



Don Mashak and First National Repossessors v. State of Minnesota

2011 | Cited 0 times | D. Minnesota | March 1, 2011

ORDER DENYING TEMPORARY RESTRAINING ORDER

First National Repossessors, Inc., 950 Highway 10 Number 4, Elk River, MN 55330, unrepresented.

Plaintiffs Don Mashak and First National Repossessors, Inc. ("First National") moved for a temporary restraining order on February 24, 2011 against numerous parties, requesting the Court enjoin the Minnesota state courts from further action on a case brought by Mashak against some former employees. (Docket No. 3.) This motion is the second motion for injunctive relief brought by Mashak. In a former action, *Mashak v. Meeks-Hull, et al.*, No. 11-290, slip op. at 2 (D. Minn. Feb. 2, 2011), the Court dismissed a motion for removal as improper, and noted that to hear the case as an original action, the Court would need a basis for federal jurisdiction. The Court also explained that it was limited in its ability to enjoin a state court from acting. Plaintiffs again request the Court to enjoin the state court from taking further action in the case.

A federal statute, the Anti-Injunction Act states:

A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments.

28 U.S.C. § 2283. "Suffice it to say that the Act is an absolute prohibition against any injunction of any state-court proceedings, unless the injunction falls within one of the three specifically defined exceptions in the Act." *Vendo Co. v. Lektro-Vend Corp.*, 433 U.S. 623, 630 (1977). Furthermore, these exceptions are construed narrowly. *United States ex rel. Goeggel v. Barnes-Jewish Hosp.*, No. 4:96CV2208, 2006 WL 2990496, at *6 (E.D. Mo. Oct. 19, 2006).

Plaintiffs have not pointed to an Act of Congress providing express authorization, nor highlighted how an injunction is necessary for this Court's jurisdiction, nor noted a previous federal court judgment in need of protection. As a result, the Court denies plaintiffs' motion for a temporary restraining order. Such an order on the record of this case would violate the Anti-Injunction Act, not falling within any of the three exceptions.

Furthermore, a corporation, as an artificial entity, must appear in federal court through a licensed attorney. *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993). Therefore, First National must obtain representation to bring the current action.



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ORDER

Based on thhe foregoingg, and all thhe files, reccords, and proceedinggs herein, IIT IS HEREBBY
ORDER

RED that: 1. Plainttiff's motioon for a teemporary rrestraining order [Doocket No. 33] is DENIED

D. 2. First National RRepossessorrs, Inc. muust obtain ccounsel wiithin thirty (30) days of tthe date of
tthis Order oor it will bee dismissed from the caase.

DATED

D: March 1, 2011 at Minneeapolis, Minnnesota.

