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"

NOTICE OF FILING DEFENDANT'S EMERGENCY NOTICE OF CONSTITUTIONAL IMPAIRMENT AND MOTION TO RECONSIDER ORDER OF JUNE 3, 2025

COMES NOW Defendant, Marc Moszkowski, pro se, and hereby gives notice that he has filed the attached:

Emergency Notice of Constitutional Impairment and Motion to Reconsider Order of June 3, 2025,

in which he respectfully requests that the Court:

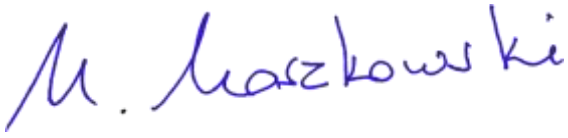
1. Reconsider its June 3, 2025 Order denying remote appearance, pretrial rulings, and reasonable accommodation;
2. Permit Defendant to appear via Zoom at Pretrial Conference and Trial;
3. Rule on all pending motions prior to trial;

4. Acknowledge the material impossibility of Defendant's in-person attendance, to preserve rights for appellate review.

A true and correct copy of the Emergency Notice and Motion is attached hereto.

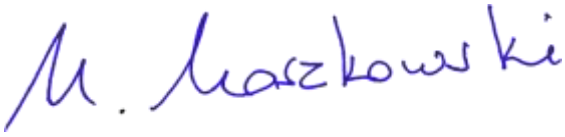
Respectfully submitted on this 4th day of June, 2025.

Marc Moszkowski, Pro Se
Email: m.moszkowski@deepgulf.net
Le Verdos
83300 Châteaudouble, France



CERTIFICATE OF SERVICE

I hereby certify that, on this 4th day of June, 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.



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DEFENDANT'S EMERGENCY NOTICE OF CONSTITUTIONAL IMPAIRMENT AND MOTION TO RECONSIDER ORDER OF JUNE 3, 2025

COMES NOW Defendant, pro se, and files this Emergency Notice and Motion to Reconsider, respectfully stating:

1. Introduction

The Court's June 3, 2025 Order denies Defendant's request for remote appearance, for pretrial rulings, and for reasonable accommodation. Defendant, indigent and physically impaired, is thus compelled to cross an ocean—at his own peril—for a two-day bench trial whose content and fairness are already constrained by the Court's admitted refusal to read motions not expressly set for hearing.

The justifications offered collapse under minimal scrutiny. The denial of remote appearance is not neutral—it functionally bars one party from trial altogether. This is incompatible with both due process and the dignity of justice.

2. False Logics and Transparent Pretexts

The Order offers several facially neutral reasons that do not survive analysis:

A. "Case age: Over 7 years."

Case age is a statistical artifact. It does not license the abandonment of equity or justify the foreclosure of one party's access. If the case is old, it is because:

- Plaintiff waited more than three years to re-engage counsel, as admitted in Court;
- The Court delayed setting critical motions for hearing;
- And the Defendant, having responded to every count, has never caused delay except to respond to the Court's and Plaintiff's own omissions.

B. “High complexity: Business dealings, contracts, patents, Southeast Asia.”

This complexity exists—but it has been addressed, in detail, across more than 4,000 pages of filings since 2018 (inclusive of Plaintiff’s and Court-generated documents). The irony is acute: neither Plaintiff nor the Court has ever responded to or acknowledged most of Defendant’s extensive evidentiary submissions since this case was remanded and Plaintiffs filed their First Amended Complaint, exactly four years before the June 3 Order, to the day.

If the Court has not found the time to read them, how will it grasp the factual landscape if only one side is permitted to speak and it would take anyhow several days to read and analyze all pleadings?

C. “Pro se status and time zone difference.”

Defendant resides in France, seven hours ahead of Pensacola. The Court’s trial hours (9 AM–5 PM) correspond to 4 PM–midnight in France—perfectly convenient in this season of warm weather and extended daylight, unlike in the dead of winter.

