

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Rita Marquez-Lopez v. General Motors, LLC

Marquez-Lopez v. General Motors, LLC · No. 2:25-cv-07482-RGK-E · Decided October 3, 2025

SUMMARY

The U.S. District Court for the Central District of California remanded the action to state court for lack of subject matter jurisdiction. The court concluded that General Motors failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$75,000, after accounting for offsets and the plaintiff’s approximately \$16,067.97 in actual damages.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	R. Gary Klausner
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	October 3, 2025
DOCKET	2:25-cv-07482-RGK-E
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed a state-court warranty action based on diversity jurisdiction. The district court ordered Defendant to show cause regarding the amount in controversy and then remanded the action for lack of subject matter jurisdiction.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing the amount-in-controversy requirement. The court may require proof by a preponderance of the evidence even when the plaintiff does not challenge the jurisdictional allegations.
PRECEDENTIAL VALUE	Unpublished district court order
PARTIES	General Motors, LLC v. Rita Marquez-Lopez

TOPICS

- subject matter jurisdiction
- civil procedure
- consumer protection

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Defendant established that the amount in controversy exceeded the \$75,000 threshold required for diversity jurisdiction under 28 U.S.C. § 1332.
2. Whether the action should be remanded to state court for lack of subject matter jurisdiction.

HOLDINGS

1. Defendant failed to prove by a preponderance of the evidence that the amount in controversy exceeded \$75,000.
2. The action must be remanded to state court because the district court lacked subject matter jurisdiction.

KEY QUOTATIONS

“After a plaintiff files a case in state court, the defendant attempting to remove the case to federal court bears the burden of proving the amount in controversy requirement has been met.”

“In light of the foregoing, the action is hereby remanded to state court for all further proceedings.”

FACTUAL BACKGROUND

Plaintiff brought state-law Song-Beverly Consumer Warranty Act claims and a Magnuson-Moss Warranty Act claim against General Motors, LLC. At removal, Plaintiff had paid approximately \$27,971.81 in down payment and monthly payments. After applying approximately \$11,903.84 in claimed offsets for mileage and other items, the estimated actual damages were approximately \$16,067.97.

PROCEDURAL HISTORY

On March 19, 2025, Plaintiff filed a complaint in state court alleging violations of the Song-Beverly Consumer Warranty Act and the Magnuson-Moss Warranty Act. Defendant removed the action on August 12, 2025, asserting diversity jurisdiction. After issuing an order to show cause regarding the amount in controversy and reviewing Defendant's response, the district court remanded the action to state court and closed the federal case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to state court for all further proceedings. All dates on the federal court's calendar were vacated, the Clerk was directed to close the action, and a copy was directed to the Los Angeles Superior Court.

CASES CITED

- Lowdermilk v. United States Bank Nat'l Ass'n, 479 F.3d 994, 998 (9th Cir. 2007)

- Dart Cherokee Basin Operating Co., LLC v. Owens, 135 S. Ct. 547, 553-54 (2014)
- Gaus v. Miles, Inc., 980 F.2d 564, 566-67 (9th Cir. 1992)

OPINION

RITA MARQUEZ-LOPEZ v. GENERAL MOTORS, LLC

PER CURIAM.

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CIVIL MINUTES - GENERAL

Case No. 2:25-cv-07482-RGK-E Date October 3, 2025

Title RITA MARQUEZ-LOPEZ v. GENERAL MOTORS, LLC

Present: The R. GARY KLAUSNER, U.S. DISTRICT JUDGE Honorable Joseph Remigio (Not Present) Not Reported N/A Deputy Clerk Court Reporter / Recorder Tape No. Attorneys Present for Plaintiff: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) Order Re: Order Remanding Action to State Court On March 19, 2025, Rita Marquez-Lopez (“Plaintiff”) filed a Complaint against General Motors LLC (“Defendant”) in state court alleging violations of the Song-Beverly Consumer Warranty Act (Cal. Civ. Code §§ 1790 et seq.) and Magnuson-Moss Warranty Act. On August 12, 2025, Defendant removed the action to this Court on the basis of diversity jurisdiction. On September 22, 2025, upon review of Defendants Notice of Removal, the Court issued an Order to Show Cause re Amount in Controversy, which Defendant responded to on September 29, 2025. Upon review of Defendants Response to OSC, the Court hereby remands the action for lack of subject matter jurisdiction. Pursuant to 28 U.S.C. §1332, district courts shall have original jurisdiction over any civil action in which the parties are citizens of different states and the action involved an amount in controversy that exceeds \$75,000. After a plaintiff files a case in state court, the defendant attempting to remove the case to federal court bears the burden of proving the amount in controversy requirement has been met. *Lowdermilk v. United States Bank Natl Assn*, 479 F.3d 994, 998 (9th Cir. 2007). If the complaint doesnot allege that the amount in controversy has been met, the removing defendant must plausibly allege in its notice of removal that the amount in controversy exceeds the jurisdictional threshold. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 553-54(2014). Whether or not the plaintiff challenges these allegations, a court may still insist that the jurisdictional requirement has been established by a preponderance of the evidence. *Gaus v. Miles, Inc.*, 980 F.2d 564, 56667 (9th Cir. 1992). In its Response to OSC, Defendant set forth evidence that Plaintiff has paid approximately \$27,971.81 (down payment plus monthly payments made as of the time of removal). Applying the \$11,903.84 in offsets calculated by Defendant (mileage, plus other identified offsets), the actual damages total approximately \$16,067.97. With this amount as the starting point, even if civil penalties were added, the Court finds that Defendant has failed to meet its burden of showing that the amount in

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In light of the foregoing, the action is hereby remanded to state court for all further proceedings.

All dates pending on this Court's calendar are vacated. The Clerk shall close this action. IT IS SO ORDERED. cc: LASC, 25STCV07808 Initials of Preparer JRE/vc