

[1] Louis U., to see if anything had ever been registered
 [2] that way before, because if it had been, I wouldn't
 [3] have done it.
 [4] Q: And that would have been a corporate name, is
 [5] that correct?
 [6] A: I have no idea. I just did it. They said
 [7] they would do a corporate search.
 [8] Q: And you were in there to register a
 [9] corporation, correct?
 [10] A: I didn't think of it like that. I was there
 [11] to register the name.
 [12] Q: But you formed a corporation; is that
 [13] correct?
 [14] A: Because they said that's what would be
 [15] necessary to do.
 [16] Q: Okay. And the title of this document is
 [17] articles -- excuse me -- "Articles of Incorporation of
 [18] a nonprofit corporation"; is that correct?
 [19] A: Correct.
 [20] Q: Okay. And you saw that when you filled this
 [21] out, correct?
 [22] A: I'm sure.
 [23] Q: Okay. And it says on Line 1, "the name of
 [24] the corporation is"; is that correct?
 [25] A: Correct.

[1] Q: Can you tell me why you did that?
 [2] A: I have no idea. Whatever occurred to me, I
 [3] wrote down that day. I have two addresses, I used one
 [4] once, I used one another time. There was no ulterior
 [5] motive.
 [6] Q: Okay. And this was done in March of 2007,
 [7] correct?
 [8] A: According to the date, yes.
 [9] Q: And that was during the school year, correct?
 [10] A: Spring break.
 [11] Q: Okay. And any correspondence then, if it
 [12] would have been sent, would have been sent to your
 [13] office, correct? If you would have put your office
 [14] address on the bottom here, it would have been sent to
 [15] your office, is that right?
 [16] A: I suppose so.
 [17] Q: And so, this way it was going to be sent to
 [18] your home address; is that right?
 [19] A: Presumably.
 [20] MR. JANOSKI: Okay. Let's take a break,
 [21] Change the tape.
 [22] THE VIDEOGRAPHER: This is the end of Tape
 [23] 2. Off the record at 3:52.
 [24] (Recess)
 [25] THE VIDEOGRAPHER: On the record with Tape

[1] Q: And then you filled that out?
 [2] A: Correct.
 [3] Q: So, you were forming a corporation, is that
 [4] right?
 [5] A: That's the only way I could register it
 [6] according to the woman behind the counter.
 [7] Q: Right. And it says on Line 2 that "this
 [8] corporation is a mutual benefit corporation", is that
 [9] correct?
 [10] A: Correct.
 [11] THE VIDEOGRAPHER: Excuse me, counsel,
 [12] less than five minutes on the tape.
 [13] Q: (By Mr. Janoski) And I noticed here that
 [14] you, when you filled this out in Line 4, you used your
 [15] home address; is that correct?
 [16] A: Correct.
 [17] Q: You didn't use the University's address?
 [18] A: No.
 [19] Q: Okay. And down on the bottom, when it said
 [20] "name and address to return file documents", you used
 [21] your home address, is that correct?
 [22] A: Correct.
 [23] Q: And that's not the University address, is
 [24] that right?
 [25] A: Correct.

[1] 3 at 4:11. Please continue.
 [2] Q: (By Mr. Janoski) Dr. Meyer, you understand
 [3] that you're still under oath?
 [4] A: I understand.
 [5] Q: When you were at the Secretary of State's
 [6] office, did anyone explain to you the registration of
 [7] a fictitious name process?
 [8] A: Not that I remember. This was a fairly short
 [9] process. Not that I remember.
 [10] Q: You mean it was a fairly short conversation?
 [11] A: Yes, And a fairly short process. I filled
 [12] the blanks in according to what they told me.
 [13] Q: Okay. And with regard to Paragraph 7,
 [14] Paragraph 7, I just want to make sure that I have this
 [15] right, "the assets of the corporation will be
 [16] distributed on dissolution as follows:
 [17] Self-perpetuating assets serve each year staff members
 [18] or to a --
 [19] A: Charitable.
 [20] Q: -- charitable organization"?
 [21] A: Yes.
 [22] Q: Is that correct? And then in Paragraph 8, it
 [23] says "the corporation is formed for the following
 [24] purposes"; it says "publication of a weekly
 [25] newspaper", is that correct?

EXHIBIT

A 1

(1) A: Correct.
(2) Q: And that was the intent was that the name
would be for a weekly newspaper?
(4) A: If that's what the students decided, yes.
(5) Q: Were there any officers to this corporation?
(6) A: No.
(7) Q: No?
(8) A: Just me.
(9) Q: Did they tell you at the Secretary of State's
(10) office that you needed officers for the corporation?
(11) A: I don't remember them saying that. They
(12) filled in almost everything else for me, but I don't
(13) remember that.
(14) Q: And you filled out this form, correct?
(15) A: I did.
(16) Q: And it's your testimony that no one else
(17) besides yourself was involved in this?
(18) A: No one else was there, no one knew about it.
(19) I told Diana Benanti about it after the fact.
(20) Q: And on the second page of this document,
(21) Exhibit A, that's your signature, correct?
(22) A: It is.
(23) Q: With regard to a response to Exhibit 4 --
(24) with regard to Exhibit 6, I'm sorry.
(25) A: Okay.

(1) after you -- within 90 days --
(2) A: Probably.
(3) Q: -- of August 30th, 2007?
(4) A: As a general rule, yes.
(5) Q: And just so I'm clear, you were not aware
(6) that you were supposed to maintain copies of all
(7) records after you received service of the lawsuit, is
(8) that correct?
(9) A: All record concerning --
(10) Q: All records concerning this litigation.
(11) A: You mean anyone that writes me about this in
(12) any way, shape or form?
(13) Q: Any correspondence that you have with regard
(14) to this litigation.
(15) A: I wasn't aware of that.
(16) Q: With regard to the letters that I had sent
(17) you and that is, for example, Exhibit 3, Exhibit 4,
(18) Exhibit 2, can you tell me whether those documents
(19) were shared with anyone?
(20) A: There is a time line that is important, if
(21) you'd like to hear it.
(22) Q: Well, first, though, I'd like to know whether
(23) you shared these documents.
(24) A: I don't think anybody read the original
(25) documents except my daughter, and she didn't read the

(1) Q: With regard to Exhibit 6, the second
(2) paragraph where you indicated that you thought you had
(3) sent me a response?
(4) A: I did think I had sent that.
(5) Q: Okay. Do you -- how would you have done
(6) that?
(7) A: By mail.
(8) Q: Okay. And would you have drafted a letter on
(9) your computer?
(10) A: Probably.
(11) Q: Okay. Your computer at home or at the
(12) office?
(13) A: It depends on where I am when I'm doing it.
(14) Q: Okay. And do you recall where you were when
(15) you were thinking about doing that response?
(16) A: No, I would think probably at home. No,
(17) maybe not. School has begun by this time. It's hard
(18) to say, but I really thought I had sent this and I'd
(19) be very glad to stipulate.
(20) Q: Well, I understand that, but do you know
(21) whether that would have been kept on your computer if
you would have drafted a letter?
(23) A: I don't know that, either. Usually I clear
(24) them off after 90 days.
(25) Q: Okay. So, you would have cleared that off

(1) entire document, and that was about a week after a
(2) date that would have been set as a deadline by you. I
(3) found out about this in England probably a week after
(4) she signed for it.
(5) Q: Okay.
(6) A: So, I could not possibly have responded to
(7) it.
(8) Q: But to answer the question I was going to ask
(9) --
(10) A: She saw it. I think, outside of her and my
(11) wife, I don't think anybody else has actually seen the
(12) document itself.
(13) Q: Okay. Have you forwarded copies of these
(14) documents to anyone else?
(15) A: I think someone said they went on line and
(16) got a copy, somebody with probably the Chronicle of
(17) Higher Education. I didn't send it but they got a
(18) copy on line of this lawsuit.
(19) Q: Of the lawsuit, I understand.
(20) A: Yes.
(21) Q: What I'm talking now are these Exhibits 2, 3
(22) and 4, which are letters that I sent to you, whether
(23) you had shared these with anyone.
(24) A: It's possible I have, but I just don't
(25) remember, because there have been very few people.

(1) Again, this has been almost a year ago.
 (2) Q: Do you recall talking to anyone -- I assume
 (3) that at some point you spoke to your lawyers?
 (4) A: Uh-huh.
 (5) Q: And you engaged those lawyers.
 (6) A: Uh-huh.
 (7) Q: -- represent you in the litigation?
 (8) A: (Witness nods)
 (9) Q: Did you engage them after the filing of the
 (10) lawsuit?
 (11) A: I don't remember the exact date, but I'm sure
 (12) I did after that.
 (13) Q: Was it about that time that you engaged them?
 (14) A: I believe so. I don't remember the exact
 (15) date, I don't.
 (16) Q: Do you recall seeking any legal advice prior
 (17) to when you received the lawsuit?
 (18) A: I'm not sure I understand what you're asking.
 (19) Legal advice about what?
 (20) Q: About, well, the contents of the letters, the
 (21) content of my letter dated June 22nd, 2007, which is
 (22) Exhibit 3, anytime prior to the filing of the lawsuit,
 (23) or you receiving the Complaint, did you seek any legal
 (24) advice?
 (25) A: I couldn't have because I didn't know this

(1) S-A-L-S-I-C-H, Jr. Pete's dad and I are friends and
 (2) Pete used to be one of my students, and they both
 (3) suggested that I call, I look on line and look up.
 (4) They didn't know anybody to recommend.
 (5) Q: Okay. Did you talk to them about the
 (6) contents of the letter or the situation you had found
 (7) yourself in?
 (8) A: I gave them the bare bones and the dates,
 (9) and, as I remember, at least one, it might have been
 (10) Pete, said that since I had relinquished the name,
 (11) that probably nothing much would come of it, and
 (12) hadn't used it.
 (13) Q: So, then you must have talked to Mr. Salsich
 (14) after you filed your dissolution papers?
 (15) A: Yes, must have.
 (16) Q: Have you spoken with Mr. Salsich or Mr. Hogan
 (17) since that time?
 (18) A: No.
 (19) Q: And I take it that you never engaged
 (20) Mr. Hogan or Mr. Salsich?
 (21) A: No.
 (22) Q: Did you -- you mentioned -- well, strike
 (23) that. Did you speak to anyone at all about your
 (24) forming a corporation under -- under the name "The
 (25) University News, a student voice serving St. Louis

(1) letter existed until I got home.
 (2) Q: I understand that. And the lawsuit wasn't
 (3) filed until October.
 (4) A: I understand.
 (5) Q: But you saw this sometime when you got home,
 (6) and you knew of its contents about a week after June
 (7) 22nd, 2007, is that right?
 (8) A: Yes.
 (9) Q: Okay. And --
 (10) A: I didn't get home till August.
 (11) Q: Okay, I understand that.
 (12) A: Early August.
 (13) Q: And after you got home in early August, did
 (14) you seek any legal advice as it relates to the
 (15) contents of these documents?
 (16) A: I remember talking to two former students,
 (17) who are now lawyers, to ask them if they had any
 (18) suggestions about whom I should contact, and they both
 (19) suggested I go on line and look up stuff, which is how
 (20) I found Brian.
 (21) Q: And do you recall who those two individuals
 (22) were?
 (23) A: I do.
 (24) Q: And who are they?
 (25) A: Tim Hogan, H-O-G-A-N, and Pete Salsich,

(1) University since 2001", before you went down to the
 (2) Secretary of State's office to form that corporation?
 (3) A: Not to the best of my memory. I said nothing
 (4) to anybody about this. I did it.
 (5) Q: And then you'll find that the Exhibit C, I
 (6) believe, is similar, I think the same, perhaps, as the
 (7) document that we marked earlier?
 (8) A: Correct.
 (9) Q: As Exhibit 5?
 (10) A: Correct.
 (11) Q: And then if you'll look at Exhibit D, are you
 (12) familiar with this document?
 (13) A: I am.
 (14) Q: And can you tell me what this document is?
 (15) A: It's an article in St. Louis Magazine, an
 (16) interview that I did in either late March or early
 (17) April, that was published in August of 2007, months
 (18) after the fact.
 (19) Q: Okay. So, this interview, you would have
 (20) done --
 (21) A: Late April, early May.
 (22) Q: Late April, early May?
 (23) A: Yes, somewhere around there, somewhere around
 (24) there.
 (25) Q: Again, do you keep a calendar that would

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(1) refresh your memory as to when you would have --
(2) A: I do not, but I'm sure the reporter could
(3) give you that date. I'm sure they keep track of that
(4) stuff at the magazine.

