

CASE NUMBER
201703018170
SN:525.0 PC:17

FILED
9/7/2023
Timothy W Fitzgerald
Spokane County Clerk

SUPERIOR COURT OF WASHINGTON, COUNTY OF SPOKANE

In re:

Sirinya Surina

Petitioner

No. 17-3-01817-0

And

Aaron Surina

Respondent

DECLARATION OF COUNSEL

JONATHAN BISCEGLIA, first being duly sworn upon oath deposes and says:

I am Attorney of Record for the above-named Petitioner. I make this declaration of my own personal knowledge.

1. Respondent filed a motion on September 1, 2023 titled, "Ex-Parte Motion for immediate Orders."
2. The Motion is attached hereto as **Exhibit A**.
3. The Motion is sub-number 522 and consists of six pages.
4. Page six is a certificate of service certifying that the Respondent served my office with the Motion on September 1, 2023 by electronic mail.
5. I received no pleadings from Mr. Surina on September 1st from any of his known email addresses. Namely, aaron@surina.org, aaron.surina@gmail.com, and legal@surina.org.
6. On August 29, 2023, an email was sent to Ms. Kim Kilham of the Spokane County Superior Court and to Mr. Miguel Garcia of the Adams County Superior Court delivering what were presumably bench copies for the September 14, 2023 hearing.
7. Again, a certificate of service indicated my office was served with a proposed Temporary Family Law Order and a Proposed Parenting Plan. Neither were served to my office.

DECLARATION OF COUNSEL - 1

KSB LITIGATION, P.S.
510 W. Riverside Ave. #300
Spokane, WA 99201
T 509 624 8988 F 509 474 0368

1 8. I requested that I be served those pleadings or that the declaration of service be amended.
2 I was later served those pleadings. These emails are attached hereto as **Exhibit B**.

3 9. On September 1, 2023, the contents of the "Ex-Parte Motion for immediate Orders" was
4 sent to me as the body of an email but not as a pleading.

5 10. The email was directed to: Ms. Kim Kilham, Mr. Miguel Garcia, Ms. Susan Robson, Mr.
6 Keith Glanzer, Esq., L. Rogers, and Mr. Mike Weening. A true and correct copy of the
7 same is attached hereto as **Exhibit C**.

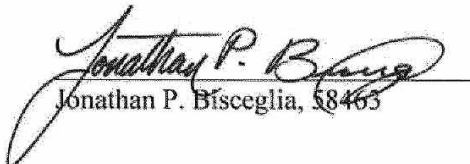
8 11. In addition to the above-named recipients, Mr. Surina also sent the email to The Honorable
9 Commissioner Nichole Swennumson and The Honorable Judge Julie McKay

10 12. The Motion is substantially similar to the subject email, but contains an additional
11 argument, and grammatical changes.

12 13. On September 7, 2023, I retrieved the above captioned online court file through SCOMIS
13 and found the contents of the email had been changed and filed as a Motion with the court.

14
15 I declare under penalty of perjury under the laws of the state of Washington that the forgoing is
16 true and correct.

17 Signed at Spokane, WA on September 7, 2023.

18
19 
Jonathan P. Bisceglia, 58463

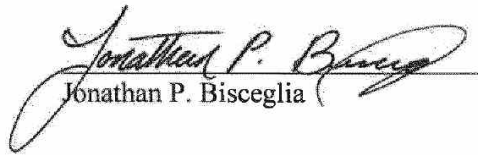
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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September 2023, I caused to be served a true and correct copy of the foregoing document, by the method indicated below and addressed as follows:

Aaron Surina
PO Box 30123
Spokane, WA 99223
Aaron.surina@gmail.com
aaron@surina.org

_____	U.S. MAIL
_____	OVERNIGHT MAIL
_____	DELIVERED
_____	FACSIMILE
<u> <i>x</i> </u>	E-MAIL


Jonathan P. Bisceglia

DECLARATION OF COUNSEL - 3

KSB LITIGATION, P.S.
510 W. Riverside Ave #300
Spokane WA 99201
T 509 624 8988 **F** 509 474 0358

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EXHIBIT A

EXHIBIT - 1

KSB LITIGATION, P.S.
510 W. Riverside Ave. #300
Spokane, WA 99201
T 509 624 8988 F 509 474 0358

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CN: 201703018170
SN: 522
PC: 6

FILED

SEP 01 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

FILED

2023 SEP -1 P 4: 53
SUPERIOR COURT OF WASHINGTON, COUNTY OF SPOKANE
TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

In re: Surina v Surina

Petitioner:

Sirinya Surina

v.

