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646467 Anaheim Ducks

NHL makes two legal preemptive moves in labor dispute

By Lisa Dillman

It was only a matter of time before hockey's labor dispute moved from multiple unproductive bargaining sessions to multiple legal filings.

The NHL laid the groundwork in not one but two forums Friday, filing a class-action complaint in federal court in New York, aiming to confirm the legality of its lockout. The league also filed an unfair labor practice charge with the National Labor Relations Board targeting a possible union move to dissolve itself.

Those moves were anticipated and all about location, location, location. Following the lead of the NBA's action last year, the lawsuit was filed in U.S. District Court in New York, an often-friendly venue to sports leagues and widely known to be pro-employer.

The NHL issued a release that said, in part, "by threatening to 'disclaim interest,' the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

The NHLPA responded with a statement late Friday that it believed the NHL's position was "completely without merit." It had not been served with the lawsuit but said that the NHL "appears to be arguing that players should be stopped from even considering their right to decide whether or not to be represented by a union."

Earlier, reports surfaced that the players' union has been contemplating dissolution by filing a "disclaimer of interest," which differs from decertification. Aaron Ward of TSN reported that the NHLPA's executive board voted to give the membership a vote to authorize the board to choose whether to proceed on disclaimer of interest.

"The primary advantage is speed," said Dana Kravetz, managing partner of the law firm Michelman & Robinson and a specialist in employment counseling and litigation. "The union is walking away from its right to represent the players. This [disclaimer of interest] is much faster and more informal than decertification, which requires a vote."

NBA players last year filed a disclaimer of interest in mid-November and, despite gloomy declarations of doom, it only took a dozen more days to reach a tentative collective bargaining agreement. The NBA's season started on Dec. 25.

"I do not believe negotiations stop," Kravetz said. "In fact, I believe the negotiations may intensify with a disclaimer of interest. When the day is done, you have to believe the players want to get back on the ice."

LA Times: LOADED: 12.15.2012

646468 Anaheim Ducks

Sides in NHL lockout reposition for court battles

By ERIC STEPHENS

ANAHEIM – The bitter labor dispute between NHL owners and players has now moved from the boardroom to the courtroom.

With the players' association strongly considering whether to disband and clear the way for potential antitrust lawsuits against the league, the NHL responded Friday by filing a class-action complaint in a New York City

federal court to seek declaration confirming the ongoing legality of the lockout.

The league also filed an unfair labor practice charge with the National Labor Relations Board, alleging that the union has "engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

TSN reported Friday morning that the NHLPA executive board unanimously allowed players the ability to vote on authorizing a disclaimer of interest, which is a more expedient means of dissolving the union as opposed to decertification.

It is not clear when a vote would take place, although it is believed the league's response Friday could speed up that option. Dissolving the union would allow players to file lawsuits seeking to declare this work stoppage illegal on the basis that NHL owners cannot lock out employees who are not part of a union.

The NHLPA reportedly has until Jan. 2 to disclaim interest.

"The NHLPA has just received a copy of the National Labor Relations Board charge and has not yet been served with the lawsuit," the union said in a statement. "However, based on what we've learned so far, the NHL appears to be arguing that players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe that their position is completely without merit."

The move by the union had the appearance of seeking leverage and forcing the owners' hand as the lockout is now 90 days old. Negotiations stalled again after federal mediators failed for a second time to bring the two sides any closer to a new collective bargaining agreement.

No new talks have been scheduled but the latest developments could push the owners and players toward a resolution — one way or the other. Commissioner Gary Bettman has said he doesn't see a season of fewer than 48 games taking place, which means a deal would realistically have to be made by the middle of January.

The NHL has said there is no drop-dead deadline, but many players see next month as the tipping point in determining whether a truncated season will take place or if the labor battle will result in a second full season erased in an eight-year span.

"We're still hopeful that maybe January we can start this thing and get a half a season in," Ducks captain Ryan Getzlaf said. "Next couple of weeks here are going to be big."

Getzlaf was one of many NHL players, including several Ducks and Kings, who took part in a charity game Friday night at a packed Anaheim Ice to raise money for CHOC Children's Hospital and the Jr. Ducks Pee Wee AAA team.

The NBA players' union, embroiled in its own labor battle with its league last year, filed a disclaimer of interest and disbanded. NBA commissioner David Stern at that time declared the 2011-12 season in jeopardy but owners and players agreed to end that five-month lockout 12 days later.

Getzlaf is hoping for a similar ending but his optimism has now waned.

"I'm not confident at all," he said. "I tried to be confident throughout this whole thing and the fact is that it seems every time we try and come close, they push away. Until they're willing to come close, then there is nothing to be positive about."

Said Ducks defenseman Francois Beauchemin: "We're only going to find out in the future. I don't really know what their plans are. Obviously nobody knows. I guess we'll all find out pretty soon."

Orange County Register: LOADED: 12.15.2012

646469 Anaheim Ducks

Ongoing NHL labor fight heads to courtroom

by Eric Stephens,

The bitter labor dispute between NHL owners and players has now moved from the boardroom to the courtroom.

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It is not clear when a vote would take place, although it is believed that the league's response on Friday could speed up that option. Dissolving the union would allow players to file lawsuits seeking to declare this work stoppage illegal on the basis that NHL owners cannot lock out employees who are not part of a union.

The move by the union had the appearance of seeking leverage and forcing the owners' hand as the lockout that began on Sept. 16 is now 90 days old. Negotiations have stalled again after federal mediators failed for a second time to bring the two sides any closer to a new collective bargaining agreement.

No new talks have been scheduled but the latest developments could push the owners and players toward a resolution — one way or the other. Commissioner Gary Bettman has said he doesn't see a season of fewer than 48 games taking place, which means a deal would realistically have to be made by mid-January.

The NBA players' union, embroiled in its own labor battle with its league last year, filed a disclaimer of interest and disbanded. NBA commissioner David Stern said "the 2011-12 season was now in jeopardy" but owners and players agreed to end that five-month lockout 12 days later.

Orange County Register: LOADED: 12.15.2012

646470 Buffalo Sabres

NHL files two lawsuits against NHLPA, which was ready to put dissolution to a vote

John Vogl

With NHL labor talks still going nowhere, the league and its players' association began a race to the courthouse Friday. The NHL got there first.

The league filed two lawsuits in New York. One was a class action lawsuit to confirm the legality of the lockout. The other was an unfair labor practice charge with the National Labor Relations Board against the NHL Players' Association.

The legal moves came because players are expected to vote in the coming days whether to dissolve the players' association via a disclaimer of interest. The union's executive board unanimously authorized the vote, TSN reported Friday.

If the players vote "yes," the NHLPA would walk away from its role as the representative of the players. The players could then sue the league for antitrust violations.

"By threatening to 'disclaim interest,' the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act," the NHL said in a statement.

The union has been discussing a disclaimer of interest and decertification for some time. The NBA players' association filed a disclaimer of interest during the basketball work stoppage last year. A collective bargaining agreement came together 12 days later before anything got to court. NFL players were not successful in their attempt to dissolve the union and end a lockout last year.

"There's antitrust exemptions within the context of collective bargaining," Richard D. Furlong, a labor lawyer for the Buffalo firm of Lipsitz, Green,

Scime and Cambria, said by phone. "If you don't have collective bargaining, those exemptions go out the window and the antitrust laws apply."

By engaging in collective bargaining with the players' association, the league is allowed to do things such as set a salary cap and impose restrictions on free agents. If there is no party with which to bargain, the owners "could not collude and basically join together to set the price of labor," Furlong said.

"If you're not engaged in collective bargaining, it would put the owners in a precarious situation with respect to antitrust laws," said Furlong, who is a certified agent for Professional Lacrosse Players Association and a former agent for the National Football League Players Association.

Commissioner Gary Bettman scoffed at the threat of union dissolution last week.

"The board [of governors] was completely and thoroughly briefed by counsel on the subject," Bettman said. "We don't view it in the same way, in terms of its impact, as apparently the union may. ... It's not something that we focus on."

Because a disclaimer of interest is less formal than decertification, which can take up to a year, courts have disallowed it as a "sham" negotiating tactic. Still, with the sides no closer after meeting with mediators again this week, the players have the option to at least explore the subject.

Buffalo defenseman Jordan Leopold, who has been serving as a union representative for the Sabres, declined comment.

"The bottom line is that this has been done before by unions within the context of collective bargaining in sports, and it has put the employers back on their heels with respect to the antitrust statutes," Furlong said. "Bettman probably is and should be worried about this."

Rather than wait and worry, Bettman and the league beat the players to the courts.

Buffalo News LOADED: 12.15.2012

646471 Buffalo Sabres

Labor lawyer on NHLPA disclaimer of interest: 'Bettman should be worried about this'

John Vogl

It's possible the stalled NHL talks could move from a mediator's office to a courtroom.

The executive board of the NHL Players' Association decided Thursday night to allow players to vote on whether to dissolve the union via a disclaimer of interest, TSN reported this afternoon. If the players vote "yes," the NHLPA would walk away from its role as a representative of the players, who could then sue the league for antitrust violations.

"The consequences are you would not have collective bargaining anymore, so the owners would have potentially some antitrust exposure," Richard D. Furlong, a Buffalo labor lawyer for Lipsitz, Green, Scime and Cambria, said by phone. "The owners could not collude and basically join together to set the price of labor outside the context of collective bargaining. There are exceptions in collective bargaining that would otherwise be illegal.

"So if you're not engaged in collective bargaining, it would put the owners in a precarious situation with respect to antitrust laws."

Commissioner Gary Bettman scoffed at the possibility of a disclaimer of interest last week.

"We don't view it in the same way, in terms of its impact, as apparently the union may," Bettman said. "It's not something that we focus on."

Furlong, a certified agent for Professional Lacrosse Players Association and a former agent for the National Football League Players Association, said the league should focus on the possibility.

"I think they should be worried about it," Furlong said. "The bottom line is that this has been done before by unions within the context of collective

bargaining in sports, and it has put the employers back on their heels with respect to the antitrust statutes.

"Bettman probably is and should be worried about this."

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646472 Buffalo Sabres

Sabres' president 'very disappointed' that NHL, NHLPA have not come to agreement, shares fans' frustration

John Vogl

The Sabres, who are losing millions in revenue every week because owners elected to shut down the NHL, share in the pain of local businesses that are struggling because of the lockout. It appears they share in the frustration of fans, too.

"We empathize with the frustrations that small business owners and fans alike from the Buffalo area have in regards to the NHL Lockout," Sabres President Ted Black said in a Buffalo News story about the economic impact of the work stoppage. "We understand that many businesses have been negatively impacted by the ongoing labor dispute."

The use of empathize rather than sympathize is interesting. The Sabres obviously can empathize in terms of finances (though to a wildly different degree than a small business). To admit to feeling the frustration of fans is very telling -- especially since lockout comments by league personnel are essentially prohibited.

The rest of Black's statement reads: "We are very disappointed the NHL and NHLPA have not been able to negotiate a new collective bargaining agreement. We continue to have full confidence the NHL will negotiate a fair agreement on our behalf and on behalf of all the other NHL Clubs."

Buffalo News LOADED: 12.15.2012

646473 Carolina Hurricanes

NHL, players' union make legal moves as lockout fight transitions to courts

By Chip Alexander

The Carolina Hurricanes' Eric Staal, left, Jay Harrison, center, and Cam Ward confer during a pick-up game as some of the Carolina Hurricanes players practice on their own at Raleigh Center Ice in Raleigh, NC on Nov. 14, 2012. The NHL is still not playing because of a labor dispute.

The NHL's collective bargaining battle now has become a legal battle.

The league on Friday filed a Class-Action Complaint in federal court in New York, asking for a declaration confirming the legality of the NHL lockout. The league said it was a "response to information" it had received that the union's executive board had unanimously approved allowing the membership to vote to authorize the board to file a "disclaimer of interest."

A disclaimer of interest would allow the union to dissolve, enabling players to file class-action antitrust suits against the league.

The NHL also on Friday filed an Unfair Labor Practice Charge with the National Labor Relations Board. It charged the NHLPA, in a threat to "disclaim interest," with engaging in an unlawful subversion of the collective bargaining process that constitutes bad-faith bargaining under the National Labor Relations Act.

If the union were to be dissolved, the league could be found liable for lost player wages during the lockout. A disclaimer of interest also is a quicker legal maneuver than decertification of the union, which could take months.

The vote by the NHLPA's executive board was first reported Friday by TSN's Aaron Ward, a former Carolina Hurricanes defenseman, and later confirmed by ESPN and other news outlets.

The NHLPA did not comment on the reports or confirm that any vote by the executive board had been taken.

A year ago, the NBA Players Association filed a disclaimer of interest against the NBA during their collective bargaining squabble. The NBA lockout ended 11 days later.

The NHL's filings Friday were considered preemptive moves. NHL commissioner Gary Bettman updated the league's board of governors last week on the possibility of the union filing a disclaimer of interest.

Friday marked the 90th day of the NHL lockout. All regular-season games through Dec. 30 have been canceled and the entire 2012-2013 season remains in jeopardy of being canceled.

Hurricanes defenseman Jay Harrison was asked Friday morning -- hours before the NHL's filings -- about the union considering decertification or a disclaimer of interest.

"That will continue to be something to look at," Harrison said. "We don't know when the opportunity to do that will arise. When it does we will make a decision as a group whether that's in our best interest to do. It's our right to do, if we choose to."

News Observer LOADED: 12.15.2012

646474 Chicago Blackhawks

NHL takes labor battle to courts

By Chris Kuc

The NHL beat the players' association into the court system when it filed a class action suit in U.S. District Court in New York on Friday seeking to confirm the legality of the lockout that reached its 90th day.

"In response to information indicating (the players) have or will be asked to vote to authorize (its union) to proceed to 'disclaim interest' in continuing to represent (them), the (NHL seeks) a Declaration confirming the ongoing legality of the lockout," the league's announcement said.

It also filed an unfair labor practice charge with the National Labor Relations Board claiming players association "has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining."

The NHL's action came in response to a TSN report that the players' executive board had voted Thursday to allow the players to vote on whether they should authorize it to go ahead with a disclaimer of interest. A disclaimer could lead to decertifying the union, allowing players to file antitrust lawsuits against the league.

The NHLPA issued a statement that read: "The NHLPA has just received a copy of the National Labor Relations Board charge and has not yet been served with the lawsuit. However, based on what we've learned so far, the NHL appears to be arguing that players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe that their position is completely without merit."

Chicago Blackhawks defenseman Steve Montador, a member of the NHLPA's negotiating committee, is reportedly one of 36 players named in the NHL's lawsuit as a defendant.

Chicago Tribune LOADED: 12.15.2012

646475 Chicago Blackhawks

Jenkins, Pilote will sign autographs in Lombard this weekend

TONY ANDRACKI

A pair of Chicago sports legends will be in the Chicagoland area this weekend signing autographs for fans at the Yorktown Center Mall in Lombard.

Cubs Hall of Famer Fergie Jenkins and Blackhawks Hall of Famer Pierre Pilote will be at the Sports 'N More memorabilia store in the mall from 11 a.m. to 7 p.m. for four straight days, starting Saturday and extending until Tuesday.

The Fergie Jenkins Foundation is putting on the event as an effort to give back for the holidays. Proceeds from the signings will go to the JDRF (Juvenile Diabetes Research Foundation).

"I am excited to be working alongside Pierre again. He is a good friend and it is for a good cause," Jenkins, who turned 70 on Thursday, said in a press release. "The JDRF is one of my favorite charities and helping with their efforts is the least that we can do to help give back during the holiday season."

Comcast SportsNet.com LOADED: 12.15.2012

646476 Chicago Blackhawks

NHL files class-action complaint

TRACEY MYERS

Earlier today, reports ran rampant that the NHLPA was not only talking about a disclaimer of interest, it was taking steps to give its members the right to vote on whether or not the disclaimer should be filed with the league.

But by Friday evening, the league was taking its own steps.

The NHL filed a class-action complaint in federal court late this afternoon, seeking a declaration to confirm the ongoing lockout is legal.

Here's the statement released by the NHL:

"Today, in response to information indicating that NHL Players have or will be asked to vote to authorize the National Hockey League Players' Association's Executive Board to proceed to "disclaim interest" in continuing to represent the Players in collective bargaining, the National Hockey League filed a Class Action Complaint in Federal Court in New York seeking a Declaration confirming the ongoing legality of the lockout.

"Simultaneously with the filing of its Complaint, the NHL also filed an Unfair Labor Practice Charge with the National Labor Relations Board alleging that by threatening to "disclaim interest," the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

The NHLPA released its own statement:

"The NHLPA has just received a copy of the National Labor Relations Board charge and has not yet been served with the lawsuit. However, based on what we've learned so far, the NHL appears to be arguing that Players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe that their position is completely without merit."

Friday marked Day 89 of the NHL lockout. So far, games are canceled through Dec. 30. The two sides talked with mediators earlier this week, with little to no progress being made.

Comcast SportsNet.com LOADED: 12.15.2012

646477 Detroit Red Wings

Detroit Mayor Dave Bing: Mike Ilitch owes us \$1.5M, but we'll work it out

By Matt Helms

A day after the Ilitch organization won state approval for public assistance to build its proposed \$650-million entertainment center downtown, Mayor Dave Bing and a top aide confirmed the city believes Olympia Entertainment owes about \$1.5 million in unpaid property taxes at Joe Louis Arena, where the Red Wings have played hockey for decades.

Bing said Friday that although his administration believes the Ilitch organization owes the taxes, his staff is working to reconcile the amount. The mayor was careful to point out that he is a strong backer of the Ilitch plan for a new arena that would anchor an entertainment, retail and housing district downtown and did not want the tax debt to reflect poorly on the effort to build the complex.

As reported Friday on freep.com, Cheryl Johnson, the city's treasurer and director of its finance division, said she went through the terms of Olympia's long-term lease of the riverfront arena, city tax records and state law to confirm the issue.

Her verdict: Since the end of the lease in 2010 -- the city and the Ilitches have been negotiating a renewal option for several years -- Olympia owes the city about \$1.5 million in property taxes, a figure that includes about \$42,000 for the current winter property tax bill that is due Jan. 15.

"From our initial research, that's where we are," Johnson told the Free Press. "But we are still trying to investigate what's still out there."

Olympia Entertainment issued a statement in response Friday, saying the organization has "always enjoyed a strong relationship with the City of Detroit and (is) actively engaged with city officials to clear up any confusion and promptly resolve this issue."

The Bing administration wasn't eager to make a big fuss about back taxes that the Ilitches owe for the Joe. Top city officials knew the new arena plan was in the works, and there was no urgency to go after a debt that they say will ultimately be resolved in negotiations over renewing the lease at Joe Louis, whatever its terms might be.

State lawmakers approved bills late Thursday that would allow taxes now collected through the city's Downtown Development Authority to help pay the infrastructure costs of a new district, a benefit of more than \$12 million a year to the development. The legislation awaits Gov. Rick Snyder's signature.

The subject of possible back taxes the Ilitches may owe was brought up Thursday in Lansing as lawmakers heard testimony on the deal ahead of the vote.

Olympia's latest stance on the property tax issue differs from its assertion late Thursday that it believes the city is in error. The company said Detroit mistakenly listed Olympia as the property tax owner of record for Joe Louis and that it's not responsible for paying property tax at the arena.

Johnson said that under state law, Olympia must pay property taxes the same as if it owned the arena because the company uses the city-owned facility for a for-profit venture. She said Olympia is not exempt from the law.

Johnson said that under the terms of the old lease, Olympia was responsible for paying the first \$252,000 in property tax on the arena, with the city paying the remainder. But that arrangement ended when the lease expired, leaving the Ilitches responsible for the full tax bill, amounting to about \$1.5 million since 2010, Johnson said.

She said all other Joe Louis property taxes before 2010 are paid in full.

The Free Press reported that city tax records dating to 2006 show Olympia may have owed more than \$2 million in back property taxes on Joe Louis and a portion of Cobo Center that was included in the lease.

Detroit Free Press LOADED: 12.15.2012

646478 Detroit Red Wings

Bing: Ilitch company accrued \$1.5-million tax bill during Joe Louis lease negotiations

By Matt Helms

The Ilitch organization, which won state legislative approval late Thursday for tax breaks for a \$650-million new arena and entertainment district in downtown Detroit, owes the city \$1.5 million in back property taxes on its lease of the city-owned Joe Louis Arena, where the Red Wings hockey team has played for decades, Mayor Dave Bing's administration confirmed today.

Bing said that although his administration believes the Ilitch organization owes the taxes, his staff is working to reconcile the amount. He was careful to point out that he is a strong backer of the Ilitch plan for a new arena that would anchor an entertainment, retail and housing district downtown, and did not want the tax debt to reflect badly on the effort to build the complex.

