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Skeleton Argument For Appeal To Court Case B40BM021

1. I believe that the judge was wholly biased to the point of having decided the verdict of the hearing before having reading any documents. He seemed to serve merely as the echo board of the defendants. With the official transcription of the judgement it should be easy to prove my case. All but the first defendant were banks that have been found guilty of multiple counts of serious frauds. The first defendant, Anshu Jain, recently resigned from Deutsche Bank after that bank's profits have been annihilated due to fines and litigation. One might expect an honest judge to have been tough on the recidivists, or at least suspicious. With a proven history and culture of fraud across many markets, and with markets inter-related, such as FX Futures being determined by IBOR rates, and FX rates determining precious metal prices in Europe, precious metals being denominated in US dollars on the global market, any judge worth his salt should have thought an accusation of market manipulation in a given market already had the burden of proof on its side.
2. The judge and the defendants' counsel indicated many legal arguments and precedents against the case I pleaded. I am no expert on tort law but the first issue is not whether the claim was legally founded, but whether the key allegation in the claim was true – and its truth leads directly to the fraud of market manipulation. Given the defendants' guilt, their legal objections would probably be irrelevant anyway, as most of the objections were against the quality of my inferences that led to a deduction of guilt.
3. While the judge and counsel sneered at my use of the word *deduction*, such a word and its synonyms are not outlawed by CPR rules. *Deduction* is not synonymous with *fanciful*. Pythagoras' theorem is deducible from the axioms of Euclid, are we to expect that Pythagoras' theorem is an unlawful submission in a court of law, while the axioms of Euclid are perfectly acceptable? Likewise *theory* is not the antonym of *fact*. Facts in a court of law could be construed as postulates, the truth of which is determined by the trier of fact, irrespective of the truth-value asserted by their advocates. Since the postulates may compose the elements of

theory, it should be obvious that theory is just another name for claim. Philosophy and jurisprudence did not seem a strong point of the judge. So while the Particulars of Claim may be formulated in an unorthodox lexicon and grammar, the document was never beyond the judge or the defendants ability to comprehend, and assertions that it makes unsubstantiated claims, unparticularized or too difficult to understand are infantile and fictitious. The defendants were accused of market manipulation, faking audits, cartel fraud. These accusations are easily understood and the defendants have all paid a price for such crimes only recently. The defendants stonewalled the Particulars of Claim by use of tired generalizations.

4. Following the hearing I emailed Elke König, the former director of BaFin, who was in charge of BaFin's investigation of Deutsche Bank for gold price manipulation. I asked her whether she had seen evidence of the audit, and if so, which director of Deutsche Bank had led the audit. Her reply was evasive, and it demonstrates that nobody who knows anything about that audit will deny that it was fake, or provide any evidence to show it had substance beyond that of a press release. BaFin's audit of Deutsche Bank was meant to be public.
5. I specifically asked the judge, by email, that I intended to cross-examine the first defendant, Anshu Jain and also Emma Slatter, who provided a witness statement on Jain's behalf. Materials accidentally disclosed by Linklaters, Anshu Jain's solicitors, revealed that Emma Slatter was in some senior role in Deutsche Bank and thus in a position to gather resources to prove whether the Audit was fake or not. Thus her arguments on jurisprudence and precedent in defence against my allegations of a fake audit were mere evasion. If the audit was genuine she could have supplied the court with a paper trail - and shown that it had real substance.
6. The judge ignored my demand for the witnesses to attend the hearing. clearly this was unfair, and he later explained that such requests were vexatious. So he assumed vexatiousness, with the result that I could not demonstrate the merits of the key evidence and rendering my position impossible. Thus the violation of Article 6 of the Human Rights act was not a slight issue, it was crucial in preventing me from extracting a witness dialogue that would have exposed a fake audit and thence market manipulation fraud conducted by Deutsche Bank AG who have offered nothing, but a bare denial.
7. At the start of the hearing the judge informed me that the defendants have not filed a defence, and would do so following the application to strike out the claim. This was simply not true, as is seen in

the defendant's defences that they filed. The first and second defendant clearly filed a bare denial. HSBC and UBS failed to file defences, on the grounds that they disagreed with the manner in which the claim was served. HSBC's witness statement came very late, after the last day for filing a defence had passed. The other defendants filed defences that were also bare denials and mirrored those of Anshu Jain and Deutsche Bank. This meant that all my replies to the defendants were made irrelevant, as the replies were argued on the grounds that bare denials yield CPR 16.5 violations. I guess the judge thought I was quite right, so retrospectively reinterpreted the defence, on the defendants' behalf and removed the failing. The first and second defendants used the words 'bare denial' explicitly in their defence, and this was odd to me: it seemed they wanted to invite summary judgement.

