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Melnyk Staring Down Barrel of Potential Lawsuit


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August 16, 2013, 3:00 PM ET [89 Comments]

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Travis Yost

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Eugene Melnyk can't keep quiet about what occurred during the Daniel Alfredsson fiasco. Since Alfredsson spoke Thursday, he's directed his vitriol to player-agent JP Barry. Speaking to the [Ottawa Sun](#) on Thursday and [TSN](#) on Friday, Melnyk offered the following concerning the agency-client relationship:

"For anyone to even suggest the remote possibility that Bryan Murray is not fully honest in his clear recollection of events should be ashamed of themselves," Melnyk told TSN on Friday. "I point the finger squarely on JP Barry, the man who blessed us with the (Dany) Heatley mess."

"If you want to play a blame game - that is where you should be looking," Melnyk told TSN on Friday. "I have a lot of respect for Daniel. **I simply think he was not told the whole story or worse, was lied to.** I won't be commenting on this again. We are busy and have a Stanley Cup to win."

Emphasis added.

Attacks on JP Barry's character and their already tenuous relationship aside, Eugene Melnyk has a very real issue now on his hands. His assertion that JP Barry breached contract and duty in his professional relationship with Daniel Alfredsson by withholding information from the player is a libelous one if inaccurate, and could very well create the foundation for a coming civil suit.

An agent owes the principal (i.e. player) the following: (a) a duty to undertake the task or tasks specified by the terms of the agency (that is, the agent must not do things that he has not been authorized by the principal to do); (b) a duty to discharge his duties with care and due diligence; and (c) a duty to avoid conflict of interest between the interests of the principal and his own (that is, the agent cannot engage in conduct where stands to gain a benefit for himself to the detriment of the principal).

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Expanding a bit on these duties, a sports agent must discover/disclose to his clients any and all material information that is reasonably obtainable, unless the information is so clearly obvious and apparent to the athlete that, as a matter of law, the sports agent would not be negligent in failing to disclose it. [1].

To date, Daniel Alfredsson has never asserted or implied that his representation was an issue. Further, if Daniel Alfredsson states that his representation kept him informed of all options available during the process, then JP Barry can come after the embattled Ottawa Senators owner on personal injury grounds.

More as it comes.

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