

* * * [W]e agree with the district court's conclusion that no reasonable jury could find that his age was the real reason behind Senske's termination.

The judgment of the district court is AFFIRMED.

CASE QUESTIONS

1. What was the legal issue in this case? What did the court decide?
2. Against what performance criteria was the plaintiff being judged? What was the evidence that the employer's complaints about deficient performance were not pretext?
3. What things does the employer do that lend credibility to its performance appraisal process and its eventual decision to terminate based on deficient performance?
4. Why do you think that this employee took his former employer to court? Given the numerous expressions of dissatisfaction with his performance, is there any way that he could have honestly felt that his age, rather than his performance, was the real reason for the termination?