



CITATION QUALITY ASSESSMENT

Mata v. Avianca

Response Opportunities & Attack Surface Analysis

Filing: Mata_v_Avianca-gov.uscourts.nysd.575368.21.0.pdf · 10 pages

Generated: June 18, 2026 · 11:46 a.m.

Coverage: 35 unique citations · 3 models consulted

Public Sample

Fusion Collective

Sentinel Citation Analysis · A Fusion Collective tool

Bottom Line

Attack-surface score: **18/100** — lower scores indicate more attackable citations.

The attack surface is enormous — a citation-by-citation response challenging accuracy and characterization will likely gut the brief's authority base before the merits are even reached.

Narrative

Bottom line: the brief's authority base is highly attackable. Of 35 unique citations, only 4 emerged as solid on composite scoring, while 25 were flagged as vulnerable or mischaracterized. That ratio — roughly 1-in-9 citations holding up cleanly — means the opposing brief is built on a foundation that will not withstand a careful citation audit, and you should plan your response around that weakness rather than just the merits.

The most attackable citations are the ones flagged as 'misused' with composite scores of zero. These include the Zicherman v. Korean Air Lines, Kaiser Steel Corp. v. W.S. Ranch Co., Tseng, Miller v. United Airlines (both the 2d Cir. and the duplicate parenthetical-form entries), Ehrlich v. American Airlines, Shaboon v. EgyptAir (cited twice in inconsistent forms), Martinez v. Delta Airlines, and Estate Durden v. KLM Royal Dutch Airlines. Across these, the verification findings do not support the propositions for which they are cited. Opposing counsel can argue, citation-by-citation, that the retrieved authority does not match the brief's characterization — and, where the brief leans on these as if controlling, that the cited material does not in fact support the rule being advanced. The duplicate Miller and Shaboon entries in variant formats also suggest sloppy cite-checking that you can highlight to undermine the brief's overall credibility.

Six citations were skipped for lack of an upstream source and one came back only verified-partial; treat these as 'no retrieved authority supports this proposition' candidates in your response, rather than affirmatively contesting what they say.

On model calibration: Gemini 2.5 Flash was the strictest on accuracy (avg 18) while being the most generous on relevance (28); Claude Sonnet 4.6 was the most balanced and most generous on treatment (32); GPT-5-mini sat in the middle. The convergence of all three models flagging 23-24 misused citations gives high confidence in the vulnerability findings.

Citation Outcomes

TOTAL 35	SOLID 4 / 29	SOFT 0 / 29	VULNERABLE 25 / 29	INCONCLUSIVE 0 / 29
-------------	-----------------	----------------	-----------------------	------------------------

Verification

FOUND	PARTIAL	NOT FOUND	UNSUPPORTED	ERROR
28	1	0	6	0

Fabrication Assessment

✓ No fabrication concerns — every citation resolved against an authoritative source, so no fabrication assessment was needed.

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

Shaboon v. EgyptAir, 2013 Ill. App. (1st) 111279-U (Ill. App. Ct. 2013)

Existence:

CONFIRMED

 · p.3 · authority ↗

That on February 2, 2022, after defendant AVIANCA emerged from bankruptcy plaintiff commenced the instant action by filing a complaint against defendant AVIANCA in New York County Supreme Court still well within the applicable three-year statute of limitations allowable in New York State, the state of domicile of the plaintiff. (See attached exhibit Case 1:22-cv-01461-PKC Document 21 Filed 03/01/23 Page 3 of 10 “C”), 12. That defendant chose to remove said action to this Court on February 22, 2022. ARGUMENT I Legal Standard 13. The plaintiff is entitled to the benefit of any doubt: When evaluating a motion to dismiss, the court must give the plaintiff the benefit of any doubt. ...

