

**IN THE SUPREME COURT  
OF THE REPUBLIC OF VANUATU**  
*(Civil Jurisdiction)*

**Civil  
Case No. 17/3598 SC/CIVL**

**BETWEEN: Jansen Molisingi & Executive President Athletics  
Vanuatu**

**Claimants**

**AND: Rex Issachar**

**Ancel Nalau**

**David Benjamin**

**Mary Estelle Kapalu**

**Tiopang Jean Pierre**

**Moses Kamut**

**Kevin Paul**

**Jerry Jeremiah**

**Timothy Loughman**

**David Childson Patunvanu**

**Tawi Keiruan**

**Sandy Molu**

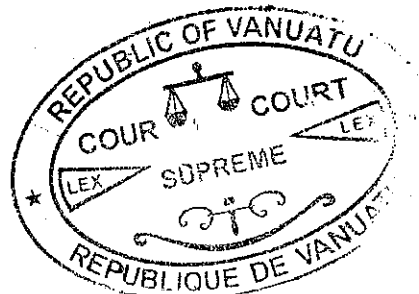
**Defendants**

***Date of CONFERENCE: 12<sup>th</sup> June 2018***  
***Before: Justice Oliver Saksak***  
***In Attendance: No appearance for the Claimant***  
***Frederick Loughman for the Defendants***

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**RULING**

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1. I heard the defendant's application to set aside the ex parte orders issued on 12<sup>th</sup> February 2018.
2. The application was filed on 1<sup>st</sup> June 2018 together with a sworn statement in support thereof by Rex Issacher pursuant to the Court's Minute of 25<sup>th</sup> May 2018 at paragraph 4.
3. The Claimant has not made any appearance.
4. The grounds of the application are that-
  - a) The orders were interlocutory orders pending the final determination of this matter.
  - b) The Court referred the dispute to an arbitration tribunal pursuant to Article 12.7 of the Constitution of Athletics Vanuatu.
  - c) The Tribunal Council met and made a decision on Friday 13<sup>th</sup> April 2018 recognising the Resolution made at an executive meeting held on 4<sup>th</sup> December 2017.
  - d) The Tribunal Council has ratified that decision as valid and final.
5. The application is unchallenged.
6. In the circumstances, the Court-
  - a) Allows the application,
  - b) The ex parte orders issued on 12<sup>th</sup> February 2018 are hereby vacated.
  - c) Recognises the decision of the Arbitration Council dated 13<sup>th</sup> April 2018 as valid and binding on the parties and is in favour of the First and Second Defendants herein.
  - d) The Claimant's claim in this Court is misconceived and is hereby dismissed.
  - e) The Claimant will pay the defendants' costs of the application fixed at VT 50,000.

**DATED at Port Vila this 12<sup>th</sup> day of June 2018.**

**BY THE COURT**

  
**OLIVER.A.SAKSAK**

**Judge**

