FOREIGN JUDGMENTS IN U.S. COURTS

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American law on foreign judgments is at an inflection point. For over a century, the doctrine has been shaped by concerns about outgoing U.S. judgments seeking asset collection in the civil law countries of continental Europe. But shifting trade flows and changing litigation tactics have carved a new landscape, demanding a return to foreign judgments law's conceptual and doctrinal underpinnings.

This Article first maps the new landscape, in which China is rapidly rising as a foremost foreign judgments interlocutor. Meanwhile, litigants are increasingly pursuing parallel litigation in multiple countries. The impact of incoming judgments and the interactions between related litigations are more important than ever. Next, this Article presents the most comprehensive study to date of the relationship at the center of the new landscape—that between the United States and China. It shows that there are two types of foreign judgments that existing doctrine fails to adequately distinguish: (1) those in the absence of parallel litigation that seek judicial assistance *to collect on a judgment debtor's U.S.-based assets and (2) those stemming from parallel litigation that seek* judicial yielding *to short-circuit ongoing adjudication in U.S. courts through preclusion. Each type has distinctive patterns in political economy, comity implications, and sovereignty costs that are not unique to the U.S.-China dyad but reflect inherent differences. Finally, this Article argues that modern foreign judgments law should account for these differences. Asset collection needs to be fully decoupled from international preclusion; references to sister-state*

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judgments and full faith and credit on which current law relies need to be eliminated from the international context; and, ultimately, U.S. law needs a body of preclusion rules tailored to foreign judgments.

INTRODUCTION

When UM Corporation sued Tsuburaya Productions in the United States in 2015, the two companies were already embroiled in parallel litigations in Japan, Thailand, and China.[1] The crux of their dispute was the validity and interpretation of an agreement signed in 1976.[2] According to UM, the agreement gave it certain exclusive intellectual property rights in several *Ultraman* movies outside of Japan. According to Tsuburaya, the agreement was forged. By the time the case came before the U.S. District Court for the

1. UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2016 WL 10644497, at *2–4 (C.D. Cal. Sep. 22, 2016) (summarizing prior litigations and judgments).

2. *See id.* at *1.

Central District of California, courts in each of the three countries had rendered judgments. Then came the critical question: would the Central District of California recognize any of those foreign judgments, giving them the effect of a sister-state judgment that is entitled to full faith and credit? Doing so could bind the district court to a foreign court's determination as to part or all of the dispute. Or would the district court deny recognition, making way for its own decision absent the specter of preclusion?

Cases like *UM Corp. v. Tsuburaya Productions Co.*[3] invoke the law of foreign judgments, which governs whether a U.S. court will give force to judgments rendered abroad. Doing so facilitates the circulation of judgments across borders, while blocking their flow impacts where private actors elect to file suit and how they fashion their cross-border transactions at the outset.[4] The doctrinal test for foreign judgments consists of two steps. First, courts determine whether to *recognize* the foreign judgment, meaning whether to accept it as conclusive and treat it as an equivalent to a sister-state judgment entitled to full faith and credit.[5] Second, courts determine whether to give it one of two effects. The foreign judgment can be used for *enforcement* to collect on a judgment debtor's U.S.-based assets.[6] Or it can be used for *preclusion* to obstruct relitigation in U.S. courts of claims or issues that were already decided abroad,[7] as was the case in *UM Corp.* Recognition works the same way regardless of whether collection or preclusion follows. In other words, recognition is agnostic to what foreign judgments *do* once admitted into the country. And once inside, they are analogized to sister-state judgments and subject to preclusion law that is not tailored to foreign judgments.

This Article argues that the law of foreign judgments is at an inflection point. For well over a century, the law has been designed to facilitate asset collection and has focused on judgment circulation between the United States and its primary trade partners—the United Kingdom and the civil law countries of Western Europe. In 1895, the U.S. Supreme Court decided

3. No. 15-CV-03764, 2016 WL 10644497 (C.D. Cal. Sep. 22, 2016).

4. *See* Samuel P. Baumgartner, *How Well Do U.S. Judgments Fare in Europe?*, 40 GEO. WASH. INT'L L. REV. 173, 175 (2008) (noting that judgment recognition is critical for plaintiffs who need to seek satisfaction of a favorable judgment abroad, as well as for defendants who want assurance that a favorable judgment or settlement will preclude relitigation elsewhere); Linda J. Silberman, *The Impact of Jurisdictional Rules and Recognition Practices in International Business Transactions: The U.S. Regime*, 26 HOU. J. INT'L L. 327, 328 (2004) (arguing that "[i]nternational business transactions are entered into in the shadow of both substantive and procedural rules").

5. *See* UNIF. FOREIGN-COUNTRY MONEY JUDGMENTS RECOGNITION ACT §§ 4 cmt. 2, 7(1) (NAT'L CONF. OF COMM'RS ON UNIF. STATE L. 2005) [hereinafter 2005 UNIF. ACT] (defining judgment "recognition").

6. *See id.* § 4 cmt. 2 (defining judgment "enforcement").

7. For our purposes, a detailed account of the intricacies of preclusion law is not necessary. I therefore gloss over the exact requirements of claim and issue preclusion. For instance, claim preclusion generally applies to claims that were or could have been litigated because they arose out of the same transaction or occurrence whereas issue preclusion requires that the issue be actually decided.

Hilton v. Guyot,[8] the foundational case from which modern foreign judgments doctrine originates. Faced with an action seeking collection of a French judgment against two New Yorkers doing business in Paris, the Court surveyed the foreign judgments practices of over twenty, mostly European, countries and articulated a rule that mimicked prevailing norms: a foreign money judgment rendered by a court with jurisdiction is presumptively binding provided the proceeding followed a "civilized jurisprudence" and the judgment's country of origin reciprocally enforced U.S. judgments.[9] Several decades later, foreign judgments law migrated from federal to state regulation, and the reciprocity requirement was dropped.[10] Along the way, foreign judgment preclusion and nonmonetary foreign judgments involving injunctive relief entered the picture, and recognition became linked to full faith and credit.

If the origin of U.S. foreign judgments law is the story of judgment collection and integration into a Eurocentric order, the narrative needs updating.[11] Since the law's formulation, China has far surpassed the civil law countries of continental Europe as a leading U.S. trade partner.[12] In 2021, the latest year for which the U.S. Census Bureau provides data, the United States's total trade volume with China was more than threefold its trade volume with Germany, more than fivefold its trade volume with the United Kingdom, and nearly eightfold its trade volume with France and Italy.[13] Rough estimates suggest that China is now a leading source of foreign judgments in U.S. courts,[14] despite the United States having recognized a Chinese judgment for the first time only in 2009.[15]

The locus and nature of transnational litigation have also shifted in recent decades. Once considered the dominant supplier of courts for transnational litigation and thus primarily an exporter of judgments, the United States is now one among many available fora in a "multipolar" landscape,[16]

8. 159 U.S. 113 (1895).

9. *See id.* at 154, 159–60.

10. *See supra* Part I.C.

11. It is no surprise that the existing literature on foreign judgments law is written predominantly from a U.S.–European Union lens and focuses on differences between common law and civil law systems.

12. China has consistently been one of the United States' top three trade partners for over two decades and was the top trade partner during several of those years. *See Top Trading Partners*, U.S. CENSUS BUREAU, https://www.census.gov/foreign-trade/statistics/highlights/top/index.html [https://perma.cc/3U37-P7UC] (last visited Feb. 7, 2026) (choose years under "Top Trading Partners"; then click "Year-to-Date" under most recent month). This ranking is based on a comparison across individual countries and not the European Union as a whole.

13. *See id.*

14. *See infra* Part II.A (estimating the volume of foreign judgments originating from major trade partners during the five-year period from 2020 through 2024 based on preliminary searches).

15. *See* Hubei Gezhouba Sanlian Indus. Co. v. Robinson Helicopter Co., No. 06-CV-01798, 2009 WL 2190187, at *7 (C.D. Cal. July 22, 2009), *aff'd*, 425 F. App'x 580 (9th Cir. 2011).

16. *See* Marcus S. Quintanilla & Christopher A. Whytock, *The New Multipolarity in Transnational Litigation: Foreign Courts, Foreign Judgments, and Foreign Law*, 18 SW. J. INT'L L. 31, 32 (2012) (contending that a "unipolar (or bipolar) era," in which the United States

heightening the significance of inbound foreign judgments.[17] Meanwhile, sophisticated private actors increasingly pursue complex global litigation strategies that feature parallel lawsuits in multiple countries, making cross-border preclusion more important than ever.[18] China's expanding jurisdictional reach and embrace of parallel litigation both reflect and intensify these developments.[19]

Together, these features carve a new landscape with the U.S.-China relationship at its center. To chart this landscape, this Article undertakes the most comprehensive study to date of Chinese judgments in U.S. courts.[20] It relies on leading searchable databases to compile a list of sixty-five federal and state actions in which a Chinese judgment appeared between January 2013 and June 2023.[21] The number of Chinese judgments in the United States has rapidly increased over this period, with nearly half of the cases filed since 2021.[22] There is wide variation in what Chinese judgments do and who they serve. As other scholars have posited, what appears to be a neutral transsubstantive procedural doctrine in the abstract disaggregates into a multitude of nonneutral applications once we peel back holdings, look beyond federal courts, and identify the litigants and lawyers behind the dockets.[23]

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and the United Kingdom were the leading providers of courts and law for transnational disputes, "has passed, and that transnational litigation is entering an era of ever increasing multipolarity"); Samuel P. Baumgartner, *Recent Reforms in EU Law: Recognition and Enforcement of Judgments*, 97 JUDICATURE 188, 188 (2014) (noting that "the days when transnational litigation involving U.S. parties primarily took place in U.S. courts are about to come to an end").

17. *See* Quintanilla & Whytock, *supra* note 16, at 32 (projecting that incoming foreign judgments are increasing).

18. *See infra* Part II.B (describing the increasing prevalence of parallel litigation).

19. *See id.*

20. This study builds on and expands the work of others. *See generally* Donald Clarke, *Judging China: The Chinese Legal System in U.S. Courts*, 44 U. PA. J. INT'L L. 455, 464 (2023) (examining how U.S. courts judge the Chinese legal system based on a hand-collected set of sixteen Chinese judgment recognition cases dating from 2009 to 2022); Guodong Du & Meng Yu, *August 2023 Update: List of China's Cases on Recognition of Foreign Judgments*, CHINA JUST. OBSERVER (Aug. 20, 2023), https://www.chinajusticeobserver.com/a/august-2023-update-list-of-china-s-cases-on-recognition-of-foreign-judgments [https://perma.cc/M2QC-GY8Z] (identifying Chinese judgment recognition cases in U.S. courts as of August 2023). Though not the focus of this Article, recent changes in Chinese foreign judgments law have also piqued the interest of American legal scholars. *See generally* Ronald A. Brand, *Recognition of Foreign Judgments in China: The* Liu *Case and the Belt and Road Initiative*, 37 J.L. & COM. 29 (2018); William S. Dodge & Wenliang Zhang, *Reciprocity in China-US Judgments Recognition*, 53 VAND. J. TRANSNAT'L L. 1541 (2020); Aaron D. Simowitz, *Convergence and the Circulation of Money Judgments*, 92 S. CAL. L. REV. 1031 (2019).

21. Because many state courts do not have searchable databases, the data gathered for this project comes from federal courts and eight state courts. *See infra* Appendix A for a full description of the methodology.

22. *See infra* Appendix B for the full list of cases.

23. *See* Stephen B. Burbank, *The Reluctant Partner: Making Procedural Law for International Civil Litigation*, 57 L. & CONTEMP. PROBS. 103, 146 (1994) (arguing that the "myth of trans-substantive procedure serves to protect judicial power by submerging policy choices").

This more meticulous and substance-specific analysis brings into relief distinctive patterns in political economy, doctrinal complexity, comity implications, and sovereignty costs that turn on whether foreign judgment recognition is sought for enforcement or within a web of parallel litigation for preclusion. To distill these patterns, I separate foreign judgments into two categories. The first category consists of cases like *Hilton*, in which litigation occurs only in one country and enforcement of a money judgment is sought in the other.[24] I call this set "singular litigation" foreign judgment recognition requests. The second category consists of cases like *UM Corp.*, where litigation occurs in both countries and foreign judgment recognition serves as a gateway to influence or end litigation in the other, usually through interjurisdictional preclusion.[25] I call this set "parallel litigation" foreign judgment recognition requests. The law of foreign judgment recognition was designed with singular litigation requests and asset collection in mind but has since been extended to parallel litigation requests and international preclusion.

Enforcement and preclusion requests differ in various ways. Enforcement requests are primarily litigated in state courts[26] and mainly serve Chinese citizens pursuing other Chinese citizens who have situated their assets in the United States, often in the form of real estate.[27] They tend to be litigated by boutique law firms and solo practitioners.[28] Because the requirement for territorial jurisdiction over the judgment debtor is typically just the presence of assets,[29] enforcement requests need not involve American citizens or

24. As Part III explains, there are small variations in how singular litigation requests present themselves. Some contain only one cause of action for judgment recognition and enforcement while others add ancillary claims or seek relitigation as an alternative if recognition is denied. They have in common that a Chinese judgment arrives at a U.S. court with the underlying substantive dispute having been litigated only in China. *See infra* Part III.

25. As Part IV explains, parallel litigation requests appear in numerous configurations—the parallel litigations may run in the same or opposite directions; the foreign judgment may be used offensively or defensively, etc. *See infra* Part IV. There is one unusual case in which the losing party in China (Samsung) sought to prevent the prevailing party (Huawei) from enforcing the Chinese judgment. *See generally* Huawei Techs. Co. v. Samsung Elecs. Co., No. 16-CV-02787, 2018 WL 1784065 (N.D. Cal. Apr. 13, 2018).

26. Other scholars have also observed the movement of transnational disputes into state courts, though they have focused primarily on human rights litigation. *See generally* Roger P. Alford, *The Future of Human Rights Litigation after* Kiobel, 89 NOTRE DAME L. REV. 1749 (2014); Donald Earl Childress III, *The Alien Tort Statute, Federalism and the Next Wave of Transnational Litigation*, 100 GEO. L.J. 709 (2012); Christopher A. Whytock, Donald Earl Childress III & Michael D. Ramsey, *After* Kiobel*: International Human Rights Litigation in State Courts and Under State Law*, 3 U.C. IRVINE L. REV. 1 (2013).

27. *See, e.g.*, Petition for Recognition and Enforcement of Foreign-Country Money Judgment Pursuant to RCW 6.40A paras. 9–21, Xiaoming Ding v. Rainbow USA Invs. LLC, No. 20-2-15918-2 (Wash. Super. Ct. Oct. 29, 2020) (seeking recognition and enforcement of a Chinese judgment for an unpaid loan between a Chinese citizen plaintiff and two Chinese citizen defendants).

28. One boutique law firm that has played a significant role in New York is DGW Kramer LLP. *See About Us*, DGW KRAMER LLP, https://dgwllp.com/en/about/ [https://perma.cc/KDM7-2N7G] (last visited Feb. 24, 2026).

29. *See* Shaffer v. Heitner, 433 U.S. 186, 210 n.36 (1977) ("Once it has been determined by a court of competent jurisdiction that the defendant is a debtor of the plaintiff, there would

residents at all, enabling asset collection where the underlying substantive dispute is weakly tied to the U.S. forum. Among enforcement requests, few reach a merits resolution due to difficulties serving judgment debtors and the frequency of default judgments. But enforcement requests that do reach the merits tend to be granted.[30] Judgment recognition serves as a minimal screen that easily entitles singular foreign judgments to full faith and credit treatment like a sister-state judgment.

Now consider preclusion requests. They are primarily litigated in federal courts and primarily serve multinational corporations and other prominent institutions.[31] They tend to be litigated by sophisticated global law firms.[32] The controversies underlying these requests often have a political valence: contracts that involve the Chinese government,[33] for example, or disputes between tech giants at the heart of the U.S.-China rivalry.[34] By definition, the underlying dispute must have minimum contacts sufficient to satisfy the personal jurisdiction requirements of the U.S. court where the parallel suit was filed. Compared to enforcement requests, more preclusion requests reach merits resolutions, but the results are erratic, even within the same case.[35] Sometimes courts give foreign judgments the same preclusive effect as a sister-state judgment, which a straightforward reading of doctrine requires.[36] Other times, courts hold that preclusion is not available to foreign judgments.[37] Overall, recognition's role is more varied and muddled in preclusion than enforcement requests.

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seem to be no unfairness in allowing an action to realize on that debt in a State where the defendant has property, whether or not that State would have jurisdiction to determine the existence of the debt as an original matter."); Linda J. Silberman, Daimler AG v. Bauman*: A New Era for Judicial Jurisdiction in the United States*, 16 Y.B. PRIV. INT'L L. 217, 235 (2015) (arguing that "whatever connection the Supreme Court has required for the assertion of general jurisdiction over a plenary claim, something *less* might suffice in the enforcement context").

30. The exception, as Part III.C discusses, is when U.S. judges have encountered unfamiliar corners of the Chinese legal system. For instance, do Chinese court-mandated mediation statements count as "judgments"? Judges are skeptical.

31. Examples include Microsoft, Stanford University, and Maersk (the shipping and logistics multinational conglomerate). *See* Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., No. C13-1300, 2013 WL 6979555, at *1 (W.D. Wash. Oct. 31, 2013), *aff'd*, 665 F. App'x 564 (9th Cir. 2016); Bd. of Trs. of the Leland Stanford Junior Univ. v. Nat'l Libr. of China, No. 19-CV-02904 (N.D. Cal. filed May 24, 2019); Maersk Line A/S v. Qingdao Apex Shipping Co., No. 17-CV-08170, 2019 WL 7599889 (S.D.N.Y. Feb. 8, 2019).

32. Quinn Emanuel Urquhart & Sullivan, LLP; Pillsbury Winthrop Shaw Pittman LLP; and Davis Wright Tremaine LLP are repeat player law firms in the preclusion request space. *See infra* Part IV.A.

33. *See Beijing Zhongyi*, 2013 WL 6979555, at *1.

34. *See, e.g.*, *id.* (involving Microsoft); Huawei Techs. Co. v. Samsung Elecs. Co., No. 16-CV-02787, 2018 WL 1784065, at *1 (N.D. Cal. Apr. 13, 2018) (involving Huawei).

35. *Compare* UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2016 WL 10644497, at *7 (C.D. Cal. Sep. 22, 2016) (denying issue preclusion on the issue of contract validity), *with* UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2017 WL 5983762, at *6 (C.D. Cal. Sep. 8, 2017) (granting issue preclusion on the issue of contract interpretation with respect to the same contracts).

36. *See, e.g.*, Glob. Material Techs., Inc. v. Dazheng Metal Fibre Co., No. 12-CV-01851, 2015 WL 1977527, at *8 (N.D. Ill. May 1, 2015); *see also* 2005 UNIF. ACT, *supra* note 5, § 7.

37. *See Beijing Zhongyi*, 2013 WL 6979555, at *4; Huawei Techs. Co. v. Samsung Elecs. Co., No. 16-CV-02787, 2018 WL 1784065, at *2 (N.D. Cal. Apr. 13, 2018).

Many of these patterns are not unique to the U.S.-China dyad. Instead, they reflect differences at the core of enforcement and preclusion. Enforcement and preclusion requests have divergent interactions with comity, the foundational concept that underlies nearly all doctrines of transnational litigation. Comity has been described as having two orientations: a positive orientation that promotes foreign sovereign interests by performing affirmative acts of assistance and a negative orientation that does so through forbearance and inaction.[38] Foreign judgment recognition is typically cited as the paradigm example of positive comity.[39] But differentiating enforcement from preclusion offers additional nuance. While asset collection is indeed a manifestation of positive comity, preclusion calls first and foremost for restraint, requiring a U.S. court to stay its hand and forfeit its adjudicative role.[40]

Enforcement and preclusion also exact different sovereignty costs from the recognizing court. National sovereignty has been conceived in many ways. One prominent definition equates sovereignty with the ability to exercise regulatory authority within a country's borders and over transnational flows across those borders.[41] So framed, foreign judgment recognition impacts the recognizing forum's sovereignty by demanding differing levels of forfeiture of regulatory authority. Enforcement requests where a U.S. court *could not* adjudicate the underlying dispute for want of personal jurisdiction have the smallest impact on sovereignty, as they do not ask the court to relinquish a regulatory opportunity it would otherwise have. Enforcement requests where a U.S. court *could* adjudicate the dispute, but parallel litigation has not been filed, have a greater impact, requiring the surrender of a possible future opportunity to regulate. Finally, preclusion requests where a U.S. court both *can* and *is* actively adjudicating the dispute have the greatest impact, requiring the U.S. court to transfer an extant regulatory undertaking to a foreign court.

Once it is clear that enforcement and preclusion have contrasting comity and sovereignty implications, it becomes imperative that foreign judgments law be reconfigured to fully distinguish them, beginning at the recognition stage. They currently rely on the common first question of recognition,

38. *See* William S. Dodge, *International Comity in American Law*, 115 COLUM. L. REV. 2071, 2079 (2015) (providing a helpful matrix that visualizes the positive and negative orientations, which the author terms "principle of recognition" and "principle of restraint").

39. *See id.*

40. This is not unique to foreign judgment recognition. As Professor William S. Dodge notes, positive comity involves restraint in other areas as well, such as when U.S. courts defer to foreign lawmakers through state conflict of law rules or the federal act of state doctrine. *See id*. at 2099–102.

41. International relations scholar Stephen Krasner identifies four uses of the term "sovereignty," including international legal sovereignty (the legal capacity to enter into treaties), Westphalian sovereignty (the ability to exclude external actors from interfering with internal affairs), domestic sovereignty (the ability to exercise regulatory control within territorial borders), and interdependence sovereignty (the ability to regulate the flow of people, goods, information, etc., across a country's borders). STEPHEN D. KRASNER, SOVEREIGNTY: ORGANIZED HYPOCRISY 10–11 (1999). I focus here on the latter two meanings as one way of highlighting the differences between enforcement and preclusion requests.

which determines whether to give enforcement and preclusion requests alike treatment as a sister-state judgment. On paper, that shared first step masks meaningful differences between enforcement and preclusion. In practice, recognition's operation on the ground is already inconsistent as judges sometimes slip into their analyses considerations central to doctrines governing parallel litigation but absent from the doctrine of recognition. The existing two-step analysis should be restructured as two entirely separate tests for money judgment collection and preclusion.

Next, foreign judgments law needs to be cut loose from the scaffolding of full faith and credit. The doctrine of full faith and credit was created to unify separate colonies into one political unit at the country's founding and unequivocally does not apply to foreign country judgments that, by definition, originate from a separate political entity.[42] Yet existing law continues to analogize foreign country judgments to sister-state judgments, unnecessarily generating confusion over the past decades. Put simply, out-of-country judgments need not be likened to out-of-state judgments for U.S. courts to give them effect. They can and should be given effect on their own terms. For enforcement, removing the concept of full faith and credit would limit asset collection to in-state assets. For preclusion, the task is more difficult because full faith and credit has served as a placeholder for more suitable law on international preclusion.

Ultimately, U.S. law needs a set of preclusion rules tailored to the needs of foreign country judgments. Neither the existing law of recognition nor the borrowed law of domestic preclusion can fulfill that role. Other scholars, too, have found the application of domestic preclusion rules to the international context troubling.[43] And other doctrines regulating transnational litigation have similarly been criticized for overreliance on domestic analogues.[44]

The remainder of this Article unfolds in five parts. Part I traces the origins of U.S. foreign judgments law to money judgment collection in European civil law countries. Part II then takes stock of shifts in international commerce and transnational litigation tactics that depart from the circumstances under which foreign judgments law was formulated. The following two parts turn to a systematic study of the U.S.-China dyad, differentiating between foreign judgments arising from singular litigation (Part III) and those arising from parallel litigation (Part IV). Drawing from

42. *See* Aetna Life Ins. Co. v. Tremblay, 223 U.S. 185, 190 (1912) (holding that full faith and credit does not apply to foreign judgments); James D. Sumner Jr., *The Full-Faith-and-Credit Clause—Its History and Purpose*, 34 OR. L. REV. 224, 227–28 (1955) (describing full faith and credit's historic origins).

43. *See, e.g.*, Stephen B. Burbank, *Jurisdictional Equilibration, the Proposed Hague Convention and Progress in National Law*, 49 AM. J. COMP. L. 203, 234–35 (2001). *See generally* Kevin M. Clermont, *Limiting the Last-in-Time Rule for Judgments*, 36 REV. LIT. 1 (2017) (arguing for limits to the traditional U.S. last-in-time rule, which gives preclusive effect to the later of two inconsistent judgments, especially in cases involving foreign judgments).

44. *See generally* Maggie Gardner, *Retiring Forum Non Conveniens*, 92 N.Y.U. L. REV. 390 (2017) (arguing that the doctrine of forum non conveniens was unwisely extended from the domestic to the transnational context without significant modifications).

the U.S.-China study, Part V identifies differences inherent to the two types of foreign judgments and sketches a blueprint for a new foreign judgments law.

I. THE ORIGINS OF FOREIGN JUDGMENTS LAW

The law of foreign judgments has long been tied to international trade. As cross-border commerce expanded, so too did the need to resolve cross-border disputes and to carry out judgments outside the country in which they were rendered. In the United States, modern foreign judgments law developed as soaring economic growth propelled the country's emergence as a global power in a Eurocentric international order.[45] In 1895, the Supreme Court articulated a rule for collecting foreign money judgments against U.S. citizens that was modeled after common practice among other, mostly European, countries.[46] Developments in recent decades, too, reflect an ongoing conversation with the foreign judgments law of the United States' primary trade partners in England and continental Europe. This part details the origins of U.S. doctrine. It chronicles the law's evolution over time to incorporate preclusion, albeit on ambiguous terms, and to rely increasingly on analogies to sister-state judgments and full faith and credit. Finally, it summarizes existing critiques.

A. Gloves in Paris

For much of U.S. history, courts did not consider foreign country judgments to be conclusive, treating them instead as evidence speaking to the underlying merits in a fresh U.S. lawsuit.[47] That policy began to change when the Supreme Court encountered an action to recognize a French judgment against two New Yorkers, Henry Hilton and William Libbey.[48] Hilton and Libbey operated a business in Paris in the late 1800s.[49] They purchased large quantities of goods there, including gloves manufactured and sold by the French business Charles Fortin & Co. When disputes surrounding those transactions arose, the companies sued each other in a French court in Paris, leading to a French money judgment in favor of Fortin & Co. for over half a million francs. There was just one problem: Hilton and Libbey's assets needed to satisfy the judgment were in New York.[50]

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45. *See* GEORGE C. HERRING, FROM COLONY TO SUPERPOWER: U.S. FOREIGN RELATIONS SINCE 1776, at 267–68, 270 (David M. Kennedy ed., 2008) (noting that the United States surpassed England's manufacturing output by 1900).

46. *See* Hilton v. Guyot, 159 U.S. 113, 166–68, 205–06, 227–28 (1895).

47. *See* Courtland H. Peterson, *Res Judicata and Foreign Country Judgments*, 24 OHIO ST. L.J. 291, 291 (1963).

48. U.S. courts recognized foreign judgments before this seminal case as well, but it is *Hilton* that established the roots of modern doctrine.

49. *See Hilton*, 159 U.S. at 114–18 (setting out the facts of the case sparsely). For a more detailed account, see generally Louise Ellen Teitz, *The Story of* Hilton*: From Gloves to Globalization*, *in* CIVIL PROCEDURE STORIES 445 (Kevin M. Clermont ed., 2008).

