

Kirchner v. Wyndham, Class Certification Hearing Set for 2:00 p.m., Monday July 22, 2024 at U.S. Court in Wilmington, DE

Hearing Set on Whether a Class of up to 200,000 Wyndham Owners Should Be Certified - Plaintiffs Allege Fraud By Omission and Deceptive Sales Practices

OAK PARK, ILLINOIS, UNITED STATES, July 3, 2024 /EINPresswire.com/ -- The Law Offices of Howard Prossnitz PLLC announces that a hearing will be held on Monday, July 22, 2024 at 2:00 p.m. before Judge Richard Andrews in Courtroom 6A at the United States Courthouse, 844 N. King Street, Wilmington, Delaware 19801. The hearing will address Plaintiffs' Motion for Class Certification in the case of Kirchner v. Wyndham Vacation Resorts, Inc. (No. 20-cv-436).



I have been litigating against Wyndham for five years on behalf of Owners. I am dedicated to vindicating owner rights. This class action hearing is a very important step in our journey."

Howard Prossnitz

Plaintiffs are seeking certification of a class of up to 200,000 Wyndham timeshare owners. Plaintiffs claim that Wyndham omits to disclose material information in its sales presentations. In order for a case to proceed as a

class action, the Court must first certify a class. This hearing will be about whether a class should be certified. Plaintiffs' counsel have filed another putative class action in the U.S. District Court for the Middle District of Florida, Yorks vs. Wyndham Vacation Resorts, Inc. No. 24-cv-575, for owners with arbitration clauses. Plaintiffs there are challenging the class action waiver clause in Wyndham contracts.

The Kirchner case, filed in 2020, involves a class action lawsuit against Wyndham Vacation Resorts, Inc. on behalf of consumers who have purchased timeshare properties from the company. The Plaintiffs allege that Wyndham engaged in deceptive and unfair practices in the sale of these properties, resulting in financial harm to the class members. The case involves Wyndham owners without arbitration clauses.

Attorney Howard Prossnitz, who represents the Plaintiffs in this case, states, "We are pleased that the court has scheduled a hearing on our motion for class certification. This is an important step in seeking justice for the consumers who have been affected by Wyndham's actions. We are confident in our case and look forward to presenting our arguments before Judge Andrews."

The Law Offices of Howard Prossnitz was successful in having the 11th Circuit Court of Appeals rule in *Bedgood v. Wyndham Vacation Resorts, Inc.*, 88 F.4th 1355 (11th Cir. 2023) that Wyndham could not compel arbitration before the American Arbitration Association (AAA) because Wyndham does not comply with AAA rules.

Wyndham then changed its arbitration clause to name JAMS as an alternate forum. JAMS however considers timeshare points to be real estate and will not administer arbitrations as consumer cases. It seeks a \$2,000 filing fee plus substantial hourly costs. Mr. Prossnitz intends to contest the revised Wyndham clause. He believes it impedes Wyndham owners' ability to seek legal redress.

Plaintiffs allege Wyndham does not disclose that:

- a. They will rarely be able to use their timeshares to stay at their desired locations;
- b. They will need to book up to thirteen months in advance;
- c. Their timeshares will have limited, if any, resale value;
- d. They will be unable to refinance their timeshare purchases to replace Wyndham's interest rate which can be as high as 15.99%;
- e. Wyndham will not take their timeshares back unless they first pay off all amounts due to Wyndham;
- f. Wyndham regularly offers better availability to non- Owners on whom it seeks to earn more money by selling them timeshares instead of making space available to existing timeshare Owners;
- g. If they want to stay at a Wyndham timeshare destination that is not available on the Club Wyndham website, they can go to [expedia.com](https://www.expedia.com) or similar free public website and book the same destination which will be available on the public website;
- h. They will not be able to rent out their timeshares to cover their maintenance fees;
- i. Annual maintenance fees will increase significantly;
- j. Using Wyndham points for car rental, airfare,

The Law Offices of Howard Prossnitz PLLC is a leading law firm in the field of consumer protection and has a track record of successfully representing clients in similar cases. The firm is dedicated to fighting for the rights of consumers and holding corporations accountable for their

actions.

The hearing on the Plaintiffs' Motion for Class Certification in *Kirchner v. Wyndham Vacation Resorts, Inc.* is open to the public and all interested parties are encouraged to attend. For more information on the case or the Law Offices of Howard Prossnitz PLLC, please visit their website or contact their office.

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