

Exhibit 8

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
06 Civ. 0589 (CGE)

-----x

ANUCHA BROWNE-SANDERS,
Plaintiff,

-against-

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

Defendants.

-----x

1501 Broadway
New York, New York
January 29, 2007
10:12 a.m.

DEPOSITION of MADISON SQUARE
GARDEN by ROCHELLE NOEL, one of the
Defendants in the above-entitled
action, held at the above time and
place, taken before Barbara P.
Goldsmith, a Shorthand Reporter and
Notary Public of the State of New York,
pursuant to the Federal Rules of Civil
Procedure, and stipulations between
Counsel.

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1 R. NOEL
 2 about?
 3 **A. Mr. Thomas was talking about**
 4 **Mr. Murphy and his interactions with**
 5 **others. He described him as being**
 6 **"very set in his ways, very opinionated**
 7 **and loud. Most around here found a way**
 8 **to forgive him and overlook. Got to a**
 9 **point where couldn't keep doing that.**
 10 **He said he never saw Frank as a**
 11 **liability. Loved him. It hurt him**
 12 **when he had to go."**
 13 Q. Did he say -- was Mr. Murphy
 14 fired at sometime after
 15 Ms. Browne-Sanders was fired?
 16 MR. GREEN: Objection to
 17 form, but you may answer.
 18 **A. I know that Mr. Murphy is no**
 19 **longer with the Garden. I don't know**
 20 **when he left and I don't know what the**
 21 **circumstances are of his leaving.**
 22 Q. Did Mr. Thomas tell you who
 23 was involved in the decision that
 24 Mr. Murphy would no longer be with the
 25 Garden?

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1 R. NOEL
 2 MR. GREEN: Objection to
 3 form, but you may answer.
 4 **A. I don't recall.**
 5 Q. Did Mr. Thomas tell you that
 6 it was his decision?
 7 MR. GREEN: Same objection as
 8 to form, but you may answer.
 9 **A. I don't recall.**
 10 Q. Did Mr. Thomas suggest that
 11 it was related to anything
 12 Ms. Browne-Sanders had complained
 13 about?
 14 MR. GREEN: Objection to the
 15 form. Asked and answered. You may
 16 answer again.
 17 **A. He was talking about all of**
 18 **the things that I had said before about**
 19 **how Mr. Murphy interacted with people**
 20 **and he described the way that**
 21 **Mr. Murphy carried himself and I**
 22 **believe he was saying that that was the**
 23 **reason, I mean, I believe that was the**
 24 **reason for him not being there. I**
 25 **think that's what he said.**

240

1 **R. NOEL**
 2 Q. The next paragraph says,
 3 "Spoke to Ernie Grunfeld."
 4 **A. Yes.**
 5 Q. Who is that?
 6 **A. I don't recall as I sit here.**
 7 Q. It says, "ask re Frank and
 8 Kathleen."
 9 **A. Uh-huh.**
 10 Q. Do you know what that's
 11 about?
 12 **A. I'm not sure who Ernie**
 13 **Grunfeld is, but I think that**
 14 **Mr. Thomas was saying that when he came**
 15 **in he was asking about Mr. Murphy and**
 16 **Kathleen, and I don't know Kathleen's**
 17 **last name, for them to -- as to whether**
 18 **or not they should fill positions.**
 19 Q. Was Kathleen someone that was
 20 already employed at the Garden?
 21 **A. I don't know. I don't recall**
 22 **the specifics.**
 23 **(Memo dated 1/13/06 was**
 24 **hereby marked as Noel Exhibit 14**
 25 **for identification, as of this**

241

1 **R. NOEL**
 2 **date.)**
 3 MS. CACACE: What has been
 4 marked as Noel 14 is a memo to
 5 Rusty McCormack from Rochelle Noel
 6 and John Moran, Bates stamped MSG
 7 3918 through 3929.
 8 THE VIDEOGRAPHER: We're now
 9 going off the record approximately
 10 4:48 p.m. End of tape number four.
 11 (A recess was taken from 4:48
 12 p.m. and the Deposition continued
 13 at 5:04 p.m.)
 14 THE VIDEOGRAPHER: We're back
 15 on the record approximately 5:04
 16 p.m. This is videotape five.
 17 Q. Before we get to the document
 18 that's been marked N 14, the one that's
 19 marked N 13, your second interview with
 20 Mr. Thomas, did you recently find these
 21 notes?
 22 **A. Yes.**
 23 Q. And were they -- how is it
 24 that you only recently found them?
 25 **A. I didn't even realize that I**

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1 **R. NOEL**
 2 **didn't have them until I began to**
 3 **prepare for my deposition and was**
 4 **looking at the report and saw that**
 5 **there were two days of deposition and**
 6 **noticed I only had one day of interview**
 7 **notes for Mr. Thomas. I searched my**
 8 **office and was not able to find them**
 9 **there. I subsequently found them at**
 10 **home together in a pad with notes from**
 11 **a mediation that I attended the**
 12 **previous day.**
 13 Q. And when did you find them?
 14 **A. I think my first day of**
 15 **preparation for deposition was**
 16 **Wednesday last week. So I think I**
 17 **found them Tuesday night.**
 18 Q. Turning now to what's been
 19 marked as Noel 14, this document says
 20 that it's from you and Mr. Moran. Did
 21 you have a part in drafting -- take
 22 part in drafting this document?
 23 **A. I did.**
 24 Q. Did you write the whole thing
 25 or something else?

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1 **R. NOEL**
 2 **A. I did.**
 3 Q. Were there any drafts of the
 4 document?
 5 **A. I believe that I made changes**
 6 **along the way, yes.**
 7 Q. Did you save any of the
 8 earlier drafts?
 9 **A. I believe so, yes.**
 10 Q. And did you turn those drafts
 11 over to your counsel?
 12 **A. I believe so.**
 13 Q. Did anyone edit any of the
 14 earlier drafts?
 15 **A. I did, after receiving**
 16 **comments from Mr. Moran, who also**
 17 **reviewed the document.**
 18 Q. And did anyone else review
 19 the document before it was finalized?
 20 **A. It was reviewed by outside**
 21 **counsel.**
 22 Q. And who was the outside
 23 counsel?
 24 **A. Christopher Reynolds reviewed**
 25 **it, Morgan Lewis, and I believe**

244

1 **R. NOEL**
 2 **Mr. Schoenfeld reviewed it.**
 3 Q. Did they give you written
 4 comments?
 5 **A. No.**
 6 Q. Did they give you oral
 7 comments?
 8 **A. I believe so.**
 9 Q. And then you made the changes
 10 after conversations with them?
 11 **A. Yes, I made changes to**
 12 **wording. I made no substantive**
 13 **changes.**
 14 Q. And did you make changes
 15 after you received comments from
 16 Mr. Moran?
 17 **A. I believe so, yes.**
 18 Q. Were Mr. Moran's comments in
 19 writing or given to you orally?
 20 **A. I believe Mr. Moran had given**
 21 **me comments in writing, not on the**
 22 **document in a separate writing.**
 23 Q. Did you turn those comments
 24 from Mr. Moran in writing over to your
 25 counsel?

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1 **R. NOEL**
 2 **A. I did.**
 3 MS. CACACE: I don't think
 4 that we received any drafts of
 5 anything.
 6 MS. HOLLAND: I haven't seen
 7 them either.
 8 MS. CACACE: You will check
 9 on this?
 10 MS. HOLLAND: Yes.
 11 MS. CACACE: Thank you.
 12 Q. The first paragraph under
 13 introduction says -- the second, well,
 14 the first sentence says, "On or about
 15 December 21, 2005, Anucha
 16 Browne-Sanders raised issues concerning
 17 violations of the company's harassment
 18 prevention policy." And then the
 19 second sentence says, "Specifically
 20 Browne-Sanders alleged that she had
 21 been harassed by various Garden
 22 employees and that, as a result of the
 23 harassment, she has become unable to
 24 perform her job functions."
 25 Do you see that?

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VERITEXT NEW YORK REPORTING COMPANY

212-267-6868

516-608-2400

REDACTED

TO: RUSTY McCORMACK

FROM: ROCHELLE NOEL *for*
JOHN MORAN *DM*

DATE: JANUARY 13, 2006

RE: SUMMARY OF HARASSMENT INVESTIGATION



I. Introduction

On or about December 21, 2005, Anucha Browne Sanders ("Browne Sanders") raised issues concerning violations of the Company's Harassment Prevention Policy. Specifically Browne Sanders alleged that she had been harassed by various Garden employees and that, as a result of the harassment, she has become unable to perform her job functions. These concerns were raised through Browne Sanders' counsel (Kevin Mintzer and Judith Vladeck of Vladeck, Waldman, Elias & Engellhard) to counsel for the Company.

II. Witnesses/Documents

Consistent with Company policy and with the law the Company, by John Moran, VP Employee Relations and Rochelle Noel, Senior Counsel Employment Law (Cablevision) undertook an investigation. In investigating the allegations raised the investigators spoke to a number of individuals, including some individuals identified by Browne Sanders. The following individuals were spoken to:

- a. Gary Winkler - 12/23
- b. Pete Olsen - 12/23, 1/9
- c. Steve Mills - 12/23, 1/9
- d. Isiah Thomas - 12/23, 1/11
- e. Dan Gladstone - 12/31, 1/9
- f. Faye Brown - 1/3
- g. Lynn Carfora - 1/3
- h. Karin Buchholz - 1/5
- i. Frank Murphy - 1/5
- j. Anucha Browne Sanders - 1/7
- k. Dr. Lisa Callahan - 1/9

Although the investigation commenced on December 23, 2005, due to Browne Sanders' initial unwillingness to make herself available to be interviewed, it was necessary to speak to some witnesses a second time after Browne Sanders eventually made herself available.

Additionally, the following documents were reviewed in connection with the investigation:

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- a. Browne Sanders' electronic mail sent or received via the Company's computer server. Recovered messages received cover a span of dates from October 2004 through the present and messages sent range from July 2004 through present.
- b. Frank Murphy's electronic mail sent or received via the Company's computer server. Recovered messages received and sent cover dates from September 2005 through October 2005.
- c. Steve Mill's electronic mail sent or received via the Company's computer server. Recovered messages include archived sent and received messages from November 2001 through August 2004. For the period September 2004 through November 2004, only sent messages were recovered and reviewed. Current sent and received messages were recovered and reviewed in the investigation from April 2005 to present.
- d. Isiah Thomas's electronic mail sent or received via the Company's computer server. Recovered messages reviewed include received messages for the current month and sent messages for the period June 2004 through present.
- e. An e-mail chain including an e-mail dated November 28, 2005 from Dan Gladstone to Browne Sanders with the subject "Staffing Issues - Marbury"
- f. Typed notes prepared by Pete Olsen of a conversation held with Browne Sanders on May 11, 2005.

It is not possible to state that all e-mails sent and received during the dates specified were capable of recovery.

III. Allegations

A summary of the allegations raised by Browne Sanders are set forth below¹. A more fulsome investigation was prohibited by Browne Sanders' counsel's insistence that the investigation be concluded quickly.

a. Inappropriate Language or Conduct

DATE	BROWNE SANDERS ALLEGATION	WITNESS STATEMENTS
Jan. 2004	<ul style="list-style-type: none"> • Browne Sanders alleges she refused to credential Stephen Marbury's ("Marbury") cousins in reliance upon direction by Isiah Thomas ("Thomas") that only immediate family be credentialed. • Alleges Marbury says, "fuck this." • Cousins eventually get credential at a later date. 	Thomas agrees there were limitations on credentialing and that exception was made in light of Marbury's circumstances.
7 2004	Browne Sanders alleges she was told by Dan Gladstone that he'd heard from Team Ops staff that Thomas told Team Ops staff "we don't need to take direction from that bitch."	Thomas denies. Gladstone states Jamie Matthews and Chris Bernard heard non-specific rumors from Team Ops staff.

¹ Browne Sanders also recounted allegations of conduct involving other employees that the Company previously investigated and resolved.

REDACTED

DATE	BROWNE SANDERS ALLEGATION	WITNESS STATEMENTS
		Gladstone does not confirm use of profanity.
Mar. 10, 2004	Browne Sanders alleges Thomas pulled her by the arm into a room by the player's locker room and told her: <ul style="list-style-type: none"> • "We are not doing any more of your fucking events." • "You fucking bitch, we are doing no more events." • "You won't mess up what I am trying to do here." 	Thomas denies. No other witnesses were identified.
Mar. 22, 2004	Browne Sanders alleges she was discussing some of her duties with Thomas and that he said, "If you do these things, what the fuck am I supposed to do?"	Thomas acknowledges making the statement but denies use of profanity.
Mar. 23, 2004	Browne Sanders alleges Frank Murphy enters her office and calls her a fucking bitch and tells her that she would have to go through him to get to Isaiah.	Frank Murphy acknowledges that he raised his voice, but says he did not curse. Faye Browne says she heard Murphy use the word, "bitch."
Mar. 23, 2004	Browne Sanders alleges that she calls Thomas to tell him of Murphy's conduct and Thomas started yelling at her, "I don't know what the fuck you do"; "who the fuck are you"; "what the fuck am I here for"; "bitch"; "whore."	Thomas states he received a complaint re Murphy but denies he used profanity or raised his voice and denies complaint that Murphy used profanity.
Mar. 24, 2004	Browne Sanders states that a meeting was held in Steve Mills' office to clarify job responsibilities. She alleges that during a break in the meeting when Mills was absent Thomas immediately began to curse at her saying "Just remember I am the fucking President."	Thomas denies the statement and denies using profanity at any time during the meeting or break. No other witnesses identified.
Oct. 14, 2004	Browne Sanders alleges Thomas told Petra Pope to go into referee's locker room and make sure they are happy, that Pope interpreted this to mean "go in and flirt with them," and that Pope told her this type of request had happened before and that she didn't want to do it anymore.	Thomas denies, however Mills states that he received the complaint from Browne Sanders and told Thomas it was not a good idea. Winkler states that Pope also complained to him. No further complaint from

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DATE	BROWNE SANDERS ALLEGATION	WITNESS STATEMENTS
Dec. 30, 2004	<ul style="list-style-type: none"> Browne Sanders alleges that Thomas stopped her at Gate 1, hugged her tightly, and said, "I figured out why we have tension - I'm in love with you." Browne Sanders alleges that on "every" occasion on which she and Thomas interacted thereafter he told her he loved her. 	Pope. Thomas denies the specific incident and denies having ever told Browne Sanders that he loves her. No other witnesses identified.
? 2005	<ul style="list-style-type: none"> Browne Sanders alleges that on another occasion in his office, Thomas told her she was beautiful and asked her for an offsite meeting. Browne Sanders alleges at another time Thomas hugged her for a protracted time and told her how in love he was with her. 	Thomas denies. No other witnesses identified.
Mar. 14, 2005	Browne Sanders alleges Thomas commented on her scar and said he also had one from a fight. He allegedly said he notices everything about her and told her she was beautiful.	Thomas denies. No other witnesses identified.
Oct. 30, 2005	Browne Sanders alleges Thomas told her at an open practice, "You stay close to me and you will make a lot of money."	Thomas denies. No other witnesses identified.
Nov. 28, 2005	Browne Sanders alleges she becomes aware for the first time of comments allegedly made by Marbury about her to Dan Gladstone on June 16, 2005. Marbury is alleged to have said "Fuck that bitch"; "I ain't doing shit for that bitch"; "We'll see what happens to her this year."	Gladstone states that this is so and his e-mail also bears this out.
Dec. 15, 2005	Browne Sanders alleges Thomas came up from behind her and hugged her from behind, leaned over to kiss her and said, "What, I can't get any love."	Thomas acknowledges the hug and attempt to kiss but denies the comment. Mills states that he told Thomas not to do it again.

b. Complaints

DATE	BROWNE SANDERS ALLEGATION	WITNESS STATEMENTS
Mar. 11, 2004	Browne Sanders alleges that she told Mills in their 3pm weekly meeting about Thomas pulling her into a room and cursing at her.	Mills denies having been told this.
Mar. 23, 2004	Browne Sanders alleges that she called Thomas to complain of Murphy's allegedly referring to her as a bitch.	Thomas states that he received a complaint about Murphy but denies that he was told that

REDACTED

DATE	BROWNE SANDERS ALLEGATION	WITNESS STATEMENTS
Mar. 23, 2004	<ul style="list-style-type: none"> Browne Sanders alleges she called Mills and told him what Thomas said and asked Mills to hold a meeting with her and Thomas, in part, to discuss and clarify job duties. Browne Sanders also alleges she sent an email to Thomas, Murphy and Mills stating that Murphy should not curse at or threaten her and that Mills told her not to send such e-mails, which she interpreted as a direction not to put her allegations in writing. 	<p>Murphy called Browne Sanders a bitch.</p> <p>Mills acknowledges receiving a request for a meeting but denies he was informed of Thomas' use of inappropriate language and denies directing Browne Sanders not to send e-mails. E-mail records show Browne Sanders' e-mail to Murphy did not reference Murphy's use of profanity, but referred to an "unprofessional outburst" and that Murphy, rather than Browne Sanders forwarded the e-mail to Mills and Thomas.</p>
Mar. 24, 2004	<ul style="list-style-type: none"> Browne Sanders alleges she told Mills and Thomas that in 17 years of employment, she had never been spoken to like Murphy and Thomas spoke to her and that she would not tolerate it now. "You can't call me a bitch or whore." Browne Sanders alleges that immediately after the meeting with Mills and Thomas she told Mills that Thomas had cursed at her during the break in the meeting when Mills was absent. She alleges Mills didn't say anything - "he just took it in." 	<p>Mills and Thomas deny Browne Sanders complained of Murphy's or Thomas' use of profanity. Mills, Thomas, and Browne Sanders state meeting occurred and roles were discussed. Mills states he believes both understood their roles. Mills states he concurred with Browne Sanders' description of her duties and states he told her she was too aggressive towards Thomas in the meeting. Mills denies that Browne Sanders told him Thomas cursed at her during his absence from the meeting.</p>
Oct. 18, 2004	Browne Sanders alleges that she told Mills that she'd	Mills acknowledges that

REDACTED

DATE	BROWNE SANDERS ALLEGATION	WITNESS STATEMENTS
	received a complaint from Petra Pope that Thomas asked Pope to go into the referee's locker room and make sure they are happy.	Browne Sanders informed him of this and that he spoke with Thomas about it and directed him not to do it again. Thomas states that he did not ask Pope to go into the referee's locker room.
Fall 2004	Browne Sanders alleges Mills told her, "Your relationship with Stephon is bad because of Isiah" and that Thomas wanted her fired.	Mills states that Browne Sanders made these comments to him and that he told her he disagreed and that she works for him and not Thomas.
??2004	<ul style="list-style-type: none"> • Browne Sanders alleges she is told by [REDACTED] that Thomas "spewed curses" at her for failing to inform him of a player injury. • She also alleges [REDACTED] told her that in response to the comment "You look really nice in that suit" [REDACTED] told Thomas they're both married and should keep it just business. • She also alleges that she told Callahan almost all of her allegations. 	<p>[REDACTED] states that Thomas was upset over a miscommunication regarding a player injury but that she was not offended by the conversation and that, while Thomas used profanity, she did not feel she was being cursed at during the conversation. She denies the second alleged exchange between herself and Thomas and thus does not recall having told Browne Sanders of it. [REDACTED] states she doesn't recall Browne Sanders complaining regarding Thomas but does recall complaints about Murphy.</p>
Dec. 10, 2004	<ul style="list-style-type: none"> • Browne Sanders alleges that she told Mills that Thomas made sexually inappropriate comments to her and that Mills should get Thomas into sexual harassment training. • She alleges she told Mills on more than one occasion that Thomas needed sexual harassment 	Mills denies having ever been told by Browne Sanders that Thomas needed sexual harassment training. Olsen also denies hearing

REDACTED

DATE	BROWNE SANDERS ALLEGATION	WITNESS STATEMENTS
May 11, 2005	<p>training.</p> <ul style="list-style-type: none"> Browne Sanders also alleges that she told Pete Olsen of the December 30, 2004 incident. Browne Sanders alleges she had lunch with Olsen and told him "almost" everything and that Olsen told her he was not surprised and that there had been other complaints about Thomas. She alleges she was told by Olsen that Mills asked him to come up with a program for Thomas because he was hostile to women and because of how he treated them. 	<p>of this specific incident.</p> <p>Olsen admits the two had lunch and that Browne Sanders spoke generally to him about difficulties with Thomas, that he would tell her he loved her and that he wanted to go to off site meetings, but denies statement he is alleged to have made.</p>
May 2005	<p>Browne Sanders alleges that during an ad sales meeting Thomas said "Don't waste my fucking time."</p>	<p>Thomas denies the use of profanity. Buehholz states Thomas told the ad sales group "I'll help you present, but don't fucking waste my time for bullshit."</p>
Sep. 21-22, 2005	<p>Browne Sanders alleges she complained to Mills regarding an off site meeting with her department and Team Ops where she believed she'd been undermined by Team Ops and that their undermining her was preventing her from doing her job.</p>	<p>Mills acknowledges Browne Sanders complained re: lack of participation by Team Ops. Mills and Murphy state that although Thomas was unable to attend the offsite because of an Office of Chairman meeting and 2 publicity interviews, Murphy and Brendan Suhr from Teams Ops participated by attending and giving a presentation and Debbie Sturniolo attended dinner. Mills states Thomas said Team Ops would participate more the following year.</p>
Nov. 29, 2005	<ul style="list-style-type: none"> Browne Sanders alleges that after she became aware of specific comments allegedly made by Marbury she went to see Mills and told him, "I can't do this anymore. Steve you know what's going on." 	<p>Mills states that there were 2 conversations. In the first, Browne Sanders complaining re: Vernon.</p>

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DATE	BROWNE SANDERS ALLEGATION	WITNESS STATEMENTS
	<ul style="list-style-type: none"> Mills' response was allegedly, "What do you want me to do about this? Isiah is going to say you are having an affair with Jeff Nix." Browne Sanders alleges she asked, "Do I need to get an attorney?" and that Mills said, "No, no." Browne Sanders stated that she interpreted Mills' comment as a threat. 	<p>Manuel and Hassan Gonsalves said "I can't take it anymore" and "All I want is for you to help me find another job while I'm here." In the second meeting, Browne Sanders asked Mills what were next steps. Mills said HR would investigate. Browne Sanders asked if she needed a lawyer and Mills said no. Mills denies comment re: Jeff Nix.</p>
Dec. 15, 2005	Browne Sanders sends an e-mail to Mills in which she complains of hug and an attempted kiss by Thomas and alleges he made the comment "I can't get any love."	A copy of the e-mail has been recovered.

c. Miscellaneous – "Threats" and "Undermining"

Browne Sanders' remaining allegations can be divided into (1) complaints that she was made to feel threatened, either physically or otherwise, by conduct of Thomas and others; and (2) that through the aforementioned conduct she was "undermined," which affects her ability to perform her job.

