

Exhibit 11

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

-----X
ANUCHA BROWNE SANDERS,

Plaintiff,

-against-

06 CV 0589 (GEL)

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

Defendants.
-----X

VIDEOTAPED DEPOSITION OF ANUCHA BROWNE SANDERS

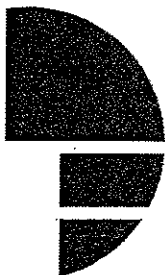
New York, New York

Tuesday, November 28, 2006

REPORTED BY:

BARBARA R. ZELTMAN

JOB NO.: 10957



David Feldman
Worldwide

From File to Trial.

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1 ANUCHA BROWNE SANDERS
 2 **A I didn't view securities and**
 3 **facilities as other divisions of the**
 4 **Garden.**
 5 Q What are they?
 6 **A These are peers and people**
 7 **that I worked with.**
 8 Q Don't you have peers and
 9 people you work with in other divisions?
 10 MS. VLADECK: Objection to
 11 form.
 12 **A Well, they provide a service**
 13 **to the Garden and I wouldn't deem that as**
 14 **other divisions of Madison Square Garden.**
 15 Q On the next page, you'll
 16 notice the question: "Did you receive any
 17 feedback from Steve Mills about
 18 deficiencies in performing management
 19 and/or financial aspects of job."
 20 And the answer is: "No.
 21 Before Isiah Thomas started working there,
 22 Charging Party was always praised to
 23 performance used for the last three years.
 24 She received five on performance reviews.
 25 Charging Party also received bonuses that

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1 ANUCHA BROWNE SANDERS
 2 were based on an algorithm between
 3 personal performance rating and company
 4 rating, and last year she received a four
 5 on performance review."
 6 Do you recall giving that
 7 answer to that question?
 8 MS. VLADECK: Objection to
 9 form.
 10 **A Yes.**
 11 Q Was that answer a truthful
 12 response to that question?
 13 **A Yes.**
 14 Q The answer begins with the
 15 word "no" in response to did you receive
 16 any feedback from Steve Mills about
 17 deficiencies in performing management
 18 and/or financial aspects of your job.
 19 Is no a truthful response to
 20 that question?
 21 **A Yes.**
 22 MS. VLADECK: Asked and
 23 answered.
 24 Q So would it be your testimony
 25 then that Mr. Mills, in all the years you

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1 ANUCHA BROWNE SANDERS
 2 worked for him at Madison Square Garden,
 3 never gave you any feedback about
 4 deficiencies in performing management
 5 and/or financial aspects of your job?
 6 **A Yes. That's accurate. I**
 7 **never received any feedback from Steve**
 8 **with regards to my management --**
 9 **deficiencies in my management or financial**
 10 **aspects of my job.**
 11 Q And are you including in that
 12 response, for example, the summer 2005
 13 budget meeting you attended with
 14 Mr. Mills, Mr. Ratner, Mr. McCormack,
 15 Mr. Moran and others?
 16 MS. VLADECK: Objection to
 17 form.
 18 **A Those weren't all the people**
 19 **that were there. Mr. Moran was not there.**
 20 Q Mr. Dolan?
 21 **A Mr. Dolan.**
 22 Q Are you including that meeting
 23 when you say that you received no feedback
 24 from Steve Mills about deficiencies of
 25 performing financial aspects of your job?

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1 ANUCHA BROWNE SANDERS
 2 **A Yes.**
 3 Q And are you including in that
 4 answer no to receiving feedback from Steve
 5 Mills about deficiencies in performing
 6 management aspects of your job, for
 7 example, the process by which you
 8 empowered your secretary to manage the
 9 host and hostess program without
 10 consulting the labor relations people with
 11 respect to the ushers at Madison Square
 12 Garden?
 13 MS. VLADECK: Objection to
 14 form.
 15 **A That's not accurate.**
 16 Q And are you including in this
 17 your management of Last Man Standing?
 18 **A That's not accurate, either.**
 19 Q Are you including in this your
 20 decision to paint a mural with departed
 21 Knicks players?
 22 MS. VLADECK: Objection to
 23 form.
 24 **A We didn't paint the mural.**
 25 **And the logistics around that would need**

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1 **ANUCHA BROWNE SANDERS**
 2 **to be elaborated on before I would say yes**
 3 **or no to that.**
 4 Q But now that I have acquainted
 5 you with some other issues that may have
 6 arisen, is it still your testimony that
 7 your answer no is a truthful answer to the
 8 question, "Did you receive any feedback
 9 from Steve Mills about deficiencies in
 10 performing management and/or financial
 11 aspects of your job?"
 12 MS. VLADECK: Objection to
 13 form.
 14 A **The answer is still no. I**
 15 **didn't receive feedback with regards to**
 16 **deficiencies in my management or financial**
 17 **aspects of my job.**
 18 Q Just so there's no
 19 misunderstanding using a sometimes complex
 20 word like that, what's your understanding
 21 of the term "deficiencies" as used in the
 22 question to which you responded?
 23 MS. VLADECK: Objection to
 24 form.
 25 A **That there were areas that**

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1 **ANUCHA BROWNE SANDERS**
 2 **were lacking in management of different**
 3 **aspects of my job and that I wasn't**
 4 **performing up to his par in the financial**
 5 **aspects of my job.**
 6 Q Would you turn to the next
 7 page, please.
 8 A **The last question on this page**
 9 **reads: "Did you ever complain to anyone**
 10 **about sex discrimination or sexual**
 11 **harassment, when, to whom, how, any**
 12 **witnesses? (Complaints to supervisor,**
 13 **Steve Mills) If and when you complained,**
 14 **was any action ever taken?**
 15 **Do you recall being asked that**
 16 **question?**
 17 MS. VLADECK: Objection to
 18 form.
 19 A **Yes, I do.**
 20 Q Let me now read what is
 21 indicated as your response.
 22 "Charging Party complained to
 23 Peter Olsen, organizational psychologist
 24 consultant, hired by HR. Peter Olsen had
 25 previously been an employee of

