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August 10, 2005

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Via UPS

Jon S. Wheeler, Clerk of Court
First District Court of Appeal
State of Florida
301 South Martin Luther King Blvd
Tallahassee, FL 32399

RECEIVED

AUG 11 2005

Jon S. Wheeler
Clerk Court of Appeal
1st District

Re: Jean v. Dorélien
Case No.: 1D05-3705
Lower Case Number: 04-CA-000559

Dear Sir:

Enclosed please find the original and three (3) copies of Appellant Jean's Initial Brief and her Appendix to the Initial Brief. Also enclosed is Appellant Jean's Request for Oral Argument, original and one copy; the Court's "Docketing Statement and Notice of Appearance of Counsel" Form; and a 3.5" floppy disk on which the Initial Brief is downloaded.

Please file stamp the enclosed copy of this letter and return to counsel in the enclosed stamped and self-addressed envelope.

Sincerely,



Gina Haskins
Secretary to Cynthia L. Hain

:grh
Enclosures

Copies: Kurt Klaus, Esq.
Scott M. Behren, Esq.
Christian N. Scholin, Esq.
Louisa H. Warren, Esq.

**IN THE DISTRICT COURT OF APPEAL, FIRST DISTRICT
STATE OF FLORIDA**

**CASE NO.: 1D05-3705
LOWER CASE NUMBER: 04-CA-000559**

MARIE JEANNE JEAN,

Appellant,

vs.

CARL DORÉLIEN,

Appellee.

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

INITIAL BRIEF OF APPELLANT MARIE JEANNE JEAN

HOLLAND & KNIGHT LLP
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Attorneys for Marie Jeanne Jean

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PRELIMINARY STATEMENT

The following references are used in this Initial Brief:

Jean Appellant Marie Jeanne Jean

Dorélien Appellee Carl Dorélien

[R*#] Appendix on appeal (* = Tab No., # = page no.)

STATEMENT OF CASE AND FACTS

This is appeal, pursuant to Florida Rule of Appellate Procedure 9.130(3)(C)(ii), from a nonfinal order denying Jean's Motion to Enforce Judgment. Jean is seeking to enforce a domesticated Haitian judgment ("the Judgment") against Dorélien for wrongful acts Dorélien committed when serving as a colonel in the Haitian Army. [R2, at 1-2]

On June 28, 1997, Dorélien won the Florida Lottery in the aggregate amount of \$3,180,000.00 payable in annual installments of \$159,000.00 on or about July 1, 1997 through May 15, 2016. [R1, ¶ 5] On March 1, 2004, in an action styled In re Assignment of Certain Lottery Payments of Carl Dorélien, Case No. 04-CA-000559, Lump Sum Capital, LLC ("Lump Sum") petitioned the trial court for approval of the assignment of the lottery payments from Dorélien to Lump Sum. [R1] Dorélien was to be paid \$1,300,000.00 in consideration for this assignment. [R1, ¶ 12]

On May 3, 2004, Jean filed a motion to intervene in this proceeding and sought to prevent Dorélien, from transferring his interest in his Florida Lottery prize to Lump Sum.¹ [R2] In her motion, Jean stated that Dorélien was a member of the High Command of the military dictatorship that ruled Haiti from October

¹ The motion referenced is actually the supplemental motion to intervene. The exhibits to this motion were not made part of the Appendix, in an effort to avoid an unduly large Appendix. Jean will gladly supplement the Appendix and file the exhibits to the motion if the Court should so direct her.

1991 until September 1994, and was responsible for the torture and murder of dozens of people in Haiti.² [R2, 1-2] Because of his actions, a Haitian judgment was entered against Dorélien on November 16, 2000, in the Court of the First Instance of Gonaives in the Republic of Haiti in the amount of one (1) Billion Gourdes (or approximately \$24,000,000.00) to the survivors, including Jean, for his acts. (Hereinafter, "the Haitian Judgment") [R2, at 1-2; R4] Jean further stated that Dorélien, who had been deported from the United States to Haiti where he was imprisoned, entered into the assignment agreement with Lump Sum to place his remaining lottery proceeds away from his creditors. [R2, at 2]

On May 18, 2004, the trial court granted the Petition to Intervene Nunc Pro Tunc to May 4, 2004. [R3]

On June 21, 2004, in a separate action styled Jean v. Dorélien, Case No. 04-CA-001525, Jean filed certified copies of the Haitian Judgment and its Official Translation, along with an Affidavit of Counsel for Jean, in an effort to domesticate the Haitian Judgment pursuant to the Uniform Out-of-Country Foreign Money Judgment Recognition Act. [R4]

On June 29, 2004, the Clerk mailed a notice of recording of the Haitian judgment to the last known address of Dorélien, which was the National Penitentiary in Port-au-Prince, Haiti. [R5] Although not required by Florida

² Jean also set forth in her motion the proceedings of a federal action she brought against Dorélien based on his actions as a colonel in the Haitian army.

Statutes, counsel for Jean also provided to counsel, who represented Dorélien in the In re Assignment of Certain Lottery Payments of Carl Dorélien matter, a service copy of the Haitian Judgment and the supporting materials Jean filed with the Clerk. [R6] These materials were signed for by the law offices of counsel for Dorélien on July 8, 2004. [R6]

On July 26, 2004, Jean moved the trial court to consolidate both of the above actions, arguing that the Haitian Judgment may be domesticated and used to attach against the attempted \$1.3 million fraudulent transfer of lottery winnings to Lump Sum. [R7] The trial court granted the motion August 4, 2004. [R8]

On September 8, 2004, more than sixty (60) days after service of the Haitian Judgment and supporting documents, the Clerk of the Court certified through a Clerk's Certificate that there was no objection to the recognition of the Haitian Judgment. [R9]

On September 10, 2004, as a matter of convenience for enforcement proceedings, Jean moved for an Order recognizing the Haitian Judgment based on the Clerk's September 8, 2004 Certificate certifying that Dorélien filed no objections. [R10] On September 28, 2004, Dorélien filed a motion for relief from judgment. [R11] Dorélien's reasons for seeking such relief were the August 29, 2004 death of his counsel's father and his counsel's difficulty locating him in Haiti until the second week of August 2004. [R11, ¶ 3] Along with his motion for relief

from judgment, Dorélien also filed a notice of objections, setting forth his reasons why the Haitian Judgment should not have been recognized. [R12]

On September 21, 2004, the trial court entered an amended order regarding the petition for assignment of the lottery proceeds, wherein it directed the payment of \$866,219.33 into a money market checking account with Northern Trust Bank in Weston, Florida, and the trial court retained jurisdiction over and possession of all of the funds paid into the account until final resolution of the consolidated cases. [R13, at 9-10]

On October 14, 2004, Jean caused a writ of garnishment to be issued to Northern Trust Bank, based on the September 8, 2004 judgment and thereafter, served a notice of garnishment on Dorélien's counsel. [R14] Dorélien responded with a motion to dissolve the writ, making the same arguments as in his motion for relief from judgment and notice of objections. [R15]

On December 3, 2004, the trial court denied Dorélien's motion for relief from judgment and granted Jean's motion for recognition of the Haitian Judgment. [R16; R17] Thereafter, Dorélien again moved for relief from the Judgment and trial court's orders, essentially rearguing the same matters raised in his previous motion for relief from judgment and his notice of objections. [R 18]

On April 7, 2005, Jean requested that the trial court enforce the Judgment against the monies the trial court previously placed in escrow in the Northern Trust Bank. [R19]

A hearing on Dorélien's second motion for relief from judgment and Jean's motion to enforce the judgment was held on June 22, 2005. [R20] After which, the trial court denied both motions presumably without prejudice because it gave Dorélien forty-five (45) days to submit documents to support his claim that the Haitian Judgment is a nullity and gave Jean leave to file another motion to enforce judgment at the end of this forty-five (45) day time period.³ [R21] This nonfinal order is the subject of this appeal.

STANDARD OF REVIEW

In applying the law to the facts of this case, the trial court erred in denying Jean's motion to enforce judgment. A trial court's application of the law to the facts is reviewed *de novo*. See Gainesville Health Care Center, Inc. v. Weston, 857 So. 2d 278, 283 (Fla. 1st DCA 2003) (citing Connor v. State, 803 So. 2d 598, 608 (Fla. 2001) (finding that the application of the law to a set of facts is reviewable *de novo*)).

