PRELIMINARY LEGAL ACTION SCREENING GUIDE

FOR FAMILIES HARMED BY THC, HEMP, OR CANNABIS PRODUCTS

A practical screening guide for families gathering information for attorney review.

IMPORTANT: These are preliminary screening considerations only. Meeting these criteria does not guarantee that an attorney will accept a case or that a lawsuit will be successful. Each case must be evaluated by a qualified attorney under the applicable state law.

THE 6 KEY CRITERIA FOR PRELIMINARY SCREENING

1 Identify the Company and Product

Be able to identify a legitimate manufacturer, distributor, retailer, or other company connected to the product.

Preserve whenever possible: company/manufacturer name; brand and exact product name; original product and packaging; photographs of labels; lot or batch number; THC potency and ingredient information; and any Certificate of Analysis (COA) or laboratory testing.

Do not throw away the product or packaging. Preserve all potential evidence.

2 Prove Where and When the Product Was Purchased

Document the store, dispensary, website, or other seller; city and state; date or approximate date of purchase; and, when available, the exact time of purchase.

Keep receipts, order confirmations, credit/debit card records, emails, text messages, account history, or other records that can help establish where and when the product was obtained.

The goal is to create a clear chain connecting the injured person, the specific product, the seller/manufacturer, and the time period in which the product was used.

3 Document the Harm and Its Connection to the Product

Gather records showing what happened after the product was used and why the injury may be connected to THC or the specific product.

Helpful evidence may include: medical and psychiatric records; emergency room visits; hospitalizations; toxicology or drug testing; diagnoses; treatment records; and statements or records from treating professionals.

Create a detailed timeline of THC use, the product involved, onset of symptoms, treatment, diagnoses, periods of improvement or relapse, and the resulting impact on daily life.

THE 6 KEY CRITERIA FOR PRELIMINARY SCREENING

4 Document the Financial, Emotional, and Life-Altering Damages

It is important to show not only that harm occurred, but what that harm has cost the injured person and family.

Financial damages may include: hospital and emergency room bills; psychiatric or substance-use treatment; residential treatment or rehabilitation; medications; counseling; ambulance expenses; travel and lodging for treatment; lost wages; loss of employment; lost educational opportunities; property damage; legal or caregiving expenses; and anticipated future treatment or support needs.

Emotional and personal damages may include: pain and suffering; emotional distress; trauma; loss of independence; inability to function as before; changes in behavior or personality; damaged relationships; disruption of family life; lost career or educational opportunities; long-term impairment; and diminished quality of life.

Save evidence of these damages: bills, receipts, insurance statements, treatment records, employment records, school records, photographs, journals, emails, text messages, calendars, and other documentation showing how life changed.

When appropriate, write a simple before - during - after timeline describing the person's health, functioning, relationships, education, employment, finances, and quality of life before the product exposure, during the injury, and afterward.

5 Make Sure the Case Is Within the Legal Deadline

The potential claim must be evaluated within the applicable statute of limitations and any other filing deadline. These deadlines vary by state, type of claim, age of the injured person, and other circumstances.

Contact an attorney as soon as possible. Do not assume there is still time to file. Evidence can disappear, businesses can change, and legal deadlines can expire.

6 Determine Who Has Legal Authority to Bring the Claim

If the injured person is an adult (18 or older), that individual ordinarily brings their own claim.

If an adult is experiencing severe psychosis, illness, or another condition that prevents them from managing their legal affairs, a parent does not automatically have legal authority to act for that adult simply because they are the parent.

Depending on state law and the circumstances, an attorney may need to determine whether a valid power of attorney, guardianship, conservatorship, next-friend status, or another court-authorized form of representation is required.

WHAT DID THE COMPANY DO?
ESTABLISHING POTENTIAL WRONGFUL CONDUCT

In addition to proving harm, attorneys may evaluate what a company did - or failed to do - that may have contributed to the injury.

Failure to Warn

Missing or inadequate warnings about known or foreseeable risks, including addiction, psychosis, mental-health harms, potency, dosing, or delayed effects.

Deceptive or Misleading Claims

Statements or marketing that may minimize risks or misrepresent the safety, benefits, potency, or effects of the product.

Excessive Potency or Dangerous Product Design

Products that contain unexpectedly high levels of THC or are formulated, concentrated, or packaged in ways that may increase the risk of harm.

Marketing to Youth or Vulnerable Populations

Marketing, flavors, packaging, social media, or other tactics that may appeal to or target minors or other vulnerable individuals.

Foreseeability / Knowledge of Risk

Evidence that the company knew or should have known about risks, adverse effects, or patterns of harm associated with its products.

CONNECT THE PRODUCT TO THE HARM

Create a clear timeline that helps an attorney evaluate the relationship between product use and the harm:

- **Product Use:** What product was used, how often, how much, and by whom.
- **Onset:** When symptoms or problems began.
- **Symptoms & Diagnosis:** What happened and what diagnoses were given.
- **Treatment:** Medical, psychiatric, or other treatment received.
- **Course of Illness:** Periods of improvement, relapse, or escalation.
- **Impact on Life:** How daily life, relationships, school, work, and future plans were affected.

QUICK EVIDENCE CHECKLIST

Use this page to organize what you have before attorney review.

1. Company & Product

- ☐ Product and original packaging
- ☐ Brand and exact product name
- ☐ Company/manufacturer/distributor/retailer
- ☐ Labels, photographs, lot or batch number
- ☐ THC potency, ingredients, COA or lab testing

2. Purchase

- ☐ Receipts and proof of purchase
- ☐ Store, dispensary, website, or other seller
- ☐ City/state and date or approximate date
- ☐ Order confirmations, card records, emails, texts, or account history

3. Harm & Connection

- ☐ Medical and psychiatric records
- ☐ ER visits and hospitalizations
- ☐ Toxicology or drug testing
- ☐ Diagnoses and treatment records
- ☐ Timeline linking use, symptoms, treatment, relapse/improvement, and daily-life impact

4. Damages

- ☐ Bills, receipts, and insurance statements
- ☐ Treatment, travel, caregiving, or legal expenses
- ☐ Lost wages, employment, or educational opportunities
- ☐ School and employment records
- ☐ Personal documentation showing emotional and quality-of-life impact

5. Legal Deadline

- ☐ Prompt attorney review of all applicable statutes of limitations and filing deadlines

6. Legal Authority

- ☐ Information establishing who has authority to bring the claim
- ☐ If needed, records related to power of attorney, guardianship, conservatorship, or other court-authorized representation

Organize what you have. Preserve what you can.
Then talk to a qualified attorney as soon as possible.
Contact us at info@everybrainmatters.org