

# **Summary and Evidence**

**In the cases**

**Michael Patrick Donnelly**

**and Children**

**Sean Donnelly & Brenden Donnelly**

**vs**

**Ni Made Jati,**

**and Ni Nyoman Suti,**

**Heru Widiyanto,**

**and others**

**In Connection With**

**I. Fraud, Perjury,  
Threat, Abandonment of Children,  
Attempting to Falsify Paternity,  
Contempt of Court, Failure to Pay Child Support,  
Libel and Embezzlement**

**and**

**II. Explanation of Family History,  
Family Business,  
and Family Assets**

**and**

**III. Explanation of Kori Restaurant**

**and**

**IV. Purpose of Marriage**

**March 2010**





Sean and Brenden 2005, ages 12 and 10 years, when Made Jati entered an Accusation of Divorce which led to destruction of our family.



**Introduction to a Series of Child Abandonment and Fraud Cases**  
**in Indonesia and California**

My two sons and I, all US citizens, fled our home in Bali, Indonesia on the strong advice of the U.S. Embassy in Jakarta after I received a death threat in 2007. Their mother, Made Jati, now my ex-wife, is an Indonesian citizen and remains in Bali. Our family history caused me concern about the source of the threat.

My wife and I were married in California in 1985 and moved to Bali in 1987 where we built businesses and bought properties. Our son Sean was born in 1993 in California, and Brenden in 1994 in Singapore.

In 2005 my wife surprised me with an accusation of divorce stating that we had been married in a Balinese ceremony in 1996. In fact no such ceremony had occurred, and the documents she presented to the court were fraudulent and prepared without my knowledge. The purpose of the 1996 fraudulent marriage was clearly 1) the births of our children would have occurred outside of wedlock, thereby removing my paternity and the children's U.S. citizenships, and 2) all assets of our marriage would become my wife's assets prior to marriage.

In the court's decision, the testimonies of my witnesses were ignored, falsified or reversed, while my wife's witnesses committed perjury and stated that they had been present at a 1996 ceremony. My wife won her divorce and immediately attempted to take all control of our children, and she took over our businesses.

I appealed and temporarily regained my children, though not our businesses, and I reported the fraud to the Bali Police. In the course of their investigation, my wife admitted that the 1996 marriage had never occurred. But from that time to present she has continued to refuse communication or settlement with me, and all police investigations have been dropped without adequate reason but with clear indications of collusion.

In April 2007 the Supreme Court of Indonesia issued a Final Decree in the divorce, stating that our original California marriage of 1985 was valid in Indonesia, was ended by divorce, and that my wife's 1996 documents were not valid and were acquired in a manner contrary to law. My wife refused to accept this ruling, and she entered an extraordinary appeal which was finally rejected in 2008.

In August 2007, while I was vacationing with the children in California, I received a death threat. I left the children with their grandparents and returned immediately to Indonesia, but my wife refused to meet with me or discuss the threat, and so for our safety I chose to stay in California with our children.

Nine months after we left Bali, during which time she continued to refuse all communication with me, my now ex-wife appeared outside our apartment in California and demanded to see the children. The children did not want to see her, and my wife then filed a petition for custody with the California court. But when the court ordered deposition about the threat and other events in Bali, her lawyer in Indonesia advised her not to cooperate because it could cause difficulties defending her in Indonesia, and she immediately fled California despite court orders to continue visitations with her children.

The California Superior Court ruled that she had abandoned her children. She has not spoken to the boys since June 2008, has refused to pay ordered child support, and in April 2009 she declared to a court in Bali that she feels and accepts absolutely no responsibility for her US citizen children living in America.

Since 2005 and continuing to present, my ex-wife has refused to speak to me, and refuses to speak to the children in the presence of a neutral third party. She continues to deny the validity of our 1985 marriage. She denies involvement with the death threat, but has rejected my offers that we together hire and cooperate with a private investigator to trace the threat. She continues to refuse settlement of our assets.

An Order to Show Cause hearing on 50 counts of Contempt of Court is scheduled for 11 March 2010 in Los Angeles; if she, almost certainly, fails to appear, the court will issue a felony arrest warrant.

The primary victims in these cases are our children. In California they have found a refuge from the terrible pressures of Bali. The Court in California, reviewing documents submitted by Made Jati as well as letters from her supporters, was clearly concerned for the children's welfare under such intemperate circumstances, and the Court made a firm ruling to protect the children.

Considering that Made Jati prepared the fraudulent marriage documents in 1996 based upon still earlier fraudulent documents, some prepared even before the birth of our children, Sean and Brenden lived their entire lives in a household in which their mother was planning a fraud which would end with them losing their father. Made Jati put this plan into action in 2005, when they were 10 and 12 years old, and they have suffered through their entire young teen years from the results of that act.

Sean is now 17 years old, a young adult starting to take his place in the world. Both boys are wondering where they came from and how to understand their childhoods. Their mother will not tell them, but they have lived through and witnessed enough to understand that not only their father's but their own rights are at stake.

Starting well before Made Jati's surprising accusation of divorce in 2005, I had tried to reach settlement agreements with her, and I have made many offers since. She has rejected my every attempt. These cases, both civil and criminal, have many years yet to run. As the boys grow older they will undoubtedly step up to take their part in this family tragedy.



Michael Donnelly

2 March 2010

Los Angeles, California



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**I. Regarding  
Fraud, Perjury,  
Threat, Abandonment of Children,  
Attempting to Falsify Paternity,  
Contempt of Court, Failure to Pay Child Support,  
Libel and Embezzlement**

My name is Michael Patrick Donnelly. I am an American citizen who has invested, worked and lived in Indonesia for 25 years. My ex-wife Ni Made Jati aka Made Jati Donnelly remains an Indonesian citizen.

We were legally married in Los Angeles in 1985. (Marriage 1985)

Our two male children were born in Los Angeles in 1993 and Singapore in 1994. They are US citizens in accord with laws of both the US and Indonesia.

We moved to Bali in 1988 and opened successful businesses and bought property in Bali. Although my ex-wife has gone to great effort to convince people that she owned our first company before our marriage, this is untrue and we used money I received from selling my shares in a business in California to purchase Uluwatu Boutiques from the previous owner who was her former boyfriend. From 1988 through 2005 we also opened other businesses including shops and a restaurant and bought properties and built a home in Bali.

In 2005 my wife surprised me with an Accusation of Divorce based on false marriage documents, apparently the result of a planned fraud in preparation for at least 14 years prior to the Accusation, claiming that a marriage ceremony had occurred in 1996. (Accusation of Divorce) This claim is false and no such ceremony ever occurred.

The purpose of the fraud was that

1) The children who were born in 1993 and 1994 would be considered children born outside a marriage. Under Indonesian law in which only children of a legal marriage are legal children of the father, the children would be considered bastards and I would therefore have no parental rights to my own children.

2) In addition, all our assets in Indonesia prior to 1996 would be considered assets brought into the marriage by my wife and not subject to settlement. (Regulations Regarding Marriage, Indonesia)

If divorce were based upon our actual marriage of 1985, my wife and I would have joint custody of the children, and the assets of the marriage would be split 50 / 50.

As evidence of the false 1996 Balinese marriage, my wife entered to the court photographs of a Balinese ceremony which in fact occurred 2 1/2 years earlier in May 1994. (Photo Evidence) The date of the ceremony is important because a 1996 ceremony would support her falsely acquired marriage documents and would move the childrens birthdates out of wedlock.(1, 2, 3, 4)

In her Accusation of Divorce she failed to mention the true date of the ceremonies shown in the photographs, that is May 1994, and she failed to mention our original marriage in California in 1985.

At the same time as the Accusation of Divorce, my wife and her family expelled me from our businesses with threats and the use of thugs. From that moment in 2005 to present my wife has absolutely refused all communications of any sort with me.

Although based upon false marriage documents, the Decision of the National Court in Denpasar issued November 2005 granted a divorce based upon a false marriage which my wife stated to have occurred in 1996. (Decision National Court Denpasar in Divorce, Indonesia)

Based upon her victory in the National Court, my wife in December 2005 declared that she had sole custody and parenthood of the children, and that I could apply to see them only with her permission on weekends. I appealed the decision to the Court of Appeals and therefore the status of the children reverted to status quo during appeal and my wife was again forced to share custody with me.

My wife then took the children's passports and refused to allow them to return to California for Christmas with their grandparents until I signed a document "Visitation Schedule" in Indonesian. My lawyers at Austrindo Law Office urged me to sign the document but I refused because I could not read it and because I had previous bad experiences with my wife's explanations about the purpose of documents she requested me to sign. I later found that the document would have removed all my parental rights to my children. (Affidavit to U.S. Consulate regarding Seizure of U.S. Passports) (Jatah Tinggal)

After my loss in the National Court I attempted to report the fraud to Polda Bali. My lawyer from Austrindo Law Office, M. Rifan, accompanied me and arranged with the police to accept a report of "Pengelapan" which Rifan and the police told me was equivalent to "Fraud". However this was

### **Regarding a Series of Cases 2005 - 2009**

untrue, “Pengelapan” means embezzlement which is technically impossible between husband and wife. It was only in mid 2006 that my new lawyers told me that I had been deceived by Austrindo Law Office and Polda into thinking that I had made a report when in fact the charge was impossible to proceed. (Report of Results of Investigation, Embezzlement)

I had difficulty obtaining the printed copy of the National Court Decision from Austrindo Law Office where they told me that it was not yet released from the courthouse. I found later that this was untrue, and when I finally recovered the Decision from the Austrindo Law Office file it was clear that there were numerous signs of collusion in the decision itself, collusion between my original lawyers and my wife, and perjury by my wife and her witnesses.

My wife’s witnesses included her sister Nyoman Suti and Suti’s lover Heru Widiyanto who testified falsely that they had direct knowledge that we were married in a Balinese marriage ceremony in 1996, and that they had no knowledge of a 1985 marriage in California. (Testimony of Nyoman Suti and Heru Widiyanto)

The testimony of my witnesses in the National Court regarding the actual Balinese ceremony which had occurred at our home in 1994 had been falsified and reversed in the Decision by the court reporter. (Affidavit from Made Artini) (Affidavit from Nyoman Sudana)

In the Decision of the Court of Appeals in April 2006, I was surprised to find that my original lawyers, Austrindo Law Office, had not entered any documents of appeal despite their telling me that they had done so. (Decision of Court of Appeal Denpasar in Divorce) I concluded that Austrindo was in fact working in collusion with my wife to purposely lose the case.

I hired new lawyers, Maharidzal S.H and Mangasi Simangunsong S.H., and with them appealed to the Supreme Court in Jakarta.

I also reported perjury and fraud (Sections 266 and 378 of the Criminal Code) to the police at Polda Bali, this time with the correct term for fraud and without collusion by Polda officials to sidetrack the investigation. Despite apparent attempts by Made Jati and her lawyer Ida Bagus Wikantara to intervene and stop the investigation and attempts to intimidate witnesses, eventually my wife admitted under questioning by chief investigator Hagnyono S.H. that her explanations in the Accusation of Divorce and her documents in evidence were false and untrue.

After admitting to the police that the statements and documents presented in her Accusation of Divorce were false, Made Jati presented a new story in her later court filings which had apparently formed the basis for a plan to defraud me starting with our move to Bali in 1988.(Reply of Made Jati in Action Contrary to Law)

She claims that a sentence in the Regulations of Indonesia Regarding Marriage stating that foreign marriages are legal in Indonesia and must be registered in Indonesia within one year means that foreign marriages not registered in Indonesia within one year are dissolved. She did not tell me about this regulation when we came to Bali in 1988 and did not register our California marriage, but arranged a Balinese ceremony in 1994 with the explanation that it was to promote family harmony, then asked me to sign a series of documents in Indonesian in 1996 with the explanation that this was part of a formality to legalize our California marriage. She asked me to sign other documents in 1996 which she explained were formal requirements to legalize our California marriage in Indonesia. As with the “Visitation Schedule” document, my wife presented these damaging documents to me with explanations which were untrue, and most of the documents were in Indonesian which I could understand only through my wife’s explanations.

I registered the California marriage in 2005 when I found out that she had not actually done so in 1996. Since that time Made Jati has claimed to the courts that 1) my registration was illegal because I am a foreigner and the laws of Indonesia are only for use by Indonesian citizens, 2) our marriage in California in 1985 was dissolved by automatic divorce in 1986 and replaced by the Certificate of Marriage she arranged with false documents in 1996.

That is, from our move to Bali in 1988, through the birth of our children in 1993 and 1994, through her family’s manipulation of a Hindu religious ceremony in 1994, through her explanations to me in 1996 that we needed to legalize our California marriage in Bali, until she filed for divorce based on the “one year registration” requirement in 2005— through 17 years of married and family life while I trusted my wife’s explanations of the documents necessary to protect our family, she held the secret knowledge that someday she would defraud me, take the children, take our assets and drive me out of Indonesia.

With the admission of Made Jati that the documents, photos and statements she presented in evidence in the Accusation of Divorce were false, Polda Bali submitted the file to the Public Prosecutor in August 2006 with recommendation to proceed to criminal indictment and trial.

The Prosecutor returned the file with request for additional evidence, which was then provided by Polda Bali and the file returned to the Prosecutor. This process between Polda Bali and the Public Prosecutor continued 13 times for over a year.

While the file was being sent back and forth, the Prosecutor announced publicly through the press as well as privately to my lawyers that a complaint by a bulay or white foreigner against his Indonesian wife would never proceed as long as he was Prosecutor. Also the Assistant Chief Prosecutor told my attorneys directly in my presence that lawyers were expected to comply with the wishes of the Prosecutor's office rather than with the wishes of their foreign clients who would soon leave the country anyway. I and my attorneys were told numerous times by various Prosecutor's Office officials that the case would never advance because their superiors in the office had an interest in seeing it quashed. (Newspaper Interview with Public Prosecutor)

In the 12th rejection, the Prosecutor ordered Polda Bali to summon me for questioning as a suspect in fraud while still refusing to accept my wife as a suspect. Polda refused this order. I received this ridiculous statement that I could in effect be accused as a suspect in defrauding myself as a threat and a warning that a foreigner could be accused at the whim of the Prosecutor's Office regardless of whether the justification was within or without the law.

Ultimately Polda Bali ended the back and forth charade with a stop letter to the investigation based on no evidence of a loss, this despite all my rights and property being taken by my wife, and despite the statement in the Criminal Code that there does not need to be an evident loss but if the action could result in a loss or potential loss either material or non-material. This understanding was confirmed by an expert witness, and the actual loss had been proven for over one year by the Polda Investigator.

In August 2007 while vacationing with my children in California, just 24 hours before we were to board the plane for our flight back to Bali, I received an email threat from a person unknown in Jakarta that I and my family would be killed unless I closed my new business in Indonesia. (Death Threat)

I immediately returned to Bali, leaving the children with their grandparents, but my wife refused to meet or speak with me about the threat. I reported the threat to the local police and the US Embassy in Jakarta, as well as to the police and FBI in California. Their advice was that the threat was credible and should be taken seriously, therefore I followed the advice of the US Embassy, FBI and

friends at Polda Bali advising me not to return with the children to Indonesia.(Report to Sheriffs Department and FBI)

In November 2007 the police in Tabanan, Bali (Polres Tabanan) issued an arrest warrant for my wife on a separate charge in connection with fraudulent documents she prepared when we purchased land in Kuta. (Arrest Warrant, Tabanan) Before she could be arrested she fled early morning from her house, apparently tipped off by a leak from within Polres Tabanan, and she immediately left Indonesia. My wife did not return to Indonesia for the next seven months until the Investigative Director who had headed the investigation was removed from office. The new Director issued a stop order to the investigation with the excuse that the statute of limitations on the crime had expired, although in fact at that time only nine months had passed since my discovery and reporting of the false documents.

Fifteen days after fleeing the arrest warrant in Indonesia, Made Jati landed in the U.S. where she stayed in the resort town of Newport Beach about 30 miles from our apartment, but she did not attempt to contact me or visit the children. In fact, she hired a Private Investigator to find our address although this was completely unnecessary because she had consistently refused to answer my emails requesting a meeting. She received our address from the P.I. in December 2007 but did not attempt to meet me or the children for 3 ½ more months.

In January 2008 the Final Decree of the Supreme Court of Republic of Indonesia was issued which rejected Made Jati and Ida Bagus Wikantara's personal theory of the Regulations Regarding Marriage and stated that the requirement to register a foreign marriage within one year was an administrative requirement and that the requirement was adequately fulfilled with the registration in Denpasar. The Supreme Court reversed the collusive Decision of the local National Court Denpasar in the divorce and granted my request for a divorce based upon the original legal marriage that took place in California in 1985. (Decision of Supreme Court Indonesia in Divorce)

From the time the death threat forced me to remain with my children in California, my wife refused my attempts to communicate and did not seek information or enquire after our children for nine months although she was staying in a beach resort only 30 miles away from our home. In March 2008 she unexpectedly appeared at our apartment saying that she wanted to see the children. However, the children refused to meet her. Three days later my wife entered a motion to the court in California seeking custody of the children. (Pleading of Made Jati March 2008) ( Pleading of Made Jati April 2008)

In her petition my wife accused me of kidnapping the children. I explained the background of the case in Indonesia. The judge ordered my wife to undergo psychological evaluation with the family in front of a court qualified psychologist, and to cooperate with my request for deposition under oath. My wife immediately fled California two days before the next scheduled hearing, under advice from her attorney in Indonesia who entered a declaration to the court in California that “I, the legal counselor defending her case that is still in progress in Indonesia, do not want to run any risks no matter how small it is that might be trumped up to corner my client which might later cause difficulties in defending her in Indonesia. Therefore, I advised my client to immediately return home to Indonesia.” ( CV-130 Restraining Order against Made Jati) ( Pleading of I B Wikantara November 2008)

Despite many contradictory excuses about why she fled California advanced by Made Jati, her lawyer in Indonesia, I B Wikantara, and her lawyer in California, Julie Duncan, it is clear from the declaration of I B Wikantara that Made Jati in fact fled California at the advice of her attorney because he was afraid of difficulty defending her in Indonesia if she were examined under oath in California. And it is suspected that it is no coincidence that Made Jati arrived in California in search of her children only after being chased out of Indonesia by an arrest warrant, that she did not attempt to contact her children for 3 ½ months after arriving in California and then rejected my offers for her to meet the children for two more months until finally accepting that offer in May, and that despite being under order from the California court to continue to meet with her children and to enter counselling with them she abandoned her children when an order to quash the warrant was arranged in Tabanan allowing her to return safely to Indonesia.

Although Made Jati frequently complains that she has been prevented from seeing her children, or that I have alienated them against her, or that there is no reason to connect the death threat with her supporters, the words of Judge Lopez-Giss in the California trial transcripts clearly refutes these complaints. In fact the Court ordered the 730 psychological evaluation precisely to determine whether Made Jati’s complaints were based in fact. In the hearing of 4 June 2008 Judge Lopez-Giss states “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?” Made Jati’s response was to flee California and Dr Suiter’s evaluation on the advice of her attorney I B Wikantara rather than face her worst nightmare. Julie Duncan’s excuses that Made Jati is only a simple girl from a primitive tropical island who does not understand the complexities of the Western world and psychology are not true; while living in California in 1987 Made Jati underwent psychological therapy because of emotional instability.

In November 2008 the Supreme Court of the Republic of Indonesia issued a ruling granting my request in a separate civil case canceling the false marriage documents and ordering them withdrawn from the Civil Records Office because they were obtained by my ex-wife in a manner Contrary to Law. (Decision of Supreme Court Indonesia in Action Contrary to Law)

In March 2009 the court in California issued a final ruling that “This Court makes the finding that the Petitioner has abandoned her children.” Complete physical and legal custody was granted to me, a restraining order was placed upon her, and my wife was ordered to pay child support as well as all my legal expenses in California. (Final Decree of Superior Court California, March 2009) Not one cent has been paid to date. Because of her actions, my ex-wife now faces criminal charges of contempt of court in California.

To this moment Made Jati still refuses any and all communications or attempts at settlement of our family affairs with me, and continues to use every possible tactic and opportunity to delay and hinder legal processes.

In March 2009, after the ruling by the the Superior Court in California that she had abandoned her children, my ex-wife reported me to Polda Bali with an accusation of Kidnapping. Police investigators have privately stated to me that there is no legal basis for the charge but that the case remains open for investigation.

I then petitioned in a civil case in Bali for division of assets and again offered to my ex-wife through the mediation judge to reach a settlement in which we would split the assets 50 / 50, but she again rejected the offer. (Petition for Settlement of Assets) Based upon my experiences of the last four years, I believe that the kidnapping charge is intended to intimidate me from returning to Bali to contest the civil case.

In my ex-wife’s answer to the civil assets case she again argued that the Supreme Court was in error regarding her theory, that the children were born out of wedlock and therefore have no right to US citizenship and that she is the sole legal parent (consequences of her “third party” argument), and that she absolutely refuses to pay child support because I should have to suffer the consequences of taking the children from her in Indonesia - ignoring the suffering her position is causing her children. (Reply of Made Jati in Settlement of Assets, May 2009)

Made Jati has argued that California does not have jurisdiction over an Indonesian citizen, that she came to California unprepared for a court action, that her only interest was to see her children. These statements are untrue.

It is untrue that the California court does not have jurisdiction over Made Jati because she placed herself and our family under California court jurisdiction through her custody petition to the court.

Her claim that she was not ready for a hearing in California is untrue because she presented to the court numerous documents prepared with the assistance of her attorneys in both California and Bali and including letters from supporters in Indonesia all prepared well before she appeared at our apartment in March and initiated custody proceedings.

Her claim that she only wanted to see the children is not supported by the fact that she was in California 30 miles from our home for 5 1/2 months and refused my communications and offers to arrange visits with the children, and then fled California in defiance of specific court orders for visitation.

At present the ruling of the California court judge that Made Jati could return to California, attend court proceedings and cooperate with court orders and regain visitation with her children still stands, but Made Jati continues to refuse communication or cooperation. Rather, she still attempts through manipulation and maneuver to control the process of law in Bali where the assets are located.

For persons who have not experienced this type of manipulative personality it is difficult to understand why this situation cannot be resolved.

Throughout our marriage, and more importantly through the over four years that the legal struggle over the marriage fraud has continued, Made Jati has shown no sensitivity to the welfare of the children but has treated them as objects of victory or weapons in the struggle. Starting in about 1997 she began an affair with an Austrian named Gerold Eichinger. I discovered the affair in 1999, and after that she continued the relationship openly with the assistance and knowledge of her parents and family in Kuta without showing the least concern for the welfare and needs of our children for a safe family environment.

It is not surprising that her actions have caused stress in the children. In March 2007 our oldest child, Sean, stated in a letter that he no longer wished to live with his mother, and from that date for-

ward he has lived only with me. Our second child, Brenden, said that he would continue to alternate stays between our two houses but it was clear that it was also causing him great stress.

In Bali she has organized a group named “Made’s Angels” who have broadcast libelous emails, conducted other malicious publicity campaigns, and issued direct threats against me. Although they claim to be concerned about the children, in fact these supporters include some parents of the children’s former school friends who have openly proclaimed in letters that they intend to make it impossible for me, and by extension the children, ever to return to Bali. Some of these Angels also addressed notarized letters to the California court falsely asserting that I prevented Made Jati from seeing her children, despite the Court itself knowing from first hand knowledge that these allegations were false. (Explanation of Mades Angels from Made Jati)(Anonymous Threat) (Anonymous Mades Angels Broadcast) (Mades Angels Broadcast from Nigel Mason) (1, 2, 3, 4, 5, 6)

Considering that the entire legal struggle from 2005 to present is based upon a private legal theory by Made Jati and Ida Bagus Wikantara which has been soundly rejected by the Supreme Court,... that actions and documents prepared by Made Jati demonstrate that her entire focus in our marriage was to strip me of the children and our assets in divorce, ... that she has fought communication, settlement and mediation with me for over four years while refusing the parental cooperation necessary for our children’s welfare,... that rather than make any effort to mediate our conflict for the benefit of our children or even cooperate with court orders specifically intended to benefit the children, she has rather used her social skills to build an organization to make settlement more difficult... the entire issue for Made Jati is clearly not the welfare of the children, not even the possession of the children as objects. It is about money.

But further considering that she would receive 50% of the assets in common in any case and that her intent is keep hold of not just her assets but also my 50%, and although her share is an amount already sufficient to satisfy most people she has nevertheless plunged this family into endless nightmare... it seems that the issue is not really about money either.

The demons propelling a wife and mother into an obsessive plot from the very beginning of her marriage and persisting through 16 years of the childhood of her sons clearly marks a drive for something more important to her than family love. A manipulative drive for power and control with total lack of conscience or feeling of motherly love cannot be explained by normal mental processes must be sought in psychological explanations. Unfortunately Made Jati fled the psychological evaluation or-

dered by the California court, and so we are left to conjecture based only upon this collection of behaviors.



## Marriage California 1985

From the moment of receiving the Divorce Accusation Michael began gathering documents, photos and other information about the marriage and the family assets, but there was a surprise: many documents and photos were missing. Documents and photos that were once stored in family filing cabinets and safes had been taken or destroyed by Made Jati. In 2003 and 2004 Made Jati had suddenly become very busy cleaning out and organizing the family photos. But now in 2005 it was clear that not only were the photos organized, many were gone.

Michael became careful to save whatever was left in files and cabinets to begin preparation of a response to the Divorce Accusation.

Photos of the marriage in Los Angeles, California 14 September 1985 were kept in a photo album in the home of Michael and Made Jati since the home was built in 1989.

But around 2004 the Marriage Photo Album disappeared, probably hidden or destroyed by Made Jati. However, there were some reject photos stored in a file in Michael's office and in 2005 these reject photos were saved and reprinted as the following evidence.

### Photos of Marriage Ceremony in Los Angeles, 14 September 1985



Steve Donnelly (Michael's), Michael Donnelly, Pastor Jerry Larsen, Made Jati, Leticia Cairl (friend and "bridesmaid").

### Original Marriage, Los Angeles 1985

85-2



Maurice Donnelly (Michael's father), Michael Donnelly, Made Jati, June Donnelly (Michael's mother).

85-3



85-4



85-9



85-10



85-15



85-5

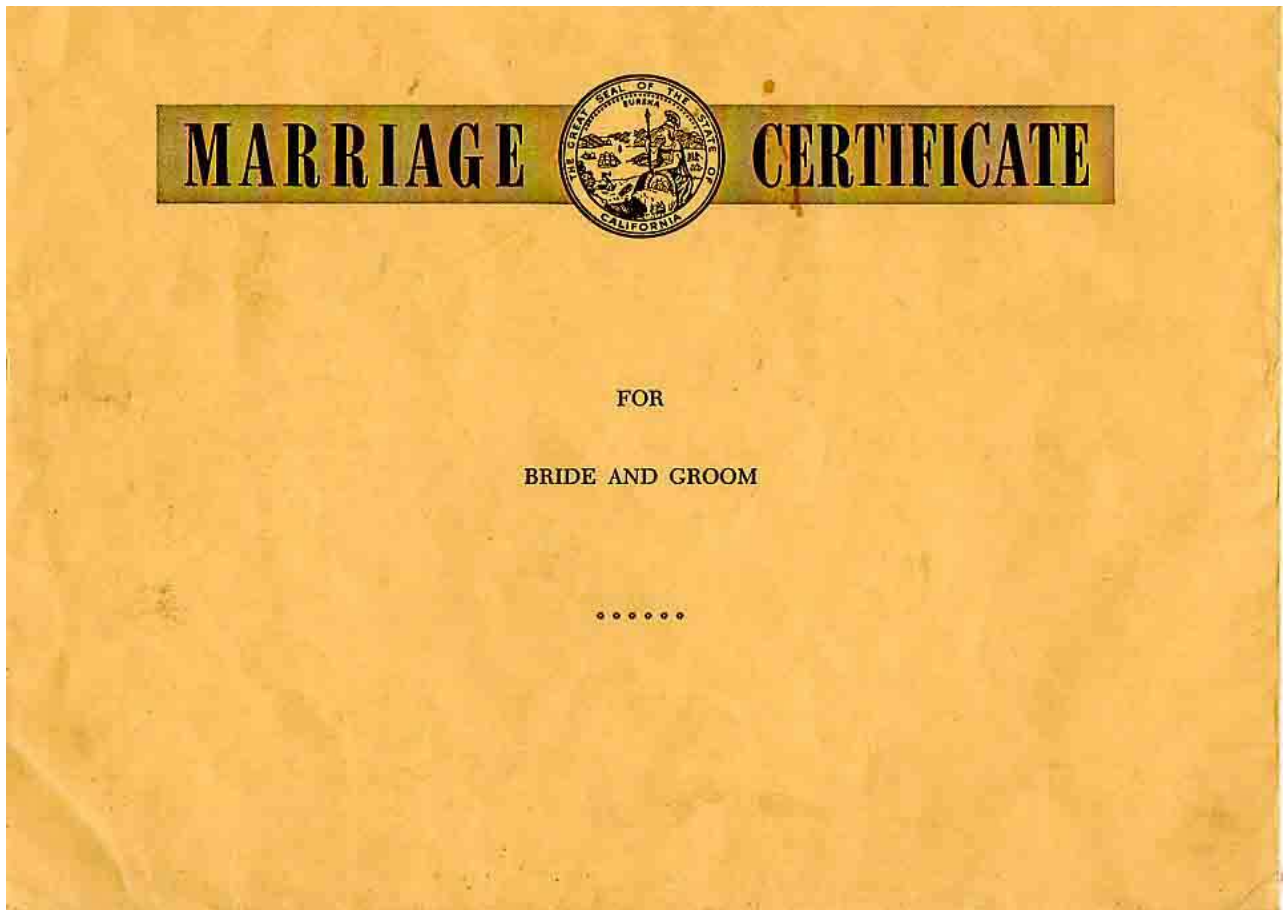


85-14



**Marriage Certificate**

This **Marriage Certificate** is visible in several photos.



**Original Marriage, Los Angeles 1985**

Marriage Certificate 1985  
Marriage Certificate received after ceremony

**Marriage Certificate**

State of California County of Los Angeles

I hereby Certify that on September 14 1985  
Month Day

at Westwood United Methodist Church, Westwood California, under authority  
of a license issued by the County Clerk of the County of Los Angeles, the  
undersigned, as a Minister of the United Methodist Church joined in marriage  
Michael Patrick Donnelly and Ni Made Tati  
in the presence of Jitendra Jial residing at Los Angeles, CA  
California, and Stan Dally residing at SOUTH PASADENA  
California.

Rev. Jerry E. Larsen  
Signature of Person Solemnizing Marriage

TO THE BRIDE AND GROOM

COMPLETION OF THIS MARRIAGE CERTIFICATE

This Marriage Certificate will be completed and given to you by the person performing the marriage ceremony immediately after the marriage ceremony.

\* \* \* \* \*

REGISTRATION OF CERTIFICATE OF REGISTRY OF MARRIAGE

The original Certificate of Registry of Marriage is to be completed by the person performing the ceremony and registered within four days after the marriage ceremony with the Local Registrar of Marriages (County Recorder of the county where the license was issued). After a Local Registrar's copy is prepared, the original record is then forwarded to the State Registrar of Vital Statistics.

\* \* \* \* \*

CERTIFIED COPY OF REGISTERED CERTIFICATE

A certified copy of the officially registered Certificate of Registry of Marriage may be obtained for the applicable fee from the Local Registrar of Marriages (County Recorder of the county where the license was issued) or from the State Registrar of Vital Statistics.

STATE OF CALIFORNIA, DEPARTMENT OF HEALTH SERVICES  
OFFICE OF THE STATE REGISTRAR OF VITAL STATISTICS

# Airport Departure Tax for Made Jati

  
 DEPARTEMEN KEUANGAN R.I.  
 DIREKTORAT JENDERAL PAJAK

No. : 229306

**TANDA BUKTI PEMBAYARAN FISKAL LUAR NEGERI**

Telah terima pembayaran di muka pajak pendapatan sesuai dengan <sup>PM</sup> Ordonansi Pajak Pendapatan Th. 1944 atas :

Nama : MA MADE JATI

N.P.W.P. : Tabanan

No. paspor : A. 177616 / MA 25 AUG 1985

Jumlah : Rp. 150.000,— (Seratus lima puluh ribu rupiah)

Pembayaran ini dapat diperhitungkan dengan pajak pendapatan yang terhutang dalam tahun ini.

25 AUG 1985  
 25-08-85  
 PENERIMA  
[Signature]  
 NAMA  
 NIP

Made Jati arrives in Los Angeles 25 August 1985, before marrying in Los Angeles 14 September 1985.

**CERTIFICATE OF REGISTRY OF MARRIAGE**

NAME OF GROOM	MICHAEL	NAME OF BRIDE	PATRICE
DATE OF BIRTH	11-2-51	DATE OF BIRTH	11-2-51
STATUS	2	STATUS	2
DATE OF MARRIAGE	1976	DATE OF MARRIAGE	1976
REASON FOR MARRIAGE	1	REASON FOR MARRIAGE	1
PLACE OF BIRTH	LOS ANGELES	PLACE OF BIRTH	LOS ANGELES
BUSINESS - EXPORT/IMPORT	BUSINESS - EXPORT/IMPORT		
NAME OF EXPORTER/IMPORTER	MAURICE W. DONNELLY	NAME OF EXPORTER/IMPORTER	MAURICE W. DONNELLY
NAME OF GROOM	MI	NAME OF BRIDE	MADE
NAME OF GROOM	JATI	NAME OF BRIDE	GATI
CITIZENSHIP	INDONESIA	CITIZENSHIP	INDONESIA
PLACE OF BIRTH	KUTA BAYI	PLACE OF BIRTH	KUTA BAYI
PARENTS	I HYOMAN ADA	PARENTS	I HYOMAN ADA
WITNESSES	WITNESSES: <u>[Signature]</u> 1613 PENNINGTON AVE, <u>[Signature]</u> 1748 STATE ST, SOUTH PASADENA, CA WITNESSES: <u>[Signature]</u> 1613 PENNINGTON AVE, <u>[Signature]</u> 1748 STATE ST, SOUTH PASADENA, CA		
DATE OF MARRIAGE	9/10/85	DATE OF MARRIAGE	12/9/85
PLACE OF MARRIAGE	LOS ANGELES	PLACE OF MARRIAGE	LOS ANGELES
MINISTER	MINISTER: <u>[Signature]</u> JERRY E. LARSEN, U. Methodist MINISTER: <u>[Signature]</u> JERRY E. LARSEN, U. Methodist		
LOCAL REGISTRATION	SEP 24 1985	LOCAL REGISTRATION	SEP 24 1985

# Original Marriage, Los Angeles 1985

**Marriage Certificate 1985 Registered at Civil Records Office Denpasar**

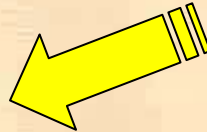
Regno : 16 /K.DKC /2005

Memenuhi ketentuan pasal 56 ayat 2 U.U No. 1 Tahun 1974  
Telah terdaftar pada Dinas Kependudukan dan Catatan Sipil Kota Denpasar  
Pada tanggal 6 April 2005, Perkawinan atas nama : \_\_\_\_\_

**MICHAEL PATRICK DONNELLY**  
dan  
**NI MADE JATI**

Tempel Perkawinan : LOS ANGELES CALIFORNIA

Tanggal Perkawinan : 14 September 1985



Denpasar, 6 April 2005  
KORALAMBINGAS KEPENDUDUKAN DAN  
CATATAN SIPIL KOTA DENPASAR



**DRS. NYOMAN ARYANA**  
PEMBINA TK.I  
NIP. 600006675

This is a true and certified copy of the record  
if it bears the seal, imprinted in purple ink,  
of the Registrar-Recorder.

MAY 15 1986

*Shah Weid* REGISTRAR-RECORDER  
LOS ANGELES COUNTY, CALIFORNIA



## Celebrating the Marriage with Made Jati's Family - Kuta 1985

After their marriage in Los Angeles September 1985, Michael and Made Jati came to Bali in December 1985 to celebrate with Made Jati's family in the family home in Banjar Pengabetan, Kuta.

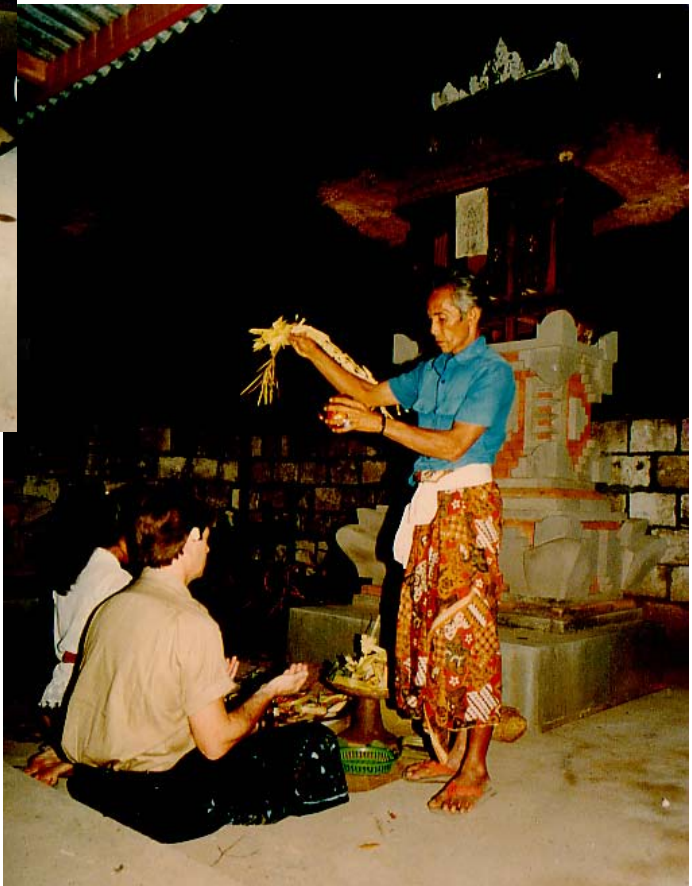
There was a small Bali Hindu ceremony that according to Made Jati's father, I Nyoman Ada, was to receive the USA marriage under Bali Hindu custom as well.



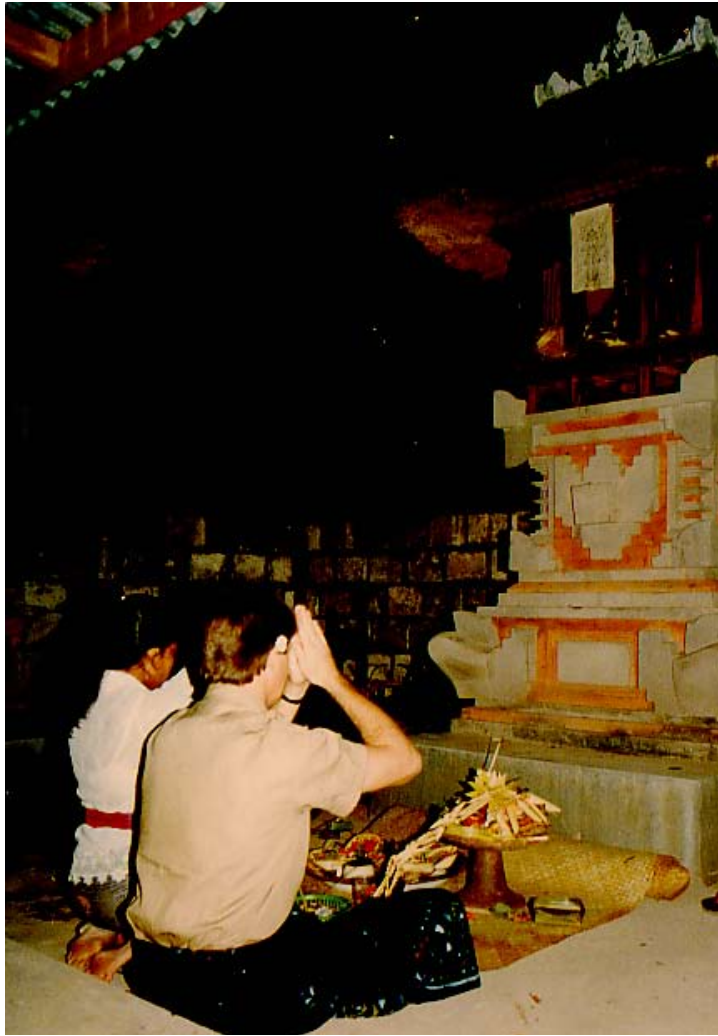
Wayan Mastra (husband of Nyoman Suti), Michael, Made Jati, Ketut Denda (brother of Made Jati), and Nyoman Suti in front of family temple.



I Nyoman Ada (father), Michael, Made Jati, Nengah Sadia (mother) with special marriage offering.



Receiving a holy water blessing from  
Made Jati's father I Nyoman Ada.



**Celebrating 1985 Marriage in Bali**

## Sean and Brenden's Birth Certificates

104-	<b>CERTIFICATE OF LIVE BIRTH</b>				19362	002071
STATE FILE NUMBER			LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER			
1A. NAME OF CHILD - FIRST/INITIAL <b>SEAN</b>		1B. MIDDLE <b>HAYAN</b>		1C. LAST/FAMILY <b>DONNELLY</b>		
2. SEX <b>MALE</b>	3A. THIS BIRTH SINGLE, TWIN, ETC. <b>SINGLE</b>	3B. IF MULTIPLE, THE CHILD LISTED, ETC. <b>-</b>	4A. DATE OF BIRTH - MONTH, DAY, YEAR <b>MARCH 17, 1993</b>	4B. HOUR - 24 HOUR CLOCK TIME <b>0201</b>		
5A. PLACE OF BIRTH - NAME OF HOSPITAL OR FACILITY <b>MEMORIAL HOSPITAL MED CENTER</b>		5B. STREET ADDRESS - STREET NUMBER, OR LOCATION <b>2801 ATLANTIC AVE</b>				
6A. NAME OF FATHER - FIRST/INITIAL <b>MICHAEL</b>		6B. MIDDLE <b>PATRICK</b>	6C. LAST/FAMILY <b>DONNELLY</b>	7. STATE OF BIRTH <b>CA</b>	8. DATE OF BIRTH <b>11/3/51</b>	
9A. NAME OF MOTHER - FIRST/INITIAL <b>MADE</b>		9B. MIDDLE <b>-</b>	9C. LAST/FAMILY <b>JATI</b>	10. STATE OF BIRTH <b>INDONESIA</b>	11. DATE OF BIRTH <b>1/22/53</b>	
12A. I CERTIFY THAT I HAVE BELIEVED THE STATE INFORMATION AND TRUST IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		12B. PARENT OR OTHER INFORMANT - SIGNATURE <i>Made J. Donnelly</i>		12C. RELATIONSHIP TO CHILD <b>MOTHER</b>	12D. DATE SIGNED <b>3/20/93</b>	
13A. I CERTIFY THAT THE CHILD HAS BEEN ALIVE AT THE DATE, HOUR, AND PLACE STATED.		13B. ATTENDANT OR CERTIFIER - NAME, FULL NAME, ADDRESS OR TITLE <i>J. A. Freeman</i>		13C. LICENSE NUMBER <b>G11109</b>	13D. DATE SIGNED <b>3/23/93</b>	
13E. TYPED NAME, TITLE AND MAILING ADDRESS OF ATTENDANT <b>J A FREEMAN, MD, 2840 LONG BEACH BL, LONG BEACH</b>			13F. TYPED NAME AND TITLE OF CERTIFIER IF OTHER THAN ATTENDANT			
15A. DATE OF DEATH		15B. STATE FILE NO. (STATE USE ONLY)	15C. LOCAL REGISTRAR - SIGNATURE <i>Quinn R. Adams AD 11/84</i>		17. DATE ACCEPTED FOR REGISTRATION <b>MAR 24 1993</b>	

THIS IS A TRUE CERTIFIED COPY OF THE RECORD FILED IN THE CITY OF LONG BEACH DEPARTMENT OF PUBLIC HEALTH IF IT BEARS THIS SEAL OF AUTHORITY.

APR 05 1993

*Quinn R. Adams*  
INITIAL Health Officer and Registrar

Sean's Birth Certificate  
His mother signed MADE J. DONNELLY.

**From their births in 1993 and 1994 until Made Jati entered an Accusation of Divorce base upon false marriage documents in 2005, the children were US citizens based upon their father's US citizenship and based upon a legal marriage in California in 1985.**



REPUBLIC OF SINGAPORE  
**CERTIFICATE OF REGISTRATION OF BIRTH**


BIRTH REGISTRATION NO.

89433961E

CHILD'S PARTICULARS	Birth Registered at REGISTRY OF BIRTHS AND DEATHS, SINGAPORE		
	Full Name BRENDEN SURYA DONNELLY		
	Sex MALE	Date of Birth 17/09/1994	Time of Birth 1844 Hours
	Place and Address of Birth NATIONAL UNIVERSITY HOSPITAL, SINGAPORE		
MOTHER'S PARTICULARS	Name NI MADE JATI		Date of Birth 22/01/1957
	Identification Document and No. F/PPT 8107256	Race INDONESIAN	Ethnic INDONESIAN
	Nationality INDONESIAN	Country of Birth INDONESIA	
	Address JALAN PENGEMBAK NO 29 SANUR BALI INDONESIA		
FATHER'S PARTICULARS	Name MICHAEL PATRICK DONNELLY		
	Identification Document and No. F/PPT 033816429	Race CAUCASIAN	Ethnic ENGLISH
	Nationality AMERICAN	Country of Birth UNITED STATES	
INFORMANT'S PARTICULARS	Name MICHAEL PATRICK DONNELLY		
	Identification Document and No. F/PPT 033816429	Relationship FATHER	
	Address JALAN PENGEMBAK NO 29 SANUR BALI INDONESIA		
FOR OFFICIAL USE THE CHILD IS NOT A CITIZEN OF SINGAPORE AT THE TIME OF BIRTH			

I certify that the above information given by me is correct.

  
 Informant's Signature - Father/Informant  
 26/09/1994  
 Date

  
 WIRLIHA BT SUDOH  
 Registrar of Births and Deaths  
 26/09/1994  
 Date

**Brenden's Birth Certificate**

No signature by Brenden's mother because Brenden was registered by his father. Mother and Father's address is Jalan Pengembak, Sanur.

**AKTA KELAHIRAN HIDUP  
NEGARA BAGIAN KALIFORNIA**

**19362 002071  
NOMOR PENDAFTARAN DISTRIK DAN SERTIFIKAT**

ANAK INI	1A. NAMA DEPAN ANAK SEAN		1B. NAMA TENGAH WAYAN		1C. NAMA KELUARGA DONNELLY	
	2. JENIS KELAMIN LAKI-LAKI	3A. KELAHIRAN TUNGGAL, KEMBAR, DLL. TUNGGAL		3B. JIKA KEMBAR, ANAK INI ANAK PERTAMA, KEDUA, DST. ---	4A. TANGGAL, BULAN, TAHUN LAHIR 17 MARET 1993	4B. JAM 02:01
TEMPAT LAHIR	5A. TEMPAT LAHIR - NAMA RUMAH SAKIT ATAU FASILITAS MEMORIAL HOSPITAL MED CENTRE		5B. ALAMAT (JALAN, NOMOR, ATAU LOKASI) 2801 ATLANTIC AVE		5E. TEMPAT LAHIR YANG DIRENCANAKAN RUMAH SAKIT	
	5C. KOTA LONG BEACH		5D. COUNTY LOS ANGELES			
AYAH ANAK	6A. NAMA DEPAN MICHAEL	6B. NAMA TENGAH PATRICK	6C. NAMA KELUARGA DONNELLY	7. LAHIR DI NEGARA CALIFORNIA	8. TANGGAL LAHIR 3/11/51	
IBU ANAK	9A. NAMA DEPAN MADE	9B. NAMA TENGAH ---	9C. NAMA KELUARGA (TERLAHIR) JATI	10. LAHIR DI NEGARA Indonesia	11. TANGGAL LAHIR 22/1/58	
KETERANGAN ORANG TUA	DENGAN INI SAYA MENELAAH KEMBALI INFORMASI YANG DINYATAKAN DAN MEMANG BENAR SEPENGETAHUAN SAYA		12A. ORANG TUA ATAU ORANG LAIN YANG MELAPORKAN - TTD.	12B. HUBUNGANNYA DENGAN ANAK IBU	12. TANGGAL DITANDATANGANI 20-3-92	
KETERANGAN KELAHIRAN	DENGAN INI SAYA MENERANGKAN BAHWA ANAK TERSEBUT DILAHIRKAN DALAM KEADAAN HIDUP PADA TANGGAL, JAM DAN TEMPAT LAHIR TERSEBUT DI ATAS		13A. DOKTER ATAU LAINNYA - TANDA TANGAN - JABATAN Ttd.	13B. IJIN NOMOR G11109	13C. TANGGAL DITANDATANGANI 23-3-93	
	13D. NAMA, JABATAN DAN ALAMAT DOKTER YANG MENOLONG J A FREEMAN, MD, 2840 LONG BEACH BL, LONG BEACH			14. NAMA DAN JABATAN YANG MENYATAKAN JIKA SELAIN ARI DOKTER YANG MENOLONG		
PENCATAT LOKAL	15A. TANGGAL MENINGGAL	15B. PENCATAT LOKAL - TANDATANGAN TTD.	16. PENCATAT LOKAL TTD.	17. YANGGAL DITERIMA UNTUK PENCATATAN 29 MARET 1993		

Diterjemahkan oleh saya, Sulastri Kadarisman  
Penerjemah Tersumpah pada tanggal 1 April 2005

Akta Lahir ini merupakan rekaman sah dari Catatan yang  
disimpan di Bagian Dinas Kesehatan City of Long Beach  
jika dibubuhi cap ini dalam tinta ungu.  
Cap, tanggal 5 April 1993  
paraf ttd.  
Direktur Dinas Kesehatan dan Pencatatan

Translated by **SULASTRI KADARISMAN**  
Sworn Translator  
(Decree of the Governor of Jakarta  
No. 309 of 1982 dated 3.4.1982)

12 APR 2005  
Sulastri Kadarisman  
DIREKTUR DINAS KESEHATAN DAN PENCATATAN

Regno : 18 /K.DKC / 2005

Telah terdaftar pada Dinas Kependudukan dan Catatan Sipil Kota Denpasar

Pada tanggal 12 April 2005. Kelahiran atas nama : -----

**SEAN WAYAN DONNELLY**

Nama Ayah : MICHAEL PATRICK DONNELLY  
Nama Ibu : NI MADE JATI  
Jenis Kelamin : LAKI - LAKI  
Tempat Kelahiran : MEMORIAL HOSPITAL MED CENTER  
Tanggal Kelahiran : 17 MARET 1993

Denpasar, 12 April 2005  
KEPALA DINAS KEPENDUDUKAN DAN  
CATATAN SIPIL KOTA DENPASAR



ROMAN ARYA  
EMBINA TKI  
NIP. 600006675



REPUBLIK SINGAPURA  
AKTA PENCATATAN KELAHIRAN


PENCATATAN KELAHIRAN NO.  
S9433961H

KETRANGAN ANAK	Pencatatan Kelahiran di KANTOR PENCATATAN KELAHIRAN DAN KEMATIAN, SINGAPURA		
	Narna Lengkap <b>BRENDEN SURYA DONNELLY</b>		
	Jenis Kelamin LAKI-LAKI	Tanggal Lahir 17/09/1994	Jam 18:44
	Tempat dan Alamat Lahir NATIONAL UNIVERSITY HOSPITAL, SINGAPURA		
KETRANGAN IBU	Nama NI MADE JATI		Tanggal Lahir 22/01/1957
	No. Identitas Dokumen F/PPT E107256	Ras INDONESIA	Dialek INDONESIA
	Kebangsaan INDONESIA		Lahir di Negara INDONESIA
	Alamat JALAN PANGEMBAK NO. 29 SANUR, BALI, INDONESIA		
KETRANGAN AYAH	Nama MICHAEL PATRICK DONNELLY		
	No. Identitas Dokumen F/PPT 033816429	Ras KAUKASIA	Dialek INGGRIS
	Kebangsaan AMERIKA		Lahir di Negara AMERIKA SERIKAT
	Alamat JALAN PANGEMBAK NO. 29 SANUR, BALI, INDONESIA		
KETRANGAN YANG MELAPORKAN	Nama MICHAEL PATRICK DONNELLY		
	No. Identitas Dokumen F/PPT 033816429	Hubungan AYAH	
	Alamat JALAN PANGEMBAK NO. 29 SANUR, BALI, INDONESIA		
UNTUK CATATAN RESMI PADA SAAT DILAHIRKAN ANAK TERSEBUT BUKAN WARGANEGARA SINGAPURA			

Dengan ini saya menerangkan bahwa keterangan yang saya berikan tersebut adalah benar  
Tandatangan yang memberikan keterangan  
Ttd. Tanggal 26/09/1994

Ttd.  
MUSLIHA BT SUDOH 26/09/1994  
Pencatat Kelahiran dan Kematian

Diterjemahkan oleh saya, Sulastri Kadarisman  
Penerjemah Tersumpah pada tanggal 1 April 2005

Translated by **SULASTRI I**  
Sworn Translator  
(Decree of the Governor  
No. 309 of 1987)  
  
DAN NEHU RUPAK

Regno : 17 / K.DKC / 2005

Telah terdaftar pada Dinas Kependudukan dan Catatan Sipil Kota Denpasar  
Pada tanggal 6 April 2005, Kelahiran atas nama : \_\_\_\_\_

**BRENDEN SURYA DONNELLY**

Nama Ayah : MICHAEL PATRICK DONNELLY  
Nama Ibu : NI MADE JATI  
Jenis Kelamin : LAKI - LAKI  
Tempat Kelahiran : NATIONAL UNIVERSITY HOSPITAL, SINGAPORE  
Tanggal Kelahiran : 17 SEPTEMBER 1994

Denpasar, 6 April 2005

KEPALA DINAS KEPENDUDUKAN DAN CATATAN SIPIL KOTA DENPASAR

  
PEMERINTAH KOTA DENPASAR  
DINAS KEPENDUDUKAN DAN CATATAN SIPIL

**IRS. SYOMAN ARYANA**  
PEMBINA (TK.I)  
NIP. 600006675



**SALIN** **FTW**  
FTW MADE JATI  
Law Firm

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

**PENGADILAN NEGERI DENPASAR**  
R.S.G. NO : 119 a 2005 / P.II. 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**, advokad, yang berkantor di Kantor Advokad 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 PATRICT 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,

INNA Grand Bali Beach Arcade Cottage No. 41 Jl. Hang Tuah, Sanur - Bali  
Phone : (62-361) 288511 Ext. 1533, 283386, 744 3304 Fax : (62-361) 283386  
E-mail : ftw-lawfirm@denpasar.wasantara.net.id

- 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 PENGGUGAT merasa sudah tidak mampu lagi berdampingan sebagai satu kesatuan keluarga dengan TERGUGAT disamping itu PENGGUGAT sudah tidak mampu lagi untuk menyesuaikan diri dengan kehidupan TERGUGAT.-----
  6. Bahwa atas pertengkaran – pertengkaran dan percekocokan yang sedemikian sering terjadi PENGGUGAT 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 PENGGUGAT 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 PENGGUGAT-TERGUGAT sehingga demi kebaikan bersama perceraian adalah satu-satunya cara yang terbaik. ;-----
  8. Bahwa sebagai manusia biasa PENGGUGAT 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 PENGGUGAT secara pribadi dan demikian pula dengan TERGUGAT serta anak-anak PENGGUGAT-TERGUGAT maka perceraian adalah satu-satunya jalan dan penyelesaian yang terbaik dan tidak mungkin dapat dihindari lagi;-----

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

**PRIMAIR**-----

1. Mengabulkan gugatan PENGGUGAT untuk seluruhnya. ;-----
2. Menyatakan hukum perkawinan yang telah dilangsungkan 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 adalah sah putus karena perceraian beserta segala akibat hukumnya.-----

INNA Grand Bali Beach Arcade Cottage No. 41 Jl. Hang Tuah, Sanur - Bali  
 Phone : (62-361) 288511 Ext. 1533, 283386, 744 3304 Fax : (62-361) 283386  
 E-mail : ftw-lawfirm@denpasar.wasantara.net.id

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.-----

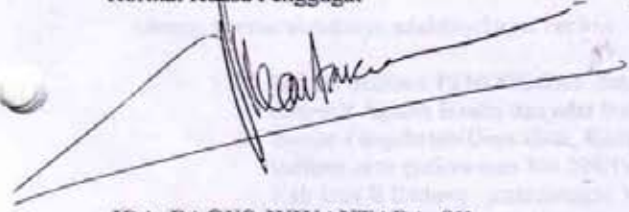
Atau -----

**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**

## 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

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)

Denpasar, 20 April 2005

Attorney for the Accusation

Ida Bagus Wikantara, SH

INNA Grand Bali Beach Arcade Cottage No 41, Jalan Hang Tuah, Sanur – Bali  
Phone: (62-361-288511 ext. 1533, 283386, 744 3304 Fax ☎62-361-283386)  
Email : ftw-lawfirm@denpasar.wasantara.net.id

**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.

## Photo Evidence Presented by Made Jati.

At the request of Made Jati and her family in 1994 I went through a Balinese marriage ceremony in May 1994 at our family home in Sanur. The ceremony was complex and eventually involved a Balinese baptism ceremony called “Sudiwudani”.

These photos were introduced by Made Jati to prove the Sudiwudani ceremony in Sanur in 1994, and the Bali Hindu marriage ceremony in Kuta, September 1996. In truth the ceremonies were held morning and afternoons of 25 May 1994 at our home in Sanur.

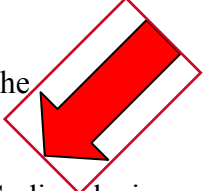
There are 6 photos of Sudiwudani, 4 photos of the marriage ceremony, and 3 photos of the children which have nothing to do with the 25 May 1994 ceremonies.



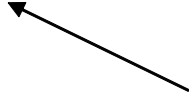


## Photo Comparison - Where was the marriage?


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



Baptism Sudiwudani,  
Sanur 25 Mei 1994.



Notice:  
Priest  
Room and wall  
Baskets  
Cloth folds  
Leaves and flowers



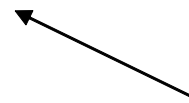
Marriage  
Michael and  
Made Jati,  
according  
to Made Jati  
occurring in Kuta,  
30 September  
1996.

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).

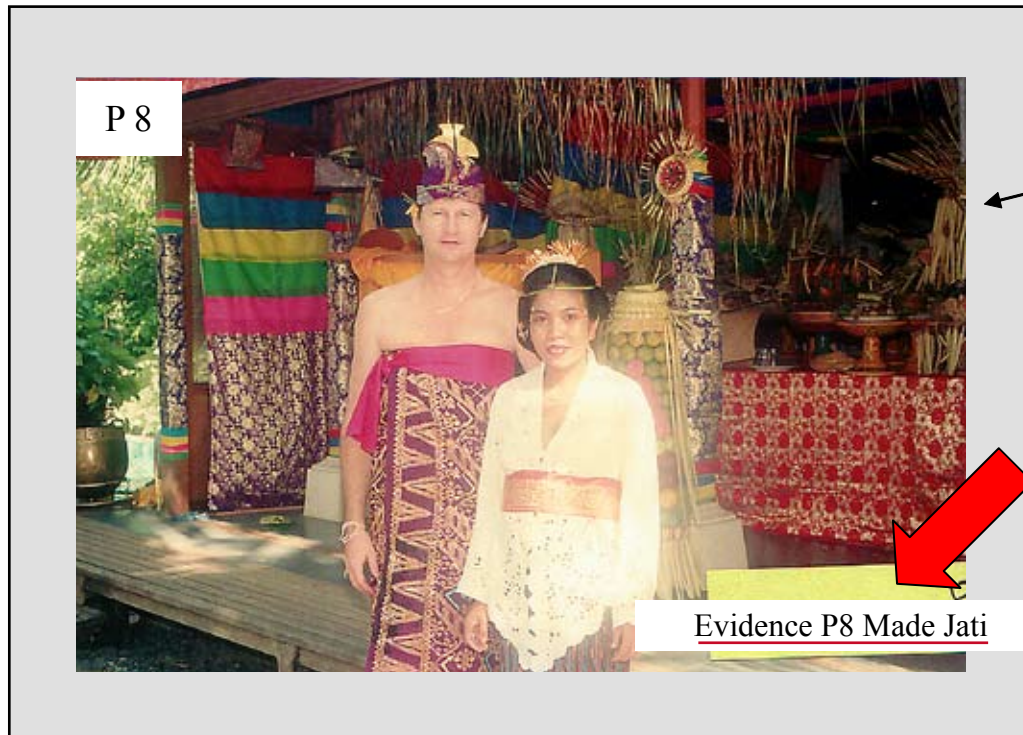
**Photo Comparison - What year was the marriage?**



Marriage  
Michael and  
Made Jati,  
Sanur  
25 May 1994.

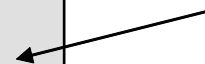


Notice:  
Sean age 1 year,  
only one child,  
Made Jati  
five months  
pregnant.



