

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES OAKLEY,

Plaintiff,

-v-

MSG NETWORKS, INC., *et al.*,

Defendants.

No. 17-cv-6903 (RJS)
ORDERRICHARD J. SULLIVAN, Circuit Judge:

Before the Court is a motion by plaintiff Charles Oakley seeking clarification, or alternatively reconsideration, of the Court's January 15, 2025 order (the "January 15 Order"). (*See* Doc. Nos. 269, 270.) In that order, the Court granted Oakley's motion to depose non-party Frank Benedetto and granted Benedetto's motion for a protective order limiting the scope of his deposition. (*See* Doc. No. 264.) Oakley now seeks clarification or reconsideration as to whether he is permitted to ask Benedetto (1) "what he communicated to others, if anything, about Oakley's ejection," and (2) "whether, and to what extent, Oakley's ejection from the Garden contributed to [Benedetto's] termination from [Madison Square Garden ('MSG')]." (Doc. No. 270 at 1.) For the reasons set forth below, Oakley's motion is DENIED.

I. Legal Standard

With respect to Oakley's motion for clarification, Federal Rule of Civil Procedure 60(a) "enables a court to clarify or explain an order to correct a failure to memorialize part of its decision, to reflect the necessary implications of the original order, to ensure that the [C]ourt's purpose is fully implemented, or to permit enforcement." *Commerzbank AG v. Bank of N.Y. Mellon*, No. 15-cv-10029

(GBD) (BCM), 2024 WL 1309239, at *2 (S.D.N.Y. Mar. 27, 2024) (internal quotation marks omitted).

To the extent that Oakley’s motion is one for reconsideration, “[t]he standard . . . is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked – matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995). Alternatively, the movant must demonstrate “the need to correct a clear error or prevent manifest injustice.” *Virgin Atl. Airways, Ltd. v. Nat’l Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992) (internal quotation marks omitted). The Second Circuit has long recognized that a motion for reconsideration “is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple.” *Analytical Survs., Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012) (internal quotation marks omitted); *see also Associated Press v. U.S. Dep’t of Def.*, 395 F. Supp. 2d 17, 19 (S.D.N.Y. 2005) (“[A] motion for reconsideration is neither an occasion for repeating old arguments previously rejected nor an opportunity for making new arguments that could have been previously advanced.”).

II. Discussion

In the January 15 Order, the Court explained that Benedetto had relevant testimony because he “may have communicated with other participants and MSG executives about Oakley’s removal before, during, and/or after the incident.” (Doc. No. 264 at 3 (internal quotation marks omitted).) Accordingly, the Court clearly contemplated that Benedetto’s statements to others – and others’ statements to him – about Oakley’s ejection were fair game. For that reason, Oakley’s motion for clarification is DENIED. Nevertheless, to avoid any doubt and “to ensure that the [C]ourt’s purpose is fully implemented,” *Commerzbank AG*, 2024 WL 1309239, at *2 (internal quotation marks

omitted), the Court reiterates that Oakley is permitted to ask Benedetto what, if anything, he communicated to others – and what others communicated to him – regarding Oakley’s ejection.

With respect to Benedetto’s termination, the Court explained that the two remaining issues in this case are “(1) the amount of force used to remove Oakley from [MSG] and (2) whether that force was objectively reasonable under the circumstances.” (Doc. No. 264 at 4 (internal quotation marks omitted).) The Court also noted that if any MSG executives made statements to Benedetto at the time of his termination regarding what occurred on the evening of February 8, 2017, those statements are of course relevant and are proper deposition topics. (*See id.* at 4–5.) Such statements might, for example, shed light on Oakley’s behavior prior to his removal as well as the nature and degree of force, if any, used to remove him. However, the fact that Benedetto was fired from MSG or that Oakley’s removal may have been the reason for Benedetto’s termination is *not* relevant to the remaining issues here. (*See id.*) Accordingly, Oakley has not demonstrated any “need to correct a clear error or prevent manifest injustice,” *Virgin Atl. Airways, Ltd.*, 956 F.2d at 1255 (internal quotation marks omitted), and his motion for reconsideration is DENIED.


III. Conclusion

For the foregoing reasons, IT IS HEREBY ORDERED THAT Oakley’s motion for clarification, or alternatively reconsideration, is DENIED. Oakley may question Benedetto about what, if anything, he communicated to others regarding Oakley’s removal, and what others communicated to him concerning that same topic. To the extent that factual statements regarding Oakley’s removal were made by or to Benedetto at the time of his termination, Oakley may inquire as to those statements. However, Oakley may not otherwise question Benedetto regarding his

termination. The Clerk of Court is respectfully directed to terminate the motion pending at Doc. No. 269.

SO ORDERED.

Dated: January 27, 2025
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation