

Speaker 1 ([00:00](#)):

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Lisa Simonetti ([00:19](#)):

Greetings all, and welcome to the California Unfair Competition Defense Podcast. I'm Lisa Simonetti, and my co-host is Greg Nylan. For this episode, we are grateful to have two guest speakers who will discuss the current litigation landscape around environmental, social and governance issues. Can you introduce yourselves, guys?

Layal Bishara ([00:37](#)):

My name is Layal Bishara. I am a litigation associate in our Los Angeles office, and I work with Adil a good amount on some of these class actions, including what we're discussing today, which is the environmental, social and governance issues.

Adil Khan ([00:53](#)):

And I'm Adil Khan. I'm a shareholder in the Litigation group of Greenberg Traurig's LA office. I'm a general commercial litigator, but much of my practice focuses on consumer class actions and false advertising claims.

Lisa Simonetti ([01:07](#)):

And we think it is very important to look at these issues now. Companies that include ESG factors in their initiatives are facing increased litigation from plaintiffs' lawyers and regulatory risk at the state AG level.

Greg Nylan ([01:19](#)):

That's right, and there have been antitrust concerns and also claims brought under the various prongs of California's Unfair Competition Law involving these issues, as well as the false advertising law and Consumer Legal Remedies Act. So with that, take it away.

Adil Khan ([01:35](#)):

Thanks, Greg. So these days, businesses are finding themselves between a rock and a hard place when it comes to important social and political topics that are bleeding into the marketplace. Consumers often want to make a statement with their consumption habits and purchasing decisions, and this includes buying products and services that they believe are helping the world or at least mitigating some harms. So as such, consumers are demanding transparency from companies on topics that these businesses would never have dreamed of discussing just a few years ago. I read this KPMG study that came out recently. They did a survey in the UK and they found that over 50% of surveyed consumers said they would stop buying from a company if it were found to have been misleading in its sustainability claims. So investors, lenders, and corporate clients, they're often placing similar pressures on companies that they do business with and as we'll discuss in a bit, regulators are also requiring businesses to make disclosures on various social, environmental and other politically tinged topics.

Layal Bishara ([02:47](#)):

So naturally, this has placed significant market pressure on businesses to respond, and these efforts have just become bigger and deeply integrated within business strategies. So we're going to refer to environmental, social, governance issues as ESG. So ESG has come to mean a set of standards for a company's behavior used by socially conscious customers, investors, and lenders to screen how they spend their money. So ESG often involves things like gender equity, racial equity, and, the focus of this podcast episode, climate change and the environment, specifically describing their environmental impact and improving their business practices to get good, quote, "ESG scores".

Adil Khan ([03:33](#)):

These circumstances have also created a challenge for companies because they're under pressure to address topics that they may not be well equipped to discuss and be more transparent in the process, while at the same time regulators and private parties are scrutinizing those claims for accuracy. In other words, businesses are feeling compelled to discuss their efforts to reduce negative environmental impacts, but the risk of being accused of, quote, "greenwashing" is high because it's very easy to construe a statement as painting an incomplete or misleading picture. And the effort to get high ESG scores sometimes leads companies to say things that may create significant litigation risks. Although someone like me as a litigator, although the instinct might be to just say nothing, which is now called greenhushing, that's just not viable from a business or regulatory compliance standpoint. The key problem here is that marketing and advertising routinely uses language that can be construed as making factual statements, implied statements, and implied comparisons, and all of those are rich targets for false advertising claims.

Layal Bishara ([04:47](#)):

So consumer class actions regarding ESG issues tend to focus on a couple things. Greenwashing, which we've talked about, fair trade and labor issues, so child labor, forced labor, animal welfare, diversity initiatives. So false advertising cases based on these ESG claims often focus on specific types of allegations. Some examples of those allegations. General environmental claims about a product or a company's overall practices being environment-friendly, eco-friendly, sustainable, climate-friendly, or carbon neutral. Claims about third-party certifications about these ESG issues that plaintiffs contend are misleading. Specific claims about whether a product or its packaging is recyclable, biodegradable, or made from recycled material. Statements about the environmental impact or labor practices involved in a product's total life cycle from the origin of raw materials, transport and handling, and the supply chain, consumer use and post-consumption disposal, recycling and other handling of the products.

