

## **DECISION ON APPEAL (NAZEM KADRI)**

The National Hockey League Players' Association ("NHLPA"), on behalf of Nazem Kadri, has appealed from a May 21, 2021 supplementary discipline decision suspending Mr. Kadri for eight (8) games. This shall constitute my determination of Mr. Kadri's appeal. For the reasons described herein, I find that the decision suspending Mr. Kadri for eight (8) games was supported by clear and convincing evidence and is, therefore, affirmed.

### **I.**

#### **SUMMARY OF FACTS**

On May 19, 2021, at 6:26 of the third period of Game Two of the First Round Series of the 2021 Stanley Cup Playoffs between the Colorado Avalanche and the St. Louis Blues at Ball Arena in Denver, Colorado, Nazem Kadri (a center with Colorado) delivered a forceful, open-ice check to St. Louis defenseman Justin Faulk. The on-ice officials assigned to the game immediately assessed Mr. Kadri with a five (5) minute major and match penalty for an illegal check to the head in violation of Official Playing Rules 48.1 and 48.5. (NHL Ex. 2.) The on-ice officials confirmed the call based on video review (NHL Ex. 1), and Mr. Kadri was ejected from the game.

I have closely reviewed the video footage of the incident, as captured from the multiple angles contained in the NHL Department of Player Safety ("DPS" or "the DPS") suspension video and the video clips offered by the NHL as NHL Ex. 1 at the appeal hearing.<sup>1</sup> It is clear

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<sup>1</sup> As requested by the NHLPA, I reviewed the raw footage without the audio commentary.

from the video that:

Center Robert Thomas of St. Louis had possession of the puck as he entered the offensive zone in the middle of the ice. Mr. Kadri was backchecking, skating behind and to the left of Mr. Thomas. Mr. Faulk was trailing behind Mr. Thomas and to his right. Mr. Thomas continued to skate through the offensive zone with possession of the puck toward Colorado's goal. Mr. Kadri approached Mr. Thomas from his left, back-checking on the far wing. Mr. Thomas crossed the blue line, drew two Colorado defenders to him, and as Mr. Faulk entered the offensive zone and approached the middle of the ice, Mr. Thomas drop-passed the puck back to Mr. Faulk. After Mr. Thomas drop-passed the puck back to Mr. Faulk, Mr. Kadri, still approaching the middle of the ice from the left, angled toward Mr. Faulk. As Mr. Faulk released a shot on goal, Mr. Kadri delivered a high, hard hit with his right shoulder and upper arm, elevating into the hit, driving his shoulder pad up and into Mr. Faulk's head. Mr. Kadri made direct and significant contact with the left side of Mr. Faulk's head, making Mr. Faulk's head the main point of contact of the hit. There was no meaningful movement of Mr. Faulk's head or body between the time Mr. Kadri committed to the check and the time he delivered the check. The significant force of the check caused Mr. Faulk's head to snap back and to the right, and his entire body to spin around before he fell to the ice.

The Official's Report of Match Penalty provided that "[a]s a result of the infraction, Faulk was injured on the play. He laid on the ice for a few minutes, left the game and did not return." (NHL Ex. 2.) Mr. Faulk was evaluated on the ice by the athletic trainer and then, according to St. Louis, was administered a SCAT-5 examination, which "was consistent with a

possible concussion with definitive diagnosis deferred until repeat examination could be performed.” (NHL Ex. 3.) A repeat SCAT-5 was performed on Friday, May 21, 2021, which confirmed Mr. Faulk’s concussion diagnosis. (NHL Ex. 4.)

The First Round Playoff Series ended on the night of May 23, 2021, with Colorado winning in four games. Due to the injury Mr. Faulk suffered as a result of the hit by Mr. Kadri, he did not play in the remainder of Game Two, or in Games Three or Four of the Series.

## II.

### **PROCEDURAL HISTORY**

On May 21, 2021, George Parros (Senior Vice President, DPS) held an in-person supplementary discipline hearing (via Zoom videoconference) relating to this incident. Following the hearing, Mr. Parros issued a decision suspending Mr. Kadri for eight (8) games. The analysis and rationale underlying the suspension assessed to Mr. Kadri was fully explained in the DPS video produced and made publicly available in conjunction with the announcement of Mr. Parros’ decision. (NHL Ex. 1.) As of the date of this decision, Mr. Kadri has served three (3) games of the eight-(8) game suspension.<sup>2</sup>

By email to me, dated May 23, 2021, the NHLPA gave notice of an appeal on behalf of Mr. Kadri pursuant to Section 18.12 of the NHL/NHLPA Collective Bargaining Agreement (“CBA”).

