

AN ACT

D.C. ACT 19-246

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 21, 2011

*Codification
District of
Columbia
Official Code*

2001 Edition

2012 Winter
Supp.

West Group
Publisher

To enact the Uniform Foreign-Country Money Judgments Recognition Act to provide uniform procedures for the enforcement of foreign-country money judgments, to provide that a petitioner for recognition has the burden of proving a judgment is entitled to recognition and that any respondent resisting recognition and enforcement has the burden of proof respecting denial of recognition, to revise the grounds for denying recognition of foreign-country money judgments, and to establish a statute of limitations for recognition actions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Uniform Foreign-Country Money Judgments Recognition Act of 2011”.

Sec. 2. Chapter 3 of Title 15 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) A new Subchapter II-A is added to read as follows:

“Subchapter II-A. Uniform Foreign-Country Money Judgments

“15-361. Short title.

“15-362. Definitions.

“15-363. Applicability.

“15-364. Standards for recognition of foreign-country judgment.

“15-365. Personal jurisdiction.

“15-366. Procedure for recognition of foreign-country judgment.

“15-367. Effect of recognition of foreign-country judgment.

“15-368. Stay of proceedings pending appeal of foreign-country judgment.

“15-369. Statute of limitations.

“15-370. Uniformity of interpretation.

“15-371. Saving clause.”

(2) Subchapter III is amended to read as follows:

“SUBCHAPTER III. Uniform Foreign-Money Judgments. [Repealed]

“15-381. Definitions. [Repealed]

“15-382. Recognition and enforcement. [Repealed]

- “15-383. Grounds for nonrecognition. [Repealed]
- “15-384. Personal jurisdiction. [Repealed]
- “15-385. Stay in cases of appeal. [Repealed]
- “15-386. Savings clause. [Repealed]
- “15-387. Applicability. [Repealed]
- “15-388. Uniformity of application and construction. [Repealed].”.

(b) A new subchapter II-A is added to read as follows:

“Subchapter II-A. Uniform Foreign-Country Money Judgments.

“§ 15-361. Short title.

“This subchapter may be cited as the “Uniform Foreign-Country Money Judgments Recognition Act of 2011”.

New Section
15-361

“§ 15-362. Definitions.

“For the purposes of this subchapter, the term:

New Section
15-362

“(1) “Foreign country” means a government other than:

“(A) The United States;

“(B) The District of Columbia, a state, district, commonwealth, territory, or insular possession of the United States; or

“(C) Any other government with regard to which the decision in the District of Columbia 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 United States Constitution.

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

“§ 15-363. Applicability.

New Section
15-363

“(a) Except as otherwise provided in subsection (b) of this section, this subchapter applies 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:

“(A) Final;

“(B) Conclusive; and

“(C) Enforceable.

“(b) This subchapter does 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 a:

“(1) Judgment for taxes;

“(2) Fine or other penalty; or

“(3) Judgment for:

“(A) Divorce;

“(B) Support or maintenance; or

“(C) Other judgment rendered in connection with domestic relations.

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

“§ 15-364. Standards for recognition of foreign-country judgment.

New Section
15-364

“(a) Except as otherwise provided in subsections (b) and (c) of this section, a court of the District of Columbia shall recognize a foreign-country judgment to which this subchapter applies.

“(b) A court of the District of Columbia may not recognize a foreign-country judgment if the:

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

“(2) Foreign court did not have personal jurisdiction over the defendant; or

“(3) Foreign court did not have jurisdiction over the subject matter.

“(c) A court of the District of Columbia need not recognize a foreign-country judgment, if the:

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

“(3) Judgment or the cause of action on which the judgment is based is repugnant to the public policy of the District of Columbia or of the United States;

“(4) Judgment conflicts with another final and conclusive judgment;

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

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

“(8) Specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.

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

“§ 15-365. Personal jurisdiction.

New Section
15-365

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

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

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

“(3) 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;

“(4) 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

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of business in, or was organized under the laws of, the foreign country;

“(5) 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

“(6) 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 is not exclusive. The courts of the District of Columbia may recognize bases of personal jurisdiction other than those listed in subsection (a) of this section as sufficient to support a foreign-country judgment.

“§ 15-366. Procedure for recognition of foreign-country judgment.

**New Section
15-366**

“(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.

“§ 15-367. Effect of recognition of foreign-country judgment.

**New Section
15-367**

“If the court in a proceeding under § 15-366 finds that the foreign-country judgment is entitled to recognition under this subchapter, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment is:

“(1) Conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in the District of Columbia would be conclusive; and

“(2) Enforceable in the same manner and to the same extent as a judgment rendered in the District of Columbia.

“§ 15-368. Stay of proceedings pending appeal of foreign-country judgment.

**New Section
15-368**

“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:

“(1) Appeal is concluded;

“(2) Time for appeal expires; or

“(3) Appellant has had sufficient time to prosecute the appeal and has failed to do

so.

“§ 15-369. Statute of limitations.

**New Section
15-369**

“An action to recognize a foreign-country judgment must be commenced within the earlier of the time during which the foreign-country judgment is effective in the foreign country or 15 years from the date that the foreign-country judgment became effective in the foreign country.

“§ 15-370. Uniformity of interpretation.

**New Section
15-370**

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

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“§ 15-371. Saving clause.

“This subchapter does not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this subchapter.”.

(c) Subchapter III is repealed.

New Section
15-371

Repeal
Sections
15-381-15-388

Sec. 3. Fiscal impact statement.

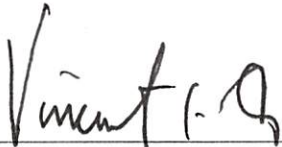
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 21, 2011



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B19-216**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-01-11

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED


ABSENT

THOMAS, JR.

ROLL CALL VOTE – Result _____ (.....)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Thomas, Jr.				X
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								
X – Indicate Vote					AB – Absent					NV – Present, Not Voting				

CERTIFICATION RECORD


 Secretary to the Council

12.14.11
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-06-11

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED


ABSENT

ALL PRESENT

ROLL CALL VOTE – Result _____ (.....)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Thomas, Jr.	X			
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								
X – Indicate Vote					AB – Absent					NV – Present, Not Voting				

CERTIFICATION RECORD


 Secretary to the Council

12.14.11
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE


RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE – Result _____ (.....)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown					Catania					Orange				
Alexander					Cheh					Thomas, Jr.				
Barry					Evans					Wells				
Bowser					Graham									
Brown, M					Mendelson									
X – Indicate Vote					AB – Absent					NV – Present, Not Voting				

CERTIFICATION RECORD

 Secretary to the Council

Date