

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO: 03-20161 CIV-KING

MARIE JEANNE JEAN, in her individual
capacity, and as parent and legal guardian
for minors VLADIMY PIERRE and
MICHELDA PIERRE, and LEXIUSTE
CAJUSTE,

Plaintiffs,

vs.

CARL DORELIEN, and LUMP SUM
CAPITAL, LLC, a Maryland limited
liability company,

Defendant.

_____ /

**MOTION TO DISMISS, JUDGMENT
ON THE PLEADINGS, RES JUDICATA**

COMES NOW the Defendant, CARL DORELIEN, by and through his undersigned
counsel, moves this Court for an order dismissing Plaintiffs' claims herein because said claims
have been litigated in Haiti, res judicata, and in support states:

1. The Plaintiffs have simultaneously litigated a domestication of a foreign judgment
action in the Circuit Court of the 2d Judicial Circuit, in and for Leon County, Florida, Case No:
04-CA-000559. Said case is currently on appeal.
2. Therein, the Plaintiffs claim to have a valid judgment against this Defendant,
arising out of the same claims herein, rendered by a Haitian Court.
3. The Defendant acknowledges there was a judgment rendered against him and
others, in absentia, arising out of the same claims raised herein, but that said judgment has been

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set aside, voided and nullified.

4. The Plaintiffs herein seek to re-litigate the same claims that were, could have been and should have been litigated in Haiti. Their recently filed pleadings, documents 136 and 137 make the Defendant's argument for him.

5. Res Judicata prevents the same parties from re-litigating causes of action that have already been resolved. The resources of this Court are too precious to spend re-litigating issues that have already been determined.

WHEREFORE, the Defendant, CARL DORELIEN, prays this Court render an order barring this action and/or merging it with the contemporaneous State Action.

MEMORANDUM OF LAW

_____The doctrine of Res Judicata prevents, bars, these Plaintiffs from bringing a cause of action that has already been litigated. (See Headwaters, Inc., v. U.S. Forest Service, 382 Fd3 1025, (9th Cir. 2004).

I HEREBY CERTIFY that a true and correct copy of the above and foregoing as mailed on this 1st day of February, 2007, to: See Attached List.

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