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Equinox Accused Of Ignoring Steam Room Sex Assault

By **Shayna Posses**

Law360 (August 8, 2018, 8:34 PM EDT) -- Equinox was hit with a New York state court suit Tuesday accusing the luxury fitness company of turning a blind eye to a pervasive sexual atmosphere in its men's steam rooms, leading to a gym member being sexually assaulted at a Manhattan location.

The member alleges that during a visit to Equinox's West Village location last August, he went into the steam room and was confronted by a man who made unwanted advances on him and proceeded to sexually assault him before he managed to get away. The plaintiff immediately reported the incident to an employee who was in the locker room and informed both management and the regional director, but Equinox took no action, he says.

This has consistently been the gym's approach to dealing with the frequent sexual activity in its men's steam rooms, the plaintiff says. He alleges that despite receiving a slew of complaints and facing several lawsuits, Equinox has intentionally looked the other way.

"While other health clubs have taken proactive measures to prevent sexual assault and sexual deviant acts from occurring in their steam rooms and victimizing their members and guests, Equinox has taken no such action as it would 'be bad for business,'" the suit says.

The suit alleges that Equinox touts a luxury ambience at approximately 85 locations across the United States, charging members between \$160 and \$250 in monthly dues for access to upscale gym amenities and spa treatments, including separate on-site steam rooms for men and women.

The steam rooms are purposely designed to be private, preventing people outside the room from seeing what is occurring within, the suit says. However, the complaint alleges, members and guests take advantage of that feature to engage in lewd behavior in the men's steam rooms, a problem Equinox has been made aware of in many ways over more than a decade, including complaints to staff, discussions on social media and legal action.

In fact, Equinox's management has called the instances of sexual assault and other explicit behavior in the men's steam rooms an "epidemic," the plaintiff claims. At the West Village location alone, management has said it knows of 20 reported incidents of sexual assault and indecent acts in the men's steam room, according to the complaint.

Yet, rather than taking action to prevent these incidents — like increasing security, monitoring the activities occurring in the steam shower or changing the rooms' layout — Equinox has consistently taken a hands-off approach, allowing sexual misconduct to flourish, the suit alleges.

At most, the plaintiff says, the gym will revoke the membership of individuals who have been accused of sexual harassment or assault. However, Equinox has also been known to end the memberships of people who reported these incidents or refuse to allow them to terminate their memberships, according to the suit.

"Equinox's stance has been that they have no duty or liability to members who get assaulted or victimized in their steam rooms," the suit says.

The plaintiff alleges that this approach made possible his own sexual assault on Aug. 9, 2017. Upon entering the steam shower of the West Village location, he was confronted by an unknown man, who stared at the plaintiff and started touching himself while making unwelcome sexual advances, according to the complaint.

The gym member tried to run out of the steam room, but the other man grabbed him, held him down and began sexually assaulting him, the suit alleges. Eventually, the plaintiff was able to get away, but, had he not escaped, he believes the man would have raped him, the complaint says.

His notifications to staff and management went unaddressed, with Equinox failing even to draft a report or to take minor security precautions against future incidents, let alone to report the incident to law enforcement, according to the suit.

The action alleges negligence, as well as negligent security, hiring, training and supervision, and brings civil conspiracy and breach of contract and implied warranty claims. The suit also includes a claim of assault against the man the plaintiff says attacked him.

Equinox said in a Wednesday statement that it takes claims of this nature very seriously and maintains a zero-tolerance policy for any inappropriate behavior in its clubs.

"In the event that indecent activity is brought to our attention, we take action immediately to identify involved individuals and revoke their memberships," the company said.

Marc Held, who represents the plaintiff, told Law360 in a Wednesday email that any business, including a gym, has a duty to protect its members from sexual assault and harassment.

"As such, a member of a gym has the right to use the gym's facilities, including the steam room, without being touched, groped or assaulted," he wrote.

The plaintiff is represented by Marc J. Held of Held & Hines LLP.

Counsel information for Equinox wasn't immediately available Wednesday.

The case number is 157373-2018 in the Supreme Court of the State of New York, County of New York.

--Editing by Kelly Duncan.