

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Angelina Cantero v. General Motors LLC

Cantero · No. 2:25-cv-06837-SB-PD · Decided September 12, 2025

SUMMARY

The United States District Court for the Central District of California grants Angelina Cantero’s motion to remand her Song–Beverly Consumer Warranty Act and Magnuson–Moss Act claims to state court. The court concludes that General Motors LLC failed to show that its July 25, 2025 removal was timely under 28 U.S.C. § 1446 because the complaint, retail installment sales contract, and related production provided the relevant jurisdictional information more than 30 days before removal. The court declines to award attorney’s fees and costs.

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	September 12, 2025
DOCKET	2:25-cv-06837-SB-PD
DISPOSITION	remanded
PROCEDURAL POSTURE	Defendant removed the action from California state court based on diversity jurisdiction. Plaintiff moved to remand, arguing that removal was untimely.
STANDARD OF REVIEW	The removing defendant bears the burden of establishing that removal was proper. Doubts concerning the right of removal are resolved in favor of remand under the strong presumption against removal jurisdiction.
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status not stated in the source.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether General Motors's notice of removal was timely under 28 U.S.C. § 1446(b) when the complaint and materials produced more than 30 days before removal allegedly disclosed the basis for federal-question jurisdiction.
2. Whether the court should award attorney's fees and costs under 28 U.S.C. § 1447(c) after granting remand.

HOLDINGS

1. Removal was untimely because General Motors did not establish that it obtained information within the 30-day period before removal that first made the case removable; the complaint, retail installment sales contract, and related production were available more than 30 days before removal.
2. The court declined to award attorney's fees and costs under 28 U.S.C. § 1447(c).

KEY QUOTATIONS

“For the latter, the removal clock is triggered only when the ground for removal is “unequivocally clear and certain.”” (Order at 1)

“Defendant bears the burden of proving that removal was proper, and the “strong presumption” against removal jurisdiction requires remand “if there is any doubt as to the right of removal in the first instance.”” (Order at 1)

“On this record, Defendant has not shown that its removal was based on any information obtained within the 30 days before removal, rather than on the information in the original complaint and the RISC and related production.” (Order at 2)

FACTUAL BACKGROUND

Angelina Cantero filed claims under California's Song-Beverly Consumer Warranty Act and the federal Magnuson-Moss Warranty Act. General Motors LLC answered the complaint but did not remove the case until approximately three months later. Cantero produced the retail installment sales contract to General Motors on June 23, 2025, more than 30 days before removal, while General Motors identified no specific information obtained during the 30 days preceding removal that first established federal jurisdiction.

PROCEDURAL HISTORY

Plaintiff filed the action in Los Angeles County Superior Court on March 5, 2025. Defendant answered on April 24, 2025, and removed the action to federal court on July 25, 2025. Plaintiff timely moved to remand. The district court granted the motion, remanded the case to state court, and denied attorney's fees and costs.

DISPOSITION

remanded

REMAND INSTRUCTIONS

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

CASES CITED

- Dietrich v. Boeing Co., 14 F.4th 1089, 1095 (9th Cir. 2021)
- Gaus v. Miles, Inc., 980 F.2d 564, 566-67 (9th Cir. 1992)
- Baumann v. BMW of N. Am., LLC, No. 17-CV-01707-BRO, 2017 WL 1538155, at *5 (C.D. Cal. Apr. 26, 2017)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA ANGELINA CANTERO, Case No. 2:25-cv-06837-SB-PD Plaintiff, v. ORDER GRANTING MOTION TO REMAND [DKT. NO. 16] AND GENERAL MOTORS LLC, DENYING REQUEST FOR ATTORNEY'S FEES Defendant. Plaintiff Angelina Cantero filed this action in state court on March 5, 2025, alleging claims under California's Song-Beverly Consumer Warranty Act and the federal Magnuson-Moss Act.

Defendant General Motors LLC answered the case on April 24 but waited three more months—until July 25—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 timely moved to remand, challenging the timeliness of removal. Dkt. No. 16. The Court finds this matter suitable for decision without oral argument and vacates the September 19 motion hearing. Fed. R. Civ. P. 78; L.R. 7-15.

The motion is granted. A defendant must file a notice of removal within 30 days of either (1) being served with a complaint that establishes federal jurisdiction on its face or (2) “if the case stated by the initial pleading is not removable,” receipt of “a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.” 28 U.S.C. § 1446(b)(1), (3).

For the latter, the removal clock is triggered only when the ground for removal is “unequivocally clear and certain.” Dietrich v. Boeing Co., 14 F.4th 1089, 1095 (9th Cir. 2021). Defendant bears the burden of proving that removal was proper, and the “strong presumption” against removal

jurisdiction requires remand “if there is any doubt as to the right of removal in the first instance.” *Gaus v. Miles, Inc.*, 980 F.2d 564, 566–67 (9th Cir.

1992); see, e.g., *Baumann v. BMW of N. Am., LLC*, No. 17-CV-01707-BRO, 2017 WL 1538155, at *5 (C.D. Cal. Apr. 26, 2017) (applying *Gaus* presumption and finding removal of lemon-law case untimely). Because the complaint alleges a claim under the Magnuson–Moss Act, the case was removable based on federal-question jurisdiction if the amount in controversy exceeded \$50,000.

See 15 U.S.C. § 2310(d) (creating private cause of action for consumers but permitting claims to be filed in federal courts only if the amount in controversy is at least “\$50,000 (exclusive of interests and costs) computed on the basis of all claims to be determined in this suit”).

The parties dispute whether the case was removable based on either the original complaint or the retail installment sales contract (RISC), which Plaintiff produced to Defendant on June 23—more than 30 days before removal. Defendant insists that neither document made it clear that federal jurisdiction existed, but it identifies no other information it discovered as part of its preliminary investigation that disclosed the removability of the case.

On this record, Defendant has not shown that its removal was based on any information obtained within the 30 days before removal, rather than on the information in the original complaint and the RISC and related production. Defendant argues that cases are divided on various issues of damages calculations, casting doubt on whether removal would have been proper sooner.

E.g., Dkt. No. 29 at 2–3 (explaining that Ninth Circuit cases “have not been consistently applied” and describing different approaches among district courts); *id.* at 12 (noting “discordant authority as to whether the Song Beverly damages may be aggregated to meet the [Magnuson–Moss] threshold”). But any doubt must be resolved in favor of remand. *Gaus*, 980 F.2d at 566.

Particularly in light of the strong presumption against removal, Defendant has not met its burden to show that the removal was timely. 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: September 12, 2025 _____ Stanley Blumenfeld, Jr.
United States District Judge