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LETTER OF ENGAGEMENT

Domestication of Foreign Judgment in New York

Dear Out of State Attorney:

You have inquired about retaining our firm in connection with a judgment obtained by default or confession of judgment in your home state for which you require domestication 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.

NY CPLR § 5402 provides that New York must offer full faith and credit to all sister state judgments and lays out an expedited procedure to effectuate the same. The expedited procedure, however, is not available when a sister-state judgment is obtained by default or confession of judgment. To domesticate a judgment obtained by default or confession of judgment, we must file a motion for Summary Judgment in Lieu of Complaint pursuant to CPLR § 3213. While fairly straight forward, this method does involve additional preparation (e.g., motion drafting and personal service on the debtor) and carries with it an increased risk that the debtor will obtain local counsel to challenge the motion, potentially opening the door to additional litigation.

The scope of the services our firm will provide pursuant to this agreement is as follows: we will domesticate the foreign judgment in the appropriate Court in New York by preparing, as required by statute, a motion for Summary Judgment in Lieu of Complaint, as well as an Affidavit in Support to be signed by an authorized principal of your company; and we will personally deliver said documentation to the Court. We will do all of this for a flat fee of \$1,800, which we require to be remitted in full as a retainer fee before we can commence performance of the aforesaid services. This retainer fee is nonrefundable even if we are unable to successfully domesticate the judgment due to forces beyond our control. You will also be billed separately and periodically for necessary out-of-pocket disbursements our firm will advance in this process. In New York, disbursements will typically include: \$210 per index number purchased (all judgments regardless of type require an index number); \$95 for a request for judicial intervention (if necessary); approximately \$100 for the cost of service of process; and approximately \$100 for miscellaneous expenses.

In the rare instance that the debtor retains counsel and replies to our motion, our services will include the preparation of a response to the reply papers, as well as any other work associated with adversarial litigation proceedings, at an additional fee of \$250 per hour.

To commence the domestication process, we will need you to obtain an exemplified, triple-sealed record of your out-of-state judgment from the court in which it was entered. This record will generally be signed and sealed by three people, including at least one judge or magistrate, at least one clerk, and sometimes a prothonotary. To avoid any misunderstanding when obtaining this document, you should explain to the clerk that you intend to file and enforce the judgment in another state. This should ensure that you are provided the proper type of record for this purpose. You will also need to provide us with copies of the rules / statutes governing jurisdiction and service in your state so that we can demonstrate to the New York Court that the Defendant was subject to the jurisdiction of the Court in which the judgment was obtained and was provided proper notice of the action. Upon our receipt of the foregoing documents and our retainer fee, we will promptly commence the domestication process.

After the judgment has been domesticated, you may wish to enlist our firm to execute the judgment and collect the funds from the debtor. If we agree to execute the judgment on your behalf, we can discuss the different payment options that we offer, such as an hourly fee, contingency fee, or hybrid, depending on the circumstances and your preference.

Please sign and return this letter to indicate your assent to the terms of this agreement. We look forward to working with you on this matter.

Very truly yours,

Jeffrey S. Kimmel, Esq.

Signed: _____

Print Name: _____
Authorized Signatory