

Documents of record pertaining to
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES. EAST DISTRICT

Case KD 073033

Ni Made Jati
Petitioner

VS

Michael Patrick Donnelly
Respondent

Volume 1

March 2008 through September 2008

All documents presented in this volume have been filed with the Superior Court of the State of California under oath and penalty of perjury by Petitioner Ni Made Jati or her attorney Julie Anne Duncan, or by Respondent Michael Patrick Donnelly or his attorney Thomas E. Kendall, or are documents issued by the Superior Court of the State of California in connection with this case.

As of October 2008 this case is ongoing and additional documents will be presented in a follow-up volume.

Additional documents pertaining to trial procedure and motions as well as some repetitive declarations and exhibits also exist in this case and are available, but are not presented in this volume for sake of clarity and relative brevity.

**Michael Donnelly
17 October 2008**

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Attorney for Petitioner
MADE JATI

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES. EAST DISTRICT**

NI MADE JATI
Petitioner

CASE NO. KD 073003

DECLARATION OF JULIE A. DUNCAN

Vs

MICHAEL DONNELLY
Respondent

Dept: EA B
Time: 1:30 pm
Date: April 9, 2008

I, JULIE A DUNCAN, declare

1. I am an attorney at law licensed to practice before all courts of the State of California and am counsel of record for Petitioner in the above-entitled action. This declaration is submitted in support of Petitioner's request for an order shortening time to request that minor's counsel be appointed to represent the children of the parties herein I make the following statements from my own personal knowledge except for those facts stated on information and belief and as to those statements I believe them to be true. If called as a witness in this action, I could and would testify competently to the facts stated herein.

2. This matter involves an international custody dispute regarding two young men, Sean Donnelly, age 15 and Brenden Donnelly, age 13, between the Petitioner, Made Jati, a resident of Bali, Indonesia and Respondent Michael Donnelly, who

currently resides in San Dimas, California. The children of the parties resided in Indonesia with both parents until July 2007 when Respondent took them to California for a "vacation" and never returned.

3. After months of no contact, when Petitioner finally located her children and attempted to see them (accompanied by counsel), Respondent responded by filing an ex-parte Request for a Temporary Restraining Order ("TRO") In this court on March 9, 2007. His request for a TRO was denied by this Court. The matter was subsequently set for hearing on May 7, 2008 in this department. Respondent is also requesting custody of their two boys. Sean Donnelly, age 15, and Brendan Donnelly, age 13.

4. I am informed and believe and thereon allege that Respondent left Indonesia with the children the first week in July 2007, promising to return them to their home in August 2007. Attached hereto as Exhibit "A" is a true and correct copy of the declaration executed by Respondent Michael Donnelly on or about June 22, 2007 wherein he declares that he will be returning with Sean Donnelly to Indonesia on approximately August 15, 2007. The hand written document has been translated from the Indonesian language into English by a certified translator.

5. However, Mr Donnelly never returned with the children to Indonesia as promised to Petitioner. I am informed and believe and thereon allege that the parties currently share joint custody of the minor children pursuant to the Indonesian court's order. Attached hereto as Exhibit "B" is a true and correct copy of the Indonesian "Letter of Confirmation in Cessation Decision of Supreme Court" and a copy of a certified translation of the document which confirms the Court's order that the parties share joint legal and joint physical custody of the children, however the court goes on to state that "(i)n case of a divorce the children who are still minors and requiring the love and compassion from and to be nurtured by their mother, the guardianship (meaning physical custody) should be awarded to their mother."

6. Since the March 19, 2008 hearing Petitioner through her attorney has made repeated efforts to see her children whom she has not seen since July 2007 when Respondent took them. However, Respondent has refused to permit any contact unless the contact is monitored, despite the fact that the parties share joint custody pursuant to the Indonesian court and the fact that there is no court order requiring that the Petitioner have monitored visitation with the children. He continues to hold the children hostage and wants to control Petitioners access to

her children.

7. Petitioner is deeply concerned for the welfare other children and fears that her efforts to see them will only cause Respondent to further pressure the children and cause them unwanted stress. It is not Petitioners desire to force the children to return to Indonesia should they decide to remain in California, however, given the highly contested issues involved, the allegations of physical abuse, it is clear that the best interests of the children would be served by appointing minor's counsel to represent the children. The children are in need of an independent advocate.

8. I have requested an order shortening time to appoint minor's counsel due to the fact that less than 30 days remain until the hearing on May 7, 2008. Prior to bringing this motion I asked Respondent's counsel if they would stipulate to the appointment of minors counsel, however, I have not received any response to that request, therefore I was forced to bring this motion. It is imperative that minors counsel be appointed as soon as possible in order for the attorney(s) to have adequate time to meet with the children and prepare for the hearing given the complexity of this case.

9. Attached hereto as Exhibit "C" is a true and correct copy of the 2008 Rule 5.240 which outlines the criteria the court should take into account in considering the appointment of minors' counsel.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed A Costa Mesa, California on April 9, 2008.

JULIE A DUNCAN

SURAT PERNYATAAN

Yang Bertandatangan DiBawah Ini:

NAMA: MICHAEL PATRICK DONNELLY
PASSPORT: 710218731 A.S.
ALAMAT: JALAN PENGEMBANG NO 12 SANUR BALI
PEKERJAAN: SWASTA

DENGAN INI SAYA MENYATAKAN DENGAN SENGUNGHHNYA
BAHWA SAYA MENGIRJAK ANAK SAYA YANG BERNAMA

SEAN WAYAN DONNELLY
UMUR 14 TAHUN

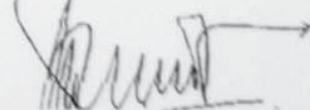
LAHIR CALIFORNIA A.S. 17 MARE 1993
WARGA NEGARA A.S. PASSPORT 710218732

UNTUK BERLIBUR SEKOLAH DAN MENENGOK KAKEK-
NENEK DI AMERICA SELAMA SATU BULAN BERTUNGGU
DARI TANGGAL 1 JULI 2007 SAMPAI SEKITAR TANGGAL
15 AGUSTUS 2007. KEMBALI DI INDONESIA. KALAU
ADA PIHAK LAIN ADA KESEKUTAN MAKA SAYA BERTANGGUNG-
JAWAB.
DENPASAR,

22 JUNI 2007

Yang membuat Pernyataan

MENGETAHUI



DECLARATION

The undersigned,

Name : MICHAEL PATRICK DONNELLY
Passport : 710218731 U.S.A.
Address : Jalan Pengembak No.12, Sanur, Bali
Occupation : Entrepreneur

I herewith declare that I actually will bring my child named:

SEAN WAYAN DONNELLY
14 years old
Born in California, U.S.A., March 17, 1993
U.S. citizen, passport #710218732

For his school holiday as well as to visit his grandmother and grandfather in America for one month starting July 1, 2007 and returning to Indonesia at approximately August 15, 2007. Should be there any objection from other party, I will take full responsibility.

Denpasar,

June 22, 2007

Acknowledged by,

Declarer,
Michael Donnelly

(signed)

Signed:

MAHARIDZAL, SH

MANGASI G SIMANGUNSONG, SH

Attorney

Attorney

PENGADILAN NEGERI DENPASAR

JALAN P.B. SUDIRMAN NO.1 DENPASAR

TELP. 0361-224327

SURAT KETERANGAN PENEGASAN DALAM PUTUSAN KASASI MAHKAMAH AGUNG NOMOR : 1428 K / PDT / 2006 TANGGAL 10 APRIL 2007

Kami Ketua Pengadilan Negeri Denpasar setelah membaca surat tertanggal 19 Maret 2008 Nomor : 19/Wkn M/III/2008, dari Ida Bagus Wikantara,SH. kuasa hukum NI MADE JATI, tentang permohonan Penegasan dan Penjelasan Hak Asuh / Perwalian Anak dalam putusan Kasasi Mahkamah Agung RI perkara Nomor : 1428 K / PDT / 2006, tanggal 10 April 2007 jo putusan Pengadilan Negeri Denpasar Nomor : 119 /Pdt.G/2005/PN.Dps., tanggal 22 Nopember 2005 jo putusan Pengadilan Tinggi Denpasar Nomor : 16/Pdt/2006/PT.Dps. tanggal 20 Februari 2006, dalam perkara antara :

NI MADE JATI

sebagai :

PENGGUGAT TERBANDING/
TERMOHON KASASI

MELAWAN :

MICHAEL
DONNELLY

PATRICK

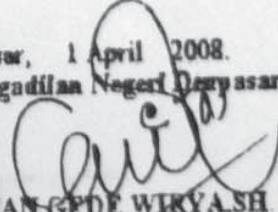
Sebagai

TERGUGAT/ PEMBANDING/
PEMOHON KASASI ;-

Bersama ini dapat kami berikan penegasan, oleh karena dalam putusan Mahkamah Agung RI mengenai hak asuh dari anak-anak Penggugat dan Tergugat yang bernama: 1. SEAN WAYAN DONNELLY dan 2. BRENDEN SURYA DONNELLY yang masih dibawah umur tidak menetapkan tentang hak asuh dan perwalian dari anak-anak Penggugat dan Tergugat, maka Hak Asuh dan perwalian ada pada kedua orang tua mereka yaitu Penggugat (NI MADE JATI) dan Tergugat (MICHAEL PATRICK DONNELLY), akan tetapi untuk bahan pertimbangan tentang hak asuh dan perwalian anak dalam beberapa putusan Mahkamah Agung RI. yang dibuat dalam Rangkuman Yurisprudensi Mahkamah Agung Jilid II Menetapkan "Dalam hal terjadi perceraian anak-anak yang masih kecil dan membutuhkan kasih sayang dan perawatan ibu, Perwaliannya patut diserahkan kepada Ibunya (putusan Mahkamah Agung No. 239K/Sip/1968, No.102K/Sip/1973).

Demikian surat Keterangan Penegasan ini dibuat untuk dapat dipergunakan sebagaimana mestinya.-

Denpasar, 1 April 2008.
Ketua Pengadilan Negeri Denpasar,


NYOMAN GEDE WIRYA SH

NIP : 040045813

DENPASAR DISTRICT COURT
JALAN P.B. SUDIRMAN NO. 1, DENPASAR
TEL. 0361-224327

LETTER OF CONFIRMATION
IN CASSAATION DECISION OF SUPREME COURT
NUMBER: 1428K/ PDT/ 2006 DATED APRIL 10 2007

I, the Presiding Judge of the Denpasar District Court, after having read a letter dated March 19, 2008 Number: 19/Wkn Mj/III/2008, from Ida Bagus Wikantara, SH, Attorney-at-Law of NI MADE JATI, concerning an application for Confirmation and Explanation on Custodial Right/Guardianship of Children in the cassation decision of the Supreme Court of the Republic of Indonesia case Number: 1428/ K/PDT/ 2006, dated April 10, 2007 juncto decision of the Denpasar District Court Number: 119/ Pdt.G/ 2005/ PN.Dps, dated November 22, 2005 juncto decision of the Denpasar High Court Number: 16/ Pdt/ 2006/ PT.Dps. dated February 20, 2006, in the case between:

NI MADE JATI as PETITIONER/ APPELLEE/ APPELLEE IN CASSATION

VERSUS:

MICHAEL PATRICK DONNELLY as RESPONDENT/ APPELLANT/ APPELLANT IN CASSATION

hereby would like to have a confirmation, because, in the decision of the Supreme Court of the Republic of Indonesia regarding the custodial right of the children of Petitioner and Respondent named: **1. SEAN WAYAN DONNELLY** and **2. BRENDEN SURYA DONNELLY** who are minors, did not stipulate regarding the custodial right and guardianship of the children of Petitioner and Respondent, therefore the Custodial Right and Guardianship are with both parents namely Petitioner (NI MADE JATI) and Respondent (MICHAEL PATRICK DONNELLY), however, for your consideration regarding the custodial right and guardianship of children in several decisions of the Supreme Court of the Republic of Indonesia made in a Summary of Jurisprudence of the Supreme Court Volume II confirms that "In case of a divorce the children who are still minors and requiring the love and compassion from and to be nurtured by their mother, the guardianship should be awarded to their mother (Decision of Supreme Court No. 239K/Sip/1968, No. 102K/Sip/1973).

This letter of confirmation has been drawn up to be used accordingly.

Denpasar, April 1, 2008
Presiding Judge of the Denpasar District Court
NYOMAN GEDE WIRYA, SH
Reg. No.: 040045813

CERTIFIED TRUE TRANSLATION
Translated by SULASTRI KADARISMAN
Sworn Translator

DISCLAIMER: The foregoing declaration was made by Petitioner, Made Jati, a native of Indonesia, in English which is not her native language. The Petitioner reserves the right to modify her declaration with the assistance of an Indonesian language interpreter at the time of trial should oral testimony be required.

1. I have never threatened harm or done anything to harm my children or their father.

BACKGROUND

2. The Respondent Michael Donnelly has lived with me in Bali, Indonesia since 1987. Respondent and I have two minor children namely, Sean Wayan Donnelly, born 3/17/1993 and Brenden Surya Donnelly, born 9/17/1994. Although our sons are United States citizens they have both lived in Bali, Indonesia since they were infants. Prior to July 2007 we were sharing custody of the children as we live only a short distance from each other in Bali.

3. We began divorce proceedings in 2004 and our divorce was granted on February 28, 2008. Prior to the commencement of our divorce I was using a website called www.uluwatu.com for my clothing manufacturing business which I have owned since 1979. However, Respondent chose to turn this website into a public forum to make public all of the divorce proceedings and use it as a propaganda tool against me. He has also tried to have me arrested and has spread many untrue vicious rumors about me in an attempt to destroy my reputation and make me appear to be an unfit mother.

PARENTAL KIDNAPPING

4. On or around July 5, 2007 Respondent (with my permission) took our children from Bali, Indonesia to visit his parents who live in Covina, California for allegedly a one month visit. I personally took my children to the airport that day. Attached hereto as EXHIBIT 'A' is a picture of my sons Sean and Brenden with me on the day they left for California. **I have not seen my children since that day.**

5. While the children were away I telephoned them frequently. However, on 30, 2007 Respondent sent me a nasty fax stating that he would be returning with

our children to Bali on August 4, 2007. Attached hereto as EXHIBIT "B" is a true and correct copy of the fax I received from Respondent stating that he would be returning to Bali with our sons. On that date I went to the airport and waited hours upon hours for their arrival, however they never showed up. We checked all the airlines coming from U.S.A. and they could not give us any information. I had no idea why they had not arrived.

6. That night I called the Respondent around 2:00 a.m. Balinese time and his father picked up the phone and told me that they were on the plane. I asked him what airline as I was at the airport and he said "Thai Airlines. So I figured that they must have stopped overnight somewhere. I went back the next day on August 5, 2007 and waited again for hours. They did not arrive. I was worried to death and checking airline flights, worrying that they might have crashed or something. I called again to his parents' house to see what had happened. This time his mother answered and said that they would not be coming home. I asked to speak with them. She said that they were not there and that they would not be returning home. She said I had had three years to fix my problems with her son and that I should talk to his lawyer. I said, 'What lawyer? In Bali? Or in America?' She said, 'No, his Bali, lawyer.'

7. I immediately had my Balinese lawyer call his Balinese lawyer and he stated that he didn't know anything. that the airplane was probably just late.

8. About a week later, a friend of mine called me to tell me that Respondent was back in Bali. She told me that he was telling everyone that he couldn't bring the children back to Bali because I had threatened to kill them. I immediately called him and asked him where the children were.

9. I sent him a text message to ask him to go to the police with me regarding the threat. I still have the text message and his response saved on my cellphone. The message to him was as follows: "You told me yesterday on the phone that our boys are in danger I shocked and afraid we both must go to the police and make a police report since we both are their parents. Therefore tomorrow the 13th August I want to meet and together to make the report and don't forget to bring the evidence to bring to the police. Write me back where we met (sic) and what time. If you don't meet me I will go alone. I want to know where our boys are. I want you to tell me where they are since you took them away from Bali for holiday. O.K. I will wait for your immediate answer."

10. He responded. "I already reported to the police you don't need to report

because you did not receive the threat. I already offered to meet you but you did not accept. If you want to meet we can meet Tuesday.” I am informed and believe and thereon allege that he left Bali the next day.

11. Following that incident with the alleged threat, I contacted the local police and they informed me that no one had reported any threats against my family. I checked with my sons’ schools every day for at least a week to see if they had returned to school, or if their father had contacted the school to let them know that they would not be returning, or when they would be returning. However he never contacted the school.

12. For a brief time in August 2007 I had contact with my sons via email and Skype. The last time that I was texting messages with my son Brendan via Skype he abruptly typed ‘Mom, I have to go” as if he was being told to disconnect. I continued to call Petitioner’s parents’ home and left messages. Eventually Petitioner terminated all contact completely. **I have had NO contact with my sons since August 2007.**

13. But for the overwhelming support that I have received from my family, friends and the Balinese community I would not have survived this ordeal. Attached hereto as EXHIBIT “C” are true and correct copies of only a handful of the numerous declarations which have been written on my behalf in the hopes that I will be able to see my children. There is now a special support group in Bali called “Made’s Angels” made up of friends, associates and people from the community whose goal is for the truth of this matter to come out. I have attached their declarations first as it accurately describes the events leading up to today’s hearing. The second declaration is from a long time business associate in Canada, Anna Jordan.

14. As I had no idea where the children were living, I eventually came to California. I hired a private investigator on November 3, 2007. He eventually located my children who have been living in San Dimas, California. Attached hereto as EXHIBIT “D” is a true and correct copy of the Confidential Executive Summary which was provided to me in December 2007.

15. Between January 2008 and the present I was waiting for the ruling on divorce to be issued to see what the custody orders were and to have the ruling translated. We currently share joint legal custody and in Indonesia minor children are to be with the mother until they are 18 years of age. I can make a certified translation available for the court if necessary. After obtaining the divorce

documents In February 2008. I came to California in March to attempt to see my children. After contacting my attorney, we contacted the Los Angeles County Sheriffs Department so that they could accompany me to the address where my children were living so I could see for myself that they were O.K.

16. On Sunday, March 16. 2008, two officers and my attorney went to Respondents apartment where he is residing with our sons. I informed the officers that it was one of my son's birthday the following day and that I had gifts for both of them. Despite all of these efforts Respondent refused to let me see the boys and he refused to let me give the gifts to them. My attorney left her business card with the Respondent and asked him to call her.

17. I am informed and believe and thereon allege that on Monday March 17 2008 my attorney received a call from Respondents attorney giving her ex—parte notice for the hearing today. He later modified the notice on Tuesday stating that he would be seeking a temporary restraining order of domestic violence against me.

18. This is to request that the request for a temporary restraining order against me be denied as I have never threatened harm to my children or their father, nor would I ever harm my boys or their father. I am asking that the court appoint an attorney to represent the minor children as they are of sufficient age to communicate to counsel. I just want to be sure that the boys are given a voice and that they have the opportunity to return home to Bali, where they have lived their entire lives if this is their desire. If they choose to stay living in California then I would like to see them during their vacations etc. and have the opportunity to travel with them wherever they would like.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: April 22, 2008

SEE JUDICIAL COUNCIL FORM FOR
SIGNATURE
MADE JATI

Michael Donnelly

To Made Donnelly
011-62-361-270911

30 July 2007, Los Angeles

You called my parents yesterday and left a message for Brenden to call you to tell you about our arrival date and time in Bali.

Brenden is a 12 year old child. It is not his responsibility to pass messages between his parents. He does not know details of our flight, so if you want this information you should ask me directly. I would be glad to tell you except that every time I have tried to talk to you on the telephone during these last two years you hang up on me. But the fact that you refuse to talk to me is no reason for you to cause such stress to your children. Do not do that again.

We are arriving on the afternoon of 4 August at 2:00 PM. If you are going to meet us, you will meet all your family and take us home. Do not try to take Brenden and just leave Sean and me standing at the airport.

Michael

Dear members of our community,

We are a group of people - mothers, fathers, adults, children — who have come together to support a dear friend of ours, Made Jati.

Let us begin in explaining the purpose of this email. We do not want to generate aggression or argument, invite hostility or anger - We merely want to inform the community of the TRUTH of Made Jati.

We would love to reveal who we are, but we must remain anonymous as we do not want to place our lives at risk. We have seen what Michael Donnelly is capable of and we must protect ourselves and family from any potential dangers. It is a fact that he has threatened to place certain people in jail should they not comply with assisting him in finding Made Jati.

Whether you choose to believe the words of this email is your own decision. However it is from the bottom of our hearts and of absolute sincerity that these words are honest and based upon evidence and facts that we have personally witnessed.

We are saddened by the following words of Michael Donnelly sent on Saturday the 24th of November. “ *We are concerned about her whereabouts and we urgently need to locate her. Over the last months she has progressively cut communication with her family, has ceased communicating with her own children for over two months. and has now been missing from her home for over 4 days while being sought actively by authorities in connection with important family issues that must be resolved immediately.* “

First and foremost, Ibu Made is currently traveling abroad to meet with clients to mend any damage caused by the website that was sabotaged by Michael Donnelly and turned into a public site dedicated to his views and opinions of their private divorce.

For the school holidays, Ibu Made brought her children to the airport to wish them well on what was thought to be a summer vacation with their father and his family. As a mother, Ibu Made would contact the children whom were staying with their grandparents just to make sure that they were well and to send them her love. This was already a great difficulty as Michael insisted she speak to the children through him.

Prior to the date in which Michael informed Made they would be returning. Made wanted to confirm the flight and dates. The information was minimal and hard to obtain as Michael and his family released little to no information, however Made set out to the airport to pick up her 2 sons on their original date of arrival. After several hours of waiting at the airport for the flight in which her sons were meant to be on, her sons never arrived. Still optimistic, thinking that perhaps she had mis-

understood the dates, Made contacted the airline to see what flights would be arriving in Bali from L.A. For the next few days, Made waited at the airport - but had no luck.

Made then attempted to call Michael whom was un-reachable and his home in Sanur had no information of her sons whereabouts. She then called Michaels parents (I witnessed this personally and only wish I had recorded the conversation) whom only answered with "We don't; know when they are". Ibu Made pleaded as a mother to a mother that she at least be informed that the children are safe and happy. But Michaels mother was incredibly cold and released no information. Made continued to call and fax the parents home, but no response was given and Michael was completely un-reachable.

The first day of school arrived and the children were still not home. B.I.S sent out a letter to Made querying her sons absence, she had hoped Michael had contacted the school to inform them of her childrens absence but no report was made. In extreme worry and upset, Ibu Made then contacted the U.S embassy and held several meetings to search for her sons, but being American Citizens, the boys are in their home-land and it is out of the hands of the US embassy in Bali.

Throughout this ordeal, it was revealed that the reason Michael and the boys remain hidden is due to a threat that was placed on Michael and his family, which includes Made Jati. Let it be known that Made insisted that they approach the police with the threat to protect themselves but more so, they're sons — Michael refused to go to the authorities with Made, thus Made had no evidence to prove the threat to the police. He also stated that "This is none of your business". We should think that her own safety and that of her children is very much so Made Jati's business.

To her delight, it was made known that Brenden, Made's 2nd son was in contact with several of his friends via SKYPE. After receiving this information, Ibu Made automatically joined and was able to have one short conversation with Brenden, Without wanting to place any stress on her son, she did not want to attack him with a million questions, she was so happy to simply be speaking to him but then of course she was aching to know where her son's were. But before the question could be answered, Brenden panicked and said "I'm sorry mum, I have to go" and urgently logged off. From that day, we have witnessed Ibu Made online on a daily basis hoping and praying that one or both of her sons would appear on Skype again just so she could know that they are O.K. Until this day, no word. It is clear that Michael has cut all communication, not only between his sons and their mother but also his sons and their friends.

We have also been informed that Brenden told a classmate online that his school resembled "a military school" and that he wanted to come home desperately. He also mentioned that he wanted to speak to his mother, but it was so painful and difficult. Little to know word has been heard about Sean

This is merely an obvious "KIDNAPPING". We live in such awe and shock that Michael would turn the story around so drastically. On other matters we expect it, but in regards to his own children? His own flesh and blood? How can any parent toy with such a subject? To think that Ibu Made's children believe that she has abandoned them? What a horrible thought to put into their minds. Through this and more, it has been made clear to us that

Michael compulsively lies and has exhibited his lack of character and backbone as a father, human and gentleman.

We have seen the tears of Made Jati daily. Every time the kids at B.I.S or on Jln. Pengembak street are playing together and continue to ask Made where her son's are, she fights back the tears. Every time she returns home or goes to her office, their pictures stand proudly but only remind her of how empty her life is without Sean and Brenden and how she hopes and prays for their health and happiness. The absence of her children is the most pain Made has experienced. Perhaps some of you are parents yourselves. You can only imagine how you would feel to not know where your sons are and not have any line of communication to them. Not to mention, the father makes every effort to keep it that way.

If it is in fact true that Made is the one who has cut all communication, then we plead for Michael to email Ibu Made a phone number or email address that can be reached and c.c. it to us so we know that he has in-fact opened the bridge of communication and freely given access to the mother of his children to speak to them and understand what exactly is happening.

There has been no evidence of this supposed "threat" and frankly, if there really is a threat, that doesn't change the fact that the Mother of Sean and Brenden should know of her children's whereabouts. The suggestion of the threat possibly coming from Made Jati is preposterous and absurd. Let's be realistic here.

Should any of you have an email address or phone number or better yet—an address of Made Jati's children, please email madejati@hotmail.com. Any information will make this ordeal that much easier to bare and hopefully we can reunite a mother and her 2 children as soon as humanly possible. It is not fair on Sean and Brenden and a serious heart ache for Made Jati.

We ask for your utmost kindness in circulating this email to provide a clear and honest message to all of those who have been mis-informed and mis-lead in the midst of this chaos.

Should you have any words or wishes for Made, please feel free to email us and we will pass on the message. She will be delighted to know that she has such love and support around her during this difficult time.

If you have any contributions or information or would like to join our group, please contact us as soon as possible. Currently we have many members who are supporting Ibu Made and the TRUTH and standing up to Michael Donnelly who so inappropriately and eagerly uses everything in his power to turn the community against an amazing woman. Lies can harm, but the truth will prevail.

With much love, light and faith

I first met MJ in her Uluwatu office in Kuta in 1979 while on business in Sanur, Bali. I was sent to Bali by my boss who owned a women's clothing company in Victoria, Canada. We were seeking new, exotic styles and quality clothing. My company had seen Uluwatu's unique, quality krawang lacework and had asked me to seek the owner of Uluwatu to discuss the possibility of importing krawang blouses, skirts and jackets.

Upon meeting Made I found her to be friendly, warm and personable, she introduced me to her business partner Michael McHugh. They took the time to show me their line of women's clothing and explained the detail and complexity of krawang lace work. This first meeting became the beginning of my friendship with Made and it has spanned twenty-eight years.

After my sojourn in Bali, Made and I kept in contact, and she visited me in Canada several times. I returned to Bali a few years later to live and work in Sanur for the same company. Made and I socialized whenever possible. She was very busy with her Uluwatu business which was a thriving company of about seven hundred workers. She invited me to tour her Uluwatu factory in Tabanan to see what krawang lace work was all about. I remember vividly how much I appreciated her kindness, warmth and generosity in that she took time off her busy schedule to introduce me to her staff and to show and explain to me the intricacy of Krawang lace work.

During my stay in Sanur I met Made's friend, Michael Donnelly who was visiting Bali from USA. He was from California. My first impression of Michael was that he was charming, yet at the same he had a sublime, arrogance and superious manner about him.

My stay in Sanur ended at six months and I returned to Canada via Australia. Made and I kept in contact, and it was in 1985 that she shared the great news about her marriage to Michael Donnelly. Made and Michael visited me at Expo 86 in Vancouver and they stayed about a week...it was a business and pleasure visit. Made had a business client to meet in Vancouver. There was an incident that I have never forgotten about Michael. He was agitated and in a foul mood when Made's business meeting with her client went overtime. He was annoyed with Made and berated the businessman with lots of character flaws ... again the superious attitude displayed by Michael was one of arrogance and over-possessiveness as if he owned Made.

Christmas of 1986 brought us together again in Santa Monica, California. Made invited me down to join them for the holiday season. They had bought an apartment which Made had paid the down payment for it. It was an exciting time for them and there was a good crew of friends to help with the move to their new apartment. I was happy to have Made living part of the time in California as it was only a few hours flight to Canada.

In 1987 Made bought land in Sanur and Michael helped in the architectural drawings of the buildings which was according to Balinese customs. He organized the workers and oversaw the construction of their home. Made kindly extended the invitation for me to visit and stay with her when I came to Bali the next time.

In November 1988 my husband, Paul and I took a one year sabbatical from our respective jobs and travelled to SE Asia and taught ESL along the way. We began our journey in Thailand and went overland to Malaysia, Singapore and then to Java overland to Bali. By April of 1989 my husband and I arrived Bali I took up Made's invitation to stay with

them. Made put us in their guest house. During our stay my husband Paul tutored English to her Uluwatu company. It was this time that we got to know Michael. He was intrigued with the Balinese culture which was different from his American one. However, he displayed a condescending attitude towards the Indonesian people and their way of life/culture which he would invariably compared with the American culture. At one time he said that it would take ten Indonesians to do a one man job in America. He was quite blatant with his comments about what he perceived to be flaws in Indonesia. Michael enjoyed his new position and status in Made's family. They treated him very well and he certainly liked to be called "Tuan."

Paul and I said goodbye to Made and Michael in late June and adventured to North Borneo and we returned to Canada by mid- October 1989. Made and I kept in touch my letter correspondence. At this point of our lives we talked much about starting a family and I became pregnant soon after. At the end of August 1990 I had a baby boy and my life became busy, consumed with motherhood. Made kept me posted with her progress but by late 1991 she informed me that Michael and her would try in vitro fertilization after much difficulties conceiving.

In July 1992 I went to Singapore with my 23 month old son to help Made out with her medical needs. She and Mike had undergone successful in vitro fertilization procedure which entailed careful monitoring and medical care of Made. We arrived to stay for six weeks to help out while Michael returned to Bale to oversee Uluwatu. My rapport with Michael was more business like. He was happy as well as anxious about Made's well being during the first trimester of her pregnancy. It was a difficult period of Made's life as she faced several complications which took us to the hospital many times to visit her specialist and for several medical testings. I had to learn how to do hormone serum injections on Made which was a major undertaking initially. Her doctor taught me how to use the syringe and how to inject by then practising on a few oranges. Also, he taught me where and which part of Made's body to inject. This was twice a week procedure for four weeks.

Made was bed-ridden all the time when I was caring for her. She was fragile and missed Michael and her family in Bali tremendously. In the six weeks while I took care of Made, her health improved and we all felt very happy that her pregnancy was going well. But she had to have bedrest for another three months until she was safe enough to fly.

I had to leave for Canada by the end of August. It was a difficult goodbye for us. Another friend replaced me when my son and I departed for Canada. I never received a thank you letter from Michael for the six weeks I had spent taking care of Made.

Made and Michael flew to California when she was in stable condition with her pregnancy, however, Made suffered bad asthma attacks many times during her last two months of pregnancy and had to be taken to Emergency at the hospital.

Made gave birth to Sean on March 17, 1993. It was definitely the joyous time for Made. Both of us exchanged progress reports and photographs of our sons...life got busy for us and in September 17, 1995 Made gave birth to their second son, Brenden. Made and Michael travelled to California and Bali several times a year and it was in 1997 when Made and Brenden came to visit my family and I in Canada. I still had not met Sean yet. I recall that during her visit she told me Micheal had wanted to 'have a legal marriage in Indonesia.(they were married in California in 1985) and Made saw that it would be okay to marry again to

the same man.

I did finally meet Sean for the first time in August 2005. I took my summer vacation to visit Made and her boys in Sanur. I was very excited to see Made again, and to meet Sean as he was this miracle baby who took a lot of work, love and care back in Singapore in 1992. I had heard so much about him and seen so many pictures of him since he was a baby. Made was happy to put me in their guesthouse and I was thrilled to be back in their home which was so familiar to me. Her beautiful property had expanded with more buildings and gardens.

I hadn't seen Michael since 1989 and when we met he was unfriendly and inhospitable. I understood that both Made and Micheal were going through difficulties in their marriage. But I did not expect Michael to be so unfriendly and rude. He was blatantly upset that I had come to stay in their home and in their guesthouse. When I declined his demand that I had to have dinner with him "to listen to his side of the story," he asked me to leave their home the next day. I was completely shocked at Michael's indecent and hostile behaviour. His arrogant behaviour was so apparent. I didn't want to exacerbate the situation by staying on as I was concerned for Made and the boys, so I left for Ubud and stayed there for a week. Made invited me back to her home as Michael was making the transition to move to his own house down the road which Made had it built for him. However, I was forbidden by Micheal to stay in the guesthouse. I slept in Made's room on an airmattress. That was Michael Donnelly's inhospitality. During my first few days in their home it was noticeable Michael had a mean and sullen demeanor about him. He had daily confrontations with Made, undermined her decisions with the boys daily activities after school, and was disrespectful and condescending in the way he treated Made in front of their sons.

During my visit I noticed how the boys were so well looked after by Made. She was a doting parent who was very loving and caring. The boys were happy and had friends over after school and on weekends I enjoyed watching Sean and Brenden playing and swimming with their friends in their pool. There was laughter, shrieks and shouts of typical boys having a great time. Made was always watchful of the boys and their friends and made sure that there were adults to supervise them at all times.

Michael showed disrespect towards Made's family. During the celebration of giving thanks and offerings to the metal gods, Michael didn't partake in the Balinese celebration even though he was in the family compound. He did not acknowledge Made's parents and siblings when they came to share in the celebration. I was completely shocked with his lack of respect for her and her family, and how he undermined Made in front of their sons and accused her of being an incapable mother.

In all the years I have known Made, she is warm, sincere, kind and generous person who has a big heart. She is devoted to her family, and when she started her own family with Michael she was a devoted wife and mother. Michael does not value the Balinese ways of family life, and he undermines many of the Balinese traditions and protocols in raising children in Bali. His superior and arrogant attitude of what he knows best is a big conflict in the way the children are raised. Sean and Brenden are beautiful, interracial boys yet Michael is raising their sons to not value their Balinese heritage... this in itself is true injustice. Made loves Sean and Brenden very much, and she and the boys have the right to be able to

communicate with each other. Michael is being emotionally abusive to mistreat Made and withhold Sean and Brenden's rights to see Made and vice-versa.

I am sure that many of you were / are charmed by Michael, but I can see through his facade very easily .I still remember his self absorbed comment on the fact that he was the TUAN and he knew it all. I ask for your support of Made in her fierce strive and struggle to see and to be with Sean and Brenden again. She has not seen her sons since August 2007. She deserves far better than the deceitful manipulations and fictitious allegations of Michael Donnelly.

Anna Jordan

From: "jean lane" jeantjsbali@hotmail.com

To: "Made Jati" madejati@yahoo.com

Subject: RE:

Date: Wed, 19 Mar 2008 01:22:05 +1200

Date: Tue, 11 Mar 2008 20:16:49 -0700

From: madejati@yahoo.com

Subject: Fwd:

To: jeantjsbali@hotmail.com

Dear Jean

Here the letter. All the best made

Note: forwarded message attached.

Be a better friend, newshound, and know-it-all with Yahoo! Mobile.

—Forwarded Message Attachment—

From: jeantjsbali@hotmail.com

To: madejati@yahoo.com

Subject

Date: Tue.18 March

To whom it may concern:

I have known made jati since she was a child, some 30 years. Her parents had a stall on Kuta beach. It was the early days of tourism in Bali. Made being outgoing and precocious learned enough english to become her parents connection with their western customers.

I was in Bali on a study visa and often stopped for fruit salad on my beach walks. I thought it sad that Made had not the chance for a formal education as I felt she was very bright and would excel.

Later I settled in Bali and became a neighbor of Made's family. Kind, quiet people they are.

From the neighborhood I witnessed Made become a business woman and travel to other countries. I noticed that she also helped to support her huge extended family. She became a mother to 2 lovely boys and I watched her fret over her youngest son's asthma, educational issues, and family concerns.

I know made jati to be a kind, honest, and bright woman. I know Made Jati as a loving and concerned mother. I have witnessed her making sure the boys are picked up from school on time. That they have proper food. Especially the youngest son who suffered from food allergies as a young child. That they are going to the best school available. Attending school functions. Recently taking the youngest to a swim meet on another island. I have seen the boys respond to her with the love you would expect in a healthy parent child relationship. I feel confident in making this honest appraisal and hope it will assist her.

Yours most sincerely, Jean Lane

From: "Travel Mode Asia" <travelmodeasia@bigpond.com>

To: madejati@yahoo.com

Subject: Re: Made Jati

Date: Wed 20 Feb 2008 11:09:18 +0800

TO WHOM IT MAY CONCERN

Made Jati has been known to our family almost since we arrived In Bali in 2000.

Our son Nicholas quickly became friends with Made's boys Sean and Brendan and they spent a lot of time together, both at school, after school and on weekends.

Most weekends, either her boys were at our house, or Nick stayed over at theirs.

In the summer of 2005 we planned a meeting in Hong Kong with Made to take all the boys to Disneyland which had just opened.

Sean and Brenden's was the only house Nick was allowed to sleepover as we were always sure that he would be well cared for by Made and her staff. There was always someone to look out for them, they were disciplined and most of all, they were loved.

Made is a very hands on mother, both loving and caring to her sons, and treating Nick like part of the family.

It was a wonderful friendship and Nick misses the boys very much; as we all do.

I have a personal friendship with Made. She is a fine, upstanding person, always with her childrens interests at heart and always treating them with much love and affection. I know many of the mothers at the international school share my feelings. Made was always at school functions, and always the first to take a group of her sons friends home or on outings.

My husband and I have no hesitation in giving a character reference for Made, both a a person, a friend and as the mother of her two boys.

Colette and Max Hunt

Sanur
Bali

From: "balidesign" made@balidesigns.com

To: madejati@yahoo.com

Subject: for made

Date: Thu, 28 Feb 2008 13:04:24 +0700

To whom it may concern,

My name is Made Ringan, I am from kuta, Bali, Indonesia and I am a friend of Made Jati. Made Jati and I have known each other since we were young. Made Jati is a very kind, loving person. As a mother to her children she is very responsible looking after them, giving them a good safe home environment, good school and education. Since I know Made Jati I always found her very active and hard working woman. In my opinion Made Jati always love her children more than anything in the world. I would like to wish her the best of luck getting her children back, as I have two children myself and I know what it feel like not to be able to see your children when they mean so much to you.

Best Regards
Made Ringan

Contact Address: Jalan mataran gg. Lading No 9 kuta Bali Indonesia

Mobile: +62 811398039

Email: made@balidesigns.com

From: "wayan sadi" <lemongrass_thai@hotmail.com>

To: madejati@yahoo.com

Subject: Letter of reference

Date: Fri, 22 Feb 2008 15:18:59 +1200

To whom it may concern,

My name is Wayan Sadi. I am a friend of Made Jati. I first met Made when I was 13 years old, some 25 years ago. Made and I come from the same Regency of Kuta Bali, Indonesia.

During the time I have known Made I have always known her as a good, very kind and caring person. I know Made Jati to be a hard working woman who takes her responsibilities to her children, family, friends and business very seriously.

I have know Made to always be a good provider ensuring a safe environment for her children, a beautiful home and the best education / schooling that she could provide.

Made Jati is a very loving mother to her children and I know that she loves her two boys more than anything in the world.

In my opinion Made Jati has always put her children first. When her children were taken to the United States, Made was not able to see or contact them she has become extremely distraught and upset by this.

Yours Faithfully
Wayan Sadi

I may be contacted on +62 812 396 5030

Email: lemongrass_thai@hotmail.com

From: "Rodney Boulden" voodooobeach@hotmail.com

To: madejati@yahoo.com

Subject: character reference

Date: Sun, 24 Feb 2008 22:01:43 +1000

24/02/2008

I, Ni Wayan Netri residing at,

No. 67 Jln Gunung Lumut

Kerobokan, Bali, Indonesia

Telephone 62 361 8476282

Am writing this letter as a character reference in regard to Ni Made Jati.

I have know Made sine we were children growing up together in the same suburb of Kuta Bali.

I have always found Made to be hard working honest and responsible.

Family values are an integral part of life to Balinese people and this is evident in the way Made has raised her children, as a caring and loving mother.

From: "Mike Bradford" <besbali@live.com>

To: madejati@yahoo.com

Subject: reference for Made Jati

Date: Fri, 22Feb 2008 15:52:04 +1200

Dear Sir / Madam and to whom it may concern,

I have known Made Jati for the past four and a half years during my time here in Bali.

Made has always impressed me as a diligent hard working mother and business woman.

A very capable person from my experience that puts her family first and foremost.

Made Jati is a well known and well liked by her friends and peers. I find her to be a good friend, and have seen the care and attention that she gives to her two boys.

Made Jati provides a beautiful home environment for her children, a home that anyone could wish for. Quality schooling, safety, security all the normal things that a loving parent would provide their children.

I wish Made Jati all the best and hope that she can be with her two sons as soon as possible

Faithfully

Mike Bradford

besbali@live.com

Thomas E. Kendall (State Bar #157891)
Law Offices of Thomas E. Kendall
P.O. Box 877, 143 Harvard Ave., Ste. E
Claremont, CA 91711

Attorney for: Michael Donnelly

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, EAST DISTRICT

In re the Matter of

NI MADE JATI

Petitioner,

Vs.

MICHAEL DONNELLY

Respondent

Case No. KD 073003

DECLARATION OF MICHAEL
DONNELLY IN SUPPORT OF THE
REQUESTED ORDERS

I declare that if called to testify in the above-entitled matter, I could and would testify competently. from my own personal knowledge as follows:

1. My name is Michael Donnelly and I am 56 years old.
2. I am the Petitioner herein.
3. The Respondent and I married in Los Angeles California on September 14, 1985.
4. I am the father of two boys, Sean Donnelly, age 15 and Brenden Donnelly, age 13.

They are US citizens. The Petitioner their mother is not a US citizen.

5. They have been in the United States since July 2007 and were removed with Petitioner's consent from Indonesia at that time.

6. Both boys are highly intelligent, and have strong desires not to see their mother or return to Indonesia.

7. Based on notice given by Petitioner's counsel, she is seeking an ex parte order that minor's counsel be appointed to represent both children.

8. Sean is currently enrolled in high school at San Dimas High School. He is a freshman and is nearing the end of his freshmen year at San Dimas High School.

9. Our son, Brenden is currently enrolled in Lone Hill Middle School and is completing the 8th grade.

10. Both boys started school in San Dimas Unified School District in September of 2007. They are both doing well in school.

11. Sean is excelling at the new school, maintaining a GPA of 3.6, much better than his previous school enrollment when was a combination of C's and D's.

12. Brenden, our youngest son, is maintaining a GPA of somewhere in the low B range because of incomplete assignments, but generally gets A's as well.

13. Sean is not involved in any group activities, but is training to start football next summer as the May season starts and enjoys using the computer. He is extremely bright.

14. Brenden is currently enrolled in jazz band and concert band. He plays multiple instruments and is currently most interested in drums, keyboard and guitar, an interest he has developed since moving here.

15. Sean has had a girlfriend most of the time that he has been enrolled in San Dimas High School and is very emotionally involved with her.

16. My parents live 5 minutes away, and we have contact with them by going over three or more times a week for dinner and other family engagements. We are a close family with two other brothers and a sister-in-law nearby. All of us gather every two weeks with our parents and the boys enjoy the family gatherings.

17. I am in fear for my life. I furthermore ask for a DVPA restraining order against her based on the death threats, her current criminal status as a fugitive, and the fact that the boys do not want contact with her of any kind.

18. Procedurally, the court should be aware that the children are United States citizens and have had passports for many years and the children have no citizenship connections to Indonesia, whatsoever.

19. Events, police investigations, court cases and over 1000 pages of documents in this series of cases allow Made Jati to cherry pick allegations and stir up side issues to create ever growing obscurity in what is in fact a simple case.

20. First, let us look first at the background of the divorce, and then deal with the specific issues now in front of the court.

Background of the Divorce:

21. Petitioner and I were legally married in California in 1985. We lived in California until 1988 when we moved to Bali. We returned to California and lived with my parents in

Covina in 1992 until several months after Made gave birth to Sean in Long Beach in March 1993. Brenden was born in Singapore in 1994. Both children are US citizens, following the laws of both USA and RI regarding citizenship of legitimate children of a marriage. We were never divorced in any country.

22. In April 2005 Made Jati entered an accusation of divorce in Indonesia, claiming that our marriage occurred in 1996 in Bali and that failing to register our California marriage in Bali before 1989 was equivalent to an automatic divorce of the California marriage.

23. The Supreme Court of Indonesia in April 2007 issued a Final Decree firmly rejecting Made Jati's position, recognizing that the California marriage is fully valid in Indonesia. granting a divorce of the 1985 marriage, and awarding custody of the children to me.

24. The 1996 marriage documents Made Jati presented to the court with the accusation of divorce contain false information, and the statements she made in the accusation describing a Balinese marriage ceremony are false. No such ceremony or marriage occurred in 1996.

25. The police in Indonesia suspect that in preparing these documents and using them in an accusation of divorce, Made Jati committed a criminal fraud. Made Jati herself has admitted all the above to police investigators as well as in her response to a civil suit entered by me to cancel the false marriage documents.

26. As a result of investigation into the marriage documents two other suspected frauds have also come to light. All three frauds are now under police investigation in Indonesia and an arrest warrant has been issued in one case.

27. Made Jati is not happy with this decision of the Supreme Court. Through claiming a 1996 marriage Made Jati also claimed that the children were born out of wedlock and therefore I had no right to custody, and that all family assets in Indonesia belonged only to her. With the Supreme Court granting divorce based upon the 1985 marriage, family assets must now be divided 50/50.

28. Of the dozens of events and stories arising from 23 years of marriage and three years of contested divorce, all Made Jati's actions are consistent only with a long term plan of fraud by Made Jati and a group working with her to deprive the children of their birthright and their US citizenship and to take 100% of the assets of the marriage. This divorce is in fact only a tool devised and put into play by Made Jati and a group working with her to commit a fraud.

29. Pursuant to her attempt to gain full control of family assets, beginning at the time of her accusation of divorce Made Jati took over the family home, businesses and other properties, and she cut off all my income. She did this with the assistance of her family

and hired thugs, using threats and intimidation. Since 2003 she has refused meetings, discussions or mediation with me despite my repeated requests.

30. Not surprisingly for a woman with such a cynical view of the purposes of marriage, family life was chaotic. Petitioner's relationship with her children is poor and consists mostly of public shows of affection and private displays of temper. Her violent and extreme behavior traumatized the children. In March 2007 the oldest boy Sean asked to live only with me, in practical effect under Indonesian law giving custody to the father.

31. In August 2007 while vacationing with the children in California, I received a death threat from Indonesia against myself and the family. There was good reason to believe that the threat originated with persons around Petitioner and that the purpose of the threat was to drive me from Indonesia so that I could no longer have effective access to the Indonesian legal system. Leaving the children with their grandparents I immediately flew to Indonesia to confront Petitioner but she refused to meet with me.

32. The US Embassy and the Indonesian police advised me to take the threat seriously and not to return to Indonesia. I therefore returned to California and enrolled the children in school in San Dimas, a few miles from their grandparents' home.

33. Petitioner continued to refuse any communication with me until in March 2008 when she showed up outside the San Dimas apartment demanding to see the children, seven and a half months after I requested to meet with her in Bali. The children did not want to see her. In the course of several court hearings, I offered various ideas about how she could meet the children but she refused to continue discussions and instead accused me of kidnapping the children and turning them against her.

34. Considering that a Final Decree has been issued, it would be rational for Petitioner to accept at last the failure of the fraud scheme and agree to meet with me to work out details of settlement including plans for the future of the children. However she still refuses a meeting or mediation.

Court Documents

35. On the face of it, it would seem that the behaviors I am alleging are so extreme that they are not credible, that a normal mother and wife could not plan and carry out a cold-blooded long term fraud, that I must be exaggerating and that Made Jati must be the poor victim of my manipulations.

36. Some women do commit crimes which are all the more difficult to accept because they seem unnatural in a woman, and so our first inclination is to accept Made Jati's sad stories.

37. However, examination of documents and evidence submitted to the Courts of

Indonesia allow us to move beyond knee—jerk sympathy and “he said, she said” stories.

38. Made Jati is under investigation by Police in Bali for three separate frauds involving false documents. Some of these documents were submitted to the Court by Made Jati herself and with these documents she has also made false statements and submitted false evidence to the Court. Petitioner has not become more honest in California: Made Jati has repeatedly lied to the Court in Indonesia, and she is lying to the Court in California.

39. When a serious crime is committed, motive has to be examined. We had accumulated an estate of \$12,000,000 of income producing real property and business assets including a factory and a hill—top restaurant over 20 years. Petitioner is greatly financially advantaged by having one out of the picture. it is interesting that she only tried to reconcile with the boys when she is now a fugitive from the law.

Specific Issues

40. Let us examine then specific issues including 1) Made Jati’s reluctance to sign statements. 1) allegations of kidnapping. 3) allegations of alienation, 4) custody, 5) child support.

Language

41. Julie Duncan has stated (April 10, 2008) that “ I have a problem with forcing my client to sign any document in English under penalty of perjury as English is not her first language.”

42. It is true that Made Jati’s native language is not English, neither is it Indonesian: it is Balinese. which is an entirely separate language from Indonesian. Made Jati grew up speaking only Balinese in the home. She dropped out of school in 5th grade and began selling to tourists on the beach. using English. She learned Indonesian at about the same time. Made Jati speaks English better than she does Indonesian.

43. All our family and business communications have always been only in English, she speaks only English with the children who speak neither Balinese nor Indonesian. She speaks to many of her Indonesian girlfriends in English because many are more fluent in English than Indonesian. She probably speaks English to Julie Duncan unless Julie Duncan is fluent in Balinese.

44. The real reason Made Jati is reluctant to sign documents has nothing to do with language but because many of the documents and representations she is making to this court are false; she does not want to sign anything which might later be used against her on a charge of perjury. and she does not want to sign anything in California which might later be used as evidence in Indonesia. Looking through the documents of the suspected frauds it is clear that Made Jati usually prefers to work through others and allows other people to sign

documents to achieve her ends.

45. Indonesia has strong laws against libel but libel is not possible between husband and wife. With the Final Decree we are no longer married and Made Jati could be charged with criminal libel for false statements against her ex-husband. Therefore she allows Julie Duncan to make charges that Made Jati will not sign herself and can later disavow if she has to.

46. With Made Jati refusing to sign documents, and with many semi hysterical letters from Julie Duncan, I am confused whether Julie Duncan is acting as attorney for Made Jati or is acting on her own, and I object to answering charges for which neither Made Jati nor Julie Duncan are willing to claim legal responsibility in either California or Indonesia.

Allegation of Kidnapping

47. The presence of the children in California is based upon one single event: in August 2007 I received an explicit and believable threat from Indonesia. Based upon advice from the US Embassy, the Indonesian police and his lawyer, and further based upon Made Jati's refusal to meet or discuss the threat, I had no reasonable option than to decide unilaterally that the children's safety required that they stay in California.

48. The children were not removed from Indonesia without Made Jati's knowledge or permission. Made Jati herself drove both children to the airport in Bali for their departure on June 30, 2007, where she then hid behind a pillar so she would not have to talk to me.

49. Julie Duncan entered a letter as her Exhibit A (9 April 2008): This is a true letter which I prepared for the Department of Immigration at their request to protect the Department from any involvement or blame for what they regarded as a purely family affair. The Department of Immigration was concerned because of an incident on March 8, 2007 in which a Department of Immigration official was caught in apparent collusion with Made Jati. I reported this incident to the US Consulate in Bali.

50. The children and I were scheduled and intended to return from California to Bali on 2 August 2007. On 1 August I opened my email to find a death threat. I immediately rescheduled for the evening flight of 1 August, leaving Sean and Brenden with my parents and rescheduling their flights for 2 September, hoping that I would be able to reach some understanding with Made Jati by forcing a confrontation over the threat.

51. I arrived in Bali 3 August. My attorney did not favor a confrontation with Made Jati unless I had already reported the threat to the police. My attorney, the police, and the US Embassy all recommended that I take the threat seriously, that a great deal of money was involved, Made Jati had used thugs to take over our Kori Restaurant, and the situation was clearly dangerous.

52. Made Jati phoned me after several days, and in our short phone conversation I informed her that I had received a death threat against me and the children. and her response was, with a note of triumph “So do you have any proof?” I offered to meet with her providing we had witnesses present but she refused. I was in Indonesia until 13 August, and she did not agree to meet with me during those 10 days. I left my hand phone in Bali with my attorney to see if she would call during the next months. and through August and September when my attorney finally shut off the phone, Petitioner never called me.

53. Returning to California on 15 August I decided that we had no other option than to stay in California for our own safety. On 10 August I reported the threat to the San Dimas Sheriffs Office and to the FBI. On 18 August I reported our presence in California and the entire background of the case to the Consul of Indonesia Cicilia Rusdihardini in Los Angeles. Although she started a file about the case, she stated that Indonesia had no interest or jurisdiction over US citizens.

54. There is no proof of the origin of the threat, however there is strong probability that it came from persons working with Made Jati, with or without her knowledge, based upon:

- a. Three years of escalating tension provoked by Made Jati in advancement of multiple frauds.
- b. Her use in July and August 2007 of thugs to take over our businesses, including direct physical threats to me.
- c. Her repeated threats that she would “destroy everything and go to prison” if she failed to win her cases.
- d. Her filing a police complaint in June 2007 that my business was unfair competition, and the threat explicitly echoing that complaint.
- e. Frequent loud discussions in Made Jati’s group about ways to permanently force me out of Indonesia.
- f. The timing of the threat to a moment when Made Jati expected me and the children to be in transit on a plane returning to Indonesia.
- g. No other credible source or reason for such a threat from any other group.

55. Nevertheless, if Made Jati’s group was not behind the threat. certainly a normal mother’s reaction upon hearing about a threat to her children would be concern for their safety and wish that they not be placed in a dangerous environment, rather than a refusal to talk to her husband.

56. From August through December 2007 Made Jati refused to communicate with me. She had my email address. my parents’ telephone number and address where she herself had lived for many months on many occasions, and the children’s email addresses.

57. In December 2007 I received a single email reply from her in which she alleged that I influenced the children not to communicate with her or prohibited them from communicating. In fact I have told them and her that they are free to communicate or not, depending upon their choice alone. and I do not monitor their email which they use daily to write to friends all over the world. The children tell me that she has not sent them any message since September 2007 and she did not even send a Christmas greeting.

58. I don't know where she has been since August 2007 but reports have her spending most of that time vacationing in Europe. An arrest warrant was issued for her in November 2007 and she apparently left Indonesia and has not returned to her home since then. I don't know why she would refuse to communicate with me for 7 1/2 months and then suddenly appear in front of our apartment demanding to see the children. I don't know why she still refuses now to meet with me for discussions or mediation.

59. Now that the children are in California I believe that there are many goods reasons for them to stay here, but these reasons should not be confused with the original and sole cause of our presence in California: the threat to our safety in Indonesia.

60. Although the children are better off in California, it is a hardship for me. My expenses in California are 10 times higher than they were in Bali, I have no income and have had to close my Bali businesses at great expense, and I have had to drop many of my legal proceedings against Made Jati and her group in Indonesia.

61. I do not have objections to Made Jati visiting the children as long as it is agreeable to the children. I do have strong concerns about the conditions of visitation because Made Jati is a flight risk: she has no known address, she cannot return to Indonesia without facing arrest, she is facing other criminal charges still under investigation in Bali. and she has not been at our home in Bali since November 2007.

Allegations of Alienation

62. The children do not know nor need to know the details or even the existence of the many frauds. They know her through the direct experience of growing up in the home with her.

63. The children witnessed a home dynamic in which I and the house maids were the primary caregivers, while the mother was distant and frequently absent. Even when present in the home the mother was preoccupied with her social affairs and liable to frequent explosive bursts of anger.

64. They witnessed in September 2005 their mother drive me from the home and threaten me with arrest if I entered the home again. They witnessed in December 2005 her take their passports and then refuse to return them for their usual Christmas visit to

their grandparents in California. They witnessed also in December 2005 their mother declare to me that I could not see the children again because now they belonged to her, and witnessed her physically try to restrain them from joining me when I arrived at the home. They witnessed her forbid all servants to have any communication with me and witnessed her violent outbursts of anger when she found her commands had been disobeyed. They overheard loud angry conversations about ways to “get rid” of their father.

65. The children were under tremendous stress from 2005 through 2007. In March 2007 Sean was in such depression that he could no longer attend school. I offered that he could live with me only and he eagerly took the opportunity; under Indonesian law a clear statement by a 14 year old child is sufficient for custody. He recovered from the crisis but still asked continually to move to America or be sent to boarding school.

66. Since moving to San Dimas in August 2007, both children are happy, well adjusted, loving to grandparents and other family, and achieving well in school. Their mother was not a major part of their life in Bali. There is nothing in the children’s behavior that would indicate any emotional problems. but considering the charges of Juvenile Alienation Syndrome, an evaluation by a qualified child psychologist would be in order.

67. More appropriately, charges of alienation indicate a problem with one or both parents rather than with the children; an evaluation of both parents by a qualified psychologist who is fully aware of the background of the case would be useful.

68. Accordingly, I respectfully request that this court make an order that an Evidence Code 730 evaluator be appointed rather than minor’s counsel and that both parent’s participate, but on the condition that I be awarded sole legal and sole physical custody of the minor children and that all contact between the children and their mother be according the children’s desires pending a report and recommendations of the 730 evaluation.

69. I also ask that all costs attributable to the 730 be paid by Petitioner/mother subject to reallocation at trial/hearing.

I hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct; executed in Claremont, California.

DATE; April 23, 2008

Michael Donnelly — Respondent

Thomas E. Kendall (State Bar #157891)
Law Offices of Thomas E. Kendall
P.O. Box 877, 143 Harvard Ave., Ste. E
Claremont, CA 91711

Attorney for: Michael Donnelly

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, EAST DISTRICT

In re the Matter of

NI MADE JATI

Case No. KD 073003

Petitioner,

Vs.

MICHAEL DONNELLY

Respondent

EVIDENTIARY OBJECTIONS AND
REQUEST FOR FURTHER DISCOVERY
FOR HEARING ON 5-7-08
DEPARTMENT B

1. Code of Civil Procedure §2002 et seq does allow in some cases the use of written declarations. However, they must be signed under penalty of perjury.
2. Due to the allegations of past misrepresentations by the Petitioner to a court of law, Respondent requested in writing a statement under penalty of perjury as soon as possible, to be assured that he and his children were not in danger.
3. That has not been provided. The Answer (DV-120) is unsigned.
4. The attached Declaration is Unsigned and states "See Judicial Council Form for Signature."
5. None of the various emails submitted by Petitioner is signed.
6. The OSC filed by the Petitioner is signed by her attorney. and therefore lacks foundation and is admissible only as hearsay and by waiver of the attorney client privilege.
7. The only document actually signed by the Petitioner or any person with percipient knowledge (other than her attorney) is the Petition. That is not before this court for trial.
8. Code of Civil Procedure §260 permits this court, for good cause shown, to order a party to submit to a deposition at a more convenient location in the interests of justice.
9. In this case, Petitioner is not in the State of California, but rather possibly in Indonesia. A case is pending in California and Petitioner's deposition is necessary not only

Declaration of Respondent's Attorney 24 April 2008

for custody purposes, but support and financial purposes as well. However, Petitioner and/or her counsel refuses to comply with the Notice of Taking deposition.

10. Pursuant to Code of Civil Procedure §2025.260:

- a) A party desiring to take the deposition of a natural person who is a party to the action or an officer, director, managing agent, or employee of a party may make a motion for an order that the deponent attend for deposition at a place that is more distant than that permitted under Section 2025.250. This motion shall be accompanied by a meet and confer declaration under Section 2016.040.
- b) In exercising its discretion to grant or deny this motion, the court shall take into consideration any factor tending to show whether the interests of justice will be served by requiring the deponent's attendance at that more distant place, including, but not limited to, the following:
 - (1) Whether the moving party selected the forum.
 - (2) Whether the deponent will be present to testify at the trial of the action.
 - (3) The convenience of the deponent.
 - (4) The feasibility of conducting the deposition by written questions under Chapter 11 (commencing with Section 2028.010), or of using a discovery method other than a deposition.
 - (5) The number of depositions sought to be taken at a place more distant than that permitted under Section 2025.250.
 - (6) The expense to the parties of requiring the deposition to be taken within the distance permitted under Section 2025.250.
 - (7) The whereabouts of the deponent at the time for which the deposition is scheduled.
- c) The order may be conditioned on the advancement by the moving party of the reasonable expenses and costs to the deponent for travel to the place of deposition.
- d) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, (person, or attorney who unsuccessfully makes or opposes a motion to increase the travel limits for a party deponent, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust."

11. Here, it was requested that Petitioner submit to an oral deposition on May 5, 2008 two days before the hearing in this matter on May 7, 2008 when she, in all likelihood would be here anyway. It was requested that the deposition take place at Respondent's attorney's office, located at 143 N. Harvard Ave., 2nd Floor, Claremont, California, which is only ten (10) minutes from the courthouse. Despite this, cooperation was not forthcoming.

12. In the alternative, the Deposition of Petitioner could be ordered taken in a foreign nation under the same procedures as California.

13. Code of Civil Procedure §2027.010 states as follows:

- a) Any party may obtain discovery by taking an oral deposition, as described in Section 2025.010, in a foreign nation. Except as modified in this section, the procedures for taking oral depositions in California set forth in Chapter 9 (commencing with Section 2025.010) apply to an oral deposition taken in a foreign nation.
- b) If a deponent is a party to the action or an officer, director, managing agent, or employee of a party, the service of the deposition notice is effective to compel the deponent to attend and to testify, as well as to produce any document or tangible thing for inspection and copying.
- c) If a deponent is not a party to the action or an officer, director, managing agent or employee of a party, a party serving a deposition notice under this section shall use any process and procedures required and available under the laws of the foreign nation where the deposition is to be taken to compel the deponent to attend and to testify, as well as to produce any document or tangible thing for inspection, copying, and any related activity.
- d) A deposition taken under this section shall be conducted under the supervision of any of the following:
 - (1) A person who is authorized to administer oaths or their equivalent by the laws of the United States or of the foreign nation, and who is not otherwise disqualified under Section 2025.320 and subdivisions (b) to (f), inclusive, of Section 2025.340.
 - (2) A person or officer appointed by commission or under letters rogatory.
 - (3) Any person agreed to by all the parties.
- e) On motion of the party seeking to take an oral deposition in a foreign nation, the court in which the action is pending shall issue a commission,

letters rogatory, or a letter of request, if it determines that one is necessary or convenient. The commission, letters rogatory, or letter of request may include any terms and directions that are just and appropriate. The deposition officer may be designated by name or by descriptive title in the deposition notice and in the commission. Letters rogatory or a letter of request may be addressed: "To the Appropriate Judicial Authority in (name of foreign nation)."

14. Based on the fact that Petitioner and/or her attorney of record is not going to cooperate with the deposition, the Notice to Appear and Produce Documents, nor the court hearing in this matter, it was and is appropriate to bring this motion and request an order to compel Petitioner to said deposition and the hearing on May 7, 2008 or any continuance thereof.

15. Therefore, it is requested that the Deposition of Petitioner be set at a more distant location under Code of Civil Procedure §2025.260 in the interests of justice. Namely, 143 N. Harvard Ave., 2nd Floor, Claremont, California or under Code of Civil Procedure §2027.010, deposition in a foreign nation and appointment by letter.

16. It is preferable that Petitioner be ordered to attend the May 7, 2008 hearing and be compelled to produce documents under Code of Civil Procedure §1987(c), as the Petitioner would like to cross examine her as to her statement to this court which is as false and perjurious as the one that she made to the Indonesian court. However, she is supposedly "traveling abroad" (ie: a fugitive from justice) still and not either in California or Indonesia.

17. This court is requested to strike the unsigned pleadings, and to continue this matter to allow formal discovery.

18. In the event that any documents are submitted at a later date signed, leave of the court is requested to file a full objection as to the various evidentiary objections that would arise to the statements and allegations specifically and generally, not the least of which is the absolute right of cross examination for a DVPA hearing.

Respectfully submitted,
Thomas E. Kendall, Esq., Attorney for
Michael Donnelly - Respondent

DATE: 4 – 24 - 2008

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Attorney for: Michael Donnelly

ORIGINAL FILED

MAY 07 2008

**LOS ANGELES
SUPERIOR COURT**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, EAST DISTRICT

In re the Matter of

NI MADE JATI

Case No. KD 073003

Petitioner,

REBUTTAL/SUPPLEMENTAL

Vs.

DECLARATION OF MICHAEL DONNELLY

TO PETITIONER'S ANSWER (DV-120)

MICHAEL DONNELLY

Respondent

I declare that if called to testify in the above-entitled matter, I could and would testify competently. from my own personal knowledge as follows:

1. My name is Michael Donnelly and I am 56 years old.
2. This DV-120 filing carefully avoids important issues, falsifies facts and contains little of substance. Many of Julie Duncan's or Made Jati's remarks are side issues or random incidents strung together to mislead and create confusion, but because they have raised the issues, we must answer them.
3. As a reorientation before wading into these side issues, let us summarize again the simple basis of the case:
 - a. Made Jati and I were legally married in 1985 in Los Angeles.
 - b. In April 2005 Made Jati entered an Accusation of Divorce claiming a marriage in Bali in 1996. These marriage documents are false and no such marriage occurred.
 - c. Made Jati has for many years, even before the accusation of divorce, rejected any

communication, meeting, mediation or settlement with me. She and her family seized all our assets and cut off all my income. Her refusal to communicate continues to this day.

- d. Contest of the divorce led to a complex series of investigations for fraud as well as suspected collusions and interventions with the courts and the police by a group around Made Jati.
- e. This culminated in August 2007 when I received an anonymous email death threat against me and my family. My wife refused to discuss it with me. On the advice of the US Embassy, I kept the children in California for their safety.
- f. In January 2008, the Supreme Court issued the Final Decree rejecting Made Jati's claim of a 1996 marriage, and granting divorce of the 1985 marriage.
- g. In March 2008, after 7 ½ months of refusing communication about the children's safety or welfare, Made Jati appeared in California claiming that she wants to see her children but still refusing to talk with me.
- h. At present, Made Jati refuses to accept the Final Decree and in Indonesia she is still maneuvering to have it reversed, despite her own admission that the documents underlying her accusation of divorce are false.

Regarding Perjury

4. Julie Duncan / Made Jati carefully avoid any mention of our marriage, implying that we appeared together in Bali in 1987 in a sort of immaculate conception. The statement "Respondent Michael Donnelly has lived with me in Bali , Indonesia since 1987" is an extraordinarily odd sentence construction to describe a husband / wife relationship.

5. As discussed previously regarding perjury, Made Jati has variously sworn under oath and also denied each of four marriages: in Los Angeles in September 1985, Sanur Bali in May 1994, Tabanan Bali in June 1996 and Kuta Bali in September 1996. (Exhibit 1)

6. If she were now to accept under oath the validity of any one of these marriages, that statement could become evidence of criminal perjury in her contradictory previously sworn statements.

7. Despite the strong wording of the Final Decree, Made Jati has filed a request for Review at the Supreme Court in a continuing bid to have our 1985 marriage declared ended by automatic divorce in 1989 because she did not register it in Indonesia within one year of returning to Indonesia (Exhibit 2)

8. If she were to win, the children would be ruled bastards born out of wedlock in Indonesia and I would have no right to custody.

9. If Made Jati could get the children back to Indonesia, she might try to claim that the

validity of their US citizenship is under adjudication and thereby prevent them leaving the country again.

10. But if Made Jati is forced by this Court to accept under oath the validity of our 1985 California marriage, she faces a quandary: acceptance of the 1985 marriage ends possible success of the elaborate fraud she spent over 14 years in preparing.

11. In Indonesia, Made Jati needs to avoid discussion of our marriage in order to advance a fraud. In California, this odd sentence presumably constructed by Julie Duncan in consultation with Made Jati, comes razor close to advancing a fraud by attempting to mislead the Court in California.

12. So I would like to know: what marriage does Made Jati accept as valid in both California and Indonesia? Are our children born in wedlock or are they bastards? Are they US citizens or is she still seeking to strip them of their US citizenship?

Regarding “Trying to get me arrested”

13. “Trying to get me arrested” appears to be a creative euphemism for Made Jati to admit that she is being investigated for criminal frauds. Our business partner Gary Hewson is also “trying to get her arrested” for a separate fraud based upon her use of thugs to seize control of Kori Restaurant (Exhibit 3).

14. Made Jati is also “trying to get Gary Hewson arrested” by filing a police complaint against him for embezzlement and she is “trying to get me arrested” by filing a police complaint against me for unfair business competition from my new company Kayun, which I have since closed because of the death threat.

15. Although her attempted fraud based on false marriage documents was obvious from the day I received the accusation of divorce in April 2005, I did not report a fraud to the police until March 2006, after the National Court Denpasar had returned a decision in the divorce which threw out all my evidence and reversed and falsified the testimony of my witnesses (Exhibit 4).

16. Until that moment I had never appreciated how thoroughly she had prepared herself and how precarious was my situation in trying to receive justice in the courts of Indonesia. I then had to accept that I would have to report to the police and “try to get her arrested” to combat the fraud.

Regarding Kidnapping, PI Investigation, Appearance at the Apartment

17. Most of Made Jati’s / Julie Duncan’s filing is a recitation of events revolving around the death threat in August 2007, her attempts to find our address, or her appearance at our apartment in March 2008.

18. I have already discussed the death threat in detail. I will add that I did indeed report

the threat to the local police Polsek Sanur on 12 August 2007 and I have a receipt of the report (Exhibit 5).

19. I suspect that by denying this police report, Made Jati is trying to set up a scenario to claim that I myself sent the death threat as an excuse to kidnap the children. It is true that we cannot prove who sent the email. I could have sent it. Britney Spears could have sent it. But looking at pattern of behavior, motives, previous record of dishonesty and manipulation and continuous use of anonymous emails, the group around Made Jati is strongly suspect.

20. I had my hand phone with me from my arrival in Indonesia on 3 August and Made Jati did not try to call me. I would have liked to confront her immediately on my arrival in Bali but did not do so on the advice of my attorney. I have no knowledge of what my mother or father said to Made Jati but considering the years of pain Made Jati has caused my parents and their concern for the children's safety, I would not be surprised if they were cold. Nevertheless they certainly did not shriek obscenities and slam down the phone as Made Jati and her family do to me.

21. A close friend of Made Jati's called me on 5 August and I told her I was in Bali because I had received a death threat, and I have no doubt that she would have immediately called Made Jati. (And contrary to the claims of the Anonymous Witness, I have never told Sean or Brenden that the threat was a death threat or that their mother wanted to kill them.)

22. But Made Jati was aware of my presence in Bali at the latest on Tuesday 7 August when I tried to help our business partner Gary Hewson regain control of Kori Restaurant by accompanying him back into the restaurant, because at that time she sent her lawyer Wikantara and about 30 thugs led by her brothers to threaten us so that I ended up having to call the police to escort us to safety. Nevertheless Made Jati did not call me until Friday 10 August, at which time I offered to meet with her. She replied "I am not feeling very good today, maybe tomorrow." I have a witness to that telephone conversation.

23. She contacted me again only at 0:40 AM Sunday night / Monday morning with a short SMS "Tmw I will meet you at police to report threat and you must bring proof. I wait your immediate answer." Made Jati's heartwarming version of the SMS in her filing is incorrect and impossibly long to fit on an SMS screen. My reply as she states it is correct.

24. The reason for my reply was that I had already reported the threat at Polsek Sanur earlier that day at 1:30 PM. Moreover under Indonesian law, with which I have had a lot of experience in the last three years, any person with knowledge of a crime is required by law to report that crime. In practical terms this also means that any person reporting a crime is unlikely to be considered a suspect. Made Jati's 1:00 AM epiphany that she should accompany me to the police to report the threat was transparently an attempt to remove

herself from the suspect list. For her to wait at least six days from 7 to 13 August to decide that she was now concerned about the threat to her children, but at the same time still refused to meet with me to discuss it, is implausible.

25. The reason I said “I already offer to meet you but u did not accept” was because three days earlier on 10 August I already offered to meet her but she did not accept.

26. I offered to meet her on Tuesday because I was flying to Jakarta on Monday but could return to Bali for a Tuesday meeting. She did not accept my latest proposal for meeting either, so I left Jakarta for Singapore, and she did not call my hand phone again during the next two months.

27. On returning to California I made no great effort to keep our address secret but I did request an unlisted phone number. My reason for this was that I had already received several anonymous threats of harassment (Exhibit 6) from the group later to call themselves Made’s Angels.

28. I have no knowledge about a Skype conversation with Brenden and he has never told me about it. Made Jati’s Anonymous Witness gives more detail, stating that Made Jati broke into a children’s conference call; I find it reprehensible that a mother would piggyback a children’s open conversation to plead publicly for her child to communicate with her. Brenden has told me that his mother has had his email address for several years, so there was no need for her to use an open Skype conversation to get it, and in any case once she had Brenden’s Skype number from observing the conversation she could have called him privately at another time. The only value I can see to her behavior is that because it was public it was therefore all the more tragic and dramatic and certain to be talked about by children and adults in the Bali community to build sympathy for poor Made. If Brenden quickly signed off this call with “I have to go now, mommy...” I would expect that he was fleeing from an oppressive situation that he did not want to deal with, and his refusal to communicate with her since then may be a natural reaction in a child to a callous manipulation.

29. Made Jati’s use of a PI to find us appears again to be a lot of show to build up drama that she could use to impress her friends in Bali that her children were being hidden from her: she knew that I had been asking for communication for years, I asked for communication in August, November and December 2007, and she had many ways to get in touch with me and she could have been in no doubt that I was eager to meet her.

30. My email of 24 November quoted by her Anonymous Witness is an email I sent to acquaintances in Bali as I was trying to find her, hoping to offer once again that we have a meeting and stop the madness. I did not mention to the public that an arrest warrant had

been issued and I was not trying to embarrass her, but I hoped that I the warrant might induce her to meet with me and start discussion of a resolution.

31. Made Jati says that she received the PI report in December. On 6 December she answered me once, accusing me of preventing the boys from communicating with her (Exhibit 7).

32. After I replied that I did not interfere with the boys' communications with her, that she was free to talk to them, and again demanded a meeting, I did not hear from her again and she ignored my follow-up emails.

33. Of course a person was missing, out of communication with the family, address unknown, but that person was Made Jati, not Michael. The PI report is missing the cover page. Where did Mr Martino send his report? Certainly not to Bali because Made Jati has been missing from our home in Bali since an arrest warrant was issued in November 2007. How did Made Jati contact Mr Martino on 3 November 2007; was Made Jati in California in November but did not choose to communicate with me? How is it that Mr Martino could find her to communicate this report, but she would not respond to communication from her husband?

34. So she did not use the PI report to get in touch with the boys or with me, which of course she could have done at anytime without the PI report. I believe that the PI report, aside from the drama value, gave her a feeling of control at having secret information which I did not know she possessed. Appearing at our apartment unannounced was not a reasonable or sensitive way to reunite with the children, but appears more a display of power and intimidation.

35. Made Jati's / Julie Duncan's description of the attempted meeting at our apartment is inaccurate and contradicts earlier statements by Julie Duncan herself. I did not prohibit the boys from seeing their mother, and I did not prohibit the boys from accepting gifts. A complete description of the event is attached (Exhibit 8).

36. In a letter from Julie Duncan to Thomas Kendall dated 1 April 2008, she states "The police informed me that the children were very emotional when they were asked in front of their father if they wanted to see their mother." And again in a letter dated 10 April 2008 "the officers stated that the boys seemed extremely emotional when asked in front of their father whether they wanted to see their mother." That is: the police asked the boys whether they wanted to see their mother. They did this at my request and I invited them into our home to ask the children directly because I had already told the officers that I would permit the boys to see their mother but that it was up to the boys.

37. In my conversation with the Sheriff's deputies they asked me if I would be willing to

talk to my wife, and I said that I would, in a neutral environment and with a witness. They asked if I would talk to her at the Sheriff's office, and I said that I would. They returned to the front of the apartment and talked to Made Jati and Julie Duncan for 15 to 20 minutes. I expected them to return with a proposal for discussion with my wife, but they only returned with Julie Duncan's business card. There were no other requests or proposals from Made Jati.

38. Made Jati requests in DV120 / 7 "THAT MY SONS BE ALLOWED TO SEE ME...". This is misleading and manipulative: Made Jati and Julie Duncan know that not only was I ready to allow the children to see her on 16 March, but that in the ex parte hearing of 21 March we offered to discuss ways that Made Jati could see the children and Made Jati and Julie Duncan refused any discussion, Made Jati then left California and they have rejected all attempts at discussion since then.

39. It is understandable that boys of 13 and 15 years would be emotional and fearful at being confronted by two Sheriff's officers in their home and then informed that their mother was outside. It may be that in Made Jati's fervid fantasy of children cruelly kidnapped and taken from their mother against their will, they would be reunited and her children would rush joyously into her arms. But Made Jati is not that kind of mother. She has caused them a lot of pain, and at being given the option to renew the pain, they said "no".

40. On Monday morning I sought recommendations for a good Family Law attorney; Thomas Kendall upon hearing the outline of the situation and the odd means that my ex-wife had used to approach the children and her refusal to speak to me, suggested that we file for a TRO through an ex parte hearing as soon as possible until we could determine what she was up to.

Regarding Testimonials

41. I have never denied that Made Jati could win a popularity contest. She works hard at it and always spent far more time with friends, gossip and dinner parties than she ever did at home. The children did not see much of her unless there were some public event, a school gathering or a birthday party where Made Jati's friends could see her being a good mother.

42. Nevertheless, if issues of law and custody come down to testimonials, I believe I can muster as many as Made Jati, and of a higher quality.

43. Although Made Jati complains that Michael spreads untrue rumors about her and has posted self-serving information on an uluwatu.com website, a quick review of the testimonials show that just the opposite is the case.

44. Her main character witness is anonymous. She identifies herself as the organizer

of Made's Angels, but the name Made's Angels itself is a cruel gouge. My sister Joni died suddenly of a brain hemorrhage in June 2005, only one month after Made Jati entered her accusation of divorce. Made Jati had a passionate dislike for Joni because Sean was very close to her and he was devastated by her death. Joni's friends organized a charity named Joni's Angels in her honor (Exhibit 9). Made's Angels is the evil twin.

45. We don't know who wrote this anonymous testimonial, but Made Jati certainly knows because the writer says that she was with Made Jati at the airport. The writer states that she wishes to remain anonymous because she is afraid of Michael; this is ridiculous, I have never threatened violence against anyone, but I believe the writer does indeed have a rational fear – of being charged with libel or of being called as a witness and facing perjury.

46. We cannot prove whether this anonymous writer is the same as the author as the Opposed To You threat, or the same as the death threat of 1 August 2007. It is clear that Made Jati has used her considerable social skills to organize an email campaign to smear and intimidate me. Another email from Made's Angels (Exhibit 10) is not anonymous, but the purpose is absolutely clear: "he deserves only contempt and should never be made welcome on this island again by anyone".

47. Of the testimonials that are not anonymous, I don't know any of these people well. I have never socialized with them, never sat down to a dinner with them or had any but the most superficial contact with them. They were Made's friends and she kept them away from me. I have never heard of Mike Bradford, but he says we have a nice house.

48. The second testimonial by Anna Jordan deserves comment: She states "Michael told me that he wanted a legal Balinese marriage". This is an absurd statement clearly planted at the instruction of Made Jati who is still trying to legitimize her fraudulent 1994 or 1996 (depending on story of the moment) Balinese marriage. I have no idea what a "legal Balinese marriage" would be considering that we were legally married in 1985, and I can think of no reasonable motive that I would want one even if I knew what it was.

49. Anna Jordan did indeed stay at our house in August 2005 and she observed tension. Four months earlier in April 2005 Made Jati served me with the fraudulent accusation of divorce and unless I wanted to lose my children and 20 years of assets, I was forced to contest the divorce. Made Jati refused any communication with me although we lived in the same household.

50. I was not willing to leave the household and abandon my children. I took the children to California to stay with their grandparents as usual in the month of July, the month after my sister's death in June, and when I returned in early August I found that my room in the house had been cleared out, all my possession dumped in a storeroom and the

room prepared for Made Jati's friend Anna who was arriving the next day. I let it go, hoping that Anna might help mediate a settlement with Made Jati and stop this insane accusation of divorce.

51. Anna refused to talk to me, telling me that she had come to visit Made, not me. It may have been my room before, she told me, but now Made had given it to her. I admit to being less than gracious and told her that her rudeness was stunning, and that if she wanted to stay with Made, stay in her room but that I would take my room back. The only reason I can think that Made Jati would invite a friend to stay in our household convulsed by divorce and fraud was a deliberate attempt with Anna's help to force me out of the house. She did succeed in evicting me the following month.

52. I can add two more testimonials for Made Jati (Exhibit 11): These are excerpts from trial testimony by Made Jati's sister and sister's boyfriend in which they claim that a Balinese marriage occurred in 1996 as presented in Made Jati's accusation of divorce. However we now know, because Made Jati admitted it herself in later court documents (Exhibit 12), that there was no such ceremony or marriage in 1996; these testimonies are perjured. And add further two more testimonials from my witnesses in the same trial, together with their affidavits that their testimonies in the trial were falsified and reversed by the trial clerk (Exhibit 13). So testimonials, even in a courtroom, can be mistaken and manipulated.

53. As for the other testimonials to the effect that "Made is a wonderful mother", if the authors had added "although Made Jati has committed callous long term frauds against her own husband, children, and business partner and has used thugs to gain control of assets and has lied repeatedly in court documents, nevertheless she is a good mother..." I would be more impressed.

54. But the ultimate judges of whether Made Jati is or is not a good mother are her own children. So far, they have said "no".

Regarding Fabric of Truth

55. Made Jati does not have the imagination to make up all the allegations she presents to her friends, they are all true, but they are the version from Bizzaro world– the place where Superman goes if he eats the wrong kind of kryptonite and everything is reversed. It is Made Jati herself who has done the things she describes.

56. Within Bizzaro world everything seems consistent and the outside world seems backwards; sorting out which is true and which is Bizzaro requires careful comparison to determine which has the fabric of truth and which has the fabric of lies.

57. Nigel Mason (Exhibit 10) describes how Michael has schemed for years to take

over the family businesses, ready to strip her bare of all her assets and spring a divorce trap on a poor unsuspecting spouse. And it is true someone did scheme and prepare for years, did seize control of all the family businesses and properties and did spring a trap with an accusation of divorce on an unsuspecting spouse – Made Jati did.

58. A few stretchers may be found in any real world, and Made Jati does have an appealingly sad story, but how many lies need to pile up before it is clear that that story is false to its core? Nearly every statement in the DV120 filing can be challenged, as can most of the statements in the testimonials of Made's Angels, but probably not all are worth the time.

59. I suspect that some of Made's Angels know exactly what she has done and may have long assisted her in planning the frauds, but many are sincere and have simply been duped. They don't actually know me, they have never talked to me in any depth, but all have gathered their opinions from stories related to them by Made Jati herself who, as we have seen, is severely "historical accuracy challenged".

60. There are people who do know us and our family well, however. In Bali we live in more open homes and with more people than in California. Our house staff live in our homes with us and over time we become an extended family. They see not just our public faces, but many of our most private moments as well. Testimony from some of the people who know our family most intimately are included in Exhibit 14.

61. It is true that these are "little people". They are not grand and rich like Made Jati and her friends; they served coffee and cleaned house and fed our family, and in my American naivety I treated them as people with the same human dignity and rights and needs as I had, and I got to know them through many years as they got to know me. Made Jati talked freely in front of them because she regarded them as no more important than the furniture. It turns out the stupid American was right: Made Artini and Nyoman Sudana have turned out to be two of the bravest, most loving and most moral people I have ever been blessed to know and they kept me alive and going through the three most difficult years of my life.

Regarding "I have never threatened harm..."

62. What are Made Jati's limits, and what is she capable of doing? She has committed a long list of felony crimes not in a heat of passion but with a cold and long-term planning that is staggering. I don't know where her limits are but over the last three years I have learned not to discount anything as beyond her capabilities.

63. But a bigger question is to what extent she is in control of events? Psychologically she is in a desperate situation: what in 2006 seemed a sure victory and tremendous wealth has turned into a nightmare as she lost the Final Decree and now faces multiple criminal

investigations. Her request for Review of the Final Decree can delay but almost certainly cannot overturn the decision.

64. But more importantly, she has backed herself into a corner with Made's Angels.

65. Her social world is her entire life because she has no truly intimate relationships. She is charming and glib and the energy that most women would put into family she puts into constructing her social network of admirers and sympathizers. She works hard at it, and yet ultimately that is all she has. There are no moral underpinnings, no true empathy for the feelings of others, only the glow that she receives as admirers tell her how wonderful and tragic she is. She can't stop; she is trapped in her own creation.

66. As events move on, the day comes closer to the collapse of Made's Angels, when many friends will realize that their understanding of events was manipulated and that they were misled by the woman they once admired, and with that comes the collapse of the entire source of Made Jati's self esteem . What will Made Jati do to try to prevent that day from coming? For a woman who's mental stability is already precarious, how will she deal with this collapse?

67. But events may be beyond Made Jati's control already because she did not set up these frauds alone and it may be far too late for her to dictate events. Her own lawyer, Wikantara, has stated both to my attorney Maharidzal and to me that Made Jati is under the influence of others and could not settle even if she wanted to. Collusion with the legal system in Indonesia does not come cheap; many people have an interest in stringing this case along indefinitely, draining payments from her, never closing the police investigations but never progressing quickly either unless, of course, she tries to settle with Michael, until finally when the money is gone, they will throw up their hands and abandon her.

