

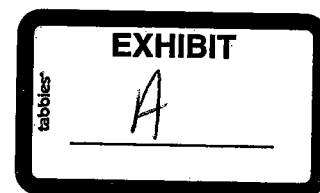
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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

Case No. 4:07-cv-01733

**STATEMENT OF UNCONTROVERTED FACTS FOR DEFENDANT'S
MOTION AND MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT
AVIS MEYER'S MOTION FOR SUMMARY JUDGMENT AS TO NO
MONETARY DAMAGES DUE IN FAVOR OF PLAINTIFF**

1. Plaintiff is an institution of higher education in St. Louis, Missouri. (d/e 1, Complaint, Facts Common To All Counts and d/e 7, Defendant's Answer).
2. For over three decades, Meyer has been employed by Plaintiff and served as advisor for the student newspaper, *The University News*. (d/e 1, Complaint, Facts Common To All Counts and d/e 7, Defendant's Answer).
3. On March 16, 2007, Meyer submitted to the Missouri Secretary of State Articles of Incorporation for a non-profit corporation using the name "The University News, a Student Voice Serving St. Louis University Since 1921." (d/e 1, Complaint and d/e 7, Defendant's Answer).



4. In the Articles of Incorporation, Meyer states the entity's purpose is the "publication of a weekly newspaper." (d/e 1, Complaint, Facts Common To All Counts and d/e 7, Defendant's Answer).

5. A Certificate of Incorporation was issued to the non-profit organization by the Missouri Secretary of State using the name "The University News, a Student Voice Serving Saint Louis University Since 1921." (d/e 1, Complaint, Facts Common To All Counts and d/e 7, Defendant's Answer).

6. On or about August 21, 2007, Meyer filed with the Missouri Secretary of State Articles of Termination and Articles of Dissolution by Voluntary Action for a Nonprofit Corporation. Meyer listed his home address for the registration and Meyer listed Plaintiff's business address on the dissolution paperwork. Meyer included a cover letter with the request for termination and dissolution of the nonprofit corporation that was printed on letterhead displaying the name of Plaintiff's campus newspaper, The University News, the related caption "A Student Voice of Saint Louis University Since 1921," and the contact information (including address, phone number and facsimile number) of Plaintiff's publication office. (d/e 1, Complaint, Facts Common To All Counts and d/e 7, Defendant's Answer).

7. Plaintiff has no evidence of actual confusion such that it is not entitled to an award of damages under state or federal law.

8. Plaintiff has no evidence that this case is an exceptional case such that it is entitled to its attorney fees or punitive damages.