UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAWAND HILL,

Plaintiff,

-against-

FOUNDATION MEDIA LLC,

Defendant.

No. 1:25-cv-5947-AS

DECLARATION OF CYNTHIA S. ARATO

I, Cynthia Arato, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a partner in the law firm Shapiro Arato Bach LLP (the "Firm") and lead counsel for defendant Foundation Media LLC ("Foundation") in this action. I have personal knowledge of the facts I state below, except as noted.

2. I submit this declaration in response to the Court's September 22, 2026 order directing lead counsel for Foundation to state "(1) whether or not AI was used in the preparation of Foundation's response to Hill's objection and (2) whether the quotations attributed to *Piazza* and the citation to *Zhao* were a result of Foundation's unchecked use of AI."

3. I have learned that AI was used in the preparation of the Foundation's response to Hill's objection and, regrettably and contrary to the Firm's policies and training, the quotations attributed to *Piazza* and the citation to *Zhao* were the result of unchecked use of AI.

4. Earlier this year, the Firm licensed certain generative AI tools designed specifically for the legal industry. The Firm conducted several training/introduction sessions to responsibly onboard the programs and train its personnel on the proper use of the programs. The Firm's outside ethics and professional responsibility counsel conducted a mandatory training focusing exclusively on lawyers' ethical obligations when using generative AI intelligence,

including the importance of verifying AI-generated outputs. All Firm lawyers, paralegals, and staff attended this mandatory training. The importance of verifying AI-generated outputs was also addressed at other sessions attended by Firm lawyers, including the lawyers responsible for this matter.

5. The Firm also required all employees to review and sign an Acceptable Use Policy for Generative Artificial Intelligence. This policy directs that generative AI outputs must be reviewed and validated, and corrected as necessary, before being used or shared.

6. Despite the above trainings and policy, I have learned that the quotations attributed to *Piazza* and the citation to *Zhao* in Foundation's response to Plaintiff's objections were the result of unchecked use of AI. Although the legal principles for which *Piazza* and *Zhao* were cited are correct, and a different case, *Zhao v. State University of New Yor*k, No. 04–CV–0210 (KAM)(RML), *1, 2011 WL 3610717 (EDNY Aug. 15, 2011), contains one of the cited quotations almost verbatim, the cited *Zhao* case does not exist and the *Piazza* case does not supports those propositions.

7. The lawyer who was responsible for preparing the initial draft of, and finalizing, the response before it was filed did not properly check the quotations and citations in the draft response before sharing the draft internally or finalizing and filing the response with the Court. I understand she intended to verify all citations in the response before filing the document with the Court, which has always been the standard practice in the Firm, including long before the Firm's use of AI tools. She recalls verifying the factual citations in the response but failed to verify the case citations.

8. To provide the Court with some additional context, that lawyer had recently suffered the sudden and unexpected loss of her sole remaining parent and returned to the firm

after bereavement leave and additional personal time away. She has told me that during the drafting of the response, she was continuing to deal with her parent's death and suffered an additional setback in her personal life, which she believes affected her ability to focus on completing all the necessary steps before filing the response. We recognize this information does not excuse the activity, and we are sharing it with the Court as an assurance that no attorney was acting in bad faith.

9. When I reviewed and edited the draft of the response, I was unaware that generative AI had been used in its drafting. Because the legal principles for which *Piazza* and *Zhao* were cited were well-known to me and uncontroversial and I had directed that the response focus on those principles, I did not independently seek to verify the accuracy of those citations.

10. The way the Firm used AI for the response is inconsistent with the Firm's policies governing the use of generative AI and is not representative of how the Firm practices.

11. The Firm takes its ethical obligations seriously. We understand that lawyers have an obligation to verify all citations and quotations before submitting them to a court and that we failed in that obligation when filing the response. We have taken steps to address the matter internally. We are implementing further safeguards to ensure this does not happen again, and we are confident that this type of error will not happen again.

12. We respectfully submit that the failure to properly check the AI-generated citations was the result of an isolated error and not any bad faith or intent to mislead or deceive the Court.

13. We sincerely apologize to the Court and are willing to provide any other information the Court may require.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York
September 28, 2026

/s/ Cynthia S. Arato
Cynthia S. Arato