

26 March 2024

**Barrister Julie Wright (Costs Assessor) - unprofessional conduct and premeditated misconduct in Supreme Court case CA 2022/70683**

**Commitment and Declaration**

Without having formal education in law, I applied duty of care to verify my statements and recheck them multiple times.

I do solemnly and sincerely declare if there is any ambiguity or error in this submission (spelling, typing, or otherwise), it is entirely accidental and I will take all steps to correct it.

I am prepared to be cross-examined, sign Statutory Declaration, or meet with any party and present the case in open-minded fashion if required. I am confident that during one hour in-person meeting, I could present the whole case efficiently. I am aware that there is lot of evidence.

I declare that Solicitor Adrian Mueller is an accessory to multiple crimes and Ms. Wright helped him continue with such activities, causing significant financial losses to insurance company and my wife and myself.

Barrister Julie Wright was contacted six times since her Supreme Court Cost Assessment, and each time, she declined to respond or take any action:

24 May 2022

20 February 2024

21 February 2024

21 February 2024

12 June 2024

14 June 2024

Ms. Wright actions point towards serious breaches of sections 3.1, 4.1, 5.1, 6.1, and 7 of Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 under the LPUL. On her employer's website, it states:

*Julie Wright specialises in civil litigation, with a focus on complex construction and commercial disputes, advocacy, advisory work, and domestic and international arbitration. Julie is well regarded for her attention to detail, efficiency, and extensive construction law experience.*

In case CA 2022/70683, Ms. Wright exercised high level of bias and prejudice, and through unprofessional conduct and perceived dislike of my wife and myself, looked for all possible avenues to cause excessive costs and ignore my evidence, whilst accepting Solicitor's files without proper verification. Lay observers would view her actions as apprehended bias.

Barrister Julie Wright did not comply with Supreme Court statements at:

<https://supremecourt.nsw.gov.au/practice-procedure/costs-assessment.html>

*"Costs Assessment quantifies amounts under costs orders made by (NSW) courts and tribunals and determines fair and reasonable costs between clients and their lawyers in light of any costs agreements and relevant requirements of legal profession legislation."*

She had a simple duty and failed to accomplish it through deliberate, premeditated efforts to discredit available evidence, and failed to seek further information from Solicitor Adrian Mueller when strong suspicions existed for his incomplete submissions.

Her costs assessment was infected by numerous errors of law (fairness and reasonableness of the amount of legal costs).

Quote Hon T F Bathurst AC QC, who in article "Professional conduct for barristers" in 2022 stated:

*"Rule 4 of the Legal Profession Uniform Conduct (Barristers) Rules 2015 (NSW) states that the Rules were made in the belief that barristers owe their paramount duty to the administration of justice and must maintain high standards of professional conduct. Although other principles are set out in Rule 4, these two principles, in my view, underpin the ethical obligations of barristers and, for that matter, any legal practitioner whether acting as an advocate or otherwise."*

*Compliance with ethical obligations is critical to ongoing respect for the administration of justice and the rule of law. In speaking about public confidence in the judiciary, the Honourable Murray Gleeson AC QC stated, 'the general acceptance of judicial decisions by citizens and by governments which is essential for peace, welfare and good government of this community rests not upon coercion but upon public confidence'. However, it is not only the judiciary that is involved in the administration of justice. The courts in our judicial system could not properly function without the support of competent and ethical advocates who can be trusted by the judiciary and - equally importantly - can be trusted and respected by members of the public who consult them."*

Barrister Julie Wright, based on my available evidence and strong pleas for her assistance made significant errors of law (Justice Kirby in *Azzopardi v Tasman UEB Industries Ltd*) in all three stages of the process of decision-making: fact-finding, rule-stating and rule application:

- In worst scenario, her starting amount for costs assessment was not \$25,158.14 (GST excl) (Solicitor's fifth version of legal costs) but only \$5,400.00 (GST excl), as insurance company had already paid \$19,758.14 (GST excl) for Solicitor's alleged legal costs, or
- In legally-valid and best scenario, her starting amount for costs assessment was not \$24,694.72 (GST excl) (Solicitor's sixth and final version of legal costs that should have superseded all previous versions) but only \$4,936.58 (GST excl), as insurance company had already paid \$19,758.14 (GST excl) for Solicitor's alleged legal costs.

Had Ms. Wright's mistakes been few only, I would not have taken this matter to such level as I am doing now. Even her honest apology or acknowledgement would have helped. She remained unrepentant.

She lacked any insight into her conduct. There was (and still is) no evidence of contrition or remorse. Evidence points in the opposite direction. Lack of insight into the scale and seriousness of her actions is overwhelming. Her repetitive efforts to undermine my evidence and investigative work cannot be excused or accepted as accidental.

## My Claims

1) Since 2010, when I accidentally uncovered significant financial mismanagement, misappropriation of common funds, and poor maintenance in large strata complex SP52948 where I live, my attempts to reason with strata managers and committee members were met with threats, harassment, and exposure to ridicule. To protect themselves, they engaged Solicitor Adrian Mueller.

1.1) Through false statements, Solicitor Adrian Mueller coerced CTTT/NCAT and created dangerous precedence in two CTTT/NCAT cases (SCS 12/32675 and SC 20/33352) which, based on Australian legal system, allow other parties to use as valid defence (legal precedents). The precedence means that all evidence of the Applicant can be ignored if the Respondent fails to attend Hearings (even when the Respondent has advance knowledge of the Hearing date and never sends an apology for non-attendance).

2) Solicitor Adrian Mueller unsuccessfully used four defamation threats as deterrent before CTTT/NCAT cases in period from 2012 to 2020, defending strata managers and committee members without any evidence, and coercing courts to ignore my submissions. The outcome of his defamation cases were only excessive costs to all parties (without achieving goals that Solicitor Adrian Mueller set to prevent me from investigating problems in my complex and sharing information with law-enforcement agencies and public), with himself being the only beneficiary. Ms. Wright had access to them, with special emphasis on "Solicitor-Adrian-Mueller-defamation-threats-sent-before-CTTT-case-12-32675-10Sep2012.pdf".

2.1) Fourth defamation threat was initiated by Solicitor Adrian Mueller after I had opened NCAT case SC 20/33352 on 21 October 2020, without owners corporation approval at Annual General Meeting which happened a day after his email had been sent to me (22 October 2020). Reference document "Solicitor-Adrian-Mueller-Defamation-Concerns-Notice-21Oct2020.pdf". Owners were not informed that alleged defamation case initiated by Solicitor Adrian Mueller in 2019 had already collapsed without any success for the Solicitor, and the "new" one was designed to prevent me from pursuing the NCAT case.

2.2) Agenda for Annual General Meeting in Motion 10 did not contain any details of the alleged legal case (reference document "SP52948-agenda-AGM-2020-sent-on-30Sep2020.pdf"), and owners were disallowed from receiving my Statutory Declaration (reference document "Lot-158-signed-Statutory-Declaration-18Aug2020.pdf"). To this day, strata manager, committee members, and Solicitor Adrian Mueller prevent owners from having access to it.

3) Ms. Wright had access to my documents, and was fully briefed, that Solicitor Adrian Mueller's Standard Costs Agreements, with signatures of all parties and properly dated and full disclosure of costs, for his alleged legal engagements have never been provided to any of 218 owners in strata complex SP52948 since 2011.

3.1) Ms. Wright had access to my documents, and was fully briefed, that Solicitor Adrian Mueller had history of initiating costs recovery after owners corporation already received payments for his alleged legal expenses from insurance company (details in paragraph 3.3 below).

3.2) In CTTT case SCS 12/50460, Solicitor Adrian Mueller lied to NSW Fair Trading and CTTT that he was legal representative on behalf of owners corporation and even claimed costs for his work, without authorisation by owners corporation. Reference document from my submission to Ms. Julie Wright: "PARAGRAPH-1-NCAT-File-20-33352-Solicitor-Adrian-Mueller-ignored-document-about-his-fraudulent-work-in-CTTT-case-SCS-12-50460.pdf".

3.3) In CTTT case SCS 12/32675, Solicitor Adrian Mueller was direct accessory to four versions of his Standard Costs Agreement (he prepared it personally), of which three were forgeries (Ms. Wright had full access to them as evidence of continuous criminal activities by Solicitor Adrian Mueller and chose to ignore them). Reference document from my submission to Ms. Julie Wright: "PARAGRAPH-1-NCAT-File-20-33352-Solicitor-Adrian-Mueller-ignored-document-about-his-fraudulent-work-in-CTTT-case-SCS-12-32675.pdf".

- Four insurance claims in CTTT case SCS 12/32675 for "Lot 3 legal defence" (which was not part of the court proceedings) in amount of \$24,919.31 (GST excl),
- Solicitor suggested to BCS Strata Management to use SP52948 insurance claims to pay for his invoices in letter on 2 July 2012 - it was at the time when SP52948 had financial problems in Admin Fund. Reference document "Solicitor-Adrian-Mueller-letter-to-BCS-Strata-Management-advising-on-his-cost-estimates-and-suggesting-to-use-insurance-claims-for-legal-costs-2Jul2012.pdf",
- BCS Strata Management secretly borrowed \$50,000.00 from another fund on 4 July 2012. Reference document "BCS-Strata-Management-hid-information-that-SP52948-had-no-readily-available-funds-to-pay-bills-4Jul2012.htm",

- BCS Strata Management secretly changed insurance policy for owners corporation on 1 August 2012 under the influence of Solicitor Adrian Mueller. Reference document “SP52948-CHU-and-Strata-Manager-high-risk-insurance-claim-for-legal-costs-1Aug2012.pdf”,
- Solicitor Adrian Mueller's invoice dated 10 August 2012 shows that there was no communication between BCS Strata Management and committee members and him in period from 2 July 2012 to 6 August 2012, which directly conflicts his statements to CTTT. Reference document “SP52948-Mueller-invoice-10Aug2012-BCS4048297.pdf”,
- During the conduct of CTTT case SCS 12/32675, Solicitor Adrian Mueller failed to comply with Tribunal orders three times and even lied about owner of Lot 3 being overseas and not being able to attend the Hearing on 17 October 2012 (reference document “faxcoversheet-SCS-12-32675-False-Statement-for-Order-4-Hearing-19Oct2012.pdf”),
- At CTTT Hearing on 17 October 2012, Solicitor Adrian Mueller did not bring any evidence to court, including proof that he was legally approved to represent owners corporation through signed Standard Costs Agreement,
- SUU Insurance declined to submit quote for insurance premium renewal due to high legal risk (reference document “SP52948-SUU-declined-to-quote-insurance-renewal-due-to-pending-legal-defence-claim-20Sep2020.png”),
- BCS Strata Management initiated insurance claim for Solicitor's legal costs on 10 August 2012, with a copy of Solicitor's Standard Costs Agreement which was not signed by any party on behalf of owners corporation (reference document “Adrian-Mueller-Standard-Costs-Agreement-without-signature-by-strata-manager-in-insurance-claim-for-his-costs-on-10Aug2012.pdf”),
- In spite of being aware of insurance claims for “Lot 3”, which he did not disclose to CTTT, Solicitor Adrian Mueller in letter to CTTT confirmed that Lot 3 was not part of CTTT proceedings on 26 October 2012 (reference document “Solicitor-Adrian-Mueller-Letter-to-Tribunal-confirming-that-Lot-3-was-not-part-of-proceedings-in-SCS-12-32675-26Oct2012.pdf”),
- First claim for Solicitor Adrian Mueller's expenses was made few weeks later: Lot 3 Insurance on 31 August 2012 (\$367.64). Reference document “SP52948-Lot-3-all-four-insurance-claims.pdf”,
- Second claim Lot 3 Insurance on 7 December 2012 (\$12,714.65),
- Solicitor initiated CTTT case for legal costs recovery for his already-paid fees without owners corporation approval on 10 December 2012 (reference document “SP52948-Solicitor-threat-cost-recovery-10Dec2012.pdf”),
- Solicitor Adrian Mueller provided his Standard Costs Agreement to CTTT on 29 January 2013 which was not signed by any part on behalf of owners corporation (reference document “Adrian-Mueller-Standard-Costs-Agreement-without-signature-by-strata-manager-CTTT-case-SCS-12-32675-on-29Jan2013.pdf”),
- BCS Strata Management forged third version of Solicitor's Standard Costs Agreement on 16 April 2013 (PDF metadata confirmed it) with signature of strata manager backdated to 17 July 2012 but not disclosed to CTTT and District Court (reference document “Adrian-Mueller-Standard-Costs-Agreement-signed-by-strata-manager-on-17Jul2012-and-kept-secret-from-CTTT.pdf”),
- Fourth version of solicitor's Standard Costs Agreement was suddenly provided to CTTT on 19 April 2013 (three days after the Tribunal made such order at Hearing on 15 April 2013), with alleged signature of strata manager backdated to 25 July 2012 (attachment “Adrian-Mueller-Standard-Costs-Agreement-signed-by-strata-manager-on-25Jul2012-and-provided-to-CTTT-nine-months-later-on-19Apr2013.pdf”),
- Third claim Lot 3 Insurance on 2 May 2013 (\$1,320.00),
- Fourth claim Lot 3 Insurance on 4 June 2013 (\$10,517.02),
- Based on statements in strata manager's Affidavit in District Court case 13/360456 (reference document “Affidavit-by-BCS-Strata-Management-to-District-Court-31Jan2014.pdf”), which Solicitor Adrian Mueller knew were false, I paid “penalty” of \$26,500.00 for Solicitor costs,
- Four years later in March 2017, owners corporation was forced to repay CHU Insurance \$8,800.00 for Solicitor's legal claims made in 2012/2013. Reference document “SP52948-repayment-of-8800-dollars-to-CHU-Insurance-for-invalid-claim-for-alleged-CTTT-defence-of-Lot-3-EC-member-Lorna-Zelenzuk-in-2012-and-2013.pdf”.

4) Solicitor Adrian Mueller failed to respond with any reasonable offer to our repeated requests for access to strata documents and proper maintenance of our property through O'Brien Criminal & Civil Solicitors in 2019 and 2020. Extract from his response on 14 November 2019, even questioning why I wanted to access strata files which I had already paid for in previous periods. Reference document "Letter to OBrien Criminal and Civil Solicitors-14Nov2019.pdf". Extract from Solicitor's letter:

*Lot 158 has undertaken repeated inspections of the records of the owners corporation. The representatives of the owners corporation consider that all available records of the owners corporation were made available to Lot 158 during those inspections as a result of which if Lot 158 does not have any records that he desires that is because those records are likely not available.*

*Equally importantly, if Lot 158 is truly prepared to confine his communications to matters relating to the maintenance and repair of lot 158 only, and to cease and desist from disseminating what the representatives of the owners corporation consider to be defamatory material about them, then what is the purpose of Lot 158 pressing for the records to be produced to him?*

*In the circumstances, the representatives of the owners corporation do not consider that there is any merit in Lot 158's request for those records to be provided to him and they are not prepared to agree to the request.*

4.1) Month earlier, Solicitor Adrian Mueller in a repeated attempt, wanted to force my wife and me to sign, under duress, a Deed for alleged defamation of strata manager and committee members (reference document "Adrian-Mueller-Lot-158-Deed-of-Agreement-17Oct2019.pdf"). He failed.

5) My further efforts to communicate with him were ignored to the point that his staff deleted my email without reading. Email that I sent to Solicitor Adrian Mueller on 8 February 2022 (reference document "OLSC-case-CAS005901-Request-for-Solicitor-Adrian-Mueller-to-respond-with-evidence-8Feb2022.pdf"), requesting his evidence for NCAT Hearing in case SC 20/33352 and Office of Legal Services Commissioner case CAS0055901 was ignored and deleted three months later on 9 May 2022.

6) After dismissal of my claims in NCAT case SC 20/33352 in 2021 (our evidence was ignored), Solicitor Adrian Mueller sent an email seeking payment on behalf of owners corporation on 12 July 2021 (reference document "Solicitor-Adrian-Mueller-Letter-12Jul2021.pdf"). In it, he said:

*We continue to act for the first respondent in the abovementioned proceedings, The Owners – Strata Plan No. 52948 (owners corporation).*

*On 6 July 2021, the Tribunal ordered you to pay the costs of the owners corporation of the proceedings as agreed or assessed on the ordinary basis as set out in the legal costs legislation.*

*The purpose of this letter is to attempt to reach agreement with you on the amount of costs you are liable to pay the owners corporation pursuant to the costs order made by the Tribunal on 6 July 2021.*

*In the proceedings, the owners corporation incurred in total \$20,020.00 in costs exclusive of GST. That amount is made up in accordance with the attached tax invoices issued by our firm to the owners corporation in relation to the proceedings.*

*The owners corporation acknowledges that you were not ordered to pay the costs it incurred in the Tribunal proceedings on the indemnity basis. For that reason, the owners corporation is prepared to agree that the amount of costs you are liable to pay pursuant to the Tribunal's costs order is the sum of \$15,015.00 exclusive of GST representing 75% of the actual costs the owners corporation incurred in the proceedings.*

*The owners corporation considers that its offer is fair and reasonable given that it is well known that in a costs assessment the usual outcome is that the costs assessor determines that between 65% - 85% of the actual costs incurred by the successful party are liable to be paid by the party against whom costs were awarded.*

*The owners corporation's costs offer is open for acceptance for a period of 14 days. If the offer is not accepted within that period, the owners corporation will have a Bill of Costs prepared and apply for a costs assessment if agreement cannot be reached on the amount of costs payable by you. In any costs assessment, the owners corporation will apply for a determination that you be liable to pay the costs of the assessment including the further costs the owners corporation will incur having the Bill of Costs prepared. We await your reply.*

7) I responded to Solicitor Adrian Mueller six days later on 19 July 2021 (reference document “first-response-to-Solicitor-Adrian-Mueller-19Jul2021.pdf”), seeking evidence of his engagement, copies of payments to him, and other documents to verify his claims for legal costs:

*Good morning Solicitor Mueller,*

*CC: NCAT*

*BCC: Five members of the executive committee and two strata managers at Waratah Strata Management*

*Many thanks for the generous letter and offer to settle alleged costs incurred by you in NCAT case SC 20/33352.*

*The Applicant, as always, welcomes opportunity to discuss and settle the costs once their validity is established.*

*The Applicant's three options for costs have been prepared and they will be submitted once some details are clarified.*

*To avoid any unnecessary expense, the Respondent is requested to provide the following UNREDACTED evidence in electronic form (Covid-19 restrictions justify it):*

- 1. Copy of signed Standard Costs Agreement for engagement in NCAT 20/33352.*
- 2. Copy of email or proof of letter that Solicitor Adrian Mueller received a formal authorization to represent owners corporation in NCAT 20/33352. Legally, it would have to be done straight after the general meeting on 22 October 2020 so that the Respondent prepared their evidence for complying with Directions Hearing orders dated 25 September 2020.*
- 3. Copy of AUDITED detailed income and expenditure report for period 1 September 2019 to 31 August 2020. Economos signed the audited accounts on 3 November 2020, 12 days after the Annual General Meeting, in non-compliance with STRATA SCHEMES MANAGEMENT ACT 2015 – SECT 95 and STRATA SCHEMES MANAGEMENT REGULATION 2016 – REG 21).*
- 4. Copy of detailed income and expenditure statement for period 1 September 2020 to 19 July 2021 (today), which include proofs of payments to Solicitor Adrian Mueller.*
- 5. Copies of emails related to SUU insurance claim listed in Solicitor's invoice 103514 dated 6 May 2021 (as per attachment "Solicitor-Adrian-Mueller-extract-from-invoice-103514.png"). SUU declined to quote insurance renewal in 2012 due to Solicitor Adrian Mueller's high risks (refer to attachments).*
- 6. Copies of emails related to NCAT communications listed in Solicitor's invoice 103514 dated 6 May 2021 (as per attachment "Solicitor-Adrian-Mueller-extract-from-invoice-102134.png").*

*It is in interest of the Respondent to be prompt and provide requested files (as per attachments and the Respondent's commitment to owners corporation in Minutes of committee meeting on 7 May 2020).*

*The Applicant is eagerly awaiting your response, which must be shared with NCAT.*

*7.1) Solicitor Adrian Mueller never responded. Ms. Wright was aware of this event, but chose to ignore it.*

8) Since Solicitor Adrian Mueller did not respond to our email dated 19 July 2021 for seven months, I complained to NCAT on 2 February 2022 (reference document “complaint-to-NCAT-about-Solicitor-Adrian-Mueller-refusal-to-settle-cost-dispute-2Feb2022.pdf”). Extract from the email:

*a) Solicitor Adrian Mueller and SP52948 failed to respond to repeated attempts to deal with alleged costs in NCAT case 20/33352.*

*The email sent to them on 19 July 2021 has been ignored by them.*

*b) Another attempt to communicate with SP52948 was on 31 August 2021. No response was received.*

*c) Third attempt to communicate with SP52948 was on 27 October 2021. No response was received.*

*d) Solicitor Adrian Mueller and SP52948 have not responded to O'Brien Criminal & Civil Solicitors dated 24 April 2020 (attachment "Lot158-Letter24April.pdf"). It is coming close to two years that the request is outstanding.*

*In addition to those questions, Lot 158 seeks all correspondence from/to Solicitor Adrian Mueller for the last seven years in regards to his effort to threaten us with alleged defamation cases, which never succeeded but caused significant costs. The defence of qualified privilege cannot be successful if it can be proved by the plaintiff that the defamation was motivated by malice, which can easily be proven.*

Recent case confirmed it:

Counsel for the state Alan Sefton argued the messages between Mr McGowan and Mr Quigley should not be disclosed under legal privilege, but Justice Michael Lee said their texts were mainly about political strategy.