Respondent:

Aaron Surina

No. 17-3-01817-0

Ex-Parte Motion for immediate Orders
(MT)

Ex-Parte Immediate Motion for Orders due to recent findings

Aaron Surina
PO BOX 30123
Spokane, WA 99223
707-200-4372
legal@surina.org

1 September 1, 2023

2 Honorable Judge Steve Dixon
3 Spokane County Superior Court
4 1116 W. Broadway Ave
5 Spokane, WA 99201

6 Johnathan Biscelgia
7 KSBLIT Law
8 jbiscelgia@ksblit.legal
9 Spokane, WA 99201

10 Logan Rogers [Deputy Clerk]
11 Spokane County Superior Court
12 1116 w. Broadway Ave
13 Spokane, WA 99201

14 ---
15
16
17 **Re: Immediate Request for Ex-Parte Orders in Case No: 17-3-01817-0**

18 Your Honor, and Esteemed Parties,

19
20
21 I am writing this letter to bring to your immediate attention an alarming procedural
22 discrepancy and a situation that poses a significant threat to the well-being of my
23 children, David and Andrew. A hearing scheduled for August 11, 2023, was neither
24 communicated to me nor the opposing party apparently, and as a result, neither of us were
25 present for it. Consequently, a hearing appears to have occurred without either party
26 present, rendering the court's actions on that date inexplicable and leaving this case in a
27 perilous state. What was before the court? Where was the process service for this

Page 2 of 7

Case No 17-3-01817-0 | in re: Surina v Surina
Ex-Parte motion for immediate orders preventing unilateral decisions without the court

Aaron Surina

September 1, 2023

1 hearing?

2
3 **### Immediate Need for Ex-Parte Orders**

4
5 Given this procedural anomaly and the immediate risks it poses to my children, I urgently
6 request the issuance of ex-parte orders for the following:

7
8 **1. Preventing Relocation and School Enrollment Changes:** An immediate order to
9 prevent the children's mother from unilaterally changing their school district or location, thus
10 keeping them from being isolated from their established support networks, friends, family,
11 and most notably, their father. Their normal school and friends all start on Tuesday of next
12 week. My oldest son is scheduled for his launch conference in 45 minutes.

13
14
15 **2. Right of First Refusal:** An immediate order granting me, the father, the right of first
16 refusal for any care arrangements for the children. This would prevent them from being left
17 with third parties when they could be in the care of a biological parent.

18
19 **### Legal Justifications**

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21
22 This request is in alignment with RCW 26.09.260 and federal case law, including Troxel v.
23 Granville, 530 U.S. 57 (2000), which collectively uphold the father's constitutional rights for
24 the care, custody, and control of his children. The unilateral actions currently being taken not
25 only violate the law but also directly compromise the children's well-being.

1
2 **Other Immediate Reliefs**

3
4 I also request an immediate inquiry into the circumstances surrounding the erroneous
5 scheduling of the hearing on August 11, 2023. The lack of proper service and notice to
6 both parties raises serious questions about procedural integrity and due process.
7

8 Your Honor, my children are on the brink of having their lives upended to save their
9 mother a mere six minutes on her daily commute while they are isolated from their
10 established lives. Such a situation is untenable and must be addressed immediately to
11 prevent irreversible harm. I trust that you will consider this request with the utmost
12 urgency it requires.
13

14
15 **Conclusion:**

16
17 I, Aaron Surina, appreciate the court's attention to this motion and request. I firmly
18 believe that your intervention will ensure justice and fairness in this matter,
19 protecting the rights and well-being of all parties involved.
20

21
22
23 I remain committed to upholding the principles of justice and maintaining the
24 utmost professionalism throughout this litigation. Thank you for your attention to
25 this matter, and I look forward to the Court's guidance in resolving this case.
26
27

1 I, Aaron Surina, the undersigned, do swear or affirm under penalty of
2 perjury that the foregoing is true and correct to the best of my
3 knowledge and belief.
4