50. *See Hilton*, 159 U.S. at 114–15.

The French judgment thus made its way to the U.S. District Court for the Southern District of New York and eventually to the Supreme Court on the question of whether and to what degree the judgment should have force in the United States. In the absence of treaty and domestic statutory law on the subject, the Court surveyed the "judicial decisions," "works of jurists and commentators," and "acts and usages of civilized nations."[51] In an opinion exceeding 100 pages, the Court examined the law and practice of nearly thirty countries, including England, France, Ireland, Scotland, Germany, Italy, Spain, Greece, Belgium, Holland, Denmark, Norway, and others in Europe and Latin America.[52] The Court then settled on a liberal rule fashioned after prevailing norms: a foreign money judgment against a U.S. citizen is presumptively binding if the rendering court had jurisdiction, the proceeding followed a "civilized jurisprudence," and the judgment's country of origin reciprocally enforced U.S. judgments.[53] The result was a system of quid pro quo, in which a U.S. court would recognize a foreign money judgment and assist with collection from a U.S. citizen defendant if courts in that foreign country would similarly recognize a U.S. judgment against their own citizens.[54]

Hilton's outcome ultimately turned on reciprocity. A French ordinance prohibiting the execution of foreign judgments was fatal: the "want of reciprocity," said the Court, was "a distinct and independent ground" for refusing the French judgment's conclusive effect, regardless of whether the other requirements were satisfied.[55] But it is the other requirements—dicta that was not central to the decision—that have withstood the test of time.[56] With respect to those other requirements, the Court explained that the bar for "civilized jurisprudence" is not an exacting one. Procedural differences such as the admissibility of specific types of evidence are not enough to impeach a foreign judgment.[57] Instead, the grounds for discrediting a foreign judgment are limited to narrow circumstances such as fraud or prejudice.

B. Lowering the Drawbridge

The Court's decision in *Hilton* planted the seeds for the modern law on foreign judgments.[58] But the doctrine has changed in pivotal ways that

51. *Id.* at 163.

52. *Id.*

53. *Id.* at 159–60 (fully articulating the rule).

54. Although subsequently described in broader fashion, *Hilton* itself was limited to this exact configuration. *See id.* at 168.

55. *Id.* at 161.

56. It was *Hilton*'s dissent that advocated against a reciprocity requirement. *See id.* at 169–70 (Fuller, C.J., dissenting).

57. *Id.* at 159 (majority opinion) (responding to defendants' argument that plaintiffs were allowed to testify not under oath and were not cross-examined).

58. Scholarship and case law alike draw a direct line between the modern doctrine on foreign judgments and *Hilton*. *See, e.g.*, Matthew H. Adler, *If We Build It, Will They Come?—The Need for a Multilateral Convention on the Recognition and Enforcement of Civil Monetary Judgments*, 26 LAW & POL'Y INT'L BUS. 79, 82–84 (1994); UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2017 WL 5983762, at *4 (C.D. Cal. Sep. 8, 2017).

lowered the drawbridge to an increasing array of judgments rendered abroad. First, the doctrine migrated from federal to state law.[59] *Erie Railroad Co. v. Tompkins*[60] in 1938 and *Klaxon v. Stentor Electric Manufacturing Co.*[61] in 1941 together held that federal courts sitting in diversity apply state substantive and choice-of-law rules.[62] In part due to that migration, the reciprocity requirement fell away. It was initially abandoned by individual states, leading to fragmented practices across the country and "many instances" in which U.S. judgments were refused recognition abroad because foreign courts could not establish that their judgment would be recognized in the United States and thus that their reciprocity requirement was met.[63] The problem was particularly grave in a "large number of civil law countries"[64] and most palpable during the decades following World War II when a surge in transnational litigation produced more U.S. judgments that required recognition abroad.[65] According to surveys conducted in 1972 by the bar associations of New York State and New York City, lawyers were frustrated by the barriers they encountered collecting on money judgments in contract and tort disputes in Europe and beyond.[66]

To address the nonrecognition of outbound U.S. judgments, most U.S. states adopted a uniform law that omitted reciprocity. In 1962, the National Conference of Commissioners on Uniform State Laws (NCCUSL) promulgated the Uniform Foreign Money Judgments Recognition Act (the "1962 Uniform Act"), which encouraged all states to enact a consistent set of rules.[67] Uniformity, the thinking went, would make it easier for foreign courts to determine that their reciprocity requirement was satisfied and thus increase the likelihood of U.S. judgments being recognized abroad.[68] Four

59. However, the federal SPEECH Act, 28 U.S.C. §§ 4101–4105 (2012), governs the recognition and enforcement of foreign defamation judgments. For an analysis of the SPEECH Act, see generally John F. Coyle, *The SPEECH Act and the Enforcement of Foreign Libel Judgments in the United States*, 18 Y.B. PRIV. INT'L L. 245 (2017).

60. 304 U.S. 64 (1938).

61. 313 U.S. 487 (1941).

62. *Erie*, 304 U.S. at 78–80; *Klaxon*, 313 U.S. at 496–98. Foreign defamation judgments are a narrow exception, as there is a federal statute governing their recognition and enforcement. *See* 28 U.S.C. §§ 4101–4105.

63. UNIF. FOREIGN MONEY-JUDGMENTS RECOGNITION ACT, prefatory note (NAT'L CONF. OF COMM'RS ON UNIF. STATE L. 1962) [hereinafter 1962 UNIF. ACT].

64. *See id.*

65. *See* 103 CONG. REC. S5726 (Apr. 16, 1957) (statement of Sen. Arthur V. Watkins) (noting that an "unprecedented flood of litigation with international ramifications" led to more U.S. judgments that required recognition abroad).

66. *See* Robert B. von Mehren & Michael E. Patterson, *Recognition and Enforcement of Foreign-Country Judgments in the United States*, 6 LAW & POL'Y INT'L BUS. 37, 80–81 (1974).

67. 1962 UNIF. ACT, *supra* note 63, prefatory note. *But see* Stephen Burbank, *Whose Regulatory Interests?: Outsourcing the Treaty Function*, 45 N.Y.U. J. INT'L L. & POL. 1037, 1041 (2013) (noting that state laws were already "substantially uniform" prior to the Uniform Acts due to their common origins in *Hilton*, but the Uniform Acts were thought to "eas[e] inquiries into U.S. law driven by reciprocity requirements and conducted by foreign judges accustomed to codified law").

68. 1962 UNIF. ACT, *supra* note 63, prefatory note; 2005 UNIF. ACT, *supra* note 5, prefatory note.

decades later, NCCUSL drafted a revision, the 2005 Uniform Foreign-Country Money Judgments Recognition Act (the "2005 Uniform Act" and, together with the 1962 Uniform Act, the "Uniform Acts"), that is substantially similar to and "continues the basic policies and approach" of the 1962 Uniform Act.[69] Because recognition of U.S. judgments abroad "continue[d] to be problematic," the NCCUSL revisited the exclusion of reciprocity.[70] In the end, the drafters decided to maintain the status quo. There was "insufficient evidence," the 2005 Uniform Act's prefatory note explains, that requiring reciprocity "would have a greater effect on encouraging foreign recognition of U.S. judgments" than not requiring it.[71]

The Uniform Acts, which have now been adopted by most states,[72] establish a floor for recognizing foreign money judgments but do not prevent U.S. courts from recognizing foreign judgments "in situations not covered."[73] They mandate presumptive recognition of foreign money judgments that are final, conclusive, and enforceable in their country of origin, subject to limited grounds for nonrecognition.[74] Some of the grounds for nonrecognition relate to the rendering court's adjudicative authority. A foreign court must have had personal jurisdiction over the defendant,[75] defined by a set of specified bases that courts must consider sufficient[76] while allowing them to permit additional bases.[77] Courts can also, as a discretionary matter, deny recognition if the foreign proceeding is contrary

69. 2005 UNIF. ACT, *supra* note 5, prefatory note.

70. *Id.*

71. *Id.*

72. Thirty-eight states, the District of Columbia, and the U.S. Virgin Islands have adopted one of the two Uniform Acts, and the remaining states are governed by state common-law rules, which similarly draw inspiration from *Hilton*. For the full list, see *2005 Foreign-Country Money Judgments Act*, NAT'L CONF. OF COMM'RS ON UNIF. STATE L., https://www.uniformlaws.org/committees/community-home?communitykey=ae280c30-094a-4d8f-b722-8dcd614a8f3e [https://perma.cc/WLN4-88LH] (last visited Feb. 24, 2026). Five states added reciprocity as a mandatory or discretionary ground for nonrecognition when they adopted one of the Uniform Acts: Arizona, Florida, Massachusetts, Ohio, and Texas. *See* William S. Dodge, *Nigerian Judgment Satisfies Arizona's Reciprocity Requirement*, TRANSNAT'L LITIG. BLOG (July 16, 2025), https://tlblog.org/nigerian-judgment-satisfies-arizonas-reciprocity-requirement/ [https://perma.cc/N5FR-FZR5] (collecting state statutes and noting that "[c]ourts in these five states have applied their reciprocity requirements in relatively forgiving ways").

73. 1962 UNIF. ACT, *supra* note 63, § 7; 2005 UNIF. ACT, *supra* note 5, § 11.

74. 1962 UNIF. ACT, *supra* note 63, §§ 1(2), 2, 3; 2005 UNIF. ACT, *supra* note 5, § 3. As is common, both Uniform Acts exclude judgments related to taxes, penalties, and domestic relations.

75. 1962 UNIF. ACT, *supra* note 63, § 4(a)(2)–(3); 2005 UNIF. ACT, *supra* note 5, § 4(b)(2)–(3).

76. These include the defendant's domicile in the foreign country, personal service in the foreign country, and voluntary appearance in the foreign proceeding. 1962 UNIF. ACT, *supra* note 63, § 5(a)(1)–(6); 2005 UNIF. ACT, *supra* note 5, § 5(a)(1)–(6).

77. 1962 UNIF. ACT, *supra* note 63, § 5(b); 2005 UNIF. ACT, *supra* note 5, § 5(b). Some employ the same Fifth Amendment due process limits that are applicable to U.S. courts. *See* RESTATEMENT (FOURTH) OF FOREIGN RELS. L. OF THE U.S. § 483 cmt. e, rep.'s note 5 (A.L.I. 2019).

to a forum selection agreement[78] or if the foreign court was "seriously inconvenient" and jurisdiction was based solely on personal service.[79] Though not directly related to the rendering court's adjudicative authority, recognition can be denied if the foreign judgment conflicts with another judgment.[80]

Other grounds for nonrecognition stem from normative and policy rationales, but the bar for nonrecognition based on these reasons is high. A judgment rendered in a foreign judicial system that "does not provide impartial tribunals or procedures compatible with the requirements of due process of law" cannot be recognized.[81] The inquiry focuses on a less demanding "international concept of due process" rather than specific procedural differences,[82] and nonrecognition requires "serious injustice."[83] In practice, courts have only denied recognition in extreme cases, such as when there has been a complete breakdown of law and order during a civil war.[84] As a discretionary matter, courts can refuse recognition if the foreign judgment was obtained by insufficient notice or fraud, or if it is "repugnant to the public policy" of the state where recognition is sought or of the United States as a whole.[85] The public policy ground imposes a "stringent test" that requires "injur[y] [to] the public health, the public morals, or the public confidence in the administration of law."[86] The 2005 Uniform Act added two judgment- and proceeding-specific discretionary grounds for nonrecognition related to the integrity of the rendering court in the particular judgment and the underlying proceeding's compatibility with due process.[87] Nonrecognition requires a showing of corruption in a specific case, such as

78. 1962 UNIF. ACT, *supra* note 63, § 4(b)(5) (contrary to forum selection agreement); *id.* § 4(b)(6) (tag jurisdiction in a seriously inconvenient forum); 2005 UNIF. ACT, *supra* note 5, § 4(c)(5) (contrary to forum selection agreement); *id.* § 4(c)(6) (tag jurisdiction in a seriously inconvenient forum).

79. 1962 UNIF. ACT, *supra* note 63, § 4(b)(6); 2005 UNIF. ACT, *supra* note 5, § 4(b)(6).

80. 1962 UNIF. ACT, *supra* note 63, § 4(b)(4); 2005 UNIF. ACT, *supra* note 5, § 4(c)(4).

81. 1962 UNIF. ACT, *supra* note 63, § 4(a)(1); 2005 UNIF. ACT, *supra* note 5, § 4(b)(1).

82. *See* Soc'y of Lloyd's v. Ashenden, 233 F.3d 473, 477 (7th Cir. 2000). Although no evidence was presented on England's legal system, the court rejected defendants' due process arguments because, unlike judgments "rendered by Cuba, North Korea, Iran, Iraq, [and the Democratic Republic of the] Congo," England's "adherence to the rule of law and commitment to the norm of due process are [not] open to serious question." *Id.*

83. 1962 UNIF. ACT, *supra* note 63, § 4 cmt.; 2005 UNIF. ACT, *supra* note 5, § 4 cmt. 5.

84. *See* Bridgeway Corp. v. Citibank, 45 F. Supp. 2d 276, 287–88 (S.D.N.Y. 1999) (holding that a Liberian judgment would not be enforced because Liberia did not have a fair and impartial judicial system during its civil war in the 1990s), *aff'd*, 201 F.3d 134 (2d Cir. 2000).

85. 1962 UNIF. ACT, *supra* note 63, § 4(b)(1) (insufficient notice); *id.* § 4(b)(2) (fraud); *id.* § 4(b)(3) (repugnant to public policy); 2005 UNIF. ACT, *supra* note 5, § 4(c)(1) (insufficient notice); *id.* § 4(c)(2) (fraud); *id.* § 4(c)(3) (repugnant to public policy); *id.* § 4(c)(7) (judgment-specific questions about the integrity of the rendering court). The 2005 Uniform Act also added a related and discretionary judgment-specific ground for nonrecognition when the specific proceeding by which a judgment was rendered is incompatible with due process. *See id.* § 4(c)(8).

86. 2005 UNIF. ACT, *supra* note 5, § 4(c)(8).

87. The former requires corruption that impacted the judgment while the latter requires denial of fundamental fairness for political reasons. *Id.* § 4(c)(7)–(8) cmts. 11–12.

through bribery, or that the judgment was a political decision that denied the defendant fundamental procedural fairness.[88]

While the 1962 Uniform Act does not specify burdens, the 2005 Uniform Act provides that the burden for establishing a ground for nonrecognition falls on the party resisting recognition.[89] The ease of judgment recognition now reaches beyond money judgments governed by the Uniform Acts and includes declaratory judgments, injunctions, and determinations regarding the status of people and interests in property.[90]

The Uniform Acts focus predominantly on money judgment collection, but they also provide for preclusion, albeit on vague terms. The 1962 Uniform Act does not mention preclusion by name. The closest reference is a provision stating that a foreign judgment that otherwise meets the requirements for recognition is "conclusive between the parties to the extent that it grants or denies recovery of a sum of money" and is "enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit."[91] Preclusive effect might be inferred from the word "conclusive," but that interpretation is not obvious given the section's label, "Recognition and Enforcement," and the qualifier, "to the extent that it grants or denies recovery of a sum of money."[92] While the section specifies the method for collection, namely the Uniform Enforcement of Foreign Judgments Act (the "Uniform Enforcement Act"), which applies to sister-state judgments,[93] it says nothing about preclusion principles. Further confusing the matter, the mandatory grounds for nonrecognition are framed as determinants of whether a judgment is "conclusive."[94] "Conclusive" could thus be understood to mean "recognizable" as opposed to entitled to preclusive effect.

Fast forward four decades, the 2005 Uniform Act explicitly addresses preclusion, but that discussion is buried in explanatory comments that note preclusion's secondary significance. Judgment creditors "usually" pursue recognition "primarily for the purpose of invoking the enforcement procedures of the forum state to assist the judgment creditor's collection of the judgment from the judgment debtor."[95] So closely associated are recognition and enforcement that the 2005 Uniform Act devotes significant

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88. *Id.* § 4 cmts. 11, 12. Judgment- and proceeding-specific due process defects were considered even before they were added as discretionary grounds for nonrecognition in the 2005 Uniform Act. For an early example, see, e.g., *Bank Melli Iran v. Pahlavi*, 58 F.3d 1406, 1413 (9th Cir. 1995) (concluding that the sister of the former Shah could not get a fair trial in Iran).

89. 2005 UNIF. ACT, *supra* note 5, §§ 3(c), 4(d).

90. RESTATEMENT (FOURTH) OF FOREIGN RELS. L. OF THE U.S. § 481 cmt. c. (A.L.I. 2019).

91. 1962 UNIF. ACT, *supra* note 63, § 3.

92. Part IV.B discusses cases in which courts have concluded from this language that the Uniform Acts do not contemplate preclusion.

93. The 1962 Uniform Act referred to the original 1948 version of the Uniform Enforcement of Foreign Judgments Act, which was soon updated in 1964. 1962 UNIF. ACT, *supra* note 63, prefatory note; *see also* REVISED UNIF. ENF'T OF FOREIGN JUDGMENTS ACT (NAT'L CONF. OF COMM'RS ON UNIF. STATE L. 1964) [hereinafter UNIF. ENF'T ACT].

94. 2005 UNIF. ACT, *supra* note 5, § 4(a).

95. *Id.* § 4 cmt 2.

space to explaining the difference between the two terms.[96] The 2005 Uniform Act then adds that "[r]ecognition . . . also has significance outside the enforcement context because a foreign-country judgment also must be recognized before it can be given preclusive effect under res judicata and collateral estoppel principles."[97] The 2005 Uniform Act thus contemplates that foreign judgments could preclude a U.S. court from reconsidering a claim (also known as res judicata or claim preclusion) or a factual or legal issue (also known as collateral estoppel or issue preclusion) that was previously decided by a foreign court.[98]

Yet the terms on which foreign judgment preclusion is available remain ambiguous. Recognition itself continues to be limited to "the extent that the foreign-country judgment grants or denies recovery of a sum of money."[99] The 2005 Uniform Act also disavows any "attempt to establish directly the extent of" preclusive effect that recognition confers.[100] Instead, it relies on analogies to sister-state judgments and invokes the Full Faith and Credit Clause, explaining that recognized foreign judgments should be "treated as conclusive to the same extent that a judgment of a sister state that had been determined to be entitled to full faith and credit would be conclusive."[101] That standard "generally" means that, at a minimum, foreign judgments "will be given the same effect in the forum state that it has in the foreign country where it was rendered."[102] The forum state has the option to exceed that baseline requirement.

Recognition law's link to full faith and credit has also become more entrenched over time. The connection between judgment recognition and full faith and credit is typically traced to *Hilton*, but that decision did not explicitly associate the two concepts. Instead, the Court said that foreign country judgments "are *not* entitled to full credit," at best implying the contrary under circumstances not present in the case.[103] When the Court spoke affirmatively of giving effect to foreign judgments, it used the

96. *Id.*
97. *Id.*
98. As noted in the Introduction, I do not delve into the details of claim and issue preclusion. Those details are extensive and not needed for the purposes of this Article. For instance, claim preclusion generally includes not only claims that were decided but also ones that could have been decided because they arose out of the same transaction or occurrence.
99. 2005 UNIF. ACT, *supra* note 5, § 7(1).
100. *Id.* § 7 cmt. 2.
101. *Id.*
102. *Id.*
103. The Court comes closest to this implication when it asserts that a foreign judgment that satisfies basic requirements concerning jurisdiction, opportunity to defend, accordance with a civilized jurisprudence, and the like, "should be held conclusive upon the merits tried in the foreign court, unless some special ground is shown for impeaching the judgment . . . or that by the principles of international law, and by the comity of our own country, it should not be given full credit and effect." *See* Hilton v. Guyot, 159 U.S. 113, 206 (1895); *id.* at 227 (stating that judgments rendered in any foreign country that do not satisfy the reciprocity requirement "are not entitled to full credit and conclusive effect when sued upon in this country"). In any case, the Court subsequently held explicitly that foreign judgments are not covered by full faith and credit. Aetna Life Ins. Co. v. Tremblay, 223 U.S. 185, 190 (1912).

language of *credit* rather than *full faith and credit* or *full credit*, leaving room for flexibility in the degree of credit to confer. By the time of the 1962 Uniform Act, the connection between foreign judgment recognition and full faith and credit appeared—but only with respect to judgment collection. The 1962 Uniform Act provides that a foreign judgment is "enforceable in the same manner as the judgment of a court of a sister state which is entitled to full faith and credit."[104] The 2005 Uniform Act then simultaneously leans further into and backs away from full faith and credit. It defines "foreign judgment" specifically as a judgment *that is not subject to the Constitution's Full Faith and Credit Clause*.[105] It stipulates that a foreign judgment must be "enforceable in the same manner and to the same extent as a *judgment rendered in this state*" as opposed to one rendered in a sister state.[106] Yet it also ties foreign judgment preclusion to full faith and credit for the first time: a foreign judgment is "conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this state would be conclusive."[107]

C. Existing Critiques

Scholars worry that the existing law remains fractured and is too generous, giving foreign judgments more favorable outcomes in the United States than U.S. judgments are given abroad while lending the United States too little leverage in treaty negotiations. To begin, the law remains varied across the country, despite substantial convergence. State courts and federal courts sitting in diversity are governed by the 1962 Uniform Act, the 2005 Uniform Act, or state common law rules, depending on the state in which they are located. Twenty-nine states and the District of Columbia have enacted the 2005 Uniform Act, nine states and the U.S. Virgin Islands have enacted the 1962 Uniform Act, and the remaining states and Puerto Rico are governed by common law rules derived from *Hilton*. States that have adopted one of the Uniform Acts have not necessarily adopted them wholesale. Five states have added provisions requiring or permitting nonrecognition when reciprocity is not established.[108] Meanwhile, federal courts sitting in federal question jurisdiction apply federal common law, namely, *Hilton* and its progeny.[109]

Further, whatever consistency has been achieved by the Uniform Acts, it did not solve the problem of nonrecognition of U.S. judgments abroad. Instead, forgoing reciprocity led to outbound American judgments being

104. 1962 UNIF. ACT, *supra* note 63, prefatory note; *see also id.* § 3.
105. *See* 2005 UNIF. ACT, *supra* note 5, § 2(1)–(2).
106. *Id.* § 7(2) (emphasis added).
107. 2005 UNIF. ACT, *supra* note 5, § 7(1).
108. For a list of states and state statutes, see Dodge, *supra* note 72.
109. *See* 18B WRIGHT & MILLER'S FEDERAL PRACTICE AND PROCEDURE § 4473 (3d ed. 2025) [hereinafter 18B WRIGHT & MILLER] (noting that there is "no apparent reason to consult state law" when federal courts exercise federal question jurisdiction).

treated worse than inbound foreign judgments.[110] Of particular concern was the asymmetry in the relationship between the United States and European Union (EU) countries.[111] Developments within the EU, namely the Brussels I Regulation adopted in 2000[112] and its subsequent Brussels I Recast adopted in 2012,[113] made judgment recognition between member states nearly automatic.[114] Member states also entered into judicial assistance treaties with their most significant non-EU trade partners—but not the United States.[115] American judgments against foreign defendants were thus excluded from the favorable treatment flowing from those international agreements. But judgments *against* U.S. defendants circulated fluidly among them, including judgments based on jurisdictional grounds that are considered exorbitant in the United States and have been eliminated as between EU members.[116] In short, U.S. courts' "unilateral generosity" did not lead to reciprocity.[117]

This state of affairs prompted the United States to seek a multilateral approach despite its historical reluctance to enter international agreements.[118] In 1992, the United States initiated negotiations for a global judgment recognition treaty at the Hague Conference on Private International Law (the "Hague Conference"). The American Law Institute (ALI) also commenced a project to formulate federal implementing legislation for the proposed

110. *See, e.g.*, Adler, *supra* note 58, at 94 ("U.S. courts are quite liberal in their approach to the recognition and enforcement of judgments rendered in foreign jurisdictions, whereas the reverse is not true.").

111. *See, e.g.*, Baumgartner, *supra* note 4, at 173 (concluding that, "on average, U.S. judgments face more obstacles in Europe than do European judgments in the United States").

112. Council Regulation 44/2001, 2001 O.J. (L 12) 1 (EC).

113. Regulation 1215/2012, 2012 O.J. (L 351) 1 (EU).

114. *See* Samuel P. Baumgartner, *Changes in the European Union's Regime of Recognizing and Enforcing Foreign Judgments and Transnational Litigation in the United States*, 18 SW. J. INT'L L. 567, 573–74 (2011) (explaining that under the Brussels I Regulation, "[r]ecognition occurs automatically upon entry of judgment in the originating state" and Brussels I Recast removed a previously existing requirement for a declaration of enforceability); *see also* Kevin M. Clermont, *An Introduction to the Hague Convention*, *in* A GLOBAL LAW OF JURISDICTION AND JUDGMENTS: LESSONS FROM THE HAGUE 3, 3 (John J. Barceló III & Kevin M. Clermont eds., 2002) (likening the "virtually automatic" foreign judgment recognition and enforcement between member states to the Full Faith and Credit Clause of the U.S. Constitution).

115. *See* Baumgartner, *supra* note 16, at 195; Regulation 1215/2012, 2012 O.J. (L 351) 1, 14 (EU) (requiring local procedure for recognizing and enforcing a judgment from another EU country); Council Regulation 44/2001, 2001 O.J. (L 12) 1, 10–11 (EC) (making judgments automatically recognizable and enforceable across the European Union).

116. The most prominent examples are the French law providing for jurisdiction when the plaintiff is French and the German law permitting jurisdiction when a foreign defendant has assets in Germany. *See* Code civil [C. civ.] [Civil Code] art. 14 (Fr.); Zivilprozessordnung [ZPO] [Code of Civil Procedure], § 23, https://www.gesetze-im-internet.de/englisch_zpo/englisch_zpo.html [https://perma.cc/QU6R-KN7E] (Ger.).

117. *See* Stephen B. Burbank, *A Tea Party at the Hague*, 18 SW. J. INT'L L. 629, 631 (2012).

118. *See* Stephen B. Burbank, *The Reluctant Partner: Making Procedural Law for International Civil Litigation*, 57 LAW & CONTEMP. PROBS. 103, 128–29 (1994).

treaty.[119] But the negotiations quickly stalled.[120] The poor prospects were attributed to disagreement over the scope of jurisdiction at the front end, which a so-called "double treaty" would regulate in addition to regulating foreign judgment recognition at the back end.[121] For the EU, the negotiations presented an opportunity to narrow the United States' comparatively broad and open-ended notions about personal jurisdiction.[122] The United States' goal was to improve the outlook of outgoing U.S. judgments; narrowing courts' exercise of personal jurisdiction was not on the negotiating table.[123] With no room for negotiation on front-end jurisdiction, the EU had little incentive to compromise on back-end judgment recognition since U.S. courts were already recognizing EU judgments in the absence of a treaty.[124] As the Hague negotiations fell apart, some continued to push for federal legislation that included a reciprocity requirement based on the ALI's work, but those efforts petered out as well.[125]

There have been subsequent inroads on a narrower "single convention" that governs only judgment recognition. The Hague Conference adopted the Convention on Choice of Court Agreements[126] in 2005 (the "2005 Hague Choice of Court Agreements Convention") and the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters[127] in 2019 (the "2019 Hague Judgments Convention"). The former requires state parties to recognize foreign judgments rendered by courts that the parties contractually agreed to through an exclusive forum selection

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119. *See* Baumgartner, *supra* note 4, at 176. *See generally* Linda J. Silberman & Andreas Lowenfeld, *A Different Challenge for the ALI: Herein of Foreign Country Judgments, an International Treaty, and an American Statute*, 75 IND. L.J. 635 (2000).

