

[1] in Business and Pete Salsich in Law, I know these  
 [2] guys, we're colleagues, we get along fine. They  
 [3] thought it was just pointless, so, they didn't hang  
 [4] around, so, they left, so, the official advisor, as  
 [5] appointed, quit twice over a period of three years,  
 [6] two years each, and I stayed, so, I would have been  
 [7] the unofficial advisor.

[8] Q: And who, who gave you the title "the  
 [9] unofficial advisor"?

[10] A: I guess the students.

[11] Q: The students did?

[12] A: (Witness Nods)

[13] Q: Now, is it accurate, and this is in the  
 [14] second column on that same page --

[15] A: Okay.

[16] Q: -- towards the bottom, it's the next-to-last  
 [17] paragraph, that says that you paid almost a thousand  
 [18] dollars --

[19] A: True.

[20] Q: -- for an ad in the St. Louis Post-Dispatch?

[21] A: I did.

[22] Q: Okay. And that's accurate?

[23] A: It is.

[24] Q: With regard to the last column, which is on  
 [25] the next page, it's about in the middle of the page.

[1] A: A guy named Tom Downey.

[2] Q: And who is Mr. Downey?

[3] A: He's the head of Boeing International P. R.

[4] And he's in Paris, he was editor about 20 years ago.

[5] Q: Okay. Anyone else?

[6] A: No, that was the sole suggestion, but he's a  
 [7] he's a fairly important person in McDonnell-Douglas  
 [8] and Boeing.

[9] Q: And did you share this idea with anyone else?

[10] A: It's in the paper.

[11] Q: It's in the paper. Did you share it with  
 [12] anyone at The University News?

[13] A: We probably talked about it, but we also knew  
 [14] it was impractical.

[15] Q: Who would you have talked about it with?

[16] A: The staff.

[17] Q: And who would have been on the staff at that  
 [18] time?

[19] A: Diana would have been the editor, Katie Lewis  
 [20] would have been her right-hand man who followed her  
 [21] and thereby would half a dozen other kids, let me  
 [22] think whom. Jamie Robinson, that's M-I-E. Ian  
 [23] Bannon, B-A-N-N-O-N, Adam Tabman, who is the editor  
 [24] this year, I'm not sure who else would have been  
 [25] there, but probably half a dozen kids, but it was

[1] A: Okay.

[2] Q: You talk about there a plan to take the  
 [3] newspaper, or you call it, offshore.

[4] A: Where is this paragraph again?

[5] Q: It's the last column, the right hand column,  
 [6] it's about in the middle of the page.

[7] A: Okay.

[8] Q: And there is a plan vaguely in the works to  
 [9] take -- can you please tell me who was, who was  
 [10] creating this plan?

[11] A: This sentence says "there is a plan vaguely  
 [12] in the works, I'm not behind it, but I'm part of it,  
 [13] trying to raise enough offshore money to enable the  
 [14] paper to have a secure place to operate from, and  
 [15] we'll get there on our own accord". That was to try  
 [16] to find a place to be. We were willing to pay rent so  
 [17] we could still do the paper, but not have the  
 [18] University hanging over our head with a free room or  
 [19] not.

[20] Q: I understand. Now, who was involved in this  
 [21] besides you?

[22] A: One alumni that I remember suggested we  
 [23] should do this, to me, and my response was "we can't  
 [24] afford it".

[25] Q: And who is that alumni?

[1] impractical because trying to find a place that we  
 [2] could afford, we'd have to go towards Wash U. Where  
 [3] the neighborhood is a little safer, because we stayed  
 [4] in St. Louis U., which is a little less safe, we're  
 [5] not going to do that and put the kids at risk, so, it  
 [6] was impractical.

[7] Q: And when did you talk to Mr. Downey about  
 [8] this, do you recall?

[9] A: He called me.

[10] Q: Okay.

[11] A: And this would have been probably over that  
 [12] spring break, he called about something, I don't  
 [13] remember what it was, it wasn't about the paper at  
 [14] all. He's a former editor, we stay in touch, all  
 [15] these kids stay in touch with me, and would just talk  
 [16] about things in general, Boeing and McDonnell-Douglas  
 [17] had been going through big problems, I was wondering  
 [18] if it was shaking him up. He called and told me how  
 [19] he was doing and this came up.

[20] Q: And how did this come up?

[21] A: He asked how the paper was doing, and I said  
 [22] "actually, they are rewriting the charter", and he  
 [23] said "again?" Because this was done in 1998-99, and  
 [24] he's aware of it, after his time.

[25] Q: And did you tell him about the other two

[1] issues that were going on that you had just testified  
[2] about?

[3] A: I don't think so. I think just the charter,  
[4] just the charter.

[5] Q: And did you tell him that, in your opinion,  
[6] or that Father Biondi had all the class of a toilet  
[7] seat?

[8] A: No, I don't think I would have said that.

[9] Q: Might you have?

[10] A: I doubt it. Tom has his own opinions of  
[11] Father Biondi.

[12] Q: Did he share them with you?

[13] A: If I asked him.

[14] Q: But he didn't share them in that --

[15] A: No.

[16] Q: Are there other references that you have made  
[17] to Father Biondi besides this one?

[18] A: Probably not. He's accomplished a lot at the  
[19] school. He's done great things with the appearance of  
[20] the campus. I've been on record as saying this more  
[21] than once.

[22] Q: Okay.

[23] A: He has.

[24] Q: Okay. But have you used other references  
[25] similar to "the class of a toilet seat"?

[1] A: Probably not, but that would have been the  
[2] lead of the article as well.

[3] Q: Did you ask Mr. Downey, with regard to, or  
[4] ask him any advice with regard to the name of the  
[5] newspaper?

[6] A: No, that never came up.

[7] Q: You didn't run that idea by him?

[8] A: No. Again, this was a very vague idea. It  
[9] just came up. If I hadn't been asked about it, it  
[10] probably would have never been in the newspaper, but  
[11] I'm sure the reporter asked about it.

[12] Q: Let me ask this; were you given -- I know  
[13] sometimes these articles are done through written  
[14] questions. Were you given any written questions with  
[15] regard to this article?

[16] A: No, we met at some restaurant out in  
[17] Brentwood and we talked over two glasses of tea, for  
[18] about an hour.

[19] Q: Okay. And did you keep any notes or --

[20] A: No.

[21] Q: -- were you shared any notes?

[22] A: No.

[23] Q: Okay. And did you get to see an advance copy  
[24] of this article?

[25] A: They don't do that, he told me.

[1] Q: You asked. Did you ask --

[2] MR. GILL: Is that a question?

[3] Q: (By Mr. Janoski) Yes. Did you ask?

[4] A: No, he told me.

[5] Q: That they don't?

[6] A: He said they don't send out preview copies.

[7] I didn't ask.

[8] Q: Okay. Have you -- well, in this article you  
[9] also reference to Father Biondi as a super-weasel?

[10] A: Yes.

[11] Q: Have you mentioned -- have you identified him  
[12] that way?

[13] A: I consider all administrators to be weasels  
[14] in training.

[15] Q: Okay. But he's a super-weasel?

[16] A: He is because he's the President, you can  
[17] almost say that affectionately, depending on the  
[18] context.

[19] Q: In the last column, again, the right-hand  
[20] column, the last paragraph of this article, when the  
[21] reporter was asking you, let me ask this question, I  
[22] take it that the reporter was taking notes when you  
[23] guys were having these conversations?

[24] A: He was.

[25] Q: Was he also tape-recording it?

[1] A: I don't remember. It's possible there was a  
[2] small tape recorder on the table, but there was so  
[3] much noise in the background, I don't think -- I think  
[4] he might have turned it off because we were sitting in  
[5] the bar section of a restaurant. I'm not sure about  
[6] that.

[7] Q: Okay. It says here, as you are thinking  
[8] about getting independent and you said "we're looking  
[9] into it"?

[10] A: That's a reference to what goes on above the  
[11] paragraph, same thing.

[12] Q: No, no, I understand that.

[13] A: Same thing.

[14] Q: I understand that. Who else was looking into  
[15] it besides yourself?

[16] A: Tom Downey and me.

[17] Q: Okay.

[18] A: That's two people. We were the only people  
[19] that talked about this.

[20] Q: And then you discussed it with the staff?

[21] A: We talked about it.

[22] Q: About going independent?

[23] A: Yes, but again, it was impractical and it  
[24] wasn't possible. We couldn't afford it.

[25] Q: Now, just below that there is a sentence that

[1] says we have some real big shots who are U. News  
 [2] Alumni, people with really important jobs, and they  
 [3] have really good income and they are going to help us  
 [4] set this up".

[5] A: That probably should say "they could help us  
 [6] set it up".

[7] Q: Who were you referring to besides Mr. Downey?

[8] You're using the plural here and I assume that --

[9] A: That's true. Is it okay to answer this,  
 [10] Brian?

[11] MR. GILL: Sure, just testify with respect  
 [12] to --

[13] A: Who they are?

[14] MR. GILL: -- whom you're referring to.

[15] A: The front page editor of the Wall Street  
 [16] Journal is a guy named Mike McCarthy. The head of  
 [17] publications from McGraw-Hill in Madrid is Erica  
 [18] Jugala, these are former editors and they are still in  
 [19] contact. We trade Christmas cards. The guy who works  
 [20] for Time Magazine in California, head of the Sports  
 [21] Department, his name is like Dominic Schmidt, and  
 [22] they'd all be willing to help do this, but again it is  
 [23] impractical.

[24] Q: (By Mr. Janoski) But you had conversations  
 [25] with these people?

[1] A: This looks vaguely familiar, but there's been  
 [2] lots of documents.

[3] Q: Okay. Do you recall, after receiving,  
 [4] sometime after receiving the Complaint --

[5] A: This Complaint?

[6] Q: The Complaint which is Exhibit 7

[7] A: Okay.

[8] Q: Okay. Then seeing Exhibit 8, which is the  
 [9] response to this Complaint?

[10] A: When would this -- this would be December 10.

[11] And the one I'm looking at is October 11.

[12] Q: Right.

[13] A: Yes. Yes, it does look familiar.

[14] Q: Okay. If you'll look at -- if you'll look at  
 [15] Paragraph 9 of Exhibit 7, the Complaint.

[16] A: Page 2?

[17] Q: Page 2.

[18] A: You say 7?

[19] Q: Of 7, yes, sir.

[20] A: Okay.

[21] Q: These correspond back and forth, the  
 [22] paragraphs kind of, one responds to another.

[23] A: All right.

[24] Q: And it says there "SLU considers the name of  
 [25] the publication and the related caption to be valuable

[1] A: No.

[2] Q: Who had conversations with them?

[3] A: Nobody. I just know they do, I knew where  
 [4] these kids are, I know what they do. They don't know  
 [5] about this, but that's who I'm thinking about. You  
 [6] asked me who I'm thinking about, that's who.

[7] Q: I was just asking who you're referencing.

[8] A: That's who I'm referencing, that's who I'm  
 [9] thinking about. Tom is the only one I talked to.  
 [10] These guys and these young women, they have been gone  
 [11] 20 years, but there is still a link between the U.  
 [12] News and them.

[13] (Plaintiff's Exhibits 8 - 10  
 [14] Marked for identification)

[15] Q: (By Mr. Janoski) I want to hand you first  
 [16] what's been marked as Plaintiff's Exhibit 8 and ask  
 [17] you whether you have seen this document before.

[18] A: The date on this again would be where?

[19] Q: The date would be at the end, on Page 9.

[20] A: December 10th.

[21] Q: December 10th, 2007. It's titled  
 [22] "Defendant's Answer and Affirmative Defense".

[23] A: I'm not sure I understand what "affirmative  
 [24] defense" means.

[25] Q: Okay. Well --

[1] intellectual property". Do you see that?

[2] A: Uh-huh.

[3] Q: Do you disagree with that statement?

[4] A: I guess I never considered it. It's not a  
 [5] matter of disagreeing.

[6] Q: Would you agree with that statement?

[7] A: The University News, those two words, I don't  
 [8] think anybody can own them, because I know of at least  
 [9] two papers in this State and other papers around the  
 [10] country, but the St. Louis U. Reference makes it a  
 [11] little different.

[12] Q: Okay. And would you agree that that is  
 [13] valuable intellectual property of St. Louis  
 [14] University?

[15] A: It depends on what the word "valuable" means  
 [16] in this case.

[17] MR. GILL: Objection, it calls for a legal  
 [18] conclusion, "intellectual property".

[19] A: I'm not sure I know what "intellectual  
 [20] property" means when you say it.

[21] Q: (By Mr. Janoski) Okay. Would you say that  
 [22] that, that name, has value to St. Louis University?

[23] A: Yes, yes.

[24] Q: Now, with regard to Paragraph 13, if you look  
 [25] at that, of Exhibit 7?

[1] A: Okay

[2] Q: It says "the March 16th, 2007, submission was  
[3] made personally by Defendant Meyer without SLU's  
[4] knowledge or permission". Do you see that?

[5] A: Yes

[6] Q: And that's a reference to the Exhibit A that  
[7] we went through, which is the incorporation?

[8] A: Okay.

[9] Q: Okay. Now, if you'll look at Paragraph 13 of  
[10] your answer, which is Exhibit 8, that's the one that  
[11] is in front of you there?

[12] A: Okay.

[13] Q: Okay. It says "Defendant is without  
[14] knowledge or information sufficient to form a belief  
[15] as to the truth of the averment that the submission  
[16] was made without Plaintiff's knowledge", do you see  
[17] that?

[18] A: Yes.

[19] Q: Now, you said that you told no one, is that  
[20] right?

[21] A: I didn't talk to anybody about this until  
[22] after it was done.

[23] Q: Okay. So, then how would St. Louis  
[24] University have any knowledge of this before you told  
[25] anyone?

[1] Q: Right.

[2] A: No, I didn't talk to anyone about it. That's  
[3] true.

[4] Q: Okay. So, then that statement, that sentence  
[5] in Paragraph 13 --

[6] A: Of Exhibit 7?

[7] Q: -- of Exhibit 7, is true, the first sentence?

[8] A: "I made the submission, myself, without SLU's  
[9] knowledge and permission." Yes, I didn't talk to  
[10] anybody about it, that's true.

