

CHAPTER 365

AN ACT concerning foreign country money-judgments, supplementing Title 2A of the New Jersey Statutes, and repealing P.L.1997, c.96.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.2A:49A-16.1 Short title.

1. This act shall be known and may be cited as the “Foreign Country Money-Judgments Recognition Act of 2015.”

C.2A:49A-16.2 Definitions relative to foreign country money-judgments.

2. As used in this act:

“Foreign country” means a government other than:

- (1) the United States;
- (2) a state, district, commonwealth, territory, or insular possession of the United States;

or

(3) any other government with regard to which the decision in this State as to whether to recognize a judgment of that government’s courts is initially subject to determination under the Full Faith and Credit Clause of the U.S. Const., Art.IV, Sec.1.

“Foreign-country judgment” means a judgment of a court of a foreign country.

C.2A:49A-16.3 Applicability.

3. a. Except as otherwise provided in subsection b. of this section, this act shall apply to a foreign-country judgment to the extent that the judgment:

- (1) grants or denies recovery of a sum of money; and
- (2) under the law of the foreign country where rendered, is final, conclusive, and enforceable.

b. This act shall not apply to a foreign-country judgment, even if the judgment grants or denies recovery of a sum of money, to the extent that the judgment is:

- (1) a judgment for taxes;
- (2) a fine or other penalty; or
- (3) a judgment for divorce, support, or maintenance, or other judgment rendered in connection with domestic relations.

c. A party seeking recognition of a foreign-country judgment shall have the burden of establishing that this act applies to the foreign-country judgment.

C.2A:49A-16.4 Recognition by courts; exceptions.

4. a. Except as otherwise provided in subsections b. and c. of this section, a court of this State shall recognize a foreign-country judgment to which this act applies.

b. A court of this State shall not recognize a foreign-country judgment if:

(1) the judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law, as determined by the court using standards developed by the American Law Institute and the International Institute for the Unification of Private Law to govern resolution of transnational disputes;

- (2) the foreign court did not have personal jurisdiction over the defendant; or
- (3) the foreign court did not have jurisdiction over the subject matter.

c. A court of this State may determine, in its discretion, not to recognize a foreign-country judgment if:

(1) the defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend;

(2) the judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case;

(3) the judgment or the cause of action on which the judgment is based is repugnant to the public policy of this State or of the United States;

(4) the judgment conflicts with another final and conclusive judgment;

(5) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that foreign court;

(6) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action;

(7) the judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or

(8) the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law, as determined by the court using standards developed by the American Law Institute and the International Institute for the Unification of Private Law to govern resolution of transnational disputes.

d. A party resisting recognition of a foreign-country judgment shall have the burden of establishing that a ground for nonrecognition stated in subsection b. or c. of this section exists, except that where a foreign-country judgment has been rendered in default of appearance of the defendant, the party seeking recognition shall have the burden of establishing that:

(1) the rendering court had jurisdiction over the defendant in accordance with the law of the country of origin of judgment;

(2) the defendant was served with initiating process in accordance with the law of the country of origin; and

(3) the rendering court had jurisdiction over the defendant on a basis provided pursuant to section 5 of this act.

C.2A:49A-16.5 Conditions for non-refusal of recognition.

5. a. A foreign-country judgment shall not be refused recognition for lack of personal jurisdiction if:

(1) the defendant was served with process personally in the foreign country;

(2) the defendant, before the commencement of the proceeding, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(3) the defendant was domiciled in the foreign country when the proceeding was instituted or was a corporation or other form of business organization that had its principal place of business in, or was organized under the laws of, the foreign country;

(4) the defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign country; or

(5) the defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action arising out of that operation.

b. The list of bases for personal jurisdiction in subsection a. of this section shall not be construed to be exclusive. The courts of this State may recognize bases for personal jurisdiction other than those listed in subsection a. of this section as sufficient to support a foreign-country judgment, as long as the exercise of personal jurisdiction in the foreign

country is compatible with the Due Process Clause of the U.S. Const., Amend.V and Amend.XIV.

c. An appearance by the defendant in the country of origin, or an unsuccessful objection to the jurisdiction of the rendering court, shall not deprive the defendant of the right to resist recognition under this section, but factual determinations by the rendering court concerning jurisdiction shall be binding on the defendant.

C.2A:49A-16.6 Recognition as original matter, pending matter.

6. a. If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition shall be raised by filing an action seeking recognition of the foreign-country judgment.

b. If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

c. A party against whom a foreign-country judgment is entered may file an action for a declaration that the foreign-country judgment shall not be subject to recognition. For the purposes of this section, a foreign-country judgment shall not be subject to recognition if a ground for nonrecognition stated in subsection b. or c. of section 4 of this act exists. The party bringing an action under this section shall have the burden of establishing a ground for nonrecognition under subsection b. or c. of section 4 of this act.

C.2A:49A-16.7 Entitlement to recognition.

7. If the court in a proceeding finds that the foreign-country judgment is entitled to recognition under this act then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment shall be:

a. conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this State would be conclusive; and

b. enforceable in the same manner and to the same extent as a judgment rendered in this State.

C.2A:49A-16.8 Appeal.

8. If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceedings with regard to the foreign-country judgment until the appeal is concluded, the time for appeal expires, or the appellant has had sufficient time to prosecute the appeal and has failed to do so.

C.2A:49A-16.9 Commencement of action.

9. An action to recognize a foreign-country judgment shall not be commenced before the foreign-country judgment becomes effective in the foreign country, or after 15 years from the date that the foreign-country judgment became effective in the foreign country.

C.2A:49A-16.10 Application, construction.

10. In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

C.2A:49A-16.11 Recognition of judgment outside of scope of act.

11. This act shall not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this act.

Repealer.

12. P.L.1997, c.96 (C.2A:49A-16 et seq.) is repealed.

13. This act shall take effect immediately, and shall apply to all actions commenced on or after the effective date of this act in which the issue of recognition of a foreign-country judgment is raised.

Approved January 16, 2018.