

1 may have given us the name, or they may have  
2 retained it themselves for the new paper, or they  
3 would have chosen a new name. I don't -- I don't  
4 know.

5 Q. Okay. So these were all  
6 possibilities --

7 A. Yes.

8 Q. -- that were being discussed with you  
9 and the administration?

10 A. Uh-huh.

11 Q. Dr. Meyer and the administration?

12 A. I -- yes, with Dr. Meyer and the  
13 administration, as far as I know.

14 Q. Okay. While you were editor in chief,  
15 the UNews received funding from the university; is  
16 that correct?

17 A. No.

18 Q. No?

19 How were supplies paid for, for  
20 instance?

21 A. Supplies were paid for, to the best of  
22 my knowledge, through Student Life. We had all of  
23 our money that we got from advertising in an  
24 account through Student Life, and whenever we

1 A. Yes.

2 Q. Okay. Something you delegated more than  
3 did yourself?

4 A. Yes.

5 Q. Okay.

6 A. Definitely.

7 Q. You were focusing on the paper?

8 A. Uh-huh.

9 Q. Okay.

10 THE WITNESS: Is it okay if I go to the  
11 bathroom? I'm sorry.

12 MS. HOY: Absolutely.

13 THE WITNESS: All right.

14 MS. HOY: We'll take a break. That's fine.

15 THE WITNESS: Okay.

16 THE VIDEOGRAPHER: We're going off the video  
17 record at 11:42 a.m.

18 (WHEREUPON, a recess was had.)

19 THE VIDEOGRAPHER: We are going back on the  
20 video record at 11:49 a.m.

21 MS. HOY: If I could have this marked. I  
22 believe we're on Exhibit 4.

23 (WHEREUPON, a certain document was  
24 marked Benanti Deposition Exhibit

1 bought anything or needed something, if we bought  
2 something prior, we would give the receipt to  
3 Student Life and be reimbursed, or we would submit  
4 a request for, I don't know, whatever, paper.

5 Q. Okay. Did you have someone who did that  
6 for you as editor in chief, or was that part of  
7 your job?

8 A. Mostly it was the -- the general manager  
9 who took care of those sorts of things.

10 Q. Okay. You all needed to keep receipts  
11 and turn those in?

12 A. Yeah.

13 Q. Okay. Did you use the -- you know, most  
14 charitable organizations have a tax-exempt letter  
15 that they can use to -- when they purchase things  
16 so that they don't pay taxes. Did you have to  
17 forward that on with the receipt?

18 A. I never used one of those personally,  
19 no. I don't think we did use it.

20 Q. Okay. Who was the general manager at  
21 that time?

22 A. Richard Hoehn. It's H-O-E-H-N.

23 Q. Okay. So he would know the specifics  
24 about purchasing supplies and things like that?

1 No. 4, for identification, as of  
2 6/12/08.)

3 BY MS. HOY:

4 Q. Ms. Benanti, I'm going to hand you  
5 Exhibit 4. If you could take a look at that and  
6 identify it for the record.

7 A. Initial disclosures of the Defendant.

8 Q. Have you seen this document before?

9 A. No, I haven't.

10 Q. Okay. About halfway down the page at  
11 the letter "A," could you read that section.

12 A. "The following persons likely to have  
13 discoverable information that Defendant may use to  
14 support its claims or defenses, unless solely for  
15 impeachment, include Diana Benanti. Address and  
16 telephone number: Unknown at this time. Student  
17 at the University of Illinois, Chicago. Subjects:  
18 Filing of the Articles of Incorporation dated  
19 March 16, 2007."

20 Q. Okay. And "Defendant" is referring to  
21 Avis Meyer up in the caption, correct?

22 A. Uh-huh.

23 Q. And that identifies you as the person  
24 who Defendant may use to support its claims or

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1 defenses?  
 2 A. Yes.  
 3 Q. And so what information do you have  
 4 regarding filing of the Articles of Incorporation  
 5 dated March 16th, 2007?  
 6 A. I guess that I know that it happened and  
 7 maybe why. I could, I don't know, give information  
 8 as to why it was incorporated.  
 9 Q. Okay. And why? Why was it  
 10 incorporated?  
 11 A. Since we told -- or since we were told  
 12 by the administration that we might get kicked off  
 13 campus, Dr. Meyer filed the Articles of  
 14 Incorporation so that we could keep the name of The  
 15 University News in the event of being removed from  
 16 campus as a publication.  
 17 Q. Has Dr. Meyer informed you that he may  
 18 use you to support his defenses?  
 19 A. I don't think so.  
 20 Q. Have you agreed to travel to St. Louis  
 21 for any trial of this matter?  
 22 A. No.  
 23 Q. Have you provided a statement or  
 24 affidavit with regard to this subject area?

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1 A. No.  
 2 Q. Are you willing to travel to St. Louis  
 3 for a trial of this matter?  
 4 A. I guess.  
 5 Q. Travel expenses paid on your own?  
 6 A. Well, I don't know. It depends on if I  
 7 can afford it and if I -- if it's on a day that I  
 8 don't have class.  
 9 Q. Okay. You can set that document aside.  
 10 We're done with that one.  
 11 Have you ever discussed with Dr. Meyer  
 12 the potential of a trial in this matter?  
 13 A. We have discussed that there will be a  
 14 trial.  
 15 Q. Okay. Did he give you a timeframe when  
 16 he expects that to happen?  
 17 A. I think he had told me in August or  
 18 something.  
 19 Q. Okay. And did he -- did he state  
 20 whether he thought you would be involved in that or  
 21 not?  
 22 A. No, I don't believe so.  
 23 Q. Do you know if any other names were  
 24 considered for any independent newspaper?

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1 A. In what regards?  
 2 Q. Had you considered using another name?  
 3 A. No. I mean, I was too busy trying to  
 4 keep the paper on campus and trying to negotiate  
 5 and keep that from happening. So no, I didn't put  
 6 a lot of thought into it.  
 7 Q. Did anyone else mention to you the  
 8 possibility of another name?  
 9 A. No.  
 10 MR. HOGAN: I'm going to object. Can invade  
 11 attorney-client privilege. Anyone other than the  
 12 attorney would be appropriate.  
 13 MS. HOY: I think the witness has answered the  
 14 question. Thank you.  
 15 Would you mark this Exhibit 5, please.  
 16 (WHEREUPON, a certain document was  
 17 marked Benanti Deposition Exhibit  
 18 No. 5, for identification, as of  
 19 6/12/08.)  
 20 BY MS. HOY:  
 21 Q. Ms. Benanti, I'm handing you Exhibit 5.  
 22 If you could take a minute to look at it and  
 23 identify it when you're done.  
 24 A. It is the Defendant's answers to the

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1 first set of interrogations from the Plaintiff,  
 2 Saint Louis University.  
 3 Q. Okay. Have you seen this document  
 4 before?  
 5 A. No.  
 6 Q. Okay. If you could turn to Page 3,  
 7 No. 2 asks Dr. Meyer to identify all persons with  
 8 knowledge of the nonprofit organization, which is  
 9 defined in the document, including but not limited  
 10 to those persons with knowledge of the nonprofit  
 11 organization's, A, formation, B, incorporation, C,  
 12 existence, D, dissolution or termination. Then if  
 13 you could look under his answer, can you identify  
 14 who he lists.  
 15 A. He listed himself and me for all  
 16 four points.  
 17 Q. Okay. If you could turn to the  
 18 following page, No. 4 asks Dr. Meyer to identify  
 19 all persons with whom you have communicated  
 20 regarding the nonprofit organization, including but  
 21 not limited to those persons with whom you have  
 22 communicated concerning the nonprofit  
 23 organization's formation, incorporation, existence,  
 24 dissolution, or termination?

1 A. He listed me for all four.  
 2 Q. Okay. So what is the extent of your  
 3 knowledge with regard to the formation of the  
 4 nonprofit organization?  
 5 A. That he called me afterward and told me  
 6 that it -- that he had registered the name. So  
 7 that was the formation, I guess.  
 8 Q. Okay. So you're aware that it was  
 9 formed and was in existence in there or around the  
 10 timeframe of March?  
 11 A. Yes.  
 12 Q. 2007?  
 13 A. Yes.  
 14 Q. Okay. And do you know how long it  
 15 existed or if it's still in existence?  
 16 A. I know it's no longer in existence. I  
 17 believe he relinquished the name prior to the date  
 18 the suit was filed, which was October 11th, 2007.  
 19 Q. Okay. And when you say he relinquished  
 20 it, what are you referring to?  
 21 A. That it is no longer in his possession,  
 22 I guess, that he -- I don't -- I don't know how,  
 23 but it's no longer in his possession, I guess.  
 24 Q. And where did you get that knowledge

1 A. All have been over the phone that I know  
 2 of.  
 3 Q. Have you exchanged any e-mails with  
 4 regard to any of these subjects?  
 5 A. No.  
 6 Q. Instant messages?  
 7 A. No, not that I know of.  
 8 Q. Text message?  
 9 A. No.  
 10 Q. Letters?  
 11 A. No.  
 12 Q. Has he forwarded any documents to you?  
 13 A. Not that I know of, no.  
 14 Q. Does he ever communicate with you via  
 15 his wife's e-mail address?  
 16 A. No.  
 17 Q. Have you initiated any of those  
 18 communications by calling Dr. Meyer?  
 19 A. Yes.  
 20 Q. Do you call his home number?  
 21 A. Yes.  
 22 Q. Okay. Do you know that number?  
 23 A. It's in my phone. I don't know it by  
 24 heart or anything.

