

IN THE MATTER OF A SALARY ARBITRATION

BETWEEN:

LARS ELLER

-AND-

MONTREAL CANADIENS

BEFORE: NATIONAL ACADEMY OF ARBITRATORS'

BRIEF IN SUPPORT OF A COMPENSATION REQUEST FOR THE CLUB

Team 32, *In-house Counsel*  
Montreal Canadiens Hockey Club

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## I. INTRODUCTION

This brief will provide admissible evidence pursuant to the terms of the Collective Bargaining Agreement (“CBA”),<sup>1</sup> between the National Hockey League (“NHL”) and the National Hockey League Players Association (“NHLPA”), to assist in quantifying Lars Eller’s (“Mr. Eller” or “the Player”) monetary value to the Montreal Canadiens (“the Canadiens” or “the Club”) for the 2014-2015 NHL season.

It is recognized that Mr. Eller is eligible for salary arbitration to determine his compensation with respect to the 2014-2015 season. To that end, the Player has exercised his option pursuant to article 12.2 of the CBA and can only be compared to forwards with the same arbitration rights. As a result, the Club hereby elects for a one-year award.<sup>2</sup>

This brief will provide a framework to determine the appropriate value for Mr. Eller’s contributions over his sub-par five-year NHL career. In assessing the worth of a forward, such as Mr. Eller, the most significant factors are NHL experience, points per game (“Pts/G”) and his plus-minus (“P/M”) statistics. In this context, Mr. Eller’s valuation will therefore consider: an overall performance of the player, number of games played, platform statistics, and his overall contribution to the Club. Mr. Eller will be objectively compared against two forwards by specified statistical filters to validate his positioning in the NHL marketplace. The salaries of the comparable forwards will frame the narrow range to assign Mr. Eller’s value. The Canadiens respectfully submit that a remuneration of \$3,250,000 is just and equitable for Mr. Eller.

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<sup>1</sup> *NHL Collective Bargaining Agreement, between the National Hockey League and the National Hockey League Players Association*, September 16, 2012- September 15, 2022, s. 12.1(a)-(c), p 57.

<sup>2</sup> *Ibid*, s.12.9(c), p. 62.

## II. OVERVIEW ASSESSMENT OF THE PLAYER

Mr. Eller is a 25 year-old, left-handed forward from Rodovre, Denmark. He is 6'2" and weighs 215lbs. as of the beginning of the 2013-2014 NHL season. Mr. Eller was selected 13<sup>th</sup> overall in the NHL Entry Draft<sup>3</sup> ("Entry Draft"). In 2009, Mr. Eller signed a three-year entry-level contract with the Canadiens. After the entry-level contract expired in 2012, he resigned with the Club as a restricted free agent for two additional years.<sup>4</sup>

Prior to the NHL, Mr. Eller played professional hockey in Denmark and Sweden.<sup>5</sup> Professional hockey leagues in Europe, such as the ones noted above, play on a much larger ice surface than the NHL, which inherently create a different style of game. In addition, the caliber of player in these leagues is lower than that of the NHL. Thus, to accurately assess Mr. Eller's value to the Canadiens, he must be evaluated on the games that he has played and the points that he has recorded in the NHL alone.

## III. CAREER-TO-PLATFORM STATISTICS

**Table 1: Lars Eller's Career Performance<sup>6</sup>**

Season	Team	GP	G	A	P	Pts/G	+/-	PIM	PPG	GWG
09-10	Blues	7	2	0	2	0.29	4	4	1	0
10-11	Canadiens	77	7	10	14	0.18	-4	48	0	2
11-12	Canadiens	79	16	12	28	0.35	-5	66	2	2
12-13	Canadiens	46	8	22	30	0.65	8	45	1	1
13-14	Canadiens	77	12	14	26	0.33	-15	68	2	3
<b>NHL TOTALS:</b>		<b>286</b>	<b>45</b>	<b>58</b>	<b>103</b>	<b>0.36</b>	<b>-14</b>	<b>231</b>	<b>6</b>	<b>8</b>

\*Indicates Platform Season

Mr. Eller's current platform season for the purpose of this arbitration will be the 2013-2014 season, Mr. Eller recorded his lowest points total of the previous three years with only 12 goals,

<sup>3</sup> National Hockey League, Statistics, online: <<http://www.nhl.com>>

<sup>4</sup> Capgeek.com, Statistics: <http://www.capgeek.com/player/998>

<sup>5</sup> *Supra*, note 3.

<sup>6</sup> *Ibid.*

14 assist, and 26 points in 77 games. Upon looking at his over-all career statistics Mr. Eller averages 0.36 Pts/G. In his platform season Mr. Eller's average fell below his average, which the Club maintains is skewed due to an outlier average resulting from a shortened lock-out season and without that number his average drops to 0.29 Pts/G<sup>7</sup>.

