

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case No. 03-20161 CIV-KING

NIGHT BOX
FILED

APR - 7 2004

CLARENCE MADDOX
CLERK, USDB / SDFL / MIA

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

Plaintiffs,

v.

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

Defendants.

**PLAINTIFFS' SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF
THEIR EMERGENCY MOTION TO PREVENT FRAUDULENT TRANSFER**

Plaintiffs Marie Jeanne Jean, in her individual capacity, and as parent of and legal guardian for minors Vladimy Pierre and Michelda Pierre; and Lexiuste Cajuste (collectively, "Plaintiffs"), hereby file this supplemental memorandum of law in support of their Emergency Motion to Prevent Fraudulent Transfer (D.E. 28) (the "Emergency Motion").

INTRODUCTION

This Supplemental Memorandum of Law will show: (1) that this Court is empowered to preserve its own jurisdiction by preventing prejudgment fraudulent transfers; (2) that the evidence discovered and testimony given thus far prove that the Defendant Carl Dorélien and his family are willing to commit fraud or otherwise flout the rule of law to further their attempt to fraudulently transfer his assets; and (3) that, despite the perjury of Carl Dorélien's son and

attorney-in-fact, Karl-Steven Dorélien, and the Dorélien family's efforts to thwart discovery, Plaintiffs have discovered a plethora of evidence, including a "smoking gun" document that proves, unequivocally, that the lottery prize assignment is a fraudulent transfer that should be enjoined pending the trial of this case.

I. BACKGROUND

A. Plaintiffs' claims against Carl Dorélien and Lump Sum Capital, LLC, and Plaintiffs' Emergency Motion to Prevent Fraudulent Transfer.

Defendant Carl Dorélien ("Dorélien") was a Colonel in the Haitian Armed Forces and a member of the High Command of the military dictatorship that ruled Haiti during the three year period from October 1991 to September 1994. During that period, Dorélien planned, ordered, authorized, and permitted his subordinates in the Armed Forces and related paramilitary organizations to commit various human rights violations, including extrajudicial killings and torture. Plaintiffs are some of Dorélien's victims, and have filed this lawsuit to recover compensatory and punitive damages for the harm they suffered at the hands of Dorélien's troops and paramilitaries.

Plaintiffs are suing Carl Dorélien for (1) the extra-judicial killing of Michel Pierre, the late husband of Plaintiff Marie Jeanne Jean and the father of her children, Plaintiffs Vladimyr Pierre and Michelda Pierre; (2) the torture of Plaintiff Lexiuste Cajuste; (3) the arbitrary detention of Plaintiff Cajuste; (4) cruel, inhuman, or degrading treatment or punishment of Plaintiff Cajuste; and (5) crimes against humanity.

Plaintiffs are also suing Carl Dorélien and Defendant Lump Sum Capital, LLC ("LSC") for relief from certain fraudulent transfers pursuant to Florida's Uniform Fraudulent Transfer Act, Section 726.01, Florida Statutes, et seq. (See Second Amended Complaint (D.E. 37), at ¶¶ 73-95.) In particular, Plaintiffs allege that Dorélien has entered into a Lottery Prize Assignment

Agreement with LSC, pursuant to which Dorélien will transfer and assign his Florida Lottery prize, payable in thirteen annual installments (the "Lottery Payments"), to LSC, in exchange for a lump sum payment of \$1.3 million. Plaintiffs allege that the transfer/assignment is a fraudulent transfer designed to protect the Lottery Payments from Dorélien's creditors, *especially Plaintiffs*. Plaintiffs' Emergency Motion seeks to secure the Lottery Payments or the \$1.3 million lump sum pending the trial of Plaintiffs' human rights claims against Dorélien and the trial of their fraudulent transfer claim against Dorélien and LSC.

B. The March 3, 2004 Hearing and the March 10, 2004 Order.

Plaintiffs' Emergency Motion was before the Court, for the first time, on March 3, 2004. After hearing testimony from Carl Dorélien's son and attorney-in-fact, Karl-Steven Dorélien, and Carl Dorélien's son Didier Dorélien, the Court entered a temporary restraining order ("TRO") preventing LSC from transferring any monies to Carl Dorélien for a period of ten (10) days, subject to renewal for an additional ten (10) days upon application by Plaintiffs.¹ The TRO was signed on March 10, 2004. (See Order Granting Leave to File Second Amended Complaint and Temporary Restraining Order dated March 10, 2004 (D.E. 32), at ¶¶ 2-3.)²

The Court also ordered that during the initial ten (10) day period of the TRO, the parties could file affidavits and other evidence in support of their respective positions, and that during the second ten (10) period, the parties could file memoranda of law. (Order (D.E. 32), at ¶3.) Plaintiffs have taken some discovery relating to the Emergency Motion; but they have a pending

¹ On March 24, 2004, Plaintiffs filed their motion to renew the TRO to April 21, 2004. (See Motion to Enlarge Certain Pretrial Deadlines and to Renew Temporary Restraining Order (D.E. 49), Part B at pp. 6-8.)

² In addition to the TRO, the Court granted leave for Plaintiffs to file their Second Amended Complaint (the "Complaint") asserting their claim for relief from fraudulent transfers and adding LSC as a Defendant. (See Order (D.E. 32), at ¶ 1.) The Complaint was served on Carl Dorélien on March 10, 2004. (See Second Amended Complaint (D.E. 37), certificate of service.) The Complaint and Summons were served on LSC on March 31, 2004. (See Affidavit of Service attached as Exhibit "A.")

motion to compel discovery and a motion for enlargement of time to take discovery and file evidence and final memoranda of law with the Court.

C. **Plaintiffs' efforts to obtain discovery, and related pending motions.**

Plaintiffs served Carl Dorélien's son and attorney-in-fact, Karl-Steven Dorélien, and his attorney Christian N. Scholin, Esq., with Subpoenas Duces Tecum for Deposition requiring the production of, among other things, any documents relating to the assignment/transfer of the Lottery Payments from Dorélien to LSC. The witnesses sat for deposition on March 18, 2004. Karl-Steven Dorélien and Christian Scholin both refused to answer certain questions concerning the assignment/transfer on the grounds of attorney-client privilege; and Scholin refused to produce various documents responsive to the Subpoena on the grounds that the documents were privileged and/or attorney work product. Because the evidence shows that the crime-fraud exception to the attorney-client privilege applies so that the information and documents that Plaintiffs requested are not protected by any privilege, Plaintiffs filed a Motion to Compel Discovery from Karl-Steven Dorélien and Christian Scholin, Esq. (See Motion to Compel Discovery from Karl-Steven Dorélien and Attorney Christian N. Scholin, Esq. (D.E. 56).)

