

**IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY,
FLORIDA**

DEEPGULF, INC. and
TOKE OIL AND GAS, S.A.

Plaintiffs,

vs.

MARC M. MOSZKOWSKI

Defendant.

Case No.: 2018 CA 000543

Division: "E

**NOTICE OF FILING DECLARATION REGARDING PLAINTIFF'S
PROCEDURAL DISENGAGEMENT AND SELECTIVE
PARTICIPATION**

COMES NOW Defendant, Marc Moszkowski, and hereby files the attached Declaration titled "Declaration Regarding Plaintiff's Procedural Disengagement and Selective Participation." This filing documents Plaintiff's limited engagement with the case since March 11th, 2025, including the absence of any substantive response to forty-four (44) filings made by Defendant. It highlights Plaintiff's reliance on procedural mechanisms while avoiding engagement with the factual record or Defendant's legal arguments. A visual docket excerpt is attached to the Declaration as Exhibit AY to illustrate the imbalance in litigation participation.

Respectfully submitted this 16th day of April, 2025

Marc Moszkowski, Pro Se


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Phone: +1(850)316 8462

Le Verdos

83300 Châteaudouble, France



CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of April, 2025, a copy of this motion has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.



**IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY,
FLORIDA**

DEEPGULF, INC. and
TOKE OIL AND GAS, S.A.

Plaintiffs,

vs.

MARC M. MOSZKOWSKI

Defendant.

Case No.: 2018 CA 000543

Division: "E

**DECLARATION REGARDING PLAINTIFF'S PROCEDURAL
DISENGAGEMENT AND SELECTIVE PARTICIPATION**

COMES NOW Defendant, Marc Moszkowski, and submits this Declaration to document the ongoing procedural imbalance in the above-captioned matter. As evidenced in the attached docket excerpt, Plaintiff has effectively disengaged from meaningful litigation since March 11th, 2025, when it filed a procedurally deficient Motion to Strike Defendant's Affirmative Defenses, which lacked a required Memorandum in Support.

Since that date, Defendant has filed no fewer than forty-four (44) submissions, including procedural motions, factual rebuttals, exhibits, and notices—none of which have been substantively rebutted by Plaintiff. While Plaintiff has continued to file limited procedural documents—such as a Motion to require Defendant to pay mediation fees, a Motion for continuance regarding Defendant's Motion to

enforce bylaws, a Court-ordered Statement for the Case Management Conference, and two Notices of Hearing—none of these filings have addressed the material facts, exhibits, or legal arguments raised by Defendant over the past month.

A visual reproduction of the case docket (attached hereto as Exhibit AY) further illustrates this imbalance, with Defendant's entries highlighted in blue, Plaintiff's in red, and the Court's in green. The color-coded sequence reflects a conspicuous absence of Plaintiff's engagement with the record since March 11th, 2025.

Defendant submits this Declaration to preserve the record, alert the Court to the pattern of strategic silence, and preempt any argument by Plaintiff suggesting that Defendant is failing to meet procedural obligations. Plaintiff's refusal to substantively engage while continuing to seek sanctions or default is procedurally inconsistent and warrants close judicial scrutiny.

Respectfully submitted this 16th day of April, 2025

Marc Moszkowski, Pro Se

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Phone: +1(850)316 8462

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83300 Châteaudouble, France



CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of April, 2025, a copy of this motion has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

