UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

AARON SURINA, The Surina Family et al;,

Plaintiff,

Case No. 2:26-cv-00048-RLP

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.

1ST AMENDED COMPLAINT FOR:

1. Deprivation of Constitutional Rights Under Color of Law
(42 U.S.C. § 1983)
2. Conspiracy to Deprive Rights
(42 U.S.C. § 1985)
3. Failure to Prevent Conspiracy
(42 U.S.C. § 1986)
4. Violations of International Parental Kidnapping Crime Act
(18 U.S.C. § 1204)
5. State Law Claims:
- Obtaining Signature by Duress
(RCW 9A.60.030)
- Fraud
- Intentional Infliction of Emotional Distress
- Custodial Interference 1st Deg
(9A.40.060)

DEMAND FOR:

- **Declaratory Relief**
- **Injunctive Relief**
- **Compensatory Damages**
- **Punitive Damages**
- **Attorney's Fees and Costs**
- **Jury Trial Demand**

FIRST AMENDED COMPLAINT ***For:***

1. Deprivation of Procedural Due Process (42 U.S.C. § 1983, 14th Amendment)
2. Deprivation of Substantive Due Process - Parental Rights (42 U.S.C. § 1983, 14th Amendment)
3. State-Created Danger (42 U.S.C. § 1983)
4. First Amendment Retaliation (42 U.S.C. § 1983)
5. Conspiracy to Deprive Constitutional Rights (42 U.S.C. § 1985)
6. Failure to Prevent Conspiracy (42 U.S.C. § 1986)
7. Municipal Liability (*Monell v. Department of Social Services*)
8. Obtaining Signature by Duress (RCW 9A.60.030)
9. Fraud
10. Intentional Infliction of Emotional Distress

DEMAND FOR:

- Emergency Injunctive Relief
- Declaratory Relief
- Compensatory Damages
- Punitive Damages
- Attorney's Fees and Costs under 42 U.S.C. § 1988

JURY TRIAL DEMANDED

I. INTRODUCTION

1. This is a civil rights action seeking prospective injunctive and declaratory relief, plus damages, to halt the ongoing enforcement of void and unconstitutional state court processes that have subjected Plaintiff and his minor children to a decade-long pattern of systematic constitutional violations.

2. For ten years (2017-2026), Plaintiff has attempted to protect his children from documented abuse while state and private actors have:
   - Ignored three separate medical warnings from Providence Sacred Heart Medical Center spanning a decade;
   - Found abuse credible in 2018, then blocked the court-ordered Guardian Ad Litem for eight years;
   - Personally reviewed video evidence of near-lethal child strangulation, then refused to apply mandatory child protection statutes;
   - Tampered with evidence through judicial alteration and attorney spoliation;
   - Conducted void hearings in absence of jurisdiction and due process;
   - Facilitated international parental kidnapping attempts to Thailand where 14% of children are never recovered;
3. Plaintiff does not ask this Court to decide custody. Plaintiff asks this Court to:
   - Stop the enforcement of void orders entered without jurisdiction or due process;
   - Restore evidence integrity for child abuse evidence;
   - Enforce mandatory child protection statutes that state court refuses to apply;
   - Enforce the constitutional floor required by federal law;
   - Prevent international child abduction where recovery is statistically unlikely;
   - Hold individual actors accountable for personal misconduct outside their protected capacities;
4. This case is about stopping a decade of lawlessness to save two children (ages 13 and 9) from permanent loss.

II. JURISDICTION AND VENUE

A. Subject Matter Jurisdiction

5. **This Court has subject matter jurisdiction under:**

- 28 U.S.C. § 1331 (federal question jurisdiction);
- 28 U.S.C. § 1343 (civil rights jurisdiction);
- 28 U.S.C. §§ 2201-2202 (declaratory and injunctive relief);
- 28 U.S.C. § 1367 (supplemental jurisdiction over state law claims);

6. **This action arises under:**

- 42 U.S.C. §§ 1983, 1985, 1986 (civil rights statutes);
- The First, Fourth, and Fourteenth Amendments to the United States Constitution;
- Washington State law (supplemental jurisdiction);

B. Venue

7. **Venue is proper in this district under 28 U.S.C. § 1391(b) because:**

- Plaintiff resides in Hayden, Idaho, within this district;
- A substantial part of events giving rise to claims occurred in Spokane County, Washington, within this district;

C. Younger Abstention Does Not Apply

8. Younger abstention is inapplicable because this case falls within established exceptions:

a. Challenge to Procedures Themselves:

- This action challenges the constitutionality of state court processes and procedures, not merely outcomes;
- Void hearings, secret orders, evidence tampering, violation of mandatory statutes;

9. **b. Prospective Injunctive Relief:**

- Plaintiff seeks prospective relief to prevent ongoing violations and protect children from imminent harm;

10. **c. State Remedies Inadequate:**

- State proceedings are inadequate to address federal constitutional claims where the state court itself is the constitutional violator;
- Ten-year pattern proves state court will not provide relief;

11. d. Extraordinary Circumstances:

- Irreparable injury: 14% of children taken to Thailand never recovered; international abduction imminent;
- Bad faith: Secret orders, evidence tampering, void hearings demonstrate bad-faith enforcement;
- Harassment: $9,363 sanction for objecting to relocation (ordered on Plaintiff's birthday);

D. Rooker-Feldman Does Not Apply

9. Rooker-Feldman is inapplicable because:

- This action does not seek appellate review of state court judgments;
- Rather, it challenges independent constitutional violations committed by state and private actors outside judicial proceedings:
  - Conspiracy to deprive rights;
  - Evidence tampering (judicial officer physically altering documents);
  - Obtaining signatures by fraud and duress;
  - Facilitation of federal crimes (IPKCA violations);
  - State-created danger through affirmative acts;

E. Immunity Does Not Bar This Action

10. Judicial immunity does NOT apply to Defendant Judge Palubicki for:

a. Non-Judicial Acts:

- Evidence tampering (physically crossing out "Clerk of Court" and initialing alteration);
- Secret administrative orders (December 19, 2024 denial without notice);

- Removing Plaintiff from Zoom (administrative/technical act);

***Mireles v. Waco*, 502 U.S. 9, 11-12 (1991):** Judicial immunity does NOT extend to non-judicial actions—even when related to a judicial proceeding—such as administrative, personal, or ministerial acts.

b. Acts in Clear Absence of Jurisdiction:

- Proceeding 38 minutes after mandatory RCW 4.12 disqualification;
- Proceeding while appellate stay in effect;

***Stump v. Sparkman*, 435 U.S. 349, 356-57 (1978):** Judicial immunity does NOT apply when judge acts in "clear absence of all jurisdiction."

11. Attorney immunity does NOT apply to Defendant Kempner for:

- Personal participation in conspiracy (not representative acts);
- Evidence tampering (reducing video quality, spoliation under oath);
- Service to wrong address (preventing notice);
- Drafting orders for hearings he did not attend;

***Ashelman v. Pope*, 793 F.2d 1072, 1078 (9th Cir. 1986**): Attorney immunity does not extend to conspiracy with client to deprive constitutional rights.

12. The amount in controversy exceeds $75,000, exclusive of interest and costs.

III. PARTIES

A. Plaintiff

13. Plaintiff AARON MICHAEL SURINA is an individual residing at 12000 North Stinson Drive, Hayden, Idaho 83835.

14. Plaintiff is the biological father of two minor children:

- D.M.S. (now 13 years old, DOB: 8/12/2012)
- A.A.S. (now 9 years old, DOB: 6/26/2016)

15. Both children are dual United States-Thai nationals.
16. Plaintiff has never been adjudicated unfit as a parent.
17. Plaintiff currently has zero income due to economic harm caused by Defendants' actions, including fraudulent restraining orders that forced him from employment.

