

**Fill in this information to identify the case:**

Debtor 1 GGI Holdings, LLC

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Texas, Dallas Division

Case number 20-31318-hdh11

E-Filed on 09/09/2020  
Claim # 335

# Official Form 410

## Proof of Claim

04/19

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

### Part 1: Identify the Claim

<b>1. Who is the current creditor?</b>	<u>Ana Osorio</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
<b>2. Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
<b>3. Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
	<u>Amber L. Hurst</u> Name <u>325 Dean A. McGee Avenue</u> Number Street <u>Oklahoma City</u> <u>OK</u> <u>73102</u> City State ZIP Code Contact phone <u>(405) 235-6100</u> Contact email <u>amber@hammonslaw.com</u>	<u>Ana Osorio</u> Name <u>325 Dean A. McGee Avenue</u> Number Street <u>Oklahoma City</u> <u>OK</u> <u>73102</u> City State ZIP Code Contact phone <u>(405) 882-1151</u> Contact email <u>anaosorioperea@gmail.com</u>
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----	
<b>4. Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

**Part 2:** Give Information About the Claim as of the Date the Case Was Filed

6. **Do you have any number you use to identify the debtor?**  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. **How much is the claim?** \$ 75,000.00. **Does this amount include interest or other charges?**  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. **What is the basis of the claim?** Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.  
Wrongful termination

9. **Is all or part of the claim secured?**  No  
 Yes. The claim is secured by a lien on property.  
**Nature of property:**  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. **Is this claim based on a lease?**  No  
 Yes. **Amount necessary to cure any default as of the date of the petition.** \$ 0.00

11. **Is this claim subject to a right of setoff?**  No  
 Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$3,025\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$13,650\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)(    ) that applies.

**Amount entitled to priority**

\$                      0.00

\$                      0.00

\$                      0.00

\$                      0.00

\$                      0.00

\$                      0.00

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 09/09/2020  
MM / DD / YYYY

Amber L. Hurst

Signature

**Print the name of the person who is completing and signing this claim:**

Name Amber L. Hurst  
First name Middle name Last name

Title Attorney

Company Hammons, Hurst & Associates  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address  
Number Street

City State ZIP Code

Contact phone Email

Attachment 1 - # 1-6 PETITION.pdf

Description -

*Ogden*



**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

1. ANA OSORIO,

Plaintiff,

v.

1. GOLD'S GYM,

2. GOLD'S HOLDING COMPANY,

Defendants.

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

JUN - 6 2019

RICK WARREN  
COURT CLERK

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**CJ-2019-3171**

Case No. CJ-19-

JURY TRIAL DEMANDED  
ATTORNEY LIEN CLAIMED

**PETITION**

**COMES NOW THE PLAINTIFF**, Ana Osorio, and pleads her claims as follows:

**PARTIES**

1. The Plaintiff is Ana Osorio, an adult resident of Oklahoma County, Oklahoma.
2. The Defendants are Gold's Gym and Gold's Holding Company, both domestic companies doing business in Oklahoma County, Oklahoma.

**VENUE**

3. Plaintiff's claims are for gender discrimination, including being subjected to a sexually hostile working environment and retaliated against after complaining of sexual harassment and/or because the Defendants believed Plaintiff complained of sexual harassment, in violation of Title VII of the Civil Rights Act and Oklahoma's Anti-discrimination Act.
4. Most of the conduct giving rise to this litigation occurred in Oklahoma County, Oklahoma, such that venue is proper in Oklahoma County, Oklahoma.

**STATEMENT OF FACTS**

5. The Defendants employed, both separately and jointly, at least fifteen employees for at least twenty weeks of the current or proceeding year, such that it is an

employer subject to Title VII. There is no minimum employee requirement under the FLSA, OPLA or OADA.

6. Plaintiff was employed by Defendants from around December 2012 until around March 27, 2018.
7. During Plaintiff's employment she worked as a Housekeeping Supervisor. Plaintiff's job responsibilities included cleaning the men's locker rooms and restrooms.
8. On a routine basis, at least once per week, some male gym members:
  - A. intentionally exposed their penises to the Plaintiff and would ask Plaintiff questions, such as whether she liked what she saw;
  - B. intentionally walked in front of the Plaintiff naked and insisted that the Plaintiff stand next to them and/or engage in conversation while the males exposed their genitalia; and/or
  - C. expose themselves then turn and move their bodies and hips in a way that placed their genitalia close to the Plaintiff while she was cleaning.
9. The conduct described above was offensive to the Plaintiff and also objectively offensive.
10. Around December 2016 the Plaintiff reported the sexual harassment to her supervisor, Alecia Lanuto.
11. Plaintiff also requested that Defendants briefly close the male locker room and restroom during the brief period they were being cleaned by the Plaintiff as this was when much of the harassing conduct occurred.

12. Defendants refused to briefly close the men's locker room and restroom while Plaintiff cleaned them, refused to take any action to stop the sexual harassment and the harassment continued.
13. As a result of the continued sexual harassment and lack of any remedial measures, the Plaintiff's work environment became intolerable and she was constructively discharged around March 27, 2018.
14. Defendants failed to protect Plaintiff from sexual harassment by its customers and retaliated against the Plaintiff after she complained, including by reducing Plaintiff's hours and constructively discharging her around March 27, 2018.
15. As a direct result of the Defendants' conduct, the Plaintiff has suffered, and continues to suffer, wage loss (including back, present and front pay along with the value of benefits associated with such wages) and emotional distress/dignitary harm including worry, frustration, anxiety and similar unpleasant emotions.
16. Plaintiff has exhausted her administrative remedies by timely filing EEOC charges of discrimination on June 13, 2018. The EEOC issued Plaintiff her right to sue letters for both charges on March 12, 2019. This petition is timely filed within ninety (90) days of Plaintiff's receipt of her right to sue letters.
17. Subjecting an employee to sexual harassment and retaliating against her for complaining of harassment (including through a reduction and hours and a constructive discharge) violate Title VII and the OADA.
18. Under both federal and state law the Plaintiff is entitled to recover her wage loss (including back, present and front pay along with the value of benefits associated

with such wages) and attorney fees. Plaintiff is entitled to recover emotional distress damages under Title VII and liquidated damages under the OADA.

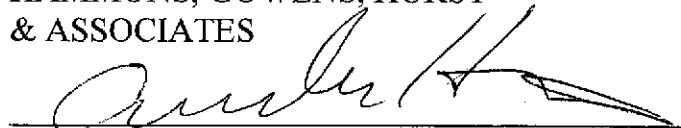
19. Because the Defendants' conduct was willful or, at the least, in reckless disregard of Plaintiff's rights, she is entitled to recover punitive damages under Title VII.

**PRAYER**

**WHEREFORE**, Plaintiff requests this Court enter judgment in her favor and against the Defendants, and grant her all compensatory damages suffered, together with all damages, liquidated damages, attorneys' fees, costs and interest, and such other legal and equitable relief as this Court deems just and proper.

**RESPECTFULLY SUBMITTED THIS 6<sup>th</sup> DAY OF JUNE 2019.**

HAMMONS, GOWENS, HURST  
& ASSOCIATES



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JURY TRIAL DEMANDED  
ATTORNEY LIEN CLAIMED