

Shutts Partners Represent Bluegreen in Landmark False Advertising Win

Orlando

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Shutts & Bowen LLP partners achieved a victory for Florida businesses on behalf of their client, Bluegreen Vacations and its affiliates, in a landmark ruling upholding the application of Florida's consumer protection laws to regulate false advertising activity conducted outside the State.

In Bluegreen Vacations' lawsuit against Pandora Marketing, LLC d/b/a Timeshare Compliance and an associated law firm, Carlsbad Law Group, Shutts attorneys [Bud Bennington](#), [Eric Christu](#), Christian Leger, [Glennys Ortega Rubin](#), and [Benjamin Elliott](#) asserted violations of the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA") among other claims. The lawsuit alleged that the adverse parties falsely advertised the ability to cancel or terminate Bluegreen's relationship with its customers along with the services they would provide consumers and, in the process, induced Bluegreen's customers to pay Pandora Marketing instead of Bluegreen. On May 2, 2023, a federal judge in Miami granted summary judgment in Bluegreen's favor, finding that the "Defendants' entire business model is based on offering a service—*i.e.*, legal cancellation of timeshare contracts—they do not actually provide," and that "the Lawyer Defendants' entire relationship with the timeshare owners was a sham." Based on these findings, Bluegreen moved for the immediate entry of a nationwide preliminary injunction against Pandora Marketing under FDUTPA, which the Court granted on June 20, 2023.

The Court's decision is significant because it appears to be the first instance in which a court has found that FDUTPA can be applied to activity occurring entirely outside of Florida's borders if the victim is a Florida business. As a Florida-based company, Bluegreen has customers in all 50 states, most of which are not physically located in the State of Florida. California-based Pandora Marketing solicited Bluegreen's customers in other states. The argument successfully presented to the Court focused on the fact that FDUTPA—a Florida statute—should be used to regulate Pandora Marketing's sale of its services in other states. In the landmark ruling, the Court held that FDUTPA does indeed regulate such activity because Pandora Marketing's advertising had "a sufficient connection to Florida to render it entirely within FDUTPA's scope" by virtue of Bluegreen having its principal place of business in Florida.

This ruling confirms that Florida-based businesses can leverage Florida's most powerful consumer protection law, FDUTPA, to protect their relationships with customers no matter where those customers are located.

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In addition to the Court's entry of a preliminary injunction against Pandora Marketing, co-Defendant Carlsbad Law Group entered into a stipulated injunction in regard to the relevant conduct.

Shutts and Bowen will pursue the remainder of Bluegreen's claims against Pandora Marketing at trial which is scheduled to commence on August 21, 2023 at the Wilkie D. Ferguson, Jr. U.S. Courthouse in Miami, Florida before United States District Judge Robert N. Scola, Jr.

About Shutts & Bowen LLP

Shutts & Bowen, established in 1910, is a full-service business law firm with approximately 270 lawyers in offices in Ft. Lauderdale, Jacksonville, Miami, Orlando, Sarasota, Tallahassee, Tampa, and West Palm Beach. Learn more about Shutts & Bowen at www.shutts.com.

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