[11] Q: So, that's true, okay.

[12] A: Yes.

[13] Q: Now, with regard to Paragraph 20 of the  
[14] Complaint, which is Exhibit 7 --

[15] A: 7, okay.

[16] Q: -- down at the bottom. And it states  
[17] "Defendant Meyer has admitted that in connection with  
[18] the University News there is a plan", "there is a  
[19] plan, vaguely in the works", to start an independent,  
[20] competing newspaper." Is that not true?

[21] A: Let's see, the quote from the article says,  
[22] it's on the second -- this is on the second page near  
[23] the end, I think it says "there is a plan vaguely in  
[24] the works, I'm not behind it, put I'm part of it".  
[25] Yes, that's generally what it says.

[1] A: When did I say this?

[2] Q: You said this in your answer to our  
[3] Complaint.

[4] A: Okay. Where does it say this again?

[5] Q: And if you look at, these paragraphs  
[6] coincide, so, we have Paragraph 13 of the Complaint,  
[7] which says "the submission was made by you personally  
[8] without SLU's" --

[9] A: "Knowledge and permission".

[10] Q: -- "knowledge and permission", okay?

[11] A: Okay.

[12] Q: And then your response was "I don't know if  
[13] it was made without SLU's knowledge or permission", or  
[14] "knowledge"?

[15] A: I didn't seek permission. I didn't know it  
[16] was necessary.

[17] Q: What about their knowledge, you didn't tell  
[18] anybody?

[19] A: I didn't think about that.

[20] Q: So, you admitted that SLU had no knowledge?

[21] A: Of what?

[22] Q: Of you making the submission for  
[23] incorporation under the name.

[24] A: Doesn't, in Paragraph 13 of Document 7, say  
[25] so?

[1] Q: Okay. So, that would be a true statement, is  
[2] that right?

[3] A: Generally.

[4] Q: If you look at Paragraph 28 of the Complaint.

[5] A: This is 7 again?

[6] Q: Yes, sir, No. 7, Exhibit 7.

[7] A: Okay.

[8] Q: It says "Defendant", which, that is you?

[9] A: Uh-huh.

[10] Q: "Formed a Missouri nonprofit corporation  
[11] using SLU's 'St. Louis University' mark". That's  
[12] true, isn't it?

[13] A: That's correct, as a subhead, yes.

[14] Q: Now, if you will look at Paragraph 42 of the  
[15] Complaint.

[16] A: Okay.

[17] Q: And it states there, "without authorization  
[18] by Plaintiff, Defendant Meyer has formed a Missouri  
[19] nonprofit corporation using the name 'The University  
[20] News, a student voice serving St. Louis University  
[21] since 1921', for the purpose of publication of a  
[22] weekly newspaper." Do you see that?

[23] A: I do.

[24] Q: And that is true, is it not?

[25] A: That is right off the form we talked about,

[1] yes.

[2] Q: Okay. So, can you tell me why in your answer  
[3] you denied that?

[4] A: Because the idea was to re-publish the same  
[5] paper we're publishing right now if the students  
[6] needed it.

[7] Q: I understand that.

[8] A: It's not a new paper. This implies it is,  
[9] but it's not.

[10] Q: But the statement in 42 is true, is it not,  
[11] those words are true?

[12] A: "For the purpose of publication". Actually,  
[13] it would be more correct to say "of the continued  
[14] publication", would be more accurate.

[15] MR. GILL: Which paragraph, 42?

[16] MR. JANOSKI: 42 of Exhibit 7.

[17] A: It would be correct to say "continued",  
[18] although it's not included, but it was implied, it's  
[19] implied.

[20] Q: (By Mr. Janoski) But those are true  
[21] statements. Now, if you look at Paragraph 45.

[22] A: Okay.

[23] Q: That says "any publication by Defendant is  
[24] without the authorization of SLU", do you see that?

[25] A: Uh-huh.

[1] correct?

[2] A: By this time, yes, I would have.

[3] Q: And your counsel signed this document and you  
[4] would have consulted with them in the filing of this  
[5] document.

[6] A: I assume.

[7] Q: -- your Answer and Affirmative Defense?

[8] A: I assume.

[9] Q: Now, if you look at Paragraph 96, also, you  
[10] state on March 16th, 2007, "Defendant Meyer formed a  
[11] corporation, referred to as 'The University News, a  
[12] student voice serving St. Louis University since  
[13] 1921.'" That's true, correct?

[14] A: That's one of the documents we have, that's  
[15] true.

[16] Q: So, there was no reason to deny that in your  
[17] answer?

[18] A: No.

[19] Q: Now, I want to hand you what's been marked as  
[20] Plaintiff's Exhibit 9 and ask whether you have seen  
[21] this document before.

[22] A: I'm not sure about it. Do I have a copy of  
[23] this?

[24] Q: It was filed by your lawyers on February 1st,  
[25] 2008.

[1] Q: And that would be true, correct?

[2] A: It was never contemplated and never done.

[3] Q: I under -- well, no -- well --

[4] A: It was never contemplated and never done.

[5] Q: But any publication by you would be without  
[6] authorization of St. Louis University?

[7] A: "Would be" is correct, but it says "is".  
[8] "Would be" is correct, "would be without  
[9] authorization".

[10] Q: Okay, "would be without authorization", okay.  
[11] Now, if you'll look at Paragraph 86, which is on Page  
[12] 12 of Exhibit 7.

[13] A: Okay.

[14] Q: There is a statement in there that "Defendant  
[15] is not a licensee of the marks 'St. Louis University',  
[16] 'The University News', or the related caption, 'A  
[17] student voice serving St. Louis University since  
[18] 1921.'" That's true, is that not?

[19] A: You'll have to define "licensee of the  
[20] marks".

[21] Q: That is someone who has been authorized by  
[22] St. Louis University.

[23] A: No, that is a definition I wasn't authorized.

[24] Q: I assume that when you answered this  
[25] Complaint, you consulted with your counsel, is that

[1] A: I must have. I must have a copy of it  
[2] someplace.

[3] Q: Okay. In this document, which was filed by  
[4] your lawyers in this case, it says, and is entitled  
[5] "Defendants Initial Disclosures Under Rule 26 (a)(1)".

[6] A: Uh-huh.

[7] Q: It says, Paragraph A, "the following persons  
[8] likely to have discoverable information that Defendant  
[9] may use to support its claims or defenses, unless  
[10] solely for impeachment, include: And it says "name,  
[11] Diana Benanti"?

[12] A: Yes.

[13] Q: Do you see that?

[14] A: Yes.

[15] Q: What information is it that you intend to use  
[16] from her to support your claim or your defense?

[17] A: She knows that the reason I filed it was to  
[18] save the name for the next year's staff, because we  
[19] talked about this.

[20] Q: Is that the extent of the knowledge for which  
[21] you intend to use her?

[22] A: As far as I know, that would be all we talked  
[23] about. I told her I had registered the name and why,  
[24] and that maybe next year it would be important,  
[25] depending on what the students decided to do after we

[1] learned what they have actually done to the charter.  
 [2] Q: When did you -- do you recall when you talked  
 [3] to Ms. Benanti?

[4] A: After I registered it, but I don't know if it  
 [5] was the next day or the next week. Since it was  
 [6] spring break, it probably wouldn't have been right  
 [7] way.

[8] Q: And would that have been in the offices of  
 [9] the University News?

[10] A: We also had two classes that semester, so, it  
 [11] could have been anywhere, anytime.

[12] Q: Did you ever meet with Ms. Benanti at a class  
 [13] or away from the University News offices?

[14] A: When we were in the office on publication  
 [15] night, we talked then when it came up.

[16] Q: But could you have talked to her at some  
 [17] other time, also?

[18] A: Possibly, but she was going through a really  
 [19] rough time then, trying to get this straightened out,  
 [20] she had to take an extra job to make up for the lack  
 [21] of tuition remission that she had lost, and I didn't  
 [22] want to belabor it so, I probably just discussed this  
 [23] with her briefly in the office, I would guess. At the  
 [24] time it didn't seem crucial.

[25] Q: Are there any other discussions that you had

[1] Q: Right, I understand that. You have that  
 [2] information?

[3] A: I do, somewhere, somewhere.

[4] Q: But you didn't give it to us as required?

[5] A: I don't remember that you asked for that.

[6] Q: Well, I can read there under the name

[7] A: Does it say that?

[8] Q: -- it says "address and telephone number".

[9] A: When I filled this out, I really, really  
 [10] might not have known that. It's possible. Her  
 [11] address I really don't know, and the telephone number  
 [12] I might not have had handy. I don't know it. It's  
 [13] available, but I don't know it.

[14] Q: So, you understood, you took this to mean  
 [15] that you knew it by memory, not that you didn't have  
 [16] the information?

[17] A: Do you know where it is? When I filled it  
 [18] out, it might not have been available. I'm not sure  
 [19] where it is right now. She calls me more than I call  
 [20] her, more often than I call her.

[21] Q: Now, the subject here is the filing of the  
 [22] Articles of Incorporation dated March 16th, 2007. Do  
 [23] you see that?

[24] A: What are we reading from?

[25] Q: I'm reading from Exhibit 9, under Paragraph

[1] with Ms. Benanti with regard to the circumstances  
 [2] underlying this lawsuit?

[3] A: Not that I remember. It was just the basic  
 [4] conversation, "I registered the name and here is why.  
 [5] We'll see what they do with the charter".

[6] Q: Now, do you have an address or telephone  
 [7] number for Ms. Benanti?

[8] A: No, we talk occasionally on our cell phone,  
 [9] but she -- her father refused to pay SLU any more  
 [10] money, he's pretty upset about the way things  
 [11] happened. I hear this from her, not from him, I  
 [12] haven't talked to him. Diana insisted she finish her  
 [13] University education back in Illinois.

[14] Q: Do you have her cell phone number?

[15] A: Not with me.

[16] Q: Okay. But you have her cell phone number?

[17] A: I do. We talk now and then.

[18] Q: Do you have her address, do you write --

[19] A: I do not, no. We just talk on the phone.

[20] Q: Do you know why you didn't give her cell  
 [21] phone number here in response to this, where it says  
 [22] "address and telephone number"?

[23] A: I don't know the cell phone number, I don't  
 [24] know the cell phone number. I've got it written on a  
 [25] piece of paper in my office.

[1] A:

[2] A: Oh, filing the Articles of Incorporation,  
 [3] okay.

[4] Q: Under "subjects".

[5] A: Okay.

[6] Q: What information does she have with regard to  
 [7] that?

[8] A: I told her I had registered the name after I  
 [9] did it, but I don't remember how long. It had to have  
 [10] been a week, probably, because that was done during  
 [11] spring break and that's the information she would  
 [12] have.

[13] Q: Did you show her the documents?

[14] A: I don't think I would have had them on me. I  
 [15] mean, I just put them in a folder in my office. I  
 [16] don't think any of this, none of this seemed crucial  
 [17] at the time. Didn't seem like it was important at the  
 [18] time.

[19] Q: Would you have shown them to her at some  
 [20] point in time?

[21] A: It's possible, but I don't remember that. I  
 [22] just don't remember. None of this seemed crucial at  
 [23] the time because we decided, if the charter was  
 [24] acceptable, we'd give the name back. We were trying  
 [25] to save it for the students, I was trying to save it

[1] for the students.  
 [2] Q: Now, you -- do you e-mail with Ms. Benanti?  
 [3] A: No, I haven't, not for a long time.  
 [4] Q: When you say "a long time", what does that  
 [5] mean?  
 [6] A: It's been a year, at least, since she left.  
 [7] Q: And you haven't e-mailed her since she left?  
 [8] A: No.  
 [9] Q: The way you talk to her is by cell phone?  
 [10] A: Correct.  
 [11] Q: Do you recall how often you talked to her?  
 [12] A: I called her probably the middle of the first  
 [13] semester to see how she was doing, she was at the  
 [14] hospital with eye problems and we talked about that  
 [15] and how her new semester is going. And around  
 [16] Christmastime we spoke about her being in town maybe  
 [17] visiting other U. News kids, and I don't remember  
 [18] since then I've even spoke to her, in the last two or  
 [19] three or four months, because she's got an awful lot  
 [20] going on in her life right now.  
 [21] Q: You have had no conversations with her in the  
 [22] last two or three months?  
 [23] A: She might have called and left us a message  
 [24] at home, but that's been awhile.  
 [25] Q: Do you recall what the message was that was

[1] I got a letter from you, she decided that they were  
 [2] going to give us a try after all.  
 [3] Q: You don't recall that this was worked out  
 [4] sometime in the spring of 2007, do you?  
 [5] A: Not with me.  
 [6] Q: I understand not with you.  
 [7] A: If the kids did it, I don't really know about  
 [8] it.  
 [9] Q: Okay. They wouldn't have told you?  
 [10] A: They -- if it was spring and school is out,  
 [11] probably not. When school is in session, they might  
 [12] have.  
 [13] Q: Okay. And they would have told you that they  
 [14] had worked everything out and they were going to try  
 [15] it with the University?  
 [16] A: Well, that couldn't have happened until you  
 [17] get a new editor, and that doesn't usually happen  
 [18] until the spring semester is almost over, because it's  
 [19] the new editor's call, not the old editor's call.  
 [20] Q: So, when would the new editor have come on  
 [21] board?  
 [22] A: Customarily the new editor is elected about  
 [23] two to three weeks in advance of the end of the  
 [24] semester, because he or she does the last edition by  
 [25] him or herself.

