

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 11-1770

Rancho Holdings, LLC,

Appellant,

v.

Manzanillo Associates, LTD;

T.F. Stone Companies, Inc.;

Tommy F. Stone; Bruce Martin Myers,

Appellees.

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Appeal from United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: October 19, 2011

Filed: November 1, 2011

Before MELLOY, BOWMAN and SHEPHERD, Circuit Judges.

PER CURIAM.

Rancho Holdings, LLC appeals the district court's¹ order denying its request for a foreign antisuit injunction. We affirm.

¹The Honorable John T. Maughmer, United States Magistrate Judge for the Western District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

Foreign antisuit injunctions should be issued only in the rarest of cases. See Goss Int'l Corp. v. Man Roland Druckmaschinen Aktiengesellschaft, 491 F.3d 355, 359-60 (8th Cir. 2007). In this case, United States courts are being asked to prevent a party from seeking a remedy solely available in the foreign jurisdiction. See id. at 365. Defendants are seeking to protect their property interest in Costa Rica by attaching the equivalent of a lis pendens to the property. The merits of the underlying litigation are not at issue. Therefore, a foreign antisuit injunction is not warranted at this time. See Quaak v. Klynveld Peat Marwick Goerdeler Bedrijfsrevisoren, 361 F.3d 11, 18 (1st Cir. 2004) (noting in consideration of foreign antisuit injunction: “The gatekeeping inquiry is, of course, whether parallel suits involve the same parties and issues. Unless that condition is met, a court ordinarily should go no further and refuse the issuance of an international antisuit injunction.”). If parallel litigation on the merits goes forward in Costa Rica, Rancho Holdings may renew its motion for an antisuit injunction with the district court.
