

FROM THE COURTS

Plaintiff Gets COVID-19 Refunds, Delta Gets Class Action: Lawyer



SHUTTERSTOCK

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by **Katheryn Tucker**

A lawyer for the lead plaintiff in a putative class action against Atlanta-based Delta Air Lines Inc. over ticket refunds confirmed that the lawsuit is still taking off, even though the company has given the demanded refund.

Elliot Daniels of Maryland did get his \$3,090 back for four tickets on a canceled international flight from Dulles International Airport in Northern Virginia to Cairo, according to the company and his lawyers. But that was after the lawsuit was filed in U.S. District Court for the Northern District of Georgia on April 17.

"They picked him off, but that doesn't eliminate the lawsuit," Bill Stone of the Stone Law Group said Friday. "What will happen is another plaintiff is going to step up. There are a lot of them."

Stone's firm, with offices in Atlanta, Rome and Blakely, Georgia, is serving as local counsel on the case for Steve Berman, Daniel Kurowski and Whitney Siehl of Hagens Berman Sobol Shapiro in Chicago. Stone said he expects the team to file a substitution of parties or a new complaint.

Hundreds, if not thousands, of others are similarly situated, and more than \$5 million is at stake, according to the complaint.

The issue is the same with the Delta lawsuit as with others filed against airlines, concert bookers and baseball teams since the start of the novel coronavirus pandemic: cash back for canceled tickets. Whether it's travel, concerts or baseball, customers are not much in the mood for a rain check.

"This Class Action Complaint comes during a time of unprecedented hardship for so many Americans, with each day bringing different news regarding the novel coronavirus COVID-19," the complaint said. "Social distancing, sheltering-in-place, and efforts to 'flatten the curve' have separated loved ones from their relatives, workers from their co-workers, and further isolated those already in or at risk of further isolation. It has decimated nationwide employment. Nearly 9 in 10 Americans are

now subject to a travel restriction, all to protect the health and welfare of the nation during this public health emergency."

The complaint gave a detailed timeline of the developing health crisis that started with news from Wuhan, China, on Dec. 31. It accuses Delta of violating U.D. Department of Transportation policy: "If your flight is cancelled and you choose to cancel your trip as a result, you are entitled to a refund for the unused transportation—even for non-refundable tickets."

Steering customers to credits for future flights is the issue, according to the complaint.

"Delta took a variety of steps to make it difficult, if not impossible, for consumers to receive any refund on pandemic cancelled flights," the complaint said. "Defendant wanted to retain the money paid to Defendant, given the severe economic losses it is incurring related to pandemic flight cancellations. It does so despite consumers' right to receive a refund for unused transportation, even for non-refundable tickets."

Delta denied the charges in a written statement shared with the Daily Report.

"With regard to this the lawsuit: Doing right by our customers through refunds and rebookings has been—and will continue to be—a key focus as we manage through this unprecedented global pandemic. The named plaintiff in this suit first requested a refund on April 15—two days before the lawsuit was filed. We expedited the refund process and gladly issued his refund," the company said.

The complaint, however, alleged that Daniels had been requesting a refund since Delta canceled his rebooked March 31 flight. Daniels allegedly was told he'd have to accept a travel voucher. He went onto the company website and submitted a refund request on March 28, which Delta denied on April 15, limiting him to travel credits, the suit claims.

Katheryn Hayes Tucker covers legal news for the Daily Report, an ALM affiliate of the Daily Business Review. Contact her at ktucker@alm.com.



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **VIRTUAL COUNCIL ZONING MEETING** on **Wednesday, May 13, 2020 beginning at 11:30 AM**, to consider the following final plat application. The meeting will be held with the elected officials, administration and City staff participating via video conferencing.

Governor DeSantis' Executive Order Number 20-69 suspended the requirements of Section 112.286, Florida Statutes and the Florida Sunshine Law, that a quorum to be present in person, and that a local government body meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

Public Comment: members of the public that wish to provide comments may do so by emailing the City Clerk at cityclerk@cityofdoral.com. Comments must be submitted with your name and full address by **Tuesday, May 12, 2020**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

The meeting will be broadcasted live for members of the public to view on the City of Doral's website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Resolution:

RESOLUTION No. 20-

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING THE FINAL PLAT FOR HD DORAL, A ±4.1327 ACRE PARCEL OF LAND LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF NW 58 ST AND NW 97 AVENUE, DORAL, FLORIDA; PROVIDING FOR RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 20-05-DOR-14

APPLICANT: 97 PROPERTY LLC

PROJECT NAME: HD Doral

LOCATION: The subject property is generally located at the southwest corner of the intersection of NW 58th ST and NW 97th avenue

SIZE OF PROPERTY: ± 4.1327 acres

Folio No.: 35-3021-001-0311

PRESENT LAND USE CATEGORY: Business

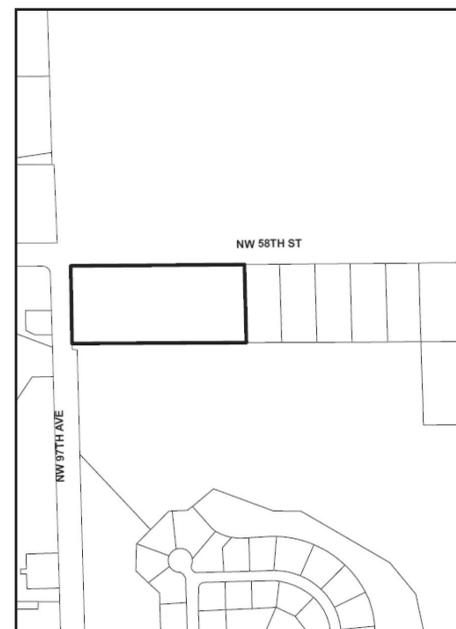
PRESENT ZONING DISTRICT: Corridor Commercial

REQUEST: 97 Property LLC., is requesting approval of a final plat for HD Doral.

LEGAL DESCRIPTION: THE WEST 1/2 OF TRACT 32, LESS THE NORTH 40 FEET AND THE WEST 15 FEET THEREOF, IN THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 53 SOUTH, RANGE 40 EAST, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

SAID LAND SITUATE, LYING AND BEING IN THE CITY OF DORAL, MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 187A14 SQUARE FEET (4.3024± ACRES).

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral

4/29

20-05/000468312M