

ORIGINAL

IN THE MATTER OF:

*St. Louis University, etc.,
vs.
Avis Meyer*

Cause No. 04:07CV1733 CEJ

*Deposition of Avis Meyer
6/4/2008*

JUN 16 2008

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In the United States District Court
Eastern District of Missouri
Eastern Division

ST. LOUIS UNIVERSITY, etc.,

PLAINTIFF,

vs. Cause No. 4:07CV1733 CEJ

AVIS MEYER,

DEFENDANT.

Deposition of AVIS MEYER, taken on behalf
of the PLAINTIFF, at the law offices of Lewis, Rice &
Fingersh, 500 North Broadway - Suite 2000, St. Louis,
Missouri, on JUNE 4, 2007, before Robert D. Perry,
Missouri CCR #904, Illinois C.C.R. No. 084-003742, and
Notary Public within and for the State of Missouri.

1 APPEARANCES OF COUNSEL:

2
3 For THE PLAINTIFF:

4
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10
11 Mr. Kenneth Fleischmann

12 Senior Associate General Counsel

13 St. Louis University

14
15 For THE DEFENDANT:

16
17 Mr. Brian J. Gill

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1 AVIS MEYER,
2 of lawful age, having been first duly sworn to testify
3 the truth, the whole truth, and nothing but the truth
4 in the case aforesaid, deposes and says in reply to
5 oral interrogatories propounded as follows, to-wit:

6 EXAMINATION

7 QUESTIONS BY MR. JANOSKI:

8 (Plaintiff's Exhibit No. 1
9 Marked for identification)

10 THE VIDEOGRAPHER: Today is June the 4th,
11 2008, we're on the record at 1:51 p.m. for the
12 deposition of Mr. Avis Meyer in the matter of SLU
13 versus Avis Meyer. Would the attorneys give their
14 representations beginning with Mr. Janoski?

15 MR. JANOSKI: Frank Janoski of Lewis Rice
16 & Fingersh for the Plaintiff St. Louis University.

17 MS. HOY: Bridgette Hoy also here on
18 behalf of the Plaintiff.

19 MR. FLEISCHMANN: Kenneth Fleischmann,
20 Senior Associate General Counsel, present on behalf of
21 St. Louis University.

22 MR. GILL: Brian Gill of Polster, Lieder,
23 Woodruff & Lucchesi on behalf of Defendant Avis Meyer.

24 THE VIDEOGRAPHER: Will the attorneys
25 please give their appearances -- oh, I'm sorry. Would

1 the court reporter please swear in the witness?

2
3 AVIS MEYER,

4 Of lawful age, being first duly sworn to testify the
5 whole truth of his knowledge, testified as follows:

6 EXAMINATION

7 QUESTIONS BY MR. JANOSKI:

8 Q: Could you please state your name for the
9 record?

10 A: Avis Meyer, M-E-Y-E-R.

11 Q: And, Doctor, is it "Dr. Meyer"?

12 A: I'm a Ph.D., not an M.D., not to be
13 confusing.

14 Q: I understand. Dr. Meyer, could you please
15 state your home address?

16 A: 10828 Wood Forest Drive in Sunset Hills, West
17 County.

18 Q: And is there a Zip code with that, please?

19 A: I'm sorry?

20 Q: A Zip code?

21 A: 63128.

22 Q: Thank you. I want to hand you what's been
23 marked as Plaintiff's Exhibit 1 and ask you to please
24 look at that document and tell me when you're finished
25 looking at it.

1 A: Okay.

2 Q: Have you seen this document before?

3 A: Not by deposition, no.

4 Q: You understand that you are giving a
5 deposition here today?

6 A: I understand.

7 Q: And are you -- and you understand that you
8 are under oath?

9 A: I understand.

10 Q: And you understand that the giving of any
11 false testimony would be perjury?

12 A: I understand.

13 Q: Have you ever been accused of a violation of
14 the law, aside from this lawsuit?

15 A: You mean criminal, civil, what?

16 Q: Any violation of a law.

17 A: Like running a traffic sign?

18 Q: Have you ever been -- yes. Have you ever
19 been accused of a traffic violation?

20 A: Ever in my life? I have to think about this.
21 If you mean traffic, something like a traffic
22 violation, I think the answer would be yes, maybe, but
23 it's been a long time ago.

24 Q: Anything more than a traffic violation?

25 A: No.

1 Q: Have you ever had your deposition taken
2 before?

3 A: No.

4 Q: Have you ever testified at trial?

5 A: No.

6 Q: Okay. I'm sure that your lawyer has probably
7 told you about some basic ground rules that we have
8 with regard to depositions.

9 A: Broadly.

10 Q: In order for the deposition, I think, to go
11 as smoothly as possible, and to have as good a record
12 as possible, normally what I request is that you allow
13 me to ask the question, finish my question, and then I
14 would like you to respond to the best of your ability.
15 As long as we don't talk over each other, it's much
16 easier for the court reporter. The videographer, he
17 doesn't have to worry about it too much, but the court
18 reporter, to take down the testimony accurately, you
19 have to provide a verbal response, a "yes", "no".
20 Nodding of the head, I will prompt you for a verbal
21 response, is that okay?

22 A: I understand.

23 Q: If you answer my question, I'm going to
24 assume that you understand the question. So, if at
25 any time you don't understand the question that I'm

1 asking or any portion of the question, I would
2 appreciate it if you would please let me know that and
3 then we can see if we can clarify the question for
4 you.

5 A: I will.

6 Q: If at any time you need a break, please let
7 me know and we'll direct you if necessary to the
8 restrooms or if you need another drink.

