

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

WYNDHAM VACATION
OWNERSHIP, INC., WYNDHAM
VACATION RESORTS, INC.,
WYNDHAM RESORT
DEVELOPMENT CORPORATION,
SHELL VACATIONS, LLC, SVC-
WEST, LLC, SVC-AMERICANA, LLC
and SVC-HAWAII, LLC,

Plaintiffs,

v.

Case No: 8:19-cv-1895-CEH-CPT

CLS, INC., ATLAS VACATION
REMEDIES, LLC, PRINCIPAL
TRANSFER GROUP, LLC,
DONNELLY SNELLEN, JASON
LEVI HEMINGWAY, MUTUAL
RELEASE CORPORATION, DAN
CHUDY, MATTHEW TUCKER and
CATALYST CONSULTING FIRM
LLC,

Defendants.

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ORDER

This cause comes before the Court on the Report and Recommendation filed by Magistrate Judge Christopher P. Tuite on January 15, 2024 (Doc. 666). In the Report and Recommendation, Magistrate Judge Tuite recommends that Plaintiffs, Wyndham Vacation Ownership, Inc.; Wyndham Vacation Resorts, Inc.; Wyndham Resort Development Corporation; Shell Vacations, LLC; SVC-West, LLC; SVC-Americana, LLC; and SVC-Hawaii's (collectively "Wyndham" or "Plaintiffs"),

Renewed Motion for Default Judgment (Doc. 658) be granted as to Plaintiffs' claims against Defendant Catalyst Consulting Firm, LLC ("Catalyst"), for (1) false and misleading advertisements under the Lanham Act, 15 U.S.C. § 1125 (Count III); (2) tortious interference with contractual relations (Count VII); (3) civil conspiracy to interfere with contractual relations (Count VIII); and (4) violations of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), Fla Stat. §§ 501.201–213 (Count IX). Magistrate Judge Tuite further recommended that Wyndham be awarded \$225,252.52 in actual damages and \$199,576 in statutory disgorgement damages, and that the Court enter an Order enjoining Catalyst from contacting Wyndham's timeshare owners and/or otherwise interfering with Wyndham's contractual relationships with its owners.

All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed. Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 666) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

- (2) Plaintiffs' Renewed Motion for Default Final Judgment and Permanent Injunction Order Against Catalyst Consulting Firm, LLC (Doc. 658) is **GRANTED**.
- (3) Plaintiffs, Wyndham Vacation Ownership, Inc.; Wyndham Vacation Resorts, Inc.; Wyndham Resort Development Corporation; Shell Vacations, LLC; SVC-West, LLC; SVC-Americana, LLC; and SVC-Hawaii, are awarded \$225,252.52 in actual damages and \$199,576 in statutory damages against Defendant Catalyst Consulting Firm, LLC.
- (4) Plaintiffs' request for a permanent injunction is **GRANTED**.
- (5) A Final Judgment and Permanent Injunction in favor of Plaintiffs, Wyndham Vacation Ownership, Inc.; Wyndham Vacation Resorts, Inc.; Wyndham Resort Development Corporation; Shell Vacations, LLC; SVC-West, LLC; SVC-Americana, LLC; and SVC-Hawaii, and against Defendant Catalyst Consulting Firm, LLC will be entered by separate order.

DONE AND ORDERED at Tampa, Florida on February 12, 2024.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Christopher P. Tuite
Counsel of Record
Unrepresented parties