

JAMIE CROOK, Chief Counsel (#245757)
Jamie.Crook@calcivilrights.ca.gov
AMY MOOLIN CU, Associate Chief Counsel (#265160)
Amy.Cu@calcivilrights.ca.gov
SOYEON C. OUM, Senior Staff Counsel (#324046)
Soyeon.Oum@calcivilrights.ca.gov
CALIFORNIA CIVIL RIGHTS DEPARTMENT
320 West 4th Street, Suite #1000
Los Angeles, CA 90013
Telephone: (213) 439-6799
Facsimile: (888) 382-5293
Attorneys for Petitioner, Cal. Civil Rights Department

(Fee Exempt, Gov. Code, § 6103)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

Petitioner,

vs.

CALIFORNIA FOOD MANAGEMENT, LLC,

Respondent.

Case No. 26STCP03492

**PETITIONER CALIFORNIA CIVIL
RIGHTS DEPARTMENT'S PETITION
FOR AN ORDER COMPELLING
COMPLIANCE WITH GOVERNMENT
CODE SECTION 12999, OBLIGATING
EMPLOYERS TO SUBMIT PAY DATA
REPORTS, AND REQUEST FOR
COSTS AND PENALTIES**

[Gov. Code, § 12999, subd. (f)]

Petitioner, California Civil Rights Department (CRD or Department) alleges the
following against Respondent California Food Management LLC (CA Food Management or
Respondent):

INTRODUCTION

1. Since 2021, under California Government Code section 12999 (Section 12999),
private employers that have 100 or more employees are required to annually report pay,
demographic, and other workforce data to CRD. CRD is authorized to seek an order for
compliance, including costs and penalties, against any employer that fails to meet its reporting

obligations. (Gov. Code, § 12999, subd. (f).) CA Food Management failed to submit the required reports by the statutory deadline for Reporting Years 2023, 2024, and 2025. Therefore, CRD brings this petition to enforce Section 12999 and compel Respondent to abide by its reporting obligations under the statute.

PARTIES

2. CRD is the state agency responsible for enforcing the civil rights laws set forth in the California Fair Employment and Housing Act (FEHA), among other statutes. (Gov. Code, § 12900, et seq.) In pertinent part, CRD is authorized to enforce the annual pay data reporting requirements described in Section 12999 of FEHA. (Gov. Code, § 12999, subd. (f).)

3. Respondent CA Food Management does business as “Burger King” and primarily operates Burger King fast-food restaurant franchises in California. Respondent is a California limited liability corporation and is thus a non-government, private employer. Respondent employs hundreds of individuals throughout California. As a private employer that has 100 or more employees, Respondent is required to file annual pay data reports pursuant to Section 12999.

JURISDICTION AND VENUE

4. This Court has jurisdiction under Article VI, section 10 of the California Constitution and California Code of Civil Procedure section 410.10.

5. Respondent’s California Secretary of State registration identifies 8306 Wilshire Blvd. Suite #5002, Beverly Hills, CA 90211, in Los Angeles County, as Respondent’s principal place of business. In addition, Respondent owns and operates multiple establishments in Los Angeles County. Because Respondent employs workers and does business at these locations within Los Angeles County, the “obligation” to report pay data “arises,” at least in part, in Los Angeles County within the meaning of Code of Civil Procedure, section 395.5. Los Angeles County Superior Court is thus a proper venue for this action.

//

//

//

//

1 **STATEMENT OF FACTS**

2 **6. Private employers that have 100 or more employees are required to submit an**
3 **annual pay data report to CRD under Section 12999.**

4 7. Section 12999 was enacted by Senate Bill 973 in 2020 with an effective date of
5 January 1, 2021. Section 12999 initially required private employers to submit a pay data report to
6 CRD on an annual basis, beginning in March 2021, so long as they had at least 100 employees
7 nationwide and were required to file an Employer Information Report (EEO-1) under federal law.

8 8. The Legislature imposed the affirmative reporting requirement on employers
9 because “pay discrimination is difficult to detect and address.” (Stats. 2020, ch. 363, § 1(d).) The
10 Legislature also enacted the bill so that CRD could collect pay data to promote employers’
11 compliance with equal pay and anti-discrimination laws, as well as to support efforts by the state
12 to efficiently identify wage patterns and effectively enforce anti-discrimination laws in the
13 workplace. (Stats. 2020, ch. 363, § 1(f).)

