

SOAH No. 578-16-0462

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS	§	BEFORE THE STATE OFFICE
	§	
	§	
v.	§	OF
	§	
KRISTEN E. LINDSEY, D.V.M.	§	ADMINISTRATIVE HEARINGS

**RESPONDENT’S OPPOSITION TO PETITIONER’S MOTION FOR CONTINUANCE**

Respondent Kristen E. Lindsey, D.V.M. (“Respondent” herein) submits this her Opposition to Petitioner’s Motion for Continuance, and would show:

1. On or about 2/23/16, Petitioner filed its Motion for Continuance.
2. Petitioner’s Motion for Continuance avers that “[r]ecent admissions by and information received from Respondent necessitate additional discovery”. Petitioner’s counsel told Respondent’s counsel 2/19/16 that Petitioner desired to continue the March 8 hearing setting because:

- i) Dr. Lindsey testified in her deposition that she did not “necessarily” believe that the cat had rabies and that that deposition testimony contradicted her 10/26/15 affidavit;<sup>1</sup> and

<sup>1</sup> Affidavit: “... I believe [the cat] was likely rabid.”

2/9/16 Deposition:

Q: The time that you killed the cat, did you think it had rabies?

Lindsey: *No.*

Q: Do you think now that the cat had rabies?

Lindsey: *I don’t know.* (Lindsey depo p. 34/4-8)

...

Q: What are the signs and symptoms of rabies?

Lindsey: *Salivation, aggressiveness, body dysfunction, technic-like reactions, various things.*

Q: But you didn’t believe that this cat was rabid?

Lindsey: *Not necessarily, no.*

(Lindsey depo p. 37/2 – 6)

- ii) Dr. Lindsey testified in her 2/9/16 deposition that Karen Chapman overheard Dr. Buenger tell Dr. Lindsey to dispatch the feral cat.

3. Neither of the reasons cited warrant continuance or “*additional discovery*”. To the extent that Dr. Lindsey testified in her deposition 2/9/16 that she did not believe the cat had rabies, that testimony eliminates any need for Petitioner to present testimony that any belief on the part of Dr. Lindsey that the cat had rabies was not a valid or reasonable belief.

4. In sum, Dr. Lindsey’s 2/9/16 testimony “limits” the evidence; it does not necessitate “*additional discovery*”.

5. Dr. Lindsey’s 2/9/16 testimony that Karen overheard Dr. Buenger also does not necessitate additional discovery. Dr. Buenger’s knowledge of Dr. Lindsey’s knowledge of the feral cat and his approval of Dr. Lindsey dispatching the feral cat are documented – independent of Karen Chapman’s testimony from the 4/15/15 text (Respondent’s Exh. B hereto).<sup>2</sup>

6. The pendency of this action is dramatically impacting Respondent. Respondent cannot, as a practical matter, apply for or get a permanent veterinary job while this proceeding is pending. Respondent also cannot move back to Wyoming – and obtain her license in Wyoming as long as this proceeding is pending. The “lynch mob” of animal rights activists (some of whom have previously called for Dr. Lindsey to be raped and shot) continue to publicly defame and harass Dr. Lindsey.<sup>3</sup> Respondent strongly desires to get this matter heard and resolved March 8 – 10, 2016 – the schedule that Petitioner agreed to in November 2015.

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<sup>2</sup> 4/15/15 7:51 text from Dr. Lindsey to Dr. Buenger: “*Well.. made my first bow kill and got rid of the tomcat tonight.*”

Dr. Buenger response: “*Sweet*”.

<sup>3</sup> The “Tiger’s Justice Team News Page” references in detail Dr. Lindsey’s deposition testimony – the transcript of which could have only been provided to the “Tiger’s Justice Team” by the TBVME (See Exh. A hereto).

