

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL  
CIRCUIT IN AND FOR ESCAMBIA COUNTY, FLORIDA  
CIVIL DIVISION**

DEEPGULF, INC. and  
TOKE OIL AND GAS, S.A.,  
Plaintiffs,  
vs.  
MARC M. MOSZKOWSKI.,  
Defendant.

CASE NO. 2018-CA-000543  
DIVISION: E

**ORDER FOR PRETRIAL CONFERENCE AND SETTING JUDGE TRIAL**

The above case being at issue, the following Pretrial schedule and Trial procedure is established pursuant to Fla. R. Civ. Pro. 1.440:

**I. DATES AND COMPLIANCE WITH PRETRIAL PROCEDURES:**

- A. This case is set for a Pretrial Conference **in-person** before the undersigned Circuit Judge at the M.C. Blanchard Building, 190 Governmental Center, Fifth Floor, Pensacola, FL on **Tuesday, June 10, 2025, at 10:30 a.m. CST**. One hour has been reserved. **All counsel<sup>1</sup> and all parties are required to attend the conference.** Plaintiffs' Motion to Dismiss and Motion to Strike Affirmative Defenses have been scheduled by separate notice for June 10, 2025 at 9:30 a.m. CST. Since this hearing immediately proceeds the Pretrial Conference, it is also in person.
- B. The attorneys' conference required by Paragraph II shall be held no later than **May 30, 2025**. **Mediation must be completed no later than June 9, 2025, by Zoom.**
- C. The Pretrial Stipulation and other papers required by Paragraph III and IV shall be filed with the Clerk of the Court, with a courtesy copy to Judge Shackelford's office on or before **June 6, 2025**.
- D. The Judge Trial in this cause will be tried **in-person** at the M.C. Blanchard Judicial Building, 190 W. Government Street, Pensacola, Fl 32502.

**June 17, 2025, and June 18, 2025, at 8:30 a.m. CST**

**Time Allotted: Twelve hours (8:30 a.m. – 11:45 p.m. CST and 1:15 p.m. to 4:30 p.m. CST each day)**

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<sup>1</sup> Defendant is *pro se* and is acting as his own counsel/attorney.

## **II. ATTORNEYS TO CONFER:**

Counsel for all parties shall meet on the date specified in Paragraph I(B) for the following purposes:

- A. To discuss the possibility of settlement;
- B. To stipulate to as many facts and issues as possible;
- C. To draw up pretrial stipulation in accordance with Paragraph III of this order;
- D. To examine all exhibits and documents proposed to be used at the trial;
- E. To furnish opposing counsel the names and addresses of all witnesses, including possible rebuttal witnesses and experts;
- F. To discuss the question of damages, including matters of evidence and proof which either party proposes to present at trial and the law in regard thereto; and
- G. To complete all other matters which may expedite both the pretrial and the trial of this case.
- H. Counsel for plaintiff shall initiate arrangements for the attorneys' conference. However, all attorneys in this cause are charged with the duty of meeting in such conferences and of complying with the schedule set forth in this order. If the schedule is not kept by any counsel, it is the duty of other counsel to insist upon the necessary meeting or meetings to affect the pretrial stipulation and, failing to succeed, to advise the Court by motion seeking sanctions against any party failing or refusing to meet as directed after request.

## **III. PRE-TRIAL STIPULATION:**

The pretrial stipulation shall contain:

- A. The basis of jurisdiction;
- B. A concise statement of the nature of the action;
- C. A brief general statement of each party's case;
- D. A list of all exhibits to be offered at the trial, noting any objections thereto and the grounds for each objection;
- E. A list of the names and addresses of all witnesses, including rebuttal and

expert, intended to be called at the trial by each party with a general statement of the witnesses' testimony. Expert witnesses shall be labeled as such.

- F. A concise statement of those facts which are admitted and will require no proof at trial, together with any reservations directed to such admissions;
- G. A concise statement of those issues of law on which there is agreement;
- H. A concise statement of those issues of fact which remain to be litigated;
- I. A concise statement of those issues of law which remain for a determination by the Court;
- J. A concise statement of any disagreement as to the application of rules of evidence of the Florida Rules of Civil Procedure;
- K. A concise statement of the damages claimed;
- L. Settlement authority on behalf of their clients and a written statement that the attorneys for the respective parties have met to discuss settlement and that a good-faith settlement attempt has been made, or there shall be present during the conference the client or such authorized representative who does have authority to speak in a final and binding fashion regarding matters ultimately disposing of the controversy;
- M. Announcement of the name of the particular member or associate of a firm who will try the case. No change of such designated trial counsel shall be made without leave of Court if such change will interfere with the trial schedule. **All attorneys/pro se parties who are trying the case MUST appear at the Pretrial Conference in person.**
- N. A list of all motions or other matters which require action by the Court;
- O. Counsel's respective estimates of the length of the trial; and
- P. The signature of counsel for all parties.

#### **IV. PAPERS TO BE SUBMITTED:**

No later than the date specified in Paragraph I (c) above, the parties shall file with the Clerk of the Court with a courtesy copy emailed to the Judge's judicial assistant the following:

- A. The pretrial stipulation prepared in accordance with Paragraph III of this order.
- B. Each side shall submit to the Clerk of the Court for filing, with copy to the opposing

counsel, a trial brief or memorandum with citation of authorities and arguments in support of that side's position on any disputed issues of law.

- Counsel for each party case shall submit to the Clerk of the Court for filing, with copies to opposing counsel, proposed written findings of fact and conclusions of law, or, in lieu thereof, a proposed opinion or memorandum of decision in which such proposed findings of fact and conclusions of law appear, with complete citation of authorities where appropriate. In addition, Counsel for each party in any case shall arrange with the Clerk for marking for identification, in the sequence proposed to be offered, all exhibits intended to be offered by such party.

**V. CONDUCT OF THE PRETRIAL CONFERENCE:**

- A. Counsel will be prepared to act with final authority in the resolution of all matters. All Counsel and parties must appear. Counsel will be prepared to discuss the prospects of settlement in general terms.
- B. The Court will ordinarily dispose of all motions and other matters then at issue. The Court will review all matters contained in the pretrial stipulation and consider any other matters which may be presented with a view towards simplifying the issues and bringing about a just, speedy, and inexpensive determination of the case.

**VI. PRETRIAL ORDER:**

- A. Unless otherwise directed, counsel for all parties, with counsel for plaintiff taking the initiative, shall submit a pretrial order for the Court's approval within three (3) days after the pretrial conference. The pretrial order so prepared shall incorporate and modify the pretrial stipulation in light of any additional agreements reached and rulings made at the pretrial conference.
- B. After the pretrial order is entered by the Court, the pleadings will be merged therein, and the pretrial order will control the course of the trial and may not be amended except by order of the Court in the furtherance of justice.

**VII. EXPERT WITNESSES:**

No later than forty-five (45) days prior to the Pretrial Conference, Plaintiff(s) shall serve on all opposing counsel and file with the Court a Notice containing the following information regarding each expert witness (including rebuttal experts) who will testify at trial on behalf of the Plaintiff(s): (a) the name and all contact information for the witness; (b) the area(s) of expertise of the witness; (c) the subject matter of the expected testimony of the witness; (d) the substance of the facts and opinions about which the witness is expected to testify; and (e) a summary of the grounds on which each of the opinions of the witness will be based. No later than thirty (30) days prior to the Pretrial Conference, the Defendant shall serve on all other counsel and file with the Court a Notice containing the same information regarding each expert

witness who will testify at trial on behalf of that Defendant. Any expert witness not included on the Notice as provided herein will not be allowed to testify without an order of the Court. **The notice of expert shall include available deposition dates.**

### **VIII. FACT WITNESSES:**

No later than forty-five (45) days prior to the Pretrial Conference, Plaintiff(s) shall serve on all opposing counsel and file with the court a Notice containing the following information regarding each fact witness (including rebuttal witnesses) who will testify at trial on behalf of Plaintiff(s): (a) the name and all contact information for the witness; and (b) the subject matter of the expected testimony of the witness; and (c) the substance of the facts about which the witness is expected to testify- No later than thirty (30) days prior to the Pretrial Conference, the Defendant shall serve on all other counsel and file with the Court a Notice containing the same information regarding each fact witness who will testify at trial on behalf of the Defendant. Any fact witnesses not included on the Notice as provided herein will not be allowed to testify without an order of the Court.

