

# Alegre v. LA Fitness International LLC

**W**hen 39-year-old Mel-Alfonso Alegre collapsed from a heart attack in early 2008 while playing basketball at his gym, nationwide fitness center

chain LA Fitness, his lawyers contended the company had virtually no written emergency response plan, nor were its employees adequately trained to perform prompt emergency services.

Though witnesses said LA Fitness employees administered CPR and called 911 "immediately," Alegre's attack left him with severe brain damage. According to his lawyers, he is expected to live in a minimally responsive state. He can feel pain, but cannot communicate.

In June, a Riverside County jury awarded Alegre \$14.6 million, finding LA Fitness displayed gross negligence by failing to meet nationally recognized standards for health clubs to manage reasonably foreseeable events such

as heart attacks. *Alegre v. LA Fitness International LLC, RIC512506* (Riverside County Sup. Ct., filed Nov. 7, 2008).

Plaintiff's attorneys Steven A. Heimberg of

Heimberg Barr LLP and Bruce A. Broillet of Greene Broillet & Wheeler LLP, believe the verdict was the first substantial win for a person injured by a fitness club's inadequate emergency response.

"We think that this case will compel health fitness facilities all across the nation to follow standards or be prepared to pay in jury verdict for their failure to do so," Heimberg said. "So we think it's going to make a difference in people's safety."

Lead defense counsel Scott A. Smith of Smith & Susson LLP said the case was difficult because the jury — comprised of 11 women and one man — connected with Alegre's wife's heart rending testimony at trial.

## CASE INFO

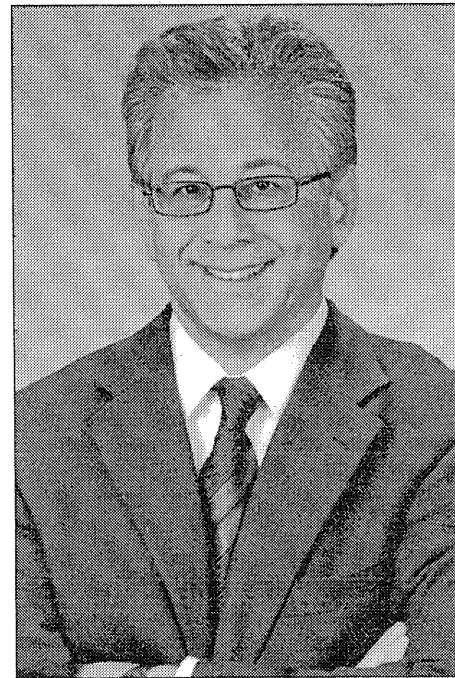
### Personal injury

Riverside County

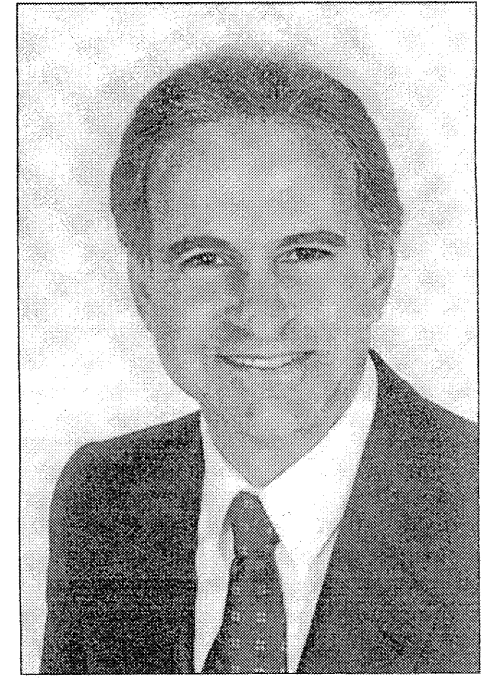
Superior Court Judge Dallas S. Holmes

**Plaintiff's attorneys:** Heimberg Barr LLP, Steven A. Heimberg, Marsha E. Barr-Fernandez; Greene Broillet & Wheeler LLP, Bruce A. Broillet, Alan L. Van Gelder

**Defense attorneys:** Smith & Susson LLP, Scott A. Smith, Linda J. Burden; Wood Smith Henning & Berman LLP, R. Gregory Amundson



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"It was a sympathetic situation; plaintiff had effectively lost her husband, though he was still alive and in a permanent vegetative state. She had one son and was pregnant with the second son at the time of the sudden cardiac arrest," Smith said. "On the other side was a corporation."

Smith still contends his clients provided exemplary emergency response to Alegre at the time of the incident.

The case posed challenges for the plaintiffs,

too, Heimberg said, from investigation to trial.

"It was what looked to be an uphill battle because the industry has had some practice in the way of conducting investigations that made it hard to uncover what exactly occurs and to compare that to what was supposed to be done," Heimberg said.

Defense lawyers sought to appeal the decision but the parties reached a confidential settlement last month, Smith said.

— Katie Lucia