

HDBD Attorney Aaron J. Burke Secures Settlement in Equine Breeding Fraud Case

DALLAS, Texas, July 11, 2016 – The owners of a nationally-ranked stallion have paid \$60,000 to settle claims that they made false and material misrepresentations and failed to disclose the status of their stallion as a carrier of Hereditary Equine Regional Dermal Asthenia (“HERDA”). HERDA is a tragic disease, usually undetectable for the first two years of a horse’s life, which often results in large painful lesions over large areas of the horse’s body and renders the horse unable to be used for any type of performance or riding activity.

A simple \$40 test can be performed on a horse’s hair to determine whether the horse is a carrier of the HERDA gene, yet many in the horse industry—especially for varieties in the American Quarter Horse—have been reluctant to have their stallions tested or provide test results to mare owners. Sometimes, stallion owners incentivized by large breeding fees have been known to intentionally misrepresent a stallion’s status, claiming the stallion is not a carrier of HERDA or hiding test results.

Aaron J. Burke of the law firm Hartline Dacus Barger Dreyer LLP, filed suit on behalf of his clients, the owners of a HERDA-affected foal, sired by the defendants’ stallion. The foal had already begun to show significant signs of the disease at the time suit was filed, including soft spots on his skin and wounds where his skin had separated from underlying tissue.

Although Mr. Burke’s clients had offered to settle prior to litigation for the approximate cost of raising and training the foal to that point, the defendants rejected the offer and the mare owners had no choice but to seek the court’s help in adjudicating their claims. Mr. Burke’s clients alleged that the defendants had made false representations that their stallion was not a carrier of the HERDA gene and failed to take responsible steps to truthfully provide testing results. After learning through discovery that the defendants’ stallion had indeed tested positive for HERDA years before and those results had never been revealed, the case was settled for many times the original “stallion fee.”

“Being an outsider to the horse industry, it was difficult for me to understand how a person could so callously risk the lives and suffering of dozens of these majestic animals by failing to test for HERDA and honestly report the test results. It takes folks like my clients who are committed to improving the horse industry to take on those who have been resistant to doing the right thing in order to elicit a change in behavior,” says Mr. Burke. “Although my clients wanted to avoid litigation, if possible, they eventually realized that unless someone stood up for what was right, some in the horse industry would continue to drag their feet.”

In addition to the monetary settlement, the defendants also agreed to affirmatively advertise their stallion’s status as a HERDA carrier in all advertisements going forward.





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