IN THE SUPREME COURT OF THE STATE OF DELAWARE

LAWRENCE G. RYCKMAN, Judgment Debtor Below-Appellant, v. ALBERTA SECURITIES COMMISSION, Judgment Creditor Below-Appellee.	)	No. 278, 2015 On Appeal from the Superior Court Judgment Docket No. N13J-02847

APPELLANT'S OPENING BRIEF

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NATURE OF THE PROCEEDINGS

This appeal presents a purely legal issue of first impression that concerns two Uniform Acts adopted by the Delaware General Assembly: the Uniform Foreign-Country Money Judgment Recognition Act (the "Foreign-Country Judgment Act"), 10 *Del. C.* § 4801 *et seq.*, which establishes the mechanisms by which judgments of foreign countries are domesticated; and the Uniform Enforcement of Foreign Judgments Act (the "Enforcement Act"), 10 *Del. C.* § 4781, which establishes the mechanisms by which the judgments of sister states are registered and enforced. The issue is whether a party can enforce in Delaware a foreign-country judgment, which could not be domesticated under the Foreign-Country Judgment Act, by first domesticating the judgment in a sister state that has not adopted the Foreign-Country Judgment Act and then registering the resulting sister-state judgment in Delaware under the Enforcement Act.

Judgment-Creditor/Appellee Alberta Securities Commission ("ASC") instituted this action by filing with the Prothonotary of the Superior Court, allegedly pursuant to the Enforcement Act, a copy of a July 2000 judgment from the Superior Court of Arizona against Judgment-Debtor/Appellant Lawrence G. Ryckman (the "Arizona Judgment"). *See* A9, 24. In accordance with the automatic registration procedures of § 4781 of the Enforcement Act, the

Prothonotary "treat[ed] the [Arizona] judgment in the same manner as a judgment of the Superior Court of [Delaware]" and assigned it a Delaware judgment number, N13-J-02847 (the "Delaware Judgment"). A22.

Although not disclosed in the ASC's filing with the Prothonotary, the Arizona Judgment is actually a domesticated judgment of a 1996 Canadian judgment (the "Canadian Judgment"). A37-78. It is undisputed that, because the Canadian Judgment imposed a penalty and was issued more than 15 years before the ASC's 2013 filing with the Prothonotary, it could not be domesticated in Delaware under the Foreign-Country Judgment Act. Accordingly, Ryckman moved to vacate the Delaware Judgment pursuant to Superior Court Rule 60 and 10 *Del. C.* §4782. *See* A11. The Superior Court denied the motion to vacate. Ryckman filed this timely appeal.

SUMMARY OF ARGUMENT

I. The Superior Court erred in recognizing and enforcing the Arizona Judgment pursuant to the Enforcement Act when the Canadian Judgment could not be recognized under the Foreign-Country Judgment Act. The Court's recognition of the Arizona Judgment and, by effect, the Canadian Judgment, ignored unambiguous statutory language, defeated the General Assembly's intent to have Delaware courts treat foreign-country judgments with more scrutiny than sister-state judgments, was not required by the full faith and credit clause, and failed to promote the uniform interpretation of law.

STATEMENT OF FACTS

The facts in this case are undisputed.

The Canadian and Arizona Judgments

Almost 20 years ago, the ASC issued an administrative decision that Ryckman had violated certain provisions of the Alberta Securities Act and assessed as a penalty costs against him in an amount of approximately 490,000 Canadian dollars. A42, 70-74. The ASC subsequently filed its decision with the Court of Queen's Bench in Alberta and thereby obtained the Canadian Judgment. A76-78.

