



**Manager**

Gold's Gym Downtown Los Angeles  
735 S. Figueroa St., #100  
Los Angeles, CA 90017  
June 14, 2010

Hi -

Giles Bowkett  
501 W. Glenoaks Blvd., #10-215  
Glendale, CA 91202  
T 323-762-3329

My name is Giles Bowkett. I came down to your gym in May to work out. The staff at the door told me I had cancelled my account over a year before, in late March, and that the account officially expired on April 1st, 2009. A couple days later, I received a check from 24 Hour Fitness, which had been my previous gym. They sent me a check because they lost a class-action lawsuit for charging people, including me, for their memberships even after those people, including me, had cancelled their memberships. This made me think, and I checked my bank account.

I discovered that your gym had also continued charging me after cancelling my account. From April 2009 on to the most recent invalid, illegal charge that you made, on June 2nd, 2010, at \$49.99 per month, makes a total of 15 invalid, illegal charges of \$49.99 each, or a total dollar amount of **\$749.85 taken from me illegally**. I'm going to ask you to return this amount.

I came down to your gym again, a few days later, on May 22nd, to discuss this with you. I had expected an apology, or at least some sign of embarrassment. I did not see that. I spoke to three people: Mike, Fred, and Jimmy. (I didn't get any of their last names.) I showed them screenshots of my bank account web site, which showed improper charges the gym had made against my account. Mike and Fred barely made eye contact with me; Jimmy spoke with me aggressively. I asked Mike to show me the computer record of my account, and he simply ignored me as if I had not spoken at all.

You may have violated a law there - you may be required to furnish me with paperwork concerning my account when I request it - but on the whole, when I say that I didn't receive an apology, that's not necessarily illegal. You're not required by law to show me reasonable professional courtesy. However, there was something else: I didn't see any surprise either. Not one person I spoke to seemed surprised to discover that they had taken this money from me improperly. A lack of apology or embarrassment is one thing, but a lack of *surprise* indicates to me that this illegal activity is something that you do on a regular basis. My theory is, if you didn't do it on a regular basis, you would act surprised when it happened.

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But that's just a theory. I didn't have evidence. So I went on the Internet and discovered anecdotal evidence that this indeed is not a unique problem, and that several other people have reported similar experiences. (A page and a half of these reports - various people describing you badgering them, stealing from them, and/or lying to them - is included with this letter.) Consequently, I'm sending a copy of this letter to the attorney who ran the class-action lawsuit against 24 Hour Fitness, Michael von Loewenfeldt at Kerr & Wagstaffe of San Francisco, to see if he's interested in running a class-action lawsuit against your corporate parent. (The 24 Hour Fitness lawsuit cost that company millions.) Copies of the letter will also go to your corporate office and the Better Business Bureau.

**I'm also giving you this in letter form because I have serious heart disease, so I need to not get into petty arguments.** I've had heart surgery three times, and anger raises blood pressure and puts adrenaline in the bloodstream, both of which are serious threats to my life, given my health condition. (They create dramatically higher heart attack risk.) So although you are not required by law to show me reasonable professional courtesy, I certainly would have appreciated it, and I am going to request that you do so in future. If I had responded to your employee speaking aggressively to me by speaking aggressively back, it could have gone badly for me. Instead, I chose to leave.

To be clear, this conversation happened on my second visit, on May 22nd, 2010. Your most recent improper charge against my card came in on June 2nd, 2010 - more than two weeks after I visited your gym the second time, to clear up this matter. This further causes me to suspect that you operate your business in bad faith; **if you intended to run an honest business, you would have cancelled the charges once you found out about them.**

Obviously, since I cannot afford to get into petty arguments, and the attached consumer reports show a consistent pattern of you badgering your customers, lying to them, and/or arguing with them, if you do not **refund me immediately** I will have to take this to court.

In my coaching and programming/consulting business, I charge my clients \$149 an hour. I spent half an hour on the first visit to your gym and half an hour on the second visit, for a total of one hour. I also spent an hour writing this letter, going through my archived bank statements, and researching the consumer reports I've attached to this letter, which demonstrate a consistent pattern of your gym taking people's money improperly and handling disputes unprofessionally and in bad faith. I want you to reimburse these two hours at my normal rate. I don't work in law enforcement and I don't work in your accounting department; the time I spent on this matter, whether it was due to deliberate theft or bad accounting, was time I spent cleaning up your mistakes, and time I could have spent making my living. Also, the second time I came down, trying to get my money back, the staff did not validate my parking. I believe you should reimburse me the additional \$8 that cost. **Adding**

**the parking (\$8) and the wasted time (\$298) to the money you took illegally, \$749.85, yields a total of \$1,055.85. Please give me a check for that amount.**

If more of my time is wasted by taking you to court, I will charge you for that additional time, at my regular rate of \$149 per hour. If the judge finds in my favor, which is overwhelmingly likely, you will be ordered by the court to reimburse me at this rate.

Again, **whether it was deliberate theft or bad accounting, you have taken my money illegally**, treated me discourteously, and wasted my time. I would very much appreciate some courtesy, and I am going to insist that you return the stolen money and reimburse me both for the parking and for the wasted time. I'm also going to require you to stop charging my card illegally, and insist also that you provide me with a signed copy of this letter, with the understanding that I will give that signed copy to my bank, and that **your signature on this letter constitutes legal authorization and permission for me to cancel ANY charge you ever make to my card ever again.**

Giles Bowkett  
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Your signature goes here:

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Please print your name and job title at Gold's Gym of downtown LA:

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**Please sign and return this letter, and hand me a check for \$1,055.85.**

Sincerely,

Giles Bowkett

### Example Consumer Reports And Complaints About Your Gym On Yelp.com

"**It's been one month now, and still no refund** of my deposit in sight. I just made the third call to them today to follow up, and the manager Jimmy assured me that I would see my refund in 10 days. We'll see." (username Christina B.)

"**Robbed.** That's how I feel about this gym and I didn't even get to try it out...Jason just said okay and I'll call you back. He never did. then, I spoke to Luke - TWICE. He said he would check and call me back- He never did. Then, I called with so much frustration and they said that they would direct me to Brian's email. I called and emailed. I never heard anything. Today, I see that another debit just went through for a gym outside of my state and I feel robbed. I called again today but the customer service person says that Brian will be in later. Who do I need to speak to in order to get my money back? I haven't even experienced this place but already, **I am ready to take broadcasting and legal action.** This is a ploy to **unlawfully profit** from people who show interest in the gym." (username A.G.)

"**CAVEAT EMPTOR!**...they refused to help me. SO, not only did I get charged the extra \$60 for a month of membership I COULD NOT USE (they voided it) it was quite the surprise to find a \$29 "facility upgrade fee" on my credit card statement AFTER my membership had been terminated altogether. I am livid. really, really livid...not worth the painfully irritating and uncooperative staff and policies. Watch yourself. **Expect to be over-billed, incorrectly billed, or be surprised with charges,** and expect that they do not care to fix it. I'm currently writing this review on hold waiting for a manager...33 minutes in." (username diane k.)

"I think if I get one more of these 'fradulent flyers' **I will have to challenge their policies in court. I encourage everyone to contact an attorney** after dealing with their lengthy and annoying sales pitch...I can not condone the scams they use to get people in the doors. These policies are **bordering illegal** and they should be called on it...Also, beware of the ID thing. Like car salesmen, they will ask for your ID (to photocopy it for some reason) and they will hold it so that you can not leave until hearing their sales pitch. Try to get your ID back, it's a fight." (username Scot E.)

"Really **dangerous business practices**" (username Bonita P.)

"Negotiating contract membership can be a hassle. The sales reps... **don't provide written documentation** of your agreement up front. I had to ask 4 times to have them change my contract to what we agreed to" (username Ask K.)

"That's over \$1000... so I asked for a refund. What did the manager do? **Played games and lied to me multiple times. I had to file a complaint with the BBB and threaten**

**them with a lawsuit through their corporate office** before they would issue me the refund. I gave a friend a one-month trial membership. When she went in to sign up on the first day, they hassled her to death and they **tricked her** into paying for the month instead...Can't trust them." (username Annie C.)

"if you have billing issues the front office people seem to take FOR EVER to resolve them. my roommate joined under regular membership (\$60/mo) and started school and was promised the reduced 'student membership' (\$40/mo) except **3 months went by without them updating her status in the computer system** and apparently they don't know what the term 'retroactive' means." (username alison r.)

