

Navigating Supersedeas in Texas and Federal Courts

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Not with These Types of Bonds!



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Major Distinctions?

- Timing of bond and notice of appeal
- Discretionary stays
- Procedure for obtaining bond approval
- Required amount of bond
- Superseding for less than required amount
- Actions by the court of appeals
- Recovery of bond premiums as costs

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When to Supersede Texas

Judgment subject to *execution*:

- 30 days after jmt signed, or
- 30 days after MNT overruled

TRCP 627.

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When to Supersede Federal

Automatic 30-day stay - **FRCP 62(a)**

Exceptions:

- *Injunctions*
- *Receivership actions*
- *Patent-accounting actions*

Court has discretion to stay in these instances

After 30 days, jmt subject to execution

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Need to File Notice of Appeal Before Superseding?

Texas – No

- But cannot supersede a judgment that is not going to be appealed
- If ultimately no timely notice of appeal judgment cannot be superseded

Federal – No (as of 2018)

- **FRCP 62(b)** – “At any time after judgment is entered, a party may obtain a stay by providing a bond or other security.”

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