

1 JAMIE CROOK (#245757)
Chief Counsel
2 ASAF ORR (#261650)
Assistant Chief Counsel
3 CALIFORNIA CIVIL RIGHTS DEPARTMENT
2218 Kausen Drive, Suite 100
4 Elk Grove, CA 95758
Telephone: (916) 964-1925
5 Facsimile: (888) 382-5293

6 Attorneys for Plaintiff CRD
[Additional counsel continued below]

(Fee Exempt, Gov. Code, § 6103)

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES**

10 CALIFORNIA CIVIL RIGHTS DEPARTMENT,
11 an agency of the State of California,

12 Plaintiff,

13 vs.

14 ACTIVISION BLIZZARD, INC.; BLIZZARD
15 ENTERTAINMENT, INC.; and ACTIVISION
PUBLISHING, INC., and DOES ONE through
16 TEN, inclusive,

Defendants.

17 ACTIVISION BLIZZARD, INC., BLIZZARD
18 ENTERTAINMENT, INC. and ACTIVISION
PUBLISHING, INC.,

19 Cross-Complainants,

20 vs.

21 GARY D. NELSON ASSOCIATES INC., and
22 CAREER GROUP, INC.,

23 Cross-Defendants.
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Case No. 21STCV26571

**JOINT STIPULATION RE: FILING OF
SECOND AMENDED COMPLAINT**

Dept: 30
Judge: Honorable Barbara M. Scheper

Complaint Filed: July 20, 2021
FAC Filed: August 23, 2021
Cross-
Complaint Filed: January 23, 2023
Trial Date: TBD

1 PAUL HASTINGS LLP
ELENA R. BACA (SB# 160564)
2 elenabaca@paulhastings.com
FELICIA A. DAVIS (SB# 266523)
3 feliciadavis@paulhastings.com
515 South Flower Street, 25th Floor
4 Los Angeles, California 90071-2228
Telephone: (213) 683-6000
5 Facsimile: (213) 627-0705

6 PAUL HASTINGS LLP
RYAN D. DERRY (SB# 244337)
7 ryanderry@paulhastings.com
101 California Street, 48th Floor
8 San Francisco, California 94111
Telephone: (415) 856-7000
9 Facsimile: (415) 856-7100

10 MUNGER, TOLLES & OLSON LLP
BRAD D. BRIAN (SB# 79001)
11 brad.brian@mto.com
KATHERINE M. FORSTER (SB# 217609)
12 katherine.forster@mto.com
L. ASHLEY AULL (SB# 257020)
13 ashley.aull@mto.com
CRAIG JENNINGS LAVOIE (SB# 293079)
14 craig.lavoie@mto.com
350 South Grand Avenue, 50th Floor
15 Los Angeles, CA 90071-3426
Telephone: (213) 683-9100
16 Facsimile: (213) 687-3702

17 MUNGER, TOLLES & OLSON LLP
RICHARD T. JOHNSON (SB# 335434)
18 richard.johnson@mto.com
560 Mission Street, 27th Floor
19 San Francisco, California 94105-2907
Telephone: (415) 512-4000
20 Facsimile: (415) 512-4077

21 Attorneys for Defendants and Cross-Complainants
ACTIVISION BLIZZARD, INC., BLIZZARD
22 ENTERTAINMENT, INC., AND ACTIVISION
PUBLISHING, INC.
23
24
25
26
27
28

1 ALEXIS ALVAREZ (#281377)
Associate Chief Counsel
2 LOGAN TALBOT (#300591)
Senior Staff Counsel
3 ELIANA MATA (#327845)
Staff Counsel
4 JUAN GAMBOA (#327352)
Staff Counsel
5 IRENE MEYERS (#340312)
Staff Counsel
6 CALIFORNIA CIVIL RIGHTS DEPARTMENT
2218 Kausen Drive, Suite 100
7 Elk Grove, CA 95758
Telephone: (916) 964-1925
8 Facsimile: (888) 382-5293

