

By Patricia Kane

A SCOTS businessman who went on hunger strike twice outside a high street bank he blames for mis-selling him loans has won a 'David and Goliath' court battle.

Ex-property entrepreneur John Guidi faced losing his home under the terms of an agreement with the former Clydesdale Bank, which he accused of ruining his company by offloading his £10 million business loans in the wake of the financial crisis – despite him never missing a payment.

His loans were subsequently bought over by US private equity giant Promontoria, which forced him into bankruptcy and pursued him for his £450,000 house – used as security on the Clydesdale Bank deal.

A Clydesdale customer since 1998, Mr Guidi has been fighting Promontoria in court since they took control of his loans six years ago. Now a sheriff has ruled the 64-year-old businessman can keep his home, throwing the spotlight on the 'secretive' processes used by the bank and the finance group to pursue him to the brink.

Sheriff Stuart Reid criticised Promontoria's attempt to win the case by using a redacted document in court which hid crucial details of the deal struck with the bank in the sale of Mr Guidi's loans.

Yesterday, Mr Guidi, from Bothwell, Lanarkshire, said: 'This win means that justice – often overlooked – has prevailed. They tried to take everything I have worked for these past 40 years. Basically I was left ruined since 2016 by a means which was not legal.'

Hundreds of small business owners across the UK have made



similar allegations against banks – including RBS, Lloyds and Clydesdale, which became Virgin Money – regarding 'tailored business loans' and the abrupt withdrawal of money, which left them suddenly owing millions and facing ruin.

Glasgow Sheriff Court heard Mr Guidi's case stemmed from a 'bulk assignment by Clydesdale Bank' to Promontoria of 'multiple debts and securities, and subsequent enforcement of those securities'.

When the bank assigned to Promontoria its right and title to Mr Guidi's loan agreements in 2015, including the personal guarantee on his family home, Sheriff Reid said: 'So began a chain of events leading to this litigation.'

As the case continued in court, in March 2019 Mr Guidi mounted the first of two hunger strikes outside the bank's headquarters in St Vin-

VICTORY! Scot who staged two hunger strikes against bank wins his home back

MoS aided his 6-YEAR David & Goliath battle



PROTEST: Mr Guidi outside the Clydesdale Bank offices in Glasgow in 2019

cent Street, Glasgow. The publicity led to his protest reaching Parliament and for MPs calling for banks to face greater accountability for past actions.

After his plight was highlighted by The Mail on Sunday, the bank agreed to take up his fight and intercede with Promontoria and National Australia Bank (NAB), which had sold Clydesdale in 2016.

Persuaded to temporarily end his protest while the bank's chief executive David Duffy looked into his case, he began a second hunger strike in August 2019 when the

bank claimed it could do nothing more for him and his fight was with Promontoria and NAB.

Welcoming Sheriff Reid's ruling, Mr Guidi said: 'That Sheriff Reid has made his judgment in my favour vindicates my belief that justice is about what is right and wrong. Too often this bank Virgin Money/Clydesdale has forced customers to accept their terms to the customer's disadvantage.'

The court action was first raised by Mr Guidi against the Clydesdale Bank and Promontoria, but last year, following lengthy legal dis-

Tycoon in hunger strike over 'mis-sold' £10m bank loans

FIGHT: We told of loan scandal

I'll starve myself to the end to shame this bullying bank

SHOCK: His drastic action

cussions, it was decided to continue pursuing only Promontoria.

Mr Guidi said: 'It was a David and Goliath battle, but one I was determined to win.'

'What they did to me and hundreds of others was wrong and they need to put it right.'

'Put plainly, as far as I am concerned, the bank bear a very heavy responsibility in this ongoing situation, even though they left the case with our agreement for technical legal reasons last year.'

'Mr Duffy has had numerous opportunities to settle with me and

my family but has sought to use the courts and Promontoria to get their way. It's curious that NAB/Clydesdale/Virgin Money still hold to the idea it is nothing to do with them, yet they are central to these documents and must be complicit in the cover-up. Thanks to my legal team, their sharp legal arguments won the day for us.'

Promontoria has 21 days to appeal and submit to the court unredacted documents relating to the original sale of the loans, which they have previously refused to do citing 'commercial sensitivity'.

In his judgment, the sheriff said Promontoria was 'the author of its own difficulties' as it had 'no entitlement' to lodge an 'incomplete version of the document' on which it based its assertion the bank had 'assigned its rights' to them in July 2011.

He added: 'I struggle to understand why Promontoria thinks it is "entitled" to lodge only a redacted version of the critical document of title on which it founds and on which it expressly incorporates into its pleadings.'

A spokesman for Promontoria's legal team, Addleshaw Goddard LLP, said: 'We have instructions to appeal but cannot otherwise comment as the case is ongoing.'

A Virgin Money spokesman said: 'Mr Guidi does not have any legal claims against Clydesdale Bank. The court ruling was in relation to Promontoria's enforcement action and it is for them to comment on.'