

Legal 500

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United States

Enforcement of Judgments in Civil and Commercial Matters

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This country-specific Q&A provides an overview of enforcement of judgments in civil and commercial matters laws and regulations applicable in United States.

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United States: Enforcement of Judgments in Civil and Commercial Matters

1. What international conventions, treaties or other arrangements apply to the enforcement of foreign judgments in your jurisdiction and in what circumstances do they apply?

- a. At present, the recognition and enforcement of foreign judgments in New York—and in the United States generally—is not subject to any international convention or treaty.
- b. In March 2022, the United States signed the 2019 Hague Judgments Convention, which establishes a global approach to facilitate the process of cross-border recognition and enforcement of judgments. However, the convention has not yet been ratified by the U.S. and is not enforceable in United States courts.
- c. In contrast, the United States is subject to multiple international conventions and treaties that govern the enforcement of arbitration awards. For example, the U.S. Federal Arbitration Act codifies the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (“New York Convention”) under 9 U.S.C. §§ 201-208. The United States is also party to the Inter-American Convention on International Commercial Arbitration (the “Panama Convention”) under 9 U.S.C. §§ 301-307.

2. What, if any, reservations has your jurisdiction made to such treaties?

- a. The United States may make reservations to the 2019 Hague Judgments Convention if the U.S. decides to ratify the treaty, though it is unclear if ratification will occur.
- b. The United States made two reservations under the New York Convention:
 - i. “The United States of America will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of only those awards made in the territory of another Contracting State.”; and
 - ii. “The United States of America will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the United States.”

- c. The Southern District of New York noted this reservation in *DaPuzzo v. Globalvest Management Co., L.P.*, where it declared that “[federal] courts lack [original] jurisdiction to compel arbitration agreements in” countries that are not signatories to the New York Convention; and that “the Convention may be applied on the basis of reciprocity to the recognition and enforcement of only those awards made in contracting states.” 263 F. Supp. 2d 714, 735–36 (S.D.N.Y. 2003).

3. Can foreign judgments be enforced in your jurisdiction where there is not a convention or treaty or other arrangement, e.g. under the general law?

- a. Yes. In the United States, the recognition and enforcement of foreign country judgments is governed by the statutes of the individual states, or in their absence, by common law. There is no federal statute that governs the recognition or enforcement of such judgments.
- b. The 1962 Uniform Foreign Money-Judgments Recognition Act (“1962 Uniform Act”) sought to codify the principles of comity detailed in *Hilton v. Guyot*, 159 U.S. 113 (1895). In *Hilton*, the Supreme Court held that where there was a “full and fair” foreign trial and no showing of any reason “why the comity of this nation should not allow it full effect,” then the merits of the foreign case would not be questioned. Many states have developed their own mechanisms for enforcing foreign judgments based on either the 1962 Act or its 2005 revision, the Uniform Foreign-Country Money Judgments Recognition Act (together, the “Uniform Acts”).
- c. New York’s Article 53 of the Civil Practice Law and Rules (“CPLR”) codifies the Uniform Acts, governing the recognition and enforcement of foreign money judgments and “promot[ing] the efficient enforcement of New York judgments abroad by assuring foreign jurisdictions that their judgments would receive streamlined enforcement here.” *CIBC Mellon Tr. Co. v. Mora Hotel Corp. N.V.*, 100 N.Y.2d 215, 221 (2003). Where there are foreign judgment enforcement questions that are not addressed by Article 53, New York courts turn to common law. Unless a ground for

non-recognition is met, "foreign judgment[s] should be enforced in New York under well-settled comity principles without microscopic analysis of the underlying proceeding." *Abu Dhabi Com. Bank PJSC v. Saad Trading, Contracting & Fin. Servs. Co.*, 117 A.D.3d 609, 612 (2014).

4. What basic criteria does a foreign judgment have to satisfy before it can be enforced in your jurisdiction? Is it limited to money judgments or does it extend to other forms of relief?

