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Attorneys for Plaintiffs Patrick S. Dougherty and Kathleen M. Romito

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

PATRICK S. DOUGHERTY and
KATHLEEN M. ROMITO, husband
and wife

Plaintiffs,

vs.

CITY OF BOISE, a municipal
corporation.

Defendant.

CV01-25-10442

Case No. _____

VERIFIED COMPLAINT

Fee Category: AA

Fee: \$221

COMES NOW Plaintiffs Patrick S. Dougherty and Kathleen M. Romito, husband and wife, by and through their attorneys Michael E. Band of the firm Davison, Copple, Copple & Copple, LLP, and for a cause of action against Defendant City of Boise, a political subdivision of the State of Idaho, hereby complain and allege as follows:

NATURE OF THE ACTION

This action seeks injunctive relief and damages for a private nuisance created by the City of Boise through the conversion of tennis courts to pickleball

courts 57 feet from Plaintiffs' residence, causing severe and persistent noise disturbance that substantially interferes with Plaintiffs' use and enjoyment of their property.

A recording of the typical pickleball court noise to which the Plaintiffs and their property are subjected can be accessed using the following permanent link: <<https://zenodo.org/records/15625086>>

I. PARTIES, JURISDICTION, and VENUE

1. Plaintiff Patrick S. Dougherty (“**Pat**”) and Kathleen M. Romito (“**Kathleen**”) (together, “**Plaintiffs**”) are a married couple residing in Boise, Ada County, Idaho.

2. Defendant City of Boise (the “**City**”) was and is a municipal corporation, situated in Ada County, Idaho, organized under the laws of the State of Idaho, with the capacity to sue and be sued.

3. This Court has jurisdiction over the parties and subject matter of this dispute pursuant to IDAHO CODE (I.C.) § 1-705, § 6-914 and the CONSTITUTION OF THE STATE OF IDAHO.

4. Venue is proper in Ada County pursuant to I.C. § 6-915 because it is the county in which the cause of action arose, and it is the county in which the Plaintiffs reside.

5. Plaintiffs have complied with the notice requirements of the Idaho Tort Claims Act, I.C. §§ 6-901 to 6-929. Specifically, Plaintiffs provided written notice to the City of its claims on several occasions, including via letter dated

January 9, 2025, a true and accurate copy of which is attached hereto (internal exhibits omitted) as **Exhibit “A”**.

II. GENERAL ALLEGATIONS

Plaintiffs’ Property and Residence

6. Plaintiffs own and reside at 844 N. River Path Lane, Boise, Idaho 83703, Ada County Parcel No. R5138910130, better known as LOT 13 BLK 1 LANEY GREENS SUB (the “**Property**”).

7. Pat has lived with quadriplegia since 2003 due to injuries sustained in a motorcycle accident. While he is paralyzed from the neck down and requires the use of a wheelchair for mobility, he retains some limited function in his arms.

8. In 2013, Pat purchased the Property and thereafter had a home (the “**Residence**”) constructed specifically to accommodate his medical condition, with construction completed that same year.

9. The design and construction of the Residence includes numerous customizations to accommodate Pat’s condition, the implementation of which substantially increased the construction costs above that of a typical home. These specialized accessibility features significantly increased the initial construction costs of the Residence compared to a typical home of similar size and quality in the Boise market. The customizations required extensive architectural planning, specialized contractors, and specific products and materials to ensure safety, durability, and functionality for Pat’s specific needs.

10. Pat and Kathleen were married in September 2017.

11. Kathleen retired from the practice of medicine in 2022. Pat is semi-retired but continues to work from home part-time, managing his small business. With the Residence specially equipped to accommodate Pat's quadriplegia, they planned to reside there in peace for the rest of their lives.

12. On July 28, 2022, Pat executed a Quitclaim Deed transferring his entire interest in the Property to himself and Kathleen, as husband and wife. Since that time, they have jointly owned the Property as community property. The foregoing instrument was recorded on September 23, 2022, as Ada County Instrument No. 2022-081625.

The Courts

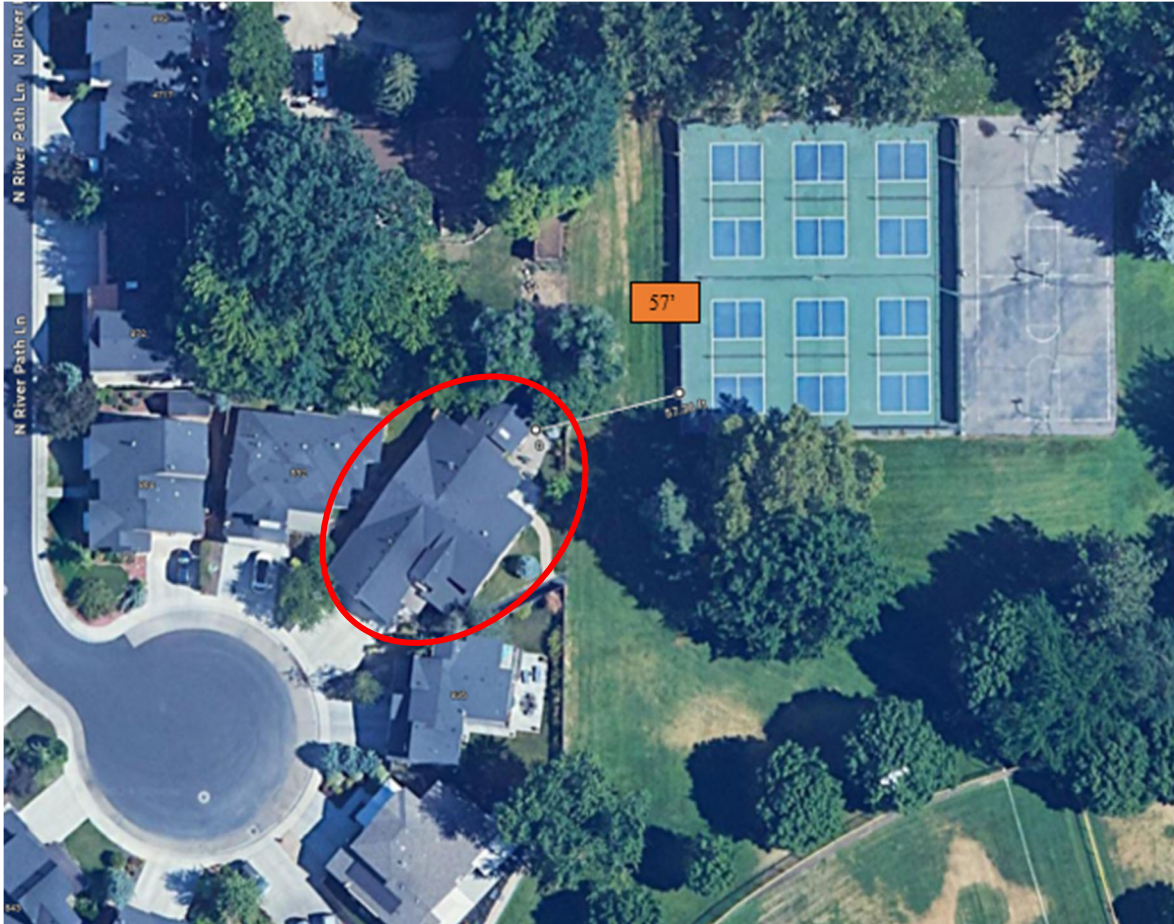
13. Plaintiffs' Property is located immediately adjacent to Willow Lane Park, a three-acre public park located at 4623 W Willow Lane, Boise, Idaho 83703 (the "**Park**"). The Park is located to the immediate north of the City's 57-acre Willow Lane Athletic Complex.

14. The City has owned the Park since 1972. It is operated and administered by the City's Parks and Recreation Department.

15. In the northern part of the Park, directly adjacent to Plaintiffs' Property, is an outdoor hard-surface sports playing surface which was constructed in the 1980s and originally consisted of two tennis courts (the "**Courts**").

16. The Courts are situated approximately 57 feet from Plaintiffs' Residence and 46 feet from their property line.

17. The Plaintiffs' Residence is the closest home to the Courts as shown by the following aerial imagery:



18. The close proximity of the Courts to the Plaintiffs' Residence is further demonstrated in the following photograph of the Courts taken from the Plaintiffs' patio:



19. In 2017–18, the City reconfigured the Courts, converting them from their original layout of two tennis courts into six pickleball courts.

20. The conversion of the Courts from tennis to pickleball was done without giving formal prior notice to Plaintiffs or their neighbors.

Noise from Pickleball Play

21. Prior to 2017, when the Courts were configured and used for tennis, Plaintiffs enjoyed the peaceful and quiet environment of their Property. The ambient noise from tennis play was minimal and did not interfere with Plaintiffs' use and enjoyment of their Property.

22. During the years when the Courts were configured for tennis, typical daily use involved no more than eight players when used for doubles play, or no more than four players when used for singles play.

23. Pickleball is almost always played with four players. Thus, with six pickleball courts, there are 24 people on the Courts when they are being fully used, not including additional players waiting their turn to play.

24. Pickleball play on the Courts is often accompanied by loud music, outbursts of vulgar and offensive language from the players, and a party/social atmosphere which is incompatible with peaceful neighborhood living. Furthermore, further disruption is caused by the inadequacy of public parking to accommodate the increasing number of players.

25. In addition to the noise created by the additional players, the equipment used in pickleball generates a substantially harsher noise profile than tennis. Unlike tennis, which uses an open-weave strung racquet and a hollow, felt-covered rubber ball that produces a relatively soft sound, pickleball is played with a rigid paddle and a hard plastic ball. This combination creates a sharp, high-pitched, percussive “pop” with every strike that is approximately 20 decibels louder than tennis impacts. Each paddle impact creates a distinctive impulsive sound. The impact between ball and paddle induces vibrations that center prominently around 1,250 Hz, precisely the frequency range at which human hearing is most sensitive—the same frequency deliberately used for truck or construction equipment back-up warning signals to ensure they

command attention. The character of the sound—sharp, intrusive, and impulsive—is such that it demands attention and cannot be ignored or tuned out over time.

26. Recognizing the heightened disturbance caused by impulsive sounds, the American National Standards Institute (ANSI S12.9 Part 4) prescribes a 5–12 decibel (dB) penalty when measuring such noise. This penalty reflects the significantly greater impact of impulsive sounds on human perception and psychological response.

27. Contrary to the common belief that people eventually acclimate to such noise, research confirms that prolonged exposure to disturbing sound increases sensitivity over time.

28. Pickleball matches feature frequent volleys and continuous, repetitive impacts that often persist for extended periods. Because the hard plastic ball travels at lower speeds and covers shorter distances than a tennis ball on a court less than half the size of a tennis court, players can more easily reach and return shots, resulting in longer rallies, especially in doubles play (the most popular format). This dynamic substantially increases the number of paddle impacts per minute. Each court typically generates approximately 15 impulsive popping sounds per minute, equating to approximately 900 impacts per hour per court. At multi-court facilities like the Courts, the noise effect is further intensified by multiple games occurring simultaneously in close proximity. With six courts in operation, residents may be exposed to over 5,400

sharp, impulsive noise bursts per hour, or more than 48,000 such impacts during a 10-hour day of operations. The unpredictable time spacing between these noises prevents habituation, as there is no uniform pattern or rhythm that would allow residents to mentally filter out the sound. Unlike steady ambient noise such as traffic or the constant hum of household appliances, each player brings their own paddle with its own distinct acoustic signature, and the varying force of impacts creates an entirely random and unpredictable soundscape that demands cognitive attention.

