

A stay is a suspension of a case or a suspension of a particular proceeding within a case. A judge may grant a stay on the motion of a party to the case or issue a stay sua sponte, without the request of a party. Courts will grant a stay in a case when it is necessary to secure the rights of a party.

There are two main types of stays: a stay of execution and a stay of proceedings. A stay of execution postpones the enforcement of a judgment against a litigant who has lost a case, called the Judgment Debtor. In other words, if a civil litigant wins money damages or some other form of relief, he may not collect the damages or receive the relief if the court issues a stay. Under rule 62 of the Federal Rules of Civil Procedure, every civil judgment is stayed for ten days after it is rendered. An additional stay of execution lasts only for a limited period. It usually is granted when the judgment debtor appeals the case, but a court may grant a stay of execution in any case in which the court feels the stay is necessary to secure or protect the rights of the judgment debtor.

The term *stay of execution* may also refer to a halt in the execution of a death penalty. This kind of stay of execution normally is granted when a court decides to allow an additional appeal by a condemned prisoner. Such stays of execution may be granted by executives, such as governors or the president of the United States, or by appeals courts.

A stay of proceedings is the stoppage of an entire case or a specific proceeding within a case. This type of stay is issued to postpone a case until a party complies with a court order or procedure. For example, if a party is required to deposit collateral with the court before a case begins, the court may order the proceedings stayed for a certain period of time or until the money or property is delivered to the court. If the party fails to deposit the collateral, the court may cite the party for Contempt of court and impose a fine or order incarceration.

A court may stay a proceeding for a number of reasons. One common reason is that another action is under way that may affect the case or the rights of the parties in the case. For instance, assume that a

defendant faces lawsuits from the same plaintiffs in two separate cases involving closely related facts. One case is filed in federal court, and the other case is filed in state court. In this situation one of the courts may issue a stay in deference to the other court. The stay enables the defendant to concentrate on one case at a time.

The term *stay* may also be used to describe any number of legal measures taken by a legislature to provide temporary relief to debtors. For example, under section 362(a) of the Bankruptcy Code, a debtor who files for bankruptcy receives an automatic stay immediately upon filing a voluntary bankruptcy petition. Used in this sense, the term *stay* refers to the right of the debtor to keep creditors at bay during the resolution of the bankruptcy case.