1 from?  
 2 A. He told me afterwards.  
 3 Q. Okay. Do you know what steps he took?  
 4 A. No.  
 5 Q. About what timeframe did he tell you  
 6 that?  
 7 A. I don't know.  
 8 Q. Did he -- prior to what you're referring  
 9 to as relinquishment of the organization, did he  
 10 tell you that he planned to do that?  
 11 A. I don't remember. I don't know if he  
 12 did or not.  
 13 Q. In your conversations with him when he  
 14 returned from Europe in 2007, did he mention  
 15 anything about relinquishing the organization?  
 16 A. I believe he might have said something  
 17 about SLU in the letters that he got from SLU that  
 18 they were ordering him to relinquish the name.  
 19 Q. With regard to No. 4 where he's  
 20 identified communications with you, we've gone  
 21 through the oral communications you've had with  
 22 him.  
 23 What other types of communications have  
 24 you had with Dr. Meyer?

1 Q. Okay. Do you ever call his office  
 2 number?  
 3 A. I don't think so, no.  
 4 Q. Okay. Does he use a cell phone?  
 5 A. I know he has one, but I don't --  
 6 Q. Have you ever called him on his cell  
 7 phone?  
 8 A. I don't think so.  
 9 Q. Okay. If you can turn to Page 5 of this  
 10 document, down at the bottom, No. 9 asks Dr. Meyer  
 11 to "Identify all facts concerning the dissolution  
 12 or termination of the Non-Profit Organization," on  
 13 or about August 21st, 2007, "including but not  
 14 limited to the reason the Non-Profit Organization  
 15 was dissolved and/or terminated." Did I read that  
 16 correctly?  
 17 A. Uh-huh.  
 18 Q. Okay. And then if you turn the page for  
 19 his answer, or -- states, "Defendant answers: A  
 20 decision was made that the Non-Profit Corporation  
 21 was not necessary and would not be utilized for any  
 22 purpose." Did I read that correctly?  
 23 A. Yes.  
 24 Q. Okay. Who made that decision?

1 A. I assume that he did.  
 2 Q. When was it made?  
 3 A. I don't know.  
 4 Q. Do you know what led to that decision?  
 5 A. I believe it was the letters from SLU.  
 6 Q. Did Dr. Meyer hold regular office hours  
 7 for his students?  
 8 A. I believe so.  
 9 Q. Did you ever attend them?  
 10 A. No.  
 11 Q. You had enough access to him in the  
 12 newsroom?  
 13 A. Uh-huh.  
 14 Q. Yes or no, please.  
 15 A. Oh. No.  
 16 Q. Thank you.  
 17 A. I didn't.  
 18 Q. And when you said no, I think you're  
 19 referring to --  
 20 A. I've never been to his --  
 21 Q. -- two questions ago?  
 22 A. -- office hours.  
 23 Q. Office hours, and you had enough access  
 24 to him in the newsroom?

1 manager, there's a staff of a couple people who  
 2 sell ads to the paper, and the ads go to pay for  
 3 the production, the staff, and the publication of  
 4 the paper every week.  
 5 Q. Okay. And you print the ads just as  
 6 they're sent to you, you don't alter their logos or  
 7 their --  
 8 A. Uh --  
 9 Q. -- text or anything?  
 10 A. No. Sometimes we -- we made ads for  
 11 people who didn't -- I mean, most of the time we  
 12 were sent pdf's of ads that were just then put into  
 13 the paper, but I believe that it's -- sometimes the  
 14 ad staff would make ads for companies who wanted to  
 15 run one but didn't have one at the time.  
 16 Q. Okay. Were -- any of your classes teach  
 17 you about the nuances of running ads for companies?  
 18 Was --  
 19 A. No.  
 20 Q. Was that something that just sort of  
 21 happened, historically?  
 22 A. Yeah.  
 23 Q. Okay.  
 24 A. It was -- all of the information about

1 A. Yes. Yes.  
 2 Q. Yes. Okay. Thank you. Just to make  
 3 sure that our written record is clear.  
 4 If you could turn to Page 7 of the same  
 5 document. We're on Exhibit 5 still. About halfway  
 6 down the page, small letter "a," this is an answer  
 7 to an interrogatory request. It states, "Defendant  
 8 contemplated starting a news paper by the name  
 9 of --" and it lists the nonprofit corporation name.  
 10 Did he discuss contemplating that with you?  
 11 A. No.  
 12 Q. Okay.  
 13 A. I don't think so.  
 14 Q. Did anyone discuss that with you?  
 15 MR. HOGAN: I'm going to object. You  
 16 maybe --  
 17 BY MS. HOY:  
 18 Q. With the exception of your attorney?  
 19 A. Yeah, no.  
 20 Q. The University News you refer to  
 21 advertisements?  
 22 A. Uh-huh.  
 23 Q. Can you explain to me how that works.  
 24 A. Yes. There's -- under the general

1 how to run the ad section of the paper had been  
 2 passed down from previous general managers to the  
 3 current staff.  
 4 Q. Okay. Was there ever any issue with  
 5 regard to the ads or a dispute about the way it  
 6 ran?  
 7 A. I'm sure there was, yeah.  
 8 Q. Who would have been involved in those  
 9 disputes?  
 10 A. In the disputes?  
 11 Q. Uh-huh.  
 12 A. The ad staff, whoever sold the ad, and  
 13 the general manager.  
 14 Q. Okay.  
 15 A. And I would be made aware of it, I  
 16 believe. Yeah.  
 17 MS. HOY: If you can mark that. I believe  
 18 we're on Exhibit 6.  
 19 (WHEREUPON, a certain document was  
 20 marked Benanti Deposition Exhibit  
 21 No. 6, for identification, as of  
 22 6/12/08.)  
 23 BY MS. HOY:  
 24 Q. Okay. If I can hand you what's been

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<p>1 marked Exhibit 6. Are you familiar with this                  2 document?                  3 A. No.                  4 Q. Okay. Have you ever seen it before?                  5 A. No.                  6 Q. Okay. It's entitled "Defendant's                  7 Response To First Set Of Requests For Production Of                  8 Documents And Things," and I'll represent to you                  9 that this was served on us by the Defendant in --                  10 pursuant to this lawsuit.                  11 A. Okay.                  12 Q. If you could turn back after the                  13 numbered pages, and the last one is No. 12, there's                  14 a series of documents, if you want to take a minute                  15 to look at those.                  16 A. Okay.                  17 Q. Are you familiar with those?                  18 A. No.                  19 Q. Okay. The first one's entitled                  20 "Articles of Termination."                  21 Do you know whose handwriting that is?                  22 A. I believe it's Dr. Meyer's.                  23 Q. Okay. If you could go three pages in                  24 down on the bottom right-hand corner, it says</p>	<p>1 Q. -- which was the Complaint, and I'm                  2 looking at Exhibit C to Exhibit 3. It's about                  3 halfway back through the stack.                  4 A. Okay.                  5 Q. Do you recognize this document?                  6 A. No.                  7 Q. Do you recognize the letterhead that                  8 this document -- this letter is printed on?                  9 A. Yes.                  10 Q. What is that letterhead?                  11 A. It's the letterhead of The University                  12 News.                  13 Q. Is that the letterhead that was being                  14 used at the time you were the editor in chief?                  15 A. Yes, although it was very seldom used                  16 and had been sitting in the office from previous                  17 years for a long time.                  18 Q. Okay. Why was it seldom used?                  19 A. We didn't really have cause to use it,                  20 and we conducted most everything through e-mail.                  21 Q. Okay. The address there, was that the                  22 address of the -- address and phone number of the                  23 newsroom?                  24 A. 3733 West Pine?</p>
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<p>1 MEYA-003, and this is entitled "Articles of                  2 Dissolution"?                  3 A. Uh-huh.                  4 Q. About halfway down, it says number of                  5 members outstanding, 2. Do you know who that                  6 refers to?                  7 A. No. I guess it refers to me and him. I                  8 don't know.                  9 Q. Okay. And right under that, number                  10 entitled to vote, 2, same thing? You have                  11 to verbally respond in --                  12 A. Oh.                  13 MR. HOGAN: Again, if you know.                  14 BY THE WITNESS:                  15 A. Oh. I -- I don't know what this means.                  16 BY MS. HOY:                  17 Q. Why -- why do you presume it would be                  18 you?                  19 A. Because I'm here giving a deposition                  20 about it.                  21 Q. Okay. Did you understand you were                  22 the -- strike that.                  23 If we can go back to Exhibit 3 --                  24 A. Okay.</p>	<p>1 Q. I'm sorry, at the top right-hand corner,                  2 Suite 331?                  3 A. Oh.                  4 Q. -- 20 North Grand Boulevard?                  5 A. No, yeah, that's from -- this was                  6 printed when the Busch Student Center was still the                  7 BMC, the Busch Memorial Center.                  8 Q. Okay.                  9 A. And I guess then it was Suite 301, but                  10 the address was still 20 North Grand, but the suite                  11 at the BSC was Suite 354.                  12 Q. Okay. So it's the newsroom at its                  13 previous location --                  14 A. Yes.                  15 Q. -- before they redid the whole Busch --                  16 A. Yes.                  17 Q. -- Student Center? Okay.                  18 For what purposes did you use this                  19 letterhead?                  20 A. I don't know.                  21 Q. Perhaps if you were sending a letter on                  22 behalf of The University News to an advertiser, or                  23 something along that line?                  24 A. Yeah, I guess.</p>

