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IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR NEZ PERCE COUNTY

DPW ENTERPRISES LLC and MOUNTAIN PRIME
2018 LLC,

Plaintiff -Respondents,

v.

JEREMY L. BASS,

Defendant-Appellant,

and

DWAYNE PIKE, and CURRENT OCCUPANT, and
Unknown Parties in Possession of the real
property commonly known as 1515 21st Avenue,
Lewiston, Idaho 83501

Defendants,

Docket No. 52552-2024

Case No. CV35-24-1063

**MOTION TO STAY JUDGMENT
PENDING APPEAL**

ORAL ARGUMENT REQUESTED

TO THE HONORABLE COURT:

COMES NOW the Defendant, Jeremy L. Bass, perforce pro se, pursuant to *Idaho Rule of Civil Procedure 62(d)* and *Idaho Appellate Rule 13(b)*, and respectfully moves this Court for an order staying the judgment entered on December 16, 2024, pending the resolution of the appeal filed in this matter. In support of this motion, the Defendant states as follows:

I. Introduction

The judgment entered in this case, which grants the Plaintiffs possession of the property located at 1515 21st Avenue, Lewiston, ID, will cause irreparable harm to the Defendant if enforced prior to the appellate court's determination. This motion seeks to preserve the status quo to avoid undue hardship and to protect the rights of all parties while the appeal is resolved.

II. Basis for the Motion

A. Legal Standard:

Under *Idaho Rule of Civil Procedure 62(d)*, the court may grant a stay of judgment pending appeal to prevent irreparable harm, provided the motion is supported by sufficient cause. Additionally, Idaho courts recognize that such stays are essential to ensure the meaningful exercise of appellate rights.

B. Irreparable Harm:

Enforcement of the judgment would result in:

1. The immediate loss of Defendant's property;
2. Significant disruption to Defendant's tenant, whose lease rights are also at stake and the defendant is the only one fulfilling the requirements of the lease;
3. Forfeiture of approximately \$400,000 in equity, which cannot be recovered through monetary damages.

C. Likelihood of Success on the Merits:

The appeal raises substantial and unresolved questions of law, including:

1. Whether the Plaintiffs' status as bona fide purchasers shields them from allegations of substantive defects in the foreclosure sale.
2. Whether pre-auction coordination between the trustee and Plaintiffs invalidates the sale under Idaho Code §45-1506.
3. Whether procedural accommodations for pro se litigants were improperly denied, affecting the fairness of the proceedings.

These issues involve significant statutory interpretation and procedural fairness, which the appellate court must address to clarify Idaho law.

D. Balance of Harms:

The harm to Defendant from enforcing the judgment far outweighs any potential harm to

Plaintiffs. Plaintiffs have held title to the property for months without possession and face no imminent harm. In contrast, Defendant faces homelessness, financial ruin, and the disruption of his tenant's rights if the judgment is enforced.

E. **Public Interest:**

Granting a stay aligns with the public interest by:

1. Preserving fairness in judicial processes;
2. Protecting vulnerable parties and significant property rights;
3. Ensuring the integrity of Idaho's foreclosure statutes pending appellate review.

III. Relief Requested

Defendant respectfully requests that this Court:

1. Grant a stay of the judgment entered on December 16th, 2024, pending the resolution of the appeal.
2. Waive the requirement for a supersedeas bond, or in the alternative, set a nominal bond amount consistent with Defendant's financial circumstances and the equitable principles of Idaho law.
3. Grant such other relief as this Court deems just and proper.

Dated this 2nd day of January 2025.

Respectfully submitted,

Jeremy L. Bass

Defendant-Appellant / Perforce Pro Se

Jeremy L. Bass

Signature

Defendant-Appellant / Perforce Pro Se

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CERTIFICATE OF MAILING

I certify that I have sent by email and first-class mail this ***MOTION TO STAY JUDGMENT PENDING APPEAL*** to Plaintiffs and Co-Defendant's counsel on January 2nd, 2025, at the following email address and postal address:

Lewis N. Stoddard, Bar No. 7766 Email: lewis@hwmlawfirm.com [✓] Postal: Halliday, Watkins & Mann, P.C. [] 376 E 400 S, STE 300 Salt Lake City, UT 84111-2906	Ken Nagy - Idaho Legal Aid Services, Inc. <i>Counsel for Dwayne Pike</i> Email: kennagy@idaholegalaid.org [✓]
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Jeremy L. Bass Signature
Defendant-Appellant / Perforce Pro Se

CERTIFICATION AFFIDAVIT

STATE OF IDAHO)
: ss.
County of NEZ PERCE)

Jeremy L. Bass, being sworn, deposes and says:

That the party is the appellant in the above-entitled appeal and that all statements in this notice of appeal are true and correct to the best of his knowledge and belief.

Jeremy L. Bass Signature
Defendant-Appellant / Perforce Pro Se

Subscribed and Sworn to before me this 2nd, day of January, 2025.

Notary Public for Idaho

Residing at _____ Commission Expires: _____

ACKNOWLEDGMENT

STATE OF IDAHO)
: ss.
County of NEZ PERCE)

On the 2nd day of January, 2025, before me, the undersigned Notary Public, personally appeared Jeremy L. Bass, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

Notary Public for Idaho

Residing at _____ Commission Expires: _____