



IN THE COURT OF APPEAL, CIVIL DIVISION

REF: A2/2015/2818



Mark Anthony Taylor -v- Anshu Jain (CEO of Deutsche Bank & Ors)

ORDER made by the Rt. Hon. Lord Justice Burnett

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal against the decisions of HH Judge Simon Brown QC of 16 July 2015

Decision: Refused, as being totally without merit and the applicant may not request the decision to be reconsidered at an oral hearing.

Reasons

The applicant believes that Deutsche Bank, its Chief Executive and the other financial institutions named in these proceedings conspired to manipulate the price of precious metals. He dealt in precious metals. The materials before the judge showed that he made a loss of about \$57,000 US in some of his trading. His claim was for £1,000,000 made up of damages for stress, punitive and aggravated damages. He considered his actual losses to be incapable of calculation. For that reason there was no attempt to particularise any financial loss attributable to the alleged conspiracy. The alleged conspiracy extended, on the applicant's case, to regulatory authorities across the globe (including central banks) and governments. He sued unsuccessfully in the German Courts in respect of the same core allegations. His claim failed and was described as being "without merit". He suggests that the judge in Germany was corrupt. He has embarked, in his own words, on "a campaign which is designed to shut down the global economy". For the most part his particulars of claim are directed towards assertions that the banking industry, central banks and regulators are engaged in fraud and manipulation.

Each of the defendants caused statements to be lodged in support of their applications to strike out the claim. At the heart of the arguments advanced were the straightforward propositions that the claim was based upon assertion after assertion to support the conspiracy which, when subjected to even superficial scrutiny, fell apart. Furthermore, that the claim as formulated was without legal foundation because there was no particularised claim for loss; and the nature of the wide-ranging and diffuse allegations made it impossible to respond to them.

The focus of the grounds of appeal against the orders made by the judge striking out the claim, costs and the ECRO, is an attack upon his integrity. This is a common theme of the conduct of the applicant. I have referred to his response to losing the action in Germany; but a similar attack was also made on Haddon Cave J who dismissed various applications made by the applicant in parallel proceedings.

This proposed appeal stands no prospect of success whatsoever. The judge was right to strike out the claim for the reasons relied upon by the defendants in their evidence, which were largely adopted by the judge. I would add that the claim is the plainest abuse, not only because it seeks to re-litigate the German proceedings, but more straightforwardly because its underlying purpose is not to recover damages for any losses which the applicant may have suffered as a result of the alleged conspiracy, but to pursue a collateral general attack upon, in truth, the world's financial institutions. It is no more than a tool the applicant seeks to use in support of a campaign.

The ECRO was a proper response to the proceedings.

I have not overlooked the press reports which the applicant has produced which post-date the decisions of the judge. But in my view, they carry him nowhere.

Information for the parties: This decision is final.

Where the Court of Appeal refuses permission to appeal without a hearing, it may, if it considers that application is totally without merit, make an order that the person seeking permission may not request the decision to be reconsidered at a hearing (see CPR 52.3(4A)(a)). Such an order has been made in this case. The appellant is therefore unable to request that an oral hearing be arranged.

The application for permission to appeal to this Court has been refused. No appeal may be made against this decision to the Supreme Court of the United Kingdom: see S54(4) of the Access to Justice Act 1999.

The Parties have exhausted the domestic appellate process.



MARR ANTHONY TAYLOR

Signed: *Jan Burnett*
Date: 07 March 2016

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By the Court

HSBC PLC

and

CLAYTON KINGSLEY

LAB 43

and

CLAYTON KINGSLEY

and

ROYAL BANK OF SCOTLAND GROUP

ORDER

Order to

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