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<sup>2</sup> Player salaries are paid during the regular season. Because the three (3) games have been served during the playoffs, Mr. Kadri has to date not forfeited any salary in connection with the suspension.

### III.

#### THE MAY 27 HEARING

As set forth in CBA Section 18.12, where (as here), the underlying decision results in a suspension of six (6) or more games, and such decision is appealed, I am required to hold an in-person hearing. I held such a hearing on May 27, 2021 at the League offices in New York, with participants attending via videoconference. In attendance at the hearing on behalf of Mr. Kadri were his agent, Brian MacDonald; outside counsel Paula Lombardi, of the law firm Siskinds LLP; as well as John Gerba, Maria Dennis, Don Zavelo, Rob Zamuner and David Sinclair from the NHLPA. In addition, Colorado Avalanche General Manager Joe Sakic attended. Bill Daly, David Zimmerman, Daniel Ages and Katherine Watson attended the hearing on behalf of the League. George Parros, from the DPS, appeared at the hearing and he, as well as Mr. Kadri, testified briefly. Also in attendance on behalf of the League were counsel from Proskauer Rose, LLP, Joseph Baumgarten and Joshua Fox.

The hearing began at approximately 11:30 a.m. and concluded at approximately 1:05 p.m. All parties were given a full and fair opportunity to be heard, and there were no procedural objections, or objections as to the fairness of the proceedings. The record was closed at the conclusion of the hearing. The final transcript of the hearing was received by email on May 27, 2021.

#### IV.

#### STANDARD OF REVIEW

Section 18.12 of the CBA provides for the right to appeal to the Commissioner any decision regarding Supplementary Discipline for On-Ice Conduct. The CBA directs, in connection with any such appeal, that I determine whether the supplementary discipline decision was supported by clear and convincing evidence.

#### V.

#### THE NHLPA'S CONTENTIONS

The NHLPA and Mr. Kadri admit that he violated Playing Rule 48. (Tr. 9, 17, 63.) However, they argue that the length of the suspension—eight (8) games—is “exceptionally severe” and not supported by clear and convincing evidence. (Tr. 10.) The NHLPA asserts that a four (4) playoff game suspension would result in the appropriate application of consistent discipline. (Tr. 35.)

In particular, the NHLPA asserts:

1. While a violation of Rule 48 occurred here, which constituted an offense warranting a suspension, it was merely a function of missing what would otherwise have been a legal check by mere “inches.” (Tr. 35.) Mr. Kadri’s conduct was a “hockey play” while his opponent was attempting to take a shot on goal. (Tr. 34.) Mr. Kadri’s hit on Mr. Faulk is distinguishable from his prior two suspensions, which were based on “hot-headed,” “reckless” and “emotional” actions, resulting in hits to the head of Jake DeBrusk in April 2019 (cross-

checking) and Tommy Wingels in April 2018 (boarding), respectively. (Tr. 15.) The eight-(8) game suspension issued for the instant hit failed to account for Mr. Kadri’s “improvement” in removing these types of plays from his game. (Tr. 25.)

2. DPS did not impose supplementary discipline on Mr. Kadri in a “consistent manner” as required by Article 18.2 of the CBA, because Players with comparable disciplinary records were treated differently. (Tr. 25-38.) Along the same lines, the NHLPA argues that DPS did not take into account the fact that Mr. Kadri’s most recent prior supplementary discipline suspension occurred in April 2019, one-hundred and twenty-four (124) games and twenty-five (25) months prior to this incident. (Tr. 10.)

## VI.

### ANALYSIS

Because the NHLPA and Mr. Kadri do not contest that the conduct in question violated Playing Rule 48 and warranted supplementary discipline, my analysis is limited to whether the eight (8) game suspension imposed by DPS is appropriate, *i.e.*, supported by clear and convincing evidence. For the reasons that follow, I find that it is.

As I have noted in prior supplementary discipline opinions, the CBA does not prescribe a formulaic basis for the determination of appropriate supplementary discipline. To the contrary, Article 18 embodies a recognition that each case is unique and must be decided on the basis of its own particular facts and circumstances.

The framework for my inquiry as to the appropriate level of discipline for on-ice conduct in violation of the Playing Rules involves a review of the following factors set forth in Section 18.2 of the CBA:

- (a) The type of conduct involved: conduct in violation of League Playing Rules, and whether the conduct is intentional or reckless, and involves the use of excessive and unnecessary force. Players are responsible for the consequences of their actions.
- (b) Injury to the opposing Player(s) involved in the incident.
- (c) The status of the offender and, specifically, whether the Player has a history of being subject to Supplementary Discipline for On-Ice Conduct. Players who repeatedly violate League Playing Rules will be more severely punished for each new violation. (Emphasis in original.)
- (d) The situation of the game in which the incident occurred, for example: late in the game, lopsided score, prior events in the game.
- (e) Such other factors as may be appropriate in the circumstances.

I review these factors below. However, it bears repeating what I have said in previous supplementary decision opinions, which is that head checks are a matter of great concern to the League, our Clubs and our Players. Violations of Rule 48 are among the most serious Playing Rule infractions in the game. As I wrote almost nine years ago concerning the suspension of Raffi Torres (*see Torres*, Op. at p. 9):

Notably, Rule 48 was initially adopted by the NHL Board of Governors during the 2009/10 season with support of the NHL General Managers and the NHL/NHLPA Competition Committee in response to a growing concern regarding head hits and head injuries generally, and with respect to blindside head hits in particular (which the Rule was originally written to prohibit). Little more than a full season later, the NHL decided to broaden the scope of Rule 48 to prohibit hits from any direction in which a Player's head is targeted and is the principal point of contact. These changes were implemented for the 2011/12 season, and again were supported by NHL General Managers, the NHL/NHLPA Competition Committee, and the NHL Board of Governors.

It is fair to say that the focus on head hits and concussions has been a top priority of the NHL (and the NHLPA) for some time, and the adoption of Rule 48 – together with the many steps that have been taken to educate Players regarding the Rule – sent a clear message regarding the seriousness with which the League views targeted hits to the head.

I reiterated these same concerns and sentiments in my supplementary discipline Opinion affirming a ten (10) game suspension for Buffalo Player Patrick Kaleta in October 2013 (*see Kaleta, Op. at p. 9*), and again in my supplementary discipline Opinion affirming a twenty (20) game suspension for Washington Player Tom Wilson in 2018. (*See Wilson, Op. at 20-21.*)<sup>3</sup> I noted in my Opinion regarding Mr. Kaleta that Rule 48 had been amended again prior to the start of the 2013/14 season (with the input and approval of the NHLPA) to make clear “that the ‘intentionality’ of the head hit is [no longer] a stated element of the Rule” and that “a Player’s reckless disregard for an opponent’s head in delivering a body check will itself be sufficient to constitute a violation of Playing Rule 48.” (*See Kaleta, Op. at p. 10.*)

I emphasized further in my most recent supplementary discipline Opinion involving Mr. Wilson that in the years since Rule 48 was first enacted, the League has continued in a variety of ways to emphasize its commitment to the Rules designed to prevent and minimize the number of hits to Players’ heads and the head injuries that result, including by taking new and additional steps to educate Players regarding Rule 48, such as by producing and showing educational videos issued by DPS to Players. (*See Wilson, Op. at 21.*)

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<sup>3</sup> Arbitrator Shyam Das subsequently reduced the suspension imposed on Mr. Wilson from twenty (20) games to fourteen (14) games.

Mr. Kadri has played in the NHL for more than eleven (11) years. He testified that he is familiar with and understands Rule 48, and that he regards it as an important rule. (Tr. 19-20.)

Simply stated, Rule 48 is—and has been for many years—an important and integral part of the Playing Rules governing the game. As such, the overwhelming majority of Players complete their career without ever once violating the rule. By contrast, those Players—like Mr. Kadri—who have violated Rule 48 multiple times during their careers (and have been suspended multiple times for penalties involving opposing Players’ heads) stand out.

As for the factors referred to in Article 18.2, I find as follows:

#### The Type Of Conduct Involved

Mr. Kadri’s conduct violated Rule 48. Both Mr. Kadri and the NHLPA acknowledged that violation. (Tr. 9, 17, 63.) Moreover, as Mr. Parros indicated, it is not a “close call” that Mr. Kadri violated Rule 48. (Tr. 52.) Even if I accept as true Mr. Kadri’s contention that he did not intend to make head contact with Mr. Faulk (or to injure him<sup>4</sup>), his actions were nonetheless reckless. It is no excuse to say that Mr. Faulk was eligible to be hit. Mr. Kadri chose a poor angle of approach towards Mr. Faulk and, to make matters worse, as he delivered the check, he elevated his shoulder up and into Mr. Faulk’s head, which was not necessary to deliver the

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<sup>4</sup> It is often difficult to judge intent. The on-ice officials called a match penalty, which is applicable when a Player “deliberately injures” or “attempts to deliberately injure” an opponent. (*See* Playing Rules 21 and 48; emphasis added.) Even assuming that Mr. Kadri did not intend to injure Mr. Faulk, the check itself was intentional, involved excessive and unnecessary force, and showed a reckless disregard for the safety of an opposing Player.

check. The force used was excessive and manifested a disregard for the safety of the opposing Player.

#### Injury To The Opposing Player

Mr. Faulk suffered a concussion on the play. As indicated above, he missed the remainder of Game Two and the final two remaining playoff games.

#### The Status Of The Offender

Mr. Kadri's prior supplementary discipline history is relevant to my analysis. CBA Section 18.2's underlined language highlights the significance of this factor: "Players who repeatedly violate League Playing Rules will be more severely punished for each new violation." This emphasis was intentional by the NHL/NHLPA and is appropriate. The goal of supplementary discipline is not simply to punish conduct that is in violation of League Rules, but also to deter future misconduct.

This is Mr. Kadri's **sixth** suspension in his NHL career—three (3) of which have come during the last four (4) Stanley Cup Playoffs:

- On November 13, 2013, Mr. Kadri was suspended three (3) Regular Season Games for goaltender interference against Minnesota Player Niklas Backstrom. Mr. Kadri struck Mr. Backstrom directly and forcefully in the head during the play, causing an injury.

- On March 16, 2015, Mr. Kadri was suspended four (4) Regular Season Games for an illegal check to the head of Edmonton Player Matt Fraser in violation of Rule 48, causing an injury.
- On April 2, 2016, Mr. Kadri was suspended four (4) Regular Season Games for cross-checking Detroit Player Luke Glendening. During the incident, Mr. Kadri intentionally struck Mr. Glendening's head with his stick in retaliation for an earlier action on the same shift. Mr. Glendening did not suffer an apparent injury on the play.
- On April 12, 2018, Mr. Kadri was suspended three (3) Playoff Games for boarding Boston Player Tommy Wingels. Mr. Kadri delivered a forceful and deliberate hit that drove Mr. Wingels' head and body into the boards. Mr. Wingels did not suffer an apparent injury on the play.
- Just one year later, on April 13, 2019, Mr. Kadri was suspended for the remainder of the First Round Stanley Cup Playoff Series, which resulted in a suspension of five (5) total Playoff Games, for cross-checking Boston Player Jake DeBrusk. Notably, Mr. Kadri delivered a hard cross-check to Mr. Debrusk's head. Mr. DeBrusk did not suffer an apparent injury on the play.

Although several different rule violations were called on the above incidents, each involved a common element, critical to my analysis in the instant matter: in each case,

there was forceful contact involving the head of an opponent, three (3) of which caused an injury to the opposing Player.

#### The Situation Of The Game

In the incident, there were no noteworthy circumstances of the kind mentioned in Article 18.2(d) (“for example: late in the game, lopsided score, prior events in the game”). This is not a factor in assessing the quantum of discipline here.

#### Other Factors As May Be Appropriate

As noted in the DPS suspension video and at the hearing, Mr. Kadri has a significant history of supplementary discipline. As recited above, this is Mr. Kadri’s sixth suspension for on-ice misconduct during his NHL career—all involving hits impacting the head of an opposing Player.

Mr. Kadri admits that he is aware of the significance of Rule 48, and the need to play within the confines of the Rules. However, he has consistently failed to do so during his career. Indeed, it is troubling that Mr. Kadri has committed significant offenses resulting in suspensions during three (3) of the last four (4) Stanley Cup Playoffs in which he has participated, representing a clear and recent pattern of on-ice misconduct over the last several years.

Unlike Mr. Kadri’s two (2) most recent prior supplementary discipline offenses that occurred in 2018 and 2019, respectively, the forceful hit Mr. Kadri delivered on Mr. Faulk during Game Two of the First Round of the 2021 Stanley Cup Playoff Series resulted in a serious

injury to the victim. It is clear that Mr. Kadri continues to disregard the safety and well-being of opponents and has not adequately received the message. I agree with the DPS determination that a lengthy suspension under these circumstances is necessary and appropriate, and supported by clear and convincing evidence.

Mr. Parros did not apply a strict formula to determine the quantum of discipline here and I find that a strict formula is neither necessary nor appropriate, particularly since Mr. Kadri has been assessed six (6) supplementary discipline suspensions for head-related offenses (including this supplementary discipline suspension), three (3) of which were assessed during the Stanley Cup Playoffs.

Weighing the factors described above, I find that an eight (8) game suspension is appropriate for the following reasons.

First, it is consistent with the principle of progressive discipline. The two (2) most recent supplementary discipline suspensions assessed against Mr. Kadri, both of which occurred in the playoffs, resulted in suspensions of three (3) and five (5) playoff games, respectively. An increase to eight (8) games represents an appropriate escalation for the latest repeat offense. That is particularly true because this incident (unlike the other two) resulted in an injury.<sup>5</sup>

Second, to the extent that the NHLPA has argued that the suspension should be reduced

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<sup>5</sup> Mr. Faulk's season ended with the illegal check delivered by Mr. Kadri. My decision assumes that Mr. Faulk does not suffer any lingering injury. Had this incident occurred mid-season (and had Mr. Faulk lost more games due to the injury), this factor could have led to a lengthier suspension of Mr. Kadri.

because playoff games “count more” than regular season games,<sup>6</sup> even assuming all eight (8) games of Mr. Kadri’s suspension will be served in the playoffs,<sup>7</sup> it constitutes an “apples to apples” comparison to Mr. Kadri’s immediate prior two (2) suspensions that also occurred during the playoffs, as Mr. Parros noted. (Tr. 50.)

Third, while I am not bound by any formula, a comparison with discipline levied in similar circumstances confirms my decision. In 2013, I suspended Patrick Kaleta for ten (10) games for a Rule 48 violation. That was Mr. Kaleta’s fourth head-related suspension (he had also been fined twice) and it was twice as long as his most recent prior suspension. The incident that led to the ten (10) game suspension of Mr. Kaleta had not resulted in an injury. By contrast, the incident here involves the sixth suspension of Mr. Kadri and it did involve an injury. Even taking into account that the eight (8) game suspension here may consist entirely of playoff games, it is proportionate when compared to the Kaleta suspension, particularly in light of the intervening eight (8) years of experience that Mr. Kadri has had playing under Rule 48.

The fourteen (14) game suspension of Tom Wilson (reduced from twenty (20) by Arbitrator Das) in 2018 provides another useful benchmark. Arbitrator Das in his opinion analogized Mr. Wilson’s record to Mr. Kaleta’s record and thus approved a suspension that he treated as roughly equal to twice as long as Mr. Wilson’s most recent prior suspension. That

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<sup>6</sup> Assessing the relative value of losing a playoff game or regular season game due to suspension is difficult. While it is undoubtedly difficult for Mr. Kadri to watch from the sidelines as his team vies for the Stanley Cup, he loses no salary as a result of a suspension that is served entirely in the playoffs.

<sup>7</sup> It is a speculative matter as to how many of the five (5) games remaining on the suspension will be served in the playoffs, rather than at the beginning of next season.

suspension was Mr. Wilson's fourth suspension for a head-related penalty, as compared to Mr. Kadri's six (6) suspensions—also for head-related penalties.

The NHLPA stated during the hearing that a four (4) playoff game suspension was the appropriate penalty here. I reject that argument for the reasons discussed above. In addition, I note the following:

First, the fact that Mr. Kadri stated that he did not subjectively intend to injure Mr. Faulk, and that the Rule 48 violation occurred during the course of play, does not justify reducing the suspension below eight (8) games. The absence of malicious intent to injure has already been taken into account. Had the conduct occurred under more egregious circumstances than present here (*e.g.*, had Mr. Kadri acted with evident intent to injure), I would have had no hesitation in imposing a suspension longer than eight (8) games.

Nor does the fact that Mr. Kadri has not been suspended for a period of one-hundred and twenty-four (124) games over twenty-five (25) months warrant a reduction in the suspension. Article 18.2 contains no provision that calls for discounting a Player's prior disciplinary record when imposing a suspension for on-ice conduct, based merely on the passage of time between penalties. On the contrary, Article 18.2(c) provides that a Player's "history of being subject to Supplementary Discipline for On-Ice Conduct" must be considered (without any temporal limitation), and then mandates—with emphasis—that "Players who repeatedly violate League Playing Rules will be more severely punished for each new violation." The NHLPA's attempt to rely on Article 18.15 as support for this principle is misplaced (Tr. 24-25), because, as I

explained in the *Kaleta* decision (Op. at 13), the eighteen (18) month period for determining “repeat offender” status applies only to the calculation of lost salary on account of a suspension—not the number of games a Player is suspended.

Assuming that there may indeed be occasions when a lengthy gap in time between disciplinary suspensions justifies some amount of leniency, this is not one of those occasions. Mr. Kadri is a six (6) time recidivist over an eight (8) year period, including three (3) of the last four (4) Stanley Cup Playoffs. There is nothing about his pattern that suggests that he is entitled at this point to “credit” for good behavior or that he has reformed in a way that would warrant disregarding any part of his lengthy record. Further, as I observed above, the vast majority of NHL Players play their entire careers without being assessed a Rule 48 violation. Mr. Kadri has repeatedly demonstrated an inability to avoid dangerous hits to opposing Players’ heads during his career (including during three (3) of the prior (4) seasons), and the presence of an injury to the opposing Player here (which was not present in his prior two (2) offenses), underscores the need to impose a greater suspension on Mr. Kadri now.

I am not persuaded by the NHLPA’s argument that the disciplinary records of Messrs. Wilson, Gudas, Marchand or Rinaldo “illustrate the concept that if a Player plays clean for a given amount of time”, he shall not be considered a “Player who repeatedly violates the League Playing Rules under Article 18.2(c).” (Tr. 26.) The record does not support the NHLPA’s contention, as the disciplinary videos explaining the suspensions of those Players expressly refer in each case to their prior record, and reflect that the discipline imposed was a function of the

nature and severity of the offense, the presence or absence of an injury, and the Player's overall disciplinary record. In addition, I note the following:

1. Mr. Wilson's record provides the closest analogue to Mr. Kadri's record, and the number of head-related suspensions for Mr. Wilson (four (4), at the time) led to a fourteen (14) game suspension in 2018, as discussed above. Mr. Wilson thereafter played suspension free for a longer period of time than Mr. Kadri did. More importantly, his fifth suspension (for seven (7) games) in March 2021 simply did not involve as egregious or clear cut a violation as his prior violations, or as Mr. Kadri's violation here.
2. Mr. Gudas has been suspended a total of four (4) times in his career, including a three (3) game suspension in 2015, a six (6) game suspension in 2016, and a ten (10) game suspension in 2017. The lengthy increases in the latter two (2) suspensions resulted not just from the fact that Mr. Gudas was a repeat offender but from the fact that each offense involved extremely dangerous conduct. By contrast, Mr. Gudas's two (2) game suspension in 2019 involved much less severe conduct (resulting in no injury), and the video explanation suggests that he might not have been suspended at all but for his prior record.
3. Mr. Marchand was suspended six (6) times for various offenses between March 2011 and January 2018. While his third suspension in January 2015 (two (2) games for tripping), involved a reduction from his prior five (5) game suspension, it involved considerably less serious conduct, came three (3) years (and two-hundred and forty-

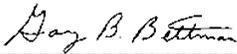
nine (249) games) after the prior offense, and did not involve an injury to the opposing Player.

4. Mr. Rinaldo's record actually illustrates the flaw in the NHLPA's theory. Mr. Rinaldo has been suspended five (5) times in his NHL career. Although his second suspension (in 2014) came one-hundred and twenty-seven (127) games and more than two (2) years after his first suspension, it was twice as long as his first suspension (four (4) games vs. two (2) games)—because it involved a serious Rule 48 violation that caused an injury to an opponent. Mr. Rinaldo's next suspension (for boarding) also involved egregious conduct (and an injury to an opposing Player) and it was doubled again, this time to eight (8) games. His subsequent violation (in 2016) was committed only seventy-six (76) games later but resulted in a somewhat shorter (five (5) game) suspension—because the conduct was not as egregious and did not result in an injury.

## VII.

### CONCLUSION

For the foregoing reasons, the decision of the Department of Player Safety suspending Nazem Kadri for eight (8) games is hereby affirmed.



Dated: May 31, 2021

Gary B. Bettman