120. *See* Clermont, *supra* note 114, at 5 (writing in 2002 that reaching an agreement was "far from a certainty").

121. *See* Hans van Loon, *Towards a Global Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters*, 1 NIPR 4, 5 (2020). *See generally* Ralf Michaels, *Some Fundamental Jurisdictional Conceptions as Applied in Judgment Conventions*, *in* CONFLICT OF LAWS IN A GLOBALIZED WORLD 29 (Eckart Gottschalk, Ralf Michaels, Gisella Rühl & Jan von Hein eds., 2007).

122. *See* Samuel P. Baumgartner, *The External Dimensions of the European Law of Civil Procedure—a Transatlantic Perspective* 26 (Univ. of Akron Sch. of L., Working Paper No. 16-03, 2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2742330 (on file with the *Fordham Law Review*).

123. *See id.*

124. *See* Peter D. Trooboff, *Ten (and Probably More) Difficulties in Negotiating a Worldwide Convention on International Jurisdiction and Enforcement of Judgments: Some Initial Lessons*, *in* A GLOBAL LAW OF JURISDICTION AND JUDGMENTS: LESSONS FROM THE HAGUE 263, 264 (John J. Barceló III & Kevin M. Clermont eds., 2002) (noting the United States' weak negotiating position).

125. For the proposed federal statute for federalizing foreign judgments law, see generally RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS: ANALYSIS AND PROPOSED FEDERAL STATUTE (A.L.I. 2006).

126. Convention on Choice of Court Agreements, June 30, 2005, 44 I.L.M. 1294 [hereinafter 2005 Hague Choice of Court Convention].

127. Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters, July 2, 2019, 67 NILR 169 [hereinafter 2019 Hague Judgments Convention].

clause.[128] It has been ratified by thirty-seven state parties, the majority being EU and Eastern European countries.[129] The latter focuses on recognition and only governs front-end jurisdiction indirectly by limiting the grounds on which recognition can be refused.[130] It excludes sensitive subject matters including intellectual property, antitrust, privacy, and defamation.[131] The 2019 Hague Judgments Convention has been ratified by thirty-two state parties with similar membership composition as the 2005 Hague Choice of Court Agreements Convention.[132] The United States has signed both treaties but ratified neither.

II. THE NEW LANDSCAPE

Part I demonstrated that U.S. foreign judgments law has historically been designed with an eye toward improving money judgment collection in EU countries. Criticisms have accordingly focused on the shortcomings of U.S. policies in furthering that objective. This part argues that the circumstances underlying that historic goal have now shifted due to the rise of China, the growing prevalence of parallel litigation, and the increasing significance of inbound judgments and preclusion. This part ends by introducing the case study of the U.S.-China relationship that is central to the present-day landscape of international foreign judgments law.

A. The Primary Interlocutors

When *Hilton* was decided in 1895, the United States and China had few connections. China was more than seven decades from opening its economy to commercial relations with foreign countries, and its courts had limited interactions with any foreign legal systems. In 1978, then-leader of the Chinese Communist Party (CCP), Deng Xiaoping, announced a "reform and opening-up" policy that put into motion programs for economic modernization and international engagement. These reforms were accompanied by a flurry of legislation—part of an undertaking of unprecedented scale to update China's legal system.[133] During the handful of years after 1978, the National People's Congress enacted its first laws on

128. Hague Choice of Court Convention, *supra* note 126, at 1296–97 art. 8.

129. *See Status Table, Convention of 30 June 2005 Choice of Court Agreements*, HAGUE CONF. ON PRIV. INT'L L. (Nov. 7, 2025), https://www.hcch.net/en/instruments/conventions/status-table/?cid=98 [https://perma.cc/PGB5-LGM7] (listing which states have signed and ratified the Hague Choice of Court Convention).

130. *See* 2019 Hague Judgments Convention, *supra* note 127, at 171, 173–74 arts. 4, 7.

131. *See id.* at 169–70 art. 2.

132. *See Status Table, Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters*, HAGUE CONF. ON PRIV. INT'L L. (May 13, 2025), https://www.hcch.net/en/instruments/conventions/status-table/?cid=137 [https://perma.cc/KD9H-TPJD] (listing which states have signed and ratified the Hague Judgments Convention).

133. *See* William P. Alford, *A Second Great Wall?: China's Post-Cultural Revolution Project of Legal Construction*, 11 CULTURAL DYNAMICS 193, 194–95 (1999) (describing the enormous efforts to rapidly enact a large body of law, build out personnel to operate the legal system, establish law school programs, and grow the legal profession).

contracts, trademarks, and civil procedure—just a few of the hundreds of laws promulgated over the next two decades.[134]

While American foreign judgments law was shaped by the United States's emergence as a global power in a Eurocentric international order, China's foreign judgments law is being written against the backdrop of China's emergence as a global power in a U.S.-centric international order. China adopted its first civil procedure law in 1991, which provided for recognition of foreign judgments based on international treaty or reciprocity.[135] While China has concluded thirty-six bilateral judicial assistance treaties, it does not have agreements with its primary trade partners, including the United States.[136] Its most important foreign judgments relationships are thus governed by reciprocity, a concept that was applied stringently until the past decade.[137] The reciprocity requirement has since softened as China sought to encourage the recognition of Chinese agreements abroad.[138]

The U.S.-China foreign judgments relationship began in 2009, when the United States recognized a Chinese judgment for the first time. In *Hubei Gezhouba Sanlian Industrial Co. v. Robinson Helicopter Co.*,[139] the Central District of California recognized a Chinese tort judgment brought by Chinese plaintiffs against a U.S. helicopter manufacturer.[140] The defendant initially argued for and won a forum non conveniens dismissal to China, where plaintiffs prevailed, returning to the United States to collect on the favorable

134. *See generally* Zhonghua Renmin Gongheguo Minshi Susong Fa (中华人民共和国民事诉讼法) [The Civil Procedure Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., Mar. 8, 1982, effective Oct. 1, 1982) 1982 STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 8; Zhonghua Renmin Gongheguo Zhongwai Hezi Jingying Qiye Fa (中华人民共和国中外合资经营企业法) [The Law of the People's Republic of China on Chinese-Foreign Equity Joint Ventures] (promulgated by the Standing Comm. Nat'l People's Cong., July 8, 1979, effective July 8, 1979) 1979 STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 7; Zhonghua Renmin Gongheguo Shangbiao Fa (中华人民共和国商标法) [The Trademark Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., Aug. 23, 1982, effective Mar. 1, 1983) 1982 STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 11; Zhonghua Renmin Gongheguo Jingji Hetong Fa (中华人民共和国经济合同法) [Economic Contract Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., Dec. 13, 1981, effective July 1, 1982) 1981 STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 12.

135. This does not include the first trial version of the Civil Procedure Law of the People's Republic of China. Zhonghua Renmin Gongheguo Minshi Susong Fa (中华人民共和国民事诉讼法) [The Civil Procedure Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., Mar. 8, 1982, effective Oct. 1, 1982) 1982 STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 8.

136. *See* Dodge & Zhang, *supra* note 20, at 1546.

137. *See id.* at 1543–44, 1566–68.

138. For an account of recent developments, see generally Weixia Gu, *China's Approach to Recognition and Enforcement of Foreign Civil and Commercial Judgments and International Litigation Capacity Building*, 15 J. COMPAR. L. 264 (2020).

139. No. 06-CV-01798, 2009 WL 2190187 (C.D. Cal. July 22, 2009), *aff'd*, 425 F. App'x 580 (9th Cir. 2011).

140. *See id.* at *4–7.

Chinese judgment.[141] China then recognized a U.S. judgment for the first time in 2017, a default judgment from California.[142]

Despite this short history, the U.S.-China foreign judgment recognition relationship is now critical. China has far surpassed the United Kingdom and the civil law countries of continental Europe as leading U.S. trade partners.[143] According to the U.S. Census Bureau, China has consistently been among the United States's top three trade partners since at least 2004, the other two being Canada and Mexico.[144] In 2015, 2016, 2017, 2018, and 2020, China was *the* top trade partner.[145] In 2021, the latest full year for which the Census Bureau provides data, the United States' total trade volume with China far exceeded its trade volume with Germany, the United Kingdom, France, and Italy.[146]

For a rough sense of the contemporary significance of the U.S.-China foreign judgments relationship, I ran equivalent search strings that target actions seeking recognition or enforcement of foreign judgments from each of seven prominent U.S. trade partners: China, England, France, Germany, Canada, Mexico, and Japan.[147] I searched for "judgment" within five words of respective country names, together within the same sentence as variations of "recognize" or "enforce."[148] I ran these search strings on Westlaw's "All

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141. Having won a Chinese judgment against a California company for the design and manufacture of a helicopter that crashed in the Yangtze River, the plaintiffs sought enforcement in the Central District of California where the court issued a domestic judgment in the same amount. *See id.* at *1–4.

142. *See generally* Shenqingren Liu Li Yu Beishenqingren Tao Li, Tong Wu Shenqing Chengren He Zhixing Waiguo Fayuan Minshi Panjue Yi'an Minshi Caiding Shu (申请人刘利与被申请人陶莉、童武申请承认和执行外国法院民事判决一案民事裁定书) [Liu Li v. Tao Li & Tong Wu] (Hubei Wuhan Interm. People's Ct. June 30, 2015) (China) (enforcing a California state judgment).

143. This ranking is based on the U.S. Census Bureau's reporting, which treats EU countries individually. In the aggregate, the European Union remains a larger trade partner. *Compare The People's Republic of China*, OFF. OF THE U.S. TRADE REPRESENTATIVE, https://ustr.gov/countries-regions/china-mongolia-taiwan/peoples-republic-china [https://perma.cc/8BMZ-WVJX] (last visited Feb. 24, 2026) (estimating the United States' total goods trade with China to be $582.4 billion in 2024), *with European Union*, OFF. OF THE U.S. TRADE REPRESENTATIVE, https://ustr.gov/countries-regions/europe-middle-east/europe/european-union [https://perma.cc/LNS6-3WRL] (last visited Feb. 24, 2026) (estimating the United States' total goods trade with the European Union to be $975.5 billion in 2024).

144. *See* U.S. CENSUS BUREAU, *supra* note 12.

145. *See id.*

146. *See id.*

147. Data from the U.S. Census Bureau shows that China, Canada, Mexico, England, Germany, and Japan have been the top trade partners nearly every year for the past two decades. *See id.* France was further down for most years and was included because of its historic importance in *Hilton* and as one of the civil law countries where difficulty with recognizing U.S. judgments shaped the development of U.S. doctrine.

148. I used the following nine search strings. Since England is commonly referred to as Britain and the United Kingdom, I included them in the search terms:

China: ((china chinese) /5 judgment) /s (recogni! enforc!)
Canada: ((canada canadian) /5 judgment) /s (recogni! enforc!)
England: ((england english) /5 judgment) /s (recogni! enforc!)
Britain: ((britain british) /5 judgment) /s (recogni! enforc!)
United Kingdom: (("united kingdom") /5 judgment) /s (recogni! enforc!)

State & Federal" database, filtering for two date ranges: (1) everything prior to January 1, 2020, and (2) the five-year period from January 1, 2020, through December 31, 2024. Table 1 shows the results for the pre-2020 period, and Table 2 shows the results for the 2020 to 2024 period. The percentages are calculated based on the total number of hits generated by all seven countries. The results are impressionistic, as they both undercount (Westlaw is not a comprehensive database on federal or state levels)[149] and overcount (the results were not checked for false positives).[150] Nevertheless, they demonstrate the overall trajectory that China is rapidly rising as a significant source of foreign judgments in U.S. courts.[151] That trajectory is confirmed by the more detailed analysis in Parts III and IV.

Table 1: Frequency of Westlaw Search Hits by Country Before January 1, 2020

Country	Number of Hits	Percentage of Hits
England (including Britain and the United Kingdom)[152]	570	34%
Mexico	303	18%
Canada	251	15%
France	222	13%
Germany	149	9%
China	88	5%
Japan	73	4%
Total	**1,656**	**100%**[153]

France: ((france french) /5 judgment) /s (recogni! enforc!)
Germany: ((germany german) /5 judgment) /s (recogni! enforc!)
Japan: ((japan japanese) /5 judgment) /s (recogni! enforc!)
Mexico: ((mexico mexican) /5 judgment) /s (recogni! enforc!)

149. For this reason, I did not rely on Westlaw for the more fine-grained search in Parts III and IV.

150. For this reason, I checked for false positives for the more fine-grained search in Parts III and IV.

151. Because these figures are rough estimates, I would not draw more fine-grained conclusions.

152. The breakdown was 427 for England or English; 94 for Britain or British, and 49 for the United Kingdom.

153. For simplicity, I do not include decimals in the percentages for individual countries. As a result, it appears as if the total is 98 percent. The total is 100 percent including decimals.

Table 2: Frequency of Westlaw Search Hits by Country
January 1, 2020—December 31, 2024

Country	Number of Hits	Percentage of Hits
China	59	23%
England (including Britain and the United Kingdom)[154]	56	22%
Mexico	47	18%
Canada	38	15%
France	24	10%
Germany	16	9%
Japan	15	6%
Total	**255**	**100%**[155]

B. The Rise of Parallel Litigation

The rise of China as a foreign judgment interlocutor coincides with another trend[156]—the growth of parallel litigation over the past two decades.[157] The United States has conventionally been considered the dominant provider of courts for transnational litigation—the "light" to which "moth[s]" were drawn.[158] But the contemporary landscape of transnational litigation has shifted from "unipolarity" to "multipolarity" due to a combination of push

154. The breakdown was thirty-six for England or English, seven for Britain or British, and thirteen for the United Kingdom.

155. For simplicity, I do not include decimals in the percentages for individual countries. As a result, it appears as if the total is 103 percent. The total is 100 percent including decimals.

156. I do not mean to imply that China's rise is responsible for the rise of parallel litigation, though China's embrace of parallel litigation may contribute to the latter.

157. Other scholars have observed the significance and challenges posed by this trend. *See generally* Kimberly Hicks, *Parallel Litigation in Foreign and Federal Courts: Is Forum Non Conveniens the Answer?*, 28 REV. LITIG. 659 (2009); Austen L. Parrish, *Duplicative Foreign Litigation*, 78 GEO. WASH. L. REV. 237 (2010); Louise Ellen Teitz, *Both Sides of the Coin: A Decade of Parallel Proceedings and Enforcement of Foreign Judgments in Transnational Litigation*, 10 ROGER WILLIAMS U. L. REV. 1 (2004); Louise Ellen Teitz, *Parallel Proceedings—Sisyphean Progress*, 36 INT'L L. 423 (2002); Margarita Treviño de Coale, *Stay, Dismiss, Enjoin, or Abstain?: A Survey of Foreign Parallel Litigation in the Federal Courts of the United States*, 17 B.U. INT'L L.J. 79 (1999).

158. In a British decision from 1982, Lord Denning infamously quipped, "As a moth is drawn to the light, so is a litigant drawn to the United States." *See* Smith Kline & French Labs. Ltd. v. Bloch [1983] 1 W.L.R. 730 at 733 (Eng.); *see also* Quintanilla & Whytock, *supra* note 16, at 31 (stating that "conventional wisdom . . . suggest[s] that the transnational litigation system is essentially unipolar, or perhaps bipolar, with the United States and the United Kingdom acting as the leading providers of courts and law for transnational disputes").

and pull forces.[159] In terms of push forces, the Supreme Court narrowed general personal jurisdiction to a corporate defendant's principal place of business and place of incorporation in *Goodyear Dunlop Tires Operations, S.A. v. Brown*[160] in 2011 and *Daimler AG v. Bauman*[161] in 2014. In 2011, the Court also narrowed the scope of specific personal jurisdiction to defendants that target a particular state, while holding that targeting the United States as a whole is not enough.[162] Meanwhile, judges frequently use the doctrines of forum non conveniens and abstention comity to decline to adjudicate disputes over which they have jurisdiction, and changes to procedural and substantive law have made U.S. courts less attractive to foreign plaintiffs.[163] Together, these factors have made U.S. courts less hospitable to transnational lawsuits. Empirical evidence suggests that transnational litigation in the U.S. has in fact declined over time.[164]

As the United States has pushed transnational litigation away, developments abroad have pulled it in.[165] There is an increasing number and diversity of adjudication centers where transnational disputes can be brought.[166] Outside of the standard players in the United States and the United Kingdom, new domestic courts designed specifically for cross-border lawsuits have emerged. In the Middle East, courts such as the Dubai International Financial Centre Courts and the Qatar International Court and Dispute Resolution Centre were established in 2004 and 2005, respectively, to attract foreign investment.[167] Neither institution requires that disputes

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159. *See* Quintanilla & Whytock, *supra* note 16, at 32–37.

160. 564 U.S. 915 (2011); *id.* at 924, 929.

161. 571 U.S. 117 (2014); *id.* at 136–39.

162. *See* J. McIntyre Mach., Ltd. v. Nicastro, 564 U.S. 873, 882 (2011).

163. *See* Pamela K. Bookman, *Litigation Isolationism*, 67 STAN. L. REV. 1081, 1093–97 (2015); Gardner, *supra* note 44, at 402–07; Maggie Gardner, *Abstention at the Border*, 105 VA. L. REV. 63, 93–102 (2019); Christopher A. Whytock, *Transnational Litigation in U.S. Courts: A Theoretical and Empirical Reassessment*, 19 J. EMPIRICAL LEGAL STUD. 4, 17–22 (2022) (arguing that changes to pleading, discovery, class actions, and tort law have made U.S. courts less attractive to foreign plaintiffs). *But see* Diego A. Zambrano, *How Litigation Imports Foreign Regulation*, 107 VA. L. REV. 1165, 1170 (2021) (observing that "American litigants routinely rely on foreign regulations to shape thousands of claims every year," which suggests a continued rise in cases with foreign ingredients).

164. *See* Whytock, *supra* note 163, at 4; Christopher A. Whytock, *The Evolving Forum Shopping System*, 96 CORN. L. REV. 481, 507–16 (2011).

165. *See* Austen L. Parrish, *Personal Jurisdiction: The Transnational Difference*, 59 VA. J. INT'L L. 97, 103–06 (2019).

166. *See* Bookman, *supra* note 163, at 1109 ("Recent developments in foreign courts have undermined the conventional wisdom that transnational litigation has no other place to go.").

167. *See* Pamela K. Bookman, *The Adjudication Business*, 45 YALE J. INT'L L. 227, 241–45 (2020) [hereinafter Bookman, *The Adjudication Business*]; Pamela K. Bookman, *Arbitral Courts*, 61 VA. J. INT'L L. 161, 185–86 (2021) (pointing out the emergence of "hybridized" approaches that offer hybridized procedures); Pamela K. Bookman & Matthew S. Erie, *Experimenting with International Commercial Dispute Resolution*, 115 AJIL UNBOUND 5, 5 (2021) (noting that "emergent Eurasian economies" have recently established "legal hubs as domestic centers for international commercial dispute resolution . . . to attract foreign direct investment, promote their legal services abroad, and raise the legitimacy of their respective states as facilitators of global commerce."); Matthew S. Erie, *The New Legal Hubs: The Emergent Landscape of International Commercial Dispute Resolution*, 60 VA. J. INT'L L.

have any tie to the forum if the parties consent to jurisdiction.[168] In Asia, the Singapore International Commercial Court was launched in 2015, offering procedures that can be customized to meet parties' needs.[169] In continental Europe, international courts have been established in Amsterdam, Paris, and Frankfurt in recent years.[170] These courts often have the capability to operate in English and use rules modeled after civil or common law traditions even if they are located outside those regions. To invite more lawsuits, some have adopted American-style procedures for aggregate litigation, third-party funding, and punitive damages.[171] As the fora for adjudicating disputes grow, so too have complex litigation strategies that extend across multiple jurisdictions. In recent decades, many scholars have remarked on the rise of parallel litigation and the challenges that overlapping proceedings raise.[172]

China is emblematic of these changes. In 2018, it created the China International Commercial Court (CICC) as a "one-stop shop" that provides litigation, arbitration, and mediation services. The CICC only hears international commercial disputes, defined as those involving a party that is foreign or domiciled abroad, an object of dispute located abroad, or a commercial relationship that was formed, modified, or terminated abroad.[173] More generally, China has broad—and broadening—jurisdictional rules that increase the likelihood of concurrent assertions of jurisdiction. The prior version of the Civil Procedure Law of the People's Republic of China[174] permitted courts to exercise jurisdiction based solely on the location of assets in China.[175] The current version expands the scope of jurisdiction further

225, 278–80 (2020) (explaining that such legal hubs offer "one-stop shops" with a range of litigation and alternative dispute resolution services).

168. *See* Bookman, *The Adjudication Business*, *supra* note 167, at 241, 243.

169. *See id.* at 247.

170. *See id.* at 249–56.

171. *See* Cassandra Burke Robertson, *The Impact of Third-Party Financing on Transnational Litigation*, 44 CASE W. RSRV. J. INT'L L. 159, 161 (2011); Deborah R. Hensler, *The Future of Mass Litigation: Global Class Actions and Third-Party Litigation Funding*, 79 GEO. WASH. L. REV. 306, 323 (2011) (contending that "[t]he combination of global class actions with third-party litigation funding may prove to be a truly 'disruptive innovation' that changes the nature of private civil litigation worldwide"); Samuel Issacharoff & Geoffrey P. Miller, *Will Aggregate Litigation Come to Europe?*, 62 VAND. L. REV. 179, 202 (2009); R. DANIEL KELEMEN, EUROLEGALISM: THE TRANSFORMATION OF LAW AND REGULATION IN THE EUROPEAN UNION 7–8, 73 (2011).

172. *See, e.g.*, Parrish, *supra* note 165, at 106.

173. *See generally* Zuigao Renmin Fayuan Guanyu Sheli Guoji Shangwu Fating Ruogan Wenti de Guiding (最高人民法院关于设立国际商事法庭若干问题的规定) [Provisions by the Supreme People's Court on Several Issues Concerning the Establishment of the International Commercial Courts] (promulgated by the Sup. People's Ct., June 27, 2018, effective July 1, 2018), art. 1, 2018 SUP. PEOPLE'S CT. (China).

174. Zhonghua Renmin Gongheguo Minshi Susong Fa (中华人民共和国民事诉讼法) [The Civil Procedure Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., Mar. 8, 1982, effective Oct. 1, 1982) 1982 STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 8.

175. *See generally* Zhonghua Renmin Gongheguo Minshi Susong Fa (2021 Xiuzheng) (中华人民共和国民事诉讼法 (2021修正)) [The Civil Procedure Law of the People's Republic of China (2021 Amendment)] (promulgated by the Standing Comm. Nat'l People's Cong., Dec. 24, 2021, effective Jan. 1, 2022), art. 272, 2021 STANDING COMM. NAT'L PEOPLE'S CONG.

with a new open-ended provision that provides for jurisdiction over foreign defendants when there is any other "appropriate connection" beyond those specifically enumerated.[176] Some call this catch-all provision China's "super long-arm jurisdiction."[177] China also enthusiastically embraces parallel litigation at the international level. Chinese courts can accept litigation when the same plaintiff or the opposing party has filed a parallel litigation abroad.[178] By contrast, China does not permit parallel litigation domestically.[179]

C. The China Case Study

Given China's central place in the new global landscape, this Article next takes a more fine-grained lens to the U.S.-China foreign judgments relationship. The full methodology and results are set out in the Appendices. Briefly, I relied on leading searchable U.S. databases, used broad search terms followed by manually removing false positives, and covered as much of the period from January 1, 2013, to June 30, 2023, as the databases permitted. For U.S. federal courts, I used the Lex Machina database, which is comprehensive and covers the entire period. For U.S. state courts, many of which do not have searchable electronic databases, I examined the documents and courts that were rendered searchable by Lex Machina at the time the search was conducted; all were in California, Delaware, Georgia, Nevada, New York, Oregon, Texas, and Washington. Across the ten-year period, some states were governed by the 1962 Uniform Act; some by the 2005 Uniform Act (including California, Delaware, Nevada, Oregon, and Washington); and some by common law. A handful of states, including New York, Texas, and Georgia, enacted new legislation in recent years, applying the 1962 Uniform Act at the outset and adopting the 2005 Uniform Act in 2021, 2017, and 2015, respectively.[180] Texas also added a reciprocity requirement in 2017.[181]

This methodology identified sixty-five cases overall, nineteen in federal court and forty-six in state court. Appendix B provides a full case list. Two cases on the list are worth mentioning. First, *UM Corp.*, mentioned in the Introduction, features foreign judgments from four countries, including

176. *See generally* Zhonghua Renmin Gongheguo Minshi Susong Fa (2023 Xiuzheng) (中华人民共和国民事诉讼法 (2023修正)) [The Civil Procedure Law of the People's Republic of China (2023 Amendment)] (promulgated by the Standing Comm. Nat'l People's Cong., Sep. 9, 2023, effective Jan. 1, 2024), art. 276, 2023 STANDING COMM. NAT'L PEOPLE'S CONG. [hereinafter 2023 CPL].

177. *See generally* Sun Zhengjun (孙正君), 《Minshi Susong Fa》 Zuixin Xiugai Beihou de Luoji Zhuanhuan (《民事诉讼法》最新修改背后的逻辑转换) [*Inside and Out: The Logic Behind the Latest Amendments to the Civil Procedure Law*] 4 (Wolters Kluwer trans., Grandall L. Firm) (2023) (China).

178. *See* 2023 CPL, *supra* note 176, art. 280.

179. *See id.* art. 36.

180. *See* NAT'L CONF. OF COMM'RS ON UNIF. STATE L., *supra* note 72.

181. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 36A.004(c)(9) (West 2017).

China.[182] Although the case focuses centrally on several Japanese judgments, I included it because the court looked to the other foreign judgments in deciding whether to recognize the Japanese judgments.[183] Second, *Huawei Technologies Co. v. Samsung Electronics Co.*[184] is an atypical case in which the losing party in China (Samsung) asked a U.S. court to prevent the prevailing party (Huawei) from enforcing a Chinese judgment and injunction.[185] I included it because it speaks directly to the U.S.-China foreign judgments relationship. While this set of cases constitutes the most comprehensive study to date of Chinese judgments in U.S. courts, it is not exhaustive due to the limited availability of searchable databases discussed above.

On the aggregate level, there is now a vibrant, growing, and diverse U.S.-China practice that extends across subject matters[186] and amounts in controversy.[187] Parsing the aggregate, I distinguish between singular and parallel litigation judgment recognition requests. I next examine each type of foreign judgment in turn.

III. FOREIGN JUDGMENTS IN SINGULAR LITIGATION

The classic request to recognize a foreign judgment occurs in the context of a singular litigation. Plaintiff sues the defendant in forum one and seeks recognition of the resulting judgment in forum two, typically for the purpose of collecting a monetary award. *Hilton* itself was a singular litigation asset collection action. The parties litigated only in French court, and the prevailing French plaintiff then sought judgment recognition against the losing American parties in U.S. court.[188] The structure of litigation was similar in *Hubei Gezhouba* in 2009, the first U.S. decision enforcing a

182. UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2016 WL 10644497, at *2–4 (C.D. Cal. Sep. 22, 2016).

183. *See id.*

184. No. 16-CV-02787, 2018 WL 1784065 (N.D. Cal. Apr. 13, 2018).

185. *See id.* at *3.

