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San Luis Obispo Superior Court

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

15 JANE DOE,

16 Plaintiff,

17 v.

19 PLANET FITNESS FRANCHISING LLC, a
Delaware Limited Liability Company; HGGC,
20 LLC, a Delaware Limited Liability Company;
FLYNN GROUP, a California Corporation; GFP
21 ARROYO GRANDE, LLC, a California Limited
22 Liability Company; and DOES 1 through 50,
inclusive,

23 Defendants.

Case No.: 26CV-0269

**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. Plaintiff JANE DOE brings this action against Defendants PLANET FITNESS
3 FRANCHISING LLC; HGGC, LLC; FLYNN GROUP; GFP ARROYO GRANDE, LLC; and DOES 1
4 through 50, inclusive, for their violations of their duty of care to Plaintiff as a patron at Defendants’
5 Planet Fitness location at 1576 W. Branch Street, Arroyo Grande, CA, 93420, their denial of equal
6 access to their facilities based on her gender, their intrusion on her right to privacy, and their intentional
7 infliction of emotional distress.

8 2. Defendants and each of them allowed an erratic and conspicuous individual to
9 photograph Plaintiff and over forty other women nude or partially clothed while those women were
10 using tanning facilities at the Arroyo Grande Planet Fitness. This behavior continued openly and
11 obviously from January to December 2025. Defendants failed to intervene and protect the reasonable
12 privacy rights of patrons, including Jane Doe, for nearly a year. Defendants did not intervene until
13 Plaintiff contacted law enforcement. In their failure to take reasonable precautions against this known
14 danger, Defendants allowed Plaintiff and dozens of other women to be sexually victimized.

15 3. Plaintiff seeks compensatory and special damages for the significant emotional distress
16 she has endured as a result of Defendant’s failure to act. She also seeks injunctive relief to ensure that
17 such harm does not come to future female patrons of the Arroyo Grande Planet Fitness.

18 **THE PARTIES**

19 4. Plaintiff JANE DOE (“Plaintiff”) is an individual who at all times herein relevant
20 resided in the County of San Luis Obispo, State of California.

21 5. Defendant PLANET FITNESS FRANCHISING LLC is a Delaware Limited Liability
22 Company with its principal place of business in New Hampshire. PLANET FITNESS FRANCHISING
23 LLC partners with franchisees to operate over 2,700 “fitness clubs” or gyms, across five countries. On
24 information and belief, PLANET FITNESS FRANCHISING LLC exerts control over franchisees by
25 enforcing specific operational policies, including the Planet Fitness Code of Ethics, adhering to specific
26 corporate branding to attract and retain members and requiring the purchase of specific branded
27 equipment and replacement of said equipment every five to nine years. PLANET FITNESS
28 FRANCHISING LLC also operates “Planet Fitness University,” a comprehensive training resource for

1 franchisees.

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

7 7. Defendant HGGC, LLC, is a Delaware Limited Liability Company with its principal
8 place of business in California. On information and belief, Defendant HGGC, LLC, was the franchisor-
9 owner of the Gym, until it completed the sale of the portfolio containing the Gym on or around March
10 31, 2026. On information and belief, prior to approximately March 31, 2026, HGGC, LLC owned,
11 controlled, and directed GFP Arroyo Grande, LLC.

12 8. Defendant FLYNN GROUP is a corporation formed under the laws of the State of
13 California. On information and belief, FLYNN GROUP LLC purchased the portfolio containing the
14 Gym on or around March 31, 2026. On information and belief, since approximately March 31, 2026,
15 Flynn Group owns, controls, and directs GFP Arroyo Grande, LLC.

16 9. PLANET FITNESS FRANCHISING LLC; HGGC, LLC; FLYNN GROUP; and GFP
17 ARROYO GRANDE, LLC will be referred to collectively herein as the “PLANET FITNESS
18 DEFENDANTS.” At all times relevant, the Planet Fitness Defendant collectively and jointly operated
19 the Gym. At all times relevant, Planet Fitness Defendants owed Plaintiff as duty of care under
20 California Civil Code section 1714(a). That duty of care extended to the duty to protect Plaintiff from
21 the violating, harassing, or otherwise dangerous behavior of other Planet Fitness members and other
22 known or knowable threats in the businesses the Planet Fitness Defendants operate.