As to the former, Browne Sanders alleges that she felt threatened by Thomas on March 10, 2004 when she alleges he pulled her by her arm into a room near the locker rooms and cursed at her. She alleges she felt threatened by Marbury when she learned on November 28, 2005 of the specific comments he allegedly made to Dan Gladstone concerning her on June 16, 2005. She also alleges that she felt that she was being threatened by Mills on November 29, 2005 when she alleges she complained to Mills and was told by him in response that Thomas would say she was having an affair with Jeff Nix. She further alleges that she fears for her safety and that of her family because of Thomas and Marbury. In her interview Browne Sanders stated that her fear and concerns for her safety and that of her family arise from:

- Thomas allegedly pulling her arm and cursing at her in March 2004
- Marbury's comments regarding her in June 2005
- Thomas and Marbury have a lot of money.
- Marbury's cousin was killed in an alley.

As to the complaint that she felt she was undermined, which affected her ability to perform her job, Browne Sanders alleges that Thomas (sometimes directly and sometimes

REDACTED

through Murphy) regularly impeded her ability to get access to the players and regularly prohibited them from making themselves available for community relations events. She alleges that Thomas and Murphy communicated to the Team Ops staff, as well as the players, that the sole focus for the team should be basketball and that community relations and, therefore Brown Sanders, were unimportant and could be ignored. She also attributes what she calls a bad relationship with Marbury to Thomas because, in January 2004, she says she denied Marbury credentials on the strength of a direction by Thomas to limit the distribution of credentials to the team's family members. She alleges that Marbury's attitude towards her changed after that incident and that his attitude was worsened by Thomas' treatment of her (she alleges he regularly either cursed at her or ignored her) and continued refusal to make the players and himself available to her and her department. Brown Sanders alleges that she understood that the poor attitude towards her and community relations spread to Team Ops and that she became aware of it, in part, when Gladstone told her of rumors overheard at the practice facility that Thomas gave direction to Team Ops to ignore her. She also alleges that her own direct reports began to circumvent her and go directly to Murphy and Thomas to get things done. She further states that it was necessary for the ad agency responsible for team advertising to come up with an ad campaign in which cut-outs of the players were used because of Thomas' refusal to make the players available.

IV. Findings

Although several witnesses state that Brown Sanders told them of many of her allegations over time, few of the incidents were actually personally witnessed by those interviewed.

a. Inappropriate Language or Conduct

Although several witnesses, (Karen Buchholz, Faye Browne, Dan Gladstone, Gary Winkler and Pete Olsen) state that Brown Sanders told them some of the allegations later conveyed by her and her counsel, very few were actually witnessed by the witnesses.

- Faye Brown confirms Murphy's use of the word bitch on or about March 23, 2004, but acknowledges that she didn't hear the entire conversation or the context in which the word was used.
- Gladstone acknowledges hearing non-specific rumors of tension between Brown Sanders and Thomas from Jamie Matthews and Chris Bernard and witnessing Thomas walking away from Brown Sanders in a way Gladstone thought was disrespectful, but denies hearing Thomas speak to her in an inappropriate manner.
- Olsen states that Brown Sanders told him that Thomas said he loved her and asked her to off site meetings but never personally witnessed either.

REDACTED

- With respect to the allegation concerning Petra Pope, however, Winkler states that Pope made the same complaint directly to him but never identified Thomas as the one who made the request. Also, Mills admits that Browne Sanders brought it to his attention and that he spoke to Thomas about it though Thomas denies it.
- Buchholz states Thomas told the ad sales group "I'll help you present, but don't fucking waste my time for bullshit."
- Thomas acknowledges that he hugged and attempted to kiss Browne Sanders on December 14, 2005.

The remainder of these allegations are not supported except to the extent that Buchholz, Faye Brown, Gladstone, Winkler and Olsen state that Browne Sanders did complain to them of many of these allegations over time.

b. Complaints

Browne Sanders' allegations that she complained at various points to Thomas and, frequently, to Mills, about the use of profanity towards her and later about inappropriate comments of a sexual nature and inappropriate touching are also largely unsupported. Again, although the witnesses identified in the previous paragraph state that Browne Sanders told them she had complained, there are few occasions on which any of them or anyone else personally witnessed the complaint.

- Buchholz states she saw Browne Sanders' email to Murphy.
- Faye Brown states that on 2 occasions she personally saw e-mails tending to corroborate Browne Sanders' allegations. The first she recalls being sent by Browne Sanders to Mills in the beginning of 2005 telling Mills that she wanted Thomas to stop hugging her and touching her. The second, she states, was in December of 2005 also concerning an unwelcome hug by Thomas. Mills only admits having received the later e-mail and states that he addressed the issue with Thomas shortly thereafter. The earlier e-mail was not recovered.
- Additionally, as stated above, Mills acknowledges having received the complaint regarding Petra Pope. He also states that as soon as he received the complaint he acted on it by speaking to Thomas.

Again, except to the extent that Buchholz, Browne, Gladstone and Olsen state that Browne Sanders told them of same over time, the remainder of the allegations are not confirmed. Further, [REDACTED] denies that Browne Sanders told her of her alleged problems with Thomas.

Browne Sanders complained at various points in her interview that "this is intolerable," "I can't put up with it anymore," "this is not an environment to make me successful," and that she felt she was "being tortured." Mills stated that Browne Sanders

REDACTED

told him "I can't do this anymore," "I can't work here anymore," and "just find me a job while I'm here." He also stated that she was in tears at the time she made these statements to him.

c. Miscellaneous

The allegations that Browne Sanders felt threatened by certain incidents is not capable of confirmation. However, Gladstone does state that Marbury's comments were made directly to him. The remainder of these allegations are unsupported. Other than as set forth above, we were not made aware of any direct or specific threats. However, to address safety concerns the Company has provided security at games to walk Browne Sanders to her car. Additionally, the Company has offered to provide security services at no cost, to Browne Sanders and her family. We understand that Browne Sanders has rejected the offer of Kroll's services as of the date of this report. She has also stated that she does not trust the Company's internal security.

As to the allegations concerning the fact that she was undermined and is unable to perform her job duties:

- Mills acknowledges that he became aware that Thomas told the players that they had to focus on basketball and that they could not participate in community relations. He states that he spoke with Thomas shortly thereafter and told Thomas that he would have to communicate to the team that they needed to participate.
- Gladstone states that he did hear rumors from people at the practice facility that it was okay to ignore Browne Sanders' directions.
- Thomas acknowledges giving the direction to limit the distribution of credentials to team family members and admits that Browne Sanders made him aware of her denial of credentials to Marbury's cousins.

The remainder of the allegations are unsupported. Further Buchholz states that the cut-out campaign ad was not necessitated by the unavailability of the players; players were available and she was able to perform her job; and players this season are each making 12 appearances.

V. Violations of Company Policy

As alleged, a number of Browne Sanders' allegations could clearly constitute a violation of the Company Harassment Prevention Policy as well as the Company's Values. As set forth above, however, Browne Sanders' allegations are largely unsupported by witnesses. Of the allegations that have been supported by witnesses or otherwise admitted, it would appear that Mills took appropriate action with respect to the complaint concerning Petra Pope in addressing the concern with Thomas. It also appears that there were no further complaints of this nature.

REDACTED

With respect to the complaints of unwelcome hugs, Mills took appropriate action by addressing the concern he states he received in December 2005 with Thomas. Browne Sanders does not allege that there was any inappropriate conduct by Thomas subsequent to that date.

Exhibit 9

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
06 Civ. 0589 (CGE)

-----x
ANUCHA BROWNE-SANDERS,

Plaintiff,

- against -

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

-----x
January 19, 2007
10:01 a.m.

Videotaped Deposition of KARIN
BUCHHOLZ, taken by Plaintiff, pursuant to
Notice, held at the offices of Vladeck
Waldman Elias & Engelhard, P.C., 1501
Broadway, New York, New York, before Todd
DeSimone, a Registered Professional
Reporter and Notary Public of the State of
New York.

54

1 BUCHHOLZ

2 supervisor. So no one oversaw all of the

3 [REDACTED] really.

4 Q. Now, did there come a time when

5 you had a discussion with [REDACTED]

6 about an incident that occurred with her

7 with Stephon Marbury?

8 A. Say that again.

9 MS. VLADECK: Could you read

10 that back.

11 (The record was read.)

12 MR. GREEN: Objection to form.

13 But you may answer.

14 A. Yes.

15 Q. When was that?

16 A. The time, the date, that was I

17 believe November '05.

18 Q. And to the best of your

19 recollection what did she say to you and

20 what did you say to her?

21 A. I asked her if Hassan Gonsalves

22 was inappropriate with her. She told me

23 that the only incident that happened with

24 them was in the copy room in the back near

25 the [REDACTED]

55

1 BUCHHOLZ

2 Q. And did she say what that

3 incident was?

4 A. Yes. She said that he said

5 "You look" -- something, I don't remember

6 verbatim, but something like "You look

7 good in those jeans. I wonder if your

8 pussy looks good," or something like that.

9 Q. Why did you ask her if Hassan

10 had ever been inappropriate with her?

11 A. Why did I ask her?

12 Q. Correct.

13 A. Because Anucha asked me to ask

14 her.

15 Q. Did Anucha tell you why she

16 wanted you to ask [REDACTED] if

17 Hassan had ever been inappropriate with

18 her?

19 A. She said -- Anucha said that

20 she had reason to believe that --

21 actually, I take that back. She said that

22 she wanted me to talk to the women that

23 were on staff because Hassan had made

24 comments to [REDACTED] and she

25 wanted to know if any other female

56

1 BUCHHOLZ

2 executives had issues with Hassan.

3 Q. Did Ms. Browne-Sanders tell you

4 what comments Hassan had made to [REDACTED]

5 [REDACTED]?

6 A. She did.

7 Q. And what were those comments?

8 A. That he had texted her a

9 message that said "I want to stick it in

10 you." I think another comment, but I

11 don't remember what it was.

12 Q. Prior to Ms. Browne-Sanders

13 telling you what [REDACTED] had told

14 her about Hassan Gonsalves' inappropriate

15 comments, had you heard them from any

16 other source?

17 A. No.

18 Q. Was it your understanding that

19 [REDACTED] and [REDACTED] were

20 friends?

21 A. Yes.

22 Q. Was it your understanding that

23 they socialized outside of the office?

24 A. Yes.

25 Q. After Ms. [REDACTED] told you that

57

1 BUCHHOLZ

2 Hassan said in the copy room something

3 like "You look good in those jeans. I

4 wonder if your pussy looks good," was

5 there any further conversation with

6 Ms. [REDACTED]?

7 A. Yes.

8 Q. What was the rest of the

9 conversation?

10 A. I asked her if that was it, if

11 that was all, and what happened after

12 that.

13 Q. And what did she say?

14 A. She said that that was it,

15 nothing else was -- he never did anything

16 else to her after that. And I asked her

17 if she was sure and she said yes.

18 Q. Was that the entire

19 conversation?

20 A. For that meeting that I had in

21 that time, yes.

22 Q. Was there a subsequent

23 conversation where Stephon Marbury's name

24 came up?

