

IN THE MATTER OF:

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

Cause No. 04:07CV1733 CEJ

*Deposition of Avis Meyer
6/4/2008*

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Full GLOSSARY included with this DepoScript

EXHIBIT

tabbles

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(1) In the United States District Court
(2) Eastern District of Missouri
(3) Eastern Division

(6) ST. LOUIS UNIVERSITY, etc.,
(7) PLAINTIFF,

(9) vs. Cause No. 4:07CV1733 CEJ

(11) AVIS MEYER,
(13) DEFENDANT.

(15) Deposition of AVIS MEYER
(17) On behalf of THE PLAINTIFF
(18) JUNE 4, 2007
(21) Gore & Perry Reporting Co.
(22) 515 Olive St., Suite 700
(23) St. Louis, Missouri 63101
(24) 314-241-6750
(25)

(1) APPEARANCES OF COUNSEL:
(2)
(3) For THE PLAINTIFF:

(5) Mr. Frank B. Janoski
(6) Ms. Bridget Hoy
(7) Lewis, Rice & Fingersh, L.C.
(8) 500 North Broadway - Suite 2000
(9) St. Louis, MO 63102

(11) Mr. Kenneth Fleischmann
(12) Senior Associate General Counsel
(13) St. Louis University

(15) For THE DEFENDANT:

(17) Mr. Brian J. Gill
(18) Polster, Lieder, Woodruff & Lucchesi
(19) 12412 Powerscourt Drive - Suite 200
(20) St. Louis, MO 63131
(21)
(22)
(23)
(24)
(25)

(1) In the United States District Court
(2) Eastern District of Missouri
(3) Eastern Division

(7) ST. LOUIS UNIVERSITY, etc.,
(8) PLAINTIFF,

(11) vs. Cause No. 4:07CV1733 CEJ

(13) AVIS MEYER,
(14) DEFENDANT.

(15) Deposition of AVIS MEYER, taken on behalf
(16) of the PLAINTIFF, at the law offices of Lewis, Rice &
(17) Fingersh, 500 North Broadway - Suite 2000, St. Louis,
(18) Missouri, on JUNE 4, 2007, before Robert D. Perry,
(19) Missouri CCR #904, Illinois C.C.R. No. 084-003742, and
(20) Notary Public within and for the State of Missouri.
(21)
(22)
(23)
(24)
(25)

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

(6) EXAMINATION

(7) QUESTIONS BY MR. JANOSKI

(8) (Plaintiff's Exhibit No. 1

(9) Marked for identification)

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

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

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

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

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

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

(1) A: Okay.

(2) Q: Have you seen this document before?

(3) A: Not by deposition, no.

(4) Q: You understand that you are giving a

(5) deposition here today?

(6) A: I understand.

(7) Q: And are you -- and you understand that you

(8) are under oath?

(9) A: I understand.

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

(12) A: I understand.

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

(15) A: You mean criminal, civil, what?

(16) Q: Any violation of a law.

(17) A: Like running a traffic sign?

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

(20) A: Ever in my life? I have to think about this.

(21) If you mean traffic, something like a traffic
(22) violation, I think the answer would be yes, maybe, but
(23) it's been a long time ago.

(24) Q: Anything more than a traffic violation?

(25) A: No.

(1) the court reporter please swear in the witness?

(2) AVIS MEYER,

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

(5) EXAMINATION

(6) QUESTIONS BY MR. JANOSKI:

(7) Q: Could you please state your name for the
(8) record?

(9) A: Avis Meyer, M-E-Y-E-R.

(10) Q: And, Doctor, is it "Dr. Meyer"?

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

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

(15) A: 10828 Wood Forest Drive in Sunset Hills, West
(16) County.

(17) Q: And is there a Zip code with that, please?

(18) A: I'm sorry?

(19) Q: A Zip code?

(20) A: 63128.

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

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

(3) A: No.

(4) Q: Have you ever testified at trial?

(5) A: No.

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

(9) A: Broadly.

(10) Q: In order for the deposition, I think, to go
(11) as smoothly as possible, and to have as good a record
(12) as possible, normally what I request is that you allow
(13) me to ask the question, finish my question, and then I
(14) would like you to respond to the best of your ability.

(15) As long as we don't talk over each other, it's much
(16) easier for the court reporter. The videographer, he
(17) doesn't have to worry about it too much, but the court
(18) reporter, to take down the testimony accurately, you
(19) have to provide a verbal response, a "yes", "no".
(20) Nodding of the head, I will prompt you for a verbal
(21) response, is that okay?

(22) A: I understand.

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

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

(5) A: I will.

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

(9) A: Fine.

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

(12) A: No.

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

(15) A: Correct.

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

(18) A: Correct.

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

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

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

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

(4) A: I can estimate.

(5) Q: That's fine.

(6) A: Oh, 15-20 minutes, maybe.

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

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

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

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

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

(17) A: Then or recently?

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

(20) A: Not really, no, not really.

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

(23) A: It was.

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

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

(3) A: Yes, sir.

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

(6) A: No.

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

(10) A: No.

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

(14) A: Other than Brian?

(15) Q: Anyone, to include Mr. Gill.

(16) A: He and I have talked about it.

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

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

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

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

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

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

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

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

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

(15) Q: Was he --

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

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

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

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

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

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

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

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

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

(15) Q: Destruction.

(16) A: Structuring or destruct --

(17) Q: Destruction, destruction --

(18) A: Destruction of?

(19) Q: Throwing away, destroy.

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

(21) Q: Have you seen this document before?

(22) A: No.

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

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

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

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

(4) A: Uh-huh, generally, generally.

(5) Q: Have there also been letters?

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

(8) Q: And have you provided them responses?

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

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

(14) A: Uh-huh.

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

(17) A: No, never been asked to.

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

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

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

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

(4) A: Correct.

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

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

(11) Q: Correct.

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

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

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

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

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

(1) preserved by you?

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

(6) Q: I understand, I understand that.

(7) A: Uh-huh.

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

(14) A: For example?

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

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

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

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

(3) A: I do.

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

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

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

(8) A: I do.

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

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

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

(14) A: AnnaMarie.

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

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

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

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

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

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

(9) A: Is it okay to tell him this?

(10) MR. GILL: You can answer the question.

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

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

(16) A: I do not.

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

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

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

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

(25) A: Correct.

(1) MR. JANOSKI: Yes.

(2) MR. GILL: Okay.

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

(4) A: That's the two.

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

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

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

(11) A: Correct.

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

(14) A: I shall.

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

(16) A: No.

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

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

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

(23) A: Define "corresponded".

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

(1) Q: At St. Louis University?

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

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

(6) A: Indeed.

(7) Q: And is it on an hourly rate?

(8) A: That's really up to him.

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

(11) A: We had one set up initially.

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

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

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

(19) A: Yes, I think so.

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

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

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

(25) A: Correct.

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

(2) A: Is that okay?

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

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

(7) A: Three grand.

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

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

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

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

(16) Q: Okay. Up or down?

(17) A: Down, slightly.

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

(21) MR. GILL: I object --

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

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

(1) Q: Okay.

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

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

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

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

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

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

(12) A: Probably, yes. Probably.

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

(15) MR. GILL: Objection, relevance.

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

(17) A: It has been.

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

(21) MR. GILL: Objection, compound.

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

(1) A: Usually, usually.

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

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

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

(8) A: Usually.

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

(11) A: Correct.

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

(14) A: Slightly.

(15) Q: Slightly. It has not gone up?

(16) A: Not to my knowledge.

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

(20) A: I'm not sure I can give you an estimate.

(21) This has been going on for, what, six or seven months.

(22) Q: Correct.

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

(1) MR. GILL: Objection, vague.

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

(3) A: Go ahead and answer?

(4) Q: You can answer.

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

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

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

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

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

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

(18) A: Not that I remember, no.

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

(21) A: Not unless requested to, maybe once or twice,
(22) but that's been awhile. That was like last

(23) Thanksgiving when some kids found out about all this
(24) stuff, so, that would be hard to answer that honestly
(25) and accurately. Rarely, rarely.