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1 **ANUCHA BROWNE SANDERS**
 2 Cablevision's HR Department and was
 3 brought back on to do different consulting
 4 projects. Charging Party met Peter Olsen
 5 when he was first -- when he first started
 6 working for the company and she had a
 7 mentoring relationship with him. Olsen
 8 asked Charging Party to have lunch with
 9 him to discuss a program he was working on
 10 for Isiah Thomas who was having problems
 11 with hostility and women. At this
 12 luncheon meeting, Charging Party told
 13 Olsen everything that happened between her
 14 and Isiah Thomas. Charging Party also
 15 named other people who could provide
 16 information. Charging Party mentioned
 17 name of [REDACTED].
 18 In or around June 2005,
 19 Charging Party and Olsen had a follow-up
 20 meeting about Isiah Thomas. Peter Olsen
 21 mentioned [REDACTED]
 22 to Charging Party because there were a lot
 23 of rumors about [REDACTED] and Isiah
 24 Thomas. Charging Party suggested that one
 25 of the ways to work with Isiah Thomas

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1 **ANUCHA BROWNE SANDERS**
 2 would be to work within his circle.
 3 Charging Party was also working with Olsen
 4 on a team building project/possible new
 5 business venture. Olsen told Charging
 6 Party that he tried to meet with Isiah
 7 Thomas but Isiah wouldn't meet with him;
 8 Charging Party doesn't know if they ever
 9 ended up meeting.
 10 Karen Buchholz was also aware
 11 of what was going on with Charging Party.
 12 Charging Party spoke with Michelle Evans,
 13 (MSG's lawyer primarily for Radio City)
 14 and shared what was going on from a
 15 standpoint of a friend. Lynn Carfora,
 16 (employer relations/HR) Charging Party
 17 told her that her treatment from Isiah is
 18 ridiculous. Charging Party got the
 19 impression that Lynn Carfora didn't want
 20 to hear this or get involved in something
 21 with such a potential magnitude."
 22 Do you recall giving that
 23 answer to the question asked?
 24 MS. VLADECK: Objection to
 25 form.

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1 ANUCHA BROWNE SANDERS
 2 form.
 3 **A I thought that I did, yes.**
 4 Q Did there come a time in 2005
 5 when you told Mr. Mills you thought Isiah
 6 Thomas should sign 4,500 letters
 7 personally by hand to ticket holders or
 8 potential ticket holders?
 9 MS. VLADECK: Objection to
 10 form.
 11 **A No.**
 12 Q What, if anything, did you
 13 tell Mr. Mills regarding Mr. Thomas
 14 signing letters to subscribers?
 15 **A I wrote Steve and e-mail, if I**
 16 **remember correctly, and the e-mail was a**
 17 **suggestion and I was asking for his input**
 18 **before I moved forward with anything.**
 19 Q Was your suggestion that
 20 Mr. Thomas sign 4,500 letters personally?
 21 Was that your suggestion?
 22 **A My suggestion was that we**
 23 **consider having Isiah sign letters to**
 24 **season ticket holders, and the point of**
 25 **the e-mail to Steve Mills was to ask for**

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1 ANUCHA BROWNE SANDERS
 2 his feedback because in a number of
 3 meetings we talked about what other teams
 4 are doing across the league. Of course,
 5 we have a large season subscriber base,
 6 but we talked about having him sign a
 7 subset. For example, signing -- for
 8 example, signing the letters that only
 9 went to first-year subscribers or the most
 10 tenured subscribers. So there were a
 11 number of options. And I was sending the
 12 note to Steve Mills to get his feedback.
 13 (Browne Sanders Exhibit II,
 14 MSG-6996, was marked for
 15 Identification.)
 16 Q Ms. Browne Sanders, showing
 17 you a copy of we've marked as
 18 Exhibit BS-II for Identification.
 19 There are several e-mails,
 20 most recent of which was Sunday May 1,
 21 2005, 11:53 in the morning.
 22 In the earliest of these
 23 e-mails, Ms. Browne Sanders, you write to
 24 Steve Mills as follows: "Hi, Steve, On
 25 Monday, Jordan will drop off a drop of the

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1 ANUCHA BROWNE SANDERS
 2 renewal package for your review. To date
 3 I approved the design direction, invoice
 4 piece and benefits outline. You will also
 5 receive a copy of the letter that will
 6 come from Isiah. I would like to have
 7 Isiah sign each letter. We have 4,500
 8 accounts. He can do this over a few days.
 9 Thoughts? I don't want to ask until I
 10 hear from you."
 11 Did you send that to
 12 Mr. Mills?
 13 **A Yes, I did.**
 14 Q Mr. Mills responds, does he
 15 not, "I think 4,500 letters to sign is too
 16 much. We never sent originals like that
 17 and I question how valuable it really is."
 18 Is that his response in part?
 19 MS. VLADECK: Objection to
 20 form. The document speaks for
 21 itself.
 22 **A That's his response, yes.**
 23 Q And did you think your boss
 24 thought your idea was not a very sensible
 25 one to ask Isiah Thomas to sign 4,500