9 A: Fine.

10 Q: Are you taking any medications which would
11 affect your ability to understand or remember?

12 A: No.

13 Q: And you are being represented here today, is
14 that correct?

15 A: Correct.

16 Q: Okay. And Mr. Gill is representing you here
17 today?

18 A: Correct.

19 Q: And I understand that also Mr. Nolte, Nelson
20 Nolte, and Mr. Scott Smith are also representing you
21 from the law firm of Polster, Lieder, Woodruff &
22 Lucchesi, is that correct?

23 A: Brian is more familiar with that than I am to
24 the term and degree, that's true.

25 Q: Okay. You're being represented by lawyers

1 from the law firm of Polster, Lieder, Woodruff &
2 Lucchesi, correct?

3 A: Yes, sir.

4 Q: Are you represented by any other law firm as
5 it relates to this matter?

6 A: No.

7 Q: Are you being represented by any other law
8 firm as it relates to any other matter that you may
9 have?

10 A: No.

11 Q: With regard to your preparation for the
12 deposition today, did you meet with anyone in
13 connection with this deposition?

14 A: Other than Brian?

15 Q: Anyone, to include Mr. Gill.

16 A: He and I have talked about it.

17 Q: Okay. And can you tell me how many times you
18 talked about this deposition?

19 A: Two or three times, maybe, because this has
20 been cancelled, am I correct, twice? This is the
21 third time it's been scheduled.

22 Q: I think this is the third time it's been
23 scheduled.

24 A: So, at least once per time we would have
25 talked.

1 Q: And approximately how long would you have
2 talked the first time that you prepared for the
3 deposition?

4 A: I can estimate.

5 Q: That's fine.

6 A: Oh, 15, 20 minutes, maybe.

7 Q: Did you meet in person with Mr. Gill?

8 A: The first -- let's see, the first time, I
9 think we did. The second time I think was a phone
10 call.

11 Q: And do you know how long you met the second
12 time you prepared for this deposition?

13 A: Probably less, because we had already talked
14 once before.

15 Q: And did you meet to prepare for the
16 deposition here today with Mr. Gill?

17 A: Then or recently?

18 Q: Recently, other than the two times you've
19 testified to.

20 A: Not really, no, not really.

21 Q: When you met the first time, was it at
22 Mr. Gill's office?

23 A: It was.

24 Q: And did you review any documents during that
25 meeting?

1 MR. GILL: I'm going to object, it's
2 calling for Attorney-Client Privilege, work product,
3 instruct the witness not to answer.

4 MR. JANOSKI: Counsel, I'm just asking if
5 he reviewed any documents. I'm not asking him which
6 documents he reviewed.

7 A: I don't remember that we reviewed anything
8 specifically except the general suggestions that are
9 laid out for depositions.

10 Q: (By Mr. Janoski) Did you meet with anyone
11 else besides Mr. Gill in preparation for this
12 deposition?

13 A: I met another young man whose name I don't
14 recall.

15 Q: Was he --

16 A: He was in the law firm. We met like two
17 minutes. He may be one of the gentlemen whose name is
18 on here, but I don't really remember. It's been
19 awhile since we did this.

20 Q: Did you discuss your upcoming, or the
21 deposition today, with anyone else besides your
22 lawyers?

23 A: Do you mean is someone else aware of the fact
24 that I'm here?

25 Q: Okay, we can go at it that way.

1 A: My wife knows I'm here, and the Chairman of
2 my department knows I'm here, that's -- my daughter,
3 that's pretty much it.

4 Q: Did you review any documents on your own in
5 preparation for this deposition today?

6 A: No.

7 (Plaintiff's Exhibit No. 2
8 Marked for identification)

9 Q: (By Mr. Janoski) I want to hand you what's
10 been marked as Plaintiff's Exhibit 2 and ask you to
11 please review that document and let me know when
12 you're finished.

13 A: Define "spoliation" for me. What does
14 "spoliation" mean?

15 Q: Destruction.

16 A: Structuring or destruct --

17 Q: Destruction, destruction --

18 A: Destruction of?

19 Q: Throwing away, destroy.

20 A: All right, I think I've got it.

21 Q: Have you seen this document before?

22 A: No.

23 Q: And this document is a letter dated October
24 11th, 2007; is that correct?

25 A: Correct. I don't remember seeing it.

1 Q: And it is a letter from myself, Frank
2 Janoski, to two of your counsel, Mr. Moore and
3 Mr. Gill; is that correct?

4 A: Correct.

5 Q: Can you tell me whether you have been
6 preserving documents with regard to the circumstances
7 underlying this case?

8 A: By "documents", you mean anything pertaining
9 to this in any way, shape or form, including e-mails
10 from people I know?

11 Q: Correct.

12 A: That's a "yes" and "no" question. Some I do,
13 some I don't.

14 Q: Can you explain for me the ones, or how you
15 know that you have?

16 A: If the kids have been directly, who have
17 written me are directly associated with the University
18 newspaper, I probably saved them. If not, not.
19 Generally, generally.

20 Q: When you say that you have not maintained
21 documents that relate to the circumstances underlying
22 this case, can you first explain to me generally the
23 types of documents we're talking about?

24 A: Letters of support from the students who are
25 aware of this are questioning me about why it's

1 happening, what's going on, that sort of thing.

2 Q: And has that been communication that they
3 have sent you electronically?

4 A: Uh-huh, generally, generally.

5 Q: Have there also been letters?

6 A: Very few. They are much more electronic and
7 technological than I am. Very few.

8 Q: And have you provided them responses?

9 A: Sometimes yes, sometimes no. It depends on
10 how much time I have to do so.

11 Q: Now, have you -- let's take in the first
12 instance, the ones that you have maintained the
13 documents.

14 A: Uh-huh.

15 Q: Can you tell me whether you have provided
16 them to counsel?

17 A: No, never been asked to.

18 Q: Do you have those documents on your computer
19 or, if they are in written form, in your files?

20 A: They are not really in written form. I saved
21 them mainly for the addresses, so I could stay in
22 touch with the students, as opposed to the content.

23 Q: Was it your understanding, or did you have an
24 understanding that any documents which related to the
25 circumstances underlying this case were to be

1 preserved by you?

2 A: I didn't understand that, but I don't really
3 think that letters inquiring about this of me have
4 much bearing on it. They are worried about the case
5 and me, as opposed to the content.

6 Q: I understand, I understand that.

7 A: Uh-huh.

8 Q: But what we're seeking here and what your
9 obligation is, is to preserve documents related to the
10 circumstances underlying the case, and that may be
11 documents which would have been in existence at the
12 time the case was filed and any documents which came
13 into existence after the case has been filed.

14 A: For example?

15 Q: For example, communications between former
16 students, where you would communicate to them your
17 thoughts as it related to this case.

18 A: There is not much I said in con -- in
19 contacting them in return at Brian's suggestion, I
20 just kept a very low profile on this.

21 Q: I understand. We would ask for copies of
22 those documents, those communications, also, that, to
23 the extent that his hard drive can be accessed for
24 anything that had been deleted, we would ask for those
25 documents, also. Was the communications to your --

1 let me ask this way; you have an e-mail address at St.
2 Louis University?

3 A: I do.

4 Q: And were those communications to your
5 University e-mail address?

6 A: Some of them, not all. Some of them.

7 Q: Do you also have a personal e-mail address?

8 A: I do.

9 Q: Can you tell me what that e-mail address is,
10 please?

11 A: I have to think about it because I don't use
12 it much. It's my wife's name, followed by AOL.com.

13 Q: Okay. And what is your wife's name?

14 A: AnnaMarie.

15 Q: Can you spell that for me, please?

16 A: One word, A-N-N-A-M-A-R-I-E, and I think it's
17 also M-E-Y-E-R, but I'm really not certain, because I
18 really don't use it very often. I think it's her
19 entire name, AnnaMarieMeyer@AOL.com.

20 MR. JANOSKI: And, counsel, we'd also ask
21 for any communications as it relates to the
22 circumstances underlying this case also from that web
23 site which he uses.

24 MR. GILL: That e-mail address, not web
25 site? That e-mail address?

1 MR. JANOSKI: Yes.

2 MR. GILL: Okay.

3 Q: (By Mr. Janoski) And if he has any others.

4 A: That's the two.

5 Q: Okay. Now, with regard to written
6 correspondence, would that written correspondence have
7 come to your office at St. Louis University?

8 A: No, using Christmas cards and birthday
9 announcements and that sort of thing.

10 Q: So, then they would go to your home address?

11 A: Correct.

12 Q: I would also ask for you to look and see if
13 you can find and locate any documents in that regard.

14 A: I shall.

15 Q: Do you have any, do you have a blog?

16 A: No.

17 Q: Do you have any other personal web site?

18 A: There is a petition put up by a student, but
19 it's not my web site, it's his, but that's the only
20 one I'm aware of.

21 Q: Okay. And have you corresponded with regard
22 to that web site?

23 A: Define "corresponded".

24 Q: Have you communicated to individuals through
25 that web site?

1 A: Rarely, rarely. Now and then they will call
2 me, particularly kids here in town will call me and
3 check to see how things are going.

4 Q: We would also ask for any other communication
5 that Dr. Meyer has as relates to that web site
6 relating to the circumstances underlying this case.
7 And can you please give me the name of the student
8 with regard to the petition web site?

9 A: Is it okay to tell him this?

10 MR. GILL: You can answer the question.

11 A: His name is Pat Powers, P-O-W-E-R-S, and he
12 works at Webster University. And I'm not sure what
13 capacity.

14 Q: (By Mr. Janoski) And do you know what the
15 URL is for the Petition web site?

16 A: I do not.

17 MR. JANOSKI: And, counsel, if you could
18 find that out for us, also, I'd appreciate it.

19 Q: (By Mr. Janoski) And do you know Mr. Powers?

20 A: He used to be the editor of the school paper
21 about seven or eight years ago, I know him pretty
22 well.

23 Q: And when you say "school paper", you are
24 talking about the University News?

25 A: Correct.

1 Q: At St. Louis University?

2 A: He calls himself Old Number 25, because he
3 was the 25th editor that I had worked with.

4 Q: Are you compensating counsel for his time
5 today?

6 A: Indeed.

7 Q: And is it on an hourly rate?

8 A: That's really up to him.

9 Q: Do you have a contingency fee arrangement
10 with him?

11 A: We had one set up initially.

12 Q: Okay. And just so we're clear, because I
13 know sometimes people don't understand, a contingency
14 fee arrangement is when there would be an award and an
15 attorney would get a portion of an award.

16 A: Well, that's not what we had set up.

17 Q: So, you have set up an hourly rate basis,
18 would that be right?

19 A: Yes, I think so.

20 Q: Or is it a basis that you are paying one fee
21 for the entire representation?

22 A: There was a large fee up front initially, and
23 since then it's been hourly, okay?

24 Q: And so, you gave to the law firm a retainer?

25 A: Correct.

1 Q: Can you tell me how much that retainer was?

2 A: Is that okay?

3 MR. GILL: I'm going to object on the
4 relevance of it.

5 Q: (By Mr. Janoski) You can answer the
6 question.

7 A: Three grand.

8 Q: Okay. And can you tell me what the hourly
9 rate that you are being charged?

10 MR. GILL: Again, I'm going to object on
11 the relevance.

12 Q: (By Mr. Janoski) You can answer.

13 A: I'm not absolutely certain anymore. It used
14 to be in the neighborhood of \$200 an hour. I think it
15 may have been slightly modified.

