

LAW OFFICE OF JEFFREY S. KIMMEL

160 Broadway

Suite 600

NEW YORK, N.Y. 10038

Admitted in NY & NJ

TEL: (212)684-5454

FAX: (212)202-7941

EMAIL: JKimmelLaw@aol.com

Re: Domestication of Foreign Judgments

Dear Out of State Attorney:

You have inquired about retaining our firm in connection with a number of judgments obtained in your home state that you require to be registered or “domesticated” in New York. The purpose of this letter is to summarize the terms of your engagement of our firm to represent you in handling this matter.

I will briefly summarize the rules in New York governing the domestication of foreign judgements. CPLR § 5402 provides that New York offer full faith and credit to all sister state judgments. In fact there is an expedited procedure laid out in the CPLR to effectuate the same. I will detail that procedure below. There are two exceptions where judgments are not covered by the expedited procedures of Article 54. They are judgements obtained by default in appearance or by confession of judgment. In order to register these types of judgements in New York, the procedures of CPLR § 3213 or Summary Judgment in Lieu of Complaint should be used. While fairly straight forward, this method does involve increased preparation (most notably service on the debtor and an appearance) and carries with it and increased risk of re-opening the once thought closed litigation.

The scope of our work will be to domesticate the foreign judgment in New York, so that collection efforts may be commenced in this jurisdiction. This will include the preparation of necessary supporting documentation required by statute to domesticate a judgement, purchasing of an index number, serving the debtor with motion papers (if necessary) and filing the judgement in New York.

In order to begin, the attorney must obtain an exemplified or authenticated copy of the judgement. This is a unique copy from the clerk of the court that is usually triple sealed and signed by both the clerk and the judge. Once obtained the Plaintiff has only 90 days to domesticate the judgement in New York. Once expired the Plaintiff must go back to the issuing court and obtain another. Once completed we will work with you to prepare the necessary affidavit in order to register the judgement in New York.

This retainer does not include our pursuing of collection efforts against these individuals, nor are you retaining us to litigate in the event one of your debtors serves an answer in response to our Summary Judgment in Lieu of Complaint. These services are available and can be negotiated at that time.

Our fee for for domestication of a judgment obtained on the merits is \$1250 plus disbursements, and \$1800 for domestication of a judgment obtained by default in appearance or by confession of judgment. We require a non refundable \$500 retainer in order to commence the proceeding. We will not charge the balance of the legal fee if we cannot get the judgement registered in New York. Disbursements will typically be \$210 per index number purchased in New York (all judgments regardless of type require an index number to be purchased) and cost of service of process if necessary.

We look forward to working with you on this matter.

Sincerely,

Jeffrey Kimmel