

Who Gets The World Series Tickets In The Divorce?

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For the first time in 71 years, the Chicago Cubs are playing in the World Series. Tonight, the Cubs play the Cleveland Indians in a winner take all Game 7. It is no surprise that tickets for this historic event are at a premium and that the cost of a ticket on the secondary market is astronomical. Over the week, a standing room only ticket at Wrigley Field started at approximately \$2,500. Tonight, the cheapest ticket to get into Game 7 at Progressive Field in Cleveland is a standing room only ticket with an obstructed/limited view, which is going for approximately \$1,100. With that backdrop in mind, it is no surprise that World Series Tickets were the subject of litigation in Illinois last week.

The Wife, in pending divorce litigation in the suburbs of Chicago, filed an emergent application with the Court for World Series Tickets to Game 4 at Wrigley Field. It appears that the Husband purchased a season ticket plan with his friends during the marriage and divorce litigation was filed sometime after that purchase but before the World Series. The Husband intended to utilize the two (2) World Series tickets and made arrangements to take the parties' son to the game. The Wife, however, objected as she wanted to attend this historic event. In this case, the Court crafted an equitable remedy by allowing the Husband to retain the two (2) tickets, but requiring the Husband to purchase the Wife a ticket in a comparable section.

It would be interesting to see how a New Jersey Court would have handled a similar situation had these litigants resided in New Jersey and New York Mets or New York Yankee World Series Tickets were at issue. In New Jersey, the Family Court is a Court of Equity. As such, the Family Court 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.

A New Jersey Court would be left to decide whether the moving party (the litigant bringing the emergent application before the Court) met his or her burden of demonstrating irreparable harm if the

Court did not act immediately.

In Illinois, the Court seemed to buy into the Wife's argument that this situation was emergent as the Cubs may never make it back to the World Series in her lifetime. However, in New Jersey the Court might conclude that the Mets and Yankees have both played in the World Series in recent years and both teams having a number of young stars and, as such, the circumstances were not so dire or emergent. In fact, it appears that both teams are likely to have playoff success in the near future (Subway Series Round 2 anyone?).

Would a Court in New Jersey consider the likelihood of future playoff success as a reason to deny the moving party's 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 (i.e. payment from Husband to Wife for her equitable share of the cost of a ticket, etc.) versus whether attending the World Series (or the Super Bowl or Stanley Cup Final, etc.) is a once in a lifetime, historic event, that could never be remedied with financial considerations.

At the end of the day, 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.