



CITATION QUALITY ASSESSMENT

Gauthier v. Goodyear

Response Opportunities & Attack Surface Analysis

Filing: Gauthier_v_Goodyear-gov.uscourts.txed.223848.41.0.pdf · 6 pages

Generated: June 18, 2026 · 11:54 a.m.

Coverage: 26 unique citations · 3 models consulted

Public Sample

Fusion Collective

Sentinel Citation Analysis · A Fusion Collective tool

Bottom Line

Attack-surface score: **32/100** — lower scores indicate more attackable citations.

The brief rests on a thin layer of solid authority over a wide base of mischaracterized and unverifiable citations, leaving substantial room for a targeted accuracy-and-mischaracterization counterattack.

Narrative

Bottom line: the brief's authority base is highly attackable. Of 26 unique citations, only 7 came back solid while 9 are vulnerable or mischaracterized, and 14 sit in 'verified-partial' limbo — meaning roughly two-thirds of the citation foundation is either weak or unconfirmed. The strongest single anchor appears to be *Burton v. Freescale Semiconductor*, 798 F.3d 222 (composite 88), which you should expect opposing counsel to lean on; everything below it is exposed.

The most attackable cites cluster around the Sabine Pilot / wrongful discharge theory. The three *Roca v. King's Creek Plantation* references (500 F. App'x 273) all scored composite 0 and are flagged as misused — and the brief itself notes the decision is unpublished, undercutting any attempt to treat it as controlling. *Physio GP v. Naifeh* (16), *White v. FCI USA* (26), and *Texas Dep't of Human Servs. v. Hinds* (26) are similarly flagged as mischaracterized; the response should pull the actual text and show the disconnect. *City of Midland v. O'Bryant* (20) and *Winters v. Houston Chronicle* (51) are cited with parentheticals stating affirmative holdings, but the findings classify both as misused — prime candidates to argue the brief is overreading dictum or distinguishable language as a holding. *Morales v. SimuFlite* (71) is closer to defensible but still flagged misused, worth a narrower attack on relevance rather than existence.

For the 14 partial and 1 not-found verifications, the cited authority could not be confirmed to stand for the proposition advanced. Those are ripe for a 'no retrieved authority supports this proposition' challenge — force the movant to produce pinpoint quotations rather than letting parentheticals carry the weight.

On calibration: Claude was the strictest judge (accuracy avg 32, 10 misuses flagged), while GPT-5-mini was the most permissive (accuracy 62). Gemini sat in between. Where all three

converge on ‘misused’ — as they do on Roca and Physio GP — confidence is high; treat those as your highest-value targets.

Citation Outcomes

TOTAL 26	SOLID 7 / 17	SOFT 0 / 17	VULNERABLE 9 / 17	INCONCLUSIVE 1 / 17
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Verification

FOUND	PARTIAL	NOT FOUND	UNSUPPORTED	ERROR
3	14	1	8	0

Fabrication Assessment

✓ No fabrication concerns — all 1 unverified citation scored as plausible (recognized reporter format and/or a credible web footprint).

Fabrication signal across the 1 Not Found citation — three signals scored each: reporter-format heuristic, web footprint, and an LLM judge.

LIKELY FABRICATED 0 / 1	MIXED SIGNALS 0 / 1	PLAUSIBLE 1 / 1	UNSCORED 0 / 1
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Top Response Opportunities

The 10 citations with the lowest Judge composites — attack vectors first. Each entry shows the citation, the filing context, and the Judge's synthesis.