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

(3) A: It's possible. Rarely.

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

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

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

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

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

(18) A: Very few.

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

(21) A: Yes, a few.

(22) Q: Okay. And have you deleted those?

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

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

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

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

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

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

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

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

(11) A: They are.

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

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

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

(17) A: The Student Press Law Center, and that's also
(18) be awhile, so, I don't really remember who that was.

(19) This was a once or maybe twice thing, and over a
(20) six-month period, I just don't remember.

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

(25) A: Compound sentence.

(1) A: Sometimes.

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

(4) A: Probably.

(5) Q: Did you --

(6) A: After three months.

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

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

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

(15) A: As opposed to my home?

(16) Q: As opposed to your home.

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

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

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

(1) MR. GILL: Yes, object.

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

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

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

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

(10) A: At SLU?

(11) Q: No, your employment from --

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

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

(15) A: Okay. Is this germane?

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

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

(20) Q: (By Mr. Janoski) Okay.

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

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

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

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

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

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

(17) Q: And was that at Southeast Missouri State?

(18) A: Yes, it is.

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

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

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

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

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

(9) A: I neglected an important job.

(10) Q: Okay.

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

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

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

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

(18) A: Occasionally.

(19) Q: Occasionally?

(20) A: Occasionally Journalism class at SEMO.

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

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

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

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

(6) Q: So, it would be writing stories?

(7) A: From facts and details.

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

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

(17) Q: Was that at St. Louis University?

(18) A: It was.

(19) Q: And what courses were you teaching?

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

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

(25) A: Yes.

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

(3) A: Media.

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

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

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

(14) A: I was.

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

(16) A: I was. Excuse my nodding head.

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

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

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

[1] two positions, one was with --
 [2] A: The night school division.
 [3] Q: The night school division, at St. Louis
 [4] University. That started in '71?
 [5] A: That's within a year. I'm not real sure, but
 [6] that's pretty close.
 [7] Q: Sure.
 [8] A: Probably until my wife and children moved up
 [9] here, because I was here by myself for several years.
 [10] That would have been '76.
 [11] Q: And then the other situation that you had was
 [12] one where you took two classes and you taught two
 [13] classes?
 [14] A: When I graduated, that ended.
 [15] Q: Okay. When would that have been?
 [16] A: '79.
 [17] Q: So, then between approximately 1976 and 1979,
 [18] was your employment going to school and then teaching
 [19] two classes?
 [20] A: And teaching driver's training at night.
 [21] Q: After 19 -- or in 1979, what then became your
 [22] employment?
 [23] A: I signed a full 10-year tract contract to St.
 [24] Louis U., and we moved up here for sure.
 [25] Q: And what -- and your teaching has been at St.

[1] a round-robin. And you want the names of the other
 [2] ones?
 [3] Q: Yes, sir.
 [4] A: Essays, Literary Journalism, History of
 [5] Journalism, Basic Journalism, Editing, Honors Film
 [6] Class, Part 1 & 2, and a course called Film Criticism.
 [7] I think that's the eight.
 [8] Q: Yes, it is. Can you tell me a little bit
 [9] about the curriculum for the Honors Film Classes, 1 &
 [10] 2?
 [11] A: Is this germane?
 [12] MR. GILL: You can answer the question.
 [13] A: We read novels, in Part 1, or short stories
 [14] in Part 2, we see the films made from them and talk
 [15] about why it's true that, in most instances, people
 [16] will say "that was a good movie, but the book was
 [17] better". "That was a good movie, the short story was
 [18] better". We try to figure out why this is true by
 [19] comparing them side-by-side. By the end of the
 [20] semester we usually have it down.
 [21] Q: Now, during the time period 1979 to the
 [22] present, you also mentioned that you were a part-time
 [23] Copy Editor for the Post-Dispatch?
 [24] A: I was.
 [25] Q: And you indicated that that was 1982 to 2005?

[1] Louis University from 1979 to the present?
 [2] A: Yes.
 [3] Q: And can you briefly outline for me the
 [4] various positions that you have had and the time
 [5] frames with regard to those positions?
 [6] A: There are really only positions that vary,
 [7] except Associate Professor and Assistant Professor and
 [8] Full Professor. That's the only position change.
 [9] Otherwise, you just teach.
 [10] Q: Do you have a CV?
 [11] A: I haven't used it in awhile, but I'm sure
 [12] it's somewhere on the computer. What you have in
 [13] front of you is largely it. That's it, what I just
 [14] gave you is my CV.
 [15] Q: All right. And what courses would you have
 [16] taught at St. Louis University in this time period
 [17] from 1979 to the present?
 [18] A: There is probably a dozen, but there is one
 [19] or two that no longer apply. The first one that comes
 [20] to mind is U.S./Soviet Press, because there is no
 [21] longer a Soviet Press, so, I don't teach that course
 [22] anymore. There is a graduate course called Graduate
 [23] Readings that I don't teach so often anymore because
 [24] I'm the only person that teaches eight of the courses
 [25] in our department, so, I have to teach all of those in

[1] A: Just about, yes. I may be six months off
 [2] somewhere because I took an early retirement buy-out
 [3] about two years ago, give or take.
 [4] Q: And can you tell me what the duties and
 [5] responsibilities would be for a Copyright Editor?
 [6] A: They send you stories that need to be edited
 [7] for grammar, punctuation, spelling and accuracy, and
 [8] then you write a headline. And if you have to cut
 [9] them, then you cut them. If you have to make them
 [10] longer, you make them longer. You do it all under a
 [11] deadline.
 [12] Q: Now, during the period 1979 till the present,
 [13] any other positions that you have held?
 [14] A: Paying positions?
 [15] Q: We can start with paying positions.
 [16] A: No.
 [17] Q: Okay. Any non-paying positions that you have
 [18] held?
 [19] A: He's going to think I'm making this up. I
 [20] play Santa Claus every year. (Indicating)
 [21] Q: Okay.
 [22] A: For retirement homes and for old folks homes
 [23] and for children.
 [24] Q: Okay. With regard to the Post-Dispatch, was
 [25] there a retirement buyout for that part-time position?

[1] A: There was. I just mentioned it, yes.
[2] Q: Any other activities that you have been
[3] involved in, either at the University or outside the
[4] University, with regard to Journalism?
[5] A: Occasionally, I'm asked by schools in the
[6] area to come talk to their student advisers on
[7] newspapers, or I give an editing class to groups all
[8] over town. It's happened occasionally around town.
[9] Q: Okay. And anything else?
[10] A: Nothing that comes to mind.
[11] Q: And why did the employment with the
[12] Post-Dispatch cease in 2005?
[13] MR. GILL: Objection, it's been asked and
[14] answered.
[15] Q: (By Mr. Janoski) Okay.
[16] A: I planned to work there for 25 years to get a
[17] sort of a supplemental retirement package because St.
[18] Louis U's retirement package is all right, but it's
[19] not very big, and when they made me that offer, I was
[20] 18 months away, and I thought I'd like to have my
[21] weekends back, so, that's what I did.
[22] Q: At one point were you also working with the
[23] St. Louis Journalism Review?
[24] A: Intermittently.
[25] MR. GILL: Objection -- I'm sorry, go

[1] and your part-time copyright position there, how much
[2] time on the average a week did you spend?
[3] MR. GILL: If I may object, I think it's
[4] Copy Editor, not copyright.
[5] A: It is Copy Editor.
[6] Q: (By Mr. Janoski) All right, I'm sorry.
[7] A: It varied. During school it was two days a
[8] week, when I was not in school it was three, in the
[9] summer it was four.
[10] Q: And when you say -- let's say two days a
[11] week, are you talking about two eight-hour days?
[12] A: Yes.
[13] Q: And would that be during the day?
[14] A: No, evening.
[15] Q: Now, would you consider those three
[16] publications as competing publications?
[17] A: Not really. The Post is the big dog, SJR is
[18] pretty small.
[19] Q: SJR would be?
[20] A: St. Louis Journalism Review.
[21] Q: St. Louis Journalism Review?
[22] A: Pretty small.
[23] Q: Were you ever asked whether you had any
[24] conflicts with regard to any of the employment that
[25] you had?

