

**IN THE CIRCUIT COURT OF VAN BUREN COUNTY, ARKANSAS  
CIVIL DIVISION**

**GORDON JACKSON,  
On behalf of himself and all others similarly situated**

**PLAINTIFFS**

v.

**CASE NO. 71CV-19-36**

**WYNDHAM DESTINATIONS, INC.,  
WYNDHAM WORLDWIDE CORPORATION,  
WYNDHAM VACATION RESORTS, INC.,  
WYNDHAM WORLDWIDE OPERATIONS, INC.,  
FAIRFIELD COMMUNITITES, INC.,  
FAIRFIELD GLADE COMMUNITY CLUB,  
FAIRFIELD BAY COMMUNITY CLUB, INC. and  
COMPANIES X, Y, AND Z**

**DEFENDANTS**

**ANSWER OF SEPARATE DEFENDANT FAIRFIELD BAY COMMUNITY CLUB, INC.**

For its Answer to the Complaint of the Plaintiff, separate Defendant Fairfield Bay Community Club, Inc. states:

Although multiple Defendants are named in the suit, the factual allegations in the Complaint refer, in many instances to "Defendant." It cannot tell which of the allegations are asserted against this separate Defendant, Fairfield Bay Community Club, Inc.

1. It has insufficient knowledge to admit or deny the allegations of paragraph 1.
2. It denies the allegations of paragraphs 2-5.
3. It has insufficient knowledge to admit or deny the allegations of paragraph 6.
4. It admits it is an Arkansas nonprofit corporation. It admits its registered agent is Rocky Nickles. It admits dues are assessed to its members for various amenities as well as for roads. It has insufficient knowledge to admit or deny the remaining allegations of paragraph 7.
5. It has insufficient knowledge to admit or deny the allegations of paragraphs 8-10.
6. To the extent the allegations of paragraphs 11-13 apply to this separate Defendant, they are denied.

7. The allegations of paragraph 14 do not apply to this separate Defendant and a response is not required.

8. To the extent the allegations of paragraph 15 are asserted against this separate Defendant, they are denied.

9. It denies the allegations of paragraphs 16-28.

10. With regard to paragraph 29, it repeats and realleges its responses to the above paragraphs.

11. It denies the allegations of paragraphs 30-32.

12. With regard to paragraph 33, it repeats and realleges its responses to the above paragraphs.

13. It denies the allegations of paragraphs 34-37.

14. With regard to paragraph 38, it repeats and realleges its responses to the above paragraphs.

15. It denies the allegations of paragraphs 39-44.

16. With regard to paragraph 45, it repeats and realleges its responses to the above paragraphs.

17. It denies the allegations of paragraphs 46-52.

18. It denies all of the paragraphs (1-13) asserted in the prayer for relief.

19. It denies that this matter should be certified as a class action. It denies that either the Plaintiff or the putative class is entitled to any relief.

20. It denies that the alleged class is ascertainable and denies that the class may be certified.

21. Pleading affirmatively, it states that the Plaintiff's Complaint should be dismissed pursuant to Ark. R. Civ. P. 12(b)(6) for failure to state facts upon which relief can be granted against this separate Defendant.

22. Pleading affirmatively, it pleads any and all defenses which may be applicable for Ark. R. Civ. P. Rule 8(c), including, but not limited to, estoppel, laches, waiver, and accord and satisfaction.

WHEREFORE, having fully answered, separate Defendant Fairfield Bay Community Club, Inc., prays the Complaint of the Plaintiff be dismissed, for its costs herein, and for all other just and proper relief to which it may be entitled.

Respectfully submitted,

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By: Donald H. Bacon  
Donald H. Bacon

**CERTIFICATE OF SERVICE**

I, Donald H. Bacon, hereby certify that a copy of the foregoing pleading has been served on the following counsel of record on this 10<sup>th</sup> day of May, 2019:

William P. Creasman  
*Via electronic filing*

Donald H. Bacon  
Donald H. Bacon