

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Maria C. Alvarez v. General Motors LLC

Alvarez v. General Motors LLC · No. 5:25-cv-01955-MCS-MAA · Decided September 8, 2025

SUMMARY

The United States District Court for the Central District of California grants Maria C. Alvarez’s motion to remand after finding that General Motors LLC failed to timely oppose the motion and that removal was untimely under 28 U.S.C. § 1446(b). The court remands the case to the Los Angeles County Superior Court, declines to award attorney fees, and orders the federal case closed.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Mark C. Scarsi
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 8, 2025
DOCKET	5:25-cv-01955-MCS-MAA
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff moved to remand an action removed by Defendant from the Los Angeles County Superior Court. The district court granted remand and declined Plaintiff’s request for attorney fees and costs.
STANDARD OF REVIEW	The court exercised discretion under 28 U.S.C. § 1447(c) regarding an award of fees and costs after remand.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Maria C. Alvarez v. General Motors LLC

TOPICS

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

PRACTICE AREAS

- civil procedure
- removal and remand
- federal jurisdiction
- attorney fees

QUESTIONS PRESENTED

1. Whether the action should be remanded because Defendant failed to timely oppose the motion and removed the action more than 30 days after the complaint was served despite the federal jurisdictional basis being ascertainable from the complaint.
2. Whether Plaintiff should receive attorney fees and costs incurred as a result of the removal under 28 U.S.C. § 1447(c).

HOLDINGS

1. The court may deem a defendant's failure to timely respond to a motion as consent to granting the motion under the applicable local rules.
2. When the basis for federal jurisdiction is ascertainable from the face of the complaint, removal more than 30 days after service of the complaint is untimely and warrants remand.
3. Although 28 U.S.C. § 1447(c) permits an award of just costs and actual expenses, including attorney fees, the court has discretion to deny an award when the requesting party fails to comply with the court's fee-motion requirements.

KEY QUOTATIONS

“The Court deems Defendant’s failure to timely respond to the motion as its consent to the granting of the motion.” (at 1)

“In particular, the Court deems conceded that a basis for federal jurisdiction was ascertainable from the face of Plaintiff’s complaint, so Defendant’s removal of the action over 30 days after service of the complaint was untimely.” (at 1)

“An award of fees and costs is discretionary.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed an action in Los Angeles County Superior Court, and Defendant General Motors LLC removed it to federal court. The court deemed Defendant's opposition to the remand motion untimely and treated the failure to timely respond as consent to the motion. Because a basis for federal jurisdiction was ascertainable from the face of the complaint, the court deemed removal more than 30 days after service of the complaint untimely.

PROCEDURAL HISTORY

General Motors removed the action from the Los Angeles County Superior Court. Alvarez moved to remand. General Motors failed to file a timely opposition, and the court deemed that failure consent to granting the motion. The court concluded the removal was untimely, remanded the case to the Los Angeles County Superior Court, declined to award fees and costs, and directed the Clerk to close the federal case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk was directed to effect the remand immediately to the Los Angeles County Superior Court, No. 25STCV08478, and close the federal case.

CASES CITED

- Shaw v. Costco Wholesale Corp., No. 2:25-cv-03035 MWC (MARx), 2025 U.S. Dist. LEXIS 104336, at *3 (C.D. Cal. June 2, 2025)
- Christian v. Mattel, Inc., 286 F.3d 1118, 1129 (9th Cir. 2002)
- Martin v. Franklin Capital Corp., 546 U.S. 132, 139 (2005)
- Motion to Remand, Kunstel v. Gen. Motors LLC, No. 2:25-cv-06859-MCS-SSC (C.D. Cal. Aug. 15, 2025), ECF No. 13

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL Case No. 5:25-cv-01955-MCS-MAA Date September 8, 2025 Title Alvarez v. General Motors LLC Present: The Honorable Mark C. Scarsi, United States District Judge Stephen Montes Kerr —_——NotReported Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Present None Present Proceedings: (IN CHAMBERS) ORDER RE: MOTION TO REMAND (ECF No. 14) (JS-6) Plaintiff Maria C. Alvarez moves to remand this case to the state court from which Defendant General Motors LLC removed it.

(Mot., ECF No. 14.) The Court deems the motion appropriate for decision without oral argument and vacates the hearing set for October 6, 2025. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15. Defendant did not file a timely response brief. (Initial Standing Order § 9(b), ECF No. 7 (setting motion briefing deadlines departing from the local rules).)' The Court deems Defendant's failure to timely respond to the motion as its consent to the granting of the motion.

C.D. Cal. R. 7-12; e.g., Shaw v. Costco Wholesale Corp., No. 2:25-cv-03035 MWC (MARx), 2025 U.S. Dist. LEXIS 104336, at *3 (C.D. Cal. June 2, 2025) (collecting cases granting motions to remand based on failure to file a timely opposition); see Christian v. Mattel, Inc., 286 F.3d 1118, 1129 (9th Cir. 2002) ("The district court has considerable latitude in managing the parties' motion practice and enforcing local rules that place parameters on briefing.").

In particular, the Court deems conceded that a basis for federal jurisdiction was ascertainable from the face of Plaintiff's complaint, so Defendant's removal of the action over 30 days ' Defendant's opposition brief is stricken as untimely. (Opp'n, ECF No. 15.) Page 1 of 2 CIVIL MINUTES — GENERAL Initials of Deputy Clerk SMO after service of the complaint was untimely.

(Mot. 4–5); see 28 U.S.C. § 1446(b)(1), (3). Remand is warranted. In connection with the motion, Plaintiff requests an award of fees incurred because of removal. (Mot. 8–9.) "An order remanding

the case may require payment of just costs and any actual expenses, including attorney fees, incurred as a result of the removal.” 28 U.S.C. § 1447(c). An award of fees and costs is discretionary.

Martin v. Franklin Cap. Corp., 546 U.S. 132, 139 (2005). The Court declines to exercise its discretion to issue an award given Plaintiff’s failure to comply with the Court’s rules governing motions for fees. (Initial Standing Order § 10(d).)² The Court remands the case to the Los Angeles County Superior Court, No. 25STCV08478.

The Court directs the Clerk to effect the remand immediately and close the federal case. IT IS SO ORDERED. ² The Court also questions the veracity of representations by counsel regarding the time expended on this case after removal. (Yang Decl. ¶ 11, ECF No. 14-1.)

For example, the Court doubts that drafting this motion required over an hour and a half of attorney time given that counsel filed several substantially identical motions in other cases assigned to this judicial officer. See generally, e.g., Motion to Remand, *Kunstel v. Gen. Motors LLC*, No. 2:25-cv-06859-MCS-SSC (C.D. Cal. Aug. 15, 2025), ECF No. 13. Time spent toward most of these motions must have been saved in adapting the first that was drafted.