

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

Commonwealth of Massachusetts

Plaintiff,

v.

BookIt Operating, LLC and Arthur Paul Finlaw

Defendants.

Civil Action No. 2084CV01318, BLS2

FINAL JUDGMENT BY CONSENT

Plaintiff, the Commonwealth of Massachusetts (the “Commonwealth”), by and through its Attorney General, Maura Healey and Defendants, BookIt Operating, LLC and Arthur Paul Finlaw (together “BookIt” or the “Defendants,” and with the Commonwealth, the “Parties”), agree to the entry of this Final Judgment by Consent (“Final Judgment”) and its provisions in order to resolve this litigation in advance of trial or further adjudication.

WHEREAS, the Commonwealth filed this action in Suffolk Superior Court on July 6, 2020 (the “Complaint”) and alleges that the Defendants engaged in unfair and deceptive acts and practices related to its provision of travel services to Massachusetts consumers in violation of G.L. c. 93A, Sec. 2, and 940 C.M.R. 15.00 *et seq.*

WHEREAS, the Parties consent to the entry of this Final Judgment in order to amicably resolve the Commonwealth’s Complaint and avoid the cost and uncertainty of litigation.

WHEREAS, the Defendants waive all rights to appeal or otherwise challenge or contest the validity of the Final Judgment;

WHEREAS, the Defendants acknowledge that this Court has subject matter jurisdiction over this case and personal jurisdiction over them, and agree to the entry of this Final Judgment in the above-captioned case to fully and finally resolve the allegations and claims raised in the lawsuit against them;

NOW, THEREFORE, upon consent of the Parties, it is hereby adjudged, ordered and decreed, as follows:

I. PARTIES

1. Plaintiff in this action is the Commonwealth of Massachusetts represented by the Office of the Attorney General.

2. Defendant BookIt Operating, LLC is a corporation organized under the laws of Florida with its principal place of business at 14251 Panama City Beach Parkway, Panama City, Florida 32413.

3. Defendant Arthur Paul Finlaw is a natural person with a principal address of 14251 Panama City Beach Parkway, Panama City Beach, Florida, 32413.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to G.L. c. 93A, § 4 and G.L. c. 12, § 10, and over Defendants pursuant to G.L. c. 223A, § 3.

5. Venue in this court is proper pursuant to G. L. c. 223, § 5, and G.L. c. 93A, § 4.

III. DEFINITIONS

6. **“Effective Date”** shall mean the date on which the Court enters this Final Judgment.

7. **“Covered Consumer”** shall mean persons identified by Reservation Number in Exhibit A.

8. **“Covered Parties”** shall mean BookIt Operating, LLC and Arthur Bud Finlaw as well as any entity under the direct or indirect control of BookIt Operating, LLC by means of membership, ownership, voting or appointment rights or otherwise and any of its predecessors in interest, successors in interest, parent corporations, holding companies, subdivisions, subsidiaries, affiliated entities, officers, directors, trustees, partners, agents, servants, employees and contract workers.

IV. MONETARY PAYMENT

9. The Covered Parties shall make cash payments to the Covered Consumers in the amount of all the Total Cash Payment listed in Exhibit A associated with each Reservation Number. Such payments shall be made by the Covered Parties to the Covered Consumers within 45 days of the Effective Date of this agreement.

V. NOTICES

10. All notices and documents required by this Final Judgment shall be provided in writing, by email and first-class mail, to the parties as follows, unless otherwise directed in writing:

A. If to the Attorney General:

Samantha Shusterman
Assistant Attorney General
Consumer Protection Division
Office of the Attorney General
One Ashburton Place
Boston, MA 02108
(617) 727-2844
Samantha.Shusterman@mass.gov

B. If to BookIt Operating, LLC or Arthur Bud Finlaw:

BookIt Operating, LLC
14251 Panama City Beach Parkway
Panama City Beach, FL 32413
850-234-8887
bud.finlaw@bookit.com

with copy to:

Akerman LLP
750 Ninth Street, N.W. Suite 750
Washington, D.C. 20001
202.363.6222
Attention: Scot Patrick O'Brien (scot.obrien@akerman.com) and Ayman Rizkalla
(ayman.rizkalla@akerman.com)

11. ADDITIONAL PROVISIONS

12. Continuing Jurisdiction. The Parties to this Final Judgment consent to the continuing jurisdiction of the Suffolk County Superior Court for the purpose of enforcing or modifying the terms of this Final Judgment. Prior to initiating any such enforcement proceeding, the party seeking enforcement must provide written notice to the other party of its intent to initiate such a proceeding and provide the other party twenty-one (21) days in which to cure any alleged breach of the Final Judgment. Nothing herein shall be construed to limit the Attorney General's authority provided under the laws of the Commonwealth of Massachusetts including, but not limited to, G.L. c. 93A, §§ 2, 4 related to enforcing this Final Judgment or other actions outside of facts or allegations presented in the Complaint.

