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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 FITNESS INTERNATIONAL, LLC

14 Plaintiff,

15 -vs-

16 LEAH ALSPAUGH and DOES 1  
17 through 50, inclusive,

18 Defendant.  
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Case No.: 8:22-CV-01800-DOC-DFM

**FITNESS INTERNATIONAL, LLC'S**  
**FIFTH SUPPLEMENTAL**  
**MEMORANDUM RE: LEAH**  
**ALSPAUGH'S CONTINUING**  
**VIOLATION OF THE COURT'S**  
**PERMANENT INJUNCTION AND**  
**REQUEST FOR HEARING RE SAME**

1 Plaintiff FITNESS INTERNATIONAL, LLC (hereinafter “Fitness”) respectfully  
2 submits the following further, *fifth* supplemental memorandum regarding defendant  
3 LEAH ALSPAUGH’s (hereinafter “Alspaugh”) continuing violation of the Permanent  
4 Injunction entered by this Court on May 8, 2023. [Dkt. 81.] Alspaugh has become  
5 increasingly violent and has now twice physically assaulted Fitness personnel.

6 **I. Alspaugh’s Continued Harassment and Trespass**

7 As previously advised, on November 6, 2023, Alspaugh stole a set of keys from  
8 Fitness’ La Habra gym, and physically assaulted one of Fitness’ employees, Operations  
9 Manager Ernest Roque, in the process. [Dkt. No. 136.]

10 On December 22, 2023, Alspaugh returned to the La Habra gym, and immediately  
11 walked in the reception area where Mr. Roque was working on a computer. Alspaugh  
12 walked over to Mr. Roque, and yelled at him to “get the F\*\*k out of” her club. She then  
13 proceeded to forcibly grab the chair and ***physically grabbed and pushed Mr. Roque***  
14 ***until he got out the chair.*** Mr. Roque grabbed his bag as if to leave, and Alspaugh  
15 hovered over him until another employee came over and told Alspaugh to leave. The  
16 police were called, but Alspaugh left before they arrived. Mr. Roque was reportedly  
17 extremely shaken by Alspaugh’s physical violence and threatening conduct.  
18 [Stokesberry Decl., at ¶2.] Below is a link to the surveillance video depicting the  
19 December 22, 2023 incident.

20 <https://yokasmith.sharefile.com/public/share/web-s2a413df259d6409f979eaa426b3c7ebf>

21 On Sunday, January 21, 2024, Alspaugh returned to the La Habra location, walked  
22 in, and stole some keys from the gym’s lost and found. Alspaugh’s returned to the La  
23 Habra gym later that evening after the gym was closed, and proceeded to chain and  
24 padlock the front doors closed. When Fitness personnel discovered the padlocked front  
25 door, they had to go to the police to have the police remove the chain with bolt cutters.  
26 [Stokesberry Decl., at ¶3.] Below is a link to the surveillance video depicting the January  
27 21, 2024 incident:

28 <https://yokasmith.sharefile.com/public/share/web-s277ea735e81a40e4a03619efaac63bf8>

1 On January 26, 2024, Alspaugh returned to the La Habra location, and employees  
2 attempted to engage her in conversation while they called the police. Alspaugh left  
3 before the police arrived. [Stokesberry Decl., at ¶4.]

4 On January 29, 2024, Alspaugh returned to the La Habra gym. Alspaugh was  
5 approached by Fitness' Operations Manager, and informed him that she was there to  
6 work. When The Operations Manager told her she did not work there, Alspaugh grabbed  
7 him and shook him until another Fitness employee intervened. She was told to leave  
8 while several Fitness employees contacted the police. Alspaugh left the LA Habra gym,  
9 however she was spotted at a nearby Petco, at which point she was arrested by the La  
10 Habra Police Department, case number 24-003428. [Stokesberry Decl., at ¶5.] Below  
11 is a link to surveillance video depicting Alspaugh's conduct at the La Habra gym on  
12 January 29, 2024.