(5) Q: And the reporter would have been Mr.

(6) A: I don't remember his name.

(7) Q: -- Halverson?

(8) A: I never met him before. Matt something.

(9) Q: Matt Halverson?

(10) A: That must be it, yes.

(11) Q: Now, there is a number of quotations that,
(12) and I take it that you have read this article on more
(13) than one occasion?

(14) A: I have.

(15) Q: Did you find anything inaccurate in this
(16) article?

(17) A: I don't remember anything inaccurate, but I
(18) haven't looked at it in months.

(19) Q: Okay. When you first read it, did you -- did
(20) anything strike you as inaccurate?

(21) A: Don't remember that, no.

(22) Q: Okay. And do you recall going back to the
(23) author of this article and telling him that there was
(24) something inaccurate and that he needed to change it?

(25) A: No, I wouldn't have done that unless it was

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(1) Q: Do you recall whether you made this statement
(2) more than twice?

(3) A: I doubt it.

(4) Q: Why do you say that?

(5) A: Well, it's one thing to say it once, it's
(6) something else to say it again. One time, it's an
(7) offhanded comment. I knew he'd make it the lead
(8) sentence, which he did, it's what I would have done if
(9) I were writing it because it's a pretty outrageous
(10) thing to say. But it's also a pretty outrageous thing
(11) he was doing to the paper.

(12) Q: And what was he doing to the paper, Father
(13) Biondi?

(14) A: Three things, the student editor's tuition
(15) remission, which had been in place for 30-plus years,
(16) one of two full tuition remissions, had been cut
(17) dramatically without warning, so, put the editor in
(18) the hole several thousand dollars, and he avoided, I
(19) don't know about -- "refused" might be too harsh. He
(20) avoided meeting with her about this for months, until
(21) of course she left school and never came back.

(22) Q: And who would that student have been?

(23) A: That would have been Diana Benanti.

(24) Q: Okay.

(25) A: Second, they were in the process of rewriting

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(1) really serious. It could have been something slight.
(2) You just don't do that, you don't call reporters and
(3) tell them it's wrong unless it's pretty serious.

(4) Q: And so, I take it then that you told this
(5) reporter, and it's in Column 1 on the first page of
(6) this article, that "the Reverend Lawrence Biondi had
(7) all the class of a toilet seat"; is that correct?

(8) A: I did say that because he asked me a question
(9) and I responded.

(10) Q: Okay. And what was the question he asked?

(11) A: "How do you think Biondi has been, what has
(12) his reputation been handling students, and faculty and
(13) personnel problems?"

(14) Q: Is this the first time that you had ever made
(15) that statement?

(16) A: I'm pretty sure.

(17) Q: And was it the last time you ever made that
(18) statement?

(19) A: Probably not.

(20) Q: And have you made that statement on more than
(21) two occasions?

(22) A: It's possible that this came up on a radio
(23) interview and I was asked to repeat it, and I probably
(24) did, but I don't remember if that was KTHR, KWMU, I
(25) don't remember.

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(1) the charter then and the threat was that they were
(2) going to take control of the paper away from the
(3) students, and it would ultimately reside then in their
(4) hands, not the students' hands, although we're largely
(5) independent financially from the school, and of course
(6) that also happened. And third, there was a rumor
(7) that, and this was a rumor, that they were going to
(8) kick us out of the building.

(9) Q: Okay. And so, based upon those three
(10) factors, you made this statement?

(11) A: I thought he handled that with the class of a
(12) toilet seat, people and students particularly.

(13) Q: Now, they also say here in this article, this
(14) gentleman, and it's a couple of lines below that
(15) quote, that you were the unofficial advisor of St.
(16) Louis University Student Newspaper, do you see that?

(17) A: Yes.

(18) Q: Do you know where he would have gotten that
(19) impression?

(20) A: The University, by that time, in 2001 or
(21) 2002, they decided to hire an advisor from the
(22) Business School and then, in fact, Pete Salsich from
(23) Law School, they appointed them to be the Advisor
(24) officially of the school paper, so I was the
(25) unofficial advisor, but both Jim Fisher, F-I-S-H-E-R,

(1) in Business and Pete Salsich in Law, I know these
(2) guys, we're colleagues, we get along fine. They
(3) thought it was just pointless, so, they didn't hang
(4) around, so, they left, so, the official advisor, as
(5) appointed, quit twice over a period of three years,
(6) two years each, and I stayed, so, I would have been
(7) the unofficial advisor.

(8) Q: And who, who gave you the title "the
(9) unofficial advisor"?

(10) A: I guess the students.

(11) Q: The students did?

(12) A: (Witness Nods)

(13) Q: Now, is it accurate, and this is in the
(14) second column on that same page --

(15) A: Okay.

(16) Q: -- towards the bottom, it's the next-to-last
(17) paragraph, that says that you paid almost a thousand
(18) dollars --

(19) A: True.

(20) Q: -- for an ad in the St. Louis Post-Dispatch?

(21) A: I did.

(22) Q: Okay. And that's accurate?

(23) A: It is.

(24) Q: With regard to the last column, which is on
(25) the next page, it's about in the middle of the page.

(1) A: Okay.

(2) Q: You talk about there a plan to take the
(3) newspaper, or you call it, offshore.

(4) A: Where is this paragraph again?

(5) Q: It's the last column, the right hand column,
(6) it's about in the middle of the page.

(7) A: Okay.

(8) Q: And there is a plan vaguely in the works to
(9) take -- can you please tell me who was, who was
(10) creating this plan?

(11) A: This sentence says "there is a plan vaguely
(12) in the works, I'm not behind it, but I'm part of it,
(13) trying to raise enough offshore money to enable the
(14) paper to have a secure place to operate from, and
(15) we'll get there on our own accord". That was to try
(16) to find a place to be. We were willing to pay rent so
(17) we could still do the paper, but not have the
(18) University hanging over our head with a free room or
(19) not.

(20) Q: I understand. Now, who was involved in this
(21) besides you?

(22) A: One alumni that I remember suggested we
(23) should do this, to me, and my response was "we can't
(24) afford it".

(25) Q: And who is that alumni?

(1) A: A guy named Tom Downey.

(2) Q: And who is Mr. Downey?

(3) A: He's the head of Boeing International P. R.

(4) And he's in Paris, he was editor about 20 years ago.

(5) Q: Okay. Anyone else?

(6) A: No, that was the sole suggestion, but he's a
(7) he's a fairly important person in McDonnell-Douglas
(8) and Boeing.

(9) Q: And did you share this idea with anyone else?

(10) A: It's in the paper.

(11) Q: It's in the paper. Did you share it with

(12) anyone at The University News?

(13) A: We probably talked about it, but we also knew
(14) it was impractical.

(15) Q: Who would you have talked about it with?

(16) A: The staff.

(17) Q: And who would have been on the staff at that
(18) time?

(19) A: Diana would have been the editor, Katie Lewis
(20) would have been her right-hand man who followed her
(21) and thereby would half a dozen other kids, let me
(22) think whom. Jamie Robinson, that's M-I-E. Ian
(23) Bannon, B-A-N-N-O-N, Adam Tabman, who is the editor
(24) this year, I'm not sure who else would have been
(25) there, but probably half a dozen kids, but it was

(1) impractical because trying to find a place that we
(2) could afford, we'd have to go towards Wash U. Where
(3) the neighborhood is a little safer, because we stayed
(4) in St. Louis U., which is a little less safe, we're
(5) not going to do that and put the kids at risk, so, it
(6) was impractical.

(7) Q: And when did you talk to Mr. Downey about
(8) this, do you recall?

(9) A: He called me.

(10) Q: Okay.

(11) A: And this would have been probably over that
(12) spring break, he called about something, I don't
(13) remember what it was, it wasn't about the paper at
(14) all. He's a former editor, we stay in touch, all
(15) these kids stay in touch with me, and would just talk
(16) about things in general, Boeing and McDonnell-Douglas
(17) had been going through big problems, I was wondering
(18) if it was shaking him up. He called and told me how
(19) he was doing and this came up.

(20) Q: And how did this come up?

(21) A: He asked how the paper was doing, and I said
(22) "actually, they are rewriting the charter", and he
(23) said "again?" Because this was done in 1998-99, and
(24) he's aware of it, after his time.

(25) Q: And did you tell him about the other two

[1] issues that were going on that you had just testified
[2] about?
[3] A: I don't think so. I think just the charter,
[4] just the charter.
[5] Q: And did you tell him that in your opinion,
[6] or that Father Biondi had all the class of a toilet
[7] seat?
[8] A: No, I don't think I would have said that.
[9] Q: Might you have?
[10] A: I doubt it. Tom has his own opinions of
[11] Father Biondi.
[12] Q: Did he share them with you?
[13] A: If I asked him.
[14] Q: But he didn't share them in that --
[15] A: No.
[16] Q: Are there other references that you have made
[17] to Father Biondi besides this one?
[18] A: Probably not. He's accomplished a lot at the
[19] school. He's done great things with the appearance of
[20] the campus. I've been on record as saying this more
[21] than once.
[22] Q: Okay.
[23] A: He has.
[24] Q: Okay. But have you used other references
[25] similar to "the class of a toilet seat"?

[1] Q: You asked. Did you ask --
[2] MR. GILL: Is that a question?
[3] Q: (By Mr. Janoski) Yes. Did you ask?
[4] A: No, he told me.
[5] Q: That they don't?
[6] A: He said they don't send out preview copies.
[7] I didn't ask.
[8] Q: Okay. Have you -- well, in this article you
[9] also reference to Father Biondi as a super-weasel?
[10] A: Yes.
[11] Q: Have you mentioned -- have you identified him
[12] that way?
[13] A: I consider all administrators to be weasels
[14] in training.
[15] Q: Okay. But he's a super-weasel?
[16] A: He is because he's the President, you can
[17] almost say that affectionately, depending on the
[18] context.
[19] Q: In the last column, again, the right-hand
[20] column, the last paragraph of this article, when the
[21] reporter was asking you, let me ask this question, I
[22] take it that the reporter was taking notes when you
[23] guys were having these conversations?
[24] A: He was.
[25] Q: Was he also tape-recording it?

