

FILED

IN THE CHANCERY COURT, STATE OF WYOMING

2025 WYCH 8

Angela and Theodore Chagnon, individually and as shareholders, and Total Warrior Combat, LLC, derivatively,

Plaintiffs,

v.

Holly Nelson, an individual,

Defendant.

Case No. CH-2025-0000002

Order to Show Cause

[¶1] Defendant Holly Nelson, appearing *pro se*, filed a *Motion to Dismiss and Supporting Memorandum of Law* on May 30, 2025 (FSX No. 76373872). She filed the motion “pursuant to Rule 12(b)(6),” raising seven grounds for dismissal with minimal citation to authority. One of the few authorities she cites is a case that was apparently hallucinated by generative artificial intelligence.

[¶2] Inclusion of fabricated law implies that Ms. Nelson relied on AI when drafting her motion and did not verify its accuracy before filing. The form of the motion further suggests that AI heavily contributed to its drafting. For example, the motion, which is 31 pages single-spaced, cites a total of two statutes and two cases. It has no logical organization and ends by requesting that the court award Ms. Nelson “100% equitable ownership of Total Warrior Combat, LLC (“TWC”) in exchange for her waiver of potential counterclaims against Plaintiffs.” *Mot.*, pg. 28.

[¶3] The substance also suggests AI misuse. The two cases cited in the motion are not pertinent authority. The first, *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007), was cited for its “plausibility” standard that has not been adopted in Wyoming. See *McNair v. Beck*, 2024 WY 85, ¶ 29, 553 P.3d 771, 780 (Wyo. 2024) (citing *Wyo. Guardianship Corp. v. Wyo. State Hosp.*, 2018 WY 114, ¶ 16, 428 P.3d 424, 431

(Wyo. 2018)). The second, *Finch v. Smith*, CH-2023-0000021 (Wyo. Chan. Ct. 2023), is not a real case. In light of that fake precedent, the court is not sure—without performing its own research—whether the many unsupported legal rules raised are likewise fictitious.¹

[¶4] As cautioned in an earlier order in this case (FSX No. 76143844), a Wyoming *pro se* litigant is “treated no differently than he would be if he were represented by an attorney.” *Dewey v. Dewey*, 2001 WY 107, ¶ 17, 33 P.3d 1143, 1147 (Wyo. 2001). And a *pro se* litigant’s misuse of AI is sanctionable under Rule 11. *Chan v. Khhermani LLC*, 2024 WYCH 11 (Wyo. Ch. C. 2024). Among the problems AI misuse causes in litigation is the unfairness of an opposing party attempting to make sense of a barrage of unsupported or inaccurate contentions: a brief created by AI “takes inordinately longer to respond to than to create[.]” *Ferris v. Amazon.com Servs., LLC*, No. 3:24-CV-304-MPM-JMV, 2025 WL 1122235, at *1 (N.D. Miss. Apr. 16, 2025). The same is true for the court, who “must parse through the . . . points of law to determine which parts, if any, are true.” *Id.*

[¶5] As a court that embraces technology, the chancery court does not discount the potential of AI to assist in the just, speedy, and inexpensive resolution of cases. But AI must be used properly. A litigant misuses AI by, for example, failing to verify the accuracy of legal citations, neglecting to consider which arguments and theories to include in motions, and not developing arguments or citing authority for legal rules.

[¶6] Such improper use of AI undermines the purpose of this court, “established for the expeditious resolution of disputes involving commercial, business, trust and similar issues.” Wyo. Stat. § 5-13-115(a). The court’s earlier order (FSX No. 76143844) also apprised Ms. Nelson that this court aims to resolve most of its cases within 150 days of a case’s scheduling order—Wyo. Stat. § 5-13-104, W.R.C.P.Ch.C. 1—and that a scheduling order is typically issued within 14 days after any defendant answers. W.R.C.P.Ch.C. 16(b)(1). With such an expedited schedule, cases in this court cannot get bogged down with motions improperly drafted by AI without verification of accuracy and with a barrage of unsupported arguments.

¹ Aside from its concern that the motion’s legal standards are fabrications, the court may decline to “consider issues unsupported by cogent argument or citation to pertinent authority.” *Baer v. Baer*, 2022 WY 165, ¶ 38, 522 P.3d 628, 640 (Wyo. 2022). *See also GeoMetWatch Corp. v. Behunin*, 38 F.4th 1183, 1218 (10th Cir. 2022) (quoting *McPherson v. Kelsey*, 125 F.3d 989, 995–96 (6th Cir. 1997) (“[I]ssues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived. It is not sufficient for a party to mention a possible argument in the most skeletal way, leaving the court to . . . put flesh on its bones.”)). *Sonnett v. First Am. Title Ins. Co.*, 2013 WY 106, ¶ 26, 309 P.3d 799, 808 (Wyo. 2013) (“It is not enough to identify a potential issue with the expectation that this court will flesh out the matter from there.”)

[¶7] Therefore, under W.R.C.P.Ch.C. 11(c)(3), the court orders defendant Holly Nelson to **within SEVEN DAYS of this order** show cause why filing a motion with hallucinated precedent and several points of law unsupported by any authority does not violate Rule 11. In the alternative, Ms. Nelson may withdraw her motion and file an answer to plaintiffs' complaint. If Ms. Nelson does not withdraw her motion and is unable to convince the court that her filing does not violate Rule 11, the court intends to strike her motion in its entirety. *Wearmouth v. Four Thirteen, LLC*, 2024 WY 116, ¶ 24, 558 P.3d 935, 943 (Wyo. 2024) ("We have recognized the inherent authority of all courts to take actions reasonably necessary to administer justice efficiently, fairly, and economically and to ensure the court's existence, dignity, and functions.") (cleaned up). *See also Dollarhide v. Bancroft*, 2010 WY 126, ¶ 21, 239 P.3d 1168, 1175 (Wyo. 2010) (recognizing inherent authority to strike filings).

SO ORDERED

Dated: July 2, 2025

/s/ Benjamin M. Burningham
Chancery Court Judge