

1 that's pretty close.

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

4 A: Okay.

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

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

8 Q: Okay.

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

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

14 A: Which answer is that?

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

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

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

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

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

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

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

16 A: Okay.

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

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

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

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

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

1 name "The University News".

2 Q: And they didn't find anything?

3 A: They didn't find anything.

4 Q: Under their corporation records?

5 A: Yes.

6 Q: Did you have anyone else do a search, or did  
7 you do any search, yourself?

8 A: No.

9 Q: Okay.

10 A: I figured if the Secretary of State is doing  
11 the registration, they ought to know.

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

13 A: No. Since they issued the registration of  
14 the name, I thought they would be the person to do the  
15 search.

16 Q: Okay. I want to hand you what's been marked  
17 as Exhibit 11.

18 A: Okay.

19 Q: And I want to ask you to review that and let  
20 me know when you're finished.

21 A: This looks familiar.

22 Q: Have you seen this before?

23 A: I think so, yes.

24 Q: Okay. And you probably went over it with  
25 your attorney before he filed it, is that correct?

1 A: Probably, yes.

2 Q: And then if you look at Request No. 8, and  
3 it's on Page 5, and Exhibit No. 11 is Defendant's  
4 Response to Plaintiff's First Request for Admissions,  
5 which was filed on March the 19th, 2008. The request  
6 asks "you have never provided any assurances to SLU  
7 that you will not use the name 'The University News'  
8 related to any independent newspaper or other  
9 publication", the response is "denied. Meyer's answer  
10 to the Complaint denies the intent to publish any  
11 independent newspaper". Now, this is the only time, I  
12 believe, that it is referred to in any of these  
13 pleadings that you -- that you state that you will not  
14 use the name "The University News".

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

16 Q: To who?

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

18 Q: Okay. Well, that's good, and I'm sure that's  
19 why he put it in here, put it in the Complaint Answer.

20 A: Never any intent.

21 Q: But this is the only time that we have had  
22 this.

23 A: I thought I had sent it to you, as I said  
24 before.

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

1 that that would have been the Answer that we would  
2 have received to Interrogatory No. 8.

3 A: Okay.

4 Q: Now, this one has been marked as Plaintiff's  
5 Deposition Exhibit No. 12. And --

6 A: This includes several items from other  
7 depositions.

8 Q: Oh, and on the last statement, that should  
9 have been Request for Admission No. 8, not  
10 Interrogatory No. 8, just to correct the record.  
11 Okay. And take your time in reviewing the document.

12 A: This looks familiar as well.

13 Q: Okay. And Plaintiff's Exhibit No. 12 is  
14 entitled "Defendant's Response to First Set of  
15 Requests for Production of Documents and Things". And  
16 can you tell me, after this was received, what you did  
17 in searching for documents requested?

18 A: This would have been on 3/1, or something  
19 like that?

20 Q: Well, I think the request probably would have  
21 been about a month before this, before 3/1, so,  
22 probably the request would have been February  
23 sometime, February or January, because we may have,  
24 Brian and I may have worked out an extension.

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

1 Q: Well, I'm just asking generally. You  
2 received this document, you saw this document. What  
3 did you do in response to this document, how did you  
4 search for the documents?

5 A: It would depend on what was requested.

6 Q: Okay. But generally, generally, did you  
7 search through your files at the office.

8 A: I don't remember. You'd have to give me  
9 specifics and I'll try to give you an answer  
10 specifically.

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

12 A: Okay.

13 Q: When you searched for documents, did you  
14 search through your office files?

15 A: It's probable and possible, but I don't know  
16 unless you ask me specifically what I'm looking for,  
17 because it might have been at home, it might have been  
18 at school. It might not have been at either one.

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

20 A: It's possible.

21 Q: It's possible. Did you search on your  
22 computer at home for documents that may be responsive  
23 to these requests?

24 A: It's possible, but more than likely the  
25 students would write, the kids would write me at

1 school, not at home, more than likely.

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

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

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

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

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

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

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

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

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

1 want to make sure.

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

5 A: Okay.

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

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

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

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

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

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



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

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

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

11 A: I do.

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

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

16 Q: Okay.

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

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

20 A: I got a call on the phone.

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

22 A: No.

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

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

1 Q: Okay.

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

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

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

7 Q: Okay. There was no transcript --

8 A: To my knowledge.

9 Q: -- that you received?

10 A: To my knowledge.

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

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

19 Q: Go on line?

20 A: Computer.

21 Q: Okay.

22 A: Google, go to Google.

23 Q: And what did you Google?

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

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

2 A: Yes.

3 Q: Okay.

4 A: Yes.

5 Q: All right. How long have you known Tim  
6 Hogan?

7 A: He was a student of mine a long time ago, 20  
8 years or more, but since he's graduated, I think he  
9 went somewhere East and we see each other now and  
10 then, I mean, we're acquaintances and friends, but I  
11 don't see him very often.

12 Q: Can you tell me why you weren't, you didn't  
13 engage either one of those two lawyers?

14 A: They said they weren't trademark specialists,  
15 or they work for firms who are associated with St.  
16 Louis U., I think that was Pete's, yes, that was  
17 Pete's answer, and I think Tim's was he didn't do  
18 that, that's why, and since they both made the same  
19 suggestions. I respect their opinions, that's what I  
20 did.

21 Q: Do you recall going to a meeting in the  
22 spring of 2007, with Tim Hogan?

23 A: What kind of meeting?

24 Q: A meeting in the spring of 2007, with regard  
25 to The University News.

1 A: Was it --

2 MR. GILL: Objection, foundation.

3 MR. JANOSKI: I'm just asking him if he  
4 recalls.

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

6 Q: (By Mr. Janoski) It was a meeting about The  
7 University News.

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

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

10 A: Yes.

11 Q: Did you guys go there together?

12 A: No.

13 Q: No?

14 A: I didn't know he was coming. I think he came  
15 because he was representing Diana Benanti at the time,  
16 which I didn't know until that moment, but I think  
17 that's what he was doing then.

18 Q: All right.

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

20 Q: What reason was he there for?

21 A: To represent her, I assume. I assume. I was  
22 there as the advisor. It was a meeting about the  
23 charter, that's what it was about.

24 Q: Okay, all right.

25 A: This would have been April?

1 Q: This would have been April, I think, April,  
2 2007.

3 A: Okay.

4 Q: Did he ever talk to you about her claim  
5 against St. Louis University?

6 A: He did not. He said he thought it would be  
7 unprofessional. I said "fine". He brought it up --  
8 Diana brought it up, actually.

9 Q: Diana brought it up during that meeting?

10 A: No, no, no. Later, earlier in the day, when  
11 we were getting ready to go over to the meeting, she  
12 said she asked her lawyer to come along, I told her  
13 Joe probably wouldn't like that, but that's her call,  
14 not my call.

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

16 A: She did not.

17 Q: Did you talk to him at all about her claim  
18 against the university?

19 A: No.

20 MR. GILL: Objection, asked and answered.

21 A: No, we didn't. He said it would be  
22 unprofessional.

23 Q: (By Mr. Janoski) Okay. Are you aware of her  
24 claim against the University?

25 A: Only because she mentioned it.

1 Q: Have you had any other conversations with her  
2 about her claim against the University?

3 A: No.

4 Q: And have you talked to her at all about this,  
5 about this lawsuit?

6 A: No, I don't even know if it's settled or not.  
7 I have no idea what the status is.

8 Q: I have now jumped on you. Have you talked to  
9 her at all about this particular lawsuit?

10 A: Oh, you mean this one?

11 Q: This one.

12 A: Oh, this one, yes. I mean, I've told you  
13 this, I think. I thought you meant her lawsuit.

14 Q: And you haven't talked to her in the last two  
15 months?

16 A: I would guess, yes, I would guess it's been  
17 that long.

18 Q: Okay.

19 A: It's been awhile.

20 Q: Have you talked to her attorney about this  
21 lawsuit?

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

23 Q: Are you aware that her deposition is going to  
24 be taken next week --

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

1 Q: In this lawsuit?

2 A: -- till now.

3 Q: Okay. Let's go to the documents that you  
4 attached to this Response for Production of Documents.

5 A: Okay. The same document?

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

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

8 Q: Correct, this is one that at the end of No.  
9 12.

10 A: These documents have made their appearance  
11 before, I think.

12 Q: Well, yes, sort of. Now, if you'll look at  
13 the first document, and there seems to be six pages  
14 attached to these Responses to Requests for  
15 Production.

16 A: Uh-huh.

17 Q: Okay. And the first one is the Articles of  
18 Termination of Non-Profit Organization.

19 A: I see it.

20 Q: Okay. And this one has, in the upper right  
21 hand corner, a filing date of August 23rd, 2007, do  
22 you see that?

23 A: Yes, I do.

24 Q: Okay. Can you tell me whose handwriting this  
25 is on this document?

1 A: It looks like mine.

2 Q: Okay. And I want you to go to, and I think  
3 you have Exhibit 7, which is the Complaint?

4 A: Okay.

5 Q: Okay. And Exhibit 7, if you will go to the  
6 back there, the documents, and if you'll -- the  
7 exhibits, and if you'll go to Exhibit C, and the  
8 second page of that.

