

United States Court of Appeals For the First Circuit

No. 24-1317

ASSOCIATION TO PRESERVE AND PROTECT LOCAL LIVELIHOODS; B.H. PIERS,
L.L.C.; GOLDEN ANCHOR, L.C., d/b/a Harborside Hotel; B.H.W.W., L.L.C.; DELRAY
EXPLORER HULL 495 LLC; DELRAY EXPLORER HULL 493 LLC; ACADIA EXPLORER
492, LLC,

Plaintiffs - Appellants,

PENOBSCOT BAY AND RIVER PILOTS ASSOCIATION,

Plaintiff,

v.

TOWN OF BAR HARBOR, a Municipal Corporation of the State of Maine; CHARLES
SIDMAN,

Defendants - Appellees.

No. 24-1318

PENOBSCOT BAY AND RIVER PILOTS ASSOCIATION,

Plaintiff - Appellant,

ASSOCIATION TO PRESERVE AND PROTECT LOCAL LIVELIHOODS; B.H. PIERS,
L.L.C.; GOLDEN ANCHOR, L.C., d/b/a Harborside Hotel; B.H.W.W., L.L.C.; DELRAY
EXPLORER HULL 493 LLC; DELRAY EXPLORER HULL 495 LLC; ACADIA EXPLORER
492, LLC,

Plaintiffs,

v.

TOWN OF BAR HARBOR, a Municipal Corporation of the State of Maine; CHARLES
SIDMAN,

Defendants - Appellees.

Before

Barron, Chief Judge,
Kayatta and Rikelman, Circuit Judges.

ORDER OF COURT

Entered: May 24, 2024

Appellants' joint motion for injunction pending appeal is denied without prejudice for non-compliance with Fed. R. App. P. 8(a), especially considering the 60-plus days that passed between entry of the challenged order and the filing of the instant motion. "Ordinarily, a litigant must seek an injunction pending appeal first in the district court before asking a court of appeals to issue such an injunction"; "[i]t does not follow from the refusal to grant a preliminary injunction pending a trial in the court below that the district court would refuse injunctive relief pending an appeal." Bos. Parent Coal. for Acad. Excellence Corp. v. Sch. Comm. of City of Bos., 996 F.3d 37, 43-44 (1st Cir. 2021) (citing Rule 8(a)(1)(C); quoting Bayless v. Martine, 430 F.2d 873, 879 n.4 (5th Cir. 1970)).

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. Lance E. Walker
Christa Berry, Clerk, United States District Court for the District of Maine
Timothy C. Woodcock
Seth W. Brewster
P. Andrew Hamilton
Janna L. Gau
Patrick W. Lyons
Charles Jonathan Benner
John Scott Kingston
Twain Braden
Kathleen E. Kraft
Allison A. Economy
Jonathan P. Hunter
Stephen W. Wagner
David P. Silk
Richard P. Olson
Jason J. Theobald
Robert J. Papazian