

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SAINT LOUIS UNIVERSITY, a)
Missouri benevolent)
corporation,)
Plaintiff,)
-vs-) No. 4:07CV1733 CEJ
AVIS MEYER,)
Defendant.)

The videotaped deposition of DIANA LEIGH BENANTI, called for examination, taken pursuant to the provisions of the Code of Civil Procedure and the Rules of the Supreme Court of the State of Illinois pertaining to the taking of depositions for the purpose of discovery, before ANDREW ROBERT PITTS, C.S.R. No. 84-4575, a Notary Public within and for the County of Cook, State of Illinois, and a Certified Shorthand Reporter of said state, at Two North LaSalle Street, Suite 2100, Chicago, Illinois, on the 12th day of June, A.D. 2008, at 10:06 a.m.

THE VIDEOGRAPHER: Good morning. We are going on the video record at 10:06:00 a.m. My name is Marc Buhmann, and I am a legal videographer in association with Esquire Deposition Services, located at 311 West Monroe Chicago, Illinois. The court reporter is Andrew Pitts, also in association with Esquire Deposition Services.

Here begins the videotaped deposition of Diana Benanti taking place as Neal Gerber, Two North LaSalle Street, Chicago, Illinois. Today's date is June 12th, 2008. This deposition is being taken in the matter of Saint Louis University versus Avis Meyer in the United States District Court for the Eastern District of Missouri, Eastern Division, Case No. 4:07 CV 1733 CEJ. This deposition is being taken on behalf of the Plaintiff. The party at whose instance this deposition is being recorded on our audiovisual recording device is the Plaintiff.

Counsel, please identify yourselves for the record.

MS. HOY: Bridget Hoy here on behalf of Plaintiff Saint Louis University.

MR. JANOSKI: Frank Janoski also on behalf of

PRESENT:

LEWIS, RICE & FINGERSH, L.C.,
(500 North Broadway, Suite 2000,
St. Louis, Missouri 63102-2147,
312-444-7837), by:
MS. BRIDGET HOY, and
MR. FRANK B. JANOSKI,
appeared on behalf of the Plaintiff;

THE LAW OFFICES OF TIMOTHY E. HOGAN, LLC,
(Post Office Box 31334,
St. Louis, Missouri 63131,
314-909-5656), by:
MR. TIMOTHY E. HOGAN,
appeared on behalf of the Defendant.

ALSO PRESENT:

MR. MARC BUHMANN, Videographer.

REPORTED BY: ANDREW R. PITTS, C.S.R. No. 84-4575.

Saint Louis University.

MR. HOGAN: I'm Tim Hogan of the Law Offices of Timothy E. Hogan, LLC, on behalf of Ms. Benanti.

THE VIDEOGRAPHER: Will the court reporter please swear in the witness.

(WHEREUPON, the witness was duly sworn.)

DIANA LEIGH BENANTI,
called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. HOY:

Q. Could you state and spell your name for the record, please.

A. Okay. It's Diana Benanti; D-I-A-N-A, B-E-N-A-N-T-I.

Q. Okay. Could you state your home address.

A. Yes. It's 1022 North Damen, Apartment 1 Chicago, Illinois 60622.

Q. Okay. And are you a student in Chicago right now?

A. Yes.

Q. Okay. And do you have any -- is the

Page 5

1 address you stated your permanent address?
 2 A. No, that's my address right now while
 3 I'm in school.
 4 Q. Could you state your permanent address
 5 for us.
 6 A. Sure. It's 31 Bellerive Road,
 7 Springfield, Illinois 62704.
 8 Q. Okay. So you have no residence in the
 9 State of Missouri?
 10 A. No.
 11 Q. Ms. Benanti, you're here pursuant to a
 12 subpoena, right?
 13 A. Yes.
 14 MS. HOY: If I could hand this to the court
 15 reporter to be marked as Deposition Exhibit 1.
 16 (WHEREUPON, a certain document was
 17 marked Benanti Deposition Exhibit
 18 No. 1, for identification, as of
 19 6/12/08.)
 20 BY MS. HOY:
 21 Q. Ms. Benanti, could you look at this
 22 document that has been marked as Exhibit 1 for the
 23 purposes of this deposition, and once you have had
 24 a chance to look at it can you identify the

Page 6

1 document, please.
 2 A. Yeah, it's a fifth notice of issuance of
 3 subpoena.
 4 Q. Have you seen this document before?
 5 A. This one, I haven't seen -- the cover of
 6 this looks different than what I have, but I have
 7 seen this one.
 8 Q. And you're referring to the fourth page
 9 in that's titled "Subpoena In A Civil Case"?
 10 A. Yeah.
 11 Q. Okay. And this is the subpoena you are
 12 appearing here pursuant to today; is that correct?
 13 A. Yes.
 14 Q. And three pages in the page before the
 15 one you are referring to is a photocopy of a check?
 16 A. Uh-huh.
 17 Q. You received a witness fee for your
 18 appearance here today?
 19 A. Uh-huh.
 20 Q. Correct? And you cashed that check?
 21 A. I received three different checks, and
 22 one of them has been cashed.
 23 Q. And are you still in possession of the
 24 other three?

Page 7

1 A. The other two.
 2 Q. The other two. I apologize.
 3 A. Uh-huh.
 4 Q. And you have not cashed the other two
 5 checks?
 6 A. No.
 7 Q. And did you receive those checks with
 8 other versions of the subpoena?
 9 A. Yes.
 10 Q. Okay.
 11 A. Two of them were the same, and one of
 12 them was for an earlier date.
 13 Q. And were those served at your Damen
 14 address?
 15 A. Yes.
 16 Q. Damen Avenue? Okay.
 17 Ms. Benanti, have you been deposed
 18 before?
 19 A. No.
 20 Q. Okay. Have you ever testified at trial?
 21 A. No.
 22 Q. Let me go through just a few ground
 23 rules and make sure we're all on the same page for
 24 today's deposition.

Page 8

1 You understand that you're under oath,
 2 correct?
 3 A. Uh-huh.
 4 Q. And you understand that false testimony
 5 would be perjury?
 6 A. Yes.
 7 Q. And have you ever been accused of a
 8 violation of the law?
 9 A. No.
 10 Q. No traffic tickets?
 11 A. Oh, well, yeah, actually, but --
 12 MR. HOGAN: I'm going to object to the form of
 13 the question. It's not proper. The proper form of
 14 the question would be has she ever been convicted
 15 of any offense involving moral turpitude or false
 16 statements. The fact of the charge is not evidence
 17 and is not relevant to these proceedings or is not
 18 available as -- for any impeachment purposes.
 19 MS. HOY: You can answer the question.
 20 BY THE WITNESS:
 21 A. Yes, I have had traffic -- traffic
 22 tickets, but to the best of my knowledge, I've
 23 never been convicted of anything.
 24

Page 9

1 BY MS. HOY:
 2 Q. Okay. Have you ever been accused of a
 3 violation, besides a traffic ticket?
 4 A. No.
 5 Q. If you need a break at any time today,
 6 please let us know.
 7 A. Okay.
 8 Q. Or if you need additional water. Your
 9 testimony today is being taken down by a court
 10 reporter and additionally a videographer. It makes
 11 it easier for the court reporter if I don't
 12 interrupt you and you don't interrupt me. So
 13 please wait for me to finish my question and I will
 14 try to do the same with regard to your answers.
 15 Are you taking any medications today
 16 that could affect your ability to understand or
 17 remember?
 18 A. No, I am taking medications, but not
 19 that would affect my ability to remember, no.
 20 Q. Okay. Over-the-counter medication?
 21 A. No, I have a prescription for Adderall
 22 for ADD.
 23 Q. Okay. Thank you.
 24 A. And I took some Tylenol last night.

