IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
(Miami Division)
Case No. 25-cv-23202-JB

ZOHRA KHORASHI,

Plaintiff,

vs.

GADI BEER and BETH GELLMAN BEER,

Defendants.
_____/

**Plaintiff's Reply in Support of Motion for Sanctions and/or to Disqualify Defendants' Counsel for Extrajudicial Conduct**

Plaintiff, Zohra Khorashi, hereby files her reply in support of her Motion for Sanctions and/or to Disqualify Defendants' Counsel for Extrajudicial Conduct (Doc. 32), filed December 9, 2025.

Defendants filed their Response in Opposition to Plaintiff's Motion for Sanctions (Doc. 37) on December 12, 2025. Instead of offering any explanation or justification for their counsels' actions in issuing a "Press Release" about this case on the Lawfare Project's social media page on December 8, 2025, they retained Marc Randazza, Esq., a nationally-known First Amendment lawyer and legal commenter on CNN, Fox News and InfoWars, to wax philosophical about Plaintiff's "ignoble" lawsuit to silence the alleged Beers' First Amendment Rights to utilize social media to launch doxing attacks against those who seek a peaceful solution to the Gaza conflict and how the "the would-be censor has now filed a motion seeking to censor." *See* Response, at 2.

After labelling anyone (like Plaintiff and her counsel) who oppose Israel's military action in Gaza as "root[ers] for Hamas," who "rise in favor of rape and murder," and comparing them to the supporters of Rwandan genocide and Pol Pot in Cambodia, *see* Response, at 1-2, Defendants dismiss out of hand any legitimate concerns about their Press Release and whether it violates Local Rule 77.2 by predictably launching an *ad hominem* attack on the messenger:

> This lawsuit is ignoble at its core. It seeks to stifle speech. It is thus not a shock that a would-be censor has now filed a motion seeking to censor. Its intent aside, Plaintiff's Motion is fatally flawed both factually and legally.
>
> The motion is based on demonstrably false assertions about what this Court ruled, what defense counsel said publicly, and what governing law permits. Even worse, every case that Plaintiff cites to support the request for sanctions for anything more substantial than an uncontested legal standard is either nonexistent or cites to hallucinated quotes. If we view this with charity, it means that the brief was AI generated and Plaintiff's counsel did not check the cites. The only other explanation is that they knowingly committed fraud upon the court about these cases.

*See* Response, at 2.

As will be shown herein and in Plaintiff's forthcoming response to Defendants' Motion for Sanctions For Misrepresentations to the Court (Doc. 38), due January 9, 2026, the accusation that Plaintiff's counsel improperly used AI to commit fraud upon the court lacks factual support and provides no basis to minimize or excuse Defense counsel's nascent efforts to impugn the reputation, integrity and even the religion of Plaintiff's counsel and try this case in their own social media echo chamber in clear violation of Local Rule 77.2 and the Rules of Professional Conduct.[1]

When Mr. Randazza raised concerns about possible AI violations during the initial meet-and-confer under Local Rule 7.1(a)(3) on December 12, 2025, Plaintiff's counsel promptly agreed to investigate so any legitimate issues could be addressed, disclosed to the court and, if necessary, cured by agreement so as not to impacting the court's consideration of any sanctions under Local Rule 77.2. Instead of allowing a reasonable opportunity to do so, Mr. Randazza proceeded to incur additional and unnecessary fees on Defendants' Motion for Sanctions for Misrepresentations to the Court (Doc. 38) which was filed Monday morning, December 15, 2025 at 11:21 a.m., and basically repeats and amplifies

[1] Due to the page limits for reply memoranda under Local Rule 7.1(c)(2), Defendants' argument for countersanctions based on the alleged improper use of AI will be addressed more fully in Plaintiff's Response to Defendant's Motion for Sanctions for Misrepresentations to the Court, currently due January 9, 2026, which will be supported by an Unsworn Declaration of Christopher C. Sharp Under Penalty of Perjury.

the same arguments that were raised three days' earlier in in Defendants' Response to Plaintiff's Motion for Sanctions (Doc. 37) filed December 12, 2025 at 2:34 p.m. and discussed at length during counsel's 30 minute phone call less than an hour later at approximately 3:30 p.m. *See* Unsworn Declaration of Christopher C. Sharp Under Penalty of Perjury ("Sharp Declaration").[2]

