

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

L.R.A. (an infant) by her NEXT FRIEND, and)
Mother, T.A.,)
)
Plaintiff,)
)
v.)
)
MINNESOTA REGIS CORPORATION,)
)
)
Defendant.)

Case No. 05-6024-CV-SJ-DW

ANSWER

Defendant Minnesota Regis Corporation, (hereinafter "Regis") for its Answer to Plaintiff's Complaint answers and additionally responds as follows:

JURISDICTION AND VENUE

1. Defendant admits the allegations set forth in paragraph 1.
2. Answering paragraph 2, Defendant admits that jurisdiction in the United States District Court is proper and Defendant has minimum contacts in the State of Missouri. Defendant otherwise denies the allegations set forth in paragraph 2.
3. Answering paragraph 3, Defendant admits that venue is proper in this judicial district and division, but otherwise denies the allegations set forth in paragraph 3.

PARTIES

4. Answering paragraph 4, Defendant is without sufficient knowledge to form a belief about the allegations set forth in paragraph 4, and therefore, denies the allegations.
5. Defendant admits the allegations set forth in paragraph 5.

GENERAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

6. Defendant admits the allegations set forth in paragraph 6.
7. Defendant admits that on July 7, 2004, Plaintiff sought a wash, cut, and style from SmartStyle, but otherwise Defendant is without sufficient information to form a belief about the remaining allegations set forth in paragraph 7 and denies same.
8. Defendant admits that Plaintiff spoke with Carla Stepp, but otherwise, denies the remaining allegations set forth in paragraph 8.
9. Defendant denies the allegations set forth in paragraph 9.
10. Defendant is without sufficient information and belief to form a belief as to the allegations set forth in paragraph 10, and therefore, denies the same.
11. Defendant denies the allegations set forth in paragraph 11.
12. Defendant admits the father left SmartStyle with both his children. Defendant denies the remaining allegations set forth in paragraph 12.

COUNT I – ALLEGED RACE DISCRIMINATION

13. Defendant incorporates by reference each and every answer and additional response to paragraphs 1 through 12 as though fully set forth herein.
14. Defendant denies the allegations set forth in paragraph 14.
15. Defendant denies the allegations set forth in paragraph 15.
16. Defendant denies the allegations set forth in paragraph 16.
17. Defendant denies the allegations set forth in paragraph 17.
18. Defendant denies the allegations set forth in paragraph 18.

COUNT II – ALLEGED NEGLIGENT HIRING

19. Defendant incorporates by reference each and every answer and additional response to paragraphs 1 through 18 as though fully set forth herein.

20. Defendant denies the allegations set forth in paragraph 20.

21. Defendant denies the allegations set forth in paragraph 21.

22. Defendant denies the allegations set forth in paragraph 22.

23. Defendant denies the allegations set forth in paragraph 23.

24. Defendant denies the allegations set forth in paragraph 24.

COUNT III – ALLEGED NEGLIGENT TRAINING

25. Defendant hereby incorporates by reference each and every answer and additional response to paragraphs 1 through 24 as though fully set forth herein.

26. Defendant denies the allegations set forth in paragraph 26.

27. Defendant denies the allegations set forth in paragraph 27.

28. Defendant denies the allegations set forth in paragraph 28.

29. Defendant denies the allegations set forth in paragraph 29.

30. Defendant denies the allegations set forth in paragraph 30.

COUNT IV – ALLEGED NEGLIGENT SUPERVISION

31. Defendant hereby incorporates by reference each and every answer and additional response to paragraphs 1 through 30 as though fully set forth herein.

32. Defendant denies the allegations set forth in paragraph 32.

33. Defendant denies the allegations set forth in paragraph 33.

34. Defendant denies the allegations set forth in paragraph 34.

35. Defendant denies the allegations set forth in paragraph 35.

36. Defendant denies the allegations set forth in paragraph 36.

37. Further answering, Defendant denies any allegations not expressly admitted herein.

AFFIRMATIVE DEFENSES AND ADDITIONAL RESPONSES

1. The Complaint fails to state a claim, in whole or in part, on which relief may be granted.
2. Plaintiff's negligence claims are barred because adequate statutory remedies exist for the conduct of which Plaintiff complains.
3. Plaintiff refused offers of service by Defendant, thereby barring Plaintiff's recovery.
4. Plaintiff failed to avail herself of the services offered by Defendant, thereby barring Plaintiff's recovery.
5. Plaintiff failed to enter into a contract with Defendant which bars Plaintiff's recovery herein.
6. Plaintiff failed in whole or in part to mitigate damages allegedly sustained as a result of Defendants' alleged conduct.
7. Defendant Regis made good faith efforts to comply with the requirements of applicable laws, and therefore, may not be held vicariously liable for punitive damages based on the alleged wrongful conduct of agents when that conduct is contrary to Defendant's good faith efforts.
8. Defendant did not act in willful disregard of the requirements of any law. Plaintiff is not entitled to recover any exemplary and/or punitive damages as Plaintiff has not set forth facts sufficient to support a claim under any law for punitive damages, the existence of which damages Defendant specifically denies.
9. Plaintiff is not entitled to recover any exemplary and/or punitive damages because to the extent Plaintiff suffered any discriminatory acts, which Defendant specifically denies, such acts were contrary to Defendant's good-faith efforts to comply with anti-discrimination laws and did not involve employees with sufficient authority to subject Defendant to punitive damages under any applicable law.

10. Defendant denies that any of its employees or agents acting within the course and scope of their employment relationship caused any harm, injury, or damage to Plaintiff.

11. Plaintiff's prayers for punitive damages violate the 8th and 14th Amendments of the United States Constitution and the Missouri Constitution because they ask the fact finder to levy an excessive fine on Defendant and because the standards for awarding punitive damages are vague, ambiguous, and indefinite, and such an award would deny Defendant due process of law.

WHEREFORE, having fully answered, Defendant prays that Plaintiff take naught by her Complaint and the Court enter judgment against Plaintiff and for Defendant for attorneys' fees and costs and such other relief as the Court deems just and proper.

Respectfully submitted,

SPENCER FANE BRITT & BROWNE LLP

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify the foregoing was filed electronically with the United States District Court for the Western District of Missouri with notice of case activity generated and sent electronically on this 9th day of May, 2005, to:

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s/Daniel B. Boatright
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