

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

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

Plaintiffs,

Case No.: 2018 CA 000543

vs.

Division:

MARC M. MOSZKOWSKI,

Defendant.

NOTICE OF FILING AFFIDAVIT OF RUSTIN HOWARD

COMES NOW, Braden K. Ball, Jr., Esquire, and hereby gives notice that the Affidavit of Rustin Howard, attached hereto, is being filed via the Courts e-filing system.

DATED this 6th day of February, 2025.



BRADEN K. BALL, JR.

Florida Bar No. 89000

LITVAK BEASLEY WILSON & BALL, LLP

40 Palafox Place, Suite 300

Pensacola, Florida 32502

Telephone: (850) 432-9818

Facsimile: (850) 432-9830

Attorneys for Plaintiffs

Primary E-mail: braden@lawpensacola.com

Secondary E-mail: mandrews@lawpensacola.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have on this 6th day of February, 2025, a copy of the foregoing has been furnished to the Defendant, Marc M. Moszkowski, Le Verdos, 83300 Chateaudouble, France (m.moszkowski@deepgulf.net) via the Court's E-filing system.



BRADEN K. BALL, JR.

Florida Bar No. 89000

LITVAK BEASLEY WILSON & BALL, LLP

40 Palafox Place, Suite 300

Pensacola, Florida 32502

Telephone: (850) 432-9818

Facsimile: (850) 432-9830

Attorneys for Plaintiffs

Primary E-mail: braden@lawpensacola.com

Secondary E-mail: mandrews@lawpensacola.com

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

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

Case No.: 2018 CA 000543

vs.

Division:

MARC M. MOSZKOWSKI,
Defendant.

_____/

STATE OF FLORIDA

COUNTY OF ESCAMBIA

**AFFIDAVIT OF RUSTIN HOWARD IN SUPPORT OF PLAINTIFFS' RESPONSE TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

PERSONALLY APPEARED before me, the undersigned authority, Rustin Howard,
who was duly sworn, and states as follows:

1. I am Rustin Howard. I am over the age of eighteen (18) and otherwise competent to make this Affidavit and have personal knowledge of the matters and things set forth herein.
2. When DeepGulf, Inc. was founded in 2005 nor at any subsequent time, there were never any discussions where I agreed to fund the corporation.
3. In discovery, DeepGulf, Inc. was provided an email apparently from Marc M. Moszkowski to me dated March 6, 2014. I do not specifically recall seeing that email. I do not read, write or speak French and the attachments have no significance to me. During the existence of DeepGulf, Inc., Marc M. Moszkowski sent me tens of thousands of emails, some about the business of DeepGulf, Inc., some personal, some about politics, and some about other topics. Typically, if an attachment were important, he would give an explanation in the body of the email.

4. DeepGulf, Inc.'s technology enables the drilling and transportation of ultra-deep offshore oil or gas. There are a couple dozen potential customers in the entire world. The technology will only work in several unique parts of the world, such as East Timor, Australia, Indonesia, Korea, Brazil, the Mediterranean, the Baltic, and the Gulf of Mexico.

5. When Marc M. Moszkowski was working in East Timor, I asked Marc M. Moszkowski about payments by Toke Oil and Gas, S.A. to DeepGulf, Inc. for tax and accounting purposes. Marc M. Moszkowski responded that Toke Oil and Gas, S.A. paid DeepGulf, Inc. for his services as Project Manager. A true and correct copy of the email is attached as Exhibit "A".

6. During the time that Marc M. Moszkowski was working in East Timor, I believed that Marc M. Moszkowski was negotiating contracts on behalf of DeepGulf, Inc. I believed that DeepGulf was involved in operations regarding the projects in East Timor, as DeepGulf employed and paid Marc M. Moszkowski to be its Project Manager. Also, during that time, Marc M. Moszkowski requested reimbursement from DeepGulf, Inc. for his travel expenses.

7. Marc M. Moszkowski's last payment of salary was from DeepGulf, Inc. was in October, 2012.

8. DeepGulf, Inc. did not do fundraising for Toke Oil and Gas, S.A. As to fundraising for DeepGulf, Inc., ultimately, Marc M. Moszkowski as President of the Corporation was in charge of fundraising.

9. In October, 2017, William Lott, Jr. informed me that Marc M. Moszkowski had told him that Toke Oil and Gas, S.A. had paid Marc M. Moszkowski \$345,000. This is the first that I was aware of this.


10. When DeepGulf, Inc. bought out the interest owned by Vicente Ximenes in Toke Oil and Gas, S.A., he was paid the entire \$100,000.

11. On January 25, 2011 and May 25, 2012, I did receive emails from Marc M. Moszkowski with financial statements attached. I had no reason to believe that the "Directors Salaries" were paid to the members of the Board of Directors of Toke Oil and Gas, S.A. or to Marc M. Moszkowski. These salaries could have been paid to employees who had management roles in the company, carrying the title of "Director." Commonly, in companies that I have been involved in, researched or invested in, employees have had titles such as Director of Operations or Director of Marketing.

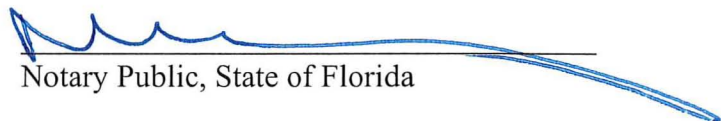
12. That email that I received three weeks later from Marc M. Moszkowski described in Paragraph 5 of this Affidavit led me to believe that Toke Oil and Gas, S.A. had paid DeepGulf, Inc. so that DeepGulf, Inc. could pay Marc M. Moszkowski for his services as Project Manager in East Timor.

13. As a Member to the DeepGulf Board or Directors I affirm that the DeepGulf Board of Directors has never discussed let alone authorize Marc M. Moszkowski to be paid separately by Toke Oil and Gas, S.A. and I have never authorized, nor did I have the ability to authorize Marc M. Moszkowski to be paid by Toke Oil and Gass, S.A. Further, I first learned of these payment in my conversation with William Lott, Jr. in October, 2017 and had no knowledge of them prior. These payments were not discussed with me prior to October, 2017, including during a ski vacation in France in 2012.

FURTHER AFFIANT SAYEHT NAUGHT.


Rustin Howard

SWORN TO AND SUBSCRIBED before me this 6th day of February, 2025, by [X]
physical presence or [] online notarization, by Rustin Howard, who is personally known to me
or provided _____ as identification and who did take an oath.


Notary Public, State of Florida

