest. [nCUBE Corp. v. SeaChange Intern., Inc., D.Del.2004, 313 F.Supp.2d 361](#), affirmed [436 F.3d 1317, 77 U.S.P.Q.2d 1481](#), rehearing and rehearing en banc denied. [Patents](#) 319(4)

Plaintiff who prevailed in federal court on malicious prosecution claim was entitled to postjudgment interest running from date judgment was entered. [Rodick v. City of Schenectady, N.D.N.Y.1994, 856 F.Supp. 105](#). Interest 39(3)

Under statute dealing with postjudgment interest on money judgments awarded in federal district court, diversity plaintiff was entitled to recover postjudgment interest from date of entry of judgment until judgment was paid on entire amount of

final judgment, including damages and prejudgment interest. [F.D.I.C. v. Fidelity and Deposit Co. of Maryland, M.D.La.1993, 827 F.Supp. 385](#), affirmed [45 F.3d 969](#), rehearing denied. [Interest](#) 39(3)

105. Attorney fees and costs awards, interest from date of entry of judgment--Generally

When final judgment is entered which includes sum of money for attorney fees, interest will accrue on the attorney fees portion of the judgment under the postjudgment statute from the date that judgment was entered, but not from a date prior to entry of judgment. [Foley v. City of Lowell, Mass., C.A.1 \(Mass.\) 1991, 948 F.2d 10](#). [Interest](#) 39(3)

Interest on attorney fee award should have started accruing on date of judgment, at higher coupon rate in effect at that time, not at later date at lower coupon rate then in effect. [Starrett v. Wadley, C.A.10 \(Okla.\) 1989, 876 F.2d 808](#). [Interest](#) 31; [Interest](#) 39(3)

When district court taxes costs against losing party, award of costs bears interest from date of original judgment. [Georgia Ass'n of Retarded Citizens v. McDaniel, C.A.11 \(Ga.\) 1988, 855 F.2d 794](#). [Interest](#) 39(3)

District court, relative to judgment in favor of juveniles in action under [section 1983 of Title 42](#) challenging state's practice of detaining juveniles without preliminary probable cause hearing, should have awarded interest on juveniles' award of fees and costs from date of that award. [R.W.T. v. Dalton, C.A.8 \(Mo.\) 1983, 712 F.2d 1225](#), certiorari denied [104 S.Ct. 527, 464 U.S. 1009, 78 L.Ed.2d 710](#). [Interest](#) 39(1)

Post-judgment interest on prevailing party's award of costs commenced upon the entry of the money judgment. [Montgomery County v. Microvote Corp., E.D.Pa.2004, 2004 WL 1087196](#), Unreported. [Interest](#) 39(3)

106. ---- Recognition of right to recover, attorney fees and costs awards, interest from date of entry of judgment

Plaintiff class that prevailed in school desegregation case was entitled to interest on its attorneys' fees accruing from date court first determined that class was entitled to award of fees, rather than date court quantified fees. [Jenkins by Agvei v. State of Mo., C.A.8 \(Mo.\) 1991, 931 F.2d 1273, 111 A.L.R. Fed. 875](#), certiorari denied [112 S.Ct. 338, 502 U.S. 925, 116 L.Ed.2d 278](#). [Interest](#) 39(2.45)

Postjudgment interest on attorneys' fees awarded to prevailing plaintiffs in civil rights action began to accrue from date court recognized plaintiffs' right to recover such fees, rather than when order was entered quantifying the award. [Jenkins v. State of Mo., W.D.Mo.1990, 731 F.Supp. 1437](#), affirmed [931 F.2d 1273, 111 A.L.R. Fed. 875](#), certiorari denied [112 S.Ct. 338, 502 U.S. 925, 116 L.Ed.2d 278](#). [Interest](#) 39(3)

In determining appropriate attorney fee award for black male who was successful in bringing employment discrimination action against state employer under civil rights statutes, postjudgment interest component of award accrued from date of judgment when black male was held entitled to attorney fees for compensable work performed up to that date. [Burston v. Com. of Va., E.D.Va.1984, 595 F.Supp. 644](#). [Interest](#) 39(3)

107. ---- Grant of request, attorney fees and costs awards, interest from date of entry of judgment

Prevailing plaintiffs in action under Resources Conservation and Recovery Act (RCRA) were entitled to interest on award of attorney fees, calculated from date of order granting request for fees and costs, rather than from date of order quantifying award. [Albahary v. City and Town of Bristol, Conn., D.Conn.2000, 96 F.Supp.2d 121](#). [Interest](#) 39(3)

Prevailing plaintiffs in civil rights action challenging constitutionality of rental practices in housing developments were entitled to interest on award of attorney fees, calculated from date of order granting request for fees and costs. [Williamsburg Fair](#)

[Housing Committee v. Ross-Rodney Housing Corp., S.D.N.Y.1984, 599 F.Supp. 509. Interest !\[\]\(313ad9ca6a55d42d73f29c9cafd3f783\_img.jpg\)39\(1\)](#)

### III. PREJUDGMENT INTEREST

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#### [131.](#) Prejudgment interest generally

Statute, providing that interest shall be allowed on any money judgment in civil case recovered in district court, does not necessarily control award of prejudgment interest in all cases, particularly where historically it has been disallowed. *Frymire v. Ampex Corp.*, C.A.10 (Colo.) 1995, [61 F.3d 757](#), rehearing denied, certiorari dismissed [116 S.Ct. 1588](#), [517 U.S. 1182](#), [134 L.Ed.2d 685](#). Interest 39(2.6)

By its silence, this section neither specifically allows nor forbids prejudgment interest. [Wildman v. Burlington Northern R. Co., C.A.9 \(Mont.\) 1987, 825 F.2d 1392.](#)

This section makes no provision for prejudgment interest. [Jarvis v. Johnson, C.A.3 \(Pa.\) 1982, 668 F.2d 740.](#) Interest

