

**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"

**DEFENDANT'S MOTION TO COMPEL INSPECTION AND
PRODUCTION OF CORPORATE RECORDS PURSUANT TO § 607.1604,
FLORIDA STATUTES**

Defendant, Marc Moszkowski, pursuant to § 607.1604, Florida Statutes, respectfully moves this Court to compel DeepGulf, Inc. to produce corporate records for inspection and copying, and as grounds states:

1. Defendant is the lawful owner of approximately 49.9% of the issued and outstanding shares of DeepGulf, Inc. (Plaintiff), and is designated in Plaintiff's own court filings as a Director of the corporation. The use of the approximation symbol (~) reflects the fact that Plaintiff's own corporate records are internally contradictory, preventing a definitive calculation of Defendant's shareholding percentage.

2. On April 21, 2025, Defendant submitted a formal written demand for inspection and electronic delivery of corporate records pursuant to § 607.1602, Fla. Stat. A true and correct copy of the demand is attached hereto as Exhibit BE.
3. On May 6, 2025, Plaintiff's counsel responded to the April 21, 2025 demand by denying the request. A true and correct copy of the response is attached hereto as Exhibit BF. The response did not offer any accommodation, clarification, or partial compliance.
4. Moreover, Plaintiff's counsel failed to respond to Defendant's April 21, 2025 demand within the ten (10) business days clearly stated in the request. The response, dated May 6, 2025, was issued fifteen (15) calendar days later, with no interim communication or effort to comply. This delay, followed by a blanket denial, reflects Plaintiff's continued pattern of evasion and reinforces the necessity of judicial intervention.
5. The denial was accompanied by conclusory objections alleging overbreadth and undue burden, but failed to identify any specific basis for these claims or to engage in any meaningful dialogue. Instead, Plaintiff demanded that Defendant conduct an in-person inspection in Pensacola, Florida.

6. This purported offer is procedurally unreasonable and physically impossible. Defendant is located over 5,000 miles away, suffers from documented medical issues, and is presently unable to travel. Electronic production of corporate records is a reasonable, customary, and minimally burdensome means of compliance in the 21st century, and Defendant has offered to accept such production in readily accessible formats.
7. Additionally, the address offered by Plaintiff for in-person inspection is not a neutral corporate facility, but the private residence of Plaintiff's Chairman, Rus Howard—an adverse party whose conduct is at the center of this litigation. Compelling Defendant to inspect corporate records at the home of an opponent presents serious safety, privacy, and due process concerns, and creates an inherently coercive environment. Under these circumstances, the insistence on physical inspection is not only unreasonable, it is potentially retaliatory and incompatible with the principles of fair access and transparency required under Florida law.
8. Plaintiff has a history of obstruction regarding corporate transparency. The last time corporate records were produced was in July 2019 and

only after Defendant issued a threat of subpoena. No intervening records have been made available despite numerous written requests.

9. On May 5, 2025, Defendant submitted a supplemental formal demand for additional materials. As of the time of this filing, no response to the May 5 demand has been received.
10. Pursuant to § 607.1604(1), Fla. Stat., if a corporation does not permit a shareholder who complies with § 607.1602(3) to inspect and copy requested records, the circuit court may summarily order inspection and copying. These are the exact criteria set forth in § 607.1602(3) and enforced through § 607.1604(1), Fla. Stat., and Defendant has met each element.
11. Defendant's requests were made in good faith, for a proper purpose, and described with reasonable particularity the records sought, all of which are directly connected with legitimate shareholder and director oversight rights.
12. Pursuant to § 607.1604(4), if the Court orders inspection and copying, Defendant may be entitled to recover reasonable expenses, including attorneys' fees, incurred in enforcing this right. Accordingly, Defendant reserves the right to seek additional relief for willful

obstruction, including sanctions and adverse inferences under the Florida Rules of Civil Procedure.

WHEREFORE, Defendant respectfully requests that the Court:

1. Order Plaintiff to promptly comply with its obligations under § 607.1602, Fla. Stat., and make available to Defendant the requested documents by electronic transmission;
2. Set a deadline not exceeding ten (10) calendar days from the entry of such order;
3. Grant Defendant leave to request further appropriate remedies in the event of continued non-compliance;
4. Grant such other and further relief as the Court may deem just and proper.