- a. Before a foreign judgment may be enforced in New York, the judgment must be recognized by a New York court. The judgment creditor must confirm that the judgment meets the enforceability criteria detailed in Article 53 of the CPLR. The creditor must show that the rendering court had both personal jurisdiction and subject matter jurisdiction over the case, and establish that the money judgment is: (1) final; (2) conclusive, and (3) enforceable in the foreign court and country in which it was rendered. CPLR § 5302. A final judgment is conclusive to the extent that it grants or denies recovery of a sum of money. CPLR § 5303.
- b. Article 53 is explicitly limited to foreign *monetary* judgments, with the exception of judgments for taxes, fines, penalties, or a money judgment related to domestic relations. CPLR § 5302(b). However, there is no such limitation in the Uniform Acts, and New York has recognized other forms of judgments when applying common law. CPLR § 5307(b) ("This article does not prevent the recognition of a foreign country judgment in situations not covered by this article."); *Koehler v. Bank of Bermuda Ltd.*, 2004 WL 1444116 (S.D.N.Y. July 9, 2004) (Determining a Bermuda declaratory judgment is "entitled to full recognition and effect").

5. What is the procedure for enforcement of foreign judgments pursuant to such conventions, treaties or arrangements in your jurisdiction?

- a. The process for enforcement of foreign judgments in New York is not subject to international conventions or treaties.

6. If applicable, what is the procedure for enforcement of foreign judgments under the general law in your jurisdiction?

- a. For a foreign money judgment to be enforced in New York, the judgment-creditor must make an application for domestication in a New York court. If recognition is

being brought as an original matter, CPLR § 5303(b) directs creditors to file an action on the judgment or to file a motion for summary judgment in lieu of complaint seeking recognition of the foreign country judgment under CPLR § 3213. Under a § 3213 proceeding, a judgment creditor must file a summons, summary judgment motion, and supporting papers. A court will then issue an expedited ruling without discovery or trial. Alternatively, if recognition is sought in an already-pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense. CPLR § 5303(c).

- b. To apply for enforcement, a judgment creditor must authenticate the judgment and file a copy of the judgment within 90 days of the date of authentication. CPLR § 5402. The creditor must also provide the court with an affidavit with the name and last known address of the debtor, confirming that the judgment was not obtained in default, remains unsatisfied and unpaid, and that the enforcement of the judgment has not been stayed. *Id.* Within thirty days of the filing of the judgment and affidavit, the creditor shall provide the judgment debtor with notice of the filing at his last known address. CPLR § 5403.
- c. Upon the completion of these steps, the New York court will treat the foreign judgment as "enforceable in the same manner as a judgment rendered in this state." CPLR § 5307(b). The foreign judgment creditor will be able to access the same enforcement procedures that are available for the enforcement of domestic judgments. Generally, the enforcement process would involve the entry of the money judgment and service in accordance with the CPLR, the identification and location of the judgment debtor's assets, and the enforcement of the judgment against the judgment debtor's real and personal property.

7. What, if any, formal requirements do the courts of your jurisdiction impose upon foreign judgments before they can be enforced? For example, must the judgment be apostilled?

- a. Once a foreign judgment is recognized, the judgment creditor must follow the additional procedural requirements for enforcement detailed in CPLR § 5402. A judgment creditor must provide the court with an English translation of the foreign judgment and affidavit. *Kingdom of Sweden on behalf of Swedish Bd. of Student Fin. v. Pashkovski*, 197 N.Y.S.3d 833, 917 (N.Y. Sup. Ct. 2023) ("Where an affidavit or exhibit annexed to a paper served or filed is in a foreign language, it shall be accompanied by an English

translation and an affidavit by the translator stating his qualifications and that the translation is accurate."). The affidavit must include the name and last known address of the judgment debtor, and confirm that the judgment was not obtained in default, remains unsatisfied and unpaid, and that the enforcement of the judgment has not been stayed.

- b. While foreign judgments must be authenticated to be recognized by a New York court, New York law does not require the judgment to be apostilled.

8. How long does it usually take to enforce or register a foreign judgment in your jurisdiction? Is there a summary procedure available?

Enforcement may range from a few months or less to multiple years, depending on how straightforward the creditor's claim is, how contested the judgment is, and how easily accessible debtor's assets are. If a judgment satisfies the requirements for recognition under Article 53 and the creditor proceeds with a motion for summary judgment in lieu of complaint, resolution of an application for domestication would be expedited and the case would proceed without discovery and litigation, both of which can be very time consuming.

9. Is it possible to obtain interim relief (e.g. an injunction to restrain disposal of assets) while the enforcement or registration procedure takes place?

Yes. Under CPLR § 6201(5), a party seeking enforcement of a foreign country judgment under Article 53 can obtain an order of prejudgment attachment. To obtain an order of attachment, the creditor must also confirm by "affidavit and such other written evidence" that "there is a cause of action, that it is probable that the plaintiff will succeed on the merits," and that "the amount demanded from the defendant exceeds all counterclaims known to the plaintiff." CPLR § 6212(a).

