

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RENAE EKSTRAND,

Plaintiff,

v.

SCHOOL DISTRICT OF
SOMERSET,

Defendant.

ORDER

08-cv-193-bbc

Plaintiff Renae Ekstrand has moved for an award of prejudgment interest to be applied to her back pay award of \$26,828.59 and that portion of her lost earning capacity award that she has sustained as a loss. Defendant School District of Somerset does not object to the award of prejudgment interest on the back pay award \$6,027.37, but it objects to any award of interest on the \$60,000 that plaintiff claims as loss of earning capacity incurred after the end of the 2007 school year and before the jury's verdict.

I agree with defendant that plaintiff has not shown that the jury awarded her any money for her loss of earning capacity after mid-2007 up until the jury's verdict. The jury was asked to determine plaintiff's loss of *future* earning capacity, which it did. Plaintiff

points to no evidence or any argument suggesting that the jury would have interpreted “future earning capacity” on the special verdict form to cover losses that occurred before that time. Therefore, no interest is due on that amount.

ORDER

IT IS ORDERED that plaintiff Renae Ekstrand’s motion for an award of prejudgment interest, dkt. #177, is GRANTED as to plaintiff’s motion for prejudgment interest in the amount of \$6,027.72 on her stipulated back pay award of \$26,828.59, dkt. #163 and DENIED as to plaintiff’s motion for prejudgment interest on that portion of her \$100,000 of compensatory damages that constitutes loss of future earning capacity.

Entered this 31st day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge