

**PREPARED BY THE COURT**

**ANTHONY KNOX, JR.,**

**Plaintiff,**

**v.**

**NEW JERSEY STATE INTERSCHOLASTIC  
ATHLETIC ASSOCIATION; ST. JOHN  
VIANNEY HIGH SCHOOL; and  
COLLINGSWOOD BOARD OF  
EDUCATION,**

**Defendants.**

**SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: GENERAL  
EQUITY PART  
MERCER COUNTY**

**DOCKET: MER-C-17-25**

**Civil Action**

**ORDER GRANTING ORDER TO SHOW  
CAUSE**

**THIS MATTER**, having been brought before the Court on the 27<sup>th</sup> day of February 2025, the Hon. Patrick J. Bartels, P.J.Ch., presiding; Patrick J. Jennings, Esq. appearing for the plaintiff; Robert Levy, Esq. appearing for the defendant, New Jersey State Interscholastic Athletic Association; Joseph Betley, Esq. appearing on behalf of the defendant, Collingswood Board of Education; the Court having considered the matter; and for reasons stated in the attached statement of reasons; and good cause shown:

**IT IS ON THIS** the 28<sup>th</sup> day of February 2025 **ORDERED** that:

1. The plaintiff's order to show cause is **GRANTED**;
2. Plaintiff, Anthony Knox, Jr., may compete for St. John Vianney High School as a member of the wrestling team at the NJSIAA Region 7 Wrestling Tournament, and, if he prevails, the NJSIAA Wrestling State Championships, until further order of the Court;
3. Defendants, New Jersey State Interscholastic Athletic Association, St. John Vianney High School, and Collingswood Board of Education, are enjoined from

barring Plaintiff from competing at the NJSIAA Region 7 Wrestling Tournament and, if he prevails, the NJSIAA Wrestling State Championships, until further order of the Court; and it is

4. **FURTHER ORDERED** that this Order shall be served upon counsel for the parties via eCourts.



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HON. PATRICK J. BARTELS, P.J. Ch.

## STATEMENT OF REASONS:

Preliminary Statement:

This is a case involving the disqualification of a high school student athlete, Anthony Knox, Jr. from participating in the NJSIAA Wrestling Tournament, scheduled to begin the afternoon of February 28, 2025. As result of an investigation conducted by Executive Director of NJSIAA Colleen Maguire (“Maguire”) issued a disqualification notice for Anthony Knox, Jr. (“Plaintiff”) disqualifying him from participating in the NJSIAA Region 7 Wrestling Tournament and the NJSIAA Wrestling State Championships, if he prevails in the Region 7 tournament.

Defendant, New Jersey State Interscholastic Athletic Association (“NJSIAA”), “is an independent voluntary association of the boards of education of local school districts as well as private schools who have elected to join the association for the coordination and regulation of athletic programs in conjunction with other school districts.” B.C. ex rel. C.C. v. Bd. of Educ., 220 N.J. Super. 214, 234 (App. Div. 1987). NJSIAA’s rules bind the New Jersey Commissioner of Education and apply to both public schools and private schools. N.J.S.A. § 18A:11-3.<sup>1</sup>

Facts:

Plaintiff, Anthony Knox, Jr. (“Plaintiff”) is a senior at St. John Vianney High School and a member of the St. John Vianney High School wrestling team. As a member of that team,

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<sup>1</sup> “A board of education may join one or more voluntary associations which regulate the conduct of student activities between and among their members, whose membership may include private and public schools. Any such membership shall be by resolution of the board of education, adopted annually. No such voluntary association shall be operative without approval of its charter, constitution, bylaws, and rules and regulations by the Commissioner of Education. Upon the adoption of said resolution the board, its faculty, and students shall be governed by the rules and regulations of that association. The said rules and regulations shall be deemed to be the policy of the board of education and enforced first by the internal procedures of the association. [ . . . ] In all other matters, appeals shall be made directly to the Superior Court. The commissioner shall have authority to direct the association to conduct an inquiry by hearing or otherwise on a particular matter or alternatively, direct that particular matter be heard directly by him. The association shall be a party to any proceeding before the commissioner or in any court.” N.J.S.A. § 18A:11-3.

