

**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"

**MOTION TO RECONSIDER OR CERTIFY FOR APPELLATE RECORD
THE DENIAL OF DEFENDANT’S MOTION TO STRIKE COMPLAINT AS
A SHAM**

COMES NOW the Defendant, Marc Moszkowski, and respectfully moves this Court to reconsider its Order of February 25, 2025, summarily denying Defendant’s “Motion to Strike Complaint as a Sham,” or in the alternative, to certify said denial as part of the formal appellate record under Rule 9.200(a) of the Florida Rules of Appellate Procedure.

1. Defendant filed his Motion to Strike Complaint as a Sham pursuant to Florida Rule of Civil Procedure 1.150 on June 23, 2021. The Motion was fact-intensive, supported by exhibits, and addressed every count in the Complaint.

2. On February 6, 2025, Plaintiffs filed a Response to Defendant's Motion.
3. On February 7, 2025, Defendant filed a timely Motion for Leave to File a Reply, identifying over a dozen misstatements, omissions, and fabricated claims introduced for the first time in Plaintiffs' Response. The proposed Reply was necessary to correct the record and rebut distortions.
4. The Motion for Leave to Reply was never acknowledged or ruled upon.
5. On February 10, 2025, a hearing was held. Defendant appeared pro se and attempted to present argument within a very short time and without the Reply having even been read by the Court. Plaintiffs' counsel also appeared.
6. On February 25, 2025, the Court entered a one-line Order:
"Defendant's Motion to Strike Complaint as a Sham is hereby DENIED."
7. The Order contained no findings of fact, legal reasoning, or discussion of the record. The Court did not mention or address Defendant's pending Motion for Leave to Reply.

8. This denial of a dispositive motion—after years of delay and with no engagement with the factual or legal foundation submitted—constitutes a miscarriage of procedural fairness. Furthermore, the failure to address Defendant’s Reply request left unchallenged numerous falsehoods and contradictions raised by the Plaintiffs, effectively silencing Defendant’s opportunity to be heard on matters directly affecting his rights.

WHEREFORE, Defendant respectfully requests that the Court:

- a.** Reconsider its March 28, 2025 ruling and issue findings or explanation pursuant to Rule 1.150, or
- b.** In the alternative, certify the denial and accompanying record for inclusion in the appellate proceedings, and
- c.** Grant such other relief as justice may require.

Respectfully submitted on this 19th day of May, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that, on this 19th 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.

M. Marzowski