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<p>1 Q. Official business?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay. And then about halfway down there</p> <p>4 is an address there, Xavier?</p> <p>5 A. Uh-huh.</p> <p>6 Q. I'm mispronouncing it --</p> <p>7 A. Yes.</p> <p>8 Q. Hall. Are you familiar with that</p> <p>9 address?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Do you -- can you identify what</p> <p>12 that was an address for?</p> <p>13 A. Yes, I took classes there and it was</p> <p>14 for -- I'm assuming for Dr. Meyer's offers there.</p> <p>15 Q. Did you ever visit his office in that</p> <p>16 hall?</p> <p>17 A. I have only been there twice, I believe.</p> <p>18 Q. Okay. And were those visits related to</p> <p>19 The University News?</p> <p>20 A. Well, the first time, I was sitting in</p> <p>21 his office while the Editorial Board was</p> <p>22 deliberating on whether or not I would become</p> <p>23 editor in chief, and the second time, I think I</p> <p>24 went after class to give him a paper or something</p>	<p>1 A. No.</p> <p>2 Q. And what took place that made it clear</p> <p>3 that that wasn't going to happen?</p> <p>4 A. There were several meetings between the</p> <p>5 administration and the Ed board, or me and the</p> <p>6 administration or the advisory board and whoever</p> <p>7 else, and the board of trustees met and I believe</p> <p>8 the charter of the organization was rescinded and</p> <p>9 redrafted.</p> <p>10 Q. When did that take place?</p> <p>11 A. The rescinding of the -- I believe that</p> <p>12 took place sometime in May 2007.</p> <p>13 Q. And when was the charter redrafted?</p> <p>14 A. It was redrafted so many times that I</p> <p>15 have no idea when the final copy was drafted or</p> <p>16 given out. I don't remember.</p> <p>17 Q. Was there a final version that was</p> <p>18 approved by the students?</p> <p>19 A. That was approved by the students?</p> <p>20 Possibly. I don't know. I don't believe I was</p> <p>21 part of -- I don't know. I think that the editor</p> <p>22 in chief after me, Katie Lewis, approved a charter.</p> <p>23 Q. The paper continues, so a charter --</p> <p>24 A. Right. Right.</p>
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<p>1 like that.</p> <p>2 Q. Okay. When you were sitting in his</p> <p>3 office, was your competition in there as well,</p> <p>4 your --</p> <p>5 A. No.</p> <p>6 Q. Okay.</p> <p>7 A. No.</p> <p>8 Q. So why were you spending that time</p> <p>9 there?</p> <p>10 A. I don't know. I -- he -- we just -- he</p> <p>11 said that you can sit in my office, or you can sit</p> <p>12 outside or whatever.</p> <p>13 Q. Okay.</p> <p>14 A. And --</p> <p>15 Q. During your time as editor in chief, did</p> <p>16 this issue with regard to going independent become</p> <p>17 resolved?</p> <p>18 A. I guess so, only in that we weren't</p> <p>19 forced to move off campus.</p> <p>20 Q. So you didn't move off campus during</p> <p>21 your term?</p> <p>22 A. No.</p> <p>23 Q. Has The University News moved off campus</p> <p>24 since then?</p>	<p>1 Q. -- was approved at some point, correct?</p> <p>2 A. Right. Yes.</p> <p>3 Q. So you're in the -- your term as editor</p> <p>4 in chief ended in May of '07?</p> <p>5 A. Yes.</p> <p>6 Q. Correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So at the time that your term</p> <p>9 ended, the charter issue was still up in the air;</p> <p>10 is that correct?</p> <p>11 A. I honestly cannot remember.</p> <p>12 Q. Okay. But by that point, it had been</p> <p>13 determined that the paper was not going to be going</p> <p>14 off campus, correct?</p> <p>15 A. To the best of my knowledge, yeah, it</p> <p>16 had been determined.</p> <p>17 Q. And did you have discussions with Katie</p> <p>18 Lewis about that fact?</p> <p>19 A. I had discussions with the editorial</p> <p>20 board, of which Katie was a member at the time.</p> <p>21 Q. Okay. And she was going to be taking</p> <p>22 over --</p> <p>23 A. Yes.</p> <p>24 Q. -- as editor in chief then in May.</p>

1 A. Yes. Yes.  
 2 Q. Was her election in about the March,  
 3 April, or her selection, I guess?  
 4 A. Yes, it was sometime in March or April  
 5 of 2007.  
 6 Q. Of 2007?  
 7 A. Yeah.  
 8 MS. HOY: Okay. We need to stop for another  
 9 video change. This will be a fine time.  
 10 THE VIDEOGRAPHER: We are going off the video  
 11 record at the end of Tape 2 at 12:15 p.m.  
 12 (WHEREUPON, a recess was had.)  
 13 THE VIDEOGRAPHER: We are going back on the  
 14 video record at the start of Tape 3 at 12:19 p.m.  
 15 MS. HOY: If you can mark that for the record,  
 16 please. I think we are on Exhibit 7.  
 17 (WHEREUPON, a certain document was  
 18 marked Benanti Deposition Exhibit  
 19 No. 7, for identification, as of  
 20 6/12/08.)  
 21 BY MS. HOY:  
 22 Q. Okay. I'm handing you what's been  
 23 marked Exhibit No. 7. If you could take a second  
 24 to look at that.

1 A. I believe I have seen it, yes.  
 2 Q. Have you had any discussions with anyone  
 3 about this posting?  
 4 A. No, I haven't.  
 5 Q. Did you ever talk to Lisa Watson about  
 6 the circumstances underlying this litigation?  
 7 A. Of the circumstances underlying the  
 8 litigation? No.  
 9 Q. Have you had discussions with her since  
 10 your term as editor in chief ended?  
 11 A. Yes, I have.  
 12 Q. And what did those involve?  
 13 A. Whether or not we were going to meet up  
 14 in Chicago for coffee.  
 15 Q. Okay. Is she -- does she live in  
 16 Chicago now?  
 17 A. Yes.  
 18 Q. And did you meet up for coffee?  
 19 A. We did not.  
 20 Q. Okay. Did Dr. Meyer ever send you a  
 21 chronology similar to the one that is displayed on  
 22 this page?  
 23 A. No, he didn't.  
 24 Q. And you don't know who Maggie Crane is?

1 A. Okay.  
 2 Q. Ms. Benanti, do you know who Maggie  
 3 Crane is?  
 4 A. I do not.  
 5 Q. Okay. Do you know who Lisa Watson is?  
 6 A. Yes, I do.  
 7 Q. Okay. And who is she?  
 8 A. She served as a copy editor for a couple  
 9 years on The University News.  
 10 Q. Was that while you were editor in chief?  
 11 A. Yes.  
 12 Q. Okay. In the first sentence of the  
 13 second page of this document is a post by Lisa  
 14 Watson: "This might be of some additional help.  
 15 Here is a chronology of the past year's situation  
 16 that I recently asked Dr. Meyer to send to me."  
 17 A. Yes.  
 18 Q. Were you aware that Dr. Meyer sent her a  
 19 chronology?  
 20 A. No, I was not.  
 21 Q. Were you copied on any e-mail where a  
 22 chronology was included?  
 23 A. No, I was not.  
 24 Q. Had you seen this post prior to today?

1 A. I don't, no.  
 2 Q. Did Dr. Meyer ever talk to you about any  
 3 interviews he gave regarding the charter or the  
 4 nonprofit organization?  
 5 A. Yes, he can.  
 6 Q. Okay. And what did he tell you about?  
 7 A. He mostly just made me aware of articles  
 8 that would be running in different publications,  
 9 just that they were going to be published at some  
 10 point in time and that he had been called for an  
 11 interview or whatever.  
 12 Q. Why did you need to know that?  
 13 A. Because we took steps to make the  
 14 community and the media aware of what was going on  
 15 because we thought it was a freedom of the press  
 16 issue, and so we contacted various media  
 17 organizations and were contacted by different media  
 18 organizations in regards to the charter and the  
 19 UNews.  
 20 Q. And that was while you were editor in  
 21 chief?  
 22 A. Yes.  
 23 Q. Did you give any interviews?  
 24 A. I did.



