

Mrs. Jane Doe
12345 Street,
City State, 00000
U.S.A.

xx September 2018

Dominique François Joseph Mamberti,
Cardinal, Prefect of the Apostolic Signatura
Piazza della Cancelleria n.1- Palazzo della Cancelleria.
00120 Citta Del Vaticano
Vatican City State

Regarding: Plea for Justice in Tribunal of the Archdiocese of Metropolitan, Nullity Marriage

Your Eminence,

1. I bring to your attention these irregularities in the processes of Metropolitan Tribunal because you are responsible to exercise vigilance over the correct administration of justice, and, if need be, to censure advocates and procurators. Attached are the exhibits for a complaint of nullity of sentence I am pursuing (given 99 June 2018, Smith-Doe 2016-999), including the documents currently published on the Archdiocese of Metropolitan, “Petitioner's ‘*Application*’ for Formal Cases.”

Seeking Intervention from the Signatura

2. If tribunals require petitioners to include with the petition answers to a lengthy series of questions regarding the pre-matrimonial and matrimonial period, then justice is not correctly being administered, because the petition should not be seen as a vehicle for an early instruction of the cause. Metropolitan shows they require questionnaires to be submitted with petitions. Respondent-woman seeks an instruction to Metropolitan clarifying that this is irregular. See 99 September 2018 Complaint, “*Questionnaire, Pre-matrimonial & Matrimonial Period;*” paragraph 9 through 13.

3. If tribunals are accepting petitions that provide no facts and proofs, in a general way, upon which the petitioner is relying to demonstrate nullity for each ground proposed (for the ground decreed in the formulation of the doubt, and the ground judged in the affirmative), then justice is not correctly being administered. Respondent-woman seeks either an investigation of petitions accepted by Metropolitan, or an instruction clarifying the requirement for the petitioner to

provide in *libellus* facts and proofs, in general way, for each ground of nullity. See 99 September 2018 Complaint, “*Illicit Citation Due to Incomplete Libellus*” paragraph 17 through 25.

4. If tribunals have a policy that parties are only allowed to read the full definitive sentence in the office of the investigating Tribunal, this is an incorrect administration of justice. Respondent-woman seeks an instruction clarifying the obligation of Metropolitan Tribunal to mail parties each their own copy of the full definitive sentence, unless legitimate basis in law waives judge’s obligation, such as absent party or party who voluntarily stated he does not want his own copy of sentence. See 99 September 2018 Complaint, “*Metropolitan Tribunal Procedures for Publication of Sentence*” paragraph 35 through 37.

5. If tribunal has a policy that parties are not allowed to make and keep their own notes when inspecting the acts of the case, this is an incorrect administration of justice, and impairs the parties’ right of defense. Respondent-woman seeks an instruction clarifying this right of the parties. See 99 September 2018 Complaint, “*Incomplete Proofs*” paragraph 40 through 41.

6. Respondent-woman seeks the censure or instruction of the Advocate appointed by the judge, Name-Appointed-Advocate. Advocate failed to defend Respondent’s right to be sent precise *libellus*, and expected Respondent, to travel to local tribunal to read it. Advocate appears ignorant of Respondent’s right to receive own copy of facts and proofs, in a general way, upon which Petitioner is relying to demonstrate invalidity for ground being investigated. According Congregation’s newsletter, “Name-Appointed-Advocate volunteers as a case sponsor for the Marriage Tribunal of the Archdiocese of Metropolitan”¹ If Name-Appointed-Advocate is not a doctor in canon law (as required by canon 1483) Respondent-woman asks the Signatura to inquire from the Bishop moderator how it has been established that Name-Appointed-Advocate is otherwise truly expert in canon law.

Respectfully Yours in Christ,

Mrs. Jane Doe

Enclosures: 99 September 2018 Doe Complaint Nullity and Exhibits (191 pages)
cc: Most Rev. Christophe L.Y. G. Pierre, Apostolic Nuncio to United States

¹ The *Newsletter*. January 201X. *Congregation of Name-Congregation* (page 10)
<<https://www.xxxx.org/wp-content/uploads/20xx.pdf>>

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xx September 2018

Msgr. Pio Vito Pinto
Dean of the Tribunal of the Roman Rota
Palazzo della Cancelleria 1
00186 Roma
Vatican City State

Re: Complaint of Nullity of Sentence
Nullity of Marriage, Metropolitan 99 June 2018 Smith-Doe 2016-999

Your Eminence,

1. On 99 June 2018 the Tribunal of the Archdiocese of Metropolitan gave a definite sentence affirming the invalidity of parties' marriage. Respondent-woman received the sentence on 99 August. Pursuant to canon 1630 §1, she introduced her appeal and is herein pursuing a complaint of nullity of sentence before the Tribunal of the Roman Rota. According to canon 1625, Respondent-woman is introducing her complaint of nullity of sentence with the time established for an appeal.
2. Two individual doubts were judged by the Metropolitan Tribunal: grave lack of discretion of judgment pursuant to canon 1095 §2 of Petitioner-man; and same for Respondent-woman. Respondent-woman is not aggrieved by Metropolitan's negative sentence answering the doubt of Petitioner-man's discretion of judgment. Pursuant to canon 1635, any appeal against Metropolitan's negative sentence regarding the Petitioner-man's discretion of judgment is considered abandoned because the deadline for appeal has passed without action.
3. Respondent-woman is aggrieved by the Metropolitan's affirmative sentence answering the individual doubt concerning the Respondent-woman discretion of judgement. She complains that her right of defense was violated by the Metropolitan Tribunal during the instruction of the cause for that issue, and thereby the decision answering that doubt is irremediably null in accord with canon 1620, 7°.