Page 10

1 Q. Okay. Did you meet with anyone to
 2 prepare for today's deposition?
 3 A. I briefly spoke with my lawyer this
 4 morning.
 5 Q. Okay. You -- you spoke this morning?
 6 A. Uh-huh.
 7 Q. Okay. Did you meet prior to this
 8 morning at all?
 9 A. Just on the street.
 10 Q. Okay. On the street this morning?
 11 A. Yes.
 12 Q. Did you meet any time prior to today?
 13 A. No.
 14 Q. Okay. And how long was your meeting
 15 this morning with your lawyer?
 16 A. About eight and a half minutes.
 17 Q. Okay. And did you review any documents
 18 during that meeting?
 19 A. No.
 20 Q. Did you meet with anyone else to prepare
 21 for this deposition?
 22 A. No.
 23 Q. Did you review any documents, aside from
 24 your meeting with your lawyer, to prepare for the

Page 11

1 deposition?
 2 A. No.
 3 Q. Did you talk with anyone about your
 4 deposition today?
 5 A. A couple people are aware of the fact
 6 that it's going on, but other than that --
 7 Q. Okay. Who's aware that you're here
 8 today?
 9 A. My mom, my -- one of my old professors,
 10 my best friend, and another good friend who's
 11 a -- who was also editor of the UNews.
 12 Q. Okay. And who was that?
 13 A. Andrew Ivers.
 14 Q. Could you spell the last name, please.
 15 A. I-V-E-R-S.
 16 Q. Okay. And you said your best friend?
 17 Is that someone located here in Chicago?
 18 A. No.
 19 Q. Could you --
 20 A. Her name is Gagan, G-A-G-A-N, R-A-J-U.
 21 Raju is her last name.
 22 Q. Okay.
 23 A. And, I mean -- I mean, my mother, my
 24 father, my sister, and probably my brother are

Page 12

1 aware that I'm here.
 2 Q. Okay. Does Gagan live in -- in
 3 St. Louis?
 4 A. Yes.
 5 Q. And you said an old professor. Is that
 6 a professor in Chicago?
 7 A. No.
 8 Q. St. Louis?
 9 A. No. She's in Kentucky.
 10 Q. And what is her name?
 11 A. Elisia Cohen; E-L-I-S-I-A, C-O-H-E-N.
 12 Q. And these are all people that are aware
 13 that you're here today. Did you discuss with them
 14 the deposition?
 15 A. No, just the fact that I was going to be
 16 here.
 17 Q. Did you do anything else to prepare for
 18 today's deposition?
 19 A. No.
 20 Q. And you're represented here today by
 21 Mr. Hogan?
 22 A. Yes.
 23 Q. How did Professor Cohen respond to your
 24 indication that you're being deposed today?

1 MR. HOGAN: I'm going to object. This is not
2 relevant to the issue in this case, and I am going
3 to instruct the witness not to answer the question.

4 MS. HOY: Mr. Hogan, under the Federal Rules
5 you are allowed to object as to form and you are
6 not allowed to instruct the witness not to answer
7 unless there is an issue of privilege.

8 You may answer the question.

9 BY THE WITNESS:

10 A. Dr. Cohen is a good friend of
11 Dr. Meyer's, and she just knew that I was being
12 deposed as part of his case. It's -- I'm sure that
13 the knowledge that I'm being deposed as part of
14 Dr. Meyer's case has spread.

15 BY MS. HOY:

16 Q. Was she aware that you're being deposed
17 in this case prior to your conversation with her?

18 A. Uh --

19 MR. HOGAN: If you know.

20 BY THE WITNESS:

21 A. I don't know if she was. She may have
22 been, but --

23 BY MS. HOY:

24 Q. Did you raise the issue with her when

1 other sources you're referring to.

2 A. Yes, there's a giant network of people
3 who are involved with the UNews and who have been
4 following this case in particular and all media and
5 everything that's been written about Dr. Meyer and,
6 you know, he has 30-plus years of students who are
7 following all this stuff that's going on. So
8 various other sources means that people are talking
9 about it.

10 Q. And you know that Professor Cohen was
11 aware of those other sources?

12 A. Yes.

13 Q. Okay. Because she told you that?

14 A. Yes.

15 Q. Had you had conversations with her prior
16 to your conversation regarding the deposition about
17 the lawsuit?

18 A. Just mentioning that it was -- I don't
19 know. I know that we had mentioned the lawsuit,
20 but I'm -- I don't really know in what context. It
21 was just online somehow in a chat or something.

22 Q. So you've participated in chat rooms
23 where the --

24 A. No, just within the confines of

1 you talked to her?

2 A. Yes, I -- yes.

3 Q. And was she aware of the lawsuit prior
4 to your discussion?

5 A. Yes.

6 Q. Do you know where she got that
7 information from?

8 A. From --

9 MR. HOGAN: I object. It's hearsay.

10 BY THE WITNESS:

11 A. Various sources, including Dr. Meyer
12 himself.

13 BY MS. HOY:

14 Q. Did she tell you about the substance of
15 any conversations with Dr. Meyer?

16 A. Mostly just what she had heard from
17 other people about how he was doing.

18 Q. About how he was doing?

19 A. Uh-huh.

20 Q. In what respect?

21 A. In the respect that he's extremely
22 stressed out and upset, as far as I know.

23 Q. And you said various other sources. Can
24 you just give me a general description of what

1 the -- I'm sorry. I didn't mean to interrupt.

2 Q. You've participated in chat rooms where
3 this lawsuit has been discussed; is that correct?

4 A. No, in my e-mail account, there's --
5 it'll show who else is logged in to their e-mail at
6 the time and you can talk to those people instead
7 of writing them an e-mail.

8 Q. So instant messaging?

9 A. Yes.

10 Q. So you've had instant messaging --
11 you've exchanged instant messages with Professor
12 Cohen regarding the lawsuit; is that correct?

13 A. Yes.

14 Q. Okay. And have you exchanged instant
15 messages with others regarding the lawsuit as well?

16 A. I -- yes, probably, but I don't know.

17 Q. Okay. What was the substance of your
18 conversation with your friend -- is it Gagan?

19 A. Gagan.

20 Q. Gagan Raju?

21 A. Well, she also worked at the UNews, and
22 she is -- she has been following Dr. Meyer's case,
23 and she was staying with me a week or so ago and,
24 you know, we briefly talked about the deposition,

1 mostly just that it was happening and that I
 2 was -- that I had been subpoenaed.
 3 Q. Okay. Did you show her the subpoena?
 4 A. No.
 5 Q. Okay. Ms. Benanti, are you presently
 6 employed?
 7 A. No.
 8 Q. Are you a student?
 9 A. Yes.
 10 Q. Okay. And what university or college
 11 are you attending?
 12 A. The University of Illinois at Chicago.
 13 Q. Prior to attending there, were you
 14 employed or did you attend elsewhere?
 15 A. Yes, both.
 16 Q. Okay. And where were you employed?
 17 A. I was employed at Cracker Barrel, at
 18 Jimmy John's, at the Board of Elections in
 19 St. Louis, at The University News, obviously. How
 20 far back do you want me to go?
 21 Q. If you can give me some timeframes as to
 22 the ones you've stated, I can --
 23 A. Okay. I was working at Jimmy John's in
 24 Chicago from like middle of September to the

1 Q. Okay. And when did you first enroll at
 2 Saint Louis University?
 3 A. In August of 2004.
 4 Q. So were you a student at Saint Louis
 5 University from August of '04 until you transferred
 6 to U of I in August of '07?
 7 A. No.
 8 Q. Okay. Can you explain that for me.
 9 A. Yes. In the -- the spring semester,
 10 2006, from January until the beginning of May, I
 11 was enrolled at SIU Carbondale and employed at the
 12 Daily Egyptian in Carbondale.
 13 Q. Okay. So you were a student at Saint
 14 Louis University from August '04 until the spring
 15 of '06?
 16 A. Uh-huh.
 17 Q. At which time you transferred to SIUC?
 18 A. Yes.
 19 Q. Okay. And why did you transfer?
 20 A. I wasn't happy with SLU and my parents
 21 thought I needed a change, and I wanted to work at
 22 a daily student newspaper to get some experience,
 23 and SIU has the number one student newspaper in the
 24 state.

1 beginning of February, and then --
 2 Q. Are you referring to 2008?
 3 A. Yes. Yes. Sorry. And then last
 4 summer, I was working at Cracker Barrel in
 5 St. Louis, more specifically Fenton, Missouri, and
 6 I had been working there from, I guess, the
 7 beginning of the summer '06 to -- or the beginning
 8 of -- sometime in '05, I'm not sure when, to the
 9 end of summer '07, and I stopped working at The
 10 University News in May of 2007.
 11 Q. Okay. How long have you been a student
 12 at the University of Illinois, Chicago?
 13 A. Since August 27th, 2007.
 14 Q. Okay. And did you take any classes the
 15 summer of '07?
 16 A. No.
 17 Q. Okay. And the spring semester then in
 18 '07, were you a student as well as working at the
 19 Cracker Barrel -- or, I'm sorry.
 20 A. Yes. The spring of '07 --
 21 Q. Yes.
 22 A. -- I was a student at St. Louis
 23 University and working at Cracker Barrel as well as
 24 The University News.

