

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA**

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

Plaintiffs,

CASE NO.: 2018-CA-000543

vs.

DIVISION: E

MARC M. MOSZKOWSKI,

Defendant.

**ORDER DENYING DEFENDANT'S REQUEST FOR CONTINUATION OF BENCH
TRIAL AND DENYING REQUEST FOR ZOOM APPEARANCE
AT THE PRETRIAL CONFERENCE AND TRIAL**

This matter came before the Court on Defendant's numerous motions pertaining to the judge trial scheduled for June 17, 2025, including (but not limited to) Defendant's Motion for Reconsideration or Clarification of Order Compelling in-Person Trial and Mediation Attendance filed on April 10, 2025, Defendant's Motion to Continue Trial and to Require Adjudication of Outstanding Motions filed on May 27, 2025, Defendant's Renewed Motion to Stay Trial and Pretrial Proceedings filed on May 28, 2025, and Defendant's Notice of Supplemental Medical Evidence filed May 28, 2025. The Court, having considered the Motions, reviewed the Court file, and being otherwise advised in the premises, finds as follows:

This case was filed seven years ago on April 3, 2018. It was removed to Federal District Court for several years and then remanded to state court. The amended complaint was filed in June 2021, and for several years, there was almost no activity on the file. However, since January 2025, there has been significant activity including approximately 150 filings.

Plaintiffs DeepGulf, Inc. and Toke oil and Gas, S.A. are represented by Counsel. Defendant, Marc Moszkowski, is *pro se* and resides in France. This case arises out of a business relationship over a period of approximately ten (10) years and includes Counts for Injunctive Relief & Intellectual Property/Business Opportunity; Breach of Non-Competition Agreement; Civil Theft; Conversion; Fraudulent Misrepresentation; Declaratory Relief; Accounting; Breach of Contract; and Injunctive Relief. Much of the evidence and testimony will require examination of non-compete agreements, contracts, and consideration of patents in the oil and gas industry.

Defendant has also filed a counterclaim affirmatively seeking relief in Escambia County. The Counterclaim alleges Breach of Contract (Work and Labor Done); Breach of Contract; Fraud Based on Promise to Pay; Fraudulent Misrepresentation; and Accounting.

Due to the age of the case, the Court set the matter for a Case Management Conference on April 3, 2025. Counsel for Plaintiffs, Plaintiffs' representative Russ Howard, and Defendant, *pro se*, appearing from his home in France, were present by Zoom. Mr. Moszkowski previously lived in the United States for a period of years and is fluent in English but filed a Motion for Additional Time During Hearings and at Trial Due to the Difference in Defendant's Native and Acquired Languages and *Pro Se* Status. His Motion was granted, and he was instructed to immediately notify the Court if any clarification or additional time was needed.

At the Case Management Conference, the Court again addressed the requirement for mediation (by Zoom) and set the case for bench trial in-person. It was at this hearing on April 3, 2025, that Defendant raised the issue of his financial inability to pay for mediation or a plane ticket to the United States. He also testified to concerns about leaving his house and animals unattended, as well as health issues. Under oath, Defendant stated that if Plaintiff was required to pay his costs to come to the U.S., Defendant would appear in person.

After the Case Management Conference, the Court entered three orders: Order on Case Management Conference (April 9, 2025); Order Referring Case to Mediation (April 9, 2025); and Order for Pretrial Conference and Setting Judge Trial (April 10, 2025). These orders, in part, required the parties and counsel to participate in mediation prior to the Judge Trial; allowed the parties and counsel to appear by Zoom at mediation; ordered payment of a deposit if required by the mediator; set the Pretrial Conference for June 10, 2025 and required in-person appearance by the parties and counsel; and, set the Judge Trial for June 17-18, 2025 and required in-person appearance by the parties and counsel for the trial. The orders also included possible sanctions for failure to comply.

Since the filing of these orders, Defendant has repeatedly and on an almost daily basis filed notices and motions to request the following: waiver of the mediation fee due to financial issues; waiver of appearance in person at the Pretrial Conference and Judge Trial due to financial and health issues; ruling on all outstanding motions; and, a continuance to manage the volume of exhibits and paperwork necessary in the case. The Notice of Supplemental Medical Evidence includes a photograph of the body of presumably¹ the Defendant to support his contention that he cannot travel to the United States.

As stated earlier, this case has been pending for over seven years old and has far exceeded the requirements of Fla. R. Gen. Prac. & Jud. Admin. 2.250(a)(1)(B). Both parties have had ample time to prepare for trial. The case involves allegations spanning nearly 10 (ten) years, complex business dealings, a country in Southeast Asia, oil and gas patents, and hundreds of pages of documents/exhibits. Counsel for Plaintiffs objected to a judge trial by Zoom. In addition, Defendant is *pro se* and lives in Chateaudouble, France which is seven time zones ahead of

¹ The photograph does not include the head of the person, and it is unclear what the photo is intended to demonstrate.

Escambia County.

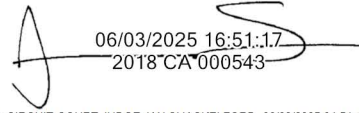
For these reasons, the Court required in-person appearance for parties and counsel at the Pretrial Conference and the Judge Trial. The Pretrial Conference is critical for narrowing of issues, review of exhibits, determination of witnesses, and discussions about the procedure of the trial. To accommodate the fact that Mr. Moszkowski resides in France, the Pretrial Conference was scheduled only one week prior to trial.

Based upon the foregoing, the Court finds that allowing the Pretrial Conference and Judge Trial to be conducted by Zoom would create an administrative burden on the Court and would fundamentally alter the nature of the proceedings.

It is hereby **ORDERED AND ADJUDGED:**

1. The requirements of the Order on Case Management Conference remain in effect, as well as possible sanctions for failure to comply.
2. The requirements of the Order Referring Case to Mediation remain in effect, as well as possible sanctions for failure to comply.
3. The requirements of the Order for Pretrial Conference and Setting Judge Trial remain in effect, as well as possible sanctions for failure to comply .
4. Defendant's motions for continuance of the trial, motions to compel decisions on pending motions, and motions to appear at trial by Zoom are all denied.
5. Any other pending motions may be addressed by the Court at the Pretrial Conference.
6. If Defendant does appear in-person for the Pretrial Conference and Judge Trial, every effort will be made to address any issues and make reasonable accommodations.

DONE AND ORDERED in Chambers in Escambia County, Florida on June 3, 2025.

 06/03/2025 16:51:17
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signed by CIRCUIT COURT JUDGE JAN SHACKELFORD 06/03/2025 04:51:17 NUeUHUve

Copies to:

Braden K. Ball, Jr, Esq.
Attorney for Plaintiff

Marc M. Moszkowski
Pro Se Defendant