13. Governing Law. The provisions of this Final Judgment shall be construed in accordance with the laws of the Commonwealth of Massachusetts.

14. Severability. The provisions of this Final Judgment shall be severable, and should any provisions be declared by a Court of competent jurisdiction to be unenforceable, the other provisions of this Final Judgment shall remain in full force and effect.

15. Conduct Not Condoned. Consent to this Final Judgment does not constitute an approval by the Commonwealth of any of Defendants' acts or practices, and Defendants shall make no representations to the contrary.

16. No Admission of Liability. The Defendants do not admit any liability or admit the acts alleged in the Complaint. The Defendants have agreed to this Final Judgment to resolve matters for the benefit of its customers.

17. Entire Agreement. This Final Judgment contains the complete agreement between the Commonwealth and Defendants. No promises, representations, or warranties other than those set forth in this Final Judgment have been made between the Attorney General and Defendants. This Final Judgment supersedes all prior communications, discussions, or understandings, if any, between the Attorney General of the Commonwealth and Defendants, whether oral or in writing.

18. Modification. No waiver, modification, or amendment of the terms of this Final Judgment shall be valid or binding unless made in writing, agreed to by all Parties, and approved by the Court, and then only to the extent specifically set forth in such written waiver, modification or amendment.

19. Requirements Maintained. It is the intention of the Parties that the provisions of this Final Judgment do not contravene Defendants' obligation to comply with all applicable state and Federal laws and regulations.

20. Bankruptcy. BookIt Operating, LLC shall notify the Attorney General’s Office within twenty-four hours of filing a petition for relief under the United States Bankruptcy Code.

21. Release. Subject to paragraph 21 below, upon entry of this Final Judgment and in consideration of the Defendants’ compliance with its terms, the Commonwealth shall release the Defendants and their officers, directors, affiliates, predecessors, successors and assigns (collectively, the “Released Parties”) from the following: all civil claims, causes of action, damages, restitution, fines, costs and penalties, and other relief arising from or related to the claims alleged in the Complaint pursuant to G.L. c. 93A, § 2, as to conduct occurring on or before the Effective Date.

22. This Final Judgment does not resolve, settle, or release any other actual or potential claims against the Defendants, or their officers, directors, affiliates, predecessors, successors and assigns, including without limitation claims arising from conduct occurring after the Effective Date; claims by any agency, board, authority or instrumentality other than the Attorney General; claims by any person or entity other than the Attorney General; claims that may be brought by the Attorney General against any other person or party; any claims that are not civil in nature; or any claims by third parties, including individual consumers.

APPROVED AND ORDERED:

Justice of the Superior Court

Dated: _____

Exhibit A

Reservation #	Settlement Amount
48933777	\$1,905.10
48934027	\$2,025.10
49020987	\$198.00
49132367	\$2,618.24
49147556	\$2,212.20
49231917	\$426.51
49299477	\$1,305.57
49328635	\$1,419.26
49328715	\$3,279.80
49328765	\$711.65
49328855	\$3,279.80
49364127	\$1,635.72
49364896	\$2,372.94
49371645	\$2,229.41
49382206	\$595.64
49432086	\$1,893.44
49466097	\$329.00
49472026	\$358.01
49480037	\$1,142.69
49483336	\$50.00
49488816	\$7,877.00
49491216	\$581.43
49506296	\$1,239.70
49524216	\$382.25
49526116	\$821.59
49541166	\$2,378.20
49555606	\$2,226.21
49566557	\$3,308.73
49573976	\$9.00
49576046	\$551.22
49576926	\$579.56
49581306	\$7,441.94
49585187	\$1,400.93
49589146	\$1,813.22
49589365	\$2,585.18
49595817	\$800.64
49596296	\$2,407.90
49615946	\$2,283.51
49620695	\$1,605.79
49638876	\$434.19
49652747	\$3,580.83
49655897	\$3,420.28
49669156	\$2,752.90
49669775	\$855.00