Respondent-woman Seeks from the Appellate Judges

4. From the appellate Tribunal of the Roman Rota, prior to the decree of the *Turnis* specified in Roman Norms Art. 58, Respondent-woman seeks interlocutory sentences and decrees (pursuant to Rota Norms Artt. 75-76, and 88) answering incidental questions:
- a. Is the 99 June 2018 sentence, answering the doubt about the discretion of judgment of Respondent-woman given by the Metropolitan Tribunal, irremediably null because the Respondent-woman's right of defense was violated? (answer sought: Yes).
 - b. Is the 99 June 2018 sentence, answering the doubt about the discretion of judgment of Respondent-woman given by the Metropolitan Tribunal, irremediably null because the trial took place without a legitimate judicial petition for the ground decided affirmatively? (answer sought: Yes).
 - c. Is it permitted for the Metropolitan Tribunal to require a petitioner to include with the petition answers to a lengthy series of questions regarding the pre-matrimonial and matrimonial period? (answer sought: No);
 - d. Is it permitted for the ministers of the Metropolitan Tribunal (notary, court administrator, judicial vicar, executive assistant for judicial vicar, judge, assessor, or auditor) to conduct a pre-judicial or pastoral inquiry and gather material useful for the eventual judicial process that is described in *Motu Proprio Mitis Iudex*, Artt. 2-5 in "The way of proceeding"? (answer sought: No);
 - e. Should the issue in the 00 November 2016 petition alleging the individual doubt of "lack of discretion and judgment" have been rejected because no corollary (even generally) "facts and proofs which will prove the allegations" for that individual doubt were provided, as required by canon 1504, 2^o? (answer sought: Yes);
 - f. Did the Metropolitan Tribunal err when declining to respond to the Respondent-woman's 00 May 2017 "Exception to Citation, full *Libellus* was not Attached," and again err when rejecting the Exception in their 99 June 2018 definitive sentence? (answer sought: Yes);
 - g. Was 22 March 2017 decree of formulation of the doubt illicit because Petitioner-man's petition showed no "facts and proofs which will prove the allegations" related to grave lack of discretion of judgement and the Respondent-woman (pursuant to *Motu Proprio*

Mitis Iudex, canon 1676 §2) also did not provide, even generally, any facts and proof within fifteen days supporting that individual doubt? (answer sought: Yes);

- h. Should the Metropolitan Tribunal, in all cases, send a copy of the definitive sentence to both parties, unless a party is held to have renounced the faculty to receive a copy of the sentence, or has been declared absent from the trial with the place of residence unknown? (answer sought: Yes).

5. If the Tribunal of the Roman Rota issues a negative decision to the Respondent-woman's complaint of nullity of sentence, Respondent-woman seeks from the *pones* an admonishment to her instructing her to put forth her observations (*animadversiones*) within the time limit *ponens* prescribes, pursuant to Rota Norms, Art. 58 §2, and *Motu Proprio Mitis Iudex*, can. 1680 §2.

6. If the Tribunal of the Roman Rota issues a negative decision to Respondent-woman's complaint of nullity of sentence, Respondent-woman seeks from the *Turnis* of the Roman Rota, a decree admitting the case to the ordinary examination at a new grade and indicating the following:

- a. Pursuant to canon 1598 §1, Respondent-Woman shall be allowed to inspect at her local tribunal the acts of the case not yet known to her (including the opinion of the first-instance Defender of the Bond Mr. Person Person J.D., J.C.L., and proofs from first-instance Court's Expert, Dr. Name Name) are Respondent-woman shall be allowed to make and keep her own written notes during her inspection;
- b. Pursuant to canon 1595 §2, Respondent-Woman shall be given the opportunity to propose any additional proofs after inspecting the acts of the case from first instance; and
- c. Pursuant to canons 1601-1606, the Respondent-woman shall be given an opportunity to prepare a defense brief responding to the alleged facts provided by the witnesses and Petitioner-man, and responding to the opinion of the Court Expert and Defender of the Bond relative to the issue of the individual doubt of Respondent-woman alleged lack of discretion of judgement.

7. Respondent-woman seeks that the Tribunal-mandated Advocate, Name AdvocateName be disciplined for failing, on 8 May 2017, to uphold Respondent-woman's right to be sent a full copy of the Petitioner-Man's *libellus*, and expecting the woman, instead, to travel to a Tribunal office to read it.

What Petition is All About

8. Throughout these proceedings, Respondent-woman's right of defense was violated. Her interest in participating in accord with canon law—to present elements which would weaken the declarations of the Petitioner-man, his witnesses, or the Court's expert witness—were thwarted because the Tribunal did not give her what the law required in a timely manner, if at all.

Questionnaire, Pre-matrimonial & Matrimonial Period

9. Respondent-woman complains against the tribunal Judicial Vicar for collecting proofs from Petitioner-man prior to the formulation of the doubt, which puts respondent at an unfair disadvantage and is contrary to the law. Canon 1529 states, about all contentious cases, "Except for a grave cause, the judge is not to proceed to collect the proofs before the joinder of the issue" (canon 1529). Regarding cases of nullity of marriage, Monsignor Ronny Jenkins, the dean of the School of Canon Law at Catholic University of America, co-authored a book with Klaus Ludicke, Emeritus Professor of Canon Law at Münster, the title of which is "Dignitas Connubii: Text and Commentary."¹ They say, "it is not permitted to require the petitioner to include with the petition answers to a lengthy series of questions regarding the pre-matrimonial and matrimonial period. The petition should not be seen as a vehicle for an early instruction of the cause."