186. In the United States, parties have sought recognition of Chinese judgments in areas such as torts, defective products, breach of contract, unpaid loans, copyright, and ownership of historic artifacts. In China, parties have sought recognition of U.S. judgments in areas such as torts, breach of contract, unpaid loans, copyright, and immigration fraud.

187. *See generally* Wen Xiaochuan, Huang Kefeng, WBV Int'l LLC Shenqing Chengren Yu Zhixing Fayuan Panjue Zhongcai Caijue Anjian Qita Minshi Caiding Shu (温晓川、黄科峰、WBV Int'l LLC 申请承认与执行法院判决、仲裁裁决案件其他民事裁定书) [Wen Xiaochuan v. Huang Kefeng & WBV Int'l LLC] (Zhejiang Ningbo Interm. People's Ct. 2018) (China) [hereinafter *WBV Int'l Case*] (enforcing a U.S. judgment worth $155,748 USD); Shenqingren Naerke Gongsi Youxian Gongsi Su Yu Beishenqingren Chen Dawei Chengren He Zhixing Waiguo Fayuan Minshi Panjue Yi'an (申请人纳尔科公司有限公司诉与被申请人陈大维承认和执行外国法院民事判决一案) [Nalco Ltd. v. Chen Dawei] (Shanghai No.1 Interm. People's Ct. 2017) (China) (enforcing a U.S. judgment worth over $2 million USD) [hereinafter *Nalco Case*].

188. *See* Hilton v. Guyot, 159 U.S. 113, 114–15 (1895).

Chinese judgment,[189] and in *Liu Li v. Tao Li & Tong Wu*[190] in 2017, the first Chinese decision enforcing a U.S. judgment.[191]

As a group, singular litigation enforcement requests have minor differences in architecture. Some contain only one cause of action for judgment recognition and enforcement.[192] Others add ancillary claims, such as fraudulent conveyance of real property,[193] or seek re-adjudication of the merits as an "alternative avenue of relief" if recognition is denied.[194] There are also "boomerang" cases that return to the United States for recognition and enforcement after an initial dismissal on forum non conveniens grounds propelled the dispute into Chinese court.[195] But overall, enforcement requests are relatively uniform. They all involve a Chinese judgment arriving at a U.S. court after the underlying substantive dispute has been litigated only in China. Once recognition is achieved, the second step of asset collection does not usually require further legal analysis. Although foreign judgments are arguably subject to the same narrow pathways for reopening, vacating, or staying as would be available to a judgment rendered in the forum state, none of the cases in Appendix B raised such challenges.[196]

Enforcement requests represent the majority of all requests in the United States (fifty out of sixty-five), and most appear in state courts. Out of the fifty enforcement requests, forty were in state courts versus ten in federal courts.[197] They show distinctive patterns in who litigates, who represents them, and the type of disputes litigants seek to resolve. Doctrinal analyses

189. *See* Hubei Gezhouba Sanlian Indus. Co. v. Robinson Helicopter Co., No. 06-CV-01798, 2009 WL 2190187, at *1–3, *7 (C.D. Cal. July 22, 2009), *aff'd*, 425 F. App'x 580 (9th Cir. 2011).

190. *See generally* Shenqingren Liu Li Yu Beishenqingren Tao Li, Tong Wu Shenqing Chengren He Zhixing Waiguo Fayuan Minshi Panjue Yi'an Minshi Caiding Shu (申请人刘利与被申请人陶莉、童武申请承认和执行外国法院民事判决一案民事裁定书) [Liu Li v. Tao Li & Tong Wu] (Hubei Wuhan Interm. People's Ct. June 30, 2015) (China).

191. Plaintiff, a Chinese citizen, sought enforcement of a California state judgment against a Chinese couple for breach of an equity transfer agreement. *See id.*

192. *See, e.g.*, Complaint at 6–8, Hsing-Cheng Chen v. Heping Sun, No. 13-CV-00332 (C.D. Cal. Jan. 16, 2013).

193. *See, e.g.*, Second Amended Complaint at 7–9, Hsing-Cheng Chen v. Heping Sun, No. 13-CV-00280 (S.D.N.Y. June 16, 2014) (adding a claim for fraudulent conveyance of real property without consideration from defendant to his wife to avoid enforcement of the Chinese judgment).

194. *See, e.g.*, Complaint for: (1) Enforcement of Foreign Judgment Under Uniform Foreign Country Money Judgments Recognition Act (2) Breach of Contract at 9, Qingdao Youli Century Guarantee, Co. v. Shaoqiang Chen, No. 18-CV-02762 (C.D. Cal. Apr. 4, 2018).

195. *See, e.g.*, Huizhi Liu v. Guoqing Guan, No. 713741/2019, 2020 WL 1066677, at *1 (N.Y. Sup. Ct. Jan. 6, 2020), *aff'd*, 225 A.D.3d 749 (N.Y. App. Div. 2024); Hubei Gezhouba Sanlian Indus. Co. v. Robinson Helicopter Co., No. 06-CV-01798, 2009 WL 2190187, at *1 (C.D. Cal. July 22, 2009), *aff'd*, 425 F. App'x 580 (9th Cir. 2011).

196. 2005 UNIF. ACT, *supra* note 5, § 7(2). According to comment 3 of section 7, the recognized judgment is also subject to the same defenses and proceedings for reopening, vacating, or staying a judgment as would be applicable to a judgment rendered in the state. *See id.* § 7 cmt. 3.

197. *See infra* Appendix B. The prevalence of requests in state courts is primarily due to the absence of both diversity jurisdiction (they are between two noncitizens) and federal question jurisdiction (foreign judgment recognition law is state law) in these actions.

concerning the core of judgment recognition law—the grounds for nonrecognition—appear to be converging. Requests that face resistance on those grounds have been granted when they reach the merits. This is good news for foreign judgment creditors. The doctrine of recognition increasingly serves as a minimal screening device that easily shepherds foreign judgments to full faith and credit status.

At the periphery, however, enforcement requests encounter barriers. Practically speaking, most do not reach the merits due to problems serving judgment debtors, bankruptcy, voluntary discontinuance, and the like. These difficulties are unsurprising given that enforcement requests tend to be asset chases against wealthy individuals and small businesses. Doctrinally, novel points of contention have emerged as U.S. judges encounter unfamiliar pockets of the Chinese judicial system. Judges are confused by the arrival of new forms of Chinese "judgments." They are also uncertain whether federal court jurisdiction exists in the growing number of requests involving only Chinese citizens. The remainder of this part examines the political economy, doctrinal convergence, and doctrinal sticking points of enforcement requests.

A. Political Economy

Enforcement requests are shaped by a particular set of applicants and attorneys. Unlike older cases such as *Hilton* and *Hubei Gezhouba*, many recent cases are "Chinese-squared,"[198] meaning that they are brought by Chinese citizens against other Chinese citizens who have assets in the United States.[199] The underlying disputes typically concern unpaid private loans or breaches of investment agreements.[200] Most parties are wealthy individuals and the small businesses they own, which are often alleged to be their alter egos.[201] Some are repeat players, such as a Chinese real estate developer who is being pursued for millions of dollars in loans across different actions in California.[202] Because many enforcement requests in the United States do

198. I use the term "Chinese-squared" as an extension of the concept of "foreign-cubed" cases, meaning those involving foreign plaintiffs, foreign defendants, and foreign conduct.

199. *See, e.g.*, Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53 at 4–5, Shenzhen Yipiao Enter. Mgmt. Consulting Co. v. Shanghai Hisea Int'l Trading Co., No. 656996/2022 (N.Y. Sup. Ct. Jun. 28, 2022) (identifying the plaintiff and defendants as Chinese citizens and entities).

200. *See, e.g.*, Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53 at 2, Liang Huaji v. Yan Jinggang, No. 153501/2022 (N.Y. Sup. Ct. Apr. 22, 2022) [hereinafter Liang Huaji Complaint] (alleging that the Chinese judgment for which enforcement was sought is based on defendant's failure to repay plaintiff's RMB 50 million loan); Complaint at 4, Wanxiang Venture Cap. Co. v. Wan, No. 21-CV-02226 (C.D. Ill. Aug. 27, 2021) (alleging that the Chinese judgment for which enforcement was sought is based on defendant's failure to repurchase shares as required by the parties' investment agreement).

201. *See, e.g.*, Petition for Recognition and Enforcement of Foreign-Country Money Judgment Pursuant to RCW 6.40A, *supra* note 27, para. 23.

202. Dong Luo is named as defendant in two California state actions. *See* Verified Complaint for Damages and Petition for Recognition of Foreign Money Judgments and Fraudulent Transfer at 2, Deli Li v. Dong Luo, No. 37-2022-00003237 (Cal. Super. Ct. Jan. 26, 2022); Verified Complaint for Damages and Petition for Recognition of Foreign Money

not involve Americans, the underlying substantive disputes have weak ties to the United States. The judgment debtor's assets may be their main or only connection to the state where recognition is sought. Most U.S. courts have held that the location of assets is sufficient to establish jurisdiction for judgment recognition and enforcement purposes.[203]

Enforcement requests arise from two converging factors that are unique to China. One is that wealthy Chinese citizens are increasingly establishing a foothold in the United States by buying real estate. According to the National Association of Realtors, Chinese buyers spent $13.7 billion on residential homes in the United States in 2025[204] and have been the leading foreign purchasers of U.S. residential real estate since 2015, not counting the COVID-19 pandemic years.[205] The other factor is that Chinese judgment creditors have experienced serious difficulties collecting on judgments within China, leaving judgment creditors to reach for assets abroad when they can.[206] In 2013, to combat unsuccessful judgment collection in China, the Supreme People's Court established a list of "untrustworthy judgment debtors" (*shixin bei zhixing ren mingdan*) who are subject to "trust punishment" (*xinyong chengjie*), such as restrictions on travel.[207] Several of the judgment debtors in enforcement requests in the United States are described by their judgment creditors as being on this list.[208]

Judgments and Fraudulent Transfer, Xiaofeng Wen v. Dong Luo, No. 37-2022-00035138 (Cal. Super. Ct. Aug. 16, 2022).

203. *See, e.g.*, KIC Suzhou Auto. Prods. Ltd. v. Xia Xuguo, No. 05-CV-01158, 2009 WL 10687812, at *1 (S.D. Ind. June 3, 2009) (holding that the U.S. District Court for the Southern District of Indiana had jurisdiction to enforce a Chinese judgment awarded to a Chinese company against a Chinese individual with bank accounts in Indiana). *But see* Beijing Da De Chao Rui Com. & Trade Co. v. Tao Yun Cap. Co., No. 21STCV30449, slip op. at 4 (Cal. Super. Ct. Dec. 15, 2022) (holding that "[t]he fact that property is located in a state is not, by itself, a sufficient basis for jurisdiction over a nonresident owner in an action against that owner on a claim that is unrelated to the property").

204. *See International Transactions in U.S. Residential Real Estate*, NAT'L ASS'N OF REALTORS, https://www.nar.realtor/research-and-statistics/research-reports/international-transactions-in-u-s-residential-real-estate [https://perma.cc/46B5-4FLZ] (last visited Feb. 24, 2026).

205. *See* NAT'L ASS'N OF REALTORS, INTERNATIONAL TRANSACTIONS IN U.S. RESIDENTIAL REAL ESTATE 12 (2025), https://cms.nar.realtor/sites/default/files/2025-07/2025-international-transactions-in-us-residential-real-estate-report-07-09-2025.pdf (on file with the *Fordham Law Review*).

206. In a 2018 report, the president of the Supreme People's Court of the People's Republic of China (SPC) expressed concern that ineffective enforcement was undercutting public confidence in the Chinese legal system and damaging the image of the Chinese Communist Party. *See generally* Zuigao Renmin Fayuan Guanyu Renmin Fayuan Jiejui "Zhixing Nan" Gongzuo Qingkuang de Baogao (最高人民法院关于人民法院解决"执行难"工作情况的报告) [Report of the Supreme People's Court on the Work of the People's Courts in Addressing Enforcement Difficulties] (Sup. People's Ct. Oct. 24, 2018) (China).

207. *See generally* Zuigao Renmin Fayuan Guanyu Gongbu Shixin Bei Zhixing Ren Mingdan Xinxi de Ruogan Guiding (最高人民法院关于公布失信被执行人名单信息的若干规定 (2017 修正)) [Several Provisions of the Supreme People's Court on Issuing the Information on the List of Dishonest Judgment Debtors (2017 Amendment)] (promulgated by the Sup. People's Ct. Feb. 28, 2017, effective May 1, 2017) (China).

208. *See, e.g.*, Second Amended Complaint for Damages at 6, Junbo Li v. Guangyuan Wang, No. BC719361 (Cal. Super. Ct. July 8, 2019).

Behind the rise of enforcement requests is an ecosystem of small-scale, regional practitioners. Consider the growth trajectory in New York where *Huizhi Liu v. Guoqing Guan*,[209] a "boomerang" case, was the first Chinese judgment to be enforced in New York state court in January 2020. The plaintiff pursued defendants in the United States, then in China after the U.S. suit was dismissed on forum non conveniens grounds, and finally again in the United States for recognition and enforcement of the Chinese judgment.[210] After the New York trial court granted the request at summary judgment, entrepreneurial lawyers expanded the precedent beyond the forum non conveniens context. Counsel for defendants, a solo practitioner in New York who was educated in both China and the United States,[211] went on to represent defendants in the first of many requests in New York State seeking enforcement of a new type of Chinese judicial determination, *tiaojie shu*, which I discuss below.[212] He was also counsel for defendants in *Shanghai Yongrun Investment Management Co. v. Maodong Xu*,[213] an influential case in which an initial refusal to recognize a Chinese judgment on the basis of systemic due process defects was reversed on appeal. Meanwhile, plaintiff's counsel in *Shanghai Yongrun* was a small boutique law firm whose partners were also educated in the United States and China.[214] In the fifteen months after its appellate win in *Shanghai Yongrun* in 2022, the law firm filed sixteen

209. 225 A.D.3d 749 (N.Y. App. Div. 2024), *modifying* No. 713741/2019, 2020 WL 1066677 (N.Y. Sup. Ct. Jan. 6, 2020).

210. *See* Huizhi Liu v. Guoqing Guan, No. 713741/2019, 2020 WL 1066677, at *1–2 (N.Y. Sup. Ct. Jan. 6, 2020).

211. *See* LAW OFFS. OF BING LI, LLC, https://blillc.com [https://perma.cc/3FA8-DHET] (last visited Feb. 24, 2026).

212. *See Huizhi Liu*, 2020 WL 1066677 at *1–2.

213. 203 A.D.3d 495 (N.Y. App. Div. 2022), *rev'g sub nom.* Shanghai Yongrun Inv. Mgmt. Co. v. Kashi Galaxy Venture Cap. Co., No. 156328/2020, 2021 WL 1716424 (N.Y. Sup. Ct. Apr. 30, 2021).

214. *See People*, DGW KRAMER LLP, https://dgwllp.com/en/people-page/ [https://perma.cc/Q4NW-LFCJ] (last visited Feb. 24, 2026).

more enforcement requests in New York and California state courts,[215] often using the same template for complaints.[216]

B. Doctrinal Convergence

Enforcement requests tend to be granted when they reach a conclusion on the merits, but most are disposed of in other ways, for instance by default judgment or due to failure to serve the defendant. These premerits outcomes are unsurprising given that enforcement requests tend to target wealthy individuals and their small businesses rather than large corporations that have more permanence and are easier to locate.[217] Of the fifty enforcement

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215. *See* Liang Huaji Complaint, *supra* note 200; Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Beijing Bitian Wealth Inv. Co. v. Deng Tianzhou, No. 154334/2022 (N.Y. Sup. Ct. Apr. 26, 2022); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Hangzhou Chengzhuo Trading Co. v. Yingtan Dangdai Inv. Grp. Co., No. 154232/2022 (N.Y. Sup. Ct. May 16, 2022); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Shanghai Tongsheng Inv. Co. v. Zhou Xiaoguang, No. 154759/2022 (N.Y. Sup. Ct. June 3, 2022) [hereinafter Shanghai Tongsheng Complaint]; Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Shenzhen Yipiao Enter. Mgmt. Consulting Co. v. Shanghai Hisea Int'l Trading Co., No. 656996/2022 (N.Y. Sup. Ct. June 28, 2022); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Ne. Sec. Co. v. Sichuan Hengkang Dev. Co., No. 652370/2022 (N.Y. Sup. Ct. July 7, 2022); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Meng Kai v. Shan Xiaochang, No. 652488/2022 (N.Y. Sup. Ct. July 19, 2022); Complaint for Recognition and Enforcement of Foreign Judgment Pursuant to California's Uniform Foreign-Country Money Judgments Recognition Act, Zhejiang Chenyuan Indus. Dev. Co. v. Wang Lei, No. 30-2022-01280763 (Cal. Super. Ct. Sep. 12, 2022); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Shanghai Xilin Inv. Mgmt. Co. v. Wei Junkang, No. 653344/2022 (N.Y. Sup. Ct. Sep. 13, 2022); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Guojing Zhang v. Tianfu Yang, No. 653416/2022 (N.Y. Sup. Ct. Sep. 19, 2022); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Zheng Wu v. Yaolai Cultural Indus. Co., No. 654291/2022 (N.Y. Sup. Ct. Nov. 9, 2022); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Yuan Weng v. Feifan Zhao, No. 654760/2022 (N.Y. Sup. Ct. Nov. 9, 2022); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Ping An Bank Co., Shanghai Branch v. Shanghai Weixue Solar Energy Sci. Tech. Co., No. 650148/2023 (N.Y. Sup. Ct. Jan. 10, 2023); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Chi Zhiliang v. Huang Xianyou, No. 650536/2023 (N.Y. Sup. Ct. Jan. 26, 2023); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Guangzhou Hengfuxing Trading Co. v. Huang Zhuangmian, No. 651232/2023 (N.Y. Sup. Ct. Mar. 8, 2023); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Gongqingcheng Panhui Inv. Mgmt. P'ship v. Jiman Zhu, No. 653028/2023 (N.Y. Sup. Ct. June 23, 2023); Complaint for Recognition and Enforcement of a Foreign Money Judgment Pursuant to CPLR Article 53, Suzhou Indus. Park Junyi Enter. Mgmt. Co. v. Changzhou Huahai Shipping Co., No. 653156/2023 (N.Y. Sup. Ct. June 30, 2023).

216. *Compare* Liang Huaji Complaint, *supra* note 200, *with* Shanghai Tongsheng Complaint, *supra* note 215.

217. Unsurprisingly, asset chases against elusive judgment debtors often end in failure to serve, voluntary discontinuance, bankruptcy, default judgment, and the like. Many remain

requests in the dataset, only nine were litigated on the merits.[218] Five were granted, all at the summary judgment phase,[219] and four were denied.[220]

There is movement toward doctrinal clarity on central questions concerning the grounds for nonrecognition. Arguments for nonrecognition of an otherwise qualifying judgment have had little traction. Judgment debtors often assert that the Chinese judicial system lacks impartial courts—one of the grounds that mandates nonrecognition under the Uniform Acts. No court has come to that conclusion without its decision being modified on appellate review. *Yancheng Shanda Equity Investment Partnership v. Wan*[221] illustrates the difficulties in making the argument. The U.S. District Court for the Central District of Illinois first rejected the argument at the motion to dismiss stage, noting that the bar is exceedingly low.[222] The foreign tribunals and procedures need only be "fundamentally fair" and not offend "basic fairness."[223] That standard, the court explained, is even lower than the due process standard for enforcing arbitral awards, which is itself "a rather minimal such concept."[224] The court then identified a string of mounting precedents in which a Chinese judgment was recognized[225] or a litigation was dismissed on forum non conveniens grounds to China, implying that China was an adequate alternative forum.[226] The court

pending as of June 23, 2025, when the list of cases was last updated. For the full results, see *infra* Appendix B.

218. *See infra* Appendix B.

219. *See* Zhencai Zhang v. Songtao Luo, No. 18STCV05196, slip op. at 3–7 (Cal. Super. Ct. Apr. 28, 2022); Minute Entry, Shaoxin Huajian Venture Cap. Co. v. Yelong Fang, No. 20-2-13294-2 (Wash. Super. Ct. Mar. 4, 2022); Xiaoming Ding v. Rainbow USA Inv. L.L.C., No. 20-2-15918-2 (Wash. Super. Ct. Feb. 3, 2022); Yancheng Shanda Yuanfeng Equity Inv. P'ship v. Wan, No. 20-CV-02198, 2022 WL 411860, at *9 (C.D. Ill. Jan. 10, 2022); Yun Zhang v. Rainbow USA Invs. L.L.C., No. 20-2-14429-1, slip op. at 2 (Wash. Super. Ct. Dec. 22, 2021).

220. *See* Zhingxun Wu v. Xiaoque Jiang, No. 17CV09684, slip op. at 2 (Or. Cir. Ct. Aug. 6, 2018); Junbo Li vs. Guangyuan Wang, No. BC719361, slip op. at 9 (Cal. Super. Ct. June 26, 2019); Beijing Da De Chao Rui Com. & Trade Co. v. Tao Yun Cap. Co., No. 21STCV30449, slip op. at 8 (Cal. Super. Ct. Dec. 15, 2022); Qin Yu v. Guoqing Guan, No. 655186/2019, slip op. at 3 (N.Y. Sup. Ct. Nov. 28, 2022).

221. No. 20-CV-02198 (C.D. Ill. Jan. 8, 2021); *id.* at 21–25.

222. *See id.* at 21–25.

223. *Id.* at 22.

224. *Id.* (quoting Soc'y of Lloyd's v. Ashenden, 233 F.3d 473, 477 (7th Cir. 2000)).

225. *Id.* at 24. The Chinese judgment recognition precedents are cited without regard to whether due process defects were raised or decided. *See also* Clarke, *supra* note 20, at 527–28 (noting similar imprecision in precedents cited in support of recognizing Chinese judgments).

226. *See Yancheng Shanda*, slip op. at 24–25 (order on motion to dismiss). Courts often use the systemic due process standard in foreign judgment recognition and the adequate alternative forum standard in forum non conveniens interchangeably. But as others have pointed out, the standards are not the same. *See* Christopher A. Whytock & Cassandra Burke Robertson, *Forum Non Conveniens and Enforcement of Foreign Judgments*, 111 COLUM. L. REV. 1444, 1458 (2011) (asserting that the judgment recognition's due process standard is more rigorous than forum non conveniens's adequate alternative forum standard).

reiterated these points when later granting the plaintiff's motion for summary judgment.[227]

There are two New York state cases that contain open questions, but they are unlikely to change the tide. In *Shanghai Yongrun*, a New York trial court initially granted the defendant's motion to dismiss, holding that two U.S. Department of State annual country reports describing the Chinese Communist Party's influence over the Chinese judiciary "conclusively establish as a matter of law that the [Chinese] judgment was rendered under a system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law in the United States."[228] The decision was reversed in a brief appellate decision focused on the lower court's misguided reliance on the State Department reports.[229] It remains pending on remand.[230] In the other New York state case, *Huizhi Liu*, the trial court's 2020 grant of summary judgment to the plaintiff was reversed due to the lower court's erroneous assignment of the burden to show that the Chinese legal system lacked impartial courts on the defendant.[231] But the reversal is limited to an older state statute that adhered to the 1962 Uniform Act.[232] New York has since adopted the 2005 Uniform Act,[233] which makes clear that the burden for showing a ground for nonrecognition indeed falls on the party resisting recognition.[234]

Due process arguments aside, other grounds for nonrecognition have also been rejected. With respect to notice, the *Yancheng Shanda* court found it sufficient that a defendant was served by mail at his last-known address, given his failure to leave a forwarding address and his brother's continued

227. *See* Yancheng Shanda Yuanfeng Equity Inv. P'ship v. Wan, No. 20-CV-02198, 2022 WL 411860, at *8–9 (C.D. Ill. Jan. 10, 2022).

228. Shanghai Yongrun Inv. Mgmt. Co. v. Kashi Galaxy Venture Cap. Co., No. 156328/2020, 2021 WL 1716424, at *5 (N.Y. Sup. Ct. Apr. 30, 2021), *rev'd sub nom.*, Shanghai Yongrun Inv. Mgmt Co. v. Xu, 203 A.D.3d 495 (N.Y. App. Div. 2022).

229. *See* Shanghai Yongrun Inv. Mgmt Co. v. Xu, 203 A.D.3d 495, 495–96 (N.Y. App. Div. 2022).

230. *See* Shanghai Yongrun Inv. Mgmt. Co. v. Kashi Galaxy Venture Cap. Co., 243 A.D.3d 494, 495–96 (N.Y. App. Div. 2025), *modifying* No. 156328/2020, 2024 WL 3029384 (N.Y. Sup. Ct. June 14, 2024).

231. *See* Huizhi Liu v. Guoqing Guan, 225 A.D.3d 749, 750 (N.Y. App. Div. Mar. 20, 2024) (effectively reversing the trial court by deleting the lower court provision granting the plaintiff's motion for summary judgment and denying the motion), *modifying* No. 713741/2019, 2020 WL 1066677 (N.Y. Sup. Ct. Jan. 6, 2020) (granting plaintiff's motion for summary judgment); *id.* at 751–52 (stating that, under the law applicable at the time, a plaintiff seeking foreign judgment enforcement using New York's accelerated procedure of moving for summary judgment in lieu of filing a complaint must make a prima facie showing that the mandatory grounds for nonrecognition—including the systemic lack of impartial tribunals—do not exist).

232. *See* Huizhi Liu v. Guoqing Guan, No. 713741/2019, 2020 WL 1066677, at *1 (N.Y. Sup. Ct. Jan. 6, 2020).

233. *See New York Updates Law on Recognition of Foreign Country Money Judgments to Bring in Line with Other U.S. Jurisdictions*, GIBSON DUNN (June 22, 2021), https://www.gibsondunn.com/new-york-updates-law-on-recognition-of-foreign-country-money-judgments-bring-in-line-with-other-us-jurisdictions/ [https://perma.cc/UWX9-T3LD].

234. *See* 2005 UNIF. ACT, *supra* note 5, § 4(d).

maintenance of an office at that address.[235] With respect to punitive fines, the *Zhencai Zhang v. Songtao Luo*[236] court maintained that a judgment imposing a 12 percent post-judgment interest rate did not constitute a penalty.[237] The court also held that a Chinese judgment is presumed authentic when it shows a public seal and the signature of a foreign official,[238] making authentication by consular practice unnecessary—a standard that likely contradicts applicable law.[239] The only denials of singular litigation requests, discussed below, concern "statements" that do not clearly qualify as "judgments" within the scope of the Uniform Acts.

C. Sticking Points

The sticking points that give courts pause are largely peripheral to the core doctrine. First, new encounters with unfamiliar corners of the Chinese legal system have pushed U.S. judges to examine the boundaries of "judgment." Each of the four enforcement requests that were litigated and rejected in the United States concern enforcement of *tiaojie shu*—judicial endorsements of the outcome of court-ordered mediation that are binding on both parties.[240] Creditors arguing for enforcement of *tioajie shu* emphasize their similarities to judgments. They describe *tiaojie shu* as "conclusive, final, and enforceable" under Chinese law.[241] They highlight features that are hallmarks of due process and judicial proceedings: notice, representation by lawyers, and the opportunity to contest claims.[242] They note that *tiaojie shu* are, court-approved, issued under court seal, and signed by judges.[243] One complaint described *tiaojie shu* as "binding documents," the breach of which is "considered a serious affront to [Chinese] Judges and [Chinese] Courts."[244] In another case, the creditor obtained and introduced a letter from the Chinese court that issued the *tiaojie shu* stating that it was enforceable abroad.[245] By

235. *See* Yancheng Shanda Yuanfeng Equity Inv. P'ship v. Wan, No. 20-CV-02198, 2022 WL 411860, at *2 (C.D. Ill. Jan. 10, 2022).

