§735. Stay

1. Stay proceedings. Except as otherwise provided in subsections 4 to 7, on the filing of a motion under section 734:

A. All other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed; and [PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

B. On motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion under section 734. [PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

[PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

2. Length of stay. A stay under subsection 1 remains in effect until entry of an order ruling on the motion under section 734 and expiration of the time under the Maine Rules of Appellate Procedure for the moving party to appeal the order.

[PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

3. Stay on appeal. Except as otherwise provided in subsections 5, 6 and 7, if a party appeals from an order ruling on a motion under section 734, all proceedings between all parties in the action are stayed. The stay remains in effect until the conclusion of the appeal.

[PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

4. Limited discovery. During a stay under subsection 1, the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under section 738, subsection 1 and the information is not reasonably available unless discovery is allowed.

[PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

5. Motion for costs, attorney's fees and expenses. A motion under section 740 for costs, attorney's fees and expenses is not subject to a stay under this section.

[PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

6. Dismissal. A stay granted under this section does not affect a party's ability voluntarily to dismiss a cause of action or part of a cause of action or move to sever a cause of action.

[PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

7. Other motions. During a stay under this section, the court for good cause may hear and rule on:

A. A motion unrelated to the motion under section 734; and [PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

B. A motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety. [PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

[PL 2023, c. 626, §2 (NEW); PL 2023, c. 626, §§3, 4, 7 (AFF).]

SECTION HISTORY

PL 2023, c. 626, §2 (NEW). PL 2023, c. 626, §§3, 4, 7 (AFF).

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