

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

SAINT LOUIS UNIVERSITY,)
a Missouri benevolent corporation,)
)
Plaintiff,)
)
)
AVIS MEYER,)
)
Defendant.)
)

Case No. 4:07-cv-01733

DEFENDANT’S RESPONSE TO PLAINTIFF’S FIRST REQUEST FOR ADMISSION

COMES NOW Defendant Avis Meyer (hereinafter “Meyer”), and for his response to Plaintiff’s First Request for Admissions states as follows:

GENERAL OBJECTIONS

1. Meyer objects to the Request For Admission to the extent the Request seeks information protected by attorneys’ work product or trial preparation, attorney/client privilege, or seeks confidential information.

2. Meyer objects to the Request For Admission to the extent that the Request is overbroad, irrelevant, burdensome, vague and is 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 the Request For Admission insofar as the Request seeks information that is already in the possession of SLU or is readily accessible to SLU.



SPECIFIC OBJECTION

1. Meyer objects to the Request For Admission to the extent of the definition of the term "Non-Profit Organization." SLU defines the term as meaning the non-profit organization incorporated by Avis Meyer with the Missouri Secretary of State under the name "The University News, a Student Voice Serving St. Louis Since 1921." Meyer incorporated and dissolved a non-profit organization with the Missouri Secretary of State under the name "The University News, a Student Voice Serving St. Louis University Since 1921."

In providing answers to the Request For Admission, Meyer does not in any way waive or intend to waive, but rather intends to preserve and is preserving:

- (a) all objections as to the vagueness, ambiguity, or other infirmity in the form of the Request For Admission and any objections based on the undue burden imposed by the Request For Admission and each specific request contained therein;
- (b) all rights to object on any ground to the use of any of the responses or their subject matter in any subsequent proceedings;
- (c) all rights to object on any ground to any further Request For Admission requests involving or related to the subject matter of the Request For Admission;
- (d) the right supplement responses to the Request For Admission 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.

Request for Admission No. 8:

You have never provided any assurances to SLU that you will not use the name "The University News" related to any independent newspaper or other publication.

RESPONSE: Denied. Meyer's Answer to the Complaint denies the intent to publish any independent newspaper. In particular, Meyer notes the denials in answering Paragraphs 16, 29, 62, 72 and 86 of the Complaint.

Respectfully Submitted,

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

Dated: 3/19/08

By: Brian J. Gill

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2008, a copy of the foregoing was served via United States mail, postage prepaid upon the following:

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