Plaintiffs also attempted to take the depositions of Carl Dorélien's wife Marie-Carline Dorélien, and his sons Didier Dorélien and Giovanni Dorélien, all of whom signed affidavits in opposition to Plaintiffs' Emergency Motion. (See Affidavits (D.E. 51).) Unfortunately, however, Plaintiffs were unable to serve those members of the Dorélien family with subpoenas because those persons were either avoiding service of the subpoenas, avoiding capture by the Department of Homeland Security, or both. (See § II.B.7, below.) Plaintiffs intend to file a motion to strike the affidavits sworn by Marie Carline Dorélien, Didier Dorélien, and Giovanni Dorélien on the grounds that they have deliberately sought to avoid being deposed in this case.

Although Plaintiffs have already obtained evidence proving that Carl Dorélien's assignment/transfer of the Lottery Payments is a fraudulent transfer intended to hinder, delay, and defraud his creditors (see § II.B, below), Plaintiffs have filed a motion requesting the Court to renew the TRO until April 21, 2004, to allow Plaintiffs to obtain the discovery requested in their pending motion to compel discovery, and to depose Carl Dorélien's wife and his sons. (See Motion for Enlargement of Certain Pretrial Deadlines and to Renew Temporary Restraining Order (D.E. 49), Part B at pp. 6-8.) Without waiving or withdrawing their pending motions, Plaintiffs hereby file this Supplemental Memorandum of Law summarizing their entitlement to a preliminary injunction, the appointment of a receiver, and/or other relief in connection with the assignment/transfer.

II. PLAINTIFFS ARE ENTITLED TO PRELIMINARY INJUNCTIVE RELIEF OR THE APPOINTMENT OF A RECEIVER PENDING A TRIAL ON THE MERITS

- A. The United States Supreme Court, the Supreme Court of Florida, and the Federal Rules of Civil Procedure call for the prejudgment application of the Florida Uniform Fraudulent Transfer Act and entry of an order preventing any fraudulent transfer that would thwart a judgment on the merits.**

The United States Supreme Court has unequivocally approved the exercise of ancillary jurisdiction for the pre-judgment avoidance of fraudulent transfers. In Peacock v. Thomas, 516 U.S. 349, 116 S. Ct. 862 (1996), the Supreme Court stated:

Without jurisdiction to enforce a judgment entered by a federal court, “the judicial power would be incomplete and entirely inadequate to the purposes for which it was conferred by the constitution.” . . . In defining that power, we have approved the exercise of ancillary jurisdiction over a broad range of supplementary proceedings involving third parties to assist in the protection and enforcement of federal judgments – including attachment, mandamus, garnishment *and the prejudgment avoidance of fraudulent conveyances.*

Peacock v. Thomas, 516 U.S. at 356, 116 S. Ct. at 868 (emphasis added)(citations omitted).

Peacock supports the exercise by a district court of ancillary jurisdiction over a claim brought under the Uniform Fraudulent Transfer Act, the very act under which Plaintiffs move

here. See Epperson v. Entertainment Express, Inc., 242 F.3d 100, 105 (2nd Cir. 2001)(citing Peacock as authority for ancillary jurisdiction over a claim brought under the Uniform Fraudulent Transfer Act to preserve assets when the underlying claim did not lie in equity but was one, like the case at bar, for money damages).

Pursuant to Rule 64, Federal Rules of Civil Procedure, this Court should apply the applicable remedy of the state in which the court sits; which means, in this case, Section 726.108(1), Florida Statutes, the Florida Uniform Fraudulent Transfer Act. Rule 64, Federal Rules of Civil Procedure, provides in pertinent part:

At the commencement of and during the course of an action, all remedies providing for seizure of person or property for the purpose of securing satisfaction of the judgment ultimately to be entered in the action are available under the circumstances and in the manner provided *by the law of the state in which the district court is held*, existing at the time the remedy is sought, subject to the following qualifications: ... The remedies thus available include arrest, attachment, garnishment, replevin, sequestration, and other corresponding and equivalent remedies, however designated and regardless of whether by state procedure the remedy is ancillary to an action or must be obtained by an independent action.

See Fed. R. Civ. P. 64 (emphasis added).

Here, in their Emergency Motion, Plaintiffs request an order pursuant to Florida Statute Section 726.108(1): appointing a receiver to take control of and administer all of Defendant Carl Dorélien's assets, attaching Dorélien's assets, enjoining the further disposition, assignment, or encumbrance of any of Dorélien's property with the approval of the Court or the receiver, and enjoining Lump Sum Capital, LLC from paying any monies to Dorélien. (See Emergency Motion (D.E. 28), at p. 11.)

The Supreme Court of Florida has determined that the equitable remedies provided by Section 726.108(1), Florida Statutes, are available pre-judgment. See Friedman v. Heart Inst. of Port St. Lucie, Inc., 2003 Fla. LEXIS 1619 28 Fla. L. Weekly S 808, 20 I.E.R. Cas. (BNA) 742

(Fla. Sept. 25, 2003) (court may grant pre-judgment relief under Florida Uniform Fraudulent Transfer Act to preserve assets). Accordingly, Plaintiffs may obtain pre-judgment relief pursuant to Section 726.108, Florida Statutes in the circumstances and manner prescribed by Florida law.³

Florida's Uniform Fraudulent Transfer Act, Section 726.101, Florida Statutes, et. seq., defines fraudulent transfer to include a transfer made with the actual intent to hinder, delay, or defraud any creditor. See § 726.105(1)(a), Fla. Stat.⁴ The Act then lists certain factors that may be considered when determining whether the debtor/transferor acted with the actual intent to hinder, delay or defraud his creditors. These badges of fraud include whether: (a) the transfer was to an insider; (b) the debtor retained control of the property following the transfer; (c) the transfer was concealed; (d) before the transfer was made the debtor was sued or threatened with suit; (i) the debtor was insolvent or became insolvent shortly after the transfer was made; or (j) the transfer occurred shortly before or shortly after a substantial debt was incurred. See § 726.105(2)(a), (b), (c), (d), (i), and (j), Fla. Stat. Of course, as this Court has pointed out in a case in which it applied the Florida Uniform Fraudulent Transfer Act, the “badges of fraud” are merely surrogates for actual fraud and fraudulent intent:

A creditor may prove a conveyance is fraudulent by showing actual fraudulent intent or by establishing a prima facie case that the opposing party fails to rebut. When evidence of actual fraud is not present, courts examine “badges of fraud” that give rise to an inference of fraudulent intent.

Clement v. United States, 1995 U.S. Dist. LEXIS 13656 at pp. 15-16.

³ Defendant Carl Dorelien, in his Response to Emergency Motion to Prevent Fraudulent Transfer, cites and attaches an excerpt from Creditors' and Debtors' Practice in Florida 2d Edition as authority for the proposition that potential judgment creditors with disputed claims have no right to preliminary injunctive relief. The four cases cited in that excerpt, however suffer two glaring defects in their applicability to the case at bar. First, none of them involve violations of the Uniform Fraudulent Transfer Act. Plaintiffs would agree that where the defendant is not alleged to be fraudulently transferring assets, that creditors have no right to pre-judgment relief. But that is not the case here. Second, all of the cases cited pre-date Friedman, supra, which resolved the conflict that existed prior on this issue in favor of allowing pre-judgment relief.

⁴ The Act defines a "transfer" as "every mode, direct or indirect, ... of disposing of or parting with an asset or an interest in an asset." See § 726.102(12), Fla. Stat.

Here, the evidence proves that Carl Dorélien entered into the Lottery Prize Assignment Agreement with actual intent to hinder, delay, and defraud his creditors; thus Plaintiffs are entitled to pre-judgment relief under Section 726.108(1), Florida Statutes. Not only is there ample direct evidence of actual fraudulent intent; many of the "badges of fraud" listed in Section 726.105(2), Florida Statutes are present.

B. The evidence of Carl Dorélien's scheme to hinder, delay, and defraud his creditors justifies a preliminary injunction, or the appointment of a receiver.

1. *Summary of the evidence.*

The record evidence shows that Carl Dorélien is engaged in a fraudulent scheme to protect his assets from his creditors. The scheme centers on Carl Dorélien's attempted assignment and transfer of his remaining thirteen lottery payments to LSC in exchange for a \$1.3 million lump sum payment *into the personal account of Karl-Steven Dorélien*. The evidence proves that Dorélien entered into the assignment/transfer for the purpose of protecting the Lottery Payments from his creditors, *especially Plaintiffs*, so that the assignment qualifies as a fraudulent transfer within Section 726.105(1)(a), Florida Statutes.

- (1) In October 2003, Carl Dorélien appointed his son Karl-Steven Dorélien as his attorney-in-fact for the purpose of entering into an agreement with LSC to assign and transfer the Lottery Payments to LSC.
- (2) In about November 2003, Karl-Steven Dorélien identified Christian Scholin, Esq. as an attorney specializing in "asset protection," "international asset protection," and "offshore trusts;" and retained Scholin as his father's attorney.
- (3) Karl-Steven Dorélien met with attorney Scholin at Scholin's office on three or four occasions between November 2003 and February or March, 2004. During this period, Karl-Steven Dorélien and attorney Scholin also spoke on the phone about twenty-four (24) times.
- (4) On November 25, 2003 – at Scholin's office – Karl-Steven Dorélien signed various papers that were required to effect the assignment of the Lottery Payments to LSC, including the Assignment Agreement and the Affidavit of Carl Dorélien. The Assignment Agreement and the Affidavit contain false statements, including statements that there are no pending judgments or claims against Carl Dorélien.

Karl-Steven Dorélien made these misrepresentations to fraudulently induce the Florida Department of the Lottery and the Leon County Circuit Court to approve the assignment of the Lottery Payments to LSC.

- (5) Before entering into the Assignment Agreement with LSC, Karl-Steven Dorélien told LSC and attorney Christian Scholin that Plaintiffs were suing his father for money damages.
- (6) On March 3, 2004, Karl-Steven Dorélien testified at the hearing of Plaintiffs' Emergency Motion for Relief from Fraudulent Transfers. Karl-Steven Dorélien testified – *falsely* – that he did *not* have an attorney helping him with the assignment transaction, and that he did not know whether attorney Scholin ever represented his father. *Indeed, even though Karl-Steven Dorélien had previously retained Scholin as his father's attorney, had spoken with Scholin on the telephone about 24 times, and had met with Scholin between 3 and 5 times, he testified that he could not remember ever hearing of or meeting with Scholin.*
- (7) According to Karl-Steven Dorélien's instructions to attorney Scholin, and a smoking gun letter from Scholin giving instructions for the wire transfer, Carl Dorélien plans to transfer the bulk of the \$1.3 million proceeds from the assignment to Karl-Steven Dorélien's personal bank account at SunTrust Bank. At his deposition, Karl-Steven Dorelien testified – *falsely* – that no plans had been made regarding where the proceeds from the lottery assignment would be deposited, despite the fact that that he had given orders for over \$1 million to be deposited into his personal account.
- (8) The evidence shows that the lottery assignment transaction is a vehicle through which Carl Dorélien will convert the Lottery Payment into a lump sum and then transfer the proceeds to his son, Karl-Steven Dorélien, who is immune to his father's creditors, and who may then move the money offshore. Further, the evidence shows that Carl Dorélien's wife and some or all of Carl Dorélien's sons are soon to be deported from the United States just as Carl Dorelien was, and so they have every incentive to abscond with whatever lottery proceeds they can, through whatever means they can.

2. *Carl Dorélien appointed his son Karl-Steven Dorélien as his attorney-in-fact for the purpose of assigning the Lottery Payments to LSC.*

By power of attorney dated October 2003, Carl Dorélien appointed Karl-Steven Dorélien as his attorney-in-fact for the purpose of converting the Lottery Payments into a lump sum. Karl-Steven was acting as his father's attorney-in-fact when he signed the documents effecting the assignment of the Lottery Payments to LSC. (See Dorélien Depo. (D.E. 46), at p. 67, line 24 to p. 70, line 14, and Exhibit 8 to Dorélien Depo., Special Power of Attorney.)

3. ***Karl-Steven Dorélien's search for an attorney specializing in "asset protection," and the retention of Christian Scholin, Esq.***

At his March 18, 2004 deposition, Karl-Steven Dorélien testified that in October or November of 2003, he started searching on the internet for a lawyer to represent his father, Carl Dorélien, in the assignment transaction with LSC. Karl-Steven Dorélien testified that he searched for lawyers who were experienced with lottery prize assignments, and that after identifying a number of candidates, he selected attorney Christian Scholin. (See Dorélien Depo. (D.E. 46), p. 27, line 19 to p. 31, line 11.)⁵ *Karl-Steven Dorélien's testimony is false.* The evidence shows that Karl-Steven Dorélien found attorney Christian Scholin by searching for attorneys specializing in "asset protection."

Christian Scholin is a West Palm Beach attorney who is listed in the Martindale Hubbell Directory as a specialist in "asset protection" (the protection of assets from creditors and from tax on inter-generational transfers), "international asset protection" (the protection of assets from creditors) and "offshore trusts" (a device used in "international asset protection"). Martindale Hubbell does *not* list lottery assignments, or lottery law, as areas in which Scholin practices. (See Scholin Depo. (D.E. 48), at p. 5, line 13 to p. 7, line 22; and Exhibit 1 to Scholin Depo., Profile from Martindale Hubbell.) Indeed, Scholin had *never* been involved with a lottery prize assignment before he was retained to represent Carl Dorélien in connection with the assignment to LSC. (See Scholin Depo. (D.E. 48), at p. 53, line 16 to p. 55, line 4.) Thus, even if Karl-Steven Dorélien had searched for lawyers with experience in lottery prize assignments, he would never have discovered attorney Scholin that way. Christian Scholin's testimony proves that Karl-

⁵ Karl-Steven Dorélien testified that he used the word "lottery" as a search term when searching on-line for an attorney. (See *Id.*, at p. 31, lines 8-11: "Q. What were the search terms generally speaking that you used? A. Mostly attorney, you know, lottery. I think those were the ones I can remember.")

Steven Dorélien's testimony – that he identified Scholin as an attorney experienced with lottery prize assignments – is false.

Further, at his deposition, Karl-Steven Dorélien admitted that the issue of "asset protection" "crossed his mind" when he was searching for an attorney to represent his father in connection with the assignment to LSC. (See Dorélien Depo. (D.E. 46), at p. 86, line 10 to p. 87, line 25.)

Karl-Steven Dorélien's search for and retention of an attorney specializing in "asset protection" proves a crucial element of this case: that the assignment is a transfer made "with actual intent to hinder, delay, or defraud creditors," within Section 726.105(1)(a), Florida Statutes.

4. *Karl-Steven Dorélien's meetings with Christian Scholin, his disclosure that Plaintiffs are suing Carl Dorélien, and his fraudulent misrepresentations to the Florida Department of the Lottery and the Leon County Circuit Court.*

At his March 18, 2004 deposition, Karl-Steven Dorélien testified that he met with attorney Scholin, at Scholin's office in West Palm Beach, between three and five times, beginning in 2003 and more recently, in February or March of this year. (See Dorélien Depo. (D.E. 46), at p. 26, line 18 to p.27, line 10; p. 32, lines 12-17; and p. 38, lines 3-10.) He testified that he hired Scholin to "take care of the whole lottery thing on behalf of my father" (id., p. 43, lines 4-8), and that all of his meetings with Scholin related to the conversion of the Lottery Payments into a lump sum. (Id., p. 38, line 18 to p. 39, line 5.) At one such meeting, on November 25, 2003, Karl-Steven Dorélien signed various documents required for the assignment of the Lottery Payments to LSC, including the Assignment Agreement and the Affidavit of Carl Dorélien to be filed in Leon County Circuit Court. (See Dorélien Depo. (D.E. 46), p. 52, lines 6-13; and p. 58, lines 7-10.)

In the Assignment Agreement, Karl-Steven Dorélien made the following representations on behalf of Carl Dorélien:

E. Representations and Warranties of Lottery Winner. Lottery Winner [Carl Dorélien] represents and warrants as follows: ... Lottery Winner's address for the twelve (12) months prior to the execution of this Agreement is [3127 S.E. Card Terrace, Port St. Lucie]; ... (4) Lottery Winner is not subject to any outstanding judgment, levy, claim or offset; ... (7) Lottery Winner has no outstanding and unsatisfied judgments; ...

(See Exhibit 4 to Dorélien Depo. (D.E. 46), Lottery Prize Assignment Agreement, at LSC-000007.) In the Affidavit of Carl Dorélien, Karl-Steven declared, on this father's behalf:

8. I do not seek this assignment for any purpose of evading creditors, judgments, or obligations for child support for which I am responsible.

9. There are no existing orders, judgments, or debts for the past due child support, (ordered by a Florida court or otherwise), funds due any Florida state agencies, or any creditor which would obviate or impede the appropriate nature of the pending assignment.

(See Exhibit 5 to Dorélien Depo. (D.E. 46), Affidavit of Carl Dorélien, at LSC-000014.)

Karl-Steven Dorélien's deposition testimony proves that these representations and declarations were false, that he made them to fraudulently induce the Florida Department of the Lottery and the Leon County Circuit Court to approve the assignment and transfer to LSC, and that the purpose of the transaction was to hinder, delay, or defeat creditors, *especially Plaintiffs*. During his deposition, Karl-Steven Dorélien admitted that before he executed the Assignment Agreement and the Affidavit of Carl Dorélien:

- He told attorney Christian Scholin and LSC that Plaintiffs were suing his father for money damages. (See Dorélien Depo. (D.E. 46), p. 75, line 19 to p. 80, line 19.)
- Contrary to his representations cited above, he knew that his father had been deported to Haiti, was in prison there, and had not been resident in the United States for months. (Id., at p. 44, lines 9-16; and p. 48, lines 1-4.)

- Contrary to his representations cited above, he had heard that a Haitian court had awarded a money judgment against his father *in absentia*. (Id., p. 84, lines 1-15.)⁶
- He read the representations in the Assignment Agreement and the Affidavit, including the representations that Carl Dorélien was not subject to any claims or any outstanding judgments and was not entering into the assignment to defeat creditors. (Id., p. 55, lines 22-24; p. 58, line 24 to p. 59, line 1; p. 60, line 19 to p. 61, line 3.)
- He understood that the Florida State Department of the Lottery and a Florida Circuit Court would have to approve the assignment. (Id., p. 55, lines 12-21; p. 56, line 17 to p. 57, line 10.)

These admissions prove that: Karl-Steven Dorélien was concerned that Plaintiffs might execute against the Lottery Payments; he signed the Assignment Agreement and swore the Affidavit of Carl Dorélien knowing that they contained fraudulent misrepresentations; and he understood that the Florida Department of the Lottery and the Leon County Circuit Court would rely upon his false representations when considering whether to approve the assignment. These admissions, by themselves, demonstrate that the purported assignment of the Lottery Payments to LSC was made "with actual intent to hinder, delay, or defraud" Carl Dorélien's creditors. See § 726.105(2)(d), (i), and (j), Fla. Stat. (fact that debtor was subject to suit, insolvent, or had incurred debt at time of transfer is badge of fraud).

5. *Karl-Steven Dorélien's perjury at the March 3, 2004 hearing.*

Carl Dorélien's and Karl-Steven Dorélien's fraudulent intent is further evidenced by Karl-Steven Dorélien's perjury at the March 3, 2004 hearing on Plaintiffs' Emergency Motion. At the hearing, Karl-Steven Dorélien told the Court that he did *not* have the assistance of a lawyer during the assignment transaction, he pretended that he had only just heard of Christian Scholin, and he testified that he didn't know whether Scholin had ever represented his father:

⁶ On November 16, 2000, a Haitian court ordered Carl Dorélien to pay the victims of the Raboteau Massacre (including Marie Jeanne Jean) the sum of one (1) million *Gourdes*. The Haitian Judgment remains in full force and effect. (See Affidavit of Mario Joseph (D.E. 42).)

MR. THORNTON: My question is whether he was represented by counsel.

THE COURT: Just ask him if he has a lawyer if it's relevant. When you exercise a power of attorney for your father, do you have a lawyer helping you?

THE WITNESS: No, I don't.

THE COURT: Next question.

