

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 NOTICE OF COMPLETE AVOIDANCE OF MERITS AND
SYSTEMIC PROCEDURAL BIAS**

Substitution of procedural artifice for honest adjudication of fact.

Defendant, Marc Moszkowski, pro se, respectfully places on the record this Notice to document what has now become unmistakable: not a single material issue of fact in this litigation has been adjudicated or meaningfully addressed. Plaintiffs' claims have never been tested against the evidentiary record, and while Defendant has raised dispositive arguments—jurisdictional, procedural, factual, and substantive—those arguments have received no reasoned ruling or analysis. In nearly every instance, rulings

have consisted of a single conclusory sentence, without engaging any of the legal or evidentiary content presented by Defendant.

The Court has permitted a trajectory whereby seven years of litigation, four of them following remand by Plaintiffs from a decisive defeat in federal court, have culminated not in the weighing of evidence, but in the orchestration of default through logistical attrition.

The merits of this case are buried under a mound of procedural neglect. Defendant's arguments—backed by sworn declarations, financial records, communications, and even Plaintiffs' own contradictory exhibits—have been left unanswered and unexamined. Instead, rulings have been issued without discussion, often duplicating Plaintiffs' proposed orders nearly verbatim, even where those proposals contain clear misstatements or absurdities. Not a single claim has been subjected to evidentiary hearing or dispositive motion scrutiny. The volume of Defendant's filings, now exceeding 145, has not prompted review but instead evasion.

A federal court dismissed Plaintiffs' identical claims after full briefing. That result has been disregarded without explanation. Fraud allegations, forged documents, contradictory declarations, and jurisdictional violations

have all been raised by Defendant and substantiated in the record, yet none have drawn either judicial inquiry or opposing rebuttal. Instead, procedural orders are used to punish Defendant's physical absence despite medical documentation of his disability and declarations of indigence.

The Court's refusal to address these medical and financial realities—while simultaneously treating Defendant's non-appearance as willful or strategic—suggests not impartial adjudication but procedural insulation. The case, from its inception, has proceeded as if the goal were never to reach the facts but to bypass them through attrition, confusion, and the artificial appearance of due process.

Core Illogic of Plaintiffs' Narrative: Plaintiffs' ultimate narrative—that Defendant is a physically able, financially secure landowner who simply prefers to endure default, face property seizure, and suffer reputational ruin rather than spend modest sums to avoid them—is not merely unsupported by evidence. It is a theory so implausible, so absurd, so fictitious, so mendacious, so fraudulent—and also so utterly clueless—that no jury could believe it. That strategy is not an aberration, but a direct continuation of the entire lawsuit—implausible, absurd, fictitious, mendacious, fraudulent, and clueless from the outset. Having found no viable line of genuine argument

or evidence, Plaintiffs resorted to a procedural trap as their sole remaining tactic. That the Court has chosen not only to entertain it, but to effectively adopt it by implication, demonstrates how far this case has drifted from fact and law into the realm of expedient fiction.

This procedural sleight-of-hand is the legal equivalent of transmuting gold into lead. What began—at least in form—as an international claim of theft and conversion, carrying serious legal implications and demanding evidentiary rigor, has been downgraded into a farcical dispute over whether Defendant is genuinely infirm and destitute. That shift was not accidental. It was the only available recourse for Plaintiffs, who, unable to produce any intelligent or credible evidence in support of their original claims, chose instead to exploit procedural vulnerabilities and personal hardship to force an outcome by default. That the Court has facilitated this transformation compounds the injury.

Final observation: In 2020, after being all but vindicated in federal court, Defendant voluntarily returned to this very forum—before this same Circuit Judge—to pursue claims personally against Plaintiffs' principals, including allegations of fraud, fiduciary breaches, and misconduct. Had Defendant been in bad faith or seeking only to delay, obfuscate, or manipulate the

system, it would defy logic to reenter this venue, willingly subjecting himself to scrutiny under this judicial authority. Yet that action, too, was dismissed in cursory fashion—without substantive engagement. The pattern is unmistakable: not just avoidance of the merits, but a consistent refusal to adjudicate Defendant's claims on the evidence.

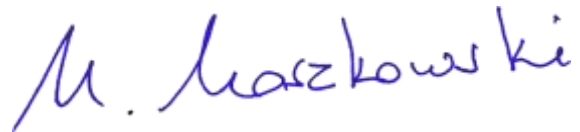
Respectfully submitted on this 16th day of June, 2025.

Marc Moszkowski, Pro Se

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Le Verdos

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CERTIFICATE OF SERVICE

I hereby certify that, on this 16th 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.

