

1. Filing Procedure Other Than Original Lawsuit

a. Judgments Registered

Royal Extrusions Ltd. v. Continental Window and Glass Corp., 812 N.E.2d 554, 349 Ill.App.3d 642 (2004): Canadian company obtained judgment in Ontario against Illinois company, then sought enforcement under the UFMJRA in Illinois state court. Defendant objected on personal jurisdiction grounds, but court found that Canada had jurisdiction. The court of appeals affirmed. The court's language refers only to plaintiff having registered the Canadian judgment, and not to filing a new a UFMJRA action, or to obtaining an Illinois judgment. **Enforced.**

CE Design Ltd. v. HealthCraft Products, Inc., 79 N.E.3d 325 (Ill. App. 2017): CE Design obtained a judgment against Healthcraft in Illinois, then took an assignment of Healthcraft's insurance rights against ING Insurance Co., an Ontario corporation. In the meantime, ING filed an action in Canada seeking a declaration that it had no duty to defend Healthcraft. When CE sought to collect damages and attorney fees (arguably owed to Healthcraft), ING "registered" its Canadian judgment for res judicata purposes in the US. The lower court recognized the Canadian judgment and dismissed CE's claim. **Enforced.**

Pinnacle Arabians, Inc. v. Schmidt, 274 Ill. App. 3d 504, 505, 654 N.E.2d 262, 263 (1995). The Canadian judgment was for breach of contract for the purchase of horses. An Illinois court recognized the judgment and rejected defendant's objections of the rendering court's lack of personal jurisdiction and extrinsic fraud. The opinion refers at least twice to the enforcement process being one of registering the Canadian judgment, although it also notes that the judgment creditor did so with a petition. **Enforced.**

b. Other Filing

Constandinou v. Constandinou, 265 A.D.2d 890 (N.Y. App. Div. 1999): After obtaining default judgment in Canada, **plaintiff moved for summary judgment in lieu of filing a complaint.** Lower court granted the motion, and the defendant appealed. Appellate court held: defendant did not establish a basis for non-recognition of the foreign country judgment. (Affirmed.) **Enforced.**

Larwex Enterprises, Inc. v. Bacharach, 755 N.Y.S.2d 631, 302 A.D.2d 565 (2003): Enforced a Canadian judgment over objections to personal jurisdiction and public policy. Judgment creditor **filed the enforcement action as a motion for summary judgment** rather than a complaint, which the court noted but did not comment further on. A Connecticut court rejected this approach in *Showmart Management v. Satra Arts Intern.*, below. Affirms *Larwex Enterprises, Inc. v. Bacharach*, No. 11503/00, 2001 WL 1768417 (N.Y. Sup. 2001, Dec. 7, 2001). **Enforced.**

Showmart Management v. Satra Arts Intern., No. CV93 0135507 S, 1994 WL 67739 (Ct. Super.,

Feb. 22, 1994): court rejects plaintiff's UFMJRA filing because it was **submitted as a motion for summary judgment rather than a complaint**. Plaintiff filed its summary judgment motion under what it claimed was the authority of both the UEFJA and the UFMJRA. In rejecting the filing, the court did not discuss the inappropriateness of the UEFJA filing, and to the contrary implied that it could have been done if done correctly. **Not enforced.**

Attorney General of Canada v. Gorman, 2 Misc. 3d 693 (N.Y.C. Civ. Ct. Queens County 2003). Judgment creditor **moved for summary judgment in lieu of complaint** for recognition and enforcement in N.Y. of a Canadian court's money judgment made upon judgment debtor's default. N.Y. court held: creditor failed to show that Canadian court had personal jurisdiction over debtor, as required by UFMJRA for recognition and enforcement of Canadian court's money judgment made upon debtor's default. (Motion denied.) **Not enforced.**

2. Substantial Compliance with Filing Requirements

Gemstar Canada, Inc. v. George A. Fuller Co., 127 A.D.3d 689 (N.Y. App. Div. 2015). Manufacturer's Canadian judgment against the construction company was entitled to recognition and enforcement in New York. Canadian manufacturer was not barred from bringing an action to recognize and enforce its Canadian judgment by the **lack of a certificate of authority**. **Enforced.**