5 DATED this 1st day of September, 2023 and signed in Spokane County,
6 Washington
7

8 
9
10 Aaron Surina
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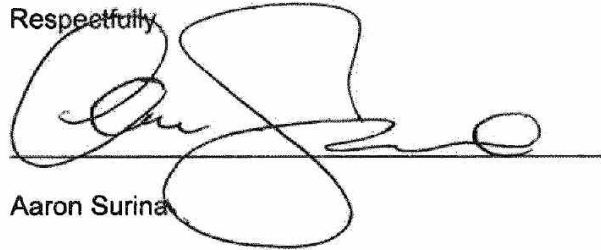
12 **Attachments:**
13

- 14
- 15 1. Case No: 17-3-01817-0 – my note for hearing is filed on the record, July 28, 2023.
 - 16 2. Previous Court Orders and Hearing Notices are not on the record and none received for
17 an August 11, 2023 hearing.
 - 18 3. Trial Minutes dated August 11, 2023 and incorporated as set forth herein.
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CERTIFICATE OF SERVICE

I certify that on September 1st, 2023 a copy of this pleading / motion to
move the court was served on the counsel of the petitioner, by email.

Respectfully,



Aaron Surina

B

/s/

Location: Spokane County, Washington

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EXHIBIT B

EXHIBIT - 1

KSB LITIGATION, P.S.
510 W. Riverside Ave #300
Spokane, WA 99201
T 509 624 8988 F 509 474 0358

Jonathan Bisceglia

From: Jonathan Bisceglia
Sent: Wednesday, August 30, 2023 11:20 AM
To: Aaron Surina; Kilham, Kim; miguelg@co.adams.wa.us
Cc: webrecep@spokanecounty.org
Subject: RE: Emailing Adobe Scan Aug 29, 2023 (1).pdf

Your certificate of service shows I was served a proposed temporary family law order and proposed parenting plan. Those are not in your pleadings. Please serve those or amend your declaration of service.

JONATHAN BISCEGLIA
KSB LITIGATION, P.S. | TRIAL ATTORNEYS
510 W. Riverside Ave. #300 Spokane, WA 99201
T 509 624 8988 F 509 474 0358 / jbisceglia@ksblit.legal / KSBllt.com

CONFIDENTIALITY NOTICE: The information contained in this email and any accompanying attachment(s) is intended solely for the use of the intended recipient and may be protected by the attorney-client privilege, work product doctrine or other confidentiality protection. If any reader of this communication is not the intended recipient, unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error, please immediately notify the sender by return email, and delete the original message and all copies from your system. Thank you.

From: Aaron Surina <aaron@surina.org>
Sent: Tuesday, August 29, 2023 4:51 PM
To: Jonathan Bisceglia <JBisceglia@ksblit.legal>; Kilham, Kim <kkilham@spokanecounty.org>; miguelg@co.adams.wa.us
Cc: webrecep@spokanecounty.org
Subject: Emailing Adobe Scan Aug 29, 2023 (1).pdf

Please advise if I have a step or procedure to be heard incorrect.

Miguel I need a hearing date as close to July 28 as possible.

The note for hearing is set without a date -

Thank you so much

Aaron Surina

Jonathan Bisceglia

From: Aaron Surina <aaron@surina.org>
Sent: Wednesday, August 30, 2023 2:37 PM
To: Jonathan Bisceglia; miguelg@co.adams.wa.us; miguelg@co.adams.wa.us; Kilham, Kim; Angela Lunden; Jane E. Brown; Aaron Surina
Subject: Proposed orders Aug 30 2023
Attachments: Adobe Scan Aug 30, 2023.pdf; Adobe Scan Aug 30, 2023 (1).pdf

As requested / required.

Very Respectfully,

Aaron Surina
aaron@surina.org
707-200-4372

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EXHIBIT C

EXHIBIT - 1

KSB LITIGATION, P.S.
510 W. Riverside Ave. #300
Spokane, WA 99201
T 509.624.8988 F 509.474.0358

Jonathan Bisceglia

From: Aaron Surina <aaron.surina@gmail.com>
Sent: Friday, September 1, 2023 11:56 AM
To: Miguel Garcia; Clerk Receptionist; dept4@spokanecounty.org; Mike L. Weening; Keith Glanzer; nswennumson@spokanecounty.org; Susan Robson; lrogers@spokanecounty.org
Cc: Kilham, Kim; Jonathan Bisceglia; Angela Lunden
Subject: Re: External:Re: School conferences - Hutton Elementary and the brand new Sacajawea middle school
Attachments: TRIAL MINUTES.jpeg; Screenshot_20230901-114551.png; ourfamilywizard-message-court-ordered-messaging-app-august-29.png