23 10. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as Does
24 1 through 50, inclusive, and therefore sues said Defendants by such fictitious names. Plaintiff is
25 informed and believes and thereon alleges that at all times herein relevant each such fictitiously named
26 Defendant was and is responsible in some manner for the occurrences herein alleged, and that
27 Plaintiff’s injuries and/or damages were and are directly and/or proximately caused thereby. Plaintiff is
28 informed and believes and thereon alleges that each such fictitiously named Defendant is directly

1 and/or indirectly liable on one or more causes of action set forth herein. Planet Fitness Defendants and
2 the Doe Defendants will sometimes be collectively referred to as Defendants.

3 11. Plaintiff is informed and believes and thereon alleges that at all times herein relevant,
4 each of the Defendants, including each fictitiously named Defendant, was the agent, servant, joint
5 venture, authorized representative and/or employee of each of the remaining Defendants, and, except as
6 provided herein, in doing the acts and things hereinafter alleged, was acting within the course and scope
7 of said agency, joint venture, representative, servitude and/or employment, consent, approval and
8 subsequent satisfaction of each of the remaining Defendants. Each of the Defendants was authorized
9 and empowered by each of the other Defendants to act and did act as the principal, employee, or agent
10 of each of the other Defendants. Plaintiff is further informed and believes and thereon alleges that,
11 except as provided herein, each Defendant was acting within the course and scope of his/her/their/its
12 authority in performing the acts herein alleged, and that the acts of each Defendant as alleged herein
13 were authorized and/or ratified by the other Defendants.

14 **JURISDICTION AND VENUE**

15 12. The Court has personal jurisdiction over the Defendants because they are residents of
16 and/or are doing business in the State of California.

17 13. Venue is proper in this County in accordance with Sections 395(a) and (b) and 395.5 of
18 the California Code of Civil Procedure because:

- 19 a. GFP Arroyo Grande, LLC resided in this County at the commencement of the action;
- 20 b. The injury occurred in this County.

21 **FACTUAL ALLEGATIONS**

22 **Planet Fitness Allowed an Individual Male to Grossly and Offensively Intrude on Plaintiff's Right to**
23 **Privacy by Filming Her in the Gym's Tanning Booth.**

24 14. Plaintiff is an eighteen-year-old woman attending college in Arizona. At the time of
25 these events, Plaintiff was visiting her parents in Arroyo Grande, California.

26 15. Plaintiff is a member of Planet Fitness. Planet Fitness is a chain of commercial gyms
27 which offer members multiple amenities and locations. Most locations are open twenty-four hours per
28 day, seven days per week. The Planet Fitness in Arroyo Grande is located at 1576 W. Branch Street. On

1 information and belief, the Gym is approximately 17,000 square feet, including a cardio section,
2 weightlifting area, and a “Black Card Spa.”

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

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

12 18. On December 29, 2025, Plaintiff went to the Gym. Plaintiff is a PF Black Card holder,
13 and she opted to use the standing tanning booths available in the Black Card Spa. A standing tanning
14 booth is a private booth made of heavy plastic similar to a shower stall, with a connected private outer
15 room for removing clothing. The private outer rooms open directly into the Black Card Spa waiting
16 areas. Users enter into the rooms, remove or change their clothing, and then enter the booth, which is
17 lined with lamps emitting ultraviolet radiation, for approximately ten minutes. Short exposure to the
18 lamps causes the skin to tan. It is normal for tanning booth users to be nude or wear minimal clothing
19 while using the booths.

20 19. Plaintiff entered the tanning booth at approximately 5:30 p.m. According to security
21 camera footage from this date, a man referred to pseudonymously herein as “John Roe,” enters the
22 Black Card Spa shortly after Plaintiff entered the tanning booth. At this time, Roe engages in erratic
23 and suspicious behavior, such as pacing around the Black Card Spa and checking to see if anyone else
24 is in the area, swaying back and forth, and looking around the area constantly.