25 A. Yes.

58

1 **BUCHHOLZ**

2 MR. GREEN: Objection to form.

3 You can answer.

4 **Q. What was that conversation?**

5 **A. She came back into my office**

6 **and said that she didn't tell me**

7 **everything and that she was having sexual**

8 **relations with Hassan. And that there was**

9 **a time where she had gone to a strip club**

10 **in Yonkers with [REDACTED]**

11 **[REDACTED] and Hassan and Stephon Marbury**

12 **were there, and that she had been drinking**

13 **and Hassan offered to give her a ride back**

14 **to [REDACTED] and she accepted**

15 **the offer, went back to [REDACTED]. And as**

16 **she got out of the car, she noticed that**

17 **Stephon Marbury's SUV was there and**

18 **Stephon called her over to the SUV and**

19 **asked her if she would go inside. She**

20 **said she agreed and went inside and she**

21 **said that they had sex.**

22 **Q. Anything else?**

23 **A. And she was sorry -- well, she**

24 **was embarrassed, ashamed. I had asked her**

25 **if he had forced her to do it and she said**

59

1 **BUCHHOLZ**

2 **no. I asked her again, "Are you sure?**

3 **Did he force you to do it?" And she said**

4 **no, but that she was ashamed. She**

5 **regretted it. She is so sorry that she**

6 **lied to me, that she just didn't know what**

7 **to do. I think that was it.**

8 **Q. Did she tell you whether or**

9 **not -- strike that.**

10 **Did she tell you whether after**

11 **that incident Stephon Marbury had**

12 **communicated with her?**

13 **A. I think she said that he tried**

14 **to text her, you know, "I want some more**

15 **of that," but that she didn't respond to**

16 **him.**

17 **Q. Did you have any other**

18 **conversations with [REDACTED]**

19 **concerning either Stephon Marbury or**

20 **Hassan Gonsalves?**

21 **A. After Hassan was let go, I**

22 **asked her how she was doing, if he has**

23 **tried to communicate with her, and she**

24 **said she was fine and no. We talked when**

25 **she was interviewed by Human Resources or**

60

1 **BUCHHOLZ**

2 **someone interviewed her and she was very**

3 **nervous about it getting out.**

4 **Q. What do you mean, "we talked**

5 **when she was interviewed"?**

6 **A. She asked me, you know, do you**

7 **think -- she asked me about her job**

8 **security, whether this is going to affect**

9 **her, and that she was just concerned.**

10 **Q. Did she tell you why she was**

11 **asking about her job security?**

12 **A. She wasn't sure if she -- I'm**

13 **not exactly sure. She just was concerned**

14 **that if people found out that she had**

15 **slept with Stephon, that that was not a**

16 **good thing.**

17 **Q. What did you say to her when**

18 **she asked about her job security?**

19 **A. I told her as far as I was**

20 **concerned I didn't care what happened when**

21 **she left work and who she sleeps with is**

22 **not my concern. But I didn't know, you**

23 **know, if there were policies, and that I**

24 **wouldn't be the one that was firing her**

25 **because she slept with Stephon. And I**

61

1 **BUCHHOLZ**

2 **didn't judge her for that, and that she**

3 **was a great worker and as far as I'm**

4 **concerned she is fine. So it wasn't going**

5 **to be coming from me. When Human**

6 **Resources found out, you know, I told her**

7 **just what I felt personally about her.**

8 MR. SHERWOOD: Anne, I just ask

9 that all this testimony relating to

10 Ms. [REDACTED] and Ms. [REDACTED] testimony

11 be confidential.

12 MS. VLADECK: That is fine.

13 **Q. Now, at the time that she asked**

14 **you about her job security, were you**

15 **concerned about your job security?**

16 MR. GREEN: Objection to form.

17 You may answer.

18 **A. Because of what happened with**

19 **[REDACTED]?**

20 **Q. For any reason at about the**

21 **time people were being interviewed by**

22 **Human Resources.**

23 MR. GREEN: Same objection.

24 You can answer.

25 **A. I'm not sure I understand. At**

62

1 **BUCHHOLZ**

2 any time that I've ever been at the

3 Garden?

4 **Q.** Let's say during November of

5 2005.

6 MR. GREEN: Same objection.

7 You can answer.

8 **A.** I was concerned that when

9 Vernon and Hassan were let go that there

10 might be some repercussions.

11 **Q.** What kind of repercussions?

12 **A.** I really didn't know what they

13 could be. So that was the source of my

14 concern, the fact that, you know, Stephon

15 Marbury's cousin and Jim Dolan's future

16 son-in-law, who wasn't his future

17 son-in-law at the time, if that upset

18 them, you know -- my biggest concern was

19 that if Stephon thought that I fired his

20 cousin that he wouldn't be helpful in me

21 being able to do my job.

22 But, you know, I didn't think I

23 was going to get fired because they were

24 fired. I didn't think I was going to lose

25 my job over it. But I was concerned that

63

1 **BUCHHOLZ**

2 it would affect my job.

3 **Q.** Did you ever have any

4 conversation --

5 **A.** Can I say, and I also didn't

6 think that Stephon thought that I fired

7 his cousin for no good reason.

8 **Q.** Well, isn't it true that

9 Stephon didn't believe that you fired his

10 cousin, but that Anucha Browne-Sanders

11 fired his cousin?

12 MR. GREEN: Objection to form.

13 You can answer.

14 **A.** That's what Stephon's sister

15 said to me. I didn't hear that from

16 Stephon.

17 **Q.** Why don't you describe -- and

18 this is Marcia?

19 **A.** Yes.

20 **Q.** Why don't you describe the

21 conversation with Marcia wherein she told

22 you that Stephon knew that it was Anucha

23 Browne-Sanders who had Hassan fired.

24 MR. GREEN: Objection to form.

25 You may answer the question.

64

1 **BUCHHOLZ**

2 **A.** I talked to her on the phone.

3 I called her, and I don't remember what

4 the reason was, I usually call her when it

5 is an issue with an appearance of Stephon

6 or a request of Stephon, and I

7 acknowledged that Hassan wasn't working

8 for us any longer. She said that he was

9 innocent and that it is a real shame

10 because Stephon and Anucha don't get along

11 that he had to be fired.

12 **Q.** And what did you say?

13 **A.** I said there is strong evidence

14 that he sexually harassed people on staff

15 and that -- no, actually, let me think

16 what I said. I'm sorry.

17 I might have said that there

18 was strong evidence -- I'm sorry. I don't

19 remember exactly what I said. But we did

20 talk about the fact that there was an

21 investigation -- I know I wanted to say

22 but I was told not to talk about the

23 reason why he was let go. So I said there

24 was an investigation and that there was

25 strong evidence for his firing and that it

65

1 **BUCHHOLZ**

2 wasn't from, you know, just Anucha wanting

3 him to be fired. I wasn't supposed to

4 talk about what the reason was. So I was

5 conscious of that but I wanted to tell her

6 that.

7 **Q.** Did she seem surprised to hear

8 that there had been an investigation?

9 **A.** She said that -- well, her take

10 was there was an investigation but she

11 thought the girls were lying and that this

12 was just untrue, that her cousin couldn't

13 have done those horrible things.

14 **Q.** Did you tell her that Stephon

15 had slept with [REDACTED]?

16 **A.** No.

17 **Q.** Who, if anyone, did you tell

18 about Marcia Marbury's statement to you

19 that it was a shame that Hassan had to be

20 fired because Ms. Browne-Sanders and

21 Stephon didn't get along?

22 **A.** I don't remember.

23 **Q.** When was the first time that

24 you told anyone at the Garden that you had

25 consulted with Judith Vladeck and Kevin

66

1 **BUCHHOLZ**

2 **Mintzer?**

3 **A. When did I tell anyone at the**

4 **Garden?**

5 **Q. Correct.**

6 MR. GREEN: Objection to form.

7 You may answer.

8 **A. I believe it was the day after**

9 **it hit the papers, or the day that it was**

10 **going -- that it hit the papers.**

11 **Q. So was it your understanding**

12 **that it was after Ms. Browne-Sanders filed**

13 **her lawsuit?**

14 **A. Yes, it was after.**

15 **Q. And who did you mention it to?**

16 MR. GREEN: Objection to form.

17 But to the extent you mentioned that to

18 the attorneys representing you at the time

19 you may not respond to this question.

20 Otherwise you may answer the question.

21 THE WITNESS: Say that again,

22 I'm sorry.

23 MR. GREEN: To the extent in

24 answering this question you reveal a

25 conversation you had with any of the

67

1 **BUCHHOLZ**

2 lawyers, you may not answer the question.

3 If you had that conversation with someone

4 who was not among the lawyers, you may

5 answer the question.

6 **A. I mentioned it to Mary Pat**

7 **Clark and Steve Mills. I don't remember**

8 **exactly what I told Mary Pat Clark.**

9 **Q. Was this one conversation or**

10 **two conversations or something else?**

11 **A. Two conversations.**

12 **Q. Who did you talk to first?**

13 **A. Mary Pat Clark.**

14 **Q. And that is the conversation**

15 **you don't recall?**

16 **A. I don't recall the details of**

17 **that conversation.**

18 **Q. Do you recall generally what**

19 **you said?**

20 **A. No.**

21 **Q. What did you say to Steve**

22 **Mills?**

23 **A. I told him that I had gone with**

24 **Anucha to Judith Vladeck's office.**

25 **Q. Why did you tell him?**

68

1 **BUCHHOLZ**

2 **A. Why did I tell him? I felt**

3 **that he needed to know.**

4 **Q. Why did you feel he needed to**

5 **know?**

6 **A. Because I felt like I was**

7 **withholding from the Garden information**

8 **that was important.**

9 **Q. Why was it important that you**

10 **went to seek counsel?**

11 MR. GREEN: Objection to form.

12 You may answer.

13 **A. Why was it important that I**

14 **went to seek --**

15 **Q. Why was it important that you**

16 **told Mr. Mills that you had gone to the**

17 **counsel's office?**

18 MR. SHERWOOD: Asked and

19 answered.

20 **Q. You may answer.**

21 **A. I felt like if I didn't go**

22 **there I was withholding information that**

23 **was important to the Garden.**

24 **Q. Why did you believe it was**

25 **important to the Garden?**

69

1 **BUCHHOLZ**

2 MR. GREEN: Asked and answered.

3 You may answer again. You can add to your

4 prior response.

5 **A. Because it was a case that**

6 **Anucha filed against the Garden and I had**

7 **been with her when she wanted to seek**

8 **counsel.**

9 MR. SCHOENFELD: Can I have a

10 quick conference?

11 THE WITNESS: Can I go to the

12 bathroom, too, again?

13 MS. VLADECK: Sure.

14 THE VIDEOGRAPHER: We are off

15 the record. The time is 11:39.

16 (Recess taken.)

17 THE VIDEOGRAPHER: We are back

18 on the record. The time is 11:57.

19 BY MS. VLADECK:

20 **Q. Who is Jennifer Hatch?**

21 **A. She is one of my best friends.**

22 **Q. And did you call Ms. Hatch to**

23 **try and get the name of an employment**

24 **lawyer?**

25 **A. Yes.**

82

1 BUCHHOLZ

2 BY MS. VLADECK:

3 Q. Now, the conversation you had

4 with ██████████ where she told you

5 about her being driven to her ██████████ and

6 then having sex with Stephon Marbury, what

7 was your understanding of how close in

8 time the incident was to when she and you

9 talked about it?

10 MR. GREEN: Objection to form.

11 You can answer the question.

12 A. Well, she was ██████████ at

13 the time she told me and ██████████

14 when it happened. I'm not sure of the

15 timing. But it was before -- it was quite

16 a bit of time had passed.

17 Q. Did you tell anyone that

18 ██████████ had told you that she had been

19 drinking that night?

20 MR. GREEN: Objection to form.

21 You may answer.

22 A. When I was asked about it by

23 John Moran.

24 Q. And was it correct that

25 ██████████ had told you that she had been

83

1 BUCHHOLZ

2 drinking that night?

3 MR. GREEN: Same objection.

4 You may answer.

5 A. I don't know if it was correct.

6 That's what she told me.

7 Q. I'm sorry, my question was did

8 ██████████ tell you that she,

9 ██████████, had been drinking the

10 night that it occurred?

