

I.A.R. 13.1 Ex Parte Temporary Stay

Idaho Appellate Rule 13.1. Ex Parte Temporary Stay.

(a) Application. A party may file in the Supreme Court an application for an ex parte temporary stay of execution of an order or judgment pending the determination of an application made to the Supreme Court under Rule 13(g) for stay during the appeal. Such application shall be made by verified petition, motion or application which shall certify what efforts, if any, have been made to give notice of the application to the adverse party or shall state the reasons supporting the claim that notice should not be required.

(b) Ex parte temporary stay. The Supreme Court, acting through three or more members, may issue an ex parte temporary stay of execution pending the determination of an application for stay during the appeal. An ex parte temporary stay may be granted only if it appears from the specific facts shown by the verified petition, motion or application that immediate and irreparable injury, loss, or damage will result to the applicant before a ruling can be had upon the application for stay during the appeal. An ex parte stay may issue with or without security, in the discretion of the Supreme Court, and will state the duration and any conditions of the temporary stay.

(c) Motion to dissolve temporary stay. Any party affected by an ex parte temporary stay under this rule may file a motion with the Supreme Court to dissolve such temporary stay and shall serve the motion on all parties to the appeal. The motion shall be processed by the Supreme Court in such manner as it deems appropriate under the circumstances.

(Adopted March 24, 1982, effective July 1, 1982; amended March 27, 1989, effective July 1, 1989; amended February 10, 1993, effective July 1, 1993.)

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