CASE Roca v. King's Creek Plantation, LLC, 500 F. App'x 273, 276 (ca5 2012) (unpublished)

Existence: CONFIRMED (PINCITE UNVERIFIED) · p.2 · authority ↗

THERE IS A FACT ISSUE AS TO WHETHER GOODYEAR REQUIRED GAUTHIER TO COMMIT AN ILLEGAL ACT To prevail on a Sabine Pilot claim, a plaintiff must show that the employer required

the employee to commit an illegal act carrying criminal penalties. Sabine Pilot Serv., Inc. v. Hauck, - 1 - Case 1:23-cv-00281-MAC Document 41 Filed 10/02/24 Page 2 of 6 PageID #: 315 687 S.W.2d 733, 735 (Tex. 1985). The Fifth Circuit has recognized that "whether an employer's request rises to the level of a 'requirement' is generally a question of fact." Roca v. King's Creek Plantation, LLC, 500 F. App'x 273, 276 (5th Cir. 2012) (unpublished). Contrary to Goodyear's assertion, there is evidence that Goodyear required Gauthier to change his statement about the hydrocarbon leak incident, not merely requested it. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites Roca v. King's Creek Plantation, LLC, 500 F. App'x 273, 276 (5th Cir. 2012) for the proposition that 'whether an employer's request rises to the level of a requirement is generally a question of fact,' offered to support a Sabine Pilot wrongful-discharge claim. The supplied AUTHORITY text does not correspond to that citation. Instead, the supplied text is a Fifth Circuit opinion captioned 'United States of America v. James Troy Brooks,' No. 11-50946, dated December 7, 2012, addressing a sentencing-guidelines amount-of-loss calculation for counterfeit-check offenses. Nothing in the supplied text discusses employment law, Sabine Pilot, employer requests vs. requirements, or contains the quoted language. Because the supplied authority does not match the citation, I cannot verify the filing's proposition from the supplied text. All three per-model judgments agree on this point and reach the same conclusion. ATTORNEY ADVOCACY NOTE: The response brief should independently verify the actual text of the cited Roca opinion before attacking. If verification confirms the quoted language exists in Roca, the attack vectors are (1) the citation is to an unpublished Fifth Circuit decision (as the filing itself concedes), which under 5th Cir. R. 47.5.4 (referenced in the supplied Brooks opinion's footnote) is non-precedential except in limited circumstances; (2) the proposition as quoted ('generally a question of fact') is hedged and does not establish that a fact issue exists on these particular facts — the response can argue the testimony cited (HR asking whether Gauthier 'wanted to' or 'would be willing to' change his statement) shows a request, not a requirement, as a matter of law; and (3) if Roca arose in a materially different factual context, distinguish it. The attorney should also confirm the pin cite (276) and quoted language, since the supplied authority block does not allow that verification.

CASE Roca v. King's Creek Plantation, LLC, 500 F. App'x 273, 277 (5th Cir. 2012)

Existence: **CONFIRMED (PINCITE UNVERIFIED)** · p.4 · [authority](#) ↗

Case 1:23-cv-00281-MAC Document 41 Filed 10/02/24 Page 4 of 6 PageID #: 317 THERE IS A FACT ISSUE AS TO WHETHER GAUTHIER WAS TERMINATED SOLELY FOR REFUSING TO COMMIT AN ILLEGAL ACT To prevail on a Sabine Pilot claim, a plaintiff must show that the refusal to perform the illegal act was the sole reason for termination. Safeshred, Inc. v. Martinez, 365 S.W.3d 655, 659 (Tex. 2012). The Fifth Circuit has recognized that this causation element is typically a fact issue for the jury. See Roca, 500 F. App'x at 277 ("Whether an employee's refusal to perform an illegal act was the sole cause for his termination is generally a question of fact for the jury."). Goodyear claims Gauthier cannot show he was terminated solely for refusing to change his statement. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The supplied AUTHORITY text does not correspond to the cited case. The filing cites 'Roca v. King's Creek Plantation, LLC, 500 F. App'x 273, 277 (5th Cir. 2012)' for the proposition that '[w]hether an employee's refusal to perform an illegal act was the sole cause for his termination is generally a question of fact for the jury' — a Sabine Pilot causation point. The supplied authority text is instead a per curiam opinion captioned 'United States of America v. James Troy Brooks,' No. 11-50946, addressing a Sentencing Guidelines amount-of-loss calculation in a counterfeit-check case. The supplied text contains no discussion of Sabine Pilot, employment termination, refusal to perform illegal acts, or the quoted language. Because the supplied text is a different opinion, I cannot evaluate whether Roca in fact supports the quoted proposition and must score accuracy, relevance, and treatment at 0. All three per-model judgements (Claude, GPT-5-mini, Gemini) agree on this mismatch; no model materially diverged. Attorney-advocacy implication: in the response brief, counsel should independently verify the Roca citation (pin cite, reporter, and text) before attacking it on the merits. If Roca genuinely contains the quoted language, the attack vectors are limited on this record; if it does not, or if the language is dictum or arises in a distinguishable posture (e.g., summary judgment vs. trial), the response can challenge both the attribution and the weight. Counsel should also note that the cited proposition is framed as a general rule ('generally'), leaving room to argue the present record shows undisputed alternative causes defeating the 'sole cause' element as a matter of law. Recommend verification of the actual Roca opinion before drafting the attack.