9 JAHAN C. SAGAFI (#224887)
MOIRA HEIGES-GOEPFERT (#326861)
10 ADAM L. KOSHKIN (#320152)
OUTTEN & GOLDEN LLP
11 One California Street, 12th Floor
San Francisco, CA 94111
12 Telephone: (415) 638-8800
Facsimile: (415) 638-8810
13 Email: jsagafi@outtengolden.com
Email: mhg@outtengolden.com
14 Email: akoshkin@outtengolden.com

15 CHAUNIQUE D. YOUNG*
REBECCA L. PATTIZ*
16 AMY L. MAURER*
EMMA R. JANGER*
17 OUTTEN & GOLDEN LLP
685 Third Avenue, 25th Floor
18 New York, NY 10017
Telephone: (212) 245-1000
19 Facsimile: (646) 509-2005
Email: cyoung@outtengolden.com
20 Email: rpattiz@outtengolden.com
Email: ejanger@outtengolden.com
21 Email: amaurer@outtengolden.com

22 DANIEL S. STROMBERG*
HANNAH COLE-CHU*
23 OUTTEN & GOLDEN LLP
1225 New York Avenue NW, Suite 1200B
24 Washington, DC 20005
Telephone: (202) 914-5097
25 Facsimile: (202) 847-4410
Email: dstromberg@outtengolden.com

26 *Admitted Pro Hac Vice

27 Attorneys for Plaintiff CRD

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1 Plaintiff California Civil Rights Department (“Plaintiff”) and Defendants Activision
2 Blizzard, Inc., Blizzard Entertainment, Inc., and Activision Publishing, Inc. (collectively,
3 “Defendants” and, together with Plaintiff, the “Parties”) hereby stipulate as follows:

4 WHEREAS, Plaintiff filed the Complaint in the above-captioned action on July 20, 2021;

5 WHEREAS, Plaintiff filed a First Amended Complaint in the above-captioned action on
6 August 23, 2021, and served Defendants with the First Amended Complaint on August 25, 2021;

7 WHEREAS, Defendants answered the First Amended Complaint on March 17, 2022,
8 following the Court’s order on Defendants’ demurrer, and filed a First Amended Answer on May
9 9, 2022;

10 WHEREAS, the Parties have entered into a settlement agreement to resolve the above-
11 captioned action;

12 WHEREAS, the Parties’ settlement agreement provides, among other things, that the
13 Parties will seek entry of a [Proposed] Consent Decree and will stipulate to the filing of a Second
14 Amended Complaint in the form attached hereto as Exhibit A, but the Second Amended Complaint
15 will only be effective if the Court approves the Parties’ [Proposed] Consent Decree;

16 WHEREAS, pursuant to Code of Civil Procedure section 473, subdivision (a), the “court
17 may . . . in its discretion, after notice to the adverse party, allow, upon terms as may be just, an
18 amendment to any pleading”;

19 WHEREAS, Defendants are on notice of and consent to the filing of the Second Amended
20 Complaint, in the form attached as Exhibit A, pursuant to the Parties’ settlement agreement; and

21 WHEREAS, the Parties agree that the filing of the Second Amended Complaint will not
22 prejudice any Party to this action.

23 NOW, THEREFORE, the Parties hereby stipulate, subject to the Court’s approval, as
24 follows:

- 25 1. With the Court’s approval of the [Proposed] Consent Decree, Plaintiff should be
26 granted leave to amend to file the Second Amended Complaint, attached hereto as
27 Exhibit A;

- 1 2. The Second Amended Complaint attached hereto as Exhibit A should be deemed
2 to be the amended pleading and should be deemed filed and served as of the date
3 of this Order granting the stipulation; and
4 3. Defendants are not required to file a responsive pleading to the Second Amended
5 Complaint.

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8 Dated: December 20, 2023

CALIFORNIA CIVIL RIGHTS DEPARTMENT



Asaf Orr
Attorneys for Plaintiff CRD

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12
13 Dated: December 20, 2023

PAUL HASTINGS LLP



Elena R. Baca
Attorneys for Defendants ACTIVISION
BLIZZARD, INC., BLIZZARD
ENTERTAINMENT, INC., AND ACTIVISION
PUBLISHING, INC.