9 A: Okay. This 60-A form.

10 Q: It says -- that is entitled "Articles of  
11 Termination for Non-Profit Corporation", okay?

12 A: Okay.

13 Q: And this document here, which is attached to  
14 Exhibit 12 --

15 A: Very similar.

16 Q: -- is very similar, and -- but they are  
17 different.

18 A: There is two differences that I see.

19 Q: There is at least two differences. First of  
20 all, the one with Exhibit 12 in the upper right hand  
21 corner has a file number --

22 A: Uh-huh.

23 Q: -- with the Secretary of State. Also, the  
24 Line 2, where, whereas at Exhibit 7 it's filled out,  
25 in Exhibit 12 it's not, or it looks like it may have



1       been deleted?

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

3           Q:    And then is that your signature at the bottom  
4       of the page of Exhibit 12?

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

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

7           A:    True.

8           Q:    Which is different than --

9           A:    "Organizing Agent".

10          Q:    -- "Organizing Agent". Can you tell me why  
11       we have two different documents?

12          A:    It is perfectly plausible that I called the  
13       Secretary of State's office in Jeff City and this is  
14       what they told me, as opposed to what the people told  
15       me when I did the office down here at the Old Post  
16       Office. Whatever they suggested, I just filed. It  
17       didn't seem like that big a crucial deal for a small  
18       Non-Profit Organization that barely existed, for the  
19       registration of a name, and it was over and done.

20          Q:    Okay. But I thought you told me that, with  
21       regard to the Articles of Termination, you didn't go  
22       down to the Secretary of State's office.

23          A:    I didn't remember doing this. I thought I  
24       did this out of mail by Jefferson City after I talked  
25       to them.

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

2 A: The registration was done downtown, I'm  
3 certain. I'm not sure about this one.

4 Q: I'm talking about the document which is  
5 attached to Exhibit 7, and the similar document  
6 entitled Articles of Termination for Non-Profit  
7 Corporation.

8 A: No. 7 was done downtown.

9 Q: That's the Articles of Termination?

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

11 MR. GILL: Not "Termination".

12 A: Not "Termination", not "Termination".  
13 "Registration".

14 Q: (By Mr. Janoski) Okay. Well, I'm talking  
15 about the "termination" one.

16 A: I had assumed that these would have been done  
17 by mail out of Jefferson City. I thought you were  
18 talking about registration. Registration was done  
19 downtown. I don't remember doing termination  
20 downtown. It seems like we did this by mail.

21 Q: Okay. But we have two different sets of  
22 documents, isn't that right?

23 A: It looks like, yes.

24 Q: And you signed them both?

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

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

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

10 A: Okay.

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

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

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

18 A: Okay.

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

22 A: Okay.

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

24 A: Okay.

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

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

10 A: It is.

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

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

15 Q: You counted yourself twice?

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

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

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

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

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

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

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

7 A: It's possible.

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

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

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

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

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

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

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

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

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

8 A: Slight differences.

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

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

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

20 A: This is on Document No. 12?

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

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

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

1 the State of Missouri.

2 A: The Form 60 is not.

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

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

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

10 A: Okay.

11 Q: Just so the record is clear.

12 A: Form 60.

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

16 A: Uh-huh.

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

20 A: 21, it looks like.

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

23 A: It is.

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

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

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

5 A: Okay.

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

7 A: Okay.

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

10 A: Okay.

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

15 A: Okay.

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

18 A: Okay.

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

22 A: Okay.

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



1 two-page documents.

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

3 Q: No, they are the same layouts.

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

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

10 A: Okay.

11 Q: Okay, do you see them?

12 A: I do see them now.

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

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

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

23 A: Okay.

24 Q: They are important.

25 A: It didn't seem crucial then.

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

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

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

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

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

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

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

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

1 until it was printed.

2 Q: But you have read it?

3 A: Now.

4 Q: And she interviewed you for it, right?

5 A: Yes.

6 Q: All right. So, now, let's go to, let's go to  
7 the second page of this document, the middle column on  
8 that page.

9 A: Okay.

10 Q: One, two, three, four, five, sixth line down.

11 A: Six lines down.

12 Q: I mean sixth paragraph down, I'm sorry.

13 A: Okay.

14 Q: And in there she reports that "Meyer said  
15 that his attorney thinks the fact that he is a tenured  
16 Professor may have played a part in this lawsuit".  
17 No. 1, what else did you tell her about that?

18 A: Whatever she asked. I tried to answer her  
19 questions.

20 Q: Okay.

21 A: She asked me. I didn't tell her anything she  
22 didn't ask.

23 Q: Now, can you tell me what else your attorney  
24 thought about with regard to this lawsuit?

25 MR. GILL: Objection, Attorney-Client

1 Privilege. I instruct you not to answer, the witness  
2 not to answer.

3 MR. JANOSKI: Well, I would say, and we  
4 can go through this, and I think that there is three  
5 or four instances here in this article alone, where I  
6 believe that your client has waived the  
7 Attorney-Client Privilege with regard to certain  
8 communications. He apparently disclosed  
9 communications between the two of you to a news  
10 reporter who then reported it in this.

11 MR. GILL: Now, again, I'll object and  
12 instruct him not to answer.

13 MR. JANOSKI: Okay.

14 MR. GILL: If you want to motion it up,  
15 that's --

16 Q: (By Mr. Janoski) Okay. Now, I have to ask  
17 you now, Dr. Meyer, are you going to follow the  
18 direction of your attorney?

19 A: I believe so.

20 Q: Okay. And you're not going to answer the  
21 question?

22 A: I believe so.

23 Q: Okay. I'm going to ask you to go down two  
24 more paragraphs, and it says "Meyer said that his  
25 lawyer, Brian Gill, speculated that the University may

1 be using the lawsuit as a way to revoke Meyer's  
2 tenure", do you see that?

3 A: Yes.

4 Q: Now, can you tell me what other  
5 conversations, what else during that conversation you  
6 and your lawyer discussed?

7 MR. GILL: Again, object on  
8 Attorney-Client Privilege, instruct the witness not to  
9 answer.

10 Q: (By Mr. Janoski) And are you going to follow  
11 that instruction?

12 A: I believe I will.

13 Q: And you're not going to answer that question?

14 A: I believe that's right.

15 Q: Okay. Now, there is also, if you will look  
16 at the next column, near the top, it says "upon  
17 relinquishing the name on August 21, Meyer submitted a  
18 statement to the lawyer representing the University,  
19 which said that he had never used the name for  
20 personal reasons during the time it was registered  
21 under his name". Do you see that?

22 A: Yes.

23 Q: Now, that's not true, is it?

24 A: That's the letter I thought I had sent, and  
25 it's exactly what I'm referring to.

1 Q: Okay.

2 A: Obviously, I thought I had sent it or I  
3 wouldn't have said so.

4 Q: But that letter was never sent?

5 A: Apparently, you never got it.

6 Q: I received the packet.

7 A: I understand.

8 Q: I never received that letter.

9 A: I thought I had sent it, I said so.

10 Q: Okay. And then if you had composed it, it  
11 would be on your computer, is that right?

12 A: Likely.

13 Q: Okay.

14 A: I do own an IBM.

15 Q: And then the paragraph underneath that says  
16 "Meyer said that Gill, who did not return the repeated  
17 calls from The University News, told Meyer that he  
18 believed the lawsuit appeared to be a personal  
19 vendetta against Meyer by University President  
20 Lawrence Biondi, SJ", do you see that?

21 A: Yes.

22 Q: Can you tell me what other, what other issues  
23 were discussed between you and Mr. Gill during that  
24 conversation that you all had?

25 MR. GILL: Again, object on

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

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

5 A: I believe I will.

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

9 A: Correct.

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

13 A: That I thought I sent.

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

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

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

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

1 "they", the administrators, generally.

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

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

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

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

12 Q: Okay.

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

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

17 A: I am.

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

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



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

3 A: No.

4 Q: You have not been to it?

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

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

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

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

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

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

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

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

23 A: Then it would be gone then.

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

25 A: Yes.

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

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

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

9 A: I do.

10 Q: -- or corresponding with her?

11 A: We corresponded.

12 Q: About this lawsuit?

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

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

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

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

23 A: We did communicate.

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

1 Exhibit No. 14 and ask you to please review that.

2 THE VIDEOGRAPHER: Counsel, you have about  
3 nine minutes.

4 A: I don't know who Chris Pingel is, to whom  
5 this is sent.

6 Q: (By Mr. Janoski) I understand.

7 A: In response to Chris Pingel -- she's writing  
8 to him, correct?

9 Q: She's writing to him on a web site, that's  
10 correct.

11 A: Okay. I don't know who he is, for what it's  
12 worth, I don't know who Chris Pingel is.

13 Q: Okay.

14 A: I haven't read this before. Good grief, two  
15 pages. I'm scanning this, but I get the idea.

16 Q: Okay. Let me just point out a couple of  
17 things on this, we'll try to move this along.

18 A: Okay.

19 Q: On the first page in Exhibit 14 is a two-page  
20 document. She says in here that, and I think it's the  
21 beginning of the third paragraph, "Dr. Meyer went to  
22 the courthouse to see if the name had ever been  
23 publically claimed".

24 A: Uh-huh.

25 Q: You didn't go to any courthouse, did you?

1 A: No.

2 Q: All right.

3 A: I mean, you're asking me if I'm responsible  
4 for what she says.

5 Q: No, I'm not. I'm just asking you to make  
6 sure that I have the facts right.

7 A: No, she's thinking the courthouse, she means  
8 the Old Post Office. She could have read that  
9 somewhere. She could have heard it from another  
10 student, she could have read it in the U. News  
11 article.

12 Q: All I'm trying to do is make sure I have as  
13 many facts as I can get.

14 A: Okay. Didn't go to the courthouse, any  
15 courthouse.

16 Q: Okay. And it says there "in order to protect  
17 the students' rights, Dr. Meyer filed the same as a  
18 Non-Profit thus quote 'owning' the name". Did you  
19 believe that you had owned the name at that time that  
20 you had filed that?

21 A: No, I believe that I was holding it in  
22 abeyance.

23 MR. GILL: Objection, calls for a legal  
24 conclusion.

25 A: I don't know if you can hold -- I don't know

1 if you can hold a name legally. I was just holding it  
2 for the students in case.

3 Q: (By Mr. Janoski) No, I think that St. Louis  
4 University probably owns the name "SLU", would you  
5 agree with that?

6 A: But not The University News, which is what I  
7 was concerned about. SLU was an afterthought in  
8 apposition, afterthought in apposition.

9 Q: But would you agree that St. Louis  
10 University owns the acronym "SLU"?

11 A: Yes.

12 Q: If you will look at the second page.

13 A: Okay.

14 Q: Now, this was a posting by Lisa Watson in  
15 reply to Maggie's post.

16 A: Okay.

17 Q: And it says, in the first paragraph, "this  
18 may, might be of some additional help. Here is a  
19 chronology of the past year's situation that I  
20 recently asked Dr. Meyer to send me", okay? And if  
21 you look, and it seems to be a recounting chronology  
22 of events, and if you'll look on the one for March,  
23 2007.

24 A: Okay.

25 Q: Four paragraphs down, it says "I registered

1 the name of The University News as a Non-Profit  
2 Organization in the event that we got kicked off  
3 campus, at least we would have our name", that is in  
4 quotes. So, let me ask this; looking at this  
5 chronology from March, 2006 --

6 A: 2007?

7 Q: Starting with 2007, at the top, through  
8 there, does that look familiar to you?

9 A: I sent her something like this, but this has  
10 been considerably fleshed out. I mean, she's a  
11 graduate Journalism student, but I sent her something,  
12 but I don't know, it wasn't nearly this detailed and  
13 it wasn't in paragraph form. She's done it.

14 Q: Okay. But you sent her something like this?

15 A: I did send her something like that.

16 Q: And you would have sent it to her by e-mail?

17 A: Yes.

18 Q: Okay. And I take it that now that we're  
19 talking November, that this was probably sometime in  
20 November of 2007, that this probably has been deleted  
21 from your computer, is that right?

22 A: If it's three months old, it's gone. And  
23 again, I'm not sure I should be responsible for what  
24 my students say about me.

25 Q: I understand.



1 but she talked to me about it.

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

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

8 Q: Bill McClellan?

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

14 Q: Did they contact you?

15 A: They did.

16 Q: Or did you contact them?

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

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

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



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

4 Q: Okay. Anything else?

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

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

21 A: Not that I remember.

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

24 A: That word didn't come up.

25 Q: Did you talk about settlement at all?

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

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

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

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

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

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

16          A: Yes.

17          Q: And what did they say?

18          A: They discouraged it.

19                 MR. GILL: Objection --

20          A: Sorry.

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

1 A: Yes.

2 Q: Did Mr. Hogan know about the filing of the --  
3 or incorporating of the Not-For-Profit Corporation  
4 before that meeting?

5 MR. GILL: Objection, calls for hearsay,  
6 conjecture from Mr. Hogan's point.

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

8 Q: (By Mr. Janoski) Okay. Did you tell him  
9 about it?

10 A: No.

11 Q: Did he talk to you about it?

12 A: No. He was there for Diana.

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

14 A: I do not know.

15 MR. GILL: Again, objection --

16 A: I don't know.

17 Q: (By Mr. Janoski) I want to hand you what's  
18 been marked as Plaintiff's Exhibit 15 and ask you to  
19 take a look at this.