236. No. 18STCV05196 (Cal. Super. Ct. Apr. 28, 2022).

237. *See id.* at 6.

238. *See id.* at 5.

239. *See infra* Part V.C.

240. *See* 2023 CPL, *supra* note 176, art. 100.

241. *See* Complaint for Recognition of Foreign Money Judgments and for Entry of Judgments Thereon at 7, Beijing Da De Chao Rui Com. & Trade Co. v. Tao Yun Cap. Co., No. 21STCV30449 (Cal. Super. Ct. Dec. 15, 2022).

242. Verified Complaint for Damages and Petition for Recognition of Foreign Money Judgment Entered Based on Parties' Consent and Demand for Jury Trial at 10, Taotao Dang v. Yao Xiang, No. 20PSCV00229 (Cal. Super. Ct. Mar. 23, 2020).

243. *See* Complaint at 3, Zhongxun Wu v. Xiaoque Jiang, No. 17CV09684 (Or. Cir. Ct. Feb. 28, 2017).

244. *See* Qin Yu v. Guoqing Guan, No. 655186/2019, 2020 WL 5497867, at *2 (N.Y. Sup. Ct. Sep. 10, 2020).

245. *See* Declaration of Paul Southwick in Support of Plaintiff's Motion for Temporary Restraining Order and Order to Show Cause at 4–5, *Zhongxun Wu*, No. 17CV09684 (Mar. 7, 2017).

contrast, debtors opposing enforcement of *tiaojie shu* characterize them as "voluntary agreements."[246]

Courts that have squarely addressed whether *tiaojie shu* are recognizable and enforceable foreign judgments have either excluded them or expressed confusion. The California court in *Beijing Da De Chao Rui Commerce & Trade Co. v. Tao Yun Capital Co.*[247] held that *tiaojie shu* are not final judgments under California statute because they "more closely resemble voluntary agreements than enforced orders."[248] The New York court in *Qin Yu v. Guoqing Guan*[249] initially denied a default judgment despite defendants' failure to appear because the two "conciliation statements" that plaintiff sought to enforce were "shrouded in complete mystery" as to what procedural protections were afforded to the parties bound by them.[250] At a minimum, the judge wanted a Chinese legal expert to explain conciliation statements "in reliable jurisprudential terms."[251] Plaintiff Qin Yu then sought to enforce the conciliation statements as contracts, but defendants, who had at this point appeared, argued that the contract claims were precluded by the res judicata effect of the conciliation statements, which Qin Yu had earlier asserted were final and enforceable.[252] Judge Louis L. Nock dismissed the claims on that logic.[253] Meanwhile, another New York state court recently recognized a *tiaojie shu* by default.[254]

Other requests to enforce *tiaojie shu* are pending,[255] and courts have yet to rule on yet another type of Chinese judicial decision: Chinese notarized loan agreements (*gongzheng zhaiquan wenshu*), which are debt instruments certified by Chinese notary offices.[256] Three such requests are now pending. In one case in California state court, defendant moved to dismiss, arguing that a notary office is not a "judicial entity" and thus the related court ruling is not a "judgment."[257] The court denied the motion to dismiss because the

246. *See, e.g.*, *Beijing Da De Chao Rui Com. & Trade Co.*, slip op. at 5 (noting the defendant's arguments that the Chinese judgments at issue more closely resembled voluntary agreements than "final, conclusive, and enforceable mandates").

247. No. 21STCV30449 (Cal. Super. Ct. Dec. 15, 2022).

248. *Id.* at 6.

249. No. 655186/2019, 2020 WL 5497867 (N.Y. Sup. Ct. Sep. 10, 2020).

250. *See id.* at *3–4.

251. *Id.* at *3.

252. *Id.* at *4–5.

253. *See* Qin Yu v. Guoqing Guan, No. 655186/2019, 2022 WL 17325634, at *3 (N.Y. Sup. Ct. Nov. 28, 2022).

254. *See* Yuan Weng v. Feifan Zhao, No. 654760/2022, slip op. at 2–3 (N.Y. Sup. Ct. May 24, 2024). This case is outside of the study period.

255. *See, e.g.*, Shanghai Tongsheng Inv. Co. v. Zhou Xiaoguang, No. 154759/2022 (N.Y. Sup. Ct. filed June 3, 2022); Xi'an Television Copyright Exch. Ctr. Co. v. Xiaodi Dong, No. CIV SB 21116831 (Cal. Super. Ct. filed June 11, 2021).

256. Notarized loan agreements are governed by civil procedure rules and notarization rules. *See generally* Zhonghua Renmin Gonghe Guo Gongzheng Fa (2017 Xiuzheng) (中华人民共和国公证法 (2017修正)) [Notary Law of the People's Republic of China (2017 Amendment)] (promulgated by the Standing Comm. Nat'l People's Cong., Sep. 1, 2017, effective Jan. 1, 2018) PKULAW.

257. Demurrer to Complaint at 4, Beijing Luode Prop. Mgmt. Co. v. Han Qin, No. 30-2020-01151826-CU-BC-CJC (Cal. Super. Ct. Sep. 25, 2020).

complaint "alleges the factual basis for . . . the existence of a money judgment against defendants that is final, conclusive, and enforceable under Chinese law."[258]

Second, with the rise of Chinese-squared enforcement requests, an emerging issue is whether the parties are truly diverse and therefore whether there is federal court jurisdiction. While federal courts have clear alienage jurisdiction over requests like *Hubei Gezhouba* that are brought by Chinese citizen judgment creditors against U.S. citizen judgment debtors,[259] this is not so for Chinese-squared requests. The latter are often made tricky by complaints that list defendants as residing at the address of their U.S. real estate—typically also the asset that the judgment creditor is pursuing—without indicating their citizenship as required by Federal Rule of Civil Procedure 7.1(a)(2).[260] Some Chinese-squared requests have been dismissed from federal court for lack of subject matter jurisdiction.[261]

IV. FOREIGN JUDGMENTS IN PARALLEL LITIGATION

Not all foreign judgment recognition requests are equal. Some do not present themselves as stand-alone creatures but compose one piece of a larger puzzle—one lever of advantage within a web of related litigation in multiple countries.[262] Recall the particularly thorny example of *UM Corp.* discussed in the Introduction. The parties were engaged in litigation across four countries on different timelines, including in the United States and China.[263] Both parties sought foreign judgment recognition in the United States at multiple points of the litigation with the goal of short-circuiting the U.S. proceeding through preclusion.[264] Put simply, while enforcement requests seek to *implement* forum one's judgment in forum two, preclusion requests seek to *alter* litigation in forum two.

258. Minute Order at 1, *Beijing Luode Prop. Mgmt. Co.*, No. 30-2020-01151826-CU-BC-CJC (Dec. 21, 2020).

259. Hubei Gezhouba enforced a Chinese judgment in favor of a Chinese corporation against a California corporation for the design and manufacturing of a faulty helicopter that crashed in China. *See* Hubei Gezhouba Sanlian Indus. Co. v. Robinson Helicopter Co., No. 06-CV-01798, 2009 WL 2190187, at *1, *7 (C.D. Cal. July 22, 2009), *aff'd*, 425 F. App'x 580 (9th Cir. 2011).

260. *See* Qingdao Youli Century Guarantee Co. v. Shaoqiang Chen, No. 18-CV-02762, 2018 WL 6264971, at *1–2 (C.D. Cal. May 1, 2018) (stating that, since plaintiff was a Chinese citizen, it was not enough to allege that defendants resided in California to establish diversity jurisdiction).

261. *See, e.g.*, Order to Show Cause Re: Subject Matter Jurisdiction, Qinrong Qiu v. Hongying Zhang, No. 17-CV-05446 (C.D. Cal. Apr. 13, 2018) (ordering plaintiff to show cause as to why the action should not be dismissed for lack of subject matter jurisdiction); Minute Order, Qinrong Qiu v. Hongying Zhang, No. 17-CV-05446 (C.D. Cal. Apr. 19, 2018) (granting the plaintiff's request to dismiss after failure to allege subject matter jurisdiction).

262. These litigations deal, to varying degrees, with the same parties, causes of action, and facts.

263. *See* UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2016 WL 10644497, at *2–4 (C.D. Cal. Sep. 22, 2016).

264. *See id.* at *1–2.

Structurally, preclusion requests are astonishingly diverse with seemingly infinite possible variations. Sometimes the same party sues in both countries and the plaintiff in one forum is also the plaintiff in the other.[265] Other times different parties sue in different countries and the plaintiff in one forum is the defendant in the other.[266] Scholars refer to the former as "repetitive litigation" and the latter as "reactive litigation."[267] The web of parallel litigation may extend to include third parties and litigation in a third (or more) countries.[268] The relative timing of the two proceedings may vary as well. The later-filed litigation might be initiated after the first concludes, or the proceedings might run concurrently. This raises questions about abstention and stays prior to judgment recognition and preclusion.[269] A foreign judgment can be deployed in any number of ways in the United States—offensively to establish liability or defensively to avoid it; with respect to a claim, counterclaim, or crossclaim; by a plaintiff, defendant, or third party.[270] More so than enforcement requests, preclusion requests often involve equitable remedies such as injunctions and declaratory relief that are not covered by the 1962 or 2005 Uniform Acts.[271]

Preclusion requests represent a minority of all requests (fifteen out of sixty-five), but the disputes tend to be larger in scale and require more judicial activity to resolve, measured by the number of docket entries.[272] Most are in federal court—out of fifteen preclusion requests, nine appeared in federal court versus six in state court.[273] Preclusion requests are distinctive

265. *See, e.g.*, Beijing Zhonghyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., No. C13-1300, 2013 WL 6979555, at *2 (W.D. Wash. Oct. 31, 2013), *aff'd*, 665 F. App'x 564 (9th Cir. 2016).

266. *See, e.g.*, Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. 09-CV-02248, 2013 WL 1953628, at *2–3 (C.D. Cal. May 9, 2013), *rev'd in part, vacated in part sub nom.*, Folex Golf Indus., Inc. v. O-TA Precision Indus. Co., 603 F. App'x 576 (9th Cir. 2015).

267. *See* Allan D. Vestal, *Reactive Litigation*, 47 IOWA L. REV. 11, 11 (1961) (distinguishing repetitive from reactive litigation); Parrish, *supra* note 157, at 241 n.12 (defining "repetitive litigation" as "when a plaintiff files two or more parallel suits against the same defendant" and "reactive litigation" as "a countersuit that the first action's defendant files against the first action's plaintiff").

268. *See, e.g.*, *UM Corp.*, 2016 WL 10644497, at *2–4.

269. *See, e.g.*, Maersk Line A/S v. Qingdao Apex Shipping Co., No. 17-CV-08170, 2019 WL 7599889, at *1–2 (S.D.N.Y. Feb. 8, 2019) (denying a stay of discovery while the Chinese judgment was on appeal); Glob. Material Techs., Inc. v. Dazheng Metal Fibre Co., No. 12-CV-01851, 2013 WL 80369, at *5–6 (N.D. Ill. Jan. 7, 2013) (denying abstention in light of Chinese litigation prior to the defendant seeking enforcement of the Chinese judgment).

270. *See, e.g.*, S.I. Strong, *Recognition and Enforcement of Foreign Judgments in U.S. Courts: Problems and Possibilities*, 33 REV. LITIG. 1, 51 & n.15 (2014); Samuel P. Baumgartner & Christopher A. Whytock, *Enforcement of Foreign Judgments, Systemic Calibration, and the Global Law Market*, 23 THEORETICAL INQUIRIES L. 119, 126 & n.27 (2022); Jonathan H. Pittman, *The Public Policy Exception to the Recognition of Foreign Judgments*, 22 VAND. J. TRANSNAT'L L. 969, 970–71 (1989).

271. *See, e.g.*, Yue Fang Qiu v. Hosaido, No. 154476/16, 2017 WL 2709326, at *4 (N.Y. Sup. Ct. June 21, 2017) (seeking a declarative judgment).

272. *See infra* Appendix B.

273. *See infra* Appendix B.

along many dimensions. Besides their structure, they are distinct in the type of litigants they serve, the counsel who advise them, the nature of the disputes, and the doctrinal analyses they bring forth. Analyses of the initial question of recognition, which ought to be the same for preclusion and enforcement, differ in critical ways.[274] Analyses of the subsequent question of preclusion are also riddled with confusion.[275] The remainder of this part examines three aspects of preclusion requests: their political economy, the confusion surrounding the first step of recognition, and the confusion surrounding the second step of preclusion.

A. Political Economy

Unlike enforcement requests, preclusion requests are more often litigated by vast multinational corporations, Chinese state-owned enterprises, and other prominent institutions.[276] Some such litigants, like Microsoft, Huawei, and Stanford University, are household names.[277] Others may not be commonly known but have extensive international commercial presence. Maersk, the plaintiff in a maritime contract dispute in the Southern District of New York and the defendant in a parallel litigation in Qingdao Maritime Court, is a Danish shipping and logistics conglomerate with subsidiaries and offices in 130 countries.[278] China Shipbuilding Industry Corp. (CSIC), the defendant in a contract breach case before the Central District of California and the plaintiff in a parallel suit in Henan Province,[279] is wholly and directly owned by China's state-owned Assets Supervision and Administration Commission of the State Council (SASAC)[280]—the state agency that

274. *See infra* Part IV.C.

275. *See, e.g.*, Parrish, *supra* note 157, at 241–43; Burbank, *supra* note 43, at 227–29; *see also infra* Part IV.B.

276. Occasionally, state-owned enterprises are also involved in enforcement requests, but they tend to be smaller, owned by regional government, and outside of sectors considered strategically significant. The plaintiff in *Yancheng Shanda*, for instance, is Yancheng Shanda Yuanfeng Equity Investment Partnership. It is partly owned by the Jiangsu China-Korea Yancheng Industrial Park Investment Co. ("Yancheng Industrial Park"), which is majority owned by the Jiangsu Province Government Investment Fund ("Jiangsu Fund"), which is wholly owned by the Jiangsu government. *See* First Amended Complaint, Exhibit No. 4 at 1–3, Yancheng Shanda Yuafeng Equity Inv. P'Ship v. Wan, No. 20-CV-02198 (C.D. Ill. Jan. 10, 2022).

277. *See* Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., No. C13-1300, 2013 WL 6979555, at *1 (W.D. Wash. Oct. 31, 2013), *aff'd*, 665 F. App'x 564 (9th Cir. 2016); Bd. of Trs. of the Leland Stanford Junior Univ. v. Nat'l Libr. of China, No. 19-CV-02904 (N.D. Cal. filed May 24, 2019); Maersk Line A/S v. Qingdao Apex Shipping Co., No. 17-CV-08170, 2019 WL 7599889 (S.D.N.Y. Feb. 8, 2019).

278. *See* MAERSK, https://www.maersk.com/about [https://perma.cc/NYD3-ERYJ] (last visited Feb. 24, 2026).

279. *See* Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. 09-CV-02248, 2013 WL 1953628, at *2–3 (C.D. Cal. May 9, 2013), *rev'd in part, vacated in part sub nom.*, Folex Golf Indus., Inc. v. O-TA Precision Indus. Co., 603 F. App'x 576 (9th Cir. 2015).

280. *See* LAURENT DANIEL, CHANGHOON LEE & PIETER PARMENTIER, OECD, STATE-OWNED ENTERPRISES IN THE SHIPBUILDING SECTOR 20 (2021), https://www.oecd.org/content/dam/oecd/en/publications/reports/2021/02/state-owned-enterprises-in-the-shipbuilding-sector_e65ed79d/5264c49c-en.pdf (on file with the *Fordham Law Review*).

controls the most strategically significant nonfinancial industries like energy, telecommunications, infrastructure, aviation, and shipbuilding.[281] The Agricultural Bank of China, the defendant in parallel misappropriation actions—first in Jiangsu Province and then in Texas[282]—is one of China's largest financial institutions.[283] It is wholly state owned and controlled.[284] Huawei Technologies, though not formally a state-owned enterprise,[285] has formidable ties with the Chinese Communist Party[286] and is perennially linked to national security.[287]

The controversies underlying preclusion requests often have a political valence. *Beijing Zhongyi Zhongbiao Electronic Information Technology Co. v. Microsoft Corp.*[288] concerned the interpretation of a copyright licensing contract that the Chinese government approved and to which it was a party.[289] *Folex Golf Industries, Inc. v. China Shipbuilding Industry Corp.*[290] was brought by a U.S. corporation that served as a business intermediary between Chinese state-owned enterprises and a Taiwanese company in order to sidestep China-Taiwan political tensions and trade barriers.[291] When the U.S. intermediary was cut out of the equation, it sued the other two companies in California and was sued by one of the Chinese state-owned

281. For a brief overview of China's economic structure including SASAC, see Mark Wu, *The "China, Inc." Challenge to Global Trade Governance*, 57 HARV. INT'L L.J. 261, 269–84 (2016).

282. Baochong Chang v. Agric. Bank of China, Ltd., No. 20-CV-00744, 2022 WL 2762717, at *1 (W.D. Tex. Jan. 26, 2022) (dismissing the case due to lack of personal jurisdiction over Agricultural Bank of China).

283. *See* Troy Segal, *The 4 Biggest Banks in China*, INVESTOPEDIA (Nov. 10, 2025), https://www.investopedia.com/articles/investing/082015/4-biggest-chinese-banks.asp [https://perma.cc/YQ7S-AM2P].

284. *See* AGRIC. BANK OF CHINA LTD., U.S. RESOLUTION PLAN 3 (2018), https://www.federalreserve.gov/supervisionreg/resolution-plans/ag-bk-china-3g-20181231.pdf (on file with the *Fordham Law Review*).

285. Officially, Huawei is owned by a holding company, Huawei Investment & Holding, which is in turn owned by its chief executive officer, Ren Zhengfei, and a trade union composed of its employees. *See* Raymond Zhong, *Who Owns Huawei?: The Company Tried to Explain. It Got Complicated.*, N.Y. TIMES (Apr. 25, 2019), https://www.nytimes.com/2019/04/25/technology/who-owns-huawei.html (on file with the *Fordham Law Review*).

286. *See* Colin Hawes, *Why Is Huawei's Ownership So Strange?: A Case Study of the Chinese Corporate and Socio-Political Ecosystem*, 21 J. CORP. L. STUD. 1, 4 (2021) (discussing Huawei's close relationship with the Chinese Communist Party); Zhong, *supra* note 285.

287. *See, e.g.*, Noah Berman, Lindsay Maizland & Andrew Chatzky, *Is China's Huawei a Threat to U.S. National Security?*, COUNCIL ON FOREIGN RELS. (June 12, 2019), https://www.cfr.org/backgrounder/chinas-huawei-threat-us-national-security [https://perma.cc/Y8G7-UR7S].

288. No. C13-1300, 2013 WL 6979555 (W.D. Wash. Oct. 31, 2013).

289. *See id.* at *1.

290. No. 09-CV-02248, 2013 WL 1953628 (C.D. Cal. May 9, 2013), *rev'd in part, vacated in part sub nom.*, Folex Golf Indus., Inc. v. O-TA Precision Indus. Co., 603 F. App'x 576 (9th Cir. 2015).

291. *See id.* at *1–2.

enterprises in China for breach of contract, fraud, and other related claims.[292] *Board of Trustees of the Leland Stanford Junior University v. National Library of China*[293] is an ongoing litigation in the U.S. District Court for the Northern District of California concerning ownership of the diaries and manuscripts of Li Rui, a political figure who served as Mao Zedong's secretary before Li Rui was exiled from the Chinese Communist Party.[294] Stanford University claims that the materials, now housed at the Hoover Institution, belong to it pursuant to a donation by Li Rui's daughter from his first marriage.[295] Meanwhile, Li Rui's second wife seeks their return to China—an effort Stanford asserts is driven by the Chinese Communist Party.[296] The disputes underlying preclusion requests also tend to be in subject areas like intellectual property and trade secrets that have been central to U.S.-China economic competition. *Huawei* is the most pronounced example, with the two tech giants dueling over patent licensing terms and infringement.[297]

Behind preclusion requests are well-known global law firms authoring complex cross-border litigation strategies. A few repeat players are notable. Quinn Emanuel Urquhart & Sullivan served as counsel in *UM Corp.* and *Huawei*.[298] Sidley Austin also worked on *Huawei*.[299] Pillsbury Winthrop Shaw Pittman was counsel in *UM Corp.* and *Stanford*.[300] Davis Wright Tremaine served as counsel in *Beijing Zhongyi* and *Folex*.[301] While boutique law firms and solo practitioners are establishing key precedents in the enforcement request space, global law firms lead the way in preclusion requests.

292. *See* Complaint for Declaratory Relief and Damages at 2–6, Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. 09-CV-02248 (C.D. Cal. Mar. 31, 2009).

293. No. 19-CV-02904 (N.D. Cal. filed May 24, 2019).

294. *See* The Board of Trustees of the Leland Stanford Junior University's Complaint to Quiet Title at 1–5, 14, *Bd. of Trs. of the Leland Stanford Junior Univ.*, No. 19-CV-02904 (May 24, 2019).

295. *Id.* at 4–5.

296. *See* [Proposed] Findings of Fact and Conclusions of Law of Plaintiff and Counterclaim Defendant the Board of Trustees of the Leland Stanford Junior University and Counterclaim Defendant Li Nanyang at 53–58, *Bd. of Trs. of the Leland Stanford Junior Univ.*, No. 19-CV-02904 (July 22, 2024).

297. *See generally* Huawei Techs. Co. v. Samsung Elecs. Co., No. 16-CV-02787, 2018 WL 1784065 (N.D. Cal. Apr. 13, 2018).

298. *See generally id.*; UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2017 WL 5983762 (C.D. Cal. Sep. 8, 2017).

299. *See generally Huawei*, 2018 WL 1784065.

300. *See generally UM Corp.*, 2017 WL 5983762.

301. *See generally* Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., No. C13-1300, 2013 WL 6979555 (W.D. Wash. Oct. 31, 2013), *aff'd*, 655 F. App'x 564 (9th Cir. 2016); Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. 09-CV-02248, 2013 WL 1953628 (C.D. Cal. May 9, 2013), *rev'd in part, vacated in part sub nom.*, Folex Golf Indus., Inc. v. O-TA Precision Indus. Co., 603 F. App'x 576 (9th Cir. 2015).

B. Doctrinal Confusion Concerning Recognition

Compared to enforcement requests, fewer preclusion requests end with default judgments, and more reach a merits decision. Of the fifteen preclusion requests, eight reached a merits outcome, while the others were settled, were dismissed on other grounds, ended in default, or are pending.[302] But the merits outcomes themselves are erratic. The confusion does not fit neatly into foreign judgments law's two-step analysis. Concerns central to preclusion and parallel litigation bleed into courts' examination of recognition. Conflicting ideas about recognition—in some cases, clearly erroneous under existing law—in turn serve to control the availability of preclusion. Courts seem uneasy about foreign judgment preclusion yet uncertain of where their apprehension belongs doctrinally.

Beginning with step one, recognition should work the same way for enforcement and preclusion requests, followed by differing treatment at step two, depending on whether collection or preclusion is sought. In practice, courts take conflicting approaches to recognition when preclusion is at stake. In one set of cases, recognition has become a vehicle for discouraging opportunistic litigation tactics. Consider *Global Material Technologies, Inc. v. Dazheng Metal Fibre Co.*,[303] in which the U.S. District Court for the Northern District of Illinois denied claim preclusion.[304] The case concerned the failing relationship between two manufacturers of metallic wool products.[305] According to Global Material Technologies (GMT), Dazheng Metal lured away GMT's customers by appropriating trade secrets, misusing confidential customer information, and breaching purchase orders.[306] GMT first sued Dazheng Metal in Guangdong Province on claims related to the purchase orders. Two days later, GMT sued in the Northern District of Illinois on substantially similar claims under the United Nations Convention on Contracts for the International Sale of Goods (CISG), as well as additional claims related to theft of trade secrets, intentional interference with business relations, and civil conspiracy.[307]

After Dazheng Metal partially prevailed in China, it successfully moved to dismiss GMT's CISG claim based on judgment recognition and claim preclusion.[308] Judge Manish S. Shah, one of the two judges in the Northern District of Illinois to consider the case, first examined judgment recognition, but his analysis turned principally on GMT's litigation strategy rather than standards set out in applicable law.[309] GMT's contention was that the Chinese proceeding (not the system as a whole) was unfair—a discretionary

302. *See infra* Appendix B.
303. No. 12-CV-01851, 2015 WL 1977527 (N.D. Ill. May 1, 2015).
304. *Id.* at *8–11.
305. *See id.* at *1.
306. The factual background and claims are set out in the complaint. *See* Complaint at 2–10, *Glob. Material Techs*., 2015 WL 1977527 (No. 12-CV-01851).
307. *See Glob. Material Techs.*, 2015 WL 1977527, at *2.
308. *See id.* at *5.
309. *See id.* at *8–10.

ground for nonrecognition under the 2005 Uniform Act.[310] This proceeding-specific approach, Judge Shah noted, is "especially inappropriate where, as here, the party now opposing recognition is the same party who filed suit abroad."[311] It was significant to Judge Shah that GMT did not come away from the Chinese litigation "empty-handed."[312] In fact, GMT was awarded "more than $200,000" by the Guangdong Province court.[313] Judge Shah expressed concern that judgment recognition is not "a tool for gaining second chances at a (more) favorable judgment."[314] While judgment recognition may be motivated in the abstract by protecting the successful litigant, the 2005 Uniform Act's proceeding-specific ground for nonrecognition does not ask who filed the request or how much each party was awarded.[315] Rather, proceeding-specific fairness has to do with corruption and taint by politics—topics the court did not address.[316]

UM Corp. provides another example of judgment recognition being channeled to curb litigant behavior. As described in the Introduction, the underlying dispute concerned two Japanese corporations litigating copyright ownership in movies based on the superhero Ultraman.[317] That litigation had a long history: there was a 2004 decision from the Supreme Court of Japan, a 2007 decision from the Supreme Court of Thailand, followed by a second suit in Japan, a suit in China, and six more in Thailand before the parties arrived in the Central District of California.[318] The presiding judge, Judge André Birotte Jr., first had to decide the validity of a purportedly forged copyright and trademark contract. One side argued for issue preclusion, which Judge Birotte denied because the relevant prior judgments from Japan, China, and Thailand had come to different conclusions and the judge did not want to "elevat[e] one country's judgment over another's."[319] The Japanese judgments came up again when the meaning of the contract (as opposed to its validity) was contested. This time, the party that had previously argued against issue preclusion now argued for it. Judge Birotte applied issue preclusion because both parties had submitted to the jurisdiction of the foreign court and both had at some point argued for recognition of the judgment. "These two factors," Judge Birotte concluded, "satisf[ied] the considerations for recognition elaborated in *Hilton*"—a curious interpretation that is difficult to reconcile with the case.[320]

310. *See id.* at *7.
311. *See id.*
312. *See id.*
313. *See id.*
314. *See id.*
315. 2005 UNIF. ACT, *supra* note 5, § 4 cmts. 11–12.
316. *Id.*
317. UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2016 WL 10644497, at *2 (C.D. Cal. Sep. 22, 2016).
318. *Id.* at *2–8 (C.D. Cal. Sep. 22, 2016) (denying the plaintiff's motion for summary judgment).
319. *See id.* at *6.
320. *See* UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2017 WL 5983762, at *4 (C.D. Cal. Sep. 8, 2017) (granting the defendant's motion for summary judgment). The court quotes an oft-cited passage from *Hilton* regarding the opportunity for a full trial following

In a second set of cases, courts have misinterpreted the availability of recognition under the 2005 Uniform Act to avoid preclusion. That was the tact of the U.S. District Court for the Western District of Washington in *Beijing Zhongyi*, a copyright case.[321] The district court denied preclusive effect to a prior Chinese judgment's interpretation of a copyright licensing agreement, explaining that there was simply "no basis to recognize a foreign court's factual findings in this U.S. copyright action."[322] Noting that the precedents cited by the plaintiff all concerned asset collection, the court determined that the 2005 Uniform Act is relevant only to enforcement and not to preclusion.[323] The court made no mention of the 2005 Uniform Act's requirement that courts give a recognized foreign judgment the same or more preclusive effect than it would a sister-court judgment. Instead, the court pointed to a treatise stating that courts have been inconsistent in addressing the question.[324]

Contrast the reasoning in *Beijing Zhongyi* with the analysis put forward by Judge Shah in *Global Material Technologies*. Applying the 2005 Uniform Act, Judge Shah determined that the Chinese judgment on breach of contract claims was entitled to recognition.[325] Once recognized, he reasoned, the judgment had to be given the same preclusive effect as a sister-state judgment, as required by the U.S. Constitution's full faith and credit requirement.[326]

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regular proceedings reflecting the impartial administration of justice. The passage says nothing about prior arguments for recognition. *See id.* at *4–5 (quoting Hilton v. Guyot, 159 U.S. 113, 202–03 (1895)).

