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6
7 IN THE CIRCUIT COURT OF THE STATE OF OREGON
8 FOR THE COUNTY OF DESCHUTES
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10
11 MAX ZWEIZIG,

12 Plaintiff,

13 vs.

14 TIMOTHY ROTE,

15 Defendant
16
17

Case No.: 19cv00824

CROSS MOTION FOR ORDER
REQUIRING PLAINITFF TO APPEAR
AND SHOW CAUSE WHY HE SHOULD
NOT HELD IN CONTEMPT FOR FALSE
STATEMENTS AND ACTIONS
COMPROMISING THE INTEGRITY OF
THE COURT

EX PARTE

CONFINEMENT SOUGHT

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20 **MOTION**

21 Defendant and judgment debtor Timothy Rote moves the court for an order requiring
22 defendant MAX ZWEIZIG (“Plaintiff”) to appear and show cause why he should not be held
23 in contempt for false statement and perjury in the pursuit of an unlawful order and misleading
24 Motion for contempt, for enlisting this Court to aid Plaintiff in tax fraud, for enlisting this
25 Court to retaliate against Defendant for bringing and action in Clackamas case #22cv17744, for

26 CROSS MOTION FOR ORDER REQUIRING PLAINITFF TO APPEAR AND SHOW CAUSE WHY HE
SHOULD NOT HELD IN CONTEMPT FOR FALSE STATEMENTS AND ACTIONS COMPROMISING THE
INTEGRITY OF THE COURTEX PARTECONFINEMENT SOUGHT - 1

1 using this action to retaliate for Defendant successfully setting aside two Sheriff sales of
2 property not owned by Defendant, for using this action to attempt to violate unlawful and/or
3 excessive garnishment of defendant's exempt and nonexempt income and for using this action
4 to violate Defendant's First and Fourteenth Amendment rights.

5 Defendant seeks maximum remedial sanctions against Plaintiff and Plaintiff counsel of:

6 a. Confinement in Deschutes County for a period of not less than 30 days for
7 presenting false facts and attempting to use this process to retaliate against Defendant for
8 pursuing his Constitutional First and Fourteenth Amendment Rights;

9 b. An award of punitive damages of \$250,000 in favor of defendant against
10 Plaintiff and Plaintiff counsel Albertazzi for soliciting the Court to use this process to violate
11 defendant's First and Fourteenth Amendment Rights;

12 c. An order denying all of Plaintiff's requests for remedial action; and

13 d. An order limiting all collection activities of plaintiff to garnishment of wages.

14 **ARGUMENT**

15 This motion is based on the records and files herein, ORS 33.015 to 33.155, and the
16 declaration of defendant filed with this Motion.

17 **Counts of Contempt**

18 **Count 1: Plaintiff failed to inform this Court that the Stock of Northwest**
19 **Direct Homes, Inc., (and/or the underlying real property it owns) while owned by the**
20 **Timothy Rote Irrevocable Trust was offered to Plaintiff in full or substantial satisfaction**
21 **of the judgment Plaintiff seeks in this case. Defendant had previously offered the stock of**
22 **Northwest Direct Homes, Inc. four prior times. Plaintiff rejected that offer four times.**
23 **Defendant is entitled to a finding of contempt against Plaintiff and counsel efforts and**
24 **declarations designed to mislead the Court on this offer and to do so by declaration. See**
25 **Exhibit 1.**

26 CROSS MOTION FOR ORDER REQUIRING PLAINTIFF TO APPEAR AND SHOW CAUSE WHY HE
SHOULD NOT BE HELD IN CONTEMPT FOR FALSE STATEMENTS AND ACTIONS COMPROMISING THE
INTEGRITY OF THE COURTEX PARTECONFINEMENT SOUGHT - 2

1 **Count 2:** Plaintiff failed to inform this Court that Plaintiff and counsel used
2 the sheriff sale process two times to sale stock in Northwest Direct Homes, Inc. with full
3 knowledge that the stock was not owned by Defendant. Plaintiff and counsel Albertazzi
4 specifically used this Court to engage in procedural and substantive violations of due
5 process under the Fourteenth amendment of the United State Constitution. Two
6 consecutive efforts to sale the stock of Northwest Direct Homes, Inc. have been stopped
7 and/or set aside. Defendant is entitled to a finding of contempt against Plaintiff and
8 counsel for misleading and compromising the integrity of this Court. See Exhibit 2.

9 **Count 3:** Plaintiff failed to inform this Court that Plaintiff and Plaintiff
10 Counsel are attempting to use this action to take 100% of Defendant's monthly social
11 security income, income which is exempt from this collection process. Plaintiff and
12 Counsel have failed to inform this Court that they have threatened to take Defendant's
13 entire retirement income and force defendant to pursue an action to recover it. Plaintiff
14 was informed of this source of income. Defendant is entitled to a finding of contempt
15 against Plaintiff and counsel for having committed perjury by not disclosing this ulterior
16 motive and intent to engage in unlawful collection. See Exhibit 3.

17 **Count 4:** Plaintiff has failed to inform this Court that Plaintiff and Plaintiff
18 Counsel are attempting to use this action in front of a friendly court to subvert due
19 process by avoiding litigation for an alleged fraudulent transfer under ORS 95.230 and
20 ORS 95.240 and the integrated litigation for alter ego. Rulings Plaintiff's prior two failed
21 fraudulent transfer claims are provided herein as Exhibit 4. Defendant prevailed on both
22 of Plaintiff's actions. Defendant is entitled to a finding of contempt against Plaintiff for
23 soliciting the Court to violate due process.

24 **Count 5:** Plaintiff has failed to inform this Court that Plaintiff was fully
25 informed that Defendant's principal source of income is from his new CPA practice and
26

1 **Intuit. Plaintiff failed to inform this Court that he has not attempted to garnish wages**
2 **from Intuit and that Rote CPA has not as of December 31, 2020 generated a profit.**
3 **Plaintiff is in full possession of the confidential tax returns and responses that show there**
4 **were no wages paid during 2018-2020. Defendant is entitled to a finding of contempt for**
5 **Plaintiff using these proceedings to induce the Court to interfere with Defendant's effort**
6 **to make a living and pay for litigation and attorney fees, the ultimate goal in seeking to**
7 **pierce the veil and assert alter ego of ROTE CPA, P.C. See Exhibit 5.**

8 **Count 6: Plaintiff and counsel have failed to inform the Court that they are**
9 **attempting to use the Sheriff sell process to engage in tax fraud. Both Plaintiff and this**
10 **Court have been informed that the transfer of the Northwest Holding Stock to Plaintiff is**
11 **a taxable event to Plaintiff in the amount of \$1,250,000. Using the sheriff sale process is**
12 **their attempt to set a lower price, even though no one in their right mind would bid on**
13 **closely held stock without having access to the balance sheet statement of assets, debts,**
14 **liens and equity (which has not been published). Defendant is entitled to a finding of**
15 **contempt for Plaintiff using these proceedings and a sheriff sale as ruse to engage in tax**
16 **fraud. See Exhibit 6.**

17 **Count 7: Plaintiff Declaration alleges that he has engaged in this Motion for**
18 **Contempt because Defendant filed a new lawsuit against Plaintiff. See ¶ 2 and 3.**
19 **Defendant has filed a malicious use of civil proceedings lawsuit against Plaintiff. Plaintiff**
20 **has not yet served the answer to defendant's complaint. A Motion to Strike Answer and a**
21 **Motion for Default Judgment in the amount of \$1,299,000 against Zweizig are both**
22 **pending. Defendant is entitled to a finding of contempt for Plaintiff using these**
23 **proceedings to solicit an act of retaliation from this Court in violation of Defendant's 14th**
24 **Amendment rights of due process. See Exhibit 7.**

1 **Count 8:** Plaintiff Declaration alleges at ¶4 that Defendant has continued to
2 **blog and alleged Defendant has labeled Plaintiff as a child predator. More specifically,**
3 **Defendant affirms he has and does allege that Plaintiff is engaged in downloading and**
4 **disseminating child porn which is a criminal act. Defendant asks the Court to note that**
5 **Plaintiff does not deny this allegation in his Declaration, an admission the full weight of**
6 **which favors defendant. Defendant has provided this Court with a forensic report from**
7 **police officer Steve Williams, a recent transcript of Plaintiff’s deposition in Clackamas**
8 **case 19cv01547 and further provides a Motion by Plaintiff to suppress his deposition of**
9 **admissions that his former attorney resigned no longer wanting to be associated with**
10 **Zweizig and the raping of children. Defendant is entitled to a finding of contempt for**
11 **Plaintiff using these proceedings to solicit an act of retaliation from this Court in**
12 **violation of Defendant’s 14th Amendment rights of due process. See Exhibit 8.**

13 **Count 9:** Plaintiff falsely alleges in his declaration at ¶5 that Plaintiff has not
14 **been provided evidence of the trust’s existence, but in fact has received testimony from**
15 **Defendant, a tax document K-1 from Northwest Direct Homes, Inc., a draft 1099 NEC in**
16 **the name of the TRUST to Zweizig and correspondence to his attorney. Plaintiff and**
17 **counsel are using this process as a pre-discovery in what should be a fraudulent transfer**
18 **action. In the past Plaintiff has refused to process understand the significance of**
19 **agreement and tax returns in prior cases and cases in which defendant has prevailed.**
20 **Defendant is entitled to a finding of contempt for Plaintiff using these proceedings to**
21 **solicit an act of retaliation from this Court in violation of Defendant’s 14th Amendment**
22 **rights of due process. See Exhibit 9.**

23 **Count 10:** Plaintiff falsely alleges in his declaration at ¶6 that Defendant makes
24 **a mockery of the Court system. In fact just the opposite is true. Defendant’s Civil Rights**
25 **Federal Complaint 3:22-CV-0985 asserts violations against Plaintiff’s attorney and this**

1 Court when in the past in entertained baseless Motions by child predator Zweizig.
2 Defendant is entitled to a finding of contempt for Plaintiff using these proceedings to
3 solicit an act of retaliation from this Court in violation of Defendant's 14th Amendment
4 rights of due process. See Exhibit 10.

5 Count 11: Plaintiff Counsel seeks a contempt order for defendant objecting to
6 discovery intended to solely interfere with Defendant's business or for defendant for not
7 providing tax returns (returns that had not yet been filed). See Plaintiff declaration ¶12,
8 13, 14, 15, 16, 17, 18. Plaintiff continue to threaten his counsel. Defendant is entitled to a
9 finding of contempt for Plaintiff using these proceedings to solicit an act of retaliation
10 from this Court in violation of Defendant's 14th Amendment rights of due process.

11 CONCLUSION

12 For the above reasons, Defendant moves this court for an order demanding Plaintiff
13 appear and show cause why he should not be held in contempt for committing multiple
14 statements in his declaration that can be objectively shown as deceptive and false statement
15 and/or perjury and affirmations of criminal activity, in an attempt with an officer of the Court
16 to induce this Court to violate Defendant's Fourteenth Amendment Rights of Due Process and
17 to unlawfully imprison Defendant.

18
19 Dated this 19th day of September, 2022

20
21 /s/ Timothy C. Rote
22 Timothy C. Rote, *Pro Se*

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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that I served the above on:

5 Albertazzi Law Firm
6 Attn: Anthony Albertazzi
7 296 SW Columbia, Suite B
8 Bend, Oregon 977002
9 albert@albertazzilaw.com

10 Via First Class Mail

11 Via Email

12 Via OECECF Notification

13 DATED: September 19, 2022

14 */s/ Timothy C. Rote* _____
15 **Timothy C. Rote**
16 *Pro Se*