

625A.9 Execution on unstayed part of judgment supersedes bond waived.

1. The taking of the appeal from part of a judgment or order, and the filing of a bond, does not stay execution as to that part of the judgment or order not appealed from.

2. *a.* Except as provided in paragraph "*b*", if the judgment or order appealed from is for money, such bond shall not exceed one hundred ten percent of the amount of the money judgment.

The court may set a bond in an amount in excess of one hundred ten percent of the amount of the money judgment upon making specific findings justifying such an amount, and in doing so, shall consider, but shall not be limited to consideration of, the following criteria:

(1) The availability and cost of the bond or other form of adequate security.

(2) The assets of the judgment debtor and of the judgment debtor's insurer or indemnitor, if any.

(3) The potential adverse effects of the bond on the judgment debtor, including, but not limited to, the potential adverse effects on the judgment debtor's employees, financial stability, and business operations.

(4) The potential adverse effects of the bond on the judgment creditor and third parties, including public entities.

(5) In a class action suit, the adequacy of the bond to compensate all members of the class.

b. Notwithstanding paragraph "*a*", in no case shall a bond exceed one hundred million dollars, regardless of the value of the money judgment. This limitation shall not apply in cases where the court finds that the defendant intentionally dissipated the defendant's assets outside the ordinary course of business for the purpose of evading payment of the judgment.

3. Upon motion and for good cause shown, the district court may stay all proceedings under the order or judgment being appealed and permit the state or any of its political subdivisions to appeal a judgment or order to the supreme court without the filing of a supersedeas bond.

[C51, § 1985; R60, § 3532; C73, § 3191; C97, § 4129; C24, 27, 31, 35, 39, § **12862**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 686.9]

C93, § 625A.9

2003 Acts, 1st Ex, ch 1, §115, 133

[2003 Acts, 1st Ex, ch 1, §115, 133, amendments to this section stricken pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2004 Acts, 1st Ex, ch 1001, §5, 6, 8

2004 reaffirmation and reenactment of this section as published in Code Supplement 2003 takes effect September 7, 2004, and applies retroactively to July 1, 2003; 2004 Acts, 1st Ex, ch 1001, §8

2004 amendments to this section as reaffirmed and reenacted take effect September 7, 2004, and apply retroactively to cases pending and filed on or after April 20, 2004, through June 15, 2004, and to cases pending or filed on or after June 16, 2004; 2004 Acts, 1st Ex, ch 1001, §8