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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE
APPELLATE COURT, DIVISION III**

In re: Custody of DMS & AAS

Aaron Surina,
Father of DMS & AAS
Appellant, Petitioner

v.

Sirinya Surina,
Respondent,

No. 404358

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Superior Ct No. 2017-3-01817-32
AMENDED APPELLANT'S MOTION TO
QUASH RESPONDENTS' MOTION, PRESERVE
EVIDENCE, AND UPHOLD RESTRAINING ORDERS

**APPELLANT'S MOTION TO QUASH RESPONDENTS' MOTION,
PRESERVE EVIDENCE, AND UPHOLD RESTRAINING ORDERS**

May it please the court(s): This amended version removes the accidental duplication of itself rendering the pleading twice in the same document. I just noticed the error.

COMES NOW, Aaron Surina, the appellant in the above-captioned matter, and hereby moves this Honorable Court to issue an order for the following relief:

1. ~~Motion to Quash Respondents' Motion to Quash Restraining Orders~~: The appellant respectfully requests that this court quash the Respondents' motion to

quash the existing restraining orders issued against them by the lower court. The motion filed by Respondents was done without proper notice of hearing, without an order to show cause, and in violation of due process rights. The service of this motion was also improper, as papers were left with a third party who was neither my roommate nor authorized to accept service on my behalf. Given these procedural deficiencies and the fact that the restraining orders are in place to protect my children from imminent harm, this court should deny Respondents' motion to quash and maintain the restraining orders.

2. **Motion to Preserve Evidence:** The appellant requests an order compelling Costco to preserve and produce the original video footage from June 15, 2024, recorded at approximately 14:02 PM at their Sprague Avenue, Spokane, WA location. This video, which captures the Respondents' alleged assault on my 7-year-old son, A.A. Surina, is critical to this case. There is substantial concern that the evidence has been tampered with, as admitted by Respondents' counsel, Stanley Kempner, who stated that he converted the video to a lower-quality format ("avi"), resulting in a 1300% reduction in resolution. This tampering compromises the integrity of the evidence and further endangers my children by undermining the restraining orders currently in place.
3. **Motion to Amend Restraining Order:** The appellant respectfully moves this Court to amend the existing restraining order to allow Sirinya Surina supervised visitation with our children. This supervision should be conducted under the direct oversight of Wednesday Bassett with the DCYF CPS team or Melisa Voss with the Idaho CPS team, as specifically requested by our children. The children have expressed a clear and consistent desire not to see Eric Brubaker under any circumstances, whether supervised or unsupervised. They hope that their mother, Sirinya, will

come to realize the impact of her actions, find healing, and make amends. The children also wish to attend counseling sessions, which Sirinya has prevented for the past seven years. They fear that discussing their experiences in counseling may lead to incriminating revelations, which their mother has strategically avoided by using her medical decision-making authority to cover up ongoing abuse by herself and her boyfriend.

II. AFFIDAVIT IN SUPPORT OF MOTIONS

I, Aaron Surina, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct to the best of my knowledge.

1. **Incident on June 15, 2024:** On June 15, 2024, at approximately 14:02 PM, Eric Brubaker parked near the Costco tire shop in direct view of a newly installed 5K camera system at the Sprague Avenue location in Spokane, WA. My son, A.A. Surina, along with his brother, D.M. Surina, and their mother, Sirinya Surina, were present. A.A. Surina was subjected to a violent assault by Eric Brubaker in the presence of his mother. This incident was captured on Costco's security cameras, and the video evidence is crucial in demonstrating the imminent threat posed by the Respondents to my children.
2. **Tampering with Evidence:** The video provided by Sirinya has been altered and does not contain the Aligilon security watermarks present on the original footage. The unaltered video can be accessed at <http://SURINA.xyz/andrew>. I received a copy of this video on or about August 22, 2024, through an attorney representing my children's safety in Idaho. This video originated from the alleged perpetrators.

Mr. Kempner, Respondents' counsel, omitted that he had subpoenaed this evidence from the courts in both states until I requested an original copy and a copy of the subpoena. Mr. Kempner has admitted that his subpoena sought this footage for Eric Brubaker, who is not his client, nor has Mr. Kempner officially appeared on behalf of Mr. Brubaker. The true client, who admitted to paying for this footage, is the person allegedly involved in the assault on my son after he urinated on himself due to Sirinya and her boyfriend refusing to stop for a restroom break.

3. **Supervised Visitation Request:** My children have repeatedly expressed their desire to see their mother, Sirinya, but only under the supervision of either Wednesday Bassett with DCYF CPS or Melisa Voss with Idaho CPS who have assured them that they would protect them and want them to have healthy communications with their mother. Perhaps they can facilitate that activity somehow. They have explicitly stated that they do not wish to have any contact with Eric Brubaker under any circumstances. My children also wish to attend counseling sessions, which Sirinya has denied them access to for the past seven years. The children are afraid that discussing the abuse in counseling could lead to further incrimination of their mother and her boyfriend, which Sirinya has attempted to prevent by using her medical decision-making power to conceal their abuse.

III. RELIEF REQUESTED

Based on the foregoing, the appellant respectfully requests that the court grant the following relief:

1. **Quash Respondents' Motion to Quash Restraining Orders:** Deny the

Respondents' improperly filed motion and maintain the restraining orders issued by the lower court to protect the appellant's children from imminent harm.

2. **Order to Preserve and Produce Original Video Evidence:** Direct Costco to preserve the original video footage from June 15, 2024, and produce it in its original format for the court's review, ensuring the integrity of the evidence and the chain of custody.
3. **Amendment of Restraining Order:** Modify the existing restraining order to allow supervised visitation between Sirinya Surina and the children under the direct supervision of Wednesday Bassett with DCYF CPS or Melisa Voss with Idaho CPS. Ensure that the children have no contact with Eric Brubaker, as per their express wishes.
4. **Affirm Appellate Court Jurisdiction:** Reaffirm that jurisdiction over this matter resides with Division III of the Washington State Court of Appeals and stay any further proceedings in the Spokane County Superior Court that conflict with the appellate process.
5. **Grant Any Other Relief Deemed Just and Proper:** Consider any additional relief necessary to correct procedural and substantive errors, protect the children's best interests, and restore fairness to the proceedings.

IV. CONCLUSION

For the reasons set forth above, Aaron Surina respectfully urges this Court to grant this motion, protect the children in this matter first and foremost, quash the motion to quash the restraining order, affirm appellate court jurisdiction in this matter, stay any further proceedings in the superior court that conflict with the appellate process, and order

Costco to preserve and produce the unaltered video footage from June 15, 2024.
Furthermore, the Court should amend the restraining order to allow Sirinya Surina supervised visitation with the children under the oversight of DCYF CPS or Idaho CPS and strictly prohibit any contact between the children and Eric Brubaker.

Affidavit and Verification

I, Aaron Surina, declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge, information, and belief.

This document contains 2307 words out of 3057 as required according to RAP 18.17(a)1(b).

Executed on this 27th day of August, 2024, at Hayden, ID by Aaron Surina
12000 N. Stinson Dr, Hayden, ID 83835

ams@surina.org

707-200-4372

/s/


Signed: Aaron Surina, Appellant

Certificate of Service

I hereby certify that on this 27th day of August, 2024, I have duly served a copy of this motion to all parties of record in this case via ECF & Hand delivery