

THE EASTERN CARIBBEAN SUPREME COURT:

**IN THE HIGH COURT OF JUSTICE
CIVIL DIVISION**

GRENADA

CLAIM NO. GDAHCV2026/0219

BETWEEN:

**[1] ROGER DUNCAN
[2] TREVOR MC INTOSH**

Applicant

-and-

THE GRENADA FOOTBALL ASSOCIATION

Respondent

Before the Honourable Madam Justice Ria R. Bailey (Ag.)

Appearances: Mr. Kristopher – Ross Fields for the Applicants
Mr. Anthony C. K. Hood for the Respondent.

2026: May 08 – Hearing
May 09 - Decision.

RULING

Application for Interim Injunction

THE APPLICATION:

[1] **BAILEY, J (Ag.):** - This is an application by the Applicants for interim injunctive relief pursuant to Part 17 of the Civil Procedure Rules. The Applicants seek orders restraining the Respondent from convening and conducting the Extraordinary General Congress scheduled for 9 May 2026 and from otherwise proceeding with elections for the Council of the Grenada Football Association pending the determination of the substantive claim.

[2] The application is supported by the Affidavit of Roger Duncan filed on 5 May 2026, the Affidavit in Reply filed on 7 May 2026 and accompanying exhibits, the Applicants' Speaking Notes and the First Applicant's viva voce evidence. The application is opposed by the aAffidavit of Carl Lee filed on behalf of the Respondent, the supplementary

Affidavit of Carl Lee, the Respondent's Speaking Notes and the exhibits attached thereto.

- [3] The Court has carefully considered the evidence, the written and oral Submissions of Counsel, and the authorities relied upon by both parties.
- [4] The applicable principles are well settled. In determining whether to grant interim injunctive relief, the Court applies the principles in **American Cyanamid Co v Ethicon Ltd [1975] AC 396** together with the guidance of the Privy Council in **National Commercial Bank Jamaica Ltd v Olint Corp Ltd [2009] UKPC 16**. The Court must consider whether there is a serious issue to be tried, whether damages would be an adequate remedy and where the balance of convenience lies, while ultimately taking the course likely to cause the least irremediable prejudice.
- [5] The Respondent raised several preliminary objections. It was submitted that the Respondent is a private company incorporated under the Companies Act of Grenada, that the Applicants are not members of the company, that no recognizable cause of action has been pleaded, and that the Applicants lack standing to challenge the internal affairs of the association. The Respondent further submitted that disputes concerning the electoral process fall within the internal mechanisms established under the GFA statutes.
- [6] The Court accepts that sporting associations such as the Respondent are generally regarded as private bodies and are not ordinarily amenable to judicial review. The Applicants themselves accepted this proposition in their Written Submissions. However, the Applicants do not seek judicial review in the strict public law sense. Their claim is framed instead in private law and equity, relying on allegations of unfairness, breaches of natural justice and negligence arising out of the conduct of the electoral process.
- [7] The Applicants rely substantially upon authorities such as **Nagle v Feilden [1966] 2 QB 633**, in support of the proposition that in certain limited circumstances the Court may intervene where a body exercising monopolistic or quasi-public functions acts unfairly toward persons affected by its decisions, even absent a contractual relationship.

- [8] The Court does not consider it necessary at this interlocutory stage to determine finally the difficult questions raised concerning standing, the existence of any duty owed by the Respondent to the Applicants or the ultimate viability of the Applicants' causes of action. Those are matters more appropriately determined at trial upon full argument and evidence.
- [9] For present purposes, the Court is prepared to accept, without finally deciding the point, that the Applicants have raised issues which are not frivolous or entirely unsustainable. The threshold at this stage is a low one. The Court is therefore satisfied that there is a serious issue to be tried within the meaning of **American Cyanamid**.
- [10] That finding does not conclude the matter. The Court must still determine whether interim injunctive relief is just and convenient in all the circumstances.
- [11] The Applicants submit that damages would not be an adequate remedy because once the election is held the opportunity to contest the election would effectively be lost and any resulting prejudice could not easily be reversed. The Court accepts that there is some force in that submission. Electoral processes, once completed, may create practical consequences which are not always easily unwound.
- [12] However, the Court must also consider the prejudice likely to arise if the injunction is granted.
- [13] The Respondent has placed before the Court evidence suggesting that interruption of the electoral process may expose the GFA and football administration in Grenada to adverse consequences within the FIFA regulatory framework. The supplementary affidavit of Carl Lee exhibits correspondence from FIFA which, at minimum, discloses a credible risk of adverse regulatory consequences should the electoral process be interrupted by Court order.
- [14] The Court does not treat that evidence lightly. The evidence before the Court indicates that the GFA operates within an international regulatory structure and that football administration in Grenada is significantly dependent upon that structure for financial and

operational support. The possibility of disruption to football administration in Grenada is therefore a relevant consideration in assessing where the balance of convenience lies.

[15] The Court accepts that, as a general rule, parties should exhaust internal remedies before invoking the Court's jurisdiction, particularly in matters involving private associations.

[16] The Defendant has placed significant reliance on the existence of internal appellate mechanisms under the Association's statutes and has exhibited documents showing that another slate pursued an appeal before the Appeals Committee regarding endorsement issues. This evidence weakens the Applicants' contention that no internal remedy was available. The material exhibited by the Defendant suggests that some form of internal review process was in operation and accessible to members or affiliated entities.

[17] The Court also considers it significant that the evidence demonstrates that the Applicants and their slate were aware for some time that elections were approaching and had begun preparations well before the publication of the electoral timetable on 2 April 2026. The supplementary affidavit filed by Mr. Lee exhibits communication titled "GFA Elections Campaign Kick-off" featuring the "Presentation of Team Duncan's 2026-2030 Manifesto" suggesting that support for the Applicants' slate had been canvassed and campaign efforts initiated well before the commencement of the formal electoral process.

[18] In addition, the evidence before the Court indicates that a substantial number of clubs were able to comply with the endorsement requirements within the prescribed period. The Respondent states that twenty-five clubs successfully submitted endorsements in favour of another slate. While that does not conclusively establish that the process was entirely fair, it substantially weakens the submission that the timetable was wholly unworkable or impossible to comply with.

[19] The Court also places considerable weight on the issue of delay. The Applicants were aware of the timetable from 2 April 2026. Their own correspondence demonstrates that

concerns regarding the electoral process existed from an early stage. However, these proceedings were not commenced until 5 May 2026, only days before the scheduled Congress.

[20] No satisfactory explanation has been provided for why the Applicants waited until the eve of the election to seek urgent injunctive relief from the Court. While the Court accepts that the Applicants attempted to raise concerns with the Electoral Committee, the Applicants nevertheless delayed substantially before invoking the equitable jurisdiction of the Court.

[21] It is well established that delay may be fatal to an application for urgent equitable relief. The Court considers that the timing of the present application materially affects the balance of convenience.

[22] The practical effect of the injunction sought would be to halt an electoral process already substantially underway. Endorsements had already been submitted, preparations for Congress were ongoing and the scheduled elections were imminent by the time the application was filed. The Court must exercise caution before intervening in an ongoing electoral process in circumstances such as these.

[23] By contrast, refusal of the injunction permits the electoral process to continue while preserving the Applicants' ability to pursue whatever substantive remedies may ultimately be available to them should they succeed at trial.

[24] Taking all matters into account, the Court is satisfied that the balance of convenience favours refusal of the interim injunction. The risk of disruption to football administration, the advanced stage of the electoral process, the Applicants' delay in seeking relief and the uncertainty surrounding the ultimate merits of the claim together weigh against the grant of interlocutory relief.

[25] The Court emphasises that the refusal of interim relief does not amount to a final determination of the substantive issues raised in the claim. The Court makes no final

findings concerning standing, negligence, natural justice or the scope of any duties owed by the Respondent to the Applicants. Those matters remain open.

[26] In all the circumstances, the application for interim injunctive relief is refused and accordingly dismissed.

[27] The Applicants shall pay the Respondent's costs of this application to be assessed in default of agreement.

[28] Finally, I thank counsel for their helpful Submissions and authorities supplemented by their oral submissions yesterday. I trust that Counsel would forgive me for not quoting extensively from their Submissions given the short time within which the court is called upon to deliver a decision on this application.

ORDER:

[29] For these reasons I make the following orders:

1. The application for interim injunctive relief filed on 5 May, 2026 is dismissed.
2. The Applicants shall pay the Respondent's costs of the application to be assessed in default of agreement.

**RIA R. BAILEY
HIGH COURT JUDGE (AG.)**

BY THE COURT,

REGISTRAR