In 1997, the ASC filed a complaint in the Superior Court of Arizona to domesticate the Canadian Judgment as an Arizona judgment against Ryckman and his wife. A37. The ASC acknowledged in its complaint that the Canadian Judgment "is not [ ] subject to domestication in Arizona under the procedures" of Arizona's version of the Uniform Enforcement Act "since the Province of Alberta is not a State of the United States and Art. IV, Sec. 1 [*i.e.,* the full faith and credit clause] of the federal constitution of the United States is, thus, not applicable to judgments of Alberta courts." A39. Unlike Delaware, Arizona has not adopted the Uniform Foreign-Country Judgment Act. The ASC therefore petitioned the Arizona Superior Court to "accord res judicata and collateral estoppel effect to the

[Canadian] Judgment and enter its own judgment against Defendants Ryckman for the amounts due [the ASC]." A39.

Ryckman opposed Arizona's recognition of the Canadian Judgment. He argued, *inter alia*, that the ASC proceedings were unfair and fraught with fraud and prejudice and denied him due process. *See* A193. The Arizona Superior Court granted judgment in favor of the ASC and issued the Arizona Judgment against Ryckman and his wife. A24, 192. The Arizona Court of Appeals affirmed the Arizona Judgment on appeal insofar as it concerned Ryckman. (The Court of Appeals modified the Arizona Judgment such that Ryckman's wife's property "shall not be liable to satisfy the judgment.") A198.

In 2005 and 2010, the ASC filed actions in the Arizona Superior Court to renew the Arizona Judgment. *See* A27-35. (Under Arizona law, a judgment can only be enforced within five years of its entry unless it is renewed pursuant to A.R.S. §1611. *See Fidelity Nat'l Financial, Inc. v. Friedman,* 238 P.3d 118, 120 (Ariz. 2010).)

The Delaware Judgment and Ryckman's Motion to Vacate

On July 31, 2013, the ASC filed a copy of the Arizona Judgment with the Prothonotary of the Superior Court. A24. On August 2, 2013, the Prothonotary assigned a Delaware judgment number to the Arizona Judgment. A22.

Ryckman moved to vacate the Delaware Judgment pursuant to Superior Court Rule 60 and 10 *Del. C.* §4782. A13. Ryckman argued that *vacatur* of the Delaware Judgment was required because the Delaware Judgment was the product of a mistake (Rule 60(b)(1)) and was void (Rule 60(b)(4)), and the circumstances surrounding its entry "justif[ied] relief from [its] operation" (Rule 60(b)(6)). A13-14. In support of his motion, Ryckman explained that "by filing the Arizona Judgment, as opposed to the Canadian Judgment, [the] ASC unlawfully circumvented the requirements" of the Foreign-Country Judgment Act. A13. Ryckman noted that the Canadian Judgment could not be recognized under that Foreign Country Judgment Act because it was a penalty and fell outside the Act's 15-year statute of limitations. *See* A13.

In its response to the motion, the ASC did not dispute that the Canadian Judgment was a penalty or that it fell outside the Foreign-Country Judgment Act's statute of limitations. *See* A183-89. The ASC argued, however, that "such considerations are irrelevant" because the Arizona Judgment had been filed with

the Prothonotary pursuant to the Enforcement Act, and the Constitution's full faith and credit clause required the Superior Court to give the Arizona Judgment "the same effect it would have in Arizona." *See* A184, 188.

The Superior Court denied Ryckman's motion by an Opinion ("Op.") dated May 5, 2015. The Court noted that "the narrow issue presented" by Ryckman's motion "is a matter of first impression in Delaware." Op. at 6. The Court acknowledged that "Delaware could not directly domesticate the Canadian Judgment" because the Canadian Judgment "violates the [Foreign-Country Judgment Act's] statute of limitations" and also "constitutes a fine or penalty." Op. at 5. The Court further noted that "[b]y its express provisions and purpose," the Enforcement Act "does not apply to foreign-country judgments[,]" and that the Foreign-Country Judgment Act "governs recognition of foreign-country judgments." Op. at 8.