16 Q: Okay. Up or down?

17 A: Down, slightly.

18 Q: And can you tell me, is that the same rate
19 that is being charged by each one of the attorneys who
20 is working on this case?

21 MR. GILL: I object --

22 A: I get a monthly bill. I'm not sure.

23 Q: (By Mr. Janoski) And on that monthly bill
24 would be a breakdown of the hourly rates of the
25 attorneys?

1 A: Usually, usually.

2 Q: Would there also be a description of the work
3 that the attorneys have done?

4 MR. GILL: I'm going to object, it's
5 Attorney-Client Privilege.

6 Q: (By Mr. Janoski) I'm not asking for the
7 substance, and I don't want to know the substance.

8 A: Usually.

9 Q: And there would also be the date on which
10 that work was done, is that correct?

11 A: Correct.

12 Q: And just so I'm clear, the rate since the
13 initiation of this lawsuit has gone down?

14 A: Slightly.

15 Q: Slightly. It has not gone up?

16 A: Not to my knowledge.

17 Q: Dr. Meyer, can you tell me about how many
18 e-mails you have deleted with regard to communications
19 relating to the circumstances underlying this case?

20 A: I'm not sure I can give you an estimate.
21 This has been going on for, what, six or seven months.

22 Q: Correct.

23 A: And I probably don't check my e-mail on
24 weekends at all, and I tell my students, so, every
25 month it takes me 20, 30 minutes to clear stuff out.

1 Q: Okay.

2 A: And obviously that's a lot of junk and a lot
3 of things that have nothing to do with this.

4 Q: Would you estimate maybe 20 e-mails a week?

5 MR. GILL: What -- I'm going to object on
6 vague.

7 Q: (By Mr. Janoski) Related to --

8 A: It's just been going on so long, it would be
9 hard for me to answer that accurately.

10 Q: Would those e-mails then find their way into
11 the trash folder of the --

12 A: Probably, yes. Probably.

13 Q: Can you tell me whether the retainer has been
14 exhausted, that you have filed with the --

15 MR. GILL: Objection, relevance.

16 Q: (By Mr. Janoski) You can answer.

17 A: It has been.

18 Q: Have you -- have the e-mails been deleted on
19 both the St. Louis University e-mail system and also
20 on your personal e-mail system?

21 MR. GILL: Objection, compound.

22 Q: (By Mr. Janoski) I can break it down. Have
23 the e-mails been deleted on the -- have you deleted
24 e-mails on the St. Louis University e-mail system?

25 A: Except --

1 MR. GILL: Objection, vague.

2 Q: (By Mr. Janoski) Okay. Go ahead.

3 A: Go ahead and answer?

4 Q: You can answer.

5 A: Except, again, for the ones I saved because
6 they were the U. News Alumni, yes.

7 Q: And have you also deleted e-mails on your
8 personal e-mail account?

9 A: With the same general caveat, yes, generally.

10 Q: So, it has been your habit to generally
11 delete these e-mails as opposed to saving these
12 e-mails?

13 A: Unless they are University News Alumni, those
14 I keep. I keep them for addresses, not the e-mail
15 specifically.

16 Q: And have you printed off any of these
17 e-mails?

18 A: Not that I remember, no.

19 Q: And have you forwarded those e-mails to
20 anybody?

21 A: Not unless requested to, maybe once or twice,
22 but that's been awhile. That was like last
23 Thanksgiving when some kids found out about all this
24 stuff, so, that would be hard to answer that honestly
25 and accurately. Rarely, rarely.

1 Q: Okay. You believe that some of these e-mails
2 have been forwarded to third parties?

3 A: It's possible. Rarely.

4 Q: And have you also received -- did you want to
5 say something?

6 MR. GILL: Just to make it clear, when you
7 say "these e-mails", this line of questioning with
8 respect to e-mails, I just want to be clear --

9 MR. JANOSKI: I'm talking about
10 communications, e-mails that relate to the
11 circumstances underlying this case, for which he had
12 an obligation to maintain those documents.

13 MR. GILL: I just want to make sure it's
14 clear what you are asking him.

15 Q: (By Mr. Janoski) Right. Have you received
16 e-mails relating to this case from individuals other
17 than former students of yours at St. Louis University?

18 A: Very few.

19 Q: Have you received any e-mails from news
20 agencies relating to this case?

21 A: Yes, a few.

22 Q: Okay. And have you deleted those?

23 A: It depends on the time. After three months,
24 I probably do.

25 Q: And did you respond to those e-mails?

1 A: Sometimes.

2 Q: And did you delete the responses to those
3 e-mails, also?

4 A: Probably.

5 Q: Did you --

6 A: After three months.

7 Q: Do you, when you send an e-mail, do you keep
8 for yourself a record with regard to the e-mail
9 communication?

10 A: I did not for a long time, till someone else
11 came in and suggested I would do it, and I don't
12 remember how long ago that was.

13 Q: Now, would that be something that you would
14 do with regard to your University e-mails?

15 A: As opposed to my home?

16 Q: As opposed to your home.

17 A: Yes, but I don't remember exactly, again,
18 when this save system was set up and I don't know if
19 that was in the last year or two years ago or when.
20 Initially there was none.

21 Q: Do you remember what news agencies might have
22 forwarded e-mails to you?

23 A: It's been for a while now. Chronicle of
24 Higher Education, the Student Press Law Center,
25 Post-Dispatch, the St. Louis Journalism Review. I

1 think that's it, I think that's it.

2 Q: Do you recall who at the St. Louis Journalism
3 Review would have been communicating with you?

4 A: Charles Klotzer, usually, or Roy Malone,
5 occasionally.

6 Q: What about with regard to the Post-Dispatch?

7 A: A fellow named Matt Franck, F-R-A-N-C-K, and
8 a fellow named Matt Hathaway, and a young woman named
9 Kavita Kumar.

