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DFEH Sues San Diego Crunch Fitness for Discriminating Against Transgender Member *Gym Refused to Give Transgender Woman Member Access to Women's Facilities*

Sacramento – The California Department of Fair Employment and Housing (DFEH) has filed a lawsuit charging that CFG Jamacha, LLC, doing business as Crunch Fitness (Crunch Fitness), violated the state's civil rights laws when it refused to give a transgender woman gym member access to the women's locker room and restroom.

According to DFEH's lawsuit, Crunch Fitness failed to give the member access after her doctor informed management of her transition and advised that she should be permitted to use the women's locker room. Five months later, Crunch Fitness again refused to give her access to the women's facilities even though she presented a decree from the San Diego County Superior Court changing her name and gender. Crunch Fitness said it would not give her access to the women's locker room until she underwent an undefined medical procedure. As a result, she was required to use the men's facilities for almost a year while identifying and expressing herself as a woman. She filed a complaint with DFEH in 2017.

"A business's refusal to give a transgender individual access to the sex-segregated facility that aligns with their gender identity or gender expression constitutes discrimination under California's Unruh Civil Rights Act," said DFEH Director Kevin Kish. "State law does not require transgender people to demonstrate they have undergone any clinical treatment before they are entitled to access the sex-segregated facilities that correspond to their identity."

DFEH is seeking compensatory damages as well as injunctive relief, including training for the defendants on the Unruh Civil Rights Act and modification of the gym's policies to give members access to the restroom and locker room facilities that align with their gender identity or gender expression.

The gym member is represented by ACLU Foundation of Southern California, ACLU of San Diego & Imperial Counties, and Nixon Peabody LLP. She filed a motion to join the lawsuit through her counsel.

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The DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit the DFEH's web site at www.dfeh.ca.gov.

