

**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"

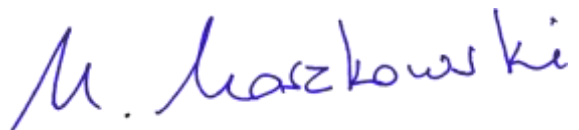
**NOTICE OF FILING DEFENDANT'S OBJECTION TO PLAINTIFFS'  
PROPOSED ORDER TO TAKE JUDICIAL NOTICE**

COMES NOW Defendant, Marc Moszkowski, pro se, and hereby gives notice of filing the following document with the Clerk of Court on this 12<sup>th</sup> day of June, 2025:

- Defendant's Objection to Plaintiffs' Proposed Order to Take Judicial Notice

Respectfully submitted on this 12<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 12<sup>th</sup> 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.

*M. Maczkowski*

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**DEFENDANT'S OBJECTION TO PLAINTIFFS' PROPOSED ORDER TO  
TAKE JUDICIAL NOTICE**

COMES NOW Defendant, Marc Moszkowski, pro se, and respectfully objects to the Plaintiffs' Proposed Order to Take Judicial Notice, which follows an ore tenus motion made during a June 10, 2025 hearing from which Defendant was excluded, despite repeated notices of his medical incapacity. The proposed order is procedurally irregular, legally defective, and substantively misleading for the following reasons:

**I. EX PARTE CHARACTER AND DUE PROCESS FAILURE**

Plaintiffs' motion for judicial notice was made orally and without notice to Defendant, who was medically unable to attend. Defendant was not served

with any motion, memorandum, or list of the documents Plaintiffs wished the Court to judicially notice. Granting such relief in Defendant's absence, especially where the nature and purpose of the documents were not disclosed in advance, violates fundamental principles of due process.

## **II. INAPPROPRIATENESS OF JUDICIAL NOTICE FOR FEDERAL RECORDS**

Florida courts may take judicial notice of their own records or of records of other courts within this state, but taking notice of the records of a federal court is discretionary and subject to authentication and relevancy requirements under Fla. Stat. §§ 90.202 and 90.203. Plaintiffs have neither provided authenticated copies nor identified the docket entries of the documents they rely on.

## **III. OMISSION OF CONTROLLING FEDERAL DISPOSITION**

The documents to be noticed omit the one most relevant record: the final judgment entered in Defendant's favor in the U.S. District Court, which concluded:

"Judgment is entered in favor of Defendant on Counts II through IX of the Complaint, and Plaintiffs shall go hence without day on those claims."

This language reflects not a procedural dismissal, but a definitive adjudication on the merits. Plaintiffs' Proposed Order fails to mention this judgment and instead cherry-picks filings—presented out of context—apparently to discredit Defendant or mischaracterize the procedural history. The only claim not adjudicated (Count I) concerned patent ownership, not the financial or fiduciary claims now asserted in state court.

#### **IV. INAPPROPRIATE RELIANCE ON OUTDATED MEDICAL MATERIAL**

Included among the documents Plaintiffs now ask the Court to notice are six-year-old records regarding Defendant's medical condition. These were created at a time when the condition was already disabling and have only worsened due to lack of treatment and continuing isolation. The implication that a six-year-old certificate contradicts Defendant's current disability is medically absurd. Hernias do not self-resolve, and the same physicians who certified the condition then would, if consulted now, confirm its deterioration.

#### **V. DEFENDANT'S REQUEST**

Accordingly, Defendant respectfully requests that the Court:

1. Reject the Proposed Order to Take Judicial Notice;
2. Decline to take notice of any federal court records not properly authenticated and not fully contextualized, including the final judgment in Defendant's favor;
3. Disregard any medical material over six years old as medically irrelevant to Defendant's current condition;
4. Strike any relief granted following an ore tenus motion to which Defendant was neither party nor privy.

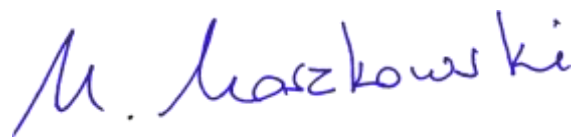
Respectfully submitted on this 12<sup>th</sup> day of June, 2025.

Marc Moszkowski, Pro Se

Email: m.moszkowski@deepgulf.net

Le Verdos

83300 Châteaudouble, France



### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 12<sup>th</sup> day of June, 2025, a copy of this Objection and Clarification has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

*M. Maczkowski*