



ATTACHMENT  
ARIZONA RULES OF CIVIL APPELLATE PROCEDURE

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**Rule 7. Stay of Proceedings to Enforce a Judgment.**

**(a) Stay Upon Appeal; Supersedeas Bond.**

(1) Filing the Bond. Except in cases involving custody of children, whenever an appellant entitled thereto desires a stay on appeal, he may obtain a stay by filing a supersedeas bond in the superior court in accordance with any applicable statute and these rules. The bond may be filed before or after the filing of the notice of appeal. The amount of the bond may be determined upon stipulation or upon motion. A hearing on such motion shall be held forthwith. The court may make any further order, other than or in addition to the bond, appropriate to preserve the status quo or the effectiveness of the judgment. The stay is effective when the supersedeas bond, as stipulated or as ordered by the court, is filed, and when the appellant has complied with all other conditions imposed by the court ~~have been complied with.~~

The superior court, in its discretion, may determine the amount of the bond ex parte upon submission to the court of an affidavit stating:

~~(a)~~-(A) that appellant has made a good faith attempt to obtain a stipulation from the other parties; and

~~(b)~~-(B) the efforts, if any, which have been made to give notice, and the reasons why it is not feasible under the circumstances to give the other parties the opportunity to be heard before the setting of the bond.

(2) Amount of the Bond. ~~The bond shall be conditioned for the satisfaction in full of the judgment remaining unsatisfied, together with costs, interest, and any damages reasonably anticipated to flow from the granting of the stay including damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and costs, interest, and damages as the appellate court may adjudge and award., unless the superior court, after notice and hearing and for good cause shown, fixes a different amount or orders security or imposes conditions other than or in addition to the bond.~~ The amount of the bond shall be set as the lesser of the following:

(A) The total amount of damages awarded, excluding punitive damages;

(B) Fifty per cent of the appellant's net worth;

(C) Twenty-five million dollars.

Notwithstanding the foregoing, the court may require an appellant to post a bond in an amount up to the full amount of the judgment if an appellee proves by clear and convincing evidence that the appellant is intentionally dissipating assets outside the ordinary course of business to avoid payment of a judgment. The trial court may also lower the bond amount to an amount that will not cause an appellant substantial economic harm if the appellant proves by clear and convincing evidence that the appellant is likely to suffer substantial economic harm if required to post a bond in the amount set pursuant to the provisions of (A), (B), or (C) above. In determining the amount of the bond, the court shall may consider, among other things, whether there is other security for the judgment, or whether there is property in controversy which is in the custody of the sheriff or the court.

(3) Objections to the Bond. Not later than 10 days after the bond is served, any party may file objections to the bond, specifying the particulars in which it is claimed that the bond is erroneous or defective, or that the surety is insufficient. If the amount of the bond has been determined ex parte, then the party may also object to the sufficiency of the amount of the bond. All errors, defects, or insufficiencies in a supersedeas bond not specified in the objections are waived. The superior court shall hold a hearing within 10 days after service of the objections.

**(b) - (d)** [No change in text.]