[1] left?  
 [2] A: Give her a call.  
 [3] Q: Okay. Did you call her?  
 [4] A: I don't remember if I did or not.  
 [5] Q: Do you recall when it was decided that the  
 [6] charter was acceptable?  
 [7] MR. GILL: Objection. Acceptable by whom?  
 [8] MR. JANOSKI: Well, acceptable by the  
 [9] students.  
 [10] MR. GILL: The students.  
 [11] Q: (By Mr. Janoski) The students.  
 [12] A: It's really not me and the students. It's  
 [13] the students, acceptable to them.  
 [14] Q: Okay.  
 [15] A: The new editor, they did a summer issue, they  
 [16] planned to do a summer issue, and in fact called me  
 [17] when I was in England to talk about a problem they had  
 [18] run into with support from the University for the  
 [19] summer issue, and I won't go into that unless you want  
 [20] to hear about it, and she just said -- she said then,  
 [21] this would have been probably July, that they weren't  
 [22] sure if they were going to be able to accept this or  
 [23] not, but they wanted to talk about it when I got home.  
 [24] When I got home, it was early August, I guess, I don't  
 [25] remember the exact date, probably about the same time

[1] Q: That would have been in April of 2007?  
 [2] A: Late April.  
 [3] Q: Late April of 2007?  
 [4] A: But by that time the decision on the charter  
 [5] had not been made by the Board of Trustees, so, we  
 [6] didn't know what to do until they decided what they  
 [7] are going to do.  
 [8] Q: If Ms. Benanti had told you that they wanted  
 [9] to go off campus with this newspaper and had moved off  
 [10] campus, would you have given them the name of the  
 [11] corporation?  
 [12] A: That couldn't happen because Diana wouldn't  
 [13] be the editor the follow year.  
 [14] Q: No, I am asking you --  
 [15] A: No, it couldn't happen. That's what I'm  
 [16] saying, it couldn't happen.  
 [17] Q: If an editor had told you that they wanted to  
 [18] go off campus and wanted to use that name, would you  
 [19] have given them that name?  
 [20] MR. GILL: Objection, calls for facts not  
 [21] in evidence.  
 [22] Q: (By Mr. Janoski) I think that's what he's  
 [23] testified to. I just want to make sure.  
 [24] A: That was the original intent, that was the  
 [25] original intent, to save this for the students.

(1) Q: All right. So, tell me, why did you tell Ms.  
 (2) Benanti then, in March of 2007, about the  
 (3) registration, if there was going to be a new editor in  
 (4) place in April?  
 (5) A: I thought it would actually make her feel  
 (6) better. She was having a terrible semester. She not  
 (7) only lost -- she had quit her job going into the  
 (8) semester because she assumed she would be getting full  
 (9) tuition remission, as everybody had for three decades  
 (10) before her, and then the first week of school, or  
 (11) maybe the week before it began, she found out it was  
 (12) being cut almost in half, so, she not only had to do  
 (13) the paper, which was a 60-hour a week job, nominally,  
 (14) she had to get a part-time job at some restaurant,  
 (15) maybe Cracker Barrel, working on weekends, which she  
 (16) had not planned to do, and it was killing her.  
 (17) Q: And so, you were going to make her feel  
 (18) better because you had gone out and you had registered  
 (19) the name of the newspaper?  
 (20) A: That's not --  
 (21) Q: Is that right?  
 (22) A: That's not the actual reason. It was part --  
 (23) it was part of the legacy that she was leaving behind.  
 (24) Each of the editors feels like they are part of the  
 (25) University News legacy, she didn't want this to die on

(1) her watch, and she thought if the paper's charter was  
 (2) so severe that it would kill the paper, that the paper  
 (3) would die, and I thought it would make her feel good  
 (4) that at least I had tried to save the name.  
 (5) Q: Right. And that you had gone out and you had  
 (6) registered the name?  
 (7) A: Correct.  
 (8) Q: And that was to make her -- and you told her  
 (9) that to make her feel better?  
 (10) A: I hoped it would.  
 (11) Q: And you were going to make her feel better  
 (12) because you had stuck it to the University by going  
 (13) out and registering the name, correct?  
 (14) MR. GILL: Objection, mischaracterizes his  
 (15) testimony.  
 (16) A: Since it's a non-profit organization, it cost  
 (17) me \$25 and cost them nothing, I'm not sure "I stuck it  
 (18) to it" is accurate.  
 (19) Q: (By Mr. Janoski) But you went out, and  
 (20) unbeknownst to the University, you went and registered  
 (21) that name, that's correct, right?  
 (22) A: Correct, and it cost me \$25 and it cost them  
 (23) nothing.  
 (24) Q: Right. I want to hand you now what's been  
 (25) marked as Defendant's Exhibit -- or Plaintiff's

(1) Exhibit 10 and ask you if you had seen this document  
 (2) before.  
 (3) A: And the date is at the end, as usual.  
 (4) Q: The date is at the end, yes, sir, March 19th,  
 (5) 2008.  
 (6) A: It's March 14, correct.  
 (7) MR. GILL: It's -- he's referencing to the  
 (8) file, when it was filed -- or actually, I'm sorry, not  
 (9) filed, when it was provided to the other --  
 (10) A: March 14th is what I'm looking at.  
 (11) Q: (By Mr. Janoski) Right. And on the last  
 (12) page, Page 14, I was getting to go there, is that your  
 (13) signature above your name?  
 (14) A: It's on the last page?  
 (15) Q: The last page.  
 (16) A: It is.  
 (17) Q: Okay. That's your signature?  
 (18) A: It is.  
 (19) Q: And you signed this on --  
 (20) A: March 14th, it says.  
 (21) Q: -- March 14th, 2008, and you signed this  
 (22) under the penalty of perjury, is that right?  
 (23) A: That's what I understand.  
 (24) Q: Right. Now, if you'll look at Page 3, and  
 (25) these are the Defendant's Answers, this document is

(1) entitled "Defendant's Answers to Plaintiff's First Set  
 (2) of Interrogatories"; is that right? You'll see that  
 (3) on Page 1.  
 (4) A: Uh-huh.  
 (5) Q: You have to say "yes".  
 (6) A: Yes, I'm sorry.  
 (7) Q: Thanks. And if you look at Interrogatory  
 (8) Answer No. 2, and it's on Page 3, it says "identify  
 (9) all persons with knowledge of the nonprofit  
 (10) organization, including, but not limited, to those  
 (11) persons with knowledge of the nonprofit organization's  
 (12) formation", and it lists yourself and it lists Diana  
 (13) Benanti.  
 (14) A: Uh-huh.  
 (15) Q: Okay. Now, is her knowledge only that which  
 (16) you told her?  
 (17) A: I told her why I had registered it and when  
 (18) and what the purposes were. And she's the only one I  
 (19) talked to about this initially.  
 (20) Q: Okay. Have you talked to anybody about this  
 (21) since then?  
 (22) A: Since then?  
 (23) Q: Yes. Since --  
 (24) A: Not back then, not back then, I didn't.  
 (25) Q: Okay.



[1] A: We kept it just between the two of us.  
 [2] Q: And when did you then tell another person  
 [3] about this?  
 [4] A: That would be really hard to pinpoint.  
 [5] Q: Okay.  
 [6] MR. GILL: Objection, vague. Who are you  
 [7] talking about, when or  
 [8] MR. JANOSKI: Well, I'm trying to figure  
 [9] out who else he told.  
 [10] A: Well, since there is a lawsuit on line,  
 [11] anybody can find out about it. It wouldn't be tough  
 [12] to find out about it.  
 [13] Q: (By Mr. Janoski) Right. And all I'm asking  
 [14] is, to your understanding, as of March the 19th, when  
 [15] you signed it, so, March the 14th, 2008, who in  
 [16] addition to yourself and Ms. Benanti, to the extent  
 [17] that she has knowledge, has knowledge about the  
 [18] formation of the non-profit organization?  
 [19] A: Probably, no one else would know all four of  
 [20] these aspects, the formation, the incorporation, the  
 [21] existence and the dissolution, all of that, all of  
 [22] that stuff.  
 [23] Q: I understand that. But this is broken down  
 [24] into four parts, Interrogatory No. 2, and all I'm  
 [25] asking about is Part A, the formation.

[1] A: The formation of corporate existence, they  
 [2] are all sort of wrapped up together is, which is how I  
 [3] read this; all four of these things apply. She knew  
 [4] about all of them.  
 [5] Q: I understand that. Who else?  
 [6] A: Again, the same bunch, the staff knew about  
 [7] this as a group, and he has the names. (Indicating)  
 [8] Q: Okay. And anyone else that would have known  
 [9] about this?  
 [10] A: Not that comes to mind, no.  
 [11] Q: That you would have told?  
 [12] A: Not that comes to mind now.  
 [13] Q: That you would have shared with?  
 [14] A: No, it was strictly a U. News thing for a  
 [15] long time.  
 [16] Q: Okay. But, I guess what we're talking about  
 [17] is as of March 14th, 2008, who would have, who would  
 [18] you have shared that information with?  
 [19] MR. GILL: Objection, asked and answered.  
 [20] Q: (By Mr. Janoski) I just want to make sure  
 [21] that he understood the question, because he's  
 [22] obligated, which, he signed this under oath to give us  
 [23] full and complete answers, which he hasn't done, and I  
 [24] just want to now try to get, to the best that we can,  
 [25] full and complete answers.

[1] A: The staff probably knew about it by that  
 [2] time.  
 [3] Q: Okay. And so, you didn't list them?  
 [4] A: Well, I assumed that all four parts are in  
 [5] one big answer.  
 [6] Q: Well, I'll tell you, I'm sure that you  
 [7] consulted with your attorneys for that, and you were  
 [8] also a well-known, English Professor and I think you  
 [9] understand this better than you're leading on right  
 [10] now.  
 [11] A: You're welcome to your opinion.  
 [12] Q: Who else would have been --  
 [13] A: The staff would have known about this.  
 [14] Q: Okay. Anyone else besides the staff?  
 [15] A: But not to the degree that she did.  
 [16] Q: I understand that.  
 [17] A: Yes.  
 [18] Q: And everybody knows something to some degree.  
 [19] Who else besides the staff?  
 [20] A: Some of the names I have mentioned before for  
 [21] the people that were there last year, almost exactly  
 [22] the same names, which I think he has a record of.  
 [23] (Indicating)  
 [24] Q: Okay. What about the incorporation of the  
 [25] nonprofit organization?

[1] A: Diana Benanti and the staff knew about most  
 [2] of them. She knew about all of it.  
 [3] Q: Okay. Who else have you shared this type of  
 [4] information with that would have knowledge of these  
 [5] particular facts?  
 [6] MR. GILL: Again, objection, asked and  
 [7] answered. You asked "shared", you asked "knowledge".  
 [8] A: This is almost impossible to answer  
 [9] considering how long ago all this happened. It's hard  
 [10] to be accurate, and I'd rather be accurate.  
 [11] Q: (By Mr. Janoski) And that's why we give you  
 [12] 30 days to answer these things.  
 [13] A: I understand.  
 [14] Q: So that you can be accurate, which you  
 [15] haven't been.  
 [16] THE VIDEOGRAPHER: Excuse me, three  
 [17] minutes.  
 [18] MR. JANOSKI: Let's take a break.  
 [19] THE VIDEOGRAPHER: We're off the record  
 [20] with Tape 3 at 5:10.  
 [21] (Recess)  
 [22] (Plaintiff's Exhibits 11 - 15  
 [23] Marked for identification)  
 [24] THE VIDEOGRAPHER: We're on the record  
 [25] with Tape No. 4 at 5:33. Please continue.

[1] Q: (By Mr. Janoski) Dr. Meyer, we're back on  
 [2] the record. You're still under oath.  
 [3] A: I understand.  
 [4] Q: If you'll refer back to Exhibit 10.  
 [5] A: 10?  
 [6] Q: Yes, sir. With regard to Interrogatory No.  
 [7] 4, and it asks for "all persons with whom you have  
 [8] communicated regarding the Non-Profit Organization,  
 [9] including, but not limited to, those persons with whom  
 [10] you have communicated concerning the Non-Profit  
 [11] Organization's: A, formation, B, incorporation, C,  
 [12] existence, D, dissolution or termination". You  
 [13] answered, for all four of these, "Diana Benanti", but  
 [14] I take it that, based on your testimony here, that  
 [15] there were other people that would be, that your  
 [16] answer would be the same as it was for No. 2, is that  
 [17] correct?  
 [18] A: No. 2 says --  
 [19] Q: "With knowledge", and No. 4 says "who you  
 [20] have communicated with".  
 [21] A: She's the one who knew all about this up  
 [22] front.  
 [23] Q: Right.  
 [24] A: Yes.  
 [25] Q: But you said that there were other people

[1] that you have communicated with.  
 [2] A: I talked to staff about this later, much  
 [3] later. Who they talked to, I can't imagine.  
 [4] Q: And then would that be face-to-face  
 [5] conversations with the staff?  
 [6] A: I'm sure it was.  
 [7] Q: Okay. Any e-mail --  
 [8] A: I doubt it.  
 [9] Q: -- correspondence?  
 [10] A: I doubt it. It would have been -- on  
 [11] publication night, it probably came up, but this would  
 [12] be after spring break and much later in the semester,  
 [13] probably.  
 [14] Q: Okay.  
 [15] A: But again, I answered this because I see all  
 [16] four of these. This covers Diana Benanti only.  
 [17] Q: Right. And see, these are a little different  
 [18] because we're trying to get all information, and  
 [19] that's why we change sometimes the words.  
 [20] A: That would be the names of the staff, which I  
 [21] think the gentleman has. (Indicating)  
 [22] Q: Okay. And then anyone else that you would  
 [23] have talked about that you have testified here today,  
 [24] like Mr. Downey, also?  
 [25] A: Well, this was -- 3/14 did you say?

