

**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 SUPPLEMENTAL EXHIBIT IN SUPPORT OF
DEFENDANT'S NOTICE OF SYSTEMIC INCONGRUITY AFFECTING
DUE PROCESS**

COMES NOW Defendant, Marc Moszkowski, and gives notice that he has filed the attached Supplemental Exhibit in Support of Defendant's Notice of Systemic Incongruity Affecting Due Process, submitted for inclusion in the Court record in the above-captioned matter.

Respectfully submitted on this 2nd 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 2nd 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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**SUPPLEMENTAL EXHIBIT IN SUPPORT OF DEFENDANT'S NOTICE
OF SYSTEMIC INCONGRUITY AFFECTING DUE PROCESS**

***Title: Controlled Comparison of Procedural Treatment under Identical
Claims: A Petri Dish Experiment in Judicial Disparity***

I. Introduction

In rare procedural circumstances, the same legal controversy has now traversed both federal and state court systems—within a few city blocks of each other. The claims, factual background, and core pleadings are materially identical. The result is a natural experiment in procedural equity: a unique opportunity to observe how identical claims are handled differently when the Defendant is represented versus when he proceeds pro se. This supplemental exhibit documents and contrasts these two legal trajectories.

II. Procedural Duplication via Dubious Remand

In the federal case, the Court granted summary judgment in favor of Defendant on eight out of nine counts of the Complaint, effectively disposing of the matter. The ninth count was legally moot and not enforceable. Yet, after an appellate remand based on arguments the Defendant contends were factually incorrect and procedurally questionable, the entire case was refiled in State Court. This maneuver resulted in what is tantamount to civil double jeopardy—a constitutional anomaly made possible only by misrepresentation and the fiction of separate jurisdiction.

III. Quantitative Comparison of Court Activity

Metric	U.S. District Court	State Court
Total Filings by Plaintiff	54	36
Plaintiff Responses to Defendant	Multiple, substantive	4 (plus 2 filings in defense of the Court)
Total Filings by Court	75	27
Filings by Defendant	59 (represented)	119 (pro se)

Despite docket sizes being nearly equivalent (~185 filings), the quality and volume of engagement diverge dramatically. When represented by counsel in Federal Court, the Defendant's core pleadings—particularly the

Motion for Summary Judgment and Answer with Affirmative Defenses—were granted or sustained. In State Court, where Defendant is pro se, the same motions were dismissed in a single-line order, with no explanation and no reference to obvious threshold defenses like the statute of limitations.

IV. Substantive Identity of Core Pleadings

The validity of this procedural comparison rests on a critical control variable: the near-verbatim identity of the key filings. The Complaint in the State Court case is essentially a refiled version of that in Federal Court, with superficial modifications tailored to state jurisdiction. More strikingly, Defendant's Motion for Summary Judgment and Answer with Affirmative Defenses and Counter-Claims are, to a degree exceeding 95%, identical in content and structure to their counterparts in the U.S. District Court. These pleadings address the same alleged facts, raise the same legal arguments, cite the same contracts and exhibits, and rely on the same evidentiary record.

This high degree of textual and legal overlap eliminates substantive variation as a confounding factor. Therefore, the stark divergence in procedural treatment—summary judgment granted in Federal Court versus

summary denial in State Court—cannot be explained by differences in content or merit. The only remaining variable is the status of the Defendant as represented in one forum and pro se in the other.

V. Substantive Disparity in Treatment

The Defendant's pleadings in State Court exceed 1,000 pages, representing years of legal effort under extreme logistical and medical constraints. These efforts appear largely disregarded: fundamental motions receive no discussion; key defenses are never mentioned. This cannot be chalked up to judicial malice, which the Defendant does not suspect, but rather to a systemic refusal—or inability—to treat pro se filings with the same seriousness as those submitted by attorneys, even when nearly identical.

VI. Procedural Asymmetry as Systemic Outcome

The judicial passivity observed in State Court—in contrast to the active engagement and detailed orders from the federal bench—creates a feedback loop. Because initial filings are not fully addressed, the Defendant must file more to obtain any form of review. This dynamic is then used against him, reinforcing the perception that pro se litigants overfile. In truth, the repeated filings are a desperate response to institutional deafness.

When initial pleadings fall on unhearing ears, only repetition remains.

VII. Conclusion: A Controlled Variable, a Revealing Contrast

In sum, this experiment isolates a single procedural variable: representation. All else—facts, claims, parties, even key filings—remains constant. The outcome, however, diverges profoundly. It is difficult to avoid the inference that in the eyes of the judicial system, pro se litigants are not simply disadvantaged; they are structurally invisible.

Respectfully submitted on this 2nd day of June, 2025.

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