

**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

OPINION

CUENNTITREADL S DTIASTTERSIC DTI SOTFR CICATL ICFOOURRNTIA 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, 566(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 CUENNTITREADL S DTIASTTERSIC DTI SOTFR CICATL ICFOOURRNTIA CIVIL MINUTES - GENERAL Case No. 2:25-cv-07482-RGK-E Date October 3, 2025 Title RITA MARQUEZ-LOPEZ v. GENERAL MOTORS, LLC 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