

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MINNESOTA**

**Scott E. Christensen,**

**Plaintiff,**

**v.**

**Capella Education Company,**

**Defendant.**

**Case No. 06-4139 JRT/FLN**

**DEFENDANT'S ANSWER**

Defendant Capella Education Company ("Capella"), for its Answer to the Complaint in this matter, states as follows:

1. Admits paragraph 1.
2. Denies paragraph 2, stating that plaintiff's employer was Capella University.
3. Admits the first sentence of paragraph 3, and denies the second sentence of the paragraph.
4. Admits paragraph 4, noting that plaintiff's promotion had been delayed due to his attendance issues.
5. Is without information or knowledge sufficient to form a belief as to the truth of paragraph 5.
6. Denies paragraph 6.

7. Is without knowledge or information sufficient to form a belief as to the truth of paragraph 7.
8. Admits that plaintiff had several conversations with his supervisors about his inconsistent attendance and that Capella provided him with a flexible work schedule, and denies the remainder of the allegations in paragraph 8.
9. Denies paragraph 9.
10. Admits that plaintiff missed work, has no knowledge as to why he missed work, and denies the remainder of the allegations in paragraph 10.
11. Admits paragraph 11, except to note that Capella has no knowledge as to why plaintiff missed work.
12. Admits that plaintiff missed work, has no knowledge as to why he missed work, and denies the remainder of the allegations in paragraph 12.
13. Admits that plaintiff met with his supervisors on September 15, 2005, and that he was issued a Final Warning dated September 19, 2005, states that the Final Warning speaks for itself, and denies the remainder of the allegations in paragraph 13.
14. Is without knowledge or information sufficient to form a belief as to the truth of the first sentence of paragraph 14, and denies the second sentence of the paragraph.

15. Is without knowledge or information sufficient to form a belief as to the truth of paragraph 15, except to note that plaintiff was absent from work without permission for approximately 105 minutes.
16. Admits paragraph 16.
17. Denies paragraph 17.
18. No response is necessary.
19. Denies paragraph 19.
20. Denies paragraph 20.
21. Denies paragraph 21.
22. Denies paragraph 22.
23. Denies paragraph 23.
24. No response is necessary.
25. Denies paragraph 25.
26. Denies paragraph 26.
27. Denies paragraph 27.
28. Denies paragraph 28.

**AFFIRMATIVE DEFENSES**

1. The Complaint fails, in whole or in part, to state a claim upon which relief may be granted.
2. Further discovery may reveal that Plaintiff has failed to make reasonable efforts to mitigate his damages, if any.

3. All decisions related to Plaintiff's employment were made in good faith for legitimate, nondiscriminatory reasons.

4. Damages suffered by Plaintiff, if any, were the result of conduct by persons over whom Defendant had no control, including Plaintiff himself.

5. Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations and the equitable doctrines of waiver, laches and estoppel.

6. Plaintiff has improperly identified the defendant.

**WHEREFORE**, Defendant Capella requests relief as follows:

1. Dismissing Plaintiff's Complaint with prejudice in its entirety;
2. Awarding Capella its costs and disbursements incurred in this action, including reasonable attorneys' fees to the extent allowed by applicable law; and
3. Such other and further relief as the court deems just and equitable.

Respectfully submitted,

Dated: November 27, 2006

s/Thomas J. Conley  
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