Mr. Eller's scoring statistics suggest that he is not relied upon to be a consistent point producer, yet his P/M demonstrates that he does not have the innate ability to prevent the opposition from scoring either as his career statistics indicate he is consistently on the ice for more goals against than goals for in most seasons (see Table 1). Moreover, Mr. Eller's career-to-platform statistics speak to the reliability of his statistical pace during his platform season.

#### **IV. PLATFORM SEASON STATISTICS**

Mr. Eller played in 77 games in his platform season, which is a sufficient sample to gauge his contribution to the Canadiens and determine an appropriate salary. Mr. Eller finished 9<sup>th</sup> on the team in total points, however; he had the lowest points total of any player who played 70 or more games in the 2013-2014 NHL season for the Canadiens<sup>8</sup>. When Mr. Eller's platform season is compared to his career statistics they are similar. To that end, Mr. Eller's platform season statistics can be relied upon to measure the level of impact Mr. Eller has on the Canadiens success.

#### **V. PLUS/MINUS HISTORY OF THE PLAYER**

One of the most troubling statistics for Mr. Eller is his P/M statistic. If you refer to Table 1, in his platform season the player had a -15 P/M<sup>9</sup>, indicating he was on the ice for 15 more goals against than were scored while he was on the ice. According to the Hockey News, a nationally

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<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

known news outlet, Mr. Eller is commonly known as having sound defensive acumen, along with playmaking skills and creativity<sup>10</sup>; however his P/M of his platform season strongly refutes those claims.

## **VI. INJURY HISTORY**

Mr. Eller does not have an extensive injury list to note. However, during game one of the Canadiens quarterfinal playoff game during the 2012-2013 season the player sustained a concussion and dental damage as a result of a hit from an opposing player which ended his season<sup>11</sup>. The Club is worried that this concussion will make him more susceptible to future head injuries that may take longer than a few weeks to recover, as you do not fully heal from a brain injury such as these.

## **VII. OVERALL CONTRIBUTION TO THE CLUB**

Mr. Eller did not have much difficulty obtaining a final roster spot in the NHL early in his career. Upon arriving in Montreal he has been a consistent member of the Canadiens playing in 279 regular season games over the span of four seasons. The Canadiens have made the postseason three out of those four years. However, the club contends that Mr. Eller's contributions to this success should not be over-emphasized. As a 3<sup>rd</sup> line center, one would expect the player to be a very skilled two-way player capable of providing offense and defense as required. However, as already pointed out his -15 P/M indicates he is not capable of providing each of these requirements consistently.

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<sup>10</sup> <http://forecaster.thehockeynews.com/hockeynews/hockey/player.php?6418>

<sup>11</sup> National Hockey League, News, online: <<http://www.nhl.com>>

Mr. Eller only contributed 3 power play points (2 goals and 1 assist) in the previous season but averaging 1:06 power play minutes per game<sup>12</sup>. Thus indicating that although he is entrusted with power play time each game, he has not been successful in producing for himself or for his teammates in these situations.

### VIII. COMPARABLE PLAYERS

The Player's positioning in the NHL marketplace is the most influential factor when assigning their value to the Club. Thus, the search for and selection of comparable players to determine a player's positioning in the NHL marketplace is the most pivotal stage in the salary arbitration process. In order to arrive at the group of players who best compare to the Player in question an objective statistical criteria must be employed.

**Table 2: Statistics for Comparable Players**<sup>13</sup>

<b>Player</b>	<b>GP</b>	<b>G</b>	<b>G/G</b>	<b>A</b>	<b>Pts.</b>	<b>Pts./G</b>	<b>P/M</b>
Lars Eller	77	12	0.16	14	26	0.34	-15
NHL Totals:	286	45	0.16	58	103	0.36	-14
Brandon Sutter	81	13	0.16	13	26	0.32	-9
NHL Totals:	415	77	0.19	75	152	0.37	2
Jamie McGinn	79	19	0.24	19	38	0.48	-3
NHL Totals	347	65	0.19	57	122	0.35	-34

**Table 3: Contract Data**<sup>14</sup>

<b>Player</b>	<b>2013-2014 Cap Hit</b>	<b>Year Signed</b>
Brandon Sutter	\$3,300,000	2014
Jamie McGinn	\$2,900,000	2014

<sup>12</sup> *Supra*, note 3.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

**a. Mr. Sutter compared to Mr. Eller**

Brandon Sutter (“Mr. Sutter”) is a right-handed player that plays center for the Pittsburgh Penguins (“the Penguins”)<sup>15</sup>. Mr. Sutter is 6’3” and weighs 190 lbs., as of the 2013-2014 season. After his most recent platform year at the age of 24, Mr. Sutter signed a two-year contract, which has an annual cap hit of \$3,300,000.<sup>16</sup>

Like Mr. Eller, Mr. Sutter was also drafted in the 2007 NHL entry draft, going 11<sup>th</sup> overall. Like Mr. Eller, Mr. Sutter has only experienced one noteworthy injury in his NHL career, which was also a concussion.