10. Pope Francis *Motu Proprio Mitis Iudex*, describes in the section on "The way of the proceeding" a pre-judicial or pastoral inquiry of those "who have doubts regarding the validity of their marriage or are convinced of its nullity" (Art. 2). This inquiry could be conducted by the one who prepared the spouses for the wedding celebration, other clerics, religious or lay people and is to "culminates in the libellus, which, if appropriate" (Art. 4). A petitioner's advocate could also conduct a pre-judicial inquiry, but not the Tribunal judge or tribunal ministers who have not been mandated as a Petitioner's advocate, or procurator. The Tribunal ministers cannot conduct a pre-judicial or pastoral inquiry or else the judging could be compromised. *Dignitas Connubii* Art. 66 §2 states, "One who has taken part in a cause as a defender of the bond, promoter of justice, procurator, advocate, witness or expert cannot in the same or another instance validly decide the same cause as a judge or carry out the function of assessor (cf. can. 1447)." Only a parties' advocate or procurator can conduct a pre-judicial inquiry, or those who are not tribunal

¹ Ludicke, Klaus, and Ronny Jenkins. *Dignitas Connubii: Norms and Commentary*. Washington D.C.: Canon Law Society of America, 2009. (page 209)

ministers. By collecting from Petitioner-man his answers to a questionnaire, the judge and other tribunal ministers are violation procedures that ensure justice in the process.

11. The Archdiocese of Metropolitan appears to designate “Cases “helper”s” to conduct a pre-judicial inquiry with a party who has doubts about the validity of his marriage or is convinced of its nullity. The petition signed by Petitioner-man shows that he had a “helper”, “helper”-Name., from Parish-Name Catholic Church (*Exhibit 1*). From the annulment application form available on the Archdiocese of Metropolitan website today, there appears a space to be signed by the case “helper” (*Exhibit 45, page 18*). The Metropolitan instructions available today, show the role of the Case “helper”, who is not an advocate or procurator:

If you would like assistance in completing this information, you may meet with a Case “helper” in your parish — call the parish office or speak with a priest or deacon at the parish. Once you have completed this form, you must meet with a Case “helper” who will review it with you before it is submitted. Please be sure to discuss any issues of concern with your Case “helper” before you submit your case and with your Advocate during the process (*Exhibit 45, page 1*).

The annulment application available today includes a 5-page questionnaire, titled “Preparation of Your Petition Statement” that shows the following: (*Exhibit 45, page 11-15*).

[...] The following “documents” contain several brief questions which will help the Tribunal to establish grounds in your case. The “inquiries” may also guide you in your reflection and preparation prior to your meeting with a Case “helper” in the parish. When you meet with the Case “helper” you will together prepare a summary statement on the page entitled “Petition to Begin a Case for the Invalidity of Marriage.” Please answer these questions in the brief space provided below. No more than 3 grounds may be proposed on your “libellus”. The Tribunal judges will determine the actual ground(s) for the case, usually after hearing from the Respondent, and will inform you of the ground(s) determined.

IMPORTANT NOTE: It is important to provide as much detail as possible, always indicating when and where the events described occurred and the circumstances surrounding them. The more information you provide the better able to tribunal will be to pursue your case. If you need additional space you may continue your answers on a separate sheet of paper, always making clear which question you are responding to.

The application also includes a 1-page “Petition for a Case to Examine the Validity of Marriage” that shows, “The Tribunal will normally send a copy of this Petition page to the Respondent”

(Exhibit 45, page 18). *Motu Proprio Mitis Iudex* makes the clear distinction between the pre-judicial pastoral inquiry conducted outside the judicial proceedings and a *libellus* that is presented to the tribunal. The Metropolitan Tribunal in Respondent-woman’s case apparently made no such distinction.

12. This controversy is being brought to the attention of the **Supreme Tribunal of the Signatura** that “has the responsibility to exercise vigilance over the correct administration of justice, and, if need be, to censure advocates and procurators,” pursuant to *Pastor Bonus* Art. 124.1. If Metropolitan and other tribunals require petitioners to include with the petition answers to a lengthy series of questions regarding the pre-matrimonial and matrimonial period, then justice is not correctly being administered, because the petition should not be seen as a vehicle for an early instruction of the cause. The website of the Metropolitan Tribunal shows they require said questionnaires to be submitted with petitions. From the Supreme Tribunal of the Signatura, Respondent-woman seeks an instruction clarifying how it is irregular for Tribunal to require said questionnaire with petition.

13. If the written answers to a pre-judicial questionnaire are used solely for the purpose of informing the petitioner’s Case “helper” or mandated Advocate of the facts, in a general way, that would prove parties’ marriage is invalid, then the answers to a questionnaire should be kept by the petitioner, Case “helper”, or Advocate. If the answers to a pre-judicial questionnaire are the Petitioner-man’s written declarations intended to be proofs, then they should be given to the judge after the formulation of the doubt. None-the-less, the Respondent-woman has the right, with her citation, to be sent her own copy of the Petitioner-man’s description, in a general way, of the facts supporting his allegation that the marriage is invalid for grounds to be investigated.

Illicit Citation Due to Incomplete *Libellus*

14. By April of 2017, Respondent-woman knew that she was not provided a precise *libellus* and had reason to imagine that the complete *libellus* had been withheld from her. The incomplete *libellus* that was mailed to her showed, crossed out these words, “Please see Priest-Name’s attachments,” and it listed three proposed grounds for nullity with general facts for only two. No facts pertinent to Petitioner or Respondent, in a general way, were stated supporting the ground of lack of discretion. Petitioner-man only reiterated the ground itself in his own words. His *libellus* showed the following three grounds:

- a. Mistake about the person. [*content redacted for publication of complaint. 83-words*].

- b. Lack of due discretion and Judgement. Inability to make a reasoned decision to marry for ever for the good of the spouses, and for the good of children.
- c. Simulation. [*content redacted for publication of complaint. 42-words*]. In Summary, ~~Please see Priest-Name's~~ attachments. [cross out in original]. (*Exhibit 1*).

15. On 9 April 2017, Respondent-woman asked to receive the completed documents of the petition, asked for an advocate, and for the case to be judged in her current location (by the Home-City Tribunal) (*Exhibit 12*). Rather than sending what seemed to be the full *libellus* to Respondent-woman, the Metropolitan Tribunal mandated for her an advocate, Name AdvocateName. Then, Name AdvocateName told Respondent-woman that she had to drive to the seat of the local tribunal to read the *libellus* (*Exhibit 14*). This is irregular and *Motu Proprio Mitis Iudex* canon 1676 §1 shows that a copy is supposed to be communicated to the respondent. The English translation of the Roman Rota instruction, *Subsidium for the application of the M.p. Mitis Iudex Dominus Iesus*, show the Judicial Vicar “notifies” the parties of the *libellus* (page 26 & 52). Canon 1509 §1 specifies, “The notification of citations, decrees, sentences, and other judicial acts must be made through the public postal services or by some other very secure method according to the norms established in particular law.” Respondent women’s right to exercise her rights were hindered when the Metropolitan Tribunal failed to complete the notification of citation through the public postal service or other secure method.