321. The state of Washington adopted the 2005 Uniform Act in 2009, four years before the *Beijing Zhongyi* decision. *See Table of Uniform Laws Adopted in Washington*, WASH. NAT'L CONF. OF COMM'RS ON UNIF. STATE L., https://ulc.wa.gov/UniformLawsAdoptedinWashington.pdf (on file with the *Fordham Law Review*) (last visited Mar. 27, 2026).

322. *See* Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., No. C13-1300, 2013 WL 6979555, at *4 (W.D. Wash. Oct. 31, 2013), *aff'd*, 655 F. App'x 564 (9th Cir. 2016). On appeal, the U.S. Court of Appeals for the Ninth Circuit did not address the question of collateral estoppel because counsel for Beijing Zhongyi had "explicitly waived" that argument during oral argument. Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., 655 F. App'x 564, 566 n.1 (9th Cir. 2016). Given the court's focus on the 2005 Uniform Act, I put aside here that a case concerning federal copyright law would be governed by federal common law.

323. *See Beijing Zhongyi*, 2013 WL 6979555, at *4. Those precedents, said the court, are not controlling "because they largely address the enforceability of foreign money judgments." *Id.*; *see also* Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. 09-CV-02248, 2013 WL 1953628, at *4 (C.D. Cal. May 9, 2013), *rev'd in part, vacated in part sub nom.*, Folex Golf Indus., Inc. v. O-TA Precision Indus. Co., 603 F. App'x 576 (9th Cir. 2015) (noting that the 2005 Uniform Act "only applies to the extent that the judgment grants or denies recovery of a sum of money" and "does not apply in this case").

324. *See Beijing Zhongyi*, 2013 WL 6979555, at *4.

325. *See generally* Glob. Material Techs., Inc. v. Dazheng Metal Fibre Co. Ltd., No. 12-CV-01851, 2015 WL 1977527 (N.D. Ill. May 1, 2015).

326. *See id.* at *8 ("Under Article IV of the United States Constitution, Illinois must give to the judgment of a sister state the same preclusive or *res judicata* effect that the issuing court would give it.").

C. Doctrinal Confusion Concerning Preclusion

Courts are also conflicted about step two regarding preclusion. Some make preclusion readily available, as Judge Shah did in *Global Materials Technologies*. Once he determined that the Chinese judgment was recognizable under the 2005 Uniform Act, treatment equivalent to a sister-state judgment, as required by full faith and credit, naturally followed. The other judge in *Global Material Technologies*, Judge Robert Michael Dow Jr., arrived at the same result by way of federal common law rather than the 2005 Uniform Act. Noting the presence of a claim under the CISG, Judge Dow asserted federal question jurisdiction and pointed to federal common law.[327] He then wrote that there is no consensus under federal common law on how foreign judgment preclusion works and looked to Seventh Circuit precedent "suggest[ing], sensibly . . . that [a] U.S. court should generally give preclusive effect to [a] foreign court's finding as a matter of comity."[328] According to Judge Dow, "there is no persuasive reason that 'the usual and by no means stringent rules for limiting [parallel] litigation should stop at international boundaries.'"[329] "When the foreign judiciary is respected, . . . and the rule on which the finding sought to be given preclusive effect is based doesn't offend a strong U.S. policy, the federal courts should defer to that finding."[330]

Other courts have been more reluctant to relinquish their adjudicative power, as demonstrated by two high profile cases involving technology giants and industries at the center of the U.S.-China rivalry. Both cases involved foreign injunctions that are not covered by the 1962 or 2005 Uniform Act, but are "regularly recognize[d] as a matter of comity."[331] At issue in *Beijing Zhongyi* was a copyright license involving Microsoft, a Chinese company, and the Chinese government.[332] Microsoft entered the Chinese market in 1992.[333] In 1995, Microsoft contracted to license Chinese characters designed by Beijing Zhongyi Zongbiao Electronic Information Technology ("Beijing Zhongyi") for use in its operating systems.[334] Beijing

327. Glob. Material Techs., Inc. v. Dazheng Metal Fibre Co., No. 12-CV-01851, 2014 WL 1099039, at *9 (N.D. Ill. Mar. 20, 2014).

328. *See id.* (citing United States v. Kashamu, 656 F.3d 679, 683 (7th Cir. 2011)).

329. *See id.* (citing Philips Med. Sys. Int'l B.V. v. Bruetman, 8 F.3d 600, 605 (7th Cir. 1993)).

330. *See id.* (citing *Kashamu*, 656 F.3d at 683).

331. Restatement (Fourth) of Foreign Rels. L. of the U.S. § 481 cmt. c. (A.L.I. 2019).

332. *See* Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., No. C13-1300, 2013 WL 6979555, at *4 (W.D. Wash. Oct. 31, 2013), *aff'd*, 665 F. App'x 564 (9th Cir. 2016).

333. *See* Eliot Chen, *Microsoft's Long Past and Uncertain Future in China*, WIRE CHINA (Nov. 7, 2021), https://www.thewirechina.com/2021/11/07/microsofts-long-past-and-uncertain-future-in-china/ [https://perma.cc/2YXL-BKWT].

334. The complaint, originally filed in the U.S. District Court for the Western District of Arkansas before the case was transferred to the Western District of Washington, lays out the factual background. *See* Original Complaint for Permanent Injunction and for Copyright Infringement at 4–7, Beijing Zhongyi ZhongBiao Elec. Info. Tech. Co. v. Microsoft Corp., No. 12-4077 (W.D. Ark. July 10, 2012).

Zhongyi was nominated by the Chinese Ministry of Electronic Industry as an eligible company with which Microsoft could partner.[335] Microsoft, Beijing Zhongyi, and the China Committee on Information Technology Standards were party to the contract, which was preceded by two memoranda of understanding (MOU) between Microsoft and the Chinese government.[336]

Beijing Zhongyi first sued Microsoft in Beijing court for exceeding its copyright license.[337] The Beijing court found in Beijing Zhongyi's favor in a decision that was reported in popular news.[338] Applying Chinese contract law and taking into consideration the earlier MOU, the Beijing court concluded that the scope of the licensing agreement was limited to Windows 95 operating systems and permanently enjoined Microsoft from using the fonts in other operating systems. Beijing Zhongyi then sued again in the United States, seeking enforcement of the injunction as well as compensatory damages.[339] When Microsoft moved to dismiss based on a broader reading of the 1995 agreement, Beijing Zhongyi asserted issue preclusion. The scope of the contract had already been ruled on by the Beijing court, Beijing Zhongyi argued, and the Western District of Washington should not reconsider it.[340]

Judge Marsha J. Pechman in the Western District of Washington disagreed, denying collateral estoppel for two independent reasons. First, there was a finality problem because the Beijing decision was on appeal.[341] While lack of finality is a ground for nonrecognition, Judge Pechman's focus was not on recognition. Instead, she focused on a second point, that the court "is not required to accept, at face value, the factual and legal conclusions of a foreign court."[342] Judge Pechman went on to apply Washington contract law, disregarded the MOU, and determined that the licensing agreement permitted Microsoft to use the fonts in any of its products.[343] The U.S. Court of Appeals for the Ninth Circuit affirmed, holding that Washington law applied and that the district court's contractual interpretation was correct.[344] In short, the court defended its authority to serve as the forum, to apply its choice-of-law rules, and to arrive at a different outcome.

335. *See id.* at 5.
336. *See id.*
337. *See* Chen, *supra* note 333.
338. *See Microsoft Found Guilty of Character Input Copyright Infringement in China*, CHINA TECH NEWS (Nov. 18, 2009), https://www.chinatechnews.com/2009/11/18/11052-microsoft-found-guilty-of-character-input-copyright-infringement-in-china [https://perma.cc/PJD9-YJN2].
339. *See* Original Complaint for Permanent Injunction and for Copyright Infringement, *supra* note 334, at 5–10.
340. *See id.*
341. *See* Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., No. C13-1300, 2013 WL 6979555, at *4 (W.D. Wash. Oct. 31, 2013), *aff'd*, 665 F. App'x 564 (9th Cir. 2016).
342. *Id.*
343. *Id.* at *5.
344. Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., 655 F. App'x 564, 566 (9th Cir. 2016).

Huawei provides an even stronger example of a court protecting its adjudicative authority. It is an unusual case that sits at the intersection between foreign judgment recognition, on the one hand, and antisuit injunctions, on the other.[345] Instead of seeking judgment recognition, Samsung sought to disable the Chinese judgment through an anti-enforcement injunction that would enjoin Huawei from enforcing it anywhere in the world.[346]

As background, Huawei is the world's leading provider of 5G networks.[347] Over the past decade or so, Huawei overtook Ericsson, Apple, and Samsung as the largest manufacturer of telecommunications technology and smartphones.[348] In the United States, there is a long history of government restrictions on Huawei, including on the use of its equipment and exports to the company.[349] Huawei's dominance in the global telecommunications market is seen as a threat to U.S. competitiveness and national security.[350]

The dispute between Huawei and Samsung involved a web of "unending [patent] litigation around the globe."[351] Each party contended that the other, as licensor, failed to comply with its obligation to license certain patents that are essential for complying with industry standards on fair, reasonable, and nondiscriminatory terms.[352] Each also contended that the other, as licensee, infringed its patent licenses.[353] Huawei first sued in the Northern District of California. The next day, Huawei sued in Shenzhen, China, the city where the company is based.[354] The Chinese litigation moved faster.[355] While discovery was underway in the U.S., the Shenzhen court concluded that Samsung infringed on two of Huawei's Chinese patents that were direct

345. For a rich account of this intersection, see generally Hannah L. Buxbaum & Ralf Michaels, *Anti-Enforcement Injunctions*, 56 INT'L L. & POL. 101 (2024).

346. *See* King Fung Tsang & Jyh-An Lee, *The Ping-Pong Olympics of Antisuit Injunction in FRAND Litigation*, 28 MICH. TECH. L. REV. 305, 319 (2022) (noting that an injunction that restrains the creditor of a foreign judgment from enforcing it either in the rendering country or a third country is sometimes referred to as an "anti-enforcement injunction").

347. *See* Berman, Maizland & Chatzky, *supra* note 287.

348. *See* Yue Wang, *Huawei's Smartphone Market Share is Growing Fast, but It Needs to Break the U.S. Market, and Soon*, FORBES (Sep. 11, 2017), https://www.forbes.com/sites/ywang/2017/09/11/huaweis-smartphone-market-share-is-growing-fast-but-it-needs-to-break-the-u-s-market-and-soon/ (on file with the *Fordham Law Review*); Sherisse Pham, *Samsung Slump Makes Huawei the World's Biggest Smartphone Brand for the First Time, Report Says*, CNN BUS. (July 30, 2020, at 03:11 ET), https://www.cnn.com/2020/07/30/tech/huawei-samsung-q2-hnk-intl/index.html [https://perma.cc/BYT8-YF6G]; Samuel Gibbs, *Huawei Beats Apple to Become Second-Largest Smartphone Maker*, GUARDIAN (Aug. 1, 2018, at 07:40 ET), https://www.theguardian.com/technology/2018/aug/01/huawei-beats-apple-smartphone-manufacturer-samsung-iphone [https://perma.cc/9L2Y-SMM4].

349. *See, e.g.*, JILL C. GALLAGHER, CONG. RSCH. SERV., R47012, U.S. RESTRICTIONS ON HUAWEI TECHNOLOGIES: NATIONAL SECURITY, FOREIGN POLICY, AND ECONOMIC INTERESTS 10–34 (2022).

350. *See id.* at 6–10.

351. *See* Huawei Techs. Co. v. Samsung Elecs. Co., No. 16-CV-02787, 2018 WL 1784065, at *2 (N.D. Cal. Apr. 13, 2018).

352. *See id.*

353. *See id.* at *3.

354. *See id.* at *2.

355. *Id.* at *3.

counterparts of patents sued on in the Northern District of California.[356] The Shenzhen court enjoined Samsung's Chinese affiliates from manufacturing and selling its 4G LTE smartphones in China. Samsung then asked the district court to enjoin Huawei from enforcing that injunction. In other words, Samsung sought an anti-enforcement injunction.[357]

Judge William H. Orrick in the Northern District of California applied the Ninth Circuit's test for the adjacent question of whether to grant an antisuit injunction that precludes a party from pursuing ongoing parallel litigation abroad. That test, articulated in *E. & J. Gallo Winery v. Andina Licores S.A.*,[358] has three parts: (1) whether the parties and the issues are the same in the two actions and whether the domestic action is dispositive of the foreign action to be enjoined; (2) whether the foreign proceeding exhibits any of a list of detrimental effects on the United States, including frustration of a U.S. domestic policy; and (3) whether the injunction would have a tolerable impact on comity.[359]

The *E. & J. Gallo* test is designed to address the effects of an *ongoing* foreign litigation. It is not suited to address the effects of a *completed* foreign litigation that has already delivered a judgment. Specifically, the question of whether the U.S. action is dispositive of the foreign one makes little sense once the foreign proceeding has reached closure. The question is coherent when two parallel litigations are running simultaneously, the race to judgment is in progress, and either proceeding could be dispositive of the other. By the time the foreign litigation has reached judgment, the race is over, the foreign proceeding has won, and the outstanding question is whether the foreign judgment is dispositive of the ongoing U.S. proceeding—in other words, whether it has preclusive effect in a U.S. court.

Not only is the test inapposite, but the Northern District of California's application of the test makes inescapable its objective of protecting its adjudicative power. On the first prong, Judge Orrick determined that the parties and issues were the same. On the second prong, which was the crux of the analysis, Judge Orrick examined whether the Chinese judgment frustrated U.S. domestic policy. In its briefing, Samsung pointed to a substantive policy that would be frustrated—the U.S. policy against injunctive relief on standard essential patents.[360] But that was not what Judge Orrick had in mind. "[T]he policy that is undermined," he wrote, "is this court's ability to determine the propriety of injunctive relief in the first instance."[361] The real problem was that the Shenzhen judgment "could render meaningless the proceedings here."[362] According to Judge Orrick, "I must have the opportunity to adjudicate [Huawei's contract] claim without

356. *Id.*
357. *See id.* at *1.
358. 446 F.3d 984 (9th Cir. 2006).
359. *See id.* at 991–92, 994–95.
360. *See Huawei*, 2018 WL 1784065, at *9.
361. *See id.* at *10.
362. *See id.* at *1.

Samsung facing the threat of the Shenzhen court injunctions."[363] On the third and final prong, the court minimized the anti-enforcement injunction's impact on comity, calling it "negligible" because the U.S. action was filed before the Chinese action, "if only by one day," and the injunction was time limited.[364]

V. A NEW FOREIGN JUDGMENTS LAW

The forgoing two parts distilled patterns characterizing singular and parallel judgment recognition requests within the U.S.-China dyad. While some aspects of these patterns are unique to the U.S.-China relationship, others bring to the fore differences that are inherent to the two types of foreign judgments yet obscured by the common banner of judgment recognition and shared conceptual ties to sister-state judgments and full faith and credit. This part begins by setting out the generalizable ways in which enforcement and preclusion requests diverge from each other as well as how they both diverge as a set from sister-state judgments. Existing doctrine does not adequately account for either dissimilarities between enforcement and preclusion or dissimilarities between out-of-state and out-of-country judgments.

Given these shortcomings, this part then sketches a blueprint for reform. First, singular requests for judgment collection should be categorically decoupled from parallel requests for international preclusion so that their differing needs can be independently addressed. The clearest way to do that is to replace the existing two-step analysis with two entirely separate tests for asset collection and preclusion. Second, foreign judgments law should be cut loose from the scaffolding of sister-state judgments and full faith and credit. Full faith and credit is an interstate concept that is uniquely unsuitable for foreign country judgments, even as a doctrinal building block. It clearly does not apply to foreign judgments under existing law, yet confusing analogies to sister-state judgments and references to full faith and credit persist. Once these pieces are untangled, a glaring lacuna surfaces: U.S. law needs a set of rules specifically tailored to preclusion in the international context. Neither the law of recognition nor the borrowed law of domestic preclusion can fulfill that role.

A. Distinguishing the Two Faces of Foreign Judgments

Enforcement and preclusion requests are inherently different in their comity implications and sovereignty costs. Because standard inquiries into foreign judgments law do not distinguish between them at the recognition stage, they provide incomplete accounts on both fronts.

Foreign judgment circulation has stood for the concept of comity since the Supreme Court decided *Hilton* in 1895. Comity itself is not a doctrine but a

363. *See id.* at *9.
364. *See id.* at *12.

multifaceted principle that motivates nearly all doctrines regulating transnational litigation.[365] It was most famously discussed in *Hilton*, where the Supreme Court decided whether to give effect to the French money judgment against the New Yorkers, Henry Hilton and William Libbey, and explained that foreign judgment recognition is a matter of "the comity of nations."[366] Others have since sharpened this description, explaining that comity is a form of deference to foreign governmental actors that operates in both positive and negative ways depending on the nature of the accommodation extended.[367] In comity's positive orientation, U.S. courts promote the interests of foreign sovereigns by performing affirmative acts of assistance.[368] Giving effect to foreign judgments and compelling discovery in the United States for foreign adjudications are commonly cited examples of positive comity.[369] In comity's negative orientation, U.S. courts protect foreign sovereign interests by restraining themselves from acting, thus avoiding stepping on the toes of foreign courts.[370] Through doctrines such as forum non conveniens and international abstention, U.S. courts forgo adjudicating certain disputes to make way for foreign courts to take up those cases.

Foreign judgment recognition has become the canonical example of positive comity. But that characterization needs refinement. In fact, only singular litigation judgment recognition in which U.S. courts perform the affirmative act of assisting with money judgment collection is a straightforward manifestation of positive comity. By contrast, parallel litigation judgment recognition as a precursor to preclusion is first and foremost an act of forbearance. It requires a U.S. court to stay its hand, forfeiting its own adjudicative role. That act of jurisdictional surrender may or may not be followed by the positive act of judgment collection depending on whether preclusion is sought defensively by the judgment debtor to avoid liability or offensively by the judgment creditor to satisfy the foreign judgment.

Parallel litigation judgment recognition as a precursor to preclusion thus bears greater resemblance to forum non conveniens and international abstention than it does to singular litigation judgment recognition as a precursor to enforcement. The connection between these negative comity

365. *See* Dodge, *supra* note 38, at 2072–75.

366. *See* Hilton v. Guyot, 159 U.S. 113, 135, 163–65, 198 (1895).

367. Dodge defines comity as "deference to foreign government actors that is not required by international law but is incorporated in domestic law." Dodge, *supra* note 38, at 2078. He maps doctrines of transnational litigation onto a matrix based on each doctrine's orientation and the foreign government actor to whom the deference is extended. Foreign judgments recognition sits in the positive adjudicative comity cell, though Dodge notes that positive comity can also involve restraint in areas like choice of law. *See id.* at 2079.

368. *See id.* (describing positive comity as a "principle of recognition").

369. *See id. But see* Yanbai Andrea Wang, *Exporting American Discovery*, 87 U. CHI. L. REV. 2089, 2091–94 (2020) (arguing that U.S. courts often compel discovery without any indication that the foreign court welcomes assistance).

370. *See* Dodge, *supra* note 38, at 2079 (describing negative comity as a "principle of restraint").

doctrines is most apparent when they are raised within the same suit and for the same purpose of moving the locus of decision-making abroad. Forum non conveniens raises the prospect of relocation at the beginning of a litigation.[371] This early act of restraint pushes litigation out of U.S. courts at the outset,[372] though the foreign judgment may later return for recognition in the United States, as it did in *Huizhi Liu* in New York State.[373] Courts have also relied simultaneously on forum non conveniens and international preclusion as alternative grounds for disposing of a case. In *Yue Fang Qiu v. Hosaido*,[374] for instance, the court cited three reasons for dismissing the case: failure to state a claim, forum non conveniens, and preclusion by a Shanghai court judgment.[375] To be sure, a forum non conveniens dismissal is incoherent when there is an already rendered judgment in the country deemed to be a more appropriate forum. But the fact that forum non conveniens is commonly invoked concurrently with foreign judgment preclusion speaks to their similar rationales and effects.

There is another set of disputes in which the prospect of relocating the dispute comes up later. In these cases, the parallel U.S. and foreign litigations run concurrently for some time, the foreign adjudication reaches judgment first, and that judgment is then raised in the still ongoing U.S. litigation for recognition and preclusion purposes. This sequence of events may occur after a forum non conveniens motion is denied, providing additional opportunities to push the adjudication out of U.S. courts later in the litigation's life cycle.

Return to *Folex*, the reactive parallel litigation that began when Luoyang Ship Material Research Institute (LSMRI) (a Chinese state-owned enterprise) sued Folex (LSMRI's U.S. business partner) in China in 2005.[376] In 2009, Folex reverse-sued in the Central District of California, naming LSMRI, its subsidiary, and O-TA Precision Industries (a Taiwanese company that was involved in the disputed business transactions but not a party to the Chinese suit) as defendants.[377] O-TA first sought forum non conveniens dismissal to

371. Although there is no strict time limit for raising a forum non conveniens motion, "a defendant's belated assertion that the forum is not a convenient one is likely to be viewed dimly by the district judge." *See* 14D WRIGHT & MILLER'S FEDERAL PRACTICE AND PROCEDURE § 3828 (4th ed. 2008); *see also* Sinochem Int'l Co. v. Malay. Int'l Shipping Corp., 549 U.S. 422, 425 (2007) (providing that courts may dismiss a case on forum non conveniens grounds before considering threshold objections, such as those challenging jurisdiction, but they are not required to do so).

372. Dismissal from a U.S. court on the rationale that there is a more appropriate forum abroad does not necessarily mean that the case is then filed and adjudicated abroad. *See* Gardner, *supra* note 44, at 396.

373. No. 713741/2019, 2020 WL 1066677 (N.Y. Sup. Ct. Jan. 6, 2020), *modified by*, 225 A.D.3d 749 (N.Y. App. Div. 2024).

374. No. 154475/2016, 2017 WL 2709326 (N.Y. Sup. Ct. June 21, 2017).

375. *See id.* at *1.

376. *See* Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. 09-CV-02248, 2013 WL 1953628, at *2 (C.D. Cal. May 9, 2013), *rev'd in part, vacated in part sub nom.*, Folex Golf Indus., Inc. v. O-TA Precision Indus. Co., 603 F. App'x 576 (9th Cir. 2015).

377. *See* Complaint for Declaratory Relief and Damages, *supra* note 292, at 2.

Taiwan as well as a stay pending the Chinese litigation.[378] Both were denied.[379] When the Chinese court reached a resolution in 2010, O-TA sought nonmutual issue preclusion based on the Chinese court's conclusion that certain contracts were void.[380] A similar plotline transpired in *Global Material Technologies*, the repetitive parallel litigation in which GMT first sued in China and two days later in the United States. The defendant sought a stay and abstention in deference to the ongoing Chinese proceeding, which the Northern District of Illinois denied due to questions surrounding whether the two cases were truly parallel.[381] When the defendant prevailed in China, it then sought recognition and preclusion in the United States.[382]

That foreign judgments have plural relationships with the concept of comity signals another significant divergence: enforcement and preclusion pose different sovereignty costs for U.S. courts. National sovereignty has been conceived in many ways, including the ability to exercise regulatory authority within a country's borders and over transnational flows across those borders.[383] Judgment recognition is thus inextricably tied to sovereignty. As the Court wrote in *Hilton*, "[n]o law has any effect, of its own force, beyond the limits of the sovereignty from which its authority is derived."[384]

So understood, different types of foreign judgments elicit differing levels of forfeiture of judicial regulatory authority and impose differing sovereignty costs. Enforcement requests where a U.S. court *could not* adjudicate the underlying dispute for want of personal jurisdiction have the smallest impact. While they call for an expenditure of resources toward judgment collection—and that expenditure is arguably minor given the U.S. model of relying on private debt collectors[385]—they do not ask a U.S. court to relinquish an opportunity to regulate that it otherwise would have. The lack of personal jurisdiction also implies fewer contacts with the United States and likely diminished interest in deciding the dispute. Enforcement requests where a U.S. court *could* adjudicate the dispute if the matter were to be litigated in

378. *See* Notice of Motion and Motion to Dismiss for Lack of Personal Jurisdiction and *Forum Non Conveniens* or, in the Alternative, to Stay Action Pending Resolution of Related Civil Action in China at 4–5, Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. 09-CV-02248 (C.D. Cal. Mar. 22, 2010).

379. *See* Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. 09-CV-02248, slip op. at 2 (C.D. Cal. May 18, 2010) (denying motion to dismiss).

380. *See* Defendant O-TA Precision Industries Co., Ltd.'s Notice of Motion and Motion for Summary Judgment, or Alternatively for Partial Summary Judgment at 2, Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. 09-CV-02248 (C.D. Cal. Feb. 6, 2013).

381. *See* Glob. Material Techs., Inc. v. Dazheng Metal Fibre Co., No. 12-CV-01851, 2013 WL 80369, at *1, *5–6 (N.D. Ill. Jan. 7, 2013).

382. *See* Defendants' Amended Answer at 20, *Glob. Material Techs.*, No. 12-CV-01851 2013 WL 80369.

383. *See* KRASNER, *supra* note 41, at 180.

