

# CRUISING FOR CONTROL

## People weekly

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PHILLIPS, LERNER & LAUZON, L.L.P.  
ATTORNEYS AT LAW

**A**t first glimpse, it might have seemed a joyous family reunion. On Feb. 9 Nicole Kidman's mother, Janelle, and sister Antonia arrived in L.A. from Sydney and were whisked away to the Pacific Palisades home the actress shared for two years with her husband, Tom Cruise. Friends dropped by to visit and play with the couple's daughter Isabella, 8, and son Connor, 6. Only the man of the house was missing. By the time of the couple's stunning announcement, on Feb. 5, that they had separated after years of marriage, Cruise had moved out. The presence of family and friends did little to boost Kidman's spirits. "Nicole is not upset," says one. "She is devastated."

And not just because a marriage that was the toast of Hollywood for 10 years has ended. As more comes to light about the breakup, it seems clear that Cruise, 38, is calling the shots—and calling them fast. His decision to file for divorce just two days after the couple announced their separation left Kidman, 33, "high and dry" and humiliated, says one friend. What's more, the pair had only begun talking seriously about a separation a couple of weeks before they split, when tensions over differences as abstract as religion and as concrete as where to vacation came to a head. "Even though there were strains," says Kidman's close friend, Australian director John Daigan, "the actual final breach was sudden and jarring."

With so much at stake—custody of the chil-

Right now her circumstances include access to three homes—a five-bedroom L.A. mansion worth \$4.3 million; a \$4 million house overlooking Sydney harbor and a 130-acre, \$10.5 million estate in Telluride, Colo.—not to mention a \$350,000-40-ft. power boat that the court could regard as community property. Regardless of whether or not she wants to ride in Tom's toys—the \$28 million-plus Gulfstream jet, the \$100,000 Pirex S-2B and the \$1.2 million Beech 190 airplanes owned by corporations he either heads or is linked to—lawyers say Kidman may be entitled to up to half their cash value. "It's like you take a piece of paper and you draw a line right down the middle, with Tom on the left and Nicole on the right," Soodik explains. "You list each asset they're going to get. At the end, one person is going to have more than the other, and then they owe the other half the difference."

Sharing custody of the children is a more delicate matter. Cruise's petition seeks both joint legal custody (meaning he and Kidman would share decisions about such major issues as education and medical treatment) and joint physical custody. In practice, living under such an arrangement might not represent much of a change for Isabella and Connor. Over the past few years the children have been shuffled between movie locations as far off as London and Spain and homes and schools in Sydney and L.A. to be with their parents, who, friends say, tried hard to keep the family together under the pressure of demanding careers. "Given the lives these people lead," says attorney Stephanie Blum, author

of the book *Divorce and Finances*, "the children's lives may be impacted far less than children in an average family."

Deciding on their religion, however, could prove contentious. Friends have said that Kidman, who was raised Roman Catholic, does not want the children raised in the Church of Scientology, of which Cruise has long been a prominent member. Should religion become an issue, a judge could grant either Kidman or Cruise the right to choose the faith in which the children should be raised. It wouldn't be the first time the Church of Scientology has factored in a Hollywood divorce. Actor Parker Stevenson has acknowledged religion played a part in his 1997 split from Kiestie Alley. ("It doesn't help. I'm an Episcopalian, she's a Scientologist. It's different," he told PEOPLE in 1999.) Scientology was brought up in the divorce proceedings of church member Lisa Marie Presley and former Jehovah's Witness Michael Jackson. And in his 1997 divorce actor Tom Berenger claimed his Scientologist wife Lisa's religious beliefs had been a factor in the breakup of their marriage. (The Clearwater, Fla.-based Church of Scientology declined to comment on the Cruise-Kidman split, but responded through a spokesman that the church "regards the family as the building block of any society and marriage as an essential component of family life.")

So how would a potentially protracted, nasty divorce affect the careers of two of Hollywood's hottest properties? Hardly at all, say industry insiders. "I don't think either of them could be harmed by this divorce except emo-

tionally," says veteran Hollywood talent manager Bernie Brillstein. "Even in a harsh divorce, the public couldn't care less." Adds casting director Linda Phillips-Palco: "People will go to *Mission: Impossible 3* whether it has a plot or not." And although Kidman doesn't have the box office draw of Cruise, she's up there "with the Sandra Bullocks, the Uma Thurmans," Phillips-Palco says. In fact their newly-minted single status may prove a boon to both stars, says producer Martha De Laurentiis (*Hannibal*). "The audience is a voyeur, and if they're single, perhaps with an opposite partner on screen, there is that titillation."

Certainly, as a couple, Kidman and Cruise had fans transfixed from the moment they hooked up in 1989 while filming *Days of Thunder*. After they wed, in December 1990, Cruise—already an established star thanks to hits including *Risky Business*, *Top Gun* and *Rain Man*—took the lead, teaching his young bride the tricks of the trade. At

along the wharf by the water. She was very relaxed."

