

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT’S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION “SUMMARY ORDER”). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

1 **At a stated term of the United States Court of Appeals for the Second Circuit,**
2 **held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of**
3 **New York, on the 25th day of April, two thousand twenty-four.**

4
5 **PRESENT:**

6 **GUIDO CALABRESI,**
7 **BARRINGTON D. PARKER,**
8 **MICHAEL H. PARK,**
9 ***Circuit Judges.***

10 _____
11
12 **Michelle Adams,**

13
14 ***Plaintiff-Appellant,***

15
16 **v.**

23-608

17
18 **Equinox Holdings, Inc., Joe Matarazzo, Matt**
19 **Herbert, and Will Diaz,**

20 ***Defendants-Appellees.****
21
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24 **FOR APPELLANT:**

**FRED B. LICHTMACHER, The Law Office of Fred
Lichtmacher P.C., New York, NY.**

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27 **FOR APPELLEES:**

**JARED E. BLUMETTI (Patrick McPartland *on the*
brief), LaRocca Hornik Rosen & Greenberg LLP,
New York, NY.**

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* The Clerk of Court is respectfully directed to amend the caption accordingly.

1 Appeal from a judgment of the United States District Court for the Southern District of
2 New York (Cronan, *J.*).

3 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND**
4 **DECREED** that the judgment of the district court is **AFFIRMED**.

5 Appellant Michelle Adams was employed as a personal trainer at the Flatiron Equinox
6 Club from 1997 until 2018, when she was 60 years old. She was terminated for violating company
7 policy by threatening a co-worker in the workplace. Adams sued Defendant Equinox Holdings,
8 Inc. (“Equinox”) and various individual defendants in New York state court, but Equinox removed
9 the action to the U.S. District Court for the Southern District of New York. Adams filed an
10 Amended Complaint, bringing age discrimination and retaliation claims against all Defendants
11 under the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621 *et seq.*, and the
12 New York City Human Rights Law (“NYCHRL”), N.Y.C. Admin. Code § 8-101 *et seq.*, and
13 aiding and abetting claims against the individual defendants under the NYCHRL. The district
14 court (Nathan, *J.*) granted in part and denied in part the individual defendants’ motion to dismiss,
15 dismissing all claims against them, except the claims that they aided and abetted Equinox. The
16 case was then reassigned to Judge Cronan. Defendants moved for summary judgment, and the
17 district court granted their motion, dismissing all remaining claims.¹ Adams appealed. We
18 assume the parties’ familiarity with the underlying facts, the procedural history of the case, and
19 the issues on appeal.

¹ The district court dismissed individual defendants Elvira Bolotbekova and Alex Songolo from the action for failure to serve.

