UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AARON SURINA,
[The Surina Family et al];,
Plaintiffs,

V.

SIRINYA SURINA (also known as **SIRINYA POLARJ**);
STANLEY ALLAN KEMPNER JR., in his individual capacity;
JUDGE K.P. PALUBICKI, in his individual capacity for non-judicial acts and official capacity for prospective relief only;
KIM KILHAM, Superior Court Administrator, in her individual and official capacities;
KIMBERLY BRADEN, Judicial Assistant, in her individual and official capacities;
LEAH M. HILL, Assistant to Presiding Judge, in her individual and official capacities;
SPOKANE COUNTY SUPERIOR COURT CLERK, in official capacity;
COMMISSIONER TAMI CHAVEZ, in her official capacity;
SPOKANE COUNTY, WASHINGTON;
JOHN DOES 1-10;

Defendants.

Case No. 2:26-cv-48-RLP

DECLARATION OF PLAINTIFF: AARON SURINA

IN SUPPORT OF:

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

DECLARATION OF AARON SURINA IN SUPPORT OF EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER

I, **AARON MICHAEL SURINA**, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct based on my personal knowledge:

I. PERSONAL BACKGROUND

1. I am the Plaintiff in this action and I am appearing *pro se*.
2. I am the biological father of two minor children: **D.M.S.** (age 13) and **A.A.S.** (age 9). Both children are dual United States-Thai nationals.
3. I have **never been adjudicated unfit** as a parent.
4. I reside at 12000 North Stinson Drive, Hayden, Idaho 83835.
5. I currently have **zero income** due to the economic harm caused by Defendants' actions, including the fraudulent restraining order that pushed me out of my employment.

II. THE COSTCO VIDEO: NEAR-LETHAL CHILD STRANGULATION

6. On **June 15, 2024**, an incident occurred at the Costco location on Sprague Avenue in Spokane, Washington.

7. Costco surveillance cameras captured the **violent strangulation** of my **seven-year-old son** (A.A.S., now 9) by the children's mother's boyfriend, Eric Brubaker.
8. I did not witness this incident firsthand, but I became aware of it through DCYF/CPS and medical personnel.
9. On **October 31, 2024**, during an evidentiary hearing in Spokane County Superior Court, **the presiding judge personally reviewed this video evidence**.
10. The judge **commented on the record regarding the severity of the assault** depicted in the video.
11. Despite reviewing this video evidence of near-lethal violence against my child, the court **refused to restrict** Defendant Sirinya Surina's residential time with the children.
12. Despite reviewing this video evidence, the court **left my children in the household** with the violent boyfriend who strangled my son.

III. SACRED HEART MEDICAL CENTER: PEDIATRIC ER WARNING

13. On **June 16, 2024** (the day after the Costco incident), I received a call from Stella Bear of DCYF/CPS.
14. Ms. Bear directed me to bring the children to **Sacred Heart Medical Center** for what she described as a "surprise well-child check."
15. I immediately complied, unsure of what was happening.
16. At Sacred Heart, the children spoke with medical personnel in the emergency room.
17. The **pediatric ER nurse was extremely concerned** by what the children disclosed.
18. We left Sacred Heart Medical Center with **discharge instructions that warned against returning the children to their mother**.

19. **Pediatric abuse specialists at Sacred Heart Medical Center, acting with DCYF, advised that the children should not return to their mother's care pending investigation.**
20. The state court **disregarded these medical findings and recommendations**.

IV. RCW 26.09.191: MANDATORY PROTECTION STATUTE VIOLATED

21. I am informed and believe that RCW 26.09.191 is a **mandatory, non-discretionary statute** that requires courts to restrict residential time upon credible evidence of child abuse.
22. The state court had overwhelming evidence:
    - Video evidence of violent strangulation (personally reviewed);
    - Medical recommendations from Sacred Heart pediatric specialists;
    - DCYF involvement and investigation;
    - Discharge instructions warning against return to mother;
    - Prior criminal charges (February 2018 - 2nd degree child assault against Sirinya);
23. Despite this overwhelming evidence, the court **refused to apply RCW 26.09.191**.
24. The court **left my children** in the household where the abuse occurred.
25. The court **continued enforcement actions against me**, the protective parent.

V. EVIDENCE TAMPERING BY JUDGE PALUBICKI

26. I obtained a subpoena duces tecum for the Costco video evidence. (Exhibit G)
27. **Judge K.P. Palubicki personally signed this subpoena** on January 31, 2025.

