
In the
Supreme Court of the United States

TIGER MYNARCIK,

Petitioner,

v.

WV 23 JUMPSTART, LLC,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
FROM THE CALIFORNIA COURT OF APPEAL
THIRD APPELLATE DISTRICT

REPLY TO OPPOSITION TO
PETITION FOR CERTIORARI

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TABLE OF CONTENTS

	Page:
TABLE OF AUTHORITIES.....	ii
INTRODUCTION.....	1
ARGUMENT	2
A. The California court of appeal has improperly decided an important question of federal law	2
B. Enforcement of judgments across the United States is not unique to Mynarcik	3
CONCLUSION	7

TABLE OF AUTHORITIES**Page(s):****Cases:**

<i>Del Prado v. B. N. Dev. Co.,</i> 602 F.3d 660 (5th Cir. 2010).....	7
<i>Fid. Nat'l Fin., Inc. v. Friedman,</i> 935 F.3d 696 (9th Cir. 2019).....	6, 7
<i>Goldman v. Simpson,</i> 160 Cal. App. 4th 255 (2008)	6
<i>Jonathan Neil & Assocs., Inc. v. Jones,</i> 138 Cal. App. 4th 1481 (2006)	6
<i>Roche v. McDonald,</i> 275 U.S. 449 (1928).....	3, 4, 5
<i>Union Nat. Bank of Wichita, Kan. v. Lamb,</i> 337 U.S. 38 (1949).....	3, 4, 5

Statutes:

28 U.S.C. § 1963	7
Cal. Civ. Proc. Code § 683.130, subd. (a)	2
Cal. Civ. Proc. Code § 1710.35	1, 2, 6

INTRODUCTION

A compelling reason exists for this court to grant Petitioner, Tiger Mynarcik's petition for writ of certiorari because the decision of the California Court of Appeal allows Respondent WV Jumpstart, LLC ("Jumpstart") to treat the renewed California judgment as if it were the Original Nevada Judgment. Allowing renewed judgments to have the same force and effect of the Original Nevada Judgment violates due process and the Full Faith and Credit Clause. Jumpstart may not seek to renew the California judgment for the sole purpose of reviving the expired Original Nevada Judgment.

This issue is not unique to Mynarcik, nor is it unique to this Court. In fact, prior cases have found that judgments registered under a sister-state judgment act do not have the same force and effect as the original judgment. This is true for California's Sister State Money Judgments Act ("SSMJA"), which allows only for enforcement of the registered judgment. Cal. Civ. Proc. Code § 1710.35. As the California Court of Appeal found, registration of an out-of-state judgment in California is ministerial and not an adjudication of the merits of the case nor does it affect substantive rights. App. 8a-9a. In other words, the registered judgment does not have the same force and effect as the original judgment.

ARGUMENT

A. The California court of appeal has improperly decided an important question of federal law.

Mynarcik's petition for certiorari brings forth a compelling argument for this Court to revisit application of the Full Faith and Credit Clause to registration of sister state judgments throughout the United States. This matter impacts judgment debtors across the Country by allowing judgment creditors to manipulate state law for their benefit.

The decision issued by the California Court of Appeal allows judgment creditors like Jumpstart to utilize favorable state laws, such as those in California, to extend registered judgments indefinitely regardless of the status of the original judgment. Any creditor, whether they are able to collect on a judgment in California or not, can seek to register a judgment in California for the sole purpose of taking advantage of the 10 year statute of limitations and endless renewal periods. Cal. Civ. Proc. Code § 1710.35; Cal. Civ. Proc. Code § 683.130, subd. (a). The creditor may then use the Full Faith and Credit Clause to treat the registered California judgment the same as the original judgment and re-register it in another state. This allows creditors to avoid unfavorable issues related to original judgments and any unfavorable laws in the jurisdiction of the original judgment. This process ignores the purpose of the Full Faith and Credit Clause, which is to give the judgment of a state court the

same validity and credit in every other state. *Roche v. McDonald*, 275 U.S. 449, 451–52 (1928) (“*Roche*”).

Here, as Jumpstart noted, its “predecessor failed to renew the Nevada judgment, so that judgment expired.” Opposition, p. 1. Jumpstart has sought to enforce the expired judgment in Nevada¹ and New Mexico by way of renewing the California registered judgment. *Id.*

B. Enforcement of judgments across the United States is not unique to Mynarcik.

Respondent incorrectly argues that this matter is unique to Mynarcik and he is the “only person in the country [who] cares about it....” Opposition, p. 4. The registration and impact of sister state judgments or federal court judgments pursuant to the Full Faith and Credit Clause has been addressed by this Court as well as numerous federal and state trial courts and courts of appeal.

This Court addressed application of the Full Faith and Credit Clause on money judgments in *Roche v. McDonald* and *Union Nat. Bank of Wichita, Kan. v. Lamb*, 337 U.S. 38, 41 (1949) (“*Union National Bank*”). In *Roche*, this Court reversed the judgment of the Supreme Court of Washington state, which refused to give full faith

¹ *WV Jumpstart, LLC v. Tiger Mynarcik*, Case No. A-20-826384-F. District Court Clark County, Nevada, Dept. No. VIII, dismissed without prejudice, during the pendency of the California Appeal.

and credit to a valid Oregon judgment because the lawsuit could not have been maintained under Washington law. “[T]he full faith and credit clause of the Constitution requires that the judgment of a State court which had jurisdiction of the parties and the subject-matter in suit, shall be given in the courts of every other State the same credit, validity and effect which it has in the State where it was rendered, and be equally conclusive upon the merits; and that only such defenses as would be good to a suit thereon in that State can be relied on in the courts of any other State.” *Roche, supra*, 275 U.S. at 451–52.