13 <https://yokasmith.sharefile.com/public/share/web-s2136378700e54f72b9280ebb9e0f652f>

## 14 **II. Alspaugh's Continued Communications Misrepresentations** 15 **Regarding Her Affiliation With Fitness**

16 As previously advised, Alspaugh continues to misrepresent her affiliation with  
17 Fitness by filing fraudulent insurance claims with Fitness' insurance carriers. [Dkt. 137.]  
18 Her misrepresentations continue. On January 16, 2024, Fitness' Vice President of  
19 Human Resources, Mindy Stokesberry, received a call from the Operations Manager at  
20 Fitness' Irvine-Jamboree gym, informing her that he received a call from Paychex to  
21 confirm an appointment with Alspaugh to help her with HR compliance and payroll for  
22 her company. The Paychex representative was informed that Alspaugh did not work for  
23 Fitness. Ms. Stokesberry then spoke with the Paychex representative, and was informed  
24 that Alspaugh represented to him that she had 35 employees. [Stokesberry Decl., at ¶6.]

## 25 **III. Alspaugh's Continued Harassing Email Communications With Fitness** 26 **Personnel**

27 In addition to Alspaugh's trespassing, theft and violence toward Fitness personnel  
28 at the La Habra gym, Alspaugh continues to harassing Fitness personnel through

1 increasingly bizarre and unintelligible emails – again, using the infringing  
2 [proreults411@gmail.com](mailto:proreults411@gmail.com) email address.

- 3 • On December 29, 2023, Alspaugh sent an email to Ms. Stokesberry, stating  
4 in pertinent part “I wanted to het my w2 if I can from Vista and I want to  
5 know who was using my tax ID inform in the past 3 years. I think someone  
6 tried to roll over my Roth account with la fitness. I know adp is showing a  
7 different dain(*sic*) now Breckenridge is what it says on my name now.”
- 8 • On January 24, 2024, Alspaugh sent four (4) emails to Fitness’ Human  
9 Resource Manager, Mervet Shuber, between 10:01 a.m. and 10:11 a.m.
  - 10 ○ The 10:01 a.m. email states in part “The web portal is not working.  
11 Theof (*sic*) online retention works if you can bounce a basketball  
12 across the website or change prices. I did a lot of excel which is  
13 something that does statistics but that has nothing to do with sales it’s  
14 more for bookkeeping and statistics but it looks like an excel grid or  
15 gridlock on the portal and I’m sure this is why the emails are getting  
16 f\*\*ked up.”Two of the emails were of yoga poses – the wounded  
17 peacock (no image attached) and the eagle pose.
  - 18 ○ The 10:03 a.m. email has the subject line “Eagle pose”, and contains  
19 a photo of a woman in a yoga pose, and a statement “There are 64  
20 participants in the yoga class this is the eagle pose. They are  
21 practicing.”
  - 22 ○ The 10:04 a.m. email states “Please advised of the wounded peacock  
23 pose.”
  - 24 ○ The 10:11 a.m. email states: “I’m not sure who advised the use of a  
25 microphone in the clubs to amp up the speakers. This is against Ada  
26 regulations. Please be advised of the autism clause.”
- 27 • On January 26, 2024, Alspaugh sent two (2) emails to Ms. Shuber at 5:02  
28 a.m. and 5:03 a.m.

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- The 5:02 a.m. email contains a photo of someone’s tattoo which states “with pain comes strength.”
- The 5:03 a.m. The first email is a photo of a Benetton sweater, with the subject line “Rainy day gear,” and a quote from Benetton.

[Exhibits A and B to the Stokesberry Decl.]

It is clear that Alspaugh will not stop her harassing and increasingly violent conduct absent intervention by the Court. Simply put, Alspaugh needs to be taken into custody immediately before someone is physically injured to the point where they require medical attention. She has now twice physically assaulted Mr. Roque, has stolen property (keys) from Fitness’ premises, padlocked to the doors to the La Habra gym, continues to misrepresent herself as a Fitness representative to third parties, and continues to send harassing emails to Fitness personnel. All of the above-described conduct occurred since Fitness *Fourth* Supplemental Brief, which was filed on December 13, 2023. [Dkt. 137.]

Alspaugh’s conduct is willful, targeted, and in direct defiance of this Court’s order, as well as the state court’s restraining order. Alspaugh continues to engage in such conduct without consequence, which has only emboldened Alspaugh all to the detriment of Fitness and its employees.

Given Alspaugh’s increasingly violent conduct, Fitness requests that the Court set a status conference, and order Alspaugh to be present.

DATED: January 31, 2024

YOKA | SMITH, LLP



BY: \_\_\_\_\_

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