

## **18. Stay Pending Review**

### **(a) Motion for a Stay.**

- (1) **Initial Motion Before the Agency.** A petitioner must ordinarily move first before the agency for a stay pending review of its decision or order.
  - (2) **Motion in the Court of Appeals.** A motion for a stay may be made to the court of appeals or one of its judges.
    - (A) The motion must:
      - (i) show that moving first before the agency would be impracticable; or
      - (ii) state that, a motion having been made, the agency denied the motion or failed to afford the relief requested and state any reasons given by the agency for its action.
    - (B) The motion must also include:
      - (i) the reasons for granting the relief requested and the facts relied on;
      - (ii) originals or copies of affidavits or other sworn statements supporting facts subject to dispute; and
      - (iii) relevant parts of the record.
    - (C) The moving party must give reasonable notice of the motion to all parties.
    - (D) The motion must be filed with the circuit clerk and normally will be considered by a panel of the court. But in an exceptional case in which time requirements make that procedure impracticable, the motion may be made to and considered by a single judge.
- (b) Bond.** The court may condition relief on the filing of a bond or other appropriate security.

### ***Local Rule 18. Procedures.***

*This Court's local rules accompanying FRAP 8 and 27 apply also to applications for stays under FRAP 18.*

*Former I.O.P.-18.1 amended and redesignated Local Rule 18 December 1, 1995.*