The Court then discussed what it called the "competing public policy considerations at issue":

> If the Court finds in favor of Ryckman, Delaware only could enforce a foreign-country judgment if the domestication originally is sought in Delaware. The ASC could be viewed as potentially circumventing the [Foreign-Country Judgment Act]. The ASC first filed the Canadian Judgment under Arizona's more lenient foreign-country judgment recognition procedures. The ASC then brought the Canadian Judgment to Delaware, arguing that it is a sister-state judgment entitled to full and faith

> credit. If the Court were to permit this procedure, future judgment creditors simply could file a judgment in a state that has not enacted the [Foreign-Country Judgment Act], obtain a valid judgment, then rely on the [Enforcement Act] to obtain full faith and credit in a sister state.
>
> Finding in favor of Ryckman would avoid this type of forum-shopping and "bootstrapping" a foreign-country judgment "through the back door" in Delaware. However, finding in favor of Ryckman potentially could require this Court to "pierce the veil" of an otherwise valid sister-state judgment entitled to full faith and credit. Such a ruling would disturb Delaware's clear precedent instructing this Court to respect sister-state judgments without relitigating the case on the merits.
>
> The purpose of the [Enforcement Act] is to recognize sister-state judgments without requiring courts to look beyond undisputed validity. Finding in favor of the ASC would promote this purpose by granting full faith and credit to the Arizona Judgment without time- and resource-consuming inquiry into whether the Canadian Judgment could have been domesticated in Delaware in the first instance. However, such a ruling could risk increase forum-shopping and bootstraping when a party seeks domestication of a foreign-country judgment.

Op. at 10-11.

Ultimately, the Superior Court concluded that this Court's decision in *Pyott v. Louisiana Municipal Police Employees' Retirement System,* 74 A.2d 612 (Del. 2013) "controls the issue presented in this case" and that "the Arizona Judgment is

entitled to full faith and credit" and "should be domesticated and enforced *pursuant to the [Enforcement Act.]"* Op. at 18, 22.[1]

[1] Emphasis to quotations is added throughout unless otherwise indicated.

ARGUMENT

I. The Superior Court Erred in Recognizing and Enforcing the Arizona Judgment in Delaware Pursuant to the Enforcement Act When The Canadian Judgment Could Not Be Recognized Under the Foreign-Country Judgment Act

A. Question Presented

Whether a party can enforce in Delaware a foreign-country judgment, which could not be domesticated under Delaware's Foreign-Country Judgment Act, by domesticating the foreign-country judgment in a sister state that has not adopted the Foreign-Country Judgment Act and then registering the resulting sister-state judgment in Delaware under the Enforcement Act?

Preserved: A11.

B. Standard of Review

A trial court's interpretation of a statute is reviewed *de novo*. *Delaware Bay Surgical Servs., P.C. v. Swier*, 900 A.2d 646, 625 (Del. 2006).

C. Merits of The Argument

The Superior Court erred in recognizing and enforcing the Arizona Judgment pursuant to the Enforcement Act when the Canadian Judgment could not be recognized under the Foreign-Country Judgment Act. The Foreign-Country Judgment Act, not the Enforcement Act, governs how the Canadian Judgment may be recognized and enforced in Delaware. The full faith and credit clause does not

mandate recognition of the Arizona Judgment pursuant to the Enforcement Act, and the Superior Court's decision fails to promote uniform interpretation of the law as required by § 4808 of the Foreign-Country Judgment Act.

1. The Foreign-Country Judgment Act Governs Whether The Canadian Judgment Should Be Recognized under Delaware Law

"Statutory construction requires [a court] to ascertain and give effect to the intent of the legislature." *Id.* at 625 (internal quotation omitted). "The ultimate objective . . . is to ascertain the legislative intent because what the legislature intended controls." *Harris v. Nationwide Mutual Insur. Co.,* 712 A.2d 470, 472 (Del. Super Ct.), *aff'd,* 702 A.2d 926 (Del. 1997). To accomplish that task where, as here, there are two statutes at issue, "the two statutes must be read *in pari materia*." *Id.* at 473.

