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 DEFENDANT'S NOTICE OF SYSTEMIC INCONGRUITY AFFECTING DUE PROCESS

COMES NOW Defendant, Marc Moszkowski, and gives notice that he has filed the attached Notice of Systemic Incongruity Affecting Due Process, submitted for inclusion in the Court record in the above-captioned matter.

Respectfully submitted on this 2nd day of June, 2025.

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

M. Moszkowski

CERTIFICATE OF SERVICE

I hereby certify that, on this 2nd day of June, 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.

M. Markowski

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COMES NOW Defendant, Marc Moszkowski, and respectfully draws attention to a published statement found on the First Judicial Circuit of Florida's webpage of the Honorable Judge Jan Shackelford, which reads in pertinent part:

> *"Due to the high volume of civil cases, the Judge does not automatically receive a copy of every motion filed. It is the responsibility of the moving party to set the motion for a hearing. Merely filing a motion will not bring the matter before the Court."*

While no doubt written with the most earnest of intentions, this official

pronouncement raises several points of interest.

1. **On Judicial Workload**

   The declaration that judicial review is conditional on the quantity of pending matters implies a fluctuating threshold of constitutional access to justice. In simpler terms, fundamental rights are apparently subject to legislative budgetary whim, or, as one might put it, "*Justice shall be done, time permitting*."

2. **On Judicial Awareness**

   The avowed policy that a judge does not necessarily read motions unless summoned to do so orally is, though perhaps administratively pragmatic, jurisprudentially puzzling. It would seem to suggest that the written word, with all its advantages of clarity, precision, and evidentiary preservation, is inferior to the truncated theatrics of a rushed oral exchange. As such, the art of legal drafting may be waning in relevance, eclipsed by the courtroom charisma of a Cleaver Greene or his American cousin, Keegan Deane.

3. **On Procedural Paradox**

   Irony takes center stage when one observes that a Motion for Judicial Disqualification—a matter intimately concerning the Judge herself—is

reviewed posthaste, likely within a single business day. Notably, such motions receive priority even when filed without setting. It is perhaps comforting that justice moves swiftly when its impartiality is impugned, though it invites curiosity as to what unseen mechanisms elevate certain filings above the common procedural fray. Could it be that direct *ex-parte* communication from opposing counsel to chambers constitutes an invisible docket, as efficient as it is informal?

4. On the Role of Counsel

When judicial attention is reserved for the 30-minute oral hearing, and only the oral hearing, then the quiet meticulousness of the solicitor becomes dead weight. The thoughtful pleading, carefully annotated and corroborated, gives way to the gladiatorial instincts of the courtroom performer. In such an environment, due process becomes a duel, not a deliberation, and oral persuasion supplants written merit. Justice becomes not blind, but deaf to the written word, if one may be permitted so absurd a metaphor. The result is a kind of procedural jousting match, where—if oral argument is the only permitted forum—Brawn may well best Brain.

5. On the Pro Se Litigant

The implications for self-represented parties are especially severe. If pleadings are not read unless spoken aloud, and access to oral hearing slots is limited, then one is left to ponder whether the courthouse doors are open at all. To file is not to be heard. To write is not to be read. One must, it seems, either secure a barrister of theatrical flair or possess the lungs and rhetoric of a Cicero.

6. On the Separation of Powers

Beneath this practical dysfunction lies a deeper constitutional concern. The inability of the judiciary to read what is written—due to legislative parsimony—is itself a breach of structural checks and balances. The judiciary is rendered voiceless, or rather eyeless, by a legislature that does not fund its sight.

Afterword: On Tone and Reception

Defendant apologizes if perchance his words were perceived as impertinent. He believes they are no more so than the child’s observation about the Emperor’s new clothes. In any case, Defendant may perhaps rest assured that this Notice, not being a Motion, does not require a hearing and therefore need not trouble the Court's

docket—nor, given the alleged financial posture of Plaintiff's counsel, need it concern his reading list either.

WHEREFORE, Defendant files this Notice not in protest but in illumination. It is not the Judge who is respectfully on trial here, figuratively, but the process itself. Let it be known that in this court, motions may vanish into oblivion unless spoken aloud, and that the promise of due process is, for now, subject to availability.

Respectfully submitted on this 2nd day of June, 2025.

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