B. Individual Capacity Defendants (Personal Misconduct)

Defendant Sirinya Surina

18. Defendant SIRINYA SURINA (also known as SIRINYA POLARJ) is the biological mother of the minor children and a Thai national.
19. She resides in Spokane County, Washington, and operates two Thai restaurants.
20. She is sued in her individual capacity for:

- Joint action under color of state law (*Dennis v. Sparks*, 449 U.S. 24 (1980));
- International parental kidnapping attempts (October 27, 2025 secret passport application);
- **Fraud (fraudulent restraining orders);**
- Child abuse (February 2018 charges for 2nd degree child assault against child Andrew);

Defendant Stanley Allan Kempner Jr.

21. Defendant STANLEY ALLAN KEMPNER JR. is an attorney licensed to practice law in Washington State (WSBA #11260).
22. He is sued in his individual capacity ONLY for actions taken outside the scope of his representative capacity.
23. Kempner is NOT sued for actions taken as an attorney in representing his client.
24. Kempner's personal, non-representative conduct not entitled to attorney immunity includes:

a. Active Participation in Conspiracy:

- Conspired with Defendant Sirinya Surina to facilitate international child abduction;
- October 27, 2025: Secret passport application attempt;
- January 28, 2026: Facilitated void hearing compelling passport signature;

b. Evidence Tampering and Spoliation:

- Admitted in sworn declaration (August 26, 2024) to altering Costco surveillance video;
- Reduced video from 5K Ultra High Definition at 30 frames per second to 8 frames per second;
- Exported to AVI format ("90s era lowest resolution possible");
- Claimed under oath "only change" was format conversion—PROVABLY FALSE;
- This constitutes spoliation of evidence and perjury;

c. Service to Wrong Address:

- Knowingly served documents to 15000 Stinson instead of 12000 N Stinson Drive;
- Prevented Plaintiff from receiving notice of critical pleadings;

d. Drafting Orders in Silo:

- Drafted orders for hearings Kempner did not attend:
  - June 23, 2023 hearing;
  - September 14, 2023 hearing (Exhibit LL—Plaintiff's notes show Kempner's absence);
- Orders do not reflect what actually happened at hearings;
- Orders change the court's rulings;

e. Fraud on the Court:

- Obtained $9,363 attorney fee award by claiming Plaintiff "harassed" client by objecting to relocation;
- Despite parties having stipulated to relocation six months earlier;
- Order issued on Plaintiff's birthday (harassment);

f. Obtaining Signature Under Duress:

- Requested court orders compelling Plaintiff's signature under threat of contempt;
- Violation of RCW 9A.60.030 (Class C Felony);

25. These actions constitute personal misconduct not protected by attorney immunity.

***Ashelman v. Pope*, 793 F.2d 1072, 1078 (9th Cir. 1986).**

Defendant Judge K.P. Palubicki

26. Defendant JUDGE K.P. PALUBICKI is a visiting judge assigned to Spokane County Superior Court.
27. He is sued in two separate capacities:

A. INDIVIDUAL CAPACITY for non-judicial acts and acts in clear absence of jurisdiction:

i. Evidence Tampering (Non-Judicial Act):

- Personally crossed out "Clerk of Court" as recipient of child abuse evidence (Costco video);
- Initialed the alteration with his own hand;
- This was a physical, personal act, not a judicial ruling;
- Done without motion, findings, or adversarial process;
- Disrupted chain of custody for evidence of near-homicidal child abuse;
- Same judge who signed the subpoena requesting the evidence;

ii. Proceeding After Mandatory Disqualification (Clear Absence of Jurisdiction):

- January 28, 2026, 12:22 PM: Plaintiff filed Notice of Disqualification under RCW 4.12;
- Hearing scheduled for 1:00 PM (38 minutes later);
- RCW 4.12.060: Judge "shall forthwith" transfer case (mandatory, not discretionary);
- Palubicki proceeded with hearing anyway = willful violation of mandatory statute;
- *Stump v. Sparkman*, 435 U.S. 349: No immunity when acting in "clear absence of all jurisdiction";

iii. Proceeding While Appellate Stay in Effect (Lack of Jurisdiction):

- Appellate stay was in effect through January 28, 2026 hearing;
- Trial court lacked subject matter jurisdiction;

iv. Secret Administrative Orders (Non-Judicial Administrative Acts):

- December 19, 2024: Denied Motion to Lift Stay without notice to Plaintiff (Exhibit Y);
- Administrative denial, not judicial ruling;
- Plaintiff learned of denial only after obtaining court file post-hearing;

v. Removing Plaintiff from Zoom (Non-Judicial Administrative/Technical Act):

- Before hearing concluded, Plaintiff removed from Zoom without warning;
- Administrative/technical act, not judicial ruling;
- Hearing continued in Plaintiff's absence;

B. OFFICIAL CAPACITY for prospective declaratory and injunctive relief ONLY:

- Plaintiff seeks NO damages or retrospective relief against Judge Palubicki in official capacity;

28. *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991): Judicial immunity does NOT extend to non-judicial actions—even when they are related to a judicial proceeding—such as administrative, personal, or ministerial acts.

Defendant Kim Kilham

29. Defendant KIM KILHAM, Superior Court Administrator for Spokane County, is sued in her individual and official capacities for:

a. Less Than 24-Hour Notice:

- January 27, 2026, 1:15 PM email for January 28, 2026, 1:00 PM hearing;
- Violation of due process;

b. Administrative Obstruction:

- Calendaring manipulation;
- Denying Plaintiff's motions hearing dates while prioritizing Kempner's later-filed motions;

c. Attributing Decisions to Judges:

- Making administrative decisions and attributing them to judicial officers without contemporaneous orders;

d. Creating Administrative Obstacles:

- Systematic barriers to Plaintiff's access to court;

Defendant Kimberly Braden

30. Defendant KIMBERLY BRADEN, Judicial Assistant for Adams County Superior Court (assigned to Spokane matters), is sued in her individual and official capacities for:

a. Unequal Scheduling:

- Giving opposing counsel preferential hearing dates;
- Plaintiff's earlier-filed motions remain unheard;

b. Access Obstruction:

- Calendaring manipulation favoring opposing counsel on every issue since March 12, 2024;

c. Creating Systematic Barriers:

- Pattern of administrative obstruction to Plaintiff's access to court;

Defendant Leah M. Hill

31. Defendant LEAH M. HILL, Assistant to Prior Presiding Judge, is sued in her individual and official capacities for:

a. Receipt of Child Abuse Evidence:

- Received Costco video evidence depicting near-lethal strangulation of child;

b. Failure to Act as Mandatory Reporter:

- Under RCW 26.44, mandatory reporters must report suspected child abuse;
- Failed to ensure proper reporting and protection;

C. Official Capacity Defendants (Prospective Relief Only)

32. **Defendant SPOKANE COUNTY SUPERIOR COURT CLERK is sued in official capacity to compel:**

- Lawful evidence custody and preservation of child abuse evidence;
- Restoration of chain of custody;

33. Defendant COMMISSIONER TAMI CHAVEZ is sued in official capacity for:

- Commissioner action without jurisdiction;
- Action without notice;
- Action contrary to binding final orders;

D. Monell Municipal Defendant

34. Defendant SPOKANE COUNTY, WASHINGTON is a municipal entity sued under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), for maintaining unconstitutional policies, customs, and practices.
35. Spokane County has maintained, over the past ten years, the following unconstitutional policies and customs:

a**. Policy of Blocking Court-Ordered Child Protections**:

- February 6, 2018: Court ordered Guardian Ad Litem;
- GAL never appointed for eight years (2018-2026);
- Pattern of blocking protections to avoid institutional liability;

b. **Policy of Conducting Hearings During Appellate Stays:**

- Systematic practice of proceeding without jurisdiction;

c. Policy of Issuing Orders Without Proper Notice or Service:

- Secret orders without notice to parties;
- Defective service systematically ignored;

d. Policy of Denying Due Process to Pro Se Litigants:

- Unequal calendaring;
- Motions struck or denied without hearing;
- Administrative obstruction;

e. Failure to Train:

- Court personnel not trained on federal due process requirements;
- Not trained on mandatory child protection statutes;
- Not trained on evidence preservation and chain of custody;

f. Deliberate Indifference:

- 2017: Medical report of abuse, police case opened;
- 2018: Court found abuse credible, ordered GAL;
- 2018-2026: GAL blocked, all relief denied for eight years;
- 2020: Second medical warning ("do not recommend return");
- 2024: Costco video evidence, third medical warning;
- 2024: Court reviewed video, still refused protection;
- Pattern: Deliberate indifference to known constitutional violations;

E. Unknown Defendants

36. Defendants JOHN DOES 1-10 are individuals whose identities are currently unknown to Plaintiff but who participated in the conspiracy to deprive Plaintiff's rights, including:

- Court personnel who issued secret orders;
- Personnel who facilitated void hearings;
- Personnel who assisted in evidence tampering;

IV. FACTUAL ALLEGATIONS

A. The Ten-Year Pattern: 2017-2026

2017: First Medical Warning - Multiple Bruises

37. On October 18, 2017, Plaintiff's son A.A.S (then 16 months old) was taken to Providence Sacred Heart Medical Center - Pediatric Emergency in Spokane, Washington.
38. Diagnosis: "Multiple bruises" **(Exhibit Z)**
39. Finding: "Encounter for routine child health examination with abnormal findings"
40. Lab Results: Low platelets, low WBC count ***(indicators of trauma/stress)***
41. Instructions: "Follow up with CPS and Sheriff"
42. Police Case Opened: **#17-10140280**
43. Crime Victim Card Issued: Andrew was treated as a crime victim by Spokane Police/Sheriff **(Exhibit Z)**
44. This was documented child abuse requiring police investigation and CPS involvement.

2018: Court Finds Abuse Credible, Orders GAL, Then Blocks It for Eight Years

45. On February 6, 2018, the Spokane County Superior Court issued an Order re: Allocation of Guardian Ad Litem Fees **(Exhibit X).**
46. FINDING (Box Checked):
    ☑ "There are credible allegations of child abuse and/or neglect."
47. **COURT ORDERED:**

- Guardian Ad Litem SHALL BE APPOINTED;
- Due date for presentment of Order Appointing Guardian Ad Litem: February 27, 2018;
- Docket call at 8:30 a.m. in Courtroom 202;

48. Signed By: Court Commissioner Nichole Swennumson
49. THE GUARDIAN AD LITEM WAS NEVER APPOINTED.

50. Despite the court's official finding that abuse allegations were credible, and despite the court's order that a GAL "shall be appointed," no GAL was ever appointed to represent the children's interests.

51. This GAL appointment was blocked, stalled, and prevented for the next eight years (2018-2026).

52. The children were denied independent counsel for eight years while documented abuse continued.

2020: Second Medical Warning - "Do Not Recommend Return to Mother's Care"

53. On November 8, 2020, Plaintiff's son D.M.S.(then 8 years old) was taken to Providence Sacred Heart Medical Center - Pediatric Emergency (Exhibit GG).

54. Diagnosis: "Child physical abuse, suspected, initial encounter"

55. **CRITICAL MEDICAL RECOMMENDATION:**
"Given the information that David shared with me and David's physical exam findings and after consulting with a the Child Abuse Experts at Partners with Family and Children, I do not recommend David or his sibling return to mother's care until an investigation can occur into the allegations. I am discharging him into your (Father's) care. This recommendation is for David's safety."

56. Doctor: Stephanie M Bowdish, ARNP

57. Social Worker: Rena Perez (DCYF)

58. Follow-up Scheduled: Forensic interview with Partners with Family and Children

59. Doctor's Explicit Instruction:
"If that is not possible, please pursue an emergency protective order at family court tomorrow."

60. THIS WAS THE SECOND TIME Providence Sacred Heart Medical Center warned that the children should not return to their mother's care.

61. **<u>The court ignored this warning.</u>**

62. Children remained in mother's custody despite two separate medical warnings spanning three years (2017, 2020).

2024: The Costco Video - Near-Lethal Child Strangulation

63. On **June 15, 2024**, at approximately 2:04 PM, an incident occurred at the Costco location on Sprague Avenue in Spokane, Washington.

64. Costco surveillance cameras captured the violent strangulation of Plaintiff's son A.A.S. (then 7 years old, now 9) by the children's mother's boyfriend, Eric Brubaker.

65. Plaintiff did not witness this incident firsthand but became aware through his two sons telling him the next morning on Father's Day when he picked his sons up to go initially go to Silverwood which did not happen because of this attack and concern for the violence increasing around their mother and her boyfriend Eric.

66. Plaintiff would obtain the tampered with video Kempner produced to cover up the crimes that CPS would rely on which is how where Plaintiff's attorney in Idaho rrobtained a copy. Through Idaho CPS who obtained a copy from the WA DCYF. This video was not the native video but rather a 9mb export / reduction of the attack. DCYF/CPS and subsequent legal proceedings.

67. On January 31, 2025, Plaintiff obtained a Subpoena Duces Tecum for the Costco surveillance video **(Exhibit G).**

68. The subpoena was personally signed by Judge K.P. Palubicki.

69. The subpoena originally directed that video evidence be provided to the "Clerk of Court" fore custody and preservation.

2024: Third Medical Warning - Sacred Heart Again

69. On June 16, 2024 (the day after the Costco incident), Plaintiff received a call from Stella Bear of DCYF/CPS.

70. Ms. Bear directed Plaintiff to bring the children to Providence Sacred Heart Medical Center for what she described as a "surprise well-child check."

71. At Sacred Heart, the children spoke with medical personnel in the pediatric emergency room.

72. The pediatric ER nurse was extremely concerned by what the children disclosed.

73. Plaintiff and children left Sacred Heart Medical Center with discharge instructions that warned against returning the children to their mother **(Exhibit H).**

74. 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.

75. THIS WAS THE THIRD TIME (2017, 2020, 2024) that Providence Sacred Heart Medical Center issued warnings about returning children to their mother's care.

76. The same hospital, spanning seven years, with consistent warnings.

77. The court **disregarded all three medical warnings.**

2024: Evidence Tampering by Judge Palubicki

78. After the October 31, 2024 hearing (described below), Plaintiff learned that Judge Palubicki had personally altered the evidence-custody directive on the Costco subpoena.

79. Specifically, Judge Palubicki:

➢ Physically crossed out "Clerk of Court" as the recipient of the video evidence;

➢ Initialed the alteration with his own hand;

80. This is the same judge who signed the subpoena requesting the evidence.

81. This alteration was done without any motion, without any findings, and without any adversarial process.

82. As a result:

➢ 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;

2024: Evidence Tampering by Defendant Kempner - Spoliation Under Oath

On August 26, 2024, Defendant Kempner submitted a Declaration under penalty of perjury **(Exhibit HH).**

In this declaration, Kempner stated:
"I submitted a Subpoena Duces Tecum to Costco on June 19, 2024... Costco, through their attorneys, provided me with video that I downloaded from Costco's website. The only change that was made to the video I received was using the video viewer provided by Costco, I converted it from the proprietary format provided by Costco, to an .AVI format that could be viewed on most computers."

83. Kempner claimed under oath that "the only change" was format conversion.

Defendant Kempner's assertion that he obtained video from Costco on June 19, 2024 and that "the only change" was a format conversion is contradicted by the available record and by Costco's internal handling of subpoenas. On information and belief, Costco's Legal Department was not aware of, and did not process, any June 19, 2024 subpoena request for downloadable surveillance video. Rather, Costco Legal understood the operative subpoena to be the later July 22, 2024 "validation" subpoena directed to Costco's legal team to confirm whether any native copies remained available in light of Costco's retention practices (approximately 30 days). The June 19 request appears to have been served locally and aimed at intercepting a physical media copy being prepared for law enforcement (Spokane Valley Police), not at generating a corporate-legal download link or a documented legal-department production. Accordingly, any material Kempner claims to have received on or around June 19 would not have been produced through Costco Legal's controlled process, and would be inconsistent with a tracked legal production of native video, metadata, logs, and correspondence.