16. During the time when she was seeking to obtain her own copy of a precise *libellus*, Respondent-woman received from the Judicial Vicar his decree of formulation of the doubt given 22 March 2017 (*Exhibit 7*). On 28 April 2017, Respondent-woman sent the presiding judge her “Response to the Formulation of the Doubt and Citation” wherein she offered her comments on some of the facts alleged in Petitioner-man’s petition (*Exhibit 13*). However, she could offer no response relative to facts and proofs Petitioner-man alleged about grave lack of discretion of judgement, because no alleged no facts and proofs, in a general way, had been made known to her.

17. Respondent-woman corresponded with staff persons at her local Tribunal (Home-City), and restrictions beyond the law were placed on her before the staff would even allow her to only read what she expected to be the complete *libellus*. On 00 May 2017, she wrote to Fr. Local-Priest, the Judicial Vicar of Home-City Tribunal, about the situation:

The tribunal staff person in Home-City with whom I have been corresponding is Local-Notary-Name. She told me that the package of information is the acts of the

case, including testimony. She said somebody wants me to sign an oath of confidentiality before I could read anything. This is irregular for a party that is still waiting to get my own copy of the full *libellus* (*Exhibit 17*).

18. It is unclear to Respondent-woman whether the staff at the Home-City Tribunal or the staff at the Metropolitan Tribunal do not know the difference between the following:

- a. pre-judicial or pastoral inquiry,
- b. description of the facts and proofs, in a general way, in the *libellus* (required for each ground that a Petitioner is alleging his marriage is invalid) (can. 1504, 2^o),
- c. transcripts from examination of parties and witnesses (can. 1558 §1),
- d. written judicial confessions and declaration of the parties collected after the formulation of the doubt (can 1536 §1),
- e. petition or *libellus*, and
- f. testimony.

Respondent-woman was not asking for the publication of the acts; she was only asking to receive her copy of a precise *libellus*, showing “at least generally, the facts and proofs which will prove the allegations” that Respondent and Petitioner suffered a grave lack of discretion of judgement.

19. To be an engaged participant in the instruction of the cause, only after knowing the facts alleged by the Petitioner, in a general way, can the Respondent-woman present to the judge the names of witnesses and the items of discussion that each witness can contribute pertinent to the alleged facts being asserted in the petition. Prior to the examination of witnesses described in canon 1558, this role of the Respondent-woman (and the Petitioner) is described in a previous canon:

Canon 1552 §1. When proof through witnesses is requested, their names and domicile are to be communicated to the tribunal. §2. The items of discussion about which questioning of the witnesses is sought are to be presented within the time period set by the judge; otherwise, the request is to be considered as abandoned.

Respondent-woman could not present items pertinent to the case that witnesses can discuss because she does know the general facts alleged. The judge needs this information about the Respondent-woman’s witnesses so that he can satisfy his obligation when questioning her

witnesses. Canon law requires that, for witnesses, “The questions are to be brief” [...] “and pertinent to the case being tried” (can. 1564).

20. On 00 May 2017, Respondent-woman wrote to presiding judge, Fr. Name-Judge about the deficiencies in the Petitioner-man’s *libellus*:

His statement about lack of discretion is so vague that this ground must be rejected because he provides no facts or proofs in a general way supporting his allegation.” [...] “I’m considering making a complaint against his *libellus* itself because it may have to be rejected. His *libellus* is required to include the facts and proofs in a general way supporting his accusations against ability of our marriage relative to each ground for nullity that he alleges (*Exhibit 15*).

Canon 1511 that shows, “If the citation was not communicated legitimately, the acts of the process are null, without prejudice to the prescript of can. 1507, §3.” Canon 1620 4° shows that a sentence will suffers from the defect of irremediable nullity if the trial took place without the judicial petition in canon 1501. Therefore, Respondent-woman submitted to the judge on 00 May 2017 her “Exception to Citation, full Libellus was not Attached,” wherein she described the problem (*Exhibit 16*):

Earlier, I thought your letter dated 25 January was my citation. Now, it has come to my attention that the full *libellus* was not sent to me. I have been invited to read the *libellus* at the Archdiocese of Home-City. See attached e-mail from Name AdvocateName, Advocate, dated 8 May 2017.

This is irregular, and I am raising an exception to my citation itself. If my citation did not include the *libellus* of the Petitioner, the acts of the case are null. Please send to my home the full *libellus*.

21. At the same time, on 00 May 2017, Respondent-woman asked for Name AdvocateName to be removed as her advocate and replaced with New-Advocate Name (*Exhibit 15, bottom*). On 21 May 2017, Respondent-woman advised the presiding judge that she only mandated New-Advocate Name to be her advocate, not her procurator (*Exhibit 18*).

22. No one was helping Respondent-woman obtain her own copy of a precise *libellus* and, instead, she was being instructed to provide witnesses and complete a long questionnaire (*Exhibits 4, 8, 9, 10, 11*). She objects to being instructed to answer so many questions, many of which did not satisfy the canonical requirement, of canon 1564, to be pertinent to the case being tried. On 26 May 2017, Respondent-woman wrote to the Judicial Vicar, asking him to bring her

incidental questions to the college (*Exhibit 19*). To the college, she brought her 00 May 2017 exception challenging the legitimacy of her citation, and a new exception challenging the decree admitting the petition because the *libellus* contained no facts and proofs in a general way supporting his allegation that the marriage was invalid for the reason of canon 1095.2, the ground in the formulation of the doubt. On 6 July 2017, Respondent-woman wrote the Promoter of Justice of the Archdiocese of Metropolitan seeking his assistance to remedy the controversy between herself and the presiding judge (*Exhibit 20 & 21*). She told the Promoter of Justice that no answers had been sent to her exceptions of 00 May 2017 about no proper *libellus*, and 26 May 2017 about the decree accepting petition. Rather than getting answers, the Respondent woman learned from the Defender of the Bond that they were waiting for the expert's report (*Exhibit 22*).