Read together, the Enforcement Act and Foreign-Country Judgment Act reflect a careful distinction made by the General Assembly between the circumstances under which our courts may recognize and enforce a sister-state judgment (pursuant to the Enforcement Act) and those under which Delaware courts can recognize and enforce a foreign-country judgment (pursuant to the Foreign Country Judgment Act). *See In re Trusts U/A/D December 30, 1996 and Trusts U/A/D January 13, 2006 Created by Farrell*, 2008 WL 5459270, at *5-6

(Del. Ch. Dec. 18, 2008) (the Enforcement Act applies to sister-state judgments; the Foreign Country Judgment Act applies to foreign-country judgments).

The Enforcement Act's near-automatic filing system streamlines the recognition and enforcement of sister-state judgments – *i.e.,* judgments which are typically entitled to full faith and credit under the federal Constitution. Rather than subjecting a sister-state judgment to further judicial review, the Enforcement Act allows a judgment creditor simply to file the judgment with the Prothonotary, upon which recognition is automatic. At that point, the Superior Court "treat[s] the foreign judgment in the same manner" as if it issued the judgment itself. *See* 10 *Del. C.* §§4782, 4783.

By its express provisions and purpose, however, the Enforcement Act does not apply to foreign-country judgments. Section 4781 of the Act defines the "foreign judgment[s]" that fall within the Act's scope as "any judgment, decree or order of a court of the United States or *of any other court which is entitled to full faith and credit in this State.*" Thus, as the full faith and credit clause does not apply to the judgments or judicial proceedings of foreign countries, *see Aetna Life Ins. Co. v. Tremblay*, 223 U.S. 185, 190 (1912), the Enforcement Act does not apply to foreign-country judgments. *See In Farrell Trusts*, 2008 WL 5459270, at *5-6; *see also Nadd v. Le Credit Lyonnais, S.A.*, 804 So. 2d 1226, 1229 n.7 (Fla.

2001) ("[b]y its terms, [the Enforcement Act] is only applicable to judgments, decrees and orders of a court of any other state or of the United States"); *Van Kooten Holding B.V. v. Dumarco Corp.*, 670 F. Supp. 227, 228 (N.D. Ill. 1987) ("the judgments of foreign countries can *not* be registered for enforcement under" the Enforcement Act) (emphasis in original); *Medical Arts Bldg. Ltd. v. Eralp*, 290 N.W.2d 241 (N.D. 1980) (Enforcement Act not applicable to foreign-country judgments).

The General Assembly understandably did not afford to foreign-country judgments the same automatic recognition process it allows for sister-state judgments. Instead, under the Foreign-Country Judgment Act, to obtain recognition of a foreign-country judgment, a party must "file an action seeking recognition of the foreign-country judgment" or, if in the context of a pending action, "raise[ ]" "the issue of recognition . . . by counterclaim, cross-claim or affirmative defense." § 4809. The more rigorous scrutiny required by the Foreign-Country Judgment Act ensures that a foreign-country judgment accords with Delaware's own laws and principles of international comity. This policy is codified in §§ 4802 and 4803 of the Act, which recognize numerous grounds on which a foreign-country judgment must not, or need not, be recognized by Delaware courts. Two of those grounds are present in this case. A foreign-country

judgment *cannot be recognized* under the Act (1) "to the extent that the judgment is . . . [a] fine or other penalty[,]" § 4802(b)(2); or (2) if the "action to recognize [the] judgment" was filed more than "15 years from the date that the foreign-country judgment became effective in the foreign country." § 4811.

Reading the Enforcement Act as the Superior Court did in this case defeats the General Assembly's intent. Permitting a party to enforce in Delaware a foreign-country judgment that was domesticated in a sister state that has not adopted the Foreign-Country Judgment Act effectively nullifies the procedural and substantive requirements of Delaware's Foreign-Country Judgment Act and ignores the fact that the General Assembly mandated that our courts scrutinize foreign country judgments more carefully than sister-state judgments.

