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HERE'S THE DEAL

# Equinox gym bans man 'for life' after reported sexual misconduct by yoga teacher: lawsuit filed



Colin Heilbut in front of his former gym. (Photo: Alex Fiore)



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When 33-year-old Colin Heilbut moved from Toronto to San Francisco a year and a half ago, one of the very first things he did was transfer his Canadian Equinox gym membership to one in his new American hometown. Heilbut considered himself nothing short of an Equinox enthusiast.

"I've spent close to \$10,000 there over the past two years," Heilbut, a tech support worker, tells Yahoo Lifestyle. "I've had a very positive experience. I love Equinox."

That's taken a sharp turn, though, as Heilbut has just filed a lawsuit against the luxury gym brand, alleging sexual assault by a yoga teacher, as well as the stinging kicker of retaliation: being banned from Equinox for life.

His suit, filed Oct. 12, outlines nine complaints against the gym, ranging from discrimination, gender- and sex-motivated violence, sexual battery, emotional

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distress, assault and battery — and, perhaps most

Heilbut because he complained? They wouldn't st specifically when he asked them point-blank why membership was being revoked," Heilbut's lawyer Lawrence Organ, tells Yahoo Lifestyle. "They wou say the particular reasons why, but there was sort an implication that it was his complaint about the abuse and the assault."

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Colin Heilbut in San Francisco. (Photo: Alex Fiore)

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The purpose of Heilbut's lawsuit, Organ continues really to try to change company behavior and company thinking. Men and women who are sexu assaulted in any business establishment in Calif have rights, and that includes not being discriminated

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Organ says that the recent headlines surrounding Hollywood mogul [Harvey Weinstein](#) only confirm v Heilbut's case is necessary.

"It's gratifying that when these initial accounts abo Harvey Weinstein were published, what we saw w other people who were emboldened to come forward and felt empowered to tell their stories. That's what we want," he notes. "We want women and men who are the victims of inappropriate sexual conduct, including sexual assault, to feel free to come forward

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## Heilbut spoke out about his experience on San

harassment that led to his being banned from the he loved. He has also launched a Change.org [petition](#) (currently with more than 675 signatures), asking Equinox to publicly commit to not retaliating against members who come forward with sexual harassment complaints.

Equinox tells Yahoo Lifestyle through a spokesperson, “Both the San Francisco Police Department and our internal team investigated the allegations and found them to be unfounded. The investigations both included access to extensive video footage. We intend to defend vigorously against the claims in the lawsuit.”

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Heilbut tells Yahoo Lifestyle that he had studied yoga off and on over the past four years, around the world when in late July he decided to try an Equinox SF class with a teacher he'd never worked with before. He said he found the instructor — named as Kevin Nguyen in the lawsuit — “friendly and knowledgeable,” and returned for more.

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During his third class with this instructor, Heilbut's lawsuit claims, the male instructor did an adjustment on Heilbut in which he “cupped [his] genitals under the pretense of providing assistance with a yoga pose.”

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But, Heilbut tells Yahoo, “I just thought it was a stupid mistake. Most yoga teachers are more careful about those things, but I brushed it off as an accident.”

On Aug. 3, Heilbut says, “class went normally,” bu

would like to stay behind for some private instruction.  
[Yahoo View](#)

“It seemed unusual,” Heilbut says. “Most teachers charge \$100 an hour for private lessons. But I thought, ‘OK, extra help for free from someone really good.’ I thought, ‘OK, this is weird, but I don’t have much to lose.’”

Heilbut stayed behind as the remaining students left. After about 10 minutes of private stretching, according to the lawsuit, cleaners came into the room to wipe down the yoga mats and the instructor asked Heilbut to join him in the smaller yoga room next door to get out of the cleaners’ way, although it seemed unnecessary.

Once there, Heilbut says, the instructor asked him to do weirder and weirder poses that had nothing to do with yoga and nothing to do with what I wanted he with or had asked him for.”

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Eventually, he alleges in the lawsuit, the instructor asked him to lie down on the floor on his chest and then sat on top of him. “It started to feel weird at this point,” he recalls. “I thought, ‘This feels strange, abnormal, creepy — but maybe I’m just crazy.’”

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The instructor then began giving him an unrequested neck and back massage, the complaint alleges. “I was just weird, and I felt frozen there,” Heilbut says. “I should have jumped up, but I just felt frozen. I just stayed there.”

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Heilbut says the instructor then proceeded to ask him Yahoo Style

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Heilbut claims, the instructor “let out a weird, sexu moan.” The lawsuit notes that “Mr. Heilbut believe this sounded like a noise a person would make w/ having an orgasm.”

At this point, Heilbut says, he finally made his move to NeNe Leakes' Halloween Costume Pokes Kim Zolciak Feud  
leave and quickly exited the gym — walking down Yahoo View  
several flights of stairs to exit the gym before even realizing that he was barefoot, having left without his shoes as a result of being so flustered, confused, and distressed.

Once at home, he says, he began to think more about what had happened to him over the past week. Only then, he says, did he slowly realize what had happened.

