

1 A. Yes.

2 MS. BERRIEN: I'm going to mark that
3 as the next exhibit.

4 (Exhibit 21, marked)

5 Q. (By Ms. Berrien) And do you know where
6 that was taken, can you tell, if you remember?

7 A. It seems that it was -- yes, the upstairs
8 area where Dhanika worked, the green room.

9 Q. In the Belchertown house?

10 A. In the Belchertown house.

11 Q. So, in December 2007 you took Kali to the
12 Dominican Republic. What was the date that you took
13 her?

14 A. December 21, 2007.

15 Q. And did you get permission from Dhanika to
16 go on that trip, legal permission?

17 A. The Spirit Airlines offered a travel
18 consent form on their website and explained that
19 minor children who were traveling without both of
20 their parents should present this form.

21 Q. Is this the form?

22 A. Yes.

23 Q. Do you recognize that as the form you just
24 referred to?

1 A. Yes.

2 Q. And can you tell me the name it states
3 here?

4 A. Kali Soleil Athukorala.

5 Q. And the date of birth on this form?

6 A. August 25, 2007.

7 Q. And can you tell me the travel destination,
8 what it says under the "To" and "From"?

9 A. Boston, Massachusetts to Santo Domingo,
10 Dominican Republic.

11 Q. And the date?

12 A. December 21, 2007.

13 Q. And the date below that for return?

14 A. The date, or the destination?

15 Q. What's the date?

16 A. The first of -- this is confusing.

17 Q. Does it say January 11?

18 A. January 11, 2007.

19 Q. And what are the "From" and "To"?

20 A. Santo Domingo, Dominican Republic, and to
21 Boston, Massachusetts.

22 Q. And it's signed by Dhanika?

23 A. Dhanika Athukorala.

24 Q. On what date?

1 A. Yes, that's his handwriting. December 20.

2 Q. 2007?

3 A. Yes.

4 Q. Is the date that he signed it?

5 A. Yes.

6 Q. And this is notarized?

7 A. Yes.

8 MS. BERRIEN: I'm going to mark this
9 as the next exhibit.

10 (Exhibit 22, marked)

11 Q. (By Ms. Berrien) So, the return date on
12 here is January 11, 2007, which I believe should be
13 2008.

14 A. Yes. That was my confusion, I'm sorry.

15 Q. So that was the date that you had a return
16 ticket for?

17 A. Mm-hmm.

18 Q. To come back from the Dominican Republic?

19 A. Yes.

20 Q. To Massachusetts?

21 A. Yes.

22 Q. And why did you obtain this? Because you
23 said the airline required --

24 A. They required it. I wasn't aware that I

1 even needed that to travel or anything as such.

2 Q. And do you recognize this document?

3 A. Yes.

4 Q. And what is this?

5 A. This is an extension of consent for her to
6 remain in the Dominican Republic until the end of
7 February.

8 Q. For Kali to?

9 A. For Kali to stay with me in the Dominican
10 Republic until the end of February.

11 Q. And can you tell me who signed it?

12 A. Dhanika Athukorala.

13 Q. And what's the date that he signed it?

14 A. On the 10th of January.

15 Q. 2008?

16 A. 2008.

17 Q. Before a notary public?

18 A. Yes.

19 Q. And why did you have him sign this
20 document, the second consent to stay longer?

21 A. Obviously, having a new baby you're
22 inexperienced in so many things, especially when it
23 comes to all these legal documents, and from -- I
24 went online because I was worried about her tourist

1 card expiring and I actually didn't obtain the
2 correct information. So I believe that I needed this
3 permission for when I would go to renovate her card,
4 and also so that there wouldn't be any problems when
5 I would leave again with the baby.

6 The other reason -- for me, there were two
7 reasons behind that travel consent. First, to make
8 sure that the baby wouldn't have any problems with
9 immigration. And second, because he was aware that I
10 asked of him to stay more time in Santo Domingo
11 because of the problems that we were having --