The two statutes can be read in harmony – foreign-country judgments are to be recognized solely pursuant to the Foreign-Country Judgment Act; sister-state judgments are to be recognized pursuant to the Enforcement Act *unless* they were obtained by the domestication of foreign-country judgment. Such a reading not only gives effect to both statutes, it prevents what *the Superior Court itself* recognized would follow from its decision – namely, "forum-shopping" and the "bootstrapping" of foreign-country judgments "'through the back door' in[to] Delaware." Op. at 10. The prospect of forum shopping and bootstrapping is

especially troubling in light of the fact that some states allow for the automatic recognition of foreign-country judgments,[2] and because of the rise in globalization of litigation generally and the increasing trend in "tort tourism," by which "lawsuits are being pressed abroad in weak or corruptible foreign courts in order to secure large awards" against multinational companies. *See* John B. Bellinger & R. Reeves Anderson, *Tort Tourism: The Case for A Federal Law on Foreign Judgment Recognition,* Vir. J. Int'l L., 501, 503 (Summer 2014). As one commentator has noted, the "rigid system" by which one state can recognize a foreign-country judgment simply because it was first domesticated by a sister-state that automatically recognizes foreign-country judgments "enables plaintiffs to effectively launder a foreign judgment by getting it recognized in one state and then enforcing it in another state that would have rejected it in the first place." George H. Shill, *Ending Judgment Arbitrage: Jurisdictional Competition and the Enforcement of Foreign Money Judgments in the United States,* 54 Harv. Int'l L.J. 459, 459 (2013). That, of course, is precisely what occurred here.

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[2] *See, e.g., Enron (Thrace) Exploration v. Clapp,* 874 A.2d 561 (N.J. Super. Ct. App. Div. 2005); *Soc'y of Lloyd's v. Ashenden,* 233 F.3d 473 (7th Cir. 2000) (applying Illinois state law).

2. The Full Faith and Credit Clause Does Not Mandate Recognition of The Arizona Judgment Pursuant to the Enforcement Act

Section 1 of Article IV of the federal Constitution provides that "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State." With respect to judgments, "the full faith and credit obligation is exacting," but it is *"[f]or claim and issue preclusion (res judicata) purposes,* [that] the judgment of the rendering State gains nationwide force." *Baker v. General Motors Corporation,* 522 U.S. 222, 233 (1998).

"Full faith and credit . . . does not mean that States must adopt the practices of other States regarding the time, manner, and mechanisms for enforcing judgments. *Enforcement measures do not travel with the sister state judgment as preclusive effects do*; such measures remain subject to the even-handed control of forum law." *Id.* at 235 (citing *McElmoyle ex rel. Bailey v. Cohen*, 13 Pet. 312, 325, 10 L.Ed. 177 (1839) (judgment may be enforced only as "laws [of enforcing forum] may permit") and Restatement (Second) of Conflict of Laws § 99 (1969) ("The local law of the forum determines the methods by which a judgment of another state is enforced.")). "To give [a state judgment] the force of a judgment in another State, *it must be made a judgment there; and can only be executed in the*

latter as its laws permit." *Lynde v. Lynde,* 181 U.S. 183, 187 (1901) (internal quotations and citations omitted).

The purpose of the Enforcement Act, as its title makes clear, is "to streamline and make uniform among those states adopting it *the procedure for enforcing foreign judgments.*" *Guinness PLC v. Ward,* 955 F.2d 875, 890 (4th Cir. 1992). In other words, the Act simply codifies Delaware's "practices . . . regarding the time, manner, and mechanisms for enforcing [sister-state] judgments." *See Baker,* 522 U.S. at 235. Accordingly, the full faith and credit clause does *not* require Delaware to apply the registration and enforcement procedures of the Act to the Arizona Judgment. Rather, it requires Delaware to give preclusive effect to the claims and issues decided by the Arizona Judgment. Thus, for example, Delaware's courts are constitutionally obligated to recognize and give preclusive effect to the Arizona Court of Appeals' determination that the ASC proceedings did not deny Ryckman due process; but Delaware is not obligated to apply the Enforcement Act to the Arizona Judgment or to otherwise make the Arizona Judgment "a Delaware Judgment" under the Enforcement Act. In short, the Arizona Judgment "does not carry with it, into [Delaware], the efficacy of a judgment upon property or persons, to be enforced by execution." *Lynde,* 181 U.S. at 187 (internal quotations and citations omitted).

