

Legal Update Article

# **Alliance of California Fitness Professionals Sues State Over Stay-at-Home Orders**

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September 17, 2020

## Meet the Authors



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In response to the ongoing state-imposed closures and limitations of gyms and other fitness establishments based on the COVID-19 pandemic, an organization representing the fitness industry has filed suit in Los Angeles Superior Court seeking declaratory and injunctive relief against Governor Gavin Newsom and other state entities and officials.

On March 19, 2020, the State of California was one of the first states to issue a stay-at-home order in response to the COVID-19 pandemic. The order required all businesses to close, except for essential critical infrastructure. Since March, the state has gone from closure to reopening, to closure again. In July, the Governor ordered the closure of indoor operations of several industries, including gyms and fitness centers.

Now, seven months after the initial stay-at-home order, gyms and fitness centers in a majority of counties in the state can only open outdoors, with modifications, according to the “Safer Economy” slowed reopening announced at the end of August.

The Complaint filed by the California Fitness Alliance (CFA) states the CFA does not challenge the government’s ability to act to address a public health crisis. Instead, CFA is challenging “the duration, breadth, and arbitrariness” of the stay-at-home orders and reopening plans, especially as it pertains to the fitness industry.

CFA contends that orders exceeded the government’s authority under state law, including the California Emergency Services Act. The Complaint states that the Governor has acted arbitrarily in refusing to allow fitness establishments to remain open for indoor operations. As evidence, it notes a period between June and July in which indoor fitness operations were permitted to resume, with tailored guidance, and there was no evidence of outbreaks of COVID-19 linked to those facilities.

The CFA not only challenges the state’s orders, but also the Los Angeles County Health Order and Reopening Plan.

While the Complaint focuses on the fitness industry, if the court agrees with the CFA’s contentions, such a challenge could affect the validity of other closures issued by the State of California and other counties orders.

Jackson Lewis attorneys will continue to monitor this and similar actions pertaining to COVID-19 business orders.

Reopening orders contain extensive requirements creating compliance issues that can vary significantly depending on the specific state or local jurisdiction. Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with state-specific or multistate-compliant plans.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our COVID-19 team.

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