CASE Roca, 500 F. App'x at 277

Existence: CONFIRMED (PINCITE UNVERIFIED) · p.4 · [authority](#) ↗

Case 1:23-cv-00281-MAC Document 41 Filed 10/02/24 Page 4 of 6 PageID #: 317 THERE IS A FACT ISSUE AS TO WHETHER GAUTHIER WAS TERMINATED SOLELY FOR REFUSING TO COMMIT AN ILLEGAL ACT To prevail on a Sabine Pilot claim, a plaintiff must show that the refusal to perform the illegal act was the sole reason for termination. Safeshred, Inc. v. Martinez, 365 S.W.3d 655, 659 (Tex. 2012). The Fifth Circuit has recognized that this causation element is typically a fact issue for the jury. See Roca, 500 F. App'x at 277 ("Whether an employee's refusal to perform an illegal act was the sole cause for his termination is generally a question of fact for the jury."). Goodyear claims Gauthier cannot show he was terminated solely for refusing to change his statement. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites 'Roca, 500 F. App'x at 277' for the proposition that '[w]hether an employee's refusal to perform an illegal act was the sole cause for his termination is generally a question of fact for the jury,' offered in support of a Sabine Pilot wrongful-termination claim under Texas law. The supplied AUTHORITY text, however, is a Fifth Circuit per curiam opinion in No. 12-40053 captioned 'Sonya Briscoe v. Jefferson County, et al.,' addressing a § 1983 First Amendment public-employee speech claim under Garcetti/Pickering and waiver issues on appeal. The supplied text contains no discussion of Sabine Pilot, refusal to perform illegal acts, sole-cause termination, or the quoted language attributed to

Roca. Because the supplied authority does not correspond to the citation, I cannot verify the filing's proposition from the supplied text. Per the grounding rules, I make no representation about what the actual Roca opinion holds, its precedential status, or its subject matter. All three per-model judgements (Claude, GPT-5-mini, Gemini) agree on this point and reach the same conclusion; there is no material divergence. Recommendation for the responding attorney: independently verify the Roca citation and pinpoint, confirm whether the quoted parenthetical actually appears at 500 F. App'x at 277, and consider that a Fed. App'x designation typically signals nonprecedential treatment under circuit rules — a point worth checking against the actual opinion and local rules. If the citation checks out, the attorney's stronger response lies in distinguishing it on the facts of Gauthier's termination (i.e., that even taking the 'generally a fact question' framing as accurate, the summary judgment record here lacks evidence creating a genuine dispute that refusal to commit an illegal act was the *sole* cause, as required by Safeshred). The citation-verification problem is itself an attack vector: if opposing counsel quoted language not in the opinion, that is a credibility opening on reply.

