



State of Connecticut  
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REGULATIONS REVIEW COMMITTEE

Testimony of  
State Representative Vincent J. Candelora  
In Support of House Bill 6248,  
An Act Concerning the Time Limit for Enforcing a State Court Judgment in a Foreign Jurisdiction.  
Before the Judiciary Committee

March 26, 2009

Chairman Andrew McDonald, Chairman Michael Lawlor, Ranking Member John Kissel, Ranking Member Arthur O'Neil and other distinguished Members of the Judiciary Committee, thank you for the opportunity to provide testimony in support of *HB 6248, An Act Concerning the Time Limit for Enforcing a State Court Judgment in a Foreign Jurisdiction*.

HB 6248 affords Connecticut residents with another tool to collect a valid judgment against a nonresident. When a plaintiff receives a judgment against a defendant and the defendant does not have the means to pay the judgment, the plaintiff will not take action to collect the judgment immediately and wait in hopes that the defendant will have assets to pay the debt in the future. Under Connecticut law, a plaintiff has twenty (20) years to enforce a judgment in Connecticut.

If a defendant moves from Connecticut to another state, the judgment may still be enforced under that state's procedural laws or pursuant to the Uniform Enforcement of Foreign Judgment Act in states that have adopted the act. As a result, Connecticut residents sometimes lose the ability to collect under the twenty year statute of limitations. Because there is a discrepancy in how long one has to collect on a judgment between states, collecting judgments in foreign jurisdictions can prove problematic. For instance, if a judgment was rendered 11 years ago in Connecticut and the plaintiff seeks to enforce it in South Carolina, he or she cannot enforce the judgment because it is beyond the ten year period of collection allowed by South Carolina. This is despite the fact that the judgment is still enforceable in Connecticut. This means that the plaintiff in this instance would not be able to collect the judgment lawfully awarded to him or her. HB 6248 can change this injustice for Connecticut residents.

In several states, there is additional relief available to plaintiffs who cannot collect on their judgment in a foreign district, but would be eligible to collect on their judgment in their home jurisdiction. This relief is usually in the form of a Motion of Revival. A Motion of Revival basically serves to restart the clock for collection in a foreign jurisdiction. For instance, in the case of *Huff v. Pharr*, 748 F.2d 1553, plaintiff obtained a judgment against the defendant in California. The judgment was not immediately enforced and the defendant moved from California to Florida. Because Florida only allowed collection on foreign judgment within five years of its issuance, the plaintiff filed a Motion of Revival in order to reaffirm the validity of the underlying judgment in California, thus enabling the plaintiff to enforce his judgment in Florida. This motion restarted the clock in the foreign jurisdiction for which the plaintiff could enforce his judgment. Basically, once the Motion of Revival was granted, it gave the plaintiff five years to enforce a judgment in Florida's court.

HB 6248 would create a statutory provision for a Motion of Revival. A Motion of Revival would give a plaintiff in Connecticut the right to collect his or her judgment under Connecticut's twenty year statute. Simply put, I believe HB 6248 is a good bill. I believe we should give Connecticut residents every opportunity to collect the money they are entitled. Allowing for a Motion of Revival will add another opportunity for deserving individuals to gain what is rightfully theirs. This is why I respectfully request that this committee give a joint favorable report to HB 6248.

Once again, thank you for your time and consideration in regards to HB 6248. If you have any further questions, please do not hesitate to contact me.

Respectfully Yours,



Vincent Candelora  
State Representative