United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LAILA FARHAT,

Plaintiff,

v.

CUTERA, INC.,

Defendant.

Case No. 26-cv-05674-TSH

ORDER DISCHARGING ORDER TO SHOW CAUSE

Re: Dkt. No. 25

On September 29, 2026, Defendant Cutera, Inc. filed a motion to dismiss the first and second causes of action in Plaintiff Laila Farhat's first amended complaint. ECF No. 17. In reviewing that motion, the Court was unable to locate certain cited cases. The apparent inaccuracies raised concerns that the motion contained fabricated or unreliable legal authorities, potentially resulting from the use of generative artificial intelligence.

On October 22, 2026, the Court issued an order to show cause directing Cutera's counsel to file a declaration by October 29, 2026. ECF No. 25. The declaration was required to: (1) identify, by page and line and with the relevant language quoted verbatim, each statement, quotation, citation, or representation counsel had determined, or had reason to believe, was inaccurate, fabricated, materially misleading, unsupported, or otherwise required correction; (2) explain the origin of each item, including how it entered the filing and whether any generative AI or other automated research or drafting tool was used; (3) describe counsel's prefiling verification efforts, including review of authorities, quotations, citations, and the record; and (4) provide necessary corrections, with accurate citations and pinpoint references, and identify any other portions requiring correction. *Id.* The Court required that the declaration be based on counsel's personal review of the cited authorities and warned that an incomplete or inaccurate response, or

failure to comply, could result in sanctions or other remedial measures. *Id.*

On October 27, 2026, counsel Lyndsey C. Heaton filed a declaration and supporting exhibits. ECF No. 26. Heaton acknowledges using Legora, a generative AI drafting tool, to prepare the initial draft. *Id.* ¶ 3. She states that she then reviewed the cited authorities in Westlaw, identified citation errors, and transmitted a corrected draft to her assistant before the motion was filed. *Id.* ¶¶ 3–4 & Ex. A. According to Heaton, an earlier, uncorrected version was inadvertently converted to PDF and filed, and she failed to catch the discrepancy through review of the final PDF. *Id.* ¶¶ 4–5. Her declaration identifies the inaccurate citations, provides corrections, and attaches a redline comparing the filed motion with the corrected draft. *Id.* ¶¶ 6–9 & Ex. B.

Having reviewed counsel's response and accompanying exhibits, the Court **DISCHARGES** the October 22, 2026 order to show cause. In light of counsel's explanation, acknowledgment of the errors, and submission of corrections, the Court declines to impose sanctions at this time. However, the Court admonishes counsel that they remain responsible for the accuracy of documents filed with the Court. Counsel must review the final document before filing and verify that its authorities exist and support the propositions asserted. These responsibilities remain with counsel regardless of the use of AI or delegation to staff. *See* Fed. R. Civ. P. 11(b). Counsel is warned that further submissions containing fabricated authorities, materially inaccurate citations or quotations, or misrepresentations of legal authority may result in sanctions, as authorized by applicable law, after notice and an opportunity to respond. *See* Fed. R. Civ. P. 11(c).

The Court finds further briefing on the motion to dismiss unnecessary. Plaintiff's opposition did not address the challenged authorities or identify the citation errors, and Cutera does not rely on those authorities in its reply. The Court will disregard the challenged authorities and will not consider the replacement authorities offered in counsel's declaration.

IT IS SO ORDERED.

Dated: October 28, 2026

THOMAS S. HIXSON
United States Magistrate Judge