P 8

Evidence P8 Made Jati

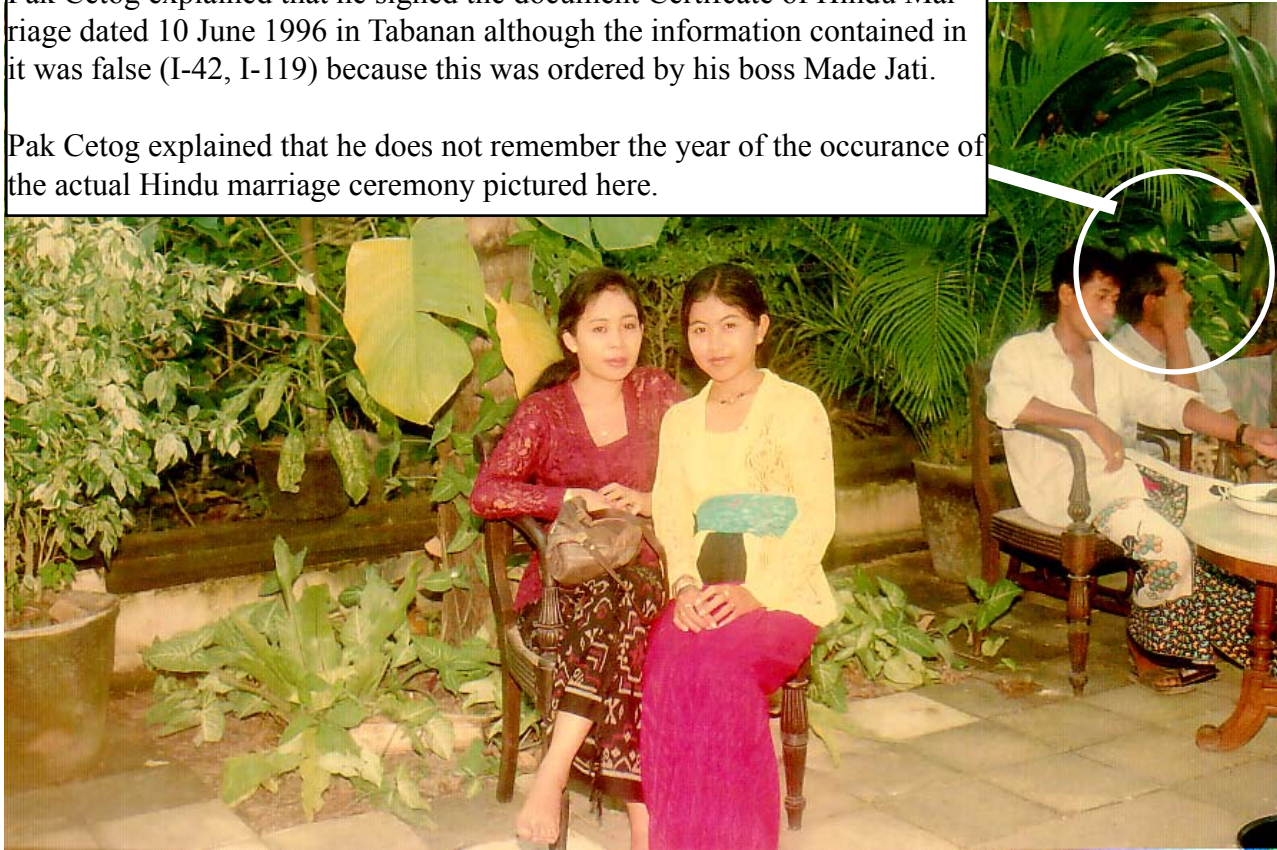


Marriage  
Michael and  
Made Jati,  
according  
to Made Jati  
occurring in Kuta,  
30 September  
1996.

**I Wayan Cetog Sujana:** Witness in Action Contrary to Law for Made Jati.

Pak Cetog explained that he signed the document Certificate of Hindu Marriage dated 10 June 1996 in Tabanan although the information contained in it was false (I-42, I-119) because this was ordered by his boss Made Jati.

Pak Cetog explained that he does not remember the year of the occurrence of the actual Hindu marriage ceremony pictured here.



Witness Agung (red kebaya), witness Wayan Pugri (white shirt),  
Marriage Ceremony afternoon 25 May 1994, Sanur.



Uluwatu employees, witness Made Artini (striped shirt)  
and Sean 14 months, Marriage Ceremony afternoon 25 May 1994, Sanur.

P 9



Marriage Ceremony afternoon 25 May 1994, Sanur. with Pedanda priest,  
afternoon 25 Mei 1994, Sanur. Holy water from witness Ibu Dayu Mas Eni.

## Photos of Sean dan Brenden at Other Events



Oton Ceremony Sean, 22 October 1997. With daughter of Wayan Seni, born 1992.

Besides photos of the marriage ceremony of 25 May 1994, Made Jati entered evidence consisting of three photos of our children Sean and Brendan from 1994, 1995 and 1997, as if the children were already born and were of appropriate ages in accord with her false explanations claiming a marriage ceremony in 1996.

P 1



Evidence Made Jati Donnelly

Nyolongan Ceremony 42 days, Brenden, 29 October 1994, Sanur.

P 7



Evidence Made Jati Donnelly

Oton Ceremony 7 months, Brenden, 15 April 1995. Brenden can sit up by himself.

**Identity Card "NEVER MARRIED" Prepared by Made Jati to Obtain Marriage Certificate**

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

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

**0183-899**

*Made Jati*




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

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

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

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

Nama lengkap : Ni Made Jati      Gijongan darah

Jenis Kelamin : Perempuan

Tempat/tgl. lahir : Denpasar, tahun 1957

Kawin/Tidak kawin : Belum      Agama : Hindu

Pekerjaan : Dagang


Alamat : Jl. Mawar, Tabanan


R.I.R.W. Gerokgak Gede Tabanan, Sept 1994

Kelurahan/Desa : Belod Pek  
Kecamatan : Tabanan

Berlaku hingga : 1 Sept 1997

DRS. WAGAN GYO ARHA ADNYANA  
NIM. 600055011



<b>Resident Identity Card</b>	
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
<div style="border: 1px solid black; display: inline-block; padding: 2px;">1 Sept 1997</div>	

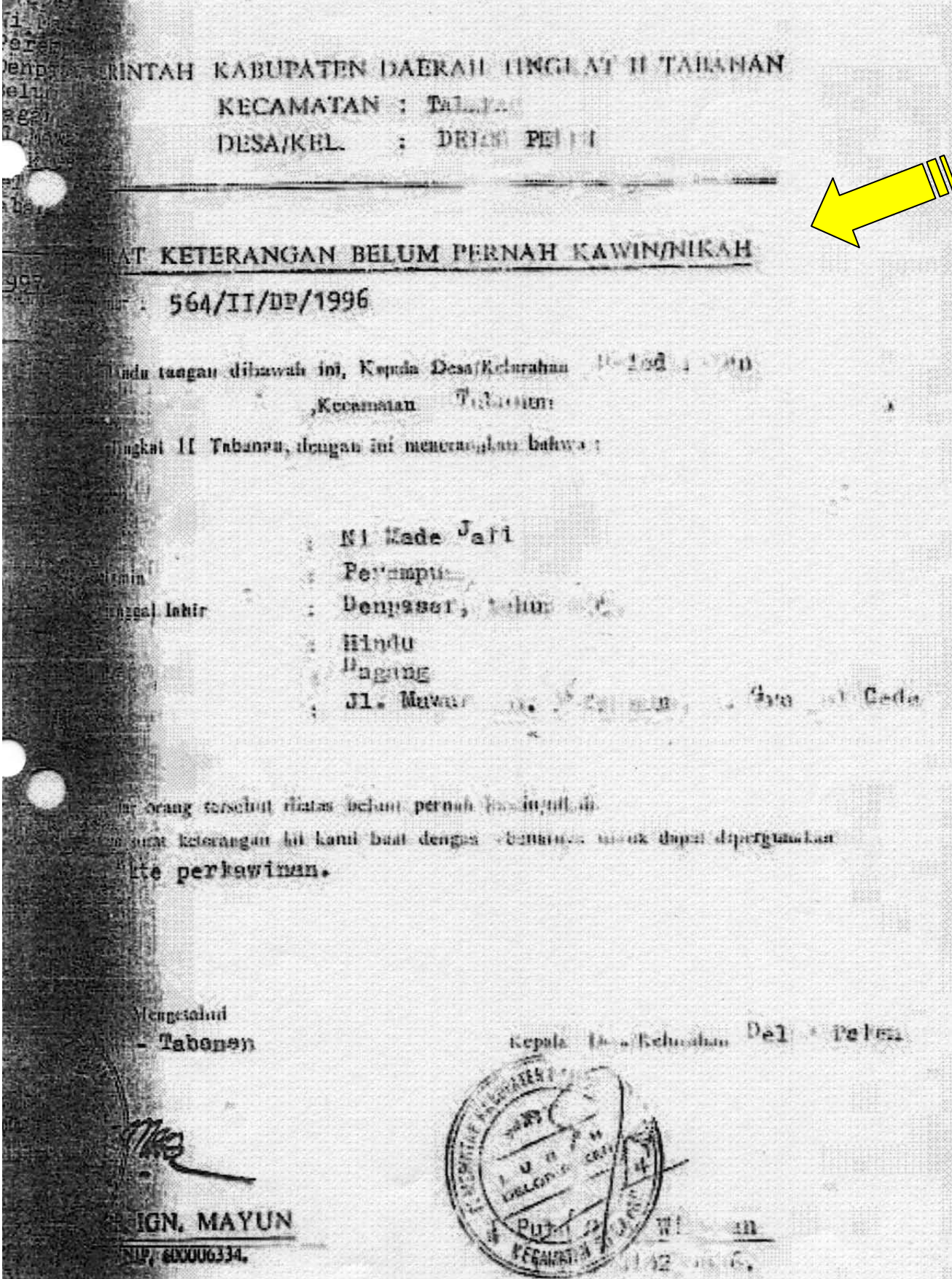
This Resident Identity Card was used by Made Jati to obtain the fraudulent Marriage Certificate in 1996 and submitted by her to the court in Denpasar in July 2005 as evidence of proof of the marriage in 1996.

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.



To obtain the Certificate of Marriage 1996, Made Jati claimed “Never Married” and domiciled in Tabanan.

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

LEMBAGA KETERANGAN PERKAWINAN UMAT HINDU

NOMOR : 32/AGG/II/DP/1996

Senin Tanggal 10 Juni 1996 hadir dihadapan saya

Kelian Adat/Bendesa Adat Br. Gerokgak Gedek Kecamatan Tabanan  
Desa II Tabanan, Propinsi Daerah Tingkat I Bali

Ni Made Jati

Denpasar Tahun 1957 Umur 39 Tahun pekerjaan Dagang  
Desa Delod Peken Kecamatan Tabanan  
Desa 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. Pengembesa Sanur Kecamatan Denpasar Selatan  
Desa III Kodya Denpasar Propinsi Daerah Tingkat I Bali anak laki-laki/perempuan  
dengan June Donnelly keduanya bertempat tinggal 3455 Rancho Rio Bonita Rd.  
USA 91724.

telah mefungsunkan 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  
ditangani oleh mempelai berdua, rohaniawan yang muput, saksi-saksi dan saya  
Adat Br. Gerokgak Gede.

tersebut diatas,

Made Jati

Bendesa Adat, Banjar  
Gerokgak Gede  
Nyoman Pujaadi

Candra Wijaya

Ketut Wenda  
( Mangku Dalam )

Gatot Sujana

Saksi-saksi :  
1. ( )  
2. ( Nyoman Ada )

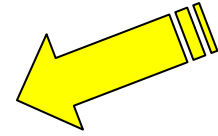
Mengetahui

Kepala Desa/Lurah Delod Peken

Document with False Information: there was no ceremony of any kind in Tabanan in 1996. Made lived with Michael in Sanur since 1989.

**CERTIFICATION OF HINDU MARRIAGE**

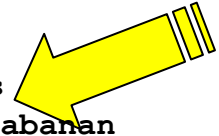
NUMBER : 32/ ACG/II/DP/1996



**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**



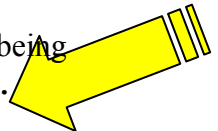
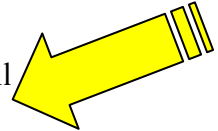
**Michael P Donnelly**

**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**

**I Wayan Chandra Wijaya**

**I Wayan Cetog Sujana**

Village Head

**I Nyoman Pujaadi**

**I Ketut Wenda**

Priest

Witnesses

**I Nyoman Ada**

**Father of Made Jati**

**Document Entered as Evidence by Made Jati,  
Claims a Marriage Occured in June 1996 in Tabanan**

Family Registration Card introduced by Made Jati as  
ACCUSER EVIDENCE P – 2.

**KARTU KELUARGA**

No. AB 926566  
 Nama Kepala Keluarga: I. NI MADE JATI  
 Alamat: I. JL. PEMBERANG BEMPAHAR RT. 000 RW. 000  
 Kode Pos: I. SAMUR CANTH

No. : 225003/97/03033

Lampiran 1: Aktif (Maksimal Keluarga)

Propinsi: I. BALI  
 Kabupaten: I. BEMPAHAR  
 Kecamatan: I. BEMPAHAR SELATAN

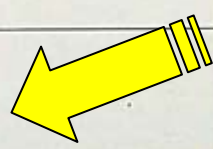
No.	Nama Lengkap	NIK	PIL	Kewarganegaraan			Tempat Lahir	Tanggal Lahir	Dak. Diterima
				Kode	Durasi	Inisialisasi			
1	NI MADE JATI	22.5003.711257.0141	P	WNI		BANGUNG USA	31-12-1957	-	
2	DONNELLY SEAN BAYAN	22.5003.170392.0003	L	WNA	22500001079710002	USA	17-02-1993	-	
3	BRENDEN SURYA DONNELLY	22.5003.170994.0003	L	WNA	22500001079710002	SINGAPORE	17-09-1994	-	

No.	Agama	Status Perkawinan	Pendidikan	Pekerjaan	Hubungan Keluarga	Nama Depan / Ibu	Kode Absorpsi KB	Kode Kabinan Okulasi
1	Hindu	Kawin	SD/ Sederajat	Wiraswasta	Kepala Keluarga	I. NYOMAN ADA	16	17
2	Kristen	Belum Kawin	Tidak Sekolah	Belum Bekerja	Anak kandung	MICHAEL PATRIK DONNELLY	Tidak Ada	Tidak Ada
3	Kristen	Belum Kawin	Tidak Sekolah	Belum Bekerja	Anak kandung	MICHAEL PATRIK DONNELLY	Tidak Ada	Tidak Ada

DEMASAR 07-07-1997  
 DANU SURYASRI SELATAN  
 I. IRS. I GST PUTIP SURIHARSA

Setiap Kepala Keluarga Wajib memiliki Kartu Keluarga. Pelanggaran Terhadap Ketentuan ini Dapat dikenakan Sanksi.



Made Jati introduced this Family Registration Card to support her Paragraph 2 “that until now both children are under the control of the Accuser according to the Family Registration Card 225003/97/03033 dated 3/7/1997”

This report was filed by Made Jati Donnelly in July 1997 without the knowledge of Michael. Michael is no longer reported as a member of the family and Made Jati herself is the head of the family. Sean and Brenden are reported as “Christian”, although the reason given by Made Jati in 1994 when Michael was asked to follow the Sudiwudani ceremony was so that the children could be Hindu and help build a harmonious family.





**H a k i m** Majelis: H. ARIF SUPRATAMAN, SH.MH,  
I WAYAN SUASTRAWAN, SH.  
I KEPUT WIARTHA, SH.

**Panitera Pengganti** : I MADE BETENG.-

## **PENGADILAN NEGERI DENPASAR**

### **PUTUSAN :**

**Perdata No.** : 119 / Pdt.G / 2005 / PN.Dps.  
**Tanggal** : 22 NOPEMBER 2005.  
**Penggugat** : NI MADE JATI.  
**Tergugat** : MICHAEL PATRICK DONNELLY ;

### **BESERTA :**

Putusan PENGADILAN TINGGI DENPASAR

Tgl. \_\_\_\_\_ No. \_\_\_\_\_ / Pdt. / \_\_\_\_\_ / PT.Dps.

Putusan MAHKAMAH - AGUNG DI JAKARTA

Tgl. \_\_\_\_\_ No. \_\_\_\_\_

### **CATATAN :**

Penggugat memohon turunan putusan ini, diberikan

Tgl \_\_\_\_\_ biaya Rp. \_\_\_\_\_

Tergugat memohon turunan putusan ini, diberikan

Tgl \_\_\_\_\_ biaya Rp. \_\_\_\_\_

WITNESS STATEMENTS BY WITNESSES FOR  
MADE JATI QUOTED IN THE DECISION OF THE  
NATIONAL COURT

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;

Made Jati Takes Children's Passports and Attempts to Use Children's Welfare to Coerce Michael into Signing "Jatah Tinggal" or Visitation Schedule in Indonesian Which Would End Michael's Rights to 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 )  
Consular Agency of the )  
United States of America )

Subscribed and sworn to before me this 15<sup>th</sup> day  
of December 19-2005

  
Joshua N. Finch  
U.S. Consular Agent

*Wafat 6*

**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; -----

*Made Jati*

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 demikian terdapat untaian hukum berikut sebagai berikut

*Made Jati*

Waft

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 :

*Handwritten signature and name: 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 :

*Handwritten signature and name: Made Sef Napus*

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, memelihara dan mengasuh anak-anak mereka pada hari Kamis, Jumat dan Sabtu di rumah tempat kediaman pihak kedua;

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

Uatf /

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 ditangan 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

Harus ingat  
leisa madani

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

memasukan/menyekolahkan pada sekolah yang memiliki asrama atau

membawa anak-anak mereka ke asrama dan atau menyekolahkan anak-anak

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.

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.

#### **Pasal 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 --

L  
menyebutkan pula  
sebaliknya P.I.

Bila ingin  
menyebutkan  
leisa madani.

dalam / luar negeri  
PI/IA



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  
tanggungannya pihak yang mengajak berlibur/bepergian keluar negeri.

dupan

**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.

**Pasal 10.**  
Kedua belah pihak bahwa dalam keadaan anak-anak mereka berada dalam  
JATAH TINGGAL sebagai termaksud 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 telpon/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 termaksud semata demi kepentingan anak-anak tersebut dan apabila  
ternyata memerlukan MRS (masuk Rumah Sakit) maka kedua pihak sekali

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

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;

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.  
Dilaksanakan dengan tambahan, hapusan  
dan hapusan dengan ganti.



**NIMADE 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 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 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.



KEPOLISIAN NEGARA REPUBLIK INDONESIA  
DAERAH BALI  
Jl. Wr. Supratman No.7 Denpasar 80233

Denpasar, 23 Januari 2006

No. Pol. : B/518/I/2006/Dit Reskrim  
Klasifikasi : BTASA  
Lampiran : -  
Perihal : Pemberitahuan perkembangan  
Hasil Penyidikan (SP2HP)

K e p a d a

Yth. MICHAEL PATRICK DONNELLY

di

T e m p a t

1. Rujukan :
  - a. Laporan Polisi No Pol : LP/329/XI/2005/ Dit Reskrim Tanggal 28 Januari 2005 Tentang Tindak Pidana menyuruh menempatkan keterangan palsu kedalam suatu akte outentik dan penggelapan sebagaimana dimaksud dalam pasal 266 dan 372 yang diduga dilakukan oleh NI MADE JATI.
  - b. Surat Perintah Penyelidikan No Pol : Sprint. Dik/55/XII/2005/ Dit Reskrim Tanggal 2 Desember 2005 .
2. Sehubungan Rujukan tersebut diatas disampaikan kepada saudara perkembangan penyidikan kasus yang saudara laporkan sebagai berikut :
  - a. Pada bulan April 2005 terlapor NI MADE JATI melalui kuasa hukumnya telah mengajukan gugatan cerai terhadap pelapor MICHAEL PATRICK DONNELLY di Pengadilan Negeri Denpasar dengan dasar Kutipan Akte Perkawinan No. 299/1996 tertanggal 30 september 1996, yang diterbitkan oleh Kantor Catatan sipil Kabupaten Dati II Badung, dan dari pihak Pengadilan Negeri Denpasar gugatan terlapor telah diterima atau dikabulkan dengan putusan Perdata No. 199/Pdt.G/2005/PN.Dps, tanggal 22 Nopember 2005, pelapor MICHAEL PATRICK DONNELLY tidak mengakui adanya perkawinan di Indonesia (Bali) sesuai Kutipan Akte Perkawinan No. 299/1996 tertanggal 30 September 1996. sedangkan perkawinan yang syah adalah perkawinan yang dilakukan di Amerika Serikat berdasarkan Catatan Akte Perkawinan No. L 26119 tanggal 14 September 1985.
  - b. Berdasarkan keterangan para saksi dan barang bukti yang ada bahwa pelapor MICHAEL PATRICK DONNELLY dan terlapor NI MADE JATI telah sepakat melakukan pernikahan secara Agama Hindu dan Adat Bali pada tanggal 10 Juni 1996 di Jl. Pengembak gang III NO. 29

/ Sanur ....

2. SURAT KEPALA KEPOLISIAN DAERAH BALI  
NO. POL. : B/C-18/II/2006/DIT RESKRIM  
TANGGAL, 23 Januari 2006.

Sanur Denpasar selatan yang dipuput oleh KETUT WENDA (Mangku Dalem) dengan disaksikan oleh antara lain I NYOMAN PUJAADI selaku Bendesa Adat Br. Grogak Gede Tabanan , NYOMAN ADA dan I WAYAN CETOG SUJANA sesuai Surat Keterangan Perkawinan Umat Hindu No. 32/AGG/II/DP/1996, tanggal 10 juri 1996 yang diketahui oleh Kepala Desa Delod Peken Tabanan.

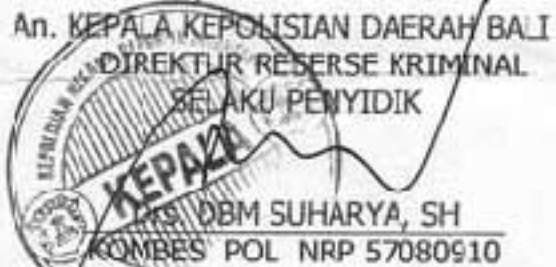
- c. Atas pernikahan tersebut pelapor MICHAEL PATRICK DONNELLY dan terlapor NI MADE JATI pada tanggal 30 September 1996 kedua mempelai telah hadir bersama sama di Kantor Catatan Sipil Kabupaten Dati II Badung untuk mencatatkan perkawinannya dengan membawa persyaratan yang telah ditentukan, dan kedua mempelai telah disidangkan serta menandatangani Akte perkawinan No. 299/1996, tanggal 30 september 1996 dengan disaksikan oleh I WAYAN CETOG SUJANA dan HERU WIDIYANTO.
- d. Saksi menerangkan bahwa perkawinan pelapor MICHAEL PATRICK DONNELLY dan terlapor NI MADE JATI telah memenuhi syarat yang ditentukan oleh Kantor Catatan Sipil Kab. Dati II Badung, dan kedua mempelai tidak pernah mendaftarkan perkawinannya yang dilakukan di Amerika pada tahun 1985, sebagaimana ketentuan yang diatur dalam pasal 56 (2) Undang-Undang No. 1 tahun 1974. tentang perkawinan yang berbunyi : Dalam waktu 1 (satu) tahun setelah suami istri itu kembali di Wilayah Indonesia, Surat bukti perkawinan mereka harus didaftarkan di Kantor Pencatatan Perkawinan tempat tinggal mereka, sedangkan Pelapor MICHAEL PATRICK DONNELLY dan terlapor NI MADE JATI sejak tahun 1988 pindah dan menetap di Indonesia tidak pernah mendaftarkan perkawinannya, sehingga pihak Kantor Catatan Sipil Pencatatan Perkawinan menganggap perkawinan yang di Amerika tidak ada sehingga berhak mencatatkan perkawinannya serta menerbitkan Akte Perkawinan No. 299/1996, tanggal 30 september 1996.
- e. Terhadap perkara tindak pidana penggelapan berupa aset/harta yang diperoleh dari hasil perkawinan yang merupakan harta gono gini, untuk menentukan hak atas harta/aset dimaksud, maka perlu ditentukan kepastian hukum, hal tersebut merupakan kompetensi hukum perdata.
3. Berdasarkan fakta-fakta tersebut diatas, maka terhadap perkara tindak pidana menyuruh menempatkan keterangan palsu pada suatu akte outentik dan penggelapan sebagaimana dimaksud dalam pasal 266 KUHP dan 372 KUHP yang diduga dilakukan oleh terlapor NI MADE JATI,

/ tidak

3. SURAT KEPALA KEPOLISIAN DAERAH BALI  
NO. POL. : B/ 510 /I/2006/DIT RESKRIM  
TANGGAL, 29 Januari 2006.

Tidak cukup bukti untuk diteruskan ketingkat penyidikan. Apabila memerlukan penjelasan lebih lanjut dapat menghubungi penyidik AKP I KOMANG SANDI ARSANA, SiK Sat TIT Dit Reskrim Polda Bali.

4. Demikian untuk menjadikan maklum.

An. KEPALA KEPOLISIAN DAERAH BALI  
DIREKTUR RESEKRE KRIMINAL  
SELAKU PENYIDIK  
  
S. DBM SUHARYA, SH  
KOMBES POL NRP 57080910

Tembusan :

1. Kapolda Bali.
2. Irwasda Polda Bali.
3. Kahid Telematika Polda Bali.
4. Kabid Binkum Polda Bali
4. Sdr. M. RIFAN, SH

Police of the Republic of Indonesia  
Bali  
Jl Wr Supratman No 7 Denpasar 80233

No Pol : B/518/i/2006 Dit Reskrim  
Regarding: Report of Results of Investigation

Denpasar, 23 January 2006

To  
MICHAEL PATRICK DONNELLY

1. In Reference:
  - a. Police Report No Pol : LO/ 329/ XI/ 2005/ Dit Reskrim dated 29 January 2005 regarding criminal act in entering false information in a legal document and embezzlement as meant in Section 266 and 372 by suspect NI MADE JATI.
  - b. Letter of Investigation No Pol : Sprint. Dik/ 55. XII/ 2005/ Dit Reskrim dated 2 December 2005.
2. Regarding as referenced above it is conveyed to you the results of investigation of the case you reported as follows:
  - a. In April 2005 the reported subject NI MADE JATI through her attorney did enter an accusation of divorce against the MICHAEL PATRICK DONNELLY in the National Court Denpasar based upon a Certificate of Marriage No 299/ 1996 dated 30 September 1996, which was issued by the Civil Records Office in County Dati II Badung, and by the National Court Denpasar that accusation by the subject was received or granted with the Civil Decision No 199/ Pdt.G/ 2005/ PN.Dps, dated 22 November 2005, and the reporting party MICHAEL PATRICK DONNELLY does not agree that there was a marriage in Indonesia (Bali) as stated in the Certificate of Marriage No 299/1966 dated 30 September 1996, and that the legal marriage is the marriage which occurred in the United States and registered in the Civil Records Office with registration No L 26119 dated 14 September 1985.
  - b. Based upon the testimony of witnesses and existing evidence that the reporting party MICHAEL PATRICK DONNELLY and the subject NI MADE JATI did agree and carry out a marriage according to Hindu religion and Bali custom on 10 June 1996 at Jl Pengembak gang III No 29 Sanur Denpasar south that was performed by KETUT WENDA (priest) and witnesses by among others I NYOMAN PUJAADI as the Bendesa Adat Br. Grogak Gede Tabanan, NYOMAN ADA dan I WAYAN CETOG SUJANA according to the Letter Certifying Hindu Marriage No 32/ AGG/ II/ DP/ 1996 dated 10 June 1996 and is filed with the Village Head of Delod Peken Tabanan.
  - c. Based on the above marriage the reporting party MICHAEL PATRICK DONNELLY and subject NI MADE JATI on 30 September 1996 the two applicants did appear together at the Civil Records Office of County Dati II Badung to register their marriage and presented all required documents, and the two applicants were heard and signed the Certificate of Marriage No 299/ 1996 dated 30 September 1996 as witnesses by I WAYAN CETOG SUJANA

and HERU WIDIYANTO.

- d. The witnesses testified that the marriage of the reporting party MICHAEL PATRICK DONNELLY and subject NI MADE JATI did fulfill all the requirements of the Civil Records Office of County Dati II Badung, and the two applicants did not ever register the marriage that took place in America in 1985, as required per Section 56 (2) Regulations regarding Marriage 1974, regarding marriage which states: Within 1 (one) year after husband and wife return to the territory of Indonesia, a certificate of proof of the marriage must be registered at the Civil Records Office in the jurisdiction of their domicile, while the reporting party MICHAL PATRICK DONNELLY and subject NI MADE JATI since 1988 did move to and stay in Indonesia and did not register the marriage, so that the Civil Records Office considers the marriage that occurred in America not to exist so that it has the right to issue a Certificate of Marriage No 299/ 1996 dated 30 September 1996
  - e. Regarding the crime of embezzlement of assets which are assets in common of a marriage, to determine rights to those assets must by determined by civil law.
3. Based upon the above fact, the reported criminal act regarding false statements in an official document and embezzlement as meant in Section 266 KUHP and 372 KUHP that was reported against subject NI MADE JATI, evidence is not sufficient to continue an investigation. If further explanation is necessary you may contact investigator AKP I KOMANG SANDI ARSANA, SIK Sat II Dit Reskrim Polda Bali.

4. Thus is the report.

In the name of the Head of Police, Bali  
Director Criminal Investigations  
As Investigator

Rrs DBM SUHARYA  
KOMBES POL NERP 57080910



# SURAT PERNYATAAN

Yang bertanda tangan dibawah ini :

Nama : Made Artini  
Umur : 32 tahun  
Pekerjaan : Pembantu Rumah Tangga  
Alamat: : Jl. Dirgantara No. 3. Tuban Denpasar- Bali.

Dengan ini saya memberikan pernyataan bahwa dalam pernyataan saya sebagai saksi di persidangan dalam perkara perdata No.119/Pdt.G/ 2005/ PN.Dps. Tanggal 22 Nopember 2005 yang ditulis dalam putusan Pengadilan Negeri Denpasar sebagai berikut :

- Bahwa saksi adalah pembantu rumah tangga Penggugat dan Tergugat
- Bahwa saksi pernah melihat Penggugat dengan tergugat melakukan perkawinan menurut adat Bali
- Bahwa foto-foto dalam bukti T8 tersebut bukan foto-foto perkawinan pada tahun 1994 dan bukan potong gigi

Keterangan dalam putusan perkara perdata tersebut adalah tidak benar dan tidak lengkap.

Keterangan saya sebagai saksi dipersidangan dalam perkara perdata yang benar sebagai berikut :

- Bahwa saksi adalah pembantu rumah tangga Penggugat dan Tergugat sejak tahun 1992 dan tinggal dirumah tersebut
- Bahwa saksi menerangkan dipersidangan pernah melihat adanya upacara pada tahun 1996 yaitu upacara potong gigi Michael Donelly (tergugat) di Kuta dan kawinnya Adik Penggugat Made Jati
- Bahwa Foto-foto dalam bukti T.8 tersebut adalah foto-foto upacara perkawinan bulan april tahun 1994 bukan tahun 1996, pada tahun 1996 tidak ada perkawinan antara Penggugat (Made Jati) dan Tergugat Michael Donelly

Demikian surat pernyataan ini saya buat dengan sebenar-benarnya tanpa ada unsure paksaan dari pihak manapun dan agar surat pernyataan saya dapat dipergunakan sebagaimana mestinya.