7. In addition, the fact that Petitioner did not know until Dr. Lindsey's deposition 2/9/16 that she did not believe the cat had rabies and that Karen Chapman overheard a conversation with Dr. Buenger is entirely of Petitioner's making. Petitioner did not request to depose Dr. Lindsey until early January. On January 7, 2016, Respondent offered to present Dr. Lindsey for deposition January 22, 26, or 27. Petitioner's counsel, however, declined the January 22, 26, or 27 deposition opportunity and proposed deposition dates sometime in February. While Respondent's counsel's scheduling prevented Dr. Lindsey being deposed the first week of February, Petitioner has had since 10/14/15 (the date that Dr. Lindsey filed her Answer to the Complaint) to depose Dr. Lindsey, but did not do so.

8. In addition, Respondent's counsel is representing Dr. Lindsey pro bono in this case because Dr. Lindsey does not work and does not have the resources to pay an attorney to defend her. Respondent's counsel has a number of trials and hearings in other matters scheduled March through May. It will likely, as a practical matter, not be possible to reschedule hearing in this case until August or September if the March 8 hearing setting is set aside.

9. In sum, the reasons presented by petitioner to continue the March 8 hearing do not represent good cause, and are not sufficient to overcome or offset the horrendous impact that rescheduling hearing will have on Respondent.

WHEREFORE, PREMISES CONSIDERED, Respondent prays that the Court deny Petitioner's Motion for Continuance. Respondent prays for other and further relief.

Respectfully submitted,

By: 

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ATTORNEY FOR RESPONDENT  
KRISTEN E. LINDSEY, D.V.M.

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above was served on the attorney of record or party via email on 2/25/2016.

Michelle Griffin  
Texas Board of Veterinary  
Medical Examiners  
333 Guadalupe, Ste. 3-810  
Austin, TX 78701



\_\_\_\_\_  
Brian W. Bishop

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Tiger's Justice Team News Page

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WHAT WILL THEY THINK OF NEXT?

Editorial by Tiger's Justice Team

What a long, strange trip it's been. And it's not over yet! The exhibit list submitted by Kristen Lindsey's attorney for the upcoming license hearing leaves us yet again shaking our heads in disbelief.

Of the 35 exhibits Lindsey intends to present at her hearing, 18 deal with feral cats and/or wildlife management. You read that correctly: OVER HALF of Lindsey's exhibits hinge on her assertion that Tiger was a feral cat, that feral cats are "wildlife," and that it's okay to kill them.

We've come to expect mendacity and hubris from Lindsey; her narcissism and self-contradictory testimony are matters of record. Yet we can't fathom how her attorney expects to successfully base a defense argument on acts that are illegal in the state of Texas.

FACT: Texas law specifically designates all cats, feral or domesticated, as non-wildlife animals.

FACT: It is illegal to kill a cat in Texas cruelly or without owner consent, regardless of whether the cat is feral or domesticated.

FACT: Violation of Texas law provides grounds for veterinary license revocation, regardless of any charges or conviction for a crime.

Not only do Lindsey and her attorney appear to be grasping at straws, the straws themselves are flimsy: wildlife management articles dating back to the mid-1990s, easily discredited arguments in favor of eradicating feral cats, and a few cherry-picked opinions from self-proclaimed "experts" on feral cat populations.

Lindsey's defense team also seems a bit confused about the jurisdiction in which this case is being heard. The exhibit list includes an article about culling feral cats in Australia, and cites Wyoming state wildlife statutes. We're not hotshot lawyers, but the last time we checked, Texas courts recognize Texas laws, not those of Wyoming or Australia.

Ironically, Lindsey's attorney also tossed in a couple of Texas Penal Codes that only serve to underline the illegality of Lindsey's actions, and the futility of a feral/wildlife-based defense. We can't help wondering whether someone on Lindsey's team has difficulty comprehending Texas law.

Just in case the "vet of the year" candidate can't make up her mind about rabies symptoms, once again her attorney slipped in some "rabies surveillance" data. Just when you thought that part was over! Does Lindsey seriously think she can resurrect the "rabid cat defense" after denying it in her recent deposition? Was her attorney napping while she recanted her previous testimony in his presence?

