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Re: Domestication of Foreign Judgments

Dear Out of State Attorney:

You have inquired about retaining our firm in connection with a judgment obtained in your home state that you require to be registered or “domesticated” in New York and/or New Jersey. 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 judgments. 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 judgments obtained by default in appearance or by confession of judgment. In order to register these types of judgments 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 (preparation of motion papers and service on the debtor) and carries with it and increased risk of the debtor obtaining local counsel to challenge the motion, potentially opening the door for additional litigation.

New Jersey offers full faith and credit to all sister state judgments. This process is accomplished by obtaining an exemplified copy of the judgment and submitting it to the court along with a supporting documentation and an affidavit prepared by us and executed by you. Once the file is complete we will give notice of the entry to the debtor, and you will be free to attempt to collect on the judgment 14 days after notice has been given.

The scope of our work will be to domesticate the foreign judgment in New York or New Jersey, so that collection efforts may be commenced in this jurisdiction. This will include the preparation of necessary documentation (motion or affidavit) required by statute in either state to domesticate a judgment, and personally delivering it to the court to complete the registration of the judgment. This will also include preparing a response to reply papers submitted by opposing counsel in connection with the motion

In order to begin, the you must obtain an exemplified or authenticated copy of the judgment. 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 judgment. Once expired the Plaintiff must go back to the issuing court and obtain another. Simultaneous with you obtaining the exemplified copy of the judgment, we will

work with you to prepare the necessary affidavit in order to register the judgment.

This retainer does not include our pursuing of collection efforts against these individuals, These services are available and can be negotiated at that time.

Our fee for domestication of a judgment in New Jersey is \$1200, plus \$35 for court fees. In New York, for domestication of a judgment obtained on the merits, the fee is \$1500 plus disbursements, and \$1800 (plus disbursements) for domestication of a judgment obtained by default in appearance or by confession of judgment. If the debtor obtains a lawyer and responds to the motion, there is an additional fee of \$150/hour for preparation of the reply. We require a non refundable \$1000 retainer in order to commence the proceeding. This will be used to begin to prepare the paperwork as well as cover the costs of the initial disbursements. The balance of the fee will be due at the time that you return the affidavit to our office for filing. Disbursements in New York will typically be \$210 per index number purchased in New York (all judgments regardless of type require an index number to be purchased) \$95 for a request for judicial intervention (if necessary), and the cost of service of process (about \$70) if necessary.

We look forward to working with you on this matter.

Sincerely,

Tuvia L. Kimmel