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## Equinox Gets Nod On \$36M Deal In Calif. Meal Break Suit

By **Craig Clough**

Law360 (September 22, 2023, 8:44 PM EDT) -- An Alameda County Superior Court judge indicated he'll give final approval to a \$36 million global settlement against Equinox, resolving California state and federal actions alleging the company compelled over 15,000 employees to perform pre-shift work without pay and to skip meal breaks.



Equinox will pay \$36 million to resolve suits alleging California employees were forced to perform pre-shift work without pay and forgo meal breaks. (Michael Nagle/Bloomberg via Getty Images)

A news release from the plaintiff workers stated that Alameda Superior Court Judge Paul D. Herbert orally approved of the settlement at a hearing Thursday, with a signed order "expected shortly." The deal brings an end to a federal case against Equinox that received class certification last year, and a state action. The two cases were consolidated for settlement purposes.

Under the settlement, Equinox agreed to pay \$36 million to resolve both actions, which covers over 15,000 employees who worked for Equinox in California between April 3, 2015, and Dec. 31, 2022.

"This settlement is a hard-fought victory that will return tens of millions of dollars to past and present Equinox employees in California," plaintiffs counsel Samuel D. Almon of Makarem & Associates APLC said in a statement. "We were focused on taking these important wage claims to trial, which is what allowed us to obtain this significant victory for class members."

In May 2022, U.S. District Judge William H. Orrick **certified a class** of thousands of California-based

fitness instructors who alleged in part that they were compelled to contact and recruit potential customers, or "leads," to sign up for fitness classes before and after their shifts.

Judge Orrick appointed Equinox personal trainers and group fitness instructors Frank Fodera and Michael Bonella, and former Pilates and group fitness instructor Genevieve Billson as class representatives, and their attorneys at Makarem & Associates as class counsel.

The trainers and instructors claimed in the federal action they were all paid on a session rate base that didn't reflect the time they worked outside their shifts, including calling potential clients. On top of that, Fodera, Bonella and Billson said Equinox failed to provide them with accurate wage statements or allow them to take rest breaks while teaching a training session or class.

The state case made similar allegations.

According to a motion for final approval of the settlement filed in Alameda Superior Court by the workers, the settlement provided \$36 million in total, which will equate to \$21.4 million in cash payments to the settlement class, plus additional amounts payable under the Private Attorneys General Act, with the rest to cover service awards to the named plaintiffs, settlement administration costs, civil penalties to the state and preliminarily approved attorney fees and costs.

The final settlement motion said attorney fees are not to exceed one-third of the gross settlement fund, or \$11.5 million, and no more than \$400,000 for costs.

Counsel for Equinox did not immediately respond to a request for comment.

The workers are represented by Samuel D. Almon and Ronald W. Makarem of Makarem & Associates APLC.

Equinox is represented in the federal case by Mia Farber, Thomas G. Mackey and Veronica Hunter of Jackson Lewis PC.

The cases are Fodera Jr. et al. v. Equinox Holdings Inc. et al., case number 3:19-cv-05072, in the U.S. District Court for the Northern District of California, and Porter et al. v. Equinox Holdings Inc., case number RG19009052, in the Superior Court of the State of California, County of Alameda.

--Additional reporting by Hailey Konnath. Editing by Kristen Becker.