

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Soto v. Gen. Motors LLC

No. 2:25-cv-09172-MCS-AS (C.D. Cal. Nov. 6, 2025) · No. 2:25-cv-09172-MCS-AS · Decided November 6, 2025

SUMMARY

The court grants in substantial part Plaintiff Armandina Soto’s motion to remand her Magnuson-Moss Warranty Act and California Song-Beverly Consumer Warranty Act action to state court. It holds that removal was untimely because the federal claim made the case removable upon service of the complaint, denies fees and costs, and directs remand to the Los Angeles County Superior Court.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Mark C. Scarsi
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 6, 2025
DOCKET	2:25-cv-09172-MCS-AS
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand an action removed from the Los Angeles County Superior Court based on allegedly untimely removal. The district court granted the motion in substantial part and remanded the case to state court, denying the request for fees and costs.
STANDARD OF REVIEW	The court reviewed whether removal was timely under 28 U.S.C. § 1446(b)(1) and whether fees and costs were warranted under 28 U.S.C. § 1447(c).
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Armandina Soto v. General Motors LLC

TOPICS

- civil procedure
- consumer protection
- subject matter jurisdiction
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a complaint asserting a Magnuson-Moss Warranty Act claim presents a removable federal question under 28 U.S.C. §§ 1331 and 1441(a) even when the amount in controversy is not stated or certain on the face of the complaint.
2. Whether General Motors's removal more than 30 days after service of the complaint was untimely under 28 U.S.C. § 1446(b)(1).
3. Whether Soto was entitled to fees and costs incurred as a result of the removal under 28 U.S.C. § 1447(c).

HOLDINGS

1. For purposes of 28 U.S.C. § 1446(b)(1), a pleading containing a Magnuson-Moss Warranty Act claim sets forth a federal claim removable under 28 U.S.C. §§ 1331 and 1441(a), regardless of whether the amount placed in controversy by the claim is stated or certain on the face of the complaint.
2. Because the initial complaint set forth a removable federal claim, General Motors was required to remove within 30 days after receiving the complaint under 28 U.S.C. § 1446(b)(1). Removal approximately five months after service was untimely and required remand.
3. Fees and costs were properly denied because Soto failed to comply with the court's rules governing fee motions and General Motors had an objectively reasonable basis for removal on an issue about which reasonable minds disagreed.

KEY QUOTATIONS

“this Court subscribes to the position that, for the purposes of § 1446(b)(1), a pleading containing an MMWA claim sets forth a federal claim removable under §§ 1331 and 1441(a) irrespective of whether the amount placed in controversy by the claim is stated or certain on the face of the complaint.” (Page 2)

“Because removal was untimely, the case must be remanded.” (Page 3)

FACTUAL BACKGROUND

Soto's state-court complaint asserted a federal Magnuson-Moss Warranty Act claim and a California Song-Beverly Consumer Warranty Act claim. General Motors was served with the complaint on April 11, 2025, but did not remove the action until September 25, 2025. The complaint did not clarify the amount placed in controversy by the MMWA claim.

PROCEDURAL HISTORY

Armandina Soto filed a complaint in the Los Angeles County Superior Court on April 9, 2025, asserting claims under the federal Magnuson-Moss Warranty Act and the California Song-Beverly Consumer Warranty Act. General Motors removed the action to federal court on September 25, 2025, invoking diversity jurisdiction. Soto moved to remand, arguing that the MMWA claim made federal jurisdiction apparent from the face of the

complaint and required removal within 30 days of service. The district court granted remand and directed the Clerk to close the federal case, but denied fees and costs.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk was directed to effect the remand immediately to the Los Angeles County Superior Court, case number 25STCV10483, and close the federal case.

CASES CITED

- Lopez de Anda v. Gen. Motors LLC, No. 2:25-cv-07354-MCS-SSC, 2025 U.S. Dist. LEXIS 204419, at *3–13 (C.D. Cal. Oct. 15, 2025)
- Maniar v. Fed. Deposit Ins. Corp., 979 F.2d 782, 784 (9th Cir. 1992)
- Gardner v. UICI, 508 F.3d 559, 561 (9th Cir. 2007)
- Martin v. Franklin Cap. Corp., 546 U.S. 132, 141 (2005)

