

2021 -- H 5874 SUBSTITUTE A

LC001654/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

Introduced By: Representative Robert E. Craven

Date Introduced: February 24, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 9 of the General Laws entitled "COURTS AND CIVIL PROCEDURE
2 - PROCEDURE GENERALLY" is hereby amended by adding thereto the following chapter:

3 CHAPTER 34

4 UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

5 **9-34-1. Short Title.**

6 This chapter shall be known and may be cited as the "Uniform Foreign-Country Money
7 Judgments Recognition Act."

8 **9-34-2. Definitions.**

9 As used in this chapter:

10 (1) "Court" means the superior court.

11 (2) "Foreign country" means a government other than:

12 (i) The United States;

13 (ii) A state, district, commonwealth, territory, or insular possession of the United States; or

14 (iii) Any other government with regard to which the decision in this state as to whether to
15 recognize a judgment of that government's courts is initially subject to determination under the
16 Full Faith and Credit Clause of the United States Constitution.

17 (3) "Foreign-country judgment" means a judgment of a court of a foreign country.

18 **9-34-3. Applicability.**

1 (a) Except as otherwise provided in subsection (b) of this section, this chapter applies to a
2 foreign-country judgment to the extent that the judgment:

3 (1) Grants or denies recovery of a sum of money; and

4 (2) Under the law of the foreign country where rendered, is final, conclusive, and
5 enforceable.

6 (b) This chapter does not apply to a foreign-country judgment, even if the judgment grants
7 or denies recovery of a sum of money, to the extent that the judgment is:

8 (1) A judgment for taxes;

9 (2) A fine or other penalty; or

10 (3) A judgment for divorce, support, or maintenance, or other judgment rendered in
11 connection with domestic relations.

12 (c) A party seeking recognition of a foreign-country judgment has the burden of
13 establishing that this chapter applies to the foreign-country judgment.

14 **9-34-4. Standards for recognition of foreign-country judgment.**

15 (a) Except as otherwise provided in subsections (b) and (c) of this section, a court of this
16 state shall recognize a foreign-country judgment to which this chapter applies.

17 (b) A court of this state may not recognize a foreign-country judgment if:

18 (1) The judgment was rendered under a judicial system that does not provide impartial
19 tribunals or procedures compatible with the requirements of due process of law;

20 (2) The foreign court did not have personal jurisdiction over the defendant; or

21 (3) The foreign court did not have jurisdiction over the subject matter.

22 (c) A court of this state need not recognize a foreign-country judgment if:

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

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

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

29 (4) The judgment conflicts with another final and conclusive judgment;

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

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

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

3 (8) The specific proceeding in the foreign court leading to the judgment was not compatible
4 with the requirements of due process of law.

5 (d) A party resisting recognition of a foreign-country judgment has the burden of
6 establishing that a ground for nonrecognition stated in subsection (b) or (c) of this section exists.

7 **9-34-5. Personal Jurisdiction.**

8 (a) A foreign-country judgment may not be refused recognition for lack of personal
9 jurisdiction if:

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

11 (2) The defendant voluntarily appeared in the proceeding, other than for the purpose of
12 protecting property seized or threatened with seizure in the proceeding or of contesting the
13 jurisdiction of the court over the defendant;

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

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

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

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

24 (b) The list of bases for personal jurisdiction in subsection (a) of this section is not
25 exclusive. The courts of this state may recognize bases of personal jurisdiction other than those
26 listed in subsection (a) of this section as sufficient to support a foreign-country judgment.

