

**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 MOTION FOR PROTECTIVE ORDER

COMES NOW, the Defendant, MARC MOSZKOWSKI, former CEO and current 46-49.9% shareholder and Director of Plaintiff DeepGulf, Inc., and pursuant to Rule 1.280(c) of the Florida Rules of Civil Procedure, respectfully moves this Honorable Court to enter a Protective Order to shield the Defendant from undue burden, oppression, and harassment arising from Plaintiff's litigation tactics. In support thereof, Defendant states:

I. BACKGROUND

1. Defendant served as the CEO of DeepGulf, Inc. during the operative period relevant to all claims herein, and remains a Director and nearly equal shareholder of the company.

2. The Plaintiff has pursued this litigation without proper board authorization, while simultaneously refusing to comply with fundamental corporate obligations, including the advancement of legal expenses to Defendant under the governing By-Laws.
3. Plaintiff's litigation conduct includes filing claims grounded in fabricated or manipulated documents, asserting control over intellectual property they did not develop or fund, and seeking access to Defendant's personal electronic records and online assets under vague or misleading pretexts.
4. Defendant resides abroad and suffers from two large, painful, and longstanding inguinal hernias for which surgery is not presently available due to logistical and medical constraints. These conditions have been certified by medical professionals and filed with this Court.
5. Plaintiff has refused to stipulate to remote trial participation, despite Defendant's medical impossibility of travel, and has repeatedly ignored Defendant's reasonable filings while engaging in costly and prejudicial tactics.

II. RELIEF REQUESTED

Pursuant to Florida Rule of Civil Procedure 1.280(c), Defendant requests that the Court enter a Protective Order providing the following relief:

- 1. Limiting Discovery:** Prohibit Plaintiff from serving duplicative, invasive, or irrelevant discovery, including demands for personal devices, emails, passwords, and domain registries unless and until Plaintiff demonstrates relevance, necessity, and appropriate confidentiality safeguards.
- 2. Protection of Personal and Intellectual Property:** Prevent Plaintiff from seeking access to Defendant's intellectual property or communications assets without legal basis, corporate resolution, or proper ownership documentation.
- 3. Remote Participation:** Permit Defendant to attend all future proceedings, including trial, via video teleconferencing due to verified medical inability to travel and lack of U.S.-based housing, support, or insurance.
- 4. Confidentiality Restrictions:** Designate any data or documents obtained through discovery as confidential and prohibit Plaintiff from sharing such materials with third parties without leave of Court.

5. Costs and Burden Mitigation: Should any compelled participation require physical presence or substantial compliance effort, Plaintiff must bear all reasonable costs resulting therefrom, including medical contingencies arising from nonconsensual travel.

III. MEMORANDUM OF LAW

Florida Rule of Civil Procedure 1.280(c) empowers the Court to “make any order which justice requires to protect a party... from annoyance, embarrassment, oppression, or undue burden or expense.”

Florida courts have consistently affirmed the Court’s broad discretion to issue protective orders where one party seeks disproportionate discovery, or where circumstances—such as documented medical incapacity—warrant accommodations. See *Gen. Motors Corp. v. McGee*, 837 So. 2d 1010 (Fla. 4th DCA 2002); *In re Amendments to Fla. Rules of Civil Procedure – Asbestos Litig.*, 789 So. 2d 1015 (Fla. 2001).

Where a party faces physical hardship in participating in litigation—particularly as a result of medically documented conditions—courts are encouraged to adopt flexible, humane, and efficient procedures to balance due process with health and dignity.

WHEREFORE, Defendant respectfully requests that this Honorable Court grant this Motion for Protective Order and enter relief as outlined above, or such further relief as the Court deems just and proper.

Respectfully submitted on this 26th day of May, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that, on this 26th 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.

