

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:

**PLAINTIFFS' MOTION FOR THE COURT TO ENTER AN ORDER TO SHOW
CAUSE**

Comes now, Plaintiffs, by and through their undersigned attorneys, and move this court to enter an order showing cause why sanctions should not be entered in accordance with the Court's Order on Case Management dated April 9, 2025 and says:

1. In said Order, this Court required that both parties participate in mediation in this matter.
2. Mediation, according to the order is to be completed on or before June 9, 2025, which is one day prior to the scheduled pre-trial conference and 8 days prior to the scheduled trial in this matter.
3. In multiple pleadings, Defendant has claimed that he is "indigent" and cannot pay the \$900 deposit required by attorney H. Wesley Reeder prior to scheduling the required mediation. In many pleadings before the court, Defendant discusses his alleged meager monthly income. Nowhere does Defendant mention his assets which should be taken into account when determining his ability to pay the mediation fee. It would be quite unfair for a person with no income, but with a large amount of assets to use the excuse of indigency when attempting to pay a required mediation fee, in a case where he is defending claims and prosecuting his own claims.

4. In his deposition dated October 21, 2019, Defendant testified under oath that he inherited the property that he was then and is now currently living in from his Aunt. Based upon that inheritance, he owed an inheritance tax which totaled \$550,000. He further testified that the tax was “about 60 percent, 55 percent of the value” and that his Aunt died in 2007. [Deposition of Marc Moszkowski Pages 56-58, which excerpts are attached hereto as Exhibit “A”]

5. Therefore, the calculation of the value of Mr. Moszkowski’s inherited French Villa in 2007 was \$916,666 to \$1,000,000. Assuredly, the property is worth more now that it was in 2007.

6. In any event, someone with an asset worth seven figures can hardly be indigent. Perhaps, Defendant is reluctant to utilize that asset to pay for his mediation costs; however, that does not equate to indigence.

7. In the Order Referring Case to Mediation entered by the Court on April 9, 2025, the court required the parties to make efforts to stipulate to a certified circuit mediator, location and time of mediation within five days of the Order. With that requirement in mind, the undersigned emailed Defendant as shown in Exhibit “B.” Defendant did not respond to said email.

8. The parties have been working with mediator, H. Wesley Reeder to schedule a mediation prior to the order being entered on April 9, 2025. Mr. Reeder required that there be a \$900 deposit be paid by both Plaintiffs (collectively) and Defendant prior to the mediation being scheduled. The \$900 deposit for the Plaintiffs is being held in the undersigned’s trust account. Mr. Moszkowski has claimed that he cannot pay the \$900. Counsel for Plaintiffs has spoken with H. Wesley Reeder’s office and Mr. Reeder is available on May 21 in the morning for mediation. Plaintiffs and its counsel are available. Until Defendant remits his mediation deposit, Mr. Reeder will not reserve a firm date for mediation.

9. Additionally, Defendant stated in a pleading entitled “Defendant’s Motion for Reconsideration or Clarification of Order Compelling In-Person Trial and Mediation Attendance dated April 10, 2025” that “at the time of the filing, he is unable to provide the required \$900 payment for mediation.”

10. Finally, in the Court’s Order on Case Management dated April 9, 2025, the Court stated that “mediation by Zoom was a requirement prior to trial, and failure to appear / advance the costs necessary to participate would result in an Order to Show Cause as to why sanctions should not be entered. The possible sanctions could include striking of Defendant’s Answer and Affirmative Defenses and the entry of a default. These requirements pertaining to mediation also apply to Plaintiff and Plaintiff’s counsel.”

11. The practicalities of scheduling a mediation require that the parties make a deposit well in advance of the June 9, 2025 deadline. The schedules of the mediator, the undersigned, the representative of the Plaintiffs and the Defendant all have to be coordinated in time to hold the mediation. Remittance of the payment by Defendant should be required to be made significantly in advance of the final date within which to hold the mediation.

12. The process of the entry of an Order Showing Cause and the Defendant filing a response to said Order Showing Cause and Plaintiffs possible reply, along with a hearing being held if necessary also takes time, of which there is only 55 days, including weekends and holidays—precious few days to properly proceed with this process and, if the Defendant shows the required cause, to schedule a mediation subsequent to that finding by the Court.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order Showing Cause in accordance with its Order on Case Management dated April 9, 2025 and such other relief as this Court deems necessary and proper.

CERTIFICATE OF CONFERRAL

I certify that conferral prior to filing is not required under Rule 1.202.



BRADEN K. BALL, JR.

Florida Bar No. 89000
LITVAK BEASLEY WILSON & BALL, LLP
40 Palafox Place, Suite 300
Pensacola, Florida 32502
Telephone: (850) 432-9818
Facsimile: (850) 432-9830
Attorneys for Plaintiffs
Primary E-mail: braden@lawpensacola.com
Secondary E-mail: mandrews@lawpensacola.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 16th day of April, 2025, a copy of the foregoing has been furnished to the Defendant, Marc M. Moszkowski, Le Verdos, 83300 Chateaudouble, France (m.moszkowski@deepgulf.net) via the Court's E-filing system.