But as Kidman's profile grew higher, with movies including 1995's *To Die For* and *Batman Forever*, and Cruise's skyrocketed with *The Firm* (1993), and *Mission: Impossible* (1996) fame began to impinge on their lives. As rumors swirled about them, the intensely private couple turned inward, shutting out intruders with staff confidentiality agreements, fighting—and winning—lawsuits disputing tabloid claims that he was gay and their marriage a sham, and becoming increasingly dependent on each other. Says Kidman's friend Daigan: "The fact they have always been subjected to such extreme scrutiny made them great allies."

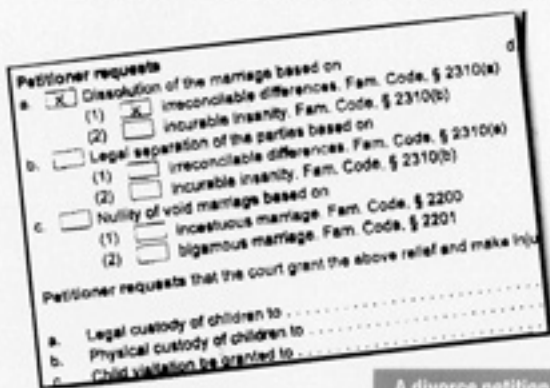
Yet in many ways they were worlds apart. Kidman's attachment to her Australian home, which often led the pair to divide their time between Hollywood and Sydney, began to create tension. "Tom is very much rooted in American culture, and Nicole moved around much more as a child and enjoys spending time in places like Europe and, obviously, Australia," says Daigan. Careerwise, he adds, "Tom sees his future as being a major star in Hollywood and de-

veloping as a producer and possibly a director. That's not going to give him time to take off and spend a holiday in France or Greece for a few months." Kidman, meanwhile, "wants to continue as a leading actress in Hollywood," he says, "[but] she wants to do her plays, travel and take time off in different places."

In the end, friends say, the pressure of all those differences—combined with their hectic careers—apparently proved too much for the pair. In the week after the split, Cruise put in 12-hour days on the L.A. set of the upcoming romantic thriller *Vanilla Sky*, and Kidman spent at least one day recording voice-overs for her next movie, *Moulin Rouge*. For now the couple are keeping up at least a facade of friendliness—"for the kids," says one of Nicole's pals. Each is forbidden by law to take the children out of California without a court order or the other's written permission. And already the kids appear to be dividing their time between their parents. During the week Isabella and Connor stayed at home with Kidman. Then, on Sunday, Feb. 11, Cruise took them on an excursion to the Santa Monica airport, where he keeps his planes.

Despite reports of her shaken emotional state, Kidman went ahead with a photo shoot for *INStyle* magazine to promote *Moulin Rouge* on Feb. 9, posing gamely for the camera. Says Daigan: "Nicole is a strong enough person to move on. She has her own career and she will fairly quickly be back on track."

• Anne-Marie O'Neill  
• Pete Norman in London, Lorenzo Benet, Mark Dagostino, Michael Fleeman, Meg Grant, Julie Jordan, Elizabeth Leonard and Frank Szwedlow in Los Angeles, Dennis Passa in Sydney, Vickie Bane in Telluride, Don Sider in Miami and K.C. Baker in Manhattan



A divorce petition (like Cruise's, above) "is your wish list," says attorney Stacy Phillips, "the position you're going to take."

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dren, at least \$250 million in cash, homes and other property, not to mention the images of two of Hollywood's most bankable movie stars—those close to the pair are bracing for what could prove a messy battle. "Just prepare for the cannons," says one Kidman friend. "This is going to get so ugly."

Cruise filed the first salvo on Feb. 7, filing a divorce petition in L.A. superior court that makes it clear he will try to block Kidman from making any alimony claims. Cruise's L.A.-based lawyer Dennis Wassser, who has handled divorces for actors Richard Dreyfuss and James Woods, declined to comment, as did Kidman's attorney, Manhattan lawyer William Beslow, who has represented Demi Moore, Sarah Ferguson and Mia Farrow. But family-law attorney Lynn Soodik, who is representing Meg Ryan in her divorce from Dennis Quaid, says Cruise isn't looking to play the good guy: "He is playing hardball."

The evidence? In his plea, Cruise—who did not have a prenuptial agreement with Kidman—states that the marriage ended in December and lasted precisely nine years and 11 months. Divorce experts note that when a couple is married for fewer than 10 years, the wealthier partner, under California law, is required to pay alimony for only half the length of the marriage. For a marriage 10 years or longer, a judge can order alimony paid for the rest of the ex-spouse's life or until the ex-spouse remarries. The fact that the pair seemed to be together after their 10th anniversary on Dec. 24—even taking a turn on a thrill ride at a Las Vegas hotel on Dec. 28—may come into consideration, should Kidman decide to challenge Cruise. (At press time she had yet to file a response.)

Cruise, in fact, has gone so far as to ask the court not to even consider his paying any alimony. "I assume," says Soodik, "he's going to claim that she is self-supporting and doesn't need it." Considering Kidman can command more than \$10 million a movie herself, that might seem fair enough. But the court may see it differently. If Kidman can't maintain the lavish lifestyle to which she has grown accustomed during her marriage, a judge could rule she deserves more of the pie. "If they took private jets, could she afford to have the use of a private jet?" asks Soodik. "Most people would say, 'Oh, I'd love to have the money that Nicole earns. That would be more than enough to provide for myself.' But maybe it isn't, in her circumstances."