84. Further, the copies of "download link" emails Kempner has produced contain irregularities that are inconsistent with authentic business records, including the

absence of standard transmission headers and apparent discrepancies in signatures/formatting.

85. Plaintiff contends these anomalies call into question the provenance and authenticity of the purported production communications and support an inference that the asserted chain of custody is unreliable. Plaintiff therefore seeks preservation and production of the original, native surveillance file(s) and associated metadata, together with Costco's subpoena intake logs, production logs, and authentic correspondence records sufficient to verify what was requested, who processed it, what was produced, when it was produced, and to whom it was provided.

86. Kempner had previously admitted (in other filings and communications) that he exported it to AVI format, which he described as the "90s era lowest resolution format possible" on that software;

87. *This reduces the video from 5K Ultra High Definition at 30 frames per second to 8 frames per second;*

- Made the video "small enough for CPS in Idaho to email" to Plaintiff's attorney;

88. This deliberate degradation of evidence of near-lethal child abuse:

- Eliminated critical forensic details showing the full extent of violence;
- Was provided to various investigative groups after being exported to the lower frame rate / quality version of the video
-
- Constitutes spoliation of evidence;
- Under oath in a declaration = perjury;

89. The subpoena had requested:

- Native video with metadata;
- Logs;
- Correspondence;
- Policies;

90. Costco produced only a converted file, providing no native video, no metadata, no logs, and no correspondence that took place with Mr. Kempner. Plaintiff had a signed subpoena served on Costco, they refused to comply with that court ordered obligated

2024: October 31 Hearing - Court Reviews Video, Refuses Protection

91. On October 31, 2024, an evidentiary hearing was conducted in Spokane County Superior Court.

92. During this hearing, Judge Palubicki personally reviewed the Costco surveillance video depicting the near-lethal strangulation of Plaintiff's then-7-year-old son.

93. Judge Palubicki commented on the record regarding the severity of the assault depicted in the video.

94. Despite personally reviewing video evidence of near-homicidal violence against a child, the court refused to restrict Defendant Sirinya Surina's residential time with the children.

95. Despite reviewing this video evidence, the court left Plaintiff's children in the household with the violent boyfriend who strangled Plaintiff's son.

96. RCW 26.09.191 imposes a mandatory, non-discretionary duty on courts to restrict residential time upon credible evidence of child abuse.

97. The statute uses imperative language: courts "shall restrict" custody.

98. The court had overwhelming evidence:

- Video evidence of violent strangulation (personally reviewed);
- Three medical warnings from Sacred Heart (2017, 2020, 2024);
- DCYF involvement and investigation;
- Discharge instructions warning against return to mother;
- Court's own 2018 finding: "credible allegations of child abuse";
- Prior criminal charges (February 2018 - 2nd degree child assault against Sirinya);

99. Despite all this evidence, the court refused to apply RCW 26.09.191.

100. This is not discretion — this is willful violation of a mandatory protection law.

2025-2026: October 27 Secret Passport Attempt and January 28 Void Hearing

101. On or about October 27, 2025, Defendant Sirinya Surina attempted to apply for passports for the minor children.

102. She did this without any discussion with Plaintiff.

103. She did this without Plaintiff's consent.

104. Under federal law and State Department regulations, both parents must consent to passport applications for minor children, or there must be a court order.

105. Only the passport alert system Plaintiff had established prevented this fraudulent passport application from succeeding.

106. Plaintiff was never notified by Defendant Kempner or Defendant Sirinya that they intended to seek passports.

107. On January 14, 2026, Plaintiff notified the court that January 28, 2026 would not work for a hearing and requested an alternative date.

108. This request was met with silence.

109. On January 27, 2026, at 10:14 AM, Plaintiff sent an email explicitly stating: "I cannot attend a hearing tomorrow." (Exhibit I.2)

110. In that same email, Plaintiff cited 18 U.S.C. §§ 241 and 242 (deprivation of constitutional rights under color of law) to put the court on notice of constitutional issues.

111. 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).

112. Plaintiff had not been properly served with Defendant Kempner's passport motion prior to this email (service to wrong address: 15000 vs. 12000 N Stinson Dr).

January 28, 2026: The Void Hearing - Six Fatal Defects

113. The January 28, 2026 hearing suffers from SIX INDEPENDENT FATAL DEFECTS. Any one voids the hearing. ***Together, they demonstrate systematic constitutional deprivation.***

DEFECT 1: Lack of Subject Matter Jurisdiction (Appellate Stay in Effect)

114. An appellate stay was in effect at the time of the January 28, 2026 hearing.

115. The Washington Court of Appeals had issued a stay pending appeal.

116. On December 19, 2024, Judge Palubicki denied Plaintiff's Motion to Lift Stay **(Exhibit Y)**.

117. This denial was issued in secret—Plaintiff received no notice of the order.

118. Plaintiff only learned of this secret denial after the January 28 hearing when obtaining the court file.

119. Because the stay was in effect, the trial court lacked subject matter jurisdiction to proceed with the January 28 hearing.

120. A court without jurisdiction cannot act. *United States v. Cotton*, 535 U.S. 625, 630 (2002).

DEFECT 2: Mandatory Recusal Violated (RCW 4.12.060)

121. On January 28, 2026, at 12:22 PM, Plaintiff filed a Notice of Disqualification and Motion for Recusal under RCW 4.12 with the Spokane County Superior Court Clerk and emailed it to Judicial Assistant Kimberly Braden (Exhibit M).

122. The hearing was scheduled for 1:00 PM—exactly 38 minutes later.

123. **RCW 4.12.060** provides that upon filing of such notice, the judge "shall forthwith" transfer the case to another department or judge.

124. **"Shall forthwith"** is mandatory, not discretionary.

125. The statute provides NO exception for timing or convenience.

126. Judge Palubicki proceeded with the hearing anyway, in willful violation of this mandatory statute.

127. Once the notice was filed, Judge Palubicki was required by law to transfer the case immediately. He had no jurisdiction to proceed.

DEFECT 3: Defective Service

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

129. On multiple occasions, Kempner served documents to: "15000 Stinson, Hayden, Idaho 83835"

130. Plaintiff's actual address is: "12000 N Stinson Drive, Hayden, Idaho 83835"

131. **ss**—that address either does not exist or is not Plaintiff's residence.

132. As a result of service to the wrong address, Plaintiff did not receive notice of critical pleadings and motions, including the passport motion.

133. Service to the wrong address = no service at all.

134. (Exhibit M includes Plaintiff's email: "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.")

DEFECT 4: Denied Continuance Despite Explicit Notice

135. As stated above, Plaintiff explicitly notified the court on January 14, 2026 that January 28 would not work.

136. Plaintiff sent another email on January 27, 2026, stating: "I cannot attend a hearing tomorrow."

137. Plaintiff cited federal civil rights statutes in that email.

138. The request for continuance was met with silence, then denial.

139. Plaintiff was given less than 24 hours notice for a hearing involving critical issues of international travel and children's safety.

DEFECT 5: Removed from Hearing Without Warning

140. On January 28, 2026, Plaintiff appeared for the hearing remotely via the court-provided Zoom platform.

141. Before the hearing concluded, Plaintiff was removed from the Zoom proceeding without warning or consent.

142. Plaintiff did not disconnect voluntarily.

143. Plaintiff was not warned that he would be removed.

144. The hearing continued in Plaintiff's absence.

145. Orders were issued in Plaintiff's absence:

- Compelling Plaintiff to sign passport applications;
- Authorizing international travel to Thailand;
- Without specific dates;
- Without security bond;
- Without Plaintiff's consent;

146. Plaintiff was not afforded an opportunity to be heard at this critical stage involving imminent child-safety and jurisdictional consequences.

