

STATE OF MICHIGAN JUDICIAL DISTRICT 42nd JUDICIAL CIRCUIT COUNTY PROBATE	Amended SUMMONS AND COMPLAINT	CASE NO. 15-2463-NZ-B
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Court address Court telephone no.
 301 W. Main Street, Midland, MI 48640 (989) 832-6735

Plaintiff's name(s), address(es), and telephone no(s). Yvette M. Cormier
Plaintiff's attorney, bar no., address, and telephone no. David A. Kallman (P34200) / Stephen P. Kallman (P75622) KALLMAN LEGAL GROUP, PLLC 5600 W. Mount Hope Hwy. Lansing, MI 48917 517-322-3207

v

Defendant's name(s), address(es), and telephone no(s). PF Fitness - Midland, LLC 1 Yorkshire Ct., Dearborn, MI 48126 313-945-1600 Planet Fitness Holdings, LLC; Planet Fitness Equipment, LLC; Planet Fitness NAF, LLC; PFIP, LLC 26 Fox Run Road, Newington, NH 03801 603-516-0361 TSG Consumer Partners, LLC 2711 Centerville Rd., Suite 400 Wilmington, DE 19808 (302) 636-5401
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SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 4-13-15	This summons expires 7-15-15	Court clerk Betty Andrew
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*This summons is invalid unless served on or before its expiration date.
 This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

Family Division Cases

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
 The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
 The action remains is no longer pending. The docket number and the judge assigned to the action are:

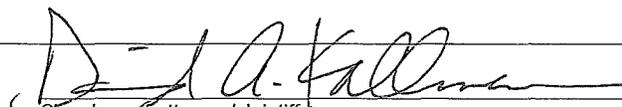
Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village) Sanford, Midland County, Michigan	Defendant(s) residence (include city, township, or village) Midland, Midland County, MI; Newington, NH
Place where action arose or business conducted Midland, Midland County, Michigan	

03/23/2015

Date


 Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MIDLAND

YVETTE M. CORMIER,

Plaintiff,

-vs-

PF FITNESS – MIDLAND, LLC, a Michigan Limited Liability Company; PLANET FITNESS HOLDINGS, LLC, a New Hampshire Limited Liability Company; PLANET FITNESS EQUIPMENT, LLC, a New Hampshire Limited Liability Company; PLANET FITNESS NAF, LLC, a New Hampshire Limited Liability Company; PFIP, LLC, a New Hampshire Limited Liability Company; and TSG CONSUMER PARTNERS, LLC, a Delaware Limited Liability Company; jointly and severally,

Defendants.

**FIRST AMENDED COMPLAINT
AND JURY DEMAND**

FILE NO: 15-2463-NZ-B

HONORABLE MICHAL J. BEALE

A TRUE COPY

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MIDLAND COUNTY CLERK &
CLERK OF THE 42nd CIRCUIT COURT

**DAVID A. KALLMAN (P34200)
STEPHEN P. KALLMAN (P75622)
KALLMAN LEGAL GROUP, PLLC
Attorneys for Plaintiff
5600 W. Mount Hope Hwy.
Lansing, MI 48917
(517) 322-3207/Fax: (517) 322-3208
e-mail: dave@kallmanlegal.com**

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in this Complaint.

NOW COMES the above-named Plaintiff, **YVETTE M. CORMIER**, by and through her attorneys, Kallman Legal Group, PLLC, and for her Complaint against Defendants, hereby states as follows:

KALLMAN LEGAL GROUP, PLLC

JURISDICTION AND VENUE

1. Plaintiff Yvette M. Cormier is an individual who resides in Midland County, Michigan.
2. Defendant PF Fitness - Midland, LLC (hereinafter referred to as "PF Midland") is a Michigan Limited Liability Company which has its principal place of business at 701 Joe Mann Blvd., Midland, Midland County, Michigan 48642 and has a registered address at 1 Yorkshire Ct., Dearborn, Michigan 48126.
3. Defendant PF Midland is the owner and operator of a Planet Fitness gym located at 701 Joe Mann Blvd., Midland, Midland County, Michigan 48642.
4. Defendants Planet Fitness Holdings, LLC, Planet Fitness Equipment, LLC, Planet Fitness NAF, LLC, PFIP, LLC, and TSG Consumer Partners, LLC (hereinafter collectively referred to as "PF Corporate") are all Limited Liability Companies which conduct business in Midland County.
5. Defendants Planet Fitness Holdings, LLC, Planet Fitness Equipment, LLC, Planet Fitness NAF, LLC, and PFIP, LLC are all New Hampshire Limited Liability Companies and have a registered address at 26 Fox Run Road, Newington, New Hampshire 03801.
6. Defendant TSG Consumer Partners, LLC is a Delaware Limited Liability Company and has a registered address at 2711 Centerville Rd., Suite 400, Wilmington, Delaware 19808.
7. Upon information and belief, PF Midland is a franchise of PF Corporate.
8. Upon information and belief, PF Midland's policies and procedures at issue in this matter are dictated and controlled by PF Corporate.
9. The facts giving rise to this Complaint took place in Midland County, Michigan.
10. The original incident occurred on February 28, 2015 at PF Midland's Planet Fitness gym located at 701 Joe Mann Blvd., Midland, Midland County, Michigan 48642.

11. This Court has proper jurisdiction over all parties and the amount in controversy is more than \$25,000.00.

FACTUAL BACKGROUND

12. Plaintiff Yvette M. Cormier is a married woman.
13. Mrs. Cormier was a member at Defendants' Planet Fitness gym located in Midland, Michigan from January 28, 2015, to March 4, 2015.
14. Mrs. Cormier went to PF Midland's gym to exercise on February 28, 2015 and entered the women's locker room.
15. The locker room at Planet Fitness was designated on the door as a women's area and was an open area with lockers, showers, and restrooms for women.
16. Once Mrs. Cormier was inside the locker room, she came into contact with a large, tall man who was also inside the open common area of the women's locker room.
17. Upon information and belief, the man who was inside the women's locker room was using the alias of Carlotta Sklodowska.
18. Upon information and belief, he was not a member at Defendants' Planet Fitness and was there on February 28, 2015 as a guest of another member.
19. Because of the presence of the man in the women's locker room, Mrs. Cormier was surprised, stunned and shocked and did not feel comfortable changing her clothes or showering with a man present and watching.
20. There were no signs, posters, or any type of warning posted that men would be permitted to use the women's locker room at PF Midland's gym.
21. There was no language in Mrs. Cormier's Membership Agreement contract that stated that men would be permitted to use the women's locker room at PF Midland's gym.

22. Mrs. Cormier left the locker room and notified the front desk at PF Midland that a man was in the women's locker room.
23. The PF Midland front desk employee told Mrs. Cormier that it was Defendants' policy that whatever sex an individual self-identifies as allows that person to have full access to the corresponding facilities.
24. The PF Midland front desk employee told Mrs. Cormier that if she was uncomfortable with the policy, she should just wait until the man was finished using the woman's locker room.
25. Mrs. Cormier left PF Midland and contacted its corporate office to inquire about men being permitted to use the women's locker room.
26. Defendants' corporate office told Mrs. Cormier that because of their "no judgment policy," they could not judge whether an individual is a man or a woman.
27. Defendants' corporate office told Mrs. Cormier that it was their policy that whatever sex an individual self-identifies as allows that person to have full access to the corresponding facilities.
28. Mrs. Cormier returned to PF Midland's gym each day to exercise from March 2, 2015 through March 4, 2015.
29. While at PF Midland's gym from March 2, 2015 through March 4, 2015, Mrs. Cormier verbally warned other women about Defendants' policy and that they should be careful while using the facilities designated for women.
30. While at Planet Fitness from March 2, 2015 through March 4, 2015, Mrs. Cormier had to thoroughly check the entire women's locker room area to ensure that there were no men present before she felt comfortable changing her clothes or using the locker room facilities.

31. On March 4, 2015, Defendants contacted Mrs. Cormier in an attempt to threaten and intimidate Mrs. Cormier to stop verbally warning other women about Defendants' policy.
32. During the March 4, 2015 phone call, Defendants' gave Mrs. Cormier an ultimatum, either she submit to their policy (which is an invasion of privacy, enables sexual harassment and possible criminal activity, and endangers women and children), or they would terminate her membership.
33. On March 4, 2015, Defendants terminated Mrs. Cormier's membership to Planet Fitness as retaliation for her not submitting to Defendants' policy.
34. Defendants' policy enabled and encouraged possible criminal activity, including potential indecent exposure, disturbing the peace, and child abuse criminal actions.

COUNT I – INVASION OF PRIVACY

35. Plaintiff hereby incorporates and repeats herein paragraphs 1 through 34 above as if fully restated herein.
36. Mrs. Cormier's use of the gym's locker room, showers, and restrooms was private to her and all females who utilized Defendants' facility.
37. Mrs. Cormier had a right to privacy while using the facility's locker room, showers, and restrooms. In particular, Mrs. Cormier had a right to utilize said facilities without her privacy being invaded by men.
38. Defendants instituted a policy that would allow a man to enter, use, and utilize all women's facilities, such as the locker room, showers, and restrooms, while women were simultaneously using said facilities.
39. Defendants instituted this policy without informing Plaintiff and the other female members at the gym, and without posting the specific policy anywhere at its facility.

40. Defendant's decision to institute the policy was extreme and outrageous because it would allow for men to be present while women are changing, showering, or using the restroom. Further, it would allow a man to disrobe and be naked with the women who are also using said facilities, thus invading Mrs. Cormier's and other female members' privacy.
41. As a result of Defendants' policy, a man used the locker room while Mrs. Cormier was using the locker room.
42. Defendants' action to implement the policy which intruded on Mrs. Cormier's right to privacy was highly offensive to Mrs. Cormier and would be highly offensive to a reasonable person.
43. Defendants conduct caused Mrs. Cormier embarrassment, humiliation, and severe emotional distress as she was subjected to using the same locker room as a man, and subsequently having her membership terminated because of her refusal to submit to this invasion of her privacy.
44. As a direct and proximate result of Defendants' violation of the Act, Plaintiff suffered damages as follows:
 - a. Loss of use of gym facilities.
 - b. Fear about using the gym facilities.
 - c. Embarrassment and humiliation.
 - d. Severe emotional distress.
 - e. Damage to reputation.
 - f. All other damages that reasonably flow from Defendants' outrageous behavior.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court award compensatory damages that will fully and fairly compensate her for her injuries, losses, and

damages, in excess of \$25,000.00, plus costs, interest, attorney fees, and grant such other and further relief as is appropriate.

**COUNT II – VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT -
SEXUAL HARASSMENT - MCL 37.2103(i)(iii) and MCL 37.2301 et seq**

45. Plaintiff hereby incorporates and repeats herein paragraphs 1 through 44 above as if fully restated herein.

46. Defendants operate, either directly or indirectly, Planet Fitness, which is a place of public accommodation as defined in Michigan's Elliott-Larsen Civil Rights Act (hereinafter referred to as the Act), MCL 37.2301(a)(iii).

47. Defendants are a person, as that term is defined in the Act, MCL 37.2103(g).

48. Defendants violated the Act and deprived Yvette M. Cormier of her civil rights by:

- a. Subjecting Yvette M. Cormier, because of her sex, to conduct and communication of a sexual nature, which had the purpose and/or effect of denying her the full benefit of the public accommodation facility, pursuant to MCL 37.2301 et seq, at Defendant's business and denied her full and equal access to the use and privileges of a public accommodation.
- b. Instituting a policy of a sexual nature which permitted men to utilize the women's facilities at the gym, including, but not limited to, the locker room, showers, changing rooms, and restrooms while women were simultaneously using said facilities.
- c. Instituting a policy that allowed any man to simply claim he sincerely self-identified as a woman and he would then be given full access to simultaneously use any and all facilities at the gym with all women.

d. Instituting a policy that created an intimidating, hostile, and offensive public accommodation for the following reasons:

- i. Women could not privately use the locker room, showers, and restrooms at the gym without the offensive presence of a man.
- ii. Women would be subjected to any man who wished to be present in the locker room/changing room while a woman was changing her clothes, taking a shower, or using the restroom.
- iii. Minor girls would be subjected to having a male presence in the same area where they would be changing clothes, showering, or using the restroom.

49. As a direct and proximate result of Defendants' violation of the Act, Plaintiff suffered damages as follows:

- a. Loss of use of gym facilities.
- b. Fear about using the gym facilities.
- c. Embarrassment and humiliation.
- d. Severe emotional distress.
- e. Damage to reputation.
- f. All other damages that reasonably flow from Defendants' outrageous behavior.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court award compensatory damages that will fully and fairly compensate her for her injuries, losses, and damages, in excess of \$25,000.00, plus costs, interest, attorney fees, and grant such other and further relief as is appropriate.

**COUNT III – VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT –
SEXUAL HARASSMENT – MCL 37.2103(i)(i) and (ii)**

50. Plaintiff hereby incorporates and repeats herein paragraphs 1 through 49 above as if fully restated herein.

51. After Mrs. Cormier objected to Defendants' offensive policy, Defendants demanded that Mrs. Cormier submit to the policy and stop warning other members about the policy or else Defendants would terminate her membership.

52. After Mrs. Cormier stated she would not stop warning other women about potential sexual harassment, Defendant terminated Mrs. Cormier's membership to Planet Fitness and thus wrongfully denied her access to Defendants' public accommodation.

53. Submission to the new policy was a term and condition explicitly required by Defendants in order for Mrs. Cormier to not have her membership terminated and to continue to have access to the gym and services for which she contracted.

54. As a direct and proximate result of Defendants' violation of the Act, Plaintiff suffered damages as follows:

- a. Loss of use of gym facilities.
- b. Fear about using the gym facilities.
- c. Embarrassment and humiliation.
- d. Severe emotional distress.
- e. Damage to reputation.
- f. All other damages that reasonably flow from Defendants' outrageous behavior.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court award compensatory damages that will fully and fairly compensate her for her injuries, losses, and

damages, in excess of \$25,000.00, plus costs, interest, attorney fees, and grant such other and further relief as is appropriate.

**COUNT IV – VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT –
RETALIATION – MCL 37.2701(a), (c), and (f)**

55. Plaintiff hereby incorporates and repeats herein paragraphs 1 through 54 above as if fully restated herein.

56. After Mrs. Cormier came into contact with a man the locker room and discovered Defendants' offensive policy, Mrs. Cormier contacted management at PF Midland and PF Corporate to communicate her opposition to their policy which violated the Act by creating an offensive and hostile environment.

57. Mrs. Cormier notified other members at the public accommodation of the offensive and hostile policy.

58. Defendants attempted to coerce, intimidate, threaten, and interfere with Mrs. Cormier's enjoyment of the public accommodation by stating that unless she submitted to Defendants' sexual harassment, her membership would be terminated.

59. When Mrs. Cormier refused, Defendants retaliated against Mrs. Cormier by terminating her membership.

60. Defendants attempted, directly or indirectly, to violate the Act by the institution of a policy which would allow men to observe women and be naked in the women's changing rooms, locker rooms, and restrooms.

61. As a direct and proximate result of Defendants' violation of the Act, Plaintiff suffered damages as follows:

- a. Loss of use of gym facilities.
- b. Fear about using the gym facilities.

- c. Embarrassment and humiliation.
- d. Severe emotional distress.
- e. Damage to reputation.
- f. All other damages that reasonably flow from Defendants' outrageous behavior.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court award compensatory damages that will fully and fairly compensate her for her injuries, losses, and damages, in excess of \$25,000.00, plus costs, interest, attorney fees, and grant such other and further relief as is appropriate.

**COUNT V – VIOLATION OF THE ELLIOTT-LARSEN CIVIL RIGHTS ACT –
INJUNCTIVE RELIEF – MCL 37.2801(1)**

- 62. Plaintiff hereby incorporates and repeats herein paragraphs 1 through 61 above as if fully restated herein.
- 63. Based upon the facts stated herein and because Defendants' policy violates the Michigan Elliott-Larsen Act by discriminating against women because of their sex and creating a hostile environment for women, Plaintiff is entitled to injunctive relief against Defendants pursuant to MCL 37.2801(1).
- 64. Justice so requires that Defendants be enjoined promulgating and enforcing its policy that allows men who self-identify as women to use the women's locker room and restrooms which discriminates against women because of their sex and creates a hostile, offensive, and intimidating environment for women.
- 65. Unless restrained by this Court, Defendants will continue to promulgate and enforce its policy and there is no adequate remedy at law which would prevent such future violations of the Michigan Elliott-Larsen Act.

66. Based on the facts stated herein, there is a real and imminent danger of irreparable injury to all women who use Defendants' facilities if Defendants are allowed to continue to enforce its policy which violates the Michigan Elliott-Larsen Act.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court issue an injunction prohibiting Defendants from promulgating or enforcing its policy that allows men to use the women's locker room and other facilities, and grant such other and further relief as is appropriate

COUNT VI – BREACH OF CONTRACT

67. Plaintiff hereby incorporates and repeats herein paragraphs 1 through 66 above as if fully restated herein.

68. Mrs. Cormier signed a membership agreement contract with Defendants on January 28, 2015.

69. Mrs. Cormier agreed to pay a monthly membership fee to have access to PF Midland's Planet Fitness gym and receive use of the facilities, including, but not limited to, the women's locker room, changing room, and restrooms.

70. Without any notice to Plaintiff, and without publication in any manner, Defendants instituted a policy which allowed for men to use the women's facilities at the gym simultaneously with women.

71. After Mrs. Cormier refused to submit to Defendants' sexual harassment and unreasonable policy, Defendants wrongfully terminated Mrs. Cormier's membership agreement and breached the contract.

72. As a direct result of Defendants' breach of contract, Plaintiff suffered all damages as flow from the wrongful termination of the contract and the loss of use of the gym facilities.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court award compensatory damages that will fully and fairly compensate her for her injuries, losses, and damages, in excess of \$25,000.00, plus costs, interest, attorney fees, and grant such other and further relief as is appropriate.

COUNT VII – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

73. Plaintiff hereby incorporates and repeats herein paragraphs 1 through 72 above as if fully restated herein.

74. Defendants instituted a policy that would allow a man to enter, use, and utilize all women's facilities, such as the locker room, showers, and restrooms, while women were simultaneously using said facilities.

75. Defendant's decision to institute the policy was extreme and outrageous because it would allow for men to be present while women are changing, showering, or using the restroom. Further, it would allow a man to disrobe and be naked with the women who are also using said facilities.

76. Defendants intentionally instituted said policy and had a reckless disregard for the consequences resulting from the extreme and outrageous policy.

77. Defendants' policy resulted in Mrs. Cormier having to use the locker room with a man.

78. After Mrs. Cormier complained about having a man in her locker room, Defendants attempted to threaten, intimidate, and coerce Mrs. Cormier into submitting to their outrageous policy.

79. Defendants conduct caused Mrs. Cormier severe emotional distress as she was subjected to using the same locker room as a man, having her membership terminated because of her

refusal to submit to sexual harassment, and the resulting embarrassment and humiliation Defendants' policy has caused.

80. As a direct and proximate result of Defendants' intentional infliction of emotional distress, Plaintiff suffered damages as follows:

- a. Loss of use of gym facilities.
- b. Fear about using the gym facilities.
- c. Embarrassment and humiliation.
- d. Severe emotional distress.
- e. Damage to reputation.
- f. All other damages that reasonably flow from Defendants' outrageous behavior.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court award compensatory damages that will fully and fairly compensate her for her injuries, losses, and damages, in excess of \$25,000.00, plus costs, interest, attorney fees, and grant such other and further relief as is appropriate.

COUNT VIII – EXEMPLARY DAMAGES CLAIM

81. Plaintiff hereby incorporates and repeats herein paragraphs 1 through 80 above as if fully restated herein.

82. As a result of all of the forgoing facts stated above, including the above counts, Plaintiff has suffered exemplary damages.

83. Mrs. Cormier has specifically suffered the following damages as a result of all the above-stated illegal and improper action of Defendants: aggravation, annoyance, discomfort, disgrace, feelings of oppression, humiliation, inconvenience, indignation, insult, mental

anxiety, mental suffering, mortification, outrage, scorn, shame, sorrow, vexation, and worry.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court award the above damages that will fully and fairly compensate her for her injuries, losses, and damages, in excess of \$25,000.00, plus costs, interest, attorney fees, and grant such other and further relief as is appropriate.

COUNT IX – MICHIGAN CONSUMER PROTECTION ACT

84. Plaintiff hereby incorporates and repeats herein paragraphs 1 through 83 above as if fully restated herein.

85. Defendants are engaged in trade and commerce within the meaning of MCL 445.902(1)(g) of the Michigan Consumer Protection Act (MCPA).

