Mark Anthony Taylor
Kalamata
Billington Lane
Derrington
Stafford
ST18 9LR
1st August 2015
Email: mark.anthony.taylor@gmail.com

Grounds For Appeal Against The Strike Out of Claim for Case **B40BM021**

Background

BaFin, as referenced below, is the German regulator that monitors Deutsche Bank for market manipulation and other possible frauds. Anshu Jain, the first defendant is/was CEO for Deutsche Bank (he resigned during the course of the claim, although he still functions as a consultant for them).

Notes

I cannot afford a transcription of the court recording, and I have no such transcription, so any discourse detailed below should not be taken as verbatim.

Points of Contention

1. The judge never criticized the defendants' evasiveness, dishonesty, recidivism or reticence. The hearing was not adversarial in any sense. **The judge acted as inquisitor from start to end, and as echo-board for the defendants.**
2. Anshu Jain applied for the oral strike-out hearing dated 16 July 2015. As applicant and defendant who had issued a bare denial, and whose team were evasive in answering my *notices to admit facts*, I demanded that he and his witness, Emma Slatter, attend the hearing for cross-examination. The demand was made by email to Jain's solicitors and a copy was also delivered to the judge. Neither individual appeared in court. The strike-out hearing was allowed to continue on the bare denial and absence of all useful witnesses. This is normally a recipe for summary judgement. **We were not equal before the law as I could not cross-examine the applicant or his witness as I had demanded.**
3. The judge told the court that the bare denial defences the defendants had filed ('bare denial' being the literal wording of the first and second defendants) were not actually filed, with the defences deferred until the strike-out application was heard. This was an ambush that undermined my arguments in the replies to the defendants, and an ambush delivered by the judge. It was contrary to the the signed documents that were filed as defences by the defendants. The judge had both deliberately misrepresented the defendants' defences and then gifted them with a protection from the defendants exhaustive CPR 16.5 violations. **The judge provided an ambush defence for the defendants. The judge had also freed them from having to plead facts to serve as the basis for a proper strike-out application.**
4. All of the points of the defence consisted of legal precedent and procedure rules with no material pleadings. Since my pleadings contained facts, I was the only one who was vulnerable to contempt for dishonesty. The applicants, not providing a material pleading, had nothing to lie about. Again, **we were not equal before the law, as the applicants were not liable for dishonesty, and I was.**
5. The defendants' lawyers spent more than two hours discussing precedents. In the evidence bundle there were fifteen precedent cases. Consider that I had approximately seven days to prepare for eight defendants with seven skeleton arguments and seven witness statements between them and I am self-represented: I have no legal team. Is it appropriate to argue to strike-out a claim using fifteen precedents? Any use of precedent must show analogy and context and so each precedent could/should have been given a hearing in itself. The judge claimed it was acceptable to conduct a strike-out hearing on complex arguments of Law. **Inappropriate depth and complexity for strike-out criteria and use of complexity in a concentrated time period as a psychological weapon.**
6. After I served the claim, the defendants were found guilty of misleading financial regulators from Dubai and the UK during the regulators' investigations for market manipulation. To inform the court of these developments, and also to confirm that the allegations by the regulators were uncontested, I issued three notices to admit facts. In

my PoC I alleged that the first and second defendant has misled BaFin with a fake audit and were guilty of market manipulation. The parallels were indisputable. The judge called the notices to admit facts vexatious, when in fact they were probative and created liability. **Transparent dishonesty by the judge to protect the defendants from legal liability in parallel crimes.**

7. Emma Slatter's witness statement for Jain, was nothing more than a lecture on precedent and procedure and the philosophy of inference. There was nothing in that witness statement to indicate what it was she actually witnessed. Jain had provided no witness statement of his own. The judge knew Slatter was in a position to establish whether the bank's gold manipulation audit was fake or genuine, and knew that Jain was in the same position too – as CEO, and the judge did not care that neither of them would admit or deny that the audit was fake, nor provide any evidence to show it was more than a press release. **The judge allowed the defendants to be evasive and obstructive when challenged on the key allegation, thus assisted the defendants to avoid liability for *conspiracy to commit fraud*.**
8. The judge ignored my demand that the defendants disclose a Libor rigging report that would be highly detrimental to their own credibility. The defendants seemed to know in advance that the judge would not be disapproving of them for refusing to disclose a document in the evidence bundle that would discredit them. **Judge allowed defendants to avoid critical disclosures that discredited them.**
9. The judge refused to recognize any data that discredited the witnesses, even when it came from regulators' findings, which was contrary to his assertion that it was not the court's duty to expose market manipulation. **Judge abused precedent and rules of procedure to ensure no evidence could ever be admissible and no argument valid – unless it came from the defendant.**
10. The judge in the summation denied key evidence of a fake audit was included in the evidence bundle. Why was this not said at the start of the hearing? Since the defendant had argued in a way that demonstrated the evidence had been considered, the allegations of an omission were irrelevant, and the fact was that *people who could easily validate the audit refused to provide evidence for it.* **The judge was either disingenuous or disinterested in seeing the evidence that would establish the key allegation against the defendants was true.**
11. The judge also repeated the defendants' claim that the sales and purchase receipts were not particularized. This was addressed in the the replies to the defendants, which the judge claimed to have read (since he claimed to have read everything). In the reply I made it clear all defendants had access to Deutsche Bank's trading records with me, and had neglected to obtain the records from Deutsche Bank, which implicates all defendants in conspiracy to commit accounting fraud. **The judge ignored the very serious possibility that Deutsche Bank have fraudulently destroyed receipts in a time when Deutsche Bank are publicly accused of defrauding its own clients and laundering Russian Mafia money.**
12. The latest claim I made uses more evidence than the previous two claims, since it addressed pertinent regulator reports that were released after the earlier litigation was written. It is also a claim against different materials. So neither the evidence, nor the materials match. It was not a vexatious repetition. It also provides the mechanism of gold price manipulation – 'Taking out the filth' – as exposed in the FCA's report against HSBC for Forex manipulation **The judge was intent on proving vexatiousness, for the obvious purpose of filing a restraining order against me to stop me exposing the defendants' market manipulation.**
13. I made serious allegations against the lawyers for HSBC of perjury - that they had denied wrongdoing in a pre action phase, while admitting to wrongdoing to the FCA at the same time for a reduced fine (for FX manipulation), and these allegations were never mentioned, nor did the judge ask me to apologize for them. The pattern was repeated in HSBC's defence and explained in my reply to that defence. The judge claimed to have read all materials before the hearing. **Allegations of perjury ignored by judge.**
14. I accused the lawyers of being collusive, against their solicitor's code of conduct. The judge had no issue that competing businesses with a history of market manipulation assumed each other's innocence. If Deutsche Bank were manipulating the market in which Citigroup trades, then Citigroup, if they were honest, would want to see Deutsche Bank's

