2010 NATIONAL BASEBALL ARBITRATION COMPETITION

Ricky Nolasco v. Florida Marlins (MLB)

SUBMISSION ON BEHALF OF FLORIDA MARLINS BASEBALL CLUB

Submission by: Team 36
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I. **Introduction and Request for Hearing Decision**

The purpose of this brief is to provide relevant information which may be used to aid the arbitration hearing process which will determine the 2010 salary of Carlos Enrique "Ricky" Nolasco ("Mr. Nolasco"), pitcher for the Florida Marlins Baseball Club (the "Marlins" or the "Club"). Relevant information provided will include Mr. Nolasco’s statistics, statistics of comparable players, salary information of Major League Baseball ("MLB") players, considerations of the Marlins, and a health and mental analysis of Mr. Nolasco. The MLB Collective Bargaining Agreement ("CBA") is an agreement between the 30 Major League Clubs and the Major League Baseball Players Association ("Players Association"), which governs terms and conditions of employment for Major League Baseball players.\(^1\) CBA Article VI, Section F sets out the criteria and procedures for arbitration proceedings.\(^2\) The criteria the arbitration panel may consider includes: (1) the quality of Mr. Nolasco’s contribution to the Marlins during the past season, (2) the length and consistency of his career contributions, (3) the record of Mr. Nolasco’s past compensation, (4) comparative baseball salaries, (5) the existence of any physical or mental defects on the part of Mr. Nolasco, and (6) the recent performance record of the Marlins.\(^3\) The arbitration panel shall give particular attention, for comparative salary purposes, to the contracts of Players with Major League service not exceeding one annual service group above the Player’s annual service group.\(^4\) The Marlins request the arbitration panel consider the information presented below and in oral argument to award Mr. Nolasco no more than the Club's salary offer of $3.0 million.

II. **Quality of the Player's Contribution During the Past Season**

Ricky Nolasco performed adequately for the Marlins as a starting pitcher during the 2009 season. The Marlins were impressed with Mr. Nolasco’s ability to win over ten games for the Club for the second straight year, but were disappointed with the overall drop-off in his consistency. Still, although Mr. Nolasco’s win total decreased and his earned run average

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\(^2\) Id. at Article VI(F). pp. 14-19.

\(^3\) Id. at §12(a).

\(^4\) Id.
("ERA") increased as compared to the 2008 season, Mr. Nolasco was still a valuable member of the Marlins. Mr. Nolasco started 31 games for the Marlins in 2009, pitching 185 innings. He began the season with a 2-5 record before being optioned to Triple-A for three weeks. Nonetheless, the Marlins are committed to Mr. Nolasco's development and believe he can be a consistent MLB starter. For this reason, the Marlins are offering Mr. Nolasco a 2010 salary of $3.0 million, a $600,000 increase over 2009.

2009 marked Mr. Nolasco's fourth year with the Florida Marlins. Nolasco was the opening day starter for the Marlins, who hoped that Nolasco could improve on his career year in 2008. Unfortunately, the early months of the 2009 season were a struggle for Nolasco. Nolasco's first nine starts resulted in a 9.07 ERA. The Marlins were forced to take action and demoted Nolasco to Triple-A. In these starts, Nolasco only averaged 4.8 innings a game and gave up 8 home runs as well as 13 walks. After Nolasco returned from Triple-A he performed better, although his ERA and Walks plus Hits per Inning Pitched ("WHIP") rates remained high.

By some standards, the layman might consider Nolasco's 2009 win number indicative of a better year than he actually had. In reality, 10 of Nolasco's 13 wins came against teams that did not make the 2009 MLB playoffs. This statistic shows that Nolasco's performance against the best teams in the National League left much to be desired. Additionally, it is proof that Nolasco's 2009 statistics have been inflated with performances against subpar teams. Furthermore, almost one third of Nolasco's wins came during September of 2009 against non-

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5 ESPN "Ricky Nolasco Statistics", http://insider.espn.go.com/mlb/players/splits?playerId=6491&action=login&appRedirect=http%3a%2f%2finsider.espn.go.com%2fmlb%2fplayers%2fsplits%3fplayerId%3d6491
6 Id.
8 ESPN "Ricky Nolasco Statistics", http://insider.espn.go.com/mlb/players/profile?playerId=6491&action=login&appRedirect=http%3a%2f%2finsider.espn.go.com%2fmlb%2fplayers%2fprofile%3fplayerId%3d6491
9 YAHOO, "Florida Marlins Game Log", http://sports.yahoo.com/mlb/players/7720/gamelog:_ylt=AnKbhSrge6lcuz9BuqniLhSFCLeF
11 YAHOO, "Florida Marlins Game Log", http://sports.yahoo.com/mlb/players/7720/gamelog:_ylt=AnKbhSrge6lcuz9BuqniLhSFCLeF
12 Id.
13 Id.
playoff teams. These teams likely employed more prospects and young players than the average MLB team competing for a playoff spot.

<table>
<thead>
<tr>
<th>TABLE 1</th>
<th>Ricky Nolasco</th>
<th>DOB: 12/13/1982</th>
<th>2009 Salary: $2,400,000</th>
<th>RHP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>W</td>
<td>L</td>
<td>ERA</td>
<td>G</td>
</tr>
<tr>
<td>2009</td>
<td>13</td>
<td>9</td>
<td>5.06</td>
<td>31</td>
</tr>
<tr>
<td>Career</td>
<td>40</td>
<td>30</td>
<td>4.43</td>
<td>105</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TABLE 2</th>
<th>Averages and Rank vs. National League Starting Pitchers</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>AVG</td>
<td>W</td>
<td>ERA</td>
</tr>
<tr>
<td>Rank</td>
<td>18th</td>
<td>43</td>
</tr>
</tbody>
</table>

Mr. Nolasco's 2009 numbers represented a significant drop-off from his 2008 campaign. Nolasco won two fewer games for the Marlins, while his ERA significantly increased from 3.52 to 5.06. Nolasco also pitched almost 20 innings less than in 2008. These statistics indicate that Mr. Nolasco struggled during 2009, notwithstanding his win total. As explained previously, the majority of Nolasco's 2009 wins came against teams in the bottom half of the league.

When compared against other National League starting pitchers in 2009, Nolasco ranked 18th in wins, 3rd in strikeout to walk ratio, and 9th in strikeouts per nine innings. However, Nolasco also ranked 43rd in ERA, 57th in slugging percentage, and 25th in batting average against. Clearly Mr. Nolasco is a power pitcher with a high risk to reward ratio. It is not disputed that he has shown flashes of brilliance, however at times he relies too much on his above-average fastball. This reliance leads to many strikeouts, but also results in a high number of hard hits given up. Major League hitters do not struggle with the fastball. Mr. Nolasco needs to improve his secondary pitches to become a front-line starter and a more reliable pitcher.

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14 ESPN "Ricky Nolasco Statistics", http://insider.espn.go.com/mlb/players/profile?playerId=6491&action=login&appRedirect=http%3a%2f%2finsider.espn.go.com%2fmlb%2fplayers%2fprofile%3fplayerId%3d6491
15 Id.
18 Minimum 162 innings pitched.
20 Id.
22 Id.
III. **Length and Consistency of Career Contributions**

Mr. Nolasco was drafted by the Chicago Cubs in the 4th round of the 2001 draft. He was acquired by the Marlins in 2005 in a trade involving Juan Pierre.23 Mr. Nolasco started 22 games in 2006 for the Marlins, ending with an 11-11 record and a 4.82 ERA.24 Nolasco missed 5 games that season with a right knee injury, and both Nolasco and the Marlins were excited about his prospects for the 2007 season. Unfortunately for both parties, in 2007 Nolasco suffered from elbow inflammation.25 This inflammation resulted in two trips to the disabled list ("DL"), including a stint on the 60-day DL.

| TABLE 3 | Ricky Nolasco | Year-by-Year Statistics26 |
| SEASON | G | GS | CG | SHO | IP | H | R | ER | HR | BB | SO | W | L | SV | HLD | BLSV | ERA |
|--------|---|----|----|-----|----|---|---|---|----|----|----|---|---|---|-----|-----|-----|-----|
| 2006   | 35| 22 | 0  | 0   | 140.0| 157| 86| 75| 20 | 41 | 99 | 11| 11 | 0 | 2   | --  | 4.82 |
| 2007   | 5 | 4  | 0  | 0   | 21.1 | 26 | 16| 13| 3  | 9  | 11 | 1 | 2 | 0 | 0   | --  | 5.48 |
| 2008   | 34| 32 | 1  | 1   | 212.1| 192| 88| 83| 28 | 42 | 186| 15| 8  | 0 | 0   | --  | 3.52 |
| 2009   | 31| 31 | 2  | 0   | 185.0| 188| 111|104| 23 | 44 | 195| 13| 9 | 0 | 0   | --  | 5.06 |
| Total  | 105| 89 | 3  | 1   | 558.2| 563|301|275|74 |136|491|40|30|0 |2   | --  | 4.43 |

Including his injury filled 2007, Mr. Nolasco has a career 40-30 record and a 4.43 ERA. Nolasco had a career year in 2008, with personal records in wins (15), innings pitched (212.1) and ERA (3.52). The Marlins were excited about his 2008 performance, which led the Club to sign him to a $2.4 million dollar salary for 2009. The Marlins also showed a great deal of confidence in Mr. Nolasco by making him their opening day starter for the 2009 season.

Mr. Nolasco clearly did not capitalize on his stellar 2008. As mentioned previously, he began 2009 very slowly and spent time in Triple-A. Although he managed to recover and win 13 games for the Club, the Marlins believe he has still not demonstrated he can be the type of "front line" starter they expect of him. When Nolasco returned from injury he performed closer to the pitcher he was in 2006, not 2008.

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23 Rodgers Media, "Ricky Nolasco Stats", http://www2.sportsnet.ca/baseball/mlb/players/Ricky_Nolasco/
25 Rodgers Media, "Ricky Nolasco Stats", http://www2.sportsnet.ca/baseball/mlb/players/Ricky_Nolasco/
26 ESPN, "Ricky Nolasco Stats", http://insider.espn.go.com/mlb/players/stats?playerId=6491&action=login&appRedirect=http%3a%2f%2finsider.esp n.go.com%2fmlb%2fplayers%2fstats%3fplayerId%3d6491
27 Highlighted numbers indicate career worst – minimum 10 games started.

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Mr. Nolasco seems to have solidified his position as a decent middle of the rotation starter, not an elite starting pitcher. His career situational statistics indicate he performs better after the all-star break, at a time when many teams are playing less competitive baseball.\(^{28}\)

**IV. Past Player Compensation**

In 2009, Mr. Nolasco was the 5\(^{th}\) highest paid player on the Marlins and was the second highest paid pitcher on the team.\(^ {29}\) He earned $2.4 million dollars, which was a $2,010,000 increase from 2008. In 2006 and 2007 Nolasco earned $327,000 and $380,000, respectively.\(^ {30}\) Nolasco was signed to a one-year deal after the 2007 season. His raise was a reward for his 2008 season. The raise represented over a 600 percent increase in salary.

In this proceeding, Nolasco is asking for a 2010 salary of $4.8 million. This number represents an increase of $2,400,000 over his 2009 salary. Put differently, this raise would double the amount of money the Marlins paid to Nolasco in 2009. Given Mr. Nolasco's subpar year compared to 2008, this amount of raise is grossly exaggerated and unwarranted. In no way do Mr. Nolasco's 2009 statistics justify a 100 percent raise in his salary.

The Marlins argue that their offer of $3.0 million for 2010 is a more accurate and fair representation of Mr. Nolasco's value. This amount still represents a 20 percent raise over Nolasco's 2009 salary. The Marlins have fairly compensated Nolasco in the past and are willing to continue to do so. However, Mr. Nolasco's request for a 100 percent increase cannot be factually justified given his 2009 season.

**V. Comparative Baseball Salaries**

When considering comparative salaries during the arbitration process, "[t]he . . . panel shall. . . . give particular attention, for comparative salary purposes, to the contracts of Players with Major League service not exceeding one annual service group above the Player’s annual service group."\(^ {31}\) This means that the most effective means of comparison for a player entering

\(^{28}\) *YAHOO*, "Career Pitching Stats", http://sports.yahoo.com/mlb/players/7720/splits;_ylt=AiLi3_t.I.beCyqOO.IHl0KFCLcF?year=career&type=Pitching

\(^{29}\) *ESPN*, "Team Salaries", http://espn.go.com/mlb/teams/salaries?team=fla

\(^{30}\) Id.

arbitration are those players with the same amount of Major League service as Mr. Nolasco, or one year more than him.

### TABLE 4

<table>
<thead>
<tr>
<th>Player</th>
<th>Years Experience</th>
<th>DOB</th>
<th>2009 Salary</th>
<th>2010 Salary</th>
<th>W</th>
<th>L</th>
<th>ERA</th>
<th>G</th>
<th>GS</th>
<th>CG</th>
<th>SHO</th>
<th>IP</th>
<th>H</th>
<th>ER</th>
<th>HR</th>
<th>BB</th>
<th>SO</th>
<th>WHIP</th>
<th>BAA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ricky Nolasco, 3.142 years experience</td>
<td>DOB: 12/13/1982</td>
<td>2009 Salary: $2,400,000</td>
<td>2010: $4.8/3.0 mil</td>
<td>13</td>
<td>9</td>
<td>5.06</td>
<td>31</td>
<td>31</td>
<td>2</td>
<td>0</td>
<td>185.0</td>
<td>188</td>
<td>104</td>
<td>23</td>
<td>44</td>
<td>195</td>
<td>1.25</td>
<td>.259</td>
<td></td>
</tr>
<tr>
<td>Adam Wainwright (STL), 4.027 years experience</td>
<td>DOB: 8/30/1981</td>
<td>2009 Salary: $2,787,500</td>
<td>2010: $4,650,000</td>
<td>19</td>
<td>8</td>
<td>2.63</td>
<td>34</td>
<td>34</td>
<td>1</td>
<td>0</td>
<td>233</td>
<td>216</td>
<td>68</td>
<td>17</td>
<td>66</td>
<td>212</td>
<td>1.21</td>
<td>.244</td>
<td></td>
</tr>
<tr>
<td>Chad Billingsley (LAD), 3.110 years experience</td>
<td>DOB: 7/29/1984</td>
<td>2009 Salary: $475,000</td>
<td>2010: $3,850,000</td>
<td>12</td>
<td>11</td>
<td>4.03</td>
<td>33</td>
<td>32</td>
<td>0</td>
<td>0</td>
<td>196.1</td>
<td>173</td>
<td>88</td>
<td>17</td>
<td>86</td>
<td>179</td>
<td>1.32</td>
<td>.244</td>
<td></td>
</tr>
<tr>
<td>Mike Pelfrey (NYM), 2.122 years experience</td>
<td>DOB: 1/14/1984</td>
<td>2009 Salary: $2,237,500</td>
<td>2010: $2,737,500</td>
<td>10</td>
<td>12</td>
<td>5.03</td>
<td>31</td>
<td>31</td>
<td>0</td>
<td>0</td>
<td>184.1</td>
<td>213</td>
<td>103</td>
<td>18</td>
<td>66</td>
<td>107</td>
<td>1.51</td>
<td>.289</td>
<td></td>
</tr>
</tbody>
</table>

One National League pitcher who offers comparable statistics is Adam Wainwright. Wainwright is a starting pitcher for the St. Louis Cardinals who has one year more service time than Mr. Nolasco. Both pitchers had similar 2009 salaries and Wainwright's 2010 salary is similar to what Mr. Nolasco is requesting. However, the similarities between the two players end there. Wainwright is a premium starting pitcher, who finished third in Cy Young voting during the 2009 season. Wainwright was 19-8 in 2009 with a 2.63 ERA and a .244 BAA, all while pitching in 34 games. These statistics are notably stronger than Mr. Nolasco's 2009 statistics. Wainwright's ERA and BAA are significant stronger than Nolasco. Furthermore, while the two pitchers have similar numbers of games started, Wainwright has 6 more wins and 6 less losses than Nolasco. Wainwright's career ERA is also 1.26 lower than Nolasco's.

Wainwright's 2009 salary was only $387,500 higher than Nolasco's, but Wainwright provided far greater value. Furthermore, Wainwright will make less money in 2010 than Nolasco's request of

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32 [MLB](http://www.mlb.com) 2009 Statistics
33 [Cot's MLB Contracts](http://mlbcontracts.blogspot.com/2001/10/2010-arbitration-eligibles.html)
$4.8 million. Wainwright is clearly statistically better than Nolasco and his 2010 salary demonstrates that Nolasco's salary request is too high.

Chad Billingsley is another NL starter who provides a useful comparison to Mr. Nolasco. The two pitchers have almost identical Major League service times. Billingsley's 2009 salary was $475,000 and he avoided arbitration by agreeing to a $3.85 million salary for 2010. Billingsley's career numbers are stronger than Nolasco's and excluding win-loss record, Billingsley's 2009 statistics are stronger as well. In 2009, Billingsley went 12-11 with a 4.03 ERA for the NL West Champion Los Angeles Dodgers. Although Billingsley's WHIP was slightly higher than Nolasco's, Billingsley's BAA was .015 lower. Clearly Billingsley and Nolasco provide a good basis for comparison. Arguably, Billingsley was the more successful pitcher in 2009, and he has provided much stronger numbers over his career (3.55 ERA to 4.43). Given that Billingsley agreed to a 2010 salary almost $1 million lower than Nolasco's last request, it is clear that Nolasco's offer is far too high. $3 million is a more fair and accurate offer considering Mr. Nolasco's 2009 and career performance.

Mike Pelfrey is statistically very comparable to Ricky Nolasco. Pelfrey also provides a useful salary comparison to Nolasco because although he has less Major League service time than Nolasco, the Mets signed Pelfrey to a Major League contract. Pelfrey made $2,237,500 in 2009 and is scheduled to make $2,737,500 in 2010. This amount is more similar to the offer of $3.0 million the Marlins have made to Nolasco. As mentioned previously, Pelfrey and Nolasco had extremely similar 2009 seasons. Both players started 31 games and pitched between 184 and 185 innings. Additionally, Pelfrey's ERA was 5.03, almost identical to Nolasco's 5.06 and both players pitched in the NL East. Clearly these statistics indicate that the two pitchers are similarly valuable.

VI. **Existence of Physical or Mental Deficiencies**

Mr. Nolasco missed almost the entire 2007 season with severe elbow inflammation. The possibility of a reoccurrence of this injury is a great concern of the Marlins. The inflammation included two trips to the DL. Elbow injuries in Major League pitchers have the tendency to lead to more problems, given the amount of innings pitched. This concern should be higher for Nolasco because he is a starting pitcher. Additionally, the Marlins are relying on a strong
contribution from Nolasco during 2010, after a disappointing 2009. Nolasco also missed 5 games in 2006 with a right knee injury.

Although Mr. Nolasco will likely be healthy for the start of the 2010 season, the Marlins acknowledge that the possibility of a reoccurrence of this injury is a reason Nolasco was offered $3 million. Given that Major League teams need solid contributions from their starting pitchers in order to remain competitive, an injury to Nolasco would greatly hurt the Club's 2010 chances.

The Marlins are also concerned that Mr. Nolasco's maturity and confidence levels are not where they should be at this point in his career. As a fourth round draft pick, Mr. Nolasco has been nurtured and encouraged at all levels of his experience in professional baseball. However, perhaps relying on his strong fastball, Nolasco has been at some times unwilling to respond to finesse coaching. Additionally, the Marlins placed a large amount of faith in Mr. Nolasco when they made him their opening day starter for the 2009 season. Mr. Nolasco did not respond well to this pressure. Clearly, the statistics over the first nine games of the 2009 season indicate that Nolasco was not mature enough to be the team's number one starter.

VII. Recent Performance of the Club

The 2009 Florida Marlins began the season with an 11-1 record and great hopes for a playoff berth. The team made a push for the playoffs in September, but ended up with an 87-75 record, good enough for second place in the NL East. The Marlins also finished 3rd in the wild card race. The Marlins ranked 9th in the NL in team ERA, but were 13th out of 16 in quality starts. Significantly, the Club was 5th in the NL in runs scored and 3rd in team batting average, which shows the Marlins relied on good offensive statistics to make up for poor starting pitching.

The Marlins were 2nd to last in Major League Baseball in attendance, averaging only 18,770 fans a game. The Marlins were last in the league in attendance in 2006, 2007, and 2008.

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34 MLB, "2009 Standings", http://mlb.mlb.com/mlb/standings/
35 Id.
37 ESPN, "NL Attendance Stats", http://espn.go.com/mlb/attendance
38 Id.
VIII. Conclusion

The Marlins are excited to have Ricky Nolasco on their team. The Club is looking forward to the impact he will have in 2010. The Club is willing to pay Mr. Nolasco a large sum of money to perform his job. However, the Marlins are insistent on paying a fair value for Mr. Nolasco’s services. Mr. Nolasco should be compensated for his past performance, not future potential. Although Mr. Nolasco has shown great potential, it is easy to become enamored with the player he could be and not accept the player that he is. The Marlins believe that $3.0 million is a fair and accurate salary for Mr. Nolasco. As shown with comparative salaries, pitchers who have had better careers than Mr. Nolasco are earning around the amount he is asking for. $3.0 million is a more accurate and reasonable amount than $4.8 million. The Marlins respectfully request the Arbitration Panel agree with this assertion and find that the Club’s offer of $3.0 million is fair compensation for Mr. Nolasco.