25 20. At least one Planet Fitness employee was in Roe’s immediate vicinity at this time and is
26 visible on security camera footage with Roe. The employee does not appear to interact with Roe or
27 acknowledge his behavior.

28 21. After casing the Black Card Spa, Roe is visible on security footage entering the same

1 tanning booth that Plaintiff entered minutes before. He engages in additional suspicious behavior, such
2 as repeatedly looking over his shoulder and moving around the spa area with his cell phone in hand.

3 22. Plaintiff had a reasonable expectation of privacy in her use of the tanning booth.
4 Photography is prohibited in Black Card Spa tanning booths, and a reasonable person would not expect
5 to be photographed or otherwise observed surreptitiously in the Gym spa.

6 23. Expecting to be secure in the privacy of the tanning booth, Plaintiff had fully undressed
7 upon entering except for a bikini top. As she stood in the tanning booth, Plaintiff saw Roe pushing his
8 phone through a crack in the tanning booth. Plaintiff could see the camera lens on Roe's phone, which
9 he was directing at her unclothed body.

10 24. Plaintiff screamed when she realized that Roe was filming her. Roe fled the Gym. No
11 Planet Fitness employee intervened to prevent Roe from fleeing, though he continued to engage in
12 suspicious behavior such as running out of the Gym and through the parking lot. At least one Planet
13 Fitness employee saw Roe fleeing the Gym.

14 25. Plaintiff contacted the police shortly after Roe filmed her. She was panicked and,
15 according to a Planet Fitness employee, "screaming and hysterical."

16 26. Plaintiff had a reasonable expectation of privacy in the tanning booth, and she was
17 shocked and traumatized by the invasion of her privacy. Plaintiff has suffered, and continues to suffer,
18 significant emotional distress as a result of these events. She continues to suffer anxiety, flashbacks and
19 reexperiencing, shame, humiliation, dissociation, and difficulty focusing.

20 Police Investigation Reveals Planet Fitness Defendants Knew or Should Have Known of Danger and
21 Failed to Warn or Take Corrective Action.

22 27. Following Plaintiff's police report, the Arroyo Grande Police Department identified
23 John Roe as the likely perpetrator. Police identified Roe with assistance from Planet Fitness employees,
24 who identified Roe as a Planet Fitness member from video footage and provided law enforcement with
25 the profile with Roe's Planet Fitness profile picture.

26 28. Law enforcement obtained a warrant to search Roe's cellphone. On review of Roe's
27 cellphone, law enforcement found that Roes's cellphone and/or other electronic devices contained nude
28 pictures of Plaintiff taken in what appeared to be the Black Card Spa tanning booth at the Gym on the

1 date in question.

2 29. Law enforcement also learned that Plaintiff was not the first person Roe victimized at
3 the Gym.

4 30. Law enforcement uncovered more than fifty videos depicting female members of Planet
5 Fitness using the tanning booths at the Black Card Spa. Based on the dates of these videos, Roe began
6 covertly filming Planet Fitness members in various states of undress in January 2025.

7 31. These videos depict approximately forty-seven unique victims, indicating that Roe had
8 infiltrated the Black Card Spa and filmed female Planet Fitness members on at least forty-seven unique
9 occasions between January and December 2025.

10 32. In order to take these videos, Roe would have needed to repeatedly patronize the Planet
11 Fitness location in Arroyo Grande, where his actions would have been visible to employees working at
12 the desk near the Black Card Spa, monitoring the Black Card Spa, checking members into the Gym,
13 and monitoring the building's entrances and exits.

14 33. As a member at the Gym, Roe would have to check in with the front desk every time he
15 came to film women at the Black Card Spa. He would have had a profile picture in his file, which
16 employees could easily match to security footage, as they did following his gross invasion of Plaintiffs'
17 privacy.

