

San Luis Obispo Superior Court

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12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SAN LUIS OBISPO**

15 JANE DOE I-VI,

16 Plaintiffs,

17 v.

18
19 PLANET FITNESS FRANCHISING LLC, a
Delaware Limited Liability Company; HGGC,
20 LLC, a Delaware Limited Liability Company;
FLYNN GROUP L.P., a Delaware Limited
21 Partnership; GFP ARROYO GRANDE, LLC, a
California Limited Liability Company; KYLE
22 COMBS, an individual; and DOES 1 through 50,
23 inclusive,

24 Defendants.

Case No.: 26CV-0269

**FIRST AMENDED COMPLAINT FOR
DAMAGES AND INJUNCTIVE RELIEF**

1. **GROSS NEGLIGENCE**
2. **NEGLIGENT FAILURE TO WARN**
3. **VIOLATION OF THE UNRUH ACT**
4. **INTRUSION ON THE RIGHT OF
PRIVACY**
5. **INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**

JURY TRIAL DEMANDED

1 **INTRODUCTION**

2 1. Plaintiffs JANE DOE I-VI bring this action against Defendants PLANET FITNESS
3 FRANCHISING LLC; HGGC, LLC; FLYNN GROUP L.P.; GFP ARROYO GRANDE, LLC; KYLE
4 COMBS; and DOES 1 through 50, inclusive, for their violations of their duty of care to Plaintiffs as
5 patrons at Defendants’ Planet Fitness location at 1576 W. Branch Street, Arroyo Grande, CA, 93420,
6 their denial of equal access to their facilities based on Plaintiffs’ gender, their intrusion on Plaintiffs’
7 right to privacy, and their intentional infliction of emotional distress.

8 2. Defendants PLANET FITNESS FRANCHISING LLC; HGGC, LLC; FLYNN GROUP
9 L.P.; and GFP ARROYO GRANDE, LLC (the “Planet Fitness Defendants”) and each of them allowed
10 KYLE COMBS, an erratic and conspicuous individual, to photograph Plaintiffs and over forty other
11 women nude or partially clothed while those women were using tanning facilities at the Arroyo Grande
12 Planet Fitness. This behavior continued openly and obviously from January to December 2025.
13 Defendants failed to intervene and protect the reasonable privacy rights of patrons, including Plaintiffs,
14 for nearly a year. Defendants did not intervene until Plaintiff JANE DOE I contacted law enforcement.
15 In their failure to take reasonable precautions against this known danger, Defendants allowed Plaintiffs
16 and dozens of other women to be sexually victimized.

17 3. Defendants PLANET FITNESS FRANCHISING LLC; HGGC, LLC; FLYNN GROUP
18 L.P.; and GFP ARROYO GRANDE, LLC were on notice of Combs’s behavior and intentionally
19 disregarded said behavior. JANE DOE II personally warned the Planet Fitness Defendants that Combs
20 had invaded her personal privacy and engaged in sexual harassing behavior. The Planet Fitness
21 Defendants intentionally disregarded Jane Doe II’s report and refused to assist her.

22 4. Plaintiffs seek compensatory and special damages for the significant emotional distress
23 they have endured as a result of Defendants’ failure to act. They also seek injunctive relief to ensure
24 that such harm does not come to future female patrons of the Arroyo Grande Planet Fitness.

25 **THE PARTIES**

26 5. Plaintiffs JANE DOE I-VII are individuals who at all times herein relevant reside in the
27 County of San Luis Obispo, State of California.

28 6. Defendant PLANET FITNESS FRANCHISING LLC is a Delaware Limited Liability

1 Company with its principal place of business in New Hampshire. PLANET FITNESS FRANCHISING
2 LLC partners with franchisees to operate over 2,700 “fitness clubs” or gyms, across five countries. On
3 information and belief, PLANET FITNESS FRANCHISING LLC exerts control over franchisees by
4 enforcing specific operational policies, including the Planet Fitness Code of Ethics, adhering to specific
5 corporate branding to attract and retain members and requiring the purchase of specific branded
6 equipment and replacement of said equipment every five to nine years. PLANET FITNESS
7 FRANCHISING LLC also operates “Planet Fitness University,” a comprehensive training resource for
8 franchisees.

9 7. Defendant GFP ARROYO GRANDE is a California Limited Liability company with its
10 principal place of business in California. On information and belief, during all times relevant, GFP
11 ARROYO GRANDE was engaged in the daily operations and management of the Planet Fitness gym
12 located at 1576 W. Branch Street, Arroyo Grande, CA, 93420, where the majority of the events
13 described herein occurred (the “Gym”).