Denpasar, 06 Maret 2006  
Yang membuat pernyataan



Made Artini

## 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

## SURAT PERNYATAAN

Yang bertanda tangan dibawah ini :  
Nama : Nyoman Sudana  
Umur : 52 tahun  
Pekerjaan : Mandor Tukang yang membangun rumah  
Alamat : Jl. Mambal Kajanan Br. Gumaseh (Dekat Aqua) Denpasar – Bali.

Dengan ini saya memberikan pernyataan bahwa dalam pernyataan saya sebagai saksi di persidangan dalam perkara perdata No.119/ Pdt.G/ 2005/ PN.Dps. Tanggal 22 Nopember 2005 yang ditulis dalam putusan Pengadilan Negeri Denpasar sebagai berikut :

- Bahwa saksi kenal dengan Penggugat dan Tergugat karena saksi sebagai tukang di rumah Penggugat dan Tergugat
- Bahwa saksi tidak pernah melihat Penggugat 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

Keterangan dalam putusan perkara perdata tersebut adalah tidak benar dan tidak lengkap

Keterangan saya sebagai saksi dipersidangan dalam perkara perdata yang benar sebagai berikut :

- Bahwa saksi kenal dengan penggugat dan Tergugat karena saksi sebagai tukang dan dianggap sebagai keluarga di rumah Penggugat dan Tergugat adalah benar
- Bahwa saksi tidak pernah melihat Penggugat dengan tergugat melaksanakan upacara perkawinan. Yang saksi lihat pada tahun 1996 adalah upacara perkawinan adik Penggugat dan potong gigi Michael Donelly Tergugat, jadi pada tahun 1996 tidak ada perkawinan antara Made Jati Penggugat dengan Michael Donelly Tergugat
- Bahwa saksi pernah melihat pada tahun 1996 Tergugat melaksanakan upacara potong gigi di Kuta
- Bahwa saksi memang benar tidak tahu adanya perkawinan tahun 1985 di Amerika tapi saksi tahu karena diberitahu sendiri oleh Tergugat dan Penggugat pada tahun 1995 di rumahnya Jl. Pengembak gang III No. 29 Denpasar Bali dan ditunjukkan foto-foto perkawinan di Amerika oleh Tergugat maupun oleh Penggugat sendiri

Demikian surat pernyataan ini saya buat dengan sebenar-benarnya tanpa ada unsure paksaan dari pihak manapun dan agar surat pernyataan saya dapat dipergunakan sebagaimana mestinya.

Denpasar, 07 Maret 2006  
Yang membuat pernyataan



## 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

PUTUSAN PENGADILAN TINGGI

PUTUSAN

NOMOR : 16/PDT /2006/PT.DPS.

DEMI KEADILAN

BERDASARKAN KETUHANAN YANG MAHA ESA



Pengadilan Tinggi Denpasar yang memeriksa serta mengadili perkara-perkara perdata didalam peradilan tingkat banding dengan Majelis Hakim, berdasarkan surat penetapan Ketua Pengadilan Tinggi Denpasar tanggal 14 Pebruari 2006 Nomor ; 16/Pen.Pdt/2006/PT.Dps telah menjatuhkan putusan sebagai berikut dalam perkara antara ;-----

MICHAEL PATRICK DONNELLY,laki-laki,umur 54 tahun, Warga Negara

Amerika Serikat, pemegang Passport No.710218731,bertempat tinggal di Jalan Pengembak Gg.III Sanur Denpasar, semula sebagai ; TERGUGAT-asal, untuk selanjutnya akan disebut sebagai pihak : -----

TERGUGAT DALAM KOMPENSI / PENGUGAT DALAM REKOMPENSI/ PEMBANDING ; -----

dalam hal ini diwakili oleh kuasanya yang bernama : Mochamad Rifan,SH. dan I.G.A.R. Fajar Harini,SH. Advokat berkantor di "Aus- trindo Law Office" Jalan Setiabudi Komplek Pertokoan Kuta Poleng Blok D.2 Kuta-Bali, berdasarkan surat kuasa khusus bertanggal 19 Nopember 2005 ;-----

----- Melawan ; -----

NI MADE JATI,

perempuan,pekerjaan wiraswasta, beralamat di Jalan Pengembak Gg.III Sanur - Denpasar, semula sebagai :PENGGUGAT-asal, untuk selanjutnya akan disebut sebagai pihak : -----

PENGGUGAT DALAM KOMPENSI/TERGUGAT DALAM REKOMPENSI/TERBANDING ;-----

dalam hal ini diwakili oleh kuasanya bernama Ida Bagus Wikantara,SH,Advokat

berkantor :-----?

DECISION OF COURT OF APPEALS DENPASAR

Official Decision

Reg No 16 / Pdt / 2006 / PT. Dps

Dated 20 February 2006

Case of Appeal in Civil Court

Between

MICHAEL PATRICK DONNELLY (Appellant / Respondent)

Versus

NI MADE JATI (Appellee / Claimant)

DECISION

Number 16/ PDT / 2006/ PT.DPS

In Justice Based on God

The Court of Appeals Denpasar that examined and ruled on events based upon data in an appeal at the Judges Council, based upon the official letter to the Chairman of the Court of Appeals Denpasar dated 14 February 2006 number 16/ Pen.Pdt/ 2006/ PT.Dps has reached a verdict as follows:

MICHAEL PATRICK DONNELLY, male, age 54 years, citizen of USA, holding passport No. 710218731, residing at Jalan Pengembak Gg III, Sanur, Denpasar, originally as the RESPONDENT, and henceforth known as the side RESPONDENT IN ACCUSATION / CLAIMANT IN ANSWER TO ACCUSATION, in this instance assisted by those entrusted named Mochamad Rifan, SH and I.G.A.R Fajar Harini, SH, attorneys of "Austrindo Law Office" Jalan Setia Budi Komplek Pertokoan Kuta Poleng Blok D2 Kuta, Bali, based on letter of Power of Attorney dated 19 November 2005,

Versus

NI MADE JATI, female, private businesswoman, residing at Jalan Pengembak Gg II Sanur, Denpasar, originally as the CLAIMANT, henceforth known as the side of the CLAIMANT IN ACCUSATION / RESPONDENT IN ANSWER TO ACCUSATION, in this instance assisted by those entrusted named Ida Bagus Wikantara SH, lawyer in the office Law Office FTW Law Firm, address Inna Grand Bali Beach Hotel, Jalan Hang Tuah Sanur, Denpasar, based upon letter of Power of Attorney dated 13 April 2005;

The Court of Appeals as above;

Has read the case file, which consists of the record of the trial and the decision of the National Court Denpasar, together with the documents in connection with the case:

CONCERNING THE FACTS OF THE CASE

The Court of Appeals quotes and gives weight to all information noted in the decision of the National Court Denpasar dated 22 November 2005 Number 119/ Pdt.G/ 2005/ PN.Dps that is as follows;

## IN ACCUSATION

- Grants the accusation of CLAIMANT IN ACCUSATION / RESPONDENT IN ANSWER TO ACCUSATION;
- Declares the legality of the marriage that was held according to Hindu religion in Banjar Pengabetan Kuta, Kecamatan Kuta, Kabupaten Badung according as stated in the Marriage Certificate No 299/1996 from the Office of Civil Records Kabupaten Badung Dati II Badung on date 20 September 1996 is legal, and dissolved because of divorce with all legal consequences;
- Declares by law that the CLAIMANT IN ACCUSATION / RESPONDENT IN ANSWER TO ACCUSATION receives custody of the children in the marriage CLAIMANT IN ACCUSATION / RESPONDENT IN ANSWER TO ACCUSATION with the RESPONDENT IN ACCUSATION / CLAIMANT IN ANSWER TO ACCUSATION that are still under age, each named
  1. WAYAN SEAN DONNELLY;
  2. BRENDEN SURYA DONNELLY, according to the Family Registration Card No. 255 003/97/03033 dated 3 July 1997 without reducing the right of the natural father to at any time to see the children to give affection;
- Orders the Clerk of the National Court Denpasar to send this official decision that already has the force of law to the Office of Civil Records Kodya Denpasar;
- Lift the Freeze on Marriage Assets that was place by order of the National Court Denpasar date 6, 7, and 8 September 2005 because it is no longer relevant;

## IN ANSWER TO ACCUSATION

- Declares that the accusation of the RESPONDENT IN ACCUSATION / CLAIMANT IN ANSWER TO ACCUSATION cannot be received;

## IN KONPENSI / REKONPENSI

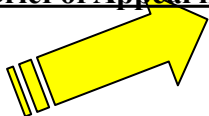
- Orders the RESPONDENT IN ACCUSATION / CLAIMANT IN ANSWER TO ACCUSATION to pay the court costs that until now are calculated to be Rp 3,319,000;

---Reading the brief explaining the request for appeal that was made and signed before the Clerk of the National Court Denpasar 28 November 2005 that explains that on Monday 28 November 2005 Number 119/Pdt.G/ 2005/ PN.Dps to be examined and decided in appeal;

---Reading the brief of the notification of appeal Number 119/ Pdt.G./ 2005/ PN.Dps made by Jurusita National Court notified properly the request for appeal to Claimant on Monday 19 December 2005;

---Reading the brief of the notification of the examination of the case file Number 119/ Pdt.G./ 2005/ PN.Dps made by Jurusita National Court above, before the case file was advanced to the Court of Appeals it was already given opportunity to read and examine each file to the original Claimant on 19 December 2005 and the original Respondent through his lawyer 20 December 2005;

---**Considering, in connection to the request for appeal from the side of the Appellant, until the moment the case was examined and decided by the Council of Judges of the High Court, apparently from the side of the RESPONDENT/ APPELLANT and or his attorney no one entered a document or Brief of Appeal in this case:**



## REGARDING THE LEGAL DECISION

--- Considering, that because the appellant of the side RESPONDENT IN ACCUSATION / CLAIMANT IN ANSWER TO ACCUSATION / APPELLANT above still is within the proper time limit and according to the proper procedures and conditions described by the law, the Appellant above must formally accept the ruling;

--- Considering, that the Council of Judges of the Court of Appeals have examined and given careful account to the case file together with the decision of the National Court Denpasar dated 22 November 2005 119/Pdt.G/ 2005/ PN.Dps and the documents in connect thereto, therefore the Council of Judges of the Court of Appeals can agree with and confirm the decision of the Council of Judges of the National Court, because in the decision has already been weighed with care and correctly all facts and considerations that form the basis for the decision;

--- Considering, that the facts and considerations of the Council of Judges of the National Court can be agreed upon and form the basis for the facts and consideration of the Council of Judges of the Court of Appeals itself to decide this case in appeal;

--- Considering, that based upon the considerations and reasoning as described above, therefore the Council of Judges of the Court of Appeals draw the conclusion and find that the decision of the Court of Appeals dated 22 November 2005 119/Pdt.G/ 2005/ PN.Dps above can be retained and confirmed both in the Konpensi and Rekompensi in the court of appeal;

--- Considering, that because the RESPONDENT IN ACCUSATION / CLAIMANT IN ANSWER TO ACCUSATION / APPELLANT remains the side at loss in the case, therefore he is order to pay all court costs that have arisen in both levels of the court;

--- Considering, all laws and regulations that apply as well as sections of the code

#### RULING

- Accept the request for appeal from the RESPONDENT IN ACCUSATION / CLAIMANT IN ANSWER TO ACCUSATION / APPELLANT
- Confirm the decision of the National Court dated 22 November 2005 119/Pdt.G/ 2005/ PN.Dps both in the Accusation and Answer to Accusation;
- Rule that the RESPONDENT IN ACCUSATION / CLAIMANT IN ANSWER TO ACCUSATION / APPELLANT must pay all court costs that have arisen in both levels of the court, that in the court of appeal are to the total of Rp 250,000;

---Such is the decision in meeting of the Council of Judges of the Court of Appeals on MONDAY, 20 FEBRUARY 2006 by GUSTI MADE LINGGA, SH, Chairman of the Court of Appeals Denpasar, representing Chairman of the Council NY MISWARI ISMIJATI, SH. MH and SOEBAGIO WIROSOEMARTO SH.M.Hum. as assisting judges in the decision announced in open court on the same day and date also accompanying the assisting judges by I KETUT SUDARSANA SH as Substitute Clerk of the Court not attended by the two sides of the case.

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

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

Dengar hormat,

Yang bertanda tangan dibawah ini, IDA BAGUS WIKANTARA  
bersama di Perumahan Nuansa Penatih No. F2, Denpasar  
Utak dan atas nama NI MADE JATI, perempuan, umur 47  
tahun Jalan Pangembak III No. 29, Br. Tanjung, Kel. Sanur Kuta, kec. Denpasar  
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 (obscure) oleh karena antara peristiwa dalam posita tidak berkaitan minimal berhubung dengan petitor gugatan,
2. Bahwa Petitor gugatan PENGGUGAT adalah tidak jelas dan kabur seperti halnya petitor pada angka 3 adalah tidak menyebutkan dengan jelas dokumen yang mana dan surat-surat apa yang tidak benar dan melawan hukum,
3. Bahwa Petitor gugatan PENGGUGAT adalah tidak jelas dan kabur seperti halnya petitor pada angka 4 "Pekawinan Tahun 1985 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 Muti 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 diartur TERGUGAT I dan PENGGUGAT telah dilangsungkan perkawinan di Los Angeles, County Angeles, California, USA pada tanggal 14 September 1985 namun TERGUGAT I menolak pendaftaran perkawinan pada tanggal 6 April 2006 sebagaimana Reg. No. 15/KDKC/2005 yang dilakukan sendiri oleh PENGGUGAT yang nota bene adalah WNA sedangkan pendaftaran dimaksud adalah seyogyannya untuk kepentingan hukum dan status warga negara Indonesia dalam hal ini TERGUGAT I sehingga oleh karenanya pendaftaran tersebut adalah melawan hukum atau setidaknya mengundung cacat hukum

2005

Made Jati based her Accusation of Divorce on a marriage according to Bali custom and Hindu religion which occurred at her home in Kuta in September 1996.

In this Reply to Accusation of Action Contrary to Law, after admitting her lie to the investigators at Polda Bali, Made Jati admits that a marriage occurred in Los Angeles in 1985 and that there was a Bali custom and Hindu religions ceremony in Sanur Bali in May 1994.

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:*

- 2005**
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 investigation -----T14
  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

## MARRIAGE AGREEMENT Based Upon False Explanation and Fraud by Wife to Husband

This document was prepared by Made Jati in 1996 with an explanation that its purpose was to protect family assets so that they could not be taken by the government.

yang diartikan oleh PERJANJIAN KAWIN. No pada buku  
berteknologi, abstrak Nomor : 1/50,5 Karbona Meridian  
-Pada hari ini, Kamis tanggal delapan Pebruari  
seribu sembilanratus seabilanpuluh enam (8-2-1996).  
-Hadir dihadapan saya, JOHN KETUT MULYE, Sarjana  
Hukum, Notaris di Denpasar, dengan dihadiri oleh  
saksi-saksi yang saya, Notaris kenal dan akan di  
butkan pada bagian akhir akta ini :  
-Iuan MICHAEL PATRICK DONNELLY, swasta, warganegara  
Amerika, pemegang passport nomor : 033816429, di  
dikeluarkan oleh pejabat yang berwenang di Los  
Angeles, pada tanggal 23-Kopember 1990, passport  
mana untuk keperluan ini telah diperlihatkan kepada  
saya Notaris, untuk sementara bertempat tinggal di  
Sanur, Jalan Pengembak, Nomor : 29.  
-Hona NI MADE JATI, dagang, bertempat tinggal di  
Tabanan, Jalan Mawar, pada saat ini berada di  
Denpasar.  
-Para penghadap telah dikenal oleh saya, Notaris.  
-Para penghadap menerangkan dalam akta ini telah  
sepakat terhadap harta kekayaannya dari perkawinan  
yang akan dilakukan diantara mereka dengan  
perjanjian kawin sebagai berikut :  
-Diantara suami dan isteri tidak akan ada campur  
harta kekayaan, tidak akan ada campur laba dan rugi  
dan juga tidak akan ada campur hasil-hasil dan  
pendapatan-pendapatan dari masing-masing.

Her explanation was supported by explanations from our business and legal advisors: Puspahadi Boenjamin and Heru Widiyanto.

According to Made Jati at the time, the purpose and meaning of this document was that I agreed that my wife has permission to hold land and business in her personal name so that there would not be a problem with the government, and that the need for this document was simply a formality.

Because I believed and trusted my wife, I signed this Indonesian language document which I was unable to read.



**Drs. PUSPAHADI BOENJAMIN & ASSOCIATES**  
MANAGEMENT CONSULTANT

**PENDAPAT KONSULTAN**

Kepada : Yth. Bp. Michael Donolly  
Fax No. : 0361.752510  
Tanggal : 20 Agustus 2005  
Hal : Jalan Tengah

Dengan hormat,

Kami telah mempelajari kasus perceraian ini dengan seksama dan kami memberi pendapat bahwa sebaiknya dilakukan tahap-tahap sebagai berikut :

G. Perkara cerai ditunda dulu persidangannya di Pengadilan dengan alasan kedua belah pihak mempelajari lagi perkaranya.

Alasan : Pengamanan harta benda berupa tanah dan atau bangunan

H. Pengamanan harta benda berupa tanah dan atau bangunan dilakukan terhadap HAK MILIK NI MADE JATI.

Kita semua, mengetahui bahwa secara legal seorang wanita Indonesia

yang kawin dengan pria asing diragukan hak kepemilikan tanahnya dan

kecenderungan untuk dilarang memiliki tanah. Kita semua mengetahui

bahwa tanah dan atau bangunan yang ada saat ini didasar namakan NI

MADE JATI kecuai yang dimiliki

dinadiahkan oleh MICHAEL kepada NI

Sebagai pengamanan, maka kami r

bangunan milik atau atas nama NI

Bapak/Ibu dari NI MADE JATI.

Alasan : hibah dalam satu garis darah

Kemudian setelah cerai terjadi baru nama tersebut diberikan

kepada yang berhak sesuai keputusan cerai.

I. Anak jangan hidup terpisah dari Bp. Michael dan Ibu Made jadi anak-anak diatur kehidupannya sesuai dengan kesepakatan bersama. Dalam hal ini telah ada rencana membesarkan anak secara bersama sehingga telah dipersiapkan rumah untuk Bp. Michael yang letaknya berdekatan dengan rumah Ibu Made.

Alasan : Bila anak dibesarkan bersama orang tua yang telah bercerai akan tidak menimbulkan trauma dan kelak akan mengganggu keseimbangan jiwa anak.

In 2005 I requested assistance from Puspahadi Boenjamin to help mediate a settlement with Made Jati after she seized all our assets.

Puspahadi agreed to act as mediator and in his fax reply he repeated his explanations from 1996 regarding Indonesian wives of expatriate husbands :



We all know that from a legal point of view Indonesian women married to foreign men are in a difficult situation regarding land ownership and are are presumed to be forbidden to own properties.

Hormat kami,  
Management Consultant  
Drs. Puspahadi Boenjamin & Rekan

**PUSPAHADI BOENJAMIN**  
Rekan

y/ind:ball

We all know that according to law an Indonesian woman married to a foreign husband has doubtful rights to own property and is in general forbidden to own property

THERE IS IN FACT NO SUCH LAW IN INDONESIA



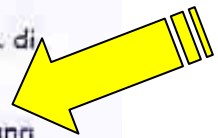
**Drs. PUSPAHADI BOENJAMIN & ASSOCIATES**  
**MANAGEMENT CONSULTANT**

**LAPORAN HASIL PERTEMUAN DENPASAR**  
**PB CONSULTANT – PT.ULUWATU, PT.KORI, MD & MJ**

Tanggal : 25 September 2005  
 Hadir : 1. M.D.  
 2. MJ  
 3. P,B  
 4. HRU

After our meeting to attempt mediation, Puspahadi fax a summary of the meeting in which he repeated:

1. Status kawin dibenarkan dan diakui meskipun ada 2 versi perkawinan di Bali & di USA
2. Status 2 anak yang dilahirkan akan dibesarkan bersama di Denpasar.
3. Mengingat kepemilikan tanah oleh perempuan Indonesia yang bersuami orang asing, dikhawatirkan adanya kemungkinan hilangnya kepemilikan tanah bila perceraian terekspos maka dipandang perlu untuk mencabut sengketa perdata gugatan cerai di Pengadilan Denpasar. Pencabutan perkara dilakukan oleh penggugat Ni Made Jati.
4. Pembagian fungsi dalam rumah tangga :
  - a. 2 anak yang dilahirkan sepenuhnya menjadi beban MD.
  - b. Selama status MJ sebagai janda yang dicerai, maka MD berkewajiban memblayai hidup MJ sampai MJ menikah lagi.
5. Pembagian harta akan dilakukan dengan cara : 50% MJ, 50% MD setelah dilakukan penilaian kembali oleh Appraisal Company dan Akuntan Publik yang ditunjuk MD & MJ, pencarian Appraisal Company & Akuntan Publik dilakukan oleh Bp.HRU dari PBC, MD & MJ memberikan wakil pada saat Appraisal dilakukan.
  - Tanah dan bangunan yang dikenal sebagai milik MJ dan MD di Sanur sementara di tunda diskusinya sampai meeting berikutnya.
  - Dalam pembagian PT.ULUWATU, akan diperhitungkan good will untuk Ibu Nerthi dan Ibu Suti sebagai pemegang saham.
  - Dalam pembagian PT.KORI, akan diperhitungkan good will untuk Bp.Bende sebagai pemegang saham.
6. Untuk menjaga NETRALITAS, maka tanah Kedonganan, Siut dan Bukit akan dinilai oleh Appraisal untuk ditawarkan melalui agen Penjual Property.



Hormat kami,  
 Management Consultant  
 Drs. PUSPAHADI BOENJAMIN & REKAN

PUSPAHADI BOENJAMIN  
 Rekan.

Y/I.hrd.Bali

Considering that land ownership by an Indonesian woman with a foreign husband can be feared to cause the land to be confiscated if divorce proceedings expose this situation...

P U T U S A N

NOMOR : 191/Pdt.G/2006/PN.DPS.

DEMI KEADILAN BERDASARKAN KETUHANAN YANG MAHA ESA.

Pengadilan Negeri Denpasar dalam memeriksa dan mengadili perkara-perkara perdata dalam tingkat pertama telah menjatuhkan putusan sebagai berikut dalam perkara :

Michael Patrick Donnelly, umur 54 tahun, agama : Hindu, pekerjaan : swasta berlatar belakang tinggal di Jl. Pengembak No.12 Sanur Denpasar,

Dalam hal ini menyerahkan kuasa kepada Mahardzal,SH dan Mangasi G Simangunsong,SH Kesemuanya Advokat berkantor di Jalan Pandu Nomor : 24 Denpasar, berdasarkan Surat Kuasa Khusus tertanggal 15 Juni 2006, sebagai

Pengugat ;

M E L A W A N

Ni Made Jati, bertempat tinggal di Jalan Pengembak Gang III No.29 Sanur Denpasar, selanjutnya disebut sebagai : Tergugat-1.

Dan,

Kepala Kantor Catatan Sipil Kabupaten Dahi II Badung, alamat Jl. Suropati No.2 Denpasar, sebagai Tergugat-2.

Pengadilan Negeri tersebut ;

Telah membaca surat-surat perkara ;

Telah mendengar keterangan saksi-saksi ;

Telah memperhatikan bukti-bukti surat dari kedua belah pihak ;

Tentang duduk perkara :

Menimbang, bahwa pengugat melalui kuasanya telah mengajukan gugatan tertanggal 27 Juni 2006 terdaftar di Kepaniteraan Pengadilan Negeri Denpasar tanggal 29 Juni 2006 No. Register 191/Pdt.G/2006/PN.Dps. yang isinya sebagai berikut :

1. Bahwa pengugat dan tergugat telah melangsungkan perkawinan di Kota Los Angeles County Angeles California Amerika Serikat pada tanggal 14 September 1985 serta dilakukannya...

DECISION

Number : 191/PDT.G/2006/PN.DPS

Ruling:

1. Grant fully the request of the Accuser.
2. Declare that the marriage that took place in the City of Los Angeles, County of Los Angeles California on 14 September 1985 as well as the ceremony according to Adat Bali and Hindu religion in 1994 at Jalan Penbembak Gang III No 29 Sanur, Denpasar and that have been registered at the Civil Records Office (Dinas Kependudukan and Catatan Sipil Kota Madya) Denpasar Reg No 16/ KDKC/205, dated 6 April 2005, is valid.
3. Declare that the actions and activities of the Accused I (Made Jati) in requesting a marriage and presenting false documents to the Accused II (Civil Records Office) is an action against the law.
4. Declare that a marriage taking place in 1996 between the Accuser and the Accused never existed.
5. Declare that the issuance of a marriage certificate No 299/1996 dated 30 September 1996 by the Accused II (Civil Records Office) is in violation of the law so that it does not have any binding force under the law.
6. Rule that the Accused I (Made Jati) is to return the marriage certificate No 299/1996 to the Accused II (Civil Records Office).
7. Rule that the Accused I and the Accused II are to pay the court costs that to this point amount to Rp 559,000.

Such is the ruling in council of the Judges of the National Court Denpasar on Friday 29 September 2006, by us: I Wayan Rena Wardana, SH, MH as the Chairman, Martin P Bidara , SH and I Wayan Yasa Abadhi, SH, each as members of the council , the decision in which on the day and date above was also declared in open court session by the Chairman above and also in attendance with the members above, assisted by I Made Sayoga SH, Court Clerk in the above National Court, and attended by the attorneys for the Accuser and the Accused I, without the attendance of the Accused II.

Members of the Court

Chairman of the Court

Martin P Bidara, SH

I Wayan Rena Wardana, SH, MH

I Wayan Yasa Abadhi, SH

Court Clerk

I Made Sayoga, SH

# Warta Kota

*Wins in District Court, American Reports to Police*

## *Menang di PN, Warga AS Laporkan Polda*

DENPASAR - Kemarahan Michael Patrick Donnely (54), warga AS kepada mantan istri

Hal ini disampaikan Michael atau Wayan Candra di Denpasar,

Michael telah memasang Pasal 263, 266 dan 378 KUHP dengan 4 tahun

Koran DenPost 8 Nop 2006

### Case of False Marriage Certificate

## D.A. Says Not Enough Evidence

### Kasus Pemalsuan Akte Perkawinan

## Jaksa Nyatakan belum Cukup Bukti

Dauh Puri, DenPost

Menyikapi kasus pemalsuan akte perkawinan yang dilaporkan Michele Donnely alias Wayan Candra Wijaya (55), jaksa peneliti Olopan Nainggolan S.H., angkat bicara. Proses P-19 tentang berita acara pemeriksaan (BAP) penyidik Polda

Bali tersebut menyatakan bahwa belum cukup bukti, sehingga belum bisa dimajukan

n PN itu be-  
kup penting  
ikti baru ke  
faharidzal  
nghubungi  
namun di-  
dari hakim

yang dike-  
Tebanan

Koran Nusa Bali - 8 Nop 2006

### D.A. Olopan Doubts Judges Decision

## Jaksa Olopan Ragukan Putusan Hakim

### Kasus Pemalsuan ---

Sambungan dari Hal. 1

Menurut Olopan, Selas (7/11) kemarin, unsur penipuan yang dilakukan Made Jati tidak kuat, sehingga penyidik diminta membuktikannya lebih dalam. Menyangkut gugatan perdata yang dimenangkan Wayan Candra di Pengadilan Negeri (PN) Denpasar, disebutkan, belum sebagai suatu bukti dasar untuk kasus perdata secara pidana. "Putusan itu belum menjadi putusan tetap, karena baru putusan tingkat pertama. Hal itu berarti P-19 baru bisa maju jadi P-21, jika ada salinan putusannya. Unsur pemalsuan itu yang belum bisa dibuktikan

DENPASAR, NusaBali

Jaksa peneliti Kejati Bali, Olopan Nainggolan SH yang menangani kasus pidana dugaan pemalsuan akte pernikahan antara tersangka Ni Made Jati, 50, dengan suaminya, Michael Patrick Donnely, 55, alias Wayan Candrawijaya, masih meragukan putusan perdata PN Denpasar yang menyatakan akte tersebut palsu dan harus dikembalikan ke Dinas Catatan Sipil. Olopan berdalih, putusan perdata tersebut belum mempunyai kekuatan hukum tetap karena akan ada upaya banding.

Seperti diceritakan sebelumnya, Michael melaporkan istrinya, Ni Made Jati ke Polda dengan tuduhan memalsu akte pernikahan. Pasalnya, pasangan suami istri ini telah menikah di Los Angeles tahun 1985 lalu. Tahun 1996, Made Jati menipu

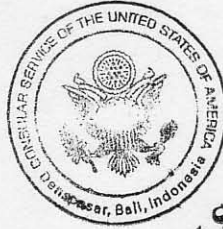
Berdasar akte pernikahan tahun 1996, Made Jati lantas menggugat cerai.

Karena merasa ditipu, Michael melapor ke Polda dan juga menggugat secara perdata dengan inti gugatan perbuatan melawan hukum. Majelis hakim PN Denpasar terdiri Wayan Rena Wardhana, Wayan Yasa Abadi, dan Martin P Bidara telah memenangkan Michael dan memerintahkan akte pernikahan 1996 dikembalikan ke Catatan Sipil. Sementara perkara pidananya, masih tersendat karena jaksa belum menyatakan P21 (lengkap) dengan dalih masih ada saksi dan barang bukti yang harus dilengkapi penyidik.

Saat ditanya soal putusan PN Denpasar tersebut, Olopan menyatakan, kalau diperlukan segera diserahkan ke penyidik polisi agar bisa dipelajari. "Saya sudah memberi petunjuk kepada

Received  
30 MAR 2007

Michael Donnelly  
Jalan Pengembak No 12  
Sanur, Bali, Indonesia



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 Kantor Kita 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. Mahridzal 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

18 Mar 2007

Dear Mom and Dad

I am writing this letter to explain that from now on I only want to live with Dad. Life at Mom's house is too tense. It seems that everyone is always angry and I am so unhappy that I can hardly sleep at night. I don't like going back and forth between the two houses. Dad is able to help me with the things I need. I feel safe with Dad and from now on I only want to live with him.

Love

Sean Donnelly

Windows Live™ Hotmail®

Update now  
it's free!

Windows Live™ Hotmail®

Home

Hotmail

Spaces OneCare

mpdkayun@hotmail.com Sign out

New Reply Reply all Forward

**Inbox (10)** Sort by Date

**Junk (2)** altfillisc... 8/15/20

**Drafts (1)** Hi Michael

Sent June Do...8/14/20

**Deleted...** Monday

Austrindo David M...8/14/20

**BIS (10)** Your Conta...

Dude Ranc... Brende... 8/14/20

**Family (2)** (No Subject)

Ida Anna 8/13/20

KSBA Oppose... 8/13/20

Today Letter of C... Ida Gun...8/13/20

Mail Cora La...8/12/20

Contacts (No Subject)

Calendar anthrop...8/11/20

**manage your spam** Easy outfits.

Switch to classic Agunglea 8/10/20

Privacy Statement After Scho... June Do...8/10/20

Andrew... 8/10/20

Messages 5...

