

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Magistrate Judge: O'Sullivan

MARIE JEANNE JEAN, in her )  
individual capacity, and as parent )  
and legal Guardian for minors, )  
VLADIMIR PIERRE and )  
MICHELDA PIERRE and )  
LEXIUSTE CAJUSTE, )  
 )  
Plaintiffs, )  
vs.. )  
 )  
CARL DORELIEN, )  
and Lump Sum Capital, LLC )  
a Maryland Limited Liability )  
Company, )  
 )  
Defendant. )  
\_\_\_\_\_ )

CASE NO: 03-20161-CIV-KING

**MOTION TO DISMISS**  
**FAILURE TO JOIN INDISPENSABLE PARTIES**

COMES NOW the Defendant, CARL DORELIEN, by and through his undersigned counsel, pursuant to FRCP 12(b)(7), moves this Court to dismiss the complaints filed herein and states:

1. Plaintiffs have failed to name of join the parties actually responsible for committing the acts giving rise to their cause of action i.e. the parties who tortured, killed, etc.

WHEREFORE, the Defendant, CARL DORELIEN, moves this Court to dismiss this cause, forthwith.

MEMORANDUM

FRCP 19 requires that if in a party's absence complete relief can not be accorded among those already parties said party shall be joined. Herein the parties who allegedly committed the acts complained of have not been joined.

Supposing Plaintiffs' factual allegations are true, a finder of fact has no way of reasonably assigning liability for the acts committed unless those who committed them are parties hereto. No one can determine if the acts occurred, who committed them or why said persons committed them.

No just adjudication can occur without joining the parties who committed the acts complained of.

**WHEREFORE**, the Defendant, CARL DORELIEN, prays this Court dismiss this action forthwith.

**I HEREBY CERTIFY** that a true and correct copy of the above and foregoing was mailed on this 30th day of March, 2004, to: See Attached List.

**LAW OFFICES OF KURT R. KLAUS, JR.**

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BY: 

KURT R. KLAUS, JR.

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**Service List**

(Names and Addresses of Counsel)

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