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# Slander, Libel, and Defamation

Currently, it seems attacks upon our government are at the forefront of media and politics. While the First Amendment gives us our freedom of speech, not everything is protected. For instance, you can't scream "fire" in a crowded movie theatre (unless, of course, there is an actual fire). Who goes to the movies

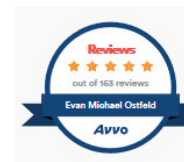
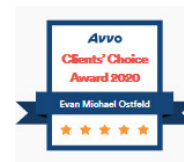
these days anyway? Now, it's more important than ever to understand the differences between these terms. If your speech however crosses the line, one could be the subject of litigation.

### What is defamation?

Defamation is the all-encompassing term that describes both slander and libel. When an untrue and damaging statement, *presented as fact*, injures a third party's reputation, it's defamation of character. For example, you can't hurt a person's reputation by simply saying they're annoying; however, asserting they participate in illegal activities when they actually do not can be extremely harmful and subject the person to possible damages!

It should be noted that you cannot be sued for defamation for simply stating an opinion. If the statement is untrue and damages the person's reputation, whether it be written or spoken, you could be sued for defamation.

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## WORKING MAN

"Well, I get up at seven, yeah, And I go to work at nine. I got no time for livin'. Yes, I'm workin' all the time. It seems to me. I could live my life. A lot better than I think I am. Guess that's why they call me, they call me the workin' man. They call me the workin' man. I guess that's what I am."

Those are the lyrics from Rush's 1974 self-titled debut album. It perfectly personifies how I run my law firm. As you may know, for over 20 years, The Law Offices of Evan M. Ostfeld, has been helping the injured in the



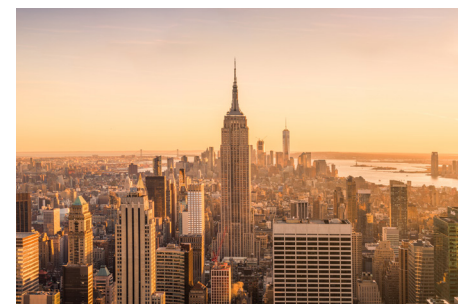
field of workers' compensation and personal injury. Predominantly focusing on automobile accidents; slip and falls; cancer cases from the use of Zantac, Roundup, Johnson & Johnson Baby Powder/Shower

to Shower, Philips' CPAP, Bi-PAP, and ASV sleep apnea machines; as well as accepting 3M earplugs, hernia mesh, and now against the manufacturers of Paraquat. So, how did the "Working Man" become my mantra? Simple. As a sole practitioner, the traditional 9-to-5 work schedule really does not apply. Since I am a night owl anyway, my day typically starts at 9 AM but, on occasion, can extend well beyond midnight. Work sometimes "follows me" on

weekends and on holidays. Why all this work, you say? There are several reasons.

One, I honestly do not require a lot of sleep. If I'm tired, there is always Mountain Dew (the original with sugar, please!) and/or a strategically placed nap. Second, resting is not very productive, especially while operating a busy law practice with clients throughout the country. I am also of the mindset that people wish to have their legal issues addressed in a "New York minute," as referenced in a track from Don Henley's "The End of the Innocence" album. Originally hailing from "The City That Never Sleeps," I am more than happy to oblige. Finally, and as Warren Zevon so profoundly said, "I'll Sleep When I'm Dead ..."

I may not be the smartest lawyer in the land, (although I did get a perfect bar exam score), no one will ever out-work me. Such an ethic was instilled upon me from the age of 13, when I started delivering papers for the Fort Lauderdale SunSentinel.



In full disclosure, the reference to my exam score was not entirely accurate; I only used it here as an artistic license. That being said, if you want an attorney who will really "work" for you, reach out to us anytime. I provide my cell number, and our calls are answered 24/7.

As an aside, I am always available to discuss any legal conundrum that you may have, big or small. If we cannot assist thee, The Referral King™ will try to suggest other lawyers who might. In closing, we are here to help!

Godspeed,

-King E

## REFERRALS WELCOME!

Thanks for allowing us to represent you. Hopefully, we've earned your trust for future referrals of friends and family, even if the matter occurred outside of Florida. We are only a call, text, or email away!



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Beginning in the late 1960's, one of the most commonly used commercial herbicides in America is a chemical known as Paraquat. Although currently banned in 32 countries, it is still used in the U.S. Sold under several names, this product has long been known as highly toxic by the E.P.A. In fact, it is so dangerous that sipping one drop may kill you, so please, do not drink! The immediate effect is often acute respiratory distress syndrome, kidney, liver and or heart failure. A 2011 study showed that long term exposure can even lead to the development of Parkinson's Disease. It wasn't however until 2016 that the E.P.A. announced it would be re-evaluating use of this product.

