

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

SAINT LOUIS UNIVERSITY,)
a Missouri benevolent corporation,)
)
Plaintiff,)
)
)
)
AVIS MEYER,)
)
)
Defendant.)
)

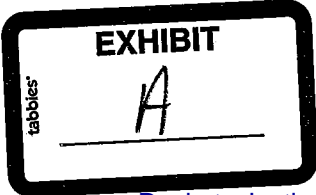
Case No. 4:07-cv-01733

DEFENDANT’S ANSWERS TO PLAINTIFF’S FIRST SET OF INTERROGATORIES

COMES NOW Defendant Avis Meyer (hereinafter “Meyer”), and for his answers to Plaintiff’s First Set of Interrogatories states as follows:

GENERAL OBJECTIONS

1. Meyer objects to these interrogatories to the extent the interrogatories seek information protected by attorneys’ work product or trial preparation, attorney/client privilege, or seeks confidential information.
2. Meyer objects to these interrogatories to the extent that they are overbroad, irrelevant, burdensome, vague and are not reasonably calculated to lead to the discovery of admissible evidence and/or require Meyer to provide information outside the scope of the Federal Rules of Civil Procedure.
3. Meyer objects to these interrogatories insofar as the interrogatories seek 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 when such materials are not otherwise contained in files maintained by Meyer.



4. Meyer objects to these interrogatories 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 Interrogatories 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 interrogatories and are subject to correction for errors or omissions, if any.

In providing answers to the interrogatories, 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 interrogatories and any objections based on the undue burden imposed by the interrogatories 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 interrogatory requests involving or related to the subject matter of the interrogatory;

- (d) the right supplement responses to the interrogatories 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 Interrogatories:

ANSWERS TO INTERROGATORIES

1. Please provide the name and address of the person or persons answering these interrogatories, including all persons who provided information used in answering these interrogatories.

ANSWER: Subject to the general objections, Defendant states: Avis Meyer

2. Identify all persons with knowledge of the Non-Profit Organization, including but not limited to those persons with knowledge of the Non-Profit Organization's:

- a. Formation;
- b. Incorporation;
- c. Existence;
- d. Dissolution or Termination.

ANSWER: Defendant objects to the interrogatory as constituting four separate interrogatories on four different subjects. Defendant objects to the interrogatory as vague particularly as to the meaning of "all persons with knowledge of the Non-Profit Organization." Subject to Defendant's general and specific objections, Defendant answers:

- a. Avis Meyer; Diana Benanti
- b. Avis Meyer; Diana Benanti
- c. Avis Meyer; Diana Benanti
- d. Avis Meyer; Diana Benanti

3. Identify all persons with knowledge of any business conducted by the Non-Profit Organization.

ANSWER: Defendant objects to the interrogatory as assuming that the Non Profit Organization ever conducted business. Subject to Defendant's general and specific objection, Defendant answers: Avis Meyer formed the corporation, to the extent such act falls under the definition of business.

4. Identify all persons with whom you have communicated regarding the Non-Profit Organization, including but not limited to those persons with whom you have communicated concerning the Non-Profit Organization's:

- a. Formation;
- b. Incorporation;
- c. Existence;
- d. Dissolution or termination.

ANSWER: Defendant objects to the interrogatory as constituting four separate interrogatories on four different subjects. Defendant objects to the interrogatory as vague particularly as to the meaning of "communicated regarding the Non-Profit Organization." Subject to Defendant's general and specific objections, Defendant answers:

- a. Diana Benanti
- b. Diana Benanti
- c. Diana Benanti
- d. Diana Benanti

5. Identify all persons associated in any way with the Non-Profit Organization and their relation to the Non-Profit Organization.

ANSWER: Defendant objects to the interrogatory as vague particularly as to the meaning of "associated in any way with the Non-Profit Organization." Subject to Defendant's general and specific objections, Defendant answers: Avis Meyer

6. State your purpose and/or intention of creating the Non-Profit Organization incorporated by the Missouri Secretary of State using the name "The University News, a Student Voice Serving Saint Louis University Since 1921."

ANSWER: Subject to the general objections, Defendant answers: To create an entity for the operation of a newspaper should a decision have been made to do so.

7. Explain why the Non-Profit Organization was registered as: "The University News, a Student Voice Serving Saint Louis University Since 1921", rather than "The University News, a Student Voice of Saint Louis University Since 1921" (emphasis added).

ANSWER: Subject to the general objections, Defendant answers: No reason.

8. Identify all facts concerning any business dealings and/or transactions the Non-Profit Organization participated in or contemplated, including but not limited to:

- a. The nature of the business dealing and/or transaction;
- b. The parties involved in the business dealing and/or transaction.

ANSWER: Defendant objects to the interrogatory as constituting two separate interrogatories on two different subjects. Defendant objects to the interrogatory as vague particularly as to the meaning of "business dealings and/or transactions." Subject to Defendant's general and specific objections, Defendant answers:

- a. none
- b. none

9. Identify all facts concerning the dissolution or termination of the Non-Profit Organization on or about August 21, 2007, including but not limited to the reason the Non-Profit Organization was dissolved and/or terminated.

ANSWER: Defendant objects to the interrogatory as vague particularly as to the meaning of "facts concerning the dissolution or termination of the Non-Profit Organization." Subject to

Defendant's general and specific objections, Defendant answers: A decision was made that the Non-Profit Corporation was not necessary and would not be utilized for any purpose.

