

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

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DCA CASE NO: 1D06-4806  
L.T. No: 04-CA-000559

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CARL DORELIEN,

Appellant,

vs.

MARIE JEANNE JEAN.

Appellee.

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On Appeal From  
The Circuit Court of the Second  
Judicial Circuit, in and for  
Leon County, Florida

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**BRIEF OF APPELLANT**

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## STATEMENT OF THE CASE AND FACTS

Appellant, CARL DORELIN, is an ex-member of the staff of the armed forces of Haiti from 1992 - 1994, who resided in Florida from 1995 until January 27, 2003 when he was deported to Haiti. While residing in the Great State of Florida, Appellant, CARL DORELIN, won the Florida Lottery, the balance due and owing him from purchaser of his lottery winnings is approximately \$900,000.00.

Appellees, claim to be victims of the Raboteau Massacre, a violent riot in the Raboteau neighborhood of Gonaives, Haiti, on or about April 22, 1994.

On or about November 16, 2000, a Judgment and Sentence were rendered by the Court of First Instance of Gonaives, Haiti, in absentia against the Appellant, CARL DORELIN and 36 others, in favor of the victims of the Raboteau Massacre for one billion gourdes. (Appendix I).

On or about June 21, 2004, Appellees recorded said Judgment with the Clerk of the Court below. On September 28, 2004, the Appellant filed Objections and a Motion for Relief from Judgment and Leave to file Objections. (Appendix II). On December 3, 2004, the Court below rendered orders denying Appellant's

Motion and Recognizing the Foreign Judgment. (Appendix III).

On or about April 21, 2005, the Court of Appeal, Second Section in Haiti, rendered an order declaring the prior Judgment and Sentence a nullity. (Appendix IV).

On May 31, 2005, the Court of the First Instance of Gonaives, the same Court that rendered the Final Judgment, domesticated herein rendered a Judgment acknowledging and reiterating the annulment of said Judgment. (Appendix V).

Appellant, filed a Motion for Relief from Judgment on July 14, 2005. (Appendix VI). On August 17, 2006, the trial court rendered an order denying Appellant's Motion for Relief from Judgment and granting Appellee's Motion to Enforcement Money Judgment. (Appendix VII). This appeal follows.

The three Haitian orders were admitted into evidence at the last hearing before the trial Court on July 12, 2006.

## **SUMMARY OF ARGUMENT**

1. The trial Court abused its discretion in denying Appellant's Motion for Relief of Final Judgment because the Judgment upon which it was based has been vacated and it is no longer equitable to enforce it.

## ARGUMENT

The Haitian orders rendered in 2005 annulled the judgment in absentia and all proceedings against the Appellant, CARL DORELIEN. Consequently, the annulled but domesticated judgment herein cannot and should not be legally or equitably enforced against the Appellant, CARL DORELIEN. (Appendix I, IV and V).

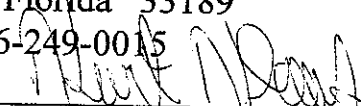
It is an abuse discretion for the trial Court to ignore the obvious if the foreign (Haitian) judgment sought to be enforced here cannot be enforced, is nullified, annihilated in the foreign (Haitian) originating jurisdiction it is nullified, annihilated everywhere. Fla. R. Civ. P. 1.540 (b)(4),(5).

## CONCLUSION

The Judgment herein based upon the annihilated, voided Haitian Judgment, must be annihilated, voided, and the sums paid out pursuant thereto returned to their owner, Appellant, CARL DORELIEN, forthwith.



I HEREBY CERTIFY that a true and correct copy of the above and foregoing was mailed to Matthew J. Eisenbrandt, Esq., The Center of Justice and Accountability, 870 Market Street, Suite 684, San Francisco, CA 94102, Dwayne E. Williams, Esq., Holland & Knight, LLP, 701 Brickell Avenue, Suite 3000, Miami, Florida 33131, Thomas E. Bishop, Esq., Tanner Bishop, One Independent Drive, Suite 1700, Jacksonville, Florida 32202, on this 25<sup>th</sup> day of January, 2007.

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