

# EXHIBIT 5

*IN THE MATTER OF:*

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

*Cause No. 04:07CV1733 CEJ*

*Deposition of Avis Meyer  
6/4/2008*

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*Full GLOSSARY included with this DepoScript*

[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]  
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 [4]  
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 [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  
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 [20] St. Louis, MO 63131  
 [21]  
 [22]  
 [23]  
 [24]  
 [25]

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 [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]

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

[6] EXAMINATION

[7] QUESTIONS BY MR. JANOSKI:

[8] (Plaintiff's Exhibit No. 1

[9] Marked for identification)

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

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

[17] MS. HOY: Bridgette Hoy also here on  
 [18] behalf of the Plaintiff.

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

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

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

[1] A: Okay.  
 [2] Q: Have you seen this document before?  
 [3] A: Not by deposition, no.  
 [4] Q: You understand that you are giving a  
 [5] deposition here today?  
 [6] A: I understand.  
 [7] Q: And are you -- and you understand that you  
 [8] are under oath?  
 [9] A: I understand.  
 [10] Q: And you understand that the giving of any  
 [11] false testimony would be perjury?  
 [12] A: I understand.  
 [13] Q: Have you ever been accused of a violation of  
 [14] the law, aside from this lawsuit?  
 [15] A: You mean criminal, civil, what?  
 [16] Q: Any violation of a law.  
 [17] A: Like running a traffic sign?  
 [18] Q: Have you ever been -- yes. Have you ever  
 [19] been accused of a traffic violation?  
 [20] A: Ever in my life? I have to think about this.  
 [21] If you mean traffic, something like a traffic  
 [22] violation, I think the answer would be yes, maybe, but  
 [23] it's been a long time ago.  
 [24] Q: Anything more than a traffic violation?  
 [25] A: No.

[1] the court reporter please swear in the witness?

[3] AVIS MEYER,

[4] Of lawful age, being first duly sworn to testify the  
 [5] whole truth of his knowledge, testified as follows:

[6] EXAMINATION

[7] QUESTIONS BY MR. JANOSKI:

[8] Q: Could you please state your name for the  
 [9] record?

[10] A: Avis Meyer, M-E-Y-E-R.

[11] Q: And, Doctor, is it "Dr. Meyer"?

[12] A: I'm a Ph.D., not an M.D., not to be  
 [13] confusing.

[14] Q: I understand. Dr. Meyer, could you please  
 [15] state your home address?

[16] A: 10828 Wood Forest Drive in Sunset Hills, West  
 [17] County.

[18] Q: And is there a Zip code with that, please?

[19] A: I'm sorry?

[20] Q: A Zip code?

[21] A: 63128.

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

[1] Q: Have you ever had your deposition taken  
 [2] before?  
 [3] A: No.  
 [4] Q: Have you ever testified at trial?  
 [5] A: No.  
 [6] Q: Okay. I'm sure that your lawyer has probably  
 [7] told you about some basic ground rules that we have  
 [8] with regard to depositions.  
 [9] A: Broadly.  
 [10] Q: In order for the deposition, I think, to go  
 [11] as smoothly as possible, and to have as good a record  
 [12] as possible, normally what I request is that you allow  
 [13] me to ask the question, finish my question, and then I  
 [14] would like you to respond to the best of your ability.  
 [15] As long as we don't talk over each other, it's much  
 [16] easier for the court reporter. The videographer, he  
 [17] doesn't have to worry about it too much, but the court  
 [18] reporter, to take down the testimony accurately, you  
 [19] have to provide a verbal response, a "yes", "no".  
 [20] Nodding of the head, I will prompt you for a verbal  
 [21] response, is that okay?  
 [22] A: I understand.  
 [23] Q: If you answer my question, I'm going to  
 [24] assume that you understand the question. So, if at  
 [25] any time you don't understand the question that I'm

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

[5] A: I will

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

[9] A: Fine.

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

[12] A: No.

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

[15] A: Correct.

[16] Q: Okay. And Mr. Gill is representing you here  
[17] today?

[18] A: Correct.

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

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

[25] Q: Okay. You're being represented by lawyers

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

[4] A: I can estimate.

[5] Q: That's fine.

[6] A: Oh, 15, 20 minutes, maybe.

[7] Q: Did you meet in person with Mr. Gill?

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

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

[13] A: Probably less, because we had already talked  
[14] once before.

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

[17] A: Then or recently?

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

[20] A: Not really, no, not really.

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

[23] A: It was.

[24] Q: And did you review any documents during that  
[25] meeting?

[1] from the law firm of Polster, Lieder, Woodruff &  
[2] Lucchesi, correct?

[3] A: Yes, sir.

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

[6] A: No.

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

[10] A: No.

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

[14] A: Other than Brian?

[15] Q: Anyone, to include Mr. Gill.

[16] A: He and I have talked about it.

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

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

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

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

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

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

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

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

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

[15] Q: Was he --

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

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

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

[25] Q: Okay, we can go at it that way.

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

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

[6] A: No.

[7] (Plaintiff's Exhibit No. 2

[8] Marked for identification)

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

[13] A: Define "spoliation" for me. What does  
[14] "spoliation" mean?

[15] Q: Destruction.

[16] A: Structuring or destruct --

[17] Q: Destruction, destruction --

[18] A: Destruction of?

[19] Q: Throwing away, destroy.

[20] A: All right, I think I've got it.

[21] Q: Have you seen this document before?

[22] A: No.

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

[25] A: Correct. I don't remember seeing it.

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

[4] A: Correct.

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

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

[11] Q: Correct.

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

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

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

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

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

[1] happening, what's going on, that sort of thing.

[2] Q: And has that been communication that they  
[3] have sent you electronically?