18 34. Based on the security camera footage, Roe openly engaged in conspicuous and erratic
19 behavior in front of Planet Fitness Defendants' employees. That behavior included pacing, swaying
20 nervously, repeatedly checking over his shoulder and scanning his surrounding area, lingering in the
21 Black Card Spa area without using its amenities, and carrying his phone without appearing to use it for
22 permitted activities such as listening to music. On information and belief, this behavior would be
23 obvious and suspicious to any Planet Fitness employee observing Roe in person or on a security
24 camera.

25 35. By the time Plaintiff was photographed by Roe in December 2025, it was well-
26 established that gyms such as Planet Fitness were sites of sexual harassment. A 2021 study indicated
27 that more than half of all female gym members have experienced harassment at the gym.¹ Women

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

1 belonging to other gyms have brought claims in California for violation of their privacy by surreptitious
2 photographers.² Moreover, the threat that individuals may use their cellphone cameras to capture
3 intimate photos of people in semi-public areas has a been well-known danger for nearly two decades.³

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

10 37. On information and belief, Planet Fitness Defendants knew or should have known that
11 Roe posed a threat to female members who used the Black Card Spa tanning booths.

12 **FIRST CAUSE OF ACTION FOR**

13 **GROSS NEGLIGENCE**

14 **(By Plaintiff Against All Defendants)**

15 38. Plaintiff realleges and incorporates herein by reference the allegations of the preceding
16 paragraphs.

17 39. At all times relevant herein, the Planet Fitness Defendants and DOES 1 through 50 owed
18 a duty of care to Plaintiff to implement and maintain reasonable security measures to prevent Planet
19 Fitness members and other known or knowable threats like Roe from invading other members'
20 reasonable expectations of privacy and engaging in disorderly conduct.

21 40. Planet Fitness Defendants breached this duty of care by failing to implement and
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23 ² See, e.g., *Garza v. Balatico*, Los Angeles Superior Court, Case No. 20 STCV35070.

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

25 ⁴ See, e.g., Anders Anglesey, "Planet Fitness Customer Filmed While She Undressed in Tanning Bed Room," Newsweek
(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](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/](https://theaugustapress.com/planet-fitness-suspect-caught-peeking-at-woman-from-ceiling-over-tanning-bed-in-north-augusta/)).

1 maintain adequate security and training measures to prevent open and obvious threats to members'
2 safety in the Black Card Spa tanning booth area. Specifically, Planet Fitness Defendants failed to,
3 among other things, identify Roe as a threat despite open and obvious suspicious behavior on nearly
4 fifty unique occasions over the course of a year.

5 41. Planet Fitness Defendants' breach of duty was the proximate cause of harm to Plaintiff.
6 As a direct and legal result of the Planet Fitness Defendants' negligence, Roe was able to photograph
7 Plaintiff nearly nude without her consent. Plaintiff has suffered and will continue to suffer harm,
8 including severe emotional distress, as a result of this violation of her personal privacy rights.

9 42. Planet Fitness Defendants had actual or constructive knowledge of the risk of harm to
10 Plaintiff, and their conduct was willful, oppressive, or malicious.

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

15 44. On information and belief, there has been a systemic pattern of similar incidents to that
16 which Plaintiff suffered, both at this Gym or at other Planet Fitness locations, and Planet Fitness
17 Defendants knew or should have known of this systemic pattern and failed to take any measures to
18 prevent further incidents from occurring.

19 45. As a direct and legal result of Planet Fitness Defendants' failure to fulfill their duties and
20 responsibilities to Plaintiff and other female members of the Gym, Plaintiff has suffered injuries
21 including, but not limited to, mental pain and suffering, severe emotional distress, past and future costs
22 of medical care and treatment, and other economic and non-economic damages in an amount not yet
23 ascertained, but which exceed the jurisdictional limits of this Court.

24 46. Plaintiff requests relief as described below.

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SECOND CAUSE OF ACTION FOR
NEGLIGENT FAILURE TO WARN, TRAIN, OR EDUCATE

(By Plaintiff Against All Defendants)

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4 47. Plaintiff realleges and incorporates herein by reference the allegations of the preceding
5 paragraphs.

