



Written by [Michael Tennant](#) on May 25, 2024

All Charges Dropped Against New Jersey Gym Owners Who Defied Lockdown

Two New Jersey gym owners have been cleared of more than 80 charges stemming from their defiance of Democratic Governor Phil Murphy's Covid-19 orders.

Ian Smith and Frank Trumbetti, co-owners of Atilis Gym in Bellmawr, refused to close their establishment in the face of Murphy's order shuttering all "nonessential" businesses.

"Telling people that liquor stores are essential but places they can come to work on their physical and mental health is not — it's just not adding up," [Smith told Tucker Carlson](#) in May 2020. "So we decided to take matters into our own hands."

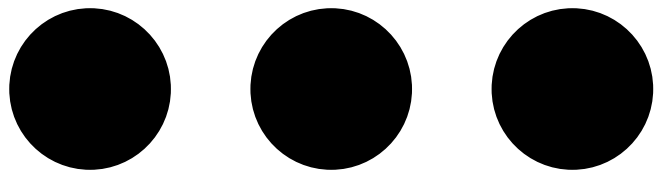
Because of Smith's public stand, the all-Democrat Bellmawr borough council voted to rescind the Atilis Gym's business license. "When the owners' attorney asked the council to prove that the gym was a threat to public health, they were unable to answer. When the attorney asked the council to delay the vote until evidence could be produced that the gym's operations posed a threat to public health, they declined," [The New American](#) reported at the time. "It was as if they were saying, 'We don't need no stinkin' evidence. We're going to shut this place down! How dare they defy the state?'"

Police boarded up the gym, but Smith and Trumbetti kicked in the plywood and reopened.

Eventually, they racked up over "80 summonses charging them with violating a governor's orders, operating without a mercantile license, creating a public nuisance and disturbing the peace," according to [NJ.com](#).

"At one point, the state Attorney General's office recommended fines of up to \$10,000 a day and imprisonment for the owners of Atilis if they did not shutter their business," the website continued. "Many of the charges also carried up to six months in jail, said Smith's attorney, John McCann."

The state [confiscated \\$165,000 from the gym's bank account](#) after an appeals court ordered its owners to pay that amount in state fines for violating Murphy's edicts.



AP Images
Atilis Gym in Bellmawr, N.J.



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“When you look at this, it didn’t make a lot of sense at the time. It kind of looked like they were throwing everything they could at these guys,” McCann told NJ.com.

Smith certainly saw things that way.

“We’re being targeted. It’s very clear that [Murphy]’s on a mission to destroy our business because we dared to defy him,” he told the [Washington Examiner](#).

“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.”

McCann noted that the “charges hung over these guys’ heads for four years.”

Once a judge finally got around to reviewing them, though, she made short work of them. A Winslow Township judge dismissed the charges on April 24, giving prosecutors a few weeks to appeal. When neither Bellmawr nor the state chose to appeal, the charges were dismissed with prejudice, meaning they cannot be refiled.

“We didn’t get a lot of cooperation from Bellmawr with regard to discovery. The only thing we got with regard to discovery was the summonses,” McCann told NJ.com.

“You need the reports, you need a whole bunch of stuff,” he explained. “The judge in Winslow said Bellmawr didn’t provide their court with meaningful discovery to give to us. She basically said that Bellmawr ignored the requests.”

Bellmawr, it seems, either feared losing in court or decided that Smith and Trumbetti’s “crimes” weren’t worth prosecuting now, the charges already having had their intended effect of frightening other business owners into complying with Murphy’s unscientific, tyrannical dictates.

McCann said he is now considering attempting to recoup the \$165,000 the state took from the gym.

“That’s a very tricky issue,” he told the [New York Post](#). “It’s very, very complex. And I’m making my way through that.”

“Like, is the state trying to destroy people?” he added. “Why are you trying to destroy small businesses?”

Atilis’ owners could definitely use the money. According to NJ.com:

McCann on Tuesday said Atilis’ owners did not make money off gym memberships during the pandemic. The facility, for that period of time, became the campaign headquarters for Republican [U.S.] Senate candidate Rik Mehta, who challenged Democrat Cory Booker for his U.S. Senate seat.

People entering Atilis were exercising their right to volunteer for Mehta’s candidacy. If they worked out while they were there, they were not charged a membership fee, McCann said.

“There was no income coming in but for the GoFundMe money they were raising to fight the state,” McCann said. The GoFundMe raised more than \$530,000 for the gym owners’ cause.

Smith celebrated his “major victory” on social media on the fourth anniversary of his reopening the gym.

“The support we received locally, nationally, and internationally for our stand is something I will be



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forever grateful for,” he [wrote](#).

“This victory opens the battlefield again and gives us options to continue to push back and bring justice to the treasonous actions of Phil Murphy and his lackies [sic].”

He also praised his attorneys, stating that they “stood with us through the darkest days of the storm, have not flinched, and never once cared about being in front of cameras to gain notoriety from their work.”

And he offered these words of advice: “Nobody is coming to save you, save yourself. Spit on your hands and hoist the black flag. No quarter.”



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