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** Amended **
**Superior Court of Washington,
County of Spokane**

FILED

SEP 27 2024

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

In re: Custody of AAS & DMS

No. 17-3-01817-0

Petitioner:

Sirinya Surina

v.

And Respondent:

Aaron Surina

Amended Affidavit of Facts

**Affiant: Father RE: restraining orders,
UCCJEA conference, violence
towards children, Motions for orders
proposed orders**

[] Final (RSTO)

Amended Affidavit of Facts

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children, Motions for orders**

INTRODUCTION:

~~May it please the court:~~

I, Aaron Surina, Respondent and Father of AAS & DMS stand before you to
address urgent and critical matters that profoundly affect my rights and,

most importantly, the safety and well-being of my children. There have been significant procedural errors, substantive issues, and actions by the opposing counsel and petitioner that necessitate immediate court intervention.

I. Procedural Errors and Objections

A. Opposing Counsel's Improper Use of Ex Parte Proceedings

I object to the opposing counsel's continued use of ex parte commissioners to obtain orders without proper notice or opportunity for me to be heard. Despite being aware that the ex parte court was not an appropriate avenue—as evidenced by a declaration submitted for the Temporary Restraining Order (TRO) hearing—the counsel proceeded to obtain the current restraining order through defiance of court rules and disregard for judicial integrity.

- **Multiple Ex Parte Filings:** The opposing counsel has approached the ex parte court on three separate occasions concerning matters related to this case. These actions were taken without proper service and without affording me an opportunity to be heard before an impartial proceeding.
- **Violation of Court Instructions:** On August 30th, an ex parte action was taken despite prior admonishment. The counsel's actions demonstrate a blatant disregard for court procedures and my due process rights.

B. Questionable Validity of the Order to Quash the TRO

I believe the order to quash the TRO on August 26th was not properly granted. The order bears a stamp typically used for notices of hearing, which would not be used by a commissioner. This raises concerns about the legitimacy of the document and the processes employed to obtain it.

C. History of Misuse of Restraining Orders

There has been a pattern of misuse of restraining orders by the petitioner:

- **Service of Unsigned Restraining Orders:** The petitioner has previously engaged the Kootenai County Sheriff's Department to serve me with unsigned restraining orders, causing confusion and distress. This appears to be an effort to harass me and impede my rightful access to my children.
- **Interference During a Family Medical Emergency:** When my son David was in the ICU on life support, the petitioner attempted to have me removed from his room by alleging the existence of a restraining order, which did not exist. I had to clarify the situation with hospital security to continue caring for my son.

D. Opposing Counsel's Actions

The opposing counsel's conduct raises serious ethical concerns:

- **Incomplete and Misleading Filings:** Documents submitted are often incomplete, misleading, and lack proper notice and service.
 - **Hearings Without My Presence:** Orders have been obtained in hearings where I was not present, without justification.
 - **Restraining Orders Without Justification:** Restraining orders have been sought and obtained without sufficient declaration or evidence to support them.
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II. Substantive Grounds and Retaliatory Actions

A. Illegitimate Restraining Order as Custodial Interference

The restraining order currently before the court was obtained improperly and serves as a tool for custodial interference:

- **Lack of Emergency or Imminent Harm:** There is no evidence of an emergency or imminent physical harm that would justify restraining my contact with my children.
- **Deprivation of Court-Ordered Time:** The restraining order has deprived me and my sons of our court-ordered residential time, which I believe was the intent behind the petitioner's actions.
- **Potential Violation of RCW 9A.40.060 and 9A.40.070:** I respectfully ask the court to review these statutes concerning custodial interference and determine if they apply to the petitioner's actions.

B. Manipulation and Fraudulent Actions

The petitioner has engaged in actions that appear to manipulate the legal process:

- **Misrepresentation of Restraining Orders:** By hiring the Kootenai County Sheriff's Department to serve me with restraining orders that may not be valid, ~~the petitioner aimed to deceive me into believing I was prohibited from picking up my children.~~
- **Intent to Deprive Parental Rights:** These actions have effectively deprived me of my rightful parenting time, causing emotional distress to me and my children.

C. Impact on Children's Safety and Well-being

The actions taken have serious implications for my children's safety:

- The restraining order has forced my children into facing perpetrators who have previously committed acts of violence, including **inflicting fear of imminent physical harm and attempted homicide on our, then, seven-year-old son.**
- This situation is causing extreme stress and suffering for my children, who were previously protected under Idaho court orders.

