

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

<p>DISTRICT OF COLUMBIA</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">v.</p> <p>URBAN ATHLETIC CLUB CONVENTION CENTER L.L.C.</p> <p style="text-align:center">Defendant.</p>	<p>Case No.: 2020 CA 004921 B</p> <p>Next hearing: 12/15/20 2:30 P.M. Temporary Restraining Order Hearing</p>
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CONSENT ORDER

This case came before the Court on the District of Columbia’s December 8, 2020 Emergency Motion for a Temporary Restraining Order, requesting the Defendant, Urban Athletic Convention Center, L.L.C. (“UAC”) be enjoined from violating the social distancing and mask-wearing requirements of Mayor’s Order Nos. 2020-080, 2020-119, and related Phase II Guidance, attached as Exhibits 1-3. UAC, without agreeing to any of the allegations pleaded or positions taken against it, without admitting any liability, and without waiving any of its claims, positions, and defenses (all of which are reserved), voluntarily agrees to the terms and consents to the entry of this Consent Order as follows:

1. Defendant agrees, pursuant to D.C. Code § 32-141.04(b)(3)(D), not to operate its business (gym located at 804 N Street, N.W., Washington, D.C. 20001, “Gym”) in any manner that violates the Emergency Act, including by failing to comply with Mayor’s Order No. 2020-080 and related Guidance.

2. Defendant agrees to comply with Mayor's Order No. 2020-080¹ as follows:

a. **Indoor Wearing of Masks:**

1. Continue to post signage on its exterior entrance door stating that a person may not enter the business unless the person is wearing a mask.
2. Exclude from the Gym any person who attempts to enter the Gym without a mask.
3. Ask any person who removes their mask inside the Gym to immediately put their mask on or to leave the Gym.
4. Provide masks to all employees of the Gym.

b. **Outdoor wearing of masks:** while working out outside the Gym as a part of gym activities, ensure that gym patrons shall wear a mask when they are likely to be within six feet of another person.

5. Defendant agrees to comply with Phase II COVID-19 Guidance for Gyms and Workout Studios², as long as that Guidance is in effect, by doing the following:

- a. Ensure that employees and gym patrons comply with Phase II Guidance in its entirety.
- b. Provide a draft policy for COVID-19 compliance that addresses the Phase II Guidance, by December 24, 2020.

¹ Mayor's Order No. 2020-080 can be found at: <https://coronavirus.dc.gov/maskorder>.

² The Phase II Guidance for Gyms and Workout Studios can be found at: https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/COVID-19_DC_Health_Guidance_for_Gyms_and_Workout_Studios_2020.08.31_FINAL.pdf.

- c. Ensure that all employees of Defendant receive a copy of the policy for Phase II compliance by December 24, 2020.
6. Defendant agrees to comply with Mayor's Order 2020-119³, Section VII, as follows:
 - a. Continue to suspend all indoor group exercise classes;
 - b. Continue to suspend all outdoor group exercise classes of twenty-five (25) or more persons.
7. Defendant agrees to comply with any subsequent Mayor's Order or mandatory Guidance that relates to the operations of UAC (i.e., as a gym) as it pertains to the public health emergency.
8. This Order shall be in effect until trial or any final resolution of this matter, or until the applicable Order or Guidance is lifted, whichever is earlier.

Consented to for the District of Columbia

KARL A. RACINE
Attorney General for the District of Columbia

KATHLEEN KONOPKA
Deputy Attorney General
Public Advocacy Division

JIMMY R. ROCK
Assistant Deputy Attorney General
Public Advocacy Division

³ Mayor's Order 2020-119 can be found at:
https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Mayor%27s%20Order%202020-119%20%2011-23-2020.pdf.

/s/

JENNIFER L. BERGER [490809]
Chief, Social Justice Section
400 6th Street, N.W., 10th Floor
Washington, D.C. 20001
(202) 727-1038 (Phone)
Jennifer.Berger@dc.gov

Dated: **December 11, 2020**

Consented to by Urban Athletic Convention Center, L.L.C.

/s/

Graham King, UAC

Dated: December 11, 2020

/s/

David L. Feinberg
Venable LLP
600 Massachusetts Ave, NW
Washington, D.C. 20001
(202) 344-8278 (Phone)
DLFeinberg@venable.com

Dated: December 11, 2020

So Ordered.

Dated: December 14, 2020



Judge Kelly Higashi
Superior Court of the District of Columbia

Copies to:

Jennifer L. Berger, Counsel for Plaintiff, via *CaseFileXpress*

Defendant Urban Athletic Club Convention Center L.L.C.
c/o: Graham King, Registered Agent
804 N Street, N.W.
Washington, D.C. 20001

David L. Feinberg, Esq., Counsel for Defendant, via *CaseFileXpress*