

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PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status not stated in the source.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)

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