

**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 PROCEDURAL CONSTRUCTIVE DEFAULT AND  
OBSTRUCTION OF FAIR TRIAL**

Defendant, Marc Moszkowski, respectfully files this Notice to preserve the record and alert the Court to a pattern of conduct and procedural choices that have ensured his exclusion from the proceedings and thereby rendered a fair trial impossible.

1. The Judge's published policy is clear: all hearings are to be conducted by Zoom. This is not a rare exception but the stated rule—uniformly applied.
2. Plaintiff's counsel, Braden Ball, works 1,200 feet from the courthouse. Defendant's office is 5,000 miles away—across an

ocean.

3. Despite this staggering asymmetry, Mr. Ball insisted that the pretrial conference and final hearing be in person—without offering credible justification.
4. The Court, without explanation, granted this request—contradicting its own Zoom-only policy.
5. As pro se Defendant, I filed dozens of motions and sworn declarations establishing the impossibility of physical attendance:
  - I am 71 years old, in severe pain from two untreated dangerous abdominal hernias;
  - I am indigent and cannot afford air travel, accommodation, or local transportation;
  - My house—my only remaining asset—was seized the same day as the June 10 hearing, due to a fraudulent lien orchestrated by Plaintiffs.
6. The absurdity compounds: Plaintiffs claimed the in-person hearing was held to “accommodate” Defendant—a claim untethered to any reality.
7. They further argued that the 7-day gap between hearing and trial was also “to accommodate” Defendant—ignoring the logistical and financial impossibility of such an arrangement.

**8.** No explanation was given as to:

- Where I would stay during this period;
- How I could rent a car or travel locally;
- How I could afford any lodging, given peak tourism season, high rates, and no income.

**9.** Their final argument? I traveled to Pensacola six years ago, so I should do so again.

Yet, six years ago:

- I was younger, healthier, and temporarily solvent;
- I had two attorneys and friends to house me;
- I secured a caretaker (whom Plaintiffs later derided as a “live-onsite maid”) to manage my affairs while I was away.
- I prevailed at that time—which makes their logic all the more twisted.

Since I once came with resources, I must come now without them.

**10.** Plaintiffs further accused me of derailing proceedings by not attending mediation—despite themselves having declared mediation futile, and despite the impossibility of meaningful mediation prior to discovery and resolution of the statute of limitations.

**11.** On this grotesque rationale, Plaintiffs ensured my absence,

then secured a default.

WHEREFORE, Defendant files this Notice so that the record may reflect the sequence of events leading to this procedural ambush, and so that no higher court may remain unaware of the tactics used to defeat participation rather than confront evidence or law.

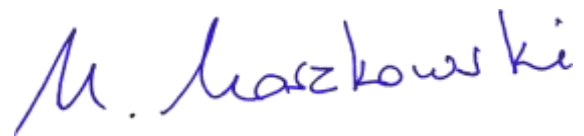
Respectfully submitted on this 13<sup>th</sup> day of June, 2025.

Marc Moszkowski, Pro Se

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Le Verdos

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 13<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 Portal.

