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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**

In re: OBJ to frivolous filings by
petitioner

Petitioner:

Sirinya Polarj (Surina)

And Respondent:

Aaron Surina

No. 17-3-01817-0

**Respondent's response and
objection to petitioner's
motion for sanctions and
order restricting
(MT)**

**RESPONDENT'S RESPONSE AND OBJECTION TO PETITIONER'S MOTION FOR SANCTIONS
AND FOR ORDER RESTRICTING RESPONDENT FROM ENGAGING IN ABUSIVE LITIGATION**

COMES NOW the Respondent, Aaron Surina, pro se, and hereby responds to the Petitioner's Motion for Sanctions and for Order Restricting Respondent from Engaging in Abusive Litigation as follows:

I. INTRODUCTION

The respondent objects to the attorney's fees and would like the court to notice that every answer in his objection (and counsel is litigating these items in his proposed orders from a TRIAL that no evidence was with regards to his petition was allowed). The petitioner's counsel states that the

Case: 17-3-01817-0 Rpdnt's resp to mot for sanctions & order to deny access to justice

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respondent did not provide the court answers about his employment and how he moved to be within 2 blocks from each of his children's schools to support them. The respondent admitted evidence of his oldest son nearly being classified with a learning disability which is left completely out of the petitioner's pleadings altogether as it's not important for the court to understand their condition and why moving to a new school district is her attempt to increase money by preventing our children from succeeding in school. She has learned that she can get more money if they fail and are considered to have a learning disability. The Respondent objects to the Petitioner's relocation for reasons outlined in his objection amended and which were reviewed in the relocation hearing on September 14, 2023 where a trial was held and which is a historical fact in this cases docket history available to anybody on the website. The respondent objects to the petitioner's motion and proposed orders on grounds that the respondent's filings and legal actions throughout this case have been both substantive, statutory defined relief and made in good faith, aimed solely at protecting the best interests of his children, David Surina and Andrew Surina, and ensuring their well-being and safety.

II. ARGUMENTS AND AUTHORITIES

A. RESPONDENT'S ACTIONS WERE NOT FRIVOLOUS OR IN BAD FAITH

The Respondent firmly refutes the characterization of his legal actions as frivolous or made in bad faith. Each motion and filing by the Respondent has been driven by genuine concerns for the children's welfare, especially regarding their educational environment, social support network, and overall stability.

B. RESPONDENT'S RIGHT TO OBJECT AND PARTICIPATE IN LEGAL PROCEEDINGS

Under RCW 26.09.550, while the court may sanction for proposals made to harass or needlessly increase litigation costs, the Respondent's actions were neither harassing in nature nor intended to unnecessarily prolong litigation. Rather, they were aimed at ensuring any decision made would not adversely affect his relationship with his children or their well-being.

C. IMPORTANCE OF RESPONDENT'S PARTICIPATION IN DECISIONS AFFECTING THE CHILDREN

The Respondent's objections to the relocation were grounded in substantial concerns about the children's schooling, community support, and the abrupt changes to their lives. These concerns are paramount and supported by the fundamental principle that decisions regarding children should prioritize their best interests.

D. RESPONDENT'S FINANCIAL HARDSHIPS AND COMMITMENT TO CHILDREN'S WELFARE

The Respondent wishes to highlight the significant financial strain he endures, exemplified by his inability to afford legal counsel. This was further evidenced when, on March 31, upon learning that the Petitioner was being charged \$20,000 in fees by her counsel, the Respondent, despite his financial constraints, offered \$100 to the Petitioner, a substantial sum given his circumstances. This act underscores the Respondent's commitment to resolving these matters in a way that serves the children's best interests, even at a personal financial sacrifice. The Respondent contends that, with adequate legal representation, these proceedings could have been navigated more effectively, potentially leading to resolutions more aligned with statutory guidelines and the children's welfare.

III. COMPLIANCE WITH COURT ORDERS

Petitioner's Counsel Wants To Keep The Orders Requiring Court Oversight On Everything But Wants His Client To Be Able To Continue Breaking Court Orders Without Any Consequence By Labelling The Victim Vexatious Using Cognitive Bias.

Given the substantive nature of the Respondent's objections and actions, premised on the welfare and best interests of the children, and considering the Respondent's significant financial sacrifices to support the Petitioner and their children, the motion for sanctions against him should be denied. **The Respondent's active participation in this case reflects his dedication to his parental responsibilities**

and rights, and his actions have been neither frivolous nor in bad faith but are a manifestation of his profound concern for his children's future.

