

4. Meyer objects to the Requests For Production to the extent of the definition of the term "Non-Profit Organization." SLU defines the term as meaning the non-profit organization incorporated by Avis Meyer with the Missouri Secretary of State under the name "The University News, a Student Voice Serving St. Louis Since 1921." Meyer incorporated and dissolved a non-profit organization with the Missouri Secretary of State under the name "The University News, a Student Voice Serving St. Louis University Since 1921."

Meyer notes his objections and makes the responses to the Request For Production requests propounded by SLU. These objections and responses are currently based on Meyer's best knowledge and information known to Meyer at this time. However, Meyer's objections and responses are made without prejudice to Meyer's right to revise or supplement based on the discovery taken in this case. Further, Meyer's objections and responses are based on Meyer's good faith interpretation of the production requests and are subject to correction for errors or omission, if any.

In providing answers to the production requests, Meyer does not in any way waive or intend to waive, but rather intends to preserve and is preserving:

- (a) all objections as to the vagueness, ambiguity, or other infirmity in the form of the production requests and any objections based on the undue burden imposed by the production requests and each specific request contained therein;
- (b) all rights to object on any ground to the use of any of the responses or their subject matter in any subsequent proceedings;
- (c) all rights to object on any ground to any further production requests involving or related to the subject matter of the production request;

- (d) the right supplement responses to the production requests prior to commencement of the trial, and
- (e) any and all privileges and/or rights under the applicable Federal Rules of Civil Procedure, Federal Rules of Evidence, the Court's Local Rules, statutes, or the common law.

These General and Specific objections notwithstanding, Meyer makes the following replies to the First Set of Production Requests:

REQUESTS

Request for Production No. 1:

All documents sufficient to describe or identify the corporate structure of the Non-Profit Organization, as well as the relationship between the Non-Profit Organization and any parent, subsidiary or affiliated company and identification of its officers and/or directors.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 2:

All documents or communications concerning the business or intended business of the Non-Profit Organization.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 3:

All documents or communications concerning formation of the Non-Profit Organization.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 4:

All documents or communications concerning existence of the Non-Profit Organization.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 5:

All documents or communications concerning the preparation of articles of incorporation or bylaws for the Non-Profit Organization.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 6:

All documents or communications concerning incorporation of the Non-Profit Organization.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 7:

All documents or communications concerning regulation of the Non-Profit Organization.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 8:

All documents or communications concerning the Board of Directors of the Non-Profit Organization.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 9:

All documents or communications concerning dissolution or termination of the Non-Profit Organization.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 10:

Documents sufficient to identify the source of funds of the Non-Profit Organization, including but not limited to bank statements, cancelled checks, or credit card statements listing any payment in connection with the Non-Profit Organization, including but not limited to the Missouri Secretary of State concerning registration of the Non-Profit Organization.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 11:

All documents concerning any position held by you at any time as a Faculty Advisor or Emeritus Advisor for SLU's campus newspaper, *The University News*

RESPONSE: The general objections are incorporated by reference. Meyer objects to this Request For Production to the extent that it seeks information that is already in the possession of SLU or is readily accessible to SLU or that purports to impose upon Meyer an obligation to

search publicly available materials or SLU's own materials when such materials are not otherwise contained in files maintained by Meyer. Meyer objects to this Request For Production to the extent that it seeks information that requires extensive and unreasonable investigatory work on the part of Meyer. Such request is calculated to harass Meyer and is unduly broad and burdensome. Subject to the general and specific objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 12:

All documents and communications either prepared by you, sent by you and/or received by you, concerning the Non-Profit Organization, at any time while you were a Faculty Advisor or Emeritus Advisor for *The University News*

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 13:

All documents and communications, including but not limited to letters of invitation, notes, or transcripts, concerning any interview, you participated in or granted for St. Louis On The Air from July 1, 2005 to the present.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 14:

All documents and communications, including drafts, notes, or other communications, concerning the article in the St. Louis Magazine entitled *Avis Meyer Will Not Be Silenced*, authored by Matthew Halverson in or around August 2007.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 15:

All documents and communications regarding this lawsuit, the disputes raised in this case, or any attempts to resolve this matter, other than privileged communications with your attorney.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 16:

All documents and communications concerning your involvement in the publication of any newspaper, magazine, journal, or similar publication, including but not limited to documents related to any employment or affiliation with the St. Louis Post-Dispatch, St. Louis Review, or any other publishing entity.

RESPONSE: Meyer objects to the Request For Production to the extent that it seeks past employment information regarding files of immaterial and irrelevant documents not likely or

calculated to relevant information and are unduly burdensome. Meyer objects to the Request For Production to the extent that it seeks past employment information that requires extensive and unreasonable investigatory work on the part of Meyer. Such request is calculated to harass Meyer.

