

MICHAEL R. CAPORALE, JR.  
4485-B NUTMEG TREE LANE  
BOYNTON BEACH, FLORIDA 33436  
TEL. (561) 733-9983

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Chairman Andrew McDonald  
Co-Chairman Michael Lawlor  
Committee On Judiciary  
State of Connecticut General Assembly

Gentlemen:

I write in support of Proposed Bill No. 6248, AN ACT CONCERNING THE TIME LIMIT FOR ENFORCING A STATE COURT JUDGMENT IN A FOREIGN JURISDICTION.

As a member of the Connecticut Bar, I can speak from personal experience as to the need for enactment of this bill.

On May 17, 1994, representing clients in Northford, Connecticut, I obtained a judgment in the Superior Court in New Haven in the amount of \$ 272,530.03 in damages and costs of \$ 201,20. Inasmuch as the defendants, at that time, lacked assets upon which my clients might seek enforcement of the judgment, no action was taken. Thereafter, the defendants moved out of Connecticut for parts unknown. Some months later, my clients received notice that one of the defendants filed for bankruptcy.

In 2005, information was obtained indicating that the other defendant resided in South Carolina and that assets were available upon which my clients might satisfy all or a part of their judgment. Acting upon this information, I contacted an attorney in Greenville, South Carolina, to represent my clients in the enforcement of their judgment.

Shortly thereafter, I was advised by the retained attorney, that according to South Carolina law, the time limit for enforcing a judgment was ten years. In addition, I was advised that any attempt to enforce the judgment in South Carolina was doomed to fail. This advice was based on a case with a similar issue rendered by the Court of Appeals in South Carolina.

Needles to say, I was left to wonder whatever happened to the full faith and credit provision of the public acts, records and judicial proceedings of every other state provided for in the United States Constitution?

Upon further research, I came upon a United States Supreme Court case dealing with this subject that offered hope that recovery might yet be possible (See *Watkins v. Conway*, 385 U.S. 188) According to the Supreme Court, in order to enforce the judgment my clients would have to return to the original court of jurisdiction, the Superior Court in New Haven, to "revive" the original judgment.

Unfortunately, Connecticut law does not now specifically permit a successful judgment holder to seek a revival of an original judgment. However, the Proposed Bill No. 6248 is, in my opinion, exactly what my clients and others similarly aggrieved, need to seek restitution for their loss.

In closing, I strongly endorse the enactment of Proposed Bill No. 6248 because: (1) the State of Connecticut incurs no additional expenses; and (2) it offers all residents of Connecticut who find themselves in the same position as my clients, the opportunity to recover the damages owed to them by a judgment debtor who has left the state.

Respectively submitted.

Michael R. Caporale, Jr.