

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

WILLIAM REED, DONNA REED, *and* )  
BONNIE YOUMANS, JANE YATES, )  
PHILLIP CAULDER, *all individually* )  
*and for the benefit and on behalf of all* )  
*others similarly situated,* )

Plaintiffs, )

vs. )

BIG WATER RESORT, LLC; TLC )  
HOLDINGS, LLC; RICHARD CLARK; )  
JAMES THIGPEN; JIMMY “STEVE” )  
LOVELL; *and* OCOEE, LLC, )

Defendants. )

No. 2:14-cv-1583-DCN

**ORDER**

---

BIG WATER RESORT, LLC; TLC )  
HOLDINGS, LLC; RICHARD CLARK; )  
JAMES THIGPEN; JIMMY “STEVE” )  
LOVELL; OCOEE, LLC, )

Third-Party Plaintiffs, )

vs. )

M.B. HUTSON, *a/k/a* M.B. HUDSON, )

Third-Party Defendant. )

---

This matter is before the court on a motion to certify two questions to the South Carolina Supreme Court brought by plaintiffs William Reed, Donna Reed, Bonnie Youmans, Jane Yates, and Phillip Caulder (“plaintiffs”). Plaintiffs have alleged a cause of action against defendants Richard Clark, James Thigpen, Jimmy “Steve” Lovell, and Big Water Resort, LLC under the South Carolina Timeshare Act, S.C. Code Ann. § 27-32-120. Am. Compl. ¶ 85. Pursuant to S.C. Code Ann § 27-32-120(C), plaintiffs seek a refund for the amounts they paid to purchase

membership interests in the Big Water Resort, LLC. Id.; Pls.’ Mot. 2. The questions plaintiffs move to certify pertain to whether the membership agreements at issue are “[v]acation time sharing lease plan[s]” under S.C. Code Ann. § 27-32-10(8). Pls.’ Mot. 3.

For reasons that will be expounded in a future order, the court **DENIES** plaintiffs’ motion.

**AND IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "D. Norton", written over a horizontal line.

**DAVID C. NORTON**  
**UNITED STATES DISTRICT JUDGE**

**December 30, 2014**  
**Charleston, South Carolina**