The general objections are incorporated by reference. Subject to the general and specific objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 17:

All documents and communications, including emails, concerning your intent or attempts to start an independent newspaper to be distributed to Saint Louis University students.
RESPONSE: The objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 18:

All communications between you and any expert witness in this action.
RESPONSE: Defendant objects to the request to the extent it calls for the identification of an expert witness before the deadline set forth by the Court in its Case Management Order of February 7, 2008. The general objections are incorporated by reference.

Request for Production No. 19:

All agreements with any expert witness regarding this lawsuit.

RESPONSE: Defendant objects to the request to the extent it calls for the identification of an expert witness before the deadline set forth by the Court in its Case Management Order of February 7, 2008. The general objections are incorporated by reference.

Request for Production No. 20:

All documents referenced in your Fed.R.Civ.P. 26 disclosures.

RESPONSE: The general objections are incorporated by reference. Subject to the general objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Request for Production No. 21:

All documents on which you intend to rely in support of your defense of this case.

OBJECTION: The general objections are incorporated by reference. Objection as calling for trial preparation and work product materials and as being premature. Further, this request impermissibly fails to state the documents sought with the particularity required under Rule 34 of the Federal Rules of Civil Procedure. Moreover, this request is overbroad and unduly burdensome in that it encompasses unknown quantities of documents under reference to numerous interrogatories.

Request for Production No. 22:

All documents referred to, referenced or relied on answering the First Interrogatories to Defendant Avis Meyer.

RESPONSE: The objections are incorporated by reference. Subject to the objections, to the extent they exist and are within Meyer's possession, custody or control, relevant documents will be produced.

Respectfully Submitted,

POLSTER, LIEDER, WOODRUFF &
LUCCHESI, L.C.

Dated: 3/19/08

By: Brian J. Gill

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Brian J. Gill, Mo. Bar. No. 57,324
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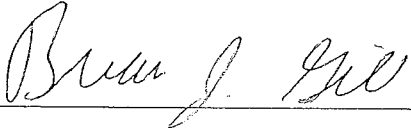
ATTORNEYS FOR DEFENDANT

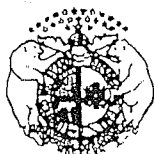
CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2008, a copy of the foregoing was served via United States mail, postage prepaid upon the following:

Frank B. Janoski, #3480
Bridget Hoy, #109375
Lewis, Rice & Fingersh, L.C.
500 North Broadway, Suite 2000
St. Louis, Missouri 63102
T (314) 444-7600
F (314) 241-6056

ATTORNEYS FOR PLAINTIFF





State of Missouri
Robin Carnahan, Secretary of State

Corporations Division
P.O. Box 778 / 600 W. Main Street, Rm 322
Jefferson City, MO 65102

File Number:
N00803722
Date Filed: 08/23/2007
Robin Carnahan
Secretary of State

**Articles of Termination
For a Nonprofit Corporation**

(Submit with filing fee of \$10.00)

The undersigned corporation, for the purpose of terminating, hereby executes the following Articles of Termination:

- (1) The name of corporation is: THE UNIVERSITY NEWS, A STUDENT VOICE
SERVING SAINT LOUIS UNIVERSITY SINCE 1921
- (2) On _____ the corporation filed Articles of Dissolution with the Secretary of State.
- (3) The corporation has disposed of all claims filed against it pursuant to Chapter 355.
- (4) All debts, obligations and liabilities of the corporation have been paid and discharged, or adequate provision has been made therefor.
- (5) The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows: _____
(Date may not be more than 90 days after the filing date in this Office)

In Affirmation thereof, the facts stated above are true and correct:
(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

[Signature] AVIS MEYER Secretary 8-23-07
Authorized signature of officer or member of the board Printed Name Title (Date)

Name and address to return filed document:

Name: _____

Address: _____

City, State, and Zip Code: _____

State of Missouri
With/Term/Dissolve - NonProfit 1 Page(s)



STATE OF MISSOURI



Robin Carnahan
Secretary of State

CERTIFICATE OF INCORPORATION MISSOURI NONPROFIT

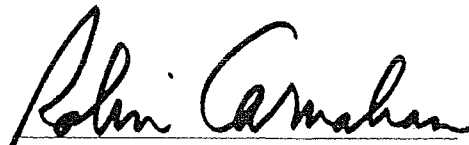
WHEREAS, Articles of Incorporation of

The University News, A Student Voice Serving Saint Louis University Since 1921
N00803722

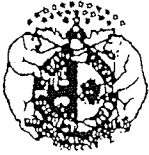
have been received and filed in the Office of the Secretary of State, which Articles, in all respects, comply with the requirements of Missouri Nonprofit Corporation Law;

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of the State of Missouri do by virtue of the authority vested in me by law, do hereby certify and declare this entity a body corporate, duly organized this date and that it is entitled to all rights and privileges granted corporations organized under the Missouri Nonprofit Corporation Law.

