

Charles Oakley's lawsuit against James Dolan is resurrected on appeal

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A federal appeals court has revived former Knick Charles Oakley's lawsuit against Madison Square Garden and company owner James Dolan over a televised scuffle with security at a game, overruling a lower court's decision to toss the case.

"I am appreciative of the appeals court as I now have a chance to show the world what I said from day one was true," Oakley said in a statement of the altercation with security at a February 2017 basketball game at the Garden that went viral. "The truth is going to come out at trial, and Dolan will be held responsible for what he did."

The 2nd Circuit Court of Appeals reversed U.S. District Judge Richard Sullivan's dismissal of Oakley's assault and battery claims stemming from the Feb. 8 scuffle that led to the hoop star's arrest.

Oakley claimed in his suit he was unfairly targeted by Dolan, who was seated a few rows in front of him when the LA Clippers took on the Knicks that day. MSG security said that Oakley was heckling Dolan — which he denies.

Within minutes of taking his seat, Oakley was ordered to leave. When he resisted, he was thrown to the floor twice and escorted outside where police arrested him for assault, his lawsuit alleges.

MSG personnel have countered that Oakley was drunk and belligerent. The incident earned Oakley, who played 10 seasons for the Knicks, a lifetime ban from the Garden which was later lifted.

In dismissing the assault and battery claims, Sullivan argued that MSG and Dolan had the right to eject Oakley as the landlords of the stadium and that his refusal to leave justified their use of force.

While MSG and Dolan do have a right to throw out a trespasser, Oakley's position that "security guards used excessive force in accomplishing the removal" is an actionable allegation, the three-judge panel wrote.

They added that evaluating the reasonableness of force used is often a question for a jury to decide, not a judge at the motion-to-dismiss stage.

The appeals court upheld the dismissal of the defamation, denial of public accommodation

and false imprisonment allegations, agreeing with Sullivan that Oakley had failed to make plausible legal arguments to support these claims.

“As we have always stated, Mr. Dolan and MSG acted improperly, and unlawfully, when they violently threw Mr. Oakley out of MSG without provocation,” said Oakley’s civil lawyer Douglas Wigdor.

“We are pleased that the Second Circuit has allowed Mr. Oakley to have his day in court and to finally be able to hold Mr. Dolan accountable for his actions. 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.”

Oakley played for the Knicks from 1988 to 1998.

“We are pleased that the Court dismissed the majority of the case and are confident that after a review of the facts, the remaining claims will also be dismissed,” an MSG spokesperson said.

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