Plaintiff participated in the District 25 wrestling tournament which took place at the Collingswood High School on February 22, 2025. During that tournament, Plaintiff won his weight class and qualified for the New Jersey State Championship Tournament scheduled to begin today, February 28, 2025. Plaintiff competed at the district tournament on February 22, 2025, and is the present winner of the District 25 wrestling tournament in the 126-pound weight class.

Upon completion of Plaintiff's participation, Plaintiff remained in the gymnasium along with his parents to watch the remaining tournament. He certified he was sitting in the bleachers with his family, occasionally napping.

Following Plaintiff's match, during the 190-pound match between St. John Vianney and West Deptford High School, a fight erupted in the Collingswood High School gymnasium, allegedly caused by unruly parents and spectators. Allegedly, West Deptford fans had been jeering at St. John Vianney players throughout the tournament. Plaintiff's father, Anthony Knox, Sr. ("Plaintiff's father") became embroiled in the dispute, initially crossing over to the West Deptford side of the bleachers. Plaintiff's father alleged he crossed to the West Deptford side to de-escalate the crowd. Plaintiff purportedly followed his father, intending to defend his father and his mother from being verbally accosted. Both were taken into police custody. Following the incident, despite the interruption, the tournament finished.

NJSIAA swiftly learned of the incident and Executive Director Colleen Maguire ("Maguire") opened an investigation on or about February 22 and 23, 2025. On February 23, 2025, John Grey, Plaintiff's attorney, became aware of the investigation. NJSIAA never gave Plaintiff any notice that he was in jeopardy of violating NJSIAA's rules and regulations. Mr. Grey contacted NJSIAA's counsel and told them he represented Plaintiff. Mr. Grey was advised

by NJSIAA counsel that he had until noon on February 24, 2025 to submit any documents or videos for NJSIAA consideration. Plaintiff allegedly never received notice that he was being charged with any violation of NJSIAA rules or regulations.

On February 25, 2025, Mr. Grey sent the following materials to NJSIAA: (1) the letter from John Grey, Esq.; (2) the statement from Plaintiff's father, Anthony Knox, Sr.; (3) the statement from Deborah Knox (Plaintiff's mother); and (4) the statement of Sergeant Thomas Foley of the Holmdel Police Department. Mr. Grey also sent four videos to NJSIAA for its investigation. Plaintiff did not receive any materials NJSIAA was reviewing or evaluating in its investigation, nor notice regarding the purpose of request for materials or NJSIAA's intentions.

**Disqualification Notice:**

NJSIAA Executive Director Maguire disqualified Plaintiff on February 25, 2025. In the disqualification notice, Maguire states she reviewed the following:

1. Two statements from Collingswood;
2. Two statements from St. John Vianney;
3. An attorney letter and three statements from Plaintiff's attorney;
4. Eight statements from West Deptford;
5. One statement from Overbrook;
6. Two statements from meet officials.

In her decision, Maguire noted that the statements alleged that fans "exchanged barbs" and began fighting. In one video, Plaintiff's father crossed into the opposing team's side of the bleachers. Melee broke out immediately. In other videos, Maguire stated Plaintiff, "who had been on the edge of the mat with his teammates and coaches, sprinting from the floor into the stands,"

and allegedly threw a punch. Although Plaintiff's father allegedly sought to defuse the fight, Maguire stated his deliberate actions incited the altercation. Moreover, Maguire argued that even if Plaintiff sought to protect his mother from the fight, motive was irrelevant, because "no student athlete should ever run towards an altercation." Maguire also noted that a minor who attended a different school submitted a statement alleging Plaintiff punched him.

Maguire noted she did not make the disqualification decision lightly because "this disqualification effectively end[ed] [Plaintiff's] high school career." Yet, she sought to uphold the integrity of high school athletics by ensuring all participants are held to a high standard of sportsmanship and follow the rules.