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1 ANUCHA BROWNE SANDERS
 2 letters?
 3 MS. VLADECK: Objection to
 4 form.
 5 **A Did I think it was a sensible**
 6 **request --**
 7 Q Do you believe your boss
 8 thought that your idea was not a very
 9 sensible one?
 10 MS. VLADECK: Objection to
 11 form.
 12 **A I don't think that he**
 13 **perceived it as not sensible.**
 14 Q You thought he credited that
 15 as something responsible of the senior
 16 vice president of the organization to have
 17 president and general manager of the
 18 Knicks sign 4,500 letters over two days?
 19 MS. VLADECK: Objection to
 20 form. Misstates the evidence.
 21 **A Steve and I talked about a lot**
 22 **of things that would be responsive to a**
 23 **season subscriber base that spent**
 24 **\$65 million at Madison Square Garden every**
 25 **season. We talked about a number of**

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1 ANUCHA BROWNE SANDERS
 2 **communication opportunities with our**
 3 **season subscriber group.**
 4 Q Do you recall a budget meeting
 5 in the summer of 2005 at which in the
 6 presence of your boss, Mr. Mills, you were
 7 unable to explain the difference between
 8 operating expense and capital expenditure
 9 when asked by Mr. Dolan?
 10 MS. VLADECK: Objection to
 11 form. Asked and answered.
 12 A **I was never asked in a meeting**
 13 **to explain the difference between a**
 14 **capital budget and an operating budget.**
 15 Q Was it clear to you at that
 16 meeting that you did not know the
 17 difference?
 18 MS. VLADECK: Objection to
 19 form.
 20 A **I was very clear in that**
 21 **meeting between capital and operating**
 22 **budget.**
 23 Q Was it clear to you?
 24 MS. VLADECK: Asked and
 25 answered. Objection to form.

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1 ANUCHA BROWNE SANDERS
 2 Q Do you understand my question?
 3 A **I didn't understand the**
 4 **difference between what you are asking.**
 5 Q At that meeting in the
 6 presentation you were making to Mr. Dolan,
 7 was it clear to you that you did not know
 8 the difference between an operating
 9 expense and a capital expenditure?
 10 MS. VLADECK: Objection to
 11 form. Asked and answered.
 12 A **In that meeting, I did know**
 13 **the difference between a capital and an**
 14 **operating budget.**
 15 Q Were you upset with Mr. Mills
 16 for not coming to your aid during that
 17 meeting when you were pressed by Mr. Dolan
 18 for some answers to questions?
 19 MS. VLADECK: Objection to
 20 form.
 21 A **Coming to my aid, I thought**
 22 **that he would have input in that meeting**
 23 **with regards to that program.**
 24 Q Was it apparent to you at that
 25 meeting that Mr. Dolan was unhappy with

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1 ANUCHA BROWNE SANDERS
 2 your presentation?
 3 A **Not as a whole, no.**
 4 Q After that meeting, were you
 5 asked to take some remedial education on
 6 financial terms from managers?
 7 MS. VLADECK: Objection to
 8 form.
 9 A **No, I was not.**
 10 Q Did you take some training
 11 after the meeting at the request of
 12 Mr. Dolan?
 13 MS. VLADECK: Objection to
 14 form.
 15 A **I took a marketing class at**
 16 **the request of Steve Mills.**
 17 Q Were you asked to take any
 18 courses that might help you learn more
 19 about the financial aspects of business,
 20 including the difference between operating
 21 expenses and capital expenditures?
 22 A **No.**
 23 Q At that budget meeting, were
 24 you criticized by Mr. Dolan or Mr. Ratner
 25 for any expenditures you had authorized

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1 ANUCHA BROWNE SANDERS
 2 which were in their view improper?
 3 A **I wouldn't characterize it as**
 4 **criticism.**
 5 Q What did they say and how
 6 would you characterize it?
 7 MS. VLADECK: Objection to
 8 form.
 9 A **They wanted feedback from**
 10 **Steve and myself on how the capital**
 11 **request that was being submitted was**
 12 **approved without Jim signing off on it. I**
 13 **think that was his concern.**
 14 **(Browne Sanders Exhibit JJ,**
 15 **MSG-12642 through 12645, was marked**
 16 **for Identification.)**
 17 Q Ms. Browne Sanders, I show you
 18 a copy what's been marked for
 19 Identification as BS-JJ. It is an e-mail
 20 transmitting a copy of your resume, Sunday
 21 June 5, 2005, at 12:19 in the afternoon,
 22 to Jay Nixer.
 23 Is that Mr. Nix?
 24 A **Yes, it is.**
 25 Q Were you sending Mr. Nix, your

Exhibit 12

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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
December 8, 2006

12:24 p.m.

VIDEOTAPE DEPOSITION of ISIAH
LORD THOMAS, III, taken by the Plaintiff,
pursuant to Notice, held at the offices of
Vladeck Waldman Elias & Engelhard, P.C,
1501 Broadway, New York, New York, before
Debbie Zaromatidis, a Shorthand Reporter
and Notary Public of the State of New
York.

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1 **THOMAS**

2 MR. SHERWOOD: I would --

3 MS. EISENBERG: Excuse me.

4 MR. SMITH: But I will do --

5 MS. EISENBERG: I listened to

6 your criticism, and I will of course be

7 respectful of that.

8 MR. SMITH: Okay.

9 MS. EISENBERG: However, having

10 said that, there is a legal definition as

11 you know and I know for full time. Having

12 said that, you've heard my objection.

13 Please continue.

14 MR. SMITH: That is fine.

15 **Q. What is your understanding of**

16 **full time?**

17 **A. I guess when you are working for**

18 **somebody and you are working nine to five**

19 **and doing it five, six days a week.**

20 **Q. Okay.**

21 **A. So I guess my shoe shine**

22 **job -- shoot that was full time to me.**

23 **(Laughter.)**

24 MR. SMITH: So I think he

25 understood my question. Okay.

