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7  
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(Fee Exempt, Gov. Code, § 6103)

9  
10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF ALAMEDA**

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

13  
14 Petitioner,

15 vs.

16 MICHAELS STORES, INC.,

17 Respondent.

**Case No. 22CV010869**

**STIPULATION FOR ENTRY OF FINAL  
JUDGMENT**

[Cal. Code of Civ. Proc., § 664.6]

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19  
20 Petitioner, the California Civil Rights Department, (hereinafter “Plaintiff” or “Department”),  
21 and Respondent, Michaels Stores, Inc., (hereinafter “Respondent” or “Michaels”), having stipulated  
22 to the entry of this Final Order Judgment and Order (“Judgment”) on the basis of the Petition and  
23 accompanying exhibits, and with all Parties having waived the right to appeal; and the Court having  
24 considered the pleadings and good cause appearing:

25 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

26 **PARTIES AND FINDINGS**

27 1. The California Civil Rights Department is charged with enforcement of, inter alia,



1 California Government Code section 12999, requiring large employers to report pay data to the  
2 Department on an annual basis.

3 2. Respondent Michaels Stores, Inc., is a Delaware corporation with its principal place  
4 of business at 3939 W. John Carpenter Freeway, Irving, TX 75063.

5 3. Michaels is an arts and crafts specialty retailer with over 100 stores in California and  
6 over 45,000 employees.

7 4. The parties to this action (“Parties”) agree that this Court has jurisdiction of the  
8 subject matter hereof and over the Parties, venue is proper in this County, and this Court has  
9 jurisdiction to enter this Judgment.

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

12 6. Government Code section 12999, enacted in 2020 with an effective date of January 1,  
13 2021, requires each employer subject to the Fair Employment and Housing Act, with at least 100  
14 employees nationwide, who are required to file an Employer Information Report (“EEO-1”) under  
15 federal law, to also submit a pay data report to DFEH on an annual basis.

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

21 8. California’s pay data report law requires employers to provide the number of  
22 employees by race, ethnicity, and sex in certain job categories and by category of rate of pay they  
23 employed during the previous year. The Legislature imposed this affirmative reporting requirement  
24  
25  
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27

1 on employers because “pay discrimination is difficult to detect and address.” (Stats. 2020, ch. 363, §  
2 1(d).) Government Code section 12999 requires that employers submit a pay data report on or before  
3 March 31st of each year with pay data from the prior year (“Reporting Year”). The first such report  
4 was due March 31, 2021, for the 2020 reporting year.  
5

6 9. When an employer fails to submit an annual California pay data report, the  
7 Department “may seek an order” compelling compliance with Government Code section 12999’s  
8 requirements (Gov. Code, § 12999, subd. (h)), and recover the costs, including attorney’s fees,  
9 associated with such action.

10 10. Respondent is subject to Government Code section 12999: (1) respondent “has 100 or  
11 more employees”; (2) respondent “is required to file an annual Employer Information Report (EEO-  
12 1) pursuant to federal law”; and (3) respondent has at least one California employee and is thus  
13 subject to the jurisdiction of the Department. (Gov. Code, § 12999, subd. (a).)  
14

15 11. Respondent did not file their pay data report for reporting year 2020 by the deadline  
16 of March 31st, 2021. After multiple attempts to notify respondent of this failure, the Department  
17 filed a petition to mandate compliance with the filing requirement on May 5th, 2022. Michaels filed  
18 their pay data report for 2020 on June 23rd, 2022.  
19

20 **TERMS OF THIS STIPULATED JUDGMENT**

21 12. That notice of hearing and hearing on the Department’s application for entry of  
22 Stipulation for Entry of Final Judgment, and notice of entry of any final judgment entered by the  
23 court upon this Stipulation are each expressly waived;  
24

25 13. That findings of fact and conclusions of law other than those referred to in paragraphs  
26 6-11 above are expressly waived;

27 14. That any right to appeal from any judgment entered pursuant to this Stipulation for



1 Entry of Final Judgment is expressly waived;

2 15. That any judgment entered pursuant to this Stipulation for Entry of Final Judgment  
3 shall be deemed a judgment after trial of the action;

4 16. That any judgment entered pursuant to this Stipulation for Entry of Final Judgment is  
5 final;

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

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

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

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

17 21. 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 year 2020.

21 **JUDGMENT**

22 22. Judgment shall be entered as follows:

23 a. Respondent agrees to file all required future pay data reports with the Department  
24  
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1 on or before the deadline annually. This Court shall retain jurisdiction to enforce  
2 the terms of this Judgment for one year.

3 b. Respondent is ordered to pay to the Department its costs in pursuing this action,  
4 including attorney's fees and costs, totaling six thousand eight hundred and fifty  
5 dollars (\$6850.00)(Gov. Code, § 12999, subd. (h).) Payment instructions shall be  
6 provided to Respondent by the Department no later than fourteen (14) calendar  
7 days after the entry of Judgment.  
8

9  
10 The undersigned have read, understand, and agree to all terms and conditions of this Final  
11 Judgment Pursuant to Stipulation of Judgment and Order Thereon.  
12

13  
14 DATED: September 1, 2022

CIVIL RIGHTS DEPARTMENT

15  
16 NELSON CHAN  
Assistant Chief Counsel

17  
18 RENEE PARADIS  
Associate Chief Counsel

19 By: 

20 Renée Paradis  
Attorney for the Department

21 DATED: September 1, 2022

MICHAEL STORES, INC.

22 By: 

23 Michael Burns  
Attorney for Michaels Stores, Inc.  
24

25 JUDGMENT IS ENTERED THIS DATE IN ACCORD WITH THE ABOVE.

26 DATED: \_\_\_\_\_

27 \_\_\_\_\_  
HON. FRANK ROESCH

