

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

CASE TYPE: CIVIL/OTHER

Paul Wikstrom,

Court File No. 62-CV-24-7378

Hon. Leonardo Castro

Contestant,

v.

**CONTESTEE'S ANSWER TO NOTICE
OF ELECTION CONTEST UNDER
MINN. STAT. § 209.02**

Curtis Johnson,

Contestee.

Pursuant to Minnesota Statutes, Section 209.03, Contestee Curtis Johnson (“Johnson”) for his answer to the Notice of Contest, hereby states as follows. Johnson denies each and every matter, allegation, or thing contained in the Notice of Contest except as may be affirmatively admitted herein. To the extent any of the headings in the Notice of Contest constitute allegations to which a response is required, Johnson denies any and all such allegations.

INTRODUCTION

The Introduction contains a statement of Contestant’s case to which no response is required. To the extent a response is required, Johnson denies each and every allegation in the Introduction.

JURISDICTION

1. Paragraph 1 contains a statement of law to which no response is required. To the extent a response is required, Johnson denies that the Court has jurisdiction over this matter under Minnesota Statutes chapter 209.

2. Paragraph 2 contains a statement of law to which no response is required. To the extent a response is required, Johnson states that Minn. Stat. § 209.021 speaks for itself.

3. Johnson admits the allegations in Paragraph 3.

4. Johnson admits the allegations in Paragraph 4.

5. In response to the allegations in Paragraph 5, Johnson admits that the Notice of Election Contest was served within the seven-day period commencing from November 13, 2024. The remainder of Paragraph 5 contains a statement of Contestant's purpose for bringing the Contest to which no response is required, and a statement of law to which no response is required. Johnson further states that Minn. Stat. § 209.021 speaks for itself. Footnote 1 contains a legal conclusion to which no response is required. To the extent a response is required, Johnson denies the allegations.

PARTIES

6. Upon information and belief, Johnson admits the allegations in the first three sentences of Paragraph 6. Johnson is without sufficient information to admit or deny the allegations in the last sentence of Paragraph 6.

7. Johnson denies the allegations in the first sentence of Paragraph 7. Johnson affirmatively states that he resides at 2735 Rice Street, Roseville, Minnesota 55113. Johnson admits that he resides within Ramsey County. Johnson denies the allegations in the third sentence of Paragraph 7, because he does not reside within Little Canada.

FACTUAL BACKGROUND

8. Johnson admits the allegations in Paragraph 8.

9. In response to the allegations in Paragraph 9, Johnson admits that he and his wife own a house at 3084 Payne Avenue, Little Canada, Minnesota 55117. Johnson admits the allegations in the second and third sentences of Paragraph 9. Johnson is without sufficient information to admit or deny the allegations in the fourth sentence of Paragraph 9, and denies them on that basis.

10. In response to the allegations in Paragraph 10, Johnson states that he signed a lease on March 5, 2024, for an apartment at Rosedale Estates, 2735 Rice Street, Roseville, Minnesota 55113. Johnson admits the allegations in the second sentence of Paragraph 10.

11. Johnson admits the allegations in Paragraph 11.

12. Johnson admits the allegations in Paragraph 12.

13. Johnson admits the allegations in the first sentence of Paragraph 13. The second sentence of Paragraph 13 contains a statement of law to which no response is required. To the extent a response is required, Johnson states that Minn. Stat. § 204B.06, subd. 1(3) speaks for itself.

14. Johnson is without sufficient information to admit or deny the allegations in Paragraph 14, and on that basis, denies the same. Johnson affirmatively states that Contestant conveyed to the press that Contestant suspected Johnson did not live in the district at the time Johnson filed his affidavit of candidacy in May. *See* Notice of Contest, Exhibit 5.

15. Johnson is without sufficient information to admit or deny the allegations in Paragraph 15, and on that basis, denies the same.

16. Johnson is without sufficient information to admit or deny the allegations in Paragraph 16, and on that basis, denies the same.

17. Johnson is without sufficient information to admit or deny the allegations in Paragraph 17, and on that basis, denies the same.

18. In response to the allegations in Paragraph 18, Johnson is without sufficient information to admit or deny the allegations regarding what Chris Bakeman observed and photographed, and on that basis denies the same. Johnson admits that the family owns the vehicles listed, and that Johnson primarily drives the Mitsubishi Mirage.

19. Johnson is without sufficient information to admit or deny the allegations in Paragraph 19, and on that basis, denies the same.

20. Johnson is without sufficient information to admit or deny the allegations in Paragraph 20, and on that basis, denies the same.

21. Johnson is without sufficient information to admit or deny the allegations in Paragraph 21, and on that basis, denies the same.

22. Johnson is without sufficient information to admit or deny the allegations in Paragraph 22, and on that basis, denies the same.

23. Johnson is without sufficient information to admit or deny the allegations in Paragraph 23, and on that basis, denies the same.

24. Johnson is without sufficient information to admit or deny the allegations in Paragraph 24, and on that basis, denies the same.

25. Johnson is without sufficient information to admit or deny the allegations in Paragraph 25, and on that basis, denies the same.

26. Johnson is without sufficient information to admit or deny the allegations in Paragraph 26, and on that basis, denies the same.

27. Johnson is without sufficient information to admit or deny the allegations in Paragraph 27, and on that basis, denies the same.

28. Johnson is without sufficient information to admit or deny the allegations in Paragraph 28, and on that basis, denies the same.

29. Johnson is without sufficient information to admit or deny the allegations in Paragraph 29, and on that basis, denies the same.

30. Johnson is without sufficient information to admit or deny the allegations in Paragraph 30, and on that basis, denies the same.

31. Johnson is without sufficient information to admit or deny the allegations in Paragraph 31, and on that basis, denies the same.

32. Johnson is without sufficient information to admit or deny the allegations in Paragraph 32, and on that basis, denies the same.

33. Johnson is without sufficient information to admit or deny the allegations in Paragraph 33, and on that basis, denies the same.

34. Johnson is without sufficient information to admit or deny the allegations in Paragraph 34, and on that basis, denies the same.

35. In response to the allegations in Paragraph 35, Johnson admits that Contestant released a video accusing Johnson of not living within the boundaries of House District 40B on October 15, 2024. Johnson is without sufficient information to admit or deny the remainder of the allegations in Paragraph 35, and on that basis, denies the same.

36. Johnson is without sufficient information to admit or deny the allegations in Paragraph 36, and on that basis, denies the same.

37. Johnson denies the allegations in Paragraph 37.

38. In response to the allegations in Paragraph 38, Johnson admits that a POD was delivered to the Little Canada house around October 18, 2024.

39. Johnson is without sufficient information to admit or deny the allegations in Paragraph 39, and on that basis, denies the same.

40. Johnson is without sufficient information to admit or deny the allegations in Paragraph 40, and on that basis, denies the same. Johnson affirmatively states that at this time,

Johnson had moved to a different apartment unit within the building due to ongoing maintenance issues within Apartment 103.

41. Johnson is without sufficient information to admit or deny the allegations in the first and third sentences of Paragraph 41, and on that basis, denies the same. Johnson admits receiving a phone call on or about October 21, 2024, during which someone mentioned they had a welcome basket for him.

42. Johnson is without sufficient information to admit or deny the allegations in the first and third sentences of Paragraph 42, and on that basis, denies the same. In response to the allegations in the second sentence of Paragraph 42, Johnson admits that he hung up the phone call, believing he was being scammed or trolled.

43. Johnson is without sufficient information to admit or deny the allegations in Paragraph 43, and on that basis, denies the same. Johnson affirmatively states that at this time, Johnson had moved to a different apartment unit within the building due to ongoing maintenance issues within Apartment 103.

44. Johnson is without sufficient information to admit or deny the allegations in the first three sentences of Paragraph 44, with respect to what Chris Bakeman did or observed, and on that basis, denies the same. In response to the allegations in the final sentence of Paragraph 44, Johnson affirmatively states that at this time, Johnson had moved to a different apartment unit within the building due to ongoing maintenance issues within Apartment 103.

45. Johnson is without sufficient information to admit or deny the allegations in the first three sentences of Paragraph 45, with respect to what Chris Bakeman did or observed, and on that basis, denies the same. In response to the allegations in the final sentence of Paragraph 45,

Johnson affirmatively states that at this time, Johnson had moved to a different apartment unit within the building due to ongoing maintenance issues within Apartment 103.

46. Johnson is without sufficient information to admit or deny the allegations in Paragraph 46, with respect to what Denise Kruse did or learned from her alleged phone calls and emails, and on that basis, denies the same. Johnson affirmatively states that due to ongoing construction at the apartment building, there was no individual electrical meter for the apartment, and all electrical services were being billed through the building. Johnson further states that at the time of these alleged phone calls, he was no longer residing in Apartment 103, and had moved upstairs to Apartment 303, due to ongoing maintenance issues in Apartment 103.

47. Johnson is without sufficient information to admit or deny the allegations in Paragraph 47, with respect to what Denise Kruse did or learned from her alleged phone calls, and on that basis, denies the same. Johnson affirmatively states that due to ongoing construction at the apartment building, there was no individual electrical meter for the apartment, and all electrical services were being billed through the building. Johnson further states that at the time of these alleged phone calls, he was no longer residing in Apartment 103, and had moved upstairs to Apartment 303, due to ongoing maintenance issues in Apartment 103.

48. Johnson is without sufficient information to admit or deny the allegations in Paragraph 48, and on that basis, denies the same. Johnson further states that at the time of these alleged phone calls, he was no longer residing in Apartment 103, and had moved upstairs to Apartment 303, due to ongoing maintenance issues in Apartment 103.

49. Johnson is without sufficient information to admit or deny the allegations in Paragraph 49, with respect to what Denise Kruse did or learned from her alleged phone calls, and

on that basis denies the same. Johnson admits that he did not set up Comcast Xfinity in Apartment 103.

50. Johnson is without sufficient information to admit or deny the allegations in Paragraph 50, with respect to what Denise Kruse did or learned from her alleged phone calls, and on that basis denies the same. Johnson admits that he did not set up Century Link in Apartment 103.

51. Johnson is without sufficient information to admit or deny the allegations in Paragraph 51, with respect to what Denise Kruse did or learned from her alleged phone calls, and on that basis, denies the same. Johnson affirmatively states that due to ongoing construction at the apartment building, there was no individual electrical meter for the apartment, and all electrical services were being billed through the building. Johnson further states that at the time of these alleged phone calls, he was no longer residing in Apartment 103, and had moved upstairs to Apartment 303, due to ongoing maintenance issues in Apartment 103.

52. Johnson is without sufficient information to admit or deny the allegations in Paragraph 52, with respect to what Denise Kruse did or learned from her alleged phone calls, and on that basis, denies the same. Johnson affirmatively states that due to ongoing construction at the apartment building, there was no individual electrical meter for the apartment, and all electrical services were being billed through the building. Johnson further states that at the time of these alleged phone calls, he was no longer residing in Apartment 103, and had moved upstairs to Apartment 303, due to ongoing maintenance issues in Apartment 103.

53. Johnson is without sufficient information to admit or deny the allegations in Paragraph 53, with respect to what Denise Kruse did or learned from her alleged phone calls, and

on that basis denies the same. Johnson admits that he did not set up Comcast Xfinity in Apartment 103.

54. Johnson is without sufficient information to admit or deny the allegations in Paragraph 54, with respect to what Denise Kruse did or learned from her alleged phone calls, and on that basis denies the same. Johnson admits that he did not set up Century Link in Apartment 103.

CLAIM I

55. Johnson incorporates by reference his responses to Paragraphs 1 through 54 as though fully set forth herein.

56. Johnson denies the allegation in Paragraph 56.

57. Johnson denies the allegations in the first sentence of Paragraph 57. Johnson admits he resides within Ramsey County. Johnson denies the allegations in the third sentence of Paragraph 57, because he does not reside within Little Canada.

58. Johnson denies the allegations in Paragraph 58.

59. Paragraph 59 contains a statement of law to which no response is required. To the extent a response is required, the Minnesota Constitution speaks for itself. Footnote three contains a discussion of law to which no response is required. To the extent a response is required, the cited case speaks for itself.

60. Paragraph 60 contains a statement of law to which no response is required. To the extent a response is required, Minn. Stat § 204B.06, subd. 4a(4) speaks for itself. Footnote four contains a discussion of law to which no response is required. To the extent a response is required, the cited case speaks for itself.

61. Johnson denies the allegations in Paragraph 61. Footnote five contains a discussion of law to which no response is required. To the extent a response is required, the cited cases speak for themselves.

62. Johnson denies the allegations in Paragraph 62.

63. Johnson denies the allegations in Paragraph 63. Footnote six contains a discussion of law to which no response is required. To the extent a response is required, the cited case speaks for itself.

CLAIM II

64. Johnson incorporates by reference his responses to Paragraphs 1 through 63 as though fully set forth herein.

65. Johnson denies the allegations in Paragraph 65.

66. Johnson denies the allegations in the first sentence of Paragraph 66. Johnson admits he resides within Ramsey County. Johnson denies the allegations in the third sentence of Paragraph 66, because he does not reside within Little Canada.

67. Paragraph 67 contains a statement of law to which no response is required. To the extent a response is required, Minn. Stat. § 204B.06 speaks for itself.

68. Johnson denies the allegations in Paragraph 68.

69. Johnson denies the allegations in Paragraph 69.

70. Johnson denies the allegations in Paragraph 70.

PRAYER FOR RELIEF

71. Johnson denies that Contestant is entitled to the relief requested in Paragraph 71.

72. Paragraph 72 contains a statement of law to which no response is required. To the extent a response is required, Minnesota Statutes chapter 209 speaks for itself.

73. Paragraph 73 contains a statement of law to which no response is required. To the extent a response is required, Minn. Stat. § 209.03 speaks for itself.

74. Paragraph 74 contains a statement of law to which no response is required. To the extent a response is required, Minn. Stat. § 209.10, subd. 3 speaks for itself.

75. Johnson denies that Contestant is entitled to the relief requested in Paragraph 75.

76. Johnson denies that Contestant is entitled to the relief requested in Paragraph 76.

77. Johnson denies that Contestant is entitled to the relief requested in Paragraph 77.

78. Johnson denies that Contest is entitled to any other relief sought in Paragraph 78.

AFFIRMATIVE DEFENSES

1. The Contest fails, in whole or in part, to state a claim upon which relief can be granted.

2. The Court lacks jurisdiction over the Contest.

3. The Contest is barred by laches.

PRAYER FOR RELIEF

WHEREFORE, Contestee respectfully requests that the Court:

1. Deny that Contestant is entitled to any relief;

2. Dismiss the Contest in its entirety, with prejudice; and

3. Grant such other and further relief as the Court may deem just and proper.

Dated: December 3, 2024

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