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I Now Pronounce You Sued: Wedding Industry Becomes Target for Growing COVID-19 Refund Litigation

Brides and grooms whose festivities were sidelined by the coronavirus are mad about not getting refunds from their wedding venues, and they're not...

By Angela Morris | June 16, 2020



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Brides and grooms whose festivities were sidelined by the coronavirus are mad about not getting refunds from their wedding venues, and they're not going to take it.

Across Texas and other states, the unhappy couples or their parents have been filing lawsuits against wedding venues, seeking refunds of their deposits.

This wedding litigation is a subcategory of a much larger litigation trend that's emerged because of COVID-19. In lawsuits and class actions across the nation, plaintiffs are suing all types of companies—airlines, colleges or universities, health clubs, concert operators, conference organizers, even a children's dance studio and food caterer—to get their money back for coronavirus-caused cancellations.

"I've seen a lot of them," said Adam Webb, partner in Webb, Klase & Lemond in Atlanta. "The list goes on and on. I'm sure it's going to get into many industries."

In these breach-of-contract lawsuits, defendants may look to their contracts with consumers for defenses to the litigation, said Webb, who represents plaintiffs suing an airline in Texas and a university in Georgia. He added that plaintiffs will argue about the same contracts.

"In most instances, this is totally unanticipated circumstances," he explained. "What we have seen is the contracts do not talk about this circumstance directly."

On the wedding front, there have been at least four separate lawsuits filed in Houston, McKinney, Denton and Dallas by either couples or their parents, which claim they were denied refunds for cancelled weddings.

Profiting from pandemic?

For example, bride and groom Brianna Conn and Rex Simmons sued Walters Wedding Estates—another couple sued this same company in Denton—in a proposed class action.

Because of COVID-19 restrictions and health concerns, the wedding venue couldn't perform the couple's July 18 wedding, said the June 11 petition in *Conn v. Walters Wedding Estates*. Conn and Simmons alleged the company refused to issue them a refund for payments they had made, and wouldn't give an alternative date for the festivities.

"This company is taking advantage of couples and families," said a statement by plaintiffs attorney Mark Ticer, member of the Law Office of Mark A. Ticer in Dallas. "They are profiting from this public health emergency at the expense of these young people."

In response to a request for comment, Walters Wedding Estates emailed a statement that said its large venues could have hosted Conn and Simmons' 120-guest wedding, while also complying with the state's current requirement of 50% occupancy limitations on wedding venues.

"Walters Wedding Estates also denies the extreme claims by Mr. Ticer that profit is being made by this health emergency. Due to rescheduling over 500 weddings and events at no additional cost to our clients, Walters Wedding Estates has taken a drastic revenue loss on all of those future rescheduled dates," the statement said. "Walters felt this was the right thing to do to ensure we take care of our customers to the best of their ability, while also protecting the business for the benefit of all our current and future clients."

The wedding industry is not the only area being hit with COVID-19 refund litigation.

Texas Lawyer searched court records statewide and located at least 10 lawsuits by consumers seeking refunds for cancellations of airline tickets, vacation rentals, conferences, a food catering service and a dance studio.

On the national stage, there's a trend of consumers suing airlines and educational institutions, according to Webb, the Georgia plaintiffs attorney.

For example, one of Webb's lawsuits is the class action *Ward v. American Airlines Inc.*, filed in Texas federal court. Plaintiff Lee Ward claimed that American Airlines Inc. has canceled flights for thousands of passengers, refused to issue monetary refunds and instead offered travel vouchers.

The airline's attorney, Dee Kelly Jr. of Kelly Hart & Hallman in Fort Worth, didn't immediately return a call or email seeking comment.

Another example is *Bromley v. SXSW*, another proposed class action. Plaintiffs Maria Bromley and Kleber Pauta alleged that after the city of Austin canceled the international SXSW Festival in March, they asked for refunds and SXSW refused, instead offering admission to a future festival.

No one with SXSW's press team immediately returned an email seeking comment.

COVID-19 and court

Coronavirus refund litigation doesn't have boundaries in Texas alone.

In California, Ticketmaster and Live Nation were hit with a class action over events postponed due to COVID-19, alleging they are making customers bear the costs of thousands of disrupted events by retroactively changing their refund policy, said a Daily Business Review article (<https://www.law.com/dailybusinessreview/2020/04/30/businesses-face-coming-tidal-wave-of-covid-19-litigation/>).

In New York, Columbia University students are suing their school for tuition refunds, alleging that when classes moved online during the pandemic, they were denied the hands-on learning experiences they paid for, reported the New York Law Journal (<https://www.law.com/newyorklawjournal/2020/04/24/lawsuit-targets-columbia-university-for-tuition-refunds-after-covid-19-closure/>).

In Georgia, Webb's second refund lawsuit targeted Emory University for refusing refunds to students who were barred from on-campus classes and had to instead take courses remotely.

"There really is a perception of sort of a David versus Goliath situation. Why would the loss be carried by David, and not Goliath, when you have these financial resources so completely imbalanced," Webb said about litigation against universities. "You could say the same for the airlines. They are receiving and have been offered billions of dollars from the U.S. government, and yet, they will not refund people who need the money to go on with their lives."

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