

# NEW YORK POST

## AQUEDUCT FILLY DEATH SPURS SUIT

By **ANDY GELLER**

*January 21, 2008* -- Point of Order had a bright future ahead of her in racing.

But that was before she was tragically injured while being moved from Aqueduct to Belmont in March and had to be put down.

Now, her owner, James Culver, has filed a negligence suit against the New York Racing Association, which owns both tracks, accusing the organization of killing the 18-month-old filly.

Point of Order, sired by Preakness and Belmont Stakes winner Point Given, did well in her first race at Aqueduct on March 10.

After a slow start, she recovered to place third by a length and a half.

But on her second race, at Aqueduct on March 25, Point of Order came in fourth and developed a limp.

After X-rays and a sonogram, the vet for James Culver, 46, who lives in Westbury, LI, determined the horse probably had a hairline fracture of the pelvis.

The vet recommended that Point of Order not be moved and remain at Aqueduct for 30 days.

"It was a very, very minor injury," says Culver. "If the accident hadn't happened, she could have raced again in a couple of months."

But after five days, Culver says, track officials said they needed Point of Order's space for another horse.

It was decided that the filly would be taken back to Belmont, where she was stabled.

But, Culver says, the New York Racing Association driver went too fast taking a turn and the horse fell over and fractured the tibia, a thigh bone, in her left rear leg.

Since such a fracture won't heal, he says, the filly was put down.

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