29. The cumulative result is a relentless and chaotic auditory assault that severely disrupts the quiet enjoyment of neighboring properties.

30. Research links exposure to the distinctive, impulsive noise from pickleball activities to significant adverse psychological and physiological effects. These include stress responses, anxiety, impaired cognitive function, hearing phantom pops, mood disorders, sleep disruption, cardiovascular strain, high blood pressure, headaches, and PTSD-like symptoms. Seventy-five percent (75%) of health concerns related to pickleball are reported by neighbors living with 100 feet of courts.

31. Experts agree that courts located within 350 feet of residences generally require noise abatement, while courts within 150 feet require comprehensive and specialized mitigation. According to evaluations conducted at more than 150 pickleball sites, sound professionals have not identified a single instance in which noise mitigation efforts have been successful for courts

located within 100 feet of homes. For such cases, leading experts in the field recommend relocating the courts or fully enclosing them.

32. USA Pickleball, or USAP, is the national governing body for the sport of pickleball in the United States. Carl Schmits is the Chief Technical Officer (CTO) for USAP. He also serves as the chair of the Equipment and Evaluation Committee (EEC). Prior to assuming the CTO position, he was the Managing Director.

33. In a 2023 interview with KSL-TV in Salt Lake City, Utah, Mr. Schmits recommended setbacks of at least 200 feet to prevent exposing residences to sound levels exceeding 60 dB. A true and accurate copy of the foregoing article dated July 7, 2023, is attached hereto as **Exhibit “B”** and incorporated herein by reference.

34. On June 11, 2024, Mr. Schmits stated in an email as follows:

USA Pickleball is aware that placement of courts within close proximity to residential areas may result in noise complaints. We recommend that if placed within 250’ of residential areas, it is critical that noise mitigation policies, materials and required Quiet Category equipment that may bring acoustic propagation into acceptable levels be consistently enforceable.

A true and accurate copy of the foregoing email is attached hereto as **Exhibit “C”** and incorporated herein by reference.

35. On April 26, 2025, Mr. Schmits emailed the Plaintiffs and stated as follows:

Our [USAP's] position is firm that ANY consideration for a converted asset or new installation go through an assessment as part of a feasibility study, regardless of proposed setback – whether 1000' or less. Period. Outcomes <400' may be problematic or require heavy investments to mitigate.

A true and accurate copy of the foregoing email is attached hereto as **Exhibit “D”** and incorporated herein by reference.

36. The Courts at Willow Lane Park are a converted asset and the City has never performed an assessment as part of a feasibility study as recommended by USAP.

37. Paddletek, the nation's largest pickleball paddle manufacturer, advises setbacks of at least 500 feet, preferably with surrounding green space to help absorb sound energy. A true and accurate copy of the article posted on Paddletek's website at <https://www.paddletek.com/blogs/news/noise-issue-pickleball>, retrieved on May 14, 2025, is attached hereto as **Exhibit “E”** and incorporated herein by reference.

38. In light of the foregoing concerns, responsible municipalities have begun implementing substantial setback requirements to protect residential neighborhoods. For example, the City of Denver, Colorado requires that open-air pickleball courts be set back at least 350 feet from homes, and Park City, Utah mandates a 600-foot setback, unless professional studies demonstrate compliance with more stringent noise limits.

Noise Impact on Plaintiffs

39. Since the conversion of the Courts for pickleball use, the popularity of the sport has grown explosively nationwide, including in Boise, Idaho. In 2020, there were an estimated 4.8 million pickleball players nationwide; by 2024, that number had surged to between 19.8 and 36 million players — representing growth of between 312% and 650% in just four years. This dramatic expansion is directly reflected in the rapidly increasing demand for and usage of public courts in Boise, including the Courts at Willow Lane Park. From early spring to late fall, the Courts are now in use approximately 80% of the time during operational hours, with frequent gatherings of 20–40 players simultaneously using the facilities. Even during winter months, the Courts remain active whenever temperatures exceed 35°F.

40. Prior to the conversion of the Courts for pickleball play, the Plaintiffs' Property was quiet and peaceful. Now, pickleball noise from the Courts during operating hours permeates the Residence, even with windows closed. This significantly impairs the Plaintiffs' use and enjoyment of their Property. As a result of the constant noise, the Plaintiffs' ability to do and enjoy typical indoor activities—reading, conversing, relaxing, or performing any tasks requiring concentration or clear audio communication—has been materially hindered. This affects both Pat's ability to complete his work tasks as well as the day-to-day activities of the Plaintiffs. The problem is even worse when they attempt to open their windows or sliding doors for fresh air on the five active

play days, leaving them feeling trapped inside and unable to enjoy their home's indoor or outdoor spaces.

41. Similarly, the pickleball noise has rendered outdoor areas of the Property essentially unusable. As a result, Plaintiffs can no longer enjoy gardening in their back yard or use their patio for relaxing, dining, or socializing with family and friends.

42. During the height of pickleball season, from March through October, Plaintiffs find themselves overwhelmed by the incessant noise from the Courts.

43. On Friday, June 6, 2025, at approximately 1 p.m., three or four of the Court's six pickleball courts were in use. Kathleen used an iPhone to record a video from the Plaintiffs' back yard. This video reasonably captures the noise typically audible from the Plaintiffs' Residence when the Courts are at partial capacity. The video can be accessed using the following permanent link:

<<https://zenodo.org/records/15625086>>

The foregoing video is incorporated herein as **Exhibit "F"**.

44. Due to Boise's generally mild climate, the Courts are in use year-round. In 2024, the Plaintiffs were subjected to pickleball noise while they sat down for Christmas dinner.

45. The City's allowance of pickleball play from 8:00 a.m. to 7:00 p.m. five days per week (Wednesday–Sunday) severely restricts Plaintiffs' waking hours free from intrusive noise. Assuming typical waking hours of

approximately 16 hours per day, Plaintiffs are left with only about 5 waking hours per day (early morning before 8:00 a.m. and evening after 7:00 p.m.) during which they might reasonably expect freedom from the intrusive noise on play days. This means that on five days of the week, nearly 70% of Plaintiffs' waking hours are potentially subject to the constant barrage of impulsive noise, leaving them less than one-third of their conscious time to conduct activities requiring concentration, make phone calls, engage in conversation, or simply enjoy peace in their home without interruption. Moreover, even during nominal non-play hours, players frequently circumvent locked gates, further reducing Plaintiffs' periods of respite.

46. The explosion in pickleball participation since the Courts were converted has significantly magnified both the frequency and duration of noise disturbances affecting the Plaintiffs, transforming what was initially a manageable annoyance in 2018 into an intolerable condition by 2024.

47. In sum, the noise generated by the Courts has fundamentally and detrimentally altered the Plaintiffs' residential living experience.

48. As a result of the City's negligent and intentional actions, the Plaintiffs have sustained and continue to sustain both physical and psychological injuries as well as substantial pain and suffering, and emotional distress. Kathleen has developed new onset psychological symptoms such as situational anxiety, nightmares, sleep deprivation, fatigue, panic attacks, inability to concentrate, and other symptoms of trauma and shock to the nervous

system which only begin to subside after some time if she vacates the Residence when pickleball noise is present. Both Plaintiffs now experience frequent auditory hallucinations—hearing phantom pickleball noises even when no play is occurring. These phantom sounds are so intrusive that they sometimes awaken Plaintiffs from sleep in the middle of the night.

49. Kathleen’s health care providers have repeatedly advised against prolonged exposure to the noise, as it aggravates and triggers her health symptoms, making it unsafe to remain in their Residence while play is ongoing. Following this advice, Plaintiffs are compelled to leave their home from Wednesday through Sunday for eight months out of the year (April–October).

50. Because Pat requires specialized accommodations, relocation entails staying at another accessible residence located three hours from their Boise home. For Pat, these relocations are physically challenging; for Kathleen, his primary caregiver, the additional burdens are physical, emotional, and logistical. The forced displacement creates multiple hardships: the Plaintiffs must maintain two households; Pat must manage his Boise-centered business remotely; their professional commitments and social relationships have been completely disrupted. Boise is their home. During their eight-month exile, the Plaintiffs remain cut off from their community support networks, resulting in increased isolation and deterioration of their quality of life.

51. As a result of the extensive customizations, it would be virtually impossible for Pat to find an existing replacement home in the Boise housing

market that incorporates all the necessary accessibility accommodations present in the Residence. While theoretically an existing home could be retrofitted, such modifications would require substantial structural changes typically costing several times more than standard renovations, involve months of construction during which temporary accessible housing would need to be secured (itself a rarity in the local market), and still might not achieve the same level of functionality as the current purpose-built Residence. To truly replace the Residence with comparable accommodations, it would be necessary to build a new custom home, the costs of which would substantially exceed standard construction costs for a home of similar quality and size, especially considering the significantly higher prices of construction materials and labor in today's market compared to when the Residence was originally built in 2013.

52. This persistent disturbance has also materially diminished the Property's market value. According to data from the National Association of Realtors, properties located across the street from pickleball courts have experienced value decreases of 10–20%, with potential for further depreciation as public awareness of pickleball's acoustic impact on neighboring properties increases.

Plaintiffs' Efforts to Obtain Relief from the City

53. Since 2020, Plaintiffs have engaged in ongoing efforts to seek relief from the noise caused by the Courts. Beginning with their first email to Mayor McLean and Parks and Recreation Director Doug Holloway on June 18, 2020,

Plaintiffs have participated in more than 50 documented email exchanges with City officials over a five-year period, as well as phone calls and in-person discussions. During the course of this effort, Plaintiffs shared information with the City concerning the auditory profile of pickleball noise and its psychological and physiological effects on nearby residents in general and the Plaintiffs in particular.

54. Plaintiffs' communications with the City have consistently been reasonable, solution-oriented, and respectful, while clearly articulating the significant hardships they were experiencing.

55. From 2020 through 2023, Plaintiffs' primary requests were modest and focused on better enforcement of hours, addressing parking issues, and improving the effectiveness of sound barriers.

56. Between 2020 and 2024, the Plaintiffs, and other neighbors, often personally intervened when players continued to play outside the posted hours of 8 a.m. to 8 p.m., with play sometimes commencing as early as 7:30 a.m. and continuing through the evening until it was too dark to continue. In so doing, they were frequently subjected to vulgar language and hostility. In 2023, the Plaintiffs were in communication with Boise Police Department Community Service Officer Schneider to coordinate improved enforcement of the posted operating hours.

57. On June 6, 2024, the Boise Police Department advised the Plaintiffs that it would no longer devote department resources to responding to

such complaints, and that Plaintiffs and their neighbors should look to the City's Parks and Rec Department for assistance. In the absence of meaningful support, Pat, a quadriplegic individual, and Kathleen, a retiree, were left to confront violators on their own.

58. On July 3, 2024, the City reduced the Courts' operating hours to 8:00 a.m. to 7:00 p.m. five days per week (Wednesday–Sunday) and began locking the Courts outside of operating hours. However, players frequently climb over the locked gates to play anyway, requiring the Plaintiffs to continue to intervene.