**Requested Relief:**

This case comes before this Court from Plaintiff's February 26, 2025 order to show cause with temporary restraints, pursuant to Rule 4:52-1(c). See N.J. Ct. R. 4:52-1(c). The temporary restraints are fourfold.

First, Plaintiff seeks "[a]n Order preliminarily enjoining NJSIAA from suspending and/or disqualifying Anthony Knox, Jr. from participation in the 2025 NJSIAA Wrestling Tournament.

Second, "[a]n Order preliminarily enjoining NJSIAA from enforcing the Disqualification Notice against [Plaintiff] that was issued by suspending and/or disqualifying [Plaintiff] from participation in the 2025 NJSIAA Wrestling Tournament."

Third is "[a]n Order preliminarily enjoining NJSIAA from enforcing the Disqualification Notice against [Plaintiff] that was issued by NJSIAA Executive Director Colleen Maguire pursuant to claimed authority to act, i.e., the September 18, 2024 NJSIAA Rules and Regulations—Program Regulations Section 14—Video Taping and Filming/Specific Sport

Regulations Paragraph 4—Disqualification NJSIAA Executive Director Colleen Maguire pursuant to claimed authority to act, i.e., the September 18, 2024 NJSIAA Rules and Regulations—Program Regulations Section 14—Video Taping and Filming/Specific Sport Regulations Paragraph 4—Disqualification.”

Fourth, “[a]ny and all other relief that the Court deems equitable and just.”

NJSIAA Rules:

There are three primary NJSIAA rules at issue in this case.<sup>2</sup>

Allegedly, Maguire has the authority to issue the disqualification notice under Clause 6. Article XII of the NJSIAA Constitution permits the Executive Director to propose a change to the Rules and Regulations (much like Clause 6) before December 1 of the end of the year, which

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<sup>2</sup> The first is the “bench rule,” pursuant to Section 4(j) of the Rules and Regulations, Specific Sport Regulations. This rule states “[a]ny player that leaves the bench area during an altercation, regardless of whether the player engages in the altercation, shall be disqualified, and will be subject to the disqualification penalty (automatically disqualified from the next two contests). Only coaches can leave the bench with the purpose of restraining players and stopping the altercation.” *Id.*

The second is the “unsportsmanlike conduct” rule. Under this rule, “[a]ny Student-Athlete or coach disqualified before, during or after an interscholastic event for unsportsmanlike and flagrant verbal or physical misconduct will be disqualified from the next two (2) regularly scheduled games/meets, . . . at that level of competition and all other game(s)/meet(s) in the interim at any level in addition to any other penalties which the NJSIAA or a league/conference may assess.” Rules and Regulations, Specific Sport Regulation 4(a).

The third arose from the September 18, 2024 update to the NJSIAA Rules and Regulations—Specific Sport Regulations. The proposed Clause 6 said “[t]he Executive Director has the authority to (1) issue disqualifications for violations of the NJSIAA sportsmanship policy; (2) issue disqualifications to players who leave the bench area during an altercation; and (3) correct a reporting error in a previously submitted disqualification report.” Rules and Regulations, Specific Sport Regulation 4(a), cl. 6.

the Advisory Committee considers before January 1 of the following year. Upon this review, the Executive Committee endorses and adopts such proposed amendments by February 1.<sup>3</sup>

Article XIII of the NJSIAA Bylaws provides a method for NJSIAA to hold penalty hearings.<sup>4</sup>

Collingswood Board of Education (“Collingswood”) opposed the case because there is no cause of action or request for relief against NJSIAA.<sup>5</sup>

#### Legal Standard:

#### Crowe Factors:

Plaintiff must demonstrate the elements to keep a preliminary injunction by clear and convincing evidence. See Garden State Equality v. Dow, 216 N.J. 314, 320 (2013); Brown v. City of Paterson, 424 N.J. Super. 176, 183 (App. Div. 2012). Those elements are (1) that the applicant has shown a reasonable probability of success on the merits; (2) that the applicant will probably be irreparably harmed by denial of the relief sought; (3) that the denial of the relief will result in greater harm to the party seeking the relief, than the harm to the party against whom the

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<sup>3</sup> Maguire introduced the proposed Clause 6 to Specific Sports Regulations 4(a) but does not offer proof as to whether NJSIAA adopted the clause.

