

Charles Oakley Could Win His Lawsuit Against Knicks Owner James Dolan

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On Tuesday, Charles Oakley fired back. Through his lawyers at Wigdor LLP, Oakley commenced a civil action suing James Dolan personally, as well as three MSG companies. This lawsuit is not a surprise given Dolan's comments in February suggesting Oakley was an alcoholic and had anger issues. While it's early and this is certainly not a straightforward case for the former Knicks player, Oakley can win this.

The lawsuit stems from Oakley being [forcibly removed](#) from Madison Square Garden during a Feb. 8 game against the Clippers. It was an ugly and frankly disheartening scene. The longtime and beloved New York Knick was confronted by at least three security guards and asked to leave the game. An incensed Oakley refused to leave and shoved a couple of security guards. Ultimately, he was surrounded by at least half a dozen security guards, dragged out of MSG, cuffed and charged with assault. Commissioner Adam Silver referred to the incident as "[beyond disheartening.](#)"

Oakley is alleging assault, battery, defamation, false imprisonment, abuse of process and denial of public accommodation. The key claims are defamation, assault and battery.

Assault & Battery

Assault and battery refers to the act of threatening a person with violence and then actually physically harming that person. Breaking it down, the tort of assault refers to an intentional act that is meant to cause a reasonable apprehension of imminent and harmful contact. The tort of battery is an intentional act that results in harmful contact with another person without that person's consent. A battery can sometimes be seen as a completed assault, and for that reason, they are often grouped together.

While it's early and a lot will turn on the evidence, Oakley will likely have a tough time establishing assault and battery. Based on the video evidence, it does appear that security guards asked him to leave, and forcibly put their hands on him only after he offered physical resistance. Still, if Oakley can show that the security guards made harmful contact without his consent, or threatened him, then this claim could get some traction.

False imprisonment refers to the unlawful restraint of a person against his will by someone without legal authority or justification. It's standard to rely on false imprisonment in cases where someone is detained against his will. If, however, the claim for assault and battery fails, this, too, will fail.

Defamation

Defamation refers to a statement that is likely to lower the reputation of a person in the eyes of reasonable people. Truth is a defense to a claim for defamation.

After the incident, the Knicks wrote in a statement that Oakley "came to the game tonight and behaved in a highly inappropriate and completely abusive manner. ... He was a great Knick, and we hope he gets some help soon."

Being hopeful that Oakley gets "some help soon" could be seen to suggest that the former Knick is an alcoholic or has anger management issues. Indeed, this was alleged in Oakley's lawsuit.

The Knicks later doubled down, issuing this statement:

There are dozens of security staff, employees and NYPD that witnessed Oakley's abusive behavior. It started when he entered the building and continued until he was arrested and left the building. Every single statement we have received is consistent in describing his actions. Everything he said since the incident is pure fiction.

Dolan then appeared on ESPN Radio once again suggesting that Oakley had a problem with alcohol:

I think the most important thing with that is we need to keep the Garden safe for anybody who goes there. ... So anybody drinking too much alcohol, looking for a fight, they're going to be ejected, and they're going to be banned.

Dolan went on to accuse Oakley several more times of likely being an alcoholic and showing up at the game impaired:

To me, Charles has got a problem. We've said it before; he's his own worst problem. People have to understand that. He has a problem with anger. He's both physically and verbally abusive. He may have a problem with alcohol.

We know he said on TV that he was drinking beforehand. We heard statements from police that he appeared to be impaired. Our staff clearly could see that.

When you have issues like this, the first step for anybody is to ask for help.

If none of that is true, then Oakley may be successful in his claim for defamation. The issue for Oakley, however, is that he is a public figure. That raises the bar for him on a claim for defamation as he needs to show actual malice beyond the statements being untrue. Specifically, Oakley will need to establish that Dolan made the statements knowing they were false or, at the very least, with a reckless disregard for the truth. It's not enough to show that they were false; the added layer of malice is needed.

It's well documented that Dolan is a recovering alcoholic. He could argue that based on his own personal experience, his observations of Oakley led him to the conclusion that the former Knick had an issue with alcohol. That would be a defense for Dolan.

Of course, Dolan has accused others of likely being alcoholics. In one instance, Dolan responded to a critical letter from Irving Bierman, a 73-year-old lifelong Knicks fan, by telling him to "root for the Nets because the Knicks don't want you" and described Bierman as "a sad person" and an "alcoholic maybe." Having already accused one person of being an alcoholic without any evidence could ultimately derail his defense.

Oakley Still Has a Shot

For Oakley, this is not a straightforward case. Defamation is likely his best bet, but even then he faces challenges.

Oakley does, however, have an ace up his sleeve: the jury.

Oakley is beloved in New York, and Dolan, putting it politely, is not. A number of long-suffering fans see Dolan as an entitled and spoiled owner who has mismanaged the Knicks in unimaginable ways, leading to years of futility and embarrassment. A [poll](#) in 2011 had Dolan ranked as the worst NBA owner.

Don't forget that fans were chanting Oakley's name in a show of support during the incident. And some of

those fans could be jurors, which is not good news for Dolan.

If the jury is sympathetic to Oakley, which is entirely possible in New York, and the jury really doesn't like Dolan, which is entirely possible in New York, Oakley has a shot. And that should worry Dolan.