59. In response to Plaintiffs' concerns, the City has attempted multiple efforts to mitigate the noise, including posting a recommendation for quiet paddles and balls and installing various sound barriers. Such efforts have proven both ineffective and ineffectual. The noise has remained at intolerable levels. As both academic and industry research have confirmed, it is simply not plausible to successfully mitigate noise for multiple open-air pickleball courts located within 100 feet of homes—let alone the mere 57 feet separating the Courts from Plaintiffs' Residence.

60. Making matters worse, Plaintiffs have also experienced harassment and micro-threats on their Property. While this has been ongoing since 2020, the most concerning actions occurred in the summer of 2024, immediately after the City began to lock the gates at 7 p.m. as players ostensibly blamed Plaintiffs, as the nearest neighbors, for the reduced operating hours. In

the summer of 2024, the zip-ties holding the Court's noise barriers facing the Plaintiffs' home were cut down, and a pickleball was placed against the threshold of their backdoor. Two other neighbors reported similar incidents. Out of fear for their safety and to protect their home, Plaintiffs were compelled to install security cameras on their Property. Plaintiffs now live with constant anxiety about their vulnerability to harassment, intimidation, and retaliation. The City is fully aware of these incidents yet has done nothing to protect Plaintiffs or address the hostile environment it has created. These circumstances have compounded the nuisance and contributed significantly to the Plaintiffs' psychological harm.

61. On August 20, 2024, Plaintiffs, through their attorney, met with City Council Member Jimmy Halliburton, Parks and Recreation Director Doug Holloway, and their team. At this meeting, Plaintiffs presented a petition with 25 signatures from residents of their neighborhood requesting action to address the noise problems. A true and accurate copy of the foregoing petition is attached hereto as **Exhibit "G"**. When presented with this clear evidence of community concern, Director Holloway dismissively stated that the petition with 25 neighborhood signatures "didn't mean anything to him." Nevertheless, Director Holloway did acknowledge the problem, stating "we want to be good neighbors, we know there is a problem and it's on us." Thus, the Plaintiffs requested that the City develop a plan to move the Courts away from homes and provide the Plaintiffs with a date certain for permanent cessation of pickleball play on the

Courts. Plaintiffs suggested permanent closure as of Spring 2025. City representatives committed to follow up with Plaintiffs by mid-September 2024.

62. On October 14, 2024, the City proposed a one-year “pilot program” limiting pickleball play to Monday through Thursday, 9:00 a.m. to 3:00 p.m. By that point, Plaintiffs had already spent more than four years trying to work working cooperatively with the City to try incremental solutions which ultimately proved unsuccessful. Plaintiffs declined the proposal not only because it failed to address the core noise issues, but also because they were concerned it would provoke further harassment or retaliation from the more aggressive segment of players—those who typically play after work or school—who had already demonstrated hostility. In addition, Plaintiffs recognized that the proposal was unfair to many community members, as it disproportionately favored morning retirees while disregarding the interests of working adults and students. Though they anticipated backlash, Plaintiffs chose not to support a solution that would plainly foster resentment and further divide the community while leaving them subject to the intolerable noise conditions on four days out of the week.

63. Recognizing that the City needs time to properly relocate the pickleball facilities, Plaintiffs responded on October 31, 2024, through their counsel, proposing a compromise: that the City commit to permanently closing the Courts for pickleball use by December 2025. This proposal would have given the City over a year to find an alternative location, design new courts, and

provide continuous recreational opportunities for pickleball players. The City rejected this reasonable compromise in its response on November 20, 2024.

64. Throughout this process, Plaintiffs have repeatedly suggested constructive and plausible alternatives to the City, including identifying other City-owned tennis courts located further from existing homes as potential conversion sites for pickleball use. Plaintiffs have also suggested multiple possible locations for a new pickleball complex. Despite these good-faith efforts to identify solutions that would serve both the pickleball community and protect residential neighborhoods, the City has declined to meaningfully engage with these suggestions. Meanwhile, the City has posted signs prohibiting pickleball on multiple public tennis courts which are located further from nearby homes than the Willow Lane Courts are from that of the Plaintiffs.

Compliance with Tort Claims Act

65. The City received the notice sent by Plaintiffs on January 9, 2025 (Exhibit “A” hereto).

66. Following receipt of the Plaintiffs’ January 9, 2025, letter, the City installed an upgraded sound barrier at the Courts. This too was ineffective to prevent the noise from permeating the Plaintiffs’ Property and Residence. The City did not transmit a formal response to the notice sent by Plaintiffs on January 9, 2025 (Exhibit “A” hereto).

67. The City did not issue a formal response to the notice sent by Plaintiffs on January 9, 2025 (Exhibit “A” hereto). It continued in its allowance

and provision of the Courts for pickleball play 57 feet from the Plaintiffs' Residence.

COUNT ONE
Private Nuisance

Plaintiffs incorporate all preceding paragraphs by reference. No response to this paragraph is required.

68. Idaho Code § 52-101 defines “nuisance”, providing in relevant part that “[a]nything which is injurious to health . . . , or is . . . offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property . . . is a nuisance.”

69. The City’s actions described herein—including converting, permitting, and continuing to operate the Courts for pickleball play—are unreasonable and constitute a private nuisance under Idaho Code §§ 52-101 and 52-107, and are actionable under Idaho Code § 52-111.

70. The noise created by the Courts is injurious to health, offensive to the senses, and an obstruction with the free use of the Plaintiffs’ Property, so as to interfere with Plaintiffs’ comfortable enjoyment thereof, and is therefore a nuisance.

71. Because the Plaintiffs’ Residence is situated so close in proximity to the Courts, Plaintiffs are uniquely affected by the nuisance.

72. The City has failed to adequately abate the nuisance as required by law and therefore such nuisances have been and remain ongoing.

73. Such nuisances have caused, and will continue to cause, Plaintiffs to suffer damages.

74. Plaintiffs are entitled to a declaration from this Court that the allowance and provision of pickleball play on the Courts constitutes a private nuisance.

75. Plaintiffs are entitled to a judgment enjoining the City from permitting or allowing any further pickleball play on the Courts.

76. Plaintiffs are entitled to a judgment requiring the City to abate the nuisance by permanently ceasing all pickleball use of the Courts, restoring the Courts to their prior tennis-only configuration or converting them to a different recreational use compatible with adjacent residential living, and undertaking reasonable actions to prevent use of the Courts for pickleball play.

77. As a result of the nuisance, Plaintiffs have suffered damages in an amount to be proven at trial, but in an amount of no less than \$10,000, which Plaintiffs are entitled to recover from the City.

COUNT TWO **Public Nuisance**

Plaintiffs incorporate all preceding paragraphs by reference. No response to this paragraph is required.

78. The City's actions described herein — including converting, permitting, and continuing to operate the Courts for pickleball play — are

unreasonable and constitute a public nuisance under Idaho Code §§ 52-101 and 52-102, and are actionable under Idaho Code § 52-111.

79. The nuisances described herein have and continue to affect and damage at the same time the entire neighborhood adjacent to the Courts, or a considerable number of persons within the proximity of the Courts as demonstrated by the petition attached hereto as Exhibit “G”.

80. On information and belief, the annoyance or damage inflicted upon the Plaintiffs is as great or greater than that inflicted upon other affected individuals.

81. The City has failed to adequately abate the nuisance as required by law and therefore such nuisances have been and remain ongoing.

82. Plaintiffs are entitled to a declaration from this Court that the allowance and provision of pickleball play on the Courts constitutes a public nuisance.

83. Plaintiffs are entitled to a judgment enjoining the City from permitting or allowing any further pickleball play on the Courts.

84. Plaintiffs are entitled to a judgment requiring the City to abate the nuisance by permanently ceasing all pickleball use of the Courts, restoring the Courts to their prior tennis-only configuration or converting them to a different recreational use compatible with adjacent residential living, and undertaking reasonable actions to prevent use of the Courts for pickleball play.

85. As a result of the nuisance, Plaintiffs have suffered damages in an amount to be proven at trial, but in an amount of no less than \$10,000, which Plaintiffs are entitled to recover from the City.

COUNT THREE
Injunctive Relief

Plaintiffs incorporate all preceding paragraphs by reference. No response to this paragraph is required.

86. The City's conversion of the Courts from tennis courts to pickleball courts has created conditions that continue to cause Plaintiffs substantial and irreparable harm, for which there is no adequate remedy at law. Monetary damages alone cannot fully compensate for Plaintiffs' ongoing physical and psychological injuries, loss of use and enjoyment of their Property, and forced seasonal relocation.

87. Plaintiffs will continue to suffer irreparable harm if the City is not enjoined from permitting or allowing further pickleball play on the Courts.

88. The City has been on notice of the nuisance conditions since at least 2020, has received repeated complaints from Plaintiffs, and has failed or refused to abate the nuisance.

89. Plaintiffs have a substantial likelihood of success on the merits of their claims based on the severe and persistent nature of the noise disturbance, the City's knowledge of the harm being caused, and the City's ongoing failure to implement effective abatement measures.

90. The balance of hardships weighs heavily in favor of Plaintiffs, as the continued operation of the Courts for pickleball imposes severe, ongoing harm on Plaintiffs' health, home, and property rights, while the City and the public have numerous alternative venues for pickleball play throughout Boise that do not cause such harm.

91. The public interest favors injunctive relief to prevent unlawful nuisances, protect residential property rights, and promote responsible public facility management.

92. Plaintiffs are entitled preliminary injunctive relief enjoining the City from permitting or allowing any further pickleball play on the Courts during the pendency of this action.

93. Plaintiffs are entitled to permanent injunctive relief requiring the City to abate the nuisance by permanently ceasing all pickleball use of the Courts, restoring the Courts to their prior tennis-only configuration or converting them to a different recreational use which is compatible with adjacent residential living, and undertaking reasonable actions to prevent use of the Courts for pickleball play.

COUNT FOUR **Negligence**

Plaintiffs incorporate all preceding paragraphs by reference. No response to this paragraph is required.

94. At all relevant times, the City owed Plaintiffs a duty to exercise ordinary and reasonable care under the circumstances in the planning, operation, maintenance, modification, and management of its public parks and recreational facilities, including the Courts. This duty includes operating such facilities in a manner that does not unreasonably interfere with the lawful use and enjoyment of neighboring private properties or cause foreseeable harm to persons and property.

95. This duty was heightened by the proximity of the Courts to residential properties, and particularly by the City's knowledge of Plaintiffs' unique vulnerability, including Pat's quadriplegia and the Plaintiffs' reliance on their specially constructed accessible Residence.

96. The City's actions as described herein constitute a breach of its duty of care. Such actions include, without limitation: (a) converting the Courts from tennis to pickleball without prior notice to affected residents or opportunity for public comment; (b) failing to conduct adequate noise and impact studies before the conversion; (c) failing to implement effective noise mitigation measures despite the foreseeable impact of sustained pickleball noise on neighboring properties; (d) continuing to operate and permit pickleball play on the Courts despite receiving repeated notice of substantial harm to Plaintiffs; and (e) refusing to permanently abate the nuisance after multiple ineffective mitigation attempts.

