

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

GENERAL JURISDICTION DIVISION

CASE NO: 04-CA-000559

CASE NO: 04-CA-001525

IN RE ASSIGNMENT OF CERTAIN  
LOTTERY PAYMENTS OF  
CARL DORELIEN,

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**MOTION FOR RELIEF**  
**FROM JUDGMENT**

MARIE JEANNE JEAN, Plaintiff,

vs.

CARL DORELIEN, Defendant.

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**COMES NOW** the Defendant, CARL DORELIEN, by and through his undersigned counsel, pursuant to Fla. R.Civ.P. 1.540 moves this Court for an order vacating the extract of the record this Court domesticated as a foreign judgment, and in support states:

1. Said extract of the record from the Court of First Instance of Gonaives, Haiti, was mistakenly recognized by this Court as a Foreign Judgment on December 3, 2004, (a copy of this Court's order and the extract filed by the Plaintiffs are attached as Exhibit A). Recognition of an extract from the records of a criminal court hearing as a foreign judgment certainly qualifies as a mistake under Fla. R. Civ. P. 1.540(b)(I).

2. The orders referred to in the extract filed were never filed with this Court. It is those orders referred to in the extract from the record that could be domesticated if they complied with Fla. Stat. Ch. 55, they don't, they have been vacated. (See Haitian orders previously filed).

3. Plaintiffs through their counsel have committed a fraud on this Court by filing an extract from the records of a criminal hearing of the court of the first instance of Gonaives, Haiti, as a Foreign Judgment which it clearly is not. Fla. R. Civ. P. 1.540(b)(3) provides this Court may relieve the Defendant, CARL DORELIN, from the judgment obtained herein by fraud and misrepresentation.

4. Pursuant to the Fla. R. Civ. P. 1.540 (b)(5), when the alleged judgment is reversed, vacated or when the decree upon which it is based is vacated , reversed or when it is no longer equitable to enforce as is the case herein the Court may set aside the judgment.

**WHEREFORE**, the Defendant, CARL DORELIN, prays this Court set aside, vacate, void the order recognizing the alleged foreign judgment and dissolve the writ of garnishment, order the lottery proceeds returned to CARL DORELIN and impose appropriate sanctions forthwith.

**I HEREBY CERTIFY** that a true and correct copy of the above and foregoing was mailed on this 14th day of July, 2005, to: See Attached List.

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BY: 

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

**Service List**

(Names and Addresses of Counsel)

**Case No: 04-CA-000559**

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**Service List**

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**Case No: 04-CA-00559**

**Senior Counsel for the Florida Department of Lottery**

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IN RE ASSIGNMENT OF CERTAIN  
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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 3<sup>rd</sup>

day of December 2004.

  
CIRCUIT JUDGE

Copies to:

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Liberty

Equality  
Republic of Haiti

Fraternity

BOB INZER  
CLERK OF COURT  
LEON COUNTY, FLORIDA

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CIRCUIT CIVIL DIV.

Extract from the Records of Criminal Hearing of Thursday, November 16, 2000

IN THE NAME OF THE REPUBLIC

The Court of First Instance of Gonaïves, duly convened at the Court House of this town, issued at a public hearing, in its criminal division, the following judgment:

between

The Public Prosecutor represented by the Government's Commissioner, Attorney Frénot Cajuste; assisted by his deputies: Attorney Rocky Pierre and Attorney Louiselmé Joseph, against the followed accused people who failed to appear: Raoul Cédras, Philippe Biamby, Carl Dorélien, Jean-Claude Duperval, Hébert Valmond, Martial Romulus, Frantz Douby, Ernst Prud'homme, Jean-Robert Gabriel, Joseph Michel François, Bellony Groshomme, Reynald Timo, Estimé Estimable, Anatin O. Voltaire, Michel-Ange Ménard, Luc Roger Asmath, Ledix Ressources, Walner Phanord, Madsen Saint-Val, Roméus Walmyr, Tony Fleurival, Carlo Noé a/k/a Tiblanc, Pierre Piloge Oriol, Emmanuel Constant, Louis Jodel Chamblain, Armand Sajous a/k/a Ti-Armand, Wilbert Morisseau, Brutus known as such, Chéry known as such, Koukou known as such, Ti Sonson known as such, Pierre Paul Camille, Pierre André Présomé, Douze known as such, Raphaël Camille, Achou known as such, and Jacob Jean-Paul.