27 **9-34-6. Procedure for recognition of foreign-country judgment.**

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

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

33 **9-34-7. Effect of recognition of foreign-country judgment.**

34 If the court in a proceeding under § 9-34-6 finds that the foreign-country judgment is

1 [entitled to recognition under this chapter then, to the extent that the foreign-country judgment grants](#)
2 [or denies recovery of a sum of money, the foreign-country judgment is:](#)

3 [\(1\) Conclusive between the parties to the same extent as the judgment of a sister state](#)
4 [entitled to full faith and credit in this state would be conclusive; and](#)

5 [\(2\) Enforceable in the same manner and to the same extent as a judgment rendered in this](#)
6 [state.](#)

7 **9-34-8. Stay of proceedings pending appeal of foreign-country judgment.**

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

12 **9-34-9. Statute of limitations.**

13 [An action to recognize a foreign-country judgment must be commenced within the earlier](#)
14 [of the time during which the foreign-country judgment is effective in the foreign country or twenty](#)
15 [\(20\) years from the date that the foreign-country judgment became effective in the foreign country.](#)

16 **9-34-10. Uniformity of interpretation.**

17 [In applying and construing this uniform act, consideration must be given to the need to](#)
18 [promote uniformity of the law with respect to its subject matter among states that enact it.](#)

19 **9-34-11. Savings clause.**

20 [This chapter does not prevent the recognition under principles of comity or otherwise of a](#)
21 [foreign-country judgment not within the scope of this chapter.](#)

22 **9-34-12. Transitional provision.**

23 [This chapter applies to all actions commenced on or after the effective date of this chapter](#)
24 [in which the issue of recognition of a foreign-country judgment is raised.](#)

25 **9-34-13. Official comments.**

26 [It is the intention of the general assembly that the official comments to the Uniform](#)
27 [Foreign-Country Money Judgments Recognition Act as approved and recommended for enactment](#)
28 [in all the states by the National Conference of Commissioners on Uniform State Laws in 2005](#)
29 [represent the express legislative intent of the general assembly and shall be used as a guide for](#)
30 [interpretation of this chapter.](#)

31 SECTION 2. Title 9 of the General Laws entitled "COURTS AND CIVIL PROCEDURE
32 - PROCEDURE GENERALLY" is hereby amended by adding thereto the following chapter:

33 **CHAPTER 35**

34 **UNIFORM REGISTRATION OF CANADIAN MONEY JUDGMENTS ACT**

1 **9-35-1. Short title.**

2 This chapter shall be known and may be cited as the "Uniform Registration of Canadian
3 Money Judgments Act.

4 **9-35-2. Definitions.**

5 In this chapter:

6 (1) "Canada" means the sovereign nation of Canada and its provinces and territories.
7 "Canadian" has a corresponding meaning.

8 (2) "Canadian judgment" means a judgment of a court of Canada, other than a judgment
9 that recognizes the judgment of another foreign country.

10 **9-35-3. Applicability.**

11 (a) This chapter applies to a Canadian judgment to the extent the judgment is within the
12 scope of § 9-34-3, if recognition of the judgment is sought to enforce the judgment.

13 (b) A Canadian judgment that grants both recovery of a sum of money and other relief may
14 be registered under this chapter, but only to the extent of the grant of recovery of a sum of money.

15 (c) A Canadian judgment regarding subject matter both within and not within the scope of
16 this chapter may be registered under this chapter, but only to the extent the judgment is with regard
17 to subject matter within the scope of this chapter.

18 **9-35-4. Registration of Canadian judgment.**

19 (a) A person seeking recognition of a Canadian judgment described in § 9-35-3 to enforce
20 the judgment may register the judgment in the office of the clerk of a court in which an action for
21 recognition of the judgment could be filed under § 9-34-6.

22 (b) A registration under subsection (a) of this section must be executed by the person
23 registering the judgment or the person's attorney and include:

24 (1) A copy of the Canadian judgment authenticated in the same manner as a copy of a
25 foreign judgment is authenticated in an action under § 9-34-6 as an accurate copy by the court that
26 entered the judgment;

27 (2) The name and address of the person registering the judgment;

28 (3) If the person registering the judgment is not the person in whose favor the judgment
29 was rendered, a statement describing the interest the person registering the judgment has in the
30 judgment which entitles the person to seek its recognition and enforcement;

31 (4) The name and last-known address of the person against whom the judgment is being
32 registered;

33 (5) If the judgment is of the type described in § 9-35-3(b) or (c), a description of the part
34 of the judgment being registered;

1 (6) The amount of the judgment or part of the judgment being registered, identifying:

2 (i) The amount of interest accrued as of the date of registration on the judgment or part of
3 the judgment being registered, the rate of interest, the part of the judgment to which interest applies,
4 and the date when interest began to accrue;

5 (ii) Costs and expenses included in the judgment or part of the judgment being registered,
6 other than an amount awarded for attorneys' fees; and

7 (iii) The amount of an award of attorneys' fees included in the judgment or part of the
8 judgment being registered;

9 (7) The amount, as of the date of registration, of post-judgment costs, expenses, and
10 attorneys' fees claimed by the person registering the judgment or part of the judgment;

11 (8) The amount of the judgment or part of the judgment being registered which has been
12 satisfied as of the date of registration;

13 (9) A statement that:

14 (i) The judgment is final, conclusive, and enforceable under the law of the Canadian
15 jurisdiction in which it was rendered;

16 (ii) The judgment or part of the judgment being registered is within the scope of this
17 chapter; and

18 (iii) If a part of the judgment is being registered, the amounts stated in the registration under
19 subsections (6), (7), and (8) of this subsection relate to the part;

20 (10) If the judgment is not in English, a certified translation of the judgment into English;
21 and

22 (11) A registration fee of one hundred sixty dollars (\$160).

23 (c) On receipt of a registration that includes the documents, information, and registration
24 fee required by subsection (b) of this section, the clerk shall file the registration, assign a civil action
25 number, and enter the Canadian judgment in the court's docket.

26 (d) A registration substantially in the following form complies with the registration
27 requirements under subsection (b) of this section if the registration includes the attachments
28 specified in the form:

29 REGISTRATION OF CANADIAN MONEY JUDGMENT

30 Complete and file this form, together with the documents required by Part V of this form,
31 with the Clerk of Court. When stating an amount of money, identify the currency in which the
32 amount is stated.

33 PART I. IDENTIFICATION OF CANADIAN JUDGMENT

34 Canadian Court Rendering the Judgment: _____

1 Case/Docket Number in Canadian Court: _____
2 Name of Plaintiff(s): _____
3 Name of Defendant(s): _____
4 The Canadian Court entered the judgment on _____ [date] in _____
5 [city] _____ [Province or Territory]. The judgment includes an
6 award for the payment of money in favor of _____ in the amount of
7 _____ . If only part of the Canadian judgment is subject to registration (see § 9-
8 35-3(b) and (c)), describe the part of the judgment being registered:
9 _____

10 PART II. IDENTIFICATION OF PERSON REGISTERING JUDGMENT AND
11 PERSON AGAINST WHOM JUDGMENT IS BEING REGISTERED

12 Provide the following information for all persons seeking to register the judgment under
13 this registration and all persons against whom the judgment is being registered under this
14 registration.

15 Name of Person(s) Registering Judgment: _____
16 If a person registering the judgment is not the person in whose favor the judgment was
17 rendered, describe the interest the person registering the judgment has in the judgment which
18 entitles the person to seek its recognition and enforcement:
19 _____

20 Address of Person(s) Registering Judgment:
21 _____

22 Additional Contact Information for Person(s) Registering Judgment (Optional):

23 Telephone Number: _____ FAX Number: _____

24 Email Address: _____

25 Name of Attorney for Person(s) Registering Judgment, if any: _____

26 Address: _____

27 Telephone Number: _____ FAX Number: _____

28 Email Address: _____

29 Name of Person(s) Against Whom Judgment is Being Registered: _____

30 Address of Person(s) Against Whom Judgment is Being Registered:
31 _____

32 _____ (provide the most recent address known)

33 Additional Contact Information for Person(s) Against Whom Judgment is Being
34 Registered (Optional) (provide most recent information known):

1 Telephone Number: _____ FAX Number: _____

2 Email Address: _____

3 PART III. CALCULATION OF AMOUNT FOR WHICH ENFORCEMENT IS

4 SOUGHT

5 Identify the currency or currencies in which each amount is stated.

6 The amount of the Canadian judgment or part of the judgment being registered is: _____.

7 The amount of interest accrued as of the date of registration on the part of the judgment
8 being registered is _____.

9 The applicable rate of interest is _____.

10 The date when interest began to accrue is _____.

11 The part of the judgment to which the interest applies is _____.

12 The Canadian court awarded costs and expenses relating to the part of the judgment being
13 registered in the amount of _____ (exclude any amount included in the award of costs
14 and expenses which represents an award of attorneys' fees).

