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FILED

AUG 14 2017

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

Superior Court of Washington County of SPOKANE

In re the Marriage of:

SIRINYA SURINA

Petitioner,

And

AARON MICHAEL SURINA

Respondent

No. 17301817-0

Request for Immediate Restraining
Order (Ex Parte)
(MTSC)

Motion for Immediate Restraining Order (Ex Parte)

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must ask the court to sign the *Immediate Restraining Order (Ex Parte) and Hearing Notice* (FL Divorce 222). This Order may be signed "ex parte" (without the other party there). Contact the Superior Court Clerk's office for the procedure in your county. You must have this *Motion* and the *Immediate Restraining Order* personally served (by someone else) on the other party.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, *Declaration*) explaining why the court should not approve those requests. You may file other written proof supporting your side, and propose your own *Parenting Plan* or *Child Support Worksheets*.

If the court grants an *Immediate Restraining Order* without notice to you, you can file a motion to change or terminate it before the hearing date. (Civil Rule 65(b).) There is no pattern form for that motion.

1. I am the: Petitioner. I am asking for an *Immediate Restraining Order* against my spouse.

I want my children under 18 to be protected by the order:

<u>Child's name</u>	<u>Age</u>
1. David Michael Surina	5
2. Andrew Alex Surina	1

2. I ask the court to approve an *Immediate Restraining Order* to protect me and/or my children. Without this Order, my children or I could be hurt or suffer damage or loss immediately. This harm could be irreparable.

Respondent, Aaron Surina, has recently moved his mother into our residence. They have combined together to terrorize me and to turn my oldest child, David against me. They have taken David, our oldest child, from our residence and do not return with him until very early the next day. Aaron has his mother watch David while he goes to work. He refuses to tell me where he keeps David when he takes him. Recently they tried this same tactic with our youngest son Andrew. They took him with them and returned him dirty and hungry and exhausted.

Two weeks ago, Aaron brought David home about 1:00 a.m. Aaron was drunk. He had another man with him, who was also drunk. He was apparently driving our car while intoxicated.

He got me out of bed, woke up Andrew and my mother and started to verbally abuse me. He had his drunken friend take video of me in my nightgown. When I asked him why he brought a stranger into our home, he said, "This is my house and not yours and he can do "what he wants." I became upset and yelled back at him so he called the police. His friend also started to verbally abuse me. Aaron supported him and didn't defend me. He told the police that I "terrorized" him and he was afraid I might hurt him. I'm 5'2" and 130 lbs. Aaron is over 6' and about 270 lbs.

In the recent past he has he grabbed my phone and threw it at the wall and broke it. He shoved me onto the couch, spit on my face then put his big bare feet on my face. He was screaming at me telling me everything in the house was his and he could do whatever he wanted because he bought it. He paid for it. He said he can do whatever he wants because he's big and I'm small.

1 On another occasion, Aaron got angry, grabbed my phone out of my hand and threw it,
2 breaking the second phone. He pushed me down, pulled my hair and slapped me in the
face. I tried to run away from him but we were in our bedroom and I had to fight back.

3 Presently, when he yells at me and pushes me around or verbally abuses me, I am very
4 afraid that he will injure or kill me. He's a very big man and I'm only a little person. He has
weapons in the house but until now has never threatened me with them. But he frightens
5 me. I'm a prisoner in our home and if he wants to, or gets too wound up on alcohol or
marijuana, I'm afraid that he will totally lose control and cause our children and me
6 serious physical injury.

7 Aaron has had past prescriptions for ADHD. I don't know if he is still taking it but I do
know he has daily habits including cannabis, alcohol and chewing tobacco. He needs his
8 prescription medicine but prefers alcohol and marijuana.

9 Please also see Declaration Of: Sirinya Surina In Support Of Temporary Order And
Restraining Order filed contemporaneously with this Motion.

10 **3. Notice:**

11 I should **not** have to notify the other side in advance that I am filing this *Motion* because
12 my children or I could be harmed beyond repair if I gave any advance notice.

13 Aaron has threatened to take our children and hide them away from me in Idaho at his
sister's residence. His mother has moved into our residence to assist him should he
14 decide to take the children out of our home. He has physically abused me in the past and
I fear that he will do me bodily harm if he receives advance notice of this *Motion*.

15 **4. Court hearing request**

16 I ask the court to approve an *Immediate Restraining Order* now, and hold a hearing within
17 14 days to consider all of my requests for temporary orders listed below. I will have my
spouse served with notice of the hearing so the court can hear his side.

