

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:

PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S AFFIRMATIVE DEFENSES

COMES NOW, Plaintiffs, DeepGulf, Inc. and Toke Oil and Gas, Inc., by and through its undersigned counsel and move this Court to strike Defendant's Affirmative Defenses as legally insufficient and in support thereof state as follows:

1. Defendant's Affirmative Defenses are stated as follows:

As Affirmative Defenses, Defendant would assert duress, estoppel, failure of consideration, fraud, illegality, laches, license, that each cause of action, claim, and item of damages did not accrue within the time prescribed by law for them before this action was brought (statute of limitations), waiver, and failure or lack of standing by these Plaintiffs to bring this cause against this Defendant.

2. Rule 1.110, Florida Rules of Civil Procedure states that "[a] pleading that sets forth an affirmative defense must contain a short and plain statement of the ultimate facts supporting the avoidance or affirmative defense." None of the Affirmative Defenses described in Paragraph one are legally sufficient to defeat Plaintiffs' claims in its Complaint.

WHEREFORE, Plaintiffs, DeepGulf, Inc. and Toke Oil and Gas, Inc., move this Court to enter an Order striking Defendant's Affirmative Defenses as legally insufficient, and for such further relief as this Court deems just and proper.

CERTIFICATE OF CONFERRAL

I certify that conferral prior to filing is not required under Rule 1.202.

RESPECTFULLY SUBMITTED,



BRADEN K. BALL, JR.

Florida Bar No. 89000

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that I have on this 11th day of March, 2025, a copy of the foregoing has been furnished to the Defendant, Marc M. Moszkowski, Le Verdos, 83300 Chateaudouble, France (m.moszkowski@deepgulf.net) via the Court's E-filing system.



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