384. Hilton v. Guyot, 159 U.S. 113, 163 (1895).

385. *See generally* Richard Marcus, *America's BYO Approach to Enforcing Money Judgments: Comment on* Rechberger *and* Hess, *in* EFFECTIVE ENFORCEMENT OF CREDITORS' RIGHTS 57 (M. Deguchi ed., 2022) (suggesting that the actual expenditure of resources is, in any case, small because enforcement is not considered a court responsibility in the United States and instead relies on self-help measures).

the United States have a greater impact, requiring the surrender of a possible future opportunity to regulate. Finally, preclusion requests in which a U.S. court both *can* and *is* actively adjudicating the dispute have the greatest impact on sovereignty, requiring a U.S. court to transfer its extant regulatory role to a foreign court that might apply different substantive and procedural law, operate according to different cultural and political priors, and even favor a home party over a foreign party. *Beijing Zhongyi* illustrates two courts that applied their respective country's laws and arrived at different conclusions, each favoring the local party.[386] *Huawei* provides another example of judicial concern about bias toward a local party. According to the Northern District of California, Huawei "[chose] its home court for the majority of the Chinese actions, which implicates concerns of forum shopping."[387]

These differences in comity and sovereignty implications are all the more consequential because enforcement and preclusion are often dissimilar in subject matter, litigants, and lawyers. Parallel litigation tends to be pursued by corporate conglomerates that are represented by global law firms capable of devising complex, multi-fora litigation strategies. They frequently implicate injunctive relief, which is treated differently than money judgments even in the domestic interstate context.[388] They more commonly involve large-scale corporate disputes in areas such as intellectual property that have become wrapped up in trade policy, national interest, and geopolitical competition. Indeed, the areas that have been most fraught in treaty negotiations and that are carved out of the 2005 Hague Choice of Court Agreements Convention[389] and the 2019 Hague Judgments Convention[390]—intellectual property, e-commerce, data governance, and the like—are far more likely to be the subject of parallel litigation than quotidian matters, such as private debt and routine contracts, that are more likely to be the subject of singular litigation. Treating enforcement and preclusion alike and examining foreign judgments law as a set of neutral, transsubstantive rules gloss over these meaningful differences.[391]

Even as foreign judgment enforcement and preclusion are dissimilar at their core, they have commonalities that distinguish them as a set from sister-state judgments. While giving effect to singular and parallel judgments manifest comity in different ways, both are nonetheless manifestations of

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386. *See supra* Part IV.C.

387. *See* Huawei Techs. Co. v. Samsung Elecs. Co., No. 16-CV-02787, 2018 WL 1784065, at *10 (N.D. Cal. Apr. 13, 2018).

388. *See* Baker v. Gen. Motors Corp., 522 U.S. 222, 235–36 (1998) (holding that the Full Faith and Credit Clause does not require a state to enforce a sister state's injunction).

389. 2005 Hague Choice of Court Convention, *supra* note 126, 44 I.L.M. at 1294–95 (listing areas of exclusion); *see id.* at 1299 (providing that countries can exclude specific matters through declarations).

390. 2019 Hague Judgments Convention, *supra* note 127, 67 NILR at 169–70 (listing areas of exclusion); *see id.* at 176 (providing that countries can exclude by declaration specific matters in which they have "a strong interest in not applying this Convention").

391. *See* Samuel P. Baumgartner, *Understanding the Obstacles to Recognition and Enforcement of U.S. Judgments Abroad*, 45 N.Y.U. J. INT'L L. & POL. 956, 987 (2013).

comity because recognition is not required by the law governing nations.[392] By contrast, recognizing sister-state judgments is not a matter of comity at all. Instead, interstate judgment recognition is required by the law governing states, namely Article IV's full faith and credit requirement and its implementing statute, 28 U.S.C. § 1738.[393] Sister-state judgments also raise lower sovereignty concerns compared to foreign country judgments, whether singular or parallel. Interstate judgment recognition is one facet of an explicit surrender of state sovereignty to create the federal system, yielding a common political unit that is inherently reciprocal between states.[394] No such surrender has occurred between the United States and other countries, nor is there a comparable institutional structure for political or economic unity. Quite the contrary, the relationship between nations is often characterized by conflict and competition.

B. Decoupling Judgment Collection from Preclusion

Foreign judgments law ought to account for the distinctive comity and sovereignty implications of enforcement and preclusion. But existing doctrine cannot adequately do so. To start, the two faces of foreign judgments are obscured by the common first doctrinal step of recognition. Formally, a foreign judgment must be recognized before it has any effect. The question of recognition stands independent of the subsequent inquiry into enforcement or preclusion. Yet applying the same standard for recognition is inadequate in theory and frequently eschewed in practice.

When asset collection is the goal, judgment recognition's role and operation on the ground are largely straightforward. As Part III showed, recognition is the primary hurdle and a low one. It serves as a minimal screening device in enforcement requests that admits nearly all foreign judgments except those that stretch the definition of "judgment." Once a foreign judgment is recognized, there is rarely any more doctrinal work to be done. Arguably, a recognized foreign judgment "is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying a judgment" of a comparable court in the forum state.[395] In federal court, that would include the grounds for relief from a final judgment under Federal Rule of Civil Procedure 60(b), such as newly discovered evidence, fraud, and "any other reason that justifies relief."[396] Because this relief is rarely sought—there are no examples among the enforcement requests in Appendix B—the legal analysis for collection usually begins and ends with recognition.

392. *See* Dodge, *supra* note 38, at 2078 (defining international comity as "deference to foreign government actors that is not required by international law but is incorporated in domestic law").

393. U.S. CONST. art. IV., § 1; 28 U.S.C. § 1738.

394. *See* LEA BRILMAYER, AN INTRODUCTION TO JURISDICTION IN THE AMERICAN FEDERAL SYSTEM 289 (1986).

395. 2005 UNIF. ACT, *supra* note 5, § 7 cmt. 3.

396. *See* FED. R. CIV. P. 60(b).

Not so for preclusion. As Part IV demonstrated, when the applicant's end purpose is preclusion, judgment recognition's role and operation on the ground are in disarray. Sometimes, recognition serves as a minimal screening device that easily gives foreign judgments access to the same level of preclusion as would be accorded to sister-state judgments under full-faith-and-credit principles.[397] Other times, courts resist recognition, insisting that it is not available for preclusion in spite of the 2005 Uniform Act's explicit references to res judicata and collateral estoppel.[398] In preclusion requests, recognition is usually not the only—or even the primary—topic of doctrinal analysis. To put it mildly, "[t]he preclusion effects of judgments entered in other countries cannot be described here in any systematic way."[399]

This discrepancy in recognition's operation on the ground is not surprising. Recognition doctrine originated with asset collection cases. There is more precedent to draw on, including oft-cited landmark cases such as *Hilton* and *Hubei Gezhouba*, the first U.S. case to recognize a Chinese judgment.[400] The Uniform Acts provide clearer directions for enforcement than preclusion, and they provide no guidance on injunctive relief, which is often at issue in parallel litigation. As Part I.A explained, the 1962 Uniform Act is ambiguous about whether preclusion is contemplated at all, and the 2005 Uniform Act buries instructions in explanatory notes while disavowing any attempt to define exactly how much preclusion is required.[401] Building on top of this ambiguity, recognition has become a Trojan horse for bringing into the analysis considerations that are not in the existing doctrine of recognition but that judges intuit are relevant to their decision on preclusion. Policing litigant behavior and protecting the forum court's adjudicatory role are common considerations that lie outside the letter of recognition law but squarely in the law of preclusion and parallel litigation.

Given preclusion requests' heightened sovereignty costs, why would the same low bar for recognition apply equally to preclusion as it does to enforcement? That approach makes little sense. And there is no reason why the very different purposes of enforcement and preclusion need to be conjoined by the same precursor step of recognition. The minimal hurdle of recognition is better suited for the collection of money judgments, whereas the bar ought to be different when preclusion is at issue. It would be far clearer to limit the existing doctrine of recognition to collecting on foreign

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397. *See, e.g.*, Glob. Material Techs., Inc. v. Dazheng Metal Fibre Co. Ltd., No. 12-CV-1851, 2015 WL 1977527, at *8 (N.D. Ill. May 1, 2015).

398. *See, e.g.*, Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., No. C13-1300, 2013 WL 6979555, at *4 (W.D. Wash. Oct. 31, 2013), *aff'd*, 665 F. App'x 564 (9th Cir. 2016).

399. *See* 18B WRIGHT & MILLER, *supra* note 109, § 4473.

400. *See* Hubei Gezhouba Sanlian Indus. Co. v. Robinson Helicopter Co., No. 06-CV-01798, 2009 WL 2190187, at *7 (C.D. Cal. July 22, 2009), *aff'd*, 425 F. App'x 580 (9th Cir. 2011).

401. *See* 2005 UNIF. ACT, *supra* note 5, §§ 4 cmt. 2, 7 cmt. 2, 9 cmt. 2.

money judgments while leaving the question of foreign judgment preclusion open for reconsideration from first principles.

C. Jettisoning Full Faith and Credit

While differences between asset collection and preclusion have been hidden behind the common first step of recognition, differences between out-of-state and out-of-country judgments have been obscured by analogies to sister-state judgments that are governed by full faith and credit.

To state the obvious, neither the constitutional full faith and credit requirement nor its implementing statute, 28 U.S.C. § 1738, applies to foreign country judgments. Article IV of the Constitution states that "Full Faith and Credit shall be given in each State to the . . . judicial Proceedings of every other State."[402] That clause creates an obligation between the courts of one U.S. state and the courts of other U.S. states to give effect to each other's judgments. Section 1738 elaborates on this constitutional requirement by adding that U.S. federal courts must give effect to the judgments of U.S. state courts.[403] Full faith and credit operates entirely within U.S. national borders.

Yet, because the treatment of sister-state judgments under the Full Faith and Credit Clause was a convenient reference point, it became the scaffolding on which foreign judgments law was built. Its use as a building block, however, has been tremendously confusing. During the decades after the 1962 Uniform Act was adopted, its provision that a foreign judgment is "enforceable in the same manner as the judgment of a court of a sister state which is entitled to full faith and credit" caused considerable turmoil.[404] Some courts began treating sister-state judgments as foreign country judgments governed by the 1962 Uniform Act.[405] Other courts treated foreign country judgments as sister-state judgments, domesticating them using the Uniform Enforcement Act,[406] which the 1962 Uniform Act points to as the method for enforcing recognized foreign judgments.[407] The Uniform Enforcement Act sets out an abbreviated procedure for enforcing sister-state judgments entitled to full faith and credit.[408] The original version from 1948 created a summary judgment–like procedure, and a revision in 1964 truncated the process further by creating a registration system resembling the federal interdistrict judgment registration system set out by Congress.[409] Applying the Uniform Enforcement Act to foreign country judgments means that a properly authenticated foreign country judgment need only be registered with the clerk of the enforcing court before acquiring

402. U.S. CONST. art. IV, § 1; *see also* Aetna Life Ins. Co. v. Tremblay, 223 U.S. 185, 190 (1912) (holding that full faith and credit does not apply to foreign judgments).
403. 28 U.S.C. § 1738.
404. 1962 UNIF. ACT, *supra* note 63, § 3.
405. 2005 UNIF. ACT, *supra* note 5, § 2 cmt. 1.
406. *Id.* § 6 cmt. 1.
407. 1962 UNIF. ACT, *supra* note 63, § 3 cmt 1.
408. UNIF. ENF'T ACT, *supra* note 93, § 2.
409. *Id.* prefatory note; 28 U.S.C. § 1963.

the same effect as an in-state judgment,[410] essentially bypassing the grounds for nonrecognition and other limits contained in the Uniform Acts.

Moreover, just what the authentication requirement consists of is not obvious. The method for authenticating a sister-court judgment is spelled out in the full faith and credit implementing statute, which is referenced in the Uniform Enforcement Act.[411] That method is less onerous than the method for authenticating foreign country judgments set out by the Hague Apostille Convention[412] and by domestic law that invokes consular channels where treaty law does not apply.[413] The extent of disarray is reflected in *Zhencai Zhang*, where a California state court applied a standard lower than all of these methods, holding that a public seal plus a signature of a foreign official were sufficient for authenticating two Chinese judgments.[414]

The broader problem is that full faith and credit is wildly inappropriate for out-of-country judgments, even as a doctrinal reference point or linguistic aid. Historically, full faith and credit had a unique political and economic purpose: to "alter the status of the several states as independent foreign sovereignties, each free to ignore obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation."[415] Prior to the Declaration of Independence, some colonies had enacted their own unilateral laws on judgment recognition that were later replaced by the nationwide mandate of full faith and credit.[416] Full faith and credit is, in a sense, multilateral. It is a treaty-like agreement that binds all states and has reciprocity built into it. There is a Supreme Court that adjudicates disagreements about full faith and credit, and there are other obligations and norms that regulate interstate relations and promote unity.[417]

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410. UNIF. ENF'T ACT, *supra* note 93, § 2.

411. *See id.* (providing that "[a] copy of any foreign judgment authenticated in accordance with the act of Congress or the statutes of this state may be filed" with any court in the state); 28 U.S.C. § 1738 (providing for authentication by "the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form").

412. The Hague Apostille Convention provides that authentication of foreign public documents between state parties is accomplished through a certificate (an "apostille") issued by a specially designated national authority that attests to the authenticity of the signature, the capacity of the signing official, and the identity of any seal or stamp. *See* Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents arts. 5–6, Oct. 5, 1961, 33 U.S.T. 883, 527 U.N.T.S. 189.

413. For foreign judgments from countries not party to the Hague Apostille Convention, authentication is governed by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and equivalent state laws that generally set out elaborate certification procedures involving diplomatic or consular officials. *See, e.g.*, FED. R. CIV. P. 44(a)(2)(B); FED. R. EVID. 902(3); CAL. EVID. CODE § 1454 (West 2025).

414. *See* No. 18STCV05196, slip op. at 5 (Cal. Super. Ct. Apr. 28, 2022) (applying a simplified authentication method despite citing to the California Evidence Code in a summary judgment order).

415. Milwaukee Cnty. v. M.E. White Co., 296 U.S. 268, 277 (1935); *see also* Allstate Ins. Co. v. Hague, 449 U.S. 302, 322 (1981) (Stevens, J., concurring).

416. *See* Sumner, *supra* note 42, at 227–28 (describing statutes enacted in the seventeenth and eighteenth centuries providing for judgment circulation between colonies).

417. *See* 2005 UNIF. ACT, *supra* note 5, § 6 cmt. 1 (describing commonalities between U.S. states that are not present at the international level).

The Due Process Clauses of the Fifth and Fourteenth Amendments bind all U.S. courts, creating a shared notion of fairness that then reduces the need to regulate due process at the point of interstate judgment recognition.[418] The Dormant Commerce Clause protects interstate commerce by restraining states from discriminating against out-of-state businesses.[419] The Privileges and Immunities Clause prohibits states from discriminating against citizens of other U.S. states.[420] None of these conditions hold for foreign country judgments that, by definition, come from a separate political entity. The 2005 Uniform Act in fact clarifies that foreign country judgments are those "not initially subject to Full Faith and Credit Clause standards," yet it goes on to rely on full faith and credit to describe the effect of recognition.[421]

There is a solution: the language and concept of full faith and credit can be eliminated from foreign judgments law altogether. Put simply, foreign country judgments do not need to be likened to sister-state judgments for U.S. courts to give them effect. It is clearer and more straightforward to give them effect on their own terms. For singular foreign judgments seeking asset collection, eliminating full faith and credit is easy. The 2005 Uniform Act has already detached judgment collection from full faith and credit by making foreign country judgments enforceable like an in-state judgment.[422] The 1962 Uniform Act effectively does the same thing but in a roundabout way. It requires foreign country judgments to be enforced using the method laid out in the Uniform Enforcement Act, which in turn requires sister-state judgments to be enforced like in-state judgments.[423] Nothing is lost by requiring foreign country judgments to be enforced like an in-state judgment.

For parallel foreign judgments seeking preclusion, the task is at once trickier and more necessary because full faith and credit currently masks the absence of more suitable law on international preclusion. The 2005 Uniform Act notes that it does not attempt to "establish directly" the extent of a foreign judgment's conclusiveness but instead uses full faith and credit as a placeholder that sets a minimum bar.[424] For preclusion requests, replacing treatment as a sister-state judgment with treatment as an in-state judgment does not solve the problem because of the sovereignty costs attending preclusion. There is no reason to think—and many reasons to challenge—that a foreign country judgment should have the same ability to displace the adjudicatory role of a U.S. court as would be given to a prior judgment rendered by the same court or by the court of a sister state.

Eliminating references to sister-state judgments and full faith and credit has an additional benefit. Courts currently question whether a state's decision recognizing a foreign judgment is itself entitled to full faith and credit, effectively making the foreign judgment portable across the country

418. U.S. CONST. amend. V; *id.* amend. XIV, § 1.
419. *Id.* art. I, § 8, cl. 3.
420. *Id.* art. IV, § 2, cl. 1.
421. 2005 UNIF. ACT, *supra* note 5, §§ 2 cmt. 1, 7(1).
422. *Id.* § 7(2).
423. UNIF. ENF'T ACT, *supra* note 93, § 2.
424. 2005 UNIF. ACT, *supra* note 5, § 7 cmt. 2.

by "cloth[ing] [it] in the garment of a sister state's judgment."[425] Consider *Standard Chartered Bank v. Ahmad Hamad Al Gosaibi & Bros. Co.*,[426] in which the judgment creditor, Standard Chartered Bank, sought to enforce a Bahrain judgment in multiple U.S. states.[427] It first applied for and obtained judgment recognition in New York.[428] It then sought to enforce the New York judgment recognizing the Bahrain judgment in both Pennsylvania and the District of Columbia. The Pennsylvania court held that the New York judgment was entitled to full faith and credit,[429] while the District of Columbia court disagreed, reasoning that judgment creditors could otherwise forum shop for "the most lax [recognition] standards."[430] Scholars have also argued against this "judgment arbitrage."[431]

Removing the shorthand of full faith and credit would address this conundrum. So long as foreign judgments law remains state law, foreign judgment rules would only confer effect in the recognizing state. That state's decision would not then enable a judgment creditor to reach assets or to preclude ongoing litigation in another state. This solution cements an argument advanced in the Restatement (Fourth) of Foreign Relations Law: "[T]echnically, a sister-state's decision addresses only whether a foreign judgment is entitled to recognition under the law of that state and not under the laws of other states."[432] In the absence of references to sister-state judgments and full faith and credit, that interpretation becomes obvious.

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425. *See* Reading & Bates Constr. Co. v. Baker Energy Res. Corp., 976 S.W.2d 702, 715 (Tex. Civ. App. 1998); Alta. Sec. Comm'n v. Ryckman, No. N13J-02847, 2015 WL 2265473, at *5 (Del. Super. Ct. May 5, 2015), *aff'd*, 127 A.3d 399 (Del. 2015); Ahmad Hamad Al Gosaibi & Bros. Co. v. Standard Chartered Bank, 98 A.3d 998, 1007 (D.C. 2014), *rev'g* No. 2013-CA-006102 (D.C. Super. Ct. May 22, 2013).

426. 957 N.Y.S.2d 602 (N.Y. Sup. Ct. 2012), *aff'd*, 110 A.D.3d 578 (N.Y. App. Div. 2013); No. 2013-CA-001602 (D.C. Super. Ct. May 22, 2013), *rev'd*, 98 A.3d 998 (D.C. 2014); 99 A.3d 936 (Pa. Super. Ct. 2014).

427. For a detailed discussion of this series of cases, see William S. Dodge, *Foreign Country Judgments and Full Faith and Credit* 3–7 (Geo. Wash. Univ. L. Sch., Working Paper No. 2025-31, 2024), https://scholarship.law.gwu.edu/faculty_publications/1826/ (on file with the *Fordham Law Review*).

428. *See Standard Chartered*, 957 N.Y.S.2d at 603.

429. Standard Chartered Bank v. Ahmad Hamad Al Gosaibi & Bros. Co., 99 A.3d 936, 937–39 (Pa. Super. Ct. 2014); *see also Alta. Sec. Comm'n*, 2015 WL 2265473, at *4 (holding that the full faith and credit requirement applies to state judgments recognizing foreign country judgments).

430. *Standard Chartered Bank*, 98 A.3d at 1002–03; *see also* Reading & Bates Constr. Co. v. Baker Energy Res. Corp., 976 S.W.2d 702, 714–15 (Tex. Civ. App. 1998) (holding that full faith and credit does not apply to state judgments recognizing foreign judgments).

431. *See* Dodge, *supra* note 427, at 5. *See generally* Gregory 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 (2013).

432. RESTATEMENT (FOURTH) OF FOREIGN RELS. L. OF THE U.S. § 481 cmt. H, rep.'s n.9 (A.L.I. 2019). The other explanation offered is that judgment creditors would not be able to forum shop for the most lenient recognition law if recognition in State A could not be transferred to State B. *Id.*

D. Formulating Rules for International Preclusion

Both decoupling enforcement from preclusion and jettisoning analogies to sister-state judgments lead to the same place: U.S. courts are in dire need of a set of rules tailored to foreign judgment preclusion. Neither the recognition test designed for foreign money judgment collection nor the preclusion rules applicable to domestic judgments are well fitted for international preclusion. While that project is beyond the scope of this Article, I close with some observations about the nature of the endeavor.

Intersystem preclusion rules cannot be designed in the abstract, independent of the systems at issue or how they relate to each other. The degree of unity and commonality across systems matters, whether along historical, political, economic, or cultural dimensions, or in the values reflected in how courts are structured and litigation rules are designed. It is for this reason that full faith and credit is a misguided reference point for foreign judgments law. As the 2005 Uniform Act notes:

> The extremely limited grounds for denying full faith and credit to a sister-state judgment reflect the fact such judgments will have been rendered by a court that is subject to the same due process limitations and the same overlap of federal statutory and constitutional law as the forum state's courts, and, to a large extent, the same body of court precedent and socio-economic ideas as those shaping the law of the forum state.[433]

Preclusion rules that work between subunits of a political body will have limited purchase for preclusion between wholly separate political bodies. Preclusion rules that fit a group of countries with much in common may not work for a group that has little in common.

Insofar as preclusion serves as a bridge between systems, its rules should reflect the relationship among those systems. Consider how certain justifications for preclusion lose coherence when the relationship between systems shifts. Foreign judgment recognition is often said to preserve judicial economy, avoid conflicts between judgments, and discourage adjudication in a less appropriate forum that is selected because a defendant's assets are located there.[434] But where the courts of multiple countries have conflicting interests in exercising adjudicative authority over the same dispute, judicial economy and inconsistent judgments may be secondary, and there is likely disagreement about which forum is more appropriate. Judgment circulation is also said to facilitate international commerce.[435] But that assumes that facilitating commerce is a jointly held policy objective, which cannot be taken for granted with respect to all foreign countries or

433. 2005 UNIF. ACT, *supra* note 5, § 6 cmt. 1.

434. *See* Arthur T. von Mehren & Donald T. Trautman, *Recognition of Foreign Adjudications*, 81 HARV. L. REV. 1601, 1603–04 (1968) (identifying five policies advanced by foreign judgment recognition, including avoiding duplicative effort, "fostering stability and unity in an international order," and creating an environment where "the availability of local enforcement" is not "the decisive element[] in the plaintiff's choice of forum").

435. *See, e.g.*, Baumgartner, *supra* note 4, at 183; Burbank, *supra* note 67, at 1038–39.

across all types of commerce. Depending on the nature of the intersystem relationship, there may be value to relitigation.

Whether preclusion rules can be designed with an eye to multilateral cooperation is uncertain. The global solutions that have historically been proposed for foreign judgments law—federalization, the return of reciprocity, and treaty formation[436]—are more straightforward for money judgment collection than for preclusion. With respect to federalization, Congress has the authority to legislate on international preclusion in the same way as it does other aspects of foreign judgments law. But as this Article has shown, foreign judgment collection is, in practice, more consistent across the country than foreign judgment preclusion, making the latter more difficult to unify. On the other hand, in federal question cases that are governed by federal common law, preclusion rules are already federalized and can perhaps be more easily adapted.

With respect to reciprocity, reintroducing the requirement is straightforward for judgment collection. But what would reciprocity look like for international preclusion? The preclusion requests examined in this Article demonstrate that international preclusion implicates a full range of intricacies. These include nonmutual preclusion that is sought by a nonparty to the earlier litigation,[437] the last-in-time rule that gives priority to the latest of multiple earlier inconsistent judgments,[438] and claim splitting that prevents a plaintiff from dividing rights to remedies related to the same transaction between multiple litigations.[439] Issue preclusion with respect to contract validity and interpretation is particularly common. Because American preclusion rules are broad comparatively speaking,[440] reciprocity would require that foreign courts level up or that U.S. courts level down.

Finally, with respect to treaty formation, the prospects are slim. Even as the international community has made inroads through the 2005 Hague Choice of Court Agreements Convention and the 2019 Hague Judgments Convention, both treaties carve out contentious subject areas, such as intellectual property, that are fraught with conflicting national interests. But it is exactly these areas that are more likely to be the site of concurrent jurisdiction and the subject of parallel litigation.

In each of these ways, devising a modern doctrine for international preclusion will require a new set of conversations and a return to first principles. Perhaps the best way forward is a heightened set of requirements

436. *See supra* Part I.C.

437. *See* Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp., No. CV09-2248-R, 2013 WL 1953628, at *1 (C.D. Cal. May 9, 2013), *rev'd in part, vacated in part sub nom.*, Folex Golf Indus., Inc. v. O-TA Precision Indus. Co., 603 F. App'x 576 (9th Cir. 2015).

438. *See* UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2016 WL 10644497, at *2 (C.D. Cal. Sep. 22, 2016) (declining to apply the last-in-time rule).

439. *See* Glob. Material Techs., Inc. v. Dazheng Metal Fibre Co., No. 12-CV-1851, 2015 WL 1977527, at *10 (N.D. Ill. May 1, 2015) (rejecting the defendants' argument that the trade secret theft claim should be precluded due to impermissible claim-splitting due to insufficient evidence of Chinese law on claim-splitting).

440. *See* von Mehren & Patterson, *supra* note 66, at 65.

for recognition when preclusion is at issue followed by a set of preclusion rules tailored to foreign judgments.[441] Or perhaps another approach altogether is more fitting.

CONCLUSION

In 1950, Professor Willis L. M. Reese cautioned that "the time is not yet ripe for any detailed investigation of the [foreign judgments] field."[442] "[T]he vast bulk of cases have dealt either with judgments of other common law jurisdictions or with those of nations belonging within the sphere of western civilization" that have "little predictive value . . . [for] the judgments of still other nations whose basic tenets and ideals may differ widely from our own."[443] The time is now ripe, and this Article takes up the challenge of an empirically informed, current-day investigation into foreign judgments law.

This Article shows that there is considerable historical debris that must be cleared. Foreign judgments law was built on top of full faith and credit, and international preclusion law was built on top of judgment collection law. Neither serves as an adequate foundation for a modern system of judgment circulation. Removing that scaffolding clarifies and simplifies the function that each rule plays. But doing so also points to a lacuna in cross-border preclusion law to which scholars should next turn.

For the study of cross-border litigation more broadly, this Article contends that the landscape has shifted in ways that call for a reevaluation of long-held assumptions about the foreign courts with which U.S. courts interact and the nature of litigant behavior. Those shifts affect not only the law of foreign judgments but doctrines across the litigation life cycle from jurisdiction, forum non conveniens, abstention, and beyond. It is no longer sufficient to study the legal practices of the usual suspects—England, France, Germany, and the like. Our comparative awareness should now extend to China and the other emerging global economic powers with which U.S. courts increasingly interact.

441. One might imagine, for instance, that the law of recognition for preclusion purposes might have expanded grounds for nonrecognition.

442. *See* Willis L. M. Reese, *The Status in This Country of Judgments Rendered Abroad*, 50 COLUM. L. REV. 783, 783 (1950).

