

ECONOMY

Attorney general settles with Rutland gym owner

By Emma Cotton

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Vermont Attorney General TJ Donovan. Photo by Mike Dougherty/VTDigger

RUTLAND — The Vermont attorney general has reached a settlement with a Rutland gym owner who, at the onset of the pandemic, stayed open despite an executive order that required the gym to close.

Under the terms of the settlement, Sean Manovill, owner of Club Fitness of Vermont, Inc., has agreed to comply with Gov. Phil Scott's executive order and will make a \$1,000 payment to the Vermont Foodbank's Rutland Regional Distribution Center.

"These are tough times for all Vermonters, including Vermont's small businesses," Attorney General TJ Donovan said in a statement Friday morning. "But even in these tough times, we all have to do our part. The vast majority of Vermonters have done the right thing by following the executive orders and the advice of public health experts."

Donovan **filed his first Covid-19-related civil enforcement complaint** in May 2020 against Manovill, asking the court to require that the gym comply with the order by shutting down. The court soon filed a temporary restraining order that barred the Manovill from operating in-person and indoors.

Manovill responded to the action by **filing a countersuit**, which claimed that the governor's executive order was unconstitutional. Judge Robert Mello threw out the bid, in which Manovill also sought damages and alleged the state caused him emotional distress by forcing him to close.

"Defendants [Manovill and Club Fitness] appear not to recognize the reality of COVID-19, the state of emergencies that have been announced throughout the country, and the attempts by courts at all levels to address situations similar to the present case," Mello wrote in a footnote to his ruling in September.

The current executive order allows fitness centers to operate, but with reduced occupancy and restrictions on the use of locker rooms and common areas.

The settlement was filed in the Rutland Superior Court on Friday morning for final approval. 