14 8. Defendant HGGC, LLC, is a Delaware Limited Liability Company with its principal
15 place of business in California. On information and belief, Defendant HGGC, LLC, was the franchisor-
16 owner of the Gym, until it completed the sale of the portfolio containing the Gym on or around March
17 31, 2026. On information and belief, prior to approximately March 31, 2026, HGGC, LLC owned,
18 controlled, and directed GFP Arroyo Grande, LLC.

19 9. Defendant FLYNN GROUP L.P. is a limited partnership formed under the laws of the
20 State of Delaware. On information and belief, FLYNN GROUP L.P. purchased the portfolio containing
21 the Gym on or around March 31, 2026. On information and belief, since approximately March 31,
22 2026, Flynn Group L.P. owns, controls, and directs GFP Arroyo Grande, LLC.

23 10. PLANET FITNESS FRANCHISING LLC; HGGC, LLC; FLYNN GROUP L.P.; and
24 GFP ARROYO GRANDE, LLC will be referred to collectively herein as the “PLANET FITNESS
25 DEFENDANTS.” At all times relevant, the Planet Fitness Defendant collectively and jointly operated
26 the Gym. At all times relevant, Planet Fitness Defendants owed Plaintiffs a duty of care under
27 California Civil Code section 1714(a). That duty of care extended to the duty to protect Plaintiffs from
28 the violating, harassing, or otherwise dangerous behavior of other Planet Fitness members and other

1 known or knowable threats in the businesses the Planet Fitness Defendants operate.

2 11. Plaintiffs are informed and believe and thereupon allege that Defendant KYLE COMBS
3 (“Combs”) is an individual who at all times relevant resided in the State of California. At all relevant
4 times, Combs held a membership at the Planet Fitness location in Arroyo Grande, California and visited
5 this location regularly. At all relevant times, Combs posed a known or knowable threat to Plaintiffs.

6 12. Plaintiffs are ignorant of the true names and capacities of Defendants sued herein as
7 Does 1 through 50, inclusive, and therefore sue said Defendants by such fictitious names. Plaintiffs are
8 informed and believe and thereon allege that at all times herein relevant each such fictitiously named
9 Defendant was and is responsible in some manner for the occurrences herein alleged, and that
10 Plaintiffs’ injuries and/or damages were and are directly and/or proximately caused thereby. Plaintiffs
11 are informed and believes and thereon alleges that each such fictitiously named Defendant is directly
12 and/or indirectly liable on one or more causes of action set forth herein. Planet Fitness Defendants,
13 Combs, and the Doe Defendants will sometimes be collectively referred to as Defendants.

14 13. Plaintiffs are informed and believe and thereon allege that at all times herein relevant,
15 each of the Defendants, including each fictitiously named Defendant, was the agent, servant, joint
16 venture, authorized representative and/or employee of each of the remaining Defendants, and, except as
17 provided herein, in doing the acts and things hereinafter alleged, was acting within the course and scope
18 of said agency, joint venture, representative, servitude and/or employment, consent, approval and
19 subsequent satisfaction of each of the remaining Defendants. Each of the Defendants was authorized
20 and empowered by each of the other Defendants to act and did act as the principal, employee, or agent
21 of each of the other Defendants. Plaintiffs are further informed and believe and thereon allege that,
22 except as provided herein, each Defendant was acting within the course and scope of his/her/their/its
23 authority in performing the acts herein alleged, and that the acts of each Defendant as alleged herein
24 were authorized and/or ratified by the other Defendants.

25 **JURISDICTION AND VENUE**

26 14. The Court has personal jurisdiction over the Defendants because they are residents of
27 and/or are doing business in the State of California.

28 15. Venue is proper in this County in accordance with Sections 395(a) and (b) and 395.5 of

1 the California Code of Civil Procedure because:

- 2 a. GFP Arroyo Grande, LLC resided in this County at the commencement of the action;
- 3 b. The injuries occurred in this County.

4 **FACTUAL ALLEGATIONS**

5 **Planet Fitness Allowed an Individual Male to Grossly and Offensively Intrude on Women’s Right to**
6 **Privacy by Filming Them in the Gym’s Tanning Booth.**

7 *Jane Doe I*

8 16. Plaintiff Jane Doe I is a woman who resides in San Luis Obispo County, California.

9 17. Jane Doe I is a member of Planet Fitness. Planet Fitness is a chain of commercial gyms
10 which offer members multiple amenities and locations. Most locations are open twenty-four hours per
11 day, seven days per week. The Planet Fitness in Arroyo Grande is located at 1576 W. Branch Street. On
12 information and belief, the Gym is approximately 17,000 square feet, including a cardio section,
13 weightlifting area, and a “Black Card Spa.”

14 18. The Black Card Spa is a service provided to “PF Black Card” holders. Planet Fitness
15 members may become PF Black Card holders by paying a higher monthly membership rate. The PF
16 Black Card provides additional amenities, such as a spa room and tanning booths.

17 19. The Black Card Spa in the Gym is a separate room at the back of the gym. Planet Fitness
18 members must enter the spa through glass doors. Those doors are immediately adjacent to a customer
19 service area of the Gym, which contains a desk typically staffed by at least one Gym employee. Both
20 the spa entrance and the customer service desk are right next to the entrance to the Gym. PF Black Card
21 holders can enter through the glass doors into a small waiting area, which includes couches, lounge
22 chairs, and a television. The interior of the Black Card Spa is visible from the main Gym.

23 20. As of 2025, in order to use a tanning booth in the Black Card Spa, Planet Fitness
24 members must check in with a Planet Fitness employee. They must scan their membership card a
25 second time to enter the Black Card Spa, inform the employee which spa service they would like to use,
26 and wait for the service to become available. A Planet Fitness employee must activate the tanning booth
27 in order for a member to use the booth, so Planet Fitness employees are aware when each tanning booth
28 is occupied.

1 21. On December 29, 2025, Jane Doe I went to the Gym. Jane Doe I is a PF Black Card
2 holder, and she opted to use the standing tanning booths available in the Black Card Spa. A standing
3 tanning booth is a private booth made of heavy plastic similar to a shower stall, with a connected
4 private outer room for removing clothing. The private outer rooms open directly into the Black Card
5 Spa waiting areas. Users enter into the rooms, remove or change their clothing, and then enter the
6 booth, which is lined with lamps emitting ultraviolet radiation, for approximately ten minutes. Short
7 exposure to the lamps causes the skin to tan. It is normal for tanning booth users to be nude or wear
8 minimal clothing while using the booths.

9 22. Jane Doe I entered the tanning booth at approximately 5:30 p.m. According to security
10 camera footage from this date, Combs entered the Black Card Spa shortly after Plaintiff entered the
11 tanning booth. At this time, Combs engaged in erratic and suspicious behavior, such as pacing around
12 the Black Card Spa and checking to see if anyone else is in the area, swaying back and forth, and
13 looking around the area constantly. The Black Card Spa is behind clear glass doors, and his behavior
14 would have been visible to employees outside of the Spa.

15 23. After casing the Black Card Spa, Combs is visible on security footage entering the same
16 tanning booth that Jane Doe I entered minutes before. He engages in additional suspicious behavior,
17 such as repeatedly looking over his shoulder and moving around the spa area with his cell phone in
18 hand.

19 24. At least one Planet Fitness employee was in Combs's immediate vicinity at this time and
20 is visible on security camera footage with Combs. The employee does not appear to acknowledge or
21 investigate Combs' behavior.

22 25. Jane Doe I had a reasonable expectation of privacy in her use of the tanning booth.
23 Photography is prohibited in Black Card Spa tanning booths, and a reasonable person would not expect
24 to be photographed or otherwise observed surreptitiously in the Gym spa.

25 26. Expecting to be secure in the privacy of the tanning booth, Jane Doe I had fully
26 undressed upon entering except for a bikini top. As she stood in the tanning booth, Jane Doe I saw
27 Combs pushing his phone through a crack in the tanning booth. Jane Doe I could see the camera lens on
28 Combs's phone, which he was directing at her unclothed body.

1 paramedics to her home.

2 36. In April 2026, Jane Doe II spoke with the police, who showed her a picture of Combs.
3 She recognized Combs as being the person who had recorded her in the tanning booth. She identified
4 him because he often wore medical scrubs to the Gym.

5 Police Investigation Reveals More than Forty Additional Victims of Combs' Harassment and Planet
6 Fitness's Negligence.

7 37. Following Jane Doe I's police report, the Arroyo Grande Police Department identified
8 Combs as the likely perpetrator. Planet Fitness refused to provide the Police Investigator videotape and
9 entry logs that would have assisted the police in identifying victims.

10 38. Law enforcement obtained a warrant to search Combs's cellphone. On review of
11 Combs's cellphone, law enforcement found that Combs's cellphone and/or other electronic devices
12 contained nude pictures and videos of Plaintiffs taken in what appeared to be the Black Card Spa
13 tanning booth at the Gym.

14 39. Law enforcement also learned that Plaintiffs were not the only people Combs victimized
15 at the Gym.

