

**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 NOTICE REGARDING IMPROPRIETY OF ORDERED
MEDIATION AND DEMAND FOR CLARIFICATION**

COMES NOW the Defendant, Marc Moszkowski, and submits this Notice to respectfully object to the Court's April 17, 2025 Order compelling both parties to attend mediation via Zoom and to each remit \$900 to a private mediator, and to demand urgent clarification in light of the following facts:

- 1. No Motion for Mediation Was Made by Either Party.** Defendant has not requested mediation at any time, and Plaintiff has made no such motion either. The order was issued sua sponte by the Court without any showing of mutual consent, legal necessity, or evidentiary basis.

2. The Proceeding Is Conceded by All to Be Futile. Plaintiff has failed to respond to over seventy (70) filings made by Defendant. There have been no settlement discussions, and both parties, through written and oral communication, have acknowledged that mediation is gratuitous and unlikely to yield resolution.

3. Compelled Payment to a Private Firm Serves No Legitimate Purpose. The April 17 Order compels both parties to pay \$900—collectively \$1,800—to a private law firm. This imposition, without consent and without probable cause for effectiveness, appears coercive and potentially extrajudicial in nature.

4. Defendant Is Indigent and Medically Infirm. The Court is aware that Defendant is physically unable to travel and lives more than 5,000 miles from the forum. Defendant has submitted unrebutted medical documentation of two large inguinal hernias, longstanding destitution, and complete inability to fund unnecessary litigation expenses.

5. The Order Disrupts Trial Preparation and Violates Principles of Proportionality. Defendant is preparing for trial alone, without counsel. The redirection of \$900 to a futile and unnecessary

mediation deprives him of scarce resources essential to seeking representation or preparing his defense.

6. Constitutional and Ethical Concerns. The compelled financial transaction with a private entity, under threat of procedural consequence, raises substantial concerns under the Fourteenth Amendment (due process and equal protection), the Eighth Amendment (excessive financial imposition), and the ethical duties of judicial economy and fairness.

WHEREFORE, Defendant respectfully demands that the Court:

- a. Clarify whether its April 17 Order is intended to impose any sanctions or consequences upon a party who fails to remit the \$900 mediation fee,
- b. Confirm whether participation is truly mandatory despite mutual acknowledgement of futility,
- c. Consider vacating or modifying the Order in light of the facts above, or in the alternative,
- d. Stay enforcement of the Order pending formal ruling on this 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.