Delete Junk Move to Check mail Options

Attachments, pictures, and links in this message have been blocked for your safety. [Show content](#)

**FUCK U !** [Full message view](#)

From: **johnny samuel sajori** (john\_shx8843@yahoo.co.id)  
 You may not know this sender. [Mark as safe](#) | [Mark as unsafe](#)

Sent: Wednesday, August 01, 2007 5:49:03 PM

To: mpdkayun@hotmail.com

**IF U DON'T CLOSE KAYUN ON SEPTEMBER, I'LL KILL U & UR FAMILY!  
 IM SERIOUS.  
 KOMPETITORS.**

Bergabunglah dengan orang-orang yang berwawasan, di bidang Anda di [Yahoo! Answers](#)



**KEPOLISIAN NEGARA REPUBLIK INDONESIA  
DAERAH BALI  
RESOR TABANAN  
Jln. Pahlawan No. 12 Tabanan 82113**

**PRO JUSTITIA**



**SURAT PERINTAH PENANGKAPAN**  
**No. Pol. : Sp-Kap / 09 / XI / 2007 / Reskrim**

- Pertimbangan** : Bahwa untuk kepentingan penyelidikan dan penyidikan tindak pidana, atau bagi pelaku pelanggaran yang telah dipanggil 2 (dua) kali berturut-turut tidak datang tanpa alasan yang sah, maka perlu mengeluarkan Surat Perintah ini.
- Dasar** : 1. Pasal 5 ayat (1) huruf b, Pasal 7 ayat (1) huruf d, Pasal 16, Pasal 17, Pasal 18, Pasal 19, dan Pasal 37 KUHP.  
2. Undang-undang No 2 tahun 2002 tentang Kepolisian Negara RI.  
3. Laporan Polisi No. Pol. : LP/80/ IV/ 2007 / Polres Tbn, tanggal 27 April 2007. Atas nama Pelapor MICHAEL PATRICK DONNELLY

**DIPERINTAHKAN**

- Kepada** : 1. Nama : I KETUT SUBAWA  
Pangkat/Nrp : AIPTU / 62121120  
Jabatan : Penyidik  
2. Nama : I NYOMAN SUDARMA  
Pangkat/Nrp : BRIPKA / 71070068  
Jabatan : Penyidik Pembantu

- Untuk** : 1. **Melakukan penangkapan terhadap** :  
Nama : NI MADE JATI  
Umur : 50 Tahun  
Jenis Kelamin : Perempuan  
Agama : Hindu  
Pekerjaan : Wiraswasta  
Kewarganegaraan : Indonesia  
Alamat : Jalan Pengembak, Gang III, No 29, Br Tanjung, Desa Sanur kauh, Kec. Denpasar Selatan, Kadya Denpasar.

dan membawa ke kantor Polisi tersebut diatas untuk segera dilakukan pemeriksaan, karena diduga melakukan tindak pidana dengan sengaja menyuruh menempatkan keterangan palsu atau mempergunakan surat keterangan palsu dalam suatu akte otentik berupa akte Hibah yang terjadi pada tanggal 18 Mei 1992 bertempat di lingkungan Grogkak Gede Kelurahan Delod Peken, Kec/Kab Tabanan, sebagaimana dimaksud dalam Pasal 266 Ayat (1), (2) dan atau Pasal 263 Ayat (2). KUHP.

2. Setelah melaksanakan perintah ini agar membuat Berita Acara Penangkapan  
3. Surat Perintah ini berlaku dari tanggal 20 Nopember 2007 sampai dengan tanggal 21 Nopember 2007.

**Selesai** : -

Dikeluarkan di : **TABANAN**  
Pada tanggal : **20 Nopember 2007**

A.n. **KEPALA KEPOLISIAN RESOR TABANAN**  
**KEPALA SATUAN RESKRIM**  
**SELAKU PENYIDIK**

**BENY MURRAYANTO, SIK**  
AKP NRP 78050940

Yang menerima perintah :

1. I KETUT SUBAWA  
2. I NYOMAN SUDARMA

Pada hari ini tanggal Nopember 2007, 1 (satu) lembar Surat Perintah Penangkapan ini diserahkan kepada tersangka, dan 1 (satu) lembar tembusannya kepada keluarga tersangka.

Yang menerima  
Tersangka / Keluarga

**NI MADE JATI**

Yang menyerahkan

**I KETUT SUBAWA**  
AIPTU NRP 62121120

**PRO JUSTITIA**

**WARRANT OF ARREST**

**No. Pol: Sp-KAP / 09 / XI / 2007 / Reskrim (Criminal Division)**

**Considering:** That for the furtherance of investigation and prosecution of criminal action, or as a suspect who has been summoned twice (2 times) and has not appeared without valid explanation, therefore we issue this Warrant of Arrest.

**Based on:**

1. Section 5 paragraph (1) letter b, Section 7 paragraph (1) letter d, Section 16, Section 17, Section 18, Section 19, and Section 37 KUHAP.
2. Regulation No. 2 year 2002 governing National Police of Indonesia.
3. Police Report No. Pol : LP/ 80/ IV/ 2007/ Tabanan Sector, dated 27 April 2007, in the name of Complainant MICHAEL PATRICK DONNELLY.

**IT IS ORDERED**

**To:**

1. Name : I KETUT SUBAWA  
Rank : AIPTU / 62121120  
Position : Investigator
2. Name : I NYOMAN SUDARMA  
Rank : BRIPKA / 71070068  
Position : Assistant Investigator

**Action:**

1. **To perform an arrest against:**  
Name : NI MADE JATI  
Age : 50 Years  
Sex : Female  
Religion : Hindu  
Occupation : Private business  
Citizenship : Indonesia  
Address : Jalan Pengembak, Gang II, No 29, Br Tanjung, Desa Sanur Kauh, Kec. Denpasar Selatan, Kadya Denpasar.

and convey her to the Police office above mentioned for an immediate examination on suspicion of criminal actions including purposely ordering the entry of false declarations and using false declarations in an official document, namely an Deed of Inheritance which occurred 18 May 1992 in the location Grokgak Gede Kelurahan Delod Peken, Kec / Kab Tabanan, as meant in Section 266 Paragraph (1), (2) and / or Section 263 Paragraph (2), KUHP Criminal Code.

2. After performing this order, to file a Report of Arrest.
3. This Order in force and dated 20 November 2007 until 21 November 2007.

**Finished:**

**Issued in : Tabanan**

**Dated : 20 November 2007**

**In the name of Chief of Police Tabanan Sector  
Head of Criminal Investigation Unit  
As the Investigator**

**Beny Murjayanto, SIK**

**AKP NRP 78050940**

Receiving  
this order

1. I KETUT SUBAWA
2. I NYOMAN SUDARMA

On this day:

20 November 2007, 1 (one) copy of This Warrant Of Arrest to be given to the suspect, and 1 (one) copy to be given to the family of the suspect.

Receiving for Suspect / Family

Delivering Officer

**NI MADE JATI**

**I KETUT SUBAWA  
AIPTU NRP 62121120**

ELECTRONIC TICKET  
PASSENGER ITINERARY RECEIPT

MUHIBBAH TRAVEL TOURS & TR  
7500A BEACH ROAD  
01-312/319/320 THE PLAZA  
SINGAPORE 199591  
IATA : 323 04123  
TELEPHONE: 62960026(TKT)

DATE: 04 DECEMBER 2007  
AGENT: 2223  
NAME: NI/MADE JATI MRS

ISSUING AIRLINE : THAI AIRWAYS INTL  
TICKET NUMBER : ETKT 217 1789384C70  
BOOKING REF : AMADEUS: Y92NG8, AIRLINE: TG/RQVNC4  
FROM /TO FLIGHT CL DATE DEP FARE BASIS NVB NVA BAG ST

SINGAPORE CHANG TG 0412 J 05DEC 1725 JRT6MSG5 JBR5 05JUN PC DK  
TERMINAL:1  
BKK SUVARNABHUM SEAT:15E ARRIVAL TIME: 1845

BKK SUVARNABHUM TG 0792 J 06DEC 0105 JRT6MSG5 JBR5 05JUN PC DK  
NEW YORK JFK ARRIVAL TIME: 0625  
TERMINAL:4

NEW YORK JFK TG 0793 J 31JAN 1135 JRT6MSG5 JBR5 05JUN PC DK  
TERMINAL:4  
BKK SUVARNABHUM SEAT:11F ARRIVAL TIME: 1645

BKK SUVARNABHUM TG 0401 J 01FEB 1930 JRT6MSG5 JBR5 05JUN PC DK  
SINGAPORE CHANG SEAT:12F ARRIVAL TIME: 2250  
TERMINAL:1

AT CHECK-IN, PLEASE SHOW A PICTURE IDENTIFICATION AND THE DOCUMENT YOU GAVE FOR REFERENCE AT RESERVATION TIME

ENDORSEMENTS : VLD TG ONLY/NONENDO/ NONRERTE  
TOUR CODE : SIN7Y51A  
PAYMENT : CHEQUE

FARE CALCULATION : SIN TG X/BKK TG(PA)NYC 060.00 1711.99TB(PA)X/BKK  
060.00TB SIN1711.99NUC3543.96END  
RDE1.526000XT32Y08YCC22US22US8XA11XY4RY7XF JFK4.5

AIR FARE : SGD 5409  
TAX : SGD 2156 294YQ 114XT  
TOTAL : SGD 5838

NOTICE  
CARRIAGE AND OTHER SERVICES PROVIDED BY THE CARRIER ARE SUBJECT TO CONDITIONS OF CARRIAGE, WHICH ARE HEREBY INCORPORATED BY REFERENCE. THESE CONDITIONS MAY BE OBTAINED FROM THE ISSUING CARRIER.

THE ITINERARY/RECEIPT CONSTITUTES THE 'PASSENGER TICKET' FOR THE PURPOSES OF ARTICLE 3 OF THE WARSAW CONVENTION, EXCEPT WHERE THE CARRIER DELIVERS TO THE PASSENGER ANOTHER DOCUMENT COMPLYING WITH THE REQUIREMENTS OF ARTICLE 3.

NOTICE  
IF THE PASSENGER'S JOURNEY INVOLVES AN ULTIMATE DESTINATION OR STOP IN A COUNTRY OTHER THAN THE COUNTRY OF DEPARTURE THE WARSAW CONVENTION MAY BE APPLICABLE AND THE CONVENTION GOVERNS AND IN MOST CASES LIMITS THE LIABILITY OF CARRIERS FOR DEATH OR PERSONAL INJURY AND IN RESPECT OF LOSS OF OR DAMAGE TO BAGGAGE. SEE ALSO NOTICES HEADED 'ADVICE TO PASSENGERS ON LIMITATION OF LIABILITY' AND 'NOTICE OF

This Flight Schedule was entered as evidence to the court in California. Made Jati arrived in the U.S. just 15 days after fleeing Indonesia because of an Arrest Warrant from Tabanan.

Made Jati Arrives in U.S. 6 December 2007

MAHKAMAH AGUNG  
REPUBLIK INDONESIA



**PUTUSAN**

No. ....1428.....K/PDT/2006

**PERKARA KASASI PERDATA**

antara :

**MICHAEL PATRICK DONNELLY.**

melawan :

**RI 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: Respose 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:
  - WAYAN SEAN DONNELLY;
  - 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 119/0Pdt.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 Country, 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 jo 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 1660 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 ----  
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**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 -----  
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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 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 PATRICK 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 // Prof DR. HM Hakim Nyak Pha, SH, DEA

Signature // Andar Purba, SH

Substituting Clerk

Signature // Pri Pambudi Teguh, SH, MH

Costs		For Copy
1.	Stamp.....Rp 6,000	Supreme Court Republic of Indonesia Clerk Civil Division
2.	Printing ..... Rp 1,000	
3.	Administrative .....Rp <u>493,000</u>	
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.	<u>Writing .....</u>	<u>Rp 5,250</u>
	Total	Rp 11,250

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**

**CASE NO. KD 073003**

NI MADE JATI  
Petitioner

**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 19, 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 there 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



# 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 Mj/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 Pebruari 2006, dalam perkara antara : -----

NI MADE JATI

sebagai :

PENGGUGAT TERBANDING/  
TERMOHON KASASI

MELAWAN :

MICHAEL PATRICK  
DONNELLY

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 : 040045843

Letter from Judge Nyoman Wirya of the National Court Denpasar explaining his opinion of the meaning of the Decision of the Supreme Court of Republic of Indonesia in the divorce. This letter is written in response to a request from I B Wikantara S.H., but it was not delivered to my attorney Maharidzal S.H., therefore it apparently is meant only as a private communicatoin outside normal legal channels. In theory, this is contrary to the law.

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

**LETTER OF CONFIRMATION**  
**IN CASSATION 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](http://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

**Declaration of Made Jati to California Court, 22 April 2008**

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"

**Declaration of Made Jati to California Court, 22 April 2008**

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 Sheriff's 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 Respondent's 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 Respondent's 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.

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

ORIGINAL FILED

MAY 07 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

REBUTTAL/SUPPLEMENTAL  
DECLARATION OF MICHAEL DONNELLY  
TO PETITIONER'S ANSWER (DV-120)

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. Brittany 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 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.

**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



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APPEARANCE DATES

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A.M. SESSION

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E X H I B I T S

RESPONDENT'S ID REC'D

(NONE OFFERED.)

PETITIONER'S ID REC'D

(NONE OFFERED.)

CHRONOLOGICAL & ALPHABETICAL INDEX OF WITNESSES

WITNESSES: DIRECT CROSS REDIRECT RECROSS

MADE JATI 5 (K)

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

CASE NUMBER: KDO73003  
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, KDO73003, 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: KDO73003.

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 WOULD RATHER NOT HAVE 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.)



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

ORIGINAL FILED

MAY 14 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

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 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, 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

Vs

MICHAEL DONNELLY  
Respondent

**CASE NO. KD 073003  
DECLARATION OF JULIE A.  
DUNCAN IN SUPPORT OF  
REQUESTED RELIEF**

**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

**Declaration of Made Jati to California Court, 15 May 2008**

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

JULIE A. DUNCAN

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. )  
)  
MICHAEL DONNELLY, )  
)  
RESPONDENT(S). )  
)

CASE NO. KD073003

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
**WEDNESDAY, JUNE 4, 2008**

APPEARANCES:

FOR THE PETITIONER:

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

FOR RESPONDENT:

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

FOR THE MINORS:

LAW OFFICES OF PATRICK BARNITT  
BY: PATRICK BARNITT, ESQ.  
1135 EAST ROUTE 66, SUITE 203  
GLEN DORA, CALIFORNIA 91740

CAROL S. HERRERA, CSR NO. 8735  
OFFICIAL REPORTER



CASE NUMBER: KDO73003

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, kdo73003.

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. Kendall: 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 2<sup>nd</sup>. 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 15th, 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 21<sup>st</sup> 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 definitively 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 tell 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. Donnelly. 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 15th. 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 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. Donnelley 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.)

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

**ORIGINAL FILED**  
**July 31, 2008**  
**SUPERIOR COURT**

**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**

**Vs**

**MICHAEL DONNELLY**  
**Respondent**

**CASE NO. KD 073003**

**DECLARATION OF JULIE A.**  
**DUNCAN**  
**IN SUPPORT OF REQUESTED**  
**RELIEF**  
**Dept.: EA B**  
**Time:**  
**Date:**

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 dismissing the petition for custody tiled on March 19, 2008. 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. At the inception of this matter Petitioner had three objectives; the first to locate her children who had been kidnapped by Respondent from their home in Bali. Indonesia; secondly, to reunite with her children and make sure that they were safe; and third to enable them to return to Bali, if they so desired.

3. The first two objectives have been realized, however not without an enormous emotional and financial toll on Petitioner and her entire family. In order to be able to see her children, who had lived with her (and Respondent) since they were born until July 2007 in Bali, Indonesia, Petitioner was forced to hire a private investigator to locate them and then tile

a petition for custody in a jurisdiction that was completely foreign to her. She was away from her home, her family and her businesses in Bali from approximately December 2007 until her return in June 2008.

4. After months of emotional ups and downs, Petitioner was thrilled to finally see her children although it took a court order (as Respondent would not permit her to see her children without a court order, despite his claims that he offered). The first visit which took place on or about May 8, 2008 was a heart wrenching scene. Both boys upon seeing their mother gave her big hugs and kisses. They did not "fear" their mother as Respondent had alleged. The reunion went extremely well. After the visit Petitioner and I drove home together. She broke my heart as she sobbed and sobbed from pure joy and the relief of seeing her boys after the many, many months since the last time she had seen them.

5. However, by the third visit it was clear that the boys' attitudes towards their mother had changed, especially the older son Sean. I am informed and believe and thereon allege that after Respondent read my declaration dated May 15, 2008 wherein I described the happy visits in detail he intervened with the children in some manner. I had even attached photographs from the visit evidencing the happy demeanor of the boys and their mother. By the third or fourth visit, Sean displayed open hostility towards his mother and was extremely abusive to her for no apparent reason

6. During this time my client received an from Sean which was equally hostile, saying horrible things such as ' ... I don't want you, I don't love you " Attached hereto as Exhibit "A" is a true and correct copy of the email dated May 22, 2008 from Sean to his mother. He later told his mother that this was in response to an email from her "hotmail" account. However, she had not sent him any email as Respondent had I blocked all communication with the children months ago. She had no idea to what he was referring.

7. The trauma of losing contact with her children, then being reunited with them after months and months, only to find that her children are now being poisoned against her has been devastating to Petitioner. It is Petitioner's belief that if she continues with this custody litigation the boys will continue to be pressured by the Respondent and this will only cause further harm to them.

8. During their recent visits with their mother the boys indicated to her that they would like to stay in San Dimas and continue with their school and perhaps visit with her during school holidays. She feels that they are safe and although she wants them to return home to Bali, she cannot endure protracted litigation, both for emotional and for financial reasons.

9. After her return to Bali after being absent nearly six months her business was in complete disarray. She is stuck between a rock and a hard place. If she does not tend to her business, she cannot provide for her children's future, their higher education, etc.

10. I am informed and believe and thereon allege that Respondent does not work. From the amount of declarations and pleadings that he has tiled since the inception of this action, it is clear that he spends a great deal of time focused on this litigation attempting to disparage

**Declaration of Made Jati to California Court 30 July 2008**

and discredit Petitioner in every way that he can. This serves no purpose other than to further polarize the parties.

11. Petitioner believes that her children are safe. However she believes that any further litigation is not in their best interests. She does not want to see her children further pressured and manipulated. She has no immediate plans to return to California, instead she is attempting to focus on maintaining their home in Bali, and to work to provide for their future. .

12. During the brief visits with her sons in May of this year, she was able to communicate with her children that fact that she loves them, misses them and that they will always have a home in Bali with her. Although she was unable to complete her third objective, to do so would come at too great a cost. She has spent thousands of hours trying to decide whether to proceed and her conclusion was that to continue with this litigation will only cause further damage to her children. Her interests are not as important as what is in the best interests of her children. Although it would be in their best interests for them to be able travel freely between California and their home in Bali to spend time with both parents, it is not in their best interests to continue to litigate the issue. Therefore she is requesting that the court dismiss this action in its entirety 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 July 30, 2008

Julie A. Duncan

**YAHOO!** MAIL  
Classic

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.

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Keep your kids safer online with Windows Live Family Safety. [Help protect your kids.](#)

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Share your beautiful moments with Photo Gallery. [Windows Live Photo Gallery](#)

**DV-130**

**Restraining Order After Hearing  
(Order of Protection)**

*Clerk stamps date here when form is filed.*

**FILED**  
LOS ANGELES SUPERIOR COURT

JUL 31 2008 *TK*

JOHN A. CLARKE, CLERK  
*J. D. Kistler*  
BY D. KISTLER, DEPUTY

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 F. Kennedy III, 143 Harvard Avenue, Claremont CA 91711

Fill in court name and street address:  
Superior Court of California, County of  
**SUPERIOR COURT**  
**400 CIVIC CENTER PLAZA**  
**POMONA, CALIFORNIA 91768**

② List the full names of all other family or household members protected by this order:  
Sean Donnelly  
Brendan Donnelly

Clerk fills in case number when form is filed.  
Case Number:  
KD073003

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.

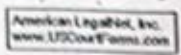
⑤  The people in ① and ③ must return to this court/department on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  a.m.  p.m. to review (specify issues): \_\_\_\_\_

**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.**

Judicial Council of California, www.courtinfo.ca.gov  
Revised July 1, 2005, Mandatory Form  
Family Code, § 6200 et seq. Approved by DOJ

**Restraining Order After Hearing (CLETS—OAH)**  
(Order of Protection)  
(Domestic Violence Prevention)



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	07-31-08		
Honorable	SUSAN LOPEZ-GISS	Judge	D. KISTLER
Honorable		Judge Pro Tem	
16	T. MC CRAVEN	Deputy Sheriff	J. CUMMINGS #8618
			Dept: EAB Deputy Clerk Court Assistant Reporter

8:30 am

KD073003

Made Jati (N/A)

Counsel For  
Petitioner: J. DUNCAN (X)

VS.

Michael Donnelly (X)

Counsel For  
Respondent: T. KENDALL (X)

P. BARNITT, MINOR'S COUNSEL (X)

**NATURE OF 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.*

DEPT: EAB
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MINUTES ENTERED 07-31-08 COUNTY CLERK
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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

Date	07-31-08		
Honorable	SUSAN LOPEZ-GISS	Judge	D. KISTLER
Honorable		Judge Pro Tem	
16	T. MC CRAVEN	Deputy Sheriff	J. CUMMINGS #8618

Dept: EAB  
 Deputy Clerk  
 Court Assistant  
 Reporter

8:30 am

KD073003

Made Jati (N/A)

Counsel For  
Petitioner: J. DUNCAN (X)

VS.

Michael Donnelly (X)

Counsel For  
Respondent: T. KENDALL (X)  
P. BARNITT, MINOR'S COUNSEL (X)

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 ½ of the balance of Minor's Counsel fees.

Minor's Counsel is relieved for the balance of today's hearing.

DEPT: EAB
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MINUTES ENTERED 07-31-08 COUNTY CLERK
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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

Date	07-31-08		Dept: EAB
Honorable	SUSAN LOPEZ-GISS	Judge	Deputy Clerk
Honorable		Judge Pro Tem	Court Assistant
16	T. MC CRAVEN	Deputy Sheriff	Reporter
			J. CUMMINGS #8618

8:30 am	KD073003		
	Made Jati (N/A)		Counsel For Petitioner: J. DUNCAN (X)
	VS.		
	Michael Donnelly (X)		Counsel For Respondent: T. KENDALL (X)
			P. BARNITT, MINOR'S COUNSEL (X)

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.

DEPT: EAB
-----------

MINUTES ENTERED 07-31-08 COUNTY CLERK
---

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

Date	07-31-08	Judge	D. KISTLER	Dept:	EAB
Honorable	SUSAN LOPEZ-GISS	Judge Pro Tem		Deputy Clerk	
Honorable		Deputy Sheriff	J. CUMMINGS #8618	Court Assistant	
16	T. MC CRAVEN			Reporter	

8:30 am	KD073003	Counsel For Petitioner:	J. DUNCAN (X)
	Made Jati (N/A)	Counsel For Respondent:	T. KENDALL (X)
	VS.		P. BARNITT, MINOR'S COUNSEL (X)
	Michael Donnelly (X)		

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.

**P U T U S A N**

**No. 2322 K/PDT/2007**

**DEMI KEADILAN BERDASARKAN KETUHANAN YANG MAHA ESA  
MAHKAMAH AGUNG**

memeriksa perkara perdata dalam tingkat kasasi telah memutuskan sebagai berikut dalam perkara:

**MICHAEL PATRICK DONNELLY**, bertempat tinggal di Jalan Pengembak No. 12, Sanur, Denpasar, dalam hal ini memberi kuasa kepada Maharidzal, S.H. dan Mangasi G. Simangunsong, S.H., Advokat, berkantor di Jalan Sidakarya Perum Kalista Karya Indah Blok A No. 4, Denpasar, Bali, Pemohon Kasasi dahulu Penggugat/Terbanding;

m e l a w a n :

**NI MADE JATI**, bertempat tinggal di Jalan Pengembak Gang III No. 29, Sanur, Denpasar, dalam hal ini memberi kuasa kepada IDA BAGUS WIKANTARA, S.H., Advokat, berkantor di Perum Nuansa Penatih F2, Denpasar, Termohon Kasasi dahulu Tergugat I/Pembanding;

d a n :

**KEPALA KANTOR CATATAN SIPIL KABUPATEN DATI II BADUNG**, berkedudukan di Jalan Surapati No. 2, Denpasar, turut Termohon Kasasi dahulu Tergugat II/turut Terbanding;

Mahkamah Agung tersebut;

Membaca surat-surat yang bersangkutan;

Menimbang, bahwa dari surat-surat tersebut ternyata bahwa sekarang Pemohon Kasasi dahulu sebagai Penggugat telah menggugat sekarang Termohon Kasasi dan turut Termohon Kasasi dahulu sebagai para Tergugat di muka persidangan Pengadilan Negeri Denpasar pada pokoknya atas dalil-dalil:

bahwa Penggugat dan Tergugat I telah melangsungkan perkawinan di Kota Laos Angeles, County Angeles California, Amerika Serikat pada tanggal 14 September 1985 serta dilaksanakan upacara menurut agamanya dan adat Bali tahun 1994 dan perkawinan tersebut telah dicatatkan di Kantor Dinas Kependudukan dan Catatan Sipil Kota Denpasar dengan Reg. No. 16/KDKC/2005 tertanggal 6 April 2005;

bahwa setelah Penggugat dan Tergugat I ke Indonesia tahun 1983, maka pada tanggal 25 Mei 1994 Penggugat masuk Agama Hindu dengan



**DECISION**  
**No 2332 K/ PDT / 2007**

**FOR JUSTICE UNDER GOD**  
**THE SUPREME COURT**

has examined the evidence in the civil case under appeal to the Supreme Court and has decided as follow in the case

**MICHAEL PATRICK DONNELLY**, residence Jalan Pengembak No 12, Sanur, Denpasar, in this case giving power of attorney to Maharidzal, S.H and Mangasi G. Simangunsong S.H, Attorneys, with offices at Jalan Sidakarya Perum Kalista Karya Indah Blok A No 4 Denpasar, Bali, the Appellant previously the Petitioner / the Appellee (hereafter the Petitioner)

Versus

**NI MADE JATI**, residence Jalan Pengembak Gang III, No 29, Sanur, Denpasar, in this case giving power of attorney to IDA BAGUS WIKANTARA S.H., Attorney, office at Perum Nuansa Penatih F2, Denpasar, the Appellee previously the Respondent / Appellant (hereafter the Respondent)

;

And

**HEAD OF THE CIVIL RECORDS OFFICE, COUNTY DATI II BADUNG**, located at Jalan Surapati No 2, Denpasar, also following as the Appellee previously the Respondent / Appellant (hereafter the Respondent II)

The Supreme Court,  
Having read the relevant documents;

In Consideration, that from the documents it is apparent that the Petitioner to the Supreme Court previously the Petitioner did accuse the Respondent to the Supreme Court and the following Respondent II to the Supreme Court previously the Respondents in appearance before the National Court Denpasar with the essence of the accusation as follows:

That the Petitioner and the Respondent were married in the City of Los Angeles, Los Angeles County, California, United States of America on 14 September 1985 and also did go through a ceremony of marriage according to Hindu religion and Bali custom in 1994, and this marriage was recorded at the Civil Records Office Denpasar with Registration Number No 16/ KDKC/ 2005 dated 6 April 2005;

That after the Petitioner and Respondent came to Indonesia in 1988, that is on 25 May 1994 the Petitioner entered the Hindu religion with a ceremony of Sudiwudani which took place at Jalan Pengembak Gang III No 29, Sanur, Denpasar and performed by Ida Pedande Isteri Telaga from Geriya Telaga Br Jambe, Desa Kerobokan, Kecamatan Kuta, County Badung, as documented in Certificate No

30/ VIII/ SW-GAM/ PHDIK/ 1994 dated 10 August 1994, and that immediately following that ceremony there did occur a marriage ceremony according to Hindu religion and Bali custom between the Petitioner and the Respondent in 1994;

That of this marriage there were born two male children according to Section 55 Civil Code No 1 Year 1974

- a. Wayan Sean Donnelly, male, born 17 March 1993 in Long Beach, California, registered on 29 March 1993 at the Civil Records Office in California and also registered at the Civil Records Office Denpasar with Registration Number 18/ KDKC/ 2005 dated 12 April 2005;
- b. Brenden Surya Donnelly, male, born 17 September 1994 in Singapore, registered on 26 September 1994 at the Civil Recorder for Births and Deaths of the Republic of Singapore and also registered at the Civil Records Office Denpasar with Registration Number 17/ KDKC/ 2005 dated 6 April 2005;

That thereby, the marriage which took place between the Petitioner and the Respondent on 25 May 1994 as described above is valid because it did take place in accordance with law and religion, that is according to the Hindu religion and Bali custom, as described in Section 2 paragraph 1 Civil Code No 1 Year 1974 Regarding Marriages.