443. *See id.*

APPENDIX A: SEARCH PARAMETERS

I relied on Lex Machina to compile the list of cases presented in Appendix B. I tested various text searches for identifying actions that sought the recognition of, enforcement of, preclusion by, or abstention to Chinese judgments. I used the following search terms to maximize sensitivity without overwhelming sacrifices to specificity. The key words are disaggregated because Lex Machina does not permit wild cards or multiple terms as part of a proximity search. The list of cases in Appendix B reflects the searches that were initially run in April 2022 and then updated in July 2023. The status of each case is current as of March 26, 2026.

- (“foreign judgment”~10) AND (china OR chinese OR PRC) NOT (arbitration OR arbitral)
- (“enforce china”~100) OR (“enforces china”~100) OR (“enforcing china”~100) OR (“enforcement china”~100)
- (“enforce chinese”~100) OR (“enforces chinese”~100) OR (“enforcing chinese”~100) OR (“enforcement chinese”~100)
- (“enforce PRC”~100) OR (“enforces PRC”~100) OR (“enforcing PRC”~100) OR (“enforcement PRC”~100)
- (“recognize china”~100) OR (“recognizes china”~100) OR (“recognizing china”~100) OR (“recognition china”~100)
- (“recognize chinese”~100) OR (“recognizes chinese”~100) OR (“recognizing chinese”~100) OR (“recognition chinese”~100)
- (“recognize PRC”~100) OR (“recognizes PRC”~100) OR (“recognizing PRC”~100) OR (“recognition PRC”~100)
- (“domesticate china”~100) OR (“domesticates china”~100) OR (“domesticating china”~100) OR (“domestication china”~100)
- (“domesticate chinese”~100) OR (“domesticates chinese”~100) OR (“domesticating chinese”~100) OR (“domestication chinese”~100)
- (“domesticate PRC”~100) OR (“domesticates PRC”~100) OR (“domesticating PRC”~100) OR (“domestication PRC”~100)
- (“preclude china”~100) OR (“precludes china”~100) OR (“precluding china”~100) OR (“preclusion china”~100)
- (“preclude chinese”~100) OR (“precludes chinese”~100) OR (“precluding chinese”~100) OR (“preclusion chinese”~100)
- (“preclude PRC”~100) OR (“precludes PRC”~100) OR (“precluding PRC”~100) OR (“preclusion PRC”~100)
- (“abstain china”~100) OR (“abstains china”~100) OR (“abstaining china”~100) OR (“abstention china”~100)
- (“abstain chinese”~100) OR (“abstains chinese”~100) OR (“abstaining chinese”~100) OR (“abstention chinese”~100)
- (“abstain PRC”~100) OR (“abstains PRC”~100) OR (“abstaining PRC”~100) OR (“abstention PRC”~100)

The state and federal databases are structured differently, so the search methodology and results differ too. Since it is not possible to run entirely consistent searches across state and federal dockets, I prioritized capturing as much relevant litigation as I could.

For federal dockets, to help pinpoint exact documents, I searched by "Documents" rather than "Cases." I restricted the document type to those in which the court was rendering a decision: Order; Order re: Dismissal; Order re: Summary Judgment; Order re: Injunction; Judgment; Opinion/Decision; Final Judgment; Jury Verdict; and Appeals: Decision. Searching by documents rather than cases should not alter the results unless documents are wrongly tagged. But it does alter how the initial results are presented, making it easier to manually filter out false positives. Temporally, the search included all cases *pending* January 1, 2013, through June 30, 2023. In other words, cases that were filed prior to January 1, 2013, but remained open during the study period are included.

For state dockets, documents are not tagged the way federal cases are, so I searched the available dockets using the same search terms but by "Cases." Lex Machina's state coverage is limited. As of July 2023, when I last updated the searches, state coverage included parts of California, Delaware, Georgia, Nevada, New York, Oregon, Texas, and Washington beginning January 1, 2016. Additionally, the state database does not permit searching by *pending* date, so I searched by *filing* date. The results do not include cases filed prior to January 1, 2016, and pending during the study period.

The searches returned over 4,000 federal documents as well as over 4,000 state cases, which a team of research assistants and I manually filtered to eliminate false positives.

APPENDIX B: CHINESE JUDGMENTS IN U.S. COURTS[444]

January 1, 2013 to June 30, 2023

Filing Date and Court	Case Name	Request Type	Outcome
Mar. 31, 2009 C.D. Cal.	Folex Golf Indus., Inc. v. China Shipbuilding Indus. Corp.	Parallel	Not recognized[445]
Feb. 28, 2011 N.D. Ill.	Glob. Material Techs., Inc. v. Dahzeng Metal Fibre Co.	Parallel	Recognized[446]
July 10, 2012 W.D. Wash.	Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp.	Parallel	Not recognized[447]
Aug. 14, 2012 M.D. Fla.	Armadillo Distrib. Enters., Inc. v. Yun Musical Instruments Manufacture Co.	Parallel	Default on entire case[448]
Jan. 11, 2013 S.D.N.Y.	Hsing-Cheng Chen v. Sun	Singular	Dismissed for lack of subject matter jurisdiction[449]
Jan. 16, 2013 C.D. Cal.	Hsin-Cheng Chen v. Sun	Singular	Dismissed for lack of prosecution[450]

444. The search was initially run in April 2022 and updated in July 2023. For reasons explained in Appendix A, the federal results are nationwide, cover the entire time span, and include cases that were filed prior to January 1, 2013, and remained pending during the study period. The state results are limited by the content of Lex Machina's state database at the time of the search. That content included parts of California, Delaware, Georgia, Nevada, New York, Oregon, Texas, and Washington beginning on January 1, 2016. The results do not include cases filed before January 1, 2016, that remained pending during the study period. The status and outcomes of the cases are current as of March 26, 2026.

445. Folex Golf Indus. v. O-TA Precision Indus. Co., 603 F. App'x 576, 579 (9th Cir. 2015), *rev'g in part, vacating in part sub nom.*, Folex Golf Indus., Inc. v. China Shipbuilding Indus., Corp., No. 09-CV-02248, 2013 WL 1953628 (C.D. Cal. May 9, 2013).

446. Glob. Material Techs., Inc. v. Dazheng Metal Fibre Co., No. 12-CV-01851, 2015 WL 1977527, at *8 (N.D. Ill. May 1, 2015).

447. Beijing Zhongyi Zhongbiao Elec. Info. Tech. Co. v. Microsoft Corp., No. 13-CV-01300, 2013 WL 6979555, at *3–4 (W.D. Wash. Oct. 31, 2013), *aff'd*, 655 F. App'x 564 (9th Cir. 2016).

448. Armadillo Distrib. Enters., Inc. v. Yun Musical Instruments Manufacture Co., No. 12-CV-01839, 2015 WL 12732417, at *1, *6–9 (M.D. Fla. Apr. 28, 2015).

449. Hsing-Cheng Chen v. Sun, No. 13-CV-00280, 2016 WL 270869, at *4 (S.D.N.Y. Jan. 21, 2016).

450. Minute Order, Hsing-Cheng v. Kelvin Sun, No. 13-CV-00332 (C.D. Cal. Sep. 5, 2013).

Filing Date and Court	Case Name	Request Type	Outcome
Feb. 6, 2015 C.D. Cal.	Anyang Xinyi Elec. Glass Co. v. B&F Int'l (USA) Inc.	Singular	Defendant filed for bankruptcy[451]
May 19, 2015 C.D. Cal.	UM Corp. v. Tsuburaya Prods. Co.	Parallel	Some judgments recognized and some not recognized[452]
May 24, 2016 N.D. Cal.	Huawei Techs., Co. v. Samsung Elecs. Co.	Parallel	Enforcement of Chinese judgment enjoined[453]
May 26, 2016 N.Y. Sup. Ct.	Yue Fang Qiu v. Hosaido	Parallel	Recognized[454]
Aug. 25, 2016 Cal. Super. Ct.	Xiaodong Hu v. Ha	Parallel	Not recognized[455]
Jan. 5, 2017 Cal. Super. Ct.	Oqipo Hong Kong Co. v. Celtek, Inc.	Singular	Recognized by default[456]
Feb. 8, 2017 Or. Cir. Ct.	Zhongxun Wu v. Xiaoque Jiang	Singular	Not recognized[457]
May 15, 2017 Cal. Super. Ct.	Wang Shoutu v. Ling Yang Dong	Singular	Dismissed for failure to serve defendant[458]

451. Order Removing Case from Active Caseload by Virtue of Stay at 1, Anyang Xinyi Elec. Glass Co. v. B&F Int'l (USA) Inc., No. 15-CV-00862, slip op. at 1–2 (C.D. Cal. Mar 31, 2017).

452. UM Corp. v. Tsuburaya Prods. Co., No. 15-CV-03764, 2016 WL 10644497, at *5 (C.D. Cal. Sep. 22, 2016).

453. Huawei Techs., Co. v. Samsung Elecs. Co., No. 16-CV-02787, 2018 WL 1784065, at *12 (N.D. Cal. Apr. 13, 2018).

454. Yue Fang Qiu v. Hosaido, No. 154476/2016, 2017 WL 2709326, at *6–7 (N.Y. Sup. Ct. June 21, 2017).

455. Xiaodong Hu v. Ha, No. BC631817, 2017 WL 6812237, at *1 (Cal. Super. Ct. Nov. 17, 2017), *aff'd*, No. B289222, 2019 WL 1856599 (Cal. Ct. App. Apr. 25, 2019).

456. Notice of Entry of Judgment or Order at 1, Oqipo Hong Kong Co. v. Celtek, Inc., No. 30-2017-00893779 (Cal. Super. Ct. Jan. 12, 2018).

457. Zhongxun Wu v. Xiaoque Jiang, No. 17CV09684, slip op. at 2 (Or. Cir. Ct. Aug. 8, 2018).

458. Wang Shoutu v. Ling Yang Dong, No. BC661424, slip op. at 2 (Cal. Super. Ct. July 25, 2023).

Filing Date and Court	Case Name	Request Type	Outcome
June 9, 2017 N.Y. Sup. Ct.	Beijing Zhong Xian Wei Ye Stainless Decoration Ctr. v. Wengui Guo	Parallel	Not recognized[459]
July 24, 2017 C.D. Cal.	Qinrong Qiu v. Hongying Zhang	Singular	Voluntarily dismissed[460]
Oct. 23, 2017 S.D.N.Y.	Maersk Line A/S v. Qingdao Apex Shipping Co.	Parallel	Settled[461]
Oct. 31, 2017 Cal. Super. Ct.	Guangyu Li v. Gang Li	Parallel	Settled[462]
Feb. 26, 2018 D. Colo.	Shanghai Huafeng Indus. Control Tech. Corp. v. Animal Care Sys., Inc.	Singular	Settled[463]
Apr. 4, 2018 C.D. Cal.	Qingdao Youli Century Guarantee Co. v. Shaoqiang Chen	Singular	Defendant filed for bankruptcy[464]
Aug. 27, 2018 Cal. Super. Ct.	Junbo Li v. Guangyuan Wang	Singular	Not recognized[465]
Nov. 14, 2018 Cal. Super. Ct.	Zhencai Zhang v. Songtao Luo	Singular	Recognized[466]
May 24, 2019 N.D. Cal.	Bd. of Trs. of the Leland Stanford Junior Univ. v. Nat'l Libr. of China	Parallel	Pending[467]

459. Beijing Zhong Xian Wei Ye Stainless Decoration Ctr. v. Wengui Guo, No. 653176/2017, 2020 WL 2404938, at *5 (N.Y. Sup. Ct. May 7, 2020).

460. Minute Order, *supra* note 261.

461. Stipulation and Order of Dismissal at 1–2, Maersk Line A/S v. Qingdao Apex Shipping Co., No. 17-CV-08170 (S.D.N.Y. Nov. 26, 2019).

462. Withdrawal of Notice of Pending Action (Lis Pendens) at 1, Guangyu Li v. Gang Li, No. BC631817 (Cal. Super. Ct. July 21, 2020).

463. Minute Order, Shanghai Huafeng Indus. Control Tech. Corp. v. Animal Care Sys., Inc., No. 18-CV-00470 (D. Colo. Nov. 7, 2019).

464. Order Removing Case from Active Caseload, Qingdao Youli Century Guarantee Co. v. Shaoqiang Chen, No. 18-CV-02762 (C.D. Cal. Apr. 22, 2020).

465. Junbo Li v. Guangyuan Wang, No. BC719361, slip op. at 3–4 (Cal. Super. Ct. June 26, 2019).

466. Zhencai Zhang v. Songtao Luo, No. 18STCV05196, slip op. at 3–7 (Cal. Super. Ct. Apr. 28, 2022).

467. Bd. of Trs. of the Leland Stanford Junior Univ. v. Nat'l Libr. of China, No. 19-CV-02904 (N.D. Cal. filed May 24, 2019).

Filing Date and Court	Case Name	Request Type	Outcome
Aug. 9, 2019 New York	Huizhi Liu v. Guoqing Guan	Singular with FNC[468]	Not recognized[469]
Sep. 9, 2019 New York	Qin Yu v. Guoqing Guan	Singular	Not recognized[470]
Dec. 20, 2019 Cal. Super. Ct.	Shaowei Huang v. Jixian Du	Parallel	Settled[471]
Mar. 24, 2020 Cal. Super. Ct.	Taotao Dang v. Yao Xiang	Singular	Settled[472]
July 13, 2020 C.D. Ill.	Yancheng Shanda Yuanfeng Equity Inv. P'ship v. Wan	Singular	Recognized[473]
July 16, 2020 Cal. Super. Ct.	Beijing Luode Prop. Mgmt. Co. v. Han Qin	Singular	Pending[474]
Aug. 11, 2020 N.Y. Sup. Ct.	Shanghai Yongrun Inv. Mgmt. Co. v. Kashi Galaxy Venture Cap. Co.	Singular	Pending[475]
Aug. 14, 2020 W.D. Tex.	Chang v. Agric. Bank of China Ltd.	Parallel	Dismissed on other grounds[476]
Aug. 31, 2020 Wash. Super. Ct.	Shaoxin Huajian Venture Cap. Co. v. Fang	Singular	Recognized[477]

468. This case was first filed in the U.S., dismissed based on forum non conveniens (FNC), litigated in Chinese court, and then the Chinese judgment returned to the U.S. for recognition.
469. Huizhi Liu v. Guoqing Guan, 225 A.D.3d 749, 751–52 (N.Y. App. Div. 2024), *modifying*, No. 713741/2019, 2020 WL 1066677 (N.Y. Sup. Ct. Jan. 6, 2020).
470. Qin Yu v. Guoqing Guan, No. 655186/2019, 2020 WL 5497867, at *6–7 (N.Y. Sup. Ct. Sep. 11, 2020).
471. Request for Dismissal at 1, Shaowei Huang v. Jixian Du, No. 19STCV45709 (Cal. Super. Ct. May 12, 2023).
472. Minute Order, Taotao Dang v. Yao Xiang, No. 20PSCV00229 (Cal. Super. Ct. June 14, 2024).
473. Yancheng Shanda Yuanfeng Equity Inv. P'ship v. Wan, No. 20-CV-02198, 2022 WL 411860, at *9 (C.D. Ill. Jan. 10, 2012).
474. Beijing Luode Prop. Mgmt. Co. v. Han Qin, No. 30-2020-01151826 (Cal. Super. Ct. filed July 16, 2020).
475. Shanghai Yongrun Inv. Mgmt. Co. v. Kashi Galaxy Venture Cap. Co., No. 156328/2020 (N.Y. Sup. Ct. filed Aug. 11, 2020).
476. Chang v. Agric. Bank of China Ltd., No. 20-CV-00744, 2022 WL 2762717, at *1 (W.D. Tex. Jan. 26, 2022).
477. Minute Entry, Shaoxin Huajian Venture Cap. Co. v. Fang, No. 20-2-13294-2 (Wash. Super. Ct. Mar 4, 2022).

Filing Date and Court	Case Name	Request Type	Outcome
Sep. 28, 2020 Wash. Super. Ct.	Yun Zhang v. Rainbow USA Inv. LLC	Singular	Recognized[478]
Oct. 29, 2020 Wash. Super. Ct.	Xiaoming Ding v. Rainbow USA Inv. LLC	Singular	Recognized[479]
Jan. 8, 2021 Cal. Super. Ct.	Ningbo Brother Apparel Co. v. Star Ace Asia, Ltd.	Singular	Recognized by default[480]
Jan. 28, 2021 Wash. Super. Ct.	Hua v. Yuans H&H Prop. Inc.	Parallel	Not recognized[481]
Feb. 17, 2021 Wash. Super. Ct.	Xubao Zhang v. Caihong Jiang	Singular	Voluntarily dismissed[482]
June 11, 2021 Cal. Super. Ct.	Xi'an Television Copyright Exch. Ctr. Co. v. Dong	Singular	Pending[483]
Aug. 17, 2021 Cal. Super. Ct.	Beijing Da De Chao Rui Com. & Trade Co. v. Tao Yun Cap. Co.	Singular	Not recognized[484]
Aug. 26, 2021 C.D. Ill.	Wanxiang Venture Cap. Co. v. Wan	Singular	Settled[485]
Oct. 21, 2021 Cal. Super. Ct.	Yuxiao Liu v. Jianhua Li	Singular	Recognized by default[486]

478. Yun Zhang v. Rainbow USA Invs. LLC, No. 20-2-14429-1, slip op. at 2 (Wash. Super. Ct. Dec. 23, 2021).

479. Xiaoming Ding v. Rainbow USA Inv. LLC, No. 20-2-15918-2, slip op. at 2–3 (Wash. Super. Ct. Feb. 3, 2022).

480. Ningbo Brother Apparel Co. v. Star Ace Asia, Ltd., No. 21STCP00038, slip op. at 1 (Cal. Super. Ct. Aug. 30, 2022).

481. Liao Hua v. Yuans H&H Prop. Inc., No. 21-2-01289-9, slip op. at 2–4 (Wash. Super. Ct. May 9, 2024).

482. Order Granting Plaintiffs' Motion for Voluntary Dismissal of Remaining Claim and Defendant Yux Xu Without Prejudice Pursuant to CR 41(a)(1)(B), Xubao Zhang v. Caihong Jiang, No. 21-2-02176-6 (Wash. Super. Ct. Dec. 4, 2024).

483. Xi'an Television Copyright Exch. Ctr. Co. v. Dong, No. CIVSB2116831 (Cal. Super. Ct. filed June 11, 2021).

484. Beijing Da De Chao Rui Com. & Trade Co. v. Tao Yun Cap. Co., No. 21STCV30449, slip op. at 5–6 (Cal. Super. Ct. Dec. 15, 2022).

485. Wanxiang Venture Cap. Co. v. Wan, No. 21-CV-02226, slip op. at 2–3 (C.D. Ill. May 4, 2022).

486. Judgment at 1, Yuxiao Liu v. Jianhua Li, No. CIVSB2126950 (Cal. Super. Ct. Sep. 12, 2022).

Filing Date and Court	Case Name	Request Type	Outcome
Jan. 26, 2022 Cal. Super. Ct.	Deli Li v. Dong Luo	Singular	Dismissed on other grounds[487]
Feb. 11, 2022 Wash. Super. Ct.	Shanghai Pudong New Area Yinsheng Microlending Co. v. Xianzeng Cao	Singular	Recognized by settlement agreement[488]
Mar. 9, 2022 C.D. Cal.	Deng v. Zhuang Deng	Singular	Settled[489]
Mar. 11, 2022 N.Y. Sup. Ct.	China Minsheng Tr. Co. v. Hanergy Holding Grp. Ltd.	Singular	Discontinued due to inactivity[490]
Apr. 22, 2022 N.Y. Sup. Ct.	Liang Huaji v. Yan Jinggang	Singular	Dismissed on other grounds as to one defendant; pending as to the other defendant[491]
Apr. 26, 2022 N.Y. Sup. Ct.	Beijing Bitian Wealth Inv. Co. v. Deng Tianzhou	Singular	Voluntarily discontinued[492]
May 16, 2022 N.Y. Sup. Ct.	Hangzhou Chengzhuo Trading Co. v. Yingtan Dangdai Inv. Grp. Co.	Singular	Voluntarily discontinued[493]
June 3, 2022 N.Y. Sup. Ct.	Shanghai Tongsheng Inv. Co. v. Zhou Xiaoguang	Singular	Pending[494]

487. Notice of Entry of Judgment, Deli Li v. Dong Luo, No. 37-2022-00003237 (Cal. Super. Ct. Sep. 3, 2024).
488. Agreed Findings of Fact and Conclusions of Law, Judgment at 6, Shanghai Pudong New Area Yinsheng Microlending Co. v. Xianzeng Cao, No. 22-2-02200-1 (Wash. Super. Ct. June 4, 2025).
489. Order re Notice of Settlement and Stipulated Request to Vacate All Hearing Dates at 2, Deng v. Zhuang Deng, No. 22-CV-01585 (C.D. Cal. Dec. 5, 2022).
490. Notice of Discontinuance of Action, China Minsheng Tr. Co. v. Hanergy Holding Grp. Ltd., No. 153501/2022 (N.Y. Sup. Ct. May 16, 2022).
491. Liang Huaji v. Yan Jinggang, No. 153501/2022, slip op. at 1 (N.Y. Sup. Ct. Mar. 27, 2024).
492. Notice of Voluntary Discontinuance, Beijing Bitian Wealth Inv. Co. v. Deng Tianzhou, No. 154334/2022 (N.Y. Sup. Ct. Mar. 9, 2023).
493. Notice of Voluntary Discontinuance, Hangzhou Chengzhuo Trading Co. v. Yingtan Dangdai Inv. Grp. Co., No. 154232/2022 (N.Y. Sup. Ct. Mar. 27, 2023).
494. Shanghai Tongsheng Inv. Co. v. Zhou Xiaoguang, No. 154759/2022 (N.Y. Sup. Ct. filed June 3, 2022).

Filing Date and Court	Case Name	Request Type	Outcome
June 28, 2022 N.Y. Sup. Ct.	Shenzhen Yipiao Enter. Mgmt. Consulting Co. v. Shanghai Hisea Int'l Trading Co.	Singular	Voluntarily discontinued[495]
July 7, 2022 N.Y. Sup. Ct.	Ne. Sec. Co. v. Sichuan Hengkang Dev. Co.	Singular	Voluntarily discontinued[496]
July 19, 2022 N.Y. Sup. Ct.	Meng Kai v. Shan Xiaochang	Singular	Voluntarily discontinued[497]
Aug. 17, 2022 Cal. Super. Ct.	Xiaofeng Wen v. Dong Luo	Singular	Voluntarily discontinued[498]
Sep. 13, 2022 N.Y. Sup. Ct.	Shanghai Xilin Inv. Mgmt. Co. v. Wei Junkang	Singular	Recognized by default[499]
Sep. 19, 2022 N.Y. Sup. Ct.	Guojing Zhang v. Tianfu Yang	Singular	Dismissed for failure to serve defendant[500]
Sep. 20, 2022 Cal. Super. Ct.	Shenzhen Qianhai Baoping Asset Mgmt. Co. v. Jinggang Yan	Singular	Recognized by default[501]
Nov. 9, 2022 N.Y. Sup. Ct.	Zheng Wu v. Yaolai Cultural Indus. Co.	Singular	Voluntarily discontinued[502]
Nov. 30, 2022 Cal. Super. Ct.	Shuai Luo v. Liqun Zhu	Singular	Settled[503]

495. Notice of Voluntary Discontinuance, Shenzhen Yipiao Enter. Mgmt. Consulting Co. v. Shanghai Hisea Int'l Trading Co., No. 656996/2022 (N.Y. Sup. Ct. Aug. 2, 2022).
496. Notice of Voluntary Discontinuance, Ne. Sec. Co. v. Sichuan Hengkang Dev. Co., No. 652370/2022 (N.Y. Sup. Ct. Sep. 28, 2022).
497. Notice of Voluntary Discontinuance, Meng Kai v. Shan Xiaochang. No. 652488/2022 (N.Y. Sup. Ct. Mar. 20, 2024).
498. Request for Dismissal at 1, Xiaofeng Wen v. Dong Luo, No. 37-2022-00035138 (Cal. Super. Ct. Nov. 22, 2023).
499. Shanghai Xilin Inv. Mgmt. Co. v. Wei Junkang, No. 653344/2022, slip op. at 1 (N.Y. Sup. Ct. Feb 8, 2024).
500. Guojing Zhang v. Tianfu Yang, No. 653416/2022, slip op. at 1 (N.Y. Sup. Ct. July 26, 2024).
501. Judgment at 1, Shenzhen Qianhai Baoping Asset Mgmt. Co. v. Jinggang Yan, No. 22PSCV01111 (Cal. Super. Ct. Apr. 6, 2023).
502. Notice of Voluntary Discontinuance, Zheng Wu v. Yaolai Cultural Indus. Co., No. 654291/2022 (N.Y. Sup. Ct. July 17, 2024).
503. Request for Dismissal at 1, Shuai Luo v. Liqun Zhu, No. 22AHCP00489 (Cal. Super. Ct. Oct. 10, 2023).

Filing Date and Court	Case Name	Request Type	Outcome
Dec. 12, 2022 N.Y. Sup. Ct.	Yuan Weng v. Feifan Zhao	Singular	Recognized by default[504]
Dec. 19, 2022 N.D. Cal.	Wuxi Powerbit Data Tech. Ltd. v. BiTMICRO Networks, Inc.	Singular	Recognized by default[505]
Jan. 10, 2023 N.Y. Sup. Ct.	Ping An Bank Co. Shanghai Branch v. Shanghai Weixue Solar Energy Sci. & Tech. Co.	Singular	Voluntarily discontinued[506]
Jan. 26, 2023 N.Y. Sup. Ct.	Chi Zhiliang v. Huang Xianyou	Singular	Dismissed for failure to serve defendant[507]
June 1, 2023 Cal. Super. Ct.	Zhejiang Chenyuan Indus. Dev. Co. v. Wang Lei	Singular	Pending[508]
June 23, 2023 N.Y. Sup. Ct.	Gongqingcheng Panhui Inv. Mgmt. P'ship v. Jiman Zhu	Singular	Pending[509]
June 30, 2023 N.Y. Sup. Ct.	Suzhou Indus. Park Junyi Enter. Mgmt. Co. v. Changzhou Huahai Shipping Co.	Singular	Voluntarily discontinued[510]

504. Yuan Weng v. Feifan Zhao, No. 654760/2022, slip op. at 2–3 (N.Y. Sup. Ct. May 24, 2024).

505. Wuxi Powerbit Data Tech. Ltd. v. BiTMICRO Networks, Inc., No. 22-CV-08959, slip op. at 1 (N.D. Cal. July 27, 2023).

506. Notice of Voluntary Discontinuance, Ping An Bank Co. Shanghai Branch v. Shanghai Weixue Solar Energy Sci. & Tech. Co., No. 650148/2023 (N.Y. Sup. Ct. May 2, 2024).

507. Chi Zhiliang v. Huang Xianyou, No. 650536/2023, slip op. at 1 (N.Y. Sup. Ct. July 16, 2024).

508. Zhejiang Chenyuan Indus. Dev. Co. v. Wang Lei., No. 30-2022-01280763 (Cal. Super. Ct. filed Sep. 12, 2022).

509. Gongqingcheng Panhui Inv. Mgmt. P'ship v. Jiman Zhu, No. 653028/2023 (N.Y. Sup. Ct. filed June 23, 2023).

510. Notice of Voluntary Discontinuance, Suzhou Indus. Park Junyi Enter. Mgmt. Co. v. Changzhou Huahai Shipping Co., No. 653156/2023 (N.Y. Sup. Ct. Oct. 25, 2024).