

Certified Class Action Defeated: Federal Judge Rules That Fairshare Vacation Owners Association Did Not Breach Fiduciary Duty to Its Members

March 11, 2022

This matter follows a prior ruling from Judge Byron dismissing similar claims with prejudice in 2018, which the Eleventh Circuit Court of Appeals affirmed in 2019. New Plaintiffs filed this lawsuit in 2020. This new summary judgment entered against the certified class should bring finality to the class claims. “We appreciate the time Judge Byron spent reviewing this case and the detail he put into his ruling. We knew from the beginning that Fairshare did nothing wrong here. The Court accurately found that this matter lacked any merit. Our client will continue to focus on delivering world-class experience to Club Wyndham Plus members to travel and make unforgettable memories,” said Kevin P. McCoy, a shareholder at Carlton Fields who represented Fairshare in this class action matter. United States District Judge Paul G. Byron ruled in favor of Carlton Fields’ client Fairshare Vacation Owners Association (Fairshare) in a certified class action on March 10, 2022. In his 21-page order, Judge Byron granted Fairshare’s motion for summary judgement, which ends this case and bars the 900,000-plus class members from litigating this matter in the future. Plaintiffs own timeshares with Wyndham Vacation Resorts, Inc. They alleged that the timeshare Trustee (Fairshare) breached fiduciary duties based on four theories centering on the fact that Fairshare uses Wyndham entities to manage the timeshare plan and provide services to the members of Club Wyndham Plus. **The Court found that all four theories lacked factual evidence and were speculative.** Carlton Fields legal team included Kevin P. McCoy, D. Matthew Allen, Chris S. Coutroulis, Nathaniel G. Foell, David R. Wright, and Joseph H. Lang Jr.

Featuring



Kevin P. McCoy



D. Matthew Allen



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