

**FILED**

**IN THE CHANCERY COURT, STATE OF WYOMING**

**2024 WYCH 11**

Joseph Wai-Lung Chan,

Plaintiff,

v.

Khhermani LLC and Herman Kariuki,

Defendants.

Case No. CH-2024-000022

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**Order of Dismissal**

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[¶1] This court on October 23, 2024, notified plaintiff of its intent to dismiss this case based on lack of subject matter jurisdiction. The court explained that the complaint filed in this action frames a professional malpractice case because it raised the following causes of action: breach of an attorney-client engagement agreement, negligent lawyering, fraudulent misrepresentation of authority to practice law and impersonation of others through aliases and email addresses, conversion of client trust accounts, and intentional infliction of emotional distress resulting from failure to regularly communicate about the client's case. The complaint also alleges violation of several Wyoming statutes, most of which are found in Article 12 of Title 40 and in Titles 6 and 33: the Wyoming Consumer Protection Act, Crimes and Offenses, and Professions and Occupations. The complaint concludes by raising several attorney ethics cases.

[¶2] As earlier noted, the chancery court is a specialized court of limited jurisdiction. Wyo. Stat. § 5-13-115. A case in chancery court must arise from an enumerated case type. Wyo. Stat. 5-13-115(b); W.R.C.P.Ch.C. 2(b). The court may not hear certain types of cases, including professional malpractice claims, cases arising under consumer protection laws, and most criminal matters. W.R.C.P.Ch.C. 2(e). This case falls under those categories of excluded cases, so the court provided plaintiff 20 days to show cause why the case should not be dismissed.

[¶3] Plaintiff, proceeding *pro se*, signed and filed on October 30, 2024, a letter of response. The letter highlighted the same conduct as the complaint but suggested that the lawsuit's "core issues" are breach of contract and fraudulent misrepresentation. The letter included four citations to Wyoming Supreme Court cases. The names of those cases and their citations are as follows: *Meyer v. Campbell*, 2015 WY 66, 351 P.3d 930; *Sullivan v. Johnson*, 2006 WY 116, 142 P.3d 369; *Smith v. Clark*, 2018 WY 17, 410 P.3d 125; and *Wyoming Trust Company v. First Bank of Wyoming*, 2010 WY 61, 231 P.3d 257. In the letter, each case reference also included a brief discussion of the case's holding. For example, plaintiff claimed that:

In *Wyoming Trust Company v. First Bank of Wyoming*, 2010 WY 61, 231 P.3d 257, the Wyoming Supreme Court recognized the Chancery Court's unique ability to handle complex financial disputes.

[¶4] The court is unable to locate any of these cases by either case name or citation reference. As far as the court can tell, these are fictitious cases with bogus summaries. It appears that plaintiff was relying on an artificial intelligence platform to draft his letter and that references to these cases are “hallucinations.” *See, e.g., Kruse v. Karlen*, 692 S.W.3d 43, 49 (Mo. Ct. App. 2024), reh'g and/or transfer denied (Apr. 9, 2024).<sup>1</sup> This is most clear from the *Wyoming Trust Company v. First Bank of Wyoming* case, where the Wyoming Supreme Court in 2010 supposedly opined about the efficiency of a chancery court that would not exist for another decade.

[¶5] *Pro se* filings are subject to Rule 11. WY R CHAN CT RCP Rule 11(a), (b). While Wyoming allows *pro se* litigations “a certain leniency” in some respects, the law nonetheless requires “reasonable adherence” to all procedural rules. *Dewey v. Dewey*, 2001 WY 107, ¶ 17, 33 P.3d 1143, 1147 (Wyo. 2001). In the context of Rule 11, citing to fictitious cases produced by AI hallucinations has been described as an “abuse of the adversary system.” *Park v. Kim*, 91 F.4th 610, 615 (2d Cir. 2024) (citations omitted) (“A fake opinion is not ‘existing law’ and citation to a fake opinion does not provide a non-frivolous ground for extending, modifying, or reversing existing law, or for establishing new law. An attempt to persuade a court or oppose an adversary by relying on fake opinions is an abuse of the adversary system.”). Sanctions under Rule 11 “must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated.” WY R CHAN CT RCP Rule 11(c)(4).

[¶6] The court first notes that it is unpersuaded by plaintiff's attempt to recharacterize the complaint as one for breach contract and fraudulent misrepresentation. Plaintiff's response letter notes that the contract breached was a “attorney-client agreement” and that the fraudulent misrepresentation occurred with defendant “misrepresenting himself as a licensed attorney.” The court still views plaintiff's complaint to be in the general class of a professional malpractice case. *See In re DSB*, 2008 WY 15, ¶ 10, 176 P.3d 633, 636 (Wyo. 2008) (quoting *DF v. MLM (In re MKM)*, 792 P.2d 1369, 1373 (Wyo.1990) (Subject matter jurisdiction is “the power to hear and determine cases of the general class of which the proceeding belongs.”)). Such a case is excluded from this court's jurisdiction.

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<sup>1</sup> “A contextual example of Appellant's reliance on fictitious authority includes:

For instance, in *Smith v. ABC Corporation*, 321 S.W.3d 123 (Mo. App. 2010), the Court of Appeals held that it had the duty to review the grant of judgment as a matter of law *de novo*, stating that ‘the appellate court should not be bound by the trial court's determination and must reach its own conclusion based on the record.’

Neither the case nor the specific quote it purports to contain exist in reality.”

[¶7] The fictitious law presented with plaintiff's letter is sanctionable under Rule 11. The court finds, however, that since the case will be dismissed for lack of subject matter jurisdiction, a warning of Rule 11 sanctions will suffice. Any future filing by plaintiff that contains fictitious law will be subject to severe penalty.

The case is **DISMISSED**.

**DATED:** 11/4/24

/s/ Richard L. Lavery  
CHANCERY COURT JUDGE