

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> EEOC 488-2023-00278 </div> <div style="display: flex; justify-content: space-between;"> FEPA </div>
California Department Of Fair Employment & Housing and EEOC <i>State or local Agency, if any</i>	

Name (<i>indicate Mr., Ms., Mrs.</i>)	Home Phone	Year of Birth
Mr. Mario Godiva Green	(917) 858-3667	1982

Street Address
1601 Broadway Unit 563
SAN DIEGO, CA 92101

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No.
LIFE TIME FITNESS LA JOLLA	15 - 100 Employees	

Street Address
1055 WALL ST
LA JOLLA, CA 92037

Name	No. Employees, Members	Phone No.

Street Address	City, State and ZIP Code

DISCRIMINATION BASED ON	DATE(S) DISCRIMINATION TOOK PLACE
Age, Disability, Race, Retaliation, Sex	<div style="display: flex; justify-content: space-between;"> Earliest Latest </div> <div style="display: flex; justify-content: space-between;"> 06/20/2022 12/19/2022 </div>
	Continuing Action

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

From on or about November 15, 2021, through present, I have been employed by Life Time Fitness La Jolla, as a Group Fitness Instructor. I have struggled to reach a full-time working schedule, I was kept at one (1) class for the first three (3) months, and I immediately noticed that I was consistently being deprioritized. My employer is aware of my disability, and I have a service animal that they have met. On or about June 20, 2022, I was experiencing symptoms related to my disability when Jo Cullen (white, 50s, straight, female), General Manager, came out of her office yelling and screaming in front of members, in her office, and sent me home. Subsequently, I was forced to take a leave of absence until September 25, 2022. I believe Cullen felt that she could treat me this way because I'm a minority. Prior to this forced leave of absence, I instructed ten (10) classes a week. I received no benefits from Life Time while I was on leave. Upon my return, on September 25, 2022, I began to be subjected to different terms and conditions of employment when my class schedule was reduced to two (2) classes a week, despite having a full clearance on my "Return to work" document my doctor submitted. I was treated like a new hire that they had to work back into the schedule. I immediately complained to Cailee Stangl (white, age unknown, straight, female), Group Fitness Manager, Lauren Bezzera (white, age unknown, straight, female), and Cullen regarding my class schedule being reduced, my classes given to white Group Fitness Instructors, and preferential treatment in wage compensations among white

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – <i>When necessary for State and Local Agency Requirements</i>
I declare under penalty of perjury that the above is true and correct. Digitally Signed By: Mr. Mario Godiva Green 01/10/2023 <div style="text-align: right;"><i>Charging Party Signature</i></div>	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

<p style="text-align: center;">CHARGE OF DISCRIMINATION</p> <p style="text-align: center;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p style="text-align: center;">EEOC 488-2023-00278</p> <p style="text-align: center;">FEPA</p>
<p style="text-align: center;">California Department Of Fair Employment & Housing and EEOC</p> <p style="text-align: center;"><i>State or local Agency, if any</i></p>	

Group Fitness instructors. Shortly thereafter, on or about October 28, 2022, my schedule was increased by four (4) classes, however, the most requested member classes I instructed were not restored as prior to my forced medical leave of absence. In addition, all members of the Management team have continued to subject me to unwelcome behavior and different terms and conditions, which included but is not limited to, not following company COVID protocols and procedures when visibly ill risking exacerbating my disability, and not restoring my previous work schedule. After six (6) attempts of meeting and emailing trying to resolve my issues, I started telling management that I would like to talk to a member of HR about my experience at Life Time La Jolla. At first, they ignored my requests, and as I pressed them more on it, they finally told me to submit my complaint to a third-party hotline number. I submitted complaints to Natalie Morris (race unknown, age unknown, sexual orientation unknown, female), Human Resources Representative, but to no avail. She first said to talk to my managers about it, and she ignored my second email to her about my concerns. On or about December 19, 2022, after I found how to submit a company inquiry to HR, Karen Bartelds (race unknown, age unknown, sexual orientation unknown, female), Human Relations Representative, finally responded to me three days later. Due to the lack of support for my concerns, I informed Bartelds I would be filing a Charge of Discrimination with the EEOC. No reasons have been provided by any of the members of the Management team as to why I am being subjected to different terms and conditions of employment. Additionally, I am aware of white, female coworkers that are being treated more favorably. There has not been any investigation conducted into my complaints to Management or Human Resources. I believe that I have been discriminated against based on my race (black), sex orientation (Gay), sex (male), in violation of Title VII of the Civil Rights Act of 1964, as amended. I have been discriminated against based on my age (40), in violation of the Age Discrimination in Employment Act of 1967, as amended. I believe I have been discriminated against due to my disability, in violation of the Americans with Disabilities Act of 1990, as amended. I believe I have been subjected to retaliation for engaging in protected activity, in violation of the aforementioned statutes.

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<p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Mr. Mario Godiva Green</p> <p>01/10/2023</p> <p style="text-align: center;"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p style="text-align: center;"><i>(month, day, year)</i></p>

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.