[1] Q: Yes, sir.  
 [2] A: Some of the names I mentioned were in my  
 [3] mind, but I haven't talked to them about it, but it's  
 [4] possible that they wrote me, I didn't initiate the  
 [5] conversation, but how much passed, I have no idea.  
 [6] They might have just said how the paper is doing, and  
 [7] I might have said "we're fighting the charter". It  
 [8] depends on the time, because until the charter was  
 [9] confirmed and the kids decided what to do about it,  
 [10] this was sort of held in abeyance, the name was held  
 [11] in abeyance.  
 [12] Q: Well, the name was incorporated with the  
 [13] Secretary of State.  
 [14] A: But it hadn't been used by anybody for any  
 [15] purpose for any reason.  
 [16] Q: Okay.  
 [17] A: And I saw it as registering a name, not  
 [18] registering a corporation. If I was wrong, I was  
 [19] wrong, but that's not how I saw it at all. I was just  
 [20] registering a name.  
 [21] Q: Now, in No. 7, Interrogatory No. 7 --  
 [22] A: This is Page 5?  
 [23] Q: Yes, it's on Page 5 of Exhibit 10. Could you  
 [24] please explain why it was registered as "the  
 [25] University News, a student voice serving St. Louis

[1] University since 1921"? There is a change there?  
 [2] A: There is. I could not remember exactly what  
 [3] the subhead said, so, I just took a guess, that's why.  
 [4] There is no ulterior motive. I had to memorize this.  
 [5] I didn't have a paper in hand, and it had never been  
 [6] registered before, so, I thought "is that what it  
 [7] says?" I wasn't sure what it said. I got pretty  
 [8] close. I just took a guess.  
 [9] Q: Okay. And you'd been with the paper since  
 [10] the mid-1970's?  
 [11] A: Correct.  
 [12] Q: Over 30 years, correct?  
 [13] A: And that one word got away from me.  
 [14] Q: And --  
 [15] A: If I had had the paper in my hand, I probably  
 [16] would have remembered.  
 [17] Q: And then in No. 9, it says "identity all  
 [18] facts concerning the dissolution or termination of the  
 [19] Non-Profit Organization on or about August 21st, 2007,  
 [20] including, but not limited to the reason the  
 [21] Non-Profit Organization was dissolved and/or  
 [22] terminated". Do you see that there?  
 [23] A: I do.  
 [24] Q: Okay. And you say, in addition to your  
 [25] attorney asserting some objections, "a decision was

[1] made that the non-profit was not necessary or would  
[2] not be utilized for any purpose". Do you see that?

[3] A: Yes.

[4] Q: Now, I thought that the reason was it was in  
[5] response to a letter that I had sent you in August.

[6] A: That arrived almost at the same time. That  
[7] was a coincidence, but it happened.

[8] Q: Okay.

[9] A: About the same time your letter came is about  
[10] the same time the staff got together for the new year.

[11] Q: Okay. And it seems that almost a day or two  
[12] after you received my letter, that you went and  
[13] dissolved the corporation?

[14] A: Yes.

[15] Q: Is that right?

[16] A: As you requested, yes.

[17] Q: Okay. Do you recall who you talked to with  
[18] regard to this decision that it was not necessary and  
[19] would not be utilized for any purpose?

[20] A: Probably Katie Lewis, the new editor then.

[21] Q: Okay.

[22] A: She's not the editor now. She would have  
[23] been then.

[24] Q: Right.

[25] A: It was her call, as it had been Diana's the

[1] fell, he's 83 and frail, and fractured his arm a week  
[2] before we were supposed to come back, which I think it  
[3] would have been about August 12, so, we had to pay a  
[4] penalty and get tickets to come home because we  
[5] weren't sure my brother would make it, but he did, my  
[6] father healed, so, it would have been 5, 6, 7 August,  
[7] something like that; and then when we got here, we  
[8] went straight to Cape Girardeau, to check them out.

[9] Q: Okay.

[10] A: About then, early August.

[11] Q: So, it would have been in early August. I'm  
[12] sorry to hear about your family.

[13] A: No, it's just -- it just happens. I want to  
[14] add that I was not ignoring your Petition, but this  
[15] sort of dominated my life when I got home for several  
[16] days, so, by the time I got to it, I responded.

[17] Q: Uh-huh. Now, you say in No. 10,  
[18] Interrogatory No. 10, that Harry Levins was also your  
[19] supervisor at the Post-Dispatch?

[20] A: He was one of them. There were several.

[21] Q: Okay.

[22] A: But he was -- most of the time, he was the  
[23] boss, most of the time. It varies.

[24] Q: Okay. Now, I take it, with regard to  
[25] Interrogatory No. 11, it asks for "all facts

[1] year before.

[2] Q: So, then you would have disclosed also to  
[3] Katie Lewis the fact that you had this understanding? --

[4] A: I was going to ask her what she was going to  
[5] do, without telling her what I was going to do,  
[6] necessarily, because, when she decides what she's  
[7] going to do, that determines what I'm going to do.

[8] Q: I'm reading this here, and I just want to  
[9] make sure it's clear, that addition was made that the  
[10] Non-Profit Organization was not necessary and would  
[11] not be utilized for any purpose?

[12] A: It seems accurate.

[13] Q: And I'm asking, was the decision between you  
[14] and Katie Lewis?

[15] A: It was my decision based on what Katie Lewis  
[16] said. If she decided that the students would go ahead  
[17] as a staff and try to work under the new rather strict  
[18] charter, then it was no reason for me to try to save  
[19] the name, which I had done, they didn't need it  
[20] anymore. And about the time I got your letter, that  
[21] worked out.

[22] Q: Okay. Do you remember when it was that you  
[23] got back from your trip to Europe?

[24] A: This is probably more than you need to know.  
[25] My younger brother had a heart attack and my father

[1] concerning any and all plans that you have, had had or  
[2] are aware of, to start or utilize an independent  
[3] newspaper to be distributed to St. Louis University  
[4] students, including, but not limited to, A", and you  
[5] said here, you contemplated starting a newspaper by  
[6] the name of The University News, student voice serving  
[7] St. Louis University since 1921. The types of stories  
[8] I assume, here it says "none", but if that newspaper  
[9] would have gone forward, they would have been the same  
[10] types of stories that it was presently printing, is  
[11] that right?

[12] A: Presumably, presumably. It was up to the  
[13] staff again, not up to me. It was up to the staff,  
[14] but none of that ever happened.

[15] Q: I understand. The names and addresses of any  
[16] employees who had worked for the independent  
[17] newspaper, I take it that that probably would have  
[18] been the same staff?

[19] A: This is the same people.

[20] Q: It would have been the same staff. The  
[21] geographic areas included in the circulation of the  
[22] independent newspaper --

[23] A: Would have all stayed the same.

[24] Q: -- would have stayed the same, and any and  
[25] all steps taken to initiate such an independent

(1) newspaper you had incorporated?

(2) A: None of that was ever taken, none of that was  
(3) ever taken. None of it ever happened and none of it  
(4) was planned. It was all vague.

(5) MR. GILL: I would object to the last line  
(6) of questioning, with respect to facts not in evidence,  
(7) but

(8) Q: (By Mr. Janoski) Okay. But you did  
(9) incorporate under that name, that newspaper name?

(10) A: I saw it as registering a name, but I guess I  
(11) incorporated. It's not how I saw it. That's how it  
(12) ended up.

(13) Q: Now, No. 12 says "identify all facts  
(14) concerning any interviews you granted or participated  
(15) in, including, but not limited to, any interview with  
(16) KWMU or St. Louis Magazine, during which the  
(17) Non-Profit Organization or St. Louis University's  
(18) campus newspaper, The University News, was discussed  
(19) or mentioned", and the answer here, quite remarkably  
(20) to me, is "none". Now, do you recall doing an  
(21) interview with KWMU?

(22) A: I do. I was one of four people on the air,  
(23) but one was me.

(24) Q: And do you recall discussing The University  
(25) News?

(1) that's pretty close.

(2) Q: "I registered it in order to save it as a  
(3) Non-Profit Organization".

(4) A: Okay.

(5) Q: Would that be right, would that be something  
(6) you would have said?

(7) A: Yes, I probably would have said that.

(8) Q: Okay.

(9) A: I registered it as a Non-Profit Organization  
(10) because that's the only way they told me over at the  
(11) office I could do it, Secretary of State.

(12) Q: So, we've got that. So, this answer is also  
(13) wrong?

(14) A: Which answer is that?

(15) Q: And this is the answer to No. 12, because you  
(16) did have an interview with KWMU where you did discuss  
(17) the Non-Profit Organization and you also discussed The  
(18) University News?

(19) A: I don't think mentioning is discussing, and  
(20) University News is completely separate from that. It  
(21) just came up. Talking about The University News and  
(22) talking about the name is almost the same thing,  
(23) because that's why the name was saved for the paper  
(24) and for the students. And it was never used in any  
(25) way.

(1) A: There were a couple of questions about it,  
(2) yes.

(3) Q: Okay.

(4) A: And about the degree to which I was now an  
(5) emeritus as opposed to regular advisor, something like  
(6) that.

(7) Q: Okay. And anything else that you remember  
(8) about that --

(9) A: I don't remember anything coming up about  
(10) this quasi-phantom organization that was supposed to  
(11) be putting the paper out, that you referred to.

(12) Q: Okay. Well, it says "either the Non-Profit  
(13) Organization or St. Louis University's campus  
(14) newspaper, The University News".

(15) A: But that's two different things.

(16) Q: Correct.

(17) A: Yes.

(18) Q: Do you remember telling -- do you remember  
(19) discussing about, during that interview, during a  
(20) portion of that interview, that you registered the  
(21) name of The University News way back in March of last  
(22) year, so that "the rumors were that they were going to  
(23) re-write our charter and take our name away"?

(24) A: I think probably said "could take our name  
(25) away", but if I said that, yes, that's pretty close,

(1) Q: Well, I understand that. And this isn't  
(2) asking whether it was used or not.

(3) A: There was never any intent to use it, but for  
(4) the name of the paper.

(5) Q: I understand that. But it asks for all facts  
(6) concerning any interviews that you granted or  
(7) participated in.

(8) A: It's hard to remember all those things  
(9) accurately in detail. There is an interesting  
(10) sentence in the middle of Page 2 of this No. 10, that  
(11) says that "my responses are based on good faith  
(12) interpretation and are subject to correction for  
(13) errors or omissions, if any".

(14) Q: Okay. Well, we were correcting, I guess, as  
(15) we go along.

(16) A: Okay.

(17) Q: We're correcting almost every one here.

(18) A: I wouldn't say "every" --

(19) MR. GILL: Yes, I object to the  
(20) characterization there with respect to that.

(21) Q: (By Mr. Janoski) With regard to the  
(22) selection of name, you said that when you went over to  
(23) the Secretary of State's office, that you had them do  
(24) a search, is that correct?

(25) A: They did. They did an archive search for the

[1] name "The University News".

[2] Q: And they didn't find anything?

[3] A: They didn't find anything.

[4] Q: Under their corporation records?

[5] A: Yes.

[6] Q: Did you have anyone else do a search, or did

[7] you do any search, yourself?

[8] A: No.

[9] Q: Okay.

[10] A: I figured if the Secretary of State is doing

[11] the registration, they ought to know.

[12] Q: Okay. And did you do any domain name search?

[13] A: No. Since they issued the registration of

[14] the name, I thought they would be the person to do the

[15] search.

[16] Q: Okay. I want to hand you what's been marked

[17] as Exhibit 11.

[18] A: Okay.

[19] Q: And I want to ask you to review that and let

[20] me know when you're finished.

[21] A: This looks familiar.

[22] Q: Have you seen this before?

[23] A: I think so, yes.

[24] Q: Okay. And you probably went over it with

[25] your attorney before he filed it, is that correct?

[1] that that would have been the Answer that we would

[2] have received to Interrogatory No. 8.

[3] A: Okay.

[4] Q: Now, this one has been marked as Plaintiff's

[5] Deposition Exhibit No. 12. And

[6] A: This includes several items from other

[7] depositions:

[8] Q: Oh, and on the last statement, that should

[9] have been Request for Admission No. 8, not

[10] Interrogatory No. 8, just to correct the record.

[11] Okay. And take your time in reviewing the document.

[12] A: This looks familiar as well.

[13] Q: Okay. And Plaintiff's Exhibit No. 12 is

[14] entitled "Defendant's Response to First Set of

[15] Requests for Production of Documents and Things". And

[16] can you tell me, after this was received, what you did

[17] in searching for documents requested?

[18] A: This would have been on 3/1, or something

[19] like that?

[20] Q: Well, I think the request probably would have

[21] been about a month before this, before 3/1, so,

[22] probably the request would have been February

[23] sometime, February or January, because we may have,

[24] Brian and I may have worked out an extension.

[25] A: And which number are you referring to here?

[1] A: Probably, yes.

[2] Q: And then if you look at Request No. 8, and

[3] it's on Page 5, and Exhibit No. 11 is Defendant's

[4] Response to Plaintiff's First Request for Admissions,

[5] which was filed on March the 19th, 2008. The request

[6] asks "you have never provided any assurances to SLU

[7] that you will not use the name 'The University News'

[8] related to any independent newspaper or other

[9] publication", the response is "denied. Meyer's answer

[10] to the Complaint denies the intent to publish any

[11] independent newspaper". Now, this is the only time, I

[12] believe, that it is referred to in any of these

[13] pleadings that you -- that you state that you will not

[14] use the name "The University News".

[15] A: I've said that almost since Day One.

[16] Q: To who?

[17] A: Staff knows it, I know it, Brian knows it.

[18] Q: Okay. Well, that's good, and I'm sure that's

[19] why he put it in here, put it in the Complaint Answer.

[20] A: Never any intent.

[21] Q: But this is the only time that we have had

[22] this.

[23] A: I thought I had sent it to you, as I said

[24] before.

[25] Q: Well, I'm sure if that, if we had something,

[1] Q: Well, I'm just asking generally. You

[2] received this document, you saw this document. What

[3] did you do in response to this document, how did you

[4] search for the documents?

[5] A: It would depend on what was requested.

[6] Q: Okay. But generally, generally, did you

[7] search through your files at the office.

[8] A: I don't remember. You'd have to give me

[9] specifics and I'll try to give you an answer

[10] specifically.

[11] Q: Okay. Well, I'm trying to be specific.

[12] A: Okay.

[13] Q: When you searched for documents, did you

[14] search through your office files?

[15] A: It's probable and possible, but I don't know

[16] unless you ask me specifically what I'm looking for,

[17] because it might have been at home, it might have been

[18] at school. It might not have been at either one.

[19] Q: So, did you search at home for any documents?

[20] A: It's possible.

[21] Q: It's possible. Did you search on your

[22] computer at home for documents that may be responsive

[23] to these requests?

[24] A: It's possible, but more than likely the

[25] students would write, the kids would write me at

[1] school, not at home, more than likely.

[2] Q: Well, I'm not worried about, and I'm just not  
[3] concerned about what correspondence you may have from  
[4] students. I'm talking with regard to a response for  
[5] documents. What process did you go through to search  
[6] for relevant documents?

