

**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 PRESERVATION OF UNREFUTED RESPONSE TO  
PLAINTIFF'S AFFIDAVIT**

COMES NOW Defendant, Marc Moszkowski, and respectfully submits this Notice to preserve the record of his previously filed Response to the Affidavit of Plaintiff Rustin Howard, originally submitted in support of Plaintiff's Motion for Summary Judgment.

On January 21<sup>st</sup>, 2025, Defendant filed a 319-page Response to the Affidavit of Rustin Howard, including a 26-page point-by-point refutation of 26 sworn statements out of 35 in the affidavit, supported by nearly 300 pages of documented exhibits.

To date, Plaintiff has submitted no rebuttal or response to this filing, and the Court has issued no ruling or order referencing or acknowledging the substance of Defendant's response. The factual contradictions, evidentiary exhibits, and sworn refutations remain uncontested in the record.

Defendant files this Notice to reaffirm the evidentiary and procedural relevance of the January 21<sup>st</sup> Response, to preserve the filing in its entirety for purposes of appeal, and to highlight the continued absence of judicial engagement with critical evidence submitted in opposition to Plaintiff's affidavit.

Respectfully submitted this 14<sup>th</sup> day of April, 2025

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 14<sup>th</sup> day of April, 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.

*M. Marzowski*