[1] A: Probably not, but that would have been the
[2] lead of the article as well.
[3] Q: Did you ask Mr. Downey, with regard to, or
[4] ask him any advice with regard to the name of the
[5] newspaper?
[6] A: No, that never came up.
[7] Q: You didn't run that idea by him?
[8] A: No. Again, this was a very vague idea. It
[9] just came up. If I hadn't been asked about it, it
[10] probably would have never been in the newspaper, but
[11] I'm sure the reporter asked about it.
[12] Q: Let me ask this; were you given -- I know
[13] sometimes these articles are done through written
[14] questions. Were you given any written questions with
[15] regard to this article?
[16] A: No, we met at some restaurant out in
[17] Brentwood and we talked over two glasses of tea, for
[18] about an hour.
[19] Q: Okay. And did you keep any notes or --
[20] A: No.
[21] Q: -- were you shared any notes?
[22] A: No.
[23] Q: Okay. And did you get to see an advance copy
[24] of this article?
[25] A: They don't do that, he told me.

[1] A: I don't remember. It's possible there was a
[2] small tape recorder on the table, but there was so
[3] much noise in the background, I don't think -- I think
[4] he might have turned it off because we were sitting in
[5] the bar section of a restaurant. I'm not sure about
[6] that.
[7] Q: Okay. It says here, as you are thinking
[8] about getting independent and you said "we're looking
[9] into it"?
[10] A: That's a reference to what goes on above the
[11] paragraph, same thing.
[12] Q: No, no, I understand that.
[13] A: Same thing.
[14] Q: I understand that. Who else was looking into
[15] it besides yourself?
[16] A: Tom Downey and me.
[17] Q: Okay.
[18] A: That's two people. We were the only people
[19] that talked about this.
[20] Q: And then you discussed it with the staff?
[21] A: We talked about it.
[22] Q: About going independent?
[23] A: Yes, but again, it was impractical and it
[24] wasn't possible. We couldn't afford it.
[25] Q: Now, just below that there is a sentence that

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(1) says "we have some real big shots who are U. News
(2) Alumni, people with really important jobs, and they
(3) have really good income and they are going to help us
(4) set this up".
(5) A: That probably should say "they could help us
(6) set it up".
(7) Q: Who were you referring to besides Mr. Downey?
(8) You're using the plural here and I assume that --
(9) A: That's true. Is it okay to answer this,
(10) Brian?
(11) MR. GILL: Sure, just testify with respect
(12) to --
(13) A: Who they are?
(14) MR. GILL: -- whom you're referring to.
(15) A: The front page editor of the Wall Street
(16) Journal is a guy named Mike McCarthy. The head of
(17) publications from McGraw-Hill in Madrid is Erica
(18) Jugala, these are former editors and they are still in
(19) contact. We trade Christmas cards. The guy who works
(20) for Time Magazine in California, head of the Sports
(21) Department, his name is like Dominic Schmidt, and
(22) they'd all be willing to help do this, but again it is
(23) impractical.
(24) Q: (By Mr. Janoski) But you had conversations
(25) with these people?

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(1) A: No.
(2) Q: Who had conversations with them?
(3) A: Nobody. I just know they do, I knew where
(4) these kids are, I know what they do. They don't know
(5) about this, but that's who I'm thinking about. You
(6) asked me who I'm thinking about, that's who.
(7) Q: I was just asking who you're referencing.
(8) A: That's who I'm referencing, that's who I'm
(9) thinking about. Tom is the only one I talked to.
(10) These guys and these young women, they have been gone
(11) 20 years, but there is still a link between the U.
(12) News and them.
(13) (Plaintiff's Exhibits 8 - 10
(14) Marked for identification)
(15) Q: (By Mr. Janoski) I want to hand you first
(16) what's been marked as Plaintiff's Exhibit 8 and ask
(17) you whether you have seen this document before.
(18) A: The date on this again would be where?
(19) Q: The date would be at the end, on Page 9.
(20) A: December 10th.
(21) Q: December 10th, 2007. It's titled
(22) "Defendant's Answer and Affirmative Defense".
(23) A: I'm not sure I understand what "affirmative
(24) defense" means.
(25) Q: Okay. Well --

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(1) A: This looks vaguely familiar, but there's been
(2) lots of documents.
(3) Q: Okay. Do you recall, after receiving,
(4) sometime after receiving the Complaint --
(5) A: This Complaint?
(6) Q: The Complaint which is Exhibit 7.
(7) A: Okay.
(8) Q: Okay. Then seeing Exhibit 8, which is the
(9) response to this Complaint?
(10) A: When would this -- this would be December 10.
(11) And the one I'm looking at is October 11.
(12) Q: Right.
(13) A: Yes. Yes, it does look familiar.
(14) Q: Okay. If you'll look at -- if you'll look at
(15) Paragraph 9 of Exhibit 7, the Complaint.
(16) A: Page 2?
(17) Q: Page 2.
(18) A: You say 7?
(19) Q: Of 7, yes, sir.
(20) A: Okay.
(21) Q: These correspond back and forth, the
(22) paragraphs kind of, one responds to another.
(23) A: All right.
(24) Q: And it says there "SLU considers the name of
(25) the publication and the related caption to be valuable

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(1) intellectual property". Do you see that?
(2) A: Uh-huh.
(3) Q: Do you disagree with that statement?
(4) A: I guess I never considered it. It's not a
(5) matter of disagreeing.
(6) Q: Would you agree with that statement?
(7) A: The University News, those two words, I don't
(8) think anybody can own them, because I know of at least
(9) two papers in this State and other papers around the
(10) country, but the St. Louis U. Reference makes it a
(11) little different.
(12) Q: Okay. And would you agree that that is
(13) valuable intellectual property of St. Louis
(14) University?
(15) A: It depends on what the word "valuable" means
(16) in this case.
(17) MR. GILL: Objection, it calls for a legal
(18) conclusion, "intellectual property".
(19) A: I'm not sure I know what "intellectual
(20) property" means when you say it.
(21) Q: (By Mr. Janoski) Okay. Would you say that
(22) that, that name, has value to St. Louis University?
(23) A: Yes, yes.
(24) Q: Now, with regard to Paragraph 13, if you look
(25) at that, of Exhibit 7?

[1] A: Okay.
[2] Q: It says "the March 16th, 2007, submission was
[3] made personally by Defendant Meyer without SLU's
[4] knowledge or permission". Do you see that?
[5] A: Yes.
[6] Q: And that's a reference to the Exhibit A that
[7] we went through, which is the incorporation?
[8] A: Okay.
[9] Q: Okay. Now, if you'll look at Paragraph 13 of
[10] your answer, which is Exhibit 8, that's the one that
[11] is in front of you there?
[12] A: Okay.
[13] Q: Okay. It says "Defendant is without
[14] knowledge or information sufficient to form a belief
[15] as to the truth of the averment that the submission
[16] was made without Plaintiff's knowledge", do you see
[17] that?
[18] A: Yes.
[19] Q: Now, you said that you told no one, is that
[20] right?
[21] A: I didn't talk to anybody about this until
[22] after it was done.
[23] Q: Okay. So, then how would St. Louis
[24] University have any knowledge of this before you told
[25] anyone?

[1] Q: Right.
[2] A: No, I didn't talk to anyone about it. That's
[3] true.
[4] Q: Okay. So, then that statement, that sentence
[5] in Paragraph 13
[6] A: Of Exhibit 7?
[7] Q: of Exhibit 7, is true, the first sentence?
[8] A: "I made the submission, myself, without SLU's
[9] knowledge and permission." Yes, I didn't talk to
[10] anybody about it, that's true.
[11] Q: So, that's true, okay.
[12] A: Yes.
[13] Q: Now, with regard to Paragraph 20 of the
[14] Complaint, which is Exhibit 7 --
[15] A: 7, okay.
[16] Q: -- down at the bottom. And it states
[17] "Defendant Meyer has admitted that in connection with
[18] the University News there is a plan", "there is a
[19] plan, vaguely in the works", to start an independent,
[20] competing newspaper." Is that not true?
[21] A: Let's see, the quote from the article says,
[22] it's on the second -- this is on the second page near
[23] the end, I think it says "there is a plan vaguely in
[24] the works, I'm not behind it, put I'm part of it".
[25] Yes, that's generally what it says.

[1] A: When did I say this?
[2] Q: You said this in your answer to our
[3] Complaint.
[4] A: Okay. Where does it say this again?
[5] Q: And if you look at, these paragraphs
[6] coincide, so, we have Paragraph 13 of the Complaint,
[7] which says "the submission was made by you personally
[8] without SLU's" --
[9] A: "Knowledge and permission".
[10] Q: -- "knowledge and permission", okay?
[11] A: Okay.
[12] Q: And then your response was "I don't know if
[13] it was made without SLU's knowledge or permission", or
[14] "knowledge"?
[15] A: I didn't seek permission. I didn't know it
[16] was necessary.
[17] Q: What about their knowledge, you didn't tell
[18] anybody?
[19] A: I didn't think about that.
[20] Q: So, you admitted that SLU had no knowledge?
[21] A: Of what?
[22] Q: Of you making the submission for
[23] incorporation under the name.
[24] A: Doesn't, in Paragraph 13 of Document 7, say
[25] so?

[1] Q: Okay. So, that would be a true statement, is
[2] that right?
[3] A: Generally.
[4] Q: If you look at Paragraph 28 of the Complaint.
[5] A: This is 7 again?
[6] Q: Yes, sir, No. 7, Exhibit 7.
[7] A: Okay.
[8] Q: It says "Defendant", which, that is you?
[9] A: Uh-huh.
[10] Q: "Formed a Missouri nonprofit corporation
[11] using SLU's 'St. Louis University' mark". That's
[12] true, isn't it?
[13] A: That's correct, as a subhead, yes.
[14] Q: Now, if you will look at Paragraph 42 of the
[15] Complaint.
[16] A: Okay.
[17] Q: And it states there, "without authorization
[18] by Plaintiff, Defendant Meyer has formed a Missouri
[19] nonprofit corporation using the name 'The University
[20] News, a student voice serving St. Louis University
[21] since 1921', for the purpose of publication of a
[22] weekly newspaper." Do you see that?
[23] A: I do.
[24] Q: And that is true, is it not?
[25] A: That is right off the form we talked about,

(1) yes.

(2) Q: Okay. So, can you tell me why in your answer

(3) you denied that?

(4) A: Because the idea was to re-publish the same

(5) paper we're publishing right now if the students

(6) needed it.

(7) Q: I understand that.

(8) A: It's not a new paper. This implies it is,

(9) but it's not.

(10) Q: But the statement in 42 is true, is it not,

(11) those words are true?

(12) A: "For the purpose of publication". Actually,

(13) it would be more correct to say "of the continued

(14) publication", would be more accurate.

(15) MR. GILL: Which paragraph, 42?

(16) MR. JANOSKI: 42 of Exhibit 7.

(17) A: It would be correct to say "continued",

(18) although it's not included, but it was implied, it's

(19) implied.

(20) Q: (By Mr. Janoski) But those are true

(21) statements. Now, if you look at Paragraph 45.