16 40. Law enforcement uncovered more than fifty photos and videos depicting female
17 members of Planet Fitness using the tanning booths at the Black Card Spa. Based on the dates of these
18 videos, Combs began covertly filming Planet Fitness members in various states of undress in January
19 2025.

20 41. These videos depict approximately forty-seven unique victims, indicating that Combs
21 had infiltrated the Black Card Spa and filmed female Planet Fitness members on at least forty-seven
22 unique occasions between January and December 2025. On information and belief, Combs obtained
23 these photos and videos for his own self-gratification and as objects of his sexual desire without the
24 victims' consent or knowledge.

25 42. In order to take these videos, Combs would have needed to repeatedly patronize the
26 Planet Fitness location in Arroyo Grande, where his actions would have been visible to employees
27 working at the desk near the Black Card Spa, monitoring the Black Card Spa, checking members into
28 the Gym, and monitoring the building's entrances and exits.

1 43. As a member at the Gym, Combs would have to check in with the front desk every time
2 he came to film women at the Black Card Spa. He would have had a profile picture in his file, which
3 employees could easily match to security footage, as they did following his gross invasion of Plaintiffs’
4 privacy. Because Combs often wore medical scrubs instead of typical fitness clothing, he would have
5 been particularly recognizable to Planet Fitness Defendants’ employees.

6 44. In order to enter the Black Card Spa, Combs would have had to scan his card a second
7 time and inform a Planet Fitness employee that he wished to use one of the spa services. His name
8 would have been placed on a list for the spa service he requested.

9 45. Based on the security camera footage, Combs openly engaged in conspicuous and erratic
10 behavior in front of Planet Fitness Defendants’ employees. That behavior included pacing, swaying
11 nervously, repeatedly checking over his shoulder and scanning his surrounding area, lingering in the
12 Black Card Spa area without using its amenities, and carrying his phone without appearing to use it for
13 permitted activities such as listening to music. On information and belief, this behavior would be
14 obvious and suspicious to any Planet Fitness employee observing Combs in person or on a security
15 camera.

16 46. While the tanning and red-light booths had a lock on the door, that lock could be easily
17 opened from the outside by simply placing a coin or other flat item in the slot and turning. As a result,
18 the lock provided no barrier to entry by Combs.

19 47. Planet Fitness Defendants knew or should have known that the locks on the Black Card
20 spa tanning booth changing areas were ineffective and would not prevent someone from entering the
21 changing area and filming or taking photos in the booth.

22 48. By the time Plaintiff was photographed by Combs in December 2025, it was well-
23 established that gyms such as Planet Fitness were sites of sexual harassment. A 2021 study indicated
24 that more than half of all female gym members have experienced harassment at the gym.¹ Women
25 belonging to other gyms have brought claims in California for violation of their privacy by surreptitious
26 photographers.² Moreover, the threat that individuals may use their cellphone cameras to capture
27

28 ¹ Rizzo, Nicholas, “Gym Harassment: 56.37% women harassed while working out,” *RunRepeat* (Nov. 2, 2023).

² See, e.g., *Garza v. Balatico*, Los Angeles Superior Court, Case No. 20 STCV35070.

1 intimate photos of people in semi-public areas has a been well-known danger for nearly two decades.³

2 49. Planet Fitness Defendants were also aware of the risks members' cellphone use could
3 pose to other members. Multiple Planet Fitness locations around the country have been the sites of
4 surreptitious filming or photography.⁴ Planet Fitness Defendants "strictly prohibit[] the use of mobile
5 devices to take photographs or videos," and Planet Fitness Defendants' Mobile Device Use Policy
6 specifically identifies "individual rooms such as tanning rooms" as areas where photographs are
7 prohibited.

8 50. Planet Fitness Defendants knew or should have known that Combs posed a threat to
9 female members who used the Black Card Spa tanning booths. Jane Doe II had reported Combs as a
10 threat as early as May 28, 2025, and Planet Fitness Defendants had not taken her seriously. On
11 information and belief, given Combs' erratic behavior, easy access to enter the tanning booth and
12 strange dress, Planet Fitness Defendants knew or should have known that he posed a threat to women
13 using the Black Card Spa months before many Plaintiffs were victimized.

14 Since Becoming Aware of these Severe Violations of their Privacy, Several Women Have Learned they
15 were Victims of Planet Fitness's Negligence

16 *Jane Doe III*

17 51. Jane Doe III is a woman who resides in San Luis Obispo County, California.

18 52. Jane Doe III has been a member of Planet Fitness and a PF Black Card holder since
19 2021. She exclusively uses the Black Card spa at the Arroyo Grande Planet Fitness. Since 2021, she has
20 used the Black Card spa at the Arroyo Grande Planet Fitness twice per week.

21 53. Jane Doe III would regularly check in at the Planet Fitness front desk and subsequently
22

23 ³ See, e.g., Nancy Danforth Zeronda, "Street Shootings: Covert Photography and Public Privacy" 63 Van. L. Rev. 1131
(May 2010).

24 ⁴ See, e.g., Anders Anglesey, "Planet Fitness Customer Filmed While She Undressed in Tanning Bed Room," Newsweek
25 (Sep. 27, 2022) (<https://www.newsweek.com/man-filmed-woman-planet-fitness-tanning-bed-room-1746572>); Hannah
26 Flayhan, "Woman recorded on hidden camera in Planet Fitness feels 'violated' and 'invaded,'" WAND News (Mar. 20,
2025) (https://www.wandtv.com/news/woman-recorded-on-hidden-camera-in-planet-fitness-feels-violated-and-invaded/article_3db95cef-440b-4549-ac4a-d6a593401007.html); Claire Goforth "'Literally shaking': Woman uses tanning
27 bed at Planet Fitness. Then she realizes someone might be in the room with her," The Mary Sue (May 9, 2025)
(<https://www.themarysue.com/planet-fitness-tanning-door-unsafe/>); Greg Rickabaugh, "Planet Fitness suspect caught
28 peeking at woman from ceiling over tanning bed in North Augusta," The Augusta Press (May 15, 2025)
(<https://theaugustapress.com/planet-fitness-suspect-caught-peeking-at-woman-from-ceiling-over-tanning-bed-in-north-augusta/>).

1 check in at the Black Card spa and wait for a tanning booth room to become available.

2 54. Jane Doe III often found that Planet Fitness employees were distracted or unavailable
3 when she went to use the tanning booth. Many employees were on their phones and were not paying
4 attention to the members' use of the Black Card spa.

5 55. Jane Doe III also noted that the locks on the doors of certain tanning booth rooms in the
6 Black Card spa were flimsy and could be easily opened.

7 56. On September 4, 2025, Combs infiltrated the tanning booth that Jane Doe III was using,
8 and he took multiple nude photos of her without her consent. Jane Doe III was not aware that Combs
9 had entered the tanning booth at the time that he took the pictures.

10 57. In or around March 2026, Jane Doe III noticed that Planet Fitness had added chain locks
11 to the doors of the tanning booth rooms in the Black Card spa.

12 58. On April 19, 2026, police officers informed Jane Doe III that Combs had photographed
13 her from multiple angles in the tanning booth. Jane Doe III was shocked and horrified to learn about
14 this invasion of her privacy, and she has suffered stress and anxiety as a result of Planet Fitness's severe
15 negligence. She no longer feels comfortable being in individual, private rooms because she is afraid
16 someone will unlock the door and come in. She feels paranoid in spaces such as hotel rooms and
17 tanning booths. She finds herself searching for cameras and covering mirrors out of her fear of being
18 watched.

19 *Jane Doe IV*

20 59. Jane Doe IV is a woman who resides in San Luis Obispo County, California.

21 60. Up until recently, Jane Doe IV was a member of Planet Fitness and a PF Black Card
22 Holder since 2023. She exclusively uses the Planet Fitness located in Arroyo Grande.

23 61. Jane Doe IV would go to the Planet Fitness to use the hybrid tanning and redlight
24 therapy booth, which has the same structure and layout as the standard tanning booths.

25 62. Jane Doe IV often noted that Planet Fitness employees were frequently on their phones
26 or talking with each other. They were not often engaged in monitoring the Planet Fitness gym area or
27 Black Card Spa.

28 63. On November 20, 2025, Combs infiltrated the hybrid redlight therapy/tanning booth that

1 Jane Doe IV was using, and he took a video of her nude or partially nude body without her consent.
2 Jane Doe IV was not aware that Combs had entered the redlight therapy/tanning booth at the time that
3 he took the video.

4 64. On April 20, 2026, Jane Doe IV learned from a news story that it was possible she had
5 been photographed by Combs. She contacted the police, and on May 24 she confirmed that Combs had
6 taken a video of her. At no point did Planet Fitness warn her that she may have been one of Combs's
7 victims.

