SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

JOHN C. KENNEDY
JUDGE

LEROY F. SMITH JR. PUBLIC
SAFETY BUILDING
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NEWARK, NJ 07102
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FAX/TELECOPIER COVER SHEET
FAX NO. 973-622-1240

DATE: 4/21/2015

TIME: 4:20 p.m.

TO: Bruce Goldstein, Esq.

FAX #: (973) 635-6363

FROM: Hon. John C. Kennedy, J.A.D.

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LENGTH OF TRANSMISSION (Including Cover Sheet): 2

X For your information.

_____ Please call upon receipt so we may discuss.

_____ Per your request.

COMMENTS:

Attached is the Emergent Order re: Bellator v. Jackson

ORDER ON EMERGENT MOTION

BELLATOR SPORT WORLDWIDE, LLC,

Plaintiff-respondent,

v.

QUINTON "RAMPAGE" JACKSON,

Defendant-appellant.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. F-001539-14
BEFORE PART: H
JUDGE(S): ASHRAFI
KENNEDY

EMERGENT MOTION

FILED: 4/14/2015 BY: APPELLANT

ANSWER(S) FILED: 4/21/2015 BY: RESPONDENT

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS ON THIS 21ST DAY OF APRIL, 2015, HEREBY ORDERED AS FOLLOWS:

	GRANTED	DENIED	OTHER
EMERGENT MOTION FOR LEAVE TO APPEAL AND FOR AN ORDER VACATING THE PRELIMINARY INJUNCTION ENTERED ON APRIL 7, 2015, OR IN THE ALTERNATIVE, TO STAY THE PRELIMINARY INJUNCTION PENDING APPEAL.	(☒)	(☐)	(☒)

We grant leave to appeal, as well as emergent relief, and we summarily reverse paragraph 3 of the April 7, 2015 order

which enjoined defendant, Quinton "Rampage" Jackson, from participating in a fight for the Ultimate Fighting Championship against Fabio Maldonado in Montreal, Canada, on April 25, 2015, because the record before us does not support plaintiff's claim that it would suffer irreparable harm for which there is no adequate remedy at law as a consequence of defendant's participation in that event. See Crowe v. DeGoia, 90 N.J. 126, 132-34 (1982).

This action was brought by plaintiff on March 2, 2015, asserting that defendant, a "mixed marital arts" (MMA) fighter, breached his contract with plaintiff, self-proclaimed as the "second largest" promoter of MMA events in the world, by, among other things, agreeing to a fight scheduled for April 25, 2015, without participation by plaintiff. The fight for the UFC had been arranged in December 2014 by defendant's manager. In support of its order to show cause seeking injunctive relief, plaintiff asserted that defendant's acts would cause "irreparable harm" because plaintiff's "other fighters" would be encouraged to "ignore their contracts" and because the "social networking sphere is filled with negative chatter" about plaintiff. These assertions, in our view, are nothing other than vague speculation that does not warrant the extraordinary remedy of a preliminary injunction. Given plaintiff's failure to adduce evidence other than speculation to support the Chancery Division's conclusion that the harm plaintiff alleges "cannot be

rectified by money damages alone," we have reversed that portion of the preliminary injunction pertaining to the event of April 25, 2015.

Beyond the event of April 25, 2015, however, it is unclear to this court whether other actions by defendant may cause irreparable harm, and, therefore, we choose to defer to the determination of the Chancery Division and we shall not, at this point, vacate the remainder of its order of April 7, 2015.[1]

Further, because it is apparent to this court that adjudication of the merits of the parties' respective claims and defenses will require a factual determination, we remand this matter to the Chancery Division for further proceedings. We do not retain jurisdiction.

FOR THE COURT:

HON. JOHN C. KENNEDY, J.A.D.

[1] We recognize that circumstances may arise hereafter which would warrant amending or eliminating the preliminary injunction altogether. In that event, if any party is aggrieved by a determination of the Chancery Division, such party may at that time seek leave to appeal and pursue additional relief in the Appellate Division.