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## **ALLEGATION OF PLAINTIFF'S COMPARATIVE FAULT DID NOT PRECLUDE AWARD TO PLAINTIFF OF PRE-JUDGEMENT INTEREST**

April 20, 2010 | Law Alerts

*Precision Heavy Haul, Inc. v. Trail King Industries.*

Ct. Appeals, Div. One, April 20, 2010

Authored by the [JSH Appellate Team](#)

Plaintiff alleged Defendant sold a defectively designed trailer, which failed, causing damage to the trailer and the energy transformer being hauled. Defendant denied liability and alleged Plaintiff's comparative fault, but did not question the amount of Plaintiff's damages. The jury found for Plaintiff and awarded 100% of its requested damages (\$694,550). The trial court did not award prejudgment interest, finding that Plaintiff's claim was not certain due to the liability dispute.

The court of appeals reversed, holding that Plaintiff was entitled to pre-judgment interest. A party with a liquidated claim is entitled to pre-judgment interest as a matter of right. A claim is liquidated if the evidence furnishes data which if believed, makes it possible to compute the amount with exactness without reliance upon opinion or discretion. The fact that Defendant denied liability, or in the alternative, argued that Plaintiff was comparatively negligent, did not render the damages unliquidated, because the amount of damages was never in dispute.