10 Q: Are they located here in St. Louis?

11 A: They are.

12 Q: And what about the Chronicle of Higher
13 Education?

14 A: I don't remember who that person was. That's
15 been awhile.

16 Q: And then you said that there was a fourth --

17 A: The Student Press Law Center, and that's also
18 be awhile, so, I don't really remember who that was.
19 This was a once or maybe twice thing, and over a
20 six-month period, I just don't remember.

21 Q: And with regard to those, would you respond
22 to them directly, to their correspondence, or would
23 you respond to them and also copy others with regard
24 to that correspondence?

25 A: Compound sentence.

1 MR. GILL: Yes, object.

2 A: You mean directly -- you mean that I send
3 them a note back, period, to them?

4 Q: (By Mr. Janoski) Just period to them, yes,
5 sir.

6 A: Almost without exception, that's the way I
7 would do it, without exception.

8 Q: Can you please briefly give us a history of
9 your employment?

10 A: At SLU?

11 Q: No, your employment from --

12 A: I went to work when I was 12.

13 Q: Okay. Let's start from when you graduated
14 from college.

15 A: Okay. Is this germane?

16 MR. GILL: He can -- yes, go ahead and
17 answer.

18 A: My first job out of college was two years at
19 Procter & Gamble as a sales rep out of Clayton.

20 Q: (By Mr. Janoski) Okay.

21 A: And then for a year I was Assistant Manager
22 in a store called Osco Drug, which is owned by Jewel
23 Tea out of Chicago, and then my wife and I owned a
24 small, independent ice cream shop along the lines of
25 Swenson's, for three years, and simultaneously I was

1 going to grad school in Cape Girardeau. And in '71, I
2 think it was, we sold the store and I moved to St.
3 Louis to go to grad school, and I taught driver's
4 training for an organization called AADTA, which I
5 think is defunct, and also worked part-time at Cupples
6 House as an art guide and nighttime guard for the Art
7 Museum, and also taught for night school, day school,
8 English Department in Mass Comm, and that's where I've
9 been since.

10 Q: So, when would you have started your teaching
11 career?

12 A: When we owned the ice cream shop in Cape
13 Girardeau, I taught at the State University there at
14 night.

15 Q: And would that have been in the 19 --

16 A: '69, '70, along in there.

17 Q: And was that at Southeast Missouri State?

18 A: Yes, it is.

19 Q: Where did you go to college and what degrees
20 do you have?

21 A: Bachelor's Degree is in English with a
22 Biology minor, and that's from Southeast. Master's
23 Degree is in English from Mizzou through Southeast, it
24 was a complicated new program then. My Ph.D. is in
25 English American Lit from St. Louis U. In 1979.

1 Q: Do you remember what classes you taught at
2 SEMO in the '69, '70 time frame?

3 A: That's a long time ago. They would have been
4 standard English Composition classes, I think. And an
5 occasional Journalism class.

6 Q: Now, the Journalism classes, could you
7 describe for me a little bit of what the curriculum
8 for that would be?

9 A: I neglected an important job.

10 Q: Okay.

11 A: I worked at the Post-Dispatch from 1982
12 through 2005, as a Copy Editor and writer.

13 Q: I hadn't gotten there yet, but I appreciate
14 it.

15 A: But that was part-time, always.

16 Q: Well, so, in '69/'70 you were teaching
17 English Comp and Journalism class?

18 A: Occasionally.

19 Q: Occasionally?

20 A: Occasionally Journalism class at SEMO.

21 Q: Right. And can you tell me generally what
22 the curriculum was for the Journalism class?

23 A: Whatever book they gave me to teach from,
24 because I was the low man on the totem pole. I have
25 no idea. Just a basic Journalism text.

1 Q: What would that comprise with regard to
2 Journalism?

3 A: Looking at who, what, when, where, why,
4 trying to keep stories honest, fair, balanced, that
5 sort of thing, practice, pretty basic stuff.

6 Q: So, it would be writing stories?

7 A: From facts and details.

8 Q: And then when you moved to St. Louis in 1971,
9 what was your next teaching position?

10 A: It was dual, two of them. There was a
11 division of St. Louis U. Called Metropolitan College,
12 which was nights for adults, and I taught courses for
13 them, usually two a semester, and I taught two courses
14 as part of a teaching assistantship, you take two, you
15 teach two and you don't have to pay tuition. So I
16 taught four courses every semester.

17 Q: Was that at St. Louis University?

18 A: It was.

19 Q: And what courses were you teaching?

20 A: I couldn't begin to guess. I just know they
21 were in English and Mass Comm. It's probably some mix
22 of Journalism and Composition again.

23 Q: And when you say "Mass Comm", would that be
24 Mass Communications?

25 A: Yes.

1 Q: And generally speaking, how would you define
2 Mass Communications?

3 A: Media.

4 Q: Now, would that be television/radio media or
5 would it -- could it also be in the sense of
6 advertising media or any form of communication?

7 A: I think of media as covering almost
8 everything from what he's doing to what he's doing, to
9 TV, internet, blog, newspapers. Whatever people use
10 to communicate is pretty much media now. It's
11 different then, it's different now. (Indicating)

12 Q: And when you are saying "him" and "him", you
13 were pointing to the videographer --

14 A: I was.

15 Q: -- and also to the court reporter?

16 A: I was. Excuse my nodding head.

17 Q: That's okay. So, would a course in Mass
18 Communications also include the subject of
19 advertising?

20 A: Not if I taught it. I've never taught
21 anything that has to do with advertising or PR. I
22 teach stuff that deals with Journalism, which I think
23 of as print, mainly. Print, mainly. It's a Luddite's
24 form of Journalism, but I still prefer it.