97. The City knew or should have known that permitting pickleball play in the Courts would cause substantial harm to nearby residents, including the Plaintiffs, as described herein. This knowledge is evidenced by at least: (a) the City's receipt of multiple complaints from Plaintiffs since 2020; (b) the research and information pertaining to pickleball noise provided by Plaintiffs to the City; (c) the City's own failed attempts at noise mitigation, demonstrating awareness of the problem; (d) the widely documented acoustic impact of pickleball facilities on neighboring properties; and (e) the proximity of the Courts to Plaintiffs' Residence, a mere 57 feet away.

98. As a direct and proximate result of the City's negligence, Plaintiffs have suffered and continue to suffer significant harm, including but not limited to: (a) diminution of their Property's market value; (b) loss of use and enjoyment of their Property, both indoors and outdoors; (c) expenses incurred for temporary relocation during pickleball season; (d) physical and psychological injuries as described herein; (e) emotional distress and mental anguish; and (f) medical expenses for treatment of conditions resulting from noise exposure.

99. Plaintiffs will continue to suffer these harms in the future so long as pickleball play is permitted on the Courts, particularly given Pat's inability to relocate without extraordinary hardship due to the custom accessibility features of the Residence.

100. As a direct and proximate result of the City's negligence, Plaintiffs have suffered damages in an amount to be proven at trial, but in an amount of no less than \$10,000, which Plaintiffs are entitled to recover from the City.

COUNT FIVE
Intentional Infliction of Emotional Distress

Plaintiffs incorporate all preceding paragraphs by reference. No response to this paragraph is required.

101. At all relevant times, the City knew or should have known that its conduct in continuing to allow and provide for use of the Courts for pickleball play in close proximity to Plaintiffs' Residence would cause severe emotional distress to Plaintiffs.

102. The City intentionally and knowingly refused to take meaningful corrective action to abate the harm.

103. The City's conduct, including its disregard for Plaintiffs' repeated pleas for relief and its continued promotion and allowance of pickleball play despite knowing the harm being inflicted, was extreme and outrageous.

104. The City's conduct was undertaken with the intent to cause, or with reckless disregard for the substantial probability of causing severe emotional distress to Plaintiffs.

105. As a direct and proximate result of the City's intentional and outrageous conduct, Plaintiffs have suffered severe emotional distress as described herein, including but not limited to anxiety, depression, panic attacks,

sleep deprivation, mental anguish, emotional suffering, and related psychological and physical symptoms.

106. As a direct and proximate result of the City's intentional conduct, Plaintiffs have suffered damages in an amount to be proven at trial, but in an amount of no less than \$10,000, which Plaintiffs are entitled to recover from the City.

III. ATTORNEYS' FEES

Plaintiffs have been compelled to retain counsel to protect and enforce their rights. They are entitled to an award of their reasonable attorneys' fees and costs in the amount of \$15,000.00 if the claims set forth herein are uncontested. However, if such claims are contested, then Plaintiffs are entitled to an award of all their reasonable costs and attorneys' fees and costs under I.R.C.P. 54, I.C. §§ 12-117, 12-121 and 12-123, and other provisions of Idaho law which may apply.

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Patrick S. Dougherty and Kathleen M. Romito pray that the Court grant the relief sought in the counts set forth herein, including:

- a. For a judgment declaring that the City's allowance and provision of pickleball play on the Courts constitutes a private and public nuisance.
- b. For preliminary and permanent injunctions enjoining the City from permitting pickleball play on the Courts, and requiring it immediately close the

Courts for all pickleball uses and take reasonable steps to prohibit use of the Courts for pickleball.

- c. For an award of damages in an amount to be proven at trial.
- d. For an award of just compensation in an amount to be proven at trial.
- e. For an award of Plaintiffs' reasonable attorneys' fees and costs of not less than \$15,000 if this matter is uncontested, and reasonable attorneys' fees and costs if contested by the City; and
- f. For such other and further relief as the Court deems just and appropriate.

DATED June 9, 2025.

DAVISON, COPPLE, COPPLE & COPPLE, LLP
*Attorneys for Plaintiffs Patrick S. Dougherty
and Kathleen M. Romito*

By: /s/ Michael E. Band
Michael E. Band, of the firm

VERIFICATION

Plaintiffs Patrick S. Dougherty and Kathleen M. Romito each certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho as follows:

I am a plaintiff in this matter. I have reviewed the foregoing pleading. The allegations set forth therein are true and correct to the best of my knowledge and belief after considering all information presently available to me.

DATED this 9th day of June 2025.

Signed by: 
B5EA10D916D64D3...
Patrick S. Dougherty

Signed by: 
71BB0A7A665644C...
Kathleen M. Romito

EXHIBIT “A”

EXHIBIT “A”

DAVISON, COPPLE, COPPLE & COPPLE

ATTORNEYS AT LAW

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MICHAEL E. BAND, ESQ.
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band@davisoncopples.com

January 9, 2025

SENT VIA CERTIFIED U.S. MAIL

Office of the City Clerk
City of Boise
150 N. Capitol Blvd.
Boise, Idaho 83701

Re: *NOTICE OF CLAIM UNDER IDAHO TORT CLAIMS ACT*
Idaho Code (I.C.) § 6-901 et. seq.
Claimants: Kathleen M. Romito and Patrick S. Dougherty

To the Clerk of the City of Boise:

This office represents Dr. Kathleen M. Romito and Mr. Patrick S. Dougherty (“**Claimants**”) who own and reside at 844 N. River Path Ln., Boise, Idaho 83703. This letter is presented to you to give notice that a claim is hereby made against the City of Boise (the “**City**”) pursuant to the IDAHO TORT CLAIMS ACT, Idaho Code § 6-901 *et seq.* (ITCA). The City is hereby advised and notified as follows:

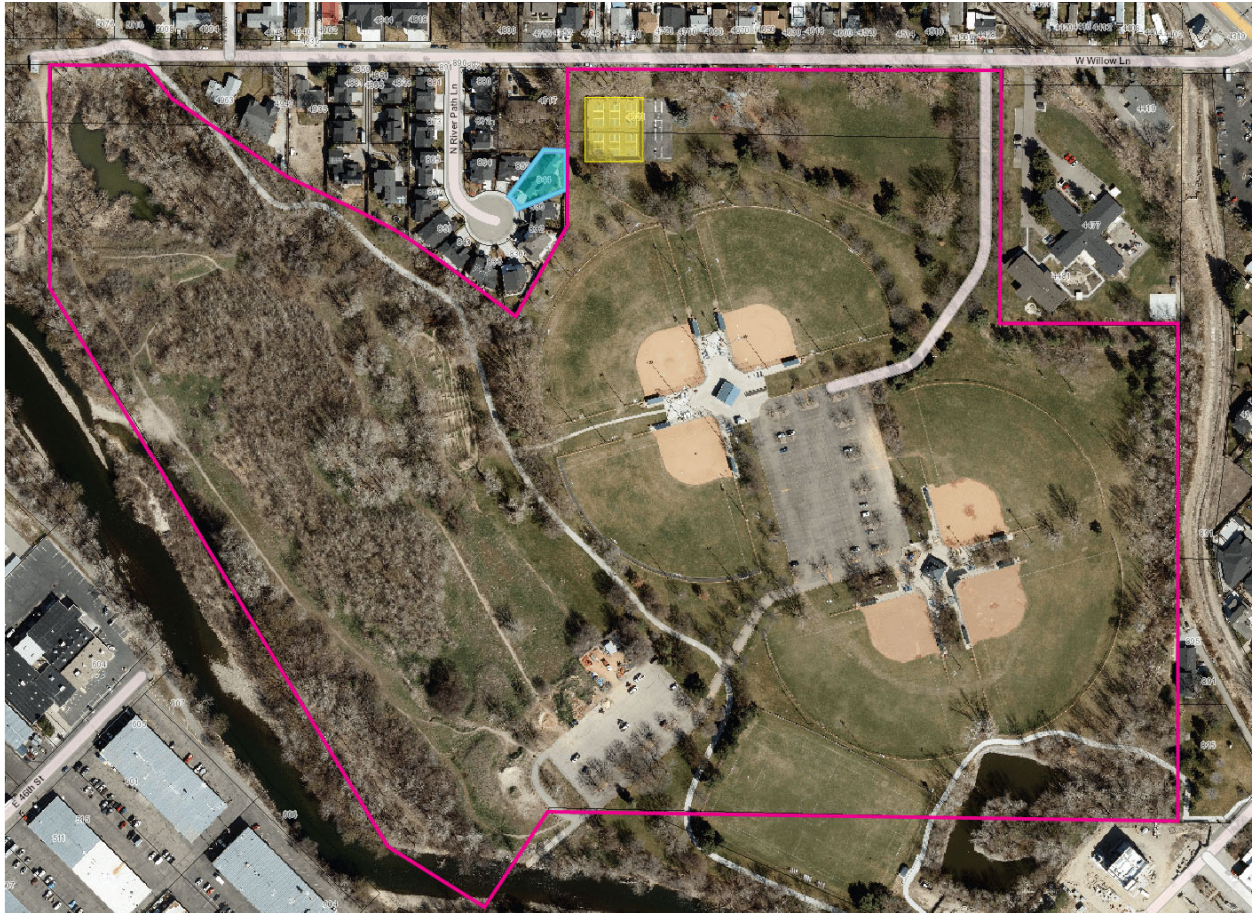
I. Actual Residence

Mr. Dougherty has resided at 844 N. River Path Ln., Boise, Idaho 83703 since having it built in 2013. Dr. Romito has resided there since 2016.

II. Conduct and Circumstances Giving Rise to Injury or Damages, including

The City owns the Willow Lane Park, a three-acre public park located at 4623 W Willow Lane, Boise, Idaho 83703. It has owned the land since 1972. The park is operated and administered by the City’s Parks and Recreation Department. The park area is located to the immediate north of the City’s 57-acre Willow Lane Athletic Complex. Situated in the northern part of Willow Lane Park, directly adjacent to the

Romito/Dougherty residence and neighboring homes, is an outdoor hard-surface sports court.



The court was originally designed for tennis and was used for tennis for years after its original construction in the 1980s. However, in 2017–18, the City converted the two tennis courts into six pickleball courts (the **“Willow Lane Pickleball Courts”**). The courts have been continuously used for pickleball at all times since.

Since the conversion, pickleball has exploded in popularity nationwide, including Boise, Idaho. From early spring to late fall, the Willow Lane Pickleball Courts are in use 80% of the time. Frequently, there are 40–50 players using the courts at a time.¹ During the winter, usage decreases but still occurs on a regular basis whenever temperatures exceed 35°F. A typical afternoon at the Claimants’ home is depicted in a video which can be accessed at the following links:

¹ Additionally, and as the City is well aware, parking facilities are wholly inadequate to accommodate the mass of players. As a result, players line the curb up and down the block on both sides of W. Willow Lane, much to the chagrin and inconvenience of residents.

- https://youtu.be/3GyMl_Hcv9g
- <https://drive.google.com/file/d/1y8FG-R5FDCCBg3bQxhkODLhMF9AMuZU0/view?usp=sharing>

A six-court outdoor pickleball complex is entirely unsuitable for placement in close proximity to a residential neighborhood due to the distinctive and oppressive noise profile generated during play. The impulsive, high-frequency noise of pickleball courts has a disproportionate psychological and physiological impact on nearby residents compared to other recreational activities.



