

LOCAL CIVIL RULE 62

APPEAL BOND – EXEMPTION FROM

(A) **Exemption:** The Commonwealth of Virginia, or any political subdivision or any office or agent thereof, shall not be required, unless otherwise ordered by the Court, to post ~~an~~ ~~supersedeas~~ appeal bond or other undertaking which includes security for the payment of costs on appeal.

(B) **Alternate to ~~Supersedeas~~ Appeal Bond:** In lieu of any ~~supersedeas~~ appeal bond, the parties may stipulate with respect to any agreement or undertaking. In lieu of any cost bond, the parties may stipulate with respect to any agreement or undertaking on the condition that the monies and properties of the Court are fully protected or prepaid. The prevailing party in the District Court should seriously consider this subdivision as, in the event of a reversal, the premium of any bond will be taxed as a part of the costs. All such stipulations must be approved by the Court and filed in the record.

JUSTIFICATION FOR CHANGE TO LOCAL CIVIL RULE 62

(1) Local Rule 62 – Appeal Bond

Federal Rule of Civil Procedure 62 addresses the stay of civil proceedings to enforce a judgment, as well as related matters, including the posting of an appeal bond. Proposed changes to Federal Rule 62, which will become effective December 1, 2018, absent contrary Congressional action, modify the Federal Rule to both remove a reference to a “supersedes bond” and clarify the fact that “other security” may be permissible in lieu of an appeal bond. Although the current version of Local Rule 62 already recognizes that alternative forms of security may be permitted, and does not otherwise conflict with the proposed changes to Federal Rule 62, the Local Rule twice utilizes the arguably antiquated term “supersedes bond” that is slated to be removed from the text of the Federal Rule.

Consistent with the proposed modification to the Federal Rule that deletes the reference to a “supersedes bond,” the proposed changes to the Local Rule replace such term with the simpler term “appeal bond.” Additionally, a minor grammatical improvement is proposed to Local Rule 62(B), with such change having no practical impact on the scope or application of Local Rule 62.

LOCAL CIVIL RULE 62

APPEAL BOND – EXEMPTION FROM

(A) **Exemption:** The Commonwealth of Virginia, or any political subdivision or any office or agent thereof, shall not be required, unless otherwise ordered by the Court, to post an appeal bond or other undertaking which includes security for the payment of costs on appeal.

(B) **Alternate to Appeal Bond:** In lieu of any appeal bond, the parties may stipulate with respect to any agreement or undertaking. In lieu of any cost bond, the parties may stipulate with respect to any agreement or undertaking on the condition that the monies and properties of the Court are fully protected or prepaid. The prevailing party in the District Court should seriously consider this subdivision as, in the event of a reversal, the premium of any bond will be taxed as a part of the costs. All such stipulations must be approved by the Court and filed in the record.