<sup>4</sup> Section 4 states “[a]ll complaints for eligibility shall be reviewed by the Executive Director and referred to the controversies committee where applicable.” Article XIII, § 4. The Controversies “Committee shall conduct formal hearings, on notice to all involved parties, who shall be afforded the right of counsel, the presentation of testimony under oath, cross-examination, and a written decision.” Id. “The [Controversies] Committee shall conduct hearings against any party charged with a violation of NJSIAA Bylaws or Rules,” notwithstanding the party’s attendance. Id. “All parties will be allowed to submit any relevant documents or written presentation to the controversies committee for its consideration.” Id. Should the party lose before the Controversies Committee, the party may appeal to the Executive Committee to focus on the record. See id.

<sup>5</sup> The only reference to Collingswood in the complaint is that Collingswood was delinquent in providing a safe space which contributed to the chaos that led to Plaintiff’s disqualification. The cause of action is focused exclusively on NJSIAA. The New Jersey Tort Claims Act acts as a bar against any cause of action against the Board. Plaintiff’s decision to name Collingswood as a defendant is frivolous. Collingswood requested attorneys’ fees.



relief is sought if the relief applied for is granted; and (4) the plaintiff's cause of action arises from a settled legal right. Crowe v. DeGioia, 90 N.J. 126 (1982). Appellate courts are guided by precepts for permanent injunctive relief, including:

“(1) the character of the interest to be protected; (2) the relative adequacy of the injunction to the plaintiff as compared with other remedies; (3) the unreasonable delay in bringing suit; (4) any related misconduct by plaintiff; (5) the comparison of hardship to plaintiff if relief is denied and hardship to defendant if relief is granted; (6) the interests of others, including the public; and (7) the practicality of framing the order or judgment.”

Paternoster v. Shuster, 296 N.J. Super. 544, 556 (App. Div. 1997); Sheppard v. Twp. of Frankford, 261 N.J. Super. 5, 10 (App. Div. 1992) (citing Restatement (Second) of Torts § 936 (1977)). Such an inquiry requires an individualized balancing of rights and a sensitive evaluation of the entire situation. See id.

First, “[h]arm is generally considered irreparable in equity if it cannot be redressed adequately by monetary damages.” Hodge v. Giese, 43 N.J. Eq. 342, 350 (Ch.1887). Monetary relief is inadequate: (1) where damages are insufficient because the subject matter is of such a “special nature” that legal damages “would not be a just and reasonable substitute for or representative of that subject-matter in the hands of the party who is entitled to its benefit;” or (2) where “damages are impracticable” because “it is impossible to arrive at a legal measure of damages at all, or at least with any sufficient degree of certainty.” Fleischer v. James Drug Stores, Inc., 1 N.J. 138, 146-47 (1948). A deprivation of a constitutional right may establish irreparable harm. See City of Orange Twp. Bd. of Educ. v. City of Orange, 451 N.J. Super. 310, 320 (2017).

Second, a plaintiff seeking injunctive relief must show, to avoid having the relief it seeks withheld, that the legal right underlying the claim is settled. See Crowe, 90 N.J. at 133; Citizens Coach Co. v. Camden Horse R.R. Co., 29 N.J. Eq. 299, 304-05 (E. & A. 1878).