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- The petitioner is using the court system to **defy protective orders** and act in bad faith against the courts, further endangering my children.
 - The petitioner's actions have placed my children in harm's way
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III. My Conduct and Character

Your Honor, I have consistently acted in the best interests of my children:

- I have **not spoken to Sirinya in over four years**, except for simple greetings or direct answers to questions.
 - I reside out of state and have had **no substantial communication** with her during this time.
 - There are **no actions or evidence** suggesting that I am a threat to Sirinya or our children.
 - Sirinya willfully has made these decisions to act in these manners.
 - The petitioner's actions have placed my children in harm's way
 - My children can not avoid the consequences of her decisions when she puts them into danger
 - I live by principles of **peace and emotional intelligence**, advocating for love and happiness, and opposing conflict and violence.
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- **Forced Return to a Potentially Harmful Environment:** The restraining order has resulted in my children being placed back into an environment where there are concerns about their well-being and evidence of violence towards children.
 - **Historical Concerns:** For several years, my children have reported experiences of physical and emotional mistreatment.
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III. UCCJEA Conference and Related Matters

A. Upcoming UCCJEA Conference

I would like to bring to the court's attention the upcoming UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act) conference scheduled for **October 2, 2024**, with Judge Peterson presiding on the Idaho side and a visiting judge on the Washington side..

- **Protection Order Overseen by Judge Peterson:** Since June, Judge Peterson has been overseeing a protection order issued to safeguard my children from Eric Brubaker.
- **Video evidence from Stanley Kempner:** <http://surina.xyz/andrew/video2.mp4>
- **Copy of video on usb available from family law department:**
- **Perception of Spokane and abuse of civil proceedings:** The court suspended the otherwise agreed protection of my children due to my inability to be around my children from the abusive and deceptive actions in ex parte without justification which appear to be a game to Mr. Kempner with everyone else having real consequences from his actions. He should face disciplinary action up to the U.S. attorneys office being notified of this interstate criminal behavior risking the life and safety of children without any concern or remorse willfully.
- **Manipulation of interstate court proceedings:** I became the offender without any offense or harm to anyone but rather protecting my children which is my absolute priority as their father.
- **Agreement by Eric Brubaker:** Until the recent restraining order, which I believe was obtained through improper means, Eric Brubaker had agreed to the terms set forth, indicating his concern about potential consequences should the court find it necessary.

B. Request for Children's Return to School in Coeur d'Alene

I respectfully request that the court allow my children to return to school in **Coeur d'Alene**:

- **Established Connections:** They have already made friends and are familiar with their bus routes.
 - **Academic Advancement:** My son Andrew was advanced into the fourth grade this year due to his hard work over the past 11 months and successful placement testing.
 - **Concerns About Cheney Schools:** Cheney schools have reportedly had two or three school shooting threats and are among the lowest-rated schools in the region. I believe Coeur d'Alene offers a safer and more supportive educational environment for my children.
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IV. Requests to the Court

A. Update to the Parenting Plan

Due to the concerns outlined, I move the court for an order to **update the parenting plan**, at least on a temporary basis, until comprehensive hearings can be conducted. This will ensure that the safety of all parties is considered and enforced going forward.

Motion to Quash Restraining Order

Introduction

I, Aaron Surina, respectfully move this court to quash the restraining order entered against me, as it was obtained without a factual basis and in direct violation of established civil procedures. The undue hardship imposed by this order not only affects my ability to support my children but also compromises the integrity of the legal proceedings. Furthermore, this order was sought in violation of a standing injunction against our case being heard on the commissioner or family law dockets, an injunction that Mr. Stanley Kempner Jr., counsel for the petitioner, was fully aware of yet chose to disregard.

Background

A standing injunction issued by the trial court prevents our case from being heard on the commissioner or family law docket. Despite this clear directive, Mr. Kempner has knowingly worked around the legal system to secure orders that are inconsistent with the rules of civil procedure, statutory law, and the prior orders of this court.

On October 31, 2023, Mr. Kempner acknowledged the injunction in front of Judge Dixon and even admitted to "just learning about it"—a claim that is difficult to reconcile with his previous conduct in this case. He has continued to make misleading statements to the court, including falsely claiming in communications with Judge Beggs and Julia Young that he was not involved in the case at the time the injunction was issued. This is demonstrably false, as he was fully aware of the injunction as early as October 2023.

Such conduct by Mr. Kempner raises serious concerns about his credibility and his compliance with the rules of professional conduct. He has repeatedly misled the court, including advising Hon. Judge Palubicki in a March 2024 hearing that a custody modification trial could not proceed under Washington's relocation statute, which was not accurate. His misrepresentation of the law, the facts, and the applicable rules of procedure has severely undermined the fairness of these proceedings.

Procedural Violations and Misrepresentation

~~Mr. Kempner's actions reflect a pattern of procedural manipulation designed to favor his~~ client at the expense of the integrity of the legal process. Despite being a practicing attorney for over 45 years, he improperly insisted on the necessity of an adequate cause hearing when it was neither required nor appropriate under the circumstances. As a result, Hon. Judge Palubicki, relying on Mr. Kempner's experience, was misled into discussing issues of relocation rather than evaluating whether the initial filing and objections were properly made, served, and heard according to the rules.