That in 1996 the Respondent did apply for a marriage certificate complete with necessary documents to the Respondent II , and the Respondent II did then process the request of the Respondent , and thereafter the Respondent II did agree to and issue a Marriage Certificate No 299/ 1996 dated 30 September 1996;

That the action of the Respondent in applying for a Marriage Certificate to the Respondent II did occur through a process that is incorrect and contrary to the law because it was based on documents and letters that were incorrect / lies. Furthermore, on 25 May 1994 between the Petitioner and the Respondent there had already taken place a marriage according to Hindu religion and Bali custom at Jalan Pengembak Gang II No 29, Sanur, Denpasar, not at Desa Pengabetan, Kecamatan Kuta, Kabupaten Badung;

That one document of which it is suspected the provenance of is illegal and incorrect, false or lies which was used by the Respondent I to apply for the Marriage Certificate is a letter certifying Never Married Status No 564/ II/ DP/ 1996 issued by the Government County Tabanan, Kecamatan Tabanan Desa / Kelurahan Delod Peken, and the Letter Certifying Hindu Marriage No 32/ AGG/ II/ DP/ 1996 dated 10 June 1996;

That because of this, the Petitioner has reported the Respondent I to Police Bali (Polda) for suspicion of criminal fraud and perjury as meant in Section 378 and Section 266 KUHP with a report to Bali Police Receipt of Police Report No Pol STLP/ 81/ III/ 2006/ Department of Criminal Investigations;

That based on this complaint by the Petitioner, the Investigator Polda Bali did carry out an investigation and based on sufficient initial evidence the Investigator Polda Bali did confirm Respondent I with status of Suspect. In the course of investigation, the Investigator Polda Bali did confirm with facts and evidence that the Respondent I did confess that between the Petitioner and the Respondent I there did indeed occur a marriage in 1994 in Sanur;

That based on the actions of the Respondent I consisting of applying for a marriage certificate from the Respondent II based on documents and letters which are incorrect or lies, is in violation of Section 1328 Civil Code, such that it is clear that the actions of the Respondent I aforementioned are actions

illegal and contrary to the law according to Section 1365 of the Civil Code;

That because the application for Marriage Certificate from the Respondent I to the Respondent II was based upon documents that are not correct or are lies and in accordance to the facts and direct evidence of confession by the Respondent I herself at Polda Bali that the true marriage occurred on 25 May 1994 in Sanur, not in Desa Pengabetan Kuta, Kecamatan Kuta, County Badung, therefore the Marriage Certificate No 299/ 1996 dated 30 September 1996 issued by the Respondent II at the request of Respondent I is illegal and contrary to law , such that this Marriage Certificate has no binding force under law;

That based on the above considerations the Petitioner requested to the National Court Denpasar to rule as follows:

- 1) Grant in full the requests of the Petitioner.
- 2) Rule that the marriage which took place in the City of Los Angeles, County of Los Angeles, California on 14 September 1985 together with the ceremony of marriage according to Hindu religion and Bali custom which took place in 1994 at Jalan Pengembak Gang III No 29, Sanur, Denpasar and which has also been registered at the Civil Records Office Denpasar with Reg No 16/ KDKC/ 2005 dated 6 April 2005 is valid;
- 3) Rule that the actions of the Respondent I in applying for a Marriage Certificate based on false documents to the Respondent II is an action contrary to law;
- 4) Rule that the marriage of year 1996 between Petitioner and Respondent I never did occur;
- 5) Rule that the issuance of the Marriage Certificate No 299/ 1996, dated 30 September 1996 by the Respondent II is an action contrary to the law such that it has no binding force of law;
- 6) Rule that the Respondent I is ordered to return the Marriage Certificate No 299/ 1996 to the Respondent II ;
- 7) Rule that the Respondent I is ordered to pay all court costs;

Or, if the Judge's Council of the National Court Denpasar examining and ruling in this case have other findings, we request a ruling equally just based on justice under God (ex aequo et bono);

In Consideration, that in response to the accusation of the Petitioner the Respondent I did reply with the essence of the reply as follows:

That the accusation of the Petitioner is vague (obscuur libel) because between the events and the results there is no clear connection between the points of the Petitioner's arguments;

That the points of the Petitioner are obscure and unclear, for instance in point 3 the Petitioner does not state which documents are false and are contrary to the law?

That the points of the Petitioner are obscure and unclear, for instance in point 4 "Which marriage of 1996 and based on what can it be said it never occurred?";

That in response to the accusation, the National Court Denpasar has already issued a ruling No 191/ PDT.G/ 2006/ PN.DPS dated 29 September 2006 which in summary rules to:

- 1) Grant in full the requests of the Petitioner;
- 2) Rule that the marriage which took place in City of Los Angeles, County Los Angeles, California on 14 September 1985 and also the marriage by Hindu religion and Bali custom which took place in 1994 at Jalan Pengembak Gang III No 29, Sanur, Denpasar and which

has been registered at the Civil Records Office Denpasar with Registration Number 16/ KDKC/ 2005 dated 6 April 2005 is valid;

- 3) Rule that the actions of the Respondent I in applying for a Marriage Certificate based on false documents to the Respondent II is an action contrary to law;
- 4) Rule that the marriage of year 1996 between Petitioner and Respondent I never did occur;
- 5) Rule that the issuance of the Marriage Certificate No 299/ 1996, dated 30 September 1996 by the Respondent II is an action contrary to the law such that it has no binding force of law;
- 6) Rule that the Respondent I is ordered to return the Marriage Certificate No 299/ 1996 to the Respondent II ;
- 7) Rule that the Respondent I and Respondent II are cooperatively to pay the costs of this action which to date are calculated to be Rp 559,000.

In Consideration, that in that Court of Appeals at the appeal of the Respondent I, the above decision of the National Court was cancelled by the Court of Appeals with Decision No 26/ PDT/ 2007/ PT.DPS dated 11 April 2007 which in essence ruled:

- To receive the appeal from the Respondent I / Petitioner;
- Cancel the Decision of the National Court dated 29 September 2006 Number 191/ Pdt.G/ 2005/ PN.Dps;

Ruled Independently

- Reject the appeal of the Petitioner in its entirety;
- Order the Petitioner / Respondent to pay the costs of this action at both levels of Rp 250,000.

In Consideration, that after the above decision was communicated to the Petitioner / Respondent on 11 June 2007, then Petitioner through his attorneys, based on letter of power of attorney dated 10 June 2007, did enter an oral request for appeal to the Supreme Court on 18 June 2007, as evidenced in the Certificate of Request for Appeal to the Supreme Court No No 191/ Pdt.G/ 2006/ PN.Dps prepared by the Clerk of the National Court Denpasar, the request being followed by a formal filing with justifications which was received by the Clerk of National Court Denpasar on 29 June 2007;

That subsequently by the Respondent I who on 3 July 2007 was informed of the filing of the Petitioner, was entered a response to the filing which was received by the Clerk of the National Court Denpasar on 17 July 2007;

In Consideration, that the request for appeal a quo together with the justifications being provided to the opposing side in detail, being entered within the period of time and in accord with applicable regulations, therefore the request for appeal to the Supreme Court is accepted;

In Consideration, that the justifications presented by the Petitioner to the Supreme Court / Petitioner in the Appeal are in their essence:

- 1) That the Court of Appeals has wrongly applied the law and failed to appropriately examine and weigh the evidence in accord with the Civil Code, and has ruled contrary to law in canceling the decision of the National Court Denpasar dated 29 September 2006;
- 2) That the ruling of the Court of Appeals Denpasar must be cancelled because it did not properly consider the evidence (onvoldoende gemotiveerd), that is they only considered

the evidence as presented by the Petitioner and did not reevaluate the complete evidence regarding the facts or the application of law and precipitately cancelled the previous decision without legal basis;

- 3) That it is true that the marriage of the Petitioner to the Supreme Court / Petitioner and the Respondent to the Supreme Court / Respondent I did occur in Los Angeles, California, United States of America on 14 September 1985, and was carried out in accordance with the laws of the United States of America and is valid in accord with Section 56 paragraph 1 and from this marriage there were born two male children Wayan Sean Donnelly and Brenden Surya Donnelly.
- 4) That it is true that the Petitioner to the Supreme Court / Petitioner and the Respondent to the Supreme Court / Respondent I did return to Indonesia in 1988 and did live at Jalan Pengembak Gang III, Sanur, Denpasar and did go through a ceremony of marriage according to Hindu religion and Bali custom at the home of the Petitioner to the Supreme Court / Petitioner and the Respondent to the Supreme Court / Respondent I , and that the Petitioner because being a foreign person was required also to go through a ceremony of Sudiwudani meaning that he must enter the Hindu religion first and this was performed by Pendeta Ida Pedanda Istri Telaga and he received the name I Wayan Candra Wijaya. That it is true the Petitioner and Respondent did go through a ceremony of marriage according to Hindu religion and Bali custom at Jalan Pengembak Gang III, Sanur, Denpasar, and that this ceremony of marriage according to Hindu religion and Bali custom in Sanur, Denpasar is considered a continuation and affirmation of the marriage which occurred in Los Angeles, California United States of America in 1985 and which has been registered at the Civil Records Office Denpasar in accord with the residence of the Petitioner and the Respondent. Therefore it is untrue that the ceremony of marriage according to Hindu religion and Bali custom is a new marriage, because new marriages must fulfill one of three conditions as specified by Section 38 of the Civil Code No 1 Year 1974, that is : death, divorce, and at the express decision by a court.
- 5) That before the Petitioner can sign the Certificate of Marriage No 299/ 1996, conditions must be fulfilled for submission to the Respondent II. In preparing the necessary preliminary documents, the Petitioner did not know and was not involved, a fact which can be seen in that the application for Marriage Certificate was signed by only by the Respondent. Similarly with the testimony of witnesses in trial who testified that the Respondent did attend and sign but that there was no explanation to him about the existence or use of documents submitted to the Respondent II, indicating that the Petitioner came to the Civil Records Office not of his own initiative but because the Respondent invited him to the Civil Records Office with a misleading explanation. Neither the witnesses or any other person present spoke English, while the Petitioner and the Respondent communicated only in English because the Petitioner was not fluent in Indonesian. Similarly with the incomplete evidence of the Certificate of Marriage No 299/ 1996 presented at the open trial of the Nation Court Denpasar without evidential stamp. (P11). Therefore it is clear that the Court of Appeals Denpasar ignored evidence presented in trial before the National Court Denpasar and only made assumptions, ignoring that according to law the Certificate

- of Marriage No 299/ 1996 is not perfect and complete evidence and that the manner of obtaining the document was not in accord with the appropriate legal procedure.
- 6) That the marriage which took place in the United States of America in 1985 and the ceremony of marriage with then took place according to Bali custom and Hindu religion, was then registered in the Civil Records Office in Denpasar on 6 April 2005 with Reg. No. 16/ KDKC / 2005 and was signed by the Head of the Civil Records Office Drs. I Nyoman Aryana;
  - 7) That the Petitioner did report the Respondent at Polda Bali on 14 March 2006 with the complaint that there had occurred a criminal Fraud and False Documentation as specified in Section 378 and 266 of the Penal Code. This report is now in process with the District Attorney.
  - 8) That it is true that on 23 January 2006 the Petitioner did report at Polda Bali with a complaint of Embezzlement and False Documentation as specified in Section 372 and 366 of the Penal Code, and upon this report a letter SP2HP was issued.
  - 9) That the Respondent did file an Accusation of Divorce on 24 April 2005 which was based upon the Certificate of Marriage No. 299 / 1996 as specified in the civil case 119 / Pdt.G / 2005 / PN.Dps. Regarding divorce, the Petitioner does not object to divorce if based upon the marriage which took place in Los Angeles, California, United States of America in 1985, because this marriage is still valid and has never been ended by divorce in a court of law.
  - 10) That the Certificate of Marriage No. 299 / 1996 is a certificate of marriage for which the process of obtaining the certificate is not in accord with the proper procedures according to law for obtaining such a document, which means that the marriage which occurred in Los Angeles, USA in 1985 was never ended by divorce, so that the Certificate of Marriage No. 299 / 1996 is defective by law, and therefore the divorce decree which was based on Certificate of Marriage No. 299 / 1996 does not have the binding force of law.
  - 11) That because the divorce decree which was based on Certificate of Marriage No. 299 / 1996 does not have the binding force of law, therefore all the supporting documents and evidence and including also the decree regarding custody of the children must be decreed cancelled by law.
  - 12) That the Respondent in registering a marriage by presenting documents and evidence that is not true to the Respondent II engaged in an action contrary to law. Documents and evidence which were untrue in their contents but were presented to the Respondent II are evidence P-12 and P-13. The Marriage Certificate that applies is the original marriage certificate, that is the one which occurred in Los Angeles, California, United States of America in 1985 because this original marriage was never ended by divorce by a court decision, such that this marriage is valid internationally.
  - 13) That the family life of the Petitioner and Respondent was not harmonious, but this does not mean that the report of the Petitioner to Police Bali (Polda) was only based on a whim; on the contrary, the Petitioner reported to Polda to establish material evidence and truth as the heart of this affair;
  - 14) That the Petitioner objects to the statement of the Court of Appeals that the action of the Petitioner in registering the marriage which occurred in Los Angeles, California, United

States of America in 1985 was only to cause a problem for the Respondent. This statement is untrue. The Petitioner registered the marriage which took place in Los Angeles, California, United States of America in 1985 with the Civil Records Office Denpasar in order to fulfill the legal conditions as stated in Section 56 Civil Code No 1 Year 1974 and the Civil Records Office received the registration with Registration Number 16/ KDKC/ 2005, and in the register there is no other notation that states that it does not fulfill this regulation, and the register is signed by the Head of the Civil Records Office Denpasar (P-3).

- 15). That the Petitioner objects to the Decision of the Court of Appeals Denpasar because the Court of Appeals Denpasar did not examine the facts and evidence entered in trial showing that the registration of the marriage between Petitioner and Respondent and was received by the Respondent II was according to existing regulations / procedures, basing the objection on the fact that the Respondent II at the moment of receiving documents must check whether the documents are in fact complete and correct within jurisdiction of the Civil Records Office (Respondent II), recognizing that the supporting documents received by the Respondent II did not include a Residence Card, a Family Registration Card, that the Respondent I entered a Document No 32/ AGG/ II/ DP/ 1996 issued by the Government of Tabanan District and this document was received by the Respondent II despite that fact that the Civil Records Office in question (Respondent II) is in the Denpasar District, and the Respondent I entered a document certifying Never Married No 564/ II/ DP/ 1996 issued by the Government of Tabanan District and this document was received by the Respondent II despite that fact that the Civil Records Office in question (Respondent II) is in the Denpasar District.
- 16). That because it does not comply with the purpose or procedures under existing law, therefore the Decision of the Court of Appeals Denpasar ruling that Respondent II did comply with regulations / procedures under existing law is not correct and must be cancelled by law because it is an action contrary to the law.
- 17) That the Court of Appeals in Denpasar was in error in stating that the evidence of the Marriage Certificate that occurred in Los Angeles, California, USA in 1985 did not have any value as evidence was not correct. It can be shown that the abovementioned Marriage Certificate does have value as valid and legal evidence by:
  - The marriage of 1985 was never ended because it was never declared ended in any court of law;
  - The Marriage Certificate of 1985 at the time it was registered at the Civil Records Office in Denpasar was accepted and listed with a registration number 18 / KDKC / 2005 and was signed by the Head of the Civil Records Office Denpasar and was accepted as fulfilling the requirements of Section 57 of the Regulation No. 1 year 1974;
  - There also occurred a ceremony according to Bali custom and Hindu religion in 1974 and this marriage was a continuation and reaffirmation of the marriage which occurred in the United States in 1985., and then was registered at the Civil Records Office in Denpasar in accordance with the place of residence and domicile of the Petitioner and Respondent;

In Consideration, that according to all the reasons listed above the Supreme Court does make the

finding:

**Regarding points 3, 4, 6 and through 17:**

That the basis abovementioned can be confirmed, because the Court of Appeal Denpasar did wrongly apply the law in consideration as follows:

That the Petitioner did carry out a marriage with the Respondent on 14 September 1985 in Los Angeles, Los Angeles Country, California, United States of America, and then did carry out a marriage ceremony according to Bali custom and Hindu religion in 1994 and this aforementioned marriage was registered in the Civil Records Office in Denpasar according to the Letter of Explanation issued by the officials of the Civil Records Office Denpasar, Registration Number 16/ KDKC / 2005 dated 6 April 2005;

That the marriage between the Petitioner and the Respondent which occurred in Los Angeles USA on 14 September 1985 and also according to Bali custom and Hindu religion in 1994 clearly has never been cancelled and is therefore a marriage that is legal according to law and has the binding force of the law;

That because the marriage of the Petitioner and the Respondent that took place in Los Angeles on 14 September 1985 and according to Bali custom and Hindu religion in 1994 is a marriage valid under law, therefore regarding the marriage of the Petitioner and the Respondent before the Civil Records Office in Country Badung on 30 September 1996 with the Marriage Certificate No 299 / 1996 must be declared as not valid and does not have the binding force of law;

In Consideration, that based on the above reasoning, without the need to further weigh other points of the appeal, it is the finding of the Supreme Court that adequate basis exists to grant the request in the appeal of the Petitioner: **MICHAEL PATRICK DONNELLY** and to cancel the decision of the Court of Appeal Denpasar No 26/ PDT / 2007 / PT.SPS dated 11 April 2007 which itself cancelled the decision of the National Court NO. 191 / PDT.G / 2006 / PN.DPS dated 29 September 2006, and furthermore the Supreme Court rules in this matter to reaffirm the decision of the National Court Denpasar which is considered correct and proper in the ruling summation as set forth below;

In Consideration, that because the Respondent is on the losing side, therefore the Respondent must be ordered to pay all court costs of this case on all levels;

In compliance with the regulations as set forth in Regulations No. 4 Year 2004, Regulations No 14 Year 1985 and as amended and appended with Regulations No. 5 Year 2004 and other regulations which also apply:

**RULES IN THE APPEAL:**

Grant in full the Appeal to the Supreme Court by Petitioner to the Supreme Court **MICHAEL PATRICK DONNELLY**:

Cancel the Decision of the Court of Appeals Denpasar No 26/ PDT/ 2007/ PT.DPS dated 11 April 2007 which itself cancelled the Decision of the National Court Denpasar No 191/ PDT.G/ 2006/ PN.DPS dated 29 September 2006.

## **RULES IN INDEPENDENT DECISION:**

### **To the Reply:**

Reject the response of the Respondent I ;

### **To the Appeal:**

1. Grant in full the requests of the Petitioner;
2. Rule that the marriage which took place in City of Los Angeles, County Los Angeles, California on 14 September 1985 and also the marriage by Hindu religion and Bali custom which took place in 1994 at Jalan Pengembak Gang III No 29, Sanur, Denpasar and which has been registered at the Civil Records Office Denpasar with Registration Number 16/ KDKC/ 2005 dated 6 April 2005 is valid;
3. Rule that the actions of the Respondent I in applying for a Marriage Certificate based on false documents to the Respondent II is an action contrary to law;
4. Rule that the marriage of year 1996 between Petitioner and Respondent I did never occur;
5. Rule that the issuance of the Marriage Certificate No 299/ 1996, dated 30 September 1996 by the Respondent II is an action contrary to the law such that it has no binding force of law;
6. Rule that the Respondent I is ordered to return the Marriage Certificate No 299/ 1996 to the Respondent II ;
7. Rule that the Respondent I and Respondent II are cooperatively to pay the costs of this action at all levels which at the Supreme Court are calculated to be Rp 500,000.

Such is the decision reached in council of the Supreme Court on Wednesday 16 April 2008 by **Prof Dr. H. ABDUL MANAN, S.H., S.IP., M. Hum.**, Judge of the Supreme Court appointed by the committee of the Supreme Court as chairman of the council, **Drs. H. HABIBURRAHMAN, M. Hum.** and **Drs. H. HAMDAN, S.H., M.H.**, Judges of the Supreme Court as council members, and so ruled in open hearing by these council members and as assisted by Dr. H. Faisol, S.H, M.H., Clerk of the Court and not attended by the two opposing sides.

Chairman

Signed

Prof Dr. H. ABDUL MANAN, S.H., S.IP., M. Hum.

Council Judges

Signed

Drs. H. HABIBURRAHMAN, M. Hum.

Signed

Drs. H. HAMDAN, S.H., M.H.

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA  
SUPERIOR COURT OF THE EAST JUDICIAL DISTRICT  
DEPARTMENT EA B HON. SUSAN LOPEZ-GISS, JUDGE

MADE JATI,  
MICHAEL DONNELLY VS. PETITIONER, NO. KD073003  
DEFENDANT.

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
AUGUST 8, 2008

APPEARANCES:

FOR THE PETITIONER:

JULIA DUNCAN  
ATTORNEY AT LAW

FOR THE DEFENDANT:

THOMAS KENDALL  
ATTORNEY AT LAW

MELINDA DELGADO, CSR NO. 6652  
OFFICIAL REPORTER

CASE NUMBER: KD073003  
CASE NAME: MADE JATI VERSUS MICHAEL DONNELLY  
POMONA, CALIFORNIA AUGUST 8, 2008  
DEPARTMENT EA.H HON. SUSAN LOPEZ-GISS, JUDGE  
APPEARANCES: (AS HERETOFORE NOTED)  
REPORTER: MELINDA J. DELGADO, CSR NO. 6652  
TIME: A.M. SESSION

The Court: Okay. Let's start.

Ms. Duncan: Good morning, Your Honor. Julia Duncan for the Petitioner, Made Jati.

The Court: I saw Mr. Barnett wandering around.

Ms. Duncan: This is regarding a depo, but he said --

Mr. Kendall: I asked Mr. Barnett if he minded us proceeding in his absence. He said, no, he did not mind.

The Court: Okay. Perfect. Thank you.

You want to state your appearance? \_

Mr. Kendall: Yes. Thomas Kendall on behalf of the Respondent who is present.

The Court: Okay. Have a seat.

Okay. Have you had an opportunity, Ms. Duncan, Mr. Kendall, to meet and confer?

Mr. Kendall: We have.

Ms. Duncan: Yes.

The Court: Okay. Where are we?

Mr. Kendall: Ms. Duncan still is of the position that the depo should not occur; but if the court rules that it should, which I believe it has already, she thinks that Indonesia is the choice as opposed to California.- as I attempted to explain to her, because of the time difference the only time of the day that it's going to be practical to do such a deposition would be 4:00 p.m. To 8:00 p.m. Here which would be equivalent to 7:00 a.m. To 11:00 a.m. There. The rest of the time because it's on the opposite side of the world is just not going to work. I mean if we did it, for example, starting here -

The Court: Isn't that like 15 or 16 hours difference or is it more than that?

Mr. Donnelly: I6.

Ms. Duncan: 16. It's a different day.

Mr. Kendall: Again, the only practical time to do such a deposition would be here from 4:00 to 8:00 p.m. And there 7:00 a.m. To 11:00 a.m. And as I was explaining to ms. Duncan, obviously, that's a considerable inconvenience to counsel; but that's the only practical time that we could do it. So that's the Three issues that relate to the deposition: You know, yes or no? Where? When? And, of course, location needs to be determined; but I think we've already -- we offered once by letter to do it at the Bali -- one of the hotels there in Bali. I think the Bali Hyatt would be the best choice, you know, in terms of a location.

The Court: If you have to go there, she has to pay. Mr. Kendall: Well, I'm not going to -- I don't - I don't think my client wants to pay me to go back to Indonesia, but there's phone lines.

The Court: And are you going to do a video deposition?

Mr. Kendall: I would imagine so. And we're going to have to have someone appear there. You know, we're probably going to have his attorney there appear.

The Court: Okay. Your attorney there is willing to do that?

Mr. Kendall: Yeah. And so I will be present by phone.

The Court: Okay.

Okay. Ms. Duncan, tell me -- or tell the record why you think it shouldn't happen.

Ms. Duncan: Well, basically, they have no opposition. They've gotten everything they've asked for. They've gotten custody and visitation. They've gotten the support order they asked for. I believe that the court should make an order that if she wants to appear again before this court and have any affirmative relief that she should have to sit for a deposition, that's fine. But right now, I don't know what the issues are that they're asking for discovery. They have everything they've asked for. If she wants to come back and dispute and come before this court and say this is different, then, yes, she should to have sit for her deposition. But right now they've won on everything because we haven't opposed it.

The Court: Mr. Kendall, what is it that your client is seeking by this deposition?

Mr. Kendall: Well, Your Honor, there is -- in our system, as you're very aware, there's a right to deposition and trial. At this point, we have a "without prejudice" support order. We have a custody visitation order that's pendente lite, and we have -- you know, mother at this point has a right to, you know, review that

support order. You've made it very clear that you're going to not require a change of circumstance for a change in that order. And I think you've tried to make it clear that you haven't prejudged this case, you know, In terms of the trial. And she --

Ms. Duncan: Right.

Mr. Kendall: -- and she has a right to a trial, and we have a right to a deposition. And you've already ruled that we have the right to a deposition. You made it very clear in prior hearings.

The Court: Let me just say this, Mr. Duncan, unless your client is willing to submit to the judgment at this point in time on all the issues that the Respondent would seek to be inappropriate issues which -- whatever it is,

Then I'm going to let them proceed with discovery because -- let's assume for argument sake she was here --

Ms. Duncan: Uh-huh.

The Court: -- okay. You don't have a judgment here. I have only pending orders. But at the time of judgment, based on what I decided last week or heard last week, I made an order for support based on \$50,000 a month -- your client making \$50,000 a month. Though, the Respondent, as I recall, thought there was something more in the line of \$84,000 a month because of property and other assets that could have produced, in their opinion --

Ms. Duncan: Right.

The Court: -- at least 34,000 more dollars a month. And while I have to admit that while most of the time I drive home and leave this place not thinking about cases, I have sat and wondered about the enforcement of that order. But that's not my problem. But, nevertheless, there are other issues with respect to the enforcement of the order, the issue of assets, the issue of where assets are. And I do believe that it's the Respondent's right whether she's here or whether she's in Bali or anything to proceed to prepare for trial. The only way it would be moot is if you have a judgment.

Ms. Duncan: And that's fine, Your Honor. I just --

The Court: Is she willing to submit to a judgment?

Ms. Duncan: I don't know. That's -- you know, I haven't discussed that with her.

The Court: Well, I'm going to order the deposition. If she wants to agree or work out some kind of an agreement with the Respondent, that's fine. But my

feeling about ruling on the deposition is not where it's going to be, it's if it's going to be.

Ms. Duncan: Right. And like I said, I've told her if it's going to take place, it would probably be in Indonesia. Just -- everything is so foreign to her. And I understand, judge, you've told me time and time again, she's submitted to this jurisdiction, she has to play by these rules; and I understand that. It's just that a-

The Court: I have absolutely a hundred percent respect for you. I've said it already. And I'll say it again. I think you're doing an admirable job without your client.

Ms. Duncan: Well, I'm hoping -- .

The Court: There's a fine line between advocacy and hearsay.

Ms. Duncan: Right. And, Your Honor -- are you through? I don't want to interrupt you.

The Court: Yeah. Go ahead.

Ms. Duncan: I'm hoping that she'll snap out of -- she's just very, like I said before, this full trauma of these kids turning on her within two weeks. And, I mean, I've witnessed her emotions, up and down, over having not had her children for so long and seeing them briefly here.

The Court: She could come here.

Ms. Duncan: Right. But it's just -- she was gone for six months. And I know you said business doesn't matter, but if there's no business -- there's no support.

The Court: But let me tell you something, Ms. Duncan.

Ms. Duncan: No --

The Court: Now we're over the line of advocacy and hearsay. And let me just tell you what I observed -- this court observed. I observed an individual whose credibility I have problems with. And the reasons I had problems with that credibility -- not you, your client. For the short time I have seen her, on the one hand she -- you're advocating on her behalf that she's so upset about her children; on the other hand, I know based upon what I saw that there's some -- there's quite a bit of money here. And there's a question of how much of it is hers and how much of it is controlled by her family. But the issue that this court clearly has is the fact of the concern that this family so controls her and the money that she has, in this court's opinion, abdicated and walked away from those children. Nobody took those children from her.

Ms. Duncan: And that's your opinion. I have respect -

The Court: Well, it's not only my opinion. If you wonder why the children are acting the way they are -- any mom is going to be here. And if she's got -- the way I'm reading it is that she is so nervous about the money that she's walked away.

Ms. Duncan: And I understand that's the way you read it.

The Court: Well, what other way can I read it? What other way is there for me to read it?

Ms. Duncan: Well, her children were taken from her over a year ago.

The Court: No. Excuse me. She can come to this country. Nobody's going to stop her at the border. She was in this courtroom. And, clearly, I made it clear that I wanted the children to see both parents. I mean, I spend a lot of time every morning advocating that.

Ms. Duncan: I agree with that, Your Honor.

The Court: And you know when she got nervous? When she got nervous is when the questions started about the money. That's when visibly her credibility -- she shut down. It wasn't about the children. That's what I observed.

Ms. Duncan: Your Honor, she was very nervous. I mean --

The Court: Everybody's nervous.

Ms. Duncan: -- I understand -- no matter what question anyone would have asked her on the witness stand she would have been nervous.

The Court: But she was fine. She was answering questions.

Ms. Duncan: She answered one question.

The Court: She sat in this court and we talked about her children and she was fine.

Ms. Duncan: Uh-huh.

The Court: And there were other questions that I had asked her before she took the stand over the course of this trial. She was fine. It was when we got to money, when -- that's my reading of -- look, two people viewing the same situation --

Ms. Duncan: Right.

The Court: -- can come away with two different interpretations. Unfortunately, for her I'm the trier of fact.

Ms. Duncan: And I understand that. And I've explained that to her.

The Court: Why won't she come back?

Ms. Duncan: Well, she may. I'm telling you what really was upsetting to her was not what this court's interpret- -- was when her child sent her a scathing email two weeks after the first visit and refused to go with her on a second visit when as far as she knew - she hadn't said anything to them. That threw her in to -- she was devastated when the oldest child totally rejected her for no apparent reason to her when she was trying to see them.

The Court: You know, my experience sitting here on the bench and then also just as a human being is that people can be madly in love and married; and your children get mad at you, turn on you and mouth off. And whether the parents are together or not very few of us as parents don't experience a child getting upset and angry and turning on us.

Okay. Hold on.

And I will buy that up to a certain extent except for that's when you put the pedal to the metal. And that's when you come back. And that's when you say, you know what? I'm going to live in the United States for six months or seven months, or whatever. I want to work on counseling. I want to go with this child. I want to find out what's going on. I want to work on a relationship. And were she to come back and say I want to get going to counseling with my children, I will order it.

Ms. Duncan: I understand.

The Court: I don't think it's in the children's best interest not to work this out. And just for the record, the Respondent is nodding in agreement with that.

So I don't see that -- I don't think that anybody is trying to take these children away.

Ms. Duncan: Right. No.

The Court: She's got her own spin, for lack of a better word, on this; interpretation is another. But I will tell you, her keeping away is a problem. But at the end of the day, I'm going to allow the deposition.

Ms. Duncan: That's fine, Your Honor.

The Court: The rest of this is just talking about speculation.

Ms. Duncan: That's fine. And not to argue but if he wanted his children to see their mother, he could easily take them to see her but --

Mr. Kendall: Is there any problem on counsel's calendar the week of the 6th of October?

Ms. Duncan: I don't have my calendar.

Mr. Kendall: Could we tentatively schedule the depositions to commence Monday the 6th of October? That -- would Monday be Sunday or Tuesday there?

Mr. Donnelly: Tuesday.

Mr. Kendall: So that would be --

Ms. Duncan: It's probably okay on my calendar because of the fact it's in the evening, I mean, I'm assuming.

The Court: So it's October 6th. At what time?

Mr. Kendall: That would be 10/6 at 4:00 p.m. Here which equates to 10/7 which would be 7:00 a.m. There.

The Court: All right.

Mr. Kendall: And I'll just -- we'll plan on running four hours a day until concluded, if that's okay. I don't intend to drag it out, but I don't know how it's going to go. And I would like for it to be on consecutive days.

The Court: That's fine.

Ms. Duncan: And, Your Honor --

The Court: And you're going to be giving notice of videotaping?

Mr. Kendall: Yes, I am.

Ms. Duncan: Your Honor, I'm assuming that she's going to be in Bali. If not, we can coordinate with counsel and pick other dates. But I'll be happy to --

The Court: If she's not in Bali, I mean -- if she comes here, she can -- she's certainly clear and free to come here.

Ms. Duncan: I have no idea what her schedule is. That's all I'm saying.

The Court: No. No. No. I just want you to know it doesn't have to be in Bali.

Ms. Duncan: I understand that the court has ordered her to sit for her deposition.

The Court: Right.

Ms. Duncan: `but my issue is I'm making plans for someone, and I have no idea what her plans are that day.

The Court: That's fine.

Ms. Duncan: Okay. We can be flexible.