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1 **THOMAS**

2 MS. EISENBERG: Okay.

3 **Q. Now, outside of your job as**

4 **being a shoe shine boy, what other full**

5 **time positions have you held?**

6 **A. Do you -- now, is a part-time**

7 **summer job, is that a full-time job where**

8 **you are working like in the summers?**

9 **Q. Outside of part-time summer jobs**

10 **--**

11 **A. Okay.**

12 **Q. -- other employment -- what**

13 **other full-time employment have you had?**

14 **A. Then that would -- outside of**

15 **being a professional athlete --**

16 **Q. Okay. List --**

17 **A. -- with the Detroit Pistons?**

18 **Q. Okay. When were you a**

19 **professional athlete with the Detroit**

20 **Pistons?**

21 **A. I was drafted in 1981 I believe.**

22 **Q. And how long were you a**

23 **professional athlete with the Detroit**

24 **Pistons?**

25 **A. For thirteen years.**

80

1 **THOMAS**

2 **Q. And what were your**

3 **responsibilities as a professional athlete**

4 **with the Detroit Pistons?**

5 **A. Basically to play basketball.**

6 **Q. Any other responsibilities?**

7 **A. No.**

8 **Q. When you were a professional**

9 **basket -- basketball player with the**

10 **Detroit Pistons -- Pistons, did you have**

11 **any obligations to do any community**

12 **events?**

13 **A. I think you were required to**

14 **do -- I'm not sure how many requirements**

15 **they had in the contract -- in your**

16 **contract that had -- you had to perform.**

17 **Q. So you had to perform some**

18 **community events as -- as being a**

19 **professional athlete for the Detroit**

20 **Pistons?**

21 **A. Yeah. But I'm not sure to the**

22 **exact number at that time of my contract.**

23 **Q. Would you say -- would it be**

24 **fair to say that as a professional athlete**

25 **for the Detroit Pistons that you were a**

81

1 **THOMAS**

2 **very fierce competitor?**

3 **A. I think that would be accurate.**

4 **On the floor.**

5 **Q. On the basketball floor?**

6 **A. Yes.**

7 **Q. And when you were a professional**

8 **athlete with the Detroit Pistons, was**

9 **there -- did the Detroit pistons have any**

10 **rules or regulations with you -- with you**

11 **regarding dating any employees of the**

12 **Detroit Pistons?**

13 MR. GREEN: Objection to form.

14 MS. EISENBERG: Objection as to

15 form.

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

17 **Q. When you were a player with the**

18 **Detroit Pistons, was there policies**

19 **regarding sexual harassment?**

20 MR. GREEN: Objection.

21 **Q. At the workplace.**

22 MS. EISENBERG: I am sorry. I

23 didn't hear the last part.

24 MR. SMITH: At the workplace.

25 Sorry.

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1 THOMAS
 2 between L.A. and Boston -- L.A., Boston,
 3 and Philly, then we weren't necessarily --
 4 at that time as we were coming up, we
 5 weren't thought of as in the same light as
 6 Boston or L.A. because they had tradition
 7 behind them with Russell and Chamberlain
 8 and Kareem, and we were just new kids on
 9 the block, and when I mean the block, the
 10 NBA just trying to carve some turf and
 11 carve out a name and make an organization
 12 and basically do what Boston and L.A. were
 13 doing, and, you know, when we say crashing
 14 the party, you know, Boston and L.A.
 15 wanted an exclusive club, and they liked
 16 every year that they went to the finals
 17 and played in the finals, and we wanted to
 18 go as opposed to Boston going.
 19 Q. Was there any mention that
 20 the --
 21 MR. SMITH: Withdrawn.
 22 Q. During your time as a basket
 23 player -- basketball player with the
 24 Detroit Pistons, was Detroit known to
 25 be --

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1 THOMAS
 2 MR. SMITH: Withdrawn.
 3 Q. Was the Detroit basketball team
 4 known to be a very aggressive, hard
 5 playing team?
 6 MR. GREEN: Objection to form.
 7 A. We were known as a mentally
 8 tough team, and the aggressiveness, you
 9 know, was also labeled with the city that
 10 was considered tough and aggressive, hard
 11 working people who rolled up their
 12 sleeves, went to work and worked in the
 13 factory manufacturing at that time it was
 14 General Motors, Chrysler, Ford. So the
 15 identity of the team in terms of tough,
 16 gritty, aggressive really came from a
 17 Detroit community that identified with
 18 a -- with a work force that our team kind
 19 of adopted that attitude.
 20 Q. Okay. Were you -- when you were
 21 a player of the Detroit Pistons, was your
 22 team ever accused of being a very dirty
 23 physically playing team?
 24 MS. EISENBERG: Objection.
 25 MR. GREEN: Objection to form.

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1 THOMAS
 2 MS. EISENBERG: Form, yes.
 3 A. Not only our team but when other
 4 teams were trying to rise, that's, you
 5 know, the -- the champion always has --
 6 you know, in basketball is -- it is called
 7 a labeling theory, which I learned in
 8 sociology that also applies to basketball
 9 in that the negative labels that are
 10 always attached to a defensive minded
 11 team, a team that really concentrates and
 12 plays defense as opposed to offense, the
 13 offense gets the pretty labels, like, you
 14 know, free flowing, you know, jump high,
 15 the nice things, and when you're
 16 defensive-minded things you -- you more or
 17 less get the negative labels that come
 18 along with defensive-minded teams, and
 19 most defensive-minded teams, whether it be
 20 football, baseball, hockey, the label that
 21 is attached to defense is always a
 22 negative label, and the label that is
 23 attached to offense is more or less a
 24 positive label, and we were a
 25 defensive-minded team.

