

**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 CONCERN REGARDING OPPOSING
COUNSEL’S COMMUNICATION WITH JUDICIAL ASSISTANT IN
MATTER OF JUDICIAL DISQUALIFICATION**

Defendant, appearing pro se, respectfully files this Notice of Concern regarding an email communication sent by opposing counsel, Braden K. Ball, to the Court’s Judicial Assistant on May 5, 2025, which stated:

“I plan to file a response to the Motion to Disqualify before the end of the day tomorrow. Thank you.”

Defendant submits this notice not as a response to a motion—since none has yet been filed—but in order to preserve the integrity of the record and alert the Court to the procedural and ethical implications of such conduct.

1. Only the Judge May Rule on Disqualification

Under Florida Rule of General Practice and Judicial Administration 2.330(j), “[i]f the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed no further in the action.” Opposing counsel’s intent to file a response does not stay or suspend this duty.

2. Improper Pre-Filing Communications

There exists no procedural basis for notifying chambers in advance of a filing in this context. By informing the Judicial Assistant rather than simply filing the response and serving it through the proper channels, counsel appears to:

- Suggest a delay in judicial ruling;
- Signal informal coordination or privileged access;
- Create an appearance of impropriety in a context where neutrality is legally and ethically paramount.

3. Request for Clarification and Record Preservation

Defendant respectfully requests that the Court clarify whether such communications from opposing counsel are proper and whether they were

made with the Judge's knowledge or direction. Defendant further requests that the email be made part of the formal record, or alternatively, that Plaintiff be ordered to file it as an exhibit to any forthcoming response.

Defendant submits this filing solely to protect the procedural fairness of ongoing proceedings and reserves all rights.

Respectfully submitted this 6th 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 6th 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.