8 65. Jane Doe IV was deeply upset to learn about this invasion of her privacy and Planet
9 Fitness's allowing it to happen to her and so many other women. She has suffered stress, anxiety, and
10 exhaustion as a result of Planet Fitness's negligence, and she is seeking therapy as the result of these
11 traumatic events. She feels uncomfortable in public spaces, as she feels a strong need to remain hyper-
12 vigilant in case she is similarly violated. She has started avoiding certain places and environments,
13 including gyms, and has altered her routines out of fear of being recorded again. She feels unsafe and
14 exposed in her body and her hometown. She feels that her autonomy was severely harmed by Combs
15 and the Planet Fitness Defendants' actions; she was stripped of the ability to intervene in the recording
16 of her own body. As a result of this anxiety, she feels uncomfortable around others and has felt
17 increasingly isolated since learning about her victimization.

18 *Jane Doe V*

19 66. Jane Doe V is a woman who resides in San Luis Obispo County, California.

20 67. Up until recently, Jane Doe V was a member of Planet Fitness and a PF Black Card
21 Holder. She began a Planet Fitness membership in or around 2023.

22 68. Jane Doe V went to the Planet Fitness in Arroyo Grande four to five times per week.
23 Each time that she visited the Gym, she would use the standing tanning booth. She noticed that the
24 Gym Planet Fitness Employees were often talking, eating, or on their phones, rather than paying
25 attention to patrons and monitoring the Gym.

26 69. On February 13, 2025, Combs infiltrated the tanning booth that Jane Doe V was using,
27 and he took a video of her nude or partially nude body without her consent. Jane Doe V was not aware
28 that Combs had entered the tanning booth at the time that he took the video.

1 84. Planet Fitness Defendants' failure to intervene after Combs had photographed nearly
2 four dozen women is an extreme departure from the ordinary standard of conduct and connotes such a
3 lack of care that one may presume the Planet Fitness Defendants are indifferent toward the well-being,
4 safety, and privacy rights of their female patrons.

5 85. Planet Fitness Defendants' failure to intervene when Jane Doe II reported Combs's
6 behavior was an extreme departure from the ordinary standard of conduct a connotes such a lack of care
7 that one may presume the Planet Fitness Defendants are indifferent toward the well-being, safety, and
8 privacy rights of their female patrons.

9 86. On information and belief, there has been a systemic pattern of similar incidents to that
10 which Plaintiffs suffered, both at this Gym or at other Planet Fitness locations, and Planet Fitness
11 Defendants knew or should have known of this systemic pattern and failed to take any measures to
12 prevent further incidents from occurring.

13 87. As a direct and legal result of Planet Fitness Defendants' failure to fulfill their duties and
14 responsibilities to Plaintiffs and other female members of the Gym, Plaintiffs have suffered injuries
15 including, but not limited to, mental pain and suffering, severe emotional distress, past and future costs
16 of medical care and treatment, and other economic and non-economic damages in an amount not yet
17 ascertained, but which exceed the jurisdictional limits of this Court.

18 88. Plaintiffs request relief as described below.

19 **SECOND CAUSE OF ACTION FOR**

20 **NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE**

21 **(By All Plaintiffs Against Planet Fitness Defendants and Does 1 through 50)**

22 89. Plaintiffs reallege and incorporate herein by reference the allegations of the preceding
23 paragraphs.

24 90. Planet Fitness Defendants and Does 1 through 50 had a duty to warn, train, and educate
25 their members of known and knowable dangers posed by other members. Planet Fitness Defendants
26 also had a duty to warn, train, and educate their faculty and staff on members' privacy rights, the risks
27 members may pose to one another, and the risks of invasive photography, particularly in the Black Card
28 Spa tanning booth area.

1 91. By 2025, the risk that a member would engage in harassing and invasive behavior by
2 photographing another member in a private area, including the Black Card Spa tanning booth area, was
3 a danger known or knowable to the Planet Fitness Defendants and Does 1 through 50.

4 92. By December 2025, the risk that Combs specifically was engaging in harassing and
5 invasive behavior by photographing women in the Black Card Spa tanning booth area was a danger
6 known or knowable to the Planet Fitness Defendants and Does 1 through 50.

7 93. On information and belief, there has been a systemic pattern of similar incidents to that
8 which Plaintiffs suffered, both at this Gym or at other Planet Fitness locations, and Planet Fitness
9 Defendants knew or should have known of this systemic pattern and failed to take any measures to
10 warn or train Planet Fitness employees and patrons in order to prevent future incidents from occurring.

11 94. Planet Fitness Defendants and Does 1 through 50 failed to warn, train, and educate
12 members of known and knowable dangers posed by other members in general and Combs specifically.

13 95. Planet Fitness Defendants and Does 1 through 50 failed to warn, train, and educate their
14 employees on harassment, invasive behavior, and the risks and signs of a member engaging in covert
15 photography.

