

**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"

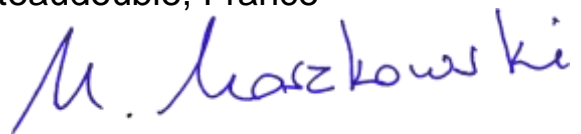
**NOTICE OF FILING DEFENDANT'S OBJECTION AND CLARIFICATION  
TO PLAINTIFFS' PROPOSED ORDER ON PRETRIAL CONFERENCE**

COMES NOW Defendant, Marc Moszkowski, pro se, and hereby gives notice of filing the following document with the Clerk of Court on this 12th day of June, 2025:

- Defendant's Objection and Clarification to Plaintiffs' Proposed Order on Pretrial Conference

Respectfully submitted on this 12<sup>th</sup> day of June, 2025.

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



## **CERTIFICATE OF SERVICE**

I hereby certify that, on this 12<sup>th</sup> day of June, 2025, a copy of this Notice has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

*M. Maczkowski*

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**DEFENDANT'S OBJECTION AND CLARIFICATION TO PLAINTIFFS'  
PROPOSED ORDER ON PRETRIAL CONFERENCE**

COMES NOW Defendant, Marc Moszkowski, pro se, and respectfully submits this Objection to the Plaintiffs' Proposed Order on Pretrial Conference, which is procedurally irregular, factually misleading, and legally improper.

**I. PRELIMINARY STATEMENT**

This Court should reject the Proposed Order submitted by Plaintiffs' counsel for the following foundational reasons:

1. **Improper Ex Parte Representations:** The Proposed Order appears to incorporate a series of ex parte, unsubstantiated characterizations

of Defendant—concerning his French property, alleged lifestyle, and medical condition—that were advanced by Plaintiffs without Defendant's presence or opportunity to be heard. Defendant was physically unable to attend the June 10, 2025 Pretrial Conference, a fact documented repeatedly in filings, and has been excluded from the Court's proceedings despite a record of severe medical disability and verified destitution. Allowing Plaintiffs to introduce personal conjectures in Defendant's absence not only deprives Defendant of due process, but also casts doubt on the neutrality of the record.

2. **Undisclosed Alternate Judicial Assistant:** The email by which Plaintiffs' counsel transmitted the Proposed Order was addressed to an alternate Judicial Assistant whom Defendant had never been told existed, despite consistent correspondence with the known Judicial Assistant. This raises serious concerns about transparency and whether communications are being selectively channeled outside regular procedural norms.

3. **Misrepresentation of Defendant's Property and Health:** Plaintiffs' Proposed Order recycles anecdotes about Defendant's residence in France—based on a 13-year-old visit—deliberately ignoring the current state of decrepitude, and lien-encumbered destitution that

Defendant has documented. Similarly, Plaintiffs mock or undermine Defendant's debilitating hernia condition by suggesting it preexisted the lawsuit, as though a long-standing condition is any less disqualifying. This approach is medically uninformed and logically incoherent.

4. **Improper Labeling of Amended Counterclaim:** Plaintiffs' Proposed Order refers to Defendant's Amended Counterclaim as "improperly filed" without citing any rule, order, or authority for such a designation. In fact, no Court order was issued precluding amendment, and the original counterclaim was never adjudicated on the merits. Plaintiffs' casual disparagement cannot substitute for judicial procedure.

## **II. FACTUAL MISCHARACTERIZATIONS OF DEFENDANT'S PROPERTY**

5. Plaintiffs claim Defendant owns a 140-hectare estate in the "wine district of Provance" [sic], suggesting significant wealth. In fact, the property is located in a mountainous area of Provence where vineyards do not grow.
6. The accurate conversion of 140 hectares is 346 acres, not 395 as stated.

7. The property has severely deteriorated due to financial hardship following cessation of salary payments by Plaintiff in 2013. Maintenance has been impossible.
8. The separate alleged "servant's quarters" were destroyed by floods. There is no longer a functioning septic system or running water.
9. Items of value, including antique furniture, were sold over the years until 2019 to pay for basic needs and taxes. What remains is either largely unsellable, essential for Defendant's survival, co-owned, or owned by others.
10. The alleged "Renaissance era statues" do not exist. Plaintiffs fail to identify any evidence supporting this claim.
11. Defendant never had a maid, let alone a "live-on-site maid" as Plaintiffs suggest. The individual they refer to may have been a personal friend of Defendant who, during his extended professional absence while working for Plaintiffs, resided temporarily and rent-free to help ensure upkeep. Moreover, since Defendant has not seen the photograph Plaintiffs reference, he cannot confirm the identity of the person depicted, rendering any such assertion by Plaintiffs purely speculative and improper.