In fact, the petition for modification of custody was properly filed in June 2023, and on September 14, 2023, the court entered an order, based on the petitioner's own suggestion, that the children should attend school where I, the father, reside in Spokane. This was the court's ruling on the record, yet the written order filed on October

31, 2023, drafted by Mr. Kempner, inaccurately reflects a different motion, further compounding the procedural irregularities in this case. I am still waiting for my petitioned trial. A relocation took place that makes the current parenting plan impossible. We've had grave attacks on one of our children by the boyfriend, and Sirinya was aware of what happened. She requested the video from the parking lot 3 days later on June 19th, 2024 but would not provide a copy to anybody else until approx: August 21, 2024.

Due Process Concerns

The restraining order currently in place represents a direct violation of my due process rights. It was obtained through improper means and continues to place undue hardship on my ability to maintain employment and meet my financial obligations to my children. Labeling me as a violent offender without proper basis jeopardizes my livelihood and the well-being of my children, as it threatens my ability to support them.

The court should also consider the cumulative impact of Mr. Kempner's disregard for procedural fairness, statutory law, and the ethical rules governing his conduct. His repeated actions to "paper the ex parte court" and obtain orders through secretive, unauthorized means—despite prior reprimands from the trial court—undermine the integrity of the judicial process and violate numerous rules, including the Washington State Rules of Professional Conduct, Civil Rules, Judicial Canons, and the Constitution.

. Conclusion

For the reasons stated, I respectfully request that this court quash the restraining order entered against me. The order lacks a factual and legal basis, violates due process, and continues to impose undue hardship on my ability to support my children. I further urge the court to examine the conduct of Mr. Kempner in this case, as his repeated violations of procedural rules, ethical obligations, and prior court orders have caused irreparable harm to these proceedings and, most importantly, to the well-being of my children.

I ask this court to restore fairness and integrity to this case by quashing the restraining order and ensuring that all future proceedings adhere to the rules and principles of law that govern our judicial system.

C. Reissue a Restraining Order for the Protection of My Children

In light of serious concerns regarding their safety, I urge the court to **reissue an immediate restraining order to protect my children** from potential harm.

D. Admit Critical Video Evidence

I request that the court **admit the video evidence** of an incident involving my youngest son. This footage is crucial in understanding the risks my children may be facing.

E. Prevent Further Improper Filings

I move for an order preventing any further filings from the opposing counsel or petitioner **without leave of this honorable court**. This measure is necessary to prevent abuse of the judicial process and protect my due process rights.

F. Provide Guidance on Submitting Evidence to Appropriate Authorities

~~Given the seriousness of the situation, I ask the court for guidance on how to submit~~ evidence to a grand jury or appropriate authorities, should that be warranted. If investigations by the U.S. Attorney's Office or other agencies are initiated, I am willing to assist to facilitate a thorough and speedy inquiry into the concerns raised.

G. Award Attorney's Fees

I ask that the court **award attorney's fees** for the legal assistance I have received. While my legal support is not formally appearing on the record, it has been essential in navigating these complex proceedings.

V. Life, Safety, and Serious Concerns

A. Children's Experiences and Reports

- **Concerns About Punishments:** My children have reported being punished severely for minor infractions, such as communicating with me.
- **Exposure to Violence:** Due to recent developments, including reported incidents at their current school, I am deeply concerned about their safety.

B. Need for Intervention and Support

- **Ensuring Children's Well-being:** It is imperative to take immediate steps to protect my children from potential harm.
 - **Assisting the Petitioner:** I believe that the petitioner may benefit from support services to address any underlying issues, which would ultimately be in the best interest of our children.
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VI. Ethical Considerations and the Role of the Court

Your Honor, the integrity of the court is paramount:

- **Upholding Justice and Fairness:** I trust that the court values integrity and will ensure that proceedings are conducted fairly and justly.
 - **Responsibility to Protect the Vulnerable:** The court has the authority to protect my children from harm and to ensure that the legal process is not misused.
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VII. Conclusion

Your Honor, I present these concerns with the utmost respect for the court and a profound commitment to the safety and well-being of my children. The procedural

irregularities and actions by the opposing counsel and petitioner have serious implications that warrant immediate attention.

I respectfully request that the court:

1. **Quash the restraining order against me.**
2. **Reissue a restraining order to protect my children.**
3. **Admit the critical video evidence into the record.**
4. **Update the parenting plan to reflect the best interests of the children.**
5. **Provide guidance on submitting evidence to appropriate authorities.**
6. **Prevent further procedural abuses by the opposing counsel and petitioner.**
7. **Award attorney's fees to support my ability to effectively participate in these proceedings.**

I am committed to cooperating fully with any investigations and to providing any assistance necessary to ensure the safety of my children.

I declare under penalty of perjury under the laws of the State of Washington that the statements on this form are true

/s/ 
Aaron Surina

Spokane, Washington

Aaron Surina
Surina Family
12000 N.Stinson Dr, Hayden, ID 83835
707-200-4372

Date 9/20/2024

I certify that a copy of this pleading read in court today was handed to all parties on 9/20/2024 in court and by email.