Third, to prevail, “a plaintiff must make a preliminary showing of a reasonable probability of ultimate success on the merits.” Crowe, 90 N.J. at 133; Ideal Laundry Co. v. Gugliemone, 107 N.J. Eq. 108, 115-16 (E. & A. 1930). “[A] preliminary injunction should not issue where all material facts are controverted.” Id.; Citizens Coach Co., 29 N.J. Eq. at 305-06. Still, “mere doubt as to the validity of the claim is not an adequate basis for refusing to maintain the status quo.” Id.; see also Naylor v. Harkins, 11 N.J. 435 (1953); Haines v. Burlington Cnty. Bridge Comm’n, 1 N.J. Super. 163, 175 (App. Div. 1949). The point of temporary relief is to maintain the parties in substantially the same condition “when the final decree is entered as they were when the litigation began.” Id. at 134 (citing Peters v. Pub. Serv. Corp. of N.J., 132 N.J. Eq. 500 (Ch.1942), aff’d o.b., 133 N.J. Eq. 283 (E. & A. 1943)).

Fourth, in considering whether to grant injunctive relief, the Court must consider “the relative hardship to the parties in granting or denying relief.” Crowe, 90 N.J. at 134. The Court will consider what injury the Defendant and other parties will suffer with an injunction, assuming Plaintiff prevails at a final hearing, and what injury might occur to Plaintiff if the injunction is denied. See generally Isolantite, Inc. v. United Elect. Radio & Mach. Workers, 150 N.J. Eq. 613 (E. & A. 1942).

The Court will consider what injury the Defendant and other parties will suffer with an injunction, assuming Plaintiff prevails at a final hearing, and what injury might occur to Plaintiff if the injunction is denied. See Crowe, 90 N.J. at 134; Isolantite Inc. v. United Elect. Radio &

Mach. Workers, 130 N.J. Eq. 506, 515 (Ch.1941), mod. on other grounds, 132 N.J. Eq. 613 (E. & A. 1942).

**Due Process:**

Plaintiff argues Maguire’s investigation and his subsequent disqualification violated his rights to procedural due process.

*Background:*

The United States Constitution requires procedural due process before depriving individuals of life, liberty, or property. See U.S. Const. amend. XIV § 1; Doe v. Poritz, 142 N.J. 1, 99 (1995). Article I, paragraph 1 of the New Jersey Constitution does not enumerate the right to due process, but protects against injustice and, to that extent, protects “values like those encompassed by the principle of due process.” Doe, 142 N.J. at 99 (citing Greenberg v. Kimmelman, 99 N.J. 552, 568 (1985)). “In examining a procedural due process claim, the [] court first assesses whether a liberty or property interest has been interfered with by the State, and second, whether the procedures attendant upon that deprivation are constitutionally sufficient.” Id. A property interest need not be tangible; a person may have a property interest in a “benefit.” Bd. of Regents of State Colls. v. Roth, 408 U.S. 564, 577 (1972); Thomas Makuch, LLC v. Twp. of Jackson, 476 N.J. Super. 169 (App. Div. 2023). “To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it,” but “more than a unilateral expectation of it.” Roth, 408 U.S. at 577. The chief ingredient of this kind of “property” interest is a “legitimate claim of entitlement.” Nicoletta v. N. Jersey Dist. Water Supply Co., 77 N.J. 145, 154-55 (1978) (citing Roth, 408 U.S. at 577).

There are two basic due process requirements: notice, and an opportunity to be heard. See e.g., Goss v. Lopez, 419 U.S. 565, 575 (1975); Doe v. Poritz, 142 N.J. at 106. To meet the requirements of due process, a hearing, whether formal, informal, live or not, must be meaningful and must provide the accused with the opportunity to “respond, explain, and defend.” Gorman v. Univ. of R.I., 837 F.2d 7, 13 (1st Cir. 1988).

*NJSIAA and Due Process:*

Prior New Jersey case law determined NJSIAA is a state actor, albeit not an agency. See B.C. ex rel. C.C. v. Bd. of Educ., 220 N.J. Super. at 232 (App. Div. 1987). “Policy guidelines, regardless of the label, which ‘constitute an agency statement of general applicability which implicates policy designed to assist all local school districts’ must comply with the Administrative Procedure Act pertaining to rulemaking by a state agency.” Bd. of Educ. of City of Plainfield v. Cooperman, 209 N.J. Super. 174, 206, 207 (App. Div. 1986), aff’d 105 N.J. 587 (1987). “The purpose of requiring approval by the Commissioner of the rules and regulations of the Athletic Association and requiring an annual report is to insure that ‘the legislative intent in granting authority to boards of education to join such associations is faithfully being executed.’” B.C., 220 N.J. Super. at 235. NJSIAA’s “athletic guidelines are not rules required to be promulgated within the rulemaking process under the Administrative Procedure Act.” Id.

