

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 28 days after entry of the
4 judgment or order, unless the court in its discretion otherwise directs.

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

8 (1) The stay takes effect when the court approves the bond or other security and
9 remains in effect for the time specified in the order that approves the bond or other
10 security.

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

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

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

17 (C) a judgment until resolution of any motion made pursuant to Rule 50(b), Rule
18 52(b), Rule 59, Rule 60, or Rule 73; and

19 (D) a judgment until resolution of a motion made under this rule.

20 **(c) Injunction pending appeal.** When a party seeks an appeal from an interlocutory
21 order, or takes an appeal from a judgment, granting, dissolving, or denying an
22 injunction, the court in its discretion may suspend, modify, restore, or grant an
23 injunction during the pendency of appellate proceedings upon such conditions for the
24 security of the rights of the adverse party as are just.

25 **(d) Stay in favor of the United States, the State of Utah, or political subdivision.**

26 When an appeal is taken by the United States, the State of Utah, a political subdivision,
27 or an officer or agency of any of those entities, or by direction of any department of any
28 of those entities, and the operation or enforcement of the judgment is stayed, no bond,
29 obligation, or other security is required from the appellant.

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

33 **(f) Power of appellate court not limited.** The provisions in this rule do not limit any
34 power of an appellate court or of a judge or justice of an appellate court.

35 **(h) Form of bond; deposit in lieu of bond; stipulation on security; jurisdiction over**
36 **sureties to be set forth in undertaking.**

37 (1) A bond given under Subdivision (b) may be either a commercial bond having a
38 surety authorized to transact insurance business under [Title 31A](#), or a personal bond
39 having one or more sureties who are residents of Utah having a collective net worth
40 of at least twice the amount of the bond, exclusive of property exempt from
41 execution. Sureties on personal bonds shall make and file a declaration setting forth
42 in reasonable detail the assets and liabilities of the surety.

43 (2) The court may permit a deposit of money in court or other security to be given in
44 lieu of giving a bond.

45 (3) The parties may by written stipulation agree to the form and amount of security.

46 (4) A bond shall provide that each surety submits to the jurisdiction of the court and
47 irrevocably appoints the clerk of the court as the surety's agent upon whom any
48 papers affecting the surety's liability on the bond may be served, and that the
49 surety's liability may be enforced on motion and upon such notice as the court may
50 require without the necessity of an independent action.

51 **(i) Amount of bond or other security.**

52 (1) Except as provided in subsection (i)(2), a court shall set the bond or other security
53 in an amount that adequately protects the adverse party against loss or damage
54 occasioned by the stay and assures payment after the stay ends. In setting the
55 amount, the court may consider any relevant factor, including:

56 (A) the debtor's ability to pay the judgment or order to pay money;

57 (B) the existence and value of other security;

58 (C) the debtor's opportunity to dissipate assets;

- 59 (D) the debtor's likelihood of success on appeal; and
- 60 (E) the respective harm to the parties from setting a higher or lower amount.
- 61 (2) Notwithstanding subsection (i)(1):
- 62 (A) the presumptive amount of a bond or other security for compensatory
- 63 damages is the amount of the compensatory damages plus costs and attorney
- 64 fees, as applicable, plus 3 years of interest at the applicable interest rate;
- 65 (B) the bond or other security for compensatory damages shall not exceed \$25
- 66 million in an action by plaintiffs certified as a class under Rule 23 or in an action
- 67 by multiple plaintiffs in which compensatory damages are not proved for each
- 68 plaintiff individually; and
- 69 (C) no bond or other security shall be required for punitive damages.
- 70 (3) If the court permits a bond or other security that is less than the presumptive
- 71 amount in subsection (i)(2)(A), the court may enter such orders as are necessary to
- 72 protect the adverse party during the stay.
- 73 (4) If the court finds that the party seeking the stay has violated an order or has
- 74 otherwise dissipated assets, the court may set the amount of the bond or other
- 75 security without regard to the presumptive amount under subsection (i)(1) and
- 76 limits in subsection (i)(2).
- 77 **(j) Objecting to sufficiency or amount of security.** Any party whose judgment or order
- 78 to pay money is stayed or sought to be stayed pursuant to Subdivision (b) may object to
- 79 the sufficiency of the sureties on a bond or the amount thereof, or to the sufficiency or
- 80 amount of other security given to stay the judgment by filing and giving notice of such
- 81 objection. Either party shall be entitled to a hearing on the objection upon five days
- 82 notice or such shorter time as the court may order. The burden of justifying the
- 83 sufficiency of the sureties or other security and the amount of the bond or other
- 84 security, shall be borne by the party seeking the stay, unless the objecting party seeks a
- 85 bond or other security in an amount greater than the presumed amount in subsection
- 86 (i)(2)(A). The fact that a bond, its surety or other security is generally permitted under
- 87 this rule shall not be conclusive as to its sufficiency or amount.