16 96. Planet Fitness Defendants and Does 1 through 50 failed to warn, train, and educate their
17 employees on their obligations to members when those members report being non-consensually
18 photographed or video recorded.

19 97. As a direct and legal result of the negligence of Planet Fitness Defendants, Plaintiffs
20 suffered a severe invasion of their privacy interests and rights.

21 98. Had Planet Fitness Defendants fulfilled their duties and responsibilities, Plaintiffs would
22 not have suffered this invasion of their privacy interests and rights. Had Planet Fitness Defendants
23 properly warned, trained, or educated Plaintiffs, other members, and employees of Planet Fitness,
24 Combs's behavior would have been recognized and reported, and Planet Fitness Defendants would
25 have adopted more stringent security measures in the Black Card Spa.

26 99. As a direct and legal result of Planet Fitness Defendants' and Does 1 through 50s'
27 failure to fulfill their duties and responsibilities to Plaintiffs and other female members, Plaintiffs have
28 suffered injuries including, but not limited to, mental pain and suffering, severe emotional distress, past

1 and future costs of medical care and treatment, and other economic and non-economic damages in an
2 amount not yet ascertained, but which exceed the jurisdictional limits of this Court.

3 100. Plaintiff requests relief as described below.

4 **THIRD CAUSE OF ACTION FOR**
5 **VIOLATION OF THE UNRUH ACT – SEX DISCRIMINATION**

6 **(CIVIL CODE SECTIONS 51, 51.5, 52)**

7 **(By All Plaintiffs Against Planet Fitness Defendants)**

8 101. Plaintiffs reallege and incorporate herein by reference the allegations of the preceding
9 paragraphs.

10 102. California Civil Code section 51, also known as the Unruh Civil Rights Act, provides
11 that all persons in the state are entitled to the “full and equal accommodations, advantages, facilities,
12 privileges, or services in all business establishments of every kind whatsoever,” regardless of sex.

13 103. In addition, California Civil Code section 51.5 prohibits any business establishment
14 from discriminating against, blacklisting, or refusing to contract with any person in California based on
15 their sex.

16 104. Each Plaintiff is a person within the meaning of the Unruh Civil Rights Act whose rights
17 have been infringed upon and violated by Planet Fitness Defendants.

18 105. Planet Fitness Franchising LLC is a private business establishment subject to the Unruh
19 Civil Rights Act.

20 106. HGGC, LLC is a private business establishment subject to the Unruh Civil Rights Act.

21 107. Flynn Group L.P. is a private business establishment subject to the Unruh Civil Rights
22 Act.

23 108. GFP Arroyo Grande LLC is a private business establishment subject to the Unruh Civil
24 Rights Act.

25 109. Planet Fitness Defendants intentionally discriminated against Plaintiffs and denied them
26 full and equal accommodations, advantages, facilities, privileges, and/or services because of their sex.
27 Planet Fitness Defendants intentionally denied such rights when it failed to provide proper security
28 against known and knowable threats in the Black Card Spa tanning booths, failed to properly train and

1 supervise employees, failed to intervene following Jane Doe II's report that Combs had infiltrated her
2 tanning booth and recorded her, and failed to warn female members that their privacy rights had been
3 compromised.

4 110. Planet Fitness Defendants knew or should have known that its policies and practices
5 with respect to security, training, or reporting were insufficient to prevent the civil rights violations
6 alleged by Plaintiffs.

7 111. As a direct and legal result of this, Plaintiffs were denied equal access to the
8 accommodations, advantages, facilities, privileges, and services of the Gym as it is operated by Planet
9 Fitness Defendants.

10 112. As a direct and legal result of this, Plaintiffs suffered injuries including, but not limited
11 to, mental pain and suffering, severe emotional distress, past and future costs of medical care and
12 treatment, and other economic and non-economic damages in an amount not yet ascertained, but which
13 exceed the jurisdictional limits of this Court.

14 113. In engaging in the conduct alleged herein, Planet Fitness Defendants acted oppressively,
15 maliciously, fraudulently, and/or outrageously toward Plaintiffs, with conscious disregard for their
16 known rights and with the intention of causing, and/or willfully disregarding the probability of causing,
17 unjust and cruel hardship to them. In so acting, Planet Fitness Defendants intended to and did vex,
18 injure, and annoy Plaintiffs. Therefore, an assessment of punitive damages should be made against
19 Planet Fitness Defendants in an amount sufficient to punish them and to prevent them from willfully
20 engaging in future discriminatory conduct.