8. The judge did not care that Deutsche Bank, having already been found guilty of conspiring to commit the most serious fraud of all time, Libor rigging, was possibly guilty of precious metal market manipulation with the evidence before him in his own court.
9. The judge called my notices to admit facts vexatious, even though there only three of them, they only asked a few key questions, and they only referred to disclosures in regulator reports that emerged after the claim was served. I only referred to market manipulation of financial instruments that were manipulated using techniques I alleged were used to attack precious metal contracts. The parallels were clear. Even if the parallels were lost on the judge the regulator findings can still be used to discredit witnesses.
10. The key argument I used - that one cartel with one set of manipulation techniques used it in three different classes of markets - so that findings of guilt in one market imply plausibility of guilt in others were ignored, and the judge kept asking what the relevance was of regulator findings. Regulator reports all refer to a culture of fraud. The technique 'taking out the filth', as documented by the FCA reports for HSBC's Forex manipulation, allows distortion of many classes of financial instruments. In the skeleton argument I gave the court, I particularized the technique in the form of an algorithm, so that it was undeniable the banks are in a position to manipulate precious metal prices merely by sharing client data, which they had done in cases of FX manipulation. The judge did not care that such a mechanism could clearly manipulate the market I accused the defendants of manipulating, when the defendants have a proven history of recidivism,

to the point of a culture of fraud.

11. I had also demanded a confidential BaFin report be added into the evidence bundle that would have seriously undermined the credibility of the first and second witness, and also all of the remaining witnesses. This was dynamite – the report alleged that Anshu Jain had supplied the Bundesbank with false Libor statistics. This report was kept from the Bundesbank for some time, so exposing the German central bank to mispricing of its own financial instruments. Even if the allegations were not correct, the Bundesbank should never have been allowed to trust Anshu Jain implicitly. If the allegations in the report were true then the first defendant would be responsible for consolidating false Libor data from across Deutsche Bank, which would mean that *every Libor audit at Deutsche Bank would have to be faked on the orders of Anshu Jain*. Thus making it very credible that a fake gold manipulation audit was the smoking gun proof of gold price manipulation and Anshu Jain was personally responsible. His reticence makes such a conclusion inevitable.

12. The current head of BaFin, Felix Hufeld, has denied that the internal report substantiated the claims against Jain. But consider that the report was written by field agents, and the disclosure of the confidential report was highly embarrassing to Herr Hufield, as it meant Bundesbank were left ignorant of BaFin's doubts of Anshu Jain's integrity. The field agents were just spelling out the obvious – with Deutsche Bank's history of Libor manipulation, which went as far back as 2008, and with IBOR rates a measure of banking solvency, since they are a default metric, any executive with a knowledge of Deutsche Bank's sub-prime issues would have known Deutsche Bank was understating its borrowing costs.

13. With BaFin having failed to identify FX manipulation by Deutsche Bank, even though Deutsche Bank was market dominant in FX trading until it was recently pipped by Citigroup, and FX Futures are dependent on the Libor rates that Deutsche Bank rigged, it should be evident that BaFin are failing to do their duty. Together with the confidential Libor rigging report that should have been public, and the evasive response of its former CEO with regard to Deutsche Bank's internal audit, the failing is plainly systemic. BaFin, rather than exposing liabilities, exists to mitigate them.

14. The judge asserted it was the regulators' job to discover fraud, and not the court's job, while at the same time ignoring the fact that the BaFin report was confidential, and allowed Anshu Jain to have misled the Bundesbank over an extended period of

time. The judge also ignored the frauds identified by the regulators, which meant no evidence was accepted, and no argument was valid. What he meant was that if you use enough precedents and rules of procedure, you can find a reason to discount everything...and he did.

15. The judge had ignored my demand for disclosure of the BaFin report into the bundle, but did allow me to summarize the allegations I believed lay within it. It did not compel him to insist the first and second defendant plead for the authenticity of the Audit. This was stonewalling.
16. In the claim, all my arguments were backed up with material pleadings, thus making me legally liable in the belief statement while those of the defendants were all legalistic, with no plausible legal liability, thus we were not equal before the Law. I pointed this out to the judge, but he shrugged it off - it was no matter to him.
17. It was more important for the judge that documents use double spacing than defendants provide an admission or denial or counter-evidence of the key allegation.
18. All of the remaining defendants had previously been fined for Libor manipulation and their role exposed in the FCA's Libor rigging reports. If the BaFin report's allegations were correct, it would explain why every defendant had apparently blind faith in the first defendant's bare denial. - 'You don't snitch on Mr Big.'
19. The damning BaFin report is publicly reported by the Wall Street Journal on the 17th of July 2015, the day after the hearing, the WSJ then goes on to publish the report! If only the hearing had been held a week later, I could have included the report in the evidence bundle myself.
20. The judge also quoted the verdict verbatim from my previous court case against Jürgen Fitschen, now indicted for fraud and perjury. The contention I had with that case, that its Frankfurt judge unlawfully procrastinated to obstruct the claim was ignored. The evidence I gave, which showed that the claim took 8 months, in comparison to the 3 months small claims normally take, was dismissed on the basis that some date stamp in the evidence seemed incorrect. Again, this was an issue for the defence, and I was not allowed to contest it, or provide any evidence to correct what may have been a typing error, or misunderstanding. The judge had clearly used the earlier verdict to justify a restraining order, and purposely ignored the issues I raised against that verdict. If the judgement was so critical for the judge, he should have wanted to analyse it

forensically, not taken it at face value. The allegations that the former verdict were perverted by the German judge and Herr Fitschen were serious. Fitschen's arrest for perjury is too incriminating for the verdict to be taken for granted. That I had to threaten the Frankfurt court with an invoice for procrastination to have the case advanced was ignored.

