

News

TALBOT, SCHMIDT IN BLOOMBERG LAW ON FAILED COVID HIGHER ED. CLASS ACTION

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Denver Partner Tracy Talbot and St. Louis Partner Chris Schmidt were quoted July 30 by Bloomberg Law on a recent court decision dismissing a proposed class action against the Arizona Board of Regents seeking the cost of room, board and some fees after public universities in the state went online in the wake of COVID-19. This appears to be the first dismissal of one of the hundreds of lawsuits filed against colleges and universities across the country by those seeking refunds. Talbot, leader of BCLP's Higher Education Refund Class Action Rapid Response Team, said under the 11th Amendment, absent consent by the state, public universities are state actors immune from suits seeking money damages brought by private plaintiffs in federal court. Schmidt, co-leader of the firm's Higher Education Team, said that while plaintiffs might try to fashion their claims as equitable (seeking injunctive relief, for example) rather than damages, to get around the immunity bar, the requests for disgorgement are really a request for money damages.

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