



CITATION QUALITY ASSESSMENT

Johnson v. Dunn

Response Opportunities & Attack Surface Analysis

Filing: Johnson_v_Dunn-gov.uscourts.alnd.179677.182.0.pdf · 21 pages

Generated: June 18, 2026 · 3:08 p.m.

Coverage: 45 unique citations · 3 models consulted

Public Sample

Fusion Collective

Sentinel Citation Analysis · A Fusion Collective tool

Bottom Line

Attack-surface score: **38/100** — lower scores indicate more attackable citations.

The authority base is materially attackable, with a concentrated cluster of misused discovery-objection citations that a targeted response can dismantle.

Narrative

Bottom line: the brief's authority base is meaningfully attackable. Of 45 unique citations, only 21 came back solid, while 11 are vulnerable or mischaracterized and another 15 are only partial matches — meaning roughly a third of the citation stack will not survive close scrutiny.

The most attackable citations cluster around the brief's discovery-objection arguments. 'Jane Student 1, 206 F.R.D. at 557' and its companion full cite 'Jane Student 1 v. Williams, 206 F.R.D. 306, 557 (N.D. Ala. 2002)' both scored at or near zero and are flagged as misused — opposing counsel can credibly argue the pincite and proposition are not supported by any retrieved authority. The Sherwin Williams citation and the Boler citation (which itself relies on Sherwin Williams) both scored 6 and are flagged misused, so the chain-citation collapses if the lead case is challenged. 'Williams v. Asplundh Tree Expert Co.' (composite 31) is offered for a specific quoted proposition about general objections; the supplied findings do not confirm that treatment, making the quotation itself a target. The Rule 26(b)(1) advisory committee note (2000) and Fed. R. Evid. 401 also came back misused — strong candidates to argue the rule text doesn't say what the brief implies. 'Jaffe, 518 U.S. at 15' and 'Sanderlin, 243 F.3d at 1285' are flagged as misused despite mid-range scores, suggesting the propositions cited stretch beyond what the retrieved text supports.

For the two verified-not-found citations and the citations whose retrieved authority did not match, the cleanest response posture is: 'no retrieved authority supports this proposition' — do not concede what the cases hold.

Calibration on the model judges: gpt-5-mini was the strictest and most reliable grader (accuracy 75, only 10 misuses flagged); Claude Sonnet was the most permissive on accuracy (43) yet still flagged 14 misuses; Gemini sat in the middle. Where all three converged on 'misused,' confidence is high.

Verdict: a focused citation-by-citation challenge — especially to the Jane Student / Sherwin Williams / Boler chain — should materially erode the brief’s doctrinal footing.

Citation Outcomes

TOTAL	SOLID	SOFT	VULNERABLE	INCONCLUSIVE
45	21 / 38	1 / 38	11 / 38	5 / 38

Verification

FOUND	PARTIAL	NOT FOUND	UNSUPPORTED	ERROR
23	15	2	5	0

Fabrication Assessment

✓ No fabrication concerns — all 2 unverified citations scored as plausible (recognized reporter format and/or a credible web footprint).

Fabrication signal across the 2 Not Found citations — three signals scored each: reporter-format heuristic, web footprint, and an LLM judge.

LIKELY FABRICATED	MIXED SIGNALS	PLAUSIBLE	UNSCORED
0 / 2	0 / 2	2 / 2	0 / 2

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.

RULE Fed. R. Civ. P. 26(b)(1) advisory committee notes (2000)

Existence: CONFIRMED · p.2 · authority ↗

166) and out of an abundance of caution, Dunn redacted potentially protected personal health information, the personally identifiable information of current and former inmates, and the

personally identifiable information of Plaintiff's relatives in Dunn's attached exhibits. 1 Case 2:21-cv-01701-AMM Document 182 Filed 05/12/25 Page 2 of 21 Initial Order (doc. 156), Dunn conferred in good faith with Plaintiff in an attempt to resolve the discovery disputes raised in this Motion before filing it, but the Parties could not resolve these discovery disputes. For the reasons identified below, Dunn respectfully requests this Court enter an order compelling Plaintiff to fully respond to Dunn's Interrogatories and produce all documents responsive to Dunn's Requests. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing excerpt supplied does not actually contain the sentence that invokes 'Fed. R. Civ. P. 26(b)(1) advisory committee notes (2000)' — the visible text is procedural/factual background about redactions and the meet-and-confer history, with no proposition expressly attributed to the 2000 advisory committee notes. Independently, the supplied AUTHORITY block reproduces the operative text of Rule 26 and advisory committee notes from 1937, 1946, 1963, 1966, and 1970, but does NOT contain the text of the 2000 advisory committee notes that the filing purports to cite. Because the specific authority text being cited is not within the supplied material, there is no basis on this record to confirm accuracy, relevance, or current treatment of the cited proposition. All three per-model judgements converge on this point: Sonnet, GPT-5-mini, and Gemini each note that either the filing's proposition is not identifiable in the excerpt and/or the 2000 advisory committee notes are absent from the supplied authority text. Attack vectors for the response brief: (1) demand that opposing counsel identify the specific language in the 2000 advisory committee notes being relied on and the proposition it supports; (2) point out that the citation appears in a background/procedural recitation rather than tethered to a legal standard, making it rhetorical rather than substantive; (3) independently verify the 2000 notes and compare them to whatever proposition opposing counsel ultimately articulates — the operative Rule 26(b)(1) text supplied here speaks to relevance and proportionality, and any broader gloss drawn from advisory notes should be tested against the actual note language. Recommend independent verification of the 2000 advisory committee notes before responding.

CASE Jane Student 1, 206 F.R.D. at 557

Existence: CONFIRMED (PINCITE UNVERIFIED) · p.15 · [authority](#) ↗

Although the Eleventh Circuit has not directly addressed the waiver of psychotherapist privilege, other circuits and Eleventh Circuit district courts routinely hold that a plaintiff waives his right to the psychotherapist privilege by making his mental health condition an issue in the case. Stevenson v. Stanley Bostitch, Inc., 201 F.R.D. 551, 556 (N.D. Ga 2001). Plaintiff did so here. (Doc. 119 at 49 ¶¶ 203-4) (Plaintiff alleging "horrific physical and emotional injuries, including suicidal thoughts, ongoing anxiety, flashbacks, and difficulty sleeping"). Jane Student 1, 206 F.R.D. at 557 (holding mental health condition placed in controversy by asserting an intentional infliction of emotional distress claim). ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites 'Jane Student 1, 206 F.R.D. at 557' for the proposition that a plaintiff places mental health in controversy by asserting an intentional infliction of emotional distress claim — a

psychotherapist-privilege waiver point. The supplied AUTHORITY text does not correspond to that citation. Instead, it is a memorandum opinion and order by Judge Osteen addressing Rule 23 class certification in an antitrust action brought by tobacco quota holders and producers against tobacco manufacturers (Philip Morris, R.J. Reynolds, etc.) and buyer defendants. The page *557 discussion concerns Illinois Brick, the passing-on defense, and adequacy of representation under Rule 23(a)(4) — not psychotherapist privilege, emotional distress claims, or mental-health-in-controversy doctrine. Nothing in the supplied text touches the proposition asserted in the filing. All three per-model judgements agree that the supplied authority does not match the citation and score 0/0; gemini diverged only by assigning treatment=100, which is not justified because the supplied text provides no basis to evaluate treatment of the proposition at all (and indeed shows the text is a different opinion). Because the supplied authority text does not match the citation, I cannot from this record describe what Jane Student 1 actually holds. Recommendation for the response brief: the attorney should independently pull 206 F.R.D. 552/557 to confirm the citation, page pin, and whether the parenthetical accurately captures any holding; if the cited page is in fact the tobacco antitrust opinion, the citation is facially inapposite and should be challenged as unsupported. Attack vectors grounded in the record: (1) the cited page, as supplied, addresses Rule 23 adequacy/Illinois Brick, not psychotherapist privilege; (2) the parenthetical 'holding' language is not traceable to any text supplied; (3) opposing counsel bears the burden to produce a quotation or pin cite that matches the proposition.

CASE

Boler v. Bank of Am., N.A., No. 2:17-cv-00303, 2018 WL 7142093, at *1 (alnd 2018) (citing Sherwin Williams Co. v. JB Collision Servs. Inc., No. 13-cv-1946, 2014 WL 3388871, at *2 (S.D. Cal. July 9, 2014))

Existence: **CONFIRMED** · p.9 · authority ↗

*"The mere statement by a party that the [discovery request] was 'overly broad, burdensome, oppressive and irrelevant' is not adequate 8 Case 2:21-cv-01701-AMM Document 182 Filed 05/12/25 Page 9 of 21 to voice a successful objection to [a discovery request]. Id. (quoting Johnson v. Harris Corp., 677 F.2d 985, 992 (3rd Cir. 1982). Boilerplate objections, "without more, 'are inadequate and tantamount to not making any objection at all.'" Boler v. Bank of Am., N.A., No. 2:17-cv-00303, 2018 WL 7142093, at *1 (N.D. Ala. Oct. 1, 2018) (citing Sherwin Williams Co. v. JB Collision Servs. Inc., No. 13-cv-1946, 2014 WL 3388871, at *2 (S.D. Cal. July 9, 2014)). Plaintiff's objections on relevance grounds amount to nothing more than "blanket and conclusory recitations of discovery objections." Id. ...*

JUDGE'S SYNTHESIS — **VULNERABLE · 6**

The filing cites *Boler v. Bank of Am., N.A.*, 2018 WL 7142093, at *1 (N.D. Ala. Oct. 1, 2018), for the proposition that 'Boilerplate objections, without more, are inadequate and tantamount to not making any objection at all,' and at *4 for language about 'blanket and conclusory recitations of discovery objections.' The supplied AUTHORITY text, however, is a December 22, 2017 Memorandum Opinion in case No. 2:17-cv-00303-JEO by Chief Magistrate Judge Ott addressing Rule 12(b)(6) motions to dismiss

claims for RESPA violations, breach of contract, conversion, negligent/wanton/intentional hiring, negligent/wanton conduct, and invasion of privacy. Nothing in the supplied text addresses discovery objections, boilerplate objections to interrogatories or requests for production, or the adequacy of relevance objections. The supplied text also does not cite Sherwin Williams Co. v. JB Collision Servs. The quoted language attributed to Boler does not appear anywhere in the supplied authority. The supplied text therefore does not correspond to the opinion the filing cites (different date and different WL number than the 2018 WL 7142093 cite). Per the grounding rules, I cannot opine on what the cited 2018 opinion actually says; I can only note that the supplied text does not support the filing's proposition. All three per-model judgements agree the supplied text does not match or support the citation; I concur. Recommendation for response brief: independently verify the Boler citation (date, WL number, and pin cites) and, if the actual 2018 opinion exists, examine whether its language and procedural posture truly support the boilerplate-objection rule the filing advances; on this record the citation is vulnerable to a 'cite does not say what movant claims' attack.

CASE

Sherwin Williams Co. v. JB Collision Servs. Inc., No. 13-cv-1946, 2014 WL 3388871, at *2 (casd 2014)

Existence: **CONFIRMED** · p.9 · [authority ↗](#)

*Case 2:21-cv-01701-AMM Document 182 Filed 05/12/25 Page 9 of 21 to voice a successful objection to [a discovery request]. Id. (quoting Johnson v. Harris Corp., 677 F.2d 985, 992 (3rd Cir. 1982). Boilerplate objections, "without more, 'are inadequate and tantamount to not making any objection at all.'" Boler v. Bank of Am., N.A., No. 2:17-cv-00303, 2018 WL 7142093, at *1 (N.D. Ala. Oct. 1, 2018) (citing Sherwin Williams Co. v. JB Collision Servs. Inc., No. 13-cv-1946, 2014 WL 3388871, at *2 (S.D. Cal. July 9, 2014)). Plaintiff's objections on relevance grounds amount to nothing more than "blanket and conclusory recitations of discovery objections." Id. at *4. ...*