Exhibits Attached:

- Attached hereto as **Exhibit BE** is a true and correct copy of Defendant's April 21, 2025 written demand for inspection of corporate records.

- Attached hereto as **Exhibit BF** is a true and correct copy of Plaintiff's response, dated May 6, 2025, which denies the request in the April 21, 2025 demand.

Respectfully submitted on this 7th 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 7th 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.





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Defendant.

Case No.: 2018 CA 000543

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Marc Moszkowski
Le Verdos
83300 Châteaudouble, France
m.moszkowski@deepgulf.net
April 21 , 2025

Braden K. Ball, Jr.
Counsel for Plaintiffs
Florida Bar No. 89000
Litvak Beasley Wilson & Ball, LLP
40 Palafox Place, Suite 300
Pensacola, Florida 32502

Via Florida Courts E-Filing Portal and Email

**RE: FORMAL DEMAND FOR INSPECTION AND ELECTRONIC
DELIVERY OF CORPORATE RECORDS**

Pursuant to Florida Statutes § 607.1602 and § 607.1604

Dear Mr. Ball,

Pursuant to **Florida Statutes § 607.1602**, I hereby make formal demand for **inspection and delivery of electronic copies** of all accounting and financial records of DeepGulf, Inc. from **July 1, 2019 through the present date**, including but not limited to:

- General ledgers and balance sheets,
- Income statements,
- Bank statements and reconciliation reports,
- Accounts payable and receivable ledgers,
- Expense reports and tax filings,
- Records of shareholder distributions and equity transactions,
- Any other financial documents required to be maintained under Florida law.

As a **Director** and nearly **49.9% shareholder** of DeepGulf, Inc., I am entitled to this access under § 607.1602(1). That statute further permits a corporation to satisfy this obligation **via electronic delivery**, which I expressly request pursuant to **§ 607.1602(5)**.

Despite repeated requests over several years, I have not received any updated accounts since July 2019, when they were released under threat of subpoena. Since then, either my requests have been ignored or I have been told, sarcastically and in bad faith, that I am "free to come to the office" to review them. Given that I am indigent, reside 5,000 miles away and have documented medical constraints which prevent travel, such a position is not only impractical but knowingly obstructive.

Florida law **does not require in-person review**, especially where it is not feasible. The refusal to provide records electronically, when doing so imposes no hardship on the corporation and fulfills a lawful obligation, reflects ongoing bad faith and potential concealment.

I therefore demand that all responsive documents be delivered to me in PDF or equivalent electronic format **within ten (10) business days** of this notice. Failure to comply will compel me to seek judicial relief under **§ 607.1604**, including the imposition of costs and sanctions.

Please confirm your receipt of this demand and identify the date by which full delivery of records will be made.

Respectfully,

Marc M. Moszkowski

Defendant, pro se

April 21, 2025

A handwritten signature in blue ink that reads "M. Moszkowski". The signature is written in a cursive, flowing style.

**LITVAK BEASLEY WILSON & BALL**
LLP**ATTORNEYS AT LAW****KRAMER A. LITVAK *[‡]**
ROBERT O. BEASLEY
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May 6, 2025

Via Email only (m.moszkowski@deepgulf.net)

Marc Moszkowski
Le Verdos 83300
Chateaudouble
France

Re : Your letter dated April 21, 2025

Dear Mr. Moszkowski:

We represent DeepGulf, Inc. in the above-referenced matter and are in receipt of your April 21, 2025, demand for inspection and electronic delivery of corporate records. Your request is respectfully denied.

Florida Statutes § 607.1602 does not require DeepGulf, Inc. to provide corporate records in electronic format. Additionally, your request is overly broad and imposes an undue burden on the corporation.

DeepGulf, Inc. remains willing to comply with its statutory obligations under § 607.1602. You may arrange a mutually convenient time to inspect the requested records in person at the corporation's office in Pensacola, Florida. Thank you.

Sincerely,

LITVAK BEASLEY WILSON & BALL, LLP

Braden K. Ball, Jr.