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

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

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

17 51. On information and belief, there has been a systemic pattern of similar incidents to that
18 which Plaintiff suffered, both at this Gym or at other Planet Fitness locations, and Planet Fitness
19 Defendants knew or should have known of this systemic pattern and failed to take any measures to
20 warn or train Planet Fitness employees and patrons in order to prevent future incidents from occurring.

21 52. Planet Fitness Defendants and Does 1 through 50 failed to warn, train, and educate
22 members of known and knowable dangers posed by other members in general and Roe specifically.

23 53. Planet Fitness Defendants and Does 1 through 50 failed to warn, train, and educate their
24 employees on harassment, invasive behavior, and the risks and signs of a member engaging in covert
25 photography.

26 54. As a direct and legal result of the negligence of Planet Fitness Defendants, Plaintiff
27 suffered a severe invasion of her privacy interests and rights.

28 55. Had Planet Fitness Defendants fulfilled their duties and responsibilities, Plaintiff would

1 not have suffered this invasion of her privacy interests and rights. Had Planet Fitness Defendants
2 properly warned, trained, or educated Plaintiff, other members, and employees of Planet Fitness, Roe's
3 behavior would have been recognized and reported, and Defendants would have adopted more stringent
4 security measures in the Black Card Spa.

5 56. As a direct and legal result of Planet Fitness Defendants' and Does 1 through 50s'
6 failure to fulfill their duties and responsibilities to Plaintiff and other female members, Plaintiff has
7 suffered injuries including, but not limited to, mental pain and suffering, severe emotional distress, past
8 and future costs of medical care and treatment, and other economic and non-economic damages in an
9 amount not yet ascertained, but which exceed the jurisdictional limits of this Court.

10 57. Plaintiff requests relief as described below.

11 **THIRD CAUSE OF ACTION FOR**
12 **VIOLATION OF THE UNRUH ACT – SEX DISCRIMINATION**

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

14 **(By Plaintiff Against All Defendants)**

15 58. Plaintiff realleges and incorporates herein by reference the allegations of the preceding
16 paragraphs.

17 59. California Civil Code section 51, also known as the Unruh Civil Rights Act, provides
18 that all persons in the state are entitled to the "full and equal accommodations, advantages, facilities,
19 privileges, or services in all business establishments of every kind whatsoever," regardless of sex.

20 60. In addition, California Civil Code section 51.5 prohibits any business establishment
21 from discriminating against, blacklisting, or refusing to contract with any person in California based on
22 their sex.

23 61. Plaintiff is a person within the meaning of the Unruh Civil Rights Act whose rights have
24 been infringed upon and violated by Planet Fitness Defendants.

25 62. Planet Fitness Franchising LLC is a private business establishment subject to the Unruh
26 Civil Rights Act.

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

28 64. Flynn Group is a private business establishment subject to the Unruh Civil Rights Act.

1 65. GFP Arroyo Grande LLC is a private business establishment subject to the Unruh Civil
2 Rights Act.

3 66. Planet Fitness Defendants intentionally discriminated against Plaintiff and denied her
4 full and equal accommodations, advantages, facilities, privileges, and/or services because of her sex.
5 Planet Fitness Defendants intentionally denied such rights when it failed to provide proper security
6 against known and knowable threats in the Black Card Spa tanning booths, failed to properly train and
7 supervise employees, and engaged in other conduct described herein.

8 67. Planet Fitness Defendants knew or should have known that its policies and practices
9 with respect to security, training, or reporting were insufficient to prevent the civil rights violations
10 alleged by Plaintiff.

11 68. As a direct and legal result of this, Plaintiff was denied equal access to the
12 accommodations, advantages, facilities, privileges, and services of the Gym as it is operated by Planet
13 Fitness Defendants.

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

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

25 71. Plaintiff requests relief as described below.