1 Q. Okay. And then after the spring of '06
 2 at SIUC, where did you attend?
 3 A. After the spring of '06, I transferred
 4 back to SLU and reenrolled as a student there and
 5 started going to class in August of '06.
 6 Q. Okay. I'll make sure I have my dates
 7 right.
 8 So it would have been the fall semester
 9 of oh -- of '05 when your parents thought you
 10 needed a change?
 11 A. Yes.
 12 Q. Okay. And in what respect did they
 13 think you needed a change or --
 14 A. Well, SLU's really expensive, and we
 15 couldn't really afford it, and the -- we heard that
 16 the -- I'd planned on running for editor in chief
 17 of the UNews, and we heard that the stipend was
 18 being cut or the tuition remission was going away,
 19 or whatever, and I wasn't really happy there, so
 20 they wanted me to go somewhere where they thought I
 21 would be happy, and so we went -- I went to SIU.
 22 Q. Okay. Was your happiness due in part to
 23 the urban environment or some -- I mean, it seems
 24 like you changed from an urban environment to

Page 21

1 a rural -- a rural environment?
 2 A. Yeah, that actually caused unhappiness
 3 being in the rural environment. I like the city,
 4 so it wasn't the best choice, but it was in state
 5 and tuition is pretty cheap.
 6 Q. Okay. So after the spring of '06 at
 7 SIUC, what caused you to transfer back to Saint
 8 Louis University?
 9 A. Excuse me. I asked the editor in chief
 10 at the time, Andrew Ivers, if he would consider
 11 letting me run for editor in chief for the next
 12 academic year, and he said that it was an option
 13 and I could come in and give a speech and put my
 14 name in for the editorship, and so prior to
 15 becoming a student at SLU and reenrolling, I ran as
 16 editor in chief and got the position and then
 17 transferred back to SLU.
 18 Q. Okay. So if I understand right, you
 19 asked the present editor in chief if that was a
 20 possibility?
 21 A. Uh-huh. Sorry, yes, not "uh-huh."
 22 Q. That's fine. So tell me about that
 23 process, running for editor in chief for Saint
 24 Louis University's newspaper.

Page 22

1 A. About the process? I knew that there
 2 was one other person who was planning on running,
 3 and I wanted there to at least be more competition
 4 for that person, and I didn't like it at SIU
 5 Carbondale, and I thought that being editor was a
 6 far greater responsibility and I would learn a lot
 7 more from it than just slaving away at the Daily
 8 Egyptian in Carbondale. So I had talked to Andrew
 9 and he said that it was fine and then we -- there
 10 was a date we arranged, I showed up and gave a
 11 speech and won.
 12 Q. Was that a vote of --
 13 A. The editorial board.
 14 Q. The editorial board.
 15 Did you know Andrew Ivers prior to that
 16 time?
 17 A. Yes.
 18 Q. Okay. And how did -- when did you first
 19 get to know him?
 20 A. In the fall semester of 2004 when I
 21 started at SLU, I started writing for the paper and
 22 hanging out there.
 23 (WHEREUPON, MR. FRANK B. JANOSKI
 24 exited the deposition proceedings.)

Page 23

1 BY MS. HOY:
 2 Q. Okay. What was your position at the
 3 Daily Egyptian?
 4 A. I was just a writer on the campus desk.
 5 Q. Okay. So what inclusive dates were you
 6 editor in chief of The University News?
 7 A. Well, I guess I was elected in March or
 8 April of 2006, I don't remember, and I -- the first
 9 issue that I worked on was the summer issue of
 10 2006, and then when the new -- or when the semester
 11 ended in May of '07, that's when my term ended.
 12 Q. So there's a couple months' overlap then
 13 from the time an editor in chief is elected until
 14 they take charge?
 15 A. Yes.
 16 Q. Okay.
 17 A. Yes. Definitely.
 18 Q. Have you been editor in chief of any
 19 other papers?
 20 A. No.
 21 Q. Okay. Okay. What did the position of
 22 editor in chief for The University News require?
 23 A. It required about 70 hours a week, both
 24 in and out of the newsroom, assigning stories,

Page 24

1 working on stories, being in editorial board
 2 meetings, making the paper, laying it out, copy
 3 editing, running staff meetings, trying to recruit
 4 people.
 5 (WHEREUPON, MR. FRANK B. JANOSKI
 6 entered the deposition proceedings.)
 7 BY THE WITNESS:
 8 A. Taking care of anything that arose
 9 during the week, as far as advertising or computer
 10 issues or meeting with people in student life about
 11 different things, talking to people in SGA about
 12 different things.
 13 BY MS. HOY:
 14 Q. Okay. Why were you interested in
 15 obtaining that position?
 16 A. I love -- I love the UNews. I had a lot
 17 of fun working there. I wanted to be in a position
 18 where I could work on the paper and produce a
 19 product every week that students and the community
 20 and the faculty could read. I've always been
 21 interested in journalism, and it was just a really
 22 good exercise for my writing skill and, I guess,
 23 managerial metal. I don't know.
 24 Q. Okay. So what positions have you held

Page 25

1 with The University News prior to being selected as
 2 editor in chief?
 3 A. I was a staff writer from 2000 -- the
 4 fall of 2004 to the spring of 2005 and I was
 5 elected -- or chosen, not elected, sorry, as the
 6 arts and entertainment editor for the fall semester
 7 of 2005.
 8 Q. Okay. And who -- you said you were
 9 chosen. Who made that selection?
 10 A. Andrew Ivers.
 11 Q. So did your parents support your move
 12 back to Saint Louis University?
 13 A. Yes.
 14 Q. You weren't really happy out in the
 15 country?
 16 A. Huh-uh.
 17 Q. Okay. So you referred earlier about
 18 70 hours a week, and I -- if I recall correctly,
 19 you said in and out of the newsroom?
 20 A. Uh-huh.
 21 Q. What are you referring to with regard to
 22 the newsroom?
 23 A. Suite 354 in the Busch Student Center.
 24 Q. Okay.

Page 26

1 A. It's the newsroom.
 2 Q. Okay. And how much of that time,
 3 70 hours, would be in the newsroom?
 4 A. It varied, but probably 50 hours or
 5 more.
 6 Q. And where was the remaining -- the
 7 20 hours or so? Where did you do that work?
 8 A. In the library, in my apartment, at
 9 coffee shops, anywhere that I could take my laptop
 10 and work on things or, you know, talking on the
 11 phone, conducting meetings, I don't know, stuff
 12 like that -- not conducting meetings, but meeting
 13 with people about stories and interviews and stuff.
 14 Q. Okay. As editor in chief, did you write
 15 any articles yourself?
 16 A. I did.
 17 Q. Okay. How many in -- per week would be
 18 authored by you?
 19 A. It -- it really varied, but, I mean,
 20 usually at least one, sometimes two, sometimes
 21 more. I don't know.
 22 Q. Okay. And the remainder of the articles
 23 would be written by your staff?
 24 A. Uh-huh.

Page 27

1 Q. Okay. Do professors ever write
 2 articles?
 3 A. No. Not articles, no.
 4 Q. Okay. Did you ever write any editorials
 5 yourself?
 6 A. I did write one or two, or I co-wrote
 7 one or two editorials. Most of the editorials were
 8 written by Sara Hale, who is the editorial editor,
 9 and whenever she would get stuck on one, I would,
 10 you know, write a couple sentences or change some
 11 things around and she would continue with it or I
 12 would continue with it, and it was often a group
 13 process as far as editorials were concerned.
 14 Q. Okay. And when you --
 15 A. The editorial board group.
 16 Q. Okay. When you contributed to an
 17 editorial then, would your name be in the by-line
 18 or in the --
 19 A. No, there's no by-line on an editorial.
 20 Q. Okay. And would professors or other
 21 university staff contribute to editorials as well?
 22 A. Never. No. The only contribution to an
 23 editorial by a professor would be Dr. Meyer reading
 24 the editorial, although often the editorials

Page 28

1 weren't finished by the time he left in the
 2 evening, but he might move a comma or change a
 3 period or something like that.
 4 Q. Okay. And you're referring to Avis
 5 Meyer who is the Defendant --
 6 A. Yeah.
 7 Q. -- in this lawsuit?
 8 A. Yes. But, like I said, more often than
 9 not, it was 3 in the morning by the time we had
 10 finished or the editorial was finished, so he often
 11 left far before that.
 12 Q. Okay. So it's a weekly paper. Are you
 13 referring to the night that -- the publication
 14 night?
 15 A. Yes.
 16 Q. Okay. Would Dr. Meyer usually be in the
 17 office that evening in the newsroom?
 18 A. Without fail, yes.
 19 Q. Okay. And how much time did he usually
 20 spend there?
 21 A. It varied depending on his schedule, but
 22 usually he would be there from at least 7 or 8 p.m.
 23 until midnight or so, sometimes later, depending on
 24 if we were not very far along in the process or --

1 Q. Okay. And he was there in what
 2 capacity?
 3 A. He was our advisor. I mean, he read
 4 through all the copy. He sat at the copy desk and
 5 he brought food for everyone every week, and he
 6 gave us a movie quiz as part of like a break every
 7 production night. He was just there if we had any
 8 questions about, you know, whether or not it was
 9 ethical or if this headline makes -- made sense, or
 10 things like that.
 11 Q. Okay. But you and your staff were
 12 predominantly doing the work?
 13 A. Yes.
 14 Q. And other than that publication night,
 15 was he in the office, in the newsroom as well?
 16 A. No, not usually. No.
 17 Q. Did you know -- when did you first come
 18 to know Dr. Meyer?
 19 A. I met him in the fall of 2004 when I
 20 started at the UNews.
 21 Q. Okay. Did you ever take any classes
 22 taught by Dr. Meyer?
 23 A. I did, yes.
 24 Q. Okay. And what classes did you take?

1 A. I believe so, yes.
 2 Q. Do you know who gave him that title?
 3 A. I don't know who gave it to him, but --
 4 I don't know. It was something to do with him
 5 being told he was no longer the advisor of the
 6 UNews by the administration.
 7 Q. Okay. Was that while you were editor in
 8 chief?
 9 A. I honestly don't remember.
 10 Q. Okay. I'm just curious about the speech
 11 you gave when you were running for editor in chief.
 12 That was to the editorial board; is that correct?
 13 A. Uh-huh.
 14 Q. And what was just the general substance?
 15 I mean, what does an editor in chief have to prove?
 16 A. Well, my case is a little different,
 17 because I had to prove why I was coming back to SLU
 18 as well as, you know, why I wanted to join the
 19 UNews again after having left sort of abruptly and
 20 forcing the editor at the time to find a new arts
 21 and entertainment editor because I was leaving, but
 22 I just told them that I was -- even though I had
 23 left, I was still devoted to the UNews and I felt
 24 that we had a lot of potential as a paper and that

1 A. I took editing and literary journalism.
 2 Q. And were those during your first
 3 enrollment at Saint Louis University or your
 4 subsequent?
 5 A. The second, yeah.
 6 Q. So you didn't know him prior to becoming
 7 a staff member on The University News?
 8 A. No. In fact, he didn't even know my
 9 name until the end of 2005, I mean the end of the
 10 school year 2005, right when -- right when I was
 11 chosen as the arts and entertainment editor.
 12 Q. Okay. And it was through that that you
 13 got to know Dr. Meyer or he --
 14 A. It was --
 15 Q. -- became aware of you?
 16 A. It was through -- I was in the office
 17 almost every Wednesday copy editing at the desk,
 18 and that's -- that was my first exposure to him.
 19 Q. Are your parents journalists as well?
 20 A. My mom was very briefly when she went to
 21 SIU Carbondale, actually. My dad is nothing like a
 22 journalist, no.
 23 Q. Okay. Did Dr. Meyer ever hold the title
 24 of emeritus advisor?

1 it's a pretty unique student paper compared to
 2 other schools I had seen, other student newspapers
 3 I had seen, and I just had a bunch of ideas as to
 4 how I wanted to change the paper and improve it.
 5 Q. Okay. What are some of those ideas?
 6 What kind of changes did you have in mind?
 7 A. I wanted to do a lot of just sort of
 8 inner-office mixing and changing things around. I
 9 wanted to quote one computer every production night
 10 to copy editing and slotting stories and stuff. I
 11 wanted to sort of streamline the -- the whole
 12 process and, as far as copy editing, getting
 13 production done. I don't know. I had a lot of
 14 idea, but I can't remember some of them right now.
 15 Q. And you formed those through your first
 16 experience with The University News, or did you --
 17 A. Well, I had some -- I had some time away
 18 from the paper, and since I was working at the
 19 Daily Egyptian, I saw how another paper did things,
 20 and I realized that some of our processes were
 21 antiquated, as far as technology and design and
 22 stuff like that.
 23 Q. Okay. You said you left abruptly. Will
 24 you explain that.

Page 33

1 A. Well, I mean, I just -- I applied to SIU
 2 Carbondale and my admission was like rushed, and I
 3 didn't decide that I was going there until like six
 4 days before the semester started. So --
 5 Q. So The University News expected you to
 6 be coming back as the arts and entertainment
 7 editor?
 8 A. Uh --
 9 Q. And it was right before the semester
 10 that they learned you were not?
 11 A. Yeah, well, I -- yeah, made Andrew, I
 12 believe, aware that I was considering a change and
 13 I -- well, that my parents were considering a
 14 change and I was, you know, at their mercy,
 15 basically.
 16 Q. Who is the audience that The University
 17 News is directed to?
 18 A. It's directed to the Saint Louis
 19 University community, to the students, faculty,
 20 staff, administrators.
 21 Q. Okay. Were there any other papers
 22 serving that specific audience?
 23 A. No.
 24 Q. Now, you mentioned you were in the

Page 34

1 newsroom in Busch -- Busch Center?
 2 A. Busch Student Center, yes.
 3 Q. Busch Student Center.
 4 Were there other student organizations
 5 in that area?
 6 A. No.
 7 Q. Okay. So the UNews was the only --
 8 A. Yes.
 9 Q. -- student organizations with an office
 10 or a newsroom or space there?
 11 A. At the -- no, there are other student
 12 organizations in the Busch Student Center, but
 13 Suite 354 was our suite.
 14 Q. Okay. If we could go back to Exhibit 1,
 15 after the subpoena which you've identified, there's
 16 an Exhibit A.
 17 A. Uh-huh.
 18 Q. Are you familiar with that?
 19 A. Yes.
 20 Q. Okay. And if you could turn two pages
 21 in to Exhibit B, does that look familiar as well?
 22 A. Yes.
 23 Q. Okay. So Exhibit A and Exhibit B, just
 24 for the record, are titled "Definitions" and

Page 35

1 "Instructions" for Exhibit A and then "Documents
 2 Requested," Exhibit B?
 3 A. Uh-huh.
 4 Q. And did you do a search for documents to
 5 produce pursuant to this subpoena?
 6 A. Yes.
 7 MS. HOY: Okay. If we could have this marked
 8 as Exhibit 2, please.
 9 (WHEREUPON, a certain document was
 10 marked Benanti Deposition Exhibit
 11 No. 2, for identification, as of
 12 6/12/08.)
 13 MS. HOY: Thank you.
 14 BY MS. HOY:
 15 Q. I'm going to hand you what's been marked
 16 as Exhibit 2 for purposes of the deposition.
 17 A. Okay.
 18 Q. If you could look at those and tell me
 19 if you're familiar with those documents.
 20 A. Yes, they're all familiar.
 21 Q. Okay. Can you identify them for the
 22 record, please.
 23 A. By going through each one, identify,
 24 or --

Page 36

1 Q. Well, are these the documents that you
 2 produced pursuant to the subpoena?
 3 A. Yes.
 4 Q. Okay. And what search did you do in
 5 response to the subpoena?
 6 A. I went through three years of papers I
 7 have accumulated. I looked through my little
 8 plastic file container, all my copies of the
 9 newspaper, everything that I had photocopied,
 10 everything that had been handed to me that I stuck
 11 in binders and folders and --
 12 Q. And where were all these papers located?
 13 A. In my apartment.
 14 Q. Okay. So the three years of papers, the
 15 plastic file cabinet, the binders --
 16 A. Yeah, the one -- the papers that I have
 17 been hesitant to go through since leaving Saint
 18 Louis University, yeah, they're all stuck different
 19 places.
 20 Q. Okay. What, you said you were hesitant
 21 to go through them?
 22 A. Yeah, I -- it wasn't easy to leave SLU,
 23 and it wasn't a really fun year, my year as editor,
 24 so I haven't properly gone through and recycled

Page 37

1 everything.
 2 Q. Okay. Do you use e-mail at all?
 3 A. Yes.
 4 Q. Did you search your e-mail?
 5 A. Yes, I did.
 6 Q. Okay. Is that a personal e-mail
 7 address?
 8 A. Uh-huh.
 9 Q. And what is that address?
 10 A. It's my full name,
 11 dianabenanti@gmail.com.
 12 Q. And you searched through that. Did you
 13 find any e-mails that would be responsive to the
 14 requests in the subpoena?
 15 A. No.
 16 Q. And did you search the trash bin as well
 17 as the inbox?
 18 A. No, I didn't.
 19 Q. Do you have a University of Illinois
 20 e-mail account as well?
 21 A. No.
 22 Q. Do you have access to a Saint Louis
 23 University e-mail account?
 24 A. No.

