

## Memorandum 2015-28

**Recognition of Tribal and Foreign Court Money Judgments  
(Changes to Uniform Act in Other States)**

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In this study, the Commission<sup>1</sup> was tasked with reviewing “the standards for recognition of a tribal court or a foreign court judgment” under the relevant California statutes and reporting “its findings, along with any recommendations for improvement of those standards.”<sup>2</sup>

The California statutes at issue are based on the Uniform Foreign-Country Money Judgments Recognition Act (2005) (hereafter “2005 Uniform Act”) and its predecessor, the Uniform Foreign Money-Judgments Recognition Act (1962) (hereafter “1962 Uniform Act”) (hereafter, collectively, Uniform Act).

The staff has reviewed enactments of the Uniform Act in other jurisdictions<sup>3</sup> to identify any material changes made to the standards for recognition of foreign judgments.<sup>4</sup> Such changes are discussed in this memorandum. This memorandum is primarily informational. In general, the deviations from the Uniform Act are noted but not thoroughly analyzed. They will be considered again later in this study, when the individual standards for recognition are analyzed.

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1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. 2014 Cal. Stat. ch. 243, § 1 (SB 406 (Evans)).

3. Twenty-one states, including California are current operating under an enactment of the 2005 Uniform Act, while fourteen states are currently operating under an enactment of the 1962 Uniform Act. See Uniform Foreign-Country Money Judgments Recognition Act (2005), 13, pt. II U.L.A. 2014 Cumulative Pocket Part p. 19 (Georgia and Virginia, which are not listed, have also enacted the 2005 Uniform Act); Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. 2014 Cumulative Pocket Part p. 43. (Delaware, Georgia, Illinois, and Virginia, which are listed as jurisdictions that have adopted the 1962 Act, have all enacted the 2005 Uniform Act); see also 2015 Ga. Act No. 167 (SB 65; enacted May 6, 2015); 2014 Va. Acts of Assembly ch. 462 (SB 473; approved Mar. 31, 2014).

4. These provisions are found in Sections 4 and 5 of each of the Uniform Acts.

## SCOPE OF MEMORANDUM

The Commission is tasked with evaluating the “standards for recognition” governing the recognition of foreign and tribal court money judgments in California. Consistent with this scope, this memorandum focuses only Sections 4 and 5 of the Uniform Act, which set forth the standards governing the recognition of foreign judgments.<sup>5</sup> For ease of reference, those sections are attached as an Exhibit.

In general, foreign money judgments that fall within the scope of the Uniform Act are entitled to recognition unless an exception applies.<sup>6</sup>

Section 4 contains the exceptions to recognition. As discussed more fully later, some of the exceptions *require* nonrecognition of a judgment, while others *permit* nonrecognition. For convenience, the staff will refer to these as mandatory and permissive exceptions, respectively.<sup>7</sup>

One of the mandatory exceptions applies when the foreign court lacks personal jurisdiction.<sup>8</sup> Section 5 provides a nonexclusive list of bases of personal jurisdiction that are sufficient under the Act.<sup>9</sup>

This memorandum does not address the following two matters, which can affect the recognition of a judgment in a state that has enacted the Uniform Act.

### Differences in Underlying State Laws

Some state laws that are not part of the Uniform Act can nonetheless affect the operation of the Uniform Act. For example:

- A state may address the recognition of certain foreign money judgments through other laws, as opposed to the Uniform Act.<sup>10</sup>

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5. See 2005 Uniform Act, §§ 4 (“Standards for Recognition of Foreign-Country Judgment”), 5 (“Personal Jurisdiction”); 1962 Uniform Act, §§ 4 (“Grounds for Non-recognition”), 5 (“Personal Jurisdiction”).

6. See 2005 Uniform Act, § 4(a); 1962 Uniform Act, § 3.

7. The mandatory and permissive terminology is not from the Uniform Acts, but is a functional description of how the Acts are intended to operate. See 2005 Uniform Act, § 4(b) (mandatory), (c) (permissive); 1962 Uniform Act, § 4(a) (mandatory), (b) (permissive).

8. 2005 Uniform Act, § 4(b)(2); 1962 Uniform Act, § 4(a)(2).

9. California includes a nonuniform provision in its enactment of this section, which is not discussed in this memorandum. This nonuniform provision, related to the jurisdiction of California courts over certain actions regarding a foreign defamation judgment, will be discussed in a future memorandum.

