

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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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 FAYE BROWN

New York, New York

Wednesday, February 14, 2007

REPORTED BY:

BARBARA R. ZELTMAN

JOB NO. 11799

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FAYE BROWN

he would try to make it up to the meetings.

Q What type of relationship did Anucha have with Scott Layden?

MR. MINTZER: Objection to form.

MR. HERNSTADT: Objection to form.

A Good relationship.

Q Were they friends?

A Yes.

Q Do you know whether or not they had lunch together?

MR. MINTZER: Ever?

MR. CESARATTO: I thought we were talking about the time while Scott Layden was there.

Q So let's talk about the time before Scott Layden left the Garden, did they have lunch together?

A Yes.

Q How frequently?

A Like once or twice a month. Three times a month. Depending.

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FAYE BROWN

Q Do you know whether or not Scott Layden had ever been out to Ms. Sanders' house in New Jersey?

A No, I don't know that.

Q Do you know whether or not, while Scott Layden was at Madison Square Garden, that Scott Layden's family and Anucha's family got together?

A I don't remember. I don't remember right now.

Q And during the time that Scott Layden was at the Garden, other than the times that -- other than the times where he attended the meetings or they went to lunch together, how frequently would they speak with one another?

MR. HERNSTADT: Objection to form.

MR. MINTZER: Objection to form.

A Like interacting in the office or business, like, meetings or --

Q Any interaction, on the phone, conversations in the hallway.

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FAYE BROWN

appropriate?

A The way he looked at her.

Q And when was the Christmas party?

A December.

Q What year?

A 2004.

Q Where was the Christmas party held?

A Practice facility.

Q Up in Tarrytown?

A Yes.

Q Who was present at the Christmas party?

A The majority of the staff of Knicks, Rangers and Liberty and their families.

Q And was the Christmas party inside the practice facility?

A Yes.

Q Where inside the practice facility was the Christmas party?

A On the court. We split it.

Q Was there a curtain drawn down

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FAYE BROWN

A Overall?

Q Yeah, during the time you were watching.

A Probably 15 children.

Q By children, what were their ages?

A Depended. From toddler to teenager. Toddler age.

Q During any of that time, did Isiah Thomas play basketball?

MR. MINTZER: Objection to form.

Q During any of the time that you were watching the basketball, did Isiah Thomas play basketball?

A Yes.

Q And what type of basketball did he play?

MR. MINTZER: Objection to form.

MR. HERNSTADT: Objection to form.

A Horse. They played Horse.

Q How many games of Horse did you

1 FAYE BROWN

2 watch them play?

3 A Let me think. One. One game
4 of Horse. One or two. I am not sure. I
5 think probably one or two.

6 Q But you are not sure whether
7 it's one or two?

8 A One or two games, yeah.

9 Q Were his kids playing
10 basketball while you were watching?

11 A No. That I know, no.

12 Q Did he play any -- did anybody
13 play any three-on-three basketball while
14 you were watching?

15 A Yes.

16 Q Were they in business clothes
17 or in gym clothes when they were playing
18 the three-on-three?

19 A Well, some were and some
20 were -- just played in their -- it was
21 informal, so their attire.

22 Q Did Mr. Thomas play in any of
23 the three-on-three or any of the pickup
24 games?

25 A I can't recall. I can't recall

1 FAYE BROWN

2 you were standing?

3 MR. HERNSTADT: Objection.

4 A I don't remember a lot of
5 people. I know they were speckled
6 around, but not really near me.

7 Q Do you know how the Horse game
8 got started?

9 A I believe one of the executives
10 said, "Hey, let's start a Horse game.
11 Let's start Horse." And they started
12 picking out people.

13 Q Picking out people from where?

14 A Like Anucha, "Come, Anucha,
15 let's," you know. Like Anucha's on the
16 team. "Isiah, come on Isiah." Isiah's
17 on team. Like that.

18 Q And who was the executive?

19 A I don't remember. I really
20 don't remember who.

21 Q Was it a male executive or a
22 female executive?

23 A A male executive. I just don't
24 remember the face. It's not like --

25 Q Had you ever seen that

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FAYE BROWN

Q Anybody else?

A I don't remember anybody else.

Q Who else did this executive ask to be in this horse game other than Mr. Thomas and Ms. Browne Sanders?

A I don't want to speculate again. Like, Jordan Schlachter.

Q Anybody else?

A That's it so far. I can't recall anybody else.

Q Was anybody else in the game, even though you don't remember who they were?

A Yes.

Q How many other people were in the game?

A Like, one more person.

Q Were any kids in the game?

A No, no.

Q So there were four adults in the game?

A I believe so.

Q Three males and Ms. Browne Sanders?

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FAYE BROWN

MR. MINTZER: Objection to
form.

MR. HERNSTADT: Objection to
form.

Q Is there anything about male
and female you don't understand?

MR. MINTZER: She didn't say
that the third one was a male or
female. You are assuming that.

Q Was the last person in the game
male or female?

A See, I don't remember.

Q You don't remember if it was
male or female?

A I don't.