10. What is the limitation period for enforcing a foreign judgment in your jurisdiction?

A judgment creditor must commence an action to recognize a foreign judgment within the earlier of the time during which the foreign judgment is effective or twenty years from the date that the foreign judgment became effective in the foreign country. CPLR § 5303(d).

11. On what grounds can the enforcement of foreign judgments be challenged in your jurisdiction?

A party challenging the recognition of a foreign country judgment has the burden of establishing a ground for non-recognition. CPLR § 5304. Under § CPLR 5304(a), a New York court *will not* recognize a foreign country judgment if the foreign court did not have personal jurisdiction over the debtor or jurisdiction over the subject matter. A New York court will also not recognize a judgment that was rendered under a judicial system that does not provide impartial tribunals or procedures that comport with due process of law. See *Akhmedova v. Akhmedova*, 139 N.Y.S.3d 33 (2020) (courts will consider whether the foreign judicial system itself is compatible with traditional notions of due process, not whether the specific ruling did).

Under CPLR § 5304(b), some instances in which a New York court *need not* recognize a foreign country judgment are:

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 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 a proceeding in that court;
6. the judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering courts with respect to the judgment;
7. the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law.

Recently, a court in the Southern District of New York ruled that judicial *recognition* of a foreign money judgment in a New York court does not require the court to have jurisdiction over the judgment debtor. See *Cargill Fin. Servs. Int'l, Inc. v. Barshchovskiy*, 2025 WL 522108 (S.D.N.Y. Feb. 18, 2025).

12. Will the courts in your jurisdiction reconsider the merits of the judgment to be enforced?

Article 53 does not explicitly permit New York courts to reconsider the merits of a judgment, but courts are allowed to inquire into whether the foreign judgment would be repugnant to the public policy of New York or the United States. CPLR § 5304(b)(3). This inquiry may require the courts to examine the substance of the foreign court's ruling.

13. Will the courts in your jurisdiction examine whether the foreign court had jurisdiction over the defendant? If so, what criteria will they apply to this?

Yes, when determining whether to recognize a foreign judgment, New York courts will evaluate whether the foreign court had personal jurisdiction over the judgment debtor and jurisdiction over the subject matter. CPLR § 5304(a). New York courts will evaluate whether the foreign court's exercise of jurisdiction comports with U.S. due process laws.

14. Do the courts in your jurisdiction impose any requirements on the way in which the defendant was served with the proceedings? Can foreign judgments in default be enforced?

New York courts have the discretion to deny recognition of a judgment if the debtor did not receive proper notice of the proceeding. See CPLR § 5304. "If recognition of a foreign money judgment were sought in New York and the defendant had received no meaningful notice of the foreign proceeding, the lack of notice would serve as a legitimate basis for not enforcing the judgment in [New York]." *John Galliano, S.A. v. Stallion, Inc.* 15 N.Y.3d 75, 80-81 (2010).

Foreign default judgments may be enforced in New York by filing a motion for summary judgment in lieu of complaint pursuant to CPLR § 3213. See *John Galliano, S.A. v. Stallion, Inc.*, 879 N.Y.S.2d 400, 401 (1st Dep't 2009) (enforcing a French default judgment and noting, "New York's public policy favoring resolution of disputes on the merits does not preclude enforcement of a foreign default judgment,") *aff'd*, 15 N.Y.3d 75 (2010).

15. Do the courts in your jurisdiction have a discretion over whether or not to recognise

foreign judgments?

Yes, New York state law expressly details mandatory and discretionary grounds for denying the recognition and enforcement of foreign country judgments. Please refer to **Question 11**.

16. Are there any types of foreign judgment which cannot be enforced in your jurisdiction? For example can foreign judgments for punitive or multiple damages be enforced?

Foreign money judgments for taxes, fines, penalties, and domestic relations-related money judgments cannot be enforced in New York. CPLR § 5302(b).

17. Can enforcement procedures be started in your jurisdiction if there is a pending appeal in the foreign jurisdiction?

To be domesticated in New York, a foreign judgment must be final. If an appeal of the judgment is pending or will be pursued in the foreign court, then New York courts will stay the enforcement of the foreign judgment until the appeal is concluded or when the time for appeal has expired. CPLR § 5404.

