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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BESTWAY (USA), INC., et al.,  
Plaintiffs,  
v.  
PIETRO PASQUALE-ANTONI SGROMO,  
et al.,  
Defendants.

Case No. [17-cv-00205-HSG](#)

**ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING ORDER**

Re: Dkt. No. 119

On September 17, 2018, Leonard Gregory Scott brought this motion for a temporary restraining order and preliminary injunction to enjoin Pietro Pasquale-Antoni Sgromo from continuing arbitration he has initiated against Scott. See Dkt. No. 119. Scott seeks to join the motion for a temporary restraining order filed by Bestway that was granted by this Court on September 13, see Dkt. No. 114, because he asserts that “the facts and law . . . are the same.” Dkt. No. 119.

A temporary restraining order is an “extraordinary remedy” that the court should award only upon a clear showing that the party is entitled to such relief. See *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Such an order may be issued only where the moving party has established: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to plaintiff in the absence of preliminary relief; (3) the balance of equities tips in plaintiff’s favor; and (4) that an injunction is in the public interest. See *id.* at 22.


Scott has not established a likelihood of success on the merits on the record presented. Scott’s moving papers do not include Sgromo’s arbitration demand or any other evidence that would allow the Court to determine whether the arbitration at issue would in fact conflict with any of the Court’s prior orders. He has simply relied on the arguments of another party, which is

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involved in an entirely different arbitration apparently brought on different bases. If Scott wants to obtain injunctive relief against Sgromo, he must specifically explain how the relief sought in the arbitration demand against him would necessarily conflict with this Court's orders.

**IT IS SO ORDERED.**

Dated: 9/25/2018

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge