

**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 TO DISQUALIFY PRESIDING JUDGE AND
FOR REASSIGNMENT TO A DIFFERENT DIVISION**

COMES NOW Defendant, Marc Moszkowski, pro se, and respectfully moves for the disqualification of the Honorable Jan Shackelford pursuant to Florida Rule of Judicial Administration 2.330, and states:

1. In **Case No. 2020 CA 001021**, Defendant appeared as Plaintiff and sought relief against **DeepGulf, Inc.’s two Directors, Rustin R. Howard and Thomas J. Johnson**, who had initiated **Case No. 2018 CA 000543** in the names of **DeepGulf, Inc. and Toke Oil and Gas, Inc.—without any valid authorization or resolution from either company’s Board of Directors.**

2. My Complaint was challenged on procedural grounds, and on **March 2, 2022**, the Court entered an **Order Granting Defendants’ Motion to Dismiss Plaintiff’s Complaint**, which expressly stated:

“Plaintiff shall have thirty (30) days from the date of this Order within which to file an Amended Complaint.”

This Order granted me until **April 1, 2022** to amend. Within that window, I filed responsive motions and submissions intended to cure procedural defects and request the information necessary to amend. The Court nevertheless entered a **Final Judgment of No Liability**—without ruling on my pending motions and without ever reviewing an amended complaint.

3. In accordance with the Court’s **March 2, 2022 Order (Docket #20)** granting thirty (30) days to amend, I filed timely pleadings within the allowed window:

- On **March 14, 2022** (Docket #22), I filed **PLAINTIFF MOSZKOWSKI’S MOTION TO COMPEL**, requesting that Defendants provide information—most critically the legal

address of Toke Oil and Gas, which they refused to supply, making amendment factually impossible;

- On **March 30, 2022** (Docket #23), I filed **PLAINTIFF MOSZKOWSKI'S MOTION TO EXTEND THE TIME TO FILE HIS AMENDED COMPLAINT**;

4. Then:

- On **April 5, 2022** (Docket #25), I submitted **PLAINTIFF MOSZKOWSKI'S RESPONSE TO DEFENDANTS' MOTION FOR ENTRY OF FINAL JUDGMENT**;
- And on **May 6, 2022** (Docket #31), I submitted **PLAINTIFF'S ADDRESS TO THE COURT** for the scheduled hearing.

5. Despite these active and timely filings, the Court entered a **Final Judgment of No Liability** (Docket #32–34) **without ruling on any of these motions**, and without ever granting or denying the request for additional time to amend.

6. None of these filings were addressed by the Court. There was no ruling on my Motion to Compel, no response to my request for more time, and no consideration of my opposition to final judgment.

7. The “**Final Judgment of No Liability**” in favor of Defendants Howard and Johnson — **a dispositive merits ruling** — exceeded the scope of Defendants’ request for dismissal, which had been strictly procedural.
8. The entry of that judgment converted a procedural defect — caused by Defendants’ own refusal to provide necessary corporate information — into a substantive determination that I had failed to prove my case. This deprived me of both **due process** and the opportunity to be heard on the merits.
9. The Complaint I filed in Case No. 2020 CA 001021 was not speculative or frivolous. It contained **14 separate counts**, all based on **documented financial misconduct, fabrication of corporate records, fraudulent concealment, false statements under oath, and systematic abuse of process** by Howard and Johnson. These allegations were not vague; they were **fact-specific**, supported by subpoenaed documents, and included claims of falsified minutes, forged agreements, misrepresented proxies, and even perjury before a U.S. District Court. None of these 14 counts were considered on the merits. The Court never ruled on their substance—yet it entered a **Final Judgment of No Liability**, effectively absolving the Defendants

as though trial had occurred. This is not a technical error. It is the quiet burial of a full record of corporate fraud.

10. That same judge now presides over this case (**2018 CA 000543**) in which the **same individuals** benefit from reversed roles. They are now Plaintiffs, again purporting to act on behalf of **DeepGulf, Inc.** and **Toke Oil and Gas, Inc.**, still without having provided a valid East Timor address for the latter, and without having demonstrated any Board resolution authorizing this action.
11. Both corporations list the **same Pensacola home address of Chairman Rustin R. Howard** as their U.S. location, further calling into question the legitimacy of the Plaintiff structure and venue.
12. In 2020 CA 001021, I was effectively **sanctioned for not amending a complaint** when I lacked the information to do so—information withheld by the very parties who are now being allowed to proceed. The contrast in procedural treatment is as stark as it is indefensible.
13. The present case was originally assigned to another judge and was subsequently **reassigned to the same judge** who entered the 2022 Final Judgment of No Liability, without any explanation. The appearance of forum coordination is undeniable.

14. A reasonably informed litigant would conclude that the Court is applying **different standards of procedural tolerance** to the same underlying parties, depending on who stands as Plaintiff. That appearance of partiality is sufficient to warrant disqualification under **Canon 3(E)(1)** of the Florida Code of Judicial Conduct and **Rule 2.330** of the Florida Rules of Judicial Administration.
15. This concern is further reinforced by the statistical record of both cases. In the present matter (Case No. 2018 CA 000543), I have filed **71 pleadings** out of a total of **123 (58% of the docket)** compared to just **32 by Plaintiffs (26%)**, and **20 by the Court itself (16%)**. This demonstrates my sustained and disproportionate procedural burden as a pro se Defendant. In Case No. 2020 CA 001021, I filed **14 of 34 documents (41%)**, while the Defendants submitted only **6 (18%)** — yet the Court entered a **Final Judgment of No Liability** in their favor after making **14 filings of its own (41%)**, effectively equal in volume to mine but wholly unresponsive to substance. The imbalance is not abstract; it is numerical, procedural, and now outcome-determinative. These figures underscore that my filings—however numerous, timely, and substantiated—have consistently failed to receive due consideration, while my opponents’ procedural deficiencies have

been excused or ignored. This pattern reinforces the appearance of unequal treatment and compels disqualification.

The circumstances create a well-founded fear that the impartial administration of justice is compromised, and that a different judge is necessary to preserve confidence in the integrity of this Court.

WHEREFORE, I respectfully request that the Honorable Jan Shackelford disqualify herself from further proceedings in this matter and that the case be reassigned to a different division.

Respectfully submitted this 5th day of May, 2025

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CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of May, 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.

M. Marzowski