

CN: 201703018170

SN: 606

PC: 21

FILED

MAY 13 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SPOKANE COUNTY

IN RE THE CUSTODY OF AAS & DMS
SURINA CHILDREN

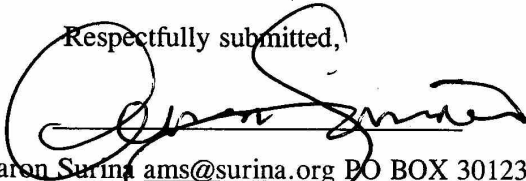
SUPERIOR COURT NO. 17-3-01817-0

NOTICE OF APPEAL TO
THE COURT OF APPEALS
DIVISION III

Appellant, AARON SURINA, seeks review by the Court of Appeals of the State of Washington, Division III of the **Order on Relocation, order on attorneys fees and relief in 12 other pleadings** (*attached hereto*), and every part thereof, entered or omitted on ~~MAY~~ ^{5/13/24} 13TH 2024 in SPOKANE County Superior Court.

DATED this ^{5/13/24} 13th day of May, 2024 in Spokane County, Washington.

Respectfully submitted,


Aaron Surina ams@surina.org PO BOX 30123, Spokane, WA 99223
Appellant Pro Se under order of Indigency

DECLARATION OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the below date, the original document to which this declaration is attached, was filed in the **Court of Appeals** and served upon the following:

☐ **Assistant Attorney General**

Lisa LaGuardia, Assistant Attorney General

Email Address: lisam.laguardia@atg.wa.gov

Physical Mailing Address

1116 W Riverside Avenue, Suite 100

Spokane, WA 99201-1106

☐ **Miguel Garcia, Assistant for Judge Palubicki**

Email Address: miguelg@adams.co.wa.us

Physical Mailing Address

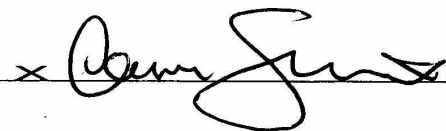
PO BOX 187, Ritzville, WA 99169

☐ **Stanley Kempner Jr., Attorney for other party**

Email Address: skempner@comcast.net

Physical Mailing Address

920 Maple St #200, Spokane, WA 99204

x 

Aaron Surina - Pro-Se indigent Appellant

Date: May 13, 2024

5/13/24

CN: 201703018170
SN: 604
PC: 1

FILED

MAY 03 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

FILED

2024 MAY -3 A 11: 18

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

SIRINYA SURINA,
Petitioner,

And

AARON SURINA,
Respondent.

17-3-01817-0
ORDER DENYING RESPONDENT'S
MOTION FOR NEW TRIAL

The Court hereby orders as follows:

The Respondent's motion for a new trial is DENIED.

Dated this 3rd day of May, 2024.

K. Peter Palubicki
K. Peter Palubicki
Visiting Superior Court Judge

CN: 201703018170
SN: 601
PC: 7

FILED

APR 19 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

SIRINYA SURINA,
Petitioner,
And
AARON SURINA,
Respondent.

NO. 17-3-01817-0

FINAL ORDER AND FINDINGS
ON OBJECTION ABOUT
MOVING WITH CHILDREN AND
PETITION ABOUT CHANGING A
PARENTING/CUSTODY ORDER
(RELOCATION)

**FINAL ORDER AND FINDINGS ON OBJECTION ABOUT MOVING WITH
CHILDREN AND PETITION ABOUT CHANGING A
PARENTING/CUSTODY ORDER (RELOCATION)**

1. Money Judgment Summary

Judgment for	Debtor's name	Creditor's name	Amount	Interest
	Aaron Surina	Sirinya Surina		
Lawyer fees	9,363.00		\$9,363.00	\$
Yearly Interest Rate: % (12% unless otherwise listed)				
Lawyer (name): Stanley A. Kempner, Jr. Represents: Petitioner				
Lawyer (name): Aaron Surina Represents Pro Se				

2. This Order is based on the Court's decision about the *Objection* after a contested trial on March 12, 2024.

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Attorney at Law
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(509) 252-3295
sakempner@comcast.net

1 The following people were at the trial:

2 Petitioner: Sirinya Surina, represented by: Stanley A. Kempner, Jr.

3 Respondent: Aaron Surina, pro se

4 **Findings & Conclusions**

5 3. **Jurisdiction over the children** (RCW 26.27.201 – .221, .231, .261, .271)

6 The court can decide this case for the children because:

7 **Exclusive, continuing jurisdiction** – A Washington court has already made a parenting
8 plan, residential schedule or custody order for the children, and the court still
9 has authority to make other orders for David Surina and Andrew Surina.