Page 38

1 Q. Did you at one time?
 2 A. Yes.
 3 Q. And did you use that e-mail account?
 4 A. I gener- -- I had my SLU e-mail
 5 forwarded to my gmail account, but I hadn't used a
 6 SLU account since reenrolling at SLU the second
 7 time.
 8 Q. Are e-mails on your gmail -- gmail
 9 account deleted on a regular basis?
 10 A. Yes.
 11 Q. Okay. Do you know how often that is?
 12 A. I delete e-mails every day. I don't --
 13 just like new ones that I'm not going to read or, I
 14 don't know, stuff from Borders and Sephora, I don't
 15 know, but I don't go back through and delete
 16 things, no.
 17 Q. Okay. So if you had received an e-mail
 18 there a year ago that was not junk mail, which is
 19 what you were referring to --
 20 A. Uh-huh.
 21 Q. -- it would still be sitting in your
 22 inbox?
 23 A. Yes, probably. Actually, I don't -- I
 24 don't -- can you restate the question.

Page 39

1 Q. Well, I'm just trying to find out how
 2 you keep your e-mail.
 3 When you receive an e-mail that is not
 4 junk mail --
 5 A. Uh-huh.
 6 Q. -- and it comes into your inbox, does it
 7 stay there or do you, as a matter of course, delete
 8 those?
 9 A. If I read them and respond to them, I
 10 don't delete them, but otherwise I would delete
 11 them more than likely.
 12 Q. Okay. So if you responded, that -- it
 13 would still be there?
 14 A. Yes.
 15 Q. Okay. What search terms did you use to
 16 search your e-mail for documents responsive to the
 17 subpoena?
 18 A. I don't remember. I don't know. I had
 19 some trouble like understanding what was being
 20 asked for, but I -- I don't know. I don't really
 21 remember what terms I used.
 22 Q. Okay. I don't want to know the
 23 substance of any conversations, but did you speak
 24 with your attorney when you received the subpoena

Page 40

1 regarding a search for documents?
 2 A. Yes.
 3 Q. And you found no e-mails that were
 4 responsive to the subpoena?
 5 A. No.
 6 Q. You referred earlier to instant
 7 messaging. Would that be contained within your
 8 inbox?
 9 A. Yes.
 10 Q. Okay. So those would have been part of
 11 your search?
 12 A. No, actually, I didn't even think of
 13 that.
 14 Q. Okay. Did you have any e-mails at all
 15 in your inbox from Dr. Meyer?
 16 A. I -- I don't think so, no. I -- if I
 17 did, it was a -- like a quick e-mail saying that I
 18 wasn't going to be in class or late to class or
 19 something.
 20 Q. Okay. When was the last time you think
 21 you corresponded by e-mail with Dr. Meyer?
 22 A. It had to have been a year and a half
 23 ago. I don't think I ever corresponded with -- we
 24 never talked about anything via e-mail. He

1 sometimes sent me e-mails with just things he had
 2 written for the paper or just -- I don't know,
 3 actually. I'm trying to remember.
 4 Q. Do you recall if you searched for the
 5 word "Meyer" when you did your search
 6 production -- search for documents to produce?
 7 A. I probably did, but I don't remember.
 8 Q. And you said he would have e-mailed to
 9 you things he had written? Can you explain that.
 10 A. I'm trying to remember. I think he may
 11 have e-mailed me or the UNews account with letters
 12 to the editor that he had written.
 13 Q. Do you know if the UNews published any
 14 of those letters to the editor?
 15 A. Yes, not in the same form that they came
 16 in the e-mail in, but --
 17 Q. What form would they have been published
 18 in?
 19 A. They would have been rewritten or
 20 redrafted and copy-edited and -- I don't know.
 21 Q. Would they have appeared in the paper as
 22 a letter written by Dr. Meyer?
 23 A. Yes.
 24 Q. But they would have been rewritten by

1 be -- we got letters to the editor in there, so
 2 Sarah Hale, the outside editor, would go through
 3 it. Pretty much everyone would log into it.
 4 Q. And you don't -- do you still have
 5 access to that account?
 6 A. I don't know. I haven't checked. I
 7 mean, I don't -- I knew the password at some -- at
 8 a time, but I don't know if I remember it or if
 9 it's changed, so --
 10 Q. Okay. So when was the last time you
 11 would have accessed that account?
 12 A. It would have been in May or April 2007.
 13 MS. HOY: If I could have this marked
 14 Exhibit 3, please.
 15 (WHEREUPON, a certain document was
 16 marked Benanti Deposition Exhibit
 17 No. 3, for identification, as of
 18 6/12/08.)
 19 MS. HOY: Thank you.
 20 BY MS. HOY:
 21 Q. Ms. Benanti, I'm going to hand you
 22 what's been marked Exhibit 3. If you could take a
 23 look at it and identify it, if you can.
 24 A. Yes, it's the -- I can't think, the

1 the staff?
 2 A. Not rewritten by the staff, but he -- I
 3 think he -- to the best of my knowledge, he would
 4 just send what he was working on, like here's a
 5 little bit of me -- do you guys have room to run
 6 this letter to the editor type thing.
 7 Q. Okay. Sort of a paraphrase of what he
 8 planned to write?
 9 A. Yeah.
 10 Q. And I think you said those would have
 11 gone to the UNews account?
 12 A. Yes.
 13 Q. Was that an e-mail account you used
 14 while you were editor in chief?
 15 A. Yes.
 16 Q. Okay. And would that be the same e-mail
 17 account used by each editor in chief as they took
 18 office?
 19 A. No, it was used by the entire staff.
 20 There were a lot of -- we probably got like 2- to
 21 300 e-mails a day, just press releases and
 22 different things.
 23 Q. Who would go through those every day?
 24 A. It depends. It would be me, it would

1 case, I don't know what to call it, the lawsuit,
 2 whatever.
 3 Q. Okay. It's entitled "Complaint"?
 4 A. Okay.
 5 Q. I think that's what you're referring to.
 6 Have you seen this document before?
 7 A. I may have seen it, but I haven't read
 8 through it. I think I've seen it, yeah.
 9 Q. Okay. And you're referring to the
 10 lawsuit filed by Saint Louis University against
 11 Dr. Meyer; is that correct?
 12 A. Yes.
 13 Q. So you don't recall if you've seen the
 14 document before?
 15 A. No, not definitively. No, I don't
 16 recall.
 17 Q. But it looks familiar?
 18 A. Yes.
 19 Q. When did you first find out that
 20 Dr. Meyer was the Defendant in a lawsuit?
 21 A. I don't -- I don't remember. I could
 22 guess that it was -- I remember talking to
 23 Dr. Meyer after he got back from Europe in the
 24 summer of 2007 saying that he had received a couple

Page 45

1 letters -- or a couple letters had gone to his
 2 house while he was in Europe about something about
 3 a case or about SLU wanting to sue him or
 4 something. So --
 5 Q. Okay. And you said after he returned
 6 from Europe?
 7 A. Uh-huh.
 8 Q. Do you know about what timeframe that
 9 was?
 10 A. He was gone for, I believe, a month and
 11 a half, from maybe the middle of June to the end of
 12 July or the beginning of August.
 13 Q. And you're referring to 2007?
 14 A. 2007, yeah.
 15 Q. And did he call you to tell you about
 16 those letters?
 17 A. Yes.
 18 Q. So he initiated that call?
 19 A. Actually, I don't -- I don't know now.
 20 He may have, or I may have called him.
 21 Q. And what did he say about the letters?
 22 A. He said that he had to get a lawyer and
 23 he had, since some of -- a lot of the time had
 24 expired since he had been gone, he said -- I