[4] A: Uh-huh, generally, generally.

[5] Q: Have there also been letters?

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

[8] Q: And have you provided them responses?

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

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

[14] A: Uh-huh.

[15] Q: Can you tell me whether you have provided  
[16] them to counsel?

[17] A: No, never been asked to.

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

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

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

[1] preserved by you?

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

[6] Q: I understand, I understand that.

[7] A: Uh-huh.

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

[14] A: For example?

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

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

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

[1] let me ask this way; you have an e-mail address at St.  
[2] Louis University?

[3] A: I do.

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

[6] A: Some of them, not all. Some of them.

[7] Q: Do you also have a personal e-mail address?

[8] A: I do.

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

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

[13] Q: Okay. And what is your wife's name?

[14] A: AnnaMarie.

[15] Q: Can you spell that for me, please?

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

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

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

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

[4] Q: We would also ask for any other communication  
[5] that Dr. Meyer has as relates to that web site  
[6] relating to the circumstances underlying this case.

[7] And can you please give me the name of the student  
[8] with regard to the petition web site?

[9] A: Is it okay to tell him this?

[10] MR. GILL: You can answer the question.

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

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

[16] A: I do not.

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

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

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

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

[25] A: Correct.

[1] MR. JANOSKI: Yes.

[2] MR. GILL: Okay.

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

[4] A: That's the two.

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

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

[10] Q: So, then they would go to your home address?

[11] A: Correct.

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

[14] A: I shall.

[15] Q: Do you have any, do you have a blog?

[16] A: No.

[17] Q: Do you have any other personal web site?

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

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

[23] A: Define "corresponded".

[24] Q: Have you communicated to individuals through  
[25] that web site?

[1] Q: At St. Louis University?

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

[4] Q: Are you compensating counsel for his time  
[5] today?

[6] A: Indeed.

[7] Q: And is it on an hourly rate?

[8] A: That's really up to him.

[9] Q: Do you have a contingency fee arrangement  
[10] with him?

[11] A: We had one set up initially.

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

[16] A: Well, that's not what we had set up.

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

[19] A: Yes, I think so.

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

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

[24] Q: And so, you gave to the law firm a retainer?

[25] A: Correct.

[1] Q: Can you tell me how much that retainer was?  
 [2] A: Is that okay?  
 [3] MR. GILL: I'm going to object on the  
 [4] relevance of it.  
 [5] Q: (By Mr. Janoski) You can answer the  
 [6] question.  
 [7] A: Three grand.  
 [8] Q: Okay. And can you tell me what the hourly  
 [9] rate that you are being charged?  
 [10] MR. GILL: Again, I'm going to object on  
 [11] the relevance.  
 [12] Q: (By Mr. Janoski) You can answer.  
 [13] A: I'm not absolutely certain anymore. It used  
 [14] to be in the neighborhood of \$200 an hour. I think it  
 [15] may have been slightly modified.  
 [16] Q: Okay. Up or down?  
 [17] A: Down, slightly.  
 [18] Q: And can you tell me, is that the same rate  
 [19] that is being charged by each one of the attorneys who  
 [20] is working on this case?  
 [21] MR. GILL: I object --  
 [22] A: I get a monthly bill. I'm not sure.  
 [23] Q: (By Mr. Janoski) And on that monthly bill  
 [24] would be a breakdown of the hourly rates of the  
 [25] attorneys?

[1] A: Usually, usually.  
 [2] Q: Would there also be a description of the work  
 [3] that the attorneys have done?  
 [4] MR. GILL: I'm going to object, it's  
 [5] Attorney-Client Privilege.  
 [6] Q: (By Mr. Janoski) I'm not asking for the  
 [7] substance, and I don't want to know the substance.  
 [8] A: Usually.  
 [9] Q: And there would also be the date on which  
 [10] that work was done, is that correct?  
 [11] A: Correct.  
 [12] Q: And just so I'm clear, the rate since the  
 [13] initiation of this lawsuit has gone down?  
 [14] A: Slightly.  
 [15] Q: Slightly. It has not gone up?  
 [16] A: Not to my knowledge.  
 [17] Q: Dr. Meyer, can you tell me about how many  
 [18] e-mails you have deleted with regard to communications  
 [19] relating to the circumstances underlying this case?  
 [20] A: I'm not sure I can give you an estimate.  
 [21] This has been going on for, what, six or seven months.  
 [22] Q: Correct.  
 [23] A: And I probably don't check my e-mail on  
 [24] weekends at all, and I tell my students, so, every  
 [25] month it takes me 20, 30 minutes to clear stuff out.

[1] Q: Okay.  
 [2] A: And obviously that's a lot of junk and a lot  
 [3] of things that have nothing to do with this.  
 [4] Q: Would you estimate maybe 20 e-mails a week?  
 [5] MR. GILL: What -- I'm going to object on  
 [6] vague.  
 [7] Q: (By Mr. Janoski) Related to --  
 [8] A: It's just been going on so long, it would be  
 [9] hard for me to answer that accurately.  
 [10] Q: Would those e-mails then find their way into  
 [11] the trash folder of the --  
 [12] A: Probably, yes. Probably.  
 [13] Q: Can you tell me whether the retainer has been  
 [14] exhausted, that you have filed with the --  
 [15] MR. GILL: Objection, relevance.  
 [16] Q: (By Mr. Janoski) You can answer.  
 [17] A: It has been.  
 [18] Q: Have you -- have the e-mails been deleted on  
 [19] both the St. Louis University e-mail system and also  
 [20] on your personal e-mail system?  
 [21] MR. GILL: Objection, compound.  
 [22] Q: (By Mr. Janoski) I can break it down. Have  
 [23] the e-mails been deleted on the -- have you deleted  
 [24] e-mails on the St. Louis University e-mail system?  
 [25] A: Except --

