

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

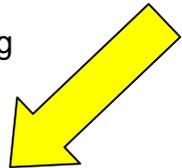
The undersigned, **IDA BAGUS WIKANTARA, SH**, advocate having address at Perum Nuansa Penatih F2 Denpasar, in this matter acts as the legal counselor/advocate for and on behalf of **NI MADE JATI**, female, businesswoman, having address at Jalan Pengembak Gg. rid No. 29, Br. Tanjung, Sanur, Denpasar.

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 JATI 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 Bali 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 Adjudication 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. Pol.: 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.

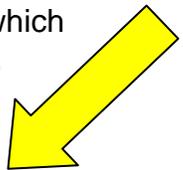
4.8 That my client's interest and purpose are to know the children's whereabouts because they have been separated mercilessly and inhumanely for approximately nine months up to that time.

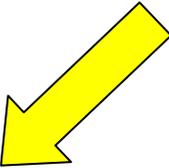
4.9 That after trying and struggling hard, finally my client managed to meet her children while being accompanied by two local sheriffs in order to make sure that she was not alleged and accused of violating any existing laws on her visit to the United States of America to meet and indulge her longing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