

IN THE MATTER OF:

*St. Louis University, etc.,
vs.
Avis Meyer*

Cause No. 04:07CV1733 CEJ

*Deposition of Avis Meyer
6/4/2008*

*Gore Perry Gateway Lipa Baker Dunn & Butz
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Full GLOSSARY included with this DepoScript

EXHIBIT

tabbles

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(1) In the United States District Court
 (2) Eastern District of Missouri
 (3) Eastern Division
 (4)
 (5) ST. LOUIS UNIVERSITY, etc.
 (6)
 (7) PLAINTIFF
 (8)
 (9) vs. Cause No. 4:07CV1733 CEJ
 (10)
 (11) AVIS MEYER,
 (12)
 (13) DEFENDANT.
 (14)
 (15)
 (16) Deposition of AVIS MEYER
 (17) On behalf of THE PLAINTIFF
 (18) JUNE 4, 2007
 (19)
 (20)
 (21) Gore & Perry Reporting Co.
 (22) 515 Olive St., Suite 700
 (23) St. Louis, Missouri 63101
 (24) 314-241-6750
 (25)

(1) APPEARANCES OF COUNSEL:
 (2)
 (3) For THE PLAINTIFF:
 (4)
 (5) Mr. Frank B. Janoski
 (6) Ms. Bridget Hoy
 (7) Lewis, Rice & Fingersh, L.C.
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 (9) St. Louis, MO 63102
 (10)
 (11) Mr. Kenneth Fleischmann
 (12) Senior Associate General Counsel
 (13) St. Louis University
 (14)
 (15) For THE DEFENDANT:
 (16)
 (17) Mr. Brian J. Gill
 (18) Polster, Lieder, Woodruff & Lucchesi
 (19) 12412 Powerscourt Drive - Suite 200
 (20) St. Louis, MO 63131
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 (24)
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 (13) AVIS MEYER,
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 (15) DEFENDANT.
 (16)
 (17)
 (18) Deposition of AVIS MEYER, taken on behalf
 (19) of the PLAINTIFF, at the law offices of Lewis, Rice &
 (20) Fingersh, 500 North Broadway - Suite 2000, St. Louis,
 (21) Missouri, on JUNE 4, 2007, before Robert D. Perry,
 (22) Missouri CCR #904, Illinois C.C.R. No. 084-003742, and
 (23) Notary Public within and for the State of Missouri.
 (24)
 (25)

(1) INDEX
 (2)
 (3) PAGE
 (4)
 (5)
 (6) Examination by MR. JANOSKI 6
 (7)
 (8) Examination by MR. GILL 196
 (9)
 (10) Examination by MR. JANOSKI 201
 (11)
 (12)
 (13) PLAINTIFF'S EXHIBIT INDEX
 (14)
 (15) Exhibit 1 5
 (16) Exhibit 2 13
 (17) Exhibit 3 69
 (18) Exhibit 4 71
 (19) Exhibit 5 72
 (20) Exhibit 6 83
 (21) Exhibit 7 85
 (22) Exhibits 8-10 114
 (23) Exhibits 11-15 140
 (24)
 (25)

(1) AVIS MEYER,
(2) of lawful age, having been first duly sworn to testify
(3) the truth, the whole truth, and nothing but the truth
(4) in the case aforesaid, deposes and says in reply to
(5) oral interrogatories propounded as follows, to-wit:

(6) EXAMINATION

(7) QUESTIONS BY MR. JANOSKI:

(8) (Plaintiff's Exhibit No. 1

(9) Marked for identification)

(10) THE VIDEOGRAPHER: Today is June the 4th,
(11) 2008, we're on the record at 1:51 p.m. for the
(12) deposition of Mr. Avis Meyer in the matter of SLU
(13) versus Avis Meyer. Would the attorneys give their
(14) representations beginning with Mr. Janoski?

(15) MR. JANOSKI: Frank Janoski of Lewis Rice
(16) & Fingersh for the Plaintiff St. Louis University.

(17) MS. HOY: Bridgette Hoy also here on
(18) behalf of the Plaintiff.

(19) MR. FLEISCHMANN: Kenneth Fleischmann,
(20) Senior Associate General Counsel, present on behalf of
(21) St. Louis University.

(22) MR. GILL: Brian Gill of Polster, Lieder,
(23) Woodruff & Lucchesi on behalf of Defendant Avis Meyer.

(24) THE VIDEOGRAPHER: Will the attorneys
(25) please give their appearances -- oh, I'm sorry. Would

(1) A: Okay.
(2) Q: Have you seen this document before?
(3) A: Not by deposition, no.
(4) Q: You understand that you are giving a
(5) deposition here today?

(6) A: I understand.
(7) Q: And are you -- and you understand that you
(8) are under oath?

(9) A: I understand.
(10) Q: And you understand that the giving of any
(11) false testimony would be perjury?

(12) A: I understand.
(13) Q: Have you ever been accused of a violation of
(14) the law, aside from this lawsuit?

(15) A: You mean criminal, civil, what?

(16) Q: Any violation of a law.

(17) A: Like running a traffic sign?

(18) Q: Have you ever been -- yes. Have you ever
(19) been accused of a traffic violation?

(20) A: Ever in my life? I have to think about this.
(21) If you mean traffic, something like a traffic
(22) violation, I think the answer would be yes, maybe, but
(23) it's been a long time ago.

(24) Q: Anything more than a traffic violation?

(25) A: No.

(1) the court reporter please swear in the witness?

(3) AVIS MEYER,

(4) Of lawful age, being first duly sworn to testify the
(5) whole truth of his knowledge, testified as follows:

(6) EXAMINATION

(7) QUESTIONS BY MR. JANOSKI:

(8) Q: Could you please state your name for the
(9) record?

(10) A: Avis Meyer, M-E-Y-E-R.

(11) Q: And, Doctor, is it "Dr. Meyer"?

(12) A: I'm a Ph.D., not an M.D., not to be
(13) confusing.

(14) Q: I understand. Dr. Meyer, could you please
(15) state your home address?

(16) A: 10828 Wood Forest Drive in Sunset Hills, West
(17) County.

(18) Q: And is there a Zip code with that, please?

(19) A: I'm sorry?

(20) Q: A Zip code?

(21) A: 63128.

(22) Q: Thank you. I want to hand you what's been
(23) marked as Plaintiff's Exhibit 1 and ask you to please
(24) look at that document and tell me when you're finished
(25) looking at it.

(1) Q: Have you ever had your deposition taken
(2) before?

(3) A: No.

(4) Q: Have you ever testified at trial?

(5) A: No.

(6) Q: Okay. I'm sure that your lawyer has probably
(7) told you about some basic ground rules that we have
(8) with regard to depositions.

(9) A: Broadly.

(10) Q: In order for the deposition, I think, to go
(11) as smoothly as possible, and to have as good a record
(12) as possible, normally what I request is that you allow
(13) me to ask the question, finish my question, and then I
(14) would like you to respond to the best of your ability.

(15) As long as we don't talk over each other, it's much
(16) easier for the court reporter. The videographer, he
(17) doesn't have to worry about it too much, but the court
(18) reporter, to take down the testimony accurately, you
(19) have to provide a verbal response, a "yes", "no".

(20) Nodding of the head, I will prompt you for a verbal
(21) response, is that okay?

(22) A: I understand.

(23) Q: If you answer my question, I'm going to
(24) assume that you understand the question. So, if at
(25) any time you don't understand the question that I'm

(1) Attorney-Client Privilege, instruct the witness not to
(2) answer.

(3) Q: (By Mr. Janoski) Are you going to follow
(4) that objection?

(5) A: I believe I will.

(6) Q: That instruction -- rather, I'm sorry, and
(7) you're not going to answer the question, and you're
(8) not going to answer the question?

(9) A: Correct.

(10) Q: Now, let me just make sure, a copy of the
(11) letter that you would have drafted, that you thought
(12) that you sent to me --

(13) A: That I thought I sent.

(14) Q: -- would still be on your computer, or has it
(15) been deleted?

(16) A: After three months, it would have been
(17) deleted.

(18) Q: Okay. Now, in the last paragraph you state,
(19) and it's a quote that she has here, "I think they
(20) should be ashamed of themselves for allowing this.
(21) These students' lives have been burdened, the paper
(22) has been threatened, the University's reputation has
(23) been tarnished because one guy doesn't like me", he
(24) says. Are you referring to Father Biondi?

(25) A: I'm referring to administration, that's why

(1) Q: Let me ask a question. Are you familiar with
(2) Diana Benanti's blog site?

(3) A: No.

(4) Q: You have not been to it?

(5) A: I don't do blogs. I don't know how to get on
(6) to them. I do e-mail on my own, and they lose me with
(7) blogs and -- what is it called? YouTube and that
(8) stuff. I just don't do that stuff.

(9) Q: Do you remember talking to Maggie Crane about
(10) this, about this lawsuit?

(11) A: I don't know if she called or if she wrote,
(12) but she did when she found out about it.

(13) Q: Okay. And do you remember corresponding with
(14) her about this lawsuit?

(15) A: We talked on the phone, or else we wrote an
(16) e-mail, one or the other.

(17) Q: Okay. And would you have a copy of that
(18) e-mail?

(19) A: If it was an e-mail, I might, but if it's
(20) three months old, I might not.

(21) Q: Okay. It probably corresponded with her back
(22) in November of 2007.

(23) A: Then it would be gone then.

(24) Q: Okay. You would have deleted it, correct?

(25) A: Yes.

(1) "they", the administrators, generally.

(2) Q: But it says here "one guy doesn't like me"?

(3) A: Yes. That means Biondi, but he's only part
(4) of the administration. He's not the administration.
(5) It's a "they", it's not one person.

(6) Q: I understand that, but in this quote that she
(7) has here, it says "one guy doesn't like me" and you
(8) attribute all these things to Father Biondi, is that
(9) right?

(10) A: No, I attribute it to "they", the subject,
(11) "they should be ashamed of themselves".

(12) Q: Okay.

(13) A: The reason is Biondi, but he's not -- he's
(14) not the "they".

(15) Q: Are you familiar with an individual by the
(16) name of Maggie Crane?

(17) A: I am.

(18) Q: And can you tell me who Maggie Crane is? And
(19) that's C-R-A-N-E.

(20) A: She's a former student that had a few classes
(21) with me. She never worked on the school paper and the
(22) last I heard from her, and it's been awhile, she's an
(23) anchor on some network TV news show, I think in
(24) Florida, but I'm not sure. It's been a while since
(25) I've heard from her.

(1) Q: Do you remember having a conversation or
(2) correspondence with Lisa Watson?

(3) A: She's a former student who is in Northwestern
(4) in Chicago, outside of Evanston, yes, and again, that
(5) might be e-mail, but, no, it might be a phone call as
(6) well. She's also a former student.

(7) Q: Okay. And do you remember talking to her
(8) about --

(9) A: I do.

(10) Q: -- or corresponding with her?

(11) A: We corresponded.

(12) Q: About this lawsuit?

(13) A: It was not about the lawsuit, per se. The
(14) conversation was about a problem at their Journalism
(15) Graduate School at Northwestern, but it bled over into
(16) this lawsuit.

(17) Q: And so, then you talked to her about the
(18) lawsuit?

(19) A: Either on e-mail or phone, one way or the
(20) other.

(21) Q: So, you did have a conversation with her
(22) about the lawsuit?

(23) A: We did communicate.

(24) Q: We can't talk over each other. I want to
(25) hand you what's been marked as Plaintiff's Deposition