

**UNITED STATES DISTRICT COURT MIDDLE  
DISTRICT OF TENNESSEE AT NASHVILLE**

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**WYNDHAM VACATION  
RESORTS, INC.,**

**Plaintiff,**

**VS.**

**Case No. 2:12-cv-00096**

**THE CONSULTANT GROUP, et al.**

**JURY DEMAND**

**Defendants.**

**Magistrate Judge Brown**

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**CONSENT ORDER ADDRESSING PLAINTIFF'S  
MOTION TO PROHIBIT DESTRUCTION OF EVIDENCE**

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The Plaintiff, Wyndham Vacation Resorts, Inc., and Defendant, Smokey Mountain Getaways at Town Square, LLC, ("SMG") are in agreement and it further appearing to the Court that there is good cause for entry of this Consent Order as to Plaintiff's Motion to Prohibit Destruction of Evidence as to SMG (DE 238) as follows:

(1) SMG agrees to preserve all relevant and/or discoverable documents or information relating to this litigation and will not discard or destroy any such documents or information including consumer complaints or requests for rescission that reference Wyndham or concern consumers identified by Wyndham;

(2) In regard to Requests for Production 4 and 5, SMG will produce all consumer complaints and requests for rescission of consumers either identified by Wyndham or identifiable as Wyndham timeshare owners. SMG will produce these documents on or before August 18, 2014;

(3) SMG will produce the entire content of its customer files for Wyndham owners including, but not limited to, Wyndham owner files previously produced and such production will be based on customers identified by Wyndham and/or documents referencing or identifying a customer as a Wyndham timeshare owner. SMG will produce these documents on or before August 7, 2014;

(4) Wyndham dismisses without prejudice its Motion to Prohibit Destruction of Evidence as to SMG (DE 238) reserving the right to raise that portion of the Motion relating to preservation/spoliation of evidence issues after future document production; and

(5) SMG strikes/withdraws its Motions to Strike (DE 257 & 259) and the following pleadings filed in support of DE 238, 257 & 259 are withdrawn and rendered moot: DE 248, 249, 252, 254 – 259 & 262.

(6) This Consent Order, the parties' resolution of the above matters and the parties' withdrawal/dismissal of the above mentioned pleadings obviates the necessity of the August 5, 2014, hearing set by this Court in DE 261. Accordingly, the August 5, 2014, hearing is cancelled.

The Court finding that the agreement and consent of the Parties to be well taken, it is so ORDERED.

/S/ Joe B. Brown  
Honorable Joe B. Brown  
Magistrate Judge, U.S. District Court

CONSENT ORDER AGREED TO BY:

/s/ R. Eddie Wayland

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R. Douglas Hanson, II BPR 017387

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