

# Members worked up over gym's refusal to refund dues over coronavirus closings

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By Ellen Moynihan

New York Sports Club members are getting worked up over the gym's refusal to refund membership dues while they are closed due to the coronavirus pandemic.

"This is just blatantly ripping people off," said Todd Rosenbaum, 36, who lives in Cobble Hill, Brooklyn.

"I've been a member since 2006, and I've been thinking about canceling anyway, but this pushed me over the line. They should be suspending accounts and fees. It's certainly not worth \$70 a month if there's a Blink around the corner and a Planet Fitness down the block."

Plans at the gyms range from a \$29.99 per month for basic access to \$320 for "Elite" memberships.

Members said contracts with the gym specified a \$15 per-month fee or account suspensions up to 12 months and a \$40 fee to cancel outright. Other city gyms, including Crunch and Equinox, last week froze member dues until they can reopen.

Rosenbaum, a lawyer, filed a complaint with the state Attorney General's office, and received a response from Christopher McCall, an assistant attorney general in the Consumer Frauds and Protection Bureau on Monday.

"At this time New York Sports Club is not freezing or cancelling memberships, is only permitting members to freeze or cancel their memberships by mail, and freezes and cancellations are subject to certain fees," McCall said in an email.

"I wish we had better news but this is all the information we were able to obtain from New York Sports Club at this time."

Another angry gym-goer began asking in person last week how New York Sports Club was planning on handling the closing of clubs. Shari, an executive assistant living on the Upper West Side who gave only her first name, stopped into one of the locations she visits regularly on the day increased restrictions on businesses were announced by Mayor de Blasio.

“They said the gym was definitely going to be open on Monday,” said Shari, who pays \$99 a month for her membership and has since tweeted at the club and emailed the membership services division, but gotten no reply.

“They need to post something. It’s simple, these days it’s simple. Just post and send an email. This is extenuating circumstances. I used to do publicity, and this is not the publicity you want.”

Shari was doubly annoyed that the club has laid off workers.

“You’re taking our money, you’re asking us to suspend, and then you fire your workers. It’s horrible. It’s not like they can get jobs training people in their homes.”

David Gottlieb, a partner at Wigdor LLP, has brought suits against New York Sports Club in the past and says the contracts members signed stipulating fees for membership holds and cancellation don’t matter.

“This is a horrible company that abuses members rights,” Gottlieb. “Their contracts don’t permit them to do this.”

“It’s implicit in some cases and explicit in others that what you’re paying for is a service. That’s just very, very basic contract law,” Gottlieb said. “They’re breaching their contract by taking the members’ money but not holding up their end of the bargain. The fact that they have a good reason for not providing their service doesn’t matter.”

Efforts to reach New York Sports Club and parent company Town Sports International through phone and email were unsuccessful. One auto-reply message read “We will address any requests, questions and concerns when all clubs are fully operational”.