(22) A: Okay.

(23) Q: That says "any publication by Defendant is

(24) without the authorization of SLU", do you see that?

(25) A: Uh-huh.

(1) correct?

(2) A: By this time, yes, I would have.

(3) Q: And your counsel signed this document and you

(4) would have consulted with them in the filing of this

(5) document.

(6) A: I assume.

(7) Q: -- your Answer and Affirmative Defense?

(8) A: I assume.

(9) Q: Now, if you look at Paragraph 96, also, you

(10) state on March 16th, 2007, "Defendant Meyer formed a

(11) corporation, referred to as 'The University News, a

(12) student voice serving St. Louis University since

(13) 1921.'" That's true, correct?

(14) A: That's one of the documents we have, that's

(15) true.

(16) Q: So, there was no reason to deny that in your

(17) answer?

(18) A: No.

(19) Q: Now, I want to hand you what's been marked as

(20) Plaintiff's Exhibit 9 and ask whether you have seen

(21) this document before.

(22) A: I'm not sure about it. Do I have a copy of

(23) this?

(24) Q: It was filed by your lawyers on February 1st,

(25) 2008.

(1) Q: And that would be true, correct?

(2) A: It was never contemplated and never done.

(3) Q: I under -- well, no -- well --

(4) A: It was never contemplated and never done.

(5) Q: But any publication by you would be without

(6) authorization of St. Louis University?

(7) A: "Would be" is correct, but it says "is".

(8) "Would be" is correct, "would be without

(9) authorization".

(10) Q: Okay, "would be without authorization", okay.

(11) Now, if you'll look at Paragraph 86, which is on Page

(12) 12 of Exhibit 7.

(13) A: Okay.

(14) Q: There is a statement in there that "Defendant

(15) is not a licensee of the marks 'St. Louis University',

(16) 'The University News', or the related caption, 'A

(17) student voice serving St. Louis University since

(18) 1921.'" That's true, is that not?

(19) A: You'll have to define "licensee of the

(20) marks".

(21) Q: That is someone who has been authorized by

(22) St. Louis University.

(23) A: No, that is a definition I wasn't authorized.

(24) Q: I assume that when you answered this

(25) Complaint, you consulted with your counsel, is that

(1) A: I must have. I must have a copy of it

(2) someplace.

(3) Q: Okay. In this document, which was filed by

(4) your lawyers in this case, it says, and is entitled

(5) "Defendants Initial Disclosures Under Rule 26 (a)(1)".

(6) A: Uh-huh.

(7) Q: It says, Paragraph A, "the following persons

(8) likely to have discoverable information that Defendant

(9) may use to support its claims or defenses, unless

(10) solely for impeachment, include: And it says "name,

(11) Diana Benanti"?

(12) A: Yes.

(13) Q: Do you see that?

(14) A: Yes.

(15) Q: What information is it that you intend to use

(16) from her to support your claim or your defense?

(17) A: She knows that the reason I filed it was to

(18) save the name for the next year's staff, because we

(19) talked about this.

(20) Q: Is that the extent of the knowledge for which

(21) you intend to use her?

(22) A: As far as I know, that would be all we talked

(23) about. I told her I had registered the name and why,

(24) and that maybe next year it would be important,

(25) depending on what the students decided to do after we

[1] learned what they have actually done to the charter.
 [2] Q: When did you -- do you recall when you talked
 to Ms. Benanti?
 [4] A: After I registered it, but I don't know if it
 [5] was the next day or the next week. Since it was
 [6] spring break, it probably wouldn't have been right
 [7] way.
 [8] Q: And would that have been in the offices of
 [9] the University News?
 [10] A: We also had two classes that semester, so, it
 [11] could have been anywhere, anytime.
 [12] Q: Did you ever meet with Ms. Benanti at a class
 [13] or away from the University News offices?
 [14] A: When we were in the office on publication
 [15] night, we talked then when it came up.
 [16] Q: But could you have talked to her at some
 [17] other time, also?
 [18] A: Possibly, but she was going through a really
 [19] rough time then, trying to get this straightened out,
 [20] she had to take an extra job to make up for the lack
 [21] of tuition remission that she had lost, and I didn't
 [22] want to belabor it so, I probably just discussed this
 [23] with her briefly in the office, I would guess. At the
 [24] time it didn't seem crucial.
 [25] Q: Are there any other discussions that you had

[1] Q: Right, I understand that. You have that
 [2] information?
 [3] A: I do, somewhere, somewhere.
 [4] Q: But you didn't give it to us as required?
 [5] A: I don't remember that you asked for that.
 [6] Q: Well, I can read there under the name --
 [7] A: Does it say that?
 [8] Q: -- it says "address and telephone number".
 [9] A: When I filled this out, I really, really
 [10] might not have known that. It's possible. Her
 [11] address I really don't know, and the telephone number
 [12] I might not have had handy. I don't know it. It's
 [13] available, but I don't know it.
 [14] Q: So, you understood, you took this to mean
 [15] that you knew it by memory, not that you didn't have
 [16] the information?
 [17] A: Do you know where it is? When I filled it
 [18] out, it might not have been available. I'm not sure
 [19] where it is right now. She calls me more than I call
 [20] her, more often than I call her.
 [21] Q: Now, the subject here is the filing of the
 [22] Articles of Incorporation dated March 16th, 2007. Do
 [23] you see that?
 [24] A: What are we reading from?
 [25] Q: I'm reading from Exhibit 9, under Paragraph

[1] with Ms. Benanti with regard to the circumstances
 [2] underlying this lawsuit?
 [3] A: Not that I remember. It was just the basic
 [4] conversation, "I registered the name and here is why.
 [5] We'll see what they do with the charter".
 [6] Q: Now, do you have an address or telephone
 [7] number for Ms. Benanti?
 [8] A: No, we talk occasionally on our cell phone,
 [9] but she -- her father refused to pay SLU any more
 [10] money, he's pretty upset about the way things
 [11] happened. I hear this from her, not from him, I
 [12] haven't talked to him. Diana insisted she finish her
 [13] University education back in Illinois.
 [14] Q: Do you have her cell phone number?
 [15] A: Not with me.
 [16] Q: Okay. But you have her cell phone number?
 [17] A: I do. We talk now and then.
 [18] Q: Do you have her address, do you write --
 [19] A: I do not, no. We just talk on the phone.
 [20] Q: Do you know why you didn't give her cell
 [21] phone number here in response to this, where it says
 "address and telephone number"?
 [23] A: I don't know the cell phone number, I don't
 [24] know the cell phone number. I've got it written on a
 [25] piece of paper in my office.

[1] A:
 [2] A: Oh, filing the Articles of Incorporation,
 [3] okay.
 [4] Q: Under "subjects".
 [5] A: Okay.
 [6] Q: What information does she have with regard to
 [7] that?
 [8] A: I told her I had registered the name after I
 [9] did it, but I don't remember how long. It had to have
 [10] been a week, probably, because that was done during
 [11] spring break and that's the information she would
 [12] have.
 [13] Q: Did you show her the documents?
 [14] A: I don't think I would have had them on me. I
 [15] mean, I just put them in a folder in my office. I
 [16] don't think any of this, none of this seemed crucial
 [17] at the time. Didn't seem like it was important at the
 [18] time.
 [19] Q: Would you have shown them to her at some
 [20] point in time?
 [21] A: It's possible, but I don't remember that. I
 [22] just don't remember. None of this seemed crucial at
 [23] the time because we decided, if the charter was
 [24] acceptable, we'd give the name back. We were trying
 [25] to save it for the students, I was trying to save it

(1) for the students.

(2) Q: Now, you -- do you e-mail with Ms. Benanti?

(3) A: No, I haven't, not for a long time.

(4) Q: When you say "a long time", what does that

(5) mean?

(6) A: It's been a year, at least, since she left.

(7) Q: And you haven't e-mailed her since she left?

(8) A: No.

(9) Q: The way you talk to her is by cell phone?

(10) A: Correct.

(11) Q: Do you recall how often you talked to her?

(12) A: I called her probably the middle of the first

(13) semester to see how she was doing, she was at the

(14) hospital with eye problems and we talked about that

(15) and how her new semester is going. And around

(16) Christmastime we spoke about her being in town maybe

(17) visiting other U. News kids, and I don't remember

(18) since then I've even spoke to her, in the last two or

(19) three or four months, because she's got an awful lot

(20) going on in her life right now.

(21) Q: You have had no conversations with her in the

(22) last two or three months?

(23) A: She might have called and left us a message

(24) at home, but that's been awhile.

(25) Q: Do you recall what the message was that was

(1) I got a letter from you, she decided that they were

(2) going to give us a try after all.

(3) Q: You don't recall that this was worked out

(4) sometime in the spring of 2007, do you?

(5) A: Not with me.

(6) Q: I understand not with you.

(7) A: If the kids did it, I don't really know about

(8) it.

(9) Q: Okay. They wouldn't have told you?

(10) A: They -- if it was spring and school is out,

(11) probably not. When school is in session, they might

(12) have.

(13) Q: Okay. And they would have told you that they

(14) had worked everything out and they were going to try

(15) it with the University?

(16) A: Well, that couldn't have happened until you

(17) get a new editor, and that doesn't usually happen

(18) until the spring semester is almost over, because it's

(19) the new editor's call, not the old editor's call.

(20) Q: So, when would the new editor have come on

(21) board?

(22) A: Customarily the new editor is elected about

(23) two to three weeks in advance of the end of the

(24) semester, because he or she does the last edition by

(25) him or herself.

(1) left?

(2) A: Give her a call.

(3) Q: Okay. Did you call her?

(4) A: I don't remember if I did or not.

(5) Q: Do you recall when it was decided that the

(6) charter was acceptable?

(7) MR. GILL: Objection. Acceptable by whom?

(8) MR. JANOSKI: Well, acceptable by the

(9) students.

(10) MR. GILL: The students.

(11) Q: (By Mr. Janoski) The students.

(12) A: It's really not me and the students. It's

(13) the students, acceptable to them.

(14) Q: Okay.

(15) A: The new editor, they did a summer issue, they

(16) planned to do a summer issue, and in fact called me

(17) when I was in England to talk about a problem they had

(18) run into with support from the University for the

(19) summer issue, and I won't go into that unless you want

(20) to hear about it, and she just said -- she said then,

(21) this would have been probably July, that they weren't

(22) sure if they were going to be able to accept this or

(23) not, but they wanted to talk about it when I got home.

(24) When I got home, it was early August, I guess, I don't

(25) remember the exact date, probably about the same time

(1) Q: That would have been in April of 2007?

(2) A: Late April.

(3) Q: Late April of 2007?

(4) A: But by that time the decision on the charter

(5) had not been made by the Board of Trustees, so, we

(6) didn't know what to do until they decided what they

(7) are going to do.

(8) Q: If Ms. Benanti had told you that they wanted

(9) to go off campus with this newspaper and had moved off

(10) campus, would you have given them the name of the

(11) corporation?

(12) A: That couldn't happen because Diana wouldn't

(13) be the editor the follow year.

(14) Q: No, I am asking you --

(15) A: No, it couldn't happen. That's what I'm

(16) saying, it couldn't happen.

