

**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 OF FILING SUPPLEMENTAL STATEMENT ON
THE RECORD OF CONSTRUCTIVE EXCLUSION AND TACTICAL
EVASION**

COMES NOW the Defendant, Marc Moszkowski, and hereby gives notice that he is filing the attached document titled:

**“Defendant’s Supplemental Statement on the Record of Constructive
Exclusion and Tactical Evasion”**

This Statement is submitted to summarize and draw judicial attention to the extensive factual record filed by the Defendant over the course of this litigation, and to highlight the absence of any rebuttal on the part of the Plaintiffs to the majority of those filings.

Respectfully submitted on this 19th day of May, 2025.

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

A handwritten signature in blue ink that reads "M. Moszkowski". The signature is written in a cursive, flowing style.

CERTIFICATE OF SERVICE

I hereby certify that, on this 19th day of May, 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.

A handwritten signature in blue ink that reads "M. Moszkowski". The signature is written in a cursive, flowing style.

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**DEFENDANT'S SUPPLEMENTAL STATEMENT ON THE RECORD OF
CONSTRUCTIVE EXCLUSION AND TACTICAL EVASION**

PREFACE

The volume and frequency of Defendant's filings may be misread by some as disordered or excessive. Defendant anticipates this and understands the risk of such perception. However, each submission has been drafted with care, supported by evidence, and directed at remedying specific omissions or misstatements that persist in the record.

This is not an avalanche of paper, but a reconstruction of truth in the only language this forum allows: filing by filing, fact by fact, page by page. Defendant files not to overwhelm, but to restore balance in a process that

has repeatedly failed to acknowledge substance. If the Court or opposing counsel find this volume disquieting, Defendant respectfully suggests that the issue is not quantity, but conscience.

COMES NOW the Defendant, Marc Moszkowski, and submits this Supplemental Statement to highlight the systemic disregard of factual disclosures and the Plaintiffs' continued pattern of tactical evasion throughout the course of this litigation. Over the past seven years, the Defendant has filed voluminous records, documentary exhibits, declarations, and explanatory narratives that have not been addressed, answered, or even acknowledged by the Plaintiffs or the Court.

Despite nearly 100 filings—including letters to shareholders, accounting breakdowns, correspondence regarding governance, and sworn declarations—the only issue that Plaintiffs have substantively addressed is the statute of limitations.

Even in that context, the Plaintiffs advanced an argument so implausible that it illustrates the strategy underlying their entire posture: they claimed that a Cornell MBA, fluent in English and reportedly also in Portuguese,

was not in a position to understand banking records that plainly included entries such as, *verbatim*:

- “MOTIF: SALARY”
- “PAYMENT OF SERVICES”
- Clearly denominated amounts in “USD”
- Listed exchange rates (e.g., “EUR/USD 1.37200”)
- References to “TOKE OIL AND GAS SA”

This argument is not a rebuttal of fact. It is the denial of reading comprehension itself. Rather than dispute the facts, the Plaintiffs claimed their own Chairman—a Cornell MBA fluent in English and Portuguese—was unable to understand banking records that plainly read ‘SALARY,’ ‘USD,’ and referenced ‘TOKE OIL AND GAS SA’.

By refusing to engage with the factual foundation of the case—while attacking only isolated technicalities—the Plaintiffs have adopted a strategy of silence, hoping to prevail through exhaustion rather than truth.

This statement is submitted to clarify that:

1. The core facts of the case were disclosed by the Defendant beginning in 2017 and filed in federal court as early as August 2018;

2. These disclosures included detailed shareholder correspondence, financial data, and corporate governance records;
3. Plaintiffs have not rebutted any of these disclosures on the merits;
4. The only claim they have advanced is based on a willful misreading of plainly marked financial records;
5. Such conduct reveals not just procedural irregularity but a fundamental unwillingness to participate in adjudication on the basis of truth.

WHEREFORE, the Defendant respectfully requests that this Court take judicial notice of the documented record and the Plaintiffs' refusal to respond to it, and that the case be assessed accordingly—not as a simple contractual or accounting dispute, but as a matter in which facts were systematically erased from the record and replaced with conjecture and pretext.

Respectfully submitted on this 19th day of May, 2025,

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



CERTIFICATE OF SERVICE

I hereby certify that, on this 19th day of May, 2025, a copy of this Statement has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

M. Maszkowski