

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                      |   |                              |
|--------------------------------------|---|------------------------------|
| <b>AMBER GASCHO, et al.,</b>         | : |                              |
|                                      | : | <b>Case No. 2:11-CV-436</b>  |
| <b>Plaintiffs,</b>                   | : |                              |
| <b>v.</b>                            | : | <b>Judge Smith</b>           |
|                                      | : |                              |
| <b>GLOBAL FITNESS HOLDINGS, LLC,</b> | : | <b>Magistrate Judge King</b> |
|                                      | : |                              |
| <b>Defendant.</b>                    | : |                              |

**DEFENDANT’S NOTICE OF NON-PAYMENT**

Defendant Global Fitness Holdings, LLC (“Global Fitness”) gives notice to the Court that it has insufficient assets to comply with Section 14.4 of the Settlement Agreement and Release (Doc. 97-1) (“Settlement Agreement”), which provides for payment to class counsel and the claims administrator. Global Fitness advised Tom McCormick, lead Plaintiffs’ counsel, by telephone earlier today. On March 28, Global Fitness provided Dahl with \$1,633,240, which was held in escrow as required by section 14.1 of the Settlement Agreement, to fund payments to the plaintiffs and class claimants.

Respectfully submitted,

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*Counsel For Global Fitness Holdings LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that foregoing was filed with the Court's ECF system on April 18, 2017, which will send notification of this filing to the registered parties.

*s/ V. Brandon McGrath*  
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Attorney for Defendant

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