



## **I.R.C.P. 62. Stay of Proceedings to Enforce a Judgment**

### **Idaho Rules of Civil Procedure Rule 62. Stay of Proceedings to Enforce a Judgment.**

**(a) No Automatic Stay on Entry of Judgment.** Execution or other proceedings to enforce a judgment may issue immediately on the entry of judgment, unless the court in its discretion and on such conditions for the security of the adverse party as are proper, otherwise directs. Unless otherwise ordered by the court, an interlocutory or final judgment in an action for an injunction or writ of mandate, or in a receivership action, is not stayed during the period after its entry and until the appeal is filed or during the pendency of an appeal. The provisions of subdivision (c) govern the suspending, modifying, restoring, or granting of an injunction or writ of mandate during the pendency of an appeal.

**(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 disposition of any of the following motions:

- (1) under Rule 50, for judgment as a matter of law;
- (2) under Rule 52(b), to amend the findings or for additional findings;
- (3) under Rule 59, for a new trial or to alter or amend a judgment; or
- (4) under Rule 60, for relief from a judgment or order.

**(c) Injunction or Writ of Mandate Pending an Appeal.** While an appeal is pending from an interlocutory order or final judgment that grants, dissolves, or denies an injunction or writ of mandate, the court may suspend, modify, restore, or grant an injunction or writ of mandate on terms for bond or other terms that secure the opposing party's rights.

**(d) Stay Upon Appeal.** When an appeal is taken from the district court to the Supreme Court, the proceedings in the district court upon the judgment or order appealed from is stayed as provided by the Idaho Appellate Rules.

**(e) Stay in Favor of the State, Subdivision, or Agency Thereof; Waiver.** The court must not require a bond,



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obligation or other security from the appellant when granting a stay on an appeal by the state of Idaho or its officers, agencies or subdivisions.

**(f) Waiver of Security.** In all cases, the parties may waive the filing of security by written stipulation.

**(g) Appellate Court's Power not Limited.** This rule does not limit the power of the Supreme Court or a District Court acting in its appellate capacity or one of its justices or judges:

(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.

[\(Adopted March 1, 2016, effective July 1, 2016 \[1\].\)](#)

**Source URL:** <https://isc.idaho.gov/ircp62-new>

### **Links**

[1] <https://isc.idaho.gov/rules/IRCP/03012016-Adoption-Newly-Formatted.pdf>