“It’s not exactly the sort of communication, which one would ordinarily characterise as the provision of legal advice,” he said.

The premier and Mr Quigley subsequently discussed Mr Palmer’s arbitration over a stalled mining project.

“I just don’t think I can reach a level of satisfaction that that communication was made for the dominant purpose of obtaining or providing legal advice,” Justice Lee said.

e) In the meantime, since we have absolute proofs that Solicitor Adrian Mueller lied and prevented CTTT/NCAT/District Court/Police/Office of Legal Services Commissioner in their investigations in cases SCS 12/32675, 12/50460, and SC 20/33352 whilst not legally approved to represent owners corporation, we opened case CAS005901 with Office of Legal Services Commissioner and notified to Fair Trading NSW in reference number 10793260.

Stalking, attempts to intimidate, and harassment of Lot 158 continued (more comprehensive details of attempts to intimidate, threat, stalk, harass, expose to ridicule, and discriminate against Lot 158 (including anonymous death threats in 2012 and 2013) with direct knowledge of strata agencies, Solicitor Adrian Mueller, and committee members (in most cases, they refused CCTV access for Police investigations, or claimed the recordings were overwritten) were provided to NCAT and OLSC.

9) Instead of replying to me, Solicitor Adrian Mueller, immediately Initiated costs recovery through Supreme Court, without approval of owners corporation on 7 February 2022, four days after my submission to NCAT. Reference document “Solicitor-Adrian-Mueller-Service-of-Costs-Assessment-Application-7Feb2022.pdf”.

9.1) Ms. Wright failed to establish the fact that his email did not contain any of Solicitor’s invoices in document “Costs Assessment Application (for service).pdf”, which was attached in email “Solicitor-Adrian-Mueller-Service-of-Costs-Assessment-Application-7Feb2022.pdf”.

10) On 7 February 2022, I also contacted Office of Legal Services Commissioner, with further evidence of misconduct of Solicitor Adrian Mueller (reference document “OLSC-case-CAS005901-update-for-Solicitor-Adrian-Mueller-misconduct-7Feb2022.pdf”). Extract from my email:

*Further evidence of misconduct by Solicitor Adrian Mueller, who, even after seven months, could not provide evidence of his legal retainer in NCAT case SC 20/33352. No owner has a copy of it and nit is not available on website either. Solicitor Adrian Mueller After seven months of silence, we received email from Solicitor Adrian Mueller today. Mr. Mueller continues to act*

- *We responded to Solicitor Adrian Mueller on 19 July 2021 (refer to attachment "20210719-FIRST RESPONSE FOR COSTS TO SOLICITOR ADRIAN MUELLER NCAT File No. SC 20\_33352 (JSM 37289)-38035.pdf"). In it, very specific offer was submitted and we prepared three options for costs were prepared once some details were confirmed (including, evidence of signed Standard Costs Agreement with owners corporation). We also questioned number of itemized costs but Solicitor failed to provide evidence or respond.*

*In our email, we CC-ed NCAT and members of the committee. Based on invoices provided by Solicitor Adrian Mueller, we accidentally found out about secret talks between the Solicitor and NCAT in December 2020, without disclosure to us.*

- *For seven months now, neither Solicitor Adrian Mueller, nor any member of the committee responded to us, until today.*
- *NCAT and members of the committee were reminded by us on 2 and 3 February 2022 that Solicitor Adrian Mueller failed to respond or take any step to contact us since 19 July 2021. Both NCAT and committee members were also informed about OLSC case for professional misconduct of Solicitor Adrian Mueller. We opened case for professional misconduct of Solicitor Adrian Mueller with Office of Legal Services Commissioner as early as November 2021 (file CAS005901).*
- *Since 24 April 2020, Solicitor Adrian Mueller failed to provide response to O'Brien Criminal & Civil Solicitors who requested access to strata files (already paid for beforehand!) and evidence of strata management (attachment "Lot-158-Letter24April.pdf").*
- *Solicitor Adrian Mueller, for eight years, represent owners corporation WITHOUT LEGALLY VALID Standard Costs Agreement and was solely involved in creating false statements and forged (redacted) emails in Statutory Declaration to CTTT in case SCS 12/32675 on behalf of strata manager Peter Bone on 19 April 2013, creating forged signature on his Standard Costs Agreement and backdated to 25 July 2012, falsely claimed to Fair Trading NSW and CTTT that he legally represented*

owners corporation in case SCS 12/50460, coerced owners corporation to change insurance policy without knowledge of owners' knowledge or approval who then made four fraudulent insurance claims in amount of \$24,919.31, where CHU Insurance, four years later in 2017 forced owners corporation to repay \$8,800.00, forced us to pay \$26,500.00 in District Court penalty based on his false statements in Statutory Declaration to CTTT and knowingly not disclosing that Affidavit by strata manager to District Court was false, and much more.

• On 8 November 2013, after coercing CTTT that he was legal to represent owners corporation (I after long investigations have full evidence that Solicitor Adrian Mueller created forged emails and presented them in Statutory Declaration for strata manager to CTTT in case SCS 12/32675 and falsely claimed he was legal to represent owners corporation in case SCS 12/50460), he wrote secret letter to strata manager with instructions how to force payments:

"There are several ways the owners corporation is able to enforce the costs order. The owners corporation could apply to the Local Court for a garnishee order to be issued against Lot 158's bank to require the bank to pay out of Lot 158's account up to \$8,800 in satisfaction of the costs order. Alternatively, the owners corporation could apply to the Local Court for a Writ for the Levy of Property to be issued to give the Sheriff lawful authority to attend Lot 158's property to seize and subsequently sell by public auction certain goods owned by him.

Finally, the owners corporation could issue a bankruptcy notice against Lot 158 to give him 21 days to pay the \$8,800 in costs and, if Lot 158 fails to do so, the owners corporation could apply to the Federal Circuit Court of Australia for an order declaring Lot 158 a bankrupt.

If the owners corporation has Lot 158's bank account details, then the most expedient way to recover the \$8,800 in costs would be through the issue of a garnishee order by the Local Court to Lot 158's bank. Regardless, the owners corporation should not take any steps to enforce the costs order until the 28 day appeal period has expired.

I congratulate the owners corporation on the successful outcome. The Tribunal is generally a "no costs" forum, meaning it does not normally order an unsuccessful party to pay the successful party's costs."

10.1) Solicitor Adrian Mueller, for the fifth time, refused to co-operate with investigations of Office of Legal Services Commissioner.

11) My further efforts to communicate with Solicitor Adrian Mueller were ignored to the point that his staff deleted my emails without reading.

11.1) Email that I sent to Solicitor Adrian Mueller on 27 February 2022, trying to settle without courts, was ignored and deleted one month later on 24 March 2022.

11.2) Email that I sent to Solicitor Adrian Mueller on 8 February 2022 requesting his evidence in Office of Legal Services Commissioner case CAS0055901 was ignored and deleted three months later on 9 May 2022.

12) Ms. Julie Wright approached me in email on 18 March 2022 at 15:59 hours and introduced herself as Supreme Court Assessor in case CA 2022/70683 (reference document "Email-from-Julie-Wright-First-letter-and-notes-to-parties-18Mar2022.pdf").

12.1) The email contained wrong spelling of my wife's name, which differed from wrong spelling that Solicitor Adrian Mueller repeatedly used in his documents.

12.2) Ms. Wright stated in Section 2, which I complied with through evidence on secure web site but she failed to include in her list of my documents she reviewed for the assessment:

2. Please provide documents and correspondence to me via email only. Where material is extensive, I may request a hard copy also.

12.3) Ms. Wright stated in Section 6 (spelling errors were hers) – the emphasis is on missing evidence which I continuously complained about:

6. I require that the Costs Applicant forward to me within 14 days of this Notice the following unless already provided with the Application:

a) a short (a few paragraphs only) summary of the underlying proceedings;

b) a copy of the judgment and or orders of the court;



- c) copies of correspondence with the Costs Respondent directed to costs;
- d) any submissions as to the factors in section 172 of the Legal Profession Uniform Law Act;
- e) any fee agreement or fee disclosure between the Costs Applicant and its solicitors;
- f) any fee agreement or fee disclosure between the Costs Applicant or its solicitors and Counsel;
- g) the identity of the person who did the work, eg partner, associate;
- h) evidence of service of the Application (cover letter/emails are sufficient, do not provide a further copy of the Application);
- i) any tax invoices submitted to the Costs Applicant;
- j) if GST is claimed, an ABN Lookup search of the Applicant showing that the Applicant is not registered for GST;
- k) any other documents or material that may be relevant.

*In relation to (e) and (f) above, the parties should have regard to CSR v Eddy [2008] NSWCA 83, (2008) 70 NSWLR 725. I have called for these items so that I may determine whether the indemnity principle has been breached. The Costs Respondent will need to demonstrate to me any opportunity that may have been lost in a practical sense if these documents are not produced to it, in order for the need for these documents to be made available to it.*

12.4) During her work, Ms. Wright never asked Solicitor Adrian Mueller for evidence that I requested from him.

12.5) Ms. Wright allowed Solicitor Adrian Mueller to submit only two emails:

- 25 March 2022 at 17:51 hours with seven attachments:
  - “Letter to Ms J Wright - Costs Assessor-25Mar2022.pdf”
  - “Affidavit of Service.pdf”
  - “Tax Invoices Bundle.pdf”
  - “NCAT Primary Decision.pdf”
  - “Service of Costs Assessment Application.pdf”
  - “NCAT Decision on Costs.pdf”
  - “Costs Agreement & Acceptance.pdf”
- 20 April 2022 at 16:30 hours (Solicitor Adrian Mueller created PDF file for Cost Assessor on 14 April 2022 and waited until close to deadline on 20 April 2022, in hope that I would not have time to reply):
  - “Strata Roll.pdf” (still contained wrong name for my wife)
  - “Letter to Ms J Wright - Costs Assessor-20Apr2022.pdf” (two-pages)
- In comparison, in the course of the assessment, I sent to Ms. Julie Wright 11 emails with responses and evidence, offering comprehensive files about Solicitor Adrian Mueller’s misconduct (12<sup>th</sup> email dated 24 April 2022 was sent AFTER her decision had been made public).

12.6) Ms. Wright made the following order in Section 8, but did not enforce it for Solicitor Adrian Mueller:

*8. In the event that either party serves material/submissions as requested above, the other party will have 14 days to serve on the party and myself a response to that material/submissions.*

13) On 31 March 2022, I sent email to Solicitor Adrian Mueller and Ms. Julie Wright at 22:51 hours (reference document "Email-to-Julie-Wright-31Mar2022.pdf"). My email stated:

1. *In their submission, Costs Applicant did not include significant amount of evidence that proves Costs Respondent did everything humanely possible to reason with them without courts.*
2. *Costs Respondent's submission is enclosed in attachment "Costs-Respondent-letter-to-Ms-Julie-Wright-31Mar2022.pdf".*
3. *Solicitor Adrian Mueller used incorrect legal name for one party in all of his officially lodged files, in spite of allegedly reading two versions of Statutory Declaration (her full name was on the first line and repeated eight times in paragraph 66).*

PS. The attachments to assist the assessor (more are available on secure website):

- 1) Costs respondent pleas to Costs Applicant to avoid legal costs on 18 and 19 June 2019 ("20190619-Re\_WITHOUT PREJUDICE\_ Request to stop wasting strata funds on legal expenses that cannot succeed - 18Jun2019-456.pdf").
- 2) O'Brien Criminal & Civil Solicitors' letter dated on behalf of Costs Respondent on 24 April 2020 ("Lot-158-Letter24April.pdf").
- 3) Agenda and minutes of committee meeting on 7 May 2020 ("SP52948-agenda-for-EC-meeting-scheduled-for-7May2020-sent-on-1May2020.pdf" and "SP52948-Minutes-EC-meeting-7May2020.pdf").
- 4) Costs Respondent pleas to avoid NCAT case by asking Costs Applicant to respond to O'Brien Criminal & Civil Solicitor's letter on 27 July 2020 ("20200727-CONFIDENTIAL OFFER\_ SP52948 Your actions today and tomorrow-1007.pdf").
- 5) Request for Solicitor Adrian Mueller to reply to O'Brien Criminal & Civil Solicitors letter on 21 October 2020 ("20201021-IMMEDIATE RESPONSE REQUESTED for Lot 158 demands dated 24Apr2020-1254.pdf").
- 6) Costs Respondent request to Costs Applicant to reply to O'Brien Criminal & Civil Solicitors on 27 October 2020 ("20211027-REQUEST - SP52948 commitment to respond to Lot 158 demands as per Minutes of meeting on 7May2020-1665.pdf").
- 7) Letter to NCAT about errors of law and misconduct of the Hearing ("NCAT-20-33352-Respondent-concerns.pdf").
- 8) Email to Costs Applicant to assist NCAT at Hearing on 9 February 2021 ("20210209-SUMMARY\_ NCAT SC 20\_33352 Requests assisting Trubunal ignored so far - 9Feb2021-1403.pdf").
- 9) "SP52948-Solicitor-Adrian-Mueller-failed-to-comply-with-Tribunal-orders-six-times-whilst-not-authorised-to-represent-owners-corporation-in-period-2012-to-2021.pdf"
- 10) "SP52948-premeditated-plan-by-Solicitor-Adrian-Mueller-to-prevent-ApplicantMotions-and-disallow-owners-to-vote-at-AGM-2017.pdf"
- 11) "SP52948-Solicitor-Adrian-Mueller-provided-advice-to-prevent-Motions-by-Lot-158-to-be-listed-in-agenda-AGM-2018.pdf"
- 12) "SP52948-used-Unreasonable-Communications-Special-By-Law-against-Lot-158-five-times-without-disclosure-to-NCAT-SC-20-33352.pdf"
- 13) Costs Respondents Motions and amendments for AGM 2020 ("SP52948-Motions-by-Lot-158-AGM-2020.pdf" and "SP52948-Lot-158-AGM-2020-amendments.pdf").
- 14) Evidence of staff of Solicitor Adrian Mueller deleting files without reading ("20220324-Not read\_ SECOND RESPONSE\_ Lot 158 -v- SP52948 - NSW Civil & Administrative Tribunal File No. SC 20\_33352 - Service of Costs Assessment Application & Bill of Costs (JSM 37289) on 27Feb2022-40938.html").
- 15) Two examples of Solicitor Adrian Mueller trying to initiate defamation threats before CTTT/NCAT Hearings ("Solicitor-J-Mueller-Defamation-Threat-6Sep2012-arrived-10Sep2012.pdf" and "Solicitor-Adrian-Mueller-defamation-threats-sent-one-day-before-Annual-General-Meeting-without-owners-corporation-approval-21Oct2020.pdf").

13.1) My email dated 31 March 2022 contained 18 attachments, showing efforts to avoid legal costs (which Solicitor Adrian Mueller ignored), including historical facts for Solicitor providing false statements in previous legal cases, using threats to avoid scrutiny and hamper investigations, and ignoring court orders with premeditated plans to incur costs. Ms. Wright ignored them.

14) One of my attachments sent on 31 March 2022 contained evidence that staff of Solicitor Adrian Mueller deleted my offer to resolve issues without court ("20220324-Not read\_ SECOND RESPONSE\_ Lot 158 -v- SP52948 - NSW Civil & Administrative Tribunal File No. SC 20\_33352 - Service of Costs Assessment Application & Bill of Costs (JSM 37289) on 27Feb2022-40938.html"). I sent email to Solicitor Adrian Mueller on 27 February 2022 and it was deleted without reading on 24 March 2022.