Page 46

1 believe he said he had like 72 hours to get a
 2 lawyer and get a response to SLU.
 3 Q. What was your response to him?
 4 A. Probably an expletive of some sort. I
 5 don't know. I just said, "That's crazy." I don't
 6 know.
 7 Q. Now, you said this Complaint looks like
 8 it might be familiar. Where do you think you may
 9 have seen it?
 10 A. I may have seen it online. I think
 11 someone sent it to me in a pdf.
 12 Q. Do you know who might have sent it?
 13 A. I think -- I was sent several pdf
 14 documents about the case, about this case, from Joe
 15 Palazzolo.
 16 Q. Can you spell the last name, please.
 17 A. Yes, it's P-A-L-A-Z-Z-O-L-O.
 18 Q. Would those have been sent via e-mail?
 19 A. Yes, just recently.
 20 Q. Recently, within the last week?
 21 A. Yes, I think either yesterday or the day
 22 before, actually.
 23 Q. Okay. So when you say you referred to
 24 that -- you may have seen it online, are you

Page 47

1 referring to your e-mail or some other --
 2 A. I'm referring to a pdf document attached
 3 to an e-mail.
 4 Q. Okay. Would you still have that e-mail
 5 on your computer?
 6 A. Uh-huh.
 7 Q. What was the substance of his e-mail to
 8 you?
 9 A. Just responding. He's a journalist, so
 10 he, I guess, looked up what was going on in the
 11 case, and he said that it was in mediation or
 12 something like that, and he sent me a couple, like
 13 five different pdf documents.
 14 Q. Did you save those documents on your
 15 computer?
 16 A. They're not saved on my computer, but
 17 they're in my e-mail.
 18 Q. Okay. Did you forward that on to anyone
 19 else?
 20 A. I didn't forward it, no.
 21 Q. Did you talk to anyone about the e-mail?
 22 A. Yes.
 23 Q. Okay. Who did you talk to?
 24 A. I've sent a response back to Joe, and I

Page 48

1 talked to Dr. Cohen about those e-mails.
 2 Q. Did you forward the e-mail to Dr. Cohen?
 3 A. No.
 4 Q. Did you forward it to anyone else?
 5 A. No.
 6 Q. Okay. Do you know what prompted
 7 Joe -- I'm going to refer to him as Joe -- to
 8 forward those to you?
 9 A. There's been a series of e-mails within
 10 the past couple days since the publication of an
 11 article at -- from the Student Press Law Center. A
 12 lot of alums and students have been e-mailing back
 13 and forth.
 14 Q. Okay. So prior to that e-mail of about
 15 a week ago, do you think you had seen this
 16 Complaint?
 17 A. It wasn't a week ago. The -- the e-mail
 18 from Joe --
 19 Q. Uh-huh.
 20 A. -- was within the last 48 hours.
 21 Q. Okay.
 22 A. So what was that question?
 23 Q. So prior to receiving that e-mail from
 24 Joe with the pdf attachments that you believe may

Page 49

1 have included this Complaint --
 2 A. Uh-huh.
 3 Q. -- do you think you've seen this
 4 Complaint?
 5 A. I don't know. I may have looked it up
 6 online, just done a Google search for it, but I
 7 have I have not read through it or anything. So I
 8 may have seen this but not gone over it at all.
 9 Q. Okay. We'd ask that the e-mail
 10 correspondence, including Joe's e-mail, be produced
 11 as a supplement to the subpoena's request for
 12 production of documents.
 13 A. Okay.
 14 Q. Do you know if Dr. Cohen spoke with
 15 Dr. Meyer regarding the lawsuit?
 16 A. I'm not sure if she's spoken with him
 17 directly.
 18 Q. Has she asked you to communicate
 19 anything to him on her behalf?
 20 A. No.
 21 MS. HOY: Okay. Why don't we take a break.
 22 There needs to be a videotape change.
 23 THE WITNESS: Okay.
 24 MS. HOY: This might be a good time.

Page 50

1 THE VIDEOGRAPHER: We're going off the video
 2 record at the end of Tape 1 at 11:03 a.m.
 3 (WHEREUPON, a recess was had.)
 4 THE VIDEOGRAPHER: We are going back on the
 5 video record at the start of Tape 2 at 11:11 a.m.
 6 BY MS. HOY:
 7 Q. Okay. Ms. Benanti, I'd like to go back
 8 to a conversation referenced earlier when Dr. Meyer
 9 returned from Europe.
 10 If I recall correctly, you said he
 11 informed you about some letters he had received?
 12 A. Yes.
 13 Q. Okay. Did he explain the substance of
 14 the letters to you?
 15 A. I believe he did, not in detail. He
 16 sort of paraphrased, just told me what the subject
 17 of the letters were, and that was -- that was it, I
 18 believe.
 19 Q. Okay. Can you --
 20 A. Uh --
 21 Q. -- let me know what -- or set forth his
 22 explanation, as you recall it.
 23 A. I think it was something along the lines
 24 of "I got a couple letters saying that if I don't

Page 51

1 respond, SLU is going to sue me," or something like
 2 that.
 3 Q. And did he say why he was going to be
 4 sued?
 5 A. I don't know.
 6 Q. Or why he thought he might be sued?
 7 A. I don't -- I don't remember what --
 8 there's been so many conversations since then that
 9 I -- I don't -- I don't know.
 10 Q. Did he tell you what he planned to do to
 11 respond to the letters?
 12 A. He just told me that he had 72 hours or
 13 something like that to respond and that he had to
 14 get a lawyer and get a response sent to SLU.
 15 Q. Okay. Did he do something in response
 16 to the letters?
 17 A. I believe so.
 18 Q. Okay. Do you know what he did?
 19 A. I believe that he got a lawyer and
 20 responded to SLU.
 21 Q. Okay. Do you know who he retained?
 22 A. No, I don't know his lawyer's name.
 23 Q. Were you involved in his attempt to try
 24 to find a lawyer?

Page 52

1 A. No, not at all.
 2 Q. Did he ask you for recommendations?
 3 A. No, not at all.
 4 Q. Do you know what actions he had taken
 5 that initiated the letters?
 6 A. I know now, I believe, but I didn't know
 7 then, I don't think.
 8 Q. Okay. What is your understanding right
 9 now?
 10 A. My understanding right now is that he
 11 had the name trademarked, or he had the name of The
 12 University News copyrighted or trademarked or
 13 whatever, and SLU was writing him to tell him to
 14 relinquish that paper or name or whatever.
 15 Q. And is that the way he explained it to
 16 you during that conversation?
 17 A. I think I said I don't remember the
 18 conversation, so that is my post that conversation
 19 understanding of the situation.
 20 Q. Okay. And did you talk to him
 21 subsequent to that initial conversation where he
 22 told you he had received letters and was -- needed
 23 to find a lawyer?
 24 A. I believe I talked to him after this

Page 53

1 suit was filed.
 2 Q. What timeframe would that have been?
 3 A. That -- that probably -- that would have
 4 been sometime in October or November, because I had
 5 been sick and back home in Springfield for couple
 6 weeks, and he had heard through the grapevine that
 7 I was sick and was, I believe, calling to check up
 8 on me and then mentioned something about the
 9 lawsuit.
 10 Q. He mentioned that a lawsuit had been
 11 filed?
 12 A. Yes, I believe so.
 13 Q. Did he say anything else about the
 14 lawsuit?
 15 A. Not that I can recall.
 16 Q. So is that the first awareness you had
 17 of the lawsuit?
 18 A. I believe so.
 19 Q. Have you talked to Dr. Meyer since that
 20 time?
 21 A. Yes.
 22 Q. How many times?
 23 A. Two or three maybe.
 24 Q. Do you remember approximately when those

Page 54

1 conversations took place?
 2 A. No, I don't.
 3 Q. Would they have been in 2008 or prior to
 4 that?
 5 A. They're -- I don't know. I know there
 6 was at least one conversation in 2008, but I -- I
 7 don't remember when.
 8 Q. Okay. That conversation, what was the
 9 substance of that conversation?
 10 A. I believe it was something along the
 11 lines of, you know, "I've already relinquished this
 12 trademark or copyright or whatever, and they're
 13 still pursuing this case, and --" oh, and
 14 he -- well, he did call me to tell me that I was
 15 being subpoenaed in regards to the case.
 16 Q. Okay. When did he make that call to
 17 you?
 18 A. I don't know. It was probably in April
 19 or beginning of May. I don't remember.
 20 Q. And did you speak with him, or did he
 21 leave you a message?
 22 A. He left me a message, and I called him
 23 back and talked to him.
 24 Q. Okay. And what did he say about you

