



Wyndham Timeshare Owners - Important Legal Victory

11th Circuit Court of Appeals Holds Wyndham Arbitration Clause Unenforceable

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Important Legal Victory for Wyndham Timeshare Owners:

The Law Offices of Howard Prossnitz recently won an important decision in the U.S. Court of Appeals for the 11th Circuit against Wyndham Vacation Resorts Inc. The case is *Bedgood v. Wyndham*, 84 F. 4th 1355 (11th Cir. 2023).

The appellate court decision means that Wyndham owners who have a similar American Arbitration Association (AAA) arbitration clause in their contracts can now file lawsuits against Wyndham without having to arbitrate.

Mr. Bedgood and the Brandon Plaintiffs filed AAA arbitration demands. The AAA declined to hear their cases. Wyndham's mandatory forum selection clause and its limitation on the recovery of punitive damages conflict with AAA policy. Mr. Bedgood and the other Plaintiffs then filed suit in Florida federal court against Wyndham. Wyndham moved to compel arbitration. The district court denied the motion to compel. The appellate court affirmed as to Wyndham owners. Customers of Worldmark need to ask the AAA to hear their cases. If not, they can also file suit.

The Bedgood case is now proceeding in court in Florida. The Plaintiffs allege deceptive sales practices by Wyndham, seek damages and rescission of their timeshare contracts.

In the last five years, the Law Offices of Howad Prossnitz has spent over 1,000 hours litigating against Wyndham. In addition to the Bedgood case, it filed a putative class action entitled *Kirchner v. Wyndham Vacation Resorts Inc.* in federal court in Delaware for Wyndham owners without arbitration clauses. The parties are awaiting a decision on class certification.

Mr. Prossnitz has 48 years of litigation in complex cases and class actions, was a partner at the corporate law firm of Antonow and Fink in Chicago, set up his own litigation practice in 1994, and has a law degree from Stanford University where he was on the Law Review.

Call now for more information and a free consultation.

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Licensed in Illinois and Florida.

Use co-counsel in other states if needed.

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