

FOR PROFESSIONALS · CASE EVALUATION WORKSHEET

Attorney Case Evaluation

Residential Low-Frequency Exposure Cases. A structured pre-engagement reference for attorneys assessing the viability of a residential low-frequency noise or infrasound exposure case. Not legal advice.

Purpose and scope. This worksheet is intended to assist attorney case evaluation by surfacing the factors that materially affect viability, evidentiary sufficiency, and recovery potential in residential low-frequency exposure cases. It is not legal advice, does not establish an attorney-client relationship, and does not survey the law of any specific jurisdiction. Application of any factor below requires independent professional judgment.

EVALUATION DATE

ATTORNEY

MATTER / FILE #

JURISDICTION

1. Threshold Viability

The following factors materially affect whether the case is worth pursuing. The absence of any one of them is not necessarily disqualifying; the cumulative pattern is what matters.

DOCUMENTED LOCATION-DEPENDENCE

- Client reports symptoms that improve when away from the residence for 2+ nights and return when home
- Client has maintained a written symptom log correlating symptoms to location
- Pattern is corroborated by a household member, visitor, or pet behavior

IDENTIFIABLE SOURCE

- Source unit or building location has been identified by the client
- Equipment in the source location capable of producing relevant frequencies is known or has been observed (subwoofers, bass shakers, transducer arrays, etc.)
- Timing of exposure correlates with the source occupant's presence or activity

CONTEMPORANEOUS DOCUMENTATION

- Client has filed written complaints with landlord, property management, or housing authority
- Client has filed 311 / municipal noise complaints creating an official record
- Client has medical records documenting symptoms during the exposure period
- Client has retained correspondence with the source occupant or property management

2. Scientific and Acoustic Record

Cases lacking objective measurement face significantly higher evidentiary bars. Where measurement is not yet available, plan for the cost of obtaining it as part of case scoping.

EXISTING MEASUREMENT DATA

- Calibrated Z-weighted or G-weighted measurement (ISO 7196) has been performed
- Measurement was performed over 48+ continuous hours

- Measurement was performed by a certified acoustical consultant
- Client has independent measurement data (e.g., Raspberry Boom, calibrated accelerometer logs) — admissibility dependent on chain of custody
- No professional measurement has been performed (scope for engagement)

EQUIPMENT IDENTIFICATION

- Source equipment has been observed by a third party (maintenance staff, responding officer, neighbor)
- Source equipment has been described in writing by the source occupant (social media, online sales, public posts)
- Source equipment has been documented in landlord records (move-in inspection, maintenance visit)

3. Medical Record

Medical documentation strengthens damages and supports specific causation, even where expert testimony on the precise causal mechanism may face Daubert challenges.

DOCUMENTED SYMPTOMS (check those reflected in medical records)

- Sleep disruption / chronic insomnia
- Tinnitus, aural fullness, or ear pressure
- Vestibular symptoms (vertigo, balance, sensation of motion)
- Headaches or head pressure
- Cardiovascular symptoms (palpitations, elevated heart rate, documented arrhythmia)
- Cognitive impairment, difficulty concentrating, mental fog
- Elevated cortisol on lab workup
- Anxiety, irritability, depressive symptoms (downstream)
- Sensation of internal vibration; flank or abdominal pain

CAUSATION-RELEVANT WORKUP

- Audiometry, including extended high-frequency testing
- Vestibular function testing
- 24-hour Holter monitor or cardiac event monitor where rhythm symptoms are present
- Polysomnography where sleep complaints are prominent
- Salivary or serum cortisol panel
- Standard renal function panel where flank pain is reported
- Physician chart note documenting environmental correlation

4. Causes of Action — Theory Evaluation

Check theories that present a viable path on the facts known. Each carries its own evidentiary burden and jurisdictional variation.

- Private nuisance** — strongest fit where source can be identified and unreasonable interference with use and enjoyment is documented
- Breach of implied warranty of habitability** — viable where client is a tenant and the exposure renders the premises unfit for habitation under jurisdictional standard

- Breach of covenant of quiet enjoyment** — viable where lease applies and substantial interference with beneficial use can be shown
- Constructive eviction** — viable where client has vacated or intends to vacate due to the interference
- Intentional infliction of emotional distress** — viable only where conduct rises to extreme and outrageous standard
- Negligence** — viable against landlords with documented notice and failure to act
- Statutory harassment / stalking** — viable where pattern of conduct directed at client is documented
- Products liability** — long-reach theory; consider only as supplemental

5. Defendant Analysis

Identify named or potential defendants and assess recovery posture for each.

DEFENDANT	THEORY	RECOVERY POSTURE / NOTES

6. Damages Model

ECONOMIC DAMAGES (estimate; flag for refinement)

Medical expenses to date	
Future medical expenses (estimated)	
Lost wages / reduced productivity	
Relocation costs	
Rent paid during exposure (habitability theories)	
Property value diminution (owner cases)	

NON-ECONOMIC AND EQUITABLE

- Pain and suffering / emotional distress (jurisdictionally variable)
- Loss of enjoyment / loss of consortium where applicable
- Punitive damages (only where intentional or reckless conduct provable)
- Injunctive relief — abatement of source
- Injunctive relief — lease termination / constructive eviction relief
- Attorney's fees and costs (under applicable statute or lease)

7. Daubert / Admissibility Posture

Plan from the outset for challenges to expert testimony on the causal link between low-frequency exposure and specific health effects. *Williams v. Invenergy* (D. Or. 2016) excluded this category of testimony but allowed nuisance claims to proceed on noise and vibration grounds. Structure the case so the core theories survive a worst-case admissibility ruling.

- Jurisdiction applies Daubert standard
- Jurisdiction applies Frye or hybrid standard
- Case structured so nuisance / habitability claims survive without specific health-causation testimony
- Expert(s) identified with documented qualification in low-frequency acoustics
- Treating physician(s) prepared to testify to symptom-environment correlation (distinct from specific causation)

8. Engagement Cost-Benefit

LINE ITEM	ESTIMATED COST	NOTES
Professional acoustic measurement		\$1,000 – \$6,000 typical
Acoustical expert witness retention		Fees vary widely
Medical expert witness retention		
Discovery and deposition costs		
Filing fees and litigation costs		
Total estimated engagement cost		
Expected recovery range		
Contingency / fee structure		

9. Evaluation Outcome

- Engage** — facts and law support taking the matter as scoped
- Engage with limited scope** — pursue specific theories or narrower relief
- Defer pending further development** — additional evidence (measurement, medical workup, complaint documentation) required before engagement
- Refer out** — matter is viable but better suited to firm with subject-matter specialization or different geographic capability
- Decline** — record does not support engagement on the available theories

NOTES

EVALUATING ATTORNEY (PRINTED)

DATE

This worksheet is provided by the Low Frequency Research Initiative as a non-commercial reference tool for attorney case evaluation. It is not legal advice and does not create an attorney-client relationship. It does not survey the law of any specific jurisdiction. Application of any factor requires independent professional judgment, jurisdictional research, and case-specific analysis. The Low Frequency Research Initiative makes no representation as to the outcome of any matter evaluated using this worksheet.