

CIVIL COVER SHEET

JS 44 (Rev. 11/04)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS: Capella University, Inc. DEFENDANTS: Executive Risk Specialty Insurance Company. (b) County of Residence of First Listed Plaintiff: Hennepin County. (c) Attorney's (Firm Name, Address, and Telephone Number): Thomas M. Stieber, Gerald H. Bren, Kathryn A. DeCourcy, Foley & Mansfield, PLLP, # 1200, 250 Marquette Ave., Minneapolis, MN 55401.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only). III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant). PTF Citizen of This State [X] 1 [ ] 1. DEF Citizen of Another State [ ] 2 [ ] 2. PTF Foreign Nation [ ] 6 [ ] 6.

IV. NATURE OF SUIT (Place an "X" in One Box Only). CONTRACT: [X] 110 Insurance. REAL PROPERTY: [ ] 210 Land Condemnation. CIVIL RIGHTS: [ ] 441 Voting. PRISONER PETITIONS: [ ] 510 Motions to Vacate Sentence. LABOR: [ ] 710 Fair Labor Standards Act. SOCIAL SECURITY: [ ] 861 HIA (1395ff). FEDERAL TAX SUITS: [ ] 870 Taxes (U.S. Plaintiff).

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY). [X] 1 Original Proceeding. [ ] 2 Removed from State Court. [ ] 3 Remanded from Appellate Court. [ ] 4 Reinstated or Reopened. [ ] 5 Transferred from another district (specify). [ ] 6 Multidistrict Litigation. [ ] 7 Appeal to District Judge from Magistrate Judgment.

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. 1332(a). Brief description of cause: Declaratory Judgment Action regarding insurance coverage and breach of contract.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 [ ]. DEMAND \$: Declaratory Judgment & Money Damages. JURY DEMAND: [X] Yes [ ] No.

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE: The Honorable David O. Carter. DOCKET NUMBER: SACV05-642 DOC (MLGx).

DATE: 2/14/06. SIGNATURE OF ATTORNEY OF RECORD: [Signature]. U.S. DISTRICT COURT: [Signature].

RECEIPT #, AMOUNT, APPLYING IFP, JUDGE, MAG. JUDGE.

Handwritten notes: "02/14/06" and "SACV05-642 DOC (MLGx)".