The Bing administration wasn't eager to make a big fuss about back taxes that the Ilitches may have owed for Joe Louis. Top city officials knew the new arena plan was in the works, and there was no urgency to go after a debt they say will ultimately be resolved in negotiations over renewing the lease at Joe Louis, whatever its terms might be.

Cheryl Johnson, the city's treasurer and director of its finance division, said she went through the terms of Olympia's long-term lease of the riverfront arena, city tax records and state law to confirm the issue. Her verdict: Since the end of the lease in June 2010 – the city and the Ilitches have been negotiating a renewal option for several years – Olympia owes the city about \$1.5 million in property taxes, a figure that includes about \$42,000 for the current winter property tax bill, which is due Jan. 15.

"From our initial research, that's where we are," Johnson told the Free Press this afternoon. "But we are still trying to investigate what's still out there."

State lawmakers approved bills late Thursday that would allow taxes now collected through the city's Downtown Development Authority to help pay the infrastructure costs of the district, a benefit of more than \$12 million a year to the arena plan. The legislation awaits Gov. Rick Snyder's signature. The subject of possible back taxes the Ilitches may owe was brought up Thursday in Lansing as lawmakers heard testimony on the deal ahead of the vote.

The Bing administration's latest stance on property tax debts owed by Olympia Entertainment is in opposition to the company's assertions late Thursday that it believes the city is in error. The company said Detroit mistakenly listed Olympia as the property tax owner of record for Joe Louis and that it's not responsible for paying property tax at the arena.

Johnson said that, under state law, Olympia must pay property taxes the same as if it owned the arena because the company uses the city-owned facility for a for-profit venture. She said Olympia is not exempt from the law.

Johnson said that under the terms of the old lease, Olympia was responsible for paying only the first \$252,000 in property tax on the arena, with the city paying the remainder. But that arrangement ended when the lease expired, leaving the Ilitches responsible for the full tax bill, which amounts to \$1.5 million since 2010.

She said all other property taxes before 2010 are paid in full. The Free Press reported that city tax records dating back to 2006 show Olympia may have owed more than \$2 million in back property taxes on Joe Louis and a portion of Cobo Center that was included in the lease.

A statement from a spokeswoman for the Ilitch organization today said Olympia is "working with City of Detroit officials to clarify this issue."

City leaders and Olympia have been talking about renewing the lease for several years, with both sides reluctant to lock Olympia into another long-term lease because a new arena has been in the works, in various forms, since the 1990s.

Detroit Free Press LOADED: 12.15.2012

646479 Detroit Red Wings

A look at Ilitch organization

Staff

As a privately held business network, the Ilitch organization does not release its financial results to the public. But some clues can be gleaned from a variety of sources. Among them:

- Forbes Magazines lists the Ilitch-owned Detroit Tigers as Major League Baseball's 17th most valuable team, worth \$478 million.
- Forbes lists the Ilitch-owned Detroit Red Wings as the National Hockey League's sixth most valuable franchise, worth \$346 million, although it's unknown what the labor lockout will do to such estimates.

- The Michigan Gaming Control Board reported that in 2011, MotorCity Casino -- which is majority-owned by Mike Ilitch's wife, Marian Ilitch -- reported total adjusted revenue of \$471.9 million.

- The Ilitch-owned Little Caesar's pizza company is usually estimated by industry watchers to be among the four largest pizza chains in the U.S.

Detroit Free Press LOADED: 12.15.2012

646480 Detroit Red Wings

NHLPA authorizes vote on disclaimer of interest, NHL responds with class action complaint

Ansar Khan

The ongoing labor battle between the NHL and the NHL Players Association was further muddled on Friday.

The NHLPA's executive board reportedly has voted to authorize a vote of the players that would allow the executive board to vote on whether to file a disclaimer of interest, a quicker, less formal way of dissolving the union than decertification.

The NHL responded by filing a class action complaint in federal court in New York seeking a declaration confirming the ongoing legality of the lockout. The league also filed an unfair labor practice charge with the national labor relations board.

There is no indication on if or when the NHLPA vote would take place.

If there is a vote and it passes, the NHLPA would have the authority to dissolve itself, if it so chooses. It would no longer represent the players, who could then file lawsuits seeking to have the lockout deemed illegal.

In decertification, it is the membership that dissolves the union, a much lengthier process.

NBA players filed a disclaimer of interest during that league's lockout a year ago. They reached a collective bargaining agreement 12 days later and the union then quickly reformed.

No further talks are scheduled between the NHL and the NHLPA after two days of meetings involving federal mediators earlier this week failed to bring the sides closer together.

The NHL released the following statement:

"Today, in response to information indicating that NHL Players have or will be asked to vote to authorize the National Hockey League Players' Association's Executive Board to proceed to "disclaim interest" in continuing to represent the Players in collective bargaining, the National Hockey League filed a Class Action Complaint in Federal Court in New York seeking a Declaration confirming the ongoing legality of the lockout.

"Simultaneously with the filing of its Complaint, the NHL also filed an Unfair Labor Practice Charge with the National Labor Relations Board alleging that by threatening to "disclaim interest," the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

The NHLPA responded with the following statement:

"The NHLPA has just received a copy of the National Labor Relations Board charge and has not yet been served with the lawsuit. However, based on what we've learned so far, the NHL appears to be arguing that Players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe that their position is completely without merit."

Michigan Live LOADED: 12.15.2012

646481 Detroit Red Wings

Live chat recap: Gustav Nyquist shares thoughts on Red Wings, Griffins and life in Grand Rapids

Peter J. Wallner

GRAND RAPIDS, MI – Based on the wide range of questions Gustav Nyquist fielded during our live chat, readers should know much more about the Detroit Red Wings prospect.

Nyquist, who is in his second season with the Grand Rapids Griffins, joined us for an hour on Thursday, Dec. 13, and the 23-year-old covered topics ranging from his experiences playing in the NHL and developing as a player to lighter topics such as what it's like on the road and what he and his teammates do in their spare time.

Nyquist and the Griffins host Peoria 7 tonight at Van Andel Arena.

Nyquist was with the Red Wings on a couple occasions last season, most notably for the final month and the playoffs. RedMarker asked what it is like to be a part of the Red Wings, "and what is it like to play with Pavel Datsyuk, especially on your first goal in the NHL with the behind the back pass to you against the Blue Jackets?"

Nyquist: "It's special to be a part of the Red Wings organization, especially thinking about their success over the past few years. It was a lot of fun to play with Datsyuk. You learn a lot from him, just the small things he does on the ice that you can see. It was a special goal, pretty nice behind the back pass. The second assist went to Todd Bertuzzi, so that was special as well."

BigSchem asked if his confidence had grown with extra time in the AHL as one of the more skilled players?

Nyquist: "I'm just happy to be playing right now. I think this is one of the best leagues in the world to play in because of all the younger guys coming down that have a full year in the NHL. You can definitely tell that the league is better this year because of all the young players coming down from their respective NHL teams. That helps everyone improve their game."

An MLive question asked whose advice he sought out most during his time with the Red Wings.

Nyquist: "All the guys up there are great. I think the biggest thing you learn is just watching how all of them are every day pros. They come to work and work hard, and even if they're already at that level, they keep working hard. Their drive to improve makes you want to improve more."

US131 asked about the biggest differences between the European game and the North American game? Was it a challenge to make the adjustment? Did playing college hockey help make that adjustment?

Nyquist: "College helped a lot because the biggest thing is time and space. The rinks are bigger over in Europe, so over here you're a lot closer to the net all the time and have a better chance to shoot the puck. It was a bit of an adjustment for sure."

A question asked by MLive asked about the difficulty of travel.

Nyquist: "Yeah, the toughest travels are when we play three games in three nights. Sometimes we do it in three different locations. We always bus in between games, so you get to the new location pretty late. You definitely have to learn how to take care of your body and get the right rest and food in your body."

MLive asked about his – and the Griffins – involvement in the community.

Nyquist: "I feel like the fans are close to us down here. There are a lot of community events where we get to interact with fans, like the Tip-A-Griffin event last month and at our post-game parties at Peppino's on Wednesday nights. We also do a lot of community stuff, like working at Kids' Food Basket, visiting the children's hospital, going to talk to elementary school practice or practicing with a local youth team."

BigSchem also asked Nyquist about some of his favorite events or things to do in Grand Rapids that aren't hockey/Griffins related.

Nyquist: "Going to restaurants is one of my favorite things to do around here. I play Xbox with a lot of the team, we play Fifa and Call of Duty. Last night, we had a big Call of Duty game going with 18 guys. I was the MVP."

Michigan Live LOADED: 12.15.2012

646482 Detroit Red Wings

Red Wings coach Mike Babcock will rely on several Grand Rapids players if there is NHL season

Ansar Khan

DETROIT – With more time on his hands due to the NHL lockout, Detroit Red Wings coach Mike Babcock has kept a close eye on some of the organization's top prospects.

Babcock has made several trips to Grand Rapids, and he likes what he sees. The Griffins are 12-5 in their past 17 games and lead their division under first-year coach Jeff Blashill, a Red Wings assistant in 2011-12.

"Blash is doing a heck of a job there," Babcock said. "We haven't had a team be a playoff team in Grand Rapids in a long time (since 2009). It's important they win down there."

If a labor agreement is reached in time to salvage the season, teams will play an abbreviated but compressed schedule. Depth will be imperative.

"We got some guys that are really knocking on the door for jobs," Babcock said. "Let's face it, when we get started, there's going to be a lot of games in a short period of time. We're going to need lots of players, so it's great we got about four guys in Grand Rapids ready to go."

The four players Babcock said are "ready to go" are defenseman Brendan Smith and forwards Gustav Nyquist, Tomas Tatar and Joakim Andersson. He said center Riley Sheahan, who pleaded guilty Thursday to drunk driving, is off to a good start but lacks experience.

"Those would be the guys I spend most of the attention to, but with depth on defense, we're probably going to need (Brian) Lashoff and (Adam) Almqvist as well," Babcock said.

Smith, the organization's top prospect, is a lock to make the Red Wings when the lockout ends. The mobile defenseman has four goals and 13 points with the Griffins. He made a good impression in his 17 NHL games last season.

"I think Smitty's going to be on the team for sure, and be an important part of it," Babcock said. "The big thing for him is the growth and development in the game, as we want him to continue to be the offensive player he is, but we want him to be real solid defensively, and we think he can grow that way. The thing that impressed me the most about Smitty is when the game's on the line, he's ultra-competitive."

The highly skilled Nyquist worked hard to improve his strength in the off-season. He will compete for a spot on one of the top two lines in Detroit. If he doesn't get it, he'll likely remain in Grand Rapids.

The small but skilled Tatar (5-10, 182) leads the team with 11 goals and is tied with Nyquist for the points lead with 21. Tatar figures to be one of the first call-ups during the season.

Andersson, who brings a different dimension with his size (6-2, 207) and abrasiveness, has six goals and 13 points. Landon Ferraro is having his best pro season with eight goals and 17 points.

"The big thing is we're going to have guys, when we start training camp, that are going to get an opportunity," Babcock said. "Gus, Tatar and Andersson are playing, and when you're playing you're ahead of the guys that aren't playing."

"So they're going to have a good opportunity and we're going to need all the depth we can, so those guys are going to have to do something with (the opportunity). Obviously, the better they're playing down there and the more confidence they have, the better off they're going to be."

Goaltender Petr Mrazek is a few years away from reaching the NHL. But Babcock said it's no coincidence the Griffins reversed their early-season slump when this talented prospect arrived. Mrazek is 7-2, with a 2.42 goals-against average and .912 save percentage.

"I like that he wins, real simple for me," Babcock said. "I'm not big into whether it's 2-1. When I'm coaching I am, but when I'm watching I'm not. I just want you to find a way to win."

"The other night (recently), I thought when the game was on the line he played better than the goalie across from him. That's the one-on-one battle he's got to continue to win."

Michigan Live LOADED: 12.15.2012

646483 Edmonton Oilers

Oilers' Nugent-Hopkins named Team Canada captain

By Kristen Odland,

Edmonton Oilers centre Ryan Nugent-Hopkins was named captain of Team Canada heading into the 2013 world junior championships in Ufa, Russia.

Nugent-Hopkins, who was cut from the team as a 17-year-old in 2010, was an obvious choice considering his NHL experience and international hockey experience. Drafted first overall by the Oilers in 2011, the rookie had 52 points (18 goals and 34 assists) in 62 games last season. Nugent-Hopkins also played for Canada at the 2012 world championships earlier this year.

The 19-year-old Burnaby, B.C., native and former Red Deer Rebels captain opened this season with the Oilers' American Hockey League affiliate Oklahoma City Barons.

He'll captain a stacked Team Canada that is benefitting significantly from the current NHL labour impasse.

"I think good leaders in situations like this, they find ways to bring the team together," Nugent-Hopkins was saying Thursday after final cuts were made and the 2013 squad was announced in Calgary. "The best leaders always find a way to do that. Whoever is wearing the 'C' and the 'A's are going to have different responsibilities but so are all the other guys.

"That's the way a team should be."

London Knights captain Scott Harrington and Jonathan Huberdeau of the Saint John Sea Dogs, both returning veterans from the 2012 squad that claimed bronze in Calgary, are serving as alternates this year.

Harrington, composed and mature, considers himself a lead-by-example kind of guy.

"If something needs to be said, I'll say it," the defenceman was saying earlier this week. "But most of the guys in London know that I'm not a shouter or anything like that. I try to let my play lead, let my play speak for itself.

"On the ice, I try not to play soft-spoken, I guess. Off the ice, I'm a pretty even-keeled guy and soft-spoken."

Head coach Steve Spott initially said they would name the leadership group when the team arrived in Europe, but made the decision Friday.

Team Canada hits the ice for the first time as a squad on Saturday for a practice at WinSport's facilities. Shortly after, they'll board a plane overseas. Canada will play two pre-competition games on Dec. 20 against Finland in Vantaa, Finland, and Dec. 22 against Sweden in Helsinki, Finland.

Nugent-Hopkins follows past junior captains including Jaden Schwartz (2012), Ryan Ellis (2011), Patrice Cormier (2010), Thomas Hickey (2009), and Karl Alzner (2008).

Edmonton Journal: LOADED: 12.15.2012

646484 Edmonton Oilers

The sweet spot where Taylor Hall can earn his millions

David Staples

Oilers forward Taylor Hall has a nasty and powerful wrist-shot. It stings goalies as he unleashes it charging down the wing, or wheeling in the offensive zone, then firing hard from the high slot. But even with the high velocity of Hall's shot from those spots, such shots from the outer edge of the kill zone are still relatively low percentage shots. Hall will never be a 40-goal scorer in the National Hockey League if that's where the vast majority of his scoring chances originate.

He has got to tee it up from closer in.

Having watched Hall closely for two seasons, there is one spot I've noticed where he is deadly: the right slot close to the net, a prime area on hockey's killing floor.

Hall has the hands and timing to let loose with ferocious wrist and snap shots from that spot. If he's ever going to be a major goal scorer at the NHL level, he's going to have to feast on shots from that spot.

But there's the rub.

On the power play, if Ryan Nugent-Hopkins is setting up in his usual spot, the right half-wall, it's difficult for the skilled centre to set up Hall for that one-timer in the right-hand slot. Hall ends up getting the puck down low, close to the net. Now and then Jordan Eberle will get the puck and feed it across to Hall, but the formation isn't optimal for either of the unit's top two creators, Nugent-Hopkins and Justin Schultz, to set up Hall for that one-timer.

Of course, Nugent-Hopkins does some of his best work from the right half-wall, so a coach might want to keep him there. Nonetheless, I'm going to suggest that the best formation might see him and Hall trade places, with Nugent-Hopkins in the low right post and Hall on the right half-wall.

Why? half rink diagram top e1355499159407 The sweet spot where Taylor Hall can earn his millions

On the right half-wall, I've noticed that Nugent-Hopkins has a tendency to over-pass the puck, to defer too much to Schultz, another brilliant passer. RNH makes a rote pass to Schultz, who is then left to set up Eberle on the left half-wall. Defenders in the AHL are starting to expect this pass over to Eberle and cover him closely. The solution might be for Nugent-Hopkins to shoot more from the right half-wall, but while his shot is good there, it's not like Hall's shot from that same spot.

If Nugent-Hopkins is moved down to the right low post, his option won't be to make that tempting pass to Schultz. Instead, he'll either be able to set up Hall, who is in excellent shooting position, or move it across the ice to Eberle, also in shooting position. Or he can pass to Hartikainen in front of the net, or take it out from behind the net, a la Gretzky, and shoot himself. Or he can shift behind the net, again Gretzky-like, and make a backhand pass to Eberle. Or he can even pick out Schultz, who moves in quickly from the point to the high slot to unleash high-percentage shots.

Plenty of options for Nugent-Hopkins in the right low post, it seems to me.

Meanwhile, both Hall and Eberle are primed to shoot on either half-wall, or to work the puck back to Schultz, an excellent passer from the high post, and not a bad shooter either.

Having Hall and Eberle on either half-wall puts maximum pressure on the defence. They've got to defend both spots, pronto, otherwise they'll be punished with a high-percentage shot from two excellent shooters.

In a recent Oklahoma City game, we saw some of this unfold, as Nugent-Hopkins was away and OKC coach Todd Nelson had Hall on the right half-wall, where he got a quick pass and fired off a quick, deadly shot that found its way into the net.

If that same thing can happen ten or 15 times a year, Hall will score the number of goals we all expect to see from him.

Edmonton Journal: LOADED: 12.15.2012

646485 Edmonton Oilers

Staples: Oilers Plaza is a bold move for a cold city

By David Staples,

EDMONTON - The private developers of the \$2-billion Edmonton arena district intend to make a huge bet that Edmontonians will enjoy congregating on both summer and winter days in a major outdoor space, Oilers Plaza, in front of the proposed downtown arena.

So far, at least, members of the public like what they see in the proposed design of the plaza and the district. But along with wondering if the controversial arena and surrounding district will ever get built, local urban

design experts wonder just how pleasant the plaza is going to be, especially on cold winter days.

An online Edmonton Journal poll found that 57 per cent of 500 respondents "love" the proposed design, while just five per cent "hate" it, with the rest somewhere in the middle.

Architectural critics save their highest praise for the 50,000-square-foot Oilers Plaza planned to sit at the main entrance to the arena, south of 104th Ave.

The Katz Group/WAM Development project will create one of the world's great sports and entertainment districts, the project's lead architect Michael Shugarman said in a presentation to city council Wednesday. "Although the arena is the catalyst, the plaza is the district's heart, its centre of energy and gathering," said Shugarman.

Restaurants and other stores will surround the plaza. To help deal with the cold, fires in pits and warming huts are envisioned for winter days. All kinds of activities are planned for the plaza, everything from a beer garden to beach volleyball, ballroom dancing to ping-pong tournaments. Curling, hockey and skating are planned for a temporary rink big enough for 300 skaters.

The success of Oilers Plaza will come down to how it is programmed, says local architect Shafraaz Kaba of Manasc Isaac. "That to me is the key or the trigger to making active public spaces. It's not just building it, but building the activity around it. Or having enough of the doors onto that plaza that are active, that are the cool, hip cafes that you want to sit out on the patios of, or the must-have store."

He does see potential for the plaza, though. "It looks like it's sizable enough to be not just a token, little pocket park."

Local engineer Teegan Martin Drysdale of RedBrick Real Estate had feared the district would be enclosed, indoors, and open only during events and only to ticket holders, but that's not the case, she says. "This is more open and more inviting to the public.

"There will be life in the arena district not only before and after games, but also during the day. This (plaza) will attract people multiple times throughout the day and the week.

"I think they're going in the right direction. This is what I was hoping to see — and I maybe didn't see it quite so clearly in the initial renderings. The arena is one huge piece to it, but it's only accessible during very specified hours and during very big events. ... What I like about seeing this plaza and the street level retail is that this is accessible to anybody any time throughout the year."

Architect Anneliese Fris of Shelterbelt says the large buildings in the design drawings look too much the same. "There's nothing about it that says, 'Edmonton,' and they look rather barren. ... They struck me as being somewhat unfriendly."

Fris also wonders about wind whipping off the buildings. For the plaza to work, it needs to be heated properly and have the right kind of shelters, she says. "It could be quite a magical place. ... It could be quite lovely as a protected zone in the winter."

She applauds the developers for devoting so much space to the outdoor plaza. "I think it's great. The outdoor aspect is really important. That's what we're trying to encourage in the city, and year-round use, not just summer use. They could have glassed it in, or created an arcade, or roof, but that's a very positive piece of this, that it is conceived as an outdoor space."