OPINION

Soto v. Gen. Motors LLC

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES — GENERAL

Case No. 2:25-cv-09172-MCS-AS Date November 6, 2025 Title Soto v. Gen. Motors LLC
Present: The Honorable Mark C. Scarsi, United States District Judge Stephen Montes Kerr Not
Reported Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for
Defendant(s): None Present None Present Proceedings: (IN CHAMBERS) ORDER RE: MOTION
TO REMAND (ECF No. 15) (JS-6) On April 9, 2025, Plaintiff Armandina Soto initiated this
action against Defendant General Motors LLC in the Los Angeles County Superior Court by filing
a complaint that asserts claims under the federal Magnuson-Moss Warranty Act (“MMWA”) and
the California Song-Beverly Consumer Warranty Act (“SBA”). (See generally Compl., ECF No. 1-
1.) Defendant removed the case to federal court on September 25, 2025, invoking the Court’s
diversity jurisdiction. (Notice of Removal 2—6, ECF No. 1.) Plaintiff filed a motion to remand the
case to state court. (Mot., ECF No. 15.) Defendant filed a brief opposing the motion. (Opp’n, ECF
No. 16.) The Court deems the motion appropriate for decision without further briefing or oral
argument and vacates the hearing set for November 24, 2025. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-
15. A defendant may remove a civil action brought in state court to a federal district court with
original jurisdiction over the action. 28 U.S.C. § 1441(a). Federal courts “have original jurisdiction

of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Page 1 of 3 CIVIL MINUTES — GENERAL Initials of Deputy Clerk SMO A party may move to remand a case to state court within 30 days after the filing of a notice of removal “on the basis of any defect other than lack of subject matter jurisdiction.” 28 U.S.C. § 1447(c). An “untimely removal is a procedural defect” that may justify such a remand motion. *Maniar v. Fed. Deposit Ins. Corp.*, 979 F.2d 782, 784 (9th Cir. 1992). As relevant here, where “the initial pleading set[s] forth” a claim that provides a ground for removal, the removal must be accomplished “within 30 days after the receipt by the defendant” of a copy of the pleading. 28 U.S.C. § 1446(b)(1); see also *id.* § 1446(b)(3) (providing a different deadline “if the case stated by the initial pleading is not removable”). Plaintiff argues that her federal MMWA claim provided a basis for federal- question jurisdiction that was ascertainable from the face of the complaint, so Defendant’s removal of the action over 30 days after service was untimely under § 1446(b)(1). (Mot. 4–5; compare Yang Decl. ¶ 5, ECF No. 15-1 (indicating Defendant was served on Apr. 11, 2025), and Yang Decl. Ex. 1, ECF No. 15-1 (same), with Notice of Removal (filed Sept. 25, 2025).) For the reasons set forth in detail in another case between parties represented by the counsel in this case, “this Court subscribes to the position that, for the purposes of § 1446(b)(1), a pleading containing an MMWA claim sets forth a federal claim removable under §§ 1331 and 1441(a) irrespective of whether the amount placed in controversy by the claim is stated or certain on the face of the complaint.” *Lopez de Anda v. Gen. Motors LLC*, No. 2:25-cv-07354-MCS-SSC, 2025 U.S. Dist. LEXIS 204419, at *3–4 (C.D. Cal. Oct. 15, 2025) (cleaned up); see generally *id.* at *4–13. Plaintiff’s complaint asserts a federal MMWA claim, which provides a basis for federal-question jurisdiction apparent from the face of the pleading, notwithstanding the lack of allegations clarifying the amount the claim places in controversy. Thus, under § 1446(b)(1), Defendant had to remove the action within 30 days of service of the complaint, which it did not. Because removal was untimely, the case must be remanded. Plaintiff requests an award of fees and costs incurred due to removal, (Mot. 1), which the Court denies for two reasons. First, Plaintiff failed to comply with the Court’s rules governing motions for fees. (Initial Standing Order § 10(d), ECF No. 13.) Second, the Court’s position on the dispositive issue is one on which reasonable minds disagree, see *Lopez de Anda*, 2025 U.S. Dist. LEXIS 204419, at *12 n.6, so an award is inappropriate because there was an objectively reasonable basis for removal, see *Gardner v. UICI*, 508 F.3d 559, 561 (9th Cir. 2007) (citing *Martin v. Franklin Cap. Corp.*, 546 U.S. 132, 141 (2005)). The motion is granted in substantial part. The Court remands the case to the Los Angeles County Superior Court, No. 25STCV10483. The Court directs the Clerk to effect the remand immediately and close the federal case. IT IS SO ORDERED.