

**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"

**DECLARATION OF IMPOSSIBILITY AND PROCEDURAL INJUSTICE IN
ANTICIPATION OF CONSTRUCTIVE TERMINATION**

Defendant, Marc Moszkowski, submits this Declaration in anticipation of adverse procedural action based not on the merits of the case, but on the artificial appearance of noncompliance created through economic and logistical impossibility. As grounds, Defendant states:

1. Defendant is indigent and has demonstrated through multiple declarations that he has no means to pay the \$900 mediation fee recently imposed. This fee is functionally punitive, serves no legitimate purpose given the shared expectation that mediation will be fruitless, and appears to be used as a gatekeeping mechanism to bar further access to adjudication.

2. Defendant also suffers from documented medical conditions which have long rendered travel to Florida physically impossible without risking hospitalization. These constraints have been acknowledged in filings supported by medical documentation. No reasonable accommodation has been offered. Although the First Judicial Circuit of Florida permits remote appearance, such accommodation has been expressly denied in this case at the request of Plaintiffs, without any explanation as to the rationale. The refusal appears to be based solely on Plaintiffs' awareness that in-person appearance by Defendant is functionally impossible. This pattern mirrors their conduct in Federal Court and during deposition scheduling, where they likewise refused remote participation, knowing Defendant's constraints.
3. The trial, if conducted in person, would force Defendant to incur impossible financial costs, risk grave health consequences, and appear in a jurisdiction where the record shows that over seventy (70) of his filings have been completely ignored by the Court.
4. Plaintiff's filings are comparatively minimal, but have received swift and favorable attention from the Court, while Defendant's pleadings — including motions to dismiss, compel, and assert jurisdictional

fraud — have been procedurally erased. This asymmetry cannot be reconciled with the requirements of impartial judicial process.

5. Counsel for Plaintiff has shown minimal substantive engagement with the record and appears to respond only when necessary to preserve procedural control. Defendant does not know the precise nature of the fee arrangement between Plaintiff and its counsel, but the selective effort and sole focus on opposing judicial disqualification strongly suggest that disqualification would result in immediate tactical collapse for Plaintiff.
6. Defendant respectfully submits that any dismissal, adverse judgment, or trial default imposed under these conditions — economic impossibility, physical incapacity, and sustained judicial neglect — will constitute constructive termination of the action without fair opportunity to be heard, and will be preserved for all appropriate appellate and federal review.
7. Defendant further declares that, should this case be terminated — whether by dismissal, default, or adverse ruling under the present conditions — he will immediately seek review by a higher court. This is not merely to assert the merits of his claims, but to challenge the unmistakable appearance of institutional bias and procedural

suppression. Defendant has already prevailed on the same factual record in the United States District Court before the case was remanded on grounds that were factually inaccurate and procedurally irregular. The continued asymmetry in judicial engagement and denial of accommodation underscores a structural failure that compels higher review.

Respectfully submitted on this 8th 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 8th 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.