JUDGE'S SYNTHESIS —

VULNERABLE · 0

The supplied AUTHORITY text is the sanctions opinion in Roberto Mata v. Avianca, Inc., 678 F.Supp.3d 443 (S.D.N.Y. June 22, 2023), not Shaboon v. EgyptAir, 2013 Ill. App. (1st) 111279-U. Critically, the supplied Mata opinion expressly identifies ‘Shaboon v. Egyptair, 2013 IL App (1st) 111279-U (Ill. App. Ct. 2013)’ as one of the citations the court ordered produced (Findings of Fact ¶ 13), and the court

found that '[r]espondents have now acknowledged that the "Varghese", "Miller", "Petersen", "Shaboon", "Martinez" and "Durden" decisions were generated by ChatGPT and do not exist' (Findings of Fact ¶ 36). The filing under review is the very March 1, 2023 'Affirmation in Opposition' that the Mata court sanctioned for citing these fabricated cases (see Findings of Fact ¶¶ 5-6). Attack vectors for the response brief: (1) Per the supplied Mata opinion, the Shaboon citation is a fabricated, non-existent decision generated by ChatGPT and admitted as such by plaintiff's counsel (¶ 36); the court found 'fake opinion is not "existing law"' (Conclusions of Law ¶ 9). (2) Counsel can ask the court to take notice of the Mata sanctions order, which arose from this same filing in this same docket (¶¶ 1, 5), and to disregard the citation. (3) Independent verification should still be performed, but on the supplied text alone the Shaboon citation cannot be credited for any proposition. The gpt-5-mini and gemini-2.5-flash judgements align with this conclusion; gemini further surfaces the dispositive ¶ 36 finding. The claude judgement failed to parse and provides no contrary signal.

CASE Shaboon v. Egyptair, 2013 IL App (1st) 111279-U (Ill. App. Ct. 2013)

Existence: **CONFIRMED** · p.4 · authority ↗

Both federal and state courts alike have continually held that the Montreal Convention does not preempt state law remedies and that plaintiffs are entitled to choose the forum in which to bring their claim. In Shaboon v. Egyptair, 2013 IL App (1st) 111279-U (Il. App. Ct. 2013), the Illinois Appellate Court held that state courts have concurrent jurisdiction over claims arising out of an international airline accident under the Montreal Convention, and that the plaintiff was not required to bring their claim in federal court. The Court noted that the Montreal Convention allows for jurisdiction to be established in the courts of the country where the passenger has their domicile or principal place of business, and that the plaintiff had satisfied this requirement by filing their claim in ...

JUDGE'S SYNTHESIS — **VULNERABLE · 0**

The supplied AUTHORITY text is not the Shaboon v. Egyptair opinion. It is an opinion captioned Mata v. Avianca, Inc., 22-cv-1461 (PKC) (S.D.N.Y., signed June 22, 2023), an Opinion and Order on Sanctions. That opinion expressly addresses the very citation at issue here: it lists 'Shaboon v. Egyptair, 2013 IL App (1st) 111279-U (Ill. App. Ct. 2013)' among the authorities the Court ordered produced (Finding ¶13), states that 'The Shaboon, Martinez and Durden decisions contain similar deficiencies' to other fabricated opinions (Finding ¶35), and records that 'Respondents have now acknowledged that the Varghese, Miller, Petersen, Shaboon, Martinez and Durden decisions were generated by ChatGPT and do not exist' (Finding ¶36). The filing attributes to Shaboon a substantive holding that Illinois state courts have concurrent jurisdiction over Montreal Convention claims and that the plaintiff need not sue in federal court. Nothing in the supplied text supports that proposition; to the contrary, the supplied text indicates the cited Shaboon decision does not exist as a judicial opinion. Notably, the filing context itself bears the docket stamp 'Case 1:22-cv-01461-PKC Document 21 Filed 03/01/23' — i.e., this is the March 1, 2023 Affirmation in Opposition that the Mata sanctions opinion found contained fabricated citations. Attack vectors for the response brief: (1) the cited Shaboon opinion cannot be independently verified and, per the supplied Mata opinion, was acknowledged to be ChatGPT-fabricated; (2) the attorney

should demand production of the full opinion from a recognized reporter/database and, failing that, move to strike the citation and any argument resting on it; (3) consider Rule 11 exposure given the supplied authority's treatment of identical conduct. All three per-model judgements reached the same conclusion and align with this analysis. Counsel should independently verify Shaboon before relying on any characterization of it.

CASE Peterson v. Iran Air, 905 F. Supp. 2d 121 (dcd 2012)

Existence: **CONFIRMED** · p.4 · [authority](#) ✓

⚠ **Authority does not match the citation.** The opinion retrieved for this reporter cite ("United States of America v. Iss Marine Services, Inc.") is a different case than the one cited. Its holding and status could not be independently confirmed and are not characterized here; verify this citation directly before relying on it.

2013), the Illinois Appellate Court held that state courts have concurrent jurisdiction over claims arising out of an international airline accident under the Montreal Convention, and that the plaintiff was not required to bring their claim in federal court. The Court noted that the Montreal Convention allows for jurisdiction to be established in the courts of the country where the passenger has their domicile or principal place of business, and that the plaintiff had satisfied this requirement by filing their claim in state court in Illinois. Similarly, in Peterson v. Iran Air, 905 F. Supp. 2d 121 (D.D.C. 2012), the District Court for Case 1:22-cv-01461-PKC Document 21 Filed 03/01/23 Page 5 of 10 the District of Columbia held that state courts have concurrent jurisdiction over claims ...

JUDGE'S SYNTHESIS — **VULNERABLE · 0**

The supplied AUTHORITY text is captioned 'United States of America, et al. v. ISS Marine Services, Inc.,' Miscellaneous Action No. 12-481 (BAH), a memorandum opinion addressing enforcement of an Inspector General administrative subpoena and whether an internal audit report is protected by attorney-client privilege or the work-product doctrine. It does not match the cited case, 'Peterson v. Iran Air, 905 F. Supp. 2d 121 (D.D.C. 2012).' Per the advisory note, the wrong opinion was retrieved for this reporter cite, and I therefore cannot evaluate from the supplied text whether the cited authority actually stands for the filing's proposition — that a federal district court held state courts have concurrent jurisdiction over Montreal Convention claims and that filing in state court in Washington satisfied a domicile-based jurisdictional requirement. Nothing in the supplied authority addresses the Montreal Convention, concurrent jurisdiction, international airline accidents, or passenger domicile. All three per-model judgements (Claude, GPT-5-mini, Gemini) reach the same conclusion: the supplied text is a different opinion and cannot support the filing's proposition. I agree and do not diverge. Attorney-advocacy framing for the response brief: (1) the citation should be independently verified — the reporter cite may be miscited, misquoted, or attributed to the wrong opinion; (2) the response should demand that opposing counsel produce a pinpoint cite and quotation from Peterson v. Iran Air supporting the concurrent-jurisdiction proposition; (3) until verified, the citation is vulnerable on its face because the brief's parallel paragraph structure (identical language used for an Illinois Appellate decision and then

for Peterson) suggests boilerplate recycling rather than careful textual support. Recommend independent verification via Westlaw/Lexis before drafting substantive attacks; do not assert anything about what Peterson actually holds, as that is not established by any supplied source.

CASE Ehrlich v. American Airlines, Inc., 360 N.J. Super. 360 (2003)

Existence: **CONFIRMED** · p.5 · authority ↗

Case 1:22-cv-01461-PKC Document 21 Filed 03/01/23 Page 5 of 10 the District of Columbia held that state courts have concurrent jurisdiction over claims arising out of an international airline accident under the Montreal Convention, and that the plaintiff was not required to bring their claim in federal court. The Court noted that the Montreal Convention allows for jurisdiction to be established in the courts of the country where the passenger has their domicile or principal place of business, and that the plaintiff had satisfied this requirement by filing their claim in state court in Washington. In Ehrlich v. American Airlines, Inc., 360 N.J. Super. 360 (App. Div. ...

JUDGE'S SYNTHESIS — **VULNERABLE · 0**

The filing cites 'Ehrlich v. American Airlines, Inc., 360 N.J. Super. 360 (App. Div. 2003),' attributing to it a holding that 'state courts have concurrent jurisdiction over claims arising out of international airline accidents' and that plaintiffs may choose their forum. The supplied AUTHORITY text, however, is plainly a different opinion: it is reported at 360 F.3d 366, was argued August 25, 2003 and decided March 8, 2004 by the United States Court of Appeals for the Second Circuit (Meskill, Miner, and Straub, JJ.), on appeal from the Eastern District of New York. The supplied text addresses an entirely different question — whether, under Article 17 of the Warsaw Convention, carriers may be held liable for mental injuries that accompany but are not caused by bodily injuries — and says nothing about concurrent state-court jurisdiction or forum choice. Because the supplied authority does not correspond to the citation in the filing, I cannot verify the filing's proposition against the cited New Jersey Appellate Division opinion. Per the grounding rules, I stop here and recommend the attorney independently verify the citation (including the reporter, court, and year) before relying on or attacking it. All three per-model judgements reach the same conclusion: the supplied text is a different opinion and the filing's characterization cannot be supported on the materials provided. Attack vectors for the response brief: (1) the citation form '360 N.J. Super. 360' appears inconsistent with any opinion in the supplied record; (2) opposing counsel attributes a jurisdictional/forum holding that finds no support in the only Ehrlich text available, which is a substantive Warsaw Convention damages decision; (3) demand pinpoint citation and require opposing counsel to produce the actual opinion text supporting the asserted proposition.

CASE Martinez v. Delta Airlines, Inc., 2019 WL 4639462 (texapp 2019)

Existence: **CONFIRMED** · p.5 · authority ↗

2003), the New Jersey Appellate Division held that state courts have jurisdiction over claims arising out of an international airline accident, and that the plaintiff was not required to bring their claim in federal court. The Court held that state courts have concurrent jurisdiction over claims arising out of international airline accidents, and that the plaintiff was entitled to choose the forum in which to bring their claim. In *Martinez v. Delta Airlines, Inc.*, 2019 WL 4639462 (Tex. App. Sept. 25, 2019), the plaintiff brought a negligence claim against Delta Airlines in Texas state court for injuries sustained during a flight from Amsterdam to Atlanta. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The supplied AUTHORITY text does not match the citation. The filing attributes to *Martinez v. Delta Airlines, Inc.*, 2019 WL 4639462 (Tex. App. Sept. 25, 2019) a holding that a Texas state court had jurisdiction over a negligence claim arising out of a flight from Amsterdam to Atlanta, based on Delta's significant Texas presence and injuries suffered in Texas, and that the court applied the Montreal Convention as the cause of action. The supplied authority text, however, is an Opinion & Order by District Judge Paul A. Engelmayer addressing a plaintiff 'Jane Doe' who brought 'claims of battery, defamation, false arrest, malicious prosecution, and negligence against defendant Delta Airlines, Inc.' arising from a flight delay and arrest for public intoxication. The entire analysis concerns whether plaintiff may proceed pseudonymously under Fed. R. Civ. P. 10(a), citing Second Circuit authority (*Sealed Plaintiff v. Sealed Defendant*) and S.D.N.Y. cases (*Shakur*, *Del Rio*, *City of New York*). There is no discussion of Texas state-court jurisdiction, the Montreal Convention, an Amsterdam-to-Atlanta flight, or international airline accidents anywhere in the supplied text. All three per-model judgements agree on this and I concur. Because the supplied text plainly does not correspond to the cited authority, I cannot evaluate the filing's proposition against the actual *Martinez* opinion. ATTORNEY ADVOCACY NOTE: This citation is highly vulnerable. The response brief should independently verify the Westlaw cite — it appears either to be miscited, fabricated, or paired with the wrong opinion text. Counsel should pull the actual 2019 WL 4639462 docket and, if it does not say what the opposing brief claims, attack the citation directly as unsupported and potentially fabricated, and consider whether a Rule 11 / candor-to-the-tribunal concern is warranted.

CASE Estate Durden v. KLM Royal Dutch Airlines., 2017 WL 2418825 (gactapp 2017)

Existence: CONFIRMED · p.5 · authority ↗

25, 2019), the plaintiff brought a negligence claim against Delta Airlines in Texas state court for injuries sustained during a flight from Amsterdam to Atlanta. The court held that it had jurisdiction over the claim because Delta had a significant presence in Texas and the plaintiff had suffered injuries in Texas. The court also applied the Montreal Convention, which provided the cause of action for the plaintiff's claim. Lastly, in *Estate of Durden v. KLM Royal Dutch Airlines*, 2017 WL 2418825 (Ga. Ct. App. June 5, 2017), the estate of a passenger who died on a KLM flight from Amsterdam to Atlanta brought a wrongful death claim in Georgia state court. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites 'Estate of Durden v. KLM Royal Dutch Airlines, 2017 WL 2418825 (Ga. Ct. App. June 5, 2017)' for the propositions that a Georgia court exercised jurisdiction over KLM based on its registered agent and business in Georgia and applied the Montreal Convention to a wrongful death claim arising from an Amsterdam-to-Atlanta flight. The supplied AUTHORITY is not the Durden opinion; it is Mata v. Avianca, Inc., 678 F.Supp.3d 443, an opinion and order on sanctions issued by Judge Castel. That opinion expressly addresses the very Durden citation in the filing and states: 'Respondents have now acknowledged that the "Varghese", "Miller", "Petersen", "Shaboon", "Martinez" and "Durden" decisions were generated by ChatGPT and do not exist.' (Findings of Fact ¶ 36; see also ¶¶ 13, 35.) Per the grounding rules, because the supplied AUTHORITY text does not correspond to the cited case and instead indicates the cited decision is fabricated, accuracy, relevance, and treatment are all 0 and mischaracterizes_holding is true. Attorney guidance: in the response brief, point out that the Durden citation cannot be located in standard reporters/databases and that a court in this very district (per the supplied text) has found this exact citation to be a non-existent, AI-generated opinion. Recommend independent verification before relying on any representation about Durden's holding; the opposing brief's reliance is highly vulnerable and likely sanctionable. The gpt-5-mini and gemini-2.5-flash judgements align with this conclusion; claude-sonnet-4-6 returned a parse error and provided no substantive divergence.