28. The subpoena directed that the video evidence be provided to the **Clerk of Court** for custody and preservation.
29. After the October 31, 2024 hearing where Judge Palubicki reviewed the video, I learned that **the judge had personally altered the evidence-custody directive**.
30. Specifically, Judge Palubicki **crossed out "Clerk of Court"** as the recipient of the evidence and **initialed the alteration**.
31. This was done **without any motion**, **without any findings**, and **without any adversarial process**.
32. As a result of this alteration:
    - The Clerk of Court was prevented from assuming custody of child abuse evidence;
    - The chain of custody was disrupted;
    - Independent preservation and verification was foreclosed;
33. **The same judge who signed the subpoena requesting the evidence then altered who would receive it** - after personally reviewing the evidence of near-lethal child abuse.

VI. ADDITIONAL EVIDENCE TAMPERING BY DEFENDANT KEMPNER

34. Defendant Stanley Kempner admitted in an affidavit that he **altered the Costco video** provided to him.
35. The original video was in **Avigilon 5K Ultra High Definition at 30 frames per second**.
36. Kempner **reduced the video to 8 frames per second**.
37. He **exported it to AVI format**, which he described as the "**90s era lowest resolution format possible**" on that software.

38. This degradation of the video evidence eliminated critical forensic details that would show the full extent of the violence against my son.
39. The subpoena requested:
    - Native video with metadata;
    - Logs;
    - Correspondence;
    - Policies;
40. Costco produced **only a converted file**, providing **no native video, no metadata, no logs, and no correspondence**.

VII. OCTOBER 27, 2025: SECRET PASSPORT APPLICATION ATTEMPT

41. On or about **October 27, 2025**, Defendant Sirinya Surina attempted to apply for passports for our minor children.
42. She did this **without any discussion with me**.
43. She did this **without my consent**.
44. Under federal law and State Department regulations, **both parents must consent** to passport applications for minor children, or there must be a court order.
45. **Only the passport alert system I had established prevented this fraudulent passport application from succeeding.**
46. I was never notified by Defendant Kempner or Defendant Sirinya that they intended to seek passports.

VIII. DEFECTIVE SERVICE: WRONG ADDRESS

47. Throughout these proceedings, Defendant Kempner has served documents to the wrong address.

48. On multiple occasions, Kempner served documents to: **15000 Stinson, Hayden, Idaho 83835**.
49. My actual address is: **12000 N Stinson Drive, Hayden, Idaho 83835**.
50. **I do not know where "15000 Stinson" is** - that address does not exist or is not mine.
51. As a result of service to the wrong address, I have **not received notice** of critical pleadings and motions.
52. (See Exhibit M - my email stating "Your email states you sent the documents to 15000 n. stinson dr, hayden, idaho. I don't know where that is. My address is 12000 n stinson dr.")

IX. JANUARY 2, 2026: HEARING DENIED

53. I timely filed and properly noted motions for hearing on **January 2, 2026**.
54. The hearing was **denied** based on what court staff described as a holiday deadline.
55. However, Defendant Kempner's **later-filed motions** were given preferential hearing dates.
56. This is part of a pattern where **every motion I have filed since March 12, 2024** has been struck, dismissed, or denied hearing time, while Kempner's motions are prioritized.

X. JANUARY 14-28, 2026: THE VOID HEARING

57. On **January 14, 2026**, I notified the court that **January 28, 2026 would not work** for a hearing and requested an alternative date.
58. This request was **met with silence**.
59. On **January 27, 2026, at 10:14 AM**, I sent an email explicitly stating: **"I cannot attend a hearing tomorrow."** (Exhibit I.2)

60. In that same email, I cited **18 U.S.C. §§ 241 and 242** (deprivation of constitutional rights under color of law) to put the court on notice of the constitutional issues.
61. On **January 27, 2026, at 1:15 PM** - less than 24 hours before the scheduled hearing - Kim Kilham sent an email stating the hearing would proceed on January 28 at 1:00 PM. (Exhibit I)
62. **I had not been properly served** with Defendant Kempner's passport motion prior to this email.

A. Notice of Disqualification Filed

63. On **January 28, 2026, at 12:22 PM** - 38 minutes before the scheduled 1:00 PM hearing - I filed a **Notice of Disqualification and Motion for Recusal** under RCW 4.12. (Exhibit M)
64. I filed this with the Clerk of Court and emailed it to the judicial assistant, Kimberly Braden.
65. I am informed and believe that **RCW 4.12.060** provides that upon filing of such notice, the judge **"shall forthwith"** transfer the case to another department or judge.
66. Despite this mandatory statute, **Judge Palubicki proceeded with the hearing anyway**.