By contrast, traveling would impose multiple flights, thousands of

euros in cost, and leave the Defendant severely jet-lagged and physically endangered.

That the Court perceives this as *less practical* than Zoom participation seems perhaps a bit awkward.

D. “Remote proceedings would fundamentally alter the nature of the trial.”

Indeed they would—but not in the sense suggested.

Remote proceedings would, for the first time in several years, permit Defendant to defend himself.

A trial where only one side is physically able to participate is not unaltered—it is poisoned.

3. Disparity of Burden: The Plaintiff Walks, the Defendant Hauls an Archive

Defendant’s archive includes thousands of pages—his own motions, exhibits, and case history, spanning three jurisdictions. These are all digitally prepared and instantly accessible for screen-share and timestamped display via Zoom.

Plaintiff, by contrast, will simply walk from his office to the courthouse, accompanied by his assistant and co-party carrying several heavy boxes of

documents.

Must Defendant:

- Pay excess baggage to ship crates of documents?
- Reprint all filings on foreign soil?
- Appear unarmed before a Court while the adversary brings the arsenal?

If Plaintiff's counsel objects to Zoom because either he cannot operate it when it comes to displaying material, or if he fears the clarity of electronic display, and if the Court defers to him, then technological incapacity—not justice—rules the day.

4. Delegation of Discretion to Plaintiff's Counsel

The Order states: ***"****Counsel for Plaintiffs objected to a judge trial by Zoom.****"*** This seems to imply that, but for Plaintiff's objection, the Court might have permitted remote participation. If so, the Defendant was entitled to know the basis for the objection and to respond to it.

Yet the Defendant was never informed of any reasoning, nor was any objection argued on the record. If the Court considered arguments made

informally or orally outside Defendant's presence, then the decision was ex parte in effect, violating the essential requirement of adversarial justice.

If, on the other hand, no rationale was presented beyond mere preference, and the Court denied Zoom access solely on that basis, then judicial discretion was not exercised, but outsourced—in substance and in appearance.

Moreover, if Plaintiff's counsel objected to Zoom because he lacks the technical ability to present documents electronically, or because he fears the clarity of digital display, and if the Court deferred to that, then it is not equity or law that governs the mode of trial, but technological incapacity and unilateral veto.

5. Misconceptions Regarding Language Acuity and the Primacy of the Written Record

The Court's Order remarks that Defendant "is fluent in English," citing the granting of additional time due to language status. But this conflates literary fluency with real-time oral processing, particularly in a courtroom setting where:

- Speech is often rapid, mumbled, or rhetorically performative;

- No captions, transcripts, or visual cues are available in person;
- Opposing counsel is known to speak with little intelligibility to the Defendant.

Defendant, while capable of producing written English at a highly precise level, understands perhaps four words in five when opposing counsel speaks aloud. Without visual aids or written prompts, courtroom speech becomes opaque, and meaning is lost.

Remote participation via Zoom remedies this, by:

- Allowing document display synchronized with speech;
- Offering visual focus on the speaker;
- Enabling Defendant to share screens, reread questions, and scroll through exhibits.

In legal truth-seeking, the written word must supplant oral theatrics. Substance, not courtroom showmanship, must determine the outcome. To favor in-person trial when one party relies on clarity and visibility of record, while the other thrives on obfuscation, is to reward noise over evidence.

Should the trial proceed in person without real-time documentation and electronic sharing of exhibits, Defendant requests that all hearing time be at

least doubled to accommodate linguistic clarification, repetition, and post-hoc comprehension.

6. On Believability and Evidentiary Imbalance

Defendant acknowledges that his circumstances are uncommon, whether by design or by providence. He further concedes that his life trajectory, international background, and prose style may not fit the conventional expectations of this Court.

Yet he is under the distinct impression that he is not, and perhaps never has been, believed by this Court, while he thinks he is tacitly believed by his opponents. Even when he submits uncontested documentary proof—whether financial records, transnational wire receipts, physician statements, or photographs of his debilitating hernias—there appears to be systematic skepticism, if not disbelief, as though his very existence were implausible.