10 4. **Children's Residence**

11 The children live most of the time with the relocating person Sirinya Surina, Petitioner.

12 5. **Factors for / against move with children**

13 David and Andrew Surina (the children) live with the person who wants to move most
14 of the time. Based on the factors listed below, the Court concludes that Respondent has
15 failed to demonstrate that the detrimental effect of the relocation outweighs the benefit
16 of the change to the children and the relocating person. The relocation is in the best
17 interests of the children.

18 **Factors:**

19 **a. Relationships:** "The relative strength, nature, quality, extent of involvement, and
20 stability of the child's relationship with each parent, siblings, and other significant
21 persons in the child's life." Findings: Respondent testified that he loves the children
22 and that they are everything to him. Respondent testified about his care of the children,
23 how he is very involved in the children's education, and how he provides health care
24 and financial support for them. Respondent testified that Petitioner has taken the
25 children to sports and asserted that the children are not allowed to go to counseling.
26 Respondent provided little to no evidence concerning the relative strength, nature,
27 quality, extent of involvement, and stability of the children's relationship with the
28 Petitioner, the children's relationship with each other, and the children's relationship
29 with other significant persons in the children's lives. As a result, this factor weighs in
30 favor of relocation.
31
32

FINAL ORDER AND FINDINGS ON OBJECTION ABOUT
MOVING WITH CHILDREN AND PETITION ABOUT
CHANGING A PARENTING/CUSTODY ORDER
(RELOCATION) 2 of 7

Mandatory Form

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1 **b. Agreements:** "Prior agreements of the parties." Findings: There were no agreements
2 between the relocating and objecting persons about moving with the children. This
3 factor does not apply.

4 **c. Contact** "Whether disrupting the contact between the child and the person seeking
5 relocation would be more detrimental to the child than disrupting contact between the
6 child and the person objecting to the relocation." Findings: Respondent did not present
7 testimony about disruption of contact between the children and Respondent.
8 Respondent acknowledged that the relocation would not "majorly" affect Respondent's
9 time with the children. The relocation would not disrupt the children's contact with the
10 objecting person. This factor weighs in favor of relocation.

11 **d. Limitations:** "Whether either parent or a person entitled to residential time with the
12 child is subject to limitations under RCW 26.09.191." Respondent testified that .191
13 restrictions were imposed on him due to abusive use of conflict. The current
14 parenting/custody order includes limitations under RCW 26.09.191 on Respondent.
15 This factor weighs in favor of relocation.

16 **e. Reasons for seeking relocation:** "The reasons of each person for seeking or opposing
17 the relocation and the good faith of each of the parties in requesting or opposing the
18 relocation." Findings: Petitioner purchased a house that was closer to her business than
19 her previous residence had been. The Petitioner had good faith reasons for seeking
20 relocation.

21 **f. Reasons for objecting:** Findings: Respondent's opposition to the relocation was not
22 made in good faith. Respondent acknowledged that the proposed relocation would not
23 "majorly" affect his time with the children. Respondent admitted that he would not
24 have been able to oppose a relocation of greater distance within the Spokane School
25 District. Respondent admitted that it would only take him about fifteen minutes to take
26 the children from Respondent's house to the children's new school in Cheney. In
27 addition, Respondent made little effort to address the relocation factors at trial. The
28 Respondent did so despite being handed a copy of RCW 26.09.520 at the
29 commencement of trial. The Court also admonished the Respondent on multiple
30 occasions to focus on the relocation statute. Respondent admitted that he hadn't given
31 one of the relocation factors "much thought." Respondent made it abundantly clear
32 throughout the relocation trial that his true intent was to use the relocation trial as a

FINAL ORDER AND FINDINGS ON OBJECTION ABOUT
MOVING WITH CHILDREN AND PETITION ABOUT
CHANGING A PARENTING/CUSTODY ORDER
(RELOCATION) 3 of 7

Mandatory Form

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1 vehicle to modify the parenting plan. For example, Respondent repeatedly testified
2 about the Petitioner's business and his displeasure over the children spending time at
3 Petitioner's business. Respondent stated he was opposing the relocation because of the
4 alleged lack of support networks at the Cheney School District yet presented very little,
5 if any, evidence about Cheney schools. Respondent asserted that there was not as much
6 of a support network in the Cheney School District and that the teachers in the children's
7 current school are more familiar with the children than they would be at the Cheney
8 School District. Respondent provided no evidence that Cheney schools were inferior in
9 any way to the Spokane School District. Respondent seemed to concede the issue of
10 relocation at times. This factor weighs in favor of relocation.

