

CONFORMED COPY

STATE OF VERMONT
WINDSOR COUNTY, SS

Terry Mather
Plaintiff

v.

Margaret Goodwin
Defendant

SUPERIOR COURT
Docket No. 619-9-07 Wrcv

DECISION ON MOTION FOR ENFORCEMENT AND FOR CLARIFICATION

Both parties have filed post-judgment motions in this case. The Plaintiff seeks enforcement of post-judgment interest. The Defendant seeks clarification of the judgment.

Plaintiff claims that she should receive interest on the judgment amount for the date of the jury verdict in this case. V.R.C.P. 58 provides that the clerk shall forthwith prepare a judgment following a jury verdict unless the presiding judge otherwise directs. Thereafter, the presiding judge is to review the judgment, approve of it, sign it, and return it to the clerk for entry.

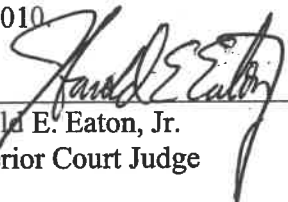
In this case there were pending motions at the time of verdict which affected the amount of the judgment. Therefore, the presiding judge directed that the judgment not be prepared until those issues had been addressed. Those were addressed within a few days of the verdict, which allowed for the preparation, review and approval of the judgment. V.R.C.P. 58 does not contemplate immediate entry of judgment in any event, but rather review and approval by the presiding judge before entry. Therefore, interest does not begin to run from the date of the jury verdict, but rather the date of entry of judgment, in this case March 18, 2010. There is no authority to allow Defendant an interest-free 30 days to contemplate appeal. See V.R.A.P. 37 (explaining that after appeals in which the judgment is affirmed, interest runs from the date of entry of judgment).

V.R.C.P. 69 states that interest runs on "the full amount of principal included in the judgment at the maximum rate allowed by law." As the Reporter's Notes to the rule explain, this amount does not include pre-judgment interest, attorney's fees or costs.

Plaintiff has requested additional attorney's fees in connection with her post-judgment motion to enforce. The Court declines to award them under the circumstances presented here.

Consistent with the foregoing, Plaintiff's Motion to Enforce is Granted in part and Denied in part. Defendant's Motion to Clarify is Granted.

Dated at Woodstock this 21st day of June, 2010


Harold E. Eaton, Jr.
Superior Court Judge

FILED

JUN 21 2010

WINDSOR COUNTY CLERK