Adil Khan ([05:53](#)):

Now, governmental agencies, environmental groups and class action attorneys are increasingly eager to find potential violations and theories involving greenwashing. Consumer class actions alleging deceptive trade practices and false advertising tied to ESG-related statements are on the rise. In a recent survey, 28% of more than 430 general counsel and in-house litigation leaders said their ESG dispute exposure increased in 2022, and a similar number said they would expect it to increase by the same amount in 2023. Similarly, the FTC is upgrading its Green Guides and closed the public comment period a few months ago on those. So practitioners should follow up on that. Similarly, the SEC is working on a proposal for publicly traded companies to disclose climate change risks and greenhouse gas emissions in their production and supply chains. And of course, those rules will be litigated by industry groups before becoming effective. So businesses will continue to set their own parameters for disclosures in the interim.

Loyal Bishara (07:05):

So another example in California, SB 343 was signed into law on October 5th, 2021, and it is regarding claims related to the recyclability of a product or packaging. So the Bill, which will go into effect on January 1st, 2024, provides the following as is relevant to these ESG issues. So it requires the Department of Resources Recycling and Recovery to provide information to the public to evaluate whether a product or packaging is recyclable. It prohibits the offering for sale, selling, distributing or importing into the state any product or packaging for which a deceptive or misleading claim about the recyclability of the product or packaging is made.

(07:48):

And a product or packaging that displays a chasing arrow symbol along with other symbols, similar statements, directions, is deemed to be a deceptive or misleading claim unless the product or packaging is considered recyclable, pursuant to the statewide recyclability criteria, and is of a material type and form that does routinely become feedstock, which then is used in the production of new products or packaging. SB 343 also prohibits placing a resin identification code number inside a chasing arrow symbol unless the plastic product or container bearing the symbol meets the requirements for statewide recyclability. So it is very detailed.

Adil Khan (08:29):

Thanks. So marketing statements on ESG issues can become easy targets for consumer class actions because they often can be, one, difficult to support, or two, very easy to mischaracterize or misinterpret. To begin with, marketing teams may not always be sufficiently connected to the operational side of the business to have insight or knowledge into specific details of a product's actual environmental attributes. So in trying to speak to a broad audience and promote sales, marketing teams, they can have a natural bias towards putting a positive spin on product claims, and those can be exacerbated if the marketing team also lacks the technical knowledge needed to understand the limits on what an underlying scientific study or an article actually proves or supports. And the lack of scientific consensus or reliance on inconclusive single studies can create further litigation risks.

(09:31):

Recently there was this Bloomberg report and it reported that almost one half of ESG cases involving product advertising since the beginning of 2022 were filed in the Ninth Circuit. Not surprisingly, the Second Circuit came in next. So the risks here are high. Now let's look at some specific examples of how these issues are addressed in the consumer class action context. Of course, as practitioners and businesses who have litigated before know, it's not always about whether you can ultimately win the legal argument. Even if a company succeeds in court, the costs of defending the claim can be substantial, both monetarily and reputationally. And of course, there are other costs, like the diversion of internal resources, attention, emotional energy, all of those can be significant even if they're difficult to quantify.

Loyal Bishara (10:25):

So the first example that we're going to talk about is a case filed in the Superior Court of San Diego here in California called, I'm going to butcher this, Jezdimirovic v Volcom. So the plaintiff challenged a few statements that Volcom allegedly made on its packaging. So they challenged Volcom's vendor code of conduct, which stated that, "Volcom strives to do business with vendors around the world to respect the laws, cultures and workers manufacturing products and components. Volcom expects its vendors to act responsibly and to do their best to ensure that no abusive, exploitative, or illegal conditions exist at their workplaces." Another one is, "Volcom will only work with vendors, suppliers, and subcontractors who

comply with this code." Another one, "Volcom vendors are prohibited from using child labor as defined by local, national, international laws and regulations." And lastly, "Vendors must comply in all material respects with all applicable local, national, international laws regarding the provisions of a safe, hygienic and healthy working environment."

[\(11:37\)](#):

So based on these statements, plaintiff argued that Volcom's, quote, "misrepresentations", were meant to create either a halo effect or greenwash the Volcom manufacturing and vending processes, buy-in through representations regarding responsible manufacturing. Plaintiff also alleged that Volcom does not require its vendors to comply with the alleged Volcom prohibition on abusive, exploitative, or illegal labor conditions, and that the Volcom vendors have a recorded history of using abusive, exploitative, and/or illegal labor conditions. Plaintiff also alleged that Volcom did not require its vendors to comply with the Volcom practice of providing a safe, hygienic, and healthy working environment, and that the Volcom vendors have a recorded history of injuries and unhealthy practices among their employees. Plaintiff further alleged that Volcom does not require its employees to comply with all applicable labor and employment laws, and that Volcom had a recorded history of labor and employment violations experienced by its employees. And lastly, plaintiff alleged that Volcom does not employ, quote, "sustainability initiatives, does not protect and preserve natural resources, and does not recycle its products as defined by California law."