[7] A: The only thing I can imagine is I have a  
[8] folder with most of this stuff in it that I carry  
[9] inside a knapsack, and that's everything about this  
[10] lawsuit so far, but most of it is from you and Brian,  
[11] and there is probably some e-mails left over, mainly  
[12] at school, and I might have gone through them, but  
[13] again, this has been a while ago.

[14] Q: Are you withholding any documents that you  
[15] think are not relevant?

[16] A: Can't imagine what they would be. If you  
[17] tell me what you need, I'll try to find them.

[18] MR. GILL: Did you say "not relevant" or  
[19] "relevant"?

[20] MR. JANOSKI: That he believes are not  
[21] relevant.

[22] A: I don't know what they'd be.

[23] MR. JANOSKI: I'm just trying to see if  
[24] he's withholding any documents.

[25] MR. GILL: Yes, I hear you, but I just

[1] Q: Okay. But the dissolution was a similar  
[2] amount and you used a credit card for that?

[3] A: They required it. Jefferson City required it  
[4] when I did it, that's what they required.

[5] Q: Okay. Request for Production No. 13 we  
[6] asked for "all documents and communications,  
[7] including, but not limited to, letters of invitation,  
[8] notes, transcripts concerning any interview you  
[9] participated in or granted for St. Louis on the air  
[10] from July 1, 2005, to the present". Do you see that?

[11] A: I do.

[12] Q: Did you search for any documents in that  
[13] regard?

[14] A: I would have had to have recorded that in  
[15] order to have it available, and I didn't do that.

[16] Q: Okay.

[17] A: So, I have no access to this.

[18] Q: But, did you receive an invitation to come on  
[19] the air?

[20] A: I got a call on the phone.

[21] Q: Okay. Was there any follow-up to that?

[22] A: No.

[23] Q: In the way of an e-mail?

[24] A: No. The focus was not, in fact, this lawsuit  
[25] at all.

[1] want to make sure.

[2] Q: (By Mr. Janoski) Well, I guess we're --  
[3] let's take, for instance, Request for Production No.  
[4] 10 on Page 6.

[5] A: Okay.

[6] Q: Now, it asks for "documents sufficient to  
[7] identify the source of funds of the Non-Profit  
[8] Organization, including, but not limited to, bank  
[9] statements, cancelled checks or credit card statements  
[10] listing any payment in connection with the Non-Profit  
[11] Organization, including, but not limited to the  
[12] Missouri Secretary of State concerning registration of  
[13] the Non-Profit Organization". Now, you've told me  
[14] that you paid in cash, and I can assure you that the  
[15] Secretary of State gave you a receipt for that.

[16] A: I said it's possible, yes, it's possible.

[17] Q: Now, did you search for that receipt?

[18] A: No. \$25, I probably wouldn't have kept it.  
[19] But since I don't have a documented credit card  
[20] charge, it's logical the only way I could have paid  
[21] for it would have been by cash.

[22] Q: And how do you know you don't have a  
[23] documented credit card charge?

[24] A: I don't know that, except usually if it's  
[25] \$25, I pay for it.

[1] Q: Okay.

[2] A: It came up in a phone call. The focus was  
[3] something else entirely.

[4] Q: Well, I understand that, but --

[5] A: I got a phone call, I got an invitation, I  
[6] went, and that was it.

[7] Q: Okay. There was no transcript --

[8] A: To my knowledge.

[9] Q: -- that you received?

[10] A: To my knowledge.

[11] Q: Okay. Did you ever, have you ever talked to  
[12] Tim Hogan about this lawsuit?

[13] A: Not for a long time, I mean, like months,  
[14] months, but I did mention his name early on. We  
[15] did -- I called him to get some advice, as I said,  
[16] because I know him well, he's like an old Pete  
[17] Salsich, Jr., and they both said the same thing, "go  
[18] on line and see who comes up", and that's what I did.

[19] Q: Go on line?

[20] A: Computer.

[21] Q: Okay.

[22] A: Google, go to Google.

[23] Q: And what did you Google?

[24] A: I don't remember. Just whatever. I kept  
[25] playing around with it until I found somebody.

[1] Q: Oh, you mean looking for a lawyer?

[2] A: Yes.

[3] Q: Okay.

[4] A: Yes.

[5] Q: All right. How long have you known Tim

[6] Hogan?

[7] A: He was a student of mine a long time ago, 20

[8] years or more, but since he's graduated, I think he

[9] went somewhere East and we see each other now and

[10] then, I mean, we're acquaintances and friends, but I

[11] don't see him very often.

[12] Q: Can you tell me why you weren't, you didn't

[13] engage either one of those two lawyers?

[14] A: They said they weren't trademark specialists,

[15] or they work for firms who are associated with St.

[16] Louis U., I think that was Pete's, yes, that was

[17] Pete's answer, and I think Tim's was he didn't do

[18] that, that's why, and since they both made the same

[19] suggestions. I respect their opinions, that's what I

[20] did.

[21] Q: Do you recall going to a meeting in the

[22] spring of 2007, with Tim Hogan?

[23] A: What kind of meeting?

[24] Q: A meeting in the spring of 2007, with regard

[25] to The University News.

[1] Q: This would have been April, I think, April,

[2] 2007.

[3] A: Okay.

[4] Q: Did he ever talk to you about her claim

[5] against St. Louis University?

[6] A: He did not. He said he thought it would be

[7] unprofessional. I said "fine". He brought it up

[8] Diana brought it up, actually.

[9] Q: Diana brought it up during that meeting?

[10] A: No, no, no. Later, earlier in the day, when

[11] we were getting ready to go over to the meeting, she

[12] said she asked her lawyer to come along, I told her

[13] Joe probably wouldn't like that, but that's her call,

[14] not my call.

[15] Q: Did she say why she wanted her lawyer there?

[16] A: She did not.

[17] Q: Did you talk to him at all about her claim

[18] against the university?

[19] A: No.

[20] MR. GILL: Objection, asked and answered.

[21] A: No, we didn't. He said it would be

[22] unprofessional.

[23] Q: (By Mr. Janoski) Okay. Are you aware of her

[24] claim against the University?

[25] A: Only because she mentioned it.

[1] A: Was it --

[2] MR. GILL: Objection, foundation.

[3] MR. JANOSKI: I'm just asking him if he

[4] recalls.

[5] A: What kind of meeting? I'm not sure --

[6] Q: (By Mr. Janoski) It was a meeting about The

[7] University News.

[8] A: He was there, he was, he was there.

[9] Q: He was there and you were there, correct?

[10] A: Yes.

[11] Q: Did you guys go there together?

[12] A: No.

[13] Q: No?

[14] A: I didn't know he was coming. I think he came

[15] because he was representing Diana Benanti at the time,

[16] which I didn't know until that moment, but I think

[17] that's what he was doing then.

[18] Q: All right.

[19] A: But we were there for two different reasons.

[20] Q: What reason was he there for?

[21] A: To represent her, I assume. I assume. I was

[22] there as the advisor. It was a meeting about the

[23] charter, that's what it was about.

[24] Q: Okay, all right.

[25] A: This would have been April?

[1] Q: Have you had any other conversations with her

[2] about her claim against the University?

[3] A: No.

[4] Q: And have you talked to her at all about this,

[5] about this lawsuit?

[6] A: No, I don't even know if it's settled or not.

[7] I have no idea what the status is.

[8] Q: I have now jumped on you. Have you talked to

[9] her at all about this particular lawsuit?

[10] A: Oh, you mean this one?

[11] Q: This one.

[12] A: Oh, this one, yes. I mean, I've told you

[13] this, I think. I thought you meant her lawsuit.

[14] Q: And you haven't talked to her in the last two

[15] months?

[16] A: I would guess, yes, I would guess it's been

[17] that long.

[18] Q: Okay.

[19] A: It's been awhile.

[20] Q: Have you talked to her attorney about this

[21] lawsuit?

[22] A: No, Tim and I haven't spoken in a long time.

[23] Q: Are you aware that her deposition is going to

[24] be taken next week --

[25] A: No, I didn't know that --

[1] Q: In this lawsuit?

[2] A: -- till now.

[3] Q: Okay. Let's go to the documents that you

[4] attached to this Response for Production of Documents.

[5] A: Okay. The same document?

[6] Q: Yes, this same document, Exhibit No. 12.

[7] A: This is number -- No. 12, correct.

[8] Q: Correct, this is one that at the end of No.

[9] 12.

[10] A: These documents have made their appearance

[11] before, I think.

[12] Q: Well, yes, sort of. Now, if you'll look at

[13] the first document, and there seems to be six pages

[14] attached to these Responses to Requests for

[15] Production.

[16] A: Uh-huh.

[17] Q: Okay. And the first one is the Articles of

[18] Termination of Non-Profit Organization.

[19] A: I see it.

[20] Q: Okay. And this one has, in the upper right

[21] hand corner, a filing date of August 23rd, 2007, do

[22] you see that?

[23] A: Yes, I do.

[24] Q: Okay. Can you tell me whose handwriting this

[25] is on this document?

[1] been deleted?

[2] A: Yes, it's hard to tell.

[3] Q: And then is that your signature at the bottom

[4] of the page of Exhibit 12?

[5] A: It is, it is, it is.

[6] Q: And the title there is "Secretary"?

[7] A: True.

[8] Q: Which is different than --

[9] A: "Organizing Agent".

[10] Q: -- "Organizing Agent". Can you tell me why

[11] we have two different documents?

[12] A: It is perfectly plausible that I called the

[13] Secretary of State's office in Jeff City and this is

[14] what they told me, as opposed to what the people told

[15] me when I did the office down here at the Old Post

[16] Office. Whatever they suggested, I just filed. It

[17] didn't seem like that big a crucial deal for a small

[18] Non-Profit Organization that barely existed, for the

[19] registration of a name, and it was over and done.

[20] Q: Okay. But I thought you told me that, with

[21] regard to the Articles of Termination, you didn't go

[22] down to the Secretary of State's office.

[23] A: I didn't remember doing this. I thought I

[24] did this out of mail by Jefferson City after I talked

[25] to them.

[1] A: It looks like mine.

[2] Q: Okay. And I want you to go to, and I think

[3] you have Exhibit 7, which is the Complaint?

[4] A: Okay.

[5] Q: Okay. And Exhibit 7, if you will go to the

[6] back there, the documents, and if you'll -- the

[7] exhibits, and if you'll go to Exhibit C, and the

[8] second page of that.

[9] A: Okay. This 60-A form.

[10] Q: It says -- that is entitled "Articles of

[11] Termination for Non-Profit Corporation", okay?

[12] A: Okay.

[13] Q: And this document here, which is attached to

[14] Exhibit 12 --

[15] A: Very similar.

[16] Q: -- is very similar, and -- but they are

[17] different.

[18] A: There is two differences that I see.

[19] Q: There is at least two differences. First of

[20] all, the one with Exhibit 12 in the upper right hand

[21] corner has a file number --

[22] A: Uh-huh.

[23] Q: -- with the Secretary of State. Also, the

[24] Line 2, where, whereas at Exhibit 7 it's filled out,

[25] in Exhibit 12 it's not, or it looks like it may have

[1] Q: Okay. So, which one was done when?

[2] A: The registration was done downtown, I'm

[3] certain. I'm not sure about this one.

[4] Q: I'm talking about the document which is

[5] attached to Exhibit 7, and the similar document

[6] entitled Articles of Termination for Non-Profit

[7] Corporation.

[8] A: No. 7 was done downtown.

[9] Q: That's the Articles of Termination?

[10] A: For Non-Profit -- no, I'm sorry.

[11] MR. GILL: Not "Termination".

[12] A: Not "Termination", not "Termination",

[13] "Registration".

[14] Q: (By Mr. Janoski) Okay. Well, I'm talking

[15] about the "termination" one.

[16] A: I had assumed that these would have been done

[17] by mail out of Jefferson City. I thought you were

[18] talking about registration. Registration was done

[19] downtown. I don't remember doing termination

[20] downtown. It seems like we did this by mail.

[21] Q: Okay. But we have two different sets of

[22] documents, isn't that right?

[23] A: It looks like, yes.

[24] Q: And you signed them both?

[25] A: They have the same date and they have the



[1] same title and the same signature. Perhaps they put  
[2] it, the file number on it in Jeff City when it got  
[3] there, I have no idea. Maybe that's when they got it,  
[4] and the "Secretary" and the "Organizing Agent", I  
[5] can't tell you why that is different, but it just is.  
[6] It didn't seem important.

[7] Q: Well, I can tell you that these have been  
[8] produced, both these sets have been produced to us  
[9] from your lawyers.

[10] A: Okay.

[11] Q: Okay. So, I'm just trying to figure out why  
[12] these were done in this way. Well --

[13] MR. GILL: I believe you got the letter,  
[14] the first --

[15] Q: (By Mr. Janoski) Yes, you're right. The one  
[16] that is attached to Exhibit 7 is the set of documents  
[17] that you mailed to me.

[18] A: Okay.

[19] Q: And then the one that is with regard to  
[20] Exhibit 12 are the ones that were produced from your  
[21] lawyers.

[22] A: Okay.

[23] Q: Now, but let's go two more pages.

[24] A: Okay.

[25] Q: Okay. And then we've got here "Articles of

[1] conversation. Who would, this long ago? But there is  
[2] no intention to mislead, no intention to do anything  
[3] wrong. I just wanted to get this thing terminated.

[4] Q: Well, is it possible that the second person  
[5] on this when you were filling this out was Diana  
[6] Benanti?

[7] A: It's possible.

[8] Q: "It's possible". It's probable, isn't it?

[9] A: I don't know if I'd want to get her involved  
[10] to that degree or not.

[11] Q: Well, I understand you don't want to get her  
[12] involved.

[13] A: No, at that point, I said I don't think I did  
[14] want to, past perfect.

[15] Q: Okay. So, is that why you sent me then a  
[16] document that wasn't filled out --

[17] A: Never any intention to mislead, never any  
[18] intention to mislead. It didn't seem that crucial.  
[19] It just seemed like a form I had to fill out and get  
[20] done and it get it over with, because we had done  
[21] nothing with the name, never intended to.

[22] Q: I understand that, I understand that's your  
[23] testimony.