Frymer v. Brettschneider, 696 So.2d 1266 (Fla. App.—4th Dist. 1997): Florida court upheld a Canadian judgment in a probate matter, rejecting a party's objection that the Canadian judgment's filing in Florida did not strictly comply with Florida's Uniform Out-of-Country Foreign Money-Judgment Recognition Act, Florida Statutes section 55.601 et seq. The court of appeals affirmed on a finding that although the filing did not comply with every detail, it **"substantially complied with the act's notice requirements."** Id. at 1267. The case also observed that the foreign country judgment act's purpose was "not so much for the purpose of establishing a procedure for enforcement of a foreign country's judgment in a Florida court, but rather to ensure that a Florida court's judgment will be enforced abroad." Id. **Enforced.**

Syncrude Canada Ltd. v. Highland Consulting Group, Inc., 916 F.Supp.2d 620 (2013): Enforced Canadian default judgment for breach of contract for \$1,343, 871.34 against two Maryland corporations, finding that the court in Alberta had personal jurisdiction over the judgment debtors pursuant to service under the Hague Convention (**in spite of the service recipient being unauthorized under Maryland law**), and further that the enforcement based on such service did not violate Maryland public policy. **Enforced.**

Nicholas v. Environmental Systems (International) Limited, 499 S.W.3d 888 (Tex. App. — Hous. [14th Dist.] 2016): Enforced Canadian judgment over objections that (1) the Texas UFMJRA was not strictly complied with (**judgment debtor's last known address was not furnished**), (2) finality of the Canadian judgment, (3) authentication, and (4) fraud. The court

also rejected judgment debtor's request for additional findings of act and conclusions of law. **Enforced.**

3. Constitutionality

Detamore v. Sullivan, 731 S.W.2d 122 (Tex. App.—Hous. [14th Dist.] 1987, _____): reversed lower-court enforcement of Canadian judgment and held the Uniform Foreign Country Money-Judgment Recognition Act to be unconstitutional because it had no provisions for judgment debtor to receive notice and to have opportunity to assert grounds for nonrecognition of foreign country money judgment. Disapproved by the Texas Supreme Court in *Don Dockstader Motors, Ltd. v. Patal Enterprises, Ltd.*, 794 S.W.2d 760 (Tex. 1990). **Not enforced.**

Don Dockstader Motors, Ltd. v. Patal Enterprises, Ltd., 794 S.W.2d 760 (Tex. 1990): Upheld the constitutionality of the Texas UFMJRA and remanded to the trial court to determine compliance with the Act's procedures regarding a Canadian judgment. Also held that the Texas UFMJRA authorizes two filing procedures, one under the UEFJA and the other as a common law filing. **Enforced.**

4. Recognition Procedure

Weir Foulds, L.L.P. v. Restivo, No. 13CA010349, 2014 WL 1345497 (Mar. 24, 2014): Canadian law firm filed a Canadian judgment for attorney fees against Ohio resident Restivo, who objected on several grounds including the **recognition procedure** and the lack of a jury trial in Canada. The trial court upheld recognition and the court of appeals affirmed. **Enforced.**

5. Public Policy Raised

Otter Valley Foods, Inc. v. Aliko Foods, LLC, No. CV094009931, 2010 WL 2573760 (Ct Super. May 21, 2010). Enforced Canadian judgment for attorney fees; rejected defendant's argument that the attorney fee award, based on "**the English rule**" (loser pays), was repugnant to Connecticut law. **Enforced.**

Silver Star Alpine Meadows Dev. Ltd. v. Quinlan, No. A145358, 2016 WL 6649201 (Cal. Ct. App. Nov. 10 2016): Defendants claim the Canadian court should have a liability-limiting liquidated provisions and therefore, recognizing the judgment would be repugnant to California's public policy. The Court held that even if there were **errors in foreign legal proceedings**, it does not rise to a violation of the State's public policy. **Enforced.**