68. Others people are closer yet, family members, friends, a lover, others who can expect profits if she wins but are ready to walk away if she loses. Of course some are more deeply tied and fear facing their own perjury or fraud charges if the cases progress. Made Jati is manipulative, but with no great depth of moral character she is also easily manipulated by others. And since June 2007 she has employed a gang of thugs to get her way.

69. For a lot of people, I am a burden. Without me the criminal cases would disappear, Made would get custody of the children, the questions about fraudulent marriages and perjuries would be gone, Made Jati would keep all the assets.

70. I don't know who sent the death threat, but I am fully certain that it came from Made Jati's group. Maybe she knew about the threat or maybe she ordered it done. Maybe she didn't know and a supporter sent it, thinking it would be a good idea. Maybe to this day the

sender has not admitted his action to Made Jati. And this is the more scary scenario: even if Made Jati herself has limits and would not harm me, the fact that she set all these events in motion does not mean that she still controls them.

71. Getting rid of Michael and maybe even the children might seem like a very good idea to someone. Certainly someone as evil as Made Jati describes Michael to be would not be missed.

Regarding “I ask... THAT MY SONS BE ALLOWED TO SEE ME AND RETURN TO THEIR HOME IN INDONESIA IF THAT IS THEIR DESIRE.”

72. Made Jati’s request is confused. I offered to arrange for our sons to see her but she cut off further discussion. And as a practical difficulty, the boys have said that they do not want to see her.

73. She suggests that they might want to return to Indonesia, and asks that they be allowed to vacation with her. Where would they go? Made Jati has not returned to our home in Bali since November 2007 because she is a fugitive from an arrest warrant. Further arrest warrants are likely. She could not possibly take them to Bali or anywhere else and care for them even if they wanted to go with her.

74. She wants to see the boys, but she is not willing to talk to me in order to do it. She is trying to maneuver the Court into ordering visitation while keeping maximum distance from me, from depositions, from psychologists or witnesses.

75. I believe she would like to get out of all this, but she doesn’t know how. Her desire is inchoate, she is unhappy, she wants something desperately, but she does not know what to do about it. She is ping-ponging around the world, unable to go home to Bali, unable to settle in California. The frauds are falling apart and the system she used to game is now gaming her. Too many people are on her payroll, expecting the big score, facing their own problems if she stops the battle. And psychologically she cannot even begin to face the trauma that exposure of the truth to Made’s Angels will bring.

76. I believe she is flitting around the edges in desperate fear and fascination of the end she knows is coming, but she will never willingly take the step herself to end it. If she runs from California these cases will drag on for years to come. She needs to stop, both for her own sake and for the sake of the children and me.

77. The only way to end this is to compel a mediation. There is no way for her to get out of this easily now: I cannot as a private citizen stop criminal investigations in Indonesia, I can’t take care of whatever problems she may have now with her backers, I can’t prevent Made’s Angels from knowing the truth about her. I can only promise to do the best I can to accommodate her needs, because no matter how unsatisfactory a wife and mother she has

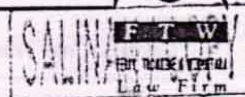
been, she is still the mother of my children and for their sake I don't want them to see her dragged through the mud.

78. If she is ordered to deposition or to mediation I expect she will run to the first flight out of LAX. I don't know if it is in the power of the Court to hold her passport or otherwise compel her, but it would be in everyone's interest, especially the children's but no less her own, to help her end this.

I hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct; executed in Claremont, California.

DATE: May 6, 2008

Michael Donnelly — Respondent



No : C.256/FTW/IBW/IV/05
Lamp : 1 (satu) set
Perihal : Gugatan Perceraian

PENGADILAN NEGERI DENPASAR

R.S.G. NO : 119

2005 / P.N. D.P.S.

TANGGAL : 21-4-05

Kepada Yth
Bapak Ketua Pengadilan Negeri Denpasar
di
Denpasar

Dengan Hormat,

Yang bertanda tangan dibawah ini :

IDA BAGUS WIKANTARA,SH, advokat, yang berkantor di Kantor Advokat FTW Law Firm, berdasarkan surat kuasa khusus tertanggal 13 April 2005 bertindak untuk dan atas nama **NI MADE JATI**, perempuan, pekerjaan wiraswasta, alamat di Jalan Pengembak Gg. III Sanur Denpasar sebagai **PENGGUGAT** dan oleh karenanya dengan ini mengajukan gugatan perceraian melawan **MICHAEL PATRICK DONNELLY**, laki-laki, umur 54 tahun, warganegara Amerika Serikat, pemegang passport Amerika Serikat No. 710218731, bertempat tinggal di Jalan Pengembak Gg. III Sanur Denpasar sebagai **TERGUGAT**

Adapun permasalahannya adalah sebagai berikut :

1. Bahwa diantara **PENGGUGAT** dan **TERGUGAT** telah dilangsungkan perkawinan menurut Agama Hindu dan adat Bali di tempat kediaman **PENGGUGAT** yaitu di Banjar Pengabetan Desa Kuta, Kecamatan Kuta, Kabupaten Badung sesuai dengan kutipan akta perkawinan No 299/1996 yang dikeluarkan oleh kantor Catatan Sipil Kab Dati II Badung pada tanggal 30 September 1996, -----(P-1)
2. Bahwa dalam perkawinan tersebut di atas telah dilahirkan 2 (dua) orang anak laki-laki masing-masing dengan nama :
 1. **WAYAN SEAN DONNELLY** umur 12 tahun, -----
 2. **BRENDEN SURYA DONNELLY**, umur, 11 tahun -----yang sampai saat ini kedua anak tersebut diatas berada dalam kekuasaan **PENGGUGAT** sesuai dengan Kartu Keluarga Nomor 225003/97/03033 tertanggal 03-07-1997 -----(P-2)
3. Bahwa pada mulanya perkawinan antara **PENGGUGAT** dan **TERGUGAT** berjalan dengan sebagaimana mestinya sebagaimana kehidupan perkawinan keluarga lainnya namun pada perkembangannya sering terjadi pertengkaran - pertengkaran dan percekocokan - percekocokan sebagai akibat dari ketidak cocokan antara **PENGGUGAT** dan **TERGUGAT**;
4. Bahwa pertengkaran - pertengkaran yang terjadi tersebut disebabkan karena perbuatan / kelakuan dari **TERGUGAT** yang terlalu egois, mau menang sendiri,

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suka menghina, tidak menghargai kedudukan seorang istri dan cenderung merendahkan martabat istri -----

Pertengkaran – pertengkaran tersebut tersebut di atas bermula pada tahun 2001 di mana TERGUGAT mulai tidak bertegur sapa sampai pada perpisahan meja makan dan tempat tidur sampai saat ini, namun masih tetap di tempat kediaman bersama.--

5. Bahwa PENGUGAT merasa sudah tidak mampu lagi berdampingan sebagai satu kesatuan keluarga dengan TERGUGAT disamping itu PENGUGAT sudah tidak mampu lagi untuk menyesuaikan diri dengan kehidupan TERGUGAT.-----

6. Bahwa atas pertengkaran – pertengkaran dan percekocokan yang sedemikian sering terjadi PENGUGAT telah berupaya mengadakan upaya – upaya untuk menyelamatkan rumah tangga termasuk menahan diri dan meminta nasehat dan pandangan teman – teman serta bantuan yang maksimal baik dari keluarga namun demikian TERGUGAT tetap pada sikapnya -----

7. Bahwa PENGUGAT tidak mampu lagi hidup bersama menjalin dan membina rumah tangga sebagaimana komitmen terdahulu. Komitmen yang menjadi inti dari perkawinan sudah tidak ada lagi dalam perkawinan PENGUGAT-TERGUGAT sehingga demi kebaikan bersama perceraian adalah satu-satunya cara yang terbaik;-----

8. Bahwa sebagai manusia biasa PENGUGAT mempunyai batas kesabaran dan batas kekuatan untuk dapat menahan rasa sakit hati kecewa dan putus asa serta sudah tidak mungkin lagi kiranya menerima TERGUGAT sebagai suami untuk hidup bersama-sama sebagai satu kesatuan keluarga;-----

9. Bahwa demi kebaikan, kebahagiaan dan ketenangan PENGUGAT secara pribadi dan demikian pula dengan TERGUGAT serta anak-anak PENGUGAT-TERGUGAT maka perceraian adalah satu-satunya jalan dan penyelesaian yang terbaik dan tidak mungkin dapat dihindari lagi;-----

Berdasarkan alasan – alasan yang dikemukakan diatas maka PENGUGAT mohon kehadiran Bapak Ketua Pengadilan Negeri Denpasar untuk menetapkan hari persidangan dan selanjutnya memutuskan hal-hal sebagai berikut :-----

PRIMAIR-----

1. Mengabulkan gugatan PENGUGAT untuk seluruhnya;-----
2. Menyatakan hukum perkawinan yang telah dilangsungkan menurut Agama Hindu dan adat Bali di tempat kediaman PENGUGAT yaitu di Banjar Pengabetan Desa Kuta, Kecamatan Kuta, Kabupaten Badung sesuai dengan kutipan akta perkawinan No 299/1996 yang dikeluarkan oleh kantor Catatan Sipil Kab Dati II Badung pada tanggal 30 September 1996 adalah sah putus karena perceraian beserta segala akibat hukumnya;-----

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3. Menyatakan hukum PENGGUGAT adalah WALI IBU atas anak-anak PENGGUGAT – TERGUGAT yang masih di bawah umur masing – masing bernama :-----

1. WAYAN SEAN DONNELLY umur 12 tahun; -----
2. BRENDEN SURYA DONNELLY, umur, 11 tahun sesuai dengan Kartu Keluarga Nomor 225003/97/03033 tertanggal 03-07-1997 tanpa mengurangi hak TERGUGAT sebagai ayah kandung untuk setiap saat datang menjenguk anak-anak tersebut guna memberikan kasih sayang ; -----

4. Memerintahkan kepada Panitera Pengadilan Negeri Denpasar untuk menyampaikan sehelai Putusan Perceraian Pengadilan Negeri Denpasar yang telah mempunyai kekuatan tetap kepada Kantor Pencatatan Sipil Kodya Denpasar.-----

5. Menghukum TERGUGAT untuk membayar seluruh biaya perkara yang dikeluarkan dalam perkara ini.-----

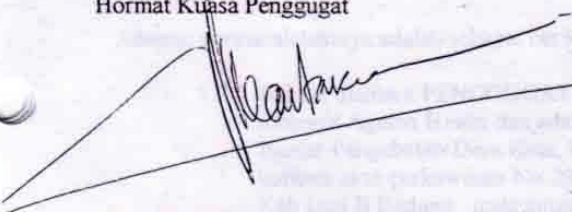
Atau -----

SUBSIDAIR -----

Dalam peradilan yang baik mohon keadilan yang seadil-adilnya (Ex Aequo et bono).-

Denpasar, 20 April 2005

Hormat Kuasa Penggugat


IDA BAGUS WIKANTARA, SH

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Divorce Accusation (Gugatan Perceraian) 21 April 2005

No : C256/FTW/IBW/IV/05

Attachments: 1 (one) set

Regarding: Accusation of Divorce

To the honorable
Chief Justice of the National Court Denpasar
In
Denpasar

With respect...

The undersigned here IDA BAGUS WIKANTARA , lawyer in the case of NI MADE JATI, female, private businesses woman, of Jalan Pengembak Gg III, Sanur, Denpasar, as the Plaintiff in the case against MICHAEL PATRICT DONNELLY, male, age 54 years, American citizen, holding USA passport 710218731, address Jalan Pengembak Gg III, Sanur, Denpasar as the Respondent:

The accusations as follows:

That, between the Plaintiff and the Respondent did occur a marriage according to the Hindu religion and Bali custom at the residence of the Plaintiff that is Banjar Pengabetan Desa Kuta, Kecamatan Kuta, Kabupaten Badung in accord with the quote of the Marriage Document No 299/ 1996 that was issued by the Civil Records Office Kabupaten Dati II Badung on 30 September 1996:

That, in the aforementioned marriage there were born two male children with the names

1. WAYAN SEAN DONNELLY, age 12 years,
2. BRENDEN SURYA DONNELLY, age 11 years.

that until this moment the two children are in the care of the Plaintiff according to the Family Registration No 225003/ 97/ 03033 dated 03/07/1997.

That at the start of the marriage between the Plaintiff and the Respondent all proceeded smoothly as it should in a family but it developed that there became frequent arguments and conflict as the results of discord between the Respondent and Plaintiff;

That these arguments were caused by the actions of the Respondent who was too selfish, always wanted to win, liked to insult, did not value the position of a wife and tended to lower the self esteem of his wife. These conflicts started about the year 2001 when the Respondent began to not talk to his wife, until there became a separation of dining and sleeping until this moment, although they still live together in the same house.

That Plaintiff feels unable to continue together in a single family with the Respondent, besides which the Plaintiff can no longer accommodate herself to life with the Respondent.

That regarding the frequent arguments and conflicts the Plaintiff has tried repeatedly to maintain the family including controlling herself and asking advice and seeking the views of

Exhibit 1 Respondent Michael Donnelly 7 May 2008
Accusation of Divorce from Petitioner Claims Marriage September 1996, Kuta

friends together with seeking maximal help from her family, but the Respondent persists in his attitude.

That the Plaintiff can no longer live together to maintain a home as in the previous commitment. The commitment that was originally the basis of the marriage is now no longer present in the marriage of the Plaintiff and Respondent, such that for the benefit of both the marriage should be ended.

That as a normal human being the Plaintiff has a limit of patience and a limit of strength to withstand the pain of her broken heart and dashed hopes, such that she feels unable to any longer accept the Respondent as her husband or continue to live together as a family.

That for the welfare, happiness and peace of the Plaintiff herself and also for the Respondent and the children of the Plaintiff – Respondent, therefore divorce is the only and best solution and can no longer be avoided.

Based on these considerations listed above, therefore the Plaintiff requests to the Chief Justice of the National Court in Denpasar to declare a ruling and with it to reach a decision in accord with the following points:

PRIMARY:

1. Grant the Plaintiff's accusation in full,
2. Rule the marriage that was according to Hindu religion and Bali custom at the residence of the Plaintiff in Bajar Pengabetan, Kuta according to the Marriage Certificate No 299/1966 issued by the Civil Records Office on 30 September 1996 is officially ended by divorce with all of the resulting legal consequences,
3. Rule that the Plaintiff has custody of the Plaintiff / Respondent's children that are still under age, each named:
 - 3.1. Wayan Sean Donnelly, age 12 years,
 - 3.2. Brenden Surya Donnelly, age 11 yearsaccording to the Family Registration Card 225003/97/03033 dated 3/7/1998 without reducing the right of the Respondent as their natural father to come at any time to see the children to give them affection,
4. Order the Clerk to send a copy of the Divorce Ruling to the Civil Records Office,
5. Order the Accused to pay all the costs of this court action.

SECONDARY:

In the sense of justice we request an equally fair decision (ex aequo et bono)

Denpasar, 20 April 2005

Attorney for the Accusation

Ida Bagus Wikantara, SH

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Phone: (62-361-288511 ext. 1533, 283386, 744 3304 Fax ☎62-361-283386)
Email : ftw-lawfirm@denpasar.wasantara.net.id

**KARTU TANDA PENDUDUK
WARGA NEGARA INDONESIA**
PEMERINTAH KABUPATEN DATI. II, TABANAN

Selambat-lambatnya dalam waktu 14 (empat belas) hari sejak masa berakhirnya habis, penduduk yang bersangkutan diwajibkan mengajukan kembali permohonan untuk memperoleh Kartu Tanda Penduduk yang baru. Pelanggaran terhadap peraturan ini akan dikenakan pidana kurungan/denda.

0183-899

Made Sut.

Tanda tangan dan atau Cap jempol kiri pemegang K.T.P.

0194/I/DP/94.KK.
296-II

0194/I/DP.44
296-II

0194/I/DP/94.KK.296-II

Nama lengkap : Ni Made Jati
Jenis Kelamin : Perempuan
Tempat/tgl. lahir : Denpasar, tahun 1957
Kawin/Tidak kawin : Belum
Pekerjaan : Dagang
Alamat : Jl. Mawar, Tabanan
R.T. / W. Gerokgak Gede Tabanan, 1 Sept 1994
Kelurahan/Desa : Delod Pekon
Kecamatan : Tabanan
Berlaku hingga : 1 Sept 1997

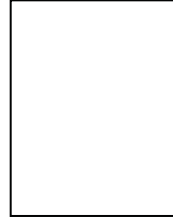
Drs. Wasan P. Artha Adnyana
NIM 60005011

Resident Identity Card

Citizen of Indonesia

Government District II, County Tabanan

0183 - 899



Number	0194/I/DP/94.KK.196-II
Full Name	Ni Made Jati
Sex	Female
Birth	Denpasar, 1957
Married / Unmarried	Never Religion : Hindu
Profession	Business
Address	Jl Mawar, Tabanan,
Issued	Grokgak Gede, 1 Sept 1994
District	Delod Pekan
Valid until	Tabanan

1 Sept 1997

PEMERINTAH KABUPATEN DAERAH INGAT II TABANAN
KECAMATAN : TALIPAN
DESA/KEL. : DESA PELIPI

PENGESAHAN KETERANGAN BELUM PERNAH KAWIN/NIKAH

Nomor : 564/II/DP/1996

Yang ditandatangani di bawah ini, Kepala Desa/Kelurahan : Talipan
Kecamatan : Tabanan

Daerah II Tabanan, dengan ini menerangkan bahwa :

1. Nama : NI Kade Jari
2. Jenis Kelamin : Perempuan
3. Tanggal lahir : Denpasar, tahun 1960
4. Agama : Hindu
5. Pekerjaan : Dagang
6. Alamat : Jl. Mawar No. 12, Desa Talipan, Kecamatan Tabanan, Kabupaten Tabanan

Orang tersebut diatas belum pernah kawin/niKAH.
Demikian keterangan ini kami buat dengan sebenarnya untuk dapat dipergunakan
sebagai bukti perkawinan.

Mengesahkan
Kepala Desa/Kelurahan
- Talipan

Kepala Desa/Kelurahan : Talipan


IGN. MAYUN
NIP. 600006334



GOVERNMENT OF THE COUNTY OF TABANAN AREA II
DISTRICT : TABANAN
VILLAGE : DELOD PEKAN

CERTIFICATION OF NEVER MARRIED STATUS

No 564/ II/ UP/ 1996

The undersigned, Head of Village Delod Pekan
District Tabanan

Level II Tabanan, with this certifies that

Name	:	Ni Made Jati
Sex	:	Female
Place of Birth	:	Denpasar
Religion	:	Hindu
Profession	:	Business
Address	:	Jalan Mawar, Gang VI, Tabanan

The person listed above has never been married,
And we hereby provide this certification to be used for purpose :
To obtain a certificate of marriage.

With the personal knowledge of
Delod Pekan, Tabanan

IGN. MAYUN

LAT KETERANGAN PERKAWINAN UMAT HINDU

NOMOR : 32/A96/II/DP/1996

Senin Tanggal 10 Juni 1996

hadir dihadapan saya

Kellan Adat/Bendesa Adat Br. Gerokgak Ged Kecamatan Tabanan

Agat II Tabanan, Propinsi Daerah Tingkat I Bali

Ni Made Jati

Denpasar Tahun 1957 Umur 39 Tahun pekerjaan Dagang

tinggal di Br. Gerokgak Ged Desa Delod Peken Kecamatan Tabanan

Agat II Tabanan, Propinsi Daerah Tingkat I Bali, anak laki-laki/perempuan dari

Nyoman Ada dan Ni Nengah Sadia

Michael P Donnelly

Alias

I Wayan Candra Wijaya

Los Angeles 3-11-51 Umur 45 tahun pekerjaan

bertempat tinggal di Jl. Pengemb Desa Sanur Kecamatan Denpasar Selatan

Agat II Kodya Denpasar Propinsi Daerah Tingkat I Bali anak laki-laki/perempuan

ny dengan June Donnelly keduanya bertempat tinggal 3455 Rancho Rio Bonita Rd. USA 91724.

telah melaksanakan perkawinan secara Agama Hindu atas dasar suka sama suka

tahun 1996 dengan Ni Made Jati berkedudukan sebagai

Selanjutnya karena syarat-syarat dan upacara Agama telah dilaksanakan maka

keduanya telah dalam ikatan perkawinan dan menjadi suami istri yang syah

Dari hal tersebut dibuatlah surat keterangan ini yang sesudah dibacakan

anda tangani oleh mempelai berdua, rohaniawan yang muput, saksi-saksi dan saya

Adat Br. Gerokgak Gede.

tersebut diatas,

Ni Made Jati

(Ni Made Jati)

I Wayan Candra Wijaya

(I Wayan Candra Wijaya)

I Cetog Sujana

(I Cetog Sujana)

Saksi-saksi :

Kepala Bendesa Adat, Banjar
Gerokgak Gede
I Nyoman Pujaadi
Rohaniawan yang muput :

Ketut Wenda
(Mangku Dalam)

2. (I Nyoman Ada)

Mengetahui

Kepala Desa/Lurah Delod Peken

CERTIFICATION OF HINDU MARRIAGE

NUMBER : 32/ ACG/II/DP/1996

Monday, Date **10 July 1996** appeared before me
as Village Head of Br . **Grokgak Gede**, District **Tabanan**
Level II Tabanan, Province of Bali

Ni Made Jati

Born **Denpasar 1957**, age **39** years, profession **Business**
Resident of **Br Gerokgak Gede**, Village **Delod Peken**, County **Tabanan**
Level II Tabanan, Province of Bali, child male / female of
I Nyoman Ada with **Ni Nengah Sadi**

Michael P Donnelly
Alias
I Wayan Candra Wijaya

Born **Los Angeles 3 -11-1951** Age **45** years profession
Resident **Jl. Pengembak**, Village **Sanur**, County **Denpasar**
District **Denpasar**, Province Level I Bali child male / female
Maurice Donnelly with **June Donnelly** both resident at **3455 Ranch Rio**
Bonita Rd. Covina USA 91724

Have carried out a marriage of Hindu religion of their own free will
this year **1996** with **Ni Made Jati** resident as
_____, and therefore because the conditions and religious ceremony has been
fulfilled the two are now tied in marriage and are husband and wife by law.
_____ Based on the preceding information, this document is prepared that after being
signed by the two parties, witnesses, and me Village Head of **Br . Gerokgak Gede**.

The above

Ni Made Jati

Village Head
I Nyoman Pujaadi

I Wayan Chandra Wijaya

I Ketut Wenda
Priest

Witnesses

I Wayan Cetog Sujana

I Nyoman Ada
Father of Made Jati

Photo Comparison - Where was the marriage?

In comparing a photograph of the Baptism from the negatives, with a photo of the Marriage as entered as evidence by Made Jati:

T 4



Baptism Sudiwudani,
Sanur 25 Mei 1994.

Notice:

Priest

Room and wall

Baskets

Cloth folds

Leaves and flowers

P 3



Evidence P3 Made Jati

Marriage
Michael and
Made Jati,
according
to Made Jati
occurring in Kuta,
30 September
1996.

Looking at the shadows we can see that the Baptism ceremony occurred in the morning with the sun coming from the east (the left) and the Marriage ceremony occurred in the afternoon with the sun coming from the west (right).

Photo Comparison - What year was the marriage?



Marriage
Michael and
Made Jati,
Sanur
25 May 1994.

Notice:
Sean age 1 year,
only one child,
Made Jati
five months
pregnant.



Marriage
Michael and
Made Jati,
according
to Made Jati
occurring in Kuta,
30 September
1996.

Evidence P8 Made Jati

REQUEST FOR JUDICIAL REVIEW

Of the Decision of the Supreme Court of Indonesia No 142 K/ Pdt/ 2006 dated 10 April 2007
JO Decision of the Court of Appeal Denpasar No 16/ Pdt/ 2006/ PT.Dps dated 20 February
2006 Jo Decision of the National Court Denpasar No 119/ Pdt.G/ 2005/ PN.Dps dated 22
November 2005.....

.....17 Pages...

Although Judicial Review of a Supreme Court decision is intended for possible reopening of cases in which new evidence or testimony has come to light which could potentially reverse the previous Supreme Court decision, this request for review does not present new evidence, but simply presents again all the previous arguments presented to the National Court, Appeals Court and Supreme Court.

New evidence is available, of course – that is the evidence that Made Jati herself presented false evidence and that her witnesses Nyoman Suti and Heru Widiyanto committed perjury in their testimonies. However this new evidence would not potentially reverse the Supreme Court decision, but rather would strengthen it, and Made Jati does not mention this potential new evidence in her Request for Judicial Review.

LAST PAGE

For the above legal reasons the Petitioner for Judicial Review does request to the Chairman of the Supreme Court of Indonesia panel of Judicial Review who is handling this case to grant our request to cancel the Decision of the Supreme Court of Indonesia No 142 K/ Pdt/ 2006 dated 10 April 2007, and then to

Rule

1. Receive and grant this Request for Review in its entirety,
2. Cancel the Decision of the Supreme Court of Indonesia No 142 K/ Pdt/ 2006 dated 10 April 2007,

3. Confirm the Decision of the Court of Appeal Denpasar No 16/ Pdt/ 2006/ PT.Dps dated 20 February 2006 Jo Decision of the National Court Denpasar No 119/ Pdt.G/ 2005/ PN.Dps dated 22 November 2005,
4. Order the Respondent to the Request for Judicial Review to pay the costs of the case at all levels from the National Court to the Judicial Review.

OR

Grant a decision of equal merit (Et aequo et bono)

Respectfully,

Attorney for the Petitioner for Judicial Review

Ida Bagus Wikantara, SH

IDA BAGUS WIKANTARA, SH

Advokat

Nuansa Penatih F2 Denpasar

Telp. 0811399794

Denpasar, 3 Maret 2008

Kepada Yth :

Bapak Ketua Mahkamah Agung RI

Jl. Medan Merdeka Utara No. 9-13

JAKARTA PUSAT

Melalui

Pengadilan Negeri Denpasar

Jl. P.B. Sudirman

Di -

D E N P A S A R

Dengan hormat,

Yang bertanda tangan dibawah ini:_____

IDA BAGUS WIKANTARA, SH, advokat yang bertempat tinggal di Perumahan Nuansa Penatih No. F2 Denpasar berdasarkan surat kuasa khusus terlampir yang dibuat dihadapan Notaris Agus Satoto SH, M.hum No 21 tertanggal 29 Nopember 2007,_____ Dalam hal ini bertindak selaku kuasa hukum/advokat dari dan oleh karenanya sah mewakili :_____

NI MADE JATI, perempuan, beralamat di Jalan Pengembak Gang III No 29 Sanur, Denpasar, Bali semula sebagai : Penggugat/Terbanding/Termohon Kasasi. _____ Sekarang disebut : **PEMOHON PENINJAUAN KEMBALI**.

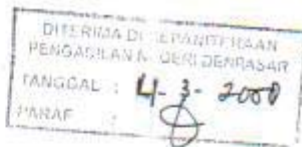
Bahwa Pemohon Peninjauan Kembali, dengan ini akan mengajukan Memori Peninjauan Kembali atas Putusan Mahkamah Agung RI No. 1428 K/Pdt/2006 tanggal 10 April 2007 Jo. Putusan Pengadilan Tinggi Denpasar No. 16/Pdt/2006/PT.Dps. tanggal 20 Februari 2006 Jo. Putusan Pengadilan Negeri Denpasar No. 119/Pdt.G/2005/PN.Dps. tanggal 22 Nopember 2005.

IDA BAGUS WIKANTARA, SH

Advokat

Nuansa Penatih F2 Denpasar

Telp. 0811309794



MEMORI PENINJAUAN KEMBALI

Atas:

Putusan Mahkamah Agung RI No. 1428 K/Pdt/2006 tanggal 10 April 2007 Jo. Putusan Pengadilan Tinggi Denpasar No. 16/Pdt/2006/PT.Dps. tanggal 20 Februari 2006 Jo. Putusan Pengadilan Negeri Denpasar No. 119/Pdt.G/2005/PN.Dps. tanggal 22 Nopember2005.

Dalam perkara antara :

NI MADE JATI ;

Bertempat tinggal di Jalan Pengembak Gg. III No. 29 Sanur, Denpasar,Bali
Semula sebagai: Penggugat/Terbanding/Termohon Kasasi.

Sekarang disebut: **PEMOHON PENINJAUAN KEMBALI.**

Melawan :

MICHAEL PATRICK DONNELLY ;

Bertempat tinggal di Jalan Pengembak , Sanur.Denpasar. Semula sebagai
: Tergugat/Pembanding/Pemohon Kasasi. Sekarang disebut: **TERMOHON
PENINJAUAN KEMBALI.**

KEPOLISIAN DAERAH BALI
KOTA BESAR DENPASAR
SEKTOR KUTA
Jl. Raya Kuta 141m Kuta Badung.

MODEL : C



SURAT TANDA PENERIMAAN LAPORAN / PENGADUAN
NO.POL. : STPL/ 1447 /IV/ 2007 /POLSEK

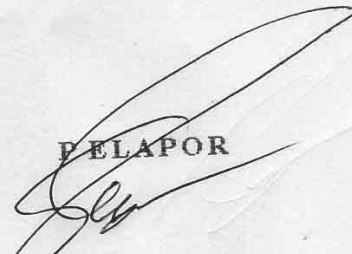
---Yang bertanda tangan dibawah ini menerangkan bahwa pada hari senin tanggal 09 April 2007, Sekira Pukul 13.15 Wita, telah datang melapor ke Polsek Kuta seseorang dengan identitas sebagai berikut

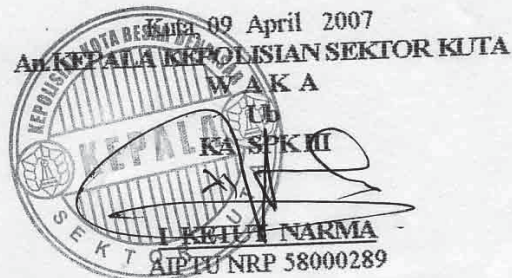
N a m a	:	GARY ALLAN HEWSON
Tempat / tgl. Lahir	:	Auchland, NZ, 21 May 1956
Jenis kelamin	:	Male,
A g a m a	:	Cristian
Pekerjaan	:	Manager.
Kebangsaan	:	New Zealand.
Nomor KTP/Pasport	:	.MO 76634
Alamat Sementara	:	Jalan Baypas Ngurah Rai Gg YPAC No 98 Jimbaran.
Alamat tetap	:	-----S D A-----

-----Melaporkan telah Terjadi Tindak Pidana :Penipuan yang dilakukan oleh NI MADE JATI dengan cara awal tahun 1997 sepakat pelapor bersama istri dan terlapor bersama suami (MAECHEL) mendirikan perumahan Kori Uluwatu dimana sahamnya 50 % istri + suami dan 50 % suami + istri yang dibuatkan perjanjian bersama . Pada tahun 2007 pelapor baru melihat akta pendirian perusahaan An NI MADE JATI (Terlapor) dan KETUT DENDA sehingga dirugikan Rp 10.000.000 (sepuluh juta rupiah) Peristiwa itu terjadi tahun 1997 sekira pukul : 15.00 wita bertempat di JalanPopis II Kuta Badung (Restoran Kori).

-----Berdasarkan Laporan Polisi No.Pol.: LP-C / 169 /IV/ 2007, tanggal 09 April 2007

--- Demikian Surat Tanda Penerimaan Laporan Pengaduan ini dibuat untuk dapat dipergunakan sebagaimana mestinya.


GARY ALLAN HEWSON



POLICE REGION OF BALI
SECTOR DENPASAR METROPOLITAN
SECTOR KUTA
Jalan Raya Kuta 141m Kuta Badung

DOCUMENTARY RECEIPT OF REPORT / COMPLAINT
No POL : STPL / 1447 / IV / 2007 / POLSEK

The undersigned here states that today Monday 9 April 2007 at about 13:15 hours there appeared at the Office Polsek Kuta stating his identity

Name	GARY ALLAN HEWSON
Place / Date of Birth	Auckland, NZ, 21 May 1956
Sex	Male
Religion	Christian
Occupation	Manager
Nationality	New Zealand
No KTP / Passport	MO 76634
Temporary Address	Jalan ByPass Ngurah Rai Gg YPAC No 98 Jimbaran
Permanent Address	

Reports that there has occurred a criminal act of : Fraud committed by NI MADE JATI with the means that in early 1997 an agreement between the complainant and his wife and the subject and her husband (MICHAEL) opened a restaurant Kori Uluwatu in which the share ownership was 50% husband + wife and 50% husband + wife who made the agreement together. In 2007 the Complainant was shown the founding document of the company in the name of NI MADE JATI (subject) and KETUT DENDA, so that the loss is Rp 10,000,000. The incident occurred in 1997 about 15:00 hours at the address Jalan Popies II, Kuta Badung (Restaurant Kori).

Based on Police Report No. Pol : LP-C / 169 / IV / 2007, dated 9 April 2007.

Thus the Documentary Receipt of Report / Complaint is made truthfully to be used as appropriate.

Reported by	Kuta, 09 April 2007 For Chief Police Sector Kuta Assistant Chief KA SPK I
GARY ALLAN HEWSON	

I KETUT NARMA
AIPTU NRP 58000289

Exhibit 3 Respondent Michael Donnelly 7 May 2008
Gary Hewson Files Fraud Complaint Against Petitioner

Gary Hewson's Complaint – Summary

In 1997 Michael and Made Jati Donnelly and my wife Pam and I entered into an agreement to open a restaurant in Kuta. We all agreed that we would be 50 / 50 partners. Pam and I would contribute a small amount of cash plus all the expertise and labor to open and run the restaurant. Michael and Made would contribute the property and a cash loan to finance the business, but they would be silent partners. We signed an agreement together in September 1997 and began work in January 1998. We contributed the requested capital in January and February 1998 and the restaurant opened in June 1998.

We operated the restaurant and split the profits 50/50 as per the agreement until mid 2006. Then Made Jati began to demand control of the accounting and cash flow and making other demands in violation of our agreement. Made Jati and her brother Ketut Denda began to claim that they owned the restaurant although our agreement of 1997 clearly states that they do not. Made Jati and Ketut Denda claim now that they have no knowledge of our agreement of 1997 and they base their authority and ownership of the company on the Akte Pendirian.

Looking at the Akte Pendirian last week I was surprised to find that the Akte Pendirian was dated December 1996, although Made Jati told us when we signed the agreement in 1997 that the company had not yet been opened. I had never read the Akte Pendirian before because it is in Bahasa Indonesia and also our agreement states that the terms of the Akte Pendirian does not change the actual ownership of the company as a partnership between Michael and Made Jati Donnelly and me.

If it is true that the Akte Pendirian already existed in 1996, then Made Jati misled me knowingly when we signed the 1997 agreement. She now claims that the Akte Pendirian is the basis for the ownership of the company, and therefore I contributed capital and 9 years of work into a business that she told me I had a 50% share but which she now claims is all hers. This is a fraud and a theft of my money and my labor under false pretenses.



SURAT TANDA PENERIMAAN LAPORAN

No. Pol : STPL/ 8/ /III/2006/Dit Reskrim

----- Yang bertanda tangan dibawah ini menerangkan bahwa pada hari ini Selasa, tanggal 14 Maret 2006, sekitar jam 14.00 Wita, telah datang ke Kantor Dit Reskrim Polda Bali seorang laki-laki bernama : -----

N a m a : MICHAEL PATRICK DONNELLY
Umur : 54 tahun.
Kewarganegaraan : Indonesia.
Pekerjaan : Swasta.
Agama : Hindu.
Alamat : Jalan Pengembak No. 12 Sanur – Denpasar. 0361-270827

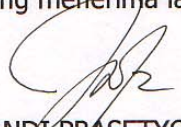
----- Melaporkan bahwa telah terjadi tindak pidana Memberikan keterangan palsu dalam akte otentik atau Tindak Pidana Penipuan sebagaimana dimaksud dam Pasal 266 KUHP atau 378 KUHP, sesuai Laporan Polisi No. Pol. : LP/ 8/ /III/2006/Dit Reskrim, tanggal 14 maret 2006. -----

----- Demikian Surat Tanda Penerimaan Laporan ini dibuat dengan sebenarnya untuk dapat dipergunakan sebagaimana mestinya.-----

Pelapor,

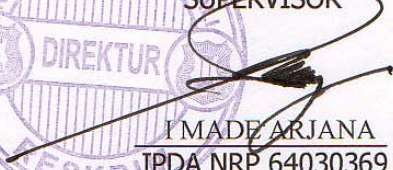

MICHAEL PATRICK DONNELLY

Denpasar, 14 Maret 2006
Yang menerima laporan


ANDI PRASETYO, SH
BRIGADIR NRP 74080335



MENGETAHUI
A.n. DIREKTUR RESKRIM POLDA BALI
SUPERVISOR


I MADE ARJANA
IPDA NRP 64030369

POLICE OF THE BALI REGION
DIRECTORATE OF CRIMINAL INVESTIGATIONS

DOCUMENTARY RECEIPT OF REPORT

No. Pol: STPL / 8 / III/ 2006 DitReskrim

That the here undersigned reports that today Tuesday 14 March 2006, at approximately 14:00, has appeared at the office of the Directorate of Criminal Investigations Bali a male named

Name:	MICHAEL PATRICK DONNELLY
Age:	54 years
Citizenship:	Indonesia
Occupation:	Private businessman
Religion:	Hindu
Address:	Jalan Pengembak No 12, Sanur – Denpasar 0361-270827

Reporting that a crime has occurred consisting of Giving false information in an official document or a crime of Fraud as meant in Section 266 KUHP (Criminal Code) or Section 378 KUHP, according to Police Report No Pol: LP/ 01/ III/ 2006/ DitReskrim, date 14 March 2006

Thus is the Documetary Receipt of Report truthfully made and to be used however appropriate.

Reporting

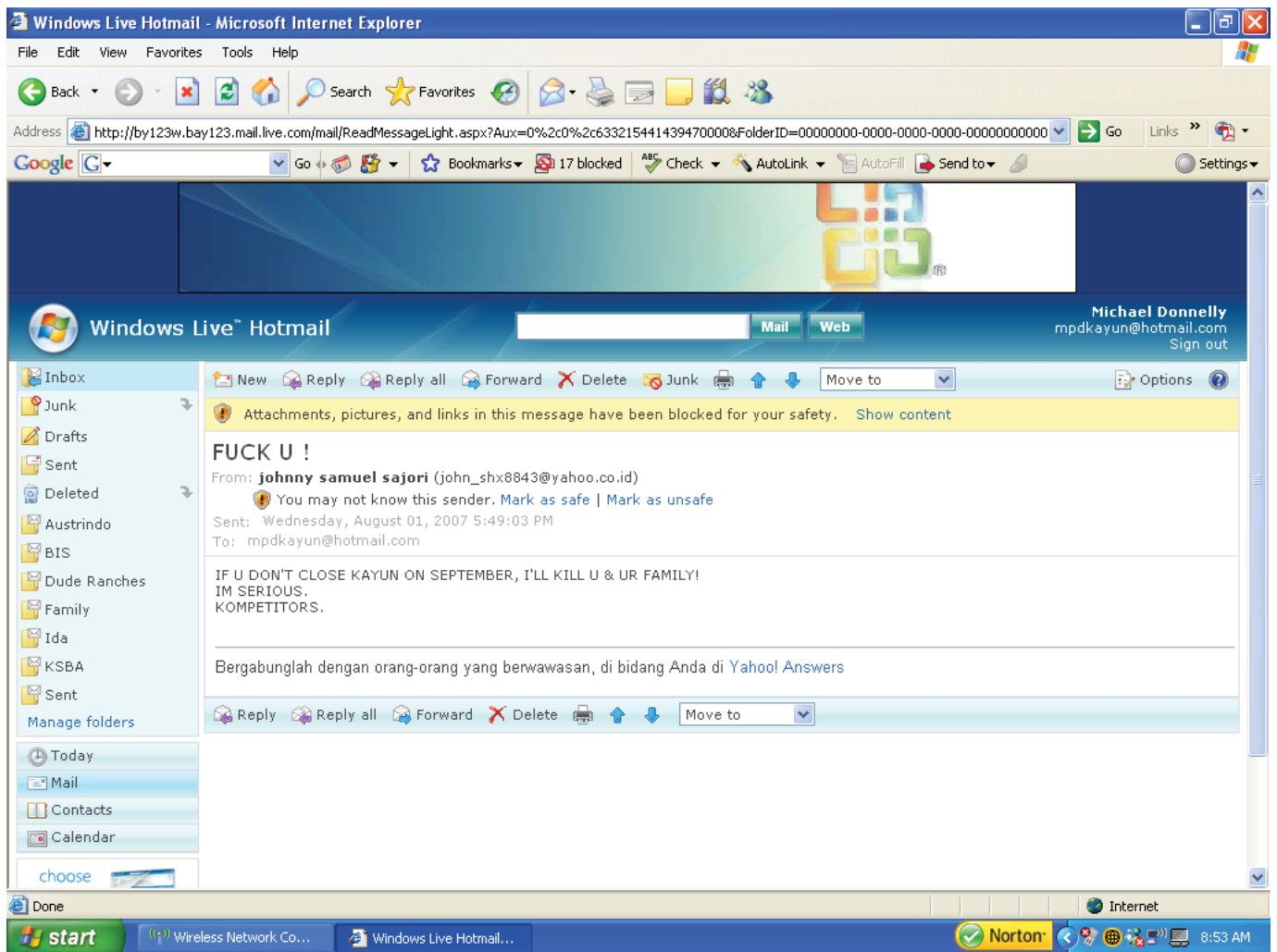
Denpasar 14 March 2006
Receiving the Report

MICHAEL PATRICK DONNELLY

ANDI PRASETYO, SH
BRIGADIR NRP 74080335

REPORTED TO
For DIRECTOR FOR CRIMINAL
INVESTIGATIONS POLICE BALI
SUPERVISOR

I MADE ARJANA
IPDA NRP 64030369





SURAT TANDA PENERIMAAN LAPORAN / PENGADUAN

NO. POL : STPL- B / 469 / VIII / 2007 / POLSEK

Yang bertanda tangan dibawah ini menerangkan bahwa : -----
Pada hari ini Senin Tanggal 12 AGUSTUS 2007 Jam.13.00 Wita, telah datang ke Kantor
Polsek Denpasar Selatan seorang Laki-laki yang mengaku bernama :

N a m a : MICHAEL PATRICK DONNELLY
Tempat / Tgl Lahir : California , 03 Nopember 1961
A g a m a : Hindu
No. KTP / Pasport : 710218731
P e k e r j a a n : Wiraswasta
K e b a n g s a a n : Amerika
Alamat Sementara : Jl.Pengembak No/2 Sanur Denpasar
Alamat Tetap : 3455 Rancho Rio Bonito Road Covina California USA

Melaporkan bahwa telah terjadi tindak pidana : PENGANCAMAN

Tempat Kejadian : Jln. Pengembak nol2 Sanur Dps.
Tanggal Kejadian : 3 Agustus 2007
Kerugian / Akibat : Keselamatan jiwanya merasa terancam
Yang dilakukan oleh : -

Sesuai dengan Laporan Polisi No. Pol : LP - B / 469 / VIII / 2007 / POLSEK
Tanggal 12 Agustus 2007

Demikian Surat Tanda Penerimaan Laporan / Pengaduan ini dibuat dengan se-
benarnya untuk dapat dipergunakan seperlunya.

Pelapor

MICHAEL PATRICK DONNELLY

Sanur, 12 Agustus 2007
A.n. KAPOLSEK DENPASAR SELATAN
W A K A
U. b
KA SPK I.



IMADE SARJAE

APTU NRP 61060516

POLICE DISTRICT DENPASAR
SECTOR SOUTH DENPASAR
JALAN BYPASS NGURAH RAI SANUR 80227

DOCUMENTARY RECEIPT OF REPORT / COMPLAINT

No POL : STPL-B / 169 / VIII / 2007 / POLSEK

The undersigned here states that

Today Monday 12 AUGUST 2007 at 13:00 hours there appeared at the Office Polsek South Denpasar a male stating his name to be

Name	MICHAEL PATRICK DONNELLY
Place / Date of Birth	California, 03 November 1951
Religion	Hindu
No KTP / Passport	710218731
Occupation	Private businessman
Nationality	America
Temporary Address	Jalan Pengembak No 12 Sanur Denpasar
Permanent Address	3455 Rancho Rio Bonita Road, Covina, California USA

Reports that there has occurred a criminal act of : THREAT

Place of Occurance	Jalan Pengembak No 12 Sanur Dps
Date of Occurance	3 August 2007
Loss or Result	Personal safety is threatened
Confessed by	--

Consistent with Police Report No Pol: LP -B / 469 / VIII / 2007 / POLSEK

Thus the Documentary Receipt of Report / Complaint is made truthfully to be used as appropriate.

Reported by	Sanur, 12 August 2007 For Chief POLSEK SOUTH DENPASAR Assistant Chief KA SPK I
MICHAEL PATRICK DONNELLY	

Windows Live™ Hotmail™

Outlook fans,
this one's for you!

Update now

it's free!

➔

Home

Hotmail

Spaces

OneCare

mpdkayun@hotmail...

Sign out

all

Forward

Delete

Junk

Move to

Check mail

Options

by Date

15/2007

ch...

14/2007

lay

14/2007

Co...

14/2007

su...

13/2007

atn...

13/2007

r o...

13/2007

12/2007

su...

11/2007

ou...

10/2007

S...

10/2007

Ve...

Letter of Concern

Full message view

From: **Opposed to You** (stfumdys@hotmail.com)

Sent: Monday, August 13, 2007 8:11:56 PM

To: mpdkayun@hotmail.com

We have been informed of recent events occuring within your family, and we are aware that it is none of our business, but we care alot about Sean and Brendan and think that what you are doing to them and the false information that you are feeding them (that Made wants to kill them - i mean, are you crazy?) is just totally immoral, wrong on every level, to make children believe this bullshit about their mother who loves them SO much, is just ridiculous and downright insane. This will harm Sean and Brendan mentally and scar them for the rest of their lives. What you are doing is extremely selfish. Keeping them in America is one thing, but telling them these unthinkable lies is going way too far over the line. We know alot of information about you, we know where you live, your telephone number, email, and alot of other personal things. We have very reliable sources telling us more and more about the horrible things you are doing. We know that this is all about money, but even though Made has a lot more money than you, you definetly do not need that extra money to live better. Is it worth ruining your childrens lives and scarring them for life just so you can indulge in a few more luxuries for yourself? Maybe its about pride and you dont want to lose. But try and be a bit more considerate of Sean and Brendan - do you really love them? If so, we do not believe that this behaviour is acceptable. We will hear more and know more, and take more necessary action if it is required. We care deeply for Sean and Brendan and their wellbeing, we're not doing this because we hate you, because we actually think you are nice sometimes, but the way you are acting surprises us greatly and we think you should take some time to reflect on yourself and your actions. Do not punish your boys just because of a financial/stubborn disagreement between you and Made.

to tell children that their mum wants to kill them is CRAZY. TOOOO FARRRRR

thankyou for listening.

it is actually our business because we love people you are harming. you are not aware of the damage you are causing, trust me, we know.

Anonymous

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Exhibit 6 Respondent Michael Donnelly 7 May 2008
Threat of Harassment From Group Supporting Petitioner

>From: Michael Donnelly <mpdkayun@hotmail.com>
>To: <madejati@hotmail.com>
>Subject: notice
>Date: Wed, 5 Dec 2007 12:12:06 +1200
>
>I offered you a legal divorce and you refused it. You have refused any
>kind of communication or mediation with me or the children. You are my wife
>and I have the right to know where you are, I am waiting for your immediate
>answer about your whereabouts.

From : Made Jati
6 Dec 2007

Hi Michael.
after all this month since july you left and run away with my boys and now
you ask me where am I. where are you with my boys all this time and where
are you hide them. have you ever give them to talk to me have you ever ask
them to call me and have you ever tell me where you staying and telephone no
where I can get you. you know how painfull is to know that the father of my
children run away with them and no cominisation all this month. you know how
much pain is when I know that Brenden,s bitrh day and I call and I want to
talk to him and wish him his birth day and your mom said she will give him
my mesage, and when al ask her for you and your phone no so I can talk to my
boys and she said she dont have. am around and will be gone for a while
since I know and I don,t hear anything for my boys I ,ake plane for long
business trip to promote my company since you rune it with all the internet.
for awhile I write in the e mail with B and you cut us off and also on the
skype and B told me I have to go mommy and I was so sure that you cut us off
again and I was right. with Sean I keep write to his mail the only one I
know he never write back. I know they miss me like I miss them. you know I
love my boys and also they love me. give me your telephone no and let me
talk to my boys with out you interfear they big boys and they can talk to
me. please give them my love and tell them I miss them. I have a copy of
this mail if you not let them know I will do when I see them. made

From: Michael Donnelly (mpdkayun@hotmail.com)
Sent:
Friday, December 07, 2007 4:30:14 AM
To:
made jati (madejati@hotmail.com)

At last I hear from you. You are perfectly capable of sending me an email, calling or writing to me at any
time. I have asked you for years to meet with me to settle our problems and you have consistently refused all
communication. When I was in Bali after the death threat I offered to meet with you and you refused.
What you say about the boys is untrue. I never interfered with the boys talking to you, but I told them that
whether they communicated by phone or by email with you was entirely up to them: They were free to talk
to you but I would not force them; If you made them uncomfortable, they didn't have to talk to you. Both
boys said they didn't want to talk to you anymore because they knew you were lying to them. I don't know
anything about cutting you off on the phone or on Skype – they probably gave you excuses because they didn't
want to talk.

I am not going to go into a ridiculous debate by email about all the web of false documents, lies and criminal

behavior you have made of your life. You have brought misery and destruction on all your family and friends. You are my wife and I demand that you meet with me to discuss our marriage, family, and properties and businesses. This meeting is to be supervised and witnessed because you have proven yourself unable to keep promises or represent accurately what was said in meetings or even in signed and written documents.

Law is not based on how many creative stories you can tell the most people. Our marriage is based on civil law confirmed by official documents and facts. If you create false documents or lie to public officials and courts about the facts – that is criminal. Eventually a court will get to the bottom of your actions, whether it takes one more year or five or ten, and you will face that judge and prison. Indonesian cases closed by collusion will be reopened.

So I offer you again, we can meet to settle our civil differences, or the cases can go on to further criminal charges.

You are perfectly free to send your email to the boys, you always have been. In fact, I will ask them if they want to see it, and if they do I will show these emails to them myself. But our children are very intelligent, they know lies when they hear them, and they don't want to be talked to or manipulated like they are stupid children.

If you really hope for reconciliation with them, I advise you to stop your criminal behaviors, meet with me so you can admit to me and to them what you have done, and try to make it right. Maybe from there you can try to build a relationship with them based on truth and respect for them as human beings. There is no reason that a wife and mother would fly all over the world on vacations and business meetings, and at the same time refuse a meeting with her own husband – it looks criminal and it is, and eventually you will be caught.

Your husband

From: Michael Donnelly (mpdkayun@hotmail.com)

Sent:

Saturday, December 08, 2007 4:30:14 AM

To:

made jati (madejati@hotmail.com)

I told you yesterday I would discuss your email with the boys. I asked both Brenden and Sean if they wanted to see your email and they both said that they did not want to see it. I told them approximately what your email said and what my reply was, and they both said that they agreed with my answer to you. I asked them if they wanted to talk to you on the telephone or receive emails from you, and they both said they did not want to receive anything from you.

You said that they are big boys, old enough to talk to you on their own. I agree, I have let them talk to you on their own, and they are also old enough to choose not to talk to you on their own if that is their decision.

You have made their lives very painful. Any normal mother who has true love for her children would meet with her husband to try to resolve issues, for the sake of the children if nothing else. You have obligations and responsibilities under both US and Indonesian law, and I expect you to obey those laws. I would like an immediate answer of your whereabouts and a confirmation of a meeting date. I also expect you to keep communications open and I want no more refusals to communicate.

Your husband

On 16 March 2008 my ex-wife Made Jati appeared accompanied by a lawyer and Sheriff's officers outside our apartment in San Dimas.

I noticed a blonde woman hanging about outside along the road during the afternoon. I later left the house for a walk to the library and the woman was still there holding two skateboards. When I came back from the library about 15 minutes later the woman was still there watching me with an odd smile, without the skateboards.

A few minutes later I answered a knock on the door. Two San Dimas Sheriff's officers, Deputies Martinez and Bynum asked me if I was Michael Donnelly and if I would step outside. The children were in their rooms listening to music and playing on computers.

The officers told me that my wife Made Jati and her attorney were here in front of the apartment and that my wife wished to see the children. I was shocked to hear this as I had heard nothing from my wife for months and she had consistently refused to communicate with me, and I had strong reason to believe that she was behind the death threat that caused us to not return to Indonesia in August 2007. I replied that I was concerned that my wife was dangerous, that I was willing to meet her only with witnesses present, and that I had already reported my concerns to the San Dimas Sheriff's Office and to the FBI.

The officers replied that they were only here to keep the peace and asked if I was willing to allow the children to see their mother. I replied that it was up to my children, that I would not force them, I had doubts that they would want to see her but if they did wish to see her I wanted the visit to be in my presence.

I suggested that the officers come in and ask the children directly, but they declined and said that I should ask them. I was not willing to do anything out of the officers' presence less it be misconstrued, so I again asked the officers into the apartment and went to get the children as the officers stepped inside.

They were in their rooms, listening each to loud music and unaware that anyone was at the door. I told them that I needed see them and asked them to come to the living room. The apartment is small and the doors to their rooms are about four steps from the living room.

In the living room I told them that these were officers from the Sheriff's Department and that they said their mother was here and would like to see them. Officer Martinez asked them if they would like to see their mother. Both Sean and Brenden quickly replied "no". Officer Martinez said that he understood that tomorrow was a birthday for one of the boys, and Sean said "Yes, me." Officer Martinez said that their mother had gifts for them, would they like to receive the gifts now and not see their mother or see her another time. Again both said "no".

The children went back to their rooms. In further discussion I told the officers that I would be willing meet with her as I had been trying for years to meet with her but that she always refused, but that I wanted the meeting to be with witnesses and in a safe and neutral environment. They asked if I would be willing to meet with her at the Sheriff's office and I agreed that I would, with witnesses present.

The officer's returned to the front of the apartment where they talked with the attorney and my ex-wife for 15 to 20 minutes. Officer Bynum later returned with the business card of attorney Julie A. Duncan and said that the attorney had asked that I contact her at her cell phone number on the back.

I was not willing to talk to an attorney for my wife on my own, so the next day through references I met Thomas Kendall and asked him to handle the case and to contact my wife's attorney.



Season's Greetings!

As another year comes to a close, we reflect on the growth of the Joni's Angels program and remember all those who have helped us get to where we are today.

This year, we received notification of approval of our application for our 501 (c) (3) non-profit status, secured lovely office space in Newport Beach in April and dedicated most of the first half of the year to further development of the program.

In August, we hired our gifted volunteer coordinator and set the wheels in motion toward placing the volunteer effort in our first location; Fountain Valley Regional Hospital & Medical Center!

We have trained two classes of volunteers for the Angel Wings program from Orange County area High Schools with a combined total of 33 students who have been anxious to start making a difference! These students are especially interested in the community service opportunities that Joni's Angels offers through program association; spending time with the children of our focus so that they are not alone is the top priority! The graduating class of 2008 will be the first to participate in the scholarship program that will be rolled out in early 2008.

During the Holiday Season, Joni's Angels is bringing interactive volunteer play at the bedside of children in the pediatric unit and playroom and joys of Christmas Caroling in their corridors.

We feel privileged to be able to bring this family assistance program to those in need through the generous support of those who care.

May you prosper in 2008 and find ways to bring joy to those around you...

Deborah Stowell-Buffkin, Executive Director

Dana Lesinski, Volunteer Coordinator

From: makes.angels@yahoo.fr
To: info@korirestaurant.com
Subject: Re: Dear members of our community,
Date: Wed, 26 Dec 2007 12:18:17 +0800

I have read the open email from 'Mades Angels' with interest regarding the ongoing trials and tribulation of Made Jati and would like to add to it if I may, as I am probably one of the most qualified to do so, having known Made for almost 28 years.

I first met Made and her former husband (also named Michael) in 1980 on a trip to Gili Air in Lombok. They had built a small holiday house with an adjoining tree house there and we quickly became good friends, as I was living on the island for months at a time working on a project along the coast of Lombok.

Michael, the first, was a lovely guy and amused me greatly with his fluent Indonesian with an Aussie accent and dry sense of humour. Some years went by and we all remained good friends, especially after I met and married my Balinese wife, also named Made, who was linked to Made Jati by both nationality, religion and culture, coming from literally the next village.

My wife and I were both sad and disappointed when their relationship broke down, however that's life and there was no ill feeling between them, and they both moved forward and remained friends. Obviously because they had built their business Uluwatu together, they made fair business arrangements to 'divide' their assets and move on with their lives, going their separate ways.

Suddenly the second American Michael came onto the scene and to be honest, I instantly took a dislike to him, however because of my long friendship with Made, I said nothing and still kept in touch. But I never got as close to them as I had with Made and the previous Michael.

I often mentioned to my wife that this guy didn't 'gel' somehow and I found him sleazy and sarcastic, with some unclear motive that I couldn't put my finger on at the time. He seemed to me to be hiding another face and I always felt uncomfortable in his company and therefore found it hard to tolerate him in anything but small doses.

When they had children I was so happy for Made, as I knew that this was the final fulfillment that she wanted and that she now felt secure and happy. I on the other hand began to see a different picture emerging when I learned that Michael was in fact playing around behind her back. Once even going to Singapore with a Balinese girl we knew, who later married one of my western staff.

Of course we kept this from Made and watched on as this guy slowly took over her life and her business, step by step, while she seemed besotted and oblivious to his conniving ways. Soon I realized that he was, and had been, setting numerous things in motion to strip her of her business and then dump 85

her. It's now quite clear that many of the plans he made were done years before they actually parted and it is quite credible that he saw this opportunity to 'set himself up' right from day one when they first met. After all he had little before he came into her ready made business, that was already established with a good reputation and without any of his help.

Over a period of time he carefully removed Made from the business, while she was distracted with family life and moved his own people in to manipulate business affairs into his hands only. Made's life now only revolved around her husband and children and she, unlike him, was the devoted partner with little involvement in Uluwatu or Kori Restaurant, in which he had also established his own people. Her trust however was to later come back to haunt her.

Not only was all this taking place, but stories had also been circulated around to undermine her reputation and credibility, all part of the plan no doubt to get everyone on side before the big crunch day. When it finally happened Made was devastated, never suspecting just how cunning he had been and how heartless and greedy he was. It was quite clear now that he had major financial aspirations and intended to strip her bare of all that he could. In fact everything since that day has all been about money and nothing else. His devious manipulation of her business had all been done to take as much as he could, if not everything from her, even to the point of destroying her mind and her life in the process.

Made was much more generous in her settlement with him than I would have been under the circumstances, however this was not enough to satisfy his ambitions, and it's only when he got seriously nasty that she finally said enough is enough. Then of course the 'true' Michael emerged and we've all witnessed just how callous and vindictive that person is, when he can't get his own way. There seems to be nothing that he is incapable of.

He has used every dirty trick in the book, including public abuse, trickery, deception and now even what borders on kidnapping. Obviously his family in America and many 'friends' in Bali have been fooled by him, as this was a long term plan that took years of careful manipulation to put in place, even to the point of making himself look good while destroying her reputation and credibility. Certainly there's no doubt that Michael can tell a very convincing story and comes across as a very believable person, who has been hard done by. Even his latest website statement is aimed at this end and his website in general has been designed by a paranoid mind with evil intent, desperate to back up his lies and deception.

My sympathies are, and always have been with Made Jati and I have tried to give her good advice over the years when I could as a friend. All I can say to her now is to keep her resolve and rely on the Karma that will finally strike this low life person down, in spite of everything she has had to go through. Her children will eventually return to her of their own accord, as soon they are old enough to learn the truth and see their father for what he is. For now she must be patient and strong and give this man nothing more than she

already has, as he deserves only contempt and should never be made welcome on this island again by anyone. As for the people who have been or continue to be fooled by him, all I can say is, 'wake up and open your eyes to this devious person'.

Unlike 'Made's Angels' I am not scared to put my name to this email, as Michael Donnelly does not scare or worry me anymore than any other bully does. I have personally been attacked and defamed over the years and seen my own business and life under threat from all sides on numerous occasions. This is unfortunately common here with the massive amount of jealousy and gossip that prevails.

But this is not a plot on some cheap 'soap opera', this is real, as only Made Jati can testify to. Life is often more incredible than fiction and to all those people who seem to thrive on these dramas, I say, get behind this woman and give her all the support she needs to get through this terrible time in her life, as she needs all the help she can get.

Nigel Mason

Menimbang, bahwa pihak Penggugat selain mengajukan bukti-bukti surat tersebut, juga mengajukan bukti saksi dibawah sumpah yang telah didengar keterangannya dipersidangan antara lain sebagai berikut : -----

1. SAKSI NI NYOMAN SUTI : -----

- Bahwa Penggugat dan Tergugat telah melangsungkan Pernikahan secara Adat Agama Hindu pada Tahun 1996 ; -----
- Bahwa, Tergugat berkewarga Negaraan Amerika dan beragama Kristen, tetapi ketika melakukan

perkawinan telah menyatakan masuk Agama Hindu ; -----

- Bahwa, Perkawinan Penggugat dan Tergugat telah mempunyai dua orang anak masing-masing bernama : 1. WAYAN SEAN DONNELLY, dan 2. BRENDEN SURYA DONNELLY ; -----
- Bahwa, sejak 4 tahun silam antara Penggugat dan Tergugat sering terjadi percekcoakan yang disebabkan perbedaan cara mendidik anak ; -----

2. SAKSI HERU WIJAYANTO : -----

Bahwa Penggugat dan Tergugat diketahui saksi telah melangsungkan Pernikahan secara Adat Agama Hindu pada Tahun 1996 ; -----

Bahwa, pada waktu melaksanakan perkawinan Penggugat dengan Tergugat telah mempunyai dua orang anak ; -----

- Bahwa, saksi tahu kurang lebih 4 tahun ini antara Penggugat dengan Tergugat sudah tidak harmonis lagi, dan kalau bepergian sudah sendiri-sendiri ; -----
- Bahwa saksi melihat Penggugat dengan Tergugat sering kali cekcok, bahkan sampai Tergugat pernah menggebrak meja ; -----

1. WITNESS NI NYOMAN SUTI

- That the Plaintiff and the Respondent were married in a Bali Hindu marriage ceremony in 1996;
- That the Respondent is an American citizen and Christian, but at the time of the marriage ceremony had converted to Hindu;
- That the marriage of the Plaintiff and the Respondent has resulted in two children named 1) WAYAN SEAN DONNELLY and 2) BRENDEN SURYA DONNELLY;
- That since 4 years ago between the Plaintiff and the Respondent there have been frequent fights caused by differences in the way they wish to raise their children;

2. WITNESS HERU WIJAYANTO

- That the Plaintiff and the Respondent are known by the witness to have been married in a Bali Hindu marriage ceremony in 1996;
- That at the time of the marriage the Plaintiff and the Respondent already had two children;
- That the witness knows that for approximately 4 years the relationship between the Plaintiff and the Respondent was no longer harmonious, and they traveled alone;
- That the witness saw Plaintiff and the Respondent frequently fight, even until the Respondent broke a table;

IDA BAGUS WIKANTARA, SH

Advokat

**Nuansa Penatih F2 Denpasar
Telp. 464522. Hp. 0811399794**

No : 03/wkn/jwb.T/ VIII/2006
Lamp : 1 (set)
Perihal : **JAWABAN TERGUGAT I**

Kepada
**Yth. Bapak Ketua Majelis Hakim Pimpinan Persidangan
Dalam Perkara No. 191/Pdt.G/2006/PN.Dps
di
tempat.**

Dengan hormat,-----
Yang bertanda tangan dibawah ini, **IDA BAGUS WIKANTARA, SH**, advokat yang beralamat di Perumahan Nuansa Penatih No. F2, Denpasar dalam hal ini bertindak untuk dan atas nama **NI MADE JATI**, perempuan, umur. 47 tahun, pekerjaan swasta, alamat Jalan Pangembak III No. 29, Br. Tanjung, Kel. Sanur Kauh, Kec. Denpasar Selatan, Kodya Denpasar selaku **TERGUGAT I** sebagaimana surat kuasa tertanggal 8 Juli 2006 terlampir bersama ini menyampaikan **JAWABAN TERGUGAT I** sebagai berikut:-----

DALAM EKSEPSI

1. Bahwa gugatan **PENGGUGAT** adalah kabur (obscuur libel) oleh karena antara peristiwa dalam posita tidak berkaitan minimal berhubungan dengan petitum gugatan,-----
2. Bahwa Petitum gugatan **PENGGUGAT** adalah tidak jelas dan kabur seperti halnya petitum pada angka 3 adalah tidak menyebutkan dengan jelas dokumen yang mana dan surat-surat apa yang tidak benar dan melawan hukum.?-----
3. Bahwa Petitum gugatan **PENGGUGAT** adalah tidak jelas dan kabur seperti halnya petitum pada angka 4 "Perkawinan Tahun 1996 yang mana dan berdasarkan apa yang dinyatakan tidak pernah ada ?"-----

DALAM POKOK PERKARA

*Bahwa **TERGUGAT I** menolak dengan tegas dan jelas seluruh dalil-dalil dalam gugatan **PENGGUGAT** ;-----*

*Bahwa agar Yang Mulia Majelis Hakim Persidangan tidak terpengaruh dengan dalil-dalil gugatan yang sedemikian menyesatkan dan kabur bersama ini **TERGUGAT I** menyampaikan tanggapan dan jawaban atas gugatan **PENGGUGAT** sebagai berikut:-----*

1. Bahwa benar diantara **TERGUGAT I** dan **PENGGUGAT** telah dilangsungkan perkawinan di Los Angeles, County Angelos, California, USA pada tanggal 14 September 1985 namun **TERGUGAT I** menolak pendaftaran perkawinan pada tanggal 6 April 2006 sebagaimana Reg No. 16/KDKC/2005 yang dilakukan sendiri oleh **PENGGUGAT** yang nota bene adalah WNA sedangkan pendaftaran dimaksud adalah seyogyanya untuk kepentingan hukum dan status warganegara Indonesia dalam hal ini **TERGUGAT I** sehingga oleh karenanya pendaftaran tersebut adalah melawan hukum atau setidaknya mengandung cacat hukum -----

IDA BAGUS WIKANTARA, SH
Attorney
Nuasa Penatih F2 Denpasar
Telp 464522, Hp 0811399794

No : 03/wkn/jwb.T/VIII/2006
Attachments : 1 (set)
Regarding : REPLY OF THE RESPONDENT I

To
The Honorable Chairman of the Court Judges
In the case No 191/Pdt.G/200 6/PN.Dps
Instance

With respect,
The undersigned here IDA BAGUS WIKANTARA, SH, attorney with address Perumahan Nuansa Penatih No F2 Denpasar, in this instance acting in behalf of and in the name of NI MADE JATI, female, age 47 years, private businesswoman, address Jalan Pengembak III No 29, Br. Tanjung, Kel. Sanur Kauh, Kec. Denpasar Selatan, Kodya Denpasar representing the RESPONDENT I as in the letter of power of attorney attached here, here replies with this REPLY OF THE RESPONDENT I as follows:

AS GENERAL OBJECTION:

1. That the accusation of the PLAINTIFF is unclear (obscure libel) because between the events of the case and the petition of the accusation there is no clear connection;
2. That the petition of the Respondent is unclear and confused as in number 3 it does not clearly state which documents and which letters actually violate the law?
3. That the petition of the Respondent is unclear and confused as in number 4 "The marriage in 1996 which and based on what clearly never happened?"

SPECIFIC POINTS

That the RESPONDENT I rejects completely and firmly all points in the accusation of the PLAINTIFF.

That the Honorable Judge not be influenced by the details of the accusation that are so misleading and confusing that here the RESPONDENT I conveys replies and explanations to the accusation of the RESPONDENT as follows:

1. That it is true that between the RESPONDENT I and the PLAINTIFF there did occur a marriage in Los Angeles, County Angelos, California, USA on 14 September 1985 however the RESPONDENT I rejects the registration of this marriage on 6 April 2006

as registered with number 16/KDKC/2005 that was done by the PLAINTIFF alone who nota bene is a foreign citizen while the registration of marriage is self evidently is for the legal use and status of Indonesian citizens in this instance the Respondent I, so that this registration therefore is in violation of the law or at least contains a defect by law.

2. That the registration of the marriage between the RESPONDENT I and the PLAINTIFF that took place in USA as registered in Reg No 16/KDKC/2005 at the Civil Records Office Denpasar above *was done 10 years after the registration of a marriage according to Bali custom and Hindu religion* between the RESPONDENT I and the PLAINTIFF according to Marriage Certificate No 299/1996 and registered in the Civil Records Office Denpasar in Denpasar on 30 September 1996 together with all documents / letters supporting it.
3. That as meant in the law about registrations that if there is a legal event or a legal right it is stated that the first registration is the registration that has value of evidence under law and is the registration to be regarded by the statutes.
4. That the registration of the marriage that was done at the Civil Record Office Denpasar with Reg No 16/KDKC/2005 above has already been explained defective by law based on the Decision of the State Court Denpasar that in its legal reasoning explained that the registration aforementioned is defective by law and does not contain the force of law as in the Decision of the State Court Denpasar No 119/Pdt.G/PN Dps section 18 dated 20 November 2005 and already strengthened by the decision of the Appeals Court Denpasar No 16/Pdt/2006 dated 20 February 2006. T1 and T2.
5. That it is true that the RESPONDENT I and the PLAINTIFF returned to Indonesia in 1988 but remained careless in not registering the marriage that occurred in Los Angeles, County Angeles, California USA at the CIVIL RECORDS OFFICE DENPASAR in the legal jurisdiction of Indonesia.
While according to the law the documents proving a marriage outside the country must be registered in the civil records office where they live within 1 year after husband and wife return to the territory of Indonesia as declared in Civil Code (UU) year 1974 Section 56 paragraph 2 yo section 84, section 91 line 3 KUH Perdata.
However the fact of law proves that more or less 9 (nine years) from 1988 until 1996 clearly neither the RESPONDENT I nor the PLAINTIFF registered the marriage that occurred in the USA so that in consequence under law the marriage cannot be considered to have occurred as long as it is not yet / careless in being registered (section 91 line 3 KUH Perdata).
6. That the RESPONDENT I and the PLAINTIFF then on 25 May 1994 were married according to Bali custom and Hindu religion in Denpasar at the place of residence of the RESPONDENT I witnessed by the bendesa adat (village head) Grokgak Gede, Kec Tabanan, Kab Tabanan so that in consequence by law this marriage is legal under law.

Further the marriage between the RESPONDENT I and the PLAINTIFF aforementioned is considered to be the first marriage taking place in Indonesia and was already legally registered according to the laws of Indonesia besides which the RESPONDENT I and the PLAINTIFF already also carried out the formality of marriage by civil records at the CIVIL RECORDS OFFICE DENPASAR according to the Marriage Certificate No 299/1996 together with all supporting documents dated 30 September 1996.

7. That the jurisdiction of customary law does not depend on the actual territorial location (actual residence / district) particularly regarding marriage per Bali custom and Hindu religion, what is important here is the acceptance of all parties involved in the situation and the conditions at the time and what is more important the witnesses per custom in this case the bendesa adat has already stated that there was such a marriage and has issued a letter of evidence that there was a marriage and also it was witnessed by relatives of the involved and the document of marriage was also signed by the two involved parties as well as the sulinggih / mangku (priests) who conducted the ceremony.

8. That the accusation of the PLAINTIFF as in point 6 and 7 that states that “The RESPONDENT I applied for a request for marriage to the RESPONDENT II in a process that was not correct and was in violation of the law because was based upon documents that were not correct or were false and so was not valid.

According to the RESPONDENT I all the process of marriage was according to the regulations of the law both per traditional law and per formal law registered with all supporting documents and certificates including documents issued by the Office of the Consulate of the United States in Bali that gave the statement that the PLAINTIFF did not have any problem standing in the way of marriage in Bali, Indonesia besides which the PLAINTIFF also voluntarily put himself UNDER JURISDICTION which means under jurisdiction of Bali customary law and the national law of Indonesia. This is proven by

1. Letter asking to enter Hindu religion-----T3
2. Letter stating entry to Hindu religion----- T4
3. Letter of the Priest who conducted the ceremony of Sudiwudani---T5
4. Letter stating preparation to follow the Hindu religion and learn about the Hindu religion as it exists-----T6
5. Diploma issued by Parisada Hindu Darma -----T7
6. Letter stating mutual agreement signed by the PLAINTIFF -----T8
7. Signature of the Letter of Explanation of Hindu Marriage No 32/ AGG /II/DP/ 1996 on behalf of the man in the customary marriage -----T9

8. Taking part in a Marriage per Bali custom and Hindu religion at the residence of the RESPONDENT I in Sanur, Denpasar on 25 Mei 1994 and thereafter the marriage above was registered according to the document of Bali custom marriage issued by the bendesa adat Grokgak Gede Tabanan as in the Marriage Certificate 299/1996 -----T10
 9. Signature on the letter of request / Requirements on Marriage Formalities that was strengthened by the Office of the Consulate of America in Bali dated 12 September 1996 -----T11
 10. Letter of explanation for the Office of the Consulate of America in Bali that states that the status of the PLAINTIFF is married once and already divorced from his first wife in America without explaining that there was a marriage between the RESPONDENT I and the PLAINTIFF in America and also stating that between the RESPONDENT I and the PLAINTIFF there was no impediment to marriage and registering a marriage -----T12
 11. The signature of the minutes of the Marriage Certificate No 299/1996 in the Civil Records Office Denpasar -----T13
 12. Carrying out the formality of marriage in civil registration at the Civil Records Office Denpasar in front of an official of the Civil Records Office Denpasar and witnessed by 2 (two) witnesses -----T14
9. That according to the law if a marriage is not yet registered / listed as in Civil Code (UU) No 1 year 1974 about marriage this means that a marriage that does not yet have a marriage certificate then the government in this case by regulation does not yet know or acknowledge that such a marriage exists according to formal jurisdiction and so it is valid and does not violate the law if the RESPONDENT I based on the letter of explanation of the head of the village Desa Kel Delod Peken, Kec Tabanan, Kab Tabanan which states never married as long as the letter stating never married *only is used to fulfill administrative requirements of the Civil Records Office in order to obtain a registration of marriage that is the right of a citizen of Indonesia.*
 10. That the accusation of the PLAINTIFF as in point 8 which states that he has already reported the RESPONDENT I to POLDA BALI regarding false testimony as meant in section 266 is over-reacting and shows a behavior that is not a gentleman from a man and regarding the report above mentioned POLDA BALI based on letter No Pol B/5/8/i/2006/Dit Reskrim dated 23 January 2006 regarding the Report on Progress of an Investigation (SP2HP) that in essence explains that regarding the criminal charge as meant in section 266 KUHP and 372 KUHP that was suspected of the Respondent in this case the RESPONDENT I stated NOT ENOUGH EVIDENCE to continue the

11. That the accusation of the RESPONDENT in point 10 that states that the RESPONDENT I requested documents of marriage from the RESPONDENT II based on documents that were not correct / lies and is a violation of section 1328 KUH Perdata such that it violates the law is not correct is truly misleading and the RESPONDENT I already has explained that all processes starting with the marriage and all formal document do comply with the law so that the accusation of the PLAINTIFF does not need to be considered further by the RESPONDENT I because it is not based upon law and is considered over-reacting.

Based on all the above in the reply of the RESPONDENT I we request the Honorable Judge to rule as follows:

In General

1. Grant the request of the RESPONDENT I in full
2. Rule that the accusation of the PLAINTIFF cannot be accepted.

In Specifics

1. Reject the accusation of the PLAINTIFF in full or at least rule that the accusation cannot be accepted.
2. Rule that the PLAINTIFF must pay all costs arising from this case

Or in lieu grant a ruling that is fair (Ex Acquo et bono)

Denpasar, 15 August 2006
Representing the RESPONDENT I

Ida Bagus Wikantara, SH

1. SAKSI STEVE DONNELLY ; -----
- Bahwa saksi adalah saudara kandung tergugat ; -----
- Bahwa saksi tahu antara Penggugat dengan Tergugat telah melakukan Perkawinan di Amerika dengan telah dilakukan sesuai dengan Undang-undang Amerika ; -----
- Bahwa dalam perkawinan antara Penggugat dengan Tergugat telah diperoleh dua orang anak laki-laki masing-masing bernama : WAYAN SEAN DONNELLY, dan . BRENDEN SURYA DONNELLY ; -----
- Bahwa Penggugat dengan Tergugat sudah bertempat tinggal di Bali sudah lebih sepuluh tahun ; ---
- 2 SAKSI MADE ARTINI ; -----
- Bahwa saksi adalah pembantu dari Peggugat dengan Tergugat ; -----
- Bahwa saksi pernah melihat Penggugat dengan tergugat melakukan perkawinan menurut adat

Bali ; -----

- Bahwa Foto-foto dalam bukti T 8 tersebut bukan foto-foto perkawinan pada tahun 1994 dan bukan foto potong gigi ; -----

3 SAKSI NYOMAN SUDANA : -----

- Bahwa saksi kenal dengan Penggugat dengan tergugat karena saksi sebagai Tukang pernah bekerja di rumah Penggugat ; -----



Bahwa saksi tidak pernah melihat Penggugta dengan Tergugat melaksanakan upacara Perkawinan ; -----

Bahwa pada tahun 1996 Penggugat dengan tergugat pernah melaksanakan upacara MESANGKEPAN SANGGAH dengan potong gigi ; -----

- Bahwa saksi tidak tahu perkawinan Penggugat dengan tergugat di Amerika ; -----

Menimbang, bahwa Majelis hakim pada tanggal 30 Agustus telah meletakkan Sita Marital dengan Penetapan No. 119/Pen.Pdt.G/2005/PN.Dps. dengan telah dilaksanakan oleh Juru Sita Pengadilan Negeri Denpasar pada tanggal 6 September 2005, tanggal 7 September 2005 dan tanggal 8 September 2005 dengan isi selengkapnya sebagai mana dalam Berita Acara persidangan ; -----

LETTER OF EXPLANATION

The undersigned :

Name : Made Artini

Age : 32 years

Work : Domestic helper

Address : Jl Dirgantara No 3, Tuban Denpasar – Bali.

With this I testify that in my testimony as a witness in the trial of court case No. 119/ Pdt. G/ 2005/ PN. Dps. Dated 22 November 2005, as was written in the decision of the National Court Denpasar as follows:

- That the witness is a domestic helper in the home of the Plaintiff and the Respondent;
- That the witness saw the Plaintiff and the Respondent carry out a marriage according to Bali custom;
- That the photographs in evidence T-8 are not photographs of a wedding in 1994 and are not a tooth-filing ceremony;

The testimony as written in the decision of the case is not correct and not complete.

My testimony as a witness in the trial in this case that is correct is as follows:

- That the witness is a domestic helper in the home of the Plaintiff and the Respondent since 1992 and lives in the home;
- That the witness explained in the trial testimony that she had personally seen a ceremony in 1996, and that it was a tooth-filing ceremony for Michael Donnelly (Respondent) in Kuta, and the marriage ceremony of the younger brother of the Plaintiff Made Jati;
- That the photographs in evidence T-8 are photographs of a marriage ceremony in April 1994, not 1996. And in 1996 there was no marriage between the Plaintiff (Made Jati) and the Respondent (Michael Donnelly).

Thus is my letter of explanation which I truthfully relate without pressure from anyone, and hereby give permission for this letter to be used however necessary.

Denpasar 06 March 2006

Testifying,

Made Artini

LETTER OF EXPLANATION

The undersigned :

Name : Nyoman Sudana

Age : 52 years

Work : Construction supervisor

Address : Jl. Mambal Kajanan Br. Gumaseh (Dekat Aqua) Denpasar – Bali.

With this I testify that in my testimony as a witness in the trial of court case No. 119/ Pdt. G/ 2005/ PN. Dps. Dated 22 November 2005, as was written in the decision of the National Court Denpasar as follows:

- That the witness knows the Plaintiff and the Respondent because he was a witness working in their home;
- That the witness never saw the Plaintiff and the Respondent carry out a marriage ceremony;
- That in 1996 the Plaintiff and the Respondent carried out a tooth-filing ceremony;
- That the witness has no knowledge of a marriage between the Plaintiff and the Respondent in America;

The testimony as written in the decision of the case is not correct and not complete.

My testimony as a witness in the trial in this case that is correct is as follows:

- That the witness knows the Plaintiff and Respondent because he was a witness working in the home and is there considered as family in the home of the Plaintiff and Respondent;
- That the witness never saw the Plaintiff and Respondent go through a marriage ceremony. What the witness saw in 1996 was a marriage ceremony for the brother of the Plaintiff and a ceremony of tooth-filing for the Respondent Michael Donnelly, and therefore in 1996 there was not a marriage between Plaintiff Made Jati and Respondent Michael Donnelly;
- That the witness saw in 1996 the Respondent go through a tooth-filing ceremony in Kuta;
- That the witness in fact does not know about a marriage in 1985 in America, but the witness knows he was told about it directly by both the Plaintiff and the Respondent

in 1995 in their home at Jl Pengembak Gang III, No 29 Denpasar Bali, and shown pictures of the wedding by both the Plaintiff and Respondent.

Thus is my letter of explanation which I truthfully relate without pressure from anyone, and hereby give permission for this letter to be used however necessary.

Denpasar 07 March 2006

Testifying,

Nyoman Sudana

TESTIMONY OF WITNESS

The undersigned:

Name : Ni Made Artini
Age : 33 years
Religion : Hindu
Occupation : Housekeeper at home of Michael and Made Jati
Address : Jalan Dirgantara No 3, Tuban, Denpasar – Bali

I and Nyoman Sudana were witnesses at the divorce trial, and my testimony of record does not match the testimony I gave in the hearing at the National Court Denpasar, I discovered this and was surprised after I saw the Decision of the National Court that my testimony was reversed, and I also was a witness in a hearing in the National Court in a case of Action Contrary to Law. And I was also a witness at the police in Denpasar (Polda) and in Tabanan (Polres Tabanan Bali) in a case of fraud and false documentation as in Sections 266 and 378 of the Criminal Code (KUHP).

I began working at the home of Michael and Made Jati in 1992 before the birth of Sean, their first child. I lived in the same home as Michael and Made Jati from 1992 until about 2003 when I was married and moved to my husband's home, but I still come every day to care for the house and the children. At the present time I am still responsible for Michael's home in Bali. Because I lived in the same home as Michael and Made Jati and I am very close to the children, I know all the affairs of the family.

When I started work in 1992 Made Jati was in Singapore because she was pregnant and I heard that the pregnancy was difficult. Michael also went back and forth to Singapore and he headed a company named Uluwatu. Then they went to the US where their child was born and they returned to Bali about April 1993. They told me that they were married since 1985 and that Made Jati's pregnancy was difficult because Sean was conceived *in vitro*.

Starting in the first months there were some problems because Sean was very sweet in the daytime like a perfect baby but at night he was difficult because he had a sleeping problem and he woke up continuously. So that after about six months Made Jati was very angry and frustrated until she struck Sean because he would not sleep, and Michael became very angry at Made Jati and telephoned her parents in Kuta to come, because there was a disagreement between them because Made Jati wanted to use a Balinese method of handling a baby who will not sleep by breastfeeding continuously although this did not work with Sean, but Michael was angry because he said striking a baby was not a Bali method or a method anywhere in the world. Then Made Jati said that Sean was Michael's responsibility, and from then on indeed only Michael handled Sean and helped him to sleep and took care of him in the daytime too, because the Uluwatu office was in the home and Michael was always at home although Made Jati began often to leave the house.

The next year when Brenden was born in Singapore Made Jati said that Brenden was her baby, and it was as if she was not involved with Sean and was often angry or jealous of Sean. When Brenden was born she said that Sean would have to sleep alone in another room, so I began to sleep there with Sean, but Sean really wanted to sleep near his father, so after a few months Michael returned Sean to a mattress in the main bedroom and Made Jati was very angry about it.

At the home I had the primary responsibility for Sean and also for Brenden, but sometimes another helper also helped with Brenden although I was always the manager of the household. Because his mother was not close to Sean, I felt very sorry for Sean and loved him and often I had to act in the role of his mother.

Made Jati's personality is very aggressive and never satisfied and often angry, both towards her children and her employees. But she often went out and like to go to parties, and I saw two sides of her face such that with her friends she was very sweet, but in her own home she was often angry. In the evenings she often went out with friends while Michael stayed in the home playing and reading with the children. When Made Jati was at home she seldom joined in play with the children but like to email and talk on the telephone and watch TV.

I myself took care of the home and the needs of the children. When they started school, I myself or Michael took them to school every day, because Made Jati often went out at night and sometimes did not come home until 4 or 5 AM and she did not get up in the mornings. I and Michael played with the children, and when they did homework helped them because Made Jati was not patient to enough to talk with them.

I know that Made Jati did not give much attention to giving them affection because she always thought about who was to blame, for example when Sean fell because he tripped on a stone and fell, Michael or I would pick him up and hug and comfort him, but Made Jati always complained and was angry at Wayan Darma the gardener because the paving stones were not even, or angry at Sean because he ran too fast without looking at the ground, but she would never go to pick him up and hug him.

I always cooked at night, Made Jati never cooked or took care of the house because she preferred to act as the boss. In the first years when I worked there, Michael and Made Jati ate together, but about 1996 Made Jati preferred to eat by herself and Michael ate with the children in their playroom. But also often Made Jati when out to dinner with her friends.

I could see that Michael was very hard working to build Uluwatu and in 1998 also built a restaurant in Kuta named Kori Restaurant. Because Michael worked from the home, he would often take off in the middle of the day to swim or play with Sean and Brenden, and the relationship between Michael and the children was very close. Made Jati often was out of the house, I don't know where. Although her relationship with Sean was very distant, she was close to Brenden and her relationship with Brenden was good.