IV. PETITIONER'S NON-COMPLIANCE AND OPPOSING COUNSEL'S LACK OF PREPAREDNESS

Throughout this proceeding, the Respondent has been compelled to file motions due to the Petitioner's consistent refusal to follow court orders or engage in any form of compromise or negotiation regarding scheduling adjustments, financial obligations, court ordered parenting time or other necessary modifications. The Respondent's actions, thus, have been in strict adherence to the court's directives, seeking judicial intervention as the only recourse for resolving disputes that could otherwise have been settled through cooperative communication.

It is essential to recognize that the Respondent's recourse to the court was dictated by the court's own orders, outlining the proper mechanism for addressing non-compliance and disagreements. Therefore, penalizing the Respondent for following the court's prescribed path undermines the court's authority and penalizes adherence to legal protocols.

Furthermore, the Respondent wishes to bring to the court's attention the apparent lack of preparation by Petitioner's counsel, Stanley A. Kempner Jr., particularly highlighted by his unpreparedness at the custody trial. This unpreparedness, coupled with a significant fee charged to the Petitioner, raises concerns about the equitable administration of justice and the fiduciary duties owed to clients by their legal representatives.

The Respondent also notes that opposing counsel's litigation strategy has focused less on addressing the substantive issues at hand and more on attempts to disparage the

Respondent's character, without presenting relevant factual evidence or engaging with the actual matters of the custody trial. It is imperative to underscore that the Respondent initiated a petition for a custody trial, seeking a resolution based on the children's best interests and factual evidence.

The Respondent is particularly concerned with Mr. Kempner's inaction regarding motions filed and served on him in October, scheduled for hearing on March 12 and 13. The lack of objection or response to these motions, some of which were accompanied by proposed orders, suggests a default should be considered by the court. Mr. Kempner's failure to engage with these motions not only leaves his client without adequate representation on these issues but also disregards the procedural norms and deadlines set forth by the court.

V. FRIVOLOUS AND MERITLESS FILINGS

The Respondent's efforts to uphold his rights under the court's directives are by no means groundless or malicious. In every hearing concerning this case, the Respondent has been justly granted relief due to the Petitioner's consistent failure to comply with court orders. On June 23, 2023, the Respondent was rightfully awarded the Petitioner's signature on essential documents—a decision originally mandated in the final orders. Regrettably, the Petitioner's refusal to comply obstructed the Respondent's tax processes for four years, significantly impacting the financial wellbeing of their children.

On September 14, 2023, the court recognized the Respondent's timely and meritorious filings, noting the Petitioner's actions as tantamount to abduction by relocating the children without prior notification—a clear violation of legal standards and an act which substantially disrupts the children's lives. The move, which included changing schools and relocating to another city without seeking to amend the parenting plan, constitutes a significant alteration in the children's circumstances. This unilateral decision by the Petitioner, done under the guise of no change, led to unnecessary legal disputes. Further

exacerbating the situation, the Petitioner's employment as a bar and restaurant owner and the locations only bartender collecting tips leaves the children isolated and unsupervised after school hours—a decision that further questions her commitment to the children's best interests.

The court, on the same date, rightfully sided with the Respondent, imposing sanctions on the Petitioner for her flagrant violations of the court's previous ruling in June and the court's final orders from 2019 as well as her uncooperative behavior. Her counsel's attempt to impose unwarranted sanctions against the Respondent should be criticized as was on September 14, 2023 underscoring the merit of the Respondent's position and the Petitioner's continuous disregard for legal advice and court orders.

The respondent would like the court to take notice that her lawyer withdrew after September 14th as it was unlikely the court was going to side with someone who committed those acts and refused legal advice and the respondent objects to the meritless and frivolous filings of opposing counsel in this matter as a right and duty to the overall legal process and all attorneys who operate ethically in these regards.

On March 12, 2024, what was intended to be a trial for the modification of custody was unfortunately derailed, allegedly due to procedural discrepancies in the Respondent's filing. It is essential to highlight the Respondent's plea for the court's understanding and leniency as an unrepresented and financially constrained litigant. The Respondent seeks simple resolutions to issues that, in an ideal co-parenting scenario, would not necessitate judicial intervention. The existing legal entanglements, perpetuated by the Petitioner's legal representation and their preference for handling this matter through familiar channels, underscores the necessity for a change in venue to Adams County, to ensure impartiality and justice.

