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CAUSE NO. 2011-CCV-61850-5

JENA GONZALEZ	)	IN THE COUNTY COURT
	)	
Plaintiff(s)	)	
	)	
VS.	)	AT LAW NUMBER FIVE (5)
	)	
SOUTH TEXAS VETERINARY	)	
ASSOCIATES, INC.	)	
	)	
Defendant(s)	)	NUECES COUNTY, TEXAS

\*\*\*\*\*

ORAL DEPOSITION OF  
 DARREL L. FERRIS, DVM  
 APRIL 4, 2012

\*\*\*\*\*

ORAL DEPOSITION OF DARREL L. FERRIS, DVM, produced as a witness at the instance of the Pro Se Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on APRIL 4, 2012, from 9:05 a.m. to 11:52 a.m., before MARCY A. WELLS, CSR in and for the State of Texas, reported by machine shorthand, at the offices of DepoTexas-Corpus Christi, 1450 Wells Fargo Tower, 615 North Upper Broadway, Corpus Christi, Texas, pursuant to the Texas Rules of Civil Procedure.

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A P P E A R A N C E S

FOR THE PLAINTIFF(S):

PRO SE

FOR THE DEFENDANT:

MS. VALERIE L. CANTU  
O'Connell & Avery  
13750 San Pedro, Suite 110  
San Antonio, Texas 78232

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1                                   DARREL L. FERRIS, DVM,  
2   having been first duly sworn, testified as follows:

3

4

E X A M I N A T I O N

5

6   BY MS. GONZALEZ:

7

      Q       So, I'm just going to go over some rules so  
8   that we're clear on it. The court reporter is taking down  
9   everything we say. I ask that your responses be verbal.  
10   The court reporter can't take down any nonverbal, such as a  
11   shake of the head or a nod. Also, if I ask you a question  
12   that you don't understand, stop me and let me know.  
13   Otherwise, we'll assume that you understand all of the  
14   questions and your answers are in response to the  
15   questions. If you have to take a break at any time, let me  
16   know and we'll take a break, and you've already been sworn  
17   in, so you understand that your testimony could be used at  
18   trial; is that correct?

19            A       Yes.

20            Q       Okay. Okay. So, did you review any medical  
21   literature or textbooks prior to coming to the deposition?

22            A       No.

23            Q       Okay. Can you -- Can you explain to me your  
24   employment history, your past employment.

25            A       I've been practicing in Corpus Christi. I've

1 owned my own hospital here since 1975, 37 years.

2 Q And before that, did you work?

3 A Before that, I had a hospital I owned in San  
4 Antonio.

5 Q And how long did you work there?

6 A I had that hospital for two years before I  
7 moved down here. Previous to that, I was in the United  
8 States Army as a veterinary medical officer for two years.  
9 Previous to that, I worked for a private practitioner in  
10 Phoenix, Arizona.

11 Q Okay. And where did you graduate from?

12 A Texas A & M.

13 Q Okay. Are you aware that the Court ordered  
14 mediation in this case?

15 A No.

16 Q You're not aware that -- Your counsel did  
17 not discuss with you that the Court ordered us to go to  
18 mediation?

19 A No.

20 MS. CANTU: I'll represent, on the  
21 record, Dr. Ferris is not the corporate rep for our client,  
22 the defendant; therefore, that information was not imparted  
23 to him.

24 MS. GONZALEZ: Could you state that  
25 again? Dr. Ferris is not --

1 MS. CANTU: He's not the corporate rep  
2 for the defendant.

3 MS. GONZALEZ: Okay.

4 Q (By Ms. Gonzalez) Who is the owner of Santa  
5 Fe Animal Hospital?

6 A I am.

7 Q Is it a sole proprietorship?

8 A It's a corporation.

9 Q And do you have any officers or directors of  
10 the corporation?

11 A I'm the president.

12 Q Are there any officers of your South Texas  
13 Veterinary Associates?

14 A I'm the president.

15 Q You're the president, the officer? There's  
16 no one else?

17 A No.

18 Q So, how is it that Dr. -- Is Dr. Shaffer --  
19 he's not an owner, an officer --

20 A No.

21 Q -- of your practice?

22 A No.

23 Q But he would be responsible for determining  
24 if mediation would be conducted in this case of your  
25 business? Is that a true statement?

1 MS. CANTU: Objection, form. I'm going  
2 to instruct you not to answer, getting into attorney-client  
3 privilege regarding legal strategy.

4 Q Okay. What accreditations does Santa Fe  
5 Animal Hospital currently have?

6 A Santa Fe Animal Hospital is accredited with  
7 the American Animal Hospital Association.

8 Q Okay.

9 A A certified accredited hospital.

10 Q And for how long have they been accredited?

11 A Since 1986.

12 Q And what exactly does it mean to be an  
13 accredited hospital by the--

14 A A certified accredited hospital by the  
15 American Animal Hospital Association is inspected by a  
16 representative of the American Animal Hospital Association.  
17 Our records, our protocol, our facilities, our equipment,  
18 our housing, everything that has to do with veterinary  
19 medicine is inspected by a representative of that  
20 association. We are certified and have passed inspection.  
21 We just got our renewal for 2012 certification.

22 Q So, would you agree, is it true, that if  
23 you're accredited by the American Animal Hospital  
24 Association, you are held to higher standard than a clinic  
25 that is not accredited.

1 MS. CANTU: Objection, form.

2 A To be certified, we have to be inspected and  
3 we have to meet the minimum -- we have to meet their  
4 criteria for certification. That's it.

5 MS. GONZALEZ: Objection, nonresponsive.

6 Q So, in your opinion -- in your opinion, are  
7 the standards the same then for an accredited clinic as a  
8 nonaccredited clinic?

9 MS. CANTU: Objection, form.

10 A I don't understand that question. There's  
11 only one certification. There's only one standard. It is  
12 no comparison to anybody else. It's its own standard, its  
13 own association.

14 Q So, what is the benefit for you to be  
15 accredited? Why do you want to be accredited by the  
16 American Association -- or the American Animal Hospital  
17 Association?

18 A Accreditation means we meet all the criteria  
19 to be a member of that association.

20 Q Okay. And is it true that they advertise  
21 that in order to be accredited, a practice has to adhere to  
22 their high standards?

23 A Yes.

24 Q Okay. What professional associations are you  
25 a member of?



1           A        I'm a member of the Nueces -- the Coastal  
2 Bend Veterinary Medical Association, the Texas Veterinary  
3 Medical Association, and the American Veterinary Medical  
4 Association.

5           Q        Okay. In your clinic, do you report adverse  
6 vaccine reactions to the U.S. Department of Agriculture?

7           A        It depends on what you consider an adverse  
8 reaction. There is many, many definitions of adverse  
9 reaction.

10          Q        Okay. Well, which reactions do you report?

11          A        A serious --

12                   MS. CANTU: Objection, form. Hold on.  
13 I'm going to enter an objection. Objection, form.

14          A        I'm sorry. Repeat your question.

15          Q        What ad -- What vaccine adverse reactions do  
16 you report to the U.S. Department of Agriculture?

17                   MS. CANTU: Objection, form.

18          A        It would have to be a serious adverse  
19 reaction, which we've not seen.

20          Q        What would be an example of a serious adverse  
21 reaction?

22          A        An animal having a reaction serious enough to  
23 have to be hospitalized.

24          Q        So, if you haven't seen that, as you  
25 previously stated, is it a true statement that you have

1 never filed an adverse vaccine event report to the U.S.  
2 Department of Agriculture?

3 MS. CANTU: Objection, form. I'm going  
4 to instruct you to answer only as to you personally --

5 A I have never --

6 MS. CANTU: Hold on, so I can make the  
7 objection.

8 -- and not as the corporate rep, since you're  
9 not designated the corporate rep for the entire hospital.

10 A No. I have never myself personally.

11 Q Never?

12 A Never.

13 Q Is it true that reporting an adverse vaccine  
14 reaction is voluntary?

15 A Anything is voluntary. Anything can be  
16 voluntary.

17 MS. GONZALEZ: Objection, nonresponsive.

18 Q Is it true that reporting vaccine adverse  
19 reactions to the U.S. Department of Agriculture is  
20 voluntary? In other words, are there any -- are there any  
21 laws that say you have to report an adverse reaction by a  
22 vaccine to the U.S. Department of Agriculture?

23 MS. CANTU: Objection, form.

24 A I'm not aware of a law that says you  
25 absolutely have to.

1 Q Okay. What medical books or journals are  
2 onsite at your clinic that you reference?

3 MS. CANTU: Objection, form.

4 A I have no idea what you're talking about  
5 there. I'm sorry. You'll have to explain that to me.

6 Q Okay. So let's just say a case comes in that  
7 maybe you're not familiar with. What do you use to get  
8 reference?

9 MS. CANTU: Objection, form. Now you  
10 can answer.

11 THE WITNESS: I'm sorry.

12 MS. CANTU: If you know an answer, you  
13 can answer it.

14 A I still don't think I quite understand your  
15 question.

16 Q So you don't have any medical books or  
17 journals --

18 A We have every -- just about every medical  
19 book that's out there. We have a complete library at our  
20 clinic of veterinary reference books, veterinary journals.  
21 We consult over the telephone with specialists quite often.

22 Q Okay. Is there a specific book or journal  
23 that you use more than another?

24 MS. CANTU: Objection, form.

25 A I can't answer that because I don't know what

1 question you're trying to ask. There are so many  
2 conditions and so many references.

3 Q But is there a specific veterinarian bible  
4 book that you would use more than the other ones on your  
5 shelf?

6 MS. CANTU: Objection, form.

7 A Again, it would -- There's too many  
8 possibilities, too many types of cases, too many different  
9 illnesses. Every reference book refers to something  
10 different. There is no one book that covers absolutely  
11 everything in veterinary medicine that's the go-to for  
12 everything. There is no such book.

13 MS. GONZALEZ: Okay. Objection,  
14 nonresponsive.

15 Q So, it's true that you don't use any  
16 veterinarian journal or book more than another?

17 MS. CANTU: Objection, form.

18 A I have several books that I use all the time  
19 every day.

20 Q And could you name those, please.

21 A We use Plumb's Veterinary Pharmacology,  
22 Ettinger's Internal Medicine, Norsworthy Feline Medicine,  
23 Kirk's Current Therapy, Five Minute Diagnosis. I have  
24 several orthopedic books I use. They're -- They don't have  
25 specific names. They have many authors to them.

1           Q       Thank you.  When did Dr. Shaffer become an  
2 officer of South Texas Veterinary Associates?

3                   MS. CANTU:  Objection, form.

4           A       Dr. Shaffer is not an officer of South Texas  
5 Veterinary Associates.

6           Q       Is Dr. Shaffer employed at any other  
7 veterinarian hospitals or clinic?

8           A       Yes.

9           Q       Please name which one.

10          A       I do not know the name of the clinic.

11          Q       Is it here in Corpus?

12          A       No.

13          Q       Where?

14          A       It's in Georgetown -- or Round Rock.  I'm  
15 sorry.  Round Rock.

16          Q       And how often does he practice at Round Rock.

17          A       One weekend once or twice a month.  It  
18 varies.  It's his weekend off.

19          Q       Is Dr. Melody Guzeldere an employee at Santa  
20 Fe?

21          A       Yes.

22          Q       And how long has she been employed there?

23          A       Since October 1st, 2011.

24          Q       And --

25          A       Actually, Dr. Guzeldere is a contract

1 veterinarian working with us.

2 Q And what exactly does that mean?

3 A That means that when she practices with us,  
4 she sends us a bill. My bookkeeper pays her. She's not on  
5 the payroll as a person we have withholding taxes and that.  
6 She is a contract veterinarian at this point in time.

7 Q And, so, how often does she work at your  
8 clinic?

9 A Three to four days a week.

10 Q And what information do you have knowledge of  
11 regarding her treatment of Kitty Kat?

12 A My only knowledge of her working on Kitty Kat  
13 was when she worked for Dr. Rasco and they saw Kitty Kat.

14 Q And do you know what treatments she  
15 performed?

16 A I believe she was the surgeon, performed  
17 surgery.

18 Q So, that's all you know regarding her  
19 treatment?

20 A Yes.

21 Q That she performed --

22 A She performed surgery.

23 Q I'm going to ask you about a question -- or a  
24 document that was requested in the first request for  
25 production.

1 MS. GONZALEZ: And I guess we need to  
2 mark this as an exhibit.

3 MS. CANTU: Let me see that, please.

4 MS. GONZALEZ: It's number 22.

5 MS. CANTU: Let her mark it.

6 (EXHIBIT NO. 1 WAS MARKED  
7 FOR IDENTIFICATION.)

8 Q Could you read that question, number 22?

9 A I'm reading it.

10 Q Could you read it out loud?

11 A "All documents and tangible things which  
12 evidence and/or establish procedures and practices that are  
13 in place to ensure vaccination protocols adopted by Santa  
14 Fe Animal Hospital are adhered to," with a question mark.

15 Q And what was the response to that?

16 A The response was, "No items have been  
17 identified, after a diligent search, that are responsive to  
18 this request."

19 Q And is that still a true statement today?

20 A Yes.

21 Q So, Santa Fe Animal Hospital does not have  
22 anything in writing, like an employee manual, a procedure  
23 manual?

24 MS. CANTU: Are you limiting it to the  
25 scope of your question? If you're not, I'm objecting as to

1 form.

2 MS. GONZALEZ: No. It's the question  
3 regarding --

4 A Restate that again, please.

5 Q Let me reference back to that. Santa Fe  
6 Animal Hospital does not have anything in writing regarding  
7 the administration of vaccines?

8 A No.

9 Q And that's not a requirement of AAHA, to have  
10 the documentation of your vaccine recommendations,  
11 protocols?

12 A No.

13 Q Who prepares the vaccines at your clinic for  
14 injection?

15 A Our technicians normally do.

16 Q And how are they -- What do they reference  
17 if they have any questions regarding the preparation of  
18 vaccines?

19 MS. CANTU: Objection, form.

20 A Our technicians are shown, by the doctors,  
21 how to prepare the vaccines.

22 Q So, again, there's nothing in writing for a  
23 technician to refer back to?

24 A No.

25 Q I'm going to mark this as an exhibit, and



1 it's the Defendant's Objections and Answers to Plaintiff's  
2 First Set of Interrogatories.

3 (EXHIBIT NO. 2 WAS MARKED  
4 FOR IDENTIFICATION.)

5 Q If you would read that statement?

6 A "Each veterinary technician receives  
7 on-the-job training specific to the Defendant's vaccination  
8 protocol, practices, and procedures. In addition, a  
9 technician who fails to adhere to Defendant's vaccination  
10 protocol, practices, and procedures is subject to  
11 disciplinary action, including termination, if warranted."

12 Q Okay. So I'm confused because, in the first  
13 question, you testified that there are no vaccine  
14 protocols.

15 A I don't think you ever asked that. I don't  
16 remember that question.

17 MS. CANTU: Objection, form. Object to  
18 the side-bar for misrepresenting the testimony. It was as  
19 to written protocols and procedures.

20 Q Okay. Let me clarify that.

21 A You said written.

22 Q Does Santa Fe --

23 A You did not say protocol.

24 Q Does Santa Fe Animal Hospital have vaccine  
25 protocols?

1 A Yes.

2 Q But they're not written?

3 A No.

4 Q Would you agree that, in a business, if  
5 information is not written or documented, then, basically,  
6 it's not protocol?

7 MS. CANTU: Objection, form.

8 A I don't understand that question.

9 Q So, if your protocols are not written  
10 anywhere, how can they be protocols?

11 A If a technician is shown how to do something  
12 and told how to do it, it does not have to be written down.  
13 It can verbally be told.

14 Q So, if you terminate an employee for not  
15 following -- Let me rephrase that. If your protocols are  
16 not written, how can you terminate an employee, as stated  
17 in your answer for violating a protocol?

18 A It would be not for violating a protocol but  
19 improperly mixing a vaccine. That would be the only reason  
20 for termination. The doctor determines the protocol with  
21 every animal that comes in the room, every vaccine that's  
22 given.

23 Q But, basically, it would be your word against  
24 the employee's word because nothing is in writing?

25 MS. CANTU: Are you limiting --

1           Q       Is that a true statement regarding vaccine  
2 protocols?

3           A       I still don't understand that. I can't make  
4 sense of that question. I'm sorry.

5           Q       Okay. You state -- Is it true that you  
6 state Santa Fe Animal Hospital has no vaccine protocols  
7 written?

8           A       Yes.

9           Q       Is it true that you -- that a technician  
10 would be subject to termination if they fail to follow  
11 vaccine protocols?

12          A       Termination has nothing to do with vaccine  
13 protocol. It would have to do with improper mixing of  
14 vaccine.

15          Q       But that would be a protocol, wouldn't it,  
16 mixing, because that's written down somewhere on how to mix  
17 vaccines, so would instructions on how to mix vaccines be a  
18 protocol?

19                   MS. CANTU: Objection, form.

20          A       It would be instructions, just simple  
21 instructions.

22          Q       Okay. So, in your statement there, where it  
23 says, "The technician who fails to adhere to the  
24 Defendant's vaccination protocols is subject to  
25 disciplinary action, including termination," what vaccine

1 protocol would they -- would subject them to disciplinary  
2 action and termination?

3 A It would have to be improper mixing a  
4 vaccine.

5 Q But you just stated earlier that that was not  
6 a vaccine protocol. So now I'm asking you: A technician  
7 that fails to adhere to your vaccine protocol is subjected  
8 to disciplinary action and termination, what vaccine  
9 protocol would warrant disciplinary action or termination?

10 A It would have to be a major screwup in mixing  
11 the vaccine.

12 Q Okay. So then --

13 A It never happened, ever.

14 Q So, is it a true statement then that the  
15 mixing of vaccines is a vaccine protocol at your clinic?

16 A In the broadest area, I guess you could say  
17 it's part of the protocol?

18 MS. CANTU: I'm going to object because  
19 you're not -- under the Rule of Optional Completion, you're  
20 misrepresenting what your interrogatory says. It says  
21 vaccine protocol, practices, and procedures.

22 MS. GONZALEZ: Yes, but I'm trying to  
23 narrow down in that what vaccine protocol means in his  
24 answer.

25 MS. CANTU: Again, if you'd like to have

1 her reread the testimony, he specified what the tech does  
2 versus the doctor, but it's been asked and answered several  
3 times. So, if you want to ask him one more time, you can,  
4 and then I'm going to instruct you to move on and I'm going  
5 to tell him not to answer anymore.

6 Q (By Ms. Gonzalez) What is Corpus Christi's  
7 city ordinance regarding vaccines?

8 MS. CANTU: Objection, form.

9 A Corpus Christi does not have a general  
10 vaccine. They have only a rabies vaccine.

11 Q And what is their city ordinance regarding  
12 rabies vaccine?

13 A Are we talking today or are we talking two  
14 years ago? It has changed in the last year. As of July  
15 2011, Corpus Christi Public Health Department changed  
16 vaccine requirements for rabies and shifted to have an  
17 acceptable three years rabies vaccine program.

18 Q And when did you say they went to the three  
19 year?

20 A I believe it was the summer of 2011.

21 Q Okay. Because --

22 MS. GONZALEZ: Let's mark this as the  
23 next exhibit.

24 (EXHIBIT NO. 3 WAS MARKED  
25 FOR IDENTIFICATION.)

1 Q Can you review the ordinance?

2 MS. CANTU: Ms. Gonzalez, where did you  
3 obtain this from?

4 MS. GONZALEZ: The City of Corpus  
5 Christi website.

6 Q (By Ms. Gonzalez) So, after reviewing that,  
7 would that still be your testimony, that the City of Corpus  
8 Christi started allowing three year rabies in June of 2011?  
9 Is that what you said?

10 A Yes. They actually allow one year or three  
11 years. They accept both.

12 Q Okay. So, when did Santa Fe Animal Hospital  
13 start offering a three year rabies?

14 A Our three years rabies will -- is backdated  
15 effective to July of 2011. Animals receiving three year  
16 vaccine as of that date will not have to be vaccinated for  
17 three years.

18 Q So, prior to July, 2011, you did not offer  
19 any three year vaccines; is that a true statement?

20 MS. CANTU: Objection, form.

21 A That's the time period when we started  
22 telling people we were going to be using three year vaccine  
23 and the vaccine would be good for three years.

24 Q Do you offer the three year rabies vaccines  
25 for dogs?

1 A Yes.

2 Q Do you offer the three year rabies vaccine  
3 for cats?

4 A Yes.

5 Q What three year rabies vaccine do you use for  
6 cats?

7 A We use Merial.

8 Q And, specifically, what is the name of the  
9 three year vaccine that you offer for cats?

10 A Merial's recombinant three year vaccine,  
11 rabies vaccine for cats. I do not remember the specific  
12 name.

13 Q Is the Merial three year feline recombinant  
14 vaccine that you offer, does it contain adjuvants?

15 A No. The name of it is Purevax. It's  
16 Merial's Purevax, Rabies Purevax.

17 (EXHIBIT NO. 4 WAS MARKED  
18 FOR IDENTIFICATION.)

19 Q Is it possible that is the three year  
20 vaccine?

21 MS. CANTU: You can answer it if you  
22 know what that is and you're familiar with that.

23 A That's the vaccine we use. I do believe that  
24 is the vaccine.

25 Q Because is it true that Merial Purevax

1 vaccine is the only vaccine available that is  
2 non-adjuvanted recombinant (sic)?

3 A Recombinant DNA?

4 Q Yes. Are there other ones on the market, in  
5 other words, other than the Merial Purevax?

6 A Rabies vaccine?

7 Q Yes.

8 A For cats?

9 Q Yes.

10 A There's several others.

11 Q That are non-adjuvanted with recombinant DNA?

12 A No. Merial has the only recombinant DNA  
13 rabies vaccine that I'm aware of for cats.

14 Q And that is -- You offer that at Santa Fe in  
15 cats as a three year vaccine?

16 A Yes.

17 Q Are you aware that this vaccine is only  
18 licensed for annual vaccines? It is not licensed as a  
19 three year vaccine?

20 MS. CANTU: Objection, form.

21 A We have always used it as a one year vaccine  
22 but pending the Corpus Christi Nueces County Health  
23 ordinance, we were under the assumption it would be a three  
24 year vaccine.

25 Q And --



1           A       We have never used it as a three year vaccine  
2 yet. It has not been three years since this has gone into  
3 effect.

4           Q       Okay. I don't think that's what you  
5 testified earlier to. You said you started offering three  
6 year Merial Purevax recombinant --

7           A       I'm sorry. I meant the -- I meant the other  
8 part of the vaccine. I'm sorry. I misstated that. The  
9 rabies is one year. The rhinotracheitis-calici-pneumonitis  
10 other part of it is a -- it can be a three year vaccine.  
11 The rabies part, you're correct. It's a one year.

12          Q       Okay. So --

13          A       I got confused on that. I'm sorry.

14          Q       So, then, you don't offer any three year --

15          A       We do not offer a three year for cats. I'm  
16 thinking dogs when you're saying that. I'm sorry.

17          Q       Are there any three year feline vaccines on  
18 the market, rabies? Are there any three year rabies  
19 vaccines for cats on the market?

20          A       Not that I'm aware of.

21          Q       So, to your knowledge, the only vaccines on  
22 the market for felines are all one year; is that a true  
23 statement?

24          A       In Nueces County, in the Corpus Christi area,  
25 but different states and different counties have different

1 regulations regarding how long they will honor a rabies  
2 vaccine irregardless of the type of rabies vaccine that's  
3 used. Some states allow three year rabies vaccine on plain  
4 everyday normal rabies vaccine, which is normally just a  
5 one year rabies vaccine.

6 Q Right. I'm not asking regarding the  
7 ordinance. I am asking regarding the actual vaccine and if  
8 it is licensed by the vaccine manufacturer as a three or a  
9 one year vaccine?

10 A I believe Merial Imrab 3 is a three year  
11 vaccine for dogs. I'm not sure about cats. It may be.

12 Q So, to your --

13 A Depending on the state and the county and the  
14 ordinance.

15 Q So, you are not aware of any vaccines that  
16 are manufactured for cats, specifically as a three year  
17 vaccine?

18 MS. CANTU: Objection, form.

19 A Other than possibly Imrab 3, no.

20 Q And Imrab 3 is what kind of vaccine?

21 A It's a rabies vaccine made by Merial.

22 Q And does it contain just rabies?

23 A Yes. It's rabies only.

24 Q And, to your knowledge, that vaccine is  
25 licensed for a three year?

1           A       Yes.

2           Q       But you don't offer it at Santa Fe?

3           A       We use Imrab 3 in dogs. We do not use Imrab  
4   3 in cats.

5           Q       Why would you not offer a three year rabies  
6   vaccine to your cat patients?

7           A       We only use Purevax in cats, primarily  
8   because it's a combination vaccine, extremely safe, has no  
9   reaction. Cats tolerate it very well.

10          Q       And by combination vaccine, you mean what?

11          A       Rabies, plus rhinotracheitis, calici,  
12   chlamydia, panleukopenia.

13          Q       So, you stated earlier that you started  
14   giving the panleukopenia, the rhinotracheitis, and the  
15   calicivirus every three years?

16          A       We're going to have that on a three year  
17   program, yes, as of last summer, as of the summer of 2011.

18          Q       You started giving that as a three year?

19          A       We've gone to a three year program on that  
20   vaccine, correct.

21          Q       But if you use the combination rabies vaccine  
22   that you give annually that includes those components, how  
23   can you be given those every three years?

24          A       All we have to do is switch Imrab when we get  
25   to that point.

1 Q But have you?

2 A It's very simple.

3 Q But have you?

4 A It's not time to switch yet. It's too early.  
5 It hasn't been a year. It would start taking place -- It  
6 would start taking place a year from when we started that  
7 program, which was July of 2011. As of July, 2012, the  
8 cats that were vaccinated in July of 2011 will be -- they  
9 will not receive -- they'll only be getting Imrab 3 at that  
10 time as their rabies vaccine; and, the rhinotracheitis,  
11 calici, panleukopenia vaccine will be given as a separate  
12 vaccine every third year, starting in the summer of 2011.  
13 It's a very easy vaccine program. I don't understand why  
14 you can't understand that.

15 Q So, what -- In July, 2011, what vaccines did  
16 you give your cat patients?

17 A Purevax.

18 Q Okay. Purevax. Which is the combination  
19 vaccine?

20 A The combination vaccine, correct.

21 Q That is only good for one year?

22 A Correct.

23 Q Okay. So -- So, in July of 2012, what  
24 vaccines will you be giving your cats?

25 A The cats that were vaccinated the previous

1 year or cats that are just coming in the first time?

2 Q The cats that you vaccinated with the Purevax  
3 in July '11?

4 A They will be receiving Imrab 3 and they will  
5 be receiving leukemia vaccine. That's a separate vaccine.  
6 That's an annual vaccine.

7 Q And you stated earlier that Imrab 3 was just  
8 a rabies vaccine?

9 A Correct.

10 MS. CANTU: Let's go off the record. We  
11 need to take a break, please.

12 (A BRIEF RECESS WAS TAKEN.)

13 Q (By Ms. Gonzalez) Okay. So, before the  
14 break, we were talking about vaccines, and you stated, in  
15 July, 2011, you were still giving the one year Merial  
16 Purevax combination vaccine; is that correct?

17 A Yes.

18 Q Okay. So, if -- And you also stated that  
19 Corpus Christi city ordinance ruled you could offer the  
20 three year rabies in June, 2011; is that correct?

21 MS. CANTU: Objection, form.

22 A This case involves over two years ago. I'll  
23 be happy to talk about what was in effect two years ago.  
24 At that point in time, Corpus Christi ordinance, county  
25 ordinance, was one year rabies vaccine for all animals. I

1 see no point in where this is going today. This has  
2 nothing to do with what we're -- This is two years ago.  
3 I'll be happy to talk about two years ago.

4 Q Okay. I get to ask the questions and you get  
5 to answer. Thank you for your comment.

6 MS. CANTU: Object to Ms. Gonzalez'  
7 side-bar.

8 Q Is it true, to your knowledge, in June,  
9 2011 -- which you stated earlier -- Corpus Christi approved  
10 a three year rabies vaccine?

11 MS. CANTU: Objection. I instruct you  
12 not to answer. She misstated the testimony of the  
13 deponent.

14 Q When did you become aware that Corpus Christi  
15 allowed a three year rabies vaccine?

16 A Summer of 2011.

17 Q Okay. Why did you not offer a three year  
18 vaccine when you became aware of that ordinance?

19 A Are we talking three years for dogs or three  
20 years for cats?

21 Q We're talking about cats. When you -- When  
22 you became knowledgeable, in June, 2011, that Corpus  
23 Christi allowed a three year rabies vaccine, why did you  
24 not offer a three years vaccine in 2011?

25 MS. CANTU: Objection, form.

1           A       Our current vaccine was a one year vaccine.

2           Q       Okay. But you had the option, as owner of  
3 Santa Fe Animal Hospital, to purchase a three year vaccine;  
4 is that correct?

5           A       Yes.

6           Q       And why did you not exercise that option?

7           A       We did. We had that option for dogs.

8           Q       No. I'm talking about cats. Why did you not  
9 exercise a three year vaccine option for cats for your  
10 clients when you became aware of the city ordinance that  
11 allowed three year rabies vaccines?

12          A       Again, I don't know where this is going. We  
13 should -- We're talking -- We should -- Let's talk two  
14 years ago in your --

15                   MS. GONZALEZ: Objection, nonresponsive.

16          A       I don't know where you're going. I don't. I  
17 don't understand this.

18          Q       Please answer the question.

19          A       What was the question again?

20          Q       Why did you not offer your client -- your  
21 clients a three year cat rabies vaccine when you became  
22 aware that Corpus Christi city ordinance allowed a three  
23 year rabies vaccine?

24          A       As I said before, because we were using  
25 Purevax, which is a one year rabies vaccine at that time.

1           Q       Okay. So would it be true you just didn't  
2 want to change vaccines at that time? Is that a true  
3 statement? I understand you were using a one year, but  
4 you're the owner and you can purchase a three year should  
5 you decide to do so. I'm asking you why you did not choose  
6 to do that.

7           A       Because I had great confidence in the vaccine  
8 that we were currently using at that time, an exceptional  
9 vaccine. Purevax is an exceptional vaccine.

10          Q       So why, in July, 2012, would you change to  
11 the Imrab 3?

12          A       There's some new vaccines getting ready to  
13 come out. They're going to hit the market in the next  
14 three or four months. We may change our protocol before we  
15 even get there. We may have other vaccines. We may have a  
16 different protocol by the time we get to July of 2012.  
17 We're researching that right now.

18          Q       Well, I only asked you because, earlier, you  
19 stated that, in July, you would be using the Imrab 3  
20 rabies.

21          A       That's our plan. Our plan is to be using  
22 Imrab 3 in cats.

23          Q       Okay. So, if that is your plan, why would  
24 you switch from the Purevax that you have confidence in as  
25 a great vaccine to the Imrab?



1           A        Because the Purevax has the other vaccines in  
2   it that we're going to go to a three year program on.  It  
3   has the rhinotracheitis, calici, chlamydia, panleukopenia.  
4   We would have to be using that every single year if we did  
5   that, and we're not going to do that starting in July of  
6   2012.  So we'll have to go to a pure rabies vaccine at that  
7   point in time and it will be Imrab 3.

8           Q        But doesn't Purevax make just a straight  
9   Purevax rabies vaccine?

10          A        Yes, they do.

11          Q        So, you could use the Merial Purevax rabies  
12   vaccine by itself?

13          A        I could, yes.  I could.  That's not my plan.

14          Q        Okay.  Are you aware that the Imrab 3 is a  
15   killed virus vaccine?

16          A        Yes.

17          Q        Are you aware that killed virus vaccines have  
18   been associated as a cause of vaccine associated sarcoma?

19          A        I do not believe that statement.

20          Q        What --  What professional journals and  
21   reports do you rely on to support that statement?

22          A        I don't think I've ever read anything that  
23   conclusively said absolutely that a sarcoma was induced by  
24   a vaccine, absolutely completely unequivocally.  There is  
25   no such report, to my knowledge.

1           Q       So, it's your opinion that killed vaccines or  
2 vaccines that contain killed virus and adjuvants do not  
3 contribute to the formation of vaccine associated sarcoma?

4           A       Again, I state, I don't think there's any --  
5 any case that I know of that shows unequivocally, without  
6 doubt, that a sarcoma was caused by a vaccine.

7           Q       And what --

8           A       Absolute, complete, and total, there is no  
9 such evidence, to my knowledge.

10          Q       And what studies do you rely on that states  
11 it doesn't?

12                   MS. CANTU:  Objection, form.  And I'm  
13 going to instruct you not to answer.  It's misstating your  
14 testimony.

15          Q       Okay.  Is it a true statement that you  
16 believe killed viruses in vaccines do not contribute to  
17 vaccine associated sarcoma?

18          A       Correct.

19          Q       What professional journals do you rely on to  
20 make that determination?

21          A       There is no professional journal that states  
22 the opposite of that, that there is a sarcoma created --

23                   MS. GONZALEZ:  Objection, nonresponsive.

24          A       -- by a vaccine completely and totally.

25                   MS. GONZALEZ:  Objection.

1           A       There is no such article.

2                       MS. GONZALEZ:  Objection, nonresponsive.

3           Q       Do you offer titer testing at your clinic?

4           A       Yes, we do.

5           Q       And when did you start offering that?

6           A       We've had titer testing for a very long time,  
7 but titer testing encompasses a lot.  That's a very  
8 nonspecific statement, but we do offer titer tests at our  
9 clinic.

10          Q       And what year would you say you started  
11 offering that?

12          A       We've been doing titers on some of the feline  
13 and canine diseases for 30 years.

14          Q       Do you offer that titer testing as an option  
15 to clients before they decide whether to vaccinate their  
16 cat?

17          A       Vaccinate their cat for what?

18          Q       For rabies.

19          A       Every single cat, no.

20          Q       How do you determine which ones you offer the  
21 titer testing to?

22          A       If somebody does not want to vaccinate their  
23 cat for rabies, adamant about it, then we can do the rabies  
24 titer test.  We do the rabies titer test quite often for  
25 health certificates for animals that go overseas, a very

1 common test for us to do. It's also a very expensive test.

2 Q What do you mean by expensive? What is the  
3 cost?

4 A It's in the realm of 150 to \$200 right now.

5 Q When you examine a new client at your clinic  
6 who brings in a cat, do you talk to them about what  
7 vaccines you will be injecting and what they're for?

8 A Yes.

9 Q So, in other words, you would -- is it true  
10 you would tell a client with a cat, "I'm going to give them  
11 this rabies, this is what it's for, I'm going to give them  
12 the panleukopenia and that's what it's for, I'm going to  
13 give them calicivirus and this is what it's for, and I'm  
14 going to give them the rhinotracheitis, and this is what  
15 it's for"?

16 A Yes.

17 Q And do you, at any time, explain to them the  
18 benefits of those vaccines?

19 A Yes.

20 Q And do you, at any time, also explain to them  
21 what risks may occur with these vaccines?

22 A Yes.

23 Q And do you, at any time, explain to them what  
24 signs and symptoms to look for as a possible adverse  
25 reaction to these vaccines?

1           A       We advise them to observe their animals for  
2 anything that's unusual after vaccines, whether they just  
3 act like they don't feel good, they lay around, maybe  
4 vomit, whatever. Anything that seems abnormal in their  
5 animal after a vaccine, we need to know about.

6           Q       Okay. And a cat, do you specifically tell  
7 them to look for any type of lump at the vaccine site that  
8 could be a reaction to the vaccine?

9           A       No, but that's part of our "anything that's  
10 unusual." I would think that would cover any -- That  
11 would, pretty much, cover anything. We tell them anything  
12 that doesn't seem right, you need to let us know.

13          Q       What vaccines would you recommend to an adult  
14 cat with no known vaccine history?

15                   MS. CANTU: Objection, form.

16          Q       I mean, surely, that's happened before,  
17 right?

18          A       You mean if somebody brings in a brand-new  
19 cat that they have no idea of any vaccine history on, it's  
20 a stray they found or something?

21          Q       Right.

22          A       Somebody gave it to them?

23          Q       Yeah. And they don't know. They don't know  
24 if it's ever been to the vet or --

25          A       Right.

1 MS. CANTU: The same objection.

2 Q I mean, that's happened? Have you  
3 encountered that situation?

4 A Yes. Yes. Yes. Yes.

5 Q Okay. And it may be a kitten or it may be an  
6 adult?

7 A It depends. It will be different for a  
8 kitten than it will be for an adult.

9 MS. GONZALEZ: Form.

10 Q Okay. And, so, what would you recommend,  
11 what vaccines would you recommend for an adult cat with no  
12 known vaccine history?

13 MS. CANTU: Objection, form.

14 A We would recommend rabies vaccine. We would  
15 recommend the upper respiratory, which is rhinotracheitis,  
16 calici, chlamydia. We would recommend panleukopenia, and  
17 we recommend leukemia. If it's been a stray cat, an  
18 outside cat, that's -- those are our recommendations.

19 Q Okay. And then how soon after that initial  
20 set of those vaccines would you revaccinate the adult cat  
21 with no known vaccine history?

22 MS. CANTU: Objection, form.

23 A That would depend. There's so many --  
24 There's too many variables in an adult cat. It depends.  
25 Are we talking about a cat that's six months old or are we

1 talking about a cat that's ten years old, a cat that's 15  
2 years old?

3 Q What do you consider -- What age do you  
4 consider an adult cat to be?

5 A Three years.

6 Q Okay. So, if a seven year old cat with no  
7 known vaccine history came in and you injected them with  
8 the vaccines that you just stated you would use, the  
9 rabies, the leukemia, the chlamydia, the calicivirus, the  
10 pan --

11 A Panleukopenia.

12 Q Panleukopenia and the -- I think I missed  
13 one. The Rhino --

14 A Chlamydia.

15 Q Okay. We have that on record, what you said.  
16 Okay. So, you give them -- would you consider that their  
17 initial vaccines on no vaccine history?

18 A It would depend on the cat. It would depend  
19 on the cat after examining the cat, talking to the owner.

20 Q But you have no -- We've already agreed you  
21 have no known history of the cat. So, no known history,  
22 seven year old cat, give them the initial set of vaccines.  
23 When would you recommend the owner bring the cat back in  
24 for additional vaccines?

25 A One year later.

1 Q And why is that?

2 A Because we do annual vaccinations on cats.  
3 We do them annually. We do them once a year. So, if we  
4 get all the initial shots, on an adult, older cat, then it  
5 would probably come back a year later to repeat those  
6 vaccines. It's not the same on a kitten or a young cat.

7 Q So, a young cat needs to be boosted?

8 A Correct.

9 Q But an adult cat -- You're saying an adult  
10 cat does not need to be boosted for the vaccines to be  
11 effective if they've never had a vaccine before?

12 A We don't know that they never had a vaccine.

13 Q Right, but if it's unknown, what would you  
14 assume? How do you treat the cat in your clinic if the  
15 vaccine history is unknown?

16 MS. CANTU: Objection, form.

17 A Again, it's going to depend on the health of  
18 the cat, the age of the cat. If it's a younger cat, we're  
19 going to recommend boosters in a month. If not, we're  
20 going to recommend return in a year.

21 Q So, whether or not a vaccine is effective  
22 depends on the health of the cat? Is that what you're  
23 saying? Because I'm asking you if an adult cat with no  
24 known vaccine history gets initial vaccines, when do they  
25 need to be re-vaccinated in order for the vaccines to be



1 effective?

2 MS. CANTU: Objection, form. And I'm  
3 going to instruct you not to answer because I can't  
4 properly preserve any objection, unless Ms. Gonzalez  
5 clarifies what timeframe she's talking about. I don't know  
6 if you're talking about the time that's relevant to your  
7 cat. Are you talking about as he sits here today? If you  
8 want to clarify that, then I'll see if I'll let him answer,  
9 but until that's clarified, I instruct you not to answer.

10 Q (By Ms. Gonzalez) I don't think the  
11 timeframe that I'm talking about has to do with whether  
12 it's my cat or any cat. I'm asking you as a doctor who  
13 knows vaccines and their efficacy. If you give an adult  
14 cat -- Well, first of all, let's just establish, if you  
15 see an adult cat, which I think we've already established  
16 -- If you see an adult cat and no one knows the vaccine  
17 history, do you assume no vaccines have been given?

18 A Yes.

19 Q Okay. So, now that we've established that,  
20 we have to assume no one knows the history on an adult cat,  
21 so we have to assume no vaccines have been given. So, you  
22 give them their first set.

23 MS. CANTU: I'm going to instruct you  
24 not to answer until you clarify the time period you're  
25 discussing, Ms. Gonzalez.

1           Q       The time period has nothing to do with the  
2 question. I'm asking you as a doctor who knows about the  
3 terminology and the medical schooling you have that I don't  
4 have on the efficacy of vaccines and the time period and  
5 the intervals they need to be injected in order to be  
6 effective.

7                   MS. CANTU: Please stop hollering at my  
8 witness. And, again, efficacy is a different question than  
9 timeframe for vaccines, since, as you've already pointed  
10 out, ordinances allow for different years between the  
11 vaccination periods now than they did when your cat was  
12 vaccinated. So, again, if you would like to ask him a  
13 question specific to a time period, I will allow him to  
14 answer. Otherwise, I'm instructing you not to answer.

15           Q       (By Ms. Gonzalez) Okay. For the record,  
16 the ordinance, whether it's three year, one year, five  
17 year, ten year has nothing to do with the question I'm  
18 asking you. Okay. Let me go at it from a different angle.  
19 A kitten with no known vaccine history has to get vaccines  
20 when?

21                   MS. GONZALEZ: Objection, form. I'm  
22 instructing you not to answer. If you want to ask him a  
23 question about efficacy, go right ahead. Otherwise, please  
24 move on, because he will not be answering any other  
25 questions on that subject.

1           Q       At your clinic, when do you vaccinate  
2 clinics?

3                   MS. CANTU:  Objection, form.  And I'm  
4 instructing you not to answer.  If you want to specify a  
5 time period, ma'am, he'll be happy to answer.

6           Q       Okay.  On December 17th, 2008, an adult cat  
7 comes into your clinic with no known vaccine history.  So,  
8 we assume they've never received any vaccines; is that  
9 correct?

10          A       Yes.

11          Q       On December 17, 2008, the cat is injected  
12 with rabies, feline leukemia, chlamydia, panleukopenia,  
13 rhinotracheitis, and calicivirus.  When do you advise the  
14 owner to return for additional vaccines?

15          A       I would say one year.

16          Q       And it's your testimony, based on that  
17 answer, that the cat would be protected from all the  
18 diseases they were vaccinated for based on that one vaccine  
19 until they return a year later and get the second set?

20          A       Yes.

21          Q       Okay.  Do you agree that the American  
22 Association of Feline Practitioners is authoritative on  
23 their information?

24          A       It's just an association of practitioners  
25 that just work with cats primarily.

1           Q       Okay, but are they knowledgeable in cats? Do  
2 you respect their information that they produce as being  
3 authoritative, correct?

4           A       I respect their opinion. I'm not sure that I  
5 say it's correct but I respect their opinion, yes.

6           Q       And why would you think some of their  
7 information may not be correct?

8           A       Because you have practitioners on that board  
9 who practice in different parts of the country than Corpus  
10 Christi, Texas. We have a very high disease incidents of  
11 cats down here. A lot of those people never see any of  
12 diseases of cats that we see her, because their  
13 recommendations, sometimes, I don't think, show the true  
14 picture of what we see in Corpus Christi.

15          Q       Okay. So, if they recommended that an adult  
16 cat with no known vaccine history receives a first set of  
17 shots and they recommend that the cat return in three to  
18 four weeks to receive a second set of shots, you don't  
19 agree with that; is that correct?

20          A       No. I don't disagree with that. I do not  
21 disagree with that. Like I said before, I think it depends  
22 on the cat, the cat's health, its history. Young cats are  
23 definitely going to get a booster in three to four weeks.

24                   MS. GONZALEZ: I'll mark this as the  
25 next exhibit. Yes. Let me have it.

1 (EXHIBIT NO. 5 WAS MARKED  
2 FOR IDENTIFICATION.)

3 Q (By Ms. Gonzalez) Okay. Could you read the  
4 dosage and administration.

5 MS. CANTU: Let the record reflect what  
6 Mrs. Gonzalez has marked as Exhibit No. 5 is her personal  
7 e-mail to some unknown person at merck.com.

8 MS. GONZALEZ: That is the manufacturer  
9 of that vaccine, and she specifically sent me the label  
10 instructions to that particular vaccine.

11 Q Just read the highlighted part, the first  
12 sentence under Dosage and Administration.

13 A "Initial vaccination: Inject one dose  
14 subcutaneously or intramuscular at nine weeks of age or  
15 older. Second vaccination: Inject one dose subcutaneously  
16 or intramuscular three to four weeks following the initial  
17 vaccination. Two doses are required for primary  
18 immunization. Annual revaccination with one dose is  
19 recommended."

20 Q So what does that indicate to you on the  
21 feline leukemia?

22 A With this particular vaccine, which is a  
23 vaccine we don't use, a vaccine I haven't heard of, they're  
24 recommending -- we do the same thing for kittens, we do the  
25 same thing for young cats -- one dose followed at least

1 three to four weeks later by a second dose of vaccine.

2 Q But they're stating that in order for them to  
3 be properly vaccinated, two doses -- is that correct,  
4 that's what that's saying?

5 A For this particular vaccine. For this  
6 particular vaccine, which is not a vaccine that we use.  
7 It's not a vaccine that we use. I don't know about that  
8 vaccine at all. That's not a vaccine we use.

9 Q But that particular vaccine, it does state  
10 that you need two doses?

11 A That vaccine has nothing to do with what we  
12 do. It's not one we use.

13 MS. GONZALEZ: Objection, nonresponsive.

14 Q That vaccine indicates that you need two  
15 doses in order to become --

16 A This vaccine. This one, correct.

17 Q Okay. Correct.

18 A That's what it says on here. I'm assuming  
19 the label is correct.

20 Q Okay.

21 A And I do agree with that for kittens and  
22 young cats 100 percent. And I would state, for a stray  
23 cat, we would probably do that also. Stray cats are  
24 exposed to everything in the world. So I would have to  
25 qualify that some.

1 (EXHIBIT NO.6 WAS MARKED  
2 FOR IDENTIFICATION.)

3 MS. CANTU: I'm going to object to you  
4 answering any questions about this exhibit. This is not  
5 the completed report that was submitted by our client, and  
6 I believe that you are aware that Dr. Shaffer testified  
7 there were some errors on the initial report.

8 MS. GONZALEZ: But this is the report  
9 that came directly from the U.S. Department of Agriculture  
10 that I requested through the Freedom of Information Act,  
11 and this is what is completed. So you're saying this  
12 information is not correct?

13 MS. CANTU: My understanding is that  
14 there were two reports and that there is different  
15 information on the two reports. So, unless you're going to  
16 show him both -- and he did not fill out that report. If  
17 you would like to ask Dr. Shaffer about that, I'll allow  
18 Dr. Shaffer to answer. Is that correct, Dr. Ferris?

19 THE WITNESS: That's right. I know  
20 nothing about that report.

21 MS. GONZALEZ: Well, I'm just trying to  
22 establish. He testified his clinic does not use the  
23 Fevaxyn at all.

24 MS. CANTU: Would you like to clarify  
25 your position on that, other than what you've already

1 testified?

2 A Well, that -- those vaccine names change all  
3 the time. So what might have been on a vaccine two years  
4 ago might not be on the bottle today.

5 Q Okay.

6 A And it's difficult for me to go back and  
7 remember what was on that bottle. I can look at the label  
8 on the record and tell you because we take the sticker off  
9 the vaccine bottle and put it on the record of the animal  
10 so we know the exact vaccine, the name, the serial number,  
11 the date of production. Everything about that vaccine is  
12 on that record. Going back two years ago --

13 MS. CANTU: All right. So then, we'll  
14 stipulate on the record that he may have mis-recalled the  
15 actual name of the product, but in terms of the adverse  
16 event report, he has no knowledge?

17 A I have no knowledge of that. I did not fill  
18 that in.

19 (EXHIBIT NO. 7 WAS MARKED  
20 FOR IDENTIFICATION.)

21 Q (By Ms. Gonzalez) This was the corrected  
22 copy that was given to me at small claims, and I think it  
23 indicates what was reported to the U.S. Department of  
24 Agriculture.

25 MS. CANTU: Again, I'm going to instruct



1 you. If you have personal knowledge of this report, you  
2 may answer.

3 A I haven't seen the report. I had nothing to  
4 do with the report. I can't comment on it.

5 Q Okay. The only question I have is regarding  
6 the name Fevaxyn. Would you please look at those reports  
7 and state if it indicates Fevaxyn was used on Kitty Kat at  
8 your clinic?

9 A Yes.

10 Q Okay.

11 A Like I said, the name changed. They change  
12 all the time, and I do not remember it back that far.

13 Q Right. But at the time --

14 A At that time, that's what that says.

15 Q Right.

16 A And I'm assuming that Dr. Shaffer filled that  
17 out and he put down the correct name.

18 Q Okay.

19 A So I would have to assume that's correct.

20 Q So, if that is correct, and we look at the  
21 Fevaxyn label instructions, in order for Kitty Kat to be  
22 protected against feline leukemia, she would have had to  
23 have received two initial doses; is that correct?

24 A According to that label, that's correct.

25 Q Okay.

1 (EXHIBIT NO. 8 WAS MARKED  
2 FOR IDENTIFICATION.)

3 Q Okay. I'm going to give you -- This is the  
4 American Association of Feline Practitioners 2006 feline  
5 vaccination guidelines, and I've highlighted, in orange,  
6 the vaccines that Kitty Kat received, and my specific  
7 question is the column that states the intervals in which  
8 the vaccine should be injected in adult cats with no known  
9 vaccine history. I think I highlighted them in blue. I  
10 think it's like the couple of columns over. By reading  
11 that, what does that indicate? Do you need me to show you  
12 what I'm talking about?

13 A The highlighted in blue?

14 Q Yeah. What does it indicate that adult cats  
15 should receive those vaccines, at what intervals are they  
16 saying?

17 A It says two doses three to four weeks apart.

18 Q And why do you think they say that?

19 A That's their recommendation.

20 Q And you don't think that's based on any  
21 scientific efficacy studies?

22 A It's just a recommendation. It's not an  
23 absolute. These are recommendations only.

24 Q So, it's your testimony that an adult cat  
25 receiving an initial set of those vaccines is covered and

1 they don't need to be re-vaccinated three to four weeks  
2 after the initial set in order to be protected?

3 A Again, like I say, it depends on the cat, how  
4 old the cat is, if it's a stray cat, if it's a cat that  
5 belonged to somebody else and somebody accumulated the cat.  
6 Kittens, we're going to give boosters to. Stray cats,  
7 we're going to give boosters to. Feral cats, we're going  
8 to give boosters to.

9 MS. GONZALEZ: Objection, nonresponsive.

10 Q So, determining whether or not you do the  
11 recommended vaccines at two to three intervals  
12 determines -- Okay. Wait. Let me rephrase this because  
13 I'm getting confused. So, whether or not you give an  
14 initial vaccine and give the recommended booster three to  
15 four weeks later determines whether the cat came from a  
16 shelter, whether it was a stray, whether how healthy it is?  
17 That's what you base your determination on if they need a  
18 booster three to four weeks later after the initial set of  
19 vaccines?

20 A The age of the cat, the health of the cat,  
21 the history of the cat.

22 Q And that determines whether a vaccine is  
23 effective? The age of the cat, the health of the cat, and  
24 where it came from?

25 A Nobody can determine if it's going to

1 vaccinate or not. I don't understand your question.

2 You're going to have to -- I don't understand what you're  
3 trying to say.

4 Q So, studies have shown -- Or recommendations  
5 are that in order for a cat to be protected from rabies,  
6 panleukopenia, calicivirus, chlamydia, leukemia, in order  
7 for them to be protected against those diseases, they  
8 receive an initial set; and, three to four weeks later,  
9 they receive a second set?

10 A Not for all those diseases because that  
11 doesn't apply to rabies. You just said rabies. That does  
12 not apply to rabies. You just said rabies.

13 Q Because I think that's what it indicates  
14 here. It says -- Let me see.

15 A Not for rabies.

16 Q Okay. Not for rabies. Okay. So, not for  
17 rabies. Okay. We agree on that. But for the  
18 panleukopenia, the leukemia, chlamydia, herpes virus --

19 A There is no vaccine for her herpes.

20 Q Well, I'm reading what it says here, herpes  
21 and feline calicivirus. It says the primary series in an  
22 adolescent and an adult cat should -- they should have two  
23 doses three to four weeks apart.

24 A I agree for young cats. I agree for stray  
25 cats. I agree for feral cats. I agree for cats that come

1 from no where that nobody knows anything about, which I  
2 consider a stray or a feral cat, boosters, yes.

3 Q So, you agree that they should receive two  
4 doses three to four weeks apart?

5 A Yes.

6 Q Okay. And, earlier, we established that my  
7 Kitty Kat had no known vaccine history; and, so, therefore,  
8 you just said, in your statement, you consider them to be a  
9 stray cat if you don't know any history; is that correct?

10 A If you don't know where the cat comes from.

11 Q Right. Okay. So, we established that Kitty  
12 Kat, we didn't know where she came from?

13 A I don't know that. I mean, I don't know that  
14 for a fact, because I've never seen your cat before.

15 Q Okay. But your testimony is that if a cat  
16 comes in with no known vaccine history, in order to be  
17 protected, they would need two doses three to four weeks  
18 apart?

19 A Yes.

20 Q Okay. Finally.

21 A Well.

22 MS. CANTU: Object to the side-bar by  
23 Ms. Gonzalez.

24 Q Okay. Have you ever accepted \$50 or more in  
25 gifts, lunches, supplies, equipment, advertising, or any

1 other type of compensation from a veterinarian  
2 pharmaceutical sales employee or representative?

3 MS. CANTU: Objection, form, and I'm  
4 instructing you not to answer.

5 MS. GONZALEZ: Based on?

6 MS. CANTU: The fact that it's  
7 irrelevant. It's over-broad in scope of time and subject  
8 matter, and you haven't pled cause of action position to  
9 get into financial compensation of our client's employees.

10 MS. GONZALEZ: But it is relevant.

11 MS. CANTU: Ma'am, I've stated my  
12 objection and I've instructed him not to answer.

13 MS. GONZALEZ: Okay.

14 (EXHIBIT NO. 9 WAS MARKED  
15 FOR IDENTIFICATION.)

16 Q And this exhibit is going to be Defendant  
17 South Texas Veterinary Associates' objections and answers  
18 to Plaintiff's second set of interrogatories. Okay. So,  
19 in this, it indicates that your testimony in this case are  
20 that within the relevant veterinary community, the standard  
21 of care does not include disclosure and warning of  
22 potential risk of sarcomas from adjuvanted vaccines. Is  
23 that still your testimony today?

24 A Yes.

25 Q And, approximately, how many vets are

1 practicing in Corpus Christi?

2 A 30.

3 Q Okay. And what specific studies have you  
4 conducted for you to be able to make that statement?

5 MS. CANTU: Objection, form. It assumes  
6 facts in evidence that the standard of care requires  
7 studies.

8 Q Okay. Well, how did you -- How do you  
9 know -- It says you shall testify that within our  
10 veterinarian community, vets do not disclose and warn of  
11 potential risk of sarcoma from adjuvanted vaccines? How do  
12 you know that information?

13 A It's very simple. The most authoritative  
14 place in the State of Texas, the Texas Veterinary Medical  
15 Licensing Board, has investigated this test -- this case.  
16 Their conclusion was that everything was done according to  
17 the standard of care in our local community. That charge  
18 against Dr. Shaffer, he's completely exonerated by the  
19 Texas State Board of Veterinary Medical Licensing Board.  
20 They investigated the case. Their conclusion was that  
21 we -- the standard of care was followed.

22 MS. GONZALEZ: Objection, nonresponsive.

23 Q It states here that you shall testify that  
24 within the veterinary community, vets do not disclose and  
25 warn of risks of sarcoma from adjuvanted vaccines. How do

1 you have that specific knowledge that other vets in Corpus  
2 do not disclose the risks of vaccine associated sarcoma?  
3 How do you have specific knowledge that other vets in  
4 Corpus do not say that to their clients?

5 A I have talked to other veterinarians and  
6 asked other veterinarians.

7 Q Okay. And who have you talked to?

8 A Dr. Alan Garrett, Dr. Doug Posey. I've heard  
9 people discuss it at meetings, veterinary meetings.

10 Q Okay. Who?

11 A To my knowledge -- To my knowledge, I've  
12 never heard anybody say they ever had somebody sign a  
13 release or issue or stated that there was a possibility of  
14 a bad reaction to a vaccine.

15 MS. GONZALEZ: Objection, nonresponsive.

16 A I have been practicing here for 37 years.  
17 know every veterinarian in this town nearly. I talk to  
18 them daily. We exchange records daily. We fax each other  
19 daily. We talk to each other --

20 Q Please stick to the question.

21 MS. CANTU: Ma'am, let him finish his  
22 answer, please, and then you can make your objection.

23 MS. GONZALEZ: He's not answering the  
24 question. I already made my objection and he started  
25 speaking again.



1 MS. CANTU: Would you like to finish  
2 your answer?

3 THE WITNESS: Yes, yes.

4 A I have contact with all the veterinarians in  
5 this community continuously all the time. I think I know,  
6 pretty much, how all the veterinarians practice, what they  
7 do, how they do it, my feelings, and I consider myself to  
8 be friends with all the veterinarians in this community.  
9 I've never heard anybody ever say that they wanted clients  
10 to sign release forms or use scare tactics of vaccine  
11 related reactions. I'm sorry. Not a scare tactic. That's  
12 a poor word. A warning. Let me rephrase that.

13 Q Are you finished? Is that the end of your --

14 A Yes.

15 MS. GONZALEZ: Objection, nonresponsive.

16 Q Please answer the question.

17 MS. CANTU: Object to your side-bar.

18 Please allow my witness to give a full and complete answer.  
19 Just because you don't like the answer, Ms. Gonzalez,  
20 doesn't mean that it's improper.

21 MS. GONZALEZ: Well, I believe he was  
22 giving an answer to informed --

23 MS. CANTU: Objection to side-bar.

24 Limit your comments to me off the record, please.

25 Q (By Ms. Gonzalez) Okay. So, regarding the

1 information you are going to testify to, what knowledge do  
2 you have that veterinarians in Corpus do not tell their  
3 clients that they don't tell them about the risk of vaccine  
4 associated sarcoma?

5 MS. CANTU: Objection, form, asked and  
6 answered.

7 Q Okay. So, is it true the only two vets you  
8 have asked are Dr. Alan Garrett and Dr. Posey regarding if  
9 they warn their clients the risk of vaccine associated  
10 sarcoma?

11 MS. CANTU: Objection, form. Misstates  
12 Dr. Shaffer's prior testimony, that he has, through the  
13 years, overheard and participated in conversations about  
14 this, and other meetings and conferences. So, I'm  
15 instructing you not to answer that. It's assuming facts  
16 not in evidence. If you want to ask a different question,  
17 that's fine.

18 Q Have you ever observed another vet speaking  
19 to their clients about vaccines?

20 MS. CANTU: Are you talking about vets  
21 other than at his clinic?

22 MS. GONZALEZ: Yes.

23 MS. CANTU: You can answer.

24 Q (By Ms. Gonzalez) Have you ever -- Okay.  
25 Have you ever observed Alan Garrett speaking with a client

1 about feline vaccines at his practice?

2 A No.

3 Q Have you ever observed Dr. Posey speaking to  
4 his clients about vaccines at his clinic?

5 A No.

6 Q Have you ever observed another vet outside of  
7 your practice speak to their client about risks and  
8 benefits of vaccines to their clients?

9 A No.

10 Q What clinic does Dr. Posey work at?

11 A Right now, Dr. Posey is at Riverside Animal  
12 Hospital, currently.

13 Q And where was he before?

14 A Oso Creek Animal Hospital.

15 Q And when did he leave Oso Creek?

16 A I don't know the exact date.

17 Q Can you estimate?

18 A A year and a half ago, between one and two  
19 years.

20 (EXHIBIT NO. 10 WAS MARKED

21 FOR IDENTIFICATION.)

22 MS. CANTU: Ms. Gonzalez, what is this  
23 that you're offering as Exhibit 10?

24 MS. GONZALEZ: It is a warning that --  
25 or a pamphlet that VCA animal hospitals give to their

1 clients.

2 MS. CANTU: I'm going to object to the  
3 form of the document marked as Exhibit No. 10.

4 Q (By Ms. Gonzalez) Can you read the part  
5 that I highlighted?

6 A "Very rarely, a tumor may develop in cats at  
7 the injection site. Calls us if any lumps develop in your  
8 cat's skin."

9 Q So, is it a true statement that VCA hospitals  
10 inform their clients that vaccines could cause a tumor at  
11 the injection site?

12 A Yes. If they give that to their clients,  
13 yes.

14 Q And is -- And does Corpus Christi have any  
15 VCA hospitals?

16 A One VCA hospital.

17 Q And which one is that?

18 A Oso Creek.

19 Q And that's the one where Dr. Posey used to  
20 work?

21 A Used to work, yes.

22 Q Okay. Do you agree that the number of  
23 vaccines injected increase the risk of vaccine associated  
24 sarcoma?

25 MS. CANTU: Objection, form.

1           A        I don't know what you mean when you say  
2       injections. Injections. I don't know.

3           Q        Like if you vaccinate annually versus three  
4       year, they would receive more injections, correct?

5           A        Correct.

6           Q        Okay. So, do you have knowledge that that  
7       increases the risk of vaccine associated sarcoma?

8                   MS. CANTU: Objection, form.

9           A        The incidence of vaccine reactions in cats  
10       with sarcoma supposedly is so humongous, 1 in 20 to 40,000.  
11       I don't see how the difference in doing annual or every  
12       three year vaccine would make a difference in the long run.

13                   MS. GONZALEZ: Objection, nonresponsive.

14          Q        In your practice, do you test for feline  
15       leukemia virus before you administer a feline leukemia  
16       vaccine?

17          A        We do in kittens. We do in feral cats. We  
18       do in Humane Society cats can, although most Humane Society  
19       cats are already tested when we see them.

20          Q        Do you in adult cats with no known vaccine  
21       history?

22          A        Again, it depends upon the health of the cat  
23       and the history of the cat and where it came from; feral  
24       cats, stray cat, somebody gave it to them from a neighbor.  
25       It's --

1 Q So, if we don't --

2 A There's variables there.

3 Q If we don't know where the adult cat came  
4 from and have no history, would you recommend testing them  
5 for feline leukemia before you inject the vaccine?

6 A It depends on the age of the cat and the  
7 history of the cat.

8 Q And why --

9 A A young cat, we're going to test for sure,  
10 absolutely, every time. Stray cats, we're going to test.  
11 Feral cats, we're going to test, if we know they're feral  
12 cats and we know they're stray cats.

13 Q Okay.

14 A Cats that have been out fighting with other  
15 cats potentially maybe.

16 Q Okay. So, is it true following a three year  
17 vaccination schedule has been recommended for at least ten  
18 years, perhaps longer, by Texas A&M University, by AAHA, by  
19 American Veterinary Medical Association?

20 MS. CANTU: Objection, form.

21 A Those are just recommendations. They're not  
22 absolutes. They're not rules. They're not regulations.  
23 They're just recommendation. That's all those are.

24 MS. GONZALEZ: Objection, nonresponsive.

25 Q Is it true they have been recommending a

1 three year vaccine schedule for at least the last ten  
2 years?

3 MS. CANTU: The same objection.

4 A Nueces County requires vaccines of dogs and  
5 cats every single year for rabies up until just this  
6 last -- up until last year. You can't go back and say that  
7 for ten years ago in Nueces County, because the law here  
8 stated you had to vaccinate every year.

9 MS. GONZALEZ: Objection, nonresponsive.

10 Q Is it true that the American Veterinarian  
11 Medical Association, American Association of Feline  
12 Practitioners, American Animal Hospital Association, Texas  
13 A&M University have been recommended a three year vaccine  
14 schedule for at least the last ten years?

15 MS. CANTU: Objection, form.

16 A Again those are just recommendations.  
17 They're not absolutes.

18 Q So we --

19 A Recommendations only. And the Nueces County  
20 public health law supersedes those, determined that we had  
21 to vaccinate every year. It makes no difference what their  
22 recommendation was. We had to follow the law. And the law  
23 stated every year.

24 Q For rabies only, though, correct?

25 A Correct.

1           Q       Why would you not follow -- or why did you  
2 not follow three year vaccine recommendations for  
3 panleukopenia, rhinotracheitis, calicivirus, if they were  
4 recommendations by professional organizations that you're a  
5 member of?

6           A       Because those are only recommendations.  
7 Those are minimal recommendations. They do not recognize  
8 the disease incidence that happens in Nueces County area, a  
9 much higher disease incidence here in the animals.  
10 Everything is a much higher disease incidence. My own  
11 opinion is that we need to vaccinate more often especially  
12 in years past, especially in years past with the vaccines  
13 that we had. I think we needed to. To my knowledge, all  
14 the veterinarians in Corpus Christi recommended annual  
15 vaccinations. The majority of veterinarians. I shouldn't  
16 say all. The majority of veterinarians practice annual  
17 vaccinations.

18           Q       So, you don't -- So, do you feel like Texas  
19 A&M University is not knowledgeable in diseases in Texas  
20 then, that they didn't take diseases in Corpus Christi in  
21 consideration when they made those recommendations?

22                   MS. CANTU: Objection, form.

23           A       Those are minimal recommendations. Those are  
24 not absolutes.

25                   MS. GONZALEZ: Objection.



1           A       Minimal recommendations, minimal.

2                           MS. GONZALEZ:  Objection, nonresponsive.

3           Q       So, is it true that you did not follow the  
4 recommended vaccine schedule because you feel the diseases  
5 are more prevalent in Corpus Christi?

6           A       Yes.  And most of the veterinarians here do  
7 exactly the same thing.  Most of the veterinarians do  
8 exactly the same thing.  The most authoritative cat person  
9 in Texas recommends annual vaccinations for cats, Dr. Gary  
10 Norsworthy, considered the most authoritative feline  
11 practitioner in the State of Texas.

12   (EXHIBIT NO. 11 WAS MARKED  
13   FOR IDENTIFICATION.)

14           Q       This is a document where Dr. Norsworthy is  
15 quoted in two --

16                           MS. CANTU:  I have no problem with that.

17           Q       Can you read the second page?

18           A       The second page?

19           Q       Right.

20           A       The whole page?

21           Q       No.  Just the part that quotes Dr. Norsworthy  
22 that's around orange.

23           A       "Create vaccination schedules that encourage  
24 annual exams.  Vaccines motivate clients to make  
25 appointments.  Come up with a vaccine protocol where cats

1 need something every year, Dr. Norsworthy advises. Rabies  
2 is a driver. Go back to one year Rabies vaccine so you get  
3 your annual visit. I've always used an annual rabies  
4 vaccine."

5 Q Okay.

6 A Can I read their other section that you have  
7 highlighted here?

8 Q No. Not yet. And we've already marked this  
9 as an Exhibit No. 9, so I'm going to refer back to it. The  
10 part right there, could you read how many cat vaccines in  
11 the year that's stated there?

12 A In 2008, the hospital administered 1,433  
13 vaccinations to cats. In 2009, the hospital administered  
14 1,349 vaccinations to cats. In 2010, the hospital  
15 administered 1,337 vaccinations to cats.

16 Q Okay. For each of those years, is it a true  
17 statement that most of those are returning clients or would  
18 you say, each year, those are new clients?

19 A It's probably a mixture of both, just from my  
20 general knowledge.

21 Q Okay. And, so, what percentage would you say  
22 are new clients?

23 MS. CANTU: I'm going to instruct you.  
24 If you know, you can answer, but if you're guessing --

25 A I'd have to guess at that because this is

1 going to include lots of kittens that are coming in that  
2 are going to come in several times to get several  
3 vaccinations, stray cats, cats from Human Society that come  
4 in. I don't know the percentages. I don't know the  
5 percentages, but it's not -- It's not -- These are not  
6 all returning cats. I can promise you that. I don't know  
7 what the true percentages would be.

8 Q So, in a three year period -- and I'm just  
9 adding up these numbers. You could have seen 4,000  
10 different cats, because you don't know like if, in 2008,  
11 you saw 1,433 cats and you recommend annual vaccines. So,  
12 is it true, most of those 1,433 cats would return to you in  
13 2009 to get their annual vaccine?

14 MS. CANTU: If you know, you can answer.

15 A I don't know the actual percentage. Like I  
16 said, we have tons of kittens in all the time, cats coming  
17 in from Humane Society, because we're on the three  
18 different Humane Society lists of free exams for new cats  
19 and giving them booster vaccines. I don't know what those  
20 percentages -- It's not going to be a big huge percentage.  
21 I can promise you.

22 Q Because most of your clients are returning  
23 clients? They return every year for annual vaccines that  
24 are recommended by you; would that be a true statement,  
25 that you have a clientele that --

1           A       Correct.  Dogs, cats.

2           Q       But I'm just talking about cats, though,  
3 right now, from these numbers.

4                   MS. CANTU:  If you know.

5           A       I do not know the exact numbers.  I'm sorry.

6           Q       Well, I'm not -- I'm not asking you for an  
7 exact number.  I'm asking:  You have a clientele of cat  
8 patients.  You recommend annual vaccines.  It's likely --  
9 Is it likely that most of them return year after year to  
10 get their annual vaccines?

11                   MS. CANTU:  Objection, form.

12          A       I don't know those percentages.  Most could  
13 be 50 percent, 60 percent, 80 percent.  I don't know what  
14 you mean when you're saying "most."

15          Q       Well --

16          A       And I wouldn't have the knowledge anyhow  
17 because I don't know the exact numbers.  I just don't know  
18 the exact numbers.

19          Q       Do you recognize clients and cats --

20          A       Yes.

21          Q       -- as coming --

22          A       Yes.

23          Q       -- more than one year for their annual  
24 vaccines?

25          A       Yes.

1           Q       Okay.  So, I just -- I did a little analysis  
2 from my cat.

3                               (EXHIBIT NO. 12 WAS MARKED  
4                               FOR IDENTIFICATION.)

5           Q       And that's the bill for her annual vaccines.  
6 And, of course, the amount that I'm charging is like \$10  
7 for the rabies.  That is not your cost, correct?

8                               MS. CANTU:  Objection, form.  We've  
9 already objected on the record in response to written  
10 discovery, that that is trade secret proprietary  
11 information that's privileged and not relevant to this  
12 issue in this case, and I'm instructing you not to answer.

13           Q       (By Ms. Gonzalez)  Okay.  Well, for the  
14 record, typically, businesses do not charge their actual  
15 costs for services; is that correct?

16                               MS. CANTU:  If you know what typically  
17 all businesses do, you may answer.

18           A       I don't know what typically all businesses  
19 do.

20           Q       Okay.  In your business, do you charge actual  
21 costs?

22                               MS. CANTU:  Objection, form.  I'm  
23 instructing you not to answer.  That's trade secret  
24 proprietary confidential information regarding the business  
25 operations of the hospital.

1           Q       Okay. So, what I did was, I took what I was  
2 charged, minus the city license fee, because I didn't know  
3 if you kept the \$3.00 or if it went to the city, and  
4 multiplied it times the number of cats that you saw for  
5 annual vaccines in the year 2008, and that total came out  
6 to \$106,758. Now, let's just say half of those returned  
7 for the next year for another annual vaccine. It would be  
8 half of that, roughly \$53,000, and then the next year,  
9 let's say half of those were the same clients and returned  
10 another 53,000. Is it a true statement that your income  
11 would decrease if you give the three year vaccines.

12                   MS. CANTU: Objection, form. We've  
13 objected in written discovery and now in this deposition  
14 regarding any questions that requires testimony about the  
15 confidential and proprietary business information of the  
16 hospital as to its earnings, income, assets, or  
17 liabilities, and I'm instructing the witness not to answer.

18           Q       Okay. Hypothetically, if you make \$100,000  
19 in year one, year two, and year three for each year that  
20 you give annual vaccines, and then a practice changes their  
21 vaccine schedule to every three years, would it be a true  
22 statement that their income would decrease in years two and  
23 three?

24                   MS. CANTU: Objection, form. And,  
25 again, any attempt by Ms. Gonzalez to enter her speculative

1 calculations to obtain information regarding the financial,  
2 confidential, and proprietary business information of the  
3 hospital is privileged and I'm instructing the witness not  
4 to answer.

5 Q (By Ms. Gonzalez) Would income derived from  
6 annual vaccines be a reason why you give annual vaccines  
7 versus the recommended three year vaccine schedule?

8 MS. CANTU: Are you asking him  
9 personally or as a general edict?

10 MS. GONZALEZ: I'm trying -- Yeah. I'm  
11 asking him personally.

12 THE WITNESS: So, what is the question  
13 again?

14 MS. CANTU: If you give more  
15 vaccinations to make more money, I believe is her  
16 implication, doctor.

17 Q That's not what we're in business for.  
18 That's not my intent. Okay. So you don't follow the three  
19 year vaccination schedule recommended by all the  
20 professional organizations because they're just  
21 recommendations?

22 MS. CANTU: Objection, form. You are  
23 misstating his prior testimony, Ms. Gonzalez. He gave you  
24 a whole litany of reasons why he believes it's a safer  
25 prudent practice to vaccinate yearly, and I'm instructing

1 you not to answer. It's been asked and answered multiple  
2 times. It's harassing at this point.

3 Q (By Ms. Gonzalez) So, the only reason you  
4 vaccinate annually is because you believe Corpus Christi  
5 has a prevalence of the diseases that you vaccinate  
6 against; is that true?

7 MS. CANTU: Objection, form. Asked and  
8 answered. I'm instructing you not to answer it again for  
9 the fourth or fifth time.

10 MS. GONZALEZ: Well, I'm sorry. I  
11 didn't get his answer.

12 MS. CANTU: Well, you can have the court  
13 reporter read the record back to you at a break.

14 MS. GONZALEZ: Can I see that back,  
15 please.

16 Q (By Ms. Gonzalez) Do you feel that  
17 Dr. Norse -- Why do you feel Dr. Norsworthy is advising  
18 vaccines annually in his statement?

19 MS. CANTU: I'm going to object to the  
20 form of that question, and under the Rule of Optional  
21 Completeness, you may answer that question if you read the  
22 article and are comfortable attesting to that, if you feel  
23 comfortable.

24 A I'm sorry. What is the question again?

25 MS. CANTU: She's asking you to comment



1 on that article, and I just objected that if she wants to  
2 let you read the article, and if you feel comfortable  
3 commenting, you can. That's up to her if she wants to let  
4 you do that.

5 Q Okay. Is it also -- Okay. Earlier, you  
6 stated that you believed the majority of Corpus Christi  
7 vets use the annual vaccine schedule; is that true?

8 MS. CANTU: Objection, form. If you're  
9 going to clarify the time period you're talking about in  
10 question, I'll allow him to answer. You're talking about  
11 from the time your cat was treated or now?

12 MS. GONZALEZ: . The time my cat was  
13 treated.

14 A I believe the majority practice annual  
15 vaccinations.

16 Q Okay. And, now, do you believe they still  
17 practice annual vaccines?

18 MS. CANTU: Objection, form.

19 A I don't see what this has to do with what  
20 happened two years go and what's happening now. We're  
21 talking about two years ago. It has nothing to do with  
22 what's happening now.

23 MS. GONZALEZ: Objection, nonresponsive.

24 MS. CANTU: Ms. Gonzalez, how much  
25 longer do you think you have, question-wise?

1 MS. GONZALEZ: We're getting pretty  
2 close.

3 MS. CANTU: Okay. Because Dr. Ferris is  
4 going to have to go feed the meter again, and I'm going to  
5 ask for a lunch break as well if you're going to go beyond  
6 the next several minutes, which is fine if you want to.  
7 We're just going to have to take a lunch break.

8 Q (By Ms. Gonzalez) where --

9 MS. CANTU: Oh, ma'am, are you going to  
10 go longer than five minutes?

11 MS. GONZALEZ: No, no. We're almost  
12 through?

13 MS. CANTU: Okay.

14 MS. GONZALEZ: We'll be through by  
15 12:00. That's ten minutes.

16 Q (By Ms. Gonzalez) Is your meter going to be  
17 okay in ten minutes?

18 A I'm okay for ten minutes. I can't push it  
19 past that.

20 Q Okay. Where -- Can you explain where, on  
21 the cat's body, you vaccinate -- Well, this is kind of  
22 confusing because you use the vaccine, the Merial Purevax,  
23 which contains rabies and the other components?

24 A That's a single injection.

25 Q Okay. So, where on the cat's body do you

1 inject that?

2 MS. CANTU: You're asking him  
3 personally?

4 MS. GONZALEZ: Yes.

5 A Me, personally, right rear leg. To my  
6 knowledge, almost all veterinarians try to do rabies  
7 vaccine, whatever kind of vaccine it is, in the right rear  
8 leg. It's kind of standard in the profession.

9 Q And then where do you inject the feline  
10 leukemia?

11 A Left rear leg.

12 Q And why is that a standard in the profession?

13 A I don't know why it is. It's just the way  
14 it's always been.

15 Q Okay.

16 A I think most veterinarians like to use all  
17 their vaccines exactly the same way every single time, and  
18 which I've always done and everybody else I've ever talked  
19 to. I think all veterinarians, whatever their system is,  
20 they use it exactly the same.

21 Q But you don't know why?

22 A No. I think it's just -- I think that just  
23 was recommended by somebody before I even went into  
24 practice probably, and that's over 44 years ago. I think,  
25 in school, we were taught that.

1 Q Okay. And is that a law?

2 A No.

3 Q Is it a recommendation?

4 A Not even a recommendation that I know of.

5 Q Okay. You just do it because it's --

6 A It's common use. It's just what I do  
7 personally, and I feel that's common use. I've done that  
8 for 44 years.

9 Q Okay.

10 MS. GONZALEZ: I have no further  
11 questions.

12 MS. CANTU: We are going to reserve all  
13 of our questions for the time of trial.

14 (THE DEPOSITION CONCLUDED AT 11:52  
15 A.M., ON APRIL 4, 2012.)

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CHANGES AND SIGNATURE

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1 I, DARREL L. FERRIS, DVM, have read the foregoing  
 2 deposition and hereby affix my signature that same is true  
 3 and correct, except as noted above.

4

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\_\_\_\_\_  
 DARREL L. FERRIS, DVM

6

7 STATE OF TEXAS

8 COUNTY OF \_\_\_\_\_

9 Before me, \_\_\_\_\_, on this day  
 10 personally appeared DARREL L. FERRIS, DVM, known to me (or  
 11 proved to me under oath or through \_\_\_\_\_  
 12 (description of identity card) to be the person whose name  
 13 is subscribed to the foregoing instrument and acknowledged  
 14 to me that they executed the same for the purposes and  
 15 consideration therein expressed.

16

17 Given under my hand and seal of office this \_\_\_\_\_  
 18 day of \_\_\_\_\_, 2012.

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 NOTARY PUBLIC IN AND FOR  
 24 THE STATE OF \_\_\_\_\_

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CAUSE NO. 2011-CCV-61850-5

JENA GONZALEZ	)	IN THE COUNTY COURT
	)	
Plaintiff(s)	)	
	)	
VS.	)	AT LAW NUMBER FIVE (5)
	)	
SOUTH TEXAS VETERINARY	)	
ASSOCIATES, INC.	)	
	)	
Defendant(s)	)	NUECES COUNTY, TEXAS

REPORTER'S CERTIFICATION

DEPOSITION OF DARREL L. FERRIS, DVM

APRIL 4, 2012

I, MARCY A. WELLS, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, DARREL L. FERRIS, DVM, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on \_\_\_\_\_, 2012 to the witness or to the attorney for the witness for examination, signature, and to be returned to DepoTexas-Corpus Christi by \_\_\_\_\_, 2012;

That the amount of time used by each party at the

1 deposition is as follows:

2 MS. VALERIE L. CANTU - 0:00

3 MS. JENA GONZALEZ - 2:34

4 That pursuant to information given to the  
5 deposition officer at the time said testimony was taken,  
6 the following includes all parties of record:

7 MS. VALERIE L. CANTU, attorney for Defendant

8 MS. JENA GONZALEZ, Plaintiff Pro Se

9 I further certify that I am neither counsel for,  
10 related to, nor employed by any of the parties or attorneys  
11 in the action in which this proceeding was taken, and  
12 further that I am not financially or otherwise interested  
13 in the outcome of the action.

14 Further certification requirements pursuant to Rule  
15 203 of TRCP will be certified to after they have occurred.

16  
17 Certified to by me this 16th day of April, 2012.

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MARCY A. WELLS, Texas CSR 2777  
Expiration Date: 12/31/13  
Firm Registration No. 644  
615 N. Upper Broadway, Suite 1450  
Corpus Christi, Texas 78477  
(361) 883-3400



1                   FURTHER CERTIFICATION UNDER RULE 203 TRCP

2                   The original deposition \_\_\_\_ was \_\_\_\_ was not  
3 returned to the deposition officer on \_\_\_\_\_.

4                   If returned, the original deposition was delivered  
5 to JENA GONZALEZ, custodial Pro Se Plaintiff;

6                   That \$\_\_\_\_\_ is the deposition officer's  
7 charges to the Pro Se Plaintiff for preparing the original  
8 deposition transcript and any copies of exhibits;

9  
10                  That the deposition was delivered in accordance  
11 with Rule 203.3 and that a copy of this certificate was  
12 served on all parties herein and filed with the Clerk.

13  
14                  Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_,  
15 2012.

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MARCY A. WELLS, Texas CSR 2777  
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