15) Due to problems on email servers at Ms. Wright's internet service provider, she did not receive my email dated 31 March 2022 and responded to me with dismissive message on 1 April at 16:43 hours, alleging poor submission on my side (reference

document "First-email-from-Julie-Wright-1Apr2022.pdf"). Her message even highlighted accidental typing error which she appeared to enjoy in her email:

*1 The email starts with the sentence "4) Audito (sic) recordings of Directions Hearing... " etc. Is part of the email missing? In particular, are there paragraphs 1 to 3 which should go before paragraph 4?*

*2 At the end of the bullet points under paragraph 5, there is a sentence which reads "On 31/3/22 22/51, DUB wrote" etc - which implies that you also sent an email to me dated 31 March 2022. I did not receive any such email and I do not have any of the attachments referred to in that email, being the "Costs-Respondent-letter-to-Ms-Julie-Wright-31Mar2022.pdf" and the 15 numbered documents. Please provide me with the letter and the attachments if you would like me to review them as part of this assessment.*

*3 I will consider any material that you provide to me within the required time limits of this assessment, but I do note that the attachments you have provided so far do not appear to be directed to the issues that I am to determine, that is, whether the costs set out in the bill of costs provided by the Applicant are fair and reasonable. Instead, the documents appear to relate to underlying disputes between the parties, about which I have no jurisdiction. Many of these same issues appear to have already been brought to the attention of NCAT, as per paragraphs [13], [14], [20]-[22] [27] and [29] of the judgment dated 6 July 2021. In addition, it is not clear to me how audio recordings of directions hearings or the hearings would assist me in making the assessment.*

*4 I draw to your attention that as part of my assessment, I will determine which party pays the costs of the assessment. The costs of the assessment will increase unnecessarily if I am required to review material that is not relevant to my assessment.*

*5 The time for you to respond to my letter dated 18 March 2022 expires today. I will extend the time for you to respond until Wednesday 6 April 2022 so that you can provide me with the missing letter and attachments referred to above, and the audio recordings if you have them by that date and you still consider them to be relevant.*

16) Reasonable person would conclude Ms. Julie Wright felt compelled to "defend" Solicitor Adrian Mueller, who, in my submission on 31 March 2022, was listed for numerous spelling and typing errors. Solicitor Adrian Mueller did not even use correct name for my wife in any proceedings.

16.1) I raised valid concerns whether a legal professional would allow such a mistake and display serious lack of verification process for the Costs Respondents names, especially since Solicitor Adrian Mueller personally rejected my wife's Motions at AGM 2018 and 2019 and also had access to her legal name fully referenced in two Statutory Declarations on 30 July 2020 and 18 August 2020 which on the very first line of the document stated:

"I, Lot 158, on behalf of my wife and myself, of 158/1-15 Fontenoy Road, Macquarie Park, NSW 2113"

- Her full name was also listed eight times in paragraph 66 of my Statutory Declaration in NCAT case SC 20/33352, which the Solicitor allegedly read multiple times.
- In his Application to Supreme Court Registry on 7 February 2022 on page 19, Solicitor Adrian Mueller listed incorrect legal name for the first and last name for the second Costs Respondent.
- Submission by Solicitor Adrian Mueller dated 25 March 2022 in document "Letter to Ms J Wright - Costs Assessor.pdf" contained spelling error in the subject line:

*RE: THE OWNERS – STRATA PLAN 52948 -v- Lot 158 COSTS ASSESSEMENT – CA 2022/70683*

- Question is pondered if a reputable legal professional would allow such a mistake and display lack of spell checker: ASSESSEMENT is spelt as ASSESSMENT in the English language.
- Submission by Solicitor Adrian Mueller dated 25 March 2022 in document "Letter to Ms J Wright - Costs Assessor.pdf" contained the wrong legal first and last name for the second Costs Respondent:

*RE: THE OWNERS – STRATA PLAN 52948 -v- Lot 158 COSTS ASSESSEMENT – CA 2022/70683*

17) Ms. Julie Wright completely ignored my proposal in Section 5 of the submission on 31 March 2022 (reference document "Costs-Respondent-letter-to-Ms-Julie-Wright-31Mar2022.pdf"). Quote from my submission:

*5) If Costs Applicant refuses to provide evidence as listed in paragraph 3), Costs Respondent proposes:*

*5.1) That the proceedings in costs assessment be dismissed.*

5.2) If option to dismiss the Costs Applicant claims is not accepted, the court issues stay of the proceedings until NCAT case is opened and dealt with in regards to conduct of AGM 2020 and 2021, validity of all committee meetings in 2021 and 2022, and OH&S and fire safety non-compliance. There are four outstanding safety and common property issues in Costs Respondent's unit, which Costs Applicant refuses to rectify.

5.3) As a reasonable alternative, Costs Respondent proposes the court issues stay of the proceedings:

- Until the Police (Crime Stoppers Event 648467) and the Office of Legal Services Commissioner (case CAS006791 raised by female owner of Lot 158) review the submitted evidence that satisfies "on the balance of probabilities" and "beyond reasonable doubts" requirements for civil and criminal prosecution of Solicitor Adrian Mueller.
- So that the Costs Respondent have sufficient time to engage legal services to initiate a counter-claim for significant losses incurred by Solicitor Adrian Mueller and owners corporation.
- Allow owners corporation SP52948 to openly discuss, review, and then make decisions at general meeting with full disclosure of information by both Costs Applicant and Respondent (democratic process, which was denied to Costs Respondent through direct actions by Solicitor Adrian Mueller in the past).

18) In her second email on 1 April 2022 at 17:56 hours (reference document "Second-email-from-Julie-Wright-1Apr2022.pdf") Ms. Wright used dismissive language again, showing lack of basic knowledge of how email systems operate and blamed me for problems with her internet service provider, showing lack of interest to force Solicitor Adrian Mueller to provide requested files, and not willing to help me with stay of proceedings:

1 As stated already, I did not receive an email from you dated 31 March 2022, regardless of what logs you have. There are no "staff" that I need to check with. This is my email account which I manage.

2 Since your email below at 17.07, I have received two further emails from you; the first at 17.16, which was not copied to Mr Muller which states "Resending original email dated 31 March 2022 in two parts, as requested" and which has 18 attachments, and the second at 17.19, which was also not copied to Mr Mueller, which states "Re-sending original email dated 31 March 2022 in two parts, as requested" and which has 1 attachment. If these two emails contain all the attachments to your 31 March 2022 email, then I now have those attachments.

3 As to your letter to me dated 31 March 2022, you have requested:

a. At paragraph 3, that the court (I assume you mean me, as Cost Assessor) request Mr Mueller to provide certain documents. The documents that I require from Mr Mueller are those set out in my letter dated 18 March 2022. It is not clear to me how most of the documents that you have listed are relevant, but of course, you can make submissions to me on why they are relevant and the consequences to the Assessment if they are not provided.

b. At paragraph 5.1 that the costs assessment be dismissed. I have no power to "dismiss" the assessment. I am required make a determination; and

c. At paragraphs 5.2 and 5.3 that the court (again, I assume this is me) stay the proceedings. I have no power to stay the assessment. I am required to make a determination.

4 There are also a number of references in your letter to various things still to be checked. As per my earlier email, I have extended the time for your response until 6 April 2022. If you wish me to consider any further material, you will need to provide it by then.

5 I note that you state in your email below that the audio recordings "will have to be on our secure website". If you intend to provide me with some link/access to a website then please do so.

19) In the course of the assessment, I sent to Ms. Julie Wright 11 emails with responses and evidence, offering comprehensive facts about Solicitor Adrian Mueller's misconduct (12<sup>th</sup> email was sent on 24 April 2022 after her decision had been made public).

20) On 5 April 2022 at 19:44 hours, I notified Ms. Wright (reference document "First-email-to-Julie-Wright-5Apr2022 .pdf") about my visit to NCAT and document search which found no evidence of alleged emails between Solicitor Adrian Mueller and NCAT before 20 January 2021 (reference document "NCAT-20-33352-submissions-and-document-report-from-18Aug2020-to-9Jun2021-for-document-search-photo-1-8Mar2022.png"). There were no emails in December 2020 which Solicitor Adrian Mueller listed in three versions of his invoices.

21) On 5 April 2022 at 19:44 hours, in my email (reference document "First-email-to-Julie-Wright-5Apr2022.pdf") I emphasised importance of proper costs review. Extract from my correspondence:

*The purpose of documents being requested is to clarify inaccuracies, ambiguities and most importantly whether Solicitor could act as a legal representative on behalf of the Owners Corporation. As stated in Cost Assessor's original letter, goal is to "assess the amount of costs that is fair and reasonable". We appreciate this case is complex with comprehensive evidence. This has culminated over ten years as a result of lack of transparency in legitimately and legally employing the services of Solicitor Adrian Mueller on behalf of the Owners Corporation, numerous attempts of mediation, self investigation of obtaining these documents with mediation attempts not being fruitful, and consequently the need for Costs Respondent to defend litigation.*

*Costs Respondent pleaded with Costs Applicant to clarify many dubious items which were all met with silence and refusal to mediate. The presumption of innocence imposes on the Costs Applicant the burden of proving the "charge" and guarantees that no guilt can be presumed until their claims have been proved "on the balance of probabilities (civil case)" or "beyond reasonable doubt (criminal case)". As an example, Costs Assessor's order for Costs Applicant on 18 March 2022 were not fully actioned by them in item "k) any other documents or material that may be relevant."*

*One such example of documents being sought was the alleged correspondence between Costs Applicant and NCAT. Lot 158 visited NCAT office on 8 March 2022 and found no evidence of alleged emails between Solicitor Adrian Mueller and NCAT before 20 January 2021 (refer to attachment "NCAT-20-33352-submissions-and-document-report-from-18Aug2020-to-9Jun2021-for-document-search-photo-1-8Mar2022.png"). There were no emails in December 2020 which Solicitor Adrian Mueller lists in three versions of his invoices.*

*In summary, documents that the Costs Applicant should provide will offer evidence of the alleged and legitimate work to claim costs:*

- *Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income and Expenditure Report. We need to confirm if the revenue was based on recovery of legal costs. Legal costs were claimed four times for Solicitor Adrian Mueller in 2012/2013 and four years later CHU insurance forced owners corporation to repay \$8,800.00 (even without having full access to investigations that now Lot 158 has). Based on claimed expenses, Solicitor Adrian Mueller was again involved in direct talks with insurance company for his costs in 2021 and 2022,*
- *Explanation for costs which have six different versions as listed in different Costs Applicant's documents,*
- *Bank Statements and Trust Account statements,*
- *Solicitor charging \$2,700.00 for advising on how to vote against all Costs Respondent's Motions at AGM 2020, effectively disallowing ratification of past events,*
- *Solicitor Adrian Mueller serving electronic or paper correspondence dated 12 July 2021 to second Costs Respondent (female owner of Lot 158),*
- *Explanation why Costs Applicant included legal costs for alleged defamation, which are NOT part of NCAT proceedings and were not approved at AGM 2020,*
- *Solicitor Adrian Mueller serving electronic messages to addresses owned by female owner of Lot 158,*
- *Why they did not communicate with Costs Respondent in period from 27 July 2021 until after Costs Respondent complained to committee members and NCAT on 2 February 2022,*
- *Evidence of what Solicitor Adrian Mueller advised strata manager and committee members when he found out about OLSC cases against him in June 2019, 2021, and now 2022,*
- *Conduct of Annual General Meeting on 2020 which allegedly approved Solicitor's engagement,*
- *Proof that Mr Mueller replied to O'Brien Criminal & Civil Solicitors letter of demand dated 24 April 2020, as per Costs Applicant's commitment to do so in minutes of committee meeting on 7 May 2020,*
- *Compliance with strata laws for ordinary committee meetings in 2020, 2021, and 2022 (if the meetings are non-compliant, are not decision invalid?),*
- *Signed Standard Costs Agreement and proof it was delivered to NCAT and shared with every owner in the complex (not found in NCAT office on 8 March 2022),*

- *Unredacted emails as claimed in costs schedule,*
- *Evidence that Lot 158 was NOT legally valid committee member in July/August 2020 when the NCAT case was raised.*
- *Where are alleged defamation costs disclosed in Solicitor's invoices? Waratah Strata Management provided these figures in the Agenda for Annual General Meeting in October 2021 on pages 14 to 17 (for account code 153200):*

*28/09/2020 Advice on Motions requested by owner Lot 158 \$2,700.00*

*26/10/2020 Defamation by Lot 158 \$413.50*

*23/11/2020 Defamation by Lot 158 (Hussein Elachkar) \$1,218.75*

*14/12/2020 NCAT application Lot 158 \$8,030.00*

*8/02/2021 NCAT application Lot 158 \$2,213.55*

*19/04/2021 NCAT application Lot 158 \$4,921.40*

*10/05/2021 Defamation by Lot 158 \$3,198.75*

*11/06/2021 NCAT application Lot 158 \$1,899.45*

21.1) Ms. Wright ignored this evidence, in spite of having knowledge that in 2012/2013 Solicitor Adrian Mueller solely coerced strata manager to change insurance policy and make four fraudulent insurance claims in amount of \$24,919.31 (GST excl) for non-existent "Defence of Lot 3" in CTTT case SCS 12/32675 and CHU Insurance forced owners corporation to repay \$8,800.00 four years later in March 2017.

22) Ms. Julie Wright again ignored my proposal in section 5 of the submission on 5 April 2022 (reference document "Costs-Respondent-letter-to-Ms-Julie-Wright-5Apr2022.pdf"), with emphasis on my rights to question Solicitor's submissions and already paid insurance claims:

*5) If Costs Applicant refuses to provide evidence as listed in paragraph 3), Costs Respondent proposes:*

*5.1) That Cost Assessor:*

*5.1.1) Takes into account and puts Costs Applicant and Solicitor Adrian Mueller on notice that costs will not follow the cause where the successful party has failed to participate in mediation (deliberate intention to litigate),*

*5.1.2) Takes into account procedural errors made by Costs Applicant in rush to litigate,*

*5.1.3) Takes into account suspected recovery of legal costs in amount of \$19,758.14 (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income and Expenditure Report).*

*5.1.4) Takes into account huge costs to Costs Respondent incurred by Costs Applicant without merits,*

*5.1.5) Takes into account lack of evidence to support Costs Respondent's claims and efforts made by Costs Respondent to review them for possible settlement out of court (lack of evidence includes proofs found at NCAT office on 8 March 2022),*

*5.1.6) Takes into account lack of evidence by Costs Applicant in regards to conduct of AGM 2020 and 2021, and validity of all committee meetings in 2021 and 2022,*

*5.1.7) Takes into account that, in spite of statements made in Decisions for NCAT SC 20/33352, there are still four outstanding safety and common property issues in Costs Respondent's unit, which Costs Applicant refuses to rectify (they will have to be addressed through Costs respondent's own funds since NCAT did not wish to enforce compliance),*

*5.1.8) Takes into account previous conduct of Costs Applicant and Solicitor Adrian Mueller, including threats, harassment, exposure to ridicule, multiple non-compliance with Tribunal orders, and staying silent even when anonymous death threats and letterbox warnings were experienced.*

23) Ms. Julie Wright completely ignored my submissions on 31 March 2022 and 5 April 2022 about Solicitor Adrian Mueller being under investigations by Office of Legal Services Commissioner:. Extract from my emails:

63) Currently, female owner of Lot 158 has a case CAS006791 with the Office of Legal Services Commissioner for Solicitor Adrian Mueller: professional misconduct, involvement in fraud, falsified evidence and false representation in CTTT cases SCS 12/32675, SCS 12/50460, and SCS 13/50737 (NCAT case SC 20/33352 will be submitted separately), false representation in District Court case 13/360456, refusal to co-operate with OLSC in four submissions (41366, 56561, CAS005901), persistent contempt of court through willful disobedience to, and disregard of, court orders and misconduct in the presence of courts and Tribunals (in period 2012 to 2021, Solicitor Adrian Mueller failed to comply with CTTT/NCAT orders for the Hearings six times), refusal to co-operate with Police Event E65804633 and NCAT in case SC 20/33352 by withholding evidence and coercing the Tribunal to ignore evidence of the Applicants without considering it, earnings through proceeds of crime, and serial litigator with intention to harass (including being silent witness of stalking, exposure to ridicule, discrimination on religious and nationality basis against Costs Respondent, being aware of anonymous death threats against Lot 158 and not taking any action to prevent such actions, and more), waste court time, and incur expenses for personal benefits. Solicitor Adrian Mueller not only initiated an abuse of the court processes to gain personal advantage through proceeds of crime but caused harm to other parties (to harass and annoy, to cause delay and detriment):

1. Breach of section 172 LPUL (NSW) - legal costs must be fair and reasonable,
2. Breach of section 178 LPUL (NSW) - non-compliance with disclosure obligations,
3. Breach of section 180 LPUL (NSW) - making costs agreements,
4. Breach of section 185 LPUL (NSW) - certain costs agreements are void,
5. Misappropriation, caused deficiency in owners corporation SP52948 funds and insurance company's funds,
6. Failure to comply with a requirement under section 371 LPUL (NSW) and failure to assist an investigator in the investigation of a complaint,
7. Breach of section 387 LPUL (NSW) - obstruction of investigator,
8. Breach of section 388 LPUL (NSW) – obligation of lawyers,
9. Breach of sections 3, 4, 5, 6, 7, 12, and 14 of Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 under the LPUL.

63.1) Actions by Solicitor Adrian Mueller obstructed Police investigators, insurance investigators, and other government officials (Fair Trading NSW, CTTT/NCAT, OLSC) and perverted the course of justice, falsified evidence, provided statements knowing they were not factual, earned income through proceeds of alleged crime, and more.

63.2) Solicitor Adrian Mueller was recipient of formal request "20220209-Re\_OLSC case CAS005901 - Request for Solicitor Adrian Mueller to respond with evidence on 8Feb2022-1750.pdf", as sent by Lot 158 on 8 February 2022. No reply was received for OLSC or Costs Respondent.

64) Costs Respondent submits evidence that Solicitor Adrian Mueller has (and had since 2012) intended to mislead judicial tribunal: by suppressing, concealing, destroying, altering, and falsifying documents knowing that they were (and still are) required as evidence in judicial proceeding.

65) Costs Respondent submits evidence that Solicitor Adrian Mueller has (and had since 2012) provided false statements and hampered investigations by Fair Trading NSW, CTTT, NCAT, District Court, Police, and Office of Legal Services Commissioner to protect own interests.

66) Costs Respondent submits evidence that Solicitor Adrian Mueller is, in essence, a vexatious complainant with direct intention to cause an act of harassment, annoyance, frustration, worry, and bring financial losses not only to the Costs Respondent, but to insurance companies, and owners corporation SP52948 as well.

66.1) Of special importance is the Costs Respondent's right to investigate anonymous death threat on 26 February 2013, during the period when Solicitor Adrian Mueller was actively engaged in preventing access to strata files and his own Standard Costs Agreement, in spite of knowledge that Lot 158 was, by law, legal member of the executive committee of SP52948.

66.2) Costs Respondent submits evidence that Solicitor Adrian Mueller had (and still has) knowledge of Costs Respondent experiencing continuous threats, discrimination, harassment, stalking, and exposure to ridicule, which culminated with two anonymous death threats.

67) Costs Respondent submits evidence that Solicitor Adrian Mueller had (and still has) knowledge of Costs Respondent experiencing continuous threats, discrimination, harassment, stalking, and exposure to ridicule, which culminated with two anonymous death threats.

67.1) Costs Respondent collected evidence that Solicitor Adrian Mueller secretly worked with strata manager at BCS Strata Management and SP52948 committee members to falsify data for his own Standard Costs Agreement and backdated it to 25 July 2012 on 19 March 2013. Those allegations need to be proven in court now.

