

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Adelfo Zatino Gutierrez v. General Motors, LLC et al.

Gutierrez v. General Motors · No. 2:25-cv-08657-RGK-PD · Decided November 4, 2025

SUMMARY

The United States District Court for the Central District of California remanded the action to state court for lack of subject matter jurisdiction. The court held that General Motors had not established by a preponderance of the evidence that the amount in controversy exceeded \$75,000 because its estimates of civil penalties and attorney’s fees were speculative.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	R. Gary Klausner
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 4, 2025
DOCKET	2:25-cv-08657-RGK-PD
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed the action from Los Angeles County Superior Court based on diversity jurisdiction. After ordering Defendant to show cause why the amount-in-controversy requirement was satisfied, the district court 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. When the notice of removal plausibly alleges federal jurisdiction, the court must give the defendant an opportunity to establish the jurisdictional requirements by a preponderance of the evidence.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown
PARTIES	General Motors, LLC v. Adelfo Zatino Gutierrez

TOPICS

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

PRACTICE AREAS

civil procedure

removal and remand

consumer warranty litigation

QUESTIONS PRESENTED

1. Whether Defendant established that the amount in controversy exceeded \$75,000 for purposes of diversity jurisdiction under 28 U.S.C. § 1332.
2. Whether the court should remand the action when Defendant's estimate of actual damages did not exceed \$75,000 and its proposed civil penalties and attorney's fees were speculative.

HOLDINGS

1. Defendant failed to establish that the amount in controversy exceeded \$75,000 because its actual-damages estimate was below the threshold and its estimates of civil penalties and attorney's fees were speculative.

KEY QUOTATIONS

“Courts must “strictly construe the removal statute against removal jurisdiction” and remand an action “if there is any doubt as to the right of removal in the first instance.”” (Page 1)

“ “[w]hen a notice of removal plausibly alleges a basis for federal court jurisdiction, a district court may not remand the case back to state court without first giving the defendant an opportunity to show by a preponderance of the evidence that the jurisdictional requirements are satisfied.”” (Page 1)

“ “A shortcoming in a notice of removal concerning the amount in controversy is not jurisdictional . . . until the movant has an opportunity to correct any perceived deficiency in the notice,”” (Page 1)

FACTUAL BACKGROUND

Plaintiff alleged that Defendant violated the Song-Beverly Consumer Warranty Act and the Magnuson-Moss Warranty Act in connection with Plaintiff's purchase of a 2020 Chevrolet Silverado. Plaintiff sought restitution of the amount paid for the vehicle, consequential and incidental damages, civil penalties, and attorney's fees. Defendant estimated actual damages at \$41,838.34 in its response to the order to show cause and relied on speculative civil penalties and attorney's fees to exceed the \$75,000 jurisdictional threshold.

PROCEDURAL HISTORY

Plaintiff filed the action in Los Angeles County Superior Court on April 9, 2025. Defendant removed the action to federal court on September 12, 2025. The district court ordered Defendant to show cause regarding the amount in controversy; after reviewing Defendant's response, the court found that the jurisdictional threshold had not been established and remanded the action to state court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The action was remanded to Los Angeles County Superior Court for all further proceedings. All motions and dates pending before the district court were vacated and taken off calendar.

CASES CITED

- Lowdermilk v. United States Bank National Association, 479 F.3d 994, 998 (9th Cir. 2007)
- Dart Cherokee Basin Operating Co., LLC v. Owens, 574 U.S. 81, 89 (2014)
- Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir. 1992)
- Arias v. Residence Inn, 936 F.3d 920, 924 (9th Cir. 2019)
- Academy of Country Music v. Continental Casualty Co., 991 F.3d 1059, 1068 (9th Cir. 2021)

OPINION

Adelfo Zatino Gutierrez v. General Motors, LLC et al.

PER CURIAM.