25 Q: How long were you teaching? We talked about

1 two positions, one was with --

2 A: The night school division.

3 Q: The night school division, at St. Louis

4 University. That started in '71?

5 A: That's within a year, I'm not real sure, but
6 that's pretty close.

7 Q: Sure.

8 A: Probably until my wife and children moved up
9 here, because I was here by myself for several years.
10 That would have been '76.

11 Q: And then the other situation that you had was
12 one where you took two classes and you taught two
13 classes?

14 A: When I graduated, that ended.

15 Q: Okay. When would that have been?

16 A: '79.

17 Q: So, then between approximately 1976 and 1979,
18 was your employment going to school and then teaching
19 two classes?

20 A: And teaching driver's training at night.

21 Q: After 19 -- or in 1979, what then became your
22 employment?

23 A: I signed a full 10-year tract contract to St.
24 Louis U., and we moved up here for sure.

25 Q: And what -- and your teaching has been at St.

1 Louis University from 1979 to the present?

2 A: Yes.

3 Q: And can you briefly outline for me the
4 various positions that you have had and the time
5 frames with regard to those positions?

6 A: There are really only positions that vary,
7 except Associate Professor and Assistant Professor and
8 Full Professor. That's the only position change.
9 Otherwise, you just teach.

10 Q: Do you have a CV?

11 A: I haven't used it in awhile, but I'm sure
12 it's somewhere on the computer. What you have in
13 front of you is largely it. That's it, what I just
14 gave you is my CV.

15 Q: All right. And what courses would you have
16 taught at St. Louis University in this time period
17 from 1979 to the present?

18 A: There is probably a dozen, but there is one
19 or two that no longer apply. The first one that comes
20 to mind is U.S./Soviet Press, because there is no
21 longer a Soviet Press, so, I don't teach that course
22 anymore. There is a graduate course called Graduate
23 Readings that I don't teach so often anymore because
24 I'm the only person that teaches eight of the courses
25 in our department, so, I have to teach all of those in

1 a round-robin. And you want the names of the other
2 ones?

3 Q: Yes, sir.

4 A: Essays, Literary Journalism, History of
5 Journalism, Basic Journalism, Editing, Honors Film
6 Class, Part 1 & 2, and a course called Film Criticism.
7 I think that's the eight.

8 Q: Yes, it is. Can you tell me a little bit
9 about the curriculum for the Honors Film Classes, 1 &
10 2?

11 A: Is this germane?

12 MR. GILL: You can answer the question.

13 A: We read novels, in Part 1, or short stories
14 in Part 2, we see the films made from them and talk
15 about why it's true that, in most instances, people
16 will say "that was a good movie, but the book was
17 better". "That was a good movie, the short story was
18 better". We try to figure out why this is true by
19 comparing them side-by-side. By the end of the
20 semester we usually have it down.

21 Q: Now, during the time period 1979 to the
22 present, you also mentioned that you were a part-time
23 Copy Editor for the Post-Dispatch?

24 A: I was.

25 Q: And you indicated that that was 1982 to 2005?

1 A: Just about, yes. I may be six months off
2 somewhere because I took an early retirement buy-out
3 about two years ago, give or take.

4 Q: And can you tell me what the duties and
5 responsibilities would be for a Copyright Editor?

6 A: They send you stories that need to be edited
7 for grammar, punctuation, spelling and accuracy, and
8 then you write a headline. And if you have to cut
9 them, then you cut them. If you have to make them
10 longer, you make them longer. You do it all under a
11 deadline.

12 Q: Now, during the period 1979 till the present,
13 any other positions that you have held?

14 A: Paying positions?

15 Q: We can start with paying positions.

16 A: No.

17 Q: Okay. Any non-paying positions that you have
18 held?

19 A: He's going to think I'm making this up. I
20 play Santa Claus every year. (Indicating)

21 Q: Okay.

22 A: For retirement homes and for old folks homes
23 and for children.

24 Q: Okay. With regard to the Post-Dispatch, was
25 there a retirement buyout for that part-time position?

1 A: There was. I just mentioned it, yes.

2 Q: Any other activities that you have been
3 involved in, either at the University or outside the
4 University, with regard to Journalism?

5 A: Occasionally, I'm asked by schools in the
6 area to come talk to their student advisers on
7 newspapers, or I give an editing class to groups all
8 over town. It's happened occasionally around town.

9 Q: Okay. And anything else?

10 A: Nothing that comes to mind.

11 Q: And why did the employment with the
12 Post-Dispatch cease in 2005?

13 MR. GILL: Objection, it's been asked and
14 answered.

15 Q: (By Mr. Janoski) Okay.

16 A: I planned to work there for 25 years to get a
17 sort of a supplemental retirement package because St.
18 Louis U's retirement package is all right, but it's
19 not very big, and when they made me that offer, I was
20 18 months away, and I thought I'd like to have my
21 weekends back, so, that's what I did.

22 Q: At one point were you also working with the
23 St. Louis Journalism Review?

24 A: Intermittently.

25 MR. GILL: Objection -- I'm sorry, go

1 ahead.

2 A: Intermittently.

3 Q: (By Mr. Janoski) And can you tell me what
4 your duties and responsibilities were?

5 A: Copy Editor, almost exactly the same thing.
6 Do you need to jump in?

7 MR. GILL: That's fine.

8 Q: (By Mr. Janoski) Was that a part-time
9 position?

10 A: It's a non-pay position.

11 Q: But was it part-time?

12 A: It was voluntary, voluntary.

13 Q: Can you tell me approximately how many hours
14 a week you volunteer time for that?

15 A: Except for the three months when I was the,
16 sort of Assistant Co-Editor of the whole magazine, all
17 I do is read copy. When the magazine is ready, it's
18 about a six to eight-hour day, I read the entire
19 magazine letter by letter trying to catch errors, and
20 there were three months where it probably took three
21 times that time, because the magazine was close to
22 going under.