[24] A: It's not only testimony, it's the truth,  
[25] Frank.

[1] Dissolution by Voluntary Action of a Non-Profit  
[2] Corporation", and now, with regard to Exhibit 12, it  
[3] is filled out similarly to the one that you sent to  
[4] me, that's attached to Exhibit 7, except that in  
[5] Paragraph 4, Line 4, we now have it filled out that  
[6] says "the number of memberships outstanding, two", and  
[7] it says below that, "number entitled to vote, two,  
[8] number voting, two, number voting against, zero".  
[9] Now, is that your handwriting?

[10] A: It is.

[11] Q: And so, who's the second person, Diana  
[12] Benanti?

[13] A: I'm thinking of myself as Organizing Agent  
[14] and Secretary, both.

[15] Q: You counted yourself twice?

[16] A: That's what they said I could do when I  
[17] talked to them. I'm Secretary, I'm also Organizing  
[18] Agent, or Organization Agent, I guess it is.

[19] Q: So, you're telling me that the Secretary of  
[20] State told you to do that?

[21] A: I think that's what is in my mind then, just  
[22] get it done.

[23] Q: But are you telling me that the Secretary of  
[24] State told you to count yourself twice?

[25] A: No, she said -- I don't remember this

[1] Q: I'm trying to figure out who all was  
[2] involved, who all I can get facts from and what  
[3] exactly the facts are, because I've got a set of  
[4] documents that you sent me in August of 2007, that is  
[5] filled out one way, and now I've got a set of  
[6] documents that are filled out and now filed with the  
[7] Secretary of State that are filled out another way.

[8] A: Slight differences.

[9] Q: Correct. But it says that there are two  
[10] memberships?

[11] A: And I might have been thinking about Diana,  
[12] and I might have been thinking about myself as  
[13] Secretary and Organizing Agent. It was done quickly,  
[14] as you can see from the scribble, just to get it done.  
[15] Never any intention to mislead.

[16] Q: And then you signed it, on the back page of  
[17] this particular document, "Articles of Dissolution by  
[18] Voluntary Action of Non-Profit Corporation", that's  
[19] your signature, correct?

[20] A: This is on Document No. 12?

[21] Q: This is on Document No. 12, yes, sir.

[22] A: Form 45, because there are two different  
[23] forms, Form 60 and Form 45.

[24] Q: I'm talking about Form 45. I believe the  
[25] first page of Form 45 is covered by this bar code from

[1] the State of Missouri.

[2] A: The Form 60 is not.

[3] Q: Form 60 is not. But I'm talking about the  
[4] second page of Form 45.

[5] A: Two forms are not filled out precisely the  
[6] same, and I probably did it. I had to have done it,  
[7] but they seemed like minor differences.

[8] Q: But what I want to make sure is, on Exhibit  
[9] 12 --

[10] A: Okay.

[11] Q: Just so the record is clear.

[12] A: Form 60.

[13] Q: With regard to articles, the document is a  
[14] two-page document entitled "Articles of Dissolution by  
[15] Voluntary Action of Non-Profit Corporation", okay?

[16] A: Uh-huh.

[17] Q: And the second page, there is a signature,  
[18] and then the printed name is "Avis Meyer", the title  
[19] is "Secretary", and it has a date of August --

[20] A: 21, it looks like.

[21] Q: -- 20-something, '07". And is that your  
[22] signature?

[23] A: It is.

[24] Q: Okay. That was your signature. Now, can you  
[25] tell me why you filled it out twice, if you mailed --

[1] two-page documents.

[2] A: Okay. They are different layouts, correct?

[3] Q: No, they are the same layouts.

[4] A: Then I don't have the correct two I'm looking  
[5] at.

[6] Q: They are the same documents. One was  
[7] produced to me by you in Exhibit 7 and the second one  
[8] was produced by your counsel in response to the  
[9] document production.

[10] A: Okay.

[11] Q: Okay, do you see them?

[12] A: I do see them now.

[13] Q: All right. Now, can you tell me why you  
[14] filled these documents out twice?

[15] A: I have no idea. I have no answer for that.  
[16] It seems odd. It doesn't seem like a major concern,  
[17] but it seems odd. It's possible that someone in  
[18] Jefferson City suggested it. I have no idea. It's  
[19] been so long ago. It doesn't seem crucial, but it  
[20] seems odd.

[21] Q: I'll tell you that sometimes facts like these  
[22] are important.

[23] A: Okay.

[24] Q: They are important.

[25] A: It didn't seem crucial then.

[1] A: There is two forms, 60-A and 45-A are two  
[2] different forms.

[3] Q: No, just so we're talking the same  
[4] language --

[5] A: Okay.

[6] Q: -- if you go to Exhibit 7.

[7] A: Okay.

[8] Q: Okay. And you go back one, two, three, four,  
[9] five, six pages.

[10] A: Okay.

[11] Q: There will be a document that is entitled  
[12] "Articles of Dissolution by Voluntary Action of a  
[13] Non-Profit Corporation". Keep going back. Go back  
[14] six or seven pages. That's Page 1.

[15] A: Okay.

[16] Q: Okay, all right. We have that document.  
[17] Now, you go to Exhibit 12.

[18] A: Okay.

[19] Q: And you go to -- you go back one, two, three  
[20] pages, there is another document that is entitled  
[21] exactly the same.

[22] A: Okay.

[23] Q: "Articles of Dissolution by Voluntary Action  
[24] for Non-Profit Corporation". Those are the two  
[25] documents I've been talking about. They are both

[1] Q: I'm going to hand you what's been marked as  
[2] Plaintiff's Deposition Exhibit 13 and ask you whether  
[3] you recognize the article that is in the middle of the  
[4] page there.

[5] A: This is 6 -- I don't -- it looks familiar. I  
[6] don't remember the dates.

[7] Q: Yes. This is -- this is a University News  
[8] publication in November of 2007. We don't have a date  
[9] on it, but I will represent that to you.

[10] MR. GILL: Let the -- yes, let the record  
[11] reflect that that is your representation.

[12] Q: (By Mr. Janoski) Yes, exactly. We can  
[13] provide the full document if we need to. Have you  
[14] seen this article before?

[15] A: Yes. I had very little to do with it because  
[16] it would have been unprofessional to edit it or do the  
[17] headline or anything else. I just was interviewed by  
[18] a student who didn't know me, intentionally, it's what  
[19] the editor decided to do.

[20] Q: Okay. So, you had no prior contact with  
[21] Stephanie Sidak?

[22] A: She's a new student, she transferred in from  
[23] some other University. I didn't know her, she didn't  
[24] know me. We never had class together, I had nothing  
[25] to do with the editing the story, I never read it

[1] until it was printed.  
 [2] Q: But you have read it?  
 [3] A: Now.  
 [4] Q: And she interviewed you for it, right?  
 [5] A: Yes.  
 [6] Q: All right. So, now, let's go to, let's go to  
 [7] the second page of this document, the middle column on  
 [8] that page.  
 [9] A: Okay.  
 [10] Q: One, two, three, four, five, sixth line down.  
 [11] A: Six lines down.  
 [12] Q: I mean sixth paragraph down, I'm sorry.  
 [13] A: Okay.  
 [14] Q: And in there she reports that "Meyer said  
 [15] that his attorney thinks the fact that he is a tenured  
 [16] Professor may have played a part in this lawsuit".  
 [17] No. 1, what else did you tell her about that?  
 [18] A: Whatever she asked. I tried to answer her  
 [19] questions.  
 [20] Q: Okay.  
 [21] A: She asked me. I didn't tell her anything she  
 [22] didn't ask.  
 [23] Q: Now, can you tell me what else your attorney  
 [24] thought about with regard to this lawsuit?  
 [25] MR. GILL: Objection, Attorney-Client

[1] be using the lawsuit as a way to revoke Meyer's  
 [2] tenure", do you see that?  
 [3] A: Yes.  
 [4] Q: Now, can you tell me what other  
 [5] conversations, what else during that conversation you  
 [6] and your lawyer discussed?  
 [7] MR. GILL: Again, object on  
 [8] Attorney-Client Privilege, instruct the witness not to  
 [9] answer.  
 [10] Q: (By Mr. Janoski) And are you going to follow  
 [11] that instruction?  
 [12] A: I believe I will.  
 [13] Q: And you're not going to answer that question?  
 [14] A: I believe that's right.  
 [15] Q: Okay. Now, there is also, if you will look  
 [16] at the next column, near the top, it says "upon  
 [17] relinquishing the name on August 21, Meyer submitted a  
 [18] statement to the lawyer representing the University,  
 [19] which said that he had never used the name for  
 [20] personal reasons during the time it was registered  
 [21] under his name". Do you see that?  
 [22] A: Yes.  
 [23] Q: Now, that's not true, is it?  
 [24] A: That's the letter I thought I had sent, and  
 [25] it's exactly what I'm referring to.

[1] Privilege. I instruct you not to answer, the witness  
 [2] not to answer.  
 [3] MR. JANOSKI: Well, I would say, and we  
 [4] can go through this, and I think that there is three  
 [5] or four instances here in this article alone, where I  
 [6] believe that your client has waived the  
 [7] Attorney-Client Privilege with regard to certain  
 [8] communications. He apparently disclosed  
 [9] communications between the two of you to a news  
 [10] reporter who then reported it in this.  
 [11] MR. GILL: Now, again, I'll object and  
 [12] instruct him not to answer.  
 [13] MR. JANOSKI: Okay.  
 [14] MR. GILL: If you want to motion it up,  
 [15] that's --  
 [16] Q: (By Mr. Janoski) Okay. Now, I have to ask  
 [17] you now, Dr. Meyer, are you going to follow the  
 [18] direction of your attorney?  
 [19] A: I believe so.  
 [20] Q: Okay. And you're not going to answer the  
 [21] question?  
 [22] A: I believe so.  
 [23] Q: Okay. I'm going to ask you to go down two  
 [24] more paragraphs, and it says "Meyer said that his  
 [25] lawyer, Brian Gill, speculated that the University may

[1] Q: Okay.  
 [2] A: Obviously, I thought I had sent it or I  
 [3] wouldn't have said so.  
 [4] Q: But that letter was never sent?  
 [5] A: Apparently, you never got it.  
 [6] Q: I received the packet.  
 [7] A: I understand.  
 [8] Q: I never received that letter.  
 [9] A: I thought I had sent it, I said so.  
 [10] Q: Okay. And then if you had composed it, it  
 [11] would be on your computer, is that right?  
 [12] A: Likely.  
 [13] Q: Okay.  
 [14] A: I do own an IBM.  
 [15] Q: And then the paragraph underneath that says  
 [16] "Meyer said that Gill, who did not return the repeated  
 [17] calls from The University News, told Meyer that he  
 [18] believed the lawsuit appeared to be a personal  
 [19] vendetta against Meyer by University President  
 [20] Lawrence Biondi, SJ", do you see that?  
 [21] A: Yes.  
 [22] Q: Can you tell me what other, what other issues  
 [23] were discussed between you and Mr. Gill during that  
 [24] conversation that you all had?  
 [25] MR. GILL: Again, object on

[1] Attorney-Client Privilege, instruct the witness not to  
[2] answer.

[3] Q: (By Mr. Janoski) Are you going to follow  
[4] that objection?

[5] A: I believe I will.

[6] Q: That instruction -- rather, I'm sorry, and  
[7] you're not going to answer the question, and you're  
[8] not going to answer the question?

[9] A: Correct.

[10] Q: Now, let me just make sure, a copy of the  
[11] letter that you would have drafted, that you thought  
[12] that you sent to me --

[13] A: That I thought I sent.

[14] Q: -- would still be on your computer, or has it  
[15] been deleted?

[16] A: After three months, it would have been  
[17] deleted.

[18] Q: Okay. Now, in the last paragraph you state,  
[19] and it's a quote that she has here, "I think they  
[20] should be ashamed of themselves for allowing this.  
[21] These students' lives have been burdened, the paper  
[22] has been threatened, the University's reputation has  
[23] been tarnished because one guy doesn't like me", he  
[24] says. Are you referring to Father Biondi?

[25] A: I'm referring to administration, that's why

[1] Q: Let me ask a question. Are you familiar with  
[2] Diana Benanti's blog site?

[3] A: No.

[4] Q: You have not been to it?

[5] A: I don't do blogs. I don't know how to get on  
[6] to them. I do e-mail on my own, and they lose me with  
[7] blogs and -- what is it called? U-Tube and that  
[8] stuff. I just don't do that stuff.

[9] Q: Do you remember talking to Maggie Crane about  
[10] this, about this lawsuit?

[11] A: I don't know if she called or if she wrote,  
[12] but she did when she found out about it.

[13] Q: Okay. And do you remember corresponding with  
[14] her about this lawsuit?

[15] A: We talked on the phone, or else we wrote an  
[16] e-mail, one or the other.

[17] Q: Okay. And would you have a copy of that  
[18] e-mail?

[19] A: If it was an e-mail, I might, but if it's  
[20] three months old, I might not.

[21] Q: Okay. It probably corresponded with her back  
[22] in November of 2007.

[23] A: Then it would be gone then.

[24] Q: Okay. You would have deleted it, correct?

[25] A: Yes.

[1] "they", the administrators, generally.

[2] Q: But it says here "one guy doesn't like me"?

[3] A: Yes. That means Biondi, but he's only part  
[4] of the administration. He's not the administration.  
[5] It's a "they", it's not one person.

[6] Q: I understand that, but in this quote that she  
[7] has here, it says "one guy doesn't like me" and you  
[8] attribute all these things to Father Biondi, is that  
[9] right?

[10] A: No, I attribute it to "they", the subject,  
[11] "they should be ashamed of themselves".

[12] Q: Okay.

[13] A: The reason is Biondi, but he's not -- he's  
[14] not the "they".

[15] Q: Are you familiar with an individual by the  
[16] name of Maggie Crane?

[17] A: I am.

[18] Q: And can you tell me who Maggie Crane is? And  
[19] that's C-R-A-N-E.

[20] A: She's a former student that had a few classes  
[21] with me. She never worked on the school paper and the  
[22] last I heard from her, and it's been awhile, she's an  
[23] anchor on some network TV news show, I think in  
[24] Florida, but I'm not sure. It's been a while since  
[25] I've heard from her.

