

**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 IN LIMINE TO EXCLUDE UNDISCLOSED  
EVIDENCE AND WITNESSES AT TRIAL**

COMES NOW Defendant, Marc Moszkowski, pro se, and respectfully moves this Honorable Court for an Order in limine excluding from trial any evidence or witnesses not previously disclosed by Plaintiffs or their representatives during discovery or pretrial proceedings, and as grounds therefor states:

1. This case is set for trial on June 17, 2025. A Pretrial Conference is scheduled for June 10, 2025.
2. Florida Rule of Civil Procedure 1.280(b)(5) and 1.200(c) obligate parties to disclose in a timely manner all documents and witnesses

intended for use at trial, whether through mandatory disclosures or in response to discovery requests.

3. To date, Plaintiff has not provided Defendant with any comprehensive trial exhibit list, witness list, or specific itemization of documents upon which it intends to rely at trial, despite having had ample opportunity and having been the initiating party to the lawsuit.
4. Defendant, who resides 5,000 miles from the Court, is physically unable to attend trial due to well-documented medical conditions, and has no opportunity to object orally to surprise evidence or testimony introduced for the first time at trial.
5. The introduction of any such undisclosed evidence or witnesses would constitute unfair prejudice and trial by ambush, in violation of the principles laid down in *Binger v. King Pest Control*, 401 So. 2d 1310 (Fla. 1981), and would deprive Defendant of his due process rights.
6. Defendant reserves the right to object to specific items if Plaintiff attempts to introduce them without prior disclosure, and hereby preemptively requests that such materials be excluded.

WHEREFORE, Defendant respectfully requests that this Court enter an Order:

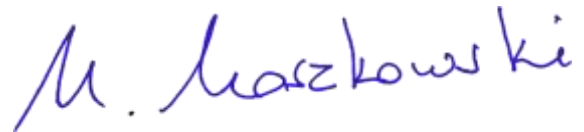
(a) Precluding Plaintiff from introducing any document, exhibit, or witness at trial that was not previously disclosed to Defendant through discovery, mandatory disclosure, or listed in a timely pretrial exhibit or witness list;

(b) Requiring Plaintiff to file and serve any and all materials it intends to use at trial no later than five (5) days prior to the Pretrial Conference;

(c) Granting any other relief the Court deems just and proper.

Respectfully submitted on this 5<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 5<sup>th</sup> day of June, 2025, a copy of this Motion has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Port

