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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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| <b>2003 Wisconsin Act 105</b><br>[2003 Assembly Bill 548]   | <b>Appeal Bond Limit</b>  |
| 2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a> | Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a> |

2003 Wisconsin Act 105 addresses the bond amount that a court may order in connection with an appeal.

Current law provides trial and appellate courts broad authority to grant relief during the pendency of appeal, including requiring a bond. See, generally, s. 808.07, Stats. For example, a court may, as a condition of granting a stay of a judgment for monetary damages, order the defendant to file a bond to cover the amount of the judgment during the pendency of an appeal.

2003 Wisconsin Act 105 provides that during the pendency of an appeal of a judgment in a civil action, the amount set by the court of any bond that is to be furnished by all appellants collectively in order to stay the execution of the judgment may not exceed \$100 million. Also, under the Act, if a party not appealing proves that a party appealing is dissipating assets outside the ordinary course of business to avoid payment of a judgment, the court may enter any order necessary to protect the party not appealing and may require the party appealing to post a bond not exceeding the amount of the judgment (even if greater than \$100 million).

**Effective Date:** December 31, 2003; first applies to actions commenced or pending on the effective date.

**Prepared by:** Don Dyke, Senior Staff Attorney

December 23, 2003

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.