Page 55

1 being subpoenaed in the case?
 2 A. He just said that he was really sorry
 3 and he wished that -- that I wasn't being
 4 subpoenaed, but he said that I was, I don't know,
 5 and he was really upset about it.
 6 Q. Did he say how he had knowledge that you
 7 were going to be subpoenaed in the case?
 8 A. No.
 9 Q. Was that prior to or after you received
 10 the subpoena?
 11 A. Prior.
 12 Q. Did you have any prior knowledge before
 13 he called you that a subpoena was on its way?
 14 A. No, not at all.
 15 Q. And what did he tell you to do in
 16 response to the subpoena?
 17 A. He didn't tell me to do anything.
 18 Q. Did he have any advice?
 19 A. No.
 20 Q. Did he tell you to contact a lawyer?
 21 A. No.
 22 Q. Okay. So in April or May, he called
 23 regarding the subpoena.
 24 It sounds like there was another call

Page 56

1 probably in 2008 from Dr. Meyer to you?
 2 A. There may have been one prior to that,
 3 and there may have been one after. I don't -- I
 4 don't remember though.
 5 Q. Do you remember the substance of any of
 6 those conversations?
 7 A. It was mostly just calling to see how I
 8 was doing, how school was, and in all the
 9 conversations I've had with him, he just briefly
 10 mentions the -- the lawsuit, mostly because I ask.
 11 Q. Does he call you at your home number?
 12 A. He calls me on my cell phone.
 13 Q. Cell phone? What is that number?
 14 A. It's 217-622-4779.
 15 Q. Did he ever call you to tell you that he
 16 was being deposed?
 17 A. No, I believe he mentioned it on the
 18 phone when he told me that I was being subpoenaed.
 19 No, I think I just heard from somewhere that he was
 20 being deposed.
 21 Q. Where do you think you heard that from?
 22 A. I have no idea.
 23 Q. That's cell phone number, that's listed
 24 under your name?

Page 57

1 A. I think it's listed under my dad's name.
 2 I don't know.
 3 Q. Okay. His last name is Benanti as well?
 4 A. Uh-huh.
 5 Q. What is your dad's first name?
 6 A. It's Richard.
 7 Q. Thank you. Just to make sure the
 8 record's clear. Okay.
 9 During any of these conversations
 10 anytime from the 2007 conversation after he -- he
 11 returned from Europe to any -- up to the present,
 12 did you all discuss Father Biondi in any way?
 13 A. I'm sure we did.
 14 Q. Why are you sure of that?
 15 A. I just -- his name usually comes up in
 16 regards to the lawsuit, I don't know, but every
 17 conversation I've had with Dr. Meyer's usually
 18 pretty short and cheerful, as far as, you know, he
 19 might -- he might have said a joke about Biondi, or
 20 I might have. I don't know.
 21 Q. What kind of joke might he have said?
 22 A. I don't -- I don't know, just like --
 23 like, "I can't believe that guy," like something
 24 like that. I don't know.

Page 58

1 Q. Did you ever refer to him by any
 2 specific name or --
 3 A. No, just Biondi. I don't know.
 4 Q. But he comes up in every conversation?
 5 A. Not in every conversation, no, but
 6 I -- I would be lying if I said we hadn't mentioned
 7 him ever in a conversation. So --
 8 Q. Well, certainly don't lie.
 9 Did he ever refer to Father Biondi as a
 10 toilet seat?
 11 A. Over the phone?
 12 Q. Uh-huh.
 13 A. I think he -- we may have talked about
 14 an article that ran in St. Louis Magazine or
 15 something that -- in which he -- he -- like he
 16 said, "You'll never believe what I told St. Louis
 17 Magazine," or something like that, or -- and he
 18 might have mentioned the toilet seat thing, but he
 19 does not commonly refer to Father Biondi as a
 20 toilet seat.
 21 Q. Okay. So when was the last time you
 22 think you talked to Dr. Meyer?
 23 A. It was probably when I called him back
 24 after he left me a voicemail saying I'd been

Page 59

1 subpoenaed.
 2 Q. And those were just -- all these
 3 conversations that we're talking about, was there
 4 any third party on the phone with you?
 5 A. No.
 6 Q. No three-way call or --
 7 A. No --
 8 Q. -- conference call?
 9 A. No.
 10 Q. Dr. Meyer ever refer to Father Biondi as
 11 the big weasel?
 12 A. I don't believe so, not on the phone.
 13 Q. Were there any other references to
 14 Father Biondi you can think of?
 15 A. I don't think so, no.
 16 Q. Pet names?
 17 A. Uh --
 18 Q. Inside jokes?
 19 A. No, not really. I mean, I'm sure I've
 20 called him some things, but not that Dr. Meyer has.
 21 Q. You're sure you've called him some
 22 things on your conversations with Dr. Meyer?
 23 A. Probably.
 24 Q. What kinds of things?

Page 60

1 A. I don't know. An asshole. I don't
 2 know. Bad things.
 3 Q. Okay. We can go back to Exhibit 3,
 4 which I believe is before you. If you turn after
 5 Page 15, there's a document marked Exhibit A. Do
 6 you recognize this document?
 7 A. I think I know what it is. I
 8 don't -- I've never seen it before.
 9 Q. What -- what do you think it is?
 10 A. I think it's the paper that Dr. Meyer
 11 filed with the Secretary of State for the name of
 12 the UNews.
 13 Q. Okay. But you've never seen it before?
 14 A. No, never.
 15 Q. Whose handwriting is on this document?
 16 A. It looks like Dr. Meyer's.
 17 Q. And if you turn to the following page,
 18 do you know whose signature that is?
 19 A. No.
 20 Q. Okay. If you turn to Exhibit B, do you
 21 recognize that document?
 22 A. Same thing. I've -- I think I know what
 23 it is, but I've never seen it before.
 24 MS. HOY: And, for the record, it's the

Page 61

1 certificate of incorporation for the -- "The
 2 University News, A Student Voice Serving Saint
 3 Louis University Since 1921."
 4 BY MS. HOY:
 5 Q. So you've never seen either of these
 6 documents before?
 7 A. No.
 8 Q. When did you first learn that a document
 9 like this had been submitted to the Secretary of
 10 State?
 11 A. I guess after it was submitted,
 12 Dr. Meyer called me, or we talked, I don't know,
 13 because I was still in St. Louis at the time, so we
 14 may have talked in the newsroom even, and he said
 15 like something along the lines of, "Guess what I
 16 did? I got the -- I reserved the name of the
 17 UNews," and no one had ever -- and he said that he
 18 couldn't believe that SLU hadn't had it reserved or
 19 incorporated or whatever.
 20 Q. So he was proud of that?
 21 A. Yes.
 22 Q. Okay. And was anyone else around when
 23 he told you this?
 24 A. Like I said, it may have been on the

Page 62

1 phone or it may have been in the office, so I -- I
 2 don't -- I don't know.
 3 Q. And what was your reaction?
 4 A. My reaction was, "Okay. Cool. If we
 5 get kicked off campus, we will still be able to use
 6 the name, The University News, to publish our
 7 stories under."
 8 Q. Okay. And why did that matter to you?
 9 A. It mattered because I had been told by
 10 the administration sort of off the record that
 11 those were -- that one of the options on the table
 12 was the current operation of the UNews being kicked
 13 off campus and, I don't know -- I don't know.
 14 Q. So this document, Exhibit A, that we're
 15 looking at is marked -- is dated at the top
 16 right-hand corner March 16, 2007?
 17 A. Uh-huh.
 18 Q. Was this conversation you had with
 19 Dr. Meyer before or after that date?
 20 A. It would have been after.
 21 Q. Did you have any knowledge prior to
 22 March 16, 2007, that he was going to register the
 23 corporation?
 24 A. No, I did not.

