

**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 MOTION TO ENSURE TRIAL FAIRNESS THROUGH  
RULING ON PENDING MOTIONS, DISCOVERY, AND DUE  
CONSIDERATION OF THE RECORD**

**COMES NOW** the Defendant, Marc Moszkowski, appearing Pro Se, and respectfully moves the Court to ensure the basic elements of trial fairness by:

1. Ruling on pending motions prior to trial;
2. Ordering or clarifying the schedule and scope of discovery; and
3. Providing due consideration to Defendant's evidentiary filings and extensive pleadings, regardless of the Defendant's physical presence.

## **1. Procedural History and Context**

Defendant has participated in this litigation in good faith for seven years, including in State Court, U.S. District Court, and the Eleventh Circuit Court of Appeals. Throughout this time, Defendant has filed more than 4,000 pages of documented, detailed pleadings, motions, declarations, and exhibits. Many of these remain pending without ruling or hearing.

## **2. The Risk of an Imbalanced Record**

If pending motions are left unread or undecided, if no discovery occurs, and if defenses are struck or ignored solely due to physical absence, then Defendant respectfully submits that the trial would not be a contest of facts — it would become an unrebutted presentation of the Plaintiff's narrative.

Defendant does not ask the Court to rule in his favor. He asks only that the Court read and consider what has already been filed before trial. In this case, the core of Defendant's defense lies not in what can be said in a 30-minute hearing, but in the documents already submitted.

*"It is not 30 minutes of speaking time I require, but three hours of reading time — and that reading must be done before trial."*

### **3. Trial Should Be Decided on the Record, Not on a Travel Log**

If Defendant is able to attend, or if counsel is retained, that would not erase the concern that the case may proceed without rulings on core procedural and evidentiary matters. The trial must proceed with:

- a.** Clarity as to which motions have been considered and ruled upon;
- b.** An opportunity for reasonable discovery; and
- c.** Assurance that this Court has reviewed both parties' positions and evidence.

A meaningful trial requires more than presence. It requires process.

### **4. Final Remarks**

Defendant affirms his sincere commitment to make every effort to attend trial in person, should financial or logistical circumstances permit. However, Defendant respectfully submits that attendance alone should not determine the fairness of trial proceedings.

In 2020, while this case was pending in U.S. District Court, Defendant was represented by legal counsel and was financially prepared to travel to the United States. However, a presidential executive order banning travel

from Europe due to the COVID-19 pandemic made personal attendance impossible. Upon Plaintiff's Response to Defendant's Motion to Attend Trial by Videoconference, Defendant was not permitted to testify remotely. As a result, he was unable to respond in real time to testimony and evidence — including documents proven to be forged — and his counterclaims were dismissed, despite having counsel.

This past experience underscores the importance of trial fairness not being conditioned solely on physical presence. Due process is not a function of geography. It depends on the Court's commitment to reading and considering all submitted evidence and arguments — whether the litigant is present in the courtroom or not.

## **5. Affirmation of Good Faith and Willingness to Attend**

Defendant affirms without reservation his willingness to appear at both the pretrial conference and trial if it becomes financially and logistically possible. He does not seek to avoid attendance or responsibility, and he understands the importance of presence in legal proceedings. Defendant has already sworn before the Court that if there is any possible way to attend, he will do so. He now reiterates that oath here in writing: he will exert every effort, within the constraints of his limited means, to appear in person

if circumstances permit.

However, even in the event that Defendant is able to gather the necessary funds for travel, unforeseen events — including governmental restrictions, medical emergencies, *fait du prince*, or acts beyond his control — may still prevent his appearance at the last minute. For this reason, Defendant respectfully submits that trial fairness must rest not on the happenstance of travel, but on the substance of the record and the full consideration of arguments already presented.

**WHEREFORE, Defendant respectfully requests that the Court:**

1. Confirm that all pending motions will be reviewed and ruled upon before trial;
2. Allow for reasonable discovery and clarify the schedule if needed;
3. Confirm that Defendant's pleadings, declarations, and exhibits will be duly considered, regardless of in-person attendance;
4. Allow Defendant to renew his prior request for remote appearance, if necessary, without prejudice.

Respectfully submitted this 4<sup>th</sup> day of April, 2025

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### **CERTIFICATE OF SERVICE**

I hereby certify that, on this 4<sup>th</sup> 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.