23. In Metropolitan's definitive sentence, the judges answered her exceptions, and Respondent-Woman is aggrieved by their decision. Petitioner-man's petition presented three grounds: mistake about the person, lack of due discretion and judgement, and simulation. The Metropolitan Tribunal sentence described the requirements of a precise *libellus*, but overlooked that fact that the requirements were not met for the ground of lack of due discretion and judgement:

The facts and proofs do not need to be presented in a detailed fashion; it is enough if they are indicated "at least generally" (*generatim saltem*), and this is the case with the present Petition: the Petitioner indicates *generatim saltem* why he thinks that the marriage was invalid due to the proposed grounds (*Exhibit 42, definitive sentence, paragraph 21*).

Petitioner-man showed, at least generally, why he thinks his marriage was invalid due to the other two grounds: mistake of person and simulation. However, he did not show why he thinks the marriage was invalid for the proposed ground of lack of discretion of judgement suffered by himself or Respondent-woman. He merely wrote, "Lack of due discretion and judgement. Inability to make a reasoned decision to marry for ever for the good of the spouses, and for the good of children." He did not provide facts and proofs in a general way; he provided the meaning of the ground, in a general way, while using some phrases in the law itself:

- a. Can. 1095 2^o: ... defect of **discretion** of **judgment** concerning the essential matrimonial rights and duties mutually to be handed over and accepted;
- b. Can. 1055 §1. ... of the whole of life and which is ordered by its nature to the **good of the spouses** and the procreation and education of offspring;

c. Can. 1056 ... essential properties of marriage are unity and **indissolubility**.

24. Furthermore, Respondent-woman is aggrieved by the Metropolitan Tribunal's closing paragraph deciding her exceptions:

We must also keep in mind that these kinds of Petitions, that is, a form that the own Petitioner prepares with the help of a case "helper" and sends to the Tribunal are a very common practice in the United States. If we were to consider invalid all these Petitions we would not only be contradicting the *mens legislatoris*, which clearly intends to make it easy for the faithful to introduce their Petitions before the ecclesiastical tribunals; we would also question the validity of an important part, maybe even a majority, of the matrimonial cases in this country (*Exhibit 42, definitive sentence, paragraph 22*).

Metropolitan's definitive sentence suggests that Respondent-woman is objecting to petitions that are prepared with the help of a case "helper", though she never complained about that whatsoever. *Motu Proprio Mitis Iudex* discusses the role of "clerics, religious or lay people approved by the local ordinary" conducting a pre-judicial inquiry in the "context of diocesan and parish structures." It is not contrary to the mind of the legislator (*mens legislatoris*) for a petitioner to have assistance with writing his *libellus*, provided that the assistance is not from a minister of the Tribunal. The judge, defender of the bond, promoter of justice, assessor and auditor, and the other ministers of the tribunal cannot assist a petitioner in writing the petition because they are not allowed to take up a cause in which "any other sort of founded suspicion of favoritism could fall upon him" (*cf. Dignitas Connubii* Art. 67 §§ 1-2; can. 1448 §§ 1-2). It is contrary to the *mens legislatoris*, for a trial to take place without the judicial petition mentioned in canon 1501 that is required to show, in a general way, the facts and proofs upon which the petitioner is relying to demonstrate nullity for the ground proposed. If the Metropolitan Tribunal and a majority of matrimonial cases in the United States are instructed with a *libellus* that provides no facts and proofs, in a general way, supporting the ground judged in the definitive sentence—and the ground proposed by the petitioner (or approved by petitioner after ground was specified by the decree of the formulation of the doubt)—then, the Metropolitan Tribunal sentences, and a majority of matrimonial cases in the United States, are irremediably null because the trials took place without a legitimate petition (c. 1620, 4^o). Furthermore, if citations were sent to Respondents with these illegitimate petitions, then the same sentences are also irremediably null for denying the right of defense of the respondents (c. 1620, 7^o).

25. This controversy is being brought to the attention of the **Supreme Tribunal of the Signatura** that “has the responsibility to exercise vigilance over the correct administration of justice, and, if need be, to censure advocates and procurators,” pursuant to *Pastor Bonus* Art. 124.1. If Metropolitan and other tribunals are accepting petitions that provide no facts and proofs, in a general way, upon which the petitioner is relying to demonstrate nullity for each ground proposed (for the ground decreed in the formulation of the doubt, and the ground judged in the affirmative), then justice is not correctly being administered. From the Supreme Tribunal of the Signatura, Respondent-woman seeks either an investigation of petitions accepted by Metropolitan, or an instruction clarifying the requirement for the petitioner to provide in *libellus* facts and proofs, in general way, for each ground of nullity.

26. For the aforementioned reasons, Respondent-woman seeks from the appellate Tribunal of the Roman Rota a correction of Metropolitan’s answer to her exception against the Judicial Vicar’s decree of 25 January 2017 accepting the Petitioner-man’s *libellus*. Furthermore, she seeks a correction of Metropolitan’s answer to her exception complaining that her citation was illegitimate due to it containing no precise *libellus*.

27. For the aforementioned reasons, Respondent-woman seeks from the appellate Tribunal of the Roman Rota a judgment that the definitive sentence of the Metropolitan Tribunal is irremediably null because the trial took place without the judicial petition mentioned in canon 1501. Though the Petitioner-man presented the Tribunal with document titled “Petition for a Case to Examine the Validity of Marriage,” said document cannot qualify as a precise judicial petition because it contains no facts and proofs, in a general way, upon which the petitioner is relying to prove the marriage was invalid due to grave lack of discretion of judgement—the ground for which the trial took place.

Can. 1620 A sentence suffers from the defect of irremediable nullity if: [...] 4° the trial took place without the judicial petition mentioned in can. 1501 or was not instituted against some respondent.

Publication of the Acts was Prevented

28. The Metropolitan Tribunal proceeded towards the completion of the proofs by notifying Respondent-woman that they were publicizing the acts, though they never provided Respondent-woman with precise *libellus*; she never forfeited her right to obtain her own copy of the Petitioner-man’s description, in a general way, of the facts and proofs upon which he was relying to demonstrate the invalidity of their marriage due to grave lack of discretion of judgment.

29. It was irregular for the Tribunal to assert in their definitive sentence that the case was ordered concluded on 4 January 2018 because the Court Administrator had written the Respondent-woman on 6 March 2018 advising that she had 30 calendar days to read the acts of the case. About the publication of the acts, there were several correspondences between Respondent-woman and Metropolitan Tribunal ministers.

- a. Respondent-Woman received on 16 December 2017 a letter from the Notary stating she had 21 working days from the date of letter (7 December) to read the acts (*Exhibit 23*). This notice was irregular because peremptory time limits do not start when person is “unaware or unable to act” (pursuant to canon 201 §2); if there was a 21 working day limit, it should start upon the date of receipt. The letter was irregular because no time was allotted for the Metropolitan Tribunal to forward the acts to the respondent’s local tribunal. It was irregular because the Notary who wrote the letter was out of the office from 22 December 2017 to 2 January 2018, so the Respondent-woman could not correspond with her about reading the acts (*See Exhibit 26, E-mail 22 December from Notary*).
- b. Six days after receiving notice of the publication of the acts, Respondent-woman on 22 December 2017 both mailed a letter and sent an Email message to the Notary requesting for the publication of the acts to occur at the local Tribunal in Home-City (*Exhibit 25*). Respondent-woman also wrote that it is not feasible for her to conduct review within 21 working days because [*redacted medical reason*].
- c. On 11 January 2018, the Metropolitan Notary sent letter to Respondent-woman acknowledging the reading of the acts will occur at local Home-City Tribunal, advising the phone number for Home-City Tribunal, and allowing 30-calendar-days to complete the review unless is a reason was proposed in writing (*Exhibit 28*).
- d. On 5 February 2018, Respondent-woman wrote the Metropolitan Notary. The phone number provided by Metropolitan Notary for Home-City Tribunal was a non-working number, and Respondent-woman asked both for a correct phone number and the name of an individual that she should contact (*Exhibit 29*).
- e. On 26 February 2018, Respondent-woman wrote Metropolitan Notary asking for an extension to read the acts because parties’ [*redacted medical reason*] again (*Exhibit 32*).

- f. On 28 February, Home-City Tribunal Notary, Name-Local-Notary, wrote to Metropolitan Notary saying she was returning to Metropolitan the acts of the case. The letter stated the Home-City Notary left a voice message with Respondent-woman (*Exhibit 33*). This letter from Home-City Tribunal Notary was copied to Respondent-woman.
- g. On 6 March 2018, Metropolitan Tribunal Court Administrator, Administrator-Name, J.C.L, wrote Respondent-woman advising that she has 30 calendar days to read the acts of the case (*Exhibit 34*). When the Respondent-woman phoned the Home-City Tribunal, however, she was instructed that she cannot read the acts at her local tribunal, because the act have been returned to Metropolitan. On 19 March 2018, at 10:25 am, a voice message was left by Name-Local-Notary from the Home-City Tribunal stating, “We sent everything back to the Archdiocese of Metropolitan, so you will have to contact them.”
- h. On 26 March 2018, Respondent-woman wrote Metropolitan Tribunal Court Administrator informing him, “the Archdiocese of Home-City does not have the act for me to review. Therefore, I cannot complete your request” (*Exhibit 35 & 36*).

30. In the same 26 March 2018 letter, Respondent-woman proceeded to summarize the exceptions she made about the incomplete *libellus* and she offered incomplete declarations (*Exhibit 35*). Her declarations were incomplete because she could only imagine the facts and proofs that may have been proposed by Petitioner-man, his witnesses, or the expert witness. She could only imagine the observations of the Defender of the Bond, and the brief submitted by the Petitioner-man’s advocate – because no one arranged for her to read these items that are all supposed to be published to the Respondent. In her incomplete declarations, Respondent-woman provided minimal proofs:

No guns were put on our heads, no pregnancy urge us to get married, no pressure in any way to get married, no medical or mental illness of any kind. We are free to make our decision to get married and have been approved by our parents and the church authorities.” [...] “not mental or drunken on our wedding day. We are responsible adults with professional careers and college educated.” [...] “In fact, I just have completed my master decree in [*content redacted for publication of complaint*]” [...] “We are both matured in age, intellectual, spiritual and understand of our obligation and commitment to one another and children in marriage.” [...] “Hopefully, with a safe environment the Church can help to reach

for reconciliation for the truth... (*Exhibit 35, Respondent-woman 26 March 2018, page 12-13*).

31. It was impossible for Respondent-woman to offer elements which weaken the declarations of Petitioner-man or witnesses regarding lack of discretion, because she has never seen them nor the Petitioner's summary. These elements offered by a respondent are imperative to the Metropolitan Tribunal when evaluating whether petitioner's and witnesses' declarations can have the force of full proof, pursuant to *Motu Proprio Mitis Iudex* canon 1678 §1:

In cases of the nullity of marriage, a judicial confession and the declarations of the parties, possibly supported by witnesses to the credibility of the parties, can have the force of full proof, to be evaluated by the judge after he has considered all the indications and supporting factors, unless other elements are present which weaken them (*Mitis Iudex* c. 1678 §1).

