
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:23-cv-01731-JLS-RAO

Date: October 24, 2023

Title: Mary A. Kan v. General Motors LLC

Present: **HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Gabby Garcia
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:
Not Present

ATTORNEYS PRESENT FOR DEFENDANT:
Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DENYING PLAINTIFF’S
MOTION TO REMAND (Doc. 16)**

Before the Court is Plaintiff’s motion to remand to state court. (Mot., Doc. 16.) Defendant opposed, and Plaintiff replied. (Opp., Doc. 25; Reply, Doc. 26.) The Court finds this matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15. Accordingly, the hearing set for November 3, 2023 at 10:30 a.m., is VACATED. For the following reasons, the Court DENIES the Motion.

Plaintiff’s motion to remand contains no substantive argument that this Court lacks diversity jurisdiction; it simply notes that Defendant, as the party that removed, bears the burden of establishing subject-matter jurisdiction. (*See* Mot., Doc. 16.) Defendant’s opposition, declaration, and exhibits establish that there is both complete diversity between the parties and that diversity jurisdiction’s amount-in-controversy requirement is met. (*See* Opp., Doc. 25 at 2–7; Purchase Agreement, Doc. 26-2; Kuhn Decl., Doc. 26-3 ¶¶ 4–6; Related-Case 26(f) Report, Doc. 26-4 at 2.)

In its Reply, Defendant raises two arguments for the first time: (1) that Plaintiff “provided no admissible evidence showing the date that Defendant was served with the Complaint”; and (2) that the declaration of a lawyer in Defendant’s general counsel’s office is insufficient to establish Defendant’s citizenship. (Reply, Doc. 26 at 3–5.) As an

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initial matter, Plaintiff forfeited these arguments. *Zamani v. Carnes*, 491 F.3d 990, 997 (9th Cir. 2007) (“The district court need not consider arguments raised for the first time in a reply brief.”). In any event, both fail. First, Defendant attached to its notice of removal a proof of service showing that Defendant received Plaintiff’s complaint on August 7, 2023; Defendant did not need to reattach that proof of service when opposing Plaintiff’s amorphous motion. (See State Court Documents, Doc. 1-2 at 15.) Second, “[p]ersonal knowledge can be inferred from an affiant’s position” in a company, and the Court assumes that a lawyer in Defendant’s general counsel’s office is aware of basic corporate-structure facts, including where Defendant’s parent corporation is incorporated and has its principal place of business. *Self-Realization Fellowship Church v. Ananda Church of Self-Realization*, 206 F.3d 1322, 1330 (9th Cir. 2000).

Initials of Deputy Clerk: gga