

1 ALBERTAZZI LAW FIRM
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3 Bend, OR 97702
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7 Of Attorneys for Plaintiff

8 IN THE CIRCUIT COURT OF THE STATE OF OREGON
9 FOR THE COUNTY OF DESCHUTES

10	MAX ZWEIZIG,	)	Case No. 19CV00824
	Plaintiff,)	
11	vs.	)	DECLARATION OF MAX ZWEIZIG IN
		)	SUPPORT OF MOTION FOR
12	NORTHWEST DIRECT TELESERVICES,	)	CONTEMPT SANCTIONS
	INC.; NORTHWEST DIRECT)	
13	MARKETING OF OREGON, INC.;	)	[Confinement Sought]
	TIMOTHY ROTE; NORTHWEST DIRECT)	
14	MARKETING (DELAWARE), INC.;)	
	NORTHWEST DIRECT OF IOWA, INC.;)	
15	ROTE ENTERPRISES, LLC; and)	
	NORTHWEST DIRECT MARKETING,)	
16	INC.)	
17)	
	Defendants.)	
18)	

19
20 I, Max Zweizig, being first duly sworn, do depose and say:

21 1. I am the Plaintiff and judgment creditor in this case. Except where specifically
22 indicated, I make the following statements from my personal knowledge. If called to testify, I
23 would competently testify in accordance with this declaration.

24 2. After being ordered to produce documents in connection with his judgment
25 debtor examination, defendant TIMOTHY ROTE failed to comply with the court's orders.
26 Instead, he filed a new lawsuit against me in Clackamas County Circuit Court.
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1 3. Defendant has repeatedly made false statements to the court and filed frivolous
2 pleadings for the sole purpose of avoiding paying the money he owes to me. He also filed these
3 papers to harass and annoy me.

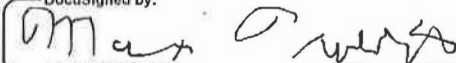
4 4. Defendant is a prolific blogger and conspiracy theorist. He has posted numerous
5 "articles" falsely claiming that I am a child predator and pedophile.

6 5. Defendant has consistently claimed the "Rote Irrevocable Trust" as the owner of
7 the shares in a corporation which owns real property in Klamath County Oregon. Despite that,
8 he has willfully failed to produce a copy of the trust or any evidence that it exists at all.

9 6. Defendant has made a mockery of the court system. I request that the court issue
10 orders against him which are meaningful and effective. I truly believe that the only way to get
11 him to obey the orders of the court is to subject him to confinement in the county jail.

12 7. My only goal in these proceedings is to be paid the over \$1 million verdict,
13 damages, and attorney fees which I have been awarded.

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

18
19 DocuSigned by:

20 AF1A025629AC471...
Max Zweizig

9/13/2022 | 5:02 PM PDT
Date

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7 Of Attorneys for Plaintiff

8 IN THE CIRCUIT COURT OF THE STATE OF OREGON
9 FOR THE COUNTY OF DESCHUTES

10	MAX ZWEIZIG,	)	Case No. 19CV00824
	Plaintiff,)	
11	vs.	)	MOTION FOR ORDER REQUIRING
		)	DEFENDANT TIMOTHY ROTE TO
12	NORTHWEST DIRECT TELESERVICES,	)	APPEAR AND SHOW CAUSE WHY
	INC.; NORTHWEST DIRECT	)	HE SHOULD NOT BE HELD IN
13	MARKETING OF OREGON, INC.;	)	CONTEMPT FOR FAILURE TO
	TIMOTHY ROTE; NORTHWEST DIRECT	)	PRODUCE DOCUMENTS
14	MARKETING (DELAWARE), INC.;)	
	NORTHWEST DIRECT OF IOWA, INC.;	)	[Ex Parte]
15	ROTE ENTERPRISES, LLC; and)	
	NORTHWEST DIRECT MARKETING,)	[Confinement Sought]
16	INC.)	
17)	
	Defendants.)	
18)	

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20 Motion

21 Plaintiff and judgment creditor MAX ZWEIZIG moves the court for an order requiring
22 defendant TIMOTHY ROTE (“Defendant”) to appear and show cause why he should not be
23 held in contempt for willfully failing to comply with the orders of this court.