Every year they would go twice to America and I often went with them to help with the children. Every year for the month of July and for a month around December they stayed with Michael's parents in California. I also stayed in the home with his parents, and I feel that the family was a good family with lots of love, and more Michael's sister named Joni lived not far with a child only one year older than Sean, and all three children were very close to one another.

In California Made Jati could be very unpleasant because it was clear she was bored and she never liked to be too long with the children, even more so in the home of Michael's parents. So she was often sour, and continued to sleep late in the mornings and then complain when she woke up that I hadn't taken care of the children as she liked and she was hungry and ordered me to cook something for her and so on. She did not want to learn to feed them and complained continuously so that Michael would take her shopping.

Sometimes she went to Las Vegas with her friend Anna from Canada, leaving Michael and the children and me at his parent's house.

After about 1998, she did not want to go anymore to America, so she ordered me to go to California to take care of the children and she would vacation by herself. I found out later that she was vacationing in Europe with her boyfriend Gerold.

Also starting about 1998 she became very close to a woman name Mirah, also Balinese with an American husband named Carl who also lived in Bali, and for two years they went out almost every night and went to Europe and other places together. But about 2001 there was a big problem because from what I heard from Mirah, Made Jati criticized Michael continuously while Carl was a friend with Michael, and Mirah said to Made Jati that the things Made Jati said about Michael were not correct, that Michael never did or said the things that Made Jati said about him. Then Mirah wanted to talk to Michael to try to smooth the husband wife relationship, and when Made Jati found out that Mirah had talked to her husband without telling her, she was very angry.

About that time Carl invited Michael and Made Jati and the children to Australia where they had a vacation home. But Made Jati refused, although Mirah was supposed to be her best friend, and she told me to go with them to Australia. So I twice went to Australia two years in a row and Made Jati refused to vacation with her husband and children, and also Mirah did not go. And after that Made Jati cut off her relationship with Mirah and never spoke to Mirah again.

I know a lot of things because as a house helper I was often in the room when Made Jati talked with her friends, and I and all the house helpers were to Made Jati like furniture or deaf sheep. Also later I discovered that in the view of Made Jati, it is natural that all Balinese should help other Balinese regardless of whether they are honest or liars, and also that servants must follow the orders of their bosses as if they were owners, so Made Jati spoke very freely in front of me.

In the home I saw an incident with Made Jati when Sean was about six years old there was hot water that I had just boiled for her to make tea, and she threw the hot at Sean because she said he did not brush his teeth enough. When Sean screamed, Michael came running to hug Sean and Made Jati stayed angry because she said Sean talked sassy to her, as if it was normal and she was in the right to throw the hot water.

I saw an incident when there was a small children's argument between Sean and Brenden and Made Jati was in the shower, and she came running outside naked and angry at Sean and screaming "Look at me, I was taking a bath, I'm naked! I'm naked! Is that what you want to see Sean, Mommy naked?" Then Michael came and ordered her back to the bath and took care of the children.

And there were many other incidents like that where Made Jati was often angry and shrieked out of control and grabbed the children hard or shook them. Made Jati had trouble dealing with the children, although I could take care of the children easily but Made Jati often was angry at me if I tried to take care of them after she had started something, but if Made Jati just took care of it herself it often escalated until Made Jati was screaming louder and was more out of control than the children.

So that when sometimes Michael left the country to go to Singapore on business, we were all afraid of the situation because Made Jati was angry the whole time and the children often cried, and Made Jati was angry because I could handle the children better than she could. So everything was in an uproar until Michael returned.

The same thing happened if Michael went out at night, although he seldom went out because if he went to Kori for dinner for certain Made Jati would telephone or order me to telephone to tell him to come home immediately because Made Jati could not take care of the children. And I saw that when Michael came home his first job was to separate Made Jati from the children so that everyone could calm down again, but Made Jati usually stayed angry and kept yelling from her room.

About 1999 Michael moved from his room and slept upstairs over the children's room on a sofa, and in the day he had another room as an office and day room. About 2000 the Uluwatu office moved from the home to a real office about four kilometers from the home. From that moment Made Jati did not work any more at Uluwatu because she did not have a desk at the new office, because I know that Michael gave her a choice that either Michael or Made Jati would control Uluwatu alone to avoid any more arguments, and Made Jati chose that Michael should lead it and she would retire from it.

I know that in 2003 they argued about business and property because Made Jati kept saying she wanted to divorce but she did not want to talk about how to settle things, she only complained continuously, but finally they agreed something and went to Singapore to write an agreement, that said among other things that Michael would buy land for a new home

near the old home, and this did happen that he bought a new home.

I know that they continued to talk about divorce for two years until April 2005 all we employees were surprised that someone came from the court with a letter for Michael and he said that the letter was an accusation of divorce, so I telephoned Michael and told him to come home because there was an important letter, and when he opened the letter we all read it.

We were surprised because the accusation was a lie, it said that there was a Hindu marriage in Kuta in 1996, but we all knew that that was not true and that the ceremony in Kuta in 1996 was a tooth filing ceremony for Made Jati's sister. And I and the other employees were present at a marriage ceremony according to Bali custom and Hindu religion that took place in 1994 in Sanur, not in 1996 in Kuta.

Also all Made Jati's explanation about Michael's personality and her own personality were reversed, as if Made Jati was describing her own characteristics and then accused Michael of behaving like that . So we all thought it was funny but did not consider it serious because the accusation of divorce was so full of lies.

From that time on it seemed that Made Jati completely refused to talk to Michael. In July when Michael went to California with Sean and Brenden, Made Jati took several of my friends who were employees to the court as witnesses in the divorce trial, but she did not ask me to come. What I heard from my friends was that Made Jati's lawyer Wikantara they them to lie about the date and location of the marriage, but they refused to lie about that.

That month there was another strange event because Made Jati told Wayan Darma to remove all of Michael's things from his room and to prepare the room for her friend Anna who was coming from Canada in August. When Michael returned from California, he was surprised to find his room changed and angry also because his things had just been piled up and some things were broken, but he did not order the room to be changed back.

Anna came a few days later and took the room, so that Michael then had only a little sofa on the second floor over the children's room. It seemed that Anna was very rude to Michael and would not talk to him, and Made Jati and Anna ate by themselves too. So that after a few days Michael became angry and said to Made Jati and Anna the house was still his home too and that Anna's visit to a home in the middle of a divorce was a foolish idea, that Anna's behavior was an insult and that Anna must get out of his room. So Anna went for one or two weeks to a hotel, then she returned to the house and stayed in Made Jati's room, but she was still rude and refused to talk to Michael.

In the middle of August Michael asked me if I would be a witness in the court, and I agreed although I was afraid that Made Jati would be angry, so I did not want to tell Made Jati beforehand.

I went to the courthouse with Michael's lawyer named Rifan, together with Nyoman Sudana and Michael's brother Steve who had come from America just to be a witness about the marriage in 1985. At the hearing I explained that I lived together in the home with the family of Michael and Made Jati since 1992, that I knew that the marriage in Kuta in 1996 was a lie, that the truth was that a Hindu marriage ceremony occurred in 1994 at the family home in Sanur. I was shown photos of a ceremony, and I said that I personally attended the ceremony, and all the photos were from 1994 in Sanur.

When I returned to the home Made Jati came to me yelling angrily with a lot of dirty words that I was a traitor and stupid and an idiot and other such things, and said that Wikantara had told her that I had said there was never a marriage in Bali, although there had been a Balinese marriage.

I started to cry and said that I had never testified that there was no Balinese marriage, there was a marriage that I myself attended in Sanur in 1994 but there was never a marriage in Kuta in 1996. Then Made Jati said I was a liar and didn't know the difference between 1994 and 1996 because I was stupid, and that I had no right to talk to anyone about her marriage because I was only a servant, and what did I know about her marriage? And I said "I know what I know, ma'am, and I myself was there." Then Made Jati swore at me some more and told me that I was fired.

A few hours later Michael came home from the office and found me in the kitchen still crying with my friends and I told him what happened with Made Jati, so he went to her room and told me to follow, and he was angry at Made Jati who said it didn't matter because I always cried. Michael said that the point was not that I was crying, the point was who lied to the court, and Made Jati became very angry and said that she paid me and that I did not have the right to talk to anyone, even more so in a courtroom, without her permission. And Michael said that my salary was not just from Made Jati from him too, and that anyway I was not a slave or the property of anyone because I was a free person with the same rights as anyone else on this earth. Then he kept asking questions to Made Jati about their marriage until finally she admitted that the marriage in Kuta in 1996 was a lie and that the accusation of divorce was not correct. Then Michael asked if in that case was going to change the accusation, but Made Jati refused to talk anymore.

From that time Made Jati would not talk to me although I still was responsible for the children and the house. I continued to work because Michael said I was not fired. But the next month September Michael moved to his new house and Made Jati fired me and ordered me to go work for Michael.

From the time I moved to the new house Made Jati prohibited me from ever entering again into the old house, and also she prepared a letter that she order me to sign like a contract stating that I would take care of the children and watch their health and give them meals three times a day and so on. Michael said the letter was ridiculous because I myself had always taken care of all the children's needs since they were little, not Made Jati, and he

told me not to sign the crazy letter.

Over time Made Jati became more and more tense and strange and rude, and she order all the people from the old house that they were not ever to speak to me or anyone who worked for Michael. But we all ignored that because it would be impossible to take care of the children if there were no communication at all between the houses.

I often talked to Kadek Dharmayanti that had only started working about one year earlier at Made Jati's house, and she often gave me messages that Made Jati was mad about this or that, and accused Michael of stealing three plastic plates or two coffee cups and things like that, until all Made Jati's complaints became so ridiculous that they became a joke.

In October 2005 Made Jati wanted to take the children to Hong Kong for a vacation and I was surprised because Made Jati had only once ever taken the children on a vacation anywhere even in Indonesia. So I was present when Michael gave Sean and Brenden's passports to Made Jati, and Made Jati agreed that she would return the passports when they returned from Hong Kong.

But it turned out that Made Jati did not return the passports, and I feel that the vacation to Hong Kong was only an excuse so that Made Jati could get the passports from Michael, and from October through December there were many problems with messages going back and forth, until there was a call from Kadek that there was a message from Made Jati that the children were not going to come to Michael's house anymore because Made Jati had just won the divorce decision in the National Court. So Michael went immediately to the old house and I heard that there was a big fight, and Michael came back that night alone but the next day Sean and Brenden came to Michael's house, and they seemed traumatized but very happy to be safe at their father's home again.

For the next weeks there were many problems because Made Jati would not return the passports and Michael had already booked their departure to California for Christmas, but Made Jati said that Michael had to sign something first. Finally a few days before the departure Michael came home very shaken because he said they tried to trick him again and that letter that they wanted him to sign was a trick and he did not agree to sign anything.

So they could not go to California, and the children had Christmas in Bali, and Michael went out and bought them a few small things and a plastic Christmas tree and some small lights, I was very sad too because the children were so sad and missed their grandparents, and I knew the feeling because I had been with them before for Christmas in California. Also I knew that a few months before Michael's sister Joni had died and the children were very sad and had not seen their grandparents since then because they did not go to the funeral, and I knew that a holiday with the family was very important to the entire family.

Then on Christmas Day in the afternoon Made Jati and her lawyer Wikantara came to Michael's house, and Made Jati said that she wanted to return the passports so that the

children could go to California. I was very angry but could not say anything, because Made Jati talked as though she was so generous and was such a sweet mother to return that passports like they were wonderful gifts, although she had already broken the hearts of her children and she was a liar and those passports were the right of the children to use from the start, and Made Jati had only held the passports to force Michael to sign a document that would have ruined him.

Sean and Brenden were at home for all of this and they witnessed everything, and after Made Jati left they were so shaken that they did not want to go anywhere, did not want to go to a party, they only wanted to be quietly in their rooms listening to music, and I cried too because I felt so broken hearted for their sad experience. Two days later they left for America.

When Michael returned from America he was very weak and sick and thinner, and I knew it was from the stress because he was defeated continually by Made Jati. I knew that before he went to California he reported Made Jati's fraud to the police with the help of his lawyer Rifan, because the decision of the National Court had declared a divorce based on a marriage in 1996 that I myself knew was false. I had never trusted Rifan and when Michael was in California the police came to the house and said he was investigating the complaint, and he said to me that 1996 was correct. I said that 1996 was not correct and said that I was there and it happened in 1994, not 1996, but the policeman kept pushing me to say that the year was 1996 because he said "it would be better for the Balinese". So I knew then that he was only working for Made Jati's side and that he was crooked, and I suspected that this was with the connivance of Rifan.

So it seemed that Michael was defeated on every side, and he looked like he was almost dead. I encouraged him to find a new lawyer, and in the newspaper I read articles about a bulay (foreigner) with a Balinese wife who had cheated him like Made Jati cheated Michael, and the bulay won the case of fraud against his wife. So I pushed Michael to find the lawyers whose names were Maharidzal and Simangunsong, and they started to help Michael in February 2006.

I was surprised in March to be shown the decision of the court where my testimony and Nyoman Sudana's testimony was reversed and falsified, but I could understand how it happened because from before I had not trusted Rifan. I agreed to write a letter of clarification stating that my testimony had been reversed, and since then I have testified several other times as well about the location and date of the Bali marriage ceremony, both in court hearings and to the police in Denpasar and in Tabanan.

About Made Jati's personality I have seen everything in 16 years with the family, and I don't trust Made Jati in the smallest degree. I know that she is a smooth liar, with two faces such that she can be screaming like a mad woman at her children, then answer the telephone and talk so sweetly to her friends and laugh as if she has not a care in the world, then put down the telephone and return to shrieking just like the phone call was only a commercial

in the middle of a horror movie on television. In my opinion she is a person with a split personality, and she says one thing today then tomorrow she denies ever saying anything like that, because really she is split and really does not remember what she said yesterday.

But also she is very self centered, only thinks of herself and her money, and if she is split she is still clever about it so that she never causes any loss to herself. And her selfish thinking often appears, like the time she lost her diamond earrings, and shrieked like a crazy woman that her earrings had been stolen by a house servant and for a full day she threatened and accused us because she said we were all thieves and she said that “those earrings are more valuable than all your lives.” Then the next morning she found her earrings in the pillow because she forgot that she herself had taken off her earrings when she went to bed that night. But she never apologized at all for the terrible things she had said and that so hurt people who had spent 10 years working for her and taking care of her family.

What Made Jati and the people around her might do I don’t know, because Made Jati does not work alone and other people are involved. I still remain friendly with my friends from the other house, although most of them have already been fired by Made Jati because she said they are all traitors because they talked to the police. But my friends heard a lot of talk full of threats about what they would do to Michael and to anyone close to Michael, including me, so I am also afraid of them. In my opinion, Made Jati is not a smart person, but she is very greedy and of low character, and now she is under the influence of other people who hope to get rich if Made Jati wins, and don’t care what happens to her or to anyone if she loses.

About the death threat, whether Made Jati did it herself or her brothers or someone else close to her, I don’t know, but maybe Made Jati cannot really control them anyway. I myself was present and heard when Michael talked to her on the telephone and offered to meet her in August but Made Jati did not want to meet him, but I don’t know whether that was because of Made Jati herself or if someone told her to.

Now I still take care of Michael and the children’s house in Sanur, and the old house where Made Jati lived is empty too, because Made Jati fled an arrest warrant since last November, so from a family that was once happy everything is destroyed and empty, so what use were all the big plans of fraud?

Denpasar, 3 May 2008
Making this declaration,

Ni Made Artini

TESTIMONY OF WITNESS

The undersigned:

Name : I Nyoman Sudana (Pak Kumbung)
Age : 57 years
Religion : Hindu
Occupation : Private businessman
Address : Jalan Mambal Kajanan Banjar Gumaseh (dekat Aqua) Denpasar-Bali

That I was a witness in the divorce hearing, and then I was surprised to see in the Decision of the National Court Denpasar that my testimony was not what I had said when I gave testimony in front of the National Court Denpasar.

THE TRUE FACTS:

That the witness saw a tooth filing ceremony of Made Jati's sister in 1996 in Desa Pengabetan Kuta, and in 1996 at Jalan Pengembak Gang III No 29 Sanur Denpasar Bali there was no marriage or similar activity at all, however

WHAT WAS WRITTEN FALSELY:

That the witness never saw the Plaintiff and the Respondent in a ceremony of marriage.

So that on the basis of the facts being reversed, Michael reported to the Police in Bali (Polda) with charges of Section 266 / 378 of the Criminal Code (KUHP).

I have known Made Jati and all her parents and all her brothers and sisters in Kuta for about 30 years and I know them well, often joined them in family ceremonies, built houses and temples for the family, was often at their family house in Kuta, and helped with business transactions including buying / selling of land.

I met Michael for the first time when Michael and Made Jati returned from America after they were married in America in 1985, and all Made Jati's family and Made Jati herself said that they were legally married in America. At that time Michael could not speak Indonesian and Made Jati arranged everything because Made Jati is Balinese and they rented a house in Sanur.

They moved to Bali from America about 1988, and at that time they took over the company Uluwatu which I heard was going to go bankrupt. Before that, I knew that Uluwatu was owned by an Australian named Michael McHugh, and he used to be the boyfriend of Made Jati and Made Jati held the company in her name because foreigners are not allowed to own companies in their own name. I heard that Made Jati only received a salary from McHugh

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and when Michael and Made Jati moved to Bali they bought Uluwatu from McHugh.

I kept working often for McHugh from 1988 and I know that year McHugh bought land with a house that has now become a restaurant named Kori Restaurant from a foreigner named Steve Palmer. At that time the house was not finished, so I was hired by McHugh to finish the house. I know that when McHugh bought the house he borrowed the name of Made Jati's father named I Nyoman Ada because a foreign person also cannot own property in his own name, although McHugh paid for it and was the true owner, and he had an agreement letter so that I Nyoman Ada would receive a commission payment for the service if later that land was sold.

In 1992 McHugh wanted to leave Bali, and I know that it was because Made Jati often visited McHugh's house and interfered with his life, although McHugh was already married to a woman from Hong Kong named Kat, and Made Jati was very jealous of Kat and Kat was angry and jealous in return towards Made Jati because she visited McHugh. Michael never came at these times and I don't know if Michael knew about it.

So McHugh said that he wanted to sell the property and he asked my help to find someone to buy it, and he said that if I could arrange a sale that I would receive a commission. But after a few months still no one was interested in buying the property, so McHugh offered it to Michael and Made Jati, and subsequently they did buy it, and I know because I was involved although I did not receive a commission.

I did not work much with Michael until about 1995, but I did meet him sometimes. Between 1988 and 1995 they made many big changes to all the Uluwatu shops and added many new shops, and from bankrupt Uluwatu had become very successful. Michael worked very hard and led the company, he worked constantly at the computer, also made designs for the shops and graphics, and he also made a beautiful family home. At that time the Uluwatu office was at the family home, and Michael always worked at home and Made Jati often went out I don't know to where. From what I could see, Michael was in charge of everything and Michael was the boss. Starting 1995 I began working with Michael continuously although I was never an employee of Uluwatu, but I and my crew built all the shops, the home and Kori Restaurant since 1995.

I know that in 1995 they had a plan to open a restaurant in the property that they bought in 1992 from McHugh. I did not start the renovation work myself, but my brother was the construction chief then and after he became sick in 1997 I then headed the building team at Kori. Everything was planned and designed and under the leadership of Michael. I never saw Made Jati at any building site, neither at Kori or in the Uluwatu shops while there was construction.

In late 1997 I was introduced to Gary Hewson and was told by both Michael and Made Jati that he was their new partner in the restaurant that was about to open. From December 1997 until June 1998 we worked continuously, Michael with design, Gary organizing the

restaurant and hiring staff, and me as the construction supervisor, until Kori opened in June 1998. Made Jati was not involved and seemed shocked when she came to Kori in June because she had not seen it in a long time. It was clear that Kori was an immediate success and it remained ever since under the management of Gary and Michael.

From 1996 through 2005 Uluwatu and Kori continued to be successful and improve and look better with Michael's design and with my and my crew's construction work. I also became close to Michael and Made Jati's family and helped with many family ceremonies. I could see that Michael was a very good father and he was very close with his children, and because the office was in the house he often played with the children. With me and the other employees Michael was very polite and patient and seemed that he always wanted to be fair in all things. I almost never saw Michael angry at anyone, including with the children, with the employees or with the house staff. But I did see him angry a few times with Made Jati.

I knew Made Jati since long before when she was still with McHugh, and she was known as having a bad temper then and she still had a bad temper when married to Michael. I felt often lied to about many things by Made Jati, both small things and big things, and she was often angry at me and at other people, and I saw that she was often angry and screamed at the children like a crazy person.

From when I first started to work with Michael it seemed that Made Jati was jealous and did not want Michael close to me or to any other Balinese person or even to her own family from Kuta, and often she interfered to stop a conversation if she saw that Michael was talking to me or to someone else. If Michael spoke Indonesian with a Balinese person, Made Jati would always come over and switch the conversation to Balinese language so that Michael could not understand. And I also knew that Made Jati arranged all the family documents in connection with the government and I knew that she said to him this was because a foreigner should not know government officials or police because they would cause a problem for him or later ask for bribe money. So over time I gained a bad feeling about her and her family's actions, and I began to talk to my friends to ask whether they had also seen this, and they all agreed and we all had a bad feeling that maybe Made Jati was working to trick Michael in business or some other way.

Eventually I and my wife had a chance to talk to Michael privately when we were working on a renovation of an Uluwatu shop in Kuta about 1997, and I told Michael that according to me and my wife and our friends, do not believe too much in Made Jati because there were things we had observed that were not right and we were concerned that Made Jati was planning some trickery. Michael listened but said yes there were many lies from Made Jati, but certainly she would not cheat him in a big way although Michael knew that she and her family often took money without telling him, but Michael did not care too much as long as the amounts were not too large.

Around October 2003 Michael bought land near their old house in Sanur and I began construction of a new house for Michael because he said and Made Jati said that they were

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going to divorce and the new house would become Michael's home, and the children would go back and forth, and they would stay friendly and continue to work together but with two houses, and all the assets and business would be split peacefully.

But they did not divorce peacefully, this I know because when Made Jati sent the accusation of divorce to Michael in April 2005 the letter was sent to the house and opened by the employees at the house to read and all the employees knew what it said. We were surprised to see that Made Jati claimed there was a Hindu marriage ceremony September 1996 in Kuta, because we all knew there had never been such a ceremony. What occurred in Kuta was a ceremony of marriage for Made Jati's brother in 1996 or 1997, and Michael took part then with a tooth filing ceremony. Everyone also knew that there had been a marriage ceremony between Michael and Made Jati, but it took place in Sanur not in Kuta, and it happened in 1994 not 1996. And I also know because I had been told directly by Made Jati and by Michael that they were also married in California in 1985.

At that time too, April 2005, Michael was ordered out of Uluwatu that he used to lead and was in truth his company together with Made Jati, but all the cash and banking were in the hands of Made Jati's family as cashiers, and also the boyfriend of her sister named Heru Widiyanto who worked as a Public Affairs Manager in connection with taxes and government documents, and they said that if Michael returned to the company they would report him to Immigration and Department of Labor and Michael would be deported, so Michael received no income at all from the company that he built, and I know all this because I was told directly by Michael at the time and also because there was a lot of talk among all the employees at the time.

I talked to Michael after then and told him that this was exactly what I meant when I warned him before that I was worried that Made Jati had some plan to trick him. Then Michael asked me in August 1996 if I would give testimony as a witness in the divorce trial and I agreed.

The three of us including Ni Made Artini and Michael's brother from California named Steve Donnelly were taken to the courthouse by Michael's original lawyer named Rifan. Michael did not come and did not attend the hearing. Rifan did not tell us anything or prepare us beforehand, at the moment I gave testimony in the hearing at the National Court Denpasar Rifan only asked me a few questions and I answered that I knew Michael and Made Jati were married in California in 1985 and I knew that there had never occurred a Hindu marriage ceremony in Kuta in 1996.

The day after I gave testimony in the court there were a lot of problems from Made Jati because I heard from my friends that she was screaming crazy because I and Made Artini were witnesses for Michael, and she was angry that Balinese people would help a foreigner. My daughter named Wayan had worked for Uluwatu for 7 years and she worked in a shop in Ubud about 10 minutes from our home in Mambal, and she had a baby a few months old. But on the day after I gave testimony, my daughter was ordered to a new job at another shop

in Nusa Dua that is about one hour from our home, and her schedule was changed so she had to work until late at night and her transport was only a motor bike. So she could stand it only a few months because she was often sick and finally she had to leave her job.

I know that Michael's house was finished in September 2005 and Michael wanted to start moving his things to his new house, but Made Jati threatened him not to take anything or he would be reported to the police as a thief. And Made Jati also threatened that if Michael entered again into the old house that he would be reported and arrested by the police. Clearly because Michael is a foreigner and Made Jati had already long planned something and had many connections with the police who maybe were working with her, Michael was afraid to argue with her. Finally Made Jati threw one suitcase of Michael's clothes to the new house and she forbade him to take anything else from the old house. So Michael had to buy everything new for the children's rooms including beds and desks and lamps and sheets, but for the most part the house remained with not much furniture.

And I heard again from Michael that when he asked for the land title documents from Made Jati for the new house because according to their agreement the new house was Michael's house, Made Jati said "it isn't your house, it's my house now." And indeed then Made Jati posted a sign on the front gate of the old house that forbade anyone from Michael's house to enter the old house, but it called Michael's house "my new house" instead of "Michael's house". And she became like a crazy person, hating anyone who talked to or was friendly with Michael and referring to us as "enemies". She forbade any communication between the two houses, and at her house she built a giant wall and gate that must always remain closed and she hired guards 24 hours a day.

A few months later we were surprised to hear that Michael lost and Made Jati was successful in being granted a divorce based on a marriage in 1996 that we all knew had never occurred. And several months later we were surprised again to hear that Made Jati had won again in the decision of the Court of Appeal.

At that time I talked a lot with Made Artini and she told me about articles she read in the newspaper about a Frenchman who was tricked by his Balinese wife in a marriage in a case that was similar to Michael, and with the help of lawyers named Maharidzal and Simangunsong, the Frenchman won, and this was in the news because it is almost impossible for a foreigner to win a case in a Balinese court against a Balinese person. So Made Artini strongly urged Michael to contact these lawyers, and I agreed.

So because of the input of Made Artini and me, Michael hired new lawyers, and then Maharidzal and Simangunsong showed me the Decision from the National Court and I was surprised to read that my testimony was reversed and falsified, and that the testimony of Made Artini was also reversed and falsified. So I then wrote a letter with the help of Maharidzal and Simangunsong to explain that the testimony in the Decision was reversed.

And then they showed me the Decision in the Court of Appeal, where it was written "the

side of the Respondent / Appellant and or his counsel did not submit a document of appeal in this case”, so then I suspected that the original lawyer Rifan did indeed work not for Michael but worked in collusion with Made Jati to defeat Michael, and I was not surprised because my feelings about Rifan were suspicious from the start.

And I knew that because Michael lost in the decision of the National Court Denpasar and the Court of Appeal, and because from all the evidence that Michael gave to Rifan almost none of it was entered into court by Rifan, and because the Supreme Court cannot receive new evidence or witnesses, it was very unlikely that Michael could win in the Supreme Court, and I suspected that this was indeed what had been planned by Rifan and Made Jati.

Since then I stayed very close with Michael, and with Maharidzal and Simangunsong, and I know that since early 2006 they have worked very hard to restore the true facts against the false evidence of Made Jati’s fraud. I repeatedly gave testimony as witness to the police and in court, and I was very happy to hear in January 2008 that the Supreme Court had awarded the divorce based on the original marriage of 1985.

I have long known Made Jati and her family in Kuta, and I know them well. In my opinion, they have no conscience, they are not good people, never satisfied with anything, often lie, like to get angry and have high emotion, often go out to clubs, and have little concern for the children.

In my opinion, although Made Jati maybe started with greed, in my view she is acting more like a person mentally ill because she seems to act completely out of control in her evil actions whether they are really useful or can possibly be successful, she only keeps doing evil without thinking anymore about what the purpose is.

In these years I am close to Michael as a friend, because I know him as a person with a good heart and honest, strong spirit, a good father full of love for his children, loving to his friends, and a person who is faithful to God. I and Made Artini often pray with Michael and help him face this terrible experience, and still pray to God so that Michael and Brenden stay safe and strong and finally receive true justice.

Denpasar, 21 May 2008
Making this declaration

I Nyoman Sudana

FILED

LOS ANGELES SUPERIOR COURT

Attorney for Petitioner:
Julie A. Duncan

MAY 07 2008
JOHN A CLARKE, CLERK

Attorney for Respondent:
Thomas Kendall

BY D.KISTLER, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

IN RE MATTER OF:

Case Number KD073003
BG#

Petitioner/Mother: Made Jati

Respondent/Father: Michael P. Donnelly

CONCILIATION COURT AGREEMENT AND STIPULATED ORDER
RE CUSTODY AND PARENTING PLAN

The aid of the Conciliation Court having been requested to effect an amicable settlement of the problems existing between the above-named parties, and a court conference having been held thereon in order to maintain an amicable relationship between the parties for the best interest of their children, the parties hereby agree, each with the other and with the Conciliation Court, and pursuant to the agreement of the parties IT IS SO ORDERED:

- ✓ This Court has jurisdiction over the minor children because California is the children's home state.
- ✓ The parties were personally present when they signed the attached custody/visitation agreement.
- ✓ The habitual residence of the children is the United States of America.
- ✓ Both parties acknowledge being advised that any violation of this order may result in civil or criminal penalties, or both.

The following order pertains to the children:

Sean Wayan Donnelly, DOB: 3/17/93
Brenden Donnelly, DOB: 9/17/94

THIS ORDER SHALL COMMENCE WEDNESDAY MAY 7, 2008 AND SHALL BE TEMPORARY WITHOUT PREJUDICE TO EITHER PARENT. IT SHALL BE IN EFFECT UNTIL FURTHER ORDER OF COURT. NEXT HEARING IS SCHEDULED FOR MAY 15, 2008.

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CONCILIATION COURT AGREEMENT AND STIPULATED ORDER
RE CUSTODY AND PARENTING PLAN

I. PARENTING SCHEDULE:

A. FATHER SHALL HAVE THE CARE AND RESPONSIBILITY OF THE CHILDREN AS FOLLOWS:

1. The children shall be in Father's care during all time not designated below as Mother's time.

B. MOTHER SHALL HAVE THE CARE AND RESPONSIBILITY OF THE CHILDREN AS FOLLOWS:

1. Thursday May 8, 2008 from 5 pm to 6:30 pm, at Zendejas restaurant in San Dimas (phone 909-592-6762).
2. Sunday May 11, 2008 from 2 pm to 3:30 pm, also at Zendejas restaurant.
 - a. For the above two visits, father may remain on the restaurant grounds or close by while mother is with the children, however father may not be within hearing distance of mother and the children, or in the restaurant.
 - b. For the above two visits, mother shall not take the children off the grounds of the restaurant.
3. Beginning Monday May 12, 2008 mother shall have reasonable visitation, with all details to be decided by mutual agreement of the parents.

II. TRANSPORTATION ARRANGEMENTS

- A. Father shall bring the children to the restaurant and pick them up from the restaurant.

III. OTHER ORDERS:

- A. Neither parent shall speak in a negative, disrespectful or derogatory manner to or about the other parent in the child's presence or within hearing distance of the children. Both parents shall ensure that all other family members and friends comply with this order.
- B. Neither parent shall discuss the divorce or custody case with the children.
- C. Neither parent shall ask the children questions about the other parent. If the children wish to volunteer information, the parent receiving the information may listen but not ask follow up questions.

In entering into this stipulation, each acknowledges that it is necessary to do so for the best interests of our children.

Dated: May 7, 2008

Made Jati, Petitioner

Michael Donnelly, Respondent

Kerry John, LCSW Senior Family Mediator

FINDING AND ORDER

THE COURT FINDS THAT:

1. This Court has jurisdiction over the minor children because California is the children's home state.
2. The habitual residence of the children is the United States of America.
3. Both parties have been advised that any violation of this order may result in civil or criminal penalties, or both.

The foregoing written stipulation between the parties is declared the order of the Court and order filed. The petitioner and respondent are ordered to comply with and perform each and all of the terms, conditions, and provisions of the stipulation and agreement, and said agreement shall remain in full force and effect unless changed by written agreement of the parties in the Conciliation Court, or by further order of the Court.

Date May 07, 2006

Judge of the Superior Court / Susan L Lopez-Giss

Jati/Donnelly - KDO73003- May 7, 2008

Thomas E. Kendall (State Bar #157891)
Law Offices of Thomas E. Kendall
P.O. Box 877, 143 Harvard Ave., Ste. E
Claremont, CA 91711

Attorney for: Michael Donnelly

ORIGINAL FILED

MAY 14 2008

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, EAST DISTRICT

In re the Matter of

NI MADE JATI

Case No. KD 073003

Petitioner,

Vs.

MICHAEL DONNELLY

Respondent

SUPPLEMENTAL DECLARATION OF
MICHAEL DONNELLY INSUPPORT OF THE
REQUESTED ORDERS

I declare that if called to testify in the above-entitled matter, I could and would testify competently. from my own personal knowledge as follows:

1. My name is Michael Donnelly and I am 56 years old.
2. I am the Respondent herein.

Sean and Brenden Meet with Petitioner, 8 May and 11 May 2008

3. According to the mediated agreement between Petitioner Made Jati and me of 7 May, Sean and Brenden met twice with their mother at Zendejas Restaurant.

4. I told each of the boys separately on the morning of 8 May that they would be seeing their mother that evening. I tried to express this positively although both boys were clearly unhappy with the idea, Sean saying “do I have to?”, and I told him that yes he had to because she and I had already agreed and the court had also ordered it, and I hoped that they would be nice to her. I told them they would meet with her alone, they would be in a restaurant, no one else would be present, but that I would be across the street ready to pick them up when they finished. I told them that they would not be discussing anything about

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Declaration of Respondent Michael Donnelly 14 May 2008
Describing Children’s Visitation with Petitioner

divorce or anything difficult but only that their mom wanted to see them and know how they were doing, and that everything would be fine.

5. As soon as the boys returned from school, Brenden went to bed and said he did not want to get up and was not feeling good. I told him that he had to meet his mom, and reassured him that all would be fine. I dropped the boys as scheduled exactly at five o'clock. I waited in a coffee shop across the parking lot where I could see the doors to the restaurant but I could not see into the restaurant and I don't think they could see me.

6. They came out of the restaurant exactly as scheduled and Petitioner Made Jati walked them to her lawyer's car where she hugged them and had her lawyer take a picture of her with them. I remained far across the parking lot at my own car. Their affect was noticeably unenthused. She gave them each a skateboard and a package.

7. When they returned to my car they were unhappy but relieved it was over. They said "what are we going to do with these skateboards?" and went on to say they would never use them. I suggested that they could start using them around San Dimas but they said "we have bikes" and they left the skateboards in the trunk of the car where they still are at present.

8. Brenden showed me an essay written by his friend Kiran in which he talks about his wonderful friend Brenden. Brenden was pleased, but I recognized the manipulation – Kiran is the son of Indra who is the center of Made's Angels, and she has used her son before to get information or to try to influence Brenden.

9. Sean said that his Mom wanted to take them to a mall on Sunday, but that he wanted to go to the zoo with his aunt Cathie. I told him that Made could not take him to the mall, also he could not go to the zoo because we already had an agreement to meet at the restaurant.

10. We did not discuss their mother again until Sunday.

11. Again they said they did not want to see her but I again told them it was already arranged and all would be okay.

12. We were on time and I sat out of sight across the parking lot. They came out on time.

13. Petitioner Made Jati walked them part way to my car, hugged them and then went to her lawyer's car.

14. As soon as the boys entered the car, Sean said "Can't I just walk away next time?" I told him "not really" but did not go on to discuss it. Both Sean and Brenden were clearly unhappy and talked between themselves that they did not want to have to meet her again.

15. On Sunday evening we went to their grandparents for dinner, and their aunt Cathie [without my permission] sat down to talk to each of them about their feelings. Cathie then came and told me that they were very unhappy about having to meet their mom and that they did not trust her and did not want to see her again. These were impressions I had gathered from their comments after the restaurant meetings, but I had not wanted to question the boys too closely.

16. The boys met Dr Harris on Monday afternoon. I think the meetings went well and the boys liked Dr Harris and were cheerful both before and after the session; Dr Harris said that both boys were open with him, both had clearly experienced emotional trauma, and both said that they did not want to see their mother again.

17. Sean is a more open personality and is able to talk out his feelings, while Brenden by nature is more guarded.

18. Dr Harris said that Brenden cried during the session, which both he and I agreed was an appropriate reaction, and Dr Harris recommended that Brenden receive some therapy which I think is a good idea.

I hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct; executed in Claremont, California.

DATE: May 14, 2008

Michael Donnelly — Respondent

Julie A. Duncan
Attorney at Law
245 Fischer Avenue, Suite A-1
Costa Mesa, California 92626

Telephone: (714) 546-6015

Attorney for Petitioner
MADE JATI

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES. EAST DISTRICT**

NI MADE JATI
Petitioner

CASE NO. KD 073003

Vs

**DECLARATION OF JULIE A. DUNCAN IN
SUPPORT OF REQUESTED RELIEF**

MICHAEL DONNELLY
Respondent

**Dept: EA B
Time: 8:30 pm
Date: May 15, 2008**

I, JULIE A DUNCAN, declare

1. I am an attorney at law licensed to practice before all courts of the State of California and am counsel of record for Petitioner in the above-entitled action. This declaration is submitted in support of Petitioner's request for an order shortening time to request that minor's counsel be appointed to represent the children of the parties herein. I make the following statements from my own personal knowledge except for those facts stated on information and belief and as to those statements I believe them to be true. If called as a witness in this action, I could and would testify competently to the facts stated herein.

2. I have reviewed the declaration of the Respondent Michael Donnelly dated May 14, 2008 wherein he attempts to negatively characterize the recent court ordered visitation between Petitioner and her sons after being kidnapped from Bali

in July 2007. I was present on both Thursday evening and Sunday afternoon when my client was reunited with her children.

3. First of all, when we were in court last week, Respondent's counsel informed me that Respondent would not be telling his sons that they were going to see their mother last Thursday until the "very last minute" when they arrived at the designated location due to the fact that this would be the only way that the boys could be "forced" to see their mother.

4. In Respondent's declaration he clearly states that he informed the boys in the morning of the day that they would be seeing their mother. Clearly the boys did not have to be "forced" to see her. On Thursday evening, the first of the two scheduled visits, I was present in the restaurant seated in the bar area when the boys arrived. We had arrived approximately 5 minutes prior to their arrival and I left Ms. Jati alone in the restaurant to wait for the boys to arrive. What I witnessed was heart wrenching. Both boys upon seeing their mother gave her big hugs and kisses. It was a very emotional scene. Attached hereto as Exhibit 'A' collectively are pictures of Petitioner and her sons, taken on Thursday evening, May 8, 2008. The pictures are worth a thousand words.

5. The visit went extremely well despite the selected location, which is a slightly seedy restaurant. As there was another visitation scheduled at the same place on Mothers Day, the following day I faxed a letter to opposing counsel asking if his client would agree to change the location for the next visit. I received no reply. Attached hereto as Exhibit 'B' is a true and correct copy of my letter to Mr. Kendall dated May 9, 2008.

6. On Sunday afternoon, May 11, 2008, I again drove my client to the restaurant to see her boys and the visit went well again.

7. Clearly the boys do not "fear" their mother as claimed by Respondent. My client would like to normalize her contact with her sons, to include extended custodial periods, telephone contact, etc. and that this court order that Respondent not interfere with the contact as he has done for the past several months.

8. If the boys are suffering from any "emotional trauma" as alleged by Respondent it is clear that it is a result of being torn from their home, mother, extended family and friends.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Costa Mesa, California on May 15, 2008

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT B

HON. SUSAN LOPEZ-GISS, JUDGE

MADE JATI,

)

)

PETITIONER(S)

)

)

VS.

)

CASE NO. KD073003

)

MICHAEL DONNELLY,

)

)

RESPONDENT(S)

)

)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 15, 2008

APPEARANCES:

FOR THE PETITIONER:

DUNCAN & ASSOCIATES
JULIE A. DUNCAN, ESQ.
245 FISCHER AVENUE, SUITE A-1
COSTA MESA, CA 92626

FOR RESPONDENT:

KENDALL & GIKAS
THOMAS E. KENDALL, ESQ.
143 HARVARD AVENUE, 2ND FLOOR
CLAREMONT, CA 91711

CAROL S. HERRERA, CSR NO. 8735
OFFICIAL REPORTER

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APPEARANCE DATES

MAY 15, 2008

A.M. SESSION

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E X H I B I T S

RESPONDENT'S

ID

REC'D

(NONE OFFERED.)

PETITIONER'S

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CHRONOLOGICAL & ALPHABETICAL INDEX OF WITNESSES

WITNESSES: DIRECT CROSS REDIRECT RECROSS

MADE JATI 5(K)

LEGEND: MR. KENDALL — (K)
 MS. DUNCAN — (D)

CASE NUMBER: KD073003
CASE NAME: JATI VS. DONNELLY
POMONA, CALIFORNIA THURSDAY, MAY 15, 2008
DEPARTMENT B HON. SUSAN LOPEZ-GISS, JUDGE
REPORTER: CAROL S. HERRERA, CSR NO. 8735
TIME: A.M. SESSION
APPEARANCES:

THE PETITIONER, PRESENT, REPRESENTED BY
JULIE DUNCAN, ESQ.; THE RESPONDENT, PRESENT,
REPRESENTED BY THOMAS E. KENDALL, ESQ.

THE COURT: NO. 19, KD073003, JATI VERSUS DONNELLY.

MS. DUNCAN: GOOD MORNING, YOUR HONOR. JULIA DUNCAN FOR
THE PETITIONER.

MR. KENDALL: GOOD MORNING, YOUR HONOR. THOMAS KENDALL ON
BEHALF OF THE RESPONDENT WHO IS PRESENT.

YOUR HONOR, WE DID GO TO MEDIATION LAST WEEK AND HAD AN
AGREEMENT FOR THE LAST TWO VISITS, BUT BEFORE WE GET STARTED,
AS TO WHAT WE ARE GOING TO ACCOMPLISH TODAY --

THE COURT: CAN I ASK A QUESTION? I HAVE A NOTE ON MY
FILE THAT SAYS THE PARTIES HAVE NOT BEEN TO MEDIATION. THEY
HAVE NOT BEEN?

MR. KENDALL: THEY WENT LAST WEEK AND CAME TO AN
AGREEMENT LAST WEEK THAT WOULD CARRY US TO TODAY, BUT THEY
WERE NOT ABLE TO BE SEEN TODAY FOR MEDIATION.

THE COURT: BECAUSE THIS SAYS THEY HAVE AN
APPOINTMENT IN JULY.

MS. DUNCAN: RIGHT.

MR. KENDALL: I THINK WE DO NEED TO PROCEED FORWARD ON
THE DVPA CASE FIRST, BUT BEFORE WE DO THAT, I DO HAVE AN
EVIDENTIARY REQUEST AS TO THAT MOTION.

THE COURT: OKAY.

MR. KENDALL: THAT IS I FILED WRITTEN OBJECTIONS ON APRIL

25TH, 2008. I HAVE AN EXTRA COPY OF THAT IF YOU NEED IT.

THE COURT: OKAY. I DON'T NEED AN EXTRA COPY. GO AHEAD.

MR. KENDALL: I DON'T WANT TO WASTE THE COURT'S MORNING ANY FURTHER THAN I HAVE TO.

THE COURT: YOU ARE NOT WASTING MY TIME, MR. KENDALL. DON'T WORRY ABOUT IT.

MR. KENDALL: THE WRITTEN EVIDENTIARY OBJECTIONS, ESSENTIALLY IN THE SIMPLEST FORM, COMPLAIN ABOUT THE FACT THAT THE PETITIONER CONSISTENTLY REFUSES AND FAILS TO SIGN DOCUMENTS UNDER PENALTY OF PERJURY — ATTEMPTS TO FILE DOCUMENTS WITH THE COURT WHICH WERE NOT SIGNED UNDER PENALTY OF PERJURY, WHICH ARE HEARSAY, THAT ARE REplete WITH INADMISSIBLE EVIDENCE AND THAT I BELIEVE THAT AT THIS POINT, AT LEAST ON THE DVPA CASE, WE SHOULD STRIKE HER PLEADINGS IN REGARD TO THAT MOTION AND PROCEED TO ORAL TESTIMONY.

MS. DUNCAN: YOUR HONOR, IT WAS SIGNED UNDER PENALTY OF PERJURY –

THE COURT: HELP ME OUT. WHERE?

MS. DUNCAN: I HAVE IT RIGHT HERE.

THE COURT: SHOW MR. KENDALL BECAUSE I DIDN'T SEE IT EITHER. FIRST SHOW MR. KENDALL THEN SHOW ME.

MR. KENDALL: IF I COULD SEE THE COURT'S FILE. I DO SEE A SIGNATURE ON AN ANSWER.

THE COURT: WHERE DO YOU SEE THE SIGNATURE? JUST TELL ME, MR. KENDALL.

MR. KENDALL: PAGE 2, THE ANSWER BUT –

THE COURT: ANSWER TO WHAT?

MR. KENDALL: DV-120.

MS. DUNCAN: SHE DOESN'T LIVE HERE, YOUR HONOR, AND TO FILE THAT TIMELY, I HAD TO GET A FACSIMILE SIGNATURE WHICH I FILED WITH THE COURT.

THE COURT: THIS IS THE ONE THAT SAYS "BY FAX."

MS. DUNCAN: YES.

THE COURT: THIS IS HER ANSWER TO THE TEMPORARY

RESTRAINING ORDER.

MS. DUNCAN: YES. THERE SHOULD BE A SIGNATURE ON THE SECOND PAGE OF THE ANSWER.

MR. KENDALL: WAS THIS EVER FILED, YOUR HONOR?

THE COURT: YES, IT WAS, APRIL 23RD. BUT, MR. KENDALL, QUITE FRANKLY, I MISSED IT TOO.

MY CLERK DOESN'T THINK THE PARTIES HAVE BEEN SWORN. IN THE MEANTIME, LET'S GET THEM SWORN.

THE CLERK: PLEASE RAISE YOUR RIGHT HANDS TO BE SWORN.

DO YOU AND EACH OF YOU SOLEMNLY STATE THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

THE PETITIONER: YES.

THE RESPONDENT: YES.

MR. KENDALL: I WOULD LIKE TO CALL THE PETITIONER TO THE STAND.

THE COURT: YES, GO AHEAD. JUST FOR THE RECORD, THE DIVORCE DECREE IN JAKARTA DID NOT MAKE ANY CUSTODY ORDERS FOR THE MINOR CHILDREN.

MR. KENDALL: IT IS A MATTER OF INTERPRETATION, BUT IT MAY NOT MAKE ANY DIFFERENCE BECAUSE I THINK EVERYBODY SUBMITTED TO YOUR HONOR'S JURISDICTION.

MS. DUNCAN: REGARDING CUSTODY AND VISITATION. THEY ARE STILL LITIGATING THE MARITAL PROPERTY AND THE ASSETS OVER THERE.

THE COURT: YOU WANT TO CALL YOUR CLIENT.

MR. KENDALL: ACTUALLY, SHE'S THE PETITIONER AS TO THE MAIN ACTION. I WOULD LIKE TO CALL MS. MADE JATI WHO IS THE PETITIONER UNDER THE ONLY CASE NUMBER WE HAVE WHICH IS THE CASE FOR CUSTODY, AND SHE'S THE PETITIONER —

THE COURT: KD073003.

MR. KENDALL: RIGHT, SO SHE'S TECHNICALLY THE PETITIONER. I WOULD LIKE TO CALL HER TO THE STAND.

THE COURT: MS. JATI, WOULD YOU TAKE THE STAND.

JUST FOR THE RECORD, BECAUSE I DID SEE THE SIGNATURE AND FIND THE SIGNATURE, THE OBJECTIONS ARE OVERRULED. BUT WITH RESPECT TO ANYTHING THAT IS IN THE COURT'S OPINION HEARSAY AND INADMISSIBLE EVIDENCE, THE COURT, ON ITS OWN, CAN MAKE ITS OWN DETERMINATION SO . .

MS. DUNCAN: YOUR HONOR, THEIR DECLARATIONS ARE REplete WITH HEARSAY.

THE COURT: IT IS ALL GOING TO BE MOOT BECAUSE WE HAVE PEOPLE TESTIFYING.

MS. DUNCAN: CORRECT.

THE COURT: GO AHEAD, MR. KENDALL.

MR. KENDALL: THANK YOU.

MADE JATI,

CALLED AS A WITNESS BY THE RESPONDENT,
WAS SWORN AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. KENDALL:

Q. MRS. DONNELLY, DO YOU WISH MY CLIENT HARM?

A. WHAT DOES THAT MEAN? EXCUSE ME?

THE COURT: DO YOU UNDERSTAND ENGLISH?

THE WITNESS: YES, YOUR HONOR, I SPEAK ENGLISH.

MS. DUNCAN: REPEAT THE QUESTION FOR HER.

Q. BY MR. KENDALL: DO YOU WISH MY CLIENT HARM?

A. NO.

Q. HOW MANY PEOPLE WORK FOR YOU, MRS. DONNELLY?

MS. DUNCAN: OBJECTION, RELEVANCE TO THE ISSUE OF CUSTODY AND VISITATION. I THINK THIS IS A FISHING EXPEDITION TRYING TO GET TO MARITAL ASSETS.

THE COURT: HAVE THE PARTIES MET AND CONFERRED?

MS. DUNCAN: WE DID, AND WE WERE TRYING TO GET SOME VISITATION SET UP, BUT EVERYTHING IS LEVERAGED WITH, "WELL, WE WANT TO TAKE HER DEPOSITION."

THE COURT: MR. KENDALL, MAYBE WHAT WE ARE GOING TO DO

BEFORE YOU TAKE HER TESTIMONY IS I WANT TO APPOINT MINOR'S COUNSEL.

MS. DUNCAN: THANK YOU.

MR. KENDALL: CAN I BE HEARD ON THAT?

THE COURT: SURE.

MR. KENDALL: THE INITIAL PETITION SUGGESTED TWO ALTERNATIVES TO PROCEEDING IN THIS MATTER. ONE WAS A REQUEST FOR A 730 EVALUATION, AND ONE WAS A REQUEST FOR MINOR'S COUNSEL. IF YOU LOOK AT THE SECOND PAGE OF MS. JATI'S PETITION FOR CUSTODY AND SUPPORT, IT INDICATES THAT SHE REQUESTS THAT THE COURT APPOINT MINOR'S COUNSEL OR IN THE ALTERNATIVE ORDER A 730 CHILD CUSTODY EVALUATION OF THE MINOR CHILDREN. YOUR HONOR, I BELIEVE THAT IT WOULD BE BENEFICIAL TO HAVE A CHILD CUSTODY EVALUATION. I DO NOT THINK THAT MINOR'S COUNSEL IS GOING TO BE ABLE TO GET TO THE BOTTOM OF ALL OF THESE ISSUES.

THE COURT: RESUME YOUR SEAT, MS. JATI.

LET ME TELL YOU SOMETHING, MR. KENDALL, BASED UPON THE FILE THAT I'VE READ -- YOU CAN BOTH HAVE A SEAT.

MR. KENDALL: IF I SIT DOWN, YOU WON'T BE ABLE TO HEAR ME.

THE COURT: YOU HAVE THE RIGHT TO SIT DOWN. I AGREE WITH YOU, MR. KENDALL. I THINK A 730 EVALUATION IS APPROPRIATE. WHAT AM I GOING TO DO IN THE MEANTIME? I WANT THERE TO BE VISITATION TO MR. DONNELLY, AND I WANT THAT TO BE FAIR VISITATION TO MR. DONNELLY.

MS. DUNCAN: HE'S THE ONE WHO TOOK THE CHILDREN FROM BALI. SHE'S THE ONE WHO DOESN'T SEE THE CHILDREN.

THE COURT: I UNDERSTAND THAT. BUT THE FACT REMAINS THAT THE CHILDREN NEED TO SEE BOTH PARENTS, AND I WANT TO BE ABLE TO MAKE SURE THAT IF THE DAY COMES WHERE MRS. JATI HAS THE CHILDREN, WHICH IS WHERE I WAS GOING, THAT MR. DONNELLY DOESN'T HAVE TO WORRY ABOUT MRS. JATI DISAPPEARING, WHICH BASED ON WHAT I'VE READ, IS NOT AN UNREASONABLE EXPECTATION OR FEAR. I'M NERVOUS ABOUT IT.

THE FIRST THING I DID WHEN I PICKED UP THIS CASE IS TO FIGURE OUT WHETHER OR NOT INDONESIA IS A SIGNATORY TO THE HAGUE CONVENTION, AND IT IS NOT. I VERIFIED THAT IT IS NOT, AND I'M NERVOUS BECAUSE I DON'T KNOW THAT, BASED ON WHAT I'VE READ, MRS. JATI IS READY, WILLING AND ABLE TO ACCEPT THE RULES OF THIS COURT IF IT IS NOT GOING HER WAY. I COULD BE WRONG, BUT I'M NERVOUS.

MS. DUNCAN: YOU ARE ABSOLUTELY WRONG BECAUSE WE CAME OVER HERE. SHE HAD TO HIRE AN INVESTIGATOR TO LOCATE THE CHILDREN. I PERSONALLY WENT WITH THE INVESTIGATOR TO -- WITH THE POLICE TO DO A PEACEFUL CONTACT. THEN WE FILED HERE. SHE'S NEVER TRIED TO GO TO SCHOOL. SHE'S NEVER TRIED TO DO ANYTHING TO DISRUPT THEIR LIVES HERE OTHER THAN GO THROUGH THIS COURT.

THE COURT: THAT'S FINE, BUT I'M READING PAPERWORK, AND LIKE I SAY EVERY MORNING I DON'T KNOW WHAT THE TRUTH IS. I'M JUST LOOKING AT PAPERWORK, AND I HAVE TO PROBABLY SOMETIMES UNFORTUNATELY ERR ON THE SIDE OF CAUTION. AND WHEN I KNOW SOMEBODY COMES FROM ANOTHER COUNTRY, AND I HAVE A DIFFERENT DECREE AND I DON'T HAVE A HAGUE SIGNATORY, I DON'T EVEN NEED MR. KENDALL BEING NERVOUS, I'M NERVOUS ON MY OWN.

SO I AGREE THERE SHOULD BE A 730 EVALUATION, AND THE ONLY REASON I WAS SUGGESTING MINOR'S COUNSEL WAS NOT AS A REMEDY, BUT BASICALLY AS SOMETHING IN THE MEANTIME SO THAT WE HAVE SOME KIND OF AN ASSURANCE THAT THERE IS SOME KIND OF A THIRD PARTY READY, WILLING AND ABLE TO COME TO THIS COURT RIGHT AWAY IF IT IS NOT WORKING WHILE THE —

MR. KENDALL: IF THAT'S THE CASE, YOUR HONOR, I WITHDRAW MY OBJECTION TO MINOR'S COUNSEL.

THE COURT: OKAY. THAT'S EXACTLY WHERE I'M GOING. DO YOU HAVE — DO THE TWO OF YOU HAVE AN AGREEMENT AS TO WHO YOU WANT AS MINOR'S COUNSEL?

MS. DUNCAN: THE ONLY PERSON I'M AWARE OF IS MR. BARNITT WHO IS SITTING HERE, AND I WOULDN'T BE OPPOSED TO HIM.

THE COURT: WHAT DO YOU THINK?

MR. KENDALL: TWO OF THE MOST QUALIFIED INDIVIDUALS IN THE AREA FOR RECEIVING APPOINTMENTS ARE IN THE JURY BOX, SO IF THEY WANT TO FLIP A COIN, THAT'S FINE WITH ME.

THE COURT: NEITHER OF THEM ARE PAYING ATTENTION. MR. BARNITT AND MS. MIDDLETON —

MR. BARNITT: EVERYBODY IS ALWAYS TALKING ABOUT ME. MOST OF THE TIME, I DON'T PAY ATTENTION.

MS. MIDDLETON: YES, I WAS PAYING ATTENTION.

THE COURT: THERE ARE TWO BOYS, MR. BARNITT.

MR. BARNITT: SURE.

THE COURT: MR. BARNITT, WE HAVE AN INTERESTING SITUATION HERE. THERE WAS POTENTIALLY AN INDONESIAN DIVORCE. THERE IS A DISAGREEMENT AS TO CUSTODY, BUT IN THE MEANTIME, THERE IS A REAL CONCERN AS TO WHO SHOULD HAVE CUSTODY AND VISITATION. I'M GOING TO ORDER A 730 EVALUATION, BUT IN THE MEANTIME, I'M GOING TO ORDER THAT THE PARTIES BE — THAT MR. PATRICK BARNITT BE APPOINTED MINOR'S COUNSEL, THAT THE PARTIES MEET WITH YOU AS SOON AS POSSIBLE IN ORDER TO BE ABLE TO ESTABLISH A VISITATION SCHEDULE THAT WILL BE IN THE CHILDREN'S BEST INTEREST PENDING THE CHILD CUSTODY EVALUATION.

THE PARTIES ARE EACH ORDERED TO PAY \$500 UP FRONT TO MR. BARNITT BY 5:00 P.M. FRIDAY AFTERNOON. I'M GOING TO ASK YOU TO MEET WITH MR. BARNITT, AND I'D LIKE YOU BACK HERE SOONER RATHER THAN LATER IN ORDER TO — I'M GOING TO GO TO JUDGES' COLLEGE THE SECOND WEEK OF JUNE. I'D LIKE TO GET YOU BACK BEFORE I GO.

MS. DUNCAN: IN THE INTERIM, SHE'S HAD TWO VISITATIONS. SHE'D LIKE A WEEKEND VISITATION BEFORE WE COME BACK TO COURT. I GUESS THIS WEEKEND HE HAS BAND PERFORMANCE, MAYBE THE FOLLOWING WEEKEND.

MR. KENDALL: YOUR HONOR, I'D ASK THAT THE COURT ORDER BOTH PARTIES TO PAY A THOUSAND DOLLARS TO PATRICK BARNITT.

THE COURT: THAT'S FINE. BUT HERE'S THE QUESTION. DOES YOUR CLIENT HAVE ANY OBJECTIONS TO MS. JATI HAVING VISITATION NEXT WEEKEND?

MR. KENDALL: THIS UPCOMING WEEKEND --
THE COURT: NOT THIS ONE.

MR. KENDALL: THE FOLLOWING WEEKEND, AS I'VE INDICATED TO COUNSEL, OUR ONLY OBJECTION AND COMMENT IF THE CHILDREN, OR EITHER OF THEM, WANT TO COME HOME, THAT THEY BE ALLOWED TO. I WANT — I DON'T WANT MY CLIENT TO GET BLAMED FOR THEM NOT GOING, SO HE'S TELLING THEM THEY HAVE TO GO, THEY HAVE TO BE NICE TO THEIR MOTHER, BUT IF AT SOME POINT IN THIS VISIT, THEY WANT TO RETURN TO MY CLIENT AFTER THEY ARE WITH HIM, THEY SHOULD BE ALLOWED TO CALL HIM ON THE CELL PHONE AND HAVE HIM GO PICK THEM UP, AND WE SHOULD KNOW WHERE SHE'S GOING TO BE. SHE'S STAYING IN NEWPORT BEACH AT SOME LOCATION NEAR COUNSEL'S —

THE COURT: MY SUGGESTION IS IT BE 10:00 UNTIL 4:00 ON MAY 24TH, THAT THEY ARE JUST GOING TO GUT OUT THOSE SIX HOURS. THEY ARE NOT GOING TO PICK THEM UP EARLY. THEY ARE GOING TO BE THERE FOR SIX HOURS AND THAT — BECAUSE --

MS. DUNCAN: IT IS AN HOUR DRIVE, YOUR HONOR. CAN WE HAVE A LITTLE LONGER TIME?

THE COURT: LET'S MAKE IT 10:00 TO 4:00, SO I'M NOT GOING TO BE WORRIED ABOUT THEM CALLING AND SAYING THEY WANT TO GO HOME. AND WHETHER OR NOT THEY WANT TO GO HOME OR NOT, THEY ARE GOING TO BE THERE FOR SIX HOURS.

MS. DUNCAN: CAN SHE ALSO HAVE THE FOLLOWING DAY?

MR. KENDALL: UNTIL WE HAVE MINOR'S COUNSEL'S INPUT, I THINK THAT'S ADEQUATE.

THE COURT: I'M GOING TO SEE YOU THE WEEK AFTER THAT. THE ONE DAY VISITATION IS MAY 24, 10:00 TO 6:00. JUNE 5TH? MAY 24, 10:00 TO 4:00, MAY 31ST, 10:00 TO 4:00 AS WELL.

MR. BARNITT: CAN WE MAKE IT ON THE 4TH, YOUR HONOR, AS OPPOSED TO THE 5TH ONLY BECAUSE I HAVE A --

THE COURT: YES, JUNE 4TH. SHE CAN HAVE VISITATION ON MAY 24TH, 10:00 TO 6:00, MAY 31ST, 10:00 TO 6:00.

MS. DUNCAN: HOW ABOUT THIS WEEKEND ON SUNDAY BECAUSE THERE IS NO BAND -- THERE IS BAND ON SATURDAY, NOT ON SUNDAY.

CAN SHE SEE THEM THIS WEEKEND ON SUNDAY?

MR. KENDALL: YOUR HONOR, JUNE 4TH, WOULD YOU PREFER ME TO APPEAR FIRST OR APPEAR ON MY MOTION TO WITHDRAW IN ANOTHER COURT?

THE COURT: HERE, MR. KENDALL.

MR. KENDALL: MOTIONS TO WITHDRAW USUALLY DON'T TAKE LONG.

THE COURT: THEN DO THAT FIRST.

MR. KENDALL: I WILL BE HERE ON SECOND CALL.

THE COURT: MS. JATI, MAY SHE HAVE THIS SUNDAY FROM 10:00 TO 4:00?

MR. KENDALL: AGAIN, MY ONLY CONCERN ABOUT THAT IS HOW THEY FEEL ABOUT IT.

THE COURT: I'M ORDERING IT. 10:00 TO 4:00 THIS SUNDAY WHICH IS MAY 25TH. MAY 18TH -- SO IT IS MAY 18. 10:00 TO 4:00 --

MR. BARNITT: MAY 24TH, 10:00 TO 6:00, AND MAY 31ST, 10:00 TO 6:00.

THE COURT: THESE CHILDREN DO NOT HAVE THE OPPORTUNITY TO SAY THEY WANT TO COME HOME. THEY ARE STAYING THERE FOR THAT PERIOD OF TIME.

MR. KENDALL: ALL EXISTING ORDERS REMAIN IN FULL FORCE AND EFFECT?

THE COURT: YES. THERE IS NOT GOING TO BE ANY OVERNIGHTS. THIS IS JUST UNTIL MR. BARNITT HAS AN OPPORTUNITY TO TALK TO THE BOYS, TALK TO YOU, MS. JATI, TALK TO YOU, MR. DONNELLY.

NOW FOR THE 730 EVALUATION, IS THERE SOMEBODY YOU PREFER TO DO THIS EVALUATION?

MS. DUNCAN: I LEAVE IT UP TO MR. BARNITT'S DISCRETION.

MR. KENDALL: ANYBODY BUT SOMEBODY IN DIAMOND BAR.

MS. DUNCAN: THEY ARE IN THERAPY, SO ANYBODY BUT THEIR THERAPIST.

THE COURT: DO YOU HAVE SOMEBODY?

MR. BARNITT: HOW ABOUT ROBERT SUITER.

MR. KENDALL: SUITER IS FINE.

MR. BARNITT: ROBERT SUITER.

THE COURT: THE PARTIES ARE GOING TO SPLIT THE COST FOR DR. ROBERT SUITER, AND THE PARTIES ARE TO COOPERATE WITH DR. SUITER FOR A CHILD CUSTODY EVALUATION.

MR. KENDALL: YOUR HONOR, IF I COULD ASK THE COURT TO BE OF ASSISTANCE AS JUST A JUDICIAL OFFICER. THIS IS NOT BEFORE THE COURT TODAY. WE HAVE REQUESTED A DEPOSITION. I PREPARED A MOTION FOR A DEPOSITION. THEY'VE -- I NOTICED IT. THEY'VE OBJECTED. THEY SAID SHE'S NOT IN THE AREA BECAUSE SHE'S STAYING IN NEWPORT BEACH, BUT THEY FAILED TO SHOW UP FOR THE NOTICED DATE FOR MY DEPOSITION. I'M GOING TO HAVE TO FILE A MOTION TO COMPEL HER TO APPEAR AT A DEPOSITION OR SCHEDULE IT FOR ANOTHER COUNTRY. I PROVIDED THEM TODAY A PROPOSAL FOR A DEPOSITION ON THE 10TH OF JUNE IN INDONESIA. THAT'S WHERE SHE'S CLAIMING TO BE, BUT I COULD HAVE RATHER NOT HAD TO FILE A MOTION IF I COULD AVOID IT.

THE COURT: THEN I WOULD SUGGEST, MS. DUNCAN, THAT YOU WORK WITH MR. KENDALL BECAUSE --

MS. DUNCAN: YOUR HONOR, AGAIN, IF IT WAS LIMITED TO THE ISSUES OF CUSTODY AND VISITATION, WE DON'T HAVE A PROBLEM. BUT HE'S ON A FISHING EXPEDITION ON ALL THE MATTERS THAT --

THE COURT: HERE IS WHAT YOU DO. YOU CANNOT NOT SHOW UP. SHE HAS TO SHOW UP.

MS. DUNCAN: YOUR HONOR, SHE'S A RESIDENT OF INDONESIA. THE CODE SECTION IS PERFECTLY CLEAR ON WHAT HE HAS TO --

THE COURT: SHE'S HERE RIGHT NOW. SHE SUBMITTED TO JURISDICTION ON CUSTODY AND VISITATION.

MS. DUNCAN: YOUR HONOR, AGAINST HER WILL. THESE CHILDREN LIVED WITH HER UNTIL THEY WERE 13 OR 14 YEARS OLD, AND HE LEFT THE COUNTRY AND TOOK THEM.

THE COURT: BUT RIGHT NOW, SHE'S SUBMITTED TO THIS JURISDICTION.

MS. DUNCAN: IT WAS THE ONLY WAY SHE COULD SEE HER CHILDREN.

THE COURT: BUT THAT'S NOT THE POINT.

MS. DUNCAN: IF IT IS LIMITED TO THE ISSUES OF CUSTODY AND VISITATION, THEN WE HAVE NO PROBLEM.

THE COURT: IF THERE IS AN OBJECTION MADE, AND YOU ARE INSTRUCTING YOUR CLIENT NOT TO ANSWER, MR. KENDALL KNOWS WHAT HIS REMEDIES ARE, BUT YOUR REMEDY IS NOT TO NOT SHOW UP.

MS. DUNCAN: SHE WASN'T EVEN IN THE COUNTRY, YOUR HONOR, AND I —

THE COURT: SHE'S HERE NOW. I'M GOING TO TAKE JUDICIAL NOTICE THERE IS GOING TO BE VISITATION WHILE SHE'S HERE IN THIS COUNTRY ON AT LEAST THREE DIFFERENT WEEKENDS. I DO NOT DO WELL WITH GAME PLAYING. SHE HAS AN OBLIGATION. SHE'S THE PETITIONER. SHE HAS AN OBLIGATION TO COMPLY WITH THE ORDERS AND THE RULES OF THIS COURT. SHE CANNOT SIT HERE AND SAY SHE IS NOT UNDER THE COURT'S JURISDICTION, AND SHE'S SITTING RIGHT HERE 15 FEET AWAY FROM ME, AND SHE FILED AN ACTION.

MS. DUNCAN: SHE NEVER SAID SHE WASN'T UNDER THIS COURT'S JURISDICTION.

THE COURT: IF SHE'S UNDER THIS COURT'S JURISDICTION AND SHE'S HERE AND SHE'S GOING TO BE HERE TO SEE THE CHILDREN, THEN AT THE POINT OF TIME SHE'S HERE, SHE CERTAINLY CAN ATTEND A DEPOSITION. MR. KENDALL IS RIGHT. HE CAN GO BACK TO INDONESIA. THE POINT IS THE PARTIES HAVE AN OBLIGATION OF GOOD FAITH AND FAIR DEALING.

MS. DUNCAN: THAT'S FINE. I TOLD HIM HE CAN FILE A MOTION, BUT I CAN'T FORCE HER TO BE HERE WHEN SHE'S IN NEW YORK OR PARIS OR INDONESIA --

THE COURT: I'M NOT GOING TO ARGUE ABOUT IT. THE RESTRAINING ORDER IS AT THIS MOMENT IN TIME IN EFFECT AS MODIFIED BY THE -- THE RESTRAINING ORDER IS DISSOLVED. THE ORDERS OF THE COURT WITH RESPECT TO VISITATION AND CUSTODY REMAIN IN EFFECT.

MR. KENDALL: THAT IS TO SAY ALL EXISTING ORDERS. THE ONLY EXISTING ORDERS ARE THE ORDERS THAT WERE ENTERED PURSUANT TO THE CONCILIATION COURT INCLUDING THINGS LIKE NOT TALKING ABOUT THE CASE AND SO ON AND SO FORTH. BUT I DO NEED

A HEARING ON THE RESTRAINING ORDER AT SOME POINT, AND I DON'T MIND THE COURT CONTINUING THAT AT THIS POINT IF THAT IS WHAT THE COURT WANTS TO DO, BUT I AM ENTITLED TO A HEARING ON IT.

THE COURT: I WILL ASK THAT THE RESTRAINING ORDER BE REISSUED AND THAT HEARING DATE WILL BE CONTINUED UNTIL —

MS. DUNCAN: TO MY UNDERSTANDING THERE IS NO RESTRAINING ORDER. THERE IS JUST A HEARING.

THE COURT: THERE'S A HEARING ON THE RESTRAINING ORDER. THE RESTRAINING ORDER WAS DENIED, BUT THE HEARING ON THE RESTRAINING ORDER, SO IN THE SENSE OF REISSUING —

MR. KENDALL: IT IS AN ORDER FOR REISSUANCE OF THE ORDER TO SHOW CAUSE. THAT IS TO SAY SHE'S ORDERED TO APPEAR AND SHOW CAUSE.

THE COURT: FOR THE HEARING ON THE RESTRAINING ORDER.

MS. DUNCAN: IS THERE ANY REASON WE CAN'T BE HEARD TODAY ON THAT ISSUE?

THE COURT: YES, BECAUSE I WANT TO HEAR WHAT MR. BARNITT HAS TO SAY.

MR. BARNITT: DO WE HAVE ANY ISSUE WITH PASSPORTS?

MS. DUNCAN: HE HAS THEM.

THE COURT: THANK YOU. WE ARE IN RECESS UNTIL 1:30.

(AT 11:58 A.M. THE PROCEEDINGS WERE CONCLUDED.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT B	HON. SUSAN LOPEZ-GISS, JUDGE
MADE JATI,	)
	)
PETITIONER(S),	)
	)
VS.	) CASE NO. KD073003
	)
MICHAEL DONNELLY,	) REPORTER'S
	) CERTIFICATE
<u>RESPONDENT(S).</u>	)
STATE OF CALIFORNIA	)
	) SS
COUNTY OF LOS ANGELES	)

I, CAROL S. HERRERA, CSR NO. 8735, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, I THROUGH I6, INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON MAY 15, 2008.

DATED THIS 4th DAY OF June, 2008.

CAROL S. HERRERA CSR 8735
CAROL S. HERRERA, CSR NO. 8735
OFFICIAL REPORTER

Thomas E. Kendall (State Bar #157891)
Law Offices of Thomas E. Kendall
P.O. Box 877, 143 Harvard Ave., Ste. E
Claremont, CA 91711

Attorney for: Michael Donnelly

ORIGINAL FILED

MAY 27 2008

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, EAST DISTRICT

In re the Matter of

NI MADE JATI

Case No. KD 073003

Petitioner,

SUPPLEMENTAL DECLARATION OF
MICHAEL DONNELLY IN SUPPORT OF THE
REQUESTED ORDERS

Vs.

MICHAEL DONNELLY

Respondent

I declare that if called to testify in the above-entitled matter, I could and would testify competently. from my own personal knowledge as follows:

1. My name is Michael Donnelly and I am 56 years old.
2. I am the Respondent herein.

Regarding the Final Decree

3. The final decree issued in the Decision of the Supreme Court of the Republic of Indonesia No 1428K / PDT/ 2006 dated April 2007 and released January 2008 covers more than a simple divorce (Exhibit 1).

4. In the Petitioner original Accusation of Divorce quoted in this Decision, the Petitioner claimed a marriage based on a Bali Hindu ceremony occurring 30 September 1996 in Kuta, Bali. She does not mention a California marriage occurring in 1985.

5. My answer to the accusation pointed out that a legal marriage had occurred in California in 1985, that it was registered in the Civil Records Office in Denpasar, and that

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Declaration of Respondent Michael Donnelly 27 May 2008
Regarding Final Decree of Supreme Court of Indonesia

documents in possession of the Petitioner stating a 1996 marriage were fraudulent and obtained by trickery.

6. The lower National Court in Bali granted the accusation of divorce as requested by the Petitioner without considering my evidence or witnesses. An internet search about the Indonesian legal system may make clear the reasons why.

7. In her filing to the Bali Court of Appeals, not quoted directly in the decision of the Supreme Court, the Petitioner asserted that the Indonesia law of marriages (Exhibit 2) required that a foreign marriage be registered within one year after returning to Indonesia, that whether I had known about the requirement or not was irrelevant because only Indonesians had the right to use the law to register a marriage, and that therefore since 1989 we had been divorced de facto in Indonesia. The Petitioner also won in the Bali Court of Appeals. I was surprised later to find that my lawyers never entered any documents to the Court in support of the appeal.

8. With new lawyers I appealed to the Supreme Court as quoted in the Decision of the Supreme Court in reply to the Petitioner's position in the earlier appeal. I stated that the 1985 marriage was consistent with the laws of Indonesia, had been registered as required, that the requirement to register within one year was an administrative requirement, and that the 1996 marriage documents were fraudulent and that no such ceremony had ever occurred.

9. Further I pointed out that my earlier lawyers had failed to enter documents in the appeal in apparent collusion with the Petitioner, that the earlier courts had ignored my evidence, that testimony from my witnesses had been falsified and reversed by the court reporter, and that the possession and use of false documents by the Petitioner was evidence of felony fraud which was under investigation by the police.

10. The Supreme Court upheld my appeal and reversed the lower courts' decisions, agreeing that the California marriage was legal and valid, was properly registered, and that registration within one year was only an administrative requirement which has been fulfilled.

11. The Petitioner has since appealed the final decree by filing Request for Review, as entered in exhibit in a previous filing to this Court.

12. Behind this Decision lie three years of misery for our family and the battle appears far from over; the Petitioner will not accept the validity of our 1985 marriage and still refuses offers of discussion or mediation. With the state of the legal and social system in Indonesia she apparently believes it possible to maneuver her way to victory yet, by legal or extra-legal means, particularly now that I have been removed from Indonesia, giving her

ultimate possession of all our family assets.

13. The Supreme Court Decision lays bare the bones behind the frauds, the reasons that:

- a. The Petitioner always insisted that she or Heru Widiyanto deal with all government offices and documents, asking me only to sign documents that they presented for signature and which I always did sign because I trusted the explanations of my own wife and my business advisor.
- b. The Petitioner requested a Hindu Bali marriage ceremony in Sanur in 1994, at the time explaining it as a confirming ceremony in Bali of our California marriage, intending to use it without my knowledge to supersede our 1985 California marriage.
- c. The Petitioner without my knowledge obtained multiple documents from Tabanan stating that she was unmarried in 1992, 1994 and 1996, and stating that a Hindu Bali marriage ceremony had occurred in Tabanan in June 1996, intending to use these documents to obtain a new marriage certificate in Indonesia.
- d. The Petitioner asked me to sign various letters, documents and marriage documents in Indonesian language without translations into English in 1996 with an explanation these were formal requirements for registering our California marriage in Denpasar to protect our family assets.

14. It appears that the Petitioner was aware since 1992 and possibly much earlier that this one year registration requirement, a requirement I only heard of in 1996, would give her an opportunity to defraud me of our children and all our family assets on the day she was finally ready to file for divorce. The fact that registration is an administrative requirement does not mean that it cannot be used in a collusive and manipulative legal environment to obtain a ruling contrary to law that a foreigner would find very difficult to combat. I became aware of the plan only in April 2005 when I first received her accusation of divorce.

Regarding Testimony and Deposition

15. In the court session 15 May Thomas Kendall questioned the Petitioner in an attempt to establish a few basic facts in light of her continued resistance to deposition. After her first responses along the lines of “Me no speakee good English..”, Mr Kendall asked about the number of employees at our company Uluwatu, at which Ms Duncan immediately objected that Mr Kendall was on a fishing expedition for assets.

16. I know the assets, I built the companies and I don’t need to fish. What assets remain and which she has illegally stripped or transferred we will discover through the courts of Indonesia. The answer to the number of employees includes about 300 at Uluwatu, about

35 at Kori Restaurant, about 15 at the head office staff including Heru Widiyanto who perjured himself in two separate court appearances regarding our Balinese ceremony date as well as taking an instrumental role in the frauds, about 25 family including some working for Uluwatu including her sister Nyoman Suti who also perjured herself in court, about 20 thugs that I observed directly including her brothers, and various boyfriends, girlfriends, Angels and other hangers on.

17. Staff loyal to me or our business partner Gary Hewson have been purged. Some of the remaining managers including Heru Widiyanto have risen to new levels of power in the takeover. Everyone has a hand out. the Petitioner doesn't control them; she hasn't even been in Indonesia since November. But she controls the purse, and when the woman with the money asks "Who will rid me of this turbulent priest?", and regardless whether or not she meant me harm at the moment she posed the question, the entire structure of a fraud that she has spent over 12 years building takes on its own life.

18. Julie Duncan has proposed a variety of reasons to avoid deposition, but once the Court made it clear that the Petitioner must submit to deposition she made frantic attempts to obtain an order limiting the scope to visitation and custody. She has good reason to avoid questions about assets and the Petitioner has already filed a technical response refusing to divulge her assets to the Court. Regardless of relevance to Child Support, the value of the assets reveals the strong motives behind the threats, the frauds, the collusions, the involvement of numerous other backers, and the reason for the Petitioner's continued refusal to agree to mediation and settlement.

19. But even accepting the limitation of scope to visitation and custody, questions about motive, threats, false documents, frauds, prior false evidence to courts, attempts to obscure the background or mislead this Court, promises and contracts broken, interventions and collusions with the legal system in Bali, and perjured witnesses are all relevant to the central issues in visitation and custody – that is moral fitness for custody, and the court's basis for trust regarding any agreement or court order - given that she has repeatedly broken solemn agreements and sacred oaths in the past.

20. The Petitioner could end this family tragedy at any time by accepting the validity of our 1985 marriage and the final decree of divorce, and by agreeing to mediation and settlement of our family issues. Instead she persists in obstruction, maneuver and collusion, heedless of the pain she continues to cause her own children.

21. In the interests of clarifying the background and speeding the disposition of this case, we therefore respectfully request the Court to order the Petitioner and Julie Duncan to cease their obstructions and to cooperate in fixing a date for a deposition to be held before

the next scheduled court appearance on 3 June 2008, and to instruct the Petitioner that all questions are to be answered completely and truthfully.

22. Despite my attorney's efforts, the requests for a deposition have been fruitless as Petitioner's counsel claims that she is unavailable through June 2, 2008 which is the day Petitioner leave the country.

I hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct; executed in Claremont, California.

DATE: May 20, 2008

Michael Donnelly — Respondent

Hakim

: PROF. DR. HM. HAKIM NYAK FHA, SH.UEA
I MADE TARA, SH.
ANDAR PURBA, SH.

Panitera Pengganti : PRI PAMBUDI TEGUH, SH.MH.

PENGADILAN NEGERI DENPASAR

PUTUSAN :

Perdata No. : _____ /Pdt. G/ _____ /PN. Dps.
Tanggal : _____
Penggugat : _____
Tergugat : _____

BESERTA :

Putusan PENGADILAN TINGGI DENPASAR

Tgl. _____ - _____ No. _____ - _____ /Pdt/ _____ /PT.Dps.

Putusan MAHKAMAH - AGUNG DI JAKARTA

Tgl. 10-4-2007 No. 1428 K/PDT/2006

CATATAN :

Penggugat memohon turunan putusan ini, diberikan

Tgl. _____ biaya Rp. _____

Tergugat memohon turunan putusan ini, diberikan

Tgl. _____ biaya Rp. _____

MAHKAMAH AGUNG
REPUBLIK INDONESIA



PUTUSAN

No. 1428.....K/PDT/2006

PERKARA KASASI PERDATA

antara :

MICHAEL PATRICK DONNELLY.

melawan :

PT MADE JATI.

DECISION

No 1428 K/ Pdt/ 2006

FOR JUSTICE UNDER GOD

THE SUPREME COURT

Having examined the civil case at the level of appeal to the Supreme Court do decree as follows in the case

MICHAEL PATRICK DONNELLY, residing at Jalan Pengembak Gg III Sanur Denpasar, in this instance giving power of attorney to 1. Maharidzal, SH and 2. Mangasi G. Simangunsong, SH, Lawyers, having offices at MAHARIDZAL, SH & Partners, Jalan Pandu No 24, Denpasar-Bali, based on the Letter of Power of Attorney dated 10 April 2006:
The Plaintiff in Appeal to the Supreme Court, previously the Accused / Appellant

Versus

NI MADE JATI, residing at Jalan Pengembak Gg III Sanur, Denpasar:
The Accused in the Appeal to the Supreme Court, previously the Plaintiff / Accused

The Supreme Court
has read the documents in the case

Considering, that from the aforementioned documents it is declared that the Respondent to Appeal NI MADE JATI previously the Plaintiff did accuse the now Appellant to the Supreme Court MICHAEL PATRICK DONNELLY previously the Respondent in the venue of the National Court Denpasar and that the essence of the case is:

----- Quoted: Original Accusation of Divorce from NI MADE JATI -----

That, between the Plaintiff and the Respondent did occur a marriage according to the Hindu religion and Bali custom at the residence of the Plaintiff that is Banjar Pengabetan Desa Kuta, Kecamatan Kuta, Kabupaten Badung in accord with the quote of the Marriage Document No 299/ 1996 that was issued by the Civil Records Office Kabupaten Dati II Badung on 30 September 1996:

That, in the aforementioned marriage there were born two male children with the names

1. WAYAN SEAN DONNELLY, age 12 years,
2. BRENDEN SURYA DONNELLY, age 11 years.

that until this moment the two children are in the care of the Plaintiff according to the Family Registration No 225003/ 97/ 03033 dated 03/07/1997.

That at the start of the marriage between the Plaintiff and the Respondent all proceeded

smoothly as it should in a family but it developed that there became frequent arguments and conflict as the results of discord between the Respondent and Plaintiff;

That these arguments were caused by the actions of the Respondent who was too selfish, always wanted to win, liked to insult, did not value the position of a wife and tended to lower the self esteem of his wife. These conflicts started about the year 2001 when the Respondent began to not talk to his wife, until there became a separation of dining and sleeping until this moment, although they still live together in the same house.

That Plaintiff feels unable to continue together in a single family with the Respondent, besides which the Plaintiff can no longer accommodate herself to life with the Respondent.

That regarding the frequent arguments and conflicts the Plaintiff has tried repeatedly to maintain the family including controlling herself and asking advice and seeking the views of friends together with seeking maximal help from her family, but the Respondent persists in his attitude.

That the Plaintiff can no longer live together to maintain a home as in the previous commitment. The commitment that was originally the basis of the marriage is now no longer present in the marriage of the Plaintiff and Respondent, such that for the benefit of both the marriage should be ended.

That as a normal human being the Plaintiff has a limit of patience and a limit of strength to withstand the pain of her broken heart and dashed hopes, such that she feels unable to any longer accept the Respondent as her husband or continue to live together as a family.

That for the welfare, happiness and peace of the Plaintiff herself and also for the Respondent and the children of the Plaintiff – Respondent, therefore divorce is the only and best solution and can no longer be avoided.

Based on these considerations listed above, therefore the Plaintiff requests to the Chief Justice of the National Court in Denpasar to declare a ruling and with it to reach a decision in accord with the following points:

PRIMARY:

1. Grant the Plaintiff's accusation in full,
2. Rule the marriage that was according to Hindu religion and Bali custom at the residence of the Plaintiff in Bajar Pengabetan, Kuta according to the Marriage Certificate No 299/1966 issued by the Civil Records Office on 30 September 1996 is officially ended by divorce with all of the resulting legal consequences,
3. Rule that the Plaintiff has custody of the Plaintiff / Respondent's children that are still under age, each named:
 - 3.1. Wayan Sean Donnely, age 12 years,
 - 3.2. Brenden Surya Donnely, age 11 yearsaccording to the Family Registration Card 225003/97/03033 dated 3/7/1998 without reducing the right of the Respondent as their natural father to come at any time to see the children to give them affection,
4. Order the Clerk to send a copy of the Divorce Ruling to the Civil Records Office,
5. Order the Accused to pay all the costs of this court action.

SECONDARY:

In the sense of justice we request an equally fair decision (ex aequo et bono)

----- End: Original Accusation of Divorce from NI MADE JATI -----

Considering, that opposing the accusation above the Respondent denied the details and in return entered a response to the accusation that in its essence is as follows:

----- Quoted: Response to Accusation for Divorce from MICHAEL PATRICK DONNELLY -

IN RESPONSE TO THE ACCUSATION

That the accusations used in the original accusation should be considered to be used perfectly well in return by the counter accusation.