BY MR. THORNTON:

Q. Did you have a lawyer helping you with this transaction?

A. I do not have a lawyer representing me personally.

Q. Do you know who Christian Shollen (*sic*) is?⁷

A. To my knowledge, an attorney?

Q. Have you ever heard of his name before?

A. I don't remember.

Q. Have you ever met him?

A. If I don't even remember the name, how would I remember if I met him.

Q. Do you not know whether Mr. Shollen (*sic*) is your attorney?

A. I don't have an attorney.

Q. Does your father have an attorney named Mr. Shollen (*sic*)?

A. You would have to ask him that. My father has several attorneys, so.

(See Transcript of March 3, 2004 Hearing (D.E. 44), at page 63, line 9 to page 64, line 10.) *This testimony was utterly false.* Not only had Karl-Steven Dorélien met with Christian Scholin on several occasions before the hearing; he had spoken with Scholin on the telephone about twenty four (24) times before he testified on March 3, 2004. (See Scholin Depo. (D.E. 48), at p. 23, lines 6-8.)

⁷ Scholin is pronounced "Shollen," so the phonetic spelling reflects the proper pronunciation of Mr. Scholin's name.

Karl-Steven Dorélien's motive for lying about attorney Christian Scholin's representation of his father in the assignment transaction is obvious – he knew that his communications with Scholin would reveal that the assignment is intended to defeat Carl Dorélien's creditors, and hoped to throw Plaintiffs and the Court off the trail by claiming no knowledge of Scholin.⁸ See § 726.105(2)(c) (concealment of transfer is badge of fraud).

6. *Carl Dorélien and Karl-Steven Dorélien plan to place the proceeds from the assignment beyond the reach of Carl Dorélien's creditors.*

At his deposition, on March 18, 2004, Karl-Steven Dorélien testified that he did not know what bank account the proceeds from the assignment/transfer would be deposited in:

Q. Has your father given you any instructions as to what to do with the \$1.3 million?

A. What to do with it?

Q. That you will receive from Lump Sum Capital if this assignment goes through?

A. The best of my knowledge it was going to stay in an account here until he gives me instructions what to do with it, ...

Q. What bank account would you deposit the money if you received it?

A. He has not told me all this part yet. We have not gotten to that part. My father does have accounts here, so I don't know.

(See Dorélien Depo. (D.E. 46), at p. 88, lines 2-16.) This testimony was false.

At his deposition, Christian Scholin testified that *Karl-Steven Dorélien has instructed LSC to pay the proceeds from the assignment directly to Karl-Steven's account at SunTrust Bank.*

Pursuant to Karl-Steven's instructions, Scholin sent a letter dated January 12, 2004 to Seneca One (LSC's affiliate), instructing Seneca One to pay the remaining funds to Karl-Steven

⁸ Once Karl-Steven Dorélien learned that Plaintiffs had served attorney Scholin with a Subpoena for deposition, he had no choice but to admit that he retained Scholin to represent his father in the transaction with LSC. Even so, Karl-Steven is still shading the truth – he claims he retained Scholin because of Scholin's (non-existent) expertise with lottery assignments – but, the evidence shows that he retained Scholin based on Scholin's expertise in the field of "asset protection." (See § II.B.3, above.)

Dorélien's account at SunTrust Bank.⁹ These instructions have not been rescinded. (See Scholin Depo. (D.E. 48), at p. 43, line 13 to p. 44, line 18; and Exhibit 14 to Scholin Depo., Scholin Letter to Seneca One.)

*Christian Scholin's letter to Seneca One, instructing Seneca/LSC to pay the proceeds from the lottery transaction to Karl-Steven Dorélien's bank account, is the "smoking gun." That the lottery assignment is intended to transfer the lottery prize away from the judgment debtor, Carl Dorelien, to an insider, Karl Steven Dorelien, for no value, is indisputable in light of this document.*¹⁰

Thus, the evidence shows that Carl Dorélien's plan is to transfer the net proceeds from the assignment to members of his immediate family. Once, the assignment is completed, Carl Dorélien will have succeeded in transferring the proceeds from the assignment beyond the reach of his creditors, while at the same time he will continue to control the proceeds through his son and attorney-in-fact, Karl-Steven Dorélien. Carl Dorélien's intent to control the funds after they are transferred to his son is one of the hallmarks of a fraudulent transfer. See § 726.105(2)(b), Fla. Stat. (debtor's retention of control over property is badge of fraud). The proposed assignment/transfer of the Lottery Payments to LSC, followed by the payment of the balance of the \$1.3 million lump sum proceeds to Karl-Steven Dorélien – who is an "insider" – is obviously

⁹ Christian Scholin disclosed that Karl-Steven Dorélien has already effected the transfer of \$100,000 from the assignment to his mother Marie Carline Dorélien. The \$100,000 transfer took place in January 2004, and was structured as a loan secured by the \$1.3 million payable to Carl Dorélien upon the completion of the assignment. LSC/Seneca paid the \$100,000 loan to Scholin's trust account, and Scholin advanced \$97,500 to Marie Carline Dorélien on January 9, 2004. (See Scholin Depo. (D.E. 48), at p. 45, line 3 to p. 48, line 25; and Exhibits 16, 17, 18, 19, 20, and 21 to Scholin Depo.)

¹⁰ In his Motion to Dismiss Temporary Injunction (D.E. 55), Carl Dorelien makes two arguments for the "dismissal" of the temporary injunction. First, he argues that Plaintiffs have failed to provide any proof. This memorandum cites a plethora of proof. Second, he argues that the lottery assignment is merely an exchange for reasonable value. The facts show exactly the opposite—that the assignment transaction, when complete, would result in the transfer of assets to the personal account of Karl-Steven Dorélien, an insider, for no value, out of reach of Carl Dorélien's creditors, but still in Carl Dorelien's control. It is a classic case of fraudulent transfer.

intended to hinder, delay, or defraud Carl Dorélien's creditors. See § 726.105(2)(a), Fla. Stat. (transfer to "insider" is badge of fraud); and § 726.102(7)(a)(1), Fla. Stat. (if debtor is an individual, "insider" includes a relative of the debtor).

Finally, Karl-Steven Dorelien's perjury to conceal Carl Dorélien's plan to transfer the proceeds of the assignment to Karl-Steven's personal bank account is persuasive evidence of Carl Dorélien's fraudulent intent. See § 726.105(2)(c), Fla. Stat. (concealment of transfer is badge of fraud).

7. ***Carl Dorélien's motive for the fraudulent transfer: he has been deported to Haiti, and his wife and his sons are at risk of deportation.***

At the March 3, 2004 hearing on Plaintiffs' Emergency Motion, Karl-Steven Dorélien testified that his mother, Marie Carline Dorélien, was living with a relative named Herve Raymond in West Palm Beach; but doesn't really have a fixed residence because she is applying for political asylum. (See Transcript of March 3, 2004 Hearing (D.E. 44), at p. 61, line 18 to p. 62, line 13.) At the hearing, Karl-Steven's brother, Didier Dorélien, testified that he lives with Karl-Steven at 125 Virginia Park Boulevard, Ft. Pierce. (Id., at p. 79, lines 10-21.) When Plaintiffs sent a process server to the home of Herve Raymond to serve Marie Carline Dorélien with a Subpoena Duces Tecum for Deposition, Mrs. Raymond told the process server that Marie Carline Dorélien did not live there, but lives at 3127 S.E. Card Terrace, Port St. Lucie instead. (See Affidavit of Marshall Bishop, attached as Exhibit "B.") Similarly, a process server attempting to serve Didier Dorélien at 125 Virginia Park Boulevard, was told by Karl-Steven Dorélien that Didier Dorélien did not reside there. (See Affidavit of Donald Rosselle, attached as Exhibit "C.")