11 MR. GREEN: Same objection.

12 You may answer.

13 A. ██████████ did tell me she

14 was drinking that night.

15 Q. And did she tell you that she

16 was pretty out of it?

17 MR. GREEN: Objection to form.

18 You may answer the question.

19 A. She said that she was out of

20 it.

21 (Telephonic interruption.)

22 MS. VLADECK: I will be right

23 back.

24 THE VIDEOGRAPHER: We are off

25 the record. The time is 12:13.

84

1 BUCHHOLZ

2 (Recess taken.)

3 THE VIDEOGRAPHER: We are back

4 on the record. The time is 12:16.

5 BY MS. VLADECK:

6 Q. What did you understand her

7 being out of it to mean?

8 MR. GREEN: Objection to form.

9 You may answer the question.

10 A. That she had -- you know, she

11 had too much to drink.

12 Q. Did you tell anyone that

13 ██████████ told you that she felt she

14 had to sleep with Stephon Marbury?

15 MR. GREEN: Objection to form.

16 You may answer.

17 A. Say that again.

18 MS. VLADECK: Could you read it

19 back.

20 (The record was read.)

21 A. I don't think I did. I don't

22 recall that.

23 Q. Did you tell anyone that

24 ██████████ said that she could not

25 say no?

85

1 BUCHHOLZ

2 MR. GREEN: Objection to form.

3 You may answer the question.

4 A. I don't recall.

5 Q. Did you tell anyone that

6 ██████████ told you that she felt

7 taken advantage of?

8 MR. GREEN: Objection to form.

9 You may answer.

10 A. No.

11 Q. Did you tell anyone that

12 ██████████ told you that she felt

13 like a prostitute?

14 MR. GREEN: Objection to form.

15 You may answer.

16 A. I don't recall.

17 Q. Did you tell anyone that when

18 you talked to ██████████ you did not

19 believe that she was convincing when she

20 said that she did not say no?

21 MR. GREEN: Objection to the

22 form. You may answer.

23 A. Yes.

24 Q. Tell me about that

25 conversation.

86

1 **BUCHHOLZ**

2 **A.** With John Moran, when I told

3 him that she had said that she was not

4 forced to sleep with Stephon, I kept

5 asking her and she said definitely not,

6 definitely not. Then I said that she was

7 not convincing. And she was very, very

8 regretful.

9 **Q.** Was it your belief after

10 talking to ██████████ that she felt

11 forced to have sex with Stephon Marbury?

12 MR. GREEN: Objection to the

13 form. But you may answer.

14 **A.** No, I thought it was

15 consensual.

16 **Q.** Then what was not convincing

17 about her when she said she wasn't forced?

18 MR. GREEN: Same objection.

19 But you may answer.

20 **A.** She just seemed, when she was

21 talking to me, that she was so embarrassed

22 and ashamed and blaming it on, you know --

23 she was so ashamed, she was coming up with

24 excuses of why she did it. So she wasn't

25 convincing me of a lot of what she was

87

1 **BUCHHOLZ**

2 saying in that moment.

3 **Q.** And why was she ashamed or why

4 did you believe she was ashamed for

5 sleeping with Stephon Marbury?

6 MR. GREEN: Same objection to

7 form. But you may answer.

8 **A.** Because I think she felt --

9 well, she told me she felt cheap. She was

10 ashamed that she just went into his car

11 and slept with him. He is married. It

12 was a one-night stand. She was ashamed.

13 I don't know why she felt -- she didn't go

14 into detail.

15 **Q.** Did you have any belief at the

16 time that Stephon Marbury was involved in

17 how Hassan Gonsalves was being treated as

18 an employee?

19 **A.** I completely missed the

20 question. I was thinking about my other

21 answer. I'm sorry.

22 **Q.** What was your understanding of

23 what role, if any, Stephon Marbury had

24 with respect to Hassan Gonsalves'

25 employment?

88

1 **BUCHHOLZ**

2 **A.** My understanding is that he

3 asked that his cousins get jobs with the

4 Garden.

5 **Q.** And what was your understanding

6 of what role, if any, he played once they

7 had been employed by the Garden?

8 **A.** I'm not sure I understand what

9 you mean.

10 **Q.** Well, did you ever learn that

11 Mr. Marbury was upset either by the way

12 Mr. Gonsalves was treated or about his pay

13 or anything else?

14 **A.** Yes, I do know of that.

15 **Q.** And what do you know?

16 **A.** I know that Stephon called Dan

17 Gladstone and complained about Hassan's

18 pay.

19 **Q.** And what was your

20 understanding -- strike that.

21 What did Dan Gladstone tell you

22 about the conversation?

23 **A.** Dan told me that he was shocked

24 that Stephon called him to complain about

25 his pay and that Stephon thought that

89

1 **BUCHHOLZ**

2 Hassan should have a parking pass, and

3 that he should be able to work and get

4 paid, you know, differently. And that Dan

5 had explained to him the policies as far

6 as how he was getting paid and that he

7 couldn't work overtime, and explained how

8 only certain people get parking passes and

9 it is usually during game nights, and went

10 through all of that with Stephon. And

11 that Stephon was very angry and upset, and

12 that Stephon had said some things about

13 Anucha, some very harsh things about

14 Anucha.

15 **Q.** When did you have the

16 conversation with Dan Gladstone?

17 **A.** The first time I had a

18 conversation with Dan was around the time

19 that he received the phone call from

20 Stephon. I think it was the next day he

21 told me he had received a phone call from

22 Stephon.

23 **Q.** Did he tell you in that

24 conversation the harsh things that Stephon

25 said about Ms. Browne-Sanders?

122

1 **BUCHHOLZ**

2 **Q. Did you work with Faye Brown?**

3 **A. Yes.**

4 **Q. How would you describe your**

5 **working relationship with Faye Brown?**

6 MR. GREEN: Same objection.

7 You may answer.

8 **A. My working relationship with**

9 **Faye Brown was very good, excellent, until**

10 **the time where she applied for a position**

11 **that Alexia Katsaounis vacated and did not**

12 **get the job and after that our**

13 **relationship was not as strong.**

14 **Q. And when did she apply for the**

15 **job that Alexia vacated?**

16 **A. When Alexia left. I'm not sure**

17 **when that was. She is now in her second**

18 **year of B school. I guess about a year**

19 **and a half ago.**

20 **Q. And this was a position for**

21 **your assistant?**

22 **A. I think Alexia was promoted to**

23 **coordinator. So it was a coordinator,**

24 **replacing the coordinator position.**

25 **Q. And what role, if any, did you**

123

1 **BUCHHOLZ**

2 **have in determining who would be Alexia's**

3 **replacement?**

4 **A. In that particular case I had a**

5 **lot of control over who would be Alexia's**

6 **replacement.**

7 **Q. And why did you not give Faye**

8 **Brown the job?**

9 **A. I thought other people had more**

10 **of the qualities and the skills that I was**

11 **looking for for that position.**

12 **Q. Who did you put in that**

13 **position?**

14 **A. Artie Bayes.**

15 **Q. And what position had he been**

16 **in before?**

17 **A. He was my intern.**

18 **Q. In what way did the**

19 **relationship -- strike that.**

20 **In what way was the**

21 **relationship not as strong after you did**

22 **not give her the coordinator position?**

23 **A. She didn't talk to me for a**

24 **while. She was visibly angry and upset**

25 **and she didn't talk to me. Then we got to**

124

1 **BUCHHOLZ**

2 **be on a more talking basis and then it was**

3 **more cordial and it got better, but it was**

4 **never like it was before that.**

5 **Q. Did you ever tell anyone that**

6 **you saw Anucha Browne-Sanders be visibly**

7 **upset after she interacted with Isiah**

8 **Thomas?**

9 MR. GREEN: Objection to form.

10 You may answer.

11 **A. Did I ever tell anyone?**

12 **Q. That you observed Anucha**

13 **Browne-Sanders as visibly upset after she**

14 **interacted with Isiah Thomas.**

15 **A. I don't remember.**

16 **Q. Did you ever see it?**

17 **A. Did I ever see that she was**

18 **visibly upset?**

19 **Q. Correct.**

20 **A. I did see her, but I don't**

21 **remember if I told anyone that I saw that**

22 **she was visibly upset.**

23 **Q. When did you see her visibly**

24 **upset after interactions with Mr. Thomas?**

25 MR. GREEN: Objection to form.

125

1 **BUCHHOLZ**

2 You may answer.

3 **A. It is very fuzzy. I'm not**

4 **exactly sure of when it was.**

5 **Q. On how many occasions did you**

6 **see her visibly upset?**

7 **A. Let me think. Three or four.**

8 **Q. Do you remember any of the --**

9 **strike that.**

10 **Were you aware as to why she**

11 **was visibly upset? Did she tell you?**

12 **A. I clearly remember two. One**

13 **was -- yes, I clearly remember two.**

14 **Q. And what were those incidences?**

15 **A. One was in December, I think,**

16 **of '05 where she said -- she told me that**

17 **he had tried to put his arm around her and**

18 **she said -- and he said "Why aren't you**

19 **showing me any love?" And she didn't seem**

20 **like really upset about that. She was**

21 **more like shocked, like how dare he do**

22 **that, how dare he -- you know, he knows we**

23 **are not getting along, how dare he put his**

24 **arm around me and tell me I'm not showing**

25 **him any love. So if you want to call that**

126

1 **BUCHHOLZ**

2 visibly upset.

3 The other time I remember was

4 earlier than that. And I don't remember

5 the exact time frame. But he had -- she

6 said "Karin, can you believe this? I was

7 standing in Gate 1 and Isiah came up to me

8 and his wife was just feet away, a few

9 feet away, and he said" -- you know, kind

10 of like with this epiphany, she didn't say

11 that, I'm saying that -- "Now I know why

12 we don't get along. I think I'm in love

13 with you."

14 She again, when she was

15 recounting that incident, she said that,

16 you know, she was shocked that he could

17 say something like that with his wife a

18 few feet away. And it was like she was

19 offended in a way that, you know, he could

20 try to charm her. She knows that they

21 don't get along and he is trying to be

22 sweet to her or trying to suck up to her

23 in a way.

24 Q. When did Ms. Browne-Sanders

25 tell you about the incident at Gate 1?

127

1 **BUCHHOLZ**

2 A. It is a little -- I'm not

3 sure -- well, I know for sure she told me

4 it around November and December of '05.

5 There was a time where she was telling me

6 a lot of things, refreshing my memory of

7 things that she had told me about Isiah,

8 about the Garden, about all of the things

9 that she was complaining about overall,

10 leading up to when she wanted to get a

11 lawyer, including interactions with Steve

12 Mills and others.

13 Q. Now, you say she was refreshing

14 your memory. Did she tell you about the

15 incident at Gate 1 prior to November or

16 December of '05?

17 A. Yes.

18 Q. What other things did she tell

19 you that you recall?

20 A. In November?

21 Q. Whatever she told you that

22 refreshed your recollection. And if you

23 recall when she originally told you.

24 A. For sure she refreshed my

25 memory in November about being -- that one

128

1 **BUCHHOLZ**

2 day, very soon after Isiah had gotten to

3 the Garden, accepted the position, she

4 went to have a meeting with him and was

5 bringing him this sort of cheat sheet that

6 had some sort of basic business, top-line

7 business information, how many tickets

8 sold, you know, what our rank was I guess

9 in the NBA, what merchandise, just basic

10 numbers, business numbers.

11 She had given one of those

12 cheat sheets to all of the people that

13 reported to her so that we would always

14 have that information if we needed it.

15 She brought this cheat sheet to him and

16 she said that at the meeting he had said

17 "If you do all of this, what the fuck do I

18 do?" Or something to that effect. I

19 don't remember in detail.

