

1 ALEXIS MCKENNA (#197120)
Deputy Chief Counsel
2 RENEE PARADIS (#234687)
Associate Chief Counsel
3 SOYEON MESINAS (#324046)
Staff Counsel
4 CALIFORNIA CIVIL RIGHTS DEPARTMENT
2218 Kausen Drive, Suite 100
5 Elk Grove, CA 95758
6 Telephone: (916) 478-7251
7 Facsimile: (888) 382-5293

FILED
Superior Court of California
County of Los Angeles
09/26/2023

David W. Slayton, Executive Officer / Clerk of Court
By: H. Garcia Deputy

9 Attorneys for Petitioner, CRD

(Fee Exempt, Gov. Code, § 6103)

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF LOS ANGELES**

12 CALIFORNIA CIVIL RIGHTS
13 DEPARTMENT, an agency of the State of
California,
14
Petitioner,
15
vs.
16
17 CAMBRIAN HOMECARE, INC.,
Respondent.
18

Case No. 23STCP02329

**STIPULATION FOR ENTRY OF FINAL
JUDGMENT**

Dept. 14
Judge: Hon. Cherol J. Nellon

[Cal. Code of Civ. Proc., § 664.6]

19
20
21 Petitioner, the California Civil Rights Department, (hereinafter “Petitioner” or
22 “Department”), and Respondent, Cambrian Homecare, Inc., (hereinafter “Respondent” or
23 “Cambrian”) (collectively, “Parties”), having stipulated to the entry of this Stipulation for Entry of
24 Final Judgment (“Judgment”) on the basis of the Petition and accompanying exhibits, and with all
25 Parties having waived the right to appeal; and the Court having considered the pleadings and good
26 cause appearing:
27

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:



1 **PARTIES AND FINDINGS**

2 1. The California Civil Rights Department is charged with enforcement of, inter alia,
3 California Government Code section 12999, requiring large employers to report pay data to the
4 Department on an annual basis.

5 2. Respondent, Cambrian Homecare, Inc., is a California corporation with its principal
6 place of business at 5199 E. Pacific Coast Highway, Suite 100, Long Beach, CA 90804.

7 3. Respondent is a caregiving service company that operates in locations across six
8 Southern California Counties and four Northern California counties and employs over 2,000
9 employees.

10 4. The parties to this action agree that this Court has jurisdiction of the subject matter
11 hereof and over the Parties, venue is proper in this County, and this Court has jurisdiction to enter
12 this Judgment.

13 5. This judgment is entered to resolve the Petition for an Order Requiring Compliance
14 with the Pay Data Act filed by the Department.

15 6. Government Code section 12999, enacted in 2020 with an effective date of January 1,
16 2021, requires each employer subject to the Fair Employment and Housing Act, with at least 100
17 employees nationwide, who are required to file an Employer Information Report (“EEO-1”) under
18 federal law, to also submit a pay data report to DFEH on an annual basis.

19 7. The EEO-1 is a federal reporting requirement administered by the Equal Employment
20 Opportunity Commission. It applies to “every employer that is subject to title VII of the Civil Rights
21 Act of 1964” with 100 or more employees. (29 CFR § 1602.7.) Employers subject to Title VII are
22 those “engaged in an industry affecting commerce” with “fifteen or more employees” for twenty
23 weeks or more out of the year. (42 U.S.C. § 2000e.)
24
25
26
27

1 8. Section 12999 was subsequently amended in 2022 by Senate Bill 1162; for the 2022
2 reporting year, all private employers with 100 or more employees within the jurisdiction of the
3 Department, whether or not they are required to file an EEO-1 report, must submit a pay data report.
4 (Sen. Bill No. 1162 (2021-2022 Reg. Sess.).)
5

6 9. California’s pay data reporting law requires a covered employer to provide the
7 number of employees by race, ethnicity, and sex in certain job categories, and by category of rate of
8 pay, which it employed during the previous year. The Legislature imposed this affirmative reporting
9 requirement on employers because “pay discrimination is difficult to detect and address.” (Stats.
10 2020, ch. 363, § 1(d).) Government Code section 12999 requires that employers submit a pay data
11 report on or before March 31st of each year with pay data from the prior year (“Reporting Year”).
12 The first such report was due March 31, 2021, for the 2020 reporting year and March 31, 2022, for
13 the 2021 reporting year.
14

15 10. Amended Government Code section 12999 requires that employers submit a pay data
16 report on or before the second Wednesday of May of each year with pay data from the Reporting
17 year. (Gov. Code, § 12999, subd. (a)(2).) The report was due May 10, 2023 for the 2022 reporting
18 year.
19

20 11. When an employer fails to submit an annual California pay data report, the
21 Department “may seek an order” compelling compliance with Government Code section 12999’s
22 requirements (Gov. Code, § 12999, subd. (f)), and recover the costs, including attorney’s fees,
23 associated with such action. For the 2022 reporting year, the Department is also entitled to seek
24 penalties for employers who do not timely file their pay data reports “not to exceed one hundred
25 dollars (\$100) per employee upon any employer who fails to file the required report and not to
26 exceed two hundred dollars (\$200) per employee upon any employer for a subsequent failure to file
27

1 the required report.” (*Ibid.*)

2 12. Respondent is subject to Government Code section 12999: (1) respondent “has 100 or
3 more employees”; (2) respondent “is required to file an annual Employer Information Report (EEO-
4 1) pursuant to federal law”; and (3) respondent has at least one California employee and is thus
5 subject to the jurisdiction of the Department. (Gov. Code, § 12999, subd. (a).)
6

7 13. Respondent is also subject to amended Government Code section 12999, as
8 respondent “has 100 or more employees,” at least one of whom works in California. (Gov. Code,
9 § 12999, subd. (a)(1).)