67.2) False statements are a very serious offense in their own right. Deliberate lying in a Statutory Declaration is punishable by up to five years in prison, according to the NSW Oaths Act. Former judge Marcus Einfeld served two years in prison for knowingly making a false statement under oath and for attempting to pervert the course of justice. The case stemmed from the improbable catalyst of a false statutory declaration over a \$77.00 speeding fine. Section 317 of the Crimes Act is much harsher. Section 192E of the Crimes Act contains the offence of fraud, making it an offence for a person, by any deception, to dishonestly obtain property belonging to another or obtain any financial advantage or cause any financial disadvantage.

68) Solicitor Adrian Mueller has engaged in deliberate attempts to intimidate Costs Respondent, cause financial harm, and disallow Costs Respondent to enforce proper management of the strata complex SP52948, emphasising that Solicitor Adrian Mueller already deliberately caused huge expenses to the Costs Respondent:

68.1) Costs Respondent paid penalty in amount of \$26,500.00 based solely on Mr. Peter Bone's Statutory declaration (now found to contain false statements and tampered emails which were fully prepared and organised by Solicitor Adrian Mueller on 19 April 2013).

68.2) Costs Respondent paid \$2,737.90 to Chambers Russell Lawyers for unnecessary case in District Court case 13/360456 where, the Solicitor's defence was based on false Statutory Declaration by Mr. Peter Bone and false statements by Mr. Peter Bone in his Affidavit.

68.3) Costs Respondent spent \$700.00 for Lot 158 being forced to deliver extra folders to Solicitor Adrian Mueller on 18 April 2013 (due to fact that strata manager lost first folder, which was not Lot 158's responsibility or problem).

68.4) Since 2012, when Solicitor Adrian Mueller started work for owners corporation SP52948, Costs Respondent paid the following costs for strata documents which were not provided even though Lot 158 was legally valid member of the committee:

7Nov2012 \$132.00 Document search at BCS Strata Management  
28Feb2012 \$72.00 Document search at CTTT  
7Mar2013 \$33.00 Document search at BCS Strata Management  
11Mar2013 \$172.80 Document search at BCS Strata Management  
11Sep2013 \$45.00 Document search at BCS Strata Management  
15Oct2013 \$45.00 Document search at BCS Strata Management  
18Oct2013 \$32.00 Document search at BCS Strata Management  
16Feb2016 \$164.80 Document search at BCS Strata Management  
16Feb2016 \$3.40 Document search at BCS Strata Management  
15Jun2017 \$61.05 Document search at Waratah Strata Management  
13Jun2019 \$212.85 Document search at Waratah Strata Management  
13Jun2019 \$2.75 Document search at Waratah Strata Management  
26Sep2019 \$234.30 Document search at Waratah Strata Management  
24Apr2020 \$2,200.00 O'Brien Criminal & Civil Solicitors demand for strata files sent to Waratah Strata Management  
27Jul2020 Request to committee members  
31Jul2021 Request to committee members  
21Oct2020 Request to Solicitor Adrian Mueller  
19Jul2021 Request to Solicitor Adrian Mueller  
8Feb2022 Request to Solicitor Adrian Mueller  
27Feb2022 Request to Solicitor Adrian Mueller

68.5) Costs Respondent spent \$23,445.00 of their own money for alleged defamation cases and unnecessary legal advice for defending at NCAT (defamation cases never went to court or settled because they were based on baseless accusations) - the events were initiated by Solicitor Adrian Mueller in period from 21 October 2019 to 9 May 2021:

21 October 2019 \$5,000.00  
21 March 2020 \$2,200.00  
6 August 2020 \$3,300.00  
23 September 2020 \$295.00  
28 October 2020 \$3,300.00  
29 March 2021 \$3,300.00  
9 May 2021 \$6,050.00

68.6) Costs Respondent paid close to \$3,000.00 of their own money on the purchase of new colour laser printer, cartridges, folders, and paper for printing seven copies of files for six members of the committee and NCAT because committee members silently rejected the following plea to provide documents in electronic format, as sent to committee members on 25 September 2020:

NCAT allows it in their Procedural Direction 1:



*Documents do not need to be served in one of the ways set out above if the receiving party (or their representative) agrees to accept service of the documents by some other means.*

*Saves unnecessary paperwork and waste of natural resources,*

*Avoids unnecessary costs of printing, which we intend to charge owners corporation after we confirm that Lot 158 is legal member of the committee.*

*Some files are color photographs which would not look correct in black-and-white prints and NCAT insists of them being printed one-sided and in colour.*

*Some files are in video format which cannot be printed.*

*68.7) In email from Police on 22 August 2018, it was confirmed that Solicitor Adrian Mueller failed to provide files which he had legal obligation to keep for seven years.*

*68.9) Extract from Office of Legal Services Commissioner case 41366 dated 31 May 2013 which shows problems with costs disclosures and even though OLSC office did not take serious actions at the time, they are very relevant to the current costs assessment as they show importance of such costs disclosure*

...

*68.11) For the court records, Solicitor Adrian Mueller withheld crucial information from OLSC office about his conduct in CTTT cases SCS 12/32675 and 12/50460, including tampering with evidence to forge his own Standard Costs Agreement.*

*69) Solicitor Adrian Mueller attempted to use defamation threats four times against Costs Respondent as deterrent to prevent investigations and access to strata files.*

23.1) Ms. Julie Wright should have been aware about her privileges and duties, and should have acted in such manner to use wide powers to request further information and documents from the parties to an assessment, or from any other party. If the particulars or documents were not provided (as in case of Solicitor Adrian Mueller), the assessment can be dealt with either on the information available or by the costs assessor declining to deal with the application.

23.2) A law practice that fails (without good reason) to comply with a notice issued by a costs assessor is guilty of an offence (Clause 37 LPULAR). Under Section 298 LPUL and Section 165B LPULAA the failure may be regarded as unsatisfactory professional conduct or professional misconduct. Charging more than what is considered fair and reasonable costs may also be regarded as unsatisfactory professional conduct or professional misconduct.

23.3) Ms. Julie Wright ignored Section 202 of the LPUL that gave costs assessors the power to refer a matter to a designated local regulatory authority (Office of the Legal Services Commissioner) if the costs assessor considered the costs charged by a law practice were not fair and reasonable, or if any other matter has been raised in the course of a costs assessment that the costs assessor considered may amount to unsatisfactory professional conduct or professional misconduct (including failure by a practitioner to disclose Section 178(1)(d) LPUL).

23.4) Ms. Julie Wright did not, at any time, warn Solicitor Adrian Mueller Law about Section 204 of the LPUL, which enabled a costs assessor to determine that the law practice should pay the costs of the assessment if the costs claimed were reduced by more than 15 per cent or there was a failure to disclose.

24) On 5 April 2022 at 19:44 hours, in my email I also notified Ms. Wright that I offered access to NCAT audio files that showed behaviour of Solicitor Adrian Mueller at oral Hearing on 11 February 2021. Ms. Wright promised to look at it, but she did not include it in her final judgement.

24.1) The audio would have easily proven misconduct of Solicitor Adrian Mueller who wanted to litigate at all costs (through false statements and actions).

24.2) Ms. Wright downloaded the audit from my secure website, and in spite of promise to review it, did not include it in her assessment:

203.40.182.66 - scacc-70683 [06/Apr/2022:17:43:16 +1000] "GET /CA2022-70683/%20PARAGRAPH-27-NCAT-20-33352-Hearing-audio-recording-CIVIC14-4\_20210211-0926\_01d70057eed7e500.mp3 HTTP/1.1" 200 57560085

25) On 5 April 2022 at 19:51 hours, Ms. Wright received additional unredacted evidence on my secure website (reference document "Second-email-to-Julie-Wright-5Apr2022.pdf"):

26) My secure website forensic logs showed that Ms. Wright rushed to download/view unique 671 files (some were done multiple times), starting on 6 April 2022 (reference document “Julie-Wright-download-files-Supreme-Court.txt”). The first files were:

203.40.182.66 - scacc-70683 [06/Apr/2022:07:05:41 +1000] "GET /CA2022-70683/%20Adrian-Mueller-Standard-Costs-Agreement-signed-by-strata-manager-on-17Jul2012-and-kept-secret-from-CTTT-case-12-32675.pdf HTTP/1.1" 200 230824

203.40.182.66 - scacc-70683 [06/Apr/2022:07:06:00 +1000] "GET /CA2022-70683/SP52948-5200-dollars-exclusive-of-GST-paid-to-Adrian-Mueller-for-services-11Dec2017.jpg HTTP/1.1" 200 173616

203.40.182.66 - scacc-70683 [06/Apr/2022:07:06:22 +1000] "GET /CA2022-70683/%20Adrian-Mueller-Standard-Costs-Agreement-with-forged-signature-by-strata-manager-on-25Jul2012-and-provided-to-CTTT-case-12-32675-nine-months-later-on-19Apr2013.pdf HTTP/1.1" 200 211414

203.40.182.66 - scacc-70683 [06/Apr/2022:07:06:23 +1000] "GET /CA2022-70683/%20Adrian-Mueller-Standard-Costs-Agreement-with-forged-signature-by-strata-manager-on-25Jul2012-and-provided-to-CTTT-case-12-32675-nine-months-later-on-19Apr2013.pdf HTTP/1.1" 206 1023

27) Last downloaded/accessed files by Ms. Julie Wright were on 6 April 2022 at 21:39 hours (reference document “Julie-Wright-download-files-Supreme-Court.txt”):

203.40.182.66 - scacc-70683 [06/Apr/2022:21:38:10 +1000] "GET /CA2022-70683/Attachments-36/ HTTP/1.1" 200 2536

203.40.182.66 - scacc-70683 [06/Apr/2022:21:38:19 +1000] "GET /CA2022-70683/Attachments-36/Lot-158-Letter24April.pdf HTTP/1.1" 200 892410

203.40.182.66 - scacc-70683 [06/Apr/2022:21:38:33 +1000] "GET /CA2022-70683/Attachments-36/SP52948-Minutes-EC-meeting-7May2020.pdf HTTP/1.1" 200 86452

203.40.182.66 - scacc-70683 [06/Apr/2022:21:38:36 +1000] "GET /CA2022-70683/Attachments-36/SP52948-SUU-declined-to-quote-due-to-risky-legal-case-with-Solicitor-Adrian-Mueller-and-CHU-worried-about-water-leaks-Sep2012.png HTTP/1.1" 200 57459

203.40.182.66 - scacc-70683 [06/Apr/2022:21:38:48 +1000] "GET /CA2022-70683/Attachments-36/SP52948-redacted-email-committee-informed-about-SUU-declined-to-quote-insurance-renewal-due-to-pending-legal-defence-claim-20Sep2012.png.png HTTP/1.1" 200 74270

203.40.182.66 - scacc-70683 [06/Apr/2022:21:39:04 +1000] "GET /CA2022-70683/Attachments-36/Solicitor-Adrian-Mueller-extract-from-invoice-102134.png HTTP/1.1" 200 178532

203.40.182.66 - scacc-70683 [06/Apr/2022:21:39:13 +1000] "GET /CA2022-70683/Attachments-36/Solicitor-Adrian-Mueller-extract-from-invoice-103514.png HTTP/1.1" 200 23044

28) Throughout her assessment process, in spite of full knowledge and repeated reminders, Ms. Wright continued to misspell name of my wife, which was not only rude, unprofessional, but also bordered with ignorant behaviour.

My wife's name was NOT correctly listed, and has never been in any document.

29) Ms. Wright sent correspondence to me nine times.

30) Ms. Wright ignored irrefutable evidence of Solicitor's Adrian Mueller previous lies and false statements, which discredited him as a reliable witness. To list a few documents:

- Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12\_32675.pdf
- Brief-evidence-of-Solicitor-Adrian-Mueller-involvement-in-fraudulent-activities-in-CTTT-case-SCS-12\_50460.pdf
- District-Court-case-13-360456-Lot-158-Affidavit-ignored-by-Solicitor-Adrian-Mueller-4Feb2014.pdf
- SP52948-Lot-158-cost-submission-reply-ignored-by-Solicitor-Adrian-Mueller-in-Supreme-Court-27Feb2022.pdf
- Lot-158-submission-to-court-strong-case-for-Solicitor-Adrian-Mueller-being-accessory-before-and-after-insurance-fraud-five-times-CTTT-12-32675-and-NCAT-20-33352.pdf

- SP52948-Solicitor-Adrian-Mueller-failed-to-comply-with-Tribunal-orders-six-times-whilst-not-authorised-to-represent-owners-corporation-in-period-2012-to-2021.pdf
- SP52948-used-Unreasonable-Communications-Special-By-Law-against-Lot-158-six-times-without-disclosure-to-NCAT-SC-20-33352.pdf

31) On 26 April 2024 at 11:14 hours, Ms. Wright sent her final email (reference document “Final letter to parties.pdf”). She continued to misspell my wife’s name.

32) In her Statement of Reasons dated 26 April 2022 (reference document “2022.70683 Statement of Reasons F.pdf”), which I received on 24 May 2022 from Supreme Court, in Section 2, Ms. Wright made the following statement:

*2. In making the assessment I considered the following documents:*

- i. Application filed on 10 March 2022;*
- ii. Email from JS Mueller & Co for the Applicant dated 25 March 2022;*
- iii. Emails x 5 from the Respondents dated 1 April 2022;*
- iv. Emails x 2 from the Respondents dated 5 April 2022;*
- v. Email from JS Mueller & Co dated 20 April 2022; and*
- vi. Emails x 2 from the Respondents dated 20 April 2022.*

32.1) Ms. Wright failed to disclose there were three emails from me on 5 April 2022 and did not elaborate which one she excluded and on what basis:

Re: COSTS RESPONDENT SUBMISSION - AUDIT RECORDINGS RECEIVED FROM NCAT: The O...	Julie Wright, Adrian Mueller	5/4/22, 18:58
COSTS RESPONDENT SUBMISSION - 5Apr2022: The Owners – Strata Plan No. 52948 v Spom...	Julie Wright, Adrian Mueller	5/4/22, 19:44
CONFIDENTIAL COSTS RESPONDENT WEBSITE ACCESS - 5Apr2022: The Owners – Strata Pla...	Julie Wright	5/4/22, 19:51

32.2) In Ms. Wright’s Statement of Reasons, in Section 2, she failed to include comprehensive evidence from my secure website.

32.3) In Ms. Wright’s Statement of Reasons, in Section 2, she failed to include my email dated 31 March 2022, but referred to it in Section 20.

33) In Ms. Wright’s Statement of Reasons, in Section 3, she accepted Solicitor Adrian Mueller’s request for a total of \$25,158.14 (with no GST), where \$24,915.00 was for legal costs and \$243.14 for disbursements, without detailed analysis of how she arrived at such conclusion and exact evidence she relied on.

33.1) Ms. Wright ignored my evidence there were six versions of Solicitor Adrian Mueller’s costs, highlighting his inability to be consistent in his statement:

- First version of total legal expenses for Solicitor Adrian Mueller: in his letter dated 12 July 2021 he made claim of \$15,015.00 (excl GST), representing 75% of the actual legal costs the owners corporation incurred in the proceedings (he listed total figure of \$20,020.00, which does not match the alleged 75% calculation): **\$20,263.14 (GST excl) including disbursements**. Reference document “Solicitor-Adrian-Mueller-Bundle-of-Invoices-12Jul2021.pdf”.
- Second version of total expenses for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$25,714.30 (GST incl). Second version of total costs for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: **\$23,376.63 (GST excl) without information about disbursements**. Reference document “SP52948-agenda-for-AGM-2021-7Oct2021.pdf”.
- Third version of total expenses for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17), without defamation costs for Barrister Hussein Elachkar, without defamation costs for Solicitor Adrian Mueller, and without Solicitor’s costs for preventing my Motions for general meeting in FY 2021 which were not part of NCAT proceedings: **\$19,764.40 (GST excl) without information about disbursements**.

- Fourth version of total expenses as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021, if defamation costs for Barrister Hussein Elachkar and Solicitor Adrian Mueller are added, and Solicitor's costs for preventing my Motions for general meeting are included too, they amounted to **\$24,595.40 (GST excl) without information about disbursements**. Total amounts for alleged defamation and review of my Motions for AGM 2020 were not part of NCAT case SC 20/33352: \$7,531.00 (GST excl). These expenses should not have been calculated in the costs assessment (hidden in Solicitor' Adrian Mueller's invoices).
- Fifth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on page 3 on 7 February 2022 (no GST is claimed on the costs that are the subject of this costs assessment as the Costs Applicant is registered for GST and entitled to an input tax credit in respect of those costs), Solicitor Adrian Mueller claimed costs of **\$25,158.14 (GST excl) including disbursements**. Reference document "Costs Assessment Application (for service).pdf".
- Sixth version of total expenses for Solicitor Adrian Mueller: in his Costs Assessment Application on 25 March 2022, Solicitor claimed costs of **\$24,694.72 (GST excl) including disbursements**. Reference document "Solicitor-Adrian-Mueller-Tax-Invoices-Bundle-of-Invoices-25Mar2022.pdf".

33.2) Mr. Mueller did not disclose to her and myself that secret email on 7 February 2022 between BCB Insurance Broker and strata manager, stating that AIG did not agree to costs recovery and bill of costs in amount of \$25,157.14 already exceeded the \$25,000.00 limit set by the insurer (reference document "SP52948-undisclosed-plan-to-Insurance-company-and-Supreme-Court-for-Solicitor-Adrian-Mueller-legal-costs-claims-4Mar2022.png").

33.3) During March and April 2022, when I kept on insisting to find details of the insurance payments to owners corporation for legal claims in amount of \$19,758.14 on 24 March 2022, Ms. Wright ignored me (reference documents "SP52948-Waratah-Strata-Management-received-insurance-funds-for-Solicitor-Adrian-Mueller-legal-costs-with-plan-to-only-repay-part-of-it-if-they-recover-costs-from-Lot-158-25Mar2022.png" and "SP52948-Income-and-Expenditure-Report-1Sep2021-to-25Mar2022.pdf").

34) She used assessment in Section 3 as a basis for Section 4, where she concluded that she had determined the application by assessing "as fair and reasonable" costs in the sum of \$23,493.14 (with no GST), where \$23,250.00 was for legal costs and \$243.14 for disbursements. No justification of her decision was provided.

34.1) Ms. Wright ignored evidence that available files submitted by Solicitor Adrian Mueller failed tests of scrutiny and could not be accepted as factual. No reasonable person (let aside reputable legal professional) could accept unless forced under duress or being corrupt or negligent. There were many procedural errors:

- My wife was not served with Solicitor Adrian Mueller's letter or email on 12 July 2021,
- My wife's legal first and last name were incorrect in court statements by Solicitor Adrian Mueller,
- Decisions to engage Solicitor Adrian Mueller were made at non-compliant owners corporation meetings,
- Lack of Solicitor's evidence,
- Highly conflicting data for legal costs,
- Deliberate attempts by Solicitor Adrian Mueller to waste court time,
- Direct conflict of interest by Solicitor Adrian Mueller as there were multiple investigations against him for work in strata plan SP52948, and
- Attempts by Solicitor Adrian Mueller to incur unnecessary costs, and hinder civil and criminal investigations since 2012.

