

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

American Heritage Railways, Inc., et al. v. Bradley Arthur Hirou, et
al.

American Heritage Railways · No. 3:24-cv-01802-CAB-JLB · Decided April 2, 2025

SUMMARY

The United States District Court for the Southern District of California denied Defendant Bradley Arthur Hirou’s motion to stay the court’s prior ruling pending appeal. The court also denied reconsideration because the challenged order was involved in an interlocutory appeal and the court therefore lacked jurisdiction to reconsider it. The court directed that future motions filed without leave be stricken.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 2, 2025
DOCKET	3:24-cv-01802-CAB-JLB
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to stay the court's prior ruling denying his motion to dismiss and granting plaintiffs' preliminary injunction pending appeal, and also moved for reconsideration of that prior order. The district court denied both motions.
STANDARD OF REVIEW	A stay pending appeal requires consideration of four factors: likelihood of success on the merits, irreparable injury absent a stay, substantial injury to other interested parties, and the public interest. Reconsideration was denied on the jurisdictional ground that a district court generally lacks jurisdiction over aspects of a case involved in a pending appeal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Bradley Arthur Hirou v. American Heritage Railways, Inc., et al.

TOPICS

motion for reconsideration

appellate procedure

interlocutory appeal

injunctions

copyright law

PRACTICE AREAS

civil procedure

appellate procedure

intellectual property

copyright law

equitable relief

QUESTIONS PRESENTED

1. Whether defendant was entitled to a stay pending appeal under the four-factor stay standard.
2. Whether the district court had jurisdiction to reconsider the order that defendant had appealed.
3. Whether the requested stay was warranted where defendant had not shown a likelihood of success, irreparable harm, lack of substantial injury to other parties, or a favorable public interest.

HOLDINGS

1. Defendant was not entitled to a stay pending appeal because he failed to make the required showing under the four stay factors.
2. The district court lacked jurisdiction to reconsider the order because defendant had appealed the same order and a district court is divested of jurisdiction over aspects of the case involved in the appeal.

KEY QUOTATIONS

“A stay pending appeal is an “extraordinary” remedy.” (at 1)

“A district court loses jurisdiction following a notice of appeal to adjudicate those aspects of the case involved in the appeal.” (at 2)

“Defendant’s motion for reconsideration and motion to stay are DENIED.” (at 2)

FACTUAL BACKGROUND

Defendant Bradley Arthur Hirou appealed the district court's order denying his motion to dismiss and granting plaintiffs' preliminary injunction. He sought a stay pending appeal and reconsideration of that same order. The court noted that the dispute concerned whether Hirou's name was subject to common-law copyright protection and that a prior case involving Hirou had reached a similar result.

PROCEDURAL HISTORY

The district court had previously denied defendant's motion to dismiss and granted plaintiffs' request for a preliminary injunction. Defendant appealed and then sought a stay pending appeal and reconsideration of the appealed order. The court denied the stay on the merits and denied reconsideration for lack of jurisdiction because the notice of appeal divested the court of jurisdiction over the appealed issues.

DISPOSITION

other

CASES CITED

- Citizens for Resp. & Ethics in Washington v. Fed. Election Comm’n, 904 F.3d 1014, 1017 (D.C. Cir. 2018) (per curiam)
- Nken v. Holder, 556 U.S. 418, 434 (2009)
- Hilton v. Braunskill, 481 U.S. 770, 776 (1987)
- Teeple v. Hirou, No. 08-CV-2281-JAH-CAB, 2009 WL 10671655 (S.D. Cal. 2009)
- United States v. Rodriguez Ramirez, 291 F. Supp. 2d 266, 269 (S.D.N.Y. 2003)
- Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982)
- City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper, 254 F.3d 882, 886 (9th Cir. 2001)

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