

**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 NOTICE OF FILING STATEMENT REGARDING THE  
COURT'S SUMMARY DENIAL OF DEFENDANT'S MOTION TO STRIKE  
COMPLAINT AS A SHAM**

COMES NOW the Defendant, Marc Moszkowski, and hereby gives notice that he is filing the attached document titled:

**“Statement Regarding the Court’s Summary Denial of Defendant’s  
Motion to Strike Complaint as a Sham”**

This Statement is submitted to summarize and draw judicial attention to the Court’s summary denial of a fully supported evidentiary motion which addressed every count of the Complaint, remained unanswered for over three years, and was ultimately dismissed without findings, analysis, or engagement with the record.

Respectfully submitted on this 19<sup>th</sup> 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 19<sup>th</sup> 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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Defendant.

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**STATEMENT REGARDING THE COURT'S SUMMARY DENIAL OF  
DEFENDANT'S MOTION TO STRIKE COMPLAINT AS A SHAM**

COMES NOW the Defendant, Marc Moszkowski, and respectfully submits this Statement for the record regarding the Court's summary denial of Defendant's "Motion to Strike Complaint as a Sham," filed on June 23, 2021, pursuant to Florida Rule of Civil Procedure 1.150.

Said Motion was supported by a detailed, fact-specific analysis of each count of the Complaint, citing documentary exhibits, financial records, and even admissions within the Complaint itself that the alleged wrongdoing was not committed by the Defendant, but by the Plaintiff.

The Motion included, inter alia:

- Bank records and wire transfers showing revenue flows and disproving allegations of embezzlement.
- Patent records and legal assignments proving prior ownership by Plaintiffs.
- Internal contradictions in Plaintiffs' claims regarding directorship, salary obligations, and corporate governance.
- Evidence that certain Plaintiff entities lacked legal existence at the time of filing.
- Communications showing that the Plaintiff's allegations were crafted retroactively in response to shareholder disclosures made by Defendant in 2017–2018.

This Motion remained pending for over three and a half years. On March 28, 2025, the Court entered the following one-sentence order:

*“Defendant’s Motion to Strike Complaint as a Sham is hereby DENIED.”*

No findings of fact. No analysis. No ruling on the legal or evidentiary grounds submitted.

Although Plaintiffs eventually filed a purported rebuttal nearly four years after the Motion was filed, it neither acknowledged nor addressed the hundreds of pages submitted by Defendant in the course of the litigation. The rebuttal was comprised entirely of recycled assertions, factual distortions, and repeated slogans that ignored the actual record. It is as if the substance of Defendant's argumentation had never been written. In eight years of litigation, Plaintiffs' argumentation has remained static—a broken record playing the same refrain.

Defendant, the very next day, filed a Motion for Leave to File a Reply to Plaintiffs' Response. That motion addressed, point by point, every gross disfiguration of reality found in the Plaintiffs' filing. It was not only factually specific and evidentiary, but also indispensable to correct the record. Yet the Court ignored the Motion for Leave entirely. No acknowledgment. No ruling. No explanation.

WHEREFORE, the Defendant respectfully submits that this ruling constitutes a denial not only of relief, but of engagement with the record, and requests that this Statement be included in the record for purposes of appellate review.

Respectfully submitted on this 19<sup>th</sup> day of May, 2025.

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



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I hereby certify that, on this 19<sup>th</sup> day of May, 2025, a copy of this Statement has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