Adil Khan [\(12:54\)](#):

So to challenge those allegations, Volcom filed a demur, which is what we call a motion to dismiss in California state court. And the court granted it with leave to amend. The court held that plaintiff had not alleged how or why the statements were misleading. The court held that plaintiff's quoting of, quote, "several of Volcom's policies," and then making the conclusion that they are false or misleading was insufficient because these are mere legal conclusions, not facts.

[\(13:24\)](#):

The court also held that there were no facts, quote, "alleged" about what product plaintiff purchased or when, or any facts showing how or why Volcom's various statements were false. The court further struck the class allegations, explaining that, "This is not a situation where advertising relates to a false claim about a particular product's function or fitness for a certain represented activity. This is not about the product itself, but about the company and its status in the world. Given that the alleged general misrepresentations relate to how the company treats its own vendors and employees or its internal policies, individual issues of materiality of the representations would seemingly predominate over common questions in this matter." So in light of that ruling, the plaintiff filed an amended complaint and I believe Volcom's demur to that pleading and its motion to strike are still pending. So we'll make sure to keep an eye on it.

Loyal Bishara [\(14:26\)](#):

The next case that we're going to look at is one filed in the Southern District of New York last year in 2022. It's called Dwyer v Allbirds. So the plaintiff challenged one specific statement. The statement was, quote, "Allbirds advertising is replete with eco-friendly phrases including sustainability meets style, low carbon footprint and environmentally-friendly and made with sustainable wool." So based on these statements, the plaintiff alleged that Allbirds promotes its, quote, happy sheep, being empty welfare policies that do little to stop animal suffering. Plaintiff also alleged that if Allbirds were required to either truthfully disclose the practices which provide the wool [inaudible 00:15:08] shoes, or if it refrained from representing its humane and animal-friendly attributes, fewer people would buy the shoes.

Plaintiff alleged that wool actually comes from sheep who live horribly and are eventually killed in the wool industry. Lastly, plaintiff alleged that based on investigations into more than a hundred large-scale wool operations, most of which had been promoted in the same terms used by Allbirds as sustainable, responsible, workers actually beat, stomped on, cut open the skin up and slit the throats of conscious, struggling sheep.

Adil Khan ([15:41](#)):

So here the court granted the motion to dismiss because plaintiff failed to allege that the statements were materially misleading. The court explained that plaintiff and PETA may believe that defendant should use a different method of measuring the product's carbon footprint, but that does not plausibly suggest that what the defendant in fact said was materially misleading. The court held, quote, "These ads, which are obviously intended to be humorous, make no representations at all. Defendant nowhere describes the sheep as happy. Instead, plaintiff criticizes the sheep industry and wool harvesting practices as a whole, which does not satisfy plaintiff's burden to allege that a specific advertisement or statement by defendant would mislead a reasonable consumer as to the product." The court also found that the statements were classic puffery, which is not actionable.

Layal Bishara ([16:37](#)):

So we're going to shift gears for a second and talk about ESG claims and what we call substantiation theories. So in many states, private plaintiffs cannot assert false advertising claims that are based on the statement that the defendant lacks support for and cannot substantiate its marketing. In those states, it's the plaintiff's burden to show that a statement is false. So permitting the substantiation claim would improperly flip the burden and place it on the defendant. So California is one of those states. California does not recognize the lack of substantiation theory, and consumer fraud claims that are premised on this disguised substantiation theory might be subject to dismissal. So under California law, a private plaintiff cannot base a false advertising claim on a theory that marketing claims are not substantiated by factual support because, as discussed, doing so would invite frivolous claims and flip the burden of proof onto the defendant.

([17:35](#)):

So this was decided in National Council against Health Fraud Inc versus King Bio Pharms Inc. The cite for that is 107 Cal. App. 4th 1336, at 1345. That was filed in 2003. California courts analyzing statutory false advertising claims treat unsupported allegations that are scientifically impossible for a product to work as improper substantiation claims. And they require plaintiffs to cite studies or evidence affirmatively showing that an advertising claim is false. And even where a plaintiff does cite the studies, courts scrutinize them to ensure that their conclusions actually do undermine the advertising claims and do render them false.