³ On July 14, 2005, Dorélien filed his third motion for relief from judgment. [R22; R23]

SUMMARY OF ARGUMENT

Jean seeks to enforce a Haitian money judgment against Dorélien, which has been recognized by the trial court under Florida's Uniform Out-of-Country Foreign-Money Judgment Recognition Act, Florida Statutes, § 55.601 *et seq.*

All procedural requirements under the Act have been met and Dorélien did not file any objections within the requisite thirty-day time frame. Consequently, on September 8, 2004, the Clerk of the Court certified that there was no objection to the recognition of Jean's Haitian judgment. Under Florida law and the facts of this case, the Clerk's Certificate makes the Haitian judgment as enforceable as a Florida judgment.

Dorélien challenged the final judgment through a motion for relief from judgment, which was denied by the trial court on December 3, 2004. Dorélien did not timely appeal the order. Therefore the enforcement of the domesticated judgment is no longer subject to challenge.

In April 2004, Jean moved the trial court to enforce the judgment against the monies owed Dorélien, or his assignees, which had been previously escrowed in this action by the trial court. The trial court denied Jean's motion, even though Jean had an enforceable judgment in hand, the enforceability and finality of the judgment had been finally decided, and no stay of execution had prevented the enforcement of the judgment.

Therefore, Jean asks this Court to reverse the trial court's denial of Jean's motion to enforce the judgment against the monies escrowed by the trial court and to direct the trial court to enforce the judgment.

ARGUMENT

I. THE TRIAL COURT ERRED IN DENYING JEAN'S MOTION TO ENFORCE JUDGMENT.

Florida's Uniform Out-of-Country Foreign-Money Judgment Recognition Act, Florida Statutes, § 55.601 *et seq.* ("the Act") provides a framework for the recognition of foreign judgments, such as the one against Dorélien in this matter. The Act provides a system for the recording of the judgment, and notice to the debtor. The Act provides a thirty day window for challenging the recognition of the judgment. Specifically, the Act provides that:

The judgment debtor *shall* have 30 days after service of the notice to file a notice of objection with the Clerk of the court specifying the grounds for nonrecognition or nonenforceability under this act.

§ 55.604(2), Fla. Stat. (emphasis added). The Act further provides that:

If the judgment debtor fails to file a notice of objection within the required time, the clerk of the court *shall* record a certificate stating that no objection has been filed.

* * *

[U]pon recording of the clerk's certificate . . . , the foreign judgment . . . *shall* be enforceable in the same manner as the judgment of a court of this state.

§ 55.604(4)-(5), Fla. Stat. (emphasis added). Accordingly, if the debtor fails to file an objection within the thirty days, the judgment may be enforced without a hearing. See Frymer v. Brettschneider, 696 So. 2d 1266, 1267 n.4 (Fla. 4th DCA 1997) (citing § 55.604(4)-(5), Fla. Stat.)

As the facts in this case support and as the trial court's order granting the motion for order as to foreign judgment states, all the requirements of the Act were met. The foreign judgment was filed with the clerk with the required affidavit. The clerk recorded the judgment and the affidavit and mailed a notice of the recording to the address given in the affidavit. Dorélien did not file any objections specifying the grounds for nonrecognition or nonenforceability within the requisite thirty (30) days. On September 8, 2004, the Clerk recorded a certificate stating that no objections had been filed. Therefore, pursuant to Florida law, the Judgment was enforceable in the same manner as any other Florida judgment on September 8, 2004. See Frymer, 696 So. 2d at 1267 n.4.

Dorélien's motions for relief from judgment do not affect the enforcement of the Judgment. First, Dorélien never sought a stay of the enforcement of the Judgment. Absent such a stay, the Judgment here was enforceable regardless of whether there was a pending motion for relief from judgment. See Fla. R. Civ. P. 1.540(b) (stating that “[a] motion under this subdivision does not affect the finality of a judgment or decree or suspend its operation”).

Second, Dorélien's second motion for relief from judgment cannot be a basis upon which the trial court could deny Jean's motion to enforce the Judgment. Dorélien's second motion for relief from judgment simply sought to relitigate the same matters decided by the trial court's December 3, 2004 order. The trial court's denial of Dorélien's first motion for relief is *res judicata* as to all the grounds raised as a basis for relief in Dorélien's second, successive motion for such relief. See Perkins v. Salem, 249 So. 2d 466, 467 (Fla. 1st DCA 1971); see also Veloso v. Trustcorp Capital Leasing, 791 So. 2d 1138, 1138 (Fla. 3d DCA 2001) (citing Perkins as "upholding the trial court's denial of successive motions for relief from judgment where grounds for relief in successive motions were repetitive of those asserted in the first motion, or which with due diligence could have been asserted in the first motion"); Atlas v. City of Pembroke Pines, 441 So. 2d 652, 653 (Fla. 4th DCA 1983) (citing Malicoat v. LaChappelle, 390 So. 2d 481, 482 (Fla. 4th DCA 1980), and Perkins and finding that "trial court is without jurisdiction to entertain a second motion for relief from judgment which attempts to relitigate matters settled by a prior order denying relief"). Moreover, an order denying a motion for relief from judgment is not subject to a motion for rehearing. See Catalano v. Catalano, 516 So. 2d 77, 77 (Fla. 5th DCA 1987); Atlas, 441 So. 2d at 652 (Fla. 4th DCA 1983); Smith v. Weede, 433 So. 2d 992, 993 (Fla. 5th DCA 1983); Potucek v. Smeja, 419 So. 2d 1192, 1194 (Fla. 2d DCA 1982); but see

Francisco v. Victoria Marine Shipping, 486 So. 2d 1386, 1388 (Fla. 3d DCA 1986)

(noting its disagreement with the reasoning of this line of cases).

As the Florida Supreme Court stated,

[T]here must be a terminal point in every proceeding both administrative and judicial, at which the parties and the public may rely on a decision as being final and dispositive of the rights and issues involved therein.

Austin Tupler Trucking, Inc. v. Hawkins, 377 So. 2d 679, 681 (Fla. 1979). The terminal moment for Dorélien's right to challenge the recognition of the Judgment was thirty (30) days after the trial court denied his first motion for relief from judgment or January 3, 2005. He did not do so. Therefore, the Judgment is final and should have been enforced.

Third, the enforcement of the Judgment is appropriate even though Dorélien has now appealed the trial court's decisions.⁴ See Steele v. Steele, 558 So. 2d 526, 528 (Fla. 1st DCA 1990) (noting that a judgment that is not superseded is enforceable on appeal).

Finally, at the time Jean sought to have the Judgment enforced, there was nothing before the trial court that would support a basis for not enforcing the Judgment. Although Dorélien proffered court papers he claimed supported his argument that the Haitian judgment against him was unenforceable, the court

⁴ The merits of Dorélien's appeal are beyond the scope of this brief.

papers he proffered were not properly verified and did not support his claim that the Haitian judgment was reversed or otherwise vacated.

Nonetheless, the trial court, without any basis in law, *sua sponte* created a remedy for Dorélien out of whole cloth when it gave Dorélien forty-five (45) days to go back to the Haitian courts and ostensibly seek the relief he needed to challenge the judgment. The Act does allow the court to exercise its discretion and stay the proceedings if the defendant satisfies the court that an appeal is pending or that he intends to appeal; however, this portion of the statute has no application here. The proceedings under the Act are at an end. The attack by Dorélien in his second motion for relief from judgment is simply a belated collateral attack.

Therefore, under the facts and procedural posture of this case, the trial court erred when it denied Jean's request to enforce the Judgment.

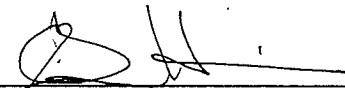
CONCLUSION

For the foregoing reasons, the Order denying Jean's motion to enforce judgment should be reversed, and this case remanded to the trial court with instructions to enforce the Judgment.

Dated this 10th day of August, 2005.

Respectfully submitted,


HOLLAND & KNIGHT LLP

By: 
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Cynthia L. Hain (FBN 0061300)
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*Attorneys for Appellant Marie Jeanne
Jean*

CERTIFICATE OF SERVICE

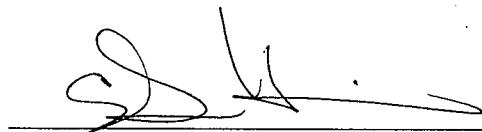
I HEREBY CERTIFY that a true and correct copy of the foregoing was served by United States Mail this 10th day of August, 2005 to: Kurt R. Klaus, Esq., Law Offices of Kurt R. Klaus, Jr., 3191 Coral Way, Suite 402-A, Miami, FL 33145, attorney for Carl Dorélien; Scott M. Behren, Esq., 2853 Executive Park Drive, Suite 103, Weston, FL 33326, attorney for Lump Sum Capital, LLC; Louisa H. Warren, Esq., 250 Marriott Drive, Tallahassee, FL 32301, attorney for Florida Department of Lottery; and Christian N. Scholin, Esq., 505 S. Flagler Drive, Suite 400, West Palm Beach, FL 33401.