## Paraquat: Another Killer Pesticide

Chemical mixers, farmers, aerial sprayers (crop dusters), flaggers, tank fillers, and those living adjacent to farms or fields that were treated with the product are groups commonly exposed to Paraquat. As a result, the earliest lawsuits commenced in 2018 against several Paraquat manufacturers. Since then, the number of individuals alleging injury due to its exposure have grown substantially.

For The Law Offices of Evan M. Ostfeld, P.A. to further investigate a claim, one must have been exposed to Paraquat for at least 2 years. If you or a loved one and have been diagnosed and or died as a result Parkinson's Disease, the claim may be added to the pending lawsuit. Please note that an "official" Parkinson's Disease diagnosis may not be necessary. Rather, the injured individual must at least be suffering from the following effects: tremors, other motor symptoms, prolonged/extreme stiffness, loss of balance, difficulty with body movements including walking, drooling, reduced facial expression, small handwriting, whole body fatigue, dizziness, sleep disturbances, amnesia and or anxiety. If you have questions and concerns about Paraquat, please give us a call right away; there may be compensation available as a result of this killer pesticide.

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### What is libel?

Libel is a method of defamation expressed in print, writing, pictures, signs, effigies, or any communication embodied in physical form. In today's digital world, things like blogs, Twitter Tweets, online Google or Yelp reviews, and/or online publications can now be subject to libel lawsuits.

Tabloids have traditionally been a reliable source for drama and libel cases for years. Many celebrities have repeatedly sued them for publishing stories and misleading photos. For example, the British tabloid Daily Mail published multiple untrue stories regarding actress Keira Knightley's weight, claiming she was anorexic. She sued the newspaper for libel and won.

### How does slander differ from libel?

Where libel is a physical form of defamation, slander is merely spoken, whether it be on television, radio, a video on the internet, or even just rumors spread around the water cooler at work.

Since politicians are public figures, they have to prove actual malice before damages can be awarded. That means, one must prove by "clear and convincingly" evidence that the alleged defamatory statement was made with knowledge that it was false or with reckless disregard of the truth.



### Just tell the truth!

If you are ever accused of defamation, truth is a complete defense. That means, if you can prove what was said or wrote as being accurate, there is no claim for damages.

# TAKE A *BREAK*



## HOLIDAY EGGNOG

Inspired by  
TastesBetterFromScratch.com

### Ingredients

- 6 egg yolks
- 1/2 cup sugar
- 1 cup heavy whipping cream
- 2 cups milk
- 1/2 tsp nutmeg
- 1 pinch salt
- 1/4 tsp vanilla extract
- Cinnamon and whipped cream

### Directions

1. In a medium bowl, whisk the egg yolks and sugar until light and creamy. Set aside.
2. In a saucepan over medium heat, stir together the cream, milk, nutmeg, and salt. Bring to a simmer.
3. Add a spoonful of the milk mixture to the egg mixture. Whisk vigorously and repeat, one spoonful at a time.
4. When most of the milk is whisked in, add the egg mixture to the saucepan.
5. Whisk until the liquid thickens slightly or reaches 160 F. Remove from heat and add vanilla extract.
6. Pour the eggnog into a glass container and cover. Refrigerate.
7. When the eggnog has thickened, pour it into glasses, garnish, and enjoy!

## SPENDING THE HOLIDAYS ALONE?

### *BOOST YOUR MOOD WITH THESE TIPS*

Many Americans spend the holidays alone every year. Due to the pandemic, traveling restrictions, and fear, it has simply become more difficult for people to see their loved ones. If you're one of these people who are spending their first holiday season alone this year, here are a few strategies you can try to make the situation a little bit easier.

### Don't hold yourself to the usual standards.

One of the best things about spending the holidays alone is that you can do things your own way. That means, you're the boss, head honcho, or in my case, The King! There is no need to make anyone else happy but you! Tell yourself that this year will be different, but also redefining what the holiday means now can lift a huge burden. Looking toward the future is another great way to reduce stress. In fact, it might be the best time to start a brand new tradition so not to dwell on the past celebrations.

### Plan ahead.

If you know in advance that you're going to be spending the holidays alone, planning ahead can prevent negative feelings. While being spontaneous can sometimes keep things fresh, it could leave you with a feeling of hopelessness about what to do next. There's no need for your list to be extensive or highly detailed, but even just planning to watch a movie or cook some of your favorite dishes can give you something to look forward to.

### Take care of yourself.

Just because you're not seeing people during the holidays, do not forgo your basic needs. In fact, maybe even pamper yourself! Just like that 1971 tagline said, "Because I'm Worth It," which is still in use today. The same goes for eating and sleeping. Staying clean, fed, and rested goes a long way toward improving your well-being. As with all mental health advice, one size does not fit all. If that's not enough, Evan and his staff wish you and your family a happy holiday season and new year!