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1 THOMAS
 2 Q. And because you were a
 3 defensive-minded team, sometimes you
 4 were -- the team was given negative
 5 labels?
 6 MR. GREEN: Objection to form.
 7 MS. EISENBERG: Objection as to
 8 form again.
 9 A. I would -- I would say the
 10 majority of the time, yes.
 11 Q. After being an NBA basketball
 12 player, did you held -- hold any other
 13 positions, full-time positions?
 14 A. After being -- after I retired,
 15 I became a part owner, president of
 16 basketball operations for the Toronto
 17 Raptors.
 18 Q. And what was your duties as
 19 president of the Toronto Raptors?
 20 A. We were -- we were granted an
 21 expansion franchise in '94, and basically
 22 you had a blank sheet of paper, and as one
 23 of the -- the owners and president of
 24 basketball operations you basically had to
 25 come up with a staff, office personnel,

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1 THOMAS
 2 arenas, places to play, balls. I mean
 3 everything from, you know, finding the
 4 ganitor to finding the vice president.
 5 You know, those first couple of months you
 6 were involved in it.
 7 Q. Okay. And what period were you
 8 the president of the Raptors?
 9 A. That would be from '94 to '97 I
 10 believe. '97, '98.
 11 Q. And when you were president of
 12 the raptors, did --
 13 A. Basketball operations.
 14 Q. -- basketball operations,
 15 president of the basketball operations for
 16 the Raptors --
 17 A. Yes.
 18 Q. -- did the raptors have a sexual
 19 harassment policy?
 20 A. Yes.
 21 Q. And did you receive any training
 22 regarding EEO matters as president of
 23 basketball operations for the Toronto
 24 Raptors?
 25 MR. GREEN: Objection to form.

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1 THOMAS
 2 A. We -- we operated in Canada, and
 3 so I'm -- I'm not sure if the E -- who,
 4 who was EO --
 5 Q. EO -- okay. Let me -- did you
 6 receive any training regarding handling of
 7 sexual harassment claims when you were
 8 president of operations for the Toronto
 9 Raptors?
 10 MR. GREEN: Objection to form.
 11 A. From the NBA mandate and also
 12 from the way Canadian business operated
 13 also.
 14 Q. When you were president of the
 15 Toronto Raptors, was there any policy
 16 regarding players fraternizing with
 17 employees of the raptors?
 18 MR. GREEN: Objection to form.
 19 MS. EISENBERG: Objection as to
 20 form.
 21 MR. GREEN: Misstates prior
 22 testimony.
 23 A. One more time.
 24 MR. SMITH: Read it back.
 25 (Record read.)

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1 THOMAS
 2 MR. SMITH: Let me rephrase it.
 3 Q. When you were president of
 4 basketball operations for the Toronto
 5 Raptors, was there any policy regarding
 6 players fraternizing with employees of the
 7 raptors?
 8 A. I don't think we had a policy
 9 like that.
 10 Q. When you were president of
 11 basketball operations for the Raptors, did
 12 the Raptors ever have any cheerleaders or
 13 dancers?
 14 A. Yes.
 15 Q. Were they -- did the Raptors
 16 have dancers or cheerleaders?
 17 A. They were -- they would call
 18 themselves a dance team.
 19 Q. Okay.
 20 A. I think they were called a dance
 21 pack.
 22 Q. Were players when you were
 23 president of basketball operations for the
 24 Toronto Raptors allowed to date the
 25 dancers for the team?

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1 THOMAS
 2 MR. GREEN: Objection to form.
 3 A. If -- if they -- they were
 4 single and they chose to.
 5 Q. While you were president of the
 6 basketball operations for the Toronto
 7 Raptors, did you ever have any --
 8 MR. SMITH: Sorry. Withdrawn.
 9 Q. When you were president of
 10 basketball operations for the Toronto
 11 Raptors, were you ever accused of sexual
 12 harassment?
 13 A. No.
 14 MR. GREEN: Objection as to
 15 form.
 16 MS. EISENBERG: Objection as to
 17 form.
 18 Q. And when you were president of
 19 basketball operations for the Toronto
 20 Raptors, did you ever have sex with any of
 21 your employees?
 22 MR. GREEN: Objection to form.
 23 A. No.
 24 Q. Just to make -- I want to make
 25 clear. When you were president of

24 (Pages 90 to 93)

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1 THOMAS
 2 Camby.
 3 I was reluctant to trade those
 4 players. I said we were a young team, and
 5 we would build and grow, and one day they
 6 were going to be good, and if I trade
 7 those players, it would damage my
 8 reputation, and so I didn't buy the team,
 9 and I thus resigned.
 10 MR. SMITH: Can you do me a
 11 favor and read back that answer.
 12 A. Sorry it was such a long answer.
 13 (Record read.)
 14 Q. When you were president of
 15 basketball operations for the Toronto
 16 Raptors, did you have an employment
 17 contract?
 18 A. Yes.
 19 Q. And how long was the contract
 20 for?
 21 A. I believe it was five years I
 22 would say.
 23 Q. Now, you said that your
 24 relationship after --
 25 MR. SMITH: Withdrawn.