147. Plaintiff immediately objected by filing additional notices contesting any action taken in his absence.

DEFECT 6: Pattern of Secret Orders

148. The December 19, 2024 denial of Motion to Lift Stay (Exhibit Y) is part of a pattern of secret orders issued without notice to Plaintiff:

- December 19, 2024: Denial of Motion to Lift Stay (no notice);
- January 30, 2026: Vacation of the December 19 denial (no notice, too late);

149. This pattern demonstrates systematic denial of due process.

Due Process Violation

150. ANY ONE of these six defects voids the January 28, 2026 hearing.

151. Together, they demonstrate systematic deprivation of procedural due process.

152. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950): Due process requires "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action."

153. Plaintiff had:

- No subject matter jurisdiction;
- A judge required by statute to transfer the case;

- No proper service;
- No meaningful opportunity to be heard;
- No notice of secret orders;

B. International Abduction Risk: The NCMEC Affidavit

154. In April 2020, Plaintiff contacted the National Center for Missing & Exploited Children (NCMEC) regarding the risk of international parental kidnapping.
155. NCMEC assigned Plaintiff's case (Case #1386710) to Case Manager Caroline Teague.
156. NCMEC's attorney prepared an International Affidavit regarding Thailand (Exhibit A).
157. 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;

158. Plaintiff currently has ZERO INCOME and cannot afford to retain Thai legal counsel.
159. If Plaintiff's children are taken to Thailand, Plaintiff will have no realistic ability to secure their return.

Risk Factors - Defendant Sirinya Matches ALL

160. The NCMEC materials identify risk factors for international parental kidnapping.
161. 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 Thai restaurants);
- ✓ Family support network in Thailand;
- ✓ History of non-cooperation with court orders;
- ✓ Ending mixed-culture marriage;

162. Plaintiff has personal knowledge of the village in Chaiyaphum Province, Thailand, near the Laos border, where Defendant Sirinya's family lives.

163. This village is full of girls with American children who do not speak English.

164. 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.

165. Plaintiff has been personally introduced to at least half a dozen of these children in this rural village.

166. This is how they do it.

167. None of the judicial officers involved in Plaintiff's case have exposure to this type of international crime pattern.

The Parenting Plan: Jurisdictional Trap

168. The current parenting plan contains provisions that were never negotiated or agreed to.

169. The parenting plan prohibits children from communicating with the parent not exercising residential time.

170. This provision was never intended for international travel, but it creates a catastrophic trap:

- Once children enter Thailand during their mother's residential time, they are prohibited from contacting Plaintiff;
- This immediately strips Plaintiff of all parental rights the moment children enter Thai territory;
- The 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;

171. 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 Plaintiff) proves she has no genuine safety concerns.

172. The provisions exist solely to facilitate abduction.

Compelled Signature Voids International Remedies

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

174. If Plaintiff is compelled by contempt threat to sign passport applications, Thai authorities will see:

- Plaintiff's signature on the applications;
- A court order compelling the signature;
- Conclusion: "He agreed, the court approved, he consented";

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

176. Once Plaintiff signs under compulsion and the children are taken to Thailand:

- The 14% never-recovered statistic applies;
- The 50% voluntary-return-only statistic applies;
- Plaintiff has zero income and cannot afford Thai counsel;
- The parenting plan strips all Plaintiff's rights while children are in Thailand;
- Everything is lost;

C. Systematic Pattern of Obstruction (2023-2024)

177. The void January 28, 2026 hearing is not an isolated incident but part of a multi-year pattern of systematic obstruction.

December 16, 2023: Motion for Multiple Reliefs Denied

178. On December 16, 2023, Plaintiff filed a comprehensive Motion for Multiple Reliefs seeking protection for his children and enforcement of his parental rights (Exhibit II).

179. This motion was denied, stricken, or never given a hearing despite being properly noted.

180. This is part of a pattern where every motion Plaintiff has filed since March 12, 2024 has been struck, dismissed, or denied hearing time, while Kempner's motions are prioritized.

Hearings Where Kempner Did Not Attend But Orders Were Issued

181. On September 14, 2023, a hearing was scheduled in Annex Room 1403.

182. Defendant Kempner did not attend this hearing (Exhibit LL - Plaintiff's contemporaneous notes).

183. Despite Kempner's absence, an order was subsequently issued.

184. This order does not reflect what actually occurred at the hearing.

185. This order changes the court's actual rulings.

186. Similarly, on June 23, 2023, a hearing was conducted where Kempner did not attend, yet an order was drafted and issued as if he had participated.

187. These orders were drafted by Kempner in silo without Plaintiff's input and without accurately reflecting the proceedings.

Pattern of Unequal Treatment

188. Throughout 2023-2024, Plaintiff appeared at multiple hearings attempting to obtain relief:

- March 12, 2024: Hearing in Courtroom 204 at 9:00 AM (Exhibit JJ);
- April 19, 2024: Hearing in Courtroom 307 at 1:31 PM (Exhibit KK);
- October 31, 2024: Evidentiary hearing where court reviewed Costco video (Exhibit MM);

189. At each of these hearings, Plaintiff presented evidence and arguments.

190. Despite documented abuse, medical warnings, and video evidence, meaningful relief was systematically denied.

191. Meanwhile, Defendant Kempner's later-filed motions were given preferential hearing dates and granted.

D. The $9,363 Sanction - First Amendment Retaliation

192. On Plaintiff's birthday, the court imposed a $9,363 attorney fee sanction against Plaintiff.

193. The stated basis was that Plaintiff "harassed" Defendant Sirinya by objecting to her relocation.

194. This is fraud on the court because:

- The parties had stipulated to the relocation six months earlier;
- Plaintiff's objection was to procedural violations and safety concerns, not to relocation itself;
- The sanction was retaliatory punishment for exercising First Amendment rights to petition the court;

195. The timing (Plaintiff's birthday) demonstrates the punitive and harassing nature of the sanction.

V. CLAIMS FOR RELIEF

COUNT I: PROCEDURAL DUE PROCESS VIOLATION
(42 U.S.C. § 1983)

196. Plaintiff incorporates all prior allegations.

197. The Fourteenth Amendment guarantees that no state shall "deprive any person of life, liberty, or property, without due process of law."

198. Procedural due process requires:

- Adequate notice of proceedings;

- Meaningful opportunity to be heard;
- Impartial decision-maker;
- Proceedings conducted within jurisdiction;

199. **Defendants systematically deprived Plaintiff of procedural due process through:**

a. January 28, 2026 Void Hearing:

- Six independent fatal defects (alleged above);
- No subject matter jurisdiction (appellate stay);
- Mandatory recusal violated (RCW 4.12);
- Defective service (wrong address);
- Denied continuance despite explicit notice;
- Removed from hearing without warning;
- Pattern of secret orders;

b. Pattern of Secret Orders:

- December 19, 2025 denial of multiple motions including motion to lift stay as ordered by Division III appellate court to continue working towards resolution (no notice);
- January 30, 2026 Vacating order issued on December 19, 2025
- Other orders issued without notice;

c. Administrative Obstruction:

- Less than 24 hours notice for critical hearings;
- Motions denied or stricken without hearing;
- Unequal calendaring favoring opposing counsel;

200. These violations were committed under color of state law.

201. These violations have caused Plaintiff irreparable harm, including:

- Deprivation of parental rights;
- Economic harm;
- Emotional distress;

- Imminent loss of children to international abduction;

202. Defendants liable: Palubicki (individual capacity), Kilham (individual/official), Braden (individual/official), Kempner (individual - conspiracy), Sirinya (individual - joint action), Spokane County (Monell), John Does 1-10.

