

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

THE TRIAL LAWYERS COLLEGE,
a nonprofit corporation,

Plaintiff,

v.

Case No. 1:20-cv-80-JMC

GERRY SPENCES TRIAL LAWYERS
COLLEGE AT THUNDERHEAD RANCH,
a nonprofit corporation, and
GERALD L. SPENCE,
JOHN ZELBST,
REX PARRIS,
JOSEPH H. LOW,
KENT SPENCE,
JOHN JOYCE, and
DANIEL AMBROSE, individuals,

Defendants.

**MEMORANDUM OPINION AND ORDER DENYING AS MOOT
PLAINTIFF AND THIRD-PARTY DEFENDANTS' MOTION
FOR PRELIMINARY INJUNCTION OF CALIFORNIA LAWSUIT**

On December 18, 2020, Plaintiff The Trial Lawyers College and Third-Party Defendants moved for a Preliminary Injunction [Doc. 122]. Plaintiff sued in federal district court alleging Defendants violated the Lanham Act, 15 U.S.C. §§ 1114, *et seq.*, and 15 U.S.C. § 1125(a). Plaintiff alleges Defendants infringed its federally registered trademarks and engaged in unfair competition, false designation of origin, passing off, and false advertising related to Plaintiff's federally registered trademarks. Plaintiff also alleges Defendants violated the Computer Fraud and Abuse Act, 18 U.S.C. § 1030, the Defend Trade Secrets Act, 18 U.S.C. § 1836, and Wyo. Stat. Ann. § 40-24-101, *et seq.*, by accessing and misusing Plaintiff's confidential and proprietary computer files. Defendants Gerald L. Spence and Rex Parris filed counterclaims against Plaintiff and third-party claims against Plaintiff's board members. Defendants also sued in California state court,

asserting claims much like their Counterclaims in this Court. The defendants in the California suit removed to federal court, but the United States District Court for the Central District of California remanded the case to Los Angeles Superior Court.

Before the remand, Plaintiff and Third-Party Defendants moved for a preliminary injunction of the California lawsuit. They asked that if the federal court remanded the California action—this Court enjoin the prosecution in California state court under the “in aid of jurisdiction” exception to the Anti-Injunction Act, 28 U.S.C. § 2283. But while this motion was pending, the Los Angeles Superior Court stayed that proceeding in favor of this action.

Accordingly, the Court DENIES AS MOOT Plaintiff and Third-Party Defendants’ Motion for Preliminary Injunction of California Lawsuit [Doc. 122].

IT IS SO ORDERED.

Entered for the Court
this the 27th day of April, 2021

/s/ Joel M. Carson III
Joel M. Carson III
United States Circuit Judge
Sitting by Designation