

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
DAVENPORT DIVISION**

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<b>TERESA R. WAGNER,</b>	)	<b>CASE NO. 3:09-CV-00010</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>CAROLYN JONES, Dean Iowa College of</b>	)	<b>DEFENDANT'S</b>
<b>Law (in her official and individual capacities),)</b>	)	<b>ANSWER</b>
	)	
<b>Defendant.</b>	)	
	)	

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**COMES NOW** Defendant Carolyn Jones, and states:

1. Paragraph 1 is denied.
2. Paragraph 2 is denied.
3. Paragraph 3 is denied.
4. Paragraph 4 is denied.
5. Paragraph 5 is denied.
6. Paragraph 6 is admitted.
7. Paragraph 7 is denied.
8. Paragraph 8 is admitted.
9. Paragraph 9 is denied for lack of information upon which to form a belief.
10. Paragraph 10 is admitted.
11. Paragraph 11 is denied.

12. Paragraph 12 is denied for lack of information upon which to form a belief. It is admitted, however, that Defendant Jones is registered as a Democrat.

13. Paragraph 13 is denied.

14. Paragraph 14 is admitted.

15. Paragraph 15 is denied for lack of information upon which to form a belief.

16. Paragraph 16 is denied for lack of information upon which to form a belief.

17. Paragraph 17 is denied for lack of information upon which to form a belief.

18. Paragraph 18 is denied for lack of information upon which to form a belief.

19. Paragraph 19 is denied for lack of information upon which to form a belief.

20. Paragraph 20 is denied.

21. Paragraph 21 is denied for lack of information upon which to form a belief.

22. Paragraph 22 is denied for lack of information upon which to form a belief.

23. Paragraph 23 is denied for lack of information upon which to form a belief.

24. Paragraph 24 is denied for lack of information upon which to form a belief.

25. Paragraph 25 is denied for lack of information upon which to form a belief.

26. Paragraph 26 is admitted.

27. Paragraph 27 is admitted.

28. Paragraph 28 is admitted.

29. Paragraph 29 is admitted.

30. Paragraph 30 is admitted.

31. Paragraph 31 is admitted.

32. Paragraph 32 is admitted.

33. Paragraph 33 is admitted.

34. Paragraph 34 is admitted.
35. Paragraph 35 is denied.
36. Paragraph 36 is denied.
37. Paragraph 37 is admitted.
38. Paragraph 38 is admitted.
39. Paragraph 39 is admitted.
40. Paragraph 40 is denied.
41. Paragraph 41 is denied for lack of information upon which to form a belief.
42. Paragraph 42 is denied.
43. Paragraph 43 is denied.
44. Paragraph 44 is denied for lack of information upon which to form a belief.
45. Paragraph 45 is denied.
46. Paragraph 46 is admitted.
47. Paragraph 47 is denied.
48. Paragraph 48 is denied.
49. Paragraph 49 is admitted.
50. Paragraph 50 is denied.
51. Paragraph 51 is denied.
52. Paragraph 52 is admitted.
53. Paragraph 53 is denied for lack of information upon which to form a belief.
54. Paragraph 54 is denied for lack of information upon which to form a belief.
55. Paragraph 55 is denied for lack of information upon which to form a belief.
56. Paragraph 56 is denied.

57. Paragraph 57 is denied.

58. In response to Paragraph 58, the Defendant reincorporates her responses to paragraphs 1 through 57 of the Complaint as though fully set forth herein.

59. Paragraph 59 is admitted.

60. Paragraph 60 is denied.

61. Paragraph 61 is denied.

62. In response to Paragraph 62, the Defendant reincorporates her responses to paragraphs 1 through 61 of the Complaint as though fully set forth herein.

63. Paragraph 63 is denied.

64. Paragraph 64 is denied.

65. Paragraph 65 is denied.

66. In response to Paragraph 66, the Defendant reincorporates her responses to paragraphs 1 through 65 of the Complaint as though fully set forth herein.

67. Paragraph 67 is denied.

68. Paragraph 68 is denied.

69. In response to Paragraph 69, the Defendant reincorporates her responses to paragraphs 1 through 68 of the Complaint as though fully set forth herein.

70. Paragraph 70 is denied.

71. Paragraph 71 is denied.

72. Paragraph 72 is denied.

73. Paragraph 73 is denied.

74. In response to Paragraph 74, the Defendant reincorporates her responses to paragraphs 1 through 73 of the Complaint as though fully set forth herein.

75. Paragraph 75 is denied.

76. Paragraph 76 is denied.

**AFFIRMATIVE DEFENSES**

1. Plaintiff fails to state a claim upon which relief may be granted.

2. Defendant acted within her discretion in matters of academic concern.

3. Plaintiff has failed to mitigate her damages.

4. Defendant denies that any unlawful activity as asserted by Plaintiff in her

Complaint occurred.

5. Plaintiff's claims are barred by the applicable statute of limitations.

6. Any actions taken by the Defendant were taken for legitimate, non-discriminatory business purposes.

7. The individual Defendant is entitled to qualified immunity.

**WHEREFORE**, Defendant requests the Court to dismiss Plaintiff's Complaint and Demand for Jury Trial and assess the costs of this action to Plaintiff.

**THOMAS J. MILLER**  
Attorney General of Iowa

**/s/GEORGE A. CARROLL**  
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**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on March 24, 2009:

- |   |  |
|---|--|
| <input type="checkbox"/> U.S. Mail  | <input type="checkbox"/> FAX               |
| <input type="checkbox"/> Hand Delivery  | <input type="checkbox"/> Overnight Courier |
| <input type="checkbox"/> Federal Express  | <input type="checkbox"/> Other             |
| <input checked="" type="checkbox"/> ECF System Participant (Electronic Service) |  |

Signature: /s/Betty Christensen