

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 25-cv-80129-MIDDLEBROOKS/MATTHEWMAN

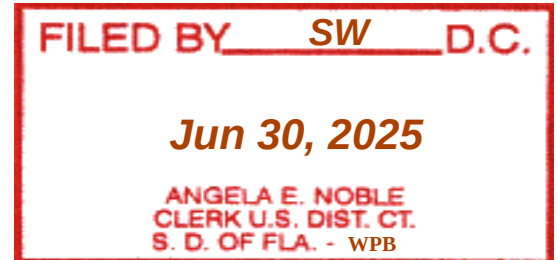
LEONARDO CRESPO,

Plaintiff,

v.

TESLA, INC. et al.,

Defendants.



SECOND ORDER ON DISCOVERY MOTIONS
AND ON THE SUBMISSION OF FAKE, HALLUCINATED CASES
BY THE *PRO SE* PLAINTIFF LEONARDO CRESPO

THIS CAUSE is before the Court upon *pro se* Plaintiff Leonardo Crespo's ("Plaintiff") four discovery motions. Specifically, Plaintiff's (1) Motion to Compel Further Responses to First Set of Interrogatories [DE 61], (2) Motion to Compel Further Responses to Plaintiff's First Set of Request for Admissions [DE 62], (3) Motion to Compel Production of Documents Responsive to First Request for Production [DE 63], and (4) Motion to Compel Production of Former Employee's Contact Information and for Reasonable Expenses [DE 81].

Defendant Tesla, Inc. ("Defendant") filed responses [DEs 71, 72, 73, 84] and Plaintiff filed replies [DEs 78, 79, 80, 87]. Further, Defendant filed its Motion to Strike [DE 82] Plaintiff's Replies [DEs 78, 79, 80] due to Plaintiff's submission of fake case citations. The Court issued an Order to Show Cause to Plaintiff [DE 83] and Plaintiff filed a Response to the Order to Show Cause and improperly included therein a Motion for Leave to File Corrected Reply Briefs¹

¹ The Court advises Plaintiff that any further motions shall be separately filed and not contained within responses or other filings under Local Rule 7.1. Plaintiff is once again instructed and ordered to read the rules and comply with them or face sanctions.

(“Motion for Leave”) [DE 85]. Plaintiff then filed a response to the Defendant’s Motion to Strike [DE 86] even though the Court had not yet granted permission.

The Motions are ripe for review. The Court has carefully considered the Motions and is otherwise fully advised in the premises.

I. PLAINTIFF’S SUBMISSION OF FAKE, HALLUCINATED CASE CITATIONS

To start, Defendant moves to strike Plaintiff’s replies [DEs 78, 79, 80] because they contain “misleading representations of authority which may have been hallucinated by artificial intelligence (“AI”)[.]” [DE 82 at 1].² Upon review of the replies and the Motions to Compel Further Responses, the Court ordered as follows:

The Court has reviewed Defendant’s Motion to Strike [DE 82] and has independently checked the cases cited in Plaintiff’s discovery motions and replies [DEs 61, 62, 63, 78, 79, 80]. The Court has found the following issues. First, Plaintiff cites “Perez v. Miami-Dade Cnty., 297 F.R.D. 620, 625 (S.D. Fla. 2013)” and “Jacobs v. Atrium Med. Corp., 2020 WL 5803503, at *2-3 (S.D. Fla. Sept. 29, 2020)” in his motions and replies [DEs 61, 63, 78, 79, 80]. These cases appear to be nonexistent. Second, Plaintiff cites Universal City Dev. Partners, Ltd. v. Ride & Show, 230 F.R.D. 688, 695 (M.D. Fla. 2005) for stating the following quote: “is tantamount to no objection at all.” [DE 78 at 2]. No such quote exists in that case. Therefore, Plaintiff shall SHOW CAUSE by June 23, 2025, in writing, as to (1) where he obtained these case citations and quotes from; (2) if these cases and quotes exist; and (3) if Plaintiff used artificial intelligence to generate his discovery motions and replies, why he should not be sanctioned, including the imposition of attorney’s fees and costs and having his discovery motions denied. The Court will issue a further ruling upon receipt of Plaintiff’s response.

[DE 83]. In his response to the Court’s Order to Show Cause, Plaintiff claims a “flawed workflow process[.]” [DE 85 at 2]. He does take responsibility for his error and admits to using artificial intelligence (“AI”) to write these filings. *Id.* Plaintiff also apologizes to the Court for wasting its time, but seemingly has not apologized to Defendant’s counsel for wasting their time. *Id.* at 2–3. Plaintiff’s submission of false case citations is a serious matter. In considering sanctions, the Court

² The Court’s review finds that Plaintiff also filed fake case citations in multiple motions [DEs 61, 63].

has considered all appropriate factors including that Plaintiff is proceeding *pro se*.

“[T]he Court has inherent authority to sanction the misuse of AI when it affects the Court’s docket, case disposition, and ruling.” *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enterprises, LLC*, No. 17-CV-81140, 2025 WL 1440351, at *3 (S.D. Fla. May 20, 2025) (Matthewman, J.). The Court also recognizes that *pro se* pleadings are construed liberally, but “this leniency does not give a court license to serve as *de facto* counsel for a party, or to rewrite an otherwise deficient pleading in order to sustain an action.” *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1168–69 (11th Cir. 2014) (citation omitted).

The Court notes Plaintiff’s candor and acceptance of responsibility. However, the Court also notes that Plaintiff has filed numerous discovery motions in this case, many of which are without any real arguable merit. The fact that Plaintiff included fake case citations in certain motions and replies only makes matters worse for Plaintiff, and it is quite frustrating and wasteful to the Court and opposing counsel. Taking all relevant factors into account and the fact that Plaintiff is *pro se*, the Court will only impose the sanctions of (1) requiring Plaintiff to forthwith apologize in writing to Defendant’s counsel for the submission of fake, hallucinated cases; and (2) requiring Plaintiff to pay Defendant for its reasonable attorneys’ fees incurred in researching the fake citations and filing the Motion to Strike [DE 82]. The Court notes that had Plaintiff engaged in a lack of candor regarding the fake citations, the sanctions considered in this case would be much more serious. *Cf. O’Brien v. Flick*, No. 24-61529-CIV, 2025 WL 242924, at *7 (S.D. Fla. Jan. 10, 2025) (Damian, J.) (sanctioning a *pro se* plaintiff for citing nonexistent authority when the plaintiff did not have candor with the Court). The parties shall comply with the attorneys’ fee briefing schedule as described below.

II. MOTIONS TO COMPEL FURTHER RESPONSES

The Court has reviewed Plaintiff's Motions to Compel Further Responses [DEs 61, 62, 63], Plaintiff's discovery requests, and Defendant's responses. Ultimately, in addition to the fake case citations contained in certain of Plaintiff's motions and replies, Plaintiff's discovery requests do not comply with Federal Rule of Civil Procedure 26(b)(1).

This case is quite simple and concerns only one issue—whether Plaintiff validly revoked acceptance of his 2024 Tesla Model X under section 672.608, Florida Statutes. To prove his claim Plaintiff must show that his Tesla is “nonconforming, and that the nonconformity substantially impair[s] the [Tesla’s] value. Additionally, [Plaintiff must] demonstrate that [Defendant] had the opportunity to cure the defects, but failed to do so seasonably, and that [Plaintiff] revoked [his] acceptance within a reasonable time.” *Gulfwind S., Inc. v. Jones*, 775 So. 2d 311, 312 (Fla. 2d DCA 2000) (internal citation and quotation marks omitted).

Plaintiff's discovery requests go far beyond Rule 26(b)(1). First, Plaintiff seeks the Court to compel Defendant to “provide complete and non-evasive answers to Plaintiff's First Set of Interrogatories.” [DE 61 at 1]. Defendant argues that Plaintiff's interrogatory requests are overbroad and are designed with an “intent to harass” Defendant. [DE 71 at 3]. The Court agrees with Defendant. For example, Plaintiff's Interrogatory Number 15 states “[i]dentify the specific security measures in place for the storage lot where the Vehicle was kept between July 13, 2024, and August 13, 2024, and identify the person(s) responsible for overseeing vehicle security in that area during that period.” [DE 61-2 at 11]. This request is overbroad, disproportional to the needs of the case, and seeks to identify irrelevant information and persons.

Next, Plaintiff moves to compel Defendant “to provide proper and unambiguous admissions or denials to Plaintiff's First Set of Requests for Admission.” [DE 62 at 1]. In response,

Defendant asserts that “Plaintiff’s Motion is centered on his desire for additional response that conform with his specific form and content.” [DE 73 at 3]. The Court cannot compel Defendant to change its responses to Plaintiff’s First Set of Requests for Admission simply because Plaintiff does not like the answers. If Defendant has a good faith basis for denying an admission, the Court will not compel Defendant to change its response. The parties may dispute factual issues, but those determinations are to be made at summary judgment or trial.

Lastly, Plaintiff requests the Court to compel Defendant “to produce documents and provide complete, non-evasive responses to Plaintiff’s First Request for Production of Documents[.]” [DE 63 at 1]. In response, Defendant states that it has produced documents to Plaintiff, but Plaintiff’s additional requests are “unnecessary, wasteful, and harassing.” [DE 72 at 4]. The Court agrees that Plaintiff seeks unnecessary information. For example, Plaintiff requests “[a]ll documents Relating To communications between You and TD Auto Finance concerning the Vehicle or Plaintiff’s loan” and “[a]ll documents Relating To the storage, security, and preservation of the Vehicle while on Your premises[.]” [DE 63-2 at 8]. Simply, Plaintiff seeks vast amounts of irrelevant information including Defendant’s training procedures, internal policies, identification of immaterial employees, loan communications with a non-party, and general consumer complaints. All this information is trivial to Plaintiff’s pending claim and any defenses raised and is outside the scope of Rule 26(b)(1).

It appears to the Court that Plaintiff is, in certain respects, attempting to overload Defendant with unnecessary and improper discovery requests. Just as with Plaintiff’s submission of fake case citations, Plaintiff’s overbroad, vague, irrelevant and disproportionate discovery requests are not well taken by the Court. While Plaintiff is *pro se*, he still must follow the rules and orders of this Court.

Therefore, Plaintiff's Motions to Compel Further Responses [DEs 61, 62, 63] are **DENIED**. However, for a number of reasons, the Court will not award cost shifting fees and costs against Plaintiff under Federal Rule of Civil Procedure 37(a)(5)(B) for the expenses incurred by Defendant due to these Motions. There has been an uncooperative back and forth between Plaintiff and Defendant's counsel in this case and this has led to repeated and unnecessary discovery disputes. The Court orders the parties to cooperate in discovery and conclude the discovery process in a timely manner. And, the Court will carefully consider sanctions and/or cost shifting if appropriate on any future discovery motions.

III. MOTION TO COMPEL CONTACT INFORMATION

Lastly, Plaintiff seeks to compel Defendant to provide the last known residential address of William Hoadley, Defendant's former employee. [DE 81]. Plaintiff's Motion to Compel Production of Former Employee's Contact Information and for Reasonable Expenses is frivolous. At a prior court hearing, Plaintiff stated he no longer desired to take the deposition of Mr. Hoadley. And, when the parties filed their Joint Discovery Plan [DE 64], Plaintiff did not include Mr. Hoadley as a witness he wished to depose. Plaintiff's Motion is wholly unnecessary and a waste of the parties' and this Court's time.

Defendant states that it is not producing Mr. Hoadley as a witness, has been unable to locate his last known address after a reasonable search, and has provided Plaintiff with Mr. Hoadley's available contact information. [DE 84]. Mr. Hoadley also objects to Defendant disclosing his address due to privacy concerns. [DE 84 at 2]. Defendant has provided contact information for Mr. Hoadley despite the fact that Plaintiff has stated he does not intend to depose Mr. Hoadley.

Defendant, in its initial disclosures, must provide "the name and, **if known**, the address ... of each individual likely to have discoverable information[.]" Fed. R. Civ. P. 26(a)(1)(A)(i)

(emphasis added). However, Defendant did not identify Mr. Hoadley in its initial disclosures as a person likely to have discoverable information. [DE 84-1]. Also, Defendant declares that it does not currently know Mr. Hoadley's address after a reasonable search. [DE 84 at 1]. Therefore, Defendant is under no further obligation to find the address for Plaintiff.

Further, the need to depose Mr. Hoadley also seems unnecessary. While Mr. Hoadley is mentioned in the interrogatories, his references are limited to certain email communications to Plaintiff stating that Plaintiff's revocation was not accepted and storage/towing information. *See* DE 61-2. Plaintiff has those emails. *See id.* Also, the Court already ordered the deposition of Abner Pena, a current employee of Defendant who reviewed the facts of Plaintiff's case. [DE 58 at 2].

Therefore, the Motion to Compel Contact Information [DE 81] is **DENIED**. Because this Motion [DE 81] is denied and not substantially justified, the Court shall impose cost shifting against Plaintiff pursuant to Federal Rule of Civil Procedure 37(a)(5)(B) for the time spent by Defendant in responding to this unnecessary motion which the Court has denied in full.

As to the attorneys' fee amount to be paid by Plaintiff to Defendant as ordered herein, both as to the fake citation issue, discussed earlier in this order, and the Motion to Compel Contact Information, discussed immediately above, the parties shall confer in good faith in an effort to resolve and agree to the amount of reasonable attorneys' fees to be paid by Plaintiff to Defendant per this Order. The Court expects that the amount of fees would not be great, and Defendant shall only insist on the payment of reasonable attorneys' fees for the time reasonably expended at a reasonable hourly rate. If the parties are able to agree on this amount, then they shall file a Joint Notice on or before July 7, 2025, advising the Court. However, if they cannot agree, then Defendant shall file a memorandum by July 8, 2025, stating the amount of reasonable attorneys' fees sought, including the hourly rate, time incurred, description of services, and the experience of

counsel. Plaintiff shall be permitted to file a responsive memorandum on or before July 15, 2025, where he can state his objections and response to the time, hourly rate, and amount of fees sought. The Court shall then determine the amount of reasonable attorneys' fees to be awarded against Plaintiff and payable by Plaintiff to Defendant, and enter any further necessary orders.

IV. CONCLUSION

The Court has already cautioned Plaintiff and Defendant that any discovery disputes shall comply with the Federal Rules of Civil Procedure, the Local Rules, and the Order Setting Discovery Procedure. Any further uncooperative, unnecessary, and frivolous discovery practice **will result in sanctions.**

Accordingly, it is hereby **ORDERED** as follows:

1. Plaintiff's Motions to Compel Further Discovery [DEs 61, 62, 63] are **DENIED**.
2. Plaintiff's Motion to Compel Contact Information [DE 81] is **DENIED**.
3. Defendant's Motion to Strike [DE 82] is **DENIED AS MOOT**.
4. Plaintiff's Motion for Leave [DE 85] is **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, in the Southern District of Florida, this 30th day of June 2025.


WILLIAM MATTHEWMAN
United States Magistrate Judge