

NO. 06-08336

ELLEN AND ALAN MEYER
Plaintiffs,

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IN THE DISTRICT COURT

v.

44TH JUDICIAL DISTRICT

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

DALLAS COUNTY, TEXAS

STATE OF TEXAS)
)
COUNTY OF *Dallas*)

AFFIDAVIT OF KIRK ESMOND

BEFORE ME, the undersigned authority, on this day personally appeared Dr. Kirk Esmond, 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 DR. KIRK ESMOND. 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 am licensed to practice veterinary medicine in the State of Texas.
3. I personally examined the Meyer's Golden Retriever puppy that is the subject of this lawsuit, and I was aware of the Puppy's health in 2005, when the events giving rise to this lawsuit occurred.
4. On July 18, 2005, I traveled to Central Market to testify on behalf of Alan and Ellen Meyer with regard to the puppy's health and the alleged liability that the Club could incur as a result of listing the puppy. Despite my willingness to testify I was informed by a representative of the Club that I would not be allowed to testify on the Meyer's behalf.
5. At no time did any representatives of the Dallas- Ft. Worth Metro Golden Retriever Club ever contact me to discuss the health and/or condition of the Golden Retriever puppy that is the subject of this dispute.

Dr. Kirk Esmond

Dr. Kirk Esmond

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



My Commission Expires:

11/27/10