Sister-State Default Judgments in New York, Part I: The State Court Route

When a judgment creditor holds a "normal" merits judgment from another state, there is an expedited registration procedure to domesticate the judgment in New York. But for a default judgment, domestication is a more complicated process.

This post discusses domestication of default judgments in New York state court. Part II will address the federal route.

Article 54 does not apply

New York's Uniform Enforcement of Foreign Judgments Act (CPLR Article 54) permits a creditor to file an affidavit and a certified copy of a sister-state judgment with a county clerk. CPLR 5401, however, defines an eligible judgment as one entitled to full faith and credit "except one obtained by default in appearance, or by confession of judgment." Default judgments are excluded by name. *See Madjar v. Rosa*, 83 A.D.3d 1011, 1013 (2d Dep't 2011).

The law preserves the creditor's right to bring an action on the judgment instead. *See* CPLR 5406. The question is which action, and in which forum.

CPLR 3213 provides an expedited alternative

In order to domesticate a default judgment, CPLR 3213 permits a plaintiff to serve a notice of motion for summary judgment with the summons. "When all goes smoothly, plaintiffs who choose this accelerated procedure can have relief in record time." *Schulz v. Barrows*, 94 N.Y.2d 624, 628 (2000).

The minimum return date tracks the time to appear under CPLR 320(a), which varies with the method of service. If the motion is denied, the moving and answering papers are deemed the complaint and answer, and the action proceeds without a new pleading.

Courts have confirmed this procedure for sister-state defaults. *Madjar*, 83 A.D.3d at 1013 (creditor "may proceed pursuant to CPLR 3213 for summary judgment in lieu of complaint … or … by plenary action"); *see also Morin Boats v. Acierno*, 150 A.D.3d 844 (2d Dep't 2017) (Michigan default judgment); *TCA Global Credit Master Fund, L.P. v. Puresafe Water Sys., Inc.*, 151 A.D.3d 1098 (2d Dep't 2017) (Florida default judgment).

Two threshold questions

Whether the rendering court had jurisdiction. This is the principal surviving defense. A judgment "generally can only be challenged in another forum upon the ground that the court that rendered the judgment lacked the jurisdiction to do so." *Cadlerock Joint Venture, L.P. v. Simms*, 245 A.D.3d 41, 46 (2d Dep't 2025). If a defaulting debtor never litigated jurisdiction in the rendering forum, the issue would remain open. *See id.*; *PAC Int'l Logistics, Inc. v. Haber Int'l Import Export, Ltd.*, 213 A.D.3d 945, 947 (2d Dep't 2023). Accordingly, it's important that we assemble the service and minimum-contacts record from the original file before filing the motion in New York.

Whether the judgment remains enforceable in the rendering state. New York must accord the judgment "the same credit, validity and effect that it would have in the state that pronounced it." *Boudreaux v. State of La., Dep't of Transp.*, 11 N.Y.3d 321, 325 (2008). A judgment that has lapsed under the rendering state's law is unenforceable here. *See State v. Int'l Asset Recovery Corp.*, 56 A.D.3d 849, 852 (3d Dep't 2008).

Personal jurisdiction in New York is not required

In a recent and important decision, *Cadlerock Joint Venture*, 245 A.D.3d 41 (2d Dep't 2025), the Second Department reversed a dismissal for lack of personal jurisdiction, holding that "New York need not possess personal jurisdiction over the defendant judgment debtor in order to recognize and domesticate a judgment entitled to full faith and credit." The rationale follows *CIBC Mellon Trust Co. v. Mora Hotel Corp.*, 100 N.Y.2d 215, 222 (2003): on recognition, the creditor "does not seek any new relief against the judgment debtor, but instead merely asks the court to perform its ministerial function." The First and Fourth Departments have reached the same conclusion. *Abu Dhabi Commercial Bank PJSC v. Saad Trading, Contr. & Fin. Servs. Co.*, 117 A.D.3d 609 (1st Dep't 2014); *Lenchyshyn v. Pelko Elec., Inc.*, 281 A.D.2d 42, 49 (4th Dep't 2001) ("Considerations of logic, fairness, and practicality dictate that a judgment creditor be permitted to obtain recognition and enforcement of a foreign country money judgment without any showing that the judgment debtor is subject to personal jurisdiction in New York.").

Cadlerock also rejected the argument that the debtor holds no New York assets, which "speaks not to the court's ability to recognize and domesticate the … judgment, but rather to the ability of the plaintiff to actually enforce the debt." 245 A.D.3d at 47.

Federal Court Jurisdiction

Part II addresses the federal alternative, and why a creditor seeking assets in several states may prefer it.

Pollock Cohen LLP represents judgment creditors in cross-jurisdictional enforcement and collection matters.