[1] ahead.
[2] A: Intermittently.
[3] Q: (By Mr. Janoski) And can you tell me what
[4] your duties and responsibilities were?
[5] A: Copy Editor, almost exactly the same thing.
[6] Do you need to jump in?
[7] MR. GILL: That's fine.
[8] Q: (By Mr. Janoski) Was that a part-time
[9] position?
[10] A: It's a non-pay position.
[11] Q: But was it part-time?
[12] A: It was voluntary, voluntary.
[13] Q: Can you tell me approximately how many hours
[14] a week you volunteer time for that?
[15] A: Except for the three months when I was the,
[16] sort of Assistant Co-Editor of the whole magazine, all
[17] I do is read copy. When the magazine is ready, it's
[18] about a six to eight-hour day, I read the entire
[19] magazine letter by letter trying to catch errors, and
[20] there were three months where it probably took three
[21] times that time, because the magazine was close to
[22] going under.
[23] Q: How often was the magazine published?
[24] A: Monthly.
[25] Q: With regard to the St. Louis Post-Dispatch

[1] A: No.
[2] Q: Did all three of the entities that you were
[3] working for know that you were working for the others
[4] at the time?
[5] A: The three entities being?
[6] Q: The three entities being St. Louis
[7] University, St. Louis Journalism Review and the St.
[8] Louis Post-Dispatch.
[9] A: Yes.
[10] Q: They all knew that you were working for each
[11] other?
[12] A: Yes.
[13] Q: Well, let's talk about your activities with
[14] regard to the University News.
[15] A: Okay.
[16] Q: And that is one of the activities that you
[17] were involved with while at St. Louis University,
[18] correct?
[19] A: Correct.
[20] Q: Can you tell me when you began a relationship
[21] with the University News?
[22] A: Along about one year after I arrived to work
[23] on the graduate degree, so, that would have been about
[24] '72, '73, along in there.
[25] Q: And can you tell me what role you played

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

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

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

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

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

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

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

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

(21) A: Sorry.

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

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

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

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

(7) A: Yes.

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

(11) A: Say it again, please.

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

(17) A: Generally, yes.

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

(21) A: You mean an academic advisor?

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

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

(1) Q: And that would be maybe in 1976?

(2) A: Along in there, yes.

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

(5) A: The same as they were before.

(6) Q: Essentially an advisor?

(7) A: Yes.

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

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

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

(14) A: Uh-huh.

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

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

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

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

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

(3) A: About the newspaper?

(4) Q: About the newspaper.

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

(6) Q: Okay. Would they do that?

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

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

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

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

(15) A: Oh, from that time.

(16) Q: I'm sorry.

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

(20) Q: Okay.

(21) A: Up to the present.

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

(24) A: Although now I'm called a mentor,

(25) M-E-N-T-O-R.

[1] Q: And when would that, let's say, title have
[2] been changed?
[3] A: In the last year or two.
[4] Q: And you said that during the, I guess
[5] 1975-76, you were receiving compensation of \$1,000?
[6] A: A year.
[7] Q: Okay. Does that continue today?
[8] A: No.
[9] Q: When did that stop?
[10] A: About two or three years ago.
[11] Q: And was, at that period of time in the
[12] 2005/2006 time frame, was it still \$1,000 a year?
[13] A: No.
[14] Q: Okay. What was it at that time?
[15] A: 1500.
[16] Q: And were you paid on a monthly basis?
[17] A: Yes.
[18] Q: Divided evenly among the months?
[19] A: 12 months.
[20] Q: Did you ever write for the University News?
[21] A: Rarely, rarely.
[22] Q: And when you did, what types of articles
[23] would you write?
[24] A: Obituaries, almost without exception.
[25] Q: No news, what I would call a news article?

[1] A: I think it was the beginning of last year or
[2] the end of last school year, or the end of the
[3] previous school year, but I'm not sure.
[4] Q: So, that would be 2006 or 2007?
[5] A: That was the editor's call, so I don't
[6] really remember.
[7] Q: Do you remember who the editor was?
[8] A: It would have been one of two, either Diane
[9] Benanti, or Katie Lewis, one or the other.
[10] Q: Could you spell for the court reporter --
[11] A: Diane, spelled with one N, Benanti,
[12] B-E-N-A-N-T-I, Katie, I-E, Lewis, L-E-W-I-S.
[13] Q: With regard to the University News office,
[14] can you tell me where that is presently located?
[15] A: Busch Center.
[16] Q: And that's the new student center?
[17] A: Student union.
[18] Q: Okay. At St. Louis University?
[19] A: Correct.
[20] Q: And before that time, where was it located?
[21] A: Busch Center.
[22] Q: And where would that have been?
[23] A: Before they revised it, the same place.
[24] MR. JANOSKI: Same place, okay. We have
[25] just a couple minutes of tape. Let's take a short

[1] A: No, no, no. I do obits, almost without
[2] exception.
[3] Q: Okay. Any editorials you would write?
[4] A: I don't remember having ever written an
[5] editorial. I may edit it, but I don't write them.
[6] Q: And with regard to editing, would that be
[7] grammar and punctuation as opposed to content?
[8] A: Yes.
[9] Q: In the early years, let's say, in the
[10] seventies, how often would you be in the University
[11] News office?
[12] A: Once a week.
[13] Q: And that would be for that 8 to 10-hour
[14] period?
[15] A: Correct.
[16] Q: Was there a period of time when you were in
[17] the office more than once a week?
[18] A: Rarely.
[19] Q: Is that, is that still true today?
[20] A: Yes.
[21] Q: And I noticed, in going through some
[22] documents, that you had the title of Emeritus advisor?
[23] A: Briefly.
[24] Q: Do you know what period of time you held that
[25] title?

[1] break.
[2] THE VIDEOGRAPHER: It's the end of Tape 1,
[3] we're off the record at 2:45.
[4] (Recess)
[5] THE VIDEOGRAPHER: We're on the record
[6] with Tape 2 at 2:54. Please continue.
[7] Q: (By Mr. Janoski) Dr. Meyer, you understand
[8] you're still under oath?
[9] A: I understand.
[10] Q: Let me go back and ask a couple questions
[11] about your early employment. With regard to your ice
[12] cream shop, what was the name of that?
[13] A: It was called Martha's Colonial Ice Cream
[14] Shoppee, 2 P's, 2 E's.
[15] Q: And did you incorporate under that name?
[16] A: I don't know if we were ever incorporated.
[17] It was such a low key small operation, I just don't
[18] remember if we were ever incorporated, per se.
[19] Q: And with regard to the setting up of that
[20] operation, did you seek any legal advice?
[21] A: No.
[22] Q: With regard to your employment at Procter &
[23] Gamble, what were your duties and responsibilities?
[24] A: I was just a sales rep.
[25] Q: And did you receive any training from them in

(1) that regard?
 (2) A: Two weeks in Chicago.
 (3) Q: And did that -- well, what did that consist
 (4) of, that two weeks of training?
 (5) A: We went to Chicago and had meetings in a
 (6) hotel every day for five or six hours.
 (7) Q: Was it about the product line?
 (8) A: Usually.
 (9) Q: Okay. Was it about -- did it also cover with
 (10) regard to the names of, or the trademarks of the
 (11) products?
 (12) A: Uh-huh.
 (13) Q: Okay.
 (14) A: Names, but not trademarks. No one ever
 (15) brought that word up, seriously.
 (16) Q: But it would be the name of the product --
 (17) A: Yes.
 (18) Q: -- that it would be sold under?
 (19) A: Uh-huh.
 (20) Q: And then there would also be the technical
 (21) name for the product, I suppose?
 (22) A: Rarely. Not for salesmen.
 (23) Q: Not for salesmen?
 (24) A: Rarely.
 (25) Q: So, can you recall what products you were