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1 Q. Okay. Who did you give an interview to?  
 2 A. I gave an interview to PubDef.net. I  
 3 gave an interview to Kavita Kumar, who is the  
 4 education reporter of The Post Dispatch. I gave an  
 5 interview to, I think, KSDK, and I was interviewed  
 6 by Charlie Brennan at one of the talk radio  
 7 stations in St. Louis. I can't remember.  
 8 Q. Can you spell Kavita Kumar's name for  
 9 the record.  
 10 A. Yes. It's K-A-V-I-T-A and K-U-M-A-R.  
 11 Q. And so you've listed four interviews  
 12 that you gave.  
 13 Did all of those turn into an article or  
 14 a publication?  
 15 A. I was also interviewed by the St. Louis  
 16 Journalism Review, and I know that others are going  
 17 to come back to me, but did -- I believe they were  
 18 all -- they -- something came out of all of them,  
 19 either a television spot or being on the radio or  
 20 an article in The Post Dispatch.  
 21 Q. Okay. Are there any articles or  
 22 interviews you're aware of that are yet to come  
 23 out?  
 24 A. Yes.

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1 Q. Are in the works?  
 2 A. Yes.  
 3 Q. Okay. What -- who does that involve?  
 4 A. I was asked to send an e-mail to Sharon  
 5 Stevens of KSDK about the situation, and I am  
 6 pretty sure that there's an article in The Post  
 7 Dispatch coming out, and I heard that Dr. Meyer was  
 8 interviewed yesterday, I think, by Kavita Kumar of  
 9 The Post Dispatch.  
 10 Q. Who asked you to send an e-mail to  
 11 Ms. Stevens?  
 12 A. Dr. Cohen did.  
 13 Q. When did she ask you to do that?  
 14 A. Yesterday.  
 15 Q. And did you send that e-mail?  
 16 A. Yes, I did.  
 17 Q. Okay. We would ask for a copy of that  
 18 e-mail, please --  
 19 A. Okay.  
 20 Q. -- in supplementation to the subpoena.  
 21 A. Can I write that down? I have a  
 22 notebook. Can I borrow your pen?  
 23 Q. Uh-huh.  
 24 A. Thanks. A copy of the e-mail to KSDK

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1 or --  
 2 Q. Any e-mails involving --  
 3 A. Okay.  
 4 Q. -- that request and your response.  
 5 MR. HOGAN: I'm going to object to that. It's  
 6 not relevant to these proceedings, and I'm going to  
 7 file a written objection to this pursuant to your  
 8 subpoena, and you can take that up with the Court  
 9 at that time, and I will also be doing that in  
 10 relation to the Joe Palazzolo's things.  
 11 And in review of this, you have also  
 12 asked for any documents that my client may come  
 13 into as may have to be obtained by you or any  
 14 person acting on your behalf which will augment or  
 15 modify any answer or response which may involve  
 16 work product that I investigate and find in the  
 17 other lawsuit that's pending, and I'll file that  
 18 written response with the Court this week.  
 19 MS. HOY: Mr. Hogan, your time for objection  
 20 has passed, and our request will stand.  
 21 MR. HOGAN: That's fine, and I am going to  
 22 file it and you can litigate it in front of the  
 23 Judge.  
 24 MS. HOY: Very well.

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1 MR. HOGAN: These are new requests. These  
 2 weren't in the one --  
 3 MS. HOY: We would ask that you please  
 4 supplement your response to the e-mail.  
 5 MR. HOGAN: And I'm objecting and I'm stating  
 6 we are not going to supplement the response.  
 7 MS. HOY: I understand. It's stated on the  
 8 record, and I'm repeating that we are requesting,  
 9 in light of your objections, that she supplement --  
 10 and despite your objections, that there be a  
 11 supplementation to the subpoena in light of no  
 12 objections that have been served up to this point,  
 13 and your objections are belated.  
 14 MR. HOGAN: No, they're not. You just asked  
 15 for things that have nothing to do with this  
 16 lawsuit.  
 17 MS. HOY: Mr. Hogan, I don't think we need to  
 18 continue to go into it on the record right now.  
 19 Your objection is noted. Thank you.  
 20 MR. HOGAN: And I also want to point out that  
 21 Avis Meyer never said that Dr. -- or, pardon me,  
 22 Father Biondi was a toilet seat. He said he had  
 23 all the class of a toilet seat, according to  
 24 your --



1 MS. HOY: Mr. Hogan, are you testifying on the  
2 record?

3 MR. HOGAN: Well, you've misstated the record  
4 on there, counsel.

5 MS. HOY: No, I --

6 MR. HOGAN: And I wanted to give you the  
7 opportunity to correct that, because I don't think  
8 you'd want to have something on the testimony in  
9 this record be improper.

10 The statement in the article, which is  
11 included in your Complaint, is that Biondi,  
12 Reverend Lawrence Biondi has, quote, "all the class  
13 of a toilet seat," unquote. He didn't call him a  
14 toilet seat. He said he had the class of a toilet  
15 seat, and you said he called him a toilet seat.  
16 That's not what the quote was. So I just want to  
17 make that correct for the record.

18 MS. HOY: Thank you again for your  
19 pre-prepared speech. If we could continue with the  
20 deposition.

21 BY MS. HOY:

22 Q. Did Dr. Cohen's request to you to send  
23 an e-mail to -- is it Ms. Stevens?

24 A. Yes -- well, I don't know if it's Ms. or

1 A. Yes.

2 Q. Do you know if Dr. Meyer asked Dr. Cohen  
3 to make that request of you?

4 A. I don't believe so, no. I don't --

5 Q. Did Dr. Cohen reference Dr. Meyer at all  
6 in her request to you?

7 A. Uh --

8 MR. HOGAN: Now, the form of the question is  
9 improper. She may have said, "You know, this thing  
10 with Avis is proper --"

11 MS. HOY: You may object to the form.

12 MR. HOGAN: "Improper, so you might want to do  
13 this," and then Avis Meyer never had anything to do  
14 with it.

15 MS. HOY: Thank you, Mr. Hogan. Your  
16 objection as to the form is noted.

17 BY THE WITNESS:

18 A. I don't believe that Dr. Meyer -- or  
19 that Dr. Cohen was asking me to do it at Avis'  
20 request.

21 MS. HOY: Okay.

22 THE WITNESS: Which I think answers the  
23 question.

24 MS. HOY: If you can mark this as an exhibit,

1 Mrs.

2 Q. Okay. To Stevens.

3 Did Dr. Cohen's request to you -- was  
4 that made on the telephone, or via e-mail, or what  
5 means?

6 A. It was in a gchat message.

7 Q. What is a gchat message?

8 A. It's when other people are logged into  
9 their e-mail, you can chat with them while you're  
10 in -- while you're logged into your gmail.

11 Q. Okay.

12 A. Which is Google mail.

13 Q. And what did she -- what did she ask you  
14 exactly?

15 A. She copy and pasted a response from  
16 someone who had been working with Sharon Stevens  
17 that day on something or other, I don't know, but  
18 someone had mentioned to whoever was working with  
19 Sharon Stevens at the time, mentioned to her the  
20 recent article in the Student Press Law Center on  
21 their Web site, and she was interested in it and  
22 wanted more information.

23 Q. Okay. So you sent additional  
24 information at Dr. Cohen's request?

1 please.

2 (WHEREUPON, a certain document was  
3 marked Benanti Deposition Exhibit  
4 No. 8, for identification, as of  
5 6/12/08.)

6 MS. HOY: Thank you.

7 BY MS. HOY:

8 Q. I'm going to hand you what's been marked  
9 Exhibit 8, if you can look at that and tell me if  
10 you're familiar with this document.

11 A. Yes, I am.

12 Q. And can you identify it for the record,  
13 please.

14 A. It is a copy of things regarding SLU  
15 from my blog.

16 Q. So is -- everything contained within  
17 this blog was entered by you; is that correct?

18 A. Yes, not all written by me but entered  
19 by me, yeah.

20 Q. Okay. And the first page is a reference  
21 titled "Outrage," dated Monday June 9, 2008. Did  
22 you post that?

23 A. Yes, I did.

24 Q. And what instigated your posting of

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1 that?  
 2 A. Of reading the article that is linked on  
 3 this post from the Student Press Law Center.  
 4 MS. HOY: Okay. If we could mark this as the  
 5 next exhibit, please.  
 6 (WHEREUPON, a certain document was  
 7 marked Benanti Deposition Exhibit  
 8 No. 9, for identification, as of  
 9 6/12/08.)  
 10 BY MS. HOY:  
 11 Q. I'm going to hand you Exhibit --  
 12 A. 9.  
 13 Q. 9. Thank you. Do you recognize that  
 14 document?  
 15 A. Yes, I do.  
 16 Q. Is that the post that is linked to your  
 17 blog?  
 18 A. Yes.  
 19 Q. And how did you become aware of this  
 20 Student Press Law Center posting?  
 21 A. This particular posting was forwarded to  
 22 me.  
 23 Q. By who?  
 24 A. By Steve Smith.