[1] Q: Do you remember having a conversation or  
[2] correspondence with Lisa Watson?

[3] A: She's a former student who is in Northwestern  
[4] in Chicago, outside of Evanston, yes, and again, that  
[5] might be e-mail, but, no, it might be a phone call as  
[6] well. She's also a former student.

[7] Q: Okay. And do you remember talking to her  
[8] about --

[9] A: I do.

[10] Q: -- or corresponding with her?

[11] A: We corresponded.

[12] Q: About this lawsuit?

[13] A: It was not about the lawsuit, per se. The  
[14] conversation was about a problem at their Journalism  
[15] Graduate School at Northwestern, but it bled over into  
[16] this lawsuit.

[17] Q: And so, then you talked to her about the  
[18] lawsuit?

[19] A: Either on e-mail or phone, one way or the  
[20] other.

[21] Q: So, you did have a conversation with her  
[22] about the lawsuit?

[23] A: We did communicate.

[24] Q: We can't talk over each other. I want to  
[25] hand you what's been marked as Plaintiff's Deposition

[1] Exhibit No. 14 and ask you to please review that.  
 [2] THE VIDEOGRAPHER: Counsel, you have about  
 [3] nine minutes.  
 [4] A: I don't know who Chris Pingel is, to whom  
 [5] this is sent.  
 [6] Q: (By Mr. Janoski) I understand.  
 [7] A: In response to Chris Pingel -- she's writing  
 [8] to him, correct?  
 [9] Q: She's writing to him on a web site, that's  
 [10] correct.  
 [11] A: Okay. I don't know who he is, for what it's  
 [12] worth, I don't know who Chris Pingel is.  
 [13] Q: Okay.  
 [14] A: I haven't read this before. Good grief, two  
 [15] pages. I'm scanning this, but I get the idea.  
 [16] Q: Okay. Let me just point out a couple of  
 [17] things on this, we'll try to move this along.  
 [18] A: Okay.  
 [19] Q: On the first page in Exhibit 14 is a two-page  
 [20] document. She says in here that, and I think it's the  
 [21] beginning of the third paragraph, "Dr. Meyer went to  
 [22] the courthouse to see if the name had ever been  
 [23] publically claimed".  
 [24] A: Uh-huh.  
 [25] Q: You didn't go to any courthouse, did you?

[1] if you can hold a name legally. I was just holding it  
 [2] for the students in case.  
 [3] Q: (By Mr. Janoski) No, I think that St. Louis  
 [4] University probably owns the name "SLU", would you  
 [5] agree with that?  
 [6] A: But not The University News, which is what I  
 [7] was concerned about. SLU was an afterthought in  
 [8] apposition, afterthought in apposition.  
 [9] Q: But would you agree that St. Louis  
 [10] University owns the acronym "SLU"?  
 [11] A: Yes.  
 [12] Q: If you will look at the second page.  
 [13] A: Okay.  
 [14] Q: Now, this was a posting by Lisa Watson in  
 [15] reply to Maggie's post.  
 [16] A: Okay.  
 [17] Q: And it says, in the first paragraph, "this  
 [18] may, might be of some additional help. Here is a  
 [19] chronology of the past year's situation that I  
 [20] recently asked Dr. Meyer to send me", okay? And if  
 [21] you look, and it seems to be a recounting chronology  
 [22] of events, and if you'll look on the one for March,  
 [23] 2007.  
 [24] A: Okay.  
 [25] Q: Four paragraphs down, it says "I registered

[1] A: No.  
 [2] Q: All right.  
 [3] A: I mean, you're asking me if I'm responsible  
 [4] for what she says.  
 [5] Q: No, I'm not. I'm just asking you to make  
 [6] sure that I have the facts right.  
 [7] A: No, she's thinking the courthouse, she means  
 [8] the Old Post Office. She could have read that  
 [9] somewhere. She could have heard it from another  
 [10] student, she could have read it in the U. News  
 [11] article.  
 [12] Q: All I'm trying to do is make sure I have as  
 [13] many facts as I can get.  
 [14] A: Okay. Didn't go to the courthouse, any  
 [15] courthouse.  
 [16] Q: Okay. And it says there "in order to protect  
 [17] the students' rights, Dr. Meyer filed the same as a  
 [18] Non-Profit thus quote 'owning' the name". Did you  
 [19] believe that you had owned the name at that time that  
 [20] you had filed that?  
 [21] A: No, I believe that I was holding it in  
 [22] abeyance.  
 [23] MR. GILL: Objection, calls for a legal  
 [24] conclusion.  
 [25] A: I don't know if you can hold -- I don't know

[1] the name of The University News as a Non-Profit  
 [2] Organization in the event that we got kicked off  
 [3] campus, at least we would have our name", that is in  
 [4] quotes. So, let me ask this; looking at this  
 [5] chronology from March, 2006 --  
 [6] A: 2007?  
 [7] Q: Starting with 2007, at the top, through  
 [8] there, does that look familiar to you?  
 [9] A: I sent her something like this, but this has  
 [10] been considerably fleshed out. I mean, she's a  
 [11] graduate Journalism student, but I sent her something,  
 [12] but I don't know, it wasn't nearly this detailed and  
 [13] it wasn't in paragraph form. She's done it.  
 [14] Q: Okay. But you sent her something like this?  
 [15] A: I did send her something like that.  
 [16] Q: And you would have sent it to her by e-mail?  
 [17] A: Yes.  
 [18] Q: Okay. And I take it that now that we're  
 [19] talking November, that this was probably sometime in  
 [20] November of 2007, that this probably has been deleted  
 [21] from your computer, is that right?  
 [22] A: If it's three months old, it's gone. And  
 [23] again, I'm not sure I should be responsible for what  
 [24] my students say about me.  
 [25] Q: I understand.

[1] A: But, this -- there is a germ here that I sent  
[2] her.

[3] Q: I understand. But the communication that you  
[4] sent her has been --

[5] A: It's 90 days old, it's probably gone,  
[6] probably.

[7] THE VIDEOGRAPHER: Excuse me, five  
[8] minutes.

[9] MR. JANOSKI: All right. Let's take a  
[10] short break.

[11] THE VIDEOGRAPHER: This is the end of Tape  
[12] 4, we're off the record at 6:29.

[13] (Recess)

[14] THE VIDEOGRAPHER: On the record with Tape  
[15] 5 at 6:41. Please continue.

[16] Q: (By Mr. Janoski) Dr. Meyer, I just have a  
[17] couple more questions.

[18] A: All right.

[19] Q: And we'll be able to wrap this up. With  
[20] regard to this lawsuit, have you talked with anyone at  
[21] the Post-Dispatch about this?

[22] A: Yes.

[23] Q: And who have you spoken with?

[24] A: Kavita Kumar and I talked about a week ago  
[25] about this, I don't know what they are going to do,

[1] the decision, switched from one Judge to another. I  
[2] didn't have the names, and that there had been some  
[3] talk recently about going to a Jury trial.

[4] Q: Okay. Anything else?

[5] A: She asked about students' response and I told  
[6] her they had been strong, they had been overwhelming,  
[7] there's been -- she asked about the Petition; I told  
[8] her the Petition, she said she hadn't read it, if I  
[9] knew it, I told her I didn't know what the Petition  
[10] was, but I knew there was one out there, asked me  
[11] about how many kids are on it, I told her a couple of  
[12] hundred, asked about the faculty and staff, and I said  
[13] they have all been supportive, but everybody is  
[14] keeping a fairly low profile. It lasted about 30 or  
[15] 45 minutes, and I don't remember anything of substance  
[16] other than that. We also talked about the Post and  
[17] how things are changed, but it had nothing to do with  
[18] this.

[19] Q: Did you give her any quotes from your  
[20] attorney?

[21] A: Not that I remember.

[22] Q: Did you talk at all about -- did you talk at  
[23] all about possible mediation?

[24] A: That word didn't come up.

[25] Q: Did you talk about settlement at all?

[1] but she talked to me about it.

[2] Q: And what was the substance of the  
[3] conversation?

[4] A: She wanted to know the status of the lawsuit  
[5] and how things were going. It was a follow-up. They  
[6] did an article several months ago, I don't remember  
[7] how long ago, and Bill wrote an article about it.

[8] Q: Bill McClellan?

[9] A: Yes, several months ago, and because I was  
[10] there for a long time, because I know a lot of people  
[11] down there, they just followed up, and I don't know  
[12] what they are going to do with it. But I talked to  
[13] them.

[14] Q: Did they contact you?

[15] A: They did.

[16] Q: Or did you contact them?

[17] A: They did, they called me, Matt Franck called  
[18] me.

[19] Q: And can you tell me what you said about the  
[20] lawsuit?

[21] A: She asked about the status and I told her  
[22] that it had gotten fairly complicated, that we had  
[23] switched from, I don't remember specifics that I even  
[24] said, because we were outside at Dressel's and it was  
[25] loud. But we switched from one -- you folks had made

[1] A: I told her that we had made -- I didn't give  
[2] her specifics, I said we had made an offer way back  
[3] sometime when, but since then we hadn't gotten  
[4] anything specific from either side, but I didn't give  
[5] her specifics intentionally.

[6] Q: Have you talked to Harry Levins about this?

[7] A: No, he was the guest speaker in my class, but  
[8] it didn't come up. We just talked about the newspaper  
[9] and Journalism.

[10] Q: Did you talk at all about your defenses to  
[11] this litigation?

[12] A: No, she never asked and I don't think I would  
[13] have, anyway. She just wanted an update on the suit.

[14] Q: Did any of your lawyers talk to you about  
[15] contacting the media?

[16] A: Yes.

[17] Q: And what did they say?

[18] A: They discouraged it.

[19] MR. GILL: Objection --

[20] A: Sorry.

[21] Q: (By Mr. Janoski) You talked about -- we  
[22] talked about this meeting in April of 2007, when there  
[23] was a meeting between some of the SLU administration  
[24] and the University News staff with regard to the  
[25] charter.

[1] A: Yes.

[2] Q: Did Mr. Hogan know about the filing of the --

[3] or incorporating of the Not-For-Profit Corporation

[4] before that meeting?

[5] MR. GILL: Objection, calls for hearsay,

[6] conjecture from Mr. Hogan's point.

[7] A: I don't know what he knew.

[8] Q: (By Mr. Janoski) Okay. Did you tell him

[9] about it?

[10] A: No.

[11] Q: Did he talk to you about it?

[12] A: No. He was there for Diana.

[13] Q: Do you know whether she told him about it?

[14] A: I do not know.

[15] MR. GILL: Again, objection --

[16] A: I don't know.

[17] Q: (By Mr. Janoski) I want to hand you what's

[18] been marked as Plaintiff's Exhibit 15 and ask you to

[19] take a look at this.

[20] A: Okay.

[21] Q: It's a two-page document. The first page is

[22] a cover of a magazine.

[23] A: Uh-huh.

[24] Q: Are you familiar with this?

[25] A: I am.

[1] A: Yes.

[2] Q: Do you think that saying things like an

[3] individual is a weasel or does terrible things to

[4] people has an impact on that individual's reputation?

[5] A: Well, I didn't make the decision to put that

[6] in the paper. Roy did.

[7] Q: I understand that. But you made the

[8] statement, right?

[9] A: I made it once. He reprinted it, yes.

[10] Q: Okay. But don't you think it has an impact

[11] on someone's reputation?

[12] A: It might.

[13] Q: It might?

[14] A: It depends on who the person is and how

[15] seriously they take it.

[16] Q: Well, I guess it also depends on what is said

[17] and how the public takes it, right?

[18] A: I guess, I guess.

[19] MR. JANOSKI: That's all I have.

[20] MR. GILL: Take a few minutes and then --

[21] THE VIDEOGRAPHER: Off the record at 6:48.

[22] (Recess)

[23] THE VIDEOGRAPHER: On the record at 6:52.

[24] Please continue.

[25] EXAMINATION

[1] Q: Okay.

[2] A: I'm their Copy Editor.

[3] Q: Okay. And this is from the St. Louis

[4] Journal, Journalist Review.

[5] A: Journalism Review.

[6] Q: Journalism Review. And are you familiar with

[7] this article?

[8] A: I am, although I didn't work on it, I didn't

[9] edit it, I didn't do anything with it, because he

[10] interviewed me.

[11] Q: Okay. But this is an interview that you

[12] gave, correct?

[13] A: Roy and I talked, yes, on the phone.

[14] Q: And if you look at the middle column and if

[15] you look at the bottom of the middle column, the

[16] next-to-last paragraph says "St. Louis Magazine

[17] recently did a feature on Meyer in which he called

[18] Biondi a super-weasel for trying to intimidate him and

[19] the newspaper staff", do you see that?

[20] A: Uh-huh.

[21] Q: And then there is a quote there that says,

[22] and I guess this is from Roy Malone, and I think it's

[23] talking about Father Biondi, "he's done great things

[24] for the campus and terrible things to people". Do you

[25] see that?

[1] QUESTIONS BY MR. GILL:

[2] Q: Dr. Meyer, I'm going to -- you understand

[3] you're still under oath?

[4] A: Okay, I understand.

[5] Q: I'm going to ask you some follow-up questions

[6] with respect to the testimony you provided today.

[7] Previously you testified that you worked for other

[8] companies, such as the Post-Dispatch as a Copy Editor

[9] during your tenure with SLU; is that correct?

[10] A: Correct.

[11] Q: Was SLU aware of these outside activities?

[12] A: Fully aware.

[13] Q: Did SLU ever bring up an issue with respect

[14] to you working for --

[15] A: Never.

[16] Q: At what time during the day did you typically

[17] work for these outside activities?

[18] A: I went to work about 4:00 p.m. to midnight,

[19] or I worked weekends, so, it never interfered.

[20] Q: Did any of these outside work activities

[21] interfere with your teaching activities?

[22] A: Not at all.

[23] Q: Did any of these outside activities interfere

[24] with any of your advisory activities for the

[25] newspaper?

[1] A: No, not at all.  
[2] Q: Previously you testified with respect to the  
[3] paper, for the paperwork for the Articles of  
[4] Incorporation, that you went down to the St. Louis  
[5] office of the Secretary of State, correct?

