

**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"

**SUPPLEMENTAL MOTION FOR APPELLATE PRESERVATION:
DENIAL OF LEAVE TO REPLY AND SUMMARY REJECTION OF
DEFENDANT'S MOTION TO STRIKE COMPLAINT AS A SHAM**

COMES NOW the Defendant, Marc Moszkowski, and respectfully submits this Supplemental Motion to preserve for the appellate record the procedural irregularities and denial of due process surrounding the denial of Defendant's Motion to Strike Complaint as a Sham, and the Court's failure to rule on Defendant's contemporaneous Motion for Leave to Reply.

1. On February 6, 2025, Plaintiffs filed a Response to Defendant's Motion to Strike Complaint as a Sham.
2. On February 7, 2025, Defendant filed a Motion for Leave to File a Reply to Plaintiffs' Response. This motion identified numerous

false, contradictory, or deceptive statements made by Plaintiffs and pointed to fabricated exhibits, misrepresentations of corporate history, and cherry-picked communications.

3. The Motion for Leave to Reply raised serious factual disputes and demonstrated that the Plaintiff had introduced new assertions and altered characterizations in its Response that warranted rebuttal. The Defendant's Motion specifically listed over a dozen such examples.
4. On February 10, 2025, a hearing was held. Defendant appeared pro se and presented arguments.
5. On February 25, 2025, the Court entered an order denying the Motion to Strike Complaint as a Sham:

"Defendant's Motion to Strike Complaint as a Sham is hereby DENIED."
6. The Court did not acknowledge or rule on the Defendant's Motion for Leave to Reply. No reasoning or findings of fact were issued. No analysis of the evidence, contradictions, or exhibits was provided. The record shows no engagement with the contents of the Response or the Reply.

7. This procedural sequence deprived Defendant of the opportunity to challenge falsehoods and misrepresentations raised in Plaintiffs' Response and created the appearance of arbitrary decision-making. Denying a dispositive motion after refusing to consider or even rule on a timely, fact-based request for reply violates principles of fairness, impartiality, and meaningful adjudication.

WHEREFORE, the Defendant respectfully requests that this Motion be accepted and preserved in the record for purposes of appellate review, and that the Court acknowledge its failure to rule on the pending Motion for Leave to Reply prior to denying the underlying dispositive motion.

Respectfully submitted on this 19th day of May, 2025.

Marc Moszkowski, Pro Se
Email: m.moszkowski@deepgulf.net
Le Verdos
83300 Châteaudouble, France



CERTIFICATE OF SERVICE

I hereby certify that, on this 19th day of May, 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. Marzowski