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Widow sues Planet Fitness after a Delco manager allegedly refused her husband a defibrillator

Story by Abraham Gutman, The Philadelphia Inquirer

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The widow of a [Delaware County](#) man has sued Planet Fitness, alleging a gym manager refused to hand over the facility's defibrillator to assist in CPR efforts on her husband.

Guy Harris, a 46-year old father of two from Darby, was driving with his 11-year-old son on Baltimore Pike in January when he began experiencing symptoms of a heart attack, according to a complaint filed last week in the Philadelphia Court of Common Pleas. Harris pulled over near the Clifton Heights Planet Fitness, of which he was a member, while his son called 911. A passerby, who happened to be a medical professional, began administering CPR.

Two people who left the Planet Fitness went back into the gym to ask for an automated external defibrillator, or AED, a portable device that can administer life-saving electric shocks to the heart in certain cardiac emergencies.

But according to the suit, the Planet Fitness manager refused to hand over the AED. An ambulance crew took Harris to Mercy Fitzgerald Hospital, where he was pronounced dead.

"Bystanders continued to attempt to resuscitate Mr. Harris while they waited for the ambulance; but, without the AED, their efforts were unsuccessful," the complaint said.

The lawsuit accuses the New Hampshire-based gym chain of negligence causing Harris' wrongful death.

The complaint doesn't identify the manager, or provide detail about the interactions with them aside from their refusal.

Planet Fitness did not respond to a request for comment.

AEDs are most effective when used immediately following a cardiac arrest, with likelihood of survival dropping by 7% to 10% with every following minute, [according to the American Heart Association](#). [Nearly half of people in cardiac arrest survive](#) when a bystander administers an early shock with an AED.

But AEDs are used by bystanders in only 5% of CPRs outside of hospitals.

To encourage bystanders to use AEDs, [Pennsylvania has a Good Samaritan law](#) that protects from lawsuits anyone who uses the device "in good faith in an emergency."

But those laws won't save lives if AEDs aren't accessible, even when an establishment has one on-site, said Elizabeth Crawford, the Kline & Specter attorney representing the family.

The case is especially egregious because Harris was a paying member of Planet Fitness, Crawford said. An AED would have been available had he collapsed inside the gym.

"Once you step outside of Planet Fitness you lose your right to get your life saved," the attorney said. "Because of a deliberate choice to deny the use of a lifesaving device, a wife and two children lost their husband and father."