

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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 AMERICAN HERITAGE RAILWAYS, Case No.: 3:24-cv-01802-CAB-JLB
INC., et al., 12 ORDER DENYING MOTION TO Plaintiffs, 13 STAY & MOTION FOR v.
RECONSIDERATION 14 BRADLEY ARTHUR HIROU, et al., 15 [Doc. Nos. 22, 25]
Defendants. 16 17 I. MOTION TO STAY 18 Defendant, proceeding pro se, has requested that this
Court stay its ruling denying 19 Defendant's motion to dismiss and granting Plaintiffs' preliminary
injunction pending 20 Defendant's appeal to the Ninth Circuit.

[Doc. No. 20.] A stay pending appeal is an 21 “extraordinary” remedy. Citizens for Resp. & Ethics
in Washington v. Fed. Election 22 Comm’n, 904 F.3d 1014, 1017 (D.C. Cir. 2018) (per curiam).
To obtain such exceptional 23 relief, the stay applicant must (1) make a “strong showing that [it]
is likely to succeed on 24 the merits” of the appeal; (2) demonstrate that it will be “irreparably
injured” before the 25 appeal concludes; (3) show that issuing a stay will not “substantially injure
the other 26 parties” interested in the proceeding; and (4) establish that “the public interest” favors
a 27 28 1 Nken v. Holder, 556 U.S. 418, 434 (2009) (quoting Hilton v. Braunskill, 481 U.S. 2 776
(1987)).

3 Plaintiff has not made the requisite showing here. For starters, as the Court's prior 4 order stated,
the outcome in this case tracks the outcome in a nearly identical case brought 5 against Defendant
Hirou in 2008. Teeple v. Hirou, No. 08-CV-2281-JAH-CAB, 2009 WL 6 || 10671655 (S.D. Cal.
2009). And the likelihood of harm to Defendant is minimal where 7 ||Defendant provides no
authority to disturb the finding that his name is not subject to 8 ||common law copyright
protection.

See, e.g., United States v. Rodriguez Ramirez, 291 F. 9 || Supp. 2d 266, 269 (S.D.N.Y. 2003). The
public interest in a dispute between these parties, 10 ||if any, is minimal. These factors strongly
counsel against a stay.

The motion is DENIED. 11 ||[Doc. No. 22.] 12 II. MOTION FOR RECONSIDERATION 13
Defendant also seeks reconsideration of this Court's order granting Plaintiffs' 14 request for
preliminary injunction and denying Defendant's motion to dismiss. [Doc. No. 15 A district court

loses jurisdiction following a notice of appeal to adjudicate those 16 aspects of the case involved in the appeal.

See *Griggs v. Provident Consumer Disc. Co.*, 17 ||459 U.S. 56, 58 (1982); see also *City of Los Angeles, Harbor Div. v. Santa Monica* 18 || Bayvkeeper, 254 F.3d 882, 886 (9th Cir. 2001) (finding this divestiture of jurisdiction 19 || applies to interlocutory appeals as well). Defendant seeks reconsideration of the very order 20 issues he has appealed.

Accordingly, the Court lacks jurisdiction and DENIES 21 Defendant's motion for reconsideration. [Doc. No. 25.] 22 it. CONCLUSION 23 Defendant's motion for reconsideration and motion to stay are DENIED. Defendant 24 only file additional motions with leave of the Court.

The Clerk of Court is instructed 25 ||to STRIKE any additional motions that are filed without leave of the Court. 26 It is SO ORDERED. é 27 Dated: April 2, 2025 Hon. Cathy Ann Bencivengo
28 United States District Judge