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1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 Opinion Number: _____

3 Filing Date: **December 13, 2023**

Court of Appeals of New Mexico
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4 **No. A-1-CA-40004**



Mark Reynolds

5 **WV 23 JUMPSTART, LLC,**

6 Plaintiff-Appellant,

7 v.

8 **TIGER W. MYNARCIK; JILL**
9 **MYNARCIK; ANTIQUA, LLC; and**
10 **TRADEWIND COMPANIES, LLC,**

11 Defendants-Appellees.

12 **APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY**

13 **Francis J. Mathew, District Court Judge**

14 Ferrance Law, P.C.

15 David A. Ferrance

16 Albuquerque, NM

17 for Appellant

18 The Simons Firm, LLP

19 Thomas A. Simons, IV

20 Frieda Scott Simons

21 Santa Fe, NM

22 for Appellees

1 **OPINION**

2 **BOGARDUS, Judge.**

3 {1} Plaintiff WV 23 Jumpstart, LLC appeals the district court’s order granting
4 Defendants’ Tiger Mynarcik, Jill Mynarcik, Antiqua, LLC, and Tradewind
5 Companies, LLC’s (Defendants) motion for summary judgment and denying
6 Plaintiff’s counter-motion for summary judgment. The district court determined that
7 Plaintiff could not domesticate and enforce a California state court judgment against
8 Defendant Tiger Mynarcik in New Mexico because (1) the judgment was a
9 ministerial registration of a Nevada state court money judgment and thus not entitled
10 to full faith and credit in New Mexico; and (2) the original Nevada judgment was
11 expired and could not be registered in New Mexico. Plaintiff contends that the
12 district court erred by failing to give full faith and credit to the California judgment
13 because, under California law, registration of the Nevada judgment in California
14 state court rendered it an original California judgment, which is entitled to full faith
15 and credit in New Mexico. We agree with Plaintiff and reverse.

16 **BACKGROUND**

17 {2} In 2010, a Nevada state court entered a judgment (the Nevada judgment)
18 against Defendants for \$1,584,893. The same year, Plaintiff’s predecessor in interest
19 registered the Nevada judgment in California (the California judgment), pursuant to
20 California’s Sister State Money Judgments Act (SSMJ). *See* Cal. Civ. Proc. Code

1 §§ 1710.10 to 1712 (West 1974, as amended 2023). Plaintiff was then assigned the
2 rights to collect on the judgment by its predecessor in interest in May 2020. In July
3 2020, Plaintiff renewed the California judgment in the Superior Court of California,
4 which extended the enforceability of the judgment in California for an additional ten
5 years. *See* Cal. Civ. Proc. Code §§ 683.110 to 683.220 (West 1982, as amended
6 through 2023).

7 {3} In November 2020, Plaintiff brought a common law action to domesticate and
8 enforce the California judgment in New Mexico district court. Plaintiff also sought
9 to void the 2017 transfer of property by Defendant Mynarcik to Defendant Antiqua,
10 LLC under the Uniform Voidable Transactions Act (the Act). *See* NMSA 1978,
11 §§ 56-10-14 to -29 (2015). In response, Defendants filed two motions for summary
12 judgment. In the first motion, Defendants argued that the petition to domesticate the
13 foreign judgment was barred by the two-year statute of limitations under Nevada
14 law for fraudulent transfers in accordance with the Act. The district court determined
15 that Defendant’s first motion was moot, but granted Defendant’s second motion,
16 concluding that the registration of the Nevada judgment in California was “not a
17 personal money judgment rendered by a court, [but] more akin to a writ of execution
18 issued as a ministerial action by the clerk” and thus not entitled to full faith and credit

1 in New Mexico courts. The district court also determined that the Nevada judgment
2 was expired and could not be registered in New Mexico. Plaintiff appeals.¹

3 **DISCUSSION**

4 {4} The question before us is whether the California judgment is entitled to full
5 faith and credit under Article IV, Section 1 of the United States Constitution. As we
6 explain, we conclude that it is.

7 {5} When no material issues of fact are in dispute and an appeal presents only a
8 question of law, we review the grant of summary judgment de novo. *Cadle Co. v.*
9 *Seavall*, 2019-NMCA-062, ¶ 6, 450 P.3d 471. Moreover, whether a sister state
10 judgment is entitled to full faith and credit in New Mexico is a question of law that
11 we review de novo. *See Williams v. Crutcher*, 2013-NMCA-044, ¶ 9, 298 P.3d 1184

¹After the appeal was filed and all the briefing was complete, Defendant filed a motion to dismiss the appeal for lack of subject matter jurisdiction and failure to state a claim because the California judgment was preliminarily dismissed pending appeal in the California courts. Defendants sought dismissal without prejudice pending the outcome of the appeal. This Court held the motion to dismiss in abeyance pending the submission of the briefing and the motions to the panel. Before this case was submitted to this panel, the Court of Appeal of the State of California Third Appellate District filed an opinion reversing the lower court's decision and determining that the registration and renewal of the Nevada judgment in California was valid and enforceable. *See WV 23 Jumpstart, LLC v. Mynarcik*, 301 Cal. Rptr. 3d 402, 412 (Ct. App. 2022) (California case resolving the appeal), *review denied* (Feb. 22, 2023), *cert. denied*, 2023 WL 6377900, (U.S. 2023) (mem). The California Supreme Court and the United States Supreme Court denied certiorari. Accordingly, Defendants' request to dismiss the case without prejudice pending resolution of those appeals is moot. *Gunaji v. Macias*, 2001-NMSC-028, ¶ 9, 130 N.M. 734, 31 P.3d 1008 (stating that our appellate courts do not decide moot issues).

1 (stating that the interpretation of a foreign judgment is a question of law); *see also*
2 *Pinghua Zhao v. Montoya*, 2014-NMSC-025, ¶ 11, 329 P.3d 676 (“Questions of
3 statutory and constitutional interpretation are reviewed de novo.”).

4 {6} Article IV, Section 1 of the United States Constitution requires that “Full Faith
5 and Credit shall be given in each State to the . . . judicial Proceedings of every other
6 State.” In other words

7 the judgment of a [s]tate court which had jurisdiction of the parties and
8 the subject-matter in suit, shall be given in the courts of every other
9 [s]tate the same credit, validity and effect which it has in the [s]tate
10 where it was rendered, and be equally conclusive upon the merits; and
11 that only such defenses as would be good to a suit thereon in that [s]tate
12 can be relied on in the courts of any other [s]tate.

13 *Roche v. McDonald*, 275 U.S. 449, 451-52 (1928). New Mexico courts must give
14 the judgments of a sister state full faith and credit, “unless the judgment is void.”

15 *Jordan v. Hall*, 1993-NMCA-061, ¶ 5, 115 N.M. 775, 858 P.2d 863. New Mexico
16 courts determine the validity of foreign judgments based on the law of the foreign

17 jurisdiction. *Rubin v. Rubin*, 1995-NMCA-107, ¶ 7, 120 N.M. 592, 904 P.2d 41

18 (collecting cases supporting this principle); *see also Willis v. Willis*, 1986-NMSC-

19 035, ¶ 6, 104 N.M. 233, 719 P.2d 811 (“To escape the rule that a judgment of a sister

20 state is entitled to full faith and credit . . . we would have to hold that the judgment

21 is void and entitled to no standing even in the state in which it was rendered.”

22 (alternations, internal quotation marks, and citation omitted)). However, “a state may

23 apply its own procedural rules [to the domestication of foreign judgments], including

1 statutes of limitations, to actions litigated in its courts without running afoul of the
2 Full Faith and Credit Clause.” *Schmierer v. Tribal Tr.*, 2018-NMCA-058, ¶ 21, 427
3 P.3d 143.

4 {7} For New Mexico courts to “give full faith and credit to judgments of other
5 state courts,” the foreign judgment must be domesticated into a New Mexico
6 judgment. *Walter E. Heller W., Inc. v. Ditto*, 1998-NMCA-068, ¶¶ 4-5, 125 N.M.
7 226, 959 P.2d 560. This can be accomplished either by registering the foreign
8 judgment, pursuant to New Mexico’s Foreign Judgments Act, NMSA 1978, §§ 39-
9 4A-1 to -6 (1989, as amended through 1994), or by bringing a common law action
10 to enforce the judgment. *Walter E. Heller W., Inc.*, 1998-NMCA-068, ¶ 4. Under the
11 Act, an authenticated foreign judgment may be filed with the clerk of the district
12 court and will have “the same effect and . . . may be enforced or satisfied in [a] like
13 manner” as an original New Mexico judgment. Section 39-4A-3(A); *see id.* (stating
14 that “the clerk *shall* treat” a foreign judgment as a New Mexico judgment). This is
15 true even though the registry of the foreign judgment under the Act by the clerk is
16 mandatory and thus could be considered ministerial. *Wallbro v. Nolte*, 2022-NMCA-
17 027, ¶ 20, 511 P.3d 348 (explaining that a ministerial act is an act, which a public
18 official must perform under the law as opposed to an act dictated by the official’s
19 own discretion), *cert. granted* (S-1-SC-38773, Apr. 19, 2022). Similarly,
20 successfully bringing a common law action requires state courts to treat foreign

1 judgments equal to New Mexico judgments. *Galef v. Buena Vista Dairy*, 1994-
2 NMCA-068, ¶¶ 4-5, 117 N.M. 701, 875 P.2d 1132 (stating that bringing a common
3 law action to domesticate a California judgment in New Mexico converted the
4 “California judgment into a separate New Mexico judgment”).

5 {8} Foreign judgments domesticated in California are also afforded the same force
6 and effect as original judgments in that state. California courts require a foreign
7 judgment to be domesticated before it is enforceable. *Conseco Mktg., LLC v. IFA &*
8 *Ins. Servs., Inc.*, 164 Cal. Rptr. 3d 788, 792 (Ct. App. 2013). The same processes
9 allowed for domestication of a judgment in New Mexico, registration of the foreign
10 judgment with the clerk of the court or bringing an independent common law action,
11 are permitted in California. *See id.* at 792-93 (stating that the legislative purpose of
12 enacting the SSMJ was to provide a more economical and expeditious option for
13 enforcing a foreign judgment than bringing an independent action); *Casey v. Hill*,
14 294 Cal. Rptr. 3d 298, 320 (Ct. App. 2022) (stating that before the SSMJ, a judgment
15 creditor “was required to file an original action” to domesticate a judgment, but the
16 Act created “a simpler and more efficient method of enforcing sister state
17 judgments” (alterations, internal quotation marks, and citation omitted)).

18 {9} Although the registry of a foreign judgment under the SSMJ is ministerial,
19 *Casey*, 294 Cal. Rptr. 3d at 320 (stating that “entry by the clerk of a judgment based
20 upon the application is mandatory . . . , constituting a ministerial act of the clerk”),

1 a registration of a sister state judgment has “the same force and effect as a judgment
2 originally issued by a California court ‘and may be enforced or satisfied in like
3 manner.’” *Id.* (quoting § 1710.35). In other words, under California law,
4 domesticated foreign judgments, whether via independent action or registration
5 under the Act, are treated as original California judgments. *Washoe Dev. Co. v.*
6 *Guar. Fed. Bank*, 55 Cal. Rptr. 2d 479, 481 (Ct. App. 1996) (explaining that both
7 sister state judgments domesticated by independent action or by registration have
8 “the same effect as an original California money judgment”).

9 {10} Here, in order to determine whether the California judgment is entitled to full
10 faith and credit in New Mexico, we must first assess whether the California judgment
11 is valid under California law, *see Rubin*, 1995-NMCA-107, ¶ 7, and then determine
12 whether New Mexico procedural rules prohibit domestication of the judgment,
13 *Schmierer*, 2018-NMCA-058, ¶ 21. If New Mexico law would bar the action, then
14 we must determine if the Full Faith and Credit Clause requires recognition of the
15 judgment nonetheless. *Id.* Because, as we explain below, the California judgment is
16 valid and enforceable under New Mexico and California law and is not barred by
17 our statute of limitations, we conclude it must be given full faith and credit in New
18 Mexico.