Before condition: Two tennis courts²



Current: Six pickleball courts³

A. Distinctive and Disruptive Nature of Pickleball Noise

- **High Intensity and Frequency:** Whereas tennis employs netted rackets and felt-covered balls, pickleball utilizes a hard plastic ball and composite paddles, producing a sharp, percussive “pop” with every strike. This impulsive sound is not only 20 A-weighted decibels (dBA) louder than tennis, with typical levels of 70 dBA at 100 feet and 64 dBA at 200 feet compared to tennis’ 40 dBA at 100 feet, but also carries peak levels that may exceed 115 C-weighted decibels (dBC). The dominant frequency of 1,000–1,200 Hertz, near the most sensitive range of human hearing, amplifies its intrusive quality. The

² <<https://gisprod.adacounty.id.gov/arcgis/apps/sites/#/gis/apps/dce37c96cc634e4085751b812b62f864/explore>>, Ada County GIS County Mapper 2016 Aerial Basemap

³ *Id.*, 2016 Aerial Basemap

interplay between dBA, capturing human-perceived annoyance, and dBC, revealing the full intensity of these impulsive noises, underscores the disruptive potential of pickleball impacts on nearby residents.

- **Impulsive and Unpredictable:** Each impact creates a burst of sound lasting 3–5 milliseconds with a 20-millisecond decay. This impulsive noise mimics sounds that humans are hardwired to notice, such as a knock or a sharp alarm, making it impossible to “tune out” over time.⁴

- **Relentless and Persistent:** Games involve frequent volleys with continuous, repetitive impacts, often lasting for extended periods. In doubles play (the most common format), there are frequent rallies, amplifying the number of impacts per minute. Facilities with multiple courts (such as the Willow Lane Pickleball Courts) experience cumulative noise effects, with simultaneous games magnifying the overall soundscape. The frequency of play — averaging 10–15 paddle impacts per minute per court — means residents are exposed to thousands of noise bursts daily, compounded by long hours of operation and multi-court setups. This results in a continuous, random auditory assault.

B. Psychological and Physiological Effects

- **Stress and Anxiety:** The unpredictable nature of impulsive sounds triggers heightened vigilance in the brain. This “false alarm” response elevates stress hormones such as cortisol, leading to irritability, tension, and anxiety over time.

- **Cognitive Impairment:** Constant exposure to impulsive noise disrupts concentration and reduces productivity, making activities such as reading, studying, or remote work particularly challenging for residents.

- **Sleep Disturbance:** The sharp bursts of pickleball noise interfere with sleep cycles, particularly during early morning or evening play. Interrupted sleep contributes to fatigue, mood disorders, and long-term cognitive decline.

⁴ Because impulsive noise is known to be more annoying than regular noise, it is recommended that a 5-12 dB penalty is added to the dB reading. American National Standards Institute, Inc.(ANSI) S12.9-2005/Part 4. *Quantities and procedures for description and measurement of environmental sound – Part 4: Noise assessment and prediction of long-term community response.*

- **Cardiovascular Strain:** Chronic exposure to noise, even below the threshold for hearing loss, has been linked to increased blood pressure, heart rate, and a heightened risk of cardiovascular diseases.
- **Physical Symptoms:** Residents near pickleball courts experience symptoms such as headaches, irritability, and general malaise directly correlated to prolonged noise exposure.
- **Auditory Sensitivity:** The dominant frequency of pickleball noise overlaps with the range most sensitive to human hearing.

In light of the foregoing, experts have concluded that any outdoor pickleball court within 350 feet of residential properties will require noise abatement. An outdoor court within 150 feet of residential properties requires careful and often extensive noise abatement planning. Outdoor courts within 100 feet of homes are strongly discouraged regardless of noise abatement measures. Carl Schmits, USA Pickleball's Managing Director of Equipment Standards & Facilities Development has advised that pickleball courts should be placed at least 200 feet from homes in order to prevent sound intrusions exceeding 60 dB and at least 100 feet if noise levels are to be kept below 65 dB.⁵ Mr. Schmits has further stated that "[i]f placed within 250' of residential areas, it is critical that noise mitigation policies, materials and required Quiet Category equipment that may bring acoustic propagation into acceptable levels be consistently enforceable."⁶ Meanwhile, Paddletek, the largest producer of pickleball paddles in the United States, states, "It's a good idea to keep pickleball courts at least 500 feet away from residences and to surround the courts with green space for better sound absorption. If possible, space courts out so there aren't several close together. This minimizes the amount of noise coming from a single area."⁷

Source material discussing and confirming the statements and information above is enclosed herewith.⁸

⁵ Headrick, M., & St. Clair, C. (2023, July 7). Noise. lights. crowds. pickleball problems plague neighbors. <<https://ksltv.com/565667/noise-lights-crowds-pickleball-problems-plague-neighbors/>>.

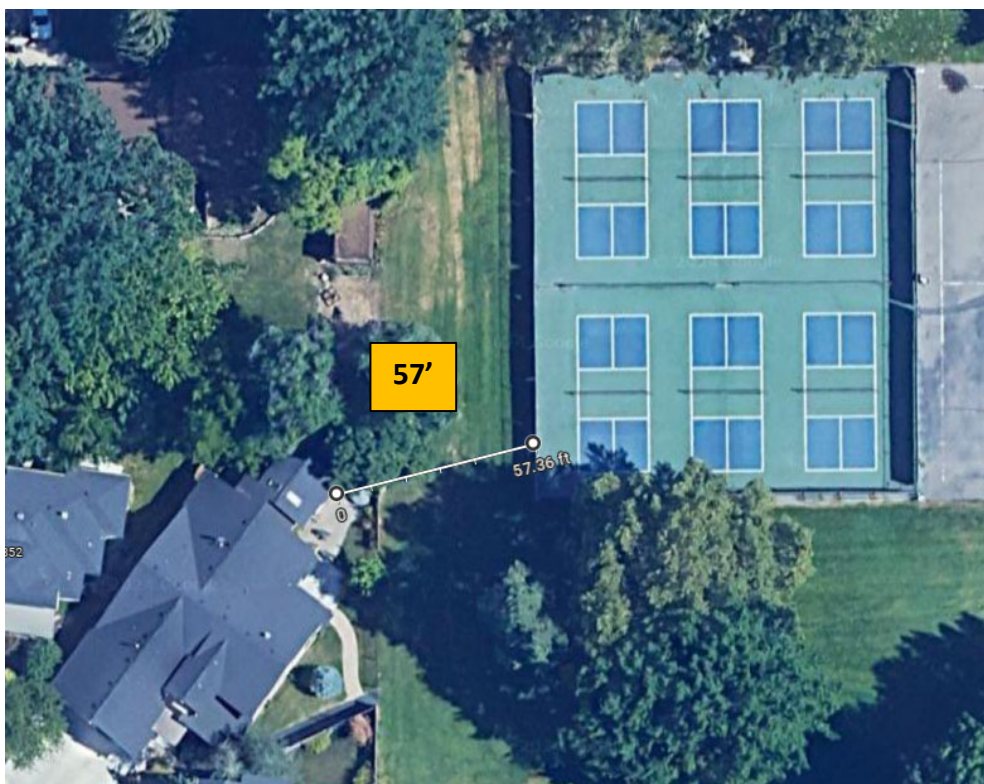
⁶ See material produced herewith (email from Carl Schmits to City Council of Laguna Beach City, dated June 11, 2024).

⁷ Paddletek Pickleball, LLC. (n.d.). Game on, volume down: Tackling the pickleball noise issue. <<https://www.paddletek.com/blogs/news/noise-issue-pickleball>>. (A copy is produced herewith).

⁸ See Willis, R. L., Spendiarian & Willis Acoustics Noise Control, LLC, Tuscon, Arizona. (2023, July 11). Pickleball Noise Impact Assessment and Abatement Planning.; Lee, L., Fitzpatrick, T. H., Irwin, L. A., Calder, A. N., & Manzoor, N. F. (2024). Making a racket in America's fastest growing sport: Evaluation of noise exposure in pickleball. *American Journal of Otolaryngology*, 45(5), 104409. <https://doi.org/10.1016/j.amjoto.2024.104409>; Wyerman, B., & Unitech, R., Pickleball Sound 101 –

* * *

The Willow Lane Pickleball Courts are a mere 57 feet away from Claimants' home. On information and belief, the City engaged in no due diligence to determine the potential effect on nearby residences prior to reconfiguring the courts for pickleball use in 2020. The conversion was done without prior notice to the Claimants or their neighbors, with no opportunity to comment.



Subsequent noise abatement efforts attempted by the City have been to install sound barriers on the fence surrounding the courts, and to prohibit play on Mondays and Tuesdays each week. The barriers are largely ineffectual when in perfect

The Statistics of Pickleball Sound and a Recommended Noise Standard for Pickleball Play, NoiseCON 2023, Grand Rapids, MI, May 15-18, 2023; Wyerman, B., & Unitech, R., Pickleball Sound 102 – Time History and Spectral Analysis of Pickleball Sound, NoiseCON 2023, Grand Rapids, MI, May 15-18, 2023; Wyerman, B., & Unitech, R., Pickleball Sound 103 – Mitigating Pickleball Sound, NoiseCON 2023, Grand Rapids, MI, May 15-18, 2023; Charles E. Leahy; Preliminary analysis of 79 pickleball noise consultant reports by 36 consultants. Proc. Mtgs. Acoust. 13 May 2024; 54 (1): 040009. <https://doi.org/10.1121/2.0001965>; Willis, R. L. (2021, July 7).; Comments on the noise impact on surrounding homes resulting from the planned installation of a pickleball court at 2732 Meadow Creek Drive. Tucson, Arizona; Spendiarian & Willis Acoustics & Noise Control LLC; ANSI S12.9-2005/Part 4. *Quantities and procedures for description and measurement of environmental sound – Part 4: Noise assessment and prediction of long-term community response.*

condition, and are frequently in disrepair. To the extent that the public abides by the rules prohibiting play on Mondays and Tuesdays, the off-days provide some relief. Yet, on at least one occasion after the off-days were implemented, players intentionally destroyed the sound barriers and engaged in threatening behavior towards the Claimants and their neighbors in apparent retaliation.⁹ Yet, the return to normalcy for the Claimants which is afforded by those off-days is entirely offset by the anxiety created by the impending resumption of the noise. It is unacceptable that the oppressive condition persists for the Claimants during the remaining five days of the week.

Additionally, pickleball play on the Willow Lane Pickleball Courts is often accompanied by loud music, outbursts of vulgar and offensive language from the players, and a party/social atmosphere which is incompatible with peaceful neighborhood living. Furthermore, further disruption is caused by the inadequacy of public parking to accommodate the increasing number of players.

Claimants have reasonably requested that the City permanently abate the conditions caused by the Willow Lane Pickleball Courts by prohibiting pickleball at the facility and converting the courts back to use for tennis. The City has refused.

