Rule 8. Stay or injunction pending appeal.

(a) **Stay or injunctive relief.**

(1) **Available relief.** A party may move the appellate court for the following relief pending appeal or pending disposition of a petition under Rule 5 or Rule 19:

(A) a stay of the judgment or order with or without security; or

(B) an order suspending, modifying, restoring, or granting injunctive relief.

(2) **Initial motion in trial court**. Before seeking relief in the appellate court under this rule, a party must first seek the requested relief in the trial court unless the party can show extraordinary circumstances or that the trial court has already rejected the basis for the requested relief.

(b) **Motion requirements.** Motions filed under this rule must include:

(1) the content required by Rule 23(a); and

(2) as applicable, the reason the trial court denied the requested relief, the reason the trial court denied the basis for the requested relief, or the extraordinary circumstances justifying seeking relief for the first time in the appellate court.

(c) **Security requirement.**

(1) Except as provided in paragraphs (c)(2) and (c)(3), the appellate court ordinarily will require the movant to give a bond or other appropriate security as a condition of the requested relief.

(2) In the case of a stay, the court may waive the requirement for a bond or other security if the movant demonstrates:

(A) a likelihood of prevailing on appeal;

(B) a likelihood of irreparable harm to the movant outweighing the harm to any other party; and

(C) the stay is not adverse to the public interest.

(3) In the case of an injunction, the court may waive the requirement for a bond or other security if the movant demonstrates:

(A) a substantial likelihood of prevailing on appeal;

(B) the movant will suffer irreparable harm without the injunction;

(C) the irreparable harm to the movant outweighs whatever harm the injunction may cause the party enjoined; and

(D) the injunction is not adverse to the public interest.

(d) **Response.** Any party may file a response to a motion within 14 days after the motion is served; however, the court may, for good cause shown, dispense with, shorten, or extend the time for responding to any motion.

(e) **Reply to Response**. The moving party may file a reply to answer new matters raised in the response. A reply, if any, may be filed no later than ~~5~~five days after the response is served, but the court may rule on the motion without awaiting a reply.

(~~d~~f) **Stay in criminal cases**. Stays pending appeal in criminal cases in which the defendant has been sentenced are governed by Utah Code section 77-20-302 and Rule 27 of the Utah Rules of Criminal Procedure. Stays in other criminal cases are governed by this rule.

(g) **Page Limitation.** Motions made under this rule may not exceed 9,000 words or 25 pages. Any response to a motion may not exceed 9,000 words or 25 pages. A reply to a response may not exceed 4,500 words or 12 pages. If a word count is used, the filer must include a certification that the document complies with the applicable word count. Word limits exclude any caption, signature block, and certificates of counsel.

Effective ~~May 1, 2025~~