audits in that market, especially when the very substance of that audit is challenged. **Fake naivety by judge.**

15. In the course of the hearing, the judge, in liaison with the third defendant's counsel, called my demand to cross-examine defendants and witnesses vexatious and used it in part to justify a civic restraining order. I had never cross-examined anyone before. I never cross-examined anyone in the hearing. I have never cross-examined anyone after the hearing. I have never cross-examined. **The judge's argument was irrational and assumed vexatiousness to prove vexatiousness. The judge used precedent and procedure rules to reason away my human right to cross examine the first defendant who had applied for the hearing so that the first defendant would not become liable under cross examination for frauds he had obviously committed.**
16. So I face a defendant who cannot be cross-examined orally or in writing, who pleads a bare denial, who fails to turn up for the oral hearing he applied for, who is accused by BaFin of providing false Libor reports to the Bundesbank, who does not answer the basic allegations of audit rigging, who knows the answers, who has resigned in disgrace, and whose advocate is called Judge Simon Brown QC. **A political favour to a defendant at the heart of the Libor manipulation cartel.**
17. The judge near the end of the case asked me why I thought the case should not be struck out. This seemed to me a reversal of the burden of proof for a strike-out application. So I answered that it was *plausible*. The judge just repeated his words. **Stonewalling and reversal of burden of proof.**
18. The judge's refusal to give his permission for an appeal and his restraining order are patently obstructive so that I cannot pursue a rightful claim against the defendants for market manipulation. There are over 1000 lawsuits against Deutsche Bank as a result of liabilities exposed following the regulator findings. **Discrimination against LiPs**? Or are they all vexatious?
19. The judge's ignorance of EU Competition law & the Enterprise Act of 2002 were apparent and he was in no position to judge a market manipulation lawsuit. It was left for me to address one of Citigroup's contentions, that I had identified an incorrect subsidiary of Citigroup in serving the claim. The judge was also unable to explain why there were no arrests for Cartel Offence, when the defendants had all been found guilty for cartel fraud. **The judge was ignorant of the laws appropriate to the claim, or just refused to apply them.**
20. I have sued the two CEOs of Deutsche Bank for market manipulation. Both have now resigned as a result of the liabilities for market manipulation that destroyed their bank's profits. The lawsuits were not fanciful, they were prescient. **The judge's claim that the lawsuits were meritless is counter to regulator findings and other similar lawsuits, in which defendants have settled.**
21. The judge denied *cause of action* while ignoring all evidence and being ignorant of competition laws. **He was either not fit to judge a cause of action or he was not honest enough to say if there was one.**
22. The judge was patronizing at the end, telling me the civic restraining order was for my own benefit. Which it clearly was not, because it prevents me from suing market manipulators for market manipulation which destroyed the value of materials I sold in the markets they manipulated. **Gaslighting.**
23. After the hearing, I emailed Elke König, the former head of BaFin, who was in charge during BaFin's investigation of Deutsche Bank for gold price manipulation. I asked her personally if she knew Deutsche Bank's internal gold manipulation audit had any more substance than a press release, and if so, which CEO of Deutsche Bank led it. Her answer to an 'innocent' question was completely evasive. **Even BaFin's former CEO will not deny the audit was fake.**
24. Libor manipulation was the most serious fraud of all time, that is if it is not eclipsed by FX manipulation – which remains to be seen. Anshu Jain, then, if he did mislead the Bundesbank, must stand as one of the worst fraudsters of all time. **Any individual who assists Anshu Jain avoid liabilities for his misconduct should face charges of conspiracy to pervert the course of justice and conspiracy to commit fraud.**

I, Mark Anthony Taylor, believe everything in this document to be true.