15 The Canadian court awarded attorneys' fees relating to the part of the judgment being
16 registered in the amount of _____.

17 The person registering the Canadian judgment claims post-judgment costs and expenses in
18 the amount of _____ and post-judgment attorneys' fees in the amount of
19 _____ relating to the part of the judgment being registered (include only costs, expenses,
20 and attorney's fees incurred before registration).

21 The amount of the part of the judgment being registered which has been satisfied as of the
22 date of registration is _____.

23 The total amount for which enforcement of the part of the judgment being registered is
24 sought is _____.

25 PART IV. STATEMENT OF PERSON REGISTERING JUDGMENT

26 I, _____ state:

27 [Person Registering Judgment or Attorney for Person Registering Judgment]

28 1. The Canadian judgment is final, conclusive, and enforceable under the law of the
29 Canadian jurisdiction in which it was rendered.

30 2. The Canadian judgment or part of the judgment being registered is within the scope of
31 chapter 35 of title 9 of the Rhode Island General Laws.

32 3. If only a part of the Canadian judgment is being registered, the amounts stated in Part
33 III of this form relate to that part.

34 PART V. ITEMS REQUIRED TO BE INCLUDED WITH REGISTRATION

1 Attached are (check to signify required items are included):

2 A copy of the Canadian judgment authenticated in the same manner a copy of a
3 foreign judgment is authenticated in an action under § 9-34-6 as an accurate copy by the Canadian
4 court that entered the judgment.

5 If the Canadian judgment is not in English, a certified translation of the judgment
6 into English.

7 A registration fee in the amount of one hundred sixty dollars (\$160).

8 I declare that the information provided on this form is true and correct to the best of my
9 knowledge and belief.

10 Submitted by:

11 _____

12 Signature of [Person Registering Judgment]

13 [Attorney for Person Registering Judgment]

14 [specify whether signer is the person registering the judgment or that person's attorney]

15 Date of submission: _____

16 **9-35-5. Effect of registration.**

17 (a) Subject to subsection (b) of this section, a Canadian judgment registered under § 9-35-
18 4 has the same effect provided in § 9-34-7 for a judgment a court determines to be entitled to
19 recognition.

20 (b) A Canadian judgment registered under § 9-35-4 may not be enforced by sale or other
21 disposition of property, or by seizure of property or trustee process, until thirty-one (31) days after
22 notice under § 9-35-6 of registration is served. The court for cause may provide for a shorter or
23 longer time. This subsection does not preclude use of relief available under law of this state other
24 than this chapter to prevent dissipation, disposition, or removal of property.

25 **9-35-6. Notice of registration.**

26 (a) A person that registers a Canadian judgment under § 9-35-4 shall cause notice of
27 registration to be served on the person against whom the judgment has been registered.

28 (b) Notice under this section must be served in the same manner that a summons and
29 complaint must be served in an action seeking recognition under § 9-34-6 of a foreign-country
30 money judgment.

31 (c) Notice under this section must include:

32 (1) The date of registration and court in which the judgment was registered;

33 (2) The civil action number assigned to the registration;

34 (3) The name and address of:

- 1 [\(i\) The person registering the judgment; and](#)
2 [\(ii\) The person's attorney, if any;](#)
3 [\(4\) A copy of the registration, including the documents required under § 9-35-4\(b\); and](#)
4 [\(5\) A statement that:](#)
5 [\(i\) The person against whom the judgment has been registered, not later than thirty \(30\)](#)
6 [days after the date of service of notice, may petition the court to vacate the registration; and](#)
7 [\(ii\) The court for cause may provide for a shorter or longer time.](#)
8 [\(d\) Proof of service of notice under this section must be filed with the clerk of the court.](#)