Considering the adjournment order dated August 30, 1999;

Considering the order of notification to the accused parties dated October 4, 2000:

Considering the reports which shall note the posting of the domicile order to the Various Justices of the Peace, also in Gonaïves, Port-au-Prince, Port-de-Paix, Cabaret, Anse-à-Galet;

Having heard the oral pleading of the Public Prosecutor, and the conclusions of the civil party.

Considering the order dated August 30, 1999 providing for the arrest of the accused parties Raoul Cédras, Philippe Biamby, Carl Dorélien, Jean Claude Duperval, et al;

Considering that the arrest order was not executed, since the research conducted by the Police and the Justice Department remained unsuccessful;

Considering that, on October 4, 2000, the Court in a session with the assistance of a jury, granted a period of 10 days to submit to the Court, a period which was not complied with;

Considering that all the legal formalities were duly complied with;

Considering that a person charged with an offense, who escaped, cannot continue suspending the application of criminal law;

Considering that the 37 accused people: Raoul Cédras, Philippe Biamby, Carl Dorélien, Jean-Claude Duperval, Hébert Valmond, Martial Romulus, Frantz Douby, Ernst Prud'homme, Jean-Robert Gabriel, Joseph Michel François, Bellony Groshomme, Reynald Timo, Estimé Estimable, Anatin O. Voltaire, Michel-Ange Ménard, Luc Roger Asmath, Ledix Ressources, Walner Phanor [sic], Madsen Saint-Val, Roméus Walmyr, Tony Fleurival, Carlo Noé a/k/a Tiblanc, Pierre Piloge Oriol, Emmanuel Constant, Louis Jodel Chamblain, Armand Sajous a/k/a Ti-Armand, Wilbert Morisseau, Brutus known as such, Chéry known as such, Koukou known as such, Ti Sonson known as such, Pierre Paul Camille, Pierre André Présomé, Douze known as such, Raphaël Camille, Achou known as such, and Jacob Jean-Paul have escaped;

Considering that Raoul Cédras, former general, et al, are charged with assassinations, and being accomplices to assassinations;

Considering that the crime of assassination is provided for and punished under Sections 241 and 247 of the Criminal Code;

Considering that Section 241 of the Criminal Code provides that "any murder committed with premeditation or a trap is an assassination";

Considering that the intellectual or material perpetrator and/or accomplice to an offense, if ongoing, shall have the same punishment;

Considering that the Defendants in default are charged with the crime of assassination and being accomplices to an assassination;

Considering that the person guilty of assassinating one's parents or children shall be condemned to forced labor in perpetuity, under Section 247 of the Criminal Code;

Considering that the Defendants in default are liable for damages for mental stress to the victims of the Raboteau Massacre; Considering that sections 1168-1169 of the Haitian Civil Code provide: Section 1168 "Any fact which causes damage to another shall be repaired by the person through whose fault the damage was caused";

Considering that the damage caused to the Raboteau victims is due to mental stress and, because of that damage, the victims must necessarily obtain civil redress, proportional to the damage sustained;

For these reasons:

Upon the pleadings duly [submitted] of the Public Prosecutor, the Court

1st - Sentence: Raoul Cédras, Philippe Biamby, Carl Dorélien, Jean-Claude Duperval, Hébert Valmond, Martial Romulus, Frantz Douby, Ernst Prud'homme, Jean-Robert Gabriel, Joseph Michel François, Bellony Groshomme, Reynald Timo, Estimé Estimable, Anatin O. Voltaire, Michel-Ange Ménard, Luc Roger Asmath, Ledix Ressources, Walner Phanord, Madsen Saint-Val, Roméus Walmyr, Tony Fleurival, Carlo Noé a/k/a Tiblanc, Pierre Piloge Oriol, Emmanuel Constant, Louis Jodel Chamblain, Armand Sajous a/k/a Ti-Armand, Wilbert Morisseau, Brutus known as such, Chéry known as such, Koukou known as such, Ti Sonson known as such, Pierre Paul Camille, Pierre André Présomé, Douze known as such, Raphaël Camille, Achou known as such, and Jacob Jean-Paul, to forced labor in perpetuity.



