

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Jeanette Viera v. General Motors LLC

No. 2:25-cv-09137-SB-SK, United States District Court for the Central District of California (October 23, 2025)

SUMMARY

The United States District Court for the Central District of California granted Jeanette Viera’s motion to remand her California Song-Beverly Act and Magnuson-Moss Act action against General Motors LLC. The court held that General Motors failed to demonstrate that its removal, filed nearly three months after answering, was timely, but declined to award attorney’s fees and costs under 28 U.S.C. § 1447(c).

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               | October 23, 2025                                                                                                                                                                                                                |
| DOCKET                | 2:25-cv-09137-SB-SK                                                                                                                                                                                                             |
| DISPOSITION           | remanded                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Plaintiff moved to remand an action removed from California state court, challenging the timeliness of Defendant's removal. The district court granted the motion and denied Plaintiff's request for attorney's fees and costs. |
| STANDARD OF REVIEW    | The removing defendant bears the burden of establishing that removal was proper. The court exercised discretion under 28 U.S.C. § 1447(c) concerning attorney's fees and costs.                                                 |
| PRECEDENTIAL VALUE    | Nonprecedential district court order; precedential status is unknown in the source metadata.                                                                                                                                    |

TOPICS

- civil procedure
- subject matter jurisdiction
- attorney fees
- costs
- consumer protection

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether General Motors established that its removal of the action nearly three months after answering was timely and proper.
2. Whether the court should exercise its discretion under 28 U.S.C. § 1447(c) to award attorney's fees and costs incurred as a result of the removal.

## HOLDINGS

1. General Motors failed to meet its burden to show that removal was proper because its conclusory notice did not establish a timely basis for removal.
2. The court declined to exercise its discretion under 28 U.S.C. § 1447(c) to award attorney's fees and costs.

## FACTUAL BACKGROUND

Viera filed state-court claims against General Motors under California's Song-Beverly Consumer Warranty Act and the federal Magnuson-Moss Act. General Motors answered and waited nearly three months before removing the action based on diversity jurisdiction. Its notice of removal asserted, without specifying the supporting information, that it had conducted a preliminary investigation during the preceding 30 days and then determined that federal jurisdiction existed.

## PROCEDURAL HISTORY

Jeanette Viera filed claims under California's Song-Beverly Consumer Warranty Act and the federal Magnuson-Moss Act in state court. General Motors LLC answered and removed the action nearly three months later, invoking diversity jurisdiction. The district court held that General Motors had not shown that removal was timely or otherwise proper, remanded the case to the Los Angeles County Superior Court, and declined to award attorney's fees and costs.

## DISPOSITION

remanded

## REMAND INSTRUCTIONS

The action is remanded to the Los Angeles County Superior Court. The court declined to award attorney's fees and costs.

## CASES CITED

- *Cantero v. General Motors LLC*, No. 2:25-CV-06837-SB-PD, 2025 WL 2637990 (C.D. Cal. July 25, 2025)

## OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA JEANETTE VIERA, Case No. 2:25-cv-09137-SB-SK Plaintiff, v. ORDER GRANTING MOTION TO REMAND [DKT. NO. 14] AND GENERAL MOTORS LLC, DENYING REQUEST FOR ATTORNEY’S FEES Defendant. Plaintiff Jeanette Viera filed this action in state court, alleging claims under California’s Song–Beverly Consumer Warranty Act and the federal Magnuson– Moss Act.

Defendant General Motors LLC waited nearly three months after answering to remove the case, invoking diversity jurisdiction. The notice of removal conclusorily alleges that Defendant “[i]n the last 30 days” had “conducted a preliminary investigation” and determined, based on unspecified information, that the case was subject to federal jurisdiction. Dkt. No. 1 at 2.

Plaintiff moves to remand, challenging the timeliness of removal. Dkt. No. 14. The Court finds this matter suitable for decision without oral argument and vacates the October 24 motion hearing. Fed. R. Civ. P. 78; L.R. 7-15. Defendant’s notice of removal is nearly identical those it filed in numerous other cases removed around the same time, which this Court has remanded based on untimeliness.

E.g., *Cantero v. General Motors LLC*, No. 2:25-CV-06837-SB- PD, 2025 WL 2637990 (C.D. Cal. July 25, 2025). For the same reasons as in those cases, Defendant has not met its burden to show that removal was proper. Plaintiff’s motion is therefore granted, and the case is remanded to the Los Angeles County Superior Court.

The Court declines to exercise its discretion under 28 U.S.C. § 1447(c) to award attorney’s fees and costs. Date: October 23, 2025 \_\_\_\_\_ Stanley Blumenfeld, Jr.  
United States District Judge