10. For example, some states accord full faith and credit to tribal court judgments. See, e.g., Cohen’s Handbook of Federal Indian Law § 7.07[2][b], at 664-668 (Nell Jessup Newton ed., 2012); see also <http://www.amjudges.org/conferences/2013Annual/EducationMaterials/Tremaine-Recognition-Enforcement-of-Tribal-Court-Orders.pdf>, <http://leg.mt.gov/content/>

- Under the Uniform Act, a state court can decline to recognize a foreign judgment if the judgment is “repugnant to ... public policy.”<sup>11</sup> Obviously, the application of that rule will depend on the underlying public policies of each state.

### **Differences Between Uniform Act Versions**

While many states, including California, have enacted the 2005 Uniform Act, a number still operate under the 1962 Uniform Act.<sup>12</sup>

In some instances, the memorandum notes relevant differences between the two versions of the Uniform Act. However, this memorandum does not describe all of the differences between the Acts.

Unless otherwise noted, where a Uniform Act is quoted, the language of the 2005 Uniform Act is used.

### **SUBSTANTIAL CHANGES TO UNIFORM ACT**

The remainder of this memorandum focuses on the substantial changes to Sections 4 and 5 of Uniform Act that an individual state has made in its enactment. For the most part, the changes discussed below appear to reflect policy preferences or clarifications. None of the changes appears to indicate a clear defect in the Uniform Act.

### **Degree of Judicial Discretion**

As indicated above, some of the Uniform Act’s exceptions are mandatory, while others are permissive. Thus, under the Uniform Act, a court could be required to recognize the judgment (i.e., no exceptions apply), required *not* to recognize the judgment (i.e., a mandatory exception applies), or permitted not to recognize the judgment (i.e., only permissive exceptions apply).

The staff found three ways in which other jurisdictions have deviated from the Uniform Act with regard to the degree of judicial discretion. They are discussed briefly below.

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Full%20faith%20credit\_Memo\_8-24-12\_LtrHd.pdf.

11. 2005 Uniform Act, § 4(c)(3); 1962 Uniform Act, § 4(b)(3).

12. See *supra* note 3.

### *All Exceptions Made Mandatory*

Three states have modified the Uniform Act so as to make all of the uniform exceptions mandatory.<sup>13</sup> Presumably, this will make it harder to achieve recognition of a foreign judgment in those states.

### *Permissive Exceptions Made Presumptive*

One state, North Carolina, converted the Uniform Act's permissive exceptions into presumptive exceptions.<sup>14</sup> In the circumstances described in those provisions, the foreign judgment will not be recognized "unless the court determines, as a matter of law, that recognition would nevertheless be reasonable under the circumstances."<sup>15</sup> The proponent of the judgment bears the burden of producing evidence to justify recognition.<sup>16</sup>

In other words, North Carolina establishes nonrecognition as the default rule, subject to judicial discretion to recognize the judgment where it would be reasonable to do so.

### *Changes to Degree of Judicial Discretion for Particular Exceptions*

Two states have made changes to specific exceptions:

- The Uniform Act includes a mandatory exception to recognition if the foreign court lacks subject matter jurisdiction. New York makes that exception permissive.<sup>17</sup>
- The Uniform Act includes a permissive exception to recognition if a judgment is obtained by fraud. Maryland makes that exception mandatory.<sup>18</sup>

## **Conflicting Judgments**

The Uniform Act *permits* nonrecognition of a foreign judgment that "conflicts with another final and conclusive judgment."<sup>19</sup>

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13. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. p. 61 (Massachusetts); Ohio Rev. Code §§ 2329.91(B), 2329.92(A); 2015 Ga. Act No. 167 (enacted May 6, 2015).

Ohio treats all of the uniform standards as mandatory nonrecognition standards, but includes reciprocity as a permissive nonrecognition standard. See Ohio Rev. Code § 2329.92(B).

14. See, e.g., *infra* note 21 (regarding North Carolina's presumptive exceptions for conflicting judgments).

15. See Uniform Foreign-Country Money Judgments Recognition Act (2005), 13, pt. II U.L.A. 2014 Cumulative Pocket Part pp. 32-33.

16. See *id.* at 33.

17. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. p. 61.

18. See *id.*

19. 2005 Uniform Act, § 4(c)(4); 1962 Uniform Act, § 4(b)(4).

Two states have made changes to this exception, based on the relative timing of the conflicting judgments.

In New Jersey, nonrecognition is only permitted when the judgment at issue conflicts with a *prior* judgment.<sup>20</sup> Conversely, this exception would not apply if the judgment at issue is the earlier of the conflicting judgments.