The lack of case scheduling by the clerk's office raises significant concerns regarding the Respondent's access to justice and right to seek redress. This oversight not only questions the procedural fairness but also the fundamental right of the Respondent to pursue remedies for issues that, while seemingly minor, have profound implications on the children's welfare and the Respondent's rights. The persistent obstacles placed by the Petitioner, motivated by a desire to control rather than co-parent, necessitate judicial scrutiny to protect the interests of the children and uphold the Respondent's rights to fair and equitable treatment under the law.

VI. CONCLUSION

In light of the above, the Respondent respectfully requests that the court deny the Petitioner's Motion for Sanctions and for Order Restricting Respondent from Engaging in Abusive Litigation.

The Respondent's filings have been necessary responses to the Petitioner's refusal to comply with court orders and the only means to seek resolution within the framework provided by the court. Penalizing the Respondent for pursuing these lawful and court-sanctioned avenues would be unjust and counter to the principles of fair and equitable legal practice.

The respondent defending his right to the court's orders is hardly vexatious. Mr. Kempner attempted to purport Mr. Glanzer's vexatious denial of respondent's right to redress as Mr. Kempner's client quite often disregards and even mocks the court's authority over her and our children. This is terrifying to consider that the respondent would be helpless in a system where the only relief allowed is the court and her attempts to undermine access to justice is appalling considering her track record for following the court's orders. There has been no evidence or instance of the respondent being vexatious.

When a party defies the court and causes injury or harm, the court orders us to bring it before the court.

Petitioner's counsel should be sanctioned and the Petitioner should not be forced to pay him 20,000 dollars for being unprepared and misrepresenting his client on items so unambiguous such as the statutes attached herein.

Every hearing in this matter Respondent has been awarded something because of her non-compliance.

1. June 23, 2023 he was awarded the petitioner's signature (actually hje was awarded that in the final orders but she refused to comply holding his taxes up for 4 years and depriving the children of finances needed.

2. September 14, 2023 Respondent was found to have filed timely and with merit, the petitioner abducted the children for all intents and purposes. Moving without any notice quite frankly is illegal. It's child abduction and this move is a huge change, the petitioner is **"not asking to change the parenting plan"** then why would they change schools and move to another city? That's a substantial change in itself. **If there truly was no change, we would not be in court.**

Facilitating those changes and forcing the kids into new schools isolated even further so when they get out of school, Mom is bar tending and unavailable, would hold them hostage under threats if they mention where they are or who they are with while she's unavailable.

September 14: The court sided with the respondent and sanctioned the Petitioner for her actions. **Not frivolous.** Her counsel attempted to file false statements and absurd orders that were opposite of the court's orders as current counsel also is attempting and was called out on them. He promptly withdrew due to her refusing to comply with their advice and losing in the matter.

March 12, 2024: This hearing was supposed to be a trial for modification of custody. Counsel misled the court on a handful of items including who was counsel during September 14 or his knowledge of that hearing in any detail.

Nobody had obtained verbatim of the hearing as fo the date that counsel proposed the orders which leads to the unethical attempt to write in his own version to make his job much easier and so he would not have to defend his client but rather play the judge himself. This

is shocking to a pro se litigant who is never afforded any such "Law" and should not be. Every item respondent asks for is grounded in statute to the best of his ability and he does not claim to be a lawyer but rather under extreme financial disparity focused on his children's future with complications by petitioner forcing less than best interests upon their children.

Counsel in his motion for sanctions asserts that a party motioned the court for temporary orders and a hearing on those items was held. This is not based on historical events, case history or anything with merit. No such hearing was held to date. I believe previous counsel drafted documents purporting to have been something related to a temporary family law motion but respondent has initiated the hearings in this matter and had filed a motion or temporary family law order but did not have that hearing during the course of this case since June 2023. Frivolous filing by Mr. Kempner trying to perpetrate fraud or lacking any merit because he has failed to educate himself on the hearings to date and his client is being over charged because of it.

Please see motion for sanctions filed by respondent along with the amended objection to relocation. An order preventing respondent from relief from the continuous defiance of the court's orders and parties obligations to the court by petitioner would essentially remove the respondent's rights to his children altogether and there would no longer be relief of any kind when she violates the orders which happens regularly. Relief is still needed on motions outstanding that opposing counsel has and has not responded to.

OTHER ITEMS

Please sign proposed orders on motions that have been ignored yet were noted for march 12, 13 if the court deems just and equitable under the law. A default on those items should be warranted as counsel is charging his client tens of thousands of dollars for misrepresenting the hearing with what seem to be false and/or misleading

statements, misleading proposed orders and his attempt to bar the respondent any further access to justice. Due to this attempt, the respondent also believes and asks the court to impose sanctions.