III. Description of Injury or Damages; Amount of Damages Claimed

The installation of pickleball courts in close proximity to the Claimants' home has created a nuisance. The damages which Claimants have sustained as a result of the City's decision to place six pickleball courts so close to their home falls into several categories:

1. Property Damage. Prior to the installation of the Willow Lane Pickleball Courts, the Claimants' home was tranquil and peaceful. They enjoyed gardening in their backyard and spending their summer evenings on their patio, often while entertaining guests. Now, as a result of the City's decision to place six pickleball courts next to the Romito/Dougherty residence, the Claimants' home has become unlivable for much of the year. The Claimants can no longer make use of the patio or back yard. They no longer enjoy meals outside or entertain visitors. Dr. Romito can no longer enjoy gardening. They cannot even enjoy fresh air in their home, as the windows must be kept closed in an attempt to blunt the sound. Because the noise can be heard even inside the house with the doors and windows shut, she also cannot enjoy her other hobbies such as yoga and reading. Consequently, the value of the Claimants' property has been substantially diminished. As the public becomes more

⁹ As a result of this event, Claimants were compelled to install a security system in their home.

familiar with pickleball and its detrimental effects on nearby residences, this diminution of value is likely to increase.

2. Replacement. Mr. Dougherty is a quadriplegic person. A wheelchair is required for his mobility. Mr. Dougherty had the Claimants' residence custom-built to accommodate his needs. If the current use of the Willow Lane Pickleball Courts is not abated, Claimants will be forced to permanently relocate. The costs to modify and adapt any new residence to suit Mr. Dougherty's disability would be very substantial.

3. Loss of Use. During the height of pickleball season, Claimants find themselves unable to cope with the incessant noise from the Willow Lane Pickleball Courts. Therefore, and on the recommendation of Ms. Romito's mental health provider, starting in 2024 Claimants have been compelled to relocate during the courts' operational days each week from March through October.

4. Personal Injury; Pain and Suffering; Emotional Distress. As a result of the City's negligent and intentional actions, the Claimants have sustained and continue to sustain both physical and psychological injuries as well as substantial pain and suffering, and emotional distress. Dr. Romito has developed new onset psychological symptoms such as situational anxiety, nightmares, sleep deprivation, fatigue, panic attacks, inability to concentrate, and other symptoms of trauma and shock to the nervous system. Both Claimants now experience frequent auditory hallucinations. As with the property damage, the Claimants' injuries are likely to worsen as research clearly indicates that sensitivity to noise increases with the duration of exposure.

Claimants' primary goal is to see this nuisance abated. Accordingly, they intend to seek equitable relief, including an injunction requiring the City to permanently abate the nuisance by shutting down the Willow Lane Pickleball Courts for use with pickleball.

Claimants' present estimate of damages is at least \$1.614 Million. As the conduct is ongoing, this figure is subject to increase. This estimation incorporates the Claimants' present best estimates of damages from all sources, including diminution in value of the Claimants home; nuisance, disruption, and the loss of reasonable use and enjoyment of the Claimants' residence; physical and psychological injuries sustained by the Claimants and the cost of treatment therefor, and related pain and suffering, and emotion distress.

IV. Time and Place the Injury and Damages Occurred

Claimants' injuries and damages have occurred at the Willow Lane Park located at 4623 W Willow Ln, Boise, Idaho 83703, and at the Claimants' residence located at 844 N. River Path Ln., Boise, Idaho 83703.

As described herein, the events and conduct which have caused Claimants' injuries and damages has been continuous since the Willow Lane Pickleball Courts was activated in 2017–18, and remains ongoing at this time since the courts are still in operation at this time. Thus, the claim asserted herein is timely. *See Farber v. State*, 102 Idaho 398, 400, 630 P.2d 685, 687 (1981).

V. Known Persons and Entities Involved

Upon information and belief, the following persons and entities are involved in this claim:

1. Claimants, Kathleen M. Romito and Patrick S. Dougherty.
2. Homeowners adjacent to the Willow Lane Pickleball Courts, including at least Paul Geile, Liz Geile, Andrea Uresti, Susan Jorgenson, Kathleen Klokke, Steve Crabtree, Andrea Geile, Kylee Caperon, John Nagele, Laviora Bassett, Theresa Anderson, Chris Tillman, Julie Albert, Theo Albert, Tayler Gibson, Kodi Kezar, Mariyah Thomas, Allsion Pisarski, Krista Perry, and Jen Compton.
3. The City of Boise, including its Parks and Recreation Department.
4. City officials and employees, including:
 - a. Hon. Lauren McLean, Mayor; Hon. Jimmy Hallyburton, Council Member; Doug Holloway, Director, Parks and Recreation Department; Paula Lawson, Parks and Recreation Department; Sara Arkle, Superintendent, Parks and Recreation Department; Liz Urban, Parks and Recreation Department / Parks and Recreation Commission; Officer Steve Schneider, CSO, Boise Police Department; and Joseph Martinez, CSO, Boise Police Department.
5. John Wasson, Traffic Engineer, Ada County Highway District.

VI. Conclusion

Claimants remain willing to discuss a resolution of all claims on the basis of a permanent shutdown of pickleball activities at the Willow Lane Pickleball Courts. We are aware that the City has already taken similar measures elsewhere:



Ann Morrison Park, December 2024



Elm Grove Park, December 2024

Be advised that unless this claim is resolved within 90 days from the service of this notice, we have been authorized to file a complaint with the District Court of the Fourth Judicial District to obtain injunctive relief, recover the damages described herein, and seek such further relief as provided by law for the reasons described herein.

It is our opinion that this notice fully complies with the notice provisions of the ITCA. Unless otherwise advised by you, we will proceed on the assumption that all statutory notice requirements have been met.

Sincerely,

DAVISON, COPPLE, COPPLE & COPPLE, LLP

By: _____

Michael E. Band, of the firm

MB/mjs

Enclosure(s): USB thumb drive containing referenced material. This material can be made available for download upon request.

cc: Jen Roark, Deputy City Attorney <jroark@cityofboise.org>

EXHIBIT “B”

EXHIBIT “B”

plague neighbors

By Mike Headrick and Cindy St. Clair, KSL-TV | Posted - July 7, 2023 at 6:29 p.m.



86



Save Story



Pickleball pestering neighbors

KSL TV

[Leer en español](#)

Estimated read time: 6-7 minutes

This archived news story is available only for your personal, non-commercial use. Information in the story may be outdated or superseded by additional information. Reading or replaying the story in its archived form does not constitute a republication of the story.

That demand in Stansbury Park landed a pickleball court mere feet from homes, much to the surprise of residents.

"We were actually the first ones to move in, in the final phase," said Bryce Monk, whose home abuts the pickleball court.

He built his home nearly a decade ago, backing up to Porter Way Park.

Monk said he can't recall any time the space was designated for pickleball courts.

"It was actually curbed and guttered for a parking lot," he said.

As the sport gained popularity, so did requests for the courts. The [Stansbury Service Agency](#), which oversees the park, took action to meet that demand.

"They just moved very quickly for these courts to go in," said Monk.

The six-member board voted in August 2020 to install six pickleball courts at Porter Way Park. Construction began two months later.

According to a grant application by the service agency, the area in the park "has been reserved for the construction of pickleball courts for several years."

Monk and his neighbors claim that was never clear.

"When this went in, it was a complete shocker to us," said Jon Nesbitt, whose home also backs up to the pickleball courts.

"They didn't tell us it was coming in," said neighbor Susan Patience, "(We) kind of heard it through the grapevine."

is nearly constant from morning until after dark.

Nesbitt said it causes issues as he works from home.

"I'll be in meetings in the morning, and I'll be asked by my coworkers what that sound is," he said, "and they can hear the thunk, thunk, thunk of the ball going back and forth. On some meetings, I have to take them in the back of the house away from my computer to just try and get away from the sound, and that doesn't even solve the problem sometimes."

"It's like having a party in your backyard the whole time," said Patience. "We had a birthday party for my granddaughter, and we're out singing and the next thing you know, all the people from the pickleball court are singing happy birthday and yelling, and it's like, you're not invited to this party."

"This is a private area that you don't get to have private anymore," Patience lamented.

No rules, just recommendations

Most Utah municipalities do not have codes for pickleball courts, so KSL Investigators consulted [USA Pickleball](#) to see if there are any rules when it comes to constructing courts.

"There are no rules," said Carl Schmits, a managing director for USA Pickleball. "There are many variables to take into consideration."

Schmits said one of those variables is noise ordinances.

"Once you understand that, then you can start to look at if a facility was put there, how far it should be from the homes," said Schmits.

Schmits said they've done quite a bit of research, and found if the sound needs to be kept to 60 decibels, courts should be 200 feet from homes.

For Porter Way Park, which under city code carries a 65-decibel maximum during the day,

never done for the courts.

KSL Investigators used a decibel meter near the neighborhood fence line closest to the courts to see just how loud it is for neighbors.

With every smack of the paddle, our readings mostly stayed at or under the 65-decibel threshold, peaking a few times around 68 decibels.

But Tooele County's noise ordinance also mentions "repetitive impulsive noise" as being forbidden.

Monk thinks the pickleball courts fall under that rule.

"I don't know exactly the definition of impulsive, but it seems pretty impulsive to me," said Monk. "It also mentions repetitive. Sounds pretty repetitive to me."

The Stansbury Service Agency's board chairperson wouldn't discuss the matter on camera, but sent KSL a lengthy email statement, stating, "Before the Porter Way Park courts were built, the idea was discussed in multiple public meetings."

And that, "a board member even knocked on doors and consulted residents in the neighborhood about the project. No residents expressed concern about the project."

KSL did find one Utah municipality that has created rules for pickleball courts.

[Park City created an ordinance in spring of 2022](#), mandating courts must be set 600 feet from property lines, unless sound studies show the sound falls below the noise ordinance. If that's the case, courts must be at least 150 feet from property lines.

Bright lights, little sleep

After the courts were built, it wasn't just the noise affecting life in the neighborhood.

"They're horribly bright," noted Patience.

"Now we come out, and you have this glow over the house," said Nesbitt.

That glow, some of the neighbors said, is finding its way into their homes, up until 10 p.m. at night.

"The biggest thing is I can't go to sleep," said Monk. "We've moved our bedroom downstairs."

Because of complaints, the service agency said it's "tilted the lights" and "installed shields to block the lights" from nearby homes.

Neighbors said the adjustments have slightly helped, but the overall issue remains to be solved.

They're still trying to understand why, with nearly 30 acres of open land in the park, why the Stansbury Service Agency built these courts so close to homes.

"From this window to that light post is 50 feet," Monk explained. "I would say these courts should be moved down to the north side, where they have the distance away from homes."

Possible remedies?

The issue has been before the Stansbury Service Agency for multiple months. During the May public meeting, board members agreed to do a sound study with an engineer to see if any changes should be made.

When KSL reached out to the service agency's general manager, he said the engineers indicated the study would be difficult to produce, due to the short sounds of the pickleball hitting the paddle.

He indicated they considered sound dampening around the court, but it would cost between

including dampening blankets around the chain-link fence and quieter paddles.

As for moving the courts, it's not likely. The Stansbury Service Agency board chair told KSL, "The concerned residents are more than welcome to raise money to move or enclose the courts. If they do that, I would imagine the board would be happy to arrange it."

Have you experienced something you think just isn't right? The KSL Investigators want to help. Submit your tip at investigates@ksl.com or 385-707-6153 so we can get working for you.

