

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Cesar Velazquez-Ortega v. General Motors LLC et al.

Velazquez-Ortega · No. 5:25-cv-02914-SSS-DTBx · Decided January 6, 2026

SUMMARY

The United States District Court for the Central District of California denied Plaintiff Cesar Velazquez-Ortega’s motion to remand a Song-Beverly Consumer Warranty Act action to state court. The court held that General Motors established by a preponderance of the evidence that the amount in controversy exceeded \$75,000 based on estimated actual damages and potential civil penalties, supporting diversity jurisdiction.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sunshine S. Sykes
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 6, 2026
DOCKET	5:25-cv-02914-SSS-DTBx
DISPOSITION	other
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	When removal is contested, the removing defendant must establish by a preponderance of the evidence that the requirements for federal jurisdiction are satisfied. If the plaintiff contests the amount in controversy, the court considers the evidence submitted by both sides and determines by a preponderance of the evidence whether the jurisdictional threshold is met.
PRECEDENTIAL VALUE	unpublished
PARTIES	Cesar Velazquez-Ortega v. General Motors LLC

TOPICS

- subject matter jurisdiction
- civil procedure
- consumer protection
- damages
- remedies

PRACTICE AREAS

Federal jurisdiction and removal

Diversity jurisdiction

California consumer warranty law

QUESTIONS PRESENTED

1. Whether the amount in controversy exceeded \$75,000 for purposes of diversity jurisdiction under 28 U.S.C. § 1332.
2. Whether the removing defendant established the amount in controversy by a preponderance of the evidence, including actual damages and potentially available Song-Beverly civil penalties.

HOLDINGS

1. General Motors established by a preponderance of the evidence that the amount in controversy exceeded \$75,000.
2. General Motors sufficiently supported an estimate of at least \$67,065.58 in actual damages.

KEY QUOTATIONS

“If a plaintiff contests the removability of an action, the burden is on the removing party to show by a preponderance of the evidence that the requirements for removal were met.” (at 2)

“Where the plaintiff contests the amount alleged in the notice of removal, “both sides submit proof and the court decides, by a preponderance of the evidence, whether the amount-in-controversy requirement has been satisfied.”” (at 3)

FACTUAL BACKGROUND

Plaintiff purchased a 2021 Chevrolet Silverado 1500 manufactured or distributed by General Motors and alleged that the vehicle developed transmission defects impairing its use, value, and safety. Plaintiff alleged that General Motors and its authorized repair facilities failed to repair the vehicle after multiple opportunities and sought relief under the Song-Beverly Consumer Warranty Act, including actual damages, restitution, civil penalties, and attorney's fees. General Motors supported its removal allegations with purchase and repair records and estimated actual damages of \$67,065.58 before civil penalties.

PROCEDURAL HISTORY

Plaintiff filed suit in the San Bernardino County Superior Court on September 25, 2025. General Motors removed the action to the Central District of California on October 31, 2025, invoking diversity jurisdiction. Plaintiff moved to remand on December 2, 2025; the court denied the motion after concluding that the amount in controversy exceeded \$75,000.

DISPOSITION

other

CASES CITED

- Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377 (1994)
- Ayala v. Am. Airlines, Inc., No. 2:23-cv-03571, 2023 WL 6534199, at *1 (C.D. Cal. Oct. 6, 2023)
- Richardson v. United States, 943 F.2d 1107, 1112 (9th Cir. 1991)
- Emrich v. Touche Ross & Co., 846 F.2d 1190, 1195 (9th Cir. 1988)
- Jimenez v. General Motors, LLC, No. 2:23-cv-06991, 2023 WL 6795274, at *2 (C.D. Cal. Oct. 13, 2023)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Matheson v. Progressive Specialty Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003)
- Kroske v. US Bank Corp., 432 F.3d 976, 980 (9th Cir. 2005)
- Singer v. State Farm Mut. Auto. Ins. Co., 116 F.3d 373, 376 (9th Cir. 1997)
- Dart Cherokee Basin Operating Co., LLC v. Owens, 135 S. Ct. 547, 551, 554 (2014)
- Perez v. Gen. Motors LLC, 2025 WL 3171905, at *2 (C.D. Cal.)
- Ferguson v. KIA Motors Am. Inc., 2021 WL 1997550, at *3 (E.D. Cal.)
- Castillo v. FCA USA, LLC, 2019 WL 6607006, at *2 (S.D. Cal. Dec. 5, 2019)
- Pennon v. Subaru of Am., Inc., 2022 WL 2208578, at *2 (C.D. Cal. June 17, 2022)
- Lopez v. Kia Am., Inc., 693 F. Supp. 3d 1063, 1068 (C.D. Cal. 2023)
- Brady v. Mercedes-Benz USA, Inc., 243 F. Supp. 2d 1004, 1009
- Luna v. BMW of N. Am., LLC, 2018 WL 2328365, at *4 (S.D. Cal.)
- Lee v. FCA US, LLC, 2016 WL 11516754, at *2 (C.D. Cal.)

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