

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 EXHIBIT REGARDING PLAINTIFF'S
JURISDICTIONAL CONTRADICTIONS – FEDERAL AND STATE COURT
PROCEEDINGS**

COMES NOW Defendant, Marc Moszkowski, and hereby files the attached Exhibit titled "Exhibit of Jurisdictional Contradiction by Plaintiff – Federal and State Proceedings."

This Exhibit outlines material contradictions in Plaintiff's representations regarding the domicile of co-Plaintiff Toke, both before the U.S. Court of Appeals and the Florida State Court.

The purpose of this filing is to preserve these contradictions for the record and potential appellate review and to support arguments made in

Defendant's motions regarding fictitious plaintiffs, misrepresentation, and improper jurisdiction.

Respectfully submitted this 15th day of April, 2025

Marc Moszkowski, Pro Se
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Phone: +1(850)316 8462
Le Verdos
83300 Châteaudouble, France

A handwritten signature in blue ink, reading "M. Moszkowski".

CERTIFICATE OF SERVICE

I hereby certify that, on this 15th day of April, 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.

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**EXHIBIT OF JURISDICTIONAL CONTRADICTION BY PLAINTIFF –
FEDERAL AND STATE PROCEEDINGS**

Defendant submits this exhibit to document a critical jurisdictional contradiction advanced by Plaintiff between the Federal and State proceedings in this matter. This contradiction involves Plaintiff's representations regarding the domicile of a co-Plaintiff, Toke Oil and Gas S.A., and bears directly on the legitimacy of both the invocation of Federal jurisdiction and the subsequent remand to State Court.

1. Plaintiff's Federal Statement of Jurisdiction

In the 2020 Brief of Appellant submitted by Plaintiff to the U.S. Court of Appeals for the Eleventh Circuit, the second paragraph in the Statement of

Jurisdiction reads as follows:

"DeepGulf is incorporated in Florida and has its principal place of business in Florida. Toke is a company domiciled in Timor Leste. Appellee is a resident of France. As such, there is complete diversity between the parties pursuant to 28 U.S.C. § 1332. Further, the amount in controversy in this case exceeds the jurisdictional threshold of the federal district courts set out in 28 U.S.C. § 1332(a)(1)."

This jurisdictional assertion was made to establish subject-matter jurisdiction in Federal Court on the basis of complete diversity of citizenship.

2. Contradiction in State Proceedings and Factual Evidence

However, when Plaintiff filed the case in State Court in 2018, the summons listed the domicile of Toke Oil and Gas, Inc. [sic] (Toke) not in Timor-Leste (East Timor), but at the private residence of Rustin R. Howard in Pensacola, Florida. This contradicts the jurisdictional representation made to the U.S. Court of Appeals.

Furthermore, Defendant has, throughout his pleadings—including in interrogatories—repeatedly requested that Plaintiff provide the legal address of Toke Oil and Gas S.A. in East Timor. Plaintiff has never supplied

this information. The contradiction between public filings and procedural behavior is neither minor nor clerical—it is jurisdictional.

3. Improper Remand and Manipulation of Jurisdiction

Following the 2020 Federal appeal, the case was remanded to State Court in 2021 on the claim that complete diversity was lacking due to the involvement of a foreign plaintiff and a foreign defendant. Yet that same foreign plaintiff—Toke Oil and Gas S.A.—had been relied upon to claim diversity in Federal Court. The remand was not based on new facts, but on a reversal of Plaintiff’s own prior assertions.

This jurisdictional maneuvering, particularly involving a co-Plaintiff whose actual legal status and domicile were never disclosed or verified, represents a significant procedural irregularity. Defendant raised this issue in pleadings repeatedly, but it was consistently ignored by both Plaintiff and the Courts.

4. Misrepresentation of Corporate Identity and the \$100,000

Acquisition

In their original Complaint and Summons filed in 2018, Plaintiff identified Toke Oil and Gas S.A. as “Toke Oil and Gas, Inc.”, a name that does not correspond to any legal entity in East Timor. Only after five months—and

repeated objections from Defendant—did Plaintiff amend the name to “Toke Oil and Gas S.A.,” attributing the error to a “*scrivener’s error*.” This strongly suggests that neither Plaintiff nor its counsel had access to authentic documentation concerning Toke oil and Gas’ corporate existence at the time of filing.

Moreover, Plaintiff has offered no explanation for why DeepGulf allegedly acquired Toke Oil and Gas S.A. —an empty shell—for \$100,000, and then never bothered to obtain the mandatory 'Certificate of Registry' from the National Directorate for Domestic Commerce, nor registered as a foreign owner, nor complied with the minimum legal number of shareholders, nor complied with the minimum legal number of directors, nor complied with the mandate that at least one director must reside in East Timor, nor appointed a 'Legal Representative' as mandated by law, said 'Legal Representative' being compulsorily a permanent legal resident of the nation of East Timor, nor established a legal domicile in East Timor, nor opened a bank account in East Timor, nor obtained the mandatory 'Registration Letter ' from the National Tax Directorate, nor paid up the mandatory minimum capital of US\$50,000, nor prepared and submitted to the Government of East Timor compulsory legal documentation and annual financial statements signed by all directors, as mandated by law, nor prepared tax returns and paid tax in

East Timor, nor employed and train East Timorese personnel.

[See "*Affidavit Regarding Plaintiff Toke Oil & Gas S.A.'S Lack of Legal Existence*" filed April 2nd, 2025.]

No evidence of assets, liabilities, or value has ever been submitted to justify this transaction, further supporting the contention that by now fictitious Toke Oil and Gas was used strategically for jurisdictional or procedural advantage.

5. Preservation of the Record

Defendant submits this exhibit for the record in support of any future appeal, motion to dismiss for fraud on the court, or petition for review. This issue has been raised dozens of times in Defendant's pleadings, including in Federal and State filings, without any response from Plaintiff and without acknowledgment by the Court.

Respectfully submitted this 15th day of April, 2025

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