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Pickleball popularity has spiked in Utah the last few years. Here's why

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Family Outdoors Utah Tooele County

Mike Headrick and Cindy St. Clair

EXHIBIT “C”

EXHIBIT “C”

carl schmitts > Inbox x

kathleen r <kmromito@gmail.com>
to me ▾

From: Susana
Sent: Tuesday, June 11, 2024 11:23 AM
To: City Council <CityCouncil@lagunabeachcity.net>
Cc: Kiff, Dave CM <dkiff@lagunabeachcity.net>; Litschi, Michael PW <mlitschi@lagunabeachcity.net>
Subject: USA Pickleball Guidelines

Susana

Please feel free to share the following:

USA Pickleball is aware that placement of courts within close proximity to residential areas may result in noise complaints. We recommend that if placed within 250' of residential areas, it is critical that noise mitigation policies, materials and required Quiet Category equipment that may bring acoustic propagation into acceptable levels be consistently enforceable.

Carl



Carl Schmits

**Managing Director; Equipment Standards &
Facilities Development**

P.O. Box 7354 | Surprise, AZ 85374

USA Pickleball Association (USAPA)

Cell / Text: 480.382.2275

EXHIBIT “D”

EXHIBIT “D”

From: **Carl Schmits** <cschmits@usapickleball.org>
Date: Sat, Apr 26, 2025 at 8:31 AM
Subject: Re: Pickleball facility question
To: kathleen r <kmromito@gmail.com>, BobUnetich <itsrmu@aol.com>

I appreciate the opportunity to discuss this research with you, Kathleen. We both agree on the sport's positive societal impact overall, including the previous AG's statements regarding how it is addressing the 'epidemic of loneliness'.

Meeting growing constituent demands within municipalities has been met with a wide range of planning rigor, and in some cases decisions to convert existing recreational assets have been done without a thorough environmental impact assessment, including acoustic propagation. You bring a research driven approach to this which is appreciated, especially in this environment - visceral cries for '1000ft or bust' on the forums are ill-considered, and create non-starter asset requirements during earnest planning sessions.

Our position is firm that ANY consideration for a converted asset or new installation go through an assessment as part of a feasibility study, regardless of proposed setback - whether 1000' or less. Period. Outcomes <400' may be problematic or require heavy investments to mitigate. Outcomes at >400' may not. Neither are an absolute. The dependencies on other factors are too numerous to discount, or default to a static recommended setback. Elevation? Hardscape or water features? Prevailing wind? Ambient soundscape? Barrier potential?

I view it as an equation - identify the goal first, work from there. Is it zero acoustic footprint? Is it ambient +XdB? Exposure/dosing of x impulsive events? BTW, I feel the latter may be one of the more effective means to address, given my experience.

Although traveling, I'm available to connect next week.

Buon fine settimana,

Carl

Carl Schmits

Chief Technical Officer

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EXHIBIT “E”

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Game On, Volume Down: Tackling the Pickleball Noise Issue

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Nowadays, if you take a walk down a suburban street or past a park there's a good chance you'll hear the signature "pop, pop, pop" of a pickleball being hit over a net. And if you can hear it in the street, then surely those living in the vicinity can hear it too – often for 10 to 12 hours a day, seven days a week.

It's this scenario that's earning pickleball a bad reputation within communities, namely neighbors near courts. Has this stopped players though? Not really... And with more and more players joining the sport every year, the problem is compounding.

Paddletek's been innovating pickleball paddles since 2010, so we've had the privilege of experiencing pickleball's meteoric rise from a backyard family game to a recognized sport enjoyed by all ages and backgrounds ([along with many celebrities](#)). Because of our role in the sport, we also take a great interest in how it impacts our communities, and what can be done to relieve tensions so that pickleball can continue to grow and thrive.

In this article, **we look at the facts about how pickleball is sweeping through communities, how much noise it makes, and why.** We then discuss what steps can be taken to **minimize the noise impact and bring the sound down to acceptable levels**, so pickleball players and residents can put down their armor and befriend each other once again.

The Fastest Growing Sport Isn't the Quietest One

The growth of pickleball in recent years has been nothing short of remarkable. What was started by two men as a [fun way to entertain their children while on vacation](#) in 1965 has transformed into a widespread phenomenon in the new millennium, and there's just no stopping this pop rocket. [The Sports & Fitness Industry Association's Topline Participation Report](#) confirms this with its 2022 findings: **Pickleball is the fastest-growing sport in America and participation almost doubled in 2022**, with 159% growth over the previous three years.

With millions of people playing pickleball each year, more and more courts keep going up. There are **pickleball courts in every US state and every Canadian province**, with **over 9,500 courts to choose from**, and about 66 new courts being built each month. Pickleball courts are everywhere, including parks, schools, community centers, YMCAs, recreation centers, and senior residence communities.

With the rise of courts, we've witnessed the emergence of two factions at odds with each other - those who love pickleball and those on the other side of the pickleball fence: quite literally. **Many residents that live next to or near a pickleball court are complaining about the noise of the game and how it negatively affects their quality of life.** [Consulting engineers agree with residents' claims.](#) They report that being exposed to the noise made by pickleball day in and day out is a health risk, and pickleball's noise levels are higher than the acceptable levels

set for community and environmental noise emissions in the US and abroad. Some residents are so fed up that they are taking their problems to councils and attorneys to do something about it.

Before we get into the details, let's take a step back and dissect the actual sound.

The Signature “Pop” Sound

The biggest issue with pickleball noise is reportedly the high-pitched “pop” sound made when a plastic pickleball hits the paddle. This sound has been measured by noise control experts and they agree that the pop is categorized as an **impulsive sound because it starts quickly and disappears within 2 milliseconds**. This short burst is the key component in what is causing all the issues.

A study covered in the [Journal of Environmental Psychology](#) found that impulsive sounds, like a dripping faucet, **annoy people** much more than steady-state sounds, such as an air conditioner running. Impulsive sounds also cause stress and decreased performance, as people simply find it harder to work and relax when they keep getting interrupted by impulsive sounds. **What's more, the impulsive pickleball pop sound is usually between 1,000 and 2,000 Hertz, which is close to a human being's most sensitive frequency range, so we hear it better and from further away** than other games with a soft ball and racquet, such as tennis.

Now here's the part that makes this even more challenging: [Every paddle has a unique sweet spot that gives the player the best result](#). When a player hits the ball with this sweet spot, the player has the most control over the ball possible, and they get the truest response out of their shot. When the ball hits a paddle in its sweet spot, [the paddle vibrates more than when the ball hits it anywhere else](#). This causes a trampoline-like vibration, where the pickleball bounces back toward the opponent, and you hear the characteristic “pop” sound.

So players are trying to hit the ball in the sweet spot every time to get the best results, which means they're trying to make the pop sound as much as possible – and unknowingly contributing to the overall noise problem.

To recap - Impulsive sound is what annoys people, and sound frequency is one that humans can hear far away. What makes matters worse is that the part of the paddle every player tries to hit the ball with increases the speed and strength of the noise.

What Makes Pickleball Such a Noisy Sport

The burst and strength of the sound is the result of far more than the sweet spot of the paddle - admittedly this was an oversimplification of a complex formula. **The 'noise' is a crescendo of variables, including:**

- **Court Surface:** Many pickleball courts are made of concrete or asphalt, just like a tennis court. The type of pickleball court surface affects the game's noise levels, with **harder surfaces amplifying the sound** of the ball bouncing off the ground.
- **Player Technique and Strength:** The force and technique used by players contribute to the intensity of the noise created. **Harder hits and stronger swings make louder sounds** when the paddle makes contact with the ball.
- **Skill Level and Playing Style:** Experienced pickleball players often play **fast-paced games and take high-speed shots**, which all make more noise than slow games with gentle shots. Also, players with an **aggressive style** enjoy taking powerful shots (i.e. drives), which produce louder sounds.
- **Ball Speed:** The speed at which the ball is hit affects the noise generated. **Higher ball**

speeds result in more audible impacts and bounces, contributing to more noise.

- **Number of Players:** As the number of players on the court increases, so does the frequency of paddle hits and ball bounces. Multiple games being played at the same time or crowded play can intensify the overall noise level.
- **Surrounding Environment:** The proximity of pickleball courts to residential areas or other structures can also have an impact on the noise created. Sounds from games can bounce off nearby buildings and create echoes, making the noise louder and carrying it further.
- **Paddle and Ball Interaction:** The materials and design of pickleball paddles, combined with the standard plastic ball used in the sport, influence the noise generated upon impact. Harder paddles tend to produce louder sounds when they make contact with the ball.

Outdoor balls, which are typically harder and have smaller holes, usually create more noise when struck compared to softer, indoor balls. And since outdoor is the most used and certainly the ball part of this issue, its design isn't doing any favors in the community. Though the ball is pretty standard, the pickleball paddle is rather unique. Controlling noise from a paddle perspective would be more challenging - every materials and construction process adds a layer of complexity to the impact on the sound.

Why Are Some Pickleball Paddles Noisier Than Others?

Some pickleball paddles are noisier than others due to the stiffness of materials and the surface area created by assembling the paddle. Denser, thicker paddles that use rigid materials will be louder whereas thinner paddles with softer materials will absorb more of the sound.

Of note, polymer cores in honeycomb patterns will be less noisy than solid alternatives, due to a polymer state that absorbs over less surface area. This makes sense since there is space between the walls of the honeycomb, meaning less surface area is used at contact.

Let's compare [some of the most popular materials used to make paddles and their cores](#), and rank them from softest to loudest, to see what materials make some paddles louder than others...

The Impact of Material on Pickleball Paddle Noise

The rule of thumb here is the harder the material the louder the sound, with the inverse being true for softer materials creating less noise. So of the most popular materials options in the market today (fiberglass, graphite, carbon fiber), **fiberglass paddles would be the quietest since it's the softest of the base materials.**

And although carbon fiber is made of graphite, it's actually quieter - that's because carbon fiber is constructed in a different manner, which makes it stronger and harder. **So the noisiest of them all are carbon fiber paddles, with the stiffness and responsiveness of the carbon fiber creating a very distinct "pop" sound when it makes contact with the ball.** Somewhere between fiberglass, graphite, and carbon fiber, you'll find hybrids that use elements of these different materials.

Pickleball Paddle Cores and Noise

When it comes to the paddle's core materials and noise, polymer makes the least amount of noise. The softness and dampening properties of the polymer absorb impact energy, so there's a muted sound upon ball contact. Although not as widely used as poly cores, **Nomex**

cores tend to make the most noise - Nomex is a denser, harder, and more rigid material than the others.

Further to this, the quality of the paddle can play a role in the noise it makes. **Higher-quality paddles are typically designed with materials and construction techniques that enhance performance and minimize noise.**

Whether you play with the most expensive high-quality paddle on the market or one you borrowed from your retired uncle, you have to wonder if pickleball is louder than any other sport - especially when you consider that many pickleball courts are repurposed tennis courts that never received as much complaint.

How Loud Is Pickleball Compared to Other Sports?

Pickleball is louder on contact than some ball sports, like golf, but on par with the noise created by others, like table tennis and tennis. Baseball, lacrosse, ice hockey, soccer, and volleyball are all generally louder than pickleball.