A further incongruity in the exhibit list is the inclusion of the 2013 AVMA Euthanasia Guidelines. Perhaps Team Lindsey has forgotten that the AVMA issued a press release addressing and denouncing Lindsey's chosen method of "euthanasia," and that the AVMA Chief Advocacy and Public Policy Officer is designated as an expert witness at the hearing. . . on Tiger's behalf.

On the subject of expert testimony, Lindsey's updated witness list is also contained in this document. It appears weak, to say the least. Apparently any cat hating redneck with a ranch and a gun qualifies as a witness for Kristen Lindsey. Maybe she had difficulty persuading legitimate experts to testify on her behalf.

To paraphrase a comment from a Tiger supporter: "What the heck are they on?"

What tactic will Team Lindsey try next? Who knows? We can only sympathize with the vet board's legal team and the SOAH judge, who are forced to waste time and money slogging through Lindsey's most recent avalanche of irrelevant nonsense. While we have every expectation that the judge will see through Lindsey's smokescreen and only permit relevant evidence and testimony, this case has been full of surprises. At this point, all we can say is, "Expect the unexpected!"













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-  Michael Meyer
-  Annie Schwartz
-  Isa Gerald
-  Stephanie East
-  Melissa Arnold
-  Todd Murphy
-  Lisa Burr
-  Eric Resendez
-  Russell Thurman





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Joy Johnson **Justice for Tiger, thank you for fighting for this beautiful cat**  
Like Reply 1 hour ago · 177

Joy Johnson **Shared**  
Like Reply 2 hours ago · 100

Jen Scaccia Verrengia **Like I've said before, I know Tiger is Cheshire Smiling at the legal bills this horrible human is incurring. Of course we all want a guilty verdict, but hoping financially she's set back incredibly with legal bills and no job to go back to.**  
Like Reply 4 hours ago · 100

Amanda Smith **I'm just going to leave this right here because it sunts it up best.**

<https://www.bankofamerica.com/investments/>  
Like Reply 1 hour ago · 100

Heather Ryder **WTF?**  
Like Reply 3 hours ago · 100

Beoky Bauer **I'm not laughing at Tiger's death at Lindsey's hands is inexcusable no matter what nonsense her desperate attorneys conjure up. I'm laughing because I have seen this kind of "defense" so many times before in cases where I have consulted (I am not an attorney). See more**  
Like Reply 5 hours ago · 100

Sally Ann Beck **Strip her of her licence for life and let her do 15 years for murder!**  
Like Reply 1 day ago · 100

Alexandra Baclet **Ludicrous as this poor excuse of a person.**  
Like Reply 2 days ago · 100

Jim Pennington **Lindsey sucks!**  
Like Reply 2 days ago · 100

Piper Cat **The judges do the bs everyday...they will do right through**  
Like Reply 2 days ago · 100

Tamara Lee **She's crying the drain and she knows it. I hope the next two weeks waiting before the hearing are terrible for her. I hope her nights are sleepless and her days anxious. May she never have a peaceful moment again**  
Like Reply 6 hours ago · 100

Louise Massey **After reading this I'd say her lawyer was fighting the wrong side but this is ok because he will make it so much easier to get the punishment she deserved**  
Like Reply 3 days ago · 100

Buck Rogers **Thank you for the update**  
Like Reply 1 day ago · 100

Becky Graves **Send that B\*\*\*H to PRISON!!! People who torture and kill innocent animals are hated and despised just as much as child molesters by other prisoners.**  
Like Reply 4 hours ago · 100

Renee Brennan **TNR all cats - feral cat lives matter !!!!!!!**  
Like Reply 5 hours ago · 100

Renee Brennan **I hope she goes down in flames !!!!!**  
Like Reply 4 hours ago · 100

Lynn Ann Fahien **You guys are awesome! Keep the hammer down and hard on this bipolar psycho path until she has no license to kill anymore!!! I have been with this story since day one because of a very good friend of mine who helped this story go viral and wrote to the Texas Attorney General's office and the Texas veterinarians board!!! We will see justice served!!! Again...thank you!!! Julie Koffler - have you seen this?**  
Like Reply 5 hours ago · 100

