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STATE BAR NO. 019679



MICHAEL K. JAMES, JUDGE
K. SULLIVAN, DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

Eric G. Bjotvedt,
Plaintiff

v.

**Pinnacle Quest International,
Inc., and Dave Struckman
Individually and as an officer
Pinnacle Quest International
Defendants**

No. CV2002-018152

**AFFIDAVIT OF SERVICE OF
SUMMONS**

The undersigned certifies the following:

The defendants to be served are known to be located outside the state of Arizona. The summons and a copy of the pleading were dispatched to the defendants to be served. The summons and a copy of the pleading were in fact received by the defendants as evidenced by the restricted delivery receipt from the US Post Office, a copy of which is attached to this affidavit. Finally, the summons and a copy of the pleadings were received by the defendants on September 23, 2002 and evidence of this receipt was then received by Plaintiff on September 26, 2002.

RESPECTFULLY SUBMITTED this 30th Day of September, 2002

Eric G. Bjotvedt
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Phoenix, Arizona 85012

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SEP 18 2002

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MICHAEL K. JEANES, CLERK
O. CARDENAS
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

Eric G. Bjotvedt)	
)	
Plaintiff)	No. CV2002-018152
)	
v.)	CIVIL COMPLAINT
)	
Pinnacle Quest International,)	
Inc., and Dave Struckman,)	
Individually and as an officer)	
Pinnacle Quest International)	
Defendants)	
)	

Plaintiff alleges the following:

1. This is an action for compensatory and punitive damages. Plaintiff is a resident of Maricopa County. Defendants are in business in the state of Washington and operate their business in Arizona and nationwide. Upon belief and knowledge, their principal place of business is at 1420 NW Gilman Blvd., #2-2302, Issaquah, Washington, 98027 which is apparently a mail drop address, with business telephone numbers of 425.369.8922, 618.355.1600, and 618.355.1601. Defendants promote and sell a business venture for the sale of the business venture itself throughout the United States via the internet. The specific website the business is promoted at is <http://www.motivate.ipfox.com>. This court has personal jurisdiction in this matter.
2. This claim arises out of Arizona law as it relates to consumer fraud giving this court subject matter jurisdiction.

Statement of Circumstances, Occurrences, and Events

3. This cause of action lies in tort. Defendants have been engaged in a deceptive scheme to offer and sell a purportedly profitable business venture that constitutes a "pyramid scheme" to members of the public. Pyramid schemes are characterized by the payment of money to the scheme's promoter in return for which participants (recruits) receive the right to recruit new participants. Participants then receive payments based upon the number of individuals they recruit or who appear below them in their pyramid. Earnings in a pyramid scheme are derived primarily from recruiting other participants into the program and not from the retail sale of products or services nor from the retail sale of products or services to ultimate consumers.

4. Pyramid schemes are inherently injurious to consumers because they must eventually collapse. Like chain letters, pyramid schemes may make money for those at the top of the chain or pyramid, but end up injuring the vast majority of participants at the bottom who can find few or no recruits.

5. Defendants sell their product/business opportunity at a cost of between \$1,280 and \$15,750. Pinnacle Quest International (PQI) recruits receive the right to receive compensation based upon the sale of the product to new recruits the recruit recruits. Defendants require that recruits (participants) recruit two recruits before compensation is paid. Each of these new recruits is then required to recruit two new recruits before being paid and so on. The result is a pyramid structure where the promoter receives all of the money before the structure inevitably collapses.

6. The compensation received by recruits from selling the system/product/business opportunity through recruitment of new participants is unrelated to the sale of products or

services to ultimate users.

7. Defendants have represented that participants will receive substantial income through recruitment of new participants including but not limited to representations that:

- a. Participants have the potential to earn a six figure income within six months.
- b. Many participants earn \$2,000 to \$30,000 per month.

8. The product/system offered for sale is a collection of information informing participants how to avoid paying US income taxes, how to hide one's assets from the US government, and how to become absolutely lawsuit bulletproof. The purchaser is given the right sell the opportunity for consideration of \$1,280 to \$15,750. Purchasers are instructed to recruit others to purchase the product/business opportunity. Purchasers earn referral fees depending on how many people they recruit.

9. There is no real commercially viable product for sale and there is no established market for the sale of this system. The product is being used to hide the true identity of this particular fraud scheme. The transactions only occur between participants and new recruits. Earning potential depends primarily on how many people are recruited and not on how much merchandise is sold to the ultimate consumer. Under this system, the supply of potential recruits is exhausted leading to the inevitable collapse of the scheme.

10. Defendant, Dave Struckman, was a founder of Global Prosperity and the Attorney General Office of Oregon has ordered that he cease and desist from engaging in that business which is also a pyramid scheme.

11. Defendants are operating a pyramid scheme in violation of A.R.S. 44-1731.

12. Defendants are engaged in unfair trade practices in violation A.R.S. 44-1522

13. Defendants, as described above in paragraphs 3 through 10, are knowingly and fraudulently, engaging in actual deceit through their misrepresentations. These business practices constitute deceptive business practices and triggers liability and remedies under ARS 44-1521. In addition, as described in paragraphs 3 through 10, Defendant's business constitutes a pyramid scheme in violation of A.R.S. 44-1731


14. Plaintiff has suffered direct and consequential damages, to be proven in court, as a result of Defendant's violation of Arizona law.

Prayer for Relief

WHEREFORE Plaintiff respectfully requests this court for the following relief and seeks judgment against defendant as follows.

- a. Award compensatory damages as established at the time of trial;
- b. Award punitive damages;
- c. Grant an injunction enjoining Defendants' unlawful and deceptive practices as alleged herein;
- d. Award court costs; and
- e. Award such other relief as the court deems appropriate.

Dated: September 10, 2002

By: 
Eric G. Bjotvedt, Plaintiff