The Court: As long as you coordinate with counsel and give him four consecutive days, four hours a day, that's fine with me.

Ms. Duncan: Thank you.

Mr. Kendall: I will have no problem meeting, conferring with counsel on

those types of issues as long as I can include in the order that this is the date and time. And, you know, subject to -- I assure the court I won't put counsel in the position that I need to do an ex parte over something trivial.

The Court: Right.

Mr. Kendall: But I want to prepare an actual written order on this motion.

The Court: That's fine.

And she can do it sooner -- if she can do it in September, that's fine.

Ms. Duncan: And I'll be sending him a notice for deposition.

Mr. Kendall: That's fine. The fees for this motion, Your Honor, you ruled in a prior motion -- prior hearing. And I've attached as exhibit 17 to the motion your statements which -- very clear you said that the deposition should occur and we should not need a motion. And you made that clear, page 13, line 19 of the transcript. And you also followed that up on the following day --

The Court: She's going to pay the fees.

Mr. Kendall: Huh?

The Court: She's going to pay the fee. Under the family code 721 and then cases that have been interpreting that -- Feldman especially -- there is a growing belief amongst the bar and the bench in this state that the obligation of good faith and fair dealing and turning over all information on support issues seem to -- as far as this court's concerned, pretty much emasculate and eviscerate the discovery requirements because you've got an affirmative obligation to turn stuff over, so --

Mr. Kendall: I just would request a fee order of \$1500.

The Court: \$1500 is the order.

Mr. Kendall: That concludes the motion.

The Court: Okay. `

Mr. Kendall: But there are two orders in the file that haven't been signed: One being a fee order for Mr. Barnett, his minor's counsel fees. Both counsel have reviewed that and have no objection to it being signed.

The Court: All right. I'll sign that right now.

Mr. Kendall: There's also an order for June 4th, 2008, which has been sent under rule 232 or the current equivalent. And that's a little further down.

The Court: Order after hearing?

Mr. Kendall: Yes, Your Honor.

The Court: June 4th?

Mr. Kendall: Yes, Your Honor.

The Court: Ms. Duncan, have you had an opportunity to review that order?

Ms. Duncan: I believe so. I don't recall exactly what it said, but I know he sent it to me.

The Court: Okay.

Mr. Kendall: And --

The Court: I'll sign that.

Mr. Kendall: Counsel has a motion.

The Court: It wasn't approved as to form and content, though.

Mr. Kendall: Correct. We currently have a motion on calendar for the 12th of September to dismiss this action. Would the court entertain us setting that for an M.S.C., as well, or are we going to have to file an at issue notice? Either way is fine.

The Court: Let me ask you a question, if I dismiss the action, the need for you to do a deposition becomes moot.

Mr. Kendall: Well, I understand, Your Honor. But I don't believe that there's any basis for this motion, and it's going to be opposed. She filed the petition. She signed it. She came to California.

The Court: Well, I'll do an M.S.C.. But are you ready to do an M.S.C.. Before you do discovery?

Mr. Kendall: The issues are pretty simple, you know. Well, they're not simple. But there's support and custody --

The Court: I have no problem doing an M.S.C.. That day, the 12th of September. I usually do M.S.C.'s on Mondays or Tuesdays.

Ms. Duncan: Your Honor, I haven't served the motion yet because I haven't conferred with my client about everything that's going on yet, so I just wanted to make everyone aware of that.

The Court: All right. You know what, my inclination is that you don't -- you continue that day till after the deposition.

Ms. Duncan: That's fine.

The Court: Okay.

Ms. Duncan: That's fine, Your Honor.

The Court: All right.

Mr. Kendall: So should we just pick a date now?

The Court: Yes.

Ms. Duncan: I don't have my calendar. I'll be happy to confer with you on the same time that we do the depositions.

Mr. Kendall: Okay.

The Court: All right. I'm going to leave that as it is, then you can give me a new date. You can continue it by stipulation.

Ms. Duncan: Thank you, Your Honor. Thank you.

The Court: Thank you, sir.

Mr. Kendall: Thank you, Your Honor.

The Court: Mr. Kendall, you'll prepare an order?

Mr. Kendall: Yes, Your Honor.

(the foregoing proceedings were concluded)

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

DEPARTMENT EA B

HON. SUSAN LOPEZ-GISS, JUDGE

MADE JATI,

PLANTIFF,

VS.

NO. KD073003

MICHAEL DONNELLY

REPORTER'S

DEFENDANT. CERTIFICATE

I, MELINDA DELGADO, 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 17, INCLUSIVE, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE ENTITLED MATTER ON AUGUST 8, 2008.

DATED THIS 29TH DAY OF APRIL, 2009.

MELINDA DELGADO, CSR NO. 6652

OFFICIAL REPORTER

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

Vs

MICHAEL DONNELLY  
Respondent

CASE No. KD073003

DECLARATION OF IDA BAGUS  
WIKANTARA, SH, ADVOCATE FOR  
MADE JATI IN THE SUPREME  
COURT OF THE REPUBLIC OF  
INDONESIA CASE NO 343PK/  
PDT/2008

Date: 01/09/2009

Time: 8:30 a.m.

Dept. EA "B"

**DECLARATION OF IDA BAGUS WIKANTARA**

Please refer to next page.

///

///

IDA BAGUS WIKANTARA, SH  
ADVOCATE  
Perum Nuansa Penatih F2 Denpasar, Bali  
Mob: +62 (0) 811399791 Fax: +62 (0) 361- 292444  
Email: ibwikantarashadvocate@gmail.com

**TO WHOM IT MAY CONCERN**

The undersigned, **IDA BAGUS WIKANTARA, SH**, advocate having address at Perum Nuansa Penatih F2 Denpasar, in this matter acts as the legal counselor/advocate for and on behalf of **NI MADE JATI**, female, businesswoman, having address at Jalan Pengembak Gg. rid No. 29, Br. Tanjung, Sanur, Denpasar.

I hereby clarify the matters related to the progress of legal status of NI MADE JATI as Follows:

1. That the divorce between NI MADE JATI and MICHAEL PATRICK DONNELLY has occurred in accordance with the Adjudication of the Supreme Court of the Republic of Indonesia No. 1428 K/PDT/2006 dated 10 April 2007. In relation to the said adjudication, my client has taken an extraordinary legal procedure namely JUDICIAL REVIEW through me as the legal counselor/advocate so that the Divorce Case between NI MADE JATI and MICHAEL PATRICK DONNELLY in Indonesia is still open and is currently being examined in the extraordinary legal procedure namely JUDICIAL REVIEW (copy of the letter of the Supreme Court of the Republic of Indonesia No. 08343/343PK/PDT/2008 dated 28 August 2008 addressed to the Presiding Judge of Denpasar District Court in Denpasar is attached).
2. That because the divorce case between my client NI MADE JATI and MICHAEL PATRICK DONNELLY is currently in progress in the extraordinary legal procedure namely JUDICIAL REVIEW as referred to above, I, the legal counselor with due respect to the law and court of justice, may not provide any advice in relation to the data and documents and may not issue any verbal and written declaration or disposition as a statement that I obtained from my client, NI MADE JATI for the civil case concerning Rights of Guardianship and Taking Care of Children in the Superior Court of California, County of Los Angeles.

The reasons not to provide the data and documents and not to issue any declaration are to defend and protect the legal interests of my client NI MADE ANTI in the civil case that is currently in progress (judicial Review) within the legal jurisdiction on of the Republic of Indonesia's Court of Justice.

3. That regarding the accusation that my client NI MADE JATI has involved in and exposed to a criminal case as stated by the other party, I hereby declare that the accusation is not true and we decline it under the reasons as follows:

3.1 The investigation process for a criminal case included in the police report filed by Mr. Michael Patrick Donnelly as stated in the police report No. Pol. LP/81/III/2006/Dit. Reskrim, in the Bali Police Headquarters (Polda Bali) dated 14 March 2006 and the Investigation Order No. Pol. SP. Sidik/90/III/2006/Dit. Reskrim dated 16 March 2006 concerning a criminal act accusation as stipulated in article 263 with the alternative of article 266 or article 378 of the Indonesian Criminal Code (concerning criminal act to counterfeit or falsify a document, to intentionally use a fake document or counterfeited document and to cause to include false information in an authentic deed or to deceive) has been ceased based on the Police Ruling No. Pol. S.Tap/12/IX/2007/Dit. Reskrim dated 3 September 2007 concerning the Investigation Cease and SP3 (Notice of Investigation Cease) No. B/127/IX/2007/Dit. Reskrim dated 3 September 2007 (attached) because there were not sufficient evidences to forward the prosecutions to the Provincial Attorney General's Office of Bali in Denpasar.

That because of this investigation cease, Michael Patrick Donnelly through his legal counselor has taken a legal procedure in form of PRETRIAL namely to sue the Ball Police through the District Court of Denpasar for the illegitimate investigation cease that has been ruled by the

Bali Police due to the case lacked of sufficient evidences as stated in the PRE-TRIAL case No. 03/Pid.Pra/2007/PN Dps.

That the District Court of Denpasar has adjudicated to confirm the Bali Police Ruling at the first and final level as included in the Adjudicaffon No. 03/Pid.Pra/2007/PN.Dps issued on Monday, 12 November 2007 and the said adjudication has permanent legal power since 20 November 2007 which in principle confirmed that the Investigation Cease ruled by the Bali Police is valid at law.

3.2 In the investigation process of criminal case included in the police report by Mr. Michael Patrick Donnelly in the police report No. Poi.: LP/80/N/2007 dated 27 April 2007 in the Police Resort Station of Tabanan concerning a criminal act accusation as stipulated in article 263 with the alternative of article 266 or article 378 of the Indonesian Criminal Code (concerning criminal act to counterfeit or falsify a document, to intentionally use a fake document or counterfeited document and to cause to include false information in an authentic deed or to deceive) has been ceased based on the Police Ruling No. S. Tap/26.a/VIII/2Q08/RESKRIM dated 6 August 2008 and SP3 (the Notice of Investigation Cease) No. Pol.: SP.DIK/26.a/VIII/2008/RESKRIM (attached) because the matters stated in the report were not able to be forwarded to the Regional Attorney General's Office of Tabanan for prosecutions considering the time for such purpose has lapsed or expired at law.

3.3 That furthermore to confirm the legal status of my client NI MADE JATI I hereby attach you the Certificate of Good Conducts issued by the Bali Police Headquarters as included in the Certificate of Good Conducts No. Pol.: SKCI~/YANMIN/3507/X/2008/INTELKAM dated 8 October 2008.

4. That my client NI MADE JATI clarified to me as her legal counselor in Indonesia concerning history of her civil case that is currently in progress at the Los Angeles County of California as follows:

4.1 That her intention to leave for Los Angeles, California, USA is to look for her two children namely SEAN WAYAN DONNELLY and BRENDEN SURYA DONNELLY because they did not return to Bali after being taken by their father MICHAEL PATRICK DONNELLY for a school holiday to see their grandparents in Los Angeles. However, they did not return to Bali even after their school holiday ended and they had to go to school.

4.2 That my client NI MADE JATI had been waiting anxiously and perplexedly while she was looking for information concerning the children's arrivals from USA. She had come to the Immigration Office and Consulate of the United States of America in Denpasar - Bali for the said information.

4.3 That at the Immigration Office of Denpasar, my client had been informed that her children's leaving for the USA had been previously planned which was evidenced by the permit issued to SEAN WAYAN DONNELLY to leave the territory of the Republic of Indonesia without the permission from/signature of my client NI MADE JATI as the child's legal sponsor under the Immigration Law of the Republic of Indonesia.

4.4 That my client is as the sponsor of her children upon their births. In addition, my client NI

MADE JATI is also as their birth mother who brings them into the world.

4.5 That my client NI MADE JATI protested and had objections to the exit permit issuance for the child by the Head of Immigration Office of Denpasar where the permit issuance was only based on the declaration that in principle to invite the children to have one month holiday to visit their grandparents in the United States of America and will return on 15 August 2007.

According to the applicable Laws in the Republic of Indonesia, the application for the said exit permit should have been lodged by my client NI MADE JATI as the sponsor's of their children. Being asked whether there was any legal basis for the issuance of the said exit permit to the child, the Head of Immigration Office of Denpasar could not provide the answer to the question. We suspected that there might be improper and unreasonable relationships with the Immigration Office so that to allow the children to leave for an overseas country without a clear legal procedure.

That up to now both children as referred to above have not returned to Indonesia. Therefore, my client is going to report Michael Patrick Donnelly to the Bali Police because of criminal allegations of deceiving the Denpasar Immigration Office Authorities and illegally taking my client's children to overseas without my client's permission as the sponsor of those children.

4.6 That upon the arrival to the United States of America, my client did not have any knowledge regarding the children's whereabouts and address, but my client without desperation hired a private detective to search for information regarding the children's whereabouts and finally my client managed to get their home and school addresses.

4.7 That my client does not have any knowledge and information regarding the applicable laws in Los Angeles, California and thus my client contacted a lawyer to assist her to meet her children that she loves very much exceeding anything else on this earth and to avoid any legal problems.

4.8 That my client's interest and purpose are to know the children's whereabouts because they have been separated mercilessly and inhumanely for approximately nine months up to that time.

4.9 That after trying and struggling hard, finally my client managed to meet her children while being accompanied by two local sheriffs in order to make sure that she was not alleged and accused of violating any existing laws on her visit to the United States of America to meet and indulge her longing for her children that could not be expressed in words.

.10 That the first meeting was not in accordance with my client's dreams because two days after that my client was shocked with the summon to appear before the court because MICHAEL PATRICK DONNELLY requested the court for the temporary restraining order which later developed into the court sessions which are still in progress up to now in the Superior Court of Los Angeles County, California.

4.11 **That as her legal counselor, I am regularly informed concerning the progress of the said case via telephone and internet for any legal matters filed or presented by MICHAEL PATRICK DONNELLY in the court sessions via his lawyer.**

4.12 That the purpose of my client NI MADE JATI to Los Angeles was not to have a legal case. She came to Los Angeles only to meet her children and her ticket validity will soon expire. In order to avoid any legal problems to become wider and unfavorable to my client because of her visit to the United States of America without any preparation for such purposes, **I, the legal counselor defending her case that is still in progress in Indonesia, do not want to any risks no matter how small it is that might be trumped up by MICHAEL PATRICK DONNELLY to corner my client which might later cause difficulties in defending her in Indonesia. Therefore, I advised my client to immediately return home to Indonesia.**

4.13 That apart from defending her interests in Indonesia, my client would also like to return home after hearing her second child's will namely BRENDEN SURYA DONNELLY that he would like to return home to Bali but not to leave his elder brother SEAN WAYAN DONNELLY alone in the United States of America. In addition, my client received an email from SEAN WAYAN DONNELLY which in principle stating that he does not intend to return home to Bali. It is odd that SEAN WAYAN DONNELLY unexpectedly could write an email with totally unbelievable words of himself because in the second meeting prior to my client received the email, my client and her children met warmly and happily without any burdens whatsoever. My client could not understand why her first child could suddenly and unexpectedly produce an email with those unbelievable words.

Realizing the conditions as referred to above, my client has decided to return home to Bali to reduce her two children's psychological burdens although she has to sacrifice her own feelings and self-esteem. For the sake of her children's happiness to stay and study in the United States of America, she has thereafter authorized her lawyer to request to the relevant Court in the United States of America to allow her to visit her beloved children on their school holidays or on Holidays' celebrations.

Those are my explanations to the parties concerned regarding the progress of legal status of my client NI MADE JATI It is hoped that there would be no Misunderstandings regarding the current legal proceedings that are still in progress and hoped that these explanations are used accordingly.

Denpasar, 10 November 2008  
Legal counselor to NI MADE JATI

IDA BAGUS WIKANTARA, SH.

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. KDO73003  
)  
MICHAEL DONNELLY, )  
)  
RESPONDENT(S). )

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
TUESDAY, MARCH 17, 2009

APPEARANCES:

FOR THE PETITIONER:

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

FOR RESPONDENT:

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

CAROL S. HERRERA, CSR NO. 8735  
OFFICIAL REPORTER

CASE NUMBER: KD073003  
CASE NAME: JATI VS. DONNELLY  
POMONA, CALIFORNIA TUESDAY, MARCH 17, 2009  
DEPARTMENT B 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.

The Court: No. 6, Jati versus Donnelly, kd073003

Mr. Kendall: Good morning, Your Honor. Thomas Kendall on behalf of the Respondent who is present.

Ms. Duncan: Good morning. Julie Duncan on behalf of Petitioner who is not present.

The Court: Have a seat. Have you been sworn?

The Respondent: I have been sworn.

The Court: The matter is here for trial, and Ms. Jati, the Petitioner, is not present, and the court indicated that she could not proceed in absentia. Is she here?

Ms. Duncan: No, Your Honor.

The Court: Do you want to proceed, Mr. Kendall?

Mr. Kendall: Yes, Your Honor. I'd like to inquire of my client if I may.

The Court: Yes, you may.

Mr. Kendall: Mr. Donnelly, are you the father of Sean Wayan born 3-17 of '93?

The Respondent: Yes.

Mr. Kendall: And of Brenden Surya born 9-17 of '94?

The Respondent: Yes.

Mr. Kendall: Were you married to the Petitioner in 1985 here in Los Angeles county?

The Respondent: Yes.

Mr. Kendall: The children were born obviously after that, correct?

The Respondent: Yes.

Mr. Kendall: Have you been reimbursed by Dr. Suiter the \$200 that you paid him yet?

The Respondent: No.

Mr. Kendall: Do you believe that will be reimbursed on your request?

The Respondent: Yes.

Mr. Kendall: Have you been reimbursed any of the money that you paid Mr. Barnett?

The Respondent: No.

Mr. Kendall: You advanced him a thousand dollars? The Respondent: Yes.

Mr. Kendall: And also half of \$665 for fees through July of '08, correct?

The Respondent: Yes.

Mr. Kendall: And you are asking —

The Court: I didn't get the fees for Mr. Barnitt.

Mr. Kendall: He's been paid to date \$1,332.75.

The Court: \$1,332.

Mr. Kendall: And that on — I don't know if there is any additional fees owing for fees after that date.

Mr. Barnitt was given notice of trial, but he's not —

The Court: You mean Mr. Rose.

Mr. Kendall: I think it is Mr. Barnitt

The Court: Go ahead. He's not here today.

Mr. Kendall: No, he's not, and I've had permission to appear for most of the last few appearances, although I didn't specifically ask for today.

The Court: I don't have a declaration from him for any additional fees.

Mr. Kendall: Maybe we can just reserve.

The Court: I will reserve on that.

Mr. Kendall: Do you wish to have the children's passports

returned to you?

The Respondent: Yes.

Mr. Kendall: And as far as you know, they are actually expired already, correct?

The Respondent: Yes.

Mr. Kendall: Do you want specific permission from this court to be allowed to travel out of the U.S.?

The Respondent: Yes.

The Court: He can have permission to travel out of the United States. The Respondent, he doesn't need my permission. I have no jurisdiction to stop him from traveling. Are you talking about the children?

Mr. Kendall: I think there was a prior order that the children not leave —

The Court: That is not the question you asked. You asked if he wants permission — he wants me to give him permission to travel. You mean travel with the children?

Mr. Kendall: Yes, Your Honor.

The Court: Okay.

Mr. Kendall: Would you like to travel with the children?

The Respondent: Yes.

The Court: Outside of the country — stop. Stop. Mr. Donnelly, you understood the question the same way I did; is that correct?

The Respondent: That's true.

The Court: I just want to be clear. You are not asking this court to give Mr. Donnelly permission to travel anywhere. I have no jurisdiction to stop him from going anywhere.

Mr. Kendall: Bad question. I apologize.

The Court: No. I just want to make sure we are so on the same page. Right?

Mr. Kendall: Right.

The Court: So the question is whether or not — are you asking this court to give you permission to travel —

The Respondent: Permission to travel with the children outside the U.S.

The Court: And outside the state, obviously, if you want to.

The Respondent: Yes.

The Court: I'm sorry.

Mr. Kendall: Thank you. I appreciate it. That's the problem with going quickly.

All right. Was the reason for your original non-return to the death threat of August 2007?

The Respondent: Yes.

Mr. Kendall: And if that were clear — if that were cleared up and if it were stayed, would you like to have the boys visit Indonesia and other foreign countries?

The Respondent: Yes.

Mr. Kendall: Prior to all this, didn't they travel regularly out of the U.S. and out of?

The Respondent: Yes.

Mr. Kendall: Is it your position today that your wife — the Petitioner has controllable cash flow of over 61,600 —

The Court: You have to slow down.

Mr. Kendall: — \$61,600 per month?

The Court: Yes.

Mr. Kendall: And that is income in Indonesia?

The Respondent: Yes.

Mr. Kendall: Do you base that on actual records and facts?

The Respondent: Yes.

Mr. Kendall: Did you help her run several businesses?

The Respondent: Yes.

Mr. Kendall: And one of them was a restaurant?

The Respondent: Yes.

Mr. Kendall: Another one a chain of retail shops at four-star hotels?

The Respondent: Yes.

Mr. Kendall: And those properties did not include other properties that should, in fact, also be rented, correct?

The Respondent: Yes.

Mr. Kendall: And at the time you left Indonesia, would you say it would be a fair estimate that 350 people were employed in Indonesia due to the enterprises run exclusively by your wife?

The Respondent: Yes.

Mr. Kendall: And did you file a detailed declaration about this already?

The Respondent: Yes.

Mr. Kendall: That was the basis for the support order of

over \$10,000 a month that is currently in effect, correct?

The Respondent: Yes.

Mr. Kendall: At this time you are asking the support order to be based on her full ability to earn income of 61,600, correct?

The Respondent: Correct.

Mr. Kendall: You are asking the court to make a Support order of \$13,000 a month?

The Respondent: Yes.

The Court: Have you sent notice of this request to the Petitioner's counsel?

Mr. Kendall: This is — we did at the original support order hearing. The request at that time was for an alternative support order based on 50 or 61, and Your Honor made the order based on 50 but reserved the right to set it off of over 61 a later date. The issue and the difference was the actual income versus the controllable — the ability to rent out million dollar properties which she was choosing not to do.

Ms. Duncan: Undeveloped land. It was speculative.

Mr. Kendall: So you reserved on the ability to raise the support based on the actual --

The Court: I'm going to sustain the objection as speculative.

Mr. Kendall: Well, in that case —

The Court: When was the last time you were in Indonesia?

The Respondent: Two weeks ago.

The Court: When was the last time you had access to any of these books?

The Respondent: 2005.

The Court: Mr. Kendall, I will tell you something. I'm going to give you a wide latitude, but I'm still obligated to follow the law with respect to interpreting evidence. And at this point in time, I understand that this is your contention, and I understand you believe this, but this was information that should have at least been provided to the Petitioner so that she, theoretically, could have shown up today, but it wasn't. And that's the problem I have. There was no notice as to these facts. I understand that previously there was testimony on these issues.

Mr. Kendall: This has been his position since July of 2008.

The Court: Position is one thing.

Mr. Kendall: He filed probably a 50-page declaration with exhibits.

The Court: If you want to rest on that, then that's fine, but I'm not going to take any testimony today.

Mr. Kendall: We submitted a very similar dissonance at the time of that support order.

The Court: I agree, but I don't want anything different. If you want to submit on the past filings, I have no problem with that.

Mr. Kendall: Are all the declarations you filed with this court true and correct?

The Respondent: Yes.

Mr. Kendall: Including the detailed declaration about the multiple, million-dollar properties?

The Respondent: Yes.

The Court: Okay.

Mr. Kendall: During this case, is it fair to say it is your position that court orders have been violated repeatedly?

The Respondent: Yes.

Mr. Kendall: Specifically, have you received a single dime of support since July 1st, 2008?

The Respondent: No, I haven't.

Mr. Kendall: Since June 1st, 2008?

The Respondent: No.

Mr. Kendall: Since the death threat in August of 2007?

The Respondent: No.

Mr. Kendall: Has she paid you a penny of the \$1500 in sanctions for discovery violations ordered 8-8 of '08?

The Respondent: No.

The Court: 1,500?

Mr. Kendall: Previously ordered. Yes.

How much would you estimate it cost you for various motions and costs for the deposition she was eventually ordered specifically to appear at in Indonesia and did not appear for?

The Respondent: Around 5,000.

The Court: Have you paid your lawyer \$5,000 for these expenses?

The Respondent: Between Tom and costs in Indonesia, renting hotel space and video equipment and everything else.

The Court: All right.

Mr. Kendall: Total paid to my office, there is a previously filed declaration, and in that declaration it was alleged that I had paid -- you had been paid -- you had paid to me \$26,186 as of the 20th of 2009 -- of January 2009 --

The Court: \$26,000 --

Mr. Kendall: \$26,186 as of January 20th, 2009. Is that true and correct?

The Respondent: Yes.

Mr. Kendall: That does not include \$3,600 in various credits that I've given to you for timely payments on your bill; is that correct?

The Respondent: Correct.

The Court: \$3,600 you have credited him?

Mr. Kendall: Yes.

The Court: So, therefore, the \$26,186, that was actually paid; is that correct?

Mr. Kendall: Yes.

The Court: And should that be credited \$3,600, or would the bill have actually been more? Would it have been closer to \$30,000?

Mr. Kendall: It would have been closer to 30,000 if he had not received the credits.

The Court: Okay. Go ahead.

Mr. Kendall: And in addition to that, as of today, do you owe \$4,164 to my office not counting today?

The Respondent: Yes.

The Court: How much?

Mr. Kendall: \$4,164.

The Court: All right. I'm just going to ask you, Mr. Kendall, just to slow down because I have to get these numbers. I have no problem with your saying it. I need it slower. 4,164?

Mr. Kendall: Yes, Your Honor.

The Court: Go ahead.

Mr. Kendall: That total of approximately \$30,000 doesn't include the amounts you paid for Suiter, Barnitt, the monies you incurred overseas with the video of the deposition, renting of the hotel room and that sort of thing, correct?

The Respondent: Correct.

Mr. Kendall: You are asking the court to order reimbursement

to you for all of those fees, correct?

The Respondent: Correct.

Mr. Kendall: You are asking for that under — for a number of reasons, not the least of which is the repeated violations of court orders, correct?

The Respondent: Yes.

Mr. Kendall: And included in those violations of court order were the orders that the Petitioner appear today for trial on the 17th of March, correct?

The Respondent: Correct.

Mr. Kendall: And that she was ordered to be present at the mandatory settlement conference on the 3<sup>rd</sup> of March, correct?

The Respondent: Correct.

Mr. Kendall: And that she was ordered also to be present for the deposition at the Bali Hilton in Indonesia, correct?

The Respondent: Correct.

Mr. Kendall: And you are asking for the violation of — her violating the court order not to pay the \$1500 in sanctions, correct?

The Respondent: Correct.

Mr. Kendall: And that she violated the court order to appear and cooperate with Dr. Suiter on or about 2:45

P.m. on July 1st, 2008, correct?

The Respondent: Correct.

Mr. Kendall: And that she be present in person for the hearing on June 4th, 2008, correct?

The Respondent: Correct.

Mr. Kendall: And that she cooperate generally with the evaluation of Dr. Suiter, correct?

The Respondent: Correct.

Mr. Kendall: And that she provide copies of tax returns that were provided — that supposedly her attorney actually had possession of, correct?

The Respondent: Correct.

Ms. Duncan: Objection, Your Honor. I've never had possession of any tax returns.

The Court: Well, I think I'm going to sustain that, if that is an objection, because the sanctions would be against the Petitioner, not Petitioner's counsel. There has been no indication in any shape or form, Mr. Kendall, that counsel has withheld evidence.

Mr. Kendall: Page 15 of the transcript of the hearing when support was set where that was discussed there — this is Ms. Duncan. There are tax statements. There are all sorts of things. I have to translate them and give them to counsel. I can get the whole deposition transcript.

Ms. Duncan: All I had was earnings statements. They were in Indonesian. I didn't know what they were, and I clarified with my client all they were were pay stubs.

The Court: Do you have anything in your possession?

Ms. Duncan: Pay stubs.

The Court: Have you turned those pay stubs over to Respondent?

Ms. Duncan: I can do that. That's not a problem.

The Court: You had an obligation to turn them over.

Ms. Duncan: You told me to have them translated, and I had no funds do to that, Your Honor.

The Court: All right.

Ms. Duncan: They are in Indonesian.

The Court: The fact of the matter is the court already indicated there would be terminating sanctions.

The court already indicated the Petitioner has not complied. You have stated your case.

Mr. Kendall: Thank you, Your Honor. We would ask, based on that, that the court order sole legal, sole physical custody, order the return of the passports, make a specific order relieving my client of the duty to remain in the state of California with — as to the children, of course, and to order \$30,000 in fees and costs payable by the Petitioner by a date certain.

The Court: Just for the record, this was a custody matter that was filed by the Petitioner on March 19, 2008. Before I rule, Ms. Duncan, do you have any response?

Ms. Duncan: With respect to what he's presented?

The Court: Correct. Do you have any — there is no evidence I don't think you have.

Ms. Duncan: Just the same, that our position is that he kidnapped the children, and my client has been advised by her attorneys in Indonesia to not cooperate because of his course of conduct in Indonesia where he repeatedly tried to get her arrested —

The Court: But there's no evidence to that.

Ms. Duncan: I understand that.

The Court: So, therefore, I have no evidence.

Ms. Duncan: I have no defense to her violating the court orders in this jurisdiction.

The Court: All right. The action was filed by the Petitioner March 19, 2008. She indicated that the parties were divorced in Jakarta on February 28, 2008. There were no custody orders pertaining to the minor children; is that correct?

The Respondent: That's correct.

The Court: In her petition, she indicates that the minor children are of this relationship and that you are the father of the children. So paternity has been established by the Petitioner under penalty of perjury.

The Respondent filed a response to the petition seeking sole legal custody and sole physical custody and indicated that visitation would be supervised by a professional monitor.

The Respondent also sought child abduction orders and certain other orders indicating that the — father's concern was that the existing Indonesian divorce decree gave custody to dad.

Is that correct, sir?

The Respondent: I thought so at the time, yes. It was an unclear statement in the declaration.

The Court: But you did not object to this court having permanent jurisdiction and finding that the children are subject to the jurisdiction of California as to custody, visitation and support.

The Respondent: No.

The Court: All right. Then a war broke out between the Petitioner and the Respondent. And while the Petitioner was originally at a hearing in this court on May 7th, 2008, the parties reached a stipulated visitation agreement where the father was going to have the care and the custody of the children and that mother would have reasonable visitation commencing May 12th, 2008, with all details to be decided by mutual agreement.

There was a stipulation that the court had jurisdiction over the children because California was their home state. Their habitual country of residence was the United States of America and that both parties were advised any violation of this court would result in civil or criminal penalties. The Petitioner signed that agreement as did the Respondent.

On May 15, 2008, the court appointed Mr. Barnitt. And the Petitioner was present, and the court ordered a child custody evaluation with each party to pay one half of the cost. And the court acknowledged additional visitation for the Petitioner with the children on May 24th and May 31st, 2008.

