



## Quiz

### Enforcing Australian Rulings in Foreign Jurisdictions

1. Who is the plaintiff in Australia for foreign judgement recognition enforcement proceedings?
  - a. The judgement creditor
  - b. The judgement debtor
  - c. It can be either the judgement creditor or the judgement debtor
  - d. Neither the judgement creditor or the judgement debtor
2. Why did the Court in the UK find that there was no international jurisdiction to enforce a US ruling in the case of *Lucasfilm Ltd & Ors v Ainsworth & Anor* [2008] EWHC 1878 (Ch)?
  - a. The UK company did not have an agent in the US
  - b. The UK company did not have a fixed and designated workplace in the US
  - c. The UK company did not operate in the US for sufficient period of time
  - d. All of the above
3. When can fraud be argued by the judgement debtor as a defence in foreign judgement recognition and enforcement proceedings in Australia?
  - a. If fraud has already been argued in a foreign court, it can only be reargued in Australian court if there is new evidence

- b. If fraud has been previously argued in a domestic judgement it will not be able to be reargued, however if it has been argued in foreign proceedings it may be relitigated
  - c. If fraud has been previously argued in an international judgement it will not be able to be reargued, however if it has been argued in domestic proceedings it may be relitigated
  - d. Fraud may be re-argued as a defence in any situation, whether it be international or domestic in accordance with *Abouloff v Oppenheimer* (1882) 10 QBD 295.
- 4. What defence was argued in the case of *Benefit Strategies Group Inc v Prider* [2005] SASC 194 against foreign enforcement recognition?
  - a. Fraud
  - b. Public Policy
  - c. Denial of natural or substantive justice
  - d. Both B and C
- 5. What must a plaintiff establish to demonstrate that the foreign judgement fulfilled the requirements for recognition enforcement?
  - a. International jurisdiction
  - b. That the judgement is a final and conclusive judgment
  - c. The identity of the parties
  - d. All of the above

Answers:

1. A 2. B 3. A 4. B 5. D