

Recognizing Foreign and Sister-State Judgments in New York

We are often asked whether we can recognize “foreign” judgments (from other states or countries) here in New York. The simple answer is yes. And you should: a lot of assets can be reached in New York and there is significant discovery to be obtained by enforcing a judgment in New York.

Why New York?

New York is the center of the world. (Well, certainly we think it is.)

Many assets are here. We can execute on a judgment debtor’s bank accounts, securities accounts, and real estate.

And discovery is here. New York has tremendously broad post-judgment discovery, which is done *without notice* to the judgment debtor. This means we can subpoena banks for bank records, subpoena third parties, take depositions, and more.... All without informing the debtor.

And the subpoena recipients are here. Just about every big bank and financial firm has at least a branch here. This is clearly the best location to start your asset tracing.

Judgments from another state

We can register another state’s judgment in New York under Article 54 of the CPLR (“Uniform Enforcement of Foreign Judgments Act”). The judgment creditor needs to execute a short affidavit, file it with the county clerk ([CPLR 5402](#)), and give notice to the debtor ([CPLR 5403](#)).

If we are bringing a default judgment to New York, we can’t use the affidavit procedure. Instead, we have to start a new case. ([CPLR 5406](#).) But it is a streamlined, straightforward case, commenced by filing for “summary judgment in lieu of complaint” (a unique New York procedure where we can skip directly to summary judgment). See, e.g., *Cadle Co. v. Tri-Angle Assocs.*, [18 A.D.3d 100](#), 101 (1st Dep’t 2005). Presuming that the judgment was fairly obtained in the other state, the New York judgment should be speedily granted.

International Judgments

Recognition of international judgments is treated under Article 53 of the CPLR (“Recognition of Foreign Country Money Judgments”). To start the process of

recognizing the judgment in New York, we file an action seeking recognition of the foreign judgment using the “summary judgment in lieu of complaint” procedure. ([CPLR 5303\(b\)](#).)

The judgment must come from a judicial system with some basic standards (impartial tribunals and due process; personal and subject matter jurisdiction; etc.). And, of course, the judgment cannot have been procured by fraud and shouldn’t be “repugnant to the public policy” of New York. ([CPLR 5304](#).)

Importantly, as long as these standards are met, New York courts will also recognize an international judgment obtained on default. See, e.g., *John Galliano, S.A. v. Stallion, Inc.*, [62 A.D.3d 415](#), 416 (1st Dep’t 2009), *aff’d*, 15 N.Y.3d 75 (2010); *Constandinou v. Constandinou*, [265 A.D.2d 890](#), 890 (4th Dep’t 1999).

Conclusion

New Yorkers can often be judgmental. For your judgments from other states and countries, that’s a good thing.