

1. FMX, INC. v. CRUZ, SC20170047**Motion to Terminate/Vacate Foreign Judgment**

By way of background, this matter was initiated as an Application for Entry of Sister-State Judgment in March 2017. In June 2017, judgment debtor moved to quash “service of summons and complaint” on the basis that she is not a California resident. The motion to quash was denied. Now pending is judgment debtor’s motion to terminate/vacate foreign judgment.

The underlying sister-state judgment here was entered in Florida. “Article IV, section 1 of the United States Constitution provides that ‘[f]ull Faith and Credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State.’ ‘It has long been the law that “the judgment of a state court should have the same credit, validity, and effect in every other court in the United States, which it had in the state where it was pronounced.” [Citations.]’ [Citation.] ‘Therefore, under California law, the judgment of a sister state must be given full faith and credit if that sister state had jurisdiction over the parties and the subject matter, and all interested parties were given reasonable notice and opportunity to be heard. [Citation.]’ [Citation.]” (*Liquidator of Integrity Ins. Co. v. Hendrix* (1997) 54 Cal.App.4th 971, 975 [63 Cal.Rptr.2d 240].)

Thus, under California’s Sister State Money-Judgments Act (“SSMJA”), Code of Civil Procedure §§ 1710.10–1710.65, a money judgment obtained in another state may be filed with a California court and a California judgment immediately entered thereon. The judgment is entered in the same manner as an original judgment of the court. (Code of Civ. Proc. § 1710.25, subd. (b); *see Conseco Mktg., LLC v. IFA & Ins. Servs., Inc.* (2013) 221 Cal.App.4th 831, 838 [164 Cal.Rptr.3d 788] [stating entry of sister state judgment is

ministerial act by court clerk].) The sister-state judgment is then fully enforceable in California.

Judgment debtor's motion to vacate the judgment is not timely. "Not later than 30 days after service of notice of entry of judgment pursuant to [Code of Civil Procedure] Section 1710.30 ..., the judgment debtor, on written notice to the judgment creditor, may make a motion to vacate the judgment under this section." (Code of Civ. Proc. § 1710.40, subd. (b).) The proof of service to the notice of entry of judgment declares that judgment debtor was personally served on June 20, 2017. Her motion to vacate the judgment was not filed until November 7, 2018, which is over 500 days from the date of service. There are no statutory or equitable exceptions that apply which would toll or otherwise extend the 30-day deadline. Accordingly, judgment debtor's motion is denied.

**TENTATIVE RULING # 1: JUDGMENT DEBTOR'S MOTION TO
TERMINATE/VACATE FOREIGN JUDGMENT IS DENIED.**