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Attorney for Plaintiff

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

MAX ZWEIZIG,

Plaintiff,

v.

NORTHWEST DIRECT TELESERVICES,
INC., et al.,

Defendants.

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

**PLAINTIFF'S MOTION TO QUASH
THIRD PARTY SUBPOENAS TO (1)
NANCY WALKER, COURT
REPORTER, AND (2) CLERK OF THE
UNITED STATES DISTRICT COURT**

LR 7-1 CERTIFICATE

Counsel for Plaintiff Max Zweizig ("Plaintiff") attempted to confer with Defendant Rote ("Defendant" or "Rote") to resolve this dispute and the parties have been unable to reach a resolution.

MOTION TO QUASH

Plaintiff moves to quash subpoenas that Defendant had served upon (1) Nancy Walker, Court Reporter and (2) the Clerk of the United States District Court on or about February 14, 2019. Copies of these subpoenas are attached as Exhibit 1 to the Declaration of Joel Christiansen filed concurrently with this motion.

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Defendant's subpoenas seek recordings of proceedings before this Court in this matter on January 3 (pretrial conference) and 16-17 (trial), 2019¹. The Court has previously issued orders instructing Defendant how to obtain records of these proceedings. *See, e.g.*, ECF 286 (“[Defendant] is instructed to file an amended request listing each hearing date for which a transcript is requested *** [.] [T]he cost quote will reflect either the transcript cost or the cost of an FTR Gold Recording, depending upon which method is the official record for each hearing. All hearings with an official court reporter listed on the docket will be quoted for a transcript only.”)

Defendant's subpoenas are an attempted end-run around this Court's prior order and court rules. To the extent Defendant wishes to obtain recordings of the proceedings, he has been clearly instructed via written order how to do so. Defendant's subpoenas are also facially defective because they were obtained through misrepresentations to the Clerk. For these reasons, Defendant's subpoenas should be quashed.

Date: 2/28/19

/s/ Joel Christiansen

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¹ Both of Defendant's subpoenas were obtained by representing to the Clerk that Defendant was an “attorney” representing a party in this case. Moreover, Defendant's subpoena to the Clerk of the United States District Court appears to have a seal from the Clerk issued on June 29, 2017 - 19 ½ months before the subpoena was actually served and long before the materials the sought by the subpoena even existed.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing PLAINTIFF'S MOTION TO QUASH on:

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

through the Court's electronic filing system on February 28, 2019.

Jared D. Hager
United States Attorney's Office
1000 SW 3rd Ave Ste 600
Portland, OR 97204-2936

via electronic mail on February 28, 2019

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