

RULE 7. BOND FOR COSTS ON APPEAL IN CIVIL CASES

(a) When Bond Required. In a civil case, ~~unless an appellant is exempted by law, or has filed a supersedeas bond or other undertaking that includes security for the payment of costs on appeal,~~ the appellant shall file a bond for costs on appeal or equivalent security in the district court with the notice of appeal. ~~But a~~ bond shall not be required of an appellant who is ~~exempted by law, has filed a supersedeas bond or other undertaking that includes security for the payment of costs on appeal, or is otherwise~~ not subject to ~~having~~ costs taxed against the appellant.

(b) Amount of Bond. The bond or equivalent security shall be in the sum or value of \$~~5075~~0 unless the district court fixes a different amount. A bond for costs on appeal shall have sufficient surety, and it or any equivalent security shall be conditioned to secure the payment of costs if the appeal is finally dismissed or the judgment affirmed, or of such costs as the Supreme Court or Court of Appeals may direct if the judgment is modified. If a bond or equivalent security in the sum or value of \$~~5075~~0 is given, no approval thereof is necessary.

(c) Objections. After a bond for costs on appeal is filed, a respondent may raise for determination by the district court clerk objections to the form of the bond or to the sufficiency of the surety.

(d) Proceeding Against a Surety. Rule 8(b) applies to a surety upon a bond given under this Rule.

Commented [DL1]: The sub-committee wonders whether this entire rule should be substituted with the language from FRAP 7, which is much simpler.

Commented [DL2]: Does the rule need to specify how the bond gets released after remittitur?

**FRAP 7. BOND FOR COSTS ON APPEAL IN A CIVIL
CASE**

In a civil case, the district court may require an appellant to file a bond or provide other security in any form and amount necessary to ensure payment of costs on appeal. Rule 8(b) applies to a surety on a bond given under this rule.

(As amended Apr. 30, 1979, eff. Aug. 1, 1979; Apr. 24, 1998, eff. Dec. 1, 1998.)