

Knicks Owner Must Face Assault Claim by Retired Player Oakley

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MANHATTAN (CN) — The Second Circuit on Monday revived a suit that accuses Knicks owner James Dolan of deploying unreasonable force to toss out former star Charles Oakley during a 2017 game at Madison Square Garden.

Oakley, who turns 57 next month, claimed in a federal complaint that he was dragged out in handcuffs and arrested during the first quarter of the Knicks-Clippers game on Feb. 8, 2017. From 1988 to 1998, the 6-foot-10 player affectionately dubbed “Oak Tree” spent 10 years as the Knicks’ starting power forward.

A federal judge dismissed the suit in February, but the appeals court wrote today that the Madison Square Garden security officers who threw Oakley to the ground were not trying to handcuff someone whom they had authority to arrest.

“Although Oakley did contend (incorrectly) that the act of removal was unreasonable, his additional, and actionable, claim was that the security guards used excessive force in accomplishing the removal,” U.S. Circuit Judge Jon Newman wrote this morning for a three-judge panel in Manhattan.

Oakley’s attorney Douglas Wigdor commended the court’s reinstatement of the assault and battery count on Monday. “As we have always stated, Mr. Dolan and MSG acted improperly, and unlawfully, when they violently threw Mr. Oakley out of MSG without provocation,” Wigdor said Monday. “This is a great day for Knicks fans and fans of Mr. Oakley and we look forward to the truth of what happened finally coming out,” he added.

Oakley meanwhile expressed appreciation for being allowed to get his day in court against Dolan. “The truth is going to come out at trial and Dolan will be held responsible for what he did,” the beloved former Knicks player said in a statement this morning.

U.S. District Judge Richard Sullivan had dismissed the case on the basis that Oakley failed to allege a plausible legal claim.

“From its inception, this case has had the feel of a public relations campaign, with the parties seemingly more interested in the court of public opinion than the merits of their legal arguments,” Sullivan wrote.

But Oakley called this a dangerous precedent, saying it would mean that a property owner asking someone to leave automatically triggers his right to proceed directly to violent conduct.

“Anyone who buys a ticket to any event would naturally be expected to ask for a reason if approached without warning and told that she must leave,” Oakley’s lawyers wrote in their appellate brief.

During remote oral arguments in September, the three-judge panel appeared sympathetic to Oakley’s claims that MSG secured were too rough in their manhandling.

“Suppose an elderly gentleman, nearing 90, as Judge Newman and Judge Calabresi both are, declined to leave a place and says, ‘I’m not going,’” said Newman, referring to himself and his fellow panelist, U.S. Circuit Judge Guido Calabresi. “Is it reasonable force to toss that person on the ground rather than gently carry him out?”

The octogenarian Newman and Calabresi were joined on the panel by U.S. Circuit Judge Susan Carney, a 69-year-old Obama appointee.

“His arrest occurred later, outside the arena,” their 12-page opinion Monday states. “The force reasonably needed to initiate the criminal process by handcuffing a person being arrested, ‘in circumstances that are tense, uncertain, and rapidly evolving’ is not necessarily reasonable in the civil context to remove a person whose license to remain on private property has been revoked.”

Oakley had also alleged in his complaint the team added insult to injury after his arrest by insinuating in the media that he was being drunk and abusive at the game. On Monday, the Second Circuit affirmed that Judge Sullivan properly dismissed those disability-discrimination claims.

Representatives for the Knicks and Dolan did not immediately respond to request for comment Monday morning.

Oakley competed this fall in the TV series “Dancing With the Stars,” but he was the first elimination of the season.