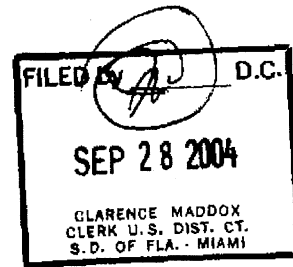


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION



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

CASE NO. 03-20161-CIV-KING

Plaintiffs,

**CLOSED
CIVIL
CASE**

v.

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

Defendants.

FINAL ORDER OF DISMISSAL

THIS CAUSE comes before the Court upon Plaintiff's Motion for Entry of Final Judgment, filed June 16, 2004.¹

On January 24, 2003, Plaintiff, a citizen and resident of Haiti, filed a suit pursuant to 28 U.S.C. § 1350 against Defendant Dorelien, also a citizen and resident of Haiti, based on the alleged extrajudicial killing and torture of Plaintiff's husband in Haiti. Based on the foreign residence and citizenship of the parties involved and the foreign locus of the actions giving rise to Plaintiff's claims, the threshold question of the case was whether an United States federal court was the proper venue for prosecuting this case. On April 21, 2004, the Court determined that it was not and entered an Order dismissing the case because Plaintiff failed to exhaust all the available remedies

¹On July 26, 2004, the Court ordered that Plaintiff file a supplemental memorandum of law detailing her positions on any remaining issues in the case and Defendants file Responses. On August 24, 2004, Plaintiff filed her Supplemental Memorandum of Law. On September 4, 2004, Defendant Carl Dorelien filed his Response and on September 15, 2004, Defendant Lump Sum Capital filed its Response.

that exist in Haiti. Importantly, Plaintiff had already received a judgment against Defendant Dorelien by the Haitian Bureau des Avocats Internationaux, but made no attempt to enforce the civil judgment even though it was still legally binding and enforceable in a Haitian court. On May 7, 2004, the Court affirmed its decision and entered an Order Denying Plaintiff's Motion for Rule 54(b) Certification because the case was already dismissed in its entirety.

On May 13, 2004, the United States Court of Appeals for the Eleventh Circuit dismissed Plaintiff's appeal because it did not find this Court's Order Granting Defendant's Motion to Dismiss to constitute a final or immediately appealable order. The Eleventh Circuit held that at least two matters remain to be resolved: (1) Plaintiff's fraudulent transfer claim against Defendant Lump Sum Capital, LLC ("Lump Sum"); and (2) Defendant Dorelien's counterclaims against the Plaintiff for tortious interference with marital relations and interference with material business relations. These two issues arise from Plaintiff's Amended Complaint, filed on March 10, 2004. In Plaintiff's Amended Complaint, Plaintiff alleged a fraudulent transfer of lottery winnings from Defendant Lump Sum (a private corporation charged by the State of Florida with disbursement of State Lottery monies) to Defendant Dorelien. In Response, Defendant Dorelien filed counterclaims of tortious interference with business relations and tortious interference of marital relations. However, because Lump Sum was not served with the Amended Complaint when the Court ruled on the Motion to Dismiss, it was not then a party to the case.

In their respective responses to the Court's July 26, 2004 Order, it is clear that there is no dispute between the parties that the Court's Order should be made final and appealable. First, Defendant Dorelien moves the Court for a voluntary dismissal of his counterclaim without prejudice. Defendant Dorelien is currently involved in litigation with Plaintiff in the Leon County Circuit

Court, Second Judicial Circuit, in and for Leon County, Florida, and states that he is willing to prosecute his state law claims there if necessary. Plaintiff does not object to the dismissal of Defendant Dorelien's counterclaim. Second, Defendant Lump Sum moves for a dismissal of the fraudulent transfer claims because it is an innocent stakeholder that merely wants to consummate its Lottery assignment transaction in a manner consistent with this and other courts' orders. Indeed, Lump Sum has recently been ordered by the Leon County Circuit Court to deposit the proceeds in an account with Northern Trust Bank where the monies can only be disbursed upon further Order of the Leon County Circuit Court. Plaintiff has not objected to dismissal of Defendant Lump Sum as an innocent stakeholder whose further involvement is unnecessary to the prosecution of her case.

In sum, the parties and the Court agree that the case should be made final and appealable. The Court has determined from Plaintiff's own Complaint that there are available adequate remedies in Haiti for Plaintiff to pursue and that Haiti is therefore the proper venue for this case. As a necessary consequence, Defendant Dorelien's counterclaims are properly dismissed. In addition, the Court has determined that Lump Sum has no interest at all in the case, especially where the Lottery proceeds are in a court ordered bank account, other than by abiding by the orders of this Court and the Leon County Circuit Court.

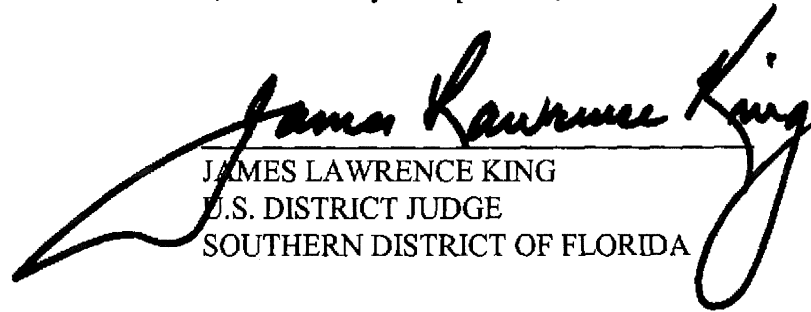
Accordingly, after a careful review of the record, and the Court being otherwise fully advised, it is

ORDERED and ADJUDGED that Plaintiffs claims for fraudulent transfer against Defendant Lump Sum Capital, LLC be, and the same are hereby, DISMISSED. It is further

ORDERED and ADJUDGED that Defendant Dorelien's counterclaims be, and the same are hereby, DISMISSED without prejudice. It is further

ORDERED and ADJUDGED that the above-styled case be, and the same is hereby,
DISMISSED in its entirety. This case is CLOSED.

DONE and ORDERED in chambers at the James Lawrence King Federal Justice Building
and United States Courthouse, Miami, Florida, this 27th day of September, 2004.



JAMES LAWRENCE KING
U.S. DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

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