
CROW RULES OF CIVIL PROCEDURE

TITLE 5, CROW TRIBAL CODE

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Rule 18. STAY OF PROCEEDINGS TO ENFORCE JUDGMENT.

(a.) Automatic Stay. No writ of execution shall issue nor shall any proceedings be allowed for enforcement of judgment until ten (10) days after the entry of the judgment or mailing of notice of judgment when required.

(b.) Stay During Appeal. When an appeal of a final judgment or order of the Crow Tribal Court is taken, the court, upon appellant's motion, may grant a stay of execution of judgment, provided that appellant post a surety bond sufficient to guarantee performance of the judgment, and payment of the costs of appeal, on or before the date of filing his appeal.

(c.) Injunction Pending Appeal. When an appeal is taken from the granting of a temporary restraining order or a final judgment, granting, dissolving, or denying an injunction, the court, in its discretion, may suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as the court considers proper for the security of the rights of the adverse party.

History: Entire Sec. Crow Tribal Code 1978.

Notes of Decisions

Although the Tribal Code does not specifically authorize Court of Appeals to issue a stay of execution of judgment or waiver of supersedeas bond pending appeal, Crow Court of Appeals will follow the policy in Rule 8(a) of the Federal Rules of Appellate Procedure in reviewing Tribal Court's orders with respect to stay and bond. Tribal Court's final orders on stay of execution and bond pursuant to **Rule 18(b) of the Crow**

Rules of Civil Procedure are thus subject to review only for abuse of discretion, and may be considered by a single judge in exceptional circumstances, but such orders will not be reviewed until the Tribal Court has approved the bond and set its form and amount. [*Estates of Red Wolf and Bull Tail v. Burlington Northern Railroad Co., Civ. App. Docket No. 94-31*](#) (Opinion and Order denying stay of judgment and waiver of supersedeas bond, Feb. 21, 1996); 1996 CROW 3, ¶ 6.

In a case involving a judgment for \$250 million, **Rule 18(b) of the Crow Rules of Civil Procedure** allows Tribal Court to consider alternative security arrangements for part of the judgment amount. However, a substantial portion of the judgment should be secured by a supersedeas bond, and the judgment debtor has the burden of proving that alternate security for the remainder of the judgment will provide protections equivalent to a surety bond. An immediate partial bond should also be the prerequisite for extending the stay until the alternate security arrangements are determined. [*Id.*](#); 1996 CROW 3 at ¶ 23.