Pontigon v. Lord, 340 S.W.3d 315 (Mo. Ct. App. 2011): Holdings: (1) trial court neglected to consider whether defamation laws of foreign jurisdiction afforded minimal free speech protections to author; (2) record did not contain a certified and authenticated copy of the

purported judgment as was necessary to afford the judgment full faith and credit. **Not enforced.**

Trout Point Lodge, Ltd. v. Handshoe, 729 F.3d 481 (5th Cir. 2013): Default judgment was not enforceable under Securing the Protection of our Enduring and Established Constitutional Heritage Act (SPEECH Act). **Not enforced.**

Investorshub.com, Inc. v. Mina Mar Group, Inc., Case No. 4:11cv9–RH/WS, 2011 WL 12506239 (N.D. Fla. June 20, 2011): Rejected recognition of Canadian defamation judgment based on the SPEECH Act, 28 U.S.C. §§ 4101–4105. **Not enforced.**

Maxwell Shuman & Co. v. Edwards, 191 N.C. App. 356, 663 S.E.2d 329 (2008): Court held that enforcement of Canadian judgment regarding the **contingent fee agreement** violated public policy. Court has previously held that when child support and child custody is involved, contingent fee agreements are void on public policy grounds. **NCFMJRA recognizes foreign judgments and UEFJA sets out the appropriate steps for enforcing a judgment recognized under NCFMJRA S.E.2d 329 (2008). Breach of contingency fee contract for representation in a child custody dispute. **Not enforced.**

6. Any Basis for Personal Jurisdiction

Lenchyshyn v. Pelko Elec., Inc., 281 A.D.2d 42 (N.Y. App. Div. 2001): After obtaining a money judgment in Canada, judgment creditors sought recognition and enforcement of judgment in state court. Judgment debtor objected to personal jurisdiction in enforcing state, New York. Appellate Court held it immaterial to recognition and enforcement of foreign country money judgment whether there was **any basis for exercise of personal jurisdiction** over judgment debtors in enforcing state. **Enforced.**

7. Parallel Cases

Kitchens Intern., Inc. v. Evans Cabinet Corp., Ltd., 413 N.J.Super. 107, 993 A.2d 252 (2010): Drawn out dispute in Quebec, Georgia, New York and New Jersey regarding breach of contract with a manufacturer. One party obtained a Canadian judgment and sought to (1) enforce it in the US, and (2) preclude defendant's parallel US actions. Defendant objected to the Canadian judgment on personal jurisdiction grounds. The New Jersey trial court upheld the Canadian judgment but the court of appeals reversed, citing the a federal action in the First Circuit where defendant's personal jurisdiction objection was pending, and noting that the Canadian judgment was not conclusive. Among other points, the court here held that a foreign country money judgment may use the filing procedure under the UEFJA. See also *Evans Cabinet Corp. v. Kitchen Int'l, Inc.*, 584 F.Supp.2d 410 (D.Mass.2008), *rev'd*, 593 F.3d 135 (1st Cir.2010)(fact issues regarding personal jurisdiction precluded summary judgment). **Not enforced.**

8. Tax or Penalty (Revenue Rule)

Her Majesty the Queen in Right of Province of British Columbia v. Gilbertson, 597 F.2d 1161 (9th Cir. 1979): **Tax collection** judgment against five defendants refused enforcement. Enforcement was attempted under comity and *Hilton v. Guyot* rather than a statute, although that would not have made any difference because of the UFJRA's scope that did not include judgments based on taxes or penalties. **Not enforced.**

9. Reciprocity

Royal Bank of Canada v. Trentham Corp., 665 F.2d 515 (5th Cir. 1981): Canadian corporation sued for recognition and enforcement of a judgment entered by a Canadian court that a Texas corporation was liable on guaranty agreements. Lower rendered judgment for Canadian corp., but Texas corp. appealed. Appellate court held: under Texas law prior to the enactment of the UFCMJRA, **reciprocity would be required as a precondition to recognition** and enforcement of a judgment entered in a foreign country. (Vacated and remanded.) **Not enforced.**