[1] MR. GILL: Objection, vague.  
 [2] Q: (By Mr. Janoski) Okay. Go ahead.  
 [3] A: Go ahead and answer?  
 [4] Q: You can answer.  
 [5] A: Except, again, for the ones I saved because  
 [6] they were the U. News Alumni, yes.  
 [7] Q: And have you also deleted e-mails on your  
 [8] personal e-mail account?  
 [9] A: With the same general caveat, yes, generally.  
 [10] Q: So, it has been your habit to generally  
 [11] delete these e-mails as opposed to saving these  
 [12] e-mails?  
 [13] A: Unless they are University News Alumni, those  
 [14] I keep. I keep them for addresses, not the e-mail  
 [15] specifically.  
 [16] Q: And have you printed off any of these  
 [17] e-mails?  
 [18] A: Not that I remember, no.  
 [19] Q: And have you forwarded those e-mails to  
 [20] anybody?  
 [21] A: Not unless requested to, maybe once or twice,  
 [22] but that's been awhile. That was like last  
 [23] Thanksgiving when some kids found out about all this  
 [24] stuff, so, that would be hard to answer that honestly  
 [25] and accurately. Rarely, rarely.



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

[3] A: It's possible. Rarely.

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

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

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

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

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

[18] A: Very few.

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

[21] A: Yes, a few.

[22] Q: Okay. And have you deleted those?

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

[25] Q: And did you respond to those e-mails?

[1] think that's it, I think that's it.

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

[4] A: Charles Klotzer, usually, or Roy Malone,  
[5] occasionally.

[6] Q: What about with regard to the Post-Dispatch?

[7] A: A fellow named Matt Franck, F-R-A-N-C-K, and  
[8] a fellow named Matt Hathaway, and a young woman named  
[9] Kavita Kumar.

[10] Q: Are they located here in St. Louis?

[11] A: They are.

[12] Q: And what about the Chronicle of Higher  
[13] Education?

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

[16] Q: And then you said that there was a fourth --

[17] A: The Student Press Law Center, and that's also  
[18] be awhile, so, I don't really remember who that was.  
[19] This was a once or maybe twice thing, and over a  
[20] six-month period, I just don't remember.

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

[25] A: Compound sentence.

[1] A: Sometimes.

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

[4] A: Probably.

[5] Q: Did you --

[6] A: After three months.

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

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

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

[15] A: As opposed to my home?

[16] Q: As opposed to your home.

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

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

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

[1] MR. GILL: Yes, object.

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

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

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

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

[10] A: At SLU?

[11] Q: No, your employment from --

[12] A: I went to work when I was 12.

[13] Q: Okay. Let's start from when you graduated  
[14] from college.

[15] A: Okay. Is this germane?

[16] MR. GILL: He can -- yes, go ahead and  
[17] answer.

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

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

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

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

[10] Q: So, when would you have started your teaching  
 [11] career?

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

[15] Q: And would that have been in the 19 --

[16] A: '69, '70, along in there.

[17] Q: And was that at Southeast Missouri State?

[18] A: Yes, it is.

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

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

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

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

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

[9] A: I neglected an important job.

[10] Q: Okay.

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

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

[15] A: But that was part-time, always.

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

[18] A: Occasionally.

[19] Q: Occasionally?

[20] A: Occasionally Journalism class at SEMO.

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

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

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[1] Q: What would that comprise with regard to  
 [2] Journalism?

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

[6] Q: So, it would be writing stories?

[7] A: From facts and details.

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

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

[17] Q: Was that at St. Louis University?

[18] A: It was.

[19] Q: And what courses were you teaching?

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

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

[25] A: Yes.

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[1] Q: And generally speaking, how would you define  
 [2] Mass Communications?

[3] A: Media.

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

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

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

[14] A: I was.

[15] Q: -- and also to the court reporter?

[16] A: I was. Excuse my nodding head.

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

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

[25] Q: How long were you teaching? We talked about

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

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

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

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

[1] A: There was. I just mentioned it, yes.  
 [2] Q: Any other activities that you have been  
 [3] involved in, either at the University or outside the  
 [4] University, with regard to Journalism?

[5] A: Occasionally, I'm asked by schools in the  
 [6] area to come talk to their student advisers on  
 [7] newspapers, or I give an editing class to groups all  
 [8] over town. It's happened occasionally around town.

[9] Q: Okay. And anything else?

[10] A: Nothing that comes to mind.

[11] Q: And why did the employment with the  
 [12] Post-Dispatch cease in 2005?

[13] MR. GILL: Objection, it's been asked and  
 [14] answered.

[15] Q: (By Mr. Janoski) Okay.

[16] A: I planned to work there for 25 years to get a  
 [17] sort of a supplemental retirement package because St.  
 [18] Louis U's retirement package is all right, but it's  
 [19] not very big, and when they made me that offer, I was  
 [20] 18 months away, and I thought I'd like to have my  
 [21] weekends back, so, that's what I did.

[22] Q: At one point were you also working with the  
 [23] St. Louis Journalism Review?

[24] A: Intermittently.

[25] MR. GILL: Objection -- I'm sorry, go

[1] and your part-time copyright position there, how much  
 [2] time on the average a week did you spend?

[3] MR. GILL: If I may object, I think it's  
 [4] Copy Editor, not copyright.

[5] A: It is Copy Editor.

[6] Q: (By Mr. Janoski) All right, I'm sorry.

[7] A: It varied. During school it was two days a  
 [8] week, when I was not in school it was three, in the  
 [9] summer it was four.

[10] Q: And when you say -- let's say two days a  
 [11] week, are you talking about two eight-hour days?

