

*IN THE MATTER OF:*

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

*Cause No. 04:07CV1733 CEJ*

*Deposition of Avis Meyer  
6/4/2008*

*Gore Perry Gateway Lipa Baker Dunn & Butz  
Certified Court Reporters & Legal Videographers  
1-800-878-6750*

*Full GLOSSARY included with this DepoScript*

**EXHIBIT**

tabbles

1

[1] In the United States District Court  
 [2] Eastern District of Missouri  
 [3] Eastern Division  
 [4]  
 [5] ST. LOUIS UNIVERSITY, etc.  
 [6]  
 [7] PLAINTIFF,  
 [8]  
 [9] vs. Cause No. 4:07CV1733 CEJ  
 [10]  
 [11] AVIS MEYER,  
 [12]  
 [13] DEFENDANT.  
 [14]  
 [15]  
 [16] Deposition of AVIS MEYER  
 [17] On behalf of THE PLAINTIFF  
 [18] JUNE 4, 2007  
 [19]  
 [20]  
 [21] Gore & Perry Reporting Co.  
 [22] 515 Olive St., Suite 700  
 [23] St. Louis, Missouri 63101  
 [24] 314-241-6750  
 [25]

[1] APPEARANCES OF COUNSEL:  
 [2]  
 [3] For THE PLAINTIFF:  
 [4]  
 [5] Mr. Frank B. Janoski  
 [6] Ms. Bridget Hoy  
 [7] Lewis, Rice & Fingersh, L.C.  
 [8] 500 North Broadway - Suite 2000  
 [9] St. Louis, MO 63102  
 [10]  
 [11] Mr. Kenneth Fleischmann  
 [12] Senior Associate General Counsel  
 [13] St. Louis University  
 [14]  
 [15] For THE DEFENDANT:  
 [16]  
 [17] Mr. Brian J. Gill  
 [18] Polster, Lieder, Woodruff & Lucchesi  
 [19] 12412 Powerscourt Drive - Suite 200  
 [20] St. Louis, MO 63131  
 [21]  
 [22]  
 [23]  
 [24]  
 [25]

[1] In the United States District Court  
 [2] Eastern District of Missouri  
 [3] Eastern Division  
 [4]  
 [5]  
 [6]  
 [7] ST. LOUIS UNIVERSITY, etc.,  
 [8]  
 [9] PLAINTIFF,  
 [10]  
 [11] vs. Cause No. 4:07CV1733 CEJ  
 [12]  
 [13] AVIS MEYER,  
 [14]  
 [15] DEFENDANT.  
 [16]  
 [17]  
 [18] Deposition of AVIS MEYER, taken on behalf  
 [19] of the PLAINTIFF, at the law offices of Lewis, Rice &  
 [20] Fingersh, 500 North Broadway - Suite 2000, St. Louis,  
 [21] Missouri, on JUNE 4, 2007, before Robert D. Perry,  
 [22] Missouri CCR #904, Illinois C.C.R. No. 084-003742, and  
 [23] Notary Public within and for the State of Missouri.  
 [24]  
 [25]

[1] INDEX  
 [2]  
 [3] PAGE  
 [4]  
 [5]  
 [6] Examination by MR. JANOSKI 6  
 [7]  
 [8] Examination by MR. GILL 196  
 [9]  
 [10] Examination by MR. JANOSKI 201  
 [11]  
 [12]  
 [13] PLAINTIFF'S EXHIBIT INDEX  
 [14]  
 [15] Exhibit 1 5  
 [16] Exhibit 2 13  
 [17] Exhibit 3 69  
 [18] Exhibit 4 71  
 [19] Exhibit 5 72  
 [20] Exhibit 6 83  
 [21] Exhibit 7 85  
 [22] Exhibits 8-10 114  
 [23] Exhibits 11-15 140  
 [24]  
 [25]

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

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

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

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

Page 41

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

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

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

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

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

[16] Q: And was -- was this a part-time --

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

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

[21] A: Sorry.

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

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

Page 42

[1] Q: And that would be maybe in 1976?

[2] A: Along in there, yes.

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

[5] A: The same as they were before.

[6] Q: Essentially an advisor?

[7] A: Yes.

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

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

[13] Q: Hour or two for the remaining six days?

[14] A: Uh-huh.

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

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

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

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

Page 43

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

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

[7] A: Yes.

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

[11] A: Say it again, please.

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

[17] A: Generally, yes.

