

By: Representative Gunn

To: Judiciary A

HOUSE BILL NO. 878

1 AN ACT TO AMEND SECTION 11-51-31, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE REQUIREMENTS FOR APPEAL BONDS TO STAY AN EXECUTION OF A  
3 JUDGMENT IN CIVIL ACTIONS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 11-51-31, Mississippi Code of 1972, is  
6 amended as follows:

7 11-51-31. (1) A supersedeas shall not be granted in any  
8 case pending before the Supreme Court, unless the party applying  
9 for it shall give bond as required by the Rules of the Supreme  
10 Court.

11 (2) In civil litigation under any legal theory, the appeal  
12 bond to be furnished during the pendency of all appeals or  
13 discretionary reviews by any appellate courts in order to stay the  
14 execution of any judgment granting legal, equitable, or other  
15 relief during the entire course of appellate review shall be set  
16 in accordance with applicable laws or court rules, except that:

17 (a) The total appeal bond or other forms of security  
18 that are required of all appellants collectively shall not exceed  
19 Twenty-five Million Dollars (\$25,000,000.00), regardless of the  
20 value of the judgment;

21 (b) If the party posting the appeal bond is a "small  
22 business" as defined by Section 57-10-155(a), the total appeal  
23 bond shall not exceed One Million Dollars (\$1,000,000.00).

24 (3) Notwithstanding subsection (2) of this section, if an  
25 appellee proves by a preponderance of the evidence that an  
26 appellant is dissipating assets outside the ordinary course of  
27 business to avoid payment of a judgment, a court may enter orders



28 that:

29 (a) Are necessary to protect the appellee; and

30 (b) Require the appellant to post a bond in an amount  
31 up to the total amount of the judgment.

32 (4) In this section:

33 (a) "Civil litigation" includes, without limitation,  
34 cases involving individual, aggregated, class action, or otherwise  
35 joined claims.

36 (b) "Legal, equitable, or other relief" means all forms  
37 of relief including, without limitation, compensatory, special,  
38 punitive, exemplary or other damages; injunctive relief, or any  
39 other form of relief.

40 (c) "Dissipation of assets" shall not include  
41 expenditures, including payments to the owners of a business, of a  
42 kind that the appellant made in the regular course of business  
43 prior to entry of the judgment being appealed.

44 (d) The provisions of this section shall apply to all  
45 judgments entered on or after the effective date of this act,  
46 regardless of the date the civil litigation was filed.

47 **SECTION 2.** This act shall take effect and be in force from  
48 and after July 1, 2010.