Respondent-woman nor her Advocate forfeit Respondent-woman's right to see the proofs collected from the Petitioner-man and his witnesses. She did not forfeit her right to see the expert's report, Defender of the Bond's opinion, or the brief of Petitioner's advocate. Canon 1604 §4 specifies, "It is absolutely forbidden for information given to the judge by the parties, advocates, or even other persons to remain outside the acts of the case." Canon 1603 §1 shows the Tribunal's obligation to communicate to the Respondent-woman "the defense briefs and observations" and the Tribunal obligation to permit her "to present responses within the brief time period established by the judge."

32. Respondent-woman is aggrieved by the failure of the Defender of the Bond, the Metropolitan Court Administrator, and her own mandated Advocate to uphold her right to read the acts of the case—after the local Home-City Tribunal returned the acts to Home-City one month before the deadline established by the Metropolitan Tribunal Court Administrator.

33. Respondent-woman is aggrieved by the Tribunal's statement of facts regarding her introduction of evidence.

The case was ordered instruction on March 22, 2017." [...] "The evidence introduced was published on December 7, 2017. Neither party nor the Defender having additional evidence to introduce, the case was ordered concluded on January 4, 2018) (*Exhibit 42, Definitive Sentence, paragraph 4*).

It is a violation of the respondent's right of defense for the judge to decree the case concluded on 4 January 2018 when the Court Administrator advised the Respondent-woman on 6 March 2018

that she had 30 calendar days to read the acts of the case. Respondent-woman had clearly, in the aforementioned correspondence, never declared she had nothing else to add, and the Home-City Tribunal made it impossible for her to read the acts by returning the acts to Metropolitan. The Metropolitan Tribunal's order on 4 January 2018 concluding the case was contrary to canon law:

Can. 1599 §1. When everything pertaining to the production of proofs has been completed, the conclusion of the case is reached. §2. This conclusion occurs whenever the parties declare that they have nothing else to add, the useful time prescribed by the judge to propose proofs has elapsed, or the judge declares that the case is instructed sufficiently.

34. For the aforementioned reasons, Respondent-woman seeks from the appellate Tribunal of the Roman Rota a judgment that the definitive sentence of the Metropolitan Tribunal is irremediably null because of violation of her right of defense due to the failure of the publication of the acts. Her right of defense was denied through no fault of her own.

Can. 1598 §1. After the proofs have been collected, the judge by a decree must permit the parties and their advocates, *under penalty of nullity*, to inspect at the tribunal chancery the acts not yet known to them;

Can. 1620 A sentence suffers from the defect of irremediable nullity if:” [...] “^o7 the right of defense was denied to one or the other party;

Metropolitan Tribunal Procedures for Publication of Sentence

35. Respondent-woman was aggrieved by Metropolitan Notary and the Metropolitan Court Administrator's repeated failure to properly send the definitive sentence, willingness to only send the dispositive part, and expectation that Respondent-woman must travel to Metropolitan to be only permitted to review the definitive sentence (*Exhibit 37-40, dated 29 June through 26 July 2018*). The Metropolitan policy was irregular, violating requirements of canon 1614, 1615 and 1509. This controversy was resolved on 2 August, when the Court Administrator mailed to Respondent-woman her own copy of the definitive sentence (*Exhibit 42 & 43*).

36. Respondent-woman seeks from the appellate Tribunal of the Roman Rota a judgment that the Metropolitan Tribunal is obligated to send to Respondents, through the public postal services or by some other very secure method, a copy of the definitive sentence. This obligation is only waived as prescribed by law: “If a party expressly declares that he or she objects to receiving any notices about the case, that party is held to have renounced of the faculty of receiving a copy of

the sentence” (*Motu Proprio Mitis Iudex* Title IV, Art. 13); or if a party is declared absent from the trial with the place of residence unknown.

37. This controversy is being brought to the attention of the **Supreme Tribunal of the Signatura** that “has the responsibility to exercise vigilance over the correct administration of justice, and, if need be, to censure advocates and procurators,” pursuant to *Pastor Bonus* Art. 124.1. If Metropolitan has a policy that parties are only allowed to read the full definitive sentence in the office of the Metropolitan Tribunal, this is an incorrect administration of justice. From the Supreme Tribunal of the Signatura, Respondent-woman seeks an instruction clarifying the obligation of the judge to mail parties each their own copy of the full definitive sentence, unless legitimate basis in law waives judge’s obligation, such as absent party or party who voluntarily stated he does not want his own copy of sentence.

Incomplete Proofs

38. In above sections (*Questionnaire, Pre-matrimonial & Matrimonial Period, Illicit Citation Due to Incomplete Libellus, Publication of the Acts was Prevented, and Metropolitan Tribunal Procedures for Publication of Sentence*), Respondent-woman discusses her reasons for seeking an affirmative judgment to her complaint of nullity of sentence which is an incidental question for which she seeks an interlocutory decision from the Roman Rota.

39. If the *turnis* of the Roman Rota decides, after answering Respondent-women’s incidental questions, that the *turnis* will judge the primary doubt of the validity of parties’ marriage (on the ground of grave lack of discretion of judgement of the Respondent), then the Respondent-woman declares that she has more proofs to add. She seeks from the Roman a decree instructing the acts of the case to be sent to the Home-City Tribunal, where she shall be allowed to study the acts and make and keep her own written notes while reading the acts of the case and be afforded the opportunity to complete the proofs pursuant to canon 1598 §2. She seeks to study the opinion of the first-instance Defender of the Bond Mr. Person Person J.D., J.C.L., and first-instance Court’s Expert, Dr. Name Name, and any brief presented by the Advocate of the Petitioner-man.