After considering Mr. Randazza's arguments and speaking with his client and co-counsel who assisted with some of the legal research for the motion, the undersigned confirmed during a second meet-and confer on December 19, 2025 that the Motion for Sanctions was drafted entirely by the undersigned without any assistance from AI or anyone else. Of the nineteen cases cited, there was one case, *Florida Bar v. Schwartz*, 605 So. 2d 465 (Fla. 1992), that had been initially located by Plaintiff (who is an active member of the Florida Bar) via a Google AI-assisted search and was misidentified with the wrong citation, and four other cases where what was intended to be a summary of the court's holding was erroneously cited in the final draft as an actual quote from the opinion. *See* Sharp Declaration.

After the undersigned personally explained to Mr. Randazza on December 19 how the avoidable but minor citation errors happened (and thanked him for bringing them to Plaintiff's attention), the Defendants, for reasons unknown, refused to even consider discussing any options for voluntarily disclosing the issue or addressing possible prejudice before the Court rules on either party's request for sanctions. Instead of making a good-faith effort to address or resolve the issues as required by Local Rule 7.1(a)(3), Defendants conditioned any resolution of their "fraud on the court" accusations on the withdrawal of Plaintiff's Motion for Sanctions and payment of more than $20,000.00 in attorney's fees that were allegedly incurred by Mr. Randazza for responding to the Motion for Sanctions on December 12 and then recycling the same

[2] To be filed with Plaintiff's Response to Defendant's Motion for Sanctions for Misrepresentations to the Court (Doc. 38), currently due January 9, 2026.

arguments for Defendants' Motion for Sanctions filed three days later on December 15. *See* Sharp Declaration.

Given the absence of any support for their spurious claim that Plaintiff's Motion for Sanctions was an AI generated "fraud on the court," or based on "hallucinated" cases or quotes, the Court should decline Defendants' invitation to engage in a game of "whataboutism." Although even the unintentional use of AI by an attorney should be met with zero tolerance and appropriate corrective measures, the exaggerated AI concerns cited by Defendants are irrelevant to the central issue raised by Plaintiff's Motion for Sanctions, which is whether defense counsel violated Local Rule 77.2 by issuing a misleading Press Release about the basis for this Court's ruling on their motion to dismiss that gratuitously attacks CAIR (and by implication plaintiff's counsel) as supporters of Islamic terrorism who are engaging in "lawfare" against the Beers as part of CAIR's coordinated campaign to weaponize tort law to silence Jewish opposition on social media. While such inflammatory statements and false narratives are endemic to the modern social media experience, they are irresponsible, reckless and potentially dangerous when made by attorneys to impugn the character, religion and motives of their opponents in a pending case that does not even mention that the Beers are Jewish. These concerns are especially true in the current political climate where documented incidents of threats, harassment and cyberstalking towards litigants, their attorneys and even the judiciary are at an all-time high.[3]

**The Press Release mischaracterized the Court's ruling as vindicating core free-speech principles to advance the LawFare Project's public advocacy campaign against CAIR.**

At Points I and II of the Response, Defendants accuse Plaintiff's counsel of deliberately mischaracterizing the Court's ruling on the motion to dismiss, based on the undersigned's recollection of the Court's statements during the 30-minute motion to dismiss hearing when it denied Defendants' First Amendment and anti-SLAPP defense. As the undersigned explained to Mr. Randazza on

[3] *See, e.g.*, Florida Judges Speak Out About Threats Amid National Push for Judicial Safety. THE FLORIDA BAR NEWS, Volume 52, No. 11, November 11, 2025

December 12 and December 19, the Motion for Sanctions was prepared under exigent circumstances and without the benefit of the hearing transcript, and any misstatements about whether the Court's denial of the anti-SLAPP defense was with or without prejudice were both unintentional and immaterial to the substance of Plaintiff's arguments regarding Local Rule 77.2. *See* Sharp Declaration.