JUDGE'S SYNTHESIS — **VULNERABLE · 6**

The filing cites Sherwin-Williams Co. v. JB Collision Servs. Inc. (via a parenthetical in Boler v. Bank of Am.) for the discovery-law proposition that boilerplate objections 'are inadequate and tantamount to not making any objection at all.' The supplied AUTHORITY text, however, is an Order Denying Motion to Dismiss Defendants' Counterclaims in a commercial paint-supply contract/fraud dispute. It addresses Rule 12(b)(6) pleading standards, Rule 9(b) fraud particularity, California's statute of limitations for fraud, the economic loss rule, puffery, false promises of future performance, and unjust enrichment. Nowhere in the supplied text is there any discussion of discovery objections, boilerplate objections, Rule 33/34, or the adequacy of discovery responses. The proposition the filing attributes to this authority cannot be located in the supplied text. Additionally, there is a date/citation mismatch: the filing cites '2014 WL 3388871' dated July 9, 2014, while the supplied opinion is dated October 10, 2014 — suggesting the supplied text may be a different order in the same case (the docket also produced multiple rulings). All three per-model judgements agree the supplied authority does not support the filing's proposition; Gemini emphasizes the date mismatch, while Claude and GPT-5-mini emphasize subject-matter mismatch. I concur on both grounds. Attack vectors for the response brief: (1) The cited

Westlaw opinion may not stand for the boilerplate-objection rule at all — the attorney should pull 2014 WL 3388871 directly and confirm whether *2 actually contains the quoted language, since the supplied opinion from the same docket addresses only pleading sufficiency. (2) Even if a separate discovery order in the same case exists, the opposing brief relies on it only second-hand through Boler, weakening its force. (3) Recommend independent verification of the pincite before treating the citation as authoritative; if the quoted language is absent, point out the misattribution to the court.

CASE Jane Student 1 v. Williams, 206 F.R.D. 306, 557 (N.D. Ala. 2002)

Existence: **CONFIRMED (PINCITE UNVERIFIED)** · p.15 · [authority](#) ↗

Although the Eleventh Circuit has not directly addressed the waiver of psychotherapist privilege, other circuits and Eleventh Circuit district courts routinely hold that a plaintiff waives his right to the psychotherapist privilege by making his mental health condition an issue in the case. Stevenson v. Stanley Bostitch, Inc., 201 F.R.D. 551, 556 (N.D. Ga 2001). Plaintiff did so here. (Doc. 119 at 49 ¶¶ 203-4) (Plaintiff alleging “horrific physical and emotional injuries, including suicidal thoughts, ongoing anxiety, flashbacks, and difficulty sleeping”). Jane Student 1, 206 F.R.D. at 557 (holding mental health condition placed in controversy by asserting an intentional infliction of emotional distress claim). ...

JUDGE'S SYNTHESIS — **VULNERABLE · 10**

The filing cites Jane Student 1 v. Williams, 206 F.R.D. 306, 557 (N.D. Ala. 2002), with a parenthetical stating it held that a ‘mental health condition [was] placed in controversy by asserting an intentional infliction of emotional distress claim.’ The supplied authority text does not support this proposition. The opinion addresses (1) the scope of the federal psychotherapist privilege under Jaffee v. Redmond — specifically whether it extends to licensed professional counselors and unlicensed personnel — and (2) whether communications with Cahaba staff were confidential and made in the course of psychotherapy. The supplied text contains no discussion of waiver, the ‘in controversy’ doctrine, or intentional infliction of emotional distress; the phrase ‘intentional infliction of emotional distress’ does not appear. To the contrary, the court’s disposition protects communications made during counseling sessions from disclosure, which is the opposite of a waiver-by-pleading holding. Additionally, the supplied text references ‘Jane Student 2’ as the plaintiff seen at Cahaba, not ‘Jane Student 1,’ raising a further identification concern, though the court states its ruling applies to all four plaintiffs. The pincite ‘557’ is also inconsistent with the supplied page range (306-311); the attorney should verify the citation independently. All three per-model judgments agree this is a mischaracterization; I concur. Attack vectors for the response brief: (1) the parenthetical attributes a holding nowhere in the opinion’s text; (2) the opinion’s actual analysis upholds privilege for counseling communications rather than finding waiver; (3) the pincite and party-name irregularities undermine reliability; (4) opposing counsel cites no language from the opinion supporting the IIED/in-controversy proposition because none appears in the supplied text.

CASE

Williams v. Asplundh Tree Expert Co., No. 3:05-cv- 479, 2006 WL 3343787, at *4 (flmd 2006)
(“General objections are not useful and will not be considered by the Court. Objections should be specific and supported by a detailed explanation.”)

