

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Vaitupu V. Ramirez v. General Motors LLC

Vaitupu V. Ramirez · No. 2:25-cv-07139 · Decided September 12, 2025

SUMMARY

The court granted Plaintiff Vaitupu Ramirez’s motion to remand a California Song–Beverly and Magnuson–Moss consumer warranty action to Los Angeles County Superior Court. It held that General Motors LLC failed to establish that its removal based on diversity jurisdiction was timely, and declined to award attorney’s fees and costs.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 12, 2025
DOCKET	2:25-cv-07139
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed state-court action, arguing that Defendant's removal was untimely. The district court granted remand and denied attorney's fees and costs.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing that removal was proper, and doubts concerning removal jurisdiction are resolved in favor of remand.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	General Motors LLC v. Vaitupu V. Ramirez

TOPICS

- subject matter jurisdiction
- civil procedure
- consumer protection

PRACTICE AREAS

- civil procedure
- consumer protection
- removal and remand

QUESTIONS PRESENTED

1. Whether General Motors timely removed the action under 28 U.S.C. § 1446(b).
2. Whether the complaint or another paper made federal jurisdiction unequivocally clear and certain more than thirty days before removal.
3. Whether Plaintiff should receive attorney's fees and costs under 28 U.S.C. § 1447(c).

HOLDINGS

1. General Motors failed to meet its burden of showing that removal occurred within thirty days after receipt of a pleading, motion, order, or other paper from which removability could first be ascertained; the removal was therefore untimely.
2. The court declined to exercise its discretion under 28 U.S.C. § 1447(c) to award attorney's fees and costs.

KEY QUOTATIONS

“Defendant bears the burden of proving that removal was proper, and the “strong presumption” against removal jurisdiction requires remand “if there is any doubt as to the right of removal in the first instance.””

“For the latter, the removal clock is triggered only when the ground for removal is “unequivocally clear and certain.””

FACTUAL BACKGROUND

Ramirez's state-court complaint asserted claims under California's Song-Beverly Consumer Warranty Act and the federal Magnuson-Moss Warranty Act. General Motors answered the complaint and removed the action nearly three months later, alleging that a preliminary investigation conducted within the preceding thirty days revealed federal jurisdiction. The notice of removal did not identify the information supporting that allegation or explain when General Motors received the retail installment sales contract and related materials.

PROCEDURAL HISTORY

Vaitupu Ramirez filed the action in Los Angeles County Superior Court on March 7, 2025. General Motors answered on May 9, 2025, and removed the case to federal court on August 1, 2025, invoking diversity jurisdiction. Plaintiff timely moved to remand. The district court found that General Motors failed to show that removal was based on information received within the applicable thirty-day period and remanded the case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the Los Angeles County Superior Court. Attorney's fees and costs were denied.

CASES CITED

- Dietrich v. Boeing Co., 14 F.4th 1089, 1095 (9th Cir. 2021)
- Gaus v. Miles, Inc., 980 F.2d 564, 566–67 (9th Cir. 1992)
- Baumann v. BMW of N. Am., LLC, No. 17-CV-01707-BRO, 2017 WL 1538155, at *5 (C.D. Cal. Apr. 26, 2017)

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