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Finality of Litigation

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Stellingen

1. Finality of litigation is a general principle of law.
2. Preclusion law includes but is not restricted to the doctrine of res judicata.
3. *Virgin Atlantic* [2013] UKSC 46 misrepresents the res judicata bottle's contents.
4. English law denies a right of action for a cause of action merged *in rem judicatam*.
5. Article 236 DCCP concerns a judgment's legal consequences, not its force of law.
6. *Bis de aedem re ne sit actio* forms no part of Dutch law of civil procedure.
7. The legal consequences of a judgment are distinct from its validity and force of law.
8. Recognition and preclusion are two fundamentally distinct problems.
9. Recognition concerns the validity of a foreign judgment in the State addressed.
10. Preclusion concerns the legal consequences of a valid judgment.
11. *Yukos* [2012] EWCA Civ 855 misconstrues the Act of State doctrine.
12. Justice and finality form jointly the true rationale for foreign judgment recognition.
13. Recognition is based on the recognition of the rendering court's jurisdiction.
14. Jurisdiction is the only proper precondition for recognition.
15. *Hilton v. Guyot* 159 US 113 (1895) relies on an erroneous statement of Dutch law.
16. Dutch courts liberally recognise and enforce foreign judgments at common law.
17. Comity is not the basis for recognition and enforcement in England and Wales.
18. Section 34 of the Civil Jurisdiction and Judgments Act 1982 is a cause of injustice.
19. Mutual Recognition has a fundamentally different meaning than Full Faith & Credit.
20. Ph.D. theses must end but are neither final nor preclusive.