

**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 NOTICE OF JUDICIAL UNAVAILABILITY IMPACTING  
DEFENDANT'S RIGHT TO BE HEARD**

Defendant, Marc Moszkowski, respectfully files this Notice to preserve the procedural record and respectfully alert the Court to a material risk of prejudicial imbalance arising from judicial staffing limitations during the week of June 9–13, 2025, specifically the absence of the Judicial Assistant during this period.

1. On Friday, June 6, 2025, in the late afternoon, Plaintiffs filed several documents, including their Proposed Findings of Fact and Conclusions of Law and other materials directly impacting the upcoming Pretrial Conference set for June 10, 2025.

2. Defendant filed, on Sunday, June 8, a complete and timely set of responsive pleadings, including:

- Defendant's **Amended Counterclaim**;
- Defendant's **Response to Plaintiff's Pretrial Statement**;
- Defendant's **Objections to Plaintiff's Proposed Findings**; and
- Defendant's **Response to Plaintiff's Trial Memorandum**;

On Monday, June 9, before business hours, Defendant also filed:

- Defendant's **Motion to Preclude Sanctions and to Dismiss the Motion for Order to Show Cause**; and
- A **Supplemental Memorandum in Further Support**.

3. Defendant has reason to believe that these filings—submitted in good faith and without delay—have not yet been reviewed or transmitted to chambers, due to the full-week absence of the Judicial Assistant, as previously confirmed via direct communication.

4. As a result, Plaintiff's late-Friday filings may be considered and argued at the Pretrial Conference without the Court having access to Defendant's detailed rebuttals, evidentiary objections, and amended Counterclaim—depriving Defendant of the opportunity to be

meaningfully heard and creating the appearance of procedural imbalance.

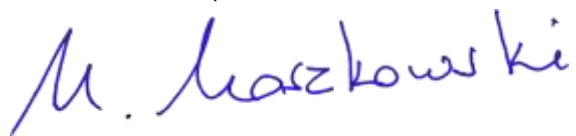
5. This circumstance creates a substantial risk of prejudice not on the merits, but due to asymmetrical access to judicial attention—undermining fundamental fairness, due consideration of the record, and Defendant’s right to equal process.

**WHEREFORE**, Defendant respectfully requests that the Court:

- Take judicial notice of the Court’s staffing limitations and their direct procedural consequences;
- Confirm that no substantive rulings will be made on Plaintiff’s June 6 filings until Defendant’s responses, filed June 8 and 9, have been reviewed;
- Ensure that the procedural fairness of this record is preserved for appellate and constitutional purposes.

Respectfully submitted on this 9<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 9<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 Port

*M. Maczkowski*