CASE Physio GP, Inc. v. Naifeh, 306 S.W.3d 886, 888

Existence: **CONFIRMED (PINCITE UNVERIFIED)** · p.5 · [authority](#) ↗

Texas courts have consistently held that the causation element of a Sabine Pilot claim— whether the refusal to perform the illegal act was the sole cause of termination—is a fact issue for the jury. In Texas Dep't of Human Servs. v. Hinds, 904 S.W.2d 629, 633 (Tex. 1995), the Texas - 4 - Case 1:23-cv-00281-MAC Document 41 Filed 10/02/24 Page 5 of 6 PageID #: 318 Supreme Court stated that "[w]hether the plaintiff's refusal to perform an illegal act was the sole cause for the plaintiff's discharge is a question of fact." More recently, in Physio GP, Inc. v. Naifeh, 306 S.W.3d 886, 888 (Tex. App.—Houston [14th Dist.] 2010, no pet.), the court reiterated that "whether an employee's refusal to perform an illegal act was the sole cause for his termination generally presents a question of fact." ...

JUDGE'S SYNTHESIS — **VULNERABLE · 16**

The filing attributes to Physio GP, Inc. v. Naifeh, 306 S.W.3d 886, 888 the quotation: 'whether an employee's refusal to perform an illegal act was the sole cause for his termination generally presents a question of fact.' That sentence does not appear anywhere in the supplied authority text. The page 888 marker in the supplied opinion sits within the court's statement of the Sabine Pilot rule ('an employer cannot fire an employee for the sole reason of refusing to perform an illegal act') and its framing of the individual-liability issue — not any pronouncement that sole-cause is generally a jury question. The opinion's actual focus is whether Sabine Pilot extends to impose liability on individual employees, and it reverses and renders against the individual defendants, emphasizing that 'Sabine Pilot is an extremely specific and narrow exception' and that courts have 'consistently rejected attempts to expand its scope.' Attack vectors for the response brief: (1) the quoted language does not appear in the cited opinion at the cited page — the attorney should pull the opinion and challenge the quotation directly; (2) even if a similar phrase appeared elsewhere, the case was decided on a bench trial record where the trial court itself made the sole-cause finding, so the opinion is a weak vehicle for a 'jury question' proposition; (3) the case's actual holding cuts against expanding Sabine Pilot, which the responding attorney can flip to

argue the opinion signals narrow construction generally. All three per-model judgements agree the quoted proposition is absent from the supplied text and the citation mischaracterizes the authority; they differ only on relevance weight (gpt-5-mini gave partial relevance because the opinion touches Sabine Pilot sole-cause concepts). I score relevance low because the opinion's discussion of sole-cause is descriptive of the trial court's finding, not a statement of the legal standard the filing claims.

CASE

City Midland v. O'Bryant, 18 S.W.3d 209, 216 (tex 2000) (holding that the existence of "legitimate reasons" for termination does not preclude a Sabine Pilot claim if the jury determines the illegal act was the sole cause)

Existence: **CONFIRMED (PINCITE UNVERIFIED)** · p.5 · [authority](#) ↗

Case 1:23-cv-00281-MAC Document 41 Filed 10/02/24 Page 5 of 6 PageID #: 318 Supreme Court stated that "[w]hether the plaintiff's refusal to perform an illegal act was the sole cause for the plaintiff's discharge is a question of fact." More recently, in Physio GP, Inc. v. Naifeh, 306 S.W.3d 886, 888 (Tex. App.—Houston [14th Dist.] 2010, no pet.), the court reiterated that "whether an employee's refusal to perform an illegal act was the sole cause for his termination generally presents a question of fact." This is true even when the employer offers alternative reasons for the termination. See City of Midland v. O'Bryant, 18 S.W.3d 209, 216 (Tex. ...