21 114. Plaintiffs request relief as described below.

22 **FOURTH CAUSE OF ACTION FOR**
23 **INTRUSION ON THE RIGHT OF PRIVACY**

24 **(By Plaintiffs Against All Defendants)**

25 115. Plaintiffs reallege and incorporate herein by reference the allegations of the preceding
26 paragraphs.

27 116. The right of privacy is protected by the California Constitution, Article I, Section 1.

28 117. Civil Code section 1708.8 imposes liability on any person who knowingly commits a

1 trespass in order to capture a visual image of a person engaging in a private, personal, or familial
2 activity and the invasion occurs in a manner that is offensive to a reasonable person.

3 118. Penal Code section 647 expressly imposes criminal liability on any individual who looks
4 through a hole or opening of a tanning booth with the intent to invade the privacy of a person or
5 persons inside.

6 119. At all times herein mentioned and up to and including the present, Plaintiffs had a
7 legally protected interest in their privacy and the right to be free from having their partially clothed
8 body filmed in a private tanning booth without their knowledge or consent.

9 120. The tanning booths were individual rooms separated from the rest of the gym. Each
10 tanning booth had a lock which, though ineffective, provided tanning booth users with a reasonable
11 expectation of privacy.

12 121. At all times herein mentioned and up to and including the present, Plaintiffs had a
13 reasonable expectation of privacy, and at no time expected that Combs would film them in a private
14 tanning booth and Planet Fitness Defendants would permit such behavior, particularly given that Planet
15 Fitness expressly prohibits the use of photography in the tanning booths.

16 122. The conduct of Defendants, and each of them, filming Plaintiff in a tanning booth
17 constituted a serious invasion of Plaintiffs' right to privacy and was an egregious breach of social
18 norms that subjected Plaintiffs to severe emotional distress.

19 123. Planet Fitness Defendants, through their employees and agents, aided, solicited, and
20 incited Combs's invasion of Plaintiff's privacy by failing to take any steps to prevent it, despite the
21 clear signs that Combs was engaging in inappropriate behavior at the Arroyo Grande Planet Fitness for
22 nearly a year and the complaint against him entered by Jane Doe II. Planet Fitness Defendants also
23 aided, solicited, and incited this invasion of Plaintiffs' privacy rights by failing to adequately train
24 employees and to supervise and monitor Combs.

25 124. As a direct and legal result of this, Plaintiffs have suffered injuries including, but not
26 limited to, mental pain and suffering, severe emotional distress, past and future costs of medical care
27 and treatment, and other economic and non-economic damages in an amount not yet ascertained, but
28 which exceeds the jurisdictional limits of this Court.

1 125. Plaintiffs request relief as described below.

2 **FIFTH CAUSE OF ACTION FOR**
3 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

4 **(By Plaintiffs Against All Defendants)**

5 126. Plaintiffs reallege and incorporate herein by reference the allegations of the preceding
6 paragraphs.

7 127. Plaintiffs are informed and believes, and thereon allege that Defendants' acts were
8 intentional, extreme, and outrageous.

9 128. Plaintiffs are further informed and believe and thereon allege that such actions were
10 done with the intent to cause Plaintiffs serious emotional distress or with reckless disregard of the
11 probability of causing Plaintiffs serious emotional distress.

12 129. As a direct and legal result of this, Plaintiffs suffered injuries including, but not limited
13 to, mental pain and suffering, severe emotional distress, past and future costs of medical care and
14 treatment, and other economic and non-economic damages in an amount not yet ascertained, but which
15 exceed the jurisdictional limits of this Court.

16 130. Plaintiffs request relief as described below.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiffs pray for judgment on all causes of action against Defendants as
19 follows:

- 20 1. For an award of special economic damages according to proof against all defendants;
21 2. For general damages in an amount set forth above and/or according to proof at the time
22 of trial;
23 3. For punitive and exemplary damages in an amount according to proof at the time of trial
24 against all defendants;

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- 4. For reasonable attorneys' fees;
- 5. For preliminary and permanent injunctive relief;
- 6. For costs of suit; and
- 7. For such other relief as the court deems just and proper.

Date: June 8, 2026

Respectfully submitted,
HADSELL STORMER RENICK & DAI LLP

By: /s/ Randy Renick
Randy Renick
Attorneys for Plaintiffs

JURY TRIAL DEMAND

Plaintiffs demand a jury trial on all issues so triable.

Date: June 8, 2026

Respectfully submitted,

HADSELL STORMER RENICK & DAI LLP

By: /s/ Randy Renick

Randy Renick
Attorneys for Plaintiffs