



WRANGLING WITH WHETHER AND WHEN ACTUAL TRIAL BEGINS

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Partner Gerald Knapton published the article “Wrangling with whether and when actual trial begins.” In the article, Knapton examines the court’s ruling in *Mesa Shopping Center-East v. Hill*, a 4th District Court of Appeal case touching on whether a contractual arbitration can be considered a “trial,” which can impact whether a prevailing party’s motion for fees is granted or denied in the event of a voluntary dismissal. Ordinarily, Knapton notes, “a party can dismiss a case before trial starts, defeating a prevailing party’s motion for fees based on an attorney fees clause in an agreement.” In *Hill*, the court outlined circumstances in which a contractual arbitration can be considered a “trial,” thus enabling the appeal of a voluntary dismissal which occurred after the commencement of the arbitration.

EJECTED KNICKS FAN FILES SUIT AGAINST MADISON SQUARE GARDEN, CLAIMING DEFAMATION, FALSE ARREST AND IMPRISONMENT

January 15, 2015

MSG Retaliated Against Fan for Comment “Carmelo, you stink!”

NEW YORK – Jan. 6, 2015 – Anthony Rotondi filed a lawsuit today in the Supreme Court of the State of New York, County of New York (Case #XXX) against The Madison Square Garden Company (MSG), related to his ejection from a New York Knicks basketball game in January 2014. The suit accuses MSG of defamation, false arrest and false imprisonment, intentional infliction of emotional distress and tortious interference with business relations.

Rotondi, a then-employee of ING Financial Services (ING), and a co-worker took two clients to the January 7, 2014 Knicks-Detroit Pistons matchup at Madison Square Garden. According to the complaint, late in the fourth quarter – after watching the Knicks squander a 14-point lead – Rotondi yelled at Knicks forward Carmelo Anthony, “Carmelo, you stink!” With only 6.7 seconds remaining in the game, MSG security removed Rotondi from the arena and informed a New York City police officer

that Rotondi was trespassing and had interfered with the game. Based on these false statements, Rotondi was arrested and charged with Tampering with a Sports Contest in the 2nd Degree (N.Y. Penal Code § 180.50) and Criminal Trespass in the 3rd Degree (N.Y. Penal Code § 140.10).

The suit also alleges that on the following day, MSG informed Rotondi's employer that Rotondi was disorderly and used vulgar and abusive language at the game, refused to produce his ticket, became abusive with MSG security personnel and refused to leave the premises after his ejection. The suit claims that as a direct result of these false statements, ING terminated Rotondi's employment.

Rotondi seeks compensatory, punitive and exemplary damages against MSG.

"New York sports fans are known across the nation for passion and pride. Tony loves the Knicks and has regularly registered his pleasure and displeasure with their performance on the hardwood. Simply put, Tony was punished because he yelled something that someone at MSG did not like," said Amber W. Locklear, a partner at Ropers Majeski Kohn & Bentley, P.C. who is representing Rotondi. "The statements MSG made to the NYPD and later, to ING, were false and defamatory, and as a direct result, Tony was arrested and lost his job – an unreasonable and unjust price for any fan to pay."
