

<p><b>CHARGE OF DISCRIMINATION</b></p> <p>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 <span style="float: right;"><b>488-2023-00143</b></span></p> <p style="text-align: center;">FEPA</p>
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**California Department Of Fair Employment & Housing** and EEOC

*State or local Agency, if any*

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.
Equinox Holdings	501+ Employees	

Street Address

7710 EL CAMINO REAL  
CARLSBAD, CA 92009

Name	No. Employees, Members	Phone No.

Street Address City, State and ZIP Code

DISCRIMINATION BASED ON	DATE(S) DISCRIMINATION TOOK PLACE
Age, Disability, Race, Sex	Earliest <span style="float: right;">Latest</span>
	09/26/2022 <span style="float: right;">09/26/2022</span>

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

I.I began my employment with Equinox in New York City in or around April 2010, and my most current position is Group Fitness Instructor at Equinox La Costa in San Diego. I have struggled to reach a full-time working schedule and I immediately noticed that I was consistently being deprioritized. From in or around June 2022 to on or about September 25, 2022, I was out on an approved medical leave due to my disability. When I returned from leave on or about September 26, 2022, I realized that the four (4) classes I was teaching prior to my leave were not held for me by Ashley Erickson (white, 35, straight, female), Group Fitness Manager of Equinox Lacosta, as per company policy. Instead, I was only given one (1) class to teach when I returned. On or about October 11, 2022, I complained to Erickson about the different treatment. On or about October 17, 2022, I spoke to Jason Dilay (race, age, and sexual orientation unknown, male), Peoples Services Area Manager, regarding the different treatment. On or about October 26, 2022, I met with Orlando Rivera (Latino, age unknown, sexual orientation unknown, male), Employee Relations Specialist; and Andy Koultouridis (race, age, and sexual orientation unknown, female), Employee Relations Specialist, to discuss the different treatment. I met with Rivera again on or about October 28, 2022. Vanessa Duran-Lopez (white, 30s, sexual orientation unknown, female), Employee Relations Specialist, was also present during this call. On or about November 17, 2022, I was notified by Dilay that the investigation was closed. During the time the

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<p>I declare under penalty of perjury that the above is true and correct.</p> <p><b>Digitally Signed By: Mr. Mario Godiva Green</b></p> <p><b>12/22/2022</b></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 <i>(month, day, year)</i></p>

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<p><b>California Department Of Fair Employment &amp; Housing</b>    and EEOC</p> <hr style="width: 80%; margin: auto;"/> <p><i>State or local Agency, if any</i></p>	

investigation was ongoing, I was subjected to unwanted behavior by Erickson, including but not limited to taunting me and smirking at me while I was teaching a class. II. The reason given to me by Erickson as to why she could not hold my classes is because she did not know when I would be returning from leave. However, I had a return-to-work date the entire time I was out on medical leave, and I had notified her of this date. Additionally, I am aware of white, female coworkers who were on medical leave for an extended period of time and Erickson held their classes for them. The reason given to me by Dilay as to why they closed the investigation without remedying the situation is because they were unable to substantiate my complaint. III. I believe that my classes were not held for me due to my race (black), my age (40), my sex (sexual orientation), and/or my sex (male), in violation of Title VII of the Civil Rights Act of 1964, as amended; and in violation of the Age Discrimination in Employment Act of 1967, as Amended. I also believe that I was discriminated against due to my disability, in violation of the Americans with Disabilities Act of 1990, as amended. I believe I was subjected to unwanted behavior by Erickson in retaliation for participating in a protected activity, in violation of the aforementioned statutes.

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**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.

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