“All that unusual attention, asking me to stay behind, isolating me, and then he had an erection — and it was like, ‘Oh, my God, I know what happened here,’” he tells Yahoo Lifestyle. “It was so beyond what I’m usually on attention for. I don’t consider myself at risk because of my age, my weight, my gender. I didn’t consider myself someone at risk for sexual assault.”

The next day, Heilbut called the gym and said he would like to report a sexual assault. The person he spoke with on the phone then asked him to come in and meet in person. He met, according to the lawsuit, with two managers so he could recount his story.

Heilbut says he was asked to follow up with a written statement, which he did (to both the local gym and the corporate headquarters in New York), and told that Equinox takes these claims seriously, keeping in touch to update the status of their investigation.

Heilbut eventually went back to the gym to try to get his shoes, at which point he noticed that there was a security camera in the small yoga room where he alleges part of his assault took place. At this point, Heilbut decided to file a criminal complaint with the

San Francisco Police Department, claiming that he

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what happened to me was more obvious at that point. [And seeing the security camera] made me think that now there was evidence, and not just my word against someone else's," he says.

Heilbut says he also asked Equinox directly for a copy of this security camera footage but that his request was denied.

The San Francisco Police Department quickly closed its investigation into Equinox and Heilbut's alleged assault without any further action or pursuit of criminal charges, according to an SFPD spokesperson, who tells Yahoo Lifestyle that the security footage in question was reviewed by an inspector with the Special Victims Unit and that "upon review of evidence and in consultation with the District Attorney's Office it was determined that there was no evidence to support the allegations."

While both Equinox and the SFPD denied Yahoo Lifestyle's request to review the security camera footage in question, Heilbut's counsel says he intends to get a copy of the tape as part of the process of Heilbut's lawsuit.

"They wouldn't give us the tape voluntarily, so I have to assume it shows something negative," Organ says. "If it was something exculpatory for them, they would say, 'Here — look at the tape. It proves your client wasn't assaulted.'"

Heilbut says that after "several weeks" of not hearing back from Equinox about its own investigation, he once again reached out to the gym in a series of emails and phone calls. In late August, he spoke with Jack Gannon, vice president of Equinox West Coast, who told him he had two points to discuss: first, that Equinox had concluded its internal investigation, reviewing the security camera tapes and agreeing that the behavior on the part of the instructor was inappropriate; therefore, they were taking appropriate

action based on “HR laws” but would not specify what

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was this: “You’re banned for life from Equinox.” Or, as the lawsuit notes, “Mr. Gannon also informed Mr. Heilbut that he was no longer welcome in Equinox Fitness facilities, and that Equinox Fitness had decided to revoke Mr. Heilbut’s membership.”

Equinox member contracts stipulate that “Equinox reserves the right to revoke and cancel this membership at any time for any reason.”

A source with knowledge of Equinox’s internal investigation into Heilbut’s allegations confirms to Yahoo Lifestyle that the instructor in question was found to have “violated employee policies unrelated to the assault allegations,” but was unwilling to further clarify what policies had been violated, other than emphasizing that they were “completely separate” from the allegations of sexual misconduct.

The source also alleges that Heilbut “has on two occasions attempted to illegally record Equinox employees without their consent” following the filing of his sexual assault complaint in an attempt to get updates on the status of his allegations of assault and harassment. Heilbut denies these allegations.

Which is why Heilbut and his counsel insist that their suit against Equinox is about forcing a cultural shift, first and foremost.

“What struck me about this case that’s so clear-cut, even if we don’t know exactly what happened, [is that] we know he complained about sexual assault,” Organ says. “If people complain, that’s what we want them to do. If you discriminate against them as an adverse action to discourage complaints, that’s what we don’t want. This suit is to protect women and men who are sexually assaulted and complain about it.”

He continues, “Men and women are afraid of retaliation all the time. When you heard the accounts of what happened with Harvey Weinstein, high-profile

people felt like they couldn't talk about it. These are A-

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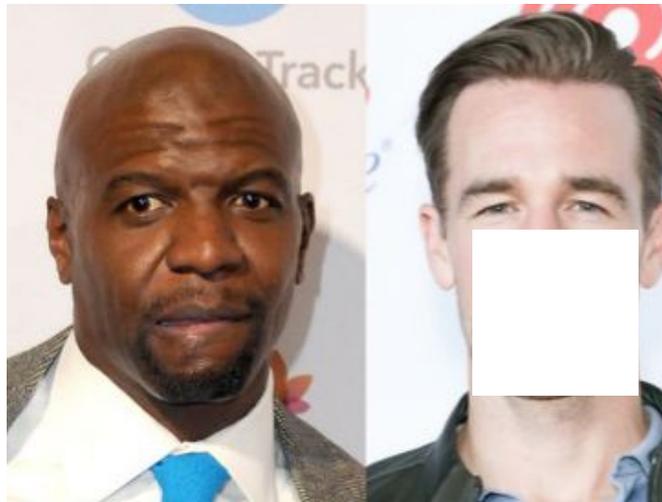
to protect them and make sure retaliation doesn't occur."

Organ concludes, "The ultimate goal here is to change [Equinox's] behavior and other corporate behavior that condones or tries to hide sexual assault. We need to stop it. That's the bottom line."

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