

**IN THE MATTER OF A SALARY ARBITRATION
PURSUANT TO THE NATIONAL HOCKEY LEAGUE
COLLECTIVE BARGAINING AGREEMENT**

BETWEEN:

LARS ELLER

-AND-

THE MONTREAL CANADIENS

BRIEF IN SUPPORT OF THE MONTREAL CANADIENS



TEAM 5

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1. INTRODUCTION & OVERVIEW

[1] This is a matter of salary arbitration between Lars Eller (“Eller” or “the Player”) and the Montreal Canadiens (“the Canadiens” or “the Club”), pursuant to Article 12 of the 2013 Collective Bargaining Agreement (the “CBA”) between the National Hockey League (the “NHL”) and the National Hockey League Players’ Association (the “NHLPA”).

[2] Throughout this brief, all references to salary will be made using Average Annual Value.

A. CLUB POSITION

[3] Based on Eller’s offensive and defensive performance (both platform year and career), the Player’s contribution to the success or failure of the Club, and additional considerations, appropriate compensation is no more than \$3,300,000 million – the salary of Winnipeg Jets centre Michael Frolik.

B. LARS ELLER

[4] Lars Eller was a 1st round draft pick of the St. Louis Blues (13th overall) in the 2007 NHL Entry Draft.¹ On June 17th 2010, Eller and Ian Schultz were traded from the St. Louis Blues to the Montreal Canadiens in exchange for goaltender Jaroslav Halak². Eller made his Canadiens debut on October 7th 2010, starting in the Club’s 2010-11 regular season opener³.

[5] At 6’2”, 215 lbs⁴, Eller is regarded as well-rounded and versatile two-way forward.⁵ Capable of playing either the centre or wing position⁶, the Player possesses strong skating and

¹ <http://www.nhl.com/ice/player.htm?id=8474189>

² <http://www.sportsnet.ca/hockey/nhl/halak-blues/>

³ <http://www.nhl.com/gamecenter/en/preview?id=2010020001>

⁴ Supra note 1.

⁵ <http://forecaster.thehockeynews.com/hockeynews/hockey/player.php?6418>

⁶ Ibid.

play-making abilities to compliment his defensive game⁷. In the 2013-14 NHL season, Eller posted 26 points (12 goals and 14 assists) and a -15 rating while playing in 77 games⁸.

[6] Despite his positive qualities, Eller remains a player with several shortcomings. Primarily, the Player must further develop his offensive game in order to establish himself as a bonafide scoring line player. The Player has also struggled with consistency throughout his NHL career. These flaws have resulted in Eller failing to fully realize his potential. The player has acknowledged these shortcomings, stating that offensive production is where he can “probably improve the most”⁹ and that consistency is the “number one thing”¹⁰ needing improvement.

2. SELECTION OF COMPARABLE PLAYERS

[7] In order to properly assess the NHL market value of Lars Eller, comparable players must be selected to measure Eller’s NHL performance against. Comparable players will be selected using the following criteria: age, platform year performance, career performance, style of play, role on their respective NHL teams, and NHL experience.

[8] The comparable players selected by the Club to use throughout the remainder of the brief are: Nick Spaling, C, Pittsburgh Penguin and Michael Frolik, C/RW, Winnipeg Jets.

[9] Both these players are similar to Eller in terms of age, statistical production, style of play, role on their respective teams, and NHL experience. Both players also satisfy the requirements for arbitration eligibility as per the Official HACC Rules and Article 12 of the CBA.

[10] At 6’1”, 201 lbs¹¹ Spaling has a similar physical build to Lars Eller. Like Eller, Spaling was also selected in the 2007 NHL entry draft, going 58th overall to Nashville¹². Spaling is one

⁷ Ibid.

⁸ Supra note 1.

⁹ <http://www.nhl.com/ice/new.htm?id=727112>

¹⁰ Ibid.

¹¹ <http://www.nhl.com/ice/player.htm?id=8474096>

¹² Ibid.

year older than Eller. Like Eller, Spaling is regarded as a two-way forward with a strong defensive skill-set¹³. Prior to signing a two year, \$2.2 million (AAV¹⁴) contract during the 2014 off-season, Nick Spaling had 5 years of NHL experience with the Nashville Predators.