11 **g. Children:** "The age, developmental stage, and needs of the child, and the likely
12 impact the relocation or its prevention will have on the child's physical, educational,
13 and emotional development, taking into consideration any special needs of the child."
14 Findings: Respondent presented some evidence about the impact of the relocation on
15 the children, such as the current school's familiarity with the children. Respondent did
16 not present evidence about a scarcity of professionals in the Cheney School District that
17 were equipped to address any of the issues the children may have. This factor weighs
18 in favor of relocation.

19 **h. Quality of life:** "The quality of life, resources, and opportunities available to the child
20 and to the relocating party in the current and proposed geographic locations." Findings:
21 Respondent provided little in the way of specific testimony about how the current
22 location differs from the proposed location. Respondent asserted that there was
23 "nothing" at the new location and that the opportunities in Spokane Schools cannot be
24 replicated. Respondent acknowledges that the relocation would benefit the Petitioner's
25 commute and finances. This factor weighs in favor of relocation.

26 **i. Other arrangements:** "The availability of alternative arrangements to foster and
27 continue the child's relationship with and access to the other parent." Findings:
28 Respondent provided a dearth of evidence on this factor; therefore, it weighs in favor of
29 relocation.

30 **j. Alternatives:** "The alternatives to relocation and whether it is feasible and desirable
31 for the other party to relocate also." Findings: Respondent acknowledged that he hadn't
32

FINAL ORDER AND FINDINGS ON OBJECTION ABOUT
MOVING WITH CHILDREN AND PETITION ABOUT
CHANGING A PARENTING/CUSTODY ORDER
(RELOCATION) 4 of 7

Mandatory Form

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given this factor a lot of thought. Respondent failed to address this issue; therefore, it weighs in favor of relocation.

k. Financial: "The financial impact and logistics of the relocation or its prevention."

Findings: Respondent failed to address this issue; therefore, it weighs in favor of relocation.

6. Changes to parenting/custody order

No Change- The parenting/custody order should not change because:

Other findings: Respondent's contact with the children will not be materially affected as a result of the relocation.

7. Child Support

Does not apply.

8. Protection order

No one requested an Order for Protection in this case.

9. Restraining Order

No one requested a Restraining Order in this case.

10. Fees and costs

Other findings: Aaron Surina shall be ordered to pay Sirinya Surina's attorney fees incurred in this action based upon RCW 26.09.550 because Respondent's objection to the intended relocation was made to harass the Petitioner and/or needlessly increase the cost of litigation.

11. Other findings, if any

None of the factors in RCW 26.09.520 weigh in Respondent's favor and as a result he has not met his burden of proof to prevent the relocation of the Petitioner and the children. As a result, Petitioner's CR 41(b)(3) motion is granted.

Court Orders

12. Decision

Move with children – Allowed – The children may move with Sirinya Surina as requested.

Parenting/custody order – No Change – The current parenting/custody order remains in effect.

Child Support – The current child support order remains in effect.

FINAL ORDER AND FINDINGS ON OBJECTION ABOUT
MOVING WITH CHILDREN AND PETITION ABOUT
CHANGING A PARENTING/CUSTODY ORDER
(RELOCATION) 5 of 7

Mandatory Form

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Protection Order Restraining Order – Does not apply.

FINAL ORDER AND FINDINGS ON OBJECTION ABOUT
MOVING WITH CHILDREN AND PETITION ABOUT
CHANGING A PARENTING/CUSTODY ORDER
(RELOCATION) 6 of 7

Mandatory Form

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13. - Money Judgment

Judgment for	Debtor's name	Creditor's name)	Amount
Lawyer fees	Aaron Surina	Sirinya Surina	\$9,363.00

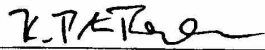
The interest rate is 12%, unless another amount is listed below.