[🔑39\(2.6\)](#)

This section under federal law does not limit successful plaintiff to interest from the date of judgment; it rather indicates that the judgment itself will bear interest, as a matter of law, from the date that it is entered and leaves to other principles of law the issue of whether the judgment itself will include prejudgment interest as a part of the plaintiff's compensation. [Illinois Cent. R. Co. v. Texas Eastern Transmission Corp., C.A.5 \(Tex.\) 1977, 551 F.2d 943](#). [Interest 🔑39\(2.6\)](#); [Interest 🔑39\(3\)](#)

This section relating to interest on judgments relates only to interest recoverable on judgment itself, and has nothing to do with question of whether prejudgment interest should be allowed as part of compensation awarded to make injured party whole. [Louisiana & A. Ry. Co. v. Export Drum Co., C.A.5 \(La.\) 1966, 359 F.2d 311](#). [Interest 🔑22\(3\)](#)

Where a statute is silent on issue of award of prejudgment interest, an award of prejudgment interest lies within the court's discretion and the court may fashion a remedy to enforce congressional intent. [Fresh Kist Produce, LLC v. Choi Corp., Inc., D.D.C.2003, 251 F.Supp.2d 138](#). [Interest 🔑39\(2.10\)](#)

Under federal case law, when federal statute is silent as to prejudgment interest, court should fashion federal rule which grants or denies prejudgment interest based on congressional purpose of particular statute; statute's failure to mention prejudgment interest does not necessarily manifest congressional intent to bar interest. [Golden State Transit Corp. v. City of Los Angeles, C.D.Cal.1991, 773 F.Supp. 204](#). [Federal Courts 🔑374](#)

While this section is silent on issue, it does not bar award of prejudgment interest. [Mother Goose Nursery Schools, Inc. v. Sendak, N.D.Ind.1984, 591 F.Supp. 897](#), reversed on other grounds [770 F.2d 668](#), certiorari denied [106 S.Ct. 884, 474 U.S. 1102, 88 L.Ed.2d 919](#). [Interest 🔑39\(2.6\)](#)

Silence of this section on issue of prejudgment interest does not mean that such interest is unavailable in federal courts. [In re Air Crash Disaster Near Chicago, Ill., on May 25, 1979, N.D.Ill.1979, 480 F.Supp. 1280](#), affirmed [644 F.2d 633](#). [Interest 🔑39\(2.6\)](#)

[132](#). Federal question cases, prejudgment interest

This section providing for interest on any money judgment in civil case recovered in district court does not preclude award of prejudgment interest where jurisdiction is predicated on federal question. [Guidry v. Booker Drilling Co. \(Grace Offshore Co.\), C.A.5 \(La.\) 1990, 901 F.2d 485](#). [Interest 🔑39\(2.6\)](#)

The postjudgment interest rate specified in this section does not by its own operation apply to prejudgment interest; in federal question cases, the rate of prejudgment interest is committed to the discretion of the district court. [Sun Ship, Inc. v. Matson Navigation Co., C.A.3 \(Pa.\) 1986, 785 F.2d 59](#).

This section does not by its silence bar awarding of prejudgment interest in cases whose jurisdiction is grounded in resolution of a federal question. [Bricklayers' Pension Trust Fund v. Taiariol, C.A.6 \(Mich.\) 1982, 671 F.2d 988](#), on remand. [Interest 🔑39\(2.6\)](#); [Interest 🔑39\(2.10\)](#); [Interest 🔑39\(2.20\)](#)

Prejudgment rate of interest would be fixed at federal postjudgment interest rate prevailing on date of loss in federal question suit, rather than at much higher statutory postjudgment rate of forum state, where no reasons specific to case were shown to support discretionary award at state rate. [Security Ins. Co. of Hartford v. Old Dominion Freight Line, Inc., S.D.N.Y.2003, 314 F.Supp.2d 201](#). [Federal Courts 🔑415](#); [Interest 🔑31](#)

Statute governing award of interest does not by its silence bar award of prejudgment interest in federal question cases; however, court must determine whether award is proper under statute involved in particular case. [Remington Products, Inc. v.](#)

[North American Philips, Corp., D.Conn.1991, 763 F.Supp. 683. Interest !\[\]\(fa5dc375f53ebca2254d954696b0908e\_img.jpg\)39\(2.20\)](#)

133. Discretion of court, prejudgment interest

Because federal district courts have discretion in determining prejudgment interest rates, federal district courts are not required to use federal statute on interest rates in computing such interest. [Smith v. American Intern. Life Assur. Co. of New York, C.A.11 \(Ga.\) 1995, 50 F.3d 956. Interest !\[\]\(801121e40178f2387cfa89a806be11bc\_img.jpg\)31](#)

While this section does not preclude prejudgment interest, award of such interest is committed to discretion of district court and is to be based on equitable considerations. [In re Burlington Northern, Inc. Employment Practices Litigation, C.A.7 \(Ill.\) 1986, 810 F.2d 601, certiorari denied 108 S.Ct. 82, 484 U.S. 821, 98 L.Ed.2d 44.](#)

In the Eleventh Circuit, prejudgment interest may be awarded in the discretion of the court, and courts are not required to use the federal postjudgment interest statute in computing such interest. [In re Caribbean K Line, Ltd., S.D.Fla.2002, 288 B.R. 908. Interest !\[\]\(fb38b2d97fa181a28086eb3d6320a099\_img.jpg\)31; Interest !\[\]\(63d0d48609bf85edd8b0f363e7c55855\_img.jpg\)39\(2.10\)](#)

Prejudgment interest in trustee avoidance actions, though not mandated by statute, may be awarded in discretion of court. [In re Stephen Douglas, Ltd., Bkrcty.E.D.N.Y.1994, 174 B.R. 16. Interest !\[\]\(ca91c249b0546c1424a84dfa11756b5e\_img.jpg\)39\(2.20\)](#)