49675616	\$860.15
49676187	\$2,046.92
49677117	\$1,016.42
49686427	\$3,366.65
49687447	\$2,238.44
49701997	\$340.22
49704747	\$610.29
49721327	\$41.60
49729177	\$1,457.42
49735047	\$1,040.70
49736547	\$450.00
49742807	\$6.00
49742817	\$12.00
49743177	\$374.41
49743277	\$9.00
49747037	\$1,713.40
49764707	\$1,900.65
49771076	\$75.40
49778476	\$747.40
49791296	\$40.40
49793327	\$484.53
49793917	\$2,574.20
49810046	\$1,163.23
49815277	\$1,051.41
49819006	\$1,194.42
49828936	\$82.00
49829026	\$691.06
49829106	\$6.00
49829726	\$6.00
49830357	\$3,400.07
49830486	\$6.00
49831076	\$2,693.95
49833736	\$6.00
49833867	\$2,721.46
49835097	\$41.00
49838047	\$1,076.86
49845486	\$2,571.91
49845696	\$472.86
49850956	\$40.40
49851416	\$40.40
49852957	\$40.40
49854096	\$36.00
49854496	\$40.40
49856766	\$1,692.90
49857076	\$1,769.66
49857307	\$245.68
49860237	\$1,303.88

49860277	\$1,303.88
49864917	\$2,997.83
49865816	\$38.98
49877357	\$862.14
49896367	\$63.01
49897077	\$600.64
49900377	\$2,086.79
49901437	\$1,058.69
49910377	\$75.40
49910997	\$473.04
49913807	\$416.26
49914947	\$3,895.26
49915517	\$12.00
49918837	\$97.38
49920157	\$582.12
49920727	\$18.00
49920837	\$377.49
49921117	\$169.17
49921197	\$4,232.36
49922567	\$1,299.56
49923747	\$84.98
49931237	\$849.22
49940677	\$6.00
49945617	\$1,199.30
49946117	\$2,985.42
49951917	\$2,802.31
49952267	\$17.00
49957717	\$698.84
49958137	\$569.63
49958407	\$2,352.98
49958517	\$387.41
49959617	\$1,369.30
49959857	\$50.00
49963407	\$1,427.60
49963417	\$37.00
49963697	\$397.65
49963967	\$482.14
49964217	\$73.00
49964317	\$2.00
49964397	\$1,308.55
49965467	\$2,224.78
49965677	\$2,988.95
49965947	\$2.00
49966327	\$1,773.40
49966527	\$236.86
49966547	\$2.00
49969027	\$50.00

49971177	\$2.00
49971467	\$1,761.92
49974497	\$94.76
49975487	\$996.86
49975847	\$50.00
49976697	\$50.00
49976897	\$2,919.09
49977207	\$2.00
49977957	\$3,221.73
49978827	\$2,673.78
49979577	\$849.89
49980567	\$72.00
49981497	\$627.80
49983577	\$37.00
49985247	\$1,509.14
49987497	\$108.00
49994527	\$40.40
49994847	\$50.00
49996047	\$981.38
49998017	\$1,000.00
50002377	\$3,220.70
50004087	\$1,751.36
50004777	\$1,950.72
50006627	\$1,899.24
50016747	\$625.94
50021047	\$677.46
50021207	\$2,104.90
50021267	\$470.90
50029447	\$830.91
50030817	\$15.00
50032055	\$3,052.60
50033545	\$600.01
50034327	\$425.56
50034627	\$355.77
50047897	\$1,050.38
50049357	\$129.00
50055127	\$244.27
50058107	\$4.00
50060137	\$249.97
50060407	\$609.58
50064937	\$951.95
50065457	\$442.35
50069667	\$1,476.33
50073377	\$98.00
50083007	\$45.00
50089257	\$672.96
50094067	\$2.00

50101167	\$40.40
50103377	\$1,865.36
50105437	\$1,558.29
50105987	\$1,568.16
50107787	\$408.66
50108217	\$705.58
50109917	\$1,571.81
50110705	\$35.00
50112747	\$40.40
50113957	\$40.40
50114767	\$257.30
50115477	\$60.60
50116617	\$40.40
50119157	\$2,837.88
50119777	\$126.40
50119797	\$1,562.84
50121097	\$40.40
50121637	\$297.70
50123917	\$40.40
50125027	\$909.87
50125807	\$85.38
50129117	\$40.40
50129517	\$40.40
50130447	\$1,091.43
50133687	\$47.38
50134527	\$960.38
50137127	\$90.00
50137157	\$3,441.80
50144437	\$2,650.95
50145037	\$2,118.43
50146667	\$75.00
50147887	\$2,273.72
50148987	\$1,887.70
50150567	\$75.40
50151327	\$40.40
50154527	\$80.80
50158885	\$40.40
50164837	\$1,724.56
50165797	\$97.82
50166917	\$1,395.92
50171657	\$820.06
50175437	\$1,025.48
50175897	\$169.40
50175997	\$50.00
50176227	\$110.40
50179677	\$2,366.84
50179767	\$2,726.04

