

**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 RECONSIDERATION AND TO VACATE  
ORDER STRIKING PLEADINGS AND ENTERING DEFAULT**

**COMES NOW** Defendant, Marc Moszkowski, pro se, and respectfully moves this Honorable Court to reconsider and vacate its Order striking Defendant's pleadings and entering default, and as grounds therefore states:

**I. INTRODUCTION**

This Motion seeks reconsideration of the Court's Order issued following the June 10, 2025 hearing, which Defendant was unable to attend for reasons repeatedly and formally documented in the record. Defendant respectfully submits that the Order constitutes a denial of due process, was

issued in violation of the Court's own procedural standards, and imposes the ultimate sanction of default without requisite findings of willful or contumacious conduct.

## **II. BACKGROUND**

1. Defendant is a 71-year-old pro se litigant, indigent and physically incapacitated due to two large untreated abdominal hernias.
2. Defendant resides 5,000 miles from Pensacola and has, for years, participated actively in this matter through more than 140 filed pleadings, declarations, motions, and exhibits.
3. The Court's published policy states that hearings are to be conducted via Zoom. Nevertheless, Plaintiff's counsel, located approximately 1,200 feet from the courthouse, requested that the hearing be held in person. No justification was provided.
4. Defendant filed numerous motions and sworn declarations establishing the impossibility of personal appearance and requested remote access. These requests were either ignored or summarily denied.
5. On June 10, 2025, the hearing was held in person. Defendant, unable to attend, was subsequently defaulted and had his pleadings stricken.

6. On the same day, Defendant's only asset—his house in France—was seized through a lien initiated by individuals aligned with Plaintiff.

### **III. LEGAL STANDARD**

Motions for reconsideration and vacatur are governed by Rule 1.540, Fla. R. Civ. P. Relief is available in cases of mistake, inadvertence, surprise, excusable neglect, or when necessary to prevent injustice. Striking pleadings and entering default are severe sanctions that require findings of willful disregard for court orders or egregious misconduct. No such findings were made here.

### **IV. ARGUMENT**

#### **A. Due Process Was Denied**

Defendant was excluded from participation in a dispositive hearing despite requesting reasonable accommodation in accordance with Court policy. This constitutes a deprivation of due process under both Florida and federal constitutional principles.

#### **B. No Willful or Contumacious Conduct**

Defendant has consistently complied with deadlines, filed extensive

pleadings, and has never ignored court orders. The sanction of default is therefore disproportionate and not supported by the record.

### **C. Plaintiff's Assertions Were Misleading**

Plaintiff's suggestion that in-person attendance was for Defendant's convenience is contradicted by the record. Likewise, arguments based on a six-year-old trip ignore the drastic change in Defendant's circumstances and health.

### **D. The Court's Policy Was Disregarded**

The published standard of Zoom hearings was ignored without explanation or justification, creating procedural inconsistency and manifest unfairness.

### **E. Prejudice to Defendant is Irreparable**

Default judgment would result in the loss of Defendant's rights without trial or hearing on the merits, despite extensive evidentiary record submitted.

### **F. Internal Inconsistency and Lack of Explanation**

The Order states that Defendant's pleadings "are struck, which shall

include, but not be limited to his Counterclaim, his improperly filed Amended Counterclaim, and all Affirmative Defenses.” If all pleadings are to be struck regardless of form or content, it is unclear why the Court singles out the Amended Counterclaim as “improperly filed”—especially without explanation or reference to any procedural violation. The language appears to have been adopted verbatim from Plaintiff’s Proposed Order. The absence of judicial findings, rationale, or clarification deprives Defendant of meaningful notice and undermines confidence in the impartiality of the process.

## **V. PRAYER FOR RELIEF**

**WHEREFORE**, Defendant respectfully requests that the Court:

1. Reconsider its Order striking pleadings and entering default;
2. Vacate said Order;
3. Restore Defendant’s pleadings and right to participate in proceedings via Zoom;
4. Grant such further relief as is just and proper.

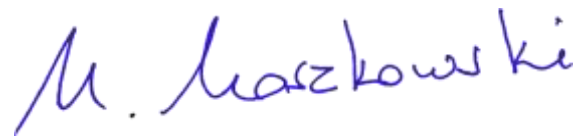
Respectfully submitted on this 13<sup>th</sup> day of June, 2025.

Marc Moszkowski, Pro Se

Email: m.moszkowski@deepgulf.net

Le Verdos

83300 Châteaudouble, France



### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 13<sup>th</sup> day of June, 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.

