

ASSEMBLY BILL NO. 576—COMMITTEE ON JUDICIARY

MARCH 26, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning stay of execution and appeal of certain judgments. (BDR 2-1153)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to judgments; clarifying the circumstances under which the enforcement of a foreign judgment may be stayed; prescribing the procedures for determining the amount of a bond to secure the stay of execution of certain judgments pending appeal; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 17.370 is hereby amended to read as follows:
2 17.370 1. If the judgment debtor shows the court that an appeal from
3 the foreign judgment is pending or will be taken, or that a stay of execution
4 has been granted, the court shall stay enforcement of the foreign judgment
5 until the appeal is concluded, the time for appeal expires or the stay of
6 execution expires or is vacated, upon proof that the judgment debtor has
7 furnished the security for the satisfaction of the judgment required by the
8 state in which it was rendered.
9 2. If the judgment debtor shows the court any ground upon which
10 enforcement of a judgment of any court of this state would be stayed,
11 *including, without limitation, a showing that an appeal is pending or will*
12 *be taken, that a stay has been granted, requested or will be requested, or*
13 *that the time for taking an appeal has not yet expired,* the court shall stay
14 enforcement of the foreign judgment for an appropriate period, upon
15 requiring the same security for satisfaction of the judgment which is
16 required in this state ~~to~~ *, including, without limitation, security*
17 *determined pursuant to section 2 of this act, if applicable.*
18 **Sec. 2.** Chapter 20 of NRS is hereby amended by adding thereto a new
19 section to read as follows:
20 1. *Except as otherwise provided in subsection 2, if an appeal is taken*
21 *of a judgment in a civil action that exceeds \$1,000,000 in value in which*



1 *an appellant is required to give a bond in order to secure a stay of*
2 *execution of the judgment during the pendency of the appeal, the amount*
3 *of the bond must be:*

4 *(a) One million dollars plus 10 percent of the judgment in excess of*
5 *\$1,000,000; or*

6 *(b) Twenty-five million dollars,*
7 *whichever is less.*

8 *2. If the plaintiff proves by a preponderance of evidence that the*
9 *appellant who posted the bond pursuant to subsection 1 is purposefully*
10 *dissipating or diverting assets outside of the ordinary course of its*
11 *business to evade the ultimate payment of the judgment, the court may*
12 *enter such orders as are necessary to prevent such dissipation or*
13 *diversion, including, without limitation, requiring that a bond be posted*
14 *in an amount equal to the full amount of the judgment.*

15 *3. The provisions of this section do not limit the discretion of a court,*
16 *for good cause shown, to set the bond on appeal in an amount less than*
17 *the amount otherwise required by law.*

18 **Sec. 3.** The amendatory provisions of this act apply to all actions
19 pending or filed on or after the effective date of this act.

20 **Sec. 4.** This act becomes effective upon passage and approval.

