

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Twist It Up, Inc. v. Annie International, Inc.

No. SA CV 24-736-DMG (ADSx) (C.D. Cal. June 26, 2025) · No. SA CV 24-736-DMG (ADSx) · Decided June 26, 2025

SUMMARY

The Central District of California issued an order to show cause concerning allegedly nonexistent and improperly used legal citations in an opposition to a motion to strike deposition corrections. The court ordered attorney John D. Tran and any other responsible attorney to appear at a hearing and address potential monetary sanctions against Rhema Law Group PC and possible disciplinary referral under Federal Rule of Civil Procedure 11.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Dolly M. Gee
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 26, 2025
DOCKET	SA CV 24-736-DMG (ADSx)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why sanctions should not be imposed on Rhema Law Group PC and responsible attorneys based on purportedly nonexistent, inaccurate, and irrelevant citations in Plaintiff's opposition to Defendant's motion to strike deposition corrections.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order; precedential status unknown

TOPICS

- sanctions
- civil procedure
- discovery dispute
- summary judgment

PRACTICE AREAS

- Civil procedure
- Federal litigation
- Legal ethics and attorney discipline
- Sanctions

QUESTIONS PRESENTED

1. Whether citing nonexistent legal authority and citing authorities that do not support the propositions for which they are offered violate Federal Rule of Civil Procedure 11.
2. Whether the court could issue a sua sponte order to show cause concerning monetary sanctions against responsible attorneys and their law firm under Federal Rule of Civil Procedure 11.

HOLDINGS

1. Citing nonexistent legal authority and citing cases that do not support the propositions for which they are cited is improper under Federal Rule of Civil Procedure 11 and may provide grounds for sanctions after notice and a reasonable opportunity to respond.
2. The court may sua sponte impose monetary sanctions under Rule 11 when it first issues a show-cause order under Rule 11(c)(3) before voluntary dismissal or settlement of the claims made by or against the party to be sanctioned.

KEY QUOTATIONS

“Citation to nonexistent legal authority and to cases that do not include the proposition for which they are cited is improper under Federal Rule of Civil Procedure 11.” (at 2)

“The Court may sua sponte impose monetary sanctions if it issues a show cause order under Rule 11(c)(3) before voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.” (at 2)

FACTUAL BACKGROUND

Twist It Up filed an opposition to Annie International's motion to strike deposition corrections. The opposition cited two purported cases that the court could not locate and cited a third case for a proposition unrelated to depositions or deposition corrections. The court stated that the filing appeared to contain portions generated with artificial intelligence and raised concerns that counsel had not independently verified the authorities before filing.

PROCEDURAL HISTORY

Annie International, Inc. moved to strike corrections made by Twist It Up, Inc.'s corporate representative to deposition testimony, asserting that the corrections improperly altered the testimony to create factual disputes and avoid summary judgment. Twist It Up opposed the motion. Upon reviewing the opposition, the court identified citations to nonexistent or materially unrelated authorities and ordered attorney John D. Tran and any other responsible attorney to appear at the upcoming summary-judgment hearing and show cause why monetary sanctions and a disciplinary referral should not issue.

DISPOSITION

other

CASES CITED

- Lewis v. CCPOA, 2009 WL 890585, at *4[1] (E.D. Cal. Mar. 31, 2009)
- James v. Claussen, 2022 WL 1120273, at *3 (C.D. Cal. Apr. 14, 2022)
- Hernandez v. Polanco Enters., Inc., 19 F. Supp. 3d 918, 931 (N.D. Cal. 2013)
- Lewis v. The CCPOA Benefit Tr. Fund, No. C-08-03228-VRW DMR, 2010 WL 3398521, at *2-*4 (N.D. Cal. Aug. 27, 2010)
- Yagman v. Republic Ins., 987 F.2d 622, 628 (9th Cir. 1993)
- Flowz Digital LLC v. Caroline Dalal, et al., CV 25-709-SB (PVCx) (C.D. Cal. May 30, 2025)
- Roadway Express, Inc. v. Piper, 447 U.S. 752, 766 (1980)

OPINION

Twist It Up, Inc. v. Annie International, Inc.