20 Q. Have you ever heard Isiah

21 Thomas curse?

22 A. I have.

23 Q. On how many occasions?

24 A. Twice that I clearly remember.

25 Q. And what were those two

129

1 **BUCHHOLZ**

2 occasions?

3 A. Once we were in an upfront

4 meeting with ad sales guys,

5 representatives, men and women, and he

6 said that he would make himself available

7 to go to clients but don't fucking waste

8 his time. Something like "Don't fucking

9 waste my time if it is something that is

10 bullshit." Something to that effect. And

11 everyone laughed.

12 Then the second time, I think

13 it was -- maybe it was three times. I

14 remember one time where I think it was a

15 state of the team address to employees and

16 he said some curse. But it was, you know,

17 like, I can't remember the context, but,

18 again, everyone laughed. It was a fuck

19 word. So I'm not even 100 percent sure

20 about that one. So forget that one.

21 Q. Are there any others that you

22 recall specifically?

23 A. No.

24 Q. What else did you and

25 Ms. Browne-Sanders discuss in November '05

130

1 **BUCHHOLZ**

2 that refreshed your recollection of things

3 that she had told you earlier?

4 A. She said there was a time that

5 -- she said there was a time that she

6 met -- that she had a meeting with Steve

7 Mills and Isiah and in November -- this

8 one is much more shaky for me as far as

9 clear.

10 But in November she definitely

11 said that she was in this meeting with

12 Steve Mills and Isiah to clarify their

13 roles and when Steve Mills left she said

14 that Isiah had cursed at her. Then when

15 he came back, he stopped.

16 Q. "When he came back," meaning

17 when Steve Mills came back?

18 A. When Steve Mills came back,

19 yes.

20 Q. Anything else you can recall

21 her refreshing your recollection about in

22 November of '05?

23 A. Just about Isiah, interactions

24 with, or about anything?

25 Q. Well, any issues that you

131

1 **BUCHHOLZ**

2 recall in November of '05, her reminding

3 you about that she had told you about

4 earlier.

5 MS. EISENBERG: Objection as to

6 form.

7 Q. You can answer.

8 A. Everything that she told me in

9 November, you are asking that she

10 refreshed my memory, you would like to

11 know?

12 Q. Well, you described earlier

13 that there were certain conversations that

14 had occurred prior to November of '05 that

15 she and you were talking about in November

16 of '05 and that she refreshed your

17 recollection. Any that you remember?

18 A. Yes. She reminded me of a

19 meeting -- oh, of a time with the parking

20 forgeries with Hassan and Vernon that she

21 had been asked -- she said that someone

22 asked her to sign a Sarbanes-Oxley

23 document stating that she didn't know of

24 any fraudulent activity that was taking

25 place under her watch and that she didn't

132

1 **BUCHHOLZ**

2 want to sign that and she said that

3 someone above her asked her to sign it and

4 she asked that person if they could send

5 her an e-mail making that request and that

6 person said no. So she went ahead and

7 documented that she knew of these two

8 fraudulent activities.

9 Then we talked about it in

10 November that that was -- then she had

11 another -- she had a budget meeting with

12 Jim Dolan and Steve Mills and some other

13 people that were in this budget meeting,

14 all men, and she said that she got reamed

15 by Jim Dolan and in her words, she used

16 this phrase a lot, boiled the ocean on

17 these courts, these purchase courts, for a

18 program that was under my area, Dan

19 Gladstone's purchase courts for this

20 program called Last Man Standing.

21 She said that was a program

22 that Steve Mills had asked Dan to do and

23 was so upset that Steve didn't have her

24 back. She used that phrase a lot too,

25 that Steve didn't have her back. And that

133

1 **BUCHHOLZ**

2 Jim Dolan -- she really felt the reason

3 she got so hammered in that meeting over

4 \$40,000 was because she was a

5 whistleblower. So that was -- those were

6 two incidences.

7 Q. Before you go on to the next,

8 at or about the time in November of '05,

9 what was your working relationship with

10 Ms. Browne-Sanders?

11 MR. GREEN: Objection to form.

12 You may answer.

13 Q. Excellent? Very good? Good?

14 A. Oh, yes, excellent, very good,

15 yes.

16 Q. Did you tell her at that time

17 that you had her back?

18 A. Often. Because she required

19 that of anyone who worked for her. She

20 often drilled that into us that loyalty,

21 having her back, was very important. It

22 was very clear to us that we needed to

23 have her back under all circumstances.

24 And people that didn't have her back were

25 no longer there.

166

1 BUCHHOLZ
 2 plaintiff's counsel and plaintiff's agent,
 3 and obviously knowingly somehow on
 4 plaintiff's behalf about the
 5 ramifications, that maybe something does
 6 work a waiver.
 7 MS. VLADECK: Your Honor, may I
 8 make a suggestion?
 9 THE COURT: Sure.
 10 MS. VLADECK: I don't have any
 11 problem saying instead of going seven
 12 hours we will go five and a half and if we
 13 can brief this with your Honor and send
 14 you the transcript.
 15 THE COURT: It may be Judge
 16 Lynch will say I will take it back because
 17 I'm available now.
 18 MS. VLADECK: I would be
 19 certainly willing to carve out the time
 20 that there would be on this subject if
 21 there would be testimony on this subject
 22 without a waiver and then she may have to
 23 come back. I agree with you, you can't
 24 take it back. So I agree this is
 25 something that this may make sense to do

167

1 BUCHHOLZ
 2 on paper.
 3 MR. GREEN: Your Honor, this is
 4 Ron Green. I do not disagree with that
 5 position. So long as we do agree that
 6 this being a nonparty witness that any
 7 time that is reserved is reserved
 8 exclusively to questions that would follow
 9 a ruling by the court on this one issue.
 10 THE COURT: I think that is
 11 reasonable. I also think it is reasonable
 12 if you are using the rules on the number
 13 of hours for depositions, by agreement or
 14 court order, that you look at the total
 15 number of hours and you don't have a
 16 second follow-up deposition then turn into
 17 a full second day of deposition, that you
 18 think about it and use the time
 19 judiciously.
 20 It seems to me if you skip this
 21 area, you brief it. I can talk to Judge
 22 Lynch and find out if he wants you to
 23 brief it before him given the interplay of
 24 this or if he wants you to brief it before
 25 me. I can let you know to whom it should

168

1 BUCHHOLZ
 2 be directed.
 3 If you agree to have this
 4 witness back at a time that works best for
 5 the witness under the circumstances of
 6 your litigation clock, since it is a
 7 nonparty, or maybe it is a party witness,
 8 but you try to accommodate everybody as
 9 best you can, do it that way. I feel like
 10 I would be on more solid ground. I think
 11 both of you there would end up more
 12 comfortable.
 13 MS. VLADECK: That is fine,
 14 your Honor. I think we can reserve an
 15 hour.
 16 THE COURT: I will talk to
 17 Judge Lynch and explain to him the issue
 18 as best I am able to understand it at this
 19 point. I think I get it now and I will
 20 see whether he wants you to put it before
 21 him or me.
 22 MS. VLADECK: Thank you very
 23 much.
 24 MR. GREEN: Thank you so much.
 25 THE COURT: I'm sorry I didn't

169

1 BUCHHOLZ
 2 resolve it on the fly. But it is a knotty
 3 one.
 4 MS. VLADECK: Thank you.
 5 (Conference call ended.)
 6 (Recess taken.)
 7 THE VIDEOGRAPHER: We are back
 8 on the record. The time is 3:30.
 9 BY MS. VLADECK:
 10 **Q. Now, prior to the break and my**
 11 **veering a little bit off into left field,**
 12 **you were discussing things that you had**
 13 **discussed with Anucha Browne-Sanders in**
 14 **November of 2005 where she was refreshing**
 15 **your memory about certain events that she**
 16 **had talked to you about before. You, I**
 17 **don't believe, had completed your answer**
 18 **with respect to what she refreshed your**
 19 **recollection about.**
 20 **A. Basically all of the issues**
 21 **that she had regarding the Garden,**
 22 **regarding Steve Mills, and we had already**
 23 **discussed some of the issues that she had**
 24 **with Isiah.**
 25 **Q. What were the issues that she**

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1 **BUCHHOLZ**

2 **had with respect to Steve Mills?**

3 MR. GREEN: I object to form.

4 You may answer.

5 **A. Pretty much she was upset about**

6 **the fact that after that budget meeting**

7 **she really felt that he really**

8 **disappointed her, disillusioned. She felt**

9 **betrayed in a way and thought that -- she**

10 **was very --she was very upset after that**

11 **meeting and then subsequently talked**

12 **about, I'm trying to think of specific**

13 **issues with Steve, well, she refreshed my**

14 **memory that she would tell him about**

15 **things and he wouldn't do anything about**

16 **it.**

17 **I'm trying to think of**

18 **specifics but nothing is coming to mind**

19 **right now.**

20 **Q. Did she tell you why -- strike**

21 **that.**

22 **Did she tell you what things**

23 **she told Steve Mills about that he didn't**

24 **do anything about?**

25 MR. GREEN: Objection to form.

172

1 **BUCHHOLZ**

2 **because we were forced to hire these kids.**

3 **Because she was asked to, the**

4 **Sarbanes-Oxley, she kind of felt -- oh,**

5 **you know, she also told me -- oh, she**

6 **showed me a document in November of events**

7 **that she wanted Isiah to attend and that**

8 **he wouldn't attend those events, and that**

9 **she felt like she couldn't get her job**

10 **done if he didn't attend those events.**

11 **Something, you know, she had**

12 **issues with Frank Murphy and him, you**

13 **know, kind of being the gatekeeper to**

14 **Isiah. I remember she definitely**

15 **refreshed my memory, and I don't have**

16 **clear memories back when it first**

17 **happened, you know, in '04, I don't even**

18 **remember when the Frank Murphy thing**

19 **happened or some of the other things that**

20 **happened in '04, I think right after Isiah**

21 **got there.**

22 **When I say she refreshed my**

23 **memory, she told me these things in '04**

24 **and some of them I remembered happened and**

25 **some of them I don't have clear memories**

171

1 **BUCHHOLZ**

2 You may answer.

3 **A. I do have -- let me think for a**

4 **second. She did tell me in November that**

5 **she had told him about the comments -- or**

6 **the comment about being in Gate 1 and he**

7 **didn't do anything about that.**

8 **Q. Anything else you recall**

9 **discussing with Ms. Browne-Sanders in**

10 **November 2005 that refreshed your**

11 **recollection about things she had said to**

12 **you concerning issues she had?**

13 MR. GREEN: Objection to form.

14 You may answer.

15 **A. I'm trying to remember. There**

16 **were a lot of things, and I don't know why**

17 **specific things aren't coming up. I'm**

18 **trying to kind of even go -- well, we**

19 **talked about, again, the performance of**

20 **Hassan, the forgeries, and then, you know,**

21 **how wrong that was.**

22 **The Garden, kind of she talked**

23 **a lot about how she felt her integrity was**

24 **compromised and that she couldn't get --**

25 **she wasn't able to do her job effectively**

173

1 **BUCHHOLZ**

2 **of what happened.**

3 **Q. Now, in November '05 when you**

4 **had this conversation with Anucha, was it**

5 **at the same time, before or after that**

6 **there were investigations into Hassan**

7 **Gonsalves and sexual harassment?**

8 **A. Was it around the same time?**

9 **It was around the same time.**

10 **Q. And do you recall whether it**

11 **was before or after or during?**

12 **A. Some of the things that we had**

13 **discussed were before, during and after.**

14 **Q. But when did she have the**

15 **conversation with you where she refreshed**

16 **your memory --**

17 **A. What do you mean by**

18 **"refreshed"?**

19 **Q. I'm using your words.**

20 **A. She definitely was telling me**

21 **about events, again, that she said**

22 **happened before and that happened, you**

23 **know, in the fall. It was not just one or**

24 **two times. There were times before,**

25 **especially after her meeting and before**

174

1 **BUCHHOLZ**

2 the meeting that she had -- we had with

3 this office, with the Vladeck firm. She

4 went over all of the issues that she was

5 going to bring up.