So there is much to said in favour of what the Katz Group and WAM propose here.

You can mark me down in the group that generally likes what they see, mainly because Oilers Plaza is a bold move for a cold city. It could be a much-loved public space in our downtown, if any of this ever gets built, that is.

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646486 Minnesota Wild

NHL responds to NHLPA 'disclaimer of interest' threat by going to the courts

Posted by: Michael Russo

NEW YORK (December 14, 2012) -- Today, in response to information indicating that NHL Players have or will be asked to vote to authorize the National Hockey League Players' Association's Executive Board to proceed to "disclaim interest" in continuing to represent the Players in collective bargaining, the National Hockey League filed a Class Action Complaint in Federal Court in New York seeking a Declaration confirming the ongoing legality of the lockout.

Simultaneously with the filing of its Complaint, the NHL also filed an Unfair Labor Practice Charge with the National Labor Relations Board alleging that by threatening to "disclaim interest," the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act.

Statement from the NHLPA:

"The NHLPA has just received a copy of the National Labor Relations Board charge and has not yet been served with the lawsuit. However, based on what we've learned so far, the NHL appears to be arguing that Players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe that their position is completely without merit."

The league's decision is based on reports today that the NHLPA executive board decided to allow its membership to vote whether or not to authorize the NHLPA to file a disclaimer of interest (where the union essentially lets the league know it no longer represents the players). Again, it was not necessarily to file it, just authorize the ability to file it if it chose to. If they disclaim interest, players could then file antitrust lawsuits seeking to have the lockout deemed illegal and thus monetary damages gained.

The NBA file a disclaimer of interest, and that is what seemed to get the owners to budge then. The NBA lockout ended 12 days later. Clearly the hope here is this type of threat makes the NHL owners budge and the lockout ends. The league though is trying to get in front of this by having the lockout deemed legal.

What is disclaimer of interest vs. decertifying the union? Read this by TSN legal analyst Eric Macramalla.

From Eric on Twitter: Why did NHL file lawsuit first? To get case in front of league friendly court that is more likely to keep lockout in place - and thats NY

Star Tribune LOADED: 12.15.2012

646487 Minnesota Wild

NHL lockout: Union, league file separate lawsuits

By Ira Podell

NEW YORK -- Anticipating a possible antitrust suit, the NHL has brought its labor fight against hockey players to federal court.

The league on Friday, Dec. 14, filed a class action suit in U.S. District Court in New York, seeking to establish that its now 90-day lockout is legal. In a separate move, the NHL filed an unfair labor practice charge with the National Labor Relations Board, claiming the players association has bargained in bad faith.

The NHL said it believes the union's executive board is seeking authorization to give up its collective bargaining rights, a necessary step before players could file an antitrust lawsuit.

NHL deputy commissioner Bill Daly declined to comment on the league's actions. The moves were made after the sides held a bargaining teleconference, following two days of talks that included federal mediators.

Players association special counsel Steve Fehr, meanwhile, declined to comment on the lawsuits or to confirm the union's plans regarding a so-called disclaimer of interest. Fehr, who took part in the conference call earlier Friday, said the league didn't make its legal plans known during its discussions.

If players choose to pursue a disclaimer of interest, the union would essentially stop being a collective group to negotiate a labor deal with the NHL. The Canadian Press, citing unidentified sources, said that the union's executive board requested a vote from its membership on Thursday night that would give it the authority

to file a disclaimer.

Such a move wouldn't necessarily doom the entire hockey season that has already been long-delayed and shortened.

During the NBA lockout last year, the basketball union made a similar move. But negotiations continued anyway, and a tentative agreement was reached within a couple of weeks.

The union then reformed in time for players to ratify the new deal and begin a shortened season. NFL players took the same route last year, as well.

By filing the complaint in New York, the NHL guaranteed that the legality of the lockout would be decided in a court known to be sympathetic toward management. The league is concerned that if the union dissolves and seeks to have the lockout deemed illegal, players could be due triple their lost salaries if they are successful.

The sides had spent the previous two days in talks with mediators in New Jersey. On Wednesday, union officials and league brass spoke separately to mediators and not with each other. There were face-to-face talks between the sides Thursday, but no progress of note was achieved.

Without the presence of mediators Friday, a small group of negotiators -- four per side without Commissioner Gary Bettman or union executive director Donald Fehr taking part -- got on the conference call.

The NHL is looking for an even split of revenues with the players. When it agreed last week to increase an offer of deferred payments from \$211 million to \$300 million -- a package aimed at making the lower percentage of revenue easier for the union to take -- it was part of a proposed package that required the union to agree on three nonnegotiable points. Instead, the players' association accepted the raise in funds, but then made counterproposals on the issues the league stated had no wiggle room.

All games through Dec. 30 have been canceled, 43 percent of the season, along with the New Year's Day Winter Classic and the All-Star Game.

A 48-game season was played in 1995 after a lockout stretched into January. Bettman said he wouldn't have a shorter season than that. The 2004-05 season was lost completely to a labor dispute.

Pioneer Press LOADED: 12.15.2012

646488 New Jersey Devils

NHL: Labor Dispute Moves Into Courts With Talks Stalled

By REUTERS

(Reuters) - After three months of failed negotiations, the labor dispute between the National Hockey League (NHL) and locked out players moved into the courts on Friday, with the league filing a class action complaint against the players' union.

The league asked U.S. courts to confirm the legality of the lockout. It also filed an unfair labor practice against the players' union.

The players' union said the action had no merit.

The NHL's move appears to be a pre-emptive strike by the league after reports circulated that the NHL Players' Association (NHLPA) would seek a vote from its members to proceed with a "disclaim of interest" and no longer represent players in bargaining.

Dissolving the union would free players to file anti-trust lawsuits in the courts and have the lockout found illegal.

"Today, in response to information indicating that NHL players have or will be asked to vote to authorize the National Hockey League Players' Association's executive board to proceed to 'disclaim interest' in continuing to represent the players in collective bargaining, the National Hockey League filed a class action complaint in Federal Court in New York seeking a declaration confirming the ongoing legality of the lockout."

The league also said it was simultaneously filing an unfair labor practice charge with the National Labor Relations Board alleging that by threatening to "disclaim interest," the NHLPA is engaging in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act.

The players' union said it had just received a copy of the National Labor Relations Board charge and has not yet been served with the lawsuit.

"However, based on what we've learned so far, the NHL appears to be arguing that players should be stopped from even considering their right to decide whether or not to be represented by a union," the NHLPA said in a statement.

"We believe that their position is completely without merit."

Canadian media reported the players' union executive board agreed on Thursday to put a vote to the players that would authorize the board to proceed with a "disclaimer of interest."

The union would be dissolved with a favorable vote and players would cease being seen as a collective entity, enabling them to file anti-trust suits.

National Basketball Association (NBA) and National Football League (NFL) players pursued similar courses in 2011 labor disputes with their leagues before new collective bargaining agreements were eventually reached.

The legal maneuvering comes a day after the sides had spent two unsuccessful days with U.S. federal mediators trying to jump start stalled talks on a new collective bargaining agreement.

NHL commissioner Gary Bettman has said he cannot see the league, which normally runs an 82-game regular season, playing less than a 48-game campaign. But with games through December, 42.8 percent of the schedule, already canceled, time is quickly running out on salvaging even a partial season.

The two sides appear to have inched closer on the main sticking point of how to divide \$3.3 billion in revenue.

The league is seeking an immediate 50-50 split while players, who will see their share chopped from 57 percent, want the cuts brought in gradually with a "make whole" provision in place to cover money that would be lost on current contracts.

Several other contentious items remain on the table, including the length of a new collective bargaining agreement and contract limits to drug testing and continued participation in the Winter Olympics.

(Reporting by Steve Keating in Toronto and Gene Cherry in Salvo, North Carolina, Editing by Greg Stutchbury)

New York Times LOADED: 12.15.2012

646489 New Jersey Devils

New Moves Raise Risk of Losing Full N.H.L. Season

By KEN BELSON

Their labor negotiations stalled, the N.H.L. and the players union traded legal jabs on Friday, moves that raised the chances that the entire season could be canceled.

With no face-to-face meetings between the sides on Friday and the lockout three months old, the executive board of the N.H.L. Players' Association voted to let its membership vote on whether to empower the board to disclaim interest. That move would be similar to decertifying the union because both moves could lead to challenges against the league on antitrust grounds.

The vote by the more than 700 players is expected to take place in the next few days. Even if they give the board the power to disclaim interest, there is no guarantee the board will use it.

Still, the N.H.L. took pre-emptive legal countermeasures when it filed a class-action complaint in federal court in New York seeking to confirm the legality of the lockout, which the players would challenge if they disclaimed interest. At the same time, the N.H.L. filed a charge with the National Labor

Relations Board alleging that the union's vote "constitutes bad-faith bargaining."

In a statement, the union said: "The N.H.L. appears to be arguing that players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe that their position is completely without merit."

The legal maneuvering echoed similar steps taken by the N.F.L. and its union last year. The league ultimately came out on top in those cases, but the two sides settled before any games were lost. The stakes are much higher for the N.H.L. and the union because the league has canceled 42.8 percent of the schedule, including the All-Star Game and the Winter Classic. The legal wrangling could move the fight between the two sides into the courts, consuming what is left of the season.

"This shows in so many words that the negotiating has bogged down and the season is really in jeopardy," said Mark Conrad, who teaches sports law at the Fordham University School of Business. "The N.H.L. is saying the fact that you are trying to disclaim interest is pre-emptive and we're going to play chicken with you. It's not good."

A vote by the players to allow the board to disclaim interest would not preclude the league and the union from continuing to bargain. Despite the presence of federal mediators, the two sides have been unable to find solutions on significant issues, including salary caps, the length of player contracts and the length of the collective bargaining agreement.

The troubled talks led Fitch Ratings, a financial ratings agency, to issue a report on Friday that said the labor strife added to the financial instability of the league and its brand.

New York Times LOADED: 12.15.2012

646490 New Jersey Devils

NHL lockout update: NHL files complaints with New York Federal Court, National Labor Relations Board in response to potential of NHLPA disclaiming interest

Charles Curtis

Just as quickly as the NHLPA turned to its legal options, the NHL responded in kind.

After news broke today that the players' union was beginning a process in which it could file for a disclaimer of interest, the NHL responded, as it announced in a press release.

"The National Hockey League filed a Class Action Complaint in Federal Court in New York seeking a Declaration confirming the ongoing legality of the lockout," the release said. "Simultaneously with the filing of its Complaint, the NHL also filed an Unfair Labor Practice Charge with the National Labor Relations Board alleging that by threatening to 'disclaim interest,' the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

Need a translation? Here's one from TSN's Eric Macramalla, who outlined the possible legal options both sides could take last month: "By filing first and doing so in a jurisdiction that both sides are connected to, it makes it more difficult for the players to have their case heard in a sympathetic circuit like the Ninth Circuit," he wrote. "For the NHL, they could look to file in the Second Circuit, which handles cases, in part, out of New York. That circuit has more owner friendly decisions. In fact, that's precisely what the NBA did faced with the possibility of the NBPA dissolving itself. The NBA went to court first and did so in the Second Circuit."

A win for the league, as Macramalla pointed out, would give more leverage to the owners' side. In response to the NHL's move, ESPNNewYork's Katie Strang speculated "the NHLPA's option of disclaiming interest now becomes much more likely."

Either way, the NHL has now gone from the ice to meeting rooms to the courts.

Star Ledger LOADED: 12.15.2012

646491 New Jersey Devils

NHL lockout: Two sides taking their fight to court

Rich Chere

Deadlocked negotiations for a new collective bargaining agreement between the NHL and its players took an ugly turn Friday when the league filed a class action complaint seeking a declaration that its lockout is legal.

The league also filed a complaint with the National Labor Relations Board in which it alleges the Players' Association is bargaining in bad faith.

On the 90th day of the lockout, the NHL said it was acting in response to information that the Players' Association is looking to vote on a "disclaimer of interest."

That would allow the players to dissolve the union faster than seeking decertification, which can take months. Dissolving the players' union might be beneficial because U.S. antitrust laws prohibit business owners from locking out employees who are not members of a union. The vote is expected to take place in the next few days.

Several media reports have stated that the NHLPA's executive board decided Thursday night to take a vote among its players to obtain the authority to file a "disclaimer of interest." TSN in Canada was first to report the move in that direction.

The league, hoping to head off such a move, took action and then issued the following statement:

"In response to information indicating that NHL Players have or will be asked to vote to authorize the National Hockey League Players' Association's Executive Board to proceed to 'disclaim interest' in continuing to represent the Players in collective bargaining, the National Hockey League filed a Class Action Complaint in Federal Court in New York seeking a Declaration confirming the ongoing legality of the lockout.

"Simultaneously with the filing of its Complaint, the NHL also filed an Unfair Labor Practice Charge with the National Labor Relations Board alleging that by threatening to 'disclaim interest,' the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

When contacted by The Star-Ledger, NHL deputy commissioner Bill Daly declined to comment on the direction the CBA negotiations have taken.

Players' association special counsel Steve Fehr declined to comment on the union's plans regarding a so-called disclaimer of interest.

Negotiations have once again stalled as the two sides seek to get a new CBA. The NHL, in locking out its players, has canceled regular-season games through Dec. 30.

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646492 New Jersey Devils

NHL lockout update: NHLPA to reportedly vote on authorization to executive board regarding disclaimer of interest

Charles Curtis,

For weeks, there was talk of a "disclaimer of interest" from the NHL players' union as the next move in the lockout. Last night, the NHLPA may have taken one step closer to being a reality.

TSN's Aaron Ward reported on Twitter that the NHLPA's executive board "voted last night, to give players a vote to AUTHORIZE Exec Board to chose to proceed on Disclaimer of Interest."

What exactly does that mean? "If the membership allows the authorization, the NHLPA would have the authority to terminate its right to represent the players [and] could potentially inform the National Hockey League with a declaration that the union no longer represents the players as a bargaining agent," TSN explained. And with that, a legal battle would begin in which

players would begin to file antitrust suits, something the NBA's PA did in its own lockout battle last year. Though there's speculation that decertification would cancel an entire season, but the NBA owners and players did eventually settle.

This piece of news, however, doesn't mean any of that has happened yet. And none of it is a surprise -- The Ottawa Sun's Bruce Garrioch said, "The NHL's board of governors were told last week a disclaimer of interest has no merit and won't be won in court." ESPN's Pierre LeBrun said the move "[came] across as a threat/pressure tactic vs. the NHL, no question," while The Daily News' Pat Leonard called it a "leak to scare [the] NHL."

Sean Fitz-Gerald of the National Post spoke to Nathaniel Grow, a professor with expertise in labor law, who summarized what the disclaimer of interest could do.

"The risk is that, if they do go forward with this, the owners might dig in their heels and refuse to negotiate further," Grow told Fitz-Gerald. "There's definitely a downside, a risk. But I think they're probably looking at it as, 'Maybe this will get us that final piece of leverage we need to get a deal done.'"

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646493 New Jersey Devils

President Barack Obama tells NHL owners, players to solve lockout: NHL lockout update

Charles Curtis

The fiscal cliff may be all the talk on Capitol Hill. But for one minute, President Obama focused on that other issue that's been discussed ad nauseum for the past weeks: the NHL lockout.

In an interview with WCCO-TV's Frank Vascellaro, the president was asked if he would be "willing to intervene" with the league's work stoppage.

His answer, featured in the embedded video on the right, was simple: "The President of the United States shouldn't have to get involved in a sports lockout," he said. "My message to owners and to players is, you guys make a lot of money and you make a lot of money on the backs of fans, so do right by your fans. You can figure out how to spread out a bunch of revenue that you're bringing in, but do right by the people who support you."

It's somewhat similar to what he said in October to Jay Leno -- "Every time these things happen I just want to remind the owners and players: You guys make money because you've got a whole bunch of fans out there who are working really hard -- they buy tickets, they're watching on TV. Y'all should be able to figure this out. Get this done."

The two sides are expected to speak today, according to ESPNNewYork's Katie Strang, but a possible meeting is up in the air.

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646494 New Jersey Devils

NHL, players' association vying to win legal faceoff

By Pat Leonard

The NHL's labor battle is headed to court with the NBA's playbook in hand.

On Friday, Day 90 of hockey's lockout, the league launched a preemptive legal strike against its players' association in response to a TSN report that the union had moved one step closer toward disbanding to create bargaining leverage. Specifically, the NHL filed a class-action complaint in New York federal court, as well as an unfair labor practice charge with the National Labor Relations Board.

The NBA made the same moves in August and November of 2011, with some of the same legal representation, fearing its players were planning to disband the union to sue the league. Basketball's lockout ended in late Nov.

2011 and a shortened 60-game season opened on Christmas Day. The NHL is following the NBA's blueprint with Friday's legal action, but that doesn't mean it also will be able to save its season.

TSN's report early Friday said the union's executive board had requested a vote Thursday night from its 700-plus player membership to give the board the authority to file a "disclaimer of interest," in which the union would cease to represent its members and disband, allowing them all to file individual anti-trust lawsuits against the NHL.

In response, the league's class-action complaint is "seeking a declaration confirming the ongoing legality of the lockout," according to a statement, or a reaffirmation of the Eighth Circuit Court of Appeals' ruling in the Tom Brady v. NFL case in 2011: That under a federal statute called the Norris-LaGuardia Act, courts cannot impose injunctions to end work stoppages. The unfair labor practice charge alleges that "by threatening to 'disclaim interest,' the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

The union responded with a statement of its own: "The NHLPA has just received a copy of the National Labor Relations Board charge and has not yet been served with the lawsuit. However, based on what we've learned so far, the NHL appears to be arguing that players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe that their position is completely without merit."

New York Daily News LOADED: 12.15.2012

646495 New Jersey Devils

NHL owners take it to court

By MARK EVERSON

Brooks on The fourth month of NHL Owners' Lockout III begins at midnight tonight with the league taking the increasingly bitter battle to the courts, launching another time-consuming gyration.

The NHL reacted with lawsuits to the news the players plan to vote next week on authorizing the possible end of the role of the Players' Association as negotiator in bargaining, which would then permit the filing of antitrust charges against the league.

The NHL yesterday filed a class action lawsuit in federal court in Manhattan, seeking to confirm the legality of the lockout, and also an "unfair labor practice" charge with the National Labor Relations Board against the Players' Association.

In its NLRB filing, the league claims the union's vote, which was to be conducted in the coming week, would represent an "unlawful subversion of the collective bargaining process," and would "constitute bad faith bargaining," by the PA.

The union responded by claiming the league "appears to be arguing that players should be stopped from even considering their right to decide whether or not to be represented by a union," the PA said in a statement.

The players' vote would be mainly symbolic, but in the way a skull and crossbones is symbolic. The NHL players are tacitly threatening the poison pill that would kill off the rest of this unplayed season.

The union's executive committee Thursday night approved the call for a vote, even though it may not need a vote to issue a disclaimer of interest, which would mean the union does not intend to further represent the players as the agent of collective bargaining. A disclaimer of interest is an alternative to a decertification of the union, in which the players would renounce the union as their representative — two paths to the same destination.

If the union stops representing the players, the league may be entitled to start the season using replacement players.

Restarting a union would likely be a lengthy and cumbersome task for the players.

The players are expected to overwhelmingly authorize the disclaimer of interest, but their vote would not require the union to then take that first step towards dissolution. Rather it would be the big stick carried behind the

union's back to nudge the league off its take-it-or-leave-it stance. Dissolution remains the league's strongest tactic in a giveback negotiation in which it has held scant leverage, confirmed by the speed with which the league went to court.

New York Post LOADED: 12.15.2012

646496 New York Islanders

NHL sues for lockout legality, files claim against union

By STEVE ZIPAY

The lockout just got uglier. The NHL and NHLPA are going to court.

The NHL on Friday filed suit in U.S. District Court in Manhattan seeking a declaration that the three-month lockout, which has triggered the cancellation of 526 games as well as the Winter Classic and All-Star weekend in January, is legal. The league also filed a complaint with the National Labor Relations Board, accusing the union of "bad-faith bargaining."

"Today, in response to information indicating that NHL Players have or will be asked to vote to authorize the National Hockey League Players' Association's Executive Board to proceed to 'disclaim interest' in continuing to represent the Players in collective bargaining, the National Hockey League filed a Class Action Complaint in Federal Court in New York seeking a Declaration confirming the ongoing legality of the lockout," the league said in a press release.

"Simultaneously with the filing of its Complaint, the NHL also filed an Unfair Labor Practice Charge with the National Labor Relations Board alleging that by threatening to 'disclaim interest,' the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act," the statement continued.