20 A: Okay.

21 Q: It's a two-page document. The first page is  
22 a cover of a magazine.

23 A: Uh-huh.

24 Q: Are you familiar with this?

25 A: I am.

1 Q: Okay.

2 A: I'm their Copy Editor.

3 Q: Okay. And this is from the St. Louis  
4 Journal, Journalist Review.

5 A: Journalism Review.

6 Q: Journalism Review. And are you familiar with  
7 this article?

8 A: I am, although I didn't work on it, I didn't  
9 edit it, I didn't do anything with it, because he  
10 interviewed me.

11 Q: Okay. But this is an interview that you  
12 gave, correct?

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

14 Q: And if you look at the middle column and if  
15 you look at the bottom of the middle column, the  
16 next-to-last paragraph says "St. Louis Magazine  
17 recently did a feature on Meyer in which he called  
18 Biondi a super-weasel for trying to intimidate him and  
19 the newspaper staff", do you see that?

20 A: Uh-huh.

21 Q: And then there is a quote there that says,  
22 and I guess this is from Roy Malone, and I think it's  
23 talking about Father Biondi, "he's done great things  
24 for the campus and terrible things to people". Do you  
25 see that?

1 A: Yes.

2 Q: Do you think that saying things like an  
3 individual is a weasel or does terrible things to  
4 people has an impact on that individual's reputation?

5 A: Well, I didn't make the decision to put that  
6 in the paper. Roy did.

7 Q: I understand that. But you made the  
8 statement, right?

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

10 Q: Okay. But don't you think it has an impact  
11 on someone's reputation?

12 A: It might.

13 Q: It might?

14 A: It depends on who the person is and how  
15 seriously they take it.

16 Q: Well, I guess it also depends on what is said  
17 and how the public takes it, right?

18 A: I guess, I guess.

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

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

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

22 (Recess)

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

24 Please continue.

25 EXAMINATION

1 QUESTIONS BY MR. GILL:

2 Q: Dr. Meyer, I'm going to -- you understand  
3 you're still under oath?

4 A: Okay, I understand.

5 Q: I'm going to ask you some follow-up questions  
6 with respect to the testimony you provided today.  
7 Previously you testified that you worked for other  
8 companies, such as the Post-Dispatch as a Copy Editor  
9 during your tenure with SLU; is that correct?

10 A: Correct.

11 Q: Was SLU aware of these outside activities?

12 A: Fully aware.

13 Q: Did SLU ever bring up an issue with respect  
14 to you working for --

15 A: Never.

16 Q: At what time during the day did you typically  
17 work for these outside activities?

18 A: I went to work about 4:00 p.m. to midnight,  
19 or I worked weekends, so, it never interfered.

20 Q: Did any of these outside work activities  
21 interfere with your teaching activities?

22 A: Not at all.

23 Q: Did any of these outside activities interfere  
24 with any of your advisory activities for the  
25 newspaper?

1 A: No, not at all.

2 Q: Previously you testified with respect to the  
3 paper, for the paperwork for the Articles of  
4 Incorporation, that you went down to the St. Louis  
5 office of the Secretary of State, correct?

6 A: Correct.

7 Q: And the personnel there assisted you in  
8 filling out the forms?

9 A: They did.

10 Q: That action of filling out those forms, did  
11 you consider that a formation of a corporation?

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

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

22 A: It is correct.

23 Q: Today, would you make that statement?

24 A: Yes, and I really thought I sent that letter  
25 to Frank, as I said in the U. News, I thought I sent

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

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

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

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

15 A: You mean the name as it stands now, correct?

16 Q: Correct.

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

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

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



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

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

10          A:   Correct.

11          Q:   Did you -- what was the content of those  
12       e-mails?

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

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

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

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

24          A:   Of course, of course.

25          Q:   And would you have produced those?

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

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

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

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

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

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

23          A: Yes.

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

1 further questions.

2 EXAMINATION

3 QUESTIONS BY MR. JANOSKI:

4 Q: Okay, I have a couple questions. First of  
5 all, for the record, let me state that after we were  
6 done with my examination, that counsel and Dr. Meyer  
7 left the room for almost five minutes, and then came  
8 back and, Dr. Meyer, did you and your counsel meet  
9 during that period of time?