10. List all jobs, positions of employment, consulting arrangements or other work you have held or performed concerning any newspaper, journal, magazine, or similar entity, including but not limited to any position you held with the Non-Profit Organization, specifically listing:

- a. The name of the company;
- b. The date the job began and ended;
- c. Your job title;
- d. Your job responsibilities;
- e. Your immediate supervisor.

ANSWER: Meyer objects to this interrogatory to the extent that it seeks past employment information regarding files of immaterial documents and information as unduly burdensome and irrelevant. Meyer objects to this interrogatory to the extent that it seeks past employment information that requires extensive and unreasonable investigatory work on the part of Meyer. Meyer objects to this interrogatory as calculated to harass Meyer and is unduly broad and burdensome.

Subject to the specific and general objections, Defendant answers: I worked for the *St. Louis Post Dispatch* from February 1982 to November 2005 as copy editor. My supervisor was Harry Levins. I have worked for the *St. Louis Journalism Review* from September 1989 to the present as a copy editor and writer. I also advise in layouts for the *St. Louis Journalism Review*. My supervisor is Charles Klotzer. I have worked for the student news paper from May 1972 to the present as Faculty Advisor and as Emeritus Advisor.

11. Identify all facts concerning any and all plans you have, have had, or are aware of to start or utilize an independent newspaper to be distributed to Saint Louis University students, including but not limited to:

- a. The name of the independent newspaper;
- b. The type of stories the independent newspaper would print;
- c. The names and addresses of any employees who would work for the independent newspaper;
- d. The geographic areas included in the circulation of the independent newspaper;
- e. Any and all steps taken to initiate such an independent newspaper.

ANSWER: Defendant objects to the interrogatory as constituting five separate interrogatories on five different subjects. Defendant objects to the interrogatory as vague particularly as to the meaning of "facts concerning any and all plans." Subject to Defendant's general and specific objections, Defendant answers:

a. Defendant contemplated starting a news paper by the name of "The University News, a Student Voice Serving Saint Louis University Since 1921." Defendant never effected his plan and no newspaper by such name was ever realized.

- b. None
- c. None
- d. None
- e. None

12. Identify all facts concerning any interviews you granted or participated in, including but not limited to any interview with KWMU or St. Louis Magazine, during which the Non-Profit Organization or Saint Louis University's campus paper, *The University News*, was discussed or mentioned.

ANSWER: Subject to the general objections, Defendant answers: None

13. Identify all facts concerning any alternative marks or names considered concerning the Non-Profit Organization, including but not limited to a list of said alternative

marks or names, identification of all persons who considered any of said marks or names, identification of the persons responsible for the ultimate decision of the registered name of the Non-Profit Organization, and identification of the persons having final responsibility for selection of the registered name of the Non-Profit Organization.

ANSWER: Subject to the general objections, Defendant answers: None

14. Identify all facts concerning how and when the registered name of the Non-Profit Organization was selected, including identification of all documents pertaining in any way to the adoption of the "The University News" mark, if there were any legal opinions given as to you to use the mark or any altered forms of the mark, and if so, by whom, and any such opinions.

ANSWER: Subject to the general objections, Defendant answers: None

15. Identify all facts concerning any trademark screening, search or other investigation you conducted before registering the Non-Profit Organization, including but not limited to the date when each such report, search or other investigation was requested or ordered, the date of each such report, the date each such report was received by you, and identification of all documents pertaining in any way to such trademark search reports.

ANSWER: Subject to the general objections, Defendant answers: None

16. Do you contend that you have the exclusive right to use the name "The University News" as part of a name, trade name, trademark and/or service mark in relation to any publication, and if so, explain in detail.

ANSWER: In addition to the general objections, Defendant objects that the Interrogatory calls for a legal conclusion.

17. For each witness who may be used by you at trial to present evidence under Federal Rules of Evidence 702, 703, or 705 provide all information described in or required by Rule 26(a)(2) of the Federal Rules of Civil Procedure.

ANSWER: Defendant objects to the Interrogatory as requiring Defendant to identify expert witnesses before the Court's deadline set forth in its Case Management Order February 7, 2008, Section I, Paragraph 3(b).

Respectfully Submitted,

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

Dated: 3/19/08

By: Brian J. Gill

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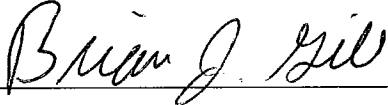
ATTORNEYS FOR DEFENDANT

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:

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Bridget Hoy, #109375
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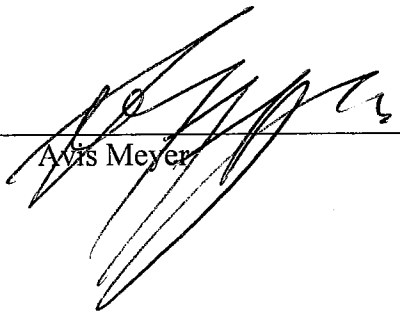
ATTORNEYS FOR PLAINTIFF



VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

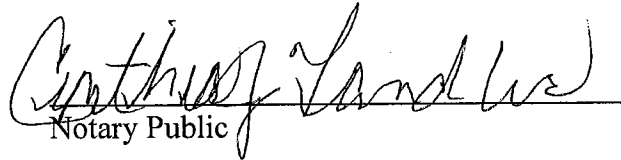
Date: 3-14-08

By: 
Avis Meyer

ACKNOWLEDGEMENT

State of Missouri)
) SS
County of St. Louis)

On this 14th day of March, 2008, before me personally appeared the Avis Meyer, personally known to me and known by me to be the one who executed the foregoing instrument, and acknowledged that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true.


Notary Public

My Commission Expires:

