

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ELIYAHU MIRLIS,	:	CIVIL ACTION NO.
	:	3:16-CV-00678-MPS
Plaintiff,	:	
V.	:	
	:	
RABBI DANIEL GREER and YESHIVA OF NEW HAVEN, INC.,	:	
	:	
Defendants.	:	MAY 31, 2017

PLAINTIFF'S MOTION FOR AWARD OF OFFER OF COMPROMISE INTEREST

Plaintiff moves the Court, pursuant to Conn Gen. Stat. § 52-192a and L.Civ.R. 68, to add Offer of Compromise interest to his recovery in this action in the amount of \$1,722,739.68 through today's date (May 31, 2017) and an additional \$4,383.56 for each day thereafter until Final Judgment is entered.

In support of this Motion:

1. On May 18, 2017, the jury returned a verdict in the amount of \$15,000,000;
2. The jury also found the defendants liable for state law punitive damages, equal to plaintiff's attorney's fees and expenses, less taxable costs.
3. The parties stipulated, and the Court has found, that the plaintiff's attorney's fees equal one-third of the verdict - \$5,000,000.
4. The plaintiff waived his entitlement to recovery of non-taxable costs.
5. Thus, the total amount recovered is \$20,000,000.

6. On December 1, 2016, within 18 months of the May 3, 2016 filing of the Complaint, plaintiff served on the defendants and filed under seal a Unified Offer of Compromise (Dkt. 53) pursuant to Conn. Gen. Stat. § 52-192a and L.Civ.R. 68 offering to settle his claims against the defendants and to stipulate to a judgment in the amount of \$2,900,000. The defendants did not accept the plaintiff's Offer of Compromise.
7. Plaintiff, having recovered more than the amount stated in his Offer of Compromise, is entitled to a mandatory award of Offer of Compromise interest on the entire amount of his recovery at the rate of 8% per annum. Conn. Gen. Stat. § 52-192a. Because plaintiff's Offer of Compromise was filed within eighteen months of the filing of his Complaint, the Offer of Compromise interest runs from May 3, 2016 (the date plaintiff's Complaint was filed) to the date Final Judgment is entered in this action. *Id.*
8. Thus, plaintiff is entitled to an award of Offer of Compromise interest in the amount of \$1,722,739.68 through May 31, 2017 [$\$20,000,000 \times 8\%$ per annum $\times 1$ year 28 days] and to additional Offer of Compromise interest in the amount of \$4,383.56 per day [$\$20,000,000 \times 8\%$ per annum divided by 365] thereafter until Final Judgment is entered in this action.
9. Accordingly, plaintiff seeks entry of a total Judgment through May 31, 2017 in the amount of \$21,722,739.68 (with an additional \$4,383.56 for each day thereafter until Final Judgment is entered).

RESPECTFULLY SUBMITTED,

BY s/Antonio Ponvert III
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CERTIFICATION

I hereby certify that a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.

/S/ _____
Antonio Ponvert III