

To: New Associate
From: Senior Partner
Date: October 8, 2020
RE: Holden – File No. 20-6670

Mr. Holden has just been to see me. Mr. Holden is having trouble with his neighbor, Ms. Swanson. Mr. Holden and Ms. Swanson have been neighbors for a very long time. It is just since Ms. Swanson retired that the two started having serious problems. For several years, Ms. Swanson made wine in her garage – mostly for friends and family, but, since her retirement, she has begun selling much larger quantities of wine. This has meant more noise in the operation of the business, and much more traffic on their street, from both trucks and customers. You may have heard of Ms. Swanson because she is currently running for mayor of our town.

When Mr. Holden finally spoke to Ms. Swanson about cutting back wine production to reduce the noise and congestion, she said that she was making quite a profit on the wine and had no intention of reducing these activities. Mr. Holden didn't take this very well, and, while at a mayoral debate, he stood up and said something like, "Ms. Swanson is my neighbor, and she is breaking state and federal laws left and right -- even before she gets power. I would never vote for her." Not surprisingly, Ms. Swanson did not take this statement well. Mr. Holden has received a letter from Ms. Swanson's attorney indicating that Ms. Swanson intends to bring a slander suit against Mr. Holden. We will need to figure out if Ms. Swanson would be considered a public official, but, more importantly, we will need to figure out if Mr. Holden's statement was, in fact, true. Is Ms. Swanson breaking federal and state laws, at least as far as the wine production is concerned?

For example, before the big fight, Mr. Holden apparently bought a bottle of wine from his neighbor. While the Swanson brand was on the label, there was no indication of alcohol content or any other content information on the bottle. Ms. Swanson told Mr. Holden that this information had been tied on to the bottle, but the notice may have blown off. I believe there are also requirements for home-based businesses, and related health inspections required by law. There may be other issues with the wine production as well.

I will be meeting with Mr. Holden again next Friday. Please research the issues presented, so I may advise him.