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Lawyer Suing Avianca Used ChatGPT Which Invented 6 Cases Now on Misdated Affidavit

by Matthew Russell Lee, [Patreon Book Substack](#)

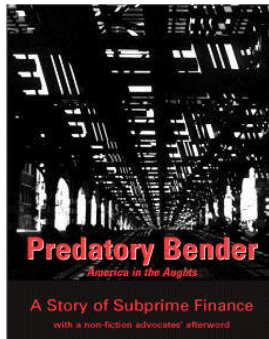
SDNY COURTHOUSE, June 6 – As law offices including those of prosecutors begin to use generative artificial intelligence like ChatGPT and Google's Bard, it's worse than a matter of boiler plate or plagiarism.

There are cases and precedents made up out of whole cloth.

All of this may come to a head on June 8, when U.S. District Court for the Southern District of New York Judge P. Kevin Castel will hear the case of Roberto Mata v. Avianca, Inc., on removal from the Supreme Court of the State of New York in Manhattan.

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Plaintiff's counsel Steven A. Schwartz, not admitted to SDNY, admits in an affidavit signed May 24 and docketed on May 25 that while "Peter Loduca, Esq, an associate for the law firm of Levidow Levidow & Oberman, PC became the attorney of record on the case" he, Schwartz, "continued to perform all of the legal work that the case required."

Now problematic for Schwartz, and possibly Loduca, was the use of Chat GPT CGT to put or slap together Mata's affirmation in opposition.

As Schwartz formally puts it, "your affiant consulted the artificial intelligence website Chat GPT [and] did locate and cite the following cases in the affirmation in opposition submitted, which this Court has found to be nonexistent:

Varghese v. China Southern Airlines Co Ltd, 925 F.3d 1339 (11th Cir. 2019)

Shaboov. Egyptair 2013 IL App (1st) 111279-U (Il App. Ct. 2013)

Petersen v. Iran Air 905 F. Supp 2d 121 (D.D.C. 2012)

Martinez v. Delta Airlines, Inc, 2019 WL 4639462 (Tex. App. Sept. 25, 2019)

Estate of Durden v. KLM Royal Dutch Airlines, 2017 WL 2418825 (Ga. Ct. App.

June 5, 2017)

Miller v. United Airlines, Inc, 174 F.3d 366 (2d Cir. 1999).

Again, those cases do not exist. Schwartz writes that "the citations and opinions in question were provided by Chat GPT which also provided its legal source and assured the reliability of its content. Excerpts from the queries presented and responses provided are attached" to his affidavit.

But for Judge Castel, will that be enough? He issued a second order that LoDuca "is not entitled to a do-over." On June 6, LoDuca submitted a declaration apologizing for a previous inaccurately-dated affidavit, and saying the press has shamed him. Watch this site.

The case is Mata v. Avianca, Inc., 22-cv-1461 (Castel)

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