June 4th, 2008, the Petitioner was not present. The court then indicated the children were not to travel to Bali, and the passports were to be surrendered to minor's counsel. The Petitioner and the Respondent were ordered to participate in counseling, and the matter was continued until July 31st. The Petitioner was not present, but her counsel was present.

On July 31st, the Petitioner again was not present. The court ordered sole legal and physical custody of the minor children to the Respondent. The Petitioner was allowed to have visitation as arranged to by the parties. They were still to cooperate with the 730 evaluator. The Petitioner was not allowed to remove the children from the United States without order of this court. There was an order of support in the amount of \$4,028 a month commencing August 1st, 2008, and retroactive to June 1st, 2008.

Mr. Kendall: Your honor, I think you misread the amount.

The Court: Excuse me. \$4,028 for Sean, \$6,719 for Brenden, totaling \$10,747. The court reserved jurisdiction at the time of the trial. There was then Respondent's motion for a deposition. The court approved that motion to be heard in Bali in October of 2008. The Petitioner was not present. The Petitioner's counsel was. The court on its own motion modified the order to be consistent with the Beverly Hills National Bank and Trust case, 195 cal. App. 2nd 861.

The matter was continued from December until January of 2009. Petitioner was to be present — excuse me — and the Petitioner was not present. The court set an order to show cause against the Petitioner for her failure to appear at the deposition and comply with discovery. The Respondent made a request for terminating sanctions which were provisionally granted. The court set a settlement conference for March 3rd, 2009, and for trial March 17. The Petitioner was ordered to be present on March 3rd, 2009.

On March 3rd, 2009, the Petitioner was not present. The court ordered sanctions for her failure to appear at the deposition and comply with discovery in the amount of \$1,000. The court reserved on the issue of striking the petition and allowing Respondent to

proceed by default today's date.

The court notes the Petitioner is not present. The Petitioner has not complied with the court's orders for discovery, to comply or appear in the deposition, to comply with discovery, to appear in court. So consequently the court is going to strike the Petitioner's petition and allow the Respondent to proceed by default. The Respondent requested sole legal and physical custody in his response which is now deemed his petition in response to the petition that was stricken.

The court will order the continuance of the court's previous order of sole legal and physical custody to be the permanent order. So the court orders Respondent to have sole legal and physical custody of the minor children. The court authorizes the Petitioner — excuse me — the Respondent to have released to his possession the passports of the minor children. The court orders the lifting of the stay of removal of the children from the state of California and from the United States.

Mr. Kendall: As to Respondent only.

The Court: As to Respondent only. The Petitioner may have monitored visitation as arranged to by the parties and paid for by Petitioner.

Mr. Kendall: I would like to include in the judgment that the Petitioner may not remove the children from the state of California.

The Court: The Petitioner may not remove the children from the state of California — from the county of Los Angeles, state of California, or the United States without the written, notarized permission of the Respondent or further order of this court.

The court denies the Respondent's request to modify child support. Child support will remain in the amount previously ordered. The court orders the Petitioner to pay Respondent's legal fees in the amount of \$30,000 to be paid no later than July 1st, 2009. The court orders the Petitioner to pay all minor's counsel fees by reimbursing Respondent the 2,000 —

Mr. Kendall: I think it was \$1,332.75.

The Court: 1,000 — reimburse Respondent \$1,332.75 and — \$32 or \$33?

Mr. Kendall: \$32, I think.

The Court: I'll make it 1,333 — by the same date July 1st,

2009.

Upon submission to Petitioner's counsel of the deposition costs by actual bills and proof of payment, Petitioner is ordered to reimburse Respondent for all deposition costs.

The court makes these rulings based upon the fact that the Petitioner initiated the proceedings in this court, sought this court's assistance, and then left the jurisdiction never to return. There is no indication as to why, and I know that the Petitioner sought to stop this court from exercising jurisdiction forgetting the fact that the Respondent had filed a response and sought relief of this court. The Petitioner left for reasons unproven or unsubstantiated with this court. And, quite frankly, the court gave the Petitioner so many opportunities to come back to court. The court gave the Petitioner as much visitation as possible every time the Petitioner was in town. And it is this court's opinion that, for whatever reason, the Petitioner chose to return to her family and her businesses, which was uncontroverted, in Bali. This court makes the finding that she abandoned her children.

In the meantime, she caused the Respondent to expend funds to obtain relief that she originally sought for herself. It is under that — on that basis that the court determines that she should have to then bear the cost of this entire, unfortunate litigation. Minor's counsel was involved. A court evaluator was involved. They were all involved initially by the initiation of the Petitioner, and she left. So it is with a lot of hesitation that I feel forced, based upon the fact that the Petitioner has given me absolutely no recourse. That's the order of the court.

Mr. Kendall: Thank you very much for all of that. Last time we had a discussion about the advisability of striking the entire petition.

The Court: I did.

Mr. Kendall: That's what you have ordered. But there is an alternative, and I would like to briefly discuss that. And then if you think you still made the right decision, I will let it go. The alternative would be to strike paragraphs 5-a, 5-b, 6, and 8 —

The Court: I can't proceed on a petition. She's not here. I'm not going to — she's not here. I can't proceed and allow her to proceed on a petition without asking her questions. It is appropriate to strike it and allow him to proceed by way of his response and

deeming that the petition.

Mr. Kendall: I just didn't want to leave any loopholes when it comes to us going to ask for some of the support.

The Court: There are no loopholes.

Ms. Duncan: Thank you, Your Honor.

The Court: Thank you. If you need any further clarification, you can certainly come back to court. I think I've been as clear as I can possibly be.

Mr. Kendall: Very clear, Your Honor.

The Court: Mr. Kendall, I'm ordering you to prepare the judgment.

(AT 10:42 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. KDO73003  
 )  
 )  
 MICHAEL DONNELLY, ) REPORTER'S  
 ) CERTIFICATE  
 )  
 )  
 RESPONDENT(S). )

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 2]., INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON MARCH 17, 2009.

DATED THIS 21<sup>st</sup> DAY OF April 2009

Carol S. HERRERA, CSR NO. 8735  
OFFICIAL REPORTER

MADE'S ANGELS email from Anonymous, entered as evidence to California Superior Court by Made Jati

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 24<sup>th</sup> 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 [www.uluwatu.com](http://www.uluwatu.com) 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 where 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 children's 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 U.S 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 2<sup>nd</sup> 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 "Im 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 return home desperately. He also mentioned that he wanted to speak to his mother, but it was too painful and difficult. Little to know word has been heard about Sean.

This is merely an obvious "KIDNAPPING". We are 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](mailto: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 in-appropriately 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....

### 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 occurring 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.



MARKAS BESAR  
KEPOLISIAN NEGARA REPUBLIK INDONESIA  
BADAN RESERSE KRIMINAL  
BIRO ANALISIS  
Jl. Trunojoyo No 3 Keb. Baru Jakarta Selatan

TANDA BUKTI LAPOR  
No. Pol.: TBL/ 57 / II / 2009 / Siaga-I

Berdasarkan Laporan Polisi No. Pol. : LP/101/II/2009/Siaga-I tanggal 26 Pebruari 2009, dengan ini diterangkan bahwa :

1. Nama : **MICHAEL PATRICK DONNELLY**
2. Tempat / Tanggal lahir : California, 3 Nopember 1951
3. Pekerjaan : Swasta
4. Alamat : Jl. Sidakarya Perum Kalista Karya Indah Blok A/4  
Denpasar
5. Telah melapor di : Siaga Bareskrim Polri.
6. Perkara : Tindak Pidana memberikan keterangan palsu dalam persidangan gugatan cerai Sebagaimana dimaksud dalam Pasal 242 KUHP
  
7. Waktu kejadian : Sekitar Bulan Mei thn 2005
8. Tempat kejadian : Denpasar-Bali
9. Terlapor : 1. NI MADE JATI selaku mantan istri pelapor-----  
2. NI NYOMAN SUTI Selaku saksi dari NI MADE JATI  
(mantan Istri pelapor)-----  
3. HERU WIDIYANTO, Selaku saksi dari NI MADE  
JATI (mantan Istri pelapor) -----

Telah melaporkan Tindak Pidana memberikan keterangan palsu dalam persidangan gugatan cerai Sebagaimana dimaksud dalam Pasal 242 KUHP-----

Tanda tangan pelapor,

(MICHAEL PATRICK DONNELLY)

Jakarta, 26 Pebruari 2009  
FA SIAGA-1



R. YUDIKA, SH  
AKP NRP.71100524



MARKAS BESAR  
KEPOLISIAN NEGARA REPUBLIK INDONESIA  
BADAN RESEKSE KRIMINAL

Jl. Trunojoyo No. 3 Keb. Baru Jakarta Selatan 12110

Jakarta, 27 Februari 2009

No. Pol. : B/592 /RA/II/2009/Bareskrim  
Klasifikasi : BIASA  
Lampiran : Satu berkas  
Perihal : Pelimpahan Laporan Polisi.

Kepada

Yth. KAPOLDA BALI

di

Denpasar

Up: Dir Reskrim Um.

1. Rujukan Laporan Polisi No.Pol.: LP/101/II/2009/Siaga-I tanggal 26 Februari 2009 A.n. pelapor **MICHAEL PATRICK DONNELLY** tentang Tindak memberikan keterangan palsu dalam persidangan gugatan cerai, sebagaimana dimaksud dalam pasal 242 KUHP yang diduga dilakukan oleh Sdr. NI MADE JATI, NI NYOMAN SUTI dan HERU WIDIYANTO.
2. Sehubungan dengan butir 1 tersebut di atas, mengingat locus delicty dan saksi korban serta saksi-saksi lainnya berada di wilayah hukum Polda Bali, bersama ini dilimpahkan kepada Dir Laporan Polisi dimaksud guna dilakukan penyelidikan dan penyidikan lebih lanjut dengan ketentuan sebagai berikut :
  - a. Agar ditentukan Penyidik yang menangani dan dituangkan dalam bentuk Sprin dengan tembusan kepada Kabareskrim Polri/Wakabareskrim Polri dan **Karo Analisis sebagai pengawasan dan pengendalian.**
  - b. Melaksanakan gelar perkara intern untuk menentukan waktu penyidikan sesuai dengan klasifikasi kasus.
  - c. Apabila kekurangan Penyidik dapat meminta untuk disidik oleh Penyidik dari Sat/Dit lain sepengetahuan Kapolda dan dicatat pada buku register serta pengawasan/pengendalian oleh Direktorat /Sat yang meminta bantuan.
  - d. Melaporkan hasil perkembangan penyidikan kepada Kabareskrim Polri/Wakabareskrim Polri.
3. Demikian untuk menjadi maklum.



Tembusan :

1. Kabareskrim Polri.
2. Kapolda Bali.
3. Sdr. Michael Patrick Donnelly (Pelapor).

IDA BAGUS WIKANTARA,SH

Advokat

Jln. Sumandang IIIA/5A,

Batubulan, Gianyar

Telp. 0811399794,

E.Mail. ibwikantarashadvocate@gmail.com

No. :11/Wkn.mj/VI/2009  
Lamp : 1 set  
Perihal : **JAWABAN TERGUGAT**

Kepada Yth.

**Bapak Ketua Majelis Hakim Persidangan**

**Dalam Perkara Perdata No. 130/PDT/G/2009/PN. DPS**

di.

Tempat

Yang bertanda tangan dibawah ini, **IDA BAGUS WIKANTARA,SH** dan **I KT. ALIT PRIANA NUSANTARA, SH** para advokat yang beralamat di Jalan Sumandang IIIA/5A Batubulan, Gianyar dalam hal ini bertindak untuk dan atas nama **NI MADE JATI**, perempuan ,umur 52 tahun, pekerjaan wiraswasta, Alamat, Jalan Pengembak Gg. III No. 29, Br. Tanjung, Kel. Sanur Kauh, Kec. Denpasar Selatan , Kodya Denpasar dan oleh karenanya mengajukan **JAWABAN TERGUGAT** dengan uraian sebagai berikut :-----

#### **DALAM POKOK PERKARA**

##### **DALAM KONVENSI**

1. Bahwa **TERGUGAT** dengan tegas dan keras menolak seluruh dalil-dalil **PENGGUGAT** untuk seluruhnya ;-----
2. **TENTANG HUBUNGAN HUKUM**
  - 2.1. Bahwa hubungan hukum antara **TERGUGAT** dan **PENGGUGAT** adalah hubungan hukum perkawinan asing yaitu perkawinan antara **TERGUGAT** selaku Warga Negara Indonesia dan **PENGGUGAT** yang berkewarganegaraan Amerika.-----
  - 2.2. Bahwa Perkawinan asing sebagaimana dilakukan oleh para pihak adalah perkawinan asing yang dilangsungkan di luar negeri sudah tentu secara hukum adalah sangat berbeda dengan hubungan hukum perkawinan campuran yang dilaksanakan di wilayah hukum Indonesia.-----
  - 2.3. Bahwa perbedaannya terletak pada pendaftaran dan pengakuan hukum Indonesia terhadap perkawinan tersebut. -----  
Pada Perkawinan campuran yang dilangsungkan di Indonesia secara mutandis mutandi langsung mendapatkan pengakuan dari hukum Indonesia beserta segala akibat hukum yang mengikutinya karena seketika setelah perkawinan itu dilangsungkan mendapatkan pendaftaran pada Kantor Dinas Pencatatan Sipil di tempat dilangsungkannya perkawinan secara formalitas tersebut **sedangkan pada perkawinan campuran yang dilangsungkan diluar negeri harus mengikuti ketentuan**

**IDA BAGUS WIKANTARA, S.H.**

Advocate

Jln Sumandang IIIA / 5A

Batubulan, Gianyar

Tlp 08111399794

Email. [ibwikantarashadvocate@gmail.com](mailto:ibwikantarashadvocate@gmail.com)

No : 11/0Wkn.mj/ VI/ 2009  
Attachment : 1 set  
Regarding : **Reply to Accusation**

To the honorable  
**Chairman of the Judges Committee**  
**In the civil case No 130/ PDT/ G/ 2009/ PN.DPS**

The here undersigned **IDA BAGUS WIKANTARA, SH** and **I KT. ALIT PRIANA NUSANTARA, SH**, attorneys with address at Jalan Sumandang IIIA/ 5A Batubulan, Gianyar in this instance representing and appearing on behalf of **NI MADE JATI**, female, age 52 years, occupation businesswoman, address Jalan Pengembak Gg. III No 29 Br Tanjung, Kel Sanur Kauh, Kec Denpasar Selatan, Kodya Denpasar, and here presenting the **REPLY TO ACCUSATION** as follows:

## **IN CONVENTION**

[Here are presented in Section 1 through 13 repeats of arguments previous presented in other cases including to the Supreme Court regarding Made Jati and Ida Bagus Wikantara's theory that failure to register a foreign marriage in Indonesia within one year is equivalent to an automatic divorce. The Supreme Court decision complete rejected these arguments, and in this REPLY TO ACCUSATION, Made Jati and I.B. Wikantara argue that the Supreme Court was in error. They also present arguments that

- The registration of the California marriage of 1985 was not valid because it was done by a foreign citizen Michael Donnelly and not by and Indonesian citizen, and that the Supreme Court was in error to accept that registration because Indonesian laws are intended for use only by Indonesians. (Also see Reply to Accusation in Action Contrary to Law by Made Jati, Sections 1 and 9, dated 15 August 2006).
- That although the California marriage of 1985 is valid according to the Supreme Court, it only applies to marriage itself, not the consequences of the marriage which are family assets, therefore the family assets should be calculated from the Marriage Certificate issued in Denpasar in 1996 (although this Certificate has already been ruled void in two separate Supreme Court decisions).
- The registration of the California marriage of 1985 is valid, but it occurred in 2005 so therefore there was no marriage in Indonesia until 2005 and calculation of family assest should only be calculated from 2005.

In Section 14 Made Jati turns to the issue of child support:]

14. That the position of the **Petitioner** in section 10 in connection with the living expenses of the children is completely irrelevant to this case because the present case concerns division of assets of a marriage and besides that the **Petitioner** in the section 10 does not in any way clearly state in detail the requirements / expenses of the aforementioned children, such that this section should be stricken from the accusation by law.

15. That the position of the **Petitioner** in section 10 and in section 13 is absolutely unsupported by law because the **Petitioner** states and even links this accusation to a **Decision of a Foreign Court / Outside the Country**, that is the Decision of the Superior Court of Los Angeles, California, USA as stated in the DV-130 and DV-200 Restraining Order for Protection of

Children against Made Jati.

- The **Petitioner** hopes the Court of Indonesia will just willy-nilly adopt and enforce the decision of the California Court but this is completely contrary and in opposition to the sovereignty of the law in Indonesia as an independent respected nation.
  - That so that there is no mistaken application of the law in this case, the **Respondent** explains the law as follows: ***“A Decision of Foreign Court in Indonesia only will be respected and will not be directly enforced. A decision of a foreign court must be reviewed from a fresh start. A foreign decision is only a form of factual input and does not necessarily bind a judge in Indonesia. Laws of Indonesia are still the guidelines within Indonesia. Section 436 Rv states among other points that ... “decisions of foreign courts cannot be enforced in Indonesia.”*** (Huala Adole, SH. LLM, PH.D, Basis of International Contract Law, printed 2007 in a footnote on page 103 and 104.)
  - Such that the position of sections 10 and 13 and the petition of the **Petitioner** in section 3 and 4 should be set aside and rejected by this court.
16. That the departure and the continued presence of the children of the **Respondent** and **Petitioner** in Los Angeles is through a cruel deception. The **Petitioner** accompanied the children to America for what he stated was a vacation to visit their grandparents in America and they would return 1 (one month later) after the end of their vacation, so that for the happiness of the children the **Respondent** was forced to allow them to go to America, however after the end of their vacation the children of the **Respondent** and **Petitioner** until this moment have not returned, such that the **Respondent** followed them to America and then occurred a case in the Court of Los Angeles, California between the **Respondent** and **Petitioner** concerning control over the children.
- -----That because the departure and continued presence of the children in America until this moment is based upon a deception and lies and that what is most important is that this is based upon the wishes and desires of the **Petitioner** alone, so that it is only fair that as a legal consequence of those wishes all the needs of the children of the **Petitioner** and **Respondent** in America are entirely the responsibility of the **Petitioner** and it is completely arrogant and unfair if the expenses are now charged to the **Respondent**. At the least the **Petitioner** must now suffer the consequences of his own decision to stay in America.
  - -----Besides that, in connection with Regulations Regarding Marriage No 1 1974 Section 41 part b, it is stated: ***“The father has responsibility for all the expenses for support and education of the children, and if the father clearly cannot fulfill that responsibility the Court can rule that the mother should help bear the expenses.”*** That this section has absolutely no relevancy to this case because the **Petitioner** felt very capable of support such that he took the children to America far from a woman’s care and love namely that of the **Respondent** who is their natural birth mother.
  - -----And also as a consequence of a mixed marriage it is according to civil law that the children born of a mixed marriage must follow the civil legal status of the father, and furthermore the children of the **Respondent** and **Petitioner** are US citizens and now are entirely in America so that they are entirely the responsibility of the **Petitioner**, so why now is it presented as if the father is unable to care for and maintain the two children of the **Respondent** and **Petitioner** such that if it is true as stated in section 13 of the Accusation of the **Petitioner** then it would be better if the two children are brought home to Bali and from thereafter their lives would be the responsibility entirely of the **Respondent** as it was previously when in the household of the **Respondent** and **Petitioner** in the past in which all the needs of the children of the **Respondent** and **Petitioner** and even of the **Petitioner** himself were entirely paid for by the hard work of the **Respondent** and this was because of the great love she has for her children and family, and the **Respondent** never complained about that.

- -----In truth this is not an issue that the **Respondent** needs to bring up in this trial to the the great and honorable judge, but the actions of the **Petitioner** against the **Respondent** and the children of the **Petitioner** and **Petitioner** have so long been beyond any bounds of what is acceptable to normal human behavior.

17. That based upon the above explanations, sections, and replies in the Reply of the Respondent above it is abundantly clear that the petition of the Petitioner in sections 3.1 through 3.13 and page 7 together with other sections of the accusation are overstated so that the Respondent absolutely rejects all the petitions and statements in the accusation as being false and untrue, being statements that are sensational and filled with hyperbole and also because they have no basis in law and are not based on law such that there is no need for the Respondent to consider them and it is completely appropriate under law that they be set aside and rejected under law in their entirety.
18. That the points of the petition of the **Petitioner** as stated in pages 9 through 10, that is section 1 through section 10 are rejected in their entirety by the **Respondent** because the basis for these points are unsupported by law and are incorrect such that it is fitting and fair according to law that they be set aside and rejected in their entirety as already explained in detail in the Reply of the **Respondent**.

#### **IN RECONVENTION (request for ruling)**

1. That all the points raised and explained above in the **CONVENTION** are requested to be reviewed and considered as backing evidence for the points and requests raised here in the **RECONVENTION**.
2. That in this **RECONVENTION** the position of the **RESPONDENT CONVENTION** now becomes the **PETITIONER** in **RECONVENTION**.
3. That the **RESPONDENT RECONVENTION** bases his accusation on the Decision of the Supreme Court as set forth in the Decision of the Supreme Court No 1428.K/ PDT/ 2006 dated 10 April 2007.
4. That in the Decision of the Supreme Court No 1428.K/ PDT/ 2006 dated 10 April 2007 the judges considered and adjudicated between 2 (two) marriages that were carried out between the **Respondent** and **Petitioner**, that is a marriage occurring in Los Angeles, Los Angeles County, California USA on 14 September 1985 and a marriage occurring in Bali in accord with a Certificate of Marriage No 299/ 1996 as issued by the Civil Records Office Denpasar and listed in the territorial jurisdiction of Indonesia as stated by section 56(2) Regulations Regarding Marriage No 1 1974 which requires marriages occurring outside the country to be registered at the place of residence of the married couple within one year of returning to Indonesia.

[Sections 4 through 13 develop several theories by Made Jati and I.B. Wikantara that the ruling of the Supreme Court is in error and should not contain the force of law, and that foreign marriages are not valid in Indonesia for the purpose of calculating assets of a marriage because foreign citizens remain under foreign law and therefore cannot have assets in Indonesia, and that therefore the decision of the Supreme Court should be rejected.

Section 14 returns to the issue of the children...]

14. That according to law the Decision of the Superior Court of California USA as referred to by the **RESPONDENT RECONVENTION** in DV-130 and DV-200 in his petition sections 3 is requested to this court should be ruled not possible to be granted by the court of Indonesia such that it is fitting that the Accusation of the **RESPONDENT RECONVENTION** to be set aside and rejected by law.

Based upon the above points the **RESPONDENT CONVENTION / PETITIONER RECONVENTION** requests to the Honorable Court to rule and then grant the requests in this case as follows:

## IN CONVENTION

1. Reject the petition of the PETITIONER in its entirety.

## IN RECONVENTION

1. Grant the petition of the **PETITIONER RECONVENTION** in its entirety.
2. Rule that the Decision of the Supreme Court No 1428. K/ PDT/ 2006 dated 10 April 2007 is void, issued carelessly, without foundation, and vague, such that it does not have guiding or practical force of law ;
3. Rule that the Certificate of Marriage No 299/ 1996 issued by the Civil Records Office Denpasar dated 30 September 1996 is still valid and in effect because its cancellation by law as stated in the Decision of the Supreme Court No 1428. K/ PDT/ 2006 dated 10 April 2007 is unclear, careless and vague;
4. Rule that the Document of Marriage that was made in front of Notaris John K Mulye (deceased) as Akte No 50, dated 8 February 1996 and registered at the Office of the Clerk of the National Court Denpasar on Monday, 6 May as number 5 year 1996 is still valid and still in effect because never cancelled by law by any court decision;
5. Rule that the registration of the marriage which occurred in Los Angeles, Los Angeles County, California, USA on 14 September 1985 and registered in the territory of Indonesia at the Civil Records Office on 6 April 2007 as Reg No 16/ K.DKC/ 2005 has the binding force of law to all parties and under all civil law since the date 6 April 2005;
6. Rule that the Registration of the Marriage that occurred in Los Angeles, Los Angeles County, California USA on 14 September 1985 and registered in the territory of Indonesia at the Civil Records Office on 6 April 2007 as Reg No 16/ K.DKC/ 2005 is the initial starting point of presence under the jurisdiction of Indonesia, and is the initial starting point of the existence of the marriage that was carried out by the **PETITIONER RECONVENTION / RESPONDENT CONVENTION** with the **RESPONDENT RECONVENTION / PETITIONER CONVENTION** within the territorial jurisdiction of Indonesia and also the initial starting point of the existence under civil law of Indonesia of any events occurring in connection with this marriage outside Indonesia dating from the the registration of 6 April 2005, including also regarding the division of assets of the marriage.
7. Rule that the marriage that occurred between the **PETITIONER RECONVENTION** and the **RESPONDENT RECONVENTION** outside the country that is in Los Angeles, Los Angeles County, California USA on 14 September 1985 is recognized by law of Indonesia in the territorial jurisdiction of Indonesia and with effect under law only beginning with the date of registration in Indonesia which is 6 April 2005 together with all the consequences under law in connection with this event including calculation of marriage assets acquired during a marriage which took place outside the country between the **PETITIONER RECONVENTION** and the **RESPONDENT RECONVENTION**.
8. Rule that the marriage that occurred between the **PETITIONER RECONVENTION** and the **RESPONDENT RECONVENTION** outside the country that is in Los Angeles, Los Angeles County, California USA on 14 September 1985 is recognized by law of Indonesia in the territorial jurisdiction of Indonesia and has consequences of law to third parties, nationals and the Nation of Indonesia only from the date of registration that is from 6 April 2005 through the decision of the Supreme Court of Indonesia No 1428.K/ 2006 dated 10 April 2007;
9. Rule that the Assets in Common of the marriage are assets in common which were acquired subsequent to the marriage between the **PETITIONER RECONVENTION** and the **RESPONDENT RECONVENTION** outside the country that is in Los Angeles, Los Angeles County, California USA on 14 September 1985 are recognized by law of Indonesia and subsequently have consequences under law to third parties, nationals and the Nation of Indonesia, that is specifically the assets in common acquired since the aforementioned marriage was registered in the territory of Indonesia which was at the Civil Records Office Denpasar on 6 April 2005 through the decision of the Supreme Court of Indonesia No 1428.K/

2006 dated 10 April 2007;

10. Rule that there are no assets in common of the marriage which occurred between the **PETITIONER RECONVENTION** and the **RESPONDENT RECONVENTION** outside the country that is in Los Angeles, Los Angeles County, California USA on 14 September 1985 because the aforementioned marriage was only recognized under Indonesia law and therefore only has standing under law to third parties, nationals, and the Nation of Indonesia since the aforementioned marriage was registered in the territory of Indonesia which was at the Civil Records Office Denpasar on 6 April 2005 through the decision of the Supreme Court of Indonesia No 1428.K/ 2006 dated 10 April 2007;
11. Rule that the decision of a Foreign Court, namely the Superior Court of California, USA as meant by the **RESPONDENT RECONVENTION** as DV-130 and DV-200 cannot be accepted as evidence and also cannot be honored or executed in the territorial jurisdiction of Indonesia.

#### **IN CONVENTION AND RECONVENTION**

Order the **PETITIONER CONVENTION / RESPONDENT RECONVENTION** to pay all costs pertaining to this trial;

Or

Should the Honorable Judges decide otherwise

Request an equally fair decision

Gianyar, 27 May 2009

Attorneys for the **RESPONDENT CONVENTION / PETITIONER RECONVENTION**

**Ida Bagus Wikantara, SH**

**I KT. Alit Priana Nusantara, SH**

## Julie Duncan Withdraws as Counsel for Petitioner Made Jati

In the hearing of 5 December 2008, Julie Duncan requested permission of the court to withdraw as attorney for Petitioner Made Jati with the explanation “I just have to protect myself”. Her request was denied by the judge until after the final trial scheduled for 17 March 2009, at which time Julie Duncan withdrew as attorney of record with the explanation that “There has been a complete and total breakdown of the attorney client relationship”.

In the context of trial, the withdrawal of an attorney to protect herself can be understood as an admission by the attorney that the client has committed perjury, and therefore the attorney must withdraw to avoid possible disbarment or charges of criminal perjury.

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2 Duncan & Associates  
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4 Costa Mesa, CA 92626

5 Telephone: (714) 546-6015

6 Attorney for Petitioner

**ORIGINAL FILED**

MAR 03 2009

LOS ANGELES  
SUPERIOR COURT

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF LOS ANGELES, EASTERN DISTRICT**

11 MADE JATI,

12 Petitioner,

13 and

14 MICHAEL DONNELLY,

15 Respondent.

16 ) CASE NO. KD073003

17 ) **DECLARATION OF JULIE A. DUNCAN,**  
18 ) **ESQ. IN SUPPORT OF MOTION TO BE**  
19 ) **RELIEVED AS COUNSEL**

20 ) DATE:  
21 ) TIME:  
22 ) DEPT:

23 I, JULIE A. DUNCAN, declare:

24 1. I am an attorney at law, licensed to practice in the State of California and  
25 before this Court and am the attorney of record for the Petitioner herein. I have  
26 personal knowledge of the facts stated herein and if called as a witness I could and  
27 would competently testify.

28 2. This Declaration is not intended to be, nor should it be construed as being, a  
waiver of any attorney-client or attorney work product privilege. The matters set forth  
herein were stated and/or observed in non-privileged settings and are not the result of  
privileged work product matters. I have no client authority to waive neither the  
attorney-client privilege nor the attorney work product privilege and I do not intend to do  
so by anything set forth herein below.

3. There has been a complete and total breakdown of the attorney-client

1 relationship which has made my continued representation extremely difficult. Due to  
2 the attorney-client privilege, I cannot reveal the nature of this conflict. I have also  
3 communicated telephonically with Petitioner to advise her that I cannot continue to  
4 represent her.

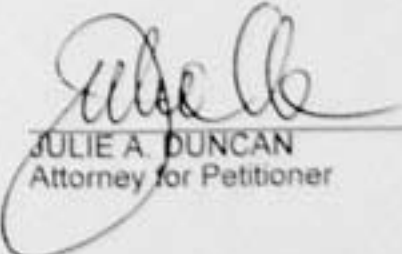
5 4. I properly responded to and represented the client through all pending issues  
6 in this matter. Petitioner has adequate time to obtain other counsel to represent her in  
7 this matter. She will not be prejudiced. I will provide all necessary documents to  
8 Petitioner or her new attorney. Petitioner has been left with no undue hardship by the  
9 attorney seeking withdrawal. There is sufficient time for Petitioner to either seek new  
10 representation or properly prepare to represent himself hereafter.

11 5. The current address and phone number for Petitioner is J11 Pongenbak,  
12 Gang 3, No 29, Sanur, Indonesia; telephone (62) 361 728 605.

13 6. It is respectfully submitted to this Court that it is appropriate that the order be  
14 granted allowing me to be relieved as attorney of record for Petitioner.

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

17  
18 DATED: February 27, 2009

  
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JULIE A. DUNCAN  
Attorney for Petitioner

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