The table below gives a comparison of the average decibel count upon ball contact in various popular sports:

SPORT	AVERAGE DECIBEL COUNT (DB)
Golf	60 – 70
Table Tennis	70 – 80
Tennis	70 – 90
Pickleball	70 – 90
Baseball	90 – 100
Lacrosse	90 – 100
Ice Hockey	90 – 100
Soccer	100 – 110
Volleyball	100 – 110

Please note that these values are approximate ranges and **vary depending on factors such as equipment, playing environment, and individual techniques.** Additionally, the decibel levels mentioned are specific to the impact of hitting the ball and may not represent the overall noise levels during gameplay. For example, obnoxious grunting by tennis players has been known to reach decibel counts of 100 or more.

Looking at the table, it's clear that pickleball makes a **moderate amount of noise compared to many sports**, but no more noise than some sports that people still enjoy playing and watching. So perhaps what we're dealing with is more a matter of noise perception than actual noise - let's peel the onion on **individual perceptions of what noise is, especially in indoor versus outdoor settings.**

The perception of noise indoors and outdoors can be influenced by various factors. Indoors, the room's acoustics, soundproofing, proximity to noise sources, and personal sensitivity play a role. Outdoor perception is affected by ambient noise levels, distance from the noise source, open spaces that allow sound to travel, and the presence of natural sounds. Individual preferences and cultural background also impact how people perceive noise in both environments.

The Real Issue Behind the Noise

We'd argue that the perception of pickleball being a noisier sport is a byproduct of its rapid popularity, playing density, and simultaneous contrast. Although not currently backed by any data, here's our theory.

Rapid Popularity - Less Downtime

We've dropped the numbers already in this post, but pickleball is having its moment. In fact, its moment has been going on for years now. More people are hitting the courts than ever before, keeping the rack constantly filled with paddles. **Players are waiting in line all hours of the day, not giving any sort of quiet breaks to the courts.**

Playing Density - More Ball Contact

[You can easily fit two pickleball courts inside of one tennis court](#), but if you include the runoff areas of a tennis court, you can even fit 4 pickleball courts within the boundaries. So for communities where tennis courts are now being used for pickleball, **if one tennis court is now filled with players on four pickleball courts, residents are now hearing four times the contact.**

Simultaneous Contrast - Extreme Perception

Have you ever been on vacation and gone from the hot tub to the swimming pool? With the hot tub being so hot, you may feel like the pool is cold by comparison. That's the same concept here - when pickleball moved into tennis court communities, many of those same courts were being used for tennis, which takes up more space and has fewer players.

With the change in court use, the perception can feel more extreme than it is. Throw in the [declining popularity of tennis in the US over the past couple of decades](#), and the simultaneous contrast becomes even more extreme.

Whether or not pickleball is deemed louder than other sports seems to be relative, but as it spreads through communities, it's starting to have a much greater effect on residents' ears, whether they like it or not.

Paddles at Play: How Pickleball Noise Impacts Our Communities

While pickleball brings together people of all ages and builds a wonderful sense of camaraderie, the sport has not been without its fair share of challenges from the communities in which it's played. As more and more paddles are at play across the country these days, there's been a growing number of noise disputes, strained relations, and land-use conflicts.

[One man in Massachusetts](#) sold his house after pickleball courts were built 350 feet from his front door. He and his neighbors took their plight to court, **claiming pickleball courts have harmful and intolerable noise levels, and the noise was creating mental and physical health problems for residents.** [While in New Jersey](#) there's a group of pickleball-playing senior citizens causing such a stir that the police have been called out to break up arguments, and now the mayor's involved.

As mentioned, pickleball has largely taken over the same courts as tennis. This frequent repurposing and the addition of new pickleball-specific courts have led to friction between pickleball players and tennis players. People have even reported seeing fights between tennis players and pickleball players, others have witnessed pickleball players

[occupying tennis courts](#) until removed by police.

And then there's the vandalism and threats in Finley, where vandals took to [pouring oil over the pickleball courts](#) and leaving threatening notes that pickleball players' cars will be keyed. **The vandals also called tennis players who didn't stand up to pickleball players "chickens." Yes - this is real.** These are only some examples of communities rising to become activists and pop the pickleball once and for all. So what are our leaders doing about it?

Communities Taking Action Against Pickleball Noise

Some municipalities have introduced enforceable regulations to quiet the court noise, where going above the regulated volume has consequences. Even more, some areas are taking extreme actions, such as removing courts and stopping new courts from being built until the situation has been assessed.

[Denver Parks and Recreation](#) removed pickleball from Congress Park after neighbors complained about the noise. An inspector was sent to investigate and found that pickleball noises were over 70 decibels in some nearby residences, and the City ordinance is set for 55 decibels at most. And the [City of Centennial](#) approved a **temporary pickleball moratorium** to give staff time to assess what regulations are needed for outdoor courts and the noise they generate.

It's not only municipalities that are having to do something about the noise issue. Many [homeowners' associations](#) are **stopping pickleball or taking steps to reduce the noise in their community** too. Sometimes these actions are sparked by legal disputes, other times these are proactive associations that want to do something about pickleball exceeding the noise provisions in their codes. Sun City is famous for many things, but in the pickleball community they are noted as having a list of green zone and red zone paddles, respectively, those approved and banned based on noise. They go as far as monitoring players to ensure they use approved paddles only.

If people are selling their houses and moving, vandalizing pickleball courts and cars, and going to court to fight things out then one thing's for sure: **This problem won't go away on its own.** A balance needs to be found that gives pickleball players the chance to enjoy their sport, and residents the chance to sit outside and enjoy their peace.

So, how do we keep everyone happy?

A Compromise: Enjoying Pickleball Without Bothering Others

It is possible to keep pickleball courts open and neighbors happy through compromise. **By respecting each other and taking steps to address the noise issue, we have the best chance to resolve the disagreements we've been seeing in our communities.** If residents aren't bothered by pickleball they will be happy, and more and more people will get to enjoy their favorite sport without feeling guilty about the effect they're having on those nearby.

What Can Be Done to Reduce Noise in Pickleball?

Pickleball noise can be reduced by playing with high-quality paddles, cushioning court surfaces to absorb more sound, regulating play times, and putting up soundproofing materials or sound barriers. Courts should be built at least 500 feet away from residences, in green buffer zones.

Here are a few helpful suggestions on how to turn down the volume and address noise concerns:

1. Introduce Soundproofing Materials

One common solution is the introduction of soundproofing materials and acoustic baffles, like Acoustifence. Acoustifence is made of a flexible, high-density material. It has excellent sound absorption properties, so it dampens and absorbs sound waves. It is designed to **minimize noise transmission through barriers like fences or walls and helps contain the sound generated during play within court boundaries**, reducing the impact on neighboring areas and nearby residents.

2. Regulate Playing Times

Regulated timings for playing pickleball could help maintain harmonious relations between pickleball players and residents, striking a balance between the enjoyment of the sport and the well-being of the community.

Giving neighbors time off from the sound of pickleball gives them uninterrupted periods to enjoy their home, without being disturbed. **Such regulations provide a clear framework for when pickleball can be played, helping to prevent misunderstandings and disputes.**

3. Install a Cushion Court System

One effective way to reduce noise in pickleball is to use a cushion court system. **These surfaces are typically made of materials such as rubber or foam, and the cushioned surface absorbs impact, minimizing the sound of balls bouncing.** This results in a quieter playing environment, and the surface is softer on players' knees and joints too.

4. Maintain Space Between Players and Residents

It's a good idea to keep pickleball courts **at least 500 feet away from residences and to surround the courts with green space for better sound absorption.** If possible, space courts out so there aren't several close together. This minimizes the amount of noise coming from a single area. Players can also be mindful of noise and not come in big groups, as more people on or by the courts means more noise.

As you can see, **reducing pickleball noise is a shared responsibility.** By implementing a combination of these strategies and maintaining an ongoing dialogue between players and the community, we can create a more enjoyable environment for everyone involved.

Finding the Sweet Spot: Taming the Pop and Preserving Peace

In the wake of pickleball's explosive popularity, we've explored the challenges of striking a balance between player enthusiasm and neighborhood tranquility. As we've seen, the noise generated by pickleball play can disrupt the stability in neighboring communities, causing mental and physical health issues, legal disputes, and vandalism. **This is a challenge that calls for collaboration, compromise, and mutual respect.**

Playing pickleball isn't just about who is on the court. It's just as much about who is living, working,

or spending time around the court too. **As pickleball ambassadors, now's the time to consider how the sound of our games travels and reaches others, and to take action to minimize any undesirable impacts.** By cushioning courts, playing during set times, [buying good-quality paddles from reputable manufacturers like Paddletek](#), and putting up sound barriers, **we are doing something to reduce the noise and working with our communities, rather than against them.** Let's invite a new era of pickleball, the most social sport that's also the most respectful.

EXHIBIT “F”

EXHIBIT “F”

Access this exhibit using the following link:
<<https://zenodo.org/records/15625086>>

EXHIBIT “G”

EXHIBIT “G”

We don't hate pickleball!

Everyone should play it!

Just don't put the courts so close to homes

The loud popping noise and the parking issues in our neighborhood are making our homes unpleasant places to be.

We've suffered through five ^{YEARS} ~~seasons~~ of increasing, continuous use of the six courts in our neighborhood. The noise is messing with some of us and our health. We've seen near accidents due to the crazy parking situation on Willow Lane.

It's time for the city of Boise to fix the mistake they made when they put the courts so close to individual homes.

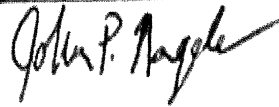
We respectfully request that the City of Boise move the courts on Willow Lane by the end of summer 2025.


Name	Signature	Address	Email(optional)
Kathleen Runko	Kathleen Runko	844 N RIVER PATH LN 83703	
PAT DOUGHERTY	Pat Dougherty	844 N RIVER PATH LN	
STEVE CRABTREE	Steve Crabtree	835 N. RIVER PATH LN.	
Susan Jorgenson	Susan Jorgenson	832 N River Path Ln	jorgenson7@gmail.com
Liz Geile	Liz Geile	4717 Willow LN	
Kyle Caperon	Kyle Caperon	4717 Willow LN	
Kyle Caperon	Kyle Caperon	4720 Willow LN	KyleCaperon24@gmail.com

Willow Lane Pickleball Petition

(names and addresses will be kept private)

Name	Signature	Address	Email (optional)
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JOHN NAGELE		4720 Willow Ln.	
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LAVORIA BASSETT		4700 Willow	
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TERESA ANDERSON		4650 W. Willow Lane	
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JAMES URIBAZO		4742 Willow Lane	
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CARY TILMAN		880 N. River Path Ln.	
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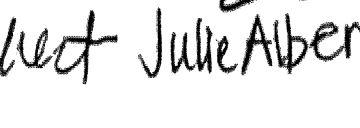
Ann L		4700 W Willow Lane	
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Dawn		4700 W Willow Lane	
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Paul Gil		4717 Willow Lane	
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Jen Crompton		830 N. River Path Ln.	
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KRISTA PERRY		830 N River Path Lane	
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Julie Albert		873 N. River Path Lane	
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Theo Albert		873 N River Path Ln	
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Andrea Urresti		836 N. River Path Lane	
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