

Rule 18. Stay Pending Review.

(a) Motion for a Stay.

(1) Initial Motion Before the Agency. A petitioner must ordinarily move first before the agency for a stay pending review of its decision or order.

(2) Motion in the Court of Appeals. A motion for a stay may be made to this court.

(A) The motion must:

(i) show that moving first before the agency would be impracticable; or

(ii) state that the agency has denied a motion for stay and state any reasons given by the agency for its action.

(B) The motion must also include:

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

(ii) originals or copies of affidavits or other sworn statements supporting facts subject to dispute; and

(iii) relevant parts of the record, including a copy of the order or decision sought to be stayed.

(C) The moving party must give reasonable notice of the motion to all parties. Personal service on all parties is required if a ruling is requested before expiration of the time for a response, see Rule 27 (a)(4), or the moving party must demonstrate that personal service is not feasible.

(D) The motion will normally be considered by a division of the court. In an exceptional case where this procedure is impracticable because of time requirements, the motion may be submitted by the Clerk to a single judge of the court for consideration and interim ruling.

(b) Bond. The court may condition relief on the filing of a bond or other appropriate security.