6 **Q.** Does that mean, then, that you

7 had this conversation with her after the

8 investigation into Hassan Gonsalves or

9 during or something else?

10 **A.** I'm not exactly sure. I'm not

11 exactly sure.

12 **Q.** Was it your understanding that

13 the investigation into the sexual

14 harassment allegations against Hassan

15 Gonsalves was a catalyst for these

16 conversations with you or something else?

17 MR. GREEN: Objection to form.

18 You may answer.

19 **A.** What I think was when -- what I

20 think -- you want my opinion?

21 **Q.** I want to know what you know.

22 **A.** I don't know if it was a

23 catalyst.

24 **Q.** Were there discussions during

25 this same time about Stephon Marbury?

175

1 **BUCHHOLZ**

2 MR. GREEN: Objection to form.

3 You may answer.

4 **A.** Were there --

5 **Q.** Discussions at about this time

6 that Anucha Browne-Sanders initiated

7 concerning Stephon Marbury?

8 **A.** You mean with [REDACTED]?

9 **Q.** Or with anyone.

10 **A.** Yes, there were discussions

11 about Stephon Marbury at that time.

12 **Q.** And what were those

13 conversations?

14 **A.** That she told me that she felt

15 that Stephon didn't like her and it was

16 difficult. "Karin, do you remember when

17 he didn't want to sign any of my jerseys?

18 Do you remember when he got so upset when

19 I told him he couldn't have the

20 credentials?" Those I definitely

21 remember. But there are certain ones that

22 I'm not sure about.

23 **Q.** Now, you said that she had

24 issues with Frank Murphy. Did you have

25 any working relationship with Mr. Murphy?

176

1 **BUCHHOLZ**

2 **A.** Yes.

3 **Q.** How would you describe your

4 working relationship with Mr. Murphy?

5 MR. GREEN: Objection to form.

6 But you may answer.

7 **A.** Very good.

8 **Q.** Did you ever see him be

9 inappropriate to another employee?

10 MR. GREEN: Objection to form.

11 You may answer.

12 **A.** What do you mean by

13 "inappropriate"?

14 **Q.** Either yell or scream or curse

15 or say something that he shouldn't have.

16 MR. GREEN: Objection to form.

17 You may answer.

18 **A.** Not really, not in particular.

19 **Q.** Did you ever hear that he had

20 done that with an employee?

21 MR. GREEN: Objection to form.

22 But you may answer.

23 MS. EISENBERG: Same objection.

24 **A.** Did I ever hear --

25 **Q.** That he had been inappropriate

177

1 **BUCHHOLZ**

2 with any other employee at the Garden.

3 MR. GREEN: Objection to form.

4 You may answer.

5 MS. EISENBERG: Same objection.

6 **A.** Yes, I had heard that he would

7 yell and scream.

8 **Q.** And curse?

9 MR. GREEN: Objection to form.

10 You may answer.

11 **A.** I can't think of any specific

12 incident that I had heard.

13 **Q.** Where had you heard that he

14 would yell and scream?

15 MR. GREEN: Objection to form.

16 You may answer.

17 **A.** In meetings, you know, that if

18 he didn't get the way that he wanted, he

19 would yell and was sometimes explosive.

20 But I don't know in particular what

21 incident -- I can't even name any specific

22 incident.

23 **Q.** Now, you said that Anucha

24 Browne-Sanders was upset with Steve Mills

25 after the budget meeting. What was your

178

1 **BUCHHOLZ**

2 understanding as to why Ms. Browne-Sanders

3 was upset with Mr. Mills after the budget

4 meeting?

5 MR. GREEN: Asked and answered.

6 But you may answer again.

7 **A.** That she felt that he had asked

8 Dan Gladstone to do this project and she

9 felt that he didn't support her in that

10 meeting regarding the expenditures and she

11 felt she took all the heat for it and he

12 didn't have her back.

13 **Q.** These are expenditures that

14 Mr. Mills had approved?

15 **A.** As far as I know it went

16 through the approval process or else we

17 couldn't have purchased those courts. I

18 don't know where the breakdown was or what

19 the real issues were because we purchased

20 the courts. But, my understanding, I

21 wasn't there, I don't really know anything

22 about the budget meeting, but there was

23 the issue about the capital expenditure

24 that was outside of budget to purchase

25 these courts.

179

1 **BUCHHOLZ**

2 **Q.** Who told you that Hassan

3 Gonsalves was going to be fired?

4 **A.** I think both Anucha and John

5 Moran. Definitely John Moran.

6 **Q.** And what did he say?

7 **A.** He said that Hassan was going

8 to be terminated and that they had

9 conducted an investigation about sexual

10 harassment and they decided -- they

11 concluded that he should no longer work

12 with the company.

13 **Q.** Did he say whether there was a

14 conclusion as to whether or not Hassan

15 Gonsalves had sexually harassed someone?

16 **A.** I don't know.

17 **Q.** Did he tell you whether any

18 action would be taken against Stephon

19 Marbury?

20 **A.** For what?

21 **Q.** For anything.

22 **A.** No. I don't think we even

23 mentioned -- talked about Stephon Marbury.

24 **Q.** What was your understanding, if

25 any, as to the rules with respect to

180

1 **BUCHHOLZ**

2 players sleeping with [REDACTED]

3 MR. GREEN: Objection to form.

4 You may answer.

5 **A.** I don't know about any rules

6 regarding players sleeping with [REDACTED]

7 (buchholz Exhibit 1 marked for

8 identification.)

9 **Q.** For the record, what you have

10 before you as Buchholz Exhibit 1 is an

11 e-mail from Anucha Browne-Sanders to John

12 Moran dated December 7th, 2005 which

13 attaches an e-mail from you to Anucha

14 Browne-Sanders dated November 28th, 2005.

15 Is this something that you

16 wrote to Ms. Browne-Sanders?

17 **A.** I would like to read it.

18 **Q.** I'm sorry. Take your time.

19 (Witness perusing document.)

20 **A.** Yes, I remember this e-mail.

21 **Q.** Now, the first sentence says

22 "After our meeting with John Moran I am

23 documenting the incidences where Stephon

24 Marbury made it clear to employees that he

25 did not like you."

181

1 **BUCHHOLZ**

2 Do you see that?

3 **A.** Yes.

4 **Q.** What occurred at the meeting

5 with John Moran that made you document the

6 instances where Stephon Marbury made it

7 clear to employees that he did not like

8 Browne-Sanders?

9 **A.** I have no idea. I don't

10 remember what that meeting was.

11 **Q.** Did you have a meeting with

12 John Moran and Anucha Browne-Sanders in

13 November of 2005?

14 **A.** I don't remember.

15 **Q.** Do you know which employees

16 other than as stated in this e-mail

17 Stephon Marbury made it clear to that he

18 did not like Anucha Browne-Sanders?

19 **A.** I have to make it clear right

20 now that Anucha asked me specifically and

21 gave me wording and told me to document

22 this e-mail. And I was very uncomfortable

23 that she said, you know, document the

24 e-mail about how Stephon doesn't like me,

25 what everyone said, who said it, why.

182

1 **BUCHHOLZ**

2 I even was trying to rack my

3 brain to try to come up with -- she really

4 wanted to prove that Stephon didn't like

5 her and she asked me to write this e-mail.

6 And I did. But I want it to go on record

7 that I was pressured to document these

8 instances.

9 Q. Is there any reason, then, why

10 you didn't say "Anucha, per your request,

11 I am documenting the instances"?

12 A. Because Anucha would have seen

13 through that, that I was -- I didn't

14 think -- that wasn't clear to me that she

15 wanted it to be known that she was

16 requesting me to write this e-mail.

17 Q. Did she say that?

18 MR. SCHOENFELD: Objection.

19 Sorry. I can't object.

20 A. She didn't have to say that.

21 Q. What did she do that made you

22 feel that you couldn't say "As you

23 requested, I am documenting the

24 instances"?

25 A. I don't know.

183

1 **BUCHHOLZ**

2 Q. Did you tell the investigators

3 that you had asked Chris Bernard to get

4 several jerseys and Stephon refused

5 because he thought they were for Anucha

6 Browne-Sanders?

7 A. I'm not sure.

8 Q. Was it true that you had asked

9 Mr. Bernard to get several jerseys signed

10 by Stephon, and Stephon refused because he

11 thought they were a request from Anucha

12 Browne-Sanders?

13 A. Yes, that is true.

14 Q. And you have no recollection of

15 telling anyone else that?

16 A. Oh, I don't specifically

17 remember everything I said in exact words,

18 but I'm sure I told the investigators

19 that.

20 Q. It says "Chris asked me not to

21 say anything and said the reason Stephon

22 wasn't signing was because he didn't like

23 you."

24 Was that correct that Chris

25 asked you not to say anything and said the

184

1 **BUCHHOLZ**

2 reason Stephon wasn't signing was because

3 he didn't like Ms. Browne-Sanders?

4 A. That is correct.

5 Q. And did you honor Chris'

6 request not to say anything?

7 A. I did, until she asked me to

8 tell everyone that knew that Stephon

9 didn't like her.

10 Q. How would she have known to ask

11 you if you hadn't told her when it

12 occurred?

13 A. I had told her -- I don't know

14 if I said exactly it was Chris. I just

15 said that Stephon doesn't want to sign it

16 because it is for you.

17 Q. So you may have told her the

18 fact of his refusal to sign but not the

19 source of your learning about that fact?

20 A. Yes.

21 Q. Was it correct that it took

22 several days before you got the jerseys

23 signed after letting Stephon know that the

24 jerseys were for Cablevision and a

25 charitable organization?

185

1 **BUCHHOLZ**

2 A. Yes.

3 Q. Is it correct that Stephon said

4 he didn't want to do anything to help

5 Anucha?

6 A. He didn't say that to me.

7 That's what I gathered from that incident.

8 Q. Did Chris Bernard tell you that

9 that is what he had said to him?

10 A. Chris Bernard told him that he

11 wasn't going to sign those jerseys because

12 he didn't like Anucha.

13 Q. Is it correct that on several

14 occasions Jamie Matthews said that Stephon

15 did not want to cooperate with

16 Cablevision -- I'm sorry, Community

17 Relations requests because he did not like

18 Anucha?

19 A. Yes.

20 Q. Is it correct that Dan

21 Gladstone told you that "Stephon called

22 him on his cell phone and said that he

23 wasn't going to do anything for 'that

24 bitch' and that he hated Anucha"?

25 A. Yes.

194

1 **BUCHHOLZ**

2 **keep me strong.**

3 **Q. Did you ever tell her during**

4 **these conversations that you were scared?**

5 **A. Scared of what?**

6 **Q. What might happen to you at the**

7 **Garden if you didn't support them.**

8 MR. GREEN: Objection to form.

9 You may answer the question.

10 **A. I told her that I was scared**

11 **that I might not get my raise. Because**

12 **she was the person that championed it.**

13 **And if she is gone, would I still get my**

14 **raise.**

15 **Q. Did you tell her that Marc**

16 **Schoenfeld screamed at you for talking to**

17 **her?**

18 MR. GREEN: Objection to form.

19 You may answer.

20 **A. I didn't tell her that he**

21 **screamed at me.**

22 **Q. Yelled?**

23 **A. I told her that he told me that**

24 **I shouldn't be talking to her, that I**

25 **can't talk to her anymore.**

195

1 **BUCHHOLZ**

2 **Q. Did he tell you why you**

3 **couldn't talk to her anymore?**

4 MR. GREEN: Objection to form.

5 This is now a privileged communication. I

6 will instruct the witness not to answer.