99

1 THOMAS
 2 Q. You said that after you offered
 3 to buy the team, your relationship with
 4 Alan Slaten soured; is that correct?
 5 A. Yes.
 6 Q. What do you -- what do you mean
 7 that your relationship soured? How did it
 8 sour?
 9 A. We -- he owned 80 percent, and
 10 he asked if I would -- if I wanted to buy
 11 more of the team, and basically buying
 12 more of the team without majority control
 13 only bought you 30 percent of the cost,
 14 and I wasn't interested in
 15 buying -- buying more debt without having
 16 a majority say, and seeing what he had
 17 just done to his partner I was reluctant
 18 to be a minority partner with him. So
 19 when he asked if I wanted more and I said
 20 no, and then he said he wanted to sell all
 21 of his 80, I told him I was interested in
 22 putting together a group to buy all of the
 23 80 as opposed to continuing to be a
 24 minority at X number. I was comfortable
 25 at 10, but I wasn't comfortable with

100

1 THOMAS
 2 buying more cost.
 3 Q. Okay. You said that you just
 4 saw what he had done with his prior --
 5 A. That would be John Bateau, who
 6 owned 40 percent of the team, Alan owing
 7 the other 40, and he had a shotgun
 8 provision, and he just basically wacked
 9 one of his partners.
 10 Q. Okay.
 11 A. And I wasn't necessarily
 12 interested in becoming -- in becoming the
 13 next one by taking on more cost and he
 14 being the majority partner.
 15 Q. Now, you said that you -- he
 16 wanted you to trade some players, Tracy
 17 McGrady, Damian Staudemire; is that
 18 correct?
 19 A. Marcus Camby.
 20 Q. Marcus --
 21 A. Who was eventually traded here
 22 to New York for Charles Oakley.
 23 Q. And you said that you didn't
 24 want to damage your reputation. What did
 25 you mean by that?

101

1 THOMAS
 2 A. I was -- that was my first job
 3 as a general manager, and we were -- we
 4 had a very solid foundation, had three
 5 good drafts, also had acquired Doug
 6 Christie, so we had a very nice
 7 foundation, and we were getting ready to
 8 draft Vince Carter, who they eventually
 9 drafted. And when you unwind all that and
 10 you start trading players around, the
 11 other 27 teams at that time I think, you
 12 know, they -- people you are trading to
 13 would -- probably wouldn't think you were
 14 that smart. So you lose credibility.
 15 Q. Okay. Now, after you
 16 were -- after you resigned from basketball
 17 operations -- as president of basketball
 18 operations for the Toronto Raptors, what
 19 did you do next?
 20 A. I worked for Dick Ebersol at
 21 NBC.
 22 Q. And what did you do for Dick
 23 Ebersol at NBC?
 24 A. I was a game analyst.
 25 Q. And what was your duties as a