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1 Q. And who is Steve Smith?  
 2 A. He's an alum of Saint Louis University.  
 3 Q. Was he on the editorial board when you  
 4 were editor in chief?  
 5 A. No, he graduated in 1996, I believe.  
 6 Q. Okay. And how do you know Mr. Smith?  
 7 A. Various channels.  
 8 Q. For instance?  
 9 A. He owns a bar in St. Louis called the  
 10 Royale. I have -- we've interviewed him for a  
 11 story once. He is friends with Andrew Ivers.  
 12 Q. You communicate with him regularly?  
 13 A. I wouldn't say regularly, no, but I did  
 14 when I lived in St. Louis.  
 15 Q. Okay. And he forwarded this article to  
 16 you. When did he do that?  
 17 A. It might have been -- I guess it was  
 18 Monday. He --  
 19 Q. When --  
 20 A. I was one of about 30 people that he  
 21 forwarded it to.  
 22 Q. Okay. And that was to your gmail  
 23 account?  
 24 A. Yes.

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1 Q. And what is the substance of the  
 2 narrative of his e-mail?  
 3 A. I think it said something like he --  
 4 someone -- he said or he wrote, "Someone forwarded  
 5 this to me," and then there was a link.  
 6 That -- that was it.  
 7 Q. Okay. And so after you received that,  
 8 you made this post on June 9th?  
 9 A. Uh --  
 10 Q. That's referenced on Exhibit 8?  
 11 A. Yes. Several hours after I read this  
 12 article and got that link, I posted this.  
 13 Q. Okay. And the third, I guess it's not a  
 14 paragraph, but right after the link, can you read  
 15 that for the record. It starts "At the risk."  
 16 A. "At the risk of sounding oh, what's the  
 17 word? Bitter? Jaded? Pissed the eff off?  
 18 Inappropriate? All I have to say is there's a  
 19 special place in hell for Biondi and his minions."  
 20 Q. Who are "his minions"?  
 21 A. Provost Weixlmann, Kent Porterfield,  
 22 Clayton Berry.  
 23 Q. And this was in response to the Student  
 24 Press Law Center --

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1 A. Yes.  
 2 Q. -- article?  
 3 And if you could turn the page, the  
 4 second page titled "Lawrence Biondi, S.J. gets  
 5 drunk and writes a love letter to all his haters."  
 6 A. Uh-huh.  
 7 Q. You posted this as well?  
 8 A. I did.  
 9 Q. And if you could read the -- I guess  
 10 it's the fourth sentence, "Mad props to the --"  
 11 A. "Assistant/professional rant writer/team  
 12 of lawyers/male sex slave who did their his," or --  
 13 who did their, his, or their best to rein him in on  
 14 this one.  
 15 Q. And you're referring to Father Biondi?  
 16 A. Yes.  
 17 Q. And what instigated this posting?  
 18 A. I received the president's monthly  
 19 message for god knows what reason, because I hadn't  
 20 received an e-mail from SLU for a while before and  
 21 I was not a student at the time, but it was in my  
 22 inbox nonetheless.  
 23 Q. So you received a monthly message, just  
 24 as a mass mailing that went out to all the

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1 students?  
 2 A. Yes.  
 3 Q. In your gmail account?  
 4 A. Yes.  
 5 Q. Presumably because your SLU account had  
 6 been --  
 7 A. Right.  
 8 Q. -- forwarded to your gmail account,  
 9 correct?  
 10 A. Yes.  
 11 Q. Do you think writing things like that  
 12 about someone affects their reputation?  
 13 A. Yes.  
 14 Q. Who do you expect to read your blog?  
 15 A. No one.  
 16 Q. No one?  
 17 Does yours -- some of them calculate the  
 18 number of posts -- or the number of hits. Does  
 19 yours -- your blog do that?  
 20 A. It only calculates how many people click  
 21 on my name to see like my blogger profile.  
 22 Q. Do you have any idea what number that is  
 23 these days?  
 24 A. Yeah, I think it's somewhere around 600.

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1 Q. Okay. But it's available on the  
 2 Internet?  
 3 A. Yeah.  
 4 Q. It's not password-protected or anything  
 5 like that?  
 6 A. No, and I was going to take it down  
 7 prior to receiving the subpoena, but I didn't.  
 8 Q. Instead, you posted additional entries?  
 9 A. Uh --  
 10 MR. HOGAN: Objection. The witness has  
 11 testified about why she posted the additional  
 12 entry, which is only one.  
 13 MS. HOY: Your objection is noted. I think  
 14 the question is answered.  
 15 MR. HOGAN: The form of the question is  
 16 improper, it's snarky.  
 17 MS. HOY: Okay. If this could be marked for  
 18 the record, please.  
 19 (WHEREUPON, a certain document was  
 20 marked Benanti Deposition Exhibit  
 21 No. 10, for identification, as of  
 22 6/12/08.)  
 23 MS. HOY: Thank you.  
 24

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1 BY MS. HOY:  
 2 Q. I'm handing you what's been marked  
 3 Exhibit 10, and this is entitled "Death of the  
 4 First Amendment at Saint Louis University." Have  
 5 you seen this before?  
 6 A. I have, yes.  
 7 Q. About what timeframe did you see it?  
 8 A. In 2007.  
 9 Q. Okay. It's dated May 1st, 2007. Do you  
 10 believe it was around that time?  
 11 A. I believe so.  
 12 Q. Okay. And this is an Internet post, for  
 13 the record. How did you become aware of this  
 14 posting?  
 15 A. I don't remember. I think my attorney  
 16 may have told me about it, but I honestly don't  
 17 know.  
 18 Q. Okay. I don't know the substance --  
 19 A. Okay.  
 20 Q. -- of your conversations with your  
 21 attorney. Down toward the bottom, it says phone  
 22 calls can be made to University President Lawrence  
 23 Biondi, and it gives a number. Did you ever follow  
 24 that request to make phone calls?

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1 A. No.  
 2 Q. Did you post any responses to this post?  
 3 A. I don't believe so.  
 4 Q. With the exception of your attorney, did  
 5 you ever have any discussions regarding this  
 6 posting?  
 7 A. I don't think so.  
 8 Q. And if you can turn to No. 15 on Page 6  
 9 of 7, it says, "As for me, I sued 'em on behalf of  
 10 the Editor-in-Chief, that's enough rudeness for  
 11 now."  
 12 Do you believe that refers to you?  
 13 A. Yes, I believe it does.  
 14 Q. And have you ever directed anyone to  
 15 this posting, asked somebody to view it, respond to  
 16 it, post to it?  
 17 A. I don't -- I don't know, but I don't  
 18 think so.  
 19 Q. Do you have a link to this on your blog?  
 20 A. I don't think so.  
 21 Q. Are you aware of any links to it on any  
 22 other blogs or chat rooms or --  
 23 A. No.  
 24 Q. Okay. A few housekeeping things and

1 then I'd like to take a break and just make sure  
2 we're concluded before we let you go. I understand  
3 we were notified for the first time today at 11:00  
4 a.m. that you have a 1:00 p.m. class. We had -- we  
5 did not know of that ahead of time, but we are  
6 trying to let you attend that --

7 A. Okay.  
8 Q. -- timely, in a timely manner.  
9 MS. HOY: Second, Brian Gill, attorney for  
10 Dr. Meyer, was notified of this deposition, and  
11 informed us that he was not attending on behalf of  
12 Dr. Meyer or otherwise, and could we have this  
13 marked as an exhibit, please.

14 (WHEREUPON, a certain document was  
15 marked Benanti Deposition Exhibit  
16 No. 11, for identification, as of  
17 6/12/08.)

18 MS. HOY: Thank you.  
19 BY MS. HOY:

20 Q. Ms. Benanti, I'm handing you what's been  
21 marked Exhibit 11, and it's titled "Protective  
22 Order." The caption is the caption for the case  
23 we've been discussing today, and I just want to  
24 point -- for the record, point to Paragraph 3 on

1 against the people listed here.

2 Q. Okay. You're the Plaintiff identified  
3 on the caption of the lawsuit?

4 A. Yes.

5 Q. Okay. And it's filed against Lawrence  
6 Biondi as President of Saint Louis University and  
7 individually Saint Louis University, Joseph  
8 Weixlmann, the Provost of the Saint Louis  
9 University, Kent Porterfield, the Vice President of  
10 Student Development of Saint Louis University,  
11 Marla Berg W-E-G-E-R -- I don't know how to  
12 pronounce that -- Saint Louis University Associate  
13 Provost, and Adam Peck, SLU Director of Student  
14 Affairs, along with Jane and John Does 1 through  
15 100, correct?

16 A. Yes.

17 Q. Okay. And this is 24-Count petition?

18 A. I believe so, yes.

19 Q. And you're seeking damages pursuant to  
20 this petition?

21 A. Yes.

22 Q. Monetary payment, that is?

23 A. Yes.

24 Q. Okay. And this is pending in St. Louis

1 Page 2 that deposition testimony is subject to a  
2 confidential designation for a period of time, and  
3 we expect that the testimony given today will be  
4 treated accordingly.

5 A. What does that mean?

6 Q. You can probably discuss that with your  
7 attorney in more detail, but that the testimony  
8 given today remains confidential until designated  
9 otherwise.

