

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 REGARDING MEDIATION STATUS AND PENDING MOTIONS

COMES NOW Defendant, Marc Moszkowski, Pro Se, and respectfully files this Notice regarding the status of mediation in the above-captioned matter. This filing is submitted in light of a recent communication from Plaintiff's counsel to the assigned mediator, in which Plaintiff stated that the Court has ruled Defendant must pay for and participate in mediation prior to June 10, 2025.

To date, there is no written order from the Court requiring Defendant to pay for mediation, nor any ruling that resolves Defendant's pending Motion asserting that, under the corporate Bylaws of Plaintiff DeepGulf, Inc., the company is obligated to pay for Defendant's legal expenses. This Motion

remains pending before the Court. During the Case Management Conference, the Court indicated it would review the matter, and Plaintiff acknowledged that the Bylaws contain such a provision, albeit with a disputed interpretation that is not supported by the text of the Bylaws.

Moreover, both parties previously informed the Court that mediation at this stage would be premature and unproductive, particularly in light of the pending motions for dismissal and sanctions based on fraud on the court, as well as the complete absence of scheduled or completed discovery. Defendant's core defenses have not yet been acknowledged, addressed, or ruled upon, making meaningful mediation infeasible at this time.

Defendant further notes that any reference to statements made during the Case Management Conference reflects only his auditory understanding, as Court rules prohibited recording the Hearing and transcript access is, for Defendant, prohibitively expensive and also not available instantly. While Defendant is confident in his written legal comprehension, he is significantly less proficient in processing arguments presented orally in real-time. This raises serious concerns about the fairness of requiring participation in spoken-only proceedings—such as trial or mediation—where no written record is available and comprehension cannot be verified.

Although no interpreter has yet been proposed, Defendant anticipates that the Court or opposing party may suggest the use of a court-appointed interpreter as an accommodation. However, Defendant respectfully submits that an interpreter would complicate rather than clarify the situation. Defendant is significantly more proficient in English legal writing than in any form of legal French. The use of a live interpreter would not only double the time required for hearings, but would likely introduce errors, ambiguities, and misunderstandings, which Defendant would be forced to correct in real time—causing further delays and confusion. What Defendant requests instead is reasonable accommodation in the form of slower elocution, clearer enunciation, and a primary reliance on the written record, which is consistent with the Pro Se nature of Defendant's defense and the extensive pleadings already submitted to the Court.

Defendant respectfully notes that in most English speaking common law jurisdictions the legal profession distinguishes between solicitors, who prepare and submit written pleadings, and barristers, who argue cases orally before the court. Both are fully qualified, yet their functions are distinct. As a Pro Se litigant in the U.S. system, Defendant is expected to perform the roles of both solicitor and barrister simultaneously. While Defendant has worked diligently to emulate the former, through extensive and

well-supported filings, Defendant is not equipped—orally or procedurally—to emulate the latter in a real-time courtroom setting without written support. Defendant respectfully requests that the Court recognize this structural imbalance and allow for meaningful participation based primarily on the written record and slow-paced, accessible oral proceedings, if necessary.

Defendant submits this Notice to clarify the current procedural posture and to prevent any confusion or misrepresentation as to the Court's orders, the status of payment obligations, or the appropriateness of mediation at this stage of litigation.

Respectfully submitted this 9th day of April, 2025

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CERTIFICATE OF SERVICE

I hereby certify that, on this 9th day of April, 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.

M. Marzowski