The offensive production in both Mr. Sutter’s and Mr. Eller’s platform seasons are very similar. Both had a goal per game ratio of 0.16 in their platform season with Mr. Sutter’s overall goals per game average being 0.03% higher.

Mr. Sutter has a considerable advantage in his P/M statistics. In his platform season he was a -9 P/M however, for his entire career his total stands at +2 P/M which demonstrates that Mr. Sutter is capable of playing a consistent two-way game.

Mr. Sutter has played in a considerably higher amount of NHL regular season games with 415 compared to Mr. Eller’s total of 286<sup>17</sup>, indicating that Mr. Sutter brings much more experience to his team than Mr. Eller brings to the Canadiens.

Given their career-to-platform similarities, Mr. Sutter is an appropriate comparable player, except for Mr. Sutter’s NHL experience. Accordingly, Mr. Eller’s salary should not exceed or be equal to Mr. Sutter’s salary of \$3,300,000.

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<sup>15</sup> *Ibid.*

<sup>16</sup> NHL.com, News :<http://www.nhl.com/ice/news.htm?id=727868>

<sup>17</sup> *Ibid.*



**b. Mr. McGinn compared to Mr. Eller**

Jamie McGinn (“Mr. McGinn”) is a 26 year-old, left-handed player who plays left wing for the Colorado Avalanche (“the Avalanche”). Although Mr. Eller is, on paper, a center, he has established that he is a utility player who is also capable of playing the wing, therefore making Mr. McGinn an acceptable comparator. In 2012, after 3 years with the San Jose Sharks, Mr. McGinn was traded to the Avalanche. In 2014, Mr. McGinn signed a two-year contract with the team worth \$2,900,000 per year.<sup>18</sup>

Mr. McGinn was drafted 36th overall in the 2006 NHL Entry Draft<sup>19</sup>. He has 6 years of NHL experience which is one more than Mr. Eller, making Mr. McGinn more valuable to his team.

In Mr. McGinn’s platform season he recorded 19 goals and 19 assists for 38 points in 79 games played.<sup>20</sup> Mr. McGinn has a goals per game average of 0.24 and 0.48 Pts/g average in his platform season in just over 15:46 TOI/g<sup>21</sup> which is higher than Mr. Eller’s career or platform averages. In Mr. Eller’s platform season he averaged 15:57 TOI/g a similar time, but he could not manage Mr. McGinn’s production rate.

Like Mr. Eller, Mr. McGinn’s P/M numbers are questionable. In his platform season he was a -3P/M which indicates that, like Mr. Eller, he may be a liability in the defensive side of the game.

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<sup>18</sup> Capgeek.com <http://capgeek.com/player/1748>

<sup>19</sup> nhl.com, Statistics: <http://www.nhl.com/ice/player.htm?id=8473573&docid=TeamPlayerBio:44397#&navid=nhl-search>

<sup>20</sup> nhl.com, statistics: <http://www.nhl.com/ice/player.htm?id=8475149&docid=TeamPlayerBio:37621#&navid=nhl-search>

<sup>21</sup> nhl.com, statistics

Unlike Mr. Eller, Mr. McGinn suffers from a genetic back problem that plagued him prior to his NHL career, however this injury has been treated and did not appear to have much affect on his playing time or quality in his platform season.

Given their career similarities, Mr. McGinn is an appropriate comparable player, except for Mr. McGinn's back issues and higher point averages. Accordingly, Mr. Eller's salary should only slightly exceed Mr. McGinn's salary of \$2,900,000.

## **IX. CONCLUSION**

This brief has assessed Mr. Eller's value with respect to his overall career performance, injury history, plus/minus statistics, his overall contribution to the club, and identified two comparable players to best frame his current market value. The head-to-head comparisons demonstrate the appropriate selection of comparable players, which to frame the current market value for Mr. Eller. Mr. Eller should be awarded \$3,000,000. In consideration of the totality of Mr. Eller's contributions leading up to this arbitration, it is respectfully submitted that the compensation request of \$3,250,000 be granted for being an accurate assessment of what Mr. Eller is worth for the 2014-2015 season.