

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAVEL DEMENYUK,
Plaintiff,
v.
SERGEY DEMENYUK,
Defendant.

Case No. [16-mc-80105-DMR](#)

**ORDER DISMISSING SECOND
PETITION FOR RECOGNITION AND
ENFORCEMENT OF FOREIGN-
COUNTRY MONEY JUDGMENT**

Re: Dkt. No. 4

Pavel Demenyuk filed a “petition on recognition and enforcement of foreign-country money judgment” and a motion for leave to proceed in forma pauperis (“IFP”). [Docket Nos. 1 (petition), 2 (IFP application).] Demenyuk filed the petition seeking to recognize and enforce a money judgment entered in 2011 in Estonia against his brother, Sergey Demenyuk.

On August 5, 2016, the court granted the IFP application and dismissed the petition, explaining that “[u]nder California law, a party seeking recognition of a foreign judgment under [the Uniform Foreign Money-Judgments Recognition Act] must file a civil action, and a court cannot recognize a foreign-country money judgment on petition.” [Docket No. 3 (citing *Hyundai Secs. Co. v. Lee*, 215 Cal. App. 4th 682, 693(2013); Cal. Civ. Proc. Code § 1718(a)).]

Accordingly, since “a petition is not a proper way to seek recognition of a foreign-country money judgment,” the court dismissed the petition without prejudice to Demenyuk’s filing a civil action to enforce the judgment and instructed the Clerk to close the file. *Id.* On November 23, 2016, Demenyuk filed a second petition, nearly identical to the first, in which he again asks the court to recognize the judgment entered in Estonia in 2011. [Docket No. 4.] As the court previously held, a court cannot recognize a foreign-country money judgment on petition. Demenyuk “must proceed in accordance with the normal procedures applicable to actions” in order to obtain recognition of the Estonian judgment. See *Hyundai*, 215 Cal. App. 4th at 693. This includes

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

satisfying subject matter jurisdiction if he seeks to file a complaint in federal court. Demenyuk's second petition is dismissed without prejudice to his filing a civil action to enforce the judgment. This matter is closed. No further filings shall be made under this miscellaneous case number.

IT IS SO ORDERED.

Dated: February 14, 2017