7 MS. VLADECK: Why is that

8 privileged?

9 MR. GREEN: Marc Schoenfeld is

10 in-house counsel.

11 MS. VLADECK: No. Marc

12 Schoenfeld was responsible for the

13 investigation. A lot of things related to

14 Mr. Schoenfeld

15 MR. GREEN: It is our position

16 that is not the case.

17 MS. VLADECK: Can you mark that

18 for a ruling too.

19 **Q. Did anyone other than**

20 **Mr. Schoenfeld tell you that you couldn't**

21 **talk to Ms. Browne-Sanders?**

22 **A. John Moran.**

23 **Q. When did he tell you that?**

24 **A. In our meeting after he was**

25 **investigating.**

196

1 **BUCHHOLZ**

2 **Q. I'm sorry, this is the meeting**

3 **that you had with John Moran and Rochelle**

4 **Noel?**

5 **A. Yes.**

6 **Q. And they told you not to talk**

7 **to Ms. Browne-Sanders?**

8 **A. No, they told me not to talk**

9 **about the case. And I'm not sure if they**

10 **said don't talk to Anucha. I don't know**

11 **if it was don't talk to Anucha or just**

12 **don't talk about the case or the**

13 **investigation.**

14 **Q. Anyone else other than Marc**

15 **Schoenfeld and John Moran?**

16 **A. I think that was it.**

17 **Q. Was it your understanding at**

18 **the time that you were told not to talk to**

19 **Ms. Browne-Sanders that she was still an**

20 **employee of the Garden?**

21 **A. She was still an employee of**

22 **the Garden when John Moran told me not to**

23 **talk to her. One of the reasons I did**

24 **talk to her is she called and she asked me**

25 **when I was going to be interviewed. She**

197

1 **BUCHHOLZ**

2 **asked me to talk to her after the**

3 **interview. She wanted to know everything**

4 **about it.**

5 **And you asked me if I was**

6 **afraid of my future at the Garden because**

7 **of the Garden. I was afraid of my future**

8 **at the Garden because of Anucha and that**

9 **if I didn't cooperate with her I could be**

10 **on her bad side. So when she asked me**

11 **things, you know, about the investigation**

12 **with John Moran, I really felt pressured**

13 **that I have to be loyal to her because she**

14 **is still my boss. I was very**

15 **uncomfortable.**

16 **I will tell you, I was very**

17 **uncomfortable when she asked me to go to**

18 **the law office with her and because she**

19 **was my boss I told her I was uncomfortable**

20 **and she still asked me to go. In this**

21 **instance, you know, she called. I told**

22 **her some things that happened, that I had**

23 **shared at the meeting with John Moran and**

24 **Rochelle Noel and I didn't feel**

25 **comfortable telling her everything because**

198

1 **BUCHHOLZ**

2 I was afraid if it got back to her and she

3 didn't like some of the things that I

4 said, that I was not being loyal and that

5 would have determined my future. I could

6 have ended up like [REDACTED] If she

7 didn't like you and didn't think you were

8 loyal, you didn't have a bright future

9 working for her.

10 So I was definitely -- and

11 things had changed by that time. I admit

12 that I was very close to her. I admit

13 that we had an excellent relationship. I

14 respected and admired her. When she told

15 me all of these things -- when she told me

16 all of the things that she thought that

17 was wrong about what the Garden was doing

18 to her, there was no reason I didn't

19 believe her. And I felt for her and

20 listened to her. And I thought she was a

21 good friend. And then slowly I started to

22 realize that she wasn't a good friend.

23 What kind of friend would

24 really kind of force you to go to a law

25 office when you clearly were uncomfortable

199

1 **BUCHHOLZ**

2 with it? What kind of friend would on the

3 way to the law office tell you that I had

4 no future at the Garden anymore because I

5 was her right-hand person and that I had

6 to go ahead with her on this? What kind

7 of friend would keep calling me and

8 telling me even when she knows I'm not

9 supposed to discuss the case, would put me

10 in a position knowing that she is still my

11 boss that I had to feed her information?

12 I felt very uncomfortable because it was

13 definitely outside of my integrity.

14 Then, you know, I'm just going

15 to be completely honest here, when I found

16 out -- when I went with Anucha to the law

17 office and my understanding that it was

18 all these issues about her being wronged

19 by the Garden, and then when I found

20 out --

21 **Q.** Wait, are you going to be

22 testifying about anything that was said

23 here?

24 **A.** No. But when I found out that

25 it came out that it was sexual harassment

200

1 **BUCHHOLZ**

2 against Isiah Thomas, I was shocked. You

3 know, as good a friends as we were I would

4 have thought she would have told me

5 throughout the years that I had known her

6 that she felt she was sexually harassed by

7 him. She never once told me that she

8 thought she was sexually harassed by him.

9 I thought it was -- everything

10 I knew about Anucha right then and there,

11 I was shocked that she could make these

12 allegations about Isiah, which are strong

13 allegations, that he sexually harassed

14 her. That could ruin someone's -- that

15 could ruin someone's life. I was shocked.

16 I do not think that the things

17 that she told me, that meant that he

18 sexually harassed her. When she told me

19 about the case and everything that she was

20 complaining about, it was all about, you

21 know, her issues with not being able to do

22 her job, the Garden.

23 So as it went along, yeah, my

24 feelings towards Anucha changed from

25 really admiring and respecting her to all

201

1 **BUCHHOLZ**

2 of this happening and her putting me in

3 very compromising situations to the point

4 where she called me several times after I

5 told her that Marc told me I couldn't talk

6 to her, she called me and prefaced it by

7 saying "Oh, Karin, I know you are not

8 supposed to talk to me, but how is

9 Gabrielle? Oh, be strong."

10 Then issues came up again

11 around the case. Then she called me

12 again. "Oh, I know I'm not supposed to

13 talk to you." So yeah, I thought she was

14 my friend and now I'm very disillusioned.

15 **Q.** And want to hurt her? You want

16 to hurt her now?

17 **A.** No, I don't want to hurt her.

18 I am just shocked and I am hurt. I am

19 hurt.

20 **Q.** When you heard from Anucha that

21 Isiah said he loved her and that he wasn't

22 getting any love and things like that,

23 what did you understand her complaints

24 about Mr. Thomas to be at that time?

25 MR. GREEN: Objection to form.

258

1 **BUCHHOLZ**

2 **Q.** Did you ever complain about

3 players missing community events?

4 **A.** There were very few times that

5 players missed events that they were

6 scheduled for. So I don't remember

7 talking about complaining about players

8 missing events.

9 **Q.** Did Stephon Marbury miss a

10 poetry slam that he was supposed to be

11 doing?

12 **A.** Yes, he did.

13 **Q.** When was that?

14 **A.** That was last year. Yes, it

15 was in the beginning of -- I think it was

16 in the beginning of '05.

17 **Q.** What other events do you recall

18 players missing?

19 **A.** I don't recall.

20 **Q.** Do you have a personal e-mail

21 address?

22 **A.** I do.

23 **Q.** Did you ever give it to Anucha

24 and tell her to send you e-mails at that

25 address?

259

1 **BUCHHOLZ**

2 **A.** Yes.

3 **Q.** And when was that?

4 **A.** It was all around -- the end of

5 '05.

6 **Q.** Why did you give her a personal

7 e-mail address?

8 **A.** Because she sent me the e-mail

9 that I think it was Patrick McDonough sent

10 her about my raise. I wanted to make sure

11 that I had -- that she wasn't around -- I

12 don't remember exactly when it was, if it

13 was after or before she got fired. But I

14 wanted to make sure I got my raise and I

15 asked her about it.

16 **Q.** And you asked her to document

17 the fact that she had put in a specific

18 raise for you?

19 **A.** Yes.

20 **Q.** And you asked her to document

21 that fact because you were concerned that

22 if she got fired it wouldn't be honored by

23 the Garden?

24 **A.** No, I wasn't sure where it

25 stood, so I wanted to know where it stood.

260

1 **BUCHHOLZ**

2 I assumed that it would go through but she

3 had said once the budget would be passed

4 it would go through, but the budget still

5 hadn't been passed and it still hadn't

6 been passed and I wanted to make sure that

7 it was going to go through, I was going to

8 get my raise.

9 **Q.** And you weren't uncomfortable

10 asking her to document something that she

11 had already told you; is that correct?

12 **A.** No.

13 **Q.** And did she tell you she would

14 or wouldn't do it?

15 **A.** She said -- she actually said

16 that she was going to send it. I don't

17 even recall if I asked her to send it or

18 if she offered to send it because she

19 wanted to make sure I got my raise also.

20 So it was mutually discussed. It wasn't

21 just that I asked her to do it. She could

22 have also -- it was her concern too that I

23 got my raise.

24 **Q.** Why did you give her a personal

25 e-mail address?

261

1 **BUCHHOLZ**

2 **A.** I had her personal one. She

3 had my personal one. I don't remember if

4 it was just for that particular reason.

5 She had mine. I had hers.

6 **Q.** Did you ask Anucha

7 Browne-Sanders to write you a reference

8 letter for you to adopt a child?

9 **A.** I did. That's right. She sent

10 it to me at home.

11 **Q.** And when was that?

12 **A.** That was all around the same

13 time.

14 **Q.** Was it your understanding that

15 Steve Mills had some issues with respect

16 to your taking a leave after you had a

17 child?

18 MR. GREEN: Objection to form.

19 You may answer.

20 **A.** Anucha told me, when I had

21 requested through the Family Medical Leave

22 Act, I had requested six weeks, and after

23 four weeks Anucha pulled me off to the

24 side. She said as my friend, and she said

25 "Look, I'm not supposed to do this. I

66 (Pages 258 to 261)

REDACTED

From: Browne Sanders, Anucha
Sent: Wednesday, December 07, 2005 8:47 PM
To: Moran, John VP ER MSG
Cc: Mills, Steve
Subject: Fw: Issues

As a follow up to last weeks meetings, steve said that you are reviewing all emails. I want you to have this one as well.

-----Original Message-----

From: Buchholz, Karin <Karin.Buchholz@thegarden.com>
To: Browne Sanders, Anucha <Anucha.BrowneSanders@thegarden.com>
Sent: Mon Nov 28 21:04:21 2005
Subject: Issues

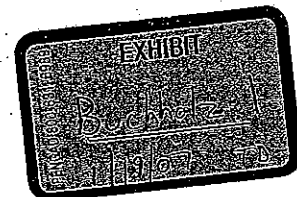
Anucha,

After our meeting with John Moran, I am documenting the instances where Stephon Marbury made it clear to employees that he did not like you. Last season, I asked Chris Bernard to get several jerseys signed by Stephon and Stephon refused because he thought they were requests from you. Chris asked me not to say anything and said the reason Stephon wasn't signing was because he didn't like you. It took several days before we got the jerseys signed after letting Stephon know that the jerseys were for Cablevision and a charitable organization. Stephon said he didn't want to do anything to help Anucha. On several occasions, Jamie Mathews said that Stephon did not want to cooperate with CR requests because he did not like Anucha. Dan Gladstone told me that Stephon called him on his cell phone and said that wasn't going to do anything for "that bitch" and that he hated you. It is common knowledge with the staff that Stephon doesn't like Anucha.

As you can imagine, this has made our job in Community Relations very difficult at times.

Karin

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