

# The Star-Ledger

## **Gym owners who defied Gov. Murphy's shutdown fined by judge**

By Blake Nelson

NJ Advance Media for NJ.com and The Star-Ledger

Published July 24, 2020

A gym that publicly challenged Gov. Phil Murphy's statewide shutdown faces fines after being found in contempt of court Friday, just days after the same judge gave the gym owners a temporary victory.

On Monday, Superior Court Judge Robert Lougy declined to find Atilis Gym of Bellmawr in contempt, but he warned the owners to follow health department guidelines intended to combat the coronavirus. The state attorney general's office returned to court Thursday with new evidence the gym was violating the governor's orders, and this time the judge agreed.

While the amount of money the gym must pay has not been set, their fines can increase daily, according to the order. Officials may also shut down the gym completely, the judge wrote.

"While I wish it had not come to this, I am grateful that the court recognized the need for compliance," state Attorney General Gurbir Grewal said in a statement.

"The vast majority of businesses and residents are following these rules and doing their part to keep their friends and neighbors safe, and those few companies who flout our Executive Orders are once again on notice that we will hold them accountable."

Gym owner Ian Smith told NJ Advance Media they will do "whatever we possibly can" to fight the decision. The gym's doors were removed to prevent officials from padlocking them closed, according to video posted Thursday, and Smith said he and others would remain in the gym all day, every day.

"We will not leave this building under any circumstances unless they take us out in handcuffs," Smith said.

Smith's lawyer, James Mermigis, said he may challenge the contempt order. Officials hadn't proven that the groups of people seen at the gym had actually been working out, he said, and the need to keep businesses closed had passed since local COVID-19 cases have declined.

The owners have previously touted precautions they're taking, such as checking members' temperatures.

While New Jersey gyms may allow "individualized indoor instruction by appointment only," fitness centers cannot yet open to the general public, according to court records.

State investigators watched dozens of people enter the gym this week, few of whom were wearing masks, according to a report from the Camden County Prosecutor's Office. Health inspectors said they were blocked from entering to investigate further, according to an inspection report.

State guidelines also allow romantic partners to receive fitness training together. One of the gym's owners said "everyone within the gym are considered romantic partners," according to the health report.

The gym owners also face criminal charges for remaining open during the pandemic. Until those are resolved, the federal lawsuit the owners filed against the state is on hold, Smith and his lawyer said.