

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Sherry A. Chamberlain v. General Motors LLC

Chamberlain v. General Motors LLC · No. 2:25-cv-07205-ODW (BFMx) · Decided October 27, 2025

SUMMARY

The United States District Court for the Central District of California remanded this Song-Beverly Warranty Act action to California state court because General Motors failed to establish that the amount in controversy exceeded \$75,000 for diversity jurisdiction. The court found that the proposed civil penalties and attorneys’ fees were too speculative to include in the jurisdictional calculation, leaving only \$23,883.54 in controversy. Plaintiff’s motion to remand was denied as moot, all dates were vacated, and the federal case was closed.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Otis D. Wright, II
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 27, 2025
DOCKET	2:25-cv-07205-ODW (BFMx)
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff filed a California state-court Song-Beverly Warranty Act action. Defendant removed on diversity-jurisdiction grounds. Plaintiff moved to remand based on allegedly untimely removal, and the court separately ordered the parties to show cause why the action should not be remanded for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing federal subject-matter jurisdiction, and removal statutes are strictly construed against removal. Federal jurisdiction must be rejected if there is any doubt about the right of removal.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- subject matter jurisdiction
- consumer protection
- civil procedure

PRACTICE AREAS

civil procedure

consumer protection

removal jurisdiction

QUESTIONS PRESENTED

1. Whether the defendant established that the amount in controversy exceeded \$75,000 for diversity jurisdiction under 28 U.S.C. § 1332(a).
2. Whether speculative Song-Beverly civil penalties could be included in the amount in controversy.
3. Whether estimated past and future attorney fees were sufficiently supported to be included in the amount in controversy.

HOLDINGS

1. The defendant failed to establish by a preponderance of the evidence that the amount in controversy exceeded \$75,000, so the federal court lacked subject-matter jurisdiction and the action had to be remanded.
2. The defendant could not include the maximum Song-Beverly civil penalty in the amount in controversy merely by assuming that the penalty was available; the proposed penalty was too speculative and unsupported.
3. The defendant failed to establish that its estimated past and future attorney fees were properly includable in the amount in controversy.

KEY QUOTATIONS

“A plaintiff who establishes that a violation of the [Song-Beverly] Act was willful may recover a civil penalty of up to two times the amount of actual damages.” (Page 2)

“Defendant’s failure to establish that inclusion of civil penalties or attorneys’ fees is appropriate dooms federal subject matter jurisdiction in this case.” (Page 3)

FACTUAL BACKGROUND

The complaint alleged breach of express and implied warranties and violations of the Song-Beverly Warranty Act arising from the purchase of a vehicle from General Motors. Plaintiff sought rescission, restitution, attorney fees and costs, civil penalties, and general, special, and incidental damages. General Motors calculated actual damages at \$23,883.54 and attempted to reach the \$75,000 jurisdictional threshold by adding speculative Song-Beverly civil penalties and estimated past and future attorney fees.

PROCEDURAL HISTORY

Sherry A. Chamberlain filed suit against General Motors LLC in the Superior Court of California, County of Los Angeles, on March 27, 2025. General Motors removed the action to the Central District of California on August 5, 2025, asserting diversity jurisdiction. Chamberlain moved to remand, and the district court later issued an order to show cause concerning subject-matter jurisdiction. The court remanded for failure to establish that the

amount in controversy exceeded \$75,000, denied the motion to remand as moot, vacated all dates, and ordered the case closed.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to the Superior Court of the State of California, County of Los Angeles, 111 N. Hill Street, Los Angeles, California 90012, Case No. 25STCV09032. Plaintiff's motion to remand was denied as moot, all dates were vacated, and the clerk was directed to close the federal case.

CASES CITED

- v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Castillo v. FCA USA, LLC, No. 19-cv-151-CAB-MDD, 2019 WL 6607006, at *2 (S.D. Cal. Dec. 5, 2019)
- Estrada v. FC US LLC, No. 2:20-cv-10453-PA (JPRx), 2021 WL 223249, at *3 (C.D. Cal. Jan. 21, 2021)
- Kaplan v. BMW of N. Am., LLC, No. 21-cv-00857 TWR (AGS), 2021 WL 4352340, at *6 (S.D. Cal. Sept. 24, 2021)
- D'Amico v. Ford Motor Co., No. 2:20-cv-2985-CJC (JCx), 2020 WL 2614610, at *4 (C.D. Cal. May 21, 2020)