

1 **Rule 62. Stay of proceedings to enforce a judgment or order.**

2 **(a) Delay in execution.** No execution or other writ to enforce a judgment or an order to
3 pay money under Rule 7(j)(8) may issue until the expiration of ~~14~~28 days after entry of
4 the judgment or order, unless the court in its discretion otherwise directs.

5 **(b) ~~Stay on motion for new trial or for judgment~~by bond or other security; duration**
6 **of stay.** A party may obtain a stay of the enforcement of a judgment or order to pay
7 money by providing a bond or other security, unless a stay is otherwise prohibited by
8 law or these rules.

9 (1) The stay takes effect when the court approves the bond or other security and
10 remains in effect for the time specified in the order that approves the bond or other
11 security.~~In its discretion and on such conditions for the security of the adverse party~~
12 ~~as are proper, the court may stay the execution of, or any proceedings to enforce, a~~
13 ~~judgment~~

14 (2) In its discretion and on such conditions for the security of the adverse party as
15 are proper, the court may stay:

16 (A) an order that is certified as final under Rule 54(b) until the entry of a final
17 judgment under Rule 58A;

18 (B) an order to pay money under Rule 7(j)(8) until the entry of a judgment under
19 Rule 58A;

20 (C) a judgment until resolution of any motion made pursuant to Rule 50(b), Rule
21 52(b), Rule 59, Rule 60, or Rule 73; and

22 (D) a judgment until resolution of a motion made under this rule.~~pending the~~
23 ~~disposition of a motion for a new trial or to alter or amend a judgment made~~
24 ~~pursuant to Rule 59, or of a motion for relief from a judgment or order made~~
25 ~~pursuant to Rule 60, or of a motion for judgment in accordance with a motion for~~
26 ~~a directed verdict made pursuant to Rule 50, or of a motion for amendment to~~
27 ~~the findings or for additional findings made pursuant to Rule 52(b).~~

28 **(c) Injunction pending appeal.** When a party seeks an appeal from an interlocutory
29 order, or takes an appeal is taken from an interlocutory order or final a judgment,

30 granting, dissolving, or denying an injunction, the court in its discretion may suspend,
31 modify, restore, or grant an injunction during the pendency of ~~the appeal~~appellate
32 proceedings upon such conditions as ~~it considers proper~~ for the security of the rights of
33 the adverse party as are just.

34 **~~(d) Stay upon appeal.~~** When an appeal is taken, ~~the appellant by giving a supersedeas~~
35 ~~bond may obtain a stay, unless such a stay is otherwise prohibited by law or these rules.~~
36 The bond may be given at or after the time of filing the notice of appeal. The stay is
37 effective when the supersedeas bond is approved by the court.

38 **~~(de) Stay in favor of the United States, the State of Utah, state or other political~~**
39 **~~subdivision, or agency thereof.~~** When an appeal is taken by the United States, the state
40 State of Utah, or a political subdivision, or an officer or agency of either any of those
41 entities, or by direction of any department of either any of those entities, and the
42 operation or enforcement of the judgment is stayed, no bond, obligation, or other
43 security ~~shall~~ must be required from the appellant.

44 **~~(ef) Stay in quo warranto proceedings.~~** Where the defendant is adjudged guilty of
45 usurping, intruding into or unlawfully holding public office, civil or military, within
46 this state, the execution of the judgment shall not be stayed on an appeal.

47 **~~(fg) Power of appellate court not limited.~~** The provisions in this rule do not limit any
48 power of an appellate court or of a judge or justice of an appellate court. ~~thereof to stay~~
49 ~~proceedings or to suspend, modify, restore, or grant an injunction, or extraordinary~~
50 ~~relief or to make any order appropriate to preserve the status quo or the effectiveness of~~
51 ~~the judgment subsequently to be entered.~~

52 **~~(h) Stay of judgment upon multiple claims.~~** When a court has ordered a final judgment
53 on some but not all of the claims presented in the action under the conditions stated in
54 Rule 54(b), the court may stay enforcement of that judgment until the entering of a
55 subsequent judgment or judgments and may prescribe such conditions as are necessary
56 to secure the benefit thereof to the party in whose favor the judgment is entered.

57 **~~(hi) Form of supersedeas bond~~** bond; deposit in lieu of bond; waiver of stipulation on
58 bond security; jurisdiction over sureties to be set forth in undertaking.