102

1 **THOMAS**

2 **game analyst for NBC?**

3 **A. Doug Collins and I would**

4 **basically critique the game, give our**

5 **evaluations of what was going on in the**

6 **game and try to bring the viewer closer to**

7 **the game and tell the story of the game**

8 **and the players.**

9 **Q. And how long were you a game**

10 **analyst for NBC?**

11 **A. I believe two years.**

12 **Q. While you were a game analyst at**

13 **NBC, do you know whether or not NBC had a**

14 **sexual harassment policy?**

15 **A. No, I don't know that.**

16 **Q. Did you receive any equal**

17 **employment opportunity training as a game**

18 **analyst at NBC?**

19 **MS. EISENBERG: Objection as to**

20 **form.**

21 **A. What does that mean equal**

22 **opportunity --**

23 **Q. Let me rephrase that.**

24 **Did you receive --**

25 **A. Whatever you said.**

103

1 **THOMAS**

2 **Q. No problem.**

3 **Did you receive any training**

4 **regarding discrimination issues at the**

5 **workplace?**

6 **A. No, we were subcontractors.**

7 **Q. Okay. Subcontractors for whom?**

8 **A. For NBC. Meaning we showed up,**

9 **Saturday, Sunday, did the game and left,**

10 **and I believe that's -- I don't know. I**

11 **believe that is how we were. So we -- no,**

12 **I didn't receive any training.**

13 **Q. You -- you were not an employee**

14 **of NBC?**

15 **A. I was an -- technically I was an**

16 **employee of NBC.**

17 **Q. Okay. And why did you leave**

18 **NBC?**

19 **A. I got offered a job to coach the**

20 **Indiana Pacers.**

21 **Q. Okay. Let me just go back.**

22 **What years were you a game**

23 **analyst -- analyst for NBC?**

24 **A. I want to say '97 to 2000.**

25 **Q. And when did you start coaching**

104

1 **THOMAS**

2 **for the Indiana Pacers?**

3 **A. I believe it was 2000, 2001 I**

4 **believe.**

5 **Q. And when did you -- what was**

6 **your responsibilities as coach for the**

7 **Indiana Pacers?**

8 **A. Coach the team, put together a**

9 **game plan, practice plans, implement game**

10 **and practice plans, try to win a**

11 **basketball game, and also develop the**

12 **players. We had a very young team.**

13 **Q. When you were coach for the**

14 **Indiana Pacers -- I am sorry. What period**

15 **of time were you coach for the Indiana**

16 **Pacers?**

17 **A. What period of time did I say I**

18 **was coach for the Indiana Pacers?**

19 **(Record read.)**

20 **A. Yes, I think that is when I**

21 **started.**

22 **Q. And how long were you coach for**

23 **the Indiana Pacers?**

24 **A. Two years. No, I'm sorry.**

25 **Three years. Three years.**

105

1 **THOMAS**

2 **Q. Three years.**

3 **And in your three years as coach**

4 **of the Indiana Pacers did the Pacers have**

5 **a sexual harassment policy?**

6 **A. Yes.**

7 **Q. Okay. Did you receive any**

8 **training regarding the Pacers' sexual**

9 **harassment policy?**

10 **A. Yes.**

11 **Q. Could you describe what -- what**

12 **training you received regarding the**

13 **Indiana Pacers sexual harassment policy?**

14 **A. Not -- not word for word, but**

15 **basically be -- be considerate and treat**

16 **people with -- with human decency and**

17 **respect.**

18 **Q. When you were coach of the**

19 **Indiana Pacers, did the Pacers ever have**

20 **any dancers or cheerleaders?**

21 **A. Yes.**

22 **Q. Was there any policy regarding**

23 **players dating dancers or cheerleaders of**

24 **the Indiana Pacers?**

25 **MS. EISENBERG: Objection as to**

130

1 **THOMAS**

2 **A. Yes.**

3 **Q. Okay.**

4 **A. There was a -- the competitor**

5 **was the NBA. The NBA developmental league**

6 **ended up becoming the competitor of the**

7 **CBA, and in order to stay in the CBA -- I**

8 **mean to stay in the NBA I had to resign**

9 **all managerial duties and say that I was**

10 **going to sell the CBA because the NBA**

11 **deemed it a conflict of interest.**

12 **Q. Okay.**

13 **A. You want to take that case?**

14 **Q. If you pay me like you pay these**

15 **lawyers, absolutely.**

16 **(Laughter.)**

17 **Q. Your -- what was your next**

18 **position after being coach of the Indiana**

19 **Pacers?**

20 **A. I became president of the New**

21 **York Knicks basketball operations.**

22 **Q. And when did you become**

23 **president of the New York Knicks**

24 **basketball -- basketball operations?**

25 **A. That would be December of 2003 I**

131

1 **THOMAS**

2 **believe.**

3 **Q. And what were your duties as**

4 **president of New York Knicks basketball**

5 **operations?**

6 **A. Handle coaches, players,**

7 **scouting, trainers, medical and also the**

8 **practice facility or the training**

9 **facility.**

10 **Q. And when you first became**

11 **president of the New York Knicks**

12 **basketball operations, who did you report**

13 **to?**

14 **A. Steve and Jim.**

15 **Q. Steve and who?**

16 **A. Steve Mills and Jim Dolan.**

17 **Q. And is -- who is your direct**

18 **supervisor?**

19 **A. Steve.**

20 **Q. As president -- Steve Mills?**

21 **A. Yeah.**

22 **Q. At any time when you became**

23 **president of the New York Knicks**

24 **basketball operations, did you directly**

25 **report to Jim Dolan?**

132

1 **THOMAS**

2 **A. He wasn't -- well, yeah,**

3 **he -- yes, you report to him about what is**

4 **going on.**

5 **Q. Okay. Was -- when you were**

6 **president -- at any time when you were**

7 **president of the New York Knicks**

8 **basketball operations, was Jim Dolan your**

9 **direct supervisor?**

10 **A. I think Jim Dolan is everybody's**

11 **direct supervisor. He is the owner.**

12 **Q. Okay. As president of New York**

13 **Knicks basketball operations, do you**

14 **supervise employees?**

15 **A. Yes.**

16 **Q. Okay. And which employees do**

17 **you supervise as president of the New York**

18 **Knicks basketball operations?**

19 **A. As president, you supervise**

20 **your -- your scouting department. You**

21 **supervise the coaching staff, who**

22 **supervises the players, and you supervise**

23 **training, equipment manager.**

24 **Q. Do you have an employment**

25 **contract as president of the New York**

133

1 **THOMAS**

2 **Knicks basketball operations?**

3 **A. Yes.**

4 **MR. SMITH: Can you have this**

5 **marked?**

6 **A. Are you done with this?**

7 **Q. Yes, we are done with that for**

8 **now.**

9 **A. Do you want it or shall I --**

10 **Q. Just leave it there.**

11 **(Thomas Exhibit 2 marked for**

12 **identification.)**

13 **(Document handed to witness.)**

14 **Q. Mr. Thomas, the court reporter**

15 **has handed you a document that has Bates**

16 **stamp number MSG 0904 that goes through**

17 **consecutively to MSG 0902 --**

18 **MR. MINTZER: 102.**

19 **Q. -- 102, sorry. Thank you.**

20 **A. One more time.**

21 **Q. The court reporter has handed**

22 **you a document that is -- that has been**

23 **identified with Bates stamp number MSG**

24 **09094 consecutively to 09102.**

25 **MS. EISENBERG: He doesn't**

238

1 THOMAS
 2 February I'm going to take you at your
 3 word for it. So okay.
 4 Q. You do remember --
 5 A. I do remember a Poland Springs
 6 event, but I -- if it is not February and
 7 it is March, let's agree.
 8 Q. Whatever it is. Let's have that
 9 understanding.
 10 A. Okay. All right.
 11 Q. Do you recall shortly within one
 12 or two days having a discussion with
 13 Anucha Browne-Sanders regarding the
 14 availability of players to do community
 15 events?
 16 MR. GREEN: Objection to form.
 17 A. Again, when I got here in
 18 December I took a look at our schedule,
 19 player events, what the players were
 20 required to do, and I -- I was pretty much
 21 in -- in Steve's ear about making sure
 22 that we get this tight for next year, and
 23 whatever responsibilities and obligations
 24 that we had, you know, let's try to make
 25 sure that we fulfill those obligations

239

1 THOMAS
 2 because to me February, March, April,
 3 particularly February, March, that is
 4 where you are making your playoff run.
 5 That is where you are making your push,
 6 and they called it in the NBA the dog days
 7 of February, you know, late January,
 8 February. I mean those are like the dog
 9 days. It is an 82-game schedule. You are
 10 traveling all around. So, you know, those
 11 are the -- you win those games purely on
 12 energy, not necessarily talent and skill.
 13 It is -- that is why they call it a
 14 marathon. It is like the last team
 15 standing, and those are kind of like the
 16 dog days, and in that period of time we
 17 had a lot of player appearances scheduled,
 18 and I was saying to Steve and probably
 19 Anucha also that, you know, this is the
 20 wrong time to be scheduling those things,
 21 and next year let's do a better job of
 22 planning, so we won't run into this
 23 problem next year.
 24 Q. Okay. Do you recall having a
 25 conversation in -- in around February or

