

KAY FLOYD, KIT and C.B.	§	IN THE 251ST DISTRICT COURT
MONCRIEF d/b/a MONCRIEF QUARTER	§	
HORSES, and DAN CHURCHILL,	§	
PAULA and KOBIE WOOD, BILL	§	
FREEMAN, and LANNIE MECOM,	§	
Individually, and d/b/a WICHITA	§	
RANCH, General Partner of	§	
WICHITA PARTNERSHIP, LTD.	§	
	§	IN AND FOR
Plaintiffs	§	
	§	
V.	§	
	§	
AMERICAN QUARTER HORSE	§	
ASSOCIATION,	§	
	§	
	§	
Defendant	§	POTTER COUNTY, TEXAS

**AFFIDAVIT OF GLENN BLODGETT, D.V.M.
IN SUPPORT OF DEFENDANT AMERICAN QUARTER HORSE
ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT**

THE STATE OF TEXAS :

COUNTY OF King :

BEFORE ME, the undersigned official, on this day appeared GLENN BLODGETT, D.V.M., who is personally known to me, and first being duly sworn according to law, upon his oath deposed and said:

My name is Glenn Blodgett, D.V.M. I am over 21 years of age, and I reside at Guthrie, Texas. I have never been convicted of a crime, and I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

1. I am a veterinarian, duly licensed by the State of Texas, having obtained my Doctor of Veterinarian Medicine degree from

Texas A & M University, and have been in practice for 26 years. Presently, I am employed as veterinarian and Horse Division Manager for the 6666 Ranch, Guthrie, Texas, and have been so employed in such capacity for 18 years.

2. Part of the business of 6666 Ranch is maintenance of a stud service where customers' mares are brought and bred to the Ranch stallions. In the furtherance of this business, I routinely perform embryo transfer procedures, and have done so since 1985. In the 2000 breeding season, I have performed 40 transfers, most of which were on-site, with some embryos being shipped to other transfer facilities.

3. The chance with embryo transfer techniques does exist to damage the reproductive tract of the mare. This chance increases with age and with the number of flushes made per year. Each flush made to retrieve an embryo does not necessarily yield an embryo. The most common protocol used to obtain one embryo is to perform three consecutive one liter flushes, one right after the other. As the mare becomes older, this unnatural repeated expansion of the mare's uterus may interfere with her normal mechanisms for clearing fluid from her uterus. When she loses this mechanism or has a diminished clearance function, this fluid stagnates and causes problems with her reproductive function. Also, other effects to the cellular makeup of the lining of the uterus may occur which also may harm the reproductive function as well.

4. A mare may be capable of producing four to six embryos per year which could result in pregnancies in the case of the young, healthy, normal cycling mare that is managed properly. As the mare's age increases and the procedure is performed multiple times per year, the number of pregnancies per year may diminish.

5. I am Chairman of the American Quarter Horse Association ("AQHA") Stud Book and Registration Committee. I have been Chairman since May, 1999. The responsibility of the Stud Book and Registration Committee is to consider proposed changes to rules of registration of AQHA. These changes are proposed from various sources, including AQHA members, other AQHA Standing Committees, and from members of the Stud Book and Registration Committee (the "Committee").

6. At the annual meeting of the AQHA Board of Directors, the Committee recommends to the Board new rules and amendments to rules these proposals have passed the Committee by majority vote, which recommendation is then approved or denied by majority vote of the full Board. The Committee is composed of AQHA Directors who represent a cross-section of the horse industry. The Committee members are appointed by the AQHA President for alternating three-year terms. The Committee Chairman and Vice Chairman are elected annually by the Committee.

7. The Committee routinely conducts public hearings at AQHA's annual national conventions to receive comments from any member of the AQHA concerning AQHA registration rules.

8. Since January 1, 1980, AQHA has had a rule which allows embryo transfers from one mare (the "donor mare") to another mare who carries the embryo to full term (the "recipient mare"). Throughout the existence of the rule, which has had some minor amendments through the years, the provision about registering one genetic offspring per mare per calendar year has remained constant in order "to allow the owner of a donor mare the same privilege as the owner of a mare which naturally carries her foal, but no greater benefit." (Rule 212, 2000 AQHA Official Handbook). The rule has also consistently required that the owner of the embryo transfer foal file registration application with AQHA within a specified period (presently ninety days from foaling date). The primary reason for the timing requirement is to prevent undue advantage to the owner of the donor mare who could wait until the foals mature and then register the one which best fits the mare owner's purpose. The natural foaling process does not allow this type of choice. This enhancement of progeny by registering the best annual foal of a mare would also unduly enhance the progeny record of the mare. The result would be that mare owners using natural foaling would be at a disadvantage in the market place and in competition. The normal gestation period for horses is eleven months. With improving techniques of embryo transfer, it is possible to have several foals with the same pedigree within a calendar year.

9. In 1999, the Stud Book and Registration Committee appointed a Frozen Semen/Embryo Transfer Subcommittee to consider two issues:

(1) Whether or not to allow frozen semen to be transferred from its place of collection. AQHA's present rule, Rule 209, 2000 AQHA Official Handbook, requires that semen collected for the purpose of artificial insemination must be used within 72 hours of collection and that such semen may be cooled but not frozen; and

(2) Registration of multiple foals from one mare foaled during a twelve-month period made possible by embryo transfer technique, by amendment of the provisions of Rule 212(a) which limits eligibility for registration of an embryo transfer foal to one genetic foal per mare per calendar year.

10. The Subcommittee was composed of eight members. I was appointed Chairman. The other members were from the Stud Book and Registration Committee also. Edward L. Squires, Ph.d., Professor of Physiology at Colorado State University and director of its equine laboratory, was appointed consultant to the Subcommittee. The Subcommittee met March 4, 1999, September 21, 1999 and January 5, 2000. By this time, I had also become Chairman of the Stud Book and Registration Committee, so I have served in the dual capacity of both Chairman of the Stud Book and Registration Committee and its Subcommittee since this time. In deliberations, the Subcommittee considered several items, such as survey of AQHA Directors concerning their position on possible rule change, opinions of genetic experts, and AQHA registration statistics, both total annual registrations and registrations of embryo transfer foals. In a 1999 survey of AQHA Directors conducted by AQHA staff,

68 Directors favored registration of multiple foals if by different sires, and 102 Directors were against the proposition.

11. On March 5 and 6, 2000, the Subcommittee made its recommendation to the full Committee which was meeting at AQHA's 2000 national convention. The Subcommittee, by majority vote, recommended that the Stud Book and Registration Committee recommend to the Board of Directors an amendment to Rule 212 which would allow registration of multiple genetic foals from the same mare per calendar year, but with the limitation that eligible foals each be sired by different stallions. After full discussion of the recommendation from the Subcommittee, by majority vote, the Stud Book and Registration Committee refused the recommendation. In accordance with AQHA procedure, I did not submit the question to the full Board of Directors at its annual meeting.

12. In its deliberations, the Subcommittee had determined the advantages and negatives of multiple registrations of embryo transfers as contained in the Subcommittee report to the Stud Book and Registration Committee. They were as follows:

ADVANTAGES - Multiple Foals:

- a. Expand gene pool (distaff). Mare has a more equal opportunity to have a genetic influence.
- b. Increase value of mare by allowing production of more foals.
- c. Benefit smaller breeder
 - (1) Purchase top mare instead of top stallion
 - (2) Produce offspring of more value
 - (3) Foal share
- d. Determine earlier in life if a mare is a producer or not.
- e. Take advantage of an older mare which is identified as a producer later in life.
- f. Encourage diversity in breeding decisions.

- g. Allows younger stallions an opportunity to breed top producing mares.
- h. Helps AQHA maintain accurate records of horses with AQHA parentage.
- i. Embryo transfer has had a positive influence on the breed.

NEGATIVE:

- a. Technology will improve and may allow for super-ovulation.
- b. Flood market/lower price.
- c. Only affects a small percentage of breeders.
- d. Reproductively harms the mare when misused.
- e. Not natural
- f. Hurts smaller breeder
- g. Competing against multiple foals from same mares may cause confusion.
- h. Thoroughbred way - exclusivity in numbers, promotes higher priced horses.

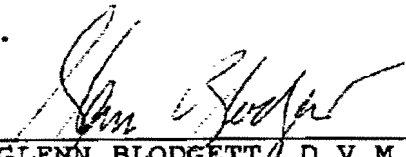
In my opinion, there are reasonable arguments on both sides of the issue. The expense to the small breeder to use the embryo transfer technique is a great concern of mine. I voted in Subcommittee deliberations to approve sending the recommendation to our main committee, the Stud Book and Registration Committee, as I wanted the proposition considered by the main Committee. In main Committee deliberations, I voted against the proposition because I was, and still am, unsure of its merits, particularly as to its effect regarding our small breeders.

13. As is the Committee's policy, an amendment to Rule 212 can be reconsidered at any time. I expect it will be reconsidered in the future if and when more support among members of the Stud Book and Registration Committee develops. However, the amendment to Rule 212 recommended by the Subcommittee would not help the Plaintiffs in this case, because their embryo transfer foals are

sired by the same stallion. There was little, if any, support in Committee deliberations, either the Subcommittee or the Stud Book and Registration Committee, favoring amending the rule to that extent.

14. The Stud Book and Registration Committee granted Kay Floyd the opportunity to appear to present her request to substitute registration of another of her 1989 foals out of HAVEALENA, AQHA #1324834, by her stallion FRECKLES PLAYBOY. She appeared and presented her request. Her contention was that since AQHA had allowed registration of the two 1998 foals out of MISS SILVER PISTOL, that the Committee should recommend to the Board of Directors that it approve her request. Since AQHA Rule 212, 2000 AQHA Official Handbook, is clear and unambiguous, the Committee denied her request by taking no action.

Further affiant saith not.



GLENN BLODGETT, D.V.M.

SUBSCRIBED AND SWORN TO BEFORE ME by the said GLENN BLODGETT, D.V.M., this 15th day of September, 2000, to certify which witness my hand and seal of office.



NOTARY PUBLIC

