PREPARED BY THE COURT

BELLATOR SPORT WORLDWIDE, LLC,

Plaintiff,

v.

QUINTON "RAMPAGE" JACKSON,

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
BURLINGTON COUNTY

DOCKET NO. C-25-15

CIVIL ACTION

ORDER DENYING APPLICATION TO DISSOLVE PRELIMINARY INJUNCTION

WHEREAS THIS MATTER having come before the court on June 12, 2015 by Defendant's application to dissolve the preliminary injunction, and the court having reviewed the moving papers, and oral argument on the same date, and for other good cause shown;

It is on this 15th day of June 2015 **ORDERED** that:

1. Defendant's application to dissolve the preliminary injunction is DENIED;
2. Defendant's motion to stay this court's order, made at oral argument on June 12, 2015, is DENIED;
3. A copy of this Order shall be served upon all counsel of record or unrepresented parties within seven (7) days of receipt by the moving party.

Karen L. Suter

Karen L. Suter, P.J.Ch.

Dated: June 15, 2015
This application was opposed.
For the reasons set forth in the Statement of Reasons.

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Defendant.

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CIVIL ACTION

STATEMENT OF REASONS

Seth J. Lapidow, Esq., Michael A. Rowe, Esq., BLANK ROME LLP.
Attorneys for Plaintiff Bellator Sport Worldwide, LLC.

Bruce I. Goldstein, Esq., McCUSKER, ANSELMI, ROSEN & CARVELLI, P.C.
Attorney for Defendants Quinton Jackson.

This application was opposed.
Proof of service was provided.

RELIEF REQUESTED

Pending before the court is Defendant's motion to dissolve the preliminary injunction. For the reasons discussed below, the court will DENY the motion. The court also denies Defendant's oral application for a stay of the court's order.

DISCUSSION

This litigation involves a dispute over a contract entered into between Defendant Quinton Jackson, a Mixed Martial Arts ("MMA") fighter, and Plaintiff Bellator Sport Worldwide, LLC, a promoter in the sport industry of Mixed Martial Arts ("MMA").[1] On March 2, 2015, Plaintiff filed

[1] The factual background of this case is set forth in more detail in the court's April 7, 2015 Statement of Reasons.

a complaint alleging Defendant breached his contract with Plaintiff and an Order to Show Cause seeking to enjoin Defendant from participating in the upcoming April 25, 2015 UFC fight in Montreal.

On April 7, 2015, the court issued an order and Statement of Reasons granting the injunction against Defendant, and on April 15, 2015, the court denied Defendant's motion for a stay of this order. Defendant appealed, and on April 21, 2015 the Appellate Division reversed the court's April 7, 2015 Order with respect to Paragraph 3, which enjoined Defendant from fighting in an April 25, 2015 fight with Bellator's rival MMA promoter, Ultimate Fighting Championship ("UFC"). However, the Appellate Division did not vacate the remainder of the April 7, 2015 Order, and left the preliminary injunction in place. The Appellate Division did not retain jurisdiction, and remanded the case back to this court. In doing so, the court remarked, in a footnote, the following:

> 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.
>
> [April 21, 2015 Order at 3 n.1]

Thereafter, on May 13, 2015, Defendant filed, with this court, a motion to dissolve the preliminary injunction with respect to the remainder of the court's order. Defendant argues that dissolution of the restraints is warranted as a result of the Appellate Division's decision to partially vacate the preliminary injunction with respect to the April 25, 2015 fight. Defendant contends that "[t]he rationale underlying the Appellate Division's reversal of Paragraph 3 of the April 7, 2015 Order applies with equal force to [the remainder of the injunction.]" (Def. Br. at 5) Further, Defendant argues that the April 25, 2015 fight was the only basis for Plaintiff's argument for

irreparable harm and that, because this fight has passed, there no longer exists any basis for the injunction.

In response, Plaintiff argues that the Appellate Division's decision *not* to disturb the court's injunction beyond the April 25, 2015 fight is a binding decision, and must be maintained. Plaintiff notes that not only would the Appellate Division have vacated the entire order had it found that its conclusions applied equally to both the injunction against the fight and the general injunction thereafter, but that it explicitly stated that "circumstances **may arise hereafter,**" which indicates that a change in factual circumstances must proceed any attempt to dissolve the injunction. (Pl. Br. at 11) (quoting April 21, 2015 Order at 3 n.1) In addition, Plaintiff objects to Defendant's argument that there was no basis for irreparable harm outside of the April 25, 2015 fight, and stresses that it would suffer long-lasting and continual harm were the court to dissolve the injunction, such as harm to its reputation, and harm to its ability to retain and attract skilled fighters.

Plaintiff contends that it has new information bearing on the issue of irreparable harm, citing certifications from Scott Coker and Royce Gracie, the latter of which is a former MMA fighter and owner of a school for MMA fighters. (See Certification of Scott Coker dated May 2015 ("Coker Cert."); Certification of Royce Gracie dated June 1, 2015 ("Gracie Cert.")) Through these certifications, Plaintiff argues that Defendant's fight against a UFC fighter in the UFC event in April has harmed its ability to attract and keep talented fighters; that extensive press coverage of the event has portrayed Plaintiff as weak and that Plaintiff's prominence in the MMA industry depends on its ability to attract "stars" such as Defendant. Plaintiff also cites to commentary by Defendant after the Appellate Division's decision wherein he makes specific graphic comments about the Plaintiff, asserts he now is part of the UFC, and tries to solicit a fight from the UFC. Further, Plaintiff notes that the UFC website now lists Defendant as one of its fighters (see Coker

Cert. Ex. G), which it cites as an example in further support of its need to continue the restraints in Paragraph 2 of the court's April 7, 2015 Order.

The court will deny Defendant's motion. Defendant argues that the Appellate Division's April 21, 2015 Order vacating Paragraph 3 of this court's order necessarily requires that the court vacate the remainder of the injunction, and that this is binding on the court. The court respectfully concludes otherwise; if the analyses for the irreparable harm were the same for the April 25, 2015 fight and the harm thereafter, it is likely that this court's order would have been vacated in its entirety by the Appellate Division.

Here, Defendant has not articulated any new reason or factual basis that now necessitates dissolution of these restraints. Rather, Plaintiff has produced new evidence to supplement the record, such as certifications regarding the effect of this controversy on Bellator's position in the MMA industry by Royce Gracie, and copies of Defendant's representations that he is now part of the UFC organization. This evidence adds substance to Plaintiff's allegations that it would be irreparably harmed in the absence of an injunction. Furthermore, now that Defendant's training for the fight has concluded, any equities that may have previously balanced in Defendant's favor are gone. He remains able to arrange and train for fights with Bellator, but has chosen not to do so. Finally, the court's rationale in its earlier opinion regarding success on the merits of the contract issue remains valid, and Defendant has proffered no new facts on these issues. Accordingly, the court will deny the motion.

Karen L. Sutter

Karen L. Sutter, P.J.Ch.

Dated: June 15, 2015.

This application was opposed.