

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN AND
FOR LEON COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO: 04-CA-000559

IN RE ASSIGNMENT OF CERTAIN
LOTTERY PAYMENTS OF
CARL DORELIEN,
_____ /

MARIE JEANNE JEAN, Plaintiff,

vs.

CARL DORELIEN, Defendant.
_____ /

NORTHERN TRUST BANK,
_____ /

Garnishee.
_____ /

**MOTION FOR REHEARING, AMENDMENT OF JUDGMENT
AND RELIEF FROM JUDGMENT**

COMES NOW the Defendant, CARL DORELIEN, by and through his undersigned counsel, moves this Court for a rehearing and/or relief from the judgment and orders rendered herein and attached hereto and states:

1. This Court should apply the doctrine of equitable tolling herein and order a new hearing on Defendant's objections to the domestication of the proffered Haitian judgment.
2. Defendant, did not receive notice of Plaintiffs' efforts to domesticate the Haitian judgment until well after the thirty day response time, because of circumstances totally above and

beyond his control, i.e. the unrest and anarchy in Haiti.

3. The undersigned had no way to communicate with the Defendant for the same reasons and was not authorized to represent the Defendant regarding Plaintiffs' new cause of action nor incur attorney's fees on behalf of the Defendant until well after the thirty day period had passed.

4. The Foreign Judgment offered by the Plaintiffs cannot be recognized by the State of Florida because it does not meet the requirements of Florida Statute 55.603.

55.603 Applicability:

This act applies to any foreign judgment that is final and conclusive and enforceable where rendered, even though an appeal therefrom is pending or is subject to appeal.

This judgment is not final, conclusive or enforceable in Haiti where rendered.

5. The Foreign Judgment is not conclusive because:

a. The judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law.

b. The foreign court did not have personal jurisdiction over the Defendant. The government having exiled the Defendant prior to instituting the proceedings.

c. The Defendant in the foreign proceedings did not receive notice of the

proceedings in sufficient time to enable him to defend.

d. The judgment was obtained by fraud.

6. The named Plaintiffs herein are not named Plaintiffs in the foreign judgment nor have they personally been granted a judgment in an ascertainable amount against this Defendant, CARL DORELIEN.

7. The foreign judgment does not award a final sum of money to the Plaintiffs herein from the Defendant herein, nor does the judgment award money jointly and severally.

WHEREFORE, the Defendant, CARL DORELIEN, prays this Court order a new hearing on his objections and/or set aside the judgment rendered herein and the proffered Haitian Judgment, forthwith.

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was mailed on this 8th day of December, 2004, to: See Attached List.

LAW OFFICES OF KURT R. KLAUS, JR.

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Tel: (305) 461-4447

BY: 

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

Service List

Case No: 04-CA-000559

(Names and Addresses of Counsel)

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IN THE CIRCUIT COURT OF THE
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FOR LEON COUNTY, FLORIDA.

GENERAL JURISDICTION DIVISION

CASE NO. 04-CA-000559

IN RE ASSIGNMENT OF CERTAIN
LOTTERY PAYMENTS OF
CARL DORELIEN

MARIE JEANNE JEAN, Plaintiff,

CASE NO. 04-CA-001525

v.

CARL DORELIEN, Defendant.

ORDER RECOGNIZING FOREIGN JUDGMENT

This cause having come to be heard upon Plaintiff Marie Jeanne Jean's Motion for Order as to Foreign Judgment, the Court having considered the submissions of the parties, having heard argument, and otherwise being fully advised in the premises, it is hereby:

ORDERED and ADJUDGED:

1. The Court finds that Plaintiff Marie Jeanne Jean has complied with Florida Statutes, Section 55.601-55.607, also known as the Uniform Out of Country Foreign Money Judgment Recognition Act. Plaintiff has properly recorded the Foreign Judgment and necessary affidavit and supporting documentation, and notice has been provided to the Debtor.

2. The Judgment Debtor failed to file any objection with the Clerk of the Court within the thirty day period provided by Florida Statutes §55.604(2).

3. The Clerk of the Court has recorded a Certificate stating that no objection has been filed.

4. Therefore, the Court, at the request of Plaintiff, provides this Order Recognizing Foreign Judgment, and orders that the Judgment shall be enforced in the State of Florida in the same manner as a Judgment of this Court.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 3rd

day of December 2004.


CIRCUIT JUDGE

Copies to:

Thomas E. Bishop
50 North Laura Street, Suite 3900
Jacksonville, FL 32202

Dwayne E. Williams
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GENERAL JURISDICTION DIVISION

CASE NO. 04-CA-000559

IN RE ASSIGNMENT OF CERTAIN
LOTTERY PAYMENTS OF
CARL DORELIEN

MARIE JEANNE JEAN, Plaintiff,

CASE NO. 04-CA-001525

v.

CARL DORELIEN, Defendant.

**ORDER DENYING DEFENDANT'S MOTION
FOR RELIEF FROM JUDGMENT, LEAVE TO FILE OBJECTIONS**

This cause having come to be heard upon Defendant Carl Dorelien's Motion for Relief from Judgment, Leave to File Objections, and the Court having considered the submissions of the parties, having heard argument, and otherwise being fully advised in the premises, the Court finds

1. That Plaintiff in this case, Marie Jeanne Jean, has fully complied with all of the provisions of Florida Statutes, Section 55.601-55.607, the Uniform Out of Country Foreign Money Judgment Recognition Act.

2. Plaintiff has properly recorded a Foreign Judgment from the courts of the Republic of Haiti, including all supporting documentation. The Clerk of this Court has, in compliance with the statute, mailed notice of recording a foreign judgment and counsel for Plaintiff has given additional notice to counsel for Defendant Carl Dorelein. It is clear that notice was received by Carl Dorelien's counsel no later than 8 July 2004.

3. Florida Statutes §55.604(2) provides that a judgment debtor such as Dorelien shall have thirty days after service of such notice to file a notice of objection with the Clerk of the Court specifying grounds for nonrecognition or nonenforceability of the judgment. No such objections were filed with this Court within this thirty day period. In fact, no objections were filed by Dorelien until the 28th of September 2004, by way of the Motion at issue.

4. There is no basis and no legal reason stated in the Motion, or in argument of counsel for Dorelien, that would allow the filing of objections to this foreign judgment out of time.

5. The time periods provided for in the statute have run, and there can be no recognition of any objections filed after that time, nor can there be any hearing granted as to the merits of those objections.

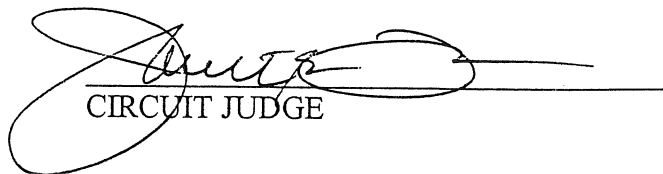
It is therefore,

ORDERED and ADJUDGED:

Defendant Carl Dorelien's Motion for Relief from Judgment, Leave to File Objections is:

DENIED.

DONE AND ORDERED in Chambers at Tallahassee, Leon County, Florida, this 3rd
day of December 2004.


CIRCUIT JUDGE

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