

**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 CONTINUE TRIAL AND TO REQUIRE ADJUDICATION OF  
OUTSTANDING EVIDENTIARY MOTIONS**

COMES NOW Defendant, Marc Moszkowski, and respectfully moves this Court to continue the currently scheduled trial and to rule upon outstanding evidentiary motions and threshold objections that have remained pending for several years without meaningful adjudication. In support, Defendant states:

**I. Introduction**

Defendant has, over the course of seven years, submitted voluminous motions, declarations, and evidentiary analyses—totaling hundreds of

pages, if not thousands—demonstrating that the core documentary evidence relied upon by Plaintiffs is forged, retroactively manufactured, internally contradictory, or otherwise inadmissible.

Despite the gravity and volume of these submissions, the Court has not substantively addressed their content. On February 10, 2025, the Court conducted a brief hearing that had been significantly shortened from its originally scheduled duration, despite the addition of a further motion. During that compressed session, the Court denied both Defendant's Motion to Strike the Complaint as a Sham and Defendant's Motion for Summary Judgment. In contrast, the Court granted in part and denied in part Plaintiff's own Motion for Summary Judgment. These rulings were issued without individualized discussion of the substance of Defendant's motions, despite their extensive documentation and long pendency. After nearly four years of pendency, Defendant's Motion to Strike the Complaint as a Sham was denied by a two-line order that contained no legal analysis, factual findings, or reference to the substance of the motion. Despite presenting thirteen specific grounds supported by sworn declarations and documentary evidence, the Court issued an order stating only that the motion was 'DENIED,' without addressing a single argument raised. This absence of engagement is not merely disappointing—it reflects a

procedural structure in which volume of filing and clarity of evidence are ignored in favor of expediency.

Now, trial has been set.

This procedural sequence undermines the very purpose of pretrial motion practice. The convening of short hearings in lieu of judicial analysis of detailed written pleadings deprives the Defendant of the only venue through which complex, evidentiary misconduct may be exposed and analyzed.

Hearings impose artificial constraints. Defendant is expected to compress hundreds of pages of meticulously documented pleadings into a few minutes of permitted speech, under significant pressure and with no opportunity to develop or substantiate the evidentiary complexity of the case. Not a single page of these pleadings could be meaningfully reviewed during the hearing. At the same time, Plaintiff's counsel—unburdened by evidence—takes advantage of the informality of the setting to dismiss Defendant's claims with rhetorical ease, often reducing the proceedings to a performative exchange. Meanwhile, their conduct during hearings—conversing informally with their client in a manner suggestive of camaraderie and visibly minimizing the gravity of the case—has the effect

of reinforcing a narrative that the matter is trivial and unworthy of scrutiny.

Only a thorough, impartial study of the record can reveal the scope of documentary distortion and evidentiary inconsistency that lies at the heart of this litigation.

To proceed to trial without first adjudicating these foundational matters is to bypass the most essential function of the pretrial process: the determination of what evidence may be admitted, and whether the claims presented are built on reliable and truthful foundations.

## **II. Due Process Requires Pretrial Resolution of Evidentiary Objections**

Florida law recognizes that a fair trial requires more than a calendar date. It requires meaningful adjudication of the issues that determine what will be presented at trial.

*“Due process requires that a party be given the opportunity to be heard at a meaningful time and in a meaningful manner.” — Dep’t of Revenue v. Jackson, 846 So. 2d 486, 492 (Fla. 2003).*

*“Fundamental due process rights include notice and an opportunity to be heard, as well as the right to fair consideration by an impartial*

*tribunal.” — Keys Citizens for Responsible Gov’t, Inc. v. Fla. Keys Aqueduct Auth., 795 So. 2d 940, 948 (Fla. 2001).*

If the Court proceeds to trial without first engaging the numerous pending evidentiary objections—some of which go to the admissibility of the very documents upon which Plaintiffs rely—then Defendant is deprived of any meaningful opportunity to challenge the truth of those documents in a structured, pretrial forum.

### **III. Pending Motions Must Be Ruled Upon Before Trial Can Be Fairly Conducted**

Among the outstanding filings awaiting adjudication are:

- Defendant’s Motion to Strike the Complaint as a Sham (filed June 2021), denied after a short hearing in February 2025, without specific engagement with any of its thirteen documented points;
- Defendant’s evidentiary declarations identifying fabricated and backdated documents submitted by Plaintiffs;
- Multiple motions and notices questioning the authenticity, provenance, and admissibility of Plaintiff’s purported corporate records, agreements, and emails;

- Detailed objections to the retroactive drafting of minutes and affidavits supplied by discredited sources.

Plaintiffs have failed to substantively respond to these filings. They have not rebutted the factual assertions or produced counter-documentation. Their silence underscores the legitimacy of the concerns raised. If the situation were reversed—if I had been accused, over the course of seven years, of having forged all of my documentary evidence—I would have responded promptly and directly. The Plaintiffs did not. Their continued refusal to address my documented claims of fabrication can only be explained in one of two ways: either they never cared to read the accusations, or they knew them to be true and had no defense. In either case, their failure to respond reflects not legal discretion, but either reckless indifference or tacit concession.

To allow trial to proceed while these core issues remain unresolved is not merely prejudicial—it would render the trial itself a nullity, conducted on an unexamined and potentially fabricated record.

#### **IV. Request for Relief**

WHEREFORE, Defendant respectfully requests that this Court:

1. Continue the currently scheduled trial date, to allow for meaningful pretrial adjudication of threshold evidentiary issues;
2. Issue rulings on Defendant's outstanding motions and declarations raising issues of forgery, fabrication, and falsified evidence;
3. Grant such further relief as justice may require.

Respectfully submitted on this 27<sup>th</sup> day of May, 2025.

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 27<sup>th</sup> 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.

