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*Pro Se* Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TIMOTHY ROTE,

Plaintiff,

vs.

OREGON JUDICIAL DEPARTMENT,  
OREGON STATE BAR PROFESSIONAL  
LIABILITY FUND, THE HON. ANN  
LININGER, THE HON. ALISON  
EMERSON, THE HON. JOSEPHINE  
MOONEY, THE HON. JACQUELINE  
KAMINS, THE HON. KATHIE STEELE,  
CAROL BERNICK AND MEGAN  
LIVERMORE (in their official capacities as  
CEO of the OSBPLF), MICHAEL WISE,  
JEFFREY EDELSON, DESCHUTES  
COUNTY SHERIFF'S DEPARTMENT,  
MATTHEW YIUM, NATHAN STEELE,  
WARD GREENE, ANTHONY  
ALBERTAZZI and JOHN DOES (1-5), *et al.*,

Defendants.

Case No.: 3:22-CV-00985

PLAINTIFF DECLARATION SUPPORTING  
OPPOSITION TO DEFENDANT  
ALBERTAZZI MOTION TO DISMISS

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I, TIMOTHY ROTE, do hereby declare:

1. I am the Plaintiff and 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. Attached hereto as **Exhibit 1** is a true and correct copy of a declaration by Max Zweizig in support of his Motion for Contempt in Deschutes County case 19cv00824. Attached thereto is also a true and correct copy of an excerpt of the Motion filed by Anthony Albertazzi in that case. Albertazzi represents Zweizig in several state court cases referenced in this action, namely 19cv01547 and 19cv00824.
3. Plaintiff can and does attest to the fact that the Motion for Contempt was filed one week after Rote (defendant in case 19cv00824) stopped a sheriff sale of stock in a closely held corporation named Northwest Direct Homes, Inc., a corporation that owns valuable land in Klamath County. The value of that land is \$1,250,000. That stock is owned by the Timothy Rote Irrevocable Trust, who is not a debtor to Zweizig, and was the basis of that challenge to the sale of the stock. A previous sale of that stock was set aside by Deschutes County Court when Deschutes County Sheriff published the Notice of Intent to sale the stock of Northwest Homes, Inc. a company that does not exist. Both Albertazzi and Zweizig knew of the inaccurate name in the Notice and made no correction to it, using the sheriff sale to attempt to engage in tax fraud and avoid full satisfaction of the debt Zweizig secured in federal case 3:15-cv-2401.
4. The above referenced declaration by Zweizig (**Exhibit 1**) seeks to have me imprisoned in Deschutes County jail for (1) successfully defending Tanya Rote's Sunriver property and prevailing in case 19cv01547; (2) pursuing a wrongful use of a civil proceeding action, case 22cv17744, for Zweizig bring the fraudulent transfer action (19cv01547) with no evidence;

(3) defending against First and Fourteenth Amendment abuses in case 19cv00824 and other cases, including this one; and (4) exposing Zweizig as a distributor of child pornography and cybercriminal.

5. Plaintiff would ask the Court to take notice that Zweizig does not now in his declaration deny that he has and does download and distribute child porn, focusing only on denying that he is a child predator.

6. Plaintiff would also ask the Court to take Notice that Zweizig's denied receiving any evidence of ownership of the stock of NWDH by and through his attorney Anthony Albertazzi. **Exhibit 6**, pages 1-3 refute Zweizig's statement. Albertazzi did not correct Zweizig's declaration, which represents a brazen attempt to lie to the Deschutes County Court. My Cross Motion for Contempt in case 19cv00824 is provided herein as Exhibit 10.

7. Attached hereto as **Exhibit 2** is a true and correct copy of the day 1 transcript of the trial in federal case 3:15-cv-2401. Zweizig denied downloading porn of any kind at pages **172, 123, 104, 103, 68, 9 and 7**.

8. Attached hereto as **Exhibit 3** is a true and correct copy of the Motion in Limine filed in case 3:15-cv-2401, that Zweizig filed to suppress from the trial the forensic reports and testimony in his arbitration hearings of May to November 2010. The Court in case 3:15-cv-2401 granted Zweizig's Motion to suppress the forensic reports and testimony.

9. Attached hereto as **Exhibit 4** is a true and correct copy of my blog Chapter 4, wherein I exercise my first amendment rights to publicly disagree with the arbitrator ignoring the forensic reports that showed Zweizig (1) separated his 120 gig hard drive into several sector, of which the d:\, d:\paul, d:\shared, d:\winmx and others were used to download and disseminate child porn, porn, movies and videos; (2) reformatted his gig 120 hard drive that

day before his final day of employment; and (3) destroyed some 1900 programs owned by his employer causing his employer to shut down for 10 days to reconstruct the programming. All of these forensic reports referenced in the blog were suppressed from the trial.

10. Attached hereto as **Exhibit 5** is a true and correct copy of an article noting a recent and successful sting operation in Bend that resulted in the arrest of 20 adults for attempts to engage a minor in a sex act and in human trafficking. The child porn Zweizig downloaded, as reflected in **Exhibit 4** constitutes a crime and the publications of his criminal acts are no less protected than the Bend news article.

11. Attached hereto as **Exhibit 6** is a true and correct copy of the offers to Zweizig of the Stock of NWDH and/or the Klamath Land. The latest of the offers to transmit the stock of Northwest Direct Homes Inc. to Zweizig is confirmed by email to Anthonly Albertazzi on July 25, 2022 (**p 1**). Albertazzi did not respond to that email or several others in the last six months. Albertazzi and Zweizig did not in their joint Motion for Contempt in 19cv00824 bring to the attention of the Deschutes County Court that these offers has been made and rejected by Zweizig. Zweizig is trying to avoid \$1,250,000 in income from the transfer. Zweizig confirms the offer of the Stock and/or Land in his deposition of December 21, 2020 (**p 21**). The offer was first extended on March 8, 2019 (**p 4**), which Zweizig also rejected.

12. Attached hereto as **Exhibit 7** is a true and correct copy of the Delaware registration of a company called Superior Results Marketing. While employed by Northwest Direct, Paul Bower, Zweizig and Bret Mullins conspired to start their own company in direct breach of their employment agreements with Northwest Direct. I was CEO at the time of their efforts to start a competing company and to contact the clients of Northwest Direct to move to their company. Zweizig pleaded for mercy and was given a second chance. Ultimately he used that

time to remain with the company to remove key programming, attempt to extort his employer Northwest Direct, make false allegations about the reasons for his termination (overbilling clients) etc. Note that Zweizig created numerous subdirectories, such as d:\shared (p 10-19), d:\shared\nwtold (p 20), d:\shared\paul (p 21), d:\winmx (p 23). **WinMX** (Windows Music Exchange) is a freeware peer-to-peer file sharing program authored in 2000 by Kevin Hearn (president of Frontcode Technologies) in Windsor, Ontario (Canada).

13. Attached hereto as **Exhibit 8** is a true and correct copy of the Motion for Summary Judgment in arbitration 050511-1, filed by Jeff Edelson on June 4, 2009. The Motion attaches declarations from Steve Williams and Mark Cox, both of whom opined that an email terminating Zweizig was dated October 2, 2003, three weeks before Zweizig alleged he was terminated for raising a claim for fraudulent billing of clients on October 25, 2003. The arbitrator ultimately found that there was no evidence of fraudulent billing (because there was none) but also refused to consider any of the forensic evidence filed in that case. This body of evidence was suppressed from the jury in case 3:15-cv-2401.

14. Attached hereto as **Exhibit 9** is a true and correct copy of an excerpt of testimony in the arbitration. Jamie Gedye testified that he was hired to search for the programming owned by Northwest Direct, programming that went missing during Zweizig tenure as head of the IT department. Gedye testified that none of the programming could be found and it had to be recreated (p 1-7). Just McAnn testified as well and admitted to the email date of October 2, 2003, finding programming that had been destroyed by Zweizig when he reformatted and otherwise confirmed the forensic reports and testimony of Mark Cox and Steve Williams. This testimony was suppressed from the jury in case 3:15-cv-2401.

15. Attached hereto as **Exhibit 10** is a true and correct copy of my Cross Motion for Contempt against Zweizig and Albertazzi in case 19cv00824. As noted earlier, Zweizig and Albertazzi intentionally mislead the Deschutes Court on prior offers by Rote to transfer the Stock in NWDH to Zweizig. The misrepresented tax return evidence provided to establish the Trust's ownership of the stock. The proceeded with a sale of the stock through the Deschutes County Sheriff's office with full knowledge that I did not own that stock and failed to bring that to the Court's attention. In a January 20, 2022 I testified in a hearing on this very issue of ownership of the stock of NWDH, a time when the tax return evidence was not yet available. Although Zweizig presented no refuting evidence, Judge Alison Emerson nonetheless allowed Zweizig to pursue the sale. I argue that Zweizig and Albertazzi have gone back to the same well that violated my substantive due process rights and this time are asking that I be imprisoned for not capitulating to them doing so.

16. Zweizig and Albertazzi are intending to use the sheriff sale to accomplish two things. First to try to create a false argument that the income impact on the transfer is not \$1,250,000. Second, they are attempting to take more than the \$1 Million judgment. When Zweizig was pursuing my wife's Sunriver property, he signaled his willingness to accept property in part or full satisfaction, and initiating the first sheriff sale he confirmed his interest in taking the property by making a competing bid for \$50,000. There were no bidders and the sale was set aside. There will be no bidders. It is hard to imagine that anyone would bid on the stock of a closely held company without full knowledge of the debts or assets of that company...and that information has not been published; so we may logically presume the sheriff sale game is intended to engage in tax and collection fraud, criminal acts in a long series of criminal acts by Zweizig and any attorney who represents him.

17. Federal law prohibits the production, distribution, reception, and possession of an image of child pornography using or affecting any means or facility of interstate or foreign commerce (18 U.S.C. § 2251; 18 U.S.C. § 2252; 18 U.S.C. § 2252A). Specifically, Section 2251 makes it illegal to persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for purposes of producing visual depictions of that conduct. Any individual who attempts or conspires to commit a child pornography offense is also subject to prosecution under federal law.

18. Attached hereto as **Exhibit 11** is true and correct copy of my challenge to the sale of the Northwest Direct Homes, Inc. stock, claiming therein that I do not own that stock. Judge Emerson allowed the sale to proceed. Subsequently I filed a Motion to Set aside the Sheriff sale in favor because the Notice of intent to sale the stock by the Sheriff's office published an incorrect name, that of a nonexistent company called Northwest Homes, Inc. Zweizig made a bid of \$50,000, but the very clear goal by Zweizig is to try to accomplish some form of tax fraud, I believe using the Sheriff sale to provide some evidence of a lower value. Because the stock was tendered and rejected as **Exhibit 6** shows, the Sheriff Sale would not be demonstrative to the IRS. I have out the IRS on notice and provided to them a draft of the 1099NEC showing \$1,250,000 in income as well as notifying them that Zweizig received \$100,000 in legal services from the PLF, an amount taxable to him. The Motion to set aside the February sale of the NWDH stock was granted on June 23, 2022. The Appeal of Emerson's order is still pending.

19. Attached hereto as Exhibit 12 is a true and correct copy of Alison Emerson's facebook page and then a news article published when Alison Emerson first filed to be appointed Judge in Deschutes County. I would have the Court note that Nathan Steele is identified as

one her supporters, presumably based on the website referenced in page 1 of this exhibit. That website is no longer active, the link having been disabled, perhaps since the filing of this lawsuit.

20. Attached hereto as **Exhibit 13** is a true and correct copy of my challenge to Albertazzi/Zweizig's effort to sell the stock Zweizig believes I own in Northwest Direct Homes, Inc. I have maintained and provided evidence many times now that I do not own that stock. For the first time in 2022 the 2021 tax return evidence is available, since the trust became irrevocable in January 2021 right after Zweizig rejected the tender of that stock for the third time. A K-1 was provided to the Court and to Albertazzi showing that ownership. **See page 4.** In spite of having this K-1 evidence, both Albertazzi and Zweizig claim by declaration that no evidence of ownership has been provided.

21. Attached hereto as **Exhibit 14** is a true and correct copy of my Motion to Set Aside the Judgments and Declaration in Support in case 18cv45257. The Motion argues that Wise may not under Oregon law have a hearing on his own disqualification as well as arguing that statements made by Wise during a hearing in September 2021 implicate communication to and from Lininger and Kathie Steele, is prima facie evidence of bias and violates my First and Fourteenth Amendment rights. That Motion is pending.

22. Attached hereto as Exhibit 15 is a true and correct copy of the Supreme Court of Oregon's Notice that it will not review the order and award issued by Kamins and Mooney.

23. Attached hereto as Exhibit 16 is a true and correct copy of the Supreme Court of Oregon's Notice that it will not review the order affirming without opinion the dismissal of the Rote's counterclaims for interference with contract and slander of title. The only party



remaining in that litigation at the time the Appeal was affirmed without opinion was Max Zweizig and he made no appearance in that appeal.

24. Attached hereto as Exhibit 17 is a true and correct copy of Appellant's Response in Opposition to Albertazzi's fee petition upon a successful Motion to Dismiss the Appeal. As noted in the Appeal, Albertazzi had served the fee petition to the wrong address.

25. Attached hereto as Exhibit 18 is a true and correct copy of Albertazzi's Motion for attorney's fees and costs in his successful Motion to Strike. Nathan Steele maintains that there was no objectively reasonable basis and seeks all fees, essentially acknowledging that he has not separately stated the fees that would only be awarded for the anti-SLAPP Motion to Strike. Even after that Clackamas case 18cv45257, Albertazzi subsequently continued to engage in perjury and to suborn perjury of Max Zweizig, be reference to Exhibit 1, #18-6, #18-7, and Exhibit 10.

26. Zweizig's declaration of **Exhibit 1** in case 19cv00824, *wherein he does not deny downloading and disseminating child porn*, his *admissions* in his deposition of December 21, 2020, wherein he *admits his former attorney Ward Greene no longer wanted to be associated with Zweizig and the raping of children*, Zweizig's *Motion to suppress that deposition in case 19cv01547* and the substantial forensic evidence on the record in six cases showing his criminal activity...all lead to a necessary and strongly supported conclusion that the evidence implicates Zweizig's violations of 18 U.S.C. § 2251; 18 U.S.C. § 2252; 18 U.S.C. § 2252A. And further in this case that each and every defendant named in this case took action to advance and fund those criminal acts. The only question that remains is whether those actions in support of Zweizig fall squarely as violations of Plaintiff's First and Fourteenth Amendment rights.

27. Because the defendants have acted in collusion in this case to advance the interests of an admitted child predator, it is reasonable to conclude that this is a policy of the Oregon Judicial Department. Plaintiff therefore has added the FBI Child Pornography Victims Assistance office has been added as an interested party

**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: September 26, 2022

*s/ Timothy C. Rote*

Timothy C. Rote

Plaintiff *Pro Se*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2022, I filed the foregoing with the Clerk of the Court. Defendants identified below have made an appearance; have been served electronically through the Court's ecf system; and also served by email.

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Dated: September 26, 2022

s/ Timothy C. Rote

Timothy C. Rote

*Pro Se Plaintiff*