

COPY

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ENDORSED
FILED

MAY 23 2006

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

6 Attorneys for Plaintiff, DFEH
7 (Fee Exempt, Gov. Code §6103)

8
9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF SONOMA**

11 DEPARTMENT OF FAIR EMPLOYMENT)
12 AND HOUSING, an agency of the State of)
13 California,)

Case No. SCV237955

14 Plaintiff,

) ~~[PROPOSED]~~ LO
) JUDGMENT AND ORDER FOR
) INJUNCTIVE RELIEF

15 vs.

16 BODY CENTRAL, INC., and DOES ONE)
through TEN, inclusive.)

17 Defendants.)

18 -----)
19 PHILIP M. KOTTLE,)

20 Real Party in Interest.)
21

22
23 This matter came on for hearing on the Default Calendar on Tuesday, May 23, 2006, at 4:00
24 p.m., in Department 18 of this court, the Honorable Noel L. Owen, presiding. Susan Saylor, Senior
25 Staff Counsel, appeared on behalf of the Department of Fair Employment and Housing; Philip
26 Kottle, Real Party in Interest, was also present.
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1 This matter having been fully considered, and proof being made to the satisfaction of the
2 Court, IT IS HEREBY ORDERED that Judgment be entered for Plaintiff, the Department of Fair
3 Employment and Housing.

4 It is further ordered that Defendant BODY CENTRAL, INC. take the following affirmative
5 steps:

6 1. Comply with California law, including the Unruh Civil Rights Act, Civil Code § 51,
7 with respect to the operation of single-sex health club facilities within the State of California. Body
8 Central, Inc. shall make its health club at 545 Ross Street in Santa Rosa, California, open and
9 welcoming to men, who will be granted the full privileges of membership.

10 2. Body Central, Inc. shall provide access to showers and locker room facilities to its
11 male members.

12 a. On or before December 31, 2006, Body Central, Inc. shall make permanent
13 modifications to the Body Central facility at 545 Ross Street in Santa Rosa, California, to provide
14 facilities where male health club members can have a shower after their workout.

15 b. From the date of this order until December 31, 2006, Body Central, Inc. shall
16 provide access to the shower for its male health club members on an as-needed basis.

17 3. Body Central, Inc. shall immediately cease and desist from using in its advertising or
18 posting the phrases "Making Women Stronger" or "Fitness for Women." Body Central, Inc. shall
19 also immediately cease and desist from using or referring to the internet address
20 www.bodycentralwomen.com.

21 4. Body Central, Inc. shall appear at an Order to Show Cause hearing, in Department 18
22 of this court, located at 1450 Guerneville Road, Santa Rosa, CA 95403, on Dec. 14
23 2006 at 8:30 a.m./p.m., then and there to show cause, if any, why:

24 a. Body Central, Inc. has not complied with this order;

25 b. Body Central, Inc. should not be fined, in the amount of fifty dollars (\$50.00)
26 *per day*, payable to the Department, for each day that it continues to defy the terms of this order.

27

1 5. A copy of this Order shall be personally served upon Body Central, Inc., at its
2 business address at 545 Ross Street in Santa Rosa, California.

3
4 IT IS SO ORDERED.

5
6 DATED: 5/23/06

KNOEL OWEN

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8 Hon. Knoel L. Owen
9 Sonoma Superior Court
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DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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May 24, 2006

Shannon Hartnett
Owner, Body Central, Inc.
545 Ross Street
Santa Rosa, CA 95401

Shannon Hartnett
13 Yellow Ferry
Sausalito, CA 94965

RE: *DFEH v. Body Central, Inc.*
Sonoma County Sup. Ct. No. SCV237955
(Phillip M. Kottle, Complainant)

Dear Ms. Hartnett:

Because of your continued failure to comply with the Settlement Agreement, the Department has obtained an order against Body Central, enclosed with this letter. Body Central, Inc. has been ordered to appear in Department 18 of the Sonoma County Superior Court, 1450 Guerneville Road, Santa Rosa, at 8:30 a.m. on December 14, 2006, to explain to the court why Body Central, Inc. should not be fined \$50 per day for its failure to comply with the order. Specifically, Body Central has been ordered to make the following changes before that date:

- Make Body Central an open and welcoming place for men, with full privileges of membership for male members;
- Provide access to the showers for men, on an "as-needed" basis, ***immediately***;
- Make permanent modifications to Body Central in order to provide a shower area for men, ***on or before December 31, 2006***;
- Stop using the phrases "Making Women Stronger," "Fitness for Women," or making reference to the internet address.


KOTTLE/Body Central: Letter to Shannon Hartnett

May 24, 2006

Page 2

We will continue to monitor the steps that you take. I look forward to your full compliance with this order.

Sincerely,

A handwritten signature in cursive script that reads "Susan Saylor". The signature is written in black ink and is positioned above the typed name.

Susan Saylor
Staff Counsel

cc: Philip Kottle

encl: Judgment and Order for Injunctive Relief