Aaron Surina
PO BOX 30123
Spokane, WA 99223
707-200-4372
legal@surina.org

September 1, 2023

Honorable Judge Steve Dixon
Spokane County Superior Court
1116 W. Broadway Ave
Spokane, WA 99201

Johnathan Biscelgia
KSBLIT Law
jbiscelgia@ksblit.legal
Spokane, WA 99201

Logan Rogers [Deputy Clerk]
Spokane County Superior Court
1116 w. Broadway Ave
Spokane, WA 99201

Re: Immediate Request for Ex-Parte Orders in Case No: 17-3-01817-0

Your Honor, and Esteemed Parties,

I am writing this letter to bring to your immediate attention an alarming procedural discrepancy and a situation that poses a significant threat to the well-being of my children, David and Andrew. A hearing scheduled for August 11, 2023, was neither communicated to me nor the opposing party apparently, and as a result, neither of us were present for it. Consequently, a hearing appears to have occurred without either party present, rendering the court's actions on that

date inexplicable and leaving this case in a perilous state. What was before the court? Where was the process service for this hearing?

Immediate Need for Ex-Parte Orders

Given this procedural anomaly and the immediate risks it poses to my children, I urgently request the issuance of ex-parte orders for the following:

1. ****Preventing Relocation and School Enrollment Changes****: An immediate order to prevent the children's mother from unilaterally changing their school district or location, thus keeping them from being isolated from their established support networks, friends, family, and most notably, their father. Their normal school and friends all start on Tuesday of next week. My oldest son is scheduled for his launch conference in 45 minutes.
2. ****Right of First Refusal****: An immediate order granting me, the father, the right of first refusal for any care arrangements for the children. This would prevent them from being left with third parties when they could be in the care of a biological parent.

Legal Justifications

This request is in alignment with RCW 26.09.260 and federal case law, including *Troxel v. Granville*, 530 U.S. 57 (2000), which collectively uphold the father's constitutional rights for the care, custody, and control of his children. The unilateral actions currently being taken not only violate the law but also directly compromise the children's well-being.

Other Immediate Reliefs

I also request an immediate inquiry into the circumstances surrounding the erroneous scheduling of the hearing on August 11, 2023. The lack of proper service and notice to both parties raises serious questions about procedural integrity and due process.

Your Honor, my children are on the brink of having their lives upended to save their mother a mere six minutes on her daily commute while they are isolated from their established lives. Such a situation is untenable and must be addressed immediately to prevent irreversible harm.

I trust that you will consider this request with the utmost urgency it requires.

Sincerely,

/s aaron surina
Aaron Surina

****Attachments:****

1. Case No: 17-3-01817-0
2. Previous Court Orders and Hearing Notices are not on the record and none received.
3. Trial Minutes and the email I am replying to are the only correspondence with the judges assistant I've ever had.

---END EX PARTE MOTION---

I just noticed that there was a secret hearing on August 11, 2023. I have questions obviously as this isn't the first time something like this has happened.

1. Who scheduled the hearing?
2. Who's motions were to be heard?
3. What motions?
4. Who was notified of the hearing?
5. How were the parties notified?
6. Where is the service of process certificates for this hearing?
7. Where is the note for this hearing in the court record?
8. No parties showed up for a hearing? Seems quite odd that the other party wouldn't show up - again the motions that were before the court will tell a lot.

CN: 201703618170
SN: 517
PC: 1

FILED

AUG 11 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

 SUPERIOR COURT OF WASHINGTON, COUNTY OF SPOKANE	
SURINA, SIRINY A VS SURINA, AARON M	CAUSE NO.: 17-3-01817-0 COURTROOM MINUTES

by JUDICIAL OFFICER - STEVE DIXON
COURTROOM 305 • PTR GOLD, Court Reporter

PTR GOLD: START-1:31 PM FINISH-1:35 PM

The above-entitled matter comes before the Court this day regularly set for a Motion Hearing. The Petitioner and Counsel was paged and failed to appear. The Respondent was paged and failed to appear. Judge Steve Dixon addressed the court and said the hearing was Stricken.

Nothing signed at this time.

The Court Rules as indicated on the record.


Lorin Rogers, Deputy Clerk
Clerk32 - COURTROOM MINUTES

Date: 8/11/2023