34.2) Ms. Wright ignored my direct questions on veracity of Solicitor Adrian Mueller's invoices and allowed Solicitor Adrian Mueller to avoid answering them. Ms. Wright showed high level of prejudice and bias.

Where were alleged defamation costs disclosed in Solicitor's invoices? Waratah Strata Management provided these figures in the Agenda for Annual General Meeting in October 2021 on pages 14 to 17 (for account code 153200):

28/09/2020 Advice on Motions requested by owner Lot 158 \$2,700.00

26/10/2020 Defamation by Lot 158 \$413.50

23/11/2020 Defamation by Lot 158 (Hussein Elachkar) \$1,218.75

14/12/2020 NCAT application Lot 158 \$8,030.00

8/02/2021 NCAT application Lot 158 \$2,213.55

19/04/2021 NCAT application Lot 158 \$4,921.40

10/05/2021 Defamation by Lot 158 \$3,198.75

11/06/2021 NCAT application Lot 158 \$1,899.45

34.3) Ms. Wright ignored evidence that Solicitor Adrian Mueller was also allegedly engaged in fourth defamation case, without owners corporation decision at general meeting, on 13 August 2020, in attempt to silence me.

Solicitor hid his costs and involvement in subsequent invoices.

35) In Ms. Wright's Statement of Reasons, in Section 7, she declared that in its substantive decision dated 23 April 2021, NCAT found I had failed to satisfy any of the orders sought should be made and my application was dismissed. Ms. Wright's opinion about Tribunal "substantive" decision was flawed, deliberately misconstrued, and failed to refute evidence of the opposite as provided in my reference document "Tribunal-ignored-voluminous-concerns-and-irrefutable-evidence-of-repetitive-misconduct-of-Solicitor-Adrian-Mueller-in-NCAT-case-20-33352-Apr2021.pdf".

35.1) Ms. Wright's opinion about Tribunal "substantive" decision was flawed, deliberately misconstrued, and failed to refute evidence of the opposite.

35.2) Ms. Wright deliberately ignored my evidence the Tribunal failed to establish the fact through evidence that Solicitor Adrian Mueller was not a valid legal representative at the Hearing, and did not establish the fact that Solicitor reviewed my documents on 9 and 10 December 2020, and as a consequence, failed to comply with Tribunal's Directions Hearing to submit files by post and email by 20 November 2020.

35.3) Ms. Wright deliberately ignored evidence the Tribunal failed to establish the fact Solicitor's document emailed on 25 January 2021 has the following hidden metadata, showing that Solicitor Adrian Mueller prepared his only "evidence" document on 24 December 2020 and deliberately kept it undisclosed to me and NCAT until the deadline to submit it expired:

<b>Producer:</b>	Aspose.Words for .NET 18.4
<b>Creator:</b>	Microsoft Office Word
<b>Created:</b>	Mon 14 Dec 2020 00:55:00 AEDT
<b>Modified:</b>	Thu 24 Dec 2020 00:43:00 AEDT
<b>Format:</b>	PDF-1.5
<b>Number of Pages:</b>	4
<b>Optimized:</b>	No
<b>Security:</b>	No
<b>Paper Size:</b>	A4, Portrait (210 × 297 mm)
<b>Size:</b>	83.4 kB

35.4) Ms. Wright deliberately ignored evidence that at Hearing on 11 February 2021, Tribunal member stated they did not have any contact details for the six committee members and strata manager that were part of the proceedings. Email from Solicitor Adrian Mueller clearly showed his intention to be the only representative in the case on 11 December 2020, which was not shared with me at the time.

35.5) Ms. Wright ignored the facts that in Solicitor Adrian Mueller's only submission "Respondent's Outline of Submissions.pdf" in NCAT case SC 20/33352 was just three pages long, with emphasis on the following false statement with clear intention to coerce the Tribunal to ignore my evidence, in spite of knowing that my files were offered on secure website, USB keys, CD-ROMs, and emails, and folders with physical printouts:

- (ii) include serious allegations of misconduct and even fraud on the part of multiple parties;

- (iii) are not supported by any, or any sufficient, evidence to prove the allegations particularly evidence that would satisfy the *Briginshaw* standard in relation to the serious allegations of misconduct and fraud;

- (f) refers to numerous documents and videos which have not been served on the Owners Corporation which gives rise to the possibility that the Owners Corporation will be denied procedural fairness at the hearing;

35.6) Solicitor Adrian Mueller lied to NCAT, as secret email dated 23 October 2020 shows his awareness of my secure website. This email also shows that Solicitor did not comply with strata manager's orders to review documents on my website.

35.7) Ms. Wright was informed through my evidence, that Solicitor Adrian Mueller knew I had provided six committee members and strata manager with access to all files and website and yet decided to lie to NCAT.

35.8) Ms. Wright was aware that I also provided all 218 owners with NCAT evidence, which Waratah Strata Management refused to share with owners on 25 September 2020.

35.9) Ms. Wright ignored evidence, submitted by Solicitor Adrian Mueller in "Costs Agreement & Acceptance.pdf", that Solicitor Adrian Mueller was requested by owners corporation to review files on my secure website on 23 October 2020, which he did not comply with, and simply forwarded the email to his assistant on 9 December 2020 (who did not do it either).

35.10) Ms. Wright ignored the evidence, submitted by Solicitor Adrian Mueller in "Costs Agreement & Acceptance.pdf", that Solicitor Adrian Mueller did not notify NCAT (as requested by owners corporation) until 11 December 2020.

35.11) Ms. Wright failed to establish the fact that Solicitor Adrian Mueller did not provide evidence of his Notice of Representation by legal practitioner or agent in NCAT case SC 20/33352 to me or her and that I could not find it in document search at the Tribunal.

36) In Ms. Wright's Statement of Reasons, in Section 8, she declared that I was lacking in substance and had made "number of allegations of serious misconduct without providing any cogent evidence", without elaborating or offering any refutation of my claims. Her version of "truth" does not match the irrefutable facts before, at, and after the assessment.

36.1) Her statements were (and still are) refuted with facts, which she deliberately chose to ignore.

36.2) Ms. Wright deliberately ignored my evidence the Tribunal failed to establish the fact through evidence that Solicitor Adrian Mueller was not a valid legal representative at the Hearing, and did not establish the fact that Solicitor reviewed my documents on 9 and 10 December 2020, and as a consequence, failed to comply with Tribunal's Directions Hearing to submit files by post and email by 20 November 2020.

36.3) Ms. Wright deliberately ignored evidence the Tribunal failed to establish the fact Solicitor's document emailed on 25 January 2021 has hidden metadata, showing that Solicitor Adrian Mueller prepared his only "evidence" document on 24 December 2020 and deliberately kept it undisclosed to me and NCAT until the deadline to submit it expired.

36.4) Ms. Wright deliberately ignored evidence that at Hearing on 11 February 2021, Tribunal member stated they did not have any contact details for the six committee members and strata manager that were part of the proceedings. Email from Solicitor Adrian Mueller clearly showed his intention to be the only representative in the case on 11 December 2020, which was not shared with me at the time.

36.5) Ms. Wright ignored the facts that in Solicitor Adrian Mueller's only submission "Respondent's Outline of Submissions.pdf" in NCAT case SC 20/33352 was just three pages long, with emphasis on false statement that my files were not served on strata manager and committee members, with clear intention to coerce the Tribunal to ignore my evidence, in spite of knowing that my files were offered on secure website, USB keys, CD-ROMs, and emails, and folders with physical printouts. Solicitor Adrian Mueller lied to NCAT, as secret email dated 23 October 2020 shows his awareness of my secure

website. This email also shows that Solicitor did not comply with strata manager's orders to review documents on my website. Ms. Wright was informed through my evidence, that Solicitor Adrian Mueller knew I had provided six committee members and strata manager with access to all files and website and yet decided to lie to NCAT. Ms. Wright was aware that I also provided all 218 owners with NCAT evidence, which Waratah Strata Management refused to share with owners on 25 September 2020.

36.6) Ms. Wright ignored evidence, submitted by Solicitor Adrian Mueller in "Costs Agreement & Acceptance.pdf", that Solicitor Adrian Mueller was requested by owners corporation to review files on my secure website on 23 October 2020, which he did not comply with, and simply forwarded the email to his assistant on 9 December 2020 (who did not do it either).

37) In Ms. Wright's Statement of Reasons, she made claims of compliance in Section 11, 12, 13, 14, and 15 which did not match her outcomes and attitude, with special emphasis on her statement that onus was on the costs applicant to prove their costs were valid.

38) In Ms. Wright's Statement of Reasons, in Section 13, she stated that in relation to party/party costs the onus was on the costs applicant to establish that the costs were fair and reasonable, but continuously failed to apply that rule in her assessment.

38.1) Ms. Wright failed to establish the facts for which alleged Solicitor's invoices were paid, because the invoices themselves were not a proof of their payment, or proof that all items on the invoices were accepted by the owners corporation.

39) In Ms. Wright's Statement of Reasons, in Section 16, she stated that costs were awarded by way of partial indemnity for professional legal costs actually incurred in the conduct of litigation and the party could not recover more costs from another party than it was liable to pay to its own solicitor.

39.1) Solicitor Adrian Mueller, in document "Tax Invoices Bundle.pdf" which he sent to Ms. Wright and myself on 25 March 2022 at 17:51 hours, deliberately withheld information that his invoice 108037 dated 14 March 2022 in amount of \$1,296.58 (GST excl) did not show up as paid in any accounting files, discovered by me two years later at document search in strata manager's office on 13 February 2024. Ms. Wright failed to find this fact or seek information to confirm Solicitor was paid. Sources of truth:

- SP52948 Detailed Expenses for the financial year from 01/09/2021 to 31/08/2022,
- SP52948 Detailed Expenses for the financial year from 01/09/2022 to 31/08/2023.
- SP52948 Income & Expenditure Report for the financial year-to-date 01/09/2023 to 26/03/2024.

39.2) Ms. Wright ignored my submission that Solicitor Adrian Mueller failed to provide information about sudden insurance claim in amount of \$19,758.14 (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income & Expenditure Report), which later turned out to be reimbursements to owners corporation for his legal costs, as this secret email between strata manager and committee members on 25 March 2022 showed.

This email clearly showed plans by strata manager that "if they recover costs from Lot 158, they would need to advise insurance company and likely refund a portion of that claim".

39.3) The insurance claims were in "full swing" as early as 7 February 2022, without disclosure to Supreme Court or myself. The email showed an attempt to make claim above the limit imposed by the insurance company, and request by the insurer to get all invoices of Solicitor Adrian Mueller. Reference document "SP52948-undisclosed-plan-to-Insurance-company-and-Supreme-Court-for-Solicitor-Adrian-Mueller-legal-costs-claims-4Mar2022.png"

Transcript of the email:

*I had passed the below into AIG for their review, and have provided their4 response.*

*The insured has advised that they cannot agree to recovery based on the recently supplied information. From their perspective they have advised "it doesn't make sense to spend \$14,000 (and probably more if the insured intends to commence bankruptcy proceedings) to try to recover \$15,000 - \$20,000 – which is understandable.*

*Also noted is that the bill of costs is at \$25,157,14 which has already exceeded the \$25,000 limit set by AIG – which was advised previously. As such, AIG have now requested that they are provided with all invoices (noting that we have attached all the invoices that we have received) for their consideration.*

39.4) Solicitor Adrian Mueller hid information that he was personally involved in organising this insurance claim, as email on 8 March 2022 shows Solicitor had sent note to strata manager on 5 March 2022 asking insurance company for a review of legal fee hourly rate.

Transcript of the email:

*We have received the following email from Adrian Mueller. Please ask the insurer to review their decision on the legal fee hourly rates they are using and how they can justify the rate they are using.*

39.5) By not asking Solicitor Adrian Mueller to provide details of sudden large insurance payments to owners corporation (which were later found to be for Solicitor's legal fees), Ms. Wright became direct accessory to fraud and excessive costs to insurance company and myself:

- Insurance company paid 19,758.14 (GST excl) for Solicitor Adrian Mueller's legal costs on 24 March 2022 - reference document "52948 DR 2022.pdf".
- Owners corporation repaid part of this amount to insurance company \$14,917.60 (GST excl), with significant delays in 2023. Reference documents "SP52948-Waratah-Strata-Management-Robert-Crosbie-handwritten-note-about-delayed-insurance-repayments-for-Solicitor-Adrian-Mueller-legal-costs.webp", "52948 DE 2022.pdf", and "52948 DE 2023.pdf", found in document search on 13 February 2024.
- Adding my own legal costs repayments in amount of \$23,744.42 (GST excl) and difference between what insurance company paid (\$19,758.14 (GST excl)) and then got reimbursed for (\$14,917.60 (GST excl)), total amount owners corporation received for legal costs of Solicitor Adrian Mueller was \$28,584.96 (GST excl), who, in the official assessment by Ms. Wright listed his costs as \$25,158.14 (GST excl). Owners corporation received \$3,426.82 (GST excl) more than what they had allegedly paid to Solicitor Adrian Mueller.
- Owners corporation made additional earnings in amount of \$1,704.08 through claiming GST from Australian Taxation Office for my payments, making grand total benefit of \$5,130.90 (GST excl) above what they allegedly paid to Solicitor. Mr. Julia Wright made decision that my penalty did not have a GST component. Belated document search in strata manager's office on 13 February 2024 found an undisclosed document where GST was applied by Waratah Strata Management (reference document "GST-applied-to-penalty-4Jul2022.png").
- Extract from SP52948 Income & Expenditure Report on 31 August 2022 (end of FY 2022) showed that sum of \$4,545.45 (GST excl) in code 144000 (Miscellaneous Income -- Admin) paid by me disappeared sometime between 4 and 31 August 2022. Reference document "SP52948-discrepancies-between-Solicitor-Adrian-Mueller-legal-and-insurance-payments-FY-2022-and-2023.pdf". Further more, my payment was also missing in allegedly audited accounts on 7 December 2022 (43 days after legal due date) – reference document "SP52948-Economos-Audit-report-FY-ending-31Aug2022.pdf"
- I made payment in amount of \$5,000.00 (GST excl) on 2 July 2022 and strata manager repaid \$4,545.00 (GST excl) to insurance company on 8 August 2022 (delay of 37 days, keeping money from two sources for the same legal expenses). Reference document "52948 DR 2022.pdf".
- I made payment in amount of \$5,000.00 (GST excl) on 3 January 2023 and strata manager repaid \$4,545.00 (GST excl) to insurance company on 21 February 2023 (delay of 49 days, keeping money from two sources for the same expenses). Reference documents "52948 DR 2023.pdf" and "52948 DE 2023.pdf".
- Solicitor Adrian Mueller deliberately withheld information that his invoice 108037 dated 14 March 2022 in amount of \$1,296.58 (GST excl) did not show up as paid in any accounting files (double accounting or fraud?). Reference document "Tax Invoices Bundle.pdf" which he sent to Ms. Wright and myself on 25 March 2022. Ms. Wright failed to find this fact or seek information about it.
- Waratah Strata Management still refuses to issue five invoices and receipts for my payments. Reference document "SP52948-insurance-reimbursements-and-blackmail-payments-for-alleged-legal-costs-of-Solicitor-Adrian-Mueller-2022-and-2023.png".
- Secret email from strata manager Mr. Robert Crosbie to Mr. Heath Crosbie and BCB Insurance Broker Mr. Samuel Lawrence on 6 July 2022 asking if insurance repayments should be prompt.



- Response from AIG to Waratah Strata Management, with clear instruction that insurance repayments should be done as the payments were received from myself:

In terms of the reimbursement, AIG have requested that this is done as the payments are received from the claimant. They have also requested that in the first instance of payment being made, the payment details which are attached should also be verified with the claims consultant over the phone in the first instance:

**Tina Emmett**

Senior Complex Claims Examiner

Financial Lines

AIG Australia

T +61 481 058 923

The reference for the payment should be AIG's claim reference 6592035031AU.

- Full expenses paid to Solicitor Adrian Mueller and his staff in period from September 2020 until the day of my document search in strata manager's office on 13 February 2024 (I had to force document search through two recent NSW Fair Trading cases 11138875 and 11204124):

28/09/2020 Advice on Motions Requested by Owner Lot 158, J.S. Mueller & Co \$2,700.00

26/10/2020 Defamation by Lot 158, J.S. Mueller & Co \$413.50

23/11/2020 Defamation by Lot 158, Hussein Elachkar \$1,218.75

14/12/2020 NCAT Application Lot 158, J.S. Mueller & Co \$8,030.00

08/02/2021 NCAT Application Lot 158, J.S. Mueller & Co \$2,213.55

19/04/2021 NCAT Application Lot 158, J.S. Mueller & Co \$4,921.40

10/05/2021 Defamation by Lot 158, J.S. Mueller & Co \$3,198.75

11/06/2021 NCAT Application Lot 158, J.S. Mueller & Co \$1,899.45

28/09/2021 NCAT Application Lot 158, J.S. Mueller & Co \$660.00

15/03/2022 Costs Assessment Application Against Lot 158, J.S. Mueller & Co \$1,273.71

15/03/2022 NCAT Application Lot 158, J.S. Mueller & Co, \$2,475.00

21/04/2022 Costs Assessment Application Against Lot 158, J.S. Mueller & Co \$2,575.07

28/06/2022 NCAT Application Lot 158, J.S. Mueller & Co \$1,641.00

21/10/2022 Advice on Motions 2022 AGM Requested by Lot 158, J.S. Mueller & Co \$1,265.00

10/07/2023 NCAT Application Lot 158, J.S. Mueller & Co \$220.00

Adding the above figures together, but not including defamation costs incurred by Mr. Hussein Elachkar (who worked with Solicitor Adrian Mueller and still refuses to provide his Standard Costs Agreement and none of 218 owners have ever seen it), we arrive at figure of \$33,072.93, an increase of 32.29 percent from Solicitor's estimate of \$25,000.00 in unsigned and undated Standard Costs Agreement by the customer and undated by the Solicitor, without disclosure to owners, Office of Legal Services Commissioner, and Ms. Wright.

Solicitor Adrian Mueller deliberately withheld information that his invoice 102255 dated 11 February 2021 in amount of \$4,921.40 (GST excl) was paid two months later on 19 April 2021, in spite of 30-day settlement requirement. Ms. Wright failed to find this fact or seek information about it.

Solicitor Adrian Mueller deliberately withheld information that his invoice 104547 dated 12 July 2021 in amount of \$660.00 (GST excl) was paid two months later on 28 September 2021 (rolled over into new financial year), in spite of 30-day settlement requirement. Ms. Wright failed to find this fact or seek information about it.

