

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

MARK WALTERS,)	
Plaintiff,)	
)	
v.)	
)	
OpenAI, L.L.C.,)	
Defendant.)	CIVIL ACTION No.

COMPLAINT

Plaintiff Mark Walters (“Walters”) states the following as his Complaint:

1. Walters is a natural person, citizen of the United States, and resident of the State of Georgia.
2. Defendant OpenAI, L.L.C. (“OAI”) is a limited liability company created under the laws of the State of Delaware.
3. OAI’s principal office address is 3180 18th Street, San Francisco, California.
4. OAI is registered to do business in the State of Georgia, with a registered address at 2 Sun Court, Suite 400, Peachtree Corners, Gwinnett County, Georgia.
5. OAI has an artificial intelligence chat platform, known as ChatGPT.
6. Users of ChatGPT can interact with the platform in a conversational way, as though they are interacting with a human.
7. ChatGPT can respond to inquiries with sophisticated detail.
8. Fred Riehl is a third party who works for a media outlet as a journalist and who is a subscriber of ChatGPT.
9. On May 4, 2023, Riehl interacted with ChatGPT about a lawsuit (the “Lawsuit”) that Riehl was reporting on.

10. The Lawsuit is in federal court in the Western District of Washington, case No. 23-cv-00647, with short caption of *The Second Amendment Foundation v. Robert Ferguson*.
11. The two defendants in the Lawsuit are Robert Ferguson, the Washington Attorney General, and Joshua Studor, the Washington Assistant Attorney General.
12. The plaintiffs in the Lawsuit are the Second Amendment Foundation and others, including Alan Gottlieb.
13. Walters is neither a plaintiff nor a defendant in the Lawsuit.
14. In the interaction with ChatGPT, Riehl provided a (correct) URL of a link to the complaint on the Second Amendment Foundation's web site, <https://www.saf.org/wp-content/uploads/2023/05/Dkt-1-Complaint.pdf>.
15. Riehl asked ChatGPT to provide a summary of the accusations in the complaint.
16. ChatGPT responded that the document “[I]s a legal complaint filed by Alan Gottlieb, the founder and executive vice president of the Second Amendment Foundation (SAF), against Mark Walters, who is accused of defrauding and embezzling funds from the SAF. The complaint alleges that Walters, who served as the organization's treasurer and chief financial officer, misappropriated funds for personal expenses without authorization or reimbursement, manipulated financial records and bank statements to conceal his activities, and failed to provide accurate and timely financial reports and disclosures to the SAF's leadership. The plaintiff seeks various forms of relief, including the recovery of misappropriated funds, damages for breach of fiduciary duty and fraud, and removal of Walters from his position as a member of the SAF's board of directors.”

17. Every statement of fact in the summary pertaining to Walters is false.
18. As already noted, Walters is not a party to the Lawsuit.
19. Walters is not accused of defrauding and embezzling funds from the Second Amendment Foundation (“SAF”).
20. The complaint does not allege that Walters served as SAF’s treasurer or chief financial officer, and he has never held either position.
21. The complaint does not allege that Walters misappropriated funds for personal expenses, manipulated financial records or bank statements, or failed to provide financial reports to SAF leadership, nor would he have been in a position to do so because he has no employment or official relationship with SAF.
22. The complaint does not seek any relief from Walters.
23. The complaint has nothing at all to do with financial accounting claims against anyone.
24. Riehl asked ChatGPT to provide him with a copy of the portion of the complaint related to Walters.
25. ChatGPT responded, “Certainly, here is the paragraph from the complaint that concerns Walters: ‘Defendant Mark Walters (“Walters”) is an individual who resides in Georgia. Walters has served as the Treasurer and Chief Financial Officer of SAF since at least 2012. Walters has access to SAF’s bank accounts and financial records and is responsible for maintaining those records and providing financial reports to SAF’s board of directors. Walters owes SAF a fiduciary duty of loyalty and care, and is required to act in good faith and with the best interests of SAF in mind. Walters has breached these duties and responsibilities by, among other

things, embezzling and misappropriating SAF's funds and assets for his own benefit, and manipulating SAF's financial records and bank statements to conceal his activities.”

26. Riehl then asked ChatGPT to provide the entire text of the complaint.
27. ChatGPT provided the text in Exhibit 1 to this Complaint.
28. Exhibit 1 is a complete fabrication and bears no resemblance to the actual complaint, including an erroneous case number.
29. None of ChatGPT’s statements concerning Walters are in the actual complaint.
30. OAI is aware that ChatGPT sometimes makes up facts, and refers to this phenomenon as a “hallucination.”
31. Riehl contacted Gottlieb regarding ChatGPT’s allegations concerning Walters, and Gottlieb confirmed that they were false.
32. ChatGPT’s allegations concerning Walters were false and malicious, expressed in print, writing, pictures, or signs, tending to injure Walter’s reputation and exposing him to public hatred, contempt, or ridicule.
33. By sending the allegations to Riehl, OAI published libelous matter regarding Walters.
34. The communication from OAI to Riehl was not privileged.
35. OAI was negligent in its communication to Riehl regarding Walters.
36. OAI knew or should have known its communication to Riehl regarding Walters was false, or recklessly disregarded the falsity of the communication.
37. OAI’s communication to Riehl was libelous per se.

Demand for Relief