2nd – They are ordered jointly and severally to pay ONE (1) BILLION GOURDES to the victims of the Raboteau Massacre.

3rd – They are also ordered to pay the fines and costs to the State.

4th – States that the property of those sentenced by default shall, from [the date of the] enforcement of judgment, be considered as the property of absentees, and shall therefore be seized, and the seizure account shall be provided to the victims and the State of Haiti.

5th – States that the judgment shall be enforced by the Government's Commissioner.

Thus pronounced by Us, Attorney Napela Saintil, Chief Justice of the Criminal Court sitting without the assistance of a jury, in the presence of the Public Prosecutor, Attorney Frénot Cajuste, Attorney Rocky Pierre, and Attorney Louiselmé Joseph, Government's Commissioner and Deputy Commissioners, respectively in this jurisdiction; the civil party represented by Attorney Mario Joseph and Attorney Duclas Marcelin, and with the assistance of Citizen Raoul Jacques, Clerk of the Court.

It is ordered to all bailiffs, thus requested, [are] to execute this judgment, all officers of the Public Prosecution's Department with Civil Courts [are] to assist, and all Commanders and other Police Officers [are] to assist, whenever legally requested.

In witness whereof, the original of this judgment is signed by the aforesaid Chief Justice and Clerk of the Court.

For collated true copy

/signed/

RAOUL JACQUES, CHIEF CLERK OF THE COURT

/stamp of the Civil Court, Gonaïves, Haiti/

Seen for authentication of the Clerk of the Court's signature

/signed/

Attorney Napela Saintil

Chief Justice of the Court of First Instance

Gonaïves

Seen for authentication of the signature of the Chief Justice of the Court of First Instance of Gonaïves

Attorney Lionel Sajous

General Director of the Ministry of Justice and Public Safety

Seen for the authentication of the signature of Attorney *Napela Saintil*  
Chief Justice of the Court of First Instance of *Gonaïves*  
appearing *on the front page of the third page of this document*  
/illegible/ December 19, 2000  
197<sup>th</sup> /illegible/ 21967  
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of Attorney *Lionel A Sajous*  
*General Director of the Ministry of Justice*  
Appearing on Receipt No. *Courtesy*  
Registered under No. *19494*  
with the Ministry of Foreign Affairs  
Port au Prince /illegible/  
/signed/  
MAX MORPEA  
Director of Legal Affairs

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République d'Haiti

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CLERK CIRCUIT COURT  
LEON COUNTY, FLORIDA

Extrait "Plumitif d'Audience Criminelle du jeudi 16 Novembre 2000.



AU NOM DE LA REPUBLIQUE

Le Tribunal de Première Instance des Gonaïves compétemment réuni au Palais de Justice de cette ville, a rendu en audience publique et en ses attributions criminelles, le jugement suivant:

Entre

Le Ministère Public représenté par le Commissaire du Gouvernement, Me Frénot Cajuste, assisté de ses substituts: Me Rocky Pierre et Me Louiselmé Joseph, suivant au Nom de la Vindicté publique de Contumace de: Raoul Cédras, Philippe Biamby, Carl Dorélien, Jean-Claude Duperval, Hébert Valmond, Martial Romulus, Frantz Douby, Ernst Prud'Homme, Jean-Robert Gabriel, Joseph Michel François, Bellony Groshomme, Reynald Timo, Estimé Estimable, Anatin O. Voltaire, Michel-Ange Ménard, Luc Roger Asmath, Ledix Dessources, Walner Phanord, Madsen Saint-Val, Roméus Walmyr, Tony Fleurival, Carlo Noé alias Tiblanc, Pierre Piloge Oriol, Emmanuel Constant, Louis Jodel Chamblain, Armand Sajous dit Ti-Armand, Wilbert Morisseau, Brutus ainsi connu, Chéry ainsi connu, Koukou ainsi connu, Ti Sonson ainsi connu, Pierre Paul Camille, Pierre André Présumé, Douze ainsi connu, Raphael Camille, Achou ainsi connu et Jacob Jean-Paul.

