

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

44TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

STATE OF TEXAS)
)
COUNTY OF Collin)

AFFIDAVIT OF ANN HORTON

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

1. My name is ANN HORTON. 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 became a club member of Defendant Dallas-Ft. Worth Metro Golden Retriever Club about 1988. During my time with the Club I have served as volunteer and have been an active member of the Club.

3. During the time that the dispute was going on between the Meyer's and Defendants I was invited by Dick Caldwell to examine and evaluate a new litter of golden retriever puppies. I was invited to the puppy evaluation/examination on the same day as Judy Word and Debbie Allen. I was not able to go to Mr. Caldwell's home to evaluate the puppies until the following day.

4. A typical evaluation of a puppy involves a viewing of the puppy and a physical examination for structure and any outward physical defects such as undescended testicles. While evaluating Mr. Caldwell's puppies, I became aware of the fact that two of the puppies in the litter that Mr. Caldwell intended for sale had an undescended testicle. Mr. Caldwell acknowledged to me that during the previous days physical examination of the puppies in the litter that was going to be sold, that he, Judy Word, and Debbie Allen, had been unable to locate more than one testicle on two males. This was further stated to me in email correspondence I received from Dick Caldwell on May 2, 2006, which is attached to my


affidavit as Exhibit "H1." Exhibit "H1" represents a copy of the true and correct correspondence between me and Mr. Caldwell.

5. A short time period after evaluating Dick Caldwell's puppies, I became aware through my membership and service with the Club that his puppies were listed on the Puppy Referral Service. This listing is for an entire litter and therefore included the puppies that had an undescended testicle. I discussed this with members of the Club and the Puppy Referral Service. In a later conversation with Dick Caldwell, he stated that he provides disclosure of any health issues. The information I gathered provided confirmation that no health disclaimer was to be given by the Puppy Referral Service as to the puppies undescended testicle. Mr. Caldwell's listing occurred at/or near the same time as the Meyer's listing and/or dispute occurred.

6. On July 18, 2005, I went to Central Market to testify on behalf of the Meyers. I was going to testify, among other facts, about the above described facts regarding Mr. Caldwell's puppy and the failure of Puppy Referral to add a health disclaimer to his puppy. The Board asked me to sit outside during the proceedings. I sat with Dr. Kirk Esmond who was there to testify on behalf of the Meyers. Neither myself or Dr. Esmond were allowed to testify. The Meyer's stated to me that they were not given enough time by the Board to call me as a witness.


ANN HORTON

SUBSCRIBED AND SWORN TO before on this the 28th 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: 10/24/2010