M. Maczkowski

| | PLAINTIFF'S FILINGS | DEFENDANT'S FILINGS | COURT ORDERS |
|----|---------------------|--|--------------|
| | - | | |
| | - | | |
| 13 | 4/16/2025 | NOTICE OF FILING DEFENDANT'S NARRATIVE SUMMARY AND EXHIBIT A2 - TIMELINE OF EVENTS AND SUMMARY OF DISPUTED CLAIMS | |
| 4 | 4/16/2025 | NOTICE OF FILING DECLARATION REGARDING PLAINTIFF'S PROCEDURAL DISENGAGEMENT AND SELECTIVE PARTICIPATION | |
| 3 | 4/16/2025 | NOTICE OF FILING STATEMENT REGARDING COUNSEL'S COMPLIANCE IN PROCEDURAL MISREPRESENTATION | |
| 5 | 4/16/2025 | NOTICE OF FILING DECLARATION REGARDING IMPLAUSIBILITY OF PLAINTIFF'S ASSUMPTIONS ABOUT DEFENDANT'S MEANS AND MOTIVE | |
| 11 | 4/16/2025 | NOTICE OF FILING - CLARIFICATIONS AND SUPPLEMENTAL RECORD MATERIALS 1. TIMELINE OF INVESTOR LOYALTY, SUPPRESSION, AND STRATEGIC RETALIATION; 2. OBSERVATION REGARDING PLAINTIFF'S USE OF CONVERSATIONAL FILIBUSTERING. | |
| 4 | 4/16/2025 | NOTICE OF FILING DECLARATION REFUTING DEEGULF'S FABRICATED NARRATIVE OF AUTHORIZATION AND SUPPORT | |
| 7 | 4/15/2025 | NOTICE CLARIFYING MEDIATION DEADLINE AND OBJECTION TO PREMATURE SANCTIONS INQUIRY | |
| 87 | 4/15/2025 | NOTICE OF FILING CLARIFICATION REGARDING THE LEGAL PURPOSE AND PREMATURITY OF COURT-ORDERED MEDIATION | |
| 66 | 4/15/2025 | NOTICE OF FILING DECLARATION REGARDING PLAINTIFFS' FAILURE TO SEEK COSTS AFTER FINAL JUDGMENT | |
| 85 | 4/15/2025 | NOTICE OF FILING DECLARATION REGARDING DENIAL OF MOTION TO STRIKE COMPLAINT AS A SHAM WITHOUT ADJUDICATION ON THE MERITS | |
| 84 | 4/15/2025 | NOTICE OF FILING EXHIBIT REGARDING PLAINTIFF'S JURISDICTIONAL CONTRADICTIONS - FEDERAL AND STATE COURT PROCEEDINGS | |
| 83 | 4/15/2025 | NOTICE OF FILING SUPPLEMENTAL NOTICE - MEDICAL RISK AND REMOTE APPEARANCE JUSTIFICATION | |
| 82 | 4/15/2025 | NOTICE OF PRESERVATION OF DEFENDANT'S WRITTEN STATEMENT FOR CASE MANAGEMENT CONFERENCE | |
| 81 | 4/14/2025 | NOTICE OF PRESERVATION OF UNREFUTED RESPONSE TO PLAINTIFF'S STATEMENT OF UNDISPUTED FACTS | |
| 80 | 4/14/2025 | NOTICE OF PRESERVATION OF UNREFUTED RESPONSE TO PLAINTIFF'S AFFIDAVIT | |
| 79 | 4/14/2025 | NOTICE OF FILING SUPPLEMENTAL EXHIBIT RE JURISDICTIONAL MISREPRESENTATION | |
| 78 | 4/14/2025 | NOTICE OF FILING ADDENDUM A TO DEFENDANT'S TRIAL FRAMEWORK | |
| 77 | 4/11/2025 | SUPPLEMENTAL STATEMENT REGARDING TRIAL ACCESS AND DUE PROCESS | |
| 76 | 4/11/2025 | NOTICE OF FILING SUPPLEMENTAL APPENDIX IN SUPPORT OF DEFENDANT'S TRIAL FRAMEWORK | |
| 75 | 4/10/2025 | ORDER FOR PRETRIAL CONFERENCE AND SETTING JUDGE TRIAL | |
| 74 | 4/10/2025 | DEFENDANT'S MOTION FOR RECONSIDERATION OR CLARIFICATION OF ORDER COMPELLING IN-PERSON TRIAL AND MEDIATION ATTENDANCE | |
| 73 | 4/10/2025 | NOTICE OF HEARING | |
| 72 | 4/10/2025 | ORDER ON CASE MANAGEMENT CONFERENCE | |
| 71 | 4/9/2025 | NOTICE OF FILING DECLARATION REGARDING DOMAIN NAME OWNERSHIP AND USE | |