14. Other orders

Petitioner's motion pursuant to CR 41 (b)(3) is granted in that the facts presented by the Respondent at the close of his case failed to show that he has a right to relief under RCW 26.09.520.

The children shall continue to attend their respective schools in Spokane School District 81 until the end of the 2023-2024 school year. The children will attend the Cheney School District at the beginning of the 2024-2025 school year.

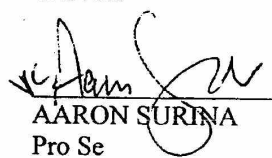
DONE in open Court this 19th day of April, 2024.


JUDGE K. PETER PALUBICKI

Presented by:
Attorney for Petitioner

Approved as to Form and
Content; Notice of Presentment
Waived.


STANLEY A. KEMPNER, JR.
#11260


AARON SURINA
Pro Se

FINAL ORDER AND FINDINGS ON OBJECTION ABOUT
MOVING WITH CHILDREN AND PETITION ABOUT
CHANGING A PARENTING/CUSTODY ORDER
(RELOCATION) 7 of 7

Mandatory Form

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FILED

OCT 31 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

CN: 201703018170

SN: 563

PC: 4

Superior Court of Washington, County of Spokane

In re:

Petitioner:

SIRINYA SURINA

And Respondent:

AARON SURINA

No. 17-3-01817-0

Contempt Hearing Order
(ORCN)

Contempt Hearing Order

1. Money Judgment Summary

No money judgment is ordered.

- 2.** The court has considered the *Motion for Contempt Hearing* and any supporting documents, response from the other party, reply, and other documents from the court record identified by the court. A contempt hearing was held on: 6/23/23.

The Court Finds:

3. Support Payments (child support, medical support, children's expenses, spousal support)

Other findings:

There was an issue concerning Petitioner's compliance with the support order relating to providing tax form 8332. Petitioner was not in contempt.

4. Parenting Plan, Residential Schedule, or Custody Order

The parenting/custody order was obeyed.

RCW 26.09.160, 7.21.010
Mandatory Form (07/2021)
FL All Family 167

Contempt Hearing Order

p. 1 of 4

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5. Restraining Order or Other Order

Does not apply. This contempt hearing did not cover any restraining order or other orders.

6. Lawyer fees and costs

Does not apply.

The Court Orders:

7. Contempt

Sirinya Surina is not in contempt.

8. Money Judgment

Does not apply. No money judgment is ordered.

9. Make-up parenting time

Does not apply.

10. Jail time

Does not apply.

11. Contempt can be corrected (purged) if:

Does not apply.

12. Court review

Does not apply.

13. Other orders

Ordered.

Date

10/31/23

Judge or Commissioner

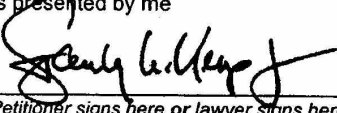
Steve Dixon

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Petitioner and Respondent or their lawyers fill out below.

This document:
Is presented by me

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Petitioner signs here or lawyer signs here + WSBA No.

11260

Respondent signs here or lawyer signs here + WSBA No.

Stanley A. Kempner, Jr
Print Name

Date

Aaron Surina--Pro Se
Print Name

Date

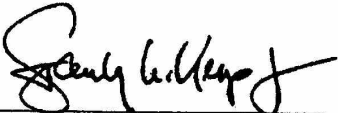
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CERTIFICATE OF SERVICE

I, the undersigned, certify on 19 October 2023, I caused a true and correct copy of the foregoing to be forwarded, with all required charges prepaid, by the methods indicated below to the following person:

Aaron Surina
PO Box 30123
Spokane, WA 99203

VIA U.S. MAIL



STANLEY A. KEMPNER, JR.

FILED

OCT 31 2023

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

CN: 201703018170

SN: 562

PC: 4

Superior Court of Washington, County of Spokane

In re:

Petitioner:

SIRINYA SURINA

And Respondent:

AARON SURINA

No. 17-3-01817-0

Temporary Order about Moving with
Children (Relocation)
(TMORELO)

**Temporary Order about Moving with Children
(Relocation)**

1. The Court has considered a *Motion for Temporary Order Preventing Move with Children*.

The Court Finds

2. **Notice**

The *Notice of Intent to Move with Children* was served:

After the legal deadline or not at all, and this did **not** cause substantial prejudice (unfairness) to the other parent.

