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FILED

SEP 25 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Superior Court of Washington, County of SPOKANE

Petitioner / Plaintiff:

AARON SURINA

No. 2024-1008-4574

Motion for Issuance of Subpoena

(No mandatory form)

And Respondent / Defendant:

ERIC PRUBAKER

17301817.0

Motion for Issuance of Subpoena

1. My name is AARON SURINA

I am the ☒ petitioner/plaintiff ☐ respondent/defendant.

2. Motion

I ask the court to issue a subpoena to (name) COSTCO WHOLESALE
to be a witness at a hearing or trial in this case on (date): _____

The witness (check one):

provide

☒ ~~Must bring~~ The documents or items listed in the proposed subpoena. I am asking for
a subpoena duces tecum.

☐ Does not need to bring any documents or items with them.

3. Witness' Address

The witness lives at (address, if known) 5601 E Sprague

Spokane Valley WA

The witness (check one): ☒ does ☐ does not live in the same county as this court.

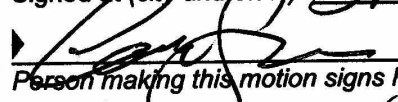
The witness (check one): ☐ does ☐ does not live within 20 miles of this court

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If the witness lives outside the county or more than 20 miles from the court, I ask the court to set a reasonable allowance for meals, lodging, and necessary travel expenses according to RCW 5.56.010.

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (city and state): Spokane, WA Date: 8/23/2024

 Person making this motion signs here AARON SURINA Print name

1200 ALSTONSON Spokane WA
Street or mailing address City State Zip

FILED

SEP 25 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Superior Court of Washington, County of Spokane

Petitioner / Plaintiff:

Daron Surin

No. 2024-1008-4574

☐ Subpoena

☒ Subpoena Duces Tecum

And Respondent / Defendant:

ERIC BRUBAKER

in a Civil Case

(No mandatory form)

Subpoena or Subpoena Duces Tecum in a Civil Case

A **Subpoena** is an order requiring a witness to come to court to testify. **Subpoena Duces Tecum** is an order that requires a witness to bring documents or something with them and possibly also give testimony. Check the box above for Subpoena Duces Tecum if you need the witness to bring something to court with them. Otherwise, check the box next to Subpoena.

The State of Washington to:

Witness (name): COSTCO WHOLESALE

5101 E SPRAGUE AVE SPOKANE WA
Street or mailing address city state zip

1. You are commanded to appear in court:



on: _____ at: _____ ☐ a.m. ☐ p.m.
date time

at: _____
court's address

in: _____ before _____
room or department judge or commissioner name

to testify in this case on behalf of the ☒ plaintiff/petitioner ☐ defendant/respondent,
and to remain in attendance until you have given your testimony or you have been
dismissed or excused by the court.

2. Subpoena Duces Tecum (bring documents or items)

☐ Does not apply.

☒ You are commanded to ^{provide} bring with you the following documents or items (specify):

VIDEO EVIDENCE?

AVigilon or security footage of
Silver hemi Dodge pulling up to fire center
at 14:03 pm, June 15, 2024.

ALL VIDEO OF THE 4 members of this vehicle
in all areas of property including Audio.

ALL related subpoenas, ANYTHING related to
the minor being assaulted.

3. Allowance for meals, lodging, and travel expenses

☐ Does not apply.

☐ The witness lives outside the county or more than 20 miles from the courthouse. The court sets the following allowance for meals, lodging, and travel expenses according to RCW 5.56.010:

Meals: \$ _____

Lodging: \$ _____

Travel expenses: \$ _____

Date ☐ District ☐ Superior Court Clerk for County of _____

Person Requesting subpoena:

Name: Aaron Suria Phone: 509-319-9998

PO Box 30123 Spokane WA 99223
Street or mailing address city state zip

Important! The following page of text from Civil Rule 45 must be included in this subpoena.

Civil Rule 45, Sections (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to subsection (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce and all other parties, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden, provided that the court may condition denial of the motion upon a requirement that the subpoenaing party advance the reasonable cost of producing the books, papers, documents, or tangible things.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information in camera to the court for a determination of the claim. The person responding to the subpoena must preserve the information until the claim is resolved.

[Amended effective July 1 1967; Amended effective July 1, 1972; September 1, 1983; September 1, 1993; September 1, 2007; January 12, 2010.]

FILED

SEP 25 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Superior Court of Washington, County of Spokane

Petitioner / Plaintiff:

Aaron Surina

No. 2024-1068-4574

Order for Issuance of Subpoena

(No mandatory form)

And Respondent / Defendant:

ERIC BRUBAKER

Order for Issuance of Subpoena

1. Basis

The ☒ petitioner/plaintiff ☐ respondent/defendant filed a motion for issuance of a subpoena. The court has considered the motion and proposed subpoena ex parte and finds good cause to grant the motion.

2. Order

The clerk of the court shall issue a subpoena to (name) COSTCO WHOLESALE
to be a witness at a hearing or trial in this case on (date): TED / Nov 21 / Sept 6.

The witness (check one):

☒ ^{provide} Must bring the documents or items listed in the subpoena duces tecum.

☐ Does not need to bring any documents or items with them.

A copy of the subpoena or subpoena duces tecum to be issued is attached to this order.

Ordered.

Date

Judge or Commissioner

Presented by: ☒ Petitioner/Plaintiff ☐ Respondent/Defendant

Sign here

Print name

COPY

Original Filed

SEP 09 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

FILED

SEP 25 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON FOR COUNTY OF SPOKANE		NO.
<u>SIRINYA SURINA</u> <u>04/20/85</u>	Petitioner	DOB
<u>Aaron</u> <u>Surina</u> <u>04/20/77</u>	Respondent	DOB

NOTICE OF HEARING
(NTHG)
(Optional Use)
(Clerk's Action Required)

TO: SIRINYA SURINA

Aaron Surina (~~Petitioner~~/Respondent) has filed a motion for the following relief:
review of motions pending, reinstate 9/6 hearing, remove commissioner orders.

