

STATE OF VERMONT

SUPERIOR COURT  
RUTLAND UNIT

CIVIL DIVISION  
DOCKET NO. 202-5-20 Rdev

STATE OF VERMONT, )  
Plaintiff, )  
 )  
v. )  
 )  
CLUB FITNESS OF VERMONT, INC. and )  
SEAN MANOVILL, )  
Defendants. )  
 )

**NOTICE OF WITHDRAWAL OF STATE’S MOTION FOR PRELIMINARY  
INJUNCTION AND JOINT MOTION FOR STATUS CONFERENCE**

The State of Vermont, by and through Vermont Attorney General Thomas J. Donovan, Jr., hereby notices the Court that it is withdrawing its motion for preliminary injunction, filed on May 15, 2020. The parties jointly request the Court convert the preliminary injunction hearing currently scheduled for 10 a.m. on May 29, 2020, to a status conference.

The Governor is expected to authorize additional re-openings on May 29, which will likely result in new guidelines for re-opening gyms and fitness centers.<sup>1</sup> In the interests of conserving Court and party resources, the State is withdrawing its motion for preliminary injunction to avoid litigating legal issues that are likely to be mooted that same day.

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<sup>1</sup> See, e.g., Colin Flanders, “Scott Reopens More Businesses, Cancels Fairs and Festivals,” *Seven Days*, <https://www.sevendaysvt.com/OffMessage/archives/2020/05/22/scott-reopens-more-businesses-cancels-fairs-and-festivals> (May 22, 2020) (“[Governor Scott] said he expected to announce a timeframe for those businesses [gyms and spas] next Friday [May 29].”). The Governor made a similar announcement at his press conference today, May 27, shortly after 11 a.m. See Anne Wallace Allen, “Scott teases indoor restaurant, cleaning services and gym reopenings,” *VTDigger.org*, <https://vtdigger.org/2020/05/27/scott-teases-indoor-restaurant-cleaning-services-and-gym-reopenings/> (May 27, 2020).

WHEREFORE, for the same reasons, the parties jointly move this Court:

1. To convert the hearing currently scheduled for Friday, May 29, 2020 at 10 a.m. into a status conference.

DATED May 28, 2020.

Respectfully submitted,

THOMAS J. DONOVAN, JR.  
ATTORNEY GENERAL



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CLUB FITNESS OF VERMONT AND  
SEAN MANOVILL



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