50184917	\$47.38
50185117	\$947.00
50186427	\$1,390.49
50189207	\$1,864.22
50189847	\$1,736.31
50191407	\$105.80
50192787	\$70.81
50195807	\$50.00
50197967	\$20.33
50200555	\$47.38
50201885	\$20.33
50203197	\$367.97
50203817	\$396.00
50204477	\$496.33
50205977	\$47.33
50207947	\$2,353.07
50209437	\$70.00
50210357	\$351.78
50210607	\$1,775.16
50216017	\$297.00
50218047	\$35.00
50223137	\$2,967.39
50223357	\$802.00
50223587	\$2,057.71
50224697	\$70.00
50227027	\$418.10
50227757	\$222.29
50231637	\$686.60
50232257	\$1,388.05
50233737	\$722.69
50234407	\$23.69
50236397	\$104.00
50239307	\$913.02
50239707	\$1,794.50
50240677	\$792.12
50242717	\$25.00
50246757	\$743.00
50252017	\$2.00
50252277	\$396.00
50252297	\$18.00
50252607	\$2,514.45
50253127	\$736.46
50254037	\$1,462.88
50254587	\$2,014.08
50255517	\$75.00
50255977	\$18.00
50256357	\$67.47

50263827	\$1,391.27
50263987	\$404.49
50264105	\$2,057.40
50264597	\$1,986.03
50265347	\$81.00
50265517	\$2,753.79
50270477	\$373.00
50271077	\$4,081.47
50273717	\$430.46
50273877	\$985.34
50273967	\$802.37
50274587	\$502.46
50276197	\$1,553.66
50277247	\$35.00
50277807	\$973.06
50278057	\$973.06
50281097	\$326.21
50283177	\$36.00
50283597	\$3,300.78
50283927	\$865.58
50286797	\$2,709.11
50287767	\$50.00
50289927	\$2,791.01
50290227	\$1,568.28
50290647	\$1,703.94
50291667	\$1,223.34
50293217	\$27.00
50293527	\$18.00
50293677	\$18.00
50293797	\$394.90
50294397	\$1,005.51
50294427	\$94.76
50299347	\$198.00
50299667	\$142.14
50300237	\$544.83
50303067	\$115.66
50305645	\$3,320.16
50306357	\$1,201.48
50307127	\$715.15
50310667	\$286.38
50314857	\$439.59
50315877	\$796.91
50315997	\$690.11
50316027	\$360.00
50317417	\$198.00
50318587	\$1,297.20
50319057	\$227.49

50319087	\$227.49
50319977	\$409.00
50320127	\$138.51
50321737	\$2,262.93
50322617	\$44.98
50325987	\$1,147.21
50327017	\$8,531.74
50329767	\$8,764.90
50329847	\$23.69
50332057	\$162.00
50332697	\$182.16
50334877	\$40.66
50336227	\$1,543.15
50336537	\$198.04
50340557	\$1,652.70
50346307	\$5,610.43
50347407	\$1,796.66
50347667	\$1,294.44
50347877	\$610.32
50349847	\$1,608.12
50353777	\$2,618.33
50354417	\$1,424.98
50356097	\$247.36
50362357	\$518.19
50366147	\$1,291.00
50366587	\$396.00
50367367	\$1,991.32
50367497	\$100.00
50367597	\$829.82
50369197	\$1,403.05
50370627	\$1,065.68
50373397	\$50.00
50377777	\$1,180.12
50380687	\$396.00
50381337	\$198.00
50382437	\$9.66
50385547	\$642.10
50386187	\$293.48
50391005	\$75.00
50394347	\$995.38
50395387	\$2.00
50395945	\$2.00
50396327	\$2.00
50396807	\$929.88
50397377	\$2,434.47
50397877	\$2.00
50399057	\$989.80

