

Rule 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.