

*IN THE MATTER OF:*

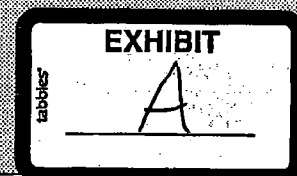
*St. Louis University, etc.,  
vs.  
Avis Meyer*

*Cause No. 04:07CV1733 CEJ*

*Deposition of Avis Meyer  
6/4/2008*

*Gore Perry Gateway Lipa Baker Dunn & Butz  
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*Full GLOSSARY included with this DepoScript*



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

Deposition of Avis Meyer  
6/4/2008

Page 1

Page 3

(1) In the United States District Court  
(2) Eastern District of Missouri  
(3) Eastern Division  
(4)

(5) ST. LOUIS UNIVERSITY, etc.,  
(6) PLAINTIFF,  
(7)  
(8) vs. Cause No. 4:07CV1733 CEJ  
(9)

(10)  
(11) AVIS MEYER,  
(12)  
(13) DEFENDANT.  
(14)

(15) Deposition of AVIS MEYER  
(16) On behalf of THE PLAINTIFF  
(17) JUNE 4, 2007  
(18)

(19) Gore & Perry Reporting Co.  
(20) 515 Olive St., Suite 700  
(21) St. Louis, Missouri 63101  
(22) 314-241-6750  
(23)  
(24)  
(25)

(1) APPEARANCES OF COUNSEL:

(2)  
(3) For THE PLAINTIFF:

(4)  
(5) Mr. Frank B. Janoski  
(6) Ms. Bridget Hoy  
(7) Lewis Rice & Ringers, L.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)

Page 2

Page 4

(1) In the United States District Court  
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(5) ST. LOUIS UNIVERSITY, etc.,  
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(8) vs. Cause No. 4:07CV1733 CEJ  
(9)  
(10) AVIS MEYER,  
(11)  
(12) DEFENDANT.  
(13)

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

(13)  
(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) 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. )

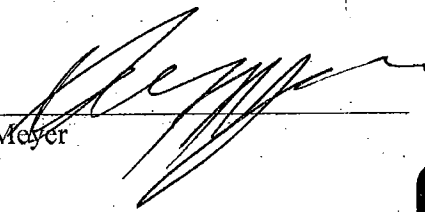
Case No. 4:07-cv-01733

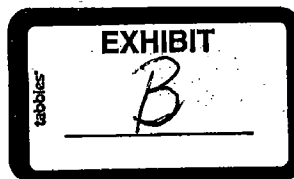
AFFIDAVIT OF AVIS MEYER

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

1. I have reviewed Plaintiff's Memorandum To The Court Regarding Supplemental Authority Applicable To Plaintiff's Motion For Sanctions For Spoliation Of Evidence (d/e #51).
2. In that Memorandum (d/e #51), Plaintiff states that I "personally deleted the emails and wiped [my] hard drive clean numerous times during this litigation."
3. At no time during this litigation, or in my life, have I used any program to wipe my computer hard drive in order to purposely render documents or emails unrecoverable.
4. At no time have I ever stated or testified that I have used a program to wipe documents or emails from my computer hard drive.
5. The only act taken by me to delete emails was to delete 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.

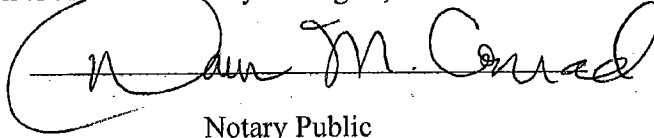
FURTHER THE AFFIANT SAYETH NOT

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



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

Subscribed and sworn to me this 28th day of August, 2008.



Notary Public

My Commission Expires:  
11-18-2010



DAWN M. CONRAD  
My Commission Expires  
November 18, 2010  
St. Louis County  
Commission #06892380