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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

17-3-01817-0

Superior Ct No. 2017-3-01817-32

Affidavit of Aaron Surina in motion for orders v.

including Exhibit I

**Affidavit and Motion to reinstate TRO, admit video evidence, enforce local
rules and maintain due process and judicial integrity**

Affidavit of Aaron Surina

State of Idaho, County of Kootenai

08/28/2024

I, Aaron Surina, of 12000 N. Stinson Dr, Hayden, ID 83835, being duly sworn, depose and
say as follows:

1. Background and Context

I am an out-of-state resident currently living in Idaho. I am involved in ongoing

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litigation related to custody and protective orders in Spokane County, Washington. Due to my residence outside of Washington, I have encountered significant difficulties in participating fully in the legal proceedings and ensuring due process.

2. Issues with Due Process

a. Late Receipt of Motion to Quash

On August 26, 2024, late at night, I received a motion to quash the Temporary Restraining Order (TRO) from a roommate. This notice came less than 48 hours before the scheduled hearing, providing me with insufficient time to respond to the allegations contained within the motion. This lack of timely notice prevented me from adequately preparing and presenting my case.

b. Procedural Irregularities and Inadequate Access

The attorney, Mr. Kempner, has repeatedly altered court orders without providing a fair opportunity for me, a pro-se litigant, to respond. Despite the court's recognition of the merit of my case and the video evidence I intended to present, Mr. Kempner's actions have undermined my ability to participate fully in the proceedings. The court had previously issued an order to admit the video evidence; however, Mr. Kempner's subsequent actions have infringed upon both constitutional and fundamental rights regarding the protection of my children from their mother's abusive boyfriend.

c. Lack of Adequate Access and Representation

The procedural failures and the unavailability of necessary documents and information have severely impacted my ability to advocate for my children's safety. The court's failure to ensure proper access and timely communication has further compromised my ability to protect my children from ongoing violence.

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3. Local Rules for Spokane County Superior Court

The Spokane County Superior Court Local Rules (SCLCR) provide specific guidelines for service and timelines regarding contempt and ex parte hearings:

a. SCLCR 5 – Service and Filing of Pleadings and Papers

- **SCLCR 5(d)**: All documents must be served on the opposing party in a manner that allows reasonable time for the receiving party to respond. For motions involving emergency relief, service must be made as soon as possible and must include a clear explanation of why the relief is needed urgently.

4. b. SCLCR 6 – Time

- **SCLCR 6(c)**: When computing time, the day of the act or event is not included. A party generally has 14 days to respond to motions unless otherwise specified by the court.
- **SCLCR 6(e)**: For ex parte motions and emergency hearings, the requesting party must demonstrate the necessity of immediate relief and explain why normal notice requirements cannot be met.

5. c. SCLCR 7 – Motions

- **SCLCR 7(b)(2)**: Motions must be accompanied by a memorandum in support and must be filed with the court and served on all parties within the time frames specified. For emergency motions, a party must provide a detailed explanation of the emergency circumstances and efforts made to notify the other party.

6. Violence and Safety Concerns

It is my firm belief that individuals who exhibit violent behavior do not simply cease their violence without intervention; such behavior tends to escalate. My

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children should not be subjected to this level of danger and abuse. The current situation places them at significant risk. I intend to bring these concerns to the attention of Spokane County Risk Management due to the potential liability involved in prioritizing favoritism over the law and common sense.

7. Request for Relief

In light of these issues, I respectfully request that the court:

- Reinstates the TRO and schedules a hearing for September 6, 2024, to ensure proper due process and consideration of my evidence.
- Ensures that the order to admit video evidence is signed by an authorized commissioner or judge.
- Provides me with adequate notice, access, and the opportunity to fully participate in all proceedings.
- Reviews and addresses the procedural irregularities to ensure compliance with due process requirements.

8. Conclusion

This matter is of utmost importance for the safety and well-being of my children. My request is made not out of political motivation but out of a genuine concern for my children's safety and the need for a fair opportunity to present evidence. I urge the court to consider my plea with the seriousness it warrants and ensure that justice is served.

I affirm under the penalty of perjury within the laws of the state of Washington that the above statements are true and correct to the best of my knowledge and belief.

Aaron Surina,

12000 N. Stinson Dr,

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Hayden, ID 83835

Signature: /s/ [Signature]

Date: _____

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 760 words out of 1510 as required according to RAP 18.17(a)1(b).

Executed on this 29th 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/Respondent

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Admit Video Evidence and Prevent Further Action Pending Preservation and Proper Chain of Custody was served upon all parties of record by hand delivery, ECF and emailed to court administration on this 29th day of August 2024

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1 assessed against him. So in this Court's opinion, he's
2 already been handed a significant deterrent that should ensure
3 that he would think twice before filing other motions in this
4 case that are arguably frivolous. So I'm going deny that
5 request to declare Mr. Surina to be a vexatious litigator.
6 I will order however further motions will be heard
7 by my department, which should provide some relief to the
8 assigned court commissioner going forward. I'm not doing that
9 because I'm overseeing motions Mr. Surina or Ms. Surina's
10 file. It's just because I'm not going to impose an almost
11 eight-volume court file onto a court commissioner. Now, that
12 said, I'm an optimist, I don't really think there's going to
13 be much court involvement in this case once this matter is
14 finalized.

PAGE 6 OF JUDGE PRICE ORAL RULING NOVEMBER 27, 2019 INJUNCTION
AGAINST ANY COMMISSIONER ACTIVITY ON THE CASE GOING FORWARD.

Exhibit 1

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