B. Removed from Zoom Without Warning

67. On January 28, 2026, I appeared for the hearing remotely via the **court-provided Zoom platform**.
68. **Before the hearing concluded**, I was **removed from the Zoom proceeding without warning or consent**.
69. **I did not disconnect voluntarily**.
70. **I was not warned** that I would be removed.

71. **The hearing continued in my absence**.
72. Orders were issued in my absence:
    - Compelling me to sign passport applications;
    - Authorizing international travel to Thailand;
    - Without specific dates;
    - Without security bond;
    - Without my consent;
73. I was **not afforded an opportunity to be heard** at this critical stage involving imminent child-safety and jurisdictional consequences.
74. I **immediately objected** by filing additional notices contesting any action taken in my absence.

C. Appellate Stay Was in Effect

75. I am informed and believe that an **appellate stay was in effect** at the time of the January 28, 2026 hearing.
76. On **December 19, 2024**, Judge Palubicki **denied my Motion to Lift Stay**. (Exhibit Y)
77. This denial was issued **in secret** - I received no notice of the order.
78. I only learned of this secret denial **after** the January 28 hearing when I obtained the court file.
79. Because the stay was in effect, the trial court **lacked subject matter jurisdiction** to proceed with the January 28 hearing.

XI. PATTERN OF SECRET ORDERS AND ADMINISTRATIVE OBSTRUCTION

80. The December 19, 2024 denial is part of a **pattern of secret orders** issued without notice to me:
    - December 19, 2024: Denial of Motion to Lift Stay (no notice);

- January 30, 2026: Vacation of the December 19 denial (no notice, too late);

81. Court administrative staff - particularly **Kim Kilham** and **Kimberly Braden** - have engaged in a pattern of:
    - Providing less than 24 hours notice for critical hearings;
    - Denying my motions hearing dates while prioritizing Kempner's later-filed motions;
    - Attributing decisions to judges without contemporaneous judicial orders;
    - Creating administrative obstacles to my access to court;
82. Email correspondence between court personnel shows **calendaring manipulation** and **scheduling discrimination**. (Exhibits I, I.2, J, N)

XII. INTERNATIONAL ABDUCTION RISK: THE NCMEC AFFIDAVIT

83. In April 2020, I contacted the **National Center for Missing & Exploited Children (NCMEC)** regarding the risk of international parental kidnapping.
84. NCMEC assigned my case (Case #1386710) to Case Manager Caroline Teague.
85. NCMEC's attorney prepared an **International Affidavit regarding Thailand**. (Exhibit A)
86. The NCMEC affidavit states:
    - **14%** of children taken from the United States to Thailand are **NEVER RECOVERED**;
    - **50%** are recovered only through **voluntary return by the abducting parent** (not through legal enforcement);
    - Thailand's Central Authority **does not represent** the interests of left-behind parents;

- Left-behind parents must **retain private Thai legal counsel at their own expense**;

87. **I currently have ZERO INCOME** and cannot afford to retain Thai legal counsel.
88. If my children are taken to Thailand, I will have **no realistic ability** to secure their return.

A. Risk Factors - Defendant Sirinya Matches ALL

89. The NCMEC materials identify risk factors for international parental kidnapping. **Defendant Sirinya Surina matches ALL of them**:

    ✓ **Previously attempted abduction** (2017 dissolution as cover for Thailand departure, October 2025 secret passport attempt);

    ✓ **Strong ties to country of origin** (Thai national, family support in Thailand);

    ✓ **Financially independent** (operates two restaurants);

    ✓ **Family support network in Thailand**;

    ✓ **History of non-cooperation** with court orders;

    ✓ **Ending mixed-culture marriage**;
90. I have **personal knowledge** of the village in Chaiyaphum Province, Thailand, near the Laos border, where Defendant Sirinya's family lives.
91. **This village is full of girls with American children who do not speak English.**
92. The pattern is the same: Thai women return to Thailand with the children and then **extort money** from the left-behind American parent by claiming the child will be sold or harmed if money is not sent.
93. I have been **personally introduced to at least half a dozen of these children** in this rural village.
94. **This is how they do it.**

95. **None of the judicial officers involved in my case have exposure to this type of international crime pattern.**