Solicitor Adrian Mueller deliberately withheld information that his invoice 107457 dated 4 February 2022 in amount of \$2,475.00 (GST excl) was paid more than a month later on 15 March 2022, in spite of 30-day settlement requirement. Ms. Wright failed to find this fact or seek information about it.

- On 7 July 2023, Solicitor Adrian Mueller, through invoice 115853, was paid \$220.00 (GST excl) for work that double charged reading same email for second instalment payments.

40) In Ms. Wright's Statement of Reasons, in Section 17, she made a statement that Solicitor Adrian Mueller provided her with a fee agreement between him and the Applicant and relevant tax invoices.

40.1) Ms. Wright failed to establish the fact that Solicitor's alleged Standard Costs Agreement, as provided in his document titled "Costs Agreement & Acceptance.pdf" on 25 March 2022:

- Did not have any date of Solicitor's signature,
- Did not have signature of owners corporation to accept the agreement,
- Did not prove the signed and dated agreement was sent to any owner after Annual General Meeting in 2020 which allegedly approved his engagement,
- Annual General Meeting on 22 October 2020 did not satisfy requirements for quorum and allowed unfinancial owners to vote and be elected as committee members; Waratah Strata Management complied with plan by Solicitor Adrian Mueller to prevent my Motions at the general meeting, coercing owners to vote against ratification of past events; Admin Fund had positive balance of only \$14,411.82, but three days later on 31 October 2020 it showed balance of only \$8,368.92 without disclosure to owners; Waratah Strata Management prevented the following competitive quotes from tenders for strata and building management: Strata Excellence, Strata Title Management, Netstrata, Curtis Strata Cleaning, Forte Asset Services, Clean and Secure Building Management, Jim's Mowing,
- Annual General Meeting on 22 October 2020 failed to comply with Clause 21 of the Strata Schemes Management Regulations 2016 which requires that the accounts and financial statements of the owners corporation with budget above \$250,000.00 must be audited before presentation at Annual General Meeting (AGM) in accordance with Section 95 of the Strata Schemes Management Act 2015. In 2020, Auditor's Report was completed 13 days after the due date (3 November 2020 and never provided to any owner.
- Solicitor Adrian Mueller did not provide evidence for his costs, and Ms. Wright did not want to pursue them, in spite of my repeated concerns and complaints (reference document "Submission-to-Supreme-Court-CAS006791\_1-Questions-on-Validity-of-Solicitor-Adrian-Mueller-Legal-Cost-Items-NCAT-20-33352.pdf"),

41) In Ms. Wright's Statement of Reasons, in Section 18, she deliberately ignored evidence that Solicitor Adrian Mueller had not been validly appointed, and blindly accepted the NCAT proceedings as valid determination.

41.1) Ms. Wright failed to review evidence of how Solicitor Adrian Mueller manipulated AGM 2020 (which NCAT completely ignored) by preventing my Motions for owners to consider at the meeting. Reference documents "SP52948-Motions-by-Lot-158-AGM-2020.pdf" and "52948 DE 2021.pdf":

28/09/2020 Advice on Motions Requested by Owner Lot 158 J.S. Mueller & Co \$2,700.00 (GST excl)

41.2) Ms. Wright ignored the fact that Solicitor Adrian Mueller failed to acknowledge that in his invoices he claimed he had received authorisation from strata manager to lodge Supreme Court case on 1 March 2022 - two days before committee meeting.

Ms. Wright failed to establish the fact that Solicitor Adrian Mueller lied in his submission of invoices (reference document "Tax Invoices Bundle.pdf") on 25 April 2022 where he claimed expense of \$55.00 for reading email from strata manager on 1 March 2022.

41.3) After being questioned by me about it, Mr. Mueller only provided the following response on 25 March 2022 (reference document "Letter to Ms J Wright - Costs Assessor.pdf"), without correcting the invoices or admitting that committee meeting on 3 March 2022 was non-compliant with strata laws (he coerced Ms. Wright to accept this meeting as valid).

Ms. Wright ignored the fact that Solicitor Adrian Mueller failed to acknowledge that committee meeting held on 3 March 2022 did not satisfy legal requirements (pages 15-16 of reference document "Costs-Respondent-letter-to-Ms-Julie-Wright-5Apr2022.pdf"). Solicitor Adrian Mueller failed to respond to paragraphs 17.1), 23), 23.1), and 23.2) in my document dated 5 April 2022.

3. The costs respondents appear to assert that the solicitor for the costs applicant was not authorised to apply for this costs assessment. But the costs respondents' own documents indicate that a decision was made by the strata committee of the costs applicant at its meeting held on 3 March 2022 to authorise the costs applicant's solicitor to apply for this costs assessment (see page 16 of the costs respondents' letter to the costs assessor dated 31 March 2022).

41.4) Agenda for committee meeting scheduled for 3 March 2022 was prepared and sent on 25 February 2022 (reference document "SP52948-notice-of-committee-meeting-sent-on-25Feb2022-for-meeting-on-3Mar2022.pdf"), which did not contain any information about Supreme Court event.

- Committee meeting on 3 March 2022 did not comply with strata regulations: as organised by Waratah Strata Management: did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).
- Agenda did not contain Motion for Solicitor Adrian Mueller:

**DATE, PLACE & TIME OF MEETING:** A meeting of the Strata Committee of The Owners - Strata Plan 52948 will be held on 3/03/2022 via Zoom video conference. The meeting will commence at 05:00 PM.

Join Zoom Meeting

<https://us06web.zoom.us/j/86031139357?pwd=NGR6bHFPWGpkY3VyUGU5dWpPOTdoZz09>

Meeting ID: 860 3113 9357

Passcode: 048746

One tap mobile

+61280156011,,86031139357# Australia

Dial by your location

+61 2 8015 6011 Australia

Meeting ID: 860 3113 9357

Find your local number: <https://us06web.zoom.us/u/kiak7uK1x>

**The Agenda for the meeting is:**

**1 MINUTES**

That the minutes of the previous strata committee meeting be confirmed as a true record of the proceedings of that meeting.

**2 CORE FIRE AUDIT**

That the fire audit prepared by Core Engineering is table and discussed. Mark Evans of Core Engineering in attendance to answer questions and advise required actions.

**3 GENERAL BUSINESS**

That any general business items be raised and discussed.

**4 NEXT MEETING**

That the date time and location of the next Strata Committee meeting be decided.

- Lot 158 requested that owners be notified about current status of NCAT case and Solicitor's engagement, but Waratah Strata Management and committee members declined. Legal costs had six versions of total expenses for Solicitor Adrian Mueller's alleged work. This was proposed to the committee for inclusion in the Agenda on the meeting scheduled for 3 March 2022, but not allowed by Waratah Strata Management.
- Agenda was created on 25 February 2022 and scheduled for 3 March 2022. Excluding date of creation, meeting date, and the weekend, ONLY three days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure was hidden from owners by Waratah Strata Management in subsequent years. Postal rule requires seven (7) day period. The day of postage cannot be included nor can the day of the meeting itself (Section 36 of the IA 1987) – in other words, those days must be left clear and not be counted in either the postal or strata period. The seven (7) day postal rule is for

seven (7) working days – working days are not public holidays, bank holidays in the state to which the agenda applies, Saturdays or Sundays.

- Agenda was not detailed, as required by SSMA 2015 and was not sent to me.
- Committee Meeting on 3 March 2022 did not disclose the expenses already accrued by Solicitor Adrian Mueller.
- I requested that owners be notified about current status of NCAT case and Solicitor's engagement, but Waratah Strata Management and committee members declined. Legal costs had six versions of total expenses for Solicitor Adrian Mueller's alleged work. This was proposed to the committee for inclusion in the Agenda on the meeting scheduled for 3 March 2022, but not allowed by Waratah Strata Management.
- Agenda for the committee meeting had no details of Solicitor Adrian Mueller and Supreme Court case for legal costs recovery which had already been initiated by Solicitor Adrian Mueller around 7 February 2022.
- On 7 February 2022, BCB Insurance Broker Samuel Lawrence confirmed that insurance company (AIG) reviewed the bill of costs in amount of \$25,158.14 (GST excl) which had exceeded limit of \$25,000.00 set by the insurer.
- Insurance company paid \$19,758.14 (GST excl) on 24 March 2022, as confirmed in secret email from Waratah Strata Management to committee members on 25 March 2022 and then got reimbursed for \$14,917.60 (GST excl) when Lot 158 paid Supreme Court "penalty" in amount of \$23,744.42 (GST excl) for the same Solicitor's claim (\$25,158.14 (GST excl)). Waratah Strata Management, committee members, and Solicitor Adrian Mueller caused direct losses to insurance company in amount of \$4,840.54 (GST excl).
- Minutes of committee meeting on 3 March 2022 did not contain detailed information about Supreme Court event (reference document "SP52948-minutes-EC-meeting-3Mar2022.pdf") and did not include admission that Solicitor Adrian Mueller had allegedly already been approved to initiate costs recovery two days earlier.

Minutes did not provide any information to owners about Solicitor Adrian Mueller's actions and confirmed that my offers (including request to maintain common property) were ignored.

Waratah Strata Management allowed one non-financial owner to be on the committee and vote (Mr. Stan Pogorelsky), in spite of knowledge of unpaid levies for gas heating (including 10% simple interest per each year).

Minutes of the alleged committee meeting on 3 March 2022 listed this under general business.

General Business is precluded from any strata scheme meetings. All items must be included as a motion on the meeting agenda and distributed to all owners so that they are aware of what decisions are to be considered. If an item is forgotten or not included it needs to be considered at the next meeting.

According to Strata Community Association (NSW), definition of a Motion:

*A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.*

*A motion must clearly state the proposal to be considered at the meeting.*

*General business may be conducted as an information session at the conclusion of a meeting but there can be no resolutions passed.*

41.5) My document search on 8 June 2022 found no evidence of Solicitor's email authorisation dated 1 March 2022.

Screenshot of strata management computer shows there were no files between 23 September 2021 and 4 March 2022.

41.6) Ms. Wright had my full statements with evidence, which she chose to ignore on 1 April 2022:

- Procedural Errors (pages 4-6).
- Free Mediation Offered by Costs Respondent to Committee and Costs Applicant was refused (pages 7-8).
- Costs Respondent Letters of Demand and Pleas to Committee Members and Strata Managers to Assist NCAT in October 2020 and February 2021 (pages 9-10).
- Committee Meeting on 15 July 2021 had no details regarding Solicitor Adrian Mueller's engagement and failed to satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7 and Interpretation Act 1987 (NSW) (pages 11-12).

- Committee Meeting on 10 February 2022 had no details regarding Solicitor Adrian Mueller’s engagement and failed to satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7 and Interpretation Act 1987 (NSW) (pages 13-14).
- Committee Meeting on 3 March 2022 did not disclose the expenses accrued by Solicitor Adrian Mueller and failed to satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7 and Interpretation Act 1987 (NSW) (pages 15-16).
- Costs Respondent’s Unredacted Evidence in relation to no transparency, no access to the Costs Agreement and lack of legal basis of engagement of Solicitor Adrian Mueller (pages 17-23).
- Troubles with Admin and Capital Works Funds, and OH&S, Fire Safety Problems (including four unresolved problems in Costs Respondent’s unit) (pages 24-25).
- Costs Respondent initiated NCAT case SC 20/33352 for one single reason: failure by Costs Applicant and Solicitor Adrian Mueller to respond to O’Brien Criminal & Civil Solicitors’ letter dated 24 April 2020 (page 26).
- Concerns About NCAT Conduct for fair and just proceedings in transparency of costs (pages 27-30).
- NCAT Document search verifies Solicitor Adrian Mueller’s files were missing (page 31).
- Costs Respondent’s Brief Analysis of Adrian Mueller’s Alleged Legal Costs (pages 32-37).
- Examples of Conduct by Solicitor Adrian Mueller (pages 38-48).
- Solicitor Adrian Mueller and four OLS cases where he refused to co-operate (pages 49-50)

41.7) Ms. Wright had duty to establish the fact that Solicitor Adrian Mueller did not provide copy of Standard Costs Agreement for costs recovery, which is obvious from secret email between strata manager and committee members on 25 March 2022, where they admit that insurance company did not consent to the costs to seek recovery from my wife and me. This email also proves that none of 218 owners received Solicitor’s Standard Costs Agreement or assessment of costs before, at, or after Solicitor initiated Supreme Court case.

41.8) Ms. Wright had full access, and failed to review, continuous breaches of strata laws in regards to compliance of ordinary and general meetings:

<https://www.nswstratasleuth.info/SP52948-Waratah-Strata-Management-organised-non-compliant-ordinary-committee-meetings-in-period-2017-to-2023.html>

42) In Ms. Wright’s Statement of Reasons, in Section 18, she deliberately ignored evidence that Solicitor Adrian Mueller had not been validly appointed, and blindly accepted the NCAT proceedings as valid determination. Ms. Wright failed to review evidence of how Solicitor Adrian Mueller manipulated AGM 2020 (which NCAT did not even consider).

43) In Ms. Wright’s Statement of Reasons, in Section 20, she stated that “the Respondents made a vast number of submissions in a 50 page letter to me dated 31 March 2022, and also provided many hundreds of pages of other documents in pdf and via a website”.

43.1) Her statement contradicted her list of accepted evidence in Section 2, where email dated 31 March 2022 was not listed.

43.2) Her statement confirmed that she excluded all evidence provided to her on my secure website, as none were listed in accepted evidence in Section 2.

43.3) She entirely contradicted her statement in Section 25 of 4000 pages of material.

43.4) Ms. Wright also failed to count number of PDF files: there were exactly 503 of them on my secure website.

44) In Ms. Wright's Statement of Reasons, in Section 21, she admitted being aware of Solicitor Adrian Mueller involved in number of legal cases, who had history of hampering CTTT, Police and OLSC investigations, and wanted to incur cost and continuously threaten my wife and myself.

44.1) Mr. Wright directly confirmed her unwillingness to address this case in a professional manner:

*21. Most of the Respondents' submissions were a re-run of matters raised before NCAT and/or are entirely irrelevant to the matters that I am required to consider, including, by way of examples only:*

*i. a submission that I dismiss the application if the Applicant's solicitor fails to provide "unredacted evidence of what advice he gave in regards to direct conflict of interest with knowledge of two Police Events and three Office of Legal Services Commissioner complaints"; and*

*ii. a submission that "the court issues stay of the proceedings" until various events including that the Police and the Office of Legal Services Commissioner review certain evidence.*

44.2) Ms. Wright denied my wife and myself a procedural fairness by not allowing a stay of assessment until I gained access to relevant files which Solicitor Adrian Mueller refused to provide.

In recent case, Justice Anderson granted the stay of his orders that Henley Construction Pty Ltd pay Henley Arch Pty Ltd's costs in relation to the principal proceedings. Justice Anderson examined the principles to be applied in considering a stay that had been considered by Katzmann J in *In-N-Out Burgers, Inc v Hashtag Burgers Pty Ltd (No 2)* [2020] FCA 772 at [25], noting among other things:

- a stay should not be granted unless the appeal is at least arguable, although speculation as to its prospects of success is usually inappropriate;
- but without more, an arguable case is not sufficient justification for a stay; and
- a substantial factor in favour of a stay is the risk that, without a stay, the appeal would be rendered nugatory.

45) In Ms. Wright's Statement of Reasons, in Section 22, she confirmed that I made specific objections to the items of costs claimed. She did not accept those objections, and did not provide any justification for such decision.

45.1) Costs in amount of \$7,531.00 should have been excluded from assessor's calculations because they were related to alleged defamation and review of my Motions for general meeting in 2020, and they were not part of NCAT case (Waratah Strata Management provided these figures in the Agenda for Annual General Meeting in October 2021 on pages 14 to 17 (for account code 153200)):

- 28/09/2020 Advice on Motions requested by owner Lot 158 \$2,700.00
- 26/10/2020 Defamation by Lot 158 \$413.50
- 23/11/2020 Defamation by Lot 158 (Hussein Elachkar) \$1,218.75
- 10/05/2021 Defamation by Lot 158 \$3,198.75

45.2) On what basis Ms. Wright accepted Solicitor Adrian Mueller's expense in item 33 in amount of \$1,265.00, stating that he appeared at Tribunal hearing for costs applicant by telephone for 2 hours 18 minutes. Solicitor Adrian Mueller's misleading statement in his Costs Assessment Application:

- These statements were not factual and can be proven in audio recording from NCAT (which Ms. Wright had access to).
- Tribunal called me on my mobile at 09:26 hours.
- Only at 09:59 hours the Tribunal formally allowed Solicitor Adrian Mueller to represent the Costs Applicant, without offering any evidence to allow me to question it.
- When asked if all six committee members were still the Respondents in case SC 20/33352, Solicitor Adrian Mueller replied affirmatively. Tribunal repeated that question two times. The response from Solicitor Adrian Mueller was false as he had knowledge that one of the committee members (Mr. Moses Levitt) resigned, as reported in Minutes of committee meeting on 11 November 2020 (I did not receive notice or minutes of the meeting, so I was prevented from having knowledge of it).

- Solicitor did not present any facts to refute my statements and spoke for few minutes only.
- Whole Hearing process ended at 11:25 hours.

45.3) In period from 1 September 2021 to 21 March 2022 (more than five and half months in FY 2022), the Income and Expenditure Report claimed that only \$380.00 was spent for all legal and debt collection fees. This suggests that Solicitor Adrian Mueller did not work on responding to my initial offer since 27 July 2021 and in the meantime, only after I complained to NCAT on 2 February 2022, increased their costs by close to \$4,000.00. Reference documents “SP52948-Income-and-Expenditure-Report-1Sep2021-to-21Mar2022.pdf” and “SP52948-Income-and-Expenditure-Report-1Sep2021-to-23Mar2022.pdf”.

45.4) Legal expense in item 3 of \$550.00 was refuted and rejected by me: in his Costs Assessment Application dated 7 February 2022 on page 25, Solicitor Adrian Mueller claimed he read version of my Statutory Declaration on 26 October 2020, which allegedly had 108 pages. The Statutory Declaration dated 30 July 2020, which had 102 pages (not counting the signatures on last page) was superseded by correcting a few typing errors and accidental cut-and-paste errors on 18 August 2020. There was no valid reason or sensible justification for Solicitor Adrian Mueller to use and even charge owners corporation for this document around one month after the newer version was submitted by me. Solicitor Adrian Mueller’s information about page count is incorrect. It was 104 pages in length (not counting the signatures on last page).

