

Regular Session, 2010

HOUSE BILL NO. 701

BY REPRESENTATIVE WOOTON

1 AN ACT

2 To enact Code of Civil Procedure Article 2542, relative to foreign defamation judgments;  
3 to provide the grounds for the recognition of foreign defamation judgments; to  
4 provide for jurisdiction; to provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 2542 is hereby enacted to read as follows:

7 Art. 2542. Grounds for recognition of foreign defamation judgments

8 A. For the purposes of this Section, "foreign defamation judgment" means  
9 a judgment or decree rendered in a jurisdiction outside of any state or territory of the  
10 United States which was founded on a cause of action arising from allegations of  
11 defamation.

12 B. A foreign defamation judgment is not conclusive if any of the following  
13 apply:

14 (1) The judgment was rendered under a system which does not provide  
15 impartial tribunals or procedures compatible with the requirements of due process  
16 of law.

17 (2) The foreign court did not have personal jurisdiction over the defendant.

18 (3) The foreign court did not have jurisdiction over the subject matter.

19 C. A foreign defamation judgment need not be recognized if any of the  
20 following apply:

21 (1) The defendant in the proceedings in the foreign court did not receive  
22 notice of the proceedings in sufficient time to enable him to provide a defense.

23 (2) The judgment was obtained by fraud.

24 (3) The cause of action or claim for relief on which the judgment is based is  
25 repugnant to the public policy of this state.

26 (4) The judgment conflicts with another final and conclusive order.

1           (5) The proceeding in the foreign court was contrary to an agreement  
2           between the parties under which the dispute in question was to be settled otherwise  
3           than by proceedings in that court.

4           (6) In the case of jurisdiction based only on personal service, the foreign  
5           court was an inconvenient forum for the trial of the action.

6           (7) The foreign jurisdiction where judgment was rendered would not give  
7           recognition to a similar judgment rendered in this state.

8           (8) The court sitting in this state before which the matter is brought  
9           determines that the defamation law applied in the adjudication by the foreign court  
10          failed to provide at least as much protection for freedom of speech and press in that  
11          case as would be provided by the constitutions of this state and the United States.

12          D. For the purposes of rendering declaratory relief with respect to the  
13          liability of a person for a foreign defamation judgment and determining whether the  
14          foreign defamation judgment should be deemed recognizable pursuant to this  
15          Section, the courts of this state shall have personal jurisdiction over any person who  
16          obtains a judgment in a defamation proceeding outside the United States against any  
17          of the following persons:

18                   (1) A resident of this state.

19                   (2) A person or entity amenable to the jurisdiction of this state.

20                   (3) A person who has assets in this state.

21                   (4) A person who may have to take action in this state to comply with the  
22          judgment.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_