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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MAX ZWEIZIG,

Case No. 3:15-cv-02401-HZ

Plaintiff,

**DECLARATION OF TIMOTHY
ROTE IN SUPPORT OF MOTION TO
VACATE JUDGEMENT OR FOR
NEW TRIAL**

v.

TIMOTHY C. ROTE, a citizen of the state of Oregon, **NORTHWEST DIRECT TELESERVICES, INC.**, an Oregon for-profit corporation, **NORTHWEST DIRECT MARKETING OF OREGON, INC.**, an Oregon for-profit corporation, **NORTHWEST DIRECT MARKETING, INC.**, an Oregon for-profit corporation, **NORTHWEST DIRECT OF IOWA, INC.**, an Iowa for-profit corporation, **ROTE ENTERPRISES, LLC**, an Oregon limited liability company, **NORTHWEST DIRECT MARKETING, INC.**, aka Northwest Direct Marketing (Delaware), Inc., a Delaware Corporation, and **DOES 1 through 5**,

Defendants.

I, Timothy Rote, do hereby declare:

1. I represent myself in the above-captioned case. I make this declaration on personal knowledge and am competent to testify to the matters stated herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of document titled “blog post views” “thefirstdutyportland.wordpress.com” blog. The document shows the Chapters and posts for the blog and the views per post, since its inception. A “view” is an event or iteration of someone viewing that particular blog post. This summary was available but the underlying detail by month, as provided in exhibits 2 through 11, was not available or discovered until after the trial.

3. Attached hereto as Exhibit 2 is a true and correct copy of document titled “Site Stats Chapter 1”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

4. Attached hereto as Exhibit 3 is a true and correct copy of document titled “Site Stats Chapter 4”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

5. Attached hereto as Exhibit 4 is a true and correct copy of document titled “Site Stats Chapter 7”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

6. Attached hereto as Exhibit 5 is a true and correct copy of document titled “Site Stats Chapter 9”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

7. Attached hereto as Exhibit 6 is a true and correct copy of document titled

“Site Stats Chapter 11”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

8. Attached hereto as Exhibit 7 is a true and correct copy of document titled “Site Stats Chapter 12”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

9. Attached hereto as Exhibit 8 is a true and correct copy of document titled “Site Stats Chapter 35”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

10. Attached hereto as Exhibit 9 is a true and correct copy of document titled “Site Stats Chapter 37”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

11. Attached hereto as Exhibit 10 is a true and correct copy of document titled “Site Stats Chapter 86”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

12. Attached hereto as Exhibit 11 is a true and correct copy of document titled “Site Stats Chapter 90”, of the “thefirstdutyportland.wordpress.com” blog. The document shows the views for that Chapter, since its inception, by month. A “view” is an event or iteration of someone viewing that particular blog post. This document was not available or discovered until after the trial.

13. Shortly after the parties departed from the courthouse the afternoon of
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January 17, 2018, I was walking to my car parked in the 4th and Yamhill parking lot. Juror #5 engaged me without provocation saying “that you should leave the plaintiff and his attorneys alone”. That “you make \$4 million a year and these people are just trying to live their lives.” “Hope we taught you a lesson.” I told him that I did this for you and everyone else who is exploited by corruption at the highest levels of our judicial system. Thanked him, dropped off my files and proceeded back to the courthouse to pick up my power cord.

14. Attached hereto as Exhibit 12 is a true and correct copy of Doc #37-3, Rote v. Zweizig, 3:11-cv-00910-pk. Starting on page 6 is the New Jersey Motion to Stay and Compel with an outline of the arguments proffered in this case supporting Lack of subject Jurisdiction and severability of sections. The court should note that the arguments are consistent with those made in this Motion.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

Dated: March 7, 2018

/s/ Timothy C. Rote
Timothy C. Rote,
Defendant *Pro Se*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF TIMOTHY C. ROTE on:

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through the Court's electronic filing system on March 7, 2018.

/s/ Timothy C. Rote

Timothy C. Rote,
Defendant Pro Se