

**FOREIGN JUDGMENT RECOGNITION STATUTES COMPARISON**  
(Last updated October 19, 2017)

	Features	UF-CMJRA (US)	UEFJA (Canada)	REJA (Alberta)
<i>Basic Provisions</i>				
1	Definitions	§2. Terms defined: <ul style="list-style-type: none"> <li>• foreign country</li> <li>• foreign-country judgment</li> </ul>	§2. Terms defined: <ul style="list-style-type: none"> <li>• civil proceeding</li> <li>• enforcing court</li> <li>• foreign civil protection order</li> <li>• foreign judgment</li> <li>• judgment creditor</li> <li>• judgment debtor</li> <li>• registration</li> <li>• State of origin</li> </ul>	§1 Terms defined/explained: <ul style="list-style-type: none"> <li>• Court</li> <li>• judgment</li> <li>• judgment creditor</li> <li>• judgment debtor</li> <li>• original court</li> <li>• personal service</li> </ul>
2	Scope/Applicability	§3(a) limits scope to foreign-country judgments <i>to the extent</i> that they: (1) which grant or deny recovery for a sum of money, and (2) are final, conclusive and enforceable under the law of the rendering state. §3(b) excludes: <ul style="list-style-type: none"> <li>• judgments for taxes</li> <li>• fines or penalties</li> <li>• domestic relations</li> </ul>	§3. Excludes: <sup>1</sup> <ul style="list-style-type: none"> <li>• judgments for taxes</li> <li>• bankruptcy/insolvency</li> <li>• maintenance or support</li> <li>• that recognize a judgment from another foreign state</li> <li>• monetary fines or penalties</li> <li>• predate this Act</li> </ul> §3.1 covers foreign civil protection orders. §6.1(3) – money damages includes an award by rendering court of costs/expenses of litigation	§1(1)(b) “judgment” defined as a judgment or order of a court in a civil proceeding whereby a sum of money is made payable; includes certain arbitration awards; <i>but limited to judgments rendered by a “reciprocating jurisdiction.”</i> Excludes: <ul style="list-style-type: none"> <li>• domestic relations including divorce, support, maintenance</li> </ul>
3	Application to Default Judgments	Yes, but judgment must be based on personal jurisdiction, and judgment debtor may object if notice in the rendering state was not made in sufficient time to prepare a defense.	Yes. §4(d) excludes only those default judgments where notice was not received in sufficient time to present a defense. §9 adds a jurisdictional nexus (real and substantial connection) requirement for default judgments (burden of proof on judgment debtor (§10)).	Yes. §2(2)(a) implicitly includes default judgments for judgment debtors <i>personally served</i> with process. <sup>2</sup>

<sup>1</sup> A comment categorizes these exclusions as: (1) traditional exclusions (taxes and penalties), (2) judgments covered by other statutes (bankruptcy, family support) and (3) judgments that are not original or predated this Act. See also comment to Section 2 – definition of “foreign judgment” which excludes foreign provisional orders.

<sup>2</sup> Contrast with §2(2)(b), which requires appearance or defense by the judgment debtor who was not personally served.

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4	Non-Monetary Awards	No. Limited by its terms to money judgments.	Yes. §7 gives the enforcing court discretion to enforce a non-monetary award and modify it if necessary.	Limited by its terms to money judgments. See §1(1)(b).
5	Partial Enforcement Option: Bifurcating or Amending the Judgment	Yes. §3 provides that the Act applies to a foreign country judgment “ <i>to the extent that the judgment</i> ” is within the scope of the Act, and the Act does not apply to the extent a judgment falls within one of the excluded categories. <sup>3</sup>	Yes. <ul style="list-style-type: none"> <li>• §6(1) (court can reduce award for punitives, etc. to the extent they would be available in enforcing state)</li> <li>• §6(2) (court may reduce excessive actual damages, limiting to what the enforcing court could award)</li> <li>• §12(2) (judgment creditor may register only part of foreign judgment)</li> <li>• §12(4)(c) (creditor may seek amendment to render enforceable).</li> </ul>	No express provision.
<i>Filing</i>				
6	Registration Option	No. Judgment creditors must file a new lawsuit or raised by counterclaim, crossclaim, etc. (See §6).	Yes. §12.	Yes. §2 (subject to reciprocity)
7	Recognition Option	Yes. §7(1) provides for recognition for preclusion purposes and §7(2) provides for enforcement as a local judgment.	Yes. §11 provides for recognition for preclusion purposes under the same terms for enforcement.	No express provision, but §7, preserving the right to bring a civil action, presumably covers recognition.
8	Litigation Option	Yes, exclusive process, and §11 preserves the common law action.	No express provision. But contract with §3.1 allowing judgment creditor to proceed under another act. (UECJDA).	Yes. §7 preserves creditor’s right to bring civil action.
9	Certification Requirement	No express provision. Enforcing state’s evidentiary laws on authentication govern, which may in turn look to the rendering state’s law.	§12(4)(a): Must file a copy of the foreign judgment certified by proper officer of the rendering court.	§§ 2(3), 2(4) require rendering court’s certification, with court’s seal, signed by a judge of that court (not necessarily the rendering judge) or clerk of that court.

