

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Jose Palomino v. General Motors, LLC et al.

Case No. CV 25-8888-MWF (AGRx) · No. CV 25-8888-MWF (AGRx); 2:25-cv-08888 · Decided December 10, 2025

SUMMARY

The Central District of California denied Jose Palomino’s motion to remand his Song-Beverly Consumer Warranty Act and Magnuson-Moss Warranty Act action against General Motors LLC. The court held that removal based on diversity jurisdiction was proper because General Motors plausibly alleged actual damages of \$40,363.42 and potential civil penalties of twice that amount, resulting in an amount in controversy exceeding \$75,000. The court did not reach the parties’ arguments concerning attorney’s fees.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	December 10, 2025
DOCKET	CV 25-8888-MWF (AGRx); 2:25-cv-08888
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff moved to remand an action removed from Los Angeles County Superior Court on diversity-jurisdiction grounds. The district court denied the motion.
STANDARD OF REVIEW	On a motion to remand, the removing defendant bears the burden of establishing that removal is proper. A facial attack on jurisdictional allegations is evaluated under a plausibility standard; doubts concerning subject-matter jurisdiction are resolved in favor of remand.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated and identified as unknown in the source metadata.
PARTIES	Jose Palomino v. General Motors, LLC

TOPICS

subject matter jurisdiction

civil procedure

consumer protection

damages

PRACTICE AREAS

civil procedure

removal and remand

consumer warranty law

subject-matter jurisdiction

QUESTIONS PRESENTED

1. Whether General Motors adequately established the amount-in-controversy requirement for diversity jurisdiction.
2. Whether Palomino's challenge to the jurisdictional allegations constituted a facial or factual attack.
3. Whether estimated Song-Beverly civil penalties could be included in the amount in controversy without proof that General Motors was liable or acted willfully.
4. Whether the action should be remanded to state court.

HOLDINGS

1. A plaintiff's challenge to removal allegations is a facial attack when the plaintiff provides neither competing evidence nor a reasoned argument undermining the alleged jurisdictional facts.
2. On a facial attack, a notice of removal sufficiently establishes the amount in controversy when it contains plausible allegations that the jurisdictional threshold is exceeded; evidentiary proof is not required at that stage.
3. When a plaintiff seeks Song-Beverly civil penalties and alleges willful conduct, potential civil penalties of up to twice the actual damages may be included in calculating the amount in controversy, without requiring the removing defendant to prove liability.

KEY QUOTATIONS

“A removing defendant bears the burden of establishing that removal is proper.”

“Consistent with Salter, Defendant need only to “include a plausible allegation that the amount in controversy exceeds the jurisdictional threshold” in response to a facial attack.”

“Proof of liability is not a prerequisite to including civil penalties in the amount in controversy, as that would nonsensically require a defendant “to prove the case against itself.””

FACTUAL BACKGROUND

Palomino purchased a 2021 Chevrolet Silverado 1500 manufactured by General Motors and received various warranties. He alleged that defects, including fuel-system defects, manifested in the vehicle and that General Motors and its authorized facilities failed to repair the vehicle in conformity with the warranties. The notice of removal alleged actual damages of \$40,363.42 and sought to include maximum Song-Beverly civil penalties based on allegations of willful conduct, producing an amount in controversy of \$121,090.26.

PROCEDURAL HISTORY

Palomino filed suit in Los Angeles County Superior Court on April 8, 2025, asserting Song-Beverly Consumer Warranty Act and Magnuson-Moss Warranty Act claims concerning alleged defects in a Chevrolet Silverado. General Motors filed an answer and removed the action on September 18, 2025, based on diversity jurisdiction. Palomino moved to remand; the court decided the motion without oral argument and denied it.

DISPOSITION

denied

CASES CITED

- Abrego Abrego v. Dow Chem. Co., 443 F.3d 676, 684 (9th Cir. 2006) (per curiam)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Romo v. FFG Ins. Co., 397 F. Supp. 2d 1237, 1240 (C.D. Cal. 2005)
- Harris v. KM Industrial, 980 F.3d 694, 700 (9th Cir. 2020)
- Salter v. Quality Carriers, Inc., 974 F.3d 959, 964–965 (9th Cir. 2020)
- Dart
- Zepeda v. Ford Motor Co., No. EDCV 25-01464-MWF (SHKx), 2025 WL 2650358, at *2–3 (C.D. Cal. Sept. 16, 2025)
- Letter v. Gen. Motors LLC, No. CV 25-07757-HDV (MAAx), 2025 WL 3187652, at *4 (C.D. Cal. Nov. 12, 2025)
- Rahman v. FCA US LLC, No. 2:21-cv-02584-SB (JCx), 2021 WL 2285102, at *2 (C.D. Cal. June 4, 2021)
- Brooks v. Ford Motor Co., No. CV 20-302-DSF (KKx), 2020 WL 2731830, at *2 (C.D. Cal. May 26, 2020)
- Carillo v. FCA USA, LLC, 546 F. Supp. 3d 995, 1003 (C.D. Cal. 2021)