

Employee May Proceed With Lawsuit Despite Only Alleging “Representative” PAGA Claims

Article By:

Anthony J Oncidi

[*Balderas v. Fresh Start Harvesting, Inc.*, 101 Cal. App. 5th 533 \(2024\)](#)

Lizbeth Balderas sued her former employer on behalf of 500 other current and former employees of an agricultural company, seeking civil penalties under the California Labor Code Private Attorneys General Act of 2004 (“PAGA”). In her complaint, Balderas stated she was “not suing in her individual capacity; she is proceeding herein solely under the PAGA, on behalf of the State of California for all aggrieved employees, including herself and other aggrieved employees.” The trial court struck her complaint based on *Viking River Cruises, Inc. v. Moriana*, 596 U.S. 639 (2022); because she had not filed an individual action seeking PAGA relief for herself, the court found under *Viking River* she lacked standing to pursue representative PAGA claims on behalf of other employees. The Court of Appeal reversed this decision, following the California Supreme Court’s decision in *Adolph v. Uber Technologies, Inc.*, 14 Cal. 5th 1104 (2023). Under *Adolph*, the standing requirements to file a PAGA complaint should be interpreted broadly and Balderas satisfied them (despite only bringing claims in a representative capacity) because she alleged she was an “aggrieved” employee who was subject to one or more of the employer’s Labor Code violations.

© 2025 Proskauer Rose LLP.

National Law Review, Volume XIV, Number 143

Source URL: <https://natlawreview.com/article/employee-may-proceed-lawsuit-despite-only-alleging-representative-paga-claims>