

Scott M. Erskine
Managing Partner
Erskine Law, PC
serskine@erskinelaw.com
248-601-4499

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FOR IMMEDIATE RELEASE

MICHIGAN FITNESS INDUSTRY FILES FEDERAL LAWSUIT AGAINST GOVERNOR GRETCHEN WHITMER AND DIRECTOR ROBERT GORDON

On Friday, May 22, 2020, several fitness facilities and the League of Independent Fitness Facilities and Trainers (representing over 120 Michigan gyms), filed a lawsuit against Gov. Gretchen Whitmer and Robert Gordon, Director of MHHS. The lawsuit in the United States District Court for the Western District of Michigan alleges that Gov. Whitmer and Director Gordon's broad and overreaching shut down orders violate the United States Constitution and are not narrowly tailored to their purpose, as required under constitutional law. The fitness industry was the first closed under the first Executive Order, along with restaurants and bars, on March 16, 2020.

Scott Erskine, the lead attorney for the plaintiffs, states:

To date, the Governor has not responded to at least three letters sent by the industry that outlined very specific measures that will allow gyms to reopen safely. My clients have stressed that they know how to open safely, and are committed to doing so. It is nonsensical that an industry that is in such a unique position to bolster the physical and emotional health of Michiganders remains completely closed, while many other sectors (including restaurants and bars) are permitted to open.

There is no data or science supporting a decision to indefinitely shutter an entire industry—across the board—which is scientifically proven to help with obesity, hypertension, and diabetes, three comorbidities that overwhelmingly lead to complications in COVID-19 cases. Nor is there any data or science to support indefinitely shuttering an entire industry that helps people suffering from stress, isolation, depression and anxiety, conditions that grow daily in Michigan and which are estimated to lead to tens of thousands of deaths of despair in the coming months and years. In fact, the only anecdotal “evidence” ever cited is that people breathe heavier and sweat while working out. While that is true, many measures can be implemented to safely reopen with those factors in mind. If all industries where breathing hard and sweating are shut down indefinitely, then singing, dancing, cheering on your favorite sports team (even in a bar), and loud talking must also be banned across the state.

My clients are not Republicans or Democrats, they are people who have dedicated their lives to helping their members combat the same exact problems that Michiganders are facing in spades during this pandemic. Not one of my clients are saying that they should return to business as usual. My clients know that gyms can re-open as safely as any other business, with very narrowly tailored measures in place.

More shocking than the decision to keep these essential businesses indefinitely shuttered is that the Governor's actions fly in the face of the United States Constitution. Even during a pandemic, we do not throw the Constitution out the window, and that is what is happening now. All three of our border states,

along with dozens of others, have safely opened gyms and fitness clubs. The Governor's impingement of constitutional rights must be narrowly tailored, and continuing to keep gyms completely shuttered is the exact opposite of that. In fact, the Governor's orders are so broad, the data and science show that these Orders have actually *cost* and *endangered* human life (such as deaths of despair and those afraid to go to the hospital even in the face of life threatening medical problems) in an effort to save those who *may* contract COVID-19. If saving lives is the goal, then all lives should be considered. If reopening businesses safely is the goal, then all businesses—including gyms—should be afforded the same opportunity to do so.