

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"

**SUPPLEMENTAL STATEMENT REGARDING TRIAL ACCESS AND DUE
PROCESS**

COMES NOW Defendant, Marc Moszkowski, Pro Se, and respectfully submits this Supplemental Statement in response to the Court's Order for Pretrial Conference and Setting Judge Trial, dated April 10, 2025. This filing addresses the Court's discretionary requirement of in-person attendance and the stated reasoning involving the complexity of the issues before the Court.

Defendant reaffirms his willingness and intent to participate fully in both the Pretrial Conference and the Trial—whether remotely or otherwise—but respectfully informs the Court that in-person attendance remains medically

and financially prohibitive, though not categorically impossible should unforeseen resources or accommodations arise. Defendant has previously submitted detailed documentation regarding his daily income, physical condition, and logistical barriers. These factors are not a matter of convenience but of documented reality.

The Court's order cites complexity as a reason for requiring in-person attendance. However, Defendant respectfully notes that complexity is not a barrier to remote participation. On the contrary, digital platforms like Zoom allow for efficient document sharing, screen sharing, live referencing, and real-time review of previously docketed material. Indeed, complex materials are often easier to navigate digitally than through stacks of printed binders. In this case, nearly all documents are already on the docket and clearly indexed by Defendant. To the extent the trial involves technical or evidentiary review, it is far more accessible via a shared screen than via paper exhibits handed across a courtroom.

Defendant respectfully observes that if the Court considers the case too complex to conduct via Zoom, then it would seem even more important to avoid proceeding without one of the parties present at all. This is not a challenge to the Court's discretion, but a sincere appeal for equitable

participation. Defendant offers the following analogy to clarify the logic at issue: it seems to him that it is like saying a calculation is so complex that one must not use a computer and must instead perform it by hand—but without being given pen or paper. In truth, the more complex the calculation, the more important it is to have efficient and reliable tools available. Likewise, in a case where factual inconsistency is the true source of complexity, remote access would not hinder resolution—it would support it.

Defendant further observes that where one party demands in-person attendance and the other requests remote access based on documented hardship, the equitable exercise of discretion should weigh the comparative burden on each party.

In this case, Plaintiff is represented by counsel, lives within the jurisdiction, and has not alleged any hardship in attending remotely. Defendant, by contrast, has provided sworn declarations and documentation showing that physical attendance is financially and medically prohibitive.

Granting Plaintiff's preference results in only a marginal benefit to one side, but imposes near-total exclusion on the other. Denying Defendant the most viable avenue for participation under present conditions would not

advance justice—it would exclude the party most prepared to clarify the record.

Defendant further notes that the complexity referenced by the Court does not arise from the subject matter of the dispute, but from the Plaintiff's own contradictory and unsupported allegations.

Defendant's pleadings and timeline are straightforward, document-based, and logically structured. If the Court finds the case complex, it is not due to the factual record presented by Defendant, but the inconsistencies embedded in Plaintiff's assertions.

Therefore, excluding the party whose pleadings clarify and simplify the record will not reduce complexity—it will heighten it.

Defendant respectfully submits that his request for remote participation is not an effort to alter courtroom procedure, but a request to be heard. The alternative—proceeding without Defendant's presence—would be a denial of meaningful participation and a violation of due process.

Defendant remains hopeful that the Court will consider this request in light of its practical fairness and legal proportionality.

Respectfully submitted this 11th day of April, 2025

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CERTIFICATE OF SERVICE

I hereby certify that, on this 11th 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.