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16
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18
19
20 Dated: December 20, 2023

MUNGER, TOLLES & OLSON LLP



Brad Brian
Attorneys for Defendants ACTIVISION
BLIZZARD, INC., BLIZZARD
ENTERTAINMENT, INC., AND ACTIVISION
PUBLISHING, INC.

Exhibit A

1 JAMIE CROOK (SBN #245757)
Chief Counsel
2 ASAF ORR (SBN #261650)
Assistant Chief Counsel
3 ALEXIS ALVAREZ (SBN #281377)
Associate Chief Counsel
4 LOGAN TALBOT (SBN 300591)
Senior Staff Counsel
5 ELIANA G. MATA (SBN 327845)
Staff Counsel

6 **CALIFORNIA CIVIL RIGHTS DEPARTMENT**

7 2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
8 Telephone: (916) 964-1925
Facsimile: (888) 382-5293

9 Attorneys for Plaintiff CALIFORNIA CIVIL RIGHTS DEPARTMENT
10 *(Fee Exempt, Gov. Code § 6103)*
[Additional counsel continued on Next Page]

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF LOS ANGELES**

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14 CALIFORNIA CIVIL RIGHTS
DEPARTMENT, an agency of the State of
15 California,

16 Plaintiff,

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18 ACTIVISION BLIZZARD, INC., BLIZZARD
ENTERTAINMENT, INC., and ACTIVISION
19 PUBLISHING, INC., and Does One through
Ten, Inclusive,

20 Defendants.

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22 ACTIVISION BLIZZARD, INC., BLIZZARD
ENTERTAINMENT, INC. and ACTIVISION
23 PUBLISHING, INC.,

24 Cross-Complainants,

25 v.

26 120VC, HAYS U.S. CORPORATION, and
CAREER GROUP, INC.,
27 Cross-Defendants.

Case No. 21STCV26571

Judge: Honorable Barbara M. Scheper
Dept: 30

**SECOND AMENDED CIVIL RIGHTS
AND EQUAL PAY ACT COMPLAINT
FOR INJUNCTIVE AND MONETARY
RELIEF AND DAMAGES**

1 JUAN GAMBOA (SBN 327352)

Staff Counsel

2 IRENE MEYERS (SBN 340312)

Staff Counsel

3 **CALIFORNIA CIVIL RIGHTS DEPARTMENT**

4 2218 Kausen Drive, Suite 100

Elk Grove, CA 95758

5 Telephone: (916) 478-7251

6 Facsimile: (888) 382-5293

7 JAHAN C. SAGAFI (SBN 224887)

MOIRA HEIGES-GOEPFERT (SBN 326861)

8 ADAM L. KOSHKIN (SBN 320152)

9 **OUTTEN & GOLDEN LLP**

One California Street, 12th Floor

San Francisco, CA 94111

10 Telephone: (415) 638-8800

11 Facsimile: (415) 638-8810

Email: jsagafi@outtengolden.com

12 Email: mhg@outtengolden.com

13 Email: akoshkin@outtengolden.com

14 CHAUNIQUEA D. YOUNG*

AMY L. MAURER*

15 REBECCA PATTIZ*

EMMA R. JANGER*

16 **OUTTEN & GOLDEN LLP**

658 Third Avenue, 25th Floor

17 New York, NY 10017

18 Telephone: (212) 245-1000

Facsimile: (646) 509-2005

19 Email: cyoung@outtengolden.com

Email: amaurer@outtengolden.com

20 Email: rpattiz@outtengolden.com

21 Email: ejanger@outtengolden.com

22 DANIEL S. STROMBERG*

HANNAH COLE CHU*

23 **OUTTEN & GOLDEN LLP**

1225 New York Avenue NW, Suite 1200B

24 Washington, DC 20005

25 Telephone: (202) 914-5097

Facsimile: (202) 847-4410

26 Email: dstromberg@outtengolden.com

Email: hcolechu@outtengolden.com

27 * Admitted Pro Hac Vice

Attorneys for Plaintiff, CALIFORNIA CIVIL RIGHTS DEPARTMENT

28 (Fee Exempt, Gov. Code § 6103)