JUDGE'S SYNTHESIS — **VULNERABLE · 20**

The filing attributes to City of Midland v. O'Bryant a holding that 'the existence of legitimate reasons for termination does not preclude a Sabine Pilot claim if the jury determines the illegal act was the sole cause.' The supplied authority text does not contain such a holding. The opinion's only discussion of Sabine Pilot is a brief reference (near page 215-216) restating Sabine Pilot Service, Inc. v. Hauck's rule that 'an employer may not discharge an employee for the sole reason that the employee refused to perform an illegal act that carried criminal penalties.' That reference is offered to illustrate that the court has recognized 'only one limited common-law exception to the at-will employment doctrine' — in the course of declining to recognize a duty of good faith and fair dealing. The opinion does not analyze the interplay between 'legitimate reasons' offered by an employer and a Sabine Pilot 'sole cause' inquiry, does not address whether the sole-cause question is a fact issue for the jury, and does not hold what the filing says it holds. The Sonnet and Gemini judgments correctly identify this as a mischaracterization. The gpt-5-mini judgment diverges and overrates the citation; it conflates a brief restatement of the Sabine Pilot rule with the more specific proposition the filing advances. The supplied text mentions 'sole reason' only in restating Sabine Pilot itself — it does not stand for the filing's nuanced proposition about employer-offered alternative reasons. Attack vectors for the response brief: (1) The cited page contains no such holding; the only Sabine Pilot reference is a one-sentence restatement of Hauck offered while the court declines to expand at-will exceptions. (2) Even that sentence is arguably dictum as to the filing's proposition because O'Bryant's actual holdings concern good faith/fair dealing, IIED, and reinstatement — not the Sabine Pilot causation standard. (3) The filing's quoted phrase 'legitimate reasons' does not appear in the supplied text. Counsel should demand the opposing party identify the precise language on page 216 supporting the parenthetical.

CASE White v. FCI USA, Inc., 319 F.3d 672, 676 (ca5 2003)Existence: **CONFIRMED (PINCITE UNVERIFIED)** · p.3 · [authority](#) ↗

In addition to the Fifth Circuit authorities previously cited, Texas state courts have consistently held that whether an employer's request rises to the level of a "requirement" is a fact issue for the jury. In Morales v. SimuFlite Training Int'l, Inc., 132 S.W.3d 603, 608 (Tex. App.— Fort Worth 2004, no pet.), the court held that "whether an employer's statement rises to the level of a 'request' or 'requirement' is generally a question of fact." Similarly, in White v. FCI USA, Inc., 319 F.3d 672, 676 (5th Cir. 2003), the court, applying Texas law, noted that whether the employer required the illegal act is "typically a fact issue to be decided by a jury." Gauthier's testimony that he was asked if he was "willing" to change his statement (Gauthier Dep. ...

JUDGE'S SYNTHESIS — VULNERABLE · 26

The filing attributes to White v. FCI a direct quotation: whether the employer required the illegal act is 'typically a fact issue to be decided by a jury.' That quoted language does not appear anywhere in the supplied authority text. To the contrary, the supplied opinion affirms summary judgment for the employer on the Sabine Pilot 'required' element, holding that 'White did not submit any evidence indicating that she was required by FCI to commit the unlawful acts' and citing Burt for the proposition that 'the plaintiff must prove that the employer required, not just requested, the employee to commit unlawful acts.' The opinion further notes that 'the catalyst for her unlawful acts was her subjective interpretation of her supervisor's remarks rather than any direction to commit the unlawful acts' — language that cuts against the filing's claim that subjective perception of pressure creates a jury question. The only jury-related language in the opinion is the generic summary-judgment standard ('A factual dispute precludes a grant of summary judgment if the evidence would permit a reasonable jury to return a verdict for the nonmoving party'), which is not specific to the 'required' element.

Attack vectors for the response brief: (1) the quoted language is not in the opinion — challenge opposing counsel to produce the pin cite at 676; (2) White actually affirmed summary judgment for the employer on the 'required' element, making it directly contrary authority on the facts opposing counsel invokes; (3) White expressly rejected reliance on an employee's 'subjective interpretation of her supervisor's remarks,' which parallels Gauthier's testimony that he was asked if he was 'willing' to change his statement; (4) White endorses Burt's request/requirement distinction, undermining the 'indirect pressure' theory.

The gpt-5-mini and gemini-2.5-flash judgements agree the quoted proposition is absent; I agree and additionally emphasize that the opinion's actual disposition is affirmatively adverse to the filing's use, which warrants a low treatment score as well.