10 A: We talked.

11 Q: Okay. And did you talk about your testimony  
12 that you just gave?

13 A: Not specifically.

14 Q: Okay.

15 MR. GILL: Objection.

16 Q: (By Mr. Janoski) Did he tell you what  
17 questions he was going to ask you?

18 MR. GILL: I'm going to object on  
19 Attorney-Client Privilege, but you may answer that.

20 Q: (By Mr. Janoski) And you met with your  
21 counsel, correct?

22 A: Not specifically. We just, we went over  
23 where we thought we were.

24 Q: Okay.

25 (Phone interruption)

1 THE VIDEOGRAPHER: Off the record.

2 (Off the record)

3 Q: (By Mr. Janoski) But you had discussions  
4 with your counsel about your testimony that you had  
5 given today?

6 A: Not specifically. Just general.

7 Q: Just general, okay. And did he tell you  
8 generally the topics that he was going to cover here?

9 MR. GILL: I'd instruct the witness not to  
10 answer. It's Attorney-Client Privilege.

11 Q: (By Mr. Janoski) Are you going to follow  
12 that instruction?

13 A: He encouraged me to maintain as much of a  
14 calm presence as possible, as I've tried to do  
15 throughout this ceremony.

16 Q: I want to ask you a couple other questions.  
17 You testified that it was -- a name was not used in  
18 any manner, but you mean in that regard, that you  
19 didn't publish any independent paper, correct?

20 A: Correct.

21 Q: And with regard to your testimony that you  
22 didn't believe that documents were relevant, did you  
23 seek legal advice from your attorney about relevancy  
24 of the documents you deleted?

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

1 I wouldn't have asked.

2 Q: You didn't talk to your attorney about  
3 whether the documents were relevant or not?

4 A: Not that, no.

5 Q: Why not?

6 A: It didn't occur to me. I thought it was  
7 private, private communication. It had very little to  
8 do with this lawsuit, it had something to do with me  
9 and the school paper, that's what it was about.

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

11 A: That's what it was about.

12 Q: Now, I want to just ask you again to refer to  
13 Exhibit No. 2.

14 A: Okay.

15 Q: And ask whether you have seen that letter  
16 before today.

17 A: This is the October 11th letter.

18 Q: October 11th, 2007, letter.

19 A: Yes.

20 Q: Have you seen this letter before today?

21 A: I have.

22 Q: You have seen it before today?

23 A: Is this -- no, no. You're asking me about  
24 No. 2?

25 Q: I'm asking you about --

1 A: On October 11th.

2 Q: On October 11th, the letter that I sent to  
3 your counsel, have you seen that letter before today?

4 A: Today?

5 Q: Before today.

6 A: Oh, no. I don't remember if this was sent to  
7 me or not. It may have been. I just don't remember.

8 Q: Okay.

9 A: I don't remember.

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

11 A: Presumably.

12 Q: If it wasn't sent to you, did your counsel  
13 talk to you about preservation of documents?

14 A: It's hard to remember what happened in  
15 October, this being June.

16 MR. GILL: Objection again --

17 A: Awful lot of paperwork.

18 MR. GILL: Attorney-Client Privilege.

19 Q: (By Mr. Janoski) Well, I think that this is  
20 pretty darn important and I know that you know that,  
21 Brian, and so I'll ask you one more time. Do you  
22 recall, if you did not receive this letter, your  
23 counsel telling you to preserve evidence?

24 A: I don't recall hearing this, but it's  
25 possible he told me. There is a lot going on and this

1 has been six or seven months ago.

2 MR. JANOSKI: That's all.

3 MR. GILL: Can we go off the record?

4 MR. JANOSKI: That's all I have.

5 MR. GILL: Oh, okay, I'm sorry.

6 THE VIDEOGRAPHER: This is concluded,  
7 we're off the record at 7:01. Thank you all.

8 MR. GILL: We'll waive it. And he will  
9 read it.

10 (Deposition Adjourned)

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1 STATE OF MISSOURI

2  
3 SS.

4 CITY OF ST. LOUIS

5  
6 I, Robert D. Perry, a Notary Public in and  
7 for the State of Missouri, duly commissioned,  
8 qualified and authorized to administer oaths and to  
9 certify to depositions, do hereby certify that  
10 pursuant to Notice in the civil cause now pending and  
11 undetermined in the United States District Court,  
12 Eastern District of Missouri, Eastern Division, to be  
13 used in the trial of said cause in said court, I was  
14 attended at the law offices of Lewis, Rice & Fingersh,  
15 500 North Broadway - Suite 2000, St. Louis, Missouri,  
16 by the aforesaid witness; and by the aforesaid  
17 attorneys; on June 4, 2007.