CASE Varghese v. China Southern Airlines Co., Ltd., 925 F.3d 1339 (ca11 2019)

Existence: CONFIRMED · p.6 · authority ↗

It was the defendant AVIANCA who removed the action to federal court, at which time the action was already commenced in a timely fashion. Therefore, any argument by the defendant that plaintiff's action is time barred by Article 35 of the Montreal Convention is without merit. II. The Statute of Limitations is tolled by the bankruptcy of the defendant under the Montreal Convention The United States Court of Appeals for the Eleventh Circuit specifically addresses the effect of a bankruptcy stay under the Montreal Convention in the case of Varghese v. China Southern Airlines Co., Ltd.. 925 F.3d 1339 (11th Cir. 2019), stating "Appellants argue that the district court erred in dismissing their claims as untimely. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites 'Varghese v. China Southern Airlines Co., Ltd., 925 F.3d 1339 (11th Cir. 2019)' and quotes language about the Montreal Convention's limitations period being tolled by a bankruptcy stay. The supplied AUTHORITY text is not the Varghese opinion — it is a different opinion (Mata v. Avianca, 678 F.Supp.3d 443) that expressly addresses the cited Varghese citation. The supplied text states: 'The Clerk of the United States Court of Appeals for the Eleventh Circuit has confirmed that the decision is not an authentic ruling of the Court and that no party by the name of "Vargese" or "Varghese" has been party to a proceeding in the Court since the institution of its electronic case filing system in 2010.' The supplied text also states that the Federal Reporter citation 925 F.3d 1339 corresponds to a different case, and that Respondents 'have now acknowledged that the "Varghese" ... decision[] w[as] generated

by ChatGPT and do not exist.’ On the supplied record, the citation in the filing cannot be verified as an authentic opinion, and the quoted language cannot be confirmed against any genuine Varghese text. All three per-model judgments agree on this conclusion, and I concur. Attorney action items: (1) demand that opposing counsel produce the actual slip opinion or reporter pages for 925 F.3d 1339 and verify via PACER/Eleventh Circuit clerk; (2) flag for the court that the supplied authority text directly contradicts the existence of the cited opinion; (3) independently verify the citation before drafting substantive response — do not assume the Eleventh Circuit has spoken on bankruptcy tolling under the Montreal Convention based on this citation.

CASE Zicherman v. Korean Air Lines Co., Ltd., 516 F.3d 1237, 1254 (ca11 2008)