59 | ~~i(1) A supersedeas bond given under Subdivision (b)~~ may be either a commercial
60 | bond having a surety authorized to transact insurance business under [Title 31A](#), or a
61 | personal bond having one or more sureties who are residents of Utah having a
62 | collective net worth of at least twice the amount of the bond, exclusive of property
63 | exempt from execution. Sureties on personal bonds shall make and file an affidavit
64 | declaration setting forth in reasonable detail the assets and liabilities of the surety.

65 | ~~i(2) Upon motion and good cause shown, the~~The court may permit a deposit of
66 | money in court or other security to be given in lieu of giving a ~~supersedeas bond~~.
67 | ~~under Subdivision (d).~~

68 | ~~i(3) The parties may by written stipulation waive the requirement of giving a~~
69 | ~~supersedeas bond under Subdivision (d) or agree to an~~the alternate form and
70 | amount of security.

71 | ~~i(4) A supersedeas bond given pursuant to Subdivision (d)~~ shall provide that each
72 | surety submits to the jurisdiction of the court and irrevocably appoints the clerk of
73 | the court as the surety's agent upon whom any papers affecting the surety's liability
74 | on the bond may be served, and that the surety's liability may be enforced on motion
75 | and upon such notice as the court may require without the necessity of an
76 | independent action.

77 | **(ij) Amount of ~~supersedeas bond~~ or other security.**

78 | ~~j(1) Except as provided in subsection (ij)(2), a court shall set the supersedeas bond or~~
79 | other security in an amount that adequately protects the ~~judgment creditor~~adverse
80 | party against loss or damage occasioned by the ~~appeal stay~~ and assures payment ~~in~~
81 | ~~the event the judgment is affirmed~~after the stay ends. In setting the amount, the
82 | court may consider any relevant factor, including:

83 | ~~j(A) the judgment debtor's ability to pay the judgment~~ or order to pay money;

84 | ~~j(B) the existence and value of~~ other security;

85 | ~~j(C) the judgment debtor's opportunity to dissipate assets;~~

86 | ~~j(D) the judgment debtor's likelihood of success on appeal; and~~

87 | ~~j(E) the respective harm to the parties from setting a higher or lower amount.~~

88 | j(2) Notwithstanding subsection (ij)(1):

89 | j(A) the presumptive amount of a bond or other security for compensatory
90 | damages is the amount of the compensatory damages plus costs and attorney
91 | fees, as applicable, plus 3 years of interest at the applicable interest rate;

92 | j(B) the bond or other security for compensatory damages shall not exceed \$25
93 | million in an action by plaintiffs certified as a class under Rule 23 or in an action
94 | by multiple plaintiffs in which compensatory damages are not proved for each
95 | plaintiff individually; and

96 | j(C) no bond or other security shall be required for punitive damages.

97 | j(3) If the court permits a bond or other security that is less than the presumptive
98 | amount ~~of compensatory damages~~ in subsection (i)(2)(A), the court may also enter
99 | such orders as are necessary to protect the ~~judgment creditor during the~~
100 | ~~appeal~~ adverse party during the stay.

101 | j(4) If the court finds that the ~~judgment debtor~~ party seeking the stay has violated an
102 | order or has otherwise dissipated assets, the court may set the amount of the bond
103 | or other security ~~under subsection (j)(1)~~ without regard to the presumptive amount
104 | under subsection (i)(1) and limits in subsection (ij)(2).

105 | **(jk) Objecting to sufficiency or amount of security.** Any party whose judgment or
106 | order to pay money is stayed or sought to be stayed pursuant to Subdivision (bd) may
107 | object to the sufficiency of the sureties on ~~the a supersedeas~~ bond or the amount thereof,
108 | or to the sufficiency or amount of other security given to stay the judgment by filing
109 | and giving notice of such objection. ~~The party so objecting~~ Either party shall be entitled
110 | to a hearing ~~thereon~~ on the objection upon five days notice or such shorter time as the
111 | court may order. The burden of justifying the sufficiency of the sureties or other
112 | security and the amount of the bond or other security, shall be borne by the party
113 | seeking the stay, unless the objecting party seeks a bond or other security in an amount
114 | greater than the presumed limits amount of this rule in subsection (i)(2)(A). The fact that
115 | a ~~supersedeas~~ bond, its surety or other security is generally permitted under this rule
116 | shall not be conclusive as to its sufficiency or amount.