

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
JANE DOE,	)	Case No. 2026-CP-10-_____
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<u>SUMMONS</u>
PLANET FITNESS ASSETCO, LLC,	)	
	)	
Defendant.	)	
_____	)	

TO: THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, 548 Savannah Highway, Charleston, South Carolina 29407, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

THE PEPPER LAW FIRM, P.A.

s/ Brenna D. Wiles

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COUNSEL FOR PLAINTIFF

March 25, 2026
Charleston, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
JANE DOE,	)	Case No. 2026-CP-10-_____
	)	
Plaintiff,	)	
	)	
vs.	)	<u>COMPLAINT</u>
	)	(Jury Trial Requested)
PLANET FITNESS ASSETCO, LLC,	)	
	)	
Defendant.	)	
_____	)	

COMES NOW the Plaintiff, Jane Doe (hereinafter "Plaintiff"), by and through her undersigned counsel of record, and files this Complaint against the above-named Defendant, and alleges as follows:

1. The parties and subject matter contained herein are within the jurisdiction of this Honorable Court.
2. The Plaintiff is a citizen and resident of Charleston County, State of South Carolina.
3. The Plaintiff's name is withheld from these pleadings due to the nature of the injuries described herein, the sensitive nature of the allegations, and the Plaintiff being a victim of physical and sexual assault. That Defendant will be informed of the identity of the Plaintiff by separate communication upon agreement or court order to maintain confidentiality of that information in discovery and as to the public record.
4. The Defendant, Planet Fitness Assetco, LLC (hereinafter "Planet Fitness") is a limited liability company organized and existing under the laws of the State of South Carolina and doing business in Charleston County.
5. Planet Fitness operates a 24-hour membership only gym at 2070 Sam Rittenberg Blvd., Charleston, South Carolina (hereinafter "Citadel Mall").

FACTS

6. That on July 24, 2024, the Plaintiff was a patron of Planet Fitness as a member at its facility located at Citadel Mall in Charleston, South Carolina.

7. At all times relevant hereto, the Plaintiff was a member of the subject facility and properly and lawfully within the facility.

8. On or about July 24, 2024, the Plaintiff arrived at Planet Fitness around 9:30 PM to begin her work out on a Stairmaster machine. Shortly thereafter, she was approached by a fellow member of the facility, a male (hereinafter “Whitney”), who told her that she was attractive and attempted to converse with her, at which point she directed Whitney to leave her alone.

9. Instead, Whitney began to use the Stairmaster machine directly next to the Plaintiff.

10. While Whitney continued to use the exercise machine next to her, the Plaintiff walked into the Black Card area. Upon information and belief, the Black Card area is reserved for members who pay for a Black Card membership, and therefore unable to be accessed by all Planet Fitness members.

11. Whitney followed the Plaintiff into the Black Card area and began to use the massage table next to her.

12. Feeling increasingly uncomfortable, but seeing no staff in the area, the Plaintiff attempted to move away from Whitney by going to a different room within the Black Card area. Again, Whitney followed her to the relaxation area and, this time, closed a door behind him.

13. Whitney forcefully pinned down the Plaintiff and sexually assaulted her.

14. While the Plaintiff yelled for help, Whitney told her “no one’s here” and “there are no cameras in here.”

15. Eventually, the Plaintiff was able to push Whitney off her when a ringing cell phone startled him, and she ran out of the gym.

16. As the Plaintiff was running to her car, she looked back and Whitney was chasing her.

17. The Plaintiff fled to a friend's house to prevent Whitney from following her to her residence.

18. A short time later, she returned to Planet Fitness to report the incident to management and law enforcement. Based on the Plaintiff's description of her attacker, the Planet Fitness employee was able to locate the offender in the Planet Fitness database.

19. By and through its agent, the Defendant informed the Plaintiff that the night prior, a fellow female member reported to management that she was sexually assaulted/harassed by Whitney, and that he was "a known problem."

20. The Plaintiff filed a police report and positively identified Whitney in a photo lineup. Whitney was arrested on July 27, 2024 and released on bond the following day.

21. Upon information and belief, on or about July 24, 2024, due to the negligence of the Defendant, the Plaintiff suffered bodily injuries after visiting the Defendant's place of business.

22. That the Defendant either knew or should have known that allowing Whitney to continue his membership with Planet Fitness presented a danger to patrons of the Defendant's gym, or that the Defendant created the dangerous condition.

23. Upon information and belief, after the aforementioned incident, the Plaintiff sought medical care and continues to require medical treatment due to mental anguish as a result of the incident.

FOR A FIRST CAUSE OF ACTION
(Premises Liability/Negligence)

24. The Plaintiff reaffirms and reiterates all previously pled paragraphs as if fully repeated and are incorporated herein verbatim.

25. That as a direct and proximate result of the negligence, gross negligence, carelessness, recklessness, willfulness, wantonness, and acts and/or omissions of the Defendant, as is set forth more fully above, the Plaintiff was injured, has endured pain and suffering, has suffered mentally and emotionally, and has incurred, and will incur various medical expenses, and has otherwise been damages and injured.