Plaintiff also relies upon Christian Bros. Inst. v. Interschol. League. See 86 N.J. 409 (1981). There, the New Jersey Supreme Court held “Participation in interscholastic athletics is not a fundamental right and a classification limiting league membership to public schools is not suspect; thus, the test to be applied is whether the classification bears some rational relationship to a legitimate state purpose.” Id. at 417.

New Jersey courts treat NJSIAA's guidelines as informal action concerned with the supervising and advising the district boards of education rather than the promulgation of rulemaking. See B.C., 220 N.J. Super. at 235; see also In re Request for Solid Waste Util. Customer Lists, 106 N.J. 508, 518-19 (1987). Under its powers to investigate or supervise the activities of a regulated industry, an agency may issue an informal administrative order requiring production of documents or information. See id. at 520. In the absence of a statutory requirement, due process may still require some kind of hearing. See id.; K. Davis, 1982 Supplement to Admin. Law Treatise § 13:0 236 ("nearly all interests that are the subject matter of litigation deserve procedural protection to the extent of allowing informal response to the adverse allegations"). The Court must then determine whether:

[f]irst, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Id. (citing Mathews v. Eldridge, 424 U.S. 319, 335 (1976)).

New Jersey courts generally defer to a private sports organization's interpretation of its rules in the absence of bad faith or illegality. See Davidovich v. Israel Ice Skating Found., 446 N.J. Super. 127, 152 (App. Div. 2016) (citing Ruiz v. Sauerland Event Gmbh, 801 F. Supp. 2d 118, 125 (S.D.N.Y. 2010)). Judges "are reluctant to interfere with the internal decisions of organizations [ . . . ] deferring to the principle that courts are ill-equipped to resolve conflicts involving the interpretation of the organization's own rules." Id. (citing M'Baye v. World Boxing Ass'n, 429 F. Supp. 2d 660, 667 (S.D.N.Y. 2006)). In New Jersey, courts always afford deference to the internal decision-making process of the private association. See id. at 153; see also Danese

v. Ginesi, 280 N.J. Super. 17, 23 (App. Div. 1995) (quoting Loigman v. Troubadour, 228 N.J. Super. 437, 449 (App. Div. 1988)). Courts intervene when the outcome of the case could damper public confidence. See id. at 153; Schulz v. U.S. Boxing Ass'n, 105 F.3d 127, 132 (3d Cir. 1997).

New Jersey courts ordinarily “recognize an association's right to adopt, administer, and interpret its own rules without judicial intervention.” Davidovich, 446 N.J. Super. at 153-54. (citing Danese, 280 N.J. Super. at 23). “Consequently, a voluntary association may, without direction or interference by the courts, draw up for its government and adopt rules, regulations and by-laws which will be controlling as to all questions of doctrine or internal policy.” Id. at 154. “[P]rivate associations do not have unfettered discretion with respect to their membership decisions.” Id.

*Exceptions to the General Rule:*

“In evaluating whether judicial intervention into a private association's membership decision is proper, courts are to consider whether a plaintiff has an interest sufficient to warrant judicial action, and if such an interest is shown, whether that interest has been subjected to an unjustifiable interference by the defendant.” Id. (citing Cipriani Builders, Inc. v. Madden, 389 N.J. Super. 154, 164 (App. Div. 2006)). The Appellate Division “applied these principles by requiring the exhaustion of non-judicial remedies that might be available within a sport itself before passing upon the merits of a dispute involving an athlete.” Id.; Dolan v. U.S. Equestrian Team, Inc., 257 N.J. Super. 314, 319 (App. Div. 1992).