45.5) Legal expenses in items 7 and 8 of \$3,025.00 on 9 December 2020 and \$1,210.00 on 10 December 2020 were refuted and rejected by me: Solicitor Adrian Mueller was fully aware of his obligation to comply with NCAT orders by 20 November 2020 and made deliberate effort to ignore it. In Solicitor Adrian Mueller’s own statement, he had started started reading my files after the due date which showed clear contempt of court. In addition, page count was wrong: file had 104 pages (not counting the signatures on the last page):

*9/12/20 Perusing folder of evidence and submissions of costs respondents (704 pages) including re-sworn statutory declaration of Lot 158 (103 pages)*

*10/12/20 Perusing folder of evidence and submissions of costs respondents (704 pages) including re-sworn statutory declaration of Lot 158 (103 pages)*

45.6) It is difficult to accept Ms. Wright’s rejection of my refutation for Solicitor’s item 23 in amount of \$55.00:

*Perusing email from Tribunal requesting filing of submissions by post or in person rather than electronically (1/2 folio) – Total 3 hour \$55.00*

- There is a typing error where “3 hour” did not match the reasonably expected plural “hours”.
- If “3 hour” was correct, then fee of \$55.00 was not plausible because the Solicitor charged that amount for other work taking one minute only.


45.7) In his “Letter to Ms J Wright – Costs Assessor.pdf”, Solicitor Adrian Mueller stated on page 8:

The identity of the person who did the work e.g. Partner, Associate.	The work was carried out by Adrian Mueller a partner of JS Mueller & Co Lawyers. Mr Mueller was admitted as a solicitor of the Supreme Court of New South Wales in February 2002 and in 2012 was admitted as a Fellow of the Australian College of Strata Lawyers in recognition of his expertise in strata title law.
--	--

PDF metadata in his submission to NCAT and me which was sent belatedly on 25 January 2021 and allegedly signed on 18 January 2021 shows that a person who appears to be named Ms. Karen Gillies was the real creator and modifier of the only document served on NCAT and myself. This information did not match Solicitor's statement and Ms. Wright ignored it:

General	Fonts
<b>Title:</b>	None
<b>Location:</b>	file:///tmp/user/1000/Respondent's Outline of Submissions.pdf
<b>Subject:</b>	None
<b>Author:</b>	Karen Gillies
<b>Keywords:</b>	None
<b>Producer:</b>	Aspose.Words for .NET 18.4
<b>Creator:</b>	Microsoft Office Word
<b>Created:</b>	Mon 14 Dec 2020 11:55:00
<b>Modified:</b>	Thu 24 Dec 2020 11:43:00
<b>Format:</b>	PDF-1.5
<b>Number of Pages:</b>	4
<b>Optimised:</b>	No
<b>Security:</b>	No
<b>Paper Size:</b>	A4, Portrait (210 x 297 mm)
<b>Size:</b>	83.4 kB

Dated 18 January 2021

  
 .....  
 Adrian Simon Mueller  
 Solicitor for the Owners Corporation

45.8) In Australia, there is an absolute constitutional duty to provide reasons for judicial decisions and by examining whether the general practice of the New South Wales Court of Appeal and the High Court complies with that duty when deciding applications for leave or special leave to appeal.

45.9) There is clear authority in Australia that reasons for judicial decisions should ordinarily, although not always, be provided and that a failure to provide reasons, where they are required, is an error of law.

45.10) There is also a doctrinal argument that a failure to provide reasons is not just an error of law but is a jurisdictional error.

46) In Ms. Wright's Statement of Reasons, in Section 23, she made decision on costs, by arbitrarily excluding some of Solicitor's expenses (21 out of 93 items):

23. *On my own review, I disallowed or reduced the following items which I considered were not fair and reasonable: 3, 10, 13, 17, 18, 19, 22, 25, 28, 29, 34, 35, 36, 37, 40, 44, 61, 62, 68, 71, 72.*

46.1) Ms. Wright failed to justify such decision. Her decision was artificial, lacked substance and a professional review. It was almost a completely random selection of what Ms. Wright disallowed.

46.2) Ms. Wright ignored the fact that Solicitor Adrian Mueller did not disclose secret insurance claims for his alleged legal costs already covered majority of his costs.

- Solicitor Adrian Mueller failed to provide information about sudden insurance claim in amount of \$19,758.14 (GST excl) (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income & Expenditure Report)

#### Insurance Claims 142000

24/03/2022 Lot 158 NCAT Legal Expenses

19,758.14	OC.Rct	5320
<u>\$19,758.14</u>		

- Income & Expenditure Report listed all legal costs in period from 1 September 2021 to 21 March 2022 as \$380.00 and no insurance claims for legal costs,
- Income & Expenditure Report listed all legal costs in period from 1 September 2021 to 24 March 2022 as \$4,128.71 and no insurance claims for legal costs,
- Income & Expenditure Report suddenly listed all legal costs in period from 1 September 2021 to 25 March 2022 as \$4,128.71 and insurance claims for legal costs as \$19,758.14.



46.3) Ms Wright failed in her duty to complete basic calculations for her version of costs which disallowed these alleged legal expenses incurred by Solicitor Adrian Mueller in his document "Costs Assessment Application (for service).pdf":

- Item 3 : \$55.00
- Item 10 : \$1,100.00
- Item 13 : \$55.00
- Item 17 : \$55.00
- Item 18 : \$55.00
- Item 19 : \$55.00
- Item 22 : \$55.00
- Item 25 : \$55.00
- Item 28 : \$55.00
- Item 29 : \$110.00
- Item 34 : \$275.00
- Item 35 : \$55.00
- Item 36 : \$110.00
- Item 37 : \$55.00
- Item 40 : \$55.00
- Item 44 : \$55.00
- Item 61 : \$55.00
- Item 62 : \$55.00
- Item 68 : \$55.00
- Item 71 : \$55.00
- Item 72 : \$55.00

Solicitor's alleged total costs were \$25,158.14 (GST excl), which included \$243.14 for disbursements.

21 items which Ms. Wright disallowed amounted to \$2,530.00 (GST excl).

Subtracting the above two figures: \$22,628.14 (GST excl), which included \$243.14 for disbursements.

Ms. Wright accepted \$23,493.14 (GST excl), being \$23,250.00 for legal costs and \$243.14 for disbursements.

Difference between Ms. Wright's assessment of \$23,493.14 and real calculation of \$22,628.14 is \$865.00 (GST excl). She overcharged my wife and me by \$865.00 (GST excl) in her own "calculation".

47) In Ms. Wright's Statement of Reasons, in Section 25, she stated:

*25. The Respondents' approach to this assessment vastly increased the costs of the assessment. In addition to having provided me with a letter of 50 pages as an initial response, the Respondents also provided numerous other documents over several emails and then by email dated 5 April 2022 access to a website containing approximately 340 documents or links to bundle of documents. Whilst some of the documents consist of only a single page, several (for example agendas of strata meetings) consist of more than 100 pages and in several instances the bundles of further attachments were numerous. I conservatively estimate that the Respondents provided me via the website with more than 1000 documents and more than 4000 pages of material.*

47.1) Ms. Wright was grossly inaccurate: there were exactly 801 files.

47.2) Ms. Wright indirectly admitted that she did not read documents like agendas of meetings, in spite of them offering evidence of all meetings that Solicitor Adrian relied on did not comply with strata laws and regulations.

47.3) In Ms. Wright's Statement of Reasons, in Section 20, she stated that "the Respondents made a vast number of submissions in a 50 page letter to me dated 31 March 2022, and also provided many hundreds of pages of other documents in pdf and via a website", which entirely contradicted her statement in Section 25 of 4000 pages of material.

Ms. Wright also failed to count exact number of PDF files: there were exactly 503 of them on my secure website.

47.4) What credibility did (and still does) Ms. Wright have when she could not even assess how many documents she downloaded.

48) In Ms. Wright's Statement of Reasons, in Section 26, she stated the following:

*26. The vast majority of the material provided by the Respondents is entirely irrelevant to the assessment process. By way of example:*

*i. the first of the approximately 340 documents on the website is itself a document containing many (approximately 40) separate links to articles posted by the Lot 158 on his Linked-In profile. I have not reviewed those articles because their titles, eg "Blood donations do not discriminate", "Nikola Tesla and my little reminder about him" and "Fukushima City five years later and unknown whereabouts of friends", have nothing to do with this process;*

*ii. many of the documents are submissions made to various third parties including NCAT containing serious allegations of misconduct and fraud made in relation to other members of the strata and to the solicitor for the Applicant, going back about 10 years. Not only are these irrelevant to the assessment but they were clearly matters that were raised by the Respondent in the underlying hearing before NCAT and were rejected by NCAT (and in some instances, raised and rejected by the Office of the Legal Services Commissioner).*

48.1) Ms. Wright was dishonest in making the above statements, because secure website log file showed, without any doubt, that she downloaded these files firstly (they were at the top of the page):

- Adrian-Mueller-Standard-Costs-Agreement-signed-by-strata-manager-on-17Jul2012-and-kept-secret-from-CTTT-case-12-32675.pdf
- SP52948-5200-dollars-exclusive-of-GST-paid-to-Adrian-Mueller-for-services-11Dec2017.jpg
- Adrian-Mueller-Standard-Costs-Agreement-with-forged-signature-by-strata-manager-on-25Jul2012-and-provided-to-CTTT-case-12-32675-nine-months-later-on-19Apr2013.pdf

48.2) Ms. Wright failed to acknowledge that I was forced to provide many files which Solicitor refused to include for the costs assessment because they were endangering his chances in court.

48.3) Ms. Wright made another completely inaccurate version of 340 files were on my website.

48.4) Ms. Wright failed in her duties to establish the character references for Solicitor Adrian Mueller and myself, and even ridiculed my duty of care and ethics on display in public forum (LinkedIn). Her comments were hurtful, lacked professionalism, and were deliberately added to her statement to show her "powers" to do whatever she saw fit for the purpose. For the record: my wife, who has excellent sixth sense, by reading Ms. Wright's emails prior to her decision, made firm statements that the costs assessor was dishonest and corrupt.

48.5) Ms. Wright, without any fact-checking made wrong assumptions about decisions by CTTT/NCAT and Office of Legal Services Commissioner, where Solicitor Adrian Mueller either offered no assistance, or provided false statements.

Due to Solicitor's refusal to co-operate, OLSC did not take any serious action against Solicitor Adrian Mueller so far (reference document "Brief-summary-of-complaints-for-lack-of-actions-by-Office-of-Legal-Services-Commissioner-of-Solicitor-Adrian-Mueller-misconduct-and-corruption-Nov2022.pdf").

49) In Ms. Wright's Statement of Reasons, in Section 27, she stated:

*27. I brought to the Respondents' attention by my email dated 1 April 2022 that the material provided by the Respondents at that time did not appear to be directed to the issues that I am to determine, and that the costs of the assessment would increase unnecessarily if I was required to review material that is not relevant to my assessment. that the relevance was unclear and the costs of this process would be increased if I was required to consider irrelevant material. The Respondents did not heed that warning, nor did the Respondents make any attempt to explain how the thousands of pages of material provided was relevant.*

49.1) Ms. Wright chose to ignore my evidence of Solicitor's continuous abuse of legal processes, his false statements, and refusal to help various investigators. Even brief scanning of my documents was sufficient to establish the fact that Solicitor Adrian Mueller was corrupt, dishonest, and unprofessional.

To any legal professional, my documents would have raised "red flags" to fully scrutinise Solicitor Adrian Mueller's submissions (which had lot of dubious and conflicting information), and Ms. Wright failed to do.

49.2) She appeared to blame me for offering evidence, without explaining which documents were "irrelevant", especially with the view that Solicitor Adrian Mueller hampered her investigations.

50) In Ms. Wright's Statement of Reasons, in Section 28, she concluded that my wife and I made no attempts to settle the costs, completely ignoring the facts in a premeditated, deliberate effort:

*28. In addition, the Respondents have not identified any offer by it to settle the costs of this assessment for an amount more than that which I have assessed.*

50.1) Ms. Wright deliberately ignored my attempts to reason with the owners corporation and Solicitor Adrian Mueller:

- Email to six members of the committee on 18 September 2020 at 20:15 hours.
- Email sent to four committee members on 25 September 2020 at 12:20 hours.
- Email sent to committee member on 25 September 2020 at 15:53 hours.
- Email sent to five committee members on 25 September 2020 at 18:25 hours.
- Email sent to strata manager and five members of the committee on 27 September 2020 at 07:24 hours.
- Two emails sent to Solicitor Adrian Mueller on 21 October 2020 at 18:13 and 19:16 hours.
- Email sent to five committee members on 9 February 2021 at 13:51 hours, requesting their assistance at NCAT Hearing two days later.
- Email sent to strata manager and five committee members on 12 May 2021 at 09:01 hours.
- Email sent to strata manager and five committee members on 12 May 2021 at 11:47 hours.
- Email sent to Solicitor Adrian Mueller with initial proposal for costs settlement on 19 July 2021 at 08:27 hours. NCAT was a witness of this attempt (Solicitor Adrian Mueller's Costs Assessment Application on pages 46 to 47).

Ms. Wright ignored the fact that Solicitor Adrian Mueller, in his email dated 7 February 2022 at 15:05 hours, with Subject line "Lot 158 -v- SP52948 - NSW Civil & Administrative Tribunal File No. SC 20/33352 - Service of Costs Assessment Application & Bill of Costs (JSM 37289)", failed to include my offer to settle on 19 July 2021. That email in Solicitor's evidence was deliberately undisclosed to Ms. Wright.

- Email sent to NCAT (forwarded to five committee members) on 25 July 2021 at 14:29 hours.
- Five emails to NCAT and committee members on 30 and 31 August 2021 documenting problems with SC case 20/33352.
- Email sent to strata manager and five committee members on 27 October 2021 at 11:12 hours.
- Email sent to NCAT on 2 February 2022 at 18:08 hours, with complaint about not receiving any responses from Solicitor Adrian Mueller, which also includes request to owners corporation to provide answers to O'Brien Criminal & Civil Solicitors letter dated 24 April 2020 (Solicitor Adrian Mueller's Costs Assessment Application on pages 49 to 57).
- Email sent to five committee members on 3 February 2022 at 21:26 hours, with complaint about not receiving any responses from Solicitor Adrian Mueller, which also includes request to owners corporation to provide answers to O'Brien Criminal & Civil Solicitors letter dated 24 April 2020 (document "Lot-158-Letter24April.pdf").
- Email sent to Solicitor Adrian Mueller, Ms. Carol Pollard, and five committee members, requesting that Solicitor Adrian Mueller offer assistance to Office of Legal Services Commissioner in case CAS005901 on 8 February 2022 at 09:45 hours (Solicitor Adrian Mueller's Costs Assessment Application on pages 265 to 281).

- Email sent to Solicitor Adrian Mueller, Ms. Carol Pollard, requesting that Solicitor Adrian Mueller offer assistance to Office of Legal Services Commissioner in case CAS005901 on 9 February 2022 at 18:06 hours (Solicitor Adrian Mueller's Costs Assessment Application on pages 300 to 307).
- Email and letter sent to Solicitor Adrian Mueller and Ms. Carol Pollard on 27 February 2022 at 21:15 hours. Not only the Solicitor did not reply, but Ms. Carol Pollard destroyed it without reading on 24 March 2022.

51) In Ms. Wright's Statement of Reasons, in Section 29, she determined that her fees should be paid by my wife and myself, as a final insult for her ignorance of the serious case with many elements of criminality exhibited by Solicitor Adrian Mueller.

52) Ms. Wright accepted alleged Affidavit by Solicitor's staff without verification. Reference document "Affidavit of Service.pdf".

52.1) Ms. Wright had full knowledge that Solicitor Adrian Mueller had history of false statements in Statutory Declarations and Affidavit in previous legal cases:

- CTTT SCS 12/32675 on 19 April 2013,
- District Court case 2013/360456 on 31 January 2014.

52.2) Ms. Wright did not, and could not, establish the fact that alleged two letters were sent to my wife and me on 7 February 2022 (my wife did not receive it, and Solicitor Adrian Mueller ignored requests to show photos of envelopes, proof of registered mails, and so on).



53) Ms. Wright assessor's costs in amount of \$2,821.50 were not itemised and amounted to questionable figure which all reasonable people would seek justification for. Reference document "2022.70683 C4A Ordered costs F.pdf".

54) Ms. Wright failed in her duty to properly assess Solicitor Adrian Mueller's high legal costs whilst not seeking evidence that I was repeatedly requesting.

54.1) Ms. Wright ignored my document (reference document "SP52948-Lot-158-cost-submission-reply-27Feb2022.pdf") which was sent to Solicitor Adrian Mueller on 27 February 2022 but deleted by Solicitor's staff without reading or any response to me on 24 March 2022.

54.2) Ms. Wright had full evidence of Solicitor Adrian Mueller's overcharging in previous legal cases:

- Standard Costs Agreement in District Court case 2013/360456 approved costs in amount of \$15,500.00 (GST excl) whilst Solicitor Adrian Mueller charged \$25,315.48 (GST excl) without owners corporation approval or knowledge. Reference documents for invoices dated 14 February 2014, 18 February 2014, and 6 March 2014: "BCS6601071-Agenda-EGM-4Dec2013-sent-20Nov2013.pdf", "BCS7278434-JS-Mueller-invoice-18Feb2014.pdf", "BCS7459729-JS-Mueller-invoice-6Mar2014.pdf", "SP52848-cashbook-payments-1Sep2013-to-31Aug2014.pdf", "SP52948-Solicitor-Adrian-Mueller-unitemized-invoice-for-District-Court-case-2013-360456.png", and "SP52948-Solicitor-A-Mueller-Paid-Invoices-2Nov2014.pdf".

Cred. Code	Creditor Name	Doc. Ref. No.	Doc. Date	Paid (GST inclusive)	Chq. Date	Mtd.	Cnl. Chq.	Date Presented	Invoice
84446	J S MUELLER & CO SOLICITORS	69179	28/10/2014	\$742.50	30/10/2014	BankDirect	N	30/10/2014	
84446	J S MUELLER & CO SOLICITORS	67976	29/07/2014	\$484.00	31/07/2014	BankDirect	N	31/07/2014	
84446	J S MUELLER & CO SOLICITORS	65777	6/03/2014	\$242.00	25/03/2014	BankDirect	N	25/03/2014	
84446	J S MUELLER & CO SOLICITORS	65461	14/02/2014	\$20,624.75	05/03/2014	BankDirect	N	05/03/2014	
84446	J S MUELLER & CO SOLICITORS	65483	18/02/2014	\$6,980.28	04/03/2014	BankDirect	N	04/03/2014	
84446	J S MUELLER & CO SOLICITORS	64289	8/11/2013	\$484.00	19/11/2013	BankDirect	N	19/11/2013	
84446	J S MUELLER & CO SOLICITORS	61904	24/06/2013	\$1,452.00	04/07/2013	BankDirect	N	04/07/2013	
84446	J S MUELLER & CO SOLICITORS	61223	10/05/2013	\$11,568.72	20/05/2013	BankDirect	N	20/05/2013	
84446	J S MUELLER & CO SOLICITORS	60252	6/03/2013	\$1,452.00	22/03/2013	BankDirect	N	22/03/2013	
84446	J S MUELLER & CO SOLICITORS	58762	15/11/2012	\$13,986.12	27/11/2012	BankDirect	N	27/11/2012	
84446	J S MUELLER & CO SOLICITORS	57380	10/08/2012	\$1,504.40	22/08/2012	BankDirect	N	22/08/2012	
84446	J S MUELLER & CO SOLICITORS	56130	28/05/2012	\$198.00	31/05/2012	BankDirect	N	31/05/2012	
84446	J S MUELLER & CO SOLICITORS	55003	13/03/2012	\$2,500.00	27/03/2012	BankDirect	N	27/03/2012	
J S MUELLER & CO SOLICITORS			TOTAL	\$62,218.77					

- Similar problem happened in CTTT case SCS 12/32675: alleged Standard Costs Agreement for Solicitor Adrian Mueller approved \$10,500.00 (GST excl) whilst Solicitor charged \$25,971.01 (GST excl) without owners corporation approval or knowledge. Reference documents “SP52948-Mueller-invoice-10Aug2012-BCS4048297.pdf”, “SP52948-Mueller-invoice-10May2013-BCS5454894.pdf”, “SP52948-Mueller-invoice-15Nov2012-BCS4527447.pdf”, “SP52948-Mueller-invoice-6Mar2013-BCS5064461.pdf”, and “Adrian-Mueller-Standard-Costs-Agreement-without-signature-by-strata-manager-CTTT-case-SCS-12-32675-on-29Jan2013.pdf”.

