

Timothy C. Rote
Pro Se
24790 SW Big Fir
West Linn, OR 97068
T: (503) 702-7225
E: timothy.rote@gmail.com

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

MAX ZWEIZIG,

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

Plaintiff,

**DECLARATION OF TIMOTHY
ROTE ON DEFENDANT ROTE'S
MOTION FOR SUMMARY
JUDGMENT**

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.

I, Timothy Rote, do hereby declare:

1. I represent myself in the above-captioned case. I make this declaration on personal knowledge and am competent to testify to the matters stated herein.

2. I conferred with Plaintiff counsel Joel Christiansen before filing this motion. As of this filing, the parties have not been able to resolve their dispute, and Plaintiff will not voluntarily dismiss his complaint.

3. Attached hereto as Exhibit A is Max Zweizig's employment agreement. Section V addresses mandatory Mediation and Arbitration. Zweizig unsuccessfully challenged that clause in New Jersey in 2005-2006.

4. Attached hereto as Exhibit B is the Final Order, Denying Motion for Reconsideration and Dismissing Complaint, dated march 2006. This action was commenced in New Jersey challenging the arbitration clause of Zweizig's employment agreement.

5. Attached hereto as Exhibit B.1 is the transcript of the hearing in New Jersey on the enforceability of the arbitration agreement, wherein the Judge concluded that the agreement was enforceable.

6. Attached hereto as Exhibit C is the redacted ASP Protective Order. This document is available as evidence downloadable in the blog. Supplemental evidence can be provided to show that the parties have operated to disclose owned documents on other matters.

7. Attached hereto as Exhibit D is a license agreement between NDM, NDT and Rote for the use of the litigation materials.

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

Dated: October 18, 2016

/s/ Timothy C. Rote
Timothy C. Rote,
Defendant Pro Se

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF TIMOTHY C. ROTE on:

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

through the Court's electronic filing system on October 18, 2016.

/s/ Timothy C. Rote

Timothy C. Rote,
Defendant Pro Se