86. Plaintiff is a person within the meaning of MCL 445.902(1)(d) of the MCPA.

87. Defendants represented to Plaintiff that there were separate facilities for men and women to have locker rooms, showers, and restrooms.

88. Defendants did not have any language in the contract that alerted Plaintiff to its unwritten policy that Defendants allow men who self-identify as women to use the women's locker room and restrooms.

89. Defendants did not have any signs posted in the building that men who self-identified as women could use the women's locker room and restrooms.

90. Defendants violated MCL 445.903(1)(g) by representing to Plaintiff that there were separate locker rooms and restrooms for men and women, but Defendants did not have the intent of disposing of those services as represented.

91. Defendants violated MCL 445.911(1)(n) by causing a probability of confusion and misunderstanding as to Plaintiff's legal rights or remedies by not informing her of the policy which allowed men who self-identify as women to use the women's locker room and restrooms.
92. Defendants violated MCL 445.903(1)(s) by failing to reveal a material fact to Plaintiff that could not have been reasonably known by Plaintiff that Defendants' policy allowed men to use the women's locker room and restrooms with women and this omission misled and deceived Plaintiff.
93. Defendants violated MCL 445.903(1)(t) by entering into a consumer transaction with Plaintiff that did not clearly state any waiver of the benefit of being able to use the women's locker room and restrooms without the presence of men.
94. Defendants violated MCL 445.903(1)(y) by making oral representations to Plaintiff that there were separate locker rooms and restrooms for men and women and failing to disclose Defendants' unwritten policy that men who self-identify as women can use the women's locker room and restrooms.
95. Defendants violated MCL 445.903(1)(bb) by making a material representation of fact that Plaintiff's membership included access to a private women's locker room and restrooms, but did not disclose to Plaintiff its policy that men who self-identify as women can use the women's locker room and restrooms.
96. Defendants violated MCL 445.903(1)(cc) by failing to reveal the material fact that Defendants allowed men who self-identify as women to use the women's locker room and restrooms.
97. Plaintiff is a person who has suffered a loss within the meaning of MCL 445.911(2).

95. Defendants violated MCL 445.903(1)(bb) by making a material representation of fact that Plaintiff's membership included access to a private women's locker room and restrooms, but did not disclose to Plaintiff its policy that men who self-identify as women can use the women's locker room and restrooms.

96. Defendants violated MCL 445.903(1)(cc) by failing to reveal the material fact that Defendants allowed men who self-identify as women to use the women's locker room and restrooms.

97. Plaintiff is a person who has suffered a loss within the meaning of MCL 445.911(2).

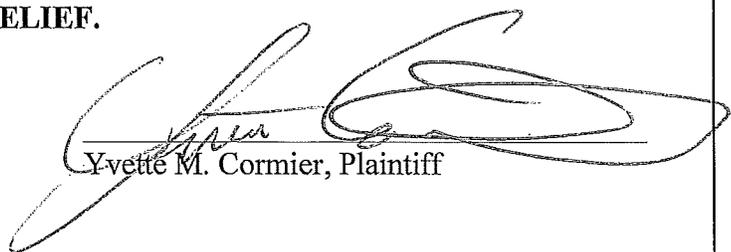
WHEREFORE, Plaintiff requests, pursuant to MCL 445.911(2), a monetary judgment for the actual damages she sustained or \$250.00, whichever is greater, together with reasonable attorney fees, interest, and costs.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in this matter.

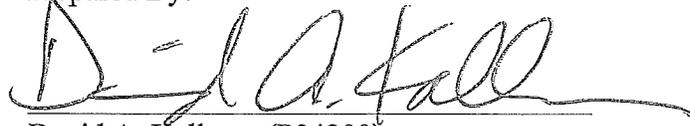
I HEREBY STATE AND AFFIRM THAT I HAVE READ THE ABOVE COMPLAINT AND THAT IT IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

DATED: April 2, 2015



Yvette M. Cormier, Plaintiff

Prepared By:



David A. Kallman (P34200)
Stephen P. Kallman (P75622)
KALLMAN LEGAL GROUP, PLLC
Attorneys for Plaintiff