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NEWS RELEASE

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Judge Denies Ventura Gym's Demurrer, Finds Gym in Contempt of Court for Violating Injunction

VENTURA, California – District Attorney Gregory D. Totten announced today that Judge Henry Walsh denied the demurrer of BSF Fitness (BSF), a gym located in the City of Ventura, to the complaint issued by the District Attorney's Office. The Court's ruling, issued October 20, 2020, allows the District Attorney's unfair business competition case against BSF to proceed. Additionally, Judge Walsh found BSF in contempt of court for nineteen violations of a court-ordered preliminary injunction. This injunction, issued September 4, 2020, prohibited BSF from operating an indoor gym facility in violation of state and local health orders related to COVID-19. Judge Walsh had previously found BSF in contempt for having violated the injunction by operating indoors on September 8, 9, and 10, 2020. At the hearing, the court ordered BSF to pay \$10,500 in contempt fines and awarded attorney fees to the District Attorney's Office.

The District Attorney's Office Consumer and Environmental Protection Unit had previously filed a civil complaint against BSF, alleging unfair business practices due to BSF's operation of a gym facility indoors, while similar businesses in Ventura County either ceased or modified their operations in compliance with state and local health orders related to COVID-19. Local officials made numerous requests that BSF comply with the health orders. Despite these requests, BSF continued to operate indoors in violation of emergency health orders and the preliminary injunction.

BSF's answer to the complaint is due on November 13, 2020. BSF Fitness is required by the injunction to remain in compliance with all applicable state and local health orders.

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The Ventura County District Attorney's Office is the public prosecutor for the county's 850,000 residents. The office employs approximately 280 employees including attorneys, investigators, victim advocates, and other professional support staff who strive to seek justice, ensure public safety, and protect the rights of crime victims.

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