*Et pour ainsi dire...*

Vu l'Ordonnance de Renvoi en date du 30 Août 1999.

Vu l'Ordonnance de Notification aux accusés en date du 4 Octobre 2000.

Vu les procès-verbaux devant constater l'affichage de l'Ordonnance de domicile aux différentes Justices de Paix notamment aux Gonaïves, Port-au-Prince, Port-de-Paix, Cabaret, Anse-à-Galet.

Oui: le Réquisitoire oral du Ministère Public, les conclusions de la partie civile.

Attendu que par Ordonnance en date du 30 Août 1999, ordonnance à laquelle est insérée la prise de corps des accusés, Raoul Cédras, Philippe Biamby, Carl Dorélien, Jean-Claude Duperval et consorts;

Attendu que l'Ordonnance de prise de corps n'a pas été exécutée, vue que les recherches effectuées par la Police et la Justice sont infructueuses et introuvables;

Attendu que le Tribunal siégeant avec l'Assistance de Jury en date du 04 octobre 2000 a accordé un délai de 10 jours pour présenter au Tribunal, délai qui n'a pas été respecté.

Attendu que toutes les formalités légales ont été régulièrement remplies.

Attendu que: Une personne accusée d'une infraction quelconque qui a été en fuite ne peut retarder de suspendre de la loi pénale;

Attendu que les 37 accusés: Raoul Cédras, Philippe Biamby, Carl Dorélien, Jean-Claude Duperval, Hébert Valmond, Martial Romulus, Frantz Douby, Ernst Prud'Homme, Jean-Robert Gabriel, Joseph Michel François, Bellony Groshomme, Reynald Timo, Estimé Estimable, Anatin O. Voltaire, Michel-Ange Ménard, Luc Roger Asmath, Ledix Dessources, Walner Phanor, Madsen Saint-Val, Roméus Walmyr, Tony Fleurival, Carlo Noe alias Tiblanc, Pierre Piloge Oriol, Emmanuel Constant, Louis Jodel Chamblain, Armand Sajous dit Ti-Armand, Wilbert Morisseau, Brutus ainsi connu, Chéry ainsi connu, Koukou ainsi connu, Ti Sonson ainsi connu, Pierre Paul Camille, Pierre André Présumé, Douze ainsi connu, Raphael

Camille, Achou ainsi connu et Jacob Jean-Paul sont en fuite.

Attendu que Raoul Cédras, Ex-Général et consorts sont accusés d'assassinats, de complicité d'assassinats;

Attendu que le crime d'assassinat est prévu et puni par les articles 241 et 247 du Code Pénal;

Attendu que l'article 241 du Code Pénal stipule "tout meurtre commis avec préméditation ou guet-apens est qualifié d'assassinat";

Attendu que l'auteur intellectuel, matériel et ou complice d'une infraction, une fois constante devra punir de la même peine;

Attendu que les CONTUMAX sont accusés du crime d'assassinat et de la complicité d'assassinat;

Attendu que le Coupable du crime d'assassinat parricide, infanticide sera condamné aux travaux forcés à perpétuité, Article 247 du Code Pénal;

Attendu que les Contumax ont commis des préjudices moraux contre les victimes du Massacre de Raboteau;

Attendu que les articles 1168-1169 du Code Civil Haïtien stipulent: Art 1168 "Tout fait quelconque de l'homme qui cause à autrui un dommage oblige celui par la faute duquel il est arrivé à le réparer";

Attendu que les préjudices causés aux victimes de Raboteau sont des préjudices moraux et en fonction de ces préjudices, les victimes doivent bénéficier nécessairement réparation civile et proportionnelle aux préjudices subis.