In *Union National Bank* this court reviewed a similar issue in relation to an original Colorado judgment being registered in Missouri. *Union National Bank, supra*, 337 U.S. at 39. The petitioner had obtained a Colorado judgment in 1927 and revived it in Colorado in 1945. *Id.* Petitioner then attempted to register the 1945 revived judgment in Missouri. *Id.* The Supreme Court of Missouri refused to enforce the Colorado revived judgment because under Missouri state law, judgments expired after 10 years. *Id.* This Court found that the Missouri Supreme Court erred in ignoring “Colorado’s more lenient policy” on reviving judgments. *Id.* at 39. Relying on *Roche*, this Court noted that:

once the court of the sister state had jurisdiction over the parties and of the subject matter its judgment was valid and could not be impeached in

the state of the forum, even though it could not have been obtained there.

... Any other result would defeat the aim of the Full Faith and Credit Clause and the statute enacted pursuant to it. It is when a clash of policies between two states emerges that the need of the Clause is the greatest. ... It is the judgment that must be given full faith and credit. In neither case can its integrity be impaired, save for attacks on the jurisdiction of the court that rendered it.

Id. at 41-42.

Both *Roche* and *Union National Bank* reference the validity of the original judgment, but neither case addresses the facts at issue here.

Here, Jumpstart cannot enforce the judgment in California like the creditors in *Roche* and *Union National Bank* were able to do and the Original Nevada Judgment expired, prior to renewal. App. 4a. In *Roche*, the creditor was able to enforce the judgment in Washington because the debtor was temporarily employed there. *Roche, supra*, 275 U.S. at 450. Similarly, in *Union National Bank*, the creditor registered a valid Colorado in Missouri, the debtor's state of residence. *Union National Bank, supra*, 337 U.S. at 39.

Jumpstart and the California Court of Appeal are correct in saying that the application to renew a judgment is not like filing a new lawsuit, but rather is similar to a continuation of the original judgment. Opposition, p. 2; App. 8a-9a. Under California's SSMJA, renewal of a judgment is a "different mechanism to extend the life of a judgment than that of bringing an independent action on a judgment." *Jonathan Neil & Assocs., Inc. v. Jones*, 138 Cal. App. 4th 1481, 1489 (2006). "The statutory renewal of judgment is an automatic, ministerial act accomplished by the clerk of the court; entry of the renewal of judgment does not constitute a new or separate judgment." *Goldman v. Simpson*, 160 Cal. App. 4th 255, 262 (2008). The purpose of California's SSMJA is to allow the collection of preexisting judgments, not to create a new judgment enforceable in other jurisdictions. To do so would be improper because California lacks personal jurisdiction over Mynarcik. What Jumpstart seeks here, however, is not to enforce the California judgment, but to treat the renewed California judgment as an original judgment in order to revive the Nevada judgment and register the renewed California judgment in Nevada and New Mexico. App. 4a, 18a-20a.

Jumpstart cites to *Fidelity*, which is distinguishable because there, the original judgment was entered in federal court then subsequently registered in other federal courts. *Fid. Nat'l Fin., Inc. v. Friedman*, 935 F.3d 696,

698 (9th Cir. 2019). The original judgment was entered pursuant to federal law in the U.S. District Court for the Central District of California and then registered in federal court Washington. *Id.* The registered Washington judgment was re-registered in Arizona federal court. *Id.* The original judgment and subsequent registrations were governed by federal law, not state law. 28 U.S.C. § 1963. Moreover, the original judgment never expired under federal law. *Fid. Nat'l Fin., supra*, 935 F.3d at 698. Moreover, the Ninth Circuit's holding in *Fidelity* is limited. “[O]nce a federal court of competent jurisdiction has determined the parties' substantive rights and entered a judgment following a proceeding that accords with due process, that federal judgment should be enforceable in any other federal district by way of the federal judgment registration statute.” *Id.* at 702.²

Here, the Original Nevada Judgment is not subject to the same federal law across state lines and the decision of the California court of appeal directly impacts the laws of other states.

CONCLUSION

Allowing Jumpstart to renew the registered California judgment even though Mynarcik has

² Other federal courts have conflicting findings with regard to application of expired judgments. *See e.g. Del Prado v. B. N. Dev. Co.*, 602 F.3d 660, 664 (5th Cir. 2010) (“A judgment may only be registered and enforced at a time when the judgment is still enforceable in the state from which it is being registered.”)

no contacts, assets or property in California, such that the renewed judgment has the same force and effect as the original judgment is improper. Allowing Jumpstart to proceed in circumventing Nevada state law and public policy through California's more liberal law, threatens due process, but also contradicts application of the Full Faith and Credit Clause. This Court should grant Mynarcik's petition for certiorari and address the impact of re-registration and enforcement of sister-state judgments.

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