XIII. THE PARENTING PLAN: JURISDICTIONAL TRAP

96. The current parenting plan contains provisions that **were never negotiated or agreed to**.
97. The parenting plan **prohibits children from communicating with the parent not exercising residential time**.
98. This provision was never intended for international travel, but it creates a catastrophic trap:
    - Once my children enter Thailand during their mother's residential time, they are **prohibited from contacting me**;
    - This **immediately strips me of all parental rights** the moment they enter Thai territory;
    - My children are **dual Thai nationals by birthright**;
    - Thailand will treat them as **Thai sovereign nationals**;
    - Defendant Sirinya can claim "fabricated danger in America" using the fraudulent restraining orders;
    - **No U.S. court will have practical jurisdiction** once the children are in Thailand;
99. The fact that Defendant Sirinya **agreed to mutual no-contact provisions** (she volunteered to give up her ability to speak to the children while with me) proves she has **no genuine safety concerns**.
100. The provisions exist **solely to facilitate abduction**.

XIV. COMPELLED SIGNATURE VOIDS INTERNATIONAL REMEDIES

101. Under the **Hague Convention on International Child Abduction**, a parent's "consent" to international travel weakens claims of wrongful retention.

102. If I am compelled by contempt threat to sign passport applications, Thai authorities will see:
    - My signature on the applications;
    - A court order compelling the signature;
    - They will conclude: **"He agreed, the court approved, he consented"**;

103. The international legal framework **does not account for signatures obtained under duress and court compulsion**.

104. Once I sign under compulsion and the children are taken to Thailand:
    - The **14% never-recovered statistic applies**;
    - The **50% voluntary-return-only statistic applies**;
    - I have **zero income** and cannot afford Thai counsel;
    - The parenting plan **strips all my rights** while children are in Thailand;
    - **Everything is lost**;

XV. IRREPARABLE HARM vs. TEMPORARY INCONVENIENCE

105. **If this Court grants the TRO:**
    - My children remain safe;
    - International travel can be permitted LATER with proper safeguards (bond, specific dates, return tickets, etc.);
    - Nothing is permanently lost;
    - Full review can proceed;

106. **If this Court denies the TRO:**
    - **14% never recovered** = I permanently lose my children;

- **50% depend on voluntary return** = Defendant Sirinya won't cooperate (8-year pattern);
- I have **no resources** for Thai legal counsel;
- The parenting plan **strips all my rights** once children are in Thailand;
- **Everything is permanently lost**;

107. This is **prevention vs. permanent loss**.

XVI. ZERO INCOME AND ECONOMIC HARM

108. The fraudulent restraining order obtained by Defendant Sirinya in 2017 was used to **push me out of my employment**.
109. I currently have **ZERO INCOME**.
110. I have **$400 in arrears** on child support.
111. I have **mounting debt**.
112. I have **no resources** to:
    - Retain Thai legal counsel (required per NCMEC);
    - Travel to Thailand to fight for my children;
    - Defend against international abduction once it occurs;
113. **Prevention is my only realistic remedy.**

XVII. GOOD FAITH AND EMERGENCY NATURE

114. I bring this emergency motion in **good faith** to protect my children from:
    - Documented child abuse (Costco video, Sacred Heart warnings);
    - International parental kidnapping (14% never recovered);
    - Irreparable harm to their safety and my constitutional rights;
115. The emergency nature of this motion is **not manufactured**:
    - October 27, 2025: Secret passport attempt (prevented only by alert system);

- January 28, 2026: Void order compelling signature;
- **TODAY**: Children at immediate risk;

116. Notice to Defendants would be **impractical and counterproductive** because:
    - It would allow passport applications to proceed;
    - Defendant Sirinya already attempted secret passport procurement;
    - There is a genuine risk of immediate flight;

XVIII. CONCLUSION

117. My children - ages **13 and 9** - cannot protect themselves.
118. The lower court has **systematically violated my constitutional rights** for nearly a decade.
119. The lower court reviewed **video evidence of near-lethal child strangulation** and then:
    - **Violated mandatory child protection law**;
    - **Tampered with evidence custody**;
    - **Left children with the abuser**;
120. The January 28, 2026 hearing was **void** due to:
    - Lack of jurisdiction (appellate stay);
    - Mandatory recusal violated;
    - Defective service;
    - Denied continuance;
    - Removal from hearing;
    - Secret orders;
121. **14% of children taken to Thailand are never recovered.**
122. I have **zero income** and cannot defend against abduction once it occurs.
123. **Prevention is the only effective remedy.**

124. **This Court is the failsafe.**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 10th day of February, 2026, at Hayden, Idaho.

/s/ Aaron Michael Surina

AARON MICHAEL SURINA

Declarant

12000 North Stinson Drive
Hayden, Idaho 83835
ams@surina.org
707-200-4372