

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Albert Steve Torres Jr. v. General Motors LLC et al.

Torres v. General Motors LLC · No. 2:25-cv-07940-WLH-JC · Decided December 4, 2025

SUMMARY

The Central District of California denies Plaintiff Albert Steve Torres Jr.’s motion to remand his action against General Motors LLC. The court holds that removal was timely because the complaint did not make removability apparent and the defendant removed within one year based on its own investigation. The court also concludes that General Motors established by a preponderance of the evidence that the amount in controversy satisfied the jurisdictional thresholds under the Magnuson-Moss Warranty Act and diversity jurisdiction.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Wesley L. Hsu
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	December 4, 2025
DOCKET	2:25-cv-07940-WLH-JC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand an action removed from California state court, arguing that removal was untimely and that Defendant failed to establish the amount in controversy required for federal jurisdiction.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing federal subject matter jurisdiction. Remand was analyzed under the statutory removal deadlines in 28 U.S.C. § 1446(b), including whether removability was ascertainable from the initial pleading or later plaintiff- or court-generated papers.
PRECEDENTIAL VALUE	unpublished_nonprecedential
PARTIES	Albert Steve Torres Jr. v. General Motors LLC, Does 1-10

TOPICS

- civil procedure
- subject matter jurisdiction
- consumer protection
- damages
- remedies

PRACTICE AREAS

federal jurisdiction

removal and remand

consumer warranty litigation

consumer protection

civil procedure

QUESTIONS PRESENTED

1. Whether Defendant's removal was untimely because the initial complaint or a later paper triggered one of the thirty-day removal periods under 28 U.S.C. § 1446(b).
2. Whether the complaint was sufficiently definite on its face to establish the amount in controversy required for federal-question jurisdiction under the Magnuson-Moss Warranty Act or diversity jurisdiction.
3. Whether Defendant established by a preponderance of the evidence that the amount in controversy exceeded the applicable jurisdictional thresholds.

HOLDINGS

1. The complaint did not make removability ascertainable on its face because it alleged no purchase price, mileage, or other information from which the amount in controversy could be calculated. Therefore, the first thirty-day removal period was not triggered upon service of the complaint.
2. A defendant's own investigation or realization that a case is removable does not trigger the second thirty-day removal period under 28 U.S.C. § 1446(b)(3). A defendant may remove on the basis of its own information within one year after commencement of the action, subject to the statutory limitations.
3. Defendant established by a preponderance of the evidence that the amount in controversy exceeded both the \$50,000 Magnuson-Moss threshold and the \$75,000 diversity-jurisdiction threshold.

KEY QUOTATIONS

“Under 28 U.S.C. § 1446(b), a notice of removal must be filed within thirty days of the defendant’s receipt of the initial pleading” (Section II)

“The clock for both 30- day removal deadlines “begins running upon ‘defendant’s receipt of a document from the plaintiff or the state court—not by any action of defendant.’” (Section III.A.i)

“The removing defendant bears the burden of establishing original jurisdiction.” (Section III.A.ii)

“Because Defendant has demonstrated \$72,184.34 in actual damages in controversy and \$216,553.02 in total damages including civil penalties in controversy” (Section III.A.ii)

FACTUAL BACKGROUND

Torres purchased a 2022 Chevrolet Silverado manufactured or distributed by General Motors and alleged that the vehicle developed defects covered by express warranties. He alleged that General Motors and its authorized repair facilities failed to repair the vehicle after multiple opportunities and failed to provide a replacement or restitution. The complaint sought restitution, damages, a civil penalty of up to twice actual damages, and attorney fees, but did not state the vehicle's purchase price or mileage needed to calculate statutory offsets.

Evidence submitted in opposition to remand showed a purchase price of \$85,100.72, 21,872 miles of use before the first repair attempt, and estimated actual damages of \$72,184.34.

PROCEDURAL HISTORY

Plaintiff filed suit in the Los Angeles County Superior Court alleging violations of the California Song-Beverly Consumer Warranty Act, the Magnuson-Moss Warranty Act, and the Uniform Commercial Code. Defendant removed the action to the Central District of California on August 22, 2025. Plaintiff moved to remand, and after briefing the district court denied the motion.

DISPOSITION

other

CASES CITED

- *Carvalho v. Equifax Information Services, LLC*, 629 F.3d 876, 885 (9th Cir. 2010)
- *Harris v. Bankers Life & Casualty Co.*, 425 F.3d 689, 694 (9th Cir. 2005)
- *Roth v. CHA Hollywood Medical Center, L.P.*, 720 F.3d 1121, 1125 (9th Cir. 2013)
- *Iniquez v. Ford Motor Co.*, 2025 WL 1042712, at *2 (C.D. Cal. Mar. 21, 2025)
- *Khachatryan v. BMW of North America, LLC*, 2021 WL 927266, at *2 (C.D. Cal. Mar. 10, 2021)
- *Guerrero v. Mercedes-Benz USA, LLC*, 2023 WL 4085975, at *1 (C.D. Cal. June 20, 2023)
- *Romo v. FFG Insurance Co.*, 397 F. Supp. 2d 1237, 1240 (C.D. Cal. 2005)
- *Chajon v. Ford Motor Company*, 2019 U.S. Dist. LEXIS 4254, at *3, 2019 WL 994019 (C.D. Cal. Jan. 8, 2019)
- *Day v. FCA US LLC*, 2020 WL 3047986, at *2 (C.D. Cal. June 8, 2020)
- *Schneider v. Ford Motor Co.*, 756 F. App'x 699, 700-01 (9th Cir. 2018)
- *Covarrubias v. Ford Motor Co.*, 2025 WL 907544, at *2-*3 (C.D. Cal. Mar. 24, 2025)
- *Solis v. Nissan North America, Inc.*, 2024 WL 1311275, at *2 (C.D. Cal. Mar. 27, 2024)
- *Franklin v. HealthSource Global Staffing, Inc.*, 2024 WL 1055996, at *2 (S.D. Cal. Mar. 11, 2024)
- *Adelpour v. Panda Express, Inc.*, 2010 WL 2384609, at *4 n.7 (C.D. Cal. June 8, 2010)
- *Gonzalez v. Nissan North America, Inc.*, 2024 WL 2782102, at *3 (C.D. Cal. May 29, 2024)
- *Syngenta Crop Protection, Inc. v. Henson*, 537 U.S. 28, 33 (2002)
- *Lopez v. Kia America, Inc.*, 693 F. Supp. 3d 1063, 1067-68 (C.D. Cal. 2023)
- *Canesco v. Ford Motor Co.*, 570 F. Supp. 3d 872, 898 (S.D. Cal. 2021)
- *Perez v. General Motors LLC*, 2025 WL 3171905, at *2 (C.D. Cal.)
- *Ferguson v. KIA Motors America, Inc.*, 2021 WL 1997550, at *3 (E.D. Cal.)
- *Castillo v. FCA USA, LLC*, 2019 WL 6607006, at *2 (S.D. Cal. Dec. 5, 2019)
- *Pennon v. Subaru of America, Inc.*, 2022 WL 2208578, at *2 (C.D. Cal. June 17, 2022)
- *Brady v. Mercedes-Benz USA, Inc.*, 243 F. Supp. 2d 1004, 1009 (N.D. Cal. 2002)

- Luna v. BMW of North America, LLC, 2018 WL 2328365, at *4 (S.D. Cal.)
- Lee v. FCA US, LLC, 2016 WL 11516754, at *2 (C.D. Cal.)
- Shoner v. Carrier Corp., 30 F.4th 1144, 1148 (9th Cir. 2022)

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