When Plaintiffs took the deposition of Karl-Steven Dorélien they discovered the reason why Marie Carline Dorélien and Didier Dorélien were impossible to find. The evidence suggests

they are illegal aliens, and are evading arrest by the Department of Homeland Security. Moreover, the evidence suggests that Karl-Steven, who graduated from Saint Thomas University in May 2002 and is not currently attending school, has entered into a sham marriage in order to avoid deportation to Haiti.

At his deposition, Karl-Steven Dorélien testified that his parents still own a house at 3127 S.E. Card Terrace in Port St. Lucie. (See Dorélien Depo. (D.E. 46), at p. 113, lines 1-14.) The house has four bedrooms and a swimming pool, but nobody has lived there since October, November, or early December of 2003. (Id., p. 116, line 19 to p. 117, line 24.) Karl-Steven Dorélien admitted that his mother could live there if she wanted to, but instead chooses to stay with friends and family; and that she keeps moving because she is afraid of being arrested by the United States government. (Id., at p. 119, line 14 to p. 121, line 6.) Karl-Steven Dorélien said it would be impossible to list the places where his mother might be staying. (Id., at p. 7-15.)

It is no coincidence that Marie Carline Dorélien and her sons abandoned the family home in about October, November, or early December of 2003. That is also around the time when the government denied the Dorélien family's claims for political asylum. (See Dorélien Depo. (D.E. 46), at p. 121, line 16 to p. 122, line 8.)

Nor is it a coincidence that in October 2003, Karl-Steven Dorélien married Racquel Sheri Gifts, an 18 year old high school student (and U.S. citizen), who continues to reside with her parents in Miramar; and that on November 13, 2003 he filed an application for residency status based on that marriage. (See Dorélien Depo. (D.E. 46), at p. 7, line 13 to p. 8, line 25; p. 6, lines 4-13, and Exhibit 1 to Dorélien Depo., INS Notice of Action.)¹¹

¹¹ Karl-Steven graduated from St. Thomas University in May 2002, and is not currently in school. (See Dorélien Depo. (D.E. 46), at p. 9, line 19 to p. 10, line 10.) Thus, Karl-Steven may not be entitled to remain here unless he is married to a U.S. citizen. Karl-Steven Dorélien vehemently denied that he married his wife in order to remain in the United States; but when he was asked when he met his wife he was evasive, stating that he may have met her in

These facts suggest that Carl Dorélien's wife and sons know that their time in the United States may be growing short, and that they are acting to protect the Lottery Payments from Carl Dorélien's creditors, while they are still here and have some control over the situation.

C The evidence submitted by Carl Dorélien does not refute Plaintiffs' evidence showing that they are entitled to prejudgment relief.

In response to Plaintiffs' Emergency Motion, Carl Dorélien has filed: an Affidavit in Opposition to Claims of Fraudulent Transfer and Motions for Injunctive Relief, sworn by Marie Carline Dorélien, Giovanni Dorélien, and Didier Dorélien; an Affidavit in Opposition to Claims of Fraudulent Transfer and Motions for Injunctive Relief, sworn by Karl-Steven Dorélien; and four "Family Law Financial Affidavits" sworn by Marie Carline Dorélien, Karl-Steven Dorélien, Didier Dorélien, and Giovanni Dorélien. (See Affidavits (D.E. 51).) The affidavits do not raise any defense to Plaintiffs' right to prejudgment relief; rather they underscore that Carl Dorélien is insolvent.

Moreover, Plaintiffs will be filing a separate motion to strike the affidavits sworn by Marie Carline Dorélien, Didier Dorélien, and Giovanni Dorélien on the grounds that they have deliberately sought to avoid being deposed in this case. Significantly, all three swore "Family Law Financial Affidavits" stating that they reside at 3127 S.E. Card Terrace, Port St. Lucie, Florida. (See Affidavits (D.E. 51).) However, according to Karl-Steven Dorélien, none of the Dorélien family reside at that address. (See Dorélien Depo. (D.E. 46), at p. 116, line 19 to p. 117, line 24.). Indeed, when Plaintiffs' process server attempted to serve Marie Carline Dorélien and Giovanni Dorélien at 3127 S.E. Card Terrace, he was told that Marie Carline and Giovanni do not live there. (See Affidavits of Donald Rosselle, attached as Exhibit "D.")

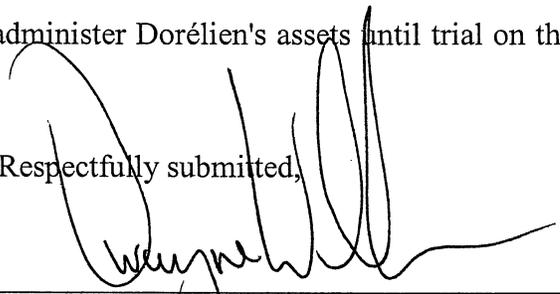
2003, and that he knew her for "awhile" before they were married. (Id., at p. 122, line 9 to p. 123, line 3.) Presumably, Karl-Steven's brothers Didier, Giovanni, and Christopher are in the same position and would be subject to deportation if they are not in school or married to U.S. citizens.

The Doréliens' lies concerning their residence addresses have caused Plaintiffs to incur significant out-of-pocket expense in fruitless efforts to secure their attendance for depositions. People who lie to avoid being served with subpoenas should not be permitted to testify through affidavits. Their evidence should be discounted, or better still disregarded altogether.

III. CONCLUSION.

The facts that Plaintiffs have presented to the Court prove a classic case of fraudulent transfer. It is clear that the assignment transaction, when complete, would result in the transfer of approximately \$1.3 million belonging to Carl Dorélien to the personal account of his son and "insider" Karl-Steven Dorélien, for no value, beyond the reach of Carl Dorélien's creditors, yet still in his control. Again and again, Carl Dorélien and his son Karl-Steven have proven that their words cannot be trusted, that they have nothing to lose, and that they will brazenly flout the rule of law to achieve their ends. Thus, Plaintiffs respectfully reassert, with even greater urgency than before, their request for the preferred remedy – that this Court enter and order enjoining Lump Sum Capital, LLC from paying any proceeds from the assignment to Carl Dorélien, or anybody else, pending further order of this Court; or, in the alternative, if the Court determines that Carl Dorélien has some legitimate expenses that should be paid from the lottery assignment proceeds, appoint a receiver to take control of and administer Dorélien's assets until trial on the merits is completed.

