

The case presented here asks the court to address two questions: is the pollution by Millennium farm a nuisance for the plaintiff and, if so, is there reason to file an injunction against Millennium farm. It is my opinion that the both a nuisance exists but an injunction should not be ordered.

With regard to whether Millennium farm's activities constitute a nuisance, "*Meadowbrook Swimming Club*" and "*Slair v. Klewes*" provide evidence in favor of the plaintiff. Under "*Meadowbrook Swimming Club*" it was established that the defendant's conduct must substantially interfere with the plaintiff's use of property for the conduct to be considered a nuisance." The complete loss of profit by the defendant as a result of Millennium farm's activities is clearly an interference with the use of the plaintiff's property and therefore constitutes a nuisance. Furthermore, under "*Slair v. Klewes*" the commonness of the interference has to be taken into account when it comes to defining a nuisance." Being the first of its kind, Millennium farm is something uncommon in New Colombia. Therefore, the loss of profit by the plaintiff is not something farmers can expect in running their company. Third, the fact the interference is real and can be measured in the corn of the plaintiff increases the likelihood the court will see this as a nuisance as "*Missouri v. Illinois & Sanitary District of Chicago*" established the additional criterion of the inference being measurable." These factors combined make the activities of Millennium farm a nuisance for the plaintiff.

With regard to the issuing of an injunction "*Madison v. Ducktown Sulfur*" established that the defendant is only liable for paying damages in case of a private nuisance in sparsely populated areas even though this nuisance might cause severe health problems." "*Georgia v. Tennessee Copper*" however, established that an injunction can be ordered, but only in the case of a public nuisance." Given the number of farms that are present in the New Colombia region, the nuisance is a public one as it could also affect other farms than that of the plaintiff. Therefore, grounds exist to issue an injunction. However, issuing a nuisance would halt the progress of technology. Given pharming has the potential to revolutionize drug development, this action might be too severe. Therefore, I would advise the court to follow a similar solution as offered in "*State of Michigan v. US Army Corps of Engineers & City of Chicago*" where it was decided the defendant should either take all possible action to prevent the problem from spreading or face an injunction." Translating this verdict to the current case would lead to Millennium farm paying damages to the plaintiff for this year's damages (under "*Madison v. Ducktown*") and requiring it to take preventive measures to prevent it from happening again under threat of an injunction (under "*State of Michigan v. US Army Corps of Engineers & City of Chicago*").