10 A. Okay.

11 MS. HOY: And if you could mark that for the  
12 record, please.

13 (WHEREUPON, a certain document was  
14 marked Benanti Deposition Exhibit  
15 No. 12, for identification, as of  
16 6/12/08.)

17 MS. HOY: Thank you.  
18 BY MS. HOY:

19 Q. I'm going to hand you what's been marked  
20 Exhibit 12. Are you familiar with this document?

21 A. Yes, I am.

22 Q. Okay. Can you identify it for the  
23 record, please.

24 A. It's the -- it's the copy of my lawsuit

1 City at this time?

2 A. Yes.

3 Q. And I probably didn't make it through  
4 the whole thing, but it looks like against Father  
5 Biondi alone there's a request for over a million  
6 dollars' worth of damages?

7 A. Uh --

8 MR. HOGAN: Actually, that would be an  
9 incorrect statement under Missouri law addendum  
10 clauses may only state that the amounts requested  
11 are in excess of \$25,000 in order to invoke the  
12 jurisdiction of the Circuit Court, and if there is  
13 a punitive damage Count, it states under  
14 Rule 55.15, I think it is, that they can only state  
15 an amount as is just and reasonable under the  
16 circumstances.

17 So those are the pleadings in the  
18 pleading Counts, and I would appreciate you  
19 directing your questions in regards to that and to  
20 those pleadings and quit misstating what the -- the  
21 petition says.

22 BY MS. HOY:

23 Q. Well, I was attempting to expedite this  
24 on account of your request to complete the

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1 deposition for your class, but we can go through  
 2 this.  
 3 MR. HOGAN: Actually, counsel, what you do is  
 4 deliberately misstate the contents of the petition  
 5 improperly on the record. You didn't try to  
 6 expedite anything. If you direct your attention to  
 7 what the petition says and ask questions about it  
 8 to the degree that it's allowable in these  
 9 proceedings, okay, that's fine, but when you get on  
 10 the record and say something that's, A, not true  
 11 and, B, you know to be not true, I have a problem  
 12 with that.  
 13 MS. HOY: Mr. Hogan, I'm really -- you're  
 14 wasting your client's time, you're wasting all of  
 15 our times with your lecture.  
 16 BY MS. HOY:  
 17 Q. The question was, are you requesting in  
 18 excess of \$1 million in this petition from Father  
 19 Biondi, Count I requests 25,000 for a conspiracy  
 20 Count against Father Biondi, correct?  
 21 A. Yes. I'm not requesting a million  
 22 dollars from him personally. I'm requesting that  
 23 a -- a total in excess of a million be paid back to  
 24 the students of Saint Louis University for a fee

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1 that was -- I was told, was collected without  
 2 students' knowledge.  
 3 Q. The petition was brought in your name,  
 4 correct?  
 5 A. Yes.  
 6 Q. Okay. And Count I is against Father  
 7 Biondi on Page 5, and it requests an excess of  
 8 \$25,000?  
 9 A. Where on Page 5?  
 10 Q. The second -- the first full paragraph  
 11 on Page 6. So Page 5 lists Count I, and then, I'm  
 12 sorry, the page --  
 13 A. Yes.  
 14 Q. Count I, civil conspiracy against  
 15 Defendant Biondi?  
 16 A. Yes.  
 17 Q. Okay. And if you turn to the next page,  
 18 there's a wherefore clause, Plaintiff prays this  
 19 Court to award her damages in excess of \$25,000?  
 20 A. Yes.  
 21 Q. Correct?  
 22 And following that is Count II,  
 23 exemplary damages against Defendant Biondi?  
 24 A. Yes.

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1 Q. And Paragraph 15, "Plaintiff was thereby  
 2 damaged in an amount in excess of \$25,000"?  
 3 A. Yes.  
 4 Q. And Count III is a civil conspiracy  
 5 against Defendant Biondi?  
 6 A. Yes.  
 7 Q. And if you turn to Page 8, "Plaintiff  
 8 prays for judgment in excess of \$25,000"?  
 9 A. Yes.  
 10 Q. So we're up to 75,000?  
 11 MR. HOGAN: No, we're not, counsel. As you're  
 12 well aware, there could be alternative and  
 13 inconsistent pleadings under Missouri law, and your  
 14 characterization is, A, improper and, B, you know  
 15 it to be improper. The form of the question is  
 16 improper, and if you continue in this line of  
 17 questioning, it'll be time for us to leave and you  
 18 can deal with the Court.  
 19 BY MS. HOY:  
 20 Q. Okay. And on Page 11, Count VI is  
 21 exemplary damages against -- I'm sorry, this is  
 22 against Defendant Weixlmann?  
 23 MR. HOGAN: I'm sorry, were we talking about  
 24 Father Biondi?

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1 MS. HOY: I skipped ahead a few pages due to  
 2 your insistence on interrupting.  
 3 BY MS. HOY:  
 4 Q. Page 9, Count IV exemplary damages  
 5 against Defendant Biondi, and Paragraph 26 says,  
 6 "Plaintiff and the members of the class were  
 7 thereby damaged in the sum of \$937,500 due to the  
 8 intentional, malicious, and outrageous conduct of  
 9 Defendant Biondi"?  
 10 A. Yes.  
 11 Q. Okay. So we could continue to go  
 12 through. I am going to try to expedite this on  
 13 your behalf and everybody's behalf.  
 14 On Page 24, there is an unfair  
 15 merchandising Practices Act claim against  
 16 Defendants Biondi, SLU, Weixlmann, Porterfield,  
 17 Berg-Weger -- I don't want to mispronounce it on  
 18 the record -- and Peck, and those are all Saint  
 19 Louis University administration personnel; is that  
 20 correct?  
 21 A. They were at the time that this was  
 22 filed, yes.  
 23 Q. Okay. Which of them remain, to your  
 24 knowledge?

1 A. The only one that does not remain, to my  
2 knowledge, is Adam Peck.  
3 Q. Okay. And on Page 26 is a punitive  
4 damages claim against -- I believe it's all the  
5 same Defendants -- Biondi, SLU, Weixlmann,  
6 Porterfield, Berg-Weger, and Peck, and there's --  
7 and in Paragraph 93 -- is that correct?  
8 A. Yes.  
9 Q. Paragraph 93, "Plaintiff was thereby  
10 damaged in the sum in excess of \$500,000," correct?  
11 A. Yes.  
12 Q. Okay. And against Defendant Weixlmann  
13 specifically on Page -- starting on Page 11,  
14 there's a request for exemplary damages, and on  
15 Paragraph 37 of Page 12, Plaintiff and members of  
16 the class were damaged in the sum of 937  
17 thousand --  
18 A. Yes.  
19 Q. -- 530 dollars?  
20 Do you know total sum of damages you're  
21 seek through this lawsuit?  
22 A. No, but you said it was over a million,  
23 so --  
24 Q. Does that sound about right to you?

1 THE VIDEOGRAPHER: We're going off the video  
2 record at 12:53 p.m.  
3 (WHEREUPON, a recess was had.)  
4 THE VIDEOGRAPHER: We are going back on the  
5 video record at 1:01:00 p.m.  
6 BY MS. HOY:  
7 Q. Ms. Benanti, could you locate Exhibit 2  
8 in your stack of exhibits.  
9 A. Yes.  
10 Q. Okay. You testified earlier that these  
11 are the documents you produced in response to the  
12 subpoena, correct?  
13 A. Yes.  
14 Q. Okay. If you could turn in five pages.  
15 A. Uh-huh.  
16 Q. Whose handwriting is that?  
17 A. That would be mine.  
18 Q. Okay. And when were these notes taken?  
19 A. I have no idea.  
20 Q. Do you know what they relate to?  
21 A. Yes. They are rather disjointed and  
22 relate to the editorship of the paper and the  
23 possibility of what would happen if the paper went  
24 independent.

1 A. Now that we've gone --  
2 MR. HOGAN: Again, I'm going to object to the  
3 form of the question. As counsel is well aware,  
4 these remedies are alternative and they are  
5 consistent under the pleadings of the State of  
6 Missouri. They don't ask for any aggregate amount,  
7 they ask individually in themselves should they  
8 proceed to trial for a Court or a jury along with a  
9 Court to consider the amounts of the damages. Your  
10 characterization of the total amount of damages as  
11 an aggregate of all the pleadings is improper under  
12 the law, and the form of the question is improper.  
13 BY MS. HOY:  
14 Q. Ms. Benanti, what are you seeking under  
15 this petition?  
16 A. Justice.  
17 Q. Are you seeking any monetary damages?  
18 A. Yes, according to the paper, I am  
19 seeking monetary damages, but that's not the point.  
20 Q. You authorized filing of this lawsuit,  
21 correct?  
22 A. Yes.  
23 MS. HOY: Okay. If we could take just a  
24 five-minute break to see if we can conclude.