| 70 | 4/9/2025 | NOTICE REGARDING MEDIATION STATUS AND PENDING MOTIONS | |
| 69 | 4/9/2025 | DEFENDANT'S CONSOLIDATED RECORD SUMMARY AND TRIAL FRAMEWORK | |
| 68 | 4/8/2025 | NOTICE OF FILING DEFENDANT'S TIMELINE OF MATERIAL EVENTS (2004-2018) | |
| 67 | 4/7/2025 | NOTICE OF FILING SUPPLEMENTAL DECLARATION REGARDING BOARD MEETING AND EMAIL COMMUNICATION | |
| 66 | 4/7/2025 | DEFENDANT'S MOTION TO REINSTATE DISCOVERY SCHEDULE AND RECONSIDER TRIAL TIMELINE | |
| 65 | 4/7/2025 | NOTICE OF FILING SUPPLEMENTAL DECLARATION OF DEFENDANT REGARDING THE NECESSITY OF FILINGS AND PRESERVATION OF DEFENSES | |
| 64 | 4/7/2025 | SUPPLEMENTAL DECLARATION REGARDING CASE MANAGEMENT CONFERENCE | |
| 63 | 4/4/2025 | DEFENDANT'S MOTION TO ENSURE TRIAL FAIRNESS THROUGH RULING ON PENDING MOTIONS, DISCOVERY, AND DUE CONSIDERATION OF THE RECORD | |
| 62 | 4/4/2025 | CIVIL CASE MANAGEMENT ORDER | |
| 61 | 4/3/2025 | DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR CONTINUANCE | |
| 60 | 4/2/2025 | NOTICE OF FILING 1. DEFENDANT'S MOTION TO DISMISS FOR FRAUD ON THE COURT 2. AFFIDAVIT REGARDING PLAINTIFF TONK OIL & GAS S.A.'S LACK OF LEGAL EXISTENCE 3. SUPPLEMENTAL DECLARATION REGARDING LACK OF BOARD AUTHORIZATION AND MISREPRESENTATION OF CORPORATE AUTHORITY 4. NOTICE OF FILING EXHIBITS IN SUPPORT OF SUPPLEMENTAL DECLARATION | |
| 59 | 4/2/2025 | MOTION FOR CONTINUANCE OF HEARING ON DEFENDANT'S MOTION TO ENFORCE BY LAWS | |
| 58 | 4/2/2025 | DEFENDANT'S WRITTEN STATEMENT PRIOR TO THE CASE MANAGEMENT CONFERENCE | |
| 57 | 4/1/2025 | DEFENDANT'S MOTION FOR ADDITIONAL TIME DURING HEARINGS AND AT TRIAL DUE TO THE DIFFERENCE IN DEFENDANT'S NATIVE AND ACQUIRED LANGUAGES AND HIS PRO SE STATUS | |
| 56 | 4/1/2025 | WRITTEN STATEMENT FOR CASE MANAGEMENT CONFERENCE (PLAINTIFFS) | |
| 55 | 4/1/2025 | NOTICE OF HEARING | |
| 54 | 3/27/2025 | NOTICE OF HEARING | |
| 53 | 3/27/2025 | DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO REQUIRE DEFENDANT TO PAY MEDIATION FEES | |
| 52 | 3/27/2025 | DEFENDANT'S MOTION TO ENFORCE BYLAWS AND FOR RELIEF FROM MEDIATION COSTS | |
| 51 | 3/26/2025 | MOTION TO REQUIRE DEFENDANT TO PAY MEDIATION FEES | |
| 60 | 3/26/2025 | DEFENDANT'S RESPONSE TO PLAINTIFFS' MOTION TO DISMISS COUNTERCLAIM | |
| 59 | 3/24/2025 | ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION | |
| 58 | 3/19/2025 | DEFENDANT'S MOTION FOR LEAVE TO SUPPLEMENT HIS MOTION FOR RECONSIDERATION WITH NEWLY DISCOVERED EVIDENCE | |
| 57 | 3/18/2025 | DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S AFFIRMATIVE DEFENSES | |
| 56 | 3/13/2025 | MOTION FOR RECONSIDERATION | |
| 55 | 3/13/2025 | ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT | |
| 54 | 3/12/2025 | PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S AFFIRMATIVE DEFENSES | |
| 53 | 3/11/2025 | PLAINTIFFS DEEGULF, INC. AND TONK OIL AND GAS, S.A., MOTION TO DISMISS COUNTERCLAIM | |
| 52 | 3/11/2025 | | |