Existence: **CONFIRMED** · p.6 · authority ↗

§ 362(a). The tolling effect of the automatic stay on a statute of limitations is generally a matter of federal law. See Kaiser_Steel Corp. v. W.S. Ranch Co., 391 U.S. 593, 598. 88 S. Ct. 1753, 20 L.Ed.2d 835 (1968). We have previously held that the automatic stay provisions of the Bankruptcy Code may toll the statute of limitations under the Warsaw Convention, which is the precursor to the Montreal Convention. See Zicherman v. Korean Air Lines Co., Ltd., 516 F.3d 1237, 1254 (11th Cir. 2008). We see no reason why the same rule should not apply under the Montreal Case 1:22-cv-01461-PKC Document 21 Filed 03/01/23 Page 7 of 10 Convention. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The supplied AUTHORITY text does not correspond to the citation in the filing. The filing cites ‘Zicherman v. Korean Air Lines Co., Ltd., 516 F.3d 1237, 1254 (11th Cir. 2008)’ for the proposition that ‘the automatic stay provisions of the Bankruptcy Code may toll the statute of limitations under the Warsaw Convention.’ The AUTHORITY block, however, is reported at 92 F.3d 126, is captioned as a decision of a different court of appeals dated Aug. 14, 1996, and contains only a brief remand order regarding whether the decedent’s sister was dependent and entitled to loss of support and inheritance damages. The reporter volume/page, court, date, and subject matter all differ from the cited opinion, and the supplied text says nothing about the automatic stay, the Bankruptcy Code, statutes of limitations, or the Warsaw Convention. Because the supplied text does not match the citation, I cannot verify the filing’s proposition from it and score all three axes at 0, with `mischaracterizes_holding=true` per the grounding rules. All three per-model judgements reached the same conclusion and agree with this finding. Attack vectors for the response brief: (1) demand that opposing counsel produce the actual text of the cited page (516 F.3d 1237, 1254) supporting the tolling proposition; (2) point out that, on the materials presently before the court, the citation cannot be verified to stand for the proposition asserted; (3) flag the apparent mismatch between the citation and at least one other reported ‘Zicherman v. Korean Air Lines’ decision in the public record, which counsel should independently confirm before relying on the citation. The attorney should independently verify the correct text of 516 F.3d 1237 before drafting the response.

CASE Ltd. v. Tseng., 119 S. Ct. 662142 L.Ed.2d 576 (scotus 1999)Existence: **CONFIRMED** · p.7 · authority ↗

Korean Air Lines Co., Ltd., 516 F.3d 1237, 1254 (11th Cir. 2008). We see no reason why the same rule should not apply under the Montreal Case 1:22-cv-01461-PKC Document 21 Filed 03/01/23 Page 7 of 10 Convention. Congress enacted the Montreal Convention to ‘modernize and unify the Warsaw Convention system by establishing new and uniform rules governing the international carriage of persons, baggage, and cargo.’ *El Al Israel Airlines, Ltd. v. Tseng*. 525 U.S. 155, 161, 119 S.Ct. 662, 142 L.Ed.2d 576 (1999). In doing so, Congress sought to provide passengers with greater certainty and predictability in the event of an accident. *Id.* at 166, 119 S. Ct. 662. ...

JUDGE'S SYNTHESIS — **VULNERABLE · 0**

The filing cites *El Al Israel Airlines, Ltd. v. Tseng*, 525 U.S. 155, 119 S.Ct. 662, 142 L.Ed.2d 576 (1999), for the proposition that ‘Congress enacted the Montreal Convention to modernize and unify the Warsaw Convention system by establishing new and uniform rules governing the international carriage of persons, baggage, and cargo,’ and additionally that the goal was ‘greater certainty and predictability in the event of an accident.’ The supplied AUTHORITY text, however, is only a brief procedural notation: ‘C. A. 2d Cir. [Certiorari granted, 523 U. S. 1117.] Motion of the Solicitor General for leave to file a supplemental brief as amicus curiae granted.’ That text contains none of the quoted language, no substantive discussion of the Warsaw or Montreal Conventions, and no holding at all. Because the supplied text does not correspond to the substantive opinion the filing purports to quote, the citation cannot be verified from the materials provided. Per the grounding rules, I cannot supply from memory what the cited opinion may actually hold; the attorney should independently verify the citation and the pinpoint quotations. All three per-model judgements agree that the supplied authority text does not match the citation and that the filing’s propositions are unsupported on the supplied record. **ATTACK VECTORS** for the response brief: (1) the supplied authority text the opposing brief relies upon does not contain the quoted language, so the pinpoint quotation is unverified on this record; (2) the attorney should demand the opposing party produce the precise pinpoint passage from the actual opinion text supporting both the ‘modernize and unify’ quotation at 161 and the ‘certainty and predictability’ quotation at 166; (3) even assuming the underlying opinion contains general purpose language about the Convention, the response can argue that such general-purpose statements do not establish the specific tolling rule the filing extrapolates — the leap from ‘uniformity/predictability’ to ‘bankruptcy tolling of the limitations period’ is the filing’s own inference, not anything tied to verified authority text.

