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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SPOKANE

In re: Surina objection to relocation

Petitioner/s *(person/s who started this case)*:

Sirinya Surina

And Respondent/s *(other party/parties)*:

Aaron Surina

No. 17-3-01817-0

**EMERGENCY MOTION FOR TEMPORARY
ORDERS TO PREVENT UNILATERAL
RELOCATION AND ENROLLMENT OF
MINOR CHILDREN
(MT)**

**Emergency Motion for Temporary Orders to prevent
unilateral relocation and enrollment of minor
children**

I. INTRODUCTION

This Emergency Motion for Temporary Orders is filed by the Respondent, Aaron Surina, in accordance with Washington State's Rules of Civil Procedure and Spokane County local court rules. This motion seeks the immediate intervention of the court to prevent

the unilateral action by the Petitioner, Sirinya Surina, in relocating the parties' minor children, David and Andrew, from the Spokane School District to the Cheney School District and enrolling them there.

II. LEGAL GROUNDS

A. State Case Law

Pursuant to Washington State's parenting plan statute, RCW 26.09.260, a major modification of a parenting plan requires a showing of a substantial change in circumstances of the child or the nonmoving parent. In *Marriage of Littlefield*, 133 Wn.2d 39, 940 P.2d 1362 (1997), the Washington Supreme Court emphasized the need to maintain stability and continuity for the welfare of the child.

B. Federal Case Law

The landmark case of *Troxel v. Granville*, 530 U.S. 57 (2000), recognizes the constitutional right of parents to make decisions concerning the care, custody, and control of their children.

C. Orders given on June 23, 2023

Judge Dixon clarified on June 23, 2023 that the children would not be moved prior to a timely filed trial on the matters. This was ignored by opposing party. Opposing counsel did in fact confirm during the hearing that she would not move. She moved and the house was up for rent on zillow on the same day as the hearing, June 23, 2023

coincidentally. This is visible on Zillow.com, a public website for finding rental property. A simple search of 227 E. 22nd ave, Spokane, WA 99203 will show the listing's date it was listed. Houses aren't listed that are still occupied by a renter. The petitioner and her counsel were in fact aware of the facts and clearly lack candor with the audience set forth herein.

III. FACTUAL BACKGROUND

Current Enrollment in Spokane School District: The children have an established and stable support network in their current school district. Neither desire to change their entire social structure for Mom to reduce her commute to her bar by 6 minutes. Dad has ensured the boys are enrolled in school and will be ready for school come September 5th, 2023.

Timely Noted Hearing: A hearing was noted and set, also it has been timely noted for the 28th of July, as mandated by local rules and civil procedure, in objection to the proposed relocation. All requisite fees have been paid to the clerk's office.

Amendments to Objection: Because no notice was filed initially, amendments have been made to the objection to comply with local and state procedure and to answer the notice of intent to relocate once they did file one. The amended objection filed on July 15 answered all of the questions and outlined the concerns.

Imminent School Year Start in Cheney: The Cheney School District starts its academic year earlier, causing additional stress and confusion for our children. They remain enrolled locally here and their conferences have been communicated to the petitioner. She also is well aware of the location of each school and how to navigate to each of their schools and classrooms when necessary.

Children's Emotional State: Both children are hopeful and trusting the legal process, adding further urgency to resolve this matter beneficially for their emotional and educational stability.

Pending Motions: Other motions are pending before this court aimed at preventing this detrimental relocation.

Inconsistent Reasoning: The rationale for the proposed relocation by the Petitioner is inconsistent and lacks shared agreement.

IV. PRAYER FOR RELIEF

Therefore, I respectfully request that this Honorable Court:

Issue an emergency temporary order preventing the Petitioner from relocating the children and enrolling them in the Cheney School District, pending a full hearing on this matter.

Schedule an expedited hearing to fully adjudicate these urgent issues.

Grant any other relief the Court deems just and equitable.

V. CERTIFICATION

I certify under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed

Aaron Surina (Respondent Father)

Dated this 29th day of August, 2023 in Spokane County, Washington.

A. Evidence Relied Upon

I ask the court to consider this evidence *(list all declarations and other documents that support this request)*:

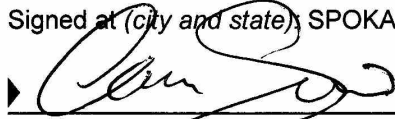
Objection to relocation, affidavits, motions pending, Zillow.com,

B. A Proposed Order (*check one*): ☒ is attached to previous motions filed for temporary orders intended for July 28, 2023.

Person making this motion fills out below

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true. ☐ I have attached (*number of*): _____ pages.

Signed at (*city and state*): SPOKANE, WASHINGTON _____ Date: 8/29/2023 _____



Person making this motion signs here

AARON SURINA _____

Print name here

I agree to accept legal papers for this case at (*check one*):

☒ the following address (*this does **not** have to be your home address*):

PO BOX 30123, SPOKANE, WA 99223 _____

street address or PO box

city

state

zip

(*Optional*) email: MAIL@SURINA.ORG

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a *Sealed* cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.