

**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.)	

PLAINTIFF SAINT LOUIS UNIVERSITY’S MOTION IN LIMINE

COMES NOW Plaintiff Saint Louis University (“Plaintiff”), by and through its undersigned counsel and for its Motion in Limine, and requests, pursuant to Federal Rules of Evidence 401, 402 and 403, and other applicable law, that the Court preclude Defendant Avis Meyer, his counsel, and any witnesses from making any reference in opening statement or otherwise, or from testifying, attempting to introduce evidence or eliciting any testimony related to irrelevant, prejudicial or otherwise improper topics. In support of its Motion, Plaintiff states as follows:

1. This case is set for a bench trial on January 20, 2009. The only claim to be tried is Plaintiff’s Count VII for violation of Missouri Revised Statute § 417.150.
2. Plaintiff seeks declaratory and injunctive relief, and an award of attorneys’ fees.
3. Based upon Defendant Avis Meyer’s pretrial filings to date, it is anticipated that Defendant will attempt to elicit testimony, submit evidence, or present attorney argument that is not relevant to any issue to be tried in this case, or to the extent it might be relevant, any probative value is far outweighed by the danger of unfair prejudice or the potential for undue

delay and a waste of the Court's time. Such evidence should be excluded pursuant to Federal Rules of Evidence 401, 402 or 403.

4. Specifically, Plaintiff seeks to exclude the following categories of evidence:
 - a. Testimony, argument or evidence of Meyer's claimed motivation for registering the non-profit corporation.
 - b. Testimony, argument or evidence of Saint Louis University's administrative decision to appoint an official advisor for the student editorial staff of Saint Louis University's *The University News* and Saint Louis University's request thereafter that Avis Meyer not interfere in the newsroom to allow the official advisor the opportunity to establish a rapport with and gain respect from the students.
 - c. Testimony, argument or other evidence related to the amount of any stipend paid by Saint Louis University to the Editor-in-Chief of *The University News*.
 - d. Testimony, argument or other evidence that Meyer never "established a newspaper or even took any concrete steps toward the establishment of a paper."
 - e. Testimony, argument or evidence that Saint Louis University's reason for filing or proceeding with this lawsuit had anything to do with Avis Meyer's perceived longstanding vendetta and the President of Saint Louis University, Father Lawrence Biondi.

5. A Memorandum in Support of this Motion, detailing the reasons why the above-listed evidence, testimony or argument should be excluded from trial is filed contemporaneously herewith and incorporated herein by reference.

6. A proposed order is attached hereto for the convenience of the Court.

WHEREFORE, Plaintiff Saint Louis University respectfully requests that this Court grant its Motion in Limine and issue an Order precluding Defendant, his counsel, and witnesses from making any reference in opening statement or otherwise, or from testifying, attempting to introduce evidence or eliciting any testimony related to the topics set forth herein.

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I further certify that on the 9th day of January, 2009, the foregoing was filed with the Clerk of Court to be served via the Court's ECF system upon all counsel of record.

 /s/ Frank B. Janoski
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