

## **Woman files suit against Planet Fitness over hidden-camera case**

By Thomas Geyer

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A woman who for about 12 days used the tanning facilities at Planet Fitness in Moline before learning that two video cameras were discovered in the gym has filed a class-action suit against both the business' franchise and management companies.

Chicago attorney Thomas Zimmerman Jr. filed the class-action complaint Wednesday in Rock Island County Circuit Court for Mary Barnhill.

The suit names Pla-Fit LLC of New Hampshire, the franchisor for Planet Fitness, and MBM Fitness Management LLC of Illinois, which is the franchisee operating the Planet Fitness at 3624 Avenue of the Cities, as the defendants.

Zimmerman said Barnhill is charging the companies with negligence in her suit.

According to the suit, the companies "had a duty to exercise ordinary care to protect their members' privacy and security during their use of the tanning rooms at the Planet Fitness gym and timely notify their members of a security breach of their privacy and security that occurred during their use of the tanning rooms at the Planet Fitness gym."

According to the suit, Barnhill became a Black Card member of Planet Fitness on Oct. 27. Between that date and Nov. 7, she used the tanning facilities and services the business offers to its Black Card members almost daily.

During the tanning sessions, Barnhill would disrobe and use the tanning bed for the desired period of time, according to the suit. She did this without knowing she was in view of two video cameras in the tanning area.

"Pla-Fit performs periodic inspections of the franchises to ensure they're complying with policies and procedures," Zimmerman said Thursday from his Chicago office. "There is nothing that requires the franchisee to inspect the tanning and locker rooms and other private areas for security cameras or other recording devices to ensure the privacy of the members."

Zimmerman said he does not know the number of victims Moline police identified, and police have not released that information. Moline police have said that all victims have been identified and contacted.

"Mary was contacted by a detective who described the tattoos that are on her body, and through those, he was able to confirm it was her," Zimmerman said.

“She did know the first camera was discovered Nov. 5 in the tanning room, and the company did not notify any of the members of this camera and simply allowed them to continue in the tanning rooms,” he said. “The second camera was discovered Nov. 6, and then after that, Nov. 7, was when they actually notified members that there were cameras.”

Zimmerman said Barnhill and others continued to use the tanning room after the first camera was found.

“Part of the lawsuit alleges that the company and franchisee had a duty to notify the members right away so they could be aware of it,” he said. “Keeping it a secret caused more of these members to be videoed while lying nude in a tanning bed.”

Trent Thomas Hamer, 27, of Moline, who was a member of Planet Fitness, is charged with one count of unauthorized videotaping. The charge is a Class 4 felony under Illinois law that carries a prison sentence of up to three years.

Hamer made his first appearance in Rock Island County Circuit Court on Saturday. His bond was set at \$25,000. He posted the required 10 percent Wednesday and was released from the Rock Island County Jail pending trial.

A preliminary hearing on the case is scheduled for Tuesday in Rock Island County Circuit Court.