A hearing will be held on 9/10/24 20 24, at TBD a.m./p.m. at
WEST 1116 BROADWAY, SPOKANE, WA. 99260 to determine whether the requested relief
should be granted. IF YOU DO NOT APPEAR, THE COURT MAY ENTER AN ORDER
GRANTING THE RELIEF REQUESTED.

HOW TO ATTEND YOUR HEARING

Docket call and hearings will occur either in-person or by video through Zoom. (If you
need to attend your hearing by phone only, you will need to file a motion and obtain an
order allowing appearance by phone three days prior to your hearing date. You can do
this in Courtroom 202.)

In Person: Monday / Thursday – Courtroom 202
1116 W. Broadway, Spokane, WA 99260

By Video (Zoom): (1) Either: (a) log on to: zoom.us or (b) download Zoom app; (2) select "join"; (3) enter Zoom ID: **402 876 2240**

If your case is ready for a hearing, you will be given a hearing time and zoom information at docket call. Most hearings will occur in the afternoon.

WHO TO CONTACT IF YOU HAVE TECHNICAL DIFFICULTIES

If you experience technical difficulties during docket or during your hearing, please immediately contact: (509) 477-5702 ext. 0 or email: familylaw@spokanecounty.org and leave a message with your name and contact information, including phone number and email.

HOW TO REQUEST AN INTERPRETER OR ACCOMMODATIONS FOR A DISABILITY

To request an interpreter contact: (509) 477-5790

To request accommodations for a disability contact: (509) 477-5790

**LAW ENFORCEMENT IS INSTRUCTED TO SERVE THIS NOTICE WITH
ACCOMPANYING DOCUMENT(S) TO:**

Petitioner/~~Respondent~~.

OTHER: _____

Dated: _____

By: _____
Superior Court Commissioner

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

In re: Custody of DMS & AAS

	)	
	)	No. 404358
	)	
Aaron Surina,	)	
Father of DMS & AAS	)	Superior Ct No. 2017-3-01817-32
Appellant, Petitioner	)	
	)	Affidavit of Aaron Surina in motion for orders v.
v.	)	<i>including Exhibit I</i>
	)	
Sirinya Surina	)	
Respondent	)	
	)	

**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

pg 1 of 6

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 contempts 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

pg 3 of 6

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,

pg 4 of 6

Hayden, ID 83835

Signature: _____

/s/

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

pg 5 of 6

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

pg 6 of 6

In re: Custody of DMS & AAS

Aaron Surina,
Father of DMS & AAS

Superior Ct No. 2017-3-01817-32

**Order on motion for reinstatement of TRO,
order to admit video evidence, order for
proper service and notice, order reinstating
and scheduling hearing, order to review
procedural irregularities**

Respondent

Commissioner / Trial Court Judge: _____

1. Order Reinstating Temporary Restraining Order (TRO)

1. The Temporary Restraining Order (TRO) previously issued in this case on August 23, 2024 is reinstated effective immediately.
2. The parties shall comply with all terms and conditions of the TRO as previously ordered by the court.

pg 1 of 4

3. A hearing on the TRO shall be scheduled for September 6, 2024, at TBD in Department of the visiting judge of the Spokane County Superior Court.
4. The parties are directed to appear at the hearing to present evidence and arguments regarding the TRO and any related motions.

2. Order to Admit Video Evidence

IT IS HEREBY ORDERED:

1. The video evidence provided by Aaron Surina as well as Sirinya Surina (both video is from Stanley Kempner is admitted into evidence for the hearing scheduled on September 6, 2024.
2. The Clerk of the Court is directed to retain the thumb drive containing the video evidence in Room 200 until September 3, 2024, at which point it will be made available for review in preparation for the hearing.
3. The parties shall have access to the video evidence and are permitted to review it prior to the hearing.

3. Order for Proper Service and Notice

IT IS HEREBY ORDERED:

1. The Court finds that the recent motion to quash the TRO was served with insufficient notice, which did not allow for a reasonable opportunity to respond.
2. All parties are directed to comply with the Spokane County Superior Court

pg 2 of 4

Local Rules regarding service and notice, including timely delivery of all motions, pleadings, and orders.

3. Future filings and motions must be served with adequate time for the opposing party to respond, as required by SCLCR 5(d) and SCLCR 6(c).
4. The Court directs that proper procedures be followed for ex parte motions and emergency hearings, including detailed explanations for any urgent requests.

4. Order for Reinstating and Scheduling Hearing

IT IS HEREBY ORDERED:

1. The hearing on the motions filed in this case, including the motion to quash the TRO and related issues, is scheduled for September 6, 2024, at **TBD** in Department of the visiting judge of the Spokane County Superior Court.
2. All parties are required to appear at the hearing and provide their evidence and arguments.
3. Any further motions or pleadings must be filed and served in accordance with the Spokane County Superior Court Local Rules and Washington State Court Rules.

5. Order for Review of Procedural Irregularities

IT IS HEREBY ORDERED:

1. The Court shall review any procedural irregularities, including issues related

pg 3 of 4

to service and access, to ensure compliance with due process requirements.

2. Any failures to provide adequate access or timely communication will be addressed to ensure that all parties have a fair opportunity to participate in the proceedings.

SO ORDERED this _____ day of _____, 2024

[Judge's Full Name]

Judge, Spokane County Superior Court

[Judge's Signature]

Person who brought this motion:

Aaron Surina

_____/S/_____
08/29/2024

PS 4/04/24