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Mrs S Murrell of the JCIO,

Regarding ref 22093/2015, thank you for your constructive response. I want to distinguish the matters that should be considered by the appeal court, and the matters that are more the jurisdiction of the JCIO. For this purpose I studied the **Equal Treatment Bench Book** which seems to spell out conduct expected of judges. This was found at:

https://www.judiciary.gov.uk/publications/equal-treatment-bench-book/

Within this book is a subsection for Litigants In Person to which I will refer later:

https://www.judiciary.gov.uk/wp-content/uploads/JCO/Documents/judicial-college/ETBB_LiP+_finalised_.pdf

On the first point I made, that the judge allowed the defendants to overwhelm me with an unfair burden of work, I will try here to assist you with particularization of that matter:

1. I received a Notice of Hearing dated 13 May 2015 which followed a listing request from the defendants and set the hearing for 16 July 2015.
2. On 9th July 2015 I received an email version of the evidence bundle from the defendants. This was 7 days before the hearing and included 15 precedent cases.
3. Following the evidence bundle, within 48 hours came 7 witness statements (1 of which was shared between the first and second defendant), and 7 skeleton arguments. So on each of the seven days before the hearing, I had to prepare arguments against one witness statement, one skeleton argument and 2 precedent case histories.
4. At the very start of the hearing a fat version of a precedent case was substituted for a thin one, so I had absolutely no time to prepare arguments against it. This substitution came with the permission of the judge.
5. I had demanded that the first defendant and all defendants' witnesses be subject to cross-examination – that is, turn up for court. The demand was sent to the defendants on the 3rd of July 2015 by email. The demand was reiterated by email on the 8th of July along with an email copy sent to the courts. Representatives for two of the key witnesses, Daniel Chumbley of HSBC and Anshu Jain of Deutsche Bank, had contested my demand for their attendance in writing.
6. On the 13th of July I emailed the court to ask for witness statements to be struck out in which witnesses refused to appear in court, which is a normal procedure, usually if you do not turn up for an oral hearing to validate your witness statement, then it can be struck out by demand. I made it clear to the court I needed this to be done in advance of the hearing so that all parties could better prepare for the hearing. Naturally I did not want to spend time researching precedent cases should defences in which the precedents by stated be inadmissible due to absent witnesses.
7. I explained exactly why I needed to cross-examine the first defendant in an email to the court dated 15 July 2015. While this was close to the hearing, I felt it necessary because I had exactly zero feedback from the court regarding my demand for attendance of witnesses.
8. I also asked the court on the 14 July 2015 that the defendants face contempt charges for

refusing to disclose the BaFin report (the report specified in the Grounds For Appeal) . I asked for an interim judgement, expecting the judge to nudge them to disclose it. I had repeatedly emailed the court expressing the need for this document.

Now following the *Equal Treatment Bench Book* on *Litigants in Person:*

Section 39: Sometimes litigants in person do not understand the role of case law and are confused by the fact that the judge or tribunal appears to be referring to someone else's case.

a) *A brief explanation of the doctrine of precedent will enable a litigant in person to appreciate what is going on and why.*
b) *A represented party's lawyer should be told to produce any authorities to be relied on at the latest at the outset of a hearing and preferably, if there has been a case management hearing at which appropriate directions can be given, in advance of the hearing.*
c) *litigant in person must be given proper opportunity to read such authorities and make submissions in relation to them.*

Judge Simon Brown and the defendants failed section 39 on these three points:

a) There was never any explanation on the doctrine of precedent. While not something I consider serious, since I understand precedents to a reasonable degree, it is noticeable that the judge made no effort at all to help me address precedents in a lawful way.
b) 15 precedents within 7 days of preparation is clearly abusive, and the defendants made sure I had no adequate time to research the precedents and construct counter-arguments against their applicability. The judge failed to instruct the defendants to supply precedents at the earliest opportunity.
c) …. and the judge should never have allowed this many precedents for a single hearing. It is discrimination against a LiP, and as I said in my email to the court, I was near my limit of physical and mental exhaustion, I also stated in the Particulars of Claim - all of which the judge claimed to have read – that I am of ill health. I am currently on ESA benefit for stress, anxiety, depression and chronic fatigue. I believe that precedents were used as they were as a psychological weapon, as much as anything else.

In themselves these three violations might just tell of a neglectful judge. But consider also:

The judge in the hearing declared that *my notices to admit facts and my demands to cross examine witnesses were vexatious,* without explanation. This violates 48b *Equal Treatment Bench Book* on *Litigants in Person: If you are doing something which might be perceived to be unfair or controversial in the mind of the litigant in person, explain precisely what you are doing and why.* There was no explanation why these were considered vexatious. Vexatious can mean annoyingly repetitive – but I have not cross-examined anyone before,. It can also mean without merit, but my cross-examination had merit – it was there to test whether Deutsche Bank's bare denial stood up to scrutiny. It was preposterous to declare intent to cross-examine vexatious, and a violation of 48b not to explain why.

The fact that the judge did not give me any indication, in advance of the hearing, of whether defendants would be punished in the hearing for not having their witnesses turn up, or not disclosing material detrimental to their defence tells me the judge had determined such requests were vexatious *in advance* of the oral hearing. This meant he had already made critical decisions without listening to both sides. This is partly why I considered the judge had determined the verdict in advance of the hearing – in which case I am burdened with unnecessary costs. If I was going to lose in any case, because the judge had decided to strike-out the claim whatever, then why let it go on and expose me to unnecessary costs. If he believed the claim was plausible, and was worth a hearing, then he should have wanted witnesses to appear to test that plausibility. The simple

explanation is that the judge did not want to admit the case had been determined in advance of the hearing, and that cross-examination and notices to admit facts were just an embarrassment to his intent to find against me. This is patent bias and goes far beyond bigotry.

Now it may be argued, that having read all the documents, he was in a position to make a verdict in advance of the hearing – but he had not read the BaFin document, because the defendants had not disclosed it. He had thus chosen to form an opinion based on deficient evidence, which he knew to be deficient and allowed to be deficient.

Now consider 48c *Equal Treatment Bench Book* on *Litigants in Person: Adopt to the extent necessary an inquisitorial role to enable the litigant in person fully to present their case (but not in such a way as to appear to give the litigant in person an undue advantage)*

By not caring what Deutsche Bank were accused of, and having no real intent of identifying whether frauds had been committed as I alleged, he singularly failed to act as inquisitor towards the defendants. If you follow the transcript of the recording, you will see he never quizzes the defendants on the issue of a fake audit. He never quizzes them on any issue of market manipulation. He was completely disinterested in regulator findings. That is simply not the behaviour of an honest judge – and you don't need any legal training to understand that. The defendants have given a bare denial in response to allegations of faking an audit, and the judge did not even ask to see evidence of that audit. He did not even ask them to deny the audit was fake as a particular pleading.

These are matters of judicial conduct and should come within the jurisdiction of the JCIO. I made many requests to the court for clarification of proceedings before the hearing, and all were ignored. The defendants behaved as if they knew the outcome of the hearing in advance – as if they have been told of things that were withheld from me - such as how the judge would have treated absent witnesses. This is clearly not just a breach of etiquette, but corruption. Normally the only time a respondent is refused permission to cross-examine an applicant is in the case of a sex crime - in which the applicant is the victim. Well this is a fraud trial against banks that have been found guilty of the type of fraud in question, market manipulation, and the field agents of BaFin, the German regulator, are accusing the first defendant of having masterminded Libor manipulation fraud. The only logical reason that a judge would grant them effective immunity to civil action is that they are deemed politically untouchable, either that or the applicants bribed the judge. Whatever, the judge violates his judicial oath, bank executives are not immune to litigation, and they are not above the law. This is why I say the verdict was a political favour. The number of points of legal misconduct, and the contempt the judge showed to me implies no other explanation.

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. An exposition is found at http://www.bloomberg.com/news/articles/2015-08-03/deutsche-bank-said-to-be-probed-by-doj-on-russia-mirror-trades .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 trading receipts. As I tried to point this out the judge cut my argument short. This seems to me a transgression of 45h of *Equal Treatment Bench Book* on *Litigants in Person: The golden rule is that only one person may speak at a time and each side will have a full opportunity to present its case.*

Later in the verdict the judge whitewashed my accusations of accounting fraud - asserting

that I had not particularized my receipts. I had in the *Particulars of Claim point 21d* given permission for all defendants to validate my transactions with Deutsche Bank, the second defendant, and gave them a Deutsche Bank account number for that purpose. That they then failed to demand such receipts from Deutsche Bank was the grounds for my reasoning that they had conspired to commit accounting fraud. Why would any honest defendant not ask their co-defendants to check that the claim was not an obvious fraud. By dismissing this accusations *as not particularizing my receipts* the judge had allowed them to escape the allegation. This was a defence introduced by the judge himself, and is probably the worst example of a judge acting as an advocate not as a judge. This suggests to me he had communicated with the defendants on the matter and arranged some excuse for them so they would not address the allegation.

This may seem a leap of inference, but the fact is the defendants are meant to be competing businesses – yet they all form a collusive defence that assumes each other's innocence. Given that they trade in the same market, which I alleged Deutsche Bank had rigged, one should expect the other defendants to be interested in my accusations – if they are innocent - and want to see as much information on Deutsche Bank as I demanded. That no defendant made such a demand of Deutsche Bank is in itself high incriminating. It does not make sense, unless the defendants are not competitors but a cartel entity with cartel instincts. The judge would know that the defendants have chosen not to accept my invitation, and demand receipts from Deutsche Bank, since he claimed to have read everything. He would know this was peculiar and implicated Deutsche Bank in accounting fraud for one reason or another and implicated the other defendants as conspirators in that fraud. You don't need legal training to see the judge should have wanted those issues probed, and yet when it came down to it, he helped them evade the issue. There is no honest explanation.

I should also direct you to an assertion I made before the court, that the **hearing was unfair** because I faced legal liability for my pleadings, since they made material claims, whereas the defendants did not, since their defence was entirely legalistic. There were no particular admissions nor denials. I made it clear we were not equal before the law. The judge shrugged this off. Again this is a 48b violation from the *Equal Treatment Bench Book* on *Litigants in Person* and amounts to a violation of the judge's fundamental oath. Inequality before the law is not something to frivolously shrug off.

I have accused the judge of acting as advocate for the defence, an 'echo-board' for them. To understand this you have to review the entire transcript of the court recording, or listen to the recording yourself. It is equivalent to the statement that *at no point did the judge act dutifully to my allegations.* There was not one sentence from the judge in the whole of the hearing in which the defendants history of market manipulation yielded a criticism against them. It was entirely one sided.

The number of points of misconduct is onerous, and do not make sense if one assumes the judge is honest.

If you need any copies of the emails that were sent to the court, or received from court, I will be happy to forward them on to you.

I enclose a full set of documents I sent to the Court of Appeals. This was sent after I received the Court Order dated 28th July. My previous attempt to create an appeal failed, because I had not enclosed a copy of the order. The new documents contain a few more points than the documents I supplied to the FCIO.

`Yours sincerely,
Mark Anthony Taylor