

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANITA MEDAL, ESTHER YOO, GAYLE
HAYES and ANTOINETTE STANIEWICZ,
individually, and on behalf of all others similarly
situated,

Plaintiffs,

v.

AMAZON.COM SERVICES LLC,

Defendant.

No. 2:23-cv-01975-JHC

**AMAZON.COM SERVICES LLC'S
REPLY IN SUPPORT OF MOTION
FOR ORDER TO SHOW CAUSE**

NOTE ON MOTION CALENDAR:
FEBRUARY 17, 2026

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1 Plaintiffs' counsel have now admitted that their Opposition to Amazon's Motion to Stay
2 relied on false legal authority, hallucinated by counsel's unverified use of generative AI. *See*
3 Plaintiffs' Response at 1 (Dkt. No. 126) (Jan. 30, 2026).

4 The Response implies that the Court should now resolve the issue by simply allowing
5 Plaintiffs to file a "corrected" version of their Opposition. Resp. at 2. As noted in Amazon's
6 Motion, courts typically consider revised briefing insufficient to address the use of improper
7 hallucinated authority. *See* Mot. at 6, n.5; *id.* at 3, n.1 (Dkt. No. 124). This is particularly true here,
8 where the Response raises more questions than it answers. Accordingly, an Order to Show Cause
9 requiring Plaintiffs to provide the information outlined in Amazon's Motion, *id.* at 6, remains
10 necessary.

11 ***First***, the "corrected" version of the brief ***still twice cites the made-up subsection***
12 ***§ 343(r)(6)(D)***. *See* Dkt. No. 126-2 at 11, 14 (citing § 343(r)(6)(D)).¹ While this may be the result
13 of human error, the citation's presence in the "corrected" brief raises questions about ongoing gaps
14 in rigor and a lack of attentiveness paid to the issue by Plaintiffs' counsel.

15 ***Second***, the Response asserts that multiple attorneys "assiduously" reviewed drafts with
16 the hallucinated law yet somehow failed to recognize the brief's substantive reliance on a
17 nonexistent subsection of the statute. Resp. at 1. Section 343(r)(6) is a succinct provision, *see* Sipos
18 Decl. Ex. A (Dkt. No. 125-1), that has been central to Plaintiffs' claims and allegations since this
19 lawsuit's inception three years ago. *See* Compl. ¶¶ 42, 43, 44, 49, 139 (citing 21 U.S.C.
20 § 343(r)(6)) (Dkt. No. 1) (Jan. 31, 2023). But, according to Plaintiffs, at no point during this
21 extensive review did counsel recognize that the Opposition fabricated an entirely new statutory
22 provision absent from § 343(r)(6). The error here is not akin to a lone made-up case, nested within
23 a string citation. Rather, the invented § 343(r)(6)(D) was repeatedly advanced as a distinct and
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25 ¹ The "corrected" brief also asserts that the relevant section imposes "statutory ***conditions***
26 precedent," using the plural form to connote multiple requirements when there is only one relevant
subsection. *See* Dkt. No. 126-2 at 9 (emphasis added). This error is similarly reflective of a
surprisingly cavalier effort to address the matter.

1 substantive legal requirement. *See* Opp. at 2, 4, 7, 8 and 9. A more detailed account is necessary
2 to understand how this substantive error went undetected.

3 *Third*, the Response lacks explanation of “each signatory’s role in the use of the
4 ‘juxtaposed’ language and accompanying false citation” and what controls were in place for
5 responsible use of generative AI and why they failed in this instance. *See* Mot. at 6. The Response
6 recognizes that every lawyer who signs a brief swears to its accuracy, Resp. at 1, n.1, but is silent
7 as to the role of the Boies Schiller signatory. Plaintiffs’ brief, for example, does not explain whom
8 Ms. Kats informed that her draft used AI, when she informed the unnamed person or persons, and
9 what steps, if any, those attorneys took in response to adhere to controls for the responsible use of
10 generative AI. *See* Resp. at 1 (“However, Ms. Kats notified that she used AI in the draft.”). This
11 stands in unexplained contrast to Boies Schiller’s approach five months ago, when the firm
12 acknowledged its role in the improper use of generative AI and the partner responsible offered a
13 sworn declaration to explain his involvement. *See* Sipos Decl., Ex. C (Dkt. No. 125-3).

14 For these reasons and those in the Motion, Amazon requests that the Court issue an order
15 to show cause, to provide a complete record that may aid this Court’s consideration of whether
16 further measures are necessary to address counsel’s admitted improper use of AI.

1 Dated: February 2, 2026

I certify that this brief contains 624 words, in compliance with LCR 7(e)(3)

2
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