[11] Michael Frolik, one year older than Eller, was selected 10th overall in the 2006 NHL Entry Draft by the Florida Panthers¹⁵. Frolik was signed to a one year, \$3.3 million contract during the 2014 off-season¹⁶. Like Eller, Frolik is regarded as a two-way forward with a sound defensive game¹⁷. Frolik also possesses Eller's versatility of being able to line up at either centre or wing¹⁸. Prior to signing his one year contract in the 2014 off-season, Frolik had 6 seasons of NHL experience. At 6'1", 200 lbs¹⁹ Frolik possesses a similar build to Eller.

3. ELLER VS. NICK SPALING – ELLER DEMONSTRATES SIMILAR OFFENSIVE PRODUCTION WITH LESS DEFENSIVE PROWESS

[12] Spaling's career statistics are listed below, with Eller's listed alongside for comparison.

Lars Eller ²⁰											Nick Spaling ²¹								
Season	Tm	GP	G	A	P	PPG	+/-	GvA	TkA		Tm	GP	G	A	P	PPG	+/-	GvA	TkA
2009-10	Did not play										Nsh	28	0	3	3	0.12	+3	5	11
2010-11	Mtl	77	7	10	17	0.22	-4	25	24		Nsh	74	8	6	14	0.19	-10	15	44
2011-12	Mtl	79	16	12	28	0.35	-5	31	42		Nsh	77	10	12	22	0.29	-7	17	45
2012-13	Mtl	46	8	22	30	0.65	+8	19	23		Nsh	47	9	4	13	0.28	-10	7	22
2013-14	Mtl	77	12	14	26	0.34	-15	25	30		Nsh	71	13	19	32	0.45	+2	7	30

¹³ <http://forecaster.thehockeynews.com/hockeynews/hockey/player.php?6222>

¹⁴ <http://www.capgeek.com/player/1073>

¹⁵ <http://www.nhl.com/ice/player.htm?id=8473564>

¹⁶ <http://www.capgeek.com/player/816>

¹⁷ <http://forecaster.thehockeynews.com/hockeynews/hockey/player.php?5532>

¹⁸ Ibid.

¹⁹ Supra note 15.

²⁰ Supra note 1.

²¹ Supra note 11.

[13] As the statistics above illustrate, since the 2010-11 season when both players have simultaneously competed at the NHL level, Eller and Spaling have had extremely similar levels of production. Indeed, aside from the shortened 2012-13 season, the two have posted nearly identical absolute point totals (never more than 6 points apart) as well as points per game ratios.

[14] Although Eller did significantly out-score Spaling in the 2012-13 season (registering 0.65 points per game vs. Spaling's 0.28), this may be fairly regarded as anomalous. The 2012-13 season was extremely shortened and, therefore, constitutes an unreliable sample size. This is confirmed by observing Eller's career rate of offensive production. In all of Eller's other NHL seasons, the Player has consistently registered between 0.22 and 0.35 points per game. Tellingly, Eller followed up his 2012-13 career season by regressing back to his usual scoring pace in his platform year (0.34 points per game). In the 2013-14 platform year for both players, Spaling posted superior statistics to Eller in every major offensive category despite playing fewer games.

[15] Eller's statistics also fail to paint a flattering defensive picture, despite his reputation. Since entering the NHL, Eller has registered significantly more giveaways than Spaling while recording far less takeaways. In their respective platform years (2013-14), Eller turned the puck over 25 times; Spaling relinquished possession on only 7 occasions. Furthermore, Eller was -15. This was a team worst rating²² on a strong Montreal Canadiens side that had a goal differential of +11 and finished with 100 points²³. By way of comparison, Spaling was a respectable +2, despite playing on a non-playoff Nashville Predators squad with a goal differential of -26²⁴.

