



Written by [Bob Adelman](#) on August 2, 2020

New Jersey Gym Owners Defy Court Order, Break Open Doors Shuttered by State

Following their arrest and release last Monday, Ian Smith and Frank Trumbetti, the owners of Atilis Gym in Bellmawr, New Jersey, [were scolded](#) by a spokesman for New Jersey Attorney General Gurbir Grewal:

After Atilis refused to comply with multiple citations and Superior Court orders, including a contempt-of-court order issued [the previous] Friday, today [Monday] law enforcement entered the premises to ensure closure and to abate public health risks.



As the attorney general previously said, the state wishes it had not come to this, but the gym refused to comply even with a contempt order.

Smith told the *Washington Examiner* that he and Trumbetti have been singled out by the governor:

We're being targeted. It's very clear that he's on a mission to destroy our business because we dared to defy him.

There are plenty of other businesses that are open and operating just like we are [who are] defying the shutdown. But Governor Murphy has a personal vendetta against us, and it couldn't be more clear than it is today....

We're the only business in the state to be punished in a way that we have, including locking our doors and changing our locks on us, arresting us and boarding up our doors. So it's very clear that he is on a mission to get us.

This triggered a response from the governor, who Tweeted on Friday: "We are not past COVID 19. I am not announcing any specific action today [against the owners], but consider this as being put on-notice: we will not tolerate these devil-may-care, nonchalant attitudes any more."

After kicking in the plywood sheets that the sheriff's office had installed, Smith took to Instagram not only to publish a video of the event but to respond to Murphy's tweet:

I hate the fact that it has to come to this. Governor Murphy can portray us in whatever villainous way he wants, but our hands are forced here and that's his fault.

We are over 4 months into an economic shutdown that was supposed to be 14 days. It is time to end this and resume life in a safe and responsible manner.

Small business is not solely responsible for the spread of the virus yet we are targeted as such and unfairly treated.

You will not trample on our rights and you will not destroy our lives. We will not back down. Ever....

We didn't pick this fight. This fight came to us.



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Frank and I made a promise to each other that we would see this thing all the way through — no matter what. We have not broken any laws, yet we are being treated like criminals.

Tyrants use force to exercise their will — threat of imprisonment, financial ruin, and more. And a tyrant is what we have in office. No science, no data, only conclusive statements with no proof.

We presented a plan, a sensible one and opened responsibly — and you decided to make it personal, so now here we are.

You will not tread on my rights, you will not ruin everything we've worked our whole lives for, and you will be held responsible for your trespasses. #lionsnotsheep

In commenting on the confrontation, former New Jersey Superior Court Judge Andrew Napolitano took the side of the owners:

[The governor has] violated rules that he himself has promulgated.... [His attorney general has] dismissed thousands of summonses that police have issued for violating the governor's wishes.... He's determined to make an example out of these gym owners....

It's not right. It's not fair. The governor can't make up his own laws.

That is the core issue. As *The New American* pointed out in its coverage of the arrest of the owners last week, "at issue is the constitutionality of New Jersey's Disaster Control Act, under which the governor has seized power over every municipality, every business, every individual, and every bit of private property.... In other words, using COVID-19 as cover, the governor now controls everything in the state."

As Judge Napolitano noted, "He can't write the law and he can't punish people for violating what he has written. That's what the Supreme Court of New Jersey will [decide]. If it doesn't, then it's going to go the Supreme Court of the United States. It will be a monumental case."

In the meantime, the owners face an existential challenge on Tuesday. That's when Bellmawr officials will consider revoking the gym's business license.

Image: screenshot from YouTube video

An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American, writing primarily on economics and politics. He can be reached at badelmann@thenewamerican.com.

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