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**Superior Court of Washington
County of Spokane**

SIRINYA SURINA

No. 17-3-01817-0

Petitioner,

And

**OBJECTION/MOTION TO
STRIKE**

AARON SURINA

Respondent.

I. MOTION

Respondent, Aaron Surina, by and through his attorney, submits this objection and moves the court for an order striking the hearsay statements and statements made without personal knowledge, and new allegations made in the reply declarations of Sirinya Surina and for fees under LSPR 94.04(a)(10)(E).

II. BASIS

Pursuant to LSPR 94.04(a)(10)(E), the Washington Court Rules of evidence apply. Under the Rules of Evidence, ER 408, settlement negotiations, conduct or statements made in compromise negotiations are inadmissible. Furthermore, under the Rules of Evidence, hearsay statements shall be inadmissible. Hearsay is considered an out of court statement used to prove the truth of the matter asserted. ER 801-802. Witnesses may only testify to facts that there is sufficient evidence to support a finding that the witness has personal knowledge of the matter. ER 602. Furthermore,

Motion To Strike- Page 1

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1 pursuant to the Court rules, the reply declaration should be in strict reply to the responsive
2 documents.
3

4 **Declaration of Carl Wilson**

- 5 • Page 2, Paragraph 4. Mr. Wilson cannot testify as to what Petitioner allegedly said.
6 Ms. Surina is not a party opponent. This declaration is submitted on her behalf. This
7 is hearsay and not admissible. Furthermore, it appears that Mr. Wilson did not have
8 firsthand knowledge as to any of these allegations.
9
10 • Page 2, Paragraph 6. Mr. Wilson has established no foundation as to any personal
11 knowledge regarding the Surina's financial affairs.
12
13 • Page 3, Paragraph 1. Mr. Wilson cannot testify as to what Petitioner allegedly said.
14
15 • Page 3, Paragraph 10. This is new allegations and no relevant.
16
17 • Page 3, Paragraph 12. Mr. Wilson has established no foundation of personal
18 knowledge as to any of these accusations. They apparently are based on hearsay
19 statements from the Petitioner. This is also new allegations.
20
21 • Page 3, Paragraph 13 and 14. These are a new allegations/insinuation.
22
23 • Page 3-4, Paragraph 15. This is entirely new allegations.
24
25 • Page 4, Paragraph 15, lines 2-4. Mr. Wilson cannot testify as to what Petitioner
26 allegedly said.

• Page 4, Paragraph 17. This is almost entirely hearsay and should be stricken.
Furthermore, this is new allegations and Mr. Surina should have an opportunity to
respond.

• Page 4, Paragraph 18. This is new allegations and also hearsay as noted above.

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- Page 5, Paragraph 19. Mr. Wilson again provides no basis for his personal knowledge as to most of the allegations- besides the alleged statements of Mr. Surina. All other accusations are hearsay and should be stricken. This is also new allegations to which Mr. Surina should have had the ability to respond.
- Page 5, Paragraph 20. Mr. Wilson has no personal knowledge as to who had the keys, and such testimony is based on hearsay. Furthermore, this entire paragraph is a new allegation to which Mr. Surina should have had the ability to respond. If this had actually occurred, it surely should have been put in the original motion!
- Page 5, Paragraph 21. This is also new allegation. All this occurred prior to Ms. Surina getting her ex parte order. Furthermore, Mr. Wilson has alleged no basis for any personal knowledge to testify to these allegations.
- Page 6, Paragraph 22. Again, no personal knowledge as to how Ms. Surina was “invited” to her own son’s birthday party. Respondent and counsel are also confused why the mother felt she had to be invited to her son’s party.
- Page 6, Paragraph 23. Again, many statements are without basis or personal knowledge. These are also new allegations.

Declaration of Bang-Or Wilson

- Page 1, Paragraph 2. This is new allegation and also irrelevant.
- Page 1-2, Paragraph 3. This is a new allegation.
- Page 2, Paragraph 4, line 4-5. This is a new allegation that Mr. Surina apparently got high or drunk before returning to work, and apparently received no reprimand from his job.

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- Page 2, Paragraph 6, lines 13-15. This is new allegation. It is also hearsay as it is based off of Petitioner's alleged statements. Ms. Wilson cannot testify as to what Petitioner allegedly said.
- Page 2, Paragraph 9. This is new allegation.
- Page 2, Paragraph 10. This is new allegation. It is also hearsay as it is alleged a third party made the statements.
- Page 3, Paragraph 3, line 7-9. These are new allegations and also based on child hearsay.

Declaration of Benjamas Spirattanakun

- Page 1, Paragraph 3. Ms. Benjamas cannot testify as to what the Petitioner allegedly said.
- Page 1, Paragraph 5, line 23-24. Ms. Benjamas cannot testify as to why Petitioner allegedly did or did not do something. Furthermore, Petitioner already testified that she did this thing.
- Page 2, Paragraph 7. This is a serious allegation made for the first time in reply. Respondent should have had the opportunity to respond to this.
- Page 2, Paragraph 9. This is a new allegation.
- Page 2, Paragraph 10, line 13-15. These are new allegations.
- Page 2, Paragraph 12, line 17-18. These are new allegations.
- Page 2, Paragraph 13. This is a new allegation.
- Page 2, Paragraph 14. This is a new allegation.
- Page 3, Paragraph 19, line 7-8. These are new allegations.

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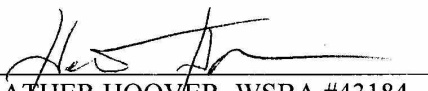
1
2 **Reply Declaration of Sirinya Surina**

- 3
- Page 1, Paragraph 2, Exhibit A. This is new.
 - Page 2, Paragraph. While this is in reply to the allegation that she had hidden a bank
4 account, no documentation has been provided as to this account.
5
 - Page 2, Paragraph 7, line 21. This is a new allegation.
6
 - Page 3, Paragraph 10, line 19-21. This is a new allegation. It is asserted that
7
8 Petitioner had to come up with a story as she knew that Respondent had contacted
9 an attorney prior to filing her ex parte restraints.
10
 - Page 4, Paragraph 17. These are all knew allegations. Petitioner said basically
11 nothing about Respondent's parenting in her original declaration, and didn't even
12 bother filing a proposed parenting plan.
13
14

15 **III. CONCLUSION**

16 As the statements were made in clear violation of the court rules, the statements should be
17 stricken and fees awarded pursuant to LSPR 94.04(a)(10)(E). Attorney fees should be awarded
18 for this refusal to follow the Court Rules.
19

20 Dated the 26th day September 2017.

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22 
HEATHER HOOVER, WSBA #43184
Attorney for Respondent
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Motion To Strike- Page 5

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