According to the Defendants, because the Court "made no ruling on the merits of Defendants' First Amendment and Anti-SLAPP arguments" its order on the motion to dismiss was fairly and accurately characterized as "a win for free speech." *See* Response, at 4. The Press Release, however, makes no reference at all to the Court's ***denial in part*** of the motion to dismiss or the fact that the Court declined to even consider Defendants' anti-SLAPP defense at the hearing because it found that the motion to dismiss did not "really seriously or significantly make[] that argument." Compounding the misrepresentation, defense counsel "presented the allegations in the case and their opinions on the law as fact such that it seemed there was no dispute regarding Defendant's conduct and liability." *See Lott v. Estes*, 2023 WL 4278688, at *6 (S.D. Ga. June 29, 2023).[4]

As advocates for their clients, defense counsel is free to interpret the Court's words as they choose, and they clearly intend to exercise their right to raise what will presumably be more "serious and significant" arguments on the First Amendment and Anti-SLAPP defenses in response to Plaintiff's Amended Complaint. When they do, it will be for the Court to decide the issue on the merits, but in the absence of any concession that they failed to raise their best

[4] Citing *Jackson v. Deen*, No. CV412-139, 2013 WL 1911445, at *3 (S.D. Ga. May 8, 2013) (magistrate judge found some of attorney's tweets "constituted improper comment about the merits of pending litigation" in violation of Local Rule 11.2 because they "essentially stat[ed] as fact what his client was alleging" (emphasis omitted) and *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1074, 111 S. Ct. 2720, 2744-45, 115 L. Ed. 2d 888 (1991) ("Because lawyers have special access to information through discovery and client communications, their extrajudicial statements pose a threat to the fairness of a pending proceeding since lawyers' statements are likely to be received as especially authoritative")).

arguments already, the Press Release gives a false and misleading impression that the Court's dismissal without prejudice of Plaintiff's Complaint was an unqualified vindication of Defendants' First Amendment rights instead of a clear and unmistakable rejection of the Anti-SLAPP defense. This editorial sleight of hand is particularly concerning given the violent rhetoric and imagery used elsewhere in the Press Release to describe CAIR as a state-designated supporter of Islamic terrorism and a "partisan participant" in a coordinated, abusive and retaliatory effort to "weaponize tort law" against the "Jewish community," which apparently now includes four other unidentified cases, two which defense counsel were "aware of" at the time of the Press Release and two more than they "learned of" since the publication of their Press Release. *See* Response, at 6-7.

**The statements in the Press Release about CAIR's alleged support of Islamic terrorism and its deployment of this lawsuit as a "weapon of war" to silence the Jewish community for opposing anti-Semitism do not address any "matters of public concern" and are not protected opinion under the First Amendment**

At Points III, V and VI of their Response, Defendants argue that none of their counsels' spurious allegations equating CAIR with Islamic terrorism are unethical or defamatory and the Press Release is therefore protected opinion under the First Amendment which does not specifically "accuse Plaintiff or her individual attorneys of criminal conduct or violence." Response, at 5.

Although Plaintiff agrees that litigants and their counsel do not "surrender their First Amendment rights at the courthouse door," it is equally well-established that free speech rights "may be subordinated to other interests that arise in the context of both civil and criminal trials.'" *United States v. Brown*, 218 F.3d 415, 424 (5th Cir. 2000) (quoting *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 32 n.18 (1984)); *see also In re Gleason*, No. 11-62406-CIV, 2012 WL 463924, at *4 (S.D. Fla. Feb. 13, 2012), aff'd, 492 F. App'x 86 (11th Cir. 2012) (rejecting attorney's claim that his "First Amendment rights supercede rules regulating attorney conduct"); *see also Thomas v. Tenneco Packaging*, 293 F.3d 1306, at 1318 (affirming the district courts sanction of attorney and rejecting contention

that the sanction violated the client's First Amendment rights); *Rhodes v. MacDonald*, 670 F.Supp.2d 1363, 1378 (M.D. Ga. 2009) ("counsel's wild accusations may be protected by the First Amendment when she makes them on her blog or in her press conferences, but the federal courts are reserved for hearing genuine legal disputes, not as a platform for political rhetoric and personal insults").

In light of Defense counsel's frank admission that the Lawfare Project is on a self-proclaimed "mission" to defend the Jewish community from a perceived campaign by CAIR to silence and punish those who oppose antisemitism – which exists only in their imagination and has absolutely nothing to do with the claims or defenses in this case -- the Press Release's "reference" to CAIR being unilaterally designated by the Governor of Texas as an organization that supports Islamic terrorism serves no legitimate purpose or public interest regarding this Florida case. It also defies common sense to suggest that Plaintiff and her "attorneys from CAIR" who filed this case were somehow excluded from defense counsel's visceral condemnation of CAIR's alleged support of Islamic terrorism (which is undeniably "violent" and "criminal") and its abusive weaponization of tort law to silence Jewish opposition on social media.