240

1 THOMAS
 2 March of 2004 with Anucha Browne-Sanders
 3 regarding what her responsibilities were
 4 to the New York Knicks?
 5 A. I think that conversation may
 6 have occurred before February.
 7 Q. Okay.
 8 A. But --
 9 Q. That is fine.
 10 A. Let's say -- let's say it -- I
 11 know the conversation -- I don't
 12 know -- but I think it occurred before
 13 February.
 14 Q. Okay. Do you -- you do recall
 15 having a conversation with Anucha
 16 Browne-Sanders regarding her
 17 responsibilities to the New York Knicks?
 18 A. Not -- not me telling her
 19 responsibilities, but her basically
 20 telling me what mine was, but yeah, I
 21 remember that conversation.
 22 Q. Okay. Could you tell me what
 23 you remember about that conversation?
 24 A. She wanted -- she wanted me to
 25 let her know when I was going to make a

241

1 THOMAS
 2 trade and why I was going to make a trade,
 3 and she needed to be informed before we
 4 made a trade, and I -- I said well
 5 that -- that is not going to happen,
 6 and -- and in that meeting she informed me
 7 that, you know, what her role and
 8 responsibility was with the -- with the
 9 team, and she said that she was
 10 responsible for all profit and loss,
 11 marketing and anything to do (indicating)
 12 with player transactions needed to go
 13 through her. And my response to that
 14 then, and I said then -- and I was
 15 probably sarcastic about it but meant what
 16 I said, and I said well then why the fuck
 17 am I here, and I said I think you and I
 18 need to have a meeting with Steve to
 19 clarify our roles so I get some clarity on
 20 what it is that you are doing and what it
 21 is that I am doing.
 22 Q. And what did she say when you
 23 responded that way?
 24 A. She said okay. She would set up
 25 the meeting.

242

1 **THOMAS**

2 **Q.** And did you have a meeting with

3 Steve Mills and Mrs. Anucha

4 Browne-Sanders regarding her job

5 responsibilities or your job

6 responsibilities?

7 **A.** Yes, we did.

8 **Q.** Okay. Could

9 you -- where -- where did that meeting

10 take place?

11 **A.** In Steve's office.

12 **Q.** Do you -- do you recall

13 approximately when that occurred?

14 **A.** I -- I can't recall like te date

15 and --

16 **Q.** Was it in 2004?

17 **A.** Yeah, because I got here in

18 December, so it was definitely, yeah,

19 2004.

20 **Q.** And was it very -- was the

21 meeting very shortly after you had your

22 conversation with -- with Anucha

23 Browne-Sanders when you were -- when you

24 asked what I am -- what -- then why am

25 I -- then why I am fucking here?

243

1 **THOMAS**

2 **A.** No, that ain't what I said. Why

3 the fuck am I here.

4 **Q.** Yes. Did that meeting occur

5 shortly after that?

6 **A.** Yes, it did.

7 **Q.** Within a few days, a week, a

8 month?

9 **A.** I would say roughly a few days.

10 **Q.** A few days. And what was

11 discussed at that meeting?

12 **A.** Roles and responsibilities, and,

13 you know, Steve outlined the things that

14 he wanted from me, and he outlined the

15 things that he wanted from Anucha, and I

16 assured him and Anucha in a meeting that

17 that I would make sure that I put someone

18 in place so if there was ever a time that

19 I wasn't available because a lot of my

20 time was spent out at the practice

21 facility and traveling and scouting and

22 getting players and trying to make trades,

23 and in a weekly management meeting I

24 assigned Frank to that meeting, and I

25 assigned -- and I told Frank whatever

244

1 **THOMAS**

2 obligations or responsibilities that we

3 have that need to be fulfilled from

4 basketball operations, player requests,

5 everything else, let's make sure that we

6 get them done. And by the way, when a

7 player shows up, let's make sure that he

8 shows up with, you know, the right

9 attitude and -- and do what he needs to

10 do.

11 **Q.** Okay. During that meeting with

12 you, Steve Mills and Anucha

13 Browne-Sanders, did -- did Steve -- did

14 Mr. Mills confirm to you the roles of

15 Ms. Browne-Sanders that she was in charge

16 of all profit and loss, marketing and

17 players transactions?

18 **A.** Steve said that she was -- she

19 was in charge of marketing, and then he

20 went on to -- I think he kind of talked

21 about the inherent conflict between

22 basketball and marketing, and that it

23 always kind of exists, and, you know, and

24 he had said, you know -- you know,

25 if -- and he said to me if -- if Anucha

245

1 **THOMAS**

2 needs players to show up to -- to execute

3 and be at community relations or whatever

4 it is that they need to be at, you know,

5 your job is to make sure that the players

6 are there, and if there is an event that

7 is scheduled, the players are going to be

8 there, and I said I didn't have a problem

9 with that.

10 **Q.** Okay. During that meeting, did

11 Steve Mills ever step -- step out the

12 room?

13 **A.** I don't -- I don't remember if

14 Steve step out or not. I don't -- I

15 remember the meeting. I don't remember if

16 he stepped out or not.

17 **Q.** During that meeting did you ever

18 curse at Anucha Browne-Sanders?

19 **A.** I never cursed at Anucha. Now,

20 do I swear? Have I cursed? Yeah, but

21 have I ever cursed at Anucha? No, I -- I

22 don't curse at anyone.

23 **MS. EISENBERG:** Mr. Thomas, it

24 is getting a little bit late. I want to

25 make sure you are just responding to the