[View all 1 Reply](#)

- Hailey Bishop
- Colby Bishop
- Ben Fuelberg
- Michael Meyer
- Anne Schwartz
- Isa Geralt
- Stephanie Fast
- Melissa Arnold
- Todd Murphy
- Lisa Burr
- Eric Resendez
- Russell Thurman

Cindi Miller It is amazing the sh\*t people say and do when they are desperate!! I do believe she is a narcissistic, self-centered POS!! I hope she never gets her license back!!

Like Reply 4 · 1 month ago · 100%



Rochelle Galvez Her arguments are pathetic. it's even illegal to kill wildlife. Also u have to have a license to hunt so there are a number of things that proves how dumb her and her defense team are!! I hope they piss off the judge and he puts her in jail with a long term. after all animal cruelty is now a felony

Like Reply 4 · 1 month ago · 100%



Betty Ellsworth Give Lindsay hell Team Tiger!

Like Reply 5 · 1 month ago · 100%



Michelle Musheno-Williams Thank you for the update!

Like Reply 2 · 1 month ago · 100%



John Leitner Look bottom line is she loves to kill she gets off on it she admitted it in her blog that's probably why she got into veterinary medicine much like a pedophile that pick jobs that put them around kids she is a sociopath no question about it I hope she loses her license and never is allowed around animals again and also hope that enough people know her name that if she set up shop that they would remember her name

Like Reply 4 · 1 month ago · 100%



Lisa Phillips Horrible!

Like Reply 1 · 1 month ago · 100%



Teena Dugan Vet of the year .....PIECE OF SH\*T OF THE UNIVERSE

Like Reply 2 · 1 month ago · 100%



Kathryn Montgomery She is just a stupid, cruel bitch pos

Like Reply 3 · 1 month ago · 100%



Fiona Libres TIGER WILL HAVE JUSTICE!

Like Reply 3 · 1 month ago · 100%



Kim Shaw Well there you go. It's pretty much over for her career as a vet. Nothing there. Not sure why she spent the \$ to fight it. Clearly she's violated her rights to be a vet by breaking the law.

Like Reply 1 · 1 month ago · 100%



Laurie Hill Purdy I would expect by the amount we have donated that a transcript will be ordered from the court reporter. I'm a court reporter and I personally would like to say we all should see every transcript of every hearing

Like Reply 1 · 1 month ago · 100%



Denise Ryan I happen to have practiced law in Texas for over twenty years. I fully support Tiger and the efforts of the attorneys representing his case. I would like to say this as kindly as possible. Might it not be best to allow this vet's attorneys to operate u... See More

Like Reply 3 · 1 month ago · 100%

Tiger's Justice Team News Page Denise, we certainly appreciate and agree with your insights. The weaknesses of the arguments presented by Kristen Lindsey's attorney have already been submitted to the court by the vet board's counsel in publicly available documents, so we do not reveal anything Lindsey's attorney has not already seen. Essentially we try to condense these arguments for the convenience of the reader.

Like Reply 5 · 1 month ago · 100%

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Cindy Stephens Wooten I truly believe what goes around comes around. She will get what she deserves. Hopefully, in this life time, but if not, she will some day me her maker

Like Reply 1 · 1 month ago · 100%



Kristen Marie Jackson It sounds like her lawyers may be closet Tiger supporters. she was wrong and the fact that she says/thinks she did nothing wrong just proves that she needs to have her license taken away and not be allowed near unsupervised animals again

Like Reply 6 · 1 month ago · 100%



Gail Gibson Karma

Like Reply 1 · 1 month ago · 100%



Thania Colgrove Harris Go Team Tiger! We have got this!

Like Reply 1 · 1 month ago · 100%



Lisa Graves Moudry Lindsay is a dumbass!! Arrow for her from tiger!!

