

## **Rule 62. Stay of Proceedings to Enforce a Judgment**

(a) **AUTOMATIC STAY; EXCEPTIONS FOR INJUNCTIONS, RECEIVERSHIPS, AND CHILD CUSTODY, SUPPORT, AND VISITATION ORDERS.** Except as stated in this rule or expressly provided in a child custody, support, or visitation order, no execution may issue on a judgment, nor may proceedings be taken to enforce it, until 14 days have passed after its entry. But unless the court orders otherwise, an interlocutory or final judgment in an action for an injunction or a receivership action is not stayed after being entered, even if an appeal is taken.

(b) **STAY PENDING THE DISPOSITION OF A MOTION.** On appropriate terms for the opposing party's security, the court may stay the execution of a judgment—or any proceedings to enforce it—pending the disposition of any of the following motions:

- (1) under Rule 52(b), to amend the findings or for additional findings;
- (2) under Rule 59, for a new trial or to alter or amend a judgment; or
- (3) under Rule 60, for relief from a judgment or order.

(c) **INJUNCTION PENDING AN APPEAL.** While an appeal is pending from an interlocutory order or final judgment that grants, dissolves, or denies an injunction, the court may suspend, modify, restore, or grant an injunction on terms for bond or other terms that secure the opposing party's rights.

(d) **STAY WITH BOND ON APPEAL.** If an appeal is taken, the appellant may obtain a stay by supersedeas bond, except in an action described in Rule 62(a). The bond may be given on or after filing the notice of appeal or after obtaining the order allowing the appeal. The stay takes effect when the court approves the bond.

(e) **STAY WITHOUT BOND ON AN APPEAL BY THE UNITED STATES, THE DISTRICT OF COLUMBIA, OR AN OFFICER OR AGENCY OF EITHER.** The court must not require a bond, obligation, or other security from the appellant when granting a stay on an appeal by the United States or the District of Columbia or an officer or agency of either or on an appeal directed by a department of either.

(f) [Deleted].

(g) **APPELLATE COURT'S POWER NOT LIMITED.** This rule does not limit the power of the appellate court or one of its judges or justices:

- (1) to stay proceedings—or suspend, modify, restore, or grant an injunction—while an appeal is pending; or
- (2) to issue an order to preserve the status quo or the effectiveness of the judgment to be entered.

(h) **STAY WITH MULTIPLE CLAIMS OR PARTIES.** A court may stay the enforcement of a final judgment entered under Rule 54(b) until it enters a later judgment or judgments, and may prescribe terms necessary to secure the benefit of the stayed judgment for the party in whose favor it was entered.

## **COMMENT TO 2018 AMENDMENTS**

This rule closely conforms to the corresponding civil rule, but maintains an exemption for child custody, support, and visitation orders. Part of section (d) related to supersedeas bonds was moved to new Rule 62-I, which outlines a more detailed procedure for supersedeas bonds. Section (i) was moved to new Rule 62-II.

## COMMENT

Paragraph (a) exempts from the automatic 10 day stay provision orders relating to custody, support or visitation which by express terms are to take effect within 10 days after entry. To avoid uncertainty as to the effectiveness and enforceability of such orders, the Court should specify the date upon which its provisions take effect. Where an appellant obtains a stay pursuant to paragraphs (d), the interest of justice may require that the operation or enforcement of any portion of the judgment against the appellee also be stayed.