24 Plaintiff seeks maximum remedial sanctions against Defendant of:

25 a. Confinement in the Deschutes County Jail until Defendant complies with the
26 court’s order;

27
28 Page 1 of 3 EX PARTE MOTION FOR ORDER REQUIRING DEFENDANT TIMOTHY
ROTE TO APPEAR AND SHOW CAUSE WHY HE SHOULD NOT BE
HELD IN CONTEMPT FOR FAILURE TO PRODUCE DOCUMENTS

- 1 b. An award of Plaintiff’s reasonable attorney fees incurred in bringing this
- 2 motion;
- 3 c. An order establishing that Rote CPA, PC, is an alter ego of Defendant.
- 4 d. An order establishing that the “Rote Irrevocable Trust” referenced by Defendant
- 5 in his filings herein is an alter ego of Defendant.
- 6 e. An order establishing that the judgment in favor of Plaintiff in this action is
- 7 enforceable against Rote CPA, PC in the same manner as it may be enforced against
- 8 Defendant.
- 9 f. An order establishing that the judgment in favor of Plaintiff in this action is
- 10 enforceable against Rote Irrevocable Trust in the same manner as it may be enforced against
- 11 Defendant.

Points and Authorities

This motion is based on the records and files herein, ORS 33.015 to 33.155, and the declaration of counsel filed with this Motion.

Counts of Contempt

Defendant willfully failed to produce documents as ordered by the Honorable Alison Emerson on November 4, 2021 (the “Order”). A copy of the Order is **Exhibit 1**.

Count 1: Defendant failed to produce a copy of the Timothy Rote Trust even though he has used this entity in these court proceedings to prevent Plaintiff from executing his judgment. This was in violation of the Order.

Counts 2-9: Defendant refused to provide documents responsive to 3.8, 3.10, 3.20, 3.30, 3.35, 3.39, 3.40, and 3.41 of the Order based on an unfounded objections and general non-responsiveness.

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1 Counts 10 – 27: Defendant willfully failed to produce documents in response to
2 paragraphs: ¶¶3.1, 3.2, 3.3, 3.5, 3.6, 3.8, 3.10, 3.15, 3.16, 3.20, 3.21, 3.22, 3.27, 3.28, 3.30,
3 3.35, 3.39, and 3.40 of the Order.

4 Dated: September 15, 2022

5
6 /s/ Anthony V. Albertazzi
7 Anthony V. Albertazzi, OSB #960036
8 Of Attorneys for Plaintiff
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19CV00824

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8 IN THE CIRCUIT COURT OF THE STATE OF OREGON
9 FOR THE COUNTY OF DESCHUTES

10	MAX ZWEIZIG,)	Case No. 19CV00824
11)	
12	Plaintiff,	)	ORDER REQUIRING JUDGMENT
13	vs.	)	DEBTOR EXAMINATION AND
14	NORTHWEST DIRECT TELESERVICES, INC.;	)	RESTRAINING JUDGMENT
15	NORTHWEST DIRECT MARKETING OF	)	DEBTOR FROM DISPOSING OF
16	OREGON, INC.; TIMOTHY ROTE;	)	PROPERTY
17	NORTHWEST DIRECT MARKETING)	
18	(DELAWARE), INC.; NORTHWEST DIRECT OF)	
19	IOWA, INC.; ROTE ENTERPRISES, LLC; and)	
	NORTHWEST DIRECT MARKETING, INC.)	
	Defendants.)	

20 This matter was heard on plaintiff’s Motion for Examination of Judgment Debtor (*Ex*
21 *Parte*), and it appearing from Plaintiff’s supporting affidavit and the records and files herein
22 that the judgment in this matter is unsatisfied and a notice of demand to pay judgment within
23 10 days has been served on defendant in a manner provided by law; therefore, it is hereby
24 ORDERED:

25 1. That TIMOTHY ROTE, Defendant, appear for a judgment debtor examination
26 on **February 4, 2022** at **8:15 AM** a.m./p.m. at the Deschutes County
27 Courthouse, 1100 NW Bond St., Bend, Oregon 97701 and answer, under oath, questions

1 concerning any property or interest in property that TIMOTHY ROTE, may have or claim. *If*
2 *the parties agree, appearance may be made remotely. Defendant may contact Albertazzi Law*
3 *Firm for instructions at (541) 317-0231 or via email at a.albertazzi@albertazzilaw.com.*

4 **2. It is further ORDERED that defendant TIMOTHY ROTE be and hereby is**
5 **restrained from selling, transferring or in any manner disposing of his property liable to**
6 **execution, pending this proceeding.**

7
8 3. It is further ORDERED that defendant then and there produce the following
9 documents of defendant's. As used in this paragraph, "you" or "your" refers to judgment debtor
10 Timothy Rote. "Identify" means to produce documents which refer to or otherwise provide
11 information regarding the item(s) to be identified.

12 3.1) Bank account statements for Rote CPA, PC for the period beginning
13 January 1, 2019 to the present;

14 3.2) All federal and state income tax returns filed by TIMOTHY ROTE for
15 the last five (5) calendar years, together with the W-2 forms and all schedules filed with the tax
16 returns, and all documents showing all income received by defendant for the last five (5)
17 calendar years that is not included in the tax returns, such as benefits received from bartering or
18 exchanges;

19 3.3) All deeds to any real property located within the State of Oregon;
20 certificates of title to any motor vehicles, mobile homes, recreational vehicles, boats or other
21 watercraft; stock certificates evidencing your ownership in any corporations; any promissory
22 notes payable to you; and

23 3.4) To the extent not covered by paragraphs 1 through 3, all documents
24 showing all assets and property in which defendant has or has had any interest in the last five
25 (5) years. Any and all bank records, including bank statements and check registers over the last
26 year, last year's state and federal income tax returns; all business records, including checking
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1 account statements, check registers, canceled checks and accounts receivable ledgers for the
2 last year.

3 3.5) The front and back of each check, money order or financial instrument
4 which was used to pay filing fees to any court from January 1, 2019 to the present.

5 3.6) All bank statements dating from January 2018 to the present for any
6 accounts in which you held any interest whatsoever (either directly or as a beneficiary) and/or
7 on which you have been an authorized signatory.

8 3.7) List and provide any and all Uniform Residential Loan applications
9 (URLA) including all attachments, filled out by either Timothy C Rote, from January 2018
10 until present.

11 3.8) Provide the tax returns with complete schedules and attachments of all
12 judgment debtors, excluding Timothy C Rote, from 2018 to present.

13 3.9) Any and all deeds and/or other instruments transferring title to real
14 estate that bear your name, or the name of any entity in which you have an ownership
15 (including beneficial ownership) interest, dating from 2018 to the present. List any and all
16 banks and or lenders, or other person and/or entities possessing copies.

17 3.10) Any and all documents showing proof of ownership interest in any entity
18 that you have ownership (including beneficial ownership) interest, dating from January 2018 to
19 the present.

20 3.11) Any and all financial statements prepared by you and/or on your behalf
21 from January 2018 to the present. List any and all banks and or lenders, or other person and/or
22 entities possessing copies.

23 3.12) Any and all loan documents relating to loans made to you or on property
24 owned by you from 2018 until the present.

25 3.13) Any and all documents relating to loans or gifts received by you from
26 2018 to the present.
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3.14) Identify any accountants and/or accounting firms you now employ or have employed from January 2018, to the present.

3.15) Identify any and all trusts of which you have been, or are a trustee or beneficiary of January 2018, to the present. List any and all banks and or lenders, or other person and/or entities possessing copies.

3.16) Copies of all documents signed by you establishing, modifying, amending or pertaining to any domestic and/or foreign trust in which you are a settlor, trustee, trust protector, and/or beneficiary since 2018 to present.

3.17) Identify all securities, annuities or investments of any kind that you purchased from January 2018 to present. Identify any and all agencies (such as Farmers), banks and or lenders, or other person and/or entities possessing copies.

3.18) Identify any other transactions of any type conducted on behalf of Timothy Rote from January 1, 2018 to present. Include any transactions under the names Tanya Newell and/or Tanya Bodily, and or Benjamin Rote / Benjamin Bodily, Steven or Steven Rote, Greg or Gregory Rote, Chris Rote, Wendy Rote or any other relatives. List any and all banks and or lenders, or other person and/or entities possessing documents or copies of these transactions. Provide the current home addresses for these people.

3.19) Identify and list any and all banks, accounts, stocks, bonds, securities, safety deposit boxes, cash, precious metals or any other items of Timothy Rote.

3.20) Identify and produce all documents related to your interest in Northwest Holding LLC.

3.21) Identify and produce all documents related to the formation TR1 HOLDING, LLC. Include the names and all documents of anyone with an ownership interest or contractual relationship of any type.

3.22) Identify any loans made to TR1 Holding LLC, include all names and documents.

1 3.23) At any time, did anyone else own, hold, or receive shares of TANYA
2 ROTE INSURANCE, INC from formation until the present, besides Tanya Rote.

3 3.24) Identify any loans or agreements made by you to TANYA ROTE
4 INSURANCE INC include all names and documents.

5 3.25) At any time from 2018 until present, did TR1 Holding LLC, and/or
6 TANYA ROTE INSURANCE INC make or receive any payments of any type to Timothy C
7 Rote? If so, specify the amount, and include all documents.

8 3.26) At any time, did TR1 Holding LLC, and/or TANYA ROTE
9 INSURANCE INC make or receive any payments of any type of business entity with a
10 relationship with Timothy C Rote? If so, specify the amount, and include all documents.

11 3.27) Identify and produce all documents related to your interest in Rote CPA.

12 3.28) Identify and produce all documents related to your interest in any entity,
13 and or business of any type.

14 3.29) Documents showing the name(s) of anyone who has given or sent by any
15 means the following documents from 2018 to the present: IRS Form 1099, IRS Form W-2 or
16 any other form showing income to you.

17 3.30) Copies of all credit, debit and/or ATM card statements of account,
18 wherever located and regardless of whose name appears on the account(s), from January
19 2018 to present, for such card(s) which you use or which you have signatory authority or other
20 such control.

21 3.31) Copies of any documents reflecting that you have an interest in a family
22 limited partnership from 2018 to present.

23 3.32) Copies of all documents, including but not limited to, correspondence,
24 wire transfers, memoranda, notes, statements from brokerage, bank or other financial
25 accounts, etc., regarding the purchase, transfer and sale of precious metals, including gold,
26 from 2018 to present.
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3.33) Documents identifying the location of any precious metals of any type (bars, coins, numismatic, etc.) that you own, or is being held for you.

3.34) Documents showing collections of any type such as firearms, art, antiques.

3.35) Copies of all journals, books, receipts, and other such documents reflecting, stating, identifying, and/or describing:

a. Assets located in the United States which you possess or control directly or through other persons, entities, or nominees; and

b. Assets located outside the United States which you possess or control directly or through other persons, entities, or nominees

3.37) Complete copy of Oregon EZ Pass bills from 2018 to the present.

3.38) Complete copy of ANY EZ Pass bills from 2018 to the present.

3.39) Complete copy of your most recent passport.

3.40) Copy of your current will and any codicils.

3.41) Provide the tax returns with complete schedules and attachments from 2018 to present of any business that you have an ownership interest in that you have filed a tax return for.

It is further ORDERED that the Citation shall issue.

11/4/2021 2:55:09 PM



Circuit Court Judge Alison M. Emerson

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CERTIFICATE OF READINESS
UTCRC 5.100

This proposed order or judgment is ready for judicial signature because:

1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2. Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3. I have served a copy of this order or judgment on each party entitled to service and:
 - a. No objection has been served on me.
 - b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - c. After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
5. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this rule.

Submitted by:

/s/Anthony V. Albertazzi
Anthony V. Albertazzi, OSB #960036
Attorney for Plaintiff

Date: September 30, 2021