

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

SAINT LOUIS UNIVERSITY,)
a Missouri benevolent corporation,)

Plaintiff,)

Case No. 4:07-cv-01733

AVIS MEYER,)

Defendant.)

**DEFENDANT'S SUPPLEMENTAL ANSWERS TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES NOS. 2-6, 8, 9, 11, 12 AND 15 PURSUANT TO COURT ORDER
(d/e 48)**

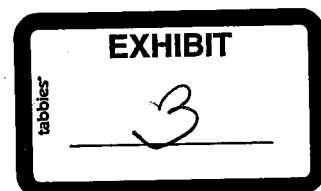
COMES NOW Defendant Avis Meyer (hereinafter "Meyer"), and for his supplemental answers to Plaintiff's First Set of Interrogatories states as follows:

GENERAL OBJECTIONS

1. Meyer objects to these interrogatories to the extent that the interrogatories seek information protected by attorneys' work product or trial preparation, attorney/client privilege, or seeks confidential information.

2. Meyer objects to these interrogatories to the extent that they are overbroad, irrelevant, burdensome, vague and are not reasonably calculated to lead to the discovery of admissible evidence and/or require Meyer to provide information outside the scope of the Federal Rules of Civil Procedure.

3. Meyer objects to these interrogatories insofar as the interrogatories seek information that is already in the possession of Plaintiff or is readily accessible to Plaintiff or that



- (c) all rights to object on any ground to any further interrogatory requests involving or related to the subject matter of the interrogatory;
- (d) the right supplement responses to the interrogatories prior to commencement of the trial; and
- (e) any and all privileges and/or rights under the applicable Federal Rules of Civil Procedure, Federal Rules of Evidence, the Court's Local Rules, statutes, or the common law.

These General and Specific objections notwithstanding, Meyer makes the following supplemental replies to the First Set of Interrogatories:

SUPPLEMENTAL ANSWERS TO INTERROGATORIES NOS. 2-6, 8, 9, 11, 12 AND 15

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

ANSWER: Subject to the general objections, Defendant answers:

Avis Meyer

2. Identify all persons with knowledge of the Non-Profit Organization, including but not limited to those persons with knowledge of the Non-Profit Organization's:

- a. Formation;
- b. Incorporation;
- c. Existence;
- d. Dissolution or Termination.

ANSWER: Defendant objects to the interrogatory as constituting four separate interrogatories on four different subjects. Defendant objects to the interrogatory as vague, particularly as to the meaning of "all persons with knowledge of the Non-Profit Organization." Subject to Defendant's general and specific objections, Defendant answers:

University News staff: Katie Lewis, Jamie Robinson, Ian Bannon, Adam Tamburin, possibly other staff employed by the *University News* in the spring, summer and fall of 2007;

Avis Meyer mentioned that he registered the name, deregistered the name and the lawsuit to: Kathy Wallace, who is a Dean of Arts and Science at Ohio State in Columbus, her husband, who is a State's Attorney for the State of Ohio, Tom Dilling; Mary Chollet, recently retired from the *Philadelphia Inquirer*, and her husband;

Avis Meyer mentioned the filing of the lawsuit to Phillip Lyons in reply to his inquiry to Avis Meyer regarding a Bill McClellan article in the *St. Louis Post Dispatch*;

Avis Meyer may have mentioned the lawsuit to *University News* alumni Jean Trimble, John Malone, Teryl Franklin;

Maggie Crane, St. Louis University alumna;

Lisa Watson; St. Louis University alumna;

Tim Hogan, St. Louis University alumnus;

Pete Salsich, Jr., St. Louis University alumnus;

Kevin King, St. Louis University alumnus.

3. Identify all persons with knowledge of any business conducted by the Non-Profit Organization.

ANSWER: Defendant objects to the interrogatory as assuming that the Non Profit Organization ever conducted business. Subject to Defendant's general and specific objection, Defendant answers:

Avis Meyer formed the corporation, to the extent such act falls under the definition of business, and did not conduct any business by the Non-Profit Organization.

4. Identify all persons with whom you have communicated regarding the Non-Profit Organization, including but not limited to those persons with whom you have communicated concerning the Non-Profit Organization's:

- a. Formation;
- b. Incorporation;
- c. Existence;
- d. Dissolution or termination.

ANSWER: Defendant objects to the interrogatory as constituting four separate interrogatories on four different subjects. Defendant objects to the interrogatory as vague, particularly as to the meaning of "communicated regarding the Non-Profit Organization." Subject to Defendant's general and specific objections, Defendant answers:

Avis Meyer incorporates by reference his response to Interrogatory No. 2. Avis Meyer inquired about distributing on the campus computer network a clarification relating to Father Biondi's President Monthly email, dated March 14, 2008, to Bridget Fletcher and Nick Hebel, both employed by St. Louis University.

5. Identify all persons associated in any way with the Non-Profit Organization and their relation to the Non-Profit Organization.

ANSWER: Defendant objects to the interrogatory as vague, particularly as to the meaning of "associated in any way with the Non-Profit Organization." Subject to Defendant's general and specific objections, Defendant answers:

Diana Benanti to the extent Avis Meyer may have considered her as Organizing Agent as noted on the dissolution papers.

6. State your purpose and/or intention of creating the Non-Profit Organization incorporated by the Missouri Secretary of State using the name "The University News, a Student Voice Serving Saint Louis University Since 1921."

ANSWER: Subject to the general objections, Defendant answers:

Avis Meyer filed the incorporation paperwork to reserve the name "The University News, a Student Voice Serving St. Louis University Since 1921" should the editor, based on consultation with the student staff of the *University News*, decide not to accept the revised charter and then student staff should decide to go off-campus with the newspaper, and then should the student staff decide to use the name on the incorporation papers. Avis Meyer stipulates that he has not used, in any manner other than registration of the Non-Profit Organization, the phrase "University News, a Student Voice Serving St. Louis University Since 1921".

8. Identify all facts concerning any business dealings and/or transactions the Non-Profit Organization participated in or contemplated, including but not limited to:

- a. The nature of the business dealing and/or transaction;
- b. The parties involved in the business dealing and/or transaction.

ANSWER: Defendant objects to the interrogatory as constituting two separate interrogatories on two different subjects. Defendant objects to the interrogatory as vague particularly as to the meaning of "business dealings and/or transactions." Subject to Defendant's general and specific objections, Defendant answers:

The student staff of the *University News* contemplated moving the newspaper off-campus as independent, in view of the revised charter. However, the Non-Profit Organization did not participate in or contemplate any business dealings and/or transactions.

9. Identify all facts concerning the dissolution or termination of the Non-Profit Organization on or about August 21, 2007, including but not limited to the reason the Non-Profit Organization was dissolved and/or terminated.

ANSWER: Defendant objects to the interrogatory as vague, particularly as to the meaning of "facts concerning the dissolution or termination of the Non-Profit Organization." Subject to Defendant's general and specific objections, Defendant answers:

Avis Meyer incorporates by reference his response to Interrogatory No. 6. A decision was made that the Non-Profit Corporation was not necessary and would not be utilized for any purpose, since the student staff of the *University News* accepted the revised charter.

11. Identify all facts concerning any and all plans you have, have had, or are aware of to start or utilize an independent newspaper to be distributed to Saint Louis University students, including but not limited to:

- a. The name of the independent newspaper;
- b. The type of stories the independent newspaper would print;
- c. The names and addresses of any employees who would work for the independent newspaper;
- d. The geographic areas included in the circulation of the independent newspaper;
- e. Any and all steps taken to initiate such an independent newspaper.

ANSWER: Defendant objects to the interrogatory as constituting five separate interrogatories on five different subjects. Defendant objects to the interrogatory as vague, particularly as to the meaning of "facts concerning any and all plans." Subject to Defendant's general and specific objections, Defendant answers:

Avis Meyer incorporates by reference his response to Interrogatory No. 6. The student staff of the *University News* considered moving the newspaper off-campus, in view of the revised charter, to continue the distribution of the newspaper and/or to distribute an online newspaper. The name of the independent or off-campus newspaper would have been decided by

the student staff. The types of stories would presumably be the same types of stories that the *University News* currently prints, but that decision would have been made by the student staff. The names and addresses of any employees for any off-campus newspaper would have been the same people of the *University News*. The geographic circulation area of any distribution would have stayed the same as the current *University News*. But, the student staff decided that the cost of relocating the newspaper off-campus would be cost prohibitive, and the student staff decided to accept the revised charter. An independent newspaper was not initiated. Avis Meyer spoke with *University News* alumnus Tom Downey regarding the student staff discussions regarding moving the *University News* off-campus.

12. Identify all facts concerning any interviews you granted or participated in, including but not limited to any interview with KWMU or St. Louis Magazine, during which the Non-Profit Organization or Saint Louis University's campus paper, *The University News*, was discussed or mentioned.

ANSWER: Subject to the general objections, Defendant answers:

Avis Meyer provided interviews or gave information relating to the *University News*, Avis Meyer's role as mentor or advisor and/or the lawsuit proceedings to:

Kavita Kumar, reporter for the *St. Louis Post-Dispatch*;

Matt Franck, reporter for the *St. Louis Post-Dispatch*;

Roy Malone, reporter for the *St. Louis Journalism Review*;

Charles Klotzer, reporter for the *St. Louis Journalism Review*;

Matt Halverson, reporter for *Alive Magazine*;

Stephanie Sidak, reporter for the *University News*;

Emilie Yan, reporter for the *Student Press Law Center*;

Rob Arcamona, reporter for the *Student Press Law Center*;

Becki Supiano, reporter for the *Chronicle of Higher Education*;

Avis Meyer participated in a radio program, in March of 2007, for the KWMU radio station with three other participants relating to the charter of the *University News*. Avis Meyer discussed the incorporation paperwork in the radio program for the KWMU radio station;

Avis Meyer participated in a radio program for KDHX about a week after the KWMU radio program with Don Corrigan, a student newspaper advisor from Webster University, relating to a discussion forum about a movie regarding a Pennsylvania college newspaper and there was a telephone call-in inquiry asking about Avis Meyer's status as adviser to the *University News*.

15. Identify all facts concerning any trademark screening, search or other investigation you conducted before registering the Non-Profit Organization, including but not limited to the date when each such report, search or other investigation was requested or ordered, the date of each such report, the date each such report was received by you, and identification of all documents pertaining in any way to such trademark search reports.

ANSWER: Subject to the general objections, Defendant answers:

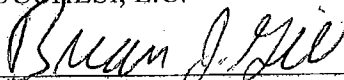
A clerk at the Missouri Secretary of State Office conducted an on-line availability search for the name "University News" and for the name "University News, a student voice serving St. Louis University"; and found that so such names were registered.

Respectfully Submitted,

POLSTER, LIEDER, WOODRUFF &
LUCCHESI, L.C.

Dated: September 4, 2008

By:



Nelson D. Nolte, Mo. Bar. No. 53,470

Brian J. Gill, Mo. Bar No. 57,324

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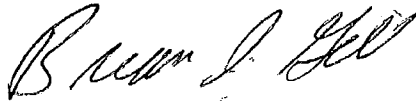
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2008, a copy of the foregoing was served via United States mail, postage prepaid upon the following:

Frank B. Janoski, #3480
Bridget Hoy, #109375
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St. Louis, Missouri 63102
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F (314) 241-6056

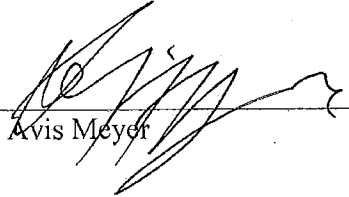
ATTORNEYS FOR PLAINTIFF



VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

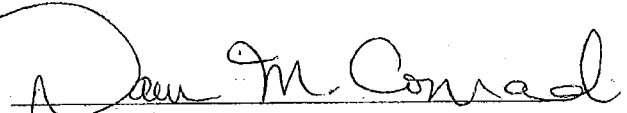
Date: 9-4-08

By: 
Avis Meyer

ACKNOWLEDGEMENT

State of Missouri)
) SS
County of St. Louis)

On this 4th day of September, 2008, before me personally appeared the Avis Meyer, personally known to me and known by me to be the one who executed the foregoing instrument, and acknowledged that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true.


Notary Public

My Commission Expires:



DAWN M. CONRAD
My Commission Expires
November 18, 2010
St. Louis County
Commission #06392380