

No. 23-35292

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Timothy Rote,

Defendant-Appellant,

v.

Max Zweizig, et. al.

Plaintiffs-Appellees

On Appeal from the United States District Court
for the Portland District of Oregon
No. 3:15-cv-2401-HZ
Hon. Marco Hernandez

**APPELLANT'S EXCERPT OF RECORD
VOLUME II of III**

Timothy C. Rote
Defendant-Appellant *Pro Se*
7427 SW Coho Ct. #200
Tualatin, Oregon 97062
503.272.6264
timothy.rote@gmail.com

No. 23-35292

TABLE OF CONTENTS

ECF No.	DATE	DESCRIPTION	VOL.	ER PAGE#
365	11/15/22	Exhibit 3	II	299-374
365/150	11/15/22	Exhibit 4	II	375-381
365	11/15/22	Exhibit 5	II	382-432
365	11/15/22	Exhibit 6	II	433-458
365	11/15/22	Exhibit 7	II	459-474
365	11/15/22	Exhibit 8	II	475-479
365	11/15/22	Exhibit 9	II	480-486
365	11/15/22	Exhibit 10	II	487-566
	11/15/22	Exhibit 11	III	
			III	

Rote - D

1 THE COURT: Redirect?

2 MR. CHRISTIANSEN: No, Your Honor.

3 THE COURT: You may step down.

4 THE WITNESS: Do I take these?

5 THE COURT: No. Thank you.

6 THE WITNESS: Thanks.

7 THE COURT: Call your next witness.

8 MR. CHRISTIANSEN: We rest.

9 THE COURT: Mr. Rote, you're up.

10 MR. ROTE: Up there?

11 THE COURT: Yes. If you're ready to testify, step on
12 up, raise a hand and be sworn.

13 You're welcome to take whatever documents with you
14 that you think you may need to help your testimony, so you
15 don't have to kind of be going back and forth.

16

17 TIMOTHY ROTE

18 called as a witness in his own behalf, having been first duly
19 sworn, is examined and testifies as follows:

20

21 THE CLERK: Please have a seat and state your name
22 and spell it.

23 THE WITNESS: My name is Timothy Rote, R-o-t-e.

24 THE COURT: Mr. Rote, you don't need to ask yourself
25 questions and then answer them. You can simply make a

Rote - D

1 statement about the evidence that you want to share with the
2 jury.

3 MR. ROTE: Okay. Thank you, Your Honor.

4 So I wrote this blog because we had been so
5 significantly harmed by an arbitration that went sour. The
6 first part of being able to analyze that and to showcase that
7 was to do a deep dive in the evidence, and I've done precisely
8 that. And so I dove into the testimony. I dove into the
9 forensics work. And so, for example, I'm going to start
10 diving into some of it right now and explaining why I wrote
11 that particular chapter.

12 With reference, however -- the chapters, even though
13 there are 96 of them, there's only a small number -- maybe 25
14 percent of these actually have to do with the arbitration.
15 And so with that, I think, though, I want to jump right in and
16 start talking about some of that evidence.

17 Do I have a --

18 THE COURT: I don't think so. I don't think you can
19 control the video system from there.

20 MR. ROTE: How do I bring up an exhibit?

21 THE COURT: If you want to go back, you can just
22 testify from there. You can -- I don't know how else to do
23 it.

24 Can you bring it up for him, an exhibit for him?

25 THE CLERK: No. It's on his laptop.

Rote - D

1 THE COURT: Yeah, you're going to have to go back and
2 testify from there. I apologize.

3 MR. ROTE: It's okay.

4 (There is a brief pause in the proceedings.)

5 MR. ROTE: So at various stages of the blog -- it's
6 an evolutionary piece. At various stages of the blog, I
7 changed what I was writing. But in -- in essence, the first
8 part, the first page of the blog is called "About." And when
9 I reference "About," I talk about the fact that -- that
10 this -- this arbitration was an event that ended up being in
11 front of an arbitrator who was compromised in many respects,
12 who was losing his cognitive skills. And I address some of
13 that and how he was exploited, in that page about the blog.

14 Page 2 is called "The Sting," and in that I reference
15 precisely what I believe this whole con was by Mr. Zweizig and
16 attribute it to his -- his fiancée's attorney -- his fiancée,
17 who is also an attorney.

18 But in that, I make it very clear that the components
19 of what I'm addressing are that there is an element of -- of
20 belief that he made a knowingly fake complaint to the
21 Department of Justice, that the evidence of that is
22 substantially provided in this blog, and that he used that to
23 hide behind his ultimate intention, which was to not provide
24 the programs that we needed to survive.

25 He claimed, as you saw in his testimony -- we have

Rote - D

1 FoxPro programs that we needed in order to process data. And
2 those FoxPro programs were nowhere to be found after his
3 termination.

4 We hired forensic experts ad nauseam. We had two.
5 He had one. We looked for the data. We evaluated and
6 examined him during the arbitration. And the point
7 consistently was he simply did not turn that material over,
8 those FoxPro programs.

9 The forensic experts that dealt with those issues
10 were specifically hired to find evidence that the forensic
11 programs, the FoxPro programs, were put -- were on the hard
12 drive that he returned to us on his last day of employment,
13 which was a 60-gig hard drive.

14 In addition, he maintains we had taken a position in
15 the arbitration that he was fired beforehand, before he even
16 filed his complaint, and that we provided that evidence, which
17 was my computer, and the Outlook Express e-mail account by
18 which I sent that termination e-mail.

19 Forensic experts looked at that, and I represented in
20 the blog what those conclusions were. I'm not going to
21 restate them now. Even though I've written them, I think that
22 may be beyond the scope. But the issue was that we were doing
23 a deep dive into this various evidence that we put on in the
24 arbitration and had been summarily dismissed by the
25 arbitrator.

Rote - D

1 If you refer to or see the arbitrator's opinion,
2 which I think is Plaintiff's Exhibit -- Defendant's
3 Exhibit 505 --

4 THE COURT: Mr. Rote, until you offer an exhibit,
5 they don't get to see it. It's not being published.

6 MR. ROTE: But if I reference a plaintiff's exhibit
7 that's already in --

8 THE COURT: If it's already in, they get to see it
9 and you can publish it to them. If it's not yet been
10 received, they cannot see it. And if you don't offer it, they
11 will not be able to consider it in closing arguments.

12 MR. ROTE: I understand.

13 THE CLERK: It's 3.

14 MR. ROTE: 3.

15 So Plaintiff's Exhibit 3 --

16 THE COURT: I think that's been received.

17 MR. CHRISTIANSEN: Yes.

18 THE COURT: You can go ahead and publish that to the
19 jury.

20 MR. ROTE: When you evaluate and look at the
21 arbitrator's opinion on that exhibit, you're going to see that
22 he took a great deal of time and effort to identify why he
23 reached certain conclusions. But in that opinion he
24 specifically noted that the forensic evidence -- that the
25 opinions between them conflicted; and, therefore, he was not

Rote - D

1 going to consider that evidence.

2 He therefore concluded that because Mr. Zweizig --
3 because I had sent Mr. Zweizig an e-mail inquiring about how
4 he was doing right before he filed a complaint, that that
5 somehow was an indication that I hadn't fired him, in spite of
6 the testimony of three people with the company, in spite of
7 the forensic evidence by our experts, our two experts, and his
8 single expert, who all concluded that he had, in fact, been
9 fired.

10 So we get back to even if that were not the case,
11 even if he hadn't been fired before he had filed his
12 complaint, even if he had filed a legitimate complaint in good
13 faith, at the end of the day, on his last day no programming
14 could be found, and we shut down.

15 It should have ended his complaint. It should have
16 ended his damages. You can't burn down the barn on your way
17 out and expect that the employer doesn't cut off your damages.
18 That's the whole point. And we incurred a substantial amount
19 of money losses, \$100,000 in lost revenue, \$25,000 to replace
20 the -- to replace the programming.

21 And even in Mr. Zweizig's testimony, he confirmed
22 that he did not -- he did not transfer programs over to the
23 employer.

24 That being the case -- that's what I've written in
25 the blog -- there was no justification for the arbitrator to

Rote - D

1 decide that we didn't preserve evidence, because there was
2 nothing there to preserve. When your IT programmer, head of
3 the IT department, puts on evidence that he did not transfer
4 programs, then very clearly there was nothing that we
5 destroyed, nothing that should have precluded the arbitrator
6 from finding that he was the cause of the shutdown.

7 There was no dispute by the arbitrator that -- that
8 we had shut down. He had only decided to dismiss all of our
9 evidence. And he had decided that -- and I think if you look
10 at the tone of his writing in the opinion and award in this
11 exhibit, you're going to see him poking at me and making
12 statements that I think were out of character.

13 I want to address a couple of very specific items,
14 the 120-gig hard drive, which I have written in this -- in
15 this blog. And the exhibit is Exhibit 12, starting at page
16 25.

17 The significance of what Mr. Zweizig provided to us
18 on his last day is he gave us a computer, a Sony VAOI
19 computer, had a 60-gig hard drive in it. And he returned to
20 us a hard drive that he claimed had been -- that crashed in
21 May 2003. That hard drive is the 120-gig hard drive, and it
22 was used exclusively by him. No one else ever used it.

23 After the shutdown and we had forensic examiners take
24 a look at this hard drive, that's where we discovered the
25 porn, the FoxPro programs, 1,900 FoxPro programs that he did

Rote - D

1 not transfer over to us on his last day, 500,000 records,
2 customer confidential information unencrypted in his hard
3 drive, on his hard drive, and a reformat date on the day
4 before he was terminated.

5 He represented to us that he had reformatted this
6 hard drive after it had crashed to protect it. But, in fact,
7 we did have forensic evaluation done on that. And, as I've
8 written, he did not reformat that until the day that he
9 returned it to us.

10 So all of that information -- his e-mail account was
11 there for e-mails prior to about May 6th, 2003. His -- the
12 FoxPro programming files, 1,900 of them, were there, and he
13 destroyed those. Obviously the evidence of the porn was all
14 there. But in addition to all of that, there was programming
15 that we found in a file-sharing arrangement, which was
16 peer-to-peer, which meant that he was sharing files at a site
17 or with people directly; and while he was doing so, his
18 computer was wide open.

19 Now, he was the IT director of the company and
20 responsible for maintaining and protecting our data, wherever
21 it is. And yet he was opening up his computer to upload files
22 and download files from a number of different sources. It
23 could have been between individuals. It could have been to a
24 site.

25 So that was a very material component. But mostly it

Rote - D

1 was material with respect to the FoxPro programs and the
2 existence of an e-mail; and that I discussed extensively in
3 Chapter 7 here, "The 120-Gig Hard Drive."

4 Now, in addition -- let me get us to Chapter 11.
5 Chapter 11 addresses what happened to M's e-mail. When he
6 returned the computer to us with the 60-gig hard drive, he
7 maintained in testimony that the e-mail, all of his e-mails,
8 sent and received e-mails from May -- middle of May 2003 until
9 November 13th, 14th, 2003, were on that hard drive in an
10 Outlook Express account. But we found no evidence that he
11 used that e-mail -- he used that computer for e-mail.

12 So from May 2003 to November 2003, he was sending and
13 receiving e-mail from another hard drive altogether, which he
14 did not turn over for forensic evaluation during the
15 arbitration.

16 It was key, because as you may recall in the
17 testimony, he provided to me an e-mail and -- with his
18 Complaint, and with his Complaint had a letter attached
19 claiming that he had received the spreadsheet of evidence of
20 our overbilling from another employee. He never turned that
21 e-mail over at that time, nor did he turn that e-mail over
22 during the course of the arbitration in discovery.

23 At no time did he corroborate the existence of this
24 spreadsheet, at no time. Nobody from our company knew
25 anything about it, and that's what we testified to. Only

Rote - D

1 via this e-mail would he be able to corroborate the fact that
2 that spreadsheet was ours, and he chose not to provide that
3 e-mail.

4 Now, he provided hundreds of others in hard copy
5 form, not that e-mail. And he didn't provide the -- the
6 Outlook Express PST account. So a very material point. And
7 with respect to what he decided to keep and what he decided to
8 provide, that was key evidence.

9 My e-mail is discussed on -- what happened to my
10 e-mail is discussed in Chapter 12. It starts on -- it starts
11 on Chapter -- it starts on page 41 of Exhibit 12. It was our
12 position that he had been terminated on October 2nd, 2003, via
13 e-mail, and then a letter was sent to him.

14 Obviously he wanted to do forensic examinations of my
15 computer, and we had two of our experts do the same. I turned
16 over my computer with the Outlook Express PST account that had
17 the e-mail terminating him, didn't hide it. We didn't destroy
18 it. None of that evidence was destroyed.

19 Forensic evaluations -- the forensic experts had
20 every opportunity to determine and refute whether or not that
21 e-mail was sent. And they confirmed that the e-mail was sent
22 October 2nd, 2003, three weeks before he filed his Complaint.

23 Now, even though the arbitrator didn't like the fact
24 that that was true and eliminated his claims, to summarily
25 dismiss his forensic expert, which agreed with our forensic

Rote - D

1 expert, just because it went against us, was a good chunk of
2 why I wrote this entire blog.

3 Not only was it our evidence that he dismissed when
4 our experts presented it, he also dismissed evidence contrary
5 to Mr. Zweizig if it was his expert that actually said it.
6 And in this case -- this is an example where the experts
7 agreed that he had been terminated prior to the time that he
8 had filed his Complaint.

9 And so a good chunk of putting down the evidence for
10 what happened to the e-mail, what was the spreadsheet about,
11 we dove in -- I dove in to what the spreadsheet represented in
12 another element of the blog, in another chapter.

13 And the bottom line is that the spreadsheet
14 represented about \$400 of adjustments a month in which we --
15 we invoiced \$400,000. That's roughly claiming that -- that we
16 were committing racketeering for going 55.05 miles per hour in
17 a 55-mile-per-hour zone, not 55 miles per hour, not 60, but,
18 you know, 55.05 miles per hour. That was his representation
19 of evidence that we were racketeering.

20 We also discuss in the blog the fact that
21 Mr. Zweizig's Albany, Oregon attorney filed a Complaint on his
22 behalf, and that Complaint was filed without any review of
23 evidence whatsoever. He filed that Complaint based on his
24 conversation with Mr. Zweizig's New Jersey attorney. And
25 after the Oregon Department of Justice requested evidence and

Rote - D

1 no evidence was provided and the investigation was shut down,
2 he found out that Mr. Zweizig's New Jersey attorney was
3 Mr. Zweizig's fiancée, Sandra Ware.

4 So no evidence provided to the Oregon Department of
5 Justice, a spreadsheet that represents \$400 in adjustments in
6 a month in which we billed \$400,000, an arbitrator who didn't
7 disclose his relationship with Linda Marshall, his former
8 partner.

9 I go into a great deal of detail in the early stages
10 of this blog. We're very critical of the arbitrator. And
11 he's a man who lives in my community. I've known him a while,
12 not intimately, not strongly, but I've known him a while. I
13 met with him a year ago to talk to him about the status of the
14 blog and what I've written and to get some idea from him on
15 what was actually going on in his mind at the time.

16 I recorded that conversation, I had a witness there,
17 and we openly spoke about this. And the bottom line was that
18 he didn't have what he would describe as the energy to go
19 through the evidence. He was angry that I had challenged his
20 efficacy, his -- his position, his credibility.

21 But what -- what you need to understand, in part, is
22 that in order for us to challenge whether or not this
23 arbitration could be appealed by virtue of his failure to
24 disclose that he was a prior partner with Linda Marshall,
25 which is considered an issue, a potential conflict -- he has a

Rote - D

1 duty to disclose that. In order for us to challenge that
2 issue on appeal, we had to raise it with him during the
3 arbitration. And it upset him.

4 So in spite of the fact that his cognitive skills
5 weren't up to snuff, his temper was still strong; and he
6 responded very strongly by coming back into the case and
7 dismissing all of our evidence.

8 I think it would be helpful to talk a little bit
9 about the fact that Linda Marshall came into this case, the
10 arbitration, just about a year before we went to the hearing.
11 And so from 2003 to 2005, we were in New Jersey. 2005, we --
12 we started the arbitration. And we were the plaintiff seeking
13 damages. Mr. Zweizig was the defendant. And his
14 counterclaims were for retaliation and past compensation,
15 et cetera.

16 That went on -- this arbitration went on a really
17 long time. And we -- we pay the arbitrator by the hour to do
18 this. It wasn't fair to us. It wasn't fair to Mr. Zweizig.
19 It cost both of us money to have this arbitrator engaged, and
20 it went on and on and on.

21 Mr. Zweizig's attorneys he replaced three times. I
22 think Linda Marshall was the fourth attorney since starting
23 this in Portland. We talk about that.

24 The significance of it is that Mr. Zweizig wrote a
25 letter to the arbitrator and asked for an extension of time

Rote - D

1 and -- and a referral. And it's my belief now, based on my
2 conversation with Mr. Crow, that he did, in fact, refer the
3 case to Linda Marshall.

4 We were told about that time that his cognitive
5 skills weren't up to speed by his -- his legal secretary, who
6 told one of my attorneys, a gentleman by the name of Jeff
7 Edelson. We took issue with that, because we probably should
8 have strongly thought about removing him as an arbitrator at
9 that point.

10 He's a man of -- he's an elder statesman. He's a man
11 of, I think, great integrity. And even when I challenged the
12 fact that he did not disclose this critical issue to us, it
13 wasn't with the intent of trying to suggest that he was a bad
14 person. It was an intent to get on the record that he didn't
15 do something that he should have known, that he should have
16 done. He should have known it. He was the chairman of this
17 region's disciplinary board for the Oregon State Bar, and he
18 was ascending to the chairmanship of the entire state.

19 So we have a gentleman who is an elder statesman,
20 whose skills were not as good as they used to be. He had
21 trouble discerning some of the truth from the fiction, some of
22 the lies and the perjury from the truth. And we had Linda
23 Marshall, his former partner, who came into this arbitration
24 and did not disclose to us either about the extent of her
25 relationship with Mr. Crow.

Rote - D

1 At some point in time -- and I cover this pretty
2 extensively in the blog, that an attorney who wants to put on
3 dishonest evidence does so at a significant risk. An attorney
4 could be disbarred for that. And so the significance of that
5 is that -- that she had a consciousness, I think, of where
6 Mr. Crow was in terms of his skill sets, in terms of his
7 cognitive skills. I think that she knew that she was going to
8 run a lot of things past him. And, in fact, she introduced
9 evidence that had to do with litigation 10 years earlier.

10 And so we did not -- and so we had to make this
11 challenge. But at the essence of this blog is about the fact
12 that this arbitration gets compromised.

13 Arbitrations are more difficult to appeal than a case
14 like this. There are very limited circumstances in which an
15 arbitration can successfully be appealed, displays of absolute
16 bias and a few other reasons. But that is very difficult
17 evidence to put on, even though we thought we had an extremely
18 good case for that.

19 So we did put on that evidence. We tried to set the
20 arbitration aside, to vacate the judgment. And we talk about
21 the evidence that we put on in the blog.

22 Most significantly was that after his recusal, that
23 he came in and again dismissed everything from our side,
24 dismissed the forensics, dismissed the testimony of eight
25 people, citing instead that -- deciding instead that

Rote - D

1 Mr. Zweizig had been retaliated against.

2 So -- so the critical nature of all of this is that
3 I decided, after Mr. Zweizig's employer was no longer in
4 business, that I was going to write this story.

5 We've been subjected to cybercrime three times, and
6 the last time in 2009, went to a trial in 2014. And
7 ultimately we just haven't been able to protect the company.
8 So I decided to shut down the company altogether after 2014.

9 Mr. Zweizig's former employer, NDT, was dissolved in
10 2015, February 2015. The evidence I'm going to put on that,
11 I'm going to start putting on some of that right now.

12 If we could look to the Defendant's Exhibit -- I
13 think it's 599.

14 THE CLERK: It hasn't been received.

15 MR. ROTE: It hasn't been received.

16 This is a document that is from -- a copy of a
17 document from the Oregon Secretary of State showing the
18 dissolution date for Northwest Direct Teleservices,
19 Mr. Zweizig's employer.

20 THE COURT: Any objection to 599?

21 MR. CHRISTIANSEN: No objection, Your Honor.

22 THE COURT: It's received. You may publish it.

23 MR. ROTE: Okay.

24 So the significance of that is that I wanted to avoid
25 circumstances precisely like we're in right now. I wanted to

Rote - D

1 talk about this case. I wanted to talk about the arbitration.
2 I wanted to write about it. But I wanted to do it. And if
3 Mr. Zweizig was going to challenge it, I wanted him to -- if
4 he was going to sue for it, sue me for defamation. And then
5 we could present the evidence, all of it, as it came into the
6 arbitration.

7 This is not the case here, where he's choosing to now
8 sue me as assisting a corporation or a group of corporations
9 that are now out of business. And it's an incredibly
10 important point in terms of -- in terms of his ability to do
11 so.

12 His employer, Northwest Direct Teleservices, as he
13 already testified, both when he was examined on the opinion of
14 the arbitrator, as well as on his employment agreement, he was
15 employed by Northwest Direct Teleservices. The opinion and
16 order from the arbitrator was with respect to Northwest Direct
17 Teleservices and Mr. Zweizig. No other corporations have been
18 involved.

19 Excuse me. Did the plaintiff put on his Exhibit 25,
20 license agreement?

21 MR. CHRISTIANSEN: No, but no objection.

22 MR. ROTE: No objection?

23 THE COURT: 25 is received.

24 MR. ROTE: Thank you, Your Honor.

25 The license agreement is a document of my doing. I

Rote - D

1 wrote -- I wanted to be able to access litigation material for
2 each of these corporations. So Mr. Zweizig's former employer,
3 Northwest Direct Teleservices, wasn't the only active business
4 that we had. And each of those active businesses, at one time
5 or another, had litigation; and they had unique litigation,
6 and none of it applied to Mr. Zweizig. Only Northwest Direct
7 Teleservices applied to Mr. Zweizig.

8 So we entered into an agreement with these entities,
9 where I was going to be able to use material from litigation
10 associated with any of these entities.

11 Now, Mr. Zweizig's litigation is associated with
12 Northwest Direct Teleservices. The last cybercrime event we
13 had was with Northwest Direct Marketing and Northwest Direct
14 Teleservices both, and it included a cybercrime case that was
15 against Silicon Valley Bank. That was the last of our events.

16 But it is material to know that these are not the
17 same entities. They are unique entities. They have separate
18 obligations. They have separate contracts. And only
19 Northwest Direct Teleservices was Mr. Zweizig's employer, and
20 they were the only party that owned the e-mail evidence and
21 other element -- other evidence in the arbitration. So no
22 other entity owned that evidence with respect to Mr. Zweizig.
23 And they licensed it to me for a percentage of whatever
24 revenue I generate from this activity.

25 In the beginning I anticipated that the blog could be

Rote - D

1 used to generate revenue. I decided not to generate revenue
2 from the blog. To do that, I would have needed to simply make
3 it a private blog associated with a particular website, go out
4 to the marketplace and find people that wanted to advertise on
5 it. And I decided not to do that. I've used it instead to
6 help me develop some of my material for my novel and other
7 things that I have written.

8 The novel is a fictionalized version of my
9 experience. It's not -- it has no individuals identified in
10 it that in any way, shape, or form are associated with
11 Mr. Zweizig or my company. It is a John Grisham-esque type of
12 novel. I also generated -- still in the process of generating
13 a screenplay, but that's decidedly more difficult than I
14 thought it would be.

15 So we do not -- this license agreement doesn't
16 pretend to provide -- it's intended to provide e-mail evidence
17 and other transcript evidence, information that I had, that we
18 had generated that was property owned by those companies.

19 Blog -- blog 86 deals with the shutdown.

20 I think that -- is that a unique exhibit of yours or
21 is it in Exhibit 12?

22 MR. CHRISTIANSEN: Exhibit 12.

23 MR. ROTE: So blog Chapter 86 again goes back to the
24 shutdown, but it is a longer chapter than I typically write.

25 And in that chapter I go to great detail to identify the

Rote - D

1 program extensions, the programming, the material, the FoxPro
2 programs that we expected to find on our servers in Eugene and
3 Dyersville, Iowa, and on Mr. Zweizig's computer that we did
4 not find. They're the same programs, six months earlier, that
5 we found on the 120-gig hard drive that was reformatted, the
6 same extensions.

7 They included 1900 FoxPro programs on that destroyed
8 hard drive, and probably would have expected to see 40 or 50
9 of these on his 60-gig hard drive, which he returned to us his
10 last day. And because of that -- I've written extensively in
11 this blog post that because of that, we shut down. But in
12 arguing that, I wanted to make sure I identified all of the
13 programs that we would have expected to find and didn't find.

14 Now, we have an extraordinary amount of forensic
15 evidence on this. It can't come into this trial as yet. But
16 I did identify forensic reports that we had. So by reference,
17 in Chapter 4 of the blog, where I identify the forensic
18 reports, and each time I talk about this category,
19 Chapters 11, Chapters 12, this chapter, I identify forensic
20 reports that were issued in order to identify the source of
21 our materials.

22 I did that because, for credibility purposes, I
23 wanted to make sure it was clear that we had that evidence,
24 that we put that evidence on, and that the arbitrator's
25 dismissal of that evidence was -- was why we have this blog,

Rote - D

1 was why I talk about these issues, which is why it is so risky
2 to arbitrate against a bar association that does not appear to
3 want to make these disclosures, even though they're required
4 to do so.

5 Much of my analysis and how I went by analyzing a lot
6 of this I refer to in Chapter 13 of the blog.

7 And I have -- I have a JPEG on that, Your Honor.
8 Can I bring that up? It's not offered as an exhibit, just as
9 testimony support.

10 THE COURT: I'm not sure what it is that you're
11 trying to show, so I can't --

12 MR. ROTE: It's -- it's a visual of the fraud
13 triangle. It's just a JPEG of the fraud triangle.

14 THE COURT: You can use it during closing argument.
15 If it's not evidence, you shouldn't be using it.

16 MR. ROTE: Okay.

17 So in computer forensics, in computer fraud, the
18 elements that are discussed in Chapter 13 about the fraud
19 triangle, there are three points to the fraud triangle. The
20 first, at the top, is that an individual must feel like he or
21 she is in extreme financial need or emotional need that can't
22 be satisfied by some other means, they can't find a way to
23 solve their problem.

24 The second point of the triangle, down below and to
25 the left, is the opportunity to do something and get away with

Rote - D

1 it, the opportunity to get away with stealing something or
2 destroying something that satisfies the first top prong of
3 opportunity.

4 The third point to the fraud triangle is
5 justification that -- that the party engaged in the fraud has
6 the opportunity, has -- has the need, and then justifies their
7 behavior in the third point.

8 My position in this blog is that Mr. Zweizig had some
9 need, emotional need, financial need; I'm not sure what. He
10 had the opportunity to hurt his employer by shutting it down
11 in retaliation. And the third prong is that he justified it
12 through his complaint that he was somehow -- that the company
13 was overbilling.

14 He justified it, and so he did it. His justification
15 came before he shut us down. But the analysis as to why he
16 did it is first addressed, in my mind, from an analysis
17 perspective, in Chapter 13 of the blog.

18 I also have the same analysis for Linda Marshall, who
19 is the attorney who represented him. Remember that they were
20 pursuing a million dollars in damages. She had an opportunity
21 to get away with something because Bill Crow, the arbitrator,
22 wasn't on his game. He was 79 years old. He wasn't on his
23 game.

24 Now, that doesn't mean that all 79-year-olds aren't
25 on the game. We know that Judge Jones here is 90 years old

Rote - D

1 and still going strong. But it all happens to us at some
2 point in time and differently.

3 He wasn't on his game. So she had the opportunity to
4 put on testimony that she know to be -- she knew to be a lie,
5 perjurious testimony. And she knew that Mr. Zweizig had
6 destroyed evidence.

7 And the third part of that triangle, the
8 justification is the same as his, which is that we're a bad
9 person, I'm a bad person, the company is a bad person, because
10 we -- even though they provided no corroborated evidence,
11 because we had overbilled clients by, according to them, \$400
12 in a month in which we billed \$400,000. The spreadsheet
13 evidence had no clients identified, and we only billed once a
14 month.

15 So no invoices, no other evidence, \$400 versus
16 \$400,000, but we were bad people; and so that was their
17 justification, aside from the economic gain that she expected
18 to have from the litigation.

19 Mr. Crow's analysis is entirely different, and his
20 analysis is really just about his -- his inability to go back
21 through and spend a lot of time with the evidence and so
22 forth. He -- after he was reinstated, after he joined again,
23 he spent maybe a day looking at 10 days of evidence and just
24 didn't have the stamina to do it, so he decided to come back
25 in and find in favor of Mr. Zweizig.

Rote - D

1 In -- in the blog, I do add some transcripts. I did
2 redact Mr. Zweizig's name substantially and sought to do so a
3 number of times.

4 I did want to now refer to an exhibit. I believe
5 this has already been offered in, Your Honor.

6 THE COURT: Has it been received?

7 THE CLERK: What's the number?

8 MR. ROTE: 560.

9 THE CLERK: It was offered. I don't have it noted as
10 received.

11 THE COURT: Do you have any objection to 560?

12 MR. CHRISTIANSEN: No objection.

13 THE COURT: It's received.

14 MR. ROTE: Exhibit -- Defendant's Exhibit 560 is
15 about, oh, December 16th, 2016. So Mr. Zweizig filed his
16 lawsuit here against me and the corporations on Christmas Eve,
17 2015. So this is just about a year later.

18 And I'm reaching out to counsel, saying, "If there's
19 something that you want me to change about the blog, engage me
20 with specificity. Tell me precisely what you want. Is it
21 redacting Max's -- Mr. Zweizig's name? Is it something else?
22 I don't want to take down the blog in its entirety, but I am
23 more than interested in talking to you about what you might be
24 interested in, in terms of mitigation any of your concerns --
25 mitigating any of your concerns."

Rote - D

1 Up until the time of this trial a couple weeks ago,
2 I had actually never met Mr. Christiansen in person. This has
3 been going on two years. It was always my hope that we would
4 come to a point where we could agree on what would be in and
5 what would be out, understanding that I wanted to,
6 nonetheless, critically analyze the evidence and, nonetheless,
7 critically evaluate the arbitration itself.

8 Mr. Zweizig, as -- as a component of this, is not
9 that important. It's not that important. It's more
10 important to analyze the problem with the arbitration, the
11 evidence that was dismissed, what we put on, and to get to the
12 bottom line of a critical analysis of arbitration. That never
13 happened.

14 So I feel like that, as an individual responsible for
15 writing this product and reaching out to them, to do this,
16 that I took steps to showcase what would happen. I did a
17 couple of things. I took the blog in its form at that time
18 and I rebranded it. That means I shut down the Sitting Duck
19 Portland site and I reopened a different site, the First Duty
20 of Portland, First Duty Portland, which -- and when I did
21 that, I redacted Mr. Zweizig's name from the blog posts, all
22 of them. I redacted his name from the transcripts and
23 forensic evidence that we attached. I took all of it out to
24 see if that would meet their need.

25 They didn't demand that. They didn't ask for it.

Rote - D

1 But I did it to show them that I'm willing to act in good
2 faith to do this. But you still need to come to the table
3 and tell me with specificity if that's going to meet your
4 needs.

5 They did not, so I stopped doing that after a while.
6 And Mr. Zweizig has pointed out in his direct testimony and
7 through their exhibits, his name now appears on Google search.
8 But for a period of time, for a long period of time, it did
9 not. And I want to go to those exhibits right now.

10 (Pause) Excuse me. I'm just trying to find my place
11 here, Your Honor.

12 Defense Exhibit 578.

13 THE COURT: Is there any objection to 578?

14 MR. CHRISTIANSEN: No objection.

15 THE COURT: It's received. You may publish it.

16 MR. ROTE: So the first page of 578 shows, as the
17 plaintiff has shown, through Google search, that
18 Mr. Zweizig -- I need to publish this -- that Mr. Zweizig does
19 show up on Google search; in fact, in first position. But
20 later -- but later he does not. The -- what shows up when you
21 search his name is that he is -- provides guitar lessons, he
22 is engaged in the IT community.

23 And what else shows up is the case histories, the
24 case with -- against his former employer. All of that
25 litigation shows up. But the reference to the blog goes away.

Rote - D

1 And why that's significant is that if he, with his -- in all
2 sincerity, if he wanted to engage me to eliminate his name
3 from association with this blog or any blog, that is something
4 that we could have come to an agreement on. I had already
5 done so. The fact that they will not, with specificity,
6 however, communicate that need is an issue of mitigation.
7 Pages 2 through 8 of that blog showcase that -- of the Google
8 search showcase that.

9 Now, Google and other search engines are slow to
10 publish information about blogs.

11 MR. CHRISTIANSEN: Objection.

12 (Pause).

13 THE CLERK: Objection.

14 THE COURT: I know. I'm thinking.

15 Your objection is overruled.

16 You may proceed.

17 MR. ROTE: The Google and other search engines
18 don't -- what they often grab will be chapter names,
19 et cetera. They don't do a good job of searching contents of
20 the chapter itself. And so when we redact his name or when we
21 remove his name from a chapter or when we don't identify him
22 as a tag, then if we don't tag his name, then search engines
23 have a difficult time associating him in any way, shape, or
24 form with this blog.

25 And so we have not tagged his name, even as we

Rote - D

1 removed certain redactions. There is still a lot that have
2 been redacted. We haven't tagged his -- his name in
3 association with any particular chapter, all the chapters.
4 But he is right now -- for example, as they provided, Chapter
5 90, the perjury, has his name prominently presented throughout
6 this document; and a search engine will pick up on that
7 eventually.

8 The only way to eliminate that is for that blog to
9 shut down, to rebrand. And that's why we rebranded in the
10 first place. That's why we shut down Sitting Duck Portland
11 and went to the First Duty Portland, was to eliminate any
12 association. And even if they showed up on Google search, if
13 you were to click it, it would go nowhere. It would not go to
14 the blog because the blog was shut down.

15 So it is a misrepresentation to say that we have
16 shown no concern for Mr. Zweizig. But we have a greater
17 concern for the issues that arose in the arbitration, all of
18 the perjury, all the forensics, all of the compromise.

19 It took seven years and \$300,000 in legal fees for us
20 to litigate this. And, in the end, an arbitrator decided to
21 dismiss our case, dismiss our facts, dismiss our evidence,
22 because he trusted solely the representations of Linda
23 Marshall, Mr. Zweizig's attorney, and he was angry that we had
24 challenged the fact that he didn't disclose this.

25 That is -- represents a chunk of the blog, 30, 35

Rote - D

1 chapters of the blog. It's about that. The rest of the blog
2 is what happened in kind of a consternation relationship
3 between Mr. Zweizig's attorney -- attorneys and me. I think
4 they raised the fact in their exhibit that there was a
5 defamation claim. I filed it in Clackamas County and -- based
6 on statements that they made. Those statements aren't getting
7 into this case.

8 But litigation is kind of a fluid, disastrous thing,
9 as Mr. Zweizig has testified. It's not just fluid and painful
10 to him. It is painful to all of us involved. And it can't be
11 discounted as something that is unrelated, because what I
12 wrote with respect to the arbitration soon became issues that
13 I wrote about even in this trial -- not this trial per se, in
14 this litigation, in a defamation claim in Clackamas County, in
15 the bar association's involvement.

16 You recall that the LinkedIn exhibit that Mr. Zweizig
17 brought on, there were three of those that were published
18 about when the bar lies. And I'm critical of what the bar
19 association does. I'm critical of the fact that we have
20 ethical canons of behavior by attorneys that are abused
21 consistently without punishment.

22 One of those that I talk about in Chapter 90
23 specifically is Linda Marshall's duty to be honest with the
24 tribunal, to be honest with the arbitrator.

25 Under canon 3.3, an attorney is not supposed to lie

Rote - D

1 on behalf of his or her client. Advocacy is not lying.
2 Advocacy is something different. An attorney owes a duty, in
3 Chapter 90 -- and I think we should probably go to that at
4 this stage.

5 Is that also Exhibit 12? Did you find it?

6 MR. CHRISTIANSEN: Which chapter?

7 MR. ROTE: 90.

8 THE CLERK: Exhibit 18.

9 MR. ROTE: Exhibit 18?

10 And this has already been accepted, I think, right?

11 THE COURT: I think so, too.

12 MR. ROTE: (Pause) So on page 12 of Exhibit 18,
13 Plaintiff's Exhibit 18, it specifically includes Rule 3.3,
14 candor towards the tribunal. And when you evaluate, look at
15 that evidence, you'll see that an attorney has a duty of
16 honesty to the Court, a duty of honesty to the arbitrator, to
17 not put on false evidence, to not engage in testimony that she
18 knows to be perjurious. She has a duty of care for the
19 credibility of the justice system. And she breached that.
20 Linda Marshall breached that. She has a duty of honesty even
21 if it's not in her best -- even if it's not in her client's
22 best interests.

23 And so a substantial part of not disclosing her
24 relationship with the arbitrator to us, putting on evidence
25 which she knew to be dishonest, putting on testimony which she

Rote - D

1 knew to be dishonest and inconsistent with her own forensic
2 expert's conclusions, was something that I focused on
3 seriously in the blog.

4 All in all, our detail of evidence that we outline in
5 the blog, we had some six forensic reports, three forensic
6 experts providing most of these. Two of those forensic
7 experts were for my company, Northwest Direct Teleservices.
8 One was for Mr. Zweizig. And they evaluated my computer, my
9 e-mail. They evaluated Mr. Zweizig's 60-gig hard drive that
10 he returned to us. They evaluated the 120-gig hard drive that
11 had been reformatted by Mr. Zweizig.

12 All of this I discuss in great detail in the blog.
13 The forensics starts on Chapter 4 of the blog, the 120-gig
14 hard drive on Chapter 7, a detail of the analysis for
15 Mr. Zweizig's e-mail account in Chapter 11. Chapter 12 is an
16 evaluation of the forensics in my e-mail and my computer. And
17 throughout, this blog is peppered the analysis from the
18 forensics and from the testimony.

19 We had -- we had a client testify. We had three
20 executives testify. We had two other employees testify.
21 There was no dispute by the arbitrator that we shut down.
22 What was at issue in the opinion was whether or not we
23 preserved evidence to show that. The preservation question
24 was one I think I addressed already in part, which was that at
25 least with respect to the FoxPro programs that Mr. Zweizig had

Rote - D

1 in his possession on his last day, he testified that he
2 had -- he transferred no programs over. Nothing came over, so
3 nothing was found.

4 And, again, on his e-mail that he used from May 2003
5 to November 2003, on the 60-gig hard drive, his e-mail account
6 was installed the day before he returned the computer. And
7 none of his e-mail from May to November 2003, none of it was
8 found on his computer. He did produce a lot of hard copies of
9 it. But the account itself was not -- the PST account, the
10 digital form of that was not.

11 So I -- I am sensitive to the fact that -- I should
12 say that I am compelled, in part, by the fact that cybercrime
13 is such a significant issue these days and that it ultimately
14 shut us down, that we had to suffer it three times. The
15 second time was Mr. Zweizig, the third time another IT person
16 from outside the company that broke into our network and
17 destroyed software. And the first time we suffered, it was an
18 IT manager who reset the passwords on our servers to try to
19 extort a raise.

20 So we've suffered through this cybercrime multiple
21 times. And the fact that we invested so much time and money
22 and ran into an arbitration that was so compromised was the
23 ultimate stimulation to beginning the blog.

24 Again, the blog took on a life and on topics that
25 we're not discussing here today, not relevant to this case. A

Rote - D

1 lot of cybercrime material has been published in there, a lot
2 of ethical mandates of attorneys, a lot of evidence of
3 wrongdoing. But that is the essence of why I wrote the blog.

4 The companies, again, that -- that were part of this
5 affiliated group of companies, the Northwest Direct companies
6 that the plaintiff has referred to, are each unique and
7 separate companies. I was the president for these companies.
8 Most of them dissolved well before the blog started. Only
9 one -- only two were alive at the time the blog was started.
10 And that company, Northwest Direct Marketing, shut down
11 afterwards. Rote Enterprises is an LLC that is not in the
12 business of BPO, business processing outsourcing, or
13 teleservices, as they would call it. Rather, it was a holding
14 company that held these -- these shares in these corporations.

15 So I think that's my direct, Your Honor.

16 THE COURT: Thank you.

17 Cross-exam.

18 MR. CHRISTIANSEN: Please.

19 Could I have you on the stand for it?

20 MR. ROTE: Oh, of course.

21 (Defendant Rote takes the witness stand.)

22 MR. CHRISTIANSEN: One second.

23 (There is a brief pause in the proceedings.)
24
25

Rote - X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CROSS-EXAMINATION

BY MR. CHRISTIANSEN:

Q. Mr. Rote, can you turn to Exhibit 3 in the plaintiff's exhibit binder. It's a white binder up there.

THE CLERK: (Handing).

THE WITNESS: Got it.

BY MR. CHRISTIANSEN: (continuing)

Q. This is the opinion and order from the arbitrator deciding the case?

A. Yes.

Q. Your company appealed that order, correct?

A. The company did appeal this order.

Q. And that went to the federal court?

A. It went to this U.S. District Court, to Judge Papak.

Q. And in support of that motion, you submitted a declaration, right?

A. I probably did. I don't recall.

Q. Do you recall attaching or filing a large number of documents in support of that motion?

A. I believe I did prior to the time counsel entered, and then the relevant ones were then refiled by counsel.

Q. Okay. And Mr. Zweizig also contested the arbitration award as well, right?

A. Yes, he did.

Q. And he contested it because this award declined to provide

Rote - X

1 any clause for attorney's fees; isn't that correct?

2 A. Any award for attorney's fees, yes.

3 Q. So the company was not obligated to pay any attorney's
4 fees?

5 A. That's correct.

6 Q. You said he had three attorneys on the case during
7 that -- that arbitration?

8 A. I think I testified that he had three before Linda
9 Marshall. He may have had four while in Oregon.

10 Q. In your Exhibit 560 -- and this is the e-mail exchange
11 where you offered to invite Mr. Zweizig to identify his
12 concerns with your blog -- you put a line at the bottom of
13 that, that e-mail, that said, "As you know, allegations of
14 crime follow you for a lifetime."

15 Isn't that correct?

16 A. They followed me, yes.

17 Q. You referred to tags, Mr. Rote. I want to ask you a few
18 questions about that.

19 This website is published on WordPress, right?

20 A. Correct.

21 Q. And that's -- that's a site you can log into to post this
22 content?

23 A. Yes.

24 Q. You don't pay for this website, do you? You don't pay
25 WordPress?

Rote - X

1 A. No. It's free.

2 Q. And when you log in -- you mentioned tags in the context
3 of how this website shows up on Google. And you said that if
4 you put a tag for something, it's more likely to show up on
5 Google, right?

6 A. I believe that's accurate, that I have -- I believe that
7 the search engines will pick up the tag lines.

8 Q. Can you turn to Exhibit 4, please. And I'd like you to
9 turn to page 9. This is the end of the first chapter on this
10 website.

11 A. I'm there.

12 Q. Do you see at the bottom, there's a tag for Max Zweizig?

13 A. I sure do.

14 Q. And there's a tag for Sandra Ware?

15 A. I do.

16 Q. Mr. Rote, you said you took steps to eliminate the
17 association with Mr. Zweizig's name so it didn't appear on
18 Google, correct?

19 A. No. I said that I rebranded the blog to disconnect the
20 search engine component with the Sitting Duck Portland blog.
21 And when I rebranded it, I redacted Mr. Zweizig's name from
22 the content.

23 Q. And what date did you do that? When?

24 A. I don't recall. I would guess it was a year ago or so.

25 Q. Okay. Can you turn to Exhibit 18. I'd like you to turn

Rote - X

1 to page 3.

2 A. Which page?

3 Q. 3.

4 A. I'm there.

5 Q. Mr. Zweizig's name is all over that, isn't it?

6 A. Yes. I no longer redacted as of this time.

7 Q. Can you turn to Exhibit 40, please.

8 And this is a Google search result for Mr. Zweizig's
9 name, isn't it?

10 A. That is correct, for Chapter 90.

11 Q. And so the fourth result down there, that's Chapter 90,
12 isn't it?

13 A. Chapter 90, the exhibit we just looked at.

14 Q. And that provides a link to the First Duty Portland,
15 correct?

16 A. Yes, it does.

17 Q. Mr. Rote, you said that Rote Enterprises is a company that
18 has nothing to do with -- with Mr. Zweizig's employment,
19 right?

20 A. Only Northwest Direct Teleservices has anything to do with
21 Mr. Zweizig's employment.

22 Q. Can you turn to Exhibit 47.

23 THE CLERK: That has not been --

24 MR. CHRISTIANSEN: It has not?
25

Rote - X

1 BY MR. CHRISTIANSEN: (continuing)

2 Q. Mr. Rote, do you have that in front of you?

3 A. I do.

4 Q. This is a press release, isn't it, Mr. Rote?

5 A. It is.

6 Q. And you published this on the website?

7 A. Multiple websites.

8 Q. And you published this on January 12th, 2018?

9 A. Correct.

10 Q. And the title of this press release is "Civil Trial of
11 Author Exposing Attorney and Arbitrator Corruption."

12 A. Correct.

13 THE COURT REPORTER: I'm sorry. Repeat it again.
14 "Civil Trial" --

15 MR. CHRISTIANSEN: Sorry. "Civil Trial of Author
16 Exposing Attorney and Arbitrator Corruption."

17 THE COURT REPORTER: Thank you.

18 THE WITNESS: Correct.

19 BY MR. CHRISTIANSEN: (continuing)

20 Q. Is this an accurate printout of what you put on your
21 website?

22 A. I think it is.

23 MR. CHRISTIANSEN: Offer Exhibit 47.

24 THE COURT: Any objection?

25 MR. ROTE: None.

Rote - X

1 THE COURT: I'm sorry. I didn't hear you.

2 MR. ROTE: No. Sorry.

3 THE COURT: Thank you. That's all right.

4 Received.

5 BY MR. CHRISTIANSEN: (continuing)

6 Q. Please turn to page 3, Mr. Rote.

7 At the bottom of this press release, you put contact
8 information, right?

9 A. Yes.

10 Q. Is that your e-mail there, where it says
11 "Tim@roteenterprises.com"?

12 A. It is.

13 MR. CHRISTIANSEN: Nothing further.

14 THE COURT: Mr. Rote, do you have anything else you
15 want to add?

16 MR. ROTE: I don't think so, Your Honor.

17 THE COURT: You may step down.

18 Does the plaintiff wish to offer any evidence in
19 rebuttal?

20 MR. CHRISTIANSEN: No.

21 THE COURT: Members of the jury, you've heard all the
22 evidence that you're going to hear in this case. It's 4:30.
23 I think that if we get into closing arguments and
24 instructions, it will be probably around 6:00 by the time
25 we're done. And I try just to work business hours, so I'm

1 going to let you go home for the evening. We will begin at
2 9:00 with closing arguments. I will then instruct you, and
3 you will begin your deliberations.

4 With that, I'm going to send you home. Please
5 remember the precautionary instruction that directs you not to
6 talk about the case with anybody until you begin your
7 deliberations at the end of the trial.

8 Jennifer will escort you into your room, answer any
9 of your questions. I will see you tomorrow at 9:00.

10 Thank you very much.

11 (The jury leaves the courtroom.)

12 THE COURT: Elisabeth, my clerk, I believe provided
13 you with copies of the proposed jury instructions. I don't
14 know whether you've had an opportunity to review those
15 instructions or not. It's my intent to give those
16 instructions as they have been provided to you. That's point
17 1.

18 Point 2, I am dubious about whether or not punitive
19 damages are available for this type of a case. I will cite to
20 you *Wheeler v. Green*; it is found at 286 Or 99; *Paul v. May*
21 *Department Stores*, 292 Or 131. You may also want to look at
22 *Lewis v. Oregon Beauty Supply*, 302 Or 616.

23 And those cases together, in my mind, call into
24 question whether or not punitive damages are available in this
25 type of a case. It doesn't mean the case doesn't -- that the

1 jury doesn't deliberate. I just think we may be taking
2 punitive damages off the table as part of what they can do in
3 this case.

4 And basically what those cases are talking about --
5 the first one talks about defamation. I recognize this isn't
6 a defamation case. But if you look at the other cases, they
7 talk about cases that are like defamation cases, where the
8 allegation of misconduct is speech, and whether or not you can
9 get punitive damages where the alleged misconduct is speech.

10 And in this case the alleged misconduct is the blog,
11 which equals speech. So that's why I am very dubious that
12 punitive damages are available in this context.

13 Anything else from the plaintiff before we depart
14 this evening?

15 MR. CHRISTIANSEN: No. But I will talk about that
16 tomorrow, because we might also want to amend our prayer,
17 so I'll --

18 THE COURT: Yeah. What would happen is I would just
19 take punitive damages off the table, you all argue about
20 emotional distress damages, and that's all the jury would
21 deliberate on.

22 MR. CHRISTIANSEN: And we would just want to amend
23 our Complaint to conform with the evidence then.

24 THE COURT: Okay.

25 Anything else from your side, Mr. Rote, that we need

1 to talk about before tomorrow morning?

2 MR. ROTE: I don't think so, Your Honor.

3 THE COURT: Okay. Then that's all for now. I'll see
4 you tomorrow.

5 Why don't you get together at 8:30, so that we can
6 wrap up this issue about whether or not punitive damages are
7 in or out of this case -- I think they're out -- and then
8 anything else that we need to talk about before we bring the
9 jury in at 9:00 for closing arguments.

10 Have a pleasant evening.

11 MR. ROTE: Thank you.

12 MR. CHRISTIANSEN: Thank you.

13 (The proceedings are adjourned on January 16, 2018
14 and reconvened on January 17, 2018.)

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

--oOo--

I certify, by signing below, that the foregoing is a correct transcript of the record of proceedings in the above-titled cause. A transcript without an original signature, conformed signature or digitally signed signature is not certified.

/s/ Nancy M. Walker

2-22-19

NANCY M. WALKER, CSR, RMR, CRR
Official Court Reporter
Oregon CSR No. 90-0091

DATE

\$	<p>11 [9] - 24:19, 37:12, 101:7, 101:10, 118:10, 205:4, 205:5, 216:19, 227:15</p> <p>12 [26] - 24:20, 37:20, 38:3, 38:6, 50:18, 50:23, 50:25, 101:7, 101:10, 113:14, 114:7, 117:2, 123:23, 131:12, 169:10, 173:16, 194:13, 203:15, 206:10, 206:11, 215:21, 215:22, 216:19, 226:5, 226:12, 227:15</p> <p>12-minute [1] - 54:19</p> <p>120-gig [20] - 10:15, 11:6, 13:3, 22:4, 161:24, 173:17, 173:24, 174:2, 174:24, 175:6, 175:15, 176:9, 185:9, 187:3, 203:14, 203:21, 205:3, 216:5, 227:10, 227:13</p> <p>12th [3] - 98:16, 98:25, 234:8</p> <p>13 [8] - 24:21, 38:9, 114:24, 115:11, 135:10, 217:6, 217:18, 218:17</p> <p>131 [1] - 236:21</p> <p>13th [4] - 139:18, 140:22, 141:21, 205:9</p> <p>14 [24] - 24:22, 38:17, 39:10, 39:17, 39:23, 40:3, 40:5, 40:9, 40:15, 40:20, 40:24, 48:19, 49:2, 49:6, 49:9, 64:12, 68:3, 69:11, 70:1, 73:14, 135:10, 138:22, 139:12, 139:22</p> <p>14-year-old [1] - 41:2</p> <p>14th [1] - 205:9</p> <p>15 [13] - 24:23, 33:10, 40:25, 41:10, 41:14, 55:1, 55:3, 75:21, 76:2, 99:14, 140:15, 141:1, 184:19</p> <p>15-cv-2401 [1] - 23:13</p> <p>150 [3] - 64:25, 70:9, 79:24</p> <p>16 [10] - 1:5, 23:18, 23:24, 24:24, 41:16, 41:24, 42:3, 141:11,</p>	<p>141:25, 238:13</p> <p>16th [2] - 190:11, 220:15</p> <p>17 [4] - 24:25, 42:5, 72:13, 238:14</p> <p>170 [1] - 131:14</p> <p>174 [1] - 131:16</p> <p>175 [4] - 64:25, 79:24, 114:19, 131:12</p> <p>17th [1] - 2:3</p> <p>18 [18] - 25:1, 42:18, 101:7, 101:10, 112:11, 112:16, 122:14, 122:16, 122:21, 122:22, 138:16, 163:7, 163:8, 226:8, 226:9, 226:12, 226:13, 232:25</p> <p>184 [1] - 123:23</p> <p>19 [10] - 25:2, 43:2, 43:13, 43:17, 43:20, 44:1, 44:6, 44:9, 101:7, 101:10</p> <p>1900 [2] - 175:16, 216:7</p> <p>1:15 [1] - 127:8</p>	<p>90:18, 93:7, 94:24, 95:22, 96:16, 97:3, 98:16, 99:6, 99:20, 212:10, 220:17</p> <p>2016 [3] - 131:19, 190:11, 220:15</p> <p>2017 [6] - 112:19, 115:7, 138:21, 139:18, 140:22, 141:21</p> <p>2018 [9] - 1:5, 135:23, 137:22, 143:2, 144:1, 145:8, 234:8, 238:13, 238:14</p> <p>21 [1] - 25:4</p> <p>22 [9] - 25:5, 46:17, 46:19, 47:2, 47:7, 127:25, 128:1, 129:21, 130:13</p> <p>22nd [1] - 130:7</p> <p>23rd [2] - 99:5, 99:13</p> <p>24790 [1] - 2:6</p> <p>25 [11] - 16:19, 72:2, 155:19, 155:20, 156:17, 173:17, 173:19, 198:13, 203:16, 213:19, 213:23</p> <p>258 [1] - 125:2</p> <p>25th [1] - 115:7</p> <p>26 [1] - 117:2</p> <p>27 [4] - 25:16, 51:6, 51:9, 51:10</p> <p>27th [1] - 94:24</p> <p>286 [1] - 236:20</p> <p>292 [1] - 236:21</p> <p>2nd [5] - 95:22, 96:16, 99:12, 206:12, 206:22</p>	<p>32 [1] - 76:11</p> <p>326-8186 [1] - 2:9</p> <p>341 [1] - 113:15</p> <p>35 [1] - 224:25</p> <p>37 [12] - 144:12, 145:11, 188:19, 188:22, 188:24, 192:3, 192:4, 192:12, 192:13, 192:18, 192:24, 193:13</p> <p>38 [4] - 135:16, 135:17, 136:2, 136:4</p> <p>3:15-cv-02401-HZ [1] - 1:4</p> <p>3rd [2] - 90:18, 92:24</p>
,				4
'07 [1] - 37:7				<p>4 [23] - 24:9, 32:16, 33:12, 33:19, 48:5, 48:8, 48:17, 95:7, 96:1, 96:2, 96:8, 96:15, 96:18, 106:8, 106:13, 119:23, 125:21, 131:22, 131:25, 133:3, 216:17, 227:13, 232:8</p> <p>40 [9] - 31:1, 33:6, 105:9, 137:14, 138:2, 146:4, 146:5, 216:8, 233:7</p> <p>41 [1] - 206:11</p> <p>42 [2] - 142:20, 143:6</p> <p>43 [3] - 143:14, 144:6, 144:10</p> <p>47 [2] - 233:22, 234:23</p> <p>48 [1] - 70:18</p> <p>4:30 [1] - 235:22</p> <p>4th [3] - 93:6, 93:10, 94:3</p>
'08 [1] - 37:7				5
/				<p>5 [16] - 1:15, 24:13, 33:21, 34:11, 34:14, 96:20, 96:24, 97:11, 97:15, 108:14, 108:23, 121:20, 129:1, 157:13, 158:2, 188:16</p> <p>50 [3] - 129:7, 192:5, 216:8</p> <p>500 [1] - 140:5</p> <p>500,000 [2] - 176:25, 204:1</p> <p>503 [1] - 2:9</p> <p>505 [1] - 201:3</p> <p>525 [1] - 189:7</p>
1s [1] - 239:11				
1	<p>1 [16] - 1:15, 1:20, 23:23, 24:3, 29:4, 29:8, 29:23, 80:3, 80:11, 80:19, 107:6, 112:17, 136:22, 150:3, 150:4, 236:17</p> <p>1,875 [1] - 88:14</p> <p>1,900 [2] - 203:25, 204:12</p> <p>1-11 [1] - 135:23</p> <p>1-6 [2] - 141:12, 141:13</p> <p>10 [18] - 24:18, 36:25, 37:6, 37:10, 41:24, 55:1, 70:9, 99:16, 99:24, 100:1, 100:2, 100:8, 153:1, 169:10, 183:20, 193:22, 211:9, 219:23</p> <p>10-6 [1] - 97:5</p> <p>10-day [1] - 165:7</p> <p>10-minute [1] - 54:19</p> <p>100,000-per-week [1] - 65:6</p> <p>1000 [1] - 2:8</p> <p>101 [1] - 133:19</p>	<p>2 [16] - 24:5, 30:1, 30:12, 30:14, 30:20, 83:15, 83:23, 106:13, 118:11, 128:5, 128:7, 133:3, 154:8, 199:14, 223:7, 236:18</p> <p>2-22-19 [1] - 239:11</p> <p>20 [10] - 25:3, 38:19, 43:14, 44:11, 49:11, 49:15, 49:17, 78:20, 101:7, 101:10</p> <p>2000 [1] - 20:3</p> <p>2001 [1] - 65:15</p> <p>2003 [20] - 65:16, 70:2, 161:23, 164:21, 173:1, 173:25, 174:3, 189:14, 203:21, 204:11, 205:8, 205:9, 205:12, 206:12, 206:22, 209:11, 228:4, 228:5, 228:7</p> <p>2005 [5] - 20:4, 71:4, 130:7, 209:11</p> <p>2009 [1] - 212:6</p> <p>2011 [1] - 19:21</p> <p>2014 [3] - 73:19, 212:6, 212:8</p> <p>2015 [13] - 67:14,</p>	<p>3 [23] - 24:8, 30:22, 31:10, 31:15, 31:21, 31:24, 32:4, 32:10, 32:13, 50:6, 50:13, 86:22, 87:4, 128:5, 128:7, 151:1, 201:13, 201:14, 201:15, 230:3, 233:1, 233:3, 235:6</p> <p>3.3 [2] - 225:25, 226:13</p> <p>30 [7] - 29:18, 29:21, 76:11, 76:18, 120:16, 224:25</p> <p>301 [1] - 2:8</p> <p>302 [1] - 236:22</p> <p>30th [3] - 20:3, 112:19, 138:21</p>	

<p>534 [4] - 90:12, 90:21, 90:22, 91:3 540 [1] - 188:17 546 [6] - 155:21, 155:22, 156:16, 156:19, 159:6, 159:7 55 [2] - 127:14, 207:17 55-mile-per-hour [1] - 207:17 55.05 [2] - 207:16, 207:18 560 [12] - 188:18, 189:9, 189:18, 189:22, 190:1, 190:7, 190:12, 190:16, 220:8, 220:11, 220:14, 231:10 578 [3] - 222:12, 222:13, 222:16 590 [1] - 190:18 593 [2] - 170:4, 170:5 594 [7] - 188:20, 188:23, 189:2, 189:5, 189:8, 190:19, 190:20 595 [14] - 154:1, 170:13, 170:17, 170:21, 171:15, 171:16, 171:20, 172:19, 172:20, 189:9, 189:10, 189:13, 190:5, 190:6 599 [7] - 19:25, 20:2, 190:25, 191:2, 191:3, 212:13, 212:20 5th [1] - 97:16</p>	<p style="text-align: center;">7</p>	<p>abetted [3] - 46:7, 62:7, 63:17 abetting [2] - 62:17, 63:13 ability [6] - 57:19, 73:5, 73:6, 160:11, 213:10 able [33] - 4:3, 5:18, 36:4, 70:12, 87:24, 88:19, 89:9, 105:15, 111:6, 111:15, 123:20, 124:25, 132:23, 135:8, 137:8, 168:24, 176:18, 178:24, 187:14, 187:21, 187:22, 187:25, 191:7, 195:9, 196:18, 196:22, 198:6, 201:11, 206:1, 212:7, 214:1, 214:9 aboard [1] - 179:13 above-titled [1] - 239:5 absence [3] - 63:10, 177:23, 188:4 absolute [2] - 94:10, 211:15 absolutely [3] - 159:22, 159:23, 178:6 abundance [1] - 49:3 abuse [2] - 34:7, 132:6 abused [1] - 225:20 abusive [1] - 153:20 accept [1] - 55:22 accepted [1] - 226:10 access [3] - 9:5, 122:2, 214:1 accident [2] - 30:15, 30:16 accidentally [1] - 170:14 accomplish [3] - 79:11, 181:4, 187:13 accomplished [3] - 78:24, 79:9, 149:13 according [2] - 125:16, 219:11 account [24] - 57:19, 62:15, 142:23, 142:25, 143:7, 143:11, 160:15, 161:1, 161:3, 161:11, 161:13, 161:14, 182:23, 183:11, 200:17, 204:10, 205:10, 206:6, 206:16,</p>	<p>227:15, 228:5, 228:9 accounts [3] - 59:25, 160:10, 161:17 accurate [26] - 79:24, 80:17, 83:20, 87:2, 90:19, 93:9, 95:23, 97:7, 98:7, 99:21, 115:8, 130:11, 135:24, 137:23, 139:19, 140:23, 141:22, 145:9, 164:5, 168:15, 180:2, 180:7, 180:16, 181:11, 232:6, 234:20 accused [6] - 6:20, 66:11, 66:18, 68:4, 68:5, 138:11 accuses [1] - 138:11 Ackley [2] - 24:19, 37:12 acknowledge [1] - 182:6 acknowledged [1] - 182:5 act [6] - 25:19, 27:10, 63:24, 63:25, 123:3, 222:1 Act [5] - 39:12, 39:14, 39:18, 39:20, 39:24 acted [2] - 63:19, 63:22 acting [2] - 73:16 Action [1] - 107:7 action [8] - 26:21, 62:23, 62:24, 63:1, 63:2, 63:7, 63:9 actions [4] - 71:24, 89:2, 138:14, 149:10 active [2] - 214:3, 214:4 actively [3] - 14:11, 64:20, 169:10 activities [4] - 36:22, 42:10, 42:15, 174:17 activity [7] - 62:21, 62:25, 63:7, 82:21, 155:3, 196:19, 214:24 acts [4] - 26:7, 63:25, 102:23, 163:10 actual [5] - 9:10, 17:23, 88:24, 107:2, 107:4 ad [1] - 200:4 add [4] - 124:2, 124:17, 220:1, 235:15 added [4] - 14:14, 106:21, 124:19,</p>	<p>137:19 addition [6] - 63:15, 107:13, 124:6, 200:14, 204:14, 205:4 additional [3] - 14:10, 18:9, 19:2 address [6] - 60:8, 110:25, 111:9, 171:4, 199:12, 203:13 addressed [3] - 70:17, 218:16, 227:24 addresses [5] - 8:13, 70:11, 160:21, 196:21, 205:5 addressing [1] - 199:19 adjourned [1] - 238:13 adjustments [2] - 207:14, 208:5 administrative [5] - 20:6, 31:19, 31:25, 44:3, 44:5 administratively [3] - 20:3, 20:8, 20:19 administrator [1] - 37:22 admit [5] - 119:20, 123:15, 123:19, 155:11, 169:4 admits [1] - 123:4 admitted [4] - 56:12, 56:13, 60:14, 119:1 adult [1] - 32:24 adverse [6] - 62:23, 62:24, 63:1, 63:3, 63:6, 63:9 advertise [1] - 215:4 advocacy [2] - 226:1, 226:2 affect [7] - 102:21, 103:2, 148:1, 183:1, 183:2, 184:13 affects [5] - 5:16, 5:17, 132:9, 196:20 affiliated [2] - 32:25, 229:5 afraid [2] - 102:9, 127:20 afternoon [1] - 184:19 afterwards [2] - 16:21, 229:11 agencies [3] - 105:10, 146:5, 146:7 ago [35] - 9:18, 15:12, 29:19, 29:21, 30:11, 32:12, 33:6, 33:8, 33:10, 34:6, 35:24, 35:25, 38:2, 38:3,</p>
<p style="text-align: center;">6</p> <p>6 [9] - 24:14, 34:16, 34:24, 35:1, 35:5, 97:18, 97:19, 98:2, 98:3 60 [2] - 84:10, 207:17 60-gig [8] - 161:20, 176:9, 200:13, 203:19, 205:6, 216:9, 227:9, 228:5 602 [2] - 19:21, 191:10 616 [1] - 236:22 6:00 [1] - 235:24 6th [9] - 97:3, 97:5, 97:22, 98:1, 98:7, 98:8, 131:19, 145:8, 204:11</p>	<p>7 [14] - 24:15, 35:14, 35:25, 36:3, 98:12, 98:20, 106:8, 106:13, 122:20, 122:24, 173:17, 187:2, 205:3, 227:14 79 [2] - 74:11, 218:22 79-year-olds [1] - 218:24</p>	<p>abetted [3] - 46:7, 62:7, 63:17 abetting [2] - 62:17, 63:13 ability [6] - 57:19, 73:5, 73:6, 160:11, 213:10 able [33] - 4:3, 5:18, 36:4, 70:12, 87:24, 88:19, 89:9, 105:15, 111:6, 111:15, 123:20, 124:25, 132:23, 135:8, 137:8, 168:24, 176:18, 178:24, 187:14, 187:21, 187:22, 187:25, 191:7, 195:9, 196:18, 196:22, 198:6, 201:11, 206:1, 212:7, 214:1, 214:9 aboard [1] - 179:13 above-titled [1] - 239:5 absence [3] - 63:10, 177:23, 188:4 absolute [2] - 94:10, 211:15 absolutely [3] - 159:22, 159:23, 178:6 abundance [1] - 49:3 abuse [2] - 34:7, 132:6 abused [1] - 225:20 abusive [1] - 153:20 accept [1] - 55:22 accepted [1] - 226:10 access [3] - 9:5, 122:2, 214:1 accident [2] - 30:15, 30:16 accidentally [1] - 170:14 accomplish [3] - 79:11, 181:4, 187:13 accomplished [3] - 78:24, 79:9, 149:13 according [2] - 125:16, 219:11 account [24] - 57:19, 62:15, 142:23, 142:25, 143:7, 143:11, 160:15, 161:1, 161:3, 161:11, 161:13, 161:14, 182:23, 183:11, 200:17, 204:10, 205:10, 206:6, 206:16,</p>	<p>227:15, 228:5, 228:9 accounts [3] - 59:25, 160:10, 161:17 accurate [26] - 79:24, 80:17, 83:20, 87:2, 90:19, 93:9, 95:23, 97:7, 98:7, 99:21, 115:8, 130:11, 135:24, 137:23, 139:19, 140:23, 141:22, 145:9, 164:5, 168:15, 180:2, 180:7, 180:16, 181:11, 232:6, 234:20 accused [6] - 6:20, 66:11, 66:18, 68:4, 68:5, 138:11 accuses [1] - 138:11 Ackley [2] - 24:19, 37:12 acknowledge [1] - 182:6 acknowledged [1] - 182:5 act [6] - 25:19, 27:10, 63:24, 63:25, 123:3, 222:1 Act [5] - 39:12, 39:14, 39:18, 39:20, 39:24 acted [2] - 63:19, 63:22 acting [2] - 73:16 Action [1] - 107:7 action [8] - 26:21, 62:23, 62:24, 63:1, 63:2, 63:7, 63:9 actions [4] - 71:24, 89:2, 138:14, 149:10 active [2] - 214:3, 214:4 actively [3] - 14:11, 64:20, 169:10 activities [4] - 36:22, 42:10, 42:15, 174:17 activity [7] - 62:21, 62:25, 63:7, 82:21, 155:3, 196:19, 214:24 acts [4] - 26:7, 63:25, 102:23, 163:10 actual [5] - 9:10, 17:23, 88:24, 107:2, 107:4 ad [1] - 200:4 add [4] - 124:2, 124:17, 220:1, 235:15 added [4] - 14:14, 106:21, 124:19,</p>	<p>137:19 addition [6] - 63:15, 107:13, 124:6, 200:14, 204:14, 205:4 additional [3] - 14:10, 18:9, 19:2 address [6] - 60:8, 110:25, 111:9, 171:4, 199:12, 203:13 addressed [3] - 70:17, 218:16, 227:24 addresses [5] - 8:13, 70:11, 160:21, 196:21, 205:5 addressing [1] - 199:19 adjourned [1] - 238:13 adjustments [2] - 207:14, 208:5 administrative [5] - 20:6, 31:19, 31:25, 44:3, 44:5 administratively [3] - 20:3, 20:8, 20:19 administrator [1] - 37:22 admit [5] - 119:20, 123:15, 123:19, 155:11, 169:4 admits [1] - 123:4 admitted [4] - 56:12, 56:13, 60:14, 119:1 adult [1] - 32:24 adverse [6] - 62:23, 62:24, 63:1, 63:3, 63:6, 63:9 advertise [1] - 215:4 advocacy [2] - 226:1, 226:2 affect [7] - 102:21, 103:2, 148:1, 183:1, 183:2, 184:13 affects [5] - 5:16, 5:17, 132:9, 196:20 affiliated [2] - 32:25, 229:5 afraid [2] - 102:9, 127:20 afternoon [1] - 184:19 afterwards [2] - 16:21, 229:11 agencies [3] - 105:10, 146:5, 146:7 ago [35] - 9:18, 15:12, 29:19, 29:21, 30:11, 32:12, 33:6, 33:8, 33:10, 34:6, 35:24, 35:25, 38:2, 38:3,</p>
<p style="text-align: center;">A</p> <p>A-c-k-l-e-y [1] - 24:19</p>	<p style="text-align: center;">8</p>	<p>abetted [3] - 46:7, 62:7, 63:17 abetting [2] - 62:17, 63:13 ability [6] - 57:19, 73:5, 73:6, 160:11, 213:10 able [33] - 4:3, 5:18, 36:4, 70:12, 87:24, 88:19, 89:9, 105:15, 111:6, 111:15, 123:20, 124:25, 132:23, 135:8, 137:8, 168:24, 176:18, 178:24, 187:14, 187:21, 187:22, 187:25, 191:7, 195:9, 196:18, 196:22, 198:6, 201:11, 206:1, 212:7, 214:1, 214:9 aboard [1] - 179:13 above-titled [1] - 239:5 absence [3] - 63:10, 177:23, 188:4 absolute [2] - 94:10, 211:15 absolutely [3] - 159:22, 159:23, 178:6 abundance [1] - 49:3 abuse [2] - 34:7, 132:6 abused [1] - 225:20 abusive [1] - 153:20 accept [1] - 55:22 accepted [1] - 226:10 access [3] - 9:5, 122:2, 214:1 accident [2] - 30:15, 30:16 accidentally [1] - 170:14 accomplish [3] - 79:11, 181:4, 187:13 accomplished [3] - 78:24, 79:9, 149:13 according [2] - 125:16, 219:11 account [24] - 57:19, 62:15, 142:23, 142:25, 143:7, 143:11, 160:15, 161:1, 161:3, 161:11, 161:13, 161:14, 182:23, 183:11, 200:17, 204:10, 205:10, 206:6, 206:16,</p>	<p>227:15, 228:5, 228:9 accounts [3] - 59:25, 160:10, 161:17 accurate [26] - 79:24, 80:17, 83:20, 87:2, 90:19, 93:9, 95:23, 97:7, 98:7, 99:21, 115:8, 130:11, 135:24, 137:23, 139:19, 140:23, 141:22, 145:9, 164:5, 168:15, 180:2, 180:7, 180:16, 181:11, 232:6, 234:20 accused [6] - 6:20, 66:11, 66:18, 68:4, 68:5, 138:11 accuses [1] - 138:11 Ackley [2] - 24:19, 37:12 acknowledge [1] - 182:6 acknowledged [1] - 182:5 act [6] - 25:19, 27:10, 63:24, 63:25, 123:3, 222:1 Act [5] - 39:12, 39:14, 39:18, 39:20, 39:24 acted [2] - 63:19, 63:22 acting [2] - 73:16 Action [1] - 107:7 action [8] - 26:21, 62:23, 62:24, 63:1, 63:2, 63:7, 63:9 actions [4] - 71:24, 89:2, 138:14, 149:10 active [2] - 214:3, 214:4 actively [3] - 14:11, 64:20, 169:10 activities [4] - 36:22, 42:10, 42:15, 174:17 activity [7] - 62:21, 62:25, 63:7, 82:21, 155:3, 196:19, 214:24 acts [4] - 26:7, 63:25, 102:23, 163:10 actual [5] - 9:10, 17:23, 88:24, 107:2, 107:4 ad [1] - 200:4 add [4] - 124:2, 124:17, 220:1, 235:15 added [4] - 14:14, 106:21, 124:19,</p>	<p>137:19 addition [6] - 63:15, 107:13, 124:6, 200:14, 204:14, 205:4 additional [3] - 14:10, 18:9, 19:2 address [6] - 60:8, 110:25, 111:9, 171:4, 199:12, 203:13 addressed [3] - 70:17, 218:16, 227:24 addresses [5] - 8:13, 70:11, 160:21, 196:21, 205:5 addressing [1] - 199:19 adjourned [1] - 238:13 adjustments [2] - 207:14, 208:5 administrative [5] - 20:6, 31:19, 31:25, 44:3, 44:5 administratively [3] - 20:3, 20:8, 20:19 administrator [1] - 37:22 admit [5] - 119:20, 123:15, 123:19, 155:11, 169:4 admits [1] - 123:4 admitted [4] - 56:12, 56:13, 60:14, 119:1 adult [1] - 32:24 adverse [6] - 62:23, 62:24, 63:1, 63:3, 63:6, 63:9 advertise [1] - 215:4 advocacy [2] - 226:1, 226:2 affect [7] - 102:21, 103:2, 148:1, 183:1, 183:2, 184:13 affects [5] - 5:16, 5:17, 132:9, 196:20 affiliated [2] - 32:25, 229:5 afraid [2] - 102:9, 127:20 afternoon [1] - 184:19 afterwards [2] - 16:21, 229:11 agencies [3] - 105:10, 146:5, 146:7 ago [35] - 9:18, 15:12, 29:19, 29:21, 30:11, 32:12, 33:6, 33:8, 33:10, 34:6, 35:24, 35:25, 38:2, 38:3,</p>

<p>38:19, 41:8, 41:23, 41:24, 43:14, 65:9, 73:3, 90:6, 90:11, 105:6, 112:21, 112:23, 115:22, 153:1, 161:7, 161:8, 169:8, 181:22, 208:13, 221:1, 232:24</p> <p>agree [24] - 4:12, 52:19, 53:18, 55:18, 55:21, 126:3, 150:12, 151:14, 151:15, 151:20, 152:22, 158:10, 158:18, 159:1, 169:9, 176:12, 177:20, 178:3, 178:6, 179:17, 181:20, 181:22, 183:8, 221:4</p> <p>agreed [3] - 168:14, 206:25, 207:7</p> <p>agreement [14] - 66:2, 80:16, 80:17, 92:8, 108:3, 157:15, 158:3, 158:19, 213:14, 213:20, 213:25, 214:8, 215:15, 223:4</p> <p>Agreement [1] - 157:9</p> <p>ahead [15] - 24:2, 26:13, 47:6, 49:16, 54:7, 94:21, 96:5, 104:11, 127:15, 142:6, 174:12, 177:5, 195:25, 201:18</p> <p>aided [3] - 46:7, 62:6, 63:16</p> <p>aiding [2] - 62:17, 63:13</p> <p>aircraft [1] - 37:21</p> <p>aka [1] - 1:13</p> <p>al [2] - 23:13, 26:5</p> <p>Albany [1] - 207:21</p> <p>alias [1] - 137:9</p> <p>alive [1] - 229:9</p> <p>allegation [1] - 237:8</p> <p>allegations [3] - 18:6, 67:16, 231:13</p> <p>alleged [5] - 10:22, 52:3, 102:19, 237:9, 237:10</p> <p>alleging [2] - 100:23, 103:20</p> <p>allowed [6] - 17:13, 28:4, 87:21, 124:21, 171:3, 171:5</p> <p>almost [1] - 76:9</p>	<p>alone [2] - 37:1, 55:14</p> <p>altering [1] - 66:12</p> <p>alternative [1] - 16:24</p> <p>altogether [2] - 205:13, 212:8</p> <p>amend [2] - 237:16, 237:22</p> <p>amount [6] - 126:22, 137:1, 167:18, 177:21, 202:18, 216:14</p> <p>analogies [1] - 126:22</p> <p>analogy [2] - 126:20, 126:21</p> <p>analysis [10] - 73:11, 217:5, 218:15, 218:16, 218:18, 219:19, 219:20, 221:12, 227:14, 227:17</p> <p>analyst [1] - 165:14</p> <p>analyze [4] - 103:21, 198:6, 221:6, 221:10</p> <p>analyzing [1] - 217:5</p> <p>Andrea [3] - 24:21, 38:9, 53:23</p> <p>Angeles [1] - 140:14</p> <p>anger [1] - 89:4</p> <p>angry [5] - 71:15, 71:16, 92:6, 208:19, 224:23</p> <p>Ann [1] - 25:10</p> <p>announce [1] - 133:21</p> <p>anonymize [2] - 111:11, 121:9</p> <p>answer [24] - 6:11, 25:21, 25:24, 27:18, 57:8, 81:25, 104:10, 119:18, 134:22, 148:24, 148:25, 150:16, 150:18, 150:20, 155:15, 157:11, 158:15, 169:6, 172:15, 175:20, 175:23, 194:12, 197:25, 236:8</p> <p>answered [5] - 45:17, 57:5, 57:6, 155:14, 158:13</p> <p>answering [1] - 28:13</p> <p>answers [2] - 27:16, 60:22</p> <p>anticipate [1] - 27:23</p> <p>anticipated [1] - 214:25</p> <p>anyhow [1] - 28:19</p> <p>anyway [4] - 4:3, 18:16, 77:15, 120:12</p> <p>apartment [1] - 33:25</p>	<p>apologize [3] - 116:5, 166:11, 199:2</p> <p>apparent [1] - 89:4</p> <p>appeal [3] - 209:2, 211:13, 230:12</p> <p>appealed [3] - 208:23, 211:15, 230:11</p> <p>appear [7] - 28:13, 99:14, 120:25, 136:12, 136:13, 217:2, 232:17</p> <p>appearance [1] - 60:23</p> <p>APPEARANCES [1] - 2:1</p> <p>appeared [10] - 29:18, 34:22, 36:12, 36:23, 37:18, 38:15, 39:7, 41:7, 42:25, 121:1</p> <p>appearing [1] - 42:16</p> <p>applications [1] - 66:13</p> <p>applied [2] - 214:6, 214:7</p> <p>applies [3] - 59:1, 59:11, 59:12</p> <p>apply [2] - 26:22, 55:15</p> <p>appointment [1] - 48:11</p> <p>appreciate [1] - 47:12</p> <p>approach [1] - 80:6</p> <p>approached [1] - 59:18</p> <p>appropriate [3] - 16:1, 16:2, 16:4</p> <p>April [3] - 20:3, 20:4, 115:7</p> <p>Arbiters [1] - 184:6</p> <p>arbitrate [1] - 217:2</p> <p>arbitration [114] - 3:22, 3:23, 4:1, 4:4, 5:4, 5:5, 5:11, 5:14, 6:2, 7:2, 8:8, 8:11, 16:20, 18:4, 50:20, 51:14, 51:16, 51:17, 51:19, 51:21, 51:22, 66:2, 66:4, 66:5, 69:13, 69:15, 71:4, 72:4, 72:11, 72:12, 72:22, 73:13, 74:6, 74:11, 74:15, 85:2, 85:16, 85:17, 86:2, 86:5, 86:10, 86:15, 87:10, 87:25, 90:8, 92:2, 92:9, 94:7, 94:16, 94:18, 94:19, 101:25, 116:1, 124:11, 126:20, 132:7, 132:14,</p>	<p>133:22, 135:5, 138:11, 142:8, 142:13, 146:8, 151:10, 151:17, 152:20, 158:11, 158:19, 159:12, 160:5, 160:7, 162:6, 162:11, 162:24, 163:11, 163:12, 165:1, 166:24, 167:10, 167:13, 168:5, 168:20, 172:12, 182:2, 182:3, 198:5, 198:14, 199:10, 200:6, 200:15, 200:24, 205:15, 205:22, 208:23, 209:3, 209:10, 209:12, 209:16, 210:23, 211:12, 211:15, 211:20, 213:1, 213:6, 214:21, 221:7, 221:10, 221:12, 224:17, 225:12, 228:22, 230:22, 231:7</p> <p>Arbitration [1] - 141:19</p> <p>arbitrations [1] - 211:13</p> <p>arbitrator [50] - 6:3, 7:13, 11:12, 66:7, 66:15, 66:16, 69:9, 69:10, 69:16, 70:3, 70:15, 71:5, 71:13, 72:23, 73:2, 73:13, 74:10, 85:21, 85:25, 86:12, 86:25, 88:21, 88:25, 107:16, 132:14, 167:21, 168:15, 168:23, 169:3, 199:11, 200:25, 202:25, 203:5, 203:7, 206:23, 208:6, 208:10, 209:17, 209:19, 209:25, 210:8, 213:14, 213:16, 218:21, 224:20, 225:24, 226:16, 226:24, 227:21, 230:8</p> <p>Arbitrator [3] - 168:7, 234:11, 234:16</p> <p>arbitrator's [6] - 8:12, 71:23, 168:2, 201:1, 201:21, 216:24</p> <p>arbitrators [1] -</p>	<p>117:21</p> <p>Arbitrators [1] - 107:7</p> <p>area [3] - 21:4, 32:19, 166:21</p> <p>areas [1] - 137:12</p> <p>argue [4] - 27:8, 191:12, 194:15, 237:19</p> <p>argued [1] - 70:2</p> <p>arguing [3] - 6:7, 191:13, 216:12</p> <p>argument [8] - 12:13, 17:1, 18:21, 19:12, 19:17, 19:18, 48:22, 217:14</p> <p>arguments [7] - 56:4, 61:24, 124:18, 201:11, 235:23, 236:2, 238:9</p> <p>Army [1] - 36:20</p> <p>arose [1] - 224:17</p> <p>arrange [1] - 28:1</p> <p>arrangement [1] - 204:15</p> <p>Art [1] - 30:7</p> <p>article [2] - 111:22, 142:14</p> <p>ascending [1] - 210:18</p> <p>ascribe [1] - 121:6</p> <p>ascribing [1] - 138:13</p> <p>aside [3] - 156:9, 211:20, 219:17</p> <p>assembly [1] - 54:8</p> <p>asserted [1] - 66:10</p> <p>assigned [1] - 118:24</p> <p>assist [2] - 9:19, 60:23</p> <p>assistant [2] - 33:23, 35:16</p> <p>assisting [1] - 213:8</p> <p>associate [2] - 42:8, 42:21</p> <p>associate's [3] - 29:12, 35:17, 36:19</p> <p>associated [6] - 112:9, 159:13, 214:10, 214:11, 215:3, 215:10</p> <p>associating [1] - 223:23</p> <p>association [6] - 217:2, 223:3, 224:3, 224:12, 225:19, 232:17</p> <p>Association [2] - 33:1, 36:10</p> <p>association's [1] - 225:15</p> <p>assume [2] - 36:4, 171:12</p>
---	--	--	---	---

<p>assumed [1] - 68:1 assure [1] - 71:9 assures [1] - 28:9 Astoria [2] - 29:9 attached [6] - 10:7, 12:7, 13:8, 82:19, 205:18, 221:23 attaching [2] - 126:12, 230:18 attachment [6] - 10:13, 11:5, 11:9, 11:21, 128:16, 186:16 attack [5] - 72:20, 112:4, 117:22, 117:23, 118:9 attacked [1] - 72:7 attacks [3] - 73:18, 73:23, 102:2 attempted [2] - 124:1, 130:24 attempting [1] - 167:1 attendance [1] - 28:6 attention [5] - 60:16, 69:16, 71:16, 106:5, 120:5 attention-span [1] - 106:5 Attorney [2] - 234:11, 234:16 attorney [45] - 14:9, 16:21, 65:20, 66:6, 68:9, 69:9, 69:11, 69:17, 71:14, 72:8, 72:10, 72:23, 73:13, 74:7, 82:20, 86:9, 89:15, 90:16, 91:19, 102:22, 102:23, 107:20, 120:17, 121:16, 124:10, 124:15, 136:23, 153:14, 154:8, 167:15, 183:12, 199:16, 199:17, 207:21, 207:24, 208:2, 209:22, 211:2, 211:3, 218:19, 224:23, 225:3, 225:25, 226:2, 226:15 Attorney's [1] - 65:22 attorney's [3] - 231:1, 231:2, 231:3 attorneys [13] - 61:24, 72:6, 72:7, 85:22, 149:15, 183:12, 209:21, 210:6, 225:3, 225:20, 229:2, 231:6 attribute [1] - 199:16</p>	<p>attributing [1] - 10:23 August [2] - 112:19, 138:21 authenticate [3] - 185:25, 186:11, 187:18 Author [2] - 234:11, 234:15 Authority [2] - 31:11, 32:3 authorized [1] - 63:25 automated [1] - 182:21 automatically [2] - 46:23, 187:9 available [5] - 52:1, 176:23, 236:19, 236:24, 237:12 Avenue [2] - 2:3, 2:8 aviation [1] - 39:13 avoid [5] - 4:1, 4:9, 58:13, 70:13, 212:24 award [15] - 6:4, 7:13, 7:14, 8:12, 8:14, 11:13, 158:20, 167:21, 168:2, 169:3, 169:7, 203:10, 230:23, 230:25, 231:2 awarded [3] - 87:25, 88:21, 89:5 aware [1] - 161:18 awareness [1] - 133:9 awful [5] - 6:20, 67:16, 92:15, 117:24, 149:11</p>	<p>base [1] - 54:25 based [20] - 12:10, 12:12, 14:3, 52:12, 52:14, 58:24, 60:7, 60:13, 96:16, 133:22, 133:24, 158:6, 179:24, 180:6, 180:11, 180:19, 181:15, 207:23, 210:1, 225:5 baseless [1] - 104:7 basic [1] - 77:23 basis [4] - 6:1, 6:17, 8:1, 69:24 Bauer [2] - 162:21, 162:22 bear [1] - 58:1 bears [1] - 183:20 beating [1] - 110:3 Beauty [1] - 236:22 Beaver [2] - 76:24, 77:4 Beaverton [2] - 64:23, 79:17 became [5] - 71:15, 71:16, 119:8, 120:11, 225:12 beef [1] - 46:22 BEFORE [1] - 1:22 beforehand [1] - 200:15 began [3] - 69:7, 69:8, 194:2 begin [7] - 23:22, 47:19, 54:22, 159:16, 236:1, 236:3, 236:6 beginning [3] - 69:4, 214:25, 228:23 begins [1] - 128:13 behalf [6] - 67:4, 73:17, 75:4, 197:18, 207:22, 226:1 behavior [7] - 72:5, 121:18, 125:7, 126:11, 160:24, 218:7, 225:20 behaviors [1] - 69:9 behind [2] - 70:12, 199:23 belief [3] - 166:16, 199:20, 210:1 believability [1] - 58:1 belong [15] - 29:15, 30:6, 30:8, 32:25, 34:3, 34:20, 36:21, 37:16, 37:24, 38:13, 38:22, 41:5, 41:20, 42:23, 43:8 below [3] - 157:6,</p>	<p>217:24, 239:3 bench [1] - 58:7 benefit [3] - 63:20, 124:1, 124:2 Bernick [4] - 14:4, 14:5, 192:4, 193:1 beside [1] - 118:5 best [9] - 27:18, 101:1, 114:22, 116:5, 125:25, 126:5, 126:7, 226:21, 226:22 better [2] - 47:11, 123:11 between [12] - 14:3, 14:7, 15:15, 15:24, 16:6, 46:22, 79:24, 172:6, 184:12, 201:25, 204:23, 225:3 beyond [3] - 27:2, 168:24, 200:22 bias [3] - 46:20, 57:23, 211:16 biased [2] - 47:4, 47:6 Big [1] - 2:6 big [4] - 14:19, 76:10, 113:14, 147:5 bigger [2] - 7:21, 18:22 biggest [1] - 92:16 bikes [1] - 39:2 Bill [6] - 66:7, 86:13, 132:9, 132:13, 132:14, 218:21 bill [1] - 86:13 billed [3] - 208:6, 219:12, 219:13 binder [6] - 80:3, 80:4, 80:7, 83:15, 230:4 biographical [3] - 28:12, 28:21, 28:25 biography [1] - 109:14 bit [17] - 25:22, 29:7, 29:13, 40:12, 42:13, 44:21, 52:21, 64:7, 75:18, 109:21, 113:10, 126:25, 142:5, 146:16, 164:19, 165:12, 209:8 Bitch [1] - 107:6 block [1] - 106:24 blog [170] - 4:15, 5:3, 5:4, 6:22, 6:23, 8:2, 9:7, 9:8, 9:22, 9:23, 10:10, 12:11, 13:2, 13:3, 13:5, 13:6, 13:10, 13:15, 13:22, 14:6, 16:9, 16:15,</p>	<p>16:16, 16:17, 16:18, 17:22, 18:6, 18:7, 18:12, 18:15, 20:5, 20:7, 20:8, 20:15, 21:9, 21:13, 21:18, 21:21, 22:7, 51:24, 52:3, 52:4, 52:8, 59:10, 67:7, 67:8, 67:13, 67:15, 67:16, 67:25, 69:2, 69:7, 69:8, 70:6, 70:11, 71:19, 71:25, 72:16, 72:17, 72:21, 73:11, 105:12, 108:10, 128:20, 128:23, 132:6, 137:1, 153:7, 153:9, 153:10, 153:16, 154:20, 154:22, 154:24, 155:2, 155:3, 155:4, 155:12, 160:14, 160:17, 161:9, 162:5, 164:19, 168:3, 170:7, 170:8, 173:8, 173:10, 173:14, 175:6, 175:9, 185:19, 186:7, 186:8, 186:9, 186:10, 186:15, 187:7, 187:8, 187:24, 190:8, 190:20, 190:23, 195:10, 196:19, 198:4, 199:5, 199:6, 199:8, 199:13, 199:22, 200:20, 202:25, 203:15, 207:2, 207:12, 207:20, 208:10, 208:14, 211:2, 211:11, 211:21, 214:25, 215:2, 215:3, 215:19, 215:23, 216:11, 216:17, 216:25, 217:6, 218:8, 218:17, 220:1, 220:19, 220:22, 221:17, 221:21, 222:25, 223:3, 223:7, 223:24, 224:8, 224:14, 224:25, 225:1, 227:3, 227:5, 227:12, 227:13, 227:17, 228:23, 228:24, 229:3, 229:8, 229:9, 231:12, 232:19, 232:20, 237:10 Blogging [2] - 97:20,</p>
<p>B</p>		<p>B-o-l-i-n [1] - 24:20 bachelor [1] - 42:11 bachelor's [6] - 30:5, 36:19, 38:20, 41:3, 42:20, 43:4 bad [14] - 29:22, 30:18, 34:13, 102:3, 103:18, 104:18, 149:4, 149:19, 149:20, 210:13, 219:8, 219:9, 219:16 bailliff [1] - 26:7 bands [1] - 76:12 Bank [1] - 214:15 bar [8] - 38:23, 182:25, 184:6, 217:2, 225:15, 225:18 Bar [5] - 14:1, 38:23, 146:6, 210:17 barn [1] - 202:16</p>	<p>base [1] - 54:25 based [20] - 12:10, 12:12, 14:3, 52:12, 52:14, 58:24, 60:7, 60:13, 96:16, 133:22, 133:24, 158:6, 179:24, 180:6, 180:11, 180:19, 181:15, 207:23, 210:1, 225:5 baseless [1] - 104:7 basic [1] - 77:23 basis [4] - 6:1, 6:17, 8:1, 69:24 Bauer [2] - 162:21, 162:22 bear [1] - 58:1 bears [1] - 183:20 beating [1] - 110:3 Beauty [1] - 236:22 Beaver [2] - 76:24, 77:4 Beaverton [2] - 64:23, 79:17 became [5] - 71:15, 71:16, 119:8, 120:11, 225:12 beef [1] - 46:22 BEFORE [1] - 1:22 beforehand [1] - 200:15 began [3] - 69:7, 69:8, 194:2 begin [7] - 23:22, 47:19, 54:22, 159:16, 236:1, 236:3, 236:6 beginning [3] - 69:4, 214:25, 228:23 begins [1] - 128:13 behalf [6] - 67:4, 73:17, 75:4, 197:18, 207:22, 226:1 behavior [7] - 72:5, 121:18, 125:7, 126:11, 160:24, 218:7, 225:20 behaviors [1] - 69:9 behind [2] - 70:12, 199:23 belief [3] - 166:16, 199:20, 210:1 believability [1] - 58:1 belong [15] - 29:15, 30:6, 30:8, 32:25, 34:3, 34:20, 36:21, 37:16, 37:24, 38:13, 38:22, 41:5, 41:20, 42:23, 43:8 below [3] - 157:6,</p>	<p>217:24, 239:3 bench [1] - 58:7 benefit [3] - 63:20, 124:1, 124:2 Bernick [4] - 14:4, 14:5, 192:4, 193:1 beside [1] - 118:5 best [9] - 27:18, 101:1, 114:22, 116:5, 125:25, 126:5, 126:7, 226:21, 226:22 better [2] - 47:11, 123:11 between [12] - 14:3, 14:7, 15:15, 15:24, 16:6, 46:22, 79:24, 172:6, 184:12, 201:25, 204:23, 225:3 beyond [3] - 27:2, 168:24, 200:22 bias [3] - 46:20, 57:23, 211:16 biased [2] - 47:4, 47:6 Big [1] - 2:6 big [4] - 14:19, 76:10, 113:14, 147:5 bigger [2] - 7:21, 18:22 biggest [1] - 92:16 bikes [1] - 39:2 Bill [6] - 66:7, 86:13, 132:9, 132:13, 132:14, 218:21 bill [1] - 86:13 billed [3] - 208:6, 219:12, 219:13 binder [6] - 80:3, 80:4, 80:7, 83:15, 230:4 biographical [3] - 28:12, 28:21, 28:25 biography [1] - 109:14 bit [17] - 25:22, 29:7, 29:13, 40:12, 42:13, 44:21, 52:21, 64:7, 75:18, 109:21, 113:10, 126:25, 142:5, 146:16, 164:19, 165:12, 209:8 Bitch [1] - 107:6 block [1] - 106:24 blog [170] - 4:15, 5:3, 5:4, 6:22, 6:23, 8:2, 9:7, 9:8, 9:22, 9:23, 10:10, 12:11, 13:2, 13:3, 13:5, 13:6, 13:10, 13:15, 13:22, 14:6, 16:9, 16:15,</p>

<p>162:10 blogging [1] - 196:19 blogs [2] - 51:25, 223:10 blow [1] - 118:13 blowing [5] - 7:10, 40:4, 50:3, 50:7, 82:6 blowup [5] - 112:16, 114:10, 117:7, 123:24, 132:4 board [3] - 81:20, 179:18, 210:17 boats [1] - 37:25 bold [5] - 106:21, 137:5, 139:4, 139:7 bolded [3] - 106:20, 107:13, 139:11 Bolin [4] - 24:20, 37:20, 50:18, 53:23 book [1] - 122:23 books [2] - 156:19, 171:15 boss [3] - 81:1, 81:4, 134:14 bother [2] - 116:18, 132:15 bottom [13] - 106:23, 106:24, 107:2, 107:4, 124:16, 142:16, 184:2, 207:13, 208:17, 221:12, 231:12, 232:12, 235:7 box [4] - 23:18, 23:22, 48:1, 117:8 BPO [1] - 229:12 Brandon [2] - 25:3, 44:11 breached [2] - 226:19, 226:20 breadth [1] - 68:19 break [5] - 64:5, 152:3, 191:23, 193:21, 194:5 Bret [3] - 24:16, 36:7, 53:23 bridge [2] - 18:24, 75:22 bridges [1] - 75:22 brief [4] - 53:19, 74:21, 199:4, 229:23 briefly [4] - 29:5, 84:2, 138:7, 141:5 bring [11] - 6:17, 11:15, 17:12, 116:17, 137:3, 179:18, 183:6, 198:20, 198:24, 217:8, 238:8</p>	<p>bringing [1] - 8:5 brings [1] - 67:3 broke [1] - 228:16 broker [1] - 41:3 brother [3] - 42:7, 42:8, 42:11 brought [10] - 7:18, 7:23, 43:24, 66:10, 69:15, 69:22, 71:16, 120:5, 183:12, 225:17 build [1] - 31:4 built [1] - 76:21 bunch [8] - 15:11, 25:20, 25:21, 92:22, 94:11, 102:2, 108:25, 109:8 burden [3] - 62:11, 62:19, 63:14 burn [1] - 202:16 Burnside [1] - 37:1 business [39] - 37:14, 39:14, 42:20, 45:21, 46:5, 46:7, 51:10, 62:3, 62:5, 62:7, 62:17, 62:22, 63:18, 63:20, 64:16, 64:20, 64:21, 64:22, 65:6, 65:14, 66:13, 67:5, 69:7, 73:17, 74:5, 78:22, 81:18, 81:20, 120:18, 140:13, 149:4, 163:3, 194:15, 212:4, 213:9, 214:3, 229:12, 235:25 businesses [3] - 63:21, 64:17, 214:4 businesses's [1] - 67:6 button [1] - 182:17 BY [65] - 75:15, 78:15, 80:10, 80:24, 84:1, 87:8, 87:15, 91:16, 94:1, 96:11, 97:14, 98:6, 98:23, 99:11, 100:10, 101:13, 104:12, 115:15, 116:20, 122:13, 122:19, 125:12, 129:18, 130:17, 131:10, 136:8, 138:5, 140:1, 141:4, 142:3, 143:10, 144:9, 145:24, 150:2, 152:5, 153:24, 154:12, 156:7, 156:20, 156:24, 158:17, 159:10, 164:18,</p>	<p>166:14, 166:23, 167:14, 168:1, 169:2, 170:20, 172:4, 172:18, 173:3, 173:13, 173:21, 174:13, 174:23, 175:4, 176:8, 177:6, 196:4, 230:2, 230:7, 234:1, 234:19, 235:5</p> <p style="text-align: center;">C</p> <p>caching [1] - 155:10 calculation [1] - 162:7 Cameron [5] - 24:5, 24:14, 30:1, 34:16, 53:22 campaign [2] - 133:14, 133:15 camping [1] - 37:17 Canby [1] - 30:23 candor [1] - 226:14 cannot [5] - 3:13, 57:6, 61:6, 201:10 canon [1] - 225:25 canons [1] - 225:20 capable [1] - 149:18 car [2] - 37:24, 37:25 card [2] - 176:20, 177:14 cards [1] - 176:22 care [8] - 26:8, 32:23, 73:23, 128:18, 128:24, 146:21, 169:23, 226:18 career [2] - 70:23, 102:21 Carol [5] - 14:4, 25:16, 51:9, 192:4, 193:1 carpenter [1] - 37:1 case [156] - 5:2, 5:7, 6:6, 7:10, 7:18, 7:23, 8:20, 9:18, 10:17, 11:10, 14:12, 17:24, 23:2, 23:12, 25:20, 26:4, 26:8, 26:24, 27:1, 27:9, 27:10, 27:24, 28:22, 30:13, 32:8, 32:9, 32:11, 33:6, 33:9, 33:11, 33:18, 34:7, 34:10, 36:1, 36:4, 37:9, 38:1, 38:7, 40:8, 40:10, 40:11, 40:14, 40:22, 41:9, 41:10, 41:13, 42:2, 43:10, 44:8, 45:1, 45:2, 45:19, 45:20, 45:22, 46:11, 47:16, 47:17,</p>	<p>48:24, 50:12, 50:19, 51:15, 51:23, 51:24, 52:5, 52:6, 52:11, 52:21, 52:24, 55:8, 56:3, 56:10, 56:11, 57:12, 57:14, 57:22, 58:18, 58:24, 58:25, 59:2, 59:4, 59:7, 59:8, 59:12, 59:17, 59:19, 59:25, 60:5, 60:21, 61:20, 62:2, 62:4, 62:5, 62:14, 64:15, 64:16, 65:8, 65:25, 66:3, 66:8, 67:1, 67:3, 67:18, 68:21, 68:22, 69:18, 84:18, 85:24, 89:22, 89:23, 90:2, 107:5, 118:24, 120:4, 120:5, 127:10, 127:11, 149:4, 151:9, 153:2, 169:7, 181:23, 182:15, 191:6, 193:20, 202:10, 202:24, 207:6, 209:6, 209:9, 210:3, 211:13, 211:18, 213:1, 213:7, 214:14, 222:23, 222:24, 224:21, 225:7, 228:25, 230:9, 231:6, 235:22, 236:6, 236:19, 236:25, 237:3, 237:6, 237:10, 238:7 Case [1] - 23:13 cases [14] - 26:25, 27:3, 31:14, 31:15, 31:17, 39:14, 39:18, 111:6, 236:23, 237:4, 237:6, 237:7 categories [1] - 101:16 category [1] - 216:18 caught [2] - 102:23, 107:25 caused [3] - 72:6, 114:12, 146:15 causes [3] - 50:22, 52:5, 120:3 causing [1] - 121:18 caution [1] - 49:3 cautionary [1] - 142:9 CD [1] - 103:23 CD-ROM [1] - 103:23 cease [1] - 126:11 center [2] - 79:19, 179:12 centers [5] - 64:23,</p>	<p>64:24, 78:23, 79:14, 81:9 CEO [1] - 81:21 certain [5] - 58:11, 182:12, 187:21, 201:23, 224:1 certainly [8] - 72:6, 103:18, 109:5, 123:19, 135:14, 149:9, 149:17, 152:1 certified [1] - 239:8 certify [1] - 239:3 cetera [3] - 127:10, 209:15, 223:19 chair [2] - 29:3, 179:12 chairman [1] - 210:16 chairmanship [1] - 210:18 challenge [8] - 87:20, 133:8, 135:3, 135:4, 208:22, 209:1, 211:11, 213:3 challenged [5] - 66:20, 168:10, 208:19, 210:11, 224:24 challenges [9] - 25:22, 28:4, 28:23, 53:7, 53:13, 53:15, 53:16, 146:19, 146:21 challenging [3] - 8:20, 120:4, 133:12 chance [4] - 103:24, 148:24, 194:6 change [2] - 64:6, 220:19 changed [4] - 113:9, 113:10, 160:24, 199:7 CHAP [1] - 30:6 Chapter [31] - 96:24, 97:19, 98:2, 107:6, 108:23, 136:21, 138:15, 163:7, 164:9, 173:17, 187:2, 205:3, 205:4, 205:5, 206:10, 206:11, 215:23, 216:17, 217:6, 217:18, 218:17, 224:4, 225:22, 226:3, 227:13, 227:14, 227:15, 233:10, 233:11, 233:13 chapter [33] - 6:25, 95:16, 95:18, 96:24, 97:15, 98:8, 106:17,</p>
---	--	--	--	--

<p>106:21, 107:9, 107:10, 109:4, 111:14, 113:12, 122:21, 138:16, 141:19, 162:9, 175:6, 184:7, 184:11, 185:23, 198:11, 207:12, 215:24, 215:25, 216:19, 223:18, 223:20, 223:21, 224:3, 226:6, 232:9</p> <p>Chapters [2] - 216:19</p> <p>chapters [47] - 13:4, 13:8, 20:10, 22:3, 72:2, 95:13, 95:14, 95:15, 95:19, 96:16, 98:14, 98:24, 99:6, 99:14, 101:2, 101:3, 104:1, 106:6, 114:12, 138:9, 141:8, 141:18, 142:18, 144:18, 147:11, 147:12, 147:15, 162:4, 162:6, 173:14, 182:24, 183:3, 183:4, 183:5, 183:9, 183:11, 183:12, 183:15, 184:3, 184:4, 184:11, 198:12, 224:3, 225:1</p> <p>character [1] - 203:12</p> <p>charge [2] - 63:4, 65:12</p> <p>charged [1] - 71:6</p> <p>charges [1] - 71:5</p> <p>chat [1] - 59:10</p> <p>cheat [1] - 136:23</p> <p>check [1] - 53:17</p> <p>Cherry [1] - 75:24</p> <p>Chester [4] - 124:3, 124:7, 124:12, 124:13</p> <p>Chicago [2] - 116:2, 116:7</p> <p>chief [1] - 191:6</p> <p>child [2] - 42:21, 125:8</p> <p>children [13] - 36:5, 42:10, 42:20, 126:1, 126:2, 126:5, 126:8, 126:10, 126:13, 127:2, 127:19, 127:22, 129:20</p> <p>Children's [1] - 30:7</p> <p>children's [2] - 36:22, 125:24</p> <p>choose [1] - 126:23</p> <p>choosing [1] - 213:7</p> <p>chose [4] - 126:21,</p>	<p>126:23, 168:13, 206:2</p> <p>chosen [2] - 52:10, 102:22</p> <p>Chris [8] - 115:4, 115:6, 115:20, 116:1, 116:11, 116:19, 116:21, 163:16</p> <p>CHRISTIANSEN [168] - 3:11, 3:14, 3:16, 6:11, 6:13, 6:24, 7:10, 7:16, 8:3, 8:9, 8:18, 8:25, 9:8, 9:10, 9:24, 10:3, 10:7, 10:16, 10:22, 11:20, 11:25, 12:12, 12:18, 12:21, 15:2, 15:5, 15:14, 15:25, 17:11, 19:6, 20:23, 26:15, 45:13, 53:9, 64:10, 74:23, 75:15, 78:15, 80:6, 80:9, 80:10, 80:19, 80:24, 83:23, 84:1, 87:4, 87:8, 87:15, 90:21, 90:25, 91:6, 91:13, 91:15, 91:16, 93:12, 93:16, 93:20, 94:1, 95:25, 96:6, 96:9, 96:11, 97:10, 97:14, 98:3, 98:6, 98:20, 98:23, 99:7, 99:11, 99:24, 100:5, 100:10, 101:6, 101:10, 101:13, 104:12, 115:11, 115:15, 116:20, 122:7, 122:13, 122:16, 122:19, 125:12, 127:4, 127:18, 128:1, 128:4, 128:7, 128:11, 128:15, 129:6, 129:18, 130:13, 130:17, 131:10, 136:2, 136:7, 136:8, 138:2, 138:5, 139:22, 140:1, 141:1, 141:4, 141:25, 142:3, 143:6, 143:10, 144:6, 144:9, 145:11, 145:14, 145:24, 149:23, 154:3, 154:6, 154:9, 158:13, 159:8, 164:11, 165:23, 167:23, 170:10, 172:25, 173:6, 173:18, 174:21, 175:2, 175:18,</p>	<p>189:20, 189:23, 190:2, 190:9, 190:12, 191:16, 192:5, 192:14, 192:19, 192:21, 193:7, 194:20, 197:2, 197:8, 201:17, 212:21, 213:21, 215:22, 220:12, 222:14, 223:11, 226:6, 229:18, 229:22, 230:2, 230:7, 233:24, 234:1, 234:15, 234:19, 234:23, 235:5, 235:13, 235:20, 237:15, 237:22, 238:12</p> <p>Christiansen [20] - 2:2, 2:2, 7:3, 14:3, 14:5, 14:7, 14:12, 14:14, 14:16, 19:5, 26:12, 26:15, 124:4, 124:8, 124:14, 124:15, 153:14, 193:2, 194:19, 221:2</p> <p>Christmas [1] - 220:16</p> <p>chunk [5] - 14:6, 16:20, 207:1, 207:9, 224:25</p> <p>church [3] - 31:3, 43:8, 44:15</p> <p>circuit [1] - 31:21</p> <p>Circuit [4] - 32:2, 33:7, 33:8, 38:25</p> <p>circumstances [3] - 61:11, 211:14, 212:25</p> <p>circumstantial [3] - 56:16, 56:18, 56:21</p> <p>cite [1] - 236:19</p> <p>citing [1] - 211:25</p> <p>citizen [1] - 1:6</p> <p>citizen's [1] - 62:14</p> <p>city [1] - 81:10</p> <p>City [2] - 33:7, 35:15</p> <p>Civil [3] - 234:10, 234:14, 234:15</p> <p>civil [7] - 26:24, 27:3, 30:15, 36:4, 43:10, 132:6</p> <p>Clackamas [5] - 14:15, 30:23, 33:8, 225:5, 225:14</p> <p>claim [15] - 8:1, 8:5, 12:10, 40:13, 41:11, 46:9, 63:16, 66:17, 70:13, 70:17, 136:25, 142:12,</p>	<p>225:5, 225:14</p> <p>claimant [1] - 151:3</p> <p>claimant's [1] - 89:3</p> <p>claimed [6] - 50:9, 88:16, 120:18, 152:17, 199:25, 203:20</p> <p>claiming [4] - 116:1, 152:12, 205:19, 207:15</p> <p>claims [21] - 8:2, 39:22, 39:25, 40:1, 40:21, 46:6, 62:6, 62:11, 62:13, 66:10, 66:11, 68:17, 85:3, 85:13, 86:16, 86:17, 86:19, 86:20, 104:6, 115:25, 206:24</p> <p>clarify [2] - 124:9, 145:12</p> <p>class [1] - 44:15</p> <p>clause [2] - 85:2, 231:1</p> <p>clear [6] - 84:17, 120:14, 137:6, 179:3, 199:18, 216:23</p> <p>clearly [9] - 9:15, 61:6, 90:8, 102:4, 103:14, 119:10, 162:10, 203:4</p> <p>clerk [11] - 6:21, 9:15, 9:18, 118:22, 118:24, 121:11, 131:7, 131:8, 154:5, 192:2, 236:12</p> <p>CLERK [40] - 22:20, 22:22, 22:25, 23:11, 24:3, 24:5, 24:8, 24:12, 25:9, 25:16, 35:8, 74:25, 75:7, 91:8, 91:14, 96:5, 96:8, 100:1, 155:24, 156:22, 171:21, 188:19, 188:22, 188:25, 189:3, 190:20, 190:24, 192:15, 192:22, 193:25, 197:21, 198:25, 201:13, 212:14, 220:7, 220:9, 223:13, 226:8, 230:5, 233:23</p> <p>clerks [1] - 11:1</p> <p>click [2] - 184:9, 224:13</p> <p>clicked [2] - 94:11, 106:18</p> <p>clicker [1] - 93:19</p> <p>client [19] - 6:20, 7:18,</p>	<p>8:4, 10:19, 10:23, 10:24, 12:14, 12:23, 17:12, 51:11, 64:12, 79:10, 82:17, 127:20, 127:22, 176:3, 178:20, 226:1, 227:19</p> <p>client's [4] - 7:22, 17:15, 72:10, 226:21</p> <p>clients [5] - 65:20, 79:8, 82:9, 219:11, 219:13</p> <p>close [7] - 54:16, 60:16, 77:8, 107:3, 124:25, 139:9, 139:10</p> <p>closed [4] - 70:18, 77:7, 79:18, 125:24</p> <p>closer [1] - 144:23</p> <p>closing [6] - 61:24, 201:11, 217:14, 235:23, 236:2, 238:9</p> <p>clothes [1] - 126:7</p> <p>cloud [1] - 147:2</p> <p>club [1] - 37:25</p> <p>clubs [11] - 31:3, 34:20, 35:19, 36:21, 37:2, 37:16, 37:25, 38:13, 41:5, 41:20, 42:14</p> <p>code [3] - 66:12, 70:7, 72:9</p> <p>coerced [1] - 63:17</p> <p>cognitive [5] - 74:12, 199:12, 209:4, 210:4, 211:7</p> <p>cold [1] - 126:6</p> <p>collect [7] - 66:25, 89:9, 89:12, 89:15, 89:18, 89:19, 89:24</p> <p>collecting [1] - 67:2</p> <p>college [12] - 29:13, 32:23, 35:2, 35:12, 35:18, 37:22, 37:23, 38:12, 41:19, 42:13, 49:12, 49:13</p> <p>College [1] - 32:21</p> <p>collisions [1] - 39:13</p> <p>collusion [1] - 14:9</p> <p>combat [1] - 111:10</p> <p>combination [1] - 196:14</p> <p>comfortable [2] - 28:20, 77:18</p> <p>coming [18] - 6:23, 13:5, 13:15, 18:7, 18:10, 18:16, 20:25, 21:21, 21:23, 21:24, 22:13, 22:14, 92:21, 100:20, 134:19,</p>
---	---	--	--	---

<p>190:22, 192:18, 209:6</p> <p>commence [1] - 23:14</p> <p>comment [2] - 5:22, 138:23</p> <p>commentary [2] - 59:25, 102:13</p> <p>commissioners [1] - 50:7</p> <p>commit [1] - 163:14</p> <p>committing [2] - 163:10, 207:16</p> <p>communicate [5] - 56:9, 59:5, 59:6, 61:10, 223:6</p> <p>communicated [1] - 6:16</p> <p>communicating [3] - 14:11, 59:11, 59:13</p> <p>communications [2] - 52:1, 153:11</p> <p>Community [2] - 32:21, 49:15</p> <p>community [5] - 49:12, 49:13, 110:7, 208:11, 222:22</p> <p>companies [18] - 73:20, 73:21, 77:14, 94:7, 108:7, 108:9, 150:13, 150:18, 151:12, 157:22, 215:18, 229:4, 229:5, 229:7</p> <p>companions [1] - 31:2</p> <p>company [57] - 1:12, 20:3, 35:17, 65:4, 66:20, 67:18, 67:22, 69:7, 70:8, 70:24, 77:4, 77:7, 78:25, 81:14, 81:19, 82:15, 108:1, 111:2, 111:5, 115:24, 116:7, 123:18, 138:12, 149:10, 162:13, 162:14, 162:15, 162:20, 163:3, 163:19, 163:21, 163:25, 164:22, 167:13, 176:1, 177:17, 177:24, 178:4, 178:9, 181:12, 202:6, 204:19, 205:24, 212:7, 212:8, 215:11, 218:12, 219:9, 227:7, 228:16, 229:10, 229:14, 230:11, 230:12, 231:3, 233:17</p>	<p>Company [1] - 140:12</p> <p>compatible [2] - 70:22</p> <p>compelled [2] - 63:17, 228:12</p> <p>compensation [1] - 209:14</p> <p>competing [3] - 108:1, 138:12, 162:13</p> <p>competitive [1] - 42:15</p> <p>complaint [16] - 6:2, 70:4, 73:24, 82:23, 84:6, 107:24, 152:7, 173:5, 173:11, 199:20, 200:16, 202:4, 202:12, 202:15, 218:12</p> <p>Complaint [19] - 14:14, 14:21, 15:1, 19:12, 19:13, 19:16, 66:1, 83:20, 157:2, 157:21, 158:6, 205:18, 206:22, 207:8, 207:21, 207:22, 207:23, 237:23</p> <p>complete [4] - 27:18, 54:4, 103:16, 115:23</p> <p>completed [2] - 28:3, 58:22</p> <p>completely [6] - 6:19, 7:17, 7:20, 27:16, 103:9, 159:1</p> <p>complex [1] - 33:25</p> <p>component [7] - 19:16, 72:5, 153:8, 167:3, 204:25, 221:8, 232:20</p> <p>components [6] - 7:13, 14:13, 168:5, 185:11, 199:18</p> <p>comprehend [1] - 73:5</p> <p>compromise [3] - 74:6, 190:7, 224:18</p> <p>compromised [4] - 160:11, 199:11, 211:12, 228:22</p> <p>compromises [1] - 72:25</p> <p>computer [30] - 42:12, 42:24, 76:9, 78:7, 78:8, 78:9, 78:14, 109:25, 130:21, 154:15, 161:19, 180:12, 183:18, 200:17, 203:18, 203:19, 204:18, 204:21, 205:6, 205:11, 206:15,</p>	<p>206:16, 216:3, 217:17, 227:8, 227:16, 228:6, 228:8</p> <p>computers [9] - 65:13, 66:12, 67:21, 76:9, 77:15, 78:4, 78:6, 109:24, 148:20</p> <p>con [1] - 199:15</p> <p>concentration [1] - 196:20</p> <p>concern [4] - 183:24, 194:14, 224:16, 224:17</p> <p>concerned [3] - 82:13, 109:9, 119:8</p> <p>concerning [2] - 142:4, 142:7</p> <p>concerns [7] - 73:5, 105:24, 109:3, 182:24, 220:24, 220:25, 231:12</p> <p>concluded [4] - 6:3, 118:23, 202:2, 202:8</p> <p>conclusion [1] - 181:25</p> <p>conclusions [4] - 120:6, 200:20, 201:23, 227:2</p> <p>conduct [2] - 58:20, 125:18</p> <p>confer [5] - 23:4, 53:1, 53:5, 122:10, 192:2</p> <p>conference [5] - 58:7, 58:16, 58:17, 85:19, 85:20</p> <p>conferences [2] - 58:10, 58:15</p> <p>confidential [8] - 149:9, 159:12, 159:19, 159:22, 159:25, 160:1, 177:7, 204:2</p> <p>confidentiality [5] - 94:16, 102:8, 159:13, 160:4, 160:6</p> <p>confirm [1] - 172:6</p> <p>confirmed [5] - 66:22, 73:5, 87:23, 202:21, 206:21</p> <p>confirming [1] - 71:17</p> <p>conflict [1] - 208:25</p> <p>conflicted [1] - 201:25</p> <p>conform [1] - 237:23</p> <p>conformed [1] - 239:7</p> <p>confused [1] - 92:6</p> <p>confusing [1] - 92:15</p> <p>confusion [1] - 58:13</p> <p>Congressional [1] - 133:7</p> <p>Congressman [1] -</p>	<p>133:12</p> <p>conjunction [1] - 185:18</p> <p>connected [1] - 65:11</p> <p>connection [2] - 39:7, 39:17</p> <p>connections [1] - 140:2</p> <p>consciousness [1] - 211:5</p> <p>consider [16] - 27:22, 56:2, 56:14, 56:20, 57:13, 58:16, 59:23, 73:12, 73:15, 121:4, 169:4, 169:8, 186:20, 186:22, 201:11, 202:1</p> <p>considerably [1] - 92:3</p> <p>considered [3] - 7:14, 168:6, 208:25</p> <p>considering [1] - 57:18</p> <p>consist [1] - 55:19</p> <p>consistent [4] - 11:16, 128:19, 128:22, 152:8</p> <p>consistently [3] - 67:14, 200:7, 225:21</p> <p>conspiring [1] - 107:25</p> <p>constant [1] - 147:25</p> <p>consternation [1] - 225:2</p> <p>construction [1] - 37:14</p> <p>consultant [1] - 165:20</p> <p>consulted [2] - 168:16</p> <p>consulting [3] - 38:12, 60:2, 65:20</p> <p>consumption [1] - 172:24</p> <p>contact [10] - 9:15, 10:25, 59:21, 131:7, 131:8, 133:1, 135:11, 137:12, 165:25, 235:7</p> <p>contacting [1] - 124:1</p> <p>contain [2] - 103:7, 142:14</p> <p>contained [1] - 52:13</p> <p>contains [1] - 12:13</p> <p>contemplate [1] - 167:21</p> <p>contemporaneous [1] - 161:9</p> <p>contempt [1] - 120:14</p> <p>contends [1] - 62:13</p> <p>content [15] - 9:4,</p>	<p>68:18, 96:14, 104:14, 105:18, 112:9, 121:25, 126:21, 161:15, 161:16, 174:6, 175:6, 175:9, 231:22, 232:22</p> <p>contention [1] - 157:17</p> <p>contents [3] - 115:3, 130:3, 223:19</p> <p>contested [2] - 230:22, 230:25</p> <p>context [4] - 17:24, 108:6, 232:2, 237:12</p> <p>continue [2] - 168:14, 196:18</p> <p>continued [1] - 168:18</p> <p>continuing [63] - 32:22, 78:15, 80:10, 80:24, 84:1, 87:8, 87:15, 91:16, 94:1, 96:11, 97:14, 98:6, 98:23, 99:11, 100:10, 101:13, 104:12, 115:15, 116:20, 122:13, 122:19, 125:12, 129:18, 130:17, 131:10, 136:8, 138:5, 140:1, 141:4, 142:3, 143:10, 144:9, 145:24, 152:5, 153:24, 154:12, 156:7, 156:20, 156:24, 158:17, 159:10, 164:18, 166:14, 166:23, 167:14, 168:1, 169:2, 170:20, 172:4, 172:18, 173:3, 173:13, 173:21, 174:13, 174:23, 175:4, 176:8, 177:6, 196:4, 230:7, 234:1, 234:19, 235:5</p> <p>contract [9] - 51:10, 66:3, 84:22, 85:2, 135:12, 150:21, 158:10, 181:16</p> <p>contractor [1] - 195:12</p> <p>contracts [1] - 214:18</p> <p>contradicted [1] - 57:23</p> <p>contrary [1] - 207:4</p> <p>contribution [1] - 28:9</p> <p>control [9] - 26:9, 47:20, 55:12, 56:24,</p>
---	---	---	--	---

<p>64:8, 132:24, 146:22, 166:3, 198:19</p> <p>controlling [1] - 10:17</p> <p>convene [2] - 3:2, 23:9</p> <p>conversation [6] - 17:20, 19:10, 84:16, 207:24, 208:16, 210:2</p> <p>convey [1] - 73:4</p> <p>conveyed [1] - 73:3</p> <p>convinced [1] - 69:17</p> <p>convoluted [1] - 92:14</p> <p>cooking [2] - 33:2, 41:20</p> <p>coordinator [2] - 32:22, 179:12</p> <p>copies [5] - 64:2, 156:1, 190:2, 228:8, 236:13</p> <p>copy [21] - 80:17, 83:20, 87:2, 90:13, 90:19, 95:23, 97:7, 99:21, 112:13, 115:8, 115:16, 130:11, 131:12, 137:23, 139:19, 140:23, 141:22, 145:9, 145:20, 206:4, 212:16</p> <p>corporate [6] - 67:4, 69:5, 150:10, 151:6, 157:1, 157:6</p> <p>corporation [10] - 1:7, 1:9, 1:10, 1:11, 20:6, 45:25, 46:2, 158:23, 158:25, 213:8</p> <p>Corporation [2] - 1:14, 158:1</p> <p>corporations [9] - 71:9, 89:25, 157:19, 157:20, 213:8, 213:17, 214:2, 220:16, 229:14</p> <p>correct [30] - 5:6, 18:14, 20:13, 20:16, 21:14, 96:17, 98:24, 99:14, 112:18, 129:3, 129:4, 151:19, 167:17, 173:9, 181:17, 185:22, 189:3, 191:15, 230:11, 231:1, 231:5, 231:15, 231:20, 232:18, 233:10, 233:15, 234:9, 234:12, 234:18, 239:4</p>	<p>correct? [1] - 31:20</p> <p>correctly [1] - 187:1</p> <p>correspondence [3] - 14:3, 181:24, 193:1</p> <p>corroborate [2] - 205:23, 206:1</p> <p>corroborated [1] - 219:10</p> <p>Corruption [2] - 234:11, 234:16</p> <p>cost [5] - 71:1, 92:10, 114:18, 209:19</p> <p>counsel [12] - 3:2, 23:8, 53:5, 55:6, 61:19, 61:21, 122:10, 129:15, 193:24, 220:18, 230:20, 230:21</p> <p>counselor [1] - 43:23</p> <p>count [2] - 58:4, 146:4</p> <p>counterclaims [1] - 209:14</p> <p>counts [1] - 72:13</p> <p>County [12] - 14:15, 30:23, 33:8, 34:6, 37:7, 41:7, 43:11, 50:7, 50:8, 65:22, 225:5, 225:14</p> <p>couple [17] - 11:5, 11:8, 33:8, 37:4, 64:2, 90:6, 90:11, 97:5, 113:11, 151:21, 153:11, 155:17, 161:7, 161:8, 203:13, 221:1, 221:17</p> <p>course [22] - 3:9, 19:13, 27:23, 58:14, 59:3, 64:4, 69:12, 69:14, 92:6, 104:1, 108:2, 119:7, 122:6, 126:3, 128:14, 147:23, 152:7, 153:6, 166:24, 205:22, 229:20</p> <p>COURT [391] - 1:1, 1:23, 2:7, 3:3, 3:13, 3:15, 3:17, 4:12, 4:17, 4:24, 5:2, 5:7, 5:16, 5:21, 5:24, 6:12, 6:22, 7:1, 7:5, 7:8, 7:25, 8:6, 8:24, 9:7, 9:9, 9:22, 9:25, 10:6, 10:9, 10:21, 11:3, 11:18, 11:23, 12:2, 12:7, 12:10, 12:16, 12:20, 12:24, 13:5, 13:11, 13:13, 13:17, 13:21, 13:25, 14:24, 15:4, 15:8,</p>	<p>15:10, 15:23, 16:1, 16:3, 16:6, 16:12, 17:5, 17:9, 17:18, 18:15, 18:24, 19:7, 19:22, 20:11, 20:14, 20:20, 20:24, 21:10, 21:14, 21:18, 21:21, 22:8, 22:11, 22:16, 22:18, 22:21, 22:24, 23:2, 23:6, 23:10, 23:15, 24:4, 24:6, 24:10, 25:7, 25:14, 25:17, 26:3, 26:18, 26:22, 29:20, 29:24, 30:11, 30:13, 30:17, 30:21, 31:9, 31:13, 31:18, 31:23, 32:1, 32:6, 32:11, 32:15, 33:11, 33:16, 33:20, 34:8, 34:12, 34:15, 34:23, 34:25, 35:2, 35:6, 35:9, 35:24, 36:1, 36:6, 36:14, 36:24, 37:5, 37:8, 37:11, 37:19, 38:2, 38:4, 38:7, 38:16, 39:9, 39:16, 39:21, 40:1, 40:4, 40:6, 40:11, 40:19, 40:23, 41:9, 41:12, 41:15, 41:23, 41:25, 42:4, 42:17, 43:1, 43:12, 43:15, 43:18, 43:24, 44:4, 44:7, 44:10, 44:17, 45:15, 45:17, 46:13, 46:14, 46:18, 47:1, 47:5, 47:8, 48:7, 48:14, 48:18, 48:25, 49:4, 49:8, 49:10, 49:13, 49:16, 49:18, 50:11, 50:14, 50:17, 50:21, 50:24, 51:1, 51:7, 51:13, 53:7, 53:10, 53:12, 53:17, 53:20, 54:2, 54:12, 55:3, 55:8, 68:24, 74:19, 74:22, 74:24, 75:11, 76:25, 80:8, 80:21, 80:23, 83:25, 87:5, 87:7, 87:12, 90:22, 90:24, 91:2, 91:10, 93:13, 93:15, 93:17, 96:2, 96:4, 97:13, 98:5, 98:22, 99:10, 99:25, 100:2, 100:4, 100:7, 101:12, 104:9, 115:12, 115:14, 116:3, 122:9, 122:12, 125:11, 127:6, 127:17,</p>	<p>127:24, 128:2, 128:6, 128:10, 128:13, 128:18, 128:21, 128:25, 129:5, 129:7, 129:11, 129:13, 129:17, 130:16, 131:2, 136:3, 136:6, 138:4, 139:24, 141:3, 142:2, 143:9, 144:8, 145:18, 145:23, 149:24, 151:24, 152:2, 153:23, 154:4, 154:11, 155:23, 155:25, 156:4, 156:9, 156:12, 156:14, 158:14, 159:7, 159:9, 164:2, 164:13, 165:24, 166:6, 166:9, 166:12, 166:19, 167:11, 167:24, 168:21, 168:23, 170:2, 170:6, 170:9, 170:11, 170:15, 170:17, 171:5, 171:10, 171:12, 171:17, 171:24, 172:14, 173:2, 173:7, 173:12, 174:9, 174:12, 174:22, 175:3, 175:19, 177:3, 177:5, 184:16, 184:23, 184:25, 185:16, 185:20, 185:24, 186:6, 186:19, 187:6, 187:14, 187:17, 188:2, 188:6, 188:9, 188:17, 188:21, 188:24, 189:2, 189:4, 189:8, 189:11, 189:16, 189:19, 189:22, 189:25, 190:11, 190:13, 190:16, 190:19, 190:22, 191:2, 191:6, 191:17, 191:20, 191:22, 192:1, 192:3, 192:10, 192:12, 192:17, 192:20, 192:23, 193:4, 193:8, 193:13, 193:17, 194:1, 194:17, 194:22, 195:18, 195:20, 195:23, 196:3, 197:1, 197:3,</p>	<p>197:5, 197:7, 197:9, 197:11, 197:24, 198:18, 198:21, 199:1, 201:4, 201:8, 201:16, 201:18, 212:20, 212:22, 213:23, 217:10, 217:14, 220:6, 220:11, 220:13, 222:13, 222:15, 223:14, 226:11, 229:16, 234:13, 234:17, 234:24, 235:1, 235:3, 235:14, 235:17, 235:21, 236:12, 237:18, 237:24, 238:3</p> <p>court [32] - 31:6, 31:13, 31:14, 31:19, 32:7, 33:5, 33:14, 33:17, 34:22, 36:23, 37:18, 38:1, 38:15, 38:23, 39:7, 41:7, 42:16, 42:25, 43:25, 44:2, 44:3, 50:9, 50:19, 51:11, 56:11, 59:24, 66:20, 87:18, 120:15, 124:20, 193:25, 230:13</p> <p>Court [28] - 3:2, 9:16, 23:4, 23:8, 32:2, 33:7, 33:8, 39:1, 40:17, 48:21, 53:5, 55:6, 56:7, 59:21, 60:11, 61:9, 66:21, 72:9, 122:8, 122:10, 127:5, 127:17, 129:15, 192:2, 193:24, 226:16, 230:14, 239:13</p> <p>Courthouse [1] - 2:8</p> <p>courtroom [12] - 23:4, 26:7, 54:3, 54:11, 55:2, 58:8, 120:12, 127:15, 127:16, 184:22, 196:2, 236:11</p> <p>courts [1] - 31:22</p> <p>cover [1] - 211:1</p> <p>covered [1] - 154:19</p> <p>coworkers [2] - 88:25, 105:1</p> <p>Cox [4] - 115:4, 115:6, 115:9, 163:16</p> <p>crafts [1] - 38:14</p> <p>crashed [7] - 161:23, 174:3, 174:4, 176:2, 176:18, 203:20, 204:6</p>
---	--	---	---	---

<p>crazier [1] - 116:8 create [2] - 47:22, 178:5 credibility [3] - 208:20, 216:22, 226:19 credible [1] - 16:11 credit [3] - 176:20, 176:22, 177:14 crime [1] - 231:14 criminal [7] - 26:24, 26:25, 27:1, 34:6, 34:9, 41:10, 68:4 critical [6] - 208:10, 210:12, 212:2, 221:12, 225:18, 225:19 critically [4] - 133:8, 133:12, 221:6, 221:7 critique [1] - 74:13 crochet [1] - 35:20 CROSS [2] - 150:1, 230:1 cross [14] - 18:24, 21:2, 61:19, 61:20, 61:22, 149:24, 153:3, 162:3, 168:20, 170:18, 174:19, 193:15, 194:3, 229:17 cross-exam [2] - 149:24, 229:17 cross-examination [2] - 21:2, 193:15 CROSS-EXAMINATION [2] - 150:1, 230:1 cross-examine [6] - 61:19, 61:20, 61:22, 153:3, 168:20, 194:3 cross-referenced [1] - 174:19 crossing [1] - 39:13 crow [3] - 210:2, 210:25, 211:6 Crow [8] - 66:7, 86:13, 132:9, 132:13, 132:14, 168:7, 218:21 Crow's [1] - 219:19 CRR [2] - 2:7, 239:12 CSR [3] - 2:7, 239:12, 239:13 curious [1] - 163:5 current [1] - 140:7 customer [2] - 177:7, 204:2 cut [1] - 202:17 Cybercrime [1] - 138:17</p>	<p>cybercrime [9] - 73:18, 73:22, 146:10, 212:5, 214:12, 214:14, 228:12, 228:20, 229:1 cycle [1] - 14:19</p> <p style="text-align: center;">D</p> <p>dad [1] - 34:19 daily [4] - 79:7, 81:23, 113:11, 177:21 damages [25] - 7:14, 7:15, 7:16, 11:13, 15:17, 16:13, 17:25, 18:1, 62:16, 63:12, 166:2, 194:23, 194:24, 202:16, 202:17, 209:13, 218:20, 236:19, 236:24, 237:2, 237:9, 237:12, 237:19, 237:20, 238:6 Damned [2] - 141:19, 184:6 dancers [1] - 29:15 dangerous [1] - 125:19 Daniel [1] - 25:12 Danielle [1] - 25:12 dare [1] - 137:13 dark [1] - 147:2 data [19] - 78:12, 78:13, 79:8, 82:10, 82:16, 165:1, 176:3, 177:12, 177:21, 178:17, 180:1, 180:3, 180:6, 180:11, 200:1, 200:5, 204:20 database [2] - 165:15, 179:21 DATE [1] - 239:12 date [28] - 20:1, 90:17, 94:24, 95:2, 95:21, 95:23, 96:13, 97:2, 97:4, 97:21, 98:12, 98:15, 130:6, 131:18, 135:22, 137:21, 138:18, 139:17, 140:21, 141:20, 143:1, 143:4, 143:25, 144:5, 145:7, 204:3, 212:18, 232:23 dates [3] - 96:12, 96:17, 112:17 daughter [3] - 36:9,</p>	<p>37:14, 41:18 daughters [1] - 36:16 David [3] - 25:1, 36:9, 42:18 DAY [1] - 1:20 days [12] - 47:17, 49:11, 70:9, 97:5, 97:6, 113:6, 120:16, 135:8, 165:8, 178:23, 219:23, 228:13 deal [11] - 21:16, 70:2, 71:1, 71:5, 71:6, 71:19, 73:23, 134:18, 134:22, 201:22, 208:9 dealing [1] - 109:10 deals [1] - 215:19 dealt [3] - 36:4, 73:25, 200:9 dearly [1] - 114:18 December [2] - 190:11, 220:15 decent [1] - 109:22 decently [1] - 110:6 decide [12] - 52:14, 55:13, 55:15, 56:11, 56:22, 57:15, 58:11, 58:21, 58:24, 60:21, 79:12, 203:1 decided [16] - 18:2, 18:7, 162:25, 169:4, 172:9, 172:13, 203:8, 203:9, 206:7, 212:3, 212:8, 215:1, 215:5, 219:24, 224:20 decidedly [1] - 215:13 deciding [6] - 56:2, 57:12, 57:14, 60:24, 211:25, 230:8 decision [7] - 52:12, 60:13, 66:8, 74:7, 86:1, 149:4, 190:18 decisions [1] - 82:14 declaration [1] - 230:16 declined [1] - 230:25 dedicated [1] - 84:22 deep [3] - 44:23, 198:7, 200:23 deeper [1] - 44:19 deeply [1] - 195:11 defamation [12] - 6:2, 11:10, 14:15, 14:22, 15:1, 124:8, 213:4, 225:5, 225:14, 237:5, 237:6, 237:7 DEFENDANT [1] - 2:4 defendant [16] -</p>	<p>26:19, 27:2, 45:20, 46:6, 61:19, 61:20, 61:21, 62:3, 62:6, 62:12, 62:16, 63:12, 63:16, 63:19, 63:22, 209:13 Defendant [1] - 229:21 Defendant's [11] - 91:3, 153:25, 155:22, 156:16, 159:6, 170:4, 170:13, 170:21, 201:2, 212:12, 220:14 defendant's [1] - 155:18 defendants [1] - 26:21 Defendants [1] - 1:16 defense [8] - 45:15, 53:10, 68:24, 90:13, 129:1, 189:2, 189:4, 222:12 Defense [1] - 90:21 definitely [4] - 81:19, 83:5, 121:18, 168:8 degree [8] - 29:12, 32:24, 35:17, 36:19, 38:20, 38:21, 104:5 degrees [2] - 41:4, 43:4 Delaware [4] - 1:14, 1:14, 45:24, 65:10 delegation [1] - 133:8 deliberate [4] - 48:15, 62:1, 237:1, 237:21 deliberating [1] - 48:14 deliberation [1] - 59:12 deliberations [8] - 47:19, 47:20, 55:12, 58:23, 59:3, 64:8, 236:3, 236:7 delineating [1] - 183:14 demand [1] - 221:25 demanded [2] - 16:18, 120:15 demanding [1] - 16:9 demonstrative [5] - 91:1, 100:12, 108:19, 111:13, 123:1 demoted [2] - 139:1, 139:2 denials [1] - 31:16 denied [4] - 123:4, 124:17, 185:12, 186:14</p>	<p>denies [1] - 62:12 Denver [3] - 143:20, 154:22 deny [1] - 72:20 denying [1] - 58:17 depart [1] - 237:13 department [1] - 203:3 Department [17] - 43:6, 43:19, 43:20, 43:21, 65:21, 70:4, 70:18, 73:24, 82:23, 146:6, 173:5, 173:11, 199:21, 207:25, 208:4, 236:21 deposition [3] - 86:6, 86:7, 116:13 depositions [1] - 159:21 deputy [2] - 23:4, 26:7 describe [22] - 8:15, 75:18, 78:21, 84:3, 85:6, 85:16, 86:14, 88:3, 91:17, 94:2, 100:11, 105:20, 106:25, 118:16, 136:9, 138:7, 141:5, 146:15, 151:3, 172:5, 177:18, 208:18 description [2] - 123:11, 192:6 desist [1] - 126:11 desk [1] - 65:2 desperate [1] - 136:22 destroy [7] - 86:18, 130:24, 136:24, 154:14, 154:17, 176:2, 206:17 destroyed [7] - 67:21, 203:5, 204:13, 206:18, 216:7, 219:6, 228:17 destroying [2] - 66:12, 218:2 destruction [3] - 71:11, 72:13, 85:9 detail [14] - 4:15, 14:8, 22:6, 71:19, 71:20, 71:21, 72:14, 173:24, 177:18, 208:9, 215:25, 227:4, 227:12, 227:14 detailed [1] - 55:11 details [3] - 67:10, 67:12, 84:3 deteriorating [1] - 74:12 determination [1] -</p>
---	---	---	---	--

<p>106:1 determine [3] - 27:9, 106:6, 206:20 determining [1] - 63:22 develop [1] - 215:6 developer [1] - 42:8 development [1] - 42:21 diagnostic [3] - 128:15, 130:20, 130:21 dialer [5] - 178:18, 180:4, 180:11, 180:14, 180:19 dialers [3] - 179:23, 180:8 dialing [1] - 180:14 dictionaries [1] - 60:3 different [24] - 6:19, 7:17, 7:20, 17:2, 27:3, 37:4, 66:6, 88:17, 102:1, 103:1, 105:2, 113:13, 143:21, 144:25, 146:7, 155:11, 186:23, 189:6, 195:9, 204:22, 219:19, 221:19, 226:2 differently [2] - 63:10, 219:2 difficult [7] - 71:25, 157:11, 159:3, 211:13, 211:16, 215:13, 223:23 difficulty [19] - 32:8, 33:17, 34:9, 37:9, 38:5, 40:7, 41:13, 42:1, 44:8, 46:10, 50:12, 50:22, 51:22, 52:5, 52:16, 52:18, 52:23, 70:15, 196:19 Digest [1] - 29:5 digital [1] - 228:10 digitally [1] - 239:7 digress [2] - 9:6, 122:3 direct [13] - 56:16, 56:21, 117:22, 117:23, 162:3, 162:12, 169:1, 178:3, 187:2, 191:1, 222:6, 229:15 DIRECT [6] - 1:7, 1:8, 1:9, 1:10, 1:13, 75:14 Direct [54] - 1:13, 23:12, 26:5, 45:22, 45:23, 45:24, 45:25,</p>	<p>46:1, 64:17, 64:18, 64:19, 64:22, 65:7, 65:19, 66:9, 66:18, 78:16, 78:22, 78:23, 79:14, 79:22, 80:25, 81:3, 85:3, 86:16, 86:17, 87:13, 88:12, 108:8, 138:13, 150:8, 150:9, 150:11, 150:21, 151:5, 151:15, 151:18, 158:1, 158:12, 158:20, 212:18, 213:12, 213:15, 213:16, 214:3, 214:6, 214:12, 214:13, 214:19, 227:7, 229:5, 229:10, 233:20 directly [4] - 119:18, 162:6, 194:20, 204:17 director [6] - 30:3, 65:12, 78:17, 79:1, 181:12, 204:19 directors [1] - 81:20 directs [1] - 236:5 disagree [1] - 181:25 disastrous [1] - 225:8 disbarred [1] - 211:4 discerning [1] - 210:21 disciplinary [1] - 210:17 disclose [11] - 71:13, 71:15, 72:23, 73:14, 168:11, 208:7, 208:24, 209:1, 210:12, 210:24, 224:24 disclosed [1] - 69:12 disclosing [1] - 226:23 disclosure [1] - 71:24 disclosures [3] - 48:20, 49:5, 217:3 discomfort [1] - 27:17 disconnect [1] - 232:19 discounted [1] - 225:11 discover [1] - 90:10 discovered [5] - 10:15, 67:25, 69:14, 92:4, 203:24 discovery [1] - 205:22 Discovery [1] - 10:4 discuss [8] - 6:13, 13:2, 13:14, 13:21,</p>	<p>59:20, 190:25, 207:20, 227:12 discussed [11] - 6:15, 13:1, 22:2, 22:6, 118:23, 165:1, 185:11, 205:2, 206:9, 206:10, 217:18 discusses [1] - 127:21 discussing [3] - 59:8, 172:7, 228:25 disgusting [4] - 118:8, 126:25, 175:11, 175:14 dishonest [3] - 211:3, 226:25, 227:1 dismiss [5] - 203:8, 206:25, 224:21 dismissal [1] - 216:25 dismissed [12] - 6:1, 11:11, 69:19, 69:21, 86:21, 200:24, 207:3, 207:4, 211:23, 211:24, 221:11 dismissing [3] - 8:20, 120:4, 209:7 disparages [1] - 68:16 disparaging [4] - 12:13, 62:8, 90:7, 102:18 display [1] - 28:25 displays [1] - 211:15 dispositive [1] - 48:24 dispute [9] - 16:24, 51:11, 65:25, 84:23, 85:17, 135:13, 149:5, 203:7, 227:21 disputing [1] - 182:25 disregard [3] - 56:6, 57:11, 57:13 disseminate [1] - 133:7 dissolution [3] - 20:1, 20:7, 212:18 dissolved [6] - 20:3, 20:8, 20:15, 20:19, 212:9, 229:8 dissuade [1] - 8:5 dissuaded [1] - 63:3 distract [1] - 60:21 distress [6] - 7:12, 16:13, 17:25, 94:10, 195:8, 237:20 distributing [1] - 104:16 District [7] - 2:8, 38:24, 48:21, 48:23, 65:22, 230:14 DISTRICT [3] - 1:1,</p>	<p>1:2, 1:23 dive [2] - 198:7, 200:23 diversity [1] - 124:18 diving [1] - 198:10 division [1] - 31:15 doctor [1] - 41:4 document [27] - 80:13, 83:16, 86:23, 90:15, 93:3, 95:9, 98:13, 99:4, 99:18, 101:3, 115:1, 130:1, 135:20, 137:15, 139:14, 144:14, 151:8, 156:25, 157:21, 172:19, 173:4, 181:15, 189:5, 212:16, 212:17, 213:25, 224:6 documents [8] - 6:9, 14:17, 55:20, 61:8, 86:3, 101:5, 197:13, 230:19 DOES [1] - 1:15 DOJ [1] - 84:15 dollars [4] - 65:4, 88:21, 181:18, 218:20 domain [1] - 191:11 Dominican [1] - 64:25 done [42] - 39:12, 39:14, 39:16, 39:21, 39:24, 40:1, 47:18, 47:19, 48:25, 66:1, 67:8, 68:1, 76:12, 77:6, 84:6, 88:25, 89:2, 89:24, 92:17, 92:20, 104:3, 111:6, 125:18, 132:21, 135:6, 149:1, 149:2, 149:10, 149:11, 169:8, 178:12, 179:10, 181:1, 184:5, 184:25, 193:16, 193:20, 198:7, 204:7, 210:16, 223:5, 235:25 door [2] - 21:3, 116:17 dot [2] - 111:1, 146:6 double [1] - 53:17 double-check [1] - 53:17 doubt [1] - 27:2 doubted [1] - 119:3 Douglas [1] - 36:9 dove [4] - 198:8, 207:11 down [77] - 8:24,</p>	<p>15:21, 16:9, 16:15, 16:16, 16:18, 17:13, 17:21, 25:14, 29:2, 29:5, 35:12, 48:3, 54:7, 54:13, 54:14, 66:13, 67:21, 70:8, 73:20, 73:21, 76:22, 77:1, 77:7, 79:18, 91:21, 92:25, 106:23, 107:11, 113:24, 114:13, 116:4, 121:10, 129:11, 137:4, 147:13, 147:21, 147:24, 154:11, 155:6, 157:6, 157:10, 157:13, 159:21, 161:10, 161:11, 177:24, 178:5, 179:15, 179:16, 184:23, 185:1, 185:2, 188:23, 197:3, 202:14, 202:16, 203:8, 207:9, 208:1, 212:8, 216:11, 217:24, 218:10, 218:15, 220:22, 221:18, 224:9, 224:10, 224:14, 227:21, 228:14, 229:10, 233:11, 235:17 download [4] - 123:16, 174:16, 174:18, 204:22 downloaded [5] - 123:5, 123:10, 123:15, 123:18, 123:19 downloading [6] - 9:14, 68:5, 103:19, 104:15, 131:1, 131:5 downstairs [5] - 35:7, 35:10, 35:12, 47:8, 114:5 dozen [1] - 15:19 Drive [6] - 173:17, 173:24, 174:2, 175:7, 187:3, 205:3 drive [55] - 10:15, 11:6, 22:4, 103:22, 103:23, 105:13, 130:24, 161:20, 161:24, 173:25, 174:3, 174:4, 174:6, 174:15, 174:19, 174:24, 175:11, 175:15, 175:24, 175:25, 176:1,</p>
--	--	--	---	--

<p>176:4, 176:6, 176:7, 176:9, 176:10, 176:13, 176:14, 176:15, 176:16, 176:18, 176:22, 176:24, 177:8, 200:12, 200:13, 203:14, 203:19, 203:20, 203:21, 203:24, 204:3, 204:6, 205:6, 205:9, 205:13, 216:5, 216:8, 216:9, 227:9, 227:10, 227:14, 228:5</p> <p>drives [4] - 103:21, 103:22, 174:5, 177:16</p> <p>dubious [2] - 236:18, 237:11</p> <p>Duck [9] - 91:23, 94:5, 113:23, 143:20, 154:22, 221:18, 224:10, 232:20</p> <p>dude [2] - 116:2, 116:6</p> <p>due [3] - 15:12, 48:20, 50:9</p> <p>duly [2] - 75:4, 197:18</p> <p>During [2] - 107:21, 108:5</p> <p>during [32] - 3:9, 21:2, 22:5, 27:23, 55:23, 58:5, 59:2, 64:4, 64:5, 69:12, 69:14, 88:15, 92:15, 104:6, 115:25, 138:10, 152:7, 163:10, 163:12, 166:19, 166:24, 174:14, 182:2, 187:2, 191:3, 194:5, 200:6, 205:14, 205:22, 209:2, 217:14, 231:6</p> <p>duties [7] - 55:10, 79:1, 79:2, 79:7, 81:23, 84:6, 149:9</p> <p>Duty [8] - 114:2, 114:3, 114:8, 141:9, 221:19, 221:20, 224:11, 233:14</p> <p>duty [9] - 55:13, 72:8, 209:1, 225:23, 226:2, 226:15, 226:16, 226:18, 226:20</p> <p>Dyersville [5] - 79:21, 178:22, 179:14, 181:3, 216:3</p>	<p style="text-align: center;">E</p> <p>e-mail [75] - 15:15, 17:12, 59:9, 82:11, 110:25, 115:4, 115:6, 115:8, 115:17, 115:20, 126:14, 144:25, 145:3, 145:7, 145:9, 146:3, 146:8, 146:9, 152:8, 152:12, 152:13, 152:16, 152:18, 152:23, 154:18, 160:20, 163:16, 163:17, 172:2, 172:3, 172:6, 172:19, 173:1, 177:25, 182:4, 188:18, 189:14, 192:4, 192:5, 192:8, 196:21, 200:17, 200:18, 202:3, 204:10, 205:2, 205:5, 205:7, 205:11, 205:13, 205:17, 205:21, 206:1, 206:3, 206:5, 206:9, 206:10, 206:13, 206:17, 206:21, 207:10, 214:20, 215:16, 227:9, 227:15, 227:16, 228:4, 228:5, 228:7, 231:10, 231:13, 235:10</p> <p>e-mailed [1] - 82:7</p> <p>e-mails [11] - 15:21, 103:14, 105:13, 111:8, 133:9, 133:11, 189:23, 189:24, 204:11, 205:7, 205:8</p> <p>E-r-d-t [1] - 25:1</p> <p>E-s-t-r-a-d-a [1] - 24:21</p> <p>E-v-a-n-s [1] - 25:5</p> <p>Eager [2] - 76:24, 77:4</p> <p>early [3] - 32:14, 33:4, 208:9</p> <p>easier [4] - 24:7, 77:25, 100:14, 171:13</p> <p>easiest [1] - 146:19</p> <p>easily [1] - 112:6</p> <p>East [1] - 36:25</p> <p>Eastern [2] - 38:24, 48:23</p> <p>easy [3] - 49:6, 92:9, 179:5</p>	<p>economic [3] - 166:1, 194:22, 219:17</p> <p>economics [1] - 38:21</p> <p>Edelson [1] - 210:7</p> <p>edges [1] - 195:15</p> <p>edit [2] - 15:18, 134:19</p> <p>editing [1] - 133:23</p> <p>editor [1] - 42:9</p> <p>editorialize [1] - 112:2</p> <p>edits [1] - 155:7</p> <p>education [6] - 32:22, 32:24, 35:11, 35:16, 42:11</p> <p>efficacy [1] - 208:20</p> <p>efficiency [1] - 38:11</p> <p>effort [4] - 9:19, 89:1, 136:24, 201:22</p> <p>efforts [3] - 89:12, 110:16, 125:5</p> <p>ego [1] - 148:9</p> <p>eight [6] - 23:15, 23:17, 53:20, 69:20, 109:12, 211:24</p> <p>eighties [1] - 32:5</p> <p>either [4] - 36:12, 85:21, 162:1, 210:24</p> <p>elder [2] - 210:10, 210:19</p> <p>electronic [1] - 59:9</p> <p>element [4] - 8:4, 199:19, 207:12, 214:21</p> <p>elementary [1] - 36:17</p> <p>elements [3] - 62:19, 63:15, 217:18</p> <p>eliminate [4] - 223:2, 224:8, 224:11, 232:16</p> <p>eliminated [1] - 206:24</p> <p>Elisabeth [1] - 236:12</p> <p>embarrass [2] - 27:9, 89:1</p> <p>emotional [10] - 7:12, 8:19, 16:13, 17:24, 120:2, 166:3, 195:7, 217:21, 218:9, 237:20</p> <p>employed [4] - 64:25, 79:15, 101:23, 213:15</p> <p>employee [19] - 10:19, 46:23, 46:24, 47:3, 63:2, 64:1, 100:24, 102:6, 108:1, 126:9, 138:13, 149:7, 152:18, 159:24, 161:19, 165:20, 165:21, 195:11, 205:20</p>	<p>employees [6] - 37:15, 39:19, 65:1, 79:22, 114:19, 227:20</p> <p>Employees [1] - 136:22</p> <p>employer [41] - 20:1, 20:8, 40:13, 46:23, 47:3, 47:4, 59:14, 59:16, 64:16, 69:5, 69:6, 70:5, 71:8, 73:17, 149:8, 150:7, 150:12, 150:20, 150:21, 151:9, 157:18, 158:7, 158:9, 158:10, 158:11, 158:18, 165:22, 166:15, 195:6, 195:15, 195:16, 202:17, 202:23, 212:3, 212:9, 212:19, 213:12, 214:2, 214:19, 218:10, 222:24</p> <p>Employers [1] - 39:12</p> <p>employers [15] - 46:20, 46:21, 73:17, 74:4, 169:13, 169:15, 169:16, 169:18, 194:4, 194:12, 194:13, 194:16, 195:1, 196:7, 196:10</p> <p>employment [44] - 3:6, 7:23, 20:12, 39:16, 50:2, 50:20, 62:10, 62:23, 62:24, 63:1, 63:6, 63:9, 63:13, 63:19, 63:23, 63:25, 64:15, 65:18, 66:3, 80:16, 80:17, 80:25, 81:3, 82:4, 82:5, 88:10, 88:24, 102:5, 102:9, 107:21, 108:5, 158:19, 159:23, 164:20, 164:21, 164:23, 166:18, 169:11, 196:6, 196:15, 200:12, 213:14, 233:18, 233:21</p> <p>employment-related [1] - 62:10</p> <p>empty [2] - 103:23, 112:12</p> <p>encrypted [2] - 176:21, 177:14</p> <p>end [24] - 22:9, 55:10, 58:23, 59:4, 60:12, 64:7, 64:8, 65:17, 68:21, 72:15, 72:21, 73:15, 79:9, 82:4, 85:21, 86:24, 88:23, 88:24, 152:3, 202:13, 224:20, 232:9, 236:7</p> <p>ended [8] - 33:14, 81:1, 81:3, 82:5, 83:14, 199:10, 202:15, 202:16</p> <p>ending [1] - 4:19</p> <p>endless [1] - 126:22</p> <p>energy [2] - 38:11, 208:18</p> <p>enforced [1] - 62:10</p> <p>enforcement [1] - 11:7</p> <p>engage [5] - 160:11, 174:16, 220:19, 223:2, 226:17</p> <p>engaged [8] - 7:19, 62:21, 68:9, 117:17, 169:10, 209:19, 218:5, 222:22</p> <p>engaging [1] - 62:21</p> <p>engine [3] - 112:7, 224:6, 232:20</p> <p>engineer [1] - 43:7</p> <p>engines [4] - 223:9, 223:17, 223:22, 232:7</p> <p>enjoy [6] - 30:9, 36:22, 37:25, 41:6, 41:20, 43:8</p> <p>enlightening [1] - 34:14</p> <p>ensure [1] - 60:6</p> <p>enter [1] - 24:10</p> <p>entered [3] - 89:17, 214:8, 230:20</p> <p>ENTERPRISES [1] - 1:12</p> <p>Enterprises [4] - 46:2, 140:12, 229:11, 233:17</p> <p>enters [1] - 196:2</p> <p>entertained [1] - 120:25</p> <p>entertaining [2] - 120:11, 121:4</p> <p>enticed [1] - 136:23</p> <p>entire [6] - 12:5, 12:7, 113:24, 148:6, 207:2, 210:18</p> <p>entirely [2] - 47:21, 219:19</p> <p>entirety [4] - 16:19, 175:7, 175:10, 220:22</p> <p>entities [25] - 45:21,</p>
--	---	---	--

<p>46:3, 46:4, 46:5, 46:7, 62:4, 62:5, 62:7, 62:17, 63:18, 63:20, 67:5, 69:5, 150:10, 157:1, 157:6, 157:15, 157:17, 158:2, 158:7, 189:6, 214:8, 214:10, 214:17</p> <p>entity [5] - 62:22, 151:6, 158:8, 158:18, 214:22</p> <p>environment [1] - 180:3</p> <p>environmental [2] - 30:25, 31:11</p> <p>equal [1] - 56:22</p> <p>equals [1] - 237:11</p> <p>equipment [1] - 76:22</p> <p>equivalent [1] - 88:11</p> <p>Erdt [2] - 25:1, 42:18</p> <p>Eric [1] - 25:11</p> <p>Erin [2] - 24:17, 36:15</p> <p>error [1] - 58:13</p> <p>escalate [1] - 133:18</p> <p>escalating [3] - 121:18, 147:6, 147:7</p> <p>escort [3] - 54:24, 127:12, 236:8</p> <p>especially [3] - 102:12, 112:2, 135:12</p> <p>esque [1] - 215:11</p> <p>essence [3] - 199:7, 211:11, 229:3</p> <p>estate [2] - 34:1, 41:3</p> <p>Estrada [3] - 24:21, 38:9, 53:24</p> <p>et [5] - 23:13, 26:5, 127:10, 209:15, 223:19</p> <p>ethical [2] - 225:20, 229:2</p> <p>ethics [1] - 72:9</p> <p>Eugene [3] - 64:23, 79:20, 216:2</p> <p>evaluate [5] - 133:8, 133:12, 201:20, 221:7, 226:14</p> <p>evaluated [4] - 200:5, 227:8, 227:9, 227:10</p> <p>evaluating [1] - 72:22</p> <p>evaluation [5] - 72:19, 153:6, 204:7, 205:14, 227:16</p> <p>evaluations [1] - 206:19</p> <p>Evans [2] - 25:5, 46:17</p> <p>evans [1] - 46:18</p> <p>Eve [1] - 220:16</p>	<p>evening [3] - 236:1, 237:14, 238:10</p> <p>event [7] - 27:25, 28:19, 119:15, 119:19, 119:21, 199:10, 214:12</p> <p>events [5] - 83:1, 101:24, 119:3, 214:15</p> <p>eventually [3] - 71:3, 87:22, 224:7</p> <p>evidence [164] - 4:16, 14:10, 22:13, 26:10, 27:5, 52:12, 52:13, 52:14, 55:14, 55:15, 55:19, 55:20, 55:24, 56:1, 56:2, 56:5, 56:6, 56:11, 56:12, 56:13, 56:16, 56:17, 56:18, 56:19, 56:21, 56:23, 56:24, 56:25, 57:1, 57:3, 57:10, 57:11, 57:13, 57:23, 57:25, 58:2, 58:4, 58:12, 58:25, 59:22, 60:7, 60:13, 61:8, 61:15, 61:16, 61:18, 61:21, 61:23, 61:25, 62:12, 62:20, 63:15, 69:19, 69:21, 70:7, 70:16, 71:12, 71:21, 71:22, 71:23, 72:14, 72:19, 73:6, 73:7, 74:1, 74:8, 74:16, 80:20, 85:25, 86:18, 93:12, 101:7, 103:13, 103:25, 136:2, 137:2, 138:2, 152:18, 160:16, 163:18, 164:14, 165:2, 165:4, 167:22, 168:5, 168:21, 169:4, 169:5, 172:11, 173:15, 182:3, 182:9, 185:10, 185:13, 186:20, 187:4, 191:18, 198:1, 198:7, 198:16, 199:21, 200:10, 200:16, 200:23, 201:24, 202:1, 202:7, 203:1, 203:3, 203:9, 204:13, 205:10, 205:19, 206:8, 206:18, 207:3, 207:4, 207:9, 207:19, 207:23, 207:25, 208:1,</p>	<p>208:4, 208:19, 209:7, 211:3, 211:9, 211:17, 211:19, 211:21, 212:10, 213:5, 214:20, 214:21, 214:22, 215:16, 215:17, 216:15, 216:23, 216:24, 216:25, 217:15, 219:6, 219:10, 219:13, 219:15, 219:21, 219:23, 221:6, 221:11, 221:23, 224:21, 226:15, 226:17, 226:24, 227:4, 227:23, 229:2, 235:18, 235:22, 237:23</p> <p>Evidence [1] - 138:17</p> <p>evolutionary [2] - 72:5, 199:6</p> <p>ex [1] - 126:9</p> <p>ex-employee [1] - 126:9</p> <p>exact [1] - 28:15</p> <p>exactly [2] - 83:1, 161:6</p> <p>exam [2] - 149:24, 229:17</p> <p>examination [4] - 21:2, 162:4, 174:14, 193:15</p> <p>EXAMINATION [3] - 75:14, 150:1, 230:1</p> <p>examinations [1] - 206:14</p> <p>examine [11] - 61:19, 61:20, 61:22, 71:20, 71:21, 153:3, 156:25, 167:4, 168:20, 194:3</p> <p>examined [5] - 75:5, 185:19, 197:19, 200:6, 213:13</p> <p>examiners [1] - 203:23</p> <p>examining [1] - 132:6</p> <p>example [11] - 4:21, 6:5, 13:2, 14:13, 21:15, 21:24, 103:17, 169:3, 198:9, 207:6, 224:4</p> <p>excel [2] - 180:23, 180:24</p> <p>except [3] - 54:13, 129:1, 158:23</p> <p>exception [1] - 84:15</p> <p>excerpt [1] - 106:9</p> <p>exchange [2] - 172:3,</p>	<p>231:10</p> <p>exclusive [3] - 9:3, 121:25, 175:1</p> <p>exclusively [2] - 108:13, 203:22</p> <p>excuse [11] - 35:3, 43:22, 47:6, 49:16, 155:21, 155:22, 164:25, 170:4, 190:17, 213:19, 222:10</p> <p>executives [1] - 227:20</p> <p>exercise [4] - 25:22, 28:4, 38:14, 53:12</p> <p>exercising [1] - 53:15</p> <p>exhibit [56] - 4:7, 4:8, 6:25, 19:9, 19:19, 19:24, 20:2, 20:21, 22:2, 57:1, 57:5, 57:6, 81:7, 90:13, 91:1, 93:8, 99:8, 112:18, 121:20, 125:20, 131:12, 144:25, 145:19, 151:16, 156:14, 163:15, 169:24, 170:1, 170:13, 171:3, 171:8, 171:9, 171:10, 185:17, 185:21, 188:12, 188:24, 189:2, 191:16, 191:17, 192:8, 198:20, 198:24, 201:4, 201:6, 201:21, 203:11, 203:15, 215:20, 217:8, 220:4, 220:14, 225:4, 225:16, 230:4, 233:13</p> <p>Exhibit [114] - 19:21, 19:25, 20:2, 79:25, 80:3, 80:11, 80:19, 83:15, 83:23, 86:22, 87:4, 90:12, 90:21, 91:3, 93:2, 93:12, 93:23, 95:7, 96:1, 96:15, 96:18, 96:20, 97:11, 97:15, 97:18, 98:12, 98:20, 99:2, 99:8, 99:16, 99:24, 100:8, 106:8, 106:13, 108:14, 112:11, 112:16, 113:14, 114:7, 114:24, 115:11, 117:2, 118:10, 122:14, 122:16, 122:21, 123:23,</p>	<p>127:25, 129:21, 130:13, 131:12, 135:16, 136:2, 136:4, 137:14, 138:2, 138:16, 138:22, 139:12, 139:22, 140:15, 141:1, 141:11, 141:25, 142:20, 143:6, 143:14, 144:6, 144:10, 144:12, 145:11, 150:3, 150:4, 151:1, 153:25, 155:19, 155:20, 155:21, 155:22, 156:16, 156:17, 159:6, 163:7, 163:8, 170:5, 170:13, 170:21, 173:15, 173:16, 188:16, 188:22, 201:2, 201:3, 201:15, 203:15, 206:11, 212:12, 213:19, 215:21, 215:22, 220:14, 222:12, 226:5, 226:8, 226:9, 226:12, 226:13, 230:3, 231:10, 232:8, 232:25, 233:7, 233:22, 234:23</p> <p>Exhibits [1] - 101:7</p> <p>exhibits [28] - 3:24, 4:6, 4:18, 5:13, 14:14, 15:11, 15:12, 15:13, 15:15, 21:23, 22:12, 26:9, 55:21, 60:14, 105:19, 113:22, 151:22, 151:25, 154:4, 155:18, 156:1, 156:6, 189:4, 189:11, 190:2, 222:7, 222:9</p> <p>exist [1] - 169:18</p> <p>existence [5] - 185:12, 185:23, 186:15, 205:2, 205:23</p> <p>exiting [1] - 127:15</p> <p>expect [3] - 111:14, 125:8, 202:17</p> <p>expectation [1] - 160:6</p> <p>expected [5] - 14:4, 216:2, 216:8, 216:13, 219:17</p> <p>expects [1] - 61:16</p> <p>expedite [1] - 101:6</p>
---	--	---	---	---

<p>expenses [1] - 88:20 experience [19] - 29:13, 29:20, 30:17, 34:8, 34:12, 35:23, 40:6, 41:12, 43:12, 49:21, 50:11, 50:21, 51:21, 52:13, 71:10, 140:6, 140:7, 183:18, 215:9 experiences [6] - 32:7, 33:16, 37:8, 38:5, 42:1, 44:7 expert [8] - 165:9, 167:7, 186:13, 187:18, 202:8, 206:25, 207:1, 207:5 expert's [1] - 227:2 experts [14] - 10:14, 69:21, 103:24, 200:4, 200:9, 200:19, 202:7, 206:15, 206:19, 207:4, 207:6, 227:6, 227:7 explain [8] - 5:8, 21:12, 139:4, 147:1, 154:21, 187:6, 187:7, 196:6 explaining [1] - 198:10 exploited [1] - 199:13 explore [2] - 21:4, 195:3 export [1] - 79:8 exporting [3] - 180:16, 180:18, 180:19 expose [1] - 72:25 exposed [2] - 59:1, 60:10 Exposing [2] - 234:11, 234:16 exposing [1] - 137:2 Express [4] - 200:17, 205:10, 206:6, 206:16 extension [1] - 209:25 extensions [2] - 216:1, 216:6 extensively [4] - 67:22, 205:2, 211:2, 216:10 extant [7] - 3:24, 11:14, 12:4, 19:18, 194:14, 194:25, 210:24 extort [1] - 228:19 extraordinary [2] - 137:1, 216:14 extreme [1] - 217:21 extremely [2] - 27:19,</p>	<p>211:17</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F-i-l-l-i-s [1] - 25:3 F-r-i-e-d-s-t-r-o-m [1] - 24:24 Facebook [7] - 42:24, 143:19, 144:2, 160:10, 160:15, 161:13, 161:14 facility [1] - 178:22 fact [46] - 9:23, 20:18, 47:22, 51:15, 52:4, 56:20, 58:2, 67:11, 69:22, 70:12, 70:16, 74:4, 74:5, 82:8, 82:11, 110:14, 121:3, 123:5, 128:8, 138:12, 154:14, 163:18, 174:16, 185:13, 199:9, 202:8, 204:6, 206:1, 206:23, 207:20, 209:4, 209:9, 210:2, 210:12, 211:8, 211:11, 222:19, 223:5, 224:24, 225:4, 225:19, 228:11, 228:12, 228:21 factor [1] - 63:8 factors [3] - 57:25, 58:1, 63:23 facts [11] - 26:22, 55:13, 55:14, 55:15, 55:16, 55:21, 56:2, 56:10, 56:19, 57:14, 224:21 failure [3] - 74:13, 85:9, 208:23 fair [5] - 52:24, 60:7, 160:12, 209:18 fairness [3] - 27:19, 28:10, 60:9 faith [2] - 202:13, 222:2 fake [1] - 199:20 falls [1] - 11:17 false [4] - 12:13, 107:24, 107:25, 226:17 falsely [1] - 33:13 familiar [6] - 81:23, 110:1, 130:8, 130:9, 130:11, 178:17 family [9] - 37:17, 59:13, 59:16, 68:8, 102:16, 103:2, 117:23, 118:9, 148:1</p>	<p>far [8] - 42:16, 49:4, 81:25, 83:1, 109:6, 113:16, 126:21, 176:18 fast [1] - 100:25 fast-forward [1] - 100:25 father [1] - 36:4 favor [4] - 66:17, 66:23, 138:15, 219:25 favorable [1] - 72:10 fear [1] - 121:19 feature [2] - 59:10, 180:4 February [4] - 67:13, 94:24, 131:19, 212:10 federal [4] - 50:8, 118:22, 124:20, 230:13 Federal [2] - 39:12, 39:24 fees [4] - 224:19, 231:1, 231:2, 231:4 fellow [4] - 56:10, 58:22, 59:11, 60:20 felt [3] - 77:18, 92:14, 113:10 few [11] - 9:17, 27:7, 55:9, 61:13, 88:1, 88:3, 97:6, 112:21, 165:8, 211:16, 231:17 fiancee [11] - 68:15, 76:4, 100:19, 102:17, 107:20, 117:16, 124:7, 125:1, 149:14, 199:16, 208:3 fiancee's [1] - 199:16 fiction [2] - 133:24, 210:21 fictionalized [1] - 215:8 field [2] - 78:14, 109:23 fifteen [1] - 30:12 fifth [2] - 128:11, 128:18 fight [3] - 84:23, 87:16, 87:21 figure [2] - 168:23, 188:10 figured [1] - 20:14 file [9] - 82:23, 85:13, 102:6, 102:9, 107:6, 124:25, 154:18, 182:4, 204:15 file-sharing [1] -</p>	<p>204:15 filed [30] - 11:10, 14:15, 14:21, 17:6, 17:8, 19:21, 66:1, 83:8, 83:12, 83:13, 83:19, 83:20, 84:18, 84:19, 85:12, 92:19, 124:6, 173:4, 173:11, 200:16, 202:4, 202:11, 202:12, 206:22, 207:8, 207:21, 207:22, 207:23, 220:15, 225:5 files [9] - 79:10, 177:12, 178:12, 178:15, 178:21, 204:12, 204:16, 204:21, 204:22 filing [3] - 84:5, 84:15, 230:18 Fillis [2] - 25:3, 44:11 finagling [1] - 111:3 final [4] - 66:22, 116:19, 131:25, 133:22 financial [2] - 217:21, 218:9 findable [1] - 136:19 fine [7] - 48:17, 84:13, 88:7, 128:8, 146:20, 181:9, 189:21 finish [3] - 127:15, 164:3, 195:23 finished [4] - 37:1, 156:5, 156:8, 193:15 Fir [1] - 2:6 fire [1] - 120:4 fired [8] - 8:19, 50:7, 84:17, 88:17, 200:15, 202:5, 202:9, 202:11 First [9] - 114:2, 114:3, 114:8, 141:9, 172:5, 221:19, 221:20, 224:11, 233:14 first [52] - 7:18, 20:5, 20:8, 23:1, 23:3, 45:1, 46:15, 50:17, 51:5, 67:13, 74:22, 75:4, 75:9, 94:4, 95:12, 100:21, 101:18, 101:22, 106:17, 107:19, 108:16, 110:4, 111:1, 113:5, 113:22, 113:23, 114:10, 123:1, 123:2, 123:3, 123:4,</p>	<p>125:3, 128:12, 135:2, 136:14, 147:12, 155:19, 170:18, 170:25, 197:18, 198:6, 199:7, 199:8, 217:20, 218:2, 218:16, 222:16, 222:19, 224:10, 228:17, 232:9, 237:5 fit [1] - 47:11 Fitness [1] - 44:14 five [5] - 35:25, 37:13, 71:5, 99:13, 196:8 five-year-old [1] - 37:13 flatbed [1] - 76:21 flattering [1] - 109:7 flew [1] - 181:3 floor [3] - 47:9, 54:7, 156:11 fluctuated [1] - 79:23 fluid [2] - 225:8, 225:9 fly [3] - 77:18, 116:2, 116:6 focus [4] - 39:20, 154:13, 168:4 focused [1] - 227:2 focuses [1] - 68:12 folder [1] - 107:7 folks [1] - 65:2 follow [7] - 52:19, 55:17, 85:2, 109:6, 119:8, 120:11, 231:14 followed [3] - 73:8, 231:16 following [7] - 45:19, 45:21, 56:1, 61:20, 62:19, 63:14, 187:1 follows [7] - 72:24, 75:5, 130:23, 134:14, 147:3, 197:19 font [1] - 139:4 food [2] - 33:2, 36:17 FOR [3] - 1:2, 2:2, 2:4 for-profit [6] - 1:7, 1:9, 1:10, 1:11, 45:24, 46:1 foregoing [1] - 239:4 forensic [80] - 4:21, 4:22, 6:6, 10:14, 10:21, 11:6, 11:7, 11:8, 11:14, 11:15, 11:18, 11:21, 11:23, 12:1, 12:5, 12:7, 12:25, 13:1, 13:3, 13:9, 18:11, 18:16, 18:20, 18:21, 18:22,</p>
---	--	--	--	--

<p>19:11, 19:15, 19:20, 21:11, 21:16, 21:17, 22:2, 22:4, 22:10, 69:20, 71:17, 71:20, 166:25, 167:7, 167:22, 174:19, 185:9, 185:10, 185:12, 185:17, 185:25, 186:11, 186:13, 186:18, 186:23, 187:5, 187:10, 187:18, 191:10, 191:14, 200:4, 200:9, 200:10, 200:19, 201:24, 202:7, 203:23, 204:7, 205:14, 206:14, 206:19, 206:25, 216:14, 216:16, 216:17, 216:19, 221:23, 227:1, 227:5, 227:6</p> <p>forensics [7] - 198:9, 211:24, 217:17, 224:18, 227:13, 227:16, 227:18</p> <p>forever [2] - 134:14, 134:15</p> <p>forget [1] - 188:13</p> <p>forgot [4] - 171:14, 194:2, 194:3, 194:6</p> <p>form [5] - 206:5, 215:10, 221:17, 223:24, 228:10</p> <p>former [11] - 10:19, 69:5, 73:9, 94:8, 149:7, 194:25, 208:7, 210:23, 212:9, 214:2, 222:24</p> <p>forth [4] - 150:15, 159:17, 197:15, 219:22</p> <p>forty [1] - 38:3</p> <p>forty-six [1] - 38:3</p> <p>forum [1] - 17:2</p> <p>forums [5] - 110:1, 136:15, 136:20, 137:9, 160:19</p> <p>forward [3] - 74:24, 100:25, 112:11</p> <p>fought [5] - 84:25, 87:11, 87:13, 87:17, 88:16</p> <p>foundation [1] - 13:18</p> <p>four [10] - 35:22, 37:14, 54:15, 54:16, 85:12, 95:20, 96:16, 126:8, 128:11, 231:9</p> <p>fourteen [1] - 64:12</p>	<p>fourth [2] - 209:22, 233:11</p> <p>Fox [1] - 175:16</p> <p>FoxPro [18] - 165:9, 165:16, 165:17, 179:19, 179:21, 180:10, 180:20, 200:1, 200:2, 200:8, 200:11, 203:25, 204:12, 205:1, 216:1, 216:7, 227:25</p> <p>fraud [11] - 39:14, 72:11, 88:17, 146:10, 217:12, 217:13, 217:17, 217:18, 217:19, 218:4, 218:5</p> <p>fraudulent [1] - 89:23</p> <p>fraudulently [1] - 65:19</p> <p>Fred [1] - 44:13</p> <p>free [3] - 34:21, 51:4, 232:1</p> <p>freezing [1] - 126:6</p> <p>Friday [1] - 48:21</p> <p>Friedstrom [2] - 24:24, 41:17</p> <p>friend [4] - 65:11, 126:1, 126:4, 179:7</p> <p>friend's [1] - 125:25</p> <p>frightened [1] - 121:1</p> <p>frightening [1] - 119:14</p> <p>front [15] - 23:24, 24:6, 28:24, 50:16, 54:12, 54:14, 54:15, 121:15, 131:13, 145:19, 170:23, 199:11, 234:2</p> <p>fucks [1] - 10:5</p> <p>fulfillment [1] - 178:20</p> <p>full [2] - 113:2, 113:6</p> <p>fun [1] - 76:7</p>	<p>general [3] - 101:20, 101:21, 116:4</p> <p>generally [8] - 4:4, 79:23, 81:17, 85:8, 92:1, 101:15, 104:14, 105:20</p> <p>generate [4] - 180:20, 214:24, 215:1</p> <p>generated [2] - 215:12, 215:18</p> <p>generating [1] - 215:12</p> <p>gentleman [4] - 115:5, 135:6, 210:6, 210:19</p> <p>gentlemen [2] - 64:11, 69:2</p> <p>gift [1] - 9:16</p> <p>girlfriend [8] - 9:17, 33:23, 42:7, 42:9, 42:13, 100:19, 118:21, 119:11</p> <p>given [1] - 60:17</p> <p>gold [1] - 78:5</p> <p>golf [2] - 33:3, 36:11</p> <p>goodness [2] - 32:4, 189:19</p> <p>Google [32] - 93:6, 99:19, 100:16, 106:16, 106:17, 135:21, 136:10, 136:19, 137:5, 137:18, 137:24, 139:7, 139:8, 146:14, 148:22, 155:13, 155:17, 183:19, 222:7, 222:17, 222:19, 223:7, 223:9, 223:17, 224:12, 232:3, 232:5, 232:18, 233:8</p> <p>Googled [7] - 67:25, 90:6, 93:9, 94:3, 99:21, 100:12, 135:25</p> <p>Googles [3] - 68:4, 110:19, 110:20</p> <p>Gorge [1] - 39:3</p> <p>Gossett [2] - 25:16, 51:9</p> <p>gov [1] - 146:7</p> <p>grab [1] - 223:18</p> <p>grade [1] - 39:13</p> <p>graduated [1] - 9:17</p> <p>grand [3] - 33:7, 41:22, 43:11</p> <p>grant [1] - 58:16</p> <p>granting [1] - 58:17</p> <p>great [24] - 4:15, 9:16, 14:8, 21:15, 70:2,</p>	<p>71:1, 71:5, 71:6, 71:19, 71:20, 71:21, 72:14, 73:23, 92:22, 125:6, 126:1, 129:6, 173:24, 183:14, 201:22, 208:9, 210:11, 215:25, 227:12</p> <p>greater [2] - 102:24, 224:16</p> <p>green [2] - 78:6, 236:20</p> <p>Grisham [1] - 215:11</p> <p>Grisham-esque [1] - 215:11</p> <p>grounds [1] - 168:17</p> <p>group [4] - 42:22, 95:17, 213:8, 229:5</p> <p>guarantee [1] - 149:12</p> <p>Guard [1] - 36:20</p> <p>guarded [1] - 148:12</p> <p>guess [12] - 33:25, 57:8, 78:20, 101:6, 112:23, 113:2, 113:21, 118:16, 184:24, 187:13, 232:24</p> <p>guessing [2] - 93:22, 186:12</p> <p>guilty [1] - 27:2</p> <p>guitar [7] - 33:4, 34:4, 76:11, 76:13, 109:14, 109:22, 222:21</p> <p>guy [2] - 10:5, 133:15</p> <p>gym [1] - 30:6</p>	<p>handle [1] - 84:24</p> <p>hands [3] - 48:3, 49:24, 50:1</p> <p>hang [7] - 10:9, 44:18, 47:25, 48:16, 49:5, 145:18, 192:10</p> <p>hanging [1] - 148:4</p> <p>happy [6] - 70:23, 113:25, 120:10, 126:3, 133:21, 147:21</p> <p>Happy [1] - 32:19</p> <p>Hard [6] - 173:17, 173:24, 174:2, 175:7, 187:3, 205:3</p> <p>hard [64] - 10:15, 11:6, 22:4, 103:21, 103:22, 118:7, 130:24, 131:12, 134:6, 161:20, 161:24, 171:18, 173:25, 174:3, 174:4, 174:5, 174:6, 174:15, 174:19, 174:24, 175:11, 175:15, 175:23, 175:25, 176:1, 176:4, 176:6, 176:7, 176:9, 176:10, 176:13, 176:14, 176:15, 176:16, 176:18, 176:22, 176:24, 177:8, 177:16, 179:5, 200:11, 200:13, 203:14, 203:19, 203:20, 203:21, 203:24, 204:2, 204:3, 204:6, 205:6, 205:9, 205:13, 206:4, 216:5, 216:8, 216:9, 227:9, 227:10, 227:14, 228:5, 228:8</p> <p>harm [1] - 146:15</p> <p>harmed [2] - 19:15, 198:5</p> <p>harmful [1] - 12:23</p> <p>Hart [1] - 25:10</p> <p>Harwood [4] - 24:12, 32:17, 48:9, 53:22</p> <p>haul [1] - 76:21</p> <p>head [4] - 46:25, 110:4, 133:17, 203:2</p> <p>heads [2] - 126:4, 148:5</p> <p>Healing [1] - 30:7</p> <p>health [5] - 30:25, 31:11, 31:15, 32:23, 169:23</p>
		<p>G</p> <p>G-o-s-s-e-t-t [1] - 25:16</p> <p>gain [1] - 219:17</p> <p>game [4] - 218:22, 218:23, 218:25, 219:3</p> <p>games [1] - 44:15</p> <p>gaming [2] - 42:15, 42:24</p> <p>garden [1] - 35:20</p> <p>gardening [2] - 30:9, 41:6</p> <p>Gay [1] - 117:8</p> <p>gay [1] - 117:14</p>	<p>H</p> <p>H-a-r-t [1] - 25:10</p> <p>H-a-r-w-o-o-d [1] - 24:12</p> <p>H-i-g-h-t-o-n [1] - 24:23</p> <p>half [2] - 92:18, 181:2</p> <p>hand [28] - 6:7, 6:8, 26:1, 45:4, 46:4, 46:11, 46:13, 47:16, 47:24, 50:4, 50:5, 50:16, 51:1, 51:19, 51:20, 51:23, 52:6, 52:9, 52:17, 52:20, 52:25, 53:25, 71:18, 75:1, 116:17, 187:23, 195:3, 197:12</p> <p>handed [1] - 122:17</p> <p>handing [6] - 80:9, 90:13, 112:13, 129:24, 156:4, 230:5</p>	

<p>Health [2] - 31:11, 32:3</p> <p>hear [20] - 3:13, 7:6, 15:23, 44:20, 51:8, 55:15, 57:20, 61:6, 64:19, 65:4, 65:25, 66:19, 68:11, 77:2, 111:24, 131:2, 131:3, 167:11, 235:1, 235:22</p> <p>heard [9] - 46:3, 47:2, 47:15, 52:21, 56:7, 56:18, 75:23, 188:14, 235:21</p> <p>hearing [7] - 58:6, 60:22, 88:18, 88:19, 115:21, 120:21, 209:10</p> <p>hearings [1] - 31:25</p> <p>heart [1] - 10:16</p> <p>heavy [1] - 76:22</p> <p>hedging [2] - 133:25, 134:4</p> <p>held [1] - 229:14</p> <p>helicopter [1] - 39:4</p> <p>hell [1] - 116:15</p> <p>hello [1] - 33:21</p> <p>help [11] - 60:18, 61:15, 68:17, 68:22, 70:23, 133:1, 136:17, 148:10, 171:20, 197:14, 215:6</p> <p>helpful [1] - 209:8</p> <p>helping [3] - 110:8, 136:17, 148:10</p> <p>helps [1] - 18:12</p> <p>Hernandez [1] - 26:6</p> <p>HERNANDEZ [1] - 1:22</p> <p>herself [1] - 118:5</p> <p>hi [5] - 26:15, 26:17, 35:14, 36:7, 36:15</p> <p>hide [3] - 70:12, 199:23, 206:17</p> <p>high [2] - 37:1, 134:4</p> <p>highlighted [1] - 111:16</p> <p>Highton [2] - 24:23, 41:1</p> <p>Hill [1] - 75:24</p> <p>Hillsboro [1] - 33:22</p> <p>himself [8] - 26:19, 67:6, 68:14, 69:16, 89:25, 120:15, 168:7</p> <p>hire [1] - 182:19</p> <p>hired [7] - 14:16, 64:1, 70:9, 120:17, 167:7, 200:4, 200:10</p> <p>hires [1] - 121:16</p>	<p>histories [1] - 222:23</p> <p>History [3] - 96:25, 108:24, 184:8</p> <p>history [6] - 69:25, 92:23, 94:12, 103:17, 109:1, 130:22</p> <p>hit [2] - 93:18, 96:5</p> <p>hitting [1] - 147:20</p> <p>hobbies [8] - 29:16, 33:3, 34:21, 39:2, 42:14, 42:23, 44:14, 76:7</p> <p>hobby [1] - 31:4</p> <p>Hold [1] - 150:25</p> <p>hold [5] - 13:17, 17:22, 103:9, 145:5, 188:13</p> <p>holding [1] - 229:13</p> <p>home [7] - 23:16, 38:14, 54:25, 125:25, 181:5, 236:1, 236:4</p> <p>honest [5] - 27:16, 27:18, 72:9, 225:23, 225:24</p> <p>honestly [2] - 15:12, 27:11</p> <p>honesty [5] - 47:12, 72:7, 226:16, 226:20</p> <p>Honor [51] - 3:12, 4:11, 5:23, 10:17, 15:5, 17:11, 19:6, 19:24, 22:3, 23:11, 39:10, 45:16, 48:19, 53:9, 53:11, 64:10, 69:1, 104:8, 115:13, 122:7, 125:10, 127:4, 128:20, 136:5, 138:3, 145:16, 151:21, 153:22, 154:9, 156:3, 164:10, 164:11, 166:18, 168:19, 170:1, 170:19, 184:14, 189:10, 190:17, 193:16, 196:25, 197:2, 198:3, 212:21, 213:24, 217:7, 220:5, 222:11, 229:15, 235:16, 238:2</p> <p>HONORABLE [1] - 1:22</p> <p>hope [1] - 221:3</p> <p>horrible [5] - 92:12, 100:23, 106:2, 106:3, 146:24</p> <p>horror [1] - 68:13</p>	<p>hospital [1] - 37:22</p> <p>hosting [2] - 9:4, 121:25</p> <p>hour [4] - 207:16, 207:17, 207:18, 209:17</p> <p>hours [3] - 70:18, 84:10, 235:25</p> <p>house [1] - 176:5</p> <p>household [1] - 32:20</p> <p>hug [1] - 126:13</p> <p>huge [2] - 105:23, 105:25</p> <p>Human [4] - 43:7, 43:20, 43:21, 43:22</p> <p>human [1] - 134:24</p> <p>hundreds [1] - 206:4</p> <p>hunt [1] - 29:17</p> <p>hurt [10] - 71:1, 73:23, 74:9, 149:14, 149:15, 149:16, 166:1, 218:10</p> <p>husband [15] - 30:2, 35:15, 35:16, 35:18, 36:16, 36:18, 36:19, 41:2, 41:3, 41:17, 41:18, 43:3, 43:7, 124:7, 124:13</p> <p>husband's [1] - 43:5</p>	<p>134:12</p> <p>immediately [2] - 126:13, 126:14</p> <p>impact [1] - 40:22</p> <p>impacted [1] - 194:21</p> <p>impartial [1] - 28:7</p> <p>impeach [1] - 188:4</p> <p>impeachment [4] - 151:22, 185:7, 185:13, 188:6</p> <p>implicating [2] - 82:14, 82:15</p> <p>import [4] - 65:13, 79:7, 180:4, 180:5</p> <p>important [9] - 27:19, 28:9, 40:16, 48:23, 60:22, 213:10, 221:9, 221:10</p> <p>importantly [2] - 48:22, 70:5</p> <p>imported [3] - 180:1, 180:6, 180:9</p> <p>importing [3] - 180:11, 180:17, 180:18</p> <p>impression [1] - 159:12</p> <p>improper [1] - 10:25</p> <p>impropriety [1] - 102:23</p> <p>IN [1] - 1:1</p> <p>inability [1] - 219:20</p> <p>inaccurate [1] - 12:22</p> <p>inactive [1] - 20:18</p> <p>inadvertently [1] - 82:7</p> <p>inappropriate [1] - 127:18</p> <p>inappropriately [3] - 126:10, 127:1, 129:20</p> <p>inaudible [1] - 51:6</p> <p>INC [5] - 1:7, 1:8, 1:10, 1:11, 1:13</p> <p>Inc [6] - 1:14, 23:13, 150:11, 150:22, 151:5, 151:15</p> <p>incapable [1] - 195:8</p> <p>incited [1] - 63:17</p> <p>include [2] - 33:3, 63:23</p> <p>included [8] - 11:21, 80:1, 88:12, 88:13, 183:8, 186:15, 214:14, 216:7</p> <p>includes [3] - 18:16, 59:8, 226:13</p> <p>including [4] - 21:11, 39:13, 59:13, 132:8</p> <p>inclusive [1] - 150:22</p>	<p>incoming [1] - 178:18</p> <p>incomplete [2] - 172:3</p> <p>inconsistent [1] - 227:1</p> <p>Incorporated [6] - 26:5, 45:22, 45:23, 45:24, 45:25, 46:1</p> <p>incredibly [2] - 90:7, 213:9</p> <p>incurred [1] - 202:18</p> <p>independence [2] - 69:23, 71:15</p> <p>independent [3] - 71:17, 165:19, 195:12</p> <p>indicate [2] - 177:1, 177:2</p> <p>indicated [5] - 159:11, 160:9, 162:12, 163:15, 176:25</p> <p>indicating [1] - 55:24</p> <p>Indicating [1] - 171:21</p> <p>indicating [1] - 183:25</p> <p>indication [3] - 58:18, 132:16, 202:5</p> <p>indirect [1] - 56:19</p> <p>individual [4] - 102:25, 121:13, 217:20, 221:14</p> <p>individuals [2] - 204:23, 215:9</p> <p>industrial [1] - 29:12</p> <p>industries [1] - 169:18</p> <p>industry [1] - 79:23</p> <p>inflection [1] - 78:1</p> <p>influenced [1] - 61:4</p> <p>inform [1] - 83:2</p> <p>information [27] - 28:13, 28:16, 28:21, 58:11, 59:2, 60:11, 65:18, 67:6, 68:12, 69:4, 74:8, 78:18, 127:10, 130:22, 130:23, 174:15, 174:25, 176:20, 176:22, 177:8, 177:15, 185:23, 204:2, 204:10, 215:17, 223:10, 235:8</p> <p>informed [3] - 82:10, 152:11, 152:12</p> <p>initial [1] - 48:20</p> <p>injured [1] - 39:11</p> <p>injustice [1] - 4:25</p> <p>Inn [1] - 39:1</p> <p>inner [1] - 36:25</p> <p>inquire [1] - 75:12</p>
I				
		<p>i.e [1] - 63:20</p> <p>ID [2] - 9:6, 122:2</p> <p>Idaho [1] - 48:21</p> <p>idea [6] - 52:20, 54:16, 120:7, 124:24, 127:3, 208:14</p> <p>identified [8] - 69:6, 151:6, 151:18, 158:2, 174:20, 215:9, 216:12, 219:13</p> <p>identify [13] - 165:22, 166:15, 186:11, 191:7, 195:1, 201:22, 215:25, 216:16, 216:17, 216:19, 216:20, 223:21, 231:11</p> <p>identifying [1] - 195:15</p> <p>identity [5] - 7:22, 68:1, 68:21, 101:19, 146:23</p> <p>ignore [2] - 57:8, 57:11</p> <p>image [2] - 11:7, 11:8</p> <p>imagine [4] - 68:7, 133:13, 134:10,</p>		

<p>inquiring [1] - 202:3 inside [2] - 126:5, 126:6 insofar [1] - 124:20 installed [1] - 31:12 installed [1] - 228:6 instead [5] - 103:22, 117:23, 211:25, 215:5 instruct [4] - 55:22, 56:13, 61:25, 236:2 instructed [1] - 64:14 instruction [2] - 127:9, 236:5 instructional [1] - 35:16 instructions [15] - 3:11, 3:14, 54:21, 55:10, 55:11, 55:12, 58:25, 59:23, 64:3, 64:6, 64:7, 235:24, 236:13, 236:15, 236:16 instructors [1] - 29:16 integrity [1] - 210:11 intend [2] - 6:13, 15:21 intended [1] - 215:16 intent [3] - 210:13, 210:14, 236:15 intention [1] - 199:23 interacting [1] - 148:9 interactions [1] - 160:12 interest [3] - 33:4, 57:22, 153:19 interested [5] - 14:20, 79:12, 195:14, 220:23, 220:24 interesting [1] - 29:23 interests [1] - 226:22 interfere [1] - 166:17 interference [1] - 120:15 Internet [31] - 7:23, 59:10, 60:3, 62:9, 68:2, 68:12, 94:22, 95:1, 97:8, 98:17, 101:2, 102:7, 102:10, 102:11, 103:5, 109:13, 109:15, 109:19, 109:21, 109:22, 110:17, 112:10, 125:17, 127:20, 135:25, 137:8, 137:24, 141:22, 148:14, 160:20, 175:12 interpret [1] - 61:25</p>	<p>interrupt [1] - 186:6 interrupted [1] - 194:15 intimately [1] - 208:12 introduce [15] - 4:2, 4:3, 4:22, 8:15, 13:18, 15:1, 18:20, 18:23, 19:1, 20:20, 26:13, 44:24, 185:4, 185:17, 187:9 introduced [4] - 6:2, 26:10, 185:10, 211:8 introducing [7] - 5:13, 5:18, 6:6, 6:22, 11:18, 12:24, 18:20 introduction [1] - 6:5 invades [2] - 148:6 invalid [1] - 142:13 invested [1] - 228:21 investigation [2] - 60:4, 208:1 investigator [7] - 118:20, 119:5, 119:11, 120:6, 120:7, 120:9, 121:3 investor [1] - 34:1 invite [1] - 231:11 invoiced [1] - 207:15 invoices [1] - 219:15 involve [1] - 50:6 involved [19] - 30:6, 30:8, 33:5, 35:19, 49:22, 49:23, 50:2, 51:17, 51:19, 52:4, 59:15, 62:4, 64:16, 64:20, 73:12, 110:6, 132:8, 213:18, 225:10 involvement [1] - 225:15 involves [5] - 27:21, 45:19, 50:2, 51:24, 59:2 involving [1] - 94:7 IOWA [1] - 1:11 Iowa [6] - 1:11, 45:25, 64:24, 79:21, 181:4, 216:3 iPad [1] - 147:20 Irlington [1] - 30:2 issue [33] - 3:7, 3:9, 3:10, 3:15, 11:12, 48:13, 50:3, 62:13, 69:23, 70:5, 70:13, 71:8, 72:16, 110:8, 133:9, 133:13, 175:5, 175:9, 175:12, 186:14, 192:7, 192:23, 200:22, 208:25,</p>	<p>209:2, 210:7, 210:12, 223:6, 227:22, 228:13, 238:6 issued [5] - 66:8, 66:23, 86:25, 168:5, 216:20 issues [12] - 14:9, 51:15, 59:2, 70:6, 166:3, 168:2, 182:25, 191:22, 200:9, 217:1, 224:17, 225:12 IT [19] - 34:19, 36:18, 65:12, 76:16, 76:17, 78:17, 79:1, 94:8, 109:23, 114:12, 114:15, 169:11, 181:12, 203:2, 203:3, 204:19, 222:22, 228:15, 228:18 items [1] - 203:13 itself [10] - 45:1, 86:6, 124:20, 132:7, 165:1, 186:23, 192:8, 221:7, 223:20, 228:9</p> <p style="text-align: center;">J</p> <p>J-o-h-n-s-o-n [1] - 25:13 J-o-n-e-s [1] - 25:4 J.D [1] - 38:21 jail [4] - 120:19, 120:24, 121:16 James [4] - 24:20, 37:20, 50:18, 53:23 January [8] - 1:5, 137:22, 143:2, 144:1, 145:8, 234:8, 238:13, 238:14 JavaScript [1] - 165:16 Jeff [1] - 210:6 Jen [2] - 74:20, 171:20 Jennifer [12] - 23:20, 24:2, 25:7, 26:6, 26:7, 53:13, 54:24, 61:11, 127:12, 188:21, 189:12, 236:8 jeopardizes [1] - 60:9 Jersey [20] - 6:1, 8:16, 65:9, 66:2, 68:10, 71:3, 75:17, 75:20, 75:24, 77:13, 83:13, 83:19, 84:19, 107:22, 120:13,</p>	<p>130:21, 181:5, 207:24, 208:2, 209:11 Joann [3] - 24:15, 35:14, 53:22 job [33] - 26:22, 32:23, 34:17, 37:24, 43:24, 44:13, 65:11, 65:23, 77:6, 77:9, 77:12, 77:15, 78:3, 78:11, 78:16, 79:6, 79:7, 84:6, 92:18, 104:18, 107:14, 110:23, 134:12, 134:13, 140:8, 172:16, 179:22, 188:10, 194:21, 196:13, 196:22, 223:19 jobs [2] - 52:10, 79:3 Joel [7] - 2:2, 26:12, 26:15, 124:4, 124:8, 124:14, 124:15 John [1] - 215:11 Johnson [1] - 25:13 join [1] - 183:16 joined [1] - 219:22 Jones [9] - 5:17, 14:23, 15:7, 25:4, 25:6, 39:14, 124:1, 132:10, 218:25 JPEG [2] - 217:7, 217:13 JUDGE [1] - 1:23 Judge [17] - 6:14, 8:16, 14:22, 15:7, 22:25, 46:13, 48:22, 119:16, 120:10, 120:13, 124:1, 124:17, 130:5, 186:17, 186:20, 218:25, 230:14 judge [29] - 6:16, 7:19, 9:5, 9:11, 9:12, 9:21, 10:1, 10:6, 10:8, 10:11, 11:20, 11:24, 12:11, 12:16, 12:20, 12:22, 18:9, 35:10, 64:14, 119:1, 119:2, 119:15, 119:20, 120:8, 121:8, 121:10, 121:15, 122:1, 169:9 judge's [3] - 6:21, 118:22, 131:8 judges [5] - 9:2, 10:25, 55:14, 121:23, 122:4 judgment [6] - 40:22, 66:23, 67:1, 67:2, 89:17, 211:20</p>	<p>jump [1] - 198:15 jumped [4] - 106:19, 107:12, 108:22, 133:10 junction [2] - 3:8, 47:6 June [3] - 139:18, 140:22, 141:21 Juror [3] - 23:23, 23:24, 24:3 JUROR [84] - 29:8, 29:23, 30:1, 30:12, 30:14, 30:20, 30:22, 31:10, 31:15, 31:21, 31:24, 32:4, 32:10, 32:13, 32:16, 33:12, 33:19, 33:21, 34:11, 34:14, 34:16, 34:24, 35:1, 35:5, 35:14, 35:25, 36:3, 36:7, 36:15, 36:25, 37:6, 37:10, 37:12, 37:20, 38:3, 38:6, 38:9, 38:17, 39:10, 39:17, 39:23, 40:3, 40:5, 40:9, 40:15, 40:20, 40:24, 40:25, 41:10, 41:14, 41:16, 41:24, 42:3, 42:5, 42:18, 43:2, 43:13, 43:17, 43:20, 44:1, 44:6, 44:9, 44:11, 46:17, 46:19, 47:2, 47:7, 48:5, 48:8, 48:17, 48:19, 49:2, 49:6, 49:9, 49:11, 49:15, 49:17, 50:6, 50:13, 50:18, 50:23, 50:25, 51:6, 51:9 juror [13] - 29:18, 30:10, 34:5, 36:12, 37:4, 37:5, 39:6, 41:7, 43:10, 44:16, 59:17, 60:10 jurors [21] - 23:9, 25:19, 25:25, 26:2, 26:22, 27:10, 28:2, 28:7, 46:10, 47:15, 52:10, 52:23, 54:10, 55:10, 56:10, 58:20, 58:22, 59:11, 60:20, 61:5, 91:10 jury [97] - 3:11, 3:14, 5:8, 5:13, 9:21, 10:19, 16:1, 16:11, 16:14, 22:19, 22:21, 23:11, 23:14, 23:15, 23:17, 23:18, 23:22, 25:17, 26:4, 28:5, 33:7, 33:14, 35:22, 41:22, 43:11, 43:12,</p>
--	---	---	--	---

<p>44:20, 45:7, 47:6, 47:9, 47:19, 47:21, 48:14, 49:21, 54:1, 54:6, 54:7, 54:24, 55:2, 55:6, 55:8, 58:7, 59:3, 59:18, 60:15, 60:20, 61:2, 64:2, 69:2, 75:18, 78:21, 82:5, 84:3, 85:16, 86:14, 91:1, 91:4, 91:17, 93:16, 93:24, 94:2, 100:6, 100:9, 100:11, 101:15, 105:19, 106:25, 118:14, 121:21, 127:6, 127:13, 127:16, 129:15, 130:19, 132:5, 132:13, 136:7, 136:9, 138:7, 140:7, 141:5, 146:15, 170:12, 184:18, 184:22, 185:5, 188:9, 193:17, 196:2, 198:2, 201:19, 235:21, 236:11, 236:13, 237:1, 237:20, 238:9</p> <p>Justice [11] - 65:21, 70:4, 70:19, 73:24, 82:23, 146:6, 173:5, 173:11, 199:21, 207:25, 208:5</p> <p>justice [6] - 29:21, 30:18, 34:9, 62:15, 72:25, 226:19</p> <p>justification [5] - 202:25, 218:5, 218:14, 219:8, 219:17</p> <p>justified [2] - 218:11, 218:14</p> <p>justifies [1] - 218:6</p> <p>Justin [1] - 167:7</p>	<p>176:21, 206:7</p> <p>keeping [1] - 159:19</p> <p>keeps [2] - 118:6, 147:6</p> <p>Kenneth [5] - 24:8, 24:12, 30:22, 32:17, 48:8</p> <p>kept [1] - 77:25</p> <p>Kevin [3] - 24:3, 29:8, 53:22</p> <p>key [5] - 70:6, 70:7, 205:16, 206:8</p> <p>kidding [1] - 84:9</p> <p>kind [34] - 3:5, 4:6, 5:18, 11:16, 31:18, 33:11, 39:9, 41:9, 44:2, 46:20, 50:3, 52:22, 64:1, 64:3, 77:17, 77:18, 77:22, 96:12, 108:12, 111:4, 123:20, 125:7, 126:24, 132:22, 139:9, 148:11, 171:17, 172:23, 179:2, 184:14, 187:1, 197:15, 225:2, 225:8</p> <p>kinds [7] - 31:17, 79:13, 104:14, 105:11, 127:11, 195:13, 195:21</p> <p>knowing [2] - 68:14, 74:7</p> <p>knowingly [2] - 163:14, 199:20</p> <p>knowledge [3] - 56:9, 101:1, 114:22</p> <p>known [5] - 111:4, 208:11, 208:12, 210:15, 210:16</p> <p>knows [3] - 9:19, 63:8, 226:18</p> <p>koala [1] - 183:20</p> <p>Kubler [1] - 6:14</p> <p>Kugler [9] - 5:17, 5:25, 8:16, 18:5, 119:16, 120:10, 120:13, 130:5, 186:17</p> <p>Kugler's [1] - 186:20</p>	<p>Ladd [5] - 24:3, 24:4, 29:4, 29:8, 53:22</p> <p>ladies [2] - 64:11, 69:2</p> <p>laid [2] - 70:10, 114:19</p> <p>Lake [1] - 38:18</p> <p>Lane [1] - 65:21</p> <p>language [1] - 21:17</p> <p>laptop [1] - 198:25</p> <p>large [5] - 84:22, 148:19, 191:9, 195:4, 230:18</p> <p>larger [3] - 79:4, 133:23, 134:6</p> <p>last [41] - 25:14, 32:1, 35:24, 37:5, 37:6, 64:2, 67:13, 67:15, 70:8, 70:19, 73:19, 75:9, 105:17, 110:14, 111:1, 131:22, 154:15, 160:11, 161:20, 163:19, 163:22, 163:23, 164:20, 164:22, 169:10, 174:1, 175:20, 194:13, 196:7, 196:8, 200:12, 202:13, 203:18, 204:1, 212:6, 214:12, 214:15, 216:10, 228:1</p> <p>late [1] - 15:12</p> <p>laundry [2] - 66:10, 66:14</p> <p>law [24] - 9:17, 11:7, 26:23, 29:10, 29:13, 39:9, 44:3, 44:5, 46:8, 52:15, 52:19, 55:16, 55:18, 56:21, 59:1, 60:6, 62:1, 62:8, 62:22, 118:21, 118:22, 118:24, 121:11, 168:16</p> <p>Law [3] - 119:2, 119:15, 119:21</p> <p>lawsuit [20] - 17:5, 17:7, 31:8, 49:22, 49:23, 50:2, 83:8, 83:9, 83:12, 83:13, 83:19, 84:3, 84:18, 85:14, 92:19, 124:2, 124:5, 124:6, 124:25, 220:16</p> <p>lawyer [6] - 38:20, 56:25, 57:1, 61:7, 160:8, 172:16</p> <p>lawyers [4] - 28:3, 45:5, 53:2, 184:20</p> <p>layout [3] - 178:18, 178:20</p>	<p>lead [4] - 159:4, 181:10, 181:13, 195:16</p> <p>learn [6] - 29:6, 49:20, 60:5, 64:15, 68:9, 104:23</p> <p>least [5] - 17:12, 43:14, 76:11, 191:15, 227:25</p> <p>leave [5] - 54:10, 61:1, 134:12, 166:12, 184:24</p> <p>leaves [4] - 55:2, 127:16, 184:22, 236:11</p> <p>lectern [1] - 74:20</p> <p>left [16] - 23:23, 25:15, 29:21, 30:18, 34:13, 61:1, 104:2, 115:24, 116:16, 129:19, 149:16, 179:6, 179:8, 179:9, 188:9, 217:25</p> <p>legacy [3] - 132:8, 132:20</p> <p>legal [7] - 3:8, 13:19, 59:23, 85:3, 150:15, 210:5, 224:19</p> <p>legally [1] - 124:24</p> <p>legitimate [1] - 202:12</p> <p>Legos [1] - 42:24</p> <p>length [2] - 13:2, 58:15</p> <p>lengthy [1] - 92:9</p> <p>less [2] - 41:8, 76:18</p> <p>Lesson [1] - 110:14</p> <p>lessons [1] - 222:21</p> <p>letter [56] - 6:14, 6:17, 7:14, 8:13, 8:15, 8:20, 9:10, 9:11, 9:21, 10:1, 10:6, 10:7, 10:9, 10:11, 11:5, 11:8, 11:20, 11:24, 12:8, 12:11, 12:16, 12:20, 12:21, 18:9, 19:1, 82:10, 90:16, 90:17, 90:19, 91:17, 91:19, 92:24, 119:25, 120:4, 127:19, 127:21, 127:24, 128:2, 128:8, 130:5, 130:6, 130:8, 130:9, 130:11, 130:19, 152:15, 152:16, 152:17, 186:17, 186:20, 186:21, 189:23, 205:18, 206:13, 209:25</p> <p>letters [1] - 88:24</p>	<p>letting [1] - 186:22</p> <p>level [4] - 81:21, 81:25, 134:4, 147:9</p> <p>Lewis [1] - 236:22</p> <p>liability [3] - 1:12, 46:5, 62:4</p> <p>Liability [1] - 39:12</p> <p>License [1] - 157:9</p> <p>license [6] - 31:16, 69:4, 213:20, 213:25, 215:15</p> <p>licensed [1] - 214:23</p> <p>licensing [1] - 31:12</p> <p>lie [3] - 136:23, 219:4, 225:25</p> <p>lied [1] - 115:25</p> <p>lies [4] - 109:8, 137:2, 210:22, 225:18</p> <p>life [13] - 64:13, 120:12, 132:22, 133:16, 134:12, 134:18, 135:9, 146:18, 146:19, 149:3, 149:17, 194:15, 228:24</p> <p>lifetime [1] - 231:14</p> <p>light [1] - 57:25</p> <p>likely [3] - 27:5, 118:25, 232:4</p> <p>limited [5] - 1:12, 56:12, 56:14, 211:14</p> <p>limiting [1] - 21:22</p> <p>limits [1] - 63:24</p> <p>Lincoln [1] - 50:8</p> <p>Linda [27] - 14:7, 14:22, 25:2, 43:2, 66:6, 72:11, 74:7, 86:11, 90:16, 91:19, 124:3, 124:7, 124:9, 124:10, 132:9, 168:11, 208:7, 208:24, 209:9, 209:22, 210:3, 210:22, 218:18, 224:22, 225:23, 226:20, 231:8</p> <p>Linda's [1] - 124:13</p> <p>line [6] - 108:5, 193:2, 207:13, 208:17, 221:12, 231:12</p> <p>lines [1] - 232:7</p> <p>link [9] - 106:18, 107:4, 142:14, 143:11, 144:10, 155:9, 233:14</p> <p>LinkedIn [18] - 105:2, 139:16, 139:19, 140:3, 140:20, 141:7, 142:18, 142:19, 160:10,</p>
<p style="text-align: center;">K</p>	<p style="text-align: center;">L</p>			
<p>K-a-u-f-f-m-a-n [1] - 24:8</p> <p>Karen [1] - 25:4</p> <p>Kauffman [3] - 24:8, 24:10, 30:23</p> <p>keep [16] - 43:16, 48:2, 58:10, 58:14, 58:20, 60:19, 109:11, 120:18, 120:19, 133:18, 149:9, 161:14, 164:22, 176:13,</p>				

<p>160:15, 160:25, 161:3, 161:11, 182:23, 183:11, 184:10, 225:16 links [1] - 13:8 Linn [1] - 2:6 list [6] - 66:10, 66:14, 79:12, 125:4, 125:6, 125:17 listed [8] - 32:16, 81:21, 140:2, 141:18, 143:20, 151:8, 158:8, 171:15 listen [3] - 45:8, 59:24, 172:14 listening [1] - 64:4 listing [1] - 156:18 lists [2] - 45:6, 140:7 litigant [1] - 33:9 litigate [2] - 6:8, 224:20 litigated [3] - 8:7, 11:12, 51:15 litigating [2] - 3:25, 17:2 litigation [15] - 11:17, 39:6, 73:19, 116:25, 132:7, 211:9, 214:1, 214:5, 214:9, 214:11, 219:18, 222:25, 225:8, 225:14 live [38] - 29:9, 30:2, 30:23, 32:19, 33:22, 34:2, 34:17, 35:15, 36:8, 36:16, 37:1, 37:13, 37:21, 38:10, 38:18, 41:1, 41:17, 42:6, 42:19, 43:3, 44:12, 68:13, 75:16, 75:17, 76:3, 76:4, 134:7, 134:8, 137:8, 146:18, 148:18, 149:3 lived [2] - 76:1, 107:21 lives [3] - 29:10, 38:11, 208:11 living [3] - 31:2, 33:24, 42:6 LLC [3] - 1:12, 46:2, 229:11 local [2] - 31:3, 35:17 located [1] - 140:13 location [1] - 77:7 locksmith [1] - 31:4 log [2] - 231:21, 232:2 login [2] - 9:6, 122:2 logs [1] - 65:14 look [37] - 3:17, 18:10, 19:22, 28:16, 28:24,</p>	<p>53:14, 88:6, 97:4, 103:24, 105:4, 105:14, 105:15, 105:19, 108:13, 118:13, 127:10, 131:16, 131:22, 137:19, 139:10, 144:23, 169:7, 171:5, 171:18, 171:23, 181:21, 183:2, 183:24, 186:9, 193:4, 201:20, 203:9, 203:24, 212:12, 226:14, 236:21, 237:6 looked [13] - 15:13, 66:21, 71:12, 82:9, 106:22, 109:5, 113:12, 113:16, 113:22, 150:25, 200:5, 200:19, 233:13 looking [12] - 85:11, 93:8, 108:16, 110:7, 114:7, 133:3, 141:6, 147:19, 171:20, 179:1, 190:3, 219:23 looks [9] - 95:13, 106:24, 124:24, 141:18, 142:18, 144:25, 146:4, 146:5, 147:14 Los [1] - 140:14 losing [1] - 199:12 losses [1] - 202:19 lost [10] - 5:11, 65:23, 67:19, 67:20, 86:17, 88:19, 116:18, 196:23, 196:24, 202:19 loud [1] - 121:21 love [3] - 35:20, 148:9 low [1] - 109:11 luck [1] - 49:18 lunch [4] - 127:13, 129:14, 147:14, 147:16 lying [2] - 116:1, 226:1</p>	<p>115:17, 115:20, 116:15, 126:14, 144:25, 145:3, 145:7, 145:9, 146:3, 146:8, 146:9, 152:8, 152:12, 152:13, 152:16, 152:18, 152:23, 154:18, 160:20, 163:16, 163:17, 172:2, 172:3, 172:6, 172:19, 173:1, 177:25, 182:4, 188:18, 189:14, 192:4, 192:5, 192:8, 196:21, 200:17, 200:18, 202:3, 204:10, 205:2, 205:5, 205:7, 205:11, 205:13, 205:17, 205:21, 206:1, 206:3, 206:5, 206:9, 206:10, 206:13, 206:17, 206:21, 207:10, 214:20, 215:16, 227:9, 227:15, 227:16, 228:4, 228:5, 228:7, 231:10, 231:13, 235:10 mailed [1] - 82:7 mails [11] - 15:21, 103:14, 105:13, 111:8, 133:9, 133:11, 189:23, 189:24, 204:11, 205:7, 205:8 maintained [3] - 69:3, 102:7, 205:7 maintaining [1] - 204:20 maintains [1] - 200:14 maintenance [1] - 41:18 major [1] - 123:14 malpractice [1] - 39:15 man [4] - 149:2, 208:11, 210:10 manage [1] - 79:2 managed [2] - 79:5, 81:18 manager [5] - 36:18, 38:19, 94:8, 114:15, 228:18 managers' [1] - 114:12 mandates [1] - 229:2 manner [1] - 57:21</p>	<p>manufactured [1] - 9:18 map [1] - 165:8 Marco [1] - 26:6 MARCO [1] - 1:22 marine [1] - 29:11 Mark [2] - 24:13, 33:21 mark [1] - 133:6 marked [1] - 6:25 MARKETING [3] - 1:8, 1:9, 1:13 marketing [1] - 30:6 Marketing [8] - 1:14, 45:23, 45:24, 46:1, 162:17, 163:4, 214:13, 229:10 marketplace [1] - 215:4 Marshall [27] - 14:8, 14:16, 14:22, 66:6, 72:11, 74:7, 86:11, 90:16, 91:19, 124:3, 124:9, 124:10, 124:12, 124:13, 132:9, 168:11, 208:7, 208:24, 209:9, 209:22, 210:3, 210:23, 218:18, 224:23, 226:20, 231:9 Marshall's [1] - 225:23 marshals [1] - 125:8 Marshals [3] - 14:18, 125:5, 125:18 master's [2] - 32:24, 42:12 material [15] - 71:10, 101:14, 105:4, 186:15, 186:16, 200:7, 204:25, 205:1, 206:6, 214:1, 214:9, 214:16, 215:6, 216:1, 229:1 materially [1] - 63:2 materials [7] - 3:19, 5:17, 18:5, 18:15, 60:4, 66:21, 216:21 mathematics [1] - 43:5 matter [11] - 13:19, 48:24, 49:7, 59:20, 118:23, 122:7, 124:20, 126:24, 127:4, 127:17, 183:3 matters [1] - 172:13 Max [22] - 8:22, 9:1, 26:16, 26:17, 45:13, 62:2, 74:23, 75:9, 78:7, 94:8, 96:25, 108:24, 110:15,</p>	<p>111:4, 111:5, 113:4, 117:17, 119:1, 121:22, 151:18, 184:8, 232:12 MAX [3] - 1:3, 75:3, 75:9 Max's [2] - 118:21, 220:21 maximum [1] - 79:5 MBA [1] - 30:5 McCann [1] - 167:7 mean [33] - 7:25, 8:18, 10:16, 16:8, 17:19, 44:2, 46:19, 81:18, 88:4, 94:10, 95:5, 95:14, 102:14, 103:16, 104:21, 105:6, 110:17, 110:18, 113:20, 119:13, 124:23, 127:21, 128:4, 134:2, 134:7, 134:17, 167:20, 172:9, 183:18, 183:22, 187:9, 218:24, 236:25 meaning [5] - 71:20, 115:24, 120:19, 124:18, 132:22 means [17] - 20:25, 23:16, 26:8, 47:19, 57:12, 59:9, 63:3, 117:14, 117:15, 124:24, 133:13, 154:21, 175:24, 187:19, 217:22, 221:18 meant [1] - 204:16 mechanic [1] - 37:21 mechanisms [1] - 103:1 media [14] - 13:9, 19:13, 52:1, 59:14, 59:25, 133:8, 133:12, 146:14, 160:9, 160:10, 160:12, 161:17, 191:12, 191:13 medical [2] - 33:23, 39:15 meet [5] - 15:20, 116:10, 179:7, 221:24, 222:3 meeting [1] - 179:14 member [6] - 31:3, 33:8, 36:10, 37:24, 38:25 members [6] - 23:15, 25:17, 59:14, 127:6, 184:18, 235:21</p>
M				
<p>M's [1] - 205:5 machine [2] - 76:21, 180:20 mad [1] - 117:21 mail [76] - 15:15, 17:12, 59:9, 82:11, 110:25, 115:4, 115:6, 115:8,</p>				

<p>membership [1] - 44:14</p> <p>memo [1] - 3:6</p> <p>memorized [1] - 28:18</p> <p>memory [3] - 57:21, 61:4, 169:5</p> <p>Men [1] - 117:9</p> <p>men [1] - 117:14</p> <p>mention [3] - 21:1, 123:7, 194:3</p> <p>mentioned [12] - 88:23, 102:17, 120:9, 121:3, 150:16, 162:3, 165:5, 165:6, 165:7, 166:2, 177:11, 232:2</p> <p>merely [1] - 5:4</p> <p>merit [1] - 106:1</p> <p>merits [2] - 3:25, 59:7</p> <p>mess [1] - 134:11</p> <p>message [4] - 7:21, 22:22, 59:10, 127:22</p> <p>met [11] - 73:2, 118:23, 119:2, 119:15, 119:16, 119:19, 119:20, 125:6, 179:8, 208:13, 221:2</p> <p>Meyer [1] - 44:13</p> <p>Michael [2] - 25:5, 46:17</p> <p>microphone [3] - 44:18, 46:16, 51:8</p> <p>midday [1] - 127:7</p> <p>middle [4] - 32:17, 117:8, 140:6, 205:8</p> <p>midst [1] - 67:2</p> <p>might [18] - 3:5, 17:25, 27:15, 35:10, 45:3, 45:10, 47:11, 63:3, 75:23, 112:10, 139:8, 177:24, 183:6, 183:19, 186:2, 186:7, 220:23, 237:16</p> <p>miles [3] - 207:16, 207:17, 207:18</p> <p>million [5] - 105:13, 133:9, 133:11, 136:22, 218:20</p> <p>millions [1] - 65:4</p> <p>mind [13] - 4:15, 45:5, 58:20, 70:17, 73:3, 73:4, 111:5, 182:15, 182:16, 192:7, 208:15, 218:16, 236:23</p> <p>mind-set [1] - 182:16</p> <p>mine [4] - 43:4, 69:3, 81:24, 104:7</p>	<p>minimum [1] - 58:15</p> <p>minute [6] - 53:1, 53:2, 166:9, 171:23, 179:12</p> <p>minutes [10] - 27:7, 55:1, 55:3, 55:9, 75:21, 127:14, 129:8, 183:20, 184:19, 193:22</p> <p>misconduct [4] - 89:3, 237:8, 237:9, 237:10</p> <p>misinterpretation [1] - 11:2</p> <p>misleading [2] - 8:3, 12:22</p> <p>misled [1] - 73:10</p> <p>misrepresentation [1] - 224:15</p> <p>misrepresentations [1] - 12:19</p> <p>misrepresented [2] - 6:15, 9:11</p> <p>misrepresenting [1] - 10:20</p> <p>misrepresents [1] - 12:14</p> <p>miss [1] - 35:2</p> <p>missed [2] - 49:14, 105:16</p> <p>missing [2] - 34:23, 49:11</p> <p>misunderstand [1] - 177:13</p> <p>misunderstood [1] - 96:10</p> <p>mitigate [4] - 16:2, 16:7, 17:21, 109:11</p> <p>mitigated [1] - 15:17</p> <p>mitigating [1] - 220:25</p> <p>mitigation [3] - 17:23, 220:24, 223:6</p> <p>model [1] - 77:3</p> <p>modify [5] - 153:8, 153:9, 153:15, 188:18, 190:8</p> <p>mold [1] - 4:14</p> <p>molesters [1] - 125:8</p> <p>mom [4] - 42:7, 42:8, 42:12, 126:8</p> <p>moment [2] - 117:5, 186:6</p> <p>moments [1] - 61:13</p> <p>Monday [2] - 48:23, 48:25</p> <p>money [12] - 71:2, 71:6, 78:10, 78:11, 89:10, 89:15, 89:24, 92:10, 202:19, 209:19, 228:21</p> <p>monotone [1] - 78:5</p>	<p>month [5] - 115:22, 207:14, 208:6, 219:12, 219:14</p> <p>months [5] - 88:10, 88:11, 112:21, 112:23, 216:4</p> <p>morality [2] - 104:19, 104:20</p> <p>morals [1] - 104:14</p> <p>morning [7] - 19:4, 23:10, 26:11, 27:24, 64:11, 191:4, 238:1</p> <p>Mosman [1] - 22:25</p> <p>Mosman's [1] - 23:2</p> <p>most [15] - 23:16, 68:6, 70:5, 79:19, 84:12, 115:5, 120:11, 123:14, 142:7, 182:23, 183:8, 183:10, 211:22, 227:6, 229:8</p> <p>mostly [1] - 204:25</p> <p>mother [2] - 29:10, 29:13</p> <p>mother-in-law [2] - 29:10, 29:13</p> <p>motion [4] - 19:21, 124:17, 230:15, 230:19</p> <p>motive [2] - 63:8, 63:11</p> <p>mountain [1] - 39:3</p> <p>mouth [2] - 30:18, 34:13</p> <p>move [11] - 25:14, 28:23, 44:25, 45:18, 54:23, 64:13, 74:20, 90:21, 106:4, 111:12, 112:11</p> <p>moved [1] - 84:20</p> <p>movies [2] - 26:25, 37:3</p> <p>moving [1] - 131:20</p> <p>mping [1] - 10:5</p> <p>MR [367] - 3:11, 3:14, 3:16, 4:11, 4:14, 4:20, 5:1, 5:6, 5:15, 5:20, 5:22, 5:25, 6:11, 6:13, 6:24, 7:7, 7:9, 7:10, 7:12, 7:16, 8:3, 8:9, 8:12, 8:18, 8:25, 9:8, 9:10, 9:24, 10:3, 10:7, 10:13, 10:16, 10:22, 11:2, 11:5, 11:20, 11:25, 12:4, 12:9, 12:12, 12:18, 12:21, 13:1, 13:7, 13:12, 13:16, 13:20, 13:24, 14:2, 14:25, 15:2, 15:5,</p>	<p>15:9, 15:14, 15:25, 16:2, 16:5, 16:7, 16:16, 17:7, 17:11, 18:14, 18:18, 19:6, 19:9, 19:23, 20:13, 20:16, 20:23, 21:6, 21:11, 21:15, 21:20, 21:25, 22:9, 22:15, 22:17, 26:15, 26:20, 45:13, 45:16, 53:9, 53:11, 64:10, 69:1, 74:23, 75:15, 78:15, 80:6, 80:9, 80:10, 80:19, 80:22, 80:24, 83:23, 83:24, 84:1, 87:4, 87:6, 87:8, 87:15, 90:21, 90:23, 90:25, 91:6, 91:13, 91:15, 91:16, 93:12, 93:14, 93:16, 93:20, 94:1, 95:25, 96:3, 96:6, 96:9, 96:11, 97:10, 97:12, 97:14, 98:3, 98:4, 98:6, 98:20, 98:21, 98:23, 99:7, 99:9, 99:11, 99:24, 100:3, 100:5, 100:10, 101:6, 101:9, 101:10, 101:11, 101:13, 104:8, 104:12, 115:11, 115:13, 115:15, 116:20, 122:7, 122:13, 122:15, 122:16, 122:19, 125:10, 125:12, 127:4, 127:18, 128:1, 128:4, 128:7, 128:11, 128:15, 128:19, 128:22, 129:4, 129:6, 129:18, 130:13, 130:15, 130:17, 131:10, 136:2, 136:4, 136:7, 136:8, 138:2, 138:3, 138:5, 139:22, 139:23, 140:1, 141:1, 141:2, 141:4, 141:25, 142:1, 142:3, 143:6, 143:8, 143:10, 144:6, 144:7, 144:9, 145:11, 145:14, 145:16, 145:22, 145:24, 149:23, 150:2, 151:21, 152:1, 152:4, 152:5, 153:22, 153:24, 154:2, 154:3, 154:5, 154:6, 154:7, 154:9,</p>	<p>154:12, 156:3, 156:7, 156:16, 156:20, 156:23, 156:24, 158:13, 158:17, 159:6, 159:8, 159:10, 164:8, 164:11, 164:17, 164:18, 165:23, 166:5, 166:14, 166:23, 167:14, 167:23, 168:1, 168:19, 168:22, 169:1, 169:2, 169:25, 170:3, 170:8, 170:10, 170:13, 170:16, 170:18, 170:20, 172:4, 172:18, 172:25, 173:3, 173:6, 173:10, 173:13, 173:18, 173:19, 173:21, 174:13, 174:21, 174:23, 175:2, 175:4, 175:18, 176:8, 177:6, 184:14, 185:6, 185:18, 185:22, 186:4, 186:14, 186:25, 187:12, 187:16, 188:1, 188:3, 188:8, 188:16, 188:18, 189:7, 189:9, 189:13, 189:18, 189:20, 189:23, 190:2, 190:6, 190:9, 190:12, 190:14, 190:17, 190:25, 191:3, 191:9, 191:16, 191:19, 191:21, 191:25, 192:4, 192:5, 192:7, 192:11, 192:14, 192:19, 192:21, 192:25, 193:7, 193:10, 193:16, 194:11, 194:20, 195:17, 195:19, 195:22, 196:4, 196:25, 197:2, 197:8, 197:10, 198:3, 198:20, 199:3, 199:5, 201:6, 201:12, 201:14, 201:17, 201:20, 212:15, 212:21, 212:23, 213:21, 213:22, 213:24, 215:22, 215:23, 217:12, 217:16,</p>
---	---	--	--	---

<p>220:8, 220:12, 220:14, 222:14, 222:16, 223:11, 223:17, 226:6, 226:7, 226:9, 226:12, 229:18, 229:20, 229:22, 230:2, 230:7, 233:24, 234:1, 234:15, 234:19, 234:23, 234:25, 235:2, 235:5, 235:13, 235:16, 235:20, 237:15, 237:22, 238:2, 238:11, 238:12</p> <p>Mt [1] - 37:13</p> <p>multiple [7] - 160:19, 169:13, 169:14, 169:16, 185:8, 228:20, 234:7</p> <p>Multnomah [3] - 37:6, 41:7, 43:11</p> <p>muscle [1] - 10:5</p> <p>music [2] - 76:10, 148:15</p> <p>musician [1] - 33:4</p> <p>must [13] - 25:23, 27:1, 52:19, 55:17, 56:1, 56:14, 57:12, 58:24, 59:1, 59:19, 77:6, 166:10, 217:20</p> <p>myriad [1] - 157:22</p> <p>MZ [1] - 113:4</p>	<p>111:1, 111:9, 111:16, 111:21, 112:5, 112:24, 113:3, 113:5, 113:6, 114:3, 135:9, 135:21, 135:25, 136:19, 136:20, 137:4, 137:5, 137:8, 137:18, 137:24, 140:3, 148:22, 150:6, 151:3, 154:24, 155:12, 160:19, 160:20, 160:21, 162:14, 167:7, 183:7, 183:8, 197:21, 197:23, 210:6, 220:2, 220:21, 221:21, 221:22, 222:7, 222:21, 223:2, 223:20, 223:21, 223:22, 223:25, 224:2, 224:5, 232:17, 232:21, 233:5, 233:9</p> <p>named [1] - 66:7</p> <p>namely [2] - 67:20, 124:3</p> <p>names [12] - 23:21, 45:8, 45:10, 53:20, 112:1, 133:25, 134:5, 150:9, 157:20, 157:21, 223:18</p> <p>Nancy [1] - 239:11</p> <p>nancy [1] - 2:7</p> <p>NANCY [1] - 239:12</p> <p>narrow [1] - 39:20</p> <p>National [2] - 33:1, 36:20</p> <p>nature [8] - 40:12, 46:9, 94:17, 102:3, 102:5, 134:24, 160:16, 212:2</p> <p>nauseam [1] - 200:4</p> <p>navigate [1] - 171:18</p> <p>ND [1] - 88:12</p> <p>NDT [5] - 3:3, 20:1, 20:14, 87:11, 212:9</p> <p>near [2] - 29:9, 75:23</p> <p>nearly [1] - 120:24</p> <p>necessarily [2] - 58:3, 109:25</p> <p>necessary [3] - 58:6, 177:20, 178:21</p> <p>need [5] - 3:7, 9:5, 15:3, 16:10, 16:23, 17:3, 18:9, 18:17, 18:18, 19:7, 23:15, 23:18, 25:24, 28:6,</p>	<p>28:18, 35:7, 48:12, 52:14, 53:25, 54:6, 61:10, 64:3, 81:7, 82:23, 102:11, 104:10, 109:25, 116:3, 122:1, 142:5, 151:22, 164:4, 175:22, 184:17, 185:4, 186:9, 197:14, 197:24, 208:21, 217:21, 218:6, 218:9, 221:24, 222:2, 222:18, 223:6, 237:25, 238:8</p> <p>needed [8] - 16:17, 17:4, 19:3, 65:14, 180:3, 199:24, 200:1, 215:2</p> <p>needs [4] - 10:19, 116:13, 180:15, 222:4</p> <p>negotiations [1] - 15:24</p> <p>neighbor [1] - 126:14</p> <p>neighbor's [3] - 126:10, 127:2, 129:20</p> <p>network [1] - 228:16</p> <p>networking [1] - 137:13</p> <p>neutral [16] - 29:22, 32:8, 33:18, 34:10, 37:9, 38:5, 40:8, 41:13, 42:1, 44:8, 46:11, 50:12, 50:24, 51:22, 52:5, 52:24</p> <p>neutralized [1] - 191:11</p> <p>never [33] - 30:10, 34:22, 36:12, 36:23, 37:18, 38:15, 39:5, 39:6, 42:25, 43:24, 44:16, 51:3, 68:2, 103:3, 103:18, 103:23, 103:24, 119:16, 119:18, 123:10, 123:18, 133:15, 134:23, 139:2, 148:23, 148:24, 152:22, 179:7, 192:15, 205:20, 221:2, 221:12</p> <p>New [20] - 6:1, 8:16, 65:9, 66:2, 68:10, 71:3, 75:17, 75:20, 75:24, 77:12, 83:13, 83:19, 84:18, 107:22, 120:13,</p>	<p>130:21, 181:5, 207:24, 208:2, 209:11</p> <p>new [5] - 15:13, 98:8, 134:19, 149:17</p> <p>Newberg [1] - 34:17</p> <p>news [4] - 59:25, 105:10, 133:13, 146:5</p> <p>next [10] - 29:25, 54:8, 66:24, 104:11, 117:15, 126:9, 135:2, 136:13, 140:3, 197:7</p> <p>nice [1] - 146:24</p> <p>night [1] - 61:1</p> <p>Nike [1] - 36:18</p> <p>nine [2] - 88:10, 88:11</p> <p>Ninth [1] - 38:25</p> <p>NO [84] - 29:8, 29:23, 30:1, 30:12, 30:14, 30:20, 30:22, 31:10, 31:15, 31:21, 31:24, 32:4, 32:10, 32:13, 32:16, 33:12, 33:19, 33:21, 34:11, 34:14, 34:16, 34:24, 35:1, 35:5, 35:14, 35:25, 36:3, 36:7, 36:15, 36:25, 37:6, 37:10, 37:12, 37:20, 38:3, 38:6, 38:9, 38:17, 39:10, 39:17, 39:23, 40:3, 40:5, 40:9, 40:15, 40:20, 40:24, 40:25, 41:10, 41:14, 41:16, 41:24, 42:3, 42:5, 42:18, 43:2, 43:13, 43:17, 43:20, 44:1, 44:6, 44:9, 44:11, 46:17, 46:19, 47:2, 47:7, 48:5, 48:8, 48:17, 48:19, 49:2, 49:6, 49:9, 49:11, 49:15, 49:17, 50:6, 50:13, 50:18, 50:23, 50:25, 51:6, 51:9</p> <p>nobody [1] - 205:24</p> <p>nomenclature [1] - 111:1</p> <p>non [2] - 33:14, 183:5</p> <p>non-jury [1] - 33:14</p> <p>non-targeted [1] - 183:5</p> <p>noncompete [1] - 108:3</p> <p>none [13] - 42:14, 57:17, 70:13, 82:3, 86:19, 108:3,</p>	<p>149:10, 206:18, 214:6, 228:7, 234:25</p> <p>nonetheless [4] - 153:3, 163:1, 221:6</p> <p>nonprofit [1] - 30:4</p> <p>nonstop [1] - 178:23</p> <p>Nordic [1] - 29:15</p> <p>Northeast [3] - 36:8, 38:10, 41:1</p> <p>NORTHWEST [5] - 1:6, 1:8, 1:9, 1:10, 1:13</p> <p>Northwest [57] - 1:13, 23:12, 26:5, 41:17, 45:22, 45:23, 45:25, 64:17, 64:18, 64:19, 64:22, 65:7, 65:19, 66:9, 66:18, 78:16, 78:21, 78:23, 79:14, 79:22, 80:25, 81:3, 85:3, 86:16, 86:17, 87:13, 88:12, 108:8, 138:13, 150:8, 150:9, 150:11, 150:21, 151:5, 151:14, 151:18, 158:1, 158:11, 158:20, 167:13, 178:19, 212:18, 213:12, 213:15, 213:16, 214:3, 214:6, 214:12, 214:13, 214:19, 227:7, 229:5, 229:10, 233:20</p> <p>Note [2] - 9:13, 131:5</p> <p>note [5] - 54:18, 60:21, 61:11, 130:25, 131:3</p> <p>note-taking [1] - 60:21</p> <p>notebook [2] - 171:12, 171:17</p> <p>noted [4] - 114:11, 123:4, 201:24, 220:9</p> <p>notes [6] - 60:18, 60:19, 61:1, 61:3, 61:5, 185:2</p> <p>nothing [13] - 84:6, 85:18, 117:22, 160:15, 178:9, 179:6, 203:2, 203:4, 203:5, 228:2, 228:3, 233:18, 235:13</p> <p>notice [3] - 108:10, 116:16, 120:16</p> <p>noticed [1] - 138:23</p> <p>notifies [1] - 126:9</p> <p>notify [3] - 60:11, 126:13, 126:14</p> <p>notion [3] - 52:17,</p>
N				
<p>nailed [1] - 159:21</p> <p>name [114] - 26:6, 26:20, 29:8, 30:1, 30:22, 32:17, 33:21, 36:7, 37:12, 37:20, 40:25, 41:16, 42:5, 42:18, 43:2, 44:11, 46:15, 48:7, 50:17, 51:5, 53:21, 66:6, 66:7, 67:22, 67:25, 68:4, 68:10, 75:7, 75:9, 75:10, 77:3, 77:4, 82:18, 86:12, 90:6, 91:22, 93:6, 93:10, 94:3, 94:8, 96:25, 99:19, 99:22, 100:12, 100:18, 106:17, 106:20, 107:6, 107:7, 107:13, 108:24, 109:4, 110:11, 110:15, 110:16, 110:19, 110:20,</p>	<p>named [1] - 159:21</p> <p>name [114] - 26:6, 26:20, 29:8, 30:1, 30:22, 32:17, 33:21, 36:7, 37:12, 37:20, 40:25, 41:16, 42:5, 42:18, 43:2, 44:11, 46:15, 48:7, 50:17, 51:5, 53:21, 66:6, 66:7, 67:22, 67:25, 68:4, 68:10, 75:7, 75:9, 75:10, 77:3, 77:4, 82:18, 86:12, 90:6, 91:22, 93:6, 93:10, 94:3, 94:8, 96:25, 99:19, 99:22, 100:12, 100:18, 106:17, 106:20, 107:6, 107:7, 107:13, 108:24, 109:4, 110:11, 110:15, 110:16, 110:19, 110:20,</p>	<p>nailed [1] - 159:21</p> <p>name [114] - 26:6, 26:20, 29:8, 30:1, 30:22, 32:17, 33:21, 36:7, 37:12, 37:20, 40:25, 41:16, 42:5, 42:18, 43:2, 44:11, 46:15, 48:7, 50:17, 51:5, 53:21, 66:6, 66:7, 67:22, 67:25, 68:4, 68:10, 75:7, 75:9, 75:10, 77:3, 77:4, 82:18, 86:12, 90:6, 91:22, 93:6, 93:10, 94:3, 94:8, 96:25, 99:19, 99:22, 100:12, 100:18, 106:17, 106:20, 107:6, 107:7, 107:13, 108:24, 109:4, 110:11, 110:15, 110:16, 110:19, 110:20,</p>	<p>nailed [1] - 159:21</p> <p>name [114] - 26:6, 26:20, 29:8, 30:1, 30:22, 32:17, 33:21, 36:7, 37:12, 37:20, 40:25, 41:16, 42:5, 42:18, 43:2, 44:11, 46:15, 48:7, 50:17, 51:5, 53:21, 66:6, 66:7, 67:22, 67:25, 68:4, 68:10, 75:7, 75:9, 75:10, 77:3, 77:4, 82:18, 86:12, 90:6, 91:22, 93:6, 93:10, 94:3, 94:8, 96:25, 99:19, 99:22, 100:12, 100:18, 106:17, 106:20, 107:6, 107:7, 107:13, 108:24, 109:4, 110:11, 110:15, 110:16, 110:19, 110:20,</p>	<p>nailed [1] - 159:21</p> <p>name [114] - 26:6, 26:20, 29:8, 30:1, 30:22, 32:17, 33:21, 36:7, 37:12, 37:20, 40:25, 41:16, 42:5, 42:18, 43:2, 44:11, 46:15, 48:7, 50:17, 51:5, 53:21, 66:6, 66:7, 67:22, 67:25, 68:4, 68:10, 75:7, 75:9, 75:10, 77:3, 77:4, 82:18, 86:12, 90:6, 91:22, 93:6, 93:10, 94:3, 94:8, 96:25, 99:19, 99:22, 100:12, 100:18, 106:17, 106:20, 107:6, 107:7, 107:13, 108:24, 109:4, 110:11, 110:15, 110:16, 110:19, 110:20,</p>

<p>52:18, 185:16 notwithstanding [2] - 128:23, 195:10 novel [3] - 215:6, 215:8, 215:12 novelist [2] - 140:11, 140:14 November [10] - 65:15, 97:3, 99:20, 99:22, 100:13, 189:14, 205:9, 205:12, 228:5, 228:7 nowhere [2] - 200:2, 224:13 nowhere [13] - 9:12, 39:24, 58:3, 58:14, 89:6, 95:16, 105:21, 108:9, 198:13, 204:22, 220:3, 220:7, 230:18 numbers [2] - 176:21, 177:14 nurse [1] - 30:25 Nutrition [1] - 33:1 nutrition [1] - 33:2</p>	<p>193:11, 193:12, 212:20, 212:21, 213:21, 213:22, 220:11, 220:12, 222:13, 222:14, 223:11, 223:13, 223:15, 234:24 objections [3] - 56:5, 139:23, 144:7 obligated [1] - 231:3 obligations [1] - 214:18 observed [1] - 126:10 obviously [5] - 38:22, 40:17, 70:25, 204:13, 206:14 occupation [3] - 29:11, 30:3, 42:7 occurred [1] - 63:24 October [20] - 90:18, 92:24, 93:6, 93:10, 94:3, 95:22, 96:16, 97:5, 97:16, 98:1, 98:7, 98:8, 98:16, 98:25, 99:5, 99:12, 99:13, 206:12, 206:22 OF [4] - 1:2, 1:8, 1:11, 1:21 offer [38] - 15:21, 15:22, 16:15, 17:21, 80:19, 83:23, 87:4, 90:21, 93:12, 95:25, 97:10, 98:3, 98:20, 99:7, 99:24, 101:4, 101:7, 115:11, 130:13, 136:2, 138:2, 139:22, 141:1, 141:25, 143:6, 144:6, 145:11, 153:8, 153:14, 156:23, 159:6, 170:6, 190:7, 191:6, 201:4, 201:10, 234:23, 235:18 offered [18] - 15:12, 15:17, 16:22, 16:24, 17:13, 19:24, 103:13, 153:7, 169:25, 191:2, 191:16, 191:18, 192:3, 193:6, 217:8, 220:5, 220:9, 231:11 offering [8] - 14:21, 15:20, 74:14, 165:19, 170:17, 187:19, 189:15, 192:24 offers [3] - 16:2, 16:3,</p>	<p>57:1 office [2] - 81:9, 116:16 Office [1] - 65:22 Official [1] - 239:13 offline [1] - 154:23 often [4] - 31:21, 44:4, 113:9, 223:18 old [6] - 37:13, 74:11, 77:16, 78:5, 218:22, 218:25 Older [1] - 117:8 older [3] - 10:5, 117:14, 140:11 omissions [1] - 12:19 once [2] - 77:5, 219:13 one [121] - 5:22, 6:7, 6:18, 6:25, 7:5, 7:25, 10:14, 11:21, 11:25, 13:3, 16:12, 17:9, 17:19, 17:22, 19:9, 19:24, 26:20, 29:15, 29:16, 33:2, 34:13, 35:24, 51:14, 51:18, 52:10, 54:6, 54:15, 56:19, 56:20, 62:20, 63:16, 69:5, 69:6, 69:12, 70:6, 75:21, 77:5, 77:8, 79:2, 79:4, 79:5, 79:17, 79:20, 81:19, 85:21, 88:13, 88:22, 94:7, 97:15, 97:19, 97:21, 97:22, 99:2, 100:17, 101:3, 103:20, 103:21, 105:23, 113:14, 113:23, 115:5, 117:5, 118:22, 120:11, 122:17, 123:25, 125:23, 126:13, 128:8, 128:9, 128:11, 128:13, 130:23, 133:9, 133:24, 136:13, 136:14, 138:9, 141:18, 142:17, 142:18, 144:18, 146:22, 147:9, 147:10, 147:12, 157:5, 158:2, 159:18, 161:23, 164:23, 165:5, 168:2, 173:14, 174:5, 174:9, 175:13, 179:11, 183:2, 185:8, 188:15, 189:16, 189:25, 190:11, 190:23, 194:5,</p>	<p>196:14, 196:15, 200:5, 203:22, 210:6, 214:4, 225:22, 227:8, 227:24, 229:9, 229:22, 237:5 ones [1] - 230:21 ongoing [2] - 69:24, 116:25 oOo [1] - 239:1 open [6] - 27:16, 27:18, 58:20, 70:18, 89:22, 204:18 opened [1] - 21:3 opening [12] - 21:1, 21:8, 22:6, 54:21, 61:14, 61:17, 64:9, 68:24, 105:22, 162:5, 204:21 openly [1] - 208:17 opinion [22] - 8:12, 8:16, 58:18, 87:22, 120:24, 158:11, 158:19, 167:21, 168:2, 168:20, 168:21, 168:24, 169:3, 169:7, 201:1, 201:21, 201:23, 203:10, 213:13, 213:15, 227:22, 230:8 Opinion [1] - 151:16 opinions [1] - 201:25 opportunity [19] - 5:9, 57:19, 60:8, 102:12, 153:3, 153:7, 153:8, 153:15, 188:14, 193:19, 206:20, 217:25, 218:1, 218:3, 218:6, 218:10, 218:20, 219:3, 236:14 opposed [2] - 180:17, 183:13 opposite [1] - 180:15 option [1] - 121:17 OR [3] - 2:3, 2:6, 2:9 oral [1] - 48:22 orange [1] - 78:6 Order [1] - 151:17 order [25] - 15:6, 16:9, 19:13, 23:19, 24:1, 57:10, 86:24, 86:25, 87:2, 87:22, 118:25, 119:4, 128:3, 180:1, 191:13, 191:14, 191:18, 200:1, 208:22, 209:1, 213:16, 216:20, 230:8, 230:11,</p>	<p>230:12 ordered [2] - 59:20, 120:13 orders [1] - 159:17 OREGON [2] - 1:2, 1:8 Oregon [46] - 1:6, 1:6, 1:7, 1:8, 1:10, 1:12, 14:1, 29:9, 31:1, 31:7, 31:9, 31:10, 32:2, 33:7, 34:17, 34:18, 35:15, 38:22, 42:19, 43:6, 43:21, 45:23, 46:1, 65:21, 66:4, 70:18, 79:20, 81:10, 81:12, 83:11, 83:12, 83:14, 84:20, 84:24, 85:1, 87:17, 124:19, 146:6, 207:21, 207:25, 208:4, 210:17, 212:17, 231:9, 236:22, 239:13 organization [1] - 30:8 organizations [12] - 32:25, 34:3, 34:20, 35:20, 36:21, 37:2, 37:16, 38:22, 41:5, 42:14, 42:23 organize [2] - 162:13, 162:15 organized [1] - 95:15 organizer [3] - 77:20, 77:22, 162:20 organizing [1] - 42:10 original [1] - 239:6 originally [1] - 19:13 Oswego [1] - 38:18 otherwise [2] - 59:5, 164:5 ourselves [1] - 193:22 outbound [1] - 65:1 outcome [3] - 57:22, 86:14, 87:20 outer [1] - 36:8 outline [5] - 3:21, 61:15, 72:14, 72:16, 227:4 outlined [1] - 73:9 outlining [1] - 187:3 Outlook [4] - 200:17, 205:10, 206:6, 206:16 outside [13] - 28:1, 52:13, 58:6, 60:10, 63:19, 63:22, 82:2, 125:25, 153:11, 156:18, 185:4, 191:7, 228:16 outsource [1] - 64:24 outsourcing [1] -</p>
O				
<p>oath [3] - 25:23, 26:1, 53:25 object [2] - 57:3, 167:15 objecting [2] - 192:25, 193:8 objection [72] - 57:4, 57:5, 57:7, 80:21, 80:22, 83:24, 87:5, 87:6, 90:22, 90:23, 93:13, 93:14, 96:2, 96:3, 97:12, 98:4, 98:21, 99:9, 100:2, 100:3, 101:8, 101:11, 104:9, 115:12, 115:13, 125:10, 129:2, 130:15, 136:3, 136:5, 138:3, 141:2, 142:1, 143:8, 145:16, 145:18, 153:22, 154:9, 159:7, 159:8, 164:11, 165:23, 166:5, 167:23, 170:9, 172:25, 173:2, 173:6, 173:12, 174:21, 175:2, 175:18, 189:20, 189:22, 189:24, 190:12, 192:13, 192:18,</p>	<p>193:11, 193:12, 212:20, 212:21, 213:21, 213:22, 220:11, 220:12, 222:13, 222:14, 223:11, 223:13, 223:15, 234:24 objections [3] - 56:5, 139:23, 144:7 obligated [1] - 231:3 obligations [1] - 214:18 observed [1] - 126:10 obviously [5] - 38:22, 40:17, 70:25, 204:13, 206:14 occupation [3] - 29:11, 30:3, 42:7 occurred [1] - 63:24 October [20] - 90:18, 92:24, 93:6, 93:10, 94:3, 95:22, 96:16, 97:5, 97:16, 98:1, 98:7, 98:8, 98:16, 98:25, 99:5, 99:12, 99:13, 206:12, 206:22 OF [4] - 1:2, 1:8, 1:11, 1:21 offer [38] - 15:21, 15:22, 16:15, 17:21, 80:19, 83:23, 87:4, 90:21, 93:12, 95:25, 97:10, 98:3, 98:20, 99:7, 99:24, 101:4, 101:7, 115:11, 130:13, 136:2, 138:2, 139:22, 141:1, 141:25, 143:6, 144:6, 145:11, 153:8, 153:14, 156:23, 159:6, 170:6, 190:7, 191:6, 201:4, 201:10, 234:23, 235:18 offered [18] - 15:12, 15:17, 16:22, 16:24, 17:13, 19:24, 103:13, 153:7, 169:25, 191:2, 191:16, 191:18, 192:3, 193:6, 217:8, 220:5, 220:9, 231:11 offering [8] - 14:21, 15:20, 74:14, 165:19, 170:17, 187:19, 189:15, 192:24 offers [3] - 16:2, 16:3,</p>	<p>57:1 office [2] - 81:9, 116:16 Office [1] - 65:22 Official [1] - 239:13 offline [1] - 154:23 often [4] - 31:21, 44:4, 113:9, 223:18 old [6] - 37:13, 74:11, 77:16, 78:5, 218:22, 218:25 Older [1] - 117:8 older [3] - 10:5, 117:14, 140:11 omissions [1] - 12:19 once [2] - 77:5, 219:13 one [121] - 5:22, 6:7, 6:18, 6:25, 7:5, 7:25, 10:14, 11:21, 11:25, 13:3, 16:12, 17:9, 17:19, 17:22, 19:9, 19:24, 26:20, 29:15, 29:16, 33:2, 34:13, 35:24, 51:14, 51:18, 52:10, 54:6, 54:15, 56:19, 56:20, 62:20, 63:16, 69:5, 69:6, 69:12, 70:6, 75:21, 77:5, 77:8, 79:2, 79:4, 79:5, 79:17, 79:20, 81:19, 85:21, 88:13, 88:22, 94:7, 97:15, 97:19, 97:21, 97:22, 99:2, 100:17, 101:3, 103:20, 103:21, 105:23, 113:14, 113:23, 115:5, 117:5, 118:22, 120:11, 122:17, 123:25, 125:23, 126:13, 128:8, 128:9, 128:11, 128:13, 130:23, 133:9, 133:24, 136:13, 136:14, 138:9, 141:18, 142:17, 142:18, 144:18, 146:22, 147:9, 147:10, 147:12, 157:5, 158:2, 159:18, 161:23, 164:23, 165:5, 168:2, 173:14, 174:5, 174:9, 175:13, 179:11, 183:2, 185:8, 188:15, 189:16, 189:25, 190:11, 190:23, 194:5,</p>	<p>196:14, 196:15, 200:5, 203:22, 210:6, 214:4, 225:22, 227:8, 227:24, 229:9, 229:22, 237:5 ones [1] - 230:21 ongoing [2] - 69:24, 116:25 oOo [1] - 239:1 open [6] - 27:16, 27:18, 58:20, 70:18, 89:22, 204:18 opened [1] - 21:3 opening [12] - 21:1, 21:8, 22:6, 54:21, 61:14, 61:17, 64:9, 68:24, 105:22, 162:5, 204:21 openly [1] - 208:17 opinion [22] - 8:12, 8:16, 58:18, 87:22, 120:24, 158:11, 158:19, 167:21, 168:2, 168:20, 168:21, 168:24, 169:3, 169:7, 201:1, 201:21, 201:23, 203:10, 213:13, 213:15, 227:22, 230:8 Opinion [1] - 151:16 opinions [1] - 201:25 opportunity [19] - 5:9, 57:19, 60:8, 102:12, 153:3, 153:7, 153:8, 153:15, 188:14, 193:19, 206:20, 217:25, 218:1, 218:3, 218:6, 218:10, 218:20, 219:3, 236:14 opposed [2] - 180:17, 183:13 opposite [1] - 180:15 option [1] - 121:17 OR [3] - 2:3, 2:6, 2:9 oral [1] - 48:22 orange [1] - 78:6 Order [1] - 151:17 order [25] - 15:6, 16:9, 19:13, 23:19, 24:1, 57:10, 86:24, 86:25, 87:2, 87:22, 118:25, 119:4, 128:3, 180:1, 191:13, 191:14, 191:18, 200:1, 208:22, 209:1, 213:16, 216:20, 230:8, 230:11,</p>	<p>230:12 ordered [2] - 59:20, 120:13 orders [1] - 159:17 OREGON [2] - 1:2, 1:8 Oregon [46] - 1:6, 1:6, 1:7, 1:8, 1:10, 1:12, 14:1, 29:9, 31:1, 31:7, 31:9, 31:10, 32:2, 33:7, 34:17, 34:18, 35:15, 38:22, 42:19, 43:6, 43:21, 45:23, 46:1, 65:21, 66:4, 70:18, 79:20, 81:10, 81:12, 83:11, 83:12, 83:14, 84:20, 84:24, 85:1, 87:17, 124:19, 146:6, 207:21, 207:25, 208:4, 210:17, 212:17, 231:9, 236:22, 239:13 organization [1] - 30:8 organizations [12] - 32:25, 34:3, 34:20, 35:20, 36:21, 37:2, 37:16, 38:22, 41:5, 42:14, 42:23 organize [2] - 162:13, 162:15 organized [1] - 95:15 organizer [3] - 77:20, 77:22, 162:20 organizing [1] - 42:10 original [1] - 239:6 originally [1] - 19:13 Oswego [1] - 38:18 otherwise [2] - 59:5, 164:5 ourselves [1] - 193:22 outbound [1] - 65:1 outcome [3] - 57:22, 86:14, 87:20 outer [1] - 36:8 outline [5] - 3:21, 61:15, 72:14, 72:16, 227:4 outlined [1] - 73:9 outlining [1] - 187:3 Outlook [4] - 200:17, 205:10, 206:6, 206:16 outside [13] - 28:1, 52:13, 58:6, 60:10, 63:19, 63:22, 82:2, 125:25, 153:11, 156:18, 185:4, 191:7, 228:16 outsource [1] - 64:24 outsourcing [1] -</p>

<p>229:12 overbilled [1] - 219:11 overbilling [4] - 65:19, 82:8, 205:20, 218:13 overcome [1] - 27:17 overly [1] - 61:4 overrule [1] - 57:4 overruled [4] - 158:14, 165:24, 175:19, 223:15 owes [1] - 226:2 own [4] - 37:14, 60:5, 61:3, 66:11, 67:25, 74:4, 75:4, 99:22, 108:11, 110:4, 146:21, 192:19, 197:18, 227:1 owned [6] - 33:13, 51:10, 64:19, 214:20, 214:22, 215:18 owner [3] - 64:18, 140:12 owning [1] - 33:25</p>	<p>235:6 pages [10] - 11:6, 11:8, 18:20, 69:21, 95:17, 105:22, 128:7, 148:15, 172:1, 223:7 Paget [1] - 26:6 paid [2] - 66:25, 120:17 pain [1] - 194:23 painful [2] - 225:9, 225:10 painting [1] - 30:9 panel [3] - 23:8, 26:2, 28:7 Panner [1] - 39:1 Papak [1] - 230:14 paper [2] - 28:15, 28:19 paragraph [28] - 72:1, 106:13, 114:10, 118:13, 118:19, 119:23, 121:20, 122:14, 123:1, 123:24, 125:3, 125:21, 128:9, 128:10, 128:12, 128:17, 128:18, 129:1, 130:18, 131:22, 131:23, 131:25, 133:4, 133:21, 171:1, 186:17 pardon [1] - 131:4 parent [1] - 158:25 parents [3] - 34:17, 34:18, 44:12 parity [1] - 104:5 Parsell [3] - 24:15, 35:14, 53:23 part [51] - 5:12, 7:21, 9:22, 10:12, 11:24, 13:9, 13:10, 15:15, 19:12, 46:5, 53:8, 53:14, 57:16, 62:5, 66:1, 66:9, 70:11, 72:6, 72:16, 73:11, 84:22, 105:24, 106:2, 114:19, 157:8, 158:6, 159:24, 159:25, 170:6, 170:8, 170:23, 171:16, 175:20, 182:3, 183:24, 184:1, 186:8, 186:10, 186:21, 191:1, 198:6, 199:8, 208:21, 219:7, 226:23, 227:24,</p>	<p>228:12, 229:4, 237:2 participate [1] - 49:12 participation [2] - 62:25, 63:7 particular [17] - 6:24, 21:4, 23:19, 47:23, 49:7, 49:22, 51:23, 52:5, 52:11, 62:4, 109:3, 173:4, 194:21, 195:6, 198:11, 215:3, 224:3 particularly [1] - 187:19 parties [20] - 3:2, 16:6, 23:8, 25:17, 28:4, 29:6, 40:17, 45:2, 55:6, 55:21, 56:4, 58:6, 60:7, 85:21, 124:2, 124:17, 124:18, 129:15, 151:17, 193:24 partner [5] - 69:11, 73:9, 208:8, 208:24, 210:23 party [20] - 15:20, 17:13, 17:16, 27:3, 30:10, 31:8, 32:7, 32:11, 33:10, 36:13, 39:6, 39:7, 44:16, 57:1, 60:8, 61:7, 61:16, 61:17, 214:20, 218:5 pass [2] - 46:16, 125:23 passage [3] - 8:18, 106:15, 126:17 passions [1] - 33:2 password [1] - 122:2 passwords [1] - 228:18 past [2] - 209:14, 211:8 path [4] - 73:8, 107:5, 184:12 Paul [4] - 162:15, 162:21, 162:22, 236:20 Pause [16] - 88:9, 106:12, 117:6, 133:20, 136:5, 142:7, 142:10, 142:12, 145:6, 163:9, 171:15, 189:19, 193:6, 193:8, 222:10, 226:12 pause [5] - 53:19, 74:21, 91:12, 199:4, 229:23 Pause [1] - 223:12</p>	<p>pay [7] - 60:16, 88:13, 90:1, 209:17, 231:3, 231:24 payday [1] - 136:22 Payne [1] - 25:11 PCC [1] - 44:13 peace [1] - 134:17 pedophile [4] - 9:14, 128:23, 131:6, 131:9 pedophilia [2] - 6:21, 127:21 peer [2] - 204:16 peer-to-peer [1] - 204:16 pending [1] - 146:10 people [42] - 45:10, 47:25, 54:17, 59:14, 66:13, 70:10, 71:1, 79:3, 79:4, 79:12, 81:24, 82:15, 102:10, 102:20, 104:17, 105:3, 105:9, 105:14, 117:1, 119:8, 123:9, 124:7, 137:11, 146:4, 147:16, 148:9, 148:10, 148:21, 151:11, 168:12, 179:17, 182:19, 183:2, 183:6, 183:16, 192:5, 202:6, 204:17, 211:25, 215:4, 219:16 people's [3] - 78:13, 112:1, 132:19 peppered [2] - 102:2, 227:17 per [4] - 207:16, 207:17, 207:18, 225:13 perceived [1] - 89:3 percent [2] - 16:19, 198:14 percentage [1] - 214:23 peremptory [1] - 53:12 perform [1] - 64:1 performance [1] - 107:14 perhaps [4] - 44:3, 101:9, 162:17, 178:20 period [6] - 88:10, 88:14, 120:12, 154:23, 222:8 periods [1] - 120:12 perjurious [2] - 219:5, 226:18</p>	<p>Perjury [1] - 138:17 perjury [11] - 71:11, 72:13, 74:6, 74:8, 123:3, 163:7, 163:10, 163:14, 210:22, 224:5, 224:18 permission [3] - 21:2, 90:25, 100:5 permits [1] - 56:21 permitted [1] - 57:2 perpetrated [1] - 72:11 person [22] - 9:4, 10:17, 32:20, 59:8, 79:5, 106:3, 120:16, 122:1, 123:5, 126:22, 132:22, 135:2, 148:11, 179:6, 179:8, 210:14, 219:9, 221:2, 228:15 personal [5] - 69:3, 79:7, 102:2, 112:4, 176:22 personality [1] - 148:8 personally [2] - 56:18, 72:20 perspective [3] - 11:3, 19:5, 218:17 pertinent [1] - 112:17 ph [1] - 167:8 ph [1] - 162:21 pharmacist [1] - 41:2 pharmacy [1] - 41:4 Philadelphia [2] - 65:10, 75:21 phone [2] - 59:9, 77:17 photograph [1] - 126:12 pick [3] - 65:2, 224:6, 232:7 picked [2] - 34:5, 176:5 picture [7] - 9:21, 97:1, 109:2, 109:9, 109:13, 109:16 piece [8] - 28:15, 28:19, 33:12, 148:19, 169:1, 171:4, 172:2, 199:6 pilot [1] - 39:4 place [9] - 7:19, 10:4, 25:18, 52:3, 78:4, 113:7, 173:8, 222:10, 224:10 places [4] - 75:23, 105:3, 133:25, 147:8 Plaintiff [1] - 1:4</p>
P				
<p>P-a-r-s-e-l-l [1] - 24:15 P-a-y-n-e [1] - 25:11 page [67] - 11:25, 72:1, 95:17, 106:8, 106:13, 106:16, 107:5, 108:17, 112:17, 113:15, 117:2, 118:11, 119:23, 121:20, 122:20, 122:24, 123:23, 125:2, 125:20, 128:12, 130:23, 131:12, 131:16, 131:20, 133:3, 133:4, 133:19, 136:10, 136:12, 137:5, 139:16, 140:20, 141:7, 142:18, 143:19, 144:3, 144:18, 144:19, 150:6, 150:11, 151:15, 155:6, 155:7, 157:13, 158:2, 158:21, 158:25, 159:1, 159:2, 173:16, 173:17, 173:18, 173:19, 199:8, 199:13, 199:14, 203:15, 206:11, 222:16, 226:12, 232:9, 233:1, 233:2,</p>				

<p>plaintiff [44] - 9:13, 9:15, 26:11, 45:11, 45:19, 46:6, 46:8, 53:8, 61:18, 62:2, 62:6, 62:8, 62:9, 62:10, 62:11, 62:16, 62:18, 62:20, 62:23, 62:24, 63:6, 63:10, 63:12, 63:14, 63:18, 64:9, 65:8, 130:21, 130:22, 130:24, 131:1, 131:3, 131:5, 131:6, 185:19, 195:11, 209:12, 213:19, 222:17, 229:6, 235:18, 237:13</p> <p>PLAINTIFF [2] - 2:2, 26:17</p> <p>Plaintiffs [14] - 93:23, 95:25, 100:8, 150:4, 151:1, 155:20, 155:21, 156:17, 163:8, 173:15, 173:16, 201:2, 201:15, 226:13</p> <p>plaintiffs [12] - 9:17, 19:5, 61:20, 61:21, 151:16, 156:5, 175:5, 188:24, 193:20, 194:4, 201:6, 230:3</p> <p>plaintiffs' [1] - 40:18</p> <p>plan [1] - 179:13</p> <p>planning [2] - 11:18, 30:3</p> <p>plans [1] - 64:24</p> <p>play [5] - 34:4, 34:21, 36:11, 44:15, 116:9</p> <p>played [1] - 76:12</p> <p>playing [4] - 41:6, 76:11, 78:7, 125:25</p> <p>pleasant [1] - 238:10</p> <p>PLF [3] - 14:7, 14:15, 184:6</p> <p>plural [1] - 114:16</p> <p>plus [2] - 35:18, 140:5</p> <p>point [38] - 3:9, 11:17, 12:17, 16:11, 20:11, 22:16, 45:1, 78:18, 81:15, 96:14, 105:12, 113:1, 113:2, 113:24, 119:25, 120:25, 121:19, 138:10, 165:5, 165:6, 184:14, 185:7, 187:2, 191:11, 191:24, 200:6, 202:18, 206:6,</p>	<p>210:9, 211:1, 213:10, 217:24, 218:4, 218:7, 219:2, 221:4, 236:16, 236:18</p> <p>pointed [1] - 222:6</p> <p>points [4] - 28:18, 29:1, 29:6, 217:19</p> <p>poking [1] - 203:11</p> <p>police [1] - 126:15</p> <p>policy [3] - 176:1, 176:19, 177:9</p> <p>polite [1] - 72:18</p> <p>pool [2] - 28:6, 44:20</p> <p>pops [1] - 184:8</p> <p>porn [15] - 7:19, 9:2, 103:19, 121:23, 122:5, 123:5, 123:10, 123:15, 123:16, 123:18, 123:19, 174:16, 174:18, 203:25, 204:13</p> <p>pornography [4] - 68:5, 103:19, 104:15, 104:16</p> <p>portion [4] - 9:7, 17:22, 125:2, 125:21</p> <p>portions [1] - 11:15</p> <p>Portland [27] - 1:6, 2:3, 2:9, 32:21, 36:8, 38:10, 38:20, 41:1, 41:17, 42:6, 43:3, 49:15, 91:23, 94:5, 113:23, 114:2, 114:3, 114:8, 141:9, 209:23, 221:19, 221:20, 224:10, 224:11, 232:20, 233:14</p> <p>position [15] - 8:7, 18:12, 52:7, 72:10, 74:3, 74:5, 84:11, 175:1, 195:9, 200:14, 206:12, 208:20, 218:8, 222:19</p> <p>positions [2] - 71:17, 74:17</p> <p>positive [1] - 35:23</p> <p>possession [2] - 175:1, 228:1</p> <p>possible [6] - 9:14, 9:18, 44:22, 45:11, 45:13, 131:6</p> <p>possibly [3] - 92:7, 121:13, 149:13</p> <p>post [10] - 20:5, 20:9, 72:18, 110:9, 116:16, 164:20,</p>	<p>175:9, 175:12, 216:11, 231:21</p> <p>post-employment [1] - 164:20</p> <p>posted [3] - 136:16, 136:18, 144:20</p> <p>posting [1] - 110:10</p> <p>posts [3] - 20:7, 196:19, 221:21</p> <p>potential [8] - 25:25, 28:7, 45:7, 45:8, 46:10, 47:15, 52:23, 208:25</p> <p>potentially [1] - 48:24</p> <p>practice [2] - 63:13, 78:1</p> <p>practiced [1] - 107:20</p> <p>prayer [1] - 237:16</p> <p>precaution [1] - 48:20</p> <p>precautionary [2] - 54:21, 236:5</p> <p>preceding [1] - 114:11</p> <p>precisely [5] - 153:15, 198:7, 199:15, 212:25, 220:20</p> <p>precluded [2] - 14:20, 203:5</p> <p>precludes [1] - 191:14</p> <p>preferred [1] - 32:18</p> <p>prejudice [5] - 6:1, 8:21, 11:12, 57:23, 120:5</p> <p>preliminary [1] - 54:21</p> <p>prepared [2] - 14:4, 112:16</p> <p>preponderance [4] - 27:5, 62:12, 62:20, 63:15</p> <p>presence [7] - 28:2, 28:9, 109:20, 109:21, 109:22, 148:16, 185:5</p> <p>present [7] - 58:8, 61:18, 61:21, 120:21, 171:8, 194:4, 213:5</p> <p>presentation [1] - 61:8</p> <p>presented [3] - 61:23, 207:4, 224:5</p> <p>preservation [1] - 227:23</p> <p>preserve [2] - 203:1, 203:2</p> <p>preserved [1] - 227:23</p> <p>president [2] - 81:21, 229:7</p> <p>press [9] - 59:14, 105:5, 105:8, 144:19, 144:20,</p>	<p>145:13, 234:4, 234:10, 235:7</p> <p>pretend [1] - 215:16</p> <p>pretty [13] - 39:20, 49:6, 52:2, 85:23, 102:3, 109:22, 110:6, 124:25, 134:4, 146:20, 162:10, 184:12, 211:1</p> <p>prevail [2] - 136:24</p> <p>prevailed [2] - 6:8, 71:13</p> <p>previously [3] - 14:20, 62:10, 190:25</p> <p>primarily [3] - 39:10, 40:18, 78:13</p> <p>print [6] - 95:21, 97:2, 97:21, 98:15, 139:15, 140:10</p> <p>printed [16] - 95:6, 96:15, 97:8, 97:22, 97:25, 98:16, 98:18, 99:5, 99:13, 138:20, 139:17, 139:18, 140:21, 141:20, 141:21, 142:19</p> <p>printout [3] - 10:4, 135:22, 234:20</p> <p>printouts [1] - 142:17</p> <p>Private [1] - 110:14</p> <p>private [11] - 9:1, 9:3, 27:22, 33:10, 56:9, 62:14, 66:4, 121:23, 121:24, 122:4, 215:3</p> <p>PrivateLessons.com [1] - 109:15</p> <p>Pro [1] - 2:5</p> <p>problem [16] - 8:1, 9:23, 10:10, 15:8, 48:10, 84:8, 109:24, 110:2, 110:5, 123:14, 129:13, 136:15, 184:10, 190:13, 217:23, 221:10</p> <p>problems [4] - 5:4, 47:23, 110:8, 190:14</p> <p>procedure [1] - 132:7</p> <p>proceed [5] - 122:12, 129:17, 195:24, 196:3, 223:16</p> <p>proceeding [7] - 36:23, 39:7, 103:13, 104:4, 146:11, 146:12, 159:23</p> <p>proceedings [9] - 33:5, 53:19, 60:10, 74:21, 91:12, 199:4, 229:23, 238:13,</p>	<p>239:5</p> <p>PROCEEDINGS [1] - 1:21</p> <p>process [19] - 25:18, 27:17, 28:9, 50:10, 53:14, 78:13, 86:7, 92:9, 92:13, 104:6, 126:20, 133:25, 135:13, 149:5, 177:20, 180:9, 181:10, 200:1, 215:12</p> <p>processed [1] - 180:2</p> <p>processes [1] - 150:17</p> <p>processing [1] - 229:12</p> <p>processor [1] - 78:12</p> <p>produce [4] - 79:9, 79:10, 174:5, 228:8</p> <p>product [8] - 69:3, 74:4, 77:17, 103:10, 103:11, 103:15, 221:15</p> <p>profession [3] - 76:15, 103:6, 103:7</p> <p>professionally [1] - 168:12</p> <p>Professionals [1] - 33:1</p> <p>profile [3] - 109:12, 139:19, 140:3</p> <p>profiles [1] - 175:16</p> <p>profit [6] - 1:7, 1:9, 1:10, 1:11, 45:24, 46:1</p> <p>profiteer [2] - 100:21, 100:24</p> <p>program [3] - 179:21, 182:17, 216:1</p> <p>programmer [6] - 78:12, 165:9, 165:14, 181:10, 181:13, 203:2</p> <p>programming [31] - 42:15, 42:24, 70:7, 70:9, 76:10, 77:23, 137:19, 137:20, 139:6, 154:15, 154:18, 165:13, 165:15, 177:17, 177:20, 177:23, 177:25, 178:4, 178:11, 179:6, 179:8, 180:10, 182:7, 182:12, 183:19, 202:13, 202:20, 204:12, 204:14, 216:1</p> <p>programs [28] - 32:22,</p>
---	---	--	---	--

78:13, 85:10, 114:12, 139:3, 180:25, 181:25, 182:4, 182:8, 182:11, 182:21, 199:24, 200:1, 200:2, 200:8, 200:11, 202:22, 203:4, 203:25, 205:1, 216:2, 216:4, 216:7, 216:13, 227:25, 228:2 prohibiting [1] - 4:17 project [1] - 36:18 Project [1] - 30:7 proliferating [1] - 105:1 prominently [3] - 106:20, 184:9, 224:5 promoting [1] - 141:7 prong [2] - 218:2, 218:11 proof [1] - 56:19 properly [2] - 59:23, 124:20 property [5] - 33:13, 38:19, 85:9, 86:18, 215:18 proposed [2] - 19:13, 236:13 prosecutor [1] - 27:1 PROSPECTIVE [84] - 29:8, 29:23, 30:1, 30:12, 30:14, 30:20, 30:22, 31:10, 31:15, 31:21, 31:24, 32:4, 32:10, 32:13, 32:16, 33:12, 33:19, 33:21, 34:11, 34:14, 34:16, 34:24, 35:1, 35:5, 35:14, 35:25, 36:3, 36:7, 36:15, 36:25, 37:6, 37:10, 37:12, 37:20, 38:3, 38:6, 38:9, 38:17, 39:10, 39:17, 39:23, 40:3, 40:5, 40:9, 40:15, 40:20, 40:24, 40:25, 41:10, 41:14, 41:16, 41:24, 42:3, 42:5, 42:18, 43:2, 43:13, 43:17, 43:20, 44:1, 44:6, 44:9, 44:11, 46:17, 46:19, 47:2, 47:7, 48:5, 48:8, 48:17, 48:19, 49:2, 49:6, 49:9, 49:11, 49:15, 49:17, 50:6, 50:13, 50:18, 50:23, 50:25, 51:6, 51:9	prospective [3] - 23:9, 26:2, 54:10 protect [3] - 73:21, 204:6, 212:7 protected [3] - 62:21, 62:25, 63:7 protecting [1] - 204:20 protection [1] - 121:12 protective [5] - 15:6, 159:17, 191:12, 191:13, 191:17 prove [4] - 27:2, 27:4, 62:18 provide [12] - 28:8, 28:12, 86:2, 86:5, 199:23, 206:2, 206:5, 206:8, 215:16, 230:25 provided [21] - 9:4, 11:7, 11:9, 50:9, 71:22, 74:1, 103:23, 121:25, 152:6, 166:25, 199:22, 200:16, 203:17, 205:17, 206:4, 208:1, 208:4, 219:10, 224:4, 236:12, 236:16 Providence [1] - 34:19 provides [3] - 130:22, 222:21, 233:14 providing [2] - 103:22, 227:6 proving [4] - 62:11, 62:19, 63:14, 63:16 PST [3] - 206:6, 206:16, 228:9 public [12] - 6:18, 7:18, 10:18, 19:12, 19:20, 52:2, 70:21, 73:12, 104:3, 172:23, 191:11 publication [1] - 96:17 publications [1] - 62:13 publicity [1] - 104:22 publicize [1] - 147:8 publish [18] - 90:25, 93:16, 94:21, 96:5, 100:5, 133:7, 134:16, 136:7, 138:6, 164:13, 170:12, 201:9, 201:18, 212:22, 222:15, 222:18, 223:10 Publish [1] - 96:6 published [21] -	67:13, 72:13, 91:3, 93:23, 98:8, 98:25, 100:8, 102:6, 112:18, 131:18, 138:18, 138:20, 156:21, 164:12, 170:14, 201:5, 225:17, 229:1, 231:19, 234:6, 234:8 publishes [1] - 134:5 publishing [9] - 19:15, 62:8, 67:14, 67:19, 103:4, 121:8, 142:15, 154:10, 191:14 pull [2] - 190:3, 190:9 punishment [1] - 225:21 punitive [10] - 16:13, 17:25, 18:1, 236:18, 236:24, 237:2, 237:9, 237:12, 237:19, 238:6 purpose [6] - 27:8, 56:12, 56:14, 56:15, 58:10, 78:23 purposes [1] - 216:22 pursuing [1] - 218:20 push [1] - 182:17 pushed [1] - 179:11 put [57] - 23:17, 23:25, 70:20, 70:21, 74:8, 74:16, 76:23, 77:18, 79:11, 85:24, 85:25, 86:18, 90:7, 106:9, 108:19, 109:13, 109:16, 111:9, 113:8, 114:10, 115:16, 116:17, 117:7, 122:23, 123:23, 125:2, 125:16, 125:20, 132:4, 134:6, 137:20, 141:8, 148:14, 153:21, 156:11, 165:2, 165:4, 188:13, 192:8, 200:11, 200:23, 211:2, 211:17, 211:19, 211:21, 212:10, 213:19, 216:24, 219:4, 221:11, 226:17, 231:12, 232:4, 234:20, 235:7 puts [2] - 88:25, 203:3 putting [9] - 10:24, 66:13, 147:15, 161:9, 180:13, 207:9, 212:11,	226:24, 226:25 Q qualifications [2] - 25:19, 27:10 quality [1] - 148:6 questioning [3] - 27:24, 28:3, 115:25 questions [30] - 3:5, 3:18, 25:20, 25:21, 25:23, 25:24, 27:8, 27:11, 27:16, 27:19, 28:1, 28:11, 28:13, 28:22, 29:1, 29:21, 44:25, 56:5, 149:23, 151:24, 157:12, 193:14, 193:18, 195:13, 195:14, 195:21, 197:25, 231:18, 236:9 quickly [4] - 44:22, 54:23, 74:1, 124:17 quite [4] - 31:6, 113:10, 121:1, 164:19 R R-o-t-e [1] - 197:23 R-u-t-t-e-r [1] - 24:18 Rachael [2] - 24:23, 40:25 Rachel [2] - 24:24, 41:16 racketeering [2] - 207:16, 207:19 railroad [3] - 39:11, 39:19 Railroad [1] - 39:24 railroads [1] - 39:11 Railway [2] - 39:18, 39:19 raise [27] - 6:14, 21:1, 26:1, 45:3, 46:4, 46:11, 47:16, 47:23, 50:3, 51:19, 51:23, 52:6, 52:9, 52:17, 52:20, 52:24, 53:25, 69:23, 69:24, 70:6, 70:14, 74:25, 133:9, 168:3, 197:12, 209:2, 228:19 raised [5] - 49:24, 50:1, 51:20, 163:15, 225:4 ran [3] - 64:23, 77:11, 228:22 random [2] - 184:2, 184:4	rather [4] - 27:9, 62:14, 119:3, 229:13 Raymond [1] - 25:13 RC [1] - 37:25 re [4] - 11:17, 142:8, 168:14, 178:5 re-create [1] - 178:5 re-litigation [1] - 11:17 re-talk [1] - 142:8 reach [1] - 55:17 reached [6] - 14:2, 15:19, 16:8, 70:20, 120:6, 201:23 reaching [3] - 104:25, 220:18, 221:15 reaction [5] - 92:4, 94:9, 94:13, 111:21, 111:23 read [28] - 3:7, 8:18, 35:20, 37:2, 47:15, 53:20, 59:24, 78:1, 100:15, 105:25, 106:2, 106:6, 108:25, 111:15, 116:4, 118:16, 121:21, 123:12, 125:13, 125:23, 130:18, 132:3, 133:10, 134:1, 142:5, 184:6 Reader's [1] - 29:5 reading [27] - 8:19, 8:25, 30:9, 36:22, 41:21, 43:8, 89:2, 94:6, 107:21, 107:24, 114:11, 114:18, 115:21, 116:6, 118:20, 120:10, 121:22, 123:3, 123:25, 124:17, 125:4, 125:23, 130:20, 132:15, 133:21, 136:22, 184:5 Reading [7] - 9:13, 116:13, 120:13, 131:5, 132:6, 133:6, 137:1 reads [1] - 125:4 ready [4] - 22:20, 22:21, 22:23, 197:11 real [10] - 34:1, 41:3, 82:9, 110:11, 112:1, 148:20, 160:19, 160:20, 160:21 reality [1] - 10:18 really [19] - 16:20, 29:1, 30:7, 40:10, 47:5, 51:25, 78:2,
--	---	---	---	--

<p>78:8, 84:7, 103:2, 107:11, 111:14, 112:4, 116:3, 134:7, 149:21, 177:19, 209:16, 219:20</p> <p>reason [10] - 14:11, 68:19, 88:17, 103:4, 107:16, 107:17, 117:20, 135:11, 147:1, 148:5</p> <p>reasonable [4] - 8:5, 27:2, 63:2, 63:3</p> <p>reasonableness [1] - 57:24</p> <p>reasons [4] - 107:14, 172:8, 177:10, 211:16</p> <p>rebrand [1] - 224:9</p> <p>rebranded [6] - 154:20, 155:11, 221:18, 224:9, 232:19, 232:21</p> <p>rebuttal [2] - 15:15, 235:19</p> <p>receive [3] - 28:1, 59:22, 88:20</p> <p>received [58] - 9:16, 15:14, 55:20, 56:11, 56:25, 57:5, 57:7, 58:25, 80:23, 83:25, 87:7, 90:24, 93:15, 96:4, 97:13, 98:5, 98:22, 99:10, 100:4, 101:12, 103:15, 115:8, 115:14, 116:15, 118:20, 119:4, 130:16, 136:6, 138:4, 139:24, 141:3, 142:2, 143:9, 144:8, 152:13, 152:17, 155:23, 156:22, 159:9, 163:16, 164:14, 170:11, 170:15, 190:16, 193:13, 201:10, 201:16, 205:8, 205:19, 212:14, 212:15, 212:22, 213:23, 220:6, 220:10, 220:13, 222:15, 235:4</p> <p>receiving [2] - 115:17, 205:13</p> <p>recently [1] - 105:5</p> <p>recess [14] - 23:7, 54:19, 55:3, 55:5, 58:8, 127:7, 129:9, 129:14, 145:21, 166:20, 184:19,</p>	<p>193:23</p> <p>reclaim [1] - 68:21</p> <p>recognize [20] - 45:3, 45:10, 80:13, 83:16, 86:23, 93:3, 95:9, 96:21, 106:15, 115:1, 130:1, 135:20, 137:14, 140:17, 141:15, 142:22, 143:16, 144:14, 145:4, 237:5</p> <p>recollection [5] - 159:19, 167:2, 167:3, 167:6, 174:3</p> <p>reconvene [3] - 55:7, 129:16, 193:24</p> <p>reconvened [1] - 238:14</p> <p>record [9] - 23:5, 53:6, 57:11, 122:11, 159:24, 164:5, 192:2, 210:14, 239:4</p> <p>recorded [1] - 208:16</p> <p>recording [1] - 76:13</p> <p>records [2] - 180:13, 204:1</p> <p>recourse [1] - 123:21</p> <p>recover [1] - 88:18</p> <p>recovered [2] - 130:24, 173:25</p> <p>recreated [2] - 70:9, 177:24</p> <p>recusal [3] - 69:18, 168:14, 211:22</p> <p>recused [1] - 69:16</p> <p>recusing [1] - 168:7</p> <p>redact [3] - 128:25, 220:2, 223:20</p> <p>redacted [11] - 130:14, 154:24, 155:1, 155:2, 155:12, 221:21, 221:22, 224:2, 232:21, 233:6</p> <p>redacting [2] - 128:8, 220:21</p> <p>redactions [2] - 130:10, 224:1</p> <p>redirect [3] - 193:19, 195:24, 197:1</p> <p>refer [10] - 22:1, 60:16, 156:14, 169:24, 170:21, 201:1, 210:2, 217:6, 220:4</p> <p>reference [13] - 19:18, 21:11, 60:3, 128:23, 163:17, 186:17, 187:4, 198:12, 199:9, 199:14, 201:6, 216:16, 222:25</p>	<p>referenced [4] - 128:17, 174:14, 174:19, 188:13</p> <p>references [4] - 18:16, 143:19, 143:22, 182:23</p> <p>referencing [2] - 22:12, 117:13</p> <p>referral [1] - 210:1</p> <p>referred [4] - 157:1, 183:11, 229:6, 231:17</p> <p>referring [2] - 10:13, 21:23</p> <p>refers [1] - 176:6</p> <p>refiled [1] - 230:21</p> <p>reflected [1] - 160:21</p> <p>reflecting [1] - 52:22</p> <p>reformat [4] - 176:2, 176:20, 204:3, 204:8</p> <p>reformatted [15] - 175:17, 175:25, 176:4, 176:5, 176:6, 176:12, 176:13, 176:14, 176:16, 176:19, 176:24, 204:5, 216:5, 227:11</p> <p>reformatting [2] - 130:25, 175:17</p> <p>refresh [2] - 147:20, 174:2</p> <p>refused [3] - 7:13, 7:14, 11:13</p> <p>refusing [1] - 8:14</p> <p>refute [2] - 163:10, 206:20</p> <p>refuted [1] - 185:22</p> <p>regarding [5] - 3:19, 3:21, 33:12, 58:20, 183:3</p> <p>regards [1] - 18:2</p> <p>region's [1] - 210:17</p> <p>registered [2] - 30:24, 116:15</p> <p>rehabilitation [1] - 43:22</p> <p>reinforce [1] - 8:17</p> <p>reinstated [1] - 219:22</p> <p>rejected [1] - 71:18</p> <p>relabeled [1] - 154:23</p> <p>relate [1] - 72:2</p> <p>related [9] - 19:9, 45:21, 62:10, 101:19, 102:16, 104:14, 162:6, 184:11</p> <p>relates [2] - 10:18, 114:6</p> <p>relationship [12] - 3:7, 14:7, 20:12, 46:4,</p>	<p>71:14, 72:23, 82:1, 168:11, 208:7, 210:25, 225:2, 226:24</p> <p>relax [1] - 147:4</p> <p>release [8] - 105:5, 105:8, 144:19, 144:20, 145:13, 234:4, 234:10, 235:7</p> <p>relevance [2] - 172:25, 173:6</p> <p>relevant [7] - 12:17, 17:25, 58:11, 63:23, 195:7, 228:25, 230:21</p> <p>relitigate [2] - 4:4, 5:12</p> <p>relitigating [3] - 6:9, 167:9, 167:12</p> <p>rely [1] - 61:3</p> <p>remaining [1] - 54:10</p> <p>remarks [2] - 102:18, 102:20</p> <p>remember [31] - 30:13, 36:1, 60:18, 81:10, 83:1, 85:7, 105:21, 108:20, 116:11, 127:9, 151:11, 152:8, 152:24, 152:25, 153:5, 157:20, 161:6, 161:22, 161:25, 162:1, 163:12, 174:4, 175:23, 175:24, 176:11, 181:8, 182:22, 194:10, 194:11, 218:19, 236:5</p> <p>remind [2] - 185:3, 194:1</p> <p>remote [1] - 196:12</p> <p>remotely [1] - 181:5</p> <p>remove [3] - 74:14, 79:11, 223:21</p> <p>removed [1] - 224:1</p> <p>removing [1] - 210:8</p> <p>Renee [3] - 24:5, 30:1, 53:22</p> <p>rentals [1] - 34:1</p> <p>reopened [1] - 221:19</p> <p>repeat [4] - 27:12, 87:12, 131:24, 158:16</p> <p>Repeat [1] - 234:13</p> <p>replace [2] - 202:19, 202:20</p> <p>replaced [1] - 209:21</p> <p>report [33] - 4:22, 10:14, 10:21, 11:6,</p>	<p>12:1, 12:2, 12:6, 12:7, 12:25, 13:3, 18:21, 18:22, 21:16, 21:17, 22:2, 22:4, 59:20, 65:21, 81:1, 82:7, 84:15, 174:20, 185:10, 185:13, 185:17, 185:25, 186:11, 186:18, 186:23, 187:5, 187:10, 187:18, 187:20</p> <p>reporter [1] - 164:5</p> <p>REPORTER [14] - 2:7, 3:13, 7:5, 46:13, 50:17, 51:7, 76:25, 87:12, 116:3, 131:2, 167:11, 174:9, 234:13, 234:17</p> <p>Reporter [1] - 239:13</p> <p>reporters [1] - 105:7</p> <p>reporting [3] - 178:21, 179:21, 182:21</p> <p>reports [35] - 4:22, 6:7, 11:14, 11:15, 11:19, 11:22, 11:23, 13:1, 13:9, 13:13, 13:17, 13:19, 18:11, 18:17, 18:20, 19:2, 19:11, 19:15, 19:20, 21:12, 22:4, 22:10, 71:17, 71:20, 79:10, 82:16, 166:25, 180:20, 185:9, 191:10, 191:14, 216:16, 216:18, 216:20, 227:5</p> <p>represent [3] - 26:16, 39:11, 132:23</p> <p>representation [8] - 14:16, 72:17, 93:9, 100:16, 135:24, 153:10, 158:6, 207:18</p> <p>representations [1] - 224:22</p> <p>represented [14] - 20:17, 26:12, 33:13, 66:5, 69:10, 86:9, 124:10, 128:20, 128:22, 200:19, 204:5, 207:11, 207:14, 218:19</p> <p>representing [5] - 6:18, 7:17, 26:19, 108:11, 172:22</p> <p>represents [3] - 72:24, 208:5, 224:25</p> <p>Republic [1] - 64:25</p> <p>reputation [1] -</p>
---	--	--	---	--

<p>132:19 request [2] - 58:16, 58:17 requested [1] - 207:25 requests [2] - 89:17 required [4] - 52:11, 61:17, 69:24, 217:3 requires [2] - 27:17, 60:6 reread [1] - 73:6 research [1] - 60:2 reserved [1] - 22:16 reset [1] - 228:18 reside [1] - 41:18 residence [1] - 32:19 residents [1] - 124:19 residing [1] - 33:22 resigned [1] - 69:16 resistance [1] - 125:6 resolution [6] - 16:25, 84:23, 85:17, 135:13, 136:15, 149:5 resolve [3] - 16:23, 19:3, 190:13 resolves [1] - 190:14 Resources [2] - 43:7, 43:22 respect [21] - 8:13, 14:9, 39:18, 40:20, 103:7, 124:21, 155:4, 160:5, 160:6, 163:7, 163:15, 181:15, 182:25, 185:8, 192:9, 205:1, 206:7, 213:16, 214:22, 225:12, 227:25 respects [1] - 199:11 respond [6] - 5:19, 14:5, 27:10, 59:19, 116:21, 116:24 responded [2] - 116:22, 209:6 respondent [2] - 89:1, 89:3 responding [2] - 164:3, 164:4 response [6] - 14:17, 15:22, 16:10, 16:23, 17:3, 20:11 responsibility [1] - 102:8 responsible [2] - 204:20, 221:14 rest [9] - 12:2, 54:3, 72:5, 133:16, 186:20, 186:21, 186:22, 197:8, 225:1 restate [3] - 21:6,</p>	<p>81:2, 200:21 restrictions [2] - 60:6, 60:9 result [8] - 32:2, 66:2, 66:20, 94:4, 100:18, 100:21, 233:8, 233:11 resulted [1] - 70:8 results [8] - 100:18, 100:20, 136:11, 137:7, 146:14, 155:3, 155:13 Results [4] - 162:16, 162:17, 163:4 retail [1] - 29:11 retakes [2] - 129:16, 196:1 retaliated [1] - 212:1 retaliating [3] - 46:8, 62:7, 62:17 retaliation [20] - 4:8, 5:3, 7:2, 12:10, 40:1, 40:13, 40:21, 52:3, 62:18, 63:5, 63:16, 63:17, 64:15, 69:22, 70:17, 71:24, 89:3, 209:14, 218:11 retaliatory [1] - 62:14 retired [5] - 29:14, 30:24, 38:18, 38:19, 43:4 retriever [1] - 34:2 retry [1] - 3:23 return [4] - 35:8, 35:12, 59:23, 62:1 returned [9] - 69:18, 161:20, 200:12, 203:19, 204:9, 205:6, 216:9, 227:10, 228:6 returning [1] - 130:25 revenue [4] - 202:19, 214:24, 215:1 reverse [1] - 69:17 review [5] - 128:15, 130:20, 130:21, 207:22, 236:14 reviews [1] - 84:7 revised [1] - 107:10 reversionist [4] - 92:22, 94:12, 103:17, 109:1 revisions [1] - 147:24 Rice [1] - 48:22 ride [1] - 39:2 rights [2] - 62:10, 67:5 ring [1] - 7:19 risen [1] - 70:14 risk [3] - 72:22, 73:12, 211:3 risky [1] - 217:1</p>	<p>River [1] - 65:10 RMR [2] - 2:7, 239:12 road [4] - 15:21, 39:3, 76:22, 132:8 Road [1] - 2:6 Robert [3] - 24:25, 42:5, 132:10 roles [1] - 81:14 ROM [1] - 103:23 Ron [1] - 36:25 Ronald [2] - 24:18, 53:23 Room [1] - 2:8 room [13] - 25:15, 54:8, 54:24, 59:10, 60:15, 60:20, 61:2, 85:19, 85:20, 127:13, 156:10, 184:20, 236:8 roommate [1] - 38:10 rote [1] - 6:18 ROTE [203] - 1:6, 1:11, 2:5, 4:11, 4:14, 4:20, 5:1, 5:6, 5:15, 5:20, 5:22, 5:25, 7:7, 7:9, 7:12, 8:12, 10:13, 11:2, 11:5, 12:4, 12:9, 13:1, 13:7, 13:12, 13:16, 13:20, 13:24, 14:2, 14:25, 15:9, 16:2, 16:5, 16:7, 16:16, 17:7, 18:14, 18:18, 19:9, 19:23, 20:13, 20:16, 21:6, 21:11, 21:15, 21:20, 21:25, 22:9, 22:15, 22:17, 26:20, 45:16, 53:11, 69:1, 80:22, 83:24, 87:6, 90:23, 93:14, 96:3, 97:12, 98:4, 98:21, 99:9, 100:3, 101:9, 101:11, 104:8, 115:13, 122:15, 125:10, 128:19, 128:22, 129:4, 130:15, 136:4, 138:3, 139:23, 141:2, 142:1, 143:8, 144:7, 145:16, 145:22, 150:2, 151:21, 152:1, 152:4, 152:5, 153:22, 153:24, 154:2, 154:5, 154:7, 154:12, 156:3, 156:7, 156:16, 156:20, 156:23, 156:24, 158:17, 159:6, 159:10,</p>	<p>164:8, 164:17, 164:18, 166:5, 166:14, 166:23, 167:14, 168:1, 168:19, 168:22, 169:1, 169:2, 169:25, 170:3, 170:8, 170:13, 170:16, 170:18, 170:20, 172:4, 172:18, 173:3, 173:10, 173:13, 173:19, 173:21, 174:13, 174:23, 175:4, 176:8, 177:6, 184:14, 185:6, 185:18, 185:22, 186:4, 186:14, 186:25, 187:12, 187:16, 188:1, 188:3, 188:8, 188:16, 188:18, 189:7, 189:9, 189:13, 189:18, 190:6, 190:14, 190:17, 190:25, 191:3, 191:9, 191:19, 191:21, 191:25, 192:4, 192:7, 192:11, 192:25, 193:10, 193:16, 194:11, 195:17, 195:19, 195:22, 196:4, 196:25, 197:10, 197:17, 198:3, 198:20, 199:3, 199:5, 201:6, 201:12, 201:14, 201:20, 212:15, 212:23, 213:22, 213:24, 215:23, 217:12, 217:16, 220:8, 220:14, 222:16, 223:17, 226:7, 226:9, 226:12, 229:20, 234:25, 235:2, 235:16, 238:2, 238:11 Rote [96] - 2:5, 3:4, 3:6, 3:18, 4:10, 7:3, 7:22, 11:4, 15:17, 15:19, 16:15, 17:11, 17:22, 18:6, 19:7, 20:24, 26:19, 26:20, 45:20, 46:2, 46:7, 53:5, 62:3, 64:19, 65:5, 66:19, 67:4, 67:14, 67:17, 68:11, 68:25, 81:5, 81:6,</p>	<p>81:8, 81:9, 82:1, 82:10, 83:2, 84:16, 88:16, 88:24, 89:4, 89:18, 91:20, 91:25, 92:17, 101:8, 101:23, 103:3, 105:21, 108:7, 108:10, 109:10, 110:11, 113:24, 119:20, 119:25, 120:24, 122:10, 123:10, 125:16, 130:5, 135:7, 135:9, 138:10, 140:2, 140:12, 141:7, 143:12, 143:19, 144:19, 166:17, 185:2, 190:1, 190:13, 193:8, 194:1, 196:3, 197:9, 197:23, 197:24, 201:4, 229:11, 229:21, 230:3, 231:17, 232:16, 233:17, 234:2, 234:4, 235:6, 235:14, 237:25 Rote's [9] - 8:7, 9:20, 15:14, 18:12, 81:14, 126:17, 139:16, 139:19, 142:25 roughly [1] - 207:15 row [10] - 23:23, 23:24, 25:14, 29:2, 29:5, 48:4, 54:12, 54:13, 54:15 rule [2] - 171:2, 190:21 Rule [1] - 226:13 ruled [7] - 21:24, 22:13, 66:15, 168:24, 189:13, 190:6, 193:3 rules [4] - 56:24, 57:2, 58:12, 168:16 ruling [7] - 22:16, 68:20, 86:1, 87:11, 87:14, 87:16, 87:21 rulings [1] - 3:19 run [3] - 38:13, 110:20, 211:8 running [3] - 64:20, 78:12, 178:10 runs [1] - 126:2 Rutgers [3] - 119:2, 119:15, 119:21 Rutter [3] - 24:18, 36:25, 53:23</p>
---	---	--	--	--

S				
<p>S-c-h-a-e-f-e-r [1] - 24:17</p> <p>Safety [1] - 39:24</p> <p>salacious [1] - 18:5</p> <p>sales [2] - 65:3, 79:11</p> <p>salesman [1] - 34:19</p> <p>Sandra [14] - 68:10, 76:4, 100:19, 102:17, 102:19, 103:3, 117:17, 117:25, 118:21, 124:3, 124:21, 125:1, 208:3, 232:14</p> <p>Sandy [2] - 124:7, 148:2</p> <p>satisfied [1] - 217:22</p> <p>satisfies [1] - 218:2</p> <p>save [2] - 44:21, 116:7</p> <p>savvy [1] - 51:25</p> <p>saw [32] - 56:18, 93:9, 94:2, 94:4, 94:9, 94:11, 94:13, 94:15, 95:23, 96:13, 97:7, 97:23, 98:17, 98:25, 99:21, 100:12, 101:15, 102:14, 108:22, 114:5, 117:25, 119:7, 135:24, 139:20, 140:23, 141:22, 143:3, 144:2, 145:1, 145:25, 148:24, 199:25</p> <p>Scandia [1] - 29:15</p> <p>scared [1] - 125:14</p> <p>Schaefer [2] - 24:17, 36:15</p> <p>Scholls [1] - 42:19</p> <p>School [3] - 119:2, 119:15, 119:21</p> <p>school [10] - 9:17, 34:23, 34:25, 35:3, 36:17, 37:2, 44:13, 77:16, 118:21, 125:24</p> <p>schooling [1] - 49:18</p> <p>schoolteacher [1] - 36:9</p> <p>science [3] - 42:12, 42:21</p> <p>sciences [1] - 43:5</p> <p>scope [3] - 63:19, 63:23, 200:22</p> <p>screen [10] - 28:14, 28:18, 78:5, 91:10, 91:13, 111:19, 118:18, 131:11, 171:16</p>	<p>screenplay [2] - 133:22, 215:13</p> <p>screens [1] - 28:24</p> <p>screenwriter [2] - 140:12, 140:14</p> <p>scripts [3] - 116:19</p> <p>scrips [3] - 65:13, 77:16, 77:25</p> <p>se [2] - 2:5, 225:13</p> <p>search [27] - 93:6, 99:19, 100:16, 100:20, 112:6, 135:21, 136:10, 136:19, 137:6, 137:18, 139:6, 139:9, 146:14, 155:3, 222:7, 222:17, 222:19, 222:21, 223:8, 223:9, 223:17, 223:22, 224:6, 224:12, 232:7, 232:20, 233:8</p> <p>searched [1] - 137:24</p> <p>searches [2] - 112:7, 155:17</p> <p>searching [2] - 60:3, 223:19</p> <p>seat [2] - 75:7, 197:21</p> <p>seated [8] - 23:10, 23:21, 23:22, 26:3, 26:18, 54:2, 54:18, 59:17</p> <p>seating [3] - 23:1, 23:2, 23:3</p> <p>second [19] - 47:9, 47:25, 54:7, 58:24, 73:22, 91:9, 93:21, 97:4, 113:17, 113:20, 118:13, 123:24, 141:10, 145:5, 147:11, 192:10, 217:24, 228:15, 229:22</p> <p>secretary [1] - 210:5</p> <p>Secretary [3] - 19:25, 191:1, 212:17</p> <p>see [81] - 10:19, 28:14, 30:2, 30:5, 34:1, 36:5, 54:8, 54:25, 57:20, 61:7, 66:7, 66:16, 67:4, 67:7, 67:17, 67:23, 67:24, 68:16, 77:1, 77:5, 85:20, 91:5, 91:13, 92:22, 92:23, 93:25, 94:24, 95:2, 95:4, 96:17, 98:7, 101:18, 102:16, 104:13, 110:2, 117:10,</p>	<p>117:18, 123:9, 127:14, 129:7, 133:5, 136:9, 138:8, 139:11, 142:10, 142:16, 152:11, 156:19, 157:5, 157:6, 157:8, 157:15, 158:3, 158:4, 171:3, 171:7, 171:8, 171:10, 171:15, 171:18, 172:2, 172:19, 172:21, 172:22, 173:20, 181:15, 183:23, 190:9, 201:1, 201:5, 201:8, 201:10, 201:21, 203:11, 216:8, 221:24, 226:15, 232:12, 236:9, 238:3</p> <p>seeing [4] - 95:19, 108:20, 111:21, 127:20</p> <p>seek [1] - 137:11</p> <p>seeking [2] - 7:16, 209:12</p> <p>seeks [2] - 62:16, 63:12</p> <p>seem [2] - 182:14, 182:16</p> <p>selected [4] - 28:5, 28:8, 54:6, 59:17</p> <p>selecting [1] - 26:4</p> <p>selection [2] - 23:17, 53:18</p> <p>sell [1] - 77:17</p> <p>senators [2] - 105:10, 146:5</p> <p>send [4] - 105:13, 111:8, 133:9, 236:4</p> <p>sending [5] - 82:16, 133:11, 205:12</p> <p>sense [2] - 4:10, 4:13</p> <p>senses [1] - 147:22</p> <p>sensitive [2] - 27:22, 228:11</p> <p>sent [22] - 15:15, 18:9, 88:24, 89:18, 105:9, 119:25, 146:3, 146:5, 146:7, 152:15, 152:16, 154:17, 177:25, 182:4, 189:14, 193:1, 200:18, 202:3, 205:8, 206:13, 206:21</p> <p>sentence [2] - 123:2, 129:19</p> <p>separate [4] - 82:21, 214:17, 214:18,</p>	<p>229:7</p> <p>separately [1] - 186:9</p> <p>separation [1] - 183:22</p> <p>sequential [1] - 184:3</p> <p>series [1] - 64:17</p> <p>serious [1] - 70:17</p> <p>seriously [3] - 73:25, 134:8, 227:3</p> <p>served [3] - 35:22, 41:22, 43:11</p> <p>server [1] - 180:11</p> <p>servers [3] - 179:23, 216:2, 228:18</p> <p>Service [3] - 14:18, 125:5, 125:18</p> <p>service [4] - 36:17, 54:3, 54:9, 59:19</p> <p>Services [2] - 43:21</p> <p>services [4] - 74:14, 165:19, 169:11</p> <p>session [2] - 56:8, 193:25</p> <p>set [12] - 9:3, 72:25, 78:23, 108:1, 110:24, 121:24, 122:4, 156:9, 182:16, 184:4, 196:21, 211:19</p> <p>sets [1] - 211:6</p> <p>setting [5] - 9:1, 27:14, 31:19, 52:14, 121:22</p> <p>settlement [1] - 16:3</p> <p>seven [3] - 69:11, 109:12, 224:19</p> <p>Seven [1] - 107:6</p> <p>Seven-Year [1] - 107:6</p> <p>seventies [2] - 32:14, 50:8</p> <p>several [2] - 14:13, 39:18</p> <p>sexual [1] - 34:7</p> <p>sexually [1] - 34:7</p> <p>shall [1] - 7:7</p> <p>shape [2] - 215:10, 223:23</p> <p>share [3] - 126:14, 148:13, 198:1</p> <p>shares [1] - 229:14</p> <p>sharing [3] - 68:5, 204:15, 204:16</p> <p>Sharp [1] - 77:20</p> <p>sheer [2] - 68:18, 105:18</p> <p>Sherwood [1] - 36:16</p> <p>shocking [1] - 118:8</p> <p>shooting [1] - 29:17</p> <p>shop [1] - 76:21</p> <p>short [1] - 114:1</p>	<p>shortly [3] - 79:18, 83:4, 83:5</p> <p>show [18] - 5:13, 10:21, 18:12, 54:25, 61:16, 70:16, 74:1, 103:14, 111:13, 111:19, 128:3, 155:3, 155:12, 217:11, 222:1, 222:19, 227:23, 232:4</p> <p>showcase [4] - 198:6, 221:16, 223:7, 223:8</p> <p>showed [3] - 82:8, 189:5, 224:12</p> <p>showing [4] - 19:25, 132:25, 136:14, 212:17</p> <p>shown [2] - 222:17, 224:16</p> <p>shows [16] - 4:7, 4:8, 12:18, 12:22, 19:19, 20:2, 99:12, 100:17, 112:17, 171:3, 187:20, 222:16, 222:20, 222:23, 222:25, 232:3</p> <p>shut [21] - 67:21, 73:20, 114:13, 177:24, 178:4, 179:15, 179:16, 202:14, 203:8, 208:1, 212:8, 216:11, 218:15, 221:18, 224:9, 224:10, 224:14, 227:21, 228:14, 229:10</p> <p>Shutdown [2] - 164:10, 170:4</p> <p>shutdown [18] - 70:25, 115:23, 116:11, 163:18, 163:21, 163:25, 164:16, 164:19, 164:20, 165:2, 165:5, 165:6, 165:7, 165:8, 203:6, 203:23, 215:19, 215:24</p> <p>shutting [3] - 66:13, 70:8, 218:10</p> <p>side [16] - 3:20, 3:24, 3:25, 8:2, 24:11, 25:15, 57:2, 57:3, 61:14, 76:24, 85:21, 86:3, 156:10, 158:7, 211:23, 237:25</p> <p>sidebar [1] - 151:22</p> <p>sides [2] - 4:5, 159:18</p>

<p>siding [1] - 46:23 signature [3] - 239:6, 239:7 signatures [1] - 111:7 signed [6] - 61:11, 66:3, 67:5, 84:11, 157:15, 239:7 significance [4] - 203:17, 209:24, 211:4, 212:24 significant [3] - 211:3, 223:1, 228:13 significantly [3] - 168:3, 198:5, 211:22 signing [2] - 158:2, 239:3 silent [1] - 125:7 Silicon [1] - 214:15 similar [2] - 106:25, 178:8 similarly [1] - 164:4 simply [8] - 14:10, 22:1, 61:11, 61:15, 185:16, 197:25, 200:7, 215:2 sincerely [1] - 27:11 sincerity [1] - 223:2 single [4] - 46:24, 72:1, 85:19, 202:8 sit [5] - 17:13, 52:11, 65:2, 85:21, 101:1 site [16] - 9:5, 9:14, 105:3, 105:14, 110:14, 122:2, 128:24, 131:6, 140:24, 142:19, 144:20, 204:16, 204:24, 221:19, 231:21 sits [1] - 85:21 sitting [5] - 52:22, 147:4, 147:17, 147:19, 183:24 Sitting [9] - 91:23, 94:4, 113:23, 143:20, 154:22, 221:18, 224:10, 232:20 situation [5] - 33:15, 116:9, 178:8, 179:2, 181:3 six [6] - 38:3, 76:6, 112:23, 196:8, 216:4, 227:5 ski [1] - 39:2 skill [4] - 178:11, 178:13, 179:17, 211:6 skilled [1] - 182:19 skills [7] - 74:12,</p>	<p>165:13, 199:12, 209:4, 210:5, 210:20, 211:7 slide [2] - 54:12, 54:13 slipped [1] - 118:25 slow [4] - 8:24, 77:1, 116:4, 223:9 slowdown [1] - 178:23 small [10] - 100:15, 107:22, 111:14, 139:15, 140:4, 140:10, 157:8, 171:16, 184:12, 198:13 smear [2] - 7:22, 183:7 smearing [1] - 10:23 snippet [2] - 11:25, 12:5 snow [2] - 39:2, 125:24 snowboard [1] - 36:11 snuff [1] - 209:5 soaked [1] - 126:6 soccer [1] - 41:6 social [7] - 43:4, 52:1, 146:14, 160:9, 160:10, 160:11, 161:17 society [1] - 106:5 software [4] - 42:8, 43:7, 66:12, 228:17 solely [2] - 88:25, 224:22 solve [3] - 15:8, 191:22, 217:23 solves [1] - 15:4 someone [8] - 52:7, 73:9, 73:10, 94:25, 103:16, 137:19, 185:24, 195:9 sometime [2] - 57:10, 119:1 sometimes [13] - 44:1, 110:23, 113:11, 147:20, 148:1, 155:5, 155:16, 187:15, 187:17, 188:6 somewhat [1] - 8:19 somewhere [12] - 54:5, 82:19, 88:1, 106:3, 131:9, 147:4, 147:17, 159:4, 161:7, 161:8, 165:7, 183:21 son [3] - 36:17, 38:10, 41:2 Sony [1] - 203:18 soon [5] - 126:3,</p>	<p>133:23, 134:25, 185:6, 225:12 sorry [66] - 3:13, 7:5, 46:14, 48:8, 49:14, 51:7, 76:25, 81:2, 81:5, 83:8, 83:13, 86:7, 86:24, 87:12, 88:9, 88:16, 90:12, 94:14, 95:2, 95:4, 96:10, 97:5, 98:1, 98:2, 99:25, 100:14, 101:20, 104:19, 106:11, 107:2, 116:3, 118:15, 122:14, 128:6, 128:21, 129:12, 130:20, 131:2, 131:24, 132:3, 132:4, 133:20, 135:19, 136:25, 140:4, 140:10, 142:10, 142:16, 145:6, 149:22, 157:21, 167:11, 171:14, 171:25, 172:17, 174:9, 174:11, 177:4, 179:20, 188:21, 234:13, 234:15, 235:1, 235:2 sought [3] - 7:12, 9:19, 220:2 sound [1] - 89:6 Soundex [1] - 139:9 sounds [1] - 4:1 sour [1] - 198:5 source [4] - 157:1, 186:16, 187:4, 216:20 sources [1] - 204:22 south [1] - 30:23 Southwest [2] - 42:6, 43:3 space [4] - 19:20, 63:24, 127:13, 156:12 span [1] - 106:5 speaking [4] - 119:25, 135:3, 163:2, 164:5 speaks [2] - 103:8, 135:2 special [2] - 35:15, 56:9 specialist [4] - 30:25, 32:23, 34:19, 76:16 specialized [1] - 182:19 specific [13] - 16:10, 22:5, 25:19, 28:11, 28:22, 149:8,</p>	<p>157:20, 160:25, 163:17, 169:1, 172:10, 203:13 specifically [13] - 5:25, 8:13, 11:13, 13:2, 17:3, 21:17, 89:16, 118:24, 127:21, 200:10, 201:24, 225:23, 226:13 specificity [3] - 220:20, 222:3, 223:5 speech [3] - 237:8, 237:9, 237:11 speed [1] - 210:5 spell [2] - 75:8, 197:22 spelled [1] - 113:5 spend [1] - 219:21 spent [3] - 71:3, 137:1, 219:23 spins [1] - 72:16 spite [3] - 202:5, 202:6, 209:4 spoken [3] - 51:18, 153:12, 160:18 sports [3] - 34:21, 36:11, 36:22 spot [1] - 88:9 spreadsheet [11] - 152:7, 152:13, 152:18, 205:19, 205:24, 206:2, 207:10, 207:11, 207:13, 208:5, 219:12 staff [3] - 7:20, 79:4, 80:1 stage [3] - 133:22, 185:15, 226:4 stages [3] - 199:5, 199:6, 208:9 stairs [1] - 74:25 stalked [1] - 134:3 stamina [1] - 219:24 stand [9] - 25:25, 26:13, 53:21, 68:22, 120:14, 129:16, 196:1, 229:19, 229:21 start [14] - 5:18, 18:20, 29:3, 29:4, 45:11, 47:25, 48:4, 49:23, 61:13, 138:12, 164:3, 198:9, 198:16, 212:11 started [17] - 20:5, 65:9, 77:23, 79:16, 85:13, 110:12, 113:21, 114:1, 159:20, 178:8,</p>	<p>179:2, 179:3, 188:25, 209:12, 229:8, 229:9 starting [3] - 173:17, 203:15, 209:22 starts [5] - 164:4, 206:10, 206:11, 227:13 State [14] - 14:1, 19:25, 31:1, 31:7, 31:9, 34:18, 38:22, 38:23, 43:6, 43:21, 146:6, 191:1, 210:17, 212:17 state [9] - 1:6, 46:8, 50:17, 62:8, 62:22, 75:7, 179:1, 197:21, 210:18 statement [14] - 5:4, 21:1, 21:8, 22:6, 61:14, 61:15, 61:17, 64:9, 68:24, 70:21, 160:12, 172:23, 180:2, 198:1 statements [6] - 54:22, 56:4, 62:9, 203:12, 225:6 States [2] - 2:8, 36:10 states [1] - 162:11 STATES [2] - 1:1, 1:23 statesman [2] - 210:10, 210:19 status [2] - 39:8, 208:13 stay [3] - 84:18, 155:6, 155:7 staying [1] - 18:3 steal [1] - 136:24 stealing [1] - 218:1 steel [1] - 31:4 step [8] - 74:24, 129:11, 184:23, 185:1, 197:3, 197:11, 235:17 Stephen [1] - 24:22 steps [2] - 221:16, 232:16 Steve [2] - 38:17, 48:20 still [21] - 4:14, 14:20, 14:25, 54:6, 66:25, 77:5, 79:17, 89:19, 123:8, 155:6, 155:7, 161:14, 165:17, 185:9, 188:3, 209:5, 215:12, 219:1, 222:2, 224:1 stimulation [1] - 228:23 Sting [1] - 199:14</p>
---	--	---	---	--

<p>stipulated [1] - 15:6 stood [1] - 84:25 stop [8] - 16:9, 44:18, 44:23, 68:8, 133:15, 161:5, 164:4, 166:10 stopped [1] - 222:5 store [2] - 126:2, 126:4 Stores [1] - 236:21 stories [1] - 133:13 story [6] - 51:4, 74:16, 94:7, 133:25, 142:9, 212:4 straight [1] - 46:20 strangers [1] - 27:15 strategic [1] - 30:3 strategy [1] - 158:24 streaming [1] - 42:15 stricken [1] - 57:10 strong [3] - 148:8, 209:5, 219:1 strongly [3] - 208:12, 209:6, 210:8 structured [1] - 104:4 struggling [2] - 168:19, 188:3 stuck [1] - 87:23 student [1] - 34:18 students [2] - 109:15, 109:22 stuff [20] - 5:18, 14:23, 67:19, 67:20, 76:9, 78:9, 94:21, 103:19, 103:25, 104:2, 108:3, 110:7, 110:11, 110:21, 111:24, 112:2, 134:5, 134:23, 148:4, 148:22 subject [4] - 126:24, 146:9, 146:11, 183:3 subjected [5] - 62:22, 62:24, 63:6, 69:8, 212:5 submit [1] - 3:10 submitted [5] - 3:6, 3:11, 3:14, 185:11, 230:15 subpoena [2] - 116:14, 116:15 subpoenaed [2] - 14:1, 14:17 subsequent [1] - 20:7 subsidiary [1] - 158:24 substantial [5] - 28:6, 63:8, 73:10, 202:18, 226:23 substantially [3] - 63:24, 199:22, 220:2</p>	<p>successful [3] - 33:9, 195:5, 195:6 successfully [1] - 211:15 sucks [1] - 149:21 sue [3] - 213:4, 213:8 sued [2] - 50:8, 151:9 suffer [1] - 228:14 suffered [3] - 73:18, 228:17, 228:20 suffering [1] - 194:24 suggest [1] - 210:13 suggested [1] - 65:19 suggesting [1] - 15:16 suit [1] - 83:8 sum [1] - 72:21 summarily [3] - 69:19, 200:24, 206:24 summarize [2] - 61:24, 71:25 Summary [1] - 138:17 summary [2] - 98:24, 99:12 summer [1] - 39:3 summertime [1] - 37:17 superior [1] - 162:17 Superior [1] - 163:4 Supply [1] - 236:22 support [7] - 42:22, 74:16, 80:1, 110:1, 217:9, 230:15, 230:19 supporting [1] - 63:4 supposed [3] - 82:22, 94:18, 225:25 surgical [1] - 48:11 survive [1] - 199:24 suspected [1] - 118:22 suspended [2] - 20:6, 20:9 suspension [1] - 31:16 sustain [2] - 57:5, 57:7 sustained [11] - 104:9, 125:11, 153:23, 166:6, 166:10, 167:24, 173:2, 173:7, 173:12, 174:22, 175:3 swears [1] - 26:8 switch [1] - 179:23 sworn [6] - 26:2, 54:1, 74:24, 75:5, 197:12, 197:19 system [13] - 29:22, 30:19, 33:17, 34:9, 43:25, 61:8, 62:15,</p>	<p>74:13, 79:11, 179:24, 180:6, 198:19, 226:19 systematically [1] - 73:20 systems [1] - 165:14 Systems [1] - 10:4</p> <p style="text-align: center;">T</p> <p>T-h-i-e-m-a-n-n [1] - 24:14 T-h-o-m-p-s-o-n [1] - 24:22 table [6] - 85:19, 85:22, 222:2, 237:2, 237:19 tables [1] - 180:1 Tabor [1] - 37:13 tabs [1] - 164:22 tag [6] - 223:22, 232:4, 232:7, 232:12, 232:14 tagged [2] - 223:25, 224:2 tags [2] - 231:17, 232:2 taint [1] - 132:8 talks [3] - 95:16, 101:22, 237:5 tantamount [1] - 6:6 targeted [1] - 183:5 tarnish [1] - 132:19 tasks [1] - 182:20 taste [2] - 30:18, 34:13 tat [1] - 4:6 taught [1] - 76:13 Taylor [2] - 24:25, 42:5 teach [1] - 44:15 teaching [1] - 33:3 tech [2] - 42:22, 110:1 technician [2] - 35:17, 41:19 technologies [1] - 78:14 technology [2] - 76:19, 78:19 telemarketers [2] - 80:1, 178:24 telemarketing [6] - 64:23, 65:1, 77:12, 78:24 teleservices [4] - 169:19, 169:20, 169:22, 229:13 TELESERVICES [1] - 1:7 Teleservices [26] - 23:13, 26:5, 45:22,</p>	<p>87:13, 108:8, 150:8, 150:9, 150:11, 150:22, 151:5, 151:15, 151:18, 158:1, 158:12, 158:20, 212:18, 213:12, 213:15, 213:17, 214:3, 214:7, 214:12, 214:14, 214:19, 227:7, 233:20 television [1] - 26:25 temper [1] - 209:5 ten [1] - 181:22 Tennis [1] - 36:10 term [2] - 108:11, 127:1 terminated [11] - 70:1, 70:3, 82:6, 83:5, 83:7, 107:14, 107:16, 107:17, 204:4, 206:12, 207:7 terminating [1] - 206:17 termination [6] - 83:9, 84:14, 172:8, 174:1, 200:3, 200:18 terminology [1] - 108:13 terms [7] - 19:17, 165:13, 211:6, 213:10, 220:24 terrible [4] - 8:4, 12:14, 92:19, 117:19 terrifying [1] - 119:14 terrorized [1] - 134:3 test [1] - 42:8 testified [10] - 57:20, 69:20, 152:6, 154:16, 163:4, 205:25, 213:13, 225:9, 228:1, 231:8 testifies [2] - 75:5, 197:19 testify [13] - 58:3, 69:21, 73:2, 154:14, 177:7, 185:20, 185:21, 197:11, 198:22, 199:2, 227:19, 227:20 testifying [3] - 54:17, 57:21, 184:25 testimony [50] - 17:15, 55:19, 56:6, 56:17, 57:15, 57:18, 57:24, 57:25, 60:16, 60:24, 60:25, 65:5, 67:11, 86:5, 152:14, 153:4, 154:13, 159:11, 162:12, 162:19,</p>	<p>163:5, 163:12, 166:25, 167:17, 167:18, 167:19, 175:6, 177:11, 185:7, 187:2, 188:4, 188:7, 188:10, 191:8, 197:14, 198:8, 199:25, 202:6, 202:21, 205:7, 205:17, 211:24, 217:9, 219:4, 219:5, 222:6, 226:17, 226:25, 227:18 text [1] - 59:9 texts [1] - 116:13 Thanksgiving [2] - 70:10, 114:20 THE [477] - 1:1, 1:2, 1:22, 2:2, 2:4, 3:3, 3:13, 3:15, 3:17, 4:12, 4:17, 4:24, 5:2, 5:7, 5:16, 5:21, 5:24, 6:12, 6:22, 7:1, 7:5, 7:8, 7:25, 8:6, 8:24, 9:7, 9:9, 9:22, 9:25, 10:6, 10:9, 10:21, 11:3, 11:18, 11:23, 12:2, 12:7, 12:10, 12:16, 12:20, 12:24, 13:5, 13:11, 13:13, 13:17, 13:21, 13:25, 14:24, 15:4, 15:8, 15:10, 15:23, 16:1, 16:3, 16:6, 16:12, 17:5, 17:9, 17:18, 18:15, 18:24, 19:7, 19:22, 20:11, 20:14, 20:20, 20:24, 21:10, 21:14, 21:18, 21:21, 22:8, 22:11, 22:16, 22:18, 22:20, 22:21, 22:22, 22:24, 22:25, 23:2, 23:6, 23:10, 23:11, 23:15, 24:3, 24:4, 24:5, 24:6, 24:8, 24:10, 24:12, 25:7, 25:9, 25:14, 25:16, 25:17, 26:3, 26:17, 26:18, 26:22, 29:20, 29:24, 30:11, 30:13, 30:17, 30:21, 31:9, 31:13, 31:18, 31:23, 32:1, 32:6, 32:11, 32:15, 33:11, 33:16, 33:20, 34:8, 34:12, 34:15, 34:23, 34:25, 35:2, 35:6, 35:8, 35:9, 35:24, 36:1, 36:6, 36:14, 36:24, 37:5, 37:8,</p>
--	--	---	--	--

<p>37:11, 37:19, 38:2, 38:4, 38:7, 38:16, 39:9, 39:16, 39:21, 40:1, 40:4, 40:6, 40:11, 40:19, 40:23, 41:9, 41:12, 41:15, 41:23, 41:25, 42:4, 42:17, 43:1, 43:12, 43:15, 43:18, 43:24, 44:4, 44:7, 44:10, 44:17, 45:15, 45:17, 46:13, 46:14, 46:18, 47:1, 47:5, 47:8, 48:7, 48:14, 48:18, 48:25, 49:4, 49:8, 49:10, 49:13, 49:16, 49:18, 50:11, 50:14, 50:17, 50:21, 50:24, 51:1, 51:7, 51:13, 53:7, 53:10, 53:12, 53:17, 53:20, 54:2, 54:12, 55:3, 55:8, 68:24, 74:19, 74:22, 74:24, 74:25, 75:7, 75:9, 75:11, 76:25, 77:3, 80:8, 80:21, 80:23, 83:25, 87:5, 87:7, 87:12, 87:13, 90:22, 90:24, 91:2, 91:5, 91:7, 91:8, 91:10, 91:14, 93:13, 93:15, 93:17, 93:18, 93:22, 93:25, 96:2, 96:4, 96:5, 96:8, 97:13, 98:5, 98:22, 99:10, 99:25, 100:1, 100:2, 100:4, 100:7, 101:12, 104:9, 115:12, 115:14, 116:3, 116:5, 122:9, 122:12, 122:17, 125:11, 127:6, 127:17, 127:24, 128:2, 128:6, 128:10, 128:13, 128:18, 128:21, 128:25, 129:5, 129:7, 129:10, 129:11, 129:12, 129:13, 129:17, 130:16, 131:2, 131:4, 136:3, 136:6, 138:4, 139:24, 141:3, 142:2, 143:9, 144:8, 145:12, 145:15, 145:18, 145:23, 149:24, 151:24, 152:2, 153:23, 154:4, 154:11, 155:23, 155:24, 155:25,</p>	<p>156:4, 156:5, 156:9, 156:11, 156:12, 156:13, 156:14, 156:18, 156:22, 158:14, 158:16, 159:7, 159:9, 164:2, 164:13, 165:24, 165:25, 166:6, 166:7, 166:9, 166:11, 166:12, 166:16, 166:19, 166:22, 167:11, 167:12, 167:24, 168:21, 168:23, 170:2, 170:6, 170:9, 170:11, 170:15, 170:17, 171:2, 171:5, 171:7, 171:10, 171:11, 171:12, 171:14, 171:17, 171:21, 171:22, 171:24, 171:25, 172:14, 172:17, 173:2, 173:7, 173:12, 173:20, 174:9, 174:11, 174:12, 174:22, 175:3, 175:19, 175:22, 177:3, 177:4, 177:5, 184:16, 184:23, 184:24, 184:25, 185:16, 185:20, 185:24, 186:6, 186:19, 187:6, 187:14, 187:17, 188:2, 188:6, 188:9, 188:17, 188:19, 188:21, 188:22, 188:24, 188:25, 189:2, 189:3, 189:4, 189:8, 189:11, 189:16, 189:19, 189:22, 189:25, 190:11, 190:13, 190:16, 190:19, 190:20, 190:22, 190:24, 191:2, 191:6, 191:17, 191:20, 191:22, 192:1, 192:3, 192:10, 192:12, 192:15, 192:17, 192:20, 192:22, 192:23, 193:4, 193:8, 193:13, 193:17, 193:25, 194:1, 194:17, 194:22, 195:18, 195:20, 195:23, 196:3, 197:1, 197:3,</p>	<p>197:4, 197:5, 197:6, 197:7, 197:9, 197:11, 197:21, 197:23, 197:24, 198:18, 198:21, 198:25, 199:1, 201:4, 201:8, 201:13, 201:16, 201:18, 212:14, 212:20, 212:22, 213:23, 217:10, 217:14, 220:6, 220:7, 220:9, 220:11, 220:13, 222:13, 222:15, 223:13, 223:14, 226:8, 226:11, 229:16, 230:5, 230:6, 233:23, 234:13, 234:17, 234:18, 234:24, 235:1, 235:3, 235:14, 235:17, 235:21, 236:12, 237:18, 237:24, 238:3</p> <p>theirs [1] - 23:1</p> <p>theme [2] - 121:5, 126:24</p> <p>themselves [4] - 13:14, 13:17, 82:14, 106:1</p> <p>theory [2] - 5:2, 5:7</p> <p>therefore [2] - 201:25, 202:2</p> <p>they've [2] - 69:6, 185:10</p> <p>Thiemann [2] - 24:14, 34:16</p> <p>thinking [7] - 134:20, 135:9, 148:23, 186:12, 194:17, 223:14</p> <p>thinks [2] - 35:10, 57:2</p> <p>third [9] - 15:20, 17:13, 17:16, 108:5, 218:4, 218:7, 218:11, 219:7, 228:15</p> <p>Third [1] - 2:8</p> <p>Thompson [3] - 24:22, 38:17, 48:20</p> <p>Thorofare [1] - 77:8</p> <p>thoughts [1] - 3:21</p> <p>thousand [1] - 88:21</p> <p>thousands [1] - 69:21</p> <p>thread [1] - 15:15</p> <p>threat [1] - 127:23</p> <p>three [21] - 42:20,</p>	<p>62:23, 69:20, 73:18, 79:16, 85:11, 95:13, 95:20, 128:11, 136:11, 202:6, 206:22, 209:21, 212:5, 217:19, 225:17, 227:5, 227:19, 228:14, 231:6, 231:8</p> <p>throughout [4] - 58:21, 108:10, 224:5, 227:17</p> <p>thrown [2] - 86:20, 159:17</p> <p>Thursday [1] - 48:11</p> <p>ties [1] - 120:8</p> <p>Tigard [1] - 37:21</p> <p>Tim [26] - 26:20, 81:5, 88:24, 89:24, 91:25, 92:17, 95:16, 103:3, 104:25, 108:7, 110:11, 113:24, 115:21, 117:12, 118:20, 120:19, 120:24, 125:16, 126:17, 130:5, 135:7, 135:9, 138:10, 142:25, 143:19, 144:19</p> <p>Tim@roteenterprises.com [1] - 235:11</p> <p>timeline [1] - 83:2</p> <p>Timothy [8] - 2:5, 24:19, 37:12, 62:3, 64:18, 139:16, 140:2, 197:23</p> <p>TIMOTHY [3] - 1:6, 2:5, 197:17</p> <p>tit [1] - 4:6</p> <p>title [7] - 81:22, 107:9, 109:4, 117:8, 138:16, 234:10</p> <p>titled [2] - 97:19, 239:5</p> <p>today [32] - 23:11, 23:16, 28:8, 64:15, 64:18, 67:3, 67:7, 67:15, 67:17, 68:11, 68:20, 71:8, 74:3, 74:11, 89:19, 90:2, 90:5, 101:1, 148:18, 152:10, 153:4, 154:16, 155:1, 165:10, 165:15, 177:19, 181:22, 182:9, 228:25</p> <p>Today [1] - 152:9</p> <p>today's [1] - 181:18</p> <p>together [13] - 3:3,</p>	<p>3:4, 45:6, 70:20, 70:21, 73:14, 77:19, 107:22, 120:8, 137:3, 168:13, 236:23, 238:5</p> <p>toggling [1] - 91:8</p> <p>token [1] - 194:14</p> <p>tomorrow [12] - 34:25, 47:18, 47:20, 47:22, 48:6, 48:10, 48:12, 48:14, 236:9, 237:16, 238:1, 238:4</p> <p>tone [1] - 203:10</p> <p>took [21] - 52:3, 66:20, 78:11, 109:16, 112:4, 147:13, 161:9, 161:11, 173:8, 201:22, 210:7, 221:16, 221:17, 221:23, 224:19, 228:24, 232:16</p> <p>tooling [1] - 35:16</p> <p>top [15] - 81:21, 100:17, 100:18, 112:17, 133:4, 133:21, 137:7, 140:3, 150:6, 151:4, 157:9, 172:20, 217:20, 218:2</p> <p>top-level [1] - 81:21</p> <p>topic [4] - 18:23, 47:10, 127:19, 193:2</p> <p>topics [1] - 228:24</p> <p>total [2] - 88:2, 89:6</p> <p>totally [1] - 78:8</p> <p>touched [2] - 146:16, 191:4</p> <p>touching [5] - 126:10, 127:2, 127:18, 127:22, 129:20</p> <p>tough [1] - 142:10</p> <p>toward [1] - 65:17</p> <p>towards [3] - 25:14, 102:19, 226:14</p> <p>towel [1] - 126:12</p> <p>towels [1] - 126:7</p> <p>town [2] - 77:9, 107:22</p> <p>traffic [3] - 30:15, 30:16, 75:20</p> <p>trailer [1] - 77:3</p> <p>trailers [1] - 76:21</p> <p>train [1] - 178:10</p> <p>training [1] - 37:23</p> <p>TRANSCRIPT [1] - 1:21</p> <p>transcript [7] - 5:17, 5:25, 15:7, 60:15, 215:17, 239:4, 239:6</p>
--	---	---	---	--

<p>transcripts [2] - 220:1, 221:22 transfer [5] - 89:23, 181:25, 202:22, 203:3, 204:1 transferred [1] - 228:2 travel [3] - 30:9, 43:8, 84:24 treated [2] - 58:12, 63:10 trespassing [1] - 41:11 Trial [3] - 234:10, 234:14, 234:15 trial [30] - 3:9, 4:19, 22:25, 23:12, 27:20, 35:9, 35:13, 46:6, 54:4, 54:22, 55:11, 55:24, 58:5, 58:21, 58:23, 59:15, 60:7, 60:12, 61:14, 64:4, 64:7, 64:8, 120:14, 146:10, 212:6, 216:15, 221:1, 225:13, 236:7 TRIAL [1] - 1:20 triangle [8] - 146:10, 217:13, 217:19, 217:24, 218:4, 219:7 tribunal [3] - 72:8, 225:24, 226:14 tried [7] - 6:4, 39:18, 68:17, 77:9, 89:15, 162:15, 211:19 tries [1] - 133:1 trigger [3] - 3:24, 4:2, 4:6 trouble [2] - 52:20, 210:21 troubling [2] - 121:2, 195:11 true [15] - 18:13, 27:5, 27:6, 82:9, 83:3, 106:7, 107:23, 108:2, 108:4, 114:22, 114:23, 119:12, 133:24, 182:18, 206:24 trust [1] - 172:15 trusted [2] - 73:10, 224:22 truth [3] - 72:17, 210:21, 210:22 truthful [1] - 149:10 truthfully [1] - 25:24 try [11] - 44:21, 47:17, 60:5, 89:12, 89:18, 89:24, 104:2, 105:13, 111:3, 228:18, 235:25</p>	<p>trying [25] - 4:14, 5:13, 66:25, 83:14, 89:19, 107:8, 111:10, 120:18, 121:8, 126:19, 136:17, 138:12, 147:4, 157:11, 159:3, 159:4, 159:5, 168:23, 169:1, 183:22, 187:12, 188:9, 210:13, 217:11, 222:10 Tualatin [1] - 44:12 turn [62] - 79:25, 80:3, 80:11, 82:4, 83:15, 85:9, 86:22, 90:12, 93:2, 95:7, 96:20, 97:18, 98:12, 99:2, 99:16, 103:10, 103:14, 106:8, 108:14, 112:11, 113:14, 114:24, 117:2, 118:10, 119:23, 122:14, 123:23, 125:2, 129:21, 131:11, 131:20, 133:3, 133:19, 135:1, 135:16, 137:14, 138:15, 138:22, 139:12, 140:15, 141:11, 142:20, 143:14, 144:12, 150:3, 150:25, 153:18, 153:25, 154:5, 174:11, 175:24, 200:7, 205:14, 205:21, 230:3, 232:8, 232:9, 232:25, 233:7, 233:22, 235:6 turned [3] - 152:22, 205:20, 206:15 turning [2] - 100:14, 121:20 turns [1] - 126:4 twenties [1] - 33:25 twenty [1] - 76:6 twenty-six [1] - 76:6 twice [1] - 6:4 twink [1] - 10:5 twist [1] - 135:14 Twitter [3] - 142:23, 142:25, 143:7 two [34] - 14:3, 34:6, 36:16, 41:8, 47:17, 49:11, 62:22, 63:18, 67:13, 71:3, 79:2, 79:4, 79:20, 88:12, 99:6, 100:17,</p>	<p>100:18, 113:6, 128:11, 137:7, 151:17, 157:8, 160:11, 178:23, 189:24, 196:9, 196:10, 200:4, 202:7, 206:15, 221:3, 227:6, 227:20, 229:9 type [10] - 27:24, 30:13, 31:14, 34:7, 36:1, 79:23, 165:1, 215:11, 236:19, 236:25 typically [1] - 215:24 U U.S [5] - 14:18, 125:5, 125:8, 125:18, 230:14 ultimate [2] - 199:23, 228:23 ultimately [4] - 69:15, 74:13, 212:7, 228:13 umbrella [3] - 150:17, 157:19, 158:23 unable [2] - 77:10, 77:11 unacceptable [1] - 69:9 uncomfortable [1] - 27:15 under [10] - 39:11, 39:19, 39:23, 58:12, 62:21, 72:9, 124:18, 146:17, 159:11, 225:25 unemployment [5] - 77:11, 88:16, 88:18, 88:19, 88:20 unencrypted [2] - 177:12, 204:2 unfair [2] - 71:7, 103:12 unfamiliar [1] - 27:14 unfavorable [1] - 52:8 unfortunately [2] - 109:10, 110:19 union [3] - 37:24, 50:19, 77:9 unique [5] - 110:19, 214:5, 214:17, 215:20, 229:6 UNITED [2] - 1:1, 1:23 United [2] - 2:8, 36:10 University [1] - 34:18 Unix [4] - 179:24, 180:8, 180:9, 180:19 Unix-based [1] -</p>	<p>179:24 unlawful [3] - 63:8, 63:11, 63:13 unless [3] - 21:2, 59:4, 116:16 unredacted [1] - 130:18 unrelated [1] - 225:11 unscrupulous [1] - 136:23 untrue [2] - 8:2, 103:9 up [116] - 3:5, 3:8, 4:19, 9:1, 9:3, 22:9, 24:4, 24:6, 25:25, 26:13, 33:14, 46:20, 47:21, 50:5, 53:4, 53:21, 54:15, 61:9, 65:2, 67:15, 68:22, 69:22, 74:25, 78:23, 81:25, 83:14, 84:25, 90:7, 92:21, 93:18, 96:8, 99:6, 100:18, 100:20, 106:9, 106:18, 108:1, 108:19, 108:24, 109:2, 109:13, 110:2, 110:9, 110:25, 111:19, 112:17, 113:1, 114:1, 114:10, 115:16, 117:7, 118:14, 120:20, 121:11, 121:22, 121:25, 122:4, 123:23, 125:2, 125:20, 127:10, 134:11, 134:19, 141:8, 145:20, 146:13, 147:15, 147:23, 148:14, 153:21, 154:4, 155:12, 157:7, 161:9, 166:19, 176:5, 179:9, 181:21, 183:3, 183:7, 183:12, 184:4, 184:7, 184:8, 188:19, 188:22, 189:1, 190:3, 190:9, 191:24, 194:5, 195:23, 196:21, 197:9, 197:10, 197:12, 198:20, 198:24, 199:10, 204:21, 209:5, 210:5, 217:8, 221:1, 222:19, 222:20, 222:23, 222:25, 224:6, 224:12, 230:4, 232:3, 232:4,</p>	<p>232:7, 238:6 upload [1] - 204:21 UPS [1] - 42:22 upset [3] - 117:19, 209:3 urge [1] - 60:16 USDOJ [1] - 146:6 user [2] - 136:15, 174:20 uses [2] - 67:22, 100:21 V vacate [2] - 19:21, 211:20 vacation [2] - 88:13 Valley [2] - 32:19, 214:15 value [1] - 28:6 VAOI [1] - 203:18 variety [1] - 107:14 various [3] - 199:5, 199:6, 200:23 vehicle [1] - 85:18 verdict [5] - 55:17, 55:25, 58:18, 58:21, 59:24 version [6] - 10:18, 29:5, 129:22, 133:24, 215:8 versus [3] - 23:12, 26:5, 219:15 veteran [1] - 39:20 via [7] - 82:10, 150:21, 152:7, 152:12, 152:13, 206:1, 206:12 Vicky [1] - 38:18 video [5] - 9:14, 44:15, 131:1, 131:6, 198:19 videos [2] - 10:22, 10:24 view [2] - 10:25, 52:2 Viking [1] - 29:15 vile [3] - 8:3, 67:16, 68:6 violate [1] - 60:9 violation [3] - 46:8, 62:8, 108:2 virtue [1] - 208:23 visit [1] - 53:13 visited [3] - 140:24, 143:3, 144:2 Visual [2] - 179:19, 179:21 visual [1] - 217:12 vocation [1] - 102:22 vocational [2] - 37:23, 43:22</p>
--	--	---	--	---

<p>Vogele [1] - 2:2 voice [4] - 102:12, 104:4, 133:23, 134:6 volume [3] - 105:17, 105:18, 183:25 voluminous [1] - 105:23 vs [1] - 1:5</p>	<p>148:15 website [90] - 6:15, 6:16, 6:25, 8:10, 9:3, 10:25, 12:12, 12:13, 12:19, 12:22, 15:18, 59:10, 68:16, 90:7, 90:10, 91:20, 91:22, 91:23, 91:24, 92:1, 92:2, 92:5, 92:25, 94:5, 95:12, 95:13, 95:15, 98:14, 99:5, 99:13, 101:2, 101:19, 101:22, 102:1, 102:5, 102:15, 102:18, 102:19, 103:7, 104:13, 104:22, 104:24, 104:25, 105:18, 109:17, 113:17, 113:20, 113:23, 113:24, 114:2, 114:8, 117:12, 117:13, 118:1, 121:8, 121:9, 121:24, 123:8, 123:9, 123:14, 123:21, 126:17, 131:9, 138:9, 138:11, 139:8, 139:11, 141:8, 141:9, 141:10, 142:15, 143:4, 143:11, 143:21, 144:10, 146:13, 147:12, 153:20, 166:3, 183:6, 183:14, 183:17, 215:3, 231:19, 231:24, 232:3, 232:10, 234:6, 234:21</p>	<p>Wells [2] - 25:2, 43:2 Wendy's [3] - 147:18, 147:19 Wesley [3] - 32:17, 48:9, 53:22 West [1] - 2:6 Western [1] - 38:24 wet [1] - 126:7 whatsoever [2] - 82:1, 207:23 Wheeler [1] - 236:20 whistle [5] - 7:10, 40:4, 50:2, 50:7, 82:6 whistle-blowing [1] - 7:10 whistleblower [4] - 39:21, 39:25, 63:4, 70:13 white [1] - 230:4 whole [19] - 6:25, 9:21, 17:20, 18:22, 66:10, 66:14, 109:19, 116:9, 160:1, 160:2, 171:3, 171:5, 171:7, 171:9, 171:10, 183:17, 186:7, 199:15, 202:18 wide [1] - 204:18 wife [3] - 29:9, 29:12, 30:24, 32:20, 37:13, 37:21, 37:22, 37:23, 38:18, 38:21, 42:19, 42:20, 48:10 William [1] - 86:13 willing [5] - 103:9, 121:10, 121:11, 121:14, 222:1 willingness [1] - 121:7 Windows [4] - 180:3, 180:6, 180:11, 180:19 Windows-based [3] - 180:6, 180:11, 180:19 windsurf [1] - 39:3 wish [3] - 60:18, 149:20, 235:18 withdraw [3] - 166:7, 166:8, 193:11 withheld [1] - 70:7 withholding [2] - 66:12, 114:12 WITNESS [43] - 75:9, 77:3, 87:13, 91:5, 91:7, 93:18, 93:22, 93:25, 116:5, 122:17, 129:10, 129:12, 131:4,</p>	<p>145:12, 145:15, 156:5, 156:11, 156:13, 156:18, 158:16, 165:25, 166:7, 166:11, 166:16, 166:22, 167:12, 171:2, 171:7, 171:11, 171:14, 171:22, 171:25, 172:17, 173:20, 174:11, 175:22, 177:4, 184:24, 197:4, 197:6, 197:23, 230:6, 234:18 witness [31] - 30:10, 30:11, 31:7, 32:7, 33:6, 36:12, 38:1, 38:2, 39:5, 44:16, 45:6, 45:13, 56:17, 57:16, 57:18, 57:19, 60:19, 61:7, 74:22, 75:4, 80:6, 129:16, 188:10, 196:1, 197:7, 197:18, 208:16, 229:21 witness's [6] - 57:20, 57:21, 57:22, 57:24 witnessed [1] - 30:16 witnesses [11] - 26:9, 45:7, 45:9, 45:12, 55:20, 58:3, 58:4, 60:22, 60:23, 69:20, 85:25 Wizard [1] - 77:20 won [7] - 5:14, 86:16, 87:9, 92:10, 94:23, 135:5, 149:5 wondered [4] - 8:22, 8:25, 9:1, 121:22 Woodbury [6] - 75:17, 75:19, 75:20, 76:1, 77:8, 77:12 word [10] - 72:1, 100:21, 117:15, 131:3, 137:19, 137:20, 139:3, 139:6, 148:3, 181:8 WordPress [2] - 231:19, 231:25 WordPress.com [1] - 114:2 words [5] - 63:9, 72:2, 105:22, 134:7, 139:9 workday [2] - 125:24, 147:14 worker [2] - 8:5, 63:4 workers [2] - 39:11, 178:13 works [2] - 25:20, 42:9</p>	<p>world [11] - 9:20, 104:17, 111:24, 123:22, 125:19, 132:23, 146:19, 148:11, 148:18, 148:20, 160:21 worried [2] - 159:18, 191:23 worry [3] - 147:5, 147:8, 148:21 worse [2] - 67:24, 126:4 worst [1] - 104:21 wow [1] - 106:3 wrap [2] - 3:5, 238:6 wrapping [1] - 126:12 write [6] - 67:7, 133:7, 164:19, 212:4, 213:2, 215:24 writer [1] - 42:9 writing [12] - 42:13, 59:9, 65:13, 91:24, 94:25, 108:11, 116:9, 133:11, 143:12, 199:7, 203:10, 221:15 written [19] - 8:10, 20:10, 21:9, 52:8, 60:15, 65:6, 69:3, 101:2, 118:25, 153:9, 160:14, 160:17, 200:21, 202:24, 203:14, 204:8, 208:14, 215:7, 216:10 wrongdoing [1] - 229:3 wrongful [1] - 83:9 wrote [15] - 4:23, 71:11, 126:18, 187:7, 187:8, 188:23, 193:10, 198:4, 198:10, 207:2, 209:24, 214:1, 225:12, 225:13, 229:3</p>
W				
<p>W-a-l-k-e-r [1] - 24:16 W-e-l-l-s [1] - 25:2 wages [1] - 196:24 Wagner [1] - 25:12 WAGNER [1] - 25:12 wait [4] - 51:7, 177:3 waiting [3] - 47:10, 58:9, 189:25 walk [1] - 35:21 walked [1] - 114:5 Walker [5] - 2:7, 24:16, 36:8, 53:23, 239:11 WALKER [1] - 239:12 walking [2] - 43:9, 148:20 wall [2] - 110:4, 114:6 wants [14] - 9:23, 64:13, 95:17, 104:3, 111:25, 116:9, 134:15, 134:16, 135:13, 135:14, 149:7, 211:2 Ware [14] - 68:11, 68:12, 76:4, 76:5, 100:19, 102:17, 103:3, 117:17, 118:21, 124:3, 124:22, 125:1, 208:3, 232:14 warm [1] - 126:7 warrant [1] - 84:14 Washington [5] - 34:6, 38:23, 38:24, 38:25, 48:23 watch [10] - 9:2, 59:24, 60:23, 121:23, 122:4, 125:4, 125:6, 125:17, 126:2, 147:25 watched [1] - 103:2 watching [3] - 36:22, 41:6, 60:22 water [2] - 36:11, 39:2 ways [2] - 102:18, 183:2 weather [1] - 126:4 web [2] - 99:19,</p>	<p>148:15 websites [5] - 9:1, 101:16, 121:23, 122:4, 234:7 week [9] - 66:14, 67:15, 70:10, 70:19, 84:10, 88:13, 105:6, 114:20, 165:6 week-long [1] - 165:6 Weeks [1] - 125:23 weeks [3] - 113:11, 206:22, 221:1 weeks' [1] - 88:13 weigh [2] - 58:4, 188:10 weighing [1] - 137:2 weight [4] - 56:22, 56:23, 58:2, 60:25 welcome [1] - 197:13 weld [1] - 31:5</p>	<p>145:12, 145:15, 156:5, 156:11, 156:13, 156:18, 158:16, 165:25, 166:7, 166:11, 166:16, 166:22, 167:12, 171:2, 171:7, 171:11, 171:14, 171:22, 171:25, 172:17, 173:20, 174:11, 175:22, 177:4, 184:24, 197:4, 197:6, 197:23, 230:6, 234:18 witness [31] - 30:10, 30:11, 31:7, 32:7, 33:6, 36:12, 38:1, 38:2, 39:5, 44:16, 45:6, 45:13, 56:17, 57:16, 57:18, 57:19, 60:19, 61:7, 74:22, 75:4, 80:6, 129:16, 188:10, 196:1, 197:7, 197:18, 208:16, 229:21 witness's [6] - 57:20, 57:21, 57:22, 57:24 witnessed [1] - 30:16 witnesses [11] - 26:9, 45:7, 45:9, 45:12, 55:20, 58:3, 58:4, 60:22, 60:23, 69:20, 85:25 Wizard [1] - 77:20 won [7] - 5:14, 86:16, 87:9, 92:10, 94:23, 135:5, 149:5 wondered [4] - 8:22, 8:25, 9:1, 121:22 Woodbury [6] - 75:17, 75:19, 75:20, 76:1, 77:8, 77:12 word [10] - 72:1, 100:21, 117:15, 131:3, 137:19, 137:20, 139:3, 139:6, 148:3, 181:8 WordPress [2] - 231:19, 231:25 WordPress.com [1] - 114:2 words [5] - 63:9, 72:2, 105:22, 134:7, 139:9 workday [2] - 125:24, 147:14 worker [2] - 8:5, 63:4 workers [2] - 39:11, 178:13 works [2] - 25:20, 42:9</p>	<p>world [11] - 9:20, 104:17, 111:24, 123:22, 125:19, 132:23, 146:19, 148:11, 148:18, 148:20, 160:21 worried [2] - 159:18, 191:23 worry [3] - 147:5, 147:8, 148:21 worse [2] - 67:24, 126:4 worst [1] - 104:21 wow [1] - 106:3 wrap [2] - 3:5, 238:6 wrapping [1] - 126:12 write [6] - 67:7, 133:7, 164:19, 212:4, 213:2, 215:24 writer [1] - 42:9 writing [12] - 42:13, 59:9, 65:13, 91:24, 94:25, 108:11, 116:9, 133:11, 143:12, 199:7, 203:10, 221:15 written [19] - 8:10, 20:10, 21:9, 52:8, 60:15, 65:6, 69:3, 101:2, 118:25, 153:9, 160:14, 160:17, 200:21, 202:24, 203:14, 204:8, 208:14, 215:7, 216:10 wrongdoing [1] - 229:3 wrongful [1] - 83:9 wrote [15] - 4:23, 71:11, 126:18, 187:7, 187:8, 188:23, 193:10, 198:4, 198:10, 207:2, 209:24, 214:1, 225:12, 225:13, 229:3</p>	
Y				
<p>Y-o-u-s-o [1] - 24:13 year [15] - 17:7, 37:13, 73:2, 92:18, 107:24, 135:23, 137:22, 143:2, 144:1, 181:2, 181:7, 208:13, 209:10, 220:17, 232:24 Year [1] - 107:6 years [51] - 8:10, 9:17, 29:18, 29:21, 30:12,</p>				

<p>31:1, 33:6, 33:8, 33:10, 34:6, 35:25, 38:3, 38:19, 41:8, 41:24, 43:14, 51:10, 64:12, 67:13, 68:3, 69:11, 70:1, 71:3, 71:5, 73:14, 74:11, 76:6, 76:11, 76:14, 76:18, 78:20, 90:6, 90:11, 109:12, 135:10, 153:1, 160:11, 161:7, 161:8, 169:8, 169:10, 181:22, 194:13, 196:8, 211:9, 218:22, 218:25, 221:3, 224:19 YMCA ^[1] - 42:9 young ^[1] - 10:5 younger ^[1] - 76:20 yourself ^[3] - 60:20, 132:23, 197:24 yourselves ^[2] - 26:13, 44:24 Youso ^[2] - 24:13, 33:22</p>	<p>115:16, 129:19, 130:1, 131:11, 138:6, 141:5, 142:4, 143:11, 144:10, 144:21, 146:13, 150:3, 151:18, 152:6, 153:25, 154:13, 155:9, 172:14, 174:24, 184:8, 184:23, 185:8, 189:14, 195:25, 196:5, 199:15, 202:2, 202:3, 203:17, 207:5, 209:13, 209:18, 209:24, 212:1, 213:3, 213:17, 214:6, 214:7, 214:22, 215:11, 218:8, 219:5, 219:25, 220:15, 221:8, 222:6, 222:18, 224:16, 225:9, 225:16, 227:8, 227:11, 227:25, 228:15, 230:22, 231:11, 232:12</p>
Z	
<p>Z-w-e-i-z-i-g ^[1] - 75:10 zip ^[2] - 154:18, 182:4 zone ^[1] - 207:17 ZWEIZIG ^[2] - 1:3, 75:3 Zweizig ^[122] - 3:3, 11:10, 15:16, 15:18, 16:20, 18:6, 23:12, 26:4, 26:11, 26:16, 26:17, 45:14, 45:20, 62:2, 64:13, 65:7, 65:9, 65:18, 66:1, 66:5, 66:10, 66:11, 66:24, 67:16, 67:19, 67:21, 67:24, 68:2, 68:3, 68:9, 68:13, 68:17, 68:20, 69:10, 70:1, 70:7, 71:6, 72:18, 72:24, 73:22, 74:23, 75:9, 75:16, 76:8, 90:15, 92:24, 94:8, 96:25, 97:15, 98:7, 98:24, 99:12, 100:11, 100:25, 101:4, 101:14, 102:16, 103:6, 104:13, 104:22, 106:8, 108:24, 109:18, 110:15,</p>	<p>Zweizig's ^[37] - 20:1, 66:17, 66:23, 67:11, 67:22, 69:6, 69:11, 69:17, 71:21, 72:3, 191:3, 202:21, 207:21, 207:24, 208:2, 208:3, 209:21, 212:3, 212:9, 212:19, 214:2, 214:11, 214:19, 216:3, 220:2, 220:21, 221:21, 224:23, 225:3, 227:9, 227:15, 232:17, 232:21, 233:5, 233:8, 233:18, 233:21</p>

Joel Christiansen, OSB #080561
Vogele & Christiansen
812 NW 17th Avenue
Portland, OR 97209
(503) 841-6722
joel@oremploymentlawyer.com

Attorney for Plaintiff

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

MAX ZWEIZIG,

Plaintiff,

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.

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

PLAINTIFF'S MOTIONS IN LIMINE

Plaintiff Max Zweizig ("Zweizig") moves in limine to exclude the following evidence in the parties' upcoming trial in this matter:

(1) MOTION 1: To exclude evidence offered to relitigate the parties' prior arbitration or related proceedings

Rote's filings throughout this case demonstrate his intent to relitigate the parties' prior arbitration, for which all review and appeal rights have been exhausted for many years. Zweizig moves to exclude any evidence that will result in *de facto* relitigation of the issues involved in that arbitration or in any subsequent court review of that arbitration. This specifically includes any evidence Rote might attempt to offer to prove arbitrator misconduct, judicial misconduct, or perjury in the underlying matters. It also includes evidence related to: (a) Zweizig's basis for his original protected reports to law enforcement, (b) the reason NDT terminated Zweizig's employment, and (c) any other evidence that challenges the result of Zweizig's prior successful legal claims against NDT for whistleblower retaliation.

Any such evidence would be irrelevant to the claims at issue in this case (Fed. R. Evid., Rule 401). The evidence would also be unfairly prejudicial, confusing, time-wasting, and cumulative (Fed. R. Evid., Rule 403). Moreover, the parties are bound by the outcome of the arbitration and subsequent proceedings under the doctrines of res judicata and collateral estoppel and it would therefore be inappropriate to relitigate the issues at this juncture.

Regarding res judicata and collateral estoppel, the Ninth Circuit has held:

[a]n arbitration decision can have res judicata or collateral estoppel effect.... C.D. Anderson & Co., Inc. v. Lemos, 832 F.2d 1097, 1100 (9th Cir.1987). In applying res judicata and collateral estoppel to an arbitration proceeding, we make an examination of the record, if one exists, including any findings of the arbitrators. See, e.g., Emich Motors Corp. v. General Motors Corp., 340 U.S. 558, 569, 71 S.Ct. 408, 414, 95 L.Ed. 534 (1950). We must decide whether a rational factfinder could have reached a conclusion based upon an issue other than that which the defendant seeks to foreclose. See Ashe v. Swenson, 397 U.S. 436, 444, 90 S.Ct. 1189, 1194, 25 L.Ed.2d 469 (1970).

* * *

The party asserting preclusion bears the burden of showing with clarity and certainty what was determined by the prior judgment. United States v. Lasky, 600 F.2d 765, 769 (9th

Cir.), cert. denied, 444 U.S. 979, 100 S.Ct. 480 (1979).

BNSF Ry. Co. v. Albany & E. R.R. Co., 741 F. Supp. 2d 1184, 1193–94 (D. Or. 2010)(quoting Clark v. Bear Stearns & Co., Inc., 966 F.2d 1318, 1321 (9th Cir.1992)).

The arbitrator’s opinion involved in the current case sufficiently identifies the relevant claims and allegations and issues a specific ruling with regard to each such claim. The arbitrator’s determinations were clear: (1) NDT unlawfully terminated Zweizig’s employment in retaliation for protected whistleblowing, and (2) NDT failed to prove that Zweizig engaged in any wrongful conduct related to his employment with NDT. Rote now wishes to sidetrack this case by relitigating the determinations. Zweizig therefore moves this Court for an order preventing Rote from doing so.

(2) MOTION 2: To exclude evidence offered to prove that Zweizig deleted, destroyed, or otherwise failed to return software, codes, or applications

Rote’s filings indicate that he will attempt to prove at trial that Zweizig deleted, destroyed, or otherwise failed to return software, codes, or applications during Zweizig’s prior employment with NDT. Plaintiff moves to exclude any evidence that Rote may attempt to offer for this purpose.

In the prior arbitration involving Zweizig and Defendant Northwest Direct Teleservices, Inc. (NDT), NDT alleged that Zweizig engaged in wrongful conduct “by deleting, destroying, or otherwise failing to return to [Northwest Direct Teleservices, Inc.] certain software, codes, and applications.” See Arbitrator’s Opinion & Order dated March 31, 2011 (Pl. Ex. 3). The arbitrator ruled, after comprehensive discovery and multiple days of hearings, that there was not sufficient evidence to prove that Zweizig had deleted, destroyed, or failed to return software, codes, or applications and ruled in Zweizig’s favor on all related claims. *Id.* The findings were reviewed at length and adopted by this Court. See Order Confirming Arbitration Award in Northwest Direct Teleservices, Inc. v. Zweizig, Case 3:11-cv-00910-PK (D. Or., Feb. 14, 2012) [ECF 46].

To the extent Rote wishes to relitigate these issues, his attempts would be based solely upon his knowledge of the facts as NDT’s representative, or, alternatively, through information he

received from NDT under a licensing agreement with NDT See Licensing Agreement (Pl. Ex. 25).

As explained above, the parties are bound by the arbitrator and court rulings under the doctrines of res judicata and collateral estoppel. BNSF Ry. Co., supra. Moreover, given that any evidence related to this topic has no probative value in this case, and also given the risk for unfair prejudice, confusion, and waste of time, the evidence should be excluded under Fed. R. Evid. Rules 401 and 403.

(3) MOTION 3: To exclude evidence concerning general government practices of prosecuting alleged cyber criminals

Rote's witness list and trial memorandum indicate that Rote intends to offer general evidence about how, when, and why the government prosecutes or declines to prosecute alleged cyber criminals. Rote's Witness List, p. 2-3 (See Scott Bradford, Assistant United States Attorney) [ECF 148]; Rote's Trial Memo p. 1 [ECF 146]. Zweizig moves to exclude any such evidence as irrelevant (Fed. R. Evid., Rule 401), unfairly prejudicial, confusing, and time-wasting (Fed. R. Evid., Rule 403).

(4) MOTION 4: To exclude any evidence related to the prosecution of Columbia Sportswear's Director of IT Infrastructure

Rote's witness list and trial memorandum indicate that Rote intends to offer evidence of the government's prosecution of a former Columbia Sportswear employee in a completely unrelated matter. Rote's Witness List, p. 2-3 (See Scott Bradford, Assistant United States Attorney) [ECF 148]; Rote's Trial Memo p. 1 [ECF 146]. Zweizig moves to exclude any such evidence as irrelevant (Fed. R. Evid., Rule 401), unfairly prejudicial, confusing, and time-wasting (Fed. R. Evid., Rule 403).

(5) MOTION 5: To exclude any evidence related to the operations of the Oregon State Bar (OSB) or the Professional Liability Fund (PLF)

Rote's witness list and trial memorandum indicate that Rote intends to call the top-ranking executives at the OSB and PLF as witnesses in this matter. Rote's Witness List, p. 3 (See Helen

Hierschbiel and Carol Bernick) [ECF 148]. According to Rote's summary of the putative witnesses' testimony, Rote intends to offer evidence related to how the OSB and PLF regulate and insure attorneys in Oregon. Zweizig moves to exclude any such evidence as irrelevant (Fed. R. Evid., Rule 401), unfairly prejudicial, confusing, and time-wasting (Fed. R. Evid., Rule 403).

(6) MOTION 6: To exclude any evidence related to the arbitrator's former law firm, Schwabe, Williamson & Wyatt

Rote's witness list and trial memorandum indicate that Rote intends to call general counsel for the Schwabe, Williamson & Wyatt law firm. Rote's Witness List, p. 4 (See Kurt Warner) [ECF 148]. According to Rote's summary of the putative witnesses' testimony, Rote intends to offer evidence related to his allegation the Schwabe firm concealed the arbitrator's file. Zweizig moves to exclude any such evidence as irrelevant (Fed. R. Evid., Rule 401), unfairly prejudicial, confusing, and time-wasting (Fed. R. Evid., Rule 403).

(7) MOTION 7: To exclude evidence concerning Plaintiff's representation agreements with counsel.

Rote's trial memorandum indicates that he will attempt to offer evidence about the nature of Zweizig's representation agreements with his counsel. Rote's Trial Memorandum, p. 5 [ECF 146] ("Once those law firms reviewed the forensic evidence they attempted to move their relationship with Zweizig to hourly instead of contingent."). Zweizig moves to exclude any such evidence as irrelevant (Fed. R. Evid., Rule 401), unfairly prejudicial, confusing, and time-wasting (Fed. R. Evid., Rule 403).

(8) MOTION 8: To exclude evidence containing the identity of Zweizig's employer(s) or other persons for whom Zweizig has performed work.

Zweizig moves to exclude evidence containing the identity of his employer(s) or any other person for whom Zweizig has performed work at any time relevant to this case. At trial, Zweizig will testify that he is not aware of losing any specific work as a result of Rote's publications on the internet. However, Zweizig will testify at length about his ongoing fear and concern that Rote's

voluminous, obsessive, and disparaging publications, by their nature, either: (1) have resulted in loss of work or damage to his reputation without Zweizig ever knowing, and (2) will result in loss of work or damage to his reputation in the future. Zweizig will also testify about the steps he has taken to minimize damage from Rote's publications, including his attempts to maintain complete privacy regarding the nature and details of his work after NDT.

Given Rote's history, the nature of the conduct at issue in this case, the risk of harm to Zweizig, and the extremely limited relevance, if any, of the identity of Zweizig's work details, Zweizig moves to exclude any evidence that would identify his employer(s) or any other person for whom Zweizig has performed work at any time relevant to this case. Alternatively, to the extent the Court may rule this evidence is admissible, Zweizig requests the evidence be published to the jury in a confidential manner and de-identified to Rote.

Date: 12/13/17

/s/ Joel Christiansen

Joel Christiansen, OSB #080561
joel@oremploymentlawyer.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing PLAINTIFF'S MOTIONS IN LIMINE on:

Timothy Rote
24790 SW Big Fir Rd.
West Linn, OR 97068
Pro Se Defendant

through the Court's electronic filing system on December 13, 2017.

/s/ Joel Christiansen
Joel Christiansen, OSB #080561
Attorney for Plaintiff

When Justice Fails

A Portland Story of Fraud, Collusion & Cybercrime

Chapter 4 – The Forensic Reports

👤 Tim Rote 📁 Uncategorized 🕒 September 29, 2015January 23, 2018 ⌵ 10 Minutes

In the next 48 hours we will provide summaries of the forensic reports and attach them for your perusal. You'll be surprised by this. There is irrefutable evidence that a hard drive M claimed was broken, reformatted and in a fireproof safe was used to store movies, music, ebay files and and .htm pages. I don't think we have ever bothered to recover and open the htm files but I am curious and think we will do so now. T

Much of the forensic evidence we examined can be broken down into two broad groups. The first group is the hard drives, personal and company computers M used while employed by us. Anything that M touched for the company business we wanted to have examined forensically. The second group is a floppy disk I used to save a draft of M's termination letter and my computer hard drive on which was stored my email terminating M. I have written this many times but suffice it to say that M did not turn over any of his personal computers or personal hard drives or other digital mediums used by him to perform his duties while employed by us.

And so the forensic evidence on M's use is contained on a **120 gig** hard drive and **60 gig** hard drive. The 120 gig hard drive was the original hard drive used and one of the forensic reports for that drive follows. The 60 gig hard drive replaced the 120 gig hard drive after it crashed. We expected to find many of our data processing and reporting program files. The programming allegedly done by M over the last two years was not there of course, but that's another story. In an earlier post I confused the 120 gig hard drive and the 60 gig hard drive. But the order is the 120 gig hard drive was the original hard drive on a computer purchased for M's use and the hard drive was used from its initial use to May 2003, at which time M took the 120 gig hard drive out of service and used it to deposit his personal Videos, Movies and Music. The 60 gig hard drive was used from May 12, 2003 until well after M returned it with the business computer. He returned it to us on November 13, 2003.

The key issue here is that neither party should destroy the computer, digital evidence. We did not. Even after Max's attorney told us not to...and again we did not destroy anything...Max still chose to destroy his computer. Had this been in state court, Max's case would have likely been dismissed. We filed a motion with Crow. He did not dismiss the case.

A component of the computer evidence was the emails between me and M and others. He claimed he received an email with this alarming evidence of over billing clients (via an email from one of our employees, an email he did not turn over). The evidence was and is an excel spreadsheet. But again he did not turn over the email. When he returned this company computer (with a 60 gig hard drive) he had created an outlook email account, but it was created the day before he returned it to us and there was no email account for M. And where were his emails? Again, not on the computer he returned. The emails were never there. The emails were on one or more of his personal computers, one's he destroyed. We filed a motion to dismiss the case based on this destroyed evidence. Bill Crow refused to dismiss. We

kept all of our emails and turned them over. He provided some emails but since they were not housed on the computer hard drive he returned to us when he was terminated, where they came from was a material point.

To properly frame this discussion, there is a history of M's business computer (the one we owned) we need to explore. First, the original hard drive on the computer we provided M was small (120 gigs), but in 2003 120 gigs was still pretty good. Some six months before I terminated M I visited him in New Jersey. During that visit and while showing me his programming skills the hard drive appeared to crash. M was pounding the keys pretty quickly and strongly & it locked up. But it did not blue screen. M maintained that this 120 gig hard drive was not usable thereafter, although he was able to recover program and data files. Max requested a replacement, which we of course accommodated...and he installed a new 60 gig hard drive to replace the 120 gig hard drive.

Why this history is important is that after M claimed the 120 gig hard drive was broken, he continued to download and store personal files on that hard drive. One of the more salient and threatening conclusions we reached was that M was downloading and uploading files on a public sharing site. M had access to credit card data. He was after all our IT manager and it is with regret that some of that personal information may have made its way to the internet. The computer was not protected as our company protocol required. The forensic report will show that as well. And that would have been a firing offense had we known about it while he was still employed by us.

But more than anything else we had seen there were movies, including titles indicating the movies were porn, presumably downloaded from and uploaded to a public file sharing service. Said service allows you to download when you upload. Lots of movies. Lots of music. A trademark and copyright violation bonanza. The FBI was notified. The New Jersey State Police was notified. The community was notified. I didn't have any idea M was doing this on company time using a company computer. You just never know. The forensic reports tell us this activity happened while in M's exclusive possession of the 120 gig hard drive.

The other inference we can draw from the 60 gig hard drive use was that there was a reason that no email evidence of M's email was on that 60 gig (new) hard drive. That means that at the time M installed the new hard drive, he had decided to not install an outlook email account on that hard drive and to control the evidence of the emails sent to him and from him thereafter. That also means he was plotting his lawsuit for at least six months before he was terminated. M did not turn over one of his personal computer with his email activity from the time the 60 gig hard drive was deployed to the time he returned said hard drive to me. He turned over emails in hard copy form only. This is very blatant evidence destruction.

But as of today legal counsel for M, Linda Marshall, demanded that we not publish the forensic reports claiming that there was a protective order keeping the confidential information each party provided protected from public disclosure presumably outside of the arbitration. I presume that Max's personal financial data was not covered by this alleged protective order. I have not found the order as yet but even if his personal financial data was not covered by the order we still would not produce or publish it.

M did not provide a personal computer, not a single hard drive used by him while working from his home, for examination by our forensic experts. The forensic data that was examined by our two forensic experts was the property we owned, including the hard drives from the computer M used during his employment with us. And as I previously noted our forensic experts also issued forensic reports on the computer I used to send and receive emails, specifically addressing whether the email terminating M was sent before he filed a complaint with the Oregon DOJ. M provided no forensic data at all. He

provided documents in pdf form & loaded on a flash drive and I recall reaching conclusions that he must have downloaded documents from a source other than the computer hard drives he provided to us...but there was nothing else.

Having reviewed the forensic reports, it covers exclusively our property. And we are free to disclose the conclusions reached on our property. I can imagine that they (Marshall, M, Ware) would not be since the hard drives examined were our property.

Several of the forensic reports were generated over 10 years ago and were published to the FBI, New Jersey State Police and Woodbury New Jersey Police. It's why M was interested in settling the case in 2006 or so, and for a small amount of money. We would have been happy with a walk away even though he destroyed key programming and documents. Nonetheless that evidence has been published and republished many times.

The forensic reports prepared for trial were a bit broader. We wanted to hone in on the fact that the last hard drive M used was not used to send and receive email. Slam dunk. It was not there...ever. But more importantly we wanted the arbitrator to see the names of the movies and music downloaded. And we wanted to showcase that the software we used, years of programming, was being used on that hard drive and was deleted. And in spite of the fact that we were told the 120 gig hard drive had crashed, Max did continue to use it, as we pointed out before.

We will be publishing the forensic reports. But will allow a few more days to see if we can find that protective order and make sure no part of it is attributable to personal property turned over by M. We will also make sure that no such data such as client files and the like will be covered in the report. We will redact that information.

We will publish the police report. And by the way finding movies and titles indicating porn was not surprising. Yes it was disappointing that such an abuse happened, but M worked from home. Probably happens a lot and I feel no moral outrage over this. But the massive amount of the movies and music did surprise me. Folks, keep your porn and other movies and music on your personal computers not on one owned by your employer.

We will publish the arbitration transcripts. We will publish other supporting information.

Sandra, M would not have destroyed his personal computers had he not been advised to do so. That should have been transparent to Bill Crow. And you can be disbarred for making that recommendation, if you did. Of course at the beginning of every session he did open up with "Ms. Marshall where did we leave off on your case."

The forensic reports do nothing but support our position. The key issues the forensic reports address are what was going on with hard drives and when were files created, to recover and report on outlook pst files (email), to identify what was going in with the email accounts and who did them, to identify unauthorized use of the hard drives and to determine if the email I sent terminating Max was sent when we claimed it was and whether that email went out before Max filed his complaint. They were also tasked to determine what happened to the Foxpro files and all the programming generated by Max and our other IT employees. The last of these points was necessary because once M was no longer with the company, our existing IT staff could not find the programs and we had to shut down for a week as we recreated them.

As a matter of disclosure we will redact any information addressing financial data as well as names of movies suggesting the downloaded file may have been more than just porn.

More details to follow.

And Linda Marshall just sent a letter to counsel demanding that we not issue the forensic reports & shut down the blog. I don't really understand their fear.

Free speech. Opinion Speech. The forensic reports and all other litigation information was property of the parent company of the Northwest call center group, a corporation called Northwest Direct Marketing. But prior to the companies shutting down, the litigation material—forensic reports, transcripts, emails and other material in any way used—was licensed to me for my use in writing this blog and other material where the evidence is referenced. Thus a documentary piece referencing evidence from NDT's litigation history involving M or anyone else is covered by the licensing agreement.

And while I initially wrote that “we” are charged to monetize this experience as much as possible, the truth is that we have not attempted in any way to do so. The blog has not been marketed in any way. This is not a product of an otherwise inactive corporation or group of corporations. NDT in fact is dissolved, out of business.

I alone am telling this story. In order to tell a complete story I must explained what one of my companies (Northwest Direct Teleservices, Inc.) was charged with, who made the claim, how we defended it, whether the claim had merit, what we found when we did forensic analysis, and everything else that impacted the arbitration decision. In doing so we are potentially exposing Northwest Direct Teleservices, Inc. to the public's attention and in particular to the claim by M that we fraudulently billed clients. While I found that claim defamatory and proved we did not over-bill clients, the allegation remains a part of our permanent record. I could carry on and say how will we ever over come that but we do not need to. Frankly no client of ours ever believed it. They were not given reason to.

The company nonetheless suffered from the loss of revenue and other very specific damages that arose when the IT department fell apart after M's last day. The remaining members of the IT department could not process data and generate reports. They left a short time thereafter.

And we asserted those damages. Northwest Direct Teleservices was the Plaintiff and we sued M to recover damages. More on that later.

Forensic Report Williams on 120 gig 120-18

(<https://thefirstdutyportland.files.wordpress.com/2018/01/forensic-report-williams-on-120-gig-120-18.pdf>)

Forensic Report Wiliams on Exit Email 120-19

(<https://thefirstdutyportland.files.wordpress.com/2018/01/forensic-report-wiliams-on-exit-email-120-19.pdf>)

Forensic Report Cox on Foxpro Files Destroyed 120-2

(<https://thefirstdutyportland.files.wordpress.com/2018/01/forensic-report-cox-on-foxpro-files-destroyed-120-2.pdf>)

Forensic Report Cox on 120 gig Doc 116-5

(<https://thefirstdutyportland.files.wordpress.com/2018/01/forensic-report-cox-on-120-gig-doc-116-5.pdf>)

[Forensic Report Cox on 120 gig 120-17](#)

(<https://thefirstdutyportland.files.wordpress.com/2018/01/forensic-report-cox-on-120-gig-120-17.pdf>).

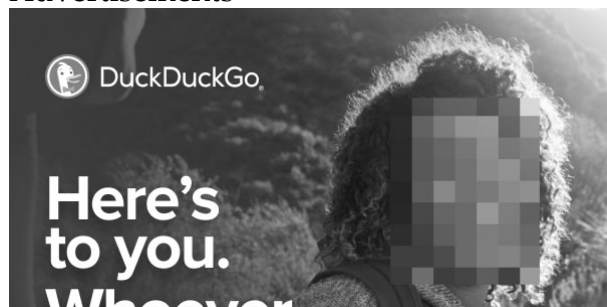
[Forensic Report Cox on 60 gig 120-3](#) (<https://thefirstdutyportland.files.wordpress.com/2018/01/forensic-report-cox-on-60-gig-120-3.pdf>).

[Forensic Report Cox on PC Anywhere120-20](#)

(<https://thefirstdutyportland.files.wordpress.com/2018/01/forensic-report-cox-on-pc-anywhere120-20.pdf>).

[Forensic Exhibit Cox on 60 gig 120-21](#) (<https://thefirstdutyportland.files.wordpress.com/2018/01/forensic-exhibit-cox-on-60-gig-120-21.pdf>).

Advertisements



REPORT THIS AD

Tagged:

Arbitrator Error,
Forensic reports,
Judicial Disability

Published by Tim Rote



Business Owner, Author, Advocate. [View all posts by Tim Rote](#)

[Create a free website or blog at WordPress.com.](#) [Do Not Sell My Personal Information](#)

Digital Recovery Systems
Computer Examination Report

FINAL REPORT

ISSUES

I was asked to perform additional analysis of the contents of the Maxtor 120gb hard drive listed below in reference to an item noted in the attachment to my report dated February 7, 2005. On page 52 of the attachment, item number 58, I noted a text fragment from the unallocated space of the C: partition on that hard drive:

File: D:\shared\Gay Sex Video – Anal – Hardhats (Falcon) – Older Muscle Guy Fucks Young Twink – 57 sec.mpg

I have included page 52 of the attachment from that report for reference. The additional analysis involved examining the data on the drive's two reformatted partitions for indications of Internet use for the purposes of visiting pornographic web sites and the presence of pornography on the computer.

QUALIFICATIONS

I am a certified forensic computer examiner through the International Association of Computer Investigative Specialists (IACIS), with more than 440 hours of specialized training in the acquisition and analysis of computer evidence. That training was obtained through IACIS, the National White Collar Crime Center, AccessData Corporation, Guidance Software Inc., the Federal Bureau of Investigation and the Defense Computer Investigations Training Program.

ITEMS EXAMINED

- (1) Maxtor D540X-4G 120gb hard drive, serial number 4G120J6060511

ACQUISITION PROCESS

See prior reports.

Digital Recovery Systems
Computer Examination Report

FINAL REPORT

EXAMINATION

I performed a text search for **http://** to look for evidence of any web site addresses on the drive. I examined several thousand recovered web site addresses, but found no evidence that any of them belonged to sites featuring pornography.

I performed a text search for additional examples of **D:\shared**, noted in the attachment from my earlier report, which would have been a folder on the D: partition prior to reformatting. I found a number of instances of this text with file names that indicated this folder contained a significant number of files. Most of these files were *mpeg* or *avi* movies, as well as *mp3* music files. Examples of the file titles are listed in the attachments to this report. Some of the files included the text *INCOMPLETE* within the file name. This would indicate that the file was being downloaded on this computer at some point, but that the download was interrupted for some reason. This is consistent with my knowledge of peer-to-peer file sharing programs.

Peer-to-peer (P2P) filing sharing programs are installed by the user on a personal computer. Some common programs of this type are *KaZaA*, *Limewire*, *Bearshare* and *Morpheus*. The programs allow the user to see other program users on-line and view folders and files that those users designate as "shared," or available to download from. Typically the programs will by default create a "shared" folder that the user can designate as visible to other users. The programs also allow the user to choose the folder whose contents they want to share with other users.

P2P programs commonly display files by various types in a library-style listing, with search features, allowing the user to select those files he wants to copy to his computer. I searched this drive for the various peer-to-peer file sharing programs that I am familiar with, but found nothing I recognized. However, the presence of a "shared" folder containing movie and music files is consistent with this type of file operation.

I recognized many of the titles of the files in the shared folder as various television shows, such as various episodes of *Star Trek – The Next Generation*, or music videos such as *Styx, "Haven't We Been Here Before"*. Other *mpeg* and *avi* movie files appeared to be pornographic in nature based on words in the title that are commonly associated with those types of movies.

It appears likely that this computer was at one point installed with an undetermined peer-to-peer file sharing program, and the *shared* folder contained files that the user made available to other P2P program users to copy.

Digital Recovery Systems
Computer Examination Report

FINAL REPORT

I also found evidence of other folders that originally existed on the *D:* partition, such as **nwtold**, **paul**, **NWT-1** and **winx**. These folders contained similar types of file names as noted in the *shared* folder, including file names of popular television shows like the *Simpsons* and *Deep Space 9*.

I found text in the unallocated space of the *C:* partition that indicated the computer originally housing this drive had the following drive letters:

A:
C:
D:
E:
F:
G:

The *A:* drive would have been the floppy diskette drive, while the *C:* and *D:* drives were the two partitions on the 120gb Maxtor drive. At one point the computer with this drive had three additional drive letters assigned. These could have included a CD/DVD drive or some type of external storage device, like a thumb drive or an external hard disk drive. I found text examples of what appeared to be folder and file names from an *F:* drive that contained numerous mpeg format movie files, all of which appeared to have titles consistent with music videos. Example: **Bangles – Walk_Like_An_Egyption.mpg**.

I found a number of avi movie file titles that existed in the *D:\shared* folder location. Each had the word *INCOMPLETE* in the title, as well as the phrase "**tvrip**". I researched the term on various Internet web sites and discovered that these types of files are digital video files of television programs. In the six cases where I found the *tvrip* text, each file name was for the program "*The Dead Zone*". The file names also included a string of characters I recognized as Hash values. Hash values are hexadecimal numbers that are unique for a particular file, essentially a digital finger print.

I attempted to recover any actual movie or music files that existed on this drive prior to reformatting using a number of software tools. As of the date of this report I have not been successful in this task. Should I recover any such files in the future, they will be documented in a separate report.

Lastly, I found what appeared to be another drive letter and folder name, **Z:\laptop**. All of the file names associated with this text were mp3 music files for various artists like *Simple Minds*, *Mike and the Mechanics*, *Cindy Lauper*, *Tom*

Digital Recovery Systems
Computer Examination Report

FINAL REPORT

Petty & The Heartbreakers and *Tears For Fears*. There was no indication as to what type of device the Z:\ drive would have been.

CONCLUSIONS

There were no indications of web site addresses on the drive belonging to pornographic web sites. A search of the drive for all recoverable images also did not reveal any pornographic images.

I located data on the drive consistent with the operation of a peer-to-peer file sharing program. File folder entries for the *D:* partition showed folders containing file names for mpeg and avi movie files. Several of these files had names that would suggest their content was pornographic in nature. Other files appeared to be movie files of music videos and television programs, as well as mp3 music files. The purpose of placing these types of files in a shared folder would be to make them accessible for download by other users of the same file sharing program. Additional music and video files appeared on other drive letters for undetermined devices. This information would support the conclusion that these files were stored on this drive for purposes of sharing with other peer-to-peer file sharing program users across the Internet.

Steven E. Williams
Certified Forensic Computer Examiner

57) Maxtor HDD\C\Unallocated Clusters

□ We had a good meeting to discuss some current projects that we will try to get done next week before the new business rolls in e h Max Zweizig ax ax Normal.dot Max Zweizig 2 x Microsoft Word 9.0 n@ šB @ ,□Ů ,Á @ Óá ,Á

58) Maxtor HDD\C\Unallocated Clusters

@ □? " @ □? % š> 4@ @ -- " @ yh<> n Á@ l file:D:\shared\Gay Sex Video - Anal - Hardhats (Falcon) - Older Muscle Guy Fucks Young Twink - 57 sec.mpeg - AA F@ X Gay Sex Video - Anal - Hardhats (Falcon) - Older Muscle Guy Fucks Young Twink - 57 sec AA Á@ SA - í Á@ á ° Á á \ p Max Zweizig

59) Maxtor HDD\C\Unallocated Clusters

Following is the requested information for Harry L Zechman. Please forward any moneys from his NFCU accounts to my address below for dispersal to his estate, along with moneys from any entitlements that he may be due under your policies.

Thank you for all of your help in this matter.

Max Zweizig Executor
140 Ford Avenue
Woodbury NJ 08096

60) Maxtor HDD\C\Unallocated Clusters

DAILY DTCMS DATA
To: Discover Group From: NorthWest Marketing Fax: 630/ 355-8387 Pages: 1 Phone: Date: 3/20/03 Re: Daily DTCMS Vendor Sign Off CC:
Daily DTCMS data for file name NWD0320.TS1.txt in zip file NWD0320.ZIP has been placed on the The Allant Group FTP site. For End of Campaign files fill in Campaign ID and # of records sent for campaign.

Campaign ID A55 A58 DCS DCT DCX DDL Total # of Records in transmission 10 10 10 10 10 10 Total Sales (SS, SO and SL disposition type) 10 5 Total Contacts 10 10 10 10 10 10 Total Depletes 10 10 10 10 10 10 Total Sales per Hour (SPH) .88 3.69 Total Hours (HHHHHH:MM:SS) 11:21:56 1:21:13 18:51 15:00 1:49:32 1:21:50 Total Talk Time 2:11:29 1:21:13 18:51 15:00 1:49:32 1:21:50 Total Wait Time 9:10:27 My signature indicates that I have reviewed and approved the data for the transmission date listed above.

Max Zweizig
(If anyone other than the Account Manager signs off, then print the alternates name and provide a phone number where this person can be reached for questions / clarification)

Contacts calculation = Sales + Refusal + UNW Person + NQR (see list of valid disposition codes for classification)
Depletes calculation = Contacts + UNW phone (see list of valid disposition codes for classification)

~~D:\shared~~

1) Maxtor HDD\CUnallocated Clusters

PlaylistName=Playlist 001
File=D:\shared\Gay Sex Video - Anal - Hardhats (Falcon) - Older Muscle Guy Fucks Young Twink - 57 sec.mpeg
Title=Gay Sex Video - Anal - Hardhats (Falcon) - Older Muscle Guy Fucks Young Twink - 57 sec
Length=57
NumberOfEntries=1
Version=2

2) Maxtor HDD\CUnallocated Clusters

D:\shared\ # \\NWT-1\shared Jennifer Lopez - Xxx Movie Video College Porno Flick
Gizmo6775.asf

3) Maxtor HDD\CUnallocated Clusters

D:\shared_INCOMPLETE_Night Ranger - Sign Of The Times4cbf221ee986aefe24798c85ede44e8d03283ca0.mpg

4) Maxtor HDD\CUnallocated Clusters

D:\shared\Star Trek TNG - 2x12 - The Royale.avi

5) Maxtor HDD\CUnallocated Clusters

4 file:D:\shared\Night Ranger - Sign Of The Times.mpg

6) Maxtor HDD\CUnallocated Clusters

D:\shared\Star Trek TNG - 1x20 - The Arsenal Of Freedom.avi

7) Maxtor HDD\CUnallocated Clusters

D:\shared\Howard Jones - New Song.mpg

8) Maxtor HDD\CUnallocated Clusters

D:\shared\Cyndi Lauper - Madonna Whore.mp3

9) Maxtor HDD\CUnallocated Clusters

D:\shared\Copy of _INCOMPLETE_ Jennifer Lopez - Xxx Movie Video College Porno Flick
Gizmo677549c88a47e4d3b03d1bdfedcd005d9669005f19cf.asf

10) Maxtor HDD\CUnallocated Clusters

D:\shared\Copy of _INCOMPLETE_ Sex Movies - Jenifer Lopez - U-Turn -
Fuckingaf0d2d88f666f3df26a76c8bb4cf4576000a1056.mpg

~~D:\shared~~

11) Maxtor HDD\C\Unallocated Clusters

D:\shared__INCOMPLETE__jennifer lopez xxx porno sexo porn xxx playboy pamela anderson pussy free sex anal fisting russion rape fucking teen sex teens(2)10ecfc66e0b5bf296e864fc27827cc2200313881.asf

12) Maxtor HDD\C\Unallocated Clusters

D:\shared\Sex Movies - Jenifer Lopez - U-Turn - Fucking.mpg

13) Maxtor HDD\C\Unallocated Clusters

D:\shared\Jennifer Lopez - Xxx Movie Video College Porno Flick Gizmo6775.asf

14) Maxtor HDD\C\Unallocated Clusters

D:\shared\hold\Ozzy on Greta-Fox News-Pt1.avi

15) Maxtor HDD\C\Unallocated Clusters

D:\shared\Jennifer Lopez - XXX Movie Video College Porno Flick Gizmo(1).avi

16) Maxtor HDD\C\Unallocated Clusters

D:\shared\jennifer lopez xxx porno sexo porn xxx playboy pamela anderson pussy free sex anal fisting russion rape fucking teen sex teens(2).asf

17) Maxtor HDD\C\Unallocated Clusters

D:\shared\Star Trek - TNG - 6x14 - Face of the Enemy.avi

18) Maxtor HDD\C\Unallocated Clusters

D:\shared\Star Trek TNG - 1x16 - When The Bough Breaks.avi

19) Maxtor HDD\C\Unallocated Clusters

D:\shared\Howard Jones - What is love.mpg

20) Maxtor HDD\C\Unallocated Clusters

D:\shared\2. TNG - sle23 - We'll Always Have Paris.avi

21) Maxtor HDD\C\Unallocated Clusters

D:\shared__INCOMPLETE__Young teen fucks 2 guys gets full cum facial_lolita_rape_young_sex_whore_dick_pussy_anal_teenscum_hardcore_69_orgy_from_7cea89335a1f6732d5ff83ab7896c9d20c69f000.mpg

D:\shared

Case: NW Direct 120gb Maxtor

Page 3

22) Maxtor HDD\C\Unallocated Clusters

D:\shared\COPY of __INCOMPLETE__ Teen 16 Year Young Cute Lolita (perfect Tits) Girl Gets Fucked With Cock In Pussy And Sucks French Cumshot (blowjob) Ass779c3f7325e62795fc5fe0e4446b1100bb9e00.avi

23) Maxtor HDD\C\Unallocated Clusters

D:\shared\Teen 16 Year Young Cute Lolita (perfect Tits) Girl Gets Fucked With Cock In Pussy And Sucks French Cumshot (blowjob) Ass.avi

24) Maxtor HDD\C\Unallocated Clusters

D:\shared__INCOMPLETE__ Styx - Haven't We Been Here Before0362d4e186a75f451eaa576d0e006560029a6420.mpeg

25) Maxtor HDD\C\Unallocated Clusters

D:\shared\older woman fucking a guy in the back of a car.mpg

26) Maxtor HDD\C\Unallocated Clusters

D:\shared\ older sisters get lesbien with little sister mpg.mpg

27) Maxtor HDD\C\Unallocated Clusters

D:\shared\older woman getting fucked in all holes.mpg

28) Maxtor HDD\C\Unallocated Clusters

D:\shared\great older sex - fucking blowjob and cumshots - 4 women.mpg

29) Maxtor HDD\C\Unallocated Clusters

D:\shared\gay video - older man fucking young twink.mpg

30) Maxtor HDD\C\Unallocated Clusters

D:\shared\HOT older woman MILF 34 red hair shaved pussy in action.mpeg

31) Maxtor HDD\C\Unallocated Clusters

D:\shared\Gay_Older_Men_-_Quadraplex_Part_1.avi

32) Maxtor HDD\C\Unallocated Clusters

D:\shared\Styx - Haven't We Been Here Before.mpeg

D:\shared

33) Maxtor HDD\C\Unallocated Clusters

D:\shared__INCOMPLETE__GAY - Older Men - Let daddy do it 2ebdea1a663a53145f7773ae96bbdeb76009a66ba.asf

34) Maxtor HDD\C\Unallocated Clusters

D:\shared\Gay Sex Video - Anal - Hardhats (Falcon) - Older Muscle Guy Fucks Young Twink - 57 sec.mpeg

35) Maxtor HDD\C\Unallocated Clusters

D:\shared\Gay_Older_Men_-_Quadraplex_Part_1.avi

36) Maxtor HDD\C\Unallocated Clusters

D:\shared__INCOMPLETE__(Gay Teens - St245#1_001) Older teen kisses, sucks and fucks hairless brother [22m]0d40ba2ea52cff48e19ef2eb3db792a412420042.mpg

37) Maxtor HDD\C\Unallocated Clusters

#E361 An unsigned or incorrectly signed file "C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msaudio.inf" will be installed (Policy=Ignore). Error 0x800b0100: No signature was present in the subject.
[2003/04/01 19:36:39 3048.1]
#-198 Command line processed: "C:\Program Files\Windows Media Player\mplayer2.exe"
"D:\shared__INCOMPLETE__(Gay Teens - St245#1_001) Older teen kisses, sucks and fucks hairless brother [22m]0d40ba2ea52cff48e19ef2eb3db792a412420042.mpg"
#E361 An unsigned or incorrectly signed file "c:\docume~1\max\locals~1\temp\icd1.tmp\msaudio.inf" will be installed (Policy=Ignore). Error 1168:

38) Maxtor HDD\C\Unallocated Clusters

C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msadds32.ax" will be installed (Policy=Ignore). Error 1168: Element not found.
[2003/04/01 19:36:41 3048.1]
#-198 Command line processed: "C:\Program Files\Windows Media Player\mplayer2.exe"
"D:\shared__INCOMPLETE__(Gay Teens - St245#1_001) Older teen kisses, sucks and fucks hairless brother [22m]0d40ba2ea52cff48e19ef2eb3db792a412420042.mpg"
#-024 Copying file "C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msaudio.inf" to "C:\WINDOWS\Downloaded Program Files\msaudio.inf".

39) Maxtor HDD\C\Unallocated Clusters

[2003/04/04 02:30:24 2328.1]
#-198 Command line processed: "C:\Program Files\Windows Media Player\mplayer2.exe" "D:\shared\Gay_Older_Men_-_Quadraplex_Part_1.avi"
#E361 An unsigned or incorrectly signed file "c:\docume~1\max\locals~1\temp\icdi.tmp\msaudio.inf" will be installed (Policy=Ignore). Error 1168: Element not found.
#-024 Copying file "C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msadds32.ax" to "C:\WINDOWS\System32\msadds32.ax".
#E361 An unsigned or incorrectly signed file "C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msadds32.ax" will be installed (Policy=Ignore). Error 1168: Element not found.
[2003/04/04 02:30:28 2328.1]
#-198 Command line processed: "C:\Program Files\Windows Media Player\mplayer2.exe" "D:\shared\Gay_Older_Men_-_Quadraplex_Part_1.avi"
#-024 Copying file "C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msaudio.inf" to "C:\WINDOWS\Downloaded Program Files\msaudio.inf".
#E361 An unsigned or incorrectly signed file "C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msaudio.inf" will be installed (Policy=Ignore). Error 0x800b0100: No signature was present in the subject.
[2003/04/10 16:36:00 3668.1]
#-198 Command line processed: "C:\Program Files\Windows Media Player\mplayer2.exe" "D:\shared\Gay_Older_Men_-_Quadraplex_Part_1.avi"
#E361 An unsigned or incorretp i>¿<Simp leDialog >
<Tit le H Pext> Search b y any or all of the crit eria belÄow.</T b Š"/ @

Dr. shared

40) Maxtor HDD\C\Unallocated Clusters

```
#E361 An unsigned or incorrectly signed file "C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msadds32.ax" will be
installed (Policy=Ignore). Error 1168: Element not found.
[2003/04/10 16:36:03 3668.1]
#-198 Command line processed: "C:\Program Files\Windows Media Player\mplayer2.exe" "D:\shared\Gay_Older_Men_
_Quadraplex_Part_1.avi"
#-024 Copying file "C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msaudio.inf" to "C:\WINDOWS\Downloaded Program
Files\msaudio.inf".
#E361 An unsigned or incorrectly signed file "C:\DOCUME~1\Max\LOCALS~1\Temp\ICD1.tmp\msaudio.inf" will be
installed (Policy=Ignore). Error 0x800b0100: No signature was present in the subject.
[2003/04/14 16:15:03 2020.1]
#-198 Command line processed: "C:\Program Files\Windows Media Player\mplayer2.exe" "D:\_x\Gay_Older_Men_
_Quadraplex_Part_1.avi"
```

41) Maxtor HDD\C\Unallocated Clusters

D:\shared\The_Beatles_-_Yesterday.mpg

42) Maxtor HDD\C\Unallocated Clusters

D:\shared\The_Clash_-_Rock_The_Casbah_(videot).mpg

43) Maxtor HDD\C\Unallocated Clusters

D:\shared\WhiteSnake_-_Is_This_Love(SK-VCD).mpg

44) Maxtor HDD\C\Unallocated Clusters

D:\shared\Will_Smith -- Wild Wild West.mpg

45) Maxtor HDD\C\Unallocated Clusters

D:\shared\Star Trek TNG - 1x15 - 11001001.avi

46) Maxtor HDD\C\Unallocated Clusters

D:\shared\Star Trek TNG - 1x16 - When The Bough Breaks.avi

47) Maxtor HDD\C\Unallocated Clusters

D:\shared\Styx - Haven't We Been Here Before.mpeg

48) Maxtor HDD\C\Unallocated Clusters

D:\shared\Styx - Mr.Roboto.mpg

49) Maxtor HDD\C\Unallocated Clusters

D:\shared\Styx - Music Time (MV).mpg

D:\shared

50) Maxtor HDD\C\Unallocated Clusters

D:\shared\Styx - Too Much Time On My Hands (videot).mpg

51) Maxtor HDD\C\Unallocated Clusters

D:\shared\styx_tgi.mp3

52) Maxtor HDD\C\Unallocated Clusters

D:\shared\Styx_The Best Of Times.mpg

53) Maxtor HDD\C\Unallocated Clusters

D:\shared\Take_The_Time.mpg

54) Maxtor HDD\C\Unallocated Clusters

D:\shared\Tears For Fears - Shout.mpg

55) Maxtor HDD\C\Unallocated Clusters

\shared\styx_tgi.mp3 D:\shared\Styx_The Best Of Times.mpg D:\shared\Take_The_Time.mpg D:\shared\Tears For Fears - Shout.mpg D:\shared\The_Beatles_-_Yesterday.mpg D:\shared\The_Clash_-_Rock_The_Casbah_(videot).mpg D:\shared\The_Human_League_-_Don't_You_y_e_e_eot).mpg D:\shared\Tina the big 80s - abracadabra; the steve miller band.mp3

56) Maxtor HDD\C\Unallocated Clusters

D:\shared\Styx - Haven't We Been Here Before.mpeg D:\shared\Styx - Mr.Roboto.mpg D:\shared\Styx - Music Time (MV).mpg D:\shared\Styx - Too Much Time On My Hands (videot).mpg D:\shared\styx_tgi.mp3 D:\shared\Styx_The Best Of Times.mpg D:\shared\Take_The_Time.mpg D:\shared\Tears For Fears - Shout.mpg D:\shared\The_Beatles_-_Yesterday.mpg D:\shared\The_Clash_-_Rock_The_Casbah_(videot).mpg D:\shared\The_Human_League_-_Don't_You_Want_Me_(videot).mpg D:\shared\Tina the big 80s - abracadabra; the steve miller band.mp3 D:\shared\TNG-235 - The Quality Of Life.avi D:\shared\Toto - Africa.mpg D:\shared\Toto-Africa(MJ).mpg D:\shared\tunes.txt D:\shared\Video - SNL (Chris Farley as Matt Foley).mpg D:\shared\weird_al(the_saga_begins).mpg D:\shared\WhiteSnake_-_Is_This_Love(SK-VCD).mpg D:\shared\Will Smith -- Wild Wild West.mpg D:\shared\Star Trek TNG - 1x15 - 11001001.avi D:\shared\Star Trek TNG - 1x16 - When The Bough Breaks.avi D:\shared\Styx - Don't Let It End Music Video.mpg

57) Maxtor HDD\C\Unallocated Clusters

d\Styx - Haven't We Been Here Before.mpe , 2 Q v @ Å é , R ... Á 1 M k
□ ¶ Þ 9 g ¸ On My Hands (videot).mpg D:\shared\%{ ĩk- 0~È @ 8%È C:\Program
Files\WinRAR\Formats\uuе.fmt en Here Before . mpeh b D:\shared\Styx - Haven't We Been Here
Before.mpeg D:\shared\Styx - Mr.Roboto.mpg ah_(videot)Ī * D : \ s h a r e d \ S t y x - H a v e n ' t
W e B e e n H e r e B e f o r e . m p e g D : \ s h a r e d \ S t y x - M r . R o b o t o . m p g
fe.avi D:\shared\Toto Ę š D:\shared\Styx - Haven't We Been Here Before.mpeg D:\shared\Styx - Mr.Roboto.mpg
D:\shared\Styx - Music Time (MV).mpg d\weird_al(the_saga_begins).mp(. D : \ s h a r e d \ S t y x - H a
v e n ' t W e B e e n H e r e B e f o r e . m p e g D : \ s h a r e d \ S t y x - M r . R o b o t o
o . m p g D : \ s h a r e d \ S t y x - M u s i c T i m e (M V) . m p g m p g
X Þ D:\shared\Styx - Haven't We Been Here Before.mpeg D:\shared\Styx - Mr.Roboto.mpg D:\shared\Styx - Music
Time (MV).mpg D:\shared\Styx - Too Much Time On My Hands (videot).mpg D:\shared\styx

Unshared

58) Maxtor HDD\C\Unallocated Clusters

D:\shared\Styx - Haven't We Been Here Before.mpeg D:\shared\Styx - Mr.Roboto.mpg D:\shared\Styx - Music Time (MV).mpg D:\shared\Styx - Too Much Time On My Hands (videot).mpg D:\shared\styx_tgi.mp3 D:\shared\Styx_The Best Of Times.mpg D:\shared\Take_The_Time.mpg D:\shared\Tears For Fears - Shout.mpg D:\shared\The_Beatles_-_Yesterday.mpg D:\shared\The_Clash_-_Rock_The_Casbah_(videot).mpg D:\shared\The_Human_League_-_Don't_You_Want_Me_(videot).mpg D:\shared\Tina the big 80s - abracadabra; the steve miller band.mp3 D:\shared\TNG-235 - The Quality Of Life.avi D:\shared\Toto - Africa.mpg D:\shared\Toto-Africa(MJ).mpg D:\shared\tunes.txt D:\shared\Video - SNL (Chris Farley as Matt Foley).mpg

59) Maxtor HDD\C\Unallocated Clusters

D:\shared\Styx - Haven't We Been Here Before.mpeg D:\shared\Styx - Mr.Roboto.mpg D:\shared\Styx - Music Time (MV).mpg D:\shared\Styx - Too Much Time On My Hands (videot).mpg D:\shared\styx_tgi.mp3 D:\shared\Styx_The Best Of Times.mpg D:\shared\Take_The_Time.mpg D:\shared\Tears For Fears - Shout.mpg D:\shared\The_Beatles_-_Yesterday.mpg D:\shared\The_Clash_-_Rock_The_Casbah_(videot).mpg D:\shared\The_Human_League_-_Don't_You_Want_Me_(videot).mpg D:\shared\Tina the big 80s - abracadabra; the steve miller band.mp3 D:\shared\TNG-235 - The Quality Of Life.avi D:\shared\Toto - Africa.mpg D:\shared\Toto-Africa(MJ).mpg D:\shared\tunes.txt D:\shared\Video - SNL (Chris Farley as Matt Foley).mpg D:\shared\weird_al(the_saga_begins).mpg D:\shared\WhiteSnake_-_Is_This_Love(SK-VCD).mpg D:\shared\Will Smith -- Wild Wild West.mpg D:\shared\Star Trek TNG - 1x15 - 11001001.avi

60) Maxtor HDD\C\Unallocated Clusters

D:\shared\Star Trek TNG - 1x14 - Angel One.avi D:\shared " " é er.mpg D:\shared\Mike & The Ú' X%È 'á- i' @ 8%È arj|a## C:\Program Files\WinRAR\Formats\bz2.fmt lent Running (Extended Version).mp3 D:\shared\Mike And The Mechanics - Silent Running.mp3 D:\shared\Night Ranger - Don't Tell Me You Love Me.mpg D:\shared\NIGHT RANGER - Four In The Morning (melodicrock.tv).m " " é arj|a## \shared\Night Ranger - SisteÚ' X%È lç- i' @ 8%È C:\Program Files\WinRAR\Formats\bz2.fmt g D:\shared\NIGHT RANGER(Midnight Madness) - (You Can Still) Rock In America(Live).mpg D:\shared\Night_Ranger_-_Four_In_The_Morning.mpg D:\shared\Night_Ranger_-_Goodbye.mpg D:\shared\Oldies-Cindy Lauper - Girls Just Wanna Have Fun.mp3 D:\shared\Ozzy Osbourne - Bark At The Moon.mpg D:\shared\Pat Benatar - Fire And Ice (live).mpg D:\shared\Paul_Simon_-_You_Can_Call_Me_Al.mpg D:\shared\Paula_Abdul_-_Opposites_Attract.mpg D:\shared\Paula_Abdul_-_Straight_Up.mpg D:\shared\rush - red sector a.mp3 D:\shared\Rush_-_Limelight_-_popup.ram D:\shared " B Z h bz2|tbz|tbz2 d Things 1 & 2.avi D:\sharedø, X%È tē- r, @ 8%È C:\Program Files\WinRAR\Formats\cab.fmt \Star Trek TNG - 1x06 - Where No One Has Gone Before.avi D:\shared\Star Trek TNG - 1x07 - Lonely Among Us.avi r e d \ m a d o n n a - n o t h i n g _ r e a l l

61) Maxtor HDD\C\Unallocated Clusters

D:\shared\MEN IN BLACK 2 MPEG DIVX.avi

62) Maxtor HDD\C\Unallocated Clusters

D:\shared\SNL - Celebrity Jeopardy - Ozzy Osbourne, Martha Stewart, Sean Connery(NTSC).mpg

63) Maxtor HDD\D\Unallocated Clusters

D:\shared__INCOMPLETE__ Dead Zone - 2x09 - The Man Who Never Wase3e108063b273fe1d66df695c2fe7cd31b885934.mpg

64) Maxtor HDD\D\Unallocated Clusters

D:\shared__INCOMPLETE__ Dead Zone - 2x08 - Cabin Pressurebd85ac5d6771ad21cdPK

~~Unshared~~

65) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__Dead Zone - 1x02 - What it Seems08055b00b626301769aa5fcfcd91786d1a353a44.mpg

66) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__Dead Zone - 1x01 - Wheel of FortureNTSC37c71d8f0de035be30a2ec8f473e345b19cfcfa8.mpg

67) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 2x12 - zion-ftv8f9b53ac3429a257f9050c1b76d2a8e31bbc41bc.mpg

68) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 2x11 - playing.god.repack-ftvdc717b9473fcdd9f8a2a5a9df1dcc1521b75da00.mpg

69) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 2x10 - dead.men.tell.tales-ftva4d4701a596fb6017452c7d9439bea691becc4b8.mpg

70) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 2x07 - misbegotten (xvid-ttc)3e0465f30359b85b464b787cc8d0cc7e15e00800.avi

71) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 2x05 - precipitate (divx-sfm)110fc80d56737a4815240687c261e7f715ebe000.avi

72) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 1x07 - tvrip.divx-sfm379d9eb99775a3bbd77c44062bc3aa8a0fde1020.avi

73) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 1x06 - tvrip.divx-sfmd0e9d7f6657fe7b00d5fecc3a7f8631f15e23000.avi

74) Maxtor HDD\Unallocated Clusters

D:\shared__522B~1.MPG __Tintin - Tintin och Hajsjön25d21f1508bfdae2b833a55b54b8678c2e2cba1c.mpg

75) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__Star Trek DS9 - 6x18 - Inquisition - DivX8a4f0ba20a3f67c1lead29b35e4c3d090999f000.avi

76) Maxtor HDD\Unallocated Clusters

D:\shared__7894~1.MPG __TinTin - Månen tur och retur Dellef9580ca9b791ebc7b8577f51e4ce37d1d3ad360.mpg

Unshared

77) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 1x01 - wheel.of.fortunef5359d693b9d67693fdeab02d24cc28e15f3d800.avi

D:\nwtold

Case: NW Direct 120gb Maxtor

Page 1

1) Maxtor HDD\C\Unallocated Clusters

d:\nwtold_convert_june\temp\Paula Price - Deep Throat.mpg

2) Maxtor HDD\C\Unallocated Clusters

d:\nwtold_convert_june\temp\Deep throats again and again.avi

D:\paul

1) Maxtor HDD\C\Unallocated Clusters

D:\paul\crap\N2.avi

2) Maxtor HDD\C\Unallocated Clusters

D:\paul\JL-Metamorphosis\cd03.mpg

3) Maxtor HDD\C\Unallocated Clusters

D:\paul\JL-Metamorphosis\Osbornes 104.mpg

4) Maxtor HDD\C\Unallocated Clusters

d:\paul\JL-Metamorphosis\cd-0002.mpg

5) Maxtor HDD\C\Unallocated Clusters

d D:\paul\ ! \\NWT-1\paul T\Thai sex guide.mpg

6) Maxtor HDD\C\Unallocated Clusters

D:\paul\ ! \\NWT-1\paul JL-Metamorphosis\cd03.mpg

7) Maxtor HDD\C\Unallocated Clusters

D:\paul\ ! \\NWT-1\paul JL-Metamorphosis ` X nwt-1

D:\NWT-1

Case: NW Direct 120gb Maxtor

Page 1

1) Maxtor HDD\C\Unallocated Clusters

D:\shared\ # \\NWT-1\shared Tara Reid - body shots3.mpg

2) Maxtor HDD\C\Unallocated Clusters

D:\shared\ # \\NWT-1\shared older mom cheating on her husband and fucking some other
guy.mpg D : \ s h a r e d ` X nwt-1

3) Maxtor HDD\C\Unallocated Clusters

d D:\shared\ # \\NWT-1\shared __INCOMPLETE__ Gay Porn - (Str8 Marine Sex) DYPC 16702 -
Older marine fucks his youngeac34daf0e6e700043f10bfbacfbf4c4d00457004.mpg D : \ s h a r e d `

4) Maxtor HDD\C\Unallocated Clusters

d D:\shared\ # \\NWT-1\shared sexy older mom fucked.mpg

5) Maxtor HDD\C\Unallocated Clusters

d D:\shared\ # \\NWT-1\shared older woman in pantyhose.mpg D : \ s h a r e d `

D:\winmx

Case: NW Direct 120gb Maxtor

Page 1

1) Maxtor HDD\C\Unallocated Clusters

D:\winmx\ " \\NWT-1\winmx s06e20 The Simpsons - Two Dozen & One Greyhounds.mpg

2) Maxtor HDD\C\Unallocated Clusters

D:\winmx\ " \\NWT-1\winmx s08e10 The Simpsons - The Springfield Files.mpg

3) Maxtor HDD\C\Unallocated Clusters

D:\winmx\ " \\NWT-1\winmx s09e25 The Simpsons - Natural Born Kissers.mpg

4) Maxtor HDD\C\Unallocated Clusters

D:\winmx\ " \\NWT-1\winmx DS9 - 7x12 - The Emperor's New Cloak.avi

5) Maxtor HDD\C\Unallocated Clusters

D:\winmx\Star Wars Episode II Attack of the Clones (SVCD, pt 2 of 2).mpg

6) Maxtor HDD\C\Unallocated Clusters

D:\winmx\The Simpsons - Too Hot For TV .mpg

7) Maxtor HDD\C\Unallocated Clusters

D:\winmx\s06e20 The Simpsons - Two Dozen & One Greyhounds.mpg

8) Maxtor HDD\C\Unallocated Clusters

D:\winmx\s08e10 The Simpsons - The Springfield Files.mpg

9) Maxtor HDD\C\Unallocated Clusters

D:\winmx\Star Trek DS9 - 5x06 - Trials and Tribble-ations.asf

10) Maxtor HDD\C\Unallocated Clusters

ek DS9 -9

-
- ive Pursuit.avi D:\winmx\Star Trek DS9 - 1x19 Duet.avi D:\winmx\Star Trek DS9 - 4x22 - For The Cause.avi
D:\winmx\Star Trek DS9 - 5x06 - Trials and Tribble-ations.asf D:\winmx\Star Trek DS9 - 6x13 - Far Beyond the
Stars.avi D:\winmx\Star Trek DS9 - 7x26 - What You Leave Behind (Part 2).avi D:\winmx\StarTrek - TOS TNG DS9
Voyager 2002 (I GOT GOOSEBUMPS!).mpg D:\winmx\The Simpsons - Too Hot For TV .mpg D:\winmx\The Simpsons-Homer Gets
a Gun.mpg

11) Maxtor HDD\C\Unallocated Clusters

D:\winmx\DS9 - 6x26 - Tears of the Prophets.avi

D:\winmx

12) Maxtor HDD\C\Unallocated Clusters

D:\winmx\Flintstones-Simpsons.avi

13) Maxtor HDD\C\Unallocated Clusters

C:\Program Files\WinRAR\Formats\lzh.fmt 0`È < e%È 0`È d critic.mpg D:\ \ %È 0`È l © 8%È
C:\Program Files\WinRAR\Formats\ace.fmt Connery(NTSC).mpg D:\winmx\SNL - Celebrity Jeopardy - Travolta,
Reynolds, Keaton.mpg D:\winmx\Star Trek - DS9 - 7x18 - 'Til Death Do Us Part.avi D:\winmx\Star Trek - DS9 - 7x21
- When It Rains.avi D:\winmx\Star Trek - Farewell to DS9 (music by Enya).mpeg D:\winmx\Star Trek DS9 - 1x01 &
1x02 - Emissary.avi

14) Maxtor HDD\C\Unallocated Clusters

C:\Program Files\WinRAR\Formats\uae.fmt \winmx\Kelly Osbourne - PapaÜ' X%È @'- i' © 8%È
C:\Program Files\WinRAR\Formats\bz2.fmt Dont Preach (Live on 2002 MTV Movie Awards).mpg D:\winmx\Kelly Osbourne
- Papa Don't Preach.mpg D:\winmx\Kelly Osbourne - Papa Don't Preach-Without Radio Intro.mp3 D:\winmx\s06e20 The
Simpsons - Two Dozen & One Greyhounds.mpg D:\winmx\s08e10 The Simpsons - The Springfield Files.mpg
D:\winmx\s09e25 The Simpsons - Natural Born Kissers.mpg D:\winmx\Simpsons - Homer as food critic.mpg
D:\winmx\SNL - Celebrity Jeopardy - Ozzy Osbourne, Martha Stewart, Sean Connery(NTSC).mpg D:\winmx\SNL -
Celebrity Jeopardy - Travolta, Reynolds, Keaton.mpg D:\winmx\Star Trek - DS9 - 7x18 - 'Til Death Do Us Part.avi
D:\winmx\Star Trek - DS9 - 7x21 - When It Rains.avi D:\winmx\Star Trek - Farewell to DS9 (music by Enya).mpeg
D:\winmx\Star Trek DS9 - 1x01 & 1x02 - Emissary.avi D:\winmx\Star Trek DS9 - 1x03 - Past Prologue.avi
D:\winmx\Star Trek DS9 - 1x05 - Babel.avi D:\winmx\Star Trek DS9 -

References to other drive letters

1) Maxtor HDD\C\Unallocated Clusters

E:\WINDOWS\WindowsShell.Manifest

2) Maxtor HDD\C\Unallocated Clusters

E:\WINDOWS\SntUninstallQ307271\$

3) Maxtor HDD\C\Unallocated Clusters

F:\Alannah Myles - Black Velvet [videot].mpg
F:\ASIA - Only Time Will Tell (Live 1990).mpg
F:\Asia - Only Time Will Tell.mpg
F:\Asia-only time will tell VCD(m).mpg
F:\Damn Yankees - Come Again.mpg
F:\Damn Yankees - High Enough (videot).mpg
F:\don_henley_-_boys_of_summer.mpg
F:\Flock Of Seagulls_I Ran(So Far Away).mpg
F:\Gary Numan - Cars(SK-VCD).mpg
F:\Huey Lewis_-_Heart_Of_Rock'n'Roll.mpg
F:\Kool___The_Gang_-_Joanna.mpg
F:\Mike & The Mechanics - Silent Running.mpg
F:\MUSICVIDS01
F:\mvid021001
F:\mvid021001b
F:\MVID_021101
F:\MYMUSICVID01
F:\Night Ranger - Don't Tell Me You Love Me.mpg
F:\NIGHT RANGER - Four In The Morning (melodicrock.tv).mpg
F:\Night Ranger - Goodbye.mpg
F:\Night Ranger - I Did It For Love.mpg
F:\Night Ranger - Sister Christian.mpg
F:\Night_Ranger_-_Four_In_The_Morning.mpg
F:\Night_Ranger_-_Goodbye.mpg
F:\Pat Benatar - Fire And Ice (live).mpg
F:\Paul_Simon_-_You_Can_Call_Me_Al.mpg
F:\Scandal - Good-bye to You(m).mpg
F:\Styx - Mr.Roboto.mpg
F:\Styx - Too Much Time On My Hands (videot).mpg
F:\The_Clash_-_Rock_The_Casbah_(videot).mpg
F:\The_Human_League_-_Don't_You_Want_Me_(videot).mpg
F:\Toto - Africa.mpg
F:\Toto-Africa(MJ).mpg
F:\WhiteSnake - Is This Love(SK-VCD).mpg
F:\[PV] [Night Ranger] When You Close Your Eyes.mpg
F:\MUSICVIDS01\A-ha)_ - Take on me.mpg
F:\MUSICVIDS01\ace_of_base)_ - the sign.mpg
F:\MUSICVIDS01\Alannah_Myles)_ - Black velvet.mpg
F:\MUSICVIDS01\Alannah_Myles)_ - Black velvet - vsn.nfo
F:\MUSICVIDS01\Bryan Adams) - Run to you - vsn.mpg
F:\MUSICVIDS01\Bryan Adams) - Run to you - vsn.nfo
F:\MUSICVIDS01\Cyndi Lauper)_ - Time after time.mpg
F:\MUSICVIDS01\Madonna) - beautiful stranger.mpg
F:\MUSICVIDS01\Scandal) - The Warrior.mpg
F:\MUSICVIDS01\hard_habit_to_break.mpg
F:\MUSICVIDS01\madonna-nothing_really_matters(grammys99).mpg
F:\MUSICVIDS01\madonna.mpg
F:\MUSICVIDS01\Rush - Limelight - popup.ram
F:\MUSICVIDS01\weird_al(the_saga_begins).mpg
F:\MUSICVIDS01\Will Smith -- Wild Wild West.mpg
F:\mvid021001\Beatles
F:\mvid021001\Dokken
F:\mvid021001\Don Henley
F:\mvid021001\Dream Theater
F:\mvid021001\Howard Jones
F:\mvid021001\Huey Lewis
F:\mvid021001\Kool and the Gang
F:\mvid021001\Paula Abdul
F:\mvid021001\Beatles\John_Lennon_-_Imagine_(Mike_Douglas_Show).mpg
F:\mvid021001\Beatles\The_Beatles_-_Yesterday.mpg

References to other drive letters

Case: NW Direct 120gb Maxtor

Page 2

F:\mvid021001\Dokken\Dokken-Heaven_Sent.mpg
F:\mvid021001\Dokken\Dokken-Just_Got_Lucky.mpg
F:\mvid021001\Dokken\Dokken_-_The_Hunter.mpg
F:\mvid021001\Don_Henley\don_henley_-_boys_of_summer.mpg
F:\mvid021001\Dream_Theater\Dream_Theater_-_Another_Day.mpg
F:\mvid021001\Dream_Theater\Dream_Theater_-_Pull_Me_Under.mpg
F:\mvid021001\Dream_Theater\Take_The_Time.mpg
F:\mvid021001\Howard_Jones\HowardJones-WhatIsLove_Popup_fm_.avi
F:\mvid021001\Huey_Lewis\Huey_Drug.mpg
F:\mvid021001\Huey_Lewis\Huey_Heart.mpg
F:\mvid021001\Kool_and_the_Gang\Kool___The_Gang_-_Joanna.mpg
F:\mvid021001\Paula_Abdul\Paula_Abdul_-_Opposites_Attract.mpg
F:\mvid021001\Paula_Abdul\Paula_Abdul_-_Straight_Up.mpg
F:\mvid021001b\Britney_Spears
F:\mvid021001b\Cyndi_Lauper
F:\mvid021001b\David_Lee_Roth
F:\mvid021001b\Hall_and_Oates
F:\mvid021001b\Michael_Jackson
F:\mvid021001b\Skid_Row
F:\mvid021001b\Britney_Spears\Britney_Spears___Cops_I_Did_It_Again_VMA_2000_(HQ).mpg
F:\mvid021001b\Cyndi_Lauper\cyndi_lauper-she_bop.mpg
F:\mvid021001b\Cyndi_Lauper\Cyndi_Lauper_-_Girls_Just_Want_To_Have_Fun(Cartman).mpg
F:\mvid021001b\Cyndi_Lauper\Cyndi_Lauper_-_Goonies_Are_Good_Enough.mpg
F:\mvid021001b\Cyndi_Lauper\Cyndi_Lauper_-_Time_After_Time.MPG
F:\mvid021001b\Cyndi_Lauper\Cyndi_Lauper___True_Colors.mpg
F:\mvid021001b\David_Lee_Roth\David_Lee_Roth_-_California_Girls.mpg
F:\mvid021001b\Hall_and_Oates\Hall___Oates_-_Maneater_Inv_.avi
F:\mvid021001b\Michael_Jackson\Michael_Jackson_-_Thriller.mpg
F:\mvid021001b\Michael_Jackson\Michael_Jackson___Janet_Jackson_-_Scream.mpg
F:\mvid021001b\Skid_Row\skid_row-18_and_life(pmd).mpg
F:\MVID_021101\Bangles
F:\MVID_021101\Bee_Gees
F:\MVID_021101\Jewel
F:\MVID_021101\Men_at_Work
F:\MVID_021101\Paul_Young

4) Maxtor HDD\C\Unallocated Clusters

E:\WINDOWS\Q308677.log

5) Maxtor HDD\C\Unallocated Clusters

E:\WINDOWS\Q311889.EXE

6) Maxtor HDD\C\Unallocated Clusters

E:\05-02 TCPA Weekly Suppression.xls

7) Maxtor HDD\C\Unallocated Clusters

E:\06-02 TCPA Weekly Suppression.xls

8) Maxtor HDD\C\Unallocated Clusters

E:\06cp04.zip

9) Maxtor HDD\C\Unallocated Clusters

E:\0415.DBF

10) Maxtor HDD\C\Unallocated Clusters

E:\0416.DBF

11) Maxtor HDD\C\Unallocated Clusters

E:\WINDOWS\sessmgr.setup.log

12) Maxtor HDD\C\Unallocated Clusters

E:\WINDOWS\VAIO Brezza Wallpaper TrueColor 1024x768.bmp

13) Maxtor HDD\C\Unallocated Clusters

E:\Program Files\Corel\WordPerfect Office 2002\Macros\WP Rina\end foot.wcm

14) Maxtor HDD\C\Unallocated Clusters

E:\WALDO\V200\TEXTART8\WINDEBUB\TEXTURES\Light_Blue_Corduroy.bmp

15) Maxtor HDD\C\Unallocated Clusters

E:\used\Program Files\Microsoft Visual Studio\VB98\VB6.OLB

16) Maxtor HDD\C\Unallocated Clusters

E:\programs\Visual Studio\VC98\bin

17) Maxtor HDD\C\Unallocated Clusters

E:\logs1\build.log

18) Maxtor HDD\C\Unallocated Clusters

E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Net Support\INetURL.x32D E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Net Support\NetFile.x32E E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Net Support\NetLingo.x32 A E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Mix\Mix Services.x32 H E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Mix\Sound Import Export.x32G E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Media Support\SWADCmpr.x32 F E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Media Support\SWAStm.x32 G E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Media Support\TextXtra.x32 I E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Media Support\Text Asset.x32 H E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Media Support\Font Xtra.x32I E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Media Support\Font Asset.x32 A E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Devices\MacroMix.x32 D E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Devices\DirectSound.x32H E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Flash Asset\Flash Asset.x32= E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Qt3\QT3Asset.x32 " D:\Procomm\Procomm-Final-NoSnd.dir

19) Maxtor HDD\C\Unallocated Clusters

F:\VFP\SAMPLES\CONTROLS\clock.bmp

20) Maxtor HDD\C\Unallocated Clusters

A:\ C:\ D:\ E:\ F:\ G:\

21) Maxtor HDD\C\Unallocated Clusters

f:\ntitir41\common\fileSYS\subfile.c yyyy@ f:\ntitir41\common\fileSYS\fileSYS.c
f:\ntitir41\common\fileSYS\vfile.c f:\ntitir41\common\btree\btinsert.c
f:\ntitir41\common\btree\btdelete.c f:\ntitir41\common\btree\btmapwr.c
f:\ntitir41\common\btree\btfill.c f:\ntitir41\fts\search\ftcommon.c

22) Maxtor HDD\C\Unallocated Clusters

F:\MVID_021101\Rodney Dangerfield
F:\MVID_021101\Roxette
F:\MVID_021101\Rush
F:\MVID_021101\Will Smith
F:\MVID_021101\Yes
F:\MVID_021101\Bangles\Bangles - Walk Like An Egyptian .mpg
F:\MVID_021101\Bee Gees\Bee Gees-How Deep Is Your Love-LittleC-mV.mpg
F:\MVID_021101\Jewel\Jewel - You Were Ment For Me.mpg
F:\MVID_021101\Men at Work\Men at Work - Who Can It Be Now Little C .mpg
F:\MVID_021101\Paul Young\Paul Young - Everytime You Go Away.MPG
F:\MVID_021101\Rodney Dangerfield\Rodney Dangerfield- Rappin' Rodney.mpg
F:\MVID_021101\Roxette\Roxette - It Must Have Been Love.mpg
F:\MVID_021101\Roxette\Roxette - The Look (laG).mpg
F:\MVID_021101\Rush\rush - closer to the heart(1998).mpg
F:\MVID_021101\Rush\Rush - Subdivisions Little C .mpg
F:\MVID_021101\Will Smith\MIB Wil Smith Video.mpg
F:\MVID_021101\Yes\ABWH (Yes)1989 - 01 - Time and a Word Owner of a Lonely Heart.mpg
F:\MVID_021101\Yes\ABWH (Yes)1989 - 14 - Roundabout.mpg
F:\MYMUSICVID01\Chris Isaak - Wicked Game.mpg
F:\MYMUSICVID01\Human League - Dont You Want Me.mpg
F:\MYMUSICVID01\John Cougar - Jack and Diane.mpg
F:\MYMUSICVID01\Men at Work - Down Under.mpg
F:\MYMUSICVID01\Men at Work - Who Can It Be Now.mpg
F:\MYMUSICVID01\Micheal Jackson - Beat It.mpg
F:\MYMUSICVID01\Micheal Jackson - Billie Jean.mpg
F:\MYMUSICVID01\Micheal Jackson - Scream.mpg
F:\MYMUSICVID01\Micheal Jackson - Thriller.mpg
F:\MYMUSICVID01\Paul Simon - You Can Call Me Al.mpg
F:\MYMUSICVID01\Rick James - Superfreak.mpg
F:\MYMUSICVID01\Rockwell - Somebodys Watching Me.mpg
F:\MYMUSICVID01\Simple Minds - Don't You (Forget About Me).mpg
F:\MYMUSICVID01\Van Halen - Hot For Teacher.mpg

23) Maxtor HDD\C\Unallocated Clusters

f:\temp\IPSecClient\Rel\CSGina\Release\CSGina.pdb

24) Maxtor HDD\C\Unallocated Clusters

f:\temp\IPSecClient\Rel\CertMgrGUI\Release\CertMgrGUI.pdb

25) Maxtor HDD\C\Unallocated Clusters

E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\xtras\Net Support\INetURL.x32D E:\PROGRAM FILES\MACROMEDIA\DIRECTOR
7\xtras\Net Support\NetFile.x32E E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\xtras\Net Support\NetLingo.x32 A
E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\xtras\Mix\Mix Services.x32 H E:\PROGRAM FILES\MACROMEDIA\DIRECTOR
7\xtras\Mix\Sound Import Export.x32G E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\xtras\Media Support\SWADcmpr.x32 F
E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\xtras\Media Support\SWAstrm.x32 G E:\PROGRAM FILES\MACROMEDIA\DIRECTOR
7\xtras\Media Support\TextXtra.x32 I E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\xtras\Media Support\Text Asset.x32
H E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\xtras\Media Support\Font Xtra.x32I E:\PROGRAM

References to other drive letters

Case: **NW Direct 120gb Maxtor**

Page 5

FILES\MACROMEDIA\DIRECTOR 7\extras\Media Support\Font Asset.x32 A E:\PROGRAM FILES\MACROMEDIA\DIRECTOR
7\extras\Devices\MacroMix.x32 D E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Devices\DirectSound.x32H
E:\PROGRAM FILES\MACROMEDIA\DIRECTOR 7\extras\Flash Asset\Flash Asset.x32= E:\PROGRAM FILES\MACROMEDIA\DIRECTOR
7\extras\Qt3\QT3Asset.x32 D:\Procomm\Procomm-Final-Snd.dir

Z:\Laptop

1) Maxtor HDD\C\Unallocated Clusters

file:Z:\laptop\mp3\cd2\10-You_Got_Lucky.mp3 Ê
æ) 10-You Got Lucky.mp3 æ e
Ê
-°µ= F D file:Z:\laptop\mp3\cd2\Simple Minds - Don't You Forget About Me.mp3 / Q @) Simple
Minds - Don't You Forget About Me Q n -°µ= A ² ?
file:Z:\laptop\mp3\cd2_ (Power_Station)_ -_Some_Like_It_Hot.mp3 * ü c ! Power Station - Some Like it Hot
ü ² f ² -°µ= ; W 9 file:Z:\laptop\mp3\cd2\[The Clash] - Rock The Casbah.mp3 \$ >
The Clash - Rock The Casbah > W -°µ= X V
file:Z:\laptop\mp3\cd2\Mike and the Mechanics - Silent Running (Extended Version).mp3 A t - (Mike And
The Mechanics - Silent Running t F -°µ= 1 Å /
file:Z:\laptop\mp3\cd2\rush - red sector a.mp3 ŷ † Rush - Red Sector A ŷ Å / d
Å -°µ= Q p O file:Z:\laptop\mp3\cd2\80's music - Cindy Lauper-Girls Just Wanna Have Fun.mp3 : Ê
4 80's music - Cindy Lauper-Girls Just Wanna Have Fun Ê p . p -°µ= > { <
file:Z:\laptop\mp3\cd2\B90 Dennis DeYoung - Desert Moon.mp3 ' o Ü Dennis DeYoung - desert moon
o (' (-°µ= 7 E 5 file:Z:\laptop\mp3\cd2\Madonna_-_Into_The_Groove.mp3
□ Madonna - Into The Groove
E n E -°µ= *
æ Ö%=<

ÿÿÿÿ j
*
Tom Petty & The Heartbreakers
<
You Got Lucky !
j
Greatest Hits .
^
128
!
4410 0 æ) . Tom Petty & The Heartbreakers - You Got Lucky @ V > file:Z:\laptop\mp3\cd2\Duran
Duran - Hungry Like The Wolf.mp3) Ÿ # Duran Duran - Hungry Like The Wolf Ÿ V
± V ~°µ= Å Ÿ 128
Ö ± 4410 ç Å ŷÿÿÿ Ö Ö% 9 @ 7 file:Z:\laptop\mp3\cd2\Catatonia Mulder And
Scully.mp3 " , ü Catatonia - Mulder And Scully , @ .
@ °µ= Q ó O file:Z:\laptop\mp3\cd2\TEARS_FOR_FEARS_-_EVERYBODY_WANTS_TO_RULE_THE_WORLD.MP3 : M
" 4 TEARS FOR FEARS - EVERYBODY WANTS TO RULE THE WORLD M
ó
ó °µ= q
M
128
f

4410 q
ÿÿÿÿ \$
, °µ= 1
,
x Ó
\$

Catatonia ö
1
Mulder And Scully

ó
1998 ö
128

4410 @ Ê 128
R . 4410 @ ŷÿÿÿ y Ÿ Rush - d
Red Sector A ° y Life Under Pressure İ - Rock
ä ° 1984 İ Civic Arena, Pittsburgh, PA " ä 128
4 4410 " k, m t Mike And The Mechanics E F Silent Running *
m Mike And The Mechanics Ê E Rock
Ÿ ³ 1985 İ È 128
Ÿ 4410 ÷ İ " - >
The Clash M Rock The Casbah - - 128
q M 4410 - Ô{ ; ü - Power Station Å f Some Like it Hot à ;
Power Station ö Å Pop
à 1985 ! 8 ó Robert Palmer, John/Andy Taylor J 128
\ 8 4410 J '» e Q 128
' n 4410 ? e ŷÿÿÿ
¼

Z: Laptop

Case: NW Direct 120gb Maxtor

Page 2

Madonna Û ¢ Into The Groove ¼ The Immaculate Collection Û Dance
i 1985 \ A Flea Byte© Re-Production n l 160
€ \ 4410 ê n ~î ± o Dennis DeYoung í ' desert moon é †
Desert moon þ í rock é 128
" þ 4410 5 05 " Å° = ' ; file:Z:\laptop\mp3\cd2\Eddie_Money_-
_think_i`m_in_love.mp3 & Ø G Eddie Money - think i`m in love



1) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 1x08 - tvrip.divx-sfmaab8ef400bb83c121490209aca0c686b15e41800.avi

2) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 1x07 - tvrip.divx-sfm379d9eb99775a3bbd77c44062bc3aa8a0fde1020.avi

3) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 1x05 - tvrip.divx-sfme32a1f162f1a54aefe60919b929ffe7f15ee8000.avi

4) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 1x04 - tvrip.divx-sfmddf00ac7952d22fe347770e22a3578d415e58800.avi

5) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 1x03 - tvrip.divx-sfm9424816bfd0822071d136a9dabbaef4315f4f000.avi

6) Maxtor HDD\Unallocated Clusters

D:\shared__INCOMPLETE__the dead zone 1x02 - tvrip.divx-sfm86992737aa6f226b7fc6d6e78d15227b15f43000.avi

Digital Recovery Systems
Computer Examination Report
FINAL REPORT

ISSUE

The issue involved an email titled "Exit Time" sent by Timothy Rote, owner of Northwest Direct Teleservices, to Max Zwelzig on October 2, 2003, from Mr. Rote's laptop computer. At issue also is a Microsoft Word document titled "Max term.doc" created on Mr. Rote's computer on October 1, 2003.

QUALIFICATIONS

I am a certified forensic computer examiner through the International Association of Computer Investigative Specialists (IACIS), with more than 440 hours of specialized training in the acquisition and analysis of computer evidence. That training was obtained through IACIS, the National White Collar Crime Center, AccessData Corporation, Guidance Software Inc., the Federal Bureau of Investigation and the Defense Computer Investigations Training Program.

ITEMS EXAMINED

- (1) Dell Inspiron 4000 laptop computer, model PP01L
Serial no. TW-0791UH-12800-141-5345
Containing IBM Travelstar hard drive, model DJSA-210
Serial no. HU-031YMK-47710-13P-5RM0

- (1) Unmarked green floppy diskette, Radio Shack brand
Double-sided, High-density MFD-2HD

ACQUISITION PROCESS

On June 3, 2005, I physically examined Mr. Rote's Dell laptop and found it to be of standard configuration with no unusual components. The laptop itself was mounted in a docking station with connections to a monitor, keyboard, mouse, printer and network cable for Internet access. At the time I examined it, the date and time settings on this computer were consistent with current Pacific Standard Time.

I removed the IBM Travelstar hard drive from the case and attached it to my forensic computer with a FireFly write-blocking device manufactured by Digital Intelligence Inc. I have personally tested this device and it does not allow any data to be written to the drive to which it is attached.

Digital Recovery Systems
Computer Examination Report
FINAL REPORT

I used the forensic program *EnCase* (version 3.22g) for the actual acquisition process. This program makes a bitstream image of all data on the hard drive, authenticated with CRC and HASH values. I stored the bitstream image on a separate hard drive that I had previously wiped of any residual data with the *EnCase* wipe drive function. I performed all further analysis on the image copy using the *Forensic Tool Kit (FTK)* software program by *AccessData*. I have received training in the use of both *EnCase* and *FTK*, and both are licensed in my name for my use.

I write-protected the unmarked green floppy diskette by sliding the write-protect switch on the diskette itself. This prevents any data from being written to the diskette during acquisition. Using the same method as noted above, I created a bitstream image of the entire diskette.

ANALYSIS

The email in question (Subject: "Exit Time") was stored in a Microsoft Outlook folder. The date on the email was shown as 10/2/03 at 11:46am. This is the date and time that would have been visible to sender and recipient when sending and receiving the message. Email programs like *Outlook* also create "header" data before a message is actually sent from the user's computer to their Internet Service Provider (ISP), where additional headers are added after it leaves the user's computer. This header data includes dates and times of message creation.

The header information attached to this email by the *Outlook* program lists dates and time for *Creation*, *Delivery*, *Submit* and *Modification*. The following dates and times were noted:

Creation	10/2/2003	11:44am
Delivery	10/2/2003	11:46am
Submit	10/2/2003	11:56am
Modification	4/29/2005	6:00pm

Regarding the Modification time and date, I asked Mr. Rote by telephone on June 9, 2005, if he had performed any action with this email recently. He told me that in April 2005 he had been cleaning up his Outlook folders and moved this particular saved email to a specific folder for storage purposes. This would account for the 2005 date. (see Attachment #1)

The Microsoft Word document (**Max term.doc**) was created and saved to the unmarked green floppy diskette. Within the text of the document is the date 10/1/03, which would have been typed by Mr. Rote when creating the document.

Digital Recovery Systems
Computer Examination Report
FINAL REPORT

Dates and times associated with the document file entry are as follows:

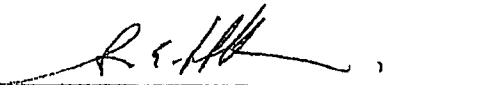
Create Date	10/1/2003	9:29am
Modification Date	10/1/2003	9:29am
Last Access Date	10/1/2003	

I examined the *metadata* within the document itself. *Metadata* is information about a particular file which is stored within the file's data itself by the program used to create the file. I found three instances in the document's data where the date **10/1/2003** existed. This was consistent with the other associated dates listed above. (See Attachment #2, 3 and 4)

CONCLUSIONS

Based on my examination of the email in question, it does appear that the "Exit Time" email message was created on and transmitted from this computer on October 2, 2003, with a copy of the message saved on Mr. Rote's computer, and subsequently moved to a storage folder on April 29, 2005.

Based on my examination of the Microsoft Word document "Max term.doc" the date and time evidence associated both with the file directory entry and the metadata within the file itself, it does appear that the document was created and saved on this floppy diskette on October 1, 2003.



Steven E. Williams CFCE
Digital Recovery Systems
3891 Kevington Ave.
Eugene OR 97405
(541) 968-2103

ATTACHMENT 01

The screenshot shows the Microsoft Outlook 2003 interface. The title bar reads "AccessData FTK version 1.42 build 037.2.05 - F:\NWD 060505 Tim Rote Laptop and floppy\FTK Workup\NWD\Outlook". The menu bar includes "File", "Edit", "View", "Tools", and "Help". The main window has tabs for "Overview", "Explore", "Graphics", "E-Mail", "Search", and "Bookmark".

Bookmarks Panel:

- Bookmark Name: Email
- Bookmark Comment: 10/2/2003 email to Max Zvezig
- Bookmarked Files: 1
- Table:

File Name	File Path
Message007	D:\ELL InspironPart_1\NOMAME-N...
- Buttons: Remember the position/selection, Update to current position/selection, Save Changes, Clear Changes, Include in Report, Export files

Email Message:

Subject: Exit Time
From: Timothy C. Rote
Date: 10/2/2003 11:46:00 AM
To: Max Zvezig

Message Body:
I don't think you are going to train the staff and transfer programs as requested, allowing us a full transition. Accordingly, we need to set your exit time for the middle of November. I'll be sending you a letter.

Outlook Header Information:

Conversation Topic: Exit Time
Subject: Exit Time
From: Timothy C. Rote
Sender Name: Timothy C. Rote
To: Max Zvezig
Delivery Time: 10/2/2003 11:46:00 AM
Creation Time: 10/2/2003 11:44:14 AM
Modification Time: 4/29/2005 6:00:21 PM
Submit Time: 10/2/2003 11:56:34 AM

At the bottom, the status bar shows "1 Unread", "0 Checked Total", and the file path: "D:\ELL InspironPart_1\NOMAME-NIFS\document... \outlook.pst > Personal Folders > Top of Personal Folders > Lindstrom > Mail > Message007".

The screenshot shows the 'InCase Version 3' application interface. The top menu bar includes 'File', 'Edit', 'View', 'Tools', 'Window', and 'Help'. Below the menu is a toolbar with icons for 'New', 'Open', 'Save', 'Add', 'Preview', 'Acquire', 'Back', 'Forward', 'Prev', 'Next', 'Search', and 'EScript'. The main interface is divided into three sections:

- Left Panel (File List):** Contains a tree view of folders and files. The 'u' folder is selected. Visible items include 'SendTo', 'Start Menu', 'Templates', 'UserData', 'GHOST', 'Instal AOL 7.0', 'Instal Spinner', 'Instal Winamp', 'My Music', 'Prima', 'PrimaVFP', 'Program Files', 'RECYCLER', 'SIC', 'System Volume I...', 'u', 'WINDOWS', 'WUTemp', 'Lost Files', and 'Green Floppy'.
- Center Panel (Table):** A table with columns: 'File Name', 'Last Accessed', 'Last Written', 'File Created', 'Entry Modified', and 'File Deleted'. It lists files such as '_VC-244F.411', '_VC-245F.411', '_VC-246F.411', '_VC-247F.411', 'Max term.doc', and various '_VC-235F.JPG' through '_VC-244F.JPG' files.
- Bottom Panel (Hex Dump):** A hex dump view showing hexadecimal values and their corresponding ASCII characters. It includes a toolbar with 'Hex', 'Report', 'Picture', 'Disk', 'Evidence', and 'Lock' buttons. The dump shows data starting from offset 00000 and ending at 01862, including the text 'Green Floppy/Max term.doc'.

AccessData FTK version 1.42 build 03-12-05 - F:\NWD 060505 Tim Rote Laptop and Floppy\FTK Workup\NWD Direct\

File Edit View Tools Help

Overview Explore Graphics E-Mail Search Bookmark

List all descendants

Name	Value
Title	10/1/03
Subject	
Author	Northwest Direct Employee
Keywords	
Comments	
Template	Normal
LastAuthor	Northwest Direct Employee
Revision Number	2
Created	10/1/2003 9:29:00 AM
Last Saved	10/1/2003 9:29:00 AM
Page Count	1
Word Count	0
Char Count	0
AppName	Microsoft Word 9.0
Doc Security	0

Unfiltered Date File

Listed Checked Total Green Floppy\NWD\NWD\FAT12\Max term.doc > Summary Information

Start AccessData FTK version 1.42 build 03-12-05

AccessData FTK version 1.42 build 03.12.05 - F:\VWD 060505 Tim Rote Laptop and Floppy\FTK Workup\NW Direct

File Edit View Tools Help

Overview Explore Graphics E-Mail Search Bookmark

Case

- DELL Inspiron
 - Part 1
 - NONAME-NTFS
 - UnpartSpace
 - Green Floppy
 - NONAME-FAT12
 - Max term.doc
 - ObjectPool

bjbrj

10/1/03 Mr. Max Zweizig 140 Ford Avenue Woodbury, New Jersey 08095 Dear Max: After the difficulties of the vacation, the failure to meet our clients expectations on dispositions (Allstate), the length I have to go just to get you to turn in time reports, the failures with Discover Card, your refusal to train personnel on the processing tasks, all against a back drop of being at 50% capacity as compared to our gross sales volume only one year ago, it is imperative that we both look for different alternatives. We are terminating our contract with you and this is notice pursuant to section 3 of the contract. Considering your two-year tenure with the company, I want to allow you to stay on through November 15, 2003, providing that you immediately train Gunawan on the processing required for all of our clients and transfer all software applications you have developed while in our employe by 10/31/03. Said applications, all database files, all records, etc. need to be transferred to our Eugene facility by 10/31/03. Ultimately Max, I believe the remote employee executive position I have allowed to date are not working out as productively as I expect they should be. You should pursue other employment and you have my endorsement and offer of a letter of recommendation, providing you meet the October 31, 2003 deadline in the previous paragraph. Very truly yours, Timothy C. Rote

descendants

File Name	Ext	Cr Date	Mod Date	Apr Date
CompObj		N/A	N/A	N/A
DocumentSummaryIn...		N/A	N/A	N/A
SummaryInformation		N/A	N/A	N/A
Table		N/A	N/A	N/A
ObjectPool		10/1/2003 9:29:34 AM	10/1/2003 9:29:34 AM	10/1/2003
UnpartSpace		N/A	N/A	N/A

6 Listed 0 Checked Total Green Floppy\NONAME-FAT12\Max term.doc > Word Document

AccessData FTK version 1.42 build 03.12.05 - F:\VWD 060505 Tim Rote Laptop and Floppy\FTK Workup\NW Direct

Examination of FoxPro Files

I am the Director of IT and Senior Forensic Consultant at In2itive Technologies in Portland, Oregon. In2itive Technologies is a company that specializes in Computer Forensics and Electronic Discovery. I have 7 years experience in the computer forensic field, and have handled numerous cases ranging from simple data recovery to investigations concerning litigation in billion dollar lawsuits, involving both civil and criminal investigations. My training and certifications include the following: EnCase Certified Examiner (EnCE); EnCase Intermediate Analysis and Reporting; EnCase Advanced Analysis and Reporting; AccessData Forensic ToolKit BootCamp; AccessData Forensic ToolKit Windows Forensics; CompTIA A+ Computer Technician (CompTIA A+); Microsoft Certified Systems Engineer (MSCE); Microsoft Certified Systems Administrator (MCSA); and Sun Java Certified Programmer (SJP).

I was asked to evaluate for the presence of and viability of (ability to function as originally written) database program files for FoxPro, based on FoxPro file extensions, that could be recovered from the 120 GB hard drive. FoxPro is the database program that Max Zweizig was programming in while doing work for NorthWest Direct and the 120 GB hard drive was being used by Mr. Zweizig.

Using forensic methods, FoxPro database files were identified by extension on the 120 GB hard drive used by Max Zweizig. The majority of the files may be “recoverable using forensic” methods but all have the potential to jeopardize the integrity of the software product that they are to be used with. Using several examples, I will demonstrate the areas of concern and why a simple restore process will not protect the integrity of the files in all cases.

As background, when a hard drive is formatted, it is prepared for storage of electronic data. Part of the process is creating boundaries for how much data can be stored in one sector. For the NTFS file system, this is normally 4096 bits, or about 1 page of a double spaced document.

As an explanation, the average user, after deleting a file, can recover that file by going to the Recycle Bin and restoring the file. This is possible because the Windows operating system does not actually delete a file until the Empty Recycle Bin option is selected by the user. For clarity purposes, a deleted file for this report is a file that is no longer available to the average user. This could be as a result of emptying the Recycle Bin, using the Shift-Delete process or reformatting the hard drive.

After a hard drive is newly formatted, all the files stored on the hard drive are grouped together. However, as files are added and deleted, open sectors (4096 bytes) of unused hard drive space are created where deleted files had been stored. The operating system will use these “empty” sectors to store new files. On closer inspection at a forensic byte level, it is actually seen that the “empty” sectors are not actually empty but contain the byte level code of the previous file that had been located in that location. This is because when a file is deleted, the file is not erased but rather, the Master File Table in the NTFS file system marks the “deleted” file area as available to be used if space is needed.

As new files are saved to the hard drive, the files are written to the first available open sector and it overwrites the previous data. However, if the new file is larger than the original file that was previously

stored in that area, the NTFS file system will break the file apart and store parts of the file in separate locations. This is file fragmentation and is a normal consequence of hard drive usage.

Exhibit 1 displays the identified FoxPro files that are “recoverable using forensic” means. The columns of particular interest are the Extents column and the Overwritten column. The Extents column denotes how fragmented the file is known to be. The Overwritten column denotes the current known status of the file during the recovery process.

For explanation purposes, I will be using the data from Exhibit 1 Line 347 to allow evaluation of the viability of the recovered files.

The file *daily.SCT*, on Line 347 was found during the recovery process. Looking at the Extents column on Line 347, it is seen that there are 3 extents. In essence, this denotes that the forensic recovery process determined that the file *daily.SCT* has been stored on three sectors of the hard drive. For an allocated file, this is not a problem as the Master File Table in the NTFS file system keeps track of where each fragment is stored. However, during the recovery process, it could only be determined that the file was located in three different sectors on the hard drive.

At this point, the forensic recovery process must make an assumption that does not always bear out. This assumption is that because this is a recovery of deleted files, **the next available “empty” sector** is part of the deleted file. This is not always a valid assumption. If an additional file is deleted, any sectors assigned to the second deleted files may become **the next available “empty” sector**.

On Line 347, this is exactly what has happened. In Exhibit 2, the code that is assumed to be part of the recovered file *daily.SCT* is displayed as a computer program would see it, one contiguous section of code. To enhance readability, text format is displayed instead of the hexadecimal values (Exhibit 4) used to store data on the hard drive. Even a quick perusal of Exhibit 2 allows the casual viewer to see that there are distinct differences of style throughout the file.

Exhibit 3 is broken into the 3 “extents” that are indicated in the Extents column. As such, each section of Exhibit 3 denotes the 4096 bytes that is present in the three different sectors that were used to “recover” *daily.SCT*. Exhibit 3 Lines 1 through 30 is the first sector, Extent 1. Exhibit 3 Lines 32 through 76 is the second recovered sector, Extent 2. Exhibit 3 Lines 78 through 130 is the third recovered sector, Extent 3. It should be readily apparent that the **“next empty sector”** assumption does not hold true in all instances.

In Exhibit 1, the Overwritten column identifies files as Overwritten as signified by the Yes in the Overwritten column. This is a result of the forensic recovery process identifying that the first sector belonging to the “recovered” file has subsequently been allocated to a different file. In this instance, the initial sector for the file *daily.SCT* from Line 347 can be traced back to another file that was on the hard drive, namely, “DISCOVER_042903_DEA01.XLS”.

As seen with the above example of a single file, the “forensic” recovery of a deleted file can be, and should be suspect, as to its recoverability and viability. Out of the files that are “recoverable using

forensic” means, Overwritten files are identified by the recovery system as being unreliable due to the first sector in each of the Overwritten files as being identified as containing data from a different file. Exhibit 2 and Exhibit 3 show that the Overwritten designation raises the question of viability for every file identified as Overwritten.

Extrapolating the process to the all “forensically recoverable” files raises further issues regarding the viability of forensically recovered files. Even if a file is not identified as Overwritten, the Overwritten designation is only applicable if the forensic recovery process is able to identify that the first sector of a file has been re-assigned to another file.

As such, the “*next empty space*” assumption used to “forensically” recover a file raises the question of viability for every file. Even if the Overwritten designation is not assigned to a “forensically recoverable” file, the file may not contain the actual data that was originally in the file before being deleted.

In conclusion, the main purpose of forensically recovering deleted files is to show that the files were present on the hard drive and to forensically investigate details concerning those files to develop realistic scenarios as to events surrounding those files. The accurate recovery of every file using a forensic recovery method to restore the FoxPro files from the 120 GB hard drive is not possible. As has been demonstrated, any FoxPro file that is recovered is suspect as to its accuracy pertaining to the original file before deletion.

In this regard, the viability of the recovered files cannot be assumed and any file recovered must be individually inspected, test and verified to ensure it functions as originally designed. This is a task that would need to be undertaken by FoxPro specialists who are cognizant of the original specifications of the design before releasing to any clients. Based on my knowledge and experience gained while working as a software programmer, failure to perform this in-depth verification of the recovered files could cause catastrophic failure if clients were to use these files in production.

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

Dated May 27, 2010


Mark Cox

	A	B	C	D	E
	Full Path (Root Path C\Recovered Folders)	FoxPro Files Exhibits Accessed	File Created	Extents	Overwritten
1					
2	wt_convert.FXP	05/06/03 05:48:09AM	03/17/03 10:38:08AM	1	
3	wing1.sct	05/13/02 10:38:57AM	02/04/01 08:59:44PM	1	
4	whatthis.scx	05/13/02 10:39:12AM	05/02/01 11:01:46AM	1	
5	whatthis.sct	05/13/02 10:39:12AM	05/02/01 11:01:46AM	1	
6	whandler.scx	05/13/02 10:39:09AM	02/04/01 08:59:56PM	1	
7	whandler.sct	05/13/02 10:39:09AM	02/04/01 08:59:56PM	1	
8	webvwr.scx	05/13/02 10:39:09AM	02/04/01 08:59:56PM	1	
9	webvwr.sct	05/13/02 10:39:09AM	02/04/01 08:59:56PM	1	
10	viewcode.scx	05/13/02 10:39:32AM	02/04/01 09:00:22PM	1	
11	viewcode.sct	05/13/02 10:39:32AM	02/04/01 09:00:22PM	1	
12	video.scx	05/13/02 10:39:13AM	05/02/01 11:01:46AM	1	
13	video.sct	05/13/02 10:39:13AM	02/04/01 09:00:00PM	1	
14	typelib.scx	05/13/02 10:39:24AM	05/07/01 11:02:08AM	1	
15	typelib.sct	05/13/02 10:39:24AM	05/07/01 11:02:08AM	1	
16	tw.FXP	05/06/03 05:48:09AM	05/06/03 05:48:09AM	1	
17	transact.scx	05/13/02 10:39:07AM	05/02/01 11:01:42AM	1	
18	transact.sct	05/13/02 10:39:07AM	05/02/01 11:01:42AM	1	
19	trans.FXP	05/06/03 05:48:09AM	03/17/03 09:58:01AM	1	
20	topics.scx	05/13/02 10:40:10AM	02/04/01 09:00:56PM	1	
21	topics.sct	05/13/02 10:40:10AM	02/04/01 09:00:56PM	1	
22	toolmenu.scx	05/13/02 10:39:17AM	05/02/01 11:01:48AM	1	
23	toolmenu.sct	05/13/02 10:39:17AM	05/02/01 11:01:48AM	1	
24	timecomm.scx	05/13/02 10:39:05AM	05/02/01 11:01:40AM	1	
25	timecomm.sct	05/13/02 10:39:05AM	05/02/01 11:01:40AM	1	
26	therm.scx	05/13/02 10:39:09AM	02/04/01 08:59:56PM	1	
27	therm.sct	05/13/02 10:39:09AM	02/04/01 08:59:56PM	1	
28	textbox.scx	05/13/02 10:39:06AM	05/07/01 11:01:56AM	1	
29	textbox.sct	05/13/02 10:39:06AM	05/07/01 11:01:56AM	1	
30	text.scx	05/13/02 10:39:06AM	05/02/01 11:01:40AM	1	
31	text.sct	05/13/02 10:39:06AM	05/02/01 11:01:40AM	1	
32	test1.FXP	05/06/03 05:48:09AM	03/15/03 02:15:40PM	2	
33	temp.FXP	05/06/03 05:48:09AM	03/20/03 04:04:12PM	1	

FoxPro Files Exhibit 2

1B...ä.....2.....\$.....\$.....7\$.....\$.....\$.....@...disp.....@...descript.....@...category..

2 .

3@.....

4 ot Interested.....@...Refusal.....@.....@€@..@.....

5 .@.....

6 Rate Too High.....@...Refusal.....@.....@..@.....

7 @`@..@.....

8 sal Refusal...

9

10 t Convert to Platinum...

11 .@.....ø?..@.....

12 :.....@...2Refusal - Didn't Want to Answer Required Questions.....@...Refusal.....@.....@..

13@.....

14 ..@...Non Qualified Refusal.....@.....F@..@.....

15 AA.....@...Already A cardmember.....@...Non Qualified Refusal.....@.....3@..@.....

16 ualified Refusal.....@.....@..@.....

17@...WW.....@...Wrong Phone Number.....@..

18@..@.....

19 .. UNW Phone.....@.....@..@.....

20 .MA.....@...Maximum Attempt.....@...Non Contact.....@.....@..@.....

21@.....(@..@.....

22 l- no tape recording.....@...Refusal.....@....., @..@.....@...V..0.....@...(Discover

23 Daily DNS/Responder Suppression..

24 ..@..... o@..@.....

25 .@...Pending Sale..

26 on Contact...#...@.....#...@.....¾E@.. #...@.....\$...@.....\$...@...Non Qualified

27 Refusal...\$...@.....\$...@.....W@.. .\$.@.....%...@.....

FoxPro File daily.SCT at Program Level

Examination of 120 GB Hard Drive

I am the Operations Manager and Forensic Consultant for Evolve Discovery in Portland, Oregon. Evolve Discovery is a company that specializes in Computer Forensics and Electronic Discovery production. I have 7 years experience in the computer forensic field, and have handled numerous cases ranging from simple data recovery to investigations concerning litigation in billion dollar lawsuits, involving both civil and criminal investigations. My training and certifications include the following: EnCase Certified Examiner (EnCE); EnCase Intermediate Analysis and Reporting; EnCase Advanced Analysis and Reporting; AccessData Forensic ToolKit BootCamp; AccessData Forensic ToolKit Windows Forensics; CompTIA A+ Computer Technician (CompTIA A+); Microsoft Certified Systems Engineer (MSCE); Microsoft Certified Systems Administrator (MCSA); and Sun Java Certified Programmer (SJP).

I was requested to perform a forensic analysis of the 120 GB hard drive that was used by Max [REDACTED] during his services for NorthWest Direct. As testified by Max [REDACTED], the drive was used by Mr. [REDACTED] until it "failed" on May 12, 2003. Max [REDACTED] reports that the hard drive was used as a secondary hard drive for a short period of time while he copied data from the hard drive to a new hard drive that he had purchased. After a period of time, Max [REDACTED] testifies that he removed the hard drive and stored it in a fireproof safe and at some time, formatted the drive. My analysis of the hard drive reveals that the hard drive was formatted on November 12, 2003, indicating that the failure that occurred on May 12, 2003 was most likely a software related incident, as a mechanical failure rarely allows further access to a hard drive without intrusive procedures undertaken at a specialty data recovery facility.

The analysis I was requested to perform concerned indications and conclusions that could be inferred related to the unallocated spaces on the hard drive, namely, usage indications during three time periods: before the failure on May 12, 2003, between May 12, 2003 and November 12, 2003 and after being reformatted on November 12, 2003.

As explanation of process and basis for my analysis, when a hard drive is initially or subsequently formatted for usage, the process creates tables and supporting files to allow storage of electronic data on the hard drive. For most Windows based computers since the year 2000, this is the NTFS file system. Obviously, this is not the electronic data, or files, that the user will put on the hard drive, but is only a means for the operating system to catalog, track and record the electronic data that will be placed on the hard drive for storage by the computer users. These tables occupy only a small percentage of the hard drive, typically 2-5%. As the reformatting event of November 12, 2003 did not overwrite the entire hard drive, about 95% of the hard drive is still available for analysis using forensic methodology and processes. The primary method of investigation would be to analyze the "Unallocated Space", the area of the hard drive that does not contain "Active Files", "Active Files" being files that NTFS is tracking.

As a result of the reformatting that occurred on November 12, 2003, the original NTFS file structure was not available. However, as the re-formatting did not overwrite the entire hard drive my analysis of the 120 GB hard drive indicates that there was extensive use of the hard drive prior to the reported failure on May 12, 2003. This is evidenced by the presence of thousands of dates occurring before May 12,

120 GB Hard Drive

Page 1 of 3

2003. While the absence of a file structure reduces the ability to associate a specific date and time to specific file fragments, the existence of the numerous dates does indicate that the computer was in use during this time. The dates and times that are present on the hard drive are indicative of a normal hard drive with the expected partial overwriting of deleted files during the normal operations of the Windows NTFS file system. These dates prior to May 12, 2003 are not limited to a few types of file fragments but are present in all types of file fragments present on the hard drive.

On Page 1 of Exhibit 1, a sample of an error report recovered from the Unallocated Space is displayed. This is an error report created by the operating system and in all likelihood a computer user would not even know that it had been created. The types of information that can be seen in this report, include the date and time of the error report's creation, the operating system and the type of video card.

On Page 2 of Exhibit 1, a file fragment from an email chain is displayed with sufficient body present to ascertain the purpose of the email. Included with the email fragment are dates and times.

Exhibit 1 shows that though the original data no longer has a formal file structure, sufficient remnants remain to indicate hard drive usage based on data recorded on the hard drive. An additional automated process was used to assist in the recovery of the files contained in the Unallocated Spaces. This process systematically searches for and marks files that are contained in the Unallocated Spaces and attempts to make those files available for recovery. In many cases, the files are recoverable but not all files found can be fully recovered. Due to the lack of a formal NTFS file structure, the process is forced to make assumptions about files that are fragmented to different areas of the hard drive, and these assumptions, while useful to show prior existence of files, cannot fully recover those files to their original condition.

While the hard drive usage prior to the May 12, 2003 failure event appears to be normal and expected for a computer in a business environment, some unusual indications did exist and are displayed in Exhibit 2. The various .htm files are an indication that the computer was used to access the eBay site. The presence of the .lnk files, or link files, indicates that the presence of the files was known and the files were accessed. This is borne out by the fact that link files for user generated files are not created until the files are actually accessed by a user.

An analysis of the hard drive was conducted for usage between the dates of May 12, 2003 and November 12, 2003, the time that Max [REDACTED] testifies that the hard drive was in storage after he copied data to the new hard drive. Exhibit 3 is included to indicate the hard drive usage during this time frame.

From the recovered files present on the hard drive that were created or accessed during this time frame, it is apparent that the hard drive was being actively used, mainly for storage of downloaded video files. This assertion is based on the Windows file system operation and the characteristics of the File Created date and time.

120 GB Hard Drive

Page 2 of 3

The File Created date and time is recorded when the file is created on the local computer, not when the file was originally made by the user who initially created the files. As is seen in Exhibit 3, the time span across multiple months regarding the File Created date and time indicates that the hard drive was being actively used during the time that Max [REDACTED] testifies the hard drive was in storage.

Regarding the structure and format of the video files in Exhibit 3, these video files are in a format that is typically exhibited in file sharing environments. To enhance the efficiency and reliability for all users participating in the file sharing, large files are segmented into multiple small files for sharing. Embedded error correcting and accessing multiple computers to download multiple segments at that same time are a trademark of file sharing. Once all segments of a video are downloaded to the local computer, those individual parts can be recombined into a copy of the whole file that constitutes the entire video which can then be viewed on the computer.

In addition to file sharing mainly being used to distribute material in violation of US and International copy write laws, use of file sharing software, by default, circumvents the security of the computer and opens pathways to the local computer that can be exploited by other computer users.

An analysis of the hard drive was conducted to determine hard drive usage on or after the re-formatting event that occurred on November 12, 2003. A search for files or file fragments associated with dates on or after November 12, 2003 did not reveal any dates other than those associated with the reformatting that occurred on November 12, 2003. These files are the files that are associated with the operating system creating the NTFS file structure necessary for the storage of electronic data on the hard drive. After this time, there was no subsequent access to the hard drive, indicating that the hard drive was not put into use or accessed after being reformatted.

It is my conclusion that the 120 GB hard drive was in normal usage prior to May 12, 2003. Some exceptions to normal business usage are displayed in Exhibit 2. Between May 12, 2003 and November 12, 2003, the hard drive was being used mainly as a storage medium for video files. This usage is documented in Exhibit 3. Following the November 12, 2003 re-formatting of the hard drive, the hard drive was not used or accessed and no subsequent dates or recovered files are present on the hard drive.

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

Dated May 23, 2010



Mark Cox

120 GB Hard Drive

Page 3 of 3

Exhibit 1

Physical Hard Drive Sectors 25319 -25320

```
//  
// Watchdog Event Log File  
//  
LogType: Watchdog  
Created: 2003-04-15 01:44:06  
TimeZone: 300 - Eastern Standard Time  
WindowsVersion: XP  
EventType: 0xEA - Thread Stuck in Device Driver  
//  
// The driver for the display device got stuck in an infinite loop. This  
// usually indicates a problem with the device itself or with the device  
// driver programming the hardware incorrectly. Please check with your  
// display device vendor for any driver updates.  
//  
ShutdownCount: 136  
Shutdown: 0  
EventCount: 2  
BreakCount: 2  
BugcheckTriggered: 1  
DebuggerNotPresent: 1  
DriverName: awvid5  
EventFlag: 1  
DeviceClass: Display  
DeviceDescription: NVIDIA RIVA TNT2 Model 64 (Sony)  
HardwareID: PCI\VEN_10DE&DEV_002D&SUBSYS_40031043&REV_15  
Manufacturer: NVIDIA  
DriverFixedFileInfo: FEEF04BD 00010000 000A0005 000001D6 00050000 08930654 0000003F 00000008  
00040004 00000003 00000004 00000000 00000000
```

120 GB Hard Drive

Page 1 of 2

A		B	C
1	Name (All File Paths From C or D Drive Recovered Folders)	Last Accessed	File Created
2	eBay\SAP\1].htm	03/17/03 10:08:00PM	03/17/03 10:07:59PM
3	eBay\SAP\1].htm	03/17/03 10:09:33PM	03/17/03 10:09:32PM
4	eBay\SAP\3].htm	03/17/03 10:14:00PM	03/17/03 10:14:00PM
5	eBay\SAP\2].htm	03/17/03 10:15:42PM	03/17/03 10:15:42PM
6	eBay\SAP\4].htm	03/17/03 10:15:46PM	03/17/03 10:14:32PM
7	eBay\SAP\1].htm	03/17/03 10:15:46PM	03/17/03 10:12:47PM
8	eBay\SAP\2].htm	03/17/03 10:15:46PM	03/17/03 10:13:38PM
9	eBay\SAP\5].htm	03/17/03 10:16:03PM	03/17/03 10:16:03PM
10	eBay\SAP\6].htm	03/17/03 10:16:47PM	03/17/03 10:16:47PM
11	eBay\SAP\7].htm	03/17/03 10:17:30PM	03/17/03 10:17:30PM
12	eBay\SAP\3].htm	03/17/03 10:17:50PM	03/17/03 10:17:49PM
13	eBay\SAP\3].htm	03/17/03 10:17:57PM	03/17/03 10:17:57PM
14	eBay\SAP\2].htm	03/17/03 10:18:35PM	03/17/03 10:18:35PM
15	eBay\SAP\4].htm	03/17/03 10:19:01PM	03/17/03 10:18:05PM
16	eBay\SAP\8].htm	03/17/03 10:19:16PM	03/17/03 10:19:15PM
17	eBay\SAP\5].htm	03/17/03 10:19:51PM	03/17/03 10:19:51PM
18	eBay\SAP\10].htm	03/17/03 10:20:56PM	03/17/03 10:20:56PM
19	eBay\SAP\6].htm	03/17/03 10:22:30PM	03/17/03 10:22:30PM
20	eBay\SAP\13].htm	03/17/03 10:26:01PM	03/17/03 10:26:01PM
21	eBay\SAP\7].htm	03/17/03 10:26:11PM	03/17/03 10:26:11PM
22	eBay\SAP\8].htm	03/17/03 10:26:37PM	03/17/03 10:26:37PM
23	eBay\SAP\5].htm	03/17/03 10:26:57PM	03/17/03 10:26:38PM
24	eBay\SAP\14].htm	03/17/03 10:28:48PM	03/17/03 10:28:48PM
25	eBay\SAP\1].htm	03/18/03 07:54:42AM	03/18/03 07:54:41AM
26	eBay\SAP\10].htm	03/18/03 07:56:20AM	03/18/03 07:56:20AM
27	eBay\SAP\11].htm	03/18/03 07:56:35AM	03/18/03 07:56:34AM
28	eBay\SAP\4].htm	03/18/03 07:56:42AM	03/18/03 07:56:42AM
29	eBay\SAP\12].htm	03/18/03 07:56:45AM	03/18/03 07:56:45AM
30	eBay\SAP\5].htm	03/18/03 07:57:29AM	03/18/03 07:57:29AM
31	eBay\SAP\15].htm	03/18/03 07:57:41AM	03/18/03 07:56:51AM
32	eBay\SAP\7].htm	03/18/03 07:58:43AM	03/18/03 07:58:23AM
33	eBay\SAP\13].htm	03/18/03 07:58:50AM	03/18/03 07:58:50AM

Max Zweizig 120 GB Hard Drive Analysis

I was requested to perform an analysis of the 120 GB hard drive to determine possible usage of the hard drive between the dates of May 12, 2003 and November 12, 2003, the time that the hard drive was reported to be unusable. The result of this analysis reveals several dates associated with video file names in a format typically associated with file sharing websites such as PirateBay, BitTorrent and TorrentReactor. The dates notated in Bold in Exhibit 1 are not the actual Windows file system dates and times, as there is no file structure in the unallocated spaces. However, the dates notated in Bold are associated with the file names, that when assembled together, constitute the viewable video. Analysis did not reveal when the date was assigned to these file segment, but the typical timeframe is when the original video is "ripped", the process of copying the video to a hard disk. As such, it could be concluded that on or after the dates notated in Bold, the files were placed on the hard drive, presumably from a file-sharing Internet site.

In conclusion, it is highly probable that the user of the computer knew that the hard drive was not defective and at a later time used it to store video files after the purported hard drive failure.

This analysis was performed by Mark Cox and I affirm that the statements are truthful based on the analysis that I performed.

Mark Cox, EnCE
April 29, 2010

Physical Sector	Preview
37410188	Generated by SFV32 v1.0a on 2003-07-27 at 07:10:28 ; Engineering Disasters 4_HIS.r00
39138492	10240000 09:31.58 2003-05-28 dilbert-ep29of30.r06
39138492	10240000 09:30.16 2003-05-28 dilbert-ep29of30.r05
39138492	10240000 09:28.38 2003-05-28 dilbert-ep29of30.r04
39138492	10240000 09:27.10 2003-05-28 dilbert-ep29of30.r03
39138492	10240000 09:25.32 2003-05-28 dilbert-ep29of30.r02
39138492	10240000 09:24.06 2003-05-28 dilbert-ep29of30.r01
39138492	10240000 09:22.08 2003-05-28 dilbert-ep29of30.r00
39138493	10240000 09:51.34 2003-05-28 dilbert-ep29of30.r15
39138493	10240000 09:49.06 2003-05-28 dilbert-ep29of30.r14
39138493	10240000 09:46.36 2003-05-28 dilbert-ep29of30.r13
39138493	10240000 09:43.46 2003-05-28 dilbert-ep29of30.r12
39138493	10240000 09:41.14 2003-05-28 dilbert-ep29of30.r11
39138493	10240000 09:39.16 2003-05-28 dilbert-ep29of30.r10
39138493	10240000 09:37.20 2003-05-28 dilbert-ep29of30.r09
39138493	10240000 09:35.22 2003-05-28 dilbert-ep29of30.r08
39138493	10240000 09:33.38 2003-05-28 dilbert-ep29of30.r07
39138494	10240000 09:20.46 2003-05-28 dilbert-ep29of30.rar
39138494	7153777 09:57.48 2003-05-28 dilbert-ep29of30.r19
39138494	10240000 09:56.38 2003-05-28 dilbert-ep29of30.r18
39138494	10240000 09:54.54 2003-05-28 dilbert-ep29of30.r17
39138494	10240000 09:53.20 2003-05-28 dilbert-ep29of30.r16
45747804	Generated by SFV32 v1.0a on 2003-07-16 at 07:10.34 ; Modern Marvels - Dangerous Cargo_HIS.r0
45747916	Generated by SFV32 v1.0a on 2003-07-24 at 07:10.24 ; Behind The Scenes - Demolition Derby_TR
45748012	Generated by SFV32 v1.0a on 2003-07-28 at 07:10.26 ; More Engineering Disasters_HIS.r00 E422
46641430	alt.binaries.multimedia Posted on.....: 7/19/2003 Fills Policy.....: Wait until after the repost
52641068	MooSFV v1.7 - Sun Jul 06 19:10:17 2003 ; Wonder.Woman.1x05.svcd.BTM.r00
58349932	Generated by SFV32 v1.0a on 2003-07-22 at 07:10.06 ; Devil's Island - Hell On Earth_HIS.r00

****Bold added to identify area of interest****

1 Timothy Rote
2 24790 SW Big Fir Rd.
3 West Linn, OR 97068
4 503.702.7225
5 Timothy.rote@gmail.com

6 IN THE CIRCUIT COURT OF THE STATE OF OREGON
7 FOR THE COUNTY OF CLACKAMAS

8 MAX ZWEIZIG,

9 Plaintiff,

10 vs.

11 TIMOTHY ROTE, ET. AL.

12 Defendants

Case No.: 19CV01547

RESPONSE IN OPPOSITION TO
PLAINTIFF PETITION FOR GAG ORDER
LIMITING FREE SPEECH

HEARING SCHEDULED FOR 3/9/21

13
14
15 INTRODUCTION

16 Shortly after Timothy Rote’s blog was started in September 2015, Zweizig was offered
17 anonymity and redaction. Zweizig rejected that accommodation. Rote carried out the redactions
18 anyway up to the time of trial in case 3:15-cv-2401. Zweizig did not seek a TRO restraining
19 publication of the events leading up to and including that trial because it benefitted him in his
20 case. Defendant did not take down the blog before or since trial because it serves to inform
21 litigants.

22 Now that it does not benefit him, and more specifically now that Zweizig has admitted
23 he committed perjury in the 315cv case, before a jury, with that perjury suborned by his
24 attorney (Christiansen) and with an admission by former counsel in this case (Greene) who
25 resigned over Zweizig’s past criminal acts, Zweizig now wants a gag order broad enough to
26 gag the publication of his admission.

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 1

1 There is no legal support for this petition.

2 Any risk to finding counsel because of Zweizig's admission is a nonstarter. There is no
3 right to counsel in civil litigation. The absence of counsel is not a violation of the Sixth
4 Amendment.

5 In the next month, protests of Zweizig's criminal conduct are scheduled in Woodbury
6 New Jersey and Bend Oregon. Defendant's hope is that the protests will bring public awareness
7 to how significantly child trafficking has invaded the legal profession.

8 **HISTORY AND BACKGROUND**

9 While Zweizig's declaration professes purity worthy of the Greek Gods, his actions have
10 been criminal, rapacious and morally corrupt.

11 Zweizig always seeks to invoke victim status, when he is in fact the aggressive actor
12 and predator. In order for the court to understand and frame the historical behavior of both
13 parties it is necessary to understand that Zweizig was first recruited to become an IT manager
14 for a company Rote owned (NDT). The company was at the time of Zweizig's hiring operated
15 by a president by the name of Paul Bower. Paul recruited Zweizig to employer NDT. Zweizig
16 signed a contract on August 18, 2001 and started immediately (**Exhibit 1**). On September 16,
17 2001, Zweizig and Bower set up a competing company (**Exhibit 2**). Defendant Rote did not
18 discover these breaches of contract and threats to his company until October, 2002, more than
19 a year later. Bower was removed immediately. Zweizig was allowed to stay. But just one year
20 after Bower was terminated Zweizig was also terminated. During that one-year time period
21 Zweizig removed all programming his employer owned, some of which he created, attempted
22 to extort a raise using the programming as leverage, and when that was rebuffed shut down his
23 employer resulting in the layoff of more than 150 people.

24 On October 24, 2003 Zweizig sent defendant a letter via email claiming the Northwest
25 companies were over-billing and under-billing clients, both of which he found to criminal. See
26 **Exhibit 3**. The over-billing he alleged was based on an excel spreadsheet he attached

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 2

1 identifying no clients. He claimed the excel document was received by him and others in an
2 email. The email Zweizig claimed transmitted the spreadsheet to multiple people was never
3 provided. The spreadsheet was never corroborated. No invoices had been issued that month
4 and there was neither over-billing nor under-billing. The allegation of over-billing \$400 was
5 patently false.

6 Zweizig immediately followed up the complaint to defendant with a complaint to the
7 Oregon Department of Justice and Lane County DA. Defendant contacted both and offered
8 them evidence of Zweizig's termination of October 2nd, that termination coming after
9 Zweizig's effort to extort a raise.

10 Zweizig alleged he was terminated because of the complaint to the ODJ and Lane
11 County DA. Zweizig was terminated three weeks before. Steve William's forensic report
12 identifying the exit time of the email terminating Zweizig on October 2, 2003 is provided
13 herein as **Exhibit 4**.

14 Zweizig's email wanting a raise to complete data five months in arrears to one of NDT's
15 clients is provided herein as **Exhibit 5**. Zweizig completed the data processing by September 30,
16 2003 and was terminated on October 2, 2003.

17 In spite of defendant's multiple requests and then demands to Zweizig to return the
18 programming owned by NDT, Zweizig refused. **See Exhibit 6**. NDT shut down after Zweizig's
19 last day, November 13, 2003.

20 Plaintiff's request for a gag order is an overreach and is likely done to influence the
21 outcome of the Summary Judgment Motion.

22 **ARGUMENT**

23 Defendant argues the gag order violates his right to free speech under the First
24 Amendment of Unites State Constitution.

25 There were unqualified prohibitions laid down by the framers of the Constitution which
26 were intended to give liberty of the press in the broadest scope that could be countenanced in

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 3

1 orderly society. The Supreme Court has mandated that the freedom of discussion should be
2 given the widest range of discretion possible compatible with essential requirement of fair and
3 orderly administration of justice. *Sheppard v. Maxwell*, 384 U.S. 333 (1966).

4 The Supreme Court of the United States has addressed this issue with great clarity.
5 “[I]n any case involving pretrial publicity, the court must decide whether ‘the gravity of the
6 “evil,” discounted by its improbability, justifies such invasion of free speech as is necessary to
7 avoid the danger.’” *Id.* at *2 (quoting *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 562
8 (1976)).

9 “Like all gag orders, the trial court’s order restricting The Register’s ability to report on
10 the upcoming trial is presumptively invalid. . . . A prior restraint is the ‘most serious and the
11 least tolerable infringement on First Amendment rights.’” (quoting *Nebraska Press*
12 *Association*).

13 I. The Scale of Public Disclosure is Small

14 Although at times gag orders are entertained in public criminal trials, such orders are
15 uncommon in civil cases. One such civil case is offered as an example among the hundreds that
16 could be tendered in this argument.

17 In *Julie Slivka v. YMCA of The Pikes Peak Region*, 1:19-cv-00313-PAB (USDC Co.,
18 2019), plaintiff filed her lawsuit against defendants, raising claims of assault, battery, and
19 negligence against defendant Lozano and claims of sex discrimination, disability
20 discrimination, and retaliation. Defendants sought (1) the imposition of a gag order “imposing
21 reasonable restrictions on the release of information to the media and members of the public by
22 any parties or counsel in this litigation.” It also requests an order “restricting public access to
23 the entirety of the proceedings or, in the alternative, level 1 restriction for [plaintiff’s
24 complaint], as submitted in redacted form herewith.” The Court denied the Motion, Doc #27,
25 provided herein as **Exhibit 11**.

26
RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 4

1 The USDC Colorado, Chief Judge Brimmer opined first on the framework of the law.
2 “In determining whether a gag order is appropriate, a court should consider (1) “the nature and
3 extent of pretrial news coverage”; (2) “whether other measures would be unlikely to mitigate
4 the effects of pretrial publicity”; and (3) “how effectively a restraining order would operate to
5 prevent the threatened danger.” *Nebraska Press Ass’n*, 427 U.S. at 562. The court “must then
6 consider whether the record supports the entry of a prior restraint on publication, one of the
7 most extraordinary remedies known to our jurisprudence.” *Id.*”

8 Judge Brimmer further noted “In regard to the extent of pretrial news coverage, the
9 Court finds that it is insubstantial. YMCA contends that, since the filing of plaintiff’s
10 complaint, three media sources have published articles related to the lawsuit and that links to
11 these articles have been posted on various social media accounts. Docket No. 16 at 4-5.
12 Specifically, YMCA provides evidence of two Twitter posts and one Facebook post containing
13 links to new articles about the lawsuit. Docket No. 16-3. According to YMCA, the story is now
14 “accessible to literally hundreds of millions of people on social media platforms.” Docket No.
15 16 at 7. YMCA also notes that plaintiff’s counsel has given an interview about the case to at
16 least one media outlet. *Id.* at 5.”

17 Judge Brimmer found that “The number of articles and social media posts concerning
18 this case is small. And YMCA overestimates the level of online engagement these articles and
19 posts have received. Although, like anything on the internet, these sources are “accessible to
20 literally hundreds of millions of people” online, see Docket No. 16 at 7, YMCA does not show
21 that potential members of the jury pool have been exposed to such articles or have formed
22 negative impressions of YMCA as a result. Thus, YMCA has failed to show that the nature and
23 extent of pretrial publicity warrants the imposition of a gag order.”

24 Defendant is drawn to Judge Brimmer’s opinion because it so closely aligns with the
25 facts in this case. Defendant’s Post #175 on Shenoa Payne and Joel Christiansen refusing to
26 denounce child porn has only 10 views. See **Exhibit 7**.

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 5

1 Defendant argues that this case, and the litigants involved herein, are not receiving any
2 public attention on a scale that could taint a jury pool. Plaintiff has provided no proof of that
3 allegation. Moreover, this is a type of case where it may be appropriate for a bench trial.

4 **II. The Blog Is Equivalent to a Newspaper or Online News Publication**

5 Rote's Blog is a recognized forum of free speech that is a public forum and raises
6 issues on topics of public interest. It may not be constrained just because Rote is a party.

7 A Ninth Circuit case offers some insight. "We agree with our sister circuits. The
8 protections of the First Amendment do not turn on whether the defendant was a trained
9 journalist, formally affiliated with traditional news entities, engaged in conflict-of-interest
10 disclosure, went beyond just assembling others' writings, or tried to get both sides of a story.
11 As the Supreme Court has accurately warned, a First Amendment distinction between the
12 institutional press and other speakers is unworkable: "With the advent of the Internet and the
13 decline of print and broadcast media . . . the line between the media and others who wish to
14 comment on political and social issues becomes far more blurred.'" *Citizens United*, 558 U.S.
15 at 352. See *OBSIDIAN FINANCE GROUP V. COX*, 9th Circuit case No. 12-35319, Jan. 2014,
16 reversing U.S. District Court of Oregon 3:11-cv-00537-HZ.

17 **III. The Forensic Reports Are In The Public Domain**

18 The computer forensic reports showing that Zweizig actively engaged in downloading
19 and disseminating child porn, that he destroyed evidence, destroyed programming to extort a
20 raise and to hold his employer hostage, and causing a shutdown of his employer, etc., have
21 been published in the public space since 2011. Several of the 120 gig hard drive computer
22 forensic reports (such as **Exhibit 9**) were published in the confirmation record of 3:11-cv-910-
23 pp in federal court in 2011 and have been in the public domain since that time. The computer
24 forensic reports have arguably been downloaded from court records via pacer and defendant's
25 blog hundreds of times.
26

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 6

1 The 120 gig computer forensic reports are also documents filed with the New Jersey
2 State Police, the Woodbury New Jersey Police, the FBI, the U.S. Marshals Service, the United
3 States Department of Justice, the U.S. District Court of Oregon, the 9th Circuit Court of
4 Appeals, Clackamas County Court, the Oregon Court of Appeals, the Supreme Court of
5 Appeals of Oregon and the United States Supreme Court. The TRO seeks to restrict the
6 application and use of the forensic reports in this case or alternatively seeks suppress them in
7 the blog, which is a gross overreach.

8 Judge Brimmer again addresses this question by noting “with regard to whether a gag
9 order would prevent the purported danger, the information that YMCA seeks to restrain has, by
10 its own admission, already been publicized. Although not wide-reaching, such information is
11 still in the public arena, and the Court cannot suppress access to such information. The Court
12 finds that YMCA has not met its burden of establishing that there is a reasonable likelihood
13 that prejudicial news will make it difficult to impanel an impartial jury and prevent a fair trial
14 so as to justify the invasion of free speech that would result from a gag order. See *Lord*, 2011
15 WL 2559824, at *3 (finding that defendants’ fear of negative publicity absent pretrial gag
16 order did not justify invading plaintiff’s right to free speech). The motion for a gag order will
17 be denied.” *Julie Slivka v. YMCA of The Pikes Peak Region*, 1:19-cv-00313-PAB (USDC Co.,
18 2019).

19 Zweizig and his attorneys did prevail on claims indirectly arising from the publishing
20 the forensic reports in case 3:15-cv-2401, but did not seek then a TRO because it served their
21 interest for the blog to remain published. In fact small portions of 10 chapters of the blog and
22 1% of the blog’s content represented the sum of their case. Zweizig has therefore waived his
23 right to at any time restrict the use or publication of the forensic reports.

24 The jury in the 3:15 trial did not see the forensic reports. Zweizig’s legal team
25 suppressed the reports through the Motion in Limine, arguing the arbitrator opined on them.
26 See **Exhibit 8**. He did not. Zweizig then went on to deny the very existence of these reports as

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 7

1 he as intimated in his current declaration, with the full knowledge that the experts delivered
2 their respective opinions during the arbitration and were cross-examined on them. Zweizig’s
3 deposition testimony shows that he is laughing at being able to pull that off. See the
4 **Arbitrators Opinion, Exhibit 10.**

5 Now, however, Zweizig’s deposition testimony confirms not only his perjury in the
6 3:15 case but also credible acknowledgement that his own attorneys recognize the voracity of
7 the forensic reports and perhaps even the tragic outcome because Zweizig can so credibly lie,
8 so credibly play the victim card. See **Exhibit 12.**

9 **IV. Voir Dire is A Better Solution**

10 Judge Brimmer also noted that “The Court finds that other, less-restrictive measures
11 may be taken to mitigate any potential prejudice caused by press coverage of the case...at the
12 time of trial, the potential jury pool will have to go through extensive voir dire,” which may
13 include questions about publicity in the case. See *Pfahler*, 2008 WL 323244, at *2. Instructions
14 to disregard certain out-of-court information may be given as needed. The Court finds that any
15 potentially damaging pretrial publicity may be adequately mitigated without the imposition of
16 a gag order. *Julie Slivka v. YMCA of The Pikes Peak Region*, 1:19-cv-00313-PAB (USDC Co.,
17 2019)

18 **V. Plaintiff Does Not Have Standing To Bring This TRO On Behalf of**
19 **Counsel**

20 Albertazzi does not have standing to bring this cause of action in his own name, for the
21 benefit of his firm, for the benefit of Shenoa Payne, Joel Christiansen, former counsel Ward
22 Greene, the Oregon State Bar Professional Liability Fund, etc.

23 Greene filed a Motion similar to this one in July 2020. Defendant responded with an
24 anti-SLAPP Motion. Greene did not reply further and subsequently resigned. By his own
25 Response and Motion, Greene implicated defamation, libel and slander as possible future
26 “claims” in this case and in future cases arising from documents filed in this case, even though

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 8

1 the documents were in the blog for more than five years. The allegations against legal counsel
2 for aiding and abetting Zweizig’s path of destruction, raises a relevant question as to why
3 counsel would be associated with this.

4 Standing is the concept that “identifies whether a party to a legal proceeding possesses
5 a status or qualification necessary for the assertion, enforcement, or adjudication of legal rights
6 or duties.” *Kellas v. Dept. of Corrections*, 341 Or 471, 476-77, 145 P3d 139 (2006). First,
7 “there must be ‘some injury or other impact upon a legally recognized interest beyond an
8 abstract interest in the correct application or the validity of [a contract].” *Doyle*, 356 Or at 372
9 (quoting *League of Oregon Cities v. State of Oregon*, 334 Or 645, 658, 56 P3d 892 (2002)).
10 Second, “the injury must be real or probable, not hypothetical or speculative.” *Id.* Third, “the
11 court’s decision must have a practical effect on the rights that the plaintiff is seeking to
12 vindicate.” *Id.*; see also *Holmes v. Morgan*, 135 Or App 617, 624, 899 P2d 738, rev den, 322
13 Or 193 (1995).

14 Although “no statute governs the issue of standing to seek injunctive relief,” the
15 Supreme Court “has long applied essentially the same standing requirements that ordinarily
16 apply in declaratory judgment actions.” *Morgan*, 353 Or at 201.

17 Plaintiff cites a blog post titled “175 - Shenoa Payne and Joel Christiansen Refuse to
18 Denounce Child Molestation.” As the blog post aptly describes, both Shenoa Payne and Joel
19 Christiansen were asked if they would denounce child molestation separate from an admission
20 that they knew their client Max Zweizig just admitted to duping a jury on the forensic reports
21 and that Ward Greene resigned over not wanting to be associated with Zweizig any further.
22 Neither chose to denounce Child Molestation. Neither has the Oregon State Bar PLF.
23 Defendant points out that Payne and Christiansen represent Zweizig on the 3:15 case and its
24 appeal and are operating with full knowledge that Zweizig lied to the jury in that case.
25
26

1 Quoting the blog, “That necessarily means Ward Greene reviewed the forensic reports
2 and concluded that Zweizig downloaded and disseminated child pornography. Zweizig did not
3 deny the allegations in his deposition. He still has not.”

4 Zweizig was warned by counsel Albertazzi to not answer the question on why Greene
5 resigned, but rejected that advice. Zweizig was given every opportunity to correct the
6 deposition record before it was published and has not done so. Defendant waited 30 days
7 before publishing the deposition transcript. Zweizig did not seek confidentiality. Court
8 documents such as this are published with regularity.

9 Since that time the deposition transcript has been published in 9th Circuit case #18-
10 35991, #18-660, #19-35847 and #20-35017. The deposition is in the public domain as will the
11 transcripts of the case should it proceed to trial.

12 **VI. Defendant Has a Right To Balance The Scales of Public Opinion and To**
13 **Draw Financial Support To His Cause**

14 Defendant is building for-profit and not-for-profit businesses around this case and
15 expects to draw substantial financial support to continue to use counsel.

16 Moreover, countering negative publicity is a right of defense. Countering negative
17 publicity about a criminal defendant is not merely a permissible activity for a criminal defense
18 attorney; it is a necessary part of a vigorous defense. See *Gentile v. State Bar of Nevada* (1991)
19 501 U.S. 1030. *Gentile* involved a state bar disciplinary proceeding where Attorney Gentile
20 was sanctioned for a press conference he held to defend his client after the press had pushed
21 out a stream of information, beginning long before his client’s indictment, suggesting that his
22 client was guilty. *Id.* at 1064 (“Petitioner’s admitted purpose for calling the press conference
23 was to counter public opinion which he perceived as adverse to his client, to fight back against
24 the perceived efforts of the prosecution to poison the prospective juror pool, and to publicly
25 present his client’s side of the case.”).

1 The Supreme Court stated that such a press conference was absolutely within the rights
2 and duties of a criminal defense attorney, an excerpt provided as follows:

3 An attorney's duties do not begin inside the courtroom door. He or she cannot
4 ignore the practical implications of a legal proceeding for the client. . . . [A]n
5 attorney may take reasonable steps to defend a client's reputation and reduce the
6 adverse consequences of indictment, especially in the face of a prosecution
7 deemed unjust or commenced with improper motives. A defense attorney may
8 pursue lawful strategies to obtain dismissal of an indictment or reduction of
9 charges, including an attempt to demonstrate in the court of public opinion that
10 the client does not deserve to be tried.

11 In fact the very right Zweizig invokes for counsel can be used against him. The Sixth
12 Amendment right to the assistance of counsel in criminal cases, in conjunction with due-
13 process and fair-trial rights, would seem to require attorneys to actively seek to counterbalance
14 a client's negative public image. In high-profile cases, the only way some lawyers can offer
15 clients, or in this case pro se litigants, their respective Sixth Amendment right to a fair trial is
16 to set the record straight in the media in hopes that accurate reporting will create a neutral
17 litigation environment. In other words, to assure a fair trial, public advocacy is an essential part
18 of a defense strategy. See *Michael Jay Hartman, Yes, Martha Stewart Can Even Teach Us*
19 *About the Constitution: Why Constitutional Considerations Warrant an Extension of the*
20 *Attorney-Client Privilege in High-Profile Criminal Cases (2008) 10 U.Pa.J.Const.L. 867, 879*
21 (quotation marks and ellipses omitted; emphasis added).

22 This is not a criminal case and it's not a high-profile case but the amount of attention
23 Zweizig received when he got his judgment was significant. This case is not garnering any
24 attention and is not likely to. Defendant would hope however that the perjury committed by
25 Zweizig and the subornation of that perjury by counsel, which continues in this case, will get
26 its fair dose of public attention at some point.

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 11

1 Courts frown upon enjoining speech for the sake of protecting someone from unwanted
2 public exposure:

3 “[S]paring citizens from embarrassment, shame, or even intrusions into their
4 privacy has never been held to outweigh the guarantees of free speech in our
5 federal and state constitutions.” In addition to *YMCA*, see *Hurvitz v. Hoefflin*,
6 (2000) 84 Cal.App.4th 1232, 1244 (emphasis added). See also *Maggi v. Superior*
7 *Court* (2004) 119 Cal.App.4th 1218, 1225 (“Gag orders are not an appropriate
8 method to protect confidential information from disclosure, no matter how
9 damaging or private that information may be.”).

10 Defendant admits that laws of Oregon are surprising thin on Constitutional application
11 of gag orders in the context of civil litigation.

12 The blog is still a forum that will produce a credible revenue stream to support
13 litigation defense, something this court has endorsed. Zweizig’s litigation against the Rote’s
14 and the companies they own and owned have cost the Rote’s more than \$500,000. Zweizig
15 may think that is funny, having been the beneficiary of contingency fee counsel for 20 years. It
16 is not funny and it is not a drop in the bucket.

17 **VII. 9th Circuit Case 20-35017 and Judge Mosman**

18 By bringing Defendant’s critiques of Judge Mosman into this discussion, plaintiff has
19 repeated what he has strongly been warned to not do, which is to ask for a biased ruling from
20 this court based on Timothy Rote’s Civil Rights case. He just cannot help himself. The court
21 should take Zweizig’s petition as a desperate act to rehabilitate.

22 Plaintiff previously filed a Jones transcript (2001) and Kugler show cause order (2005),
23 some 15 times in 9 cases asking for the courts in those cases to deny Rote due process as an act
24 of solidarity with other Judges. Plaintiff does that wanting the court to overlook that he, in spite
25 of his declaration to the contrary, is active as a cybercriminal, identity thief and perhaps even
26

1 disseminator of child pornography. The solicitation of this bias is in large part what the blog
2 critiques.

3 The Jones and Kugler documents were unrelated to the litigation in the cases in which
4 they were filed. The Jones transcript and Kugler show cause were nonetheless filed by
5 opposing counsel in cases 1:04-cv-2025 (USDC NJ 2005), ASP No. 050511-1 (Arbitration OR
6 2006-2011), 3:11-CV-0906 (USDCOR 2011-2012), 3:14-CV-0406 (USDCOR, 2014-2018),
7 3:15-CV-2401 (USDCOR 2015-2019), 16CV07564 (Clackamas OR, 2016-2018), 09CV1189
8 (Arapahoe CO, 2009-2014), 18CV45257 (Clackamas OR, 2018), and 3:19-CV-00082
9 (USDCOR 2019). And that's why the civil lawsuits were filed. There was no other way to stem
10 the tide of this blatant abuse.

11 Just as importantly, the Jones Transcript and Kugler show cause were materially
12 misrepresented by opposing counsel. Defendant Rote has widely published in the blog that
13 Judge Robert Jones did the right thing when he resigned once Rote raised a conflict with a
14 plaintiff post-trial. Judge Jones was angry with Rote, through him out of his Chambers and he
15 was right to do so. Rote was also right to raise the issue, however uncomfortable it was for
16 Judge Jones. Defendant has published that he has great respect and affection for Judge Jones
17 and believes him to be one of the best Judges we've had here in Portland. Judge Jones and
18 defendant have met several times since 2001 and remain friendly. Yes this goes back to 2001.

19 The Kugler show cause order is also very misleading. Defendant, through an
20 investigator, caught Sandra Ware meeting with Kugler's law clerk while the Judge had the
21 Zweizig case. On information and belief Ware passed onto the clerk the Jones transcript. The
22 transcript has a header showing Ware received the transcript via facsimile to the law firm
23 where she worked. Ware has not denied this. The clerk has not denied this. Judge Kugler has
24 not denied this. Immediately after Ware met with the Clerk (who she knew from law school),
25 Kugler sent the case between Zweizig and Rote back down to the New Jersey State Court.
26 After that, defendant notified the court of the meeting between Ware and the Clerk. Kugler was

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 13

1 upset and ordered Rote to appear to show why he should not be held in contempt. Rote
2 appeared with counsel to defend himself. The US Attorney's Office appeared and refused to
3 pursue any contempt action against Rote for publishing to Judge Kugler after the court no
4 longer had jurisdiction. As the US Attorney's office pointed out, this letter to Kugler was a first
5 amendment communication and protected. Rote prevailed. Zweizig never informed any of
6 these courts that Rote prevailed.

7 Defendant would have the court note that raising Judge Mosman is akin to raising the
8 Jones and Kugler show cause.

9 Plaintiff, Christiansen, the Oregon State Bar PLF and now Albertazzi are again
10 attempting to taint the deliberation of this court. When Christiansen did that in his first hearing
11 with Judge Hernandez, the Judge told him to stop...that Judge Hernandez didn't care what
12 happened in other cases.

13 On December 20, 2019 Judge Michael Mosman dismissed plaintiff Rote's Civil Rights
14 complaint with prejudice and further ordered a pre-filing restraint requirement of the plaintiff,
15 because he did not like the allegations against him. Judge Mosman is a defendant in that case
16 because he ordered the trial tapes in case 3:15 destroyed after Rote issued a subpoena for the
17 recordings. Judge Mosman was replaced as Chief Judge of the USDCOR on the same day,
18 December 20, 2019, he dismissed the case.

19 Plaintiff's arguments with respect to Judge Mosman, or trying to draw any conclusions
20 about Judge Mosman calling on the U.S. Marshals Service to intimidate defendant and his
21 family, is well outside the scope of any reasonable attachment to their request for a gag order.
22 The call for solidarity on behalf of Mosman is palpable and unconstitutional.

23 Defendant published his exchange with the U.S. Marshals Service because
24 investigations into intervention by judicial actors continue by defendant. The FBI has been
25 informed of the abuse by the U.S. Marshals Service and the matter is under investigation.
26

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 14

1 The Zweizig tactics have been widely reported in the blog. The court should treat
2 Zweizig's effort to bring Judge Mosman into this case with the disdain it deserves.

3 Because of Zweizig's tactic herein, it is necessary to disclose that defendant's
4 complaint against Judge Mosman has been referred to the judicial council of the 9th Circuit for
5 disciplinary action. Absent Zweizig's disclosures in his petition, this disclosure would not have
6 been necessary.

7 Zweizig is again the predator and compromised tactician.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECH HEARING SCHEDULED FOR 3/9/21 - 15

1 **CONCLUSION**

2 The gag order should not be granted. Plaintiff lacks standing to bring it on behalf of his
3 legal counsel. Zweizig waived such an order more than five years ago when he believed the
4 public dissemination of his criminal activity served his interests, but now with his admission,
5 and that of former counsel, wants to cover it up. Plaintiff cannot satisfy the elements of even an
6 extremely narrow order. Because the order seeks to suppress documents already disseminated
7 in public forums and court records, the order will also not deliver the benefit sought by
8 Plaintiff.

9 Finally, defendant Rote continues to write and publish articles on the explosion of child
10 pornography and trafficking, articles critical of Oregon’s failure to criminally prosecute these
11 crimes. The topic of pedophilia, child porn and the attorneys who aid and abet these predators
12 and perpetrators is a topic of public interest. It is only out of the most unpredictable of
13 circumstances that Zweizig admitted to both his perjury and dissemination of child porn.

14 Dated this 28th day of February, 2021

15
16 /s/ Timothy Rote
17 Timothy Rote, Pro Se
18
19
20
21
22
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that I served the above on:

Albertazzi Law
Attn: Anthony Albertazzi,
296 SW Columbia St., Suite B
Bend, Oregon 97702
541.317.0231
Counsel For Zweizig
a.albertazzi@albertazzilaw.com

Via First Class Mail

Via Email

Via OECF Notification

DATED: February 28, 2021

/s/ Timothy Rote

Timothy Rote

Pro Se

RESPONSE IN OPPOSITION TO PLAINTIFF PETITION FOR GAG ORDER LIMITING FREE
SPEECHHEARING SCHEDULED FOR 3/9/21 - 17

1 ALBERTAZZI LAW FIRM
2 296 SW Columbia St. Ste. B
3 Bend, OR 97702
4 Telephone: (541) 317-0231

5 Anthony V. Albertazzi, OSB #960036
6 E-mail: a.albertazzi@albertazzilaw.com
7 Attorney for Plaintiff

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

10 MAX ZWEIZIG, and individual,
11 Plaintiff,

12 v.

13 TANYA ROTE and TIMOTHY ROTE, husband and
14 wife; and NORTHWEST HOLDING, LLC, an Oregon
15 limited liability company,
16 Defendants.

Case No. 19CV01547

PETITION FOR PRETRIAL ORDER

17 MOTION

18 Plaintiff moves the Court for an order prohibiting the parties from posting on Twitter or
19 other social media platforms regarding the following topics:

- 20 (a) association of Plaintiff, his past counsel, or his present counsel with pedophilia or child
21 pornography; and
- 22 (b) allegations of conspiracy(ies) to deprive Defendant(s) of due process of law or other legal
23 rights by any or all of the following persons or entities:
 - 24 (i) Plaintiff,
 - 25 (ii) Plaintiff's past of present attorneys;
 - 26 (iii) the Professional Liability Fund; or
 - 27 (iv) the Oregon judiciary, its officers and employees.

Plaintiff requests that this order be made effective immediately and continue until a general judgment is entered in this case.

POINTS AND AUTHORITIES

1 Every judicial officer has the power to preserve and enforce order in judicial proceedings.
2 ORS 1.240(a), ORS 1.210 [defining “judicial officer”]. Likewise, a judge has a duty to administer
3 justice according to law and to require others to do so. This includes matters relating to impaneling
4 of juries and the conduct of trials. ORS 1.025(2). The court’s duties and powers extend to
5 contempt, which is defined for purposes relevant here as “[m]isconduct in the presence of the
6 court that interferes with a court proceeding or with the administration of justice, or that impairs
7 the respect due the court.” ORS 33.015. In addition, the Oregon Constitution provides that “In all
8 civil cases the right of Trial by Jury shall remain inviolate.” OR CONST Art. I, § 17.

10 FACTUAL BACKGROUND

11 Defendant Timothy Rote has a long history of litigation with Plaintiff Max Zweizig, in
12 both State and Federal courts. In misguided attempts to gain advantage, Mr. Rote has made false
13 accusations against Mr. Zweizig and his attorneys online. Likewise, he has spun and promulgated
14 wild conspiracy theories about the judiciary system, the Oregon State Bar, and others involved in
15 administering justice.
16

17 ARGUMENT

18 As set forth in the declaration of Max Zweizig, Mr. Rote’s conduct has been egregious
19 and, because it is being done online, has the potential to taint the jury pool. Mr. Rote’s scurrilous
20 accusations and conspiracy theories have already interfered with the administration of justice in
21 this case. If he is allowed to continue with this conduct, Mr. Zweizig’s right to a fair jury and for
22 orderly administration of justice will be impaired. For these reasons, the motion should be granted.
23

24
25 Dated this 18th day of ^{February}~~January~~, 2021.

26 DocuSigned by:

27 Anthony Albertazzi, OSB #960036
Attorney for Plaintiff

1
2
3 IN THE CIRCUIT COURT OF THE STATE OF OREGON
4 FOR THE COUNTY OF CLACKAMAS
5

6 MAX ZWEIZIG, an individual,

7 Plaintiff,

8 v.

9 TANYA ROTE and TIMOTHY ROTE,
10 husband and wife; and NORTHWEST
11 HOLDING, LLC, an Oregon limited liability
12 company,

13 Defendants.

Case No. 19CV01547

**PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

No Oral Argument Requested

14 **Motion**

15 Pursuant to ORCP 79, Plaintiff respectfully moves the Court for a Temporary Restraining
16 Order immediately enjoining Timothy Rote from publishing, disseminating, or otherwise making
17 any statements respecting Ward Greene, Williams Kastner, the nonprofit organization SAGE or
18 any of the Williams Kastner attorneys and staff working on this file. Additionally, Plaintiff
19 respectfully requests that such injunction remain in force during the pendency of this matter and
20 any appeal therefrom. Absent injunctive relief, Plaintiff will suffer immediate and irreparable
21 injury, loss, or damage in the form of interference with Plaintiff's legal rights to prosecute this
22 matter in accordance with Oregon law. The injury to Plaintiff is irreparable because such
23 interference materially compromises the fair and lawful prosecution of this matter.

24 **Factual Background**

25 This case has gone on longer than needed. Below is a short summary of the litigation
26

1 history of this case.

2 **January 9, 2019:** This fraudulent transfer case was filed. Decl. Greene, ¶ 4.

3 **Spring 2019:** Subsequently, Timothy and Tanya Rote subsequently
4 filed various claims, counterclaims, third party claims and
5 fourth party claims against Max Zweizig, Joel
6 Christiansen, Taryn Basauri, and Sandra Ware, and
7 Williams Kastner. *Id.* at ¶ 6.

8 **April 3, 2020:** Judgment was entered by the Honorable Judge Ann
9 Lininger, and all of Timothy Rote’s and Tanya Rote’s
10 claims were dismissed. Specifically, on April 3, 2020,
11 judgment was entered against “all of Timothy Rote’s and
12 Tanya Rote’s claims, counterclaims, third-party claims
13 and fourth party claims against Max Zweizig, Joel
14 Christiansen, Taryn Basauri, and Sandra Ware, and
15 Williams Kastner are dismissed, and judgment is hereby
16 entered against Timothy and Tanya Rote.” *Id.* at ¶ 8.

17 **April 17, 2020:** Plaintiff’s First Request for Production of Documents to
18 Defendants Timothy and Tonya Rote was served on
19 Defendants. *Id.* at ¶ 9.

20 As a result of the dismissal of the Rotes’ claims, discovery is now centered primarily on
21 determining whether any fraudulent transfer activity has occurred in connection with the real
22 property located at 4 Cypress Ln., Sunriver, Oregon. *Id.* at ¶ 9. On April 17, 2020, I served
23 Plaintiff’s First Request for Production of Documents to Defendants Timothy and Tonya Rote. In
24 total, there are only 10 discovery requests, which are limited in scope and only seek documents
25 in connection with the real property located at 4 Cypress Ln., Sunriver, Oregon. *Id.* at ¶ 9. And
26 despite this reasonable request, Defendant Timothy Rote refuses to provide discovery. *Id.* at ¶¶
11-12.

To address these issues, Defendant Timothy Rote, instead of engaging in professional
discourse and litigating this matter according the Oregon Rules of Civil Procedure, chooses to

1 make provocative and slanderous statements. For example, in discussing the status of Mr. Rote’s
2 discovery response, Mr. Rote made the following statement:

3
4 **From:** tim@rote-enterprises.com
Sent: Saturday, May 23, 2020 3:31:49 PM (UTC-08:00) Pacific Time (US & Canada)
To: Greene, Ward
Subject: RE: Interrogatories and discovery

5 Actually I won both times.

6 Oh we definitely have to confer.

7 Tell me. How many children have you raped so far...given your age?

8
9 *Id.* at ¶ 10. This is not the first time that Timothy Rote has made unfounded, slanderous
10 allegations. Decl. Greene, ¶¶ 5-6. For example, in his prior unsuccessful motion to disqualify my
11 firm, Timothy Rote made untrue statements about a non-profit organization I founded. *Id.*
12 Similar matters are also set forth in my declaration. Decl. Greene, ¶¶ 1-12.

13
14 **Points and Authorities**

15 A court may allow a temporary restraining order or preliminary injunction “at any time
16 after commencement of an action and before judgment.” ORCP 79 A(2). The issuance of an
17 injunction lies within the sound discretion of the trial court. *Wilson v. Parent*, 228 Or 354, 369,
18 365 P2d 72 (1961). Injunctive relief “depends upon broad principles of equity and may, in the
19 discretion of the court, be granted or denied in accordance with the justice and equity of the case.”
20 *Hickman v. Six Dimension Custom Homes, Inc.*, 273 Or 894, 898, 543 P2d 1043 (1975).
21

22 Subject to the requirements of ORCP 82 A(1) (security requirements) ¹, a temporary
23 restraining order or a preliminary injunction may be allowed when it appears that:

24 _____
25 ¹ ORCP 82 sets forth security requirements that must be met when certain types of injunctive relief are requested. If
26 security is required, however, if the relief requested in a restraining order or preliminary injunction is to
“protect a person from violent or threatening behavior” or to “prevent unlawful conduct when the effect of the
injunction is to restrict the enjoined party to available judicial remedies.” ORCP 82 A(1)(b).

- 1 (1) “[A] party is entitled to relief demanded in a pleading, and such relief . . . consists of
2 restraining the commission or continuance of some act, the commission or continuance of
3 which during the litigation would produce injury to the party seeking the relief”; or
4 (2) “[T]he party against whom a judgment is sought is doing or threatens, or is about to do, or
5 is procuring or suffering to be done, some act in violation of the rights of a party seeking
6 judgment.”
7

8 ORCP 79 A(1).

9 An injunction “is a preventive remedy” and “is designed in general to stay the lawless hand
10 before it strikes the blow.” *Wiegand v. West*, 73 Or 249, 254, 144 P 481 (1914). The purpose of a
11 temporary restraining order or preliminary injunction is to preserve the status quo during the
12 pendency of the case by preventing material injury to rights asserted in the litigation. *State ex rel.*
13 *McKinley Automotive, Inc. v. Oldham*, 283 Or 511, 515, 584 P2d 741 (1978).
14

15 Argument

16
17 Plaintiff simply seeks to prosecute his action in accordance with Oregon law and the
18 Oregon Rules of Civil Procedure without unprofessional discourse, name-calling, or slanderous
19 accusations. To meet this end, Plaintiff respectfully brings this motion to enjoin defendant
20 Timothy Rote from engaging in such misconduct during the pendency of this matter. Most
21 recently, in response to Plaintiff’s efforts to obtain discovery, defendant Timothy Rote refused to
22 address the issue at hand and instead made unfounded criminal sex abuse allegations, Decl.
23 Greene ¶¶ 10-12. With trial scheduled in January 2021, it is paramount that such conduct cease
24 immediately so that Plaintiff’s counsel can confer with Defendants in a professional manner on
25 litigation issues and so that Plaintiff can prepare his case. Although discovery issues remain
26 outstanding, this is not a discovery motion, it is a motion seeking injunctive relief so that this

1 case can proceed in a civil and professional manner. Thus, Plaintiff respectfully requests the
2 Court's assistance in furthering these efforts by granting the requested injunctive relief.

3
4 **Relief Requested**

5 Based on the record, including the attached declaration of Ward Greene, Plaintiff
6 respectfully requests that the Court order that Timothy Rote be immediately restrained from
7 publishing, disseminating or otherwise making any statements respecting Ward Greene,
8 Williams Kastner, the nonprofit organization SAGE or any of the Williams Kastner attorneys
9 and staff working on this file and that the Court find as follows:
10

11 (1) If defendant Timothy Rote is not immediately restrained from publishing, disseminating
12 or otherwise making any statements respecting Ward Greene, Williams Kastner, the
13 nonprofit SAGE organization or any of the attorneys and staff working on this file,
14 Plaintiff will suffer immediate and irreparable injury, loss, or damage in the form of
15 interference with Plaintiff's legal rights to prosecute this matter in accordance with
16 Oregon law. The injury to Plaintiff is irreparable because such interference materially
17 compromises the fair and lawful prosecution of this matter.
18

19 (2) Plaintiff has no adequate remedy at law.

20 (3) Plaintiff made reasonable efforts to notify defendants of the motion, as follows:

21 Defendants have been provided a copy of this motion in the manner stated on the
22 accompanying Certificate of Service
23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DATED this 10th day of July, 2020.

WILLIAMS KASTNER

By s/ S. Ward Greene
S. Ward Greene, OSB#774131
Phone: (503) 228-7967
Fax: (503) 222-7261
Email: wgreene@williamskastner.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that I served the foregoing PLAINTIFF’S MOTION FOR TEMPORARY
RESTRAINING ORDER on the following attorneys by the method indicated below on the 10th
day of July, 2020:

Timothy Rote
24790 SW Big Fir Rd.
West Linn, OR 97068
Email: tim@rote-enterprises.com

- Via First Class Mail
- Via Federal Express
- Via Facsimile
- Via Hand-Delivery
- Via E-Mail
- Via Odyssey eFile & Serve™

Pro Se

Tanya Rote
24790 SW Big Fir Rd.
West Linn, OR 97068
Email: tanyarote5@gmail.com

- Via First Class Mail
- Via Federal Express
- Via Facsimile
- Via Hand-Delivery
- Via E-Mail
- Via Odyssey eFile & Serve™

Pro Se

Northwest Holding, LLC
c/o Timothy Rote
24790 SW Big Fir Rd.
West Linn, OR 97068

- Via First Class Mail
- Via Federal Express
- Via Facsimile
- Via Hand-Delivery
- Via E-Mail
- Via Odyssey eFile & Serve™

Pro Se

WILLIAMS KASTNER


By /s/ S. Ward Greene
S. Ward Greene, OSB #774131

Attorneys for Plaintiff

Bend Police Dept. Follow our emergency messages on [RSS](#) [New information alert on;](#) [Click to turn off](#)

Emergency Messages as of 7:53 am, Fri. Sep. 9

No information currently posted.

Select Language 

Powered by [Google Translate](#)

News Release

Bend Police arrest multiple people during four-month human trafficking project (Photo) - 09/08/22



Press Release

Date: September 8, 2022

Incident: Human trafficking project from May 19 through August 23 results in multiple arrests

Arrested:

- Mathieu Ackah, 46-year-old Oxnard, Calif., resident: luring a minor for sexual conduct
- Christopher Arroway, 30-year-old Bend resident: purchasing sex with a minor, patronizing a prostitute, attempted rape III (arrest #2)
- Gage Bergeron, 31-year-old Bend resident: online sexual corruption of a child I, luring a minor for sexual conduct, attempted rape III, delivery of a controlled substance to a minor (marijuana)
- David Burnham, 73-year-old Bend resident: online sexual corruption of a child I, luring a minor for sexual conduct, patronizing a prostitute, purchasing sex with a minor, attempted rape III
- Forrest Dodge, 28-year-old Bend resident: online sexual corruption of a child I, luring a minor for sexual conduct, patronizing a prostitute, attempted sodomy III, purchasing sex with a minor
- Cody Fortune, 32-year-old Bend resident: luring a minor for sexual conduct, patronizing a prostitute, attempted rape III
- Ryan Frye, 23-year-old Bend resident: online sexual corruption of a child I, luring a minor for sexual conduct, patronizing a prostitute, purchasing sex with a minor
- Rene Hernandez, 28-year-old Bend resident: online sexual corruption of a child I, luring a minor for sexual conduct, patronizing a prostitute, attempted sodomy III, purchasing sex with a minor, parole violation, endangering the welfare of a minor
- Joshua Huddleston, 45-year-old Bend resident: attempted rape III, attempted delivery of a controlled substance to a minor (marijuana)

- James Kapsalis, 26-year-old Redmond resident: online sexual corruption of a child I, luring a minor for sexual conduct, attempted rape III, delivery of marijuana to a minor
- Miles Leffler, 40-year-old Sisters resident: online sexual corruption of a child I, luring a minor for sexual conduct, patronizing a prostitute, purchasing sex with a minor
- Devin Linker, 34-year-old Redmond resident: luring a minor for sexual conduct, online sexual corruption of a child I, purchasing sex with a minor, attempted rape III, patronizing a prostitute
- Ian McCord, 38-year-old Prineville resident: online sexual corruption of a child I, luring a minor for sexual conduct, attempted sodomy III, attempted rape III
- Jorge Beltran Mendoza, 29-year-old Redmond resident: luring a minor for sexual conduct, online sexual corruption of a child I, purchasing sex with a minor, attempted sodomy III, patronizing a prostitute
- Waynerd Montgomery, 47-year-old Redmond resident: online sexual corruption of a child I, luring a minor for sexual conduct, patronizing a prostitute, purchasing sex with a minor, attempted rape III, escape III, criminal mischief III, resisting arrest
- Jacob Schneider, 36-year-old Bend resident: luring a minor for sexual conduct, online sexual corruption of a child I, purchasing sex with a minor, attempted rape III, patronizing a prostitute
- Connor Strupith, 22-year-old Redmond resident: online sexual corruption of a child I, luring a minor for sexual conduct, attempted furnishing liquor to a minor
- Isaac Testerman, 41-year-old Bend resident: purchasing sex with a minor, patronizing a prostitute, attempted rape III
- Eduardo Vega-Ruiz, 22-year-old Madras resident: online sexual corruption of a child I, patronizing a prostitute, attempted sodomy III, purchasing sex with a minor, attempted rape III, escape III, attempt to elude (felony), attempted assault on a public safety officer, reckless driving
- Dylan Zook, 20-year-old La Pine resident: online sexual corruption of a child I, luring a minor for sexual conduct, patronizing a prostitute, attempted sodomy III, purchasing sex with a minor

Over several months, Bend Police conducted a project dedicated to combating human trafficking, sex work and luring of minors, with an emphasis on identifying and arresting people who are attempting to meet underage children for sex. Over the course of this project, 20 adults were arrested for various crimes associated with attempting to lure and engage in sexual acts with minors.

Bend Police officers posted ads online, then posed as minors in both text and phone conversations. Over the course of the project, people at more than 200 distinct phone numbers answered officers' ads. Many of those people, upon learning they were apparently communicating with a minor, immediately cut off communication. However, of the 200-plus people who answered Bend Police's online ads and learned of a minor child being trafficked for sex, not one subsequently shared that information with law enforcement.

Police clearly identified themselves as underage. Those arrested then agreed to meet, sometimes bringing drugs and alcohol to the agreed-upon location. Upon arrival, they were taken into custody on the above charges and lodged at the Deschutes County Jail.

During the course of the project, multiple people came forward and identified themselves as victims of sexual abuse at the hands of these suspects. Bend Police are asking the public to contact nonemergency dispatch at 541-693-6911 if you or someone you know is the victim of any of these suspects.

Bend Police want our community to know we are proactively investigating these crimes. We will continue to conduct projects like this in the future. This outreach will also let potential predators know our community is vigilant. Our goal is to identify traffickers and prevent this activity from taking place in our community. During the operation, Bend Police saw a significant decrease for demand in sex work in our community, and by extension, a decrease in sex workers operating in our community.

Bend Police would also like to remind parents, guardians and caregivers to stay involved in their children's digital world, know the apps they are using and implement parental controls when possible. Children should talk with a trusted adult so they understand online risks, only chat with people they know, and make sure their online accounts are private. There are people who target vulnerable youth via online apps and other internet sources, and we have to work together to keep our children safe.

During the course of this investigation, Bend Police also arrested eight people who attempted to patronize adult sex workers. They were cited and released. Patronizing a prostitute is a Class A misdemeanor.

- Benjamin Adams, 43-year-old Las Vegas, Nev., resident: patronizing a prostitute
- Christopher Arroway, 30-year-old Bend resident: patronizing a prostitute (arrest #1)
- Dennis Dewitt, 71-year-old Bend resident: patronizing a prostitute
- Zachary Douglas, 33-year-old Bend resident: patronizing a prostitute
- Caleb Gump, 24-year-old Bend resident: patronizing a prostitute
- Thomas Myers, 38-year-old Bend resident: patronizing a prostitute
- Tenzin Norbu Sherpa, 37-year-old Bend resident: patronizing a prostitute
- Casey Vitale, 36-year-old Lebanon resident: patronizing a prostitute

Attached Media Files: Press Release

[View more news releases from Bend Police Dept..](#)

WS

ON AIR NOW

Read All 



Bend Music Teacher Arrested For Child Porn

Posted About A Week Ago by KBND News

BEND, OR -- A Bend teacher was arrested Thursday morning for possessing explicit images of children. On Sunday, Bend Police

a report from the Department of Justice's Internet Crimes Against Children ce indicating a video containing child sexual abuse had been uploaded and Erik Ekstrom's digital devices. Ekstrom is a 35-year-old Bend resident and teacher in Bend-La Pine Schools. He's also listed as the Music Director for Arrian Universalist Fellowship of Central Oregon.

Investigation revealed additional tips from the task force connected to s digital devices.

Thursday, police executed a search warrant in the 1200 block of NE Viking n Bend. Investigators seized multiple digital devices and Ekstrom was on suspicion of two counts of first-degree encouraging child sexual

Investigation is ongoing, and anyone with information is asked to contact Det. onnell at non-emergency dispatch: 541-693-6911.

Read All



KBND Mo News

6:00am - 9:00am

KBND Mornin

[My Profile](#)



TRAFFIC



- Click the link above to get the latest road conditions.

KBND ON FACEBOOK



KBND 1,733 likes

Like Page ON US 



KBND

about an hour ago



NATION

Man gets life plus 300 years in prison for making child porn

Associated Press | SEPTEMBER 14, 2022 — 6:07PM | [▶ Listen with Speechify](#)

EL PASO, Texas — A Texas Panhandle man was sentenced Wednesday to life plus 300 years in federal prison after he pleaded guilty to aggravated sexual assault of a child and 10 counts of producing child pornography, including filming himself sexually assaulting children, officials said.

Johnny George Gonzalez, 35, admitted to filming himself sexually abusing at least six children, ranging in age from 4 to 10 years old, beginning in 2014. He then shared the material on the internet, according to a statement by the U.S. Attorney's Office for the Western District of Texas.

Gonzalez also admitted to secretly making sexually suggestive videos of children at stores across El Paso.

U.S. District Judge Frank Montalvo sentenced Gonzalez to life imprisonment and added 300 years to the sentence, to be served consecutively with the life sentence.

Canadian authorities detected his activities late last summer and alerted the FBI, which executed a search warrant at Gonzalez's home in El Paso. Agents said they found more than 65 electronic devices, including laptop computers, desktop computers, computer hard drives, cellphones, thumb drives and tablets.

At least 13 different series of child sexual abuse material Gonzalez produced, as well as about 1 million images and videos of child pornography and erotica, have been found so far on the devices, prosecutors said.

"For eight years, Gonzalez documented his depraved sexual abuse through photographs and videos, which he then shared with pedophiles around the world," said U.S. Attorney Ashley C. Hoff. "The heinous nature of his conduct will digitally live forever and continue to victimize these children. While this sentence will not repair their pain and damage, it will ensure he will never again have the opportunity to prey upon children."

ADVERTISEMENT

View Our Available Inventory Today!

Beaverton Toyota
Beaverton, OR 97005
(503) 850-0488

[Learn more](#)

Gonzalez has remained in federal custody since September 2021 and entered his guilty pleas on May 25.

The sentencing came almost a week after a Dallas-area man was sentenced to 60 years in federal prison after admitting to filming himself raping a 7-year-old girl. Mark Allen Miller, 35, of Rowlett, was arrested on Jan. 12 after the girl's father, with whom Miller was staying, said he walked in on Miller raping the girl, who was 9 years old at the time. Miller admitted to police that he had been molesting the girl for years, prosecutors said.

FILED

October 06, 2021

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ DT _____
DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY GEORGE GONZALEZ,

Defendant.

§ CAUSE NO. EP-21-CR-

§ EP-21-CR-01657-FM
§ INDICTMENT

§ CT 1: 18 U.S.C. § 2241(c) –
§ Aggravated Sexual Abuse of a Child;
§ and

§ CT 2: 18 U.S.C. §§ 2251(a) & (e) –
§ Production of a Visual Depiction of a
§ Minor Engaging in Sexually Explicit
§ Conduct; and

§ CT 3: 18 U.S.C. § 2423(b) – Travel
§ With Intent to Engage in Illicit Sexual
§ Conduct; and

§ CT 4: 18 U.S.C. §§ 2251(d)(1)(A) and
§ (e) – Advertising of a Visual Depiction
§ Involving the Sexual Exploitation of a
§ Minor; and

§ CT 5: 18 U.S.C. §§ 2252(a)(2) and
§ (b)(1) – Receipt and Distribution of a
§ Visual Depiction Involving the Sexual
§ Exploitation of a Minor; and

§ CT 6: 18 U.S.C. §§ 2252(a)(4)(A), (B),
§ and (b)(2) – Possession of a Visual
§ Depiction Involving the Sexual
§ Exploitation of a Minor
§ (Prepubescent/Under 12 years of Age).

§ Notice of Government’s Demand for
§ Forfeiture

THE GRAND JURY CHARGES THAT:

COUNT ONE

(18 U.S.C. § 2241(c) – Aggravated Sexual Abuse of a Child)

On or about July 31, 2021, in the Western District of Texas, the District of New Mexico,
and the Northern District of Texas, Defendant,

JOHNNY GEORGE GONZALEZ,

did knowingly cross a State line with intent to engage in a sexual act, to wit, the intentional touching, not through the clothing, of the genitalia of another person who had not attained the age of sixteen (16) years with an intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person, with Minor A, in violation of Title 18, United States Code, Section 2241(c).

COUNT TWO

(18 U.S.C. §§ 2251(a) & (e) – Production of Child Pornography)

Between on or about July 31, 2021, and continuing through and including on or about August 4, 2021, in the Western District of Texas, the District of New Mexico, and the Northern District of Texas, Defendant,

JOHNNY GEORGE GONZALEZ,

did employ, use, persuade, induce, entice, and coerce any minor, to wit, Minor A, to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce, and the visual depiction was transported in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 2251(a) and (e).

COUNT THREE

(18 U.S.C. § 2423(b)) – Travel With Intent to Engage in Illicit Sexual Conduct)

On or about July 31, 2021, in the Western District of Texas, the District of New Mexico, and the Northern District of Texas, Defendant,

JOHNNY GEORGE GONZALEZ,

did travel in interstate and foreign commerce for the purpose of engaging in illicit sexual conduct,

as defined in Title 18, United States Code, Section 2423(f), with another person, in violation of Title 18 United States Code, Section 2423(b).

COUNT FOUR

(18 U.S.C. §§ 2251(d)(1)(A) and (e) – Advertising of a Visual Depiction Involving the Sexual Exploitation of a Minor)

Between on or about April 1, 2021, and continuing through and including on or about June 4, 2021, in the Western District of Texas, and elsewhere, Defendant,

JOHNNY GEORGE GONZALEZ,

knowingly made, printed, and published a notice and advertisement offering to exchange, display, and distribute one or more visual depictions, the production of which involved the use of a minor engaging in sexually explicit conduct and which visual depictions were of such conduct, knowing and having reason to know that such notice and advertisement would be transported using any means and facility of interstate and foreign commerce and in and affecting such commerce by any means including by computer, and where such notice and advertisement was actually transported using any means and facility of interstate and foreign commerce and in or affecting such commerce by any means including by computer, in violation of Title 18, United States Code, Sections 2251(d)(1)(A) and (e).

COUNT FIVE

(18 U.S.C. §§ 2252(a)(2) and (b)(1) – Receipt and Distribution of a Visual Depiction Involving the Sexual Exploitation of a Minor)

Between on or about May 1, 2021, and continuing through and including on or about August 3, 2021, in the Western District of Texas, and elsewhere, Defendant,

JOHNNY GEORGE GONZALEZ,

did knowingly receive and distribute any visual depiction that had been mailed and transported in interstate and foreign commerce, and which contains materials which had been so transported, by

any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct and which visual depiction was of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

COUNT SIX

**18 U.S.C. §§ 2252(a)(4)(A),(B), (b)(2) and 7
(Possession of a Visual Depiction Involving the Sexual Exploitation of a Minor -
Prepubescent/Under 12 years of Age)**

On or about September 9, 2021, in the Western District of Texas, Defendant,

JOHNNY GEORGE GONZALEZ,

did knowingly possess matter, which contained any visual depiction, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), which visual depictions had been produced using material transported in interstate and foreign commerce, to wit: by computer, and were produced using materials which had been shipped and transported in interstate and foreign commerce by any means, including by computer, and the production of which involved the use of a minor engaging in sexually explicit conduct, said minor being prepubescent and having not attained the age of twelve (12) years, and such visual depictions were of such conduct, in violation of Title 18, United States Code, Sections 2252(a)(3)(A), (B), and (b)(2).

NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

I.

Sexual Exploitation of Children Violations and Forfeiture Statutes

[Title 18 U.S.C. §§ 2241(c), 2251(a),(e) & (d)(1)(A), 2423(b), 2252(a)(2), (b)(1), (a)(4)(A), (B), and (b)(2), subject to criminal forfeiture pursuant to Title 18 U.S.C. §§ 2428 and 2253(a)(1), (2), and (3)]

As a result of the criminal violations set forth in Counts One through Six, the United States gives notice of its intent to seek the forfeiture of certain property from Defendant **JOHNNY GEORGE GONZALEZ** upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. §§ 2428, and 2253(a)(1), (2), and (3), which state:

18 U.S.C. § 2428. Forfeitures

* * *

(a) **In general.**- The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State Law, that such person shall forfeit to the United States-

- (1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and
- (2) any property real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

Title 18 U.S.C. § 2253. Criminal Forfeiture

* * *

(a) **Property subject to criminal forfeiture.**- A person who is convicted of an offense under this chapter involving a visual depiction described in section 2251, 2251A, 2252, 2252A, or 2260 of this chapter or who is convicted of an offense under section 2251B of this chapter, or who is convicted of an offense under chapter 109A, shall forfeit to the United States such person's interest in-


- (1) any visual depiction described in section 2251, 2251A, 2252, 2252A, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

This Notice of Demand for Forfeiture includes but is not limited to the properties described in Paragraph II.

II.
Properties

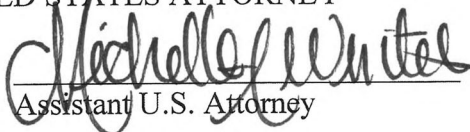
1. Any and all other property and/or accessories involved in or used in the commission of the criminal offense; and
2. Any and all other property involving any visual depiction described in section 2251, 2251A, or 2252, 2252A, 2252B, or 2260.

A TRUE BILL.


FOREPERSON OF THE GRAND JURY

ASHLEY C. HOFF
UNITED STATES ATTORNEY

BY:


Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

APR 28 2021

By
Deputy Clerk

UNITED STATES OF AMERICA)
)
) Case No. 5:21-CR-50014-001
)
)
 v.) 18 U.S.C. § 2252A(a)(2)
) 18 U.S.C. § 2252A(b)(1)
) 18 U.S.C. § 2252A(a)(5)(B)
) 18 U.S.C. § 2252A(b)(2)
)
)
 JOSHUA JAMES DUGGAR)

INDICTMENT

The Grand Jury Charges:

COUNT ONE

(Receipt of Child Pornography)

Between on or about May 14, 2019, and on or about May 16, 2019, in the Western District of Arkansas, Fayetteville Division, the Defendant, **JOSHUA JAMES DUGGAR**, knowingly received child pornography, as that term is defined by 18 United States Code Section 2256(8)(B), using any means and facility of interstate and foreign commerce and that had been mailed, and had been shipped and transported in and affecting interstate and foreign commerce by any means, including computer, and attempted to do so.

All in violation of Title 18, United States Code, Sections 2252A(a)(2) and (b)(1).

COUNT TWO

(Possession of Child Pornography)

Between on or about May 14, 2019, and on or about May 16, 2019, in the Western District

of Arkansas, Fayetteville Division, the Defendant, **JOSHUA JAMES DUGGAR**, knowingly possessed material that contained images of child pornography, as that term is defined in Title 18, United States Code, Section 2256(8)(B), including images of minors under the age of 12, that had been mailed, and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).

FORFEITURE ALLEGATION

The Grand Jury re-alleges and incorporates by reference herein all Counts of this Indictment.

Upon conviction of any Count of this Indictment, the defendant shall forfeit to the United States pursuant to 18 United States Code, Section 2253 the defendant's interest in:

1. any visual depiction described in 18 United States Code, Sections 2251, 2251A, or 2252, 2252A, 2252B, or 2260, or any book, magazine, periodical, film, videotape, or other matter, which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of the offenses in the Indictment;
2. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offenses in the Indictment; and
3. any property, real or personal, **including any and all computer equipment**, used or intended to be used to commit or to promote the commission of the offenses in the

Indictment, or any property traceable to such property, including, but not limited to computer equipment used in the commission of the offenses in the Indictment.

If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18 United States Code, Section 2253(b), incorporating by reference Title 21 United States Code, Section 853 to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

A True Bill.


/s/Grand Jury Foreperson
Foreperson

DAVID CLAY FOWLKES
ACTING UNITED STATES ATTORNEY

By: Carly Marshall
Carly Marshall
Assistant U. S. Attorney
Arkansas Bar No. 2012173
414 Parker Avenue
Fort Smith, AR 72901
Telephone: 479-783-5125
E-mail: carly.marshall@usdoj.gov

Dustin Roberts
Dustin Roberts
Assistant U. S. Attorney
Arkansas Bar No. 2005185
414 Parker Avenue

Fort Smith, AR 72901
Telephone: 479-783-5125
E-mail: dustin.roberts@usdoj.gov

for: 
William G. Clayman
Trial Attorney
Child Exploitation and Obscenity Section
U.S. Department of Justice
D.C. Bar No. 1552464
1310 New York Avenue NW
Washington, D.C. 20005
Telephone: 202-514-5780
Email: william.clayman@usdoj.gov

Examination of 60 GB Hard Drive

I am the Director of IT and Senior Forensic Consultant at In2itive Technologies in Portland, Oregon. In2itive Technologies is a company that specializes in Computer Forensics and Electronic Discovery. I have 7 years experience in the computer forensic field, and have handled numerous cases ranging from simple data recovery to investigations concerning litigation in billion dollar lawsuits, involving both civil and criminal investigations. My training and certifications include the following: EnCase Certified Examiner (EnCE); EnCase Intermediate Analysis and Reporting; EnCase Advanced Analysis and Reporting; AccessData Forensic ToolKit BootCamp; AccessData Forensic ToolKit Windows Forensics; CompTIA A+ Computer Technician (CompTIA A+); Microsoft Certified Systems Engineer (MSCE); Microsoft Certified Systems Administrator (MCSA); and Sun Java Certified Programmer (SJP).

I was requested to perform a forensic examination of a 60 GB hard drive to ascertain the email usage pattern of Max Zweizig. This 60 GB hard drive is reported to have been used by Max Zweizig as a replacement hard drive for a 120 GB hard drive that is reported to have failed in May of 2003. I used the EnCase forensic software to create a forensic image of the 60 GB hard drive on April 10, 2009, using a hardware write blocker, to prevent any changes of data to the hard drive.

The examination of the 60 GB hard drive included both searching active email files and searching the Unallocated Space for any email fragments to provide a pattern of Max Zweizig's usage of the 60 GB hard drive for his email traffic. This search did not reveal any email fragments that could be connected to Max Zweizig having used the 60 GB hard drive as his email computer.

Additionally, the 60 GB hard drive was analyzed to determine if there were any records of deleted email container files, namely Outlook PST files or Outlook Express DBX files used by Max Zweizig. No records were found that could have been used by Max Zweizig prior to his returning the computer to NorthWest Direct. The oldest email container that could be identified and possibly recovered from the 60 GB hard drive was created on November 13, 2003. See 60 GB Hard Drive Exhibit 1.

It is my conclusion that there is no indication in Allocated or Unallocated spaces that the 60 GB hard drive was used by Max Zweizig for sending and receiving emails.

On May 20, 2010, I received a hard drive containing a forensic image of the 60 GB hard drive from Steve Williams. I was informed that this image had been previously thought destroyed but an intensive search for the drive containing the image was conducted and the image was subsequently discovered. Being cognizant of the uncertain history of the older 60 GB drive image, I approached the older image with skepticism until able to show if it were the same drive and it was still a viable image.

As background for my conclusions regarding the older image, the EnCase software developed by Guidance Software is the leading forensic software in use by corporations, government and law enforcement and is accepted by the judicial system. EnCase is used to create forensic images and allow

investigation of those forensic images as if the actual hard drive or media were being accessed. The creation of the forensic image by EnCase is an exact bit by bit mirror image of the hard drive or media that also allows access to all areas of the hard drive or media.

During the creation of a forensic image by EnCase, two different types of verification events take place. The first verification process is a CRC (Cyclical Redundancy Check) that is performed, by default, on every 64 sectors of the hard drive. The CRC is a numerical value (hash) of the contents of each 64 sector block and can have over 4 billion different values. During any subsequent validation process, the CRC is re-calculated and compared to the original CRC value to ensure the contents of that particular 64 sector block has not changed. If during the validation process a CRC value deviates from the original CRC value assigned for that 64 sector block, an error message is displayed by EnCase identifying the particular 64 sector block that is affected.

The second verification process is a MD5 (Message Digest 5) hash value of the entire contents of the image generated. As the EnCase image of the hard drive is a bit by bit mirror image of the hard drive, the MD5 is in essence, a hash of the entire original media. This can be attested to by the fact that if two images of the same hard drive are created, and no changes occurred to the hard drive between the two imaging processes, the MD5 hash value will be exactly the same for both images. This would also hold true for the CRC values generated during the imaging processes. For perspective, the MD5 hash is generated across the entire hard drive and the number of possible values is 2^{128} , resulting in 340 billion billion billion (34 undecillion) possible variations.

The importance of the CRC and MD5 values contained within the verification process becomes paramount during an investigation when multiple people or even multiple sites need access to the forensic images. Because the EnCase image is encapsulated into its own proprietary file format, the image can be transported, copied and even transmitted over the Internet without affecting the integrity of the forensic image. To verify the integrity of the forensic image, a validation process is run which verifies each CRC and the MD5 hash. If any values do not match the original CRC or MD5 value, an error message is generated informing the forensic specialist that the integrity of the image has been compromised.

The encapsulation of the forensic image into a proprietary file format prevents the intermingling of data contained on a hard drive where the image is being created. While it is good forensic practice to always use a clean hard drive that has been “scrubbed” of all previous data, use of an “unscrubbed”, or “dirty” hard drive will have no affect on the EnCase forensic image created. By isolating the forensic image in its own format, any underlying data that may exist on the hard drive where the forensic image is being created is prevented from making any changes or affecting the forensic images created. This can again be verified by the creation of two images from the same hard drive. If one is created to a “dirty” hard drive, it will have the same CRC and MD5 hash values as the exact same hard drive imaged to a “clean” hard drive. This encapsulation feature is utilized by every law enforcement forensic laboratory that must allow access to forensic images by multiple specialists involved in investigations involving the same forensic image. The forensic image will be placed on a forensic server that cannot be “scrubbed” each

time a forensic image is placed on the server, and the image shared out to those that need access. In addition, multiple forensic images from multiple unrelated cases will be stored on the same forensic server and the encapsulation feature prevents one image from affecting another.

When I received the older 60 GB forensic image, my first action was to perform the verification process to check that the image was a valid image and had not been corrupted. This process finished with no errors generated, indicating that the image was complete and uncorrupted from its original creation.

My next actions were to attempt to verify that the older image was actually a forensic image of the same hard drive that I had created an image of on April 10, 2009. This process involved four items of comparison,

1. Both hard drive images contained the exact same number of sectors for the volume created. The number of sectors is set at the time a volume is created.
2. Both hard drive images contained the exact same number of clusters for the volume created. The number of clusters is set at the time a volume is created.
3. Both hard drive images contained Windows system files indicating that both hard drives were formatted at the exact same time, 5/12/03 at 8:34:54 AM. This time is set at the time a volume is formatted.
4. Finally, the electronic serial number from both forensic images is exactly the same, 62D40ABD40A9487. This serial number is an electronic serial number that is unique to every hard drive. The hard drive serial number is recorded during the imaging process and as such, is stored as part of the forensic image. Any attempt to change the electronic serial number would result in a verification error being generated during the verification process. No errors were generated during the verification process I performed.

Based on the above four facts, it is conclusive that the two images that I am now in possession of are valid images of the same hard drive taken at two different times.

Creating a forensic image of a hard drive is essentially a snapshot in time, in that what is imaged is the data that is present on the hard drive at the time the image is created. A unique situation is present with these two images as the same hard drive can be compared and evaluated for content and usage, separated by four years of time. The original image was created on May 5, 2005 and the second image was created on April 10, 2009.

Overall, there are 200,000 files on the two images combined. An MD5 hash analysis was performed on the files to generate a MD5 value for each file. After the MD5 hash values were generated, the results showed that 131,000 unique files were contained on the hard drives. Of those unique files, only 39,000 were unique to the older image, indicating that over a four year time frame, only 30% of the files present on the older image were different from the files present on the later image. As an MD5 hash value is generated off the contents of the file, even the adding or removal of a punctuation mark would

make the MD5 value different. As such, the 39,000 unique files would be a combination of new files added and files being modified of a 4 year period.

Using the 30% change over four years as base, this implies that on average, 7% of the files contained on the hard drive are added or modified during any given year. Extrapolating this data to the time period between November 2003 and May 2005, this implies that 11% of the files contained on the hard drive at the time of the creation of the first forensic image had been added or modified.

An additional factor related to the overwriting of deleted data is the Slack Space. When a file is deleted and its space overwritten with new data, the original data may not be completely overwritten, leaving residual data viewable through forensic means. This Slack Space is located at the end of every new file that is smaller than the previous deleted file that was stored in the same space. As a file is saved to the hard drive, the new file overwrites any previous data that was contained in the space previously, except, if the new file is smaller than the previous file. This Slack Space is searchable and its contents can reveal file remnants including email fragments and addresses.

Based on usage percentages it is seen that this hard drive was likely used for light business purposes after being returned by Max Zweizig. Taking into account this usage and the details of what happens when a file is overwritten and the probability that all data is not overwritten, it is difficult to defend the concept that all references to Max Zweizig's email could have been eradicated within the 18 months after the computer was returned to Tim Rote. From personal experience, I have recovered deleted email fragments with indications that the email had been deleted from a personal computer five years previous, to the detriment of the original email user.

I submit that the computer was in use after being returned by Max Zweizig and that the usage was insufficient to eradicate all references to Max Zweizig's email from the hard drive in the 18 months before the first image was taken. Therefore, it is reasonable to conclude that the computer that housed this hard drive was not used by Max Zweizig for his email.

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

Dated May 27, 2010



Mark Cox

Exhibit 1

Full Path	File Category	Last Accessed	File Created
C:\Recovered Folders\NWT Employee\outlook.pst	Mail	08/30/08 05:40:33PM	11/13/03 12:27:18AM
C:\Recovered Folders\Sent Items.dbx	Mail	06/01/07 05:07:01PM	05/13/05 05:27:57PM
C:\Recovered Folders\Outbox.dbx	Mail	06/01/07 05:07:03PM	05/13/05 05:27:57PM
C:\Recovered Folders\outlook.pst	Mail	11/12/08 03:09:06PM	11/29/05 05:24:28PM

Testimony of Jaime Gedye, FoxPro expert

14 Q. Okay. Well, my name is Scott Cliff and I,
15 as you know, you've been talking with me trying to
16 set this up. I represent Northwest Direct and I'm
17 going to ask you some questions and then the
18 attorney Linda Marshall who's representing Mr.
19 Zweizig will have some questions for you as well.
20 And we may go back and forth a little bit until
21 we're both done with our questioning.

22 A. Sure.

23 Q. Could you spell your -- state and spell
24 your full name for the record please?

25 A. Sure. It's James, last name is Gedye, G
Arbitration

Taken On May 25, 2010 NRC File # 12564-2 Page 355

1 e-d-y-e. First name James. Common spelling.

2 Q. Okay. Thank you. And what is your
3 profession?

4 A. I am director of technical services for
5 Teleformix LLC.

6 Q. Okay. And could you just give us a brief
7 background of your education and vocational
8 experience, please.

9 A. Sure. I've been working in -- I have a
10 bachelors in science from Northern Illinois
11 University, computer science. I've been working in
12 the call center industry for over 15 years. The
13 last ten years that we've been in business with
14 Teleformix, we had a client where we were actively
15 using the EIF dialer, which is what Northwest Direct
16 uses. So we -- we integrated with that dialer and
17 we're, I would say, probably considered experts in
18 that matter.

19 Q. Okay.

20 A. And then we've since kind of gotten away
21 from that business because of downturn in outbound
22 telemarketing, but I'm still very familiar with
23 those platforms.

24 Q. Okay. And what sort of work have you done
25 personally regarding the computer -- the IT services
Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 356
1 for the telemarketing industry?

2 A. In my previous position I basically ran,
3 not only all of the IT in our call center. I was
4 also in charge of all of our inbound telemarketing.
5 And since being with Teleformix, I have done
everything from the scripting to back end processing



Testimony of Jaime Gedye, FoxPro expert

7 to database administration. So I've -- hardware
8 network support. So I have a pretty broad
9 background across the spectrum, a pretty wide
10 spectrum.

11 Q. Okay. And I'm not sure I got the name.

12 What's the name of the employer you worked for
13 before you joined Teleformix?

14 A. It was -- at the time was -- oh, God.

15 What was it called? It -- Teleformix became -- kind
16 of merged out of that. United Marketing Group,
17 which is one of Northwest Direct's clients, became -
18 - they had the company I worked for prior to -- they
19 became part of United Marketing Group. So it was MC
20 Club Services. Before that I also worked for
21 Results Telemarketing. I also worked for AMOCO Oil
22 in their telemarketing facilities.

23 Q. Okay. And are you familiar with the types
24 of programs that are used to -- the types of
25 software that are used to write programs for the
Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 357
1 telemarketing industry?

2 A. If you're in relation to the EIF dialer,
3 specifically, yes, I am.

4 Q. Okay. What sort of programs did they use?

5 A. That system is based off of either a dBase
6 3, which would be your FoxPro or FoxBase, depending
7 on which OS you're working on. Whether you're
8 working in a Windows environment or a UNIX
9 environment.

10 Q. Okay. Which is the FoxPro?

11 A. FoxPro is -- was Windows.

12 Q. Okay.

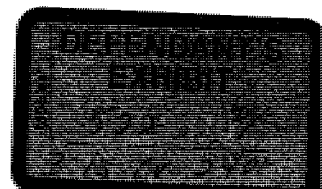
13 A. But the files are compatible so you can
14 write stuff on the UNIX servers, move them to
15 Windows, and vice versa.

16 Q. Okay. Let's talk about FoxPro. Is that a
17 program that was being used by some companies in the
18 telemarketing industry? We're now talking, of
19 course, back in the early 2000s, 2001 through 2003?

20 A. Yeah, different -- certainly different
21 versions of FoxPro were being used.

22 Q. Okay. Now, when -- when you write a
23 program in FoxPro, can you just kind of walk -- walk
24 us through what that entails in terms of writing a
25 program for a telemarketing client. Let's just say

Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 358



Testimony of Jaime Gedye, FoxPro expert

1 for importing?

2 A. Well, I mean, it's pretty much the same.

3 I guess the general concept of any programming
4 language, you have your source data in some sort of
5 file, be it a flat file or some sort of text file,
6 Excel file, something, and then you use the APIs of
7 the programming language to read it into the
8 database engine, and in the case of the
9 telemarketing software, it was FoxPro or FoxBase as
10 the database engine.

11 Q. Okay. And again, we'll just be talking
12 about FoxPro in this case.

13 A. They're one in the same.

14 Q. Okay. So in your experience in the
15 telemarketing industry, given the number of -- the
16 amount of data that comes through, is it possible to
17 essentially manage that manually on a case-by-case
18 basis without writing programs that handle those
19 functions?

20 A. You could, but it would be extremely,
21 extremely tedious and very, very error prone.

22 Q. Okay. And let's say --

23 A. So in a -- any sort of programmer that's
24 even reasonable would write programs to do it.

25 Q. Okay.

Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 359

1 A. Especially if you had repetitive things
2 that were being done over and over and over again.

3 Q. Okay. And when you write such a program,
4 are there any sort of protocols for how you would
5 name that program, in particular the extension, that
6 is the last part?

7 A. Yeah, usually FoxPro I believe was dot
8 PRG. It also had a number of different ones relating
9 to forms. If you're using visual forms, reporting.
10 I don't remember what those are off the top of my
11 head.

12 Q. Okay.

13 A. But, yeah, there are specific extensions.

14 Q. And back -- do you do much in FoxPro
15 anymore?

16 A. No, not at all.

17 Q. Okay. Why is that?

18 A. We don't have any clients that use that
19 dialer anymore. And it is antiquated language.

20 Q. Okay. When was the last time you did work



Testimony of Jaime Gedye, FoxPro expert

21 in FoxPro that you can recall?

22 A. Probably 2004, 2005 maybe, at the latest.

23 Q. Okay. Taking you back to 2003, were you
24 still intimately familiar with FoxPro programming?

25 A. Absolutely.

Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 360

1 Q. Okay. Were you at some point retained by
2 Northwest Direct to perform some services?

3 A. I was not personally. Teleformix, as a
4 company, was retained by Northwest.

5 Q. Okay. And I'm just going to ask you for
6 the moment about your personal involvement.

7 A. Sure.

8 Q. When did you first become involved
9 personally in work -- doing work for Northwest?

10 A. I believe it was late November 2003.

11 Q. Okay. Just summarize for us what -- what
12 it was you were called upon to do and, you know,
13 what you did, where you did it, that sort of thing?

14 A. Sure, we were -- my boss had received a
15 call from Mr. Rote, basically knowing our experience
16 with the software, there were a couple of employees
17 with Northwest at the time that were familiar with
18 our company and what we do, and basically we were
19 called to ask for assistance in getting their sales
20 files out to their clients, getting reporting out to
21 their clients, because of, you know, whatever the
22 situation with their IT staff was, they needed
23 assistance.

24 So I -- basically what we did on -- with
25 in a 24-hour notice after talking to Tim, I was on a
Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 361

1 plane to Eugene. Spent two or three days out there
2 working with -- I know I'm going to mess up his
3 name. Gunawan?

4 Q. Would it be Gunawan Darmadi?

5 A. Yes. I always called him G because it was
6 easier.

7 Q. Right.

8 A. Worked with him basically, and Tim, the
9 account manager, Brent. I don't remember his last
10 name. It started with a K.

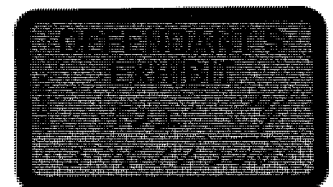
11 Q. Kawiuk?

12 A. Yeah, that's it.

13 Q. Okay.

14 A. Basically worked with them on trying to

DEFENDANT'S
EXHIBIT
522



Testimony of Jaime Gedye, FoxPro expert

15 get specifications. No one seemed to have any of
16 the specifications on what these sales files, what
17 the format was supposed to be, what the -- you know,
18 fixed fields, what codes were supposed to be in to
19 the clients. We could not find any programs with
20 dot PRDs. We searched, not only the Call Manager,
21 which is what the dialing software is, but there I
22 believe there was a Windows machine as well. And we
23 looked for them. Couldn't find anything. So while
24 we were out there what I ended up essentially doing
25 was rewriting everything from scratch and -- and
Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 362

1 then when I came back to Chicago I documented the
2 programs for Northwest to say here's how you can use
3 these going forward, you know, here's the code,
4 here's where they're at, all those components.

5 Q. Okay.

6 A. And then we continued to do some work, I
7 believe, for probably another month or two on and
8 off for Northwest basically consulting on anything
9 from scripting to some networking components to new
10 project development.

11 Q. Okay. I want to take you -- thank you for
12 that summary. That covers a lot of ground. I want
13 to ask some questions in a little bit more detail.

14 A. Sure.

15 Q. When you -- when you looked for the
16 programs you were describing, you described the PRG
17 extension. Did you search other extensions at the
18 time that might have been associated with FoxPro
19 programs?

20 A. I'm sure we probably did.

21 Q. Okay. It's been a long time ago so --

22 A. Like I said, I just don't remember what
23 those extensions all are anymore.

24 Q. Well, just to be clear, I'm not asking to
25 you speculate, but do you recall making an effort to
Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 363

1 -- a diligent effort to find those programs?

2 A. Yes, I do.

3 Q. Okay. And at the time do you recall
4 making your best effort to find those searching
5 under whatever extensions you were aware of at the
6 time?

7 A. Yes, I did.

Q. Okay. And you didn't find any programs?



Testimony of Jaime Gedye, FoxPro expert

9 A. We did not. We found some output files,
10 so basically files that were created from programs
11 and we kind of used those as our template to reverse
12 engineer, as it were, the program so that we could
13 rewrite some of the code.

14 Q. Okay.

15 A. We didn't have really any documentation on
16 what the files were supposed to look like. One of
17 the clients, United Marketing Group, since it was
18 our sister company I was intimately familiar with
19 their layouts so I didn't really need a lot of
20 documentation. So that code I could pretty much
21 write without needing samples. But some of their
22 other clients we had to kind of -- we had to work
23 our way backwards.

24 Q. Did you find any sort of documentation of
25 client -- client needs regarding the IT department?

Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 364

1 A. Not that I recall.

2 Q. Any documentation regarding procedures for
3 serving client needs?

4 A. Not that I recall.

5 Q. Did you find any -- any indications that
6 there was some sort of a directory on the computer
7 that would have helped people find the FoxPro files
8 for these various clients?

9 A. Not that I recall either.

10 Q. Did any of the IT staff that you were
11 working with, or Mr. Kawiuk, were they at all
12 familiar with how to find these files, program
13 files? And I'm referring to programs now, not the
14 data files.

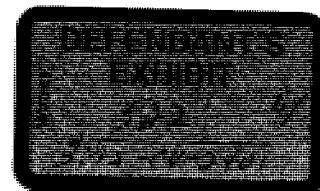
15 A. Sure. Brent certainly would not have
16 been. He wasn't even on-site, I don't believe. And
17 G was the only other person that I worked with. He
18 -- I mean, we were using, you know, Windows search
19 stuff. And I don't think he was familiar with the
20 finds we were doing the UNIX systems.

21 Q. Okay. Now, I can't recall the timing
22 here. Was -- was Chris Cox involved in any of this
23 at all, do you recall?

24 A. I believe he was gone by the time I got
25 out to Eugene.

Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 365

1 Q. Okay. Now, you mentioned that -- I being
you mentioned earlier in your narrative that you --



Testimony of Jaime Gedye, FoxPro expert

3 there was a -- I think you said a Windows-based
4 machine there as well. You mentioned you looked at
5 the -- you searched on the servers?

6 A. Correct.

7 Q. About you also searched another computer.

8 Do you recall that testimony just a few moments ago?

9 A. Yeah, it was the machine Tim had

10 identified where he believed the code should be or
11 was told that the code should be.

12 Q. Okay. And what -- what, if anything, did

13 you find on that machine in terms of FoxPro

14 programs?

15 A. Like I said, I think we found some of the

16 sample outputs on there but we did not find any

17 actual code.

18 Q. Okay. Okay. Well, I'm going to now take

19 you through some of the -- some of the exhibits in

20 this case. Do you have a packet of exhibits that I

21 sent to you yesterday?

22 A. I do.

23 Q. Okay. Turning your attention to Exhibit

24 97-1. That's 97, page 1.

25 A. Okay.

Arbitration Taken On May 25, 2010 NRC File # 12564-2 Page 366

1 Q. And looking down -- actually it starts on

2 page 2, the string starts. But it looks like -- can

3 you just summarize what -- what you were

4 communicating to Mr. Rote at this point. Was this

5 your -- as far as you recall, was this one of your

6 first communications with Mr. Rote about the

7 project?

8 A. This was -- no, this was actually probably

9 about a week or two later.

10 Q. Okay.

11 A. This was already after we had already -- I

12 had already been on-site and had then back to

13 Chicago and we had kind of -- I had worked with G on

14 figuring out hey, how do you scrub the national

15 lead? How do you load new leads into the dialer?

16 How do you run some of the things? How do you do

17 some of the scripting? Was some of the stuff that I

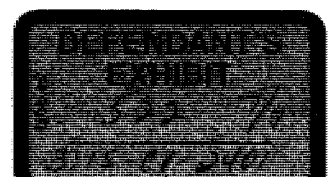
18 kind of referred to.

19 And then I spent time, you know, a lot of

20 phone support time on the phone with him as well,

21 just if he was asking questions or didn't quite

2 understand something.



Timothy C. Rote
7427 SW Coho Ct. #200
Tualatin, OR 97062
Phone: (503) 272-6264
E-Mail: timothy.rote@gmail.com
Pro Se Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TIMOTHY ROTE,

Plaintiff,

vs.

OREGON JUDICIAL DEPARTMENT,
OREGON STATE BAR PROFESSIONAL
LIABILITY FUND, THE HON. ANN
LININGER, THE HON. ALISON
EMERSON, THE HON. JOSEPHINE
MOONEY, THE HON. JACQUELINE
KAMINS, THE HON. KATHIE STEELE,
CAROL BERNICK AND MEGAN
LIVERMORE (in their official and individual
capacities as CEO of the OSBPLF),
MICHAEL WISE, JEFFREY EDELSON,
DESCHUTES COUNTY SHERIFF'S
DEPARTMENT, MATTHEW YIUM,
NATHAN STEELE, WARD GREENE,
ANTHONY ALBERTAZZI, MARTHA
WALTERS (in her official capacity of Chief
Judge) and JOHN DOES (2-5), *et al.*,

Defendants.

Case No.: 3:22-CV-00985

PLAINTIFF'S CONSOLIDATED RESPONSE
IN OPPOSITION TO THE JUDICIAL
DEFENDANTS' MOTION TO DISMISS
AMENDED COMPLAINT

HEARING REQUESTED

///

///

TABLE OF CONTENTS

I. INTRODUCTION..... 1

II. RELEVANT FACTS 3

A. The Record of Violations in Deschutes County 4

 1. *Unlawful Solicitation of the Court of Contempt for Rote Prevailing in case 19cv01547* 9

 2. *Unlawful Solicitation of the Court to Endorse Perjury*..... 10

 3. *Unlawful Contempt 19cn01843 during Covid Pandemic* 10

 4. *Unlawful Refusal to Transfer Venue of Case 19cv00824* 11

 5. *Unlawful Solicitation and Support of Child Predation in Case 19cv00824* 11

 6. *Unlawful Ex parte Order to Engage in Unlawful Discovery* 12

 7. *Unlawful Order of the Sale of Stock of a Non-debtor Twice* 13

 8. *Unlawful Failure to Disclose Ex Parte Communication* 13

 9. *Unlawful Soliciting of Support of False Testimony by Albertazzi* 13

 10. *Unlawful Solicitation of Illegal Collection Actions by Albertazzi* 14

B. The Record of Violations in Clackamas County 14

 1. *Unlawful Solicitation of Fee Award Anti-SLAPP Greene/Zweizig*..... 19

 2. *Unlawful Fee Award Anti-SLAPP Greene/Zweizig* 19

 3. *Unlawful Refusal to Acknowledge the MSJ in Favor of the Rote’s* 19

 4. *Unlawful Use of Lis Pendens* 19

 5. *Unlawful Use of Process to Retaliate* 20

 6. *Unlawful Hearing on Disqualification of Wise*..... 21

 7. *Unlawful Solicitation by K Steele, Wise and Lininger* 21

 8. *Unlawful Solicitation by Albertazzi and PLF Group on Disqualification* 22

 9. *Unlawful Solicitation of Abuse of Attorney Fees by Steele/Albertazzi*..... 22

 10. *Deceptive and Unlawful Motion to Dismiss Racketeering Claims* 22

 11. *Unlawful Hearing on Attorney Fees Fee Petition*..... 23

12. *Unlawful Award of Attorney Fees to Steele/Albertazzi* 23

13. *Unlawful Signing of Limited Judgments by Kathie Steele* 24

14. *Unlawful Notice of Signed Judgments* 25

15. *Unlawful and Clandestine Signing of Order and Limited Judgment* 25

16. *Unlawful Solicitation of Abuse of Attorney Fees by PLF Group* 26

17. *History of Unlawful Perjury by Albertazzi and Zweizig* 26

18. *Unlawful Denial of Motion and Judgment for Default* 27

19. *Unlawful Refusal of Court to Allow Case to Proceed*..... 27

20. *Unlawful Solicitation of Court to Endorse the Distribution of Child Porn* 27

C. The Record of Violations by the Superior Courts 27

D. The Evidence of Collusion..... 30

E. The Record of Aiding and Abetting Child Pornography 34

 1. *The Inferences That May be Drawn*..... 34

 2. *Record of Disclosure of Child Pornography* 38

III. ARGUMENT 39

A. Legal Standard 39

B. Satisfied Elements of the 42 USC §1983 Claims 40

 1. *Deprivations of Rights under Color of State Law* 41

 2. *Collusion and Acts of Defendants* 42

C. Judicial Immunity 42

D. The Application of the Plausibility Standard..... 48

E. Addressing Specific Arguments of the Defendants 52

 1. *The “Setting in Motion” Theory of Participation* 52

 2. *Plaintiff Is Not Attempting To Appeal the Anti-SLAPP Awards* 53

 3. *Status as an Individual Under 42 USC §1983* 57

 4. *Under the Color of State Law 42 USC §1983* 58

5. *Attorney Immunity under 42 USC §1983* 61

6. *Burden of Proof under 42 USC §1983* 62

F. Damages and Relief under 42 USC §1983 63

G. Application of 42 USC §1985 (3)..... 64

H. Child Pornography Violations and Punishment..... 66

 1. *Federal Definitions* 66

 2. *Oregon Definitions* 67

 3. *Efforts by the Oregon Judiciary to Monetize Zweizig’s Criminal Conduct*..... 68

IV. CONCLUSION 71

TABLE OF AUTHORITIES

Cases

Ashcroft v. Iqbal, 556 U.S. 662 (2009)..... 39

Bell Atlantic Corporation v. Twombly, 55 U.S. 544 (2007) 39

Bell Atlantic v. Twombly, 550 U.S. 544, 547 (2007) 48

Borunda v. Richmond, 885 F.2d 1384, 1389 (9th Cir. 1988) 65

Borunda, 885 F.2d at 1389 65

Bradley v. Fisher, 13 Wall at 351 45

Bradley v. Fisher, 13 Wall. 335 (1872) 42

Browning v. Vernon, 44 F.3d 818, 822 (9th Cir. 1995) 64

Buckley v. City of Redding, 66 F.3d 188, 190 (9th Cir. 1995)..... 62

Burton v. Infinity Capital Mgmt., 862 F.3d 740, 748 (9th Cir. 2017)..... 62

Burton, 762 F.3d at 748 63

Byrd, 885 F.3d at 642..... 68

City of Los Angeles v. Lyons, 461 U.S. 95, 112 (1983); 66

Clement v. City of Glendale, 518 F.3d 1090, 1096 (9th Cir. 2008)..... 63

Conley v. Gibson, 355 U.S. 41 (1957) 39

Conner v. City of Santa Ana, 897 F.2d 1487, 1492 n.9 (9th Cir. 1990) 63

Crowe v. Cty. of San Diego, 608 F.3d 406, 440 (9th Cir. 2010)..... 58

Crumpton v. Gates, 947 F.2d 1418, 1420 (9th Cir. 1991) 40

Demery v. Kupperman, 735 F.2d 1139, 1146 (9th Cir. 1984) 62

Dennis v. Sparks, 449 U.S. 24, 27– 28 (1980)..... 58

DHS v JH, 370 Or App 85 (June 8, 2022) 45

Griffin, 403 U.S. at 102..... 67

Humanik v Ciaverella, 3:09-cv-00286-ARC, #537, page 3..... 46

Hydrick v Hunter, 449 F 3d. 978 (9th Circuit 2006) 53

Knudson v. City of Ellensburg, 832 F.2d 1142, 1149 (9th Cir. 1987) 65

Lacey v. Maricopa Cty., 693 F.3d 896, 915 (9th Cir. 2012) (en banc)..... 58

Lovell, 90 F.3d at 370; *Draper v. Coombs*, 792 F.2d 915, 921 (9th Cir. 1986)..... 62

Marshall v Jericho, 446 U.S. 238, 242, 100 S. Ct. 1610 (1980) 53

Mcdonnell V. United States, 792 F. 3d 478, decided June 27, 2016..... 46

Memphis Cmty. Sch. Dist. v. Stachura, 477 U.S. 299, 308 (1986)..... 65

Mitchum v. Foster, 407 U.S. 225, 242–43 (1972) 65

Nordstrom, 762 F.3d at 908 67

Olech v. Village of Willowbrook", 528 US 562 (2000) 66

Pierson v. Ray, 386 U. S. 547 (1967) 42

Preschooler II v. Clark Cty. Sch. Bd. of Trs., 479 F.3d 1175, 1183 (9th Cir. 2007) 57

Rizzo v. Goode, 423 U.S. 362, 378 (1976)..... 66

RK Ventures, Inc. v. City of Seattle, 307 F.3d 1045, 1056 (9th Cir. 2002)..... 67

Sellars v. Proconier, 641 F.2d 1295, 1299 n.7 (9th Cir. 1981) 63

Smith v. Wade, 461 U.S. 30, 52 (1983)..... 65

Sorrels v. McKee, 290 F.3d 965, 969 (9th Cir. 2002)..... 64

State v. Cazee, s 308 Or App 748 (2021)..... 70

State v. Urbina, 249 Or App 267, 278 P3d 33 (2012) 70

Stump v. Sparkman, 435 U. S. 349 (1978)..... 45, 47

Stump v. Sparkman, 435 U. S. 349 (1978)..... 42

Supreme Court of Va. v. Consumers Union of United States, Inc 42

Supreme Court of Va. v. Consumers Union of United States, Inc., 446 US 719 - Supreme Court
1980 42

Tower v. Glover, 467 U.S. 914, 920 (1984)..... 58

Tower v. Glover, 467 U.S. 914, 923 (1984)..... 63

United Steelworkers of Am. v. Phelps Dodge Corp., 865 F.2d 1539, 1540–41 (9th Cir. 1989)... 60

Weilburg v. Shapiro, 488 F.3d 1202, 1207 (9th Cir. 2007) 62

I. INTRODUCTION

Included herein is Plaintiff's Response in Opposition to the Judicial Groups ("Judges") Motion to Dismiss Plaintiff's First Amended Complaint.

The citizens of Oregon would likely be surprised by the Oregon Judicial Department's institutional support for child predators that download, possess and disseminate child porn. All but two of the Judicial Defendants named in this case were appointed to their respective positions on the bench by Governor Kate Brown.

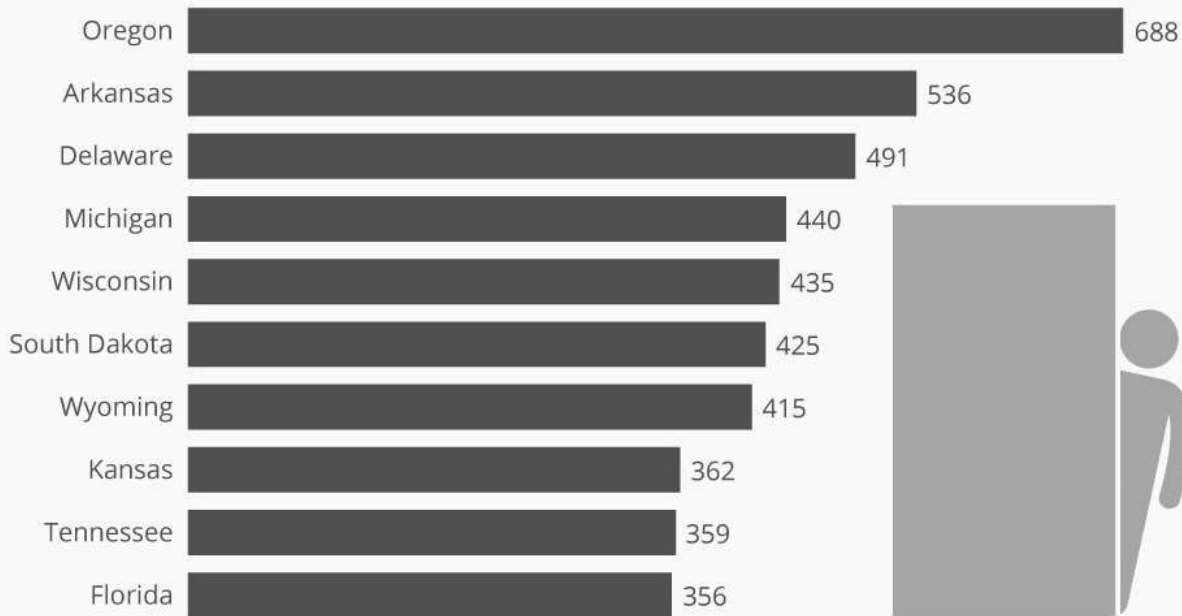
Plaintiff alleges that there is substantial and objective evidence of the Oregon Court's abuse of procedural and substantive due process as outlined herein, for example by awarding attorney fees far in excess of what is reasonable and/or lawful and using those unlawful fee awards to target and harass Plaintiff and other disfavored citizens.

Plaintiff alleges further that he has been targeted by the Clackamas and Deschutes Circuit Courts and the Oregon Court of Appeals, *inter alia* for exposing and opposing violations of due process and for identifying the named defendants as actors within the legal community umbrella who support the decriminalization of child pornography.

According to the Mayo Clinic of the US, studies and case reports indicate that 30% to 80% of individuals who viewed child pornography and 76% of individuals who were arrested for Internet child pornography had molested a child; however, they state that it is difficult to know how many people progress from computerized child pornography to physical acts against children and how many would have progressed to physical acts without the computer being involved. See Ryan C. W. Hall; Richard C. W. Hall (April 2007). "A Profile of Pedophilia: Definition, Characteristics of Offenders, Recidivism, Treatment Outcomes, and Forensic Issues". Oregon ranks first amount the states with the most sex offenders per capita.

The U.S. States With The Most Sex Offenders Per Capita

Registered sex offenders per 100,000 inhabitants in 2019



@StatistaCharts Source: ASecureLife

statista

One of the latest examples of the solicitation of abuse by child predator Max Zweizig is his recent Motion for Contempt. On September 15, 2022, Defendant Albertazzi filed a Motion with Deschutes County Court to have Plaintiff Rote imprisoned for opposing Max Zweizig’s effort to unlawfully take Rote’s property and otherwise for Rote successfully *engaging* in litigation against Zweizig. Attached to that Motion was a declaration by Max Zweizig, wherein Zweizig denied being a pedophile and child predator but did not deny downloading, possessing and distributing child pornography (**Doc #48-1**). His Declaration is an admission that then taken together with Zweizig’s testimony in trial 3:15-cv-2415, his efforts therein to suppress the forensic reports showing Zweizig’s child pornography activity, his tantamount admissions to distributing child pornography in his deposition of December 21, 2020 in case 19cv01547 and his effort to then suppress that deposition (claiming that he would not receive a fair jury if his

child porn admissions were to become public), all in all the history of these collective acts paint now a very clear picture of Zweizig's criminal conduct that should no longer be ignored. There is no remaining rock for any of the judicial defendants to hide behind.

The judicial support Zweizig received cannot be ignored. We have now a very clear picture of the institutional support Zweizig received by and from the Oregon Judicial Department and the named defendants in this case. That institutional support of the distribution of child porn required that defendants target Plaintiff Rote and work in concert with the other defendants to deny Rote his constitutionally guaranteed procedural and substantive due process rights.

Plaintiff alleges that the Judges named herein as defendants were personally involved beyond the scope of their respective judicial duties to deprive the plaintiff of his constitutional rights and that the defendants' actions were the proximate cause of the plaintiff's federally protected rights.

Plaintiff respectfully submits that the Judicial Defendants' Motion to Dismiss lacks merit and must therefore be denied at this time.

II. RELEVANT FACTS

Plaintiff alleges in his First Amended Complaint that Kathie Steele, Ann Lininger, Alison Emerson, Michael Wise, Jacqueline Kamins and Josephine Mooney, and now subsequently many others colluded with Defendants Nathan Steele, Anthony Albertazzi, PLF, Matthew Yium, Carol Bernick, Megan Livermore, Jeff Edelson, Martha Walters and the Oregon Judicial Department to (1) violate procedural and substantive due process; (2) abuse the anti-SLAPP fee award provisions to retaliate against Plaintiff for publishing concerns and critiques of the judicial actors for supporting the distribution of child pornography; and (3) provide protection to those criminal players like Max Zweizig who download, possess and disseminate child pornography.

Plaintiff alleges that these acts of retaliation are violations of 42 USC §1983, §1985 and other Constitutional mandates that at a minimum require procedural and substantive due process.

A. The Record of Violations in Deschutes County

Narrative and Timeline

Defendant attorneys have on multiple occasions sought highly prejudicial support from the Deschutes County Court and in particular defendant and **Judge Alison Emerson** in cases 19cn01843 and 19cv00824. The old adage that “be careful of what you ask for because you might just get it” applies here. Albertazzi was successful but created a record of abuse that implicates his and the Court’s role in violating Plaintiff’s constitutional rights.

Defendant Albertazzi sought and secured from Alison Emerson (1) a contempt order and damages of \$8,500 for Rote signing an interrogatory response by declaration instead of by Notary; (2) an ex parte order secured in November 2021 forbidding Rote from selling any of his assets; (3) an ex parte order secured in November 2021 to turn over information on Tanya Rote, her Sunriver property and Insurance agency related to claims that had been dismissed in Clackamas case 19cv01547; (4) a hearing, ruling and judgment of January 20, 2022 allowing Albertazzi to sheriff sale a property not owned by debtor Rote, when the only evidence on the record was Rote’s testimony refuting ownership; (5) assistance from Emerson in soliciting the abuses of other Deschutes Circuit Court Judges; and (6) soliciting a Motion for Contempt against Rote for opposing Zweizig’s unlawful use of a Sheriff sale and for opposing Zweizig’s collection actions.

Just after Plaintiff filed his Amended Complaint on September 4, 2022, Defendant Albertazzi and Zweizig were denied an opportunity to sheriff sale the stock of Northwest Direct Homes, Inc.(“NWDH”) on September 8, 2022, in case 19cv00824, because of Rote’s challenge to that writ. Plaintiff Rote is the defendant in that case and challenged the sale of the stock since

he is not the owner of that stock. The Timothy Rote Irrevocable Trust is the owner of the stock of NWDH. See **48-13**.

In response, and in what may be considered a hissy fit, on September 15, 2022 Albertazzi then filed in case 19cv00824 a Motion for Contempt against Rote asking that Rote be imprisoned and for remedial sanctions of deeming the Trust and Rote CPA, P.C. as alter ego's of Timothy Rote. Albertazzi and Zweizig are asking the Court to help them avoid the necessary fraudulent transfer action under by ORS 95.230-95.240 and common law actions for piercing the veil and alter ego, which would require years of litigation and a likely trial before an independent jury. Zweizig lost two previous and similar actions in Federal case 3:14-cv-0406 and Clackamas case 19cv01547; so now they are asking for a favor from Deschutes County Court. Even requesting this kind of abuse of procedural due process should be of concern to this Court. Historically Judge Alison Emerson has come to Albertazzi's aid. See **Doc #48-1, pgs 3-12**.

Albertazzi and Zweizig are in fact asking the Deschutes Court to now put Rote in jail for Rote successfully opposing Zweizig in case 3:14-cv-0406 and Clackamas case 19cv01547 and for refusing to provide any documents of Tanya Rote's Sunriver property or her Insurance Agency. See **Doc #48-1**. Rote has opposed the Motion and also seeks a contempt filing against Albertazzi and Zweizig for perjury by omitting from their statements and declaration that all of their allegations are academic since Rote had offered the stock of NWDH four times since March of 2019 and as late as July 25, 2022 and each time Zweizig had rejected those offers. See **Doc #48-10**. In the style of Deschutes County, *Rote Cross Motion for Contempt was denied* immediately while child predator's Zweizig's Motion has not yet been denied. A letter requesting clarification was filed with the Court on September 27, 2022 (See **Exhibit 1**). There has been no response.

On July 9, 2021 Albertazzi filed a praecipe to sell the stock of NWDH and was granted that order by **Alison Emerson**. See **Doc 48-11, pg 1-2**. Rote objected on multiple grounds but principally on the grounds that the stock was owned by Rote's Irrevocable Trust (**pgs 3-18**). Judge **Emerson** held a hearing on January 20, 2022, took testimony from Rote on the ownership and in spite of there being no competing evidence permitted the sale of the stock to proceed...and it did proceed. See **Doc #48-11, pages 52-59**. Emerson also awarded Albertazzi/Zweizig damages (**Id, pages 19-22**) for that hearing. Rote appealed to the Oregon Court of Appeals (**Id., pages 60-80**). Albertazzi did not file a responsive brief, which presumably means he was assured a win—and the Oregon Court of Appeals has not yet decided if the presumption of evidence supports Rote and that the original order by Emerson permitting the sale is unlawful.

The Sheriff sale was completed and there were no bidders other than Zweizig for 5% of the value of the property. Notice from the Sheriff's office was nonetheless defective in naming the wrong company (Northwest Homes instead of Northwest Direct Homes, Inc.) and Rote filed a Motion to Set Aside the sale of the stock of NWDH (of **February 3, 2022**) on **February 13, 2022**. That Motion was granted on the notice deficiency only, the order signed on **June 23, 2022**. See **48-11, page 82**.

At the same time Rote filed another Motion to Change Venue from Deschutes County to Clackamas County consistent with the other two related cases, namely 19cv01547 and 19cn01843. Ward Greene had first filed case 19cv01547 in Multnomah County and upon Motion the Rote's moved that to Clackamas. The same effort was made for case 19cn01843 and related case 19cv00824, both in Deschutes, in September 2020 (**Doc #48-11, pages 16-20**). Rote has not at any time lived in Deschutes or Multnomah County. Case 19cn01843 was moved. 19cv00824

was not. Rote renewed his Motion to change Venue. The Motion was denied **Doc #48-11, page 82**. Rote then filed a Writ of Mandamus to transfer the case from Deschutes County to Clackamas. The Supreme Court of Oregon denied that Writ. See **Exhibit 2**.

Albertazzi/Zweizig then again sought to sale the stock of NWDH and as before Rote challenged the sale on grounds that the stock is not owned by Timothy Rote, but rather by the Rote Irrevocable Trust, providing this time a K-1 that was not available during the January 20, 2022 hearing. The sheriff sale of the stock of Northwest Direct Homes, Inc. is now on hold pending a hearing scheduled for October, 20, 2022. See **Doc #48-13**.

In the meantime, Plaintiff has alleged that Emerson is a personal friend of Nathan Steele and Albertazzi and should have recused herself from this 19cv00824 case. Rote alleges that a news article of December 20, 2019 on Emerson's campaign cites public support by Nathan Steele. See **Doc 48-12, page 6**. That information was apparently acquired from Emerson's website, <http://emerson4judge.com>, a site which has become inactive since the filing of this lawsuit. See **Doc 48-12, page 1**.

On **November 4, 2021**, Albertazzi secured from **Emerson** ex parte an order in case 19cv00824 requiring Rote to produce information and documents from (1) R 3.20, Northwest Holding LLC (a defendant in case 19cv01547, where to MSJ had already been granted); (2) R 3.21, 3.22, 3.25 and 3.26 for TR1, LLC, a company owned by Tanya Rote (defendant in 19cv01547) to operate the Sunriver rental business; and (3) R 3.23, 3.24, 3.25 and 3.26 for Tanya Rote Insurance Inc.(where subpoenas for similar information had been quashed by the Court in case 19cv01547). See **#48-1 pgs 8-10**. This is the third time Rote has responded to and objected to requests by Zweizig seeking to use interrogatories and discovery requests to collaterally attack the summary judgment dismissal of Zweizig's claims in case 19cv01547.

It is abundantly clear that the order is overly broad seeking information that was either produced or foreclosed from other lawsuits and information about the confidential work of Rote CPA, P.C. And in particular the order is seeking information on the source of funds allowing Plaintiff to pay filing fees and to continue to engage in litigation. See **R 3.5, 48-1 page 8**. The Motion for Contempt seeks to take more than 25% of the wages Rote earns from Rote CPA, P.C....it seeks to take everything and deny Rote the opportunity to generate income. Albertazzi and Zweizig are asking the Deschutes County Court to take bank accounts that hold exempt funds such as social security. This is the measure of what they believe **Emerson** will give them and it implicates bias and prior successful abuses.

The order solicited by Albertazzi/ Zweizig represents an extraordinary transgression, sought ex parte and signed by Emerson, and is also an act intended to compromise Rote's ability to defend his Fourteenth Amendment Rights. Rote's objection to these requests, when appropriate, forms part of the basis for the Albertazzi/Zweizig Motion for Contempt. The balance of their requests forms from inaccurate statements, the most significant of which is failing to disclose to the Court that the stock valued at approximately \$1,250,000 was offered and rejected by the Albertazzi/Zweizig crime family. The collective acts of perjury by Albertazzi and Zweizig implicate bias and solicitation of Fourteenth Amendment violations. And these acts of perjury also implicate a consciousness of Zweizig's current and past criminal conduct, acts that presume the Court acknowledges Zweizig's child predation in the form of child pornography violations and supports that criminal conduct.

Ward Greene filed the 19cv00824 action in Deschutes County even though Rote has no property there and has never lived there. On information and belief Greene did so because Deschutes County is considered the most favorably disposed Circuit to child pornography and

child trafficking. By their own actions, Deschutes has come to the aid of child predator Max Zweizig multiple times. Greene also filed case 19cn01843, which was transferred to Clackamas Court. Resistance by Albertazzi and Deschutes to transfer the case supports Plaintiff's narrative. The Supreme Court of Oregon has endorsed this violation of Oregon law.

Doc #48-5 reflects some of the issues Deschutes County is having with respect to child trafficking. A press release by the Bend Police Department on *September 8, 2022* reported a successful sting and arrest of 20 individuals during a four-month child trafficking operation, naming those arrested individual. *Id.*, **pages 1-3**. One week later KBND news published a report that a bend music teacher was arrested for possessing explicit images of children. *Id.*, **page 4**.

While it is clear that the Bend Police department takes child trafficking and child porn seriously, Albertazzi and Zweizig public compromises to the integrity of the Court portend an issue prosecuting these criminals. Plaintiff offers a few examples criminal indictments filed in other districts against defendants Josh Duggar and Johnny Gonzalez, defendants who downloaded, possessed and disseminated child pornography just as Zweizig has done. For example, Josh Duggar was indicted under (1) 18 USC §2252A(a)(2) and (b)(1) for receipt of child porn; (2) 18 USC §2252A(a)(5)(b) and (b)(2) for possession of child porn. Duggar was ultimately convicted and sentenced to 12 years. See **Doc 48-5, page 6-12**.

Violations Accepted as True

1. Unlawful Solicitation of the Court of Contempt for Rote Prevailing in case 19cv01547

The Judicial Group cannot deny that Albertazzi's most recent Motion for Contempt filed on September 15, 2022 misleads the Deschutes Court on critical facts—namely (1) that Albertazzi/Zweizig were offered the stock of NWDH four times, a stock valued in excess of Zweizig's judgment, rejecting those offers four times and (2) Zweizig used the sheriff sale

procedure to engage in tax and collection fraud. In spite of those very blatant motivations, the Court denied Rote Cross Motion while allowing child predator Zweizigs to proceed. **See Exhibit 1 and #48-1, pages 3-12, #48-6 and #48-10.** This is objectively provable support for child predation and implicates Deschutes Circuit Court for its support of child predation.

2. *Unlawful Solicitation of the Court to Endorse Perjury*

The Judicial Group cannot deny that Zweizig in his declaration in support of the Motion for Contempt dated September 15, 2022 made statements denying he was a pedophile but not denying he has and does, download, possess and disseminate child porn. **Doc #48-1, pages 1-2.** This is a material, tantamount to an admission of prior perjury and plaintiff is entitled to a reasonable inference that the declaration was crafted with the assistance of Albertazzi. The Judges cannot credibly deny that Deschutes County was chosen by Greene, Albertazzi and Zweizig because the Court favors child predators. Zweizig is not afraid of making this admission of downloading, possessing and disseminating child porn in the Deschutes Circuit Court.

3. *Unlawful Contempt 19cn01843 during Covid Pandemic*

The Judges cannot credibly deny that Albertazzi has sought the preferential judicial support of *Alison Emerson* and expects to continue to garner that favor in his filing of the Motion for Contempt, based in large part in having received favorable treatment and through the relationship Nathan Steele has with Emerson. See **Doc #48-12, page 3-6.** The Judges cannot credibly deny that Deschutes County was chosen by Greene, Albertazzi and Zweizig because the Court favors child predators and expects Deschutes to violate Plaintiff's substantive due process rights.

Albertazzi successfully secured a Motion for Contempt from Deschutes County on December 22, 2020 (**Exhibit 6, page 1**) based on his opinion of deficiencies in an interrogatory

response by Rote. The interrogatory responses were filed by Rote to former counsel Ward Greene in August of 2019. Albertazzi took over in August 2020 and claimed to not have received the responses from Greene. The responses were provided to Albertazzi who then filed a Motion for Contempt, claiming among other things that the response was filed by declaration attestation, **page 7**, and for failing to provide documents already in Greene's possession as evidenced in the 19cv01547 case. It took no time at all for Emerson to grant that \$8,500. Even at the time of the judgment (12.22.20), at the height of the Covid Pandemic, attestation by Notary was difficult to accomplish as most notaries were not available and the law in Oregon had not been passed to allow remote notary signatures. See **Exhibit 7**.

4. Unlawful Refusal to Transfer Venue of Case 19cv00824

Doc #48-11, page 80, denied Motion to Transfer case 19cv00824 to Clackamas.

Case 19cv00824 was supposed to be transferred to Clackamas when case 19cn01843 was transferred.

Defendants cannot deny that Albertazzi successfully solicited from Deschutes Circuit Court and the Supreme Court of Oregon the opportunity to harass Plaintiff Rote in multiple jurisdictions (in both Clackamas and Deschutes), in violation of Oregon law and in a glaring attack on Rote's *pro se* status. See **Exhibit 2**.

5. Unlawful Solicitation and Support of Child Predation in Case 19cv00824

Plaintiff Motion to Transfer case 19cv00824, arguing oversight since both cases 19cn01843 and 19cv00824 should have been transferred. This was a particularly abusive act against a targeted *pro se* litigant. Rote's Writ of Mandamus was denied. See **Exhibit 2**.

Deschutes Circuit Court cannot credibly deny that the Court has been fully informed as early as 2019 that Zweizig is a child predator and has in concurrent actions in Clackamas Court sought to suppress Zweizig's deposition in case 19cv01547 wherein Albertazzi alleged that Zweizig would be denied a fair trial in front of a jury if Zweizig's testimony and admissions in

his deposition of December 21, 2020 of child predation were not suppressed from the public. Deschutes has also been fully informed of that child predation in the forensic reports showing Zweizig's child predation, and the federal indictment platform for similar cases of downloading, possessing and distributing child porn. See **Doc #38-10, #20-10, pages 2-9, #48-4, #48-5, #48-10**. Although Rote won that argument of suppression in Clackamas County, wherein the Court found no legal support for a Motion to Suppress Zweizig's admissions, this ask implicates Zweizig's strong opposition to having case 19cv00824 transferred from Deschutes where **Emerson** could have likely ruled in the case. The Judges cannot credibly deny that Deschutes County was chosen by Greene, Albertazzi and Zweizig because the Court favors child predators and that the defendants named in this case expects Deschutes to violate Plaintiff's substantive due process rights.

6. *Unlawful Ex parte Order to Engage in Unlawful Discovery*

Judges cannot credibly deny that Albertazzi used the ex parte order unlawfully secured from Judge Emerson on November 4, 2021 to continue to attempt to engage in discovery on dismissed case 19cv01547, to continue to interfere in non-debtor Tanya Rote's life and to cause Plaintiff Rote to continue to suffer for the attacks perpetrated by Zweizig on Rote's family. **Doc #48-1, pages 8-12**. The Judges cannot credibly deny that Deschutes County was chosen by Greene, Albertazzi and Zweizig because the Court favors child predators and expects Deschutes to violate Plaintiff's substantive due process rights.

Zweizig unlawful subpoena action was quashed in case 19cv01547 on February 22, 2021. See **Exhibit 8**. He then has attempted to use ex parte order from Emerson to seek the same and similar documents.

7. *Unlawful Order of the Sale of Stock of a Non-debtor Twice*

See Doc #48-11, challenge to February sale before and after it happened. Plaintiff Rote does not now own the stock. The Stock was sold by Notice using an incorrect name.

See Doc #48-13, challenge again as Plaintiff Rote does not own the stock. Based on that successful challenge Albertazzi filed a Motion for Contempt (#48-1). Cross Motion for Contempt (#48-10) denied (Exhibit 1).

8. *Unlawful Failure to Disclose Ex Parte Communication*

15. The Judges cannot credibly deny that Nathan Steele solicited **Emerson** on behalf of Albertazzi and child predator Zweizig. Nathan Steele does not deny having a personal and campaign relationship with Emerson. **Doc #48-12, pages 3-6.** The Judges cannot credibly deny that Deschutes County was chosen by Greene, Albertazzi and Zweizig because the Court favors child predators and expects Deschutes to violate Plaintiff's substantive due process rights.

9. *Unlawful Soliciting of Support of False Testimony by Albertazzi*

The Judges cannot deny that Zweizig fasely claims to have received no evidence that the Rote Irrevocable Trust owns the stock of NWDH, again lying to the Deschutes Court about the (1) testimony of Rote (#48-11, page 53-59); (2) Appellate Court Brief (*Id.*, pages 60-80) and references to the record in case 19cv00824; (3) email evidence inquiring of Albertazzi if Zweizig was going to accept or disclaim the transfer of Stock in NWDH (#48-6); and (4) subsequent Challenge to the sale that was planned for September 8, 2022, transmitting therein the K-1 and 1099NEC (Doc #48-13). Plaintiff brought to the attention of the Court the recent federal indictments against Duggar and Gonzalez for downloading, possessing and distributing child porn in described activity that closely aligns with the Steve Williams forensic report filed in all

actions multiple times (**Doc #48-4**) wherein Williams found that Zweizig engaged in numerous criminal acts including downloading, possessing and disseminating child porn.

The Judges cannot credibly deny that Albertazzi assisted Zweizig in producing his false declaration in support of the Motion for Contempt filed in case 19cv00824 on September 15, 2022. **Doc #48-1, pages 1-2.** The Judges cannot credibly deny that Deschutes County was chosen by Greene, Albertazzi and Zweizig because the Court favors child predators and expects Deschutes to violate Plaintiff's substantive due process rights.

10. Unlawful Solicitation of Illegal Collection Actions by Albertazzi

The Judges cannot deny that based on Zweizig's declaration (**Doc #48-1**), that Albertazzi and Zweizig are attempting to take Rote's EXEMPT retirement income because Rote has successfully opposed Zweizig in two prior fraudulent transfer cases brought by Zweizig, cases 19cv01547 and 3:14-cv-0406 and because Rote stopped the sheriff sale in Deschutes County two times. **Doc #48-1 pages 1-5.**

The Judges cannot credibly deny that Albertazzi is attempting to take Rote's income and assets from Rote CPA P.C. and retirement income from social security to limit Rote's opportunity to defend himself in litigation actions brought by Albertazzi/Zweizig. **Doc 48-1, page 8, line 3.** Zweizig has every right to garnish 25% of Rote's income notwithstanding the transfer of the stock in NWDH, which would result in a full satisfaction of the judgment. Taking all of the income however is illegal and the solicitation to do so is yet another predicate act of racketeering.

B. The Record of Violations in Clackamas County

Narrative and Timeline

Plaintiff filed a malpractice and related claims in Clackamas County in 2018. Thus far Judge Norby, Kathie Steele and the trial court administrator have blocked Rote from

getting his case before a jury. Plaintiff has filed multiple scheduling order requests, asking for a discovery and trial schedule order. No action moving this case along has been taken. See **Exhibit 3**. That delay benefits the PLF, who is the insurance carrier on the hook for the malpractice committed by Brandsness in the 3:15-cv-2401 trial where Zweizig secured his judgment.

Plaintiff alleges in his complaint that there have been numerous violations as cited in his Complaint and Amended Complaint. Plaintiff alleges that Michael Wise and Kathie Steele aided and abetted Nathan Steele and Albertazzi in filing and being awarded an unlawful fee petition seeking an attorney fee award of far more than was lawful under ORS 31.152 (3) and ORS 20.075 (2) (a). Plaintiff alleges the same against Ann Lininger with respect to Ward Greene's petition for attorney fees.

The relevant facts as to the excessive and unlawful fee petition by Steele and Albertazzi in Clackamas case 18cv45257 are outlined in detail in **Doc #20-6**, wherein Plaintiff Rote in Opposition to the fee petition identifies the excessive and unrelated fee as misleading and conflating block-billed time for the anti-SLAPP action (recoverable) and Rule 21 Motion to Dismiss (non-recoverable). Those specific fee entries on the anti-SLAPP Motion and Rule 21 Motion to Dismiss are identified at pages **16-18 of Doc #20-6**, and supplemented herein as **Doc #38-1 and #38-3**.

Plaintiff identifies that 48 hours are unrelated to the anti-SLAPP or excessive, an amount of fees of **\$10,580 (Doc #20-6, page 6)**. Albertazzi's fee petition overall was for **86.6 hours** and **\$19,357.50** in fees (**Doc #20-6, page 3**). The billing statements support time of \$21,540 (**Doc #38- 3**) and the difference between what the statements support and the amount sought is offset to the anti-SLAPP for purposes of this analysis. When removing the time and fees for the fee petition and for the other time and fees unrelated to the anti-SLAPP, Plaintiff concludes that that

amount of fees associated with the anti-SLAPP is not greater than **\$6,820** (\$19,357.5-\$10,850-\$1,687.50). That \$6,820 compares reasonably to Christiansen's anti-SLAPP fee petition of \$6,325 in case 3:15-cv-2401. See **Doc #20-6, page 2 and Doc #38-1, page 1**.

The above analysis of time and fee associated with and not reasonable connected to the anti-SLAPP is un-refuted by defendant Nathan Steele, who prepared the fee petition and under declaration but attested falsely to the amounts associated with the anti-SLAPP. It is un-refuted that Steele conflated the anti-SLAPP fee petition with the Rule 21 Motion to Dismiss with the intent of misleading in collusion with the Court, namely defendant and pro tem Judge Michael Wise. It is un-refuted that the PLF called on Steele to file that knowing false petition for attorney fees. The anti-SLAPP and Motion to Dismiss filed by Nathan Steele is provided at **Doc #20-3**.

As further evidence of the excessive and unlawful fee petition, Plaintiff provides the fee petition from the PLF defendants in Clackamas case 18cv45257. See **Doc #20-9, #38-1 and #38-2**. Further, Plaintiff outlines in that opposition to the PLF defendants' fee petition that some **28.7 hours** and **\$7,175 of fees** are associated with the anti-SLAPP. See **Doc 20-9, page 10, lines 10-21**. This is *particularly instructive* because the anti-SLAPP brought by the PLF Group was only for Nena Cook, was a separate filing and action that did not conflate the anti-SLAPP with the Motion to Dismiss the PLF, Bernick and Stendahl. The rates of defendant Matthew Yium @ \$250 an hour are comparable but otherwise slightly higher than Nathan Steele's @\$225 an hour. Thus it is un-refuted that the time reasonably associated with the anti-SLAPP Motions proceeding for Albertazzi (Steele representing) and Cook (Yium representing) on the upper end is **28.7 hours** and **\$7,175**. Just as with Steele, however, Yium and the PLF group are seeking an excessive fee award, some \$60,000, although the billing statements support only \$50,000, only a \$7,175 portion of which is associated with the anti-SLAPP. See **Doc #20-9, #38-1 and #38-2**.

In both cases described above, neither the PLF Group nor the Steele-Albertazzi group actually prepared a summary of time by effort or category, pushing that burden to the court or Plaintiff Rote (so that the Court could not hide behind an ORCP 68 request). In both cases, Yium (for the PLF) and Steele (for Albertazzi) filed only billing statements with the Court and left for the Court the effort to deduce how much was reasonable and how much was not. Most *pro se* litigants would not have been sophisticated enough to accumulate and report to the Court the excesses. In both case, Plaintiff opposition included a detailed analysis categorizing the fee entries from each billing statement, summarizing those categories and then linking that data to an Exhibit 1 (**Doc #38-1** for example) and supporting Exhibit 1.1 (**Doc #38-2** for example) filed in opposition to those fee petitions.

Plaintiff filed his revised **Doc #38-1** herein as the summary of time and fees by category of effort for the PLF Group, Steele/Albertazzi and Greene/Zweizig. Plaintiff filed herein as **Doc #38-2** the detailed entries from the defendants' PLF billing statements by category and billing date, which previously was filed in Clackamas County as Plaintiff Exhibit 1.1. Repeating the same concept then Plaintiff filed **Doc #38-3** which is the same detailed accounting spreadsheet for the Steele/Albertazzi team and **Doc #38-4** which is the same spreadsheet categorizing the time and billing entries for the Greene/Zweizig group. All of those detailed entries when summarized carry to Plaintiff **Doc #38-1**.

What Plaintiff has gleaned from the effort to categorize and summarize the Steele fee petition is that he spent **24** hours talking to his client and the other defendants, **18** hours reviewing the cases in which Plaintiff was a party going back almost 20 years, **6.6** hours reviewing the PLF defendants' filings and **7.5** hours generating a two page declaration in support

of his fee petition and redacting the names of the PLF manager(s) approving those invoices. **Doc #38-3** is as follows:

18cv45257		Anti-SLAPP						
C. Steele for Albertazzi (Source Doc #20-6)			See Ex 3					
8	Prepare Anti-SLAPP and MTD		See Ex 3	\$225		16.9	\$	3,802.50
6	Research		See Ex 3	\$225		1.1	\$	247.50
9	Review Response		See Ex 3	\$225		4.1	\$	922.50
10	Reply and Hearing		See Ex 3	\$225		10.1	\$	2,272.50
7	Other		See Ex 3	\$225		0	\$	-
1	Correspondence to/from Others		See Ex 3	\$225		8.4	\$	1,890.00
2	Correspondence to/from Client		See Ex 3	\$225		14.2	\$	3,195.00
3	Correspondence to/from Matthew Yuim		See Ex 3	\$225		1.6	\$	360.00
4	Review Other Cases by Plaintiff		See Ex 3	\$225		17.9	\$	4,027.50
5	Review Other Defendant and Hearing		See Ex 3	\$225		6.6	\$	1,485.00
11 and 12	Objection to order		See Ex 3	\$225		8.2	\$	1,845.00
13	Fee Petition		See Ex 3	\$225		7.5	\$	1,687.50
	Rate variance					0	\$	(195.00)
	Total					96.6	\$	\$21,540.00

Like Steele for Albertazzi, Ward Greene also filed a knowingly fraudulent fee petition for Zweizig. Greene's fee petition is provided herein as **Doc #18-1**. The detailed allocation of those fees to categories is as indicated provided herein as **Doc #38-4**. Unlike with Yium and Steele, the PLF was not reimbursing Williams Kastner. Nonetheless, out of the \$20,970 sought by Greene, \$2,000 was for *post judgment collection*, \$8,685 was for *collections activity* and unrelated to the anti-SLAPP, \$1,775 was for *summary judgment* actions which the Rote's won and \$1,900 was for defense of the third party counter claims brought against them (in which James Callahan and the PLF represented Basuari and Kastner). Only **\$6,610** of the \$20,970 awarded was for the anti-SLAPP or reasonably connected to the anti-SLAPP. See **Doc #38-1, page 4**. Judge Lininger's order is on the record in this case as **Doc #18-2**. The Plaintiff Appellate Brief in that case outlining the unlawful fee award in 19cv01547 is **Doc #18-10**. The Opinion by Kamins and Mooney claiming the Rote appeal of the unlawful fee award was objectively unreasonable is in the record as **Doc #18-19**.

Allegations Accepted as True

1. Unlawful Solicitation of Fee Award Anti-SLAPP Greene/Zweizig

The defendants do not deny that Ward Greene sought an unlawful fee award (**Docs #38-1 #38-4 and #18-1**) in case 19cv01547 on behalf of his client Zweizig, seeking therein a punitive action against the Rote's for filing counterclaims of slander of title and interference with contract.

Defendants do not deny that Ward Greene drafted the proposed order.

Defendants do not deny that out the \$20,970 awarded to Greene/Zweizig, more than \$12,000 was for collections and other activity unrelated and not reasonable connected to the anti-SLAPP (**Doc #38-1, #38-4, #18-1 and #18-10**).

2. Unlawful Fee Award Anti-SLAPP Greene/Zweizig

The defendants do not deny that the excessive and unlawful fee award by Lininger (**Doc #18-2**) in case 19cv01547 adopting the language of the proposed order provided by Greene claimed that the Rote's affirmative defenses and counterclaims were some form of harassment. The defendants do not deny that

3. Unlawful Refusal to Acknowledge the MSJ in Favor of the Rote's

The defendants do not deny that the Rote's were granted summary judgment on Zweizig's claims in case 19cv01547 (**Doc #18-10**), which was affirmed in Appeal (**Doc #18-13**)

4. Unlawful Use of Lis Pendens

Defendants do not deny that Greene filed an unlawful *lis pendens* against Tanya Rote's property at the start of case 19cv01547 (in case 19cv00824) and that the *lis pendens* resulted in the loss of a sale of the Sunriver property.

Defendants do not deny that Albertazzi and Zweizig filed a Motion for Contempt in case 19cv00824 for among other things the Rote's prevailing in case 19cv01547. See **Doc #48-1**.

5. Unlawful Use of Process to Retaliate

Defendants do not deny that when summary judgment against the fraudulent transfer claim were granted it had the effect of vitiating the false allegations against the Rote and published by Ann Lininger.

Defendants do not deny that Kamins, Mooney and the Oregon Judicial Department endorsed Ann Lininger's order of July 16, 2020 (**Doc #18-2**), wherein Lininger wrote "Mr. Zweizig is entitled to attorney fees because ...The Rotes have acted willfully, maliciously, and in bad faith to harass and intimidate Mr. Zweizig because Mr. Zweizig is trying to collect on a judgment against the Rotes, to force him to incur large attorney fees, and to delay resolution of his claim that the Rotes have fraudulently concealed assets to avoid paying on the judgment. ORS [20].075(1)(a)."

Defendants Kamins and Mooney, before issuing the order of May 19, 2022 (**Doc #18-19**), were fully aware that the allegations by Lininger in her order (#18-1) were proven false after close of discovery on March 9, 2021, when the claims against the Rote's in that case 19cv01547 were dismissed (**Doc #18-11**), a full year before Kamins and Mooney issued their pro-child predation order. The Judicial department was most certainly aware that the unlawful use of a *lis pendens* by Zweizig was endorsed and has gone unpunished. Kamins and Mooney were aware that the Oregon Court of Appeals had already affirmed without opinion the dismissal at Summary Judgment of Zweizig's unfounded and unsupported claims in case 19cv01547. See order March 21, 2022 (**Doc #18-13**). Kamins and Mooney cannot credibly deny that their order of May 19, 2022 is seen by the public as conflating support for the LGBTQ community with support for decriminalizing child porn.

Defendants do not deny that the order issued by Kamins and Mooney (**Doc #18-19**) of May 19, 2022 *claimed* the Rote's had no objectively reasonable basis for challenging the

attorney fees petitioned by Greene and awarded by Ann Lininger in the amount of \$20,970, in spite of the clear evidence showing that 37 entries and \$12,000 were unrelated to the anti-SLAPP. See **Doc #38-1, #38-4 and #18-10**.

Defendants cannot credibly deny that Plaintiff was targeted by Kamins, Mooney, Lininger and Kathie Steele to punish Rote for pursuing his right of petition, for publishing critiques of the judiciary and for opposing child pornography. The order showcases collective support of the child predation of Max Zweizig.

6. *Unlawful Hearing on Disqualification of Wise*

Defendants, and in particular Steele and Wise, do not deny that they knew Wise could not act on his own disqualification in case 18cv45257. They do not deny that they knew Wise's term had expired. They do not deny that Kathie Steele was disqualified and could not under Oregon law sign **the limited judgments of 1.12.22 and 1.25.22**. See **Docs #20-13, #20-4, #38-5, and #48-14**. The Judges cannot credibly deny that Michael Wise and Kathie Steele solicited Albertazzi, Steele and the other defendants to violate Plaintiff's substantive due process rights.

7. *Unlawful Solicitation by K Steele, Wise and Lininger*

Michael Wise and Kathie Steele do not deny knowing that Albertazzi was only entitled to a fee award for attorney fees directly or reasonably connected to the anti-SLAPP portion of the proceeding in case 18cv45257 and pursued an unlawful amount of fee and relatedly cannot credibly deny that Steele's declaration in seeking unlawful fees was deceptive and intentional. See **Doc #20-6, pages 11-12**. The Judges cannot credibly deny that Michael Wise and Kathie Steele solicited or invited Albertazzi, Steele, Yium and the other defendants to violate Plaintiff's substantive due process rights.

Wise and Kathie Steele cannot credibly deny that Wise's unprovoked statement in the September 2021 hearing in case 18cv45257, identifying Lininger and Kathie Steele as having recruited Wise to become a pro tem Judge, implicated bias and signaled Wise's willingness to

award an excessive and amount of attorney fees that were unrelated to the anti-SLAPP fee proceeding (**Doc #20-1, pages 3-18**).

Defendants cannot credibly deny that Michael Wise and Kathie Steele solicited Albertazzi, Nathan Steele and the other defendants to violate Plaintiff's substantive due process rights.

8. *Unlawful Solicitation by Albertazzi and PLF Group on Disqualification*

Defendants do not deny that they were well aware that Wise could not act on his own disqualification in the September 2021 hearing. See **Docs #48-14, #20-1**.

9. *Unlawful Solicitation of Abuse of Attorney Fees by Steele/Albertazzi*

Defendants do not and cannot deny that Nathan Steele block-billed the anti-SLAPP and Motion to Dismiss time charges in case 18cv45257 in order to seek an unlawful fee award on the successful anti-SLAPP. Steele does not deny that the strategy was encouraged by the PLF and/or Albertazzi. Steele does not deny that there is any finding by Michael Wise in the record in case 18cv45257 that would allow him to petition for fees unrelated to the anti-SLAPP. See **Docs #38-1, page 2, #38-3 and #20-6, pages 13-29**.

Defendants cannot credibly deny that Michael Wise solicited Albertazzi, Steele and the other defendants to violate Plaintiff's substantive due process rights.

10. *Deceptive and Unlawful Motion to Dismiss Racketeering Claims*

Defendants do not deny that Wise dismissed the Oregon Racketeering Claims against Cook and Albertazzi immediately after the unlawful hearing of September 2021, based on attorney immunity, when no such immunity exists for those OR RICO Claims. See **Doc #48-14**.

Defendants do not deny that Nathan Steele represented Anthony Albertazzi in an anti-SLAPP Motion to Strike and Alternative Motion to Dismiss Oregon Racketeering Claims against Albertazzi in Clackamas case 18cv45257, claims that implicated the defendants' support of multiple crimes including witness tampering, perjury, subornation of perjury, and the

downloading, possession and dissemination of child porn. See **Compl., pg 9, par 17 and Doc #20-3**. See **Doc #38-6, pages 13-19**.

Defendants do not deny that Nathan Steele/Albertazzi anti-SLAPP Motion to Strike argument was entirely based on litigation and/or attorney immunity for Oregon RICO predicate acts alleged against Albertazzi, including acts for bribery, unlawful collection, subornation of perjury, unsworn falsification, witness tampering, perverting the course of justice, etc. See Doc #20-3.

Defendants cannot credibly deny that Michael Wise was not conflicted in attempting to expand the reach of attorney immunity.

Defendants cannot credibly deny that Ann Lininger, Michael Wise and Kathie Steele used the litigation proceeding to punish Plaintiff for exposing the attorney misconduct in the cited cases.

11. *Unlawful Hearing on Attorney Fees Fee Petition*

Defendants cannot credibly deny that the hearing in case 18cv45257 on the fee petition by Steele/Albertazzi, a hearing in which Plaintiff did not able to attend., was unlawful until such as time as a different judge acted on Wise's disqualification.

12. *Unlawful Award of Attorney Fees to Steele/Albertazzi*

Defendants cannot credibly deny knowing that Nathan Steele and Albertazzi intentionally pursued an unlawful fee award (for fees Nathan Steele charged the PLF) for a portion of the litigation not associated or reasonably connected to the anti-SLAPP proceeding, fees that would not otherwise be awarded and used block-billing time entries to conflate the time spent on the anti-SLAPP versus the Motion to Dismiss, an unreasonable and unlawful amount of \$4,700. Plaintiff alleges that the block-billing is a strategy embraced by the PLF Group and Vendors (Nathan Steele and Yium) to maximize their fee petition awards (**Docs #20-6, pages 3-6, #38-1 and #38-3**).

Defendants cannot credibly deny that Michael Wise and Kathie Steele solicited of the attorney defendants that the fee petition detail should use the block-billing to attempt to conceal the fees not recoverable under ORS 31.152 (3).

Defendants cannot credibly deny that Nathan Steele slammed the file at the request of the PLF. Nathan Steele does not deny that he slammed the file for unrelated activities including downloading and reading cases over a 10 year prior period, which had nothing to do with the anti-SLAPP. Steele does not deny that he slammed the file for over 55 alleged conversations with Albertazzi, the PLF and Yium. See **Docs #38-1 page 2, #38-3 and #20-6**.

Defendants cannot credibly deny that Docs **#38-1 and #38-3** are an accurate summary of Nathan Steele's time by category of work performed for the anti-SLAPP and Motion to Dismiss Albertazzi in case 18cv45257. Albertazzi and Nathan Steele do not deny that they intentionally did not provide that equivalent report or summary similar to Plaintiff's (**Doc #38-1, page 2**) in order to succeed in petitioning for an unlawful fee award.

Defendants cannot credibly deny that Michael Wise and Kathie Steele solicited Albertazzi, Nathan Steele and the other defendants to violate Plaintiff's substantive due process rights.

Wise and Kathie Steele cannot credibly deny that Nathan Steele redacted the name of the PLF manager with whom he engaged in these unconstitutional petitions. Nathan Steele does not deny that the PLF manager was Bernick and/or Livermore (**Doc #20-6, page 13-29**).

Unlawful Support of Oregon Racketeering

13. *Unlawful Signing of Limited Judgments by Kathie Steele*

Defendants cannot credibly deny that Kathie Steele was a defendant in federal case 3:19-cv-01988 and under Oregon law disqualified from signing the limited judgments of January 12, 2022 and January 25, 2022.

14. *Unlawful Notice of Signed Judgments*

Defendants do not deny that Nathan Steele and Albertazzi conspired with Kathie Steele, Michael Wise and others to not inform Plaintiff that the limited judgment dismissing the RICO claims against Albertazzi had been signed on January 12, 2022, interfering therein with proper Notice of the signed Judgment.

Defendants do not deny that the Court sent the Notice to an incorrect address, as did Albertazzi. **See Doc #20-4, page 5.** The Judges cannot credibly deny that Michael Wise and Kathie Steele solicited Albertazzi, Nathan Steele and the other defendants to violate Plaintiff's substantive due process rights by discouraging defendants from separately notifying Rote of the judgment events.

15. *Unlawful and Clandestine Signing of Order and Limited Judgment*

Defendants cannot deny credibly that Wise and Kathie Steele conspired with Nathan Steele, Albertazzi and PLF to file and serve a fee petition (on the successful challenge and dismissal of Plaintiff's appeal of the January 12, 2022 limited judgment—a filing deemed late by the Oregon Court of Appeals) on Rote only by first class mail to an incorrect address (former address of Rote). The conspiracy involved filing and serving the fee petition to an address Nathan Steele knew to be invalid, the same former incorrect address of the Plaintiff that had repeatedly been used incorrectly by Clackamas Court (Plaintiff sold his former home on Big Fir Rd. in West Linn in August 2021). For the first time, Nathan Steele and Albertazzi did not provide a courtesy copy by email and cannot credibly deny that they perpetrated service violations multiple times in an attempt to take advantage of Plaintiff's pro se status. **See Doc #48-17, page 6 and 7.** The Judges cannot credibly deny that Michael Wise and Kathie Steele solicited Albertazzi, Nathan Steele and the other defendants to violate Plaintiff's substantive due process rights by discouraging defendants from separately notifying Rote of the judgment events.

Defendants do not deny that Nathan Steele and Albertazzi conspired with Wise, Kathie Steele, the PLF and others to not inform Plaintiff that the limited judgment awarding fees had

been signed on April 18, 2022, the defendants interfering with proper Notice of the signed Judgment. The Court sent the Notice to an incorrect address. This abuse of service happened numerous times and intentionally as Plaintiff alleged. One such example is provided as **#48-17, 6-7**.

Defendants cannot credibly deny that Michael Wise and Kathie Steele solicited Albertazzi, Nathan Steele and the other defendants to violate Plaintiff's substantive due process rights by discouraging defendants from separately notifying Rote of the judgment events. Subsequently Plaintiff informed the Clackamas and trial court administrators to stop sending notices to the incorrect address and to notify Rote of such actions by email.

16. *Unlawful Solicitation of Abuse of Attorney Fees by PLF Group*

Defendants do not deny that the PLF Group of PLF, Bernick, Stendahl and Cook in case 18cv45257 filed an unlawful fee petition of approximately \$60,000, when the supporting billing statements submitted by Yium only supported an anti-SLAPP fee of **\$7,175**. See **Docs 38-1, page 2, #38-2, column 14, and #20-9**. Some **\$10,000** of the fee petition was not supported by the billing statements and **\$31,000** was for fees associated with a 9th Circuit appeal (a case and action which they lost).

17. *History of Unlawful Perjury by Albertazzi and Zweizig*

The Judges cannot deny that Albertazzi and Zweizig filed a false declaration in case 19cv01547 to attempt to liquidate the bond posted to secure the anti-SLAPP fee award on appeal, an award that Greene claimed Williams Kastner abandoned. The false declarations by Albertazzi and Zweizig claimed an appellate judgment was final in case 19cv01547, but attached an appellate judgment from a different case (19cv14552). This was an intentional act by Albertazzi and Zweizig. See **Docs #18-16, pages 2, 3, 9 and 10**. Rote opposed and is seeking sanctions. See **Doc #18-17**, Plaintiff's Motion in Opposition. This is one of the few times that a judicial actor looked at the evidence and ruled that the package provided by Albertazzi was incorrect.

Nonetheless, the Judges cannot deny that Albertazzi and Zweizig have been emboldened by judicial support that led them to believe they would get away with this false declaration and exhibit.

18. *Unlawful Denial of Motion and Judgment for Default*

Defendants cannot deny credibly that Clackamas Court staff, instructed by Ann Lininger, rejected Plaintiff's Motion for Default Judgment against Max Zweizig. Plaintiff alleges that it is unlawful to for Court staff, regardless of who supervises Clackamas Court staff, from denying (rejecting) a Motion for Default Judgment based on an un-served and late Answer in case 22cv17744. **See Exhibit 4, page 8.** Plaintiff filed a Motion to Strike because Defendant's Answer was not filed timely and has not yet been served. **Exhibit 4, pages 1-5.**

19. *Unlawful Refusal of Court to Allow Case to Proceed*

Defendants do not deny that Judge Norby of Clackamas Court has refused to allow the remaining malpractice claim in case 18cv45257 to proceed. The Court has thus far, now after more than two years from being remanded back from the federal court, refused to respond to Motions, issue a scheduling order or otherwise allow the malpractice claim against Brandsness to proceed. All the while the PLF has refused to cover the damage associated with the malpractice. **See Exhibit 3.**

20. *Unlawful Solicitation of Court to Endorse the Distribution of Child Porn*

Defendants cannot credibly deny that Zweizig has admitted to child predation not less than acquiring, possessing and distributing child pornography and Albertazzi has attempted to suppress those admissions to benefit his collection activity and to seek favor with the Court. Albertazzi was provided notice of Steve Williams forensic reports (**Doc #38-10**), was present at the deposition of Zweizig of December 21, 2020 (**Doc #18-4**), sought to suppress that deposition (**Doc #38-9**), and argued for that suppression (**Doc #20-10, pages 2-9**).

C. The Record of Violations by the Superior Courts

Oregon Court of Appeals

The Oregon Court of Appeals reviewed and affirmed without opinion the dismissal of the Rote’s counterclaims for interference with contract and slander of title, Appeal A173748. **See Doc #18-8.** The Rote’s Petitioned the Supreme Court for Review, outlining in substantial part that virtually all other states in the County require a Bond or permit counterclaims for slander of title and interference with contract to protect the defendants in a fraudulent transfer lawsuit by a Plaintiff pursuing a money judgment—distinguishing a money judgment from one based on title or lien. The Supreme Court of Oregon denied Review. This is in spite of the fact that neither Ward Greene nor Zweizig made an appearance in that lawsuit. **See Doc #48-16.**

Perhaps the most glaring and clear evidence that the Oregon Court of Appeals is targeting Plaintiff Rote and denying Plaintiff substantive due process is the order issued by Kamins and Mooney awarding attorney fees to Helen Tomkins for representing Zweizig in the appeal of attorney fees, A174364. Plaintiff opposed the attorney fee petition by Tomkins because it attempted to collect fees for the A174364 appeal and A175781 appeal (which she lost). **See Doc #18-12.** In Appeal A174364, Plaintiff Rote filed a detailed Opening Brief in that appeal showing that court, in meticulous detail, the 37 entries from Ward Greene’s fee petition having nothing to do and not reasonably connected with the anti-SLAPP. **See Doc #18-10.** Although that appeal was affirmed without opinion, as all the other appeal have been (**Doc #18-9**), Kamins and Mooney decided to announce that in spite of those identified 37 entries, that the Court would abandon the facts for a retaliatory public statement that the appeal was objectively unreasonable (**Doc #18-19**). Plaintiff never had a chance of substantive due process. It is not possible for Kamins and Mooney to reach their findings based on the evidence in the record...in the absence of retaliatory animus. Plaintiff opposition to that fee petition is reflected in **Doc #38-1 and #38-4.** Ann Lininger issued the award and in that order claimed the Rote’s were filing counterclaims

to harass Zweizig. See **Doc #18-2, pg 2, line 7-14**. Plaintiff filed this complaint after the Supreme Court denied review, making this claim ripe. See **#48-15**. Plaintiff reiterates that ultimately the Rote's prevailed on Summary Judgment on all claims with a finding that Zweizig provided not credible evidence to overcome a 2012 transfer to a holding company or Tanya Rote's ownership of the subject Sunriver property (**Doc #18-11**). The Motion for Summary Judgment transcript is provided herein as **Doc #20-10**.

Supreme Court of Oregon

In 9th Circuit case #18-36060, the 9th Circuit referred a question to the Supreme Court of Oregon on whether there was a \$500,000 cap on noneconomic damages in Zweizig's case 3:15-cv-2401. Rote, defendant and appellee on that question, filed a Motion to Disqualify Justice Nakamoto, Garrett, Balmer and Walters in that case, although particularly emphasizing the disqualification of Lynn Nakamoto and Garrett because of prior and caustic associations with the Markowitz and Perkins Coie firms. See **Exhibit 5, pages 21 to 29**.

In what should be considered a solicitation by Nakamoto and the Supreme Court of Oregon, of Defendant Jeffrey Edelson, Appellant attorneys Joel Christiansen and Shenoa Payne secured from Edelson a highly prejudicial declaration and series of false statement that misled the court on Nakamoto's prior contact with then defendant Rote.

Edelson was fully informed of the child pornography reports and testimony of forensic experts Justin McAnn (Zweizig's expert), Mark Cox and police officer Steve Williams showing the child pornography downloaded, possessed and disseminated by Zweizig, having represented Rote and employer Northwest Direct against Zweizig in ASP 050511-1, **Doc #48-8**.

It is not plausible that Joel Christiansen or Shenoa Payne could have induced Edelson to issue a declaration in support much less commit perjury in his declaration. See Exhibit 5, page

14-17. What is feasible is that Nakamoto reached out to Edelson. And Nakamoto wrote the Opinion of the Supreme Court removing the cap on noneconomic damage awards on employment claims, even though the Oregon Tort Act still retains that cap and evolved from the same initial legislation codified in ORS 31.710.

Rote also sought to disqualify Justice Garrett for a threat he made during his representation of David Wu. That issue arose when Wu refused to pay an invoice for get out the vote calling during his re-election campaign. Garrett was on that legal team and threatened Rote after the litigation was resolved in Rote's favor.

The Supreme Court denied Rote's Motion to disqualify Nakamoto and Garrett. See **Exhibit 5**.

The Supreme Court has in fact denied every Motion filed by Rote. See Exhibit 2, on Writ of Mandamus to force Deschutes to transfer the case to Clackamas, **See Exhibit 2**. The OSC also denied Review of 174364, award of unlawful fees (**#48-15**) dismissal of counterclaims for interference with contract and slander of title (**#48-16**).

D. The Evidence of Collusion

Plaintiff previously references the above **Docs #18-1, 18-2, 18-10, 18-19, 38-1 to 38-4, 20-1, 20-3, 20-4, 20-5, 20-6, 20-7, 20-8, and 20-9** in Plaintiff's prior responses. Plaintiff incorporates all of those allegations against the Judicial Defendants and further submits Plaintiff's Docs **#48-1 to #48-18**, filed herein, as support.

Plaintiff also previously submitted in this analysis his **Doc #38-5**, which is a letter to Judge Wise. The Plaintiff shows by that he did not raise issues associated with Ann Lininger or Kathie Steele in that letter to Wise. Judge Wise raised those issues unilaterally in the hearing in September 2021 (**Doc #20-1, page 7**), implicating collusion and interference with the other

judicial actors and attorney defendants. In fact Wise indicated that he talked to presiding Judge Kathie Steele the day before the hearing.

Plaintiff alleges Wise' decision to conduct a hearing on his own disqualification violates Oregon law, ORS 14.250. That decision sent a message to defendants Nathan Steele, Albertazzi, Yium and PLF Group, a message they well understood to mean aggressive and unlawful billing would be invited by Wise to retaliate on behalf of the judicial group. The attorney defendants were in possession of the letter sent to Wise (#38-5). A judge does not have authority to rule on substantive validity of motion to disqualify. See *Phelps and Nelson*, 122 Or App 410, 857 P2d 900 (1993), Sup. Ct. review denied.

Wise also made statements that were proven to be incorrect. Wise claimed "While I'm quite familiar with Judge Steele and Judge Lininger, especially being that those are the ones that asked me to serve as a pro tem judge, I must let you know, Mr. Rote, that for the first time in my 30-year career, I had to hire a lawyer on a matter. And that lawyer hired another lawyer to assist in the case and that lawyer is Matt Kalmanson." See **Doc #20-1, page 7, lines 3-10**. The truth however is that while Kalmanson was hired by the PLF to represent attorney defendants in case 19cv01547, there was no recent event as Wise described. To put this delicately Wise lied about this record of "first time in my 30 year" statement. Plaintiff contacted Kalmanson, who denied having represented Wise on any matter in the last ten years. Plaintiff could provide that email.

Nathan Steele's attestation as to the accuracy and reasonableness of his fee petition is knowingly false, claiming "Previously provided (as Doc #38-1) are true and accurate copies of billing statements for the reasonably-related attorney fees, costs and disbursements incurred in the defense of the above-captioned matter. The amount of the attorney fees totals \$19,357.50, and the amount of the costs and disbursements totals \$1,777.76." That attestation by Steele that

the fees were reasonably connected to the anti-SLAPP was knowingly false for the reasons outlined in the argument section of this brief and there is no record in the case that supports a different finding.

Judge Wise, even while disqualified, made no findings on the record in any hearing, in any published order or judgment that would have allowed an award of attorney fees and costs for anything but the mandatory fee award under ORS 31.152 (3), the anti-SLAPP provisions. There was no necessary finding by the Court that the *un-served third amended* complaint claims against Albertazzi for Oregon RICO were somehow objectively unreasonable (a necessary finding for attorney fees) or that Albertazzi was absolutely immune (which would not have provided a fee opportunity). See **Doc #20-4**. And as pointed out in **Doc #48-1**, Albertazzi filed a false declaration on his own account and constructed the false declaration of Max Zweizig, which is an affirmation of prior predicate acts under the Oregon and Federal racketeering Statutes. The point is Wise showcased that he was willing to violate the law in order to retaliate against Rote, even concealing from the record that Zweizig's appellate attorney Shenoa Payne shared office space with Wise.

Plaintiff alleged in his Third Amended Complaint in case 18cv45257 that Albertazzi, Cook and the PLF group engaged in racketeering. The Third Amended Complaint described in detail those defendants' predicate acts, which included that both Zweizig and Albertazzi:

“participated in the enterprise through a pattern of racketeering activity by committing or attempting to commit acts of bribery (ORS 162.015 & 162.025), perjury (ORS 162.065), unsworn falsification (ORS 162.085), obstructing judicial administration (ORS 162.235, to include witness tampering, spoliation, false evidence and perverting the course of justice) and Coercion (ORS 163.275),

committing most of these act within a five year period of time measured from the date the complaint was filed. Less than two months ago the enterprise through defendants Zweizig and attorney Albertazzi also engaged in an effort to extort money, by attempting to collect on a debt not owed by plaintiff, also predicate act (ORS 260.575).”

The allegations against Albertazzi, Cook and PLF Group for Oregon RICO have not been refuted. See **Plaintiff Doc #38-6**. More specifically, and on information and belief, the PLF did not issue a 1099 to Zweizig and joined Zweizig in his effort to not report \$100,000 in free legal services provided by the PLF. This tax fraud could only be accomplished with the approval of Carol Bernick and Megan Livermore, since the Chief Financial Officer of the PLF would have been required to file 1099 NEC or 1099 Misc. The Treasury Department has been put on notice and it is likely they will pursue their own criminal investigation.

One of the key reasons raised by Plaintiff to ask Wise recuse himself was that he is actively practicing law in Oregon and would not likely be impartial in a case alleging criminal conduct of attorneys who would commit these crimes for their own benefit and for the benefit of his or her clients. Wise understood that, as the transcript so indicates. See **Doc #20-1, pages 1-12**. In spite of Albertazzi’s and Cook’s effort to constrain Zweizig’s testimony in multiple actions, Zweizig did blurt out that Greene resigned no longer wanting to be associated with Zweizig and the raping of children (**Doc #18-4, page 15**). Per Zweizig, Greene specifically responded to an email Rote sent him with a copy of the Steve Williams forensic report. Greene has not refuted that statement in this action.

Judge Kathie Steele while disqualified to the 18cv45257 case signed the limited judgment dismissing Albertazzi (**Doc #20-4**) and PLF (**Doc #20-5**). At the time Steele was a defendant in

civil rights case 3:19-cv-01988. Plaintiff argues that this is prima facie evidence that Kathie Steele solicited Wise to violate Plaintiff's rights and does not enjoy judicial immunity for those acts while clearly being disqualified to perform them.

Judge Wise signed the order and judgments awarding attorney fees while still disqualified and while his pro tempore status had terminated. See **Doc #20-7 and #20-13**. The limited judgment referenced a hearing in which Rote was not in attendance.

And last but certainly not least is the solicitation of Nakamoto of Edelson to publish a knowingly false declaration to aid and abet child predation. See **Exhibit 5**.

E. The Record of Aiding and Abetting Child Pornography

Plaintiff alleges that the violations of Plaintiff's First and Fourteenth Amendment rights sought by the defendants also implicate criminal conduct of aiding and abetting.

1. The Inferences That May be Drawn

As part of that Motion for Contempt reflected in Doc #48-1, Zweizig filed a declaration in support and seeks to have Plaintiff Rote imprisoned in Deschutes County jail for Rote's role in (1) successfully defending Tanya Rote's Sunriver property and prevailing in case 19cv01547; (2) pursuing a wrongful use of a civil proceeding action, Clackamas case 22cv17744, for Zweizig bringing the fraudulent transfer action (19cv01547) with no evidence; (3) defending against First and Fourteenth Amendment abuses in case 19cv00824 and other cases, including this one; and (4) exposing Zweizig as a distributor of child pornography and cybercriminal. Make no mistake, Albertazzi and Zweizig are asking the Court to imprison Plaintiff Rote for engaging in civil litigation successfully. See Doc #48-1, pgs 1-2.

Zweizig's declaration claims that the allegations that Zweizig is a child predator and pedophile are false (#48-1, pg 2, ¶4). Most notably, *Zweizig does not deny* that he has in the past and does in the present download, possess and disseminate child porn. Federal law prohibits the

production, distribution, reception, and possession of an image of child pornography using or affecting any means or facility of interstate or foreign commerce (18 U.S.C. § 2251; 18 U.S.C. § 2252; 18 U.S.C. § 2252A). This is a particularly noteworthy affirmation and attempt to deceive the Court by an omission that was not doubt commissioned by defendant Albertazzi.

Albertazzi is pursuing a judgment of \$1 Million that Zweizig secured in federal case 3:15-cv-2401. Zweizig filed an ORS 659A.030 lawsuit against Rote alleging therein that Rote had published blogs alleging forensic evidence ignored by the arbitrator in 2010 that objectively and summarily vitiated Zweizig's ORS 659A claims in that case. **Doc #48-2** is the trial transcript in case 3:15-cv-2415 in which Zweizig denies that he committed these federal and Oregon crimes of downloading, possessing and disseminating porn of any kind. See **Doc #48-2, pgs 7, 9, 68, 103, 104, 123 and 172.**

Doc #48-3 is Zweizig's Motion in Limine in that 3:15-cv-2401 case, wherein he sought successfully to suppress the forensic reports from the jury that affirmed Zweizig's criminal conduct related to child porn and for other criminal conduct including spoliation, perjury, cybercrime and destruction of evidence.

Doc #48-4 is one of Rote's blog posts, the post with which Zweizig took most offense and which allegedly caused him to file his ORS 659A.030 complaint of case 3:15-cv-2401. The forensic reports used to reach the conclusions by Rote are cited and linked in that blog post. The forensic report by Police officer Steve Williams is attached thereto starting at **page 5**. Williams report and the others provided herein confirm that Zweizig separated his employer issued 120 gig hard drive into multiple partitions or sector such as d:\, d:\paul, d:\shared, d:\winmx, d:\laptop and others which were used to download, store and disseminate child porn, porn, movies and videos. D:\ paul refers to Paul Bower, who had organized a competing company called Superior

Results Marketing with Zweizig on September 16, 2001. The group intent was to breach their respective non-compete agreements and to solicit and steal Rote's clients. See **Doc #48-7, Plaintiff's Declaration Doc #48 at ¶12**. Zweizig and Bower did not succeed and it was a now obvious mistake to allow Zweizig to stay with the company.

The evidence against Zweizig was, as early as 2005, overwhelming on his criminal, cybercriminal and misplaced litigation, which is why Rote and Zweizig's former employer Northwest Direct ("ND") filed a Motion for Summary in that arbitration, arguing that the forensic reports showed there was no credible question of fact on when (October 2, 2003 by email) and why (Zweizig was terminated and the lengths he went to in an effort to extort a raise) Zweizig was terminated. That MSJ was filed by then counsel for NW and Rote, namely Jeff Edelson. See **Doc #48-8**.

The testimony from the arbitration of Jamie Gedye and Zweizig's former forensic expert Justin McAnn was also suppressed from the 3:15-cv-2401 trial. McAnn confirmed the cybercriminal activity and destruction of programming by Zweizig, programming which was removed from other company servers by Zweizig. Once Zweizig removed the programming he then used that leverage to attempt to extort a payoff from his former employer and Rote. See **Doc #48-9**.

Zweizig also admitted in his deposition of December 21, 2020 that his former attorney Ward Greene reviewed the forensic reports provided to him by Rote (Steve Williams 120 gig hard drive report) and resigned no longer wanting to be associated with Zweizig and the raping of children. See **Doc #18-4, pg 10, line 12**. Soon thereafter and also in case 19cv01547 Zweizig/Albertazzi filed a Motion to suppress his deposition from the public space claiming he would not receive a fair trial if this child porn evidence was available to the jury pool. Rote

opposed. See **Doc #38-9**. Clackamas Court refused to suppress his deposition testimony. See **Doc #20-10, pages 3-10**. The Rote's were granted Summary Judgment against all of Zweizig's fraudulent transfer claims in case 19cv01547 (**Doc #18-11, #20-10**). As previously noted, Zweizig appealed and the Oregon Court of Appeals affirmed the Court granting the MSJ and denied reconsideration (**Doc #18-13**).

Plaintiff argues there is now a stacking of evidence that shows Zweizig no longer denies that he downloads, possesses and disseminates child porn and that he has in multiple cases asked the Court to suppress that evidence so he could lie about it under oath. The evidence that he lied is objectively provable. When a Court suppresses that credible evidence, Zweizig's history is to then lie about the existence of the forensic evidence and even of his own expert's prior testimony, implicating perjury in the 3:15-cv-2401 trial during which he claimed he did not download, possess or disseminate any porn. See **Doc #48-2 to 48-4**.

Zweizig's new omission of his declaration in support of Motion for Contempt (Doc #48-1, pages 1 and 2) confirms that Zweizig is a child predator when that is defined to include downloading, possessing and/or distributing child porn, even though he has not yet been arrested or prosecuted for those crimes or when he defines child predator to not include criminal allegations of downloading, possessing and disseminating child porn. Reformatting his hard drive on November 12, 2003 was a masterful stroke by him, no doubt then assisted by attorney Sandra Ware. Zweizig admitted to reformatting the 1120 gig hard drive. And again Zweizig then made admissions in his deposition of December 21, 2020 and, like in the federal case, then attempted to suppress that testimony evidence (**Doc #38-9**).

Zweizig asked the defendants identified herein to help him perpetrate these crimes. The defendants named herein did perpetrate the crimes and violations so identified.

Plaintiff asks this Court for a finding that Zweizig committed perjury in case 3:15-cv-2401, in case 19cv01547 and has renewed his effort to do so by declaration omissions in case 19cv00824. In this new Motion for Contempt, Zweizig and defendant Albertazzi have again solicited favors that violate due process. Plaintiff is entitled to inference that the defendants solicited, colluded and received prior favors from the State Courts that violated Plaintiff's First and Fourteenth Amendment rights.

2. *Record of Disclosure of Child Pornography*

Clackamas County Court was first given Notice of Zweizig's child predator activity in case 19cv01547 on June 24, 2019 with the filing of the Police Officer Steve William's forensic report (August 2005). See **Doc #38-7**. Subsequently Zweizig admitted to perjury and his child predator activity in a deposition dated December 21, 2020 and filed in that case on March 1, 2021. Albertazzi and Zweizig moved to suppress Zweizig's deposition on Date. That Motion to suppress the deposition was denied on March 9, 2021 (**Doc #20-10**).

Clackamas County Court was first given Notice of Zweizig's child predator activity in case 18cv45257 on September 3, 2021 with the filing of the Police Officer Steve William's forensic report (August 2005). See **Doc #38-8**. Subsequently Zweizig admitted to perjury and his child predator activity in a deposition dated December 21, 2020 (**Doc #18-4**) in case 19cv01547 and filed in case 18cv45257 on September 3, 2021. The Court in case 18cv45257 was informed that Albertazzi and Zweizig moved to suppress Zweizig's deposition in case 19cv01547. That Motion to suppress by Albertazzi and Zweizig was denied on March 9, 2021 (**Doc #20-10, pages 3-10**).

Deschutes County Court was first given Notice of Zweizig's child predator activity in case 19cv00824 on January 11, 2019 with the filing of the Police Officer Steve William's

forensic report (August 2005). See **Doc #38-10**. Subsequently Zweizig admitted to perjury and his child predator activity in a deposition dated December 21, 2020 (**Doc #18-4**). The Court in case 19cv00824 was not informed that Albertazzi and Zweizig moved to suppress Zweizig's deposition in case 19cv01547. That Motion by Albertazzi and Zweizig in case 19cv01547 to suppress his deposition from the public space was denied on March 9, 2021 (**Doc #20-10**).

Every Judge and attorney identified as defendants in this case were informed of Zweizig's child predator behavior, the forensic reports showing that behavior, proof that other jurisdictions have imprisoned comparable players for possessing and distributing child porn just as the forensic reports show Zweizig doing. See **Doc #38-7 to #38-10**. HGTV celebrity Josh Duggar was arrested and convicted of possessing and distributing child porn through a peer to peer sharing program just as Zweizig did. See **Doc #20-11**. Every defendant nonetheless chose to act outside the law to benefit Zweizig.

All Plaintiff asked of the defendants was to follow Oregon law...which they refused to do.

III. ARGUMENT

A. Legal Standard

In *Conley v. Gibson*, 355 U.S. 41 (1957), the Supreme Court stated the interplay between Rule 8 (pleading) and Rule 12(b)(6) as follows: “[T]he accepted rule [is] that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.” 355 U.S. at 45-46. In *Bell Atlantic Corporation v. Twombly*, 55 U.S. 544 (2007), the Court noted questions raised regarding the “no set of facts” test and clarified that “once a claim has been stated adequately, it may be supported by showing any set of facts consistent with the allegations in the complaint,” *id.* at 563. It continued: “Conley, then, described the breadth of opportunity to prove

what an adequate complaint claims, not the minimum standard of adequate pleading to govern a complaint's survival." *Id.* In *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), the Court further elaborated on the test, including this statement: "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to "state a claim to relief that is plausible on its face.'" *Id.* at 1949 (citation omitted).

B. Satisfied Elements of the 42 USC §1983 Claims

The factual allegations are voluminous, but does not represent all of the First and Fourteenth Amendment violations perpetrated by the defendants.

"Traditionally, the requirements for relief under [§] 1983 have been articulated as: (1) a violation of rights protected by the Constitution or created by federal statute, (2) proximately caused (3) by conduct of a 'person' (4) acting under color of state law." *Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). Plaintiff so alleges against the Judicial defendants and incorporates the "Relevant Facts" section of this brief.

For points of clarification, Plaintiff alleges that an unlawful fee petition rises to unconstitutionality when an adverse party seeks attorney fees through one or more strategies designed to conflate and conceal fees from recoverable proceedings (such as an anti-SLAPP) with non-recoverable proceedings (such as a Motion to Dismiss). Plaintiff alleges that the PLF does as a rule ask its vendors to conflate those actions in an effort to recoverable unlawful fees. Every fee petition identified in this case, Doc's #38-2 to #38-4 used block-billing to conflate recoverable and non-recoverable fees. In every case a summary by category of fees was not filed by the defendants. And in all cases the defendant attorneys sought three (3) to eight (8) times more than allowed by law. Plaintiff is entitled to an inference that these were intentional acts to aid and abet the unconstitutional acts of all the defendants.

Whether unlawful and unconstitutional acts are targeted or not targeted offers a degree of credibility on a finding of 42 USC §1983 violations, but does not diminish that the practices of a

given court are substantive violations particularly when solicited by one or more of the defendants.

Plaintiff would also note that a defendant who avoided a Federal or Oregon Racketeering action by invoking attorney immunity or privilege, such as on witness tampering, perjury or unlawful collection actions, cannot avoid 42 USC §1983 violations when engaging in the deprivation of rights under the color of state law. And in this case the non-judicial defendants continued their equally unlawful pursuits including solicitations of the Court to collude in perjury, subornation of perjury, witness tampering, unlawful collection actions, and the distribution of child pornography.

1. Deprivations of Rights under Color of State Law

a. Plaintiff reiterates the allegations and evidence of First and Fourteenth Amendment Violations under color of state law by the Deschutes Circuit Court and Alison Emerson raised by Plaintiff in Section II A of this Brief;

b. Plaintiff reiterates the allegations and evidence of First and Fourteenth Amendment Violations under color of state law by the Clackamas Circuit Court, Michael Wise, Ann Lininger and Kathie Steele raised by Plaintiff in Section II B of this brief; and

c. Plaintiff reiterates the allegations and evidence of First and Fourteenth Amendment Violations under color of state law by the Supreme Court of Oregon and Oregon Court of Appeals, Kamins and Mooney raised by Plaintiff in Section II C of this brief; and

d. Plaintiff reiterates the allegations and evidence of First and Fourteenth Amendment Violations under color of state law against the Judicial Actors for collusion raised by Plaintiff in Sections II A-D of this brief.

2. ***Collusion and Acts of Defendants***

Plaintiff reiterates the allegations and evidence of the 30 First and Fourteenth Amendment Violations of sections II A-II C and multiple acts of collusion by defendants in sections II D.

C. **Judicial Immunity**

With Zweizig's Declaration of September 15, 2022 (**Doc #48-1**) as well as the other evidence in support, it is now axiomatic that Zweizig has and does download, possess and disseminate child pornography in violation of federal and state law. It is also now reasonably certain that the Judges named as defendants in this case knew or believed Zweizig is a child predator as defined to include Zweizig and his child porn business. With that relative certainty comes an inference that the Judicial Defendants are using their respective roles to aid and abet in the downloading, possession, distribution and monetization of child pornography.

The question that will always be raised is whether State Judges enjoy absolute immunity to 42 USC §1983 claims? The Supreme Court of the United States opined that they are protected from damages but not injunctive and declaratory relief. See *Supreme Court of Va. v. Consumers Union of United States, Inc.*, 446 US 719 - Supreme Court 1980.

Citing at *Id.* 735, "Adhering to the doctrine of *Bradley v. Fisher*, 13 Wall. 335 (1872), we have held that judges defending against § 1983 actions enjoy absolute immunity from damages liability for acts performed in their judicial capacities. *Pierson v. Ray*, 386 U. S. 547 (1967); *Stump v. Sparkman*, 435 U. S. 349 (1978). However, we have never held that judicial immunity absolutely insulates judges from declaratory or injunctive relief with respect to their judicial acts. The Courts of Appeals appear to be divided on the question whether judicial immunity bars declaratory or injunctive relief we have not addressed the question.

Plaintiff has amended his complaint to add a demand for declaratory and injunctive relief against the Judicial defendants. Plaintiff notes that case *Supreme Court of Va. v. Consumers Union of United States, Inc.* specifically arose and resulted in a finding that the Virginia Court and its chief justice properly were held liable in their enforcement capacities. *Id.*, at 736. Plaintiff amended his complaint to allege violations by the Oregon Judicial Department and Chief Justice Martha Walters.

What remains is a question of judicial capacities in the context of the anti-SLAPP and other identified actions of the defendants and whether the acts specifically described in this case fall within judicial capacity.

Plaintiff argues that the September 20, 2021 hearing shows that it is plausible to find Michael Wise engaged with the Court (presiding Judge) before the hearing including contact with Judges Lininger and Steele before addressing his recusal in case 18cv45257, by reference to **Doc #20-1, pages 6-8**. No part of Plaintiff's communication to the Court invokes any statement about Lininger and Steele and accordingly Plaintiff alleges contact by them to Wise falls outside of their respective judicial capacities (**Doc #38-5**). Discovery needs to be done on what the contact with the Court involved. Defendants would not be shielded against a §1983 claim or §1985 conspiracy claim on actions and violations outside of their official judicial capacities. Plaintiff argues that the meeting between Wise, Steele and Lininger on or before the hearing of September 20, 2021 was first not a meeting from which these judges have immunity and second not a meeting on Wise's judicial disqualification, there being no separate finding on his disqualification.

Plaintiff argues that Kathie Steele executing the limited judgments of January 12th and 25th of 2022 are not likely acts enjoying judicial immunity. Steele was not presiding Judge at the

time those orders were signed. Defendants have made no allegation that these orders (derived from her interference with the anti-SLAPP and Motions to Dismiss proceedings, those proceedings adjudicated by Michael Wise), were protected and immune judicial acts. Further discovery may reveal that presiding Judge Michael Wetzel assigned these limited judgments to Steele, but as of this time Plaintiff makes a plausible argument that they were not and could not be assigned to Steele without Steele taking unilateral action. The Oregon Code of Judicial Conduct would have specifically precluded Steele from engaging in this case while she was a defendant in case 3:19-cv-01988, which was not dismissed until March 23, 2022.

Steele is not protected from soliciting the abusive acts of Ann Lininger when she granted the anti-SLAPP Motions to Strike Plaintiff's claims in case 19cv01547. Plaintiff alleges plausibly, and without any attempt to refute by the judicial defendants, that Steele was in Lininger's chamber coaching Lininger during the January 2020 anti-SLAPP hearing. That allegation is sufficient to impune the attorney fee awarded by Ann Lininger of July 16, 2020 (**Doc #18-2, page 2, line 15-20**). The allegations asserted by Lininger were that the Rote's were guilty of resisting Zweizig's efforts to take Tanya Rote's property and thus an anti-SLAPP award was appropriate because that opposition was some form of harassment. Of course the Rote's have an absolute right to defend against Zweizig's efforts to take properties unlawfully and to attempt to in his various forms molest Rote's grandchildren.

Zweizig made a similar claim as Lininger, that Plaintiff Rote should be arrested for opposing and prevailing against Zweizig in case 19cv01547 (**Doc #48-1, pages 1-2**). That is the record of retaliation coming from Lininger's chamber. The Rote's subsequently prevailing at Summary Judgment refutes any suggestion that the Rote's opposed for any other reason than to prevail.

Plaintiff does not concede that Lininger is immune from §1983 damages from that order (**Doc 18-2**), nor for §1985 conspiring with Kathie Steele (who was presiding Judge at that time in 2020 and 2021) to deprive the Rote's of substantive due process.

Citing *Stump v. Sparkman*, 435 U. S. 349 (1978), the scope of the judge's jurisdiction must be construed broadly where the issue is the immunity of the judge. A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted in the "clear absence of all jurisdiction citing therein *Bradley v. Fisher*, 13 Wall at 351.

On August 16, 2022 Clackamas County Judge Michael Wetzel issued a letter confirming that Michael Wise was not a duly appointed pro tempore Judge from December 8, 2021 to July 20, 2022. See **Doc #48-13**. Judge Wetzel cites the de facto Judge doctrine, *DHS v JH*, 370 Or App 85 (June 8, 2022), as providing validity to Wise's actions and orders, especially since many of the orders were signed by regular Judges. Plaintiff interprets that letter and case citation as confirming jurisdiction to Wise during his proceedings, but arguably does not excuse Wise from liability under §1983 and §1985.

Defendants Michael Conahan ("Conahan") and Mark Ciavarella ("Ciavarella") abused their positions as judges of the Luzerne County Court of Commons Pleas by accepting compensation in return for favorable judicial determinations. As part of this conspiracy, Conahan and Ciavarella acted with Defendants Robert Powell, Robert Mericle, Mericle Construction, Pennsylvania Child Care ("PACC"), Western Pennsylvania Child Care ("WPACC"), Pinnacle, Beverage, Vision, and perhaps others. The basic outline of the conspiracy was that Conahan and Ciavarella used their influence as judicial officers to select PACC and WPACC as detention facilities, and that they intentionally filled those facilities with juveniles to earn the conspirators

excessive profits. In return, approximately \$2.6 million was paid to Conahan and Ciavarella for their influence. See *Humanik v Ciavarella*, 3:09-cv-00286-ARC, #537, page 3. Ultimately the §1983 claims against Ciavarella were dismissed under a judicial immunity theory. Subsequently, Ciavarella petitioned the Supreme Court to vacate his bribery charge, for which he was found guilty citing *Mcdonnell V. United States*, 792 F. 3d 478, decided June 27, 2016.

Former Judge Ciavarella was convicted in federal court on Feb. 18, 2011 of 12 of 39 charges alleging he took bribes and kickbacks while serving as a judge. He was later sentenced to 28 years in prison. Ciavarella, 71, remains jailed at Federal Correctional Institution-Ashland in eastern Kentucky. His expected release date is June 18, 2035. A federal judge overturned three charges, but later refused to reduce his sentence. That same judge in January rejected Ciavarella's request for compassionate release due to the COVID-19 pandemic.

Former Judge Conahan pleaded guilty and was sentenced to 17 1/2 years in federal prison, but in June he was granted early release from a Florida federal prison due to the COVID-19 pandemic. Conahan, 68, is now under home confinement and reports to a Residential Reentry Management field office in Miami. He's expected to remain under Bureau of Prisons supervision until Aug. 19, 2026. Conahan and his wife now live in a \$1.05 million home in a private gated community known as The Estuary along the waterfront in Delray Beach, Florida.

Attorney Powell, co-owner of the juvenile detention centers, was disbarred and sentenced to 18 months in federal prison after pleading guilty for his role in paying \$770,000 in kickbacks to Ciavarella and Conahan. He was released from prison on April 16, 2013. Powell, 62, and his wife now live in a \$2.38 million home in the private gated Frenchman's Reserve Country Club golf community in Palm Beach Gardens, Florida. Powell entered into a settlement in the §1983 cases brought against him.

Developer Robert Mericle, the developer of the juvenile detention centers, paid \$2.1 million to the judges and was charged with failing to disclose to investigators and a grand jury that he knew the judges were defrauding the government by failing to report the money on their taxes. Mericle, 58, served one year in federal prison and was released on May 29, 2015. He continues to lead his commercial real estate and construction firm that draws national and worldwide companies to the region. Mericle entered into a settlement in the §1983 cases brought against him.

Plaintiff would also argue that the Wise orders were derived after Wise presided over his own hearing on disqualification, which at a minimum makes his decisions void or voidable under Oregon law. Plaintiff raises this as a component of the volume of activity also satisfying the plausibility standard. See **Doc #48-14, #20-1, #20-7, #20-8, #20-13**. These violations were conceived and executed against Plaintiff, a *pro se* litigant, and believe they deserve enhanced review.

Thus Plaintiff argues that with respect to Kathie Steele there was a clear absence of jurisdiction on any direct act or act of collusion because she never had jurisdiction or authority to act in any capacity in case 19cv01547 or 18cv45257, particularly after being sued in federal court in case c:19-cv-01988. Following the guidance of *Stump v. Sparkman*, 435 U. S. 349 (1978), Steele was not acting in her capacity as a Judge or within the scope of the Judges jurisdiction, at 362.

The acts of Lininger while more blatant appear to convey judicial immunity for her order awarding Zweizig attorney fees in case 19cv01547 (**Doc #18-2**), but not soliciting the violations of Michael Wise in September 2021.

Kamins, Mooney and Emerson have jurisdiction for their judicial acts and would not to that extent be subject to damage under §1983. Should discovery show however that one or more of these judges solicited from others, including any one of the other defendants, violations of the Plaintiff's Fourteenth Amendment right to substantive due process, there should be liability under 42 USC §1985.

Regardless this Court would have jurisdiction and discretion to provide declaratory relief that as applied in case 19cv01547 and 18cv45257, the anti-SLAPP fee awards were used to retaliate against Plaintiff pursuit of his due process rights, are as applied unconstitutional and enjoin the Oregon Judicial Department from awarding anti-SLAPP fees above those supported by the fee petition for fee directly related or reasonable connected to the anti-SLAPP portion of proceedings.

There is nothing in these statutes that would provide qualified immunity to the other non-judicial defendants.

D. The Application of the Plausibility Standard

In *Bell Atlantic v. Twombly*, 550 U.S. 544, 547 (2007) and *Aschroft v. Iqbal*, 556 U.S. 662, 678 (2009) the Supreme Court held that in order to survive a motion to dismiss for failure to state a claim, a complaint must be plausible. To satisfy this plausibility standard, a complaint must plead sufficient facts to permit a reasonable inference that the defendant is liable for the alleged misconduct.

Plaintiff has alleged specific facts to show that the Order issued by Ann Lininger contained highly prejudicial statements about the Rote's, allegations that were subsequently proven false when the Rote's prevailed in Summary Judgment, implicating substantive due process violations. See **Doc 18-2, 18-1 and 18-10**. That violation was solicited by Greene and child predator Zweizig.

Plaintiff has alleged specific facts to show that the fee petition by Greene/Zweizig contained 37 entries that had nothing to do with the anti-SLAPP proceedings and should not under Oregon law have been awarded, citing ORS 31.152 (3) and ORS 20.075 (2) (a). See **Doc 18-1 and 18-10**.

Plaintiff has alleged specific facts to show that the abuses of Ann Lininger were solicited by then presiding Judge Kathie Steele (2020). See Plaintiff Declaration **Doc #20**. This allegation is un-refuted.

Plaintiff alleged specific facts to show that Michael Wise invoked Judge Steele and Lininger in a September 20, 2021 hearing without provocation implicating a facial admission that Wise had engaged with Lininger and Steele and was going to retaliate against Plaintiff for his Civil Rights actions. See **Doc #20-1, pages 6-8**.

Plaintiff alleged specific facts to show that Wise held a hearing on his own disqualification rendering his orders and judgments void or voidable under Oregon law. **Doc #20-1, page 4-10**.

Plaintiff alleged specific facts to show that Wise granted a Motion to Dismiss and anti-SLAPP in favor of Albertazzi knowing full well that Albertazzi had not been served the Third Amended Complaint. See **Doc #20-1**.

Plaintiff alleged specific facts to show that Wise awarded attorney fees to Albertazzi of twice the amount supported in the attorney fee petition and applying ORS 31.152 (3) and ORS 20.075 (2). See **Doc #20-6**.

Plaintiff alleged specific facts to show that in a rehearing in June 2022, in front of Wise on the April 18, 2022 Judgments signed by Wise, that Wise invoked ORCP 68 after Mooney and

Kamins did the same in the order issued by them in Appeal case 174364. See **Plaintiff's Declaration Doc #20, #20-7 and #18-19.**

Plaintiff alleged specific facts to show that Wise signed the order and limited judgment on the award of attorney fees to Albertazzi when Wise was not an appointed pro tem Judge and that Wise knew he was not an appointed pro tem Judge. See **Doc #20-7, #20-8 and #20-13.**

Plaintiff alleged specific facts to show that Judges Mooney and Kamins opined in an order dated May 19, 2022, that the Rote's appeal of Ward Greene's fee petition was objectively unreasonable in spite of the Rote's objectively proving that 37 out of 63 entries were unrelated to the anti-SLAPP proceedings. See **Docs #18-19, #18-10 and #18-1.**

Plaintiff alleged specific facts to show that Judge Steele acted outside of any plausible jurisdiction to sign the January 12th and 25th 2022 limited judgments secured by Michael Wise and signed by Steele when she was not the presiding Judge of Clackamas County and was a defendant in 3:19-cv-01988. See **Doc #20-4 and #20-5.**

Plaintiff alleged specific facts to show that the Oregon State Bar Professional Liability Fund Group filed a fee petition seeking \$60,000 on an anti-SLAPP fee petition, wherein the billing statements only supported a \$7,175 fee. See **Doc #20-9.** Plaintiff has shown that the anti-SLAPP fee petition awards should have been in the \$7,000 range and not the plus \$20,000 in damages awarded punitively. See **Docs #18-1, #18-10 and Doc #20-6 and #20-9.** Plaintiff will address the PLF in greater depth in his Response to the PLF Group.

Plaintiff has alleged sufficient facts to show Judge Alison Emerson awarded \$8,500 to Max Zweizig for Plaintiff failing to secure a notary's signature and instead provided a response by declaration, and issued an order ex parte at Albertazzi's request to engage in discovery on cases already dismissed and affirmed by the Oregon Court of Appeals. At the time Albertazzi

solicited Emerson, the Covid Pandemic was in full force. See **Exhibit 6**. There were very few opportunities to secure a notaries signature in Oregon until that law was past by the Oregon Senate. See **Exhibit 7, Doc #48-1, #18-11, #18-13**.

Plaintiff has alleged sufficient facts to show that the judicial defendants actions are designed to benefit litigant Max Zweizig and that the defendants are well aware that Zweizig is an active child predator. Plaintiff has alleged specific facts to show that Defendants are aware that Zweizig's deposition of December 21, 2020 (filed in cases 19cv01547 and 18cv45257) shows he admits to lying to the jury and losing an attorney over his child predation (which he did not deny). See **Doc 18-4**. Plaintiff has alleged specific facts to show that Zweizig moved to suppress his Deposition of December 21, 2020, claiming he would not get a fair trial if his child porn activity was known. See **Doc #20-1**. Plaintiff showed Zweizig published a recent declaration testifying to not being a pedophile, but did not deny the specifically alleged criminal activity of downloading, possessing and disseminating child porn. **Doc #48-1, pages 1-2, #48-2, #48-3, #48-4** and indictments of similar crimes, Duggar and Gonzalez in **Doc #48-5**. Plaintiff alleges that Zweizig and Albertazzi crafted that declaration of September 15, 2022 to not deny the crimes associated with child porn by claiming to not be a pedophile or child predator.

Plaintiff alleged sufficient facts to show that the Defendants were aware of the forensic reports on Zweizig's child predation and other criminal activity, said forensic report (s) filed in cases 19cv01547 and 18cv45257. See excerpt of such a report by Steve Williams, **#20-12** Plaintiff alleged sufficient facts to show that Josh Duggar has been convicted of possessing and distributing child porn, the same findings and forensic opinion on the record in that case showing the same forensic detail as found on Zweizig's computer. See **Doc #20-11**.

Plaintiff has alleged sufficient facts to show that the anti-SLAPP fee petition is tool in the Oregon Judicial Departments arsenal and to show a pattern of abusive behavior implicating US 42 §1983 and §1985 and Constitutional violations of due process.

Plaintiff has alleged that the violations contained herein are endorsed by the Oregon Court of Appeals and Supreme Court of Oregon. See **Doc #18-19, 48-15, 48-16, and Exhibit 2.**

E. Addressing Specific Arguments of the Defendants

1. The “Setting in Motion” Theory of Participation

Plaintiff believes he has adequately pled that the judicial defendants were personally involved in the deprivation of plaintiff’s constitutional rights and that the defendants’ actions were with those of the other defendants the proximate cause of the violation of plaintiff’s federal rights.

Plaintiff also ascribes to all defendants a setting in motion theory of causation, which is described as follows:

“A person subjects another to the deprivation of a constitutional right, within the meaning of §1983, if that person does an affirmative act, participates in another’s affirmative acts, or omits to perform an act which is legally required to do that causes the deprivation of which complaint is made. Indeed, the requisite causal connection can be established not only by some kind of direct personal participation in the deprivation, but also by setting in motion a series of acts by others which the actor knows or reasonably should know would cause others to inflict the constitutional injury.”

See *Hydrick v Hunter*, 449 F 3d. 978 (9th Circuit 2006). See *Starr v Bacca*, 652 F 3d. (9th Circuit 2011), supported by cases in the 1st, 4th, 5th, 8th and 11th Circuits. See *Belanger v Ciavarella*, 3:09-cv-00286, page 20 (July 2012).

2. Plaintiff Is Not Attempting To Appeal the Anti-SLAPP Awards

In many respects there must be some maturity of a state case, state actions, violations under the color of state law and the solicitation of those violations to establish causation and to firmly document the setting in motion theory of causation.

The Fourteenth Amendment prohibits a state from depriving any person of life, liberty or process without due process. U.S. Const. Amend XIV, §1. The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. *Marshall v Jericho*, 446 U.S. 238, 242, 100 S. Ct. 1610 (1980).

In spite of repeated warnings to the defendants in this case, they repeatedly seek to have Plaintiff imprisoned, have his family destroyed, have his exempt income taken, and have his businesses destroyed simply because he is peacefully engaging in and opposing litigation brought by Abertazzi and Zweizig. See **Doc #48-1, pages 1 and 3-12**. Albertazzi also for example sought an unlawful fee petition on successful dismissal of a racketeering claim brought against him even when Albertazzi had not yet been served with the Complaint. See **Doc #20 ¶4, Doc #20-3**. The allegations against Albertazzi are numerous and would not have been discovered in the absence of the state sponsored abuses against Plaintiff.

Plaintiff is not attempting to use this action to appeal Albertazzi's or Greene's unlawful fee petition.s To the contrary, there is pending in that Clackamas case 18cv45257 a Motion to Set Aside the Judgment on multiple grounds, some of which are addressed in this case. See **48-14**. As such the neither the Rooker-Feldman doctrine nor an affirmative defense of issue preclusion have merit in this case against defendants Ann Lininger, Kathie Steele, Michael Wise, Alison Emerson, Jacqueline Kamins and Josephine Mooney because the civil rights violations did not

fully mature until after Plaintiff was denied the opportunity to add defendants and/or the case 3:19-cv-01988 was dismissed.

Plaintiff identifies a voluminous pattern of unconstitutional actions by defendants, whether that is seeking to have Rote imprisoned, taking from Rote his exempt social security income to limit his ability to pay for filing fees or counsel or petitions and awards of attorney fees that shows a pattern of violating substantive due process and to target Plaintiff. See Plaintiff **Docs #38-1-4, Doc #20-6, #20-9, #18-1 and Docs #48-1-18.**

Plaintiff asserts that the abuses of the anti-SLAPP fee petitions were solicited by the judicial defendants and/or the institutional support for child porn is so well known that no additional schooling of prejudicial behavior need be encouraged. Moreover the pattern of abuse of favor by Judges Lininger, Wise, Kathie Steele, Kamins, Mooney and Emerson, have been objectively proven and all of those decisions were made without Oregon law support and/or by ignoring evidence prejudicial the abusers findings—such as Ann Lininger finding that the Rote’s counterclaims for slander of title and interference with contract were filed to harass Zweizig. See **Doc #18-2, page 2, line 15-20.** That so emboldened Zweizig and Albertazzi that they repeated the language used by Ward Greene when presenting that draft order to Lininger, repeating it in Zweizig’s Motion to have Rote imprisoned (**Doc #48-1, pages 1-2**).

The objective evidence of Albertazzi’s attempt to abuse the anti-SLAPP fee petition opportunity is his fee petition, which very clearly shows block-billing of the recoverable anti-SLAPP time and the non-recoverable Motion to Dismiss time. Plaintiff believes the Court will accept that this is a transparent attempt to abuse mandatory award provisions of ORS 31.152 (3) and ORS 20.075 (2)(a). ORS 20.075 (1) factors are irrelevant in a mandatory fee petition.

By Steele's own declaration in support of his fee petition, Albertazzi sought \$7,245 for the conflated time to prepare, file, research and defend the combined anti-SLAPP and Motion to Dismiss, where after reviewing those filings one could reasonably conclude that (based on the Motions content of only) only 1/3 of the total brief preparation time is associated with the anti-SLAPP. One could reasonably argue then that the fee petition was specifically designed to circumvent the limitations of Oregon's anti-SLAPP fee award statutes of ORS 3.152 (3) and ORS 20.075 (2). There is nothing in the ORS 20.075 (2) statutes that would allow Steele to conflate these two separate Motions and seek fees for the Motion to Dismiss portion. See Doc #38-1, categories 6, 8, 9 and 10, and supporting Doc #38-3.

But there's more. Albertazzi also sought \$5,445 in time for chit chatting with his client, the PLF and defendant Yium over the short pendency of the anti-SLAPP proceedings, some 40 separate entries. And he used this hyperbolic billing opportunity to download from pacer every case in which Plaintiff has been involved in over the last 20 years, charged \$5,512.50 for that effort as well as some \$400 in pacer fees. Steele was slamming the file and his actions were condoned by the PLF manager who approved his invoices and condoned and supported by pro tem Judge Wise with the full knowledge of its abuse.

Plaintiff asserts that this is a pattern of behavior adopted and first perpetrated by Ward Greene in his fee petition of May 27, 2020, wherein he sought and secured attorney fees on an anti-SLAPP Motion. Greene represented Zweizig at the time. As with Steele the detailed billing entries are put into a spreadsheet by Plaintiff, categorizing each billing entry. See #38- 4. That information is then summaries for time and fees by those sale categories. See Doc #38-1, page 3. This analysis clearly and objectively proves that Greene sought \$8,685 for collections actions unrelated and not reasonably connected to the anti-SLAPP proceedings. Greene was representing

Zweizig at that time and was involved in, filed and prosecuted the fraudulent transfer action on behalf of Zweizig in Clackamas case 19cv01547. Greene used this time to attempt to recover fees from his collection activity (\$8,685), Motion for Summary Judgment (\$1,775) and other unrelated activities (\$1,900). The Rote's objected to this fee petition and outlined their objections in great detail, just as Plaintiff had done with respect to Steele's. Unlike Steele/Albertazzi, Greene did not attest to the fees even being associated with the anti-SLAPP and they were still approved by Judge Lininger.

Plaintiff would also bring to the Court's attention that defendant Yium also filed a fee petition in case 18cv45257 in an attempt to recover an unlawful amount of fees, which showed that his time and fees associated with the anti-SLAPP portion of the proceeding in Nena Cook's anti-SLAPP is \$7,175. **See 38-1, page 2.** Yium was hired by the PLF to represent the PLF group, which included the PLF, Carol Bernick, Nena Cook and Pam Stendahl. Had Yium just sought the fees for the anti-SLAPP he would not be a named defendant in this case; however, he did not. Instead he is seeking \$60,000 in attorney fees. The portion of his fees associated with the Motion to Dismiss the PLF, Bernick and Stendahl was approximately \$12,000, in close alignment with Alberetazzi's excessive fee petition. Yium also seeks \$31,000 in fees for a previous Motion to Dismiss and Appeal to the 9th Circuit, wherein Plaintiff Rote prevailed. And he is seeking fees of \$10,000 not even supported by the billing detail (**#38-2**).

Like Steele/Albertazzi, Greene and Yium the fee petitions by all three defendants are designed intentionally to give the judicial defendants the opportunity to abuse substantive due process, to attack and retaliate against Plaintiff for Plaintiff exposing these actors' support of child pornography and other criminal conduct. These acts have been described in great detail and this case is not an appeal or pseudo appeal of defendants' violations. In all cases, Plaintiff

brought the fraudulent fee petitions to the attention of the Court by filing a detailed response and objection.

Defendant Albertazzi's argument or jurisdiction and/or affirmative defenses are in error and his Motion to Dismiss should be denied.

3. Status as an Individual Under 42 USC §1983

Defendants misconstrue the law of 42 USC §1983 and §1985 as to the capacity of Judge or Michael Wise in acting through his private practice. Presuming that some of the judicial acts are not immune, the defendant judges would have engaged in the violations herein outlines as an individual.

A person deprives another of a constitutional right, "within the meaning of § 1983, 'if he does an affirmative act, participates in another's affirmative act, or omits to perform an act which he is legally required to do that causes the deprivation of which complaint is made.'" See *Preschooler II v. Clark Cty. Sch. Bd. of Trs.*, 479 F.3d 1175, 1183 (9th Cir. 2007) (quoting *Johnson v. Duffy*, 588 F.2d 740, 743 (9th Cir. 1978)); see also *Lacey v. Maricopa Cty.*, 693 F.3d 896, 915 (9th Cir. 2012) (en banc); *Stevenson v. Koskey*, 877 F.2d 1435, 1438–39 (9th Cir. 1989).

Plaintiff adequately alleged individuals working concert with the state and others, through the acts of the defendants was the proximate cause of Plaintiff's damages.

Where a private party conspires with state officials to deprive others of constitutional rights, however, the private party is acting under color of state law. See *Tower v. Glover*, 467 U.S. 914, 920 (1984); *Dennis v. Sparks*, 449 U.S. 24, 27– 28 (1980); *Crowe v. Cty. of San Diego*, 608 F.3d 406, 440 (9th Cir. 2010); *Franklin v. Fox*, 312 F.3d 423, 441 (9th Cir. 2002); *DeGrassi v. City of Glendora*, 207 F.3d 636, 647 (9th Cir. 2000); *George v. Pacific-CSC Work Furlough*,

91 F.3d 1227, 1231 (9th Cir. 1996) (per curiam); *Kimes v. Stone*, 84 F.3d 1121, 1126 (9th Cir. 1996); *Howerton v. Gabica*, 708 F.2d 380, 383 (9th Cir. 1983).

The defendants, individually and collectively, set in motion and took action in concert with state officials specifically designed to deny Plaintiff a right to a fair and impartial tribunal that one would predict if embraced to be one or more violations of due process.

4. Under the Color of State Law 42 USC §1983

It is un-refuted that the Oregon State Bar Professional Liability Fund (PLF) is organized under the umbrella of the Oregon Judicial Department in order to skirt jurisdiction of the Oregon Insurance Commission. It is un-refuted that the PLF enjoys tax exempt status tantamount to a quasi-city or a municipality of this state.

It is un-refuted that Nathan Steele was hired by the PLF to represent Albertazzi in case 18cv45257. It is un-refuted that the PLF provided a budget of \$20,000 for the anti-SLAPP action, asked Steele to attempt to recover all of his attorney time through deceptive block-billing techniques, to solicit or exploit bias of Judge Wise and to redact the names of the PLF manager who instructed him. It is undisputed that Albertazzi colluded with Nathan Steele to accomplish listed violations of due process.

It is un-refuted that Matthew Yium was hired by the PLF defendants in case 18cv45257 to represent the PLF, Bernick, Stendahl and Cook. It is un-refuted that the anti-SLAPP was only filed on the racketeering claims against Cook, who represented Zweizig without request by Zweizig. The PLF defendants were fully aware that Zweizig downloads, possesses and distributes child pornography.

It is un-refuted that the nature of Nathan Steele declaration in support of his fee petition and is attached billing statements were designed to solicit abuses of the fee petition opportunity

under ORS 31.152 (3) and ORS 20.075 (2) and that those solicitations were directed to Judge Wise, who is also a practicing attorney, specifically seeking an act of abuse simply because Albertazzi is at this time an attorney with a license to practice in Oregon. In the absence of Albertazzi's fee petition, Wise could not have acted unilaterally to use the fee petition to violate Plaintiff's rights of substantive due process. And it is un-refuted that Wise granted the Motion to Dismiss the PLF, Bernick, Stendahl and Cook after committing his own perjury by invoking some recent malpractice event of his own, fees that were covered by the PLF. **Doc #20-1.**

This understanding the PLF has with the judicial community must be exposed and stopped. Even now, Plaintiff's malpractice claim in case 18cv45257 is going nowhere. Judge Norby refuses to set a scheduling order of any kind and Plaintiff's \$10 Million economic and noneconomic damage claims in that case are artificially being held in abeyance.

“To prove a conspiracy between the state and private parties under [§] 1983, the plaintiff must show an agreement or meeting of the minds to violate constitutional rights. To be liable, each participant in the conspiracy need not know the exact details of the plan, but each must at least share the common objective of the conspiracy.” See *United Steelworkers of Am. v. Phelps Dodge Corp.*, 865 F.2d 1539, 1540–41 (9th Cir. 1989) (en banc) (citations and internal quotation 18 marks omitted).

Plaintiff has shown that there is a common objective, which is to use the fee petition in an unlawful way to target and punish Plaintiff. Plaintiff has shown that this abuse is not an isolated incident. Without being rebuffed in these earlier unconstitutional petitions, Plaintiff is also brazenly being denied a right to proceed with his case in 18cv45257 and being threatened by everyone of the defendants while criminal Zweizig is applauded and financially supported.

In case 19cv01547 Ann Lininger used the fee petition by Ward Greene to attack the Rote's right to oppose Zweizig's fraudulent transfer claims. The order issued by Lininger is prima facie evidence of the animus Lininger had for the Rote's (**Doc #18-2**), making claims therein that are tantamount to punishing the Rote's for merely opposing child predator Zweizig's claims and his fee petition. It is un-refuted that Greene was awarded \$20,970 on fee petition evidence (**Doc #18-1**) that only supported a fee award of approximately \$6,600 (**#38-1, page 3 and #38-4**). It is un-refuted that the Rote's informed Lininger by Motion and hearing testimony before making the unlawful award. It is un-refuted that Greene did not refute the Rote's contemporary filings similar to **Doc #38-1 and #38-4**. It is un-refuted that on Appeal the Rote's brought excessive and unlawful billing to the attention of the Oregon Court of Appeals (**Doc #18-10**) showing the detailed 37 entries unrelated to the anti-SLAPP. It is un-refuted that the analysis reflected in **#38-1 and #38-4** was not refuted by Helen Tomkins in opposing the Rote's appeal. And it is un-refuted that the Oregon Court of Appeal via Kamins and Mooney indicted the Rote's for opposing the anti-SLAPP award and filing the appeal, tainting the appeal as being objectively unreasonable (**Doc #18-19**).

It is un-refuted that Judge Wise without provocation raised Lininger and Kathie Steele in the September hearing in case 18cv45257 (**Doc #20-1**), the hearing in which Wise acted while disqualified and acted with animus to dismiss the racketeering claims against Albertazzi and Cook.

Plaintiff argues that it is objectively unreasonable for the defendants to deny the evidence offered in this case heretofore. This evidence shows absolute and unequivocal attempts to solicit of the Court excessive and unlawful fee awards, solicitations of bias of the Court and acts of bias by the Courts implicating 42 USC §1983 violations.

The defendants collectively acted under the color of state law, using the ORS 31.152 (3) and ORS 20.075 (2) statutes to grant a facially defective fee award as a tool for retaliation. There was a necessary symbiotic relationship between the judges and the attorney defendants to carry out the abuses.

In all cases, Albertazzi, Nathan Steele, Yium and Greene sought fee awards far greater than their billing detail supported and in every case where that issue was tried they succeeded in securing unlawful fee awards. Therefore, 42 US §1983 provides a cause of action against persons acting under color of state law who have violated rights guaranteed by the Constitution. *See Buckley v. City of Redding*, 66 F.3d 188, 190 (9th Cir. 1995); *Demery v. Kupperman*, 735 F.2d 1139, 1146 (9th Cir. 1984).

Where a violation of state law is also a violation of a constitutional right, however, § 1983 does provide a cause of action. *See Lovell*, 90 F.3d at 370; *Draper v. Coombs*, 792 F.2d 915, 921 (9th Cir. 1986); see also *Weilburg v. Shapiro*, 488 F.3d 1202, 1207 (9th Cir. 2007).

Plaintiff alleges that the violation of state law ORS 31.152 (3) and ORS 20.075 (2) also violates Plaintiff's constitutional rights and these violations do not mature or are not ripe in this cause of action until the judicial actors take action implicating constitutional violations.

5. Attorney Immunity under 42 USC §1983

“Prosecutors enjoy immunity when they take ‘action that only a legal representative of the government could take.’” *Burton v. Infinity Capital Mgmt.*, 862 F.3d 740, 748 (9th Cir. 2017) (quoting *Stapley v. Pestalozzi*, 733 F.3d 804, 812 (9th Cir. 2013)). Note the Supreme Court has not extended immunity beyond the prosecutorial function. *Burton*, 862 F.3d at 748. For example, “[e]ven court-appointed defense attorneys do not enjoy immunity because, despite being ‘officers’ of the court, ‘attorneys [are not] in the same category as marshals, bailiffs, court clerks

or judges.” *Burton*, 762 F.3d at 748 (quoting *Ferri v. Ackerman*, 444 U.S. 193, 202 n.19 (1979)).

Defense counsel, even if court-appointed and compensated, are not entitled to absolute immunity. See *Tower v. Glover*, 467 U.S. 914, 923 (1984); *Sellars v. Procnier*, 641 F.2d 1295, 1299 n.7 (9th Cir. 1981). See also *Burton v. Infinity Capital Mgmt.*, 862 F.3d 740, 748 (9th Cir. 2017) (explaining that “[e]ven court-appointed defense attorneys do not enjoy immunity because, despite being ‘officers’ of the court, ‘attorneys [are not] in the same category as marshals, bailiffs, court clerks or judges.” (*Ferri v. Ackerman*, 444 U.S. 193, 202 n.19 (1979)).

The Ninth Circuit has concluded that private individuals are not entitled to qualified immunity in either § 1983 or Bivens actions. See *Clement v. City of Glendale*, 518 F.3d 1090, 1096 (9th Cir. 2008); *Franklin v. Fox*, 312 F.3d 423, 444 (9th Cir. 2002); *Conner v. City of Santa Ana*, 897 F.2d 1487, 1492 n.9 (9th Cir. 1990); *F.E. Trotter, Inc. v. Watkins*, 869 F.2d 1312, 1318 (9th Cir. 1989).

6. Burden of Proof under 42 USC §1983

The plaintiff bears the burden of proving that the right allegedly violated was clearly established at the time of the violation. If the plaintiff meets this burden, then the defendant bears the burden of establishing that the defendant reasonably believed the alleged conduct was lawful. See *Sorrels v. McKee*, 290 F.3d 965, 969 (9th Cir. 2002); *Trevino v. Gates*, 99 F.3d 911, 916–17 (9th Cir. 1996); *Browning v. Vernon*, 44 F.3d 818, 822 (9th Cir. 1995); *Neely v. Feinstein*, 50 F.3d 1502, 1509 (9th Cir. 1995), overruled in part on other grounds by *L.W. v. Grubbs*, 92 F.3d 894 (9th Cir. 1996).

It is not altogether clear that Albertazzi’s Motion to have Rote imprisoned (**Doc #48-1**) is a lawful request, for the reasons outlined in Rote’s Cross Motion for Contempt. **See Doc #48-10.**

Measured however against Albertazzi's success at soliciting bias and contempt findings from the Deschutes Court, it is clear that Albertazzi and Zweizig feel they have a cart blanche relationship with that Court regardless of the facts or how outlandish the act. Plaintiff alleges that Albertazzi withheld from the Deschutes Court key information such as Rote's offer four times to transfer the Stock of NWDH to Zweizig and that those offers were summarily rejected by Zweizig, **pages 2-5**. Or by Albertazzi pursuing discovery via the ex parte order issued by Emerson on November 4, 2021 (19cv00824) that very clearly sought discovery for a case (19cv01547) that had already been dismissed on March 21, 2021 (**#48-1, pages 3-10**) in **Clackamas**, and quashed subpoena (**Exhibit 8**) post discovery also in Clackamas. But Albertazzi did all of this and more and it demonstrates a proclivity of support for child predator Zweizig and a history to success in securing from the defendant judges violations of the Plaintiff's federal rights.

Plaintiff alleges he has satisfied the burden of proof showing the numerous violations that could only have been accomplished by the intent of the defendants to directly engage in or to collude to violate state laws in retaliation against Plaintiff, which are in turn violations of Plaintiff's First and Fourteenth Amendment Rights.

F. Damages and Relief under 42 USC §1983

"A plaintiff who establishes liability for deprivations of constitutional rights actionable under 42 U.S.C. § 1983 is entitled to recover compensatory damages for all injuries suffered as a consequence of those deprivations." *Borunda v. Richmond*, 885 F.2d 1384, 1389 (9th Cir. 1988); see also *Smith v. Wade*, 461 U.S. 30, 52 (1983) ("Compensatory damages ... are mandatory."). The Supreme Court has held that "no compensatory damages [may] be awarded for violation of [a constitutional] right absent proof of actual injury." *Memphis Cmty. Sch. Dist. v. Stachura*, 477 U.S. 299, 308 (1986).

Compensatory damages include actual losses, mental anguish and humiliation, impairment of reputation, and out-of-pocket losses. See *Borunda*, 885 F.2d at 1389; *Knudson v. City of Ellensburg*, 832 F.2d 1142, 1149 (9th Cir. 1987); *Chalmers v. City of Los Angeles*, 762 F.2d 753, 760–61 (9th Cir. 1985).

Section 1983 is an exception to the Anti-Injunction Act, 28 U.S.C. § 2283, which establishes that federal courts may not enjoin state-court proceedings unless expressly authorized to do so by Congress. See *Mitchum v. Foster*, 407 U.S. 225, 242–43 (1972); *Goldie's Bookstore, Inc. v. Superior Court*, 739 F.2d 466, 468 (9th Cir. 1984). This does “not displace the normal principles of equity, comity and federalism that should inform the judgment of federal courts when asked to oversee state law enforcement authorities.” *City of Los Angeles v. Lyons*, 461 U.S. 95, 112 (1983); *Mitchum*, 407 U.S. at 243. In fact, injunctive relief should be used “sparingly, and only ... in clear and plain case[s].” *Rizzo v. Goode*, 423 U.S. 362, 378 (1976) (citation and internal quotation marks omitted).

G. Application of 42 USC §1985 (3)

To state a cause of action under § 1985(3), a complaint must allege (1) a conspiracy, (2) to deprive any person or a class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, (3) an act by one of the conspirators in furtherance of the conspiracy, and (4) a personal injury, property damage or a deprivation of any right or privilege of a citizen of the United States.

Plaintiff alleges that he is a class of one, that there is historical precedent for this action and that the defendants in this case conspired to violate Plaintiff's rights. Plaintiff alleges conspiracy under both §1983 and §1985.

The Courts have also recognized "class of one" claims. If an individual can show that he or she has been "singled out" for irrational or differential treatment by a Federal, state or local

government entity or official, Section 1983 can be used in filing a "class of one claim." This occurred in "*Olech v. Village of Willowbrook*", 528 US 562 (2000). The Olechs sued the Village of Willowbrook in Federal Court (Section 1983) for delaying their access to the village water line in 1995. The Olechs maintained that the Village denied them access due to an earlier lawsuit they had filed against the village over an easement, which they successfully won. They believed that the officials for the Village of Willowbrook intentionally withheld the water line, causing them to have to use an over ground rubber hose to connect to a neighbor's well for water. They also believed that the Village officials intentionally waited until winter to attempt to solve their water problems, knowing that the rubber hose would freeze and leave them without water for the entire winter. The Olechs were in their seventies and showed that these actions caused them suffering and "singled them out" as no other citizens of the Village had been treated in such a manner. See Richter, Nicole, "A Standard for "Class of One" Claims Under the Equal Protection Clause of the Fourteenth Amendment: Protecting Victims of Non-Class based Discrimination From Vindictive State Action", Valparaiso University Law Review, Volume35, Number 1, Fall 2000, pg.197-200.

“The language requiring intent to deprive of equal protection ... means that there must be some racial, or perhaps otherwise class-based, invidiously discriminatory animus behind the conspirators’ action.” *Griffin*, 403 U.S. at 102; see also *RK Ventures, Inc. v. City of Seattle*, 307 F.3d 1045, 1056 (9th Cir. 2002); *Butler v. Elle*, 281 F.3d 1014, 1028 (9th Cir. 2002) (per curiam); *Sever*, 978 F.2d at 1536. Plaintiff alleges that the animus against Plaintiff is reflected in the defendants’ collective violations and conspiracy to engage in those violations. Plaintiff is a class of one.

Pro se complaints are construed liberally, and may only be dismissed if it appears beyond doubt the plaintiff can prove no set of facts in support of his claim would entitle him to relief. *Nordstrom*, 762 F.3d at 908; see also *Byrd*, 885 F.3d at 642 (explaining the court has “an obligation where the petitioner is *pro se*, particularly in civil rights cases, to construe the pleadings liberally and to afford the petitioner the benefit of any doubt.”).

H. Child Pornography Violations and Punishment

Why are the named defendants in this case supporting Zweizig’s child porn distribution business? After some investigation, Plaintiff alleges collusion among the defendants to groom and exploit children. There is substantial evidence that executives at the Oregon Health Authority and Oregon Children’s Theater are aware of the grooming and molestation of children at the hands of one or more of the defendants named herein and that evidence had been turned over to the FBI. Support of Zweizig’s use of the Oregon Court’s to monetize and collect and award he secured by perjury, denying that he downloaded and disseminated child porn, now testimony that has been reversed, does nothing less than solidify those concerns of a vast network of child predators at the highest ranks of the state judiciary.

1. Federal Definitions

Child pornography under federal law is defined as any visual depiction of sexually explicit conduct involving a minor (someone under 18 years of age). Visual depictions include photographs, videos, digital or computer generated images indistinguishable from an actual minor, and images created, adapted, or modified, but appear to depict an identifiable, actual minor. Undeveloped film, undeveloped videotape, and electronically stored data that can be converted into a visual image of child pornography are also deemed illegal visual depictions under federal law.

Federal law prohibits the production, distribution, reception, and possession of an image of child pornography using or affecting any means or facility of interstate or foreign commerce

(18 U.S.C. § 2251; 18 U.S.C. § 2252; 18 U.S.C. § 2252A). Specifically, Section 2251 makes it illegal to persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for purposes of producing visual depictions of that conduct. Any individual who attempts or conspires to commit a child pornography offense is also subject to prosecution under federal law.

Federal jurisdiction is implicated if the child pornography offense occurred in interstate or foreign commerce. This includes, for example, using the U.S. Mails or common carriers to transport child pornography across state or international borders. Federal jurisdiction almost always applies when the Internet is used to commit a child pornography violation. Even if the child pornography image itself did not travel across state or international borders, federal law may be implicated if the materials, such as the computer used to download the image or the CD-ROM used to store the image, originated or previously traveled in interstate or foreign commerce.

In May 2008, the Supreme Court upheld the 2003 federal law Section 2252A(a)(3)(B) of Title 18, United States Code that criminalizes the pandering and solicitation of child pornography, in a 7–2 ruling penned by Justice Antonin Scalia. The court ruling dismissed the United States Court of Appeals for the 11th Circuit's finding the law unconstitutionally vague. Attorney James R. Marsh, founder of the *Children's Law Center* in Washington, D.C., wrote that although the Supreme Court's decision has been criticized by some, he believes it correctly enables legal personnel to fight crime networks where child pornography is made and sold.

2. Oregon Definitions

A person commits the crime of using a child in a display of sexually explicit conduct “if the person employs, authorizes, permits, compels or induces a child to participate or engage in sexually explicit conduct for any person to observe or to record in a visual recording.” ORS 163.670(1). A child is any person less than 18 years of age or, when a visual recording is at

issue, less than 18 years of age at the time of the original recording. ORS 163.665(1). The Oregon Court of Appeals has resisted the credible application of this statute to fight criminal distribution of child pornography. See *State v. Cazee*, s 308 Or App 748 (2021).

ORS 163.684 provides that (1) A person commits the crime of encouraging child sexual abuse in the first degree if the person:

(a)(A) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, displays, finances, attempts to finance or sells a visual recording of sexually explicit conduct involving a child or knowingly possesses, accesses or views such a visual recording with the intent to develop, duplicate, publish, print, disseminate, exchange, display or sell it; or

(B) Knowingly brings into this state, or causes to be brought or sent into this state, for sale or distribution, a visual recording of sexually explicit conduct involving a child; and

(b) Knows or is aware of and consciously disregards the fact that creation of the visual recording of sexually explicit conduct involved child abuse.

A violation of ORS 163.684 is only a class b felony, without much strength in contrast to the federal statutes, although case law supports a broad interpretation. See for example "Duplicates" includes downloaded videos from peer-to-peer network. *State v. Urbina*, 249 Or App 267, 278 P3d 33 (2012), Sup Ct review denied.

3. Efforts by the Oregon Judiciary to Monetize Zweizig's Criminal Conduct

The body of evidence cited in this brief invokes a finding that Albertazzi is attempting to monetize the perjury and other criminal act of Zweizig that first arose in case 3:15-cv-2401 and proceeded in cases 18cv45257, 19cv01547 and 19cv00824. Albertazzi has sought and received the benefit of judicial intervention that violated Oregon law and targeted Plaintiff to violate Plaintiff's First and Fourteenth Amendment Rights. All of this also benefits Zweizig.

Zweizig's **collective admissions** of #48-1, **Doc #18-4** and his **Motions to suppress** his testimony (**#48-3, Doc #38-9, #20-10**), necessarily lead to a conclusion that Zweizig is a

producer and distributor of child pornography and secured a \$1 Million judgment by first moving the Court to suppress the evidence against him (#48-4) and then deny before a jury that he downloaded, possessed and distributed porn of any kind (#48-2). He does not now deny he did and does download, possess and distribute child porn (#48-1). He may have strained the definition of being a child predator as being limited to being a pedophile.

Martha Walters (John Doe 1) was appointed to the Supreme Court of Oregon by Ted Kulongoski. As Chief Judge, Walters assigned the Zweizig cases to Nakamoto, Kamins and Mooney. Walters pledged support for the decriminalization of possessing and distributing child pornography and is a child predator.

Lynn Nakamoto (John Doe 2) worked at the Markowitz firm through 2011 and until her appointment to the Oregon Court of Appeals by Ted Kulongoski. Governor Kate Brown appointed Nakamoto to the Supreme Court. Nakamoto retired soon after writing the Supreme Court Opinion supporting Zweizig. Nakamoto pledged support for the decriminalization of possessing and distributing child pornography and is a child predator.

Jacqueline Kamins worked at the Markowitz firm until her appointment to the Oregon Court of Appeals on January 17, 2020 by Kate Brown. Kamins pledged support for the decriminalization of possessing and distributing child pornography and is a child predator.

Kathie Steele was appointed presiding Judge of Clackamas Circuit by Martha Walters and remained Presiding Judge through 2021. Steele assigned Ann Lininger to the Zweizig cases until Lininger recused herself. Steele pledged support for the decriminalization of possessing and distributing child pornography and is a child predator.

Josephine Mooney was appointed to the Oregon Court of Appeals by Kate Brown on May 17, 2019. Mooney pledged support for the decriminalization of possessing and distributing child pornography and is a child predator.

Ann Lininger was appointed to the Clackamas County Circuit in July 2017 by Kate Brown. Lininger pledged support for the decriminalization of possessing and distributing child pornography and is a child predator.

Alison Emerson was appointed to the Deschutes County Circuit in February 2020 by Kate Brown. Emerson pledged support for the decriminalization of possessing and distributing child pornography and is a child predator. Emerson's husband is a corporal in the Bend Police Department.

Bethany Flint (John Doe 3) was appointed to the Deschutes County Circuit in February 2016 and has been assigned the Zweizig Motion practice multiple times by presiding Judge Wells Ashby.

Wells Ashby (John Doe 4) was appointed presiding of Deschutes County Circuit Judge by Martha Walters in 2019 and remains presiding Judge today.

IV. CONCLUSION

Plaintiff asks for a declaratory judgment restraining the Oregon Judicial Department and the named judicial defendants in this case from aiding and abetting in the distribution of child pornography and monetizing of Zweizig's child porn business which includes the judgment secured in case 3:15-cv-2401 and registered in Deschutes in case 19cv00824.

Plaintiff asks for a declaratory judgment freezing the collection action in Deschutes Case 19cv00824.

Plaintiff seeks a declaratory judgment restraining the Oregon Judicial from using the anti-SLAPP fee petitions identified as violations in this case to deny Plaintiff substantive due process.

Plaintiff seeks economic and noneconomic damages in an amount not less than \$10,000,000, joint and several liability against the judicial defendants and Oregon judicial department to the extent of their non-immune acts. There are numerous non-immune acts listed in Sections II A-D of this brief.

For the reasons outlined above, the Court should deny the Judges Motion to Dismiss until post discovery, when summary judgment on just the judicial acts will be more clearly formed. At the moment there is a conflation of immune and non-immune activities.

Dated: October 3, 2022

s/ Timothy C. Rote

Timothy C. Rote

Pro Se Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2022, I filed the foregoing with the Clerk of the Court. Defendants making an appearance, as reflected below, have been served electronically through the Court's ecf system. I also provided a copy by email.

James M. Callahan, OSB #780232
j.callahan@callahanandshears.com
Callahan & Shears, PC
PO Box 22677
Portland, OR 97269-2677
Telephone: 503-513-5130
Of Counsel for Defendant Ward Greene

John E. Laherty OSB #036084
Senior Assistant Legal Counsel
1300 NW Wall St., Ste. 205
Bend, OR 97703
541-330-4645
John.laherty@deschutes.org
Of Counsel for Deschutes County

Kim E. Hoyt
Garrett Hemann Robertson P.C.
PO Box 749
Salem, OR 97308-0749
503-581-1501
Email: khoyt@ghrlawyers.com
Of Counsel for Jeffrey Edelson

Matthew J. Yium, OSB No. 054377
121 SW Morrison St 11th Floor
Portland, OR 97204
Telephone: (503) 228-3939
Email: matthew.yium@foster.com
Of Counsel for Defendants Bernick;
Professional Liability Fund; Cook;
Livermore and Yium

Nathan G. Steele, OSB#004386
Email: ngs@steelefirm.com
The Steele Law Firm
125 NW Greeley Ave
Bend, Oregon 97703
Telephone: (541) 647-1812
Of Attorney for Anthony Albertazzi

Nathaniel Aggrey
Oregon Department of Justice
Civil Litigation Unit
1162 Court Street NE
Salem, OR 97301
503-947-4700
Email: nathaniel.aggrey@doj.state.or.us
Of Counsel for Oregon Judicial Department,
Hon. Ann Lininger, Hon. Alison Emerson,
Hon. Josephine Mooney, Hon. Jacqueline
Kamins, Hon. Kathie Steele, Michael Wise

BRETT MERSEREAU, OSB No. 023922
brett@brettmersereau.com
The Law Office of Brett Mersereau
2100 NE Broadway, #119
Portland, OR 97232
Telephone: 503-673-3022
Facsimile: 503-218-1760
Of Attorneys for Defendant Nathan Steele

Federal Bureau of Investigations
Child Pornography Victims Assistance
1 Edgar Hoover Building, Room 3329
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dated: October 3, 2022

s/ Timothy C. Rote
Timothy C. Rote
Pro Se Plaintiff