

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Kunstel v. General Motors LLC

Kunstel · No. 2:25-cv-06859-MCS-SSC · Decided September 8, 2025

SUMMARY

The United States District Court for the Central District of California granted Plaintiffs Timothy Jon Kunstel and Patricia Lynn Kunstel's motion to remand after finding that Defendant General Motors LLC failed to timely oppose the motion and therefore conceded that removal was untimely. The Court remanded the case to the Los Angeles County Superior Court, declined to award attorney fees, directed immediate remand, and closed the federal case.

OPINION

Timothy Jon Kunstel v. General Motors LLC

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES — GENERAL

Case No. 2:25-cv-06859-MCS-SSC Date September 8, 2025 Title Kunstel v. General Motors LLC
Present: The Honorable Mark C. Scarsi, United States District Judge Stephen Montes Kerr —
——NotReported 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. 13) (JS-6) Plaintiffs Timothy Jon Kunstel and Patricia
Lynn Kunstel move to remand this case to the state court from which Defendant General Motors
LLC removed it. (Mot., ECF No. 13.) The Court deems the motion appropriate for decision
without oral argument and vacates the hearing set for October 6, 2025. Fed. R. Civ. P. 78(b);
□□□□ Cal. R. 7-15. Defendant did not file a timely response brief. (Initial Standing Order § 9(b),
ECF No. 7 (setting motion briefing deadlines departing from the local rules).)' The Court deems
Defendant's failure to timely respond to the motion as its consent to the granting of the motion.
C.D. Cal. R. 7-12; e.g., Shaw v. Costco Wholesale Corp., No. 2:25-cv-03035 MWC (MARx),
2025 U.S. Dist. LEXIS 104336, at *3 (C.D. Cal. June 2, 2025) (collecting cases granting motions
to remand based on failure to file a timely opposition); see Christian v. Mattel, Inc., 286 F.3d
1118, 1129 (9th Cir. 2002) ("The district court has considerable latitude in managing the parties'
motion practice and enforcing local rules that place parameters on briefing."'). In particular, the
Court deems conceded that a basis for federal jurisdiction was ascertainable from ' Defendant's
opposition brief is stricken as untimely. (Opp'n, ECF No. 15.) Page 1 of 2 CIVIL MINUTES —

GENERAL Initials of Deputy Clerk SMO the face of Plaintiffs' complaint, so Defendant's removal of the action over 30 days after service of the complaint was untimely. (Mot. 4–5); see 28 U.S.C. § 1446(b)(1),

(3). Remand is warranted.

In connection with the motion, Plaintiffs request an award of fees incurred because of removal. (Mot. 8–9.) “An order remanding the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal.” 28 U.S.C. § 1447(c). An award of fees and costs is discretionary. *Martin v. Franklin Cap. Corp.*, 546 U.S. 132, 139 (2005). The Court declines to exercise its discretion to issue an award given Plaintiffs' failure to comply with the Court's rules governing motions for fees. (Initial Standing Order § 10(d).)² The Court remands the case to the Los Angeles County Superior Court, No. 25STCV07161. The Court directs the Clerk to effect the remand immediately and close the federal case. IT IS SO ORDERED. ² The Court also questions the veracity of representations by counsel regarding the time incurred after removal. (Yang Decl. ¶ 11, ECF No. 13-1.) For example, the Court doubts that drafting this motion required over an hour and a half of attorney time given that counsel filed several substantially identical motions in other cases assigned to this judicial officer. See generally, e.g., Motion to Remand, *Alvarez v. Gen. Motors LLC*, No. 5:25-cv-01955-MCS-MAA (C.D. Cal. Aug. 15, 2025), ECF No. 14. Time spent toward most of these motions must have been saved in adapting the first that was drafted.