

**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 EMERGENCY MOTION TO STAY ENFORCEMENT OF
MEDIATION FEE PENDING RULING ON OBJECTION AND NOTICE OF
PREJUDICE**

COMES NOW the Defendant, Marc Moszkowski, and respectfully moves this Court on an emergency basis to stay any enforcement of the \$900 mediation fee imposed by the Court's April 17, 2025 Order, pending a ruling on Defendant's prior and supplemental objections. In support thereof, Defendant states:

1. On or about April 24, 2025, Defendant filed his Objection to Order Imposing Mediation Fee and Notice of Procedural and Financial Prejudice, raising serious concerns about the propriety and

enforceability of the mediation order issued sua sponte by the Court.

2. Today, May 20, 2025, Defendant filed a supplemental Notice Regarding Impropriety of Ordered Mediation and Demand for Clarification, further detailing:

- the absence of any motion or request by either party,
- the shared acknowledgment that mediation would be futile,
- the disproportionate burden on a destitute and physically incapacitated litigant, and
- the constitutional concerns raised by compelled payment to a private law firm.

3. The Court has not yet ruled on either of Defendant's submissions.

4. Meanwhile, Defendant anticipates imminent efforts to enforce the \$900 fee—either via direct billing or procedural sanction.

5. Absent an immediate stay, Defendant will suffer irreparable harm, including:

- unjust diversion of funds critical to trial preparation,
- the risk of procedural prejudice or sanctions,
- and the coercive effect of being forced into a \$900 financial obligation for a proceeding all parties acknowledge as futile.

6. These concerns implicate both procedural due process and substantive fairness, and may constitute an excessive or punitive financial burden in violation of the Eighth and Fourteenth Amendments to the U.S. Constitution.

WHEREFORE, Defendant respectfully requests that the Court:

- Stay all enforcement or collection efforts relating to the April 17, 2025 mediation order;
- Defer any procedural consequences for nonpayment;
- And withhold further action pending formal rulings on Defendant's Objection and Supplemental Notice.

Respectfully submitted on this 20th day of May, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that, on this 20th day of May, 2025, a copy of this Declaration has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

M. Maszkowski