Respectfully submitted,



HOLLAND & KNIGHT, LLP
Dwayne E. Williams, Esq.
Fla. Bar. No. 0125199
701 Brickell Avenue, Suite 3000
Miami, Florida 33131
Tel.: (305) 374-8500
Fax.: (305) 789-7799
Email: dwillia@hklaw.com

Thomas E. Bishop, Esq.
Fla. Bar. No. 956236
50 N. Laura Street, Suite 3900
Jacksonville, Florida 32202
Tel: (904) 353-2000
Fax: (904) 358-1872
Email: tbishop@hklaw.com

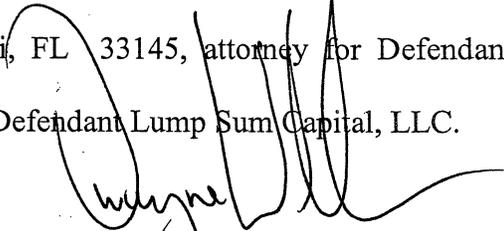
MATTHEW EISENBRANDT
(Admitted Pro Hac Vice)

The Center for Justice & Accountability
870 Market Street, Suite 684
San Francisco, CA 94102
Tel: (415) 544-0444
Fax: (415) 544-0456
Email: meisenbrandt@cja.org

JOHN ANDRES THORNTON
(Florida Bar No. 0004820)
9 Island Avenue #2005
Miami Beach, FL 33139
Tel.: (305) 532-6851
Fax: (305) 532-6851
Email: johnandresthornton@hotmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Plaintiffs' was served by fax and U.S. Mail this 7th of April, 2004 to: Kurt R. Klaus, Esq., Law Offices of Kurt R. Klaus, Jr., 3191 Coral Way, Suite 402-A, Miami, FL 33145, attorney for Defendant Carl Dorélien; and Scott M. Behren, Esq., , attorney for Defendant Lump Sum Capital, LLC.



Dwayne E. Williams

1841458_v2

Marie Jeanne Jean, et al, et. al., Plaintiff(s)
vs.
Carl Dorelien, et al., et. al., Defendant(s)



Service of Process by
APS International, Ltd.
1-800-328-7171

APS International Plaza
7800 Glenroy Road
Minneapolis, MN 55439-
2122

AFFIDAVIT OF SERVICE -- Corporate

HOLLAND & KNIGHT LLP
Mr. Dwayne E. Williams
701 Brickell Avenue, Suite 3000
Miami, FL 33131

Service of Process on:

--Lump Sum Capital, LLC
Court Case No. 03-20161 CIV-KING

State of: District of Columbia ss.
County of: Washington)

Name of Server: Frederick Parsons, Jr., undersigned, being duly sworn, deposes and says that at the time of service, ~~X~~he was over the age of twenty-one, was not a party to this action;

Date/Time of Service: that on the 31st day of March, 2004, at 4:40 o'clock PM

Place of Service: at 7920 Norfolk Avenue, Suite 300, in Bethesda, MD 20814

Documents Served: the undersigned served the documents described as:
Second Amended Complaint for Extrajudicial Killing; Arbitrary Detention;
Cruel, Inhuman or Degrading Treatment; Crimes Against Humanity;
Relief From Fraudulent Transfers.

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:
Lump Sum Capital, LLC

Person Served, and Method of Service: By delivering them into the hands of an officer or managing agent whose name and title is: Alex Heiche, Vice President

Description of Person Receiving Documents: The person receiving documents is described as follows:
Sex M; Skin Color White; Hair Color Brown; Facial Hair Brown
Approx. Age 40; Approx. Height 5'9"; Approx. Weight 175

To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury that the foregoing is true and correct.

[Signature]
Signature of Server (Date) 4/1/04

Subscribed and sworn to before me this
1st day of April, 2004
Nicole J. Davis 01-14-09
Notary Public (Commission Expires)

APS International, Ltd.

APS File #: 064841-0001



RETURN OF SERVICE

Service of the Summons and Complaint was made by me.¹
Date: 3/31/04

Name of Server Frederick Parsons, Jr. Title Private Process Server

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served: _____

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person(s) with whom the summons and complaint were left: By serving Alex Heiche, Vice President, authorized to accept. Service was completed at 7920 Norfolk Avenue, Suite 300, Bethesda, Maryland 20814.

Returned unexecuted: _____

Other (specify): _____

STATEMENT OF SERVICE FEES

Travel _____ Services _____ Total _____

DECLARATION OF SERVER

I hereby under penalty of perjury under the laws of the United States of America declare that the foregoing information contained in the Return of Service and Statement of Service Fees is True and Correct.

Executed on 4/1/04 Date [Signature] Signature of Server

1827 18th Street, NW, Washington, DC 20009
Address of Server

#1761647_v1

¹ As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case No. 03-20161 CIV-KING

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

Plaintiffs,

v.

CIVIL ACTIONS SUMMONS

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

Defendants.

TO: Lump Sum Capital, LLC
7920 Norfolk Avenue, Suite 300
Bethesda, Maryland 20814

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorney: Dwayne E. Williams, Esq., Holland & Knight LLP, 701 Brickell Avenue, Suite 3000, Miami, Florida 33131, tel: (305) 374-8500, an answer to the Second Amended Complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Clarence Maddox

Clerk

By Deputy Clerk

Date **MAR 11 2004**

SERVICE OF PROCESS, INC.

**P.O. BOX 45-2354 MIAMI, FLORIDA 33245-2354
PH. 1-305-226-6809 FAX 1-305-551-9819**

AFFIDAVIT OF DUE DILIGENCE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**MARIE JEANNE JEAN,
in her individual capacity, and
as parent and legal guardian for minors
VLADIMY PIERRE and MICHELEDA
PIERRE, and
LEXIUSTE CAJUSTE,
PLAINTIFF,**

VS.

**WRIT TYPE: SUBPOENA
WITNESS FEE: \$52.10
DUE DATE: 03/18/2004 @ 3:00PM
CASE# 03-20161-CIV-KING**

**CARL DORELIEN,
DEFENDANT.**

-----/
**TO: MARIE CARLINE DORELIEN
4010 BAHIA ISLE CIRCLE
WELLINGTON, FLORIDA 33414**

I have received this writ on 03/09/2004 at 0900 hrs. and on 03/09/2004 at 1830 hrs. I non-served this within named witness:

XXXXX NO SERVICE: after careful and diligent search unable to locate: MARIE CARLINE DORELIEN, within Palm Beach County, Florida: NOT AT GIVEN ADDRESS

COMMENTS: ACCORDING TO MS. RAYMOND, WIFE OF HERVE RAYMOND THE WITNESS MARIE CARLINE DORELIEN LIVES AT 3127 S.E. CARD TERRACE PT. ST. LUCIE, FLORIDA 34984. THE WITNESS IS UNKNOWN TO THE SECURITY OFFICE AS BEING A RESIDENT AT GIVEN ADDRESS. DATABASE CHECK CONFIRMS POSSIBLE PT. ST. LUCIE ADDRESS.