“[A]n organization subjects a plaintiff's interest to ‘unjustifiable interference’ in either of two circumstances: when the organization's conduct is driven by principles that violate public policy, or when the procedures employed by the organization offend principles of fundamental

fairness.” Rutledge, 93 N.J. 113, 120 (1983). New Jersey public policy is to inspire the “trust and confidence” of the public. See Schulz, 105 F.3d at 135. In Schulz, the Third Circuit Court of Appeals held prior regulations required immediate disqualification for using drugs before or during a boxing match, and thus permitting a rematch violated public policy as defined by the New Jersey legislature. See id. Because one of the major sanctioning bodies in boxing flouted one of its rules, the court intervened to uphold the preliminary injunction. See id.

New Jersey's doctrine of fundamental fairness “serves to protect citizens generally against unjust and arbitrary governmental action, and specifically against governmental procedures that tend to operate arbitrarily.” Doe, 142 N.J. at 108. Fundamental fairness is “an augmentation of existing constitutional protections or as an independent source of protection against state action.” Id. The New Jersey Supreme Court applied the doctrine of fundamental fairness “‘sparingly’ and only where the ‘interests involved are especially compelling’; if a defendant would be subject to ‘oppression, harassment, or egregious deprivation,’ it is to be applied.” State v. Melvin, 248 N.J. 321, 348 (2021); State v. Saavedra, 222 N.J. 39, 67 (2015); Doe, 142 N.J. 108. Courts invoked fundamental fairness in criminal cases “when the scope of a particular constitutional protection has not been extended to protect a defendant.” Id.; State v. Yoskowitz, 116 N.J. 679, 705 (1989).

#### Analysis:

“High school athletics is an important fabric of education.” Greg Mattura and Tom McGurk, HS sports participation continues to grow in NJ as national numbers hit record highs, NorthJersey.com (Sept. 12, 2024), <https://www.northjersey.com/story/sports/high-school/2024/09/12/hs-sports-participation-record-8-million-nationally-nj/75148083007/> (quote from North Jersey Interscholastic Conference executive director Stan Fryczynski). “The true



reason [NJSIAA has] athletic competition for high school students is to further extend the reach of classroom education.” Steve Timko, Op-ed: The True Meaning of High School Sports, **Medium** (Sept. 6, 2016), <https://medium.com/@NJSIAA/op-ed-the-case-for-high-school-sports-b44aab66c9a9> (an opinion editorial by the then-Executive Director of the NJSIAA about the importance of high school sports). “[T]raining in preparation for competition and membership on a team teach a bevy of essential life lessons, many of which will be invaluable in the workplace.” Id. “[S]cholastic athletes do better in the classroom than their classmates who don’t play sports.” Id. Student athletes also learn valuable skills like time management and inclusion. See id.

Violating fundamental fairness provides irreparable harm. Because of the importance of high school sports and fair process, this Court finds Plaintiff faces irreparable harm by being disqualified. Although New Jersey courts generally abstain from intervening in decisions of voluntary associations, this Court finds it appropriate to step in. High school sports serve an important place in society and must remain above reproach.

In this case, had Plaintiff’s attorney, Mr. Grey, not heard of the investigation and submitted his own evidence, it is likely Plaintiff would never have been informed of the NJSIAA investigation against him. Based on the record, NJSIAA never contacted Plaintiff before sending him his disqualification notice. Plaintiff disputes whether Maguire had the right to automatically disqualify Plaintiff based under Clause 6 of the Rules and Regulations, Specific Sports Regulations 4. The only proof NJSIAA relies upon is a proposed rule, without proof of adoption as required by the NJSIAA Constitution.

NJSIAA is correct that Plaintiff does not have a general constitutional right to participate in high school sports. Yet, the disqualification notice defies general notions of public policy and fundamental fairness. Procedural due process requires notice of allegations and opportunity to



respond to allegations. NJSIAA permits hearings, with testimony and cross-examination, before its Controversies Committee, where the Executive Director finds “applicable.” Only a proposed rule, coupled with the manner in which the investigation began, leaves open whether NJSIAA treated Plaintiff fairly. NJSIAA subjected Plaintiff to “unjustifiable interference” because it never contacted him throughout the investigation.<sup>6</sup>

The importance of high school sports in the cultural lexicon, as well as procedural due process, requires this Court to maintain an air of fairness when dealing with children and young adults. This Court considers the adequacy of the injunction (permitting Plaintiff to compete in the state championship) and the interests of others, including the public, when issuing a preliminary injunction. Given the prominent role high school athletics play in society, this Court acknowledges irreparable harm to someone at the pinnacle of his high school career. Preserving Plaintiff’s disqualification also tarnishes his reputation, which is not compensable.<sup>7</sup> Denying any notice to Plaintiff impacts future students who spend their lives training and preparing for such moments.

Second, Plaintiff has a settled legal right to due process. Although generally there is no settled legal right to participate in high school athletics, there is a right to procedural due process under both the United States Constitution and the New Jersey Constitution. NJSIAA is a voluntary organization, nominally private, that partners with both public and private schools, and governed by the New Jersey Legislature. NJSIAA is not an administrative agency, subject to the Administrative Procedure Act, but it is a state actor that works directly with local school districts

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<sup>6</sup> Both Plaintiff and NJSIAA have been submitting evidence, not previously disclosed, to this Court since oral argument.

<sup>7</sup> Reputational harm can be irreparable harm. See Lederman v. Prudential Life Ins. Co., 385 N.J. Super. 307, 314 (App. Div. 2006).

and private schools like St. John Vianney. Thus, it is subject to the rules for informal rulemaking, including procedural due process. Under Mathews, Plaintiff's private interest is competing in something he has worked for his whole life. NJSIAA's interest is in upholding its rules and regulations, which bind all member schools and players. The risk of erroneous deprivation outweighs both legitimate interests, because Plaintiff will not only not be able to compete, but could impact NJSIAA's legitimacy in disqualifying players without ever telling them the reason for their disqualification. In the disqualification notice, Maguire emphasized the integrity of high school athletics. Protecting players from due process violations also upholds their integrity.

Third, Plaintiff has a reasonable probability of success on the merits. It is likely Plaintiff can demonstrate NJSIAA violated principles of fundamental fairness, upheld in Rutledge and Schultz, by not offering him any notice of the investigation until disqualifying him. Plaintiff never had an opportunity to view the evidence against him until he filed this case, pursuant to N.J.S.A. § 18A:11-3. Plaintiff never saw any photographic, videographic, or written evidence NJSIAA reviewed. Most material facts remain controverted because both parties submitted many forms of evidence, particularly regarding the "bench area" rule. There is an outstanding question as to whether Plaintiff ever left the "bench area," where he certified he was sitting in the stands. NJSIAA reads the "bench area" broadly and never provided Plaintiff an opportunity to rebut the rule although the consequence was automatic disqualification. Plaintiff also followed appropriate procedure in this case, bringing it before this Court for review on these grounds. This was a chaotic situation, with many people involved. NJSIAA only disqualified Plaintiff, to this Court's knowledge. It is unclear whether any other players received such penalties.

Fourth and finally, the relative hardship of the parties favors Plaintiff. As previously stated, Plaintiff has been preparing for this championship since winning his District 25

tournament. Although this Court recognizes the time it will take NJSIAA to reorganize the “seeds” for the state championship, violating one’s procedural due process right and upholding fundamental fairness outweighs any time spent changing the calendar. Fundamental fairness extends beyond Plaintiff but can apply to any student of an NJSIAA member school. This case is about more than just Plaintiff. The evidence demonstrates many people engaged in the melee, but only Plaintiff and Plaintiff’s father faced citation. If Plaintiff were the only student who faced such penalties, coupled with his status as a three-time state champion, NJSIAA may appear unfair. This Court must uphold fundamental fairness and the appearance of fairness, not just regarding Plaintiff, but regarding NJSIAA.

Plaintiff’s Order to Show Cause with Temporary Restraints is **GRANTED**.