([18:19](#)):

So for example, in Eckler v Walmart stores, the plaintiff alleged that the challenged product did not support joint comfort and that the defendant's advertising claims to the contrary were unsupported, which the court deemed to be an improper substantiation claim. And the cite for that is 2012 WESTLAW 5382218. And that was filed in the Southern District of California in 2012. And the plaintiff also cited a study supposedly showing that the advertising claims were actually false, which the court did explain was legally cognizable. The court, however, did hold that the study was nonetheless inadequate to show falsity because none of them involved the disputed product. So that was at issue in the lawsuit. And the studies all involved a degenerative medical condition that the defendant's product did not represent itself as helping to alleviate or improve, which was not at issue in the lawsuit as well.

Adil Khan ([19:13](#)):

Now, Illinois allows lack of substantiation claims, meaning without needing to prove that the underlying claim necessarily is itself false, but only, quote, "when the advertising claim at issue implies there's substantiation for that claim." In other words, if defendants had claimed something along the lines of tests show that the product in question is effective. And there's a case called Gredll from 2006 explaining that issue. There's another one called Bober versus Glaxo Wellcome that also mentions the same notion, that the lack of substantiation is deceptive only when the comparative claim at issue implies that there is substantiation for the claim made. The Second Circuit recently held that New York or Connecticut would allow this theory to proceed. So until recently, the district courts in the Second Circuit often drew on Ninth Circuit authorities to apply the same rule. On May 2nd of 2023, however, the Second Circuit held as a matter of first impression, that lack of substantiation cases are cognizable under the General Business Law 349 and 350, thus rejecting the California rule. And that Second Circuit case from May 2023 is MacNaughton versus Young Living Essential Oils.

Layal Bishara ([20:46](#)):

So in states like Florida, it appears to be unsettled whether they do allow substantiation theories. So it's unclear under Florida's consumer protection laws whether these theories are allowed. So courts have dodged the issue by finding that plaintiffs are alleging more than just a lack of substantiation, and thus the claims do survive the motion to dismiss stage. So for example, in one case, a court found that a claim that a representation was false or misleading because it had been disproven or contradicted by scientific evidence was not a lack of substantiation claim. Under federal law, the FTC can seek a cease and desist order and other relief under a lack of substantiation theory without needing to prove the underlying claims necessarily were false. So that's a bit of a nuance.

Adil Khan ([21:35](#)):

So let's switch gears and talk a little bit about third party certifications because sometimes companies will use either insignias or endorsements or approvals from third parties in their marketing, advertising and labeling. Now, the FTC advises that marketing statements about third party certifications should be supported by independent evidence, but this is ripe ground for private claims. The allegations might include theories like their certification is simply untrue, that defendant misdescribes or states what the certification actually means. And sometimes they might allege that the third party is not independent or objective, but actually is controlled by or otherwise affiliated with the defendant. So for example, a trade group might be funded by its member businesses, or worse yet, the third party certifier might be an affiliate or a division of the advertising company.

Layal Bishara ([22:34](#)):

So for example, a case filed in the Southern District of California in 2022 called Walker v Nestlé, the plaintiff claimed that statements on the product's product labels, including a statement that said Nestlé Cocoa Plan and Certified through UTZ were deceptive because they falsely led consumers to believe that the products were made in accordance with environmentally and socially responsible standards. So plaintiff alleged that Nestlé's sourcing process actually relied on child labor, deforestation and other environmentally harmful practices. Defendants filed a motion to dismiss, but the court denied the motion to dismiss, holding that plaintiff had plausibly alleged that the challenge statements were deceptive, noting that, quote, "The addition of the UTZ certification enhances the advertising statements by suggesting they are true because they were approved by a third party."

Adil Khan ([23:30](#)):

So let's talk about anti-SLAPP challenges that defendants might use in this context. So just quick background, SLAPP is short for Strategic Lawsuits Against Public Participation. So a plaintiff's case, as we know, will often target the defendant's speech, like public statements, or marketing, or its ESG reports, or whatever else. Now, that's not necessarily improper, but it takes on the flavor of a SLAPP lawsuit when it's seen as seeking to [inaudible 00:24:03], dissuade, or punish a defendant's exercise of constitutional rights to free speech, civic participation, and engagement with governmental authorities. So anti-SLAPP laws are meant to provide a remedy to SLAPP suits. These anti-SLAPP laws are meant to prevent plaintiffs from using courts and threats of litigation to intimidate people who are exercising their first amendment rights. And as we'll see next, defendants sometimes use this framework to defend against false advertising claims in the ESG space, but they're meeting limited success.