IN TESTIMONY WHEREOF, I hereunto
set my hand and cause to be affixed the
GREAT SEAL of the State of Missouri.
Done at the City of Jefferson, this
16th day of March, 2007.


Secretary of State





State of Missouri
Robin Carnahan, Secretary of State

Corporations Division
P.O. Box 778 / 600 W. Main Street, Rm 322
Jefferson City, MO 65102

File Number:
N00803722
Date Filed: 08/23/2007
Robin Carnahan
Secretary of State

**Articles of Dissolution by Voluntary Action
for a Nonprofit Corporation**

(Submit with filing fee of \$10.00)

The undersigned corporation, for the purpose of dissolving, and pursuant to the provisions of the "Nonprofit Corporation Act" of the State of Missouri relating to the dissolution of said corporation, hereby executes the following articles of dissolution:

(1) The name of corporation is: The University News, A student voice serving
Saint Louis University since 1921

(2) Dissolution was authorized on: Aug. 21, 07
and was approved by a sufficient vote of the board. Month/Day/Year

(3) If approval of members was not required, and dissolution was approved by a sufficient vote of the board of directors or incorporators, check here and skip to number (5): _____

(4) If approval by members was required, check here and provide the following information: _____

A. Number of memberships outstanding: TWO
B. Complete either i or ii:

i. Number of votes for and against the dissolution by class was:

Class:	Number entitled to vote:	Number voting for:	Number voting against:
	<u>TWO</u>	<u>TWO</u>	<u>ZERO</u>
_____	_____	_____	_____
_____	_____	_____	_____

ii. Number of undisputed votes cast for dissolution was sufficient for approval, and was:

Class:	Number Voting undisputed:
_____	_____
_____	_____
_____	_____

(5) If the corporation is a public benefit corporation, notice has been given to the attorney general as required by subsection 1 of section 355.676. Check here: _____

Please see next page

Name and address to return filed document:
Name: AVIS MEYER
Address: 3733 W. PINE, XH317
City, State, and Zip Code: St Louis MO 63108

State of Missouri
With/Term/Dissolve - NonProfit 2 Page(s)



T0723541803

(6) If approval for dissolution by some person or persons other than the members, the board or the incorporators is required pursuant to Section 355.671, state that such approval was obtained by checking here:

(7) The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows: _____
(Date may not be more than 90 days after the filing date in this Office)

In Affirmation thereof, the facts stated above are true and correct:
(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

 _____
Authorized signature of officer or chairman of the board

Avis Meyer _____
Printed Name

Secretary _____
Title

8/2/04 _____
Date

STATE OF MISSOURI



Robin Carnahan
Secretary of State

CERTIFICATE OF TERMINATION

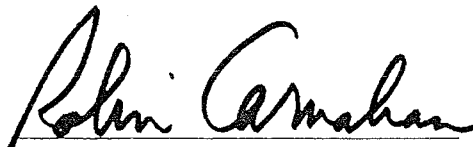
WHEREAS, a Request for Termination of

The University News, A Student Voice Serving Saint Louis University Since 1921
N00803722

a corporation organized and existing under the Missouri Nonprofit Corporation Law, has been received, found to conform to law, and filed.

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of State of the State of Missouri, issue this Certificate of Termination of the aforementioned corporation, certifying that the existence of said corporation has this date ceased.

IN TESTIMONY WHEREOF, I hereunto
set my hand and cause to be affixed the
GREAT SEAL of the State of Missouri.
Done at the City of Jefferson, this
23rd day of August, 2007.


Secretary of State





Office of the Secretary of State
State of Missouri

ROBIN CARNAHAN
SECRETARY OF STATE

Jefferson City
65101

CORPORATIONS DIVISION
(866) 223-6535 TOLL FREE

August 23, 2007

Meyer, Avis
3733 W. Pine, Xavier Hall 317
St. Louis, MO 63108

RE: The University News, A Student Voice Serving Saint Louis University Since 1921
N00803722

Dear Corporation:

We have received the Articles of Voluntary Dissolution for the above-mentioned corporation and have filed them in our office.

When we have received the executed Request for Termination, we will be pleased to issue a Certificate of Termination for the corporation. Please note that the corporation will be required to continue filing annual reports and pay all required taxes while it is winding up.

Secretary of State
Business Services Division
P. O. Box 778
Jefferson City, MO 65102
(866) 223-6535
www.sos.mo.gov