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AN ACT

RELATING TO COURTS; ESTABLISHING A MAXIMUM BOND AMOUNT ON  
SUPERSEDEAS BONDS REQUIRED OF SIGNATORIES OF THE TOBACCO  
MASTER SETTLEMENT AGREEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 39-3-22 NMSA 1978 (being Laws 1917,  
Chapter 43, Section 17, as amended) is amended to read:

"39-3-22. SUPERSEDEAS AND STAY IN CIVIL ACTIONS.--

A. There shall be no supersedeas or stay of  
execution upon any final judgment or decision of the district  
court in any civil action in which an appeal has been taken  
or a writ of error sued out unless the appellant or plaintiff  
in error, or some responsible person for the appellant or  
plaintiff in error, within sixty days from the entry of the  
judgment or decision, executes a bond to the adverse party in  
double the amount of the judgment complained of, with  
sufficient sureties, and approved by the clerk of the  
district court in case of appeals or by the clerk of the  
supreme court in case of writ of error. The bond shall be  
conditioned for the payment of the judgment and all costs  
that may be finally adjudged against the appellant or  
plaintiff in error if the appeal or writ of error is  
dismissed or the judgment or decision of the district court  
is affirmed. The district court, for good cause shown, may

1 grant the appellant not to exceed thirty days' additional  
2 time within which to file the bond, and a like extension of  
3 time may be granted by the supreme court in cases of writs of  
4 error upon a like showing.

5 B. If the decision appealed from, or from which a  
6 writ of error is sued out, is for a recovery other than a  
7 fixed amount of money, the amount of the bond, if any, shall  
8 be fixed by the district court if an appeal is taken or, in  
9 case of a writ of error, by the chief justice or any justice  
10 of the supreme court, conditioned that the appellant or  
11 plaintiff in error shall prosecute the appeal or writ of  
12 error with diligence and that if the decision of the district  
13 court is affirmed or the appeal or writ of error is  
14 dismissed, the appellant or plaintiff in error will comply  
15 with the judgment of the district court and pay all damages  
16 and costs finally adjudged against the appellant or plaintiff  
17 in error in the district court and in the supreme court or  
18 court of appeals on the appeal or writ of error, including  
19 any legal damages caused by taking the appeal, whether the  
20 damages are assessed upon motion in the cause or in a civil  
21 action on the bond.

22 C. In any civil action involving a signatory, a  
23 successor of a signatory or any affiliate of a signatory to  
24 the master settlement agreement, as defined in Subsection E  
25 of Section 6-4-12 NMSA 1978, the supersedeas bond required of

1 all appellants collectively in order to stay the execution of  
2 a judgment during the entire course of appellate review shall  
3 not exceed one hundred million dollars (\$100,000,000),  
4 regardless of the amount of the judgment.

5 D. Upon approval of a bond provided for in this  
6 section and upon filing the bond, in case of appeal with the  
7 clerk of the district court and in case of writ of error with  
8 the clerk of the supreme court, there shall be a stay of  
9 proceedings in the action until the appeal or writ of error  
10 is finally determined.

11 E. In all cases where an appeal has been taken or  
12 a writ of error sued out against any interlocutory judgment,  
13 order or decision of the district court, from any final order  
14 affecting a substantial right made after entry of a final  
15 judgment or from any proceeding or conviction of civil  
16 contempt, supersedeas may be granted under the provisions of  
17 this section, but the bond shall be filed within thirty days  
18 from the entry of such judgment, order, decision or  
19 conviction and no extension of time for the filing of the  
20 bond shall be granted in excess of ten days.

21 F. Any supersedeas granted under this section in  
22 any matter appealed to the supreme court or court of appeals  
23 shall automatically continue in effect pending any action or  
24 further review that may be taken in the supreme court or  
25 court of appeals."

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