10 14. Respondent failed to file its pay data reports for reporting years 2020 and 2021 by the
11 deadlines of March 31, 2021 and March 31, 2022. Respondent failed to file its pay data report for
12 reporting year 2022 by the deadline of May 10, 2023. After multiple notices to respondent of its
13 noncompliance with no response, the Department filed a petition to mandate compliance with the
14 filing requirement for all three years on July 5, 2023. Respondent subsequently filed their pay data
15 report for reporting year 2022 on July 7, 2023 and reporting years 2021 and 2020 on July 26, 2023.
16

17 **TERMS OF THIS STIPULATED JUDGMENT**

18 15. That notice of hearing and hearing on the Department’s application for entry of
19 Stipulation for Entry of Final Judgment, and notice of entry of any final judgment entered by the
20 court upon this Stipulation are each expressly waived;
21

22 16. That findings of fact and conclusions of law other than those referred to in paragraphs
23 6-11 above are expressly waived;
24

25 17. That any right to appeal from any judgment entered pursuant to this Stipulation for
26 Entry of Final Judgment is expressly waived;

27 18. That any judgment entered pursuant to this Stipulation for Entry of Final Judgment



1 shall be deemed a judgment after trial of the action;

2 19. That any judgment entered pursuant to this Stipulation for Entry of Final Judgment is
3 final;

4 20. That execution of any judgment entered pursuant to this Stipulation for Entry of Final
5 Judgment after entry thereof may issue and be levied immediately; and
6

7 21. That any judgment entered in accordance with the terms and conditions of this
8 Stipulation for Entry of Final Judgment may be rendered and entered by a Court Commissioner.

9 22. That any judgment entered pursuant to this Stipulation for Entry of Final Judgment
10 shall be binding upon and inure to the benefit of the parties hereto and their respective successors,
11 assigns, heirs and personal representatives.

12 23. This Stipulation for Entry of Final Judgment contains the complete agreement entered
13 into by the Department and Respondent related to the conduct at issue. No promises, representations,
14 or warranties other than those set forth in this Judgment have been made by the Department or by
15 Respondent.
16

17 24. This Stipulation for Entry of Final Judgment discharges any administrative charge,
18 complaint, and/or claim before the California Civil Rights Department and any civil action in federal
19 and/or California court, including any civil action for damages, costs, attorneys' fees, or penalties of
20 any kind, against Respondent related to the failure to file a pay data report for reporting years 2020,
21 2021, and 2022.
22

23 **JUDGMENT**

24 25. Judgment shall be entered as follows:

- 25 a. Respondent agrees to file all required future pay data reports with the Department
26 on or before the deadline annually. This Court shall retain jurisdiction to enforce
27



1 the terms of this Judgment for three years.

2 b. Respondent is ordered to pay to the Department the penalty for failing to submit
3 its pay data report for reporting year 2022 totaling seventy thousand dollars
4 (\$70,000.00). (Gov. Code, § 12999, subd. (f).) Payment instructions shall be
5 provided to Respondent by the Department no later than fourteen (14) calendar
6 days after the entry of Judgment.

7
8 c. Respondent is ordered to pay to the Department its costs in pursuing this action,
9 including attorney's fees and costs, totaling twenty-four thousand and seven
10 hundred eighty-eight dollars (\$24,778). (Gov. Code, § 12999, subd. (f).) Payment
11 instructions shall be provided to Respondent by the Department no later than
12 fourteen (14) calendar days after the entry of Judgment.
13
14


15 The undersigned have read, understand, and agree to all terms and conditions of this Final
16 Judgment Pursuant to Stipulation of Judgment and Order Thereon.
17
18

19 DATED: August 10, 2023

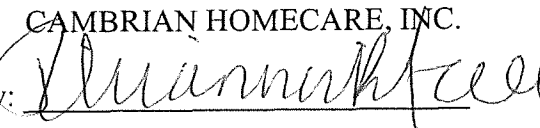
CIVIL RIGHTS DEPARTMENT

ALEXIS MCKENNA
Deputy Chief Counsel

RENEE PARADIS
Associate Chief Counsel

20
21 By: 
Soyeon Mesinas
Attorney for the Department

22
23
24
25
26 DATED: August 10, 2023

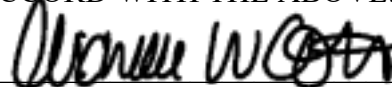
CAMBRIAN HOMECARE, INC.
By: 

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Rhiannon Acree
Cambrian Homecare, Inc.

JUDGMENT IS ENTERED THIS DATE IN ACCORD WITH THE ABOVE. 09/26/2023

DATED: 09/26/2023



HON. CHERRYL L. NELSON

Michelle Williams Court

