

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

MARK WILLNERD, an individual,

Plaintiff,

v.

SYBASE, INC., a Delaware corporation,

Defendant.

Case No. 1:09-cv-00500-BLW

ORDER

SYBASE, INC., a Delaware corporation

Counterclaimant,

v.

MARK WILLNERD, an individual

Counterdefendant.

Before the Court is an Objection (Dkt. 138) to Sybase's request for pre-judgment interest, and response and reply thereto. The Court having considered the parties' pleadings and being fully advised, enters the following **ORDER**:

There being no dispute as to the base amount, Sybase will be granted judgment on its counterclaim against Willnerd for Breach of Contract in the amount of \$48,950. Although Willnerd challenges an award of pre-judgment interest, the Court finds it appropriate under Idaho Code § 28-22-104(1). *See Bott v. Idaho State Bldg. Authority*, 917 P.2d 737, 748-49 (Idaho 1996). Sybase will therefore be granted pre-judgment interest at a rate of 12% from July 17, 2008 – Willnerd’s termination date – through the date of judgment. A separate judgment will issue.



DATED: July 29, 2011

A handwritten signature in black ink, reading "B. Lynn Winmill".

B. LYNN WINMILL
Chief U.S. District Court Judge