### **IX. DISPOSITIVE MOTIONS:**

All dispositive motions and *Daubert* challenges must be heard no later than fifteen (15) days prior to the Pretrial Conference. Failure to do so may result in a continuance or the trial and/or the imposition of sanctions.

### **X. NEWLY DISCOVERED EVIDENCE OR WITNESSES:**

If new evidence or witnesses are discovered after the pretrial conference, the party desiring to use the same shall immediately furnish complete details thereof, together with the reason for late discovery, to the Court and to opposing counsel. Use of such evidence or witnesses shall then be allowed only by order of the Court in the furtherance of justice.

### **XI. ADDITIONAL PRETRIAL CONFERENCES:**

If necessary or advisable, the Court may adjourn the pretrial conference from time to time or may order additional pretrial conferences.

### **XII. SPECIAL MATTERS:**

- A. Except when ordered on the Court's own motion, no amendments or pleadings shall be granted at the conference which would justify an adverse party in demanding additional time for investigation and further discovery and result in delay of the trial.
- B. If leave is granted for an additional physical examination, such fact shall be stated as well as any time period imposed for the completion thereof. Such additional examination must be completed sufficiently prior to the scheduled trial date so that the trial of the case will not be delayed.
- C. The parties shall complete ALL necessary discovery before the date of the pretrial

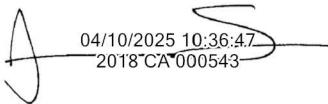
conference and shall be prohibited from carrying on further discovery after the conference unless upon motion or stipulation of the parties or order of Court permitting such further discovery.

- D. The parties shall notify their witnesses of the trial date in sufficient time so that such witnesses may prepare to attend the trial. No continuance will be granted to accommodate witnesses who cannot attend the trial because of tardy notification.
- E. The Court will not consider motions for delay, inconvenience, or other grounds for continuance except those which are provided and mandatory under law. No requests for continuance must be in writing, signed by the client requesting same and must state the specific reason for the request. In the event the Court grants a continuance, the case will automatically be placed on the next trial calendar.
- F. The Court will consider any other matters which will expedite the disposition of the case.

All above requests MUST be in writing and presented to the Court at the pretrial conference.

**FAILURE OF ANY PARTY TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN STRIKING OF PLEADINGS OR STAYING FURTHER PROCEEDINGS UNTIL THIS ORDER IS OBEYED OR DISMISSING THE ACTION OR RENDERING JUDGMENT BY DEFAULT AGAINST THE DISOBEDIENT PARTY.**

**DONE AND ORDERED** in Chambers at Pensacola, Escambia County, Florida.



04/10/2025 10:36:47  
2018CA000543

signed by CIRCUIT COURT JUDGE JAN SHACKELFORD 04/10/2025 10:36:47 gfsfg7dp

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**DUE TO THE NUMBER OF CASES THIS DIVISION HANDLES, IT IS THE RESPONSIBILITY OF THE PLAINTIFF TO NOTIFY MY JUDICIAL ASSISTANT IMMEDIATELY IF THE CASE SHOULD SETTLE.**

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Copies furnished to:

***Pursuant to Administrative Directive ESCAD2021-03, “In cases wherein one party is unrepresented (pro se), it is the responsibility of the sole attorney in the case to serve within five business days this Order/Judgment upon any pro se party who does not have access to and is not a registered user of the Florida Courts e-Filing Portal.”***

Braden K. Ball, Jr., Esq.

*Attorney for Plaintiff*

Marc M. Moszkowski

*Defendant – Pro Se*

**"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact:**

**Court Administration, ADA Liaison  
Escambia County 190 Governmental  
Center, 5th Floor**

**Pensacola, FL 32502**

**Phone (850) 595-4400 Fax (850) 595-0360**

**[ADA.Escambia@flcourtsl.gov](mailto:ADA.Escambia@flcourtsl.gov)**

**at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."**