

NO. 06-08336

ELLEN AND ALAN MEYER  
*Plaintiffs,*

v.

DALLAS-FT. WORTH METRO  
GOLDEN RETRIEVER CLUB  
AND JUDY WORD,  
*Defendants*

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IN THE DISTRICT COURT

44<sup>TH</sup> JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

STATE OF TEXAS            )  
                                  ) AFFIDAVIT OF ALAN MEYER  
COUNTY OF TARRANT )

BEFORE ME, the undersigned authority, on this day personally appeared ALAN MEYER, known to me to be the person whose name is subscribed to this instrument, and who, on his oath, stated as follows:

1. My name is ALAN MEYER. I am over twenty-one years old, am of sound mind, and have not been convicted of a felony or misdemeanor involving moral turpitude. I am in all respects competent to testify to the facts stated in this Affidavit. The facts stated in this Affidavit are within my personal knowledge, and they are true and correct.
2. I have been a longtime voting member of the Dallas-Ft. Worth Metro Golden Retriever Club since 1995. I have been an extremely active member in the organization and have served the club in different volunteer positions and volunteer Board positions.
3. One of the benefits of having an active membership with the Club is that it allows its members in good standing the opportunity to list and advertise puppy litters with the Club's Puppy Referral Service. The Club's Puppy Referral Service provides high visibility across the country for all puppy litters listed and constituted a major portion of our (Ellen and my family) advertising for our puppy litters and as a direct result the income received from the puppy litters. At/or around mid February of 2005, Ellen and I paid the necessary fees, \$50.00, to the Club to list a litter of Golden Retriever puppies.
4. Ellen and I were able to sell the available listed puppies before the eight (8) week time allotment on our contract with Puppy Referral elapsed. Unfortunately, one of the puppies was returned to us, due to an umbilical hernia, by a customer named B.J. Elliot. Pursuant to our contract with the Puppy Referral Service we sought to reactivate our puppy litter listing for the remainder of the time allotment for the original listing on the Service.

5. I attempted to contact Debbie Allen, the Puppy Referral committee chairperson and a member of the Club's Board on April 14, 2005, to reactivate our puppy listing on the Service. Ellen and I received an email from Debbie Allen on April 15, 2005, asking why the buyer returned the puppy and stating "if the buyer is just a perfectionist it would be nice to warn the others with puppies." I did not want to disclose this information regarding the customer to Defendants because Judy Word had sent out an email on April 6, 2005, warning some breeders in the Dallas, Austin, and Houston clubs to be careful of a certain puppy buyer. I did not want a similar email sent out in regards to Mr. Elliot.

6. Neither I nor Ellen received a return phone call from Debbie Allen after leaving numerous phone messages. I contacted the Service volunteer on duty, Linda Marquart, in the early evening of April 22, 2005, to see if the litter listing had been reactivated. I stated to the volunteer that our contract had not expired with the Service and advised her to confirm this with Debbie Allen. I advised Linda Marquart that I had requested that the litter be reactivated and suggested that she receive verification from Debbie Allen.

7. Following the conversation with Linda Marquart on April 22, 2005, I talked with Judy Word on the phone with regards to the puppy in dispute. I alerted Judy Word that I had talked with Linda Marquart earlier in the evening to verify if she had the puppy on the referral list. Judy indicated to me that the Board had decided that the puppy could not be listed. In the early morning hours of April 23, 2005, we (Ellen and I) received an email from Judy Word advising that the Board may consider listing the puppy; however, the Service would be required to provide a health disclosure on the puppy.

8. We (Ellen and I) gave Judy Word the option to contact Dr. Kirk Esmond directly to discuss the health condition of the puppy. Judy Word did not contact Dr. Esmond. Instead, she informed us that she would be taking the issue up with the Board. During the April 22, 2005, phone call, I advised Judy Word that I had already contacted Puppy Referral and/or Linda Marquart regarding the status of the reactivation of the litter listing.

9. I do not dispute that the health conditions should be given to prospective buyers; however, in keeping with the Club's long standing traditions and Standing Rules of the Club, the breeders (in this instance Ellen and I) should personally disclose the health issues of any puppy, instead of a volunteer from the Service.

10. I have never been given or supplied the alleged directive from the National Club asking and/or demanding that the Club, through Puppy Referral Service, place health disclosures on litters and/or puppies and dogs with known health conditions. Further, I was never interviewed formally or informally as part of a pre-investigation by the Club and/or Board.

11. At the July 18, 2005, hearing the Board did not allow one of our witnesses, Dr. Kirk Esmond, to testify. Additionally, due to the burdensome and undisclosed time restraints placed upon us by the Board, we were not given enough time to call Ann Horton as a witness. Throughout the accuser's, Debbie Allen, case the Board allowed her witness, Judy Word, to

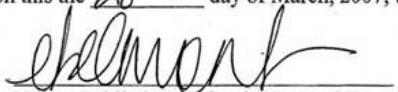
testify and admit evidence of written statements and/or emails from other witnesses. We (Ellen and I) were not provided these statements and were not given the ability to cross-examine these witnesses. Judy Word, unlike the other witnesses, was not sequestered through the entire hearing.

13. Throughout the hearing we (Ellen and I) were denied and/or limited in our right to cross-examine witnesses. Further, the Board continually instructed and advised me that we had only 15 minutes to present our case. They (the Board) ultimately extended this time for a short period; however, the time restrictions forced me to merely read my testimony and did not give me sufficient time to call Ann Horton as a witness. Ellen was not allowed an opportunity to offer a defense to the charges brought against her in this hearing. During the course of the hearing both Ellen and I were continuously interrupted, badgered, and mocked. Further, at several points during the hearing Board members acknowledged that some of the alleged charges against Ellen and I did not have merit and/or there was no evidence of the charge or charges.

14. In February 2006, I submitted a catalog advertisement for the upcoming DFWMGRC show as per the guidelines in an approved AKC premium. This was an offering to the general public. Judy Word and the Board refused to accept the advertisement. This catalog advertisement was approved by the 2007 DFWMGRC Board. Judy Word is no longer a member of the Board.

  
ALAN MEYER

SUBSCRIBED AND SWORN TO before on this the 28<sup>th</sup> day of March, 2007, to certify which witness my hand and seal of office.

  
Notary Public in and for the State of Texas

My Commission Expires:

