

MANASQUAN BOARD OF EDUCATION
v.
NEW JERSEY STATE INTERSCHOLASTIC
ATHLETIC ASSOCIATION

BOARD OF EDUCATION OF BOROUGH
OF MANASQUAN

v.
NEW JERSEY STATE INTERSCHOLASTIC
AND STATE-OPERATED SCHOOL
DISTRICT OF CAMDEN CITY

Case Name

Superior Court of New Jersey
Appellate Division

Appellate Division

Docket Number

(if available) _____

Superior Court of New
Jersey, Ocean County,
Chancery Division

Trial Court or

Agency Below: _____

New Jersey Department
of Education

OCN-C-48-24

Trial Court or _____

Agency Docket Agency No. 59-3/24

Number: _____

BEFORE: PART A

JUDGES: HANY A. MAWLA

JOSEPH L. MARCZYK

Disposition on Application for
Permission to File
Emergent Motion - Denied

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The application of Manasquan Board of Education for leave to file an emergent motion on short notice is **Denied** for the following reasons:

- The application on its face does not concern a threat of irreparable injury, or a situation in which the interests of justice otherwise require adjudication on short notice. The applicant may file a motion with the Clerk's Office in the ordinary course.
- The threatened harm or event is not scheduled to occur prior to the time in which a motion could be filed in the Clerk's Office and decided by the court. If the applicant promptly files a motion with the Clerk's Office it shall be forwarded to a Panel for decision as soon as the opposition is filed.

- The applicant did not apply to the trial court or agency for a stay, and obtain a signed court order, agency decision or other evidence of the ruling before seeking a stay from the Appellate Division.
- The application concerns an order entered during trial or on the eve of trial as to which there is no prima facie showing that the proposed motion would satisfy the standards for granting leave to appeal.
- The timing of the application suggests that the emergency is self-generated, given that no good explanation has been offered for the delay in seeking appellate relief. Due to the delay, we cannot consider a short-notice motion within the time frame the applicant seeks, without depriving the other party of a reasonable time to submit opposition. And the magnitude of the threatened harm does not otherwise warrant adjudicating this matter on short notice despite the delay. If the applicant promptly files a motion with the Clerk's Office it shall be forwarded to a Panel for decision as soon as the opposition is filed.
- Other reasons:

This matter stems from a high school basketball game between Manasquan and Camden on March 5, 2024. Manasquan alleges the New Jersey State Interscholastic Athletic Association ("NJSIAA") officials assigned to the game erroneously determined that a shot at the end of the game was made after the time expired. This resulted in Manasquan losing.

Plaintiff Manasquan Board of Education subsequently filed an order to show cause and a verified complaint in the Chancery Division in Ocean County. On March 7, 2024, the court dismissed the complaint for lack of jurisdiction. Thereafter, Manasquan filed a petition with the Department of Education seeking to have the officials' call and the NJSIAA's determination overturned by the Commissioner. The Commissioner denied the petition on March 8, 2024.

Manasquan now seeks to temporarily enjoin the state championship game scheduled for March 9, 2024, pending a final decision by this court. It contends the Commissioner erred in

denying Manasquan's application for relief. Manasquan contends "this matter does not question a referee's call" but rather interference "from a coach and/or NJSIAA representative."

To determine whether a party is entitled to preliminary injunctive relief, we must consider the four factors outlined in Crowe v. De Gioia, 90 N.J. 126 (1982). See Garden State Equal. v. Dow, 216 N.J. 314, 320 (2013) (reiterating the factors outlined in Crowe, 90 N.J. at 132-34). First, "a preliminary injunction should not issue except when necessary to prevent irreparable harm." Crowe, 90 N.J. at 132. Second, "temporary relief should be withheld when the legal right underlying [the] plaintiff's claim is unsettled." Id. at 133. Third, a "preliminary injunction should not issue where all material facts are controverted." Ibid. Under the third factor, "to prevail on an application for temporary relief, a plaintiff must make a preliminary showing of a reasonable probability of ultimate success on the merits." Ibid. Fourth, a judge must consider the "relative hardship to the parties in granting or denying relief." Id. at 134.

Article VII, Section 1 of the NJSIAA's bylaws provides:

Protests based upon an official's judgement or misinterpretation (misapplication) of the playing rules will not be honored.

.....

cl. 2: "Protests based upon an official's judgement or misinterpretation (misapplication) of the playing rules will not be honored" does not preclude a League or Conference from addressing same; however, the NJSIAA will not honor such protests for non-conference games/meets, neither will the NJSIAA hear appeals to a League or Conference decision based upon an official's judgement or misinterpretation (misapplication) of the playing rules.

We are unable to grant Manasquan's emergent application because it lacks a settled legal right to the relief and a reasonable probability of success on the merits. Pursuant to Article III, Section 1 of the NJSIAA bylaws and N.J.A.C. 6A:3-7.1(c) there is no ability to appeal from the erroneous call by the game officials because it is a "determination of the NJSIAA in an area that is expressly designated as not appealable by the NJSIAA constitution, bylaws or rules and regulations as adopted by member schools pursuant to law."

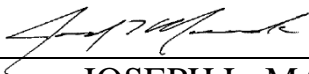
Accepting Manasquan's claim that the game officials called the game for Camden because of interference by a coach or an NJSIAA representative as true, the final call was still made by a game official. The NJSIAA regulations do not allow appeals under the circumstances presented.

As we have noted, judges should generally "refrain from interfering with the internal matters of sports associations" Davidovich v. Israel Ice Skating Federation, 446 N.J. Super. 127, 151-52 (App. Div. 2016). In Davidovich, we observed that courts generally "do not sit as referees of football any more than [they] sit as the 'umpires' of baseball or the 'super-scorer[s]' for stock car racing. Otherwise, [they] would become mired down in the areas of a [sporting] group's activity concerning which only the group can speak competently." Id. at 152 (quoting NFL Mgmt. Council v. NFL Players Ass'n, 820 F.3d 527, 537 (2d Cir. 2016)). Moreover, courts are "loathe to interfere with the internal management of an . . . association." Danese v. Ginesi, 280 N.J. Super. 17, 23 (App. Div. 1995). "Deference has always been afforded to the internal decisionmaking process of private associations." Loigman v. Tromabadore, 228 N.J. Super. 437, 449 (App. Div. 1988). Additionally, "[t]he courts recognize an association's right to adopt,

administer and interpret its own rules without judicial intervention." Danese, 280 N.J. Super. at 23.

While the consequences of a particular call may be unfortunate for a team, the NJSIAA's regulations recognize the reality that game officials' calls are frequently disputed, and that permitting such calls to be challenged on the basis of error would result in ongoing litigation, appeals, and scheduling issues, since no game could be considered final if its outcome is disputed in court as a result of an alleged error by officials.

For these reasons, although we recognize the disappointment of petitioner, we are constrained to deny Manasquan's application to file an emergent appeal, including its request to enjoin the state championship game. For the aforementioned reasons as well, we do not reach its other argument on appeal contesting the Chancery Division's ruling that it lacked jurisdiction to consider the petition.



JOSEPH L. MARCZYK, J.A.D.

3/8/2024

Date