**Plaintiff can show a likelihood of prejudice from the Press Release**

The court should reject the argument at Point IV of the Response that any likelihood of prejudicial impact on future proceedings in this case or the venire at trial is too speculative because the case was "dismissed at the pleading stage" and the "trial is a long time from now." Response, at 6.

In *Lott v. Estes*, 2023 WL 4278688 (S.D. Ga. June 29, 2023) the district court dismissed similar arguments that prejudice could not be inferred from news reports or social media postings because the case was still at its inception:

> The reality of modern media and the internet, however, means that the potential exposure of Plaintiff's and Mr. Bullman's commentary is not limited to the Atlanta market and has already spread beyond it, where it remains on the internet regardless of when a trial is scheduled. Thus, Plaintiff's arguments that there was no reasonable likelihood that dissemination would interfere with a fair trial or otherwise prejudice the due administration of justice because they did not utilize a Savannah news

> station and no trial is scheduled in this case are unavailing. *Cf. Diamond Consortium, Inc. v. Manookian*, No. 4:16CV94-ALM, 2017 WL 3301527, at *10 (E.D. Tex. Aug. 3, 2017) (determining absence of evidence that jury venire members were contacted was "irrelevant, given that potential and actual jurors may be tempted to use the Internet to search for information about the litigants—in spite of being warned by the court not to do so[ ]"); *Gentile*, 501 U.S. at 1075, 111 S. Ct. at 2745 ("Even if a fair trial can ultimately be ensured through voir dire, change of venue, or some other device, these measures entail serious costs to the system.... The State has a substantial interest in preventing ... lawyers[ ] from imposing such costs ....").

*Lott*, 2023 WL 4278688.

In this case, the reasonable likelihood that defense counsels' Press Release could materially prejudice future proceedings is exponentially increased based on the Lawfare Project's substantial internet footprint and its documented history of self-promotion of its legal work and other advocacy efforts via dozens of "Press Releases" that are routinely posted on its public website at https://www.thelawfareproject.org/ and viewed by millions of social media followers nationwide. Considering this history and agenda which far exceeds the interests of the Beers in this case, it is beyond disingenuous for Defendants to suggest that the Lawfare Project's first Press Release about this case was the last, or that the threat of similar future violations of Local Rule 77.2 is too remote, speculative of hypothetical to warrant this court's attention and intervention now. *See Mai v. Nine Line Apparel, Inc.*, No. CV418-277, 2019 WL 5092478, at *6 (S.D. Ga. Oct. 10, 2019) (ordering counsel for both parties to "refrain from giving or authorizing any extrajudicial statement or interview to a media outlet or source that relates to this action and which is intended to influence public opinion regarding the merits of this case . . . This case should be tried in the courtroom, not in the media").

> **Any citation errors in the Motion for Sanctions were unintentional and the inclusion of a single potentially AI-generated case citation, while regrettable, does not amount to "fraud on the court" nor should it provide any independent basis for countersanctions**

To support its claim for countersanctions, Defendants cite the recent case of *Dubinin v. Papazian*, 2025 WL 3248187, No. 25-cv-23877-RAR (S.D. Fla. Nov. 21, 2025) and argue that "ultimately, the explanation for how this happened does not matter." Response, at 13. In *Papazian*, sanctions and attorney's fees were rightfully imposed on an attorney who continued to use AI to cite hallucinated cases and quotations after previously warnings from another judge in this district about the improper use of AI and then made misrepresentations to the court about alleged health issues to justify her lack of oversight and her "overreliance" on AI without fully understanding the benefits and risks associated with generative AI. *See Papazian*, 2025 WL 3248187, at *2-*3.[5]

The facts of this case, however, are much closer to those in the even more recent case of *Ringer v. Bank America*, 2025 WL 3765431 (N.D. Ga. Dec. 30, 2025), where the district court issued an order to show cause directing defense counsel to explain ten citation errors that appeared to be the result of the undisclosed use of AI software tools. *Ringer*, 2025 WL 3765431, at *2. The attorney denied any reliance on AI and claimed that the errors resulted from his "lack of care in transposing his manual research notes about cases into the brief," and that "through haste and lack of doublechecking citations, various phrases that were simply his own paraphrasing of cases or other authorities were mistakenly presented to the Court as verbatim quotations." *Id.* at *2. He further assured the court that the errors were unintentional and described the corrective measures that were put in place to prevent such errors going forward. *Id.*