UNITED STATES DISTRICT COURT JS6

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:25-cv-08657-RGK-PD Date November 4, 2025 Title Adelfo Zatino Gutierrez v. General Motors, LLC et al. Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE Joseph Remigio Not Reported N/A Deputy Clerk Court Reporter / Recorder Tape No. Attorneys Present for Plaintiffs: Attorneys Present for Defendant: Not Present Not Present Proceedings: (IN CHAMBERS) Order Remanding Action to State Court On April 9, 2025, Adelfo Zatino Gutierrez ("Plaintiff") filed a Complaint against General Motors, LLC ("Defendant") in Los Angeles County Superior Court alleging violations of the Song-Beverly Consumer Warranty Act and the Magnuson-Moss Warranty Act. (ECF No. 1-1.) Plaintiff's allegations arise from the purchase of a 2020 Chevrolet Silverado from Defendant. On September 12, 2025, Defendant removed the action to this Court on the basis of diversity jurisdiction. (ECF No. 1.) Upon review of Defendant's Notice of Removal, the Court ordered Defendant to show cause, in writing, that the amount in controversy is satisfied. (ECF No. 22.) On October 31, 2025, Defendant responded. (ECF No. 23.) Upon review of Defendant's Response, the Court finds the amount in controversy has not been established and 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 an action in state court, the defendant attempting to remove the action bears the burden of proving the amount in controversy requirement has been met. Lowdermilk v. United States Bank Nat'l Ass'n, 479 F.3d 994, 998 (9th Cir. 2007). If the complaint does not 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*, 574 U.S. 81, 89 (2014). Courts must “strictly construe the removal statute against removal jurisdiction” and remand an action “if there is any doubt as to the right of removal in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). However, “[w]hen a notice of removal plausibly alleges a basis for federal court jurisdiction, a district court may not remand the case back to state court without first giving the defendant an opportunity to show by a preponderance of the evidence that the jurisdictional requirements are satisfied.” *Arias v. Residence Inn*, 936 F.3d 920, 924 (9th Cir. 2019). “A shortcoming CV-90 (06/04) CIVIL MINUTES - GENERAL Page 1 of 2

UNITED STATES DISTRICT COURT JS6
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. 2:25-cv-08657-RGK-PD Date November 4, 2025 Title *Adelfo Zatino Gutierrez v. General Motors, LLC et al.* in a notice of removal concerning the amount in controversy is not jurisdictional . . . until the movant has an opportunity to correct any perceived deficiency in the notice,” and the notice need not in and of itself prove that the district court has jurisdiction. *Acad. of Country Music v. Cont’l Cas. Co.*, 991 F.3d 1059, 1068 (9th Cir. 2021). Plaintiff seeks restitution for the amount he paid for the vehicle. Additionally, Plaintiff seeks consequential and incidental damages, civil penalties, and attorney’s fees. In the Notice of Removal, Defendant asserted that the amount in controversy exceeds \$75,000. In support, Defendant stated that the “plausible estimate of actual damages” is \$48,326.83 when accounting for the applicable offsets. (Notice of Removal at 5.) To make up the difference, Defendant pointed to the fact that Plaintiff seeks civil penalties and attorney’s fees under the Song-Beverly Act. In its Response to the Order to Show Cause, Defendant updates its estimate of actual damages to \$41,838.34. Once again, however, Defendant relies on a speculative amount of civil penalties and attorney’s fees to make up the difference. The Court finds Defendant’s calculations of civil penalties and attorney’s fees speculative and declines to include them in its calculation of the amount in controversy. Without these amounts, Defendant has not established that the amount in controversy exceeds \$75,000. Accordingly, the Court finds that Defendant has not satisfied its burden of plausibly alleging that the amount in controversy meets the jurisdictional requirement. Accordingly, the Court REMANDS the action to state court for all further proceedings. All motions and dates pending before this Court are vacated and taken off calendar. IT IS SO ORDERED. ee: LASC, 25STCV10494 Initials of Preparer JRE/sh CV-90 (06/04) CIVIL MINUTES - GENERAL Page 2 of 2