The court can stop the flagrant attempts at petitioner's counsel playing judge. The recent position of counsel has been denying rights to modification which are granted by statute and unambiguous. Here are basic outlines for reconsideration which have been admitted by petitioner or discovered by the court's investigation into the merit and matters herein.

(1) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

The petitioner herself in her notice once filed describes the respondents bond with his children. She does not hold anything similar to the bond of respondent and his sons.

(2) Prior agreements of the parties;

No notice was given, no discussion was allowed

(3) Whether disrupting the contact between the child and the person seeking relocation would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

(4) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191;

The respondent has substantially equal parenting time 50/50 during summer and 45/55 during school session. There has been no "limit to residential time" but rather decision making was given to her under a 1 year guideline requiring a review in a year which covid disrupted among other things. Is it sound legal doctrine to represent the final orders as final if a modification is necessary and they were given with a 1 year review stipulation in them. We are way overdue for that review / modification. The petitioner

continues to steal money every month when she refuses to contribute towards the real cost of our children and their bills including having the proper child support calculations. One house has steak and the other house has spam as more than 50% of respondent's paycheck is taken before he gets it.

(5) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

The respondent outlined clearly the reasons for his objection. The notice outlined the petitioner's reasons as "for affordability" but her rent went from 1700 to 3300 a month. That's why in her opinion outlined in her notice of relocation, the children should be allowed to be yanked out of school and disrupted in such a manner.

(6) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

The petitioner lacks a significant bond with the parties' children and this is for a few different reasons which have slowly eroded that relationship with her children. She puts everything before them, which is something that often hurts their feelings and is met with minimizing how they feel. If they are hurt by her or other household members, their pain is marginalized and minimized often leaving them with no outlet to process these events with. The children are forbidden to communicate with any family outside of petitioner and her mother. Petitioner would rather leave them with a bar patron than allow dad to pick them up when shes' not available. That is not a frivolous issue. Respondent is asking the court for his first right of refusal in these situations as well. He should not be denied the right to the custody, care and control of his children for a 3rd party at any time and respondent objects to this continuing to happen.

(7) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

The quality of life is about petitioner's commute. There is a substantial disruption if the children are not able to remain in their stable and familiar schools, friends, after school programs when with respondent etc.

(8) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

- The Petitioner has been unwilling to have any conversations about anything related to the parenting plan. Her only response has been that there are no addresses or schools or cities even mentioned in the parenting plan and she denies any need to change anything in the parenting plan so that it can be easy to "comply with" regardless of where she takes the children.

(9) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

- The alternative agreed upon in September was that the petitioner would drive their children to school in the mornings since she is available and it does not cause any issues as well as her assertion that distance is of no real problem. Their schools start nearly the same time where the school times are an hour apart in Cheney and they would be pulled and their lives disrupted in a much more significant way if forced out of their schools where their father moved to help support and strengthen their educational access after petitioner removed them from private schools that respondent had chosen prior to her decision making.

(10) The financial impact and logistics of the relocation or its prevention; and

The court determined that the basis for the relocation according to petitioner was

Washington State Statutes providing Respondent's right to relief

RCW 26.09.500

Failure to object.

(1) Except for good cause shown, if a person entitled to object to the relocation of the child **does not file an objection with the court within thirty days after receipt of the relocation notice, then the relocation of the child shall be permitted.**

(2) A nonobjecting person shall be entitled to the residential time or visitation with the child **specified in the proposed residential schedule included with the relocation notice.**

(3) **Any person entitled to residential time or visitation with a child under a court order retains his or her right to move for modification under RCW 26.09.260.**

26.09.530

Factor not to be considered.

In determining whether to permit or restrain the relocation of the child, the court may not admit evidence on the issue of whether the person seeking to relocate the child will forego his or her own relocation if the child's relocation is not permitted or whether the person opposing relocation will also relocate if the child's relocation is permitted. *The court may admit and consider such evidence after it makes the decision to allow or restrain relocation of the child and other parenting, custody, or visitation issues remain before the court, such as what, if any, modifications to the parenting plan are appropriate and who the child will reside with the majority of the time* if the court has denied relocation of the child and the person is relocating without the child.

RCW 26.09.510

Temporary orders.

(1) The court may grant a temporary order restraining relocation of the child, or ordering return of the child if the child's relocation has occurred, if the court finds:



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- (a) The required notice of an intended relocation of the child was not provided in a timely manner and the nonrelocating party was substantially prejudiced;
- (b) The relocation of the child has occurred without agreement of the parties, court order, or the notice required by RCW 26.09.405 through 26.09.560 and the chapter 21, Laws of 2000 amendments to RCW 26.09.260, * 26.10.190, and 26.26B.090; or
- (c) After examining evidence presented at a hearing for temporary orders in which the parties had adequate opportunity to prepare and be heard, there is a likelihood that on final hearing the court will not approve the intended relocation of the child or no circumstances exist sufficient to warrant a relocation of the child prior to a final determination at trial.

