

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Jonathan Brancati v. Ford Motor Company et al.

Brancati · No. EDCV 25-0070 JGB (DTBx) · Decided April 24, 2025

SUMMARY

The United States District Court for the Central District of California granted Jonathan Brancati’s motion to remand his Song-Beverly Consumer Warranty Act action against Ford Motor Company to California state court. The court held that Ford failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$75,000 because civil penalties and attorneys’ fees could not be included on the evidence presented. The court also vacated the scheduled hearing and directed the clerk to close the federal case.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Jesus G. Bernal
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 24, 2025
DOCKET	EDCV 25-0070 JGB (DTBx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand a removed Song-Beverly Consumer Warranty Act action to California state court, arguing that the amount-in-controversy requirement for diversity jurisdiction was not satisfied.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing federal jurisdiction. When the amount in controversy is unclear or ambiguous from the complaint, the defendant must prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000. Removal statutes are strictly construed, and doubts are resolved in favor of remand.
PRECEDENTIAL VALUE	Unknown; district court opinion marked Not Reported.
PARTIES	Ford Motor Company v. Jonathan Brancati

TOPICS

subject matter jurisdiction

civil procedure

consumer protection

damages

attorney fees

PRACTICE AREAS

civil procedure

consumer protection

remedies

QUESTIONS PRESENTED

1. Whether Ford established by a preponderance of the evidence that the amount in controversy exceeded \$75,000 for purposes of diversity jurisdiction.
2. Whether the vehicle's actual purchase price, potential Song-Beverly civil penalty, and recoverable attorney fees established the jurisdictional amount.
3. Whether the district court had subject matter jurisdiction over the removed action.

HOLDINGS

1. The amount in controversy was not facially evident because the complaint did not specify a monetary value, and the civil case cover sheet's statement that the amount demanded exceeded \$35,000 did not establish a sufficiently specific amount in controversy.
2. The appropriate initial measure of actual damages was the vehicle's total cash price of \$40,125, reduced by the statutory mileage offset, resulting in \$35,106.03 in alleged actual damages.
3. The court would not include a civil penalty in the amount-in-controversy calculation merely because Brancati alleged a willful violation; Ford had to provide evidence supporting the likelihood and potential amount of such an award.
4. Ford did not establish that recoverable attorney fees were more likely than not to bring the amount in controversy above \$75,000.
5. Ford failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$75,000; therefore, the district court lacked subject matter jurisdiction and the action had to be remanded.

KEY QUOTATIONS

“ “[A]ny doubt about the right of removal requires resolution in favor of remand.” ” (Legal Standard)

“The Court, therefore, will “not simply assume that a civil penalty will be awarded,” especially considering that “the removal statute is strictly construed against removal jurisdiction.” ” (Discussion, section B.2)

FACTUAL BACKGROUND

Brancati purchased a new 2024 Ford Maverick in January 2024 and alleged that it was delivered with serious defects, including severe shaking under hard acceleration and front-axle vibration. He asserted express- and implied-warranty claims under the Song-Beverly Consumer Warranty Act and sought restitution, a civil penalty, and attorney fees. The vehicle had approximately 18 miles at purchase and was presented for repair at approximately 15,028 miles; the vehicle's total cash price was \$40,125.

PROCEDURAL HISTORY

Brancati filed the action in the California Superior Court for the County of Riverside alleging breach of express and implied warranties under the Song-Beverly Consumer Warranty Act. Ford removed the action based on diversity jurisdiction under 28 U.S.C. § 1332. The district court granted Brancati's motion to remand, vacated the scheduled hearing, directed the clerk to close the case, and remanded the action to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the California Superior Court for the County of Riverside. The clerk was directed to close the federal case, and the April 28, 2025 hearing was vacated.

CASES CITED

- Caterpillar, Inc. v. Williams, 482 U.S. 386, 392 (1987)
- Gunn v. Minton, 568 U.S. 251, 256 (2013)
- In re Digimarc Corp. Derivative Litigation, 549 F.3d 1223, 1234 (9th Cir. 2008)
- Gaus v. Miles, 980 F.2d 564, 566 (9th Cir. 1992)
- Duncan v. Stuetzle, 76 F.3d 1480, 1485 (9th Cir. 1996)
- Abrego Abrego v. Dow Chem. Co., 443 F.3d 676, 683-85 (9th Cir. 2006)
- Calif. ex rel. Lockyer v. Dynegy, Inc., 375 F.3d 831, 838 (9th Cir. 2004)
- Moore-Thomas v. Alaska Airlines, Inc., 553 F.3d 1241, 1244 (9th Cir. 2009)
- Sanchez v. Monumental Life Ins. Co., 102 F.3d 398, 402-04 (9th Cir. 1996)
- Fritsch v. Swift Transportation Co. of Arizona, LLC, 899 F.3d 785, 790, 793-95 (9th Cir. 2018)
- Lewis v. Verizon Communications, Inc., 627 F.3d 395, 400 (9th Cir. 2010)
- Campbell v. Vitran Express, Inc., 471 F. App'x 646, 648 (9th Cir. 2012)
- Kenneth Rothschild Trust v. Morgan Stanley, 199 F. Supp. 2d 993, 1001 (C.D. Cal. 2002)
- Dart Cherokee Basin Operating Co. v. Owens, 574 U.S. 81, 82, 88 (2014)
- Guglielmino v. McKee Foods Corp., 506 F.3d 696, 700-01 (9th Cir. 2007)
- Schneider v. Ford Motor Co., 441 F. Supp. 3d 909, 913-15 (N.D. Cal. 2020)
- Luna v. FCA US LLC, 2021 WL 4893567, at *7 (N.D. Cal. Oct. 20, 2021)
- Alvarado v. FCA US LLC, 2017 WL 2495495, at *4 (C.D. Cal. June 9, 2017)
- Canesco v. Ford Motor Co., 570 F. Supp. 3d 872, 896 (S.D. Cal. 2021)
- D'Amico v. Ford Motor Co., 2020 WL 2614610, at *3 (C.D. Cal. May 21, 2020)
- Savall v. FCA US LLC, 2021 WL 1661051, at *3 (S.D. Cal. Apr. 28, 2021)
- Galt G/S v. JSS Scandinavia, 142 F.3d 1150, 1155-56 (9th Cir. 1998)
- Reyes v. Staples Off. Superstore, LLC, 2019 WL 4187847, at *4 (C.D. Cal. Sept. 3, 2019)

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