WHEREFORE, Plaintiff requests declaratory judgment that Defendants violated his procedural due process rights, injunctive relief, and damages.

COUNT II: SUBSTANTIVE DUE PROCESS - PARENTAL RIGHTS (42 U.S.C. § 1983)

203. Plaintiff incorporates all prior allegations.

204. The Fourteenth Amendment protects the fundamental right of parents to the care, custody, and control of their children.

205. ***Troxel v. Granville*, 530 U.S. 57, 65 (2000): "The liberty interest... of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court."**

206. This fundamental right can be infringed only if the state demonstrates a compelling interest and uses narrowly tailored means.

207. Defendants have arbitrarily deprived Plaintiff of his fundamental parental rights through:

a. Compelled Signature Under Duress:

January 28, 2026 order compelling Plaintiff to sign passport applications;
Under threat of contempt;
To facilitate international abduction;
Violates RCW 9A.60.030 (Class C Felony);

b. Eight-Year Denial of Court-Ordered GAL:

Court found abuse credible (2018);

Court ordered GAL;

GAL blocked for eight years;

c. Refusal to Apply Mandatory Protection Statute:

RCW 26.09.191 requires restriction upon credible abuse evidence;

Court had overwhelming evidence (three hospitals, video, court's own finding);

Court refused to apply statute;

Left children with documented abuser;

208. These actions are not rationally related to any legitimate state interest.

209. **Rather**, they serve to:

Cover up institutional liability;

Facilitate international child abduction;

Punish Plaintiff for exercising constitutional rights;

210. Defendants liable: Palubicki (individual/official), Kempner (individual - conspiracy), Sirinya (individual - joint action), Spokane County (Monell), Kilham, Braden, Hill, John Does 1-10.

WHEREFORE, Plaintiff requests declaratory judgment, injunctive relief, and damages.

COUNT III: STATE-CREATED DANGER
(42 U.S.C. § 1983)

211. Plaintiff incorporates all prior allegations.

212. Under, state actors are liable when they:

213. *Engage in affirmative conduct*;

214. That *creates or increases danger* to plaintiff; and

215. Plaintiff would not otherwise have faced that danger.

216. See also ***Doe v. Lebbos*, 348 F.3d 820, 825-27 (9th Cir. 2003)** (liability where officials ignore credible child-abuse indicators and facilitate continued exposure).

217. Defendants engaged in affirmative acts that created and increased danger to Plaintiff's children:

a. 2017: First Medical Warning - Ignored

October 18, 2017: Sacred Heart finds multiple bruises, opens police case;
Court took no protective action;

b. 2018: Court Finds Abuse Credible, Then Blocks Protection

February 6, 2018: Court officially finds "credible allegations of child abuse and/or neglect";

Court orders GAL;
Court then allows GAL to be blocked for eight years;
This affirmative obstruction prevented independent investigation and protection;

c. 2020: Second Medical Warning - Ignored

- November 8, 2020: Sacred Heart diagnoses "child physical abuse, suspected";
- **Doctor explicitly recommends: "I do not recommend David or his sibling return to mother's care";**
- **<u>Court ignored this warning;</u>**
- Children remained in dangerous environment;

d. 2024: Costco Video - Evidence Tampering Instead of Protection

- June 15, 2024: Video captures near-lethal strangulation;
- June 16, 2024: Third Sacred Heart warning;
- **October 31, 2024: Court personally reviews video**;
- **<u>Court refuses to apply RCW 26.09.191 (mandatory protection statute);</u>**
- **Judge Palubicki tampers with evidence (crosses out Clerk custody);**
- **Kempner degrades video evidence (spoliation);**
- **<u>Children left with abuser;</u>**

e. 2026: Facilitation of International Abduction

- **<u>January 28, 2026: Void hearing compels passport signature;</u>**
- **Knowing Thailand abduction risk (14% never recovered);**
- *Knowing Plaintiff has zero income to fight in Thai courts;*

215. These affirmative acts (blocking GAL, refusing mandatory protection, tampering with evidence, compelling passport signature) increased the danger to children who would not otherwise have faced this danger.

216. Without the court's obstruction:

- GAL would have been appointed in 2018;
- Independent investigation would have occurred;
- RCW 26.09.191 would have been applied;
- Children would have been protected from documented abuser;
- International abduction would have been prevented;

217. With the court's obstruction:

- *Children remained in danger for ten years;*
- *Abuse continued (evidenced by 2017, 2020, 2024 medical reports);*
- *Evidence was tampered with;*
- *Children now face 14% chance of permanent loss to Thailand;*

218. This is textbook state-created danger.

219. Defendants liable: Palubicki (individual capacity for evidence tampering), Kempner (individual capacity for conspiracy and spoliation), Sirinya (individual capacity for joint action), Spokane County (Monell - policy of blocking protections), Kilham, Braden, Hill, John Does 1-10.

WHEREFORE, Plaintiff requests declaratory judgment, injunctive relief, and damages.

COUNT IV: FIRST AMENDMENT RETALIATION
(42 U.S.C. § 1983)

220. Plaintiff incorporates all prior allegations.

221. The First Amendment protects the right to petition the government for redress of grievances.

222. A plaintiff can state a retaliation claim by alleging that state actors took adverse action in response to the exercise of constitutionally protected speech or petitioning.

223. Plaintiff exercised his First Amendment right to petition the court by:

- Filing motions seeking protection for his children;
- Objecting to relocation on procedural and safety grounds;
- Citing constitutional violations (18 U.S.C. §§ 241, 242);
- Seeking enforcement of mandatory child protection statutes;

224. In retaliation for exercising these rights, Defendants:

a. $9,363 Sanction on Plaintiff's Birthday:

- Imposed for "harassing" Defendant Sirinya by objecting to relocation;
- Despite parties having stipulated to relocation six months earlier;
- Timing (birthday) demonstrates punitive intent;
- **Designed to chill Plaintiff's willingness to petition court;**

b. Systematic Denial of Hearing Time:

- Every motion filed since March 12, 2024 struck or denied hearing;
- While Kempner's later-filed motions prioritized;
- **Unequal treatment based on content of Plaintiff's petitions;**

c. Retaliation for Citing Federal Statutes:

- January 27, 2026: Plaintiff cited 18 U.S.C. §§ 241, 242 in email;
- January 28, 2026: Court proceeded with void hearing in retaliation;
- Removed Plaintiff from hearing;
- **Issued punitive order compelling passport signature;**

225. These adverse actions were motivated by Plaintiff's exercise of First Amendment rights.

226. These actions would chill a person of ordinary firmness from continuing to petition the court.

227. Defendants liable: Palubicki (individual capacity), Kempner (individual capacity), Kilham, Braden, Spokane County (Monell), John Does 1-10.

WHEREFORE, Plaintiff requests declaratory judgment, injunctive relief, and damages, including punitive damages.

COUNT V:
CONSPIRACY TO DEPRIVE CONSTITUTIONAL RIGHTS
(42 U.S.C. § 1985)

228. Plaintiff incorporates all prior allegations.

229. SD prohibits conspiracies to deprive persons of constitutional rights.

230. ***Dennis v. Sparks*, 449 U.S. 24, 27-28 (1980):** Private parties who conspire with state officials to deprive constitutional rights act under color of law and are liable under § 1985.

231. Defendants STANLEY ALLAN KEMPNER JR. (private attorney) and SIRINYA SURINA (private party) conspired with state actors to deprive Plaintiff of his constitutional rights.