RCW 26.09.480

Objection to relocation or proposed revised residential schedule.

- (1) A party objecting to the intended relocation of the child or the relocating parent's proposed revised residential schedule shall do so by filing the objection with the court and serving the objection on the relocating party and all other persons entitled by court order to residential time or visitation with the child by means of personal service or mailing by any form of mail requiring a return receipt to the relocating party at the address designated for service on the notice of intended relocation and to other parties requiring notice at their mailing address. **The objection must be filed and served, including a three-day waiting period if the objection is served by mail, within thirty days of receipt of the notice of intended relocation of the child. The objection shall be in the form of: (a) A petition for modification of the parenting plan pursuant to relocation; or (b) other court proceeding adequate to provide grounds for relief.**
- (2) Unless the special circumstances described in RCW 26.09.460 apply, **the person intending to relocate the child shall not, without a court order, change the principal residence of the child during the period in which a party may object. The order required under this subsection may be obtained ex parte. If the objecting party notes a court hearing to prevent the relocation of the child for a date not more than fifteen days following timely service of an objection to relocation, the party intending to relocate the child shall not change the principal residence of the child pending the hearing unless the special circumstances described in RCW 26.09.460(3) apply.**

Statutes providing respondent relief in these matters supplement to respondents resp to pets motion or sanctions and order to classify respondent's right to relief as vexatious.



RCW 26.09.470

Failure to give notice.

(1) The failure to provide the required notice is grounds for sanctions, including contempt if applicable.

(2) In determining whether a person has failed to comply with the notice requirements for the purposes of this section, the court may consider whether:

~~(a) The person has substantially complied with the notice requirements;~~

~~(b) The court order in effect at the time of the relocation was issued prior to June 8, 2000, and the person substantially complied with the notice requirements, if any, in the existing order;~~

~~(c) A waiver of notice was granted;~~

(d) A person entitled to receive notice was substantially harmed; and

(e) Any other factor the court deems relevant.

(3) A person entitled to file an objection to the intended relocation of the child may file such objection whether or not the person has received proper notice.

RCW 26.09.450

Notice—Relocation within the same school district.

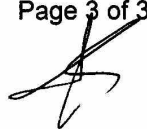
(1) When the intended relocation of the child is within the school district in which the child currently resides the majority of the time, the person intending to relocate the child, in lieu of notice prescribed in RCW **26.09.440**, may provide actual notice by any reasonable means to every other person entitled to residential time or visitation with the child under a court order.

(2) A person who is entitled to residential time or visitation with the child under a court order may not object to the intended relocation of the child within the school district in which the child currently resides the majority of the time, but he or she retains the right to move for modification under RCW 26.09.260.

Statutes providing respondent relief in these matters supplement to respondents resp to pets motion or sanctions and order to classify respondent's right to relief as vexatious.

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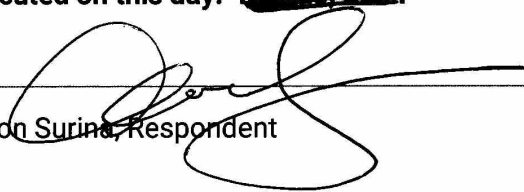


"affordability" and her claims that it is of very little significance in distance taking the children to school from / to Spokane in her notice.

(11) For a temporary order, the amount of time before a final decision can be made at trial.

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

Executed on this day: ~~March 28, 2024~~ April 1, 2024



Aaron Surina, Respondent

NOTARY BLOCK

Subscribed and sworn to before me on this 1st day of April, 2024, by Aaron Surina, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Notary Public for the State of Washington

DECLARATION DATE:

FULL NAME: _____

COUNTY OF SPOKANE

My commission expires: _____

Case: 17-3-01817-0 Rpdnt's resp to mot for sanctions & order to deny access to justice

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I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (and any attachments) are true. ☐ I have attached : __ pages.

Aaron Surina

Signed at : Spokane, Washington

Sworn and subscribed attached Document:

Documents: _____

Date: April 1, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this day, I had a copy of this Motion for Reconsideration served on the opposing party/counsel via personal delivery.

Aaron Surina

Case: 17-3-01817-0 Rpdnt's resp to mot for sanctions & order to deny access to justice

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