

Memorandum EndorsementCarroll v. Trump, 20-cv-7311 (LAK)

Mr. Trump renews his request for a temporary administrative stay of execution of the judgment, this time “until three business days after the Court rules on his [previously filed and as yet still pending] stay motion.” Dkt 313 at 2. He argues that preparations to post bond before a ruling could “impose irreparable injury in the form of substantial costs (which may or may not be recoverable).” *Id.*

The questions of whether “administrative stays” are authorized by law and, if so, the circumstances in which they are available and the legal standards by which they are governed are relatively obscure and ill-defined. *See Rachel Bayevsky, Administrative Stays: Power and Procedure*, 97 NOTRE DAME L. REV. 1941 (2022). For present purposes, however, the Court puts those issues aside and assumes that short-lived administrative stays are available for brief periods in appropriate circumstances, at least one of which must be a clear threat of irreparable injury in the absence of such a stay.

Mr. Trump’s current situation is a result of his own dilatory actions. He has had since January 26 to organize his finances with the knowledge that he might need to bond this judgment, yet he waited until 25 days after the jury verdict — and only shortly before the expiration of Rule 62’s automatic 30-day stay of judgment — to file his prior motion for an unsecured or partially secured stay pending resolution of post-trial motions. The Court ordered expedited briefing and assured the parties that the motion would be decided as promptly as was reasonably appropriate, but due to the delay in its filing, the Court notified that it could not render any decision as quickly as Mr. Trump requested. Dkt 307. That remains true today.

Moreover, the expense of ongoing litigation in the absence of a stay does not constitute “irreparable injury” in the relevant sense of that term. *Renegotiation Bd. v. Bannerkraft Clothing Co.*, 415 U.S. 1, 24 (1974) (“Mere litigation expense, even substantial and unrecoverable cost, does not constitute irreparable injury.”); *see Emery Air Freight Corp. v. Local Union 295*, 786 F.2d 93, 100 (2d Cir. 1986). Nor has Mr. Trump made any showing of what expenses he might incur if required to post a bond or other security, on what terms (if any) he could obtain a conventional bond, or post cash or other assets to secure payment of the judgment, or any other circumstances relevant to the situation. Accordingly, his present application for a temporary administrative stay (Dkt 313) is denied.

SO ORDERED.

Dated: March 7, 2024



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Lewis A. Kaplan  
United States District Judge