1 Q. Do you know why you took these notes?  
2 A. I took these notes in relation to  
3 probably a meeting that -- it would have been a  
4 meeting of the student leaders to discuss the  
5 previous document.  
6 Q. "The previous document," referring to  
7 the pages before this --  
8 A. Right.  
9 Q. -- within Exhibit 2?  
10 A. Yes, about the changes to the student  
11 stipends for student leaders.  
12 Q. Okay. The last phrase there says, "I'm  
13 getting away from"? Do you know what that's  
14 referring to?  
15 A. No, I don't know.  
16 Q. And if you go up one, two, three, four  
17 lines from that, it looks like "PPL wouldn't be  
18 here." Do you know what that refers to?  
19 A. Yes, I believe it refers to -- I  
20 don't -- I don't know, but it might be in relation  
21 to student leaders wouldn't be in the positions  
22 they were in, some of them, if it weren't for the  
23 monetary compensation of the student stipends.  
24 Q. Okay. So "PPL" stands for people?

1 A. People, yeah, but I'm -- I'm not sure  
 2 what that phrase was for.  
 3 Q. And following that, it says, "Hold  
 4 someone accountable." Do you recall who you were  
 5 referring to in that note?  
 6 A. No, I don't.  
 7 Q. Would this meeting have been in the  
 8 spring of '07?  
 9 A. Yes.  
 10 Q. While you were editor in chief?  
 11 A. Yes.  
 12 Q. And the following page, is that your  
 13 handwriting as well?  
 14 A. Yes, it is.  
 15 Q. Okay. There's a note off to the  
 16 right-hand side that says, "Secure our,"  
 17 underlined, "role in selection process." Do you  
 18 know what you were referring to there?  
 19 A. Yes, I believe it was securing the  
 20 newspaper's role in the selection of the editor in  
 21 chief, because there -- there was a lot of talk of  
 22 how they were going to change the charter and the  
 23 approval process that's -- that the editor in chief  
 24 would have to go through to become editor, being

1 Q. So basic ground rules?  
 2 A. Yeah, exactly.  
 3 Q. And where did he get those from?  
 4 A. Just tradition. That's the way it's  
 5 always been done.  
 6 Q. Did he play any other role in the  
 7 selection process?  
 8 A. No. No.  
 9 Q. Did he help identify potential people to  
 10 run for editor in chief?  
 11 A. No.  
 12 Q. I just want to make sure, if you turn  
 13 back to the first handwritten page that I can  
 14 understand the handwriting, "They would have to  
 15 pay," the first line, did I read that correct?  
 16 A. Yes.  
 17 Q. Okay. And "someone full time for this,"  
 18 period?  
 19 A. Yes.  
 20 Q. "University Employees" is the third  
 21 line?  
 22 A. Yes.  
 23 Q. Okay. Do you recall what you meant by  
 24 "University Employees"?

1 the -- the approval process being administrators  
 2 approving that person.  
 3 Q. Was Dr. Meyer involved in that selection  
 4 process at all?  
 5 A. Prior to the changing of the charter?  
 6 Q. Sure.  
 7 A. Yes, he sat in the room during the  
 8 election and during the deliberation of the  
 9 editorial board, and everyone wrote down the name  
 10 of the person they wanted to vote for, and it was  
 11 put in a cigar box that Dr. Meyer held, and then he  
 12 tallied up the votes.  
 13 Q. Okay. Aside from sitting in the room,  
 14 did he speak during this -- the selection meeting?  
 15 A. He just gave the rules of how the  
 16 process would go, and otherwise he just sat there.  
 17 Q. And what rules was he referring to?  
 18 A. Just you're going to -- each candidate's  
 19 going to talk separately with the other candidate  
 20 not in the room, and then the editorial board will  
 21 deliberate, they'll write the name down on the  
 22 paper, I'll put it in the cigar box, and then  
 23 they'll be counted and the winner will be  
 24 announced.

1 A. Yes, that we, as student leaders, were  
 2 employees of the university and did -- if -- if we  
 3 weren't in the positions we were in, they would  
 4 have to hire people outside of the university to,  
 5 you know, promote activities on campus, run the  
 6 newspaper, stuff like that.  
 7 Q. Okay. So the first three lines then  
 8 are -- the "they" is referring to the  
 9 administration would have to pay --  
 10 A. Yes.  
 11 Q. -- someone full time for this? That's  
 12 supposed to be a sentence?  
 13 A. Yes.  
 14 Q. Okay. Just trying to make sure I  
 15 understand what's there. Okay.  
 16 And so -- okay. Let's go to the fourth  
 17 line: "Not all student money, nice to be  
 18 recognized," the fourth and fifth line. Is that  
 19 a -- do you recall if that was meant to be a  
 20 full --  
 21 A. Those are two different thoughts.  
 22 Q. Thoughts? Okay. And what do those  
 23 relate to?  
 24 A. I'm not sure what "not all student



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1 money" has to -- is referring to, but "nice to be  
 2 recognized" refers to maybe someone in the room  
 3 saying that it was nice to be recognized for the  
 4 work we put in as student leaders monetarily, and I  
 5 think that was it.  
 6 Q. Okay. So those are two separate  
 7 thoughts, "not all student money, nice to be  
 8 recognized."  
 9 Does the "not all student money," would  
 10 that refer to money that the students were  
 11 receiving?  
 12 A. Uh --  
 13 Q. Or those students were paid?  
 14 A. I have no idea. I don't think so  
 15 though. I think it refers to student money being  
 16 used to pay for the stipends.  
 17 Q. Okay. And it looks like the next  
 18 thought is, "We are marketing tools for the  
 19 university. If they didn't have us, they would  
 20 have to pay."  
 21 A. Yeah, like I --  
 22 Q. Can you explain that.  
 23 A. Like I said, the people who were on the  
 24 student activities board and SGA and different

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1 organizations like that consider themselves to be  
 2 the people who bring students in to the university.  
 3 It's not Provost Weixlmann or Father  
 4 Biondi that gets students in the door, that it's  
 5 the other students and the different things that  
 6 students did on campus that brought students in and  
 7 made them feel welcome and made them stay at Saint  
 8 Louis University, I don't know, and, "If they  
 9 didn't have us, they would have to pay," is  
 10 referring to they would -- they already pay a bunch  
 11 of people in student life to get students  
 12 interested and organized and active within the  
 13 university community, and if they didn't have some  
 14 student leaders that were working, doing all this  
 15 work for free, they would have to pay, they would  
 16 have to hire people. I don't know. That's all.  
 17 Q. Okay. Then there's a comment a  
 18 little -- or a note a little further down, "Ranked,  
 19 put a price on all our heads." Do you recall what  
 20 that referred to?  
 21 A. Yes, when they were talking about  
 22 changing the stipend system and how they were  
 23 goings to rank different student leaders, they were  
 24 basically saying this leader is important, this one

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1 isn't important, and that's putting a price on our  
 2 heads, which a lot of people took issue with --  
 3 Q. Okay.  
 4 A. -- being told whether or not their  
 5 position was important.  
 6 Q. Well, we're talking about a pretty large  
 7 group of student leaders?  
 8 A. It was about 20, I would say.  
 9 Q. All in different positions?  
 10 A. Yes.  
 11 Q. And in different organizations?  
 12 A. Yes.  
 13 Q. Student organizations?  
 14 Were you involved in any other  
 15 organizations while you were a student either the  
 16 first or the second time at SLU?  
 17 A. Yes, I was.  
 18 Q. Okay. Which organizations?  
 19 A. I was involved in the Student Activities  
 20 Board, the Relay For Life PR committee. I think  
 21 that's it.  
 22 Q. Okay. If you can go to the next page  
 23 again, just a follow-up question.  
 24 On the right at the bottom, it says, "By

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1 February, give concrete recommendations."  
 2 Do you know what those recommendations  
 3 were to relate to?  
 4 A. Yes, I believe that in this instance  
 5 concrete recommendations was to name someone that  
 6 we would want as an advisor or a writing  
 7 coordinator, "we" being The University News.  
 8 Q. If we can turn to three pages past that,  
 9 there's an article called "The chick who cried  
 10 wolf? The year of living dangerously?"  
 11 A. Yes.  
 12 Q. And this is an article you wrote; is  
 13 that correct?  
 14 A. Yes.  
 15 Q. And the first line you wrote says, "A  
 16 very wise man once told me," and it goes on.  
 17 Who are you referring to?  
 18 A. I don't know if I feel comfortable using  
 19 his name.  
 20 Q. Well, the next paragraph down, you refer  
 21 to him again. "At this time, I listened carefully  
 22 to this wise man."  
 23 A. Yes.  
 24 Q. Who are you referring to?

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1 A. I'm referring to Phil Lyons.  
 2 Q. And then two more sentences, it says,  
 3 "In August, I was warned," and it goes on.  
 4 And who gave you that warning? Would  
 5 that have been Phil Lyons.  
 6 A. Yes, I was warned by Phil Lyons, but I  
 7 believe that there were -- there may have been  
 8 other people.  
 9 Q. Who do you think might have also given  
 10 you the explained warning?  
 11 A. It was mostly just a sort of --  
 12 completely off the record hearsay sort of  
 13 situations. I don't -- I don't even remember. It  
 14 might have been another student leader, but I -- I  
 15 don't know.  
 16 Q. Okay. On the right-hand column, the  
 17 first paragraph, it says the -- I guess this is the  
 18 third sentence in, "Two options were presented to  
 19 us, take what we give you or go elsewhere."  
 20 When were those options presented?  
 21 A. Uh --  
 22 Q. That --  
 23 A. It appears the Monday before this  
 24 article ran.