Absent statutory provision to the contrary, court has broad discretion in deciding whether to award prejudgment interest. [In re Vic Bernacchi & Sons, Inc., Bkrcty.N.D.Ind.1994, 170 B.R. 647. Interest !\[\]\(d1a88bef3b1503d05207105457efd072\_img.jpg\)39\(2.10\)](#)

134. Rate of interest, prejudgment interest--Generally

District court's failure to heed instruction of Court of Appeals to apply Treasury bill rate in calculating prejudgment interest unless equities demanded otherwise, was abuse of discretion. [Blanton v. Anzalone, C.A.9 \(Cal.\) 1987, 813 F.2d 1574. Federal Courts !\[\]\(62812fd69e0a8c8b1f0a6ed8f6945ed9\_img.jpg\)830](#)

Although district courts in the future may be influenced by congressional wisdom expressed in amendment providing rate for postjudgment interest, they are not invariably compelled to adopt statutory postjudgment rates in determining prejudgment interest. [E.E.O.C. v. Wooster Brush Co. Employees Relief Ass'n, C.A.6 \(Ohio\) 1984, 727 F.2d 566. Interest !\[\]\(8fdafc725f8594650b641bf5684e4526\_img.jpg\)39\(2.6\)](#)

Appropriate methodology employed in calculating amount of prejudgment interest involves three steps: first, the award should be divided pro rata over the appropriate time period; second, once award is divided, average annual United States treasury bill rate of interest will be applied; and finally, in order to guarantee complete compensation to plaintiff, interest will be compounded annually. [Gatti v. Community Action Agency of Greene County, Inc., N.D.N.Y.2003, 263 F.Supp.2d 496, affirmed 86 Fed.Appx. 478, 2004 WL 234877. Interest !\[\]\(93891996b41fff7d4935b1c607f97b73\_img.jpg\)31; Interest !\[\]\(3e1ca211c8db34eae9416c17f666fc4a\_img.jpg\)56; Interest !\[\]\(ecf54d468a60dbe4b5b2415708a505d0\_img.jpg\)60](#)

Prejudgment interest on successful preference and fraudulent conveyance claims would be based on rate in effect under statute governing postjudgment interest as of date that complaint was filed, but postjudgment interest would accrue at interest rate currently applicable under statute; claims had taken extended period of time to resolve, and eight percent rate in effect under applicable Colorado law as then incorporated by statute would be applied. [In re Investment Bankers, Inc., Bkrcty.D.Colo.1991, 135 B.R. 659, affirmed 161 B.R. 507, affirmed 4 F.3d 1556, certiorari denied 114 S.Ct. 1061, 510 U.S. 1114, 127 L.Ed.2d 381. Interest !\[\]\(e5fdcd114e7b925931c79336e1b89396\_img.jpg\)31](#)

In determining appropriate prejudgment interest rate under postjudgment interest statute, rate in effect on date judgment is awarded should be used. [In re Brantley, Bkrcty.D.Md.1990, 116 B.R. 443. Interest !\[\]\(0f60349cfc83d6b1e1a7befda78499ae\_img.jpg\)30\(3\)](#)

135. ---- Adjusted prime rate, rate of interest, prejudgment interest

District court did not abuse its discretion in calculating prejudgment interest using Internal Revenue Service (IRS) adjusted prime rate, rather than using statute governing interest on money judgment in civil case recovered in district court. [Taxman v. Board of Educ. of Tp. of Piscataway, C.A.3 \(N.J.\) 1996, 91 F.3d 1547](#), certiorari granted [117 S.Ct. 2506, 521 U.S. 1117, 138 L.Ed.2d 1010](#), certiorari dismissed [118 S.Ct. 595, 522 U.S. 1010, 139 L.Ed.2d 431](#). Interest 31

136. ---- State law rate, rate of interest, prejudgment interest

State law governs prejudgment interest rate. [Loft v. Lapidus, C.A.1 \(R.I.\) 1991, 936 F.2d 633](#). Interest 28

Because state law governs rate of prejudgment interest on monthly displacement allowances to be paid to railroad employees for benefits lost due to military service, state law would also control question of whether judgment entered before date of statutory rate increase should earn interest at new rate from effective date of statute. [Brown v. Consolidated Rail Corp., N.D. Ohio 1985, 614 F.Supp. 289](#). Interest 39(2.20)

Bankruptcy court's decision to set prejudgment interest rate on judgment entered in favor of trustee in preference-avoidance action at 12% rate specified under state law was not abuse of discretion. [In re Industrial Supply Corp., M.D. Fla. 1991, 127 B.R. 62](#), affirmed [961 F.2d 1582](#). Interest 31

137. ---- Admiralty and maritime actions, rate of interest, prejudgment interest

Prejudgment interest on award of detention damages for maritime casualty was warranted at lower federal rate rather than at higher rate under Louisiana law requested by vessel owner, absent showing of inequity; maritime casualty occurred in Louisiana but did not require vessel owner to borrow money or prevent it from paying off loans, and neither party was domiciled, incorporated, or had its principal place of business in Louisiana. [In re M/V Nicole Trahan, C.A.5 \(La.\) 1994, 10 F.3d 1190](#), rehearing denied. Interest 31

Award of prejudgment interest in admiralty case was properly based upon average of prevailing Treasury Bill rates, rather than using single Treasury Bill rate applied retroactively over relevant periods. [Ingersoll Mill. Mach. Co. v. M/V Bodena, C.A.2 \(N.Y.\) 1987, 829 F.2d 293](#), certiorari denied [108 S.Ct. 774, 484 U.S. 1042, 98 L.Ed.2d 860](#). Interest 56