There was no immediate response from the union.

Earlier in the day, there were multiple reports that the union's executive committee notified 700-plus players of a vote to give the board the option of filing a disclaimer of interest -- as the NBA players did last November -- if they so choose. It did not schedule a vote. If one was taken, a two-thirds majority is needed for approval.

A disclaimer of interest dissolves the union by terminating its right to represent the players, and allows players to file anti-trust suits.

The NBA players association did so last November during a lockout, and two weeks later, a tentative collective bargaining agreement was reached and a 66-game season was played. The suit was withdrawn.

The NFL players' association took a similar route during the 2011 lockout, which was resolved without missing any regular-season games. In that labor case, the NFL players voted to decertify their union rather than file a disclaimer of interest. In decertification, it is the players walking away from the union, and a disclaimer of interest is the union walking away from the players.

Newsday LOADED: LOADED: 12.15.2012

646497 New York Rangers

Rangers Fans' Attacker Is Sentenced

By THE ASSOCIATED PRESS

PHILADELPHIA (AP) — A man accused of beating two New York Rangers fans in a brawl after the NHL Winter Classic in Philadelphia has been sentenced to house arrest.

A Philadelphia judge on Friday sentenced 33-year-old Dennis Veteri of Glassboro, N.J., to a range of slightly under one year to nearly two years of

house arrest followed by five years' probation. He pleaded guilty earlier this year to aggravated and simple assault and conspiracy.

The Philadelphia Daily News (<http://bit.ly/W711Xx>) reports that prosecutors asked for prison time, but Veteri's lawyer said his client is "a good man who had a bad day."

The fight occurred outside a cheesesteak stand after the Rangers beat the Philadelphia Flyers 3-2 in the Jan. 2 game. One victim, an off-duty police officer, was beaten unconscious and his eye-socket broken.

New York Times LOADED: 12.15.2012

646498 NHL

Hockey Canada remains focused on player safety

Roy MacGregor

Of great concern to Hockey Canada is player safety. Since NHL star Sidney Crosby's year-long battle with concussion and the headlines given to new scientific evidence proving long-term damage from repeated blows to the head, the issue has moved to the front-burner in all hockey circles.

"A year and a half ago," says Bob Nicholson, president and CEO of Hockey Canada, "we stood up and wanted zero tolerance to hits to the head. We were the first hockey organization to do it. We did and we did a great job, but we have to stay on that and keep doing it and make it safer."

Hockey Canada also provides video presentation, web information and various apps on detecting and treating concussion, as well as the all-important concern of when to allow recovered players back in the game.

"We are still on a learning curve here," Nicholson says. "There's no question that safety is becoming a bigger and bigger issue."

"There are higher levels of aggression than there was in the past," says Paul Carson, vice-president of hockey development for Hockey Canada. "And that can be attributed to a lot of things. Right off the bat it's because the skill levels of the youngsters is better, better than it was 10-15 years ago, far better than it was 15-25 years ago. Kids are moving much quicker. They shoot the puck much harder. They are physically evolving faster because now you've got youngsters at 12 and 13 starting on training programs. There is also the equipment factor, where kids start to feel invincible, they start to feel the better the equipment is, the harder they can go, the more risks they can take."

Much of this is due to what Carson calls "unintended consequences." When eye and mouth injuries were a serious issue, Hockey Canada all but eliminated those concerns by bringing in masks. Masks, however, had the effect of raising sticks and more hits to the head. Similarly, as hockey protection materials evolved, the equipment became harder and lighter — shoulder and elbow pads as much weapon as protection. That needs to change.

Globe And Mail LOADED: 12.15.2012

646499 NHL

World Junior loss to Russia motivates Canada's Strome

ERIC DUHATSCHKEK

It is hard to imagine how someone who averaged almost three points a game in November could get lost in the shuffle, but such is the nature of Canada's 2013 world junior team, where Ryan Strome of the Niagara IceDogs flew under the radar during this week's tryout camp.

In part, that was because Strome's place on the team was secured early. Because of their experience and pedigrees, a handful of 19-year-old high draft choices — from centre Ryan Nugent-Hopkins to defenceman Dougie Hamilton and including the high-scoring Strome — were essentially

conceded spots on the team. They played the intrasquad game, but watched the exhibitions as coach Steve Spott sifted through all the players on the bubble.

Their time to shine is coming now, with the team on its way to Finland Saturday for a training camp that will, among other things, help them adjust to the 13-hour time change between Western Canada and Ufa, Russia, where the 2013 tournament will be held.

Strome is a New York Islanders draft choice, the fifth player taken in 2011, the same draft where Nugent-Hopkins went No. 1. While Nugent-Hopkins advanced directly to the NHL last year, Strome returned to junior, played for Canada in the 2012 tournament, and has a bronze medal to show for his efforts.

But this time around, thanks in part to the NHL lockout, he has a second chance to go for gold and is ready to make the most of it.

"Just the feeling of standing on the blueline after we lost to the Russians, it really is a terrible feeling," Strome said when asked what motivates him this time. "It doesn't go away very quickly. So hopefully the guys that were there last year can remember that feeling and use it to our advantage this year."

Canada got down to its 23-man roster on Thursday evening, with two 17-year-olds, Nathan MacKinnon and Jonathan Drouin, making the grade along with an undrafted 19-year-old, J.C. Lipon of the Kamloops Blazers. Of the remaining 20 players, 10 are former NHL first-rounders, which gives Spott one of the most talented and experienced teams since, well, since the 2004-05 NHL lockout.

Strome has been on a scoring roll of late – his 62 points in 32 games leads all Canadian Hockey League players in scoring. It is a development he traces back to the low point of his junior season, a game against the Barrie Colts at the end of October in which he was held without a point.

"I didn't play a very good game," Strome recalled. "I remember going home after the game and talking to my dad. I think that was the low point in my career, and one of my worst games. I think I just looked back at that and thought, 'I want to get better each day.' I was working hard in practice, but I had to push myself to an extra level. When I did that, the results started coming and I just haven't slowed down since then."

Playing in Russia adds a new element to the tournament after the last three years, when Canada played in a border city, Buffalo, and then twice before loud, loyal home crowds. That can be both a good and a bad thing, and according to goalie coach Ron Tugnutt, there may actually be less pressure this time around because Canada is going on the road, to a faraway place, with fewer distractions.

"I myself am looking very forward to getting over there, just because there's a lot less phones and stuff like that," Tugnutt said. "We love the coverage that we get, but they won't be seeing as much of themselves on TV. We're kind of our own little island now and I think this'll be good for us."

"Everywhere you are is different," Strome said. "This is a new team, new faces, new coaches and obviously a new element being over there. But really, there are no excuses. It comes down to play on the ice. Hockey Canada takes care of everything for us. We just have to worry about playing."

Strome thought he played "all right for an 18-year-old" last year, but says: "I think I would want to be better this year."

"There are obviously a lot of scorers here this year – tons of skill, tons of scoring, tons of offence. I think they're really looking for guys to play both ends of the ice and have confidence in you. That's what the coaches are looking for."

And if the current NHL lockout ends, what happens to Strome?

"I'm really only thinking about today, tomorrow and the next day," Strome said. "Everything else is out of our control. I wish we could control the situation, but we can't. Everyone here will tell you, this is the task at end. Everyone's excited about being here. We're going to take things day by day and see what happens."

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646500 NHL

Canadians care about hockey, but do they care enough?

Roy MacGregor

It is an impressive sight.

Looming high above the fabulous \$225-million Winsport Complex that houses the new offices of Hockey Canada is an Olympic ski jump.

Perhaps, however, a lightning rod would be more in keeping.

It is here, after all, where the national angst over the national game lands daily. It is here where, no matter what they say or do – or do not do – the reaction is always predictable. Some people like it, some people hate it. And do so with passion.

"I always say to our staff," says Bob Nicholson, Hockey Canada's president and chief executive officer, "that if you monitor things after, say, we name our junior team for the world championship" – as happened here Thursday – "there will be as much negative reaction as positive. And yet we've just named 23 of the greatest kids to play for our country."

"I tell them, 'Absorb that. They're giving it to you because they care. And it's the same if there's an incident with a concussion or a high stick, because they care.'"

"The day we should be concerned is if we do something and no one says anything because we've lost the passion."

Nicholson, a 59-year-old former junior and college player, is used to controversial issues. "There are a few things in Hockey Canada that are 'Wow, boom!' They hit you and you have to react to it. We shouldn't be afraid of it."

When Nicholson took over his post in 1998, concussions were known but never the issue they have become. Nor was bodychecking much of a hot button. Nor cost. Nor, of all things, declining registration in a game that supposedly defines the country.

Nicholson says there are three main issues that concern Hockey Canada these days: the costs, player safety, "keeping fun in the game." Deal with those three, and registration will take care of itself.

Costs, he readily admits, have risen to a point where organized hockey is largely seen as an urban activity of the well off. It's expensive, many feel far too expensive in an era when having a child in a top competitive league can cost as much as an Ivy League college education.

Paul Carson, Hockey Canada's vice-president of hockey development, says there are fixed costs – ice time, equipment, registration – that are knowns, and variables that are unknown.

"It's the variables we have to control," he says.

By "variable," Carson means everything from unnecessary road trips to find competition that is just as good next door, families tying their social lives to team tournaments, and parents purchasing elite equipment far superior to what their child requires.

"There's a 'bragging-complaint' with many parents," Carson says. "They go on endlessly about how much it's costing them, yet they are the ones buying the best stick for their kid and talking about it so much."

"While I'm complaining about the price of hockey, I'm actually letting everyone know that my child is entitled, that he has the best stick and the best skates and the best helmet. The people who hear this around the water cooler are saying, 'Ah, I'm not sure I want my youngster to play this game.'"

"I worry people look at hockey and see it as fairly inexpensive at the five, six-year-old level, but if I let my child get hooked on the game at that age, how do I tell him 'no' at 13-14 because it's too expensive for the family?"

The national organization is attempting to address costs in a variety of ways, from setting up a foundation loyalty program that returns "Puck Bucks" to parents and organizations, to looking at ways of spreading used equipment around more effectively.

"There's a lot of equipment in basements," Nicholson says, "but how do you get it out? How do you collect it? How do you get the kids who need it to the location to get the equipment?"

Hockey Canada would like to see a system already running in Edmonton – established by The Brick's Bill Comrie – spread to other centres, where equipment is collected, culled, cleaned, warehoused and distributed to

needy youngsters. The costs and volunteer hours are considerable, but Nicholson and Carson both see opportunity here to involve more players at far less cost than is the norm.

If time is indeed money, then there is the accompanying issue of time commitment, something that increasingly concerns parents and is considered a major impediment to new Canadian families signing up their young boys and girls.

Mention is often made that soccer has far more players registered than hockey – Hockey Canada has 580,000 signed up this year, though millions more play in non-registered situations from school shinny to old-timer beer leagues – and Nicholson says that hockey, rather than resent soccer, should learn from it.

“We shouldn’t be getting down on soccer,” Nicholson says. “I think soccer is great. I want kids to play hockey and soccer. Soccer’s seasons are shorter, some in eight-week segments. There’s spring soccer, summer soccer, fall soccer. A lot of those kids go after school and are home by six, while we’re confined to a rink schedules. We’re trying to pick up a lot of those great ideas.

“We have to look at hockey in a different way today. Now we have hockey registration in September and you play until April. For the Canadian that is second, third, fourth generation, they love the game and they think of it in that way. That brings costs.

“But when we look at new Canadians, we have got to do some things differently. Drop-in hockey? Six-week leagues? Maybe there’s a season September to December, and then they could go skiing and do other things. We have to look at different avenues of getting someone in instead of just registering them in September and playing until April. That’s one thing that can really change the cost.”

Carson has been wondering if hockey cannot also learn from swimming lessons, where there are various programs you can choose from and even just drop in once a week for six weeks. “And all you have to bring is a pair of skates,” he says. “We’ll even have a stick rack where you can pick out a right or a left, because if you’ve never played the game, you might not even know which way you shoot if you go into a store to buy a stick.”

Hockey Canada is increasingly looking at the feasibility of competitive leagues that ban bodychecking. “We’re trying to give kids an option,” Nicholson says. “They can go into a bodychecking or a non-bodychecking league. That’s easy to say in big cities, but in small communities, there is no option. You’ve got 20 kids in that age group and they have to play together or you don’t have a team.”

The greatest safety factor, Carson believes, lies in “managing the game in such a way that says while we see the skill level go through the roof, we still manage to curtail that aggressiveness so it’s more positive, making great plays and going hard to the net as opposed to some of the aggressive, more risk-taking plays that you see.”

Carson says he is besieged with e-mails telling him: “You’ve got to take bodychecking out of peewee because the safety of children is paramount. Well, nobody here is saying that the safety of children is not paramount.”

Better officiating, stronger officiating, clearer officiating, he says, will make the game far safer and Hockey Canada is now as concerned about the development of officials as it is of players.

Even so, young players are still leaving the game. That registration remains flat or dips only slightly over recent years is largely due to the explosion in girls’ and women’s hockey. Boys often quit.

“There’s a dropoff,” Nicholson says. “There’s a concern there. It used to be 15-16 and our numbers are showing it’s younger now. We don’t have the stats. I don’t think anyone has the true stats of what that is. Everyone can speculate what they are but we’re still trying to figure that one out.

“No question cost is one. Ice time is one. You get to be 13 or so and you have a choice: do you want to be on the ice at 7 a.m. or do you want to be doing some other activity. And then there’s the bodychecking debate. Do you teach bodychecking as a skill? When should it be introduced?

“And then there’s also the streamlining. So many kids from a very young age dream about putting on the Team Canada jersey and playing in the Olympic Games or for the Toronto Maple Leafs. And now they’re not making the AAA teams, so they go off into another sport.”

Both men say it is important not to react too quickly on matters that are raised. Study is essential, then analysis, recommendation – Hockey

Canada can only recommend to its branches – and, after that, results, which aren’t always as anticipated, as in the case of the introduction of the facial cage.

“We are not perfect,” Nicholson says. “We still have a lot more to do. The key for us is to say, hey, we are trying to make the game safer, which I really think we are, and trying to reduce costs.

“You’re not going to make everyone happy in this game. But we’ve got to make sure that we feel comfortable, that we’re trying to be the guardianship of the game and I can go to sleep at night and say ‘You know what? We’re doing the best we can.’”

Carson says: “I do not believe that the responsibility of Hockey Canada is to produce the next generation of professional hockey players. I believe that our responsibility is to produce the next generation of citizens.”

Adds Nicholson: “We want people to play for a lifetime.”

Globe And Mail LOADED: 12.15.2012

646501 NHL

NHL files class-action suit against players' union

JAMES MIRTLE

Get ready for the NHL lockout to hit a new level of ugliness and incomprehensibility.

The U.S. court system is about to get involved in hockey’s labour dispute, a development that could either bring a swift halt to the fight or drag it out for months.

On Friday afternoon, the league filed a class-action lawsuit naming 36 players – including the entire negotiating committee of the NHL Players’ Association – in federal court in New York “seeking a declaration confirming the ongoing legality of the lockout.”

The NHL also filed an unfair labour practice charge with the U.S. National Labor Relations Board alleging that the NHLPA “has engaged in an unlawful subversion of the collective bargaining process.”

Those filings were made in response to reports earlier in the day that the NHLPA was preparing to ask for a full membership vote to give its board the authority to dissolve the union, a manoeuvre that would allow players to take their case to court in an antitrust case.

That vote was expected to be held “as soon as possible,” according to one player source.

In a statement, the NHLPA said as of late Friday, the union had yet to receive the league’s lawsuit, but that they believed the NHL’s “position is completely without merit.”

The NHL’s filings mirror those made by the NBA last year during its labour dispute, when similar talk of dissolving the union led to the league preemptively arguing the lockout’s legality in court.

The 43-page class-action suit filed Friday contains several potentially controversial sections, including No. 14, which calls for existing contracts to “be void and unenforceable” if the union decertifies and several of the league’s other requests are not granted.

“The similarities between this complaint and the NBA’s last year are striking,” said Nathaniel Grow, a sports labour law expert from the University of Georgia who noted both leagues use the same New York law firm, Proskauer Rose.

Grow added that the NHL’s litigious response to talk of dissolving the union wasn’t a surprise.

“The NHL would argue that today’s news that the NHLPA was beginning the disclaimer of interest process gave rise to an actual legal dispute between the parties, giving the court jurisdiction over the case,” he said.

“The league wanted to file suit first in order to decide for itself which court the case will be heard in. New York courts’ interpretation of federal antitrust and labour law is generally more favourable to the league than would be the case in other states.”

More than a prolonged court fight, pro sports unions have generally turned to a disclaimer of interest as a way to give them additional leverage in negotiations.

Whether the manoeuvre is effective is up for debate. Players in the NFL and NBA went that route last year during their lockouts, and advocates on their side still believe the move helped them get a better deal.

Jeffrey Kessler, who represented the NFLPA and NBPA in those disputes, said in both cases the players received more concessions after dissolving the union than they otherwise would have.

"In the NFL, the players concluded there was no benefit to being a union," Kessler said. "The owners were so dug in. As a result [of disclaiming interest] they eventually settled litigation which led to them getting 55 per cent of NFL revenue last year without losing one game.

"In basketball, the players were completely stymied by impossible negotiating tactics," he added. "So the players decided to end the union and two weeks later they reached a settlement which preserved basically their entire free agency structure with no change.

"Are those good results or bad results compared to what NHL players are facing today?"

That recent history is why, despite the growing ugliness between the two sides, many observers believe the legal battle the NHL initiated on Friday doesn't necessarily mean the entire 2012-13 season will be wiped out.

The NBA's example is the most striking. On Nov. 14, 2011, commissioner David Stern declared that the "season is now in jeopardy" after players filed a disclaimer of interest earlier in the day.

Twelve days later, they had a tentative agreement on a 66-game season.

"That happened only two weeks after decertification," Kessler said. "A complete change in the owners' position."

A repeat of that would be the best-case scenario for the NHL and its players, but this new legal fight also opens the door for there to be more animosity and the potential that the two sides could become dug into their positions even further.

There are realistically only four or five more weeks left to continue bickering before a 48-game season can be salvaged, and dual court proceedings – one for the league's suit and one for a potential one from the players – could eat into that time quickly.

Because the time needed to fully play out the litigation would likely end any hope of playing games, the only winners of a court battle that prolonged would likely be the lawyers.

Globe And Mail LOADED: 12.15.2012

646502 NHL

NHLPA moves step closer to dissolving union

JAMES MIRTLE

The next stop for the NHL lockout may be the court system.

The NHL Players' Association's board took the first steps down that path on Thursday night when on a conference call they decided to ask for a full membership vote on the issue of giving the board the authority to file a disclaimer of interest.

Such a move would give the board the power to dissolve the union, which would then allow players to file antitrust lawsuits in an attempt to get an injunction to end the now 90-day-old lockout or win damages.

Multiple players contacted by The Globe and Mail on Friday refused to comment on the issue, citing "legal reasons" for their silence on the issue.

"Can't comment on that, sorry," one wrote via text message.

One source, however, said the vote to give the board that authority will take place "as soon as possible."

Both the NFL Players' Association and NB Players' Association went the disclaimer of interest route during their lockouts last year in an effort to better their negotiating position.

In the case of the NBA, players signed a new collective agreement with the league 12 days after the filing and the union was reformed.

A disclaimer of interest is technically different than a full decertification – it is a less formal and quicker process – but has the same outcome in the elimination of the union.

Globe And Mail LOADED: 12.15.2012

646503 Ottawa Senators

Ottawa Senators prospect Stefan Noesen's OHL suspension could keep him out of Team USA lineup at world junior championship

By Aedan Helmer

And then there was one.

Stefan Noesen's eligibility for the world junior championship is suddenly in doubt in the wake of a 10-game suspension handed down by the OHL for a charging incident involving the Plymouth Whalers forward last week.

If the IIHF upholds the OHL's suspension, as it did last year when Niagara IceDogs forward Tom Kuhnackl was barred from competing with the German team in the midst of a 20-game OHL ban, the Texas-born Noesen would not be able to suit up for Team USA.

Fellow Senators prospects Ceci and Matt Puempel were left off Team Canada's invite list, and the Senators told Swedish team officials Mika Zibanejad would not be released from Binghamton, leaving 18-year-old defenceman Mikael Wikstrand as potentially the sole Senators prospect to compete in Ufa, Russia when the world juniors open Boxing Day.

USA Hockey is expected to appeal the IIHF ruling, however.

"You never know what's going to happen, but the way (Noesen) has played over the last two years and in the summer camp, and then not making the team last year, it motivated him and that was one of his goals to make the team," said Murray.

