

## IS NCHA A BULLY?

In reviewing the article submitted by NCHA President, Chris Benedict in the March issue of the Cutting Horse Chatter and the article appearing in the February 15, 2011 issue of Quarter Horse News regarding the Whitmire lawsuit, it strikes me that the arrogance of NCHA representatives is appalling. This is only one instance in a series of positions taken by the governing body of NCHA that appears to be less than in the best interest of the membership at large.

While I have no particular position about who's right or wrong here, it is clear that there are significant differences of opinion as to the outcome of the Whitmire case. While Mr. Benedict makes a statement that the governing body of NCHA "had done nothing wrong", it appears that ten of twelve jurors disagreed and found that in early 2005, NCHA reached an agreement with Ms. Whitmire to restore her non-pro rider privileges following a six month suspension and then failed to honor that agreement. In addition, ten of twelve jurors also ruled that NCHA falsely imprisoned Whitmire at a December 5, 2004 meeting.

As I read Mr. Benedict's comments, it appears as though the two jury verdicts surprised him as he said "I don't feel like the NCHA did anything wrong". Further, Mr. Benedict acknowledged that NCHA spent "hundreds of thousands of dollars on this with the memberships money, and that's \$70,000 more [the jury's award to Ms. Whitmire]. Mr. Benedict went on to say "I just don't understand it. I do know one thing. When it comes to trying to second guess a jury, don't even try." Perhaps Mr. Benedict should have a better understanding of the legal system. Mr. Benedict, your lawsuit was decided by a jury of peers. That is the American way. That is why we have a judicial system.

Mr. Benedict complains the Judge did not allow certain testimony that he felt "would have helped our case" and states in his article that the testimony was disallowed "because Petitioner objected to it." Although he does not specify the exact nature of the evidence or the nature of the objection, objections are not sustained unless there are sufficient legal grounds to do so.

What is astonishing is that the governing body behind the prosecution of this case for NCHA has spent, and is continuing to spend, hundreds of thousands of dollars on legal fees on this matter. Mr. Benedict even states that once the Judge enters a

Judgment "we will have 30 days to consider his Judgment and decide if we want to appeal." If the decision is to file an appeal, the attorney fees on both sides will continue to escalate.

Is all of the above really in the best interest of the association. When will the bleeding stop. To my knowledge, the membership has not been informed of the amount of legal fees spent on the Whitmire case and/or the lawsuit with Paula Gaughan. Perhaps an accounting for legal fees spent in connection with this case, as well as the lawsuit with Paula Gaughan, is appropriate to determine if the decisions being made by NCHA are sound and/or beneficial to the membership at large.

Of equal concern is whether or not those who are making the decisions for the National Cutting Horse Association and the membership at large are acting as bullies. By way of example, but not by way of limitation, Ms. Whitmore chose to exercise her legal rights by filing a lawsuit against NCHA. It is my understanding that the NCHA then suspended Lainie Whitmore's husband, Ray Whitmore, after she filed her lawsuit and both remain suspended by the association. Why would they do that unless they wanted to act as bullies. Clearly, Ms. Whitmire had a right to file a lawsuit against NCHA and in fact in part prevailed and obtained monetary damages. Perhaps NCHA thought that if they bullied the Whitmires by suspending them both, it would cause the Whitmires to withdraw their lawsuit. From my perspective, this is a bullying tactic.

In addition, I have made reference above to the Paula Gaughan lawsuit. Without going into all of the details, histrionics and my opinion regarding the credibility of that lawsuit, I am aware that NCHA has gone beyond the issues of the lawsuit and advised any affiliates, particularly the Pacific Coast Cutting Horse Association, that if they approve any shows put on by Paula Gaughan, they will no longer be recognized as NCHA affiliates. Certainly, this is not serving the significant NCHA membership in the ten western states. In my view, it is a further example of the attitude by the current persons in charge of making NCHA decisions that they can do whatever they wish without recourse or consequence and without regard to the best interest of its membership at large.

John A. Ellis  
NCHA Member 2775