This Court's decision in *Pyott* is entirely consistent with the U.S. Supreme Court's approach to the full faith and credit clause, and, contrary to the Superior Court's Opinion, does not "control[ ] the issue presented in this case." *See* Op. at 18. *Pyott* simply stands for the undisputed principles that "[o]nce a court of competent jurisdiction has issued a final judgment, [ ] a successive case is governed by the principles of collateral estoppel, under the full faith and credit doctrine," and that "there is 'no roving "public policy"' exception to the full faith and credit due judgments.'" 74 A.3d at 616 (quoting *Baker*, 522 U.S. at 232-33). This Court held in *Pyott* that the Court of Chancery failed to adhere to these principles when it refused to give preclusive effect to a California federal court judgment that had dismissed a shareholder derivative suit for failure to plead demand futility. *Id.* at 615-16. As this Court explained:

> The Court of Chancery failed to apply this settled [full faith and credit] law because it conflated collateral estoppel with demand futility. . . .
>
> The Rule 23.1 motion [to dismiss] in the California Federal Court implicated the internal affairs doctrine. The internal affairs doctrine required the California Federal Court to apply its understanding of Delaware law on the issue of demand futility. The California Federal Court held, as a matter of law, that demand was not futile and dismissed the derivative complaint. It then entered the final California Federal Judgment *on the merits of demand futility.*
>
> In the Court of Chancery, the motion to dismiss, based on collateral estoppel, was about federalism, comity, and finality. It should have been addressed exclusively on that basis. Under

> this Court's precedents, the undisputed interest Delaware has in governing the internal affairs of its corporations must yield to the stronger national interest that all state and federal courts have in respecting each others' judgments.

74 A.3d at 616.[3]

Pyott has no bearing on, and indeed makes no mention of, the mechanisms that govern the registration and enforcement of foreign-country and sister-state judgments. It merely holds that the full faith and credit clause requires Delaware courts to give preclusive effect to the issues decided by a sister-state judgment. The Arizona Judgment did not address, let alone decide, how or under what circumstances a court in Delaware could recognize and enforce either the Canadian Judgment or the Arizona Judgment itself. Accordingly, *Pyott* does not require that the Superior Court register or enforce the Arizona Judgment pursuant to the Enforcement Act.

3. Refusing to Recognize The Arizona Judgment Pursuant to The Foreign-Country Judgment Act Promotes Uniformity of The Law

Section 4808 of the Foreign-Country Judgment Act instructs Delaware courts, when "applying and construing" the Act, to give "consideration . . . to the need to promote uniformity of the law with respect to its subject matter among

[3] The fact that the prior judgment at issue in *Pyott* was a federal court judgment is of no consequence since, under the full faith and credit clause, "a state court is required to give a federal court judgment the same force and effect as it would be given under the preclusion rules of the state in which the federal court is sitting." 74 A.3d at 615-16.

states that enact[ed] it." This "Uniformity of Interpretation" provision favors the rejection of the ASC's attempt to obtain recognition and enforcement of the Arizona Judgment under the Enforcement Act.

As the Superior Court noted, three other courts have addressed the precise issue before this Court: *Reading & Bates Constr. Co. v. Baker Energy Res. Corp.*, 976 S.W.2d 702, 712 (Tex. Ct. App. 1998); *Ahmad Hamad Al Gosaibi & Brothers Co. v. Standard Chartered Bank*, 98 A.3d 998, 1008 (D.C. Ct. App. 2014); and *Standard Chartered Bank v. Ahmad Hamad Al Gosaibi & Bros. Co.*, 99 A.3d 936 (Pa. Super. Ct. 2014). Two of the courts rejected attempts to register and enforce under the Enforcement Act a sister-state judgment that had domesticated a foreign-country judgment. The third court allowed for such registration and enforcement, but under circumstances materially different from those present in this case.