Attorney

CERTIFICATE OF COMPLIANCE WITH FONT REQUIREMENTS

I HEREBY CERTIFY that this brief complies with the font requirements of Rule 9.210, Florida Rules of Appellate Procedure.



Attorney

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RETURN ORIGINAL ONLY
THIS IS COLOR CODED

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DOCKETING STATEMENT AND
NOTICE OF APPEARANCE OF COUNSEL

APPELLANT/PETITIONER: If this case involves an original writ, is an appeal of a non-final order, or is a "child" case (as defined in paragraph 13 below), this Docketing Statement must be completed and returned immediately. In all other cases, counsel for the appellants or the appellants, if not represented by counsel, must file the Docketing Statement within 20 days from the date of the cover letter accompanying this Docketing Statement.

APPELLEE/RESPONDENT (AND AMICUS CURIAE): Are not required to file a Docketing Statement unless there are amendments, corrections, or additions to the Docketing Statement filed by appellant. Appellees and Amicus are only required to file the notice of appearance if counsel's name does not already appear on the certificate of service. Appellee's Docketing Statement and notice of appearance are due no later than the answer brief.

PLEASE PROVIDE THE FOLLOWING INFORMATION (ATTACH ADDITIONAL PAGES IF NECESSARY):

this is a child case (SEE QUESTION 13), check here _____

NAME OF CASE:

Marie Jeanne Jean v. Carl Dorelien

DCA CASE NUMBER:

1D05-3705

NOTICE OF APPEARANCE OF COUNSEL

ATTORNEY FOR (LIST CLIENT BY NAME):

Marie Jeanne Jean

ATTORNEY'S SIGNATURE:



ATTORNEY'S PRINTED NAME:

Thomas E. Bishop

BAR NO.:

956236

ADDRESS:

50 N. Laura Street, Suite 3900
Jacksonville, FL 32202

PHONE NO.:

(904) 353-2000

Docketing statement of:

Appellant/Petitioner

X

Appellee/Respondent

Amicus

All correspondence and orders will be sent to counsel as specified above unless the court allows withdrawal or substitution of counsel.

If the appeal is an appeal of a final order or of a partial final judgment, are there any matters still pending in the lower tribunal? If yes, please explain specifically the nature of the order being appealed and what matters remain pending in the lower tribunal.

No.

REAL PARTIES IN INTEREST: List names and addresses of all persons, business entities, and organizations having a direct interest in the outcome of this action.

See attached.

RECUSALS: For the information of the court, list any judge(s) on this court who you believe should not participate in this case, stating your reasons for that belief. (Note: Your listing of such judge(s) in the answer to this question, together with the reason for your belief, will not supplant the need for an appropriate separate pleading if you intend to seek the disqualification of a judge.)

None known.

JUDGES BELOW: List the name of all judge(s), deputy commissioner(s), master(s), and hearing officer(s)/examiner(s) who were involved in this action below.

**The Honorable Janet E. Ferris, Circuit Judge for the Second Judicial Circuit,
Leon County, Florida**

**The Honorable P. Kevin Davey, Circuit Judge for the Second Judicial Circuit, Leon County,
Florida**

ATTORNEYS: List the names and addresses of all attorneys who are, or have been, of record in this case and who they represent.

See attached.

PENDING CASES:

(a) List the style and docket number of all other cases now pending before this court, arising from the same case in the lower tribunal.

Carl Dorelien v. Marie Jeanne Jean; Case No. 1D05-3546

(b) List the style and docket number of all other cases now pending before this court, which involve the same or similar issues. State the issue(s).

Carl Dorelien v. Marie Jeanne Jean; Case No. 1D05-3546

(c) List the style and docket number of all other cases now pending before this court which are related to this case for reasons other than those set forth in 9(a) and 9(b) above, including, but not limited to, cases arising from the same set of facts. State the reason(s) the cases are related.

0. **PRIOR PROCEEDINGS:** List style, docket number or citation of all prior proceedings in this court which involve the same parties or issues which are being addressed in this case.

None.

1. **CURRENT AND PRIOR PROCEEDINGS IN OTHER COURTS:** List style, case number, and court of all pending and prior proceedings in other courts related to this action. State briefly how the case is related.