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

[21] A: You mean an academic advisor?

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

[25] A: I'm not sure what you are asking.

Page 44

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

[3] A: About the newspaper?

[4] Q: About the newspaper.

[5] A: Generally, yes, they could, they could.

[6] Q: Okay. Would they do that?

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

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

[12] A: Just those two years, '75 to '76.

[13] Q: No, starting from then to what period of  
[14] time?

[15] A: Oh, from that time.

[16] Q: I'm sorry.

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

[20] Q: Okay.

[21] A: Up to the present.

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

[24] A: Although now I'm called a mentor,

[25] M-E-N-T-O-R.

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

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

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

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

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

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

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

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

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

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

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

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

(1) A: I must have. No one else would have, yes.

(2) Q: With regard to the response to the August

(3) 16th, 2007 letter, identified as Plaintiff's Exhibit

(4) 4, do you recall whether you responded in any other

(5) way to that letter? Did you send a letter back to

(6) anybody?

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

(8) have called, but I don't remember.

(9) Q: You might have called who?

(10) A: Probably Brian, but I'm not sure it was that

(11) early. I'm not sure if it was that early or not.

(12) Q: Now, with regard to the first page of the

(13) document, the exhibit, Exhibit 5, can you tell me why

(14) you wrote this letter on University News letterhead?

(15) A: It's what I had at hand when I did it.

(16) Q: And you did it where?

(17) A: Probably at home, but I'm not sure about

(18) that, either. This would have been before school

(19) actually began. I might have been at home when I did

(20) this.

(21) Q: And was that the only reason that you used

(22) University letterhead?

(23) A: It's what I had available, what I had

(24) available.

(25) Q: You didn't have any personal paper available?

(1) Q: Do you have the statement for this credit

(2) card?

(3) A: I'm sure somewhere it would be there.

(4) Q: Have you searched for the statement for this

(5) credit card?

(6) A: No.

(7) Q: Do you recall how the initial fee was paid to

(8) set up the corporation?

(9) A: I think I paid \$20 in cash down at the

(10) Secretary of State's office.

(11) Q: Do you recall -- the Secretary of State's

(12) office where?

(13) A: At the Old Post Office down the street here

(14) on Washington.

(15) Q: Do you know whether you delivered this

(16) document, which is the first page of Exhibit 5, also

(17) to the Secretary of State's office at the Old Post

(18) Office here in downtown St. Louis?

(19) A: I didn't come down to do that. I must have

(20) mailed it to them.

(21) Q: If you'll turn to the second page of this

(22) document, Exhibit 5, this is a Certificate of

(23) Incorporation, do you see that?

(24) A: Uh-huh.

(25) Q: Can you tell me why you registered the

(1) A: Apparently not, or I wouldn't have used this.

(2) There is a pile of paper near the computer. It's

(3) probably what I used to crank out.

(4) Q: Now, with regard to this particular document,

(5) do you recall whether you mailed it to the Secretary

(6) of State?

(7) A: I don't remember that. This has, again, been

(8) almost a year ago. I remember mailing it to you to

(9) try to comply with the three business days in receipt

(10) and I must have mailed a copy to her as well,

(11) Carnahan, because they have a record of this,

(12) obviously.

(13) Q: Now, can you tell me why, on this document,

(14) you put the contact address as one at St. Louis

(15) University?

(16) A: Because that's where I work.

(17) Q: And so, that would have been the address that

(18) you would have used?

(19) A: I would have.

(20) Q: And you will notice farther down on the left

(21) hand side, that the fee was apparently paid by a

(22) credit card?

(23) A: Correct.

(24) Q: Was that a personal credit card of yours?

(25) A: It was.

(1) corporation as a nonprofit corporation?

(2) A: To make sure that it didn't look like we were

(3) trying to make money off the paper, because we

(4) weren't.

(5) Q: And why was that important?

(6) A: I beg your pardon?

(7) Q: Why was that important, to not make money off

(8) the paper?

(9) A: Because it was a fairly innocent

(10) registration.

(11) Q: What do you mean by "innocent registration"?

(12) A: It was trying to save the name for the

(13) students' use, not to make any profit at all, to save

(14) the name for the students in case they needed it.

(15) Q: And why would the students need it?

(16) A: There was rewriting of the charter going on

(17) by the administration and the students were concerned

(18) that it would be so rigid that they weren't sure they

(19) would be able to survive. They didn't know if they'd

(20) be able to do the paper or not the way they wanted to

(21) do it. And there was talk about going online, and so,

(22) I decided to register the name so we could save the

(23) name because it belonged to the students, I thought.