[16] Finally, Eller and Spaling play very similar roles on their teams as evidenced by their ice time across all playing situations (even strength, short-handed, power play). This speaks to the

²²<http://www.nhl.com/ice/playerstats.htm?fetchKey=20142MTLSASALL&viewName=plusMinus&sort=plusMinus&pg=2>

²³ <http://www.nhl.com/ice/standings.htm?season=20132014&type=DIV>

²⁴ Ibid.

similar value each player brings to their club, as well as the similar contributions to their teams' success. As the table below shows, Spaling and Eller received nearly identical ice time in recent years. Notably, however, Spaling played slightly more in all situations in 2013-14.

Lars Eller²⁵					Nick Spaling²⁶			
Season	Tm	TOI/G	SH TOI/G	PP TOI/G	Tm	TOI/G	SH TOI/G	PP TOI/G
2009-10	Did not play				Nsh	11:03	1:43	2:26
2010-11	Mtl	11:08	0:05	0:17	Nsh	13:55	2:40	0:07
2011-12	Mtl	15:18	1:41	0:39	Nsh	15:52	1:57	0:10
2012-13	Mtl	14:49	1:28	0:42	Nsh	15:51	2:05	0:14
2013-14	Mtl	15:57	1:24	1:06	Nsh	16:01	1:31	1:10

[17] Considering the similar offensive production, ice time, style of play, age, and team role of the two players – along with Spaling's superior defensive stats and platform year – the proposed appropriate compensation for the Player (no more than \$3.3 million) is a very generous figure.

4. ELLER VS. MICHAEL FROLIK – ELLER BRINGS SIMILAR OFFENSE, BUT WITH LESS PEDIGREE AND DEFENSIVE ABILITY

[18] The career statistics of Eller and Frolik are listed below.

Lars Eller ²⁷											Michael Frolik ²⁸								
Season	Tm	GP	G	A	P	PPG	+/-	GvA	TkA		Tm	GP	G	A	P	PPG	+/-	GvA	TkA
2008-09	Did not play										Fla	79	21	24	45	0.57	+10	35	36
2009-10	Did not play										Fla	82	21	22	43	0.52	-4	30	41
2010-11	Mtl	77	7	10	17	0.22	-4	25	24		Fla/Chi	80	11	27	38	0.48	+2	16	49

²⁵<http://www.nhl.com/ice/playerstats.htm?season=20132014&gameType=2&team=MTL&position=S&country=&status=&viewName=timeOnIce>

²⁶<http://www.nhl.com/ice/playerstats.htm?season=20132014&gameType=2&team=NSH&position=S&country=&status=&viewName=timeOnIce>

²⁷ Supra note 1.

²⁸ Supra note 15.

2011-12	Mtl	79	16	12	28	0.35	-5	31	42		Chi	63	5	10	15	0.24	-10	6	41
2012-13	Mtl	46	8	22	30	0.65	+8	19	23		Chi	45	3	7	10	0.22	+5	6	42
2013-14	Mtl	77	12	14	26	0.34	-15	25	30		Wpg	81	15	27	42	0.52	+8	24	53

[19] After observing the offensive statistics of the two players, it becomes clear that despite producing at roughly comparable rates, Frolik possesses the higher offensive ceiling and greater offensive pedigree. Frolik has collected over 40 points 3 times in his NHL career – including during both players’ platform season of 2013-14, when he out performed Eller in every major offensive category. By contrast, Eller has never posted over 40 points. In fact, the Player has never posted more than 30 points. Frolik has also scored 15 goals or more 3 times in his career, including his 2013-14 platform season. Eller has scored 15+ goals only once.

[20] Frolik also possesses a more complete game than Eller. This is reflected in the +/- ratings of the players. Eller has been a minus player his entire career, except for the shortened 2012-13 NHL season. This includes the Player being a team-worst -15 in his platform year²⁹. By contrast, Frolik has been a plus player 3 out of the past 4 seasons, including a +8 rating in his platform year (despite the Jets finishing with a -10 goal differential³⁰). Frolik has also nearly doubled Eller’s number of takeaways over the past 2 seasons – 95 to 53 – while committing significantly less turnovers. Since Eller entered the NHL in 2011-12, he has relinquished possession 100 times – almost double the amount of giveaways Frolik has committed in the same timeframe (52).

