

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 TO REINSTATE DISCOVERY SCHEDULE AND
RECONSIDER TRIAL TIMELINE**

COMES NOW Defendant, appearing Pro Se, and respectfully moves this Honorable Court to reconsider its oral ruling at the Case Management Conference held on April 3, 2025, which established a Pre-Trial hearing 68 days hence and scheduled an in-person Bench Trial for June 17–18, 2025, 7 days later. Defendant further requests reinstatement or clarification of the more reasonable discovery schedule previously indicated in the Civil Case Management Order. As grounds therefor, Defendant states as follows:

1. Background

1. The Civil Case Management Order issued by this Court on April 3, 2025 set a deadline for completion of expert

discovery on August 27, 2022, and projected a trial date of December 3, 2022 — providing approximately 98 days after the end of discovery to prepare for trial.

2. Plaintiff's own "Written Statement for Case Management Conference" requested 120 days for discovery, confirming that significant factual development remains.
3. Defendant's prior experience in U.S. District Court confirms that 90 days of discovery was insufficient to obtain crucial records and responses, especially given Plaintiff's history of withholding information under "work product" objections.
4. During the Case Management Conference held on April 3, 2025, the Court unexpectedly accelerated the schedule by setting Pre-Trial for just 68 days later, effectively cutting off all meaningful opportunity for discovery, and projecting Trial for 10 days after Pre-Trial.
5. A hearing had been scheduled in this matter for November 10, 2021, but was cancelled by the Court. Alternate dates were proposed but rejected by the Court. On October 11, 2021, Court staff notified the parties in writing:

"Effective January 3, 2022 there will be a new judge

handling this case. They have not assigned it as of today but if you'd like to check back with me late November/early December I'll advise you of any update I might have."

6. At the time of reassignment, the case was active and a hearing was pending. However, no hearing was ever rescheduled by the Court, and the matter was allowed to remain inactive. The case remained dormant for over two years until Plaintiff reactivated it on September 6, 2024, after resolving their own inability to fund legal representation.
7. Defendant had no control over these delays and respectfully submits that he should not be penalized for procedural dormancy caused by both the Court's scheduling inaction and Plaintiff's lack of prosecution.
8. In addition, the Court issued two separate Administrative Orders closing the case, first on July 3, 2023, and again on July 8, 2024. In each instance, Plaintiff subsequently filed large post-closure

pleadings: a 621-page Motion to Take Judicial Notice on August 2, 2023, and a Motion for Summary Judgment on September 6, 2024, exactly 60 days after the second closure order.

9. Notably, although the case had been refiled on June 3, 2021, the hearing held on February 10, 2025 was the first hearing to be held in this matter since its return to State Court. At that hearing, Defendant's Motion to Strike the Complaint as a Sham — filed on June 23, 2021 — was denied on what he understands to be procedural grounds, without reaching the substance of the motion. Defendant respectfully submits that a case of this complexity and age cannot reasonably proceed to trial without first allowing discovery and resolution of substantive pre-trial issues.

2. Good Cause for Reconsideration

10. Defendant respectfully submits that this sudden truncation of the timeline denies both parties — but particularly Defendant, who appears Pro Se and resides abroad — a meaningful opportunity to prepare.
11. This case is factually and procedurally complex, spans over seven years of litigation, and includes multiple allegations involving international events, disputed ownership, intellectual property, and disputed financial transactions.
12. The record reflects that the case was not delayed by Defendant, but remained dormant after January 2022 due to the Court's delay in scheduling a hearing — and was reactivated by Plaintiff only in September 2024.
13. Defendant should not be penalized for systemic delays beyond his control, especially where the previously ordered schedule was far more reasonable.

3. Procedural Fairness and Due Process

14. Florida Rule of Civil Procedure 1.200 and governing case law require that litigants be given a fair opportunity to conduct

discovery, prepare evidence, and present their case.

15. The current schedule does not allow sufficient time for:

- Interrogatories pursuant to Fla. R. Civ. P. 1.340;
- Depositions (which Defendant cannot afford, but which Plaintiff may pursue);
- Review and analysis of Plaintiff's late-produced or disputed materials;
- Filing and briefing of pre-trial motions, including dispositive issues.

16. Defendant is a foreign national, indigent, and self-represented, and respectfully submits that this Court has a duty to ensure that justice is not denied based on logistical or financial hardship.

17. The Florida Supreme Court's interest in judicial efficiency is understandable, but should not override a litigant's right to procedural due process, particularly when trial-readiness cannot be achieved without discovery.

WHEREFORE, Defendant respectfully requests that this Court:

- A. Reconsider** its ruling at the Case Management Conference on April 3, 2025;
- B.** Reinstate or clarify the discovery schedule and trial date as contemplated in the Civil Case Management Order;
- C.** Provide a reasonable discovery period (e.g., 120 days), as suggested by Plaintiff; and
- D.** Grant such other relief as the Court deems just and proper.

Respectfully submitted this 7th day of April, 2025

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CERTIFICATE OF SERVICE

I hereby certify that, on this 7th 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.

M. Marzowski