

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

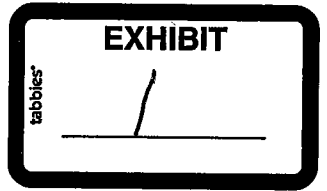
**PLAINTIFF'S ANSWERS AND OBJECTIONS TO  
DEFENDANT'S FIRST SET OF INTERROGATORIES**

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.

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## GENERAL OBJECTIONS

SLU objects to the First Set of Interrogatories propounded by Avis Meyer ("Meyer") in their entirety, on the following grounds:

1. SLU objects to each Interrogatory to the extent it could be construed as encompassing communications or documents protected by any privilege, including but not limited to: (a) the attorney-client privilege; (b) the attorney work-product doctrine; (c) or any other privilege or protection afforded by law. SLU and its counsel hereby assert such privileges and immunities.

2. SLU objects to each Interrogatory to the extent it seeks to impose on SLU obligations beyond those imposed by the Federal Rules of Civil Procedure.

3. SLU objects to each Interrogatory to the extent that the information requested therein is not within the possession, custody or control of SLU.

4. SLU objects to each Interrogatory to the extent it is argumentative and/or calls upon SLU to interpret legal theories or to draw legal conclusions. If Meyer subsequently asserts or prevails on an interpretation of any Interrogatory which differs from that understood by SLU, SLU reserves the right to supplement and/or amend its objections.

5. SLU objects to each Interrogatory to the extent it seeks information that is neither relevant to the subject matter of this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence.

6. SLU objects to these Interrogatories on the ground that they are overly broad, unduly burdensome, vague and ambiguous, and seek information beyond the scope of this lawsuit because of overly broad definitions.

7. SLU objects to these Interrogatories to the extent that they are overly broad and unduly burdensome in that they request the identification of documents and things unrelated to the instant proceeding in both time and subject matter.

8. SLU further objects to these Interrogatories on the ground that each contains multiple subparts and that the numbering system utilized by Meyer does not accurately reflect the number of Interrogatories contained in Meyer's First Interrogatories. By specifically objecting to or answering Meyer's Interrogatories, SLU does not waive its right to object to these or any subsequently propounded interrogatories on the ground that they exceed the limitation as set forth in FRCP Rule 33 and the orders of the Court.

9. SLU also objects in that these Interrogatories are premature because discovery and investigation are ongoing, and SLU hereby reserves the right to amend its answers herewith in light of any additional information discovered in the course of this proceeding.

10. SLU expressly reserves the right to object to further discovery and to the subject matter of such request and to the introduction into evidence of any document, thing, information or portion thereof.

### **INTERROGATORIES**

1. Please provide the name and address of the person or persons answering these interrogatories, including all persons who provided information used in answering these interrogatories.

**ANSWER:** SLU restates and incorporates its General Objections. SLU further objects on the grounds that this Interrogatory is overly broad and unduly burdensome and seeks irrelevant information. SLU further objects to the extent that this Interrogatory seeks information protected by the attorney-client privilege and/or work product doctrine. Subject to

(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

misrepresenting to the press and under oath his claimed creation and delivery of correspondence to counsel for SLU regarding the requested assurances. The full extent of Meyer's willful conduct may not be discoverable due to Meyer's destruction of evidence and failure to otherwise comply with his discovery obligations, and SLU therefore specifically reserves the right to supplement this response if and when additional information becomes available.

9. Identify all facts that you contend support your allegation that the alleged wrongdoings by MEYER were willful and deliberate, designed especially to trade upon alleged goodwill associated with SLU.

ANSWER: SLU restates and incorporates its General Objections. SLU additionally incorporates herein by reference its responses to Interrogatory Nos. 6 and 8.

10. Identify all facts that you contend support your allegation that the alleged wrongdoings by MEYER result in SLU suffering and continuing to suffer irreparable harm.

ANSWER: SLU restates and incorporates its General Objections. 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 Meyer's actions may leave SLU open to attacks on its intellectual property that SLU may not be able to fully defend absent an injunction or order setting forth the wrongful nature of Meyer's conduct.

11. Provide the name, employer, title, business and home addresses and telephone numbers for each person with operational or maintenance responsibility for SLU's computer system(s), including, but not limited to, the person(s) who maintain the hardware on the

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.

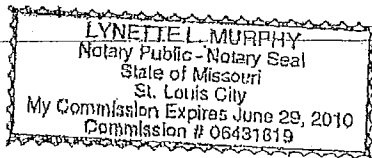
*Kenneth E. Fleischmann*  
\_\_\_\_\_  
Kenneth E. Fleischmann  
Senior Associate General Counsel for  
Saint Louis University

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

Subscribed and sworn to before me this 15<sup>th</sup> day of August, 2008.

*Lynette J. Murphy*  
\_\_\_\_\_  
Notary Public

My commission expires: 6-29-2010



Respectfully submitted,

**LEWIS, RICE & FINGERSH, L.C.**

By: 

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Attorneys for Plaintiff  
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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