[21] Complimenting Frolik’s stronger defensive play and offensive pedigree is his history of playoff production. In the 2013 post-season, Frolik stepped up his game when it mattered most, scoring as many goals and points in the playoffs as he did during the regular season³¹ helping the

²⁹ Supra note 22.

³⁰ Supra note 23.

³¹ Supra note 15.

Chicago Blackhawks win the Stanley Cup. Frolik also excelled defensively in Chicago's 2013 Cup victory, being an integral part of Chicago's playoff PK and receiving more SH TOI/g than teammate defensive stalwarts Duncan Keith and Brent Seabrook³². Thanks largely to Frolik, Chicago's PK% on their Cup run was 90.8% – 3rd best in the league (team #1 had only 7 GP)³³. Although Eller's playoff performance has been respectable, it does not equal Frolik's showing.

[22] Frolik's role on his current team is also very similar to Eller's. Both are utilized as two-way forwards, receiving regular PK shifts with only moderate power play time.

Lars Eller³⁴					Michael Frolik³⁵			
Season	Tm	TOI/G	SH TOI/G	PP TOI/G	Tm	TOI/G	SH TOI/G	PP TOI/G
2009-09	Did not play				Fla	14:48	0:03	2:13
2009-10	Did not play				Fla	17:28	0:18	2:47
2010-11	Mtl	11:08	0:05	0:17	Fla/Chi	15:24	0:04	1:31
2011-12	Mtl	15:18	1:41	0:39	Chi	12:52	1:03	0:10
2012-13	Mtl	14:49	1:28	0:42	Chi	12:31	2:24	0:12
2013-14	Mtl	15:57	1:24	1:06	Wpg	16:40	1:18	0:59

[23] Given Frolik's greater offensive pedigree, defensive ability, and playoff performance, appropriate compensation for Eller is no more than \$3.3 million – the salary of Michael Frolik.

³²<http://www.nhl.com/ice/playerstats.htm?fetchKey=20133CHISASALL&sort=avgShortHandedTOIPerGame&viewName=timeOnIce>

³³<http://www.nhl.com/ice/teamstats.htm?fetchKey=20133ALLSAAALL&sort=penaltyKillPercentage&viewName=penaltyKill>

³⁴<http://www.nhl.com/ice/playerstats.htm?season=20132014&gameType=2&team=MTL&position=S&country=&status=&viewName=timeOnIce>

³⁵<http://www.nhl.com/ice/playerstats.htm?season=20132014&gameType=2&team=WPG&position=S&country=&status=&viewName=timeOnIce>

5. ADDITIONAL CONSIDERATIONS

[24] Although it is conceded Eller is a young player with possible potential, comparable player Michael Frolik's upside is far higher than Eller's. Frolik is only one year older than Eller, was selected higher in his respective draft year (10th overall), and held in higher regard by scouts upon breaking into the league, labeled "Baby Jagr"³⁶. As discussed, Frolik has also shown more flashes of high level production than Eller. If Eller is to be compensated for potential as opposed to performance, Frolik's contract must serve as an upper limit.

[25] Finally, Eller suffered a serious concussion in May 2013 from an open ice hit – this left Eller unconscious, requiring hospitalization³⁷. Although Eller has yet to suffer subsequent head trauma, brain injuries are notoriously cumulative. This greatly increases the risk of future injury.

6. CONCLUSION

[26] Eller's offensive production is very similar to comparable players Nick Spaling and Michael Frolik, but the Player possesses less defensive ability and registered a worse platform year than both. All three players are of similar age, style of play, and are assigned similar roles on their teams. In addition to being a potential injury concern going forward, Eller has less offensive pedigree than comparable player Michael Frolik and has never led his team to a Stanley Cup. Although Eller possesses intriguing potential, both comparable players were also well regarded coming into the NHL possess high ceilings – Frolik's potential as a top 10 draft pick was forecasted by some as generational³⁸. Considering the above, fair compensation for the Player is no more than \$3.3 million – the salary of Winnipeg Jets forward Michael Frolik.

³⁶ <http://www.nhl.com/ice/news.htm?id=403736>

³⁷ <http://www.sportsnet.ca/hockey/nhl/habs-forward-eller-stretched-off-ice-after-hit/>

³⁸ Supra note 34.