9 **9-35-7. Petition to vacate registration.**

10 [\(a\) Not later than thirty \(30\) days after notice under § 9-35-6 is served, the person against](#)
11 [whom the judgment was registered may petition the court to vacate the registration. The court for](#)
12 [cause may provide for a shorter or longer time for filing the petition.](#)

13 [\(b\) A petition under this section may assert only:](#)

14 [\(1\) A ground that could be asserted to deny recognition of the judgment under chapter 34](#)
15 [of title 9; or](#)

16 [\(2\) A failure to comply with a requirement of this chapter for registration of the judgment.](#)

17 [\(c\) A petition filed under this section does not itself stay enforcement of the registered](#)
18 [judgment.](#)

19 [\(d\) If the court grants a petition under this section, the registration is vacated, and any act](#)
20 [under the registration to enforce the registered judgment is void.](#)

21 [\(e\) If the court grants a petition under this section on a ground under subsection \(b\)\(1\) of](#)
22 [this section, the court also shall render a judgment denying recognition of the Canadian judgment.](#)
23 [A judgment rendered under this subsection has the same effect as a judgment denying recognition](#)
24 [to a judgment on the same ground under chapter 34 of title 9.](#)

25 **9-35-8. Stay of enforcement of judgment pending determination of petition.**

26 [A person that files a petition under § 9-35-7\(a\) to vacate registration of a Canadian](#)
27 [judgment may request the court to stay enforcement of the judgment pending determination of the](#)
28 [petition. The court shall grant the stay if the person establishes a likelihood of success on the merits](#)
29 [with regard to a ground listed in § 9-35-7\(b\) for vacating a registration. The court may require the](#)
30 [person to provide security in an amount determined by the court as a condition of granting the stay.](#)

31 **9-35-9. Relationship to uniform foreign-country money judgments recognition act.**

32 [\(a\) This chapter supplements chapter 34 of title 9 and that chapter, other than § 9-34-6,](#)
33 [applies to a registration under this chapter.](#)

34 [\(b\) A person may seek recognition of a Canadian judgment described in § 9-35-3 either:](#)

1 [\(1\) By registration under this chapter; or](#)

2 [\(2\) Under § 9-34-6.](#)

3 [\(c\) Subject to subsection \(d\) of this section, a person may not seek recognition in this state](#)
4 [of the same judgment or part of a judgment described in § 9-35-3\(b\) or \(c\) with regard to the same](#)
5 [person under both this chapter and § 9-34-6.](#)

6 [\(d\) If the court grants a petition to vacate a registration solely on a ground under § 9-35-](#)
7 [7\(b\)\(2\), the person seeking registration may:](#)

8 [\(1\) If the defect in the registration can be cured, file a new registration under this chapter;](#)
9 [or](#)

10 [\(2\) Seek recognition of the judgment under § 9-34-6.](#)

11 **9-35-10. Uniformity of application and interpretation.**

12 [In applying and construing this uniform act, consideration must be given to the need to](#)
13 [promote uniformity of the law with respect to its subject matter among states that enact it.](#)

14 **9-35-11. Transitional Provision.**

15 [This chapter applies to the registration of a Canadian judgment entered in a proceeding that](#)
16 [is commenced in Canada on or after the effective date of this chapter.](#)

17 **9-35-12. Official comments.**

18 [It is the intention of the general assembly that the official comments to the Uniform](#)
19 [Foreign-Country Money Judgments Recognition Act as approved and recommended for enactment](#)
20 [in all the States by the National Conference of Commissioners on Uniform State Laws in 2019](#)
21 [represent the express legislative intent of the general assembly and shall be used as a guide for](#)
22 [interpretation of this chapter.](#)

23 SECTION 3. This act shall take effect upon passage and shall apply to foreign and
24 Canadian judgments obtained on or after the effective date of this act.

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LC001654/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT

1 This act would establish the policies and procedures required for the recognition and
2 enforcement of Foreign-Country Money Judgments and Registration of Canadian Judgments by
3 the superior court.

4 This act would take effect upon passage would apply to foreign and Canadian judgments
5 obtained on or after the effective date of this act.

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