

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Maria Martinez, et al. v. General Motors LLC, et al.

Martinez · No. 2:25-cv-07341-HDV-AS · Decided November 5, 2025

SUMMARY

The United States District Court for the Central District of California denied Plaintiffs’ motion to remand and request for attorney’s fees in a lemon law action involving a 2020 Chevrolet Colorado. The court held that neither the complaint nor the July 7, 2025 initial disclosures triggered the 30-day removal periods under 28 U.S.C. § 1446 because removability was not apparent or unequivocally clear and certain. The court therefore concluded that General Motors’s August 7, 2025 removal was timely.

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	November 5, 2025
DOCKET	2:25-cv-07341-HDV-AS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to remand a removed lemon-law action to state court and sought attorney's fees under the removal statute.
STANDARD OF REVIEW	Removal statutes are strictly applied, and the court determined whether the notice of removal was timely under the mandatory thirty-day periods in 28 U.S.C. § 1446(b).
PRECEDENTIAL VALUE	Unknown
PARTIES	Maria Martinez, Reynaldo Morales Marcos v. General Motors LLC, STG Auto Group

TOPICS

- subject matter jurisdiction
- civil procedure
- consumer protection
- attorney fees

PRACTICE AREAS

- civil procedure
- consumer protection
- remedies

QUESTIONS PRESENTED

1. Whether the initial complaint triggered the thirty-day removal period under 28 U.S.C. § 1446(b)(1) by making federal-question or diversity jurisdiction ascertainable.
2. Whether Plaintiffs' July 7, 2025 initial disclosures constituted an 'other paper' under 28 U.S.C. § 1446(b)(3) that made removability unequivocally clear and certain and triggered a second thirty-day removal period.
3. Whether Plaintiffs were entitled to attorney's fees incurred in seeking remand.

HOLDINGS

1. The initial complaint did not trigger the thirty-day removal period because it did not establish that the Magnuson-Moss claims met the statutory amount-in-controversy threshold and did not establish the Plaintiffs' domicile or citizenship or that the diversity amount-in-controversy requirement was satisfied.
2. The July 7 initial disclosures did not qualify as an 'other paper' that made removability unequivocally clear and certain under 28 U.S.C. § 1446(b)(3).
3. Removal was timely because neither the initial complaint nor the July 7 initial disclosures triggered a thirty-day removal period.
4. Plaintiffs were not entitled to attorney's fees because their motion to remand was denied.

KEY QUOTATIONS

“A notice of removal must be filed within 30 days of the initial pleading or summons if, using a “reasonable amount of intelligence,” the grounds for removability can be ascertained from such pleading or summons.”
(at 3)

“Moreover, the “other paper” under this section must establish that removability is “unequivocally clear and certain.”” (at 3)

FACTUAL BACKGROUND

Plaintiffs purchased a used 2020 Chevrolet Colorado in January 2022 and alleged engine and electrical defects during the warranty period. They sued under California's Song-Beverly Consumer Warranty Act and the federal Magnuson-Moss Warranty Act. The complaint identified Plaintiffs as California residents but did not allege domicile, citizenship, or facts establishing that the amount in controversy exceeded the applicable jurisdictional thresholds. Initial disclosures later provided the vehicle's sales contract, repair records, mileage, and information that Plaintiffs no longer possessed the vehicle.

PROCEDURAL HISTORY

Plaintiffs filed the action in Los Angeles Superior Court on March 18, 2025. General Motors removed the action to federal court on August 7, 2025, asserting federal-question and diversity jurisdiction. Plaintiffs moved to remand on August 29, 2025, arguing that removal was untimely because removability was apparent from the complaint or from initial disclosures served on July 7, 2025. The district court resolved the motion without oral argument and denied both remand and attorney's fees.

DISPOSITION

other

CASES CITED

- Chavarin v. General Motors LLC, No. 2:25-cv-06852-HDV-MBK (C.D. Cal. Oct. 29, 2025)
- Kuxhausen v. BMW Fin. Servs. NA, 707 F.3d 1136, 1139-40 (9th Cir. 2013)
- Harris v. Bankers Life & Cas. Co., 425 F.3d 689, 694 (9th Cir. 2005)
- Dietrich v. Boeing Co., 14 F.4th 1089, 1094 (9th Cir. 2021)
- Smith v. Mylan Inc., 761 F.3d 1042, 1045 (9th Cir. 2014)

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