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

MAX ZWEIZIG, as an individual;

Plaintiff;

v.

TIMOTHY ROTE, as an individual, and
TANYA ROTE, as an individual;

Defendants.

Case No. 23CV28582

SUMMONS

TO: TANYA ROTE, 7427 SW Coho Court #200, Tualatin, OR 97062

You are hereby required to appear and defend the complaint filed against you in the above entitled cause within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, Plaintiff will apply to the court for the relief demanded in the complaint.

**NOTICE TO THE DEFENDANT:
READ THESE DOCUMENTS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal document called a "motion" or "answer". The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the Plaintiff's attorney or, if the Plaintiff does not have an attorney, proof of service upon the Plaintiff.

/s/ Chase A. S. Beguin
Chase A. S. Beguin, OSB#222861
Attorneys for Plaintiff
111 S.E. Sixth Street
Grants Pass, OR 97528
541-476-8825
cbeguin@thecaublefirm.com

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Referral Service online at www.oregonstatebar.org or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.

SUMMONS

Cauble & Whittington, LLP, Attorneys At Law
111 SE Sixth Street PO Box 398
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I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons and complaint in the above entitled cause.

/s/ Chase A. S. Beguin
Attorney of Record for Plaintiff

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

5
6 **MAX ZWEIZIG, as an individual**

7 Plaintiff,

8
9 v.

10 **TIMOTHY ROTE, as an individual, and**
11 **TANYA ROTE, as an individual**

12 Defendants.

Case No. 23CV28582

PLAINTIFF'S COMPLAINT

(Intentional Infliction of Emotional
Distress, Fraudulent Transfer)

Prayer Amount: \$750,000.00

Request for Declaratory Relief

Fee: \$594.00

Fee Authority ORS 21.160(1)(c)

13
14 Plaintiff's complaint as follows:

15 **BACKGROUND**

16
17 1.

18 Plaintiff was an employee of Defendant's telemarketing firm over two decades ago and
19 operated as an IT Director in his role. The parties had no relationship outside of the employment
20 relationship just mentioned.

21 2.

22 During his employment, Plaintiff discovered activities which required reporting, and
23 Plaintiff reported said activity to the proper authorities.
24

25 //

26 //

27 //

28

3.

1
2 After reporting said activity to the proper authorities, Plaintiff was retaliated against in
3 grossly immoral ways by the Defendant; including a plethora of egregious accusations which
4 were never substantiated by the Defendant.

5
6 4.

7 In the whistleblower retaliation case between the parties, Plaintiff secured a \$1 Million
8 judgment against Defendant Timothy Rote and his companies. Which Defendant Timothy Rote
9 has yet to fulfil to any degree.

10
11 5.

12 The Plaintiff has been subject to multiple retaliatory lawsuits since the initial
13 whistleblower retaliation lawsuit brought by the Plaintiff; all of which have been methods of
14 getting egregious and unsubstantiated facts into the public record, as well as social media, to
15 defame the Plaintiff.

16 **CLAIMS FOR RELIEF**

17 **(Intentional Infliction of Emotional Distress)**

18
19 6.

20 The facts above are incorporated herein.

21
22 7.

23 Defendants for years have been the only writers and the producers of “Max Zweizig -
24 When Justice Falls”; a WordPress website in which the Defendant puts unsubstantiated and
25 egregious claims about the Plaintiff into the public record while citing fabricated statements
26 which the Defendant falsely claims were made on the record in the slew of litigation between the
27 parties. While this website created by the Rote’s has over 215 posts, attached as Exhibit 1 are
28

1 samples of the posts which the Defendant has put onto a public forum for the only purpose of
2 harming the Plaintiff.

3 8.

4 Defendant has undergone multiple lawsuits against the Plaintiff for the sole purpose of
5 damaging the Plaintiff's reputation and causing emotional damage to the Plaintiff.

6 9.

7 Defendants are aware of the lack of substantiation in their statements and have made
8 these statements with the intention of harming the Plaintiff through spreading defamatory
9 statements through any public forum available to them. Both Defendants have acted in concert
10 when publishing these blog posts on their website, and refer to themselves as "The Rotes" on
11 multiple occasions.

12 9.

13
14 Defendant Timothy Rote has made accusations that the Plaintiff was in the possession of
15 illegal material at the time that he was terminated from the position with the Defendant's
16 telemarketing firm but has failed to ever substantiate his claims through evidence and has failed
17 to ever tender the data which he claims to have in his possession. Defendant Timothy Rote was
18 found to have substituted evidence during discovery, as well as spoliated evidence during various
19 other proceedings against the Plaintiff.

20 10.

21
22 Defendant on June 26, 2023 filed an Appellant brief which contains a voluminous
23 amount of slanderous and unsubstantiated statements about the Plaintiff in the public record.

24 The Brief itself is attached as Exhibit 2. These unsubstantiated statements include the following:

- 25
26 1. That Plaintiff perjured themselves during a January 2018 Trial;
27 2. That plaintiff had engaged in, downloaded, possessed, and distributed child pornography;

28

1 3. The Plaintiff's statements regarding the unsubstantiated claims made against him by
2 Defendant;

3 4. That Plaintiff did not deny downloading, possessing, and distributing child pornography.

4 11.

5 As a result of the intentional and reckless actions of the Defendants, the Plaintiff has been
6 forced to pay for legal counsel to Defend these unsubstantiated claims for years, has been
7 significantly and illegally obstructed from collecting on his judgment, and has suffered severe
8 emotional distress in the forms of anxiety, and ongoing damage to his professional and personal
9 life as a result of the fraudulent claims and communications of the Defendant which are found
10 whenever you search the Plaintiffs name online.

11
12 **(Fraudulent Transfer)**

13 12.

14 The facts above are incorporated herein.

15 13.

16
17 On or about January 18th, 2018, Plaintiff Zweizig was awarded a \$1,000,000.00
18 judgement against the Defendant, which the Defendant has yet to fulfil.

19 14.

20 At some uncertain time after the judgment was entered against Defendant Timothy Rote,
21 he transferred significant assets into both a "trust" and to his wife and co-defendant in this
22 complaint, Tanya Rote.

23 15.

24
25 Defendants Tanya Rote and Timothy Rote have conspired to transfer assets from
26 Timothy Rote's personal ownership into trusts and other instruments that the Defendants claim

1 protects them from collection. The Defendants have yet to provide evidence of such assets being
2 transferred and the method and date of said transfers.

3 16.

4 Defendants made these transfers with knowledge of the recorded and active judgement
5 and for the sole purpose of delaying and avoiding the judgment collection of the Plaintiff and
6 were made for nominal consideration; if for any at all.
7

8 **PRAYERS FOR RELIEF**

9
10 WHEREFORE, Plaintiff requests that the court find that the Plaintiff should be awarded:

- 11 1. On Plaintiff's First Claim for Relief, an award of \$500,000 in non-economic damages
12 and \$250,000 in economic damages, and a Court Order requiring the Defendants to take
13 down their existing website posts relating to the Plaintiff, and an Order preventing the
14 Defendant from continuing to make defamatory statements on the public record in the
15 future.
16
17 2. On Plaintiffs Second Claim for Relief, any remedy which the court finds appropriate
18 under 95.260 regarding Creditor's Remedies such to satiate the Plaintiff's judgement
19 against the Defendant.

20 DATED: July 17th, 2023
21

22 CAUBLE & WHITTINGTON, LLP

23 /s/ Chase A. S. Beguin

24 Chase A. S. Beguin, OSB #222861

25 cbeguin@thecaublefirm.com

26 Attorney for Plaintiff
27
28

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