<sup>3</sup> Comments 2 and 5 to §3 explain that this language means that in both these instances the UF-CMJRA applies to the portion of the judgment that is within its scope, while the court would be free to recognize and enforce the other aspects of the judgment under common law principles of comity or other applicable law.

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10	Translation	No express provision; presumably governed by the enforcing state's <i>other</i> law.	Yes. §12(4)(d).	Yes. §4 requires English translation for non-English judgment to be attached with filing.
11	Notice of Filing in Enforcing State	No express provision. But §6 (which requires the filing of a new action) would dictate notice under enforcing state's notice provisions on commencing a lawsuit.	§12(3) requires notice to judgment debtor of intent to register the foreign judgment, including a statement of jurisdictional grounds in rendering state (see §8).	§6(1) requires notice of registration served on the judgment debtor in the same manner as notice of a new claim. §1(2) requires notice by personal service.
12	Limitations Period	§9 - the earlier of (1) time allowed by rendering state, or (2) 15 years after date the judgment became effective in the rendering state.	§5 - the earlier of (1) time allowed by rendering state, or (2) 10 years after date the judgment became enforceable in the rendering state.	§2(1) – application for registration to be filed within six years from the date of the [original] judgment.
13	Act Defines Enforcing Court	No express provision; given §6, would expect that the suit must be commenced in a court of competent subject matter jurisdiction.	Yes. §2 - “the superior court of unlimited trial jurisdiction in the enacting province or territory.”	Yes. §1(1)(a) – Court of Queen’s Bench (Alberta)
<i>Defenses</i>				
14	Defenses to Registration/ Recognition/ Enforcement	<p>§4: two-tiers of defenses, mandatory and discretionary.</p> <p>§4(b) – mandatory - bars recognition of judgments if:</p> <ul style="list-style-type: none"> <li>• systemic lack of impartial tribunal/ reasonable procedural opportunities</li> <li>• lack of personal jurisdiction<sup>4</sup></li> <li>• lack of subject matter jurisdiction</li> </ul>	<p>§4: a foreign judgment cannot be enforced if:</p> <ul style="list-style-type: none"> <li>• the rendering court lacked personal or subject matter jurisdiction as defined in §§8 &amp; 9<sup>5</sup></li> <li>• the judgment has been satisfied</li> <li>• judgment is unenforceable in the rendering state, or appeal is pending or time for appeal expired</li> </ul>	<p>§2(6)</p> <ul style="list-style-type: none"> <li>• lack of personal jurisdiction under QC conflict of laws rules, or lack of subject matter jurisdiction under the rendering state’s law</li> <li>• for judgment debtors lacking connections to rendering State, lack of voluntary appearance or consent</li> <li>• lack of notice</li> <li>•</li> </ul>

<sup>4</sup> *But* §5(a) - this ground is eliminated if defendant was personally served, voluntarily appeared to defend, agreed to submit to jurisdiction, or sufficient nexus exists.

<sup>5</sup> §8 defines proper personal jurisdiction in the rendering state based on consent, voluntary appearance, filing a counterclaim, residence in the rendering State (if a natural person), being incorporated or having its principle place of business in the rendering state, or having a real and substantial connection with the rendering state. §9 illustrates circumstances meeting the real and substantial connection requirement in regard to default judgments from the rendering state (such as place of business, place of action, subject of the complaint, etc.).

