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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON

COUNTY OF SPOKANE

SIRINYA SURINA,

Plaintiff,

vs.

AARON SURINA,

Respondent

Case No.: 17-3-01817-0

**MOTION FOR CONTEMPT INCL:
RESPONDENT'S AFFIDAVIT OF TRUTH,
OATH OF AUTHENTICITY OF POLICE
REPORT
8/6/23
RE: CUSTODIAL INTERFERENCE**

I, Aaron Surina, the respondent in the aforementioned case, hereby submit this cover sheet and affidavit of truth, to accompany a police report detailing an incident of custodial interference perpetrated by the petitioner, Sirinya Surina. This incident occurred on August 6, 2023; Aday designated for the exchange of our children as per the court-ordered parenting plan.

Attachment: Police Report - Custodial Interference

The attached police report outlines the sequence of events on the aforementioned date. It is imperative to bring this matter to the court's attention, as it highlights the petitioner's blatant disregard for the existing parenting plan and her unilateral decision to move out of the school district, thereby necessitating a significant modification of the plan.

MOTION FOR CONTEMPT INCL:
OATH OF AUTHENTICITY OF POLICE REPORT 8/6/23
RE: CUSTODIAL INTERFERENCE - 1

RESPONDENT'S AFFIDAVIT OF TRUTH,

1 On the scheduled exchange day, August 6, 2023, the petitioner sent me her
2 address and a demand that I obey her new parenting plan modifications and go to
3 Cheney to pick up my children. She sent the messages on OFW, the court ordered
4 app to communicate through which is where the petitioner often refuses any financial
5 obligations assigned to her as the court ordered. The petitioner exposed a hidden fact I
6 had not noticed in the current parenting plan. The first thing I noticed was there are no
7 addresses listed. She had been bringing them to a house that she no longer occupied
8 for a while. I know the petitioner did not file a parenting plan initially and is very
9 serious about her demands that we do not change the parenting plan. The petitioner
10 informed me that she would not be coming to Spokane to fulfill her custodial
11 responsibilities as she was ordered on June 23, 2023. Instead, she demanded that I
12 immediately abandon my obligations at work to retrieve our children. I expressed my
13 concerns regarding her move, emphasizing that it had a profound impact on the
14 parenting plan's logistics and that we needed to address this change formally.

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18 However, the petitioner insisted that the parenting plan remain unchanged, despite her
19 move and the resulting impracticality. This created an untenable situation that forced me
20 to drive to her new residence for the exchange, as she had not only moved out of the
21 school district but also enrolled our children in a different school against their wishes
22 and without considering their well-being.

23
24
25 The incident described in the attached police report constitutes custodial interference
26 and is a matter of grave concern. It underscores the urgent need for the court's
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1 intervention to address the significant modifications required to ensure the best interests
2 of our children are upheld.

3
4 I, Aaron Surina, Father of the minor children named herein; The respondent in this case
5 and under penalties of perjury, respectfully attest to the following facts and
6 circumstances concerning the prevention of any abduction of my minor children:
7

8 **Motion for Contempt**

9
10 **Timeline and Details:** On May 30, 2023, I was notified via an email from the Petitioner,
11 which included school officials, that she had moved residences and had unilaterally
12 enrolled our children into a new school district. This change in school districts occurred
13 without my prior knowledge or consent and is in direct violation of our court-approved
14 parenting plan dated December 20, 2019 as well as Washington State relocation laws.
15

16
17 **Failure to Adhere to Legal Requirements:** The Petitioner did not file any notice of
18 intent to relocate or provide the mandated 60-day notice period as required by
19 Washington State law. Moreover, the Respondent did not seek court approval for the
20 change in school districts as explicitly stated in our existing parenting plan.
21

22 **Impact on the Children:** This unauthorized relocation disrupts the children's
23 educational continuity and creates undue emotional stress, while also breaching their
24 right to parental love and involvement from their biological father.
25

26 **Violation of Court Orders:** By relocating and changing school districts without
27 adhering to the legal requirements, the Petitioner has blatantly disregarded court
28

1 orders and demonstrated a willful neglect of due process, equal protection, and my
2 rights to familial privacy.

