

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA

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

Plaintiffs,

Case No.: 2018 CA 000543

vs.

MARC M. MOSZKOWSKI,

Defendant.

_____ /

ORDER TO APPEAR FOR MEDIATION OR ORDER TO SHOW CAUSE

THIS CAUSE came before this Court on Plaintiffs' Motion for the Court to Enter Order to Show Cause filed on April 16, 2025; Defendant's¹ Notice Clarifying Mediation Deadline filed April 15, 2025; Defendant's Notice of Filing Clarification Regarding Legal Purpose and Prematurity of Court Ordered Mediation filed April 15, 2025; and, Defendant's Response to Plaintiff's Motion for Court to Enter Order to Show Cause filed April 17, 2025. The Court having reviewed the motions, the Court file, and being otherwise advised in the premises, finds as follows:

1. On April 9, 2025, the Court entered an Order Referring Case to Mediation. The order required mediation to occur no later than June 9, 2025. Remote appearance by Zoom was approved by the Court.
2. The Order also required the parties to make every effort to stipulate to a certified circuit mediator within five (5) days of the order. The parties were directed to notify the Court's judicial assistant if they were unable to agree on a mediator, date, or time and the Court would select a mediator, date and time.
3. On April 10, 2025, Defendant filed a Motion for Reconsideration or Clarification of Order Compelling In-Person Trial and Mediation Appearance which reiterated arguments made by Defendant at the case management conference on April 3, 2025.²
4. On April 15, 2025, counsel for Plaintiffs contacted the Court's judicial assistant by email and informed her that Defendant did not directly respond to an email dated April 9, 2025, attempting to set mediation. This motion followed.
5. In Plaintiffs' Motion for the Court to Enter Order to Show Cause, counsel for Plaintiffs represented that a mediation date and mediator had been proposed to Defendant. The mediator requires a deposit of \$900 from both parties to confirm the date. Counsel for

¹ Defendant has also filed a counter-claim.

² On April 9, 2025, the Court entered an Order on Case Management Conference detailing those arguments.

Plaintiffs also confirmed that he has the mediation deposit in his trust account, and the date available on his calendar.

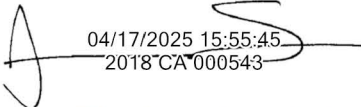
6. No objection to the specific proposed mediator, H. Wesley Reeder, has been raised by Defendant. No objection, other than financial, has been raised by the Defendant to the proposed date.
7. Defendant has reminded the Court that the Court's deadline for mediation is June 9, 2025, and that he has not failed to comply with the Court's order at this time.
8. The Court recognizes that mediation must be scheduled in advance. The Defendant has not offered an alternative to the proposed mediation date of May 21, 2025. The Defendant has not offered an alternative certified circuit court mediator who does not require a deposit in advance to secure the mediation date.

Based upon the foregoing, it is hereby,

ORDERED AND ADJUDGED:

1. Defendant's Motion for Reconsideration or Clarification of Order Compelling In-Person Trial and Mediation Appearance is **DENIED**.
2. Plaintiffs and Defendant are hereby ordered to appear for mediation on May 21, 2025 (time to be determined) with H. Wesley Reeder at Emmanuel Sheppard & Condon, Pensacola, FL, via Zoom videoconferencing. Each party shall immediately tender the deposit required by the mediator to secure the date.
3. If Defendant fails to comply with Paragraph 2 above, he is hereby ordered to attend a hearing in-person on **June 10, 2025, at 9:30 a.m. Central Standard Time** before the Honorable Jan Shackelford, 190 Governmental Center, Pensacola, Florida 32501, to show cause why he should not be held in contempt of court for failure to appear at mediation as stated above. The Court may consider imposition of all available sanctions including striking of pleadings and/or entry of a default.

DONE AND ORDERED in Chambers at Escambia County, Florida.


04/17/2025 15:55:45
2018 CA 000543
signed by CIRCUIT COURT JUDGE JAN SHACKELFORD 04/17/2025 03:55:45 30FTwsW

Copies furnished to:

Pursuant to Administrative Directive ESCAD2021-03, "In cases wherein one party is unrepresented (pro se), it is the responsibility of the sole attorney in the case to serve within five business days this Order/Judgment upon any pro se party who does not have access to and is not a registered user of the Florida Courts e-Filing Portal."

Braden Ball, Esq.
Attorney for Plaintiffs

Marc C. Moszkowski,
Defendant – Pro Se

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact:

**Court Administration, ADA Liaison
Escambia County
190 Governmental Center, 5th Floor
Pensacola, FL 32502
Phone (850) 595-4400 Fax (850) 595-0360
ADA.Escambia@flcourts1.gov**

at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."