

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

**Vitalina Montes-Mendoza v. General Motors LLC, a Delaware  
Limited Liability Company; and Does 1-10, inclusive**

Vitalina Montes-Mendoza v. General Motors LLC, Case No. 5:25-cv-02690-SPG-DTB (C.D. Cal. Jan. 13, 2026)  
· No. 5:25-cv-02690-SPG-DTB · Decided January 13, 2026

SUMMARY

The United States District Court for the Central District of California denied Plaintiff Vitalina Montes-Mendoza’s motion to remand her Song-Beverly Act, Magnuson-Moss Warranty Act, UCC, and CLRA action against General Motors LLC. The court held that diversity jurisdiction was adequately established because the amount in controversy, including estimated actual damages and potentially available civil penalties, exceeded \$75,000. The court did not need to resolve whether anticipated attorney’s fees were adequately supported.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                                 |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Central District of California                                                                                                                                                                                                                                                                             |
| JURISDICTION       | United States District Court for the Central District of California                                                                                                                                                                                                                                                                             |
| DECIDED            | January 13, 2026                                                                                                                                                                                                                                                                                                                                |
| DOCKET             | 5:25-cv-02690-SPG-DTB                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE | Plaintiff moved to remand a removed consumer-warranty action to Los Angeles County Superior Court, arguing that the amount-in-controversy requirement for diversity jurisdiction was not satisfied.                                                                                                                                             |
| STANDARD OF REVIEW | A removing defendant must establish federal subject-matter jurisdiction. When removal is contested, the defendant must show by a preponderance of the evidence that the amount in controversy exceeds \$75,000; the notice of removal itself need only plausibly allege that amount unless the plaintiff contests it or the court questions it. |
| PRECEDENTIAL VALUE | unpublished district court order; nonprecedential                                                                                                                                                                                                                                                                                               |
| PARTIES            | Vitalina Montes-Mendoza v. General Motors LLC, Does 1-10, inclusive                                                                                                                                                                                                                                                                             |

TOPICS

subject matter jurisdiction

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## PRACTICE AREAS

civil procedure

removal and remand

federal jurisdiction

consumer warranty law

## QUESTIONS PRESENTED

1. Whether the amount in controversy exceeded \$75,000 for purposes of diversity jurisdiction.
2. Whether alleged Song-Beverly Act civil penalties could be included in calculating the amount in controversy when Plaintiff alleged willful violations and requested the maximum statutory penalty.
3. Whether Defendant established the amount in controversy by a preponderance of the evidence after Plaintiff contested removal.

## HOLDINGS

1. Defendant established approximately \$38,995.11 in actual damages based on the vehicle's purchase price and supported statutory and loan-related offsets, but that amount alone was insufficient to satisfy the \$75,000 jurisdictional threshold.
2. Civil penalties may be included in the amount in controversy where the complaint alleges that the defendant acted willfully and seeks the full statutory penalty. Because Plaintiff alleged willfulness and sought a civil penalty of twice her actual damages, the court included the estimated civil penalty, bringing the amount in controversy to approximately \$116,985.33.
3. Remand was not warranted because the parties were diverse and Defendant plausibly alleged, and then established by a preponderance of the evidence, an amount in controversy exceeding \$75,000 through actual damages and alleged civil penalties.

## KEY QUOTATIONS

*“There is a “strong presumption” against removal jurisdiction, and “[f]ederal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.”” (at 2)*

*“The amount in controversy is simply an estimate of the total amount in dispute, not a prospective assessment of defendant’s liability.” (at 3)*

*“The removing party bears the burden of establishing federal subject-matter jurisdiction.” (at 3)*

*“A Notice of Removal pursuant to 28 U.S.C. § 1441(a) requires “only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.”” (at 5)*

*“Defendant is not required to prove the case against itself.” (at 6)*

## FACTUAL BACKGROUND

Plaintiff purchased a 2021 Chevrolet Silverado manufactured and sold by General Motors, receiving express written warranties. She alleged that the vehicle developed engine and differential defects during the warranty period, that General Motors failed to repair the defects after a reasonable number of opportunities, and that she

revoked acceptance and sought cancellation of the contract. Her claims included violations of the Song-Beverly Consumer Warranty Act, the Magnuson-Moss Warranty Act, California's Uniform Commercial Code, and the Consumer Legal Remedies Act.

## PROCEDURAL HISTORY

Plaintiff filed the action in Los Angeles County Superior Court on May 6, 2025. Defendant answered on July 22, 2025, and removed the action to the Central District of California on October 14, 2025. Plaintiff moved to remand, and the district court denied the motion after concluding that Defendant established an amount in controversy exceeding \$75,000.

## DISPOSITION

other

## CASES CITED

- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375, 377 (1994)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Moore-Thomas v. Alaska Airlines, Inc., 553 F.3d 1241, 1244 (9th Cir. 2009)
- Emrich v. Touche Ross & Co., 846 F.2d 1190, 1195 (9th Cir. 1988)
- Jauregui v. Roadrunner Transportation Services, Inc., 28 F.4th 989, 993-94 (9th Cir. 2022)
- Sanchez v. Monumental Life Insurance Co., 102 F.3d 398, 404 (9th Cir. 1996)
- Lewis v. Verizon Communications, Inc., 627 F.3d 395, 400 (9th Cir. 2010)
- Perez v. Rose Hills Co., 131 F.4th 804, 808 (9th Cir. 2025)
- Chavez v. JP Morgan Chase & Co., 888 F.3d 413, 416 (9th Cir. 2018)
- Reynoso v. General Motors LLC, No. 2:25-cv-08412-AJR, 2025 WL 3089964, at \*7 (C.D. Cal. Nov. 5, 2025)
- Dart Cherokee Basin Operating Co., LLC v. Owens, 574 U.S. 81, 89 (2014)
- Amavizca v. Nissan North America, Inc., No. 22-cv-02256-JAK-KK, 2023 WL 3020489, at \*6 (C.D. Cal. Apr. 19, 2023)
- Lazorosas v. Mercedes-Benz USA, LLC, No. 8:24-cv-01161-JWH-DFM, 2025 WL 40483, at \*2 (C.D. Cal. Jan. 7, 2025)
- Brady v. Mercedes-Benz USA, Inc., 243 F. Supp. 2d 1004, 1009 (N.D. Cal. 2002)
- Brooks v. Ford Motor Co., No. 20-cv-302-DSF-KK, 2020 WL 2731830, at \*2 (C.D. Cal. May 26, 2020)
- Solis v. Nissan North America, Inc., No. 24-cv-00728-MWF-E, 2024 WL 1311275, at \*4 (C.D. Cal. Mar. 27, 2024)
- Shoner v. Carrier Corp., 30 F.4th 1144, 1148 (9th Cir. 2022)

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