Page 63

1 Q. Had you talked with anyone else about
 2 the possibility of registering a nonprofit
 3 corporation?
 4 MR. HOGAN: I'm going to object. It may
 5 invade attorney-client privilege.
 6 BY MS. HOY:
 7 Q. With the exception of conversations with
 8 your attorney?
 9 A. No.
 10 Q. Were -- had you retained an attorney at
 11 that time?
 12 A. Yes -- wait. No.
 13 Q. For this purpose?
 14 A. No, I don't -- no, I hadn't.
 15 MR. HOGAN: Can we go off the record a second.
 16 MS. HOY: No, I think we can stay on the
 17 record. What do you need?
 18 MR. HOGAN: I have another lawsuit pending
 19 against Saint Louis University that predates this
 20 where I represent Ms. Benanti. I am certain that
 21 you are aware of that.
 22 MS. HOY: Very well.
 23 MR. HOGAN: Are you?
 24 MS. HOY: I am aware that there is another

Page 64

1 lawsuit pending, yes.
 2 MR. HOGAN: And that I represent ms. Benanti
 3 in that lawsuit.
 4 MS. HOY: Very well. I'm asking her about her
 5 knowledge with regard to a document.
 6 MR. HOGAN: No, you asked her if she retained
 7 an attorney. You didn't ask her if she retained an
 8 attorney in relation to anything going on with the
 9 Dr. Meyer and this stuff here, okay, in this
 10 lawsuit. You asked her if she retained an
 11 attorney, which means for any purpose.
 12 So if you want to limit it to this
 13 litigation, the matters in this litigation, that's
 14 fine. If you don't want to do that, I will cancel
 15 this deposition because that's harassive and you're
 16 not here to do free discovery or spend money on
 17 someone else's nickel to try to get information
 18 about the other lawsuit from my client.
 19 I wrote you a letter about that,
 20 counsel. I was very clear at that time. I do not
 21 want you going into discovery in this deposition in
 22 this lawsuit in the matters that are covered in the
 23 pending lawsuit between my client, Saint Louis
 24 University, and Dr. Biondi, who is one of the named

1 Defendants. Okay?
 2 MS. HOY: Mr. Hogan, I appreciate your
 3 pre-prepared speech. I asked her a yes or no
 4 question with regard to retaining an attorney.
 5 If you could please repeat the question,
 6 and if you could answer it, Ms. Benanti. The court
 7 reporter --
 8 THE WITNESS: Okay.
 9 MS. HOY: -- will repeat the question for you.
 10 (WHEREUPON, the record was read
 11 by the reporter as requested.)
 12 THE WITNESS: "For this purpose" being --
 13 MS. HOY: Could you read back the prior
 14 question.
 15 THE WITNESS: Sorry.
 16 (WHEREUPON, the record was read
 17 by the reporter as requested.)
 18 MS. HOY: I think the record is clear that the
 19 questions relate to the registration of a nonprofit
 20 corporation. If you could please answer the
 21 question.
 22 BY THE WITNESS:
 23 A. I -- I don't know. I believe I talked
 24 to my attorney about it, but I don't even remember

1 Q. After Dr. Meyer -- well, just a minute.
 2 I still -- I don't recall if we've cleared up the
 3 timeframe.
 4 So it was after March 16, 2007, when he
 5 notified you that he had registered a nonprofit
 6 corporation?
 7 A. Yes, but I believe the conversation that
 8 we had, he said, "I registered the name of The
 9 University News," and there was -- I don't believe
 10 that there was a mention of a nonprofit
 11 corporation, I think.
 12 Q. Okay.
 13 A. Yeah.
 14 Q. And that would have -- do you think that
 15 was in the month of March?
 16 A. It probably was.
 17 Q. Okay. What did you do in response to
 18 that knowledge?
 19 A. Nothing.
 20 Q. Did you tell anyone?
 21 A. I may have told members of the editorial
 22 board.
 23 Q. Who do you think you might have told?
 24 A. I honestly couldn't say.

1 if I had an attorney at that time, so I don't -- I
 2 don't know.
 3 BY MS. HOY:
 4 Q. Okay. So prior to Dr. Meyer notifying
 5 you that he had registered a nonprofit corporation,
 6 with the exception of your attorney, had you had
 7 any conversations with anyone about the idea or the
 8 possibility of registering a nonprofit corporation?
 9 A. Not that I know of, no.
 10 Q. Had you thought about it?
 11 A. No.
 12 MR. HOGAN: Object to the form of the
 13 question.
 14 MS. HOY: You can answer the question.
 15 BY THE WITNESS:
 16 A. I had not thought about making a
 17 nonprofit organization, no.
 18 BY MS. HOY:
 19 Q. Had you thought about reserving the
 20 name?
 21 A. No.
 22 Q. Had you talked with anyone about
 23 reserving the name?
 24 A. No.

1 Q. What were some of the names of your
 2 editorial board?
 3 A. Katie Lewis, Sara Hale, Adam Tamburin,
 4 Evan Jarrold, Ian Darnell, Steve Root, Andy
 5 Pollack, Laura Bati (phonetic), and I think that's
 6 it at the time.
 7 Q. And so you think you might have talked
 8 to some of them about the registration of the name
 9 or the nonprofit corporation?
 10 A. I may have talked to them about the
 11 registration of the name.
 12 Q. Do you remember their response?
 13 A. No, I don't even remember if I told
 14 them, so I don't remember how they responded.
 15 Q. So if I remember your testimony
 16 correctly, it would have been helpful if the paper
 17 had gone independent to have the name?
 18 A. At the time, that's what we thought,
 19 yeah, was that.
 20 Q. Okay. Why is that?
 21 A. Well, because if the paper was forced to
 22 go independent and forced off campus, which was not
 23 what we wanted, you know, we would have had no
 24 credibility whatsoever within the community as far

Page 69

1 as the publication was concerned, and we thought
 2 that having the name of the -- or retaining the
 3 name of The University News would help to get this
 4 independent publication read, I guess.
 5 Q. Okay. So the name was already known,
 6 and it would have been helpful to continue with
 7 that as opposed to an unknown entity?
 8 A. Yes.
 9 Q. Okay. So did Dr. Meyer consult you with
 10 regard to the forms he filled out for the Secretary
 11 of State?
 12 A. No, not at all.
 13 Q. Do you know if he consulted anyone else?
 14 A. I have no idea.
 15 Q. Okay. During that conversation or at
 16 any other time, did he ask you to be a member of
 17 the board for the nonprofit corporation?
 18 A. No.
 19 Q. An officer?
 20 A. No.
 21 Q. Did he tell you how he paid for
 22 registration of the nonprofit corporation?
 23 A. No.
 24 Q. And if you could read -- I'm on

Page 70

1 Exhibit 1, No. 1, "The name of the corporation is."
 2 A. "The University News, A Student Voice
 3 Serving Saint Louis University Since 1921."
 4 Q. Okay. And is that the name in caption
 5 of the paper for which you were editor in chief at
 6 the time?
 7 A. Yeah, it might have -- it might have
 8 read "The Student Voice Serving Saint Louis
 9 University Since 1921," but I can't remember.
 10 Q. Okay. So when did you first have the
 11 idea that the paper might go independent?
 12 A. I never had the idea. I was told by,
 13 most likely, Provost Weixlmann that that
 14 might -- that that was probably what was going to
 15 happen or was one of the options for the paper.
 16 Q. About what timeframe?
 17 A. I don't know. I had been -- there had
 18 been a lot of off-the-record rumors and
 19 conversations between myself and various members of
 20 the administration where people had said, "You need
 21 to get ready for this possibility."
 22 Q. Who said you need to get ready for this?
 23 A. I --
 24 Q. Administration?

Page 71

1 A. Yes, members of the administration.
 2 Yes.
 3 Q. Do you include Dr. Meyer in that?
 4 A. No.
 5 Q. Okay. Did you have plans to go
 6 independent?
 7 A. Absolutely not, no. I mean --
 8 Q. It was a possibility?
 9 A. It was a possibility, and it was
 10 something that I wanted to be ready for if it -- if
 11 it had to happen, but I never made any -- I never
 12 wrote out any plans or, you know, made a -- any
 13 sort of plan, I guess. Yeah.
 14 Q. Did you take any steps to be ready in
 15 case it did happen?
 16 A. Other than thinking about it, no, there
 17 were no other steps made, because my main focus and
 18 the paper's main focus at the time was keeping that
 19 from happening.
 20 Q. Did you discuss that possibility with
 21 Dr. Meyer at any time?
 22 A. The possibility of it going off campus?
 23 Q. Uh-huh.
 24 A. Probably. I believe he was told the

Page 72

1 same thing from different administrators, that the
 2 paper might be forced off campus.
 3 Q. Who would have run the paper if it was
 4 forced off campus?
 5 A. That was not made clear. They said
 6 there were many different conversations and many
 7 different ideas being bounced around, and it may
 8 have been us running the paper and them creating a
 9 new paper on campus with totally -- and none of us
 10 would be allowed to work on that paper.
 11 Q. "None of us" being the present editorial
 12 staff?
 13 A. Right, anyone who had written for the
 14 UNews before would not be allowed to write for the
 15 new paper.
 16 Q. So under that scenario that was
 17 discussed, the paper that you would not have been
 18 allowed to participate in would have been called
 19 the UNews, University News with the tag line?
 20 A. I believe it was mentioned by someone on
 21 the administration that they may just eradicate the
 22 name of the UNews and not use it and, you know, if
 23 they -- if -- if the current editorial board was
 24 forced off campus with our publication, then they