(1) A: Yes.
 (2) Q: Did your supervisor review your work?
 (3) A: Yes.
 (4) Q: Was that part of the training, I suppose?
 (5) A: Not really. You're -- can I just answer this
 (6) voluntarily? If you worked for a daily paper, your
 (7) supervisor is the readers. If you make a mistake and
 (8) don't catch it, a grammatical/punctuational error,
 (9) somebody among the 300,000 readers in St. Louis will.
 (10) And they will call and your boss will say "how come
 (11) you let this go?" Usually we get caught more by the
 (12) readers than we do our immediate supervisors. So,
 (13) there really wasn't any training, because you had to
 (14) take a six-hour editing test and be hired part-time.
 (15) That was it. No one trained you. They assumed you
 (16) knew how to do it or you wouldn't be working for a big
 (17) paper.
 (18) Q: Did the Post have many part-time, what you
 (19) term part-time employees?
 (20) A: When I went to work in the eighties there
 (21) were three or four of us, but I was the only one who
 (22) was quote full-time/part-time.
 (23) Q: What do you mean by full-time/part-time?
 (24) A: After five years, the Guild allows you to be
 (25) considered a Guild member and you're a full-time --

(1) selling when you were at Procter & Gamble?
 (2) A: Scope, Head & Shoulders, Crest, Gleem, which
 (3) is gone, something called Hidden Magic, which I'm
 (4) probably the only one who knows what that is.
 (5) Pampers, Prell, which is gone. I think that's it.
 (6) Q: And during that training, did they make you
 (7) aware of the proper usage of the names of those
 (8) particular products?
 (9) MR. GILL: Objection, calls for a legal
 (10) conclusion.
 (11) MR. JANOSKI: I'm just asking if they ever
 (12) told him about it.
 (13) A: I don't think that ever came up.
 (14) Q: (By Mr. Janoski) You don't recall; is that
 (15) correct?
 (16) A: No. It's been 35 years or more.
 (17) Q: What about, did you say it was Osco Drugs?
 (18) A: Osco, O-S-C-O.
 (19) Q: What did you do there for the year --
 (20) A: I was one of three Assistant Managers.
 (21) Q: With regard to your work at the
 (22) Post-Dispatch, did they provide you with any training
 (23) when you first started there?
 (24) A: No.
 (25) Q: Did you have a supervisor?

(1) you're a full-time worker, but you only work
 (2) half-time. And I was the only one in that category
 (3) for awhile, because I was the only one that didn't
 (4) want to work at the Post full-time. I wanted to keep
 (5) my job at St. Louis U. Because that's what I loved to
 (6) do.
 (7) Q: And during the academic year, you were
 (8) working two days a week for the Post?
 (9) A: At night.
 (10) Q: At night, okay.
 (11) A: And frequently on the weekends.
 (12) Q: And I think you said that there was a period
 (13) of time when you worked three days a week?
 (14) A: When there is no school.
 (15) Q: When there is no school?
 (16) A: Christmas break, Thanksgiving break.
 (17) Q: And then you worked four days a week --
 (18) A: During the summer.
 (19) Q: -- during the summer. Do you know
 (20) approximately how many days a year that would be that
 (21) you might work?
 (22) A: It ended up being almost precisely 2.5 days a
 (23) week at the end of the calendar year.
 (24) Q: So, about 125 days?
 (25) A: About half-time, exactly. About 20 hours a

[1] week, actually, average, average. Some weeks it was
[2] less, some weeks it was more. At the end of the
[3] calendar year it was almost exactly half-time.
[4] Q: With regard to your work at the University
[5] News, how would you receive the copy to be edited and
[6] reviewed?
[7] A: In the seventies and eighties it was
[8] different than it was now, pre-computer. We used to
[9] get what was called wax pages. Does that mean
[10] anything to you?
[11] Q: Yes, it does.
[12] A: Okay. We used to get wax pages and we'd read
[13] them and take them to the printers who were then
[14] Nordmann down on Chippewa near Gravois, and they would
[15] make the corrections. Since it's computers, we get
[16] entire proof sheets and we make the corrections.
[17] Q: When you say -- and how do you receive the
[18] proof sheets, is that electronically?
[19] A: I'm not sure I know what you're asking me.
[20] Do I have a hard copy as opposed to on the screen?
[21] Q: Correct.
[22] A: We get a hard copy.
[23] Q: You get a hard copy?
[24] A: Yes.
[25] Q: And it's been that way for --

[1] distributes it under their auspices because we don't
[2] have a bank account, per se, so, it came from student
[3] funds that went into the University and was put on my
[4] monthly paycheck.
[5] Q: Okay. Through the University?
[6] A: Yes.
[7] Q: And with regard -- well, what resources were
[8] available to you and the students at the University
[9] News?
[10] A: Define "resources".
[11] Q: Resources in the way of, you know, computers,
[12] I mean, what was there in the offices in order for you
[13] all to print them --
[14] A: It was different early-on than later.
[15] Q: Okay.
[16] A: Early-on it was typewriters and tables and
[17] chairs, some of which were furnished, some of which
[18] the students brought in on their own, and we gradually
[19] made the change to computers in the early eighties,
[20] and the University newspaper staff is paid for
[21] everything in the office, University gives us a room,
[22] we own everything in it, the staff owns it.
[23] Q: Do you know that when the -- when the
[24] purchase is made of an asset, whether it be a computer
[25] or whatever, does the University News use the

[1] A: Since we went to computers.
[2] Q: Did you ever receive, ahead of this 8 to
[3] 10-hour period that you were working to get the paper
[4] out, would you receive copy by, in electronic form?
[5] A: No.
[6] Q: So, was all your editing done there at the
[7] Busch Center?
[8] A: Yes.
[9] Q: Was the position of advisor or mentor, is
[10] that an appointed position?
[11] A: I don't know by whom it would be appointed,
[12] up to about three or four years ago. The students
[13] sort of did it by acclamation and osmosis the first
[14] couple, three years, because no one else was
[15] interested.
[16] Q: And the first couple, three years were like
[17] in the mid-seventies?
[18] A: Early seventies, mid-seventies.
[19] Q: And then after that -- and you were -- your
[20] pay, was that from the University, St. Louis
[21] University?
[22] A: That's a complicated question because the
[23] University handles the money flow from the advertising
[24] in the school paper. Even though the students raise
[25] the money by advertising, the school usually

[1] tax-exempt status of the University?
[2] A: I do not know. The business side handles
[3] that and I work more with production news side than
[4] business. I just know they buy the stuff. I really
[5] don't know that. The business side does this.
[6] Q: And who would know that, who is on the
[7] business side?
[8] A: Whoever the Business Manager is, and that
[9] varies from year to year, depending on which student
[10] takes it over.
[11] Q: Would you be surprised if the University News
[12] took advantage of the tax-exempt status of the
[13] University?
[14] A: I never thought of --
[15] MR. GILL: Objection, vague.
[16] A: I never thought about it.
[17] Q: (By Mr. Janoski) Okay. But would you be
[18] surprised if they utilized that to where they didn't
[19] have to pay for taxes on purchases that they make?
[20] A: I suppose anybody that can avoid paying taxes
[21] would.
[22] Q: So, you wouldn't be surprised if they
[23] utilized that. Would you review, for the University
[24] News, all the articles that were to be published for
[25] that particular issue?

(1) A: Not all. It's almost impossible to read the
(2) whole paper, plus, there are two of us, at least that
(3) read these, and maybe three or four, depending on
(4) staff.

(5) Q: How would it be selected for you to review a
(6) particular article?

(7) A: It's a round robin. Whoever is not doing
(8) something, reads. We have a Chief Copy Editor and we
(9) have the Editor in Chief and me, and as long as one of
(10) us has read the final copy before it goes to the
(11) printer, we usually let it go.

(12) Q: And the other two positions that you just
(13) named, are those student positions?