Incorrectly, but the Court finds good reasons to allow the move with the children and to approve any changes requested to the *Parenting Plan* temporarily until the trial. *Parties agreed to and the court approves*

3. **Move has / has not happened**

The children have already moved. The move happened without an agreement or court order allowing it, and proper advance notice of the move.

RCW 26.09.510
Mandatory Form (07/2019)
FL Relocate 728

Temporary Order about
Moving with Children
p. 1 of 4

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4 **4. Circumstances justify / don't justify allowing move before final decision**

Whether or not the move will be approved at trial, the circumstances **justify** allowing the move before the court makes a final decision.

5
6
7
8 **5. Likelihood move will be approved at trial**

The court heard evidence at a temporary orders hearing on 9/14/23. The parties had adequate opportunity to prepare for the hearing and be heard. ~~The Court did not make findings on RCW 26.09.520 on the record at the hearing.~~ The children lived with the relocating person most of the time.

9
10
11 **6. Temporary Parenting Plan**

Does not apply.

12
13
14 **7. Active duty military**

(The federal Servicemembers Civil Relief Act covers:

- *Amy, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;*
- *National Guard or Reserve members under a call to active service for more than 30 days in a row; and*
- *commissioned corps of the Public Health Service and NOAA.*

The state Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington state, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)

None of the parties are covered by the state or federal Service Members' Civil Relief Act, OR no party covered by the Acts has asked for a stay.

15
16
17 **8. Other findings**

18
19 ***The Court Orders***

20
21 **9. Motion for Temporary Order *Allowing* Move with Children**

Approved. The children may move with Sirinya Surina as requested. A final decision about the move will be made at trial.

Other:

The Petitioner may remain in Cheney and the Parenting Plan will remain the same except that the children shall be enrolled in their applicable schools in the Spokane School District pending trial or further order of the court.

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10. Motion for Temporary Order *Preventing Move with Children*

Denied.

11. Other orders

Ordered.

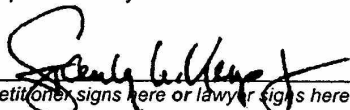
10/31/23
Date


Judge or Commissioner **Steve Dixon**

Petitioner and Respondent or their lawyers fill out below:

This document:
Is presented by me

This document:

 11260
Petitioner signs here or lawyer signs here + WSBA #

Respondent signs here or lawyer signs here + WSBA #

Stanley A. Kempner, Jr
Print Name

Date

Aaron Surina, Pro Se
Print Name

Date

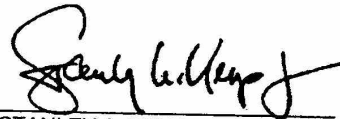
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CERTIFICATE OF SERVICE

I, the undersigned, certify on 19 October 2023, I caused a true and correct copy of the foregoing to be forwarded, with all required charges prepaid, by the methods indicated below to the following person:

Aaron Surina
PO Box 30123
Spokane, WA 99203

VIA U.S. MAIL



STANLEY A. KEMPNER, JR.

FILED

MAY 06 2024

**TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

SIRINYA SURINA,

Petitioner,

17-3-01817-0

And

AARON SURINA,

Respondent.

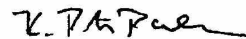
ORDER DENYING RESPONDENT'S
MOTION FOR ORDER OF
INDIGENCY

The Respondent moves the Court for an Order of Indigency. RAP 15.2(b)(2) states that the Court "shall deny the motion for an order of indigency if . . . the case is not one of the case types listed in subsection (b)(1). This family law case does not qualify as any of the case types listed in RAP 15.2(b)(1).

The Court hereby orders as follows:

The Respondent's motion for an order of indigency is DENIED.

Dated this 6th day of May, 2024.



K. Peter Palubicki
Visiting Superior Court Judge

FILED

APR 19 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

CN: 201703018170
SN: 599
PC: 1

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

Sirinya Surina,) 17-3-01817-0
Petitioner,)
and) ORDER
Aaron Surina, Respondent.)

The Court hereby orders as follows:

The Petitioner's motion for CRJ Sanctions and for order
Restricting Respondent from engaging in Abusive Litigation is
denied.

Dated this 14th day of April, 2024.

K. Peter Palubicki
K. Peter Palubicki
Visiting Superior Court Judge

[Signature]
#11260

[Signature]