

**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 PRESERVE FOR APPELLATE REVIEW THE SUMMARY  
DENIAL OF DEFENDANT’S RENEWED MOTION FOR REMOTE  
APPEARANCE AND RELIEF FROM IMPOSSIBILITY**

COMES NOW the Defendant, Marc Moszkowski, and respectfully submits this Motion to preserve for appellate review the circumstances and timing of the Court’s denial of Defendant’s “Renewed Motion for Remote Appearance, to Suspend Mediation Obligation, and to Avoid Contempt Due to Impossibility,” filed on Friday, May 16, 2025.

1. The subject Motion, supported by prior physician certifications, detailed declarations of medical and logistical impossibility, and good-faith argument under Florida procedural rules, was filed on

May 16, 2025. It had not yet been docketed, or given any period for response.

2. Nevertheless, the Court entered an Order of Denial at 6:12 AM on Sunday, May 18, 2025, stating that it had “fully considered” the Motion and “reviewed the record.” The Order was posted at 8:48 AM (Pensacola time)—on a weekend, outside normal clerk operations, before any response could be filed or the motion even properly processed.
3. Defendant respectfully submits that such timing undermines the procedural integrity of the record. The Court ruled within approximately thirty-six (36) hours of the filing—on a Sunday morning—before the Clerk’s Office had docketed the motion, before opposing counsel could respond, and while Plaintiffs’ counsel was demonstrably out of office until May 19, 2025, as confirmed by his automated reply. No reasonable opportunity for response was afforded, and no findings or legal reasoning accompanied the denial. No engagement with the Motion’s substance, evidence, or citations appears on the record.
4. Defendant is indigent and medically unable to travel to Florida for trial or pre-trial proceedings and has extensively documented this

fact in multiple filings. The refusal to engage with these facts—summarily and without legal reasoning—raises serious constitutional concerns and calls into question the accessibility of this forum to indigent and disabled litigants.

5. Defendant respectfully asks that this matter be preserved for the appellate record as a clear instance of summary denial without findings or process, to enable meaningful review of both the procedural disposition and the refusal of accommodation in the face of documented impossibility

WHEREFORE, Defendant respectfully moves this Court to accept this Motion for the purpose of preserving the denial of remote appearance and related relief for full appellate scrutiny.

Respectfully submitted on this 18<sup>th</sup> day of May, 2025.

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## **CERTIFICATE OF SERVICE**

I hereby certify that, on this 18<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.

*M. Maszkowski*