40. Respondent-Woman is aggrieved by the Metropolitan Tribunal’s “Testimony Review Policy” and required promise to “not make any copy in any form or in any manner of any of the information or data made available to me” (*Exhibit 24*). It is a violation of the Respondent-woman’s right of defense to be restricted from making and keeping any of her own notes when studying the acts of the case. For her to assist the judge in deciding whether Petitioner-man’s

declarations can have the force of full proof, she needs the opportunity to present elements that weaken them. It is impossible to adequately present elements that weaken the other party's declarations unless the Respondent-woman is allowed to make and keep her own notes during her inspection of the acts. Canon 1598 §1, shows that the judge must permit the parties and their advocates "to inspect at the tribunal chancery the acts not yet known to them; furthermore, a copy of the acts can also be given to advocates who request one." *Dignitas Connubii* states that the advocate must not hand over a copy of the acts, whether in whole or in part to the parties (Art. 235). There is nothing in the law forbidding a party from making and keeping her own notes.

41. This controversy is being brought to the attention of the **Supreme Tribunal of the Signatura** that "has the responsibility to exercise vigilance over the correct administration of justice, and, if need be, to censure advocates and procurators," pursuant to *Pastor Bonus* Art. 124.1. If Metropolitan has a policy that parties are only not allowed to make and keep their own notes when inspecting the acts of the case, this is an incorrect administration of justice, and impairs the parties' right of defense. From the Supreme Tribunal of the Signatura, Respondent-woman seeks an instruction clarifying the obligation of the judge.

Respectfully Yours in Christ,

Mrs. Jane Doe

Enclosures

Table of Exhibits xx September 2018 (2 pages)

Exhibits with cover sheets (171 pages)

cc: Most Rev. Christophe Louis Yves Georges Pierre, Apostolic Nuncio to United States
Dominique François Joseph Mamberti, Cardinal, Prefect of the Apostolic Signatura

Table of Exhibits – Doe Complaint, Nullity of Sentence

No	Date	Description	pages
1	00 November 2016	Petitioner’s signed Petition	1 page
2	25 January 2017	Metropolitan’s citation cover letter to Respondent	2 pages
3	25 January 2017	Judicial Vicar’s Decree of Acceptance	1 page
4	25 January 2017	Metropolitan’s form for Respondent to name witnesses	2 pages
5	21 February 2017	Metropolitan’s answer to Respondent request for own copy <i>libellus</i>	1 page
6	21 February 2017	Metropolitan’s “ <i>Libellus</i> Review Policy”	2 pages
7	22 March 2017	Judicial Vicar’s Decree of Formulation of the Doubt	1 page
8	24 March 2017	Metropolitan’s cover letter to questionnaire	1 page
9	24 March 2017	Questionnaire for Respondent for 1095.2 on part of both parties	5 pages
10	24 March 2017	Questionnaire for Respondent (general)	15 pages
11	7 April 2017	Metropolitan’s cover letter to Questionnaire in Xxx	1 page
12	9 April 2017	Respondent ask to receive full petition, advocate, extra time	1 page
13	28 April 2017	Respondent’s Response to Formulation of the Doubt, Citation	2 pages
14	8 May 2017	Metropolitan’s Advocate tell Respondent go office see <i>libellus</i>	1 page
15	00 May 2017	Respondent’s cover letter to judge	1 page
16	00 May 2017	Respondent’s Exception to Citation, full <i>libellus</i> not attached	1 page
17	00 May 2017	Respondent’s to Home-City, irregular office visit for <i>libellus</i>	1 page
18	21 May 2017	Respondent’s exception to assignment of Procurator	1 page
19	26 May 2017	Respondent’s Incidental Questions to Judicial Vicar	4 pages
20	6 July 2017	Respondent’s plea to Metropolitan Promoter of Justice (less exhibits)	2 pages
21	10 July 2017	Proof of delivery of 6 July letter to Metropolitan Promoter Justice	2 pages
22	1 August 2017	Metropolitan’s Defender of the Bond, say case pending psych report	1 page
23	7 December 2017	Metropolitan’s notice of publication of the acts, 21-day deadline	2 pages
24	7 December 2017	Metropolitan’s “Testimony Review 2”	2 pages
25	22 December 2017	Respondent’s request review acts at own Tribunal of Home-City	1 page
26	22 December 2017	Metropolitan’s Notary notice that she’s out of office for holiday	1 page
27	22 December 2017	Respondent’s plea to Appellate-Tribunal-USA Judicial Vicar, proof delivery	2 pages

28	11 January 2018	Metropolitan's Notary provide 2280 phone for Tribunal Home-City	3 pages
29	5 February 2018	Respondent's request Metropolitan's Notary provide correct contact	1 page
30	5 February 2018	Respondent's mandate advocate New-Advocate Name	1 page
31	12 February 2018	Proof delivery of 5 Feb letter signed Name-Signer	1 page
32	26 February 2018	Respondent's request extension, [<i>redacted in publication</i>]	1 page
33	28 February 2018	Home-City Tribunal return to Metropolitan the Acts of the case	1 page
34	6 March 2018	Metropolitan Administrator advise Respondent of 30-day extension	1 page
35	26 March 2018	Respondent notify Metropolitan acts are not local, and observations	19 pages
36	6 April 2018	Proof of delivery 26 March letter tracking Tracking-Number	1 page
37	29 June 2018	Metropolitan's Notary provide dispositive part affirmative sentence	2 pages
38	17 July 2018	Respondent's request for own copy of definitive sentence	2 pages
39	24 July 2018	Respondent to Avv. New-Advocate Name, own copy, see acts	1 page
40	26 July 2018	Metropolitan Administrator require Respondent travel to see sentence	1 page
41	2 August 2018	Metropolitan Administrator give Respondent sentence, appeal info	1 page
42	99 August 2018	Definitive Sentence received 99 August. Issued 99 June 2018	7 pages
43	20 August 2018	Respondent's introduces appeal, and shipping receipt	2 pages
43	24 August 2018	Metropolitan Judicial Vicar advise sending acts to Cincinnati	1 page
44	30 August 2018	Respondent's Email Metropolitan Judicial Vicar will advise appeal	1 page
45	xx September 2018	Tribunal Metropolitan Petitioner Information & Agreement	21 pages