

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Brian P. Dorgan v. General Motors, LLC et al.

Dorgan v. General Motors · No. 2:25-cv-07040-SVW-BFM · Decided November 24, 2025

SUMMARY

The Central District of California grants Brian P. Dorgan’s motion to remand his Song-Beverly Act and Magnuson-Moss Warranty Act claims against General Motors, LLC. The court concludes that GM failed to establish the requisite amount in controversy, primarily because the calculated restitutionary damages were \$15,867.21 and the record did not support including civil penalties or sufficient attorney’s fees. The case is remanded to the California Superior Court for Los Angeles County.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	November 24, 2025
DOCKET	2:25-cv-07040-SVW-BFM
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand an action that Defendant removed from California state court based on diversity jurisdiction.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing federal subject-matter jurisdiction by a preponderance of the evidence, and removal jurisdiction is subject to a strong presumption against removal.
PRECEDENTIAL VALUE	unpublished district court order; limited persuasive value

TOPICS

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

PRACTICE AREAS

- civil procedure
- consumer protection
- warranty litigation
- remedies

QUESTIONS PRESENTED

1. Whether the amount in controversy satisfied the Magnuson-Moss Warranty Act's \$50,000 jurisdictional threshold.
2. Whether the amount in controversy satisfied the \$75,000 threshold for diversity jurisdiction.
3. Whether Song-Beverly Act civil penalties could be included in the amount-in-controversy calculation based only on conclusory allegations of willfulness.
4. Whether potential attorney fees established the amount in controversy necessary for federal jurisdiction.

HOLDINGS

1. The amount in controversy was below \$50,000, so the court lacked federal-question jurisdiction over the Magnuson-Moss Warranty Act claim.
2. The amount in controversy did not exceed \$75,000, so diversity jurisdiction was not established.
3. A bare request for Song-Beverly civil penalties supported only by conclusory allegations of willfulness, without facts or evidence supporting the likely penalty, is insufficient to include those penalties in the amount in controversy.

KEY QUOTATIONS

“Federal courts are courts of limited jurisdiction.” (III)

“Gesturing to a bare request by Plaintiff for civil penalties, with only a conclusory allegation of willfulness, absent facts making willfulness plausible—falls short of that standard.” (IV.A.ii)

FACTUAL BACKGROUND

Dorgan allegedly purchased a 2023 Chevrolet Bolt subject to General Motors' express warranties. The vehicle allegedly manifested warranty-covered defects, including engine defects, and General Motors allegedly failed to repair, replace, or provide restitution for the vehicle. The complaint sought Song-Beverly Act and Magnuson-Moss Warranty Act remedies, including restitution, civil penalties, consequential and incidental damages, attorney fees, and other relief.

PROCEDURAL HISTORY

Dorgan filed suit in the Superior Court of California, County of Los Angeles, asserting Song-Beverly Act and Magnuson-Moss Warranty Act claims arising from alleged defects in a Chevrolet Bolt. General Motors removed the action to the Central District of California on July 30, 2025, asserting diversity jurisdiction. Dorgan moved to remand, and the court granted the motion, concluding that the amount in controversy did not satisfy either the Magnuson-Moss Warranty Act or diversity-jurisdiction threshold.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the Superior Court of California, County of Los Angeles, for further proceedings.

CASES CITED

- Nieratko v. Ford Motor Co., 2021 WL 4438397, at *1-2 (S.D. Cal.)
- Kokkonen v. Guardian Life Insurance Co. of America, 511 U.S. 375 (1994)
- United States v. Marks, 530 F.3d 799, 810 (9th Cir. 2008)
- Gaus v. Miles, 980 F.2d 564 (9th Cir. 1992)
- Nishimoto v. Federman-Bachrach & Associates, 903 F.2d 709, 712 n.3 (9th Cir. 1990)
- Syngenta Crop Protection, Inc. v. Henson, 537 U.S. 28, 33 (2002)
- Shoner v. Carrier Corp., 30 F.4th 1144, 1147-48 (9th Cir. 2022)
- Lopez v. Kia America, Inc., 693 F. Supp. 3d 1063, 1067-68 (C.D. Cal. 2023)
- Canesco v. Ford Motor Co., 570 F. Supp. 3d 872, 898 (S.D. Cal.)
- Wickstrum v. FCA USA LLC, 2021 WL 532257, at *1-2 n.2 (S.D. Cal.)
- D'Amico v. Ford Motor Co., 2020 WL 2614610, at *2-3 (C.D. Cal.)
- Schneider v. Ford Motor Co., 756 F. App'x 699, 701 n.3 (9th Cir. 2018)
- Perez v. General Motors LLC, 2025 WL 3171905, at *2 (C.D. Cal.)
- Armando Escamilla Bastida v. Ford Motor Company et al., 5:25-cv-00751-SVW (C.D. Cal. June 6, 2025)
- Brady v. Mercedes-Benz USA, Inc., 243 F. Supp. 2d 1004, 1008-09 (N.D. Cal. 2002)
- Ferguson v. KIA Motors America, Inc., 2021 WL 1997550, at *3 (E.D. Cal.)
- Luna v. BMW of North America, LLC, 2018 WL 2328365, at *4 (S.D. Cal.)
- Lee v. FCA US, LLC, 2016 WL 11516754, at *2 (C.D. Cal.)
- Ronquillo v. BMW of North America, LLC, 2020 WL 6741317, at *3-4 (S.D. Cal.)
- Khachatryan v. BMW of North America, LLC, 2021 WL 927266, at *3 (C.D. Cal.)
- Zawaideh v. BMW of North America, 2018 WL 1805103, at *2 (S.D. Cal.)
- Savall v. FCA US LLC, 2021 WL 1661051, at *3 (S.D. Cal.)
- Garrett v. Mercedes-Benz USA, LLC, 2023 WL 2813564 (C.D. Cal.)
- Galt G/S v. JSS Scandinavia, 142 F.3d 1150, 1156 (9th Cir. 1998)
- Lazorosas, 2025 WL 40483, at *2
- Perkins v. Mercedes-Benz USA, LLC, No. 22-cv-03540-CRB, 2022 WL 9529451, at *6 (N.D. Cal. Oct. 14, 2022)