Murray and the rest of the Senators brass have liked what they've seen from Wikstrand, one of the last players chosen at the 2012 draft (seventh round, 196th overall).

"He's had a tremendous start (for Mora IK of the Swedish Tier-2 Allsvenskan league). He plays in all situations over there and at this point in his development, he's got a real nice offensive game," said Murray.

"Our European guys have been following him closely and our North American guys have been over to see him and we haven't heard a single negative report. We're extremely pleased, especially where he was picked, with how his development has come along."

From the discussions Murray has had with Swedish officials, "it sounds like he's on the (world junior) team."

According to reports out of Sweden's Sportbladet, Wikstrand has an agreement in principle to join the Swedish Elite League's Frolunda Indians, alma mater of both Daniel Alfredsson and Erik Karlsson, for next season.

Sportbladet reported Wikstrand was courted by Swedish national junior team coach Roger Ronnberg, who is reportedly in talks to replace Frolunda coach Kent Johansson at the end of the season.

Ottawa Sun LOADED: 12.15.2012

646504 Ottawa Senators

Ottawa Senators don't mind if struggling 67's trade Sens prospect Cody Ceci

By Aedan Helmer

If the 67's decide to pull the trigger and trade co-captain Cody Ceci, the Senators won't stand in their way.

With the 67's floundering at the bottom of the OHL standings and the Jan. 10 trade deadline looming, the Senators' first-round pick is among a handful of veterans who would attract a lot of attention from a contender.

"It's no secret. I'm an older guy and that's what happens every year when your team's not doing well, they tend to move you and bring in some younger guys," said Ceci, an Orléans native.

"I don't think I'll be back (in junior) next year and I think (the 67's) know that, so (a trade) would be something they'd be looking to do. I'd definitely like to stay here and finish the season. I spent my whole junior career here, so it would be big for me to get to stay, but if not, then I'll go wherever and I know I'd be helping out the 67's."

Senators assistant GM Tim Murray said while he's in regular contact with 67's GM/coach Chris Byrne, there haven't been specific discussions regarding Ceci's trade status.

"If they were to come to me, I'd just say to do what's best for the organization. We don't want to interfere or influence the decision in any way. We would never go to them and say trade our guy," said Murray.

"I absolutely have no problem with (Ceci being traded). If it helps Ceci's development and helps the 67's to a quicker rebuild, I think it could be great for both. It would be great for Cody to finish off his junior career with a playoff run, and it would be great for Chris (Byrne) and (owner) Jeff Hunt to maximize what they could get for those (veterans) and hopefully be a contender next year in our building."

Murray said this season has been a "character-building experience" for Ceci.

"Nobody wants to go through a tough year, and it's been extremely tough for them for multiple reasons," Murray said. "We went through it a couple years ago in Ottawa on the big team, and it's not fun. But I think you learn from it as a player and as management. It's certainly not a write-off year."

"They have a lot of young kids who need help, and that responsibility has been hoisted on Ceci, and that can only help him down the road."

If he remains past Jan. 10, Ceci knows that responsibility would only increase.

"I'd be one of the last older guys left so it would be a lot more pressure on me to keep the younger guys together and keep the room in line," said Ceci.

Ottawa Sun LOADED: 12.15.2012

646505 Ottawa Senators

Ottawa Senators centre hears President Barack Obama loud and clear

Leah Larocque

Kyle Turriss certainly is listening to President Barack Obama, who told both the NHL and NHLPA to "do right by your fans" in an interview this week.

"Obviously if he says something you're going to listen," the Senators centre said Friday after a morning skate at Carleton University. "But at the same time, I think some people have to take it (in) more than others."

Obama added that as president, he "shouldn't have to get involved in a sports lockout."

Nevertheless, Turriss said it doesn't hurt that Obama is bringing up his NHL thoughts.

"I think it's great that Obama brought it up and recognized hockey just like he did with football and basketball (labour issues), but I think the political answer is what you're always going to hear," Turriss said. "Both sides have to figure it out."

Turriss expressed his frustration over CBA negotiations. He said fans suffer the most.

"I think that the PA already knows (this) and it's defending itself like that for the past couple of months," Turriss said. "But I don't think we've had a partner yet who's willing to play hockey yet."

Ottawa Sun LOADED: 12.15.2012

646506 Philadelphia Flyers

NHL files suit to stop players from dissolving union

Sam Carchidi,

The NHL labor dispute took a new twist Friday as the league made a preemptive legal strike, trying to stop the players from dissolving their union.

The league filed a class-action suit, asking a federal judge in New York to rule on the legality of the lockout, which reached its 90th day.

The NHL also filed an unfair labor practice charge with the National Labor Relations Board.

In a statement released Friday night, an NHLPA spokesman said "based on what we've learned so far, the NHL appears to be arguing the players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe their position is completely without merit."

It's no coincidence that the NHL's move was made after the NHLPA, locked in a three-month labor dispute with the owners, let it be known it may file a disclaimer of interest and dissolve the union.

If it did, the players could file an antitrust suit against the league and ask a judge to declare the lockout illegal.

The latest "leak" from the players could be a ploy by the union to try to speed up the negotiating process with the owners. The sides did not meet on Friday.

The NHL said the players' threat was "nothing more . . . than a negotiating tactic."

During last year's NBA lockout, players filed a disclaimer of interest but had a new CBA 12 days later, and the union quickly reformed.

Philadelphia Inquirer / Daily News LOADED: 12.15.2012

646507 Philadelphia Flyers

NHL players may go to court

Sam Carchidi,

The NHL Players' Association, locked in a three-month labor dispute with the owners, may file a disclaimer of interest and dissolve the union in the next few days, according to multiple reports.

If it did, the players could file an anti-trust suit against the league and ask a judge to declare the lockout illegal.

The lockout reached 90 days on Friday.

The latest "leaked" information, first reported by TSN in Canada, could be a ploy by the union to try to speed up the negotiating process with the owners. The sides did not meet on Friday.

At last week's Board of Governors meeting, the NHL said it wasn't worried about a disclaimer of interest being filed, claiming it had no merit and wouldn't be won in the courts.

During last year's NBA lockout, players filed a disclaimer of interest but had a new CBA 12 days later and the union quickly reformed.

Philadelphia Inquirer / Daily News LOADED: 12.15.2012

646508 Philadelphia Flyers

NHLPA moving toward dissolving its union

Tim Panaccio

Technically speaking, the 90-day NHL lockout moved a step closer to a resolution on Friday.

Player sources confirmed to CSNPhilly.com that the NHLPA's executive board voted unanimously (30-0) to allow its full membership to separately vote on a "Disclaimer of Interest," which is a legal maneuver to dissolve the union and allow its members to file anti-trust action against the NHL.

A vote could come next week.

TSN's Aaron Ward reported the story first on Friday.

The move is a shorter legal route than decertifying the union and is aimed at getting the NHL to settle with the players before the courts get fully involved.

The union would no longer represent the players, who could file legal motions on their own in individual states.

This is the route the NBA players took last year to hasten a settlement to their CBA woes. That lockout came to an end 12 days after their filing.

Decertification, on its own, could take several months to weave its way through the courts while a disclaimer of interest could be done within weeks, if not days.

Anticipating a possible antitrust suit, the NHL filed a class action suit in U.S. District Court in New York, seeking to establish that its now 90-day lockout is legal. In a separate move, the NHL also filed an unfair labor practice charge with the National Labor Relations Board, claiming the players' association bargained in bad faith.

Comcast SportsNet.com LOADED: 12.15.2012

646509 Pittsburgh Penguins

NHL files suit against union

By Rob Rossi

The NHL lockout has landed in federal court.

The league on Friday filed a class-action complaint in New York federal court in an effort to confirm "the ongoing legality of the lockout." It also filed an unfair practice charge with the National Labor Relations Board, claiming the Players' Association "has engaged in an unlawful subversion of the collective bargaining process."

Players voted Thursday to authorize its union's executive board to file a disclaimer of interest with the U.S. Department of Labor. Disclaiming interest is similar to decertification, a tactic the NFL and NBA players associations employed during their recent lockouts. Disclaiming interest instantly disbands the union and does not involve the labor relations board, while decertification could take 60 days.

The NHL could no longer negotiate with executive director Donald Fehr or special counsel Steve Fehr if the union disclaims interest, said Jared Simmer, an adjunct professor of public policy at Carnegie Mellon. The union would immediately cease representing players, who then could file antitrust lawsuits against the league.

The union released a statement late Friday, saying they believe the league's position without merit.

"The NHLPA has just received a copy of the National Labor Relations Board charge and has not yet been served with the lawsuit," the statement read. "However, based on what we've learned so far, the NHL appears to be arguing that Players should be stopped from even considering their right

to decide whether or not to be represented by a union. We believe that their position is completely without merit."

Several players said the union board was expected to disclaim interest soon. The league claims that such a tactic "constitutes bad faith bargaining." The league named Penguins' union representative Craig Adams as a defendant because Adams is a member of the board.

"In past labor situations, this has been called the nuclear option," Simmer said. "What players would be doing is blowing it up with hope the negative publicity, cost and time forces owners back to the table to get a deal done. It's a risk, but it's a risk players might take if they feel talks are going nowhere."

The NHL and union have not negotiated since owners and players met Dec. 4-5 in New York. The league asked for clarity on three points, including length of a new labor contract, and the union responded with a new proposal Dec. 6.

Owners rejected the offer, and the sides have not bargained since, though federal mediators met separately with the NHL and NHLPA on Wednesday and Thursday in New Jersey.

The lockout hit Day 89 Friday. Games are canceled through Dec. 30.

No negotiations are scheduled.

The NHL has not declared a drop-dead date to begin play, but a 48-game 1995 season began in late January. The league waited until early February 2005 before canceling the 2004-05 campaign.

Tribune Review LOADED: 12.15.2012

646510 Pittsburgh Penguins

NHL labor dispute headed to court

By Dave Molinari

The NHL's labor dispute is going to court.

Late this afternoon, the NHL announced its intention to have the ongoing lockout declared legal, a preemptive move designed to counter the possibility the NHL Players' Association will file a disclaimer of interest.

If the NHLPA did so, it would no longer represent the players, who would be free to challenge NHL clubs with individual anti-trust lawsuits.

The league also submitted an unfair labor practice charge with the National Labor Relations Board because of the threat that a disclaimer of interest will be filed by the union.

Here is the text of the league's statement:

"Today, in response to information indicating that NHL Players have or will be asked to vote to authorize the National Hockey League Players' Association's Executive Board to proceed to "disclaim interest" in continuing to represent the players in collective bargaining, the National Hockey League filed a class action complaint in federal court in New York seeking a declaration confirming the ongoing legality of the lockout.

"Simultaneously with the filing of its complaint, the NHL also filed an unfair labor practice charge with the National Labor Relations Board, alleging that by threatening to "disclaim interest," the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

There was no immediate response from the NHLPA.

NHL Commissioner Gary Bettman imposed the lockout Sept. 16, one day after the collective bargaining agreement expired.

Post Gazette LOADED: 12.15.2012

646511 Tampa Bay Lightning

Vinik gives Lightning employees early holiday gift

By ERIK ERLENDSSON

In a season in which the NHL looks more like the Grinch with each passing day, the Lightning are in more of a giving spirit despite the three-month labor stoppage that has shut down the game on ice.

Tampa Bay owner Jeff Vinik informed all full-time team employees on Friday they will be getting an extended paid vacation.

In an email distributed Friday morning, the Forum will essentially close on Dec. 20 and reopen on Jan. 2 – although the ticket office as well as the team merchandise store will remain open during regular business hours.

During the holiday shutdown, all affected employees – approximately 150 people are currently on staff – will continue to receive their regular wages, with the time off not counting toward their allotted vacation benefits. Of course, if a new collective bargaining agreement is reached between the league and the players' union before then, the extended time off will be cut short.

"Our ownership believed that an extended paid holiday at this time would be a nice reward for the employees that have worked so hard to transform the organization on and off the ice over the past two years," team spokesman Bill Wickett said.

"It isn't often in the sports and entertainment industry today that the pace of business allows for this type of break and we are happy to afford our people the opportunity to share personal time with their loved ones."

In addition to the time off, employees are being given an extra \$75 bonus funded by the Lightning Foundation with the hope it will be used to help those in need.

"We are asking that you use that money to purchase gifts for a holiday charity or perhaps a needy family close to your heart," Vinik wrote to employees. "Let's count our collective blessings while helping someone in need."

All this was possible because of the lockout that has been in place since Sept. 16, after the collective bargaining agreement expired. Vinik addressed the labor situation in his letter.

"I remain optimistic that we will reach an agreement with our great players that will enable the game of hockey to thrive in Tampa Bay for a very long time," Vinik wrote. "I believe the new framework will enable us to run a viable business in our world class manner while offering General Manager Steve Yzerman the resources necessary to ensure our team is competitive at the highest levels year-in, year-out."

Vinik closed out the letter stating, "I hope each and every one of you enjoys the holiday season and remains as optimistic as I do for our future."

Tampa Tribune LOADED: 12.15.2012

646512 Tampa Bay Lightning

Nothing puzzling about Lightning goalie prospect Adam Wilcox's development

By Damian Cristodero,

University of Minnesota goalie Adam Wilcox claims he can solve a Rubik's Cube puzzle in "about a minute."

Yeah, right, said laughing Gophers goaltenders coach Justin Johnson. "Maybe if he was doing just one side."

No, really, Wilcox said, "It's just kind of learning patterns. You have to take it step by step."

And that is exactly how Wilcox has turned himself into one of the nation's top freshman goalies and one of the Lightning's most interesting and promising prospects.

Drafted 178th overall in 2011, the South St. Paul, Minn., native decided to play for Minnesota rather than stay in juniors, a stepping-stone approach to his career he believes is the best way to prepare for subsequent levels.

"I like to take each step of the process to make sure I'm ready to play," Wilcox said. "Get a good base, good experience, get the confidence at each level and keep building."

So far the plan is paying off.

Wilcox, 20, is 10-2-3 in 16 games for No. 3 Minnesota with 944 minutes, 23 seconds of ice time that is fifth in Division I. His 1.78 goals-against average is eighth — and third among freshmen — and he has two shutouts.

"Tremendous athletic ability," Johnson said. "Even when he misreads a play, he's able to react back to the puck."

"And he makes big saves, timely saves," Lightning goaltenders coach Frantz Jean said. "That's the X factor everybody is looking for."

At 6 feet, 186 pounds, Wilcox is not big, especially for the size-obsessed NHL. But Jean said he compensates with "really good" foot movement and positioning.

And a "tremendous glove," Johnson said.

Wilcox, though, was quick to note the contributions of his teammates.

"Our forwards are stacked, and we have the best (defense)," he said. "That gave me a lot of confidence coming in, knowing that even if I did give up one or two (goals), they have my back for the rest of the game."

But let's get back to this Rubik's Cube thing.

A friend showed Wilcox the puzzle in ninth grade, the goalie said, and after about three hours he had it licked.

Wilcox's mother, Christy, isn't surprised.

"He's a perfectionist and likes everything in order, so it fits him he'd take a Rubik's Cube and put it in order," she said. "I don't think I've ever cleaned his room or organized his room. I never had to worry about that."

"Even when he was younger, he always had his toys in one area and dinosaurs in one area. He was a really organized kid."

Wilcox said there is an argument that learning to solve Rubik's Cube helps him on the ice.

"With doing that, you see ahead to the next move you have to make," he said. "I can kind of see what's going to happen ahead. I can see a guy coming in, if it's going to be to the back door. I can make the move before it happens."

"The same with school and stuff," Wilcox added about majoring in sports management. "I like looking ahead and planning."

Step by step.

Tampa Bay Times LOADED: 12.15.2012

646513 Toronto Maple Leafs

World juniors: Ryan Nugent-Hopkins named Team Canada captain

Kevin McGran

CALGARY—Ryan Nugent-Hopkins, the lone player on Team Canada's roster with a full NHL season under his belt, gets the C.

And with the captaincy comes pressure not just to perform at the world junior hockey championship starting on Boxing Day in Ufa, Russia, but to answer a nation hungry for hockey — win or lose.

"We have 23 guys here who are all leaders," said Nugent-Hopkins. "The more pressure, the more our team is going to thrive."

Team Canada coach Steve Spott said the Edmonton Oilers, who could recall their first overall pick from 2011 if the lockout ends, were "fully supportive" of the move.

"With Ryan, he's able to handle some of the media pressure. He's played in the men's world championships already and the NHL," said Spott. "We feel very comfortable with Ryan."

Defenceman Scott Harrington of the London Knights and winger Jonathan Huberdeau of the Saint John Ice Dogs — both of whom are returning from last year's team and have played in Memorial Cups — are the alternate captains.

"We've got a good rapport with all three young men," said Spott. "We feel they can carry the messages from the coach's office into the room. All three are well respected, and all three are well liked by their teammates."

Nugent-Hopkins carries himself in an unassuming manner and has expressed repeatedly that he doesn't want any special treatment just because he's an NHLer. Some say he looks more like an actuary than a hockey player. It's fairly evident that his teammates look up to him, given his success.

"Young guys look at him as a role model," says winger Mark Scheifele, who played seven games for the Winnipeg Jets last year. "A good captain leads by example. Especially with him playing in the NHL last year, he knows how to be a pro. He knows how to handle his body. Everybody will definitely learn from him."

Nugent-Hopkins, runner up for NHL rookie of the year last season, was the natural choice. He's easily the best player on a team filled with high-end talent and, even though he's playing in his first world junior tournament, he can handle pressure. He did so with the Oilers, and he scored the tournament winner for Canada in an under-18 tournament.

"It was a great feeling, winning that gold," he said. "It's something you can never replace, but it's something you want to keep recreating."

Canada hasn't won gold at the world junior tournament since 2009. Last year, for the first time in 11 years, the team didn't even make the final and as much talent as this lineup has, it still faces challenges starting with the top line.

With Nugent-Hopkins at centre and Huberdeau on left wing, Scheifele of the Barrie Colts will play right wing. It's a new position for the natural centre who hasn't had much time to practise, but did start working on taking passes off the boards the last few weeks before camp.

"It's just a change of position," said Scheifele. "You go over video, you do a few things to get adapted to it. It should be fun. As practices go on, we should get . . . more chemistry. We're going to work hard to stick as a line and continue to help each other."

The other line combinations will be worked out at Saturday's final practise in Calgary before heading overseas. Jonathan Drouin is expected to be on the second line, possibly with his Halifax Mooseheads centre, Nate MacKinnon. That would put a lot of pressure on a pair of 17-year-olds.

"Those two young men deserved to come to the camp and deserved to be on the team by their play this year," said Spott. "They're 17, but they play like they were 27. That's what made the difference."

"They're world-class players."

With the roster named and leadership issues handled, there remains one other question: Who will be in net?

Malcolm Subban, Jake Paterson and Jordan Binnington made the team, but Spott prefers to go with one goalie for the entire tournament.

"Maybe we should call them 1-A, 1-B and 1-C," said Spott. "I really don't think there's a No. 3 (who won't play unless there's an injury) in this group."

Toronto Star LOADED: 12.15.2012

646514 Toronto Maple Leafs

World juniors: Maple Leafs prospect Morgan Rielly bounces back

Kevin McGran

CALGARY—Leafs prospect Morgan Rielly has come a long way in a year — from his couch to Team Canada's blue line.

Rielly might have been on last year's entry for the world junior hockey championship, but he blew out a knee ligament and missed most of the season with the Moose Jaw Warriors.

"I'm extremely blessed to be healthy and playing again," said Rielly. "It's all kind of hitting me now. It's pretty cool to have the (Team Canada) jersey on."

A year ago, things were bleak.

"I believe I had a cast on my leg. I was on the couch, watching TSN, hearing about all the people getting a chance to play for Team Canada and hoping that I would have that opportunity. I'm here now. It's pretty great."

The team, named Thursday night, had a photo session Friday. They'll have one more practice Saturday before flying to Finland to continue camp. The tournament starts on Boxing Day in Ufa, Russia.

Rielly says the brief, intense camp and huge media coverage make everything feel like a whirlwind.

"This is pretty new to me. There's cameras everywhere," said Rielly. "It's been over Twitter where I've gotten the most reaction from Leafs fans. It's been unbelievable."

Like most of the players, Rielly says being named to Team Canada fulfils a dream.

"This is right up there with the draft. This is top of the list," said Rielly. "This is unbelievable. I've had some pretty good karma going around."

Rielly will most likely get a chance to play against other Leafs prospects plucked from the 2011 draft. Forward Tyler Biggs (22nd overall) and goalie Garret Sparks (190th) are expected to make the final cut when Team USA announces its roster on Dec. 22. Defenceman Tom Nilsson (100th overall) plays for Sweden.