3
4 **Actions Taken:**

5
6 **Objection Filed:** Prior to the Petitioner even filing any notice of intent to relocate, I had
7 already filed an objection to the move with the court in anticipation of her disregard for
8 the parenting plan and Washington State laws.

9
10
11
12 **Request for Judicial Notice:** I have submitted a Request for Judicial Notice to this
13 honorable court outlining these violations and asking the court to take these facts into
14 account for all future proceedings.

15
16 **Legal Counsel:** The respondent has engaged legal counsel to represent his interests
17 and to guide them through the legal process of enforcing the court's orders.

18
19 **Filing of This Motion:** The respondent is filing this motion for contempt to petition the
20 court to order the petitioner to stop committing these felony crimes against the
21 respondent and his children. The respondent has been a victim of this crime too often
22 with no real teeth in court to slow down these occurrences.

23
24 Respondent does hereby request that this Court issue an immediate order to patch
25 potential abduction risks that were written into the parenting plan. I also ask the court
26 to declare Washington state the "home state" according to the UCCJEA and therefore
27

1 the state of washinhgton and Spokane School District their lawful residence and school
2 district as determined by the existing, court-approved parenting plan.

3
4 **Risk of Flight:**

5
6 **Previous Unilateral Actions:** The Petitioner has already demonstrated a willingness to
7 act unilaterally, as evidenced by her abrupt decision to move residences and enroll the
8 children in a new school district, all without court approval or notice to me. These
9 actions are indicative of a pattern of behavior that raises serious concerns about her
10 potential to flee with the children.
11

12
13
14 **Violation of Parenting Plan and State Law:** The Petitioner's blatant disregard for the
15 legally binding parenting plan and Washington State relocation laws demonstrates a
16 lack of respect for legal mandates and court orders, heightening the risk that she may
17 take further unauthorized actions, such as fleeing with the children.
18

19
20 **Lack of Communication:** The Petitionerr's failure to communicate these critical life
21 changes implies a deliberate intention to deprive me, the Petitioner, of my rightful
22 involvement in the children's lives. This lack of communication creates an environment
23 ripe for further unilateral, secretive actions like flight.
24

25 **Absence of Ties to Current Location:** Given that the Petitioner has already uprooted
26 the children from their original school district, it suggests a lack of significant ties to the
27
28

1 community, making it easier for her to contemplate and execute a sudden departure
2 with the children.

3
4 **Emotional and Psychological Implications:** The abrupt changes imposed by the
5 Petitioner on the children are emotionally destabilizing and may be indicative of a
6 willingness to cause further emotional upheaval by fleeing with the children, particularly
7 if she believes that legal actions may not be in her favor.
8

9
10 Given these serious concerns, I respectfully request that the court take
11 immediate action to mitigate the risk of flight by the Petitioner with our minor children.
12 The implementation of precautionary measures is essential to protect my rights to
13 familial privacy, equal protection, and due process, as well as to ensure the emotional
14 and educational stability of our children.
15

16 I respectfully request that this court takes into consideration the attached police report
17 as evidence of the petitioner's actions and their impact on the existing parenting plan. I
18 trust that the court will assess this matter diligently and make decisions in the best
19 interests of our children.
20

21 I affirm the accuracy and authenticity of the attached police report and this affidavit
22 cover sheet.
23

24
25 If there are any further requirements for the submission of this evidence, or if
26 additional steps are needed for its proper admission into the court record, kindly inform
27 me at the earliest convenience. I am committed to following all protocols and guidelines
set forth by the court to ensure that this pressing issue is resolved in accordance with
the law.