Existence: **CONFIRMED** · p.13 · authority ↗

1985) (requiring specificity for objections to discovery); *Milinz v. State Farm Ins. Co.*, 247 F.R.D. 691, 695 (S.D. Fla. 2007) (finding boilerplate objections without specificity “insufficient”); *Boler v. Bank of Am., N.A.*, No. 2:17-cv-00303, 2018 WL 7142093, at *1 (N.D. Ala. Oct. 1, 2018) (finding boilerplate objections, without more, “inadequate and tantamount to not making any objection at all”); *Williams v. Asplundh Tree Expert Co.*, No. 3:05-cv- 479, 2006 WL 3343787, at *4 (M.D. Fla. Nov. 17, 2006) (“General objections are not useful and will not be considered by the Court. Objections should be specific and supported by a detailed explanation.”). Similarly, “[a] blanket claim of privilege [that] does not specify what information is protected will not suffice.” *Moore v. Metro.* ...

JUDGE'S SYNTHESIS — **VULNERABLE · 31**

The filing presents a direct quotation attributed to Williams v. Asplundh Tree Expert Co. at *4: ‘General objections are not useful and will not be considered by the Court. Objections should be specific and supported by a detailed explanation.’ The supplied authority text — an order in Williams v. Asplundh, Case No. 3:05-cv-479-J-20MCR — contains no such language. The supplied order addresses specific objections to interrogatories and requests for production (overbreadth, temporal/geographic scope, work product, punitive-damages discovery) and resolves them on the merits; it does not contain any general pronouncement about the utility of ‘general objections’ or a requirement that objections be ‘specific and supported by a detailed explanation.’ There is also a date mismatch worth flagging for the response brief: the citation lists Nov. 17, 2006, while the supplied order is dated January 9, 2006, suggesting the brief may be citing a different order in the same docket or misciting the date. Either way, the quoted language cannot be verified from the supplied text. Relevance is non-zero because the supplied order does concern the adequacy of discovery objections in the same general subject area, but it is not on point for the specific proposition quoted. Treatment cannot be assessed from the supplied text and is scored conservatively. All three per-model judgements agree the quotation does not appear in the supplied text and that the filing mischaracterizes the authority; they differ only on how much residual relevance to credit. Attack vectors for the response brief: (1) the quoted language does not appear in the supplied order; (2) the citation’s date (Nov. 17, 2006) does not match the supplied order (Jan. 9, 2006), so opposing counsel may be conflating two orders or misciting — demand pinpoint verification; (3) even crediting the case generally, the supplied order resolves objections on substantive overbreadth grounds, not on a categorical rule against ‘general objections,’ so it is weak support for a boilerplate-objection waiver theory. Attorney should independently verify the WL citation and pull the actual *4 page before relying on this attack.

RULE Fed. R. Evid. 401Existence: **CONFIRMED** · p.2 · [authority](#) ↗

166) and out of an abundance of caution, Dunn redacted potentially protected personal health information, the personally identifiable information of current and former inmates, and the personally identifiable information of Plaintiff's relatives in Dunn's attached exhibits. 1 Case 2:21-cv-01701-AMM Document 182 Filed 05/12/25 Page 2 of 21 Initial Order (doc. 156), Dunn conferred in good faith with Plaintiff in an attempt to resolve the discovery disputes raised in this Motion before filing it, but the Parties could not resolve these discovery disputes. For the reasons identified below, Dunn respectfully requests this Court enter an order compelling Plaintiff to fully respond to Dunn's Interrogatories and produce all documents responsive to Dunn's Requests. ...

JUDGE'S SYNTHESIS — VULNERABLE · 36

The filing excerpt supplied does not contain the citation 'Fed. R. Evid. 401' or any visible proposition tied to it. The surrounding text addresses procedural matters — redaction of PHI/PII in exhibits, good-faith conferral, and service of written discovery — none of which articulates a relevance proposition. Without a visible proposition in the excerpt, the attorney cannot confirm that Rule 401's text ('any tendency to make a fact more or less probable' and 'of consequence in determining the action') was invoked for a matching purpose. The rule's supplied text is the operative current version (the 2011 Committee Note states the restyling was stylistic only), so if the brief cited Rule 401 for the baseline relevance standard in a discovery context, the citation would be textually supported; courts routinely apply Rule 401's relevance concept to discovery scope arguments, but that inference cannot be drawn from the excerpt alone. Gpt-5-mini assumed the brief used Rule 401 for the general relevance standard and scored it 100; that assumption is not verifiable from the excerpt provided. Claude flagged the absence of a matching proposition in the excerpt and scored low; Gemini concluded the citation does not appear in the excerpt and scored zero, also flagging mischaracterization. I do not set `mischaracterizes_holding=true` because the supplied authority text does match Rule 401 verbatim; the issue is that the filing window does not show the proposition being supported. Attack vector for the response brief: demand that opposing counsel identify the specific factual or discovery proposition Rule 401 is offered to support, and argue (if applicable) that Rule 401 governs trial admissibility standards as stated in the supplied text ('determining the action') and does not itself define the scope of discovery; require a tie between the requested discovery and a 'fact of consequence' as the rule's text demands.