Toronto Star LOADED: 12.15.2012

646515 Toronto Maple Leafs

NHL lockout: League files complaint against NHLPA in court

Mark Zwolinski

With NHL labour talks going nowhere the players are exploring other measures to salvage the season while the league is taking the matter to court hoping to have the lockout declared legal.

In a move first reported by TSN's Aaron Ward, the player's executive board agreed Thursday night to put a vote to the players that would authorize the board to proceed with a "disclaimer of interest."

If players vote in favour of the move, executive director Donald Fehr would no longer be in charge of bargaining on behalf of the players. In fact, the union would be dissolved and players would cease being seen as a collective entity.

But the NHL Friday afternoon took the union's move head on, filing a class action complaint in U.S. Federal Court in New York "seeking a declaration confirming the ongoing legality of the lockout."

The league also filed an unfair labour practice charge with the National Labor Relations Board. The NHL claims that the union, by "threatening to disclaim interest," has "engaged in an unlawful subversion of the collective bargaining process."

The NHL has effectively called the union's bluff on the disclaimer of interest move. A player source said he does not know when the vote on a disclaimer of interest would be put to the players, but felt that "you'd see the players respond unanimously" in favour of the move.

If the players' vote passes, they could then file an antitrust lawsuit seeking to have the lockout deemed illegal, something that could result in them being paid triple their lost salary in damages, if successful.

Under U.S. labour and antitrust laws, owners-employers are prevented from locking out employees who do not work under a union. The penalty for doing so is an award of triple the lost wages.

The players are losing \$9 million a day in collective wages, and the lockout entered its 90th day Friday.

While the date for a vote on the disclaimer is not set yet, it is expected in the coming days. However, should the 30-member executive board be given the right to "disclaim interest," it doesn't mean that it would do so.

NBA players, for instance, filed a disclaimer of interest while they were locked out last season. They ended up agreeing to a new CBA with the league 12 days later and the union survived.

The NHL and NHLPA spent two days with a U.S. federal mediator this week but have been able to make progress in collective bargaining talks.

A complete breakdown in talks last Thursday in New York prompted the players to discuss amongst themselves whether the NHL had been aiming all along to "blow up" the supposed progress made earlier in the week.

The two sides have since met in New Jersey — with little to no movement — and are expected to be in contact by phone over the weekend.

The union's executive board voted to enable players to direct a disclaimer of interest.

With files from Canadian Press

Toronto Star LOADED: 12.15.2012

646516 Toronto Maple Leafs

Can Canada save the NHL?

Morgan Campbell

Thirteen weeks into an NHL lockout that revolves around propping up money-bleeding franchises in U.S. markets, it may already be late to salvage the current NHL season.

But would moving some of the league's 12 money-losing franchises to Canada help avoid work stoppages in the future?

In the 1990s, a weak Canadian dollar contributed to the skyrocketing expenses that helped chase NHL franchises away from Quebec City and Winnipeg. But economists say that's no longer a problem: rising commodity prices are set to keep the dollar strong in the long term, and various studies say Canada can support anywhere from one to six more NHL clubs.

Winnipeg has already proven it can handle a franchise, adopting the Atlanta Thrashers, rebranding them as the Winnipeg Jets, and boosting its value from \$135 million in 2010 to \$200 million this year, according to Forbes. Would repeating that process in hockey hotbeds across Canada boost the number of profitable franchises, and improve the league's bottom line?

Not really, experts say.

While Quebec City is an NHL-sized market with a top-flight arena under construction, economists who study the issue say luring an underperforming NHL team won't provide a meaningful boost to finances league-wide.

"You could take the three weakest teams in the league and drop them in Canada, but you still have a third of the league that's not breaking even," says economist Glenn Hodgson of the Conference Board of Canada, an economic think tank that has studied Canada's pro sports industry. "The way (NHL owners) solve that is through really tough negotiating, or more revenue sharing, or both." That doesn't mean the viability of its U.S. markets isn't a pressing economic concern for the NHL. No matter how or when this lockout ends, Drew Dorweiler of the Montreal-based business valuation firm Dartmouth Partners says finances will force several teams to seek more lucrative homes.

"Some of these teams are just not viable in Sun Belt markets," Dorweiler says. "There are other areas waiting that are demographically much more appealing to hockey. The franchise could be significantly more valuable and more profitable in these other markets."

Are Canadian markets viable? When releasing a stronger-than-expected earnings report last March, Quebecor specified that it hoped to win an NHL franchise. The Quebec-based telecommunications giant has already agreed to buy the naming rights to Quebec City's new \$400-million arena.

But with Seattle also angling for an NHL franchise, the chances of more than one club seeking profits north of the border in the post-lockout era are

slim. "After Quebec City, it's pretty hard to think of a Canadian city with a market that could support (NHL) hockey," says University of Ottawa economics professor Norm O'Reilly.

The other problem, experts say, is that Canada's various hockey hotspots aren't as profitable as they seem. Are there enough fans in corporate dollars to support a second team in Toronto? Sure. But finding an owner willing to pay the Maple Leafs for the privilege of setting up shop in their territory is something different.

And while hockey passion in mid-sized markets runs deep, revenue sources do not. O'Reilly points out that several U.S. NHL teams with lacklustre ticket sales nonetheless benefit from having more television sets and sponsors than they'd have in a hockey-hungry but economically modest Canadian market.

"Even the smaller-market U.S. teams would get more regional TV dollars than any small market Canadian team," he says. "(Moving teams to Canada) would be a pretty modest influence on the overall revenues of the league. If you're the owner of the L.A. Kings and a team moves from Phoenix to Quebec City, it really doesn't change your world."

Toronto Star LOADED: 12.15.2012

646517 Toronto Maple Leafs

NHL lockout video urges fans to boycott hockey when it returns

Mark Humphrey/

As the NHL lockout continues, a video posted on YouTube is calling on fans to boycott the league if the impasse goes past Dec. 21.

"You lock me out, I'm locking you out," a disgruntled fan vows in the video, titled "Just Drop It."

The video has more than 50,000 views since it was posted Dec. 8.

Fans are asked to pledge that for every game cancelled after Dec. 21, they boycott the NHL for the same number of games after the lockout ends.

"You cancel one game, I'll take one from you," is one message. "You take 10, I'll take 10. You take 20, I'll skip the next 20."

That means not attending any games, watching on television, or buying any merchandise.

The creators of the video complain that fans have been "clearly taken for granted and disrespected. You have the power to make a difference."

The big question will be whether fans will forget their anger when the puck finally drops.

Toronto Star LOADED: 12.15.2012

646518 Toronto Maple Leafs

NHL lockout: Legal manoeuvres by league, union add twist to labour talks

Sean Fitz-Gerald

Two days of talks between the NHL, the players' association, and federal mediators still haven't provided any answers on how to end the lockout.

Representatives from the fighting sides made it into the same room with a federal mediator Thursday. They just didn't make any noticeable progress. After a failed day Wednesday when the parties on either end of the hockey labour dispute never met with each other, lawyers from each group spoke face to face Thursday.

They appear no closer to a deal to save the season.

President Barack Obama addressed the stalemate in an interview Thursday with WCCO-TV in Minneapolis.

Read more ...

A lawsuit filed in U.S. court, a charge of unfair labour practice and a potential dissolution of the National Hockey League Players' Association may have added interesting twists to the NHL's three-month-old lockout on Friday, but none of the three necessarily mean the entire season will be lost.

Reports the NHLPA was moving closer to filing a disclaimer of interest — dissolving the union for the purpose of filing antitrust lawsuits against the NHL in the U.S. — led to the NHL taking pre-emptive court action. Citing the earlier reports about the NHLPA, the league said it had filed a complaint in a federal court in New York to ask the court to affirm the legality of the lockout, while also filing an unfair labour practice charge with the National Labor Relations Board.

With the latter, the NHL alleges "that by threatening to 'disclaim interest,' the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining."

The rattling of legal sabers puts the two sides no closer to a deal, though.

"The lawsuit is entirely expected," said Keith Burkhardt, a labour lawyer with Toronto-based Sherrard Kuzz LLP.

"They presumably have had the complaint written for some time and were just waiting for a news report giving them a sufficient basis to file the suit," said Nathaniel Grow, an assistant professor at the Terry College of Business at the University of Georgia. (He has a paper, *Decertifying Players' Unions: Lessons From the NFL and NBA Lockouts of 2011*, due to be published early in the New Year.)

The NFL and the NBA underwent similar processes during their respective lockouts last year. In the case of the NBA, an agreement was reached two weeks after the players filed in court.

"I don't think this is particularly shocking news," Grow said. "The same thing happened in the NBA lockout and did not prevent the parties from reaching a deal."

Burkhardt suggested the NHL filed its case in New York because that jurisdiction has historically been friendlier to employers than to labour.

Interestingly, Sidney Crosby was left off the list of 36 defendants named by the NHL, a list that includes marquee names such as John Tavares and Shea Weber. The league, in its filing, calls the threats of a disclaimer "an impermissible bargaining tactic."

"In order to be effective, the disclaimer must be made in good faith," Burkhardt said. "If a union disclaims interest, but continues to collect dues, file grievances, picket or otherwise represent employees, it is possible that the disclaimer will be negated."

The NHLPA issued an official response later Friday, saying it had only just received a copy of the lawsuit: "However, based on what we've learned so far, the NHL appears to be arguing that Players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe that their position is completely without merit."

There is uncertainty how this scenario might play out in court, because none of the major professional sports organizations have taken it the distance. If the players file an antitrust suit, they could be awarded treble damages — meaning that if they are losing US\$10-million a day during the lockout, the NHL could be held liable for US\$30-million a day.

So the uncertainty, and the possible outcome, is a possible benefit for players.

"The risk is that, if they do go forward with this, the owners might dig in their heels and refuse to negotiate further," Grow said. "There's definitely a downside, a risk. But I think they're probably looking at it as, 'Maybe this will get us that final piece of leverage we need to get a deal done.'"

National Post LOADED: 12.15.2012

646519 Toronto Maple Leafs

NHLPA likely using disclaimer of interest as leverage: expert

Sean Fitz-Gerald

A report suggesting the National Hockey League Players' Association is moving closer to dissolving, as a means of combating the NHL's lockout, is not evidence an entire season will be lost, according to an expert familiar with the topic.

On Friday, TSN analyst Aaron Ward, a retired NHL defenceman, posted these messages into his Twitter account:

"To me, it's not an alarming piece of news," said Nathaniel Grow, an assistant professor at the Terry College of Business at the University of Georgia who is familiar with labour law and professional sports. (His paper, *Decertifying Players' Unions: Lessons From the NFL and NBA Lockouts of 2011*, is due to be published early in the New Year.)

What is a disclaimer of interest? The National Post offered this explanation last week:

In the U.S., a decertified union has to wait a year before it can recertify. A disclaimer of interest is a much more informal process — as simple as writing a letter saying the union no longer represents the players — and the union could be reassembled in relatively little time. Keith Burkhardt, a labour lawyer with Toronto-based Sherrard Kuzz LLP, said that, in Canada, the disclaimer would be known more as abandonment of bargaining rights. Either way, the union, as it now stands, would be out of the picture. And (Donald) Fehr would unlikely be allowed to stand at the forefront.

The NHLPA did not immediately return a message seeking confirmation and comment. Just before 5 p.m. ET, the NHL sent out a release saying it had filed a "class action complaint" asking a federal court in New York to confirm the legality of the lockout. The move was made as a pre-emptive response to the players' association's desire to seek a disclaimer of interest and begin court proceedings to solve the lockout.

"The risk is that, if they do go forward with this, the owners might dig in their heels and refuse to negotiate further," Grow said. "There's definitely a downside, a risk. But I think they're probably looking at it as, 'Maybe this will get us that final piece of leverage we need to get a deal done.'"

Here is a bit of recent historical context, from that same Post story:

NFL players filed for an injunction to end the NFL lockout last year, but ultimately lost on appeal: "But they lost it on jurisdiction," said Mort Mitchnick, a labour lawyer with the Toronto-based firm Borden Ladner Gervais LLP. "So no one's clear yet, as to what the real answer is, in terms of whether you can actually [end] the lockout."

During the NBA lockout, NBA players opted against filing that injunction, and instead filed for the treble damages: "And two weeks later, they had a deal," Mitchnick said. "Often times, it's the threat and the uncertainty of what's hanging over your head that causes things to change."

What does it mean for the hockey season, which has been locked out since Sept. 15?

"I don't think it lowers the chances of a season," Grow said on Friday. "Now there just more of a potential risk there."

National Post LOADED: 12.15.2012

646520 Toronto Maple Leafs

CHL teams brace for end of NHL lockout

Sean Fitz-Gerald |

NHL and union meet in suburban New Jersey, but not with each other

The latest round of NHL labour talks ended with the two sides not even getting into the same room with one another.

The players' association and league negotiators met separately Wednesday with federal mediators in suburban New Jersey, holding discussions that didn't immediately appear to have moved the sides any closer to a deal to save the hockey season.

There was hope going into Wednesday that negotiations could get back on track to the point they were last Thursday before talks fell apart.

When the NHL agreed last week to increase its make-whole offer of deferred payments from \$211 million to \$300 million it was part of a

proposed package that required the union to agree on three nonnegotiable points. Instead, the players' association accepted the raise in funds, but then made counterproposals on the issues the league stated had no wiggle room.

Read more ...

Marty Williamson benefits each and every day the National Hockey League continues its lockout. It can be an awkward admission, coming from someone who makes his living in the game, conceding that a season-squashing lockout would not be the end of the world.

"Selfishly," he said, "it wouldn't."

Williamson is the head coach and general manager of the Niagara IceDogs, in the Ontario Hockey League, and the three-month-old lockout has afforded him the use of three NHL-calibre players. The three of them — forwards Ryan Strome and Brett Ritchie, along with defenceman Dougie Hamilton — were in the top 12 in OHL scoring as of Wednesday.

Williamson has lost all three to Canada's world junior team selection camp for now, but if the collective bargaining talks between the NHL and the NHL Players' Association tiptoe to an agreement — the sides met at an undisclosed location on Wednesday — they could be gone forever.

"With those guys, we're competitive every night; we have three of the best players in the league," Williamson said. "We have a nice little supporting cast around them. And maybe if I added a player or two, we can take a shot at this thing and take another run at trying to win a championship. If we lose those three guys, then the mentality is different here."

How different?

"You go into what you thought in the summertime, that it's more of a rebuild year; it's more about development," he said. "Winning the championship isn't really a possibility when you lose those three guys. That's a reality that sets into our team."

While a NHL settlement would hit Williamson harder than most, it would be felt across junior hockey.

The trickle-down effect of a harried NHL training camp schedule would be felt across the Canadian Hockey League. Even CHL president David Branch is not certain how the three junior leagues might look if the NHL resumes later this month, or early next month.

"There could be so many variables, so many unknowns," he said. "We just left it with the National Hockey League that, at the time that they do return to play, we will have some dialogue — quickly, obviously — to determine a framework and parameters moving forward."

"It's a tough situation for us," Williamson said. "We've been watching this closely. You get to a point where, you hate losing these guys, but you'd like to see it happen one way or the other, just to have clarity in the issue."

The IceDogs advanced all the way to the OHL championship series last year, where they fell to the eventual Memorial Cup finalist London Knights. Retaining Strome, Hamilton and Ritchie for another year has allowed Niagara to delay its inevitable rebuild.

Niagara is only three points out of first place in its conference. The three players have combined for 57 goals, or 46% of the team's total output.

The competitive part of me would love to see them stay. But there's a realistic part, that this is a development league

"For us, we got the benefit of having these guys here for two-and-a-half, three months, and they've been great mentors for our young guys," Williamson said. "We didn't anticipate this being a real good year. We've had a couple wonderful years, and we thought this was going to be a bit of a rebuild-type year. And it turned out, these guys are here, and it's made us very competitive."

Hamilton, 19, was selected ninth overall in the 2011 NHL draft by the Boston Bruins, and was expecting to fight for a spot on the big club in training camp. He has 41 points in 32 games with the IceDogs. Strome, 19, was taken fifth overall in that draft, by the New York Islanders, and leads the OHL in scoring with 62 points in 32 games.

Ritchie, 19, is fourth in OHL scoring, with 50 points. The Dallas Stars selected him 44th overall in 2011, and have submitted his name as one of the junior players they would be interested in seeing in training camp if and when the lockout ends.

"The competitive part of me would love to see them stay," Williamson said. "But there's a realistic part, that this is a development league. And nobody's worked harder ... to live out their dream and to try to make the NHL this year."

National Post LOADED: 12.15.2012

646521 Vancouver Canucks

Ryan Kesler's return 'pushed back several months'

By Ben Kuzma,

Ryan Kesler's return from offseason shoulder and wrist surgeries has been pushed back several months, according to his agent.

The Vancouver Canucks beg to differ on the extent of that timeline provided by Kurt Overhardt, but it's not a stretch for anyone to suggest that the centre won't be back next month as forecasted earlier this fall.

When Kesler was re-evaluated two weeks ago at the Cleveland Clinic to assess progress from a May 8 procedure on his left shoulder and June 27 surgery on his left wrist, it was determined the rehab load placed on one side of his body was taking a toll and that progress has been slow.

"The re-evaluation was positive in that the surgeries were successful," said Overhardt. "However, the compounding nature of both of those surgeries being on the same side of the body, it's been very hard to properly rehab either one of the them — particularly the shoulder — because that's obviously a big deal.

"I don't think it's fair to have any sort of time frame when he's going to be 100 per cent and cleared to play. I don't have a crystal ball and it's certainly months away, it's not weeks away. It's several months away."

If the NHL lockout ends and a shortened season commences next month, the Canucks will be further taxed to figure out their riddle in the middle.

They expected to start without Kesler, but his setback means those second-line minutes must be eaten up individually or by committee.

Chris Higgins played centre for the Montreal Canadiens while Alex Burrows and Mason Raymond have taken shifts in the middle.

A more viable option would be to promote Maxim Lapierre into that role and also see if Manny Malhotra and Jordan Schroeder can centre the third and fourth lines.

Andrew Ebbett is on a two-way contract and playing for the AHL affiliate Chicago Wolves and could also work into the bottom-six mix.

The Canucks could also seek help in a Roberto Luongo trade and landing Toronto Maple Leafs centre Tyler Bozak has long been rumoured.

As for Kesler, the Canucks are holding out better hope for a quicker return of Kesler than Overhardt.

"I wouldn't necessarily say it's months away — that's news to me — and I haven't been given a timeline," said assistant general manager Laurence Gilman.

"The rehab for his shoulder was complicated by the surgery that happened with his wrist and it has impacted his ability to build strength in his shoulder.

"It's a gradual process and he's improving every day. We assume he'll be healthy in due course but when that's going to be, at this stage that's not clear."

Regardless, caution is obviously the best route for the 28-year-old Kesler to travel because a robust style has led to three surgeries in the last year.

Multiple procedures have led to multiple problems and the latest are of great concern.

"It has affected his strength and range of motion to actually use the arm to stickhandle and shoot the puck," added Overhardt.

"You have to properly rehab because if you don't, you're going to have imbalances, so they [Cleveland Clinic doctors] are trying to be really smart about it. He's got a lot of hockey ahead of him so we're trying to make sure that he recovers and comes back 100 per cent and play like he can play."

Kesler is being paid his \$5 million US salary and is under the care of the Canucks because he was injured when the collective bargaining agreement expired Sept. 15 and players were locked out by the owners.

He was flying home to Michigan on Thursday and unavailable for comment, but knew long ago the rehab process was going to be arduous with two surgeries on his left side.

"If I had my shoulder surgery on the right side, it might have helped a bit," he said. "It's going to take time, but time heals everything."

It certainly explains how far off the mark the former Selke Trophy winner was last season.

Hip-flexor stiffness from a previous surgery, a bad shoulder and bothersome wrist affected Kesler's shot velocity and accuracy and also his battle level in dropping from a career-high 41 goals to 22 and no goals in five playoff games.

There was some encouragement when he collected 17 points in a 15-game span in December — scoring in five-consecutive games from Jan. 31 to Feb. 9 — but the Livonia, Mich. native then went eight games without a goal.

Kesler tore a labrum muscle in his left shoulder on Feb. 9 but soldiered on, even though he had been nursing a wrist injury since November.

Vancouver Province: LOADED: 12.15.2012

646522 Vancouver Canucks

Willes: Are they really stupid enough to let the NHL season die?

By Ed Willes,

Here is what I answer.

"Yes I think there will be hockey this season."

Often, as a followup, the question why is then put forward.

