

**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 FILING — CLARIFICATIONS AND SUPPLEMENTAL
RECORD MATERIALS**

COMES NOW Defendant, Marc Moszkowski, and hereby files the following documents in further support of the record, clarifying issues central to the conduct, tone, and procedural posture of the case:

1. Timeline of Investor Loyalty, Suppression, and Strategic Retaliation;
2. Observation Regarding Plaintiff's Use of Conversational Filibustering.

These filings are submitted to highlight the broader strategic and psychological patterns animating the litigation, as well as to preserve key insights into motive, participation, and procedural imbalance.

They are intended for incorporation into the record for current and future judicial review, including any appellate examination.

Respectfully submitted this 16th day of April, 2025

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CERTIFICATE OF SERVICE

I hereby certify that, on this 16th 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.



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**TIMELINE OF INVESTOR LOYALTY, SUPPRESSION, AND
STRATEGIC RETALIATION**

This document sets forth a timeline of events illustrating the pattern of loyalty-based silence, suppression of factual engagement, and subsequent retaliatory litigation that followed Defendant's efforts to clarify the company's history, financial conduct, and operational abandonment by Plaintiff's Rus Howard and his associates.

- Several of the investors in DeepGulf are kin or close personal friends of Plaintiff's Rus Howard.
- In 2008–2009, Defendant expressed concern to Mr. Howard that should the business fail, it could pose reputational or

financial harm to his family. Mr. Howard responded that his investors knew the risks and that Defendant should not worry about them.

- By the end of 2014, Mr. Howard had effectively abandoned the company and all but ceased any professional activity.
- By the end of 2017, Mr. Howard had effectively abandoned the company and all but ceased professional activity and funding for at least three years, while third parties supported the company. In mid-2017 he began proffering absurd accusations against Defendant. In this same period, Mr. Howard replaced a neutral or supportive director with one of his personal friends.
- In response, Defendant began writing a series of ten detailed, fact-based letters to shareholders, at least to those for whom he had addresses (many other addresses were kept secret from him by Mr. Howard). These letters laid out years of abandonment, mismanagement, and personal sacrifice on Defendant's part in keeping the company alive.
- Mr. Howard and his substitute director responded to these letters without seriously acknowledging any of the facts

presented. Their replies consisted of repeated accusations that had long been rebutted, and they failed to offer serious point-by-point rebuttals of the arguments or evidence contained in the letters.

- Shortly thereafter, in what appears to be a retaliatory maneuver, Mr. Howard directed one of his shareholder friends to sue Defendant in France over a fictitious "loan" from 2013—one that had always been described by Mr. Howard as an “accounting gimmick” rather than an actual debt.
- After which Mr. Howard escalated by initiating litigation in Florida State Court—despite the absence of board authorization and in direct contradiction to Defendant’s continued role as director and half-owner of the Plaintiff corporation.

This timeline underscores that the litigation was not initiated to resolve a legitimate dispute, but rather to punish Defendant for refusing to disappear, for confronting the narrative presented to investors, and for documenting with clarity what the Plaintiff had obscured.

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**OBSERVATION REGARDING PLAINTIFF'S USE OF
CONVERSATIONAL FILIBUSTERING**

Plaintiff's submissions and courtroom rhetoric reflect a tactic best described as conversational filibustering—a form of repetitive assertion in which the same accusations and conclusions are restated without alteration, regardless of rebuttal, clarification, or evidence to the contrary. This tactic mimics the structure of legal dialogue while actively evading its substance. It is not designed to engage with facts or counterarguments, but to fatigue, deflect, and overwhelm—particularly in front of audiences who may be unprepared to distinguish repetition from reason.

Defendant has observed this tactic used by Plaintiff in prior disputes, where it initially appeared as a humorous eccentricity, but quickly became an obstacle to meaningful resolution. In this case, it has escalated into a pattern of filings and responses that ignore procedural developments, legal rebuttals, and material documentation in favor of an unchanging narrative. Such conduct should not be mistaken for persistence; it is rhetorical inertia posing as litigation.

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