1. That the Plaintiff and the Respondent were married in the City of Los Angeles, California, on 14 September 1985 and were registered in the Office of Records, Los Angeles County on 24 September 1985, and the Marriage Certificate was also registered in the office of Civil Records Office Denpasar with Registration No. 16/ K.DKC/2005 dated 6 April 2005.
2. That as a result of the marriage in California, the above marriage is valid and legal as also specified in Civil Code (UU) No 1 year 1974 Section 56 paragraph 1 specifying that marriages outside Indonesia are legal if carried out according to the law that applies in that country where the marriage is carried out and the marriage does not conflict with the laws of Indonesia, so that the marriage of 14 September 1985 is correct and accepted by law and protected by law, such that also by law the marriage that was carried out in Banjar Pengabetan Desa Kuta according to Marriage Certificate No 299/1996 as issued by the office of Catatan Sipil, Badung on 30 September 1996 is cancelled and must be ruled Cancelled By Law.
3. That the cancellation or Cancellation By Law be caused by the conditions of the marriage that was carried out in Banjar Pengabetan, Desa Kuta with Marriage Certificate No 299/1996 as required in Chapter II, Section 6 and 9 Civil Code (UU) No 1 year 1974 concerning marriages and Section 1320, 1321, 1328 KUH Perdata.
4. That one condition of marriage in Section 6 paragraph Civil Code (UU) No 1 year 1974 concerning marriages is that marriage must be based on agreement between the two applicants, that connected with this in Section 1320 KUH Perdata it is stated that the conditions required are four, namely: **Agreement** of those that commit themselves, ability to make the commitment, ..., ..., and continuing in Section 1321 it is stressed that **"there is no agreement that is legal if the agreement is give through false representation, or achieved by force, trickery, manipulation, or misleading information."**
5. That the marriage that was carried out in Banjar Pengabetan Desa Kuta No 299/1996 was done with **trickery / manipulation / misleading information and/or the necessity to cover up the true state of a participant**, that between the Plaintiff and the Respondent when they were listed and notarized at the Civil Records Office Denpasar Badung there occurred a trick, manipulation, misleading information in claiming in a legal document that the **Plaintiff had status as a virgin / never married** and the **Plaintiff had status of an unmarried boy/ never married**, although in fact already they had been legally married in Los Angeles 14 September 1985.
6. That the marriage of 1996 that was made and listed with information that was not correct, manipulative, misleading and counter to law should be considered as follows:
 - a. According to the Marriage License of 1985 the status of the Plaintiff was single/divorced

- b. According to the Marriage License of 1985 the status of the Respondent was single/divorced
 - c. At the time of the marriage of 1996 the Plaintiff and Respondent were already in a marriage.
- 7. As per Section 1328 KUH Perdata **“trickery / manipulation / misleading information is one reason to cancel an agreement...”**, we ask the court to rule and cancel the marriage certificate No 299/1996 dated 30 September 1996.
- 8. That with the cancellation of this marriage certificate it is also requested that the court rule to cancel the Prenuptial Agreement or Cancel By Law, because the Prenuptial Agreement was an after the fact agreement that postdated the actual marriage.
- 9. That all the rulings between the Accusation and the Counter-Accusation accept that the marriage that took place in 1985.
- 10. That the marriage of 1985 was gifted with two male children:
 - a. Sean Wayan Donnelly, born 17 March 1993 in Long Beach, California, where in the Certificate of Birth is listed the name of the father as Michael Patrick Donnelly and the name of the mother as Ni Made Jati and registered on 29 March 1993 in the Records Office in California and also listed in the office of Civil Records Office Denpasar with Reg No 18/K.DKC/2005 dated 12 April 2005.
 - b. Brenden Surya Donnelly, born 17 September 1994 in Singapore, where in the Certificate of Birth is listed the name of the father as Michael Patrick Donnelly and the name of the mother as Ni Made Jati and registered on 26 September 1994 in the Office of Records in Singapore and also listed in the office of Civil Records Office Denpasar with Reg No 17/K.DKC/2005 dated 6

Based on the reasons above, the Respondent requests the Court to handle this case to examine and rule as follows:

Regarding the Accusation

- 1. Reject the Divorce Accusation in total.
- 2. Rule by law that the marriage according to Agama Hindu and Adat Bali at the place of residence of the Plaintiff in Banjar Pengabetan, Desa Kuta No 299 / 1996 on 30 September is NOT VALID and cannot be used as the basis of divorce and all consequences to it.
- 3. Reject and rule that the Plaintiff is a wife who is not fit by law to receive the custody of the children until the children are adults.
- 4. Rule that the Plaintiff is to pay all court costs.

Regarding the Counter-Accusation

- 1. Receive and rule in favor of the Counter Accusation in total
- 2. Rule that the marriage in Banjar Pengabetan Desa Kuta No 299 / 1996 30 September 1996 and the Prenuptial Agreement is Cancelled By Law along with all its consequences.
- 3. Rule that the marriage in Los Angeles, 14 September 1985 and registered in the Office of Records in Los Angeles 24 September 1985 and registered in Civil Records Office Denpasar 6 April 2005 is valid according to law and ended because of divorce.

4. Order the Clerk to send notice of divorce with the force of law to the office Civil Records Office Denpasar,
5. Order by law that custody of the two children Sean Wayan Donnelly and Brenden Surya Donnelly by given to the Respondent until the children reach legal age.
6. Order the Plaintiff to pay the costs of this case according to law.

OR

If it be the finding of the Court, a decision of equal justice (ex aequo et bono)

----- End: Response to Accusation of Divorce from MICHAEL PATRICK DONNELLY ---

That to these accusations the National Court Denpasar made a decision, that is decision No 119/ Pdt.G/ 2005/ PN.Dps. dated 22 November 2005 which in summary stated:

----- Quoted: Decision of the National Court Denpasar -----

REGARDING THE ORIGINAL ACCUSATION

- Grant the accusation of the Plaintiff;
- Rule by law that the marriage that took place according to the Hindu religion n Banjar Pengabetan Desa Kuta, Kecamatan Kuta, Kabupaten Badung, according to the quoted Certificate of Marriage No 299/1996 issued by the Civil Records Office Kab. Badung Dati II Badung on 20 September 1996 is hereby ended by divorce together with all consequences;
- Rule by law that the Plaintiff has custody of the children of the marriage of the Plaintiff with the Respondent that are still under age and of the names:
 - o WAYAN SEAN DONNELLY;
 - o BRENDEN SURYA DONNELLY,
 in accord with the Family Registration Card No 255.003/ 97/ 03033 dated 03 July 1997 without lessening the right of the Respondent as a natural father to at any time visit the children as appropriate to give affection as a father.
- Order the Clerk of the National Court Denpasar to convey this official decision of the Court that now has the force of law to the Civil Records Office Denpasar;
- Lift the freeze of assets of the marriage as placed by the Assets Board of the National Court Denpasar dated 6, 7 and 8 September 2005 because it is no longer relevant to be maintained.

IN REGARD TO THE RESPONSE TO THE ORIGINAL ACCUSATION

Rules that the petition of the Respondent cannot be received.

IN REGARD TO THE RESPONDING ACCUSATION

Rules that the Respondent is to pay the court costs that to this point total RP, 3,319,000.

----- End: Decision of the National Court Denpasar -----

Considering, that at the request for appeal by Respondent (MICHAEL PATRICK DONNELLY) of the decision of the National Court Denpasar above, the decision was confirmed by the Court of Appeal Denpasar with decision No 16/ Pdt/ 2006 PT.Dps. dated 20 February 2006;

Considering, that after this last decision was conveyed to MICHAEL PATRICK DONNELLY on 4 April 2006, that then MICHAEL PATRICK DONNELLY through his representative based upon a Letter of Power of Attorney dated 10 April 2006 advanced an oral request for appeal to this Supreme Court as recorded in the Document of Appeal No 119/ Pdt.G/ 2006/2005/ PN.Dps that was entered by the Clerk of the National Court Denpasar, this request then being followed by a Document of Appeal containing the reasoning of the case and received by the Clerk of the National Court Denpasar mentioned above on 24 April 2006;

That after this the Recipient of Appeal NI MADE JATI on 17 May 2006 was informed of the appeal to this court by MICHAEL PATRICK DONNELLY and responded with a reply to the appeal that was received by the Clerk of the National Court Denpasar on 30 May 2006;

Considering, that the request for review by the Supreme Court a quo and the reasons for it were conveyed to the opposing side in detail, and conveyed in the proper time and in the manner required by regulations, therefore the request for review is formally received for consideration;

Considering, that the arguments advanced by the MICHAEL PATRICK DONNELLY in the Document of Appeal above are in their essence as follows:

----- Quoted: Appeal to the Supreme Court by MICHAEL PATRICK DONNELLY -----

1. That the Decision of the Court of Appeal Denpasar Bali has wrongfully confirmed the decision of the National Court Denpasar Bali dated 22 November 2005 Number 119/OPdt. G/ 2005/ PN.Dps, by maintaining and confirming both in the Accusation and the Response to the Accusation in the Court of Appeal, has clearly caused a loss to the Appellant (MICHAEL PATRICK DONNELLY), because for the Appellant (MICHAEL PATRICK DONNELLY), based on the Marriage Certificate issued in the United States of America in 1985 together with the Bali custom and Hindu religious ceremony of 1994, the decision of the Court of Appeal did not weigh and did not examine carefully the essentials and the evidence of the Appellant in this matter as required by the declaration of the Supreme Court, to wit declaration No. 638 K/ sip/ 1969 dated 22 July 1970 "Decisions of the National Court and the Court of Appeals that are not adequately reasoned (onvoldoende gemotiveerd) must be cancelled".
2. That the Court of Appeal Denpasar and the National Court Denpasar were in error in their judgment regarding the marriage between Plaintiff and the Respondent as evident in the legal reasoning in the decisions of the National Court Denpasar section 15 that states that: according to the essential facts of the accusation of the Plaintiff between the Plaintiff and the Respondent as husband and wife there did occur a marriage in Br. Pengabetan Desa Kuta Kabupaten Badung according to the Marriage Certificate No 299/ 1996 issued by the Civil Records Office Kabupaten Dati II Badung dated 30 September 1996, and having two children named
 - SEAN WAYAN DONNELLY born 1993 (male)

- BRENDEN SURYA DONNELLY born 1994 (male)

Because in fact NI MADE JATI in a systematic manipulated the evidence presented by NI MADE JATI in the hearing of the National Court Denpasar, and because of this MICHAEL PATRICK DONNELLY now reported to the authorities the National Police Denpasar with the suspicion of a criminal fraud according to Section 378 KUHP and criminal presentation of false documents according to Section 266 KUHP, that is the documents submitted in evidence No P-1 being the Certificate of Marriage No 299/1996 dated 30 September 1996, and this matter is now under investigation by the police.

3. That the Court of Appeal Denpasar yo National Court Denpasar have violated the Procedural Civil Law and have not applied the law as required in that their consideration of the law, as evidenced in the decision of the National Court Denpasar section 18 to wit "considering the from the details above that the registration in the local Civil Records Office regarding the marriage between the Plaintiff and the Respondent exceeded a time limit of 1 (one) year after the husband and wife returned to Indonesia, therefore the registration of the marriage between the Plaintiff and Respondent on 6 April 2005 at the Civil Records Office Denpasar is considered defective by law, such that therefore the marriage between the Plaintiff and Respondent that took place on 14 September 2005 is defective by law and does not contain the binding strength of law."
4. That according to Civil Code (UU) No 1 year 1974 Section 56 regarding Marriages in paragraph 10 mentioned above that marriages taking place outside Indonesia between two citizens of Indonesia or between a citizen of Indonesia and a foreign citizen is valid if carried out according to the laws in effect in the country where the marriage takes place and for the Indonesian citizen does not violate the laws of Indonesia, and further in paragraph 2 it is stated that within the space of 1(one) year after the husband and wife return to the territory of Indonesia the document proof of their marriage must be registered at the Civil Records Office where they reside.
5. That the marriage of MICHAEL PATRICK DONNELLY and NI MADE JATI that took place outside Indonesia, that is in Los Angeles, Los Angeles County, California on 14 September 1985, is valid because this marriage took place according to the laws of the country where the marriage occurred, and for the citizen of Indonesia did not violate the laws of Indonesia, as presented by evidence T-2 being the Marriage Certificate No 28637 dated 14 September 1985.
6. That with the passage beyond 1 (one) year when the document proof of the marriage between MICHAEL PATRICK DONNELLY and NI MADE JATI was listed at the Civil Records Office Denpasar dated 6 April 2005, does not mean that the marriage between MICHAEL PATRICK DONNELLY and NI MADE JATI that took place in Los Angeles, Los Angeles County, California on 14 September 1985 is defective by law and does not have the binding strength of law because, although more that 1 year had passed, however MICHAEL PATRICK DONNELLY was not negligent in listing the proof of marriage, that is on 6 April 2005, because according to Section 91 KUH Perdata line 3 it is stated "that regarding marriages that take place outside the country there cannot be considered to be knowledge of the marriage as long as the husband and wife remain negligent in the proof of marriage as required in Section 84."
7. That the Court of Appeal Denpasar yo National Court Denpasar ignored the evidence T-3 which is the Certificate of Birth No 19362 002071 in the name of Sean Wayan DONNELLY born 17 March 1993 (male) and evidence T-4 which is the Certificate of Birth in the name of Brenden Surya DONNELLY born 17 September 1994 (male), that this evidence confirms that the MICHAEL PATRICK DONNELLY and NI MADE JATI did carry out a

marriage in the United States of America and then parented children as above. Also in the case of the witness presented by MICHAEL PATRICK DONNELLY named Steven Donnelly, who testified that he had personal knowledge that between NI MADE JATI and MICHAEL PATRICK DONNELLY there did occur a marriage in America according to the law of America and that from this marriage there were born two male children Sean Wayan Donnelly and Brenden Surya Donnelly.

8. That the Court of Appeal Denpasar yo National Court Denpasar did violate the law of marriage in declaring the Prenuptial Agreement that was made by MICHAEL PATRICK DONNELLY and NI MADE JATI as valid and therefore according to the judges there were no family assets, and did not regard the Civil Code (UU) No 1 year 1974 Section 35 regarding Marriage (decision of National Court Denpasar page 20) because between husband and wife it is forbidden to make Prenuptial Agreement after the existence of a marriage, although in fact far before this that is on 14 September 1985 MICHAEL PATRICK DONNELLY and NI MADE JATI already were married in America, such that the Civil Code (UU) No 1 year 1974 Section 35 applies to MICHAEL PATRICK DONNELLY and NI MADE JATI in which in paragraph 1 of this section it states that all assets of the marriage are assets in common.
9. That in the appeal, the Appellant discovered only from the decision of the Court of Appeal Denpasar page 4 that attorneys or representatives of the Appellant (Austrindo Law Office) did not present any documents in the case, such that MICHAEL PATRICK DONNELLY then found new attorneys because MICHAEL PATRICK DONNELLY felt he had been caused a loss and harmed by the previous attorneys (Austrindo Law Office), the new attorneys or representatives being from Maharidzal & Partners Law Office. In connection with this and through his new attorneys MICHAEL PATRICK DONNELLY has requested to the Supreme Court of Indonesia to reconsider the facts and evidence and testimony of witness as here attached:
10. That with this MICHAEL PATRICK DONNELLY has conveyed to the Supreme Court of the Republic of Indonesia, that the decision of the Court of Appeal Denpasar Bali has wrongly applied the Civil Code (UU) year 1974 regarding marriages.
11. That the decision of the Court of Appeal Denpasar Bali dated 20 February 2006 No 19/ Pdt.G/ 2006/ PT.Dps. yo National Court Denpasar Bali dated 22 November 2005 No 119/ Pdt.G/ 2005/ PN.Dps particularly regarding divorce was not adequately considered because the consideration of National Court Denpasar only looked at documents without regard to evidence and testimony of witnesses of MICHAEL PATRICK DONNELLY, such that in this case the Court of Appeal Denpasar only confirmed the decision of the National Court Denpasar without adequate consideration.
12. That in the situation that the accusation of the Plaintiff / Respondent to Appeal is contradicted by the Respondent / Appellant, the National Court Denpasar must put the burden of proof on the Plaintiff / Respondent to Appeal and not upon the Respondent / Appellant as in the decision of the Court of Appeal Denpasar dated 20 February 2006 No 16/ Pdt.G/ 2006/ Pt.Dps jo National Court Denpasar dated 22 November 2005 No. 119/ Pdt.G/ 2005/ PN.Dps.
13. That according to the Appellant the considerations of the National Court Denpasar are in contradiction to the Civil Code (UU) No 1 year 1974 on Marriages Section 2 paragraph (1) such that the National Court Denpasar wrongly drew their conclusions in this case, with the reasoning as follows:
14. Regarding the law of marriages as presented by the Respondent to Appeal NI MADE JATI in Banjar Pengabetan Desa Kuta, Kecamatan Kuta, Kabupaten Badung that occurred on

30 September 1996, the statements were not correct, as what occurred is as follows:

- 14.1. That between NI MADE JATI and MICHAEL PATRICK DONNELLY in 1996 in Banjar Pengabetan Desa Kuta, Kecamatan Kuta, Kabupaten Badung there did not occur any activity of any sort such as a marriage ceremony as claimed by the NI MADE JATI.
- 14.2. That MICHAEL PATRICK DONNELLY in 1997 at Banjar Pengabetan Desa Kuta, Kecamatan Kuta, Kabupaten Badung did take part in a tooth filing ceremony, and there was a marriage ceremony for the younger brother of NI MADE JATI named Made Diana.
- 14.3. That it is true that NI MADE JATI and MICHAEL PATRICK DONNELLY were married in the United States of America in 1985 and also there did occur a Hindu religion and Bali custom ceremony in 1994 at Jalan Pengembak Gang III No 29 Sanur, Denpasar.
- 14.4. That NI MADE JATI and MICHAEL PATRICK DONNELLY as the result of their marriage in 1985 have two children named
 - Wayan Sean Donnelly, born 1993
 - Brenden Surya Donnelly, born 1994.
- 14.1. That the regulations that determine the validity of marriages are Civil Code (UU) No 1 year 1974 Section 2 paragraph (1) confirm as valid the Marriage Certificate registered in 1985 in the United States of America and listed in the Civil Records Office Denpasar according to the location of residence of NI MADE JATI and MICHAEL PATRICK DONNELLY in the district of Denpasar, and further confirmed by the marriage ceremony according to Bali custom and Hindu religion which took place in 1994 at Jalan Pengembak Gang III No 29 Sanur, Denpasar, Bali.
- 14.2. That the possession by NI MADE JATI of a Certificate of Marriage issued by the Civil Records Office Denpasar Kabupaten Dati II Badung, No 299/1996 that should have been considered carefully before the Court of Appeal Denpasar confirmed the decision of the National Court Denpasar, and the Court of Appeal Denpasar should have considered and weighed the documents and evidence entered by MICHAEL PATRICK DONNELLY, because MICHAEL PATRICK DONNELLY had already entered into evidence the marriage documents from the United States of America 1985 that was already listed at the Civil Records Office Denpasar, as well as evidence of the marriage ceremony according to Bali custom and Hindu religion year 1994, and therefore it is incumbent and proper to conclude that the Marriage Certificate year 1996 that is the possession of NI MADE JATI must be Cancelled By Law, because the marriage that is claimed by NI MADE JATI year 1996 was engineered through criminal means.
- 14.3. That in addition it is also incumbent on the National Court Denpasar that besides considering the arguments of NI MADE JATI about the status of the children, in which the National Court Denpasar only took into account the children as listed on the Family Registration Card without weighing the evidence of MICHAEL PATRICK DONNELLY that there was a marriage in 1985 in the USA and also a marriage according to Bali custom and Hindu religion in 1994, and also must take note of the two children that are the result of a valid marriage according to the Laws of Marriage in which the two children which are the result of this marriage also have Certificates of Birth and also are already listed at the Civil Records Office Denpasar with Reg No 17/ K.KDC/ 2005 in the name Brenden Surya Donnelly, and Reg No 18/ K.DKC/ 2005 in the name Sean Wayan Donnelly,

and therefore it is appropriate that the decision of the Court of Appeal Denpasar and National Court Denpasar be cancelled by law because the Court of Appeal Denpasar in its decision only gave regard to the previous decision of the National Court Denpasar.

- 14.4. That the actions of NI MADE JATI who is in possession of a document declaring that she is unmarried and the Certificate of Marriage issued by the Civil Records Office Denpasar No 299/1996 has been reported by MICHAEL PATRICK DONNELLY to the authorities and this is now under criminal investigation with NI MADE JATI as a suspect in criminal fraud and false documents.
- 14.5. That the behavior of NI MADE JATI in frequently leaving the home without clear explanation of destination, frequently leaving the house at night, and MICHAEL PATRICK DONNELLY discovered romantic photographs of NI MADE JATI with another man, and love letters between NI MADE JATI and another man (attached).
15. From the above considerations, it is clear that the Decision of the National Court Denpasar and the Decision of the Court of Appeal Denpasar were grossly inadequate in their deliberations, and in this according to the principle of jurisprudence the Decision of the Supreme Court 22 July 1970 No 638/ SIP/1969 must be cancelled.
16. That the Decision of the Court of Appeal Denpasar wrongly applied the Civil Law and the Civil Code (UU) No 1 year 1974 regarding marriages Section 2 paragraph (1) in effect because rendered a decision which is contradictory between the two.
17. That marriage according to Civil Code (UU) No 1 year 1974 is not only to be considered as a legal act that gives rise to legal consequences, but that it is also a religious act, such that the validity of a marriage must also be based upon the religious law and the beliefs of each of the participants of a marriage.
18. That although MICHAEL PATRICK DONNELLY does not object to ending the marriage by divorce with NI MADE JATI, however MICHAEL PATRICK DONNELLY does object if the marriage that took place with NI MADE JATI in 1985 together with the marriage ceremony according to Bali custom and Hindu religion year 1994 is declared invalid, because the actual marriage between MICHAEL PATRICK DONNELLY and NI MADE JATI did take place while fulfilling all conditions and beliefs and binding by religious law.
19. That in Civil Code (UU) No 1 year 1974 Section 2 paragraph (1) it is adequately explained the validity of marriage both according to religion as well as according to law.
20. That the Court of Appeal Denpasar has violated the basic law of marriages because the Court of Appeal Denpasar has granted the petition of the Accusation with a decision that is unclear, that is it has wronged the Respondent by ruling him to lose his rights without consideration of the evidence of the Respondent / MICHAEL PATRICK DONNELLY
21. That the Decision of the Court of Appeal Denpasar that grants the Accusation that is unclear in its reasoning as above, is in contradiction to the Decision of the Supreme Court dated 21 November 1970 No 492/ SIP/ 1970 (vide Summary Jurisprudence Supreme Court of Indonesia II, page 205 No 144 regarding actions which are unclear).

Based upon the objections of MICHAEL PATRICK DONNELLY, and in connection with the respectful request of MICHAEL PATRICK DONNELLY that the Supreme Court of the Republic of Indonesia give a decision as follows:

1. Receive the request for appeal from MICHAEL PATRICK DONNELLY.
2. Cancel the Decision of the Court of Appeal Denpasar dated 20 February 1996 No 16/ Pdt/ 2006/ PT.Dps and the Decision of the National Court Denpasar dated 22 November 2005 No 119/ Pdt.G/ 2005/ PN.Dps

3. Grant a ruling as follows:
 - Reject in its entirety the Accusation of the Plaintiff / NI MADE JATI or at the least rule that the Accusation of the Plaintiff / NI MADE JATI cannot be accepted.
4. Decree by law that the marriage of MICHAEL PATRICK DONNELLY and NI MADE JATI is ended by divorce based on the marriage on 1985 in California, USA.
5. Order NI MADE JATI to pay all court costs at all levels of the court.

----- End: Appeal to the Supreme Court by MICHAEL PATRICK DONNELLY -----

Considering, that independent of the reasons for the appeal to the Supreme Court, and without necessity for the Court to weigh the reasons for the appeal that were advanced by the Appellant, the Supreme Court finds that *judex facti* the law itself was wrongly applied because the lower court decisions did not adequately weigh the facts that there were two marriages and did not consider since when the actual marriage between NI MADE JATI and MICHAEL PATRICK DONNELLY existed;

That based upon evidence T-2 we obtain the fact that the marriage between MICHAEL PATRICK DONNELLY and NI MADE JATI occurred on 14 September 1985 in Los Angeles, USA and has been listed in the Civil Records Office Denpasar on 6 April 2005;

That the children born of the marriage, that being Sean Wayan Donnelly and Brenden Surya Donnelly born 1993 and 1994, already used the family name Donnelly based upon the marriage between NI MADE JATI and MICHAEL PATRICK DONNELLY that occurred in Los Angeles on 14 September 1985;

That according to law, a marriage which takes place outside the country must be listed at the Civil Records Office within 1 (one) year after they return to Indonesia and a late listing is an administrative issue that does not invalidate the marriage which occurred in Los Angeles on 14 September 1985 because it did not conflict with marriage regulations either in USA or in Indonesia;

That supposing it be true that between MICHAEL PATRICK DONNELLY and NI MADE JATI there did take place another marriage in Denpasar in 1996, this event is excessive and is not valid because there already existed a legal marriage beforehand which took place in Los Angeles on 14 September 1985, and from this marriage issued 2 (two) children, and that all used the family name "Donnelly", and this marriage until 30 September 1996 was still in effect and was never declared ended by divorce;

That therefore, the marriage that took place in Banjar Pengabetan, Desa Kuta, Kec Kuta, Kab. Badung, quoted in Marriage Certificate No 299/1996 that was issued by the Civil Records Office Denpasar on 30 September 1996 together with the Prenuptial Agreement is cancelled by law with all its consequences;

That therefore the marriage which is valid is the marriage that took place in Los Angeles on 14 September 1985, and therefore the ending of this marriage by divorce in this case must be based on that marriage;

That the listing of a marriage is to be viewed as a legal requirement of an administrative nature, a requirement which was fulfilled by both parties with the listing of their marriage which occurred in Los Angeles on 14 September 1985 at the Civil Records Office Denpasar with Number 16/ K.DKC/ 2005 on 6 April 2005;

Considering, that based on the above considerations, therefore the accusation of divorce entered by the Respondent to the Appeal NI MADE JATI to the Supreme Court which is based on a marriage on 30 September 1996 in Denpasar has no basis and therefore must be declared rejected;

Considering, that because the primary request, that is the request for divorce, is rejected, all the other requests must also be declared rejected;

Considering, that in the Response to the Accusation MICHAEL PATRICK DONNELLY requests the court to declare a ruling as follows:

----- Quoted: Request to the Court in Response to Accusation by MICHAEL PATRICK DONNELLY -----

IN REPLY TO THE ACCUSATION

1. Receive and rule in favor of the Response to Accusation in total.
2. Rule that the marriage in Banjar Pengabetan Desa Kuta as quoted with the Certificate of Marriage No 299 / 1996 issued by the Civil Records Office Kab. Dati II Badung on 30 September 1996 and the Prenuptial Agreement is Cancelled By Law along with all its consequences.
3. Rule by law that the marriage between the Plaintiff and the Respondent that took place in Los Angeles, California 14 September 1985 and registered in the Office of Records in Los Angeles 24 September 1985 and also registered in the Civil Records Office Denpasar 6 April 2005 is valid according to law and ended because of divorce.
4. Order the Clerk of the National Court Denpasar to send notice of divorce by the National Court Denpasar with the force of law to the Civil Records Office Denpasar.
5. Order by law that custody of the two children WAYAN SEAN DONNELLY and BRENDEN SURYA DONNELLY by given to the Respondent until the children reach legal age;
6. Order the Plaintiff to pay the costs of this case according to law.

OR

If the Court find otherwise, a fair decision (ex aequo et bono)

----- End: Request to the Court in Response to Accusation by MICHAEL PATRICK DONNELLY -----

Considering, that in the request number 2, MICHAEL PATRICK DONNELLY requested that it be ruled by law that the marriage that took place in Banjar Pengabetan Desa Kuta, Kec. Kuta, Kab Badung with the quoted Certificate of Marriage no 99/1996 issued by the Civil Records Office Denpasar on 30 September 1996 after the Prenuptial Agreement be cancelled by law together with all consequences.

Considering, that in consequence of the legal reasoning of the accusation as above, together with evidence of the Respondent (T-2) which is a photocopy of the Certificate of Registry of Marriage dated 14 September 1985 issued in Los Angeles, USA, it is already declared that NI MADE JATI was married with MICHAEL PATRICK DONNELLY, a marriage which based upon the attached evidence Respondent (T-2) has also been listed at

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the Civil Records Office Denpasar on 6 April 2005;

That despite this, in the letter of accusation of divorce of NI MADE JATI advanced in its essentials an accusation against a marriage that occurred on 30 September 1996 (evidence P-1), the essence of which is denied by MICHAEL PATRICK DONNELLY;

That, because at the time there occurred a marriage at Banjar Pengabetan, Desa Kuta, Kab Badung on 30 September 1996, the marriage that had taken place previously in Los Angeles on 14 September 1985 was still in effect and it had not been declared that the prior marriage had already been declared legally ended, therefore the second marriage was excessive and must be declared cancelled by law;

Considering, that therefore the marriage between NI MADE JATI with MICHAEL PATRICK DONNELLY that occurred in Los Angeles, California on 14 September 1985 is valid under law;

Considering, that from the responses between NI MADE JATI with MICHAEL PATRICK DONNELLY it can be concluded that in the household there is conflict and that each now lives separate lives, that is that NI MADE JATI lives in Denpasar while MICHAEL PATRICK DONNELLY and the children live in California, USA, so that the marriage can no longer possibly be preserved and must be declared ended by divorce;

Considering that based on the above reasoning the ending of the marriage between NI MADE JATI and MICHAEL PATRICK DONNELLY must be based upon the legal marriage that occurred in Los Angeles, California on 14 September 1985.

Considering that in the request number 5 of the counter-accusation, MICHAEL PATRICK DONNELLY requests that the children of the marriage between MICHAEL PATRICK DONNELLY and NI MADE JATI, that is 1) SEAN WAYAN DONNELLY born 17 March 1993 and 2) BRENDEN SURYA DONNELLY born 17 September 1994 that are still under age are declared under the custody of MICHAEL PATRICK DONNELLY;

Considering that the request that because the children are still under age that the custody be given to the mother until they are adults, that request must be declared rejected;

Considering that because the marriage between NI MADE JATI with MICHAEL PATRICK DONNELLY is declared ended by divorce, therefore there is reason to order the Clerk National Court Denpasar to send a copy of this order to the Clerk of the Civil Records Office Denpasar and one copy to the Clerk of the Marriage Records Office in Los Angeles, Los Angeles County, California USA;

Considering, that based upon the judgements above, there is adequate reason to grant the request to the Supreme Court by MICHAEL PATRIK DONNELLY and to cancel the decision of the Court of Appeal Denpasar no 16/ Pdt/ 2006/ PT Dps dated 20 February 2006 that confirmed the decision of the National Court Denpasar No 119/ Pdt.G/ 2005/ PN Dps dated 22 November 2005, and the Supreme Court rules further with the Summary decision as declared below;

Considering, that because NI MADE JATI, previously the Plaintiff / Respondent to Appeal is on the losing side, therefore she is ruled by law to pay the cost of this case at all the court levels;

In regard to the sections of the Civil Code (UU) No 1 Year 1974, Government Regulation No 9 Year 1975 regarding implementation of Civil Code (UU) No 1 Year 1974, Civil Code (UU) No 4 Year 2004, Civil Code (UU) No 14 Year 1985 as amended and appended with

Civil Code (UU) No 5 Year 2004 together with other regulations as they apply:

Ruling

Grant the Appeal to the Supreme Court of the Appellant: Michael Patrick Donnelly.

Cancel the Decision Dps No. 16/ Pdt/ 2006/ PT.Dps, dated 20 Feb 2006, which was in support of Decision PN. Dps No: 119/ Pdt/ 2005/ PN.Dps, dated 22 Nov 2005.

Ruling Of The Supreme Court

In the Original Accusation

Reject in its entirety the Accusation and Request of the Plaintiff (NI MADE JATI).

In the Response to the Accusation

1. Grant the Request of the Respondent to the Accusation (MICHAEL PATRIK DONNELLY) in portion.
2. Rule that the marriage that occurred between the Plaintiff and the Respondent in Banjar Pengabetan, Desa Kuta, Kabupaten Badung, with the quoted Marriage Document No 299/ 1996 issued by the Civil Records Office Kabupaten Badung on 30 September 1996 together with a premarital agreement is ruled cancelled by law.
3. Rule that the marriage which took place between the Plaintiff and the Respondent in Los Angeles, California, United States of America on 14 September 1985, and registered in the Marriage Records Office in Los Angeles California, United States of America on 24 September 1985, and also registered in the Civil Records Office Denpasar on 6 April 2005 is valid according to law and is hereby ended by divorce.
4. Rule that the Court Clerk Denpasar send a copy package of this Decision to the Clerk of the Civil Records Office in Denpasar and another copy package to the Clerk of the Civil Records Office in Los Angeles, California, United States of America.

In the Original Accusation and the Response to the Accusation

Order the Respondent to the Appeal to the Supreme Court / Plaintiff in the Accusation / Respondent to the Appeal NI MADE JATI to pay the case costs at all court levels that in this level of the Supreme Court totals Rp 500,000.

Thus is the decision in conference of the Supreme Court on Tuesday 10 April 2007 by PROF.DR HM. HAKIM NYAK PHA, SH, DEA, Chief Justice as appointed by the Supreme Court as Chairman, I MADE TARA, SH dan ANDAR PURBA, SH , Supreme Court Justices as Members, and announced in open public session today by the Chairman and the Members abovementioned and assisted by PRI PAMBUDI TEGUH, SH., MH. Substituting Clerk and not attended by the contesting parties;

Member Justices

Chairman

Signature // I Made Tara, SH
Signature // Andar Purba, SH

Signature // Prof DR. HM Hakim Nyak Pha, SH, DEA

Substituting Clerk

Signature // Pri Pambudi Teguh, SH, MH

Costs

1. Stamp.....Rp
6,000
2. Printing Rp
1,000
3. Administrative Rp
493,000

For Copy

Supreme Court Republic of Indonesia
Clerk Civil Division

Total Rp 500,000

Note I

Noted here that today TUESDAY, 15 January 2008 the Decision of Supreme Court of the Republic of Indonesia dated 10 April 2007 number: 1428 K / Pdt/ 2006 has been communicated to MAHARIDZAL, SH, Attorney for MICHAEL PATRICK DONNELLY as the RESPONDENT / APPELLANT / APPELLANT TO THE SUPREME COURT

CLERK

NATIONAL COURT DENPASAR

I MADE PARWATA SH

Photocopy Official Copy

Clerk

National Court Denpasar

I MADE PARWATA SH

MP 040035297

Note

Noted here that a certified photocopy of the Decision of Supreme Court of the Republic of Indonesia number: 1428 K / Pdt/ 2006 has been given to MAHARIDZAL, SH, Attorney for MICHAEL PATRICK DONNELLY as the RESPONDENT / APPELLANT / APPELLANT TO THE SUPREME COURT today : Wednesday, 16 January 2008, with costs detailed as follows:

1. Stamp	Rp 6.000
2. Writing	Rp 5,250
Total	Rp 11,250

**UNDANG-UNDANG REPUBLIK INDONESIA
NOMOR 1 TAHUN 1974
TENTANG
P E R K A W I N A N**

UNDANG-UNDANG TENTANG PERKAWINAN

BAB VII

HARTA BENDA DALAM PERKAWINAN

Pasal 35

1. Harta benda diperoleh selama perkawinan menjadi harta bersama.
2. Harta bawaan dari masing-masing suami dan isteri dan harta benda yang diperoleh masing-masing sebagai hadiah atau warisan, adalah di bawah penguasaan masing-masing sepanjang para pihak tidak menentukan lain.

Pasal 36

1. Mengenai harta bersama suami atau isteri dapat bertindak atas persetujuan kedua belah pihak.
2. Mengenai harta bawaan masing-masing, suami dan isteri mempunyai hak sepenuhnya untuk melakukan perbuatan hukum mengenai harta bendanya.

Pasal 37

1. Bila perkawinan putus karena perceraian, harta bersama diatur menurut hukumnya masing-masing.

BAB IX

KEDUDUKAN ANAK

Pasal 42

1. Anak yang sah adalah anak yang dilahirkan dalam atau sebagai akibat perkawinan yang sah.

Pasal 43

1. Anak yang dilahirkan di luar perkawinan hanya mempunyai hubungan perdata dengan ibunya dan keluarga ibunya.
2. Kedudukan anak tersebut ayat (1) di atas selanjutnya akan diatur dalam Peraturan Pemerintah.

BAB XII

KETENTUAN-KETENTUAN LAIN

Pertama

Bagian Kesatu

Pembuktian asal usul anak

Pasal 55

1. Asal-usul seorang anak hanya dapat dibuktikan dengan akte kelahiran yang autentik, yang dikeluarkan oleh Pejabat yang berwenang.

Bagian Kedua

Perkawinan di luar Indonesia.

Pasal 56

1. Perkawinan yang dilangsungkan di luar Indonesia antara dua orang warganegara Indonesia atau seorang warganegara Indonesia dengan warganegara Asing adalah sah bilamana dilakukan menurut hukum yang berlaku di negara di mana perkawinan itu dilangsungkan dan, bagi warganegara Indonesia tidak melanggar ketentuan-ketentuan Undang-undang ini.
2. Dalam waktu 1 (satu) tahun setelah suami isteri itu kembali di wilayah Indonesia, surat bukti perkawinan mereka harus didaftarkan di Kantor Pencatatan perkawinan tempat tinggal mereka.

Pasal 60

1. Perkawinan campuran tidak dapat dilangsungkan sebelum terbukti bahwa syarat-syarat perkawinan yang ditentukan oleh hukum yang berlaku bagi pihak masing-masing telah dipenuhi.
2. Untuk membuktikan bahwa syarat-syarat tersebut dalam ayat (1) telah dipenuhi dan karena itu tidak ada rintangan untuk melangsungkan perkawinan campuran, maka oleh mereka yang menurut hukum yang berlaku bagi pihak masing-masing berwenang mencatat perkawinan, diberikan surat keterangan bahwa syarat-syarat telah dipenuhi.

PENJELASAN
ATAS
UNDANG-UNDANG REPUBLIK INDONESIA
NOMOR 1 TAHUN 1974 TENTANG
PERKAWINAN

PENJELASAN UMUM:

.....

Azas-azas atau prinsip-prinsip yang tercantum dalam undang- undang ini adalah sebagai berikut :

- a. Tujuan perkawinan adalah membentuk keluarga yang bahagia dan kekal. Untuk itu suami isteri perlu saling membantu dan melengkapi, agar masing-masing dapat mengembangkan kepribadiannya membantu dan mencapai kesejahteraan sprituil dan material.
- b. Dalam Undang-undang ini dinyatakan, bahwa suatu perkawinan adalah sah bilamana dilakukan menurut hukum masing-masing agamanya dan kepercayaannya itu; dan disamping itu tiap-tiap perkawinan harus dicatat menurut peraturan perundang-undangan yang berlaku. Pencatatan tiap-tiap perkawinan adalah sama halnya dengan peristiwa-peristiwa penting dalam kehidupan seseorang, misalnya kelahiran, kematian yang dinyatakan dalam Surat-surat keterangan, suatu akte resmi yang juga dimuat dalam pencatatan.
- c.
- d.
- e. Karena tujuan perkawinan adalah untuk membentuk keluarga yang bahagia kekal dan sejahtera, maka undang- undang ini menganut prinsip untuk mempersukar terjadinya perceraian, harus ada alasan-alasan tertentu serta harus dilakukan di depan Sidang Pengadilan.

**CIVIL CODE OF THE REPUBLIC OF INDONESIA
NUMBER 1 YEAR 1974
REGARDING
MARRIAGE**

REGULATIONS REGARDING MARRIAGE

CHAPTER VII

ASSETS IN MARRIAGE

Section 35

1. Assets acquired during the course of a marriage are assets in common.
2. Assets brought into the marriage individually by the husband and wife and the assets acquired as gifts or inheritances, is under the control of each individually as long as the two sides do not otherwise make agreements.

Section 36

1. Regarding assets in common, a husband or wife may act with the consent of both parties.
2. Regarding individual assets, a husband or wife have full legal right to act individually regarding that property.

Section 37

3. If a marriage is ended by divorce, the assets in common are to be arranged according to the laws of each.

CHAPTER IX

STATUS OF CHILDREN

Section 42

1. The legal children of a marriage are those children born in or as the results of a marriage that is legal.

Section 43

1. A child born outside a marriage has a civil legal connection only with the mother and the family of the mother.
2. The status of such a child in paragraph (1) is arranged in Government Regulations.

CHAPTER XII

OTHER REGULATIONS

Primary

Part One

Proof of the Birthright of a Child

Section 55

1. Birthright of a child can only be proven with an authentic birth certificate issued by a government official with appropriate authority.

Part Two

Marriage Outside Indonesia

Section 56

1. A marriage that takes place outside Indonesia between two Indonesian citizens or an Indonesian citizen with a foreign citizen is valid if carried out according to the laws of the country in which it takes place and if for the Indonesian does not violate the conditions of these Regulations.
2. Within 1 (one) year after husband and wife return to the territory of Indonesia, the certificate of their marriage must be listed at the Civil Records Office where they live.

Section 60

1. A mixed marriage cannot take place before it is proven that the conditions for the marriage which are required by law for both sides have been fulfilled.
2. To prove that the conditions for marriage referred to in paragraph (1) have been fulfilled and therefore there is no impediment to the mixed marriage, then by the appropriate authorities who are responsible for registering the marriage on each side, must be given letters of explanation that all the conditions have been fulfilled.

CLARIFICATION ADDENDUM
OF
CIVIL CODE REGULATIONS REPUBLIC OF INDONESIA
NUMBER 1 YEAR 1974
REGARDING MARRIAGES

GENERAL CLARIFICATION

The principles comprising the basis for these Regulations is as follows:

- a. The pupose of marriage is to form a happy and stable family. For this, the husband and wife must support and complete one another so that each can reach their full personal potential to help and achieve both spiritual and material welfare.
- b. In these Regulations it is stated that a marriage is legal if done according to the laws of the religions and beliefs of each; and that also each marriage must be listed according to the regulations pertaining to it. The listing of a marriage is the same significance as the listing of other important events in each person's life, for example births and deaths which are stated in certificates as official statements which are also entered into civil records.
- c. .
- d. .
- e. Because the purpose of marriage is to form a family which is happy, stable and provides for family welfare, therefore these Regulations are based upon the principle to make it difficult to achieve a divorce, there must be specific reason, and it must be done through a hearing in a court of law.

Thomas E. Kendall (State Bar #157891)
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California State Bar Association
Board of Legal Specialization
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ORIGINAL FILED

MAY 30 2008

LOS ANGELES
SUPERIOR COURT

Attorney for: Michael Donnelly

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, EAST DISTRICT

In re the Matter of

NI MADE JATI

Petitioner,

Vs.

MICHAEL DONNELLY

Respondent

Case No. KD 073003

DECLARATION OF MICHAEL DONNELLY
IN SUPPORT OF REQUEST FOR GUIDELINE
CHILD SUPPORT

I declare that if called to testify in the above-entitled matter, I could and would testify competently. from my own personal knowledge as follows:

1. My name is Michael Donnelly and I am 56 years old.
2. I am the Respondent herein.
3. I left Made Jati in control of what she and I called Uluwatu Boutiques consisting of the Uluwatu factory and retail shops, Kori Restaurant, and many parcels of real property. Her effective income exceeds \$86,000 per month, and her cost of living is far lower than mine.
4. The children deserve to share in the standard of living that she enjoys with many household staff and the highest of living standards.

5. through 79. consists of detailed accounting data.

...

Additional Background and Detail Explanation by the Respondent

80. Following is a further explanation of the history of this case and our dealings, which includes various Exhibits.

Regarding Assets and Child Support - History

81. At our first court appearance on 19 March, Julie Duncan scorned “she doesn’t have assets anything like that...” Assets are as attached (Exhibit 11). The total is USD 10 to 14 million consisting of about 50% land and properties and 50% the value of ongoing businesses.

82. The Petitioner and I wrote a memo regarding assets in October 2003, witnessed by a lawyer in Singapore (Exhibit 12).

83. That agreement was intended for a simple and peaceful separation of assets, and estimated the approximate value of land assets alone of \$3,144,706 as of 2003. That was a very conservative estimate of value.

84. In July 2003, after years of increasing obstruction by the Petitioner to the ordering of our family affairs and willful flaunting of her romance with a boyfriend (Exhibit 13), I told her that we must move towards some cooperative resolution of family problems and improvement in the pathological lifestyle the children and I were being subjected to, rather than for her to continue to make unilateral decisions about what should be mutually agreeable family decisions. She reluctantly agreed to cooperate, and after several months discussion the Singapore agreement was the result. This memorandum of understanding gives a good snapshot of our concerns for our children, our family interests and assets in 2003, at least as far as I understood the Petitioner’s intentions at the time. However, after carrying out some of the provisions of the memorandum of understanding, she told me in 2004 that she had “changed her mind” and refused to abide by it.

85. It is true that the family assets are in Indonesia, and it is exactly this fact that has allowed the Petitioner to put this fraud into play. However, the Petitioner and I were married in Los Angeles, lived for several years in Los Angeles before moving to Bali, held joint bank accounts and purchased a house in California, the Petitioner acquired a Green Card and a US Social Security Number 549-97-4474, we have maintained continuous contact with family and friends in California, lived two months of each year in Covina with my parents, and lived with my parents when Sean was born in California. Both children are currently residing in California and have been in California for 11 months, are happily settled and doing well in school, both parents recognize the Court in California as having

jurisdiction in this matter, and both parents have both turned to the Court in California for relief.

86. Jurisdiction for settlement of assets belongs to the Court of Indonesia, but jurisdiction for child welfare and therefore child support belongs to the Court in California. For purposes of child support the monthly income is most significant. the Petitioner's income can be conservatively estimated at about USD 50,000 per month.

87. Petitioner's claim that "There is currently pending litigation in the country of Indonesia related to the parties' finances and custody of the minor children. It is the Petitioner's contention that jurisdiction of all the financial issues lies with the Courts of Indonesia where litigation has been pending since as early as 2006, and where the marital assets of the parties, if any, are maintained" (10 April 2008) is disingenuous, as she filed a Petition for orders as to custody and support with this court.

88. The Petitioner's entire history of actions regarding "the parties' finances and custody of the minor children" is one of delay and collusion. Every court case in Indonesia can go through four levels of trial and appeal: First trial in National Court, an appeal to the Court of Appeals, an appeal to the Supreme Court, and a request for Review. As in the divorce case started in April 2005 and which the Petitioner has now sent for Review, the entire process can take from three to five years. The case for division of assets is just now starting and I have no doubt that the Petitioner will stay true to pattern and seek to delay any settlement until 2013. The children will be 18 to 20 years old.

89. Therefore I request the Court to order Petitioner to pay guideline child support.
Regarding Business and Income

90. The Petitioner's stories about our businesses Uluwatu Boutique and Kori Restaurant are no more factual than her stories about our 1996 marriage. Made's Angels have been fed a steady diet of myth, and the testimonials from the Anonymous Witness, Anna Jordan and Nigel Mason are replete with misrepresentations.

91. I have a BA with High Honors from the University of California San Diego in Molecular Biology (Exhibit 14), have done graduate work in several fields including at the Molecular Biology Institute at UCLA and in the MBA program at the Anderson School of Business at UCLA. I left the MBA program because of even more challenging opportunities to travel and expand Far East American, Inc (FEA), a business I helped found in conjunction with the parent company Daya Sakti / Bima Surya Group of Indonesia. Both FEA and Bima Surya Group are still successful and doing well in Indonesia and Los Angeles.

92. Uluwatu was founded by Michael McHugh with his girlfriend the Petitioner at about the same time that my partner Oliver Wong and I founded FEA. The Petitioner

helped in the company and received a salary from McHugh for the service of holding the business in her name as well as other assistance.

93. I continued to work for FEA after our marriage until we moved to Bali and bought Uluwatu from McHugh in 1988. At that time I sold my shares of FEA to my partner Oliver Wong (Exhibit 15). The Petitioner's story, related in the testimonials of Anna Jordan and Nigel Mason, that I had nothing upon arriving in Bali and the Petitioner gave me a job or that I schemed to take over her company, is absolutely false.

94. I was not aware until moving to Bali in 1988 that the Petitioner was receiving a salary from McHugh for holding title to Uluwatu.

95. In 1989 I became concerned that because the Petitioner Made Jati Donnelly was a US Green Card holder and held a US Social Security Number that there might be implications for US taxes. I therefore gathered from her a complete description of the Uluwatu arrangement and wrote up a summary for KPMG Peat Marwick in Singapore (Exhibit 16).

96. After consideration, Randy Farrell at KPMG concluded that McHugh was indeed the factual owner of Uluwatu, that the Petitioner had received payments as salary which should have been reported to the IRS but that the low amounts and foreign location meant that there were no tax payment obligations, and that our takeover of Uluwatu was indeed a purchase. Gifts from McHugh to the Petitioner in previous years represented gifts from husband to wife in a customary but not legal marriage because the gifts were unrelated to any benchmarks of the business. We so reported on our 1988 tax return (Exhibit 17).

97. I completely rebuilt the business, downsized, computerized, and reorganized, shifting from export to the tourist market, and sales took off from about USD 346,000 in 1988 to a peak of USD 1,790,000 in 1995. Problems including the Asian Monetary Crisis, fall of Suharto, Bali bombings, and SARS caused income to bounce around from 1998 through present but gross sales are still stable at about 1,500,000 per year. (Exhibit 18)

98. By 1992 I needed a Colonel Sanders: building a strong brand for the tourist market required an image and a story. I had already created the tag line and concept "Handmade Balinese Lace", created a Bali style logo, gave a crisp white direction to the styling, designed shops based on teak and brass Balinese palace furnishings. And in 1992 I wrote a Press Release story presenting the Petitioner Made Jati as our Colonel Sanders (Exhibit 19).

99. The Petitioner loves the story and it is still the center of the Uluwatu website (Exhibit 20). The Petitioner's fans have been reading it for over 15 years, but it is only marketing. The truth in the Press Release is on par with Ronald McDonald battling the

Hamburglar, but it has been the basis for every story appearing about Uluwatu since 1992. The reality is that Michael McHugh started the original Uluwatu as an export production company. In 1988 the Petitioner and I bought out the company from the edge of bankruptcy and I completely rebuilt Uluwatu into a Bali-style tourist luxury retailer.

100. In 1998 we opened Kori Restaurant with partner Gary Hewson. Again I created a strong design and image. Until the Petitioner seized the restaurant from Gary in July 2007, annual sales at Kori ranged from USD 500,000 to USD 800,000 per year.

Regarding Accounting Records

101. Beginning with reorganization of Uluwatu in 1988 I wrote and installed production and accounting database control programs in dBase and then FoxPro. Complete records of production, wages, sales and accounting are available from 1994 through 2005 amounting to 1000 – 2000 pages of data per year, all still in my possession. Summary Profit Loss statements are presented along with records from Kori from 2001 through 2006 (Exhibit 2 through Exhibit 4 and Exhibit 6 through Exhibit 10).

102. Because the purpose of the accounting was entirely for internal control and because as a family business we had no outside reporting requirements, year end adjustments including carry over of Retained Earnings, treatment of depreciations and amortizations and even of large contract payments are not consistent or fully recorded year to year. Sales, production and expense records, however, are extremely accurate with the system tracking individual items and piecework from beginning of production through final sale.

103. The systems worked well through the 90's, but by 1999 both personal and business problems prompted me to try to rationalize the company structures. I tried to form Uluwatu and Kori into two divisions under a common Administration which itself was under an entity called Reserve that represented my and the Petitioner's ownership of the group. The reorganization was never successful because the Petitioner resisted separating formal corporation monies from our personal monies and her own tracking of cash flow was often chaotic. The veil was not only pierced, it was completely shredded.

104. Also starting by 1999 I wanted to split our family assets between those held in Indonesia and therefore necessarily under the Petitioner's name, from assets to be shifted into my name outside Indonesia and therefore under reporting requirements to the IRS. The Petitioner refused to cooperate. Our 2003 Singapore agreement was my attempt to readjust our asset structures but I was not successful. My proposal in 2004 to open a Foreign Capital Corporation (PMA) in Bali to protect my interests and as a basis for opening a new Gedong Restaurant project (Exhibit 21, also Singapore Agreement Exhibit 12) received an enraged

response and more refusals to cooperate from the Petitioner.

Regarding Seizure of Assets and Income

105. When we bought Uluwatu in 1988 there was virtually no management structure and no accounting. I asked the Petitioner's sister Ketut Nerthi to be our bookkeeper / cashier because she had had a few accounting courses in high school.

106. I wrote accounting and production and sales control programs linked into a database such that the new administrative staff consisting of the Petitioner's family and friends, all with a low level of education, could manage the company simply by filling in the forms on the computer screen and allowing the database to calculate inventory levels and new production orders to the factory. The system worked efficiently and a small administrative staff, many of whom were the Petitioner's family, managed a very active business.

107. While I concentrated on building the company, the Petitioner handled the cash and banking. At the start the business was entirely cash based because Indonesian banks could not easily handle credit cards and checks. Even today the business is largely cash based because most of our workers prefer to receive cash payments and do not have bank accounts to receive checks or wage transfers, and our shop sales are entirely cash or credit card.

108. The separation of labor between my handling business operations and the Petitioner handling cash, banking and government relations worked well, but it set me up for disaster in the divorce. The Petitioner became less cooperative and her handling of the cash less transparent by 2000. In discussions we could always reach agreement in principle, but her execution never lived up to promises. Our Singapore agreement in 2003 seemed to solve our differences but then she changed her mind and failed to carry through.

109. In March 2005 we agreed to a divorce, that we would finish our settlement per the Singapore agreement, and that I would begin the paperwork for an accusation of divorce. I signed a Power of Attorney with Austrindo Law Office on 30 March 2005 (Exhibit 22) and wrote a statement for Austrindo to use in preparation of the accusation. However, Austrindo delayed in preparing the accusation, and the Petitioner surprised me with her own accusation on 23 April 2005 supported by a Power of Attorney dated 13 April 2005.

110. I now believe that during the three weeks between 30 March and the filing of the Accusation of Divorce on 22 April, Austrindo Law Office contacted the Petitioner and worked out an agreement to collude with her to allow her to win a divorce based on her 1996 marriage documents. The failure of Austrindo Law Office to enter documents on my

behalf to the Court of Appeals is only one indication of many of this collusion.

111. In my home office I found that most of our family documents had been moved or destroyed. I had no more access to Uluwatu documents. Austrindo advised against confronting the Petitioner or trying to open the safe to which only she had the new combination, because as a foreigner I was vulnerable to whatever charges she might wish to make to the police.

112. With the Petitioner's family controlling the bookkeeping and daily cash receipts and the Petitioner controlling the banking, I had no access to Uluwatu income. I was not overly concerned about my situation in 2005 because Austrindo assured me that my evidence was solid and I would surely win the divorce based on our California 1985 marriage. My standing under Indonesian law was secure and I had clear rights to 50% of our family assets.

113. I was shocked in late November 2005 to hear that I had lost the decision of the National Court. Austrindo told me not to worry, that we would surely win on appeal. However, I only then began to realize that law in Indonesia is not based on statutes, that court decisions absolutely contrary to law could be issued and upheld, and that Austrindo appeared to be working against my interests.

114. Indonesian friends pointed out that most English-speaking lawyers in Bali were reputed to regularly betray their clients and that my real battle was against money and race. I was introduced to two new lawyers, Maharidzal and Simangunsong, known to be tough and honest. They explained to me that I faced a very long and hard battle, that they could not guarantee that I would not lose my children, my 20 years worth of assets, or possibly even risk my life if the battle became heated. They would take my case if I could swear to them never to waiver. And I would have to learn more fluent Indonesian because they spoke not a word of English. I swore it and we began work with a report to the Judicial Commission (though now an eviscerated body without power to intervene) about a courtroom mafia (Exhibit 23).

115. Since December 2004 I have had no income. I continued to pay for the children's tuition at Bali International School and for their health care and other needs. The Petitioner engaged in harassments even as petty as ordering Heru Widiyanto to seize my car as property of Uluwatu, the company that I myself built (Exhibit 24). The house I paid to complete in Bali and which I had to equip from scratch because the Petitioner kept all our old possessions now stands empty. I tried to start new businesses but experienced continual interference and threats to my employees. A business office, three shops and two restaurants also now stand empty. I have flown the children back and forth from California

to Bali six times to visit their grandparents and I have taken them on three summer vacations since my income was cut off. My legal expenses have been tremendous. Our new apartment in San Dimas is the second home I have had to equip from scratch in three years. These harassments have often hurt the children as much as they hurt me.

116. I still have money left to fight, but the children and I have no extras. I don't know where their college tuition will come from and I have zero income.

117. Where we used to live in a mansion with servants, we now live in an apartment.

118. I request the Court to order Child Support as appropriate, and though it may be true that the Court does not have power to compel the Petitioner to make payments from income outside the US, it would be at least a moral victory and might eventually be of some weight in the battles still to come in Indonesia.

I hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct; executed in Claremont, California.

DATE: May 30, 2008

Michael Donnelly — Respondent

Purpose of this letter

MD and MJ set out the following letter of agreement to help us settle the division of our assets, our business interests and our family interests.

By doing this, we are determined to avoid fights or legal complications involving courts of law in any country. Our family and business situation is complex; legal battles would open up doors to new problems and would certainly bring unwanted consequences.

Therefore, this letter is not a legal document and it is not a contract. It is not intended to be tested in a court of law. It is purely a letter between MD and MJ that we can refer to remind us of how we have agreed to settle our affairs. At some future date when we file for divorce, we intend to say that "we have reached agreement on all property and custody issues" so that there is no need to contest any of these issues in the divorce proceeding or documents. This letter is not part of the divorce proceeding.

Basis for agreement

We have already reached agreement on some basic issues:

- We recognize that best security for both MD and MJ comes from common interest in the results.
- We recognize that a fair division of assets is consistent with US and Indonesian laws.
- We want to keep family healthy in Bali, and be able to move to Hawaii or Perth for high school.
- We will continue Uluwatu and Kori businesses for best cash income.
- We want clear definition of our situations so we are free to get on with healthier lives.

To achieve this we need to discuss and settle:



1. Division of fixed assets including
 - a. Cash savings
 - b. Properties
 - c. Our Sanur home
2. Future of our businesses Uluwatu and Kori.
3. Definition of our working relationship in the future.
4. Our relationships and responsibilities to the children.

Cash and Fixed Assets

Approximate value of current:

CS
UBS
DBS
MJ Total

Citibank
CalFed
MD Total

Total



We will collect current statements from all our various bank accounts. The values will be split 50/50 and transfers made to equalize the accounts. This will be done as soon as we agree to this letter.

MJ will receive an extra USD 200,000 to cover cash she had in an account before 1988.

Some cash in Bali and in South Pool in Hong Kong will be agreed upon as business working capital – in line with agreements made about Kori Uluwatu management – and retained for the businesses outside this split of assets.

Properties

Value of properties are difficult to know, but approximately:

	Ara
Aleang	8
Kori	9
Siut	150
Bukit	200
Sanur	6
Kedonganan	36



MJ Total
MD Total
Joint Total



We have agreed that these values are approximately correct and we will act as listed. MJ wants to maintain the bukit land and Aleang as her personal properties – all the other properties are offset to form an approximately 50/50 split of assets.

The properties to be controlled by MD will be secured by lien-back or other similar arrangements between MJ and MD. MD recognizes that lien-back agreements have not been tested in an Indonesian court of law but accepts them as sufficient security

on the properties: these lien-backs will never go to court for the reasons set out previously.

The lien-backs will be done in Indonesia in the next few months - before 15 December if possible. MD will do the research to prepare the documents.

Sanur Home

Settlement for our home is difficult. MJ bought the property after marriage with cash representing salary from Uluwatu in 1985 and 1986, but during that time MJ was living off MD's salary. Under Indonesian and US law the home belongs equally to MD and MJ. Extensive design and building undertaken by MD over 15 years has created our family home. MJ states that she expects to keep the home. MD is every bit as attached to the home as MJ and would also like to keep it, but is willing to surrender it to MJ to avoid a fight. In return, MD expects some recognition and compensation plus a nearby home that is equally open as a home to the children.

So we have agreed that we will buy 10 Ara also on Jalan Pengembak and build a home for MD on the new property. MJ will keep the old property. MD will pay for the new property. The costs of building the home will be shared by MD and MJ, noting that MD's taste in building is not expensive and that the quality will be comparable to our current home.

The land payment is due 6 October. We will gather funds from both Singapore and Bali to cover the payment.

Kori and Uluwatu

We have looked at different possible ways to settle Uluwatu and Kori and have come to the conclusion that the best solution would be to run them as Cash Cows. This requires MD to continue to manage them.

Uluwatu

Uluwatu management structure was undefined from 1988 to 1998. In 1999 MD decided that he could continue management of Uluwatu only by modernizing the business with a new professional management structure. MD gave a choice to MJ then either to take full control of Uluwatu herself, or to relinquish full control to MD so that Uluwatu could be restructured. MJ chose to turn control over to MD, but has wondered several times since then whether she might wish to take back management control.

To provide stability for business planning, management control must be clear.

- o MJ retains full ownership of Uluwatu as a business, Tabanan and all production equipment.
- o MD receives ownership of moveable items: furniture, racks, hangers, graphics, software and programs used by Uluwatu and the shops.

- Everything at Tabanan remains with MJ.
- MD and MJ agree to a 50/50 split of profits regardless of who manages Uluwatu.
- Either MD or MJ can decide to end MD management arrangement with a one month notice.
- If MJ takes control, the profit split will expire four years after MJ takes full control, and MD will relinquish entire claim on Uluwatu after those four years.
- As long as the business is ongoing during those four years all assets controlled by MD but necessary for Uluwatu business (including furniture, racks, hangers, computers, shops, etc.) will remain a part of Uluwatu. If these properties are no longer needed by Uluwatu, control will revert to MD.
- Shops or other assets controlled by MD or MJ will be free of charge to Uluwatu during the four years.
- If MD gives up interest in Uluwatu, after four years the remaining MD assets (including retained earnings and new investments by Uluwatu) will be bought out by MJ from MD at their then current value. (Of course, Uluwatu investments funded by MJ directly remain with MJ in Uluwatu.)

Expansion of Uluwatu by licensing or other expansions of Uluwatu are included in the above if they are truly contained within PT Uluwatu. For instance, a franchise of Uluwatu to Malaysia is entirely under Uluwatu because they use 100% Uluwatu materials.

MD/MJ will consult before taking on new projects. MJ will sign all contracts.

MD will not use the Uluwatu name without permission from MJ, and MJ will not use the Uluwatu logo without permission from MD. MD and MJ will trademark the Uluwatu name and logo together.

[Handwritten signature]

Kori

Kori has been entirely under the creative control and management of MD since its inception in 1995. Kori will continue under MD management, with a management contract, with a 50/50 split of profits. Conditions are similar to Uluwatu:

- MJ retains full ownership of Kori as a business.
- MD receives ownership of moveable items: furniture, equipment, graphics and frames, software and programs used by Kori.
- MD and MJ agree to a 50/50 split of profits.
- As long as the business is ongoing, all assets controlled by MJ or MD but necessary for Kori business (including furniture, equipment, computers, location, etc.) will remain a part of Kori. If ever these properties are no longer needed by Kori, control will revert to MJ or MD.

MD and MJ agree not to use the name Kori or the logo for other businesses or locations without permission from the other.

Profits from Kori and Uluwatu

Profits from the businesses are based on generally accepted accounting methods as agreed upon by professional accountants. Both the Uluwatu and Kori books are open

to MD and MJ as long as the 50/50 split is in effect. MJ can hire an accountant to review the Kori and Uluwatu books.

Gary Hewson and Michael Crowley will receive profit share bonuses if combined business profit reaches a target greater than 10% over the 2002 projection. Details and percentage of the bonuses has not yet been worked out.

After profit bonuses, 10% of Uluwatu profit will be set aside for MJ family including NS, KN and others. This includes their salaries and other benefits. USD 100 / month will be set aside from Kori for KD. The remaining net profit for the group will be split 50/50 between MD and MJ.

We will declare the profits ^{yearly} regularly but they may be retained in the business as cash if need for capitalization of the business.

New Business Relationship

Kori and Uluwatu are already established businesses set up by both MD and MJ, so we need to find ways to continue to run those businesses. We have agreed that MJ owns Kori and Uluwatu while MD continues to manage Kori and Uluwatu, and that profits will be split 50/50.

MD and MJ can also invest in new ventures or new branches of Kori or Uluwatu together. Percentage of ownership and profit share in new businesses or branches would depend upon contributed capital or other contributions as agreed.

Both MJ and MD can also set up new businesses individually or with other partners. The new businesses should not be in direct competition with Kori or Uluwatu (i.e. MD will not set up a chain of retail lace shops named "Watuulu"), but they could be in the same fields of hospitality or garments. In fact, the 50/50 split of profits will ensure that both MD and MJ want to see Kori and Uluwatu continue at maximum profit.

After the split of assets, MD and MJ will manage and be responsible for their own assets individually, unless there is special agreement to manage a particular asset jointly.

Kedonganan

We have agreed to split the Kedonganan land 50/50. The development of the restaurant will require more capital investment, so shares held in the new business will be based upon the value of the land contribution plus cash contributed by each investor. Actual company structure is not decided yet. MD will explore ways to set up the Kedonganan project.

MD Management Company

MD will form a new PT to provide management and design services (call it Management Design Company MDC). It may be a PT or it may be a PMA. MD will get his KitaS through MDC. MDC will concentrate on services including management, design, graphics, accounting, and marketing and will not accumulate much asset value within the company.

Salaried managers may be employed by either MDC or Uluwatu / Kori. In either case, only the percentage of their salary connected to actual Uluwatu / Kori business will be charged to Uluwatu or Kori. i.e. GH, whether employed by Kori or MDC, might spend 40% of his time on another business outside Kori; only the Kori percentage of his salary would be charged to Kori.

Employees that spend a significant amount of time on multiple clients or MDC projects rather than just Uluwatu or Kori divisions (for instance the IT computer programmer) would be moved into MDC and only their direct time charged to the division.

MD will set up MDC in the near future, before December if possible.

Family

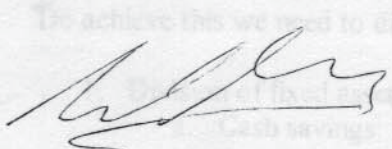
We agree that although Sean and Brenden have US passports, there is no question that they belong to us together. We intend to live in Bali and have equal responsibility for the children. MD will build a new house on Jalan Pengembak that also has bedrooms for the children, and the children can be equally at home in either house. We will both share the children's expenses and costs of education.

MD has outlined a Will to take care of the children. He will find a US lawyer in Singapore to start drafting the Will so that it is completed by December.

Michael Donnelly

Made Jati

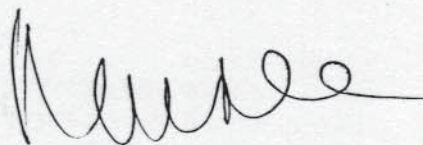
2 September 2003



Made Sat -

October 19

Witnessed by:-



LEE MENG MEW
ADVOCATE & SOLICITOR
Singapore

LEE MENG MEW
ADVOCATE & SOLICITOR
Singapore





Exhibit 13 Respondent Michael Donnelly 30 May 2008
Petitioner and Boyfriend Gerold Eichinger 1995 to Present





Exhibit 13 Respondent Michael Donnelly 30 May 2008
Petitioner and Boyfriend Gerold Eichinger 1995 to Present

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Subject: attachment 5000 USD

Date: Wed, 21 Apr 1999 14:34:19 BORT

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I don't know if you get the attachment offer the bank remitting!
If not I try to print out the message.
Sylvia remit the money on 17-4-99 to your account.
Saya cinta kamu.

your Darling

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Hi my seweethard, I send you now a krokotil and I hope you like it.
I love Krokotile's.
By

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To: madejati@hotmail.com
Date: Sun, 16 May 1999 05:43:03 BORT

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Hi my darling,
I got all your mails and i must tell you , i am deep touched in my heart!
Thank you for this, so I have a really good feeling in my body!

My long trip was not so bad, from 19 hours I was sleeping around 12 hours
and in this time i was dreaming
from the good time in Bali.
But now the nice time is gone and only the memory still here. I wish i be
together with you , but i am too far away.
After I send you the handkiss I went straight to the check in and so i can't
see you again. I was thinking
you wait outside to see me , but it was too much for me, I can't see you and
know I can't be together with you !
So I had my feeling better under control.
I try to call you , but your phone was off, or my phone or the telcom was not
working. This was enough hurt for me.
In this situation i feel that i love too much, my feeling was like i lose
my all my feeling and I was empty!
I don't like this feeling, It makes me sick for love .

After I come to Vienna , my sister pick up me from the airport , and later we
go together to my parents house.
My mom and dad was lucky to see me again and to know all is okay with me !
After i gave the letter and she thanks to my mom , she gave me your writing
and i wrote what you were writing!
My mom says, Made must be a really nice girl with a big good heart. I only was
smiling and she knows all !
Darling I love you too much , I miss you , your kisses your laughing, your
f..... , your p..... , and all of you !

Now I tell you something,
Sylvia was in the airport and she was really happy to see me ! it was late in
the evening and so soon we go sleeping! I only foresee what is coming !
She went to the bath wash her pussy and come to the bed ! It is not easy for
a man , to get a big one when he doesn't want ! But she is more fad as before
and when you see all this my dingdong is going to be a pussy cat.
Okay after a while and much good thinking about horny things , like your
bottom he was grow up again.
Darling it is not a joke !
Then I did it , and I was thinking , what i am doing, I had no fun and no
feeling, this is really schiese !
So I did it for 5 min, and then he is going away. My dingdong was small like
that from a childboy.

She asked me , how much I was fucking , she knows I have no feeling and no
fun .

So today all is nearly the same as before 3 months !

I want to go back to Bali and you !
Now I know it I love you too much ! You believe me , I am not laughing and not
joking , it isn't my life, this I know !

Only Robin hold me , he was so lucky to get his papi back again, and now he
say so meny time , papy I love you so much !
Not easy, I hope the time bring the right thinks !
Now I go sleeping and hope have all dreams from you my darling
I love you and send you a big big cium to your lips.

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To: "made jati" <madejati@hotmail.com>
Subject: whats up
Date: Mon, 17 May 99 20:04:51 -1000

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made what did you have to tell me? Is everything ok? I have not heard from you in a long time. Write me back soon!!!!>>>>GARY

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From: "oak oak" <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)
To: madejati@hotmail.com
Subject: You know I trust you forever
Date: Tue, 18 May 1999 00:23:36 BORT

[Reply](#) [Reply All](#) [Forward](#) [Delete](#) [Previous](#) [Next](#) [Close](#)
hi my sweat Budha, Tenerife 18-5-99
I got your letter and I am glad to know , there is nothing with other man !
But you can believe me I will never think you will take a other man , who long you love me. I love you and I trust you like the same as my Mam and my mam is for me my live !
My problems are starting now, I am not funy and only what I want , ist to come back to Bali. I miss you realy and I feel it in my body ! Al night after I leave I have dream's from you !
Now I know it , I love you to much and my body love you like to get melting !
I feel the kisses and the warmth from your sexy body and I want hold this sexy body
but you are to far away

S. is like the same as before nothing is changeing and I don't know what I am doing
here in Spain !
The only goodness is , since I arrivred I have a lot of doing to fix and repare the hous and the shop's. Tere so many thinks broken, so for the next weeks I have enough to work.

I miss you i miss you I love you.
Tumorrow I want by a telephonpulsas and then I want call you.

For you I will worke with my body , to be strong and good locking when you see me the next time.
In love your crocodile

For Thomas don't be worry , I will tell him in a friend - way !

I love you

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From: Gary <garyc@aloha.net> [Save Address](#) [Block Sender](#)
To: made jati <madejati@hotmail.com>
Subject: Re: little bit more.
Date: Tue, 18 May 1999 20:40:45 -1000

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Hey Made, I am getting you email very quickly. Sounds like you are not h
these days. I hope you
make all the necessary adjustments in your life to make your self happy
will talk to you
soon.....GARY

made jati wrote:

> what I like to tell you is this, for many many months when I go to sle
> get good night kiss in my four head and nathing has been happening so
> when I said good night I did not get the unsweat any more. so that how
> this is. and he just turn his back on me. anyway maybe that just my be
> with life. I tell you this I don't want you to feel bad for me. that j
> part of life. now I realy going. bay for now Made
>
>
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From: "oak oak" <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)
To: madejati@hotmail.com
Date: Fri, 21 May 1999 05:22:05 BORT

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how are you my Budha,
from your last mail 20-5-99 I can feel , you have a lot of hard
problems !
It hurt me when I know you are not happy and sad.All your problem's are
comeing over you and M. ? I hope you are strong enough for all this
troubles !
I will be ever with you to make you feeling strong !
It is the only think what I can do , my darling and I hope , when you
close your eyes you can feel my power in you !
Darling tomorrow I write you again , now I must go to Robin, then
yesterday he had a operation and so I have to look for him !
He got out the tonsil ! But today he is feeling good again !
I love you my Budha
For ever I will love you !

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To: madejati@hotmail.com
Date: Sun, 23 May 1999 04:04:40 BORT

[illegible]

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From: "oak oak" <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)
To: madejati@hotmail.com
Subject: I miss you
Date: Tue, 25 May 1999 23:31:08 BORT

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My darling ,
I hope all is fine ! then I don't hear from you
Thomas told me you call him today !
saya cinta kamu
your crocodil

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From: "oak oak" <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)
To: madejati@hotmail.com
Subject: i want to hear from you , please
Date: Wed, 26 May 1999 20:58:00 BORT

[Reply](#) [Reply All](#) [Forward](#) [Delete](#) [Previous](#) [Next](#) [Close](#)
Hi Made,
now , I don't know whay I don't get some mail from you again !
But maybe you have to much to work and don't find time to write
anythink !
Or is somethink wrong whis M.? Or with you , I hope not it's make me
worried !
So please gif me only a short message , to know what happen.
Saya cinta kamu till today ! Crocodil

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From: "oak oak" <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)
To: madejati@hotmail.com
Date: Fri, 28 May 1999 23:33:31 BORT

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Hi Made
28-5-99 mitday

My darling I was calling you , after you coll me , but your tel was out !
Sorry I can't talk with you , then I was going together with S to the fortuna
Blanka !

I am lucky to got your letter, bau when I rode it I was shocked !What M is
doing he will kill you?
I can't believe that someone can be so mad !
And what he is thinking you have some sickness ! You toled me you have not one
time sex with him since we was in Singa. I was asking if S have some problem
with her pussy, she was surprised and say no why you ask me !
And I have nouthing !!
So may be he have somethink from everywhere , but you are clean!!!!!!!
Sorry but I think he is a asshole and he will make you bad ! Sorry it is not
nice when I will say this but it is my opinion !
It is so hard to know you are in trouble and I can not help you . I mean I can
not hold and tuch you , to give you my feeling and power and (syathy). When
you have to cry , I want hold and strocke you !
But you are to far away !
In one side I am lucky to hear you will take your bussines by onesele and it
is good He will help you for this !
In the other side , you have a big mass , the you don't know what M. is
doing ! And this is realy a hard think !
Darling I told you ;;; I love you verry much ! I want to tell you this all the
time and I hope you believe me !

This is one point , which is terrible ! M. say he never Love you antil you was
marred. I understand it , he mean he marred you , but he not realy love you !
So whot he is doing all the time, he only hurt you again and again !
Again sorry , I don't know M. but when someone tell me somethink like this I
only can answer this people haven't spinal column (hope you understand what I
mean).
He know you love him like crazy and He use it to long time ! I think now he
have to get his lesson for this long bad doing with you !
I don't understand you was loveing him all the time , you told me you forgive
he some time , when you find out some relationship with other girl's, he is
thinking he is al time the King and he can hit you and hurt you who many time
he want ?????

You are a realy sooo nice and lovely girl , and it is wrong to do this with
you ! And when he say you don't look after your kids, then he forget maybe ,
what you did , when the baby are growing up in your body and when you give
birth to them , It is million more , if a man can give to the kid's !
Then you give your live for the kid's and not he

I will write more

197

I am back , S was comeing and I had not the chance to send you the mail .
Today I was in Blanka ´s place , and she know so many thinks , but bevore she
want to tell me somethink, I told her
I only want to know what is about the bussines !
So she say my bussnes is starting now and we will open a new Shop soon, And
she told me I will have a one-produktion in Bali and and and only good
thinks !
But if I look now my situartion, I cann´t believe her, so we will see what the
future will bring !

But many time she look me and will ask me somethink, and then she look S. and
was quiet !
Oh, she know , yes she was looking in my eyes and I feel a cold shudder in my
back !
And then she say to S. , S. be nice and lovely to G. then when you don´t be
nice , he will go away and he dont like
all the problems which you are giveing him.
S was quiet to and I was only thinking on you ! I am sure Blanka was feeling
what I feel !

Now my darling , I think all day I get more love for you and it is filling up
my heard more and more !
I hope I can handel it then sometime I don´t know if I am crazy or not !

For the money, I know I can believe you and trust you 1000% and I know you
believe me 10 % (hi hi hi)
And I know 5000 or 1000\$ it is only money what you can lose. It is nothing
in comparison when you lose your family ! (I hope you understand me right)

But I only want to be correct, I don´t want to lose you !!! My wild cat.

Now I have to go in the garage and produce some Blus and Pant´s for selling !
I have to make around 50 pcs untill next week, then we need
the to pay our renting !

In this weil s. is sitting in the garden and reading a book!
Anyway I know , when I do all this and when we can pay all I no I can come
again to Bali, and for this my darling I will do all what I can ! And if I
have to clean Toilet to get I will do it for you.

I love you ! Sorry my english sometime is not so good
Your crocodile.
I will try to coll you tomorrow .

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To: madejati@hotmail.com
Date: Mon, 31 May 1999 07:08:44 BORT

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I love you to , and I was so happy when you call me back !
So I got the feeling you are okay!
Tomorrow , I will call you!
now I go sleeping , but in the gestroom, it is more fun, I can think
about you and.....
good night my sweet heard
yout crocodile

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From: "oak oak" <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Date: Wed, 02 Jun 1999 17:59:51 BORT

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Hi my darling !

Thanks for your mail ! Sometime I think we have the same doing, so I been in the solon and you to and sometime you start to tell me somethink and I want to tell you the same !

I think it is coming , because we are both born as Aquarius and we are the same typ of human !

We like to be happy and funny and many thinks more !

I love when I hear your voice in the phon and all tome after that I am relaxed and happy and all can see this , when I walk through the streed .

I was so happy today , when you told me , you didn't do anythink with M.M. But yesterday after I takl together wis you and you told me you go out with M.M. I was so jealous, but it isn't right when I am sooooo jealous ! If I am a little bit jealouse , it isn't a problem but not so much !

I already told you in Bali who much I love you and I told you only one time before I was falling so in love with a girl !

Together with you it is coming all day stronger and stronger ! I am really sick for you , all my thinking is about you and it is killing myselfe !

So I will learn to get you more out from my brain (please don't misunderstand me) . I mean I have to come down a little bit more to the reality !

Now I understand what I did in all this years when I was younger ! Who much I hurt some girl's when the say they love me.

Today I am lucky to know I can love someone , then I was thinking I never can love some girl !!!

Made you are open my heard and gave me so much feeling which never I had before !.....

Darling , tomorrow I will start to make my gym , then I will be more attraktive for you when you see me again !

Robin; I forgot to tell you , he is loving the shirt , then this barong dragon is like a kung fu mask , and now when he is in the kindergarden he is the big fighter and you know our boy's this is the importantst think in this age !

I try to send you a picture , I hope you can get it !

I love you sooo much , which I never can tell only with words. Words are powerful , but not enough to explain you my feeling to you !

Your Crocodile

PS: what is about my dingdong ? He is going smaller and smaller , then nobody is touching him ! So the next time when you see me again maybe I have a pussycat and no dingdong ! (hi hi)

200

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From: oak oak <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Date: Sun, 06 Jun 1999 02:53:16 BORT

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I love you too.

And tomorrow I think I can send you a new picture maybe a better one !

Now my hair's are a little not longer

Adios Crocodile

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From: oak oak <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Subject: I will call you in the next days , when I feel better.

Date: Mon, 07 Jun 1999 19:10:39 BORT

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My made !

Thank's for the mail, darling I am not upset, I think I never can be upset to you ! I had a to good time together with you!

For the bankrecive , my Mam is sending it today , when I got it , I send it directly to you !

So you really don't trust me . (hi hi hi joking).

Your question for Lufthansa ! It is the best airline in europe, but it is a german airline !

I don't know jetwho much is the price for it , but when I will use Lufthansa , I have to go over Frankfurt or München and I think this is to much for me (price) but I will call my agent in Vienna and ask for it !

You fly to Singapore , I envy you for this , have a good time with your family and Suti! You need it !

For a new foto , you must wait a little bit , then in the time I am not really funny and so I think I can't gife I nice face.

Today is a day , I will run away, far far where nobody can find me. I am trying to make all okay to S. and to be nice and fine , I don't replay any think when she want anythink and and and ... but there is on think I do always the wrong !

Now two day's she is horny , the first day , she was pinching me in my as, but not like she wil be nice to me , and she told me , that in my horoscop say , I will have a sexy night ! This was all what she was doing , so I don't know that she is really horny !

And yesterday again , I was looking some sexreport over swinger-club in Germany and so on, so I was horny too, so normaly it is the best situation ! We went to bed and I start to touch her breast , but she dont like it !

My dingdong was already big and strong and she know it , but she don't do any moving ! So I took her hand to my dingdong and mean , S you can touch me a little bit, then I miss the feeling from the skin and the body !

But no , she return her hand quickly and did both under her had! So she lie on the back with closed leg and the arms fold under her head ! And she mean , now you can do it, than I want it now !

I look her and my dingdong was falling down so fast I never have it bevore. So I say to her , sorry but my dingdong is small now , maybe you can do somethink. This was enought, she get up and leave to the other room for sleeping !

Today in the morning I go to her , I try to hold here and say , S sorry for yesterday I don't be bad to you !

But she mean , I don't will speak now over this, then she kick me away !

Darling , I will not give you all my problem's , but I have nobody which I can tell anythink and I want to tell you whay I can not send you a foto in the moment.

Anyway I know you like me and you love me and so I can have some time in the year with really love together with you !

202

Exhibit 13 Respondent Michael Donnelly 30 May 2008
Petitioner and Boyfriend Gerold Eichinger 1995 to Present

I love you my darling
Say hallo to Mirah and happy birthday !! I want to be together with you ! in
my meen I am with you !
Have a nice time in Amlapura !!
Your crocodile

I got your mail today ! I like to know you are fine.
For the bussines , it's better you don't ask me , I don't know , maybe I am a
loser !
I am to down to think like a optimist !
I will call you in the next day's , when I am fit again !
In the moment , I think I give you to much problem's !
But believe me , you know I need only short time to refresh me again.
I am happy to know you. I love you forever !

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To: madejati@hotmail.com
Date: Sun, 13 Jun 1999 02:09:37 BORT

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Hi made ,
you are already in Singapore ?
I hope all is okay.
I want to tell you , I love you and I miss you my darling.
saya cinta kamu, you can see I speak a littke bit Indon. hi hi hi !
your crocodile

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From: oak oak <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)
To: madejati@hotmail.com
Subject: thanks for calling from Singapore
Date: Tue, 15 Jun 1999 17:10:23 BORT

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hi my darling,
I was very very happy when i got your calling yesterday.
I love you and my love to you isn't smaller then before !
here a picture for you my love.

I write you in the night. big kiss and holding
your Crocodile

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To: madejati@hotmail.com

Date: Wed, 16 Jun 1999 17:25:26 BORT

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Hi I hope I can send you the picture !

I try it since 3 days , but Hotmail isn't working !

here in tenerife is nouthing happen !

I love you my darling, and I want make sex with you and I want kiss your pussy , darling I need it!

Your crocodile

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To: made jati <madejati@hotmail.com>

Date: Sat, 12 Jun 1999 20:09:58 -1000

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MADE, are you wanting to come to maui? I think I might not go back to work, so
will have a lot of
time to spend with you. come see me. What did you do the last week? GARY

made jati wrote:

```
> Dear Gary.  
> thank you to write back to me. I'm happy to hear from you. I have to write  
> to you again soon. It's good that you made time for you mum and dad. if I  
> come just to see you do you have time for me? or only if I come on the week  
> end. see you soon. love made  
>  
> >From: Gary <garyc@aloha.net>  
> >To: madejati@hotmail.com  
> >Subject: i am still here  
> >Date: Thu, 03 Jun 1999 18:53:20 -1000  
> >  
> >ok made, here is your 4 1/2 minutes letter from me. I know you asked for 5.  
> > I quit work for a while  
> >to spend with my parents, they came to hawaii yesterday. Dont come to  
> >hawaii to see you canada girl  
> >friend, come to see me instead. Sounds like you are doing good. I will talk  
> >more later this week. I  
> >sure am glad you emailed me. BYE...GARY  
> >  
> >  
>  
>  


---

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From: oak oak <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)
To: madejati@hotmail.com
Date: Fri, 18 Jun 1999 18:22:02 BORT

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hi made !

I got your mail ! I really do not know what I have to say or to think about this mistake.

You say m. know , I was together with your children and he know all over our letters !

Letter: you stor my letter in your computer ??????? If yes , sure he can read it when he have your computer!

or when you use the computer in the Networe in your home, he can copy all your doing!

But when you write directly in the hotmail and send it to me , he haven't the chance to see somethink!

So what you did ??? . Please kill out all the letter from your computer and kill the paper-basket in the windows - manager ! If you don't know who to do please ask paul (computerman)

then he haven't the chance to read your mails.

And kriet a new E - Mailadress, if you cann't do it , I will do it for you !!! don't tell anybody , you have a new E-Mail ! Please.

Mirah: I don't think mirah told anythink about you and me to M. There some other people the know somethink about you an me , for sample Guido and you know when he can not get you , he sure is angry and maybe he told somethink to M. But the important think is the question, If M. is reading your Letters or my letters !

Then we talke many time about Singap. and Vienna and so on ! so he can have all the informatione's from the letter.

And now he will take all your friend !

It is maybe a trick , then only Mirah is a good friend to you , and when he can get your distrust to mirah , you have nobody which you can give all your problems.

Then maybe he think you come back to him and do all what he want ! He is your King !!!

Singapore , he was out with suti and he told all to suti and not to you ! So you must have the question , why to suti and not to me ? I have a lott of answer but all this answer have the result, he is planing somethink and all what he do and in which way he do it , have a plan in the backroom !

He like suti ???? of course when he can kick out you from the company and from the family , who can do all ???? Suti is one she can do nearly the same as you ! So he know with out you or suti all the bussines isn't working any more !

So he told all his problem's to suti , he want suti eill become angry to you and he will give her and all other people the feeling ; He is so poor and abandon ! And the base are you !

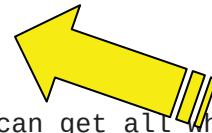
He is really clever and you must be carefully!!

You say only Mirah and Olivia know my name,, and and Guido know it to and Guido is a good friend to M.

Why he ask you so many time , he will be together with you and he is crazy for you ! Maybe M. say to him , " please Guido i want to know who far made is going , maybe it was a trap !

And when he say to suti , he never get love from you , because you have a lover , it is wrong , you know it , then you ar the person you give live to him and you come to him !
It is only one proof more that he is playing a wrong play with you !
He is giving all the other people the feeling you are the mad and wrong person and you have a lover and he is a angel !! but what he is doing and who many girls he have beside you !!!!
Sorry what I say now but he is a fucking as hole in my eyes and when you need help in a other way , you only tell me ! You know what I mean !!!

Darling I am so sorry for you and I don't know what is to do !
But when you ask me ? I think I will ask him what he know and first he must tell you all what he know !
maybe you ask suti to be together in a meeting with him ! Only to know hear what he realy told to suti and what he know ! Then when he is together with your sister and you , he have to be carefully what he say.
And when he ask you , if you are together with me , tell him the truth (not all only so much what he know) to make him quiet and give him the feeling you like him and you want him ! So give him the feeling you only did all this , to make him jealousy, then you want him to come back to you !
It is one way and when you have all his confidence, you can give him a hard time !
But all bevore you check in which way he can damarg your beeing in Bali , childran, family , bussines.
After you have all in your hand (you controll all) you can give him all your bad time back.
AND AND AND you can KICK him out when you want !



Darling you are so a beoutifily and nice lady , you can get all what you want in the world !
But you must be more more stronger and konsiquent !

Now about my love to you !
You know I realy love you and you know I don't love you money or your bussines!
I like your person.
So you never have one's doubts about my love to you !

For Paris and Vienna , what I can say ! Bevore you came , you must have a agreement together with M.
If you can not get it you must consider what he can do in this 2 weeks in the back from you.

I don't like you come back to Bali and he in the meantime he is kicking you out from the family and the bussines!
Think about this !!!!!!!

You don't lose me , I will be together with you !
Your crocodile

In the night I will open a new E-mail adress for you!
don't store this letter in your computer!

I love you , but that is the live , be strong and tell me what is going on !
your Crocodile

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From: oak oak <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Date: Sat, 26 Jun 1999 19:40:30 BORT

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hi made !

I am oakly ! thanks for all the letter !

You wrote me so many think's , so I need some time to understand all and build a opinion over all what you told me !

But untill jet I don't know what is going on.

First , I am happy to know , Mirah didn't tell somethink to M.! She is your best friend and it will be sorry when she will be wrong to you ! but it isn't so !

And I am happy , you talk together with M over some problems but I only can understand it isn't working what hw want !

I think it isn't possible you and M live in on place and both of your's have diverent lover !

of course fo a man it is easy , then he can fuck around with many girls and he don't need love to do this !

And than he can come home and never thinke about he did bevore with other girls !

But a girl must feel love , when she make love with a man! with out love only some girls can do it !

And than he mean after some year's when he is to old or when he have no more fun , he will come back to you and you have to be together with you again??????? Stupit idea. I am sure it isn't working !

So when I think about you and me ! It is meaning now who long he like, you and I can have fun together and after M. say Made now I come back to you , you have to stop your relationship and must be with M.

It is realy a big chessplay, but I am only one of the pawn and the pawn are always the looser !

Than the King M. will tell what he want !

Anyway , maybe all the live is a big chessgame and you only have to see which figure you will become !

But I am not a pawn !!!!!!!!!!!

And one more you can tell him ! I will be together with you ,not whay you are rich, I love you and I stay for you!

But I haven't the same luck like him 14 year's before! He maybe was loving you , but the money , you had it and not he ! A this way is realy easy bo be rich and smart !!!!!!!!!!!

anyway I don't want think about all this , it make me feeling , I am not in the write possition !!

One more ANYWAY , it is a realy good word !

.....
.....
.....
...
..

You know my feeling to you .
I hold you in my mind your crocodile !!!

Maybe I misunderstand all the situation,
No I love you to much and this is making me very sensitive
I hate me , I am to soft and not a jango ! Scheiße

you love this soft man !

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From: oak oak <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Subject: I miss you very much

Date: Tue, 29 Jun 1999 05:51:43 BORT

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Hi my darling,
it was very goot to talk with you today and now I feel a lot better as before !
And I am happy to hear from you , you realy still loveing me, so it is not only comeing from my side !

Paris, you hnow I will do all to be together with you , when it is possible to do !
so when I will come to P. , I think it isn't possible to leave on 12 to Bali!

Normaly I need 2 week's after the show ! when I come back to Vienna on 6. I think I need untill 17. time for working ! Then I know me when you are in V. I don't worke to much with my client's (or you mean my brain is free for working ???????) (for a other kind from work sure!!!!)

In two week on 9-7 I will fly to V. for 2 week's ! I get my container and I have to sell all my good's!
And hear in Tenerife the Container is already arrive I only wait for the taxing !

Darling you told me you haven't the election jet , it is on Nov. ???
What you mean is about the USD , 6500.- is not good , then the USD is going up around the world , so I dont understand this low level !
So only I can hope it will be going up ane not more down !

For my remit to your account , it is okay I was checking the paper again and the are 4.600.- USD! it was a missunderstanding, then my mam tuke the money from my account and send all to you !
And I told her she will send me 5000.- USD but in the account are not more then 4600.-. So I was thinking it is more !

I told you " I love you " I know I do it to many time , so maybe you don't believe me (hi hi hi).

Now I go to worke in my garage ! I think I have to make a foto from me in the garage , then you believe me , I AM WORKING and not jokeing

Adios my sweet heard , I cinta you !

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From: oak oak <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Date: Mon, 05 Jul 1999 23:52:56 BORT

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Hi my darling ,
now I wrote al your mail's and I can tell you , you are realy angry
with me !
But un the phone you told me already so I know what I got from you !
You only didn't hear 6 days from me and you are banana ! It must be realy
LOVE and I am proud, that someone is loveing me so much !
But be cool I love you so much too and forgive me for this no writing.

I told you why I didn't wrote !
anyway , IIIII Love Love Love You You You !! You understand
If not I will hit your botton so long , as he is red and hot and then I
will kiss him and take my tongue in it so long untill you will be crazy
and horny ! Is it okay !

Sorry but the man from the cargo is comeing I have to go !

I will write you in the night ! Your lovely crocodile

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From: Gary <garyc@aloha.net> [Save Address](#) [Block Sender](#)
To: made jati <madejati@hotmail.com>
Subject: Re: halo again
Date: Tue, 06 Jul 1999 16:29:59 -1000

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Made, I think I know what your doing now. I think you wait till I tell you I a going to Bali, and then you leave Bali.....GARY

made jati wrote:

> Dear Gary.
> I'm so happy to hear from you. just last night I was thinking about you that
> I did not hear from you for some time. and I was sleepy lawst night and
> thinking that I will write to you this morning but you did it first. so I
> feel good this morning. everything is well for me the boys is in U S A for 3
> weeks. I 'm happy to hear that your coming to Bali sep 1 but I 'm so sorry
> that I'm not going to be in Bali at that time. i would love to see you. I'm
> leaving the 30 aug for Paris and I will there one week then I go to Austria
> for one week then I will be in Bali. I have to go now to take my girl friend
> to the airport and I will write again soon. my girl friend from Mexico and
> she have been stay with me for 3 weeks. it's has been fun. I talk to you
> soon. how is the girl. did you ever see them? if you do please give them my
> love. see you soon. love made.

>
> >From: Gary <garyc@aloha.net>
> >To: madejati@hotmail.com
> >Subject: halo again
> >Date: Mon, 05 Jul 1999 19:24:13 -1000

> >
> >
> >I havent heard from you in a while. How is everything going? I think I
> >will be in bali sept first. Will you be there? hope to see you...GARY

> >
>
>
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From: Gary <garyc@aloha.net> [Save Address](#) [Block Sender](#)

To: made jati <madejati@hotmail.com>

Subject: Re: halo again

Date: Tue, 06 Jul 1999 20:33:10 -1000

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MADE, I should be there for about 10 days and then a couple of days in bangkok and then I fly toward london...GARY

made jati wrote:

> Dear Gary.

> No you are wrong. I have been planning this trip for long time. you can check
> some of my letter I send you before this month. my shaw is on the 1 to the
> 5th sep and I have to be there. I'm sorry did not work out for the bed
> timing. is not because I don't want to see you. how long you were planing to
> stay in Bali? . and where you go after Bali?. and are you going to stop in
> Bali on your way home. please don't ever think I try to run away from you.
> for what and why you know I always like to see you. for this trip I have to
> go. some thing to do with my business. I will talk to you again soon. one of
> my shop girl want to see me. love made.

>

> >From: Gary <garyc@aloha.net>

> >To: made jati <madejati@hotmail.com>

> >Subject: Re: halo again

> >Date: Tue, 06 Jul 1999 16:29:59 -1000

>

> >Made, I think I know what your doing now. I think you wait till I tell you

> >I am going to Bali, and

> >then you leave Bali.....GARY

>

> >

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From: "oak oak" <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Date: Fri, 09 Jul 1999 07:35:41 BORT

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Hi sajang,

I am really stresst ! today Robin had his birsday party and this was very much work !

Now it is 2 o'clock and tomorrow I have to go to a beach with the kit's!

It's my hallydays !

On sunday I fly to Vienna only for work and not for sex !!!!

I like to see you , then I need you and your strong body , I miss it very much !

Sayang now I take my crocodile and go sleeping!

Ps: thanks for the Mango Juse, Robin really like him !

And than'k's for the nice packing from my bikini's wauuuuuuuuuuu
really correkt bos !

I love you I hope you alwaiys remember it

I will write you soon ! My lovely darling !

Big kiss and salamat malam !!!

Your crocodile

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From: "oak oak" <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Subject: i am in vienna , and i miss you

Date: Tue, 13 Jul 1999 06:06:14 BORT

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I love you !

Today after you call me , I was a little bit sad, than you had so sad voice !

I think you really miss your boys, I mean for a man it is more difficult as for the man!

And for you it is more bad , you are so sensitive and so you feel so much pain. I will feel with you !

Darling it's only 10 days more then you get your boys back !

For your trip to Vienna ! I think the fly on 31 is better as on 26 ! It isn't meaning , I will not see you longer !

It is only , when I have the show I have not time , then I have to be in the exhibition only I know all about the wood and all other things. The show is finished on 30 so I will come to visit you on 31 , 5 o'clock.

If I have a chance to see you I will do a lot for it ! Darling you know I am not Ralf, I like to see you when you near to me !

For Paris , I will check it tomorrow , only I don't know if I can get the same airplane as you ! Let me see !

So now you know what I will do and I hope it is in your sense!!!

Darling I am tired , today I was working with my container , and it is a lot of work to pack out all the furniture and to clean it and to repair it , when something is broken.

I am only glad , to know , that I can know in which way all is to do !

I think, if I don't know it I have to pay a lot of money for other people !

You know I am a handy man

It is only a short mail, but I am sorry , my eyes are very very tired and they want to go sleeping.

I love you from all my heart , and I miss you very much !

I am happy happy happy to see you in August.

good night your crocodile.

I see I got a new mail from you! but I will read it after I send you my message !

Adios darling

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Exhibit 13 Respondent Michael Donnelly 30 May 2008
Petitioner and Boyfriend Gerold Eichinger 1995 to Present

From: Gary <garyc@aloha.net> [Save Address](#) [Block Sender](#)

To: made jati <madejati@hotmail.com>

Subject: hello. need a favor

Date: Tue, 13 Jul 1999 11:17:55 -1000

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Made, can you find out how much a CHEAP ticket is to BANGKOK in sept..? I hear the price went up a little. I know you have plenty of time to do this, you are probable at the pool or shopping and to busy to do it, I know your not busy working, hahahahaha.....GARY

made jati wrote:

> Dear Gary.
 > I would love to be your guide, but not this time. I'm happy for you that you
 > will have your friend hear while you in Bali. Michael will be hear you
 > always can stay in my house, now that I'm not here maybe will be easy for
 > you. so that way you don't have to see me where ever you go in the house. we
 > also have guest house out side our kampung. that where my girl friend always
 > stay. anyway you always well come. some day we have to go on the trip
 > together, but not to Africa. I like my shower in the morning and in evening,
 > so we need to go to place's where they have bed and shower. I told Ray and
 > olivia that you will be in Bali then ,so you have to go and see them. they
 > going to have a baby soon. and also they already in there new home. I think
 > they happy. Gary M and I we have long talk before he left Bali. and he told
 > me that he don't want to get divorce but he want to be free. so he told me
 > that I can be free for few years then when he ready I can come back to him.
 > I think his crazy. if some day I'm with some one maybe I love him and what
 > you going to do about it. that what I told. and I ask him if he will
 > divorce then and he said no way. so I'm free but I'm not free. and also he
 > told me before I start to look for some one I have to get my breast in large
 > and also to fix my tomy. sound so nice right. anyway we have long talk at
 > list now I know who I'm and what I'm towards my husband. I have been hurt to
 > much already for so long and I don't want to get more hurt. it's really hurt
 > when some one love and you want to spend your life with them and he told
 > you some thing you don't to hear. anyway I don't want to get to deep, you
 > will get bored hearing me go on like crazy girl. I told you this because
 > earlier I told you about my problem. well gary take good care. keep writing
 > when you the time. you don't need more sleep then 5 hours. why and what are
 > doing at 3 in the morning. must be some thing good. I hope is good. for me
 > to be a wake at that time have to be good. anyway see you soon. love made.
 > >From: Gary <garyc@aloha.net>
 > >To: made jati <madejati@hotmail.com>
 > >Subject: Re: sound like good trip.
 > >Date: Wed, 07 Jul 1999 16:35:07 -1000
 > >
 > >My friends will be in bali on the 5th of sept. I will hang out with them
 > >for a few days while I am
 > >there, sure was hoping that you could be my tour guide, is there any place
 > >you would like to go on a



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From: MAILER-DAEMON@hotmail.com [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Subject: failure notice

Date: 28 Jul 1999 14:36:41 -0000

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Hi. This is the qmail-send program at hotmail.com.
 I'm afraid I wasn't able to deliver your message to the following addresses.
 This is a permanent error; I've given up. Sorry it didn't work out.

<triumphoak@hotmail.com>:

Sorry, I wasn't able to establish an SMTP connection. (#4.4.1)

I'm not going to try again; this message has been in the queue too long.

--- Below this line is a copy of the message.

From: "made jati" <madejati@hotmail.com>

To: triumphoak@hotmail.com

Subject: don't worry if I don't write for few days

Date: Wed, 21 Jul 1999 06:36:39 PDT

My darling.

I just won't to let you know that my boys will be back home tomorrow night.
 so if I did not write to you for few days you do understand don't you. yes I

know you. how do you do my sweat baby? are you well and happy. I hope so. I
 miss you and I love you. this just short letter am at home and I have so
 much work still to do. the lectricity just went off so I have to send this
 letter now. I think my buteries are low and also I can't see any thing. my
 darling see you soon with lot's of love and big kisses from you sweat Budha

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From: "test test1" <jokticup@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Subject: love is in the night

Date: Wed, 28 Jul 1999 22:42:25 GMT

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Hi my darling,

I don't know if you got my last E-Mail!

How are you , you are fine and you still love me ! I know the answer is yes!

I still love you too and I hope you really can come to Europe !

I know it is always stress , when you must wait for the reconfirm for the fly ! But I think it isn't a problem and you get it ! sure !!

Darling I am horny for you and I will you !

But when I think about you and I , I must tell you I think I like you more and more not for the sex , more for your person !

You understand me ! It isn't a english ! sorry.

Now I go sleeping !

You know what I did today !! I was making sholderpillows for my costumer !

This girl was sending me all my dresses back

and want pillows in the sholder. I did it !

So when you need some one in your factory , who is making pillows ! I can do it hi hi hi

I Love you

I kiss your Lips !!!!!

Your crocodile



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From: "Angeles de Elena, S.A. de C.V." <angelesde@df1.telmex.net.mx> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Subject: gossip

Date: Thu, 29 Jul 1999 15:10:28 -0700

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Hi goddess!!!!!! how are you????? This is Gorila...i am e mailing you from Pixies office and then i will delete the message...My e mail still not working but hope sooooo.....

i miss you a lot made and i imagine that it must have been hard when we all left (or maybe a releif!!!!!!!) how is everything going with G ?????????and M???????

Remember how special you are and deserve to have Fun and enjoy life!!!!

i have been back and forth to vallarta and Benjamin is really trying hard to do the right thing and we are great friends...but too much has happened and i have been too hurt and i am not going to risk my emotions anymore. So we leave my apartment in mexico city in september and he will take his things to Vallarta and i will have my own apartment in vallarta...so basically we are friends but not living together anymore...im sad but you know what i am more releived and i think my heart and emotions will be much healthier. I saw Ricardo just for one hour when i got back and i must admit that i did feel some chemistry and emotional support... but we will see... Right now i am just really happy and enjoying life and working on Ulu Watu and looking forward to moving out of the city.. a couple of nights ago alfredo had a huge party to promote his new book and Pixie sang it was great fun. the book is called...LA FAMILIA NALGA which literally means the BUTT family... i really missed you there but i definetly expect you to come just before christmas.. but mabe ill see you before.....

so all for now...i miss you...you can e mail me here but its not very private so we have to keep it light but we will keep in touch an as soon as i have my e mail connected ill mail you...p.s. how is the cat with the broken skin????? write soon made i realy miss you and wnat to know if you are ok.....

lots of AMOR>>>>>>>>>HALF BRAIN GORILA PRINCESSXXXXXXX

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From: galmada@pvnet.com.mx (galmada) [Save Address](#) [Block Sender](#)

To: <madejati@hotmail.com>

Subject: vallarta

Date: Tue, 3 Aug 1999 19:25:46 -0500

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hi made....just a small e mail from puerto Vallarta....you can e mail me at this e mail as ill be here till around the 12th of august...did you get my last email??? hows everything going with you??? all is well with me...hows G??????? i have become very strong with benjamin and said we have to live separately...its hard and its sad but i need to have some space for my mental health.....!!!!!!!

i will be going to Ireland around 16th of august and will give some clothes to pixie for Paris....is G going???

Anyway hope i hear from Michael soon.....ref the work

keep going to the gym or at least working out...

miss you godess.....

Love gorillaxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

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From: "test test1" <jokticup@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Subject: love is in the air

Date: Wed, 04 Aug 1999 22:30:14 GMT

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How are you

fine !

I feel sorry for you , you told me M. is not nice to you!

I was thinking now all is okay and each one know what is to do , or not?

I love you and I really like to see you soon !

Is the bussines clas not to exp.... ya ya ya I know you will do all to see me ! Thank you my darling.

I write you again

...

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From: "oak oak" <triumphoak@hotmail.com> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Subject: I will breath the love in the air

Date: Sat, 07 Aug 1999 20:23:38 BORT

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Made , how are you , you are still in love with me ??? ! Stupid question , I know you love me !

Here in Tenerife is all okay and no much changeing . Now s. kid's are back in Germany and we have a little bit more silence in our hous.

Robin is all the time with me and he is waiting to go to Vienna very soon . Like me , then I know who is coming to meet me !!!!!!!

Yesterday I was at a other fortund not Balnka , a other one ! I got again a coold shower over my back. She told me thinks , only I know it and S. she translate me , ask me some thinks , then she didn't know it !

So I didn't ask about you and me specialy, I ask her over other think's !

And then she told me ther is a woman (she say , not a young girl) a woman , her age is around 40 years !

And she is a very resolute person and have a company and know what she is doing !

I know only one person in Bali wich have all what she say! Yes my darling and more she say ,

in the future I will be very close with her ! Then she say somethink , I will be close wit her family, this I didn't understand , then I am not realy close with your family !

But when I see it from a other angel, ofcourse I am very close with your family ! I mean I know your Mam and Dady and your sisters and all know me too !!!

And I realy know your boy's and the realy know Mr. oak !! You will say "aha "

Anyway this girl told me many thinks over my future and some are starting in Two week's !

I mean , I didn't got my Order for the Doors, and this gay isn't here now, and she told me he is coneing back on end of august and then he give my the order ! she say sure !

So if he is realy giving me the order ,..... then I don't know what is going on !!!

Then there is somethink more with you

and the future will tell us !

I love you ! on monday I call you , I will hear your voice , It is two week's ago to have this enjoyment

I love you your Crocodile

I see you wrote me a mail

The love in the air is coming to me , and I will brith it all

Love your darling

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From: "test test1" <jokticup@hotmail.com> [Save Address Block Sender](#)

To: madejati@hotmail.com

Subject: your lover

Date: Fri, 13 Aug 1999 22:48:51 GMT

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Hi Made,

how are you , it was fine to hear you in the phon.

It is good for me to hear you laugh and to hear your deep voice ! I love it very much!

In the moment , bevore i leave I have to do many many thinks! You know when I not here , nobody know , what is to do ! I mean I have so many thinks here in the house , wich I did it so when som other one will repare anythink, he don't know and don't know all the crazy thinks which I did !Oh my english is very simple I hope you understand!

Darling I love you , please come soon to me !

I think we will have a good time together in V. and P .and V .and B.

now I have to go sleep , it is late in th night and tomorrow I have to do somethink in my shop !

I love you , Saya cinta kamu to much !

It is realy special for me , then untill today I have a realy deep feeling for you , I like it and I love this with love your crocodile

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From: "Angeles de Elena, S.A. de C.V." <angelesde@df1.telmex.net.mx> [Save Address](#) [Block Sender](#)

To: madejati@hotmail.com

Subject: a bit of buisnes,more gossip and love...

Date: Mon, 16 Aug 1999 12:59:03 -0700

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Dear Made ...sorry its so hard to get hold of me but am moving around alot and my email is not working.i am not fixing it yet as i am going to Ireland tonite and when i get back, to Vallarta and then I am leaving my appartmaent in mexico city and movin between cuernavaca and Vallarta. So once i have made all my changes i will have my e mail etc... meantime you can contact me here at Angeles de Elena or this week in Ireland with Pixie. I will be there until the 24th of August.(unless i can stay longer and go to Paris). I got the fax from Pixie ref the sarongs and i have sent you a fax. O,K for the chiffon ones about 75000rps. maybe he give you a better price for buying more.Remember in that store at the beginning of Sulawesi St. that was very clean and has a maniquin in the middle of the shop???The chiffon ones are on the back wall.

So OK 10 from Duta Silk at 35/40 usd and 20/25 silk chiffon ones at appx 10usd.

I trust your good taste completely. Not many brown colours. More blacks and blues reds etc.....Please let me know how much is the cost and if you need some money for you and if you want me to send you the money to Bali or i send it with pixie to paris???? I also found Micheals e mail here at Pixies office (today is the first day i am here after 10 days) i have sent him a short email to denpasar number and i will study his email and fax him from Ireland.

OK ...no more buisness....!!!

How in the world are you??? i had a dream about you last night that you were looking really lovely and had very pale and beautiful skin and looked really young??? perhaps thats what love does to you??? I saw in your fa x that you are going to Viennna?????Is that good news....???? I am dying to know how you are doing in your personal life and if your heart is okay and enriched. How are things with Michael..?...remember not to let anyone make you feel bad about yourself.. you are beautiful and loving and full of life and you have to do whatever you need to to make you feel alive and keep your spirit flying how are the kids??? Are you seeing G in Vienna and in Paris????

i have been in Vallarta a lot working and i love vallarta...it reminds me a lot of Bali and i am planning to move there (with or without a man)...Benjamin has been making such an effort to make it up to me and has been very loving and really making an effort to get his life together...i dont know if i will live with him but we have been having a good time. This weekend i spent the night with Ricardo!!!!!!! i just felt i had to find out if i really like him or not and give myself the chance... the truth is he is a wonderful man and human being and i have got to know him more..and he is very loving and he loves being with me so much...but sexually i didnt feel much and emotionally i dont feel that chemistry...and also ,he has things to sort out in his life and i really dont want the weight of another relationship right now...i still have another 4 years to have kids so i am just enjoying my freedom and 2 men being in love with me...

Guess what???? I cut my hair really short!!!! actually its just above my shoulders.. i like it and i am comfortable and my hair was really dry anyway.....it will grow..i will send you photos and also the ones from Bali with pixie to Paris.

anyway made... i think paris is going to do you a lot of good....to be away for a while and enjoying life and new people and new experiences...dont forget to go to the Buddah bar..... so i send you all muy love...are youou planning to come to Mexico in December???Great salsa dance places..... i MIISSSSSSSSSS YOOOOOU a lot!!! and everything in Bali.....we'll be in touch from ireland...love and kisses....Gorillaxxxx

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my darling

CHRISTMAS AND A NEW YEAR IS COMING, VERY SOON,
ITS CREATING, ALREADY 365 DAYS WE PASSED WITH GOOD AND BAD MEMORIES,
BUT THE ONLY WHAT WE WILL THINK ABOUT ARE THE GOOD DAYS, THOSE THAT ARE
THE PRESENT WHICH WE WILL HOLD IN OUR MEMORIES.

FOR ME THE CHRISTMAS IS A SPECIAL TIME TO THINK ABOUT WHAT YOU ARE
AND WHO WE ARE IN THE SPIRIT OF THE WORLD.

I BELIEVE TO KNOW, THAT YOU ARE A SPECIAL HUMAN WITH FULL OF LOVE AND
CARE FOR OTHER HUMAN, AND I CAN SEE, THAT MOSTLY YOU ONLY GIVE AND NOT
RECEIVE AT THIS
MOMENT.

I ONLY HOPE YOU CAN FEEL, THAT I RESPECT YOU AND YOUR FEELING, AND I WILL
NEVER STOP TO TRY TO GIVE YOU A LITTLE BIT BACK FROM THE OPEN HEART WHICH IS
LEAVING IN YOUR BODY.

AM LUCKY TO BE A WHILE TOGETHER ON YOUR HOME IN YOUR LIFE AND IT WILL BE A
HONOR TO CARE FOR YOU WITH MY LIFE.

AM SURE YOU WILL GET A DIRECTION, WHICH WAY YOU HAVE TO GO AND I WILL TRY
TO FOLLOW YOU AND TO BE NEXT TO YOU.

LIFE IS ONLY A SHORT TIME IN THIS WORLD, IT IS A PRECIOUS TIME IN OUR ON HUMAN
BE STRONG AND CHOOSE THE RIGHT DIRECTION WHERE YOU WILL WALK IN THE
FUTURE.

MADE IT IS YOUR LIFE AND ONLY YOU CAN CHOOSE THE WAY WHERE YOU WILL WALK,
SOMETIME IT IS BETTER TO LIVE WITH YOU IN THE MOMENT, WHEN YOU CAN GET
IT BACK 100 TIMES MORE ON THE WAY WHERE YOU WILL

I THANKS GOD THAT I HAVE THE CHANCE TO KNOW A PERSON LIKE YOU, AND I THANKS
THAT I CAN ENJOY TO BE WITH YOU.

I LOVE YOU AND I WISH YOU A MERRY CHRISTMAS AND ALL THE BEST IN THE YEAR
2001

A NEW YEAR, YOUNG AND INNOCENT, IT LIE ONLY IN OUR HAND TO CREATE ALL
THIS FOR NEW DAYS.

THIS IS THE WORK WHICH YOU RECEIVE IN FEW MORE DAYS,
FROM YOUR BEST FRIEND, WHO IS HOLDING YOU IN HIS HEART LIKE THE FIRE ON THE
CANDLE OF OUR LIFE.

GEROLD BALI DEC 2000

Gerold

my darlig

CHRISTMAS AND A NEW YEAR IS COMING VERY SOON.
ITS MEANING , ALREADY 364 DAYS WE PASSED WITH GOOD AN BAD MEMORY.

BUT THE ONLY WHAT WE WILL THINK ABOUT ARE THE GOOD DAYS, THAN THIS ARE
THE PICTURE WHICH WE WILL HOLD IN OUR REMEMBER.

FOR ME THE CHRISTMASTIME IS A SPECIAL TIME TO THINK ABOUT WHAT WE ARE
AND WHO WE ARE IN THE SPIRIT OF THE WORLD.

I BELIEVE TO KNOW , THAT YOU ARE A SPECIAL HUMAN WITH FULL OF LOVE AND
CARE FOR OTHER HUMAN. AND I CAN SEE , THAT MOSTLY YOU ONLY GIVE AND NOT
RECEIVE AL THIS
WARMNESS.

I ONLY HOPE YOU CAN FEEL , THAT I RESPECT YOU AND YOUR FEELING , AND I WILL
NEVER STOP TO TRY TO GIVE YOU A LITTLE BIT BACK FROM THE OPEN HART WHICH IS
LEAVING IN YOUR BODY.

AM LUCKY TO BE A WHILE TOGETHER ON YOUR ROAE IN YOUR LIVE AND IT WILL BE A
HONOR TO CARE FOR YOU WITH MY LIFE.

AM SURE YOU WILL GET A DIRECTION , WHICH WAY YOU HAVE TO GO AND I WILL TRY
TO FOLLOW YOU AND TO BE NEXT TO YOU.

LIFE IS ONLY A SHORT BEING IN THIS WORLD , IT IS A PROOF-STONE IN OUR ON HUMAN

WHAT I WILL WISH YOU FOR THE NEXT YEAR
BE STRONG AND CHOOSE THE RIGHT DIRECTION WHERE YOU WILL WALK IN THE
FUTURE.
MADE IT IS YOUR LIFE AND ONLY YOU CAN CHOOSE THE WAY WHERE YOU WILL WALK.
SOMETIME IT IS BETTER TO LOSE SOME THINK IN THE MOMENT , WHEN YOU CAN GET
IT BACK 100 TIME MORE ON THE WAY WHERE YOU WALK.

I THANKS GOD THAT I HAVE THE CHANCE TO KNOW A PERSON LIKE YOU, AND I THANKS
THAT I CAN ENJOY TO BE WITH YOU.

I LOVE YOU AND I WISH YOU A MARRY CHRISTMAS AND ALL THE BEST IN THE YEAR
2003

A NEW YEAR , YOUNG AND INNOCENT , IT LIE ONLY IN OUR HAND TO CREATE ALL
THIS 364 NEW DAYS.
THIS IS THE WORK WHICH YOU RECEIVE IN FEW MORE DAYS.

FROM YOUR BEST FRIEND , WHO IS HOLDING YOU IN HIS HEART LIKE THE FIRE ON THE
CANDLE OF OUR LIFE.
GEROLD bali 20.dec.2002



Family Money Michael and Made Jati Donnelly Helps Gerold Divorce from his Wife Sylvia So Gerold Could Move to Bali.

Now the other think ! about me and you:

I talk with my lawyer, and he told me the following : Darling my english isn't really good enough to explain exactly everything. Okay.

Now , the best way in the moment is , when the buyer will be a austrian people. So my momm is written as the buyer from the land. But you will be written a silent partner and owner from the land. Than when the gouvernement make the document , it is the name from my mommy in it and you as the owner. (when you

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are in Vienna , you can make a special document and than only you in the landpaper. But this isn't easy , and cost a lott of money. But we can du this if you want).

Next , if somethink will be happend with my mommy , the land come to my name and you still the owner. So nobody can take the land. Or use the land or sell the land .

And if I want to sell the land , you have to sign the contract , only if you sign the contract , the land can be sold.

Darling it is your's , you will get a land in austria . is crazy

Made I will say to you , you really help me to finish al my problems, than after the Bank get the money from the land , the will start to finde a compromiss with me too.

Will take maybe 1 year more time , but than i am free.

Thank you made , I am lucky.

I will ask my lawyer if it is okay when the money will come in 1 month. But I think it will worke in this way.

I check the amount , it is less than 36,000,- USD . My mommy did open a bankaccount in USD and we can pay in USD to the bank . So wie don't loos to mut money. The rest which is to much I give you when every is finish. (I hope you trust me (is a joke)).

Made now i will go sleeping I am tired , and tomorrow I have to wake up early , than I have to finished to repare some furniture for selling.

Name: Gertrude Eichinger
Bank: BAWAG , BLZ 1400
A - 1140 Wien , Linzerstraße 214
Tel: 0043-1-914 67 11
AccountNr: 05551 000 232
SWIFT: B A W A A T W W

I told you it will be around 36.000,- USD . It is a USD account so if somethink is too much , I can get it out in USD and can give you back.

I hope it will work and I get back my land (you get it). When you are here , we can go to my lawyer and he can explain everything what you want to know. Okay.

A letter from Gerold to Made describing how to send USD 36,000 so that he can pay off property in Austria in preparation for a divorce from his wife Sylvia.

Made Jati's Traveler's Checks.

Made purchased Traveler's Checks so she could carry the money with her to Austria on her next vacation with Gerold.

In 2003 - 2004 Made Jati purchased a total of USD 96,000 in Traveler's Checks with the family money to take to Austria..

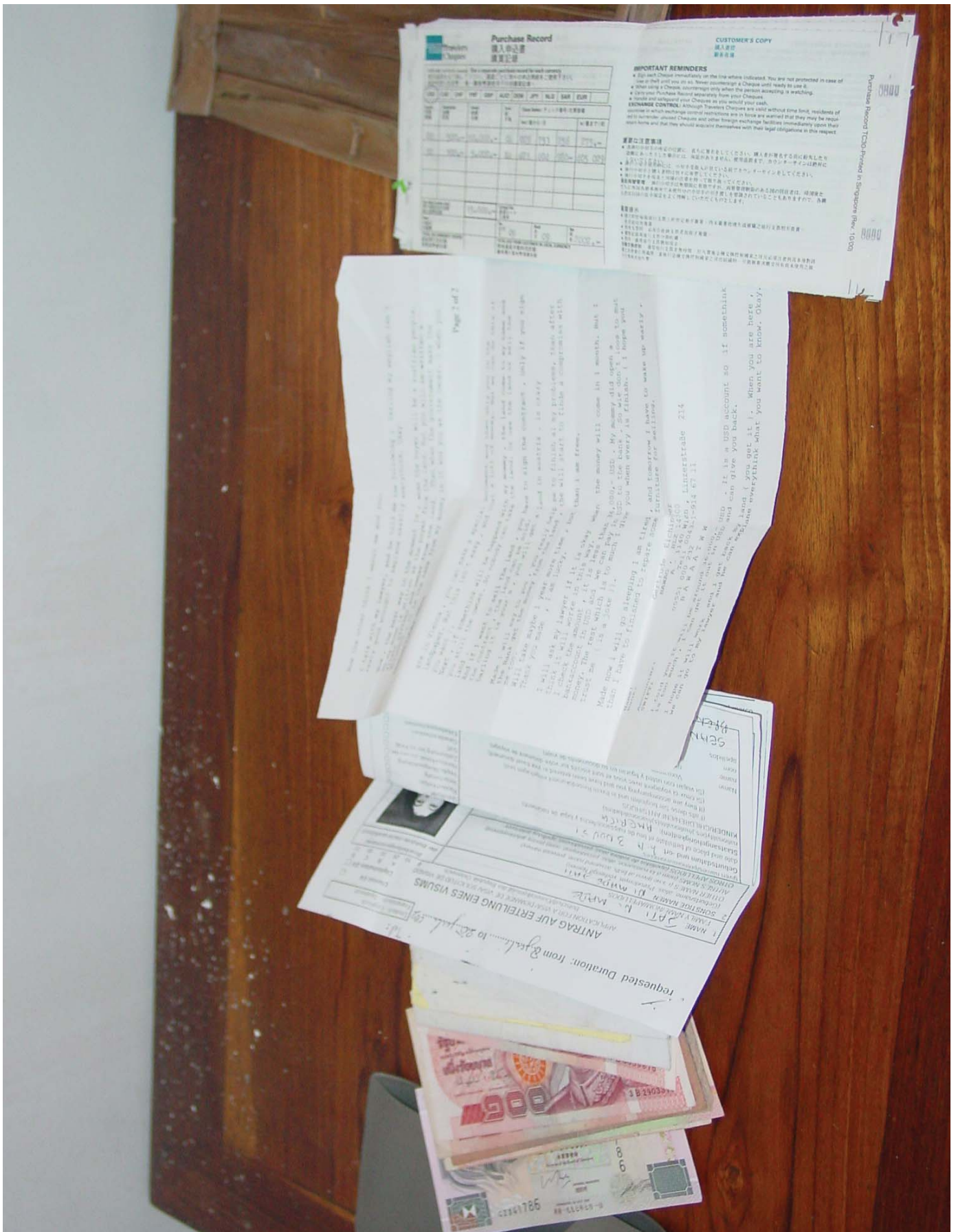


Exhibit 13 Respondent Michael Donnelly 30 May 2008
Petitioner and Boyfriend Gerold Eichinger 1995 to Present



**Travelers
Cheques**

Purchase Record 購入申込書 購買記録

Indicate currency issued. Use a separate purchase record for each currency.
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USD	CAD	CHF	FRF	GBP	AUD	DEM	JPY	NLG	SAR	EUR
Quantity 数量										
Denomination 金額 面額										
Amount 金額 金額										
Series 組 字軌										
Cheques Number / チェック番号 / 支票號碼 Inm / 番から / 自 to / 番まで / 迄										
20	500.-	10,000.-	GA	029	753	256	275.-			
50	100.-	5,000.-	RA	421	404	980.-	405 029			
Exchange Rate 兌換率 通貨レート										
15,000.-										
Date 日付 年月日										
09 2002.-										
TOTAL IN CURRENCY ISSUED 通貨発行合計金額 現地通貨手数料合計額 顧客支払った総金額										

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- When using a cheque, countersign only when the person accepting is watching it.
- Carry your Purchase Record separately from your Cheques.
- Handle and safeguard your cheques as you would your cash.

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Purchase Record TC30-Printed in Singapore (Rev. 10/00)

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諸国発行の貨幣。每一种貨幣請使用不同的購買記錄。

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Quantity 枚数 数量	Denomination 金額 面額	Amount 金額 金額	Series 組 字軌	Cheque Numbers / チェック番号 / 支票號碼 Item / 番から / 自	b / 番まで / 迄				
10	1,000	10,000	03	025 570	322	831			
7	500	3,500	04	027 574	613	619			
33	100	3,300	B3	297 300	447	479			
Face value in currency issued 發行通貨合計金額 售出兌換面額		Exchange Rate 通貨レート 兌換率		16,800					
Change 手続費		Day 日付		26					
Month 月		Year 年		08		2002			
TOTAL IN CURRENCY ISSUED 現地通貨發行合計額 通貨貨幣等總金額		TOTAL DUE FROM CUSTOMER IN LOCAL CURRENCY 現地通貨手数料合計額 顧客應付當地幣值並金額							

CUSTOMER'S COPY
購入者様
顧客收據

IMPORTANT REMINDERS

- Sign each Cheque immediately on the line where indicated. You are not protected in case of loss or theft until you do so. Never countersign a Cheque until ready to use it.
- When using a Cheque, consider only what is written on it. Nothing is accepted if anything is missing.
- Check the serial number of your Cheque.
- Record all numbers of your Cheques.
- Handle and safeguard your Cheques as you would your cash.
- EXCHANGE CONTROL:** Although Travelers Cheques are valid without time limit, residents of countries in which exchange control restrictions are in force are warned that they may be required to surrender unused Cheques and other foreign exchange facilities immediately upon their return home and that they should acquaint themselves with their legal obligations in this respect.

重要な注意事項

- 各旅行小切手の所定の位置に、直ちに署名をしてください。購入者が署名する前に紛失したり盗難にあったりした場合には、保証がありません。使用直前まで、カウンスラーサインは絶固に保持してください。
- 旅行小切手を現金と同等の価値として取り扱ってください。
- 旅行小切手と暗印が異なる銀行が発行している形でカウンスラーサインをしてください。
- 旅行小切手と暗印の無期限の有効ですが、両替管理制限のある国の居住者は、帰国後之を速く両替店へ提出し、未使用分の小切手の引き渡しを要請されていることがありますので、各輸入者は自国の法令規定をよく理解していただくものとします。

重要提示

- 諸心即ち毎旅旅行支拂、所指定地方業者、向本旅客票前開或發給之旅行支票恕不負責。
- 使用直前切實簽名。
- 使用支票時、必須在收銀支票者面前才發簽。
- 購買記錄與旅行支票部分同收妥。
- 對付、處理旅行支票需有現金。
- 金融文據控制：旅行小切手は無期限有效，但凡實施金融之限制制國家之居民必須注意到其本身對於國外之法律責任義務，當執行返國及換領外國之居民回國時，可能數要交還及所有尚未使用之旅行支票與其外幣。

50000
168

requested Duration: from 8. juli..... to 20. juli.....02

Deutsch - Englisch
Französisch - Spanisch

ANTRAG AUF ERTEILUNG EINES VISUMS
APPLICATION FOR A VISA/ DEMANDE DE VISA/ SOLICITUD DE VISADO
Botschaft/Generalkonsulat der Republik Österreich

Dienst-SV ☐

Diplomaten-SV ☐

A B C D

0 10 25 35 50 72

Bearbeitungsvermerke
der Behörde (nicht ausfüllen!)

1. NAME JATI N. MADE
FAMILY NAME/NOM/APELLIDOS

2. SONSTIGE NAMEN JATI N. MADE JATI
(Geburtsname, alias, Pseudonym, vorherige Namen)
OTHER NAMES (name given at birth, assumed name, previous names)
AUTRES NOMS (nom à la naissance, alias, pseudonyme, noms portés antérieurement)
OTROS APELLIDOS (apellidos de soltera, alias, pseudónimo, apellidos anteriores)

3. VORNAMEN
GIVEN NAMES/PRÉNOMS/NOMBRES

4. GESCHLECHT (M) ☐ (W) ☒
SEX/SEXE/SEXO (M)/(M)/(V) (F)/(F)/(M)

5. GEBURTSDATUM UND -ORT
DATE AND PLACE OF BIRTH/DATE ET LIEU DE NAISSANCE/FECHA Y LUGAR DE NACIMIENTO 22/01/57

6. GEBURTSLAND INDONESIA
COUNTRY OF BIRTH/PAYS DE NAISSANCE/PAIS DE NACIMIENTO

7. STAATSANGEHÖRIGKEIT(EN)
NATIONALITY(IES)
NATIONALITE(S)
NACION/ LIDAD(ES)

derzeitige: INDONESIEN
present:
actuelle(s):
actual(es):

ursprüngliche:
original:
nationalité d'origine:
nacionalidad de origen:



Datum und Nummer
des Antrages:

SIS/EKIS
POS. ☐ NEG. ☐

Bemerkung:

(Unterschrift/Paraph)

8. FAMILIENSTAND
PERSONAL STATUS/SITUATION DE
FAM'LE/ESTADO CIVIL

ledig ☐ verheiratet ☐
single/célibataire married/marié(e) ☒
soltero(a) casado(a)
getrennt lebend geschieden ☐ verwitwet ☐
separated/séparé(e)/separado(a) divorced/divorcé(e)/ widowed/veuf(ve)/viudo(a)
divorciado(a))

Entscheidung der Behörde:
Zustimmung: ☐
Verbesserungsauftrag: ☐

EHEGATTE (Name): Michael Donnelly
HUSBAND/WIFE (Name)/CONJOINT (Nom)/CONYUGE (Apellidos)
(Falls Ihr Ehegatte Sie begleitet und in Ihrem Reisedokument eingetragen ist, bitte folgendes Kästchen ankreuzen) ☐
(If your husband/wife is accompanying you and his/her name has been entered in your travel document, please place a cross in the following bracket)
(Si votre conjoint voyage avec vous et est inscrit sur votre document de voyage, cocher la case suivante)
(Si su cónyuge viaja con usted y figura en su documento de viaje, ponga una cruz en la siguiente casilla)

Ablehnung: ☐
Grund:

(Unterschrift/Paraph)

sonstiger Name:
other name/autre nom/otros apellidos
Vornamen: Michael
given names/prénoms/nombres
Geburtsdatum und -ort: 17. A 3 NOV 51
date and place of birth/date et lieu de naissance/fecha y lugar de nacimiento
Staatsangehörigkeit(en): AMERICAN
nationality(ies)/nationalité(s)/nacionalidad(es)

Belege:
Aufenthaltsnachweis: ☐
finanzielle Mittel: ☐
Beförderungsnachweis: ☐
Unterkunft: ☐
Rückkehrvisum: ☐
Versicherung: ☐
Verpflichtungserklärung: ☐

KINDER/CHILDREN/ENFANTS/HIJOS
(Falls diese Sie begleiten und in Ihrem Reisedokument eingetragen sind)
(If they are accompanying you and have been entered in your travel document)
(Si ceux-ci voyagent avec vous et sont inscrits sur votre document de voyage)
(Si viajan con usted y figuran en su documento de viaje)

Name	Vornamen	Geburtsdatum und -ort	Staatsangehörigkeit(en)
name	given names	date and place of birth	nationality(ies)
nom	prénoms	date et lieu de naissance	nationalité(s)
apellidos	nombres	fecha y lugar de nacimiento	nacionalidad(es)
SEAN WY	DONNELLY	17 March 83	U.S.A
		17 Sep 84	U.S.A

Our children were actually born 1993 and 1994, not 1983 and 1984. But it doesn't look good for a mother to leave 8 and 9 year old children for a two month vacation with her boyfriend.

Made's visa application to visit Gerold in Austria.

NAME UND VORNAMEN DER ELTERN/NAME AND GIVEN NAMES OF PARENTS/NOM ET PRENOMS DES PARENTS/APELLIDOS Y NOMBRE DE LOS PADRES Vater/father: <u>Uy ADA</u> Mutter/mother: <u>Uy SAHA</u>		Bearbeitungsvermerk der Behörde (nicht ausfüllen) <i>REK 11/15</i> DAS VISUM SOLICITANT kurz auf den Short stay corta de una s
9. ART DES PASSES ODER REISEDOKUMENTS/TYPE OF PASSPORT OR TRAVEL DOCUMENT/ NATURE DU PASSEPORT OU DU DOCUMENT DE VOYAGE/TIPO DE PASAPORTE O DE DOCUMENTO DE VIAJE Normaler Reisepaß ☒ Anderes Reisedokument (genaue Bezeichnung) ☐ Ordinary passport Other document (exact designation) Passeport ordinaire Autre document (préciser lequel) Pasaporte ordinario Otro documento (indique de cual se trata)		
Nummer/Number/Numéro/Número <u>K 233872</u> Staat oder Rechtsträger, der das Reisedokument ausgestellt hat/Name of issuing country or authority/Etat ou entité ayant délivré le document/Estado o entidad que ha expedido el documento <u>INDONESIA</u> <u>IMIGRATION</u> ausgestellt am: <u>10/05/00</u> in: <u>PENPASIR</u> gültig bis: <u>10/05/00.5</u> issued on/délivré le/ in/à/en valid until/expirant le/fin del periodo expedido el de validez		Konsultation bzw. Rückfrage: Zustimmung: ☐ Ablehnung: ☐
10. ANSCHRIFT/ADDRESS/ADRESSE/DIRECCION Ständiger Wohnsitz <u>IL PENGEMBANG GANG 3 NO 29 SANUR</u> Permanent address/Permanente/Permanente <u>0811 872 873 BALI</u> Derzeitige Anschrift (bei Durchreise oder vorübergehendem Aufenthalt) Current address (in case of transit or short stay)/Actuelle si vous êtes de passage ou résidant temporaire/ Actual, si usted está de paso o residiendo temporalmente		
11. GGF. RÜCKKEHRBERECHTIGUNG FÜR DAS LAND DES WOHNSITZES: If necessary, permission to return to your country of domicile: Le cas échéant, autorisation de retour vers le pays de résidence: Si ha lugar, autorizacion de regreso al país de residencia:		
Aufenthaltserlaubnis ☐ Nr. gültig bis: Residence permit No./Titre de séjour no./Permiso de residencia N° valid until/fin de validité/ fin del periodo de validez Rückreisevisum ☐ Nr. gültig bis: Re-entry visa No./Visa de retour n°/Visado de vuelta N° valid until/fin de validité/ fin del periodo de validez		
12. BERUF <u>GARMENT / PT ULUWATU</u> <u>OWNER</u> TRADE OR PROFESSION/PROFESSION/PROFESION		
13. ARBEITGEBER <u>M. S. S. S.</u> EMPLOYER/EMPLOYEUR/EMPLEADOR		
14. BERUFLICHE ANSCHRIFT <u>P. T. ULUWATU. GANG 3. NO 29</u> OFFICE/EMPLOYER'S ADDRESS/ADRESSE PROFESSIONNELLE/DIRECCION PROFESIONAL <u>SANUR. IL PENGEMBANG. BALI</u>		
15. HAUPTREISEZIEL <u>AUSTRIA</u> MAIN DESTINATION/DESTINATION PRINCIPALE/DESTINO PRINCIPAL 15. A GRENZE DER ERSTEINREISE ins Hoheitsgebiet der Schengener Staaten/ BORDER OF FIRST ENTRY into the territory of the Schengen States/ FRONTIERE DE PREMIERE ENTREE sur le territoire du Groupe de Schengen/ FRONTERA DE PRIMERA ENTRADA en el territorio del Grupo de Schengen <u>Austria</u>		
16. ZWECK DES AUFENTHALTS <u>Holiday</u> PURPOSE OF STAY/MOTIF DU SEJOUR/MOTIVO DE LA ESTANCIA		
17. AUSKUNFTSPERSONEN IN DEN SCHENGENER STAATEN NAMES OF PERSONS IN THE SCHENGEN STATES WHO CAN PROVIDE INFORMATION/ REFERENCES DANS DES PAYS DU GROUPE DE SCHENGEN/ REFERENCIAS EN PAISES DEL GRUPO DE SCHENGEN Name bzw. Firma <u>Gerold EICHINGER</u> Name of person/firm/Nom ou raison sociale/Nombre o razón social Anschrift <u>HAUPTPLATZ 23-43443 STEGHART</u> Address/Adresse/Dirección <u>SKITZEN, AUSTRIA</u> Staatsangehörigkeit/ Nationality/Nationalité/Nacionalidad <u>001-43-6765175159</u>		

Exhibit 13 Respondent Michael Donnelly 30 May 2008
Petitioner and Boyfriend Gerold Eichinger 1995 to Present

Ich willige ein, daß meine in diesem Antragsformular enthaltenen personenbezogenen Daten an die zuständigen Behörden der Schengener Staaten übermittelt werden, soweit dies zur Erteilung des Visums notwendig ist.

Ich versichere, vorstehende Angaben nach bestem Wissen und Gewissen richtig und vollständig gemacht zu haben. Falsche Angaben ziehen unbeschadet einer in den Rechtsvorschriften der Schengener Staaten gegebenenfalls vorgesehenen Strafverfolgung die Verweigerung des Visums bzw. die Annullierung des erteilten Visums nach sich.

Ich verpflichte mich, das Hoheitsgebiet der Schengener Staaten bei Ablauf des Visums, das mir gegebenenfalls erteilt wird, zu verlassen.

Mir ist bekannt, daß der Besitz des Visums nur eine der Voraussetzungen für die Einreise in das Hoheitsgebiet der Schengener Staaten ist. Im Fall einer Zurückweisung kann ich keinen Schadensersatz erhalten.

I agree to my personal data on this application form being communicated to the appropriate authorities of the Schengen states if necessary for the issue of a visa.

I declare that to the best of my knowledge the above particulars are correct and complete. I am aware that any false statements will lead to my application being rejected or to the annulment of a visa already granted and may also render me liable to prosecution under the law of the Schengen states.

I undertake to leave the territory of the Schengen states upon the expiry of the visa, if granted.

I realise that possession of a visa is only one of the prerequisites for entry into the territory of the Schengen states. If entry is refused I will have no claim to compensation.

J'autorise la communication des données personnelles figurant dans le présent formulaire aux autorités compétentes des pays du Groupe de Schengen dans le cadre de la délivrance des visas.

Je certifie que les déclarations ci-dessus ont été faites à bon escient et qu'elles sont exactes et complètes. Une fausse déclaration m'exposerait à un refus de visa ou à l'annulation du visa délivré, sans préjudice des poursuites éventuelles prévues par la législation des pays du Groupe de Schengen.

Je m'engage à quitter le territoire des pays du Groupe de Schengen à l'expiration du visa qui sera éventuellement accordé.

Je suis informé(e) que la possession d'un visa ne constitue qu'une des conditions permettant l'entrée sur le territoire des pays du Groupe de Schengen. En cas de refus d'entrée, je ne pourrai pas recevoir de dédommagement.

Doy mi autorización para que los datos de carácter personal que figuran en el presente impreso se comuniquen, en el marco de la expedición de visados, a las autoridades competentes de los países del Grupo de Schengen.

Certifico que las declaraciones anteriores han sido hechas con conocimiento de causa y que son exactas y completas.

En caso de declaraciones falsas, me expongo a que se me deniegue el visado o se me anule el visado expedido, sin perjuicio de las posibles acciones previstas por la legislación de los países del Grupo de Schengen.

Me comprometo a abandonar el territorio de los países del Grupo de Schengen una vez caducado el visado que se me pueda conceder.

Estoy informado(a) de que la posesión del visado sólo constituye una de las condiciones que permiten la entrada en el territorio de los países del Grupo de Schengen. En caso de denegación de entrada, no podría recibir ninguna indemnización.

Ort: Bali DENPASAR Datum: 17 Jun 2012
Place/Fait à/Hecho en Date/Le/A

16. Eigenhändige Unterschrift des Antragstellers: Mike Sat
(bei Minderjährigen Unterschrift des gesetzlichen Vertreters)/Applicant's signature (in the case of minors, signature of parent or guardian) Signature du demandeur (ou du représentant légal pour les mineurs) Firma del solicitante (o, para menores de edad, de su representante legal)

T:\KONSULATWISA\SVANTRAG.DOC

THE REGENTS OF THE
University of California

ON THE NOMINATION OF THE FACULTY
OF REVELLE COLLEGE
HAVE CONFERRED UPON

MICHAEL PATRICK DONNELLY

THE DEGREE OF BACHELOR OF ARTS
WITH A MAJOR IN BIOLOGY

WITH ALL RIGHTS AND PRIVILEGES THERETO PERTAINING

GIVEN AT SAN DIEGO

THIS FIFTEENTH DAY OF JUNE IN THE YEAR
NINETEEN HUNDRED AND SEVENTY-FOUR

Ronald Reagan
GOVERNOR OF CALIFORNIA AND
PRESIDENT OF THE REGENTS

Charles
PRESIDENT OF THE UNIVERSITY



W. D. McElroy
CHANCELLOR AT SAN DIEGO

Murray Goodman
ACTING PROVOST OF THE COLLEGE

WITH HIGH HONORS

INCORPORATED UNDER THE LAWS

JULY 5, 1984

OF THE STATE OF CALIFORNIA

NUMBER 3

SHARES 500



FAR EAST AMERICAN INC.

AUTHORIZED: 100,000 SHARES COMMON STOCK

IT IS UNLAWFUL TO CONSUMMATE A SALE OR TRANSFER OF THIS SECURITY, OR ANY INTEREST THEREIN, OR TO RECEIVE ANY CONSIDERATION THEREFOR, WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMMISSIONER OF CORPORATIONS OF THE STATE OF CALIFORNIA, EXCEPT AS PERMITTED IN THE COMMISSIONER'S RULES.

This is the

registered holder of

Five Hundred

Shares

is the

Shares

FAR EAST AMERICAN INC.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

SEE REVERSE SIDE FOR STATEMENT OF RESTRICTIONS

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed

this 12th day of July A.D. 1984

SECRETARY

PRESIDENT

LAW OFFICES OF
NISHIYAMA, MUKAI, LEEWONG, EVANS & SALDIN

911 WILSHIRE BOULEVARD

TENTH FLOOR

LOS ANGELES, CALIFORNIA 90017

TELEPHONE (213) 489-3773

TELEX 678313 AMLEX 911 LSA

TELECOPIER: (213) 623-3825

CABLE ADDRESS: IMMTAX

FAR EAST OFFICE

HANGLUNG CENTRE

2 PATERSON STREET, SUITE 1306

CAUSEWAY BAY

HONG KONG

TELEPHONE: 5-769357

TELECOPIER: 5-779288

TELEX: 60778 IEC HX

DANIEL NISHIYAMA* †

DENNIS M. MUKAI

JAMES D. LEEWONG

GREGORY B. EVANS

THOMAS N. SALDIN

MICHAEL FRIEDBERG

TANYA K. DANFORTH †

WILLIAM H. LAWRENCE

LAURA L. GLICKMAN †

*A PROFESSIONAL CORPORATION

† OF COUNSEL

† HAWAII BAR ONLY

August 10, 1988

Michael Donnelly
Poppies Lane
Kuta, Bali
Indonesia

Dear Mr. Donnelly:

We have received approval from the Department of Corporations for the transfer of your stock in Far East American Inc. to Oliver Wong. Accordingly, I am enclosing checks totaling \$20,000.00, the purchase price under the June 12, 1988 contract.

Sincerely yours,

William H. Lawrence

William H. Lawrence

WHL:nf

Far East Am check # 1245 *404660*
DTD 7/18/88
Sec Pacific Ashers check 04178653 *1595340*
DTD 7/19/88
\$ 20,000 00

10 JULY 1989

Made Jati and Michael Donnelly took over ownership and management of P.T. Uluwatu and four associated retail shops in March 1988. P.T. Uluwatu is now owned 80 % by Made Jati and 20% by her sister. Four retail shops are owned 100 % by Made Jati. The business of the P.T. is the manufacture and export of hand embroidered women's wear. The shops generate additional local sales and serve as showrooms for export sales.

BACKGROUND -

Prior to March 1988, the companies were owned and managed by an Australian named Michael McHugh. However, since the start of the company in 1979, the company, the bank accounts, and various properties in Indonesia which may or may not be connected with P.T. Uluwatu were all legally registered in the name of Made or other members of her family. This is because foreigners cannot own property or business in Indonesia, and listing ownership in the names of Indonesian citizens is common practice. The listed owner actually receives only a salary or commission from the foreign owner. The company was a C.V. (or DBA) prior to July 1986. It was converted to a single owner P.T. in June 1986, and to a true P.T. (with Made's sister holding 20%) in June 1987. The reason for converting to a P.T. was primarily to allow the P.T. to sponsor McHugh for a permanent residency permit.

McHugh was also a partner in a California company of the same name. There was no legal connection between the USA and Indonesian companies, but they operated together as a unit, and at least 80% of the company production was exported to the USA company.

From 1979 through 1985 Made worked as a salaried employee of the company, and she developed into a manager and contributor to the success of the company in her own right. There were no written contracts regarding any arrangements or rights of ownership, as such contracts would in any case be unenforceable in Indonesia. McHugh and Made lived together in a local custom (though not a legal) marriage; Made's salary was quite high, and McHugh made investments for her both within and outside Indonesia. However, as a sort of collateral, much of Made's salary was still held as unpaid salary against the growing value of the company in a "working capital loan." McHugh promised her a share in the range of 33 % of the final sale value of the company, or else an eventual payout of her accumulated salary. Again there was no formal agreement, and one was not really necessary: in the most basic analysis, Made could have confiscated the company if she were dissatisfied with the situation, and McHugh was protected by Made's cash which he held in accounts and material goods under his control.

Made and I were married in September 1985 after a rather difficult courtship involving some strong confrontations with McHugh. He was afraid of losing his control of the company. We agreed that he would be free to run the company without interference from us, that Made would still deal with the government for the company, that she would retain her promised

share of the company if and when it sold, but that she would not otherwise work in the company from that date. Made moved to live with me in Los Angeles. We still visited Indonesia several months out of each of the next two years; we spent most of that time outside of Bali in connection with my business in Java and Kalimantan.

In November 1987 I quit my position with my employer, Far East American, Inc. in Los Angeles, and we moved to Indonesia. We had no specific plans other than to see about starting a new business involving export/import between Indonesia and the USA. However, McHugh was at that time beginning to face serious financial and management problems with Uluwatu. These problems were potentially a danger to Made, in that she was listed as legal owner of the company and guarantor of McHugh's debts. I was very dissatisfied with the situation and demanded that the company be placed on a different basis which would clarify the legal and tax responsibilities.

By January 1988 McHugh decided that he was no longer interested in or financially able to continue running the business. He decided to either close the factory or sell it if possible. He placed an advertisement in the Wall Street Journal announcing the sale, with an asking price of USD 1.5 million including both the USA and Indonesian operations. In fact, the advertisement was placed without either Made's or my knowledge; we were quite unhappy about it because the legal implications were very complicated and ill-considered. In a sense he was proposing to sell Made as an asset. With no legal connection between the USA and Indonesian businesses there was no real basis for the company, and there were no company books to give an idea of the value or operations. There were no serious enquiries.

By late February 1988, McHugh wanted to get out of the company as quickly as possible in order to escape debts which he couldn't pay. We worked out a deal with him in which we would take over all assets and liabilities of the company, including bank accounts, outstanding debts, and some material and finished goods stocks. In return, all other agreements with McHugh regarding back salary would be cancelled. (It was impossible for McHugh and Made to agree on the back salary figure in any case.) The final agreement was mutually satisfactory and friendly.

The transfer of ownership required no paperwork or any other particular activity other than advising the various creditors that Made was now responsible for the company debts. We took over no books from the company, as McHugh had no formal books and refused to show us his personal books. Valuation of the company was very difficult, and in fact we did not immediately set up formal books ourselves, as we had many more pressing responsibilities requiring our immediate attention to generate a positive cash flow and cut our expenses.

THE COMPANY -

As run under McHugh, the P.T. exported approximately 95 % of its production. The shops were used to get rid of old and reject stock, and to generate some cash for Made's family. Two of Made's sisters worked in the shop, and the warehouse and headquarters of the company and McHugh's house were all located in the family "kampung". As rent and in return for various services, the family received some income from the shop amounting to the equivalent of from USD 200 up to USD 1000 per month. When Made and I returned to Indonesia in December 1987 through March 1988 when we took over the company, we also lived in the family home and took a few hundred USD per month as a living expense. McHugh recycled all other shop income into the company.

We made radical changes in company strategy when we took over in March 1988. The export season is highly erratic with a high risk of bad debts from overseas customers. We cut exports dramatically, and concentrated on improving the shops to take advantage of a growing tourist market and to generate an immediate cash flow. With a much smaller production requirement due to the cut in large volume exports, we could cut our workforce by 60 % - a great deal of overhead had been tied up in the extra finishing, inspection, and packaging required for export. With the improved cash flow, we were able to pay off the outstanding debts by the end of 1988, leaving us with a much smaller but quite healthy company. Since the end of 1988 we have begun to re-expand the export market.

The P.T. and the shops are legally separately owned, but we run them as a unit. There is no true separate accounting of Cost of Goods between the shops and the P.T., and the bank and cash accounts are used in common.

OTHER CONSIDERATIONS

a) The company has no books prior to March 1988. Our only documents from 1987 and before are various bank records. These represent virtually nothing but random flows of cash connected with payments of material, factory wages, etc.

b) The valuation of the company per the Wall Street Journal advertisement is absolutely without basis. In the space of the few weeks McHugh ran the ad, he apparently dropped the asking price from USD 1.5 million to USD 500,000 (per a lawyer who was in contact with him). We would certainly not like USD 1.5 million to become a basis for valuation of Made's shares in the P.T.

Label Use IRS label.		For the year Jan.-Dec. 31, 1988, or other tax year beginning _____, 1988 ending _____		OMB No. 1545-0074	
label.		MICHAEL P. & MADE J. DONNELLY		Your social security number 564-90-8555	
Otherwise please print or type.		MADE JATI, GANG POPPIES KUTA BALI, INDONESIA		Spouse's social security number 549-97-4474	
Presidential Election Campaign		Do you want \$1 to go to this fund? ☐ Yes ☒ No		Note: Checking "Yes" will not change your tax or reduce your refund.	
		If joint return, does your spouse want \$1 to go to this fund? ☐ Yes ☒ No			
Filing Status		1 ☐ Single 2 ☒ Married filing joint return (even if only one had income) 3 ☐ Married filing separate return. Enter spouse's social security no. above and full name here. 4 ☐ Head of household (with qualifying person). (See page 7 of Instructions.) If the qualifying person is your child but not your dependent, enter child's name here. 5 ☐ Qualifying widow(er) with dependent child (year spouse died ☐ 19). (See page 7 of Instructions.)			
Check only one box.					
Exemptions		6a ☒ Yourself If someone (such as your parent) can claim you as a dependent, do not check box 6a. But be sure to check the box on line 33b on page 2. b ☒ Spouse c Dependents			
(See Instructions on page 8.)		(1) Name (first, initial, and last name) (2) Check if under age 5 (3) If age 5 or older, dependent's social security number (4) Relationship (5) No. of months lived in your home in 1988		No. of boxes checked on 6a and 6b 2 No. of your children on 6c who: • lived with you _____ • didn't live with you due to divorce or separation _____ No. of other dependents listed on 6c _____ Add numbers entered on lines above 2	
If more than 8 dependents, see Instructions on page 8.					
		d If your child didn't live with you but is claimed as your dependent under a pre-1985 agreement, check here ☐			
		e Total number of exemptions claimed		2	
Income		7 Wages, salaries, tips, etc. (attach Form(s) W-2) SEE STATEMENT		7 51,306.	
Please attach Copy B of your Forms W-2, W-2G, and W-2P here.		8a Taxable interest income (also attach Schedule B if over \$400)		8a 220.	
		b Tax-exempt interest income (see page 11). DON'T include on line 8a		8b	
		9 Dividend income (also attach Schedule B if over \$400)		9 4,605.	
		10 Taxable refunds of state and local income taxes, if any, from worksheet on page 11 of Instructions		10 485.	
		11 Alimony received		11	
If you do not have a W-2, see page 6 of Instructions.		12 Business income or (loss) (attach Schedule C)		12	
		13 Capital gain or (loss) (attach Schedule D)		13 6,947.	
		14 Capital gain distributions not reported on line 13 (see page 11)		14	
		15 Other gains or (losses) (attach Form 4797)		15	
		16a Total IRA distributions		16a	
		16b Taxable amount (see page 11)		16b	
		17a Total pensions and annuities		17a	
		17b Taxable amount (see page 12)		17b	
		18 Rents, royalties, partnerships, estates, trusts, etc. (attach Schedule E)		18 -8,288.	
		19 Farm income or (loss) (attach Schedule F)		19	
		20 Unemployment compensation (insurance) (see page 13)		20	
Please attach check or money order here.		21a Social security benefits (see page 13)		21a	
		b Taxable amount, if any, from the worksheet on page 13		21b	
		22 Other income (list type and amount-see page 13) SEE STATEMENT		22 -51,306.	
		23 Add the amounts shown in the far right column for lines 7 through 22. This is your total income		23 3,969.	
Adjustments to Income		24 Reimbursed employee business expenses from Form 2106, line 13		24	
(See Instructions on page 13.)		25a Your IRA deduction, from applicable worksheet on page 14 or 15		25a	
		b Spouse's IRA deduction, from applicable worksheet on page 14 or 15		25b	
		26 Self-employed health insurance deduction, from worksheet on page 15		26	
		27 Keogh retirement plan and self-employed SEP deduction		27	
		28 Penalty on early withdrawal of savings		28	
		29 Alimony paid (recipient's last name and social security no.)		29	
		30 Add lines 24 through 29. These are your total adjustments		30	
Adjusted Gross Income		31 Subtract line 30 from line 23. This is your adjusted gross income. If this line is less than \$18,576 and a child lived with you, see "Earned Income Credit" (line 56) on page 19 of the Instructions. If you want IRS to figure your tax, see page 16 of the Instructions		31 3,969.	

EXTENDED TO 15 DEC 1989

Tax Computation	32	Amount from line 31 (adjusted gross income)	32	3,969.
	33a	Check if: ☐ You were 65 or older ☐ Blind; ☐ Spouse was 65 or older ☐ Blind.		
		Add the number of boxes checked and enter the total here	33a	
		b If someone (such as your parent) can claim you as a dependent, check here	33b	
		c If you are married filing a separate return and your spouse itemizes deductions, or you are a dual-status alien, see page 16 and check here	33c	
	34	Enter the ☒ Your standard deduction (from page 17 of the Instructions), OR ☐ Your itemized deductions (from Schedule A, line 26).	34	5,000.
	35	Subtract line 34 from line 32. Enter the result here	35	-1,031.
	36	Multiply \$1,950 by the total number of exemptions claimed on line 6e	36	3,900.
	37	Taxable income. Subtract line 36 from line 35. Enter the result (if less than zero, enter zero)	37	NONE
		Caution: If under age 14 and you have more than \$1,000 of investment income, check here ☐ and see page 17 to see if you have to use Form 8615 to figure your tax.		
	38	Enter tax. Check if from: ☒ Tax Table, ☐ Tax Rate Schedules, or ☐ Form 8615	38	NONE
	39	Additional taxes (see page 17). Check if from: ☐ Form 4970 ☐ Form 4972	39	
	40	Add lines 38 and 39. Enter the total	40	NONE
Credits	41	Credit for child and dependent care expenses (attach Form 2441)	41	
	42	Credit for the elderly or the disabled (attach Schedule R)	42	
	43	Foreign tax credit (attach Form 1116)	43	
	44	General business credit. Check if from: ☐ Form 3800 or ☐ Form (specify)	44	
	45	Credit for prior year minimum tax (attach Form 8801)	45	
	46	Add lines 41 through 45. Enter the total	46	
	47	Subtract line 46 from line 40. Enter the result (if less than zero, enter zero)	47	NONE
Other Taxes	48	Self-employment tax (attach Schedule SE)	48	
	49	Alternative minimum tax (attach Form 6251)	49	NONE
	50	Recapture taxes (see page 18). Check if from: ☐ Form 4255 ☐ Form 8611	50	
	51	Social security tax on tip income not reported to employer (attach Form 4137)	51	
	52	Tax on an IRA or a qualified retirement plan (attach Form 5329)	52	
	53	Add lines 47 through 52. This is your total tax	53	NONE
Payments	54	Federal income tax withheld (If any is from Form(s) 1099, check ☐)	54	
	55	1988 estimated tax payments and amount applied from 1987 return	55	
	56	Earned income credit (see page 19)	56	
	57	Amount paid with Form 4868 (extension request) FORM 2688	57	2,000.
	58	Excess social security tax and RRTA tax withheld (see page 20)	58	
	59	Credit for Federal tax on fuels (attach Form 4136)	59	
	60	Regulated investment company credit (attach Form 2439)	60	
	61	Add lines 54 through 60. These are your total payments	61	2,000.
	62	If line 61 is larger than line 53, enter amount OVERPAID	62	2,000.
Refund or Amount You Owe	63	Amount of line 62 to be REFUNDED TO YOU	63	2,000.
	64	Amount of line 62 to be applied to your 1989 estimated tax	64	
	65	If line 53 is larger than line 61, enter AMOUNT YOU OWE. Attach check or money order for full amount payable to "Internal Revenue Service." Write your social security number, daytime phone number, and "1988 Form 1040" on it	65	
		Check ☐ if Form 2210 (2210F) is attached. See page 21. Penalty:		

Please Sign Here

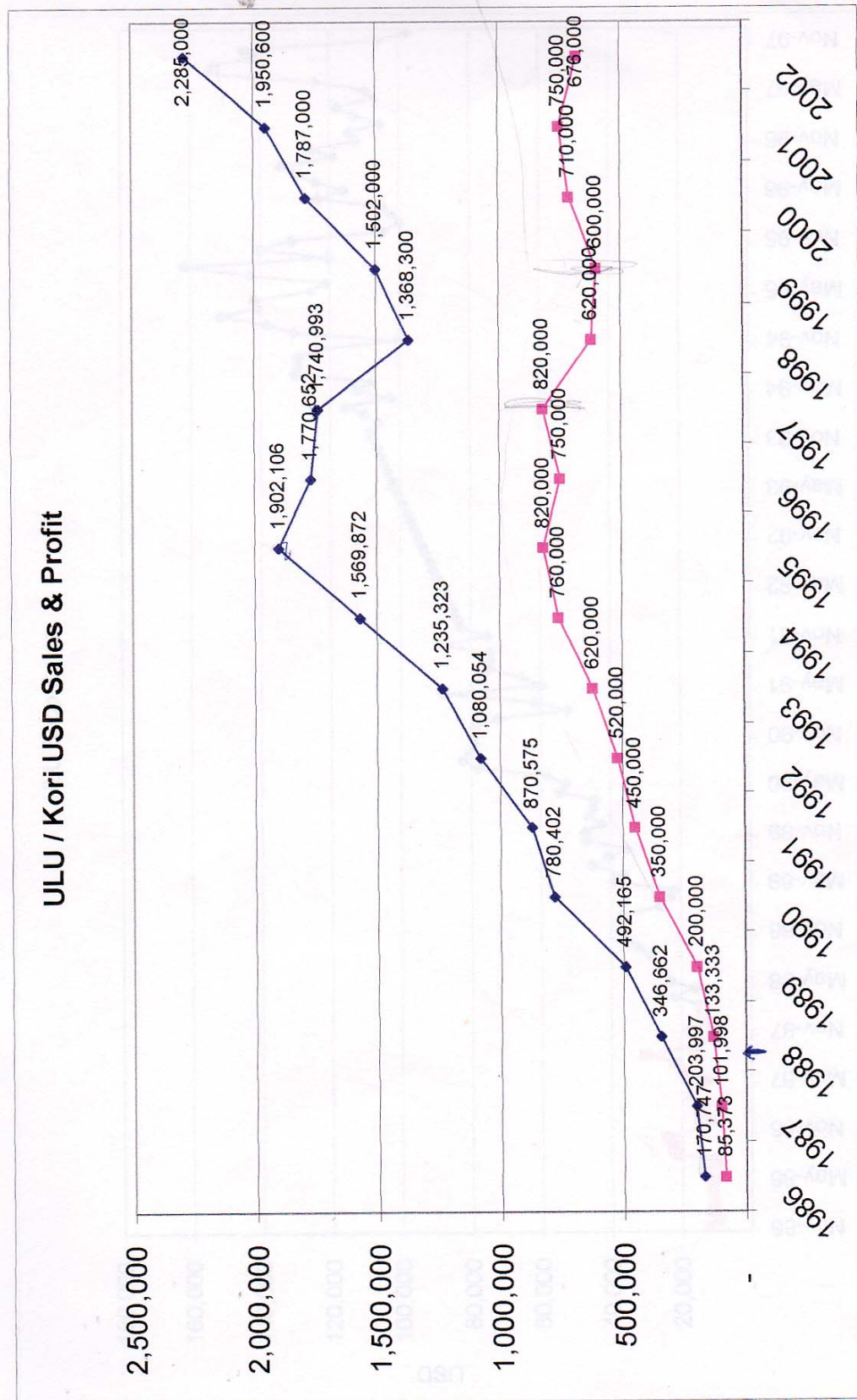
Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature	Date	Your occupation
Spouse's signature (if joint return, BOTH must sign)	Date	Spouse's occupation
		MANAGER
		MANAGER

Paid Preparer's Use Only	Preparer's signature	Date	Check if self-employed	Preparer's social security no.
	Randal H. Farrell	10 NOV 1989	☐	538-68-2830
	Firm's name (or yours if self-employed) and address	E.I. No.	ZIP code	
	KPMG PEAT MARWICK P.O. BOX 448, ROBINSON ROAD SINGAPORE 9008	98-6031015		

For Paperwork Reduction Act Notice, see Form 1040 Instructions.

EXTENDED TO 15 DEC 1989



The Marketing Story of Uluwatu

The true story of Uluwatu is not the only story out there - there is also the Marketing story. In dozens of magazine articles and advertisements over the last 16 years, there is a wonderfully romantic story of Uluwatu in which Uluwatu was started by Made Jati herself with hardly a mention of Michael.

To develop Uluwatu for the Bali tourist market, Michael needed to build a product identity. Tourists come to Bali hoping to find something special and exotic and uniquely Balinese, so Uluwatu needed a strong Balinese image. Michael invented a logo, a tagline "Handmade Balinese Lace", and an elegant tropical look for the shops. Tourists don't want to buy Balinese lace from a company run by a bule, so Uluwatu also needed a story and a personality, much like Colonel Saunders for Kentucky Fried Chicken, but featuring someone Balinese.

In 1992 Michael wrote a story starring, of course, Made Jati. There is not much truth to the story, but Michael used it as the standard Public Relations package. Reporters never actually met and interviewed Made Jati herself for all the articles appearing in the next 16 years; they met Michael, and Michael gave them photos and a copy of the Uluwatu Story. All the quotes from Made Jati were actually written by Michael. Every article appearing since 1992 is based on this story.

Made Jati might by now actually believe the story, and she points to the advertisements to support her claim that she started Uluwatu. But the truth is much less romantic: the original Uluwatu was started by Michael McHugh. The Uluwatu that developed into Uluwatu Boutiques - Handmade Balinese Lace, was built by Michael Donnelly.



Exhibit 19 Respondent Michael Donnelly 30 May 2008
Marketing Story and Press Release for Uluwatu, Now Believed by Petitioner

PRESS RELEASE

Most companies would not waste their time explaining the history of their products, who owns the company, or how the products are made. And of course, you would not be interested.

But we would like to introduce you to the island of Bali, to Ni Made Jati who started and runs Uluwatu, and to the people who make Uluwatu lace.

Because there is something very special about Uluwatu. Uluwatu lace has a meaning that is more appreciated if understood.

We would like to explain to you about the love and care we put into Uluwatu lace.

The island of Bali

It has been called “the Morning of the World”. The Balinese themselves call their home “the Island of the Gods”. But no name can capture the true overwhelming beauty of Bali – a beauty so intense that visitors can go away with vivid memories and photographs and later still wonder “Is it real?”

Just east of Java, Bali is a small tropical island in the chain of thousands of volcanic islands that make up the nation of Indonesia and divide the South Pacific from the Indian Ocean. Bali is only a few degrees south of the equator and the weather is hot and humid year round.

There is a monsoon season from November through March, but monsoon season or not, the skies may cloud up suddenly and drop torrents of rain at anytime. And then just as suddenly, the rain stops, the clouds clear, and the volcanoes that tower over the center of Bali appear through the mists once again.

Down the slopes of the volcanoes the Balinese have built terraced rice fields and intricate irrigation systems to bring the waters from the mountains through the rice fields and finally to the sea. The water blesses their island, keeps their island lush and green and their rice fields bountiful. Balinese are Hindu, but they often call their religion *agama tirta*, or “the religion

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of sacred water”. Their island is blessed by the rain; every waterfall and mountain spring has its own temple to thank the water, and the holy water from these temples and the myriad tropical flowers nourished by the rains make up the offerings that are presented to the gods daily in every home and temple in Bali.

These temples inspire another name for Bali, the “Island of Temples”. There are over 10,000 public temples. The family temples, found in every Balinese home, are countless. Village and family life revolve around the frequent temple ceremonies. And although the temple exteriors are lavish with exuberant and fantastic ornament, at the centers are the quiet places, the empty spaces, where the offerings are placed and prayers are offered to the single ultimate spirit that unites all the many aspects of *Shang Hyang Widhi Wasa*, the one true God.

The carefully terraced rice fields, the endless multitude of highly decorated temples, the lovingly crafted offerings which are created and discarded daily – all speak to a characteristic of the Balinese people which strikes every visitor to Bali – their skill and love for the arts.

In Bali it seems there is nothing that cannot become a canvas for an artist’s imagination. Every temple is exuberantly decorated with statues and reliefs carved of the soft volcanic stone that underlies the island. Every bridge and intersection is watched over by guardian statues. Wooden rafters and columns, furniture and doors are all carved in intricate patterns, and often brightly painted and gilded in gold.

On an island where everyone is an artist, artistic ability is not regarded as a rare talent. Children learn their skills sitting at their parents’ knee, absorbing the techniques while watching painters as they paint, listening to musicians as they play. Artistic expression becomes part of a child’s nature and the skills are learned almost unconsciously. Children play at their parents’ side and learn under their gentle guidance until children as young as five years old can perform as accomplished artists.

Made Jati grew up the second child of nine in a poor fisherman’s family in the beach village of Kuta. She recalls now how her father would come home from fishing with his catch in the small morning hours. Her mother would start the wood fire, while Made and her brothers and sisters sat up sleepily where they had been cuddled together on the large woven pandan mat that was their bed. Their thatch was hut soon filled with the delicious smell of the fresh fish roasting and they would eat their late meal to the accompaniment of the dull roar of waves breaking against the shore at the end of their lane.

They were poor and sometimes that roasted fish in the midst of the night would be their only meal of the day. Yet she and her sisters learned to dance, took part in the beautiful temple

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ceremonies, helped their mother make the intricate daily offerings that they placed in the family temple, at the gate to their home, at the crossroads of the path that led down to the sea, and at the shore to thank the sea for the blessings it gave.

Sometimes, when the family needed extra money, Made and her mother would gather flowers from the wild hedges that grew in abundance about their home, and early the next morning they would rise to catch the pre-dawn truck (there were no buses or cars then) into the market town of Denpasar. There they would set up on a mat beside the road to sell their flowers to the women hurrying to do their market shopping in the cool hours before the sun rose above the horizon. The flowers would save the women a half-hour gathering their own flowers at home for the day's offerings. Made and her mother would finish before the morning was well underway and then they hurried home again where Made could ready herself quickly to reach school still in time for the morning lessons. The money they made in the market was saved for the important holidays of Galungan which came twice a year, when each child would wait with mounting excitement imagining the new sarong with which their mother would surprise each of them on Galungan morning.

In Balinese there is no word for "stranger"; tourists are called *tamu*, literally "guest", a guest to one's home or to one's village. In the 1960's when foreign guests began to arrive in Made's village, the local people took them into their homes. In the hot afternoons when most Balinese took shelter from the sun, the guests would go down to the beach and burn themselves on the sand. No one knew why they did this and the Balinese felt sorry for them. Made would go down to the beach with a tray of cool drinks, fresh fruit and a few sarongs to offer them. The tourists bought the drinks and fruit to relieve their suffering, sarongs to cover themselves from the burning rays of the sun.

Made's mother set up a small shop on the edge of the sand, a simple thatch roof, a table with a row of soft drink bottles in the center, a bench for the guests to sit. The guests often stopped at Made's mother's shop for a cup of coffee or a soft drink and a bowl of her black rice pudding. Made remembers sleeping on the sand under the table while the strange looking foreigners talked their incomprehensible language far into the night. Sometimes she lay awake listening, making sounds like they did and pretending to herself that she could talk their odd language.

Some of the guests stayed for weeks, some for months. They became friends of the families that took them in. Some of them wanted to buy the local handicrafts to take away and resell in their own countries. Made helped them find things to buy, helped organise their purchases, schedule deliveries. And by the time she was 17, Made had her own small business making lace blouses for the guests to buy.

By the early 1980's, Made was in business with an Australian partner, exporting thousands of garments every month. A worldwide demand for Balinese lace developed. It was not just

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because of Made's company, of course - Balinese lace was perfect for surfer girl wear, light, fun and not too expensive, with lots of bright colored birds and butterflies. Made named her company "Uluwatu" after a temple that sits high above the sea and looks down on a surfing spot that was becoming world famous.

The new company became known for high quality and fun styles. Business was good, but by the mid - 1980's the surfer girl fad had died. And with it, most of the other companies producing lace turned to other types of garments.

Uluwatu stayed in business as a smaller company but with a new emphasis on design and quality. Uluwatu turned away from the surfer wear and began to reach back to the roots of Balinese handicraft to create something new.

Balinese Textiles

Lace is not a traditional Balinese handicraft. Balinese women didn't need blouses because until very recently customary dress for Balinese women was a sarong around the waist and a bare top. But they always produced extraordinarily beautiful and intricate textiles for temple ceremonies and dance costumes.

One traditional Balinese textile is known as *endek*. It is produced by tie dying, but not of the whole cloth as made famous by the hippies in the 1960's. Bundles of thread for *endek* are tied off and dyed before weaving, and the intricate patterns appear as the cloth takes shape on the loom. *Endek* is used for sarongs, both for temple and for everyday wear.

Sometimes gold and silver threads are woven into the material on the loom. This fabric is known as *songket* and is used for scarves or sashes, or sometimes as a rich cloth to wrap an important relic.

The famous *batik* sarong is widely worn in Bali, but it is in fact produced in Java.

In the 1920's and 1930's, sewing machines began to appear in Bali. Not electric machines, of course, because there was no electricity. The village of Kuta, for instance, only received electricity in 1978. But foot powered machines became popular in the 1930's and are still widely used today. The most common early model was the Sinder, a Chinese copy of the Singer. More recently the Chinese Butterfly Brand has become popular, but the appearance and mechanism are identical to the old Singers that in most countries shows up only in antique markets.

With their foot-powered sewing machines, Balinese quickly learned to make lace and to

Exhibit 19 Respondent Michael Donnelly 30 May 2008

Marketing Story and Press Release for Uluwatu, Now Believed by Petitioner

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master skills that were fast disappearing elsewhere in the world. And with the arrival of the Indonesian government in Bali in 1949, officials began to encourage the Balinese women to wear blouses. (The Dutch who had colonised the rest of the Dutch East Indies as they were then known, left Bali almost completely alone and interfered little with Balinese tradition.) *Kebaya* blouses soon became popular as garments to wear to temple, even if most women still went topless around the house.

So when the surfer girls in the early 1980's began to buy brightly colored lace tops, hundreds of home industries started up in Bali, with two or three or a dozen machines whirring away under thatched roofs while chickens ran in and out dodging the flying pedals.

Lace in Bali Today

Balinese lace in the 1980's was fast and cheap, though Uluwatu was better than most. When the fad died, most other lace companies "rationalised" their business. They switched to garment sewing without lace, because lace is very time-consuming and slows production drastically. Or they installed electric machines to speed lace production and cut costs (and quality). Small companies quickly had to become large companies with a thousand or more workers to take advantage of high volume production, or else they had to close their doors.

Uluwatu had never been a large company, and because Uluwatu had emphasised quality rather than volume, Made had established a particularly close relationship with many of the workers. Uluwatu had built a small "factory" (though the rambling and relaxed collection of sheds surrounded by trees looks nothing like a conventional factory) in the provincial town of Tabanan in 1979. By the late-1980's, Uluwatu was part of a community. The workers who sewed in their homes for Uluwatu had bought their own machines, which were significant investments for them. For Uluwatu to abandon hand-sewn lace for electric machines would devastate families who depended on Uluwatu.

With the end of the surfer wear fad, Made's Australian partner left and Uluwatu faced a crisis. Made realised she must remake her business just to survive. Two of her sisters, Nyoman Suti and Ketut Nerthi, joined Made to help her run the company. And they felt that Uluwatu could not just abandon old workers and old methods. At the same time, they saw an opportunity to take Uluwatu in a new direction by rediscovering the handicraft roots of *krawang*. So Uluwatu did not cheapen the product and did not add electric machines, but Made and her sisters did re-examine how to improve Uluwatu while preserving the essentials of what they felt was the core of the company.

PRESS RELEASE

Our “Factory” in Tabanan

We call it a factory, but it doesn't look much like one. A rambling collection of open sided sheds wanders down a hill, and in the center trees surround a large grassy area. You can look over the rice fields to see the sea way off in the distance. In the afternoon a breeze comes up from the west and blows through the open walls and keeps the rooms cool.

About 120 to 200 girls work here to make Uluwatu lace, with another 100 or so people helping with cutting, washing, sewing, ironing, and packing. It is difficult to say exactly how many are working day to day, because in Bali there are many ceremonies and family gatherings, and to any Balinese these are much more important than work could ever be. Some of our workers take weeks or even months off for other things that they feel are important, but in Bali we can only accept this and wait for them to return when the ceremonies are finished. It can be hard to keep schedules like this.

In 1994 we held a ceremony called *Melaspas*. It was a blessing for the land and for the people who work at Uluwatu. We had several days holiday while all the families gathered to assist and enjoy the ceremony.

Made would like to tell you something about our production process and quality control because it is important for an understanding of what is really special about Uluwatu.

“You maybe are not interested in every detail, but we tell you about it here just if you would like to know. But at least please read about Krawang and Trimming because they are very important to our quality.”

Our **material** is the finest quality available in Indonesia. Our rayon is always Bintang Agung best export quality, manufactured in Bandung, Java. We inspect it upon receipt for defects to be cut out before pattern cutting can begin, because even the best fabric will have occasional natural defect areas. We then wash the fabric to preshrink and stabilise the material before starting production.

There are many different qualities of material. A cheaper material has a looser weave and thinner threads than a higher quality material. They may all look about the same when new because the threads are covered in fuzz. But after a few washings the fuzz is gone and the cheap material sags and stretches and has no life in it. This is why we always use only the best material so that after all our hard work to make the lace; the garment will stay beautiful for years of wear.

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Cutting for outfits can be complex because we always lay out tops and bottoms together to ensure exact color matching, and then we mark the matched top and bottom so that they can be reunited at the end of production. This is necessary because natural fabrics like rayon, cotton, and linen always vary slightly in color between bolts, unlike polyester and other synthetics in which color can be controlled precisely. The variation is not noticeable in patterns, but we use only plain colors.

Sewing is done by a single tailor for each entire garment, rather than by an assembly line method as in most garment factories. Because of the complicated krawang production process, most garments must be sewn in several stages. For example the shoulders and yoke of a blouse may be sewn first so that the krawang can be added across the front and back of the yoke while the yoke lies flat on the table, then the side seams are sewn only after this krawang is finished. In this case, the garment generally goes back to the original tailor for the second step of sewing.

Why do we do this? Partly because our production runs tend to be small, but more importantly because with our factory emphasising quality and handicraft techniques, our people feel more responsibility and pride of workmanship by taking sole control of their own portion of the process. We couldn't get them to work an assembly line if we wanted to.

Just as the fabric color varies slightly, so does the color of the krawang thread. In preparing the garments for krawang, we have a worker whose entire job consists of precisely **matching** fabric color and thread color.

Now comes the most interesting part of the process, the **krawang** sewing. Many visitors to our shops have seen our krawang girls demonstrating their sewing techniques and they assume that this is a marketing gimmick. It is not. This is exactly how our krawang is produced in Tabanan: it is stretched by hand on bamboo hoops and sewn on foot powered machines.

I wish we could show you in detail how the krawang is done, because their work is like a spell of magic weaving across the bamboo hoop. They follow the faintest of lines silk-screened onto the fabric to guide them in their pattern. Many visitors cannot even see these pattern lines until they are carefully pointed out. The needle whirs so fast as to be invisible to our eyes, and with no needle guard to protect them (and which would also obscure the pattern), their fingers always dance away from the haze that is the needle while the krawang take miraculous shape under their fingertips.

Of course, one girl always does an entire garment, top and bottom in the case of outfits, from start to finish. Each girl has a slightly different style to her work. And again, there is a pride of workmanship that can only be satisfied by each girl taking entire responsibility for her creation.

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There are other ways to do krawang. Electric machines are available and are the primary production tool at most other krawang manufacturers. Electric machines are about 10 times faster than foot powered machines. They have a knee lever that causes the needle to vibrate; more pressure on the knee lever causes a wider swing of the needle. To make a leaf shape, for example, one starts with a slight pressure, increasing and then decreasing again as the hoop travels in a straight line across the table. The result is an extremely even, but somewhat thin textured, leaf.

(And it pains me to even mention that other electric embroidery machine now common in China, Belfast, Belgium, and other lace production centers - the computer controlled embroidery machine. So we won't go into it.)

A foot-powered machine is completely different. The needle stays in one position, and the girl uses her hands to move the bamboo hoop back and forth under the needle. The krawang result is thick and slightly uneven because she must rotate and push and pull the hoop all at the same time. This cannot be done on an electric machine, with or without the knee lever, because the worker needs the control and the feel of the machine that the foot pedal gives her.

Is the result from a foot-powered machine really better than that from an electric machine? I suppose it really comes down to personal taste. In general, the result from an electric machine is less durable because the extremely even weave is less interlocked; a single broken thread can cause an entire section to unravel. But the thickness and to some extent the durability of the lace also depends on the amount of thread used. Electric machine lace often uses less thread because electric machines can cover an area more efficiently while using less thread, but of course they could specify a higher thread usage per area if they wanted to.

Hand made lace looks uneven, electric machine lace is very smooth. Some people prefer machine made leather goods to hand tooled leather, or mass produced furniture to hand crafted furniture, because the results are more uniform. We find the hand made products much more appealing, but finally it comes down to perceived value and personal taste. I think that the opportunity to have something that is unique and crafted by hand adds some invisible but special quality to the object.

Finishing is just as important as the krawang work, although it may not have quite the magic as does the krawang sewing. The garment is washed twice, in two different stages (to remove the fingerprints from all those magic little fingers). Then the krawang is trimmed.

Trimming may be the most critical step of the entire process. Those beautiful scalloped edges have a tail of fabric extending beyond the krawang when they finish the krawang process. This fabric is trimmed away with tiny and very sharp scissors; a thread-width too close will nick the krawang, but too far away will leave an unattractive fringe of loose threads. Look

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at krawang from other companies if you want to see the difference, you will probably see a long loose fringe, especially at the corners of the scallops, because they are afraid to trim too close where they might damage the krawang. Now look at **Uluwatu**. Watching the trimming process can be just as nerve wracking as watching the krawang process once you know what to look for.

All this attention to quality and detail and handwork comes with a disadvantage: our production volume is low. We don't mass produce lace, we don't sell to department stores because we don't have the volume; our schedule is often booked out for months in advance. We wish we could make more, but we cannot do it while maintaining our quality.

Pura Uluwatu – the Uluwatu temple

Uluwatu temple perches high on a needle of rock at the south-west extremity of Bali, jutting out into the vastness of the Indian Ocean with no other lands before it to check the swells that arise far off in Antarctic storms and roll thousands of miles to break in tropic seas at the base of the Uluwatu cliff. A Hindu saint recognised this spot 700 years ago as a particularly powerful site for a temple, and standing there today one is struck with awe at the beauty and power of creation. The sliver of rock that holds the temple seems so narrow, almost insignificant against the vastness of sea and sky. The entire cliff shudders with the impact of the waves, while monkeys shriek and scamper along walls that drop sheer to the surging foam hundreds of feet below. Across the surface of the sea, after every retreating wave, white foam curls like lace and one can see coral and sometimes sea turtles and dolphins swimming below.

Uluwatu is not far from the village of Kuta where Made grew up. Her family makes the pilgrimage to Uluwatu at each yearly "birthday" of the temple, when tens of thousands of Balinese gather over the three day celebration to give thanks to the sea the God that made it. The offerings are as beautiful as any other of the crafts of Bali, with fruits and flowers piled high, lovingly decorated with intricate palmleaf cut-outs. The essence of the fruit and the sweet smell of the flowers are wafted into heaven with the smoke of the incense. And after the gods have been presented with the invisible essence of the offering, children laugh in competition to grab the fruits and sweets before the rest of the offering is packed up to take home for the humans to enjoy.

PRESS RELEASE

Maybe Made named her company Uluwatu after the lacy foam that swirls on the surface of the sea below the temple, or maybe she named it in honor of the temple that was so important to her father the fisherman. She doesn't remember now, but Pura Uluwatu is still an important place to her and her family.

And, you may wonder now, who wrote this book? Who is the "we" that speaks from time to time? Made did not write this herself, but I would like to introduce the "I": I know her well and write can intimately about her because I am her husband. We married and moved to Bali in 1987, when I began to advise Made and her sisters on their business. If they have a love for their lace and their people and their island, then I also have a love - for Made, for her family, and for the Balinese spirit. And somehow or other, through all this, I hope that this feeling has come through to you.

I think maybe you can feel it in the lace.

A Mistake Corrected

This advertisement had a problem. Bali Tribune wrote the article on the left and gave it to me for approval before press. I had a problem because the article mentioned “her American husband”, but I had always gone to great lengths to keep the marketing story consistent. I requested them to replace “her American husband” with “Jati and her sisters”.

The history behind Uluwatu Hand Made Balinese Lace is a story we all like to hear about, of how hard work and initiative develops into success. In the late 1970's Made Jati was a young Balinese girl selling sarongs to tourists on Kuta beach. She added to her supply of stock and carried items of handmade lace, which at the time had become a trend. From humble beginnings, Made and her American husband now control a flourishing business that they have carefully built up. Uluwatu is now supported by seven retail outlets and another currently under renovation in Sanur.

Uluwatu's stylish ladies ware and home furnishings are exclusive because of the fact that the lace is produced in painstaking process on old fashion foot operated sewing machines. While perhaps computer-operated machines would increase production time ten fold, Uluwatu has chosen to retain their traditional sewing methods in favour of the high quality results. Trends in clothing change often, but Uluwatu are fortunate that they have a stable market and don't have to create a new line every season. Many of their designs are timeless and a popular garment can carry for as long as five years before the decision is made to replace it.

Made Jati and her sister are responsible for the majority of the lace and clothing designs and they work with an extremely creative team of employees. Currently they are looking more closely at the roots and traditions of Bali and are trying to reflect this in new lace designs and motifs. There is a consciousness of remaining essentially Balinese and almost all of their company employees are locals.

Uluwatu benefits from a mixed clientele, with a steady stream of European, Japanese and Australian customers. The company is extremely careful with their analysis of sizing, as they want to maintain their flexibility in the market place. Their garments have a certain appeal and the crisp white cotton blends are well suited to the tropical holiday climate of Bali.

Each Uluwatu retail outlet has a sewing machine set up with an employee demonstrating how a garment is made. This is not intended as a marketing gimmick, but is to merely reveal the intricacies of the work. A skilled worker may take 4 to 6 hours to create a simple embroidered top, while a more elaborate outfit can take several days to complete.



All of Uluwatu's clothing and soft furnishings are rupiah based and although not cheap, pricing is extremely reasonable given the delicate workmanship and quality. A large majority of the ladies fashion ware and romantic lacy bed sheets are produced in white cottons and rayons, while a smaller selection of dresses, pants and blouses are made from smart looking linen. However, Uluwatu are currently looking to expand their lines into a few select colours that will appeal to a wider customer base.

There are a number of copycat garment companies in Bali who are producing similar lace garments in bulk, but closer inspection reveals that these are second rate when compared to Uluwatu's design, quality of fabric and superiority.

There are five Uluwatu retail outlets located throughout Kuta and also stores in Ubud, Sanur and Nusa Dua. Visitors are guaranteed that their purchases from any Uluwatu store is an authentic piece of Balinese handmade craft.

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Kantor Hukum & Konsultasi

MAHARIDZAL, SH & REKAN

Website: www.lawyermaharidzal.com

Email: lawyermaharidzal@telkom.net

Jalan Pandu No 24, Denpasar, Bali

Hp 081 7975 4863

To the honorable

Head of the Juridical Commission

In –

Jakarta

Concerning: Request to Investigate Actions of Judges in the Court Decision of
District Court Case No. 119/Pdt G/ 2005/ PN. Dps.

Date 22 November 2005.

Plaintiff Ni Made Jati

Vs

Defendant Michael Donnelly

With respect,

Herein acting with power of attorney representing Michael Donnelly, age 55 years, religion Hindu, Passport 710218731, citizen of USA, address Jalan Pengembak No 12, Sanur, Denpasar, Bali, as the Defendant in the case No 119/ Pdt G/ 2005/ PN. Dps. dated 22 November 2005. Regarding a divorce with the Plaintiff Ni Made Jati vs the Defendant Michael Donnelly, we as the representatives of the Defendant request the assistance of the Commission to summon and examine the parties as follows:

1. Ketua Majelis Hakim Bapak (Judge) H.Arif Supratman, SH. MH.
2. Majelis Hakim Anggota Bapak (Judge) I Wayan Suastrawan, SH.
3. Majelis Hakim Anggota Bapak (Judge) I Ketut Wiartha, SH.
4. Panitera Pengganti (Recorder) I Bapak Made Beteng
5. Penasihat Hukum Penggugat (Attorney for Plaintiff) Bapak Ida Bagus Wikantara, SH.
6. Penasihat Hukum Tergugat Bapak (Attorneys for Defendant) M. Rifan, SH. and Ibu IG.A.R. Fajar Harini, SH.
7. Saksi Bapak (Witness) I Nyoman Sudana

8. Saksi Ibu (Witness) Ni Made Artini

We strongly suspect that there is a conspiracy in the above Court Decision which causes our client grave harm in seeking a just and a truthful decision from the Court such that he has become the victim of a courtroom mafia. In this Decision No 119/ Pdt G/ 2005/ PN. Dps. dated 22 November 2005 testimony of witnesses for the Defendant is manipulate, ignored and falsified, evidence shown to be false is accepted by the Court despite clear presentation to the Court of its falseness, and misrepresentations of the law accepted as basis for decision by the Court.

General Outline and Loss to the Defendant

The essence of the Divorce Accusation is contained in Article 1:

1. That between the Accuser and Accused there was a marriage according to Agama Hindu and Adat Bali at the home of the Accuser in Bajar Pengabetan Desa Kuta Kecamatan Kuta, Kabupaten Badung according to the certificate No 299/1996 issued by the office of Catatan Sipil on 30 September 1996,

The information contained in this article is false, supported by false documents, with a single clear purpose – that is to establish a wedding ceremony in September 1996. The importance of this ceremony is because there is a Prenuptial Agreement of April 1996 obtained from the Defendant through a fraud by the Plaintiff, and if the Prenuptial Agreement is followed by a legal wedding the Prenuptial Agreement could be considered legal and the Plaintiff could take both the children as well as all family assets which are the results of 20 years of married life. As evidence and witnesses, the Plaintiff presented photos of a wedding ceremony taking place in 1994, with the explanation that these photos were from 1996, and this explanation was supported by false testimony from two witnesses for the Plaintiff that the photos were from 1996.

Both the Accusation and the Court Decision are part and parcel of a fraud perpetrated by the Plaintiff that she has engineered over at least 10 years.

The true facts are as follows:

- Plaintiff and Defendant were in fact legally married according to a Marriage Certificate issued 14 September 1985 in Los Angeles County, California, USA and registered in the Civil Records Office Kabupaten Badung Dati II in 2005.
- There was a marriage ceremony according to Agama Hindu and Adat Bali in 1994 at the home of the Plaintiff and Defendant in Sanur.
- There never occurred a marriage ceremony Agama Hindu and Adat Bali between the Plaintiff and Defendant anywhere in Bali in 1996, and the residence of the Plaintiff was not Kuta but Sanur, where the Plaintiff and Defendant lived as

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husband and wife since 1988.

For the Plaintiff, the above facts destroy the validity of the Prenuptial Agreement of 1996, and as a result the Plaintiff is left in the position of admitting the children of the marriage as well as the assets of the marriage as belonging to both parties, subject 50 / 50 settlement according to the laws of Indonesia. Because of this, a conspiracy was arranged to falsify the testimony of witnesses, to accept false evidence to the Court, and to falsify data with the purpose of harming the Defendant.

Falsification of Witness Testimony

Witnesses for the Plaintiff:

Testimony of witnesses for the Plaintiff, Nyoman Suti, Heru Widiyanto, and Wayan Timon are recorded in the Decision fully despite the testimony from witnesses for the Defendant that this testimony is false. Nyoman Suti and Heru Widiyanto testify that there did occur a ceremony as described in Article 1 and that the photos presented by the Plaintiff were from a ceremony in 1996 in the town of Sanur.

Witnesses for the Defendant:

Testimony of witnesses for the Defendant Made Artini, Nyoman Sudana, and Steve Donnelly were recorded incomplete, leaving an impression different than the actual meaning of their testimony, and the most important points of the testimony were reversed and falsified.

Testimony of the witness Made Artini according to the Decision is false and incomplete as follows:

1. That the witness is a house servant at the home of the Plaintiff and Defendant.
2. That the witness did see a marriage ceremony according to Adat Bali between the Plaintiff and Defendant.
3. That the photos in evidence T-8 are not photos of a ceremony in 1994 and are not photos of a ceremony “potong gigi”.

The actual testimony of the witness Made Artini in the court, true and complete, is as follows:

1. That the witness was and is a house servant at the home of the Plaintiff and Defendant since 1992 and lives in the family home.
2. That the witness testified to the Court that she was present at a ceremony in Kuta in 1996, but this ceremony was a ceremony “potong gigi” for the Defendant and the marriage of the Plaintiff’s brother, not a marriage of the Plaintiff and Defendant.

3. That the photos in evidence are photos of a marriage ceremony April 1994, not 1996, that took place at the home of the Plaintiff and Defendant in Sanur, not in Kuta. In the year 1996 there was no marriage ceremony between the Plaintiff and Defendant.

Testimony of the witness Nyoman Sudana according to the Decision is false and incomplete as follows:

1. That the witness knows the Plaintiff and Defendant because he is a workman at their house.
2. That the witness never saw a marriage ceremony between the Plaintiff and Defendant.
3. That the witness knows nothing about a marriage of the Plaintiff and Defendant in America.

The actual testimony of the witness Nyoman Sudana in the court, true and complete, is as follows:

1. That the witness knows the Plaintiff and Defendant because he is a workman at their house and is in the position as a family member for religious ceremonies.
2. That the witness never saw a marriage ceremony between the Plaintiff and Defendant in 1996. The witness did attend a ceremony in 1996, but this ceremony was a ceremony “potong gigi” for the Defendant, and the marriage of the Plaintiff’s brother in Kuta, not a marriage of the Plaintiff and Defendant. In 1996 there was no marriage ceremony between the Plaintiff and Defendant.
3. That the witness did attend a ceremony “potong gigi” for the Defendant.
4. The witness did not know directly of a marriage of Plaintiff and Defendant in America in 1985, but the witness does know of the event because he was told of it in 1995 at the home of the Plaintiff and Defendant on Jalan Pengembak Gang II No 20 Denpasar, Bali and saw photos of the ceremony in America both by the Plaintiff and the Defendant.

The essential point of their testimony is that both witnesses were and are in a close position with the family of the Plaintiff and Defendant and do in fact know that the photos in evidence were of a ceremony in 1994 in Sanur, and that there was no wedding ceremony between the Plaintiff and Defendant in 1996.

The testimony of the Plaintiff witnesses was received and recorded fully in the Decision, despite evidence that the testimony was false. The testimony of the Defendant witnesses was cut, edited, reversed or ignored although it proved the falseness of the Plaintiff’s evidence.

Falsification of Evidence

Evidence from the Plaintiff consists of photos that according to the Plaintiff show a wedding ceremony taking place in the town of Kuta in 1996. According to a document from the Civil Office also presented as evidence, the ceremony took place in the town of Tabanan in 1996. According to witnesses for the Plaintiff Nyoman Suti and Heru Widiyanto, the ceremony took place in the town of Sanur in 1996.

In truth the photos show a marriage ceremony in the town of Sanur in 1994, as testified to by the witnesses for the Defendant. Besides the photos of the ceremony, three other photos from a different time or place with no connection of any sort to the wedding ceremony were presented, clearly with the intention of misleading the Court about the year of the ceremony. One photo shows the first child of the Plaintiff and Defendant at the age of four years, although the child was born in March 1993 and at the time of the ceremony he was age one year. Another photo shows the second child at the age of three months, and another photo at seven months, although this child was born in September 1994 and at the time of the photos of the wedding ceremony the Plaintiff was four months pregnant.

The testimony of witnesses for the Defendant was ignored, and these photos and the discrepancies in the locations of the false ceremony in 1996 variously in the towns of Tabanan, Kuta or Sanur were accepted without question.

Falsification of Law and Data

Evidence of the Marriage Certificate from USA 1985 which has been registered in the Civil Records Office Kabupaten Badung Dati II in 2005 was put aside with the excuse that based upon the marriage between Plaintiff and Defendant according to Agama Hindu in Banjar Pengabetan Desa Kuta, per the Akta Perkawinan No 299/ 1996 date 20 / 9 / 1996, is accepted as valid, the marriage in USA is considered broken by divorce according to law.

According to Section 91 KUH Perdata (Civil Code) “regarding to marriage that takes place outside of Indonesia, the knowledge that this marriage took place cannot be denied although the husband and wife have not yet registered the marriage in an Indonesian Civil Office,” and therefore the 1985 marriage in USA cannot be considered broken by divorce because it has already been accepted at the Civil Office. The judgement of the Decision is based upon a misunderstanding and misrepresentation of Section 91 KUH Perdata as presented to the court by the attorney for the Penggugat “regarding to marriage that takes place outside of Indonesia, this marriage is considered as not existing,” because not yet registered at the Civil Office in 1996.

Therefore the Decision of the Majelis Hakim is incorrect and is issued without a basis in law.

Conclusion

All discrepancies above are directed to one purpose, which is the same purpose as the main goal of the Plaintiff, that is to establish a wedding ceremony in 1996 and a marriage in 1996 that is in fact false and does not have a legal basis, so that the Plaintiff can take children and all family assets from her foreign husband.

The discrepancies in the Decision are not the result of coincidence, but are proof of a collusion and conspiracy by a courthouse mafia that has worked to ruin the future life of our client as well as the reputation of the legal system of Indonesia in general.

We attach supporting documents as follows:

1. Letter of explanation from witness for the Defendant Made Artini.
2. Letter of explanation from witness for the Defendant Nyoman Sudana.
3. Photos of the wedding ceremony 1994 presented by the Plaintiff as evidence of a ceremony in 1996.
4. Photocopy of a Family Registration No 225003/ 97/ 03033. This letter was prepared by the Plaintiff without knowledge of the Defendant, and was prepared at the time when Plaintiff and Defendant were husband and wife.
5. Letter of Power of Attorney.
6. Photocopy of the Certificate of Marriage from USA 1985 as already registered in the Civil Records Office Kabupaten Badung Dati II in 2005.
7. Photocopy of the Birth Certificates of children of the Plaintiff and Defendant Wayan Sean Donnelly and Brenden Surya Donnelly.
8. Decision of the District Court Denpasar Perkara Perdata No 119 / Pdt.G/ 2005/ PN. Dps.

Based on the above information, we as the Attorneys of our client who has been victimized, respectfully request the Honorable Judge that the Decision be examined and that a summons be issued for the Judges and the Attorneys both for the Plaintiff and Defendant, because there are clear signs of conspiracy and manipulation of data, or to put it more strongly, a courthouse mafia, that took place in the Decision for case No 119/ Pdt. G/ 2005/ PN. Dps.

Denpasar, 10 March 2006
Respectfully
Attorney for Michael Donnelly

Maharidzal, SH.

Mangasi G. Simangunsong, SH.

CC:

1. Pengadilan Negeri (District Court) Denpasar in Denpasar
2. Pengadilan Tinggi (High Court) Bali in Denpasar
3. Mahkamah Agung (Supreme Court) in Jakarta
4. Kedutaan Besar Amerika Serikat (American Embassy) in Jakarta
5. Konsulat Kehormatan Amerika Serikat (American Consulate) in Denpasar
6. Client – Michael Donnelly
7. Files



ULUWATU

Hand Made Balinese Lace

No : 11/ULU/04/2006
Lamp : -
Prihal : Menyerahkan Kendaraan

Kepada
Yth. Sdr. Michael Patrick Donnelly
di tempat

Dengan hormat,

Yang bertanda tangan di bawah ini :
Nama : Wayan Cetog Sujana
Jabatan : Direktur PT. Uluwatu

Bertindak untuk dan atas nama PT. Uluwatu bersama ini menyampaikan hal -hal sebagai berikut :

1. Bahwa Saudara Michael Patrick Donnelly sudah tidak bekerja lagi sebagai karyawan di PT. Uluwatu.
2. Bahwa sampai saat ini Saudara masih mempergunakan fasilitas milik PT. Uluwatu yaitu 1 (satu) unit mobil Taft DK 899 GD, No. Rangka : 3000901, No. Mesin : 002270, No BPKB : A No 9330590 O .
3. Bahwa PT. Uluwatu sangat memerlukan mobil tersebut untuk kepentingan operasional dan secara hukum Saudara Michael Patrick Donnelly tidak lagi berhak mempergunakan mobil tersebut.
4. Bahwa berdasarkan hal-hal diatas kami meminta kepada Saudara Michael Patrick Donnelly untuk menyerahkan mobil inventaris milik PT. Uluwatu sebagaimana tersebut di atas dengan cara membawa mobil tersebut ke kantor PT. Uluwatu di Jalan Danau Tondano No. 59 Sanur atau kami akan mengambil sendiri mobil tersebut yang dilakukan oleh petugas yang khusus ditunjuk berdasarkan Surat Tugas / Kuasa dari PT. Uluwatu.

Demikian kami sampaikan dihadapan Saudara Michael Patrick Donnelly, atas perhatian dan kerjasamanya selama ini kami ucapkan banyak terima kasih.

Tabanan, 11 April 2006

Hormat kami

PT. Uluwatu



(Wayan Cetog Sujana)

Direktur

Jalan Mawar, Gang 6 No. 2, Grok Gak Gede, Tabanan, Bali, Indonesia, Telp. 62-361-811230

ULUWATU

Handmade Balinese Lace

No : 11/ULU/04/2006
Attachments :
Regarding : Surrender of Car

To

Mr Michael Patrick Donnelly

Respectfully,

The here undersigned:

Name : Wayan Cetog Sujana
Position : Director PT Uluwatu

Acting in behalf and in the name of PT Uluwatu here make know the following

1. That Mr Michael Patrick Donnelly no longer works as an employee of PT Uluwatu.
2. That until now you still are using property which belongs to PT Uluwatu, that is 1 (one) unit automobile Taft DK 899 GD, No Frame : 3000901, Engine No : 002270, No BPKB : A No 9330590 O.
3. That PT Uluwatu needs this automobile for operation reasons and that legally Mr Michael Patrick Donnelly has no more right to use this automobile.
4. That based on the above, we request Mr Michael Patrick Donnelly to surrender the automobile that is the inventory property of PT Uluwatu as noted above by bringing the automobile to the office of PT Uluwatu on Jalan Danau Tondano No 59 Sanur, or we ourselves will take the automobile by a representative specially appointed based on a Letter of Authority from PT Uluwatu.

This we communicate to Mr Michael Patrick Donnelly's attention, and to your cooperation we thank you.

Tabanan, 11 April 2006

Respectfully

PT Uluwatu

Wayan Cetog Sujana

Director

Thomas E. Kendall (State Bar #157891)
Certified Family Law Specialist
California State Bar Association
Board of Legal Specialization
Kendall & Gkikas, LLP
P.O. Box 877, 143 Harvard Ave., Ste. E
Claremont, CA 91711
(909) 482-1422

ORIGINAL FILED

MAY 30 2008

LOS ANGELES
SUPERIOR COURT

Attorney for: Michael Donnelly

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, EAST DISTRICT

In re the Matter of

Case No. KD 073003

NI MADE JATI

Petitioner,
Vs.

SUPPLEMENTAL DECLARATION OF
MICHAEL DONNELLY

MICHAEL DONNELLY

Respondent

I declare that if called to testify in the above-entitled matter, I could and would testify competently. from my own personal knowledge as follows:

1. My name is Michael Donnelly and I am 56 years old.
2. I am the Respondent herein.

Report of Meeting of Children and Made Jati **24 May 2008**

3. Orders from the Court were to that the boys should meet with the Petitioner on Sunday 18 May from 10:00 AM to 4:00 PM, and on Saturdays 24 May and 31 May from 10:00 to 6:00 PM.

4. I told the boys on 15 May in the afternoon that they would be seeing their mother at these times. Both boys were disappointed and said that they did not want to see her. I told them that this was the decision of the court and that I couldn't discuss it with them.

5. On Sunday 18 May they were reluctant to go and Sean asked if he couldn't just walk away rather than get in the car with her. I said that in my opinion he should go with his mom and just get along and not argue with her.

6. Both parties were on time to the meeting point and both boys got into the car driven by Julie Duncan.

7. I picked them up on Balboa island at 4:00 PM. Sean called me on a hand phone to arrange that I pick them up along the road because there was no available parking. As they got in the car, Brenden said "quick, drive, let's get out of here!" which I think he meant as a joke. Both boys were badly sunburned. I asked how it went and they said "pretty boring".

8. They then told me that no one had talked much, that Julie Duncan had dropped them and the Petitioner directly at the beach. Their mom had friends there and she spent most of the time with her friends while Sean and Brenden swam and played Frisbee all day.

9. "I found out one thing," said Brenden "that Julie is a really bad driver! Eighty miles an hour the whole way!"

10. On Friday 23 May I reminded the boys that they would be seeing their mom the next day; both boys groaned and acted as if they had forgotten about it.

11. Again they asked if they had to go with her and I told them that yes they did.

12. On Saturday morning I woke them at 9:00 AM. Sean told me then that he wasn't going to go with her, that no one could make him get in the car and that he had sent her an email already telling her so. I said that I had to take them to the meeting.

13. I took them to the meeting point at 10:00 AM and the Petitioner approached the car as I pulled into the parking space. They gathered on the far back passenger side of my car while I stayed at the open driver's door. Their mother hugged them but they did not return the hugs.

14. Sean started off saying "I'm not going" but I could not hear all of what they said. They talked about emails, about getting emails or not getting emails.

15. I then clearly heard Made Jati raising her voice in anger. She said to the kids "I never ever lied to you! Your daddy lied to you!" Next I heard Made Jati say loudly and angrily "I never sent that to you, maybe your daddy sent it and said it was from me!" Sean said "I didn't say that! I got emails that said hello and how was I doing?"

16. The Petitioner again said loudly to the kids "I never sent any email that lied to you! Maybe your daddy sent it and lied to you! I swear I never ever lied! Your daddy lied to you!"

17. Then she faced Brenden and hugged him and spoke to him quietly and he shook

his head several times. She backed off and gave them both angry looks and told them both that their daddy was lying to them.

18. Their exchange lasted about two to three minutes.

19. As she continued to badger them I moved away from the car towards the other side of the parking lot and motioned to her saying “come here a minute please so we can talk.”

20. She said “they aren’t going with me anyway so what do you want? There’s nothing to talk about!” but she followed me nonetheless. I said “we have been instructed by the judge not to talk about certain things with them, and I couldn’t hear everything you were saying but what I did hear about you telling them that I was lying was directly contrary to the judge’s instructions.”

21. Made Jati said “Well, they aren’t going with me anyway, so what does it matter!? I never lied to them or anyone!”

22. I said “You have lied to hundreds of people routinely and are still doing it today.”

23. She walked away. The boys did not hear the conversation.

24. On the way back to the house the boys were very cheerful. I did not ask them about their conversation with their mother. We have not discussed the incident or their mother since then.

I hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct; executed in Claremont, California.

DATE: May 29, 2008

Michael Donnelly — Respondent

I N D E X

	<u>APPEARANCE DATES</u>	
JUNE 4, 2008	A.M. SESSION	PAGE I

E X H I B I T S

RESPONDENT'S (NONE OFFERED.)	ID	REC'D
PETITIONER'S (NONE OFFERED.)	ID	REC'D

CHRONOLOGICAL & ALPHABETICAL INDEX OF WITNESSES

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
MICHAEL DONNELLY	19(K)			

LEGEND: MR. KENDALL -- (K)
 MS. DUNCAN — (D)

CASE NUMBER: KD073003

CASE NAME: JATI VS. DONNELLY

POMONA, CALIFORNIA WEDNESDAY, JUNE 4, 2008

DEPARTMENT B HON. SUSAN LOPEZ-GISS, JUDGE

REPORTER: CAROL S. HERRERA, CSR NO. 8735

TIME: A.M. SESSION

APPEARANCES:

THE PETITIONER, NOT PRESENT, REPRESENTED BY
JULIE A. DUNCAN, ESQ.; THE RESPONDENT, PRESENT,
REPRESENTED BY THOMAS KENDALL, ESQ.; MINORS,
NOT PRESENT, REPRESENTED BY PATRICK BARNITT, ESQ.

THE COURT: NO. 19, JATI VERSUS DONNELLY, KD073003.

MS. DUNCAN: GOOD MORNING, YOUR HONOR. JULIE DUNCAN FOR MADE JATI WHO IS
NOT PRESENT.

MR. KENDALL: GOOD MORNING, YOUR HONOR. THOMAS KENDALL FOR THE
RESPONDENT WHO IS PRESENT.

MR. BARNITT: PATRICK BARNITT APPEARING FOR THE MINOR CHILDREN WHO ARE
NOT PRESENT.

THE COURT: WHERE IS MS. JATI?

MS. DUNCAN: IN BALI.

MR. THOMPSON: THAT IS MY FIRST AND PRIMARY CONCERN, YOUR HONOR. SHE'S
NOT HERE. SHE'S NOT PRESENT BEFORE THE COURT. SHE'S NOT — SHE WAS — I WAS
ALLOWED TO ASK TWO QUESTIONS AT THE LAST HEARING, AND THEN WE SUSPENDED THIS FOR
THE PURPOSES OF GETTING MINOR'S COUNSEL ON BOARD AND GETTING ON BOARD WITH DR.
SUITER. WE DO NOT BELIEVE THAT THE MOTHER IS, IN FACT, IN BALI.

THE COURT: CAN I ASK A QUESTION. MY RECORD DOESN'T REFLECT THIS, BUT I
THOUGHT I ORDERED THE PARTIES TO RETURN TODAY.

MS. DUNCAN: I DON'T BELIEVE YOU DID. THERE IS NO RESTRAINING ORDER.

THE COURT: I UNDERSTAND THAT, BUT WE WERE ENGAGED IN A HEARING.

MS. DUNCAN: YOUR HONOR --

THE COURT: JUST ONE SECOND. I'M GOING TO ASK THE REPORTER TO CHECK. IT WAS NO. 19 ON THE CALENDAR FOR MAY 15TH, 2008.

(RECORD READ.)

THE COURT: THE COURT HAS CONFIRMED BY HAVING THE COURT REPORTER READ THE PROCEEDINGS OF MAY 15TH, 2008, AND HAS DETERMINED THAT THE PETITIONER WAS ORDERED, AS WELL AS THE RESPONDENT, TO APPEAR TODAY, JUNE 4TH, FOR A CONTINUANCE OF THE HEARING — THE MAY 15TH HEARING WHICH INCLUDED A HEARING ON THE RESTRAINING ORDER.

OKAY. SO I DON'T KNOW WHETHER SHE'S IN BALI OR NOT. THE REPRESENTATION HAS BEEN MADE THAT THE PETITIONER'S COUNSEL WAS LED TO BELIEVE — HOW

WHY DO YOU THINK SHE'S IN BALI?

MS. DUNCAN: WELL, YOUR HONOR, BECAUSE HER TICKET EXPIRED. SHE'S BEEN HERE FOR FOUR MONTHS, AND SHE'S BEEN TRYING TO SEE HER CHILDREN AND SHE'S BEEN IN COURT SEVERAL TIMES, AND I DON'T BELIEVE SHE KNEW AT THE TIME THAT SHE HAD TO BE BACK ON THAT TICKET BY JUNE 2ND. WE DIDN'T DISCOVER THAT UNTIL AFTER THE FACT, AND SO IT WAS AN IMPOSSIBILITY FOR HER TO BE HERE TODAY IF SHE WAS GOING TO USE THAT TICKET, AND THERE WAS NO WAY FOR US TO ADVANCE THE HEARING BECAUSE MR. BARNITT NEEDED TO SPEAK WITH THE CHILDREN, AND I BELIEVE HE JUST DID THAT.

SO SHE UNDERSTOOD -- AND I TOLD HER IF SHE HAD TO GO BACK, IT WAS MY UNDERSTANDING THAT THE COURT'S MAIN GOAL TODAY WAS TO TALK TO MR. BARNITT. MAYBE I MISLED HER. SHE'S NOT -- SHE WILL BE BACK IN JULY. I KNOW THERE'S ANOTHER HEARING DATE SET IN JULY OR -- IT IS NOT A PROBLEM, YOUR HONOR. IT IS JUST SHE HAD TO GO BACK. HER BUSINESS — THERE WERE CERTAIN ITEMS SHE HAD TO RETURN FOR. HER CHILDREN, OF COURSE, ARE THE UTMOST IMPORTANCE TO HER, BUT SHE HAD ALREADY BEEN HERE FOR FOUR MONTHS.

THE COURT: I WILL CONTINUE THE HEARING ON AN ORDER TO SHOW CAUSE FOR THE PETITIONER'S FAILURE TO APPEAR AND THE HEARING ON THE RESTRAINING ORDER UNTIL —

IT IS JULY 1ST, RIGHT?

MR. KENDALL: THE ORDER TO SHOW CAUSE I FILED MAY 30TH, 2008, WAS SET FOR JULY 2ND, YOUR HONOR. HOWEVER, MR. BARNITT INDICATED HE INTENDS TO BE ON VACATION THAT DAY, SO MAYBE WE COULD ADVANCE THAT DATE AND CONTINUE EVERYTHING TO AN AGREEABLE DATE.

MS. DUNCAN: THAT'S FINE, YOUR HONOR.

THE COURT: IN THE MEANTIME, MR. BARNITT, TALK TO ME.

MR. BARNITT: I HAD AN OPPORTUNITY TO MEET WITH BOTH THE CHILDREN. I FIRST MET WITH BRENDEN AND — VERY SHY BOY, VERY RESERVED, VERY MANNERLY. THE SHORT AND LONG OF MY CONVERSATION WITH HIM WAS THAT A DAY BEFORE OR TWO BEFORE HE WAS SUPPOSED TO RETURN FROM VISITING HERE IN SOUTHERN CALIFORNIA, HIS FATHER INFORMED HIM THAT SOME KIND OF THREAT HAD BEEN MADE AGAINST DAD AND THE KIDS

-- AND HIM AND HIS BROTHER, AND THAT THEY WERE GOING TO STAY HERE, AND THAT IT INVOLVED MOTHER.

HE INFORMED ME THAT HE SAYS WITHIN A DAY OR TWO AFTER THAT HE SENT AN E-MAIL SORT OF LIKE, "MOM, WHAT IS GOING ON?" AND THAT SINCE THEN, MOM SAID NOTHING IS GOING ON, THAT HE HADN'T REALLY HEARD FROM MOM FOR AN EXTENDED PERIOD OF TIME. HE DOESN'T RECALL RECEIVING ANY TELEPHONE CALLS, MAY HAVE SEEN ONE OR TWO E-MAILS AND THE LAST ONE WOULD HAVE BEEN SEPTEMBER OR OCTOBER, BUT THAT HE HADN'T HAD ANY CONTACT WITH MOM, AND THAT HE'S OKAY. HE LIKES LIVING IN SOUTHERN CALIFORNIA. HE'S MADE AN ADJUSTMENT TO LIVING STATESIDE. HE WOULD LIKE TO CONTINUE RESIDING HERE WITH HIS FATHER IN THE POMONA/SAN GABRIEL VALLEY.

I ASKED HIM ABOUT WHETHER HE WANTED TO GO BACK AND VISIT, AND HE WAS AGREEABLE TO THAT. I SAID, "WOULD YOU LIKE TO GO BACK FOR TWO WEEKS?" AND HE WAS KIND OF LIKE, "NO." I SAID, "YOU DON'T WANT TO GO BACK?" AND IT WAS MORE LIKE, "IF I GO, I'LL GO FOR MAYBE LIKE A MONTH." HE WANTS TO SEE FAMILY, WANTS TO SEE FRIENDS. THERE WAS A LARGE, EXTENDED FAMILY. I CAN'T REMEMBER. I WOULD HAVE TO LOOK AT MY NOTES, BUT THERE WERE SO MANY COUSINS THAT WERE KIND OF IN HIS AGE BRACKET, AND THERE ARE THREE OR FOUR THAT ARE A LITTLE BIT OLDER, CLOSER TO HIS BROTHER. SO THERE WAS LIKE BETWEEN 9 AND 12 THAT WERE SORT OF THE FAMILY THAT THEY KIND OF HUNG OUT WITH THERE IN BALI, AND HE KIND OF MISSES THEM AND MISSES THE BEACH A LITTLE BIT. HE WOULD LIKE TO GO BACK AND VISIT.

I ASKED HIM IF HE THOUGHT MOM WOULD HURT HIM OR DO ANYTHING LIKE THAT. HE'S LIKE, "I DON'T THINK SO. I DON'T SEE WHY." AND HE SAID WHEN HE INITIALLY SAW HIS MOM -- THIS IS BEFORE I MET WITH HIM -- WHEN SHE GOT OUT HERE STATESIDE, THAT HE FELT A LITTLE UNCOMFORTABLE, AND THAT AS THE TIME WENT ON HE FELT COMFORTABLE BEING WITH HIS MOM AND SEEMS TO BE DOING OKAY HERE, AND HE'S MADE AN ADJUSTMENT. HE HAS SOME FRIENDS AND IS DOING FAIRLY DECENTLY IN SCHOOL. THAT IS KIND OF WHERE HE'S AT. HE STILL DOESN'T SHARE WITH ME THAT HE REALLY HAS ANY TREMENDOUS INSIGHT AS TO WHAT IS REALLY GOING ON EXCEPT THAT HE BELIEVED HIS FATHER, THAT THERE WAS SOME THREAT MADE AGAINST HIM, MADE AGAINST HIS FATHER AND HIM AND HIS BROTHER.

SEAN, THE OLDER OF THE TWO, I SAW HIM A WEEK, WEEK AND A HALF LATER -
- DAD'S SHAKING HIS HEAD -- ABOUT A WEEK AND A HALF LATER BECAUSE HE'S GOTTEN THE OPPORTUNITY HERE, BY HAVING SHOWN A SIGNIFICANT INTEREST, TO WANT TO PLAY FOOTBALL. AND IF THE COURT IS FAMILIAR, IT IS BASICALLY CLEATS AND HELMETS AFTER THE FIRST WEEK OF SPRING FOOTBALL. DOESN'T -- HASN'T PLAYED THE GAME, DOESN'T UNDERSTAND ALL OF THE TERMINOLOGY, BUT SEEMS TO BE PRETTY ENAMORED WITH IT. DAD WAS VERY NICE ABOUT IT OUT IN THE HALLWAY AFTER WE RECESSED BACK ON THE 15TH AND SAID, "HE DOESN'T WANT TO MISS PRACTICE. I KNOW YOU HAVE TO SEE HIM." I SAID, YEAH. SO WE SET IT UP HERE, AND I RUSHED BACK FROM THIS DEPARTMENT LAST WEEK -
- I THINK AT THE BEGINNING OF THE WEEK -- AND SAW HIM OVER THE LUNCH HOUR, SO I DID HAVE A SUFFICIENT AMOUNT OF TIME. I GOT THERE ABOUT 12:15.

HE'S PRETTY BLACK AND WHITE, MUCH LIKE BRENDEN. "DAD TOLD US THAT A DAY

OR TWO BEFORE AND KNEW WE WERE SCHEDULED TO RETURN TO BALI TO GO BACK TO BALI AND GO TO SCHOOL, THAT A THREAT WAS MADE AGAINST DAD. A THREAT WAS MADE THAT INVOLVED ME AND MY BROTHER THAT MOM, OR PEOPLE THROUGH MOM, WERE GOING TO HURT US, KIDNAP US, DO SOMETHING BAD."

HE WAS, I THINK, KIND OF UPSET AND SAID THAT HE NEVER HAD ANY E-MAIL OR TELEPHONE CALLS FROM MOM AT ALL. AND I ASKED HIM, BOTTOM LINE, "DO YOU THINK THAT MOM MIGHT HURT DAD OR HURT YOU AND YOUR BROTHER AT ANY TIME?" AND HE SAID -- HE KIND OF HEMMED AND HAWED, BUT I ASKED HIM, "IS MOM CAPABLE OF DOING SOMETHING?" HE SAID, "I DON'T KNOW." IT WAS SORT OF LIKE, "I DON'T KNOW, BUT MAYBE." I ASKED HIM IF HE HAD ANY SIGNIFICANT DESIRE TO WANT TO GO BACK TO VISIT IN BALI. NOT REALLY, PERIOD. I ASKED HIM IF HE WANTED TO SEE --

THE COURT: I HAVE A PROBLEM.

MR. BARNITT: I ASKED HIM IF HE WANTED TO SEE HIS MOM. HE SAID NO. HE'S JUST HAPPY, LIKES IT THE WAY IT IS. GO HOME, BE WITH HIS DAD, AND IF HIS BROTHER'S THERE, BE WITH HIS BROTHER. OBVIOUSLY HIS PREFERENCE IS TO STAY HERE AND LIVE WHAT I WILL SAY STATESIDE AND DOESN'T HAVE ANY DESIRE NOW OR IN THE NEAR FUTURE TO HAVE ANY CONTACT. LET ME DEFINE THAT. E-MAIL, NO. LETTER, NO. TELEPHONE, NO. CELL PHONE, NO. VISIT TO BALI, INDONESIA, NO. SHE CAN JUST KIND OF GO AWAY. DON'T NEED HER. DON'T WANT TO HAVE CONTACT WITH HER.

MY UNDERSTANDING IS THAT THE FIRST VISITATION THAT OCCURRED AFTER MY APPOINTMENT, WHICH I BELIEVE WOULD HAVE BEEN ON MAY 15TH, HE WENT. IT WAS, WHATEVER, IT WAS BETTER FOR BRENDEN. OKAY. THE NEXT ONE THEY MET OVER I'M ACTUALLY VERY FAMILIAR. IT IS ONLY A FEW MILES FROM MY OFFICE. THEY MET OUT IN THE PARKING LOT NEAR THE MEXICAN RESTAURANT AT ZENDEJA'S. DAD GOT OUT OF THE CAR, DIDN'T DO ANYTHING. THE KIDS I DON'T EVEN THINK CAME OVER, OR THEY SAID DON'T WANT TO SEE YOU, NOT GOING. I BELIEVE SEAN WAS MORE VOCAL, KIND OF STAND STILL FOR FIVE MINUTES, AND THAT DIDN'T HAPPEN, THE VISITATION.

THE COURT: I'M SORRY TO INTERRUPT. IT IS TWO MINUTES AFTER 12:00. I HAVE TO BREAK. I DON'T WANT TO CUT YOU OFF. I PROMISE YOU. I WILL DO THE FIRST CASE AT 1:30, AND YOU WILL BE OUT OF HERE BECAUSE I HAVE TO DO A TRIAL ANYWAY.

MR. KENDALL: DO YOU WANT TO PICK A DATE?

THE COURT: I WOULD LIKE MR. BARNITT TO MAKE HIS RECORD. I THINK IT IS IMPORTANT.

MS. DUNCAN: I DO, TOO. THANK YOU, YOUR HONOR.

MR. KENDALL: I DON'T THINK ANYBODY IS REQUESTING VISITS BETWEEN NOW AND EARLY JULY.

THE COURT: I WANT IT ON THE RECORD, AND I DON'T WANT TO CUT HIM OFF.

(AT 12:03 P.M. THE MATTER WAS CONTINUED TO THE AFTERNOON SESSION FOR FURTHER PROCEEDINGS.)

CASE NUMBER: KD073003
CASE NAME: JATI VS. DONNELLY
POMONA, CALIFORNIA WEDNESDAY, JUNE 4, 2008
DEPARTMENT B HON. SUSAN LOPEZ-GISS, JUDGE
REPORTER: CAROL S. HERRERA, CSR NO. 8735
TIME: P.M. SESSION
APPEARANCES: (AS HERETOFORE NOTED.)

THE COURT: WE ARE BACK ON THE RECORD ON NO. 19, JATI VERSUS DONNELLY, KD073003. THE PETITIONER IS NOT PRESENT, BUT HER COUNSEL IS PRESENT. RESPONDENT IS PRESENT WITH COUNSEL. AND MINOR'S COUNSEL IS PRESENT, MR. PATRICK BARNITT, AND PETITIONER'S COUNSEL, MS. DUNCAN. CORRECT?

MS. DUNCAN: CORRECT, YOUR HONOR.

THE COURT: I'M SORRY, MR. BARNITT. I INTERRUPTED YOU RIGHT BEFORE LUNCH.

MR. BARNITT: THAT IS FINE. I THINK I WAS TELLING YOU THAT HE DOESN'T WANT ANY -- MEANING SEAN DOESN'T WANT ANY CONTACT AT THIS TIME.

THE COURT: AT ALL?

MR. BARNITT: YEAH. HIS — I'M NOT TRYING TO BE NECESSARILY A PSYCHOLOGIST, BUT HIS ALLEGIANCE AND LOYALTY CONFLICT IS — I THINK A MILD UNDERSTATEMENT WOULD BE OVERWHELMED. HE DOESN'T WANT ANYTHING TO DO. I SEE THAT THERE WAS AN E-MAIL SUPPOSEDLY SENT FROM SEAN TO HIS MOTHER THAT'S ABOUT THREE SENTENCES, AND IT IS —

MR. KENDALL: YOUR HONOR, I HAVE NOT SEEN THAT. I HAVE NO KNOWLEDGE OF THAT.

THE COURT: IT IS OKAY. AS LONG AS HIS ATTORNEY SAW IT.

MR. BARNITT: IT SUPPORTS THE POSITION THAT HE DOES NOT WANT ANY CONTACT AT THIS TIME.

THE COURT: WITH HIS MOTHER?

MR. BARNITT: RIGHT. SO ON THE ONE HAND, YOU HAVE THE YOUNGER OF THE TWO BOYS WANTING TO HAVE SOME CONTACT WITH HER AND TO POTENTIALLY GO BACK OR GO BACK TO BALI TO VISIT FAMILY AND FRIENDS AS WELL AS SEE MOM, DOESN'T HAVE THIS SIGNIFICANT FEAR THAT MOM IS GOING TO HURT HIM, HURT HIS BROTHER OR HURT DAD OR KIDNAP HIM. AND SO AT THIS POINT MY UNDERSTANDING FROM MOM IS SHE DOESN'T NECESSARILY WANT TO GO THROUGH A 730. I'M NOT SURE THAT SHE UNDERSTANDS WHAT'S INVOLVED, THAT IT IS NOT GOING TO HURT THESE TWO BOYS, BUT SHE DOESN'T WANT TO ARGUE ABOUT IT.

THE COURT: BUT I ORDERED THE 730.

MR. BARNITT: I UNDERSTAND THAT. I THINK SHE'S SAYING, "IF THE BOYS WANT TO STAY HERE, I JUST WOULD LIKE TO SEE THEM." I THINK THAT'S IT IN A NUTSHELL. SO THE QUESTION WE HAVE THEN FROM A PROTECTIVE PERSPECTIVE IS WE HAVE PREVIOUSLY ACKNOWLEDGED ON THE RECORD THAT INDONESIA, SLASH, BALI IS NOT A HAGUE CONVENTION

ACT COUNTRY. THE ONLY THING THAT I CAN ARGUABLY OFFER IS A SUGGESTION THAT BRENDEN HAVE THE OPPORTUNITY TO GO BACK. MOM PURCHASE THE TICKETS FROM THE UNITED STATES TO BALI AND FROM BALI BACK TO THE UNITED STATES, A ROUNDTRIP TICKET. THE COURT CAN ALLOCATE THE COST OF THAT HOWEVER IT DEEMS APPROPRIATE BETWEEN THE PARENTS AND THAT MOM PUT UP SOME KIND OF A BOND, PROBABLY A SURETY BOND. PROBABLY SHE'S GOING TO HAVE TO PUT UP AT LEAST 10 OR 15 PERCENT, SOMEWHERE IN THE AMOUNT OF \$100,000. THAT'S THE ONLY THING I CAN THINK OF.

I UNDERSTAND FROM MR. KENDALL THAT — I DON'T KNOW IF THE BOYS HAVE TO GO TO SUMMER SCHOOL. I THINK MY NOTES REFLECT FROM ONE OF THEM, I THINK IT WAS BRENDEN, THAT THE ONLY REASON HE THOUGHT HE WOULD GO TO SUMMER SCHOOL, BASED ON MY CONVERSATION WITH HIM ABOUT HOW HE WAS DOING IN SCHOOL, WAS TO ARGUABLY GET AHEAD. BUT THAT MR. KENDALL MENTIONED, I ASSUME GETTING FROM MR. DONNELLEY, THAT THEY ARE NOT AVAILABLE, ONE OR BOTH OF THEM, UNTIL MID WEEK OF JULY. I THINK IT WOULD BE THE WEEK OF THE 21ST. THEY ARE NOT AVAILABLE UNTIL THE 21ST OR 23RD. DAD'S SAYING JULY 23RD. AND, OF COURSE, I'M SURE THAT THERE'S A SIGNIFICANT FEAR ON THE PART OF DAD THAT BRENDEN MAY GO OVER THERE, HAVE A HELL OF A GOOD TIME SEEING FAMILY, FRIENDS, WHERE HE GREW UP, BEING WITH HIS MOM, AND THEN MOM SAYS, "I'M NOT SENDING YOU HOME." AND, OF COURSE, I ASSUME THAT'S THE COURT'S FEAR BECAUSE HE HAS CLEARLY EXPRESSED A PREFERENCE THAT I HAVE ADOPTED AND I'M GOOD WITH LIVING IN SOUTHERN CALIFORNIA AND THE LIFESTYLE HERE AND THE CULTURE AND EVERYTHING ELSE THAT IS — OBVIOUSLY, I HAVEN'T BEEN THERE, BUT I KNOW IT IS DIFFERENT THAN BALI.

SEAN IS MORE PROBLEMATIC. SOMETHING IS GOING ON THERE, BUT IT'S BASICALLY AGAIN, HOOK, LINE AND SINKER. DAD TOLD HIM A, B, C, AND HE BELIEVES THAT MOM STILL COULD ARGUABLY HURT HIM, HURT BRENDEN, AND HURT HIS DAD. SO I SEE IT AS AN ALLEGIANCE/LOYALTY CONFLICT. AND IF THE COURT'S POSITION IS I WANT TO GET TO THE BOTTOM OF WHY THIS BOY FEELS THIS WAY AND WHY THIS OTHER BOY FEELS THIS WAY AND WHAT HAS REALLY HAPPENED BETWEEN THIS MOTHER AND THIS FATHER, THEN I THINK SOMEONE LIKE BOB SUITER -- DR. SUITER IS AS GOOD AS YOU ARE GOING TO FIND TO DETERMINE WHETHER THERE IS SOME FOUNDATION, SOME BASIS, WHETHER THERE IS SOMETHING THAT MOM IS NOT SHARING THAT HAS HAPPENED WITHIN THE RECENT PAST IN THEIR LIVES IN BALI OVER THE LAST TWO OR THREE YEARS BEFORE THEY HAVE COME TO LIVE HERE IN SOUTHERN CALIFORNIA. OR WHETHER IT IS SOMETHING COMING FROM THE OTHER SIDE, FROM FATHER, AND THERE IS MORE INVOLVEMENT WITH THESE BOYS BASED ON WHAT FATHER HAS SAID AND WHETHER IT IS SUBTLE, OBVIOUS OR A GROSS FORM OF P.A.S., PARENT ALIENATION SYNDROME. THEN YOU DO PROBABLY NEED TO COMPLETE A 730.

THESE ARE NOT LITTLE KIDS. ONE BOY IS — THEY ARE — ONE IS IN JUNIOR HIGH, GOING INTO HIGH SCHOOL. AND THE OTHER ONE WILL BE A SOPHOMORE -- ONE WILL BE A FRESHMAN AT THE END OF AUGUST, AND THE OTHER ONE WILL BE A SOPHOMORE IN HIGH SCHOOL. SO I'M NOT SURE WHAT YOU DO OTHER THAN YOU EITHER SAY NOBODY IS GOING ANYWHERE. I DON'T KNOW THAT THAT'S IN THE BEST INTEREST OF MY CLIENTS IF THE ONE WANTS TO VISIT. I IMAGINE HE COULD HAVE A SIGNIFICANT CHANGE OF HEART,

BUT I THINK I GOT A PRETTY STRAIGHT ANSWER FROM HIM IN MY FIRST CONFERENCE WITH HIM, THAT IF HE GOES BACK THERE, THERE IS A FEAR HE WON'T COME BACK.

I KNOW OF NO OTHER ALTERNATIVE OTHER THAN SOMEONE TO HOLD THE PASSPORTS, EITHER THE COURT TO HOLD THEM. I HAVE ON OCCASION HELD THE PASSPORTS DURING THE PENDENCY OF THE CASE, AND WHEN I GOT TO THE END OF THE CASE, I THEN DEPOSITED THEM WITH A SIGNED RECEIPT FROM THE CLERK IN THE DEPARTMENT THAT THE CASE WAS PENDING. IT WAS A CASE NEXT DOOR INVOLVING -- I'M NOT SURE IF IT WAS A NON-HAGUE CONVENTION COUNTRY. IT MIGHT HAVE BEEN. EITHER THAT OR IT WAS THE MIDDLE EAST. IT WAS COMMISSIONER HUGHES, SO IT WOULD HAVE BEEN BACK -- I BELIEVE IT WAS IN THE LATE '90'S THAT I DID THAT CASE, AND IT WENT ON FOR THREE OR FOUR YEARS. AND A FEW TRIPS WERE MADE AND RECEIPTS WERE SIGNED, AND THE PASSPORTS WERE DELIVERED BACK TO ME. AGAIN, THE ALTERNATIVE IS TO HAVE THEM HELD BY THE COURT.

THE OTHER THING I WAS AT LEAST ABLE TO ASCERTAIN FROM TALKING TO MR. KENDALL AND MS. DUNCAN IS AT THE CURRENT TIME IT IS MY UNDERSTANDING THAT THERE IS NO COUNTY OF LOS ANGELES, COUNTY SHERIFF'S, U.S. EMBASSY, DEPARTMENT OF JUSTICE, INS INVESTIGATION, ACTIVE INVESTIGATION GOING ON HERE STATESIDE, AND I CANNOT TELL YOU DEFINITELY THAT SOMETHING IS NOT OCCURRING IN BALI, BUT MS. DUNCAN SAYS HER UNDERSTANDING IS THAT THERE MAY HAVE BEEN AN INVESTIGATION CONDUCTED, CONCERNING ALLEGED KIDNAPPING, SOME ISSUE RELATED TO MY CLIENTS OR SOME FORM OF VIOLENCE, BUT THAT NO CHARGES HAVE BEEN FILED AGAINST ANYBODY, AND THERE ISN'T ANYTHING ACTIVE AT THIS TIME.

MS. DUNCAN: I THINK WE STATED THAT THERE WAS NO INVESTIGATION OF ANY THREATS, ALLEGED THREATS, THAT SHE MAY OR MAY NOT HAVE MADE. I BELIEVE ATTACHED TO HIS DECLARATION WAS THIS -- HE QUOTED ANONYMOUS E-MAIL THAT HE ASSUMED WAS FROM MY CLIENT WHICH SHE HAD NEVER SEEN BEFORE SHE SAW HIS DECLARATION, AND THIS IS THE BASIS FOR THE FEAR THAT HE'S INSTILLED IN THESE CHILDREN OR THAT THEY WERE SUPPOSED TO BE AFRAID OF THEIR MOTHER BECAUSE SHE'S THREATENED TO KILL HIM AND THEM. THERE IS NO INVESTIGATION IN BALI ON THIS, AND THERE IS NO INVESTIGATION HERE ON THIS. IT IS JUST AN ISOLATED E-MAIL WHERE WE HAVE NO IDEA WHERE IT CAME FROM, AND I DON'T BELIEVE HE CAN VERIFY THAT IT CAME FROM MY CLIENT BECAUSE SHE HAD NEVER SEEN THAT BEFORE. SHE SAW THESE PLEADINGS IN THIS COURTROOM.

MR. BARNITT: ONE FINAL POINT BEFORE MR. KENDALL SPEAKS. THE POSITION THAT I'VE GOTTEN AT LEAST FROM READING THE PLEADINGS AND FROM BRIEF CONVERSATION WITH MS. DUNCAN AND HER CLIENT, I THINK INITIALLY ON THE DAY I WAS APPOINTED, BECAUSE SHE HERE -- SHE WAS HERE FROM OUT OF THE COUNTRY, WAS THAT -- I DON'T KNOW HOW TO SAY IT -- MR. DONNELLY IS SUPER GOOD OR CAN DO ANYTHING WITH A COMPUTER AND A COMPUTER PROGRAM, AND THAT HE WAS INVOLVED, I GUESS, IN THE PARTIES' BUSINESS, WHICH I UNDERSTAND IS A CLOTHING LINE THAT HAS DONE EXCEPTIONALLY WELL. AND THE LIMITED INFORMATION I HAVE IS THEY HAD -- THE NUMBER THAT WAS GIVEN TO ME IS LIKE 527 EMPLOYEES. I DON'T KNOW IF THEY ARE ALL IN

BALI, BUT ALL OVER THE PLACE, ALL OVER THE WORLD. AND THAT SHE SENT E-MAILS AND INFORMATION — TRIED TO CALL, AND THAT THEY WERE ALL ERASED FROM HER COMPUTER PROGRAM, AND THE BOYS TELL ME THEY HAD NO CONTACT OTHER THAN WHAT I SHARED WITH YOU IN THE BEGINNING THAT BRENDEN GOT ONE OR TWO. THAT WAS IT. HE MADE ONE E-MAIL, AND THERE WAS ONE OR TWO, BUT THAT WAS IT.

THE COURT: BUT NO THREATS ON THEM.

MR. BARNITT: NO THREATS BETWEEN THEM DIRECTLY, THAT THEY DID NOT RECEIVE THREATS. BRENDEN NEVER SAID, "I GOT A THREAT FROM MY MOM SENT IN RESPONSE TO AN E-MAIL I SENT TO HER." BUT THAT THERE'S SOMEHOW -- I WILL JUST SAY BEST WORD I CAN USE — SOME SHENANIGANS GOING ON WITH E-MAILS, COMPUTERS, PROGRAMS, HISTORY, DATA BEING REMOVED, ERASED, DESTROYED, WHATEVER YOU WANT TO CALL IT. AND I'M FAIRLY UNSOPHISTICATED WHEN IT COMES TO COMPUTERS, BUT THAT AT LEAST IS THE POSITION THAT WAS TAKEN BY MOTHER, SO WHEN WE GET TO AN ORIGIN OR ETIOLOGY ISSUE, THE ONLY THING THAT I DO KNOW THAT I GOT FROM BOTH BOYS WAS THAT THEIR FATHER SHARED WITH THEM THAT AN E-MAIL WAS RECEIVED BY FATHER THAT HE WAS SUBJECT TO A THREAT TO BE HURT, AND THAT SEAN AND BRENDEN WERE ALSO SUBJECT TO A THREAT THAT THEY WOULD BE HURT, AND THAT THIS THREAT OR THREATS IN E-MAIL OR WHATEVER WAS TRANSMITTED AND MADE BY THEIR MOTHER, PERIOD. AND BASED THEREON, DAD SAID, "WE ARE NOT GOING BACK TO BALI," AND THE BOYS ARE -- THEY ARE RESPECTFUL. THEY ARE REALLY GOOD BOYS. THEY ARE VERY COMPLIANT. THEY ARE LIKE, OKAY, AND THAT WAS IT, AND THEY'VE BEEN HERE EVER SINCE.

THE COURT: ALL RIGHT. MR. KENDALL, I THINK YOU WERE GOING TO SAY SOMETHING.

MR. KENDALL: I DIDN'T WANT TO INTERRUPT ENTIRELY, BUT WE GOT OFF ON A TANGENT OF WHAT CRIMINAL CHARGES WERE IN PLAY, AND SO I WAS JUST GOING TO RESPOND ON THAT SOLE ISSUE WITHOUT INTERRUPTING HIS —

THE COURT: GO AHEAD.

MR. KENDALL: THE E-MAIL THAT EVERYBODY KEEPS TALKING ABOUT IS A VERY SHORT E-MAIL. IT IS EXHIBIT 2 OF THE ORIGINAL PLEADINGS. IT STATES, IF YOU DON'T CLOSE KAYUN, K-A-Y-U-N, ON SEPTEMBER I'LL — I-APOSTROPHE-L-L — KILL U -- JUST THE LETTER "U" -- AND YOUR FAMILY.

AND WHEN WE SAY THERE IS NO ACTIVE INVESTIGATION, THAT DOES NOT MEAN THAT THE AUTHORITIES DID NOT SEE THIS AS A CREDIBLE THREAT. MY CLIENT WENT TO THE U.S. EMBASSY. HE FILED AN FBI -- CONTACTED THE FBI. THEY TOOK IT VERY SERIOUSLY. THEY ADVISED HIM NOT TO LEAVE THE COUNTRY. AND THIS IS PART OF A PATTERN OF PROBLEMS AND THREATS THAT PREDATE THIS E-MAIL.

THE COURT: CAN I ASK YOU A QUESTION? I'M LOOKING AT EXHIBIT 2 IN THE APPLICATION. IT SAYS, I'M SERIOUS — THERE IS NO APOSTROPHE -- BUT I THINK THAT IT IS I'M SERIOUS -- COMPETITOR. WHAT ABOUT THIS E-MAIL CAUSED YOUR CLIENT TO BELIEVE THAT IT CAME FROM THE PETITIONER?

MR. KENDALL: FIRST OF ALL, HE HAD BEEN PUSHED OUT FIRST OF THE FAMILY BUSINESS, THE CLOTHING BUSINESS. SO BE IT. THEY WERE FIGHTING. IT WAS PART OF

A DIVORCE. SO BE IT. BUT THEN THE NEXT STEP WAS THAT HE AND ANOTHER PARTNER —
— MR. AND MRS. DONNELLY WERE A PARTNER IN THE RESTAURANT BUSINESS, AND THERE WAS
AN INCIDENT WHERE THERE WERE 30 MEN THERE AT THE RESTAURANT, AND MY CLIENT AND
HIS PARTNER CALLED THE POLICE, CLIMBED INTO THE BACK OF THE POLICE CAR AND THEN
LEFT.

THE COURT: IS THIS IN BALI?

MR. KENDALL: THIS IS IN BALI. SO HE CALLS THE LOCAL AUTHORITIES, AND
HE AND HIS PARTNER GET IN THE BACK OF THE POLICE CAR, LEAVE EVERYTHING BEHIND
AND LEAVE. OKAY. NEVER -- HE'S NEVER STEPPED FOOT ON THIS RESTAURANT PROPERTY
AGAIN. SO WHEN YOU SAY MY CLIENT DOESN'T HAVE ANY REASON TO BE AFRAID, HE'S VERY
AFRAID.

THE COURT: I NEVER SAID THAT. I JUST ASKED THE QUESTION WHAT MADE HIM
THINK THIS E-MAIL CAME FROM THE PETITIONER. THAT'S ALL I'M ASKING.

MR. KENDALL: THE PATTERN. AND THEN HE CONTACTS HER. HE TRIES TO CONTACT
HER REPEATEDLY TO FIND OUT -- HEY, DO YOU KNOW ANYTHING ABOUT WHAT'S GOING
ON? WHY IS IT THAT WE ARE CLOSING -- AND THE OTHER INDICATION IS ACTUALLY THE
CLOSURE OF KAYUN AS OPPOSED TO SOMETHING ELSE. SO THAT WAS WHY MY CLIENT FELT
THAT IT WAS A CREDIBLE THREAT. IT IS ALL LAID OUT IN THE DECLARATION.

THE COURT: I'M NOT SAYING IT IS NOT A CREDIBLE THREAT. I'M NOT SAYING
THAT. I'M JUST ASKING AGAIN —

MR. KENDALL: HOW DOES HE MAKE A LOGICAL LEAP?

THE COURT: I'M NOT SAYING THERE WASN'T A DISPUTE BETWEEN HIM AND HER
OR HER FAMILY, BUT TO SAY IT CAME FROM HER — MR. KENDALL, I WAS A PROSECUTOR
FOR MANY YEARS. I'M JUST — LET'S ASSUME I WAS SITTING AT THE FILING DESK ONE
MORNING, AND IT CAME IN FOR ME TO FILE AND SOMEBODY BROUGHT THIS E-MAIL TO ME,
AND THEY ARE CONNECTING IT TO THE WIFE OR EX-WIFE. I JUST NEED A LINK HERE. I
UNDERSTAND THERE WAS FIGHTING, BUT IT ALSO SOUNDS LIKE -- THERE USED TO BE THAT
PROGRAM "DALLAS" AND WHO SHOT J.R. IT SOUNDS LIKE THERE ARE A WHOLE LOT OF OTHER
PEOPLE WHO COULD BE MAD AT HIM. I'M NOT SUGGESTING MORE MAD THAN THE PETITIONER,
I'M JUST TRYING TO FIGURE OUT -- GET INTO HIS MIND WHERE HE WAS COMING FROM.

MR. KENDALL: WOULD YOU LIKE ME TO PUT HIM ON THE STAND AND ASK HIM THAT
QUESTION? HE'D LOVE TO YOU.

THE COURT: HE DOESN'T HAVE TO TAKE THE STAND. HE CAN TELL ME.

YOU HAVE BEEN SWORN, MR. DONNELLY, HAVEN'T YOU?

THE RESPONDENT: NOT TODAY, BUT I WILL STILL TELL THE TRUTH.

THE COURT: WE WILL SWEAR YOU.

THE CLERK: PLEASE RAISE YOUR RIGHT HAND TO BE SWORN. DO YOU SOLEMNLY
STATE THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
SHALL BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

THE RESPONDENT: I DO.

DIRECT EXAMINATION BY MR. KENDALL:

Q. MR. DONNELLY, AT THE TIME THIS E-MAIL WAS SENT TO YOU, WHAT REASON DID YOU HAVE FOR THINKING IT WAS YOUR WIFE?

A. I DIDN'T KNOW EXACTLY IT WAS MY WIFE. I THOUGHT IT WAS THE PEOPLE AROUND MY WIFE. THIS THING HAS BEEN GOING ON FOR YEARS. I'VE HAD MANY THREATS FROM HER AND THE GROUP AROUND HER.

THE COURT: HELP ME OUT. WHO IS THIS GROUP AROUND HER?

THE WITNESS: HER SISTERS, BROTHERS-IN-LAW, VARIOUS HANGERS ON, HER AUSTRIAN BOYFRIEND, HER LAWYER.

THE COURT: NOT THIS LAWYER?

THE WITNESS: NO, NOT THIS LAWYER.

THE COURT: NOT MS. DUNCAN?

THE WITNESS: INDONESIAN.

Q. BY MR. KENDALL: THESE ARE THE SAME SISTERS WHO OWN NOMINALLY 20 PERCENT EACH OR MORE OF THE COMPANY?

A. THAT'S RIGHT.

Q. WHAT IS KAYUN?

A. KAYUN WAS A COMPANY THAT I TRIED TO START AFTER I WAS KICKED OUT OF ULUWATU.

THE COURT: SPELL THAT.

THE WITNESS: U-L-U-W-A-T-U.

THE COURT: WHAT WAS —

THE WITNESS: ULUWATU WAS A COMPANY THAT MY WIFE AND I BOUGHT FROM A BANKRUPT COMPANY. WE BOUGHT IT IN 1988 WHEN WE MOVED TO BALI AND BUILT IT UP INTO GARMENTS, RETAIL SHOPS, LACE. IT IS A LUXURY RETAIL LINE.

THE COURT: HAND-MADE LACE, LIKE DRESSES AND STUFF LIKE THAT?

THE WITNESS: YES.

THE COURT: YOU SOLD THESE IN BALI?

THE WITNESS: YES. DID VERY WELL.

THE COURT: I'M -- COUNSEL, I'M TRYING TO GET AN UNDERSTANDING OF WHAT IS GOING ON.

MS. DUNCAN: ABSOLUTELY --

Q. BY MR. KENDALL: WHEN IT REFERS TO THIS KAYUN COMPANY, IS THAT SOMETHING YOUR WIFE WOULD HAVE — YOUR WIFE, MS. MADE JATI, WOULD HAVE ANY INTEREST IN?

A. NO ONE WOULD HAVE THE INTEREST. THOUGH, I DON'T KNOW WHY SHE WOULD HAVE -- YES.

Q. WHY WOULD SHE HAVE AN INTEREST IN THAT?

A. SHE FELT IT WAS A THREAT TO ULUWATU.

Q. LET ME REPHRASE THE QUESTION.

THE COURT: STOP. STOP. TIME OUT. GO AHEAD.

MS. DUNCAN: YOUR HONOR, FIRST OF ALL —

THE COURT: I'M NOT HAVING A HEARING ON THE RESTRAINING ORDER.

MS. DUNCAN: I KNOW. JUST SO YOU KNOW, WHEN MY CLIENT FILED HER RESPONSIVE DECLARATION, SHE INCLUDED VERBATIM TEXT MESSAGES THAT SHE STILL HAS ON HER PHONE THAT SHE CAN PROVIDE AT A LATER DATE SAYING HE WAS TELLING HER, "WE NEED TO GO TO THE POLICE. THERE'S THIS THREAT." SHE RESPONDS, "LET'S GO TO THE POLICE." AND THEN HIS RESPONSE WAS, "I TOLD YOU ALREADY I WENT. YOU DON'T NEED TO GO WITH ME." IT IS JUST —

THE COURT: I LOOKED AT THIS. I'M TRYING TO GET A BACKGROUND. LET ME TELL YOU WHERE I'M GOING. THIS IS WHAT I'M GOING TO DO. I DON'T KNOW ENOUGH ABOUT THE MENTAL MAKEUP OF THE TWO BOYS, BRENDEN AND SEAN, TO INDICATE WHY ONE CHILD MIGHT BELIEVE IT AND ONE CHILD MIGHT NOT BELIEVE IT. IT COULD BE ALIENATION, COULD BE BECAUSE THEY'RE 13 AND 15, AND THEIR EMOTIONAL DEVELOPMENT IS SUCH THAT THEY ARE NOT SURE WHAT TO BELIEVE. AND THE OLDER SON MAY JUST FIGURE, "I DON'T WANT ANY PART OF THIS, SO I'M OUT," AND WITH THE DIVORCE AND EVERYTHING, JUST TUNE IT OUT. "SHE'S THERE. I'M HERE. I DON'T WANT ANY PART OF IT. I DON'T WANT TO DEAL WITH THE DRAMA." IT COULD BE ALIENATION, BUT IT COULD ALSO BE A 15 YEAR OLD'S DESIRE, OR WHATEVER IT IS, NOT WANTING TO DEAL WITH THE DRAMA.

THE YOUNGER SON COULD BE THE TYPE OF CHILD THAT WANTS TO TRY, INDEPENDENT OF ALL THESE THREATS, AND JUST WANTS TO FIND OUT. I DON'T KNOW. I DON'T KNOW. THE FACT THAT THERE CLEARLY -- WHETHER MS. JATI DID IT OR NOT, I DON'T KNOW WHETHER SHE DID THIS, BUT MY CONCERN IS THE SAFETY OF THESE BOYS. FORGET THE THREATS. I'M CONCERNED ABOUT THE FACT THAT INDONESIA AND BALI ARE NOT HAGUE SIGNATORIES. I'M VERY CONCERNED ABOUT THAT. I AM ALSO CONCERNED ABOUT THE FACT THAT I UNDERSTAND THAT MS. JATI HAD A TICKET AND THAT SHE NEEDED TO GO BACK BECAUSE SHE WAS GOING TO LOSE THE TICKET. AND I UNDERSTAND, COUNSEL, SOME OF YOUR FEELING OF RESPONSIBILITY FOR SAYING IT IS OKAY, AND I ACCEPT THAT.

MS. DUNCAN: PLUS SHE HAD BEEN HERE FOUR MONTHS, AND IT HAS BEEN VERY TRYING FOR HER.

THE COURT: VERY TRYING, EXCEPT FOR ONE THING. IT WAS IMPORTANT FOR HER TO BE BACK HERE TO TALK TO ME. I ALWAYS UNDERSTAND THAT WHEN PEOPLE DON'T SHOW UP, THAT I'M AT THE LOW END OF THE TOTEM POLE IN MANY PEOPLE'S LIVES. BUT IN THIS SITUATION, I NEEDED TO BE FRONT AND CENTER. NOT ME, SUSAN LOPEZ-GISS. I DON'T MEAN IT THAT WAY. I MEAN THE COURT AND MAKING THE DETERMINATION ABOUT CUSTODY. AND SO FOR HER TO TELL MR. BARNITT, "THAT'S OKAY. I'M NOT GOING TO FIGHT, YOU KNOW, AND WHATEVER — I WOULD JUST LIKE TO SEE MY SONS," ON THE ONE HAND IS VIEWED AS A MOTHER OF, "OKAY, I'M LETTING GO." AND ON THE OTHER HAND, I DON'T KNOW WHETHER OR NOT SHE'S BASICALLY SAYING, "OKAY, THE YOUNGER ONE WILL COME, AND I WON'T LET HIM COME BACK." I DON'T KNOW, AND NOBODY HERE CAN —

LET ME TELL YOU WHERE I'M GOING, WHAT I'M GOING TO DO. I'M GOING TO ORDER THIS CUSTODY EVALUATION. I'M GOING TO ORDER IT. I WANT IT. I WANT IT FOR

ME. I WANT IT BECAUSE I WANT DR. SUITER TO TALK TO THE BOYS. I WANT DR. SUITER TO TALK TO MS. JATI. I WANT DR. SUITER TO TALK TO MR. DONNELLEY. I WANT TO DETERMINE WHETHER OR NOT THERE IS ALIENATION, BUT I DON'T KNOW WHETHER IT IS ALIENATION CAUSED BY THE CONCEPT OF THE THREATS AND HOW IT WAS PRESENTED AND WHAT THE BOYS SOAKED IN, OR IF IT IS ALIENATION WITH THE CONCEPT OF DIVORCE AND JUST TRYING TO GET THEIR OWN STABILITY ESTABLISHED. THE YOUNGER CHILD BRENDEN'S DESIRE TO GO BACK I THINK IS A GOOD DESIRE, AND WERE EVERYTHING OKAY AND THIS WERE A HAGUE SIGNATORY COUNTRY AND THERE WASN'T ALL THESE OTHER CONCERNS AND A FAMILY -

AND LET ME TELL YOU WHAT I'M REALLY NERVOUS ABOUT BECAUSE YOU ARE JUMPING OUT OF YOUR SKIN. LET ME FINISH. I'M GOING TO LET YOU TALK. TAKE A DEEP BREATH. YOU NEED TO KNOW WHERE I'M COMING FROM.

THERE IS A FAMILY THERE. LET'S ASSUME MS. JATI IS ABSOLUTELY INNOCENT, BUT SHE'S GOT SOME LOOSE CANNONS IN HER FAMILY WHO HAVE GOT NO PROBLEM SAYING, "YOU BELONG TO US, BRENDEN, AND YOU ARE NOT GOING BACK," AND SHE'S CONTROLLED BY HER FAMILY. ALL FACTORS, I DON'T KNOW, BUT I'M NERVOUS ABOUT. MR. BARNITT SAID IT RIGHT. I'M NERVOUS. MR. DONNELLY CAN HAVE ALL OF HIS NERVES HE WANTS. I'VE GOT MY OWN SET HERE BECAUSE I DON'T WANT BRENDEN GOING BACK THERE AS MUCH AS I THINK OBJECTIVELY AND INTELLECTUALLY HE SHOULD SEE HIS MOM AND HIS FAMILY AND HE SHOULD HAVE THE OPPORTUNITY TO SEE THEM. I HAVE NO PROBLEM WITH THAT, NOT YET. I WANT THE EVALUATION.

MS. DUNCAN: I UNDERSTAND THAT, YOUR HONOR. IN DEFENSE OF MY CLIENT --

THE COURT: THERE IS NO NEED TO HAVE DEFENSE BECAUSE I DON'T KNOW.

MS. DUNCAN: RIGHT. SHE KNOWS SHE HAS TO BE BACK HERE ON JULY 1ST. THERE IS ANOTHER MEDIATION. AND, HOPEFULLY, WE CAN HAVE A COURT DATE DURING THAT PERIOD WHEN SHE'S HERE AGAIN, AND THEN HOPEFULLY, MAYBE, THERE WILL BE SOME DETERMINATION BY THAT TIME, AND MAYBE WE CAN STILL FIT SOME TIME IN FOR THESE CHILDREN TO SEE THEIR MOTHER OR TO RETURN TO BALI FOR A VACATION AS BRENDEN HAS EXPRESSED.

THE COURT: NOT UNTIL I GET THE EVALUATION.

MS. DUNCAN: THERE'S TIME IN BETWEEN. WE ARE TALKING ABOUT A MONTH AND A HALF FROM NOW.

THE COURT: IF SHE COMES HERE, AND IF SHE'S HERE, AND I WOULD WANT THE PASSPORTS -- I WANT THE PASSPORTS SURRENDERED, AND I DON'T THINK THAT ANYBODY HAS ANY OBJECTION TO THERE BEING SOME VISITATION. I WILL NOT MAKE SEAN GO SEE HIS MOM UNTIL AFTER THERE IS A DISCUSSION WITH DR. SUITER, BUT THEY HAVE TO SEE DR. SUITER. THERE IS NO TRAVELING TO BALI. IT MAY NOT HAPPEN UNTIL NEXT YEAR.

MS. DUNCAN: ALSO, YOUR HONOR, I JUST WANT TO ADDRESS THIS ISSUE WHICH I UNDERSTAND THE COURT FEARS COMPLETELY, BUT MY CLIENT ISN'T THE ONE THAT TOOK THE CHILDREN AND DIDN'T RETURN. SHE JUST WANTED TO SEE THEM. SHE HAD NO CONTACT WITH THEM, AND UNFORTUNATELY FOR HER, SHE LIVES IN A COUNTRY THAT CAUSES ALARM FOR EVERYONE BECAUSE IF SHE WERE TO DO THE SAME THING, YOU WOULDN'T BE ABLE TO GET

THEM BACK. IT IS HORRIBLE TO HAVE HER BE ACCUSED OF SOMETHING SHE DIDN'T DO IN THE FIRST PLACE. SHE'S TRYING TO DO EVERYTHING THROUGH THE PROPER CHANNELS.

THE COURT: JUST FOR THE RECORD, I HAVE NOT DETERMINED SHE HAS DONE THIS, CAUSED THIS THREAT, THAT SHE IS RESPONSIBLE FOR THIS THREAT. ALL I KNOW IS THERE IS A THREAT, AND BASED ON THE EVIDENCE I HAVE, I COULDN'T MAKE SUCH A FINDING. WE WOULD HAVE TO HAVE THE HEARING, BUT THAT IS NOT WHERE I'M GOING.

MS. DUNCAN: IT IS OUR POSITION -- THE COURT MAY NOT WANT TO HEAR THIS AT THIS TIME. IT IS OUR POSITION THAT THE WHOLE PURPOSE THAT THE RESPONDENT BROUGHT THESE CHILDREN HERE WAS TO USE THE CHILDREN AS BAIT BECAUSE HE WANTS TO LITIGATE THE FINANCIAL ISSUES HERE BECAUSE IN BALI THERE CURRENTLY IS A CASE OPEN, AND THERE IS NO RESOLUTION OF THOSE ISSUES THERE.

THE COURT: OKAY.

MS. DUNCAN: HE WANTS THIS TO BE TRIED HERE. HE WANTS TO BRING HER HERE. HE WANTS TO EXAMINE HER HERE. HE WANTS TO DO ALL THESE THINGS HERE, BUT IT IS BASICALLY THESE CHILDREN ARE THE BAIT.

THE COURT: YOU KNOW WHAT? SHE'S ENTITLED TO HAVE THAT FEAR, BUT I'M GOING TO TELL YOU SOMETHING, JUST SO YOU CAN GO BACK AND TELL HER WHAT THE JUDGE'S IS, THE FINANCIAL ISSUES MAY OR MAY NOT BE MY CONCERN. RIGHT NOW THEY ARE NOT. RIGHT NOW MY ONLY CONCERN ARE THESE CHILDREN.

MS. DUNCAN: THAT'S REASSURING TO US, YOUR HONOR, BECAUSE THAT'S OUR CONCERN, AND I JUST -- EVERY TIME WE TURN AROUND, THEY ARE LIKE THEY WANT TO EXAMINE HER FINANCES. THEY SEND OUT ALL THIS INFORMATION.

THE COURT: THEY CAN SEND OUT WHATEVER THEY WANT, AND IF YOU HAVE OBJECTIONS TO IT, YOU CERTAINLY CAN FILE THEM WITH THE COURT. BUT I'M NOT GOING TO LISTEN TO THOSE RIGHT NOW BECAUSE YOU NEED TO MEET AND CONFER. YOU NEED TO BE ABLE TO SHOW THE REASON OR JUSTIFICATION FOR ASKING FOR THEM AND FOR OBJECTING TO THEM. BUT ALL I HAVE IN FRONT OF ME RIGHT NOW IS A HEARING ON A RESTRAINING ORDER, AND THE ALLEGED RESPONDENT IS NOT HERE. I ACCEPT THE EXPLANATION. I'M NOT GOING TO SANCTION HER OR ANYTHING FOR THAT. BUT I'M MAKING IT CLEAR, THE CHILD CUSTODY EVALUATION IS NOT OPEN TO NEGOTIATION. I'M ORDERING IT. I ALREADY ORDERED IT. I'VE ALREADY ORDERED HOW IT IS SUPPOSED TO BE PAID FOR. THIS COURT WANTS IT.

MR. KENDALL: PROCEDURALLY, THE COURT SHOULD BE AWARE AS TO DR. SUITER, HIS FIRST AVAILABLE, 1 JULY AT 2:45 P.M. THAT IS HIS FIRST APPOINTMENT, AND HE EXPECTS THE PARENTS TO BE THERE TOGETHER WITH HIM. THAT'S HIS NORMAL STANDARD.

THE COURT: SHE'S GOING TO HAVE TO COME BACK.

MS. DUNCAN: SHE ALREADY KNOWS JULY 15TH IS THE MEDIATION DATE. I DON'T KNOW IF THAT IS EVEN IMPORTANT ANYMORE. SHE HAS EVERY INTENTION TO COME BACK.

THE COURT: THAT'S FINE. THERE IS GOING TO BE A MEETING WITH DR. SUITER, SO LET HER BE BACK --

MR. KENDALL: CAN WE CONFIRM THAT APPOINTMENT?

MS. DUNCAN: LET ME SPEAK WITH MY CLIENT. OTHERWISE, WE WILL GET THE

NEXT AVAILABLE --

THE COURT: JUST SAY SHE'S ORDERED BACK TO SHOW UP AT THAT APPOINTMENT. MAKE IT SIMPLE. I WILL BE THE HEAVY.

MR. BARNITT: JULY 1ST, 2:45 IN DR. SUITER'S OFFICE. THAT'S A CONJOINT, MR. KENDALL, WITH THE PARENTS?

MR. KENDALL: YES. PARENTS ARE REQUIRED TO BE THERE AND COOPERATE WITH DR. SUITER.

THE COURT: ARE THE CHILDREN SUPPOSED TO BE THERE, TOO?

MR. KENDALL: I BELIEVE THEY ARE TO BE THERE, BUT NOT FOR THAT TIME.

THE COURT: OKAY.

MR. KENDALL: MY CLIENT -- I WOULD SUGGEST AND PREPARE A FORMAL ORDER INDICATING THE PARENTS ARE ORDERED TO COOPERATE WITH DR. SUITER.

MR. BARNITT: IF COUNSEL WILL GIVE ME A LIMITED WAIVER, I CAN CONTACT DR. SUITER AND EXPLAIN THE DISTANCE INVOLVED INSTEAD OF HAVING THREE DIFFERENT ATTORNEYS AND JUST SAY, DR. SUITER, I REPRESENT THE KIDS. WHATEVER YOU CAN DO TO ACCOMMODATE THEM AND TO JOCKEY IT AROUND, MOM WILL BE THERE JULY 1ST. AND WE CAN SET UP SOMETHING IN BETWEEN FOR FORENSIC TESTING OR CONJOINT WITH THE CHILDREN, ANYTHING LIKE THAT. I WILL CONTACT HIM BETWEEN NOW AND THE END OF NEXT WEEK. IF THAT'S ACCEPTABLE TO BOTH -- I DON'T WANT TO DO EX PARTE WITH A 730, UNLESS COUNSEL AGREE TO IT.

MS. DUNCAN: THAT'S FINE.

THE COURT: DO YOU AGREE, MR. KENDALL?

MR. KENDALL: THE CODE ALLOWS COUNSEL TO CONTACT HIS OFFICE FOR PURPOSES OF SCHEDULING --

MR. BARNITT: I ALWAYS WANT A WAIVER ON THE RECORD SO THERE IS NO QUESTION.

MR. KENDALL: NO PROBLEM. LET COUNSEL CONTACT HIM REGARDING SCHEDULING AND EXPEDITING THE EVALUATION.

MS. DUNCAN: HOPEFULLY, WE CAN COMMUNICATE TO DR. SUITER, AS MUCH AS THEY CAN GET DONE WITH MY CLIENT IN THAT TWO-WEEK OR ONE-WEEK OR WHATEVER PERIOD, BECAUSE I DON'T KNOW HOW LONG SHE'S GOING TO BE ABLE TO BE HERE. HOPEFULLY, SHE CAN BE HERE FOR HOWEVER LONG IT TAKES.

THE COURT: DURING THAT PERIOD OF TIME, I'M GOING TO ASK THE PARTIES TO MEET WITH MINOR'S COUNSEL WHEN MS. JATI COMES BACK TO ARRANGE FOR SOME VISITATION WITH THE MINOR CHILDREN.

NOW ON THE ISSUE OF SEAN --

MR. KENDALL: YOUR HONOR MADE TENTATIVE ORDERS REGARDING VISITATION. I THINK THE ORDER WAS THAT SEAN SHALL NOT BE FORCED TO GO.

THE COURT: CORRECT.

MR. KENDALL: AND THAT BRENDEN SHOULD HAVE CONTACT WITH HIS MOTHER PENDING THE NEXT HEARING. WE HAVE NO OBJECTION TO EITHER OF THOSE ORDERS.

THE COURT: OKAY. ONE OF THE THINGS I WANT DR. SUITER TO LOOK INTO IS

THE ISSUE OF SEAN'S APPARENT ALIENATION WITH HIS MOTHER. IF IT IS BASED ON HIS OWN ISSUES WITH HIS MOTHER AND HE'S MAD AT HIS MOTHER, AND IF DR. SUITER CAN ADVISE AND ASSIST THAT, THAT'S APPROPRIATE.

HE'S GOT TO LEARN TO NOT RUN AWAY FROM HIS MOM. IF HE'S MAD AT HER, LET HIM DEAL LIKE EVERY OTHER CHILD, TELL HER STRAIGHT TO HER FACE, "I'VE GOT PROBLEMS." IF IT IS BASED ON LEGITIMATE FEARS HE'S NOT ARTICULATING, I NEED TO KNOW ABOUT THAT. SO TO THE EXTENT THERE IS SOME LEGITIMATE FEARS ABOUT — OR PERCEIVED LEGITIMATE FEARS ABOUT SAFETY, I WANT TO KNOW ABOUT THAT. I'M NOT LOOKING TO VIOLATE ANY THERAPIST PRIVILEGE OR ANYTHING LIKE THAT, BUT I NEED TO KNOW.

MS. DUNCAN: WHERE THEY CAME FROM, WHETHER THEY ARE REAL OR NOT.

THE COURT: I SAID PERCEIVED FEARS.

MR. BARNITT: I WILL NOTIFY MR. SUITER IN A LETTER I WILL SERVE ON MR. KENDALL AND MS. DUNCAN ABOUT THE COURT'S WANT AND DESIRE TO HAVE SOMETHING ADDRESSED WITH REFERENCE TO THE ISSUE OF HIS FEARS, PERCEIVED OR OTHERWISE, AND PARENT ALIENATION SYNDROME.

THE COURT: RIGHT.

MR. KENDALL: I WOULD ASK MY ORDER AFTER HEARING INCLUDE THE ORDERS THAT ALL EXISTING ORDERS REMAIN IN FULL FORCE AND EFFECT.

THE COURT: ABSOLUTELY.

MR. KENDALL: AND AS FAR AS THE SUGGESTION THAT PASSPORTS BE TURNED OVER TO MINOR'S COUNSEL, IT IS MY UNDERSTANDING THEY ARE GOING TO BE EX- — MAY BE EXPIRING SOON. MY CLIENT HAS NO INTENTION OF GOING ANYWHERE. YOU CAN ORDER HIM TO STAY. IF YOU WANT HIM TO TURN OVER THE PASSPORTS, THAT'S FINE.

THE COURT: I DO.

MS. DUNCAN: HE CAN GET THEM RENEWED, SO IN THE EVENT THE COURT FEELS COMFORTABLE AFTER THIS EVALUATION FOR ONE OF THE CHILDREN TO VISIT --

THE COURT: WE WILL DEAL WITH THAT AT THE NEXT HEARING. I WANT THEM TURNED OVER FOR THE VERY PURPOSE I DON'T WANT THEM MISSING AND POTENTIALLY RENEWED AND THEN HAVE AN ISSUE THERE WAS A MISSING PASSPORT AND A MISSING CHILD. IF THEY ARE EXPIRED, I DON'T HAVE THAT PROBLEM.

THE RESPONDENT: THEY ARE EXPIRED.

THE COURT: IF THEY ARE EXPIRED AND THEY ARE IN MR. BARNITT'S OFFICE, I HAVE NO PROBLEM. UNFORTUNATELY, NOW YOUR PROBLEM IS MY PROBLEM, AND I COULD BE OBSESSIVE COMPULSIVE ABOUT WORRYING.

I WANT YOU TO TELL YOUR CLIENT SOMETHING, MS. DUNCAN. DR. SUITER AND THIS WHOLE PROCESS MAY END UP BEING YOUR CLIENT'S EITHER BEST FRIEND OR WORST NIGHTMARE, BUT THE FACT OF THE MATTER IS, ASSUMING SHE'S TOTALLY WITHOUT FAULT, THEN THIS CAN ONLY PROVE THAT SHE'S NOT AT FAULT, AND WHATEVER ELSE HAPPENS WE WILL DEAL WITH. OKAY?

MR. KENDALL: ONE OTHER THING, YOUR HONOR. I WILL NEED -- I THINK IT SOUNDS LIKE -- TO FILE MY MOTION TO COMPEL DEPOSITION. WE CANNOT — WE'VE HIT

LOGGERHEADS. I HAVE FILED AN ORDER TO SHOW CAUSE FOR SUPPORT, AND I CANNOT COORDINATE A DEPOSITION HERE OR IN INDONESIA WITH COUNSEL. SHE'S INDICATED TO ME THAT SHE HAD, FOR SCHEDULING REASONS, NO AVAILABILITY BEFORE HER CLIENT DEPARTED. HER CLIENT DEPARTED SUPPOSEDLY ON THE 2ND OF JULY -- 2ND OF JUNE WHEN SHE WAS SUPPOSEDLY HERE UNTIL 15 JUNE. NOW THAT CHANGED. SO WE ARE GOING TO HAVE TO FILE A MOTION TO COMPEL THE DEPOSITION, I GUESS, BECAUSE COUNSEL HAS NO AUTHORITY TO AGREE TO A DEPOSITION HERE OR IN INDONESIA. SO I'M GOING TO NEED A LITTLE EXTRA TIME TO FILE THAT MOTION.

MS. DUNCAN: THAT'S NOT QUITE TRUE. I HAD TWO TRIALS FROM THE LAST --

THE COURT: IS YOUR CLIENT GOING TO SUBMIT TO A DEPOSITION WHILE SHE'S HERE?

MS. DUNCAN: THE ONLY PROBLEM I HAVE IS SHE HAS AN ATTORNEY IN BALI, AND HE'S GIVING HER --

THE COURT: IT IS NOT CUSTODY AND VISITATION. IT IS CUSTODY AND VISITATION AND CHILD SUPPORT, AND SHE HAS SUBJECTED HERSELF TO THE JURISDICTION OF THIS COURT. AND SO WHATEVER HER ISSUES ARE IN BALI ARE, QUITE FRANKLY, JUST THAT, HER ISSUES. I'M NOT INTERESTED IN HER LAWYERS IN BALI. HER CHILDREN ARE HERE. THE JURISDICTION IS HERE, AND WHETHER SHE LIKES IT OR NOT, THE ISSUE OF CHILD SUPPORT IS HERE. AND IF THAT'S HER FEAR THAT SOMEHOW OR ANOTHER MR. DONNELLY HAS SOMEHOW HIGH-JACKED THE CHILDREN AND WORRYING ABOUT A CHILD SUPPORT ORDER HERE, SHE CAN GO TO BED AT NIGHT AND WORRY ABOUT IT. BUT THE FACT OF THE MATTER IS, GUESS WHAT, TO THE EXTENT THE CHILDREN ARE HERE AND SHE HAS THE OBLIGATION TO PAY CHILD SUPPORT, SHE IS GOING TO HAVE TO DO IT.

MS. DUNCAN: YOUR HONOR, SHE ASKED ME WHAT WOULD BE A FAIR OFFER. WE EVEN DISCUSSED A TEMPORARY CHILD SUPPORT ORDER. WHAT SHE IS CONCERNED ABOUT IS TRYING TO LITIGATE THE ISSUES --

THE COURT: YOU KNOW WHAT? TOO BAD. YOU NEED TO TELL HER WHAT THE COURT SAID, TOO BAD. SHE'S NOT GOING TO AVOID -- MS. DUNCAN, PLEASE, EVERYTHING I'M SAYING -- NOTHING I'M SAYING IS CALMING YOU DOWN. YOUR BODY LANGUAGE IS SUCH FRUSTRATION AND SO UPSET, AND THERE IS NOTHING I'M SAYING THAT SHOULD MAKE IT THAT WAY. SO I DON'T KNOW WHERE IT IS COMING FROM. BECAUSE I'M TELLING YOU, ABSOLUTELY RIGHT. IF SHE'S DEALING WITH A MONETARY FIGHT OVER A BUSINESS WITH YOUR CLIENT MAY HAVE ALL THESE FEARS AND, GUESS WHAT, SHE'S RIGHT. SHE'S GOT HER FAMILY IN INDONESIA, AND HER FAMILY HAS GOT ALL KINDS OF FAMILIAL AND BUSINESS PRESSURES ON HER, I UNDERSTAND THAT.

BUT THOSE PEOPLE'S FEARS AND THEIR CONCERNS OVER THE RESPONDENT HERE DON'T AFFECT ME ONE IOTA, AND YOU NEED TO TELL HER THAT. SHE NEEDS TO RECOGNIZE I RECOGNIZE THAT SHE IS BETWEEN A ROCK AND THE PROVERBIAL HARD PLACE.

SHE'S FIGHTING HER FAMILY. SHE'S GOT HER CHILDREN HERE. SHE'S GOT A SITUATION THAT SHE'S BEEN INVOLVED IN, BUT SHE PUT HERSELF THERE. SHE DID. SHE PUT HERSELF THERE BECAUSE --

MS. DUNCAN: BECAUSE SHE WANTED TO SEE HER CHILDREN.

THE COURT: NO. STOP. WAY BACK. NO. SHE WANTED TO SEE HER CHILDREN? SHE HAS -- SHE GOT INVOLVED WITH THE RESPONDENT. SHE GOT MARRIED. SHE HAD CHILDREN. THAT PART PEOPLE SEEM TO FORGET WHEN THEY WALK THROUGH THE DOORS HERE, THE PRELIMINARY FOUNDATIONAL PART, WHICH IS GETTING MARRIED, HAVING CHILDREN WHO, BY THE WAY, I SAY THIS EVERY DAY, DID NOT ASK TO BE BORN, DID NOT ASK FOR THEM TO SEPARATE, DID NOT ASK FOR THE FAMILY IN BALI, DID NOT ASK FOR THE BUSINESS, DID NOT ASK FOR ANYTHING. THEY WERE BORN. THEY'VE GOT TWO PARENTS WHO, I ASSUME AT ONE POINT IN TIME AND PROBABLY STILL, LOVE BOTH.

THE FACT THAT SHE WANTS TO SEE HER CHILDREN, OF COURSE SHE WANTS TO SEE HER CHILDREN. I WOULD BE SHOCKED IF SHE DIDN'T WANT TO SEE HER CHILDREN. I WOULD WORRY IF SHE DIDN'T WANT TO SEE HER CHILDREN, BUT THIS BUSINESS BACK THERE IS PULLING HER. AND RIGHT NOW IT IS PULLING HER -- IT IS BOTHERING ME THAT IT IS PULLING HER BECAUSE THE TRUTH OF THE MATTER IS THAT SHE HAD A TICKET; SHE WENT BACK. SHE'S GOT A BUSINESS; SHE WENT BACK. SHE'S APPEARING TO BE VERY SELFLESS IN THE SENSE, OKAY, THE CHILDREN CAN COME HERE. I JUST WANT TO SEE THEM SOMETIME. I DON'T KNOW. NEITHER DO YOU.

MS. DUNCAN: SHE WAS HERE FOR FOUR MONTHS, YOUR HONOR.

THE COURT: MS. DUNCAN, HER CHILDREN ARE HERE. HER CHILDREN ARE HERE. THE FIGHT IS IN INDONESIA. I DON'T CARE ABOUT THAT FIGHT. IT IS NOT MY PROBLEM.

MS. DUNCAN: HER HOME IS IN INDONESIA, ALSO.

THE COURT: HER HOME IS WHERE HER CHILDREN ARE.

MS. DUNCAN: HER CHILDREN WERE THERE UP UNTIL LAST YEAR, THEIR ENTIRE LIVES.

THE COURT: I'M NOT COMMUNICATING. I'M HAVING A FAILURE TO COMMUNICATE. MOST MOTHERS THINK WHEREVER THEIR CHILDREN ARE IS WHERE THEIR HOME IS. MOST MOTHERS FEEL THAT WAY. TAKE MY CHILD. I'M WITH MY CHILD. I HAVE A CAREER. I HAVE A -- SOMEWHAT OF A POSITION OF SOMEWHAT RESPONSIBILITY. MY CHILDREN ARE GROWN. MOST PEOPLE WOULD THINK THAT THERE IS NOTHING THAT WOULD TAKE ME AWAY FROM THIS PLACE, BUT HEAVEN FORBID SOMETHING HAPPENED TO MY CHILD, I'M OUT THE DOOR. I'M OUT THE DOOR. AND I'M NOT SAYING SHE SHOULD BE LIKE ME.

PLEASE DON'T MISUNDERSTAND. I'M JUST SAYING SHE'S TORN. I'VE SAID THIS. SHE IS TORN. SHE'S BETWEEN A ROCK AND A HARD PLACE. THAT IS WHY I THINK I'M NOT COMMUNICATING WITH YOU. I RECOGNIZE IT. WHAT I NEED FOR YOU TO EXPLAIN TO HER --

I'M NOT COMMUNICATING. YOUR BODY LANGUAGE AGAIN INDICATES I'M NOT COMMUNICATING. YOU LOOK LIKE YOU NEED TO TELL ME SOMETHING. WHAT AM I MISSING?

MS. DUNCAN: WHEN SHE WAS HERE, SHE WAS DEVASTATED ALSO, YOUR HONOR, BECAUSE FROM TWO -- HER FIRST VISIT WITH THESE BOYS WENT VERY WELL. BY THE TIME SHE LEFT, SHE HAD ONE SON TELLING HER, "I HATE YOU. I DON'T WANT TO SEE YOU." AND SHE DOESN'T KNOW WHAT HAPPENED. SOMETHING IS WRONG.

THE COURT: MS. DUNCAN, I'M GOING TO TELL YOU SOMETHING. LET US ASSUME FOR ARGUMENT'S SAKE THESE PARENTS WERE MARRIED, MADLY IN LOVE, NO PROBLEMS, NO BUSINESS, NO BALI, ALL HERE. A 15-YEAR-OLD SON ON ANY GIVEN DAY CAN COME UP TO

HIS MOTHER AND SAY, "I HATE YOU, I DON'T WANT TO SEE YOU. I DON'T LIKE YOU," AND SHE THINKS SOMETHING IS WRONG. I DON'T KNOW A PARENT ON THIS PLANET THAT HASN'T HAD A CHILD COME UP AND TELL THEM SOMETHING SIMILAR AT SOME TIME IN THEIR LIFE. AND WHAT WAS WRONG IS THAT THE CHILD WAS 15. THAT IS WHAT WAS WRONG. I CAN'T OVERREACT TO A CHILD TELLING A PARENT THEY HATE THEM. AND I CAN'T FIND ALIENATION BASED SOLELY ON THAT. BUT THERE IS SO MUCH GOING ON HERE WITH THESE TWO BOYS. THEY HAVE ONE PARENT HERE, ONE PARENT IN BALI. CLEARLY, THEY KNOW ABOUT THE FINANCES. THERE IS NO DOUBT IN MY MIND THEY KNOW ABOUT THE FINANCIAL STRUGGLE. THERE'S NO DOUBT IN MY MIND THEY KNOW ABOUT THE FAMILY.

IS IT NOT AT ALL POSSIBLE THAT SEAN IS SICK OF IT, DOESN'T WANT TO SEE THOSE PEOPLE? BECAUSE HE'S THE ELDEST, IS IT AT ALL POSSIBLE THEY PREY ON HIM AS THE ELDEST SON AND SAY IT IS HIS RESPONSIBILITY, AND HE DOESN'T WANT IT? I DON'T KNOW THIS. BUT I KNOW THAT IS OFTEN THE CASE WHERE THE ELDEST CHILD, THE WHOLE BURDEN IS PUT ON THEM. WITH RESPECT TO BRENDEN, HE'S THE BABY. HE CAN GO AND GET BABIED BY EVERYBODY, AND EVERYONE IS GOING TO LEAVE HIM ALONE.

IS IT POSSIBLE THAT MRS. JATI, HERSELF, IS PUTTING BURDENS ON SEAN? I'M SURE SHE IS, AND I'M SURE SHE'S NOT TELLING YOU. I DON'T KNOW. THAT IS THE REASON WHY I WANT DR. SUITER TO BE ABLE TO INTERVENE, TO TALK TO THESE KIDS. THAT'S WHY I WANT TO KNOW WHAT IS GOING ON. I'VE NOT MADE A FINDING THAT YOUR CLIENT HAS DONE ANYTHING WRONG. SHE HAS DONE NOTHING WRONG. I'VE MADE NO SUCH FINDING.

THE PROBLEM I HAVE IS ONE PERSON ON THE OTHER SIDE OF THE PLANET, ONE PARENT HERE, TWO CHILDREN HERE. THEIR LAWYER SAYS THEY'RE HAPPY HERE. I DO BELIEVE THE CHILDREN SHOULD SEE BOTH PARENTS. I SAY IT EVERY DAY IN COURT. I GIVE PEOPLE A WARNING SHOT BEFORE I TAKE THE BENCH, BEFORE I CALL THE CALENDAR. I'M NOT A MOM'S JUDGE. I'M NOT A DAD'S JUDGE. I'M A CHILD'S JUDGE. OKAY? THAT IS WHERE I'M COMING FROM.

HER CONCERNS ABOUT HER FINANCES ARE HER PROBLEM. OKAY? SO LET ME SAY SOMETHING, PLEASE. THAT'S WHERE I HIT A NERVE WITH YOU. THAT'S WHERE YOU START FLIPPING.

MS. DUNCAN: IT IS WHERE SHE'S INSTRUCTED BY -- SHE DOES WANT TO SUPPORT HER CHILDREN, YOUR HONOR. THAT'S NOT THE ISSUE.

THE COURT: I NEVER SAID THAT. I HAVE A TRIAL WAITING. AND LET ME SAY THIS, SO I CAN HELP YOU. SHE'S BEEN INSTRUCTED -- I'M ASSUMING THE END OF THAT SENTENCE IS -- BY LAWYERS IN INDONESIA BLAH, BLAH, BLAH, WHATEVER.

THOSE LAWYERS IN INDONESIA CAN INSTRUCT HER DAY AND NIGHT. I DON'T CARE. THOSE LAWYERS IN INDONESIA HAVE NO JURISDICTION OVER ME AND OVER THESE CHILDREN AND OVER THE LAWS OF THE STATE OF CALIFORNIA AND SUPPORT. I BELIEVE THAT SHE WANTS TO PAY SUPPORT. I BELIEVE SHE'S MAKING AN OFFER TO MR. DONNELLY. I BELIEVE SHE WILL DO EVERYTHING AND PROBABLY PAY MORE THAN SHE HAS TO BECAUSE SHE WANTS TO KEEP THOSE RECORDS PRIVATE. I'M NOT A TOTAL MORON. I GET IT. I GET WHERE SHE'S COMING FROM, BUT THE PROBLEM SHE HAS, AND I'M GOING TO REPEAT IT,

IS SHE'S BETWEEN A ROCK AND A HARD PLACE. SHE'S BOUND BY ME. SHE'S GOT TO TURN THOSE RECORDS OVER. HER FAMILY IS PROBABLY GIVING HER HECK BECAUSE THEY DON'T WANT HIM TO KNOW ANYTHING, HIM BEING MR. DONNELLY. I GET IT.

AND WHAT I'M TELLING YOU IS YOU ARE GOING TO HAVE TO SIT DOWN WITH HER CALMLY AND EXPLAIN TO HER THAT WHATEVER THE LAWYERS IN INDONESIA ARE INSTRUCTING HER, OR WHATEVER IT IS, IS IRRELEVANT HERE AND DOES HE GET AN -- WILL HE GET AROUND IT, HE VERY WELL MAY. HE VERY WELL MAY. AND IF HER FAMILY DOESN'T LIKE IT AND WANTS TO BUY HER OUT AND WANTS TO GIVE HER MONEY SO THAT SHE STAYS AWAY FROM IT, VERY WELL, THEY MAY HAVE TO.

AND IF WHAT YOU ARE DESCRIBING TO ME — AND I WILL TELL YOU SOMETHING, YOUR PRESENCE IN THIS COURTROOM AND YOUR BODY LANGUAGE HAS EXPRESSED MORE THAN YOU KNOW YOUR CLIENT'S ANGUISH. IF YOUR CLIENT HAS GOT THAT KIND OF ANGUISH, THEN MR. DONNELLY'S ANGUISHED ABOUT THESE PEOPLE -- IF YOUR CLIENT HAS CAUSED YOU THIS KIND OF ANGUISH FROM HALFWAY AROUND THE WORLD, SHE'S OBVIOUSLY EXPRESSED THAT TO YOU.

AS I'VE SAID BEFORE, I'VE SAT ON YOUR SIDE OF THE TABLE LONGER THAN ON THIS SIDE. I KNOW WHAT CLIENTS CAN DO WITH RESPECT TO ENGENDERING FEAR IN THE HEART OF AN ATTORNEY. I REPRESENTED THE CITY OF L.A. I HAD ALL 13 OF THE CITY COUNSEL SCREAMING AT ME IN CLOSED SESSION TO DO SUCH AND SUCH ON A CASE. I KNOW WHAT THAT PRESSURE IS LIKE. BUT I WILL TELL YOU SOMETHING, IF SHE'S ABLE TO GENERATE THAT KIND OF ANGUISH IN YOU, IT TELLS ME SHE HAS IT. AND IF SHE'S GOT THAT KIND OF ANGUISH, THEN MR. DONNELLY IS NOT OFF THE MARK BEING WORRIED BECAUSE IF THIS MONEY -- AND THAT'S WHAT I'M HEARING. SHE'S NOT HERE BECAUSE SHE'S GOT A HOME THERE, AND SHE'S GOT A BUSINESS THERE. THE ONLY HOME SHE COULD POSSIBLY HAVE IS THAT BUSINESS.

SHE'S GOT HER FAMILY. THEY ARE PUTTING PRESSURE ON HER. SHE'S BEEN INSTRUCTED YOU TELL ME. THAT TELLS ME SHE IS MARCHING TO A DRUMMER THAT SHE'S NERVOUS ABOUT -- THAT'S ALL TELLING ME THAT IS MONEY WITH THE FAMILY, AND I DON'T KNOW THESE PEOPLE. I DON'T KNOW WHETHER THEY ARE JUST YAPPING AT A FAMILY DINNER AND JUST YAPPING, OR THEY ARE REALLY CONCERNED ABOUT SOMEBODY GETTING THEIR HANDS ON BIG MONEY. I DON'T KNOW. I DON'T KNOW. LET'S LEAVE IT AT THAT.

MS. DUNCAN: THERE IS A LOT OF HISTORY BETWEEN THESE TWO. IF YOU TALK TO HIM, IT IS GOING TO BE BLACK. IF YOU TALK TO HER, IT IS GOING TO BE WHITE, AND THAT'S THE PROBLEM.

THE COURT: WHY WILL THAT BE ANY OTHER CASE? OKAY. LET ME GIVE YOU A DATE. IS JULY 15TH CLEAR?

MS. DUNCAN: I COULD DO THE FOLLOWING WEEK.

THE COURT: JULY 31ST. SHE'S GOING TO HAVE TO BE HERE. SHE WILL HAVE TO BE HERE THE MONTH OF JULY.

MR. BARNITT: THAT'S A GOOD DATE.

MS. DUNCAN: THANK YOU, YOUR HONOR.

THE COURT: MS. DUNCAN, I DON'T ENVY YOUR POSITION HERE TODAY. NO

CLIENT, REPRESENTING, AS FAR AS I'M CONCERNED, EXCEPTIONALLY WELL YOUR CLIENT'S INTEREST, EXCEPTIONALLY WELL WITHOUT HER. I JUST WANT YOU TO KNOW I APPRECIATE YOUR ADVOCACY TODAY.

MR. BARNITT: THANK YOU, YOUR HONOR.

MR. KENDALL: YOUR HONOR, JUST FOR A CLEAR RECORD, THAT MEANS THE ORDER TO SHOW CAUSE FILED MAY 30TH, 2008, IS ADVANCED TO TODAY AND SET FOR JULY 30TH, 2008?

THE COURT: YES.

MR. BARNITT: 31ST.

THE COURT: 31ST.

MR. KENDALL: AND ALSO THE -- I BELIEVE WE HAVE NOW MOTHER'S, PETITIONER'S, ORDER TO SHOW CAUSE FOR CUSTODY AND VISITATION, ET AL. THAT IS ALSO SET FOR THAT DATE, AND THEN ALSO THE -- TECHNICALLY THE DOMESTIC VIOLENCE PREVENTION ACTION IS ALSO SET FOR THAT DATE.

THE COURT: ALL MOTIONS -- I DON'T HAVE ALL THE DATES. RESPONDENT'S ORDER TO SHOW CAUSE REGARDING THE RESTRAINING ORDER IS CONTINUED UNTIL THAT DATE. ALL ORDERS ARE TO REMAIN IN EFFECT. THE -- I DON'T HAVE A MOTION BY THE PETITIONER OTHER THAN TO APPOINT MINOR'S COUNSEL. THAT WAS FILED --

MS. DUNCAN: IT IS THE PETITIONER'S MOTION THAT WE ARE ON TODAY, YOUR HONOR. I THINK -- WE BOTH FILED PETITIONS --

THE COURT: THE PETITIONER HAD A MOTION TO APPOINT MINOR'S COUNSEL.

MR. KENDALL: THAT WAS FILED APRIL 9TH, SO THAT HAS BEEN RESOLVED. AND WE HAVE OUR REQUEST FOR THE RESTRAINING ORDER FILED MARCH 19TH.

THE COURT: THAT'S ALL I HAVE ON CALENDAR TODAY. THANK YOU.

(AT 2:52 P.M. THE PROCEEDINGS WERE CONCLUDED.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT B		HON. SUSAN LOPEZ-GISS, JUDGE
MADE JATI,	)	
	)	
PETITIONER(S),	)	
	)	
VS.	)	CASE NO. KD073003
	)	
MICHAEL DONNELLY,	)	REPORTER'S
	)	CERTIFICATE
RESPONDENT(S).	)	
	)	
STATE OF CALIFORNIA	)	
	)	SS
COUNTY OF LOS ANGELES	)	

I, CAROL S. HERRERA, CSR NO. 8735, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, I THROUGH 40, INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON JUNE 4, 2008.

DATED THIS 24TH DAY OF SEPTEMBER, 2008.

CAROL S. HERRERA, CSR NO. 8735
OFFICIAL EPORTER

ROBERT L. SUITER, Ph.D. Psy.D, Inc.
Clinical and Forensic Psychology
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Riverside, CA 92506
Phone (951) 276-0645
Fax (951) 276-4769

18 June, 2008

The Honorable Susan Lopez-Giss
Superior Court of California
Los Angeles County
400 Civic Center Plaza
Pomona, CA 91766-3229

Re: Donnelly vs. Jati
Case: KD 073003

Your Honor:

At your request a psychological assessment (EC 730) was tentatively scheduled to begin on 1 July 2008 for Mr. Michael Donnelly and Ms. Made Jati in reference to their minor children. Mr. Donnelly confirmed this appointment. Further, he paid the required deposit towards initiating the evaluation. However, as of today's date, Ms. Jati has not ever contacted this office. Further, as no telephone number was available for her, my staff was unable to contact her directly. Therefore, the evaluation has been cancelled. In the event Ms. Jati is desirous of initiating the evaluation at a later date and contacts this office towards doing so, I can ensure the parties are scheduled in a timely manner.

This information is forwarded to assist the Court with such action as is deemed appropriate. If there are any questions at all regarding this information, please do not hesitate to contact me.

Sincerely,

ROBERT L. SUITER, Ph.D., Psy.D.
Clinical and Forensic Psychology

Cc: Patrick Barnitt, Attorney at Law
Julie Duncan, Attorney at Law
Thomas Kendall, Attorney at Law

Thomas E. Kendall (State Bar #157891)
Certified Family Law Specialist
California State Bar Association
Board of Legal Specialization
Kendall & Gkikas, LLP
P.O. Box 877, 143 Harvard Ave., Ste. E
Claremont, CA 91711
(909) 482-1422

ORIGINAL FILED

JUL 30 2008

SUPERIOR COURT

Attorney for: Michael Donnelly

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, EAST DISTRICT

In re the Matter of

NI MADE JATI

Case No. KD 073003

Petitioner,
Vs.

SUPPLEMENTAL DECLARATION OF
MICHAEL DONNELLY

MICHAEL DONNELLY

Respondent

I declare that if called to testify in the above-entitled matter, I could and would testify competently, from my own personal knowledge as follows:

1. My name is Michael Donnelly and I am 56 years old.
2. I am the Respondent herein.

Regarding Issues Raised in Previous Court Session 14 July 2008

3. On 4 June 2008 Mr Barnett stated to the Court that the two boys seemed to have little understanding of threats to their safety in Indonesia, that both boys clearly did not wish to see their mother, and that he did not understand the causes behind this.

4. The Court expressed a desire to “get to the bottom of what is going on here” and ordered both parties to proceed with deposition and psychological evaluation.

5. However, the Petitioner Made Jati has failed to cooperate with the court orders, and therefore I would like to clarify the issues and the likely reasons for the Petitioner Made Jati's lack of cooperation.

Regarding the Children's Experiences of their Mother:

6. It is true that neither boy knows details of the threats, the frauds or the divorce: I have told them only the barest details to justify our move to California. As far as I know, Mr Barnett's interview with the boys was the first time since August 2007 that anyone has discussed threats with them.

7. Their childhoods have been difficult enough without unnecessary and traumatic explanations about death threats and criminality.

8. I believe that their antipathy to seeing their mother does not arise from the threats or from experiences here in California, but from their relationship with their mother from 2000 through 2007 in Bali.

9. Our businesses Uluwatu boutiques and Kori Restaurant were family businesses and we had a family home. The boys witnessed that in April 2005 I was kicked out of both businesses and no longer went to work. I was kicked out of our home in August 2005.

10. My wife then publicly, furiously, and repeatedly refused any communication with me and all messages had to pass either through the children or through the servants. The children lived through this daily.

11. Between August 2005 and September 2007 she fired all the servants from our home, people the boys had grown up with, because they testified to the police or the courts that the documents she presented in the divorce accusation were fraudulent, and this despite her loud threats to the servants that they would be fired if they testified. (Exhibit 1)

12. The first servant fired in August 2005 was Made Artini, the girl who had taken care of the boys constantly from their birth on, who traveled four times with them to California and twice to Australia when the Petitioner Made Jati refused to vacation with the family, and who was in many ways more of a "Mom" to them than was the Petitioner Made Jati. I brought Made Artini to our new home, and the Petitioner Made Jati refused to speak to Made Artini again and forbade the remaining servants to talk to Made Artini, thus forcing the children to be conduits for messages. Made Artini is a witness whose testimony in court was falsified by the court recorder as discussed in my filing 7 May 2008 Paragraph 52.

13. Made Artini and others are available for deposition if necessary.

14. The boys witnessed and themselves experienced shrieking tirades from their mother. The Petitioner Made Jati's sisters, brothers and other cronies began to gather at her house and plan loudly how to "take care" of me or bankrupt me. When Sean states in his

letter of March 2007 that “Life at Mom’s house is too tense. I seems that everyone is always angry and I am so unhappy that I can hardly sleep at night.”(Exhibit 4a), he is referring to the hysterical atmosphere among the plotters.

15. In October 2005 the Petitioner Made Jati asked for the boys’ passports for a vacation in Hong Kong. This surprised me because she had only once before ever vacationed with them. The Petitioner then refused to return the passports for our annual Christmas holiday with the boys’ grandparents in California, but tried to use my concern for their welfare to coerce me into signing a document in Indonesian which I later found would have destroyed all my legal rights to the children in Indonesia. (Exhibit 2)

16. The boys do not know about the document, but they do know that they missed Christmas with their grandparents, and that the reason was that their mother refused to return their passports because she wanted to force something from their father. They grew up witnessing their mother manipulate and use people to her ends, and they have experienced for themselves what it meant to be used as a tool in her hands.

17. They are wary of being used by her, they do not trust her, and they do not trust her because of her own actions and behaviors, not because of anything I have told them.

Regarding the Petitioner Made Jati’s Attempts to See Her Children

18. The Petitioner Made Jati’s attempts to see the boys since August 2007 have been remarkably feeble. Julie Duncan states that “she just wants to see her children!” but I believe she wants something else entirely.

19. Julie Duncan’s letter to Dr Suiter of 23 June states that “Made Jati had been away from her home and business in Bali for over four months, prior to her return in May, and has had a hectic past several weeks trying to get her business affairs back in order.” My understanding was that the Petitioner Made Jati left on 2 June, not in May, so possibly Julie Duncan is misleading someone about the dates. (Exhibit 3)

20. Over four months from 2 June would mean that she arrived in California in January 2008. She had refused to talk to me or communicate with me in August 2007 when I returned to Bali to discuss the death threat with her. The letter from the PI Mr Martino states that she contacted him 3 November 2007 and he delivered a report to her in December 2007. Did she meet Mr Martino in person?

21. Julie Duncan told the Court on 4 June that the Petitioner Made Jati returned to Bali on 2 June because her air ticket would expire, although she had told the Mediation Clerk on 15 May that she was leaving on 15 June.

22. I have never heard of an airline ticket expiring in “a little over four months”; usually the business class tickets that she travels on have a one year expiry. The cost of

extending a ticket or purchasing a new ticket to keep an important court date is relatively small compared to the family issues at stake. U.S. Tourist visas have a six month expiry. If she planned to leave 15 June 2008 because her visa was expiring, she would have arrived in California in mid December 2007 in time to receive the report from Mr Martino in person.

23. The conclusion of all this: that the Petitioner Made Jati was in California since January 2008 and possibly since mid December 2007, that she did not show up outside the apartment until 16 March 2008, at least 1 ½ to 3 months after arriving in California, that at our first court date of 19 March 2008 she refused our offer that she could meet the boys at Zendejas Restaurant, that she refused any discussion until nearly two months later on 7 May 2008 she accepted our offer and met the boys at Zendejas Restaurant, that she met them for the first time at least three to five months after arriving in California. Through all this she refused at least 10 times through her attorney to go into counseling with the boys.

24. She stayed in Newport Beach. If she wanted to see the boys, why didn't she stay in San Dimas? Why didn't she accept one of my many offers for discussion, visits, or counseling?

25. It is my belief that the Petitioner Made Jati arrived in California in December 2007 or January 2008, that she did not care to see the boys because she was waiting for the Final Decree which she expected to win because of her previous manipulations of the courts, that she felt that the results her collusion in the Indonesian system would be a slam dunk in California and that she would gain easy custody and snatch and grab and take the boys back to Indonesia based on the foreign decree, that she was dismayed to find that she had lost the Final Decree and so had to file an appeal hoping it might open another opportunity for collusion, that through February and early March 2008 she may have considered ways to gain control or kidnap the boys until her attorney convinced her that she needed to stay within the law.

26. In Bali since 2006 she made repeated attempts to gain control of their passports, and since they were already in Bali the only reason to go to such extremes was to use them as hostages over the millions of dollars at stake here. (Exhibit 4)

27. It is my belief that the Petitioner Made Jati's purpose in California was not to see the boys, but was one more attempt to get them out of California with their passports where she could use them to coerce me into abandoning my rights in Indonesia.

Regarding the Petitioner Made Jati's Refusal of Deposition and Psychological Evaluation

28. It is my belief that the Petitioner Made Jati did not leave California on 2 June because of an airline ticket but because she did not want to face the Court on 4 June after

refusing deposition or psychological examination.

29. On 14 July I called Dr Suiter's office and was informed that the Petitioner Made Jati had called once in late June about an appointment. She was given some available dates but she did not accept a date and never called again.

30. I know my wife well after years of family turmoil. Her behavior is extreme, heartless, showing no remorse for the pain she has caused her children or others. She is glib and convincing, taking in others as easily as she once did me. She invests massive energy in manipulation even of strangers.

31. If there is any sincerity in Julie Duncan, she probably started off believing that she was truly helping an unfortunate woman regain her children, and despite all the evidence that should now tell her otherwise she may still believe it. In any case, I accept that she is a professional and at this point her client's interest is avoiding psychological evaluation.

32. But it is my layman's belief that evaluation by a qualified psychologist would find that the Petitioner Made Jati fits the description of narcissistic sociopath / anti-social personality disorder, and that the Petitioner Made Jati is well aware that the public face she presents through Made's Angels would not hold up to a professional psychologist.

33. Further, her obsessive behavior in carrying through an elaborate fraud and deception starting even before the birth of our children (Exhibit 5), and which even a quick calculation shows is far more financially damaging to her than cooperation would have been, indicates real mental imbalance.

34. The Petitioner Made Jati's suggestion that I sent the email threat to myself does not surprise me after experiencing years of Bizzaro world reversals of fact in which she projects her behaviors onto others. It may seem plausible and natural to the Petitioner Made Jati that anyone with a skill would use it to take advantage, but in fact hundreds of thousands of people [if not many millions] have the computer skills I have and do not use them to commit crimes.

35. Evidenced by her call to Dr Suiter's office, the Petitioner Made Jati in late June was considering a return to California. Upon being told that she would be meeting Dr Suiter together with me, and that five to seven hours of personal psychological evaluation would follow, she cancelled those plans.

36. I believe that the Petitioner Made Jati has no regrets or remorse for her behaviors, but recognizes that other people would find them aberrant, and that she has no intention of ever submitting to a psychological evaluation, a deposition, or a trial.

Regarding the Whereabouts of the Petitioner Made Jati

37. Julie Duncan stated to the Court on 4 June that the Petitioner Made Jati needed to return to Bali to take care of her business, and that she may be in Paris or New York and was difficult to contact.

38. The Petitioner Made Jati is never difficult to contact. She is addicted to the internet and Skype, spending hours a day on it and checking in from every airport lounge. Bali is not a lost jungle island; all the major hotel chains have resorts in Bali and internet and telephone service is as good as in California.

39. I set up our business and organized it well to operate with minimal supervision. The Petitioner Made Jati was able to return to Bali in June because the police investigator who issued the November 2007 arrest warrant in Tabanan, the city where all her false government documents were issued, was mysteriously transferred to another district and the warrant shelved. Some Tabanan government officials may have also found this a welcome development. This gave her opportunity to return, but not the necessity.

40. It is possible that the business has descended into chaos in the three years since they kicked me out, but the Petitioner Made Jati does not have the business experience to do much more than add to the chaos. If they really need help, they could call me.

41. As for Paris and New York, she could well be there but not for business. All the years of our marriage I seldom knew where she was or who she was with. Photos in Exhibit 13 of 30 May 2008 show her in Paris with her boyfriend on one of her many trips between 1998 and 2005. Our Uluwatu business is tourist retailing in Bali, not high fashion. She likes to hang out at the big Paris and New York shows and pretend to the lifestyle, but it has nothing to do with our business.

42. On 15 July we had a scheduled mediation, but the Petitioner Made Jati failed to show (Exhibit 6). I know she was not in Bali taking care of business because I have a reliable report that on 15 July she was in Jember, a town in east Java about nine hours drive from Bali and reputed as a center of black magic, where she paid over USD 8,000 to have a spell put on me to cause my death.

43. She could now be in Paris, New York, Bali, Java, Balboa Island, Hawaii, but she is not in San Dimas where her children are living in a small apartment, and she has not taken even the simplest steps ordered by the Court that would be expected of a normal mother eager to reunite with her children.

Request to the Court

44. It is my belief that the Petitioner Made Jati's purpose in California, failing to gain control of the children, is to cause me maximum expense and distractions, knowing

that she has taken all our family income and most of our assets, that I have all the expense of raising the boys, that extensive legal fees in California eat into my ability to pay legal fees in Indonesia, and that the financial deprivations the children must suffer are of no concern to her.

45. Based on the Petitioner Made Jati's repeated threats that if she doesn't get everything that she would rather "destroy everything and just go to prison!", her apparent mental aberrance, her habitual use of force and fraud to achieve her ends, her disregard for the laws of California and Indonesia, her unnatural relationship with her children, and the frustration of her plans in California and possibly Indonesia, it is also my belief that she is a plausible threat to our safety.

46. I therefore respectfully request the Court as follows:

- a. If the Petitioner Made Jati should again arrive in California that her passport be ordered surrendered to the Court until all issues under jurisdiction of the Court are cleared up.
- b. That the Petitioner Made Jati then be compelled to appear at a deposition.
- c. That the Petitioner Made Jati then be compelled to cooperate fully with a complete psychological evaluation.
- d. That the Petitioner Made Jati be ordered to pay child support appropriate to our estimated income at the time she removed me from our businesses.
- e. That the Petitioner Made Jati be placed under a restraining order not to approach the children or me without my express written consent.
- f. That the Court rule that the children are under my sole physical and legal custody.
- g. That she have no unsupervised visits.

I hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct; executed in Claremont, California.

DATE: July 30, 2008

Michael Donnelly — Respondent



Paranoia

The watchman refuses to let me enter our family house, March 2006.

The sign posted on the gate reads:

ATTENTION

1. Whosoever wishes to enter without prior permission of the owner must wait outside the gate.
2. Whosoever from my new house wishes to enter for any reason to this house must wait outside the gate and whatever they need will be brought to them only with the permission of the owner.
3. Regarding needs of the children, Timon is given permission to enter both houses.

Thank you

the owner

The words “my new house” actually meant my house, but Made Jati had already told me that she would take away my house as soon as the divorce was final.

Impact of the Decision of the National Court Denpasar on the Children
2 December 2005

Immediately after the announcement of the Decision, Made Jati on 2 December 2005 told the children that they would no longer be staying with me, and she instructed a servant to call me to say that she now had full custody of the children.

I called Made Jati and she told me that the children were now entirely hers and that I might apply to see them occasionally on weekends. I immediately went to our family home and told her to call her attorney explain to her that she did not have that right. Made Jati tried to physically restrain the children from going with me. Her attorney arrived, tried to calm her, and told her that she did not have custody of the children because I had entered an appeal of the decision and the custody of the children remained status quo.

Made Jati became hysterical; both children were fearful and crying. To calm Made Jati I told her that the children could stay with her that night and come to me the following day; her lawyer agreed that we would have a meeting on Monday to discuss the issue.

On Monday they cancelled the meeting and sent a message that they wanted me to sign a document about custody before Made Jati returned the children's passports to me for their Christmas visit to California. I did not receive a copy of the document until 15 December, when I found that my lawyer Austrindo Law Office had been negotiating with Made Jati without telling me. He urged me to sign the agreement. I swore an affidavit report at the US Consulate because I felt suspicious about the situation.

On 16 December 4:30 PM I received a call from my lawyer that we must meet immediately at a notary office to sign a document to ensure my rights to the children and the return of their passports, and we must sign quickly before the office closed at 5:30 so that we might have the passports before our scheduled departure to California on Monday.

I arrived at the notary to find that Made Jati had already signed the document and gone. The document was only in Indonesian and the notary read it aloud quickly, my lawyers urging me to sign because the office was closing. After studying the document as best I could I refused to sign and left.

Made Jati did not return the passports until Christmas day, when she brought them to the house and presented them to the children as if they were generous gifts from her, allowing them to see their grandparents for Christmas. We left for California on 27 December.

I later found the signed documents from the notary office in the Austrindo files when my lawyer was out of his office. Someone had writted DRAFT on every page, and entered a false date in pencil of 16 August 2005.

Reading it more carefully, it became clear that the intent of the document was to end all my

rights to custody of my children. And that Made Jati's technique to get me to sign it involved a large group of collaborators, including my own lawyers, manipulating my concern for the welfare and happiness of our children.

Michael Donnelly
Jalan Pengembak No 12
Sanur, Bali

15 December 2005

To whom it may concern:

I have received a document from my wife Made Jati through our lawyers regarding custody and rights to our children.

The document is in Indonesian and is complex. My lawyer has explained it to me but some of the passages appear to me to be ambiguous. My lawyer has made some reply and objection to certain passages but we are not in a strong position to bargain with Made. Whether the document is ambiguous or even clearly objectionable, I feel that I have little choice but to sign the document because of Made's continued threat to withhold our children's passports and precipitate a court battle which could be traumatic for the children.

After Made's attempt to seize control of the children 2 December it is clear to me that she is willing to use the children as a weapon against me in spite of psychological hurt to the children. The document at least commits her to sharing equal time with the children.

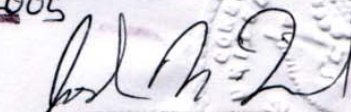
Our house girl Kadek today reported to me that Bu Made has told her that she doesn't believe that the children are going to America for Christmas. The document itself does not commit Made to giving me the passports at anytime, only opens the possibility that she may do so. Nevertheless I feel compelled to sign the document against my will and under force of threat to the psychological well being of my children to prevent them being held hostage in Indonesia, with the hope that Made will indeed turn over their passports in time for our departure on 19 December.



Michael Donnelly

Republic of Indonesia)
Province of Bali)
City of Denpasar) 183
Consular Agency of the)
United States of America)

Subscribed and sworn to before me this 15th day
of December 19 2005


Joshua N. Finch
U.S. Consular Agent

Draft

PERJANJIAN

Nomor : _____

-- Pada jam 14.15 Wita (_____) Waktu Indonesia -----

Bagian Tengah), hari Jumat tanggal 16 Agustus 2005

Menghadap kepada saya, **AGUS SATOTO, Sarjana Hukum, Notaris di -----**

Kabupaten Gianyar, berkedudukan di SUKAWATI, dengan dihadiri oleh -----

saksi-saksi yang akan disebut pada bagian akhir akta ini dan yang telah -----

dikenal oleh saya, Notaris. -----

1. Nyonya **NI MADE JATI**, lahir di Badung, pada tanggal tiga puluh -----

satu Desember seribu sembilan ratus lima puluh tujuh (31-12-1957), --

Warga Negara Indonesia, Pedagang, bertempat tinggal di -----

Kota Denpasar, Kecamatan Denpasar Selatan, Desa / Kelurahan Sanur-

Kauh, Banjar / Lingkungan Tanjung, Jalan Pengembak Gang III -----

Nomor 29; -----

pemegang Kartu Tanda Penduduk Nomor : -----

22.5003.311257.1477; -----

sementara ini sedang berada di Sukawati, Kabupaten Gianyar. -----

Untuk selanjutnya disebut : -----

- PIHAK PERTAMA -

2. Tuan **MICHAEL PATRICK DONNELLY**, umur lima puluh empat (45)

tahun, Warga Negara Amerika, Swasta, bertempat tinggal di -----

Kota Denpasar, Kecamatan Denpasar Selatan, Desa / Kelurahan Sanur-

Kauh, Banjar / Lingkungan Tanjung, Jalan Pengembak Nomor 12; -----

pemegang Passpor Nomor : 710218731; -----

sementara ini sedang berada di Sukawati, Kabupaten Gianyar. -----

Untuk selanjutnya disebut: -----

PIHAK KEDUA

-- Para penghadap dikenal oleh saya, Notaris. -----

-- Para penghadap masing-masing dalam kedudukannya diuraikan diatas -----

menerangkan: -----

- Bahwa para penghadap sepakat untuk membuat suatu perjanjian yang -----

akan disepakati oleh masing-masing pihak, yang berhubungan dengan -----

hak asuh dan pemeliharaan terhadap anak-anak yang dilahirkan dari -----

perkawinan mereka tersebut, sampai dengan Putusan Pengadilan atas -----

Perkara Nomor : 119/Pdt.G/2005/PN.DPS memiliki kekuatan hukum -----

yang tetap; -----

yang aslinya telah diperlihatkan kepada saya, Notaris dan sebuah foto -----

copy sesuai aslinya dilekatkan pada minuta akta ini. -----

- Bertalian dengan hal-hal terurai diatas maka para penghadap -----

masing-masing dalam kedudukannya menerangkan, bahwa pihak-pihak -----

kini telah mencapai kata sepakat / persetujuan untuk mengadakan -----

perjanjian dalam akta ini dengan ketentuan-ketentuan dan syarat-syarat -----

sebagai berikut : -----

Pasal 1

-- Para pihak sepakat bahwa sebelum Perkara Nomor : 19/Pdt.G/2005/PN.DPS -----

mendapat putusan dari Pengadilan Negeri Denpasar dan memiliki kekuatan -----

hukum yang tetap para pihak tetap menghormati putusan pengadilan -----

dimaksud sebagai kondisi / status hukum tertulis terakhir para pihak -----

sebagaimana adanya meskipun terdapat upaya hukum banding sehingga -----

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memiliki konsekwensi hukum bahwasanya merupakan keadaan hukum
terakhir yang bersifat sementara sampai dengan adanya keputusan
pengadilan yang memiliki kekuatan hukum tetap.

Pasal 2.

Perjanjian ini berlaku / dimulai sejak ditandatanganinya akta ini dan
berakhir setelah adanya Putusan Pengadilan yang memiliki kekuatan hukum
tetap atas perkara Nomor : 19/Pdt.G/2005/PN.DPS.

Pasal 3.

Para pihak sepakat bahwa berdasarkan putusan pengadilan sebagaimana
telah disebutkan di atas, pihak pertama adalah selaku pemegang Hak
Perwalian terhadap anak-anaknya yaitu :

Donnelly
Donnelly

a. Tuan SEAN WAYAN DONNELLY;

b. Tuan BRENDEN SURYA DONNELLY;

Dengan konsekwensi / kerelaan dari pihak pertama untuk memberi / berbagi
kesempatan kepada pihak kedua untuk bisa ikut serta dalam pengasuhan /
pemeliharaan anak-anak mereka sampai dengan ditentukannya Putusan
Pengadilan yang memiliki kekuatan hukum yang tetap dengan ketentuan
ketentuan yang telah disepakati oleh kedua belah pihak yaitu :

Madeline
Madeline
Naprs

Pihak Pertama berhak untuk mengajak tinggal, memelihara dan
mengasuh anak-anak mereka pada hari Senin, Selasa, dan Rabu
di rumah tempat kediaman pihak pertama;

Pihak kedua berhak untuk mengajak tinggal, mengajak tinggal,
memelihara dan mengasuh anak-anak mereka pada hari Kamis,
Jumat dan Sabtu di rumah tempat kediaman pihak kedua;

7/07/08
selanjutnya pada hari Minggu anak-anak mereka kembali berada dalam

pengawasan/kekuasaan pihak pertama sampai pada hari Rabu;

demikian untuk seterusnya;

-- dan untuk selanjutnya dalam akta ini disebut **JATAH TINGGAL**;

hal ini adalah sebagai wujud perlindungan kepentingan anak-anak

mereka oleh karena dalam waktu 3 (tiga) hari adalah jangka waktu yang

sangat tepat dalam rangka pengawasan dan kontinuitas perhatian serta

curahan kasih sayang dan juga merupakan pengawasan anak-anak

mereka yang paling efektif disamping anak-anak mereka tidak akan

terlalu stress ketika harus kembali menyesuaikan diri pada pihak lainnya

apabila waktu tinggal pada masing-masing pihak terlalu lama.

Dan apabila pihak pertama dan kedua merencanakan suatu

rencana/kegiatan yang bersifat istimewa seperti halnya pesta ulang tahun,

bertemu/mengundang teman-teman dan acara lainnya, maka atas ide ini

sebelumnya harus dikoordinasikan oleh para pihak untuk mendapatkan

persetujuan;

Persetujuan mana sepenuhnya mendengar aspirasi bebas dari anak-anak

mereka, sepanjang tidak bertentangan dengan prinsip-prinsip pemeliharaan

dan pendidikan anak-anak mereka yang telah diketahui bersama.

Pasal 4

-- Kedua belah pihak telah sepakat bahwa pada saat JATAH TINGGAL berada

pada pihak pertama dan ternyata oleh karena suatu hal pihak pertama

harus melakukan perjalanan bisnis atau kegiatan dalam bentuk apapun diluar

wilayah propinsi Bali ataupun diluar Indonesia maka pihak pertama wajib

menyerahkan dokumen hukum/passport anak-anak mereka kepada

pihak kedua untuk dititipkan sebagai pihak yang tidak mendapat JATAH

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TINGGAL;

selanjutnya menggantikan posisi JATAH TINGGAL pertama untuk melakukan kewajiban sebagai pihak yang mendapatkan JATAH TINGGAL; dan selanjutnya setelah pihak pertama dimaksud datang kembali/sampai di Bali, maka pihak kedua wajib mengembalikan anak-anak mereka berikut dengan passport dan dokumen keimigrasian anak-anak mereka kepada pihak pertama.

Pasal 5.

-- Kedua belah pihak telah sepakat bahwa dalam hal anak-anak mereka, para pihak berada di Bali (Indonesia), maka dokumen hukum/passport anak-anak mereka harus tetap berada dalam tangan pihak pertama, dalam hal ini pihak pertama selaku Ibu kandung, pemegang hak perwakilan, pemegang sponsorship anak-anak tersebut; selanjutnya pihak kedua dengan ini menerima syarat dimaksud sebagai wujud penghormatan pihak kedua kepada hukum Indonesia.

Pasal 6.

-- Kedua belah pihak telah sepakat bahwa sebagai pemegang hak perwalian sebagaimana disebutkan dalam Keputusan Pengadilan Negeri Denpasar yang telah sebutkan diatas, pihak pertama bertanggung jawab penuh secara hukum terhadap anak-anak tersebut, baik itu dalam kapasitas pihak pertama sebagai ibu kandung, wali hukum dan sponsorship anak-anak sampai ditentukan dalam keputusan pengadilan yang memiliki kekuatan hukum tetap.

Pasal 7.

-- Kedua pihak telah sepakat bahwa dalam hal terjadi sesuatu terhadap anak-anak mereka baik itu menyangkut kesehatan, pendidikan, kehidupan,



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dan aspek-aspek hukum lainnya seperti halnya keimigrasian maka pihak pertama secara hukum bertanggung jawab penuh;

dan apabila pihak kedua berkeinginan melakukan hal hal lainnya yang tidak diatur dalam kesepakatan ini seperti halnya keinginan untuk

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memasukan/menyekolahkan pada sekolah yang memiliki asrama atau membawa anak-anak mereka ke asrama dan atau menyekolahkan anak-anak

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mereka keluar Negeri, maka pihak kedua terlebih dahulu harus mendapatkan persetujuan khusus dan tertulis dari pihak pertama dan disertai saksi-saksi guna menguatkan persetujuan tertulis dimaksud.

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Termasuk persetujuan tertulis dari pihak pertama bilamana pihak kedua berkeinginan untuk mengajak anak-anak mereka bepergian keluar negeri

dengan ketentuan anak-anak mereka dimaksud harus dikembalikan lagi

kepada pihak pertama sebagai pemegang perwalian sampai dengan putusan pengadilan yang mempunyai kekuatan tetap.

Teknis pelaksanaannya ketika anak-anak tersebut tiba di Indonesia khususnya di Bali pihak kedua wajib seketika itu juga menyerahkan anak-anak mereka tersebut di tempat kediaman pihak pertama pada waktu yang ditentukan serta merta berikut seluruh dokumen keimigrasian dan passport anak-anak tersebut untuk disimpan oleh pihak pertama selaku sponsorship, ibu kandung dan pemegang perwalian atas anak-anak tersebut.

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Paragraf 8

-- Kedua Pihak telah sepakat bahwa biaya pendidikan, kesehatan, asuransi anak-anak mereka ditanggung bersama-sama oleh kedua belah pihak. Biaya-biaya dimaksud akan dibayar seketika di depan dan tunai secara bersama-sama cara sharing sama besar pada saat tagihan (billing) atas biaya-biaya termaksud diterima oleh salah satu pihak baik itu pihak pertama --

Bratt

maupun pihak kedua, ...
selanjutnya biaya kehidupan sehari-hari anak-anak ditanggung oleh kedua
belah pihak dengan mengikuti jadwal JATAH TINGGAL.
Dalam hal liburan dan atau bepergian keluar negeri maka segala pengeluaran
yang dikeluarkan seperti halnya ongkos tiket dan lain-lain menjadi
tanggungan pihak yang mengajak berlibur/bepergian keluar negeri.

Kehidupan

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Pasal 9.
Kedua belah pihak telah sepakat bahwa para pihak tidak akan saling
mengganggu kehidupan pihak lainnya dan tidak akan pernah ikut campur
dalam kehidupan pribadi pihak lainnya, termasuk juga tidak akan merusak
kegiatan para pihak terlebih hubungan para pihak dengan pihak
ketiga atau teman baik dan relasi bisnis masing-masing dan tetap
menjunjung tinggi/menghormati keputusan pengadilan negeri atas perkara
No. 119/Pdt.G/2005/PN. DPS;
meskipun belum mempunyai kekuatan hukum tetap.

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Pasal 10.
Kedua belah pihak bahwa dalam keadaan anak-anak mereka berada dalam
JATAH TINGGAL sebagai dimaksud pasal 3 perjanjian ini, anak-anak
tersebut mengalami peristiwa tertentu/sakit dan sudah tentu sangat
memerlukan perhatian ekstra pihak lainnya maka atas keinginan bebas
anak-anak tersebut baik melalui telepon/lisan bisa secara langsung atau
melalui orang lain/pihak lain, maka pihak yang dibutuhkan anak tersebut
dapat dijangkau untuk memperhatikan anak itu di kediaman JATAH TINGGAL --
anak dimaksud semata demi kepentingan anak-anak tersebut dan apabila ---
ternyata memerlukan MRS (masuk Rumah Sakit) maka kedua pihak sekali ---
lagi demi kepentingan anak-anak semata wajib saling bantu membantu ----

secara bersama-sama melakukan pengurusan, perhatian kepada anak
tersebut.

Pasal 11.

Kedua belah pihak telah sepakat bahwa apabila pihak kedua melanggar
dan atau tidak melaksanakan kesepakatan ini secara baik, maka pihak

pertama cukup dengan satu kenyataan/peristiwa yang membuktikan bahwa

pihak kedua ternyata tidak melakukan tugas dan kewajiban sebagaimana

mestinya dalam JATAH TINGGAL, sebagaimana termaksud dalam pasal 2

perjanjian ini seperti halnya menelantarkan anak/meningalkan anak tanpa

alasan yang dapat dipertanggung jawabkan, membahayakan kesehatan,

keselamatan dan mengganggu pendidikan dan kegiatan ekstra kurikuler

anak-anak, lalai sehingga menimbulkan sakit, cedera dan lain-lain;

maka berdasarkan perjanjian ini kedua belah pihak telah sepakat bahwa

pihak pertama dapat menghentikan perjanjian ini secara sepihak dan tanpa

memerlukan peringatan hukum dan keputusan pengadilan, selanjutnya

pihak pertama dapat mengambil kembali kekuasaan atas anak-anak mereka

tersebut tanpa pemberitahuan / persetujuan dari pihak kedua

sebagaimana diamanatkan untuk sementara oleh putusan Pengadilan

Nomor: 119/Pdt.G/2005/PN.DPS

berikut mengambil segala Fasilitas dan dokumen keimigrasian anak-anak

mereka dari pihak kedua, apabila pada saat itu anak-anak mereka tersebut

berada dalam pengawasan pihak kedua.

Selanjutnya pihak pertama berhak untuk menghentikan/pemutusan perjanjian

ini secara sepihak dan anak-anak mereka tersebut selanjutnya sepenuhnya

menjadi tanggung jawab pihak pertama dan pihak kedua dengan ini

menyatakan menerima dan tidak akan berkeberatan sebagai orang yang

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Gentleman dan juga sebagai suatu konsekuensi/akibat hukum atas kelalaian
pihak kedua tersebut.

Pasal 12

Kedua belah pihak telah sepakat bahwa perjanjian ini dibuat dengan
sebenarnya dengan itikad baik dan untuk memberikan rasa nyaman dan
aman bagi kedua pihak dan khususnya kepada anak-anak mereka.

Pasal 13

Tentang hal-hal yang tidak diatur atau tidak cukup diatur dalam akta ini
akan dan/atau dapat diputus oleh para pihak dalam suatu musyawarah
yang bersifat kekeluargaan.

Pasal 14

Biaya pembuatan akta ini dan turunannya dipikul dan wajib dibayar oleh
pihak pertama.

Pasal 15

Mengenai akta ini dan akibatnya para pihak memilih tempat kedudukan
umum yang tetap pada Kantor Panitera Pengadilan Negeri di Denpasar.

DEMIKIAN

akta ini dibuat dan diresmikan di SUKAWATI, pada hari dan tanggal
seperti tertulis pada awal sekali akta ini dengan dihadiri saksi-saksi

1. Tuan I GUSTI NGURAH GEDE SUPARTA, Sarjana Hukum,

Lahir di Gianyar, pada tanggal tiga Desember seribu sembilan ratus
enam puluh enam (03-12-1966), Warga Negara Indonesia,
bertempat tinggal di Kabupaten Gianyar, Kecamatan Sukawati,
Desa Singapadu Tengah, Dusun / Banjar Abasan;
pemegang Kartu Tanda Penduduk Nomor : 22.0501.031266.0001;

2. Tuan I KADEK AGUS SURYADI DWI PUTRA, Sarjana Hukum,

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lahir di Gianyar, pada tanggal dua puluh satu Agustus seribu -----
sembilan ratus tujuh puluh tiga (21-08-1973); Warga Negara -----
Indonesia, bertempat tinggal di Kabupaten Gianyar, Kecamatan Gianyar, --
Kelurahan Gianyar, Lingkungan Candi Baru; -----
pemegang Kartu Tanda Penduduk Nomor : 22.0507.210873.0001; -----
keduanya pegawai Kantor Notaris, sebagai saksi-saksi; -----
keduanya dikenal oleh saya, Notaris. -----
Segera setelah akta ini saya, Notaris bacakan kepada para penghadap -----
dan para saksi, lalu akta ini ditandatangani oleh mereka masing-masing -----
berturut-turut dan saya, Notaris. -----
Dilangsungkan dengan tambahan, hapusan---
dan hapusan dengan ganti. -----



N. MADE SATI

Schedule of Residence

Agreement Number _____

At _____ o'clock on date _____

Meeting with me, AGUS SATOTO, Graduate of Law, Notary in County Gianyar, living in SUKAWATI, attended by witnesses that will be noted at the end of this agreement and who are known to me, Notary.

- 1) Mrs NI MADE JATI, born in Badung, on 30 December 1957, citizen of Indonesia, private business person, living in Denpasar, Denpasar Selatan, Village of Sanur Kauh, Banjar Tanjung, Jalan Pengembak Gang III, Nomor 29, holding residence card number 22.5003.311257.1477, and at this moment in Sukawati, Kabupaten Gianyar -

And from here known as the FIRST PARTY

- 2) Mr Michael Patrick Donnelly, age 54 years, citizen of America, private business person, living in Denpasar, Denpasar Selatan, Village of Sanur Kauh, Banjar Tanjung, Jalan Pengembak Nomor 12, holding passport number 710218731, and at this moment in Sukawati, Kabupaten Gianyar -

And from here know as the SECOND PARTY

Those present are known to me, Notary

Those present each explain...

That those present agree to make an agreement that is agreeable to both parties, in connection with right to care for the children that were born of their marriage, until there is a final decree in the case number 119/Pdt.G/2005/PN.DPS,

The original having been shown to me, Notary and a photocopy of the original being place in this minutes of this agreement,

Connected with these matters above those present each in my presence agree to the conditions and purposes as follows

Section 1

The parties agree that before Decision Number 19/Pdt.G/2005/PN.DPS receives a decision from the National Court in Denpasar and has the force of a final decree, the two parties will still honor the decision of the court as a condition / legal status as final however it is written, despite there being an appeal so that it holds the consequence of law as if it is the final decision although it is a provisional decision

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until there is a final decree;

Section 2

This agreement takes effect and starts when signed and ends after there is a final decree in the case 19/Pdt.G/2005/PN.DPS.

Section 3

The parties agree that according to the decision referred to above, the First Party has the right of custody for the two children

- a) SEAN WAYAN DONNELLY
- b) BRENDEN SURYA DONNELLY

With the consequence and willingness from the First Party to give / divide opportunity to the Second Party to contribute to the care and rights to their children until the final decree as described in Section 1 with the provisions agreed by the two parties:

- The First Party has the right to keep and care for the children on Monday, Tuesday and Wednesday at the house of the First Party.
- The Second Party has the right to keep and care for the children on Thursday, Friday and Saturday at the house of the Second Party.
- On Sunday the children return to the care of the First Party until Wednesday, and so on.

And so on in this agreement known as the JATAH TINGGAL

This is meant for the protection of the children because three days is a length of time that is right for the care and contribution and love and is most effective, and also the children will not be too stressed when they must return to accustom themselves to the other party, if they have to stay too long with the other party. And if the First Party and the Second Party plan something special like a birthday party, meeting with friends and other events, then based on this idea they must first coordinate with the other party for agreement.

Whatever agreement must fully hear the free aspirations from the children as long as they are not against the principles of care and education of their children that they know together.

Section 4

Both parties agree that at the moment the Jatah Tinggal of the children is with the First Party and that the First Party for some reason must go on a business trip or other activity of any kind outside of Bali or outside of Indonesia then the First Party must surrender the legal documents / passports of the children to the Second Party to hold as the party who does not have the Jatah Tinggal of the children.

And then to change the position of the first Jatah Tinggal to have the rights and responsibilities as if the party that does have the Jatah Tinggal.

And then after the First Party returns / arrives in Bali, then the Second Party must return the children with their passports and immigration documents to the First Party.

Section 5

The two parties agree that regarding their children, the two Parties are in Bali (Indonesia) and the legal documents / passports of their children must remain in the possession of the First Party, in this regard the First Party is always the Mother, holding custody and sponsorship of the children, and then with this the Second Party hereby accepts the condition of respecting his responsibility of obeying the laws of Indonesia.

Section 6

The two parties agree that as the holder of custody as specified in the court decision listed above, the First Party has full legal responsibility for the children, whether in capacity of the First Party as mother, guardian and sponsor of the children until ratified by the final decree;

Section 7

The two parties agree that should something happen to the children whether that affects their health, education, life and other legal aspects such as immigration then the First Party has full legal responsibility.

And if the Second Party wants to do something that is not listed in this agreement, such as wants to enter them in a boarding school or take them to a to a boarding school or educate them in a school outside the country, then the Second Party must beforehand have special permission written from the First Party with witnesses to the written agreement,

And so also there must be written permission from the First Party if the Second Party wishes to take the children outside the country, with the agreement that the children must be returned again to the First Party as the parent in custody until there is a Final Decree;

The technical means of when the children arrive in Indonesia especially in Bali the Second Party must at that moment surrender the children to the home of the First Party at the time already agreed upon, together with the immigration documents and passports of the children to be kept by the First Party as the sponsor, custodian and guardian of the children.

Section 8

The two parties already agree that the costs of education, health, insurance of the children are their joint responsibility.

The expenses are to be paid in advance in cash together in equal amounts at the moment of billing when the invoice is received by one or both parties.

Also the expenses of daily living are the responsibility of both parties according to the schedule of the Jatah Tinggal.

During vacation or when outside the country all expenses such as the cost of air tickets etc are the responsibility of the party taking them on vacation.

Section 9

The two parties agree that neither party will bother the life of the other party and will not interfere in the private life of the other party, including they will not disturb the activities of the other party in connection with a third party or close friend or one another's business relationships, and will continue to honor the decision of the National Court in the case No 119/ Pdt.G/ 2005/ PN.DPS, although it is not yet the Final Decree;

Section 10

The two parties agree that in the arrangements as in Section 3 of this Jatah Tinggal, if the children experience a certain event / illness and suddenly need extra attention from the other party based on their own free will whether by telephone or orally they can send directly or through another person, then the party needed by that child can visit to give attention to the child at the home according to this Jatah Tinggal for the welfare of the child and if apparently they need a hospital then the two parties again for the welfare of the child are required to give one another assistance to arrange this and give attention to the child.

Section 11

The two parties agree that if the Second Party violates or does not follow this agreement properly, then the First Party has enough with a single instance / event which proves that the Second Party clearly did not do his duty and responsibility as required in the Jatah Tinggal, as meant in Section 2 of this agreement, such as abandoning the children without reason or irresponsibly, endangering their health, safety and interfering with their education and extra curricular activities, being careless until causing them sickness, injury etc, then based upon this agreement the two parties agree that the First Party can cancel this agreement unilaterally and without needing any legal proceeding or court decision, directly the First Party can take back all power over their children without informing to or agreement from the Second Party as stated temporarily in the court decision 119/Pdg.G/2005/PN.DPS and then take all facilities and immigration documents or the children from the Second Party, even if at that moment the children are under the care of the Second Party.

And so the First Party has the right to stop / halt this agreement unilaterally and the children then become the sole responsibility of the First Party and the Second Party with this clearly accepts and will make no objection to this as a Gentleman and also as a consequence of law to his negligence;

Section 12

The two parties agree that this agreement is made truthfully with honest purpose to give a feeling of comfort and safety to the two parties and especially to their children;

Section 13

Regarding things not arranged or not sufficiently arranged in this agreement will and/or can be decided by the parties in a family style mediation;

Section 14

The cost of this agreement and expenses rising from it are the responsibility of the First Party.

Section 15

Regarding this agreement and as a result of it the parties choose their place of permanent residence to the Office of the Court Recorder in Denpasar.

THEREFORE

This agreement is made and becomes official in SUKAWATI, on the day and date as written at the beginning of this agreement in the presence of witnesses

- 1) Mr I Gusti Ngurah Gede Suparta, Graduate of Law, born in Gianyar, on 3 December 1966, citizen of Indonesia, residence in Kabupaten Gianyar, District Sukawati, Village Singapadu, Banjar Abasan, holding Resident Identity Card 22. 0501. 031266. 0001
- 2) Mr I Kadek Agus Suryadi Dwi Putra, Graduate of Law, born in Gianyar, on 21 August 1973, citizen of Indonesia, residence Kabupaten Gianyar, Candi Baru, Resident Identity Card 22. 0507.0210873.00001

Both employees of this Notary Office, as witnesses, both known to me as Notary,

Immediately after this I as Notary read the document to the those present and the witnesses, then this act was signed by each in sucession and by me, Notary

Together with _____ addendums, _____ deletions, and _____ deletions with changes.

Republic of Indonesia)
Province of Bali)
City of Denpasar) SS :
Consular Agency of the)
United States of America)

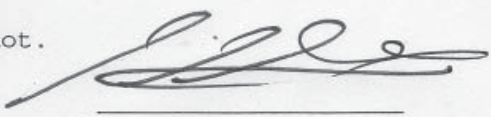
Before me, Joshua N. Finch, Consular Agent of the United States of America at Denpasar, Bali, Indonesia, personally appeared

Who being sworn, deposes and says as follows :

THE ATTACHED DOCUMENT IS A TRUE
AND FACTUAL ACCOUNT OF EVENTS AT
THE KANTOR IMIGRASI DENPASAR 8 MARCH
2007, ALSO WITNESSED BY MY LAWYERS
MUNARIDZAH SH AND MANGASIH SUMANGUNSONG
SH.

And further deponent saith not.

Subscribed and sworn to before me on this 30th day of
March, 2007


Joshua N. Finch
U.S. Consular Agent



DEPARTMENT OF STATE—UNITED STATES OF AMERICA
CONSULAR CASH RECEIPT
AND
RECORD OF FEES

No. **H6088483**

☆ U.S. GOVERNMENT PRINTING OFFICE: 1992-334-348

1. NAME (FAMILY, FIRST, MIDDLE) - PRINT, DO NOT WRITE DONNELLY, MICHAEL		
2. VISA SYMBOL OR TYPE OF SERVICE NOTARIAL OF AFFIDAVIT		
3. COLLECTIONS		4. NATIONALITY USA
TARIFF ITEM NUMBER	AMOUNT	
(A)	US CUR. (B)	FC EQUIV. (C)
41a	30	270000
		5. FOREIGN SERVICE POST AmEmbassy
		6. DATE 3/30/2007
		7. RECEIVED BY (SIG.) 
		8. SERVICE PERFORMED BY (INIT.) 

ORIGINAL-APPLICANT'S COPY

Michael Donnelly
Jalan Pengembak No 12
Sanur, Bali, Indonesia

Received
30 MAR 2007



U.S. CONSULAR AGENCY
JL. HAYAM WURUK 310
DENPASAR 80235
BALI INDONESIA

Attn: U.S. Consular Office, Bali, Mr. Joshua Finch

Re: Irregularities at RI Immigration Office in issuing KITAP for US citizen child
Brenden Donnelly

30 March 2007

To Whom It May Concern:

This letter is to outline basic facts and events of a dispute between Michael Donnelly, US citizen and father of Brenden Donnelly also US citizen, and I Wayan Tarka, official at the RI Immigration Office in Denpasar.

As background, there are complications and disagreements between Made Jati and me regarding the possession and sponsorship of our children's passports such that I do not want my children's passports to fall into Made Jati's hands. In brief, my concerns are that:

- Made Jati has in the past used her possession of the children's passport to prevent them travelling as usual to the US for Christmas 2005, and used the leverage of my concern for the children and my family in America to attempt to coerce me into signing documents that would have damaged my legal standing in Indonesia. I am afraid that she would again use the passports as a leverage against me if she gained control.
- Made Jati is facing serious criminal charges of false testimony and fraud stemming from a divorce case that she has brought against me. She has a large amount of money in banks outside Indonesia. I am afraid that if she gains possession of the children's passports she may flee the country with the children.
- Made Jati's divorce accusation denies our legal marriage in Los Angeles in 1985 and claims marriage based on fraudulent documents dated 1996 which are now the basis of criminal charges against her. Since the children were born in 1993 and 1994, Made Jati's position is that the children were born out of wedlock. I am concerned that if Made Jati gains possession of the children's passports, she will destroy the passports and attempt to have new Indonesian passports issued with her as the sole legal parent.

Brenden's KITAP, which was sponsored by Made Jati Donnelly, expired in January 2007. At that time Brenden's passport was in my possession and through the assistance of Julie Edmonds at KantorKita I was in contact with the Immigration office so that we might follow procedures to issue a new KITAS with my sponsorship. On 30 January an official from Immigration came to my house and asked for Brenden's passport, which I gave him in return for a receipt.

Julie Edmonds informed me that she had discussed the family problem with the immigration officials and that they were well aware and agreed that they must follow correct procedures in this case. After some weeks, Julie informed me that the decision of the department head of Immigration, I Wayan Tarka, was that he would schedule a meeting with both Made Jati and me present so that we might discuss the issue. She also informed me that her assistants who regularly visit the Immigration offices had seen Made Jati at Immigration several times in private discussion with Wayan Tarka.

At 6:30 PM on 7 March I received a letter delivered by the SatPam from Made Jati's house summoning me to a meeting at the Immigration office on 8 March. There was no time indicated, so it was clear that this was not a meeting coordinated so that Made Jati would be present.

I arrived at Immigration with my lawyers Mahridzal and Mangasih Sumangungsong at 11:30 on 8 March. We were shown into Wayan Tarka's office. He immediately began badgering me in an aggressive and rude manner, demanding to know who these other people were and why had I brought lawyers. Then he told me that Immigration rules required that the sponsors of the KITAP must hold the passports in their possession and that I had no right to hold my children's passports. Mahridzal answered that there was a problem in the family and that we had come hoping for a meeting with Made Jati in which we could discuss the issue.

Wayan Tarka replied that he had no interest at all in family problems, that he was only concerned with Immigration rules, and those rules required the sponsor to hold the passports. He went on in this vein for some time, repeating at least 10 times that Immigration regulations required the the sponsor to hold the passports, that I could not hold the children's passports because I was not their sponsor, and that problems in the family were no concern of his.

Finally I broke in to say that I had never heard of such a rule and that I didn't care about it: The children were US citizens, I was their father and a US citizen, the passports were the property of the US government, I had delivered Brenden's passport into the hands of an official of his office and now I wanted that passport back into my hands immediately.

Tarka became even more angry at this and told me that I had no right to the passport, and then demanded to see the other child Sean's passport. I told him that I did not have it with and would not give it to him even if I did: this meeting was about Brenden and I

refused to talk about any other issue. Right now I only wanted Brenden's passport returned immediately.

Tarka then yelled that if I wanted to meet with Made Jati, OK he would call her to meet tomorrow, and he grabbed his handphone. Maharidzal replied that we could meet at the earliest on Tuesday because of prior commitments. Tarka ordered his assistant to send a letter to Made Jati summoning her for a meeting next Tuesday 10 AM, and then told me that he would return the passport on Tuesday. I told him that I did not want the passport on Tuesday, I wanted it now. He finally agreed to return the passport and I collected it later from his assistant in return for the original receipt.

When I returned home I was surprised to find that a new KITAP with Made Jati as sponsor was already complete in Brenden's passport. Julie at KantorKita had told me that the issuance of a KITAP required the signature of both parents, and that Immigration was well aware of my concern that proper procedures be followed.

On Tuesday 13 March at 10:20 AM we arrived at the Immigration office for the scheduled meeting with Wayan Tarka and Made Jati, but we were informed by his staff that he had left early in the morning for Bangli. Made Jati spent the morning at BIS at the swimming carnival.

Although an entire KITAP complete with Reentry Permit was issued for Brenden, as of this date 27 March Sean's Reentry Permit has not been renewed. His KITAP and his passport both expire in September 2007.

Sincerely,

Michael Donnelly

Resident Identity Card
 Citizen of Indonesia
 Government District II, County Tabanan

0183 - 899

Number	0194/I/DP/94.KK.196-II
Full Name	Ni Made Jati
Sex	Female
Birth	Denpasar, 1957
Married / Unmarried	Never Religion : Hindu
Profession	Business
Address	Jl Mawar, Tabanan,
Issued	Grogak Gede, 1 Sept 1994
District	Delod Pekan
Valid until	Tabanan

1 Sept 1997

This Resident Identity Card was used by Made Jati to obtain the fraudulent Marriage Certificate in 1996 and submitted by her to the court in Denpasar in July 2005 as evidence of proof of the marriage in 1996.

I had no knowledge of this card which shows she is single and a resident of Tabanan because she also had a second Identity Card showing her married to me and resident at our home in Sanur.

This card was issued 1 September 1994. The following day we flew to Singapore where 16 days later Made Jati gave birth to our second son on 17 September 1994.

We had a Balinese custom and Hindu religious marriage ceremony 23 May 1994 at our home in Sanur - why less than four months later, and only one day before leaving Bali to give birth to our second child, would she acquire an Identity Card claiming to be single?

I believe that she acquired this card with the long term plan that someday she would divorce me and gain custody of her children by claiming to be unmarried at their birth: ie this card, the 1994 Balinese ceremony and the 1996 marriage certificate are all part of a planned fraud well underway in 1994.

DV-130**Restraining Order After Hearing
(Order of Protection)****1** Protected person's name:

Michael Patrick Donnelly
 (first) (middle) (last)

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Telephone number (optional): _____

Lawyer (if any): (Name, address, telephone number, and State Bar number): Thomas E. Kennedy, 143 Harvard Avenue, Claremont CA 91711

2 List the full names of all other family or household members protected by this order:

Sean Donnelly
Brendan Donnelly

3 Restrained person's name:

Ni Made Jati
 (first) (middle) (last)

Description of that person: Sex: ☐ M ☒ F Height: 5'0" Weight: 120 Race: Indonesian
 Hair Color: Black Eye Color: Black Age: 52 Date of Birth: 1/22/56
 Relationship to protected person: Ex wife

4 THE COURT ORDERS are on pages 2 and 3 and attachment pages (if any).

The orders end on (date): 7/31/2011 at (time): Midnight

- If no date is written, the restraining order ends 3 years after the date of the hearing. The hearing was on (date): 7/31/08
- If no time is written, the restraining order ends at midnight on the end date.
- Note: Custody, visitation, child support, and spousal support orders have different end dates. Custody, visitation, and child support orders usually end when the children are 18.

5 ☐ The people in **1** and **3** must return to this court/department on (date): _____ at (time): _____ ☐ a.m. ☐ p.m. to review (specify issues): _____

Clerk stamps date here when form is filed.

FILED

LOS ANGELES SUPERIOR COURT

JUL 31 2008 *tv*

JOHN A. CLARKE, CLERK
JD Kistler
 BY D. KISTLER, DEPUTY

Fill in court name and street address:

Superior Court of California, County of
SUPERIOR COURT
400 CIVIC CENTER PLAZA
POMONA, CALIFORNIA 91766

Clerk fills in case number when form is filed.

Case Number:

KD073003**Certificate of Compliance With VAWA**

This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.

This is a Court Order.

Your name: Michael Patrick Pennelly

Case Number:

KD073003

6 ☒ **Personal Conduct Orders**

The person in **(3)** must not do the following things to the protected people listed in **(1)** and **(2)**:

- a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. ☒ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail
- ☒ Except for brief and peaceful contact as required for court-ordered visitation of children unless a criminal protective order says otherwise

Peaceful written contact through a lawyer or a process server or another person in order to serve legal papers is allowed and does not violate this order.

7 ☒ **Stay-Away Order**

The person in **(3)** must stay at least 100 yards away from:

- a. ☒ The person listed in **(1)**
- b. ☒ The people listed in **(2)**
- c. ☒ Home ☒ Job ☒ Vehicle of person in **(1)**
- d. ☒ The children's school or child care
- e. ☐ Other (specify): _____

8 ☐ **Move-Out Order**

The person in **(3)** must move out immediately from (address): _____

9 ☒ **Child Custody and Visitation**

Child custody and visitation are ordered on the attached Form ~~DV-140~~ or (specify other form): will agreed to by the parties or family

10 ☐ **Child Support**

Child support is ordered on the attached Form DV-160 or (specify other form): Order of Court - Petitioner must cooperate with Responder 730

11 ☐ **Spousal Support**

Spousal support is ordered on the attached Form FL-343 or (specify other form): custody order of 5/31/08 is to be modified

12 **No Guns or Other Firearms**

The person in **(3)** cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

13 **Turn in or sell guns and firearms.**

The person in **(3)**:

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of receiving this order.
- Must bring a receipt to the court within 72 hours of receiving this order, to prove that guns and firearms have been turned in or sold.

14 ☒ **Record Unlawful Communications**

The person in **(1)** has the right to record communications made by the person in **(3)** that violate the judge's orders.

This Is a Court Order.

Your name: Michael Patrick Donnelly Case number: KD 073003

(15) ☐ Batterer Intervention Program

The person in (3) must go to and pay for a 52-week batterer intervention program and show written proof of completion to the court. This program must be approved by the probation department.

(16) No Fee to Notify Restrained Person

If the sheriff or marshal serves this order, he or she will do it for free.

(17) ☐ Other Orders

Other orders relating to property control, debt payment, attorney fees, restitution, and/or other issues are in attached Form DV-170 or (specify other form): _____

(18) ☒ Service

a. ☐ The people in (1) and (3) were at the hearing. No other proof of service is needed.

b. ☒ The person in (1) was at the hearing. The person in (3) was not. But proof of service of DV-110 was presented to the court.

(1) ☐ The judge's orders in this form are the same as in DV-110 except for the end date. The person in (3) must be served. This order can be served by mail.

(2) ☒ The judge's orders in this form are different from the orders in DV-110. Someone—not the people in (1) or (2)—must personally "serve" a copy of this order to the person in (3).

c. ☐ The people in (1) and (3) have agreed in writing to this order. No other proof of service is needed.

(19) Attached Pages are orders.

• Number of pages attached to this 5-page form: 0

• All of the attached pages are part of this order.

• Attachments include (check all that apply):

☐ DV-140 ☐ DV-145 ☐ DV-150 ☐ DV-160 ☐ DV-170 ☐ FL-343

☐ Other (specify): _____

Date: JUL 31 2008

Susan L. Lopez-Giss
Judge (or Judicial Officer) Susan L. Lopez-Giss

The restrained person may not take any action to obtain the address or location of a protected party, his or her family members, caretaker or guardian, pursuant to CCP 527.10, FC 6252.5 & 6322.7, PC 136.3 & 646.91A, WIC 15657.04 & 213.7.

This Is a Court Order.

Revised July 1, 2005

Restraining Order After Hearing (CLETS—OAH)
(Order of Protection)
(Domestic Violence Prevention)

DV-130, Page 3 of 5

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 07-31-08

Dept EAB

Honorable SUSAN LOPEZ-GISS

Judge

D. KISTLER

Deputy Clerk

Honorable

T. MC CRAVEN

Deputy
Sheriff

J. CUMMINGS #8618

Reporter

KD073003

Made Jati (N/A)

Counsel Petitioner

J. DUNCAN (X)

Vs

Michael Donnelly (X)

Counsel Respondent

T. KENDALL (X)
P. BARNITT, MINOR'S
COUNSEL (X)

08:30 am

PROCEEDINGS:

1 . RESPONDENT'S OSC RE: TEMPORARY RESTRAINING
ORDER (FILED 03-19-08)

2. COURT'S OSC RE: REVIEW/MINOR'S COUNSEL REPORT

3. RESPONDENT'S OSC RE: CHILD SUPPORT; ATTORNEY
FEES AND COSTS (FILED 5-30-08)

The matter is called for hearing.

There is no appearance by the Petitioner.

The Respondent is sworn to testify.

Minor' s Counsel gives an oral report/recommendation to
the Court.

***The Court grants Petitioner 's request for restraining orders, and makes its orders
pursuant to the Order After Hearing (CLETS), signed and filed this date.***

TRO expires on 7-31-11.

Page 1 of 4

Dept EAB

Minutes Entered
31 Jul 08

337

Report of Rulings at Hearing 31 July 2008

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 07-31-08

Dept EAB

Honorable SUSAN LOPEZ-GISS

Judge D. KISTLER

Deputy Clerk

Honorable

T. MC CRAVEN

Deputy Sheriff J. CUMMINGS #8618

Reporter

KD073003

Made Jati (N/A)

Counsel Petitioner

J. DUNCAN (X)

Vs

Michael Donnelly (X)

Counsel Respondent

T. KENDALL (X)
P. BARNITT, MINOR'S
COUNSEL (X)

08:30 am

The Respondent is awarded sole legal and physical custody of the minor children Sean Donnelly (dob 3-17-93) and Brenden Donnelly (dob 9-17-94).

The Petitioner may have visitation with the minor children as arranged by the parties or further order from this Court.

The Petitioner must cooperate with the Respondent in a 730 Child Custody Evaluation if she wishes to modify the child custody/visitation order made this date.

The Petitioner is not to remove the minor children from the United States without further order from this Court. Each party is to pay 1/2 of the balance of Minor's Counsel fees.

Minor's Counsel is relieved for the balance of today's hearing.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	07-31-08			Dept EAB
Honorable	SUSAN LOPEZ-GISS	Judge	D. KISTLER	Deputy Clerk
Honorable				
	T. MC CRAVEN	Deputy Sheriff	J. CUMMINGS #8618	Reporter

KD073003		
Made Jati (N/A)	Counsel Petitioner	J. DUNCAN (X)
Vs		
Michael Donnelly (X)	Counsel Respondent	T. KENDALL (X)
		P. BARNITT, MINOR'S
		COUNSEL (X)

08:30 am

The Court makes the following temporary order without Prejudice:

The Petitioner is to pay the Respondent Child Support in the amount of \$4,028.00 per month for the minor child Sean Donnelly (dob 3-17-93) and \$6,719.00 per month for the minor child Brenden Donnelly (dob 9-17-94) for a total of \$10,747.00 per month payable 1/2 on the 1st and 15th of each month commencing on 8-1-08 and continuing pursuant to statute or further order from this Court.

Said orders are retroactive to 6-1-08. Arrears are set in the amount of \$21,494.00. Arrears are to be paid in the amount of \$1,000.00 per month payable 1/2 on the 1st and 15th of each month commencing on 8-1-08 and continuing until paid in full.

All orders are retroactive to 6-1-08.

Each party is to bear their own costs.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 07-31-08

Dept EAB

Honorable SUSAN LOPEZ-GISS

Judge D. KISTLER

Deputy Clerk

Honorable

T. MC CRAVEN

Deputy Sheriff J. CUMMINGS #8618

Reporter

KD073003

Made Jati (N/A)

Counsel Petitioner

J. DUNCAN (X)

Vs

Michael Donnelly (X)

Counsel Respondent

T. KENDALL (X)
P. BARNITT, MINOR'S
COUNSEL (X)

Jam
08:30

The Court reserves jurisdiction over the issues of Sanctions and Attorney Fees to the date of Trial.

Respondent's Counsel shall prepare the Order After Hearing.

Thomas E Kendall, Esq (State Bar #1578914)

Certified Family Law Specialist

California State Bar association

Board of Legal Specialization

Kendall & Gkikas, LLP

P.O. Box 877, 143 Harvard Ave, 2nd Floor

Claremont, CA 91711

(909) 482-1422

ORIGINAL FILED

Sep 12 2008

EAST DISTRICT

Attorney for Michael Donnelly

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, EAST DISTRICT

Case No. KD 073033

In re the Matter of:

NI MADE JATI,

Petitioner,

vs.

MICHAEL DONNELLY,

Respondent

DECLARATION OF MICHAEL
DONNELLY IN SUPPORT OF THE
REQUEST FOR COOPERATION FROM
PETITIONER'S COUNSEL

I declare that if called to testify in the above-entitled matter, I could and would testify, from my own personal knowledge as follows:

1. My name is Michael Donnelly and I am 56 years old.
2. I am the Respondent in this case.
3. Based on information and belief, Ms Duncan refuses to cooperate as to a formal written

Order After Hearing.

Regarding Counsel's Obstructions Based on Language and Culture

4. At every hearing since May 15, 2008 Petitioner / Made Jati's counsel Julie Duncan has told the Court about the Petitioner / Made Jati's mystification at the foreign culture and language of the United States. At the same time Julie Duncan has used her anguish at the Petitioner / Made Jati's plight to excuse and assist her client's refusal to cooperate with hearings, mediations, depositions or psychological evaluations which are intended to help her reintegrate with her children.

5. To ease Julie Duncan's distress, I can explain that there is no significant cultural or language gap behind these affairs.

6. I explained in my filing of April 24 2008 paragraph 41 - 44 that the Petitioner / Made Jati is perfectly fluent in English. The children do not speak Indonesian or Balinese and speak with her only in English, I have never spoken anything but English with the Petitioner / Made Jati, and counsel speaks with her in English.

7. The Petitioner Made Jati has been involved with Westerners since she was 14 years old. Most of her friends are Westerners, her testimonials to this Court were from Westerners, all her boyfriends have been Westerners including her lover since 1995 Gerold Eichinger of Austria with whom she speaks in English, she lived in California for two years from the age of 19 to 21, she lived with an Australian boyfriend Michael McHugh for five years, and she lived in California with me after I met her at 23 as well as for two more years after our marriage in 1985, and she has long traveled and continues to travel extensively on her own and with others.

8. She is fully international and her actions in setting up her frauds show a fine awareness of laws and jurisdictional limits of Indonesia, the United States, Austria and Singapore which she has used to advantage.

9. More important, to excuse her behaviors and refusals to cooperate with this Court as based upon some cultural misunderstanding is an insult to Indonesia. I have lived in Indonesia for twenty years and despite my experience with legal problems there I continue to love Indonesia as I do America.

10. Indonesians and Balinese have a high regard for justice and morality and family just as do Americans.

11. The Petitioner / Made Jati's actions in Indonesia are suspected criminal frauds. Fraud is a criminal offense, and the word for it "penipuan pidana" translates directly as "felony fraud" and is covered in Section 378 of the Criminal Code.

12. The Indonesian word for "collusion" is "kolusi". It means exactly the same as in English, and covers collusion in the courts, the police, with prosecuting attorneys and with crooked lawyers.

13. The Indonesian word for "corruption" is "korupsi". It indicates bribes to subvert the legal system.

14. The Indonesian word for "mafia" is "mafia", meaning an organization using collusion, corruption, threats and thugs to destroy a legal system and replace it with a parallel system outside the law.

15. All these phenomena occur in Indonesia just as they do in America - the terms are based on the English words, they are pejorative, they are not an acceptable part of Indonesian culture and they have appeared frequently in our filings to the Indonesian courts.

16. Further, the Petitioner / Made Jati is frequently described as "tidak punya hati nurani yang baik" meaning "does not have a conscience".

17. This is an indication of psychological disorder in Balinese culture just as surely as it is in American culture.

18. If the Petitioner / Made Jati truly feels that psychological evaluation in America would not be culturally sensitive, then we could request the services of a well known and highly regarded Balinese psychiatrist Professor Ni Luh Ketut Suryani for an evaluation of Made Jati and of me and the children within the Balinese context of mental health. (Attachment 1) I proposed this to the Petitioner / Made Jati in February 2006 with hopes for settlement and reintegration of the family, to which she replied with shrieks to get out of her house, and I have proposed it several times since then.

19. I met with Professor Suryani three times in 2005 and 2006 and she was willing to take on this assignment; she does visit the United States on occasion and it is possible that a meeting could be arranged in California or elsewhere.

Regarding Problems in the Indonesian Legal System

20. Every Indonesian is aware of and saddened by the problem of corruption in the legal system. But corruption is caused by people who go to great effort to corrupt; they do it with money and in Indonesian they are called “koruptor”.

21. The Petitioner / Made Jati is charming, she starts by telling her sad and convincing story as she does to Made’s Angels, I believe she then offers substantial rewards in appreciation for help against her evil husband, and by the time an official realizes the manipulation he has already accepted the bribe and faces possible physical threats as well as ruin of his career if he tries to change course. Not every member of a mafia is ultimately a willing member.

22. The Petitioner has been investigated in multiple jurisdictions for criminal fraud, false information in official documents, and perjury.

23. The Petitioner’s reference in her filing dated 22 April 2008 “he is trying to get me arrested” refers to an investigation by the Criminal Division of the Denpasar Police.

24. In May 2006 there was evidence that the Petitioner Made Jati had successfully colluded with the Director of the Criminal Division to halt the investigation.

25. In response we appealed directly to the Chief of Police to halt the intervention and continue the investigation. (Exhibit 2). The investigation did continue and resulted in the Petitioner Made Jati admitting to the police and eventually admitting also in court documents (my filing May 7 2008, Exhibit “Response of the Accused I”) that her claims of a marriage ceremony as presented in her Accusation of Divorce were false, and that the photos she presented as evidence were actually of another occasion 2 ½ years earlier.

26. The police sent this file to the District Attorney with recommendation to proceed to prosecution. However over the next 1 ½ years the District Attorney refused to prosecute with a

variety of vague excuses and the file bounced back and forth between police and District Attorney 13 times. (Exhibit 3)

27. I attempted to break through this impasse with a personal appeal to the incoming assistant District Attorney on 23 February 2007, hoping to meet him before the Petitioner / Made Jati was able to offer collusion.

28. It was clear from the meeting (Exhibit 4) that I was too late, and he told my attorneys in my presence, unaware that I spoke Indonesian, that Indonesian attorneys were expected to work together to support the goals of the District Attorney rather than upholding the interests of foreign clients.

29. However the police and I did continue to file reports to the District Attorney, and in March 2007 the District Attorney responded with a demand to the police that not the Petitioner / Made Jati but rather I myself be questioned as a suspect in the fraud, in essence a threat that I could be indicted for defrauding myself.

30. Although this position was absurd and impossible according to the statute KUHP Section 378 and the police refused the demand, I took the message to be clear: the laws of Indonesia were anything the District Attorney wanted them to be, and continuing to oppose the Petitioner Made Jati could land me in prison regardless of the law.

31. In April 2007 a hearing was held between the police and the office of the District Attorney in which the District Attorney's office made plain their absolute refusal regardless of evidence to indict a Balinese woman in Bali for defrauding an American husband, and the police had no choice but to shelve the case until a more opportune moment. This apparent collusion has been reported to the Attorney General's office in Jakarta (Exhibit 5) but we have not as yet received an answer and the case is still under process.

32. As mentioned in my filing of May 7 2008 and others, our business partner Gary Hewson is also "trying to get her arrested" for defrauding him in our business partnership at Kori Restaurant.

33. Despite clear and complete evidence to the police that a fraud did occur, Kuta is the Petitioner Made Jati's home village and the police have shown themselves unable to proceed in an investigation in which it appears a local mafia has a strong interest.

34. Rather, at a separate police jurisdiction in Denpasar where her cousin Mr Pakris is Captain, the Petitioner Made Jati has reported Gary Hewson for embezzlement because he took 50% of the profits as a partner, with receipts signed by the Petitioner / Made Jati herself as "50% share", each month since opening in 1998. (Exhibit 6)

35. Gary Hewson therefore has abandoned the restaurant and fled to Jakarta and the case is suspended until a better moment.

36. In the city of Tabanan where all her false documents originated, and where I reported

in my filing of July 30 2008 that the arrest warrant had been shelved following the sudden removal of the Director of the Investigative Division, an “SP3” or Letter Closing Investigation has now been issued without explanation. We are filing a complaint against this closing with the Indonesian Corruption Watch and other anti-corruption bodies.

37. I have met and talked with the Chief of Police Denpasar Paulus Purwoko and with the Assistant District Attorney Denpasar Soedibyo.

38. I believe, and thereon allege, that both are highly talented and honorable public servants who would like to see the laws upheld, but they are hemmed in by a mafia system set in place by the group around the Petitioner Made Jati. They are aware that the growth of a mafia system ultimately destroys their own safety as well as the safety and reputation of every citizen of Indonesia, but there are limits to their powers without the backing of other authorities.

39. Criminal fraud in Indonesia and the actions of a “koruptor” in paralyzing the Indonesian legal system have a direct bearing in California.

40. This Court has jurisdiction over all principals in this case including personal jurisdiction over the Petitioner Made Jati in this matter, the victims of the fraud are resident in California, the marriage which the Petitioner Made Jati is attempting to nullify by fraud occurred in California, the citizenships which she is trying to revoke by declaring the children bastards are American.

41. This Court has now ordered deposition and child support, but I suspect the Petitioner Made Jati will try to escape the orders by fleeing this jurisdiction and also possible jurisdiction in Indonesia.

42. Further, the Court has issued a DV-130 Restraining Order recognizing that the ongoing legal difficulties in Indonesia stemming from the Petitioner / Made Jati’s apparent intent to seize all family assets coupled with her disregard for laws of California and Indonesia and her propensity to threats and violence, create a plausible danger to me and to the children.

43. Payment of child support pales in importance compared to the life and death issues behind the criminal frauds. But as long as these criminal issues in Indonesia remain unresolved, and while I remain alive as a primary witness in pending criminal cases, and while millions of dollars worth of assets remain in play, neither child support nor more importantly the children’s and my safety can be resolved.

Regarding Request for Cooperation of Counsel

44. Julie Duncan is counsel for the Petitioner Made Jati regarding family and custody issues, and as an officer of the court she is also bound by rules of court to ensure fair play and presentation of truth by her client, and she is also bound by responsibility to show concern for welfare of the children.

45. She is not the Petitioner Made Jati’s criminal lawyer for frauds occurring in Indonesia.

46. In my filing of May 7 2008 paragraph 4 I discussed her peculiar and apparently deliberate sentence structure allowing the Petitioner Made Jati to avoid mentioning a marriage date. Based on this and many other indications, I believe that she has long been well aware of the frauds, of Made's delicate position, and the need for her client to avoid deposition and psychological evaluation.

47. I believe that Julie Duncan is clever enough to know at least by the evidence of the Petitioner Made Jati's original Accusation of Divorce (filing May 7 2008 Exhibit 1), her Response to the Civil Suit (filing May 7 2008, Exhibit "Response of the Accused I"), the Final Decree of the Supreme Court of Indonesia (filing May 27 2008) and the Petitioner Made Jati's Appeal for Reopening to the Supreme Court (filing May 7 2008, Exhibit "Request For Judicial Review") that the Appeal is based upon false evidence that the Petitioner Made Jati herself has admitted to be false, but that the Petitioner Made Jati has failed to inform the Supreme Court of that admission, and that it is important to continue to delay all criminal investigations until she has a chance to win a collusive decision in the Appeal.

48. I believe that the Petitioner Made Jati and Julie Duncan are far beyond the bounds of child custody, visitation, welfare and support.

49. The actions of the Petitioner Made Jati and Julie Duncan do not appear to intend reconciliation between mother and children.

50. I believe that the Petitioner Made Jati continues to place her priority on a grab for family assets regardless of law, truth or hurt to the children. I also believe that Julie Duncan is knowingly engaging here in California in actions intended to cover up crimes occurring in Indonesia.

51. Therefore I respectfully request the Court to consider the possibility that Julie Duncan is misusing her position as counsel for child custody and visitation to allow the Petitioner Made Jati to escape the jurisdiction of this Court, to avoid orders issued by this Court in furtherance of the children's welfare, and to facilitate a fraud here in the courtroom in California with purpose to allow the Petitioner Made Jati to escape criminal prosecution in Indonesia and to perpetrate a criminal fraud, and that her actions are directly contrary to the welfare of the children.

52. I further request that should the Court find that the position of counsel is indeed being misused, that the Court consider means to compel Julie Duncan to facilitate rather than continue to obstruct the Court orders intended to resolve our family issues.

I hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct; executed in Claremont, California.

DATE: 12 September, 2008

Michael Donnelly - Respondent

Professor Luh Ketut Suryani (Indonesia)



A Balinese psychiatrist, meditation teacher, healer, university professor.

Comments

She is the co-author of a number of books, including *The Balinese People*, a critique of Bateson and Mead's perspective from the 1930s. She is also the co-author of *Trance and Possession in Bali*. Suryani is dedicated to helping people draw on the extra dimension of spirit in everyday life. Her own full life - including active participation in Balinese political life and a number of social projects including work with the elderly - is an example of what is possible when we draw on the extra reserves of the transpersonal in our lives.

latest paper:

Balinese Women in a Changing Society.

Luh Ketut Suryani in *J Am Acad Psychoanal Dyn Psychiatry*. ;32 (1):213-30 15132200 (P,S,E,B). Author: Psychiatry Department, Medical Faculty, Udayana University, Denpasar, Bali, Indonesia.

Balinese women face the dilemma of maintaining their vital role amid a rapidly changing society. In Bali, the primary female role is one of fostering balance and harmony within families. The Balinese people view women not from the vantage of career success but rather from the vantage of whether they can produce good quality children, and can work as part of a family team. Balinese men and women work together as partners. Indeed, men are not enemies; the genders help and need each other. Values underlying emancipation for women clash with traditional values, leading to frequent misunderstandings. Emancipation advocates neglect those elements necessary for complementing Balinese values. Applying educational and preventative methods, as well as therapeutic innovations to such problems, is helpful at all levels of society.

The Balinese People: A Reinvestigation of Character

by Gordon D. Jensen, Luh Ketut Suryani

Hardcover, Oxford Univ Pr, ISBN 0195885570 (0-19-588557-0)

Living in the Spirit

by Peter Wrycza, Luh Ketut Suryani

Hardcover, Pustaka Bali Post, ISBN 9798496418 (979-8496-41-8)

Trance and Possession in Bali: A Window on Western Multiple Personality, Possession Disorder, and Suicide

by Gordon D. Jensen, Luh Ketut Suryani

Hardcover, Oxford Univ Pr, ISBN 0195886100 (0-19-588610-0)

Perempuan Bali Kini

by Luh Ketut Suryani, Tjokorda Alit Kamar Adnyana, Cokorda Bagus Jaya Lesmana

Hardcover, BP, ISBN 9798496388 (979-8496-38-8)

I have twice visited Prof Ni Luh Ketut Suryani on 29 November and 14 December to discuss with her our family situation and ask for her help with Made.

Ibu Suryani of course needs to meet with Made before she can do anything else and she made several suggestions how we might do this.

One idea was that I meet with Made's close friends and suggest that they urge Made to seek mediation and mentioning that they have heard recommendations of Ibu Suryani. I met with Made's friend Wayan Sadi for this purpose, but Wayan told me that she seldom meets Made and even then that Made is "a very closed person" and they do not discuss any serious personal issues. Made also has a close friend Eno, but from an email I received from Eno in October I know that Made has not told Eno the truth about her activities, and I have heard from other friends that Made is close to Eno because Made believes Eno can increase the power of Made's "jin". I don't believe that Made has any other close friends, or any friends who are not themselves "bule hunters".

Ibu Suryani made another suggestion that P. Rifan urge professional mediation through Made's lawyer, but this was rejected by P. Rifan as impractical, and I agree with him.

In both cases, Ibu Suryani stressed that it was important that I keep secret the fact that I had already met with Ibu Suryani because Made's personality would certainly cause her to reject meeting with anyone who had already talked to me.

I also feel that Made will be extremely resistant to meeting anyone who might want to probe into her feelings and secrets – she knows she is not all right and she is terribly afraid of revealing herself to anyone who might have deeper insight into her personality.

I am also afraid for my children: not only I but many people who know Made well feel that she has potential for violence against the children as revenge against me.

I suggest that I meet again with Ibu Suryani and ask her to meet with Made Artini and Mirah to corroborate my view that Made could pose a physical danger to the children.

When I move to the old house on Monday I have arranged for Sean and Brenden to spend the night with friends to give them a safe haven. I expect that physical threats from Made on Monday night against me, or possibly attempts to take the children from the safe house.

Once I am living in the old house with the children, I might be able to invite Ibu Suryani to visit our home to meet with the children in a family situation which could involve Made. This would be the first opportunity to get Made to interact with a professional, and would allow Ibu Suryani to view our family first hand to form a professional opinion of the situation.

[As separate note, MJ has spent the last several Saturday nights away from her house and took care to explain to the house girl Kadek that she stays overnight with her friend Wayan Sadi. However Wayan Sadi says she has not seen Made for about two months.]

Kantor Hukum & Konsultasi
MAHARIDZAL, SH & REKAN

Website : www.Lawyermaharidzal.com

Email : Lawyermaharidzal@telkom.net

Jalan Pandu No. 24. Denpasar – Bali Hp.081 7975 4863.

Kepada Yth,
Bapak Direktur Reskrim Polda Bali
di –
Denpasar

Hal: Tanggapan atas diterbitkan Surat Pemberitahuan Pengembangan Hasil Penyelidikan / SP2HP.
Tanggal 16 Mei 2006.

Dengan hormat,

Dengan ini kami selaku kuasa hukum Michael Patrick Donnelly, umur 55 tahun, pekerjaan pengusahawan (investor), warganegara Amerika, No. Passport 710218731 dengan surat kuasa khusus tertanggal 13 Februari 2006 (terlampir) hendak menyampaikan kepada Bapak Direktur Reskrim Polda Bali mengenai diterbitkannya Surat Pemberitahuan Pengembangan Hasil Penyelidikan / SP2HP No.Pol : B/22/V/2006/Dit Reskrim tertanggal 16 Mei 2006 mengenai perkara yang telah dilaporkan klien kami Michael Patrick Donnelly di Polda Bali terhadap Made Jati atas dugaan tindak pidana penipuan sebagaimana dimaksudkan dalam Pasal 378 KUHP dan keterangan palsu sebagaimana dimaksudkan dalam Pasal 266 KUHP, sesuai surat Tanda Penerima Laporan. No. Pol : STPL/ 81/ III/ 2006/ Dit Reskrim, tanggal 14 Maret 2006. Adapun Tanggapan dan Keberatan adalah sebagai berikut.

Tanggapan :

1. Bahwa pada tanggal 14 Maret 2006 klien kami Michael Patrick Donnelly telah melaporkan Made Jati di Polda Bali atas dugaan tindak pidana penipuan sebagaimana dimaksud dalam Pasal 378 KUHP dan tindak pidana keterangan palsu sebagaimana dimaksud dalam Pasal 266 KUHP, sesuai Surat Tanda Penerimaan Laporan No. Pol : STPL/ 81/ III/ 2006/ Dit Reskrim tanggal 14 Maret 2006.(terlampir)

2. Bahwa atas laporan klien kami Michael Patrick Donnelly, maka pada tanggal 16 Maret 2006, klien kami tersebut telah dipanggil dan dimintai keterangannya selaku saksi korban oleh penyidik serse polda Bali/ AKP Hagnyono, Amd, SH, sebagai Berita Acara Pemeriksaan saksi tanggal 16 Maret 2006. Demikian pula saksi-saksi lain yaitu, 1. Michael Patrick Donnelly, 2. I Made Sudana Als Pak Kumbung, 3.Ni Made Loteng, 4. Ida Ayu Mas Ani, 5. I Wayan Pugri, 6. I Wayan Darma, 7. I Gusti Ayu Suarnadi Als Bu Agung (salon yang merias perkawinan 1994), 8. Drs. Puspahadi Boenjamin, 9. Iwayan Sujana Als Cetog Sujana, 10. I Made Suada, 11. I Nyoman Kertajaya, telah dipanggil dan dimintai keterangannya oleh Penyidik Dit. Serse Polda Bali AKP Hagnyono. Amd, SH dan Bripta I Nyoman Sarka

3. Bahwa dari hasil pemeriksaan klien kami Michael Patrick Donnelly dan saksi-saksi tersebut diatas,

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Exhibit 2 - Repondent Reports Intervention / Collusion in Criminal Investigation by Petitioner to Chief of Police Denpasar (Indonesian Page 1)

Kantor Hukum & Konsultasi

MAHARIDZAL, SH & REKAN

Website: www.Lawyermaharidzal.com

Email : Lawyermaharidzal@telkom.net

Jalan Pandu No. 24 Denpasar, Bali, HP 081 7975 4863

To the honorable
Chief of Polda Bali (Provincial Police)
in

Denpasar

Regarding: Legal Protection and Reaction to the Issuance of a Report on the Progress of an Investigation (SP2HP) dated 16 May 2006.

Dear sir:

Herewith we as the legal representatives of Michael Patrick Donnelly, age 55 years, employed as businessman / investor, citizen of United States of America, Passport Number 710218731, under Letter of Power of Attorney dated 13 February 2006 (attached).

We wish to convey information to the honorable Chief of Polda Bali regarding the issuance of a Report on the Progress of an Investigation (SP2HP) No. Pol: B/22/V/2006 Dit Reskrim dated 16 May 2006 concerning an accusation reported by our client Michael Patrick Donnelly to Polda Bali against Made Jati on suspicion of criminal fraud as described in Section 378 KUHP and suspicion of false information as described in Section 266 KUHP, according to the Letter of Receipt of Report No. Pol: STPL/ 81/ III/ 2006/ Dit Resrim dated 14 March 2006. Issues and objections are follows:

Issues and Objections to SP2HP:

1. That on 14 March 2006 our client Michael Patrick Donnelly reported Made Jati at Polda Bali on suspicion of criminal fraud as meant in Section 378 KUHP and criminal false information as meant in Section 266 KUHP, as supported by Letter of Receipt of Report No. Pol: STPL/ 81/ III/ 2006/ Dit Resrim dated 14 March 2006. (attached)
2. That on 16 March our client was summoned and gave testimony as the victim by the investigator Serse Polda Bali AKP Hagnyono, Amd, SH, as recorded in the Witness Testimony Report (BAP) dated 16 March 2006. Other witness were also called including 1) Michael Patrick Donnelly, 2) I Nyoman Sudana alias Pak Kumbung, 3) Ni Made Loteng Artini, 4) Ida Ayu Mas Ani, 5) I Wayan Pugri, 6) I Wayan Darma, 7) I Gusti Ayu Suarnadi alias Bu Agung (the hair styling studio that prepared for the marriage ceremony 1994), 8) Drs. Puspahadi Boenjamin, 9) I Wayan Sujana alias Cetog Sujana, 10) I Made Suada, 11) I Nyoman Kertajaya, already summoned and interviewed by Investigators Dit. Serse Polda Bali AKP Hagnyono Amd, SH, and Bripka I Nyoman Sarka.

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Exhibit 2 - Repondent Reports Intervention / Collusion in Criminal Investigation by Petitioner to Chief of Police Denpasar (English complete)

3. That from the results of interviews with our client and the other witnesses above, along with evidence delivered to and received by Investigators Dit. Serse Polda Bali AKP Hagnyono Amd, SH No Nrp. 71090457, and assisted by Bripka I Nyoman Sarka No Nrp. 7003029, their professional investigation was based upon
 - a. Examination of evidence from both the Complainant and Suspect.
 - b. Examination of witnesses that have knowledge of the event.

Objections to the Issuance of SP2HP:

On 16 May 2006 we the lawyers of the Complainant received a letter from Polda Bali containing a Report on the Progress of an Investigation (SP2HP). The report stated “From the results of the investigation of your Complaint Report, the investigation is ongoing to determine whether or not to continue the investigation according to the procedure set forth in the Regulations”. If we examine the contents of the SP2HP that was issued by Investigator AKP Hagnyono, Amd SH this is **not a stop to the complaint**, but when asked how and when the investigation will continue, the Investigator could not answer clearly. The Investigator AKP Hagnyono, Amd SH stated that on Tuesday 23 May 2006 there would be held a meeting to discuss the investigation, and then referred for further questions to Kasad Johni Alamudi (Sat IV),. We met Kasad Johni Alamudi, who ordered us to meet the Assistant Director for further questions. We meet the Assistant Director who advised us to write a letter to the Director. We wrote a letter to the new Director of the Criminal Division, Mr Anas Yusuf, and until now we await an answer.

On 25 May 2006 Thursday we asked of Investigator Hagnyono Amd, SH the results of the meeting regarding the investigation and Mr Hagnyono said that he was ready to advance the investigation in preparation for progress to the District Attorney, but that there was an order from the previous Director Suharya DBM to the Kasad stating that the case should be held pending, with the meaning of pending what or when not clear, and Investigator Hagnyono replied to us that we should question directly the Kasad. We did not return to the Kasad because it was clear that we were only being sent back and forth to try our patience until we were expected to give up and allow the investigation to fade. This despite that fact that both the Kasad and the Investigator already have informed us that the Suspect has admitted to the crime, as well as the complaint being supported by all witnesses and evidence clearly against the Suspect Made Jati. Nevertheless the Investigators are unable to continue the investigation because there was an Intervention from the former Director of the Criminal Division Suharya.

Intervention

On 11 May 2006 Thursday the investigators summoned Made Jati for her second interview scheduled for 2:00 PM. However before reporting to the investigators for interview, Made Jati came to Polda in the morning at 10:00 AM and Made Jati met with Director of the Criminal Division Suharya DBM. The Director called Investigator Hagnyono to the office of the Director, where the Investigator explained that he had examined witnesses and

evidence, that the witnesses confirmed that the marriage of Michael and Made Jati was in 1994 at Jalan Pengembak Gang III No 29 Sanur Denpasar, and that the photo evidence also confirmed that the marriage of Michael and Made Jati was in 1994 at Jalan Pengembak Gang III No 29 Sanur Denpasar.

The Suspect Made Jati in her first examination stated that the marriage had taken place in Banjar Pengabetan, Kuta, Kecamatan Kuta Kabupaten Dati II Badung in 1996.

Made Jati stated in her Accusation of Divorce that was entered into the National Court that the marriage between Michael Patrick Donnelly and Made Jati took place in Banjar Pengabetan, Kuta, Kecamatan Kuta Kabupaten Dati II Badung in 1996.

The Suspect Made Jati in her second examination admitted that it was true that the marriage took place in 1994 at Jalan Pengembak Gang III No 29 Sanur Denpasar, and that the photo evidence also confirmed that the marriage took place in 1994.

We were shocked and disappointed, and even more shocked was our client who is a foreign businessman, to receive the letter SP2HP from Polda. According to the explanation from Kasad Johni Alamudi and Investigator Hagnyono the Suspect admitted her crime, and yet in spite of this the Director issued an SP2HP, leaving useless and pointless the hard work of the investigators in uncovering the crime and ultimately receiving the admission of truth from the Suspect. Rather than success, the Director issued an SP2HP, leaving us as unbelieving and as amazed as if we were in a dream.

Statement of the Chief of Polda

On 26 May 2006 Thursday we read in the newspaper Bali Post on page 3 the honorable Chief of Polda firmly stated that the police are absolutely committed to upholding the law and refuse all attempts to free suspects without cause. “‘There can be no respite from the process of the law to completion’ he stated on Wednesday 24 May 2006. ‘Our purpose is not to allow give respite to the suspects not just in this case of a two star general in the public attention, but in all cases for all criminal activity such that suspects must be held until delivered up to the District Attorney... Polri cannot consider what is the case or who is involved. Prove to have broken the law, they will be arrested and put into a cell,’ he added.” We quote from the article in the Bali Post (attached).

After reading the article above, we on the side of the reporting victim breathe more easily and we hope the after we meet and request assistance from the honorable Chief of Polda, the case of our client Michael Patrick Donnelly can continue and receive support from the honorable Chief. We also ask the protection of the law for our client and for the investigators so that they can investigate as far and completely as necessary in their search for the truth in this case.

Based upon the evidence presented, and the admission of wrong-doing by Made Jati, it is

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Exhibit 2 - Repondent Reports Intervention / Collusion in Criminal Investigation by Petitioner to Chief of Police Denpasar (English complete)

fitting that she be arrested and held as per the statement of the honorable Chief of Polda that whoever violates the law, the police of Indonesia will not look as what or who is involved but will arrest and hold the violator. (Bali Post 26 May 2006 Friday page 3, attached)

Regarding this case, the Suspect has committed major fraud and given false testimony to advance her interests, and we as the Complainant seeking justice are very disappointed that in the case between the Suspect and the Complainant there has been an intervention from above the investigators such that the investigators cannot develop and compete their investigation independently.

Therefore, with all respect, we request the assistance of the honorable Chief of Polda so that this case can proceed as it should under law.

Thus is our complaint, we apologize if in any way there is any word of ours which has inadvertently offended, we ask for your kind attention and assistance and offer our thanks.

Denpasar 29 May 2006
Our respects,

Michael Patrick Donnelly Maharidzal, SH Mangasi G Simangunsong SH

Copies.
Chief Propam Polda Bali
Chief Binkum Polda Bali
Chief Irwasda Polda Bali
Chief Telematika Polda Bali
Director Reskrim Polda Bali
Consul of the United States of America in Denpasar Bali
Embassy of the United States of America in Jakarta

Michael Patrick Donnelly
Jalan Pengembak No 12
Sanur, Denpasar, Bali

Kepada yth:
Bapak Kajati Bali
di –
Denpasar - Bali

1 Mei 2007

Perihal : Minta ketemu dengan Bpk Kajati tentang kasus yang terus menurus
dikeluarkan P19 oleh JPU Suhadi, SH.
Kasus : Michael Patrick Donnelly antara Made Jati Donnelly

Dengan surat ini saya ingin sampaikan permohonan saya untuk ketemu langsung dengan Bapak dengan harapan bisa mengatasi beberapa masalah yang saya duga ada tanda kolusi di kantor Kejaksaan Bali.

Sejak bulan September 2006 kasus ini sudah tujuh kali dikirim kembali dari Kejaksaan ke Polda dengan surat P19. Inti permintaan P19 sejak bulan Januari 2007 tidak maju padahal tidak ada bahan baru tetapi hanya mengulangi petunjuk yang sudah dijawabkan dulu, sampai diduga bahwa P19 sejak Januari 2007 hanya dimaksudkan untuk mengulur waktu.

Jaksa yang menangani kasus ini dari awal, Bpk Olopan Nainggolan, menjelaskan dengan tegas pada pengacara saya dan menjelaskan secara umum pada wartawan pers tanggal 8 November 2006 bahwa kasus ini tidak akan maju, dan bahwa dia sangat memihak Made Jati padahal dia belum membaca berkasnya. Hal-hal ini dilaporkan pada Kejaksaan Agung (terlampir) dan Bpk Olopan diharap sudah tidak menangani perkara ini lagi karena sudah pindah, tetapi sampai saat ini kasus tetap tidak bisa maju di Kejaksaan dengan alasan yang tidak jelas, jadi diduga ada kolusi sekelompok memihak Made Jati di Kejaksaan.

Tanggal 14 Februari 2007 ada meeting gelar dipanggil dari Polda karena P19 tanggal 5 Februari 2007 kelihatan sangat menyedihkan Michael dan memihak Made Jati karena mengulangi penjelasan Made Jati bahwa dia hanya pakai surat palsu untuk mengisi syarat administratif di Kantor Catatan Sipil seolah penjelasan Made Jati adalah fakta (terlampir). Gelar dihadirkan oleh Bpk Suhadi dari Kejaksaan yang menangani kasus sejak keberangkatan Bpk Olopan, dimana dia tidak bisa menjelaskan posisi Kejaksaan atau apa

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Exhibit 3 - Repondent Reports Intervention / Collusion at D.A. Office
by Petitioner to Chief District Attorney (Indonesian Page 1)

Michael Patrick Donnelly
Jalan Pengembak No 12
Sanur, Denpasar, Bali

Kepada yth:
Bapak Kajati Bali
in –
Denpasar - Bali

1 Mei 2007

Regarding : Request to meet with the Head District Attorney concerning a case
repeatedly returned to Polda with a letter P19 from Suhadi, SH.
Case : Michael Patrick Donnelly vs Made Jati Donnelly

With this letter I convey my request for a direct meeting with Bapak with hopes that we can overcome several problems that I feel indicate collusion in the office of the District Attorney.

Since September 2006 this case has been returned from the District Attorney to Polda seven times with a P19 letter. The details of the P19 since January 2007 have not advanced to new materials, but rather repeat requests of previous P19s, so that it is suspected that the purpose of the P19s since January 2007 is only to delay the progress of the case.

The District Attorney responsible for this case at the start, Bpk Olopan Nainggolan, explained clearly to my lawyers as well as publicly to the press on 8 November 2006 that this case would not advance, and that he sided with Made Jati although he had not yet read the case file. These statements were reported to the Attorney General in Jakarta (attached) with the request that Bpk Olopan not handle this case in the future. Although Bpk Olopan has since been removed, this case still has not advanced for reasons not clear, so that it is suspected that in the office of the District Attorney there is a group in collusion with Made Jati.

On 14 February 2007 Polda called a meeting because the P19 of 5 February 2007 appeared to be strongly biased against Michael and in favor of Made Jati because it repeated Made Jati's explanations for her false documents - that they were only to fulfill administrative requirements at the Civil Records Office – as if this explanation was a fact (attached). The meeting was attended by Bpk Suhadi of the District Attorney's Office who was responsible for the case since the departure of Bpk Olopan; in this meeting Bpk Suhadi could not

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Exhibit 3 - Repondent Reports Intervention / Collusion at D.A. Office
by Petitioner to Chief District Attorney (English Complete)

explain the position of the District Attorney or the meaning of the questions put forward in the P19 except to say that these were orders of his superiors.

Because we suspected collusion at the DA, on 2 March 2007 four people including my lawyers Bpk Maharidzal and Bpk Mangasi Sumangunsong flew to Surabaya to meet the new Assistant DA Bpk Ketut Arthana with hopes that we could discuss the case before Made Jati's side could interfere. In a very brief meeting Bpk Arthana directly complained about "lawyers who report to authorities here and there are written down in my notebook" and "lawyers are expected to work according to the wishes of the DA, not to take the part of the clients who will disappear as soon as the case is over, while your relationship and need to work with the DA will go on." We did not have the opportunity to discuss my case directly because Bpk Arthana spoke continuously and then rushed to leave (explanation attached).

The following Monday 5 March 2007 I and a friend I Nyoman Sudana went to the DA Office in Denpasar to meet again with Bpk Arthana to ask about his statements in Surabaya in which he complained that lawyers should work together with the DA, but Bpk Arthana said that he was referring to lawyers in Surabaya only, that he did not mean lawyers in Bali. Regarding my case he only said repeatedly "let me read the case file first".

Because the meeting with Bpk Arthana was not enlightening, on 14 February 2007 I went with Bpk Maharidzal and Bpk Sumangunsong to the DA to meet with Bpk Suhadi. Bpk Suhadi told us that although the case was clear enough from the legal side, it was hoped that the case could be settled with an agreement between the parties rather than through the law because there was interest from his superiors at the DA that the case not advance to trial. Therefore, said Bpk Suhadi, he would telephone directly to Made Jati before the end of the next week to press her to make a settlement, with a warning to her that the evidence in the case was strong enough that if it advanced to trial she would surely be convicted.

In the two following weeks Bpk Suhadi reported that he repeatedly called Made Jati, but that she said that she could not yet meet because she was preparing for Nyepi, she had just finished Nyepi, she was preparing to go to Japan, she had just returned from Japan, until finally she refused to return his phone calls.

On 7 April Bpk Maharidzal, Bpk Sumangunsong and I met with Bpk Suhadi at Sector Restaurant where Bpk Suhadi admitted that he had failed to convince Made Jati to compromise with me, and after almost two months of effort Made Jati had displayed bad faith in refusing to meet. Bpk Suhadi said that there was no legal reason why the file should not go forward to trial with a P21 letter because all the necessary legal requirements were complete, but it was still possible that there could be some disagreement from his superiors over whether they wished the case to proceed.

Based on Bpk Suhadi's explanation that there was no legal reason the case should not advance to P21 and the explanation from Bpk Arthana that he would study the case, there

were hopes that the problems were finished, but on 23 April a P19 letter was again issued. The questions on this P19 were the same as the questions of the P19 of 5 February which had already been answered by Polda.

On 24 April Bpk Nyoman Sudana and I went to the DA Office with hopes of meeting the Head DA. We waited from 8:30 until 11:00 when we were told that the Head DA was busy with a meeting and that we should come back the next morning.

On 25 April we arrived again at 8:30. While waiting in the lobby we chanced to meet Bpk Suhadi who advised us to be patient and continue to wait until we could meet the Head DA. Bpk Suhadi told us that the case should advance to P21 based upon the legal data, but the only problem was from his superiors. We also met with Bpk Maharachman and Bpk Endrawan from the DA and both of them told us that they had read the file, that the case was well known in the office, and that they knew it was ready to advance to P21.

At 10:00 there was a message delivered by Bpk Suryasa that Bpk Kajati ordered us to meet with the Assistant DA. We sent back the message that we preferred to meet directly with the Head DA, but Bpk Suryasa returned again with the message that we were to meet with the Assistant DA, that the Assistant DA had a sudden meeting in Amalapura and that we should return early the next morning at 8:30.

On 26 April we waited from 8:30 until 11:50, when we were shown into Bpk Arthana's office. Bpk Arthana said that we had five minutes because he had an important appointment to meet someone outside the office.

I asked why another P19 was issued although according to Polda they had fulfilled all the requests from the DA, and I asked what we could do to help this case continue because I had heard from people at the DA office that there was no legal reason not to continue. Bpk Arthana agreed that there was no legal reason not to advance, but that the problem was caused by Polda because they had not fulfilled all the requests from the DA. This was because Polda did not care and had no knowledge of the necessary details which were the responsibility of the DA when bringing a case before the court. Bpk Arthana said that Polda must answer "A, B, C" according to the requests of the DA, but he did not explain what he meant by "A, B, C". I said that it seemed as if there were a communication problem because Bpk Suhadi as well as the investigators at Polda did not understand what was missing from the case file. Bpk Artana only answered "Ya, ya" and then rushed us to finish. The meeting lasted only a few minutes.

Immediately after the meeting with Bpk Arthana we went directly to Polda to report the results to Bpk Johni Alamudi and the investigator Bpk Hagnyono. They insisted that they had complied with all the requests from the DA, and that the questions contained in the most recent P19 of 23 April 2007 were identical to the questions of the P19 of 5 February 2007 which was already answered completely by Polda.

Therefore because of the continued delay in this case, I request directly to Bapak that this case be prepared to move forward to trial because according to Bpk Suhadi and Bpk Arthana there is no legal impediment to the file.

If the problem in the case is that my attorneys do not want to work with the DA, please inform me whether this is a general policy of the DA of the Republic of Indonesia or is this only a problem in Surabaya, and how can we overcome this problem? If there is a problem of communication between Bpk Arthana and Bpk Suhadi / Polda, I hope we can overcome this problem with a meeting directly in which Bpk Arthana can explain what he needs for A, B, C. If Bpk Suhadi is correct that there is no legal reason that the case cannot proceed except the wishes of his superiors, I hope we can overcome that problem in a meeting.

Frankly, three days of waiting for a meeting that lasted less than five minutes is disappointing. I as the victim of a crime, and Bapak as an official sworn to uphold the law and protect those seeking justice, should be able to arrange enough time so that we can discuss this case fully and reach a decision agreeable to both parties.

Sincerely,

Michael Patrick Donnelly

cc:

President of the Republic of Indonesia
Attorney General, Jakarta
Embassy of the United States of America
Consulate of the United States of America, Bali
Bpk Johni Alamudi, Reskrim Bali

Letter of Explanation About the Meeting at the Office of the Assistant District Attorney Bpk Ketut Arthana in Surabaya on 23 February 2007.

On Friday 23 February 2007 a meeting took place at the office of Bpk Ketut Arthana at the District Attorney Office in Surabaya. Present in front of Bpk Arthana were Bpk Ketut Kadra, Bpk Maharidzal, Bpk Mangasi Sumangunsong and Bpk Michael Donnelly. We arrived at Bpk Arthana's office from Bali at 10:00 AM where we registered at the front desk and received an explanation from Bpk Arthana's adjunct that Bpk Arthana was scheduled to return to his office at 11:00. However, Bpk Arthana did not arrive until 3:30 in the afternoon and we were shown into his office at 4:00 PM.

After a short introduction from Bpk Kadra and Bpk Maharidzal in which Bpk Maharidzal explained that we wished to request assistance from Bpk Arthana regarding a case in Bali, Bpk Arthana immediately replied with an explanation of the position of the District Attorney.

Bpk Arthana said, if you are requesting assistance in a criminal case, it is a criminal case in whose opinion, a lawyer's opinion or the District Attorney's opinion? Because the District Attorney office does not agree with lawyers. Lawyers are expected to work together with the District Attorney's office and support the opinions of the District Attorney rather than work for their clients by going here and there to the Supreme Court, the Judicial Commission, the Attorney General and so on. Lawyers should remember that a lawyer's connection with the District Attorney office is for long term while the connection with a client is for a single case and then the client is gone, so lawyers would do well to remember who their friends are.

Bpk Arthana also said that he had a book where he listed all those lawyers who made trouble with many reports to the Supreme Court, the Judicial Commission, the Attorney General and so on. Bpk Arthana remembered that he had run into Bpk Maharidzal and Bpk Sumangunsong before on the Mutiara case, in which Bpk Maharidzal and Bpk Sumangunsong reported a problem with the District Attorney in Denpasar to the Attorney General. Bpk Arthana said that the District Attorney did not want to receive any requests from lawyers who did not know how to cooperate and work together as they should.

After less than 5 minutes, Bpk Arthana said he had no more time because he had to leave to the airport immediately to catch the flight to Bali, so the meeting was ended without any more comments from the visitors from Bali.

Because Bpk Arthana never asked the names of the visitors or what case we wished to discuss, and neither Bpk Maharidzal nor Bpk Sumangunsong ever mentioned Michael's name, it seems that Bpk Arthana's explanation was general policy for criminal cases at the District Attorney's office.

However, our names were registered at the front desk since morning and there had been

questions earlier from his adjunct, so that it is suspected that Bpk Arthana did not return to his office at 11:00 as scheduled because he did not want to meet with Michael or his lawyers in this case, and he returned only at 3:30 PM a few minutes before he must leave to the airport. It is suspected also that Bpk Arthana's explanations were meant to be directed only to Michael's lawyers without Michael's knowledge, because Michael did not have an opportunity to speak at the meeting and Bpk Arthana had no way to know that Michael spoke Indonesian.

26 February 2007

Denpasar, Bali

Michael Patrick Donnelly
Maharidzal, S.H.
Mangasi Sumangunsong, S.H.
I Ketut Kadra



KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH BALI
Jln.WR. Suparatman No. 7 Denpasar 80233

Denpasar, 7 Pebruari 2007

NO.Pol. : B/985 /II/2007/Dit Reskrim
Klasifikasi : BIASA
Lampiran : Satu Lembar
Perihal : Undangan gelar perkara.

Kepada

Yth. MAHARIDZAL,SH DAN REKAN

di

Denpasar

1. Rujukan :

- a. Laporan Polisi No. Pol. : LP/81/III/2006/Dit Reskrim, tanggal 14 Maret 2006.
- b. Surat Perintah Penyidikan No. Pol. : SP Sidik/90/III/2006/Dit Reskrim tanggal 16 Maret 2006.
- c. Surat pemberitahuan dimulainya penyidikan No. Pol. : B/88/VIII/2006/Dit Reskrim, tanggal 10 Agustus 2006.

2. Saat ini Dit Reskrim Polda Bali sedang melakukan penyidikan perkara tindak pidana membuat surat palsu atau memalsukan surat, sengaja mempergunakan surat palsu atau yang dipalsukan dan menyuruh memasukan keterangan palsu dalam akte otentik atau penipuan yang diduga dilakukan oleh NI-MADE JATI.

3. Sehubungan dengan hal tersebut diatas penyidik Dit Reskrim Polda Bali akan mengadakan Gelar perkara dan mohon saudara atau yang mewakili untuk hadir menghadiri gelar perkara dimaksud pada :

H a r i : Selasa.
Tanggal : 13 Pebruari 2007.
Pukul : 11.00 Wita.
Ruangan : Ruang gelar Perkara Dit Reskrim Polda Bali.
Pakaian : Yang berlaku pada saat itu.

4. Demikian untuk menjadi maklum , atas kerja samanya diucapkan terimakasih.

An. KEPALA KEPOLISIAN DAERAH BALI
DIR RESKRIM

Drs. ANAS YUSUF, SH.MH.MM
KOMBES POL NRP 60090698

Tembusan :

1. Kapolda Bali.
2. Irwasda Polda Bali.
3. Kabid Propam Polda Bali.
4. Kabid Binkum Polda Bali.

NATIONAL POLICE OF THE REPUBLIC OF INDONESIA
BALI

Jalan WR Supratman No. 7 Denpasar 80233

Denpasar, 7 February 2007

No. Pol : B/ 985/ II/ 2007/ Dit Reskrim
Classification: Normal
Attachments: One Page
Regarding: Invitation to Procedural Meeting

To
Mr MAHARIDZAL, SH and Partners
In
Denpasar

1. Regarding
 - a. Police Report No Pol : LP/ 81/ III/ 2006 Dit Reskrim, dated 14 March 2006
 - b. Order for Investigation No Pol : SP Sidik/ 90/ III/ 2006/ Dit Reskrim dated 16 March 2006.
 - c. Letter informing the proceeding of investigation No Pol : B/ 88/ VIII/ 2006/ Dit Reskrim, dated 10 August 2006.
2. At the moment the Criminal Investigative Division of the Bali Police are carrying out an investigation of criminal actions including false documentation, perjury, purposely using false documents or falsified documents and ordering the entry of false information in an official document or fraud as suspected to be perpetrated by NI MADE JATI.
3. In connection with the above investigation, the investigator of the Criminal Division of Bali Police will hold an open meeting and we request your presence in attendance at the meeting to be held at:

Day	:	Tuesday
Date	:	13 February 2007
Time	:	11:00 AM
Room	:	Meeting room Criminal Division Bali Police
Clothing	:	Normal
4. Thank you for your kind cooperation

Chief of Criminal Investigative Division Bali

Drs ANAS YUSUF, SH. MH. MM
KOMBES POL NRP 60090698

etc
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Exhibit 5 - Respondent's Attorney Called for Meeting Regarding Stalled Criminal Prosecution at the D.A. Office.

KEPOLISIAN NEGARA REPUBLIK INDONESIA
DAERAH BALI
KOTA BESAR DENPASAR
Jalan Gunung Sanghyang No.110 Denpasar 80117

" PRO JUSTITIA "



SURAT PANGGILAN

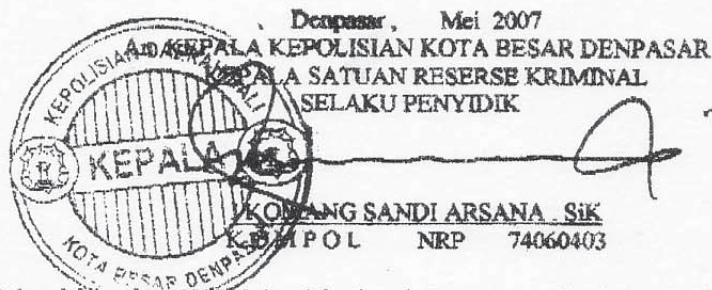
No. Pol : S. Pgl / 1263 / V / 2007 / Reskrim

- PERTIMBANGAN** : Bahwa untuk kepentingan pemeriksaan dalam rangka penyidikan tindak pidana, perlu memanggil seseorang untuk didengar keterangannya.
- D A S A R** :
1. Pasal 7 ayat (1) huruf g, pasal 111, pasal 112 ayat (1) dan ayat (2) dan pasal 113 KUHP.
 2. Undang – undang nomor 2 tahun 2002 tentang Kepolisian Negara Republik Indonesia
 3. Laporan Polisi No. Pol : LP-B / 502 / IV / 2007 / SPK Tanggal 15 April 2007 Pelapor An. HERU WIDIYANTO.

M E M A N G G I L

N a m a : HEWSON GARY ALLAN
Jenis kelamin : Laki - laki
Tempat / Tgl. Lahir : Auckland, 21 - 05 - 1956
Kewarganegaraan : NEW ZEALAND
Pekerjaan : Manger restoran
A l a m a t : Restaurant Kori Jl. Poppies Lane li Kuta Badung.

- U N T U K** : Hadir dan Menemui Penyidik pembantu BRIGADIR I WAYAN SUKARTA (Telp. 7907510) di Sat Reskrim Unit I Poltabes Denpasar, Jl. Gunung Sanghyang No. 110 Denpasar pada hari Jumat tanggal 18 Mei 2007 Jam 10.00 wita ditantai II ruangan Reskrim (A.26) untuk didengar keterangannya selaku Saksi dalam perkara Tindak pidana penggelapan sebagaimana dimaksud dalam Pasal 374 KUHP.



Pada hari ini tanggal Bulan Mei tahun 2007, 1 (satu) lembar dari surat panggilan ini telah diterima oleh yang bersangkutan.

Yang menerima

HEWSON GARY ALLAN

Yang menyeraikan

I WAYAN SUKARTA
BRIGADIR NRP 74080228

- PERHATIAN** : Barang siapa yang dengan melawan hukum tidak menghadap sesudah dipanggil menurut Undang – Undang dapat dituntut berdasarkan ketentuan Pasal 216 KUHP.

- CATATAN** : Berhubungan pemeriksaan belum selesai agar datang kembali pada :

NATIONAL POLICE OF THE REPUBLIC OF INDONESIA
BALI
CITY OF DENPASAR
Jalan Gunung Sanghyang No: 10 Denpasar 80115

FOR JUSTICE

LETTER OF SUMMONS
No Pol S. Pgl 1059 / V 2007 / Reskrim

CONSIDERING That for purposes of proceeding with a criminal investigation, it is necessary to summon for testimony.

BASED UPON

1. Section 7 paragraph (1) letter g, Section 11, Section 112 paragraph (1) and paragraph (2) and Section 113 of the Civil Code.
2. Regulations Number 2 Year 2002 Regarding the Police of the Republic of Indonesia.
3. Police Report No Pol: LP-B / 502 / IV / 2007 / SPK dated 15 April 2007 reported by HERU WIDIYANTO.

SUMMONS

Name: HEWSON GARY ALLAN
Sex: Male
Birth Place / Date :Auckland, 23 – 05 – 1956
Citizenship: NEW ZEALAND
Occupation: Restaurant manager
Address: Kori Restaurant, Poppies Lane II, Kuta, Badung

PURPOSE Attend and meet with investigator BRIGADIR I WAYAN SUKARTA (Tlp 7907510) at Criminal Investigative Division Unit 1, Poltabes Denpasar, Jl Gunung Sangyang No 110 Denpasar on Friday 18 May 2007 at 10:00 AM floor II investigative room (A26) to be heard in explanation as a witness in an investigation of criminal fraud as meant in Section 374 of the Criminal Code.

Denpasar, May 2007

I KOMANG SANDI ARSANA
etc

367

MADE JATI RESTAURANT AND BAR
 ADVANCE VOUCHER

DATE : _____

DESCRIPTION	AMOUNT
Paided to Gary	20mlRp
August Profit 50% Share	
	20,000,000

APPROVED BY: *Garyson* DATE: _____
 RECEIVED: _____ DATE: 1st Sept 98

MADE JATI RESTAURANT AND BAR
 ADVANCE VOUCHER

DATE : 1st Sept 98 NO : _____

DESCRIPTION	AMOUNT
Paided to Owner	20mlRp
August Profit 50% Share	
	20,000,000

APPROVED BY: *Made Jati* DATE: _____
 RECEIVED: _____ DATE: 1st Sept 98

One of many receipts signed by Made Jati in which Gary Hewson receives 50% Share and land owners Michael and Made Donnelly receive 50% Share.

The person who reported embezzlement is HERU WIDIYANTO, employee of Made Jati, involved in many aspects of the frauds from 1995 onward.

HERU WIDIYANTO is one of two witnesses for Petitioner Made Jati suspected of perjury in his statements to the courts that a Balinese wedding occurred in 1996, although Petitioner Made Jati now admits that it occurred in 1994.

1 Thomas E. Kendall, Esq. (State Bar #157891)
2 *Certified Family Law Specialist*
3 *California State Bar Association*
4 *Board of Legal Specialization*
5 *Kendall & Gkikas, LLP*
6 P.O. Box 877, 143 Harvard Ave, 2nd Floor
7 Claremont, CA 91711
8 (909) 482-1422

9 Attorney for: Michael Donnelly

ORIGINAL FILED
SEP 19 2008
EAST DISTRICT

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES, EAST DISTRICT

13 In re the Matter of:

14 NI MADE JATI,

15 Petitioner,

16 vs.

17 MICHAEL DONNELLY,

18 Respondent.

Case No. KD 073003

ORDER AFTER HEARING

19 WHEREAS: This matter came on for hearing on July 31, 2008 at 8:30 AM in
20 Department B of the above-entitled court, the Honorable Susan Lopez-Giss, Judge presiding.
21 Counsel for petitioner, Julie Anne Duncan having appeared; Petitioner having not appeared,
22 Thomas E. Kendall appearing for Respondent who was present, and Patrick Barnitt for the minor
23 children and for good cause shown, it is hereby ordered as follows:

- 24 1. The Petitioner/mother shall pay to the Respondent/father as and for child support
25 \$10,747.00 per month commencing June 1, 2008, payable one-half on the first and
26 one-half on the fifteenth days of each month and continuing monthly thereafter
27 until the minor children reach the age of eighteen (18) and graduate from high
28 school or obtain the age of nineteen (19) or until further order of the Court,
29 whichever occurs first.

2. Attached as Exhibit "1" is a true and correct copy of the court's findings of fact.
This order is without prejudice pending further order of the court.
3. This order creates an arrearage of \$21,494. Said arrears shall be paid at the rate of \$1,000 per month.
4. This order is subject to modification. However, any modification shall be supported by facts, including documents with translations of all documents in English and the burden for any modification shall be placed on the Petitioner.
5. The court orders that Respondent/father shall have sole legal and sole physical custody of the minor children, and visitation shall be by agreement of the parties or further order of the court. Petitioner must cooperate with Respondent for a 730 evaluation if the child custody order of 7/31/08 is to be modified.
6. This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Part 3 of the California Family Code commencing with section 3048).
7. Any reference in this document to a minor child refers to any minor child listed above unless otherwise specified.
8. The home state and habitual residence of each minor child for all purposes, including interstate and international child custody jurisdiction is California.
9. The country of habitual residence of the child in this case is the United States. If a party violates this order, the party may be subject to civil or criminal penalties, or both.
10. Further orders were made by the court on the CLETS order signed and dated as the same date as the hearing in this matter.
11. The court does not order sanctions against the Petitioner for failing to appear, but reserves that issue to the time of trial and reserves the issue of attorney fees and costs to the time of trial.
12. The parties shall each pay one-half of minors counsel's fees and minors counsel may submit his fee declaration *with each party's fee declaration.* *PPB*

13. Minors counsel shall continue in his capacity as minors counsel until further order of the court.

14. This order does not resolve the Order To Show Cause or notice of motion currently calendared for August 8, 2008.

15. All existing orders not specifically modified herein shall remain in full force and effect, including, but not limited to the order that mother shall not remove the minor children or either of them from the United States of America.

APPROVED AS TO FORM AND CONTENT

DATE:

DATE:

8/22/08

Julie Anne Duncan, Attorney for Petitioner

Patrick Barnitt, Attorney for minor children

IT IS SO ORDERED.

DATE:

SEP 19 2008

Susan L. Lopez-Giss

JUDGE OF THE SUPERIOR COURT

1 Julie A. Duncan
2 Attorney at Law
3 245 Fischer Avenue, Suite A-1
4 Costa Mesa, California 92626

5 Telephone: (714) 546-6015

6 Attorney for Petitioner
7 MADE JATI

ORIGINAL FILED

JUL 31 2008

SUPERIOR COURT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES, EAST DISTRICT

10 MADE JATI,

11 Petitioner,

12 and

13 MICHAEL DONNELLY,

14 Respondent.
15

) CASE NO. KD 073003

) DECLARATION OF JULIE A. DUNCAN
) IN SUPPORT OF REQUESTED RELIEF

) Dept.: EA B

) Time:

) Date:
16

17 I, JULIE A. DUNCAN, declare:

18 1. I am an attorney at law licensed to practice before all courts of the State of
19 California and am counsel of record for Petitioner in the above-entitled action. This
20 declaration is submitted in support of Petitioner's request for an order dismissing the
21 petition for custody filed on March 19, 2008. I make the following statements from my
22 own personal knowledge except for those facts stated on information and belief and as
23 to those statements I believe them to be true. If called as a witness in this action, I
24 could and would testify competently to the facts stated herein.

25 2. At the inception of this matter Petitioner had three objectives: the first to
26 locate her children who had been kidnapped by Respondent from their home in Bali,
27 Indonesia; secondly, to reunite with her children and make sure that they were safe;
28 and third to enable them to return to Bali, if they so desired.

1 3. The first two objectives have been realized, however not without an
2 enormous emotional and financial toll on Petitioner and her entire family. In order to
3 be able to see her children, who had lived with her (and Respondent) since they were
4 born until July 2007 in Bali, Indonesia, Petitioner was forced to hire a private
5 investigator to locate them and then file a petition for custody in a jurisdiction that was
6 completely foreign to her. She was away from her home, her family and her businesses
7 in Bali from approximately December 2007 until her return in June 2008.

8 4. After months of emotional ups and downs, Petitioner was thrilled to finally
9 see her children although it took a court order (as Respondent would not permit her to
10 see her children without a court order, despite his claims that he offered). The first visit
11 which took place on or about May 8, 2008 was a heart wrenching scene. Both boys
12 upon seeing their mother gave her big hugs and kisses. They did not "fear" their
13 mother as Respondent had alleged. The reunion went extremely well. After the visit
14 Petitioner and I drove home together. She broke my heart as she sobbed and sobbed
15 from pure joy and the relief of seeing her boys after the many, many months since the
16 last time she had seen them.

17 5. However, by the third visit it was clear that the boys' attitudes towards their
18 mother had changed, especially the older son Sean. I am informed and believe and
19 thereon allege that after Respondent read my declaration dated May 15, 2008 wherein I
20 described the happy visits in detail he intervened with the children in some manner. I
21 had even attached photographs from the visit evidencing the happy demeanor of the
22 boys and their mother. By the third or fourth visit, Sean displayed open hostility
23 towards his mother and was extremely abusive to her for no apparent reason.

24 6. During this time my client received an from Sean which was equally
25 hostile, saying horrible things such as "...I don't want you, I don't love you..." Attached
26 hereto as Exhibit "A" is a true and correct copy of the email dated May 22, 2008 from
27 Sean to his mother. He later told his mother that this was in response to an email from
28 her "hotmail" account. However, she had not sent him any email as Respondent had

1 blocked all communication with the children months ago. She had no idea to what he
2 was referring.

3 7. The trauma of losing contact with her children, then being reunited with
4 them after months and months, only to find that her children are now being poisoned
5 against her has been devastating to Petitioner. It is Petitioner's belief that if she
6 continues with this custody litigation the boys will continue to be pressured by the
7 Respondent and this will only cause further harm to them.

8 8. During their recent visits with their mother the boys indicated to her that
9 they would like to stay in San Dimas and continue with their school and perhaps visit
10 with her during school holidays. She feels that they are safe and although she wants
11 them to return home to Bali, she cannot endure protracted litigation, both for emotional
12 and for financial reasons.

13 9. After her return to Bali after being absent nearly six months her business
14 was in complete disarray. She is stuck between a rock and a hard place. If she does
15 not tend to her business, she cannot provide for her children's future, their higher
16 education, etc.

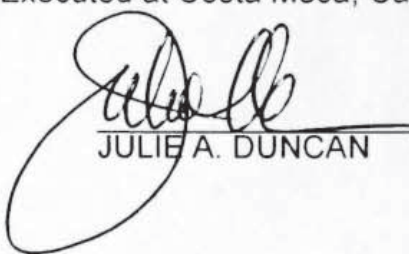
17 10. I am informed and believe and thereon allege that Respondent does not
18 work. From the amount of declarations and pleadings that he has filed since the
19 inception of this action, it is clear that he spends a great deal of time focused on this
20 litigation attempting to disparage and discredit Petitioner in every way that he can.
21 This serves no purpose other than to further polarize the parties.

22 11. Petitioner believes that her children are safe. However she believes that
23 any further litigation is not in their best interests. She does not want to see her children
24 further pressured and manipulated. She has no immediate plans to return to California,
25 instead she is attempting to focus on maintaining their home in Bali, and to work to
26 provide for their future.

27 12. During the brief visits with her sons in May of this year, she was able to
28 communicate with her children that fact that she loves them, misses them and that they

1 will always have a home in Bali with her. Although she was unable to complete her
2 third objective, to do so would come at too great a cost. She has spent thousands of
3 hours trying to decide whether to proceed and her conclusion was that to continue with
4 this litigation will only cause further damage to her children. Her interests are not as
5 important as what is in the best interests of her children. Although it would be in their
6 best interests for them to be able travel freely between California and their home in Bali,
7 to spend time with both parents, it is not in their best interests to continue to litigate the
8 issue. Therefore she is requesting that the court dismiss this action in its entirety.

9 I declare under penalty of perjury under the laws of the State of California that
10 the foregoing is true and correct. Executed at Costa Mesa, California on July 30, 2008.

11
12 
13 JULIE A. DUNCAN
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28



Print - Close Window

From: "made jati" <madejati@hotmail.com>
To: madejati@yahoo.com
Subject: FW: no more
Date: Thu, 22 May 2008 04:31:05 +0000

From: sean_donni@hotmail.com
To: madejati@hotmail.com
Subject: no more
Date: Tue, 20 May 2008 02:14:18 +0000

Alrite, no more, dont go to court and ask for anymore time with us, we dont want to be with you, you even want our opinion in front of you, ask for an hour with us and you will find out thats for sure. i dont want you in my life. this is enough, i know you arent going back to bali because you are wanted there, you have been lying to me all this time and i dont want to hear anymore. dont go back to the court for more time with us, i dont want you, i dont love you, and i dont have a mom for all i care. so be gone out of my life. and these are all my own words and thoughts, dad had nothing to do with this. so go somewhere away from us.

Keep your kids safer online with Windows Live Family Safety. [Help protect your kids.](#)

Share your beautiful moments with Photo Gallery. [Windows Live Photo Gallery](#)

Thomas E Kendall, Esq (State Bar #1578914)

Certified Family Law Specialist

California State Bar association

Board of Legal Specialization

Kendall & Gkikas, LLP

P.O. Box 877, 143 Harvard Ave, 2nd Floor

Claremont, CA 91711

(909) 482-1422

ORIGINAL FILED

Oct 03 2008

EAST DISTRICT

Attorney for Michael Donnelly

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, EAST DISTRICT

Case No. KD 073033

In re the Matter of:

NI MADE JATI,

Petitioner,

vs.

MICHAEL DONNELLY,

Respondent

REBUTTAL DECLARATION OF MICHAEL
DONNELLY RE: REQUEST TO DISMISS
ACTION

I declare that if called to testify in the above-entitled matter, I could and would testify, from my own personal knowledge as follows:

1. My name is Michael Donnelly and I am 56 years old.
2. I am the Respondent in this case.
3. The Declaration of Julie A. Duncan In Support of Requested Relief was filed with the Court on July 31 2008 but apparently received by my attorney Mr Thomas Kendall only in the week of 22 September 2008, and I received a copy on 26 September 2008.
4. I offer the following rebuttal declaration.

Regarding Emotional Turmoil as Reason for Motion to Dismiss

5. The purpose of Ms Duncan's declaration is to support her motion to dismiss the action in its entirety. Her reportage of her client's emotional turmoil and her own "broken heart" (paragraph 4) I believe is meant to excuse Petitioner Made Jati's flight from California before the June 4, 2008 hearing and her further refusal to cooperate with orders from this Court.

6. Ms Duncan has stated repeatedly in court and repeats here in the Declaration that a cause of Petitioner Made Jati's emotional turmoil was a change in the boys' demeanor towards their mother between the second and third visits, and that I caused the change by my manipulation of the children. Of course Ms Duncan has absolutely no knowledge of what occurred between my children and me, but this is an allegation that I would like to lay to rest because it bears on Ms Duncan's argument:

7. In my declaration of May 14, 2008 regarding visitation I stated "I tried to express this positively although both boys were clearly unhappy with the idea,... she and I had already agreed, the court had ordered it, and I hoped that they would be nice to her. ...their mom wanted to see them and know how they were doing..." etc.

8. I was pleased that the meetings went well although both boys complained and said they did not want to do it again. Ms Duncan is not an expert on child psychology qualified to give testimony about the state of mind of my children, or for that matter of her client.

9. In the photographs presented by Ms Duncan in her report of that meeting I see their mother tickling them to make them laugh for the camera. But I do believe that the children were polite and warm to their mother as I requested them to be.

10. On May 12, both boys met with Dr Harris for counseling, and I encouraged them to be honest with Dr Harris. I don't know any details of those meeting except as I reported in my declaration of May 14.

11. In the hearing of May 15, 2008 the Court appointed Mr Patrick Barnett as Minor's Counsel, ordered us to participate as a family with Dr Robert Suiter in a 730 evaluation, and ordered further visits between the children and their mother.

12. The next day I told the boys that they would be seeing their mother every week, that they would meet Mr Barnett who was there to help them and protect their interests, and that we would all meet Dr Suiter who was also there to help them. And I told them that I wanted them to be honest with Mr Barnett and Dr Suiter as well as with me and with their mother – that the Court was there to protect them, but the only way for anyone to know what they really wanted was for them to be honest with all of us.

13. Both Sean and Brenden were receptive and said they understood.

14. In fact they had both participated in Health classes in their schools which had discussed exactly this principle, and Sean had developed a close relationship with his Health teacher in which he sometimes met with and discussed his emotional issues with her after school.

15. In my declaration of May 30, 2008 I explained that I continued to present the meetings with their mother positively and encouraged them to go to the visit of May 18 and to try to get along with their mother.

16. It is my belief, again unqualified as an expert in psychology but qualified as their father, that the boys understood the messages of Mr Barnett, their teachers, Dr Harris, this Court, and me to mean that they should be honest about their feelings.

17. In response to a request from Ms Duncan, my attorney Mr Kendall on September 12 2008 sent a letter to Mr Barnett providing again our email and Skype addresses to Petitioner Made Jati. (Exhibit 1) In that letter he included a note from me to Mr Barnett that I quote here:

“I would welcome reintegration of my ex-wife and our children. Contrary to her many allegations, I have never prevented her contact with our children and have never discouraged the children from communicating with or seeing her. Rather I have left the decisions about communication up to the children after encouraging them to be respectful to her.

In May 2008 I encouraged them to meet with their mother here in California. I was disappointed when they refused to see her again in late May because even taking the most practical point of view, I had strong interest to keep her engaged in California where I hoped we might make some progress towards solution of our family problems.

After hearing Judge Lopez-Giss in the courtroom and witnessing her decisions, I cannot imagine the slightest possibility that she would fail to grant extensive visitation provided there was honest cooperation from Made Jati. I would welcome that decision.

At the same time, Judge Lopez-Giss has made clear her view that cooperation between the parents is vital to the interests of the children.

I do not believe that alienation of children from their mother is incurable, but reintegration will certainly require professional family counseling. The court could order the children to attend counseling with their mother whether they wished to or not and an evaluation by Dr Suiter is a vital first step in that process.

18. Ms Duncan included Sean’s email to his mother in her declaration; this is the first time I have read the email. I am not happy that he sent it, it is a private communication between a child

and his mother, and the pain he expresses I can assure the Court causes me heartbreak greatly surpassing whatever heartbreak Ms Duncan experienced watching her client.

19. It is not my desire and not in my interest that the boys refused to see their mother.

20. But it is my belief that the change in the boys' demeanor between second and third visits is the result of encouragement by all concerned parties including this Court that the boys express their true wants and feelings.

Regarding Reasons Not To Dismiss

21. The thrust of Ms Duncan's argument for motion to dismiss seems to be that Petitioner Made Jati wishes to spare the boys further emotional turmoil.

22. First, emotional turmoil already exists, and the best way to deal with it would be for Petitioner Made Jati to accept the Final Decree and the necessity for some form of communication and settlement with me. This would free her to return to California where she could then cooperate with orders of the Court for counseling intended to help her reconcile with her children.

23. Regardless of whatever heartache Petitioner Made Jati may feel at being forced to choose between assets and children, it is my belief that the heartache and needs of the children far outweigh hers and it is vitally important that they not go through their teen years with the feeling that they "no longer have a mom." Regardless of what a 14 or 15 year old child might say or wish, no one can ever dismiss a mother from their life.

24. Dismissing this case now would abandon whatever power the Court may have to effect reconciliation through counseling or to regulate our family. We have proven unable to regulate ourselves and this family needs the assistance of the Court. Events in Indonesia may eventually force Petitioner Made Jati to accept the Final Decree, and at that time the existing decision of this Court could provide a framework for reconciliation.

25. Second, given that the Court has no power to compel Petitioner Made Jati to return to California from Indonesia, this second-best solution that Petitioner Made Jati has removed herself from the children's lives at least does not prolong their daily turmoil, and I believe that the boys are dealing with their emotions as best they can.

26. Dismissing this case would not spare the boys any ongoing turmoil of visitation, because Petitioner Made Jati has stated, if she can be believed, that she will not return to California anyway. Hearings and trial and decisions in a courtroom in Pomona are absolutely outside the boys' experience and in general they are not even aware of the occurrence of court events.

27. Third, it is my opinion that Petitioner Made Jati cannot be believed. In my declaration of May 7, 2008 paragraph 78 I stated "If she is ordered to deposition or to mediation I expect she will run to the first flight out of LAX." The Court did order her to deposition and 730 evaluation on May 15, and two weeks later she fled from LAX before the hearing.

28. I believe that her motion to dismiss is not intended to spare emotional turmoil for her children. It is intended to evade the court-ordered child support and the custody order, the deposition, the 730 evaluation, the CV-120 restraining order, the order to appear, and possible sanctions for failure to appear.

29. It is my belief that within weeks of dismissal, Petitioner Made Jati would be back in California or in Indonesia shopping for a new venue and a more gullible or compliant judge, and she would start it up all over again.

30. Dismissing this case would open the door for a repeat performance and a new round of emotional turmoil for the children.

31. Therefore it is my belief that continuing this case to trial and final decision is essential to eventual resolution of this family tragedy, and that dismissal of this case would be detrimental to all parties including Petitioner Made Jati herself who, whether she likes it or not, is still and will forever be a member of this family.

Regarding Confrontation with Julie Duncan in the Courtroom 12 September 2008

32. On 12 September 2008 at the afternoon session in Section B at the Pomona Courthouse, my Attorney Mr Thomas Kendall and I were sitting in the public area of the courtroom, while attorney for my ex-wife Ms Julie Duncan sat at counsel table reading our submissions to the Court of this date.

33. Suddenly Ms Duncan turned to me and hissed loudly "How dare you!"

34. I responded "Are you talking to me?"

35. Ms Duncan said "Yes I am talking to you! How dare you? Are you accusing me of criminal activities?"

36. I said "I think you should be addressing yourself to my attorney."

37. Mr Kendall said "Counselor, will you please not address my client directly. Michael, I think you should step outside."

38. I stood up to go and Ms Duncan continued to address me "how can you dare to say that I am involved in a criminal activity? You have no right to say that!"

39. I said "I think it is not appropriate that you should talk to me like this," and I left the courtroom as Ms Duncan continued to berate me.

40. I stayed outside for about ten minutes before returning to the courtroom. Ms Duncan had calmed herself.

41. Later that day, Mr Kendall informed me that while I was out of the courtroom Ms Duncan had continued to complain loudly that she had been libeled and asked Mr Kendall where his client wanted the Civil Complaint for libel served.

42. I hope the court can understand my desire to express to the Court my perceptions of

Ms. Duncan's motives in constantly delaying and obstructing testimony and deposition of my ex-wife.

43. As I previously expressed to the Court in my filing of 23 April 2008 Paragraph 46, I am confused whether I am responding in this case to my ex-wife or to Ms Julie Duncan personally. To my knowledge, we have only a single signature from Petitioner Made Jati on any document, that is her filing of 23 April 2008 with the note "BY FAX". Since then, every filing has come personally from Ms Duncan.

44. Petitioner Made Jati has not given testimony, has not made statements to the Court in the five months since April 23, 2008, and has refused to participate in Court orders.

45. Ms Duncan, on the other hand, has written many invective-filled letters to Mr Kendall with assertions and accusations not supported by any testimony or documents presented to the court, she presents the innermost thoughts of Petitioner Made Jati to the Court through some sort of mysterious divination while claiming that Petitioner Made Jati does not speak English well and is out of communication in Bali, and she has personally accosted me in the hallway outside the courtroom accusing me of kidnapping the children and has made many other angry disparaging remarks addressed directly to me.

46. Further, as I presented in my filing to the Court on July 12, 2008, while I believe that she is indeed following the instructions of her client, I cannot see any indication that Ms Duncan's actions are intended in any way to solve our family problems and bring about a reconciliation of Petitioner Made Jati with the children.

47. I believe that the role of attorneys in cases as emotional as in Family Court in which the fates of children and families are involved requires attorneys with the professional detachment necessary to represent client's interests while also maintaining a concern for the children and integrity of the legal process. Ideally, the attorneys should work together to help bring about a solution between clients who have difficulty communicating, rather than obstructing communication and injecting their own emotional turmoil.

48. Ms Duncan has threatened to bring legal action against me and I feel concerned whether I am able to express myself freely to the Court without fear of retribution from Ms Duncan based on her personal animosity towards me rather than reasons connected to solutions to our family problems.

49. If Ms Duncan is now the prime mover in this case, or feels that this is now a personal matter between herself and me, I believe this presents a conflict with her continued role as counsel for my ex-wife.

Regarding Evidentiary Objections by Julie Duncan

50. In her response to my Declarations Requesting Cooperation of Counsel and Declaration

Requesting Letter to Indonesian Authorities, I believe Ms Duncan misses the point. She distracts by contesting details while ignoring the central question.

51. I do not wish to waste the Court's time by responding at length to her objections other than to note that I have sworn to the truth of my declarations based upon my direct experience and observation and belief, I am present here in California ready to give any necessary testimony, I have presented evidence backed by affidavits to the US Consulate in Bali, I have presented many official court documents many of which were prepared by the Petitioner / Made Jati herself, and I am ready to back up any statement with further depositions from competent witnesses.

52. Ms Duncan in her Declaration of 31 July 2008 and in many other documents alleges that I am a kidnapper and a liar. Petitioner / Made Jati alleges through her Anonymous Witness (Declaration by Petitioner / Made Jati 23 April 2008) that "Michael compulsively lies and has exhibited his lack of character and backbone as a father, human and gentleman."

53. A compulsive liar can be exposed through examination in deposition. I am here available for deposition, but Ms Duncan has not sought a deposition from me.

54. Rather, we have sought deposition from the Petitioner / Made Jati, while Ms Duncan has blocked our every attempt and her client defied multiple court orders and fled California in June. Many Evidentiary Statements that Ms Duncan objects to as unsupported remain unsupported only because her client is not present for examination as to their truth.

55. In my Declaration of 23 April 2008 paragraph 37, I stated "...examination of documents and evidence submitted to the Courts of Indonesia allow us to move beyond knee-jerk sympathy and "he said, she said" stories."

56. Ms Duncan's Declarations are entirely "he said, she said" hearsay.

57. Although it is possible that some of my Declarations also contain hearsay, I have presented a great volume of original documents under oath, as promised. I have included comments stating my beliefs about the significance and motives behind these documents, but I also believe that any reasonable person examining the documents and this case in its entirety would reach similar conclusions about the nature of the case and the motives and personality of Petitioner / Made Jati.

58. Ms Duncan's Evidentiary Objections still leave the central question unanswered. To put it plainly: Should Ms Duncan, as a reasonable person and based upon documents in evidence, be able to conclude that it is probable that her client is committing a fraud in Indonesia, and is it reasonable to then conclude that Ms Duncan's actions in blocking deposition and allowing her client to evade court orders to appear are intended to assist her client to achieve that fraud?

59. In Petitioner's Declaration of 23 April 2008, she states that she was here in California in January 2008, waiting for the Final Decree and having it translated. But Petitioner / Made Jati and Ms Duncan did not present that Final Decree to the Court, I did, over one month later on May 27

2008.

60. I believe that any reasonable person reading that decree would recognize the probability of fraud. A reading of three other documents also prepared and filed with the courts of Indonesia by Petitioner / Made Jati (listed in my Declaration of Michael Donnelly In Support of the Request for Cooperation from Petitioner's Counsel paragraph 46 filed 12 September 2008) would remove all doubt.

61. Six days after I filed the translation of the Final Decree with this Court, Petitioner / Made Jati was gone.

62. Ms Duncan's actions since that date lead me to believe that Ms Duncan has stepped far beyond what I, again admittedly as a layman, consider appropriate for an attorney in Family Court.

63. All I can do is respectfully ask the Court to examine the situation and consider the Court's options from the vantage point of law rather than from the view of a father and husband.
I hereby declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct; executed in Claremont, California.

DATE: October 3, 2008

Michael Donnelly - Respondent