

# Who Gets The Tickets In The Divorce?

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The New England Patriots and the Atlanta Falcons will square off in Super Bowl LI on February 5, 2017. Tickets to this year's Super Bowl are in high demand. There are several ways to obtain tickets to the Super Bowl. Some lucky season ticket holders will be selected in a lottery and have the opportunity to purchase tickets at face-value. Fans that do not win the lottery will have to turn to the secondary ticket market to purchase tickets. Currently, the "get in" price for a single ticket is \$3,000. With that backdrop in mind, it comes as no surprise that Super Bowl tickets may become the subject of divorce litigation.

Imagine a scenario where a married couple purchased personal seat licenses and/or season tickets for the New York Jets or Giants during their marriage. If either party files for divorce, the seat licenses and/or the season tickets – including potential Super Bowl tickets – would be considered an asset of the marriage and subject to Equitable Distribution. If this now divorcing couple were lucky enough to win the Super Bowl lottery, those tickets would likely become the subject of litigation.

A similar scenario played out just a few months with World Series tickets. The wife, in pending divorce, filed an emergent application with a Court for World Series Tickets. In that case, the husband purchased season tickets during the marriage. Divorce litigation was filed sometime after that purchase, but before the World Series. The husband intended to use the World Series tickets and take the couple's son to the game. The wife, however, objected as she wanted to attend this historic event. The Court crafted an equitable remedy by allowing the husband to retain the two tickets, but requiring him to purchase the wife a ticket in a comparable section.

It would be interesting to see how a New Jersey Court would handle a similar situation if Super Bowl tickets were at issue. In New Jersey, the Family Court is a Court of Equity and has broad discretion in crafting remedies which it believes are equitable and just under the circumstances. What is deemed "equitable" varies from case to case based on the individual facts and circumstances presented.

If an emergent application was filed, a New Jersey Court would be left to decide whether the party seeking relief met his or her burden of demonstrating irreparable harm if the Court did not act immediately.

In Illinois, the Court seemed to accept the wife's argument that this situation was emergent as the Cubs may never make it back to the World Series in her lifetime. In New Jersey, the Court could take a different approach based upon which team made it to the Super Bowl. That argument may hold greater weight for a Jets fan than a Giants fan given that the Giants have played in two Super Bowls in the last ten years, while the Jets have not played in the Super Bowl since 1969.

Would a Court in New Jersey consider the likelihood of future success as a reason to deny an application as "non-emergent"? Possibly, but unlikely. It is more likely that the Court would consider whether the issue raised by the moving party could be resolved through financial considerations versus whether attending the Super Bowl is an once-in-a-lifetime event that could never be remedied with financial considerations.

As an attorney and avid sports fan, I believe that the remedy crafted by the Court in Illinois was reasonable under the circumstances. Given the broad discretion afforded to the New Jersey Family Court, I could see a New Jersey judge crafting a similar remedy if faced with a similar situation.