

IN THE CIRCUIT COURT OF THE FIRST JUDICIALCIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA
CIVIL DIVISION

**DEEPGULF, INC. and
TOKE OIL AND GAS, S.A.,**

Plaintiffs,

vs.

MARC M. MOSZKOWSKI,

Defendant.

CASE NO. 2018-CA-000543

DIVISION: E

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ORDER ON CASE MANAGEMENT CONFERENCE

THIS MATTER came before the Court on April 3, 2025. Counsel for Plaintiff, Plaintiff's representative Russ Howard, and Defendant, *pro se*, were present by Zoom. Case management statements were filed by both parties.

At the hearing, the Court addressed the status of the case. The case was filed seven years ago on April 3, 2018. It was removed to Federal District Court for several years and then remanded to state court. The amended information was filed in June 2021. For three years, there was almost no activity on the file. In recent months, there has been significant record activity.

Defendant, Marc M. Moszkowski, resides in France. Not only is he the defendant in the case, but he has also filed a counterclaim.

On April 1, 2025, Defendant filed Defendant's Motion for Additional Time During Hearings and at Trial due to the Difference in Defendant's Native and Acquired Languages and His *Pro Se* Status. The Court granted the motion and instructed Defendant to immediately notify the Court if any clarification or additional time was needed.

At an earlier hearing, the Court addressed the requirement of mediation. Efforts at setting mediation were outlined by counsel for Plaintiff. Defendant repeatedly and insistently asserted that he has absolutely no ability to pay for a mediator. He has filed an unverified affidavit, as well as a Motion to Enforce By-Laws and for Relief from Mediation Costs. Plaintiff is unwilling to advance Defendant's costs for mediation.

The time this case has been pending has far exceeded the requirements of Fla. R. Gen Prac. & Jud. Admin. 2.250(a)(1)(B).

The Court announced that the bench trial would be set for June 17 and 18, 2025 by separate order and the Pretrial Conference would be June 10, 2025, at 10:30 a.m. CST. Plaintiff was not willing to agree that the trial be held by Zoom. The Court announced that attendance by Plaintiff, Plaintiff's counsel and Defendant would be required in-person at the Pretrial Conference and at the trial.

Throughout the hearing, Defendant repeatedly protested that he did not have any money to pay for mediation and could not appear in person for the Pretrial Conference and bench trial, even though the dates are within a week to afford Defendant the option of making one trip to the United States.

The Defendant was placed under oath by the Court. Under oath, Defendant asserted lack of income, issues with leaving his house and animals, and health concerns as reasons he could not appear in-person. However, after additional questioning by the Court, Defendant conceded that if Plaintiff was required to pay his costs to come to the U.S., Defendant would appear in-person.

The Court instructed Defendant that mediation by Zoom was a requirement prior to trial, and failure to appear/advance the costs necessary to participate would result in an Order to Show Cause as to why sanctions should not be entered. The possible sanctions could include striking of Defendant's Answer and Affirmative Defenses and the entry of a default. These requirements pertaining to mediation also apply to Plaintiff and Plaintiff's counsel.

In addition, the Court instructed Defendant that if he failed to appear in person for the Pretrial Conference and bench trial, the Court would consider all available sanctions including striking Defendant's pleadings and entering a default. Defendant was informed that if a default was entered, the trial would go forward on damages only without him. These requirements pertaining to the Pretrial Conference and Trial also apply to Plaintiff and Plaintiff's counsel.

Defendant was encouraged to notify counsel for Plaintiff and the Court if he was not going to travel to the U.S. for the Pretrial Conference and Trial to avoid unnecessary expenditure of judicial resources.

Since the case management conference, seven motions have been filed by Defendant.

BASED UPON THE FOREGOING, it is hereby Ordered and Adjudged:

Defendant's Motion for Additional Time during Hearings and at Trial is **GRANTED**. Defendant shall notify the Court if clarification, repetition, or additional time is needed during hearings.

Defendant's Motion to Enforce By-Laws and for Relief from Mediation Costs is hereby **DENIED**.

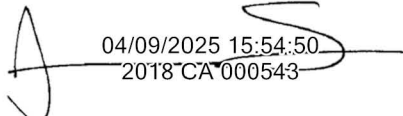
The case is required to be mediated **no later than June 9, 2025**. Failure to participate by either or both parties shall result in the issuance of an Order to Show Cause by the Court. A separate order requiring mediation shall be issued by the Court.

The case is set for a bench trial June 17-18, 2025, and a Pretrial Conference June 10, 2025. Based upon the objection by Plaintiff to a Zoom trial, and the complexity of the issues before the Court, the Court **requires in-person attendance** at the Pretrial Conference and Trial of Plaintiff, counsel for Plaintiff and Defendant. A separate order setting the trial will be entered by the Court.

All pending motions shall be addressed at the Pretrial Conference or during the week prior to trial.

Failure of either party and counsel to appear at the Pretrial Conference and/or Trial shall result in consideration of any available sanction including striking pleadings, entry of a default, and/or dismissal of the action.

DONE AND ORDERED in Chambers at Escambia County, Florida.

 04/09/2025 15:54:50
2018-CA-000543

signed by CIRCUIT COURT JUDGE JAN SHACKELFORD 04/09/2025 03:54:50 vJmOnd6o

Pursuant to Administrative Directive ESCAD2021-03, "In cases wherein one party is unrepresented (pro se), it is the responsibility of the sole attorney in the case to serve within five business days this Order/Judgment upon any pro se party who does not have access to and is not a registered user of the Florida Courts e-Filing Portal."

Copies to:

Braden K. Ball, Jr.
Attorney for Plaintiff

Marc M. Moszkowski
Defendant, Pro Se