12 Q. By "he" you mean Dhanika?

13 A. Dhanika, I'm sorry. The problems that he
14 and I were having.

15 Q. And so this states that she could stay
16 until the end of February 2008?

17 A. Yes.

18 Q. But she has stayed longer than the end of
19 February 2008?

20 A. She has stayed longer.

21 Q. Did you prepare that document?

22 A. No.

23 Q. He prepared -- Dhanika prepared the
24 document?

1 A. Yes.

2 Q. Based on what you asked him to write, what
3 you needed, what you thought you needed?

4 A. Yes.

5 Q. So, were you planning on coming back by the
6 end of February 2008, since it says that in the
7 document?

8 A. He asked me to define a date, and again I
9 asked him, I said that I wasn't really sure. We had
10 spoken at one point that he thought that perhaps I
11 could stay until the weather was not as cold here in
12 Massachusetts, and I was very appreciative of that
13 consideration because he knows that being someone who
14 has lived her whole life in the tropics, 63 is
15 terribly cold for me; it's like I want to die when
16 it's that cold. And also he knows that the house
17 wasn't heated completely, the whole house, because of
18 the cost, so it was very frigid inside of the house,
19 and he knew it was hard for me and the baby and I was
20 very happy with the consideration. But he's actually
21 the one who thought about the date of the end of
22 February as a very general date because he wanted a
23 date, but I really didn't know --

24 Q. Did you need to tell the Dominican

1 authorities a certain date she would leave since her
2 passport -- strike that. Did you need to tell the
3 Dominican authorities how long she was staying since
4 she didn't have a card, a citizenship card or
5 anything?

6 A. No, I really -- later I found out that I
7 didn't.

8 Q. So she could stay indefinitely?

9 A. She could stay indefinitely.

10 Q. Did you need to tell the airline, did you
11 need to give them a second consent form since the
12 date had passed, the January date that she was going
13 to return?

14 A. I'm sure that I would need a document,
15 another consent form, but again, when I was to return
16 back to the United States I was going to go to
17 another airline, so I really don't know what their
18 requisites would be. And I do know that, yes, she
19 would need actually permission from her father, from
20 Dhanika, to leave the country.

21 Q. So she would need it to leave the Dominican
22 Republic?

23 A. Yes.

24 Q. Did you get it this time when you came to

1 the United States?

2 A. No.

3 Q. Permission? But why do you believe that
4 you would need it?

5 A. I was told that.

6 Q. By?

7 A. Actually from the first attorney that I had
8 retained in the Dominican Republic, which it was -- I
9 was misinformed, misrepresented.

10 Q. And you since found out that you didn't
11 need permission, is that why you didn't --

12 A. Exactly.

13 Q. Do you recognize this document?

14 A. Yes.

15 Q. And what is it?

16 A. It's my affidavit in support of my motion
17 to dismiss and in opposition to the plaintiff's
18 motions.

19 Q. Is that your signature on the last page?

20 A. Yes.

21 Q. And what's the date?

22 A. 1st of April.

23 Q. The year is?

24 A. 2008.

1 Q. Can you read the highlighted portion on
2 page 5?

3 A. "I had asked him for more time because I
4 preferred to return after the weather was warmer in
5 Massachusetts and so I would have more time to work
6 on my plan."

7 Q. So you stated a few minutes ago that he
8 said that he would give you more time because the
9 weather would be warmer here. You said that, right?

10 A. He had offered, at one point, that as an
11 option. One of the options, because we were
12 discussing many things, but mostly that was just like
13 a little nice -- a little technical detail about the
14 weather, not the reason why I stayed.

15 Q. But you put in this paragraph what you just
16 stated, that you asked for more time because you
17 preferred to return after the weather was warmer in
18 Massachusetts?

19 A. But it also says to work on my plan. I
20 wanted a solution that I would be able to report to
21 our current situation.

22 Q. But you did state that first part of the
23 sentence?

24 MS. ARBEITMAN: Objection as to

1 form, but you can answer.

2 A. I restated there the reason that he gave to
3 me, why I could stay also, the benefit of me staying.

4 Q. Okay. But it does state that that's
5 because he gave you that solution; you said "I --

6 A. No, it's not worded that way. It's not
7 worded that way.

8 Q. Okay.

9 MS. BERRIEN: I'm going to enter
10 this as the next exhibit.

11 (Exhibits 23 and 24, marked)

12 Q. (By Ms. Berrien) When you went to the
13 Dominican Republic in December, did you intend to
14 move there?

15 A. No, not at all.

16 Q. You intended to go on vacation?

17 A. It was just a vacation. It was a very
18 important, meaningful vacation for me.

19 Q. Important because you were visiting family?

20 A. Because I was visiting family.

21 Q. When did you decide to stay in the
22 Dominican Republic and not return?

23 A. After I started receiving threats from
24 Dhanika and after I started feeling very pressured