50399117	\$228.16
50404027	\$197.62
50404997	\$734.48
50405147	\$734.48
50405267	\$962.70
50406777	\$1,494.96
50407467	\$610.27
50410467	\$412.44
50412487	\$1,685.40
50417297	\$1,416.42
50418337	\$9,163.14
50418407	\$1,763.46
50418477	\$1,635.64
50420187	\$1,221.26
50421347	\$198.00
50421357	\$1,207.70
50422097	\$988.92
50425227	\$1,926.24
50428827	\$1,403.97
50428927	\$787.90
50429107	\$2,099.51
50430967	\$195.00
50431527	\$748.22
50431697	\$748.22
50432387	\$198.00
50433457	\$979.71
50435107	\$470.54
50438327	\$35.00
50441857	\$0.73
50441977	\$40.66
50442545	\$403.69
50442727	\$50.00
50447567	\$57.42
50447587	\$579.47
50447607	\$1,128.93
50455517	\$233.00
50458997	\$1,430.22
50462577	\$1,230.28
50465247	\$35.00
50466147	\$827.65
50472007	\$296.41
50472777	\$990.34
50474327	\$4,210.20
50478905	\$970.42
50481987	\$98.00
50482057	\$346.79
50482227	\$2,735.10

50487167	\$1,607.14
50489047	\$300.00
50489137	\$179.00
50489687	\$198.00
50489717	\$1,016.96
50490017	\$1,541.96
50490367	\$992.02
50492547	\$624.47
50493797	\$50.00
50494447	\$801.72
50494607	\$814.25
50495067	\$1,820.34
50495527	\$1,924.84
50495537	\$431.62
50495547	\$112.96
50498777	\$2,116.12
50498927	\$1,464.91
50499147	\$891.16
50500095	\$1,403.70
50500897	\$5,541.93
50502557	\$1,730.79
50502785	\$735.73
50503257	\$207.00
50504005	\$1,269.26
50506577	\$1,308.74
50508857	\$2,525.08
50511367	\$399.22
50515625	\$1,334.44
50516507	\$1,177.95
50520087	\$1,371.92
50522317	\$435.33
50522377	\$484.65
50529567	\$2,574.00
50532287	\$198.00
50532357	\$44.98
50532817	\$2,813.67
50533247	\$352.53
50535987	\$723.84
50540937	\$1,347.87
50546027	\$267.16
50547367	\$8,716.14
50547927	\$624.85
50550007	\$1,564.23
50550287	\$650.24
50552797	\$59.98
50554697	\$116.94
50554907	\$890.90

50560367	\$1,137.27
50562197	\$433.93
50563087	\$1,214.56
50566377	\$526.77
50566997	\$1,620.95
50568597	\$542.27
50569817	\$654.10
50570165	\$1,879.60
50572065	\$550.24
50577917	\$233.00
50580477	\$2,147.94
50586547	\$857.00
50588537	\$328.93
50590997	\$572.20
50591997	\$50.00
50592897	\$25.00
50593497	\$118.00
50594337	\$1,173.48
50597877	\$81.90
50603147	\$670.04
50604017	\$527.40
50606387	\$1,640.00
50607317	\$542.27
50608355	\$813.80
50611367	\$198.00
50614017	\$10.00
50616337	\$729.19
50616757	\$1,985.01
50620447	\$1,347.45
50622667	\$127.47
50622687	\$1,532.10
50630717	\$440.81
50633317	\$1,199.60
50634617	\$1,274.93
50637047	\$585.95
50637257	\$490.91
50638047	\$198.00
50639737	\$557.27
50641437	\$2,371.40
50643337	\$98.00
50644877	\$2,250.85
50645437	\$1,350.11
50652117	\$2,210.36
50653727	\$216.64
50655717	\$495.00
50658157	\$431.00
50659007	\$557.00

50663057	\$1,184.02
50663237	\$302.07
50665067	\$330.45
50665257	\$234.82
50666017	\$70.98
50666117	\$711.38
50668597	\$495.00
50672037	\$578.76
50673187	\$1,003.46
50673407	\$396.00
50677377	\$1,338.68
50678917	\$766.90
50680277	\$1,703.04
50680467	\$431.15
50681167	\$389.18
50681437	\$19.98
50682187	\$109.98
50682837	\$1,488.42
50683837	\$157.98
50687067	\$469.84
50691787	\$190.23
50691847	\$171.00
50693277	\$5,323.60
50695527	\$609.42
50695677	\$77.96