And here's my answer to that query.

"Because they can't be stupid enough to blow up a season over the issues in these negotiations. No one is that stupid.

"OK, maybe Lloyd Christmas is that stupid. But he's a character in the movie, Dumb and Dumber, not a living, breathing person, and if I believe anyone alive is actually that stupid, I will lose all hope in the human race."

Over the last three months I've held firmly to this belief. But, as Christmas — the holiday, not the movie character — draws nearer, I'm also starting to wonder.

Is it possible? Are they really that stupid?

You look for signs of intelligence. You look for the light of reason from these men who've all graduated from institutions of higher learning.

But, we get the same drumbeat. No progress today. The sides will exchange calls tonight. They might meet tomorrow. And the pages fly off the calendar. And they're drawn to the void.

I have to confess I'm all over the map with this one.

There was a time when I looked forward to the public statements, especially from Gary Bettman and Bill Daly because, usually, you have to pay for entertainment like that.

Last Thursday was one such occasion. Angry Gary. Bill dying on the hill. You can't make that spit up.

But they make it hard to keep laughing.

Stop me if you've heard this but there was no progress again on Thursday. There was, however, a round of phone calls and they might meet again today.

The laughter turns to frustration. The frustration to anger. The anger to something approaching depression. Maybe acceptance is the final stage but I cling to the belief they can't possibly be that stupid.

Remember, they played 48 games in '94.

And I wonder why I still care. This, after all, is essentially a labour negotiation. The two sides are trying to strike a business deal. It's about money. It's about allocation. Emotions shouldn't be part of the equation.

Except they are.

There is, obviously, the business of sports and only a fool would deny its existence.

But if sports and business were interchangeable, why don't we paint our faces to watch an accountant adding up numbers?

Why don't we buy the merchandise from our favourite lumber company and show up en masse to cheer the workers at their lathes?

Why don't we go on roadies to watch sales people in another town make their calls?

We are drawn to sports, specifically to hockey, because it's the opposite of business. It's emotional. It's chaotic. It's unstructured.

Unless the Raptors are playing, we don't know what we're going to see when we go to the games. We just know we'll see drama, tension, artistry, maybe violence and we'll see these things in their rawest forms.

But there's something else that draws us to the games; something else you don't get from business.

In sports, we get to see people doing brave things. We don't often see that any more. Or perhaps we don't look in the right places.

But, in sports, it's right there in front of you, athletes who are vulnerable and exposed, athletes who have to confront their most basic fears and perform at the highest level.

Sometimes they succeed. Sometimes they fail. But either way, they give us a story, a wonderful story, and those are hard to find these days.

Tell me, when was the last time you were similarly moved by a business deal?

Maybe that's why this lockout is so infuriating. They've taken the game — the place where we got to see drama and excellence and courage — and reduced it to a business transaction.

In the end, maybe that's all it is. But I have to believe there's more to it; just as I have to believe they won't let the games die.

Vancouver Province: LOADED: 12.15.2012

646523 Washington Capitals

NHL files class action complaint against NHLPA in federal court

Posted by Katie Carrera

After weeks of stalemated negotiations, the NHL and NHLPA are going to court.

On Friday, the league announced it had filed a class action complaint in New York Federal Court to declare the lockout legal as well as an unfair labor practice charge to the National Labor Relations Board.

The preemptive move by the NHL followed reports that the NHLPA would soon hold a vote by its membership to give its executive board the ability to file a disclaimer of interest. A disclaimer of interest dissolves the union, ending its right to represent players, and allow players to file class-action anti-trust lawsuits against the league.

With regard to the unfair labor practice charge, the league alleges that "by threatening to "disclaim interest," the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

The NHLPA issued the following statement Friday evening: "The NHLPA has just received a copy of the National Labor Relations Board charge and

has not yet been served with the lawsuit. However, based on what we've learned so far, the NHL appears to be arguing that Players should be stopped from even considering their right to decide whether or not to be represented by a union. We believe that their position is completely without merit."

The possibility of decertification or filing a disclaimer of interest (read up on the difference here) has long been among the options considered by the NHLPA during this dispute. To be clear, the players have not yet moved to dissolve the union.

Last year, NBA players filed a disclaimer of interest on Nov. 14, 2011 and 12 days later they reached an agreement with NBA owners to end that sport's lockout.

Washington Post LOADED: 12.15.2012

646524 Washington Capitals

Obama tells NHL players, owners to 'do right by your fans'

Posted by Katie Carrera

President Barack Obama weighed in on the NHL lockout during an appearance on "The Tonight Show" with Jay Leno back in October. On Thursday, Minnesota WCCO-TV reporter Frank Vascellaro asked Obama whether he would be willing to help solve the lockout.

Check out the full transcript of the interview here and Obama's response to the lockout below:

Frank: Minnesota's known as the state of hockey, and we're under the NHL lockout right now. Would you be willing to intervene in that lockout?

President Obama: You know, look. I've got to say, because we've had an NBA lockout, we've had an NFL lockout during the course of my presidency, the president of the United States shouldn't have to get involved in a sports lockout. My message to owners and to players is, you guys make a lot of money and you make a lot of money on the backs of fans, so do right by your fans. You can figure out how to spread out a bunch of revenue that you're bringing in, but do right by the people who support you. And I shouldn't have to be involved in a dispute between really wealthy players and even wealthier owners. They should be able to settle this themselves. And remember who it is that's putting all that money in their pockets.

Meanwhile, Friday marks the 90th day of the lockout. The two sides are expected to talk on the phone, following two consecutive days of sessions with federal mediators that failed to yield any traction.

Notable links:

- An anonymous member of the Board of Governors offered a framework to ESPN's Scott Burnside for a new CBA that could bridge the gap between the two sides.
- From CBC's Elliotte Friedman: "This process needs a shot of adrenaline, like Uma Thurman's heart in Pulp Fiction."
- USA Today's Kevin Allen suggests that the NHL add another round of playoff action in 2012-13 to spice up the abbreviated season.

If we play a 48-game season, my suggestion would be to increase the playoff pool from 16 to 24 teams. It would be a conference-only format, and the top four teams in each conference would draw a first-round bye, and then teams ranked fifth to 12th would play in a best-of-three play-in round. No. 5 would play No. 12. No. 6 would play No. 11, and so on.

- Alex Ovechkin recorded a goal while Nicklas Backstrom posted an assist Thursday in Russia's 5-1 win over Sweden in the first game of the Channel One Cup. Our friends over at Russian Machine have highlights and photos.
- Capitals prospect Tom Wilson, a first-round pick in the 2012 draft, was one of eight final cuts made by Team Canada Thursday as it selected its roster for the 2013 World Junior Tournament.

One of the toughest moments of my life. Honoured to have had the opportunity and wishing the best of luck to the boys going to Russia.

— Tom Wilson (@tom_wilso) December 14, 2012

Washington Post LOADED: 12.15.2012

646525 Winnipeg Jets

It's cold out and we just wanna watch some NHL ACTION ALREADY!

By: Staff Writer

We asked our readers to sent us tweets telling us what they missed most about not having the NHL so far this season. Here are some responses:

Kevin Sigmundson@KevinSig

Do you know how many TV shows there are about women being mean to other women trying to buy a dress? I do now.

Jason W.@jwow777

I don't miss it yet. Looking forward to the World Juniors though. Don't want an NHL/NHLPA agreement to screw that up too.

Jeff Hoepfner@bluebomber6

I miss the buzz you have all day at work, knowing you'll be screaming your lungs out for the Jets at the MTS Ctr that night!

Joyann@jbehindtheglass

I miss the storylines & progression/momentum. If we have a season, so be it, but it won't have the emotional depth.

Justin W.@Justin_GoJetsGo

Missing the NHL due to the fact we are missing moments. Moments like the first puck drop back in WPG! It was UNREAL!!!

Jay Kuchirka@gojetsgo1984

I miss hockey cuz it's frickin cold out and I just wanna watch a damn jets game!

Eric@CrazyJetsFreak

The MTS Centre was like a second home, and I feel like I've been evicted.

Barney Zedog@BarneyZedog

I miss TRUE NORTH! during the anthem. Great for getting is all feeling warm and fuzzy about our city!

Eric Venn@ericvenn

I miss the excitement I'd feel all day before going to a #Jets home game. There's nothing like the atmosphere in that building.

Bruce Penner@BrucePenner

In our society, professional sports is our best alternative to actual war. Without this release, armed conflict is inevitable.

Gary Zanewich@zany57

Because it is a great way to help us through our Winnipeg winters and I LOVE the game. Last winter blew by, this one is dragging

Costa@costas204

I don't miss the NHL, I miss our Jets! Winter seemed a little bit warmer, a little shorter. Excitement of the city was great!

JLabossiere@jlabossiere

A winter Saturday night in Winnipeg without Hockey Night in Canada is so sad. I miss both the game & my rituals around it.

Jennifer Monaster@msjenn28

hockey gave me a reason to leave the house and go sit in a bar and meet people. It also made great conversations at work.

Tyler Litke@chieflitke

It brings this city together better than anything or anyone else. Even if its -40, the Jets bring a smile to everyone's face.

Jason Moran@jaymoran74

i miss nhl hockey because it brings family and friends together to cheer on our Jets.

PewDawCry@SlurpeeCapital

i miss friends coming over 2 watch the games & the excitement that happens around the city.

Gary M@GMAT1955

I miss dropping thousands on season tickets, 20 bucks for a beer and popcorn....and completely thinking it's awesome!

Ken in Winnipeg@ikcotol

I miss the culture of hockey, the conversations, the analysis. And because I'm really come to dislike the word lockout

Jenny@citygirl311

It cures the winter blues!

travis laing@laingerr

I don't miss it. In fact, a part of me (except for being a Jets fan) hopes the season is gone for the year.

josh crane@JCrane67

walking downtown on game day with all the energy of the jets fans #bestfeelingever.

Ken in Winnipeg@ikcotol

I miss NHL hockey because I am Canadian and that's my sport. I miss the Jets because I haven't got used to them being back yet.

Gord Ransom@BigG_44

I am curious to know if many people do miss NHL. I don't think many do. Will u cover that aspect in your article as well?

Linda@sophistikitten

I miss NHL hockey because the Jets ties me to Manitoba, makes me miss home a little less, brings us Manitobans in Mtl together.

Mike Thiessen@dynamwide05

who cares, cancel the season.

FB@Flyer_Bully

Funnier will be the 30 players making 20 mil/yr while rest of league plays for beer money. Lets see how unified they feel then.

Mike Krebs@SirKrebsington

I miss the atmosphere. The raw emotion that is felt, living and dying with every play. And I actually miss the \$8 beers #GoJets

FB@Flyer_Bully

what if we dont? At this point, am hoping for decertification. The resulting chaos will be hysterical.

Bartley Kives@bkives

My world is meaningless and empty without those Moxies commercials on Jets TV.

Winnipeg Free Press LOADED 12.15.2012

646526 Winnipeg Jets

Lockout bickering casts pall over what we love about the NHL

By: Gary Lawless

Donald FEHR. Gary Bettman. Steve Fehr. Bill Daly. Twitter. Players in suits. CBA. Escrow. Revenue share. Compliance buyouts.

If you're numb, as the cool kids say, I feel you.

Not having the NHL these last few months and being forced to watch CBA negotiations with the same intense gaze normally saved for a playoff race, it's been easy to forget what's actually being missed.

Friday morning, while working on a year-end "best stories in sports," column, I googled Ondrej Pavelec's save-of-the year and got a reminder of what's on the shelf.

Sitting in my little home office trying to block out the strains of Mickey Mouse Clubhouse blaring from my daughter's bedroom, Dennis Beyak's call of the play gave me shivers.

Back on Feb. 21, in a 5-4 overtime loss to the Philadelphia Flyers, Jets goalie Pavelec flashed his glove into the air and snared a sure-goal off the stick of Jakub Voracek.

The first thing I noticed was the life in Beyak's voice as he called the play on TSN Jets. Beyak is the consummate pro. The best in his business all have a sixth sense. Without knowing something big is about to happen, they feel it.

Beyak's voice has just a touch more edge as he describes the Flyers moving the puck in the Jets zone and the intensity heightens as the puck gets closer and closer to the crease.

By the time Pavelec pulls off his little miracle, Beyak is in full throat.

Moments such as this, are what we are being robbed of right now. I'd forgotten this.

My focus throughout the lockout has been to view every issue through a Winnipeg paradigm. How will changes to the CBA effect the Jets organization and its ability to compete in the NHL, has been my top concern.

Silly me. Certainly the CBA and how it pertains to the Jets is important. It can help ensure the long-term viability of the franchise and entrench the NHL in Winnipeg. That's important.

But so is the hockey. The games. The pure joy of watching the best players in the world compete on a daily basis.

Full disclosure, covering the NHL for a living is incredible. A dream come true. I miss it.

I got into this business to write about hockey. My ambition was to cover an NHL team. Life landed me in Winnipeg after the NHL left and I happily covered the Manitoba Moose in the IHL and AHL for over a decade. It was a paid apprenticeship with hockey professors like Randy Carlyle, Craig Heisinger, Claude Noel, Scott Arniel, John Ferguson (Sr. and Jr.), Mike Keane and Bruce Southern teaching daily courses. I loved it.

Having the NHL return was like finally being granted partnership in a law firm. The cases and clients just got a little more important. But it was still hockey.

Now it's gone and instead of being assigned to cover games, the beat has moved into boardrooms and banks. This isn't meant to come off as a whine. I'm still working and still getting paid. It's all good.

But for a moment on Friday, I was able to put myself in the shoes of a fan. It sucked.

Part of being a reporter requires a dispassionate view on the proceedings. We turn our inner-fan off. The combination of being a little out of practice and the electricity in Beyak's voice caught me off guard. It was riveting, and then, surprisingly, I sensed that tingle of emotion that makes watching sports as a fan so incredible. I felt the joy and excitement fans pay to feel.

It's what spectator sports is all about. It's what drives the economic engine. No emotion would quickly result in no season tickets, no TV deals, no corporate sponsorships and no billion-dollar revenues to fight over.

Players and owners can forget this as easily as reporters. No matter what they say right now, both are guilty of putting the fans second. Their own needs have come first in this fight.

The fans, however, are like the children of divorce. Forced to watch the bickering and to bear the emotional scars.

The fans will come back and they will feel again. But that doesn't change what the players and owners have done to them. It's been shameful.

Fans will forgive and forget. But one has to wonder if they'll ever feel the same again. Who could blame them if going forward they held a little piece of their hearts back?

And wouldn't that be the biggest shame of all? Cheering with only half a heart.

Winnipeg Free Press LOADED 12.15.2012

646527 Winnipeg Jets

Obey or pay

By: Ed Tait

Eddie PASQUALE has been around long enough to understand this basic commandment about life as a goaltender:

Rule 1: Stop the puck.

Rule 2: Forget about everything else and remember Rule 1.

And so while it would be understandable if the St. John's IceCaps goaltender was letting his mind wander a bit these days and dreaming of soon pulling on Winnipeg Jet colours and skating into the crease in Montreal, Toronto or Boston, the 22-year-old just won't go there.

Here's why: When your gig is stopping pucks, any break in focus is often magnified by a red goal light flashing behind you. And a guy can go from prospect to suspect in a nanosecond.

"That's the way it is: You can have a good game and they love you," begins Pasquale in a telephone interview from St. John's. "And then you can have a couple of bad games and they hate you.

"That's pro hockey. Nobody's going to put their arm around you and baby you. We're all men. We know where we stand: If you're playing well you're going to get an opportunity. If you're not, well, then you've got to start playing better."

Pasquale has lived a bit of both this year through the first chunk of the American Hockey League schedule.

He admittedly fought the puck early in the season before a session with Jets goaltending coach Wade Flaherty helped make a few minor adjustments.

"I'm a big guy, so I take up a lot of the net," Pasquale said. "But it seemed like I was just overplaying situations. He told me to just relax, let my skill take over, that I'm here for a reason."

The results have been impressive. Even though the IceCaps have struggled, particularly of late, Pasquale's numbers have been dandy: He's got a 6-8-1 record, but sports a 2.45 goals against average, .924 save percentage and two shutouts.

In basic terms, he's gone from just a guy in the organization who was drafted by the Atlanta Thrashers regime, to legit prospect.

And a quick peek at the Jets' depth chart at the goaltender position screams out opportunity: Ondrej Pavelec is the No. 1 stopper, but his backup -- former New York Islander Al Montoya -- is on a one-year deal.

"I thought about all that in the off-season when they didn't have Pavs signed, with (Chris) Mason getting older and then they traded for (Jonas) Gustafsson from Toronto and didn't end up signing him," Pasquale said.

"But the thing with this business is things change all the time and so you can't look too far ahead. You've got to wait it out and when you get your opportunity, make the best of it.

"If the NHL started today there are guys here who would be going up. Every day you're battling for your job and to make it higher in the organization. At the end of the day, everybody here wants to play in the NHL, but if you think about it too much it affects the way you play.

"I don't try to look too far ahead. I have to live day to day in this sport."

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EDDIE PASQUALE FILE

Position: goaltender

Born: Nov. 20, 1990, Toronto

Ht.: 6-3; Wt.: 210

Drafted: By the Atlanta Thrashers in the fourth round (117th overall) of the 2009 entry draft.

FYI: His cousin, Mike Rice, played LW in the OHL, at the University of Western Ontario and in Europe.

Quotable: "Being from Toronto, you're kind of forced to be a Leaf fan even if you don't want to be. I grew up watching Eddie Belfour and Cujo (Curtis Joseph) and idolized them because they were with the hometown team. Back then I was a Toronto fan. Not now, but back then I was."

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646528 Winnipeg Jets

Scheifele stoked for second shot at gold at World Juniors

By Ken Wiebe

Mark Scheifele knows how lucky he is to be getting another shot at world junior glory.

It's no surprise the Winnipeg Jets' top prospect was among the 23 men selected to don the Maple Leaf in Ufa, Russia but what you really should know — if you don't already — is that Scheifele is fueled by one thing and one thing only.

I don't think he cares one bit that some in the hockey world felt he underperformed at last year's event in Calgary.

The pedestrian statistics — three goals and six points — don't matter either.

Leaving with a bronze medal left a bad taste in his mouth and now he has an opportunity to do something about it.

You can't re-write history, but Scheifele and the five other returnees back for a shot at redemption can certainly learn from it.

"To have that second chance and to know what happened last year, it was tough to go through that and you definitely don't want to go through it again," Scheifele said in a telephone interview from Calgary on Friday afternoon. "The guys from last year have that in the back of their minds, but don't think about it too much. We just have to be committed to the main goal. Everyone wants to win that gold medal and no one wants to have that disappointment.

"Not many people get that second chance to get that gold medal. You have to seize that moment."

There's no doubt Scheifele had high hopes at last year's tournament. And why wouldn't he?

He was coming off an outstanding training camp and pre-season with the Jets, appearing in his first seven NHL games of his career, before returning to the Barrie Colts of the Ontario Hockey League.

Scheifele was the one who gave an honest answer as the evaluation camp began, noting he was hoping to be counted on as the team's No. 1 centre.

These were not the words of someone who was being cocky or not willing to put in the work to earn the additional ice time and responsibility. That's not how Scheifele operates.

He simply sets high goals for himself and then does what he can to achieve them.

In the end, Scheifele's role wasn't as large as he was hoping and other guys around him elevated their games.

But it pushed Scheifele to improve as a player.

Those strides have been evident in the early stages of the Colts' season.

Although the Jets haven't publicly committed to allowing Scheifele to remain with Team Canada in the event a new collective bargaining agreement is

reached during the tournament, the Kitchener, Ont., product doesn't sound like someone who is going to let that be a distraction.

"We'll see what happens," Scheifele said. "I'm here with Team Canada and that's my attitude right now, to focus totally on what I have right now and winning that gold medal. That's my goal."

For the record, I'll be surprised if the Jets pull Scheifele out of the event if a deal gets done.

Historically, the world junior hockey championship is an event dominated by 19-year-olds.

Based on his berth certificate, Scheifele will be much better equipped to play a starring role this time around.

Shifting from centre to right wing, Scheifele is expected to skate on the top line with fellow 2011 early first round picks Ryan Nugent-Hopkins and Jonathan Huberdeau.

If the trio is clicking, they could be dominant.

And it's not like they're going to have to carry the offensive load either.

Canada has a balanced attack and a defence corps that is so deep that 2012 first rounders Matt Dumba and Derrick Pouliot were unable to crack the lineup.

Provided Canada's goaltending stands tall, Scheifele and the five other returnees should have a chance to bring home a different colour medal this time around.

