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JUL 25 2018

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE**

**Timothy W. Fitzgerald
SPOKANE COUNTY CLERK**

In re the Matter of:

SIRINY SURINA,

Petitioner,

and

AARON SURINA,

Respondent.

NO. 17-3-01817-0

ORIGINAL

**VERBATIM REPORT OF PROCEEDINGS
ORAL RULING**

BE IT REMEMBERED that the above-entitled matter was heard before the Honorable Nichole Swennumson, Superior Court Commissioner, County of Spokane on June 12, 2018, in Courtroom 306.

SUSAN L. ROBSON, TRANSCRIBER
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APPEARANCES:

For the Petitioner: MR. KEITH GLANZER
Attorney at Law
2024 West Northwest Blvd.
Spokane, WA. 99205

For the Respondent: MR. RICHARD KUCK
Attorney at Law
PO BOX 1320
Coeur d'Alene, ID. 83816

Interpreter: MR. SEE VUE

1 THE COURT: All right. Well this is a motion for
2 contempt filed by the petitioner, alleging violations of my
3 temporary order on September 28th, 2017. And in that order,
4 I ordered the respondent to make payments on different
5 expenses; the household expenses, utilities, car. I don't
6 have that order up in front of me, but different expenses
7 and that's one alleged violation.

8 The second order that's being alleged to be violated is
9 my November 8th, 2017 order. And in that order, I ordered
10 both parents to not enter the premises of the other person's
11 home. And I specifically did not order that those
12 restraints to go to law enforcement; I made it just a civil
13 restraining order. So, violations of that are appropriate
14 by contempt, as otherwise it would have been appropriate to
15 call law enforcement if I had made it criminal.

16 And then the third violation, alleged violation, is of
17 my March 15th, 2018 order. And that order was an order I
18 took under advisement and it was a two or three-page letter
19 order that I entered on that date.

20 And I'll go ahead and start with the tax return. In
21 order to find contempt, I have to find that there is a valid
22 Court order. And I'll go ahead and say it: all of my Court
23 orders have been valid; nobody's challenged the validity of
24 them. That the parties are aware of the Court orders;
25 nobody's alleging that they weren't aware of the Court

1 order. And then I have to find that there is an intentional
2 violation of the Court order.

3 In regards to the tax return, on that written -- the
4 Court's written ruling and order that I signed on March 15th,
5 I had taken into consideration Mr. Surina's arguments in
6 regards to income or selling of stuff in Thailand and why he
7 didn't want to file a tax return with Ms. Surina. And I
8 took all of the facts that were before me and I didn't have
9 any information that there was income, or something not
10 being declared, despite discovery occurring on this case.
11 And I even pointed out in that order that if these streams
12 of income existed, Mr. Surina certainly never claimed them
13 on previous tax returns, which lead the Court to believe
14 they didn't exist; I had zero evidence of it. And so, I
15 ordered that the parties file an amended tax return, married
16 filing jointly, to maximize the amount of return that this
17 community would receive.

18 Mr. Surina is still alleging that this tax return would
19 be incorrect and if it is incorrect and their incomes aren't
20 being disclosed, it is a crime; I just don't have evidence
21 of that.

22 So, I'm going to order that either the parties file an
23 amended tax return, as I previously ordered, within 30 days,
24 or if Mr. Surina's not comfortable with that, there will be
25 a judgment entered of \$2,325.50, which is half of what the

1 amended tax return would be if they filed married filing
2 jointly; and that's pursuant to Mr. Surina's tax accountant.
3 So, I'm taking his numbers, and they add up to what Mr.
4 Glanzer was telling me. So, 30 days and then I'll expect a
5 judgment and that judgment can be entered without notice of
6 the statutory interest rate. Neither party is going to
7 spend any more fees on that issue.

8 In regards to my temporary order in terms of payment of
9 expenses, the Court is taking this under advisement. I
10 don't know that I have the ability to find contempt on that
11 issue because they are expenses. I think that you have to
12 file a motion to compel and if it's not paid it gets reduced
13 to a judgment and then you garnish, but I'm going to look it
14 up to see if I have the ability to do that.

15 I will say that there's been an argument made that
16 nothing has been intentional in regards to those payments
17 because they weren't going to Mr. Surina. There's been an
18 argument that this information was forwarded; that Mr.
19 Surina put in forwarding information, either to the places
20 that send the bill or to the post office. I'm going to
21 authorize anybody to provide me information; you have ten
22 days to do it. If I find that either party has
23 misrepresented to the Court that that information hasn't
24 gone, I'm going to sanction the appropriate party, whether
25 it's the wife or the husband, for lying to this Court or

1 misrepresenting to this Court. So, if I find that, in fact,
2 the bills were still being sent to Ms. Surina, I'm going to
3 sanction her. If I find that they were being forwarded to
4 Mr. Surina's P.O. Box, I'm going to sanction him.

5 MR. GLANZER: (Inaudible).

6 THE COURT: Ms. Surina did have to pay \$117.22 for the
7 water bill. That can be reduced to a judgment if Mr. Surina
8 doesn't reimburse her within 30 days either.

9 In regards to the restraining order, I do find that was
10 an intentional violation of my Court order and I am finding
11 contempt. Restraining orders, it is well known, apply not
12 to just an individual but to any third party. Restraining
13 orders would mean nothing if you could send a third party in
14 to do it. And the fact that it was a child being sent in is
15 very disturbing to the Court, especially when I had two
16 attorneys on the case at that point.

17 I don't frankly buy the story of whose phone it was;
18 that it was a work phone. Frankly, I don't have to; I don't
19 have to find that. I don't care what was in the house.

20 It's not appropriate to send the child in to get it, it's
21 not appropriate to send any third party in to get it when I
22 have a restraining order that specifically restrains parties
23 from the other party's house. And so, I am finding contempt
24 on that issue. It was, I do find, intentional to send his
25 son in to get an item, whether it was his or someone else's,

1 out of that home. And I am going to order \$750 in attorney
2 fees for that violation.

3 I am not ordering supervised visits. I don't find that
4 that's appropriate sanction. I don't find that that's an
5 appropriate purge condition. I'm not having the children
6 pay for that action. That this violation can be purged by
7 following all Court orders for the next three months and
8 then it'll be purged.

9 Mr. Glanzer, this was your motion, do you have any
10 questions?

11 MR. GLANZER: I don't, Commissioner.

12 THE COURT: Okay. Mr. Kuck, do you have any questions
13 about my order?

14 MR. KUCK: No questions, Your Honor. Thank you.

15 THE COURT: Okay. With that, I'm going to go off the
16 record. I'm going to have the parties draft up an order
17 before you go so that gets entered---

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19 (COURT RULING CONCLUDES)

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STATE OF WASHINGTON)
COUNTY OF STEVENS)

CERTIFICATE

I, SUSAN L. ROBSON, a notary public in and for the
State of Washington, do hereby certify:

That I am an authorized transcriptionist;

I received the electronic recording directly from the
trial court conducting the hearing;

This transcript is a true and correct record of the
proceedings to my best ability, including any changes made
by the judicial officer reviewing the transcript;

I am in no way related to or employed by any party in
this matter, nor any counsel in the matter; and

I have no financial interest in this litigation.

WITNESS my hand and seal this 21st day of July, 2018 at
Clayton, Washington.


NOTARY PUBLIC in and for the
State of Washington, residing
at Clayton. My commission
expires: 09/09/2021