CASE Texas Dep' Human Servs. v. Hinds, 904 S.W.2d 629, 633 (tex 1995)Existence: **CONFIRMED (PINCITE UNVERIFIED)** · p.4 · [authority](#) ↗

While Goodyear may offer other reasons for the termination, it is the jury's role to weigh the evidence and determine the true reason. See *Burton v. Freescale Semiconductor, Inc.*, 798 F.3d 222, 233 (5th Cir. 2015) (in employment cases, "the issue of the employer's true motive for termination is typically a question of fact for the jury"). Texas courts have consistently held that the causation element of a Sabine Pilot claim— whether the refusal to perform the illegal act was the sole cause of termination—is a fact issue for the jury. In *Texas Dep't of Human Servs. v. Hinds*, 904 S.W.2d 629, 633 (Tex. 1995), the Texas - 4 - Case 1:23-cv-00281-MAC Document 41 Filed 10/02/24 Page 5 of 6 PageID #: 318 Supreme Court stated that "[w]hether the plaintiff's refusal to perform an illegal act was ...

JUDGE'S SYNTHESIS — VULNERABLE · 26

The filing attributes to Hinds a direct quotation: '[w]hether the plaintiff's refusal to perform an illegal act was the sole cause for the plaintiff's discharge is a question of fact.' That sentence does not appear in the supplied text of Hinds. What page 633 actually contains is a description of the Sabine Pilot standard — 'a plaintiff must prove that his refusal to perform an illegal act was the sole cause of his discharge before he can recover damages from his former employer' — followed immediately by the court's statement that 'An employer who discharges an employee both for refusing to perform an illegal act and for a legitimate reason or reasons cannot be liable for wrongful discharge.' Hinds does not characterize sole-cause as a jury fact question at this point; it is reciting Sabine Pilot's substantive burden of proof. Worse, Hinds is a Texas Whistleblower Act case in which the Supreme Court expressly distinguishes Sabine Pilot and adopts a different (but-for) causation standard for whistleblower claims, and reverses the judgment because the trial court failed to give a proper causation instruction. So Hinds is being deployed for a Sabine Pilot fact-question proposition that the opinion neither states nor supports; if anything, Hinds emphasizes that causation framing in the jury charge is a matter of legal instruction, and it reverses for failure to properly instruct. The three model judgements converge that the quoted sentence is not in the supplied text and that the filing mischaracterizes Hinds; I agree. Gemini and gpt-5-mini scored relevance higher because Hinds discusses Sabine Pilot's sole-cause rule, but the filing's specific proposition — that sole causation is a jury fact question — is not what Hinds holds or says, so relevance is limited. Attack vectors for the response brief: (1) the quotation is not in the opinion; demand a pincite. (2) Hinds is a Whistleblower Act case that distinguishes Sabine Pilot, not a Sabine Pilot fact-issue holding. (3) Hinds actually reverses for failure to give a proper causation instruction, undercutting any 'leave it to the jury without instruction' theme.

CASE

Winters v. Houston Chronicle Publ'g Co., 795 S.W.2d 723, 724 (tex 1990) (noting that Sabine Pilot applies when an employee is "unacceptably forced to choose between risking criminal liability or being discharged")

Existence: CONFIRMED (PINCITE UNVERIFIED) · p.3 · authority ↗

2003), the court, applying Texas law, noted that whether the employer required the illegal act is “typically a fact issue to be decided by a jury.” Gauthier’s testimony that he was asked if he was “willing” to change his statement (Gauthier Dep. 69:25-70:1) creates a fact issue as to whether this constituted a requirement. Texas courts have recognized that even indirect pressure can amount to a “requirement” under Sabine Pilot. See *Winters v. Houston Chronicle Publ’g Co.*, 795 S.W.2d 723, 724 (Tex. 1990) (noting that Sabine Pilot applies when an employee is “unacceptably forced to choose between risking criminal liability or being discharged”). Moreover, Texas courts have held that falsifying documents or records can constitute an illegal act for purposes of Sabine Pilot. ...