Q So you have Ms. Browne Sanders,
who is female, and you have Mr.
Thomas and possibly Jordan Schlachter who
I assume are both males?

A I think so, yeah.

Q And you have a fourth person,
and you don't recall whether that person
was male or female?

A No.

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FAYE BROWN

do you recall what the fourth person was wearing?

A No, I don't.

Q Did you watch the entire game of -- you know what Horse is, right, play basketball?

A Yes.

Q Did you watch the entire game of Horse from the start to the end?

A Yes.

Q And what do you recall happened in terms of the game?

MR. MINTZER: Objection to form.

A It was fun.

Q Who shot first?

A I think Jordan did.

Q And who followed Jordan?

A Anucha.

Q And who followed Anucha?

A No, I think it was Jordan, the person whoever, Anucha and Isiah. That's how it was.

Q And you said at what point --

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FAYE BROWN

A Overall, he won the game.

Q And you don't recall who the last person was who he won the game over; is that right?

MR. MINTZER: Objection to form.

A I don't want to speculate.

MR. CESARATTO: Why don't we change the tape.

THE VIDEOGRAPHER: Time is 12:46. Going off the record. This marks the end of Tape 1.

(A brief recess was taken.)

THE VIDEOGRAPHER: Time is 12:48. Back on the record.

This marks the beginning of Tape 2.

Q What did you observe Mr. Thomas do that you believe was inappropriate?

A The way he looked at Anucha.

Q And how did he look at Anucha that you believed was inappropriate?

A Well, he was, like, looking at

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FAYE BROWN

her from the back.

Q And when he was looking at her from the back, where was she?

A She was shooting.

Q She was shooting from where on the court?

A Baseline. Side shot.

Q She was shooting from the baseline on one of the sides of the basket?

A Yes.

Q And was that on the side where you were standing, or were you standing on the opposite side?

A I was standing, like, right by the basket.

Q So you were standing underneath the backboard?

A What did you say?

Q Were you standing underneath the backboard when Mr. Thomas, you say, was looking at her from behind while she was shooting?

A Yes. Uh-huh.

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FAYE BROWN

Q You were underneath the
backboard?

A Right.

Q Ms. Browne Sanders was shooting
along the baseline on one of the sides of
the court?

A Right.

Q And then Mr. Thomas was
standing behind her?

A Right.

Q Was he next in line to shoot?

A If she made it.

Q If she made it.

And how far behind Ms. Browne
Sanders was Mr. Thomas standing while she
was shooting?

A She was shooting probably,
like, where Ed is right now to the table.

Q So about six, seven feet?

MR. HERNSTADT: It's more
like four or five feet.

MR. CESARATTO: I don't
think so, actually. I think this
table is four feet wide.

1 FAYE BROWN

2 Q Was it greater than the width
3 of this table?

4 A Approximately, like, around
5 there.

6 Q And how far out along the
7 baseline was Ms. Browne Sanders shooting
8 the shot?

9 A Well, it was a side shot.

10 Q Was she outside -- was she out
11 near the three point line, or was she in
12 closer than that?

13 A She was a little in closer than
14 that.

15 Q Was anyone else standing behind
16 her other than Mr. Thomas?

17 A No. That I can recall, no.

18 Q Where were the other players?

19 A They were, like, watching,
20 like, on the -- well, yeah, they were
21 just watching --

22 You want to know exactly where?

23 Q Where on the court were they?

24 A I think another person was
25 getting the rebound. So someone was,

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FAYE BROWN

like, near the other side of the baseline area.

Q And what specifically did you observe Mr. Thomas do that you felt was inappropriate?

A Well, he looked at her up and down like -- and he was flirting.

Q Well, he was behind her?

A Right.

Q So she couldn't see him while she was shooting?

A Right.

Q So she's shooting the basket, he's behind her?

A Right.

Q So how was he flirting with her if she can't see him?

A Well, I saw him.

Q You saw him.

But how is it he was flirting with her if she could not see him?

Was there something else that he did that caused you to believe he was flirting with her?

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FAYE BROWN

MR. MINTZER: Objection to
form.

MR. HERNSTADT: Objection to
form and compound.

A So you want to know the
question --

Q Did he say anything to her
while he was looking her up and down?

A No.

Q So other than him looking her
up and down, that's your basis to say
that he was flirting; is that correct?

A No. He was looking at her like
flirting. I mean it was like he was
eyeing her up and down and he was like --

Q As he's watching her shoot?

A Yes.

Q And did she make the shot?

A Yes, she did.

Q Other than her looking her up
and down, did he take any -- did you
observe him do anything else that caused
you to believe he was flirting with her?

MR. HERNSTADT: And other

1 FAYE BROWN

2 than the facial expression that
3 indicated.

4 Q What facial expression?

5 A Like, he bit his lip a little
6 bit. He bit his lip and he looked her up
7 and down. And that's like -- I can tell
8 if someone is, like, checking someone
9 out. That's what that was to me.

