

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 IMPROPER
VENUE RE: LOTTERY WINNINGS

COMES NOW the Defendant, CARL DORELIEN, by and through his undersigned counsel, pursuant to FRCP 12(b)(3) and Local Rule 7.1, moves this Court to dismiss Plaintiffs' Count Alleging Fraudulent Transfer and in support states:

1. Pursuant to Fla.Stat. Chapter 24, Defendants, Lump Sum Capital , LLC, and CARL DORELIEN, have petitioned the Circuit Court in and for Leon County, Florida for approval of the transaction that Plaintiffs allege is fraudulent. (A copy of said petition is attached to Plaintiff's 2d Amended Complaint as Exhibit "A").

2. The proper venue to address any claims upon the lottery winnings is where the Defendants' Petition has been pending since March 4, 2004.

MEMORANDUM

Plaintiffs alleged cause of action for Fraudulent Transfer arose in the Northern District of Florida not this district, proper venue is the Northern District of Florida, or the state court where Defendants' Petition to approve the transfer is pending. 28 USC § 1391 and 1367.

WHEREFORE, the Defendant, CARL DORELIEN, requests this Court dismiss Plaintiffs' Complaint for Fraudulent Transfer 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.

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(Names and Addresses of Counsel)

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