BRADEN K. BALL, JR.

Florida Bar No. 89000
LITVAK BEASLEY WILSON & BALL, LLP
40 Palafox Place, Suite 300
Pensacola, Florida 32502
Telephone: (850) 432-9818
Facsimile: (850) 432-9830
Attorneys for Plaintiffs
Primary E-mail: braden@lawpensacola.com
Secondary E-mail: mandrews@lawpensacola.com

1 named Mike Pye was the owner of that residence.

2 A. That is not a good understanding.

3 Q. Okay. Tell me what your understanding is,
4 then.

5 A. Okay. I don't have a copy of the deed.
6 What I know is that he kept his office, and his
7 bedroom, and that of his son, and that that he reserved
8 for me, in that building.

9 Q. Mr. Pye did?

10 A. Yes. As well as an office for an Indian
11 company, and a one-room office that Vincente used.

12 Q. Okay. That's not where Vincente lived.
13 Correct?

14 A. Say that again.

15 Q. That is not where Vincente lived?

16 A. No. Vincente lives in his house.

17 Q. Okay. In some of the documents we received
18 from your emails, there were discussions about your
19 inheritance. And I believe it was from an aunt -- is
20 that correct? -- that had passed away.

21 A. Okay. Now I will ask you to be -- this is
22 not a threat, but I will ask you to be extremely
23 careful. You are talking about my closest family.

24 Q. I'm not going to spare your family just --

25 A. It is not a threat. I just want to make

1 sure.

2 Q. I understand. I'm not talking negatively
3 about your family.

4 A. I want you to understand that you owe the
5 utmost respect for my family members.

6 Q. Sure. There is no --

7 A. All right. It is just a caveat, so that,
8 you know, I don't get angry at anybody.

9 Q. Okay. When did your aunt pass away?

10 A. Okay. I'm not sure it is any of your
11 business, but she passed away on May 8th, 2007. How
12 could it be any of your business?

13 Q. And you received an inheritance from her.
14 Correct?

15 A. Correct.

16 Q. And the inheritance was this property that
17 you own currently -- is that correct? -- in Le Verdos.

18 A. Correct.

19 Q. And because of that, you owed an inheritance
20 tax?

21 A. Correct.

22 Q. How much was that inheritance tax?

23 A. About 60 percent, 55 percent of the value.

24 Q. Do you remember the amount, in either euros
25 or dollars, as to what that tax was?

1 A. Yes. In equivalent dollars, it would have
2 been \$550,000.

3 Q. And you weren't liquid -- you didn't have
4 the ability to pay that all in one chunk, did you?

5 A. No.

6 Q. So did you negotiate a payment over time
7 with the taxing authority?

8 A. Yes.

9 Q. Do you remember what that was?

10 A. That was eleven payments of \$50,000, or the
11 equivalent in euros.

12 MR. BOLLER: Can we take a break? I need to
13 go to the bathroom.

14 MR. BALL: Yes. We are going to take a
15 break. Mr. Moszkowski, we will keep you on the
16 line, but your attorney needs to go to the
17 bathroom.

18 THE WITNESS: Okay. I will turn the sound
19 and the image off.

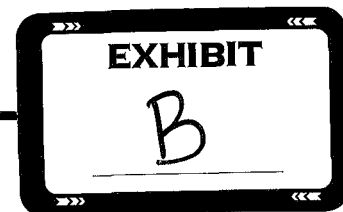
20 (Recess from 11:03 a.m.

21 to 11:13 a.m.)

22 **BY MR. BALL:**

23 Q. So on the spreadsheets that you provided us
24 in discovery, and that now you have in front of you
25 because of the .PDF I sent your lawyer, there are

Monica Andrews



From: Braden Ball
Sent: Wednesday, April 9, 2025 4:42 PM
To: m.moszkowski@deepgulf.net
Cc: Monica Andrews
Subject: Mediation

Mr. Moszkowski:

In the order just received, there is the requirement that the parties stipulate to a mediator within 5 days of the date of the order. We have been working with Mr. Reeder previously to try to schedule a mediation. Do you stipulate that he would be an acceptable mediator for the case? The parties also must agree upon a date and a time for the mediation, which, in accordance with Mr. Reeder's engagement letter, would not be set until a deposit is made to Mr. Reeder's firm for the full cost of the mediation borne by the parties equally. If you are unable to pay the deposit as asserted at the Case Management Conference, please let me know and I will inform Ms. Moffit of such. Thank you.

Braden K. Ball, Jr., Esquire

Litvak Beasley Wilson & Ball, LLP
40 South Palafox Place, Third Floor
Pensacola, Florida 32502
Office-850-432-9818
Facsimile-850-432-9830
braden@lawpensacola.com
www.lawpensacola.com

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