14 9. Section 12999 was subsequently amended in 2022 by Senate Bill 1162. Senate Bill
15 1162, which went into effect on January 1, 2023, built upon Senate Bill 973’s pay data reporting
16 obligations. Senate Bill 1162 amended Section 12999 so that all private employers with 100 or
17 more employees must submit a pay data report, without regard to federal EEO-1 reporting
18 obligations. (S.B. 1162 Sen., 2021-2022 Reg. Sess.) Senate Bill 1162 changed the annual pay data
19 report submission deadline to May. (*Ibid.*) And, in addition to costs, Senate Bill 1162 gave courts
20 the authority to impose a civil penalty on noncompliant employers upon CRD’s request. (*Ibid.*)

21 10. In 2025, Section 12999 was amended again by Senate Bill 464. As of January 1,
22 2026, covered employers are required to collect and store any demographic information gathered
23 by an employer or labor contractor separately from employees’ personnel records. (California Bill
24 Analysis, S.B. 464 Sen., 9/25 in Assembly.) Senate Bill 464 also requires courts to impose a civil
25 penalty on noncompliant employers upon CRD’s request. (*Ibid.*) Beginning January 1, 2027,
26 Senate Bill 464 increases the number of job categories that covered employers must report on from
27 ten to twenty-three. (Stats. 2025, ch. 760 (S.B. 464), § 2, eff. Jan. 1, 2026, operative Jan. 1, 2027;
28 Gov. Code, § 12999, subd. (b)(1), operative Jan. 1, 2027.)

1 11. Employers subject to Section 12999 must submit an annual pay data report covering
2 each of its establishments. (Gov. Code, § 12999, subd. (c).) Each pay data report contains
3 information including the number of employees by race, ethnicity, and sex; job category; and
4 annual earnings. (Gov. Code, § 12999, subd. (b).)

5 12. Section 12999, subdivision (a)(1), sets forth the deadline for employers to file an
6 annual pay data report. During the time periods at issue, covered employers were required to
7 submit a pay data report on or before the second Wednesday of May of each year, covering the
8 prior calendar year (Reporting Year). Employers were required to submit the following annual pay
9 data reports:

- 10 • 2023 Reporting Year – due May 8, 2024
- 11 • 2024 Reporting Year – due May 14, 2025
- 12 • 2025 Reporting Year – due May 13, 2026

13 13. Section 12999’s pay data reporting requirements are mandatory, annual, and
14 continuing. Employers are not permitted to withhold, delay, or otherwise refuse compliance.

15 14. **CRD is authorized to seek an order compelling compliance and recover costs**
16 **and penalties.**

17 15. When an employer fails to submit an annual pay data report, the Department “may
18 seek an order” compelling compliance with Section 12999’s requirements, and recover the costs,
19 including attorneys’ fees, associated with such action. (Gov. Code, § 12999, subd. (f).) During the
20 time periods at issue, for the 2023, 2024, and 2025 Reporting Years, CRD is also entitled to seek
21 penalties for employers who fail to timely file their pay data reports “not to exceed one hundred
22 dollars (\$100) per employee upon any employer who fails to file the required report and not to
23 exceed two hundred dollars (\$200) per employee upon any employer for a subsequent failure to
24 file the required report.” (*Ibid.*)

25 //

26 //

27 //

28 //

1 16. A petition seeking an order to compel compliance is an appropriate vehicle for such
2 an action. (See *City of Santa Monica v. Gonzalez* (2008) 43 Cal.4th 905 [approving trial court’s
3 grant of order upon petition pursuant to Health and Safety Code section 17980.7, providing that
4 agency “may seek” an order]; see also *CRD v. JPMorgan Chase Bank, N.A.* (Super. Ct. Alameda
5 County, Aug. 26, 2022, No. 22CV012663) [stipulated judgment entered against employer that
6 failed to file pay data report after CRD proceeded by petition to compel compliance]; see also *CRD*
7 *v. Cambrian Homecare, Inc.* (Super. Ct. Los Angeles County, Sept. 26, 2023, No. 23STCP02329
8 [same].)

9 17. **Respondent CA Food Management violated Section 12999 by failing to submit**
10 **the required pay data reports for Reporting Years 2023, 2024, and 2025 by the statutory**
11 **deadline.**

12 18. During Reporting Years 2023, 2024, and 2025, Respondent was subject to the
13 reporting obligations of Section 12999 as a private employer with 100 or more employees. (Gov.
14 Code, § 12999, subd. (a)(1).)

15 19. Respondent has employed and continues to employ hundreds of employees
16 throughout California during all relevant time periods at issue.

