

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

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

Case No. 4:07CV1733 CEJ

**PLAINTIFF'S ANSWERS AND OBJECTIONS TO
DEFENDANT'S FIRST SET OF INTERROGATORIES**

COMES NOW Plaintiff Saint Louis University ("SLU") and for its answers and objections to Defendant's First Set of Interrogatories states as follows:

PRELIMINARY STATEMENT

All responses contained herein are based only upon such information and documents that are presently available to and known by SLU. It is anticipated that future discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to known facts, as well as establish new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes and variations from the contentions and answers set forth herein. The following interrogatory answers are given without prejudice to SLU's right to produce evidence of any subsequently discovered facts of which SLU may learn or become aware.



- (2) Meyer used SLU's valuable intellectual property for purposes of raising funds and leasing space to publish a newspaper to be distributed to the Saint Louis University community;
- (3) Meyer advertised the non-profit corporation's operations as publishing a student newspaper that would be distributed to and among the Saint Louis University community in competition with any campus paper published by Saint Louis University;
- (4) Meyer placed in the public record documents which give the impression that Saint Louis University was affiliated with, approved of, or sponsored the dissolution of the non-profit corporation, giving the false and confusing impression that SLU had abandoned its rights; and
- (5) Other acts not yet revealed by Avis Meyer or for which evidence has been destroyed.

7. Set forth all categories and amounts of damages specifying the documents or other evidentiary materials upon which such damages are based or bearing on the nature and extent of such damages and indicate how such damages were calculated.

ANSWER: SLU restates and incorporates its General Objections. SLU further objects on the ground that investigation and discovery are ongoing. Subject to and without waiving the foregoing objections, SLU states that it believes it may have suffered damage to the value of its intellectual property in an amount unknown at this time due to the confusing and deceptive manner in which Meyer created, used and dissolved the wrongful non-profit corporation. SLU additionally believes it may have suffered damage to its reputation and ability to obtain and retain students and faculty due to Meyer's wrongful use of SLU's benevolent name and

intellectual property and unfair competition. SLU has additionally incurred attorneys' fees which it will seek to recover, along with interest and costs.

8. Identify all facts that you contend support your allegation that the alleged wrongdoings by MEYER were willful.

ANSWER: SLU restates and incorporates its General Objections. SLU further objects on the grounds that this Interrogatory is overly broad and unduly burdensome. SLU further objects on the ground that this Interrogatory calls for a legal conclusion. Subject to and without waiving the foregoing objections, SLU states that the depositions of Avis Meyer and Diana Benanti are responsive to this interrogatory. In addition, investigation has revealed that Meyer was aware prior to registration and use of the non-profit corporation that his actions might be improper. Rather than inform SLU of his intent to "own" rights in the name of the paper that SLU had been publishing for many decades, prior to registration of the non-profit corporation Meyer deviously proposed an unrelated hypothetical in an attempt to get tacit approval (unbeknownst to SLU) in the event he was caught misusing SLU's intellectual property. Meyer then made specific efforts to keep the fact of his actions secret. Meyer additionally failed to dissolve the wrongfully created and used entity when the students accepted the new Charter proffered by the University and later intentionally dissolved the non-profit corporation in a confusing manner in order to diminish the value of SLU's intellectual property rights, potentially hamper its ability to protect its intellectual property in the future, and apparently in an attempt cover up his wrongful acts. Meyer additionally failed to respond to SLU's request for assurances as to the extent of Meyer's use and/or future use of SLU's intellectual property. Meyer also intentionally frustrated SLU's ability to investigate the use of its intellectual property by

VERIFICATION

Kenneth E. Fleischmann, being first duly sworn, states as follows:

That I have read the foregoing responses and knows the contents thereof; that said responses were prepared with the assistance and advice of counsel; that the responses set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these responses; that consequently, that SLU reserves the right to make any changes in the responses if it appears at any time that omissions or errors have been made therein or that more accurate or additional information is available; and subject to the limitations set forth herein, the said responses are true to the best of SLU's knowledge, information and belief.

Kenneth E. Fleischmann
Kenneth E. Fleischmann
Senior Associate General Counsel for
Saint Louis University

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

Subscribed and sworn to before me this 15th day of August, 2008.

Lynette L. Murphy
Notary Public

My commission expires: 6-29-2010



Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

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SAINT LOUIS UNIVERSITY

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served by email and first class mail, postage prepaid, upon counsel of record this 18th day of August, 2008 addressed as follows:

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