

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

ARBITRATION SERVICE OF PORTLAND

NORTHWEST DIRECT TELESERVICES,
INC., an Oregon corporation,

Claimant,

vs.

MAX ZWEIZIG, an individual,

Respondent.

Consolidated with:

MAX ZWEIZIG, an individual,

Claimant.

vs.

TIMOTHY ROTE, an individual,

Respondent.

ASP No. 050511-1 (Case No. 1)

DECLARATION OF MARK D. COX

ASP No. 060630 (Case No. 2)

Before, William B. Crow, Arbitrator

I, Mark D. Cox, declare:

1. 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, Electronic Discovery and Archival Scanning. I have 6 years experience in the computer forensics field, and have handled numerous cases ranging from simple data recovery to investigations involving litigation in billion dollar lawsuits. 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

AE 143 page 1

1 Certified Systems Engineer (MCSE); Microsoft Certified Systems Administrator
2 (MCSA); and, Sun Java Certified Programmer (SJP)

3 2. I was hired by Timothy C. Rote, President and CEO of Northwest Direct
4 Teleservices, Inc., ("NDT") to perform forensic computer analysis for use in this case.

5 3. On November 24, 2008, Mr. Rote provided me with a Dell Inspiron laptop
6 computer; Model PP01L, Serial No. 6X6DJ01. The laptop contained an IBM Travelstar
7 hard drive, model DJSA-210, Serial No. HU-031YMK-47710-13P-5RM0.

8 4. Mr. Rote asked me to determine if I could find data related to an email
9 entitled "Exit Time." I removed the hard drive from the lap top, and enabled a write-
10 blocker to prevent any changes to the hard drive image. I then created a bit by bit
11 forensic image of the laptop hard drive. I then imported the image into the EnCase
12 Computer Forensics program. EnCase permits an in-depth analysis of the information
13 contained on the hard drive.

14 5. I searched for and found the email entitled "Exit Time." I reviewed the
15 email's metadata. The email was created on October 2, 2003, at 11:44 a.m. The email
16 was sent from Timothy C. Rote's email address to Max Zweizig's email address on
17 October 2, 2003 at 11:56 a.m. The email message was the following: "I don't think you
18 are going to train the staff and transfer programs as requested, allowing us a full
19 transition. Accordingly, we need to set your exit time for the middle of November. I'll
20 be sending you a letter."

21 6. Based upon my analysis, I concluded that Timothy C. Rote created the
22 email described in paragraph 6, on October 2, 2003, at 11:44 a.m. I further concluded
23 that he sent that email to Max Zweizig on October 2, 2003 at 11:56 a.m.

24 I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO
25 THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND

26 ///

Page 2 - DECLARATION OF MARK D. COX

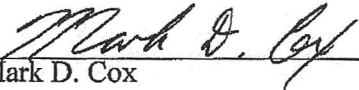
AE 143
P 2

MARKOWITZ, HERBOLD,
GLADE & MEHLHAR, P.C.
SUITE 3000 PACWEST CENTER
1211 SW FIFTH AVENUE
PORTLAND, OREGON 97204-3730
(503) 295-3085
Fax: (503) 323-9105

1 THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO
2 PENALTY FOR PERJURY.

3 DATED this 27th day of May, 2009.

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


Mark D. Cox

AE 143
P 3