CASE Zicherman v. Korean Air Lines Co., Ltd., 516 F.3d 1237 (ca11 2008)Existence: **CONFIRMED** · p.7 · authority ↗

In doing so, Congress sought to provide passengers with greater certainty and predictability in the event of an accident. Id. at 166, 119 S. Ct. 662. Allowing the tolling of the limitations period during the pendency of bankruptcy proceedings furthers this goal by ensuring that passengers have a meaningful opportunity to bring their claims for compensation.” The Court in *Varghese*, relied on their decision in the case of *Zicherman v. Korean Air Lines Co., Ltd.*, 516 F.3d 1237 (11th Cir. 2008),

where the court stated, “We agree with the district court that the statute of limitations in this case was tolled by the filing of Korean Air’s bankruptcy petition. ...

JUDGE'S SYNTHESIS — VULNERABLE · 0

The filing cites *Zicherman v. Korean Air Lines Co., Ltd.*, 516 F.3d 1237 (11th Cir. 2008), and attributes to it a quoted passage about bankruptcy tolling under 11 U.S.C. § 362(a)(1) and federal law governing the tolling effect of the automatic stay. The supplied AUTHORITY text does not correspond to that citation: it is reported at 92 F.3d 126, is captioned as a Second Circuit matter dated Aug. 14, 1996, and consists of a brief remand order directing the district court to determine ‘whether decedent’s sister was dependent upon decedent and entitled to loss of support and inheritance damages.’ The supplied text contains no discussion of bankruptcy, § 362, automatic stays, statutes of limitations, or tolling. Because the supplied authority does not match the citation, I cannot evaluate accuracy, relevance, or treatment of the quoted proposition on the supplied text, and per the grounding rules I do not opine on what the cited 516 F.3d opinion actually says. All three per-model judgements reach the same conclusion and I agree. Attack vectors for the response brief: (1) the volume/page, court, and year in the supplied record do not match the proposition quoted, so opposing counsel should be required to produce the actual opinion text supporting the quotation; (2) the quotation is presented as a direct quote — counsel should pin down the pinpoint cite and verify the language verbatim; (3) the filing uses the citation as a second-order reliance (‘The Court in *Varghese*, relied on...’), which compounds the verification problem and invites a challenge that the chain of authority is unsupported on the record provided. Recommend independent verification of the citation before relying on it in reply.

Authority Mismatch — Wrong Opinion Retrieved

For these citations, the opinion located at the cited reporter locator is a **different case** than the one named in the brief. Sentinel did **not** evaluate the cited proposition against this authority — doing so would judge against the wrong case — and it makes no claim about the cited authority’s holding. Each is a strong response opportunity: the cited locator does not point to the named case.

CASE Peterson v. Iran Air, 905 F. Supp. 2d 121 (dcd 2012)

⚠ **Wrong authority retrieved.** The opinion at this locator is “*United States of America v. Iss Marine Services, Inc.*”, not the cited “*Peterson v. Iran Air*”. The cited case could not be independently confirmed; verify it directly before relying on it.

2013), the Illinois Appellate Court held that state courts have concurrent jurisdiction over claims arising out of an international airline accident under the Montreal Convention, and that the plaintiff was not required to bring their claim in federal court. The Court noted that the Montreal Convention allows for jurisdiction to be established in the courts of the country where the passenger has their domicile or principal place of business, and that the plaintiff had satisfied this

requirement by filing their claim in state court in Illinois. Similarly, in *Peterson v. Iran Air*, 905 F. Supp. ...

CASE Miller v. United Airlines, Inc., 174 F.3d 366, 371–72 (2d Cir. 1999)

⚠ **Wrong authority retrieved.** The opinion at this locator is “Greenleaf v. Garlock, Inc.”, not the cited “Miller v. United Airlines, Inc”. The cited case could not be independently confirmed; verify it directly before relying on it.

Appellants contend that the Warsaw Convention, which governs liability for international air travel, preempts any tolling of the limitations period by the automatic stay provision of the Bankruptcy Code. We disagree. Although the Warsaw Convention provides Case 1:22-cv-01461-PKC Document 21 Filed 03/01/23 Page 8 of 10 17. 18. a two-year limitations period for personal injury claims, it does not contain any provision addressing the tolling of that limitations period. In the absence of such a provision, we have held that the automatic stay provision of the Bankruptcy Code may toll the statute ...

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.