North Carolina, on the other hand, favors recognition of the *later* of the conflicting judgments.<sup>21</sup>

In short, the Uniform Act permits courts to decide whether to recognize a conflicting judgment, based on whatever considerations it deems relevant. In New Jersey and North Carolina, judicial discretion has been limited, based on the timing of the conflicting judgments.

### **Due Process**

The 2005 Uniform Act<sup>22</sup> includes two exceptions relating to due process: one mandatory and one permissive:

- Nonrecognition is mandatory if the *foreign judicial system*, as a whole, “does not provide impartial tribunals or procedures compatible with the requirements of due process of law.”<sup>23</sup>
- Nonrecognition is permissive if *the specific proceeding* “in the foreign court leading to the judgment was not compatible with the requirements of due process of law.”<sup>24</sup>

North Carolina’s enactment adjusts the permissive exception to refer to “fundamental unfairness” rather than incompatibility with due process.<sup>25</sup>

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20. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. p. 61.

Iowa made a similar change in its enactment of the 1962 Uniform Act, but did not include such a change in its enactment of the 2005 Uniform Act. See *id.* at 60; see also Uniform Foreign-Country Money Judgments Recognition Act (2005), 13, pt. II U.L.A. 2014 Cumulative Pocket Part pp. 32-33 (noting no variations in Iowa).

21. N.C. Gen. Stat. § 1C-1853. Subdivisions (d) and (e) of that section read as follows:

(d) If a foreign-country judgment for which recognition is sought is otherwise entitled to recognition under this Article but conflicts with a prior final and conclusive judgment, a court of this State shall recognize the judgment for which recognition is sought unless the court determines that nonrecognition would nevertheless be reasonable under the circumstances.

(e) If a foreign-country judgment for which recognition is sought is otherwise entitled to recognition under this Article but conflicts with a subsequent final and conclusive judgment, a court of this State shall deny recognition of the judgment for which recognition is sought unless the court determines that recognition would nevertheless be reasonable under the circumstances.

22. The 1962 Uniform Act included the mandatory due process standard, but did not include a permissive standard related to due process. See 1962 Uniform Act, § 4.

23. 2005 Uniform Act, § 4(b)(1).

24. 2005 Uniform Act, § 4(c)(8).

It is not clear that this is a substantive change. The Uniform Act's commentary uses the terms "fundamental fairness" and "due process" somewhat interchangeably. The commentary uses the term "fundamental fairness" when describing both the mandatory and permissive exceptions.<sup>26</sup> The commentary also indicates that "[t]he focus of inquiry [under the mandatory due process exception] is not whether the procedure in the rendering country is similar to U.S. procedure, but rather on the basic fairness of the foreign-country procedure."<sup>27</sup>

## **Defamation**

As noted in a prior memorandum, California deviated from the Uniform Act by adding a permissive exception relating to defamation judgments.<sup>28</sup>

Florida, Maryland, and New York have also added defamation-related exceptions.<sup>29</sup>

In 2010, the federal government enacted the 2010 SPEECH Act, which governs the recognition of foreign defamation judgments. The 2010 SPEECH Act prohibits recognition of foreign defamation judgments that fail to meet specified standards.<sup>30</sup>

The earlier defamation provisions (i.e., those in California, Florida, and New York) do not go as far as the 2010 SPEECH Act in precluding the recognition of certain foreign judgments. In particular, the 2010 SPEECH Act appears to prohibit recognition of certain judgments that would fall within California's existing permissive exception to recognition (i.e., California law suggests that

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25. See Uniform Foreign-Country Money Judgments Recognition Act (2005), 13, pt. II U.L.A. 2014 Cumulative Pocket Part p. 32.

26. *Id.* at 31.

27. *Id.* at 29.

28. Cal. Code Civ. Proc. § 1716(c)(9) (court can decline to recognize foreign judgment where "[t]he judgment includes recovery for a claim of defamation unless the court determines that the defamation law applied by the foreign court provided at least as much protection for freedom of speech and the press as provided by both the United States and California Constitutions.").

29. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. 2014 Cumulative Pocket Part, p. 54 (Florida, Maryland, and New York).

Illinois' 1962 Uniform Act enactment contained a non-uniform defamation provision. Illinois has replaced its earlier enactment with an enactment of the 2005 Uniform Act. The current enactment does not include a non-uniform provision related to defamation. Compare *id.* at 54 with Uniform Foreign-Country Money Judgments Recognition Act (2005), 13, pt. II U.L.A. 2014 Cumulative Pocket Part pp. 32-33 (no variations in IL enactment noted).