28 Respectfully awaiting your prompt action on this matter.

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Attached:

MOTION FOR CONTEMPT INCL: RESPONDENT'S AFFIDAVIT OF TRUTH,
OATH OF AUTHENTICITY OF POLICE REPORT 8/6/23
RE: CUSTODIAL INTERFERENCE - 7

EXHIBIT B

SPOKANE POLICE DEPARTMENT SUMMARY INCIDENT REPORT

REPORT NUMBER: 2023-92002444



INCIDENT INFORMATION

INCIDENT CODE CUSINT	INCIDENT TYPE Custodial Interference	INITIAL SUPP	☒ DATE/TIME STARTED 08/06/2023 06:00 PM	DATE/TIME ENDED 08/06/2023 07:10 PM	DATE/TIME REPORTED 08/06/2023 07:26 PM
REPORT FILED FROM ***	TRACKING NUMBER T23002877	LOCATION OF OCCURRENCE 227 East 22ND Avenue, SPOKANE, WA 99203			APPROVED BY: Taryn.Hayes:SREC184/Taryn
LOCATION TYPE Residence/Apartment	THEFT TYPE	METHOD OF ENTRY	METHOD OF EXIT	PT OF ENTRY	PT OF EXIT
ENTRY LOC					

PERSON LISTINGS

1	TYPE Compla	LAST NAME SURINA	FIRST NAME AARON	MIDDLE NAME MICHAEL	DOB ***	RACE ***	SEX *	DRIVER LIC NO ***	LIC ST ***
	SSN	ETHNICITY ***	RESIDENT	EYE COLOR	HAIR COLOR	AGE	HEIGHT	WEIGHT	CELL PHONE
	EMAIL aaron@surina.org		RESIDENCE ADDRESS ***					PHONE ***	
	EMPLOYER NAME		BUSINESS ADDRESS ***					WORK PHONE	
2	TYPE Person:	LAST NAME Surina	FIRST NAME Sirinya	MIDDLE NAME	DOB ***	RACE ***	SEX *	DRIVER LIC NO ***	LIC ST ***
	SSN	ETHNICITY ***	RESIDENT	EYE COLOR ***	HAIR COLOR ***	AGE	HEIGHT 502	WEIGHT 135	CELL PHONE
	EMAIL sirinya@sirinyathairestaurantandlounge.co		RESIDENCE ADDRESS ***					PHONE ***	
	EMPLOYER NAME Self Employed		BUSINESS ADDRESS ***					WORK PHONE ***	

NARRATIVE

Sirinya recently moved with both children out of the school district without any approval or court order. She demanded that I drive to Cheney today to pick up the children however the court order has not changed. She is intentionally depriving me of court ordered time with my children because my car is not running well and I can not drive all the way to Cheney but I did drive to where we normally would exchange. I advised her that I would be home if that would be easier which is a few blocks away from her old house. There is no approval for her moving with the kids to Cheney, she moved without giving notice, she is now demanding that I come out there to pick them up which I will do that but I am not comfortable driving my car to Cheney until I can get it looked at. She can not change the court order by herself. The judge advised her that she can not move with the kids within 60 days. This is crazy. We have a few weeks before school starts, the kids are going to end up running away all the time and riding the bus to spokane which is even scarier to me. They were already doing that when she lived down the street. I need help with this. She intentionally is depriving me of my court ordered time by not showing up at the exchange location approved by the court. There is no new court order. I attached the court order to this. I believe this is a violation of 9A.40.060, maybe 070 since there are 3 I never actually pushed to a hearing and only filed in the court. There have been a LOT of this stuff taking place but it's been a while. Things have been tough for my children and I. She will not allow any phone calls and is very bitter to them, refusing all contact with me while they are with her. It's horrible for them. I need some sort of services or help for my two sons.

Person [Sirinya Surina]:

EXHIBIT B

REPORT NUMBER: 2023-92002444

- Age Range = [30-39 years old]

INCIDENT IMAGE

1 Two weekends with Aaron M. Surina, one weekend with Sirinya Surina and ~~the~~ ^{then} two
2 weekends with Aaron M. Surina followed by one weekend with Sirinya Surina etc.
3 From Thursday at 5:00 p.m. to Monday at 8:30 a.m.;

9. Summer Schedule

4 Summer begins and ends according to the school calendar of the school district where the
5 children primarily reside.

6 It is understood the parties will exchange the exact days for the summer schedule by
7 May 1st of each year. In the event of a conflict, in even years the father's schedule will
8 prevail, in odd years the mother's shall prevail. ^{ref}

9 Summer begins with that Friday immediately following the release of school, even if
10 school is released on a Friday, and it ends on that Sunday preceding the Sunday of
11 Labor Day weekend. The children will reside with Sirinya Surina the first and last week
12 of every summer ~~every year~~.

13 The parents will alternate weeks for the Summer and exchange the children on Sunday
14 at 6:00 p.m. with Aaron Surina receiving the 1st week of the rotation each summer
15 unless otherwise agreed upon in writing between the parties.

16 It is understood the parties will exchange the exact days for the summer schedule by
17 May 1st of each year. In the event of a conflict, in even years the father's schedule will
18 prevail, in odd years the mother's shall prevail.

10. Holiday Schedule (includes school breaks)

19 This is the Holiday Schedule for all children:

16	Holiday	Children with: Sirinya Surina	Children with: Aaron Surina
17	Martin Luther King Jr. Day	With the parent who is exercising residential time for the weekend	
18	Presidents' Day	With the parent who is exercising residential time for the weekend	
19	Spring Break	Spring break will be defined by the school district where the children primarily reside and will begin the Friday before Spring Break at 6:00 p.m. and end on Sunday at 6:00 p.m. the day before classes resume. Spring break will be alternated each year.	
20		Odd	Even
21	Mother's Day	Every Year - from 9am to 9pm ^{ref}	
22	Memorial Day	With the parent who is exercising residential time for the weekend	
23	Father's Day	Every Year - from 9am to 9pm ^{ref}	

24 RGW 26.09.016 .181, .187, .194
Mandatory Form (05/2016)
FL All Family 140

Parenting Plan
p. 4 of 10

KEITH A. GLANZER, P.S.
2024 W. Northwest Blvd.
Spokane, WA 99205
Telephone: 509-328-4526
Facsimile: 509-24-0405

EXHIBIT B

REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

- From the 16 July will be spent with the parent who has the children in their care pursuant to the summer schedule.*
- | | <u>Children with: Sirinva Surina</u> | <u>Children with: Aaron Surina</u> |
|---|---|------------------------------------|
| 1 Holiday | Children with: Sirinva Surina | Children with: Aaron Surina |
| 2 Fourth of July | Odd Years | Even Years |
| | Follow the Summer Schedule in Section 9 | |
| 3 Labor Day | Every Year | |
| 4 Halloween | Odd Years | Even Years |
| 4 Thanksgiving | Odd Years | Even Years |
| 5 Day/Break | Thanksgiving shall be defined as from 6:00 p.m. on Wednesday before Thanksgiving until 6:00 p.m. Sunday after Thanksgiving. | |
| 6 Winter Break | Winter break shall be defined as: From the day school is released until the day before classes resume. Therefore, Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day are governed by winter break. The 1 st half of Christmas break will be from the day school is released until 12:00 p.m. Christmas Eve Day. The 2 nd half will be from 12:00 p.m. Christmas Eve Day until the day before classes resume at the end of the Winter Break. | |
| | 2 nd Half Even Years | 1 st Half Even Years |
| | 1 st Half Odd Years | 2 nd Half Odd Years |
| 11 Conflicts in Scheduling | <i>children's birthday's with the parent that otherwise has the child in his/her care is the first.</i> | |
| 13 | The Holiday Schedule must be observed over all other schedules. If there are conflicts within the Holiday Schedule: | |
| 14 | Named holidays shall be followed before school breaks. | |
| 15 12. Transportation Arrangements | | |
| 16 | The children will be exchanged for parenting time at school whenever possible. Until Andrew is enrolled in school he shall be exchanged at curbside or he may be escorted to the mother's door for the exchange. The parties will not communicate with each other during these exchanges. | |
| 17 | <i>the receiving parent</i> | |
| 18 | Aaron Surina will provide all transportation for the weekly visitation exchanges. | |
| 19 | When school is not in session, the exchanges will be at 3:00 p.m. | |
| 20 | The Summer exchanges shall be at 6:00 p.m. on Sunday. | |
| 21 | When Aaron is exercising a 3 day weekend that includes a Monday holiday, the return to school will be Tuesday morning. | |
| 22 | Who is responsible for arranging transportation? | |
| 23 | | |
| 24 | | |

RCW 26.09.016, .181, .187, .194
Mandatory Form (08/2016)
FL All Family 140

Parenting Plan
p. 5 of 10

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REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

1 The picking up parent - The parent who is about to start parenting time with the
2 children must arrange to have the children picked up for the various extended vacations
such as Spring Break Thanksgiving Winter Break and Summer.

3 Other details:

4 Exchanges shall be no longer than 5 minutes. Father may escort children to the door. There
5 shall be no communication between the parties except through Family Wizard as noted
below.

6 13. Moving with the Children (Relocation)

7 If the custodian plans to move, s/he must notify every person who has court-ordered time
with the children.

8 Move to a different school district

9 If the move is to a different school district, the custodian must complete the form *Notice of*
Intent to Move with Children (FL Relocate 701) and deliver it at least 60 days before the
intended move.

11 Exceptions:

- 12 • If the custodian could not reasonably have known enough information to complete
the form in time to give 60 days' notice, the custodian must give notice within 5 days
after learning the information.
- 13 • If the custodian is relocating to a domestic violence shelter or moving to avoid a
14 clear, immediate and unreasonable risk to health or safety, notice may be delayed
21 days.
- 15 • If information is protected under a court order or the address confidentiality program,
it may be withheld from the notice.
- 16 • A custodian who believes that giving notice would put her/himself or a child at
unreasonable risk of harm, may ask the court for permission to leave things out of
17 the notice or to be allowed to move without giving notice. Use form *Motion to Limit*
Notice of Intent to Move with Children (Ex Parte) (FL Relocate 702).

18 The *Notice of Intent to Move with Children* can be delivered by having someone
19 personally serve the other party or by any form of mail that requires a return receipt.

20 If the custodian wants to change the *Parenting Plan* because of the move, s/he must
deliver a proposed *Parenting Plan* together with the *Notice*.

21 Move within the same school district

22 If the move is within the same school district, the custodian still has to let the other
parent know. However, the notice does not have to be served personally or by mail with
23 a return receipt. Notice to the other party can be made in any reasonable way. No
specific form is required.

24 RCW 26.09.016, .181, .187, .194
Mandatory Form: (05/2016)
FL All Family 140

Parenting Plan
p. 6 of 10

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EXHIBIT B

REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

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b. Reasons for limits on major decision-making, if any:

Major decision-making **should** be limited because of problems as described in 3.b. above.

6. Dispute Resolution - If you and the other parent disagree

From time to time, the parents may have disagreements about shared decisions or about what parts of this parenting plan mean.

- a. To solve disagreements about this parenting plan, the parents will go to court (without having to go to mediation, arbitration, or counseling).

7. Custodian

The custodian is SIRINYA SURINA solely for the purpose of all state and federal statutes which require a designation of determination of custody. Even though one parent is called the custodian, this does not change the parenting rights and responsibilities described in this plan.

(Washington law generally refers to parenting time and decision-making, rather than custody. However, some state and federal laws require that one person be named the custodian. The custodian is the person with whom the children are scheduled to spend more of their time.)

Parenting Time Schedule (Residential Provisions)

Complete the parenting time schedule in sections 8 - 11.

8. School Schedule

a. Children under School-Age

The schedule for children under school-age is the same as for school-age children.

b. School-Age Children

~~This schedule will apply when begins. Other: —~~

This schedule will apply immediately.

The children are scheduled to live with SIRINIYA SURINA except when they are scheduled to live with Aaron M. Surina on:

WEEKENDS: From Thursday after school until Monday morning when the children will be delivered to school on the following rotation:

RCW 26.09.018, .181, .187, .194
Mandatory Form (05/2016)
FL All Family 140

Parenting Plan
p. 3 of 10

KEITH A. GLANZER, P.S.
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REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

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- Both parties may follow that proposed plan without being held in contempt of the *Parenting Plan* that was in place before the move. However, the proposed plan cannot be enforced by contempt unless it has been approved by a court.
 - Either party may ask the court to approve the proposed plan. Use form *Ex Parte Motion for Final Order Changing Parenting Plan – No Objection to Moving with Children* (FL Relocate 708).
- Forms**
- You can find forms about moving with children at:
- The Washington State Courts' website: www.courts.wa.gov/forms,
 - The Administrative Office of the Courts - call: (360) 705-5328,
 - Washington LawHelp: www.washingtonlawhelp.org, or
 - The Superior Court Clerk's office or county law library (for a fee).
- (This is a summary of the law. The complete law is in RCW 26.09.430 through 26.09.480.)
- 14. Other**
- a. Our Family Wizard: The parties are ordered to visit www.OurFamilyWizard.com, and each establish a parent account to utilize the tools listed in the "Services" tab. Each shall enroll in the program for ~~a one-year subscription~~.
- ms* The parties shall thereafter conduct all communications with each other using Our Family Wizard including but not limited to parenting plan matters, information sharing order matters, schedule alterations and reimbursable expenses matters on the website and shall not communicate with each other directly in any other way but especially regarding issues relating to the children and shall post all communication exclusively on the website. Each party shall respond to the other's request or notification within 48 hours if a response is required.
- A party's failure to respond within such time period without requesting an extension of time to obtain further information of independent medical advice, shall be deemed a consent or a waiver, as the case may be, of the action, activity, period, or decision requested or offered.
- Although no issues regarding health reimbursements are presently before the court, the court orders the parties to utilize the website's Expense feature, OFW Pay, to have a future record of all potentially reimbursable expenses in order to mitigate the necessity to litigate in the future over such matters.
- Each parent shall preserve the original of any scanned document that is posted.
- ms* The parties shall consider and discuss establishing children's pages for each of the children on the website.

RCW 26.09.016, .181, .187, .194
Mandatory Form (05/2016)
FL All Family 140

Parenting Plan
p. 8 of 10

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EXHIBIT B

REPORT NUMBER: 2023-92002444

INCIDENT IMAGE

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Findings of Fact - Based on the pleadings and any other evidence unfolded:

The Court adopts the statements in section 3, (Reasons for putting limitations on a parent) as its findings.

Conclusions of Law - This Parenting Plan is in the best interest of the children.

Order - The parties must follow this Parenting Plan.

Date

12/12/14

JUDGE MICHAEL PRICE

Warning! If you don't follow this Parenting Plan, the court may find you in contempt (RCW 26.09.160). You still have to follow this Parenting Plan even if the other parent doesn't.

Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under RCW 9A.40.060(2) or 9A.40.070(2). Violation of this order may subject a violator to arrest.

Presented by:

Keith A. Glanzer

KEITH A. GLANZER, WSBA No. 204124
Attorney for Petitioner

Approved for entry:

Keith A. Glanzer

KEITH A. GLANZER, P.S.
Attorney for Respondent

RCW 26.09.018, 101, 107, 109
Domestic Violence
TL All Family 140

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