Par ces motifs:

Le tribunal, au Réquisitoire conforme du Ministère Public

1o-Condamne: Raoul Cédras, Philippe Biamby, Carl Dorélien, Jean-Claude Duperval, Hébert Valmond, Martial Romulus, Frantz Douby, Ernst Prud'homme, Jean-Robert Gabriel, Joseph Michel Francois, Bellony Greshomme, Reynald Timo, Estimé Estimable, Anatin O. Voltaire, Michel-Ange Ménard, Luc Roger Asmath, Lédix Dessources, Wainer Phanord, Madsen Saint-Val, Roméus Walmyr, Tony Fleurival, Carlo Noé alias Tiblanc, Pierre Piloge Oriel, Emmanuel Constant, Louis Jodel Chamblain, Armand Sajous dit Ti-Armand, Wilbert Morisseau, Brutus ainsi connu, Chéry ainsi connu, Koukou ainsi connu, Ti Sonson ainsi connu, Pierre Paul Camille, Pierre André Présumé, Douze ainsi connu, Raphael Camille, Achou ainsi connu et Jacob Jean-Paul, de travaux forcés à perpétuité.

2o-Les condamne solidairement à UN (1) MILLIARD DE GOURDES en faveur des victimes de Massacre de Raboteau.

3o-Les condamne en outre aux Amendes et aux frais envers l'Etat.

4o-Dit que les biens des condamnés de Contumace seront à partir de l'Exécution du jugement considérés comme des biens d'absents et à partir de là ils seront séquestrés et le compte du séquestre sera rendu aux victimes et à l'Etat haïtien.

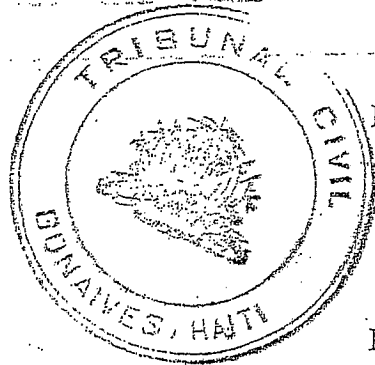
5o-Dit que le jugement sera exécuté à la diligence du Commissaire du Gouvernement.

Ainsi rendu par Nous, Me Napela Saintil, Doyen du Tribunal Criminel siégeant sans Assistance de Jury, en présence de Ministère Public, Me Frénot Cajuste, Me Rocky Pierre et Me Louiselmé Joseph, respectivement Commissaire et Substituts du Commissaire du Gouvernement de ce ressort,

de la partie civile représentée par Me Mario Joseph et Me Duclas Marcelin, et avec l'assistance du Citoyen RAOUL JACQUES, Greffier du siège.

Il est ordonné à tous huissiers sur ce réquis de mettre le présent jugement à exécution aux Officiers du Ministère Public près les Tribunaux Civils d'y tenir la main à tous Commandants et autres Officiers de la force publique d'y prêter main forte lorsqu'ils en seront légalement requis.

En foi de quoi la minute du présent jugement est signée du Doyen et du Greffier sus-dits.

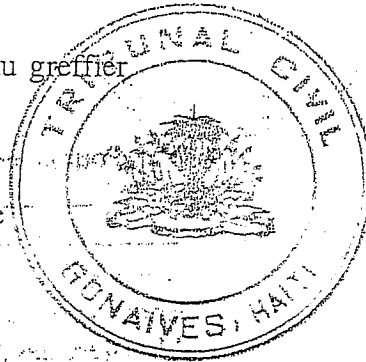


Pour Expédition Conforme  
Collationnée

RAOUL JACQUES, GREFFIER EN CHEF

Vu pour la légalisation de la signature du greffier

Me Napela Saintil, Avocat  
Doyen du Tribunal de Première Instance  
Gonaïves



Vu pour la légalisation de la signature du Doyen du  
Tribunal de Première Instance des Gonaïves

Me Lionel Sajous, Avocat  
Directeur Général du Ministère de la Justice  
et de la Sécurité Publique