

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 DECLARATION REGARDING DENIAL OF MOTION
TO STRIKE COMPLAINT AS A SHAM WITHOUT ADJUDICATION ON
THE MERITS**

COMES NOW Defendant, Marc Moszkowski, and hereby provides notice of filing the attached Declaration titled "Declaration Regarding Denial of Motion to Strike Complaint as a Sham without Adjudication on the Merits."

This Declaration preserves the record of a motion originally filed on June 23, 2021, pursuant to Florida Rule of Civil Procedure 1.150, and sets forth procedural and factual details relevant to its denial on February 25, 2025. The Declaration also addresses Plaintiff's failure to rebut key arguments and factual submissions, and documents the absence of judicial engagement with the substance of the motion.

The filing is made for the purpose of preserving the issue for potential appellate review and ensuring that the supporting record remains part of the procedural history of this case.

Respectfully submitted this 15th day of April, 2025

Marc Moszkowski, Pro Se
Email: m.moszkowski@deepgulf.net
Phone: +1(850)316 8462
Le Verdos
83300 Châteaudouble, France

A handwritten signature in blue ink, reading "M. Moszkowski".

CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of April, 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.

A handwritten signature in blue ink, reading "M. Moszkowski".

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FLORIDA**

DEEPGULF, INC. and
TOKE OIL AND GAS, S.A.

Plaintiffs,

vs.

MARC M. MOSZKOWSKI

Defendant.

Case No.: 2018 CA 000543

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**DECLARATION REGARDING DENIAL OF MOTION TO STRIKE
COMPLAINT AS A SHAM WITHOUT ADJUDICATION ON THE
MERITS**

I, Marc Moszkowski, submit this declaration to preserve the procedural and factual record regarding my Motion to Strike the Complaint as a Sham, filed on June 23, 2021. The motion was supported by 58 pages of documentary exhibits and set forth a detailed, evidence-based argument under Florida Rule of Civil Procedure 1.150. Despite the completeness of the filing, the Court denied the motion on February 25, 2025, without any discussion of the legal or factual issues raised therein. No hearing on the merits

was held. Plaintiff, for his part, filed a response on February 6, 2025, which merely reiterated the original counts of the Complaint without addressing, let alone rebutting, any of the points raised in Defendant's Motion.

Clarification Regarding the Characterization of Tax Contribution as Salary:

Even if the \$345,000 wired by East Timorese co-owner Vicente Ximenes were to be characterized as a 'salary,' and even if it were viewed as a 'bonus' on top of Defendant's base compensation—which itself equated to \$9.80 per hour—the resulting effective rate for Defendant's role as CEO would be \$20.75/hour. This was compensation for executing multi-million-dollar development contracts in a remote, hazardous region, under constant financial strain and without the institutional support owed under contract. The work included not only significant technical, administrative, legal, financial, and diplomatic responsibility, but also exposure to extreme environmental and medical risks. Defendant experienced multiple accidents while in the field, and contracted a Papua New Guinea strain of malaria in 2011, for which Mr. Howard personally saw him to

the hospital upon Defendant's in extremis return to Pensacola. Despite this, Plaintiff now asserts that such remuneration constitutes fraud—**despite coming from a third party**, and being transparently documented. Meanwhile, Plaintiff's Chairman paid himself approximately \$200/hour for office-based work in Pensacola. The comparison is not merely disproportionate; it renders the fraud allegation patently absurd.

Clarification Regarding Fraudulent Misrepresentation:

Count VII of Plaintiff's Complaint, titled "Fraudulent Misrepresentation," contains within it the very acts of misrepresentation attributed to Plaintiff's own principal, Mr. Howard. The Count references financial representations made by DeepGulf that incorporated Toke's financials into DeepGulf's Private Placement Memorandum— while, in the very words of Plaintiff, "*Toke Oil & Gas, S.A. ... was owned by others*", which clearly demonstrates that it was Mr. Howard who was directly and personally responsible for such misrepresentation.

At that time, Mr. Howard was the only person with access to DeepGulf's accounts, and had copies of Toke's contracts. The notion

that Defendant misled Plaintiff into confusion about contract ownership or revenue flow is directly contradicted by Plaintiff's own record of banking authority and document control.

This declaration is submitted to preserve the factual and procedural record for purposes of any appellate review, and to document the lack of substantive judicial engagement with a fully supported motion. The motion, its evidence, and the issues raised therein remain unaddressed by either Plaintiff or the Court.

Respectfully submitted this 15th day of April, 2025

Marc Moszkowski, Pro Se

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Phone: +1(850)316 8462

Le Verdos

83300 Châteaudouble, France



CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of April, 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.

M. Marzowski