18 That the said witness, being of sound mind  
19 and being by me first carefully examined and duly  
20 cautioned and sworn to testify the truth, the whole  
21 truth, and nothing but the truth in the case  
22 aforesaid, thereupon testified as is shown in the  
23 foregoing transcript, said testimony being by me  
24 reported in stenotype and caused to be transcribed  
25 into typewriting, and that the foregoing pages

*Gore Perry Gateway Lipa Baker Dunn & Butz*  
*St. Louis 314.241.6750 St. Charles 636.940.0926*

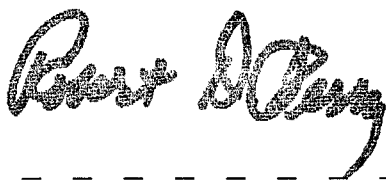


1 correctly set forth the testimony of the  
 2 aforementioned witness, together with the questions  
 3 propounded by counsel and remarks and objections of  
 4 counsel thereto, and is in all respects a full, true,  
 5 correct and complete transcript of the questions  
 6 propounded to and the answers given by said witness;  
 7 that the signature of the deponent was not waived by  
 8 agreement of counsel.

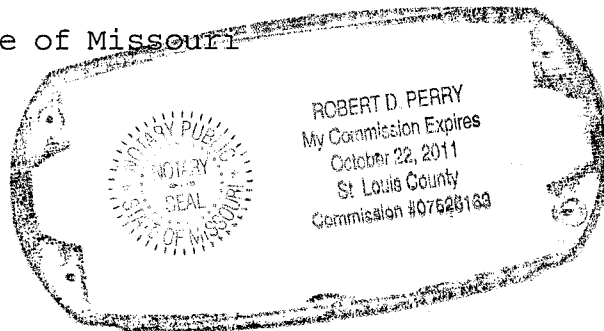
9 I further certify that I am not of  
 10 counsel or attorney for either of the parties to said  
 11 suit, not related to nor interested in any of the  
 12 parties or their attorneys.

13 Witness my hand and notarial seal at  
 14 St. Louis, Missouri, this 13th day of June, 2008.

15 ~~My Commission expires October 22, 2011.~~

16 

17  
 18  
 19 Notary Public in and for the  
 20 State of Missouri



1 Gore Perry Gateway & Lipa Reporting

2  
3  
4 Mr. Brian Gill

5 Polster, Lieder, Woodruff & Lucchesi

6 12412 Powerscourt Drive - Suite 200

7 St. Louis, MO 63131

8  
9 Enclosed please find the Original Signature pages

10 and errata sheets for the deposition of:

11 Avis Meyer taken 6/4/2008 in the case of:

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

13 Please read your copy of the transcript, noting

14 any corrections on the enclosed erratta sheets,

15 and return all pages for filing in court to:

16 Mr. Frank B. Janoski

17 Lewis, Rice & Fingersh, L.C.

18 500 North Broadway - Suite 2000

19 St. Louis, MO 63102

20  
21 Your prompt cooperation will be appreciated.

22 Sincerely,

23  
24 Gore Perry Gateway & Lipa Reporting

25

*Gore Perry Gateway Lipa Baker Dunn & Butz*  
*St. Louis 314.241.6750 St. Charles 636.940.0926*

1 COURT MEMO  
2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF MISSOURI  
4 EASTERN DIVISION  
5 St. Louis University, etc., vs. Avis Meyer  
6 04:07CV1733 CEJ

7  
8 CERTIFICATE OF OFFICER AND  
9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF AVIS MEYER  
12 TAKEN ON BEHALF OF THE PLAINTIFF

13 6/4/2008

14 Name and address of person or firm having custody of  
15 the original transcript:

16 Frank Janoski

17 Lewis, Rice & Fingersh

18 500 N. Broadway, Suite 2000

19 St. Louis, MO 63102

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1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2 Frank Janoski

3 Lewis, Rice & Fingersh

4 500 N. Broadway, Suite 2000

5 St. Louis, MO 63102

6 Total: 1085.54

7 1 ONE COPY - TAXED IN FAVOR OF:

8 Brian Gill

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10 12412 Powerscourt Dr,

11 St. Louis, MO 63131

12 Total: 442.24

13

14 Upon delivery of transcripts, the above  
15 charges had not been paid. It is anticipated  
16 that all charges will be paid in the normal course  
17 of business.

18 GORE PERRY GATEWAY & LIPA REPORTING COMPANY

19 515 Olive Street, Suite 700

20 St. Louis, Missouri 63101

21 IN WITNESS WHEREOF, I have hereunto set

22 my hand and seal on this \_\_\_\_\_ day of JUN 16 2008

23 Commission expires

24 *Robert D Perry*  
25 Notary Public



ROBERT D PERRY  
My Commission Expires  
October 22, 2011  
St. Louis County  
Commission #077526183

**Gore Perry Gateway Lipa Baker Dunn & Butz**  
**St. Louis 314.241.6750 St. Charles 636.940.0926**