

News

HARTLEY QUOTED BY LAW.COM ON HIGHER ED COVID LAWSUITS IN 2020

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Boulder Partner Sarah Hartley, leader of BCLP's Higher Education Refund Class Action Rapid Response Team, was quoted Dec. 29 by Law.com in an article considering the range of lawsuits filed in 2020 over COVID-19. While most pandemic lawsuits last year targeted specific industries, such as nursing homes, cruise ships or universities, lawyers expect to see more lawsuits in 2021 against insurance firms over business interruption claims, and possibly employment class actions focused on the COVID-19 vaccine. To date, BCLP has tracked 255 cases against higher education institutions over unpaid refunds. "What I've seen in the decisions is that courts are closely evaluating whether you have alleged, from all the different documents and public information from the university, that you had a reasonable expectation you'd have in-person learning," Hartley said. "It sounds straightforward, and in the end, whether that will constitute a promise to provide in-person learning is something way down the road, but courts are finding that's enough to defeat a motion to dismiss. The universities, from my experience with them, are doing their best to continue to provide high-quality education to their students, and these are really, really challenging circumstances."

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