JUDGE'S SYNTHESIS — VULNERABLE · 51

The quoted phrase (‘unacceptably forced to choose between risking criminal liability or being discharged’) does appear verbatim in the supplied Winters text at page 724. To that extent, the parenthetical is textually accurate, and gemini-2.5-flash and gpt-5-mini are correct that the quoted language faithfully reproduces the opinion’s articulation of the Sabine Pilot standard. However, claude-sonnet-4-6 identifies the more serious problem: the filing deploys Winters affirmatively to support the proposition that ‘even indirect pressure can amount to a requirement under Sabine Pilot.’ The supplied Winters text says nothing about indirect pressure being sufficient; to the contrary, the court uses the quoted formulation to REJECT the plaintiff’s claim, holding that ‘Winters does not fit within the Sabine Pilot exception because he was not unacceptably forced to choose.’ The opinion thus narrows, not broadens, Sabine Pilot, and affirms summary judgment for the employer. The filing’s framing — that Texas courts have ‘recognized’ indirect pressure as sufficient and Winters supports that recognition — is a material distortion: the case is a defense win that declined to extend Sabine Pilot, and it contains no language endorsing ‘indirect pressure’ as a substitute for being ‘forced to choose.’ Attack vectors for the response brief: (1) point out Winters affirmed summary judgment against the employee and rejected the Sabine Pilot claim on the very standard the filing quotes; (2) emphasize that the opinion explicitly describes Sabine Pilot as a ‘narrow exception’ requiring refusal to perform an illegal act, not mere indirect pressure; (3) note the filing’s bridge proposition (‘even indirect pressure can amount to a requirement’) has no support in the supplied Winters text and is unsupported extrapolation. Treatment scored conservatively because the supplied text is the deciding court’s own articulation but is being inverted by the filing.

CASE Morales v. SimuFlite Training Int'l, Inc., 132 S.W.3d 603, 608 (2003)

Existence: CONFIRMED (PINCITE UNVERIFIED) · p.3 · [authority](#) ✓

*Case 1:23-cv-00281-MAC Document 41 Filed 10/02/24 Page 3 of 6 PageID #: 316 10034, 1994 WL 714026, at *3 (5th Cir. Dec. 16, 1994) (unpublished) (falsifying environmental compliance reports could be basis for Sabine Pilot claim). In addition to the Fifth Circuit authorities previously cited, Texas state courts have consistently held that whether an employer’s request rises to the level of a “requirement” is a fact issue for the jury. In Morales v. SimuFlite Training Int’l, Inc., 132 S.W.3d 603, 608 (Tex. App.— Fort Worth 2004, no pet.), the court held that “whether an employer’s*

statement rises to the level of a 'request' or 'requirement' is generally a question of fact." Similarly, in *White v. FCI USA, Inc.*, 319 F.3d 672, 676 (5th Cir. ...

JUDGE'S SYNTHESIS — VULNERABLE · 71

The filing presents a quoted proposition attributed to Morales at page 608: 'whether an employer's statement rises to the level of a "request" or "requirement" is generally a question of fact.' That sentence does not appear verbatim in the supplied opinion. The supplied text at *608-610 instead frames the issue as whether Morales had to present 'a scintilla of evidence that genuine issues of material fact exist regarding whether he was asked and refused to perform an illegal act,' and concludes the evidence 'raises genuine issues of material fact regarding whether SimuFlite asked him to perform an illegal act.' The opinion thus treats the question — in this case — as a fact question precluding summary judgment, but does not articulate the broad general rule, framed in 'request' vs. 'requirement' terms, that the filing quotes. The opinion is on point in substance (relevance is high), and nothing in the supplied text suggests adverse treatment, so treatment is conservatively strong. But because the brief uses quotation marks around language that is not in the supplied text and packages a case-specific fact-question ruling as a general rule, the citation mischaracterizes the authority. There is also a minor citation-year inaccuracy: the filing's reporter parenthetical says (2003), while the supplied opinion is dated March 18, 2004. Sonnet and GPT-5-mini reached the same conclusion (no verbatim quote; overstated as a general rule); Gemini scored it as accurate, but Gemini concedes the quote is not verbatim and infers the principle — that inference is the very overreach the response brief should attack. Attack vectors for the response: (1) the quoted language does not appear in the opinion; (2) Morales's fact-question ruling was tied to specific Sabine Pilot evidence (blank FRF, FAA investigation), not a generalized 'request vs. requirement' rule; (3) flag the citation-year error and urge independent verification.