1 **INTRODUCTION**

2 1. Plaintiff California Civil Rights Department (“CRD,” formerly Department of
3 Fair Employment and Housing or “DFEH”), an agency of the State of California, brings this
4 action in its own name to remedy, prevent, and deter violations of the Fair Employment and
5 Housing Act, Government Code section 12900 et seq. (“FEHA”) and the Equal Pay Act, Labor
6 Code section 1197.5, by Defendants Activision Blizzard, inc., Blizzard Entertainment, Inc., and
7 Activision Publishing, Inc. (collectively “DEFENDANTS”).

8 2. CRD brings this government enforcement action enforcement action in its own
9 name pursuant to express statutory authority from the Legislature. (Gov. Code, § 12900 et seq.;
10 Cal Const., Art III, § 3.) The Legislature authorized CRD to proceed on a group or class basis in
11 a civil action. (Gov. Code, §§ 12961 and 12965, subd. (a).)

12 3. Through this representative enforcement action in its capacity as a state agency
13 and the authority vested in it by FEHA, CRD seeks relief on behalf of the State and aggrieved
14 women workers, including directly employed workers and contingent or temporary workers, for
15 Defendants.

16 **PARTIES**

17 4. Plaintiff CRD is a state agency charged with investigating and prosecuting civil
18 rights enforcement actions. (Gov. Code, § 12930, subd. (f)(1)-(5).) California’s legislature
19 exercised its police power in enacting FEHA and investing authority in CRD “to protect and
20 safeguard the right and opportunity of all persons to seek, obtain, and hold employment without
21 discrimination” (Gov. Code, § 12920; *Dept. Fair Empl. & Hous. v. Cathy’s Creations, Inc.*
22 (2020) 54 Cal.App.5th 404, 410 [“the DFEH’s task is to represent the interests of the state and to
23 effectuate the declared public policy of the state to protect and safeguard the rights and
24 opportunities of all persons form unlawful discrimination.”].) As set forth in Government Code
25 section 12900 et seq., CRD is charged with enforcing FEHA, including initiating and
26 investigating complaints on behalf of itself and persons alleged to be aggrieved by
27 discriminatory employment practices. (Gov. Code, §§ 12920.5, 12930, 12961, and 12965.) CRD
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1 is additionally authorized to investigate and prosecute claims under Labor Code section 1197.5,
2 which prohibits employers from paying employees of one sex less for substantially similar work.
3 (Gov. Code, § 12930, subd. (f)(5).) At CRD’s discretion, CRD may bring a civil action in the
4 name of the department on behalf of a group or class of persons adversely affected, in a similar
5 manner, by an unlawful practice. (Gov. Code, §12965.) ““The DFEH acts as a public prosecutor
6 when it pursues civil litigation under the FEHA (*State Personnel Bd. v. Fair Empl. & Hous.*
7 *Com.* (1985) 39 Cal.3d 422, 444), and it may seek remedies to “‘vindicate’ what it considers to
8 be in ‘the public interest in preventing . . . discrimination.’” (*Dept. Fair Empl. & Hous. v.*
9 *Superior Ct. of Kern Cty.* (2020) 54 Cal.App.5th 356, 373; *Dept. Fair Empl. & Hous. v. Law*
10 *Sch. Admission Council, Inc.* (2013) 941 F.Supp.2d 1159, 1172). CRD is authorized to pursue
11 relief in a representative action without having to satisfy class certification under Code of Civil
12 Procedure sections 378 and 382.

13 5. Defendant Activision Blizzard, Inc. (“Activision Blizzard”) is and now and was,
14 at all times relevant to this complaint, a Delaware corporation operating in and under the laws of
15 the State of California and conducting business in Los Angeles, California. Activision Blizzard’s
16 corporate headquarters are located in Santa Monica, California. Activision Blizzard conducts
17 business through its subsidiaries, Defendants Blizzard Entertainment, Inc. (“Blizzard
18 Entertainment”) and Activision Publishing, Inc. (“Activision Publishing”). As indicated by its
19 2021 Form 10-K, Blizzard Entertainment, Inc., and Activision Blizzard, Inc., along with King
20 Digital Entertainment, fall within the three organizations overseen by Activision Blizzard and
21 constitute two of the “three reportable segments” to Activision Blizzard. At all times relevant to
22 this complaint, Activision Blizzard was an “employer” subject to FEHA and all other applicable
23 statutes.”