21. Consider also that Jürgen Fitschen resigned from Deutsche Bank, as a result of that bank's losses due to litigation for market manipulation. Given that he didn't make any effort to substantiate the audit I alleged was fake, is it any wonder I went on to sue his bank?

22. The second lawsuit was a European Small Claim Procedure against a number of defendants, but it ended up delivered by the courts to HSBC alone. After the verdict of that case, HSBC admitted guilt of FX market manipulation to the FCA, and paid a fine for market manipulation. The judge never heard of ESPCs, and yet trusted its processes implicitly. As I explained in the court (to a deaf judge), the claim was originally against a number of banks, but only ended up being served to HSBC, who insisted the court had failed to deliver the Particulars of Claim. I had then later served a new version to them by email, so I ended up having to remove the key evidence against Deutsche Bank, which castrated my cause of action. HSBC were later fined for FX manipulation, an allegation I made against them in the claim. Again, am I being so vexatious, if the defendants admit guilt AFTER I make my claims in associated markets.

23. I never actually received the results of the ESPC claim, and it seemed to roll to a stop, so I stopped pursuing it. I did email the courts a number of times to ask if I owed a fee, but never received a reply.

24. Deutsche Bank has over 1000 lawsuits against it for market manipulation, yet my allegations, which are proven with correspondence, rather than statistics, is unfairly singled out as vexatious. I admit that it was not written in a professional way, as I am a LiP and cannot afford representation, and have no legal advice, but it should not be an automatic failure for a LiP to pursue a market manipulation lawsuit. If LiPs are expected to fail, then why allow them? Token redress for the poor for enrichment of lawyers at the public expense?

25. The third defendant's counsel Alexcia Knight, petitioned to have my notices to admit facts and petitions for cross-examination to be considered vexatious for the purposes of generalizing a restraining order. Even in its present form, I

believe that the order of the court violates TFEU 107.1, by giving the defendants unfair State Aid, in the form of immunity to litigation for market manipulation. I feel it is also libellous and deserves remedy.

26. The judge adduced an allegation in the summary - that the correspondence to which I referred was not supplied in the hearing. Now this argument, I believe, was not supplied by the defence. If it was true that the evidence was missing from the evidence bundle, and the existence of the evidence denied, the defendants would have said so, and I would have objected, and having found it missing, would have offered to send more copies of the evidence in a second hearing, including email credentials that proved it was also delivered to the courts, the SFO and the FCA by email months before. Not being raised by the defendants, only by the judge in the summary, I was in no position to object or cross-examine, as the judgement was done. Since the judge has not given me permission to appeal and labelled me as vexatious, it means it is hard for me to raise the matter again. If the verdict relies on the fact that evidence was missing, I should have been given the right to appeal by adducing the key evidence in an appeal. **Or it should have been said at the start of the hearing.**

27. Now that the BaFin report is public, with an English translation part of the appeal bundle, we can see why the first and second defendant were loathe for it to be included in he hearing. The 37 pages of that report are a catalogue of Anshu Jain's failing to provide proper audits against IBOR manipulation, which he knew were trivial to manipulate. Faced with this documentation the court can see the defendants have absolutely no credibility in organizing any kind of substantial and honest audit.

28. I had accused the defendants in the replies to the defence (point 9 of the Common Elements in the Replies to the Defence) of incriminating themselves in accounting fraud – of having destroyed accounting receipts for bullion transactions at Deutsche Bank over-the-counter trading. During the hearing it occurred to me that the latest findings against Deutsche Bank, that it had laundered Russian (Mafia?) money, was a possible reason why they have destroyed receipts. If the Russian Mafia wanted to launder money, then doing so through bullion is an obvious intermediate, as bullion can be melted down and all evidence of its origins destroyed. It would be a possible reason why the bank has destroyed its gold trading receipts. The judge dismissed the explanation as irrelevant the moment I mentioned Deutsche Bank's money laundering. He had no intentions of forcing the defendants to testify about their guilt in such matters. This was yet another example of judge acting as advocate. The objection of relevance was his alone, and not that of the defendants.

29. Conclusion: Judge Simon Brown QC conspired with the first and second defendant to help them hide the fact that the gold manipulation audit was no more than a press release. In helping to withhold the BaFin report, in violating my rights to cross-examine key witnesses who called for the oral hearing, and in adducing evidence on the behalf of the defence, as well as giving the defendants a workable defence, it should be taken that the course of justice was totally perverted. He never had any intention of finding against the defendants, and was deliberately obstructive, to the point of stonewalling any useful discourse. A good judge would have forced the defendants to provide evidence for their audit or go to jail for contempt. He did everything he could to protect them from testifying in any shape or form. **The verdict was corrupt.**

I, Mark Anthony Taylor, believe everything in this statement is true.