

EXHIBIT 1

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

SAINT LOUIS UNIVERSITY,)	
a Missouri benevolent corporation,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:07CV1733 CEJ
)	
AVIS MEYER,)	
)	
Defendant.)	

**[PROPOSED] FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECLARATORY, INJUNCTIVE AND OTHER RELIEF**

This matter comes before the Court after a bench trial on Plaintiff Saint Louis University’s Count VII of its Complaint for Misuse of a Benevolent Society’s Name in violation of Missouri Revised Statute § 417.150. After careful consideration of the evidence and arguments of counsel, and being fully advised, the Court hereby makes the following findings of fact and conclusions of law:

1. Plaintiff Saint Louis University is a Missouri benevolent corporation, duly organized and existing under the laws of the State of Missouri since 1832.
2. Plaintiff has and continues to maintain the name St. Louis University (aka Saint Louis University) as its benevolent corporation name.
3. Plaintiff has published a student newspaper titled *The University News, A Student Voice of Saint Louis University Since 1921*, for many decades.
4. On March 16, 2007, Defendant Avis Meyer submitted Articles of Incorporation to the Missouri Secretary of State for registration of a non-profit organization under the name “The University News, a Student Voice Serving Saint Louis University Since 1921.”
5. The name of Meyer’s non-profit corporation incorporates in its entirety Saint Louis University’s benevolent corporation name or a colorable imitation thereof.

6. At the time Meyer submitted the Articles of Incorporation to the Missouri Secretary of State, Meyer was an employee of over thirty (30) years at Saint Louis University and was therefore aware that Plaintiff was a Jesuit educational institution using the name "Saint Louis University" to conduct its benevolent, religious and educational missions.
7. At the time, Meyer was aware that Plaintiff had published a student newspaper titled *The University News, A Student Voice of Saint Louis University Since 1921*, for many decades.
8. The non-profit organization formed by Meyer has not been serving Saint Louis University since 1921, as stated in its registered name. Rather, the name was selected to resemble as close as possible the name of Saint Louis University's campus paper so that any paper published by the non-profit corporation would benefit from the public's recognition of the name and the reputation Saint Louis University had acquired using the name.
9. Meyer did not seek Saint Louis University's permission to include the name "Saint Louis University" within the registered name of his non-profit corporation, nor did he notify SLU of his intention to include "Saint Louis University" in the name of his non-profit organization, before he submitted the Articles of Incorporation to the Missouri Secretary of State.
10. At no time has Meyer had Saint Louis University's permission to include the name "Saint Louis University" in the name of any non-profit corporation formed by him.
11. Meyer did not seek or have Saint Louis University's permission to use in near identical form the name of Saint Louis University's campus paper for the name of his non-profit corporation.
12. Meyer's incorporation of the non-profit corporation was calculated to deceive persons with respect to Saint Louis University's affiliation and/or approval of the non-profit corporation to increase the recognition and/or circulation of any newspaper that might have been published by the non-profit corporation.
13. On or prior to August 21, 2007, Meyer was aware that Saint Louis University objected to the name of his non-profit corporation.
14. On or about August 21, 2007, after learning that Saint Louis University objected to the name of his non-profit corporation, Meyer submitted paperwork with the Missouri Secretary of State on Saint Louis University's letterhead and depicting Saint Louis University's "SLU Communication" fax line and contact information requesting that the non-profit corporation be dissolved, which created a permanent deceptive record.
15. Meyer did not seek or have Saint Louis University's permission to submit paperwork to the Missouri Secretary of State on Saint Louis University's

letterhead, with Saint Louis University's fax line and contact information in dissolving his non-profit corporation.

16. Saint Louis University is entitled to exclusive use of its name and any colorable imitation thereof (including "St. Louis University" and "Saint Louis University") pursuant to § 417.150.
17. Meyer violated § 417.150 by assuming, adopting and misusing Plaintiff's name or a colorable imitation thereof.
18. Meyer violated § 417.150 by adopting for his non-profit corporation a name nearly identical (and practically indistinguishable) from the name of Saint Louis University's own campus paper (which has Saint Louis University therein) in a calculated effort to deceive as to the reputation, circulation, and history of any paper that might have been published under his non-profit corporation.
19. Saint Louis University has no adequate remedy at law and is entitled to injunctive and declaratory relief to restore its exclusive use of its name and correct the record created by Meyer's acts.
20. This litigation involves "unusual circumstances" warranting an award of attorneys' fees to Plaintiff because Defendant acted willfully and in reckless disregard of the rights of Saint Louis University with full knowledge that his employer would likely disapprove of his actions. He also necessitated and multiplied this litigation by his refusal or neglect to appropriately respond to Plaintiff's requests for assurances as to his use or nonuse of its benevolent name prior to the filing of this lawsuit. In addition, Defendant engaged in egregious acts of discovery abuse, including service of false interrogatory answers and spoliation of evidence. Moreover, due to its benevolent corporation status, public policy supports compensating Saint Louis University for the expenditures related to protecting its name under these circumstances.

Accordingly,

IT IS HEREBY ORDERED THAT judgment is entered in favor of Saint Louis University and against Defendant Avis Meyer on Count VII of the Complaint.

IT IS FURTHER ORDERED THAT:

- A. Defendant Avis Meyer, and any of his agents, representatives employees, or assigns, to the extent they exist, and all those in concert and privity with him, are hereby enjoined from adopting, assuming or using "Saint Louis University" or any similar variation, except that Defendant may use the name to specify any historical or present fact regarding his association as a professor at Saint Louis University.

B. Within seven (7) business days of the date of this Order, Defendant Avis Meyer shall submit to the Missouri Secretary of State for filing with regard to his non-profit corporation a signed Statement of Correction (as available on the Secretary of State website and attached hereto) stating that:

- *The type of document being corrected is:* the Articles of Dissolution by Voluntary Action for a Non-Profit Corporation; and
- *The error is corrected as follows:* The name and address to return filed documents is: Avis Meyer, 10828 Woodforest Dr., St. Louis, MO 63128.
- *The reason for such correction is:* The formation and manner of dissolution of the non-profit corporation were not authorized by Saint Louis University; were done without the permission or knowledge of Saint Louis University; and constitute misuses of Saint Louis University's benevolent corporate name in violation of Missouri Revised Statute § 417.150.

C. Defendant shall file with this Court a certification of compliance with the above paragraph B. not later than ten (10) business days after entry of this Order.

IT IS FURTHER ORDERED THAT Plaintiff is entitled to an award of attorneys' fees.

Plaintiff Saint Louis University shall submit an itemization of attorneys' fees to the Court within fourteen (14) days of the date of this Order for consideration by the Court.

IT IS FURTHER ORDERED THAT this Court shall have the power to enforce the terms of this Order by contempt order and/or sanctions as necessary, in the Court's discretion.

SO ORDERED:

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Signed on this ____ day of _____, 2009.



State of Missouri
Robin Carnahan, Secretary of State

Corporations Division
P.O. Box 778 / 600 W. Main Street, Rm 322
Jefferson City, MO 65102

**Statement of Correction for a
General Business or Nonprofit Corporation**
(Submit with filing fee of \$10)

- (1) The name of the corporation is: _____

- (2) The state/country under whose laws it was organized is: _____

- (3) Type of document being corrected (or filed copy attached): _____

- (4) The error is corrected as follows: _____

- (5) The reason for such correction is: _____

- (6) Date the original document was filed with the Missouri Secretary of State: _____

In Affirmation thereof, the facts stated above are true and correct:
(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

Authorized Signature *Printed Name* *Title* *month/day/year*

<p>Name and address to return filed document:</p> <p>Name: _____</p> <p>Address: _____</p> <p>City, State, and Zip Code: _____</p>
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