Layal Bishara ([24:38](#)):

And in another case filed in the Superior Court of San Diego called Hicks v Wm. Bolthouse Farms Inc, the plaintiff challenged several statements. These statements were on LinkedIn posts and also on the defendant's industry newsletters or online publications. These statements included, quote, "Bolthouse Farms is proud to be a part of understanding and scaling regenerative agriculture for all producers. We will be more transparent with our data this year. We are committing to soil health and regenerative agriculture. By taking a more intentional approach to ESG, we will be better positioned to foster a sustainable relationship with our people and natural resources while helping Bolthouse Farms grow into the most transparent and conscientious company we can be.

([25:29](#)):

Ultimately, we see regenerative agriculture having huge potential to regenerate the natural resources used for the future of farming to support healthy, thriving communities. In actuality, the Bolthouse method of growing its goods is causing severe harm to the ecosystem and to its neighbors and communities. The Bolthouse methods regarding water use have caused and/or contributed to chronic overdraft of the aquifer, causing severe water restrictions, soil damage, plant and animal die-off and other damage, none of which can ever be rationally or reasonably described as quote, 'regenerative.'"

Adil Khan ([26:05](#)):

So here the defendant, Bolthouse, filed a motion to strike under the anti-SLAPP statutes, but that was denied. In the court's words, "There's no dispute that defendant is a speaker engaged in commerce, and defendant presents no meaningful argument to dispute that the intended audience of its statements were likely to be actual or potential buyers or customers of the speaker's good or services, or persons such as reporters or reviewers likely to repeat the message to or otherwise influence actual or potential buyers or customers."

([26:43](#)):

The court went on to say, "Plaintiff contends that defendant's statements were designed to bolster consumer goodwill and shore up profits. So taken in isolation, many of the statements are arguably non-commercial opinion. However, the cumulative effect of defendant's statements made by a business engaged in agricultural production and manufacturing about such production and manufacturing is likely to lead a recipient of such statements to the reasonable conclusion that defendant's products are manufactured using regenerative agriculture, and that defendant overall engages in practices that demonstrate its commitment to sustainable farming and good corporate social responsibility."

Layal Bishara ([27:28](#)):

Okay, another case. So in the Southern district of California in 2022, there was a case filed called Hicks v Grimmway Enterprises. And there, the plaintiff challenged defendant's statements about, quote "Regenerative farming" that was made in, quote, "inaugural report on environmental, social and governance actions." And they challenged statements made in the defendant's ESG commitments that said that they were preserving natural resources, and they stated that these statements were false, deceptive and misleading. So according to the plaintiff, the defendant's method of growing its goods was actually causing severe harm to the ecosystem and to its neighbors and communities.

[\(28:11\)](#):

So here, the defendant also filed a motion to strike, which the court denied on the basis that the statements were made to promote defendant's business. So in other words, they were commercial speech. The defendant argued that the report at issue was intended for internal and external stakeholders like employees, policymakers, and advocacy groups, and therefore was not part of the defendant's commercial practices, that the court rejected this argument, holding that the report's audience consisted of actual and potential customers as well as organizations likely to influence potential customers. The court also noted that the report itself defined the term stakeholders as including not only the groups that defendant listed but also consumers and customers. Additionally, the ESG report was distributed to the chambers of commerce, various trade associations, and to the media, all of which are likely to influence potential customers. The court also noted that this report was published on defendant's websites where any average consumer could access it.

Adil Khan [\(29:14\)](#):

Now here, defendant also argued that the report was not created to promote their goods and services, but the court held that the report repeatedly spotlighted the safety and quality of defendant's goods and highlighted the defendant's responsiveness to customers as well as its certifications and best practices, thereby advertising defendant's produce as fresh, safe, healthy, sustainable, and grown by a reliable and ethically responsible business organization. The court further acknowledged that significant sections of the ESG report discussed topics not strictly tied to defendant's goods and services, but that the overall message of the ESG report, however, was that defendant is an ethically responsible grower and seller of high quality food products. As such, the ESG report promotes defendant's products and its brand more generally.

