

# JS-6

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

**RICKY BEJAR,**

**Plaintiff,**

**v.**

**SUBARU OF AMERICA, INC., and  
DOES 1-50, inclusive,**

**Defendants.**

**Case No.: SACV 19-05372-CJC(JEMx)**

**ORDER GRANTING PLAINTIFF'S  
MOTION TO REMAND**

**I. INTRODUCTION AND BACKGROUND**

On May 15, 2019, Plaintiff Ricky Bejar filed this action in Ventura County Superior Court against Defendant Subaru of America, Inc. (“Subaru”). (Dkt. 1-2 [Complaint, hereinafter “Compl.”].) Plaintiff bought a purportedly defective 2015

1 Subaru Impreza WRX from Defendant in July 2015. (Compl. ¶ 5.) Plaintiff alleges six  
2 claims under California law: breach of the implied warranty of merchantability, breach  
3 of the implied warranty of fitness, sale of defective merchandise without disclosing  
4 defects, breach of express warranty, failure to promptly repurchase product, and failure to  
5 commence repairs within a reasonable time and to complete them within thirty days. (*Id.*  
6 ¶¶ 4–43.)

7  
8 Subaru removed the case to this Court on June 19, 2019, invoking diversity  
9 jurisdiction. (Dkt. 1 [Notice of Removal].) On September 23, 2019, Plaintiff filed a  
10 motion to remand the action to Ventura County Superior Court, arguing that Subaru has  
11 not carried its burden to show removal was proper. (Dkt. 15.) For the following reasons,  
12 Plaintiff’s motion is **GRANTED**.<sup>1</sup>

## 13 14 **II. DISCUSSION**

15  
16 A defendant may remove a civil action filed in state court to a federal district court  
17 if the federal court would have had original jurisdiction over the action. 28 U.S.C.  
18 § 1441. The defendant removing the action to federal court bears the burden of  
19 establishing that the district court has subject matter jurisdiction over the action, and the  
20 removal statute is strictly construed against removal jurisdiction. *Gaus v. Miles, Inc.*, 980  
21 F.2d 564, 566 (9th Cir. 1992) (“Federal jurisdiction must be rejected if there is any doubt  
22 as to the right of removal in the first instance.”). A federal court may assert diversity  
23 jurisdiction over cases that are between diverse parties and involve an amount in  
24 controversy that exceeds \$75,000. 28 U.S.C. § 1332.

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26  
27  
28 <sup>1</sup> Having read and considered the papers presented by the parties, the Court finds this matter appropriate  
for disposition without a hearing. *See* Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing set  
for October 21, 2019, at 1:30 p.m. is hereby vacated and off calendar.

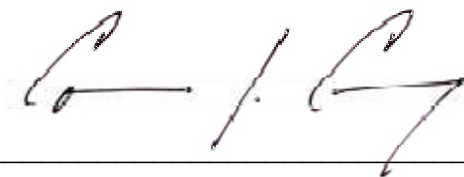
1 Principles of federalism and judicial economy require courts to “scrupulously  
2 confine their [removal] jurisdiction to the precise limits which [Congress] has  
3 defined.” *See Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 109 (1941). Indeed,  
4 “[n]othing is to be more jealously guarded by a court than its jurisdiction.” *See United*  
5 *States v. Ceja-Prado*, 333 F.3d 1046, 1051 (9th Cir. 2003) (internal quotations omitted).

6  
7 Any opposition to Plaintiff’s motion to remand was due September 30, 2019.  
8 Subaru has failed to file an opposition. Under the Central District of California’s Local  
9 Rule 7-12, “[t]he failure to file any required document, or the failure to file it within the  
10 deadline, may be deemed consent to the granting or denial of the motion.”

11  
12 In light of the presumption against removal jurisdiction, *see Gaus*, 980 F.2d at 566,  
13 and Subaru’s apparent consent, the Court **GRANTS** Plaintiff’s motion. This action is  
14 hereby remanded to Ventura County Superior Court.

15  
16 Plaintiff’s Motion for Leave to File a First Amended Complaint (Dkt. 16) is  
17 **DENIED AS MOOT.**

18  
19 DATED: October 10, 2019



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22 CORMAC J. CARNEY  
23 UNITED STATES DISTRICT JUDGE  
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