Meanwhile, Plaintiff's repeated misstatements, profound contradictions, and historical fabrications are treated not as red flags but as procedural background noise. No investigatory effort, no critical questioning, no demand for verification ever seems to apply.

This asymmetry of credibility has grown so consistent that it no longer

appears incidental but structural. Defendant is required to prove reality, while Plaintiff is permitted to assert fiction with impunity.

7. On the Mischaracterization of Defendant's Statement Regarding Travel

The Order states:

> "*Under oath, Defendant stated that if Plaintiff was required to pay his costs to come to the U.S., Defendant would appear in person.*"

This remark, while technically referencing a portion of Defendant's testimony, is logically misleading and procedurally irrelevant for three reasons:

1) No Offer Was Made

The statement is cited as though an offer to cover costs had been extended by Plaintiff or endorsed by the Court. No such offer has ever been made—not in open court, not in writing, and not through counsel.

2) No Cost Estimate Was Provided at That Time

At the moment Defendant made this conditional statement, no calculation of travel costs had been submitted. Only later did

Defendant provide documentation that costs would likely run into the thousands of dollars, excluding additional costs for specialized medical accommodation due to his certified incapacity—expenses which were neither obvious nor accounted for in that original statement.

3) Irrelevance Without Action

If neither Plaintiff nor the Court made any attempt to determine or cover such costs, the conditional clause—*"if Plaintiff was required to pay"*—remains purely hypothetical. Citing it now serves no function except to deflect responsibility for denying remote appearance by implying that Defendant could have attended if he truly wished to.

In short: the statement is being weaponized as an implied concession, though no condition it referenced was ever fulfilled. This form of rhetorical misdirection cannot substitute for a fair evaluation of medical incapacity, financial hardship, and procedural equity.

8. On the Apparent Origination and Tone of the Court's Order

Defendant respectfully observes that, across four years of litigation, the Court has not previously issued any order of comparable length or detail.

The June 3, 2025 Order stands in marked contrast: five pages of dense prose, closely paraphrasing pleadings, citing docket events in sequence, and adopting framing language that aligns strikingly with Plaintiff's counsel's prior filings.

This is not a stylistic quibble. Rather, it gives rise to a legitimate concern: Was the Order, in substance if not in form, drafted by or at the urging of Plaintiff's counsel?

Defendant does not allege this as fact. But where the Court has historically limited itself to one-line rulings—and where one party is repeatedly ignored while the other appears to enjoy privileged, if opaque, access—the inference becomes more than rhetorical.

The resulting asymmetry is not procedural trivia; it goes to the integrity of the adversarial process. If one party drafts the narrative and the Court signs it without hearing the other, then adjudication gives way to endorsement. And if discretion is exercised based on private persuasion rather than adversarial evaluation, due process is not merely strained—it is voided.

9. Conclusion

This trial has evolved—transparently—into an attempt to procure default by exhausting or disabling the Defendant.

The facts of this case are buried in complexity; the filings have been voluminous; the allegations grave. Yet most arguments raised by Defendant have never been acknowledged. Now, the very right to speak is denied under a mask of convenience and custom.

This is not just inequitable. It is persecution by procedural design.

WHEREFORE, Defendant respectfully requests:

1. That the June 3, 2025 Order be reconsidered;
2. That the Defendant be permitted to appear via Zoom for the Pretrial Conference and Trial;
3. That all pending motions be ruled on in advance of trial;
4. That the Court acknowledge the material impossibility of Defendant's attendance, for purposes of appeal preservation.

Respectfully submitted on this 4th day of June, 2025.

Marc Moszkowski, Pro Se
Email: m.moszkowski@deepgulf.net
Le Verdos
83300 Châteaudouble, France

CERTIFICATE OF SERVICE

I hereby certify that, on this 4th day of June, 2025, a copy of this Supplemental Declaration has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.