

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

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

Plaintiffs,

Case No.: 2018 CA 000543

vs.

Division:

MARC M. MOSZKOWSKI and

HOSTGATOR.COM, LLC,
a Florida Limited Liability Company,
Defendant

MEMORANDUM IN SUPPORT OF DEFENDANT'S RESPONSE TO
MOTION FOR DEFAULT BY THE COURT

Pro-Se Defendant Marc Moszkowski hereby submits this Memorandum in Support of his Response to the Plaintiff's Motion for Default by the Court.

On June 3rd, 2021, Defendant MOSZKOWSKI received electronic notice through the Florida Courts E-Filing Portal that the Complaint which had been remanded to this Court by the United States District Court for the Northern District of Florida, Pensacola Division, had been refiled by Plaintiff.

On June 11th, 2021, MOSZKOWSKI received electronic notice that the other Defendant, Hostgator.com LLC, had been duly served with Summons on June 10th, 2021.

Immediately after receiving the notice, and considering that MOSZKOWSKI had not been sent directly a copy of the Summons to the other Defendant, he visited the Docket online and downloaded the Summons, which specifically stated:

Each defendant *[emphasis added]* is hereby required to serve written defenses to said complaint on

plaintiffs attorney(s), whose address is

BRADEN K BALL JR

40 SOUTH PALAFOX PLACE, THIRD FLOOR

PENSACOLA, FL 32502

within **20 days** after service of this summons upon you, exclusive of the day of service, and to file the original of said written defenses with the Clerk of said Court either before service on said attorney or immediately thereafter. If you fail to do so, a default will be entered against you for the relief demanded in the complaint.

MOSZKOWSKI, who had not been served any other information regarding a deadline for filing a defense, considered the Summons *verbatim*, which clearly stated that the deadline was for "*each defendant*", and, since he had

received the electronic notice of service on June 11th, naturally understood that his deadline was July 1st, 2021.

However, he had already planned to file on June 23rd, according to Rule 1.190, which was 20 days after he had received electronic notice on June 3rd that the Complaint had been refiled.

In view of the foregoing truthful relation of indisputable facts, it appears to MOSZKOWSKI that the Plaintiff's Motion for Default is but one more egregious manoeuver to use technicalities in order to take advantage of the unsuspecting Pro-Se defendant.

MOSZKOWSKI will be ready to file on June 23rd, although he believes that in all equity the deadline should have been July 1st.

Signed, this 16th day of June, 2021

Marc Moszkowski, Pro Se

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Le Verdos

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CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of June, 2021, a copy of this memorandum has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

M. Maszkowski