



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**FIDELITY NATIONAL FINANCIAL, INC. v. COLIN H. FRIEDMAN,
et al.
CV-10-0096-CQ**

PARTIES:

Plaintiff-Appellee: Fidelity National Financial, Inc. (“Fidelity”)

Defendants-Appellants: Colin and Hedy Friedman

FACTS:

Fidelity successfully sued Colin and Hedy Friedman and Farid and Anita Meshkatali in 2002 to recover the \$8 M that Fidelity paid defendants to purchase a worthless company that defendants fraudulently represented to Fidelity was worth \$8 M. Judgment was entered in U.S. District Court for the Central District of California. The court certified that Fidelity had “good cause” under 28 U.S.C. § 1963 to register this judgment in another federal court even though, because the appeal was pending, the judgment was not yet final.

Fidelity registered the judgment in U.S. District Court for the District of Arizona on November 21, 2002. Fidelity unsuccessfully tried to collect on the judgment in Arizona. In attempting to collect this judgment, Fidelity obtained orders from the court for debtors’ examinations, inspection of the debtors’ safety deposit box, and writs of garnishment.

On May 15, 2003, final judgment was rendered in the original fraud action because the appeal of the district court’s decision had been dismissed.

On July 6, 2006, Fidelity filed another action in the Central District of California. Fidelity alleged the Friedmans and Meshkatalis had violated the RICO statute in using family trusts and other devices to avoid paying the 2002 judgment. The U.S. District Court in Arizona took judicial notice of the RICO action on February 6, 2007. On April 5, 2007, Fidelity registered the 2003 final judgment in the U.S. District Court in Arizona following the dismissal of the appeal of the 2002 judgment. Fidelity did not include an affidavit of renewal for the original registration. The Friedmans filed a motion in January 2008 to quash Fidelity’s renewal of judgment in Arizona, arguing that Fidelity had failed to properly renew.

On February 7, 2008, Fidelity filed an additional affidavit of renewal of the original judgment with the U.S. District Court in Arizona. The court denied the Friedmans’ motion to quash, finding that the judgment had been renewed by Fidelity’s Arizona collection efforts and the filing of the RICO action in California. *Fidelity Nat. Financial, Inc. v. Friedman*, Not Reported in F.Supp.2d, 2008 WL 3049988 (D. Ariz. 2008).

The Friedmans appealed, asking the Ninth Circuit to decide whether the actions taken by Fidelity were sufficient under Arizona law to renew the prior registration of judgment against them.

The Ninth Circuit issued a certification order on April 26, 2010, signed by Judge Sidney R. Thomas and posing two questions for certification. The order has been released for publication. --- F.3d ----, 2010 WL 1644261.

QUESTIONS FOR CERTIFICATION:

- (1) Do collection activities (such as filing for a writ of garnishment or applying for orders from the court to inspect a safety deposit box or require a debtor's exam) taken within Arizona, renew a judgment previously registered in Arizona?
- (2) Does the filing of a related lawsuit in a state other than Arizona renew a judgment previously registered in Arizona?

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