I certify that I am over the age of 18, have no interest in the above action, am a Certified Process Server in the circuit in which the process was executed. "Under the penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true."

**For: DWAYNE E. WILLIAMS, ESQ.
701 BRICKELL AVENUE, SUITE 3000
MIAMI, FLORIDA 33131**

Marshall A. Bishop
**MARSHALL A. BISHOP
Certified Process Server #0785
In Good Standing 15th Circuit**



RETURN OF SERVICE

State of Florida

County of SOUTHERN DISTRICT OF

United States Distri Court

Case Number: 03-20161 CIV-KING Court Date: 3/29/2004

Plaintiff:

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

vs.

Defendant:

CARL DORELIEN,

For:

Dwayne Williams, Esq.

Received by SERVICE OF PROCESS, INC. on the 17th day of March, 2004 at 10:40 am to be served on **DIDIER DORELIEN 125 VIRGINIA PARK BOULEVARD FT. PIERCE, FLORIDA.**

I, Donald C. Rosselle, do hereby affirm that on the **19th day of March, 2004 at 10:30 am, I:**

NON-SERVED: After due search, careful inquiry and diligent attempts I was unable to serve the **SUBPOENA DUCES TECUM FOR DEPOSITION, EXHIBITS, INSTRUCTIONS REGARDING CLAIMS FOR PRIVILEGE, DOCUMENTS TO BE PRODUCED FOR INSPECTION & WITNESS FEE CHECK FOR \$81.85** for the reason that I failed to find defendant at this address. **NON SERVE PER CLIENT.....SEE COMMENTS** No further information was found

Additional Information pertaining to this Service:

03-17-2004 12:45 PM NO ANSWER 03-17-2004 3:05 PM NO ANSWER 03-17-2004 7:25 PM TALKED TO KARL DORELIEN. HE STATED THAT DIDIER WAS HIS BROTHER BUT DID NOT LIVE AT THIS ADDRESS. HE SAID HE DID NOT KNOW WHERE HE WAS LIVING AT THIS TIME. HE STATED HE FLOATS FROM HOUSE TO HOUSE AND STAYS WITH WHOEVER WILL TAKE HIM IN AT THE TIME.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the 19th judicial circuit in which the process was served.



Donald C. Rosselle
PS-99-8

SERVICE OF PROCESS, INC.
P. O. Box 45-2354
Miami, FL 33245-2354

Our Job Serial Number: 2004000228



RETURN OF SERVICE

State of Florida

County of SOUTHERN DISTRICT OF

United States Distri Court

Case Number: 03-20161 CIV-KING Court Date: 3/31/2004

Plaintiff:

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

vs.

Defendant:

CARL DORELIN,

For:

Dwayne Williams, Esq.

Received by SERVICE OF PROCESS, INC. on the 18th day of March, 2004 at 10:45 am to be served on **MARIE CARLINE DORELIN 3127 CARD TERRACE PORT ST. LUCIE, FLORIDA 34984-6327.**

I, Donald C. Rosselle, do hereby affirm that on the **19th day of March, 2004 at 10:30 am, I:**

NON-SERVED: After due search, careful inquiry and diligent attempts I was unable to serve the **SUBPOENA DUCES TECUM FOR DEPOSITION, EXHIBITS, INSTRUCTIONS REGARDING CLAIMS FOR PRIVILEGE, DOCUMENTS TO BE PRODUCED FOR INSPECTION & WITNESS FEE CHECK FOR \$76.50** for the reason that I failed to find defendant at this address. **NON SERVE PER CLIENT.....SEE COMMENTS** No further information was found

Additional Information pertaining to this Service:

3-18-2004 12:20 PM NO ANSWER VAN IN DRIVE 03-18-2004 4:35 PM NO ANSWER VAN IN DRIVE 03-18-2004 7:35 PM A WHITE MALE, APPROXIMATELY 30 YEARS OLD WITH BLACK HAIR 6'.....190# ANSWERED THE DOOR AND SAID HIS NAME WAS MICHAEL BUT WOULD NOT GIVE LAST NAME. HE SAID HE WAS JUST THERE CLEANING THE HOUSE FOR THE LAST FEW DAYS AND WAS LEAVING ON 3-19-2004. HE STATED THAT MARIE AND GIVANNI DO OWN THE HOUSE BUT DO NOT LIVE THERE. WOULD NOT GIVE ANY OTHER INFORMATION.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the 19th judicial circuit in which the process was served.



Donald C. Rosselle
PS-99-8

SERVICE OF PROCESS, INC.
P. O. Box 45-2354
Miami, FL 33245-2354

Our Job Serial Number: 2004000238



RETURN OF SERVICE

State of Florida

County of SOUTHERN DISTRICT OF

United States Distri. Court

Case Number: 03-20161 CIV-KING Court Date: 3/31/2004

Plaintiff:

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

vs.

Defendant:

CARL DORELIN,

For:

Dwayne Williams, Esq.

Received by SERVICE OF PROCESS, INC. on the 18th day of March, 2004 at 10:45 am to be served on **GIOVANNI DORELIN 3127 CARD TERRACE PORT ST. LUCIE, FLORIDA 34984-6327.**

I, Donald C. Rosselle, do hereby affirm that on the **19th day of March, 2004 at 10:30 am, I:**

NON-SERVED: After due search, careful inquiry and diligent attempts I was unable to serve the **SUBPOENA DUCES TECUM FOR DEPOSITION, EXHIBITS, INSTRUCTIONS REGARDING CLAIMS FOR PRIVILEGE, DOCUMENTS TO BE PRODUCED FOR INSPECTION & WITNESS FEE CHECK FOR \$76.50** for the reason that I failed to find defendant at this address. **NON-SERVE PER CLIENT.....SEE COMMENTS** No further information was found.

Additional Information pertaining to this Service:

3-18-2004 12:20 PM NO ANSWER VAN IN DRIVE 3-18-2004 4:35 PM NO ANSWER VAN THERE 3-18-2004 7:35 PM A WHITE MALE, APPROXIMATELY 30 YEARS OLD WITH BLACK HAIR 6' ...190# ANSWERED DOOR AND SAID HIS NAME WAS MICHAEL BUT WOULD NOT GIVE LAST NAME. HE SAID HE WAS JUST THERE CLEANING THE HOUSE FOR LAST FEW DAYS AND WAS LEAVING ON 3-19-2004. HE STATED THAT MARIE AND GIAVANNI DO OWN THE HOUSE BUT DO NOT LIVE THERE. WOULD NOT GIVE ANY OTHER INFORMATION.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the 19th judicial circuit in which the process was served.



Donald C. Rosselle
PS-99-8

SERVICE OF PROCESS, INC.
P. O. Box 45-2354
Miami, FL 33245-2354

Our Job Serial Number: 2004000237