"Trying to cancel my membership has been a real pain in the arse and an inconvenience. They are very unprofessional." (username claudia g.)

"Good luck cancelling your membership" (username Matt P.)

"How many times have I tried to correct this problem? I am so pissed at this gym." (username A.W.)

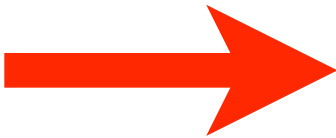
"I was there for 90, yes, 90 minutes arguing" (username Jim S.)

"I saw a cockroach in the ladies room the other day" (username Caren C.)

Example Bank Web Site Screenshot

iPad		9:58 AM		20%	
U.S. Bank, National Association					
www4.usbank.com/internetBanking/Requ... Google					
03/03/10		Markglendale Ca			\$9.49
03/03/10		Visa Purchase (Non-pin) A2 Hosting, Inc. <a href="tel:734-2224678">734-2224678</a> Mi			\$9.95
03/03/10		Visa Purchase (Non-pin) Advertising <a href="tel:415-276-8490">415-276-8490</a> de			\$20.00
03/03/10		Visa Purchase (Non-pin) Wwwlearntodjfastvancouver Bc			\$51.41
03/03/10		Atm Withdrawal Us Bank N Glendaglendale Caus2			\$60.00
03/03/10		Web Authorized Pmt Paypal			\$79.60
03/03/10		Visa Purchase (Non-pin) Rent-a- wreck W Los Angeleca			\$130.60
03/03/10		Electronic Deposit Paypal	\$65.45		
03/02/10		Visa Purchase (Non-pin) Chevron 00090552los Angeles Ca			\$5.45
03/02/10		Visa Purchase (Non-pin) M Cafe De Chaya Los Angeles Ca			\$12.80
03/02/10		Visa Purchase (Non-pin) Golds Gym Downto213- <a href="tel:6881441">6881441</a> Ca			\$49.99
03/02/10		Electronic Deposit Paypal	\$281.67		
03/01/10		Purchase With Pin Ralphs 2520 Glenlos Angeles Ca			\$6.39
03/01/10		Purchase With Pin Ralphs 2520 Glenlos Angeles Ca			\$6.40
03/01/10		Visa Purchase (Non-pin) Silver Glen Clealos Angeles Ca			\$15.00
03/01/10		Purchase With Pin Ralphs 2520 Glenlos Angeles Ca			\$16.05
03/01/10		Visa Purchase (Non-pin) Equality Califor415- <a href="tel:581-0005">581-0005</a> ca			\$25.00
03/01/10		Purchase With Pin Whole Foods Markglendale Ca			\$56.14
03/01/10	692	Check <a href="#">view</a>			\$307.00
03/01/10		Electronic Deposit Paypal	\$186.81		
03/01/10		Internet Banking Transfer Deposit 000253452515849	\$200.00		
02/26/10		Visa Purchase (Non-pin) Chevron 00090552los Angeles Ca			\$12.10
02/26/10		Electronic Withdrawal Prog Choice Ins			\$103.92
02/26/10	690	Check <a href="#">view</a>			\$140.00

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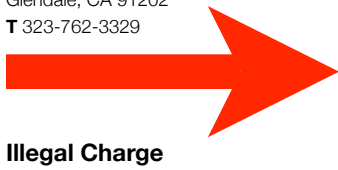
Illegal Charge

Example Bank Web Site Screenshot

iPad 9:52 AM U.S. Bank, National Association  
 www4.usbank.com/internetBanking/Requ... Google

