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Attorneys for Defendant Isiah Thomas

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANUCHA BROWNE SANDERS,

Plaintiff,

-against-

MADISON SQUARE GARDEN, L.P.,
ISIAH LORD THOMAS III AND JAMES L.
DOLAN,

Defendants.

Case No. 06 Civ. 0589 (GEL) (DCF)

ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE that defendant Isiah Thomas (“Thomas”) joins defendants Madison Square Garden, L.P. and James L. Dolan (the “MSG Defendants”) upon the accompanying Memorandum of Law, and brings this motion pursuant to Fed. R. Civ. P. 50(b) to renew the original motion (a.) for an order setting aside a contrary verdict on aiding and abetting the hostile environment claim which was rendered on October 2, 2007, and, in the alternative, for a new trial pursuant to Fed. R. Civ. P. 50(c) and 59; and, (b.) for an order pursuant to Fed. R.

Civ. P. 50(b) dismissing the claims against Thomas under the New York City Human Rights Law for punitive damages. Thomas will move this Court before the Honorable Gerard E. Lynch at the United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, on a date to be determined by the Court, for an Order granting such motion, which will be made on the following grounds:

1. Thomas moved the court for judgment as a matter of law under Fed. R. Civ. P. 50(a) at the close of all evidence.
2. Thomas' motion was denied and a contrary verdict of the jury was rendered on October 2, 2007, as to plaintiff's claim that Thomas aided and abetted a hostile work environment, and a mistrial was declared as to the punitive damages claim with respect thereto.
3. Judgment as a matter of law in favor of Thomas should be granted on the basis of arguments made in Court on September 26, 2007 at the close of Plaintiff's proofs and the Court's discussion of and ruling on Defendants' pre-verdict motions.
4. This motion is made no later than 10 days after discharge of the jury pursuant to Fed. R. Civ. P. 6.

Thomas respectfully requests that the Court grants the following relief:

- (a.) Set aside the verdict of the jury with respect to aiding and abetting the hostile environment claim and dismiss plaintiff's claims for punitive damages based on

the hostile environment claim, or, in the alternative, grant a new trial of this claim; and,

(b.) Dismiss the claim for punitive damages.

TAKE FURTHER NOTICE that pursuant to the Court's Order made on the record on October 2, 2007, opposition papers are due no later than October 30, 2007, and reply papers, if any are due no later than November 6, 2007. However, should the Court grant the application of the MSG Defendants for a postponement of the briefing schedule, Thomas respectfully requests that he be permitted to file a supplemental brief according to such schedule.

Dated: New York, New York
October 16, 2007

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