24 6. Defendant Blizzard Entertainment, Inc. (“Blizzard Entertainment”) is now and
25 was, at all times relevant to this complaint, a Delaware corporation operating in and under the
26 laws of the State of California and conducting business in Los Angeles, California. Blizzard
27 Entertainment is a subsidiary of Activision Blizzard and has its corporate headquarters at 1
28

1 Blizzard Way, Irvine, CA 92618. CRD is informed that Blizzard Entertainment conducts
2 business in Burbank and Santa Monica, California where employees work. At all times relevant
3 to this complaint, Blizzard Entertainment, Inc., was an “employer” subject to FEHA and all other
4 applicable statutes.

5 7. Defendant Activision Publishing, Inc. (“Activision Publishing”) is now and was,
6 at all times relevant to this complaint, a Delaware corporation operating in and under the laws of
7 the State of California and conducting business in Los Angeles, California. Activision
8 Publishing’s corporate headquarters are located in Santa Monica, California. At all times relevant
9 to this complaint, Activision Publishing was an “employer” subject to FEHA and all other
10 applicable statutes.

11 8. CRD is informed, believes, and alleges that at all relevant times, each Defendant
12 is and was, the director, agent, employee, and/or representative of every other defendant and
13 acted within the course and scope of their agency, service, employment, and/or representation,
14 and that each defendant herein is jointly and severally responsible and liable to the Group for the
15 damages hereinafter alleged. At all relevant times, there existed a unity of ownership and interest
16 between or among two or more of the Defendants such that any individuality and separateness
17 between or among those Defendants has ceased, and Defendants are the alter egos of one
18 another. Defendants exercised domination and control over one another to such an extent that
19 any individuality or separateness of Defendants does not, and at all times herein mentioned did
20 not, exist. All of the acts and failures to act alleged herein were duly performed by and attributed
21 to all Defendants, each acting as the joint employer as Defendants jointly supervised and
22 controlled employee’s conditions of employment, determined rate of pay or method of payment,
23 had authority to hire or fire employees, and maintained employment records. All actions of all
24 Defendants were taken by employees, supervisors, executives, officers, and directors during
25 employment with all Defendants, were taken on behalf of all Defendants, and were engaged in,
26 authorized, ratified, and approved of by all other Defendants.

27 **JURISDICTION AND VENUE**

1 16. These actions include alleged instances of paying women workers less than
2 similarly situated men; paying women less than men for performing substantially similar work;
3 denying women promotion opportunities, because of sex; constructively discharging women;
4 retaliating against women who engaged in activity protected by FEHA; instances of
5 inappropriate or offensive conduct; and failing to take reasonable steps to prevent conduct that is
6 prohibited under Government Code section 12940.

7 17. Defendants' unlawful employment practices have adversely affected women
8 workers.

9 18. Defendants have furthermore solicited waivers of women workers' rights in
10 response to their protected activity, causing interference with CRD's statutory mandate to
11 investigate and remedy discrimination by imposing conditions to and constraints against
12 Defendants' workers' ability to notify CRD of information about unlawful conduct in the
13 workplace. Such waivers and releases are contrary to public policy and unenforceable. (Gov.
14 Code, §§ 12964.5 and 12953.)

15 19. Defendants have withheld as privileged and/or denied the existence of relevant
16 documents in response to CRD's investigation and have not maintained documents as required
17 under state law and in response to CRD's Document Retention Notice.

18 20. The unlawful employment practices complained of herein have harmed and will
19 continue to harm Defendants' directly employed and contingent or temporary women workers and
20 CRD unless and until they are remedied and enjoined by the Court.