26. The resulting injuries and damages to the Plaintiff were caused directly and proximately by one or more of the following negligent, negligent *per se*, grossly negligent, careless, reckless, willful, wanton and unlawful acts, and/or omissions of the Defendant directly and by and through their agents and employees in any one or more of the following ways:

- a. In failing to provide security on the premises;
- b. In failing to appreciate the gravity of the dangers associated with allowing patrons to enter the gym knowing there are prior complaints of sexual harassment and/or assault;
- c. Failing to supervise the areas of the gym, and more specifically, the areas that do not have cameras, and require special membership;
- d. Failing to supervise the areas of the gym, and more specifically, the areas that allow for doors to be closed with no ability to see from the outside in;
- e. In failing to enact policies that would ensure the safety of customers, patrons; and/or invitees on the premises;
- f. In failing and omitting to take any precaution whatsoever of a reasonable nature to protect this Plaintiff from the dangers of the other patrons/members;
- g. In failing to adequately warn the Plaintiff as to any dangers that may be present on the premises;

- h. In failing to monitor and maintain the premises to ensure that it is safe and not dangerous for customers, patrons, and invitees; and
- i. Failing to properly maintain and safeguard Defendant's premises;
- j. Failing to ensure that Defendant's premises was reasonably safe and fit;
- k. Allowing dangerous conditions to exist at the premises where parties such as the Plaintiff might encounter such conditions;
- l. Failing to follow accepted professional standards and specifications;
- m. Failing to hire adequate personnel to safeguard the premises; and
- n. In any such manner the Plaintiff may discover through the discovery process or trial.

27. That as a direct and proximate result of the negligence, gross negligence, carelessness, recklessness, willfulness and wantonness of the Defendant, as is set forth more fully above, the Plaintiff has been damaged and injured in the following respects:

- a. The Plaintiff has been required to expend a significant amount of money for her medical care and treatment;
- b. Upon information and belief, the nature of the Plaintiff's injuries will require her to expend a significant amount of money for her medical care and treatment in the future;
- c. Her injuries have resulted in her loss of enjoyment of life.

28. That the Defendant's acts and omissions, as are set forth more fully above, show willful misconduct, malice, wantonness and an entire want of care, raising a presumption of the Defendant's conscious indifference to the consequences of such acts and omissions.

29. As a result of the Defendant's failure to use reasonable and ordinary care to maintain its business in a safe manner and free of dangerous conditions, the Plaintiff was injured and required medical treatment.

30. That because of the Defendant's acts and omissions and the proximate harm resulting to the Plaintiff, the Plaintiff should be awarded punitive damages in an amount to be determined by the trier of fact, in order to punish and penalize the Defendant and to deter the Defendant and others from similar behavior.

31. That upon information and belief, the Plaintiff is entitled to judgment against the Defendant for actual, compensatory, and exemplary or punitive damages for her personal injuries set forth here in an amount that is fair, just and reasonable under the circumstances, plus whatever costs, interest and attorney's fees to which she may be entitled to be determined by a jury.

FOR A SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress / Outrage)

32. The Plaintiff reaffirms and reiterates all previously pled paragraphs as if fully repeated and are incorporated herein verbatim.

33. That the Defendant owns and operates a gym open to its members and owes its patrons a duty to act reasonably in response to known threats of harm occurring within its facility.

34. That on the night preceding the sexual assault of the Plaintiff, a female patron reported to the Defendant that she was sexually assaulted / harassed by Whitney on the Defendant's premises.

35. That the Defendant received this report directly and had actual knowledge that Whitney posed a serious, immediate, and foreseeable danger to other female patrons, including the Plaintiff.

36. That, despite this knowledge, the Defendant took no action to investigate the report, restrict Whitney's access, warn patrons, or implement any safety measures whatsoever.

37. That, instead, the Defendant knowingly allowed Whitney to re-enter the gym the following night without limitation or supervision.

38. That the Defendant should have anticipated that Whitney would sexually assault a female member inside the facility at his next available opportunity.

39. That the Defendant's conscious decision to disregard a reported sexual assault / harassment and to permit Whitney continued access to the premises constitutes conduct so extreme and outrageous as to exceed all possible bounds of decency and is intolerable in a civilized community.

40. That the Defendant acted willfully, wantonly, and with reckless disregard for the near-certain likelihood that its inaction would result in severe emotional harm to another patron.

41. That as a direct and proximate result of the Defendant's conduct, the Plaintiff suffered severe emotional distress, including trauma, anxiety, humiliation, mental anguish, and other manifestations of emotional injury.

42. That the Defendant's conduct was intentional, reckless, and outrageous, entitling the Plaintiff to recover actual damages.

43. That the Defendant's conduct further demonstrates willfulness, wantonness, and reckless disregard for the rights and safety of others, entitling the Plaintiff to an award of punitive damages.

44. That the Plaintiff is entitled to judgment against the Defendant for actual, compensatory, and exemplary or punitive damages for her personal injuries set forth here in an amount that is fair, just and reasonable under the circumstances, plus whatever costs, interest and attorney's fees to which she may be entitled to be determined by a jury.

WHEREFORE, the Plaintiff demands judgment against the Defendant in such sum as the trier of fact shall deem just and proper, including but not limited to an award of actual and punitive damages, together with all attorney's fees and costs incurred in this action, and such other and further relief as this Honorable Court deems just and proper.

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