Trial court's failure to adopt rate for prejudgment interest established by Louisiana statute, rather than looking to federal standard, was not abuse of discretion, nor was failure to apply federal statutory rate that would have applied at time loss occurred or rate during interval between loss and entry of judgment, even though either formula might have produced more equitable result than that adopted by trial court. [Reeled Tubing, Inc. v. M/V Chad G, C.A.5 \(La.\) 1986, 794 F.2d 1026](#). Interest 31

In diversity case involving maritime issues, district court did not abuse its discretion in awarding prejudgment interest at rate of 12.801%, the 52-week Treasury bill rate on the date of delivery. [Columbia Brick Works, Inc. v. Royal Ins. Co. of America, C.A.9 \(Or.\) 1985, 768 F.2d 1066](#). Interest 39(2.25)

The measure of interest rates prescribed for postjudgment interest by this section was also appropriate for fixing the rate for prejudgment interest in action to recover damages arising out of collision at sea, in absence of evidence that the equities of the case required a different rate; accordingly, judgment awarding prejudgment interest at the rate of 8% per annum would be reversed and the cause remanded for calculation of an interest rate based upon the coupon issue yield equivalent of the average accepted auction price for the last auction of 52-week United States Treasury bills settled immediately prior to the date of payment. [Western Pacific Fisheries, Inc. v. S.S. President Grant, C.A.9 \(Cal.\) 1984, 730 F.2d 1280](#). [Federal Courts](#) 945; Interest 38(1)

Purchaser of wooden doorskins was entitled to prejudgment interest at rate calculated pursuant to this section on its award

against ocean carrier for damages to cargo during shipping. [GF Co. v. Pan Ocean Shipping Co., Ltd., C.D.Cal.1992, 795 F.Supp. 1001](#), reversed [23 F.3d 1498](#). [Interest](#) 39(2.25)

Owners and lessors of mooring cell and dolphin which were destroyed after being struck by barge which broke away from defendant's towing vessel were entitled to award of prejudgment interest from date of loss at rate provided by this section. [Pillsbury Co. v. Midland Enterprises, Inc., E.D.La.1989, 715 F.Supp. 738](#), affirmed and remanded on other grounds [904 F.2d 317](#), certiorari denied [111 S.Ct. 515, 498 U.S. 983, 112 L.Ed.2d 527](#). [Interest](#) 39(2.25)

Use of treasury bill interest rate to calculate prejudgment interest on damages award was warranted, in seaman's action against vessel owner for negligence under the Jones Act and unseaworthiness under general maritime law; award was generous, use of that rate to calculate prejudgment interest has been affirmed in other non-maritime cases, and seaman requested use of the treasury bill interest rate. [Perkins v. American Electric Power Fuel Supply, Inc., C.A.6 \(Ohio\) 2004, 91 Fed.Appx. 370, 2004 WL 74653](#), Unreported. [Interest](#) 31

### 138. ---- Bankruptcy actions, rate of interest, prejudgment interest

While federal postjudgment interest statute addresses postjudgment interest, bankruptcy courts will sometimes apply the statute in fixing prejudgment interest. [In re Caribbean K Line, Ltd., S.D.Fla.2002, 288 B.R. 908](#). [Interest](#) 2; [Interest](#) 28

Bankruptcy trustee, who successfully avoided transfers made to investor in Chapter 7 debtors' Ponzi scheme as preferential and fraudulent, was entitled to recover from investor prejudgment interest at statutory rate, accruing from commencement date of case. [In re Ramirez Rodriguez, Bkrcty.S.D.Tex.1997, 209 B.R. 424](#). [Interest](#) 31; [Interest](#) 39(2.20)

Chapter 11 debtor-franchisee was entitled to prejudgment interest at federal rate from date of filing of adversary proceeding against franchisor seeking to recover prepetition credit card billings and cash received by franchisor from debtor within 90 days prior to bankruptcy which franchisor offset against debtor's debt for products purchased from franchisor. [In re Centergas, Inc., Bkrcty.N.D.Tex.1994, 172 B.R. 844](#). [Interest](#) 31; [Interest](#) 39(2.20)

Bankruptcy court awarding prejudgment interest would use statutory rate for postjudgment interest award. [In re Vic Bernacchi & Sons, Inc., Bkrcty.N.D.Ind.1994, 170 B.R. 647](#). [Interest](#) 31

Trustee who had successfully set aside preferential transfers would be fairly compensated for prejudgment interest due by use of statutory postjudgment interest rate, and prejudgment interest rate would accordingly be equal to coupon issue equivalent of average accepted auction price for last auction of 52-week United States treasury bills settled immediately prior to date of commencement of adversary action. [In re Baker & Getty Financial Services, Inc., Bkrcty.N.D.Ohio 1988, 88 B.R. 792](#). [Interest](#) 31

Appropriate rate of prejudgment interest to be applied in preference action is same as that described in this section. [In re Fulghum Const. Corp., M.D.Tenn.1987, 78 B.R. 146](#), reversed on other grounds [872 F.2d 739](#). [Interest](#) 31

Prejudgment interest to which trustee was entitled on avoided postpetition transfers would be computed at rate set in federal postjudgment interest statute. [In re Missionary Baptist Foundation of America, Inc., Bkrcty.N.D.Tex.1987, 69 B.R. 536](#). [Interest](#) 31

In absence of substantial evidence showing that equities required different rate, postjudgment interest rate was applicable in determining prejudgment interest recoverable by trustee in preferential transfer cases. [In re H.P. King Co., Inc., Bkrcty.E.D.N.C.1986, 64 B.R. 487](#). [Interest](#) 31

### 139. ---- Civil rights actions, rate of interest, prejudgment interest

Employee who prevailed on claims of failure to accommodate his disability and discriminatory discharge would be awarded prejudgment interest on award of compensatory damages as well as award of back pay and front pay through time of judgment, to be computed on basis of United States treasury bill interest rate. [Picinich v. United Parcel Service, N.D.N.Y.2008, 2008 WL 2095490](#). Interest 39(2.45)

