

411.187 Supersedeas bond for punitive damages on appeal -- Limit -- Rescission of limit if assets diverted or dissipated.

- (1) In any civil action brought under any legal theory, the amount of a supersedeas bond necessary to stay execution of a judgment granting legal, equitable, or any other relief during the entire course of all appeals or discretionary reviews of the judgment by all appellate courts shall be set in accordance with applicable law, except that the total amount of the supersedeas bonds that are required collectively of all appellants during the appeal of a civil action may not exceed one hundred million dollars (\$100,000,000) in the aggregate, regardless of the amount of the judgment that is appealed.
- (2) If the appellee proves by a preponderance of the evidence that a party bringing an appeal, for whom the supersedeas bond requirement has been limited, is purposefully dissipating or diverting assets outside of the ordinary course of its business for the purpose of avoiding ultimate payment of the judgment, the limitation granted under subsection (1) of this section shall be rescinded and a court may require the appellant to post a bond in an amount up to the full amount of the judgment pursuant to the Kentucky Rules of Civil Procedure.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 111, sec. 1, effective June 26, 2007. -- Created 2000 Ky. Acts ch. 205, sec. 1, effective March 29, 2000.

Legislative Research Commission Note (6/26/2007). 2007 Ky. Acts ch. 111, sec. 2, provides that "Section 1 of this Act (this section) shall apply to all civil actions pending on the effective date of this Act (June 26, 2007)."