23 Q: How often was the magazine published?

24 A: Monthly.

25 Q: With regard to the St. Louis Post-Dispatch

1 and your part-time copyright position there, how much
2 time on the average a week did you spend?

3 MR. GILL: If I may object, I think it's
4 Copy Editor, not copyright.

5 A: It is Copy Editor.

6 Q: (By Mr. Janoski) All right, I'm sorry.

7 A: It varied. During school it was two days a
8 week, when I was not in school it was three, in the
9 summer it was four.

10 Q: And when you say -- let's say two days a
11 week, are you talking about two eight-hour days?

12 A: Yes.

13 Q: And would that be during the day?

14 A: No, evening.

15 Q: Now, would you consider those three
16 publications as competing publications?

17 A: Not really. The Post is the big dog, SJR is
18 pretty small.

19 Q: SJR would be?

20 A: St. Louis Journalism Review.

21 Q: St. Louis Journalism Review?

22 A: Pretty small.

23 Q: Were you ever asked whether you had any
24 conflicts with regard to any of the employment that
25 you had?

1 A: No.

2 Q: Did all three of the entities that you were
3 working for know that you were working for the others
4 at the time?

5 A: The three entities being?

6 Q: The three entities being St. Louis
7 University, St. Louis Journalism Review and the St.
8 Louis Post-Dispatch.

9 A: Yes.

10 Q: They all knew that you were working for each
11 other?

12 A: Yes.

13 Q: Well, let's talk about your activities with
14 regard to the University News.

15 A: Okay.

16 Q: And that is one of the activities that you
17 were involved with while at St. Louis University,
18 correct?

19 A: Correct.

20 Q: Can you tell me when you began a relationship
21 with the University News?

22 A: Along about one year after I arrived to work
23 on the graduate degree, so, that would have been about
24 '72, '73, along in there.

25 Q: And can you tell me what role you played

1 initially with regard to --

2 A: Initially, I was the only graduate student
3 they had on staff to whom they could turn for any kind
4 of reaction whatsoever, because there was no one in an
5 advisory capacity.

6 Q: So, when you say that the only person that
7 they could turn to for a reaction, what do you mean by
8 that?

9 A: Do you think the story should go on Page 1 or
10 Page 5, is this headline too harsh, is this picture
11 too silly, that sort of thing.

12 Q: So, you were operating in the role of an
13 advisor at that point?

14 A: More like a big brother, not in a George
15 Orwell sense.

16 Q: And was -- was this a part-time --

17 A: No, it was non-pay for at least two or three
18 years, I just volunteered.

19 Q: You are going to have to let me ask my
20 question first. You're anticipating.

21 A: Sorry.

22 Q: That's okay. And then at some point it
23 became a paid position?

24 A: It's hard to remember when. It was \$1,000 a
25 year.

1 Q: And that would be maybe in 1976?

2 A: Along in there, yes.

3 Q: And when this became a paid position, what
4 duties and responsibilities did you have?

5 A: The same as they were before.

6 Q: Essentially an advisor?

7 A: Yes.

8 Q: About how many hours a week were you involved
9 with the newspaper?

10 A: It varied from 8 to 10 on publication night,
11 always 8, sometimes 10 hours, and then during the
12 week, occasionally an hour or two, but it varied.

13 Q: Hour or two for the remaining six days?

14 A: Uh-huh.

15 Q: And would you -- well, for the eight to ten
16 hours with regard to getting the publication out, what
17 would -- what would you describe as your role?

18 A: I was their Copy Editor, mainly. The same
19 thing I do for the Journalism Review, the same thing I
20 did for the Post-Dispatch. I was mainly their Copy
21 Editor.

22 Q: And describe for me again, please, if you
23 would, exactly what activities that would involve?

24 A: It means that on each page, each story, I get
25 the final look for any kind of punctuation or grammar

1 or spelling problems and how things are stated. Is
2 this accurate, is this fair, does this headline
3 actually reflect the content, is this picture in good
4 taste? That sort of thing.

5 Q: Now, those articles would have been written
6 by a student, is that correct?

7 A: Yes.

8 Q: And then the day of preparing it for
9 publication, would that be the first time that you
10 would have seen those articles?

11 A: Say it again, please.

12 Q: When you are doing this 8 to 10-hour period
13 of time that you are getting ready to publish the
14 newspaper, the articles that you are reviewing and
15 you're critiquing, would that have been the first time
16 that you would have seen those articles?

17 A: Generally, yes.

18 Q: Now, in addition to, I guess the student
19 writers and your advisory capacity with them, were you
20 also an advisor to any of the editors?

21 A: You mean an academic advisor?

22 Q: No, I'm talking about advisor in the capacity
23 of the newspaper, I guess their roles and
24 responsibilities, would you also work as an advisor?