232. The Conspiracy:

a. Participants:

- **Kempner (private attorney, individual capacity);**
- **Sirinya (private party, individual capacity);**
- **Court personnel (including John Does 1-10);**

b. Object of Conspiracy:

- Facilitate international parental kidnapping to Thailand;
- Deprive Plaintiff of procedural and substantive due process;
- **Deprive Plaintiff of fundamental parental rights;**
- **Obstruct application of mandatory child protection statutes;**
- **Cover up institutional liability for ten-year pattern of failures;**

c. Overt Acts in Furtherance:

i. October 27, 2025: Secret Passport Application

- **Kempner and Sirinya attempted secret passport application;**
- **No notice to Plaintiff;**
- **No consent from Plaintiff;**
- Only passport alert system prevented success;

ii. Evidence Tampering

- **Kempner degraded Costco video evidence (30fps → 8fps);**
- Kempner claimed under oath "only change" was format (PERJURY);
- **Palubicki crossed out Clerk custody, initialed alteration;**

- Prevented independent preservation and verification;

iii. Service to Wrong Address

- **Kempner repeatedly served documents to 15000 (not 12000) Stinson;**
- **Prevented Plaintiff from receiving notice;**
- Facilitated void hearing without Plaintiff's meaningful participation;

iv. January 28, 2026 Void Hearing

- **Kempner drafted motion despite knowing:**
  - **Appellate stay in effect (no jurisdiction);**
  - **Plaintiff explicitly stated "cannot attend";**
  - **Service was defective;**
- Kempner participated in hearing despite Plaintiff's RCW 4.12 disqualification 38 minutes before;
- **Kempner obtained order compelling signature under duress;**
- Reduces the video from 5K Ultra High Definition at 30 frames per second to 8 frames per second; (approx 74% of video frames lost)
- June 23, 2023,
- September 14, 2023;
- **Orders do not reflect actual proceedings;**
- **Orders change court's rulings;**

vi. Eight-Year Obstruction of GAL

- 2018: Court ordered GAL;
- Kempner and Sirinya blocked appointment;
- Children denied independent counsel for eight years;

233. These overt acts were taken in concert and under color of statsssssssssCDG law.

234. ***Dennis v. Sparks*, 449 U.S. at 27-28:** When private parties conspire with state officials, they act under color of law.

235. The conspiracy has caused Plaintiff:

- Deprivation of constitutional rights;
- Economic harm;
- Emotional distress;
- Imminent loss of children;

236. Defendants liable: Kempner (individual capacity), Sirinya (individual capacity), Palubicki (individual capacity for non-judicial acts), Kilham, Braden, John Does 1-10.

WHEREFORE, Plaintiff requests declaratory judgment, injunctive relief, and damages, including punitive damages.

COUNT VI:
FAILURE TO PREVENT CONSPIRACY
(42 U.S.C. § 1986)

237. Plaintiff incorporates all prior allegations.

238. 42 U.S.C. § 1986 imposes liability on those who, having knowledge of a conspiracy under § 1985, have power to prevent it, and neglect or refuse to do so.

239. The following Defendants knew of the conspiracy alleged in Count V:

a. Court Personnel (Kilham, Braden, Hill):

- Received Plaintiff's notices citing constitutional violations;
- Aware of pattern of secret orders, defective service, void hearings;
- Aware of evidence tampering;
- Aware of GAL obstruction;

b. Judicial Officers:

- Aware of decade-long pattern;
- Personally reviewed evidence;
- Issued orders facilitating conspiracy;

240. These Defendants had the power to prevent the conspiracy by:

- Ensuring proper notice and service;
- Ensuring compliance with mandatory statutes;
- Ensuring proper evidence custody;
- Appointing the court-ordered GAL;
- Refusing to issue void orders;

241. Despite having knowledge and power, these Defendants neglected and refused to prevent the conspiracy.

242. Their failure to act has caused Plaintiff the same harms as the conspiracy itself.

243. Defendants liable: Kilham (individual/official), Braden (individual/official), Hill (individual/official), Spokane County (Monell), John Does 1-10.

WHEREFORE, Plaintiff requests declaratory judgment, injunctive relief, and damages.

COUNT VII:
MUNICIPAL LIABILITY
(*Monell v. Department of Social Services*)

244. Plaintiff incorporates all prior allegations.

245. *Monell v. Department of Social Services*, 436 U.S. 658 (1978): Municipalities are liable under § 1983 when constitutional violations result from official policy, custom, or practice.

246. *Board of County Commissioners v. Brown*, 520 U.S. 397, 404 (1997): Plaintiff must show policy or custom was the "moving force" behind the constitutional violation.

247. Defendant SPOKANE COUNTY maintained, over ten years (2017-2026), the following unconstitutional policies, customs, and practices:

a. Policy of Blocking Court-Ordered Child Protections:

- February 6, 2018: Court found abuse credible, ordered GAL;
- County allowed GAL to be blocked for eight years;
- Pattern of preventing meaningful protective measures;
- Purpose: Avoid institutional liability for prior failures;

b. Policy of Conducting Hearings During Appellate Stays:

- Systematic practice of proceeding without jurisdiction;
- December 19, 2024: Secret denial of Motion to Lift Stay;
- January 28, 2026: Hearing conducted while stay in effect;

c. Policy of Secret Orders Without Notice:

- Pattern of issuing orders without notice to parties;
- December 19, 2024 denial;
- January 30, 2026 vacation (too late);
- Administrative decisions attributed to judges without proper process;

d. Policy of Denying Due Process to Pro Se Litigants:

- Unequal calendaring (pro se motions denied, represented parties prioritized);
- Less than 24 hours notice for critical hearings;
- Motions struck or denied without hearing;
- Administrative obstruction by Kilham and Braden;

e. Failure to Train:

- **Court personnel not trained on:**
  - Federal due process requirements;
  - Mandatory child protection statutes (RCW 26.09.191);
  - Evidence preservation and chain of custody;
  - RCW 4.12 mandatory recusal procedures;
- **Deliberate indifference to need for training;**

f. Deliberate Indifference to Constitutional Violations:

- 2017: Medical report, police case opened;
- 2018: Court found abuse credible, ordered GAL;
- 2018-2026: GAL blocked, all relief denied for eight years;
- 2020: Second medical warning ("do not recommend return");
- 2024: Costco video, third medical warning;
- 2024: Court reviewed video, still refused protection;
- Pattern: County knew of ongoing constitutional violations for a decade and took no corrective action;

248. These policies, customs, and practices were the "moving force" behind the constitutional violations Plaintiff suffered.

249. Without these policies:

- GAL would have been appointed in 2018;
- Hearings would have been conducted with proper jurisdiction and notice;
- Mandatory child protection statutes would have been applied;
- Evidence would have been properly preserved;
- Plaintiff's due process rights would have been respected;

250. With these policies:

- Children remained in danger for ten years;
- Constitutional violations continued unabated;
- Court became an obstacle to child protection rather than a safeguard;

251. Defendant liable: Spokane County, Washington.

WHEREFORE, Plaintiff requests declaratory judgment, injunctive relief, and compensatory damages against Spokane County.

COUNT VIII:
OBTAINING SIGNATURE BY DURESS
(RCW 9A.60.030)

252. Plaintiff incorporates all prior allegations.

253. **RCW 9A.60.030 provides:**

254. The January 28, 2026 order compels Plaintiff to sign passport applications under threat of contempt.

255. This constitutes obtaining a signature by duress because:

- Duress: Threat of contempt, sanctions, loss of rights;
- Intent to defraud/deprive: Facilitate international child abduction, deprive Plaintiff of parental rights;
- Written instrument: Passport applications are official government documents;

256. RCW 9A.60.030 is a Class C Felony.

257. The order compelling signature violates Washington State criminal law.

258. Defendants liable: Kempner (individual capacity - requested the order), Sirinya (individual capacity - beneficiary), Palubicki (individual capacity - issued void order).

WHEREFORE, Plaintiff requests declaratory judgment that the order violates RCW 9A.60.030, injunctive relief preventing enforcement, and damages.

