

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 NOTICE OF NON-APPEARANCE
DUE TO PHYSICAL IMPOSSIBILITY AND RESERVATION OF ALL
RIGHTS**

COMES NOW the Defendant, Marc Moszkowski, pro se, and hereby gives notice of filing the attached **Defendant's Notice of Non-Appearance Due to Physical Impossibility and Reservation of All Rights.**

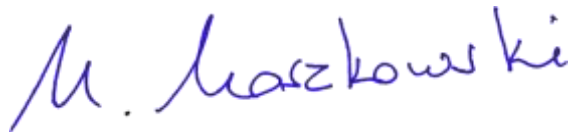
Respectfully submitted on this 17th day of June, 2025.

Marc Moszkowski, Pro Se

Email: m.moszkowski@deepgulf.net

Le Verdos

83300 Châteaudouble, France



CERTIFICATE OF SERVICE

I hereby certify that, on this 17th 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. Marzowski

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**DEFENDANT'S NOTICE OF NON-APPEARANCE DUE TO PHYSICAL
IMPOSSIBILITY AND RESERVATION OF ALL RIGHTS**

COMES NOW the Defendant, Marc Moszkowski, pro se, and respectfully submits this Notice to inform the Court and all parties that he is physically and economically unable to appear in person at the trial scheduled to commence on June 17, 2025. This impossibility has been repeatedly documented in the record. Defendant files this Notice to preserve all rights and to formally object in advance to any adverse ruling or sanction based on his involuntary absence. In support thereof, Defendant states:

I. PHYSICAL IMPOSSIBILITY OF ATTENDANCE

Defendant is a 71-year-old individual suffering from two large and painful inguinal hernias that have remained untreated since 2017. This condition has been medically certified and renders long-haul travel dangerous and medically inadvisable. The condition has worsened over time, and Defendant has no physical ability to travel across the Atlantic to attend trial in Florida.

II. ECONOMIC DESTITUTION AND CAUSAL LINK TO THIS ACTION

Defendant's current monthly income is approximately \$850. He has no access to credit, no family support, and no assets from which to finance travel or obtain treatment. His economic ruin is a direct consequence of this litigation:

- Defendant exhausted all resources prevailing in U.S. federal court, where he defended the same claims on the merits;
- The case was subsequently remanded to state court through procedural manipulation, including the fictitious addition of a defunct foreign entity as plaintiff to defeat federal diversity jurisdiction;

- Any funds deposited in Defendant's French bank account in excess of ~\$600 are automatically seized under a lien secured by DeepGulf shareholder David Rumsey, based on a default judgment obtained by misrepresentation in a foreign proceeding;
- Defendant has received notice of a pending seizure of his only furniture by French bailiffs—further evidence of complete economic collapse.

III. REFUSAL TO ALLOW REMOTE PARTICIPATION

Defendant has made multiple good-faith efforts to obtain permission to appear remotely by videoconference due to his immobility and poverty. All such requests have been denied or ignored. Despite a seven-year record of active litigation, including over 140 filed pleadings since remand, the Court has refused to allow even minimal remote participation.

IV. NON-WILLFULNESS OF ABSENCE

Defendant's absence is neither willful nor dilatory. It is the unavoidable result of overlapping physical, logistical, and financial barriers. To impose punishment or adverse judgment under these circumstances would violate due process and reward Plaintiffs' long-running pattern of procedural abuse

and material misrepresentation.

V. FUNDAMENTAL PRETRIAL ISSUES REMAIN UNRESOLVED

No valid trial or final judgment can lawfully proceed while threshold defects remain unresolved, including:

- The Court's failure to address the live, amended Counterclaim;
- The use of a fictitious foreign entity as a sham plaintiff to destroy federal jurisdiction;
- The absence of corporate board authorization for this lawsuit;
- An extensive, un rebutted record of fabricated and backdated evidence;
- And the expiration of the applicable statutes of limitations.

Notably, the only rebuttal Plaintiffs offered to the statute of limitations was the facially absurd claim by their principal, Ivy League MBA Rustin Howard, that he could not understand a 2014 document because it was partially in French—despite it itemizing U.S. dollar amounts (\$60,000, \$75,000, \$50,000, \$60,000, and \$100,000) and plainly stating in English: “Payment of Services,” “Director Fee,” and “Toke Oil and Gas SA.”

This exemplifies the procedural artifice that has overtaken what was once a factual dispute.

VI. RESERVATION OF ALL RIGHTS

Defendant expressly reserves all constitutional, statutory, and appellate rights, and objects in advance to:

- Any default judgment based on physical nonappearance;
- Any striking of pleadings or imposition of sanctions without review of the record;
- Any final judgment that fails to adjudicate Defendant's Counterclaim or to address the jurisdictional and procedural defects raised.

This Notice incorporates by reference all prior pleadings and memoranda, including but not limited to:

- The Emergency Notice of Constitutional Impairment;
- The Renewed and Supplemental Motion to Strike the Complaint as a Sham;
- The Supplemental Declaration Regarding Lack of Board Authorization;
- The Notice of Unadjudicated Counterclaim Precluding Final Judgment;

- The Emergency Motion to Enforce Statute of Limitations Bar; and
- The Notice of Fraud on the Court by Statute of Limitations Subversion.

WHEREFORE, Defendant respectfully notifies the Court that he is unable to attend trial due to physical impossibility, economic ruin, and willful denial of remote access, and asks that this Notice be deemed sufficient to preserve all procedural and substantive defenses.

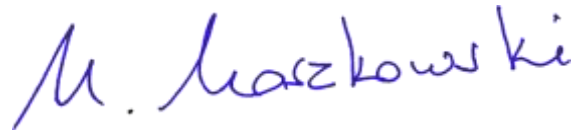
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