

Lawsuit accused Lexington veterinarians of misleading racehorse buyers. Was it a lie?

[BY MORGAN EADS](#)

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After a man admitted in a recent deposition that some of his claims in a 2019 lawsuit against a Lexington equine veterinary practice and four veterinarians were not true, those sued have requested that the case be dismissed.

In the [lawsuit filed by horse buyer Tom Swearingen](#), he claimed that he had relied on misdated X-rays in the Keeneland Repository when purchasing horses at Keeneland sales. The repository houses required digital horse X-rays that were taken within three weeks of sale at Keeneland's public auctions.

The lawsuit accused veterinarians at Hagyard Equine Medical Institute in Lexington of altering dates on X-rays filed in the repository for horses available for sale. The lawsuit specifically named the veterinary practice and four of the practice's veterinarians as defendants.

Horse buyers are able to have a veterinarian working on their behalf view the X-rays to assess a horse's condition prior to purchase.

The Hagyard veterinarians and practice filed [motions to dismiss the lawsuit](#) soon after it was filed, saying that some dates on X-rays they submitted to the repository were altered because of time constraints, not to deceive potential buyers.

The original lawsuit claimed that Swearingen purchased 24 horses at Keeneland sales during the time when the misdated X-rays were filed. It went on to say that Swearingen would not have bought the horses had he known that the repository's X-rays had potentially been misdated.

In a subsequent deposition, Swearingen admitted he had never relied on a digital X-ray at the repository when buying a horse. He also said he had not viewed an X-ray or gotten a veterinarian to review an X-ray at the Keeneland Repository during the years in question.

“That is the foundation of his claim, and removing that foundation causes that whole complaint to collapse,” said Tom Miller, the attorney representing Dr. Robert Hunt. Hunt is one of the four veterinarians named as defendants in the original lawsuit.

Swearingen said during the recent deposition that he reviewed consignors’, or sellers’, reports that included information about X-rays of horses he intended to buy at Keeneland sales.

SWEARINGEN’S ATTORNEY ARGUES ‘CONFUSION’

In response to the defendants’ recent motions in the case, Swearingen’s attorney, Mason Miller, wrote that there was confusion in the deposition as to the difference between reviewing “radiographs in the repository and reports of radiographs in the depository.”

Swearingen relied on reports that were based on repository radiographs, and trusted that the radiographs referenced in the reports were taken within the time frame required by the repository, Mason Miller argues in the response.

But since the lawsuit alleged that Swearingen relied specifically on X-rays in the Keeneland repository, the claims in the lawsuit are false, Tom Miller argued.

After the deposition, the defendants in the case filed a motion for summary judgment, requesting that the case against them be dismissed.

Swearingen also admitted in the deposition that he could not identify any damages that he incurred as a result of the misdated X-rays, according to court documents.

When asked if he was embarrassed that the lawsuit was filed despite some of the claims being false, Swearingen said “yes,” according to the transcript of the deposition.

The defendants in the case have filed motions to bring counterclaims against Swearingen.

The motion and potential counterclaim filed on Hunt’s behalf by Tom Miller accuses Swearingen of malicious prosecution and abuse of process.

It was alleged in the motion that Swearingen’s attorney recruited or solicited him to file the initial complaint against Hagyard and the veterinarians.

Swearingen's attorney declined to comment.

The various motions filed since the deposition are expected to be heard by Fayette County Circuit Court Judge Julie M. Goodman in the coming weeks.

The Keeneland
September yearling
sale. Keeneland is not
listed as a defendant in
the suit. DAVID
COYLE *KEENELAND*
PHOTOS

