

IN THE HIGH COURT OF JUSTICE



BUSINESS AND PROPERTY COURTS OF ENGLAND & WALES

BUSINESS LIST (ChD)

BETWEEN:

FUNDING SECURE LTD

Claimant/Applicant

and

MATTHEW GREEN

Defendant/Respondent

DEFENCE TO AMENDED PARTICULARS OF CLAIM

This is a defence to the amended particulars of claim filed by the Claimant in this matter.

The Defendant denies that he is indebted to the Claimant in this matter on the following basis:-

- a) The Defendant asserts that whilst in very poor mental health and subject to various addictions to drugs, alcohol and gambling (for which he is now in rehabilitative treatment in Spain) and whilst the Claimant was aware of the Defendant's vulnerable state he was prevailed upon to borrow sums of money in order to secure trading capital to continue in business.
- b) He denies that he acted in any deceitful or dishonest way as alleged.
- c) Further he would assert that no funds were secured against any property in his possession and that the Claimant was aware of the fact the intention was for the artworks listed in the amended particulars of claim were items that the Defendant, who was at the time an art dealer, intended to trade and/or sell at a profit either on behalf of himself or others for whom he was acting as agent.





d) The Artworks sold to Richard Green (Fine Paintings) Ltd were seized by them in order to pay off a substantial loan to that company.

3. The Defendant would assert that he was never encouraged to seek independent legal advice and that any advice given to him was given by others either employed on a retainer and/or commission basis by the Claimant.

4. The Claimant was aware that the Defendant was in a vulnerable state and knowingly acted to his detriment in persuading him to borrow monies at terms both detrimental and unfair to him. The Defendant would assert that the Claimant exercised Undue Influence and would ask This Honourable Court to treat the agreements listed in the Amended Particulars of Claim as null and void.

STATEMENT OF TRUTH

The Defendant believes that the facts stated in this Defence are true.

25 October 2018

Matthew Green

Defendant