[6] A: Correct.  
[7] Q: And the personnel there assisted you in  
[8] filling out the forms?

[9] A: They did.  
[10] Q: That action of filling out those forms, did  
[11] you consider that a formation of a corporation?

[12] A: I considered it registering a name. I never  
[13] thought about anything else.

[14] Q: Previously you testified for, regarding  
[15] Exhibit 6, which is the August 30, 2007, letter, which  
[16] states "St. Louis University requires a statement by  
[17] you that the phrase 'The University News, a student  
[18] voice serving St. Louis University since 1921' was not  
[19] used by you in any manner other than registration of  
[20] the Non-Profit Corporation". I'm sorry. Is that  
[21] correct?

[22] A: It is correct.  
[23] Q: Today, would you make that statement?  
[24] A: Yes, and I really thought I sent that letter  
[25] to Frank, as I said in the U. News, I thought I sent

[1] guy floated the idea. I mentioned it to him in  
[2] passing. Nothing ever came of it. There was never  
[3] any such plan, ever.

[4] Q: Previously you testified with respect to  
[5] e-mails, correspondence to alumni, to and from alumni  
[6] to your work computer and possibly your home computer  
[7] relating to which was characterized during this  
[8] testimony as circumstances underlying the case,  
[9] correct?

[10] A: Correct.  
[11] Q: Did you -- what was the content of those  
[12] e-mails?

[13] A: Almost without exception they were wondering  
[14] how the school paper was doing and how I'm doing. It  
[15] never occurred to me that this had anything to do with  
[16] the registration of the name except to save it for the  
[17] students' paper. That's what they asked about.

[18] Q: Did you consider these e-mails relevant to  
[19] the lawsuit at issue?

[20] A: No. It didn't seem that serious at the time,  
[21] it just didn't.

[22] Q: If you would have considered them as  
[23] relevant, would you have saved those e-mails and --

[24] A: Of course, of course.  
[25] Q: And would you have produced those?

[1] it. I don't know what happened, but I thought I sent  
[2] it.

[3] Q: And would you have made that statement on  
[4] August 30 of 2007?

[5] A: Yes. I mean, I've never used it in any way,  
[6] yes. It was a registration of a name that was largely  
[7] selfless. I did this for the students and the paper,  
[8] not for myself at all. It was for them.

[9] Q: And just to make the testimony clear, you're  
[10] testifying that it was not used by you in any manner  
[11] other than registration of a Non-Profit Corporation.  
[12] However, you would use it with respect to your  
[13] capacities as advisor to the St. Louis -- I'm sorry --  
[14] to the U. News?

[15] A: You mean the name as it stands now, correct?  
[16] Q: Correct.

[17] A: The name as it stands is acceptable except  
[18] for one word and that was a coincidence or an  
[19] oversight on my behalf, and it's still being used,  
[20] because the students decided to stick with this  
[21] charter for at least a year.

[22] Q: And you testified that you have no intention  
[23] of ever using the name that you filed for Articles of  
[24] Incorporation for?

[25] A: Never any plan, it was never my idea. One

[1] A: Of course. I didn't know. If you -- it's  
[2] possible you told me and I didn't remember. It just  
[3] didn't seem that important then. It does now.

[4] Q: With respect to the e-mail correspondence to  
[5] Lisa Watson, did you consider that relevant to this  
[6] case?

[7] A: No, it's just communication between me and  
[8] one of my former students. They are concerned about  
[9] the newspaper, they are concerned about me. They are  
[10] not thinking about being a new paper, "are we going to  
[11] have a new paper". We're just talking.

[12] Q: So would it be fair to say that these e-mails  
[13] with respect to the alumni news and Lisa Watson --

[14] MR. FLEISCHMANN: I'm going to object.  
[15] I've been listening to you testify for your client now  
[16] for about three or four minutes. I'm going to object  
[17] on the grounds that you're leading the witness. If  
[18] you have a question, I would ask that you ask the  
[19] question.

[20] Q: (By Mr. Gill) Previously you testified  
[21] regarding exhibits relating to the University News  
[22] article.

[23] A: Yes.  
[24] MR. GILL: And in that article, what was  
[25] the -- bear with me -- well, strike that. I have no



[1] further questions.

[2] EXAMINATION

[3] QUESTIONS BY MR. JANOSKI:

[4] Q: Okay, I have a couple questions. First of

[5] all, for the record let me state that after we were

[6] done with my examination, that counsel and Dr. Meyer

[7] left the room for almost five minutes, and then came

[8] back and, Dr. Meyer, did you and your counsel meet

[9] during that period of time?

[10] A: We talked.

[11] Q: Okay. And did you talk about your testimony

[12] that you just gave?

[13] A: Not specifically.

[14] Q: Okay.

[15] MR. GILL: Objection.

[16] Q: (By Mr. Janoski) Did he tell you what

[17] questions he was going to ask you?

[18] MR. GILL: I'm going to object on

[19] Attorney-Client Privilege, but you may answer that.

[20] Q: (By Mr. Janoski) And you met with your

[21] counsel, correct?

[22] A: Not specifically. We just, we went over

[23] where we thought we were.

[24] Q: Okay.

[25] (Phone interruption)

[1] I wouldn't have asked.

[2] Q: You didn't talk to your attorney about

[3] whether the documents were relevant or not?

[4] A: Not that, no.

[5] Q: Why not?

[6] A: It didn't occur to me. I thought it was

[7] private, private communication. It had very little to

[8] do with this lawsuit, it had something to do with me

[9] and the school paper, that's what it was about.

[10] Q: Okay. And that is your opinion, correct?

[11] A: That's what it was about.

[12] Q: Now, I want to just ask you again to refer to

[13] Exhibit No. 2.

[14] A: Okay.

[15] Q: And ask whether you have seen that letter

[16] before today.

[17] A: This is the October 11th letter.

[18] Q: October 11th, 2007, letter.

[19] A: Yes.

[20] Q: Have you seen this letter before today?

[21] A: I have.

[22] Q: You have seen it before today?

[23] A: Is this -- no, no. You're asking me about

[24] No. 2?

[25] Q: I'm asking you about --

[1] THE VIDEOGRAPHER: Off the record.

[2] (Off the record)

[3] Q: (By Mr. Janoski) But you had discussions

[4] with your counsel about your testimony that you had

[5] given today?

[6] A: Not specifically. Just general.

[7] Q: Just general, okay. And did he tell you

[8] generally the topics that he was going to cover here?

[9] MR. GILL: I'd instruct the witness not to

[10] answer. It's Attorney-Client Privilege.

[11] Q: (By Mr. Janoski) Are you going to follow

[12] that instruction?

[13] A: He encouraged me to maintain as much of a

[14] calm presence as possible, as I've tried to do

[15] throughout this ceremony.

[16] Q: I want to ask you a couple other questions.

[17] You testified that it was -- a name was not used in

[18] any manner, but you mean in that regard, that you

[19] didn't publish any independent paper, correct?

[20] A: Correct.

[21] Q: And with regard to your testimony that you

[22] didn't believe that documents were relevant, did you

[23] seek legal advice from your attorney about relevancy

[24] of the documents you deleted?

[25] A: I didn't know I wasn't supposed to do it, so,

[1] A: On October 11th.

[2] Q: On October 11th, the letter that I sent to

[3] your counsel, have you seen that letter before today?

[4] A: Today?

[5] Q: Before today.

[6] A: Oh, no. I don't remember if this was sent to

[7] me or not. It may have been. I just don't remember.

[8] Q: Okay.

[9] A: I don't remember.

[10] Q: If it was sent to you, you read it, correct?

[11] A: Presumably.

[12] Q: If it wasn't sent to you, did your counsel

[13] talk to you about preservation of documents?

[14] A: It's hard to remember what happened in

[15] October, this being June.

[16] MR. GILL: Objection again --

[17] A: Awful lot of paperwork.

[18] MR. GILL: Attorney-Client Privilege.

[19] Q: (By Mr. Janoski) Well, I think that this is

[20] pretty darn important and I know that you know that,

[21] Brian, and so I'll ask you one more time. Do you

[22] recall, if you did not receive this letter, your

[23] counsel telling you to preserve evidence?

[24] A: I don't recall hearing this, but it's

[25] possible he told me. There is a lot going on and this

[1] has been six or seven months ago.  
 [2] MR. JANOSKI: That's all.  
 [3] MR. GILL: Can we go off the record?  
 [4] MR. JANOSKI: That's all I have.  
 [5] MR. GILL: Oh, okay, I'm sorry.  
 [6] THE VIDEOGRAPHER: This is concluded,  
 [7] we're off the record at 7:01. Thank you all.  
 [8] MR. GILL: We'll waive it. And he will  
 [9] read it.

[10] (Deposition Adjourned)

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[1] correctly set forth the testimony of the  
 [2] aforementioned witness, together with the questions  
 [3] propounded by counsel and remarks and objections of  
 [4] counsel thereto, and is in all respects a full, true,  
 [5] correct and complete transcript of the questions  
 [6] propounded to and the answers given by said witness;  
 [7] that the signature of the deponent was not waived by  
 [8] agreement of counsel.

[9] I further certify that I am not of  
 [10] counsel or attorney for either of the parties to said  
 [11] suit, not related to nor interested in any of the  
 [12] parties or their attorneys.

[13] Witness my hand and notarial seal at  
 [14] St. Louis, Missouri, this 13th day of June, 2008.  
 [15] My Commission expires October 22, 2011.

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 Notary Public in and for the  
 State of Missouri

[1] STATE OF MISSOURI  
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 [3] SS.  
 [4] CITY OF ST. LOUIS  
 [5]

[6] I, Robert D. Perry, a Notary Public in and  
 [7] for the State of Missouri, duly commissioned,  
 [8] qualified and authorized to administer oaths and to  
 [9] certify to depositions, do hereby certify that  
 [10] pursuant to Notice in the civil cause now pending and  
 [11] undetermined in the United States District Court,  
 [12] Eastern District of Missouri, Eastern Division, to be  
 [13] used in the trial of said cause in said court, I was  
 [14] attended at the law offices of Lewis, Rice & Fingersh,  
 [15] 500 North Broadway - Suite 2000, St. Louis, Missouri,  
 [16] by the aforesaid witness; and by the aforesaid  
 [17] attorneys; on June 4, 2007.

[18] That the said witness, being of sound mind  
 [19] and being by me first carefully examined and duly  
 [20] cautioned and sworn to testify the truth, the whole  
 [21] truth, and nothing but the truth in the case  
 [22] aforesaid, thereupon testified as is shown in the  
 [23] foregoing transcript, said testimony being by me  
 [24] reported in stenotype and caused to be transcribed  
 [25] into typewriting, and that the foregoing pages

[1] Gore Perry Gateway & Lipa Reporting  
 [2]  
 [3]  
 [4] Mr. Brian Gill  
 [5] Polster, Lieder, Woodruff & Lucchesi  
 [6] 12412 Powerscourt Drive - Suite 200  
 [7] St. Louis, MO 63131  
 [8]

[9] Enclosed please find the Original Signature pages  
 [10] and errata sheets for the deposition of:  
 [11] Avis Meyer taken 6/4/2008 in the case of:  
 [12] St. Louis University, etc., vs. Avis Meyer  
 [13] Please read your copy of the transcript, noting  
 [14] any corrections on the enclosed errata sheets,  
 [15] and return all pages for filing in court to:  
 [16] Mr. Frank B. Janoski  
 [17] Lewis, Rice & Fingersh, L.C.  
 [18] 500 North Broadway - Suite 2000  
 [19] St. Louis, MO 63102  
 [20]

[21] Your prompt cooperation will be appreciated.  
 [22] Sincerely,  
 [23]  
 [24] Gore Perry Gateway & Lipa Reporting  
 [25]

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[1] Comes now the witness, Avis Meyer,  
 [2] and having read the the foregoing transcript  
 [3] of the deposition taken on the 6/4/2008,  
 [4] acknowledges by signature hereto that it is a  
 [5] true and accurate transcript of the testimony given  
 [6] on the date hereinabove mentioned.  
 [7]  
 [8]  
 [9] \_\_\_\_\_  
 [10] Avis Meyer  
 [11]  
 [12] Subscribed and sworn to me before this  
 [13] \_\_\_\_ day of \_\_\_\_\_, 2008.  
 [14] My Commission expires  
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 [18] Notary Public  
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[1] COURT MEMO  
 [2] UNITED STATES DISTRICT COURT  
 [3] EASTERN DISTRICT OF MISSOURI  
 [4] EASTERN DIVISION  
 [5] St. Louis University, etc., vs. Avis Meyer  
 [6] 04:07CV1733 CEJ  
 [7]  
 [8] CERTIFICATE OF OFFICER AND  
 [9] STATEMENT OF DEPOSITION CHARGES  
 [10]  
 [11] DEPOSITION OF AVIS MEYER  
 [12] TAKEN ON BEHALF OF THE PLAINTIFF  
 [13] 6/4/2008  
 [14] Name and address of person or firm having custody of  
 [15] the original transcript:  
 [16] Frank Janoski  
 [17] Lewis, Rice & Fingersh  
 [18] 500 N. Broadway, Suite 2000  
 [19] St. Louis, MO 63102  
 [20]  
 [21]  
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 [23]  
 [24]  
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[1] ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

[2] Frank Janoski

[3] Lewis, Rice & Fingersh

[4] 500 N. Broadway, Suite 2000

[5] St. Louis, MO 63102

[6] Total:

[7] 1 ONE COPY - TAXED IN FAVOR OF:

[8] Brian Gill

[9] POLSTER, LIEDER, WOODRUFF & LUCCHES

[10] 12412 Powerscourt Dr,

[11] St. Louis, MO 63131

[12] Total:

[13]

[14] Upon delivery of transcripts, the above

[15] charges had not been paid. It is anticipated

[16] that all charges will be paid in the normal course

[17] of business.

[18] GORE PERRY GATEWAY & LIPA REPORTING COMPANY

[19] 515 Olive Street, Suite 700

[20] St. Louis, Missouri 63101

[21] IN WITNESS WHEREOF, I have hereunto set

[22] my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_

[23] Commission expires

[24] \_\_\_\_\_

[25] Notary Public