Former federal employee was not entitled to prejudgment interest on the \$300,000 compensatory damages award he obtained for emotional pain and mental anguish, in his action against former federal employer, under the Rehabilitation Act and Title VII; the government's liability for compensatory damages including any prejudgment interest was statutorily capped at \$300,000, and prejudgment interest was not permitted for the kind of uncertain non-liquidated damages represented by the \$300,000 in compensatory damages. [Hudson v. Chertoff, S.D.Fla.2007, 484 F.Supp.2d 1275](#). Interest 39(2.45)

Prejudgment interest on award of back pay in Title VII action would be United States 52-week treasury bill rate, compounded annually. [Luciano v. Olsten Corp., E.D.N.Y.1996, 912 F.Supp. 663](#), affirmed [110 F.3d 210](#). Interest 31; Interest 60

In action under Michigan's Elliott-Larsen Civil Rights Act, Michigan rate of pre-judgment interest was applicable only through date court entered initial judgment for plaintiff, not through date of subsequent remittitur; thereafter, lower federal post-judgment interest rate applied. [Brocklehurst v. PPG Industries, Inc., E.D.Mich.1995, 907 F.Supp. 1106](#), affirmed [123 F.3d 890](#), rehearing and suggestion for rehearing en banc denied. Interest 31

Appropriate rate of prejudgment interest on compensatory damage award in § 1983 action arising out of public employee's termination was treasury bill rate, rather than New York statutory rate for judgments against a corporation, with prejudgment interest calculated according to average rate over period for which interest was to be awarded to account fairly for considerable fluctuations in treasury bill rate where liability of former supervisors was predicated on a federal civil statute and it was not apparent that former employer, a public corporation, had a duty to indemnify supervisors or that public corporation was the real party in interest so that the New York prejudgment interest would apply. [Rao v. New York City Health and Hospitals Corp., S.D.N.Y.1995, 882 F.Supp. 321](#), motion denied [905 F.Supp. 1236](#). Interest 31

Appropriate rate of prejudgment interest on property owners' award for unconstitutional acts of county in denying subdivision plan was United States treasury bill rate in effect at time, i.e., 6.16%, rather than 13%. [Herrington v. County of Sonoma, N.D.Cal.1991, 790 F.Supp. 909](#). Interest 38(1)

Appropriate rate at which to award prejudgment interest on § 1983 award was 52-week Treasury bill rate compounded annually, using annual average of monthly rates. [Golden State Transit Corp. v. City of Los Angeles, C.D.Cal.1991, 773 F.Supp. 204](#). Interest 39(2.45)

Prejudgment interest to which Title VII plaintiff was entitled would be calculated at rate found in federal statute for post-judgment interest. [Daniels v. Essex Group, Inc., N.D.Ind.1990, 740 F.Supp. 553](#), affirmed [937 F.2d 1264](#). Interest 56

Prejudgment interest would be awarded on age discrimination back pay award at rate calculated through NLRB's IRS prime rate method for period before effective date of amendment to Internal Revenue Code interest provision, and interest on amounts accruing on or after effective date would be computed at short-term federal rate for underpayment of taxes as set out in amendment; prejudgment interest rate was not limited to statutory rate for postjudgment interest on date of judgment. [McKelvy v. Metal Container Corp., M.D.Fla.1989, 125 F.R.D. 179](#). Interest 31; Interest 39(2.45)

Employer was required to pay prejudgment interest to prevailing employee at 4.304 percent on back pay award from date of discharge to date judgment was entered, compounded annually with loss distributed equally over back pay period, in lawsuit under the ADA and New York Human Rights Law (NYHRL), since back wages represented quantifiable loss not only in wages, but also in interest on those wages. [Kuper v. Empire Blue Cross and Blue Shield, S.D.N.Y.2004, 2004 WL 97685](#),

Unreported. [Interest 31](#); [Interest 39\(2.45\)](#); [Interest 60](#)

Victim of disability discrimination was entitled to prejudgment interest on back pay award based on interest rate for short-term United States Treasury bills, compounded annually for the entire backpay period. [E.E.O.C. v. Yellow Freight System, Inc., S.D.N.Y.2002, 2002 WL 31011859](#), Unreported. [Interest 31](#); [Interest 39\(2.45\)](#)

[140](#). ---- Contract actions, rate of interest, prejudgment interest

Prejudgment interest should have been computed pursuant to M.S.A. § 334.01 which provided that interest rate for any legal indebtedness shall be at rate of 6 percent per year, unless parties contract for different rate in writing. [Schumann v. Levi, C.A.8 \(Minn.\) 1984, 728 F.2d 1141](#). [Interest 31](#)

[141](#). ---- ERISA actions, rate of interest, prejudgment interest

Widow of insured who died from acute morphine intoxication was entitled to prejudgment interest in the amount of \$79,173.29, representing interest from the date of insured's death through the date of final judgment at a rate of 5.6 percent, in ERISA action to recover accidental death benefits; insurance policy was silent on whether plan would pay interest on benefits not paid when due, and determination of prejudgment interest award was matter of equity, rather than contractual, so that interest rate was determined by federal, rather than state law. [Sheehan v. Guardian Life Ins. Co., C.A.8 \(Mo.\) 2004, 372 F.3d 962](#). [Federal Courts 415](#); [Interest 31](#); [Interest 39\(2.40\)](#)

District court properly calculated prejudgment interest when it calculated interest as if plaintiffs had invested the withheld funds at 52-week Treasury bill rate and then reinvested proceeds annually at new rate, rather than calculating interest based on 52-week Treasury bill rate as to time of judgment; prejudgment interest was intended to cover lost investment potential of funds to which plaintiff was entitled, from time of entitlement to date of judgment, and rate at time of judgment had no bearing on what could have been earned prior to judgment. [Nelson v. EG & G Energy Measurements Group, Inc., C.A.9 \(Cal.\) 1994, 37 F.3d 1384](#). [Interest 56](#)