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FOURTH CAUSE OF ACTION FOR
INTRUSION ON THE RIGHT OF PRIVACY

(By Plaintiff Against All Defendants)

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4 72. Plaintiff realleges and incorporates herein by reference the allegations of the preceding
5 paragraphs.

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

7 74. Civil Code section 1708.8 imposes liability on any person who knowingly commits a
8 trespass in order to capture a visual image of a person engaging in a private, personal, or familial
9 activity and the invasion occurs in a manner that is offensive to a reasonable person.

10 75. Penal Code section 647 expressly imposes criminal liability on any individual who looks
11 through a hole or opening of a tanning booth with the intent to invade the privacy of a person or
12 persons inside.

13 76. At all times herein mentioned and up to and including the present, Plaintiff had a legally
14 protected interest in her privacy and the right to be free from having her partially clothed body filmed
15 in a private tanning booth without her knowledge or consent.

16 77. At all times herein mentioned and up to and including the present, Plaintiff had a
17 reasonable expectation of privacy, and at no time expected that Roe would film her in a private tanning
18 booth and Planet Fitness Defendants would permit such behavior.

19 78. The conduct of Defendants, and each of them, filming Plaintiff in a tanning booth
20 constituted a serious invasion of Plaintiff's right to privacy and was an egregious breach of social
21 norms that subjected Plaintiff to severe emotional distress.

22 79. Planet Fitness Defendants, through their employees and agents, aided, solicited, and
23 incited Roe's invasion of Plaintiff's privacy by failing to take any steps to prevent it, despite the clear
24 signs that Roe was engaging in inappropriate behavior at the Arroyo Grande Planet Fitness for nearly a
25 year. Planet Fitness Defendants also aided, solicited, and incited this invasion of Plaintiff's privacy
26 rights by failing to adequately train employees and to supervise and monitor Roe.

27 80. As a direct and legal result of this, Plaintiff has suffered injuries including, but not
28 limited to, mental pain and suffering, severe emotional distress, past and future costs of medical care

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

3 81. Plaintiff requests relief as described below.

4 **FIFTH CAUSE OF ACTION FOR**
5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

6 **(By Plaintiff Against All Defendants)**

7 82. Plaintiff realleges and incorporates herein by reference the allegations of the preceding
8 paragraphs.

9 83. Plaintiff is informed and believes, and thereon alleges that Defendants' acts were
10 intentional, extreme, and outrageous.

11 84. Plaintiff is further informed and believes and thereon alleges that such actions were done
12 with the intent to cause Plaintiff serious emotional distress or with reckless disregard of the probability
13 of causing Plaintiff serious emotional distress.

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

18 86. Plaintiff requests relief as described below.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for judgment on all causes of action against Defendants as
21 follows:

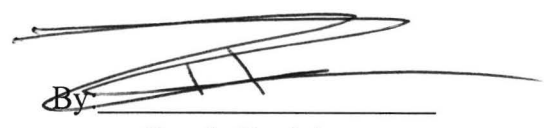
- 22 1. For an award of special economic damages according to proof against all defendants;
- 23 2. For general damages in an amount set forth above and/or according to proof at the time
24 of trial;
- 25 3. For punitive and exemplary damages in an amount according to proof at the time of trial
26 against all defendants;
- 27 4. For reasonable attorneys' fees;
- 28 5. For preliminary and permanent injunctive relief;

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- 6. For costs of suit; and
- 7. For such other relief as the court deems just and proper.

Date: April 28, 2026

Respectfully submitted,
HADSELL STORMER RENICK & DAI LLP



By _____
Randy Renick
Attorneys for Plaintiff

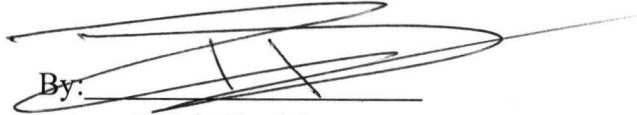
JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

Date: April 28, 2026

Respectfully submitted,

HADSELL STORMER RENICK & DAI LLP

By: 

Randy Renick
Attorneys for Plaintiff

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