

**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 FOR RULING ON PENDING MOTIONS AND
CLARIFICATION OF RECORD STATUS**

Defendant, Marc Moszkowski, respectfully moves this Court to enter rulings on pending motions previously submitted by Defendant — these motions being supported by an extensive body of written submissions, including notices, factual declarations, and documentary exhibits, many of which remain unrebutted by Plaintiff and unaddressed by the Court — and as grounds states:

1. On May 6, 2025, this Court entered an **Order Denying Defendant’s Motion to Disqualify the Presiding Judge**, stating that “the Court, having considered Defendant’s Motion, Notice and Supplement, and having reviewed the record and relevant legal authority, finds the

instant motion is legally insufficient under Fla. R. Gen. Prac. & Jud Admin. 2.330.”

2. Defendant respectfully notes that the representation that the Court has reviewed the record is directly relevant to the current request, as there are now over **sixty (60) written pleadings**, motions, notices, declarations, and filings submitted by Defendant which remain unaddressed by either the Court or Plaintiff.
3. Many of these filings raise threshold procedural, evidentiary, and jurisdictional issues—including, but not limited to:
 - Multiple **motions to dismiss** on jurisdictional and standing grounds;
 - Declarations and motions asserting **fraud on the court**;
 - Motions for **equitable relief**;
 - Motions to compel **discovery and record production**;
 - Objections to **mediation orders** and orders setting **trial prematurely**.
4. Defendant respectfully submits that a final hearing cannot proceed constitutionally or equitably while these foundational motions remain

unresolved—particularly where they relate to the core validity of Plaintiff's standing and conduct in this litigation.

5. Plaintiff has failed to respond substantively to the majority of these motions. In many cases, no response has been filed at all. Under Florida law, a failure to rebut may result in **waiver or concession of facts**, particularly where the record is unrebutted.
6. The Court's stated review of the record now imposes an obligation to address the merits of pending filings, or at minimum, to clarify their status and whether any are deemed mooted, denied, or deferred.

WHEREFORE, Defendant respectfully requests that the Court:

1. Issue a ruling on each pending motion previously filed by Defendant that remains unresolved;
2. Alternatively, issue an order clarifying the status of each pending motion;
3. Hold in abeyance any further scheduling for final hearing until all dispositive and threshold motions are addressed;
4. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted on this 7th day of May, 2025.

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Le Verdos

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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.