12. The spring feeding the "spring-fed pool" now remains dry due to illegal overpumping by nearby municipalities.
13. The entire description is based on Plaintiff Howard's brief visit in May 2012—thirteen years ago.
14. The Plaintiffs omit mention of the lien placed on the property in 2019 by David Rumsey, a close associate of Mr. Howard and shareholder of DeepGulf, based on a fraudulent loan and default judgment in France. The property is now unsellable and scheduled for auction by Mr. Rumsey.
15. Mr. Howard himself once owned a beautiful beachfront house in Pensacola Beach, which was destroyed by Hurricane Ivan. He would therefore understand that a property's condition can change dramatically over time. Yet, in describing Defendant's house as it was more than a decade ago—without acknowledging the subsequent deterioration, encumbrances, and legal constraints—Plaintiffs offer a depiction that is not only outdated but deliberately misleading.

### **III. ERRONEOUS CHARACTERIZATIONS OF DEFENDANT'S HEALTH**

16. Plaintiffs argue that Defendant's hernias were already present in

2019, implying that they are not disabling. This reflects a profound misunderstanding of the condition. Hernias are chronic and worsen over time without surgical intervention, which Defendant could not secure due to isolation and lack of post-operative support.

17. Defendant submitted a medical certificate confirming the diagnosis and the advisability against air travel. Plaintiffs provide no expert opinion to counter this.

18. The suggestion that Defendant is exaggerating or inventing his condition is both medically irresponsible and disrespectful.

19. Moreover, Plaintiffs remark, regarding Defendant's medical condition, that the "photograph does not include the head of the person, and it is unclear what the photo is intended to demonstrate."

This assertion is both frivolous and grotesque. The photograph plainly displays the massive protrusion caused by Defendant's double inguinal hernia—a condition already certified by physician and submitted in the record. Defendant's decision not to include his face in the image is not only reasonable but necessary, given that the hernia has resulted in intestinal descent into the scrotum and massive swelling of the lower abdomen. It should be self-evident that no person of decency would post on a public docket a photograph



showing their face surmounting their own genitals grotesquely deformed by a medical condition. The implication that such a photo is required to prove the reality of the affliction is a further insult to dignity and common sense.

#### **IV. INSINUATIONS REGARDING REPRESENTATION**

20. Plaintiffs insinuate that Defendant, owning once valuable property, could have retained counsel but chose not to. This overlooks that:

- a. The property has been liened by one of Plaintiff's shareholder and is unfinanceable since 2019.
- b. As of June 10<sup>th</sup>, on the very day of the Pretrial Conference, it has been seized by French court order.
- c. Defendant's monthly income is \$850.
- d. No rational individual would willingly represent himself in so many years of grueling litigation without cause.

21. Defendant has filed over 140 pleadings in this Court alone and prevailed in prior federal litigation. These are not the actions of someone indifferent or evasive.

## **V. CONSEQUENCES OF FRAUDULENT LIEN AND SEIZURE**

22. As of June 10<sup>th</sup>, 2025, Defendant's family home in France—subject of Plaintiffs' embellished depictions—has been legally seized by order of French Court. Defendant doesn't own it legally anymore. This is a direct consequence of the fraudulent scheme orchestrated by Plaintiff's Howard and DeepGulf shareholder David Rumsey, who in 2013 conspired to recharacterize a rightfully earned salary advance as a personal loan, despite undisputed evidence that the funds originated from Howard and were part of a larger \$125,000 consulting income assigned by Defendant to DeepGulf. The purported loan amount was \$50,000—later inflated through usurious interest and procedural default to a staggering \$165,000, including \$115,000 in interest. The irony is manifest: Plaintiffs now boast of Defendant's former home in pleadings and hearings as if it proved financial abundance, while concealing that their own machinations—recasting wages as debt, imposing a fraudulent lien, and pursuing transnational litigation—have stripped Defendant of ownership of that very property. The seizure of a historic estate, valued allegedly in seven figures, over a fabricated \$50,000 claim, is a testament not only to the gravity

of Plaintiffs' misconduct but also to the incalculable personal harm it has caused.