Unless equities of case required a different rate, prejudgment interest on difference between market rental value of building in ERISA plan and rent trustees charged themselves should be calculated by applying, to each monthly rental undercharge, interest from date of undercharge to date of original judgment in favor of ERISA beneficiary at rate equal to that paid on United States treasury bills. [Blanton v. Anzalone, C.A.9 \(Cal.\) 1985, 760 F.2d 989](#). [Interest 56](#)

Plan participant who succeeded in his ERISA claim for unpaid long-term disability (LTD) benefits was entitled to prejudgment interest equivalent to that which would have accrued if he had invested his LTD benefits at a rate equal to the weekly average 1-year constant maturity Treasury yield on the date the benefits were due to him, and then reinvested the proceeds annually at a rate equal to the weekly average 1-year constant maturity Treasury yield at the time of the reinvestment, up to the date on which the plan administrator satisfied the judgment by paying all the LTD benefits. [Caplan v. CNA Financial Corp., N.D.Cal.2008, 573 F.Supp.2d 1244](#). [Interest 39\(2.40\)](#)

Average post-judgment interest rate under federal statute that governed interest, for time period from when claim accrued until judgment entered in beneficiary's favor, applied to award of prejudgment interest on prevailing party's recovery under ERISA. [Klimbach v. Spherion Corp., W.D.N.Y.2006, 467 F.Supp.2d 323](#). [Interest 31](#)

Use of federal statutory rate for post-judgment interest was warranted, rather than Pennsylvania rate for use of money, in determination of appropriate prejudgment interest rate to be applied to fees recovered from health insurer under employee benefits plan covered by Employee Retirement Income Security Act (ERISA). [Russo v. Abington Memorial Hosp. Healthcare Plan, E.D.Pa.2003, 257 F.Supp.2d 784](#). [Pensions 142](#)

Beneficiaries of ERISA life policies who prevailed in insured's interpleader case were entitled to award of prejudgment interest, at postjudgment rate, dating from one month after they notified insurer of their adverse claim to those proceeds; insurer did not commence interpleader action until 21 months after beneficiaries notified it of that claim. [Connecticut General Life Ins. Co. of New York v. Cole](#), S.D.N.Y.1993, 821 F.Supp. 193. [Interest 31](#); [Interest 39\(2.35\)](#)

Employee who recovered for loss of sight in one eye under group benefit plan governed by ERISA would be awarded prejudgment interest at the legal rate calculated pursuant to federal statute, rather than the Florida legal rate of 12% per annum. [Reid v. Prudential Ins. Co. of America](#), M.D.Fla.1990, 755 F.Supp. 372. [Interest 31](#); [Interest 39\(2.20\)](#)

Former employee who was entitled to pro rata share of residual assets in terminated pension plan was entitled to prejudgment interest on his share from date that employee refused to allocate assets among participants and interest rate was to be determined under this section. [Rosenbaum v. Davis Iron Works, Inc.](#), E.D.Mich.1987, 669 F.Supp. 813, affirmed in part, vacated in part on other grounds [871 F.2d 1088](#), certiorari denied [110 S.Ct. 235](#), [493 U.S. 890](#), [107 L.Ed.2d 186](#). [Interest 39\(2.40\)](#)

Former executive, who was denied pension benefits in violation of Employee Retirement Income Security Act, was entitled to prejudgment interest at rate provided in this section governing postjudgment interest at rate obtained immediately prior to date of first demand made for vested benefits and was also entitled to reasonable attorney fees and expenses. [Kann v. Keystone Resources, Inc.](#), W.D.Pa.1983, 575 F.Supp. 1084. [Interest 39\(2.40\)](#)

142. ---- Fraudulent conveyance actions, rate of interest, prejudgment interest

Court would apply the federal postjudgment interest statute to determine prejudgment interest rate to be applied in fraudulent conveyance action. [Federal Deposit Ins. Corp. v. British-American Corp.](#), E.D.N.C.1991, 755 F.Supp. 1314. [Interest 31](#)

Chapter 7 trustee was entitled to award of prejudgment and postjudgment interest at federal statutory rate where debtor-employee's prepetition payment to employer-brokerage firm, pursuant to illegal contract, was avoidable fraudulent transfer, and employer had funds in its possession since date of payment. [In re Fink](#), Bkrcty.C.D.Cal.1997, 217 B.R. 614. [Bankruptcy 2729](#); [Interest 39\(2.20\)](#); [Interest 39\(3\)](#); [Interest 31](#)

Chapter 11 trustee was entitled to prejudgment interest on fraudulent transfer claims from date of filing of each complaint at rate in effect on that date under statute governing interest in pending actions and judgments, and that amount had to be compounded annually, given the passage of over one year since the adversary proceedings were filed. [In re International Loan Network, Inc.](#), Bkrcty.D.Dist.Col.1993, 160 B.R. 1. [Interest 31](#); [Interest 47\(1\)](#); [Interest 60](#)

143. ---- Labor actions, rate of interest, prejudgment interest

District court could properly look to Puerto Rico law in awarding 12 percent interest rate for prejudgment interest under the Labor Management Relations Act; Act was silent as to prejudgment interest, and court could grant prejudgment interest under its equitable powers. [Colon Velez v. Puerto Rico Marine Management, Inc.](#), C.A.1 (Puerto Rico) 1992, 957 F.2d 933. [Interest 31](#); [Interest 39\(2.40\)](#)