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. SA CV 24-736-DMG (ADSx) Date June 26, 2025 Title Twist It Up, Inc. v. Annie International, Inc. Page 1 of 2 Present: The Honorable DOLLY M. GEE, CHIEF UNITED STATES DISTRICT JUDGE

DOMINIQUE CARR NOT REPORTED

Deputy Clerk Court Reporter Attorneys Present for Plaintiff(s) Attorneys Present for Defendant(s) None Present None Present Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE WHY SANCTIONS

SHOULD NOT BE IMPOSED ON RHEMA LAW GROUP PC

On May 23, 2025, Defendant Annie International, Inc. filed a motion to strike certain corrections Plaintiff Twist It Up, Inc. made to the deposition of its corporate representative, Noel Durity. [Doc. # 29 (“MTX”).] Defendant asserts that the “corrections” improperly amount to wholesale changes to Durity’s testimony to manufacture material factual disputes and evade summary judgment. [Doc. # 29-2 at 2.] On June 6, 2025, Plaintiff filed its opposition to the MTX. [Doc. # 36 (“Opp.”)]; see also [Doc. # 39 (“Reply”)]. The MTX and a motion for summary judgment (“MSJ”) filed by Defendant are set for hearing June 27, 2025 at 3:00 p.m. Review of Plaintiff’s Opposition to the Motion to Strike reveals that the author of the Opposition appears to have relied upon artificial intelligence (“AI”) to generate portions of the filing. The Opposition contains five citations purportedly to orders or opinions from other courts. Two of these citations refer to non-existent legal authority, as the Court cannot locate any such case matching the information provided by Plaintiff. See Opp. at 2, 3 (citing “Lewis v. CCPOA, 2009 WL 890585, at *4[1] (E.D. Cal. Mar. 31, 2009)” and “James v. Claussen, 2022 WL 1120273, at *3 (C.D. Cal. Apr. 14, 2022) (denying motion to strike clarifying corrections).”). In fact, far from “denying motion to strike

clarifying corrections,” the document under Westlaw case identifier “2022 WL 1120273” is an appellee’s brief in a criminal manslaughter action in the Court of Appeals of the State of Texas. And a third citation, while accurate, leads to an order having nothing to do with depositions, corrections to depositions, or the sentence it purports to support: “[c]ourts have emphasized that unless the corrections were submitted in bad faith or solely to defeat summary judgment, they should remain part of the record.” Opp. at 4; see *Hernandez v. Polanco Enters., Inc.*, 19 F. Supp. 3d 918, 931 (N.D. Cal. 2013). 1 The citation to Lewis may be intended to refer to *Lewis v. The CCPOA Benefit Tr. Fund*, No. C-08-03228- VRW DMR, 2010 WL 3398521, at *2–*4 (N.D. Cal. Aug. 27, 2010), addressing a motion to strike deposition changes, striking a number of those changes, but finding that on the whole, the changes did not amount to a “sham.” The citation in the Opposition Brief, however, refers to a different Westlaw case identifier, a different court, and a different date.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. SA CV 24-736-DMG (ADSx) Date June 26, 2025 Title Twist It Up, Inc. v. Annie International, Inc. Page 2 of 2 Citation to nonexistent legal authority and to cases that do not include the proposition for which they are cited is improper under Federal Rule of Civil Procedure 11. Pursuant to that Rule, attorneys who file briefs in this Court certify that the legal and factual contentions therein are not frivolous. Fed. R. Civ. P. 11(b). Violation of this rule is an appropriate ground for sanctions after notice and a reasonable opportunity to respond. See also *Yagman v. Republic Ins.*, 987 F.2d 622, 628 (9th Cir. 1993) (“A violation of [Rule 11] does not require subjective bad faith.”).2 Sanctions may be imposed on “any attorney, law firm, or party” that violated the rule, although “[a]bsent exceptional circumstances,” a law firm must be held jointly responsible for its attorney’s misconduct. Fed. R. Civ. P. 11(c)(1). The Court may sua sponte impose monetary sanctions if it issues a show cause order under Rule 11(c)(3) “before voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.” Fed. R. Civ. P. 11(c)(5); see also Doc. # 35, *Flowz Digital LLC v. Caroline Dalal, et al.*, CV 25-709-SB (PVCx) (C.D. Cal. May 30, 2025) (imposing \$3,500 in sanctions payable by an attorney who admitted he used AI to prepare a brief that cited irrelevant and nonexistent cases). The Court accordingly ORDERS attorney John D. Tran—and any other attorney responsible for the portions of the Opposition discussed herein—to appear personally at the MSJ hearing set for June 27, 2025 at 3:00 p.m. The attorney(s) shall be prepared to address the Court’s concerns regarding the use of AI in the Opposition, including disclosing whether AI was used and why counsel did not independently check the citations before filing the Opposition. The attorney(s) shall further be prepared to address why the Court should not impose monetary sanctions to be paid by Rhema Law Group PC and refer the attorney to the Court’s Standing Committee on Discipline. IT IS SO ORDERED. 2 A court also has the inherent authority to levy

sanctions against a party or attorney for, inter alia, acting in “bad faith” or for otherwise “willfully abus[ing] judicial processes.” *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766 (1980).

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