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1 Q. I don't see a date on the article.  
 2 Do you know when the article ran?  
 3 A. I don't know when the article ran.  
 4 Q. Would it still be available in the  
 5 archives of the UNews?  
 6 A. Yes.  
 7 Q. This is a UNews article; is that  
 8 correct?  
 9 A. Yes.  
 10 Q. And who gave those options?  
 11 A. The provost and Kent Porterfield acting  
 12 on Father Biondi's behalf, I believe.  
 13 Q. In what -- by what means?  
 14 A. Oh, what do you mean?  
 15 Q. Was there an e-mail sent? Did you have  
 16 a meeting? Did you talk to someone?  
 17 A. There was a meeting. I believe that's  
 18 what this is referring to.  
 19 Q. Okay. It's referring to a meeting with  
 20 the provost and Kent --  
 21 A. And Kent Porterfield.  
 22 Q. -- Porterfield?  
 23 A. And there may have been someone else  
 24 there, but I don't remember.

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1 Q. Okay. And you attended that meeting?  
 2 A. Yes.  
 3 Q. Did anyone else attend with you?  
 4 A. Yes.  
 5 Q. Okay. Who else was there?  
 6 A. Gagan Raju, Katie Lewis, Adam Tamburin,  
 7 Sara Hale, Evan Gerald, Ann Darnell, Andy Pollack.  
 8 I don't -- I don't know who else.  
 9 Q. Were they all staff members --  
 10 A. Yes.  
 11 Q. -- on the UNews at the time? Okay.  
 12 Was this all like a pre-planned meeting  
 13 to talk about the UNews?  
 14 A. Yes.  
 15 Q. Are some of these notes related to that  
 16 specific meeting --  
 17 A. No.  
 18 Q. -- that we've talked about?  
 19 A. I don't think so, no.  
 20 Q. Okay. I may have already asked this:  
 21 When do you think that meeting took place?  
 22 A. It was sometime in April, I think. I  
 23 don't know for sure.  
 24 Q. So this was while you were editor in

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1 chief?  
 2 A. Yes.  
 3 Q. And was this customary for you to have  
 4 this type of a meeting?  
 5 A. No.  
 6 Q. Okay. So it was specially called?  
 7 A. Yes.  
 8 Q. Did you do anything to prepare for the  
 9 meeting?  
 10 A. Probably.  
 11 Q. What kind of things do you recall doing?  
 12 A. I don't know, maybe reading the charter.  
 13 We were mostly just going to sit and hear what the  
 14 provost and Kent Porterfield had to say about the  
 15 fate of the UNews.  
 16 Q. Okay.  
 17 A. I don't know.  
 18 Q. And was this after Dr. Meyer had  
 19 informed you that he had registered the nonprofit  
 20 organization?  
 21 A. Yes.  
 22 Q. Okay. And so did you discuss the  
 23 meeting -- when you were preparing for the meeting,  
 24 did you discuss it with Dr. Meyer?

1 A. The meeting or the nonprofit?  
 2 Q. The upcoming meeting.  
 3 A. I believe -- yeah, I mean I told him  
 4 when it was and where it would be.  
 5 Q. Did you discuss it with anyone else?  
 6 A. The members of the editorial board who  
 7 were there, yeah.  
 8 Q. Okay. Okay. If you turn two -- let's  
 9 see, one, two more pages in, it starts,  
 10 "Four score," and there's a question mark?  
 11 A. Yes.  
 12 Q. Do you know who authored the portion  
 13 following that?  
 14 A. Yes, that was written by Dr. Meyer.  
 15 Q. And what is this? Is this a Internet  
 16 posting?  
 17 A. No, this -- I think this ran in the  
 18 paper.  
 19 Q. So is this the format you had it in  
 20 your -- at home when you searched?  
 21 A. Yeah, I had these papers -- like  
 22 starting the paper before, these were all printed  
 23 together. I don't know -- they must have been  
 24 pasted into a word document and then printed out.

1 Q. Okay. So you think starting  
 2 "four score" is the portion that Dr. Meyer  
 3 authored?  
 4 A. Yes, it is.  
 5 Q. Okay. Okay. So which part did he  
 6 author? There's several. I just want to make sure  
 7 the record's clear. There's several pages and it  
 8 send ends on a mostly blank page that says  
 9 10/26/06?  
 10 A. Yes, after the -- where it starts  
 11 "four score and five years ago," and the last word  
 12 "notwithstanding," those words were all authored by  
 13 Dr. Meyer.  
 14 Q. Okay?  
 15 A. To the best of my knowledge.  
 16 Q. Okay. Did you contribute to it in any  
 17 way? That was his --  
 18 A. No, I don't believe so.  
 19 Q. That's what he said?  
 20 A. Yeah.  
 21 Q. Okay. And then following that, there's  
 22 four pages of text, looks like it's drafted by  
 23 Andrew Ivers?  
 24 A. Yes.

1 Q. Is that correct?  
 2 A. That's correct.  
 3 Q. Okay. Did you contribute to that in any  
 4 way?  
 5 A. No, I did not.  
 6 Q. And was that ran in the UNews as well?  
 7 A. Yes.  
 8 MS. HOY: Okay. Those are all the questions I  
 9 have. Thank you for your time.  
 10 THE WITNESS: Okay.  
 11 MS. HOY: Unless your counsel has follow-up  
 12 questions.  
 13 MR. HOGAN: Not really. We discussed  
 14 previously off the record about waiving signature.  
 15 That just means that you trust that these gentlemen  
 16 got this right, okay? And I have never told a  
 17 client not to waive before.  
 18 You know, I trust the reporters have  
 19 done that right, and that means that you don't get  
 20 a chance to review it and correct any mistakes as  
 21 to spelling. You don't get to change your  
 22 testimony. That's the only opportunity you get to  
 23 correct some things, and if you understood the  
 24 questions and you believe your responses were as

1 accurate as you could make them, then there is no  
 2 need to do that.  
 3 THE WITNESS: Okay.  
 4 MR. HOGAN: So do you want to waive your  
 5 signature?  
 6 THE WITNESS: I guess so, yeah.  
 7 MR. HOGAN: Okay. Now, let's go off the  
 8 record for a second.  
 9 THE VIDEOGRAPHER: Are we going to go back on,  
 10 because otherwise I will have to change tapes.  
 11 MS. HOY: Let's just take -- let's just finish  
 12 up --  
 13 MR. HOGAN: Okay.  
 14 MS. HOY: -- on the record.  
 15 MR. HOGAN: Sure.  
 16 MS. HOY: I mean, do you have something else?  
 17 Is there going to be anything else on the record?  
 18 MR. HOGAN: No, not on the record. That's it.  
 19 MS. HOY: Okay. We're.  
 20 MR. HOGAN: I'm done.  
 21 MS. HOY: We're complete.  
 22 MR. HOGAN: I'm done -- well, she -- she --  
 23 did she say she waived?  
 24 MS. HOY: She did.

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1 THE WITNESS: Yes.  
 2 MR. HOGAN: Okay. Cool. I just wanted to  
 3 make sure, because I don't want you guys to have  
 4 that problem. So I'll give you a call and try to  
 5 figure out what's going on with the --  
 6 MS. HOY: Wait. Wait.  
 7 THE VIDEOGRAPHER: We're going off the video  
 8 record at the end of Tape 3 at 1:23. This  
 9 concludes the deposition of Diana Benanti.  
 10 FURTHER DEPONENT SAITH NOT.  
 11  
 12  
 13  
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 15  
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 18  
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 21  
 22  
 23  
 24

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1 IN WITNESS WHEREOF, I do hereunto set my  
 2 hand and affix my seal of office at Chicago,  
 3 Illinois, this 26th day of June, 2008.  
 4  
 5  
 6 Notary Public, Cook County, Illinois.  
 7 My commission expires May 31, 2009.  
 8  
 9 C.S.R. Certificate No. 84-4575.  
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1 STATE OF ILLINOIS )  
 2 ) SS:  
 3 COUNTY OF C O O K )  
 4 I, ANDREW ROBERT PITTS, C.S.R.  
 5 No. 84-4575, a Notary Public within and for the  
 6 County of Cook, State of Illinois, and a Certified  
 7 Shorthand Reporter of said state, do hereby  
 8 certify:  
 9 That previous to the commencement of the  
 10 examination of the witness, the witness was duly  
 11 sworn to testify the whole truth concerning the  
 12 matters herein;  
 13 That the foregoing videotaped deposition  
 14 transcript was reported stenographically by me, was  
 15 thereafter reduced to typewriting under my personal  
 16 direction and constitutes a true record of the  
 17 testimony given and the proceedings had;  
 18 That the said videotaped deposition was  
 19 taken before me at the time and place specified;  
 20 That I am not a relative or employee or  
 21 attorney or counsel, nor a relative or employee of  
 22 such attorney or counsel for any of the parties  
 23 hereto, nor interested directly or indirectly in  
 24 the outcome of this action.

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