As in this case, in *Reading & Bates*, the Texas Court of Appeals was presented with the filing under the Enforcement Act of a sister-state judgment that had been obtained by the domestication of a Canadian judgment. Noting that it would not countenance the enforcement of a Canadian judgment "through the back door," the court refused to recognize the Louisiana judgment in question pursuant to the Enforcement Act and remanded the case with instructions to determine

whether the Canadian Judgment could be recognized and enforced under the Foreign-Country Judgment Act. 976 S.W.2d at 715. The court held:

> [I]t is not within the spirit or intent of the Enforcement Act to compel a state to recognize and enforce a "foreign country judgment" on the sole basis that it has been recognized and made executory by a sister state's judgment. . . . Before a party can enforce a judgment from a foreign country in a United States court, the moving party must have the foreign judgment *recognized by the state in which it is seeking to enforce the judgment.*
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> * * * *
>
> While the recognition of a sister state judgment is practically automatic . . . , the recognition of a foreign country judgment involves looking behind the judgment to evaluate both the law upon which it is based . . . and the jurisdictional environment in which it was rendered[.] . . . We will not permit a party to clothe a sister state judgment in the garment of a sister state's judgment and thereby evade our own recognition process.

Id. at 714-715.

Similarly, in *Ahmad Hamad*, the D.C. Court of Appeals refused to recognize pursuant to the Enforcement Act a New York judgment obtained by the domestication of a Bahraini judgment, holding that "litigants [ ] *need to obtain recognition of foreign country judgments in each U.S. jurisdiction where they seek to enforce them.*" 98 A.3d at 1008. The court reasoned that allowing for recognition of foreign-country judgments under the Enforcement Act would "have troubling policy implications[,]" as it would leave litigants "free to seek recognition in whichever state offers the most lax standards" and, "[t]aken to its

logical conclusion, . . . would favor the application of full faith and credit even if (as is possible) a state chose to give *automatic* recognition to foreign country judgments while having no jurisdiction over the judgment-debtors." *Id.* at 1007-08 (emphasis in the original.)

Standard Chartered Bank involved the same New York judgment at issue in *Ahmad Hamad,* but, unlike the D.C. Court of Appeals, the Pennsylvania Superior Court concluded that "[p]ursuant to the U.S. Constitution, the Full Faith and Credit Act, and the Enforcement Act, [the] New York judgment [was], as a matter of law, entitled to full faith and credit in Pennsylvania as with any other judgment issued by a New York court." 99 A.3d at 943. Notably, however, the court made it a point to explain that New York's version of the Foreign-Country Judgment Act was "materially identical" with Pennsylvania's version of the Act. *Id.* at 945. Consequently, regardless of whether Pennsylvania recognized the New York judgment under the Enforcement Act, the full faith and credit clause mandated that Pennsylvania give preclusive effect to the New York court's rulings with respect to whether the requirements of the Foreign-Country Judgment Act were met.

By contrast, the *Ahmad Hamad* court noted in its opinion that New York's version of the Act provided "fewer grounds to withhold recognition of a foreign-country judgment than are available to courts in the District of Columbia." 98

A.2d at 1002. Thus, on the facts, *Ahmad Hamad* is much more similar to this case than is *Standard Chartered Bank*, as Arizona has not adopted any version of the Foreign-Country Judgment Act and the Canadian Judgment could not be recognized under Delaware's version of the Act.

Uniformity of law considerations therefore provide further reason to reverse the Superior Court's Opinion.

CONCLUSION

For the reasons stated above, the Superior Court erred in allowing the Arizona Judgment to be recognized and enforced under the Enforcement Act. Accordingly, this Court should reverse the decision of the Superior Court and remand the case with instructions to grant Ryckman's motion to vacate the Delaware Judgment.

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