(14) A: Yes.

(15) Q: Did the students, in addition to, I guess
(16) coming to you to review their copy, would they also
(17) come to you for advice with regard to other aspects of
(18) Journalism?

(19) A: They would do that probably with the Copy
(20) Editor or the Chief as well, but all three of us.

(21) Q: And what type of advice would they seek in
(22) addition to --

(23) A: "Is this correctly phrased, is this fair, is
(24) this decent, do you think this is okay, am I being too
(25) cute", that sort of thing.

(1) University News staff seek, or obtain positions within
(2) the media?

(3) A: If they asked me to write letters of
(4) recommendation, I would do it when I could.

(5) Q: And when you wrote letters of recommendation,
(6) did you write them on University letterhead?

(7) A: Usually.

(8) Q: And when you wrote letters of recommendation
(9) for students in your class, would that similarly be on
(10) University letterhead?

(11) A: Usually.

(12) Q: With regard to the St. Louis Review, have you
(13) ever authored any articles for the St. Louis Review?

(14) A: I've done a book review, or maybe two, and I
(15) think I did a piece about the Post-Dispatch retirement
(16) party, back two or three years ago, and there may be
(17) another one. There is not many. I'm mainly a Copy
(18) Editor.

(19) Q: I just thought of something. When you
(20) retired from the Post-Dispatch, how many
(21) full-time/part-time individuals were there, editors,
(22) Copy Editors?

(23) A: Copy Editors only?

(24) Q: Yes.

(25) A: Not the whole building?

(1) Q: Would they come to you, and maybe it's not
(2) during this 8 to 10-hour period that we're talking
(3) about that you're getting the newspaper out, but would
(4) they also come to you for advice with regard to their
(5) professional aspirations?

(6) A: Occasionally.

(7) Q: Did you see that as part of your role as an
(8) advisor for the University News?

(9) A: Generally, yes.

(10) Q: And did you -- were some of these students
(11) that were on the newspaper, were they also students of
(12) yours in class?

(13) A: Occasionally.

(14) Q: And would you also have a similar role as to
(15) advising with regard to professional aspirations in
(16) your position as a Professor with the University?

(17) A: Do you mean students who are not on the
(18) paper, but only in my classes?

(19) Q: Either way, either that they were on the
(20) paper or not on the paper and in your classes.

(21) A: If they want some advice about what they
(22) should do after they graduate, would they come to me?

(23) Q: Yes.

(24) A: Sure, occasionally.

(25) Q: Did you help -- did you help members of the

(1) Q: Well, Copy Editors.

(2) A: 25, give or take. There were two part-time.

(3) Q: Full-time/part-time?

(4) A: Of 25 Copy Editors, two were part-time.

(5) Q: Okay. That were in the same category as you?

(6) A: I was one of them, yes.

(7) Q: Okay.

(8) A: One other besides me.

(9) Q: Okay. With regard to the -- well, are you
(10) familiar with the history of the University News?

(11) A: Reasonably.

(12) Q: Can you please describe it for me?

(13) A: It was founded in 1928 by Claude Heithaus, a
(14) Jesuit, and for the first 30, 40 years, it was a
(15) little tabloid, black and white weekly, by "tabloid",
(16) open like a book. Somewhere around 1960s or so, now
(17) I'm guessing, Heithaus died, I don't think he was
(18) active even before that, and they decided to have
(19) editors appointed semesterly instead of annually.
(20) That obtained until the early seventies, I don't know
(21) why the change was made, and in the early seventies I
(22) came along, and the paper has been changed from a
(23) tabloid to a full broad sheet and eventually to full
(24) color and eventually fully computerized, very
(25) gradually over the past 25, 30 years.

[1] Q: Do you keep a journal, personal journal?
[2] A: No.
[3] Q: Do you keep a calendar?
[4] A: I throw it away at the end of the year. But
[5] my pad on my desk, appointments, that sort of thing,
[6] that's what you mean?
[7] Q: Sure.
[8] A: No, I don't -- I do, but I throw it away.
[9] Q: Do you keep -- do you keep notes of meetings?
[10] A: No.
[11] Q: Do you keep copies of things that were done
[12] in connection to your duties and responsibilities with
[13] regard to the University News, your files?
[14] A: There wouldn't be anything to keep. I don't
[15] write that stuff down.
[16] Q: Do you keep notes when you attend meetings?
[17] A: I try not to.
[18] Q: Do you sometimes?
[19] A: Sometimes I'm forced to because we have to
[20] take notes per, one per person, during the year, and I
[21] take notes and write up meetings for the department
[22] and that sort of thing, but I don't keep them, I pitch
[23] them.
[24] Q: Do you attend meetings of the staff of the
[25] University News?

[1] A: That's almost impossible to answer. This has
[2] been going on for months, and the U. News Alumni
[3] probably spans 30 years, take that times 10 students
[4] per year, and a dozen or so students in classes whom
[5] I'm relatively close, you are talking about six or
[6] seven hundred kids, and I can't even begin to imagine
[7] I'd be able to remember all those kids and all those
[8] names.
[9] Q: Well, what I'm talking about is the telephone
[10] conversations that you would have had over the last,
[11] let's say six or seven months, since this lawsuit has
[12] been pending.
[13] A: Well, since I get five or six phone calls
[14] almost every afternoon, times five or six weeks, four
[15] or five weeks per month for six or seven months,
[16] again, that would be almost impossible to recall, and
[17] I'm not begging the question, I just don't think it
[18] would be possible to do it.
[19] Q: Do you remember who called you last week?
[20] A: Probably.
[21] Q: Okay. And who would that be?
[22] A: Phil Lyons.
[23] Q: And who is Phil Lyons?
[24] A: He is an ex-academic Vice President, he
[25] wanted to see how things were going.

[1] A: Hardly ever, unless they ask.
[2] Q: When you attend those meetings, would you
[3] take notes?
[4] A: No.
[5] Q: Would notes be circulated after the meeting
[6] as to the content?
[7] A: Not to me, not to me.
[8] Q: So, you wouldn't review them for content and
[9] accuracy?
[10] A: I was, rarely. I cannot remember the last
[11] time they asked me to sit in on a U. News meeting
[12] where they went through the upcoming stories or
[13] reviewed the other stories. If they want me to be
[14] there, I'll be there, but it hardly ever happens,
[15] hardly ever.
[16] Q: With regard to the circumstances underlying
[17] this case, have you had telephone conversations with
[18] people in that regard?
[19] A: Some.
[20] Q: And have you also had face-to-face meetings
[21] with people in that regard?
[22] A: Some, some.
[23] Q: And can you tell me, to the best that you can
[24] recollect, who some of the people you would have had
[25] telephone conversations with?

[1] Q: Did he ask about the circumstances underlying
[2] this case?
[3] A: No. His question was, almost exact, "how are
[4] things going?"
[5] Q: Okay. Anyone else that would have asked you
[6] about, or that you would have talked to about --
[7] A: In the last couple weeks?
[8] Q: Yes.
[9] A: My brother, both my brothers, as a matter of
[10] fact.
[11] Q: All right. Anyone else?
[12] A: My wife's retired nun aunt in New York.
[13] Q: How about any former students that worked on
[14] the University News?
[15] A: Not recently. School has been out for almost
[16] a year -- excuse me -- for a month, so, they sort of
[17] take off and know that we're not there during the
[18] summer.
[19] Q: How about in -- how about two months ago?
[20] A: It would be unfair to answer that because I
[21] might be inaccurate. I might mention someone's name
[22] who hadn't called.
[23] Q: Who would not have called?
[24] A: Yes.
[25] Q: Do you recall who you would have discussed

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(1) the circumstances underlying this case with whether
(2) it was two months ago or four months ago?
(3) A: Generally, and Brian and I have talked about
(4) this very briefly, I've tried to keep a low profile on
(5) this and I tell them facts, not opinions, that I
(6) Q: Okay.
(7) A: Should I answer this?
(8) Q: Yes.
(9) A: I registered the name, I deregistered the
(10) name, I got sued, and that's where we are.
(11) Q: Okay. And who, if you can recall the names
(12) of some people who you had these conversations with?
(13) A: Some have been University News Alumni.
(14) Q: And their names would be?
(15) A: Cathy Wallace, who is Dean of Arts and
(16) Science at Ohio State in Columbus, her husband, who is
(17) a State's Attorney for the State of Ohio, Tom Dillon,
(18) they both called to check. Mary Shillet, who works
(19) for Philadelphia Inquirer, and her husband, who is a
(20) colleague who teaches at Villanova, I think.
(21) Q: Okay.
(22) A: And I have heard from him in the last couple
(23) months. I can't think of anybody else who's called
(24) recently.
(25) Q: Have you had any conversations as it relates

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(1) to the circumstances underlying this case with anyone
(2) where you would have kept notes?
(3) A: No.
(4) Q: Have you searched your files for any notes
(5) that you might have relating to this case?
(6) A: No.
(7) Q: I would ask you to do that because we did
(8) have a document request for this, and would ask you to
(9) do that. We'll cover that in a little bit here.
(10) A: Okay.
(11) Q: With regard to the University News, what is
(12) the audience that it is directed to?
(13) A: Ideally, the students. Generally, more the
(14) under-grads than the grad students, Med School, Law
(15) School, that sort of thing, because those guys are
(16) busier, but it's generally the 5500 or so students
(17) that make up the Arts and Science, Liberal Arts in the
(18) north campus, generally.
(19) Q: And can you tell me, how is the newspaper
(20) distributed?
(21) A: They drop it off in bundles that vary from 50
(22) to 100 at about, this is a business thing again, I'm
(23) guessing a dozen sites or more scattered along north
(24) campus and south campus.
(25) Q: Are there any bundles dropped off, off

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(1) campus?
(2) A: I think, again, this is the business side, I
(3) think they may take some to a few restaurants nearby,
(4) but again, that's the business. I'm not real certain
(5) about this.
(6) Q: Do you know whether the publication is mailed
(7) to alumni?
(8) A: Yes.
(9) Q: Do they pay for a subscription?
(10) A: Most of them.
(11) Q: Do you know whether there is any other
(12) similar type papers serving this audience for --
(13) A: I do not.
(14) Q: Tell me, during your time period at the
(15) University News, has it received any awards?
(16) A: Yes.
(17) Q: And what kind of awards would that be?
(18) A: There is two sources, one is called the
(19) Missouri Collegiate, it used to be called Newspaper
(20) Association, now I think it's the Media Association,
(21) and the second group is the Associated Press College,
(22) that's APC, we are nominated for the latter by someone
(23) who is in APC and we enter --
(24) Q: What does APC mean?
(25) A: Associated Press College. It's not

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(1) Associated Press, per se. And we've won awards from
(2) them. And we have also won awards regularly from the
(3) Missouri Collegiate Newspaper Association.
(4) Q: And what types of awards would these be?
(5) A: Usually writing for editorials, or writing
(6) for support, or writing for features, other standard
(7) things.
(8) Q: And how many collegiate newspapers would they
(9) be competing against?
(10) A: Well, Missouri alone, there is almost 45, I
(11) think. I'm close, 45.
(12) Q: And in the other category, is that throughout
(13) the country?
(14) A: Then you're getting into something like the
(15) thousands.
(16) Q: And is this, is it typical for the University
(17) News to win awards every year?
(18) A: The level varies. Some year we do first
(19) place a lot, some times we get more seconds and
(20) thirds, but we always get something.
(21) Q: And so, there is -- generally the newspaper
(22) is recognized for, and the students are recognized for
(23) their work?
(24) A: Correct.
(25) Q: And would you say that the University News

[1] has a favorable reputation within the State of
[2] Missouri?
[3] A: That may be a stretch. Among college papers
[4] and college students working on papers in the St.
[5] Louis area, we probably would be closer.
[6] Q: Okay.
[7] A: We're not really a State paper.
[8] Q: Okay. So, it would be within the Greater St.
[9] Louis Metropolitan Area?
[10] A: Generally, yes.
[11] Q: Would you say that the success of the
[12] University News has grown from the, let's say the
[13] thirties, the forties, from what it was then, to --
[14] from maybe the eighties to nineties, that it has
[15] become more successful?
[16] A: How do you define success?
[17] Q: More awards.
[18] A: In that case, I'd say yes.
[19] Q: The quality of the paper?
[20] A: Yes, generally, yes.
[21] Q: Is more of a professional paper?
[22] A: Yes.
[23] (Plaintiff's Exhibit No. 3
[24] Marked for identification)
[25] Q: (By Mr. Janoski) I want to hand you what's

[1] because we were out of the country.
[2] Q: Okay. And the address on the face of the
[3] letter is your home address, is that correct?
[4] A: Correct.
[5] Q: And if you'll look at the bottom of the first
[6] page, it requested, the letter requested a response by
[7] June 29th, 2007, do you see that?
[8] A: Uh-huh.
[9] Q: Do you know whether you responded to this
[10] letter by that date?
[11] A: I could not.
[12] Q: And why is that?
[13] A: Well, Chelsea signed for this that day, and I
[14] don't remember how long it was before I even knew
[15] about this, but we were in London for two months.
[16] Q: Okay.
[17] (Plaintiff's Exhibit No. 4
[18] Marked for identification)
[19] Q: (By Mr. Janoski) I want to hand you what's
[20] been marked as Exhibit 4.
[21] A: Okay.
[22] Q: Plaintiff's Exhibit 4, and ask whether you
[23] can identify this document.
[24] A: It looks familiar.
[25] Q: This is a letter, one-page document, letter

[1] been marked as Plaintiff's Exhibit 3 and ask you to
[2] review that.
[3] A: Okay. Okay.
[4] Q: Are you familiar with this document?
[5] A: It looks familiar.
[6] Q: Okay. And this is a letter that I sent to
[7] you dated June the 22nd, 2007, is that correct?
[8] A: You sent it to my house, yes.
[9] Q: Correct. And that's the first two pages, and
[10] then the third page is a copy of the certified
[11] receipt; is that correct?
[12] A: Correct.
[13] Q: You'll see on the lower right-hand side of
[14] the third page, there is a signature. Are you
[15] familiar with that signature?
[16] A: It's my daughter.
[17] Q: Okay. And your daughter's name is?
[18] A: Chelsea.
[19] Q: Her last name?
[20] A: Deiters.
[21] Q: Does she live with you?
[22] A: No.
[23] Q: She just happened to be there at the time or
[24] --
[25] A: Our mail was being transferred to her house

[1] dated August 16th, 2007; is that correct?
[2] A: I think -- yes.
[3] Q: And that is your home address; is that
[4] correct?
[5] A: Correct.
[6] Q: And you recall having seen this document?
[7] A: This one I saw.
[8] (Plaintiff's Exhibit No. 5
[9] Marked for identification)
[10] Q: (By Mr. Janoski) I want to hand you what's
[11] been marked as Plaintiff's Deposition Exhibit 5 and
[12] ask you to please review those documents.
[13] A: This looks familiar as well.
[14] Q: Okay. And how are you familiar with these
[15] documents?
[16] A: The letter on August 16th I remember
[17] receiving, and on August 21 I remember deregistering
[18] the name, as requested.
[19] Q: Okay. And you'll see that there is a
[20] "received" stamp on the front of the first page of the
[21] document. This document is a five-page document; is
[22] that correct?
[23] A: Correct. Five pages.
[24] Q: And do you recall sending these documents to
[25] me?

(1) A: I must have. No one else would have, yes.
 (2) Q: With regard to the response to the August
 (3) 16th, 2007 letter, identified as Plaintiff's Exhibit
 (4) 4, do you recall whether you responded in any other
 (5) way to that letter? Did you send a letter back to
 (6) anybody?
 (7) A: I don't remember if I did or not. I might
 (8) have called, but I don't remember.
 (9) Q: You might have called who?
 (10) A: Probably Brian, but I'm not sure it was that
 (11) early. I'm not sure if it was that early or not.
 (12) Q: Now, with regard to the first page of the
 (13) document, the exhibit, Exhibit 5, can you tell me why
 (14) you wrote this letter on University News letterhead?
 (15) A: It's what I had at hand when I did it.
 (16) Q: And you did it where?
 (17) A: Probably at home, but I'm not sure about
 (18) that, either. This would have been before school
 (19) actually began. I might have been at home when I did
 (20) this.
 (21) Q: And was that the only reason that you used
 (22) University letterhead?
 (23) A: It's what I had available, what I had
 (24) available.
 (25) Q: You didn't have any personal paper available?

(1) Q: Do you have the statement for this credit
 (2) card?
 (3) A: I'm sure somewhere it would be there.
 (4) Q: Have you searched for the statement for this
 (5) credit card?
 (6) A: No.
 (7) Q: Do you recall how the initial fee was paid to
 (8) set up the corporation?
 (9) A: I think I paid \$20 in cash down at the
 (10) Secretary of State's office.
 (11) Q: Do you recall -- the Secretary of State's
 (12) office where?
 (13) A: At the Old Post Office down the street here
 (14) on Washington.
 (15) Q: Do you know whether you delivered this
 (16) document, which is the first page of Exhibit 5, also
 (17) to the Secretary of State's office at the Old Post
 (18) Office here in downtown St. Louis?
 (19) A: I didn't come down to do that. I must have
 (20) mailed it to them.
 (21) Q: If you'll turn to the second page of this
 (22) document, Exhibit 5, this is a Certificate of
 (23) Incorporation, do you see that?
 (24) A: Uh-huh.
 (25) Q: Can you tell me why you registered the

(1) A: Apparently not, or I wouldn't have used this.
 (2) There is a pile of paper near the computer. It's
 (3) probably what I used to crank out.
 (4) Q: Now, with regard to this particular document,
 (5) do you recall whether you mailed it to the Secretary
 (6) of State?
 (7) A: I don't remember that. This has, again, been
 (8) almost a year ago. I remember mailing it to you to
 (9) try to comply with the three business days in receipt
 (10) and I must have mailed a copy to her as well,
 (11) Carnahan, because they have a record of this,
 (12) obviously.
 (13) Q: Now, can you tell me why, on this document,
 (14) you put the contact address as one at St. Louis
 (15) University?
 (16) A: Because that's where I work.
 (17) Q: And so, that would have been the address that
 (18) you would have used?
 (19) A: I would have.
 (20) Q: And you will notice farther down on the left
 (21) hand side, that the fee was apparently paid by a
 (22) credit card?
 (23) A: Correct.
 (24) Q: Was that a personal credit card of yours?
 (25) A: It was.

(1) corporation as a nonprofit corporation?
 (2) A: To make sure that it didn't look like we were
 (3) trying to make money off the paper, because we
 (4) weren't.
 (5) Q: And why was that important?
 (6) A: I beg your pardon?
 (7) Q: Why was that important, to not make money off
 (8) the paper?
 (9) A: Because it was a fairly innocent
 (10) registration.
 (11) Q: What do you mean by "innocent registration"?
 (12) A: It was trying to save the name for the
 (13) students' use, not to make any profit at all, to save
 (14) the name for the students in case they needed it.
 (15) Q: And why would the students need it?
 (16) A: There was rewriting of the charter going on
 (17) by the administration and the students were concerned
 (18) that it would be so rigid that they weren't sure they
 (19) would be able to survive. They didn't know if they'd
 (20) be able to do the paper or not the way they wanted to
 (21) do it. And there was talk about going online, and so,
 (22) I decided to register the name so we could save the
 (23) name because it belonged to the students, I thought.
 (24) Q: What made you think that the name of the
 (25) newspaper belonged to the students?

(1) A: Because it's been a student newspaper for 81
(2) years.
(3) Q: But it has the name "St. Louis University" in
(4) the name; is that correct?
(5) A: As a sub-head, yes.
(6) Q: Okay. And you understand that, from your
(7) days I'm sure at Procter & Gamble, the value of names
(8) of institutions and of trademark rights, is that
(9) correct?
(10) MR. GILL: Objection, calls for a legal
(11) conclusion.
(12) MR. JANOSKI: I'm just asking him what he
(13) understands.
(14) A: I don't remember trademark discussions with P
(15) & G of any sort.
(16) Q: (By Mr. Janoski) Okay. But you're familiar
(17) with trademarks, is that correct?
(18) A: This was a non-profit. There was no plan to
(19) make money off this name.
(20) Q: I understand that, but you understand, also,
(21) that St. Louis University has intellectual property
(22) rights in its name?
(23) A: Apparently.
(24) Q: Well, that was your understanding -- I mean,
(25) as a Professor, you understood that, isn't that true?

(1) A: I asked one of the big shots at St. Louis U.
(2) A question one day and he didn't have an answer. I
(3) said "if Humphries puts a big sign in their window
(4) that says -- it's a bar near St. Louis U, it's very
(5) popular -- "serving St. Louis University students for
(6) more than 20 years", would that be violating
(7) intellectual property?
(8) Q: Uh-huh.
(9) A: Would it?
(10) Q: Which big shot did you ask?
(11) A: Joe Wexman.
(12) Q: Okay. And what was his answer?
(13) A: He just laughed.
(14) Q: Okay. And so, it was on that basis that you
(15) thought it was okay to take this name and go ahead and
(16) incorporate it?
(17) A: I didn't think much about that at the time I
(18) did it, because I was trying to do the right thing by
(19) the students, and that's why it was a nonprofit,
(20) because there was no plan to make money, make a profit
(21) on this at all.
(22) Q: Okay. But you understood, I mean, you've
(23) been a University -- you've been at the University for
(24) over 20 years, correct?
(25) A: 30.

(1) Q: 30 years, I'm sorry, over 30 years. And that
(2) the St. Louis University name is protected by the
(3) University?
(4) A: More so than I thought, yes.
(5) Q: Now, the third page of this document, can you
(6) tell me whose handwriting that is?
(7) A: That's mine.
(8) Q: And is that your signature?
(9) A: It is.
(10) Q: And I noticed on this page, in the line that
(11) has the No. 2 in parentheses, it says, it has the date
(12) of August 20th, 2007?
(13) A: That's what I see as well.
(14) Q: And it says "on August 20th, 2007, the
(15) corporation filed Articles of Dissolution with the
(16) Secretary of State". Do you see that?
(17) A: Yes.
(18) Q: Does that refresh your memory as to whether
(19) you would have hand-delivered or had this document
(20) hand-delivered to the Secretary of State here in St.
(21) Louis?
(22) A: I don't think I did. I think, again, I don't
(23) remember coming back downtown to do this. I think I
(24) mailed this to them. It's been almost a year, but I
(25) think I mailed it to them.

(1) Q: And then across from your signature there is
(2) a title, and it says "Org. Agent", do you see that?
(3) A: Yes.
(4) Q: And can you tell me what you meant by that?
(5) A: The woman in Jefferson City with whom I
(6) spoke, and I have no idea whose name it is, says that
(7) she needs to know what agent represents this
(8) organization, and so, I said "I put what?" And she
(9) said "put organization agent", so I said "okay".
(10) Q: Where did you get these forms from?
(11) A: I think they mailed them to me. They might
(12) have faxed them to me, but again, I'm not sure. It's
(13) been a while.
(14) Q: Now, I don't see on any of these documents
(15) here, and there are three pages, and it looks like
(16) it's a form and it's a corporate form on Page 3 of
(17) Exhibit 5, Corporate Form 60-A, and then on Page 4
(18) it's Corporate Form 45, and I guess it's a two-page
(19) form, because it's on the next two pages, 4 and 5, but
(20) I don't see any fax header on this.
(21) A: It's possible they mailed them to me.
(22) Q: And you say that it was the receipt of the
(23) August 16th, 2007, letter that initiated taking this
(24) action, is that correct?
(25) A: Yes, I was trying to comply.

(1) Q: And with regard, again, to the bottom of Page
(2) 3 of Exhibit 5, there is an address, and is that your
(3) address at St. Louis University?

(4) A: It is.

(5) Q: Okay. And that is also true on the bottom of
(6) Page 4 --

(7) A: Correct.

(8) Q: -- of this Exhibit 5. Now, I noticed on Page
(9) 4 of Exhibit 5, these documents that you had sent to
(10) me, again on Line 2, with the 2 in parentheses, it
(11) says "dissolution was authorized on August 21st,
(12) 2007".

(13) A: Uh-huh.

(14) Q: Did you see that?

(15) A: Yes.

(16) Q: Okay. And so --

(17) MR. GILL: Excuse me.

(18) MR. JANOSKI: Asks --

(19) MR. GILL: I'm sorry. Go ahead, I'm
(20) sorry.

(21) Q: (By Mr. Janoski) It says it was approved by
(22) sufficient vote of the board. Was there a board for
(23) the University News?

(24) A: No.

(25) Q: This corporation?

(1) certain. That's been, again, almost a year ago.

(2) Q: Did you talk to anyone at Jefferson City with
(3) regard to the organization, initial organization, of
(4) the corporation?

(5) A: No, I talked to the woman here in the Old
(6) Post Office about that.

(7) Q: Did you receive any other instructions from
(8) anyone at Jefferson City with regard to the
(9) dissolution of the corporation?

(10) A: Nothing other than I requested about the
(11) forms and how to do it.

(12) Q: And did you explain to them what you were
(13) trying to do?

(14) A: No, not in any detail. I didn't think they
(15) would be concerned.

(16) Q: What did you tell them that you wanted to do?

(17) A: I needed a form to deregister a name that I
(18) had registered a couple, three months earlier,
(19) whatever, and they sent it to me, I'm assuming by
(20) mail, since there is no fax on it, because it's been a
(21) while.

(22) (Plaintiff's Exhibit No. 6

(23) Marked for identification)

(24) Q: (By Mr. Janoski) Prior to registering this
(25) corporation, had you ever registered an entity with

(1) A: No.

(2) Q: There wasn't any vote taken?

(3) A: No, there was no one to vote. I did this
(4) largely by myself.

(5) Q: Did you do it exclusively by yourself?

(6) A: Yes.

(7) Q: Was Ms. Benanti involved in this at all?

(8) A: She knew about it after the fact.

(9) Q: After the fact of the dissolution?

(10) A: No, after the fact it had been registered.

(11) Q: Okay. And then on the last page of this
(12) document, is that your signature?

(13) A: It is.

(14) Q: And is that still your handwriting as to the
(15) date above it?

(16) A: It is.

(17) Q: And again, the same understanding with regard
(18) to the title, "Org. Agent" that you testified
(19) earlier?

(20) A: As instructed by Jefferson City, that's what
(21) I did.

(22) Q: How many times did you speak to the -- to a
(23) person in Jefferson City with regard to the
(24) dissolution of the corporation?

(25) A: I'm guessing once or twice, but I'm not

(1) any Secretary of State before?

(2) A: No.

(3) Q: I want to hand you what's been marked as
(4) Plaintiff's Exhibit 6, and ask you whether you
(5) recognize that document.

(6) A: It looks familiar.

(7) Q: Okay. Do you recall receiving it sometime
(8) after August 30th, 2007?

(9) A: I must have, so, that's the date on top.

(10) Q: And this is a letter from me to you and that
(11) is your home address, is that correct?

(12) A: Correct.

(13) Q: In the second paragraph of the letter it
(14) requests a statement by you that the phrase "the
(15) University News, the student voice serving St. Louis
(16) University since 1921", was not used by you in any
(17) manner other than registration of the nonprofit
(18) corporation. Do you see that?

(19) A: Yes.

(20) Q: Can you tell me why you never provided that
(21) statement?

(22) A: I thought I did. I thought I did, seriously.

(23) Q: And in what form did you think that you had
(24) provided that?

(25) A: A simple piece of paper saying exactly that,

[1] and I mailed it to you. I thought I did.
[2] Q: I can tell you we never received it.
[3] A: I'm sorry. I thought I did.
[4] (Plaintiff's Exhibit No. 7
[5] Marked for identification)
[6] Q: (By Mr. Janoski) Okay. I want to hand you
[7] what's been marked as Plaintiff's Exhibit 7 and ask
[8] you to please review that.
[9] A: The date on this would be located where?
[10] Q: The date of the document you will find on, it
[11] should be on Page 15. At the top, top left.
[12] A: October 11th, okay.
[13] Q: Right.
[14] A: This looks familiar.
[15] Q: Okay. This is the Complaint that was filed
[16] in this case, Exhibit 7, along with its attachments,
[17] which you'll find after Page 15.
[18] A: Uh-huh.
[19] Q: Does that refresh your recollection?
[20] A: No, I remember this document. This document
[21] looks familiar.
[22] Q: Okay.
[23] A: Part of it that's in Document 5 is included,
[24] correct.
[25] Q: Yes, yes, sir. Did you tell anyone at St.

[1] Q: And why would you think that they might want
[2] to continue under that name?
[3] A: I didn't know for certain. I wanted to give
[4] them that opportunity, that chance, if that's what
[5] they decided. They might not.
[6] Q: I want to direct your attention to Exhibit A
[7] of the Complaint, which is Exhibit 7. You'll see it
[8] it's after Page 15.
[9] A: Yes.
[10] Q: Do you see that there?
[11] A: Yes.
[12] Q: And it's a one-page document, is that --
[13] A: Correct.
[14] Q: No, it's a two-page document.
[15] A: A has got a signature on the second page.
[16] Q: Now, on the second page, is that your
[17] signature?
[18] A: It is.
[19] Q: And did you fill out this document?
[20] A: I did.
[21] Q: And you will notice at the top it says "to be
[22] submitted with the filing fee of \$25", do you see
[23] that?
[24] A: Yes.
[25] Q: And you will see that the filing date on this

[1] Louis University that you were going to -- that you
[2] were going to form a corporation entitled "The
[3] University News, a student voice serving St. Louis
[4] University since 1921"?
[5] A: No.
[6] Q: And was there any reason why you didn't tell
[7] anyone at St. Louis University that?
[8] A: Because that wasn't the intent.
[9] Q: I don't understand you.
[10] A: The intent was to save the name in the event
[11] that the students decided they would not be able to
[12] publish the paper and would have to go on line or do
[13] something else.
[14] Q: And so, if the students were going to have
[15] to, let's say go off-campus, it was your intent that
[16] the newspaper would -- whatever publication that they
[17] came up with would be under that particular name?
[18] A: If that's what they wanted. It was up to
[19] them.
[20] Q: Had you had any discussions with any students
[21] in that regard?
[22] A: No.
[23] Q: Had you had any discussions with Ms. Benanti?
[24] A: No, not until after the fact, after
[25] registration.

[1] is March 16th, 2007, in the upper right hand corner?
[2] A: Yes.
[3] Q: Okay. And can you tell me who filled this
[4] document out?
[5] A: I must have.
[6] Q: Do you recall doing it?
[7] A: Vaguely. Because the fee was \$25, not 20,
[8] and I was remembering 20.
[9] Q: And do you recall how you paid?
[10] A: I'm sure I paid cash.
[11] Q: And would you have received a receipt for
[12] this?
[13] A: Not that I remember. I thought the document
[14] itself was probably a sufficient receipt.
[15] Q: Okay. And did anyone assist you in filling
[16] this form out?
[17] A: The woman behind the counter at the office.
[18] They did an archive search.
[19] Q: At the Secretary of State's office?
[20] A: Yes.
[21] Q: Now, you say they did an archive search?
[22] A: They did.
[23] Q: And what did they search for?
[24] A: For the name "University News" and for the
[25] name "University News, a student voice serving St.