

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Crystal Fortune v. General Motors, LLC, et al.

Fortune · No. CV 25-7300-JFW(JCx) · Decided October 7, 2025

SUMMARY

The United States District Court for the Central District of California denied Crystal Fortune’s motion to remand an action against General Motors, LLC. The court held that the defendant’s 30-day removal period was not triggered by service of the complaint because the complaint did not state the amount in controversy or provide specific facts permitting its calculation, and therefore the subsequent removal was timely.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	John F. Walter
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 7, 2025
DOCKET	CV 25-7300-JFW(JCx)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to remand an action removed from Los Angeles County Superior Court, arguing that the defendant's removal was untimely.
STANDARD OF REVIEW	The removal statute is strictly construed, doubts concerning removability are resolved in favor of remand, and the removing defendant bears the burden of establishing the propriety of removal. The timeliness of removal under 28 U.S.C. § 1446 is a mandatory procedural requirement.
PRECEDENTIAL VALUE	unknown
PARTIES	Crystal Fortune v. General Motors, LLC

TOPICS

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

PRACTICE AREAS

civil procedure

removal and remand

consumer warranty litigation

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the complaint triggered the thirty-day removal period under 28 U.S.C. § 1446(b)(1) even though it did not state the vehicle's purchase price, a specific damages amount, or the amount in controversy.
2. Whether General Motors's removal on August 7, 2025 was timely when it occurred more than thirty days after service of the complaint but was based on its later determination that the amount in controversy exceeded the jurisdictional threshold.
3. Whether Fortune was entitled to attorney fees and costs associated with the motion to remand.

HOLDINGS

1. When the initial complaint does not make removability evident and lacks specific facts permitting a straightforward calculation of the amount in controversy, service of the complaint does not trigger the thirty-day removal period under 28 U.S.C. § 1446(b)(1). The defendant need not investigate, extrapolate, or engage in guesswork to determine removability.
2. General Motors's August 7, 2025 removal was timely because the complaint did not trigger the thirty-day removal period at the time of service.
3. Fortune's request for an award of attorney fees and costs was denied.

KEY QUOTATIONS

“notice of removability under § 1446(b) is determined through the four corners of the applicable pleadings.”
(Section III)

“If no ground for removal is evident in [the initial] pleading, the case is ‘not removable’ at that stage.”
(Section III)

“For the foregoing reasons, Plaintiff’s Motion to Remand is DENIED. In addition, Plaintiff’s request for an award of attorneys’ fees and costs is DENIED.” (Section IV)

FACTUAL BACKGROUND

Fortune purchased a 2020 Chevrolet Traverse manufactured or distributed by General Motors on November 11, 2020. She alleged exhaust-system defects covered by express warranties and asserted claims under the California Song-Beverly Consumer Warranty Act and the Magnuson-Moss Warranty Act. The complaint sought restitution, consequential and incidental damages, a civil penalty, and attorney fees, but did not state the vehicle's purchase price, a specific damages amount, or the amount in controversy.

PROCEDURAL HISTORY

Fortune filed suit against General Motors in Los Angeles County Superior Court on March 27, 2025. General Motors was served on April 2, 2025, answered on May 16, 2025, and removed the action to the Central District

of California on August 7, 2025, asserting diversity and federal-question jurisdiction. Fortune moved to remand, and the court denied the motion without oral argument.

DISPOSITION

other

CASES CITED

- N. Cal. Dist. Council of Laborers v. Pittsburg-Des Moines Steel Co., 69 F.3d 1034, 1038 (9th Cir. 1995)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Prize Frize, Inc. v. Matrix, Inc., 167 F.3d 1261, 1265 (9th Cir. 1999)
- Duncan v. Stuetzle, 76 F.3d 1480, 1485 (9th Cir. 1996)
- Bender v. Williamsport Area School District, 475 U.S. 534, 541 (1986)
- Roth v. CHA Hollywood Med. Ctr., L.P., 720 F.3d 1121, 1125 (9th Cir. 2013)
- Fristoe v. Reynolds Metals Co., 615 F.2d 1209, 1212 (9th Cir. 1980)
- Harris v. Bankers Life & Casualty Co., 425 F.3d 689, 692-94 (9th Cir. 2005)
- Kuxhausen v. BMW Financial Services NA LLC, 707 F.3d 1136, 1141 (9th Cir. 2013)
- Agasang v. Jaguar Land Rover North America, LLC, 2023 WL 8234641, at *2 (C.D. Cal. Nov. 27, 2023)
- Alvarez-Munguia v. Ford Motor Co., 2024 WL 69076, at *2 (N.D. Cal. Jan. 5, 2024)
- Alcazar v. Nissan N. Am., Inc., 2023 WL 4706167, at *2 (N.D. Cal. July 24, 2023)