

**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 PLAINTIFF'S FAILURE TO DEFINE THE
ALLEGED BUSINESS OPPORTUNITY CENTRAL TO ITS CLAIMS**

Defendant, Marc Moszkowski, respectfully submits this Notice to highlight for the record the fundamental incoherence of Plaintiff's case, which, after eight years of litigation and thousands of pages of filings, still rests on an accusation that has never been defined, evidenced, or substantiated.

1. The originating and sole accusation contained in the pre-suit demand letter that led to the lawsuit, stated:

“You have stolen a business opportunity that you were to obtain for DeepGulf, Inc. Instead, you misappropriated such business opportunity for your own purposes.”

2. This statement constitutes the sole articulated basis for Plaintiff’s lawsuit. No additional or specific factual claim underlies the case.
3. On April 22, 2025, Defendant filed a Notice re: Plaintiff’s Failure to Describe \$1.3 Million “Business Opportunity”, formally requesting that Plaintiff be required to define with particularity the nature, origin, valuation, and contractual basis of the alleged opportunity.
4. As of the date of this Notice, that filing has received no response from Plaintiff and no acknowledgment or action from the Court.
5. The failure to define the alleged opportunity renders Plaintiff’s claim nonjusticiable. A legal dispute cannot proceed where the gravamen of the Complaint is conceptually undefined, factually unsupported, and legally unarticulated.
6. This failure has persisted through eight years of litigation and over 5,000 pages of combined pleadings, demonstrating not merely omission but incapacity, intellectual laxity, or bad faith.
7. Defendant respectfully submits that this core incoherence should be dispositive, and requests that the Court take judicial notice of this

fatal deficiency, already preserved in the record through the April 22 filing.

Respectfully submitted on this 8th day of May, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that, on this 8th 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.

