

Rule 125. Automatic Stay

The court administrator shall stay entry of judgment for thirty days after the court orders judgment following a trial unless the court orders otherwise. Upon expiration of the stay, the court administrator shall promptly enter judgment.

(Amended effective January 1, 1993.)

Cross Reference: Minn. R. Civ. P. 58.

Advisory Committee Comment - 1992 Amendment

This rule is derived from 7th Dist. R. 11, and is similar to the local rules in other districts.

This rule reflects a common practice in the trial courts, even in those districts that do not have a specific rule requiring a stay. The Task Force believes it is desirable to make this practice both uniform and explicit. The stay allows parties to file post-trial motions and to perfect an appeal without entry of judgment or formal collection efforts. At the end of the 30-day period, stay is governed by Minn. R. Civ. P. 62.03 and the supersedeas bond requirements of the Minnesota Rules of Civil Appellate Procedure. The stay anticipated by this rule applies only following a trial. Where judgment is ordered pursuant to pretrial motion or by default (e.g., temporary hearings in family law), or in situations governed by other rules, including marriage dissolutions by stipulation (Rule 307(b)) and housing court matters (Rules 609 and 611(b)), the stay is not necessary and not intended by the rule.

The rule only creates a standard, uniform procedure for staying entry of judgment. The court can enter such a stay in any case and can order immediate entry of judgment in any case.