Layal Bishara [\(30:10\)](#):

So what are the takeaways from all this? So one of the takeaways is that false advertising allegations that are based on ESG statements are definitely on the rise, and businesses are finding it difficult to balance business needs versus litigation risks. Compliance with state statutes and other guidelines like the California Transparency in Supply Chains Act, the FDC Green Guides is increasingly important. And just like in other contexts, misstatements, not omissions, tend to be more successful in consumer lawsuits.

Adil Khan [\(30:42\)](#):

Another takeaway is that specific or factual statements that are not fully substantiated, provable, and unambiguous are dangerous. Vague, aspirational statements about future goals often carry less risk, but they're not bulletproof. And even though it may not be a defendant's burden in all states, the facts must be verifiable to minimize the risk. So for example, if the facts are correct and supported, it makes the business a much less attractive target. In addition, careful vetting of marketing labels, ESG reports and other public facing documents can go a long way in reducing litigation risks. Even if in states that don't

shift the burden of substantiation onto defendants, it is not good risk management nor ultimately good marketing to make claims that cannot be supported. Aspirational statements must be true and supported by the advertiser's overall business plans, which a court will consider in assessing the statements in context. So taking all this together, words like expectations, goals, and hopes rather than ensure, promise, and forbid would be preferable.

Loyal Bishara ([32:00](#)):

Another takeaway is that in trying to survive motions to dismiss, plaintiffs can be very creative in construing general statements as implied representations and market comparisons, which can increase the settlement value of these cases. So businesses also need to be careful about using terms that are growing in popularity but have no standard meaning across the consuming public. So we saw this with words like organic and all natural and claims based on those words in recent decades. And the same thing is coming up with new terms such as regenerative agriculture, sustainable, ethical, humane, pasture raised, free roaming, eco-friendly, clean, and other similar words.

Adil Khan ([32:45](#)):

And to recap on the third-party certifications, those are attractive to businesses, but they may invite private claims and FTC scrutiny. One key preventive measure here is for companies to understand the certifications they're getting. Reputable certification organizations carefully explain what they do and do not certify, but the companies receiving the certifications may sometimes neglect to scrutinize or properly communicate those details in their marketing and advertising claims. As a result, it's not uncommon for these certifications to be misrepresented to the public even if it's inadvertently done. So here too, a careful vetting of the details, which really doesn't take much time, can go a long way in helping to reduce these risks.

Loyal Bishara ([33:31](#)):

In defense, federal pleading standards remain key for defendants. So these standards include the particularity requirements for false advertising claims. And also for claims that are based on fraud, Federal Rule of Civil Procedure 9(b) is important because that provides a much higher pleading standard. Defendants can also rely on Article III defenses and other standing defenses, particularly for products that the representative plaintiff did not actually purchase.

Adil Khan ([34:01](#)):

And of course, defense practitioners should always be aware of state law differences. So for example, whether private plaintiffs can pursue substantiation theories and what the nuances might be when it comes to anti-SLAPP defenses and exceptions.

Greg Nysten ([34:17](#)):

Thank you, Adil and Loyal. That was a great episode and lots of really useful information. And everyone, as always, you can email questions to ucdefense@gtlaw.com. And before I sign off, I'll give a very quick film review to continue the tradition. This one is the first science fiction film I think I've recommended, which is a film called Moon, from 2009. It was directed by Duncan Jones. He won the BAFTA Award for best British film and it stars Sam Rockwell playing someone named Sam Bell. It's about a facility on the dark side of the moon created by Lunar Industries after an oil crisis that mines the alternative fuel Helium-3. And there's only one person on the station, and it's this Sam Bell character who needs to do the mining because it's automated. And his only companion is an artificial intelligence named Gertie,

who is sort of an updated version of HAL from 2001, if you're familiar with that movie. I certainly hope you are.

[\(35:12\)](#):

And two weeks before his return to Earth, Sam begins to suffer from hallucinations of a teenage girl and a bearded disheveled man. And I can't really go any further than that because this particular film, which is a great character study and is about a lot of other issues too, it's not just a sci-fi film by any means, had more twists than any film I've seen in a long time, and I just rewatched it recently. So I thought I would recommend that. And with that, I will thank you all for joining us. See you next time.

Lisa Simonetti [\(35:38\)](#):

Thank you, Greg. Everyone, you can mail questions to ucdefense@gtlaw.com, and we'll see you next time.