Like Reply 1 · 1 month ago · 100%



Alana Farley God I wish I could help. this chick needs to go

Like Reply 1 · 1 month ago · 100%

Tiger's Justice Team News Page You are helping greatly by just being a supporter!! Thanks Alana!

Like Reply 1 · 1 month ago · 100%

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Natasha Shea Maybe her defence lawyer is actually a cat lover and is designing her defence to fail

Like Reply 1 · 1 month ago · 100%



Like Reply 1 · 1 month ago · 100%



Hailey Bishop



Colby Bishop



Ben Fuetberg



Michael Meyer



Annie Schwartz



Isa Gerald



Stephanie Fast



Melissa Arnold



Todd Murphy




Lisa Burr




Eric Resendez




Russell Thurman

 Elizabeth Dale It's not like she would have any business if she does practice again so why even bother?


Like Reply 1 0 0

 Toni L Souza Let's hope she loses and license revoked


Like Reply 1 0 0

 Beverly Morlang I'm sure the judges have seen these fero'd attempts to obfuscate the real issue and delay decisions so should cut right through that blizzard of time-wasting paperwork. The bright side is that Lindsey and her family are still on the clock and having to pay for all these legal shenanigans.


Like Reply 1 0 0

 Linda Cole You have videos to prove this cat was not feral hang in there the good guys always win on the side of right on in the end


Like Reply 2 0 0

 Joy Sanders This woman needs to take responsibility for actions and realise that she has no place as a vet. If she won't then the courts need to make her. Thank you, Tiger's Team from the UK for your tenacity.


Like Reply 0 0 0

 Cindy James WOW even if Tiger was a "Feral" cat, why would a Veterinarian do that? Isn't that why people choose to become Vets to help animals, whether it was homeless or not? Where is the Houston, SPCA? Those kind of people usually serve Jail time on the show


Like Reply 1 0 0

 Sander Kortenaar Jr why can't she just accept she's guilty and swallow the punishment " bitch vet "


Like Reply 1 0 0

 Carol Harang Would someone please sterilize Lindsey so she can't pass on her bad genes?

Like Reply 1 0 0


 Bill Riley We, in Texas ... apologize for letting this case last this long but ... we are dearly sorry we have attys that stupid in The Lone Star State

Like Reply 0 0 0


-  Tiger's Justice Team News Page Bill, some of us at TJT reside in Texas, and others live elsewhere. As nine legal games happen all over, we don't blame Texas, which actually has better animal cruelty laws than many other states

Like Reply 1 0 0

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 Genesis Wagner Grove She has given a bad name to all vets in Texas. I am now hesitant to leave my kitty at a vet's office for ANY procedure when I cannot be present. KLI (& a few others) have broken my trust in veterinarians

Like Reply 0 0 0


-  Tiger's Justice Team News Page So sorry that has happened .

Like Reply 1 0 0

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 Regina M Gussie Lindsey stated that she shot Tiger because she thought he might have rabies, she is a so called Vet, she should be able to tell. I feel sorry for some of her patients, she probably euthanize animals that didn't need to be euthanize, I would check with [Sam Moran](#)

Like Reply 1 0 0


 Anita Siman Justice for Tiger

Like Reply 0 0 0

[2 Replies](#)

 Pamela Finnie When I first saw reports of this I stated and still state pet or feral no baby deserves this. The issue with pet is a grief stricken family. Frankly I cry for them all as a few tears is the least they deserve. Pet or feral she deserves jail as well as losing her right to practice as a vet

Like Reply 0 0 0

 Pamela Finnie

Like Reply 0 0 0


 Hailey Bishop

 Colby Bishop


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Details

Wed, 7/20/11

[Faded text, likely a social media post or message]

Sweet

Wed, 7/20/11

[Faded text]

about that cat. I'm not  
 sorry about killing a feral  
 cat. I won't apologize for  
 it. Maybe I shouldn't  
 have posted that picture  
 but it's who I am.  
 Anyway, some people  
 seem to be upset