CASE Sabine Pilot Serv., Inc. v. Hauck, 687 S.W.2d 733 (Tex. 1985)

Existence: CONFIRMED · p.2 · authority ✓

The court must draw all reasonable inferences in favor of the nonmoving party. Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 150 (2000). THERE IS A FACT ISSUE AS TO WHETHER GOODYEAR REQUIRED GAUTHIER TO COMMIT AN ILLEGAL ACT To prevail on a Sabine Pilot claim, a plaintiff must show that the employer required the employee to commit an illegal act carrying criminal penalties. *Sabine Pilot Serv., Inc. v. Hauck*, - 1 - Case 1:23-cv-00281-MAC Document 41 Filed 10/02/24 Page 2 of 6 PageID #: 315 687 S.W.2d 733, 735 (Tex. 1985). The Fifth Circuit has recognized that "whether an employer's request rises to the level of a 'requirement' is generally a question of fact." *Roca v. King's Creek Plantation, LLC*, 500 F. App'x 273, 276 (5th Cir. 2012) (unpublished). ...

JUDGE'S SYNTHESIS — SOLID · 88

The filing cites Sabine Pilot for the proposition that 'a plaintiff must show that the employer required the employee to commit an illegal act carrying criminal penalties.' The supplied authority text is the correct case and contains the operative holding at the cited page: the exception 'covers only the discharge of an employee for the sole reason that the employee refused to perform an illegal act,' tied to 'laws of this

state and the United States which carry criminal penalties,' with the plaintiff bearing the burden of proving discharge 'for no reason other than his refusal to perform an illegal act.' The 'criminal penalties' element is squarely supported. The soft spot — flagged by claude-sonnet-4-6 but glossed over by gpt-5-mini and gemini-2.5-flash — is that the authority's holding is framed around the employee's *refusal* to perform an illegal act, not around the employer having *required* the act. The filing's 'required' framing appears to be a gloss layered on by later case law (the filing also cites Roca for the 'requirement is a question of fact' point), not language found in the supplied Sabine Pilot text. Attack vectors for the response brief: (1) Point out that Sabine Pilot's holding speaks to refusal-to-perform, and the 'requirement' element/fact-question framing comes from Roca (an unpublished Fifth Circuit decision per the filing's own parenthetical) — so the opposing brief is borrowing Sabine Pilot's gravitas to support a proposition Sabine Pilot does not itself articulate. (2) Emphasize the 'sole reason' / 'no reason other than' language from the supplied text, which is a demanding causation standard the opposing brief omits and which may not be satisfied on the facts. (3) Note that Sabine Pilot describes the exception as 'very narrow,' a characterization the response can use to resist expansion. Overall the citation is solid but soft on the 'required' framing — useful for a targeted attack, not a frontal one.

Methodology & Limitations

This assessment is grounded solely in authority text retrieved from public sources (CourtListener, Cornell LII, the eCFR, and Google Scholar). Each citation's use is evaluated against the authority text actually retrieved for it — not against any model's prior knowledge of the cited case. Where an authority could not be retrieved, or where the retrieved authority did not match the cited locator, no characterization of the cited authority's holding, status, or subject matter is offered; such citations are flagged for independent verification rather than described. This report is an analytical aid for the responding attorney, not legal advice, and every finding should be independently verified against the primary source before it is relied upon.