17 20. Respondent was aware of its reporting obligations under Section 12999. Indeed,
18 Respondent submitted a certified pay data report for Reporting Year 2022 to CRD reflecting
19 Respondent’s status as a covered employer.

20 21. Respondent, despite having submitted a pay data report for Reporting Year 2022,
21 failed to submit a pay data report for Reporting Year 2023 by the statutory deadline of May 8,
22 2024.

23 22. Respondent again failed to submit a pay data report for Reporting Year 2024 by the
24 statutory deadline of May 14, 2025.

25 //

26 //

27 //

28 //

1 23. On September 19, 2025, CRD sent Respondent a Notice of Potential
2 Noncompliance by United States Postal Service First-Class Mail reminding Respondent of the
3 reporting obligations under Section 12999. (**Exhibit A.**) The notice stated that CRD had not
4 received a pay data report for Reporting Year 2024 and requested that Respondent submit the
5 outstanding report within 30 days (i.e., no later than October 19, 2025). (**Exhibit A.**) The notice
6 also informed Respondent that CRD could pursue legal action if Respondent failed to submit
7 required pay data reports in a timely fashion. (**Exhibit A.**)

8 24. On January 27, 2026, CRD sent Respondent a Notice of Noncompliance by United
9 States Postal Service First-Class Mail, again reiterating Respondent’s obligation to report under
10 Section 12999. (**Exhibit B.**) The notice indicated that CRD had not received Respondent’s pay
11 data reports for Reporting Years 2023 and 2024 and directed Respondent to submit complete and
12 accurate reports within 45 days (i.e., by no later than March 13, 2026). (**Exhibit B.**) The notice
13 again advised Respondent that CRD could pursue legal action for ongoing noncompliance.
14 (**Exhibit B.**)

15 25. Due to Respondent’s continued noncompliance, CRD sent Respondent a Notice of
16 Impending Court Action by United States Postal Service Certified Mail on April 28, 2026.
17 (**Exhibit C.**) The notice stated that the Reporting Year 2023 and 2024 pay data reports remained
18 outstanding and directed Respondent to submit both reports within 45 days (i.e., by no later than
19 June 12, 2026). (**Exhibit C.**) It further advised that CRD would pursue legal action if Respondent
20 failed to submit the reports in a timely fashion. (**Exhibit C.**) Respondent has not responded to any
21 of CRD’s notices for either reporting year.

22 26. Respondent once again failed to submit a pay data report for Reporting Year 2025
23 by the statutory deadline of May 13, 2026. Although CRD is not required to issue notices before
24 enforcing Section 12999, CRD has sent several notices to Respondent. Respondent’s repeated
25 noncompliance with Section 12999 and its failure to submit pay data reports for three consecutive
26 reporting years—including 2023, 2024, and now 2025—warrants bringing all known outstanding
27 reporting failures to the Court’s attention at this time.

28 //

27. To date, CRD has not received any pay data reports from the Respondent for Reporting Years 2023, 2024, and 2025.

PRAYER FOR RELIEF

Wherefore, it is prayed that the Court:

1. Find the petition sets forth good cause for relief, and issue an order to show cause to Respondent, pursuant to Government Code section 12999, subdivision (f);

2. Impose a civil penalty of one hundred dollars (\$100) per each employee employed by California Food Management LLC for its failure to file the required report for the 2023 Reporting Year, a civil penalty of two hundred dollars (\$200) per each employee employed by California Food Management LLC for its failure to file the required report for the 2024 Reporting Year, and a civil penalty of two hundred dollars (\$200) per each employee employed by California Food Management LLC for its failure to file the required report for the 2025 Reporting Year, payable to the Civil Rights Enforcement and Litigation Fund, pursuant to Government Code section 12999, subdivision (f);

3. Set a hearing on the order to show cause no earlier than 30 days after the filing of the petition and no later than 60 days after the filing of the petition;

4. Grant the petition and order Respondent to submit its certified pay data reports for Reporting Years 2023, 2024, and 2025 via CRD's pay data portal, within 30 days after the effective date of the order granting this petition, order Respondent to file future reports on or before the annual deadline, pursuant to Government Code section 12999, subdivision (a)(1), and retain jurisdiction to enforce the terms of this order;

5. Award CRD its costs in pursuing this action, including attorneys' fees. (Gov. Code, § 12999, subd. (f).)

6. For such other relief as the Court deems just and proper.

DATED: September 14, 2026

CALIFORNIA CIVIL RIGHTS DEPARTMENT

By: 
SOYEON C. OUM
Attorney for Petitioner California Civil
Rights Department