

**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 STATEMENT OF IMPOSSIBILITY AND GOOD
FAITH EFFORT IN RESPONSE TO ORDER TO SHOW CAUSE**

COMES NOW Defendant, Marc Moszkowski, and hereby gives notice
that he is filing the attached:

**“Statement of Impossibility and Good Faith Effort in Response to
Order to Show Cause”**

This Statement is submitted in good faith to clarify Defendant’s medical,
logistical, and procedural limitations in responding to the Court’s Order to
Show Cause.

Respectfully submitted on this 19th day of May, 2025.

Marc Moszkowski, Pro Se
Email: m.moszkowski@deepgulf.net
Le Verdos
83300 Châteaudouble, France



CERTIFICATE OF SERVICE

I hereby certify that, on this 19th day of May, 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.



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**STATEMENT OF IMPOSSIBILITY AND GOOD FAITH EFFORT IN
RESPONSE TO ORDER TO SHOW CAUSE**

COMES NOW Defendant, Marc Moszkowski, appearing pro se, and respectfully submits this Statement pursuant to the Court's Order to Show Cause regarding non-attendance at mediation. Defendant states as follows:

1. No Willful Disobedience

Under Florida law, a party may not be held in civil contempt unless their failure to comply with a court order is willful and they possess the present ability to comply. Defendant respectfully submits that he lacks both the physical and financial ability to comply with the Court's mediation order and

that his conduct has not been willfully contemptuous, but the result of long-standing, documented, and extreme hardship.

2. Financial Impossibility

Defendant's financial circumstances make payment of the \$900 mediation fee and travel to Pensacola objectively impossible:

- Monthly income is approximately \$900, barely covering subsistence expenses.
- Defendant has no savings, as his remaining funds have been subject to seizure by opposing parties and tax authorities.
- His credit card limit is \$500, of which \$300 was already used to file a petition with the Court of Appeal, and repayment remains uncertain.
- Defendant cannot afford medical care, or even basic transportation.
- Any small amount over \$100 in his bank account is immediately seized by either the French IRS or a private creditor affiliated with Plaintiffs.
- Before Plaintiffs removed this case to this Court under questionable pretenses, Defendant had already incurred nearly \$90,000 in legal expenses defending the matter in U.S. District Court, where Plaintiffs

had all but lost. These efforts were rendered futile by a procedural shift, and Defendant has since been without counsel or means.

3. Physical Impossibility

Defendant's physical condition and isolation make travel impossible:

- Defendant is 71 years old and has suffered from two medically documented abdominal hernias since 2017.
- On certain days, the hernias are so painful that remaining in a standing position for more than a few minutes constitutes unbearable physical torture, rendering even basic movement excruciating.
- Medical certificates filed with the Court years ago confirmed that extended travel is medically contraindicated.
- He has not seen a physician since 2011, or been in a vehicle since returning from deposition in Pensacola in August 2019.
- His eyesight is rapidly deteriorating with no access to care.
- On September 30, 2023, he survived an attempted homicide which left him incapacitated for several weeks.

4. Living Conditions and Social Isolation

Defendant's living environment reflects severe deprivation:

- He does not have the wherewithal to use his central heating and hot running water.
- He disposes of natural waste manually due to an inoperable septic system.
- Drainage systems are non-functional and all sink water is emptied manually into a field.
- His spring water supply has become nonexistent for 7 months each year due to illegal pumping by surrounding villages.
- He has strictly no family support and has had no contact with his only son, now 39, since 2020.
- He has not left the boundaries of his property since August 5, 2019; all groceries are delivered once a month from a store 20 miles away.
- His only companionship consists of several dogs. These animals came to him uninvited, remained of their own will, and reproduced; their care is a moral and legal responsibility he cannot abandon.
- Defendant's living conditions make it nearly impossible to find any caretaker willing to remain on the property in his absence. Should one ever be found, it would cost no less than \$250 per day, which is far beyond Defendant's means. The location is so isolated yet known that leaving it unattended would almost certainly result in immediate

burglary. Abandoning the animals is not only unethical but would also constitute legal neglect.

5. Procedural Impossibility

- Mediation is premature and futile as discovery has not even been ordered.
- The demand for in-person appearance before this Court under threat of contempt is incompatible with Defendant's longstanding and well-documented limitations.

6. Good Faith Effort

Defendant has never acted in bad faith. He has:

- Appeared remotely in prior proceedings when permitted,
- Filed 73 pleadings and motions which remain unacknowledged,
- Attempted to obtain relief through every available procedural channel, including an appeal to the District Court of Appeal.

Conclusion

WHEREFORE, Defendant respectfully requests that this Court:

- Recognize that Defendant lacks the present ability to comply with the mediation and in-person appearance orders;
- Refrain from entering a contempt finding;
- Allow Defendant to appear remotely in all future proceedings;
- Consider this statement in evaluating the equitable and practical consequences of further enforcement.

Respectfully submitted on this 19th day of May, 2025.

Marc Moszkowski, Pro Se
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