

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ANTONIO HOLLOWAY, individually )  
and on behalf of all others similarly )  
situated, )

CASE NO. \_\_\_\_\_

Plaintiff, )

**JURY TRIAL DEMANDED**

v. )

PLANET FITNESS FRANCHISING )  
LLC, a Delaware limited liability )  
company; ALDER PARTNERS LLC, a )  
Delaware limited liability company; and )  
PF JONESBORO, LLC, a Delaware )  
limited liability company, )

Defendants. )

\_\_\_\_\_ )

**CLASS ACTION COMPLAINT**

Plaintiff Antonio Holloway (“Plaintiff”), individually and on behalf of all others similarly situated, alleges the following against Defendants Planet Fitness Franchising LLC, Alder Partners LLC, and PF Jonesboro, LLC (collectively, “Defendants”) based on personal knowledge as to his own experience, on information and belief, and on investigation of counsel as to all other matters.

### **NATURE OF THE ACTION**

1. Plaintiff brings this action, individually and on behalf of all others similarly situated, against Defendants for unlawfully charging Plaintiff and Class members monthly fitness center membership fees after Defendants' facilities were already closed due to the COVID-19 pandemic.

2. Rather than providing adequate customer service to address these wrongful charges, Defendants have hidden behind a single, inaccurate statement on their website regarding the charges and have redirected all billing inquiries, both via online chat and telephone, to a telephone number that indicates Defendants are closed for business. Thus, Defendants have even prevented Plaintiff and Class members with a method to inquire about and/or dispute these charges.

3. By debiting these post-closure charges, Defendants breached its agreements with Plaintiff and Class members, who suffered monetary losses in the monthly amounts charged. Plaintiff and Class Members seek to recover damages caused by Defendants' breaches of contract, violations of Georgia's consumer protection statutes, and unjust enrichment.

## PARTIES

4. Plaintiff is a resident and citizen of DeKalb County, Georgia. On or about January 8, 2015, Plaintiff entered into a “Black Card Reciprocal Access” membership agreement with Defendants for unlimited access to any of their fitness centers for \$19.99 per month. Plaintiff’s membership has been month-to-month since early 2016. During the first week of March 2020, Defendants closed the Planet Fitness located in Stone Mountain, Georgia, the fitness center Plaintiff regularly utilized, due to the COVID-19 pandemic. On March 18, 2020, Defendants nonetheless debited the full \$19.99 monthly fee from Plaintiff’s bank account. When Plaintiff attempted to contact Defendants, both via telephone and online chat, all of his inquiries were redirected to a telephone number that simply states Defendants “are closed,” with no option to leave a message, request a refund, or visit a fitness center to seek a refund for the wrongfully debited charges. As a result of Defendants’ conduct, Plaintiff has been injured in the amount charged since Defendants’ fitness centers have closed.

5. Defendant Planet Fitness Franchising LLC is a Delaware limited liability company that maintains its headquarters in Hampton, New Hampshire, and

is the national franchisor and operator Planet Fitness, one of the largest fitness club franchises in the United States, with nearly 2,000 fitness centers nationwide.

6. Defendant Alder Partners LLC is a Delaware limited liability company that maintains its headquarters in Middleton, Massachusetts, and is the Planet Fitness franchisee at which Plaintiff maintains his membership.

7. Defendant PF Jonesboro, LLC is a Delaware limited liability company that maintains its headquarters in Jonesboro, Georgia, and is the Planet Fitness franchisee at which Plaintiff began his membership.

### **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332, as amended by the Class Action Fairness Act of 2005, because the matter in controversy exceeds \$5 million, exclusive of interest and costs, and is a class action in which some members of the Class are citizens of states different than Defendants. *See* 28 U.S.C. § 1332(d)(2)(A). This Court also has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367.

9. This Court has personal jurisdiction over Defendants because they are registered to conduct business within Georgia and/or each have sufficient minimum contacts with the state of Georgia, including operating fitness centers within this

district. Defendants intentionally avail themselves of clients, consumers, and markets within the state of Georgia through the promotion, marketing, and sale of their fitness centers and membership services.

10. Venue properly lies in this district pursuant to 28 U.S.C. § 1391(a)(2) because, as noted above, a substantial part of the events and/or omissions giving rise to the claims occurred, in part, within this district.

### **FACTUAL ALLEGATIONS**

11. Defendants own and operate approximately 1,900 fitness centers throughout the United States, making Planet Fitness one of the largest fitness franchises in the country.

12. As part of their “Black Card” membership, Defendants promise unlimited access to their fitness centers at any franchise location. Further, Defendants warrant through advertising at Planet Fitness locations and via other forms of media that members have unlimited to access to Planet Fitness facilities nationwide.

13. Starting in early March 2020, Defendants began quietly closing all of its fitness center locations indefinitely, ultimately shuttering all locations nationwide by the end of that month.

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