

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)
) AFFIDAVIT OF ELLEN MEYER
COUNTY OF *Tarrant*)

BEFORE ME, the undersigned authority, on this day personally appeared ELLEN MEYER, 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 ELLEN 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.
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 (Alan 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, Alan and I paid the necessary fees, \$50.00, to the Club to list a litter of Golden Retriever puppies.
4. Alan 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. Alan Meyer attempted to contact Debbie Allen, the Puppy Referral Chair and a member of the Club's Board on April 14, 2005, to reactivate our puppy listing on the Service. Alan and I received an email from Debbie Allen on April 15, 2005, asking for the reason for the return and stating that "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 on the basis that 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 Alan received a return phone call from Debbie Allen after leaving numerous phone messages. Alan 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. Alan stated to the volunteer that our contract had not expired with the Service and advised her to confirm this with Debbie Allen. Alan advised Linda Marquart that he had requested that the litter listing be reactivated and suggested that she receive verification from Debbie Allen.

7. Following the conversation with Linda Marquart on April 22, 2005, Alan talked with Judy Word on the phone with regards to the puppy in dispute. Alan alerted Judy Word that he had talked with Linda Marquart earlier in the evening to verify if she had the puppy on the referral list. In the early morning hours of April 23, 2005, we 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. I served as a Puppy Referral Volunteer for approximately 10 years and during that time was never instructed to provide a health disclosure to potential puppy and/or dog buyers. We 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, Judy Word was advised by Alan that he 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 me) should personally disclose the health conditions of the 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. I personally transcribed the transcript of the July 18, 2005, hearing that was recorded by the Club. The transcript of the hearing is attached to my affidavit as Exhibit "A1." I was an independent legal transcriber for court reporters and attorneys in the State of New York from the late 1970's to the early 1990's. The transcription was transcribed accurately to the best of my

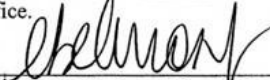
abilities.

12. At the July 18, 2005, hearing I was not initially allowed to address the Board despite having (6) charges issued against me. The Board did not allow our witness, 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 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 Alan was denied and/or limited in his right to cross-examine witnesses. Further, the Board originally instructed and advised Alan and I that he had only 15 minutes to present his case. (Transcript of hearing page 1). They ultimately extended his time for a short period; however, the time restrictions forced Alan to merely read his testimony and did not give him sufficient time to call Ann Horton as a witness. During the course of the hearing Alan was continuously interrupted, badgered, and mocked and was told throughout his testimony that he had limited time to present his case. Further, at several points during the hearing Board members conceded that the timeline evidence presented by Alan proved some of the alleged charges against Alan and I did not have merit and/or there was no evidence of the charge or charges. Also at several points throughout the hearing the Board members stated "it didn't matter what the truth was" and the "the truth was irrelevant." (Transcript of hearing pages 19 and 22). Only Alan was addressed to present and continue his testimony, at no time was I addressed to present my testimony and represent myself.


ELLEN MEYER

SUBSCRIBED AND SWORN TO before me 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

