

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

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LAWRENCE G. RUPPERT and  
THOMAS A. LARSON, on behalf  
of themselves and all others similarly  
situated,

Plaintiffs,

ORDER

08-cv-127-bbc

v.

ALLIANT ENERGY CASH BALANCE  
PLAN,

Defendant.

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Defendant Alliant Energy Cash Balance Pension Plan has moved for clarification of the court's March 10, 2011 opinion and order, dkt. # 425, filed on March 18, 2011 and referred to hereafter as the March 18 order; plaintiffs Lawrence G. Ruppert and Thomas A. Larson have moved for consideration of the arguments renewed in their reply brief filed after I had signed the March 18 order denying their request to use the § 417(e) rate for a prejudgment interest rate. The motion for clarification is unopposed and will be granted. The March 18 order should be amended to read to say that prejudgment interest should apply from the date

that defendant failed to make the total required payment to a particular participant to the date of final judgment, not that it should run from the date a claim member became a plan participant.

After reading plaintiff's reply brief, I will deny the motion for reconsideration of their proposal to use the § 417(e) rate as the rate of prejudgment interest to be applied for the reasons stated in the March 18 order.

#### ORDER

IT IS ORDERED that defendant Alliant Energy Cash Balance Pension Plan's motion for clarification of the court's March 18, 2011 opinion and order, dkt. #427, is GRANTED; the order is AMENDED as follows:

1. On page 1 of the order, "1998" should be DELETED from line 5 and the following words INSERTED in its place: "from the date on which defendant failed to make the total required payment to that class member";

2. On page 9, all words after "date" in line 3 of the first paragraph through "participant" on line 4 are DELETED and the following words are INSERTED: "from the date on which defendant failed to make the total required payment to that class member and the date of final judgment";

3. On page 9, the words after "date" in line 7 of the order section through "participant

on page 9, first line are DELETED and the following words are INSERTED: “from the date on which defendant failed to make the total required payment to that class member and the date of final judgment.”

In all other respects, the order remains as entered.

FURTHER, IT IS ORDERED that the motion of plaintiffs Lawrence G. Suppert and Thomas A. Larson, on behalf of themselves and all others similarly situated, for reconsideration of their proposal to use the § 417(e) rate to determine the applicable rate of prejudgment interest is DENIED.

Entered this 29th day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge