


# NY appeals court revives Charles Oakley's assault case against MSG and James Dolan — again

 [nypost.com/2023/05/05/court-revives-charles-oakleys-lawsuit-against-msg-and-james-dolan-again/](https://nypost.com/2023/05/05/court-revives-charles-oakleys-lawsuit-against-msg-and-james-dolan-again/)

Shannon Thaler

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For the second time, the New York Court of Appeals revived former Knick player Charles Oakley's lawsuit against Madison Square Garden and James Dolan over a scuffle with security that got Oakley ejected from the arena in 2017.

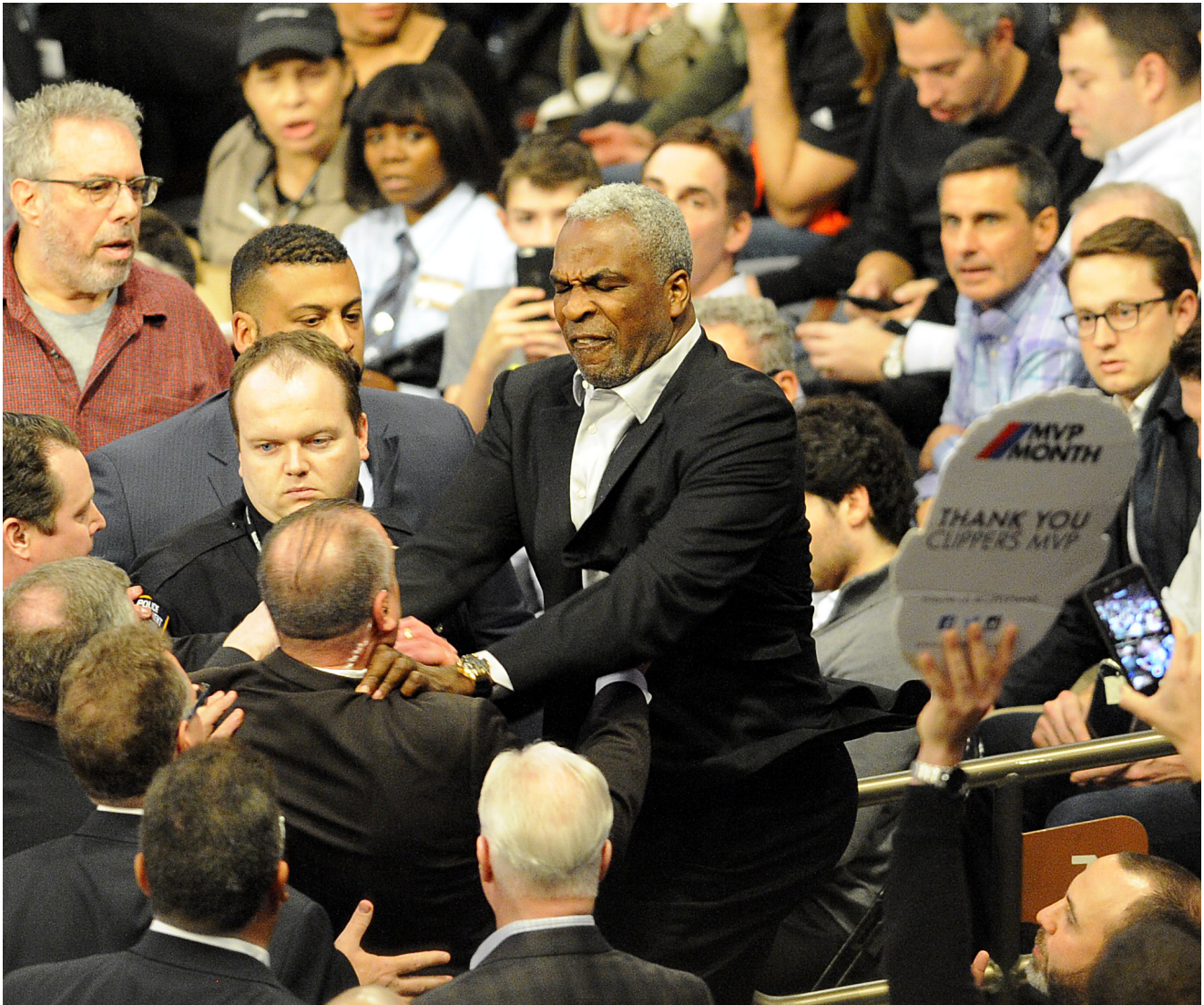
Oakley was thrown out of MSG during a Knicks v. Clippers game after allegedly heckling Dolan, a source, who asked to remain anonymous at the time, said. According to a court filing released Friday, Oakley claims MSG security "used excessive force in accomplishing the removal."

The court order overruled a lower court's decision to toss the case, which allows Oakley to sue MSG and include the arena's CEO and executive chairman, James Dolan.

It is the second time Oakley's case has been revived: The lawsuit was previously tossed by US District Judge Richard Sullivan in early 2020 when he sided with MSG and Dolan. By November that same year, the case was revived by the Court of Appeals before being tossed by Sullivan again in 2021.

Now, the appeals court has once again overruled Judge Sullivan, reinstating Oakley's case. The lawsuit was originally filed in the wake of a televised scuffle between Oakley and MSG security on Feb. 8, 2017. The video shows Oakley being removed from the arena.

On Friday, a three-judge panel ruled that the footage doesn't "blatantly contradict" Oakley's claims that "security guards used excessive force," adding, "Oakley's claim that 'security guards used excessive force in accomplishing the removal' was sufficient ... to survive dismissal."



Charles Oakley was ejected from MSG during a Knicks v. Clippers game in 2017 after allegedly heckling James Dolan. A court has since revived his case twice.  
sportsdaywire

“The question of whether the use of force was reasonable under the circumstances is generally best left for a jury to decide,” the appeals court ruled.

In a written statement, Madison Square Garden Sports told The Post, “This matter should be behind all of us at this point, but because of the ongoing legal maneuverings of Charles Oakley and his lawyers, this case will apparently now have to continue. Nevertheless, we fully expect this case to be dismissed — for the third time.”

Meanwhile, “we’ve been waiting now since 2017 to vindicate his rights,” Oakley’s lawyer, Douglas Wigdor, told The Post. “This is still at the forefront of his [Oakley’s] mind and he wants to hold MSG and Dolan accountable for what they did.”

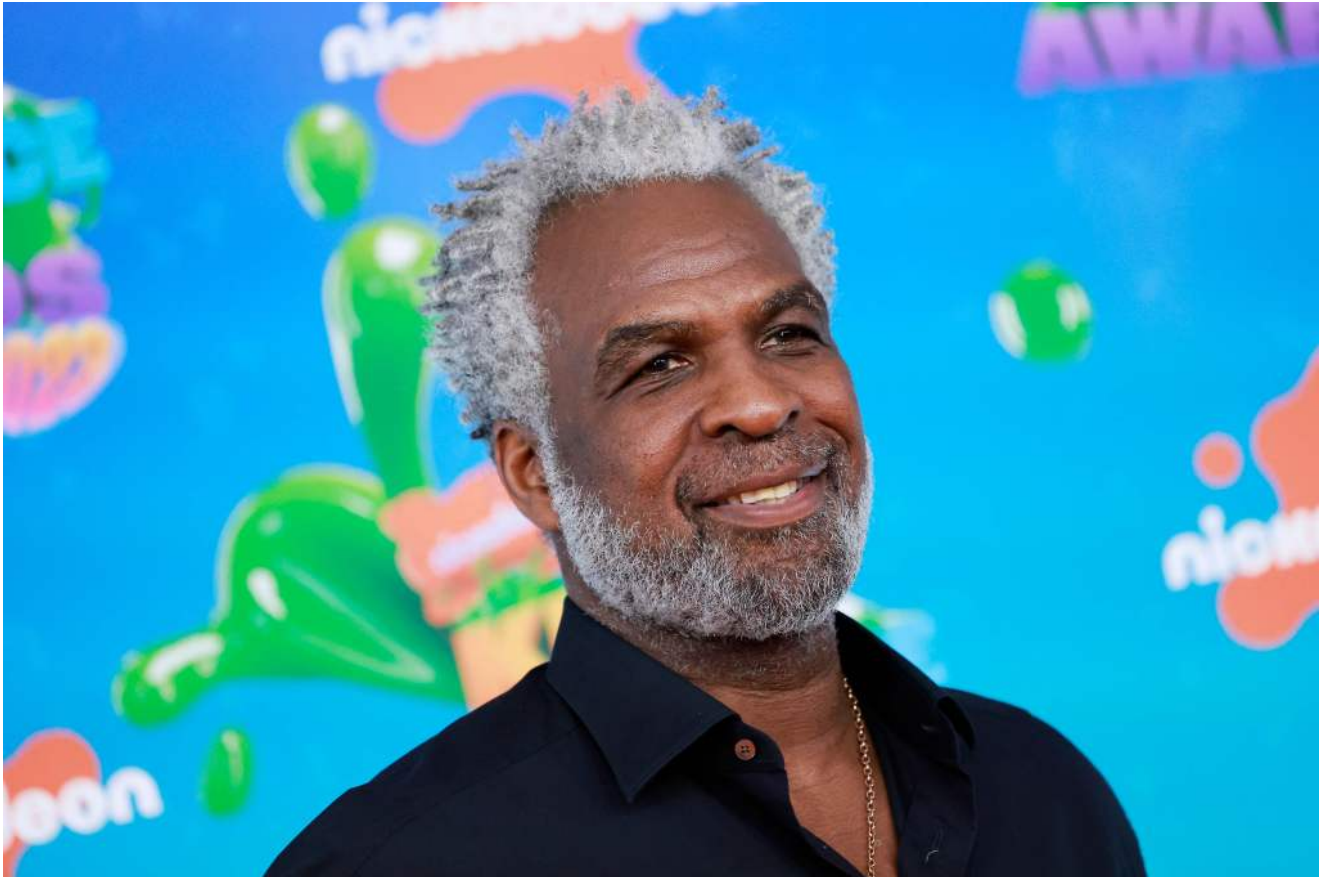
“The video shows him signaling to the security guards to remove Oakley and we believe to remove them with force. He just shouldn’t be allowed to do that,” Wigdor said.





Since Oakley's ejection in 2017, MSG CEO and executive chairman Dolan (pictured) has barred select lawyers from MSG's venues.

AP



Oakley played for the Knicks for 10 years.

AFP via Getty Images

Wigdor also referenced the March lift of a preliminary injunction that had blocked Dolan's MSG Entertainment — which operates Radio City Music Hall and the Beacon Theatre along with MSG — from banning lawyers from its venues.

“Since then [Oakley's ejection], we've learned that Dolan has used facial recognition and has ejected people because he just doesn't like them,” Wigdor said.

Wigdor also said that “it's been remarkable that the commissioner of basketball [Adam Silver] hasn't done anything about this — the ejection of Oakley and banning lawyers from going to the Garden.”

“His silence is deafening,” Wigdor added.

Oakley, 59, played for the Knicks from 1988-1998.