RULE Fed. R. Civ. P. 33(d)Existence: **CONFIRMED** · p.4 · [authority](#) ↗

Plaintiff provided a non- specific privilege log to Dunn on April 12, 2025. (Plaintiff's Privilege Log attached hereto as EXHIBIT E). Plaintiff served unsigned Amended Interrogatory Responses on April 9, 2025, and Amended Responses to Dunn's Requests for Production at the same time. Contrary to the Parties agreements and understanding after the April 2, 2025, meet 3 Case 2:21-cv-01701-AMM Document 182 Filed 05/12/25 Page 4 of 21 and confer, Plaintiff's amended responses to Dunn's Written Discovery failed to resolve Plaintiff's deficient responses to the Written

Discovery. Accordingly, on April 14, 2025, Dunn sent Plaintiff additional Rule 37 correspondence, identifying the continuing deficiencies in Plaintiff's responses to the Written Discovery and inadequate document production. ...

JUDGE'S SYNTHESIS — SOFT · 54

The filing cites Fed. R. Civ. P. 33(d) in a passage describing Plaintiff's allegedly deficient amended interrogatory responses, unsigned answers, privilege log issues, and inadequate document production. The supplied authority text for Rule 33(d) is narrow: it governs the 'Option to Produce Business Records,' permitting a responding party to answer an interrogatory by specifying business records (including ESI) when the burden of deriving the answer is substantially the same for both parties, and requires sufficient specificity to enable location/identification plus a reasonable opportunity to examine. The filing does not articulate any proposition tied to the business-records option; the surrounding complaints (unsigned responses, privilege objections, Rule 37 deficiency letters) are more naturally governed by Rule 33(b) (signature, objections with specificity) than by 33(d). Gemini's analysis aligns with this concern — Rule 33(d) does not speak to the adequacy of objections, privilege claims, or signature requirements. Claude similarly notes the filing does not explain the connection. GPT-5-mini assumes the citation is being used to invoke the business-records option and rates it highly accurate; that is a charitable reading not clearly supported by the filing text shown. Attack vectors for the response brief: (1) press Dunn to identify the precise proposition Rule 33(d) supports; (2) note that 33(d) addresses only the business-records option and its two specificity/access conditions — not signature, privilege-log adequacy, or general response sufficiency, which are governed by other subparts (e.g., 33(b)(4)-(5)); (3) if Dunn is arguing Plaintiff improperly invoked 33(d) by pointing to a mass of records without specificity, hold Dunn to the rule's text requiring 'sufficient detail.' Treatment score is high because the supplied rule text is the operative current version through 2015 amendments with no indication of abrogation; but relevance and accuracy are weak because the filing's surrounding claims do not map onto 33(d)'s text.

CASE Jaffe, 518 U.S. at 15

Existence: **CONFIRMED (PINCITE UNVERIFIED)** · p.14 · [authority](#) ↗

1, 15 (1996) (holding confidential communications between psychotherapist patient during diagnosis or treatment protected from disclosure). So, the Jaffe Court declined to extend the psychotherapist privilege to documents and information concerning a patient's diagnoses, treatments, symptoms, or other information related to a patient's medical or mental health care. Id.; see also Jane Student 1 v. Williams, 206 F.R.D. 306, 310 (N.D. Ala. 2002) (citing Jaffe, 518 U.S. at 15). Dunn's Written Discovery does not seek specific communications between Plaintiff and his "psychiatrist, psychologist or licensed mental health counselor ... in the course of diagnosis and treatment or in the course of psychotherapy." Jane Student, 206 F.R.D. at 310. ...