25 A: I'm not sure what you are asking.

1 Q: Okay. If they had questions, would they come
2 to you?

3 A: About the newspaper?

4 Q: About the newspaper.

5 A: Generally, yes, they could, they could.

6 Q: Okay. Would they do that?

7 A: Now and then, now and then. But they are
8 fairly self-sufficient.

9 Q: Okay. Now, from the period of time of
10 1975-1976, how long were you an advisor to the
11 University News?

12 A: Just those two years, '75 to '76.

13 Q: No, starting from then to what period of
14 time?

15 A: Oh, from that time.

16 Q: I'm sorry.

17 A: The title has changed, due to various and
18 sundry pressures, but I've continued to do it since
19 then.

20 Q: Okay.

21 A: Up to the present.

22 Q: Up to the present you're an advisor to the
23 University News?

24 A: Although now I'm called a mentor,
25 M-E-N-T-O-R.

1 Q: And when would that, let's say, title have
2 been changed?

3 A: In the last year or two.

4 Q: And you said that during the, I guess
5 1975-76, you were receiving compensation of \$1,000?

6 A: A year.

7 Q: Okay. Does that continue today?

8 A: No.

9 Q: When did that stop?

10 A: About two or three years ago.

11 Q: And was, at that period of time in the
12 2005/2006 time frame, was it still \$1,000 a year?

13 A: No.

14 Q: Okay. What was it at that time?

15 A: 1500.

16 Q: And were you paid on a monthly basis?

17 A: Yes.

18 Q: Divided evenly among the months?

19 A: 12 months.

20 Q: Did you ever write for the University News?

21 A: Rarely, rarely.

22 Q: And when you did, what types of articles
23 would you write?

24 A: Obituaries, almost without exception.

25 Q: No news, what I would call a news article?

1 A: No, no, no. I do obits, almost without
2 exception.

3 Q: Okay. Any editorials you would write?

4 A: I don't remember having ever written an
5 editorial. I may edit it, but I don't write them.

6 Q: And with regard to editing, would that be
7 grammar and punctuation as opposed to content?

8 A: Yes.

9 Q: In the early years, let's say, in the
10 seventies, how often would you be in the University
11 News office?

12 A: Once a week.

13 Q: And that would be for that 8 to 10-hour
14 period?

15 A: Correct.

16 Q: Was there a period of time when you were in
17 the office more than once a week?

18 A: Rarely.

19 Q: Is that, is that still true today?

20 A: Yes.

21 Q: And I noticed, in going through some
22 documents, that you had the title of Emeritus advisor?

23 A: Briefly.

24 Q: Do you know what period of time you held that
25 title?

1 A: I think it was the beginning of last year or
2 the end of last school year, or the end of the
3 previous school year, but I'm not sure.

4 Q: So, that would be 2006 or 2007?

5 A: That was the editor's call, so, I don't
6 really remember.

7 Q: Do you remember who the editor was?

8 A: It would have been one of two, either Diane
9 Benanti, or Katie Lewis, one or the other.

10 Q: Could you spell for the court reporter --

11 A: Diane, spelled with one N, Benanti,
12 B-E-N-A-N-T-I, Katie, I-E, Lewis, L-E-W-I-S.

13 Q: With regard to the University News office,
14 can you tell me where that is presently located?

15 A: Busch Center.

16 Q: And that's the new student center?

17 A: Student union.

18 Q: Okay. At St. Louis University?

19 A: Correct.

20 Q: And before that time, where was it located?

21 A: Busch Center.

22 Q: And where would that have been?

23 A: Before they revised it, the same place.

24 MR. JANOSKI: Same place, okay. We have
25 just a couple minutes of tape. Let's take a short

1 break.

2 THE VIDEOGRAPHER: It's the end of Tape 1,
3 we're off the record at 2:45.

4 (Recess)

5 THE VIDEOGRAPHER: We're on the record
6 with Tape 2 at 2:54. Please continue.

7 Q: (By Mr. Janoski) Dr. Meyer, you understand
8 you're still under oath?

9 A: I understand.

10 Q: Let me go back and ask a couple questions
11 about your early employment. With regard to your ice
12 cream shop, what was the name of that?

13 A: It was called Martha's Colonial Ice Cream
14 Shoppee, 2 P's, 2 E's.

15 Q: And did you incorporate under that name?

16 A: I don't know if we were ever incorporated.
17 It was such a low key small operation, I just don't
18 remember if we were ever incorporated, per se.

19 Q: And with regard to the setting up of that
20 operation, did you seek any legal advice?

21 A: No.

22 Q: With regard to your employment at Procter &
23 Gamble, what were your duties and responsibilities?

24 A: I was just a sales rep.

25 Q: And did you receive any training from them in

1 that regard?

2 A: Two weeks in Chicago.

3 Q: And did that -- well, what did that consist
4 of, that two weeks of training?

5 A: We went to Chicago and had meetings in a
6 hotel every day for five or six hours.

7 Q: Was it about the product line?

8 A: Usually.

9 Q: Okay. Was it about -- did it also cover with
10 regard to the names of, or the trademarks of the
11 products?

12 A: Uh-huh.

13 Q: Okay.

14 A: Names, but not trademarks. No one ever
15 brought that word up, seriously.

16 Q: But it would be the name of the product --

17 A: Yes.

18 Q: -- that it would be sold under?

19 A: Uh-huh.

20 Q: And then there would also be the technical
21 name for the product, I suppose?

22 A: Rarely. Not for salesmen.

23 Q: Not for salesmen?

24 A: Rarely.

25 Q: So, can you recall what products you were

1 selling when you were at Procter & Gamble?

2 A: Scope, Head & Shoulders, Crest, Gleem, which
3 is gone, something called Hidden Magic, which I'm
4 probably the only one who knows what that is.
5 Pampers, Prell, which is gone. I think that's it.

6 Q: And during that training, did they make you
7 aware of the proper usage of the names of those
8 particular products?

9 MR. GILL: Objection, calls for a legal
10 conclusion.

11 MR. JANOSKI: I'm just asking if they ever
12 told him about it.

13 A: I don't think that ever came up.

14 Q: (By Mr. Janoski) You don't recall; is that
15 correct?

16 A: No. It's been 35 years or more.

17 Q: What about, did you say it was Osco Drugs?

18 A: Osco, O-S-C-O.

19 Q: What did you do there for the year --

20 A: I was one of three Assistant Managers.

21 Q: With regard to your work at the
22 Post-Dispatch, did they provide you with any training
23 when you first started there?

24 A: No.

25 Q: Did you have a supervisor?