21
22 **FIRST CAUSE OF ACTION**
23 **Unlawful Employment Practices Because of Sex**
24 **(Gov. Code, § 12940)**

25 21. CRD incorporates and realleges all previous allegations as if set forth herein.

26 22. CRD alleges that Defendants have violated Government Code section 12940, on
27 the basis of sex, by alleged instances of: paying women less than men; denying women
28 promotion opportunities; constructively discharging women; instances of inappropriate or
offensive conduct; retaliating against women for engaging in activities that are protected under

1 FEHA; and failing to take reasonable steps to prevent sex-based discrimination in these
2 instances.

3 23. As a result of Defendants' unlawful employment practices, women workers have
4 suffered harm, including but not limited to lost earnings, lost benefits, lost future employment
5 opportunities, and other financial loss as well as non-economic damages, including but not
6 limited to emotional distress.

7 24. CRD requests relief as described herein.
8

9 **SECOND CAUSE OF ACTION**
10 **Unequal Pay**
11 **(Lab. Code, § 1197.5; Gov. Code, § 12930, subd. (f)(5))**

12 25. CRD incorporates and realleges all previous allegations as if set forth herein.

13 26. Defendants have violated Labor Code section 1197.5 by paying women workers
14 less than men for performing substantially similar work, considering their combination of skill,
15 effort, and responsibilities, as well as their similar working conditions.

16 27. As a result of Defendants' unlawful employment practices, women workers have
17 suffered lost earnings, and CRD is entitled to recover on their behalf unpaid wages and liquidated
18 damages.

19 28. CRD requests relief as described herein.

20 **THIRD CAUSE OF ACTION**
21 **Waiver of Rights, Forums, or Procedures and Release of Claims**
22 **(Gov. Code, §§ 12953 and 12964.5 and Labor Code § 432.6)¹**

23 29. CRD incorporates and realleges all previous allegations as if set forth herein.

24 30. CRD alleges that Defendants have required female workers to waive rights,
25 forums, and/or procedures as a condition of employment, continued employment, or the receipt
26 of any employment-related benefit including but not limited to an adjustment, payment, or
27 severance pay in violation of Labor Code section 432.6 and Government Code section 12953.

28 ¹ CRD does not allege a violation of Section 12953 of the Government Code or Section 432.6 of
the Labor Code based on the entry into an arbitration agreement covered by the Federal
Arbitration Act (9 U.S.C. §§ 1–16, 201–208, 301–307).

1 31. CRD alleges that Defendants have required women workers to sign a release of
2 claims and/or rights in exchange for underpayment of compensation, or an adjustment, bonus,
3 raise or payment, and/or other employment-related benefit, in violation of Government Code
4 section 12964.5.

5 32. As a result of Defendants' unlawful employment practices, women workers have
6 suffered lost earnings, lost benefits, lost future employment opportunities, and other financial loss
7 as well as non-economic damages, including but not limited to emotional distress.

8 33. CRD requests relief as described herein.

9 **PRAYER FOR RELIEF**

10 **WHEREFORE**, CRD prays that this Court issue judgment in favor of CRD, and against
11 DEFENDANTS, ordering:

- 12 1. Compensatory damages;
- 13 2. Unpaid wages, liquidated damages, and other remedies and penalties available under
14 the Equal Pay Act;
- 15 3. Injunctive relief;
- 16 4. Declaratory relief;
- 17 5. Equitable relief, including but not limited to reinstatement and/or front pay, pay
18 adjustments, backpay, lost wages and benefits (including base pay, incentive pay,
19 pension benefits and awards), in an amount to be proven at trial;
- 20 6. Prejudgment interest, as required by law;
- 21 7. CRD's attorneys' fees and costs; and
- 22 8. Other relief the Court deems to be just and proper.

23 Dated: December 20, 2023

CALIFORNIA CIVIL RIGHTS DEPARTMENT

24 By: 
25 _____

26 Asaf Orr (SBN 261650)

27 Assistant Chief Counsel

28 Attorneys for Plaintiff CALIFORNIA CIVIL
RIGHTS DEPARTMENT