30. See Emily C. Barbour, Cong. Research Serv., *The SPEECH Act: The Federal Response to "Libel Tourism"* 10-13 (Sept. 16, 2010), available at <https://www.fas.org/sgp/crs/misc/R41417.pdf>.

courts have discretion to recognize judgments that, under federal law, are prohibited from recognition).

Maryland's later-enacted defamation-related provisions differ from the other states' provisions in two key ways. First, Maryland's defamation provision is a mandatory exception to recognition, while the other states' provisions are permissive.<sup>31</sup> Second, Maryland's language separately discusses a "defamation judgment entered against the provider of an interactive computer service" and requires consistency with a particular provision of federal law (47 U.S.C. § 230).<sup>32</sup> In both respects, Maryland's language appears to comport with the 2010 SPEECH Act.

California should probably conform its defamation exception to the requirements of federal law. That issue will be discussed more fully in a future memorandum.

## **Reciprocity**

Five states currently have exceptions based on a lack of reciprocity (i.e., the foreign jurisdiction at issue does not itself recognize foreign judgments).<sup>33</sup> In all but one case, the exception for lack of reciprocity is a permissive one.<sup>34</sup>

The states differ on the exact form of reciprocity that is needed. In some states, the reciprocity provision is narrow, focusing on whether the foreign country would recognize the judgment at issue, if it were a judgment of the state.<sup>35</sup> In other states, the reciprocity provision is somewhat broader, focusing

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31. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. 2014 Cumulative Pocket Part, p. 54 (Florida, Maryland, and New York); Uniform Foreign-Country Money Judgments Recognition Act (2005), 13, pt. II U.L.A. 2014 Cumulative Pocket Part p. 32 (California).

32. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. 2014 Cumulative Pocket Part, p. 54.

33. Florida, Maine, Massachusetts, Ohio, and Texas include reciprocity provisions. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. pp. 59-62; Ohio Rev. Code § 2329.92(B).

The 1962 Uniform Act enactments of Colorado, Georgia, Idaho, and North Carolina included reciprocity provisions. These four states have all enacted the 2005 Uniform Act and do not include any reciprocity provisions in their current enactment. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. pp. 44 (Colorado), 60 (Georgia and Idaho), 61 (North Carolina); see also Uniform Foreign-Country Money Judgments Recognition Act (2005), 13, pt. II U.L.A. 2014 Cumulative Pocket Part, pp. 19-42; 2015 Ga. Act No. 167 (enacted May 6, 2015).

34. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. p. 61 (Massachusetts).

Bill H.40, pending in Massachusetts, would enact the 2005 Act. Current language of the bill does not contain a reciprocity exception.

35. See *id.* at 60 (Florida), 60-61 (Maine).

on whether the foreign jurisdiction would recognize the state's judgments generally.<sup>36</sup> In one state, the reciprocity provision focuses on whether the foreign country has "a procedure for recognizing judgments made by courts of other countries and their political subdivisions."<sup>37</sup>

While most of the exceptions in the Uniform Act focus on the fairness of the judgment at issue, a reciprocity exception does not. A judgment might be completely fair, but still not be recognized on the basis of reciprocity. Declining to recognize a foreign judgment on reciprocity grounds touches on a fundamentally political issue, involving the relationship between sovereigns.

### **Acceptable Grounds for Foreign Court's Exercise of Personal Jurisdiction**

The Uniform Act includes a mandatory exception to recognition of a judgment where "the foreign court did not have personal jurisdiction over the defendant."<sup>38</sup> In addition, the Uniform Act includes a separate section specifying certain acceptable bases of personal jurisdiction.<sup>39</sup>

#### *Business Domicile Equivalent*

The 2005 Uniform Act allows for personal jurisdiction over the defendant where "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."<sup>40</sup>

Several states that enacted the 1962 Uniform Act made changes to this provision.<sup>41</sup> Comparing the details of these differing provisions is somewhat challenging, as it requires analyzing the underlying law of corporations (i.e., what it means for an entity to "acquire corporate status" in a foreign jurisdiction). The staff's initial view is that, given that the wording of this provision changed significantly between the 1962 and 2005 Uniform Acts, looking closely at the changes in enactments of the earlier Uniform Act is

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36. See *id.* at 61 (Massachusetts), 62 (Texas).

37. Ohio Rev. Stat. § 2329.92(B).

38. 2005 Uniform Act, § 4(b)(2); see also 1962 Uniform Act, § 4(a)(2).

39. 2005 Uniform Act, § 5; 1962 Uniform Act, § 5.

40. 2005 Uniform Act, § 5(a)(4), see also 1962 Uniform Act, § 5(a)(4) (authorizing personal jurisdiction on the basis that "the defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state").

41. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. pp. 73-76.



unlikely to be helpful. If the Commission would like more detail, we will provide it in a future memorandum.

#### *Additional Bases for Personal Jurisdiction*

Two states added additional bases for personal jurisdiction to the list provided in the Uniform Act.

In North Carolina, personal jurisdiction exists if “[t]here was any other basis for personal jurisdiction that would be consistent with the Due Process Clause of the Fourteenth Amendment to the United States Constitution.”<sup>42</sup>

In Pennsylvania, personal jurisdiction exists where “the courts of this Commonwealth recognize other bases of jurisdiction.”<sup>43</sup> This provision may essentially operate as a non-exclusivity provision (discussed below).

#### *Non-Exclusivity*

The Uniform Act contains a provision making clear that the list of acceptable bases of personal jurisdiction is not exclusive and authorizing courts to recognize other bases of personal jurisdiction as acceptable.<sup>44</sup>

Three enacting jurisdictions, Florida, Pennsylvania,<sup>45</sup> and the Virgin Islands, omit the non-exclusivity provision. The omission of this provision suggests an intent to make the list exclusive. However, the list itself does not purport to be exclusive. It may be that these jurisdictions simply omitted a provision they deemed redundant.

Two other jurisdictions made changes to the non-exclusivity provision:

- Missouri specifies that a court may recognize other bases of personal jurisdiction “consistent with fairness and substantial justice in the context of international commerce or relations.”<sup>46</sup>
- Ohio only permits courts to recognize bases for jurisdiction “that have been recognized by the courts of this state or the general assembly.”<sup>47</sup>

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42. See Uniform Foreign-Country Money Judgments Recognition Act (2005), 13, pt. II U.L.A. 2014 Cumulative Pocket Part p. 35.

43. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. p. 75.

44. 2005 Uniform Act, § 5(b); 1962 Uniform Act, § 5(b).

45. The staff notes that Pennsylvania’s nonuniform additional basis for personal jurisdiction, discussed *supra*, may effectively operate as a non-exclusivity provision.

46. See Uniform Foreign Money-Judgments Recognition Act (1962), 13, pt. II U.L.A. p. 75.

47. Virginia included a similar nonuniformity in its enactment of the 1962 Uniform Act. See also *id.* at 76. Virginia’s recent enactment of the 2005 Uniform Act does not contain the nonuniform language. See 2014 Va. Acts of Assembly ch. 462 (approved Mar. 31, 2014).

## CONCLUSION

As noted in the introduction, this memorandum is intended to be informational. It flags deviations from the Uniform Act in other jurisdictions that might be relevant in conducting this study. Those deviations will be kept in mind and may be discussed again, to the extent they are relevant, in later memoranda.

Respectfully submitted,

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47. Ohio Rev. Code § 2329.91(D); see also discussion of Pennsylvania's similar provision (Additional Bases for Personal Jurisdiction), discussed *supra*.

**EXCERPT OF UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS  
RECOGNITION ACT (2005)**

**Section 4. Standards for Recognition of Foreign-Country Judgment.**

(a) Except as otherwise provided in subsections (b) and (c), a court of this state shall recognize a foreign-country judgment to which this [act] applies.

(b) A court of this state may 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;

(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 need not 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] [claim for relief] 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.

(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) exists.

**Section 5. Personal Jurisdiction.**

(a) A foreign-country judgment may 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 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) 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;

(4) 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;

(5) the defendant had a business office in the foreign country and the proceeding in the foreign court involved a [cause of action] [claim for relief] arising out of business done by the defendant through that office in the foreign country; or

(6) the defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a [cause of action] [claim for relief] arising out of that operation.

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

**EXCERPT OF UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION  
ACT (1962)**

**Section 4. Grounds for Non-Recognition.**

- (a) A foreign judgment is not conclusive if
  - (1) the judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
  - (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.
- (b) A foreign judgment need not be recognized if
  - (1) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;
  - (2) the judgment was obtained by fraud;
  - (3) the [cause of action] [claim for relief] on which the judgment is based is repugnant to the public policy of this state;
  - (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 settled otherwise than by proceedings in that court; or
  - (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.

**Section 5. Personal Jurisdiction.**

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  - (2) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him;
  - (3) the defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;
  - (4) the defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state;
  - (5) the defendant had a business office in the foreign state and the proceedings in the foreign court involved a [cause of action] [claim for relief] arising out of business done by the defendant through that office in the foreign state; or
  - (6) the defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a [cause of action] [claim for relief] arising out of such operation.
- (b) The courts of this state may recognize other bases of jurisdiction.