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<p>Defenses to Registration/ Recognition/ Enforcement (<i>cont'd</i>)</p>	<p>§4(c) discretionary non-recognition for:</p> <ul style="list-style-type: none"> <li>• lack of notice in sufficient time to prepare a defense</li> <li>• fraud that deprived the judgment debtor of an opportunity to present its cause (as opposed to fraud in testimony, for example)</li> <li>• repugnance to public policy of enforcing state or U.S.</li> <li>• conflict with another final and conclusive judgment</li> <li>• conflict with a derogating forum selection clause</li> <li>• inconvenient forum (limited to default judgments)</li> <li>• substantial doubts about rendering court's integrity</li> <li>• due process</li> </ul> <p>§5 defines non-exclusive bases for personal jurisdiction as including:</p> <ul style="list-style-type: none"> <li>• personal service in the rendering state (including transient jurisd.)</li> <li>• voluntary appearance</li> <li>• consent prior to case commencement</li> <li>• human domicile or corporate presence (incorporation/formation or principal place of business) in the rendering state</li> <li>• business presence in the rendering state related to the judgment</li> <li>• vehicle or aircraft operation in the rendering state related to the judgment</li> </ul>	<ul style="list-style-type: none"> <li>• not properly served under the rendering state's law, or did not receive notice in sufficient time to present a defense, and the judgment was allowed by default</li> <li>• judgment was obtained by fraud</li> <li>• lack of procedural fairness and natural justice in the rendering state</li> <li>• the judgment is manifestly contrary to the enforcing state's public policy</li> <li>• a parallel case is pending in the enforcing state and was commenced prior to the case seeking enforcement, or has resulted in another judgment or order in the enforcing state, or has been reduced to judgment in foreign state other than the rendering state</li> </ul> <p>§10: a foreign judgment may not be enforced if the judgment debtor shows a lack of real and substantial connection with the rendering state AND that jurisdiction was inappropriate there.</p>	<ul style="list-style-type: none"> <li>• fraud</li> <li>• appeal pending or possible,</li> <li>• violation of the enforcing state's public policy</li> <li>• judgment debtor would have a good defense to an action brought on the original judgment.</li> </ul>

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15	Burden	§3(c) - burden on party seeking recognition, but §4(d) places burden of raising and proving defenses on the judgment debtor	§10 places burden on judgment debtor to establish the defenses of lack of real/substantial connection, inappropriate jurisdiction. Other defense sections, <i>e.g.</i> , §4 (reasons for refusal), §8 (personal jurisdiction), §9 (real and substantial connection)) do not specify.	§2(6) — burden on judgment debtor to establish a defense. Absent that showing, a valid registration results in the foreign judgment becoming fully enforceable under §5.
16	Stay of Appeal	Yes. §8: Burden is on the judgment debtor to show that the case is on appeal or that one will be taken, and if shown, the court may issue a stay until the appeal is concluded or time for appealing expires, or the defendant has failed to prosecute the appeal.	§4(c): defense to enforcement if on appeal, or time for filing appeal has not run.	Yes. §2(2): party registering judgment must show that the case is not on appeal and that the time for filing appeal has expired
<i>Outcome</i>				
17	Effect of Filing	There is no registration procedure. The judgment creditor files a new lawsuit, gives notice to the judgment debtor, then moves for summary judgment unless the judgment debtor pleads and proves a defense. If judgment creditor prevails, the foreign judgment is domesticated and enforceable locally.	The filing of a properly attested foreign judgment leads to registration, notice to the judgment debtor, and enforcement under the enforcing state's law unless the judgment debtor successfully raises a defense.	Same as under the UEFJA-C.
18	Enforcement	§7(2) - enforcement as local judgment after recognition which requires summary judgment or trial.	§14 - registered judgment is enforceable as if it were local judgment so long as no successful defenses. <sup>6</sup>	§5 - enforcement as local judgment after proper registration and no successful defenses.
19	Costs	No express provision; presumably governed by enforcing state's law.	Yes. §12(5) - judgment creditor may, if the regulations so provide, recover from the judgment debtor the costs and expenses related to the registration of the foreign judgment	Yes. §5(c).

<sup>6</sup> §14(3) requires the expiry of 30 days (or longer) after notice to judgment debtor before the debtor's property can be sold, etc.

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20	Interest	No express provision; presumably governed by enforcing state's law.	Yes. §15 - governed by the rendering state's law up to date of currency conversion and thereafter by the enforcing state's law. Court has discretion to change the rate or calculation methodology if the judgment creditor would be under- or over-compensated.	No express provision; presumably governed by enforcing state's law under Section 5
21	Currency Conversion	No express provision; presumably governed by the enforcing state's law.	Yes. §13 requires judgment creditor's statement that the judgment will be converted to local currency on the conversion date; the <i>conversion date</i> is the last day, before the day on which the judgment debtor makes a payment to the judgment creditor under the registered foreign judgment, on which the bank quotes a Canadian dollar equivalent to the other currency. <sup>7</sup>	Yes. §3 authorizes enforcing court clerk to determine equivalent, on the basis of the rate of exchange prevailing at the date of <i>the entry of the judgment</i> in the original court

<sup>7</sup> This rule is based on the policy that the conversion to Canadian dollars shall take place at the rates prevailing at the time of payment. See comment to Section 13.