

**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 REPLY TO PLAINTIFF'S RESPONSE TO SECOND  
MOTION TO DISQUALIFY**

Defendant replies to Plaintiff's Response to his Second Motion to Disqualify and states:

- 1. Standing and Substance:** Plaintiff's counsel was not required to respond to the Motion to Disqualify, which is addressed to the impartiality and appearance of fairness of the presiding judge—not opposing counsel. The fervor and timing of Plaintiff's response, after years of silence in the face of 80 unrebutted filings, only underscore the importance they attach to this judge's continued involvement.
- 2. Timeliness Mischaracterized:** Plaintiff misstates the applicable standard under Rule 2.330(h). The Rule does not bar disqualification

motions based on facts that occurred more than 20 days earlier when those facts **only became disqualifying upon repetition, cumulative pattern, or when viewed in light of later events.** As explained in the Motion, the significance of prior rulings—including the February 10 hearing—only became manifest following the Court’s May 21 orders.

**3. Silence Is Not Neutrality:** Plaintiff’s attempt to frame the Court’s refusal to address a single motion on the merits over several years as “administrative case management” is not credible. The pattern of one-line denials and judicial silence in the face of well-supported motions concerning fraud, forgery, and factual contradiction is precisely what gives rise to a reasonable fear of partiality.

**4. Undisputed Record:** Plaintiff does not—and cannot—dispute the factual accuracy of Defendant’s claims: that more than 80 pleadings were ignored, that five motions were denied in a single day without explanation, or that contradictory rulings were entered regarding Defendant’s status as Director. Plaintiff disputes only tone, not content.

**5. Urgency as Confirmation:** Plaintiff’s sudden concern for judicial economy—after nearly a decade of litigation and procedural delay—

only confirms that this Court's continued presence is central to their litigation advantage, not to the administration of justice.

WHEREFORE, Defendant respectfully reiterates his request for the immediate disqualification of the presiding judge pursuant to Rule 2.330 and § 38.10, Fla. Stat.

Respectfully submitted on this 22<sup>nd</sup> day of May, 2025.

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 22<sup>nd</sup> day of May, 2025, a copy of this Reply has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