10 Q And did she make the shot?

11 A Yes.

12 MR. MINTZER: Asked and
13 answered.

14 MR. HERNSTADT: Asked and
15 answered.

16 Q And did he shoot next?

17 A Yes.

18 Q Did he move up to the spot
19 where she shot?

20 A Yes.

21 Q And did he make the shot?

22 A Yes.

23 Q And did anybody say anything
24 when she made the shot?

25 A Well, yeah, it was competitive.

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FAYE BROWN

So everyone was like "yeah, all right, oh, oh." Comments like that.

Q Did he say that?

A Did he say?

Q Did he say, "Oh, oh, I'm in trouble, I need to make this shot" or anything like that?

MR. HERNSTADT: Objection.

MR. MINTZER: Objection.

MR. HERNSTADT: I think you have to first establish if he said anything.

A It was, like, a smile.

Q So he smiled when she made the shot?

A Yes.

Q Did he say anything?

A I mean, you saw his lips moving, but, like, I don't know.

Q So you saw his lips moving, but you didn't hear him saying anything?

A Right. I didn't hear him say anything.

Q Had you ever watched -- well,

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FAYE BROWN

A In terms of satisfied? Yes.

But then we weren't -- like, in terms of our friendship was kind of --

Q No, I'm saying --

MR. HERNSTADT: Could she finish?

MR. CESARATTO: Of course.

A In terms of our friendship, we were now kind of, like, hey, you know, or I don't know.

But yeah, human resources was -- they did -- they followed protocol, you know. And they did what they were supposed to do.

MR. CESARATTO: I think I have just one more area to go into.

Q Did there come a point in time where you became involved in a fan services representatives at Knicks games?

A Yes.

Q And what was your involvement in that?

A Well, there were game night staff, but their focus was the fan. So,

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FAYE BROWN

and I kind of oversaw that with Gary Winkler and Anucha.

Q How did it come to be that you oversaw the fan services representatives?

MR. HERNSTADT: Objection to form.

A Well, that was, like, an idea in terms of having, like, an active, a proactive approach in terms of customer service and helping the fan.

I can't say it was my idea because it wasn't. Like, there were predecessors or there were people that already thought about it in terms of having a more proactive approach.

Because I understand Madison Square Garden already has a customer service program instituted in the organization. There's already a customer service program, but their approach is not as proactive as we wanted it to be, so, yeah.

Q So whose idea was it? Whose idea of the fan services representatives

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FAYE BROWN

being at the Knicks games was it?

A I could say it's a combination of different people's ideas. So I can't just say Anucha or mine. Because different people had ideas, like, let's have a customer service kind of on-site situation for the fan, to kind of heighten the game awareness and game presentation, the whole package.

So I can't say, like, it was just one idea or -- but it was, like, an overall -- a combination of different ideas that kinds of came together. And Anucha was the deciding factor.

Q Did Anucha convey on you your being the person who oversaw the program?

A Uh-huh, yes, with Gary Winkler.

Q With Gary Winkler.

Can you just tell me what did the fan services representatives do on game night?

A Well, there were game night staff. Like, we have game night staff for marketing, game night staff for game

1 FAYE BROWN

2 presentation.

3 So they were just considered
4 game night staffers, but their focus was
5 on fans. It was, like, people would come
6 into the box office and just adding to
7 the whole Knicks experience. Hi, so glad
8 to see you, welcome to the Garden. That
9 kind of excitement.

10 Q Would they help people get to
11 their seats if they needed to?

12 A No. We would direct them to a
13 union rep. Ticket taker or someone who
14 was an usher.

15 Q Did the fan service
16 representatives wear any kind of uniform?

17 A Yes.

18 Q What was their uniform?

19 A Burnt orange tops, khaki pants
20 and shoes.

21 Q Was there ever any issue
22 regarding fan services representatives
23 not being trained?

24 MR. MINTZER: Objection to
25 form.

FAYE BROWN

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A Not being trained?

No. Probably a security issue.

Q What was the security issue?

A That was the first time we actually went downstairs, and I guess their security officer questioned one of the game night staffers. Like, in terms of his position. And the game night staff just said, "Okay, you can talk to Faye Brown, she'll probably explain to you a little bit more what's going on."

Q And did you speak to that security person?

A And he came over and I called to Anucha.

Q Was it your understanding that security didn't know that the fan services representatives were going to be there that night?

MR. MINTZER: Objection to form.

A Either that, or it didn't trickle down to the people who were actually on-site.

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FAYE BROWN

Q Was there ever any issue regarding the ushers in connection with the fan services representatives?

MR. MINTZER: Objection to form.

A What do you mean "issues"?

Q Well, did it cause a problem with the union, to your knowledge?

A No, because we made it clear that we couldn't seat anyone, and the reps knew we couldn't seat anyone or take anyone to their seats.

MR. CESARATTO: I don't have any more questions.

MS. HOROWITZ: I have a few.

EXAMINATION BY MS. HOROWITZ:

Q Hey. I didn't get to introduce myself before because of circumstances.

I'm Lisa Horowitz. And I represent Isiah Thomas in this matter. You are doing fine so far.

Same rules apply for my questions as Mr. Cesaratto. Answer the best you can. If you don't understand