[12] A: Yes.

[13] Q: And would that be during the day?

[14] A: No, evening.

[15] Q: Now, would you consider those three  
 [16] publications as competing publications?

[17] A: Not really. The Post is the big dog, SJR is  
 [18] pretty small.

[19] Q: SJR would be?

[20] A: St. Louis Journalism Review.

[21] Q: St. Louis Journalism Review?

[22] A: Pretty small.

[23] Q: Were you ever asked whether you had any  
 [24] conflicts with regard to any of the employment that  
 [25] you had?

[1] ahead.

[2] A: Intermittently.

[3] Q: (By Mr. Janoski) And can you tell me what  
 [4] your duties and responsibilities were?

[5] A: Copy Editor, almost exactly the same thing.  
 [6] Do you need to jump in?

[7] MR. GILL: That's fine.

[8] Q: (By Mr. Janoski) Was that a part-time  
 [9] position?

[10] A: It's a non-pay position.

[11] Q: But was it part-time?

[12] A: It was voluntary, voluntary.

[13] Q: Can you tell me approximately how many hours  
 [14] a week you volunteer time for that?

[15] A: Except for the three months when I was the,  
 [16] sort of Assistant Co-Editor of the whole magazine, all  
 [17] I do is read copy. When the magazine is ready, it's  
 [18] about a six to eight-hour day, I read the entire  
 [19] magazine letter by letter trying to catch errors, and  
 [20] there were three months where it probably took three  
 [21] times that time, because the magazine was close to  
 [22] going under.

[23] Q: How often was the magazine published?

[24] A: Monthly.

[25] Q: With regard to the St. Louis Post-Dispatch

[1] A: No.

[2] Q: Did all three of the entities that you were  
 [3] working for know that you were working for the others  
 [4] at the time?

[5] A: The three entities being?

[6] Q: The three entities being St. Louis  
 [7] University, St. Louis Journalism Review and the St.  
 [8] Louis Post-Dispatch.

[9] A: Yes.

[10] Q: They all knew that you were working for each  
 [11] other?

[12] A: Yes.

[13] Q: Well, let's talk about your activities with  
 [14] regard to the University News.

[15] A: Okay.

[16] Q: And that is one of the activities that you  
 [17] were involved with while at St. Louis University,  
 [18] correct?

[19] A: Correct.

[20] Q: Can you tell me when you began a relationship  
 [21] with the University News?

[22] A: Along about one year after I arrived to work  
 [23] on the graduate degree, so, that would have been about  
 [24] '72, '73, along in there.

[25] Q: And can you tell me what role you played

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

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

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

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

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

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

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

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

[21] A: Sorry.

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

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

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

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

[7] A: Yes.

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

[11] A: Say it again, please.

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

[17] A: Generally, yes.

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

[21] A: You mean an academic advisor?

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

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

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

[2] A: Along in there, yes.

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

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

[6] Q: Essentially an advisor?

[7] A: Yes.

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

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

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

[14] A: Uh-huh.

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

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

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

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

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

[3] A: About the newspaper?

[4] Q: About the newspaper.

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

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

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

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

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

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

[15] A: Oh, from that time.

[16] Q: I'm sorry.

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

[20] Q: Okay.

[21] A: Up to the present.

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

[24] A: Although now I'm called a mentor,  
[25] M-E-N-T-O-R.

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

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

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

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

[1] that regard?

[2] A: Two weeks in Chicago.

[3] Q: And did that -- well, what did that consist

[4] of, that two weeks of training?

[5] A: We went to Chicago and had meetings in a

[6] hotel every day for five or six hours.

[7] Q: Was it about the product line?

[8] A: Usually.

[9] Q: Okay. Was it about -- did it also cover with

[10] regard to the names of, or the trademarks of the

[11] products?

[12] A: Uh-huh.

[13] Q: Okay.

[14] A: Names, but not trademarks. No one ever

[15] brought that word up, seriously.

[16] Q: But it would be the name of the product --

[17] A: Yes.

[18] Q: -- that it would be sold under?

[19] A: Uh-huh.

[20] Q: And then there would also be the technical

[21] name for the product, I suppose?

[22] A: Rarely. Not for salesmen.

[23] Q: Not for salesmen?

[24] A: Rarely.

[25] Q: So, can you recall what products you were

[1] selling when you were at Procter & Gamble?

[2] A: Scope, Head & Shoulders, Crest, Gleem, which

[3] is gone, something called Hidden Magic, which I'm

[4] probably the only one who knows what that is.

[5] Pampers, Prell, which is gone. I think that's it.

[6] Q: And during that training, did they make you

[7] aware of the proper usage of the names of those

[8] particular products?

[9] MR. GILL: Objection, calls for a legal

[10] conclusion.

[11] MR. JANOSKI: I'm just asking if they ever

[12] told him about it.

[13] A: I don't think that ever came up.

[14] Q: (By Mr. Janoski) You don't recall; is that

[15] correct?

[16] A: No. It's been 35 years or more.

[17] Q: What about, did you say it was Osco Drugs?

[18] A: Osco, O-S-C-O.

[19] Q: What did you do there for the year --

[20] A: I was one of three Assistant Managers.

[21] Q: With regard to your work at the

[22] Post-Dispatch, did they provide you with any training

[23] when you first started there?

[24] A: No.

[25] Q: Did you have a supervisor?

[1] A: Yes.

[2] Q: Did your supervisor review your work?

[3] A: Yes.

[4] Q: Was that part of the training, I suppose?

[5] A: Not really. You're -- can I just answer this

[6] voluntarily? If you worked for a daily paper, your

[7] supervisor is the readers. If you make a mistake and

[8] don't catch it, a grammatical/punctuational error,

[9] somebody among the 300,000 readers in St. Louis will.

[10] And they will call and your boss will say "how come

[11] you let this go?" Usually we get caught more by the

[12] readers than we do our immediate supervisors. So,

[13] there really wasn't any training, because you had to

[14] take a six-hour editing test and be hired part-time.

[15] That was it. No one trained you. They assumed you

[16] knew how to do it or you wouldn't be working for a big

[17] paper.

[18] Q: Did the Post have many part-time, what you

[19] term part-time employees?

[20] A: When I went to work in the eighties there

[21] were three or four of us, but I was the only one who

[22] was quote full-time/part-time.

[23] Q: What do you mean by full-time/part-time?

[24] A: After five years, the Guild allows you to be

[25] considered a Guild member and you're a full-time --

[1] you're a full-time worker, but you only work

[2] half-time. And I was the only one in that category

[3] for awhile, because I was the only one that didn't

[4] want to work at the Post full-time. I wanted to keep

[5] my job at St. Louis U. Because that's what I loved to

[6] do.

[7] Q: And during the academic year, you were

[8] working two days a week for the Post?

[9] A: At night.

[10] Q: At night, okay.

[11] A: And frequently on the weekends.

[12] Q: And I think you said that there was a period

[13] of time when you worked three days a week?

[14] A: When there is no school.

[15] Q: When there is no school?

[16] A: Christmas break, Thanksgiving break.

[17] Q: And then you worked four days a week --

[18] A: During the summer.

[19] Q: -- during the summer. Do you know

[20] approximately how many days a year that would be that

[21] you might work?

[22] A: It ended up being almost precisely 2.5 days a

[23] week at the end of the calendar year.

[24] Q: So, about 125 days?

[25] A: About half-time, exactly. About 20 hours a

[1] week, actually, average, average. Some weeks it was  
[2] less, some weeks it was more. At the end of the  
[3] calendar year it was almost exactly half-time.

[4] Q: With regard to your work at the University  
[5] News, how would you receive the copy to be edited and  
[6] reviewed?

[7] A: In the seventies and eighties it was  
[8] different than it was now, pre-computer. We used to  
[9] get what was called wax pages. Does that mean  
[10] anything to you?

[11] Q: Yes, it does.

[12] A: Okay. We used to get wax pages and we'd read  
[13] them and take them to the printers who were then  
[14] Nordmann down on Chippewa near Gravois, and they would  
[15] make the corrections. Since it's computers, we get  
[16] entire proof sheets and we make the corrections.

[17] Q: When you say -- and how do you receive the  
[18] proof sheets, is that electronically?

[19] A: I'm not sure I know what you're asking me.  
[20] Do I have a hard copy as opposed to on the screen?

[21] Q: Correct.

[22] A: We get a hard copy.

[23] Q: You get a hard copy?

[24] A: Yes.

[25] Q: And it's been that way for --

[1] distributes it under their auspices because we don't  
[2] have a bank account, per se, so, it came from student  
[3] funds that went into the University and was put on my  
[4] monthly paycheck.

[5] Q: Okay. Through the University?

[6] A: Yes.

[7] Q: And with regard -- well, what resources were  
[8] available to you and the students at the University  
[9] News?

[10] A: Define "resources".

[11] Q: Resources in the way of, you know, computers,  
[12] I mean, what was there in the offices in order for you  
[13] all to print them --

[14] A: It was different early-on than later.

[15] Q: Okay.

[16] A: Early-on it was typewriters and tables and  
[17] chairs, some of which were furnished, some of which  
[18] the students brought in on their own, and we gradually  
[19] made the change to computers in the early eighties,  
[20] and the University newspaper staff is paid for  
[21] everything in the office, University gives us a room,  
[22] we own everything in it, the staff owns it.

[23] Q: Do you know that when the -- when the  
[24] purchase is made of an asset, whether it be a computer  
[25] or whatever, does the University News use the

[1] A: Since we went to computers.

[2] Q: Did you ever receive, ahead of this 8 to  
[3] 10-hour period that you were working to get the paper  
[4] out, would you receive copy by, in electronic form?

[5] A: No.

[6] Q: So, was all your editing done there at the  
[7] Busch Center?

[8] A: Yes.

[9] Q: Was the position of advisor or mentor, is  
[10] that an appointed position?

[11] A: I don't know by whom it would be appointed,  
[12] up to about three or four years ago. The students  
[13] sort of did it by acclamation and osmosis the first  
[14] couple, three years, because no one else was  
[15] interested.

[16] Q: And the first couple, three years were like  
[17] in the mid-seventies?

[18] A: Early seventies, mid-seventies.

[19] Q: And then after that -- and you were -- your  
[20] pay, was that from the University, St. Louis  
[21] University?

[22] A: That's a complicated question because the  
[23] University handles the money flow from the advertising  
[24] in the school paper. Even though the students raise  
[25] the money by advertising, the school usually

[1] tax-exempt status of the University?

[2] A: I do not know. The business side handles  
[3] that and I work more with production news side than  
[4] business. I just know they buy the stuff. I really  
[5] don't know that. The business side does this.

[6] Q: And who would know that, who is on the  
[7] business side?

[8] A: Whoever the Business Manager is, and that  
[9] varies from year to year, depending on which student  
[10] takes it over.

[11] Q: Would you be surprised if the University News  
[12] took advantage of the tax-exempt status of the  
[13] University?

[14] A: I never thought of --

[15] MR. GILL: Objection, vague.

[16] A: I never thought about it.

[17] Q: (By Mr. Janoski) Okay. But would you be  
[18] surprised if they utilized that to where they didn't  
[19] have to pay for taxes on purchases that they make?

[20] A: I suppose anybody that can avoid paying taxes  
[21] would.

[22] Q: So, you wouldn't be surprised if they  
[23] utilized that. Would you review, for the University  
[24] News, all the articles that were to be published for  
[25] that particular issue?



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

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

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

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

14] A: Yes.

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

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

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

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

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

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

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

7] A: Usually.

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

11] A: Usually.

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

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

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

23] A: Copy Editors only?

24] Q: Yes.

25] A: Not the whole building?

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

6] A: Occasionally.

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

9] A: Generally, yes.

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

13] A: Occasionally.

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

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

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

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

23] Q: Yes.

24] A: Sure, occasionally.

25] Q: Did you help -- did you help members of the

1] Q: Well, Copy Editors.

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

3] Q: Full-time/part-time?

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

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

6] A: I was one of them, yes.

7] Q: Okay.

8] A: One other besides me.

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

11] A: Reasonably.

12] Q: Can you please describe it for me?

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

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

[1] A: 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] 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] 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] the circumstances underlying this case with, whether  
[2] it was two months ago or four months ago?

[3] A: Generally, and Brian and I have talked about  
[4] this very briefly, I've tried to keep a low profile on  
[5] this and I tell them facts, not opinions, that I --

[6] Q: Okay.

[7] A: Should I answer this?

[8] Q: Yes.

[9] A: I registered the name, I deregistered the  
[10] name, I got sued, and that's where we are.

[11] Q: Okay. And who, if you can recall the names  
[12] of some people who you had these conversations with?

[13] A: Some have been University News Alumni.

[14] Q: And their names would be?

[15] A: Cathy Wallace, who is Dean of Arts and  
[16] Science at Ohio State in Columbus, her husband, who is  
[17] a State's Attorney for the State of Ohio, Tom Dillon,  
[18] they both called to check. Mary Shillet, who works  
[19] for Philadelphia Inquirer, and her husband, who is a  
[20] colleague who teaches at Villanova, I think.

[21] Q: Okay.

[22] A: And I have heard from him in the last couple  
[23] months. I can't think of anybody else who's called  
[24] recently.

[25] Q: Have you had any conversations as it relates

[1] campus?

[2] A: I think, again, this is the business side, I  
[3] think they may take some to a few restaurants nearby,  
[4] but again, that's the business. I'm not real certain  
[5] about this.

[6] Q: Do you know whether the publication is mailed  
[7] to alumni?

[8] A: Yes.

[9] Q: Do they pay for a subscription?

[10] A: Most of them.

[11] Q: Do you know whether there is any other  
[12] similar type papers serving this audience for --

[13] A: I do not.

[14] Q: Tell me, during your time period at the  
[15] University News, has it received any awards?

[16] A: Yes.

[17] Q: And what kind of awards would that be?

[18] A: There is two sources, one is called the  
[19] Missouri Collegiate, it used to be called Newspaper  
[20] Association, now I think it's the Media Association,  
[21] and the second group is the Associated Press College,  
[22] that's APC, we are nominated for the latter by someone  
[23] who is in APC and we enter --

[24] Q: What does APC mean?

[25] A: Associated Press College. It's not

[1] to the circumstances underlying this case with anyone  
[2] where you would have kept notes?

[3] A: No.

[4] Q: Have you searched your files for any notes  
[5] that you might have relating to this case?

[6] A: No.

[7] Q: I would ask you to do that because we did  
[8] have a document request for this, and would ask you to  
[9] do that. We'll cover that in a little bit here.

[10] A: Okay.

[11] Q: With regard to the University News, what is  
[12] the audience that it is directed to?

[13] A: Ideally, the students. Generally, more the  
[14] under-grads than the grad students, Med School, Law  
[15] School, that sort of thing, because those guys are  
[16] busier, but it's generally the 5500 or so students  
[17] that make up the Arts and Science, Liberal Arts in the  
[18] north campus, generally.

[19] Q: And can you tell me, how is the newspaper  
[20] distributed?

[21] A: They drop it off in bundles that vary from 50  
[22] to 100 at about, this is a business thing again, I'm  
[23] guessing a dozen sites or more scattered along north  
[24] campus and south campus.

[25] Q: Are there any bundles dropped off, off

[1] Associated Press, per se. And we've won awards from  
[2] them. And we have also won awards regularly from the  
[3] Missouri Collegiate Newspaper Association.

[4] Q: And what types of awards would these be?

[5] A: Usually writing for editorials, or writing  
[6] for support, or writing for features, other standard  
[7] things.

[8] Q: And how many collegiate newspapers would they  
[9] be competing against?

[10] A: Well, Missouri alone, there is almost 45, I  
[11] think. I'm close, 45.

[12] Q: And in the other category, is that throughout  
[13] the country?

[14] A: Then you're getting into something like the  
[15] thousands.

[16] Q: And is this, is it typical for the University  
[17] News to win awards every year?

[18] A: The level varies. Some year we do first  
[19] place a lot, some times we get more seconds and  
[20] thirds, but we always get something.

[21] Q: And so, there is -- generally the newspaper  
[22] is recognized for, and the students are recognized for  
[23] their work?

[24] A: Correct.

[25] Q: And would you say that the University News

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

[1] 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] 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] 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?

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[1] A: Because it's been a student newspaper for 81  
[2] years.

[3] Q: But it has the name "St. Louis University" in  
[4] the name; is that correct?

[5] A: As a sub-head, yes.

[6] Q: Okay. And you understand that, from your  
[7] days I'm sure at Procter & Gamble, the value of names  
[8] of institutions and of trademark rights, is that  
[9] correct?

[10] MR. GILL: Objection, calls for a legal  
[11] conclusion.

[12] MR. JANOSKI: I'm just asking him what he  
[13] understands.

[14] A: I don't remember trademark discussions with P  
[15] & G of any sort.

[16] Q: (By Mr. Janoski) Okay. But you're familiar  
[17] with trademarks, is that correct?

[18] A: This was a non-profit. There was no plan to  
[19] make money off this name.

[20] Q: I understand that, but you understand, also,  
[21] that St. Louis University has intellectual property  
[22] rights in its name?

[23] A: Apparently.

[24] Q: Well, that was your understanding -- I mean,  
[25] as a Professor, you understood that, isn't that true?

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[1] A: I asked one of the big shots at St. Louis U.  
[2] A question one day and he didn't have an answer. I  
[3] said "if Humphries puts a big sign in their window  
[4] that says -- it's a bar near St. Louis U, it's very  
[5] popular -- "serving St. Louis University students for  
[6] more than 20 years", would that be violating  
[7] intellectual property?

[8] Q: Uh-huh.

[9] A: Would it?

[10] Q: Which big shot did you ask?

[11] A: Joe Wexman.

[12] Q: Okay. And what was his answer?

[13] A: He just laughed.

[14] Q: Okay. And so, it was on that basis that you  
[15] thought it was okay to take this name and go ahead and  
[16] incorporate it?

[17] A: I didn't think much about that at the time I  
[18] did it, because I was trying to do the right thing by  
[19] the students, and that's why it was a nonprofit,  
[20] because there was no plan to make money, make a profit  
[21] on this at all.

[22] Q: Okay. But you understood, I mean, you've  
[23] been a University -- you've been at the University for  
[24] over 20 years, correct?

[25] A: 30.

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[1] Q: 30 years, I'm sorry, over 30 years. And that  
[2] the St. Louis University name is protected by the  
[3] University?

[4] A: More so than I thought, yes.

[5] Q: Now, the third page of this document, can you  
[6] tell me whose handwriting that is?

[7] A: That's mine.

[8] Q: And is that your signature?

[9] A: It is.

[10] Q: And I noticed on this page, in the line that  
[11] has the No. 2 in parentheses, it says, it has the date  
[12] of August 20th, 2007?

[13] A: That's what I see as well.

[14] Q: And it says "on August 20th, 2007, the  
[15] corporation filed Articles of Dissolution with the  
[16] Secretary of State". Do you see that?

[17] A: Yes.

[18] Q: Does that refresh your memory as to whether  
[19] you would have hand-delivered or had this document  
[20] hand-delivered to the Secretary of State here in St.  
[21] Louis?

[22] A: I don't think I did. I think, again, I don't  
[23] remember coming back downtown to do this. I think I  
[24] mailed this to them. It's been almost a year, but I  
[25] think I mailed it to them.

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[1] Q: And then across from your signature there is  
[2] a title, and it says "Org. Agent", do you see that?

[3] A: Yes.

[4] Q: And can you tell me what you meant by that?

[5] A: The woman in Jefferson City with whom I  
[6] spoke, and I have no idea whose name it is, says that  
[7] she needs to know what agent represents this  
[8] organization, and so, I said "I put what?" And she  
[9] said "put organization agent", so I said "okay".

[10] Q: Where did you get these forms from?

[11] A: I think they mailed them to me. They might  
[12] have faxed them to me, but again, I'm not sure. It's  
[13] been a while.

[14] Q: Now, I don't see on any of these documents  
[15] here, and there are three pages, and it looks like  
[16] it's a form and it's a corporate form on Page 3 of  
[17] Exhibit 5, Corporate Form 60-A, and then on Page 4  
[18] it's Corporate Form 45, and I guess it's a two-page  
[19] form, because it's on the next two pages, 4 and 5, but  
[20] I don't see any fax header on this.

[21] A: It's possible they mailed them to me.

[22] Q: And you say that it was the receipt of the  
[23] August 16th, 2007, letter that initiated taking this  
[24] action, is that correct?

[25] A: Yes, I was trying to comply.

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

[4] A: It is.

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

[7] A: Correct.

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

[13] A: Uh-huh.

[14] Q: Did you see that?

[15] A: Yes.

[16] Q: Okay. And so --

[17] MR. GILL: Excuse me.

[18] MR. JANOSKI: Asks --

[19] MR. GILL: I'm sorry. Go ahead, I'm  
[20] sorry.

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

[24] A: No.

[25] Q: This corporation?

[1] certain. That's been, again, almost a year ago.

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

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

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

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

[12] Q: And did you explain to them what you were  
[13] trying to do?

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

[16] Q: What did you tell them that you wanted to do?

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

[22] (Plaintiff's Exhibit No. 6

[23] Marked for identification)

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

[1] A: No.

[2] Q: There wasn't any vote taken?

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

[5] Q: Did you do it exclusively by yourself?

[6] A: Yes.

[7] Q: Was Ms. Benanti involved in this at all?

[8] A: She knew about it after the fact.

[9] Q: After the fact of the dissolution?

[10] A: No, after the fact it had been registered.

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

[13] A: It is.

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

[16] A: It is.

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

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

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

[25] A: I'm guessing once or twice, but I'm not

[1] any Secretary of State before?

[2] A: No.

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

[6] A: It looks familiar.

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

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

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

[12] A: Correct.

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

[19] A: Yes.

[20] Q: Can you tell me why you never provided that  
[21] statement?

[22] A: I thought I did. I thought I did, seriously.

[23] Q: And in what form did you think that you had  
[24] provided that?

[25] A: A simple piece of paper saying exactly that,

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

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

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

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



[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 filed 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?

[3] A: If that's what the students decided, yes.

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

[5] A: No.

[6] Q: No?

[7] A: Just me.

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

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

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

[11] A: I did.

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

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

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

[15] A: It is.

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

[17] A: Okay.

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

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

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

[4] A: By mail.

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

[6] A: Probably.

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

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

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

[10] 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.

[11] 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?

[12] A: I don't know that, either. Usually I clear  
them off after 90 days.

[13] Q: Okay. So, you would have cleared that off

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

[2] A: Probably.

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

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

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

[6] A: All record concerning --

[7] Q: All records concerning this litigation.

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

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

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

[11] 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?

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

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

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

[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.

[2] Q: Okay.

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

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

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

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

[7] 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.

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

[9] A: Yes.

[10] 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.

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

[1] Again, this has been almost a year ago.

[2] Q: Do you recall talking to anyone -- I assume

[3] that at some point you spoke to your lawyers?

[4] A: Uh-huh.

[5] Q: And you engaged these lawyers --

[6] A: Uh-huh.

[7] Q: -- represent you in the litigation?

[8] A: (Witness nods)

[9] Q: Did you engage them after the filing of the

[10] lawsuit?

[11] A: I don't remember the exact date, but I'm sure

[12] I did after that.

[13] Q: Was it about that time that you engaged them?

[14] A: I believe so. I don't remember the exact

[15] date, I don't.

[16] Q: Do you recall seeking any legal advice prior

[17] to when you received the lawsuit?

[18] A: I'm not sure I understand what you're asking.

[19] Legal advice about what?

[20] Q: About, well, the contents of the letters, the

[21] content of my letter dated June 22nd, 2007, which is

[22] Exhibit 3, anytime prior to the filing of the lawsuit,

[23] or you receiving the Complaint, did you seek any legal

[24] advice?

[25] A: I couldn't have because I didn't know this

[1] S-A-L-S-I-C-H, Jr. Pete's dad and I are friends and

[2] Pete used to be one of my students, and they both

[3] suggested that I call, I look on line and look up.

[4] They didn't know anybody to recommend.

[5] Q: Okay. Did you talk to them about the

[6] contents of the letter or the situation you had found

[7] yourself in?

[8] A: I gave them the bare bones and the dates,

[9] and, as I remember, at least one, it might have been

[10] Pete, said that since I had relinquished the name,

[11] that probably nothing much would come of it, and

[12] hadn't used it.

[13] Q: So, then you must have talked to Mr. Salsich

[14] after you filed your dissolution papers?

[15] A: Yes, must have.

[16] Q: Have you spoken with Mr. Salsich or Mr. Hogan

[17] since that time?

[18] A: No.

[19] Q: And I take it that you never engaged

[20] Mr. Hogan or Mr. Salsich?

[21] A: No.

[22] Q: Did you -- you mentioned -- well, strike

[23] that. Did you speak to anyone at all about your

[24] forming a corporation under -- under the name "The

[25] University News, a student voice serving St. Louis

[1] letter existed until I got home.

[2] Q: I understand that. And the lawsuit wasn't

[3] filed until October.

[4] A: I understand.

[5] Q: But you saw this sometime when you got home,

[6] and you knew of its contents about a week after June

[7] 22nd, 2007, is that right?

[8] A: Yes.

[9] Q: Okay. And --

[10] A: I didn't get home till August.

[11] Q: Okay, I understand that.

[12] A: Early August.

[13] Q: And after you got home in early August, did

[14] you seek any legal advice as it relates to the

[15] contents of these documents?

[16] A: I remember talking to two former students,

[17] who are now lawyers, to ask them if they had any

[18] suggestions about whom I should contact, and they both

[19] suggested I go on line and look up stuff, which is how

[20] I found Brian.

[21] Q: And do you recall who those two individuals

[22] were?

[23] A: I do.

[24] Q: And who are they?

[25] A: Tim Hogan, H-O-G-A-N, and Pete Salsich,

[1] University since 2001", before you went down to the

[2] Secretary of State's office to form that corporation?

[3] A: Not to the best of my memory. I said nothing

[4] to anybody about this. I did it.

[5] Q: And then you'll find that the Exhibit C, I

[6] believe, is similar, I think the same, perhaps, as the

[7] document that we marked earlier?

[8] A: Correct.

[9] Q: As Exhibit 5?

[10] A: Correct.

[11] Q: And then if you'll look at Exhibit D, are you

[12] familiar with this document?

[13] A: I am.

[14] Q: And can you tell me what this document is?

[15] A: It's an article in St. Louis Magazine, an

[16] interview that I did in either late March or early

[17] April, that was published in August of 2007, months

[18] after the fact.

[19] Q: Okay. So, this interview, you would have

[20] done --

[21] A: Late April, early May.

[22] Q: Late April, early May?

[23] A: Yes, somewhere around there, somewhere around

[24] there.

[25] Q: Again, do you keep a calendar that would

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

[5] Q: And the reporter would have been Mr. --

[6] A: I don't remember his name.

[7] Q: -- Halverson?

[8] A: I never met him before. Matt something.

[9] Q: Matt Halverson?

[10] A: That must be it, yes.

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

[14] A: I have.

[15] Q: Did you find anything inaccurate in this  
 [16] article?

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

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

[21] A: Don't remember that, no.

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

[25] A: No, I wouldn't have done that unless it was

[1] Q: Do you recall whether you made this statement  
 [2] more than twice?

[3] A: I doubt it.

[4] Q: Why do you say that?

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

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

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

[22] Q: And who would that student have been?

[23] A: That would have been Diana Benanti.

[24] Q: Okay.

[25] A: Second, they were in the process of rewriting

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

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

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

[10] Q: Okay. And what was the question he asked?

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

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

[16] A: I'm pretty sure.

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

[19] A: Probably not.

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

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

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

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

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

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

[17] A: Yes.

[18] Q: Do you know where he would have gotten that  
 [19] impression?

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