Award of prejudgment interest, following court's confirmation of supplemental arbitration award against employer awarding employee backpay after determining employer wrongfully refused to reinstate employee, was not warranted; parties had been involved in a concerted effort to settle the matter since arbitration award was issued, employer's challenge to arbitration award did not appear to be a bad-faith attempt to evade payment of award, and employee did not appear to have suffered any undue financial hardship while awaiting payment of the award. [McCabe Hamilton & Renny Co., Ltd. v. International Longshore and Warehouse Union, Local 142, AFL-CIO](#), D.Hawai'i 2008, 557 F.Supp.2d 1171. [Interest 39\(2.40\)](#)

Union members who obtained damages due to union officer's setting of new dues rate without vote by members were entitled to prejudgment interest at rate set forth in federal interest statute. [Dornan v. Sheet Metal Workers' Intern. Ass'n, E.D.Mich.1992, 810 F.Supp. 856. Interest 31; Interest 39\(2.40\)](#)

While law of Louisiana would provide applicable interest rate on award under the Worker Adjustment and Retraining Notification Act (WARN), reference to standard established federal postjudgment interest rate statute would be considered. [Carpenters Dist. Council of New Orleans and Vicinity v. Dillard Dept. Stores, Inc., E.D.La.1992, 790 F.Supp. 663](#), amended, affirmed in part, reversed in part on other grounds [15 F.3d 1275](#), certiorari denied [115 S.Ct. 933, 513 U.S. 1126, 130 L.Ed.2d 879. Interest 31](#)

[144.](#) ---- Patent actions, rate of interest, prejudgment interest

Prejudgment interest in patent action is properly made at the prime rate and finding of special circumstances is required only to accrue interest at a rate higher than the prime. [Studiengesellschaft Kohle mbH v. Dart Industries, Inc., D.Del.1987, 666 F.Supp. 674, 4 U.S.P.Q.2d 1817](#), affirmed [862 F.2d 1564, 9 U.S.P.Q.2d 1273. Interest 31](#)

[145.](#) ---- Quiet title actions, rate of interest, prejudgment interest

Prejudgment interest on withheld mineral royalties was appropriately calculated on basis of 52-week treasury bill rate prescribed for judgment interest rather than on basis of Utah statutory interest rate of 6%, where case presented federal question through application of Federal Quiet Title Act. [Amoco Production Co. v. U.S., D.Utah 1987, 663 F.Supp. 998. Interest 31](#)

[146.](#) ---- Miscellaneous actions, rate of interest, prejudgment interest

District court did not abuse its discretion by applying United States Treasury Bill rate, rather than rate of interest insured could have earned had it invested funds in its native India, in awarding pre-judgment interest with respect to insured's recovery in suit arising under maritime insurance policy. [New York Marine & General Ins. Co. v. Tradeline \(L.L.C.\), C.A.2 \(N.Y.\) 2001, 266 F.3d 112](#), on remand [2003 WL 548877. Interest 31](#)

Award of prejudgment interest against widow was appropriate to afford equitable relief to ex-wife, in litigation over whether proceeds from life insurance policy of decedent child support obligor, due to ex-wife pursuant to divorce decree under Nebraska law, could be offset by Social Security survivor's benefits received by decedent's children. [Metropolitan Life Ins. Co. v. Novotny, D.Neb.2005, 400 F.Supp.2d 1187](#), stay granted [2006 WL 1072089. Interest 39\(2.35\)](#)

Federal post-judgment interest rate was applicable to prejudgment interest awarded to insurer, as subrogee of consignor and consignee under bill of lading, that successfully sued trucking company, stemming from fire while goods were being transported; there was no connection to New York which would counsel in favor of applying its rate on discretionary basis, and federal rate was more appropriate to short-term, risk-free obligations. [Atlantic Mut. Ins. Co. v. Napa Transp., Inc., S.D.N.Y.2005, 399 F.Supp.2d 523](#), affirmed [201 Fed.Appx. 19, 2006 WL 2918940. Federal Courts 415](#)

Prevailing plaintiffs in IDEA action were entitled to prejudgment interest on attorney fees awarded in subsequent fee litigation; school's arguments in the fee litigation bordered on the frivolous, its "stonewalling" caused plaintiffs' counsel to wait in excess of two years to be paid for her services, and its "unreasonable penny-pinching scrutiny" could have had "serious chilling effects" on the availability of competent, experienced attorneys in IDEA cases. [Holbrook v. District of Columbia, D.D.C.2004, 305 F.Supp.2d 41. Interest 39\(2.45\)](#)

Prejudgment interest in action removed to federal court by Resolution Trust Corporation (RTC) was to be calculated at Texas postjudgment rate of 10% rather than federal postjudgment rate of 3.54% where Texas law, governing award of prejudgment

interest, provided that rate was to be the same as the postjudgment rate, though federal law applied to postjudgment interest. [Law Offices of C. Kendall Harrell, P.C. v. Commerce Sav. Ass'n, W.D.Tex.1993, 824 F.Supp. 1159. Interest !\[\]\(785d8b53f116faca2dbae2cbde4b497e\_img.jpg\)31](#)

Prejudgment rate of interest would be fixed at federal postjudgment interest rate prevailing on date of loss in federal question suit, rather than at much higher statutory postjudgment rate of forum state, where no reasons specific to case were shown to support discretionary award at state rate. [Security Ins. Co. of Hartford v. Old Dominion Freight Line, Inc., S.D.N.Y.2003, 314 F.Supp.2d 201. Federal Courts !\[\]\(502b8023b450ea47b0a095f7c87b9a6a\_img.jpg\)415; Interest !\[\]\(5676072e2d1e57bb03524bf5e9154b6b\_img.jpg\)31](#)

#### 147. Time from which interest runs, prejudgment interest

Although, under New Jersey's prejudgment interest rule, entire verdict awarding pain and suffering damages to patient and her husband in medical malpractice action was subject to prejudgment interest, as non-economic damages award, it was inequitable to assess prejudgment interest against surgeon for time period following filing of action in which patient and husband were unable to proceed with trial preparation in earnest because the cause of patient's injuries had not yet been identified, warranting suspension of running of prejudgment interest for that time period. [Hayes v. Cha, D.N.J.2004, 338 F.Supp.2d 470. Interest !\[\]\(68f57a52e505501f49c2bfd761cf4fbb\_img.jpg\)49](#)

ERISA plan participant, who prevailed on his claim for increased pension-benefits under plan, was entitled to award of prejudgment interest on benefits due from date of filing through date of judgment. [Warren v. Cochrane, D.Me.2002, 235 F.Supp.2d 1. Interest !\[\]\(eb5d9e0737fbe725ec1d928d9e93588b\_img.jpg\)39\(2.40\)](#)

Under Michigan law, insurance agency that was found to have negligently failed to enact life insurance policy prior to insured's death was not liable for prejudgment interest for period during which stay was in effect because of insurer's insolvency, even if agency moved for stay, where insurer was necessary party, and trial of agency while insurer was under stay might have harmed insurer's interests, and could have been prejudicial to agency because it would not have received benefit of alternate theories presented to jury. [Sloan v. Finsilver Associates, Inc., E.D.Mich.2002, 208 F.Supp.2d 744. Interest !\[\]\(755a4d8b3503b9c18fddc9c83bd18b7f\_img.jpg\)54](#)

Even though liquidating trustee who prevailed on preference claims was entitled to award of prejudgment interest, he was entitled to recover such interest, not from date of his demand for return of preferential payments, but only from date that preference proceeding was commenced, where trustee had waited until eve of expiration of statute of limitations to commence avoidance proceeding. [In re USN Communications, Inc., Bkrtcy.D.Del.2002, 280 B.R. 573. Interest !\[\]\(90c3647917f9c2ec0353fce65be978db\_img.jpg\)39\(2.20\)](#)

Trustee who prevailed on turnover claim, for sums which were owing in connection with shipping services that Chapter 7 debtor had provided prepetition, was entitled to prejudgment interest, from date of shipment, at statutory rate prevailing on date of hearing. [In re Olympia Holding Corp., Bkrtcy.M.D.Fla.1998, 216 B.R. 1002. Interest !\[\]\(eb29a25dc561c509714a1b856b2b8863\_img.jpg\)39\(2.30\)](#)

Prejudgment interest to which nondischargeability complainant was entitled, on theory that it had been wrongfully deprived of use of its money by Chapter 7 debtor's defalcation while acting in fiduciary capacity, ran from date of each defalcation, rather than from date of debtor's Chapter 7 filing. [In re Glatstian, Bkrtcy.D.N.J.1997, 215 B.R. 495. Interest !\[\]\(d6de11b59c78ac18c3501dfde89d3eac\_img.jpg\)39\(2.20\)](#)

Chapter 7 trustee was entitled to statutory rate of prejudgment interest commencing on date of foreclosure sale, in proceeding wherein it was determined that deed of trust holder's payment to taxing authority to satisfy tax lien against Chapter 7 debtor's property constituted proceeds of property in which the estate had an interest, within the meaning of statute governing the treatment of liens. [In re Forrest Marbury House Associates Ltd. Partnership, Bkrtcy.D.Dist.Col.1992, 137 B.R. 554. Interest !\[\]\(4cda3afa3225081aaeba242d577cc18a\_img.jpg\)31](#)

In action to recover unauthorized postpetition transfer made from estate property, trustee is entitled to prejudgment interest, at rate set forth in federal statute, from the earlier of initial demand for turnover or from date complaint was filed. [In re Masters,](#)

[Bkrcty.S.D.Ohio 1992, 137 B.R. 254. Interest 31; Interest 39\(2.20\); Interest 46\(1\); Interest 47\(1\)](#)

Chapter 11 debtor was entitled to prejudgment interest on avoidable postpetition transfer starting to accrue on date bank honored check, with interest on coupon issue yield as determined by Secretary of Treasury on average accepted auction price for last auction of 52-week United States Treasury bills settled immediately prior to date bank honored check, with interest to be adjusted on anniversary of date of transfer. [Matter of Sims Office Supply, Inc., Bkrcty.M.D.Fla.1988, 94 B.R. 744. Interest 39\(2.20\)](#)

Trustee who successfully sued to recover preferential payment was entitled to prejudgment interest at rate established by this section from date complaint was filed. [Matter of Dayton Circuit Courts No. 2, S.D.Ohio 1987, 80 B.R. 434. Interest 31; Interest 47\(1\)](#)

Prejudgment interest is recoverable in avoidance actions from date of demand to return of transfer, or, if no formal demand is made, from date of filing adversary proceeding seeking return. [In re Republic Financial Corp., Bkrcty.N.D.Okla.1987, 75 B.R. 840. Interest 39\(2.20\); Interest 46\(2\)](#)

148. Compound interest, prejudgment interest

In suit to recover reasonable and entire compensation for unauthorized use and manufacture by or for United States of a patent, remand was required to allow the Claims Court to consider whether reasonable and just compensation could include compound interest in calculating prejudgment interest for purposes of delay damages and whether compound interest could be allowed under the facts and circumstances of the case. [Dynamics Corp. of America v. U.S., C.A.Fed.1985, 766 F.2d 518, 226 U.S.P.Q. 622. Federal Courts 945](#)

149. Amendment of award, prejudgment interest

In action by parents against oil company after their son was killed while working on stationary drilling platform in Gulf of Mexico, district court did not abuse its discretion in amending award to allow interest only after judgment, rather than allowing prejudgment interest, where district court was aware that it could have left intact its award of prejudgment interest if it found other principles of law which justified award, but chose instead to amend award to allow interest only after judgment. [Ellis v. Chevron U.S.A. Inc., C.A.5 \(La.\) 1981, 650 F.2d 94. Interest 39\(3\)](#)

28 U.S.C.A. § 1961, 28 USCA § 1961

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