(17) Q: If an editor had told you that they wanted to

(18) go off campus and wanted to use that name, would you

(19) have given them that name?

(20) MR. GILL: Objection, calls for facts not

(21) in evidence.

(22) Q: (By Mr. Janoski) I think that's what he's

(23) testified to. I just want to make sure.

(24) A: That was the original intent, that was the

(25) original intent, to save this for the students.

(1) Q: All right. So, tell me, why did you tell Ms.
 (2) Benanti then, in March of 2007, about the
 (3) registration, if there was going to be a new editor in
 (4) place in April?
 (5) A: I thought it would actually make her feel
 (6) better. She was having a terrible semester. She not
 (7) only lost -- she had quit her job going into the
 (8) semester because she assumed she would be getting full
 (9) tuition remission, as everybody had for three decades
 (10) before her, and then the first week of school, or
 (11) maybe the week before it began, she found out it was
 (12) being cut almost in half, so, she not only had to do
 (13) the paper, which was a 60-hour a week job, nominally,
 (14) she had to get a part-time job at some restaurant,
 (15) maybe Cracker Barrel, working on weekends, which she
 (16) had not planned to do, and it was killing her.
 (17) Q: And so, you were going to make her feel
 (18) better because you had gone out and you had registered
 (19) the name of the newspaper?
 (20) A: That's not --
 (21) Q: Is that right?
 (22) A: That's not the actual reason. It was part --
 (23) it was part of the legacy that she was leaving behind.
 (24) Each of the editors feels like they are part of the
 (25) University News legacy, she didn't want this to die on

(1) her watch, and she thought if the paper's charter was
 (2) so severe that it would kill the paper, that the paper
 (3) would die, and I thought it would make her feel good
 (4) that at least I had tried to save the name.
 (5) Q: Right. And that you had gone out and you had
 (6) registered the name?
 (7) A: Correct.
 (8) Q: And that was to make her -- and you told her
 (9) that to make her feel better?
 (10) A: I hoped it would.
 (11) Q: And you were going to make her feel better
 (12) because you had stuck it to the University by going
 (13) out and registering the name, correct?
 (14) MR. GILL: Objection, mischaracterizes his
 (15) testimony:
 (16) A: Since it's a non-profit organization, it cost
 (17) me \$25 and cost them nothing, I'm not sure "I stuck it
 (18) to it" is accurate.
 (19) Q: (By Mr. Janoski) But you went out, and
 (20) unbeknownst to the University, you went and registered
 (21) that name, that's correct, right?
 (22) A: Correct, and it cost me \$25 and it cost them
 (23) nothing.
 (24) Q: Right. I want to hand you now what's been
 (25) marked as Defendant's Exhibit -- or Plaintiff's

(1) Exhibit 10 and ask you if you had seen this document
 (2) before.
 (3) A: And the date is at the end, as usual.
 (4) Q: The date is at the end, yes, sir, March 19th,
 (5) 2008.
 (6) A: It's March 14, correct.
 (7) MR. GILL: It's -- he's referencing to the
 (8) file, when it was filed -- or actually, I'm sorry, not
 (9) filed, when it was provided to the other --
 (10) A: March 14th is what I'm looking at.
 (11) Q: (By Mr. Janoski) Right. And on the last
 (12) page, Page 14, I was getting to go there, is that your
 (13) signature above your name?
 (14) A: It's on the last page?
 (15) Q: The last page.
 (16) A: It is.
 (17) Q: Okay. That's your signature?
 (18) A: It is.
 (19) Q: And you signed this on --
 (20) A: March 14th, it says.
 (21) Q: -- March 14th, 2008, and you signed this
 (22) under the penalty of perjury, is that right?
 (23) A: That's what I understand.
 (24) Q: Right. Now, if you'll look at Page 3, and
 (25) these are the Defendant's Answers, this document is

(1) entitled "Defendant's Answers to Plaintiff's First Set
 (2) of Interrogatories"; is that right? You'll see that
 (3) on Page 1.
 (4) A: Uh-huh.
 (5) Q: You have to say "yes".
 (6) A: Yes, I'm sorry.
 (7) Q: Thanks. And if you look at Interrogatory
 (8) Answer No. 2, and it's on Page 3, it says "identify
 (9) all persons with knowledge of the nonprofit
 (10) organization, including, but not limited, to those
 (11) persons with knowledge of the nonprofit organization's
 (12) formation", and it lists yourself and it lists Diana
 (13) Benanti.
 (14) A: Uh-huh.
 (15) Q: Okay. Now, is her knowledge only that which
 (16) you told her?
 (17) A: I told her why I had registered it and when
 (18) and what the purposes were. And she's the only one I
 (19) talked to about this initially.
 (20) Q: Okay. Have you talked to anybody about this
 (21) since then?
 (22) A: Since then?
 (23) Q: Yes. Since --
 (24) A: Not back then, not back then, I didn't.
 (25) Q: Okay.

(1) A: We kept it just between the two of us.
 (2) Q: And when did you then tell another person
 (3) about this?
 (4) A: That would be really hard to pinpoint.
 (5) Q: Okay.
 (6) MR. GILL: Objection, vague. Who are you
 (7) talking about, when or
 (8) MR. JANOSKI: Well, I'm trying to figure
 (9) out who else he told.
 (10) A: Well, since there is a lawsuit on line,
 (11) anybody can find out about it. It wouldn't be tough
 (12) to find out about it.
 (13) Q: (By Mr. Janoski) Right. And all I'm asking
 (14) is, to your understanding, as of March the 19th, when
 (15) you signed it, so, March the 14th, 2008, who in
 (16) addition to yourself and Ms. Benanti, to the extent
 (17) that she has knowledge, has knowledge about the
 (18) formation of the non-profit organization?
 (19) A: Probably, no one else would know all four of
 (20) these aspects, the formation, the incorporation, the
 (21) existence and the dissolution, all of that, all of
 (22) that stuff.
 (23) Q: I understand that. But this is broken down
 (24) into four parts, Interrogatory No. 2, and all I'm
 (25) asking about is Part A, the formation.

(1) A: The formation of corporate existence, they
 (2) are all sort of wrapped up together is, which is how I
 (3) read this, all four of these things apply. She knew
 (4) about all of them.
 (5) Q: I understand that. Who else?
 (6) A: Again, the same bunch, the staff knew about
 (7) this as a group, and he has the names. (Indicating)
 (8) Q: Okay. And anyone else that would have known
 (9) about this?
 (10) A: Not that comes to mind, no.
 (11) Q: That you would have told?
 (12) A: Not that comes to mind now.
 (13) Q: That you would have shared with?
 (14) A: No, it was strictly a U. News thing for a
 (15) long time.
 (16) Q: Okay. But, I guess what we're talking about
 (17) is as of March 14th, 2008, who would have, who would
 (18) you have shared that information with?
 (19) MR. GILL: Objection, asked and answered.
 (20) Q: (By Mr. Janoski) I just want to make sure
 (21) that he understood the question, because he's
 (22) obligated, which, he signed this under oath to give us
 (23) full and complete answers, which he hasn't done, and I
 (24) just want to now try to get, to the best that we can,
 (25) full and complete answers.

(1) A: The staff probably knew about it by that
 (2) time.
 (3) Q: Okay. And so, you didn't list them?
 (4) A: Well, I assumed that all four parts are in
 (5) one big answer.
 (6) Q: Well, I'll tell you, I'm sure that you
 (7) consulted with your attorneys for that, and you were
 (8) also a well-known, English Professor and I think you
 (9) understand this better than you're leading on right
 (10) now.
 (11) A: You're welcome to your opinion.
 (12) Q: Who else would have been --
 (13) A: The staff would have known about this.
 (14) Q: Okay. Anyone else besides the staff?
 (15) A: But not to the degree that she did.
 (16) Q: I understand that.
 (17) A: Yes.
 (18) Q: And everybody knows something to some degree.
 (19) Who else besides the staff?
 (20) A: Some of the names I have mentioned before for
 (21) the people that were there last year, almost exactly
 (22) the same names, which I think he has a record of.
 (23) (Indicating)
 (24) Q: Okay. What about the incorporation of the
 (25) nonprofit organization?

(1) A: Diana Benanti and the staff knew about most
 (2) of them. She knew about all of it.
 (3) Q: Okay. Who else have you shared this type of
 (4) information with that would have knowledge of these
 (5) particular facts?
 (6) MR. GILL: Again, objection, asked and
 (7) answered. You asked "shared", you asked "knowledge".
 (8) A: This is almost impossible to answer
 (9) considering how long ago all this happened. It's hard
 (10) to be accurate, and I'd rather be accurate.
 (11) Q: (By Mr. Janoski) And that's why we give you
 (12) 30 days to answer these things.
 (13) A: I understand.
 (14) Q: So that you can be accurate, which you
 (15) haven't been.
 (16) THE VIDEOGRAPHER: Excuse me, three
 (17) minutes.
 (18) MR. JANOSKI: Let's take a break.
 (19) THE VIDEOGRAPHER: We're off the record
 (20) with Tape 3 at 5:10.
 (21) (Recess)
 (22) (Plaintiff's Exhibits 11 - 15
 (23) Marked for identification)
 (24) THE VIDEOGRAPHER: We're on the record
 (25) with Tape No. 4 at 5:33. Please continue.

(1) Q: (By Mr. Janoski) Dr. Meyer, we're back on
(2) the record. You're still under oath.
(3) A: I understand.
(4) Q: If you'll refer back to Exhibit 10.
(5) A: 10?
(6) Q: Yes, sir. With regard to Interrogatory No.
(7) 4, and it asks for "all persons with whom you have
(8) communicated regarding the Non-Profit Organization,
(9) including, but not limited to, those persons with whom
(10) you have communicated concerning the Non-Profit
(11) Organization's: A, formation, B, incorporation, C,
(12) existence, D, dissolution or termination". You
(13) answered, for all four of these, "Diana Benanti", but
(14) I take it that, based on your testimony here, that
(15) there were other people that would be, that your
(16) answer would be the same as it was for No. 2, is that
(17) correct?
(18) A: No. 2 says --
(19) Q: "With knowledge", and No. 4 says "who you
(20) have communicated with".
(21) A: She's the one who knew all about this up
(22) front.
(23) Q: Right.
(24) A: Yes.
(25) Q: But you said that there were other people

(1) that you have communicated with.
(2) A: I talked to staff about this later, much
(3) later. Who they talked to, I can't imagine.
(4) Q: And then would that be face-to-face
(5) conversations with the staff?
(6) A: I'm sure it was.
(7) Q: Okay. Any e-mail --
(8) A: I doubt it.
(9) Q: -- correspondence?
(10) A: I doubt it. It would have been -- on
(11) publication night, it probably came up, but this would
(12) be after spring break and much later in the semester,
(13) probably.
(14) Q: Okay.
(15) A: But again, I answered this because I see all
(16) four of these. This covers Diana Benanti only.
(17) Q: Right. And see, these are a little different
(18) because we're trying to get all information, and
(19) that's why we change sometimes the words.
(20) A: That would be the names of the staff, which I
(21) think the gentleman has. (Indicating)
(22) Q: Okay. And then anyone else that you would
(23) have talked about that you have testified here today,
(24) like Mr. Downey, also?
(25) A: Well, this was -- 3/14 did you say?

(1) Q: Yes, sir.
(2) A: Some of the names I mentioned were in my
(3) mind, but I haven't talked to them about it, but it's
(4) possible that they wrote me, I didn't initiate the
(5) conversation, but how much passed, I have no idea.
(6) They might have just said how the paper is doing, and
(7) I might have said "we're fighting the charter". It
(8) depends on the time, because until the charter was
(9) confirmed and the kids decided what to do about it,
(10) this was sort of held in abeyance, the name was held
(11) in abeyance.
(12) Q: Well, the name was incorporated with the
(13) Secretary of State.
(14) A: But it hadn't been used by anybody for any
(15) purpose for any reason.
(16) Q: Okay.
(17) A: And I saw it as registering a name, not
(18) registering a corporation. If I was wrong, I was
(19) wrong, but that's not how I saw it at all. I was just
(20) registering a name.
(21) Q: Now, in No. 7, Interrogatory No. 7 --
(22) A: This is Page 5?
(23) Q: Yes, it's on Page 5 of Exhibit 10. Could you
(24) please explain why it was registered as "the
(25) University News, a student voice serving St. Louis

(1) University since 1921"? There is a change there?
(2) A: There is. I could not remember exactly what
(3) the subhead said, so, I just took a guess, that's why.
(4) There is no ulterior motive. I had to memorize this.
(5) I didn't have a paper in hand, and it had never been
(6) registered before, so, I thought "Is that what it
(7) says?" I wasn't sure what it said. I got pretty
(8) close. I just took a guess.
(9) Q: Okay. And you'd been with the paper since
(10) the mid-1970's?
(11) A: Correct.
(12) Q: Over 30 years, correct?
(13) A: And that one word got away from me.
(14) Q: And --
(15) A: If I had had the paper in my hand, I probably
(16) would have remembered.
(17) Q: And then in No. 9, it says "identity all
(18) facts concerning the dissolution or termination of the
(19) Non-Profit Organization on or about August 21st, 2007,
(20) including, but not limited to the reason the
(21) Non-Profit Organization was dissolved and/or
(22) terminated". Do you see that there?
(23) A: I do.
(24) Q: Okay. And you say, in addition to your
(25) attorney asserting some objections, "a decision was

[1] made that the non-profit was not necessary or would
[2] not be utilized for any purpose". Do you see that?

[3] A: Yes.

[4] Q: Now, I thought that the reason was it was in
[5] response to a letter that I had sent you in August.

[6] A: That arrived almost at the same time. That
[7] was a coincidence, but it happened.

[8] Q: Okay.

[9] A: About the same time your letter came is about
[10] the same time the staff got together for the new year.

[11] Q: Okay. And it seems that almost a day or two
[12] after you received my letter, that you went and
[13] dissolved the corporation?

[14] A: Yes.

[15] Q: Is that right?

[16] A: As you requested, yes.

[17] Q: Okay. Do you recall who you talked to with
[18] regard to this decision that it was not necessary and
[19] would not be utilized for any purpose?

[20] A: Probably Katie Lewis, the new editor then.

[21] Q: Okay.

[22] A: She's not the editor now. She would have
[23] been then.

[24] Q: Right.

[25] A: It was her call, as it had been Diana's the

[1] fell, he's 83 and frail, and fractured his arm a week
[2] before we were supposed to come back, which I think it
[3] would have been about August 12, so, we had to pay a
[4] penalty and get tickets to come home because we
[5] weren't sure my brother would make it, but he did, my
[6] father healed, so, it would have been 5, 6, 7 August,
[7] something like that, and then when we got here, we
[8] went straight to Cape Girardeau, to check them out.

[9] Q: Okay.

[10] A: About then, early August.

[11] Q: So, it would have been in early August. I'm
[12] sorry to hear about your family.

[13] A: No, it's just -- it just happens. I want to
[14] add that I was not ignoring your Petition, but this
[15] sort of dominated my life when I got home for several
[16] days, so, by the time I got to it, I responded.

[17] Q: Uh-huh. Now, you say in No. 10,
[18] Interrogatory No. 10, that Harry Levins was also your
[19] supervisor at the Post-Dispatch?

[20] A: He was one of them. There were several.

[21] Q: Okay.

[22] A: But he was -- most of the time, he was the
[23] boss, most of the time. It varies.

[24] Q: Okay. Now, I take it, with regard to
[25] Interrogatory No. 11, it asks for "all facts

[1] year before.

[2] Q: So, then you would have disclosed also to
[3] Katie Lewis the fact that you had this understanding?

[4] A: I was going to ask her what she was going to
[5] do, without telling her what I was going to do,
[6] necessarily, because, when she decides what she's
[7] going to do, that determines what I'm going to do.

[8] Q: I'm reading this here, and I just want to
[9] make sure it's clear, that addition was made that the
[10] Non-Profit Organization was not necessary and would
[11] not be utilized for any purpose?

[12] A: It seems accurate.

[13] Q: And I'm asking, was the decision between you
[14] and Katie Lewis?

[15] A: It was my decision based on what Katie Lewis
[16] said. If she decided that the students would go ahead
[17] as a staff and try to work under the new rather strict
[18] charter, then it was no reason for me to try to save
[19] the name, which I had done, they didn't need it
[20] anymore. And about the time I got your letter, that
[21] worked out.

[22] Q: Okay. Do you remember when it was that you
[23] got back from your trip to Europe?

[24] A: This is probably more than you need to know.
[25] My younger brother had a heart attack and my father

[1] concerning any and all plans that you have, had had or
[2] are aware of, to start or utilize an independent
[3] newspaper to be distributed to St. Louis University
[4] students, including, but not limited to, A", and you
[5] said here, you contemplated starting a newspaper by
[6] the name of The University News, student voice serving
[7] St. Louis University since 1921. The types of stories
[8] I assume, here it says "none", but if that newspaper
[9] would have gone forward, they would have been the same
[10] types of stories that it was presently printing, is
[11] that right?

[12] A: Presumably, presumably. It was up to the
[13] staff again, not up to me. It was up to the staff,
[14] but none of that ever happened.

[15] Q: I understand. The names and addresses of any
[16] employees who had worked for the independent
[17] newspaper, I take it that that probably would have
[18] been the same staff?

[19] A: This is the same people.

[20] Q: It would have been the same staff. The
[21] geographic areas included in the circulation of the
[22] independent newspaper --

[23] A: Would have all stayed the same.

[24] Q: -- would have stayed the same, and any and
[25] all steps taken to initiate such an independent

(1) newspaper you had incorporated?
(2) A: None of that was ever taken, none of that was
(3) ever taken. None of it ever happened and none of it
(4) was planned. It was all vague.

(5) MR. GILL: I would object to the last line
(6) of questioning, with respect to facts not in evidence,
(7) but

(8) Q: (By Mr. Janoski) Okay. But you did
(9) incorporate under that name, that newspaper name?

(10) A: I saw it as registering a name, but I guess I
(11) incorporated. It's not how I saw it. That's how it
(12) ended up.

(13) Q: Now, No. 12 says "identify all facts
(14) concerning any interviews you granted or participated
(15) in, including, but not limited to, any interview with
(16) KWMU or St. Louis Magazine, during which the
(17) Non-Profit Organization or St. Louis University's
(18) campus newspaper, The University News, was discussed
(19) or mentioned", and the answer here, quite remarkably
(20) to me, is "none". Now, do you recall doing an
(21) interview with KWMU?

(22) A: I do. I was one of four people on the air,
(23) but one was me.

(24) Q: And do you recall discussing The University
(25) News?

(1) A: There were a couple of questions about it,
(2) yes.

(3) Q: Okay.

(4) A: And about the degree to which I was now an
(5) emeritus as opposed to regular advisor, something like
(6) that.

(7) Q: Okay. And anything else that you remember
(8) about that --

(9) A: I don't remember anything coming up about
(10) this quasi-phantom organization that was supposed to
(11) be putting the paper out, that you referred to.

(12) Q: Okay. Well, it says "either the Non-Profit
(13) Organization or St. Louis University's campus
(14) newspaper, The University News".

(15) A: But that's two different things.

(16) Q: Correct.

(17) A: Yes.

(18) Q: Do you remember telling -- do you remember
(19) discussing about, during that interview, during a
(20) portion of that interview, that you registered the
(21) name of The University News way back in March of last
(22) year, so that "the rumors were that they were going to
(23) re-write our charter and take our name away"?

(24) A: I think probably said "could take our name
(25) away", but if I said that, yes, that's pretty close,

(1) that's pretty close.

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

(4) A: Okay.

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

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

(8) Q: Okay.

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

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

(14) A: Which answer is that?

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

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

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

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

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

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

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

(16) A: Okay.

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

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

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

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

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

(1) name "The University News".

(2) Q: And they didn't find anything?

(3) A: They didn't find anything.

(4) Q: Under their corporation records?

(5) A: Yes.

(6) Q: Did you have anyone else do a search, or did

(7) you do any search yourself?

(8) A: No.

(9) Q: Okay.

(10) A: I figured if the Secretary of State is doing

(11) the registration, they ought to know.

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

(13) A: No. Since they issued the registration of

(14) the name, I thought they would be the person to do the

(15) search.

(16) Q: Okay. I want to hand you what's been marked

(17) as Exhibit 11.

(18) A: Okay.

(19) Q: And I want to ask you to review that and let

(20) me know when you're finished.

(21) A: This looks familiar.

(22) Q: Have you seen this before?

(23) A: I think so, yes.

(24) Q: Okay. And you probably went over it with

(25) your attorney before he filed it, is that correct?

(1) that that would have been the answer that we would

(2) have received to Interrogatory No. 8.

(3) A: Okay.

(4) Q: Now, this one has been marked as Plaintiff's

(5) Deposition Exhibit No. 12. And

(6) A: This includes several items from other

(7) depositions.

(8) Q: Oh, and on the last statement, that should

(9) have been Request for Admission No. 8, not

(10) Interrogatory No. 8, just to correct the record.

(11) Okay. And take your time in reviewing the document.

(12) A: This looks familiar as well.

(13) Q: Okay. And Plaintiff's Exhibit No. 12 is

(14) entitled "Defendant's Response to First Set of

(15) Requests for Production of Documents and Things". And

(16) can you tell me, after this was received, what you did

(17) in searching for documents requested?

(18) A: This would have been on 3/1, or something

(19) like that?

(20) Q: Well, I think the request probably would have

(21) been about a month before this, before 3/1, so,

(22) probably the request would have been February

(23) sometime, February or January, because we may have,

(24) Brian and I may have worked out an extension.

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

(1) A: Probably, yes.

(2) Q: And then if you look at Request No. 8, and

(3) it's on Page 5, and Exhibit No. 11 is Defendant's

(4) Response to Plaintiff's First Request for Admissions,

(5) which was filed on March the 19th, 2008. The request

(6) asks "you have never provided any assurances to SLU

(7) that you will not use the name 'The University News'

(8) related to any independent newspaper or other

(9) publication", the response is "denied. Meyer's answer

(10) to the Complaint denies the intent to publish any

(11) independent newspaper". Now, this is the only time, I

(12) believe, that it is referred to in any of these

(13) pleadings that you -- that you state that you will not

(14) use the name "The University News".

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

(16) Q: To who?

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

(18) Q: Okay. Well, that's good, and I'm sure that's

(19) why he put it in here, put it in the Complaint Answer.

(20) A: Never any intent.

(21) Q: But this is the only time that we have had

(22) this.

(23) A: I thought I had sent it to you, as I said

(24) before.

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

(1) Q: Well, I'm just asking generally. You

(2) received this document, you saw this document. What

(3) did you do in response to this document, how did you

(4) search for the documents?

(5) A: It would depend on what was requested.

(6) Q: Okay. But generally, generally, did you

(7) search through your files at the office.

(8) A: I don't remember. You'd have to give me

(9) specifics and I'll try to give you an answer

(10) specifically.

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

(12) A: Okay.

(13) Q: When you searched for documents, did you

(14) search through your office files?

(15) A: It's probable and possible, but I don't know

(16) unless you ask me specifically what I'm looking for,

(17) because it might have been at home, it might have been

(18) at school. It might not have been at either one.

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

(20) A: It's possible.

(21) Q: It's possible. Did you search on your

(22) computer at home for documents that may be responsive

(23) to these requests?

(24) A: It's possible, but more than likely the

(25) students would write, the kids would write me at

(1) school, not at home, more than likely.
 (2) Q: Well, I'm not worried about, and I'm just not
 (3) concerned about what correspondence you may have from
 (4) students. I'm talking with regard to a response for
 (5) documents. What process did you go through to search
 (6) for relevant documents?
 (7) A: The only thing I can imagine is I have a
 (8) folder with most of this stuff in it that I carry
 (9) inside a knapsack, and that's everything about this
 (10) lawsuit so far, but most of it is from you and Brian,
 (11) and there is probably some e-mails left over, mainly
 (12) at school, and I might have gone through them, but
 (13) again, this has been a while ago.
 (14) Q: Are you withholding any documents that you
 (15) think are not relevant?
 (16) A: Can't imagine what they would be. If you
 (17) tell me what you need, I'll try to find them.
 (18) MR. GILL: Did you say "not relevant" or
 (19) "relevant"?
 (20) MR. JANOSKI: That he believes are not
 (21) relevant.
 (22) A: I don't know what they'd be.
 (23) MR. JANOSKI: I'm just trying to see if
 (24) he's withholding any documents.
 (25) MR. GILL: Yes, I hear you, but I just

(1) Q: Okay. But the dissolution was a similar
 (2) amount and you used a credit card for that?
 (3) A: They required it. Jefferson City required it
 (4) when I did it, that's what they required.
 (5) Q: Okay. Request for Production No. 13, we
 (6) asked for "all documents and communications,
 (7) including, but not limited to, letters of invitation,
 (8) notes, transcripts concerning any interview you
 (9) participated in or granted for St. Louis on the air
 (10) from July 1, 2005, to the present". Do you see that?
 (11) A: I do.
 (12) Q: Did you search for any documents in that
 (13) regard?
 (14) A: I would have had to have recorded that in
 (15) order to have it available, and I didn't do that.
 (16) Q: Okay.
 (17) A: So, I have no access to this.
 (18) Q: But, did you receive an invitation to come on
 (19) the air?
 (20) A: I got a call on the phone.
 (21) Q: Okay. Was there any follow-up to that?
 (22) A: No.
 (23) Q: In the way of an e-mail?
 (24) A: No. The focus was not, in fact, this lawsuit
 (25) at all.

(1) want to make sure.
 (2) Q: (By Mr. Janoski) Well, I guess we're --
 (3) let's take, for instance, Request for Production No.
 (4) 10 on Page 6.
 (5) A: Okay.
 (6) Q: Now, it asks for "documents sufficient to
 (7) identify the source of funds of the Non-Profit
 (8) Organization, including, but not limited to, bank
 (9) statements, cancelled checks or credit card statements
 (10) listing any payment in connection with the Non-Profit
 (11) Organization, including, but not limited to the
 (12) Missouri Secretary of State concerning registration of
 (13) the Non-Profit Organization". Now, you've told me
 (14) that you paid in cash, and I can assure you that the
 (15) Secretary of State gave you a receipt for that.
 (16) A: I said it's possible, yes, it's possible.
 (17) Q: Now, did you search for that receipt?
 (18) A: No. \$25, I probably wouldn't have kept it.
 (19) But since I don't have a documented credit card
 (20) charge, it's logical the only way I could have paid
 (21) for it would have been by cash.
 (22) Q: And how do you know you don't have a
 (23) documented credit card charge?
 (24) A: I don't know that, except usually if it's
 (25) \$25, I pay for it.

(1) Q: Okay.
 (2) A: It came up in a phone call. The focus was
 (3) something else entirely.
 (4) Q: Well, I understand that, but --
 (5) A: I got a phone call, I got an invitation, I
 (6) went, and that was it.
 (7) Q: Okay. There was no transcript --
 (8) A: To my knowledge.
 (9) Q: -- that you received?
 (10) A: To my knowledge.
 (11) Q: Okay. Did you ever, have you ever talked to
 (12) Tim Hogan about this lawsuit?
 (13) A: Not for a long time, I mean, like months,
 (14) months, but I did mention his name early on. We
 (15) did -- I called him to get some advice, as I said,
 (16) because I know him well, he's like an old Pete
 (17) Salsich, Jr., and they both said the same thing, "go
 (18) on line and see who comes up", and that's what I did.
 (19) Q: Go on line?
 (20) A: Computer.
 (21) Q: Okay.
 (22) A: Google, go to Google.
 (23) Q: And what did you Google?
 (24) A: I don't remember. Just whatever. I kept
 (25) playing around with it until I found somebody.

[1] Q: Oh, you mean looking for a lawyer?
[2] A: Yes.
[3] Q: Okay.
[4] A: Yes.
[5] Q: All right. How long have you known Tim
[6] Hogan?
[7] A: He was a student of mine a long time ago, 20
[8] years or more, but since he's graduated, I think he
[9] went somewhere East and we see each other now and
[10] then, I mean, we're acquaintances and friends, but I
[11] don't see him very often.
[12] Q: Can you tell me why you weren't, you didn't
[13] engage either one of those two lawyers?
[14] A: They said they weren't trademark specialists,
[15] or they work for firms who are associated with St.
[16] Louis U., I think that was Pete's, yes, that was
[17] Pete's answer, and I think Tim's was he didn't do
[18] that, that's why, and since they both made the same
[19] suggestions. I respect their opinions, that's what I
[20] did.
[21] Q: Do you recall going to a meeting in the
[22] spring of 2007, with Tim Hogan?
[23] A: What kind of meeting?
[24] Q: A meeting in the spring of 2007, with regard
[25] to The University News.

[1] A: Was it --
[2] MR. GILL: Objection, foundation.
[3] MR. JANOSKI: I'm just asking him if he
[4] recalls.
[5] A: What kind of meeting? I'm not sure --
[6] Q: (By Mr. Janoski) It was a meeting about The
[7] University News.
[8] A: He was there, he was, he was there.
[9] Q: He was there and you were there, correct?
[10] A: Yes.
[11] Q: Did you guys go there together?
[12] A: No.
[13] Q: No?
[14] A: I didn't know he was coming. I think he came
[15] because he was representing Diana Benanti at the time,
[16] which I didn't know until that moment, but I think
[17] that's what he was doing then.
[18] Q: All right.
[19] A: But we were there for two different reasons.
[20] Q: What reason was he there for?
[21] A: To represent her, I assume. I assume. I was
[22] there as the advisor. It was a meeting about the
[23] charter, that's what it was about.
[24] Q: Okay, all right.
[25] A: This would have been April?

[1] Q: This would have been April, I think, April,
[2] 2007.
[3] A: Okay.
[4] Q: Did he ever talk to you about her claim
[5] against St. Louis University?
[6] A: He did not. He said he thought it would be
[7] unprofessional. I said "fine". He brought it up.
[8] Diana brought it up, actually.
[9] Q: Diana brought it up during that meeting?
[10] A: No, no, no. Later, earlier in the day, when
[11] we were getting ready to go over to the meeting, she
[12] said she asked her lawyer to come along, I told her
[13] Joe probably wouldn't like that, but that's her call,
[14] not my call.
[15] Q: Did she say why she wanted her lawyer there?
[16] A: She did not.
[17] Q: Did you talk to him at all about her claim
[18] against the university?
[19] A: No.
[20] MR. GILL: Objection, asked and answered.
[21] A: No, we didn't. He said it would be
[22] unprofessional.
[23] Q: (By Mr. Janoski) Okay. Are you aware of her
[24] claim against the University?
[25] A: Only because she mentioned it.

[1] Q: Have you had any other conversations with her
[2] about her claim against the University?
[3] A: No.
[4] Q: And have you talked to her at all about this,
[5] about this lawsuit?
[6] A: No, I don't even know if it's settled or not.
[7] I have no idea what the status is.
[8] Q: I have now jumped on you. Have you talked to
[9] her at all about this particular lawsuit?
[10] A: Oh, you mean this one?
[11] Q: This one.
[12] A: Oh, this one, yes. I mean, I've told you
[13] this, I think. I thought you meant her lawsuit.
[14] Q: And you haven't talked to her in the last two
[15] months?
[16] A: I would guess, yes, I would guess it's been
[17] that long.
[18] Q: Okay.
[19] A: It's been awhile.
[20] Q: Have you talked to her attorney about this
[21] lawsuit?
[22] A: No, Tim and I haven't spoken in a long time.
[23] Q: Are you aware that her deposition is going to
[24] be taken next week --
[25] A: No, I didn't know that --

(1) Q: In this lawsuit?
(2) A: -- till now.
(3) Q: Okay. Let's go to the documents that you
(4) attached to this Response for Production of Documents.
(5) A: Okay. The same document?
(6) Q: Yes, this same document, Exhibit No. 12.
(7) A: This is number -- No. 12, correct.
(8) Q: Correct, this is one that at the end of No.
(9) 12.
(10) A: These documents have made their appearance
(11) before, I think.
(12) Q: Well, yes, sort of. Now, if you'll look at
(13) the first document, and there seems to be six pages
(14) attached to these Responses to Requests for
(15) Production.
(16) A: Uh-huh.
(17) Q: Okay. And the first one is the Articles of
(18) Termination of Non-Profit Organization.
(19) A: I see it.
(20) Q: Okay. And this one has, in the upper right
(21) hand corner, a filing date of August 23rd, 2007, do
(22) you see that?
(23) A: Yes, I do.
(24) Q: Okay. Can you tell me whose handwriting this
(25) is on this document?

(1) been deleted?
(2) A: Yes, it's hard to tell.
(3) Q: And then is that your signature at the bottom
(4) of the page of Exhibit 12?
(5) A: It is, it is, it is.
(6) Q: And the title there is "Secretary"?
(7) A: True.
(8) Q: Which is different than --
(9) A: "Organizing Agent".
(10) Q: -- "Organizing Agent". Can you tell me why
(11) we have two different documents?
(12) A: It is perfectly plausible that I called the
(13) Secretary of State's office in Jeff City and this is
(14) what they told me, as opposed to what the people told
(15) me when I did the office down here at the Old Post
(16) Office. Whatever they suggested, I just filed. It
(17) didn't seem like that big a crucial deal for a small
(18) Non-Profit Organization that barely existed, for the
(19) registration of a name, and it was over and done.
(20) Q: Okay. But I thought you told me that, with
(21) regard to the Articles of Termination, you didn't go
(22) down to the Secretary of State's office.
(23) A: I didn't remember doing this. I thought I
(24) did this out of mail by Jefferson City after I talked
(25) to them.

(1) A: It looks like mine.
(2) Q: Okay. And I want you to go to, and I think
(3) you have Exhibit 7, which is the Complaint?
(4) A: Okay.
(5) Q: Okay. And Exhibit 7, if you will go to the
(6) back there, the documents, and if you'll -- the
(7) exhibits, and if you'll go to Exhibit C, and the
(8) second page of that.
(9) A: Okay. This 60-A form.
(10) Q: It says -- that is entitled "Articles of
(11) Termination for Non-Profit Corporation", okay?
(12) A: Okay.
(13) Q: And this document here, which is attached to
(14) Exhibit 12 --
(15) A: Very similar.
(16) Q: -- is very similar, and -- but they are
(17) different.
(18) A: There is two differences that I see.
(19) Q: There is at least two differences. First of
(20) all, the one with Exhibit 12 in the upper right hand
(21) corner has a file number --
(22) A: Uh-huh.
(23) Q: -- with the Secretary of State. Also, the
(24) line 2, where, whereas at Exhibit 7 it's filled out,
(25) in Exhibit 12 it's not, or it looks like it may have

(1) Q: Okay. So, which one was done when?
(2) A: The registration was done downtown, I'm
(3) certain. I'm not sure about this one.
(4) Q: I'm talking about the document which is
(5) attached to Exhibit 7, and the similar document
(6) entitled Articles of Termination for Non-Profit
(7) Corporation.
(8) A: No. 7 was done downtown.
(9) Q: That's the Articles of Termination?
(10) A: For Non-Profit -- no, I'm sorry.
(11) MR. GILL: Not "Termination".
(12) A: Not "Termination", not "Termination".
(13) "Registration".
(14) Q: (By Mr. Janoski) Okay. Well, I'm talking
(15) about the "termination" one.
(16) A: I had assumed that these would have been done
(17) by mail out of Jefferson City. I thought you were
(18) talking about registration. Registration was done
(19) downtown. I don't remember doing termination
(20) downtown. It seems like we did this by mail.
(21) Q: Okay. But we have two different sets of
(22) documents, isn't that right?
(23) A: It looks like, yes.
(24) Q: And you signed them both?
(25) A: They have the same date and they have the

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

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

(10) A: Okay.

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

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

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

(18) A: Okay.

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

(22) A: Okay.

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

(24) A: Okay.

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

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

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

(7) A: It's possible.

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

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

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

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

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

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

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

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

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

(10) A: It is.

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

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

(15) Q: You counted yourself twice?

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

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

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

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

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

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

(8) A: Slight differences.

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

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

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

(20) A: This is on Document No. 12?

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

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

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

(1) the State of Missouri.
(2) A: The Form 60 is not.
(3) Q: Form 60 is not. But I'm talking about the
(4) second page of Form 45.
(5) A: Two forms are not filled out precisely the
(6) same, and I probably did it. I had to have done it,
(7) but they seemed like minor differences.
(8) Q: But what I want to make sure is, on Exhibit
(9) 12 --
(10) A: Okay.
(11) Q: Just so the record is clear.
(12) A: Form 60.
(13) Q: With regard to articles, the document is a
(14) two-page document entitled "Articles of Dissolution by
(15) Voluntary Action of Non-Profit Corporation", okay?
(16) A: Uh-huh.
(17) Q: And the second page, there is a signature,
(18) and then the printed name is "Avis Meyer", the title
(19) is "Secretary", and it has a date of August --
(20) A: 21, it looks like.
(21) Q: -- 20-something, '07". And is that your
(22) signature?
(23) A: It is.
(24) Q: Okay. That was your signature. Now, can you
(25) tell me why you filled it out twice, if you mailed --

(1) two-page documents.
(2) A: Okay. They are different layouts, correct?
(3) Q: No, they are the same layouts.
(4) A: Then I don't have the correct two I'm looking
(5) at.
(6) Q: They are the same documents. One was
(7) produced to me by you in Exhibit 7 and the second one
(8) was produced by your counsel in response to the
(9) document production.
(10) A: Okay.
(11) Q: Okay, do you see them?
(12) A: I do see them now.
(13) Q: All right. Now, can you tell me why you
(14) filled these documents out twice?
(15) A: I have no idea. I have no answer for that.
(16) It seems odd. It doesn't seem like a major concern,
(17) but it seems odd. It's possible that someone in
(18) Jefferson City suggested it. I have no idea. It's
(19) been so long ago. It doesn't seem crucial, but it
(20) seems odd.
(21) Q: I'll tell you that sometimes facts like these
(22) are important.
(23) A: Okay.
(24) Q: They are important.
(25) A: It didn't seem crucial then.

(1) A: There is two forms, 60-A and 45-A are two
(2) different forms.
(3) Q: No, just so we're talking the same
(4) language --
(5) A: Okay.
(6) Q: -- if you go to Exhibit 7.
(7) A: Okay.
(8) Q: Okay. And you go back one, two, three, four,
(9) five, six pages.
(10) A: Okay.
(11) Q: There will be a document that is entitled
(12) "Articles of Dissolution by Voluntary Action of a
(13) Non-Profit Corporation". Keep going back. Go back
(14) six or seven pages. That's Page 1.
(15) A: Okay.
(16) Q: Okay, all right. We have that document.
(17) Now, you go to Exhibit 12.
(18) A: Okay.
(19) Q: And you go to -- you go back one, two, three
(20) pages, there is another document that is entitled
(21) exactly the same.
(22) A: Okay.
(23) Q: "Articles of Dissolution by Voluntary Action
(24) for Non-Profit Corporation". Those are the two
(25) documents I've been talking about. They are both

(1) Q: I'm going to hand you what's been marked as
(2) Plaintiff's Deposition Exhibit 13 and ask you whether
(3) you recognize the article that is in the middle of the
(4) page there.
(5) A: This is 6 -- I don't -- it looks familiar. I
(6) don't remember the dates.
(7) Q: Yes. This is -- this is a University News
(8) publication in November of 2007. We don't have a date
(9) on it, but I will represent that to you.
(10) MR. GILL: Let the -- yes, let the record
(11) reflect that that is your representation.
(12) Q: (By Mr. Janoski) Yes, exactly. We can
(13) provide the full document if we need to. Have you
(14) seen this article before?
(15) A: Yes. I had very little to do with it because
(16) it would have been unprofessional to edit it or do the
(17) headline or anything else. I just was interviewed by
(18) a student who didn't know me, intentionally, it's what
(19) the editor decided to do.
(20) Q: Okay. So, you had no prior contact with
(21) Stephanie Sidak?
(22) A: She's a new student, she transferred in from
(23) some other University. I didn't know her, she didn't
(24) know me. We never had class together, I had nothing
(25) to do with the editing the story, I never read it

[1] until it was printed.

[2] Q: But you have read it?

[3] A: Now.

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

[5] A: Yes.

[6] Q: All right. So, now, let's go to, let's go to

[7] the second page of this document, the middle column on

[8] that page.

[9] A: Okay.

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

[11] A: Six lines down.

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

[13] A: Okay.

[14] Q: And in there she reports that "Meyer said

[15] that his attorney thinks the fact that he is a tenured

[16] Professor may have played a part in this lawsuit".

[17] No. 1, what else did you tell her about that?

[18] A: Whatever she asked. I tried to answer her

[19] questions.

[20] Q: Okay.

[21] A: She asked me. I didn't tell her anything she

[22] didn't ask.

[23] Q: Now, can you tell me what else your attorney

[24] thought about with regard to this lawsuit?

[25] MR. GILL: Objection, Attorney-Client

[1] be using the lawsuit as a way to revoke Meyer's

[2] tenure", do you see that?

[3] A: Yes.

[4] Q: Now, can you tell me what other

[5] conversations, what else during that conversation you

[6] and your lawyer discussed?

[7] MR. GILL: Again, object on

[8] Attorney-Client Privilege, instruct the witness not to

[9] answer.

[10] Q: (By Mr. Janoski) And are you going to follow

[11] that instruction?

[12] A: I believe I will.

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

[14] A: I believe that's right.

[15] Q: Okay. Now, there is also, if you will look

[16] at the next column, near the top, it says "upon

[17] relinquishing the name on August 21, Meyer submitted a

[18] statement to the lawyer representing the University,

[19] which said that he had never used the name for

[20] personal reasons during the time it was registered

[21] under his name". Do you see that?

[22] A: Yes.

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

[24] A: That's the letter I thought I had sent, and

[25] it's exactly what I'm referring to.

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

[2] not to answer.

[3] MR. JANOSKI: Well, I would say, and we

[4] can go through this, and I think that there is three

[5] or four instances here in this article alone, where I

[6] believe that your client has waived the

[7] Attorney-Client Privilege with regard to certain

[8] communications. He apparently disclosed

[9] communications between the two of you to a news

[10] reporter who then reported it in this.

[11] MR. GILL: Now, again, I'll object and

[12] instruct him not to answer.

[13] MR. JANOSKI: Okay.

[14] MR. GILL: If you want to motion it up,

[15] that's --

[16] Q: (By Mr. Janoski) Okay. Now, I have to ask

[17] you now, Dr. Meyer, are you going to follow the

[18] direction of your attorney?

[19] A: I believe so.

[20] Q: Okay. And you're not going to answer the

[21] question?

[22] A: I believe so.

[23] Q: Okay. I'm going to ask you to go down two

[24] more paragraphs, and it says "Meyer said that his

[25] lawyer, Brian Gill, speculated that the University may

[1] Q: Okay.

[2] A: Obviously, I thought I had sent it or I

[3] wouldn't have said so.

[4] Q: But that letter was never sent?

[5] A: Apparently, you never got it.

[6] Q: I received the packet.

[7] A: I understand.

[8] Q: I never received that letter.

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

[10] Q: Okay. And then if you had composed it, it

[11] would be on your computer, is that right?

[12] A: Likely.

[13] Q: Okay.

[14] A: I do own an IBM.

[15] Q: And then the paragraph underneath that says

[16] "Meyer said that Gill, who did not return the repeated

[17] calls from The University News, told Meyer that he

[18] believed the lawsuit appeared to be a personal

[19] vendetta against Meyer by University President

[20] Lawrence Biondi, SJ", do you see that?

[21] A: Yes.

[22] Q: Can you tell me what other, what other issues

[23] were discussed between you and Mr. Gill during that

[24] conversation that you all had?

[25] MR. GILL: Again, object on

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

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

(5) A: I believe I will.

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

(9) A: Correct.

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

(13) A: That I thought I sent.

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

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

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

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

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

(3) A: No.

(4) Q: You have not been to it?

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

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

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

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

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

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

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

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

(23) A: Then it would be gone then.

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

(25) A: Yes.

(1) "they", the administrators, generally.

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

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

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

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

(12) Q: Okay.

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

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

(17) A: I am.

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

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

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

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

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

(9) A: I do.

(10) Q: -- or corresponding with her?

(11) A: We corresponded.

(12) Q: About this lawsuit?

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

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

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

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

(23) A: We did communicate.

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