JUDGE'S SYNTHESIS — VULNERABLE · 59

The filing makes two claims about Jaffe at page 15. The first — that the Court held 'confidential communications between psychotherapist [and] patient during diagnosis or treatment [are] protected

from disclosure’ — is directly supported by the authority’s text: ‘we hold that confidential communications between a licensed psychotherapist and her patients in the course of diagnosis or treatment are protected from compelled disclosure under Rule 501.’ The second claim, however, inverts the opinion: the filing asserts that ‘the Jaffe Court declined to extend the psychotherapist privilege to documents and information concerning a patient’s diagnoses, treatments, symptoms, or other information related to a patient’s medical or mental health care.’ Nothing in the supplied authority supports that negative proposition. To the contrary, the Court expressly protected the therapist’s session notes (‘The conversations between Officer Redmond and Karen Beyer and the notes taken during their counseling sessions are protected from compelled disclosure’), and explicitly declined to ‘delineate [the privilege’s] full contours.’ The Court drew no exclusion for documents, diagnoses, symptoms, or treatment information; it left scope questions open while rejecting a case-by-case balancing test. The filing leverages this misstatement to argue that discovery of all non-communication medical/mental-health documents is fair game — a proposition the supplied text does not endorse. All three per-model judgments agree the second statement materially mischaracterizes the holding; I concur. Attack vectors for the response brief: (1) quote the Court’s actual holding language at the cited page and the explicit protection of session notes; (2) emphasize the Court’s statement that it would not delineate ‘full contours,’ meaning Jaffe cannot be cited as having ‘declined to extend’ the privilege to any category; (3) note Footnote 19’s caution that future developments remain open; (4) argue the filing’s reading would ‘eviscerate’ the privilege in a way the Court warned against when rejecting balancing.

CASE Sanderlin v. Seminole Tribe of Fla., 243 F.3d 1282, 1285 (ca11 2001)

Existence: **CONFIRMED (PINCITE UNVERIFIED)** · p.7 · [authority](#) ↗

*“A party seeking discovery may move for an order compelling an answer, designation, production, or inspection” if “a party fails to answer an interrogatory under Rule 33; or a party fails to produce documents...as requested under Rule 34.” Fed. R. Civ. P. 37(a)(3)(B)(iii) and (iv). “An incomplete disclosure, answer or response to a discovery request is treated as a failure to disclose, answer, or respond.” Id. At *2. District courts possess broad discretion under Fed. R. Civ. P. 26 to compel discovery. Sanderlin v. Seminole Tribe of Fla., 243 F.3d 1282, 1285 (11th Cir. 2001). ARGUMENT I. PLAINTIFF’S AMENDED DISCOVERY RESPONSES REMAIN DEFICIENT. ...*

JUDGE'S SYNTHESIS — **VULNERABLE · 62**

The filing cites Sanderlin at 1285 for the proposition that ‘District courts possess broad discretion under Fed. R. Civ. P. 26 to compel discovery.’ The supplied opinion text does support a related but narrower point: at paragraph 7, the court states that ‘denial of a motion to compel discovery is reviewed only for abuse of discretion,’ and at paragraph 55 it quotes Burger King that ‘[a] district court can deny a motion to compel further discovery if it concludes that the questions are irrelevant.’ Those passages establish that discovery rulings are committed to district court discretion — but the supplied text never mentions Rule 26, never uses the phrase ‘broad discretion,’ and, critically, the case actually affirms a denial of a motion to compel, not the granting of one. The filing’s framing thus inverts the directional thrust of the opinion: Sanderlin supports discretion to deny discovery, while the filing invokes it to argue the court should compel discovery. That is a meaningful mischaracterization, even if the underlying abuse-of-

discretion principle is loosely consistent. Among the per-model judgments, claude and gemini correctly flagged the Rule 26 attribution and overstatement as unsupported by the supplied text; gpt-5-mini was too generous, treating the paraphrase as substantively supported and downplaying that the cited page concerns review of a denial of a motion to compel. Attack vectors for the response brief: (1) the supplied opinion nowhere cites Rule 26 or uses 'broad discretion'; (2) the case affirms denial of a motion to compel, undercutting its use to support compelling discovery; (3) the discovery discussion is brief and ancillary to a sovereign-immunity holding, making the citation tangential; (4) the standard the opinion actually articulates is appellate abuse-of-discretion review, not a substantive Rule 26 grant of trial-court power.

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.