See attached.

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

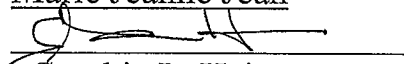
DOCKETING STATEMENT AND
NOTICE OF APPEARANCE OF COUNSEL

Attachment Sheet

Marie Jeanne Jean v. Carl Dorélien

1D05-3705

2. NOTICE OF APPEARANCE OF COUNSEL

ATTORNEY FOR (LIST CLIENT BY NAME)	<u>Marie Jeanne Jean</u>
ATTORNEY'S SIGNATURE	
ATTORNEY'S PRINTED NAME	<u>Cynthia L. Hain</u>
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IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DOCKETING STATEMENT AND
NOTICE OF APPEARANCE OF COUNSEL

Attachment Sheet

Marie Jeanne Jean v. Carl Dorelien
1D05-3705

5. REAL PARTIES IN INTEREST. List names and addresses of all persons, business entities, and organizations having a direct interest in the outcome of this action.

Lexiuste Cajuste, Plaintiff in Jean, et al. v. Dorelien, et al., U.S. Dist. Court, Southern District, Miami Division; Case No. 03-20161
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Karl-Steven Dorélien, Appellee Carl Dorélien's son
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Marie Jeanne Jean, Appellant
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Lump Sum Capital, LLC, Appellee
c/o Scott M. Behren, Esq.
2853 Executive Park Drive Suite 103
Weston, FL 33326

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IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DOCKETING STATEMENT AND
NOTICE OF APPEARANCE OF COUNSEL

Attachment Sheet

Marie Jeanne Jean v. Carl Dorelien

Case No. 1D05-3705

8. ATTORNEYS. List the names and addresses of all attorneys who are, or have been, of record in this case and who they represent.

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Dwayne E. Williams, Esq., counsel for Appellant Jean
Fla. Bar No. 0125199
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701 Brickell Avenue, Suite 3000
Miami, FL 33131

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DOCKETING STATEMENT AND
NOTICE OF APPEARANCE OF COUNSEL

Attachment Sheet

Marie Jeanne Jean v. Carl Dorelien
1D05-3705

11. CURRENT AND PRIOR PROCEEDINGS IN OTHER COURTS. List style, case number, and court of all pending and prior proceedings in other courts related to this action. State briefly how the case is related.

Jean, et al. v. Dorelien, et al., United States District Court, Southern District of Florida, Miami Division; Case No. 03-20161-civ-King

For violations of the Torture Victims Protection Act and Alien Tort Claims Act against Dorelien and a state law claim for fraudulent transfer against Dorelien and Lump Sum Capital, LLC.

Jean, et al. v. Dorelien, et al., Eleventh Circuit, United States Court of Appeals; Case No. 04-12069-II

Appeal of the dismissal of the federal claims in Case No. 03-20161-civ-King.

**IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT OF FLORIDA**

MARIE JEANNE JEAN,

Plaintiff/Appellant,

vs.

CASE NO. 04—CA-001525

LOWER CASE NUMBER: 04-CA-000559

CARL DORÉLIEN,

Defendant/Appellee.

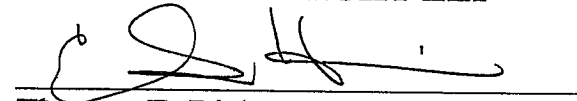
REQUEST FOR ORAL ARGUMENT

Pursuant to Florida Rule of Appellate Procedure 9.320, Plaintiff/Appellant Marie Jeanne Jean requests oral argument with respect to her appeal of a nonfinal order denying her motion to enforce judgment.

Dated this 10th day of August, 2005.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by United States Mail this 10th day of August, 2005 to: Kurt R. Klaus, Esq., Law Offices of Kurt R. Klaus, Jr., 3191 Coral Way, Suite 402-A, Miami, FL 33145, attorney for Carl Dorélien; Scott M. Behren, Esq., 2853 Executive Park Drive, Suite 103, Weston, FL 33326, attorney for Lump Sum Capital, LLC; Louisa H. Warren, Esq., 250 Marriott Drive, Tallahassee, FL 32301, attorney for Florida Department of Lottery; and Christian N. Scholin, Esq., 505 S. Flagler Drive, Suite 400, West Palm Beach, FL 33401.



Attorney

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