55) Ms. Wright, like Solicitor Adrian Mueller, who she heavily protected by ignoring my evidence and not helping me with access to Solicitor’s evidence, is an example of how legal professionals should not and must not conduct their work.

56) Ms. Wright failed in her duties to observe that Solicitor Adrian Mueller did not address almost all of my submissions dated 5 April 2022 which included three attachments (email by the Solicitor does not answer or provide the information being sought even when my submission with 18 attachments dated 31 March 2022 is taken into account):

- NCAT-20-33352-submissions-and-document-report-from-18Aug2020-to-9Jun2021-for-document-search-photo-1-8Mar2022.png (one page).
- Costs-Respondent-letter-to-Ms-Julie-Wright-5Apr2022.pdf (50 pages).
- Costs-Respondent-Questions-on-Validity-of-Legal-Cost-Items.pdf (spreadsheet).

56.1) Ms. Wright ignored my comments that we had no interest or desire to “*reagitate issues*”, as asserted by Solicitor Adrian Mueller, rather pursue a just and fair process. As per my submission on 5 April 2022:

*The purpose of documents being requested is to clarify inaccuracies, ambiguities and most importantly whether Solicitor could act as a legal representative on behalf of the Owners Corporation. As stated in Cost Assessor's original letter, goal is to "assess the amount of costs that is fair and reasonable". We appreciate this case is complex with comprehensive evidence. This has culminated over ten years as a result of lack of transparency in legitimately and legally employing the services of Solicitor Adrian Mueller on behalf of the Owners Corporation, numerous attempts of mediation, obtaining these documents with mediation attempts not being fruitful, and consequently the need for us to defend litigation.*

57) My email on 24 May 2022 at 16:35 hours was ignored by Ms. Wright (reference document “Email-to-Julie-Wright-24May2022.pdf”). Ms. Wright was warned that insurance company had already paid most of Solicitor’s legal costs, well before she made her decision, without Solicitor Adrian Mueller disclosing it.

57.1) Ms. Julie Wright had duty and opportunity, on evidence provided, after an ordered costs assessment, to refer Solicitor Adrian Mueller to the Office of the Legal Services Commissioner in relation to his law practice/client relationship. To the best of my knowledge, she has not done it yet.

58) On 20 February 2024 at 14:47 hours, I approached Ms. Julie Wright with partial evidence of her misconduct while acting as Supreme Court Assessor CA 2022/70683. She was offered an opportunity to respond privately, without escalation to other parties (reference document “Email-to-Julie-Wright-misconduct-and-unprofessional-work-in-SC-case-CA-2022-70683-20Feb2024.pdf”).

59) Without addressing any of my concerns, Ms. Wright forwarded my email to the Office of Legal Services Commissioner the same day, 14 minutes later, at 15:01 hours.

60) Ms. Julie Wright had full knowledge that Solicitor Adrian Mueller ignored concerns about his conflict of interest. Through my submission on 31 March 2022 and 1 April 2022: following screenshot was taken from Waratah Strata Management computer on 21 June 2019, when Solicitor Adrian Mueller was directly asked by the strata manager about the conflict of interest due to Office of Legal Services Commissioner case. Ms. Wright ignored it.

For simplicity, the email is transcribed:

*Adrian,*

*We advise your fee proposal was discussed and accepted at last night's strata committee meeting. We advise that your advice is being funded jointly by the OC. Waratah Strata Management and Uniqueco (the building managers) and therefore your advice should be on behalf of all 3 parties.*

*We do however provide you with the attached email from Lot 158 which states that he has lodged a complain against you with the Office of the Legal Services Commissioner. Please advise whether there is any conflict of interest for you in acting on this matter based on this complaint. If yes, please advise how you suggest we should proceed.*

*We are current preparing a USB with a copy of all of the correspondence received from Lot 158 since the 2018 AGM. This will be grouped into those documents that have been issued publicly to owners and those that have been issued to the committee, strata manager and building manager.*

*On a related issue, we received from BCS at the change of strata managers a USB of their archive records. In April 2018 we provide that USB to the Police who were investigating a complained lodged with them by Lot 158. Unfortunately the Police lost the USB (We have the correspondence to support that fact) WE have requested on a number of occasions for BCS to provide us with a copy of that USB (which we assume they will still have in their archive records), with no response. Please advise whether you have any connection with BCS management that may assist in having a copy of that USB provided.*

*Regards, Robert Crosbie, Waratah Strata Management*

61) Ms. Julie Wright had my unredacted evidence where Solicitor Adrian Mueller failed to assist Police in Event E65804633 in which I named the Solicitor as a person of interest. In email from Police to me on 22 August 2018, it was confirmed that Solicitor Adrian Mueller failed to provide files which he had legal obligation to keep for seven years (since 2014 case at District Court where Solicitor initiated first costs recovery against myself through falsified evidence). Ms. Wright ignored this.

62) On 20 February 2024, Ms. Wright received a copy of Solicitor Adrian Mueller's letter to me (reference document "SP52948-Solicitor-Adrian-Mueller-letter-27Jun2022.pdf"), where he specifically prevented me from accessing strata documents and disallowing rights to help Office of Legal Services Commissioner, NCAT, and Police. She ignored it:

We are instructed that on 8 June 2022, you wrote to the strata managing agent of the Owners Corporation, made a request for specific documents to be provided to you and put forward a proposal.

We are instructed that the Owners Corporation does not intend to provide those specific documents to you because it has no obligation to do so. If you wish to inspect the records of the Owners Corporation

P 02 9562 1266  
F 02 9567 8551  
W muellers.com.au  
E enquiries@muellers.com.au

LEVEL 1,  
240 PRINCES HIGHWAY  
ARNCLIFFE NSW 2205  
DX 25315 ROCKDALE



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The Secretary  
The Owners – Strata Plan No. 52948

2

27 June 2022

to obtain specific documents, you will need to follow the procedure set forth in section 182 of the *Strata Schemes Management Act 2015* in order to do so.

We are informed that on or about 8 June 2022 you did undertake an inspection of the records of the Owners Corporation. We are told that during that inspection certain privileged documents were made available to you by mistake. We are instructed that privilege is not waived in relation to any of the privileged documents which you were mistakenly given access to.

In relation to the proposal contained in your email to the strata manager of the Owners Corporation sent on 8 June 2022, we are instructed that the proposal is not acceptable to the Owners Corporation.

However, we are informed that one aspect of your proposal was a requirement for the Owners Corporation to reimburse to its insurance company the legal costs which its insurer paid in connection with the Tribunal proceedings in which the costs order was made against you on 6 July 2021.

We are instructed that once the amount determined by the costs assessor has been paid by you to the Owners Corporation, the Owners Corporation will reimburse that amount to its insurer which is the appropriate thing for it to do.

In relation to the other aspects of your proposal, we are instructed that the Owners Corporation is not prepared to forward the email you sent the strata manager of the Owners Corporation on 8 June 2022, or the evidence you filed in Tribunal proceedings (File No. SC 20/33352) or that you lodged with the costs assessor, to anyone or provide you with the authority to represent the Owners Corporation in dealings with the Office of the Legal Services Commissioner, the Tribunal and the Police.

Yours faithfully

JS MUELLER & CO  
Adrian Mueller | Partner  
E: adrianmueller@muellers.com.au

63) Solicitor Adrian Mueller continued to hamper investigations against his corruption and serious misconduct, as his expenses in amount of \$1,265.00 (GST excl) on 21 October 2022 for preventing my Motions at Annual General Meeting. Reference document “SP52948-Submitted-Motions-by-Lot-158-for-Annual-General-Meeting-7Oct2022.pdf”.

63.1) My Motions were designed to allow owners to ratify past events which did not comply with laws. Extract from one of the Motions, which included the following:

- Solicitor Adrian Mueller failed to comply with Tribunal orders seven times whilst not authorized to represent owners corporation in period 2012 to 2021):

8 August 2012, CTTT Directions Hearing in case SCS 12/32675.

17 September 2012, CTTT case SCS 12/32675.

26 September 2012, CTTT case SCS 12/32675.

9 October 2012, CTTT case SCS 12/32675.

7 May 2013, CTTT case SCS 12/50460, Solicitor Adrian Mueller did not notify CTTT that he was not authorized to represent owners corporation in the Fair Trading NSW mediation case SM12/1537JR and CTTT case SCS 12/50460.

29 November 2020, Lot 158 complaint about Solicitor's non-compliance with Directions Hearing to NCAT in case SC 20/33352.

1 February 2021, belated submission by Solicitor Adrian Mueller in NCAT case SC 20/33352.

- Based on all available documents, Solicitor Adrian Mueller failed to provide Notice of Representation by Legal Practitioner or Agent and copy of his Standard Costs Agreement signed by owners corporation representative to CTTT and NCAT in cases SCS 12/32675, SCS 12/50460, SCS 13/50737, and SC 20/33352.

- Solicitor Adrian Mueller, on behalf of BCS Strata Management strata manager Mr. Peter Bone, created Statutory Declaration with falsified data in CTTT case SCS 12/32675.

- On 6 March 2013, Solicitor Adrian Mueller was asked to return private property in CTTT cases SCS 12/32675 and 12/50460 which he had obtained access to illegally. Response from Solicitor Adrian Mueller on 14 May 2013 was blunt, ignorant, and contained false statement because CTTT did not provide him with any files, but forced Lot 158 to do it, whilst knowing he was not legal to represent owners corporation (in case SCS 12/50460 he secretly sent his offer with Standard Costs Agreement on 6 May 2013 without disclosure to owners and CTTT. Standard Costs Agreement in CTTT case SCS 12/50460 was never approved by owners corporation.

- Solicitor Adrian Mueller submitted BCS Strata Management Mr. Peter Bone's Affidavit to District Court in case 13/360456, knowing that statements were false, without disclosure to the Judge.

- On 25 March 2022, in Supreme Court Costs Assessment case CA 2022/70683, Solicitor Adrian Mueller submitted Affidavit by his assistant Ms. Hala Awad, claiming that two letters were sent to Lot 158. Only one letter arrived to Lot 158. When Solicitor was asked to provide any evidence of letter deliveries, he failed to provide a means that demonstrated the date of posting and delivery, such as a registered, express, or other tracked postal or courier service.

64) Solicitor Adrian Mueller used alleged legal profession privilege as cover-up for his activities, ignoring the fact the privileges do not apply to communications made for the purpose of facilitating illegal or improper purposes. This applies regardless of whether or not the lawyer was a party to, or even aware of, the improper purpose (in case of Solicitor Adrian Mueller: he was an active participant in illegal and criminal activities, which Ms. Wright knowingly and deliberately ignored).

64.1) Solicitor's involvement on 4 February 2013, preventing access to strata files. Reference document “RE ACCESS TO INSPECT RECORDS REQUESTED SP52948 correspondence by EC members and Solicitor from January 2012 to February 2013.pdf”.

64.2) Solicitor's email on 13 September 2013. Reference document “Solicitor-Adrian-Mueller-email-13Sep2013.png”.

64.3) Solicitor's email on 9 June 2022 (reference document “SP52948-Solicitor-Adrian-Mueller-advice-to-protect-own-interests-and-justify-insurance-claims-9Jun2022.pdf”). It was in response to my request to obtain access to strata files (reference document “Lot-158-request-to-access-missing-strata-documents-8Jun2022.pdf”). In my email I also said:

*It is now very obvious that Solicitor Adrian Mueller, Waratah Strata Management, and committee members had premeditated plan to cover legal costs without without disclosure to Office of Legal Service Commissioner and Supreme Court, in spite of advanced warnings to be mindful of criminal consequences of such actions.*



#### 64.4) Final analysis of what Barrister Julia Wright allowed:

- As sixth version of Solicitor's alleged legal costs (\$24,694.72 (GST excl)) was clearly inconsistent with the fifth version (\$25,158.14 (GST excl)), even a layman would reach a reasonable decision that the fifth version was superseded by the later (sixth) version.

In legal terms, supersede refers to the act of replacing, annulling, or rendering void something that was previously in effect. It essentially means to take the place of or set aside.

Supreme Court Costs Assessor made error in amount of \$463.42 (GST excl) (difference between Solicitor's fifth version of alleged legal costs of \$25,158.14 (GST excl) and his sixth and final version of his alleged legal costs \$24,694.72 (GST excl)).

- Solicitor's alleged total costs were \$25,158.14 (GST excl), which included \$243.14 for disbursements. 21 items which Supreme Court Costs Assessor disallowed amounted to \$2,530.00 (GST excl).

Subtracting the above two figures: \$22,628.14 (GST excl), which included \$243.14 for disbursements. Supreme Court Costs Assessor accepted \$23,493.14 (GST excl), being \$23,250.00 for legal costs and \$243.14 for disbursements. Difference between Supreme Court's assessment of \$23,493.14 and real calculation of \$22,628.14 is \$865.00 (GST excl).

- Waratah Strata Management provided these figures in the Agenda for Annual General Meeting on pages 14 to 17 in October 2021 (for account code 153200 – Admin Legal & Debt Collection Fees):
  - 28/09/2020 Advice on Motions requested by owner Lot 158 \$2,700.00 (GST excl)
  - 26/10/2020 Defamation by Lot 158 \$413.50 (GST excl)
  - 23/11/2020 Defamation by Lot 158 (Hussein Elachkar) \$1,218.75 (GST excl)
  - 10/05/2021 Defamation by Lot 158 \$3,198.75 (GST excl)

Total amounts for alleged defamation and review of my Motions for AGM 2020 were not part of NCAT case SC 20/33352, and amounted to \$7,531.00 (GST excl). These expenses should not have been calculated in the costs assessment (hidden in Solicitor' Adrian Mueller's invoices).

<b>Incomplete and dubious invoices for alleged Solicitor Adrian Mueller's legal expenses in NCAT case SC 20/33352</b>									
Date	Solicitor invoice # 101676 on 11Dec2020	Solicitor invoice # 102134 on 3Feb2021	Solicitor invoice # 102255 on 11Feb2021	Solicitor invoice # 103514 on 6May2021	Solicitor invoice # 104085 on 9Jun2021	Solicitor invoice # 104547 on 12Jul2021	Solicitor invoice # 107457 on 4Feb2022	Solicitor invoice # 108037 on 14Mar2022	Total (GST excl)
12Jul2021 (letter from Solicitor Adrian Mueller to Lot 158)	\$8,030.00	\$2,213.55	\$4,921.40	\$3,198.75	\$1,899.44	N/A	N/A	N/A	\$20,263.14
7Oct2021 (agenda for SP52948 general meeting)	No evidence of detailed costs	No evidence of detailed costs	No evidence of detailed costs	No evidence of detailed costs	No evidence of detailed costs	No evidence of detailed costs	N/A	N/A	\$23,142.87
7Feb2022 (submission by Solicitor Adrian Mueller to Supreme Court)	No evidence of detailed costs	No evidence of detailed costs	No evidence of detailed costs	No evidence of detailed costs	No evidence of detailed costs	No evidence of detailed costs	No evidence of detailed costs	N/A	\$25,158.14
18Mar2022 (submission by Solicitor Adrian Mueller to Supreme Court)	\$8,030.00	\$2,213.55	\$4,921.40	\$3,198.75	\$1,899.44	\$660.00	\$2,475.00	\$1,296.58	\$24,694.72
	Paid by insurance company on 24 March 2022 without disclosure to Supreme Court	Paid by insurance company on 24 March 2022 without disclosure to Supreme Court	Paid by insurance company on 24 March 2022 without disclosure to Supreme Court	Paid by insurance company on 24 March 2022 without disclosure to Supreme Court	Paid by insurance company on 24 March 2022 without disclosure to Supreme Court	Paid by insurance company on 24 March 2022 without disclosure to Supreme Court	Paid by insurance company on 24 March 2022 without disclosure to Supreme Court	Lot 158 collected evidence that as of 13 February 2024 (almost two years after the event) this invoice was not paid to Solicitor Adrian Mueller	

<b>Direct losses to Lot 158 due to fraud</b>		
SP52948 earnings from Lot 158 payments	<b>\$23,744.42 (GST excl)</b>	<b>Excessive payments by Lot 158</b>
Extra earnings by SP52948 from Insurance payments (insurance company paid \$19,758.14 (GST excl), as confirmed in secret email from Waratah Strata Management to committee members on 25 March 2022 and then got reimbursed for \$14,917.60 (GST excl) when Lot 158 paid Supreme Court "penalty" in amount of \$23,744.42 (GST excl) for the same Solicitor's claim (\$25,158.14 (GST excl)). Waratah Strata Management, committee members, and Solicitor Adrian Mueller caused direct losses to insurance company in amount of \$4,840.54 (GST excl))	<b>\$4,840.54 (GST excl)</b>	<b>SP52948 received double payments (from two sources) for same Solicitor Adrian Mueller's legal costs: insurance company and Lot 158</b>
Extra earnings by SP52948 from GST claims (in spite of Supreme Court penalty not having GST component)	<b>\$1,704.08 (GST excl)</b>	
Extra earnings by SP52948 for Solicitor Adrian Mueller's invoice 108037 dated 14 March 2022 which did not show up as paid in any accounting files (double accounting or fraud?) two years later on 13 February 2024	<b>\$1,296.58 (GST excl)</b>	
Extra earnings by SP52948 for Supreme Court miscalculation of Solicitor Adrian Mueller's legal expenses (confirmed in New South Wales Bar Association case PCC24/22 who advised further legal action by Lot 158 was possible)	<b>\$865.00 (GST excl)</b>	
Total extra earnings by SP52948 for alleged Solicitor Adrian Mueller's legal expenses in his fifth version (Table 1) that amounted to \$25,158.14 (GST excl)	<b>\$32,450.62 (GST excl)</b>	$\$32,450.62 - \$25,158.14 = \textbf{\$7,292.48 (GST excl)}$
Total extra earnings by SP52948 for alleged Solicitor Adrian Mueller's legