

No. 20-35017

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Timothy C. Rote,

Plaintiff-Appellant,

v.

Committee on Judicial Conduct and Disability, et. al.

Defendants-Appellees

On Appeal from the United States District Court
For the Portland District of Oregon
No. 3:19-cv-01988-MO
Hon. Michael Mosman

**APPELLANT'S REPLY IN SUPPORT OF THE MOTION TO
SUPPLEMENT THE RECORD**

Timothy C. Rote
Pro Se
24790 SW Big Fir Rd.
West Linn, Oregon 97068
503.702.7225
timothy.rote@gmail.com

ARGUMENT

Appellant fully understands that the PLF and some of the judicial actors named in this lawsuit believe that they can avoid the stench of providing free legal services to a known producer of child porn, cybercriminal and identity thief, but the public has a right to know.

Max Zweizig testified, by reference to page 33 of Appendix 1, as follows:

Q. “The Clackamas County case 19CV14552 you were represented by the Professional Liability Fund; is that correct?

A. Are you telling me I was represented by an attorney?

Q. Nina Cook who was hired by the Professional Liability Fund. Can you confirm that?

A. I believe I did have Nina Cook as somebody I knew in regard to all this.

Q. Did you file a malpractice claim against Linda Marshall?

A. No.

Q. Can you tell me why the PLF represented you during that litigation?

A. I think they have a phone number. I think you're starting to get into an area of conversations with an attorney that -- I don't think that's an area we should get into. You're welcome to ask them.

Q. You don't know why you were represented by the PLF?"

Plaintiff-Appellant would be more than happy to have the Court reverse the dismissal and have the lower court hear additional evidence, permit discovery and allow plaintiff to garner more evidence showing the collusion between the PLF and other parties.

Nena Cook, who is identified in the transcript as representing Zweizig, has refused to answer the question posed on why she represented Zweizig and Sandra Ware. Nena Cook became the CEO of the PLF a short time thereafter. Nena Cook has after only one year left the PLF and Carol Bernick is again running that show as interim CEO.

We are left with a question of why the PLF represented Zweizig and Ware. It was not for repair and it was not based on a malpractice claim. Perhaps it was a favor to Judge Mosmam, a defendant in this lawsuit. Perhaps it was a favor to Judge Steele and the Clackamas County Court. Regardless of who called on the PLF to deliver the favor, it was provided, there is a quid pro quo and there is evidence.

The transcript also provides a critical admission by Zweizig that one of his attorneys (Williams Kastner) quit representation not wanting to be associated with Zweizig's and presumably with his child porn business. At the core of this case is

plaintiff's argument that the PLF is engaging in criminal activity in the form of Oregon and Federal RICO predicate acts that compromise the civil rights of the plaintiff and millions of Oregon citizens. Zweizig's admissions implicate that criminal conduct.

The evidence is material and relevant on the allegations against the PLF and the named judicial actors. The PLF does not deny their criminal conduct. The judicial actors do not deny their civil rights abuses or a quid pro quo relationship. Zweizig's transcript is the best evidence now.

Appellant argument closely aligned with arguments made by former California State Attorney General and now vice-president-elect Kamala Harris. This 9th Circuit Court embraced that argument.

The Court's "inherent equitable powers to supplement the record as justice requires" should be exercised to permit the supplement and to a finding that the dismissal was premature, and that more evidence of this nature is discoverable and should be permitted.

CONCLUSION

Plaintiff-Appellant Rote requests Zweizig's deposition transcript supplement the record in this appeal to at a minimum inform the Court that the dismissal should be reversed and evidence of this nature can be acquired during discovery.

In so far as the PLF is organized under the umbrella of the Oregon Judicial Department, the court should conclude that Zweizig's representation was provided free of charge to cover up the very civil rights abuses Plaintiff described in his complaint. The question of who solicited the free service is not known, but a foundation is properly established through this evidence that it was not Zweizig.

Date: January 19, 2021

/s/ Timothy C. Rote
Timothy C. Rote

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(a)(7)(C), I certify that:

This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because this brief contains 645 words, excluding the parts of the Motion exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

This Motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionately spaced typeface using Microsoft Word Times New Roman 14-point font.

Date: January 19, 2021

/s/ Timothy C. Rote
Timothy C. Rote

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2021 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Date: January 19, 2021

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