

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 )  
MICHELLEDA PIERRE )  
Plaintiffs, )  
vs. )  
CARL DORELIEN, )  
Defendant. )

CASE NO: 03-20161-CIV-KING

**MOTION TO DISMISS IMPROPER VENUE**

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 this cause because this Court is not the proper venue herein, and states as follows:

1. All parties herein are citizens of Haiti except Lump Sum Capital, LLC.
2. The action against Defendant, Lump Sum Capital, LLC., is based upon and derived solely from the Plaintiffs' claims against Defendant, CARL DORELIEN.
3. All acts complained of except the derivative ones occurred in Haiti.
4. There are adequate remedies in Haiti to address all the claims of the Plaintiffs.
5. It is a waste of judicial resources and tax payers' money to permit Haitians litigate

claims arising in Haiti against a Haitian in the courts of the U.S.A.

6. The Defendant, CARL DORELIEN, cannot legally reenter the U.S.A. to defend against the baseless claims of the Plaintiffs herein.

7. If Plaintiffs, MARIE JEANNE JEAN, VLADIMIR PIERRE and MICHELLEDA PIERRE exist, it is more likely than not that they cannot legally enter the U.S.A.

**WHEREFORE**, the Defendant, CARL DORELIEN, requests this cause be dismissed forthwith.

**MEMORANDUM**

This cause is brought pursuant to 28 USC § 1350, which requires all adequate and available remedies in the place in which the conduct giving rise to the claim occurred, Haiti, be exhausted or this court must decline to hear said claims. 28 USC § 1350 Section 2(b).

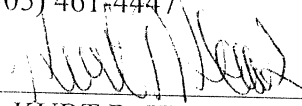
Plaintiffs have filed an affidavit of Haitian Lawyer, Mario Joseph, who argues therein that adequate remedies are and have been available in Haiti.

**I HEREBY CERTIFY** that a true and correct copy of the above and foregoing was mailed on this 25th day of March, 2004, to: See Attached List.

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

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BY: \_\_\_\_\_

  
KURT R. KLAUS, JR.  
Fla. Bar No: 299804

**Service List**

(Names and Addresses of Counsel)

**Case No: 03-20161-CIV-KING**

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