COUNT IX:
FRAUD

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259. Plaintiff incorporates all prior allegations.
260. Defendants committed fraud through:

a. Fraudulent Restraining Orders (Sirinya):

- Obtained restraining orders based on false allegations;
- Used restraining orders to push Plaintiff from employment;
- Fraudulently claimed safety concerns while simultaneously agreeing to mutual no-contact provisions;

b. Secret Passport Application (Sirinya, Kempner):

- October 27, 2025: Attempted passport application without consent;
- Fraudulent representation to State Department;

c. Evidence Tampering Declaration (Kempner):

- August 26, 2024: Declared under oath "only change" was format;
- KNOWINGLY FALSE: Had reduced 30fps→8fps, degraded resolution;
- **Fraud on the court;**

d. Service to Wrong Address (Kempner):

- Knowingly served to 15000 (not 12000) Stinson;
- **Fraudulent proof of service;**

e. $9,363 Attorney Fee Award (Kempner):

- Claimed Plaintiff "harassed" client by objecting to relocation;
- **KNOWINGLY FALSE: Parties had stipulated to relocation;**
- **Fraud on the court;**

261. These fraudulent acts caused Plaintiff:

Economic harm;

Loss of employment;

Deprivation of rights;

Emotional distress;

262. Defendants liable:

Kempner (individual capacity),

Sirinya (individual capacity).

WHEREFORE, Plaintiff requests compensatory and punitive damages.

COUNT X:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

263. Plaintiff incorporates all prior allegations.

264. Under Washington law, intentional infliction of emotional distress requires:

265. Extreme and outrageous conduct;

266. Intentional or reckless infliction of emotional distress;

267. Actual severe emotional distress;

268. Defendants engaged in extreme and outrageous conduct:

a. Ten-Year Pattern of Ignoring Medical Warnings:

Three separate medical warnings (2017, 2020, 2024);

Court personally reviewed video of child strangulation;

- *Still refused to protect children;*
- Left children with documented abuser;

b. Eight-Year Obstruction of Court-Ordered GAL:

- Court found abuse credible (2018);
- Court ordered GAL;
- Blocked for eight years;
- Children denied independent counsel entire time;

c. Evidence Tampering:

- Judge physically altered evidence directive;
- Attorney degraded video of child abuse under oath;
- Spoliation of critical evidence;

d. Facilitation of International Abduction:

- Knowing 14% never recovered;
- Knowing Plaintiff has zero income;
- Void hearing compelling signature;
- **Intentional infliction of permanent loss;**

e. Birthday Sanctions:

- $9,363 sanction issued on Plaintiff's birthday;
- For "harassment" based on fraudulent claims;
- Deliberate timing for maximum emotional impact;

266. This conduct was intentional and reckless—Defendants knew the consequences of their actions.

267. This conduct has caused Plaintiff severe emotional distress:

- Fear of permanent loss of children;
- Anxiety over children's safety;
- Stress from financial sanctions while having zero income;
- Trauma from decade of systematic obstruction;

268. Defendants liable: All defendants.

WHEREFORE, Plaintiff requests compensatory and punitive damages.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment:

A. DECLARATORY RELIEF

1. **Declaring** that the January 28, 2026 Spokane County Superior Court order is **VOID** for lack of jurisdiction and due process violations;
2. Declaring that Defendants violated Plaintiff's rights under the First, Fourth, and Fourteenth Amendments;
3. **Declaring that Defendants violated 42 U.S.C. §§ 1983, 1985, and 1986;**
4. **Declaring that the order compelling passport signature violates RCW 9A.60.030 (Class C Felony);**
5. Declaring that Spokane County maintains unconstitutional policies, customs, and practices in violation of *Monell*;

B. INJUNCTIVE RELIEF

6. ENJOINING enforcement of the January 28, 2026 order;
7. **ENJOINING Defendants from:**

- **Removing or attempting to remove minor children from the United States;**
- **Applying for or obtaining passports for the children;**
- **Taking any action to facilitate international travel;**

8. <u>ORDERING Defendant Sirinya Surina to:</u>

- Surrender any passports obtained;
- Provide sworn statement regarding passport applications;

9. <u>ORDERING Spokane County Superior Court Clerk to:</u>

- Assume custody of Costco video evidence;
- Preserve chain of custody;
- Prevent further tampering;

10. <u>ORDERING Spokane County to implement policies ensuring:</u>

- Compliance with federal constitutional requirements;
- Application of mandatory child protection statutes;
- Proper notice and service;
- Evidence preservation;

11. Preserving the status quo pending full resolution;

C. DAMAGES

12. COMPENSATORY DAMAGES for:

- Deprivation of constitutional rights;
- Economic harm;
- Emotional distress;
- Loss of parental rights and time with children;

13. PUNITIVE DAMAGES against individual capacity defendants for:

- Willful and malicious conduct;
- Evidence tampering;
- Conspiracy;
- Fraud;
- Reckless disregard for constitutional rights;

D. ATTORNEY'S FEES AND COSTS

14. Attorney's fees and costs pursuant to 42 U.S.C. § 1988;

E. JURY TRIAL

15.JURY TRIAL on all claims so triable;

F. OTHER RELIEF

16. Such other and further relief as the Court deems just and proper.

Dated: February 10,2026

Respectfully submitted,

/s/ Aaron Surina
AARON SURINA, *Pro Se* Plaintiff
12000 North Stinson Drive,Hayden, Idaho 83835
ams@surina.org 707-200-4372

VERIFICATION

I, AARON MICHAEL SURINA, declare under penalty of perjury under the laws of the United States of America that I have read the foregoing Amended Complaint and that the facts stated therein are true and correct to the best of my knowledge, information, and belief.

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

/s/ Aaron M Surina
AARON M SURINA

EXHIBIT LIST

The following exhibits are attached and incorporated by reference:

- Exhibit A: NCMEC International Affidavit - Thailand (14% never recovered)
- Exhibit B: 18 U.S.C. § 242 (full statute text)
- Exhibit C: RCW 26.09.191 (mandatory protection statute)
- Exhibit D: RCW 9A.60.030 (obtaining signature by duress)
- Exhibit E: RCW 9A.40.060 (custodial interference 1st degree)
- Exhibit F: RCW 9A.36.130 (assault of child 2nd degree)
- Exhibit G: Subpoena Duces Tecum (Palubicki signature + cross-out + initials)
- Exhibit H: Sacred Heart discharge instructions (June 16, 2024)
- Exhibit I: Jan 27, 2026 email from Kim Kilham (<24 hours notice)
- Exhibit I.2: Jan 27, 2026 email from Plaintiff ("I cannot attend tomorrow")
- Exhibit J: Jan 28, 2026 email correspondence
- Exhibit K: Jan 28, 2026 Passport Order (void hearing)
- Exhibit M: Jan 28, 2026 Notice of Disqualification (12:22 PM, 38 min before hearing)
- Exhibit N: Email from Kempner transmitting passport order

- Exhibit X: Feb 6, 2018 Order - Credible abuse finding, GAL ordered (never appointed)
- Exhibit Y: Dec 19, 2024 Secret denial of Motion to Lift Stay
- Exhibit Z: Oct 18, 2017 Sacred Heart Medical Exam (multiple bruises, police case)
- Exhibit AA: Idaho CPS Report
- Exhibit BB: Idaho Protection Order (6/21/2024)
- Exhibit GG: Nov 8, 2020 Sacred Heart Medical Exam ("do not recommend return to mother")
- Exhibit HH: Aug 26, 2024 Kempner Declaration (claims "only" format change - PERJURY)
- Exhibit II: Dec 16, 2023 Motion for Multiple Reliefs
- Exhibit JJ: Mar 12, 2024 hearing notes (CRTRM204-0900)
- Exhibit KK: Apr 19, 2024 hearing notes (CRTRM307-1331)
- Exhibit LL: Sept 14, 2023 hearing notes (Kempner absent, order issued anyway)
- Exhibit MM: Oct 31, 2024 hearing notes (Court reviewed video, refused protection)
- Exhibit ANDY - https://surina.xyz/andrew video evidence obtained from Kempner through CPS