Winnipeg Sun LOADED 12.15.2012

646529 Websites

ESPN / Legal expert: Disclaimer vs. decertification

By Scott Burnside

Ottawa-based sports/labor lawyer and partner at the national firm Gowlings Eric Macramalla explained the difference between decertification and a disclaimer of interest.

Decertification and a disclaimer of interest have the same result: dissolution of the NHLPA.

But unlike decertification, a disclaimer of interest does not require a vote. A disclaimer simply requires Donald Fehr to send a letter to the NHL saying he is revoking the NHLPA's authority to bargain on behalf of the players.

The players can then be in court almost instantly asking a judge to lift the lockout.

Decertification generally takes 45 to 60 days and requires 30 percent of players to sign a petition supporting it. Once the NLRB validates the petition, the NLRB holds a player vote. If 50 percent of players approve, the union is gone.

Once the union is dissolved, the players' association could negotiate with the league, but within limited parameter. And a deal would require that the NHLPA be reconstituted.

The NHL could respond by filing a bad faith complaint with the NLRB or they could first file a lawsuit asking the court to say that the lockout is legal.

The NBPA filed a disclaimer of interest on Nov. 14 and a tentative deal was reached on Nov. 26, so this could be helpful in extracting leverage in negotiations.

In theory, this can help negotiations, but the NBA aggressively pursued strategies to fight the NBA players' antitrust strategy, so by no means will this be a slam dunk for NHL players if they choose to take this route.

Ultimately, the NHLPA will disclaim interest if it believes it's out of room to negotiate a deal, but this will not necessarily lead to a quick resolution.

ESPN LOADED: 12.15.2012

646530 Websites

ESPN / Hint of disclaimer clever move by players

By Pierre LeBrun

A week that produced zero progress at least produced an eye-catching storyline before the weekend arrived.

The NHL Players' Association sent a strong message to the NHL when news broke Friday that the players' executive board voted unanimously in favor Thursday night of asking the entire membership of 700-plus players to vote on whether to give the executive board the power to execute a disclaimer of interest.

The key here is that executive board isn't saying it's going to definitely go down this route. But it just wants the hammer IF it decides to go down this route.

It's actually a clever play by the players. On the one hand, you get across your message loud and clear to the NHL, your prototypical pressure tactic to try to get the league to move off its latest offer, and yet you haven't actually filed the disclaimer of interest. You're just hinting at it.

Now, it's not as if the NHL didn't see this coming. The league, in fact, prepped the board of governors for such an occurrence last week when it met in New York. And in conversations with league sources throughout this lockout, it's clear they've been ready for this.

On Friday, the league made a preemptive strike by filing both a class-action complaint in Federal Court and an Unfair Labor Practice Charge with the National Labor Relations Board.

The league's play here was a preemptive lawsuit to get the court to declare any disclaimer by NHLPA as disingenuous. The Unfair Labor Practice Charge is to establish that threats to disclaim/decertify is bad faith bargaining. Whether or not the NHL gets its way here, that's way above my paygrade and understanding.

But it's official: the gloves are off in a whole new way now in the NHL's labor impasse.

But it doesn't mean that those moderate owners trying through the grapevine to keep reasonable dialogue going -- look no further than the governor who gave his idea of a solution/proposal to Scott Burnside -- won't be alarmed by Friday's news from the NHLPA camp.

What those moderate owners might fear is that the hardliners are winning over the moderates in the player camp and that what seems like such a small gap separating both sides on the key issues might now widen if this thing gets nasty.

And believe me, it will get nasty if the players go down this route. The league and its owners will just bomb the whole season if the players ever actually officially file a disclaimer of interest. That's my guess, anyway.

So, in the meantime, for those hockey fans who still care to see hockey this season, and I think I can count you on my fingers now, the hope is that the moderates on both sides step up their back-channeling efforts to get a deal done.

It's clear from my conversations with a few players Friday that if the NHL ever moved its player contract term limit to six years instead of five, and compromised a little more on the transition rules (compliance buyouts), that would be greatly appealing to many players. At least enough to bring a vote, anyway.

My sense is that the NHL would only consider this if the NHLPA put it on paper in an official new proposal. And I'm not saying the NHL would accept it, but I think they'd look hard at it.

Thing is, my sense is that the players want the league to make that its next proposal, not the other way around.

And so while they stare at each other like Grade 9 students at their first dance, the wheels are suddenly in motion on the other end of things -- nasty, nasty legal options that could guarantee no hockey this season.

Let's hope option No. 1 still wins out.

ESPN LOADED: 12.15.2012

646531 Websites

ESPN / Dustin Brown has hint of normalcy in Zurich

By Pierre LeBrun

The voice of a giggling child in the background suggests Dustin Brown has reclaimed some normalcy in his life.

The Los Angeles Kings' captain now has his family with him in Switzerland.

"They've been here about two weeks now," Brown told ESPN.com Thursday on the phone from Zurich. "It's totally different with them here. It's nice and relaxing."

Dustin Brown received more lucrative offers to play in Russia, but thought Switzerland would be the best option for hockey and family life.

With his wife and three boys in Zurich, it's about as much normalcy as he's going to get these days. After all, six months after raising the Stanley Cup over his head, Brown still hasn't begun defending his title while the NHL remains plagued by a labor impasse.

Instead, he has put up 10 points (six goals, four assists) in 10 games with former NHL coach Marc Crawford's Zurich squad and, truth be told, he is enjoying the experience.

"It's been good, the hockey is pretty good," said Brown, who played the best hockey of his career last spring. "The travel and lifestyle is good. Zurich is pretty centrally located, so I think the longest trip we had to a game was three hours. So we sleep in our bed most nights.

"My kids' school is literally a football's throw, so that's nice. Everything has been good."

Planning for the possibility of a prolonged lockout, and perhaps even no NHL season, Brown had his family in mind when he chose to sign in Zurich.

"I've had offers in Russia and the money was better there but, at the end of the day, I wanted to protect myself for the whole year," he said. "This here provided the best combination of hockey and family life."

In the meantime, he keeps close tabs on the NHL labor talks.

"I've been on a lot of [players'] conference calls," Brown said. "I asked to get added to the call list so I can get more information and stay as updated as I can. Although now that I'm playing, quite honestly, I don't think about it quite as much as I did before. When I was still in L.A., every single day it's all I thought about. Now that I'm over here and keeping busy, I don't think about it all the time, but obviously I still follow it closely."

Like many people, he sees both sides not being that far from a deal but has learned not to be surprised at anything in this frustrating process.

"I'm not there in the meetings, but from what I hear, it sure sounds like they're close, so who knows," he said.

Even if the lockout ends soon and the puck drops in a few weeks, the damage is done. And in Los Angeles, it's an opportunity lost after all the attention the sport garnered last spring.

"At the end of the day, it's unfortunate timing for a lockout," Brown said. "I mean, lockouts are always unfortunate but, considering our market in California, it's really hard to get momentum. And to lose that momentum due to a lockout is frustrating. The positive thing is that we still have those die-hard fans that will be really excited about the banner-raising, and we still have that part if there is a season this year. That excitement from that first game would bring attention back to hockey in L.A. because it's such an important night for our team and organization, but it's definitely unfortunate to have lost all the momentum that we had gained."

ESPN LOADED: 12.15.2012

646532 Websites

NBCSports.com / NHL files class action complaint, unfair labor charge against NHLPA

Jason Brough

"Today, in response to information indicating that NHL Players have or will be asked to vote to authorize the National Hockey League Players' Association's Executive Board to proceed to 'disclaim interest' in continuing to represent the Players in collective bargaining, the National Hockey League filed a Class Action Complaint in Federal Court in New York seeking a Declaration confirming the ongoing legality of the lockout.

"Simultaneously with the filing of its Complaint, the NHL also filed an Unfair Labor Practice Charge with the National Labor Relations Board alleging that by threatening to 'disclaim interest,' the NHLPA has engaged in an unlawful subversion of the collective bargaining process and conduct that constitutes bad faith bargaining under the National Labor Relations Act."

How this all shakes out nobody knows.

However, it's worth noting that the NHL is responding very similarly to the way the NBA responded in November of 2011 when the NBPA began disbanding. Less than two weeks later, the two sides reached a tentative agreement to end the basketball lockout and the season started on Dec. 25.

Wonder if Proskauer Rose changed a few names and filed the same complaints as last year in the NBA case?

James Mirtle (@mirtle) December 14, 2012

New York has been known to be more favourable to sports leagues -- hence the NHL's decision to file with federal court there.

Chris Johnston (@reporterchris) December 14, 2012

NBCSports.com / LOADED: 12.15.2012

646533 Websites

NBCSports.com / Report: NHLPA allows players to vote on disclaimer of interest

Jason Brough

The NHLPA has taken the first step to dissolving the union and steering the NHL lockout into uncharted waters.

As reported by TSN.ca, the executive board of the players' association voted Thursday to let members vote on whether to give the board authorization to file a disclaimer of interest.

If the union does ultimately dissolve (it's possible this is just a bluff), the NHL has said it would likely lead to the end of the season (also possibly a bluff).

For fans, the hope is the potential consequences (aka oblivion) scare the two sides into making a deal, ala the 2011 NBA lockout.*

Last Thursday, NHL commissioner Gary Bettman addressed the issue for reporters.

"A lot has been written about decertification," said Bettman. "For those of you who are actually writing about it, you almost might want to look into something called disclaimer, which is probably more likely to happen if it happens. The [NHL board of governors] was completely and thoroughly briefed on the subject on Wednesday. And we don't view it in the same way in terms of its impact as apparently the union may."

Translation: we're ready if you are.

*NBA commissioner David Stern on Nov. 14, 2011 after the NBPA filed a disclaimer of interest: "It looks like the 2011-12 season is really in jeopardy. It's just a big charade. To do it now, the union is ratcheting up I guess to see if they can scare the NBA owners or something. That's not happening."

Stern on Nov. 26, 2011: "We've reached a tentative understanding that is subject to a variety of approvals and very complex machinations, but we're optimistic that will all come to pass and that the NBA season will begin Dec. 25."

NBCSports.com / LOADED: 12.15.2012

646534 Websites

Sportsnet.ca / Spec on CBA: Sorry Don, this isn't baseball

Mark Spector

NEW YORK -- It is Gary Bettman's impossible dream: To create a National Hockey League economy in which Dallas, Florida, Phoenix, Columbus and Anaheim can all be profitable.

Without, of course, shipping containers full of money heading south on a regular basis from the Canadian teams, the Rangers, Philadelphia, Detroit and Boston.

Even if the NHL Players' Association gave in on all collective bargaining agreement fronts this weekend, would Phoenix not still be a smoking crater of a hockey market? Would the Stars' ticket prices still not be the lowest in the NHL? (Dallas was the only club with an average ticket price of less than \$30 last season.)

With apologies to Sports Illustrated, this is hockey's dirty little secret: Even if the financial pendulum stops right at six o'clock, with the revenues split evenly down the middle between the owners and players, it won't even come close to guaranteeing profitability in Tampa, Carolina, Nashville, or a number of ill-advised Sunbelt markets.

And that, folks, is why NHLPA executive director Donald Fehr has found a different foe in Bettman than he ever did in Major League Baseball commissioner Bud Selig.

Bettman isn't any tougher or smarter than Selig. His owners are just more desperate and have far less to lose.

Selig never had 10 owners in the red, and another four or five whose profits come nowhere close to justifying the financial investment they've made on their various teams.

Take the St. Louis Blues as an example. They're part of the Original 12, with a relatively new downtown arena, a Cup-contending young team, and no local NBA team to compete against.

We have heard it said that the Blues franchise has never turned a profit since joining the NHL in 1967. It is impossible to verify that, but for the record, the Blues are an established NHL brand that Forbes magazine recently valued at just \$130 million — dead last in the NHL.

The St. Louis Dispatch says the Blues lost \$20 million last season. How will a slightly lower salary cap and more restrictive players contracting rules turn that into a sound investment?

Even in Edmonton, ownership continually questions that city's viability as a profitable hockey market while negotiating millions of tax dollars for a new rink. If that is true, and Edmonton isn't a sure bet to put down some financial roots, then what about 15 other markets?

How on earth do you invest in Anaheim when Oilers owner Daryl Katz so warily reaches into his pocket to invest in his team in Edmonton, where ticket prices rank No. 4 in the NHL?

This is Fehr's biggest issue: In his former life as baseball's union leader, he never faced a third of the league's owners whose bottom line was strengthened by not playing baseball.

Baseball owners weren't passing up on a paltry \$200 million in annual U.S. TV revenues, split between the league and 30 teams. That's about \$6 million per team — or one good player on a 23-man roster.

In baseball, a lockout would cost each team roughly \$50 million, or a 1/30th share of a national TV deal that pays \$1.5 billion annually. Not to mention regional deals that are far, far richer than anything the NHL can muster. (The Los Angeles Dodgers are working on a 25-year regional deal with FOX reportedly worth \$6 to \$7 billion.)

Even with the Canadian TV deal thrown in, the average NHL team takes in less than \$10 million per season in central TV revenue. So the incentive to capitulate to the union simply isn't there in hockey the way it is in baseball, where Fehr is credited with maintaining labour peace for all these years.

In hockey, the average player salary is 70% of baseball's (\$2.4 million to \$3.4 million). The NHL's U.S. TV contract is only 13% as rich as MLB's.

Those numbers make it hard for Fehr to be the Pied Piper in this sport, the way he was in America's pastime.

So, even if the union called up Bettman today and agreed to the NHL's latest proposal in its entirety, we'd still be talking about contraction.

And what's worse for the NHLPA? A deal for all 750 players that doesn't sit well? Or lopping off four teams, and applying that deal to 650 players?

It's a question the head of the MLBPA never had to ask himself.

Sportsnet.ca LOADED: 12.15.2012

646535 Websites

YAHOO SPORTS / Enough's enough: NHL owners need to give a little — and end the lockout

Nicholas J. Cotsonika

Here we go. The NHL beat the NHL Players' Association to court Friday, filing a complaint to confirm the legality of the lockout, simultaneously filing an unfair labor practice charge, all because word leaked that the players will vote whether to give their executive board the power to dissolve the union.

It's time for NHL commissioner Gary Bettman to do the right thing and stop the CBA madness. (Reuters)Look, the league has got to do what it's got to do legally. But you know what it really should do? You know what it still can do?

The right thing.

And I don't mean the right thing in an indignant, high-and-mighty, moral way. I mean the right thing in a clear-headed, practical way — the right thing for the game and the business, the fans and the sponsors, the players and, yes, even the owners themselves.

The NHL needs to end the lockout.

The owners need to accept the players' proposal as it is, if that's what it takes — and I don't even think that's what it will take. They need to bend on a couple of key issues, and they need to haggle over the other details, and they need to declare victory and drop the damn puck.

Because they've won already. The only question is the final score. And if they have to win in court, too, it's really self-defeating.

This ridiculous situation has escalated again because news broke Friday morning that the NHLPA membership will vote in the near future whether to give the executive board — the 30 elected team representatives, the driving force of the organization — the power to disclaim interest.

If the NHLPA disclaims interest, that means the union no longer represents the players in bargaining. This could speed up the process and lead to a CBA settlement, as it did last year in the NBA, or it could lead to a canceled season and chaos.

The players would be free to file antitrust suits. While the players would be giving up the benefits of a collective bargaining agreement, like guaranteed contracts, the owners would be risking paying triple damages and losing their system, including the salary cap.

The NHLPA has threatened to dissolve the union, but it doesn't look like they want to go through with it. (AP)Maybe the leak was inadvertent. Maybe it was an intentional warning. Maybe it was done to provoke this specific response, so the league would take the PR hit for starting the legal fight. I don't know. NHLPA officials would not comment.

But this seems obvious: The players don't really want to go through with it.

If they did, they'd have done it by now, and they haven't done it yet. The executive board voted Thursday night to call a vote of the membership. For the union to dissolve, the membership would have to vote to give the executive board the power to disclaim interest, and then the executive board would have to decide to do it. We're still two steps away.

But the players feel they have given and given and given in this negotiation without getting anything back, and because the owners aren't budging at this point, they feel boxed in a corner. They are running out of options. If it's take it or leave it, leaving it means blowing it up.

The NHL is not scared. The board of governors met last week at the offices of the league's law firm, Proskauer Rose, which went through this in the NFL and NBA lockouts. If this is following the Proskauer Rose playbook, there must be a section on defending a disclaimer. I'm guessing these preemptive moves are on Page 1.

"The board was completely and thoroughly briefed by counsel on the subject," said NHL commissioner Gary Bettman last week, "and we don't view it in the same way in terms of its impact as apparently the union may. I don't know. We've never discussed it with the union."

Fine. But even if the owners are confident the courts will rule in their favor, is it worth the risk that they might not? Do the owners want to fight NHLPA executive director Don Fehr and special counsel Steve Fehr, who won those famous collusion cases in baseball and have frustrated them throughout this process? Is it worth the cost and the trouble? Why continue to alienate your players, while continuing to alienate your customers and partners at the same time?

The NHL had an argument earlier, when Fehr was dragging his feet and the players were clinging to unrealistic positions. I made those arguments then. But not now, not anymore.

First, Fehr never fought the salary cap, even though he openly abhors it. The players have agreed to drop from 57 percent of hockey-related revenue to 50, which the owners targeted from the beginning – by Bettman's own admission. They have dropped the idea of a guaranteed share. They have accepted the concept of maximum contract length, when there was no limit before, and they have proposed ways to stop back-diving, cap-circumventing contracts. They have accepted the idea of a long-term CBA.

The owners might have the hammer, but it doesn't mean they have to use it. (Getty)And what have they gotten?

If it's still on the table, which it technically isn't, they have gotten \$300 million of "make-whole" money. That money was part of contracts already signed and won't come close to making them whole for the drop to 50 percent of HRR, even factoring in a typical escrow deduction.

They have gotten a pension plan, funded from their own share. They have gotten increased revenue sharing, which is offset by their concessions. They have gotten to keep current entry-level, arbitration and free agency rules, which they already had – and which they won for accepting a salary cap and 24-percent rollback during the bitter 2004-05 lockout. They have gotten some quality-of-life things, too, like single hotel rooms on the road for everybody, but that's the main stuff.

Still, the owners want more.

They want a 10-year CBA with an out after eight years; the union has proposed an eight-year deal with an out after six. They don't want compliance buyouts or caps on escrow; the union wants to talk about transition rules. They want contracts limited to five years – or seven years for teams re-signing their own players – while the union is at eight. They want salaries to vary by no more than five percent each year, while the union wants current rules, plus the lowest year to be at least 25 percent of the highest year, plus another rule. If a player retires early, a formula would turn the previous cap advantage into a penalty.

Yes, the owners failed to lock down the details in the last two CBAs and regretted it later. Yes, if this works out like last time, the players probably will do well over the course of the new agreement, even if they won't do as well as they did under the old one. Yes, this is the only chance the owners have to get it right.

Yes, team HRR is not league HRR, so weaker teams will still pay more than 50 percent of their revenue, even though the league won't as a whole, and that's why "cash-over-cap" and contracting issues are so important.

Yes, the owners have the upper hand when it comes to leverage. And yes, they hate Fehr with a passion.

If Fehr thinks the sides are so close, as he said last week, then why don't they tie up the loose ends – and there are a lot, like the salary range – and put it to the players for a vote? Are the players really going to sacrifice a season of salary and career over this? Do they really want to try it in court?

But just because you have the hammer doesn't mean you're smart to use it. Maybe the players will break, as they have in the past. Maybe the players will turn on Fehr, as they have turned on other executive directors. If so, so what? For what? Because, sorry, it isn't about principles or economics anymore.

Why don't they tie up the loose ends and put it to the owners for a vote? I know Bettman needs only seven owners on his side, but what if majority ruled?

Even if the owners take the players' proposal as is, they will have achieved a 50-50 split. They will have achieved a more restrictive system. After a transition period, they will never pay the players as a group more than they set out to pay them. They will never have liabilities longer than eight years on their books. They won't have crazy back-diving contracts anymore.

If the owners bend on a couple of things, they almost certainly will get the players to accept a 10-year CBA with an out after eight. We could have labor peace for as much as a decade.

Isn't that enough? Doesn't that achieve the league's goals? Doesn't that address the financial imbalance, and if it doesn't, couldn't the owners increase revenue sharing some more? Wasn't competitive balance outstanding under the old rules already?

At the end of the day, the owners need the union and the collective bargaining agreement it makes possible. The owners need the players and the game they make possible.

The players don't need another reason to hate Bettman and Boston Bruins owner Jeremy Jacobs, the chairman of the board of governors. They need a way out of this – a way to accept this CBA, a way to lose with dignity.

The owners haven't given much, if anything. For everyone's sake, they need to give them that.

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