19 {11} California law treats domesticated judgments the same as original judgments,
20 even if domestication was accomplished through a ministerial act such as

1 registration. *Casey*, 294 Cal. Rptr. 3d at 320. New Mexico courts also treat
2 domesticated judgments as original judgments, even if they were domesticated
3 through a ministerial act. *Walter E. Heller W., Inc.*, 1998-NMCA-068, ¶¶ 4-5. As
4 such, foreign judgments registered in California are valid California judgments
5 under New Mexico and California law and New Mexico courts must give full faith
6 and credit to them so long as they meet the New Mexico procedural requirements.
7 *See Schmierer*, 2018-NMCA-058, ¶ 21 (explaining that a state’s obligation to
8 provide full faith and credit to another state’s judgments can be limited by procedural
9 rules including statutes of limitations). Here, the California judgment is a valid and
10 enforceable judgment in California and thus a valid and enforceable judgment in
11 New Mexico. *See Rubin*, 1995-NMCA-107, ¶ 7.

12 {12} We now turn to the question of whether New Mexico’s procedural limitations
13 to domesticating a valid foreign judgment prevent the domestication of the
14 California judgment. “In interpreting statutes, we seek to give effect to the
15 Legislature’s intent.” *Key v. Chrysler Motors Corp.*, 1996-NMSC-038, ¶ 13, 121
16 N.M. 764, 918 P.2d 350. In doing so, we look first to the plain language of the statute
17 because the “statute’s plain language is the most reliable indicator of legislative
18 intent.” *Stennis v. City of Santa Fe*, 2010-NMCA-108, ¶ 10, 149 N.M. 92, 244 P.3d
19 787. Moreover, we presume that “[t]he Legislature knows how to include language
20 in a statute if it so desires,” *State v. Greenwood*, 2012-NMCA-017, ¶ 38, 271 P.3d

1 753 (internal quotation marks and citation omitted), and that a “change from the
2 prior statutory language” indicates an intentional change. *State ex rel. Child., Youth
3 & Fams. Dep’t v. T.J.*, 1997-NMCA-021, ¶ 5, 123 N.M. 99, 934 P.2d 293; *see also*
4 *Tucson Elec. Power Co. v. N.M. Tax’n & Revenue Dep’t*, 2020-NMCA-011, ¶ 15,
5 456 P.3d 1085 (stating that a recent amendment in the language of the statute
6 elaborated on and helped clarify legislative intent).

7 {13} At the time Plaintiff sought to domesticate the California judgment, foreign
8 judgments could be domesticated if they were “brought within the applicable period
9 of limitation within that [foreign] jurisdiction, not to exceed fourteen years from the
10 date of the judgment.” NMSA 1978, § 37-1-2 (1983, amended 2021). There is no
11 word modifying judgment, and thus the plain language of the statute does not limit
12 the type of judgment to original judgments, but also is sufficiently broad to include
13 a renewal of a judgment such as this one.

14 {14} In 2021, the Legislature amended the statute to include the word “original”
15 before the word “judgment.” *Compare* § 37-1-2 (1983), *with* § 37-1-2 (2021). As
16 such, the amendment changes the language of the statute so that the statute of
17 limitations for domesticating a foreign judgment runs “from the date of the original
18 judgment upon which it is founded,” as opposed to the date of any judgment being
19 domesticated. Section 37-1-2. However, because the California judgment is treated
20 like an original judgment under California law, regardless of which version of the

1 statute applies, the applicable time frame is ten years, well within the fourteen-year
2 term provided by the statute. Moreover, the new statute does not apply to the current
3 case because it became effective after the case was filed. *See Grygorwicz v. Trujillo*,
4 2006-NMCA-089, ¶ 11, 140 N.M. 129, 140 P.3d 550. Therefore, New Mexico law
5 does not bar the domestication of the California registration judgment and New
6 Mexico courts must give it full faith and credit under Article IV, Section 1 of the
7 United States Constitution.

8 **CONCLUSION**

9 {15} We reverse the district court’s determination that the California registration
10 judgment was not entitled to full faith and credit in New Mexico, and remand this
11 matter to the district court on Plaintiff’s claim for enforcement to be decided on the
12 merits.

13 {16} **IT IS SO ORDERED.**

14 
15 **KRISTINA BOCARDUS, Judge**

16 **WE CONCUR:**

17 
18 **GERALD E. BACA, Judge**

19 
20 **MICHAEL D. BUSTAMANTE, Judge,**
21 **retired, Sitting by designation**