

**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 OF FILING SUPPLEMENTAL DECLARATION IN SUPPORT OF
MOTION TO DISQUALIFY PRESIDING JUDGE**

COMES NOW, the Defendant, MARC MOSZKOWSKI, and hereby gives
notice that he has filed the attached:

**Supplemental Declaration in Support of Motion to Disqualify
Presiding Judge**

setting forth additional facts relevant to the appearance of judicial bias
and the structural impropriety of continued adjudication by the current
Judge.

Respectfully submitted on this 26th day of May, 2025.

Marc Moszkowski, Pro Se
Email: m.moszkowski@deepgulf.net
Le Verdos
83300 Châteaudouble, France



CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of May, 2025, a copy of this Notice has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.



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**SUPPLEMENTAL DECLARATION IN SUPPORT OF MOTION TO
DISQUALIFY PRESIDING JUDGE**

I, Marc Moszkowski, declare under penalty of perjury:

I. Mischaracterization of Grounds for Disqualification

In response to my Motion to Disqualify, Plaintiff asserts that it “relies on dissatisfaction with adverse judicial rulings.” This mischaracterization avoids engagement with the actual grounds raised. My motion does not challenge the mere fact that rulings were adverse, but rather the manner in which they were issued—often without reasoning, acknowledgment of prior filings, or engagement with dispositive factual records.

Plaintiffs offer no citation to support their summary dismissal of my motion, which avoids substance in favor of presumption. Their logic implies that only prevailing litigants may invoke disqualification—an absurd proposition that would neutralize the entire function of Canon 3(E)(1) of the Florida Code of Judicial Conduct.

II. Prior Judicial Involvement in Mirror Litigation

This Court previously ruled against me in a case arising directly out of the same factual dispute underlying the present matter. In August 2020, while Plaintiffs were pursuing an appeal of the federal summary judgment dismissing their case, I filed a separate suit in state court against the only two directors of DeepGulf and Toke—Messrs. Howard and Johnson—for having brought a failed lawsuit against me, which was not only frivolous and unsuccessful, but premised upon knowingly falsified documents and material misrepresentations submitted to the Court.

That case was dismissed for procedural reasons by the same Judge who now presides over the remanded version of the mirror litigation. The Court instructed me to refile against the corporate entities themselves—DeepGulf and Toke. However, I was prevented from doing so by those

same directors, who refused to disclose the legal status, registration, or location of “Toke.”

Critically, it was the presence of “Toke” as a named Plaintiff—a party whose corporate existence was unsupported by any verifiable documentation—that resulted in remand from federal court. This procedural maneuver, based on the illusion of a foreign entity, defeated federal jurisdiction. Yet when I attempted to pursue claims against Toke in state court, its supposed representatives actively withheld the very information that might have exposed its fictitious nature. Their refusal confirmed what the record already strongly suggested: Toke was not a functioning or accessible corporate foreign entity, and its legal existence was used strategically to manipulate jurisdiction.

Now, the very same Judge who dismissed my claims in that context has been reassigned to adjudicate the remanded version of the mirror litigation—relying once more on the assumed presence of Toke as a party, despite years of unresolved questions about its actual existence. This is not merely prejudgment; it is jurisdictional circularity, from which no fair process can arise.

The present case is essentially a mirror image of the earlier one. The Judge has now been called upon to rule on the same factual matrix, in reversed procedural posture. This is the very definition of prejudgment—a situation where structural neutrality is no longer possible, because the underlying claims have already been evaluated through another lens.

The internal conflict of interest here is not speculative—it is structural. The Judge previously ruled in favor of my opponents in a case arising from the same factual nucleus, with roles reversed but allegations inseparable from those now before the Court. To now rule in my favor would require her to revisit, question, or implicitly overturn her earlier decision. That expectation places the Court in an impossible position: either it contradicts its own prior reasoning, or it adheres to it at the cost of fairness in the current case. This is not a matter of animus, but of professional and institutional entanglement. No judge can neutrally adjudicate a dispute that demands the reversal of her own earlier ruling without inviting an appearance of bias. The very etymology of 'prejudice'—from *præiudicium*, meaning 'prior judgment'—makes plain the issue: when the mind of the Court is already committed by prior decision, impartiality is logically foreclosed. Impartiality cannot be presumed where the same factual dispute has already been judicially filtered through a prior ruling.

III. Undisclosed Reassignment

After remand from the federal court in 2021, the case was initially assigned to Judge Coleman Lee Robinson as reflected in the docket. Sometime between December 31, 2021 and September 16, 2024, the case was reassigned to the current presiding Judge without notice, explanation, or service of a transfer order. I was not informed and only discovered the reassignment retroactively. This lack of transparency further erodes confidence in the procedural integrity of the case.

IV. Apparent Prejudgment and Lack of Record

At the hearing on Monday, February 10, 2025, I distinctly recall the Court stating it had spent quite some time over the weekend reading the files. At the time, this gave me great relief—believing my detailed factual declarations and prior filings were being weighed. In retrospect, I now fear the Court may have reviewed only the Plaintiff’s narrative, in which I am falsely portrayed as a “foreign white collar crook” who “absconded” to France with \$1.3 million.

No reference was made to the federal court’s summary judgment in my favor, nor to my extensive factual documentation. Unfortunately, as far as I

know the hearing was neither transcribed nor recorded, and I was unable to obtain a transcript despite inquiry. The ban on litigant recording, combined with the absence of an official transcript, means I cannot verify or correct the record. This is not hypothetical.

In 2021, I attempted to purchase the federal court transcript of the dispositive hearing in this case. The full 195-page transcript was quoted at \$1,062.75, far beyond my means. I was able to purchase only a 17-page excerpt, at a cost of \$102.85, which I paid. That excerpt covers only a portion of the ruling. The structural consequence is clear: access to justice is a function of wealth, and where the record is selectively preserved, litigants without resources are procedurally silenced.

V. Conclusion

This Court has previously ruled on the same facts, between the same parties, and now presides over the reversed version of the same litigation. The appearance of prejudgment is unavoidable. The reassignment of this case occurred without notice, the key hearing was held without a verifiable record, and the Court's conduct has reflected familiarity with only one side's narrative. Disqualification is not about dissatisfaction—it is about protecting the integrity of the process when neutrality can no longer be presumed.

Respectfully submitted on this 26th day of May, 2025.

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