18. Can you appeal a decision recognising or enforcing a foreign judgment in your jurisdiction?

Yes, these decisions can be appealed.

19. Can interest be claimed on the judgment sum in your jurisdiction? If so on what basis and at what rate?

Yes, a creditor may claim judgment-related interest. Courts have the discretion to determine the interest rate and may consider various factors such as when the interest accrued and whether the parties contractually agreed upon an interest rate. If interest accrues between entry of judgment in the foreign court and its recognition in New York, then a New York court will likely apply the interest rate set by the foreign jurisdiction. See *Kotbi v. Najjar*, 213 N.Y.S.3d 36 (App. Div. 2024) (prejudgment interest should be set at the rate specified by the foreign court, rather than at New York's statutory prejudgment rate). After judgment is entered by the New York court, the court will typically apply an interest rate based on New York law. See, e.g., *Vinogradov v. Sokolova*, 77 Misc.3d 284, 289 (N.Y. Sup. Ct. 2022) (Following entry of

judgment, the interest rate applied is "is assessed based on 'the law of the forum'—i.e., New York."). The statutory interest rate for money judgments in New York is 9 percent. CPLR § 5004.

20. Do the courts of your jurisdiction require a foreign judgment to be converted into local currency for the purposes of enforcement?

Typically, New York courts can convert a foreign currency judgment into U.S. dollars at the exchange rate on the date of the entry of judgment, but they are not obligated to. New York state law provides that "[i]n any case in which the cause of action is based upon an obligation denominated in a currency other than the currency of the United States, a court shall render or enter a judgment or decree in the foreign currency of the underlying obligation. Such judgment or decree shall be converted into currency of the United States at the rate of exchange prevailing on the date of entry of the judgment or decree." New York Jud. L. § 27(b).

21. Can the costs of enforcement (e.g. court costs, as well as the parties' costs of instructing lawyers and other professionals) be recovered from the judgment debtor in your jurisdiction?

Yes, judgment creditors may be entitled to recover the costs of enforcement if there is a contractual agreement between the parties securing litigation costs for the parties, or the foreign judgment provides for such indemnification. In *D'Amico Dry D.A.C. v. Primera Mar. (Hellas) Ltd.*, the court determined that the plaintiff was entitled to attorneys' fees where the English judgment provided that defendants would indemnify the plaintiffs for "costs of collection." 433 F. Supp. 3d 576, 578 (S.D.N.Y. 2019), *aff'd sub nom. d'Amico Dry d.a.c. v. Sonic Fin. Inc.*, 794 F. App'x 127 (2d Cir. 2020). The court further noted that "CPLR 5303 . . . does not invalidate foreign judgments that provide for legal fees incurred in collecting upon those judgments." *Id.*

22. Are third parties allowed to fund enforcement action in your jurisdiction? If so, are there any restrictions on this and can third party funders be made liable for the costs incurred by the other side?

Yes, neither Article 53 nor New York common law prohibits third-party litigation funding to fund enforcement actions. Litigation lending is a rapidly growing industry in New York, and we anticipate this market will face increasing scrutiny and regulation.

23. What do you think will be the most significant developments in the enforcement process in your jurisdiction in the next 5 years?

We anticipate that cross-jurisdictional enforcement will continue to grow in New York, as multinational corporations navigate an increasingly complicated business, legislative, and judicial landscape. While it remains unclear whether the United States intends to ratify international conventions and treaties that govern multijurisdictional judgment enforcement, ratification could have a significant impact on how New York courts recognize and enforce foreign judgments.

The recent Southern District of New York decision finding that New York courts do not need jurisdiction over debtors to recognize foreign judgments against them may inspire creditors to bring additional domestication and enforcement suits in New York. *Cargill Financial Services Int'l, Inc. v. Barshchovskiy* (S.D.N.Y. Feb. 18, 2025).

24. Has your country ratified the Hague Choice of Courts Convention 2005, and if so when did it (or will it) come into force? If not, do you expect it to in the foreseeable future?

The United States has not yet ratified the Convention of 30 June 2005 on Choice of Court Agreements. Given the passage of time, it is not possible to state whether the United States will do so in the foreseeable future.

25. Has your country ratified the Hague Judgments Convention 2019, and if so when did it (or will it) come into force? If not, do you expect it to in the foreseeable future?

The United States has not yet ratified the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. Given the passage of time, it is not possible to state whether the United States will do so in the foreseeable future.

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