18 **5. Active duty military**

19 My spouse is **not** covered by the state or federal Service Members Civil Relief Acts.

20 ***I ask the Court to approve these orders immediately:***

21 **6. Do not disturb**

22 Order my spouse not to disturb my peace or the peace of any child listed in **1**.
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7. Stay away

Order my spouse:

Not knowingly to go or stay within 2 city blocks of my home, workplace, or school, or the daycare or school of any child listed in **1**.

To stay away from my home, workplace, or school, and the daycare or school of any child listed in **1**.

My spouse and I: live together.

8. Do not hurt or threaten

Order my spouse/domestic partner not to:

- Assault, harass, stalk or molest me or any child listed in **1**; or
- Use, try to use, or threaten to use physical force against me or the children that would reasonably be expected to cause bodily injury.

Warning! If the court extends this order after a full hearing, the court must consider if weapons restrictions are required by state law; federal law may also prohibit the Restrained Person from possessing firearms or ammunition.

9. Surrender weapons

No request.

10. Protect children

Order my spouse not to take the children listed in **1**. out of Washington State.

Order that the children in **1**. will live with: me until the hearing.

11. Protect property

Order: both parties not to move, take, hide, damage, borrow against, sell or try to sell, or get rid of any property, unless it is a usual business practice or to pay for basic necessities. (If the court makes this order, both spouses must notify each other about any expenses that are out of the ordinary).

12. Do not change insurance

Order: my spouse not to make changes to any medical, health, life, or auto insurance policy that covers either spouse or any child listed in **1**. That means s/he must not transfer, cancel, borrow against, let expire, or change the beneficiary of any policy.

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13. Other immediate orders

No request.

I ask the court to approve these temporary orders at the hearing:

14. Extend immediate orders

Extend the immediate orders I asked for above to stay in effect until the case is done.

15. Prohibit weapons and order surrender

No request.

16. Care for children

Approve the parenting plan proposed by me.

Order my spouse not to take the children listed in 1. out of Washington State.

Appoint a person to investigate and report to the court about what is in the children's best interest, and order who will pay this person's fees. This person should be a/n:

Guardian ad Litem (GAL).

17. Provide Support

Order child support according to the Washington state child support schedule.

Order: my spouse to pay spousal support (maintenance/alimony) in the amount of:
\$ 4,000.00 every month until the entry of final orders, which final orders may continue
spousal support for a monthly amount and duration.

18. Family Home

Stay in the home

I want to continue living in the family home.

Move out

Order my spouse to immediately move out of the family home.

19. Use of property

Order that I can possess and use: property in my possession now.

vehicle(s): 2014 Hundayi Santa Fe

other: Personal clothing, jewelry and effects

Order that my spouse can possess and use: property in his possession now.

vehicle(s): BMW, Ford Excursion and Motorcyle

other: Personal clothing, jewelry and effects

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20. Household expenses

Order household expenses to be paid as follows:

<u>Expense</u>	<u>Who should pay</u>	
First Mortgage	Petitioner	
Utilities	Petitioner	
Homeowner's Insurance	Petitioner	
Property Taxes	Petitioner	
Vehicle (specify): 2014 Hunyadi Santa Fe	Petitioner	
Vehicle (specify): BMW, Ford Excursion, Motorcycle		Respondent
Child Care	Petitioner	Respondent

21. Divide debts

Order my spouse/domestic partner and me to:

Each be responsible for his/her own future debts, including debt from credit cards, loans, security interest, and mortgages.

Divide our debts as follows:

22. Pay for insurance

Pay insurance premiums as follows:

<u>Policy</u>	<u>Who should pay</u>
1. Health	Respondent
2. Auto	Respondent
3. Life Insurance	Respondent

23. Pay lawyer's fees and court costs

Order my spouse to:

Pay my lawyer's fees for this case. *Amount:* \$ 5,000.00

Make payments to: Keith A. Glanzer

24. Other temporary orders

No request.

Reasons for my requests

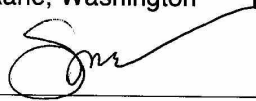
25. Why are you asking the court for the orders you checked above?

Please see Declaration of Sirinya Surina in Support of Temporary Order and Restraining Order filed contemporaneously with this motion.

Person asking for this order fills out below:

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 Spokane, Washington Date: August 14, 2017



Sirinya Surina
Petitioner

I agree to accept legal papers for this case at my lawyer's address, listed below.



KEITH A. GLANZER, WSBA No. 20424
Attorney for Petitioner

Email: kagps70@hotmail.com

Warning! Documents filed in court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a *Sealed* cover sheet (form FL All Family 011, 012, or 013). You may as for an order to seal other documents.