## **VI. PROCEDURAL OBJECTIONS**

23. Plaintiffs declare that Defendant's Amended Counterclaim was "improperly filed" without citation to any procedural rule or standing order prohibiting such amendment.

24. No court order has been entered denying leave to amend. The assertion is baseless and prejudicial.

## **VII. MISLEADING CLAIMS REGARDING DELAY AND PREPARATION**

Plaintiffs assert that "this case has been pending for over seven years" and claim that "both parties have had ample time to prepare for trial." This statement is misleading and strategically omits the procedural history and imbalances that have plagued this litigation:

25. **Defendant Did Not Seek Remand:** It was *Plaintiffs*, not Defendant, who sought remand to state court after their case was all but dismissed in federal court. Defendant did not consent to this maneuver and has since been forced to defend himself a second time

under the threat of duplicative liability—raising concerns tantamount to *de facto* double jeopardy in a civil context.

**26. Plaintiffs' Own Delay:** It is *Plaintiffs* who allowed 3 years, 7 months, and 2 weeks to elapse before responding to Defendant's comprehensive 2021 Motion to Strike the Complaint as a Sham. During that period, Defendant remained in procedural limbo.

**27. Statute of Limitations Should Have Ended This Case:** If time were truly of the essence, the Court would have acted early to enforce the Statute of Limitations, which was correctly identified as dispositive in federal court. The fact that the state court ignored this bar for over three years, despite clear and repeated invocation by Defendant, undermines the premise that delay is attributable to Defendant.

**28. Disparity in Trial Preparation:** The claim that "both parties" have had equal opportunity to prepare is factually incorrect. Defendant has submitted 140 pleadings, supported by evidence, chronologies, rebuttals, and legal arguments. In contrast, Plaintiffs have failed to respond meaningfully to the vast majority of these filings and have ignored crucial document production demands. Defendant has prepared for trial; Plaintiffs have prepared a narrative.

## **VIII. CONCLUSION**

Plaintiffs' inclusion of embellished real estate lore from 2012 and dismissive commentary on Defendant's current infirmity betrays a calculated strategy to undermine Defendant's credibility not by reference to fact or law, but through innuendo and personal denigration, in total disregard for facts and logic. Rather than engage substantively with the evidence or the legal merits—including the statute of limitations bar, lack of board authorization, and fabricated minutes—Plaintiffs devote their energies to portraying Defendant as a wealthy foreign eccentric feigning hardship, and as a malingerer exaggerating physical suffering. This line of attack is not only false and irrelevant, but unconscionable—especially given that Plaintiffs have long been aware of the lien they helped impose on Defendant's property and the verified medical condition they now ridicule. No inference can be drawn from this strategy other than a wish to bias the Court against a pro se litigant by caricature, in open defiance of due process.

Plaintiffs' Proposed Order paints a grossly distorted image of the facts and invites the Court to infer bad faith where there is none. It attempts to deflect from the core legal issues—including the statute of limitations, the

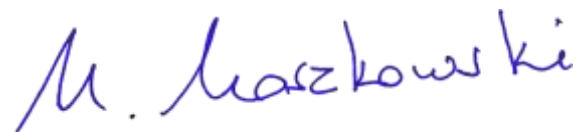
lack of Board authorization, and fabricated evidence—by invoking spectacle and personal attacks.

For the foregoing reasons, Defendant respectfully requests that the Court:

- A.** Reject the Plaintiffs' Proposed Order as drafted;
- B.** Disregard all personal, anecdotal, or extraneous material offered by Plaintiffs ex parte in the absence of Defendant;
- C.** Strike any reference to the Amended Counterclaim as "improperly filed" unless and until the Court rules on its procedural posture with notice and opportunity to respond;
- D.** Clarify the status and authority of any alternate Judicial Assistant added to official correspondence.

Respectfully submitted on this 12<sup>th</sup> day of June, 2025.

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



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*M. Marzowski*