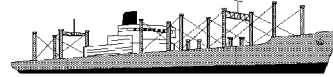
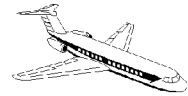




Rollin' On [®]



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FOREIGN JUDGMENTS, TRANS. LAW GURU, FOOTBALL/JOBSHARE

Foreign Judgments:

But it's from Vancouver

Here's the deal. You sue an out-of-state company or person in an Oregon court for monies that are owed you, based upon a transaction that occurred in Oregon. You get a "judgment", whether after trial, by default or otherwise, signed by the court stating that Joe Co. or Joe Blow does indeed owe you X amount of \$\$\$. You're happy that justice has been served.

But time goes by and no check comes in the mail. You learn that no judge, in any state, is going to put someone in jail for not paying you, since debtor's prison has long been abolished. So all you've got thus far is a piece of paper that you can hang on the wall. What do you do next?

You learn that you need to "domesticate" the judgment in the state where the deadbeat is located. Out-of-state judgments are referred to as "foreign judgments", even though they are issued by a court in the United States. You learn that you need to have the judgment recorded or filed in the court in the other state. That's the beginning, not the end, of your experience in that other state's court. The "judgment debtor" then has a period of time, which varies from state to state from around five days to 20 days, from receipt of the notice of your filing to file a response with the court.

So now you're thinking, by the time I can get into court, whatever bank accounts may have existed will be cleaned out. And that is a real possibility. As a preliminary matter, your judgment debtor may challenge the "jurisdiction" of the Oregon court, in which the debtor would claim that the debtor did not take action, or sufficient

LARRY R. DAVIDSON
Attorney at Law
1850 Benj. Franklin Plaza
One SW Columbia St.
Portland, Oregon 97258
(503) 229-0199
Fax (503) 229-1856
E-Mail: larry@rollin-on.com
www.rollin-on.com

action, to render the debtor subject to the Oregon court's power and authority. If the Oregon court had jurisdiction, the other court is obligated to give the Oregon judgment "full faith and credit".

So let's say that you finally get the other court to issue you a new judgment in this second state. That's great. Only thing is, now you have to attempt to "execute" on the judgment. No, I did not say to execute the debtor, although by this time you may feel like doing that. Instead, you undertake collection action, such as garnishment of a bank account, or having the sheriff seize assets and sell them at a public sale. Good luck on getting all your \$\$\$.

Transportation Law Guru

Bill Augello, a well known transportation attorney from New York, will be in Portland in November to conduct a seminar on transportation law matters. Now to say the obvious, I don't usually go around espousing the virtues of other transportation attorneys. But Bill is exceptional and deserves every praise that can be bestowed upon him. Although he advocates for shippers, he has been of tremendous help in other areas regarding transportation law, such as successfully defending before the U.S. Supreme Court the legislation that wiped out most undercharge claims (regarding claims on behalf of bankrupt motor carriers, as they say, the swamp has been drained). Although Bill is now semi-retired and residing in Tucson, he still enjoys getting out, meeting with people and, yes, protecting those shippers.

Bill originally was planning on making Seattle his NW destination, but when I got wind of those tentative plans, I did my lawyer thing and made a pitch for him to instead come to Portland, which he agreed to do. I've known Bill for a long time, and was privileged to be asked to speak at two of his conferences in the mid 1990s, in New Orleans and Atlanta.

For those of you who are not on his TCPC mailing list, please let me know and I'll get the information to you. The program includes freight claims (Nov. 3), contracting (Nov. 4) and transportation law and logistics (Nov. 5) at the Tiger Woods Conference Center (guess where that is; hint, as if you need one, it's a shipper). Bill is doing the Nov. 5 program.

College football and jobsharing

College football returns this week, saving us once again from a sports section devoid of news. So does Mike Riley to Corvallis, this time to stay (all skeptics leave the room please; oops, the room now looks kind of empty). Still, it's hard to begrudge a guy for wanting to go to the next level. By the time he wants to move on again, the 49ers and Dennis Erickson will have tired of each other, and Riley and Erickson can swap jobs. Oregon State just might have a good thing going, high profile job sharing.

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That's all for now. Until next time, keep the cargo *rollin'*!

Short Bio

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 25 years and emphasizing transportation law, business law and related litigation.

The Obligatory Disclaimer

This newsletter is for informational purposes, does not provide legal advice and does not create an attorney-client relationship.