

## **Rule 8. Stay or injunction pending appeal.**

### **(a) Motion for stay.**

(1) Initial motion in the trial court. A party must ordinarily move first in the trial court for the following relief:

(A) a stay of the judgment or order without security pending appeal or disposition of a petition under Rule 5;

(B) approval of a bond or other security provided to obtain a stay of the judgment or order; or

(C) an order suspending, modifying, restoring, or granting an injunction while an appeal is pending, unless the trial court has already rejected the basis for the requested relief.

(2) Motion in the appellate court.

(A) The motion for a stay must include:

(i) the reasons the trial court denied the request;

(ii) the reasons for granting the relief requested and the facts relied on;

(iii) copies of affidavits or declarations, supporting facts subject to dispute; and

(iv) relevant parts of the record, including a copy of the trial court's order.

(B) Any motion must comply with Rule 23.

(C) Except in extraordinary circumstances, an appellate court will not act on a motion to stay a judgment or order or to suspend, modify, restore, or grant an injunction, unless the movant first requested a stay or opposed the injunction in the trial court.

(3) Stays in criminal cases. Stays pending appeal in criminal cases in which the defendant has been sentenced are governed by Utah Code section 77-20-~~10~~[302](#) and

Rule 27 of the Utah Rules of Criminal Procedure. Stays in other criminal cases are governed by this rule.

(b) **Bond requirement.**

(1) Stay ordinarily conditioned upon giving a bond. For requests [to stay enforcement of a judgment or order to pay money](#) ~~for relief~~ to which Rule 62~~(d)~~ of the Utah Rules of Civil Procedure applied in the trial court, relief available pending appeal will be conditioned upon giving a bond or other appropriate security in the trial court, unless there is no reasonable means of quantifying the security in monetary or other terms and the conditions of paragraph (b)(2) are met.

(2) Stay in cases not conditioned on giving a bond. Ordinarily a stay without a bond or other security will not be granted unless the movant demonstrates a likelihood of success on the merits or the case presents serious issues on the merits warranting appellate review and the appellant demonstrates:

(A) a likelihood of irreparable harm to the movant outweighing the harm to any other party and the stay would not be adverse to the public interest; or

(B) an extraordinary circumstance that justifies issuing a stay.

(c) **Injunctions.** For requests for [injunctive](#) relief to which Rules 65A or 62~~(e)~~ of the Utah Rules of Civil Procedure applied in the trial court, any relief available pending appeal is governed by those rules.