Recent Transactions ?					Click on column headings to re-sort.		Previous   Next
DATE	CHECK #	DESCRIPTION	DEPOSIT	WITHDRAWAL	ACCOUNT BALANCE		
05/04/10		Visa Purchase (Non-pin) Chevron 00090552Los Angeles Ca		\$15.25	<a href="#">\$1,088.20</a>	?	
05/04/10		Purchase With Pin Ralphs 2520 Glenlos Angeles Ca		\$16.86	<a href="#">\$1,103.45</a>	?	
05/04/10		Purchase With Pin Best Buy #183 Los Angeles Ca		\$24.12	<a href="#">\$1,120.31</a>	?	
05/04/10		Visa Purchase (Non-pin) M Cafe De Chaya Los Angeles Ca		\$25.47	<a href="#">\$1,144.43</a>	?	
05/04/10		Visa Purchase (Non-pin) Golds Gym Downto213-6881441 Ca		\$49.99	<a href="#">\$1,169.90</a>	?	
05/04/10		Electronic Deposit Paypal	\$131.46		<a href="#">\$1,219.89</a>	?	
05/03/10		Visa Purchase (Non-pin) Da Juice Bar Glendale Ca		\$6.56	<a href="#">\$1,088.43</a>	?	
05/03/10		Visa Purchase (Non-pin) A2 Hosting, Inc. 734-2224678 Mi		\$9.95	<a href="#">\$1,094.99</a>	?	
05/03/10		Visa Purchase (Non-pin) Amzn Pmts 866-749-7545wa		\$18.40	<a href="#">\$1,104.94</a>	?	
05/03/10		Purchase With Pin Whole Foods Marklos Angeles Ca		\$19.95	<a href="#">\$1,123.34</a>	?	
05/03/10		Purchase With Pin Ralphs 2520 Glenlos Angeles Ca		\$23.70	<a href="#">\$1,143.29</a>	?	
05/03/10		Purchase With Pin Exxonmobil Pos Los Ange Ca		\$25.15	<a href="#">\$1,166.99</a>	?	
05/03/10		Purchase With Pin Whole Foods Markglendale Ca		\$25.77	<a href="#">\$1,192.14</a>	?	
05/03/10		Purchase With Pin Whole Foods Markglendale Ca		\$34.61	<a href="#">\$1,217.91</a>	?	
05/03/10		Visa Purchase (Non-pin) Apl*itunes 866-712-7753ca		\$39.90	<a href="#">\$1,252.52</a>	?	
05/03/10		Web Authorized Pmt Paypal		\$102.20	<a href="#">\$1,292.42</a>	?	
05/03/10		Purchase With Pin Guitar Center #1los Angeles Ca		\$246.89	<a href="#">\$1,394.62</a>	?	
05/03/10		Visa Purchase (Non-pin) Jen Krater Inc Brooklyn Ny		\$280.00	<a href="#">\$1,641.51</a>	?	
05/03/10		Atm Deposit Us Bank N Glendaglendale Caus2	\$38.57		<a href="#">\$1,921.51</a>	?	
05/03/10		Electronic Deposit Paypal	\$280.70		<a href="#">\$1,882.94</a>	?	
05/03/10		Electronic Deposit Paypal	\$356.81		<a href="#">\$1,602.24</a>	?	
04/30/10		Visa Purchase (Non-pin) Silver Glen Clealos Angeles Ca		\$8.00	<a href="#">\$1,245.43</a>	?	
04/30/10		Purchase With Pin Usps 0530140715/glendale Ca		\$9.52	<a href="#">\$1,253.43</a>	?	
04/30/10		Visa Purchase (Non-pin) Equality Califor415-581-0005ca		\$25.00	<a href="#">\$1,262.95</a>	?	
04/30/10		Purchase With Pin Ralphs 2520 Glenlos Angeles Ca		\$26.54	<a href="#">\$1,287.95</a>	?	
04/30/10		Visa Purchase (Non-pin) Wwwlearntodjfastvancouver Bc		\$51.41	<a href="#">\$1,314.49</a>	?	
04/30/10	699	Check <a href="#">view</a>		\$200.00	<a href="#">\$1,365.90</a>	?	

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Illegal Charge

Called to cancel account: Late March 2009

Gold's Gym cancels account: 4/1/2009

Date	Amount Charged	Legal Charge?	Total Stolen
4/2/2009	\$49.99	No	\$49.99
5/4/2009	\$49.99	No	\$99.98
6/2/2009	\$49.99	No	\$149.97
7/2/2009	\$49.99	No	\$199.96
8/4/2009	\$49.99	No	\$249.95
9/2/2009	\$49.99	No	\$299.94
10/2/2009	\$49.99	No	\$349.93
11/3/2009	\$49.99	No	\$399.92
12/2/2009	\$49.99	No	\$449.91
1/5/2010	\$49.99	No	\$499.90
2/2/2010	\$49.99	No	\$549.89
3/2/2010	\$49.99	No	\$599.88
4/2/2010	\$49.99	No	\$649.87
5/4/2010	\$49.99	No	\$699.86
6/2/2010	\$49.99	No	\$749.85

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