Although the attorney urged the court to impose no sanctions "beyond the personal embarrassment and professional impacts already resulting from the Order to Show Cause," the district court found that "[t]his was not a case of a typographical-type error or a couple of small inaccuracies" and that the "large

[5] The full panoply of sanctions imposed in *Papzian* under Rule 11, the court's inherent authority, the Local Rules of the Southern District of Florida and 28 U.S.C. § 1927, included dismissal of the complaint with prejudice, payment of more than $4,000.00 in fees to defense counsel and referral to the Florida Bar and the Southern District Grievance Committee for investigation and possible disciplinary action under the Rules of Professional Conduct. *See Papazian*, 2025 WL 3248187, at *3.

number of false citations" was an aggravating factor that had to be considered. *Ringer*, *supra*, at *2. Based on the attorney's declaration, his lack of bad faith or prior discipline and the totality of the circumstances, the court in *Ringer* found that the quotation and citation errors were unintentional and were largely the result of carelessness. *Ringer*, *supra*, at *2. The court further noted in that the errors were immaterial to the issues raised in the motion to dismiss and the citations were "mostly legally accurate" so there was little need or incentive to fabricate any citations. *Id.*, at *4. While the errors could have been "hallucinated" by AI, they were also consistent with the attorney's explanations which were ultimately accepted by the court. *Id.* at *2.

After noting its reluctance in "recommending sanctions, particularly for unintentional errors" the court in *Ringer* concluded "that principles of general deterrence unfortunately require that it do so." Although the court declined to disqualify the attorney, it ordered him to take certain remedial measures to avoid any improper reliance on AI going forward and directed him to pay $1,500.00 to the court registry as a "deterrent value" and in "recognition of the taxpayer resources that [were] expended by the Court" to address the sanctions issue. *Ringer*, *supra*, at *4-*5.

Like the attorney in *Ringer*, Plaintiff's undersigned counsel is submitting a declaration that includes a personal and categorical denial that any part of the Motion for Sanctions was drafted with the assistance of AI-generated software tools, and a detailed explanation of how the five citation errors that Mr. Randazza initially attributed to the improper use of AI occurred. *See* Unsworn Declaration of Christopher C. Sharp Under Penalty of Perjury ("Sharp Declaration").[6] Only one of the five citation errors amounted to anything close to what could arguably be described as an "AI hallucination" and the other four involved transposition errors by the undersigned that resulted in what were intended to be general case summaries prepared by Plaintiff being presented as verbatim quotations from

[6] To be filed with Plaintiff's Response to Defendant's Motion for Sanctions for Misrepresentations to the Court (Doc. 38), currently due January 9, 2026.

the opinions. As in *Ringer*, the citation errors identified by Mr. Randazza were unintentional and occurred during the final revisions and the rush to file the motion the day after the Press Release was first posted on the Lawfare Project website. This left insufficient time for the undersigned to double check the citations to several Florida Bar disciplinary cases suggested by co-counsel and Ms. Khorashi. The undersigned also determined that some of the errors may have been the result of Ms. Khorashi using Google searches to initially identify the case citations and summaries on other legal research platforms such as Westlaw, LEXIS and Justia without being able to download the full opinions. To prevent any chance of similar errors in the future, Ms. Khorashi has purchased her own Westlaw subscription and will no longer utilize Google or its embedded AI tools to conduct any legal research for this case. *See* Sharp Declaration.

**Conclusion**

Based on the arguments in Plaintiff's Motion for Sanctions (Doc. 32) the Court should order Defendants' counsel of record to show cause why they should not be sanctioned under the court's inherent authority and Local Rule 77.2 for their extrajudicial statements about this case as part of the Lawfare Project's Press Release dated December 8, 2025. The Court should additionally deny Defendants' request for countersanctions that was initially raised in the Response to Plaintiff's Motion for Sanctions (Doc. 37) and then repeated in Defendants' Motion for Sanctions for Misrepresentations to the Court (Doc. 38), to which Plaintiff will respond more fully on January 9, 2026.

Respectfully submitted,

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Dated: January 7, 2026 Attorneys for Plaintiff

**Certificate of Service**

I hereby certify that on January 7, 2026, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification to the following counsel of record.

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