(24) Q: What made you think that the name of the

(25) newspaper belonged to the students?



Page 81

(1) Q: And with regard, again, to the bottom of Page  
(2) 3 of Exhibit 5, there is an address, and is that your  
(3) address at St. Louis University?  
(4) A: It is.  
(5) Q: Okay. And that is also true on the bottom of  
(6) Page 4.  
(7) A: Correct.  
(8) Q: -- of this Exhibit 5. Now, I noticed on Page  
(9) 4 of Exhibit 5, these documents that you had sent to  
(10) me, again on Line 2, with the 2 in parentheses, it  
(11) says "dissolution was authorized on August 21st,  
(12) 2007".  
(13) A: Uh-huh.  
(14) Q: Did you see that?  
(15) A: Yes.  
(16) Q: Okay. And so --  
(17) MR. GILL: Excuse me.  
(18) MR. JANOSKI: Asks --  
(19) MR. GILL: I'm sorry. Go ahead, I'm  
(20) sorry.  
(21) Q: (By Mr. Janoski) It says it was approved by  
(22) sufficient vote of the board. Was there a board for  
(23) the University News?  
(24) A: No.  
(25) Q: This corporation?

Page 83

(1) certain. That's been, again, almost a year ago.  
(2) Q: Did you talk to anyone at Jefferson City with  
(3) regard to the organization, initial organization, of  
(4) the corporation?  
(5) A: No, I talked to the woman here in the Old  
(6) Post Office about that.  
(7) Q: Did you receive any other instructions from  
(8) anyone at Jefferson City with regard to the  
(9) dissolution of the corporation?  
(10) A: Nothing other than I requested about the  
(11) forms and how to do it.  
(12) Q: And did you explain to them what you were  
(13) trying to do?  
(14) A: No, not in any detail. I didn't think they  
(15) would be concerned.  
(16) Q: What did you tell them that you wanted to do?  
(17) A: I needed a form to deregister a name that I  
(18) had registered a couple, three months earlier,  
(19) whatever, and they sent it to me, I'm assuming by  
(20) mail, since there is no fax on it, because it's been a  
(21) while.  
(22) (Plaintiff's Exhibit No. 6  
(23) Marked for Identification)  
(24) Q: (By Mr. Janoski) Prior to registering this  
(25) corporation, had you ever registered an entity with

Page 82

(1) A: No.  
(2) Q: There wasn't any vote taken?  
(3) A: No, there was no one to vote. I did this  
(4) largely by myself.  
(5) Q: Did you do it exclusively by yourself?  
(6) A: Yes.  
(7) Q: Was Ms. Benanti involved in this at all?  
(8) A: She knew about it after the fact.  
(9) Q: After the fact of the dissolution?  
(10) A: No, after the fact it had been registered.  
(11) Q: Okay. And then on the last page of this  
(12) document, is that your signature?  
(13) A: It is.  
(14) Q: And is that still your handwriting as to the  
(15) date above it?  
(16) A: It is.  
(17) Q: And again, the same understanding with regard  
(18) to the title, "Org. Agent" that you testified  
(19) earlier?  
(20) A: As instructed by Jefferson City, that's what  
(21) I did.  
(22) Q: How many times did you speak to the -- to a  
(23) person in Jefferson City with regard to the  
(24) dissolution of the corporation?  
(25) A: I'm guessing once or twice, but I'm not

Page 84

(1) any Secretary of State before?  
(2) A: No.  
(3) Q: I want to hand you what's been marked as  
(4) Plaintiff's Exhibit 6, and ask you whether you  
(5) recognize that document.  
(6) A: It looks familiar.  
(7) Q: Okay. Do you recall receiving it sometime  
(8) after August 30th, 2007?  
(9) A: I must have, so, that's the date on top.  
(10) Q: And this is a letter from me to you and that  
(11) is your home address, is that correct?  
(12) A: Correct.  
(13) Q: In the second paragraph of the letter it  
(14) requests a statement by you that the phrase "the  
(15) University News, the student voice serving St. Louis  
(16) University since 1921", was not used by you in any  
(17) manner other than registration of the nonprofit  
(18) corporation. Do you see that?  
(19) A: Yes.  
(20) Q: Can you tell me why you never provided that  
(21) statement?  
(22) A: I thought I did. I thought I did, seriously.  
(23) Q: And in what form did you think that you had  
(24) provided that?  
(25) A: A simple piece of paper saying exactly that,

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

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

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

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

[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?

[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.

[6] Q: Were there any officers to this corporation?

[8] A: No.

[10] Q: No?

[12] A: Just me.

[14] Q: Did they tell you at the Secretary of State's  
office that you needed officers for the corporation?

[16] A: I don't remember them saying that. They  
filled in almost everything else for me, but I don't  
remember that.

[18] Q: And you filled out this form, correct?

[20] A: I did.

[22] Q: And it's your testimony that no one else  
besides yourself was involved in this?

[24] A: No one else was there, no one knew about it.  
I told Diana Benanti about it after the fact.

[26] Q: And on the second page of this document,  
Exhibit A, that's your signature, correct?

[28] A: It is.

[30] Q: With regard to a response to Exhibit 4 --  
with regard to Exhibit 6, I'm sorry.

[32] A: Okay.

[1] after you -- within 90 days --

[2] A: Probably.

[4] Q: -- of August 30th, 2007?

[6] A: As a general rule, yes.

[8] Q: And just so I'm clear, you were not aware  
that you were supposed to maintain copies of all  
records after you received service of the lawsuit, is  
that correct?

[10] A: All record concerning --

[12] Q: All records concerning this litigation.

[14] A: You mean anyone that writes me about this in  
any way, shape or form?

[16] Q: Any correspondence that you have with regard  
to this litigation.

[18] A: I wasn't aware of that.

[20] Q: With regard to the letters that I had sent  
you and that is, for example, Exhibit 3, Exhibit 4,  
Exhibit 2, can you tell me whether those documents  
were shared with anyone?

[22] A: There is a time line that is important, if  
you'd like to hear it.

[24] Q: Well, first, though, I'd like to know whether  
you shared these documents.

[26] A: I don't think anybody read the original  
documents except my daughter, and she didn't read the

[1] Q: With regard to Exhibit 6, the second  
paragraph where you indicated that you thought you had  
sent me a response?

[3] A: I did think I had sent that.

[5] Q: Okay. Do you -- how would you have done  
that?

[7] A: By mail.

[9] Q: Okay. And would you have drafted a letter on  
your computer?

[11] A: Probably.

[13] Q: Okay. Your computer at home or at the  
office?

[15] A: It depends on where I am when I'm doing it.

[17] Q: Okay. And do you recall where you were when  
you were thinking about doing that response?

[19] A: No, I would think probably at home. No,  
maybe not. School has begun by this time. It's hard  
to say, but I really thought I had sent this and I'd  
be very glad to stipulate.

[21] Q: Well, I understand that, but do you know  
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  
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  
date that would have been set as a deadline by you. I  
found out about this in England probably a week after  
she signed for it.

[3] Q: Okay.

[5] A: So, I could not possibly have responded to  
it.

[7] Q: But to answer the question I was going to ask  
--

[9] A: She saw it. I think, outside of her and my  
wife, I don't think anybody else has actually seen the  
document itself.

[11] Q: Okay. Have you forwarded copies of these  
documents to anyone else?

[13] A: I think someone said they went on line and  
got a copy, somebody with probably the Chronicle of  
Higher Education. I didn't send it but they got a  
copy on line of this lawsuit.

[15] Q: Of the lawsuit, I understand.

[17] A: Yes.

[19] Q: What I'm talking now are these Exhibits 2, 3  
and 4, which are letters that I sent to you, whether  
you had shared these with anyone.

[21] A: It's possible I have, but I just don't  
remember, because there have been very few people.

(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: 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) 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) 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] learned what they have actually done to the charter.

[2] Q: When did you -- do you recall when you talked  
[3] 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  
[22] "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

Page 129

(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

Page 131

(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.

Page 130

(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

Page 132

(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: (By Mr. Janowski) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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: 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) A: No, not at all.

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

(6) A: Correct.

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

(9) A: They did.

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

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

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

(22) A: It is correct.

(23) Q: Today, would you make that statement?

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

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

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

(10) A: Correct.

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

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

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

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

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

(24) A: Of course, of course.

(25) Q: And would you have produced those?

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

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

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

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

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

(16) Q: Correct.

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

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

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

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

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

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

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

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

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

(23) A: Yes.

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

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

SAINT LOUIS UNIVERSITY,  
a Missouri benevolent corporation,

Plaintiff,

v.

AVIS MEYER,

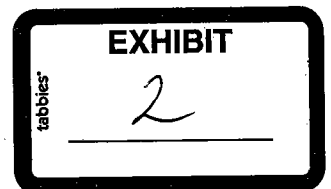
Defendant.

Case No. 4:07-cv-01733

**AFFIDAVIT OF AVIS MEYER**

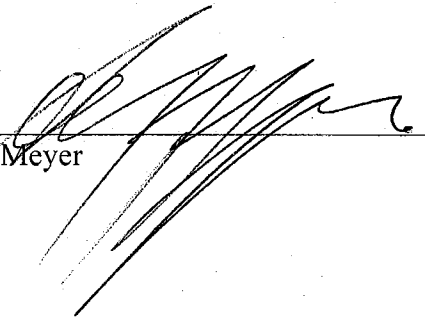
COMES NOW, Avis Meyer and having been duly sworn, states as follows:

1. I have reviewed Defendant's Motion and Memorandum Of Law In Support Thereof For Summary Judgment As To Counts I-VI Of The Complaint and Defendant's Motion and Memorandum Of Law In Support Thereof For Summary Judgment Of No Monetary Damages Due In Favor Of Plaintiff.
2. Since 1974, I have been adviser for *The University News*, a campus student newspaper. On or about June 3, 2008, Plaintiff informed me that I was not allowed in the publishing room of the student newspaper.
3. I have attached a screenshot of Plaintiff's website which illustrates biographical information about me. Plaintiff's website describes me as "one of the ten most memorable, influential and effective teachers" at Saint Louis University. Plaintiff's website continues to describe me as "[o]ne of the most honored teaching faculty on campus." Plaintiff has established the "Avis Meyer Outstanding Adviser Award." The student newspaper has established the "Avis Meyer U. News Staff and Alumni Scholarship". Additionally, I have received numerous other awards. I have attached a listing of some of these awards.
4. I did not seek legal or business advice regarding filing the articles of incorporation paperwork and I did not seek legal or business advice on filing the corporation dissolution paperwork. I forwarded the dissolution paperwork to SLU via its counsel.



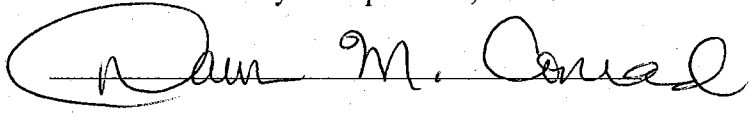
5. I have not used the phrase "The University News, A Student Voice Serving Saint Louis University Since 1921" in any manner other than the registration of the non-profit organization.
6. I have not used Plaintiff's at-issue marks for purposes of raising funds and leasing space to publish a newspaper to be distributed to the Saint Louis University community.
7. I have not advertised the at-issue's non-profit corporation's operations as publishing a student newspaper that would be distributed to and among the Saint Louis University community in competition with any campus paper published by Saint Louis University.
8. I would agree without an admission of wrongdoing to an injunction enjoining me from using "Saint Louis University"; "The University News", and the caption "A Student Voice Serving Saint Louis University Since 1921" or any confusingly similar variation, except to the extent that any such usage is a "fair use," for example in my previous work with the student newspaper and in my current work as professor.
9. Prior to the filing of this lawsuit and during this litigation, I deleted emails in the conventional manner through my email program. At no time when I deleted these personal emails did I believe that these emails had any bearing or relevance to the substance of the present litigation.

FURTHER THE AFFIANT SAYETH NOT

  
 \_\_\_\_\_  
 Avis Meyer

STATE OF MISSOURI     )  
                                   ) SS  
 COUNTY OF ST. LOUIS    )

Subscribed and sworn to me this 12th day of September, 2008.

  
 \_\_\_\_\_

Notary Public

My Commission Expires:  
 \_\_\_\_\_



DAWN M. CONRAD  
 My Commission Expires  
 November 18, 2010  
 St. Louis County  
 Commission #06392380

[Apply Now](#) : [Contact Us](#) : [Give to SLU](#) : [Jobs](#) : [mySLU](#) : [SLU Home](#)

# College of Arts and Sciences

## SAINT LOUIS UNIVERSITY

[Search SLU](#)[Go](#)[Apply Now](#)[Prospective Students](#)[Majors & Degrees](#)[About the College](#)[Academic Advising](#)[Core Curriculum](#)[Departments & Programs](#)[Alumni & Supporters](#)[Student Resources](#)[Faculty & Staff Resources](#)[Contact the College of Arts & Sciences](#)[Request Information](#)[College of Arts & Sciences Home](#)[College of Arts & Sciences Home](#) > [Department of Communication Home](#) > [Faculty & Staff](#) > [Faculty](#) > [Avis Meyer](#)

## Department of Communication Faculty

### Avis Meyer

(Ph.D. in English, Saint Louis University) teaches a variety of journalism, writing, editing, and film courses, in addition to co-directing three certificate programs he helped establish, in political journalism, film studies, and creative writing, and serving as faculty adviser since 1974 for the University News. One of the most honored teaching faculty on campus, Dr. Meyer received the 1986 Nancy McNeir Ring Award for Teaching Excellence, was chosen campus Adviser of the Year in 1989, was Missouri Collegiate Newspaper Association Adviser of the Year in 1990, and has been nominated three times by colleagues for the Burlington Foundation Award for Excellence in Teaching. In 1990 an alumni survey identified him as one of the ten most "memorable, influential, and effective teachers" at SLU. In 1993 the Office of Student Life honored him by establishing an annual award--the Avis Meyer Outstanding Adviser Award--in recognition of his nineteen years of service to the University News and the University. He had worked also as copy editor at the St. Louis Post-Dispatch and was the editor of the Eads Bridge Literary Review, a university literary magazine for 15 years. His articles have appeared in Journalism Educator, the Nieman Foundation Reports, the Flannery O'Connor Bulletin, and the St. Louis Post-Dispatch. In February 2001, the Avis Meyer U. News Staff and Alumni Scholarship was established. In May 2001, he received the Mary Bruemmer Award from the Student Government Association (SGA). In 2004, he received the SGA Excellence in Teaching Award.

Dr. Meyer's Office:  
317 Xavier Hall  
Saint Louis University  
St. Louis, Missouri 63108  
Phone: 314-977-3189  
Email: [meyerae@slu.edu](mailto:meyerae@slu.edu)

### In This Section

- :: Elizabeth Richard
- :: Kathleen Farrell
- :: Rob Anderson
- :: Angie Colette Beatty
- :: Patreece Boone
- :: Richard Burgin
- :: Matt Carlson
- :: Liese Hutchison
- :: Dan Kozlowski
- :: Robert L. Krizek
- :: Peter Lah, S.J.
- :: Avis Meyer
- :: Jennifer Ohs
- :: Karla Danette Scott
- :: Gary G. Seibert, S.J.
- :: J. Michael Sproule
- :: Robert M. Stahl
- :: April Trees
- :: Paaige K. Turner
- :: William Tyler

The opinions expressed by Communication Department faculty on these pages do not necessarily

represent the views of Saint Louis University or its administration.

SLU Home : Contact Us : Disclaimer  
©1818 - 2008 SAINT LOUIS UNIVERSITY  
1-800-SLU-FOR-U





Avis Meyer's awards and honors, from university's and department's site. One of the most honored teaching faculty on campus, Dr. Meyer has received:

1986 — awarded the campuswide, Nancy McNeir Ring Award for Teaching Excellence;

1988 - Honor Society, Golden Key, recognition for service to the university;

1989 — chosen as SLU's campus Adviser of the Year;

1990 — chosen as Missouri Collegiate Newspaper Association Adviser of the Year;

1990s— Nominated three times by his colleagues for the Burlington Foundation Award for Excellence in Teaching;

1990 — alumni survey identified him as one of the ten most "memorable, influential, and effective teachers" at SLU;

1993 — SGA Plaid Tie Award for service to the SG A;

1994 — the Office of Student Life honored him by establishing an annual award, the Avis Meyer Outstanding Adviser Award, in recognition of his (then) 19 years of service to the University News and the University.

2001 — the Avis Meyer U. News Staff and Alumni Scholarship was established;

2001 — received the Mary Bruemmer Award for service to the university community from the Student Government Association (SGA).

2004 — received the SGA Excellence in Teaching Award.

2007 — received the campuswide Chauncey Finch Mentoring Award from the university.

(In addition, he was the editor of the Eads Bridge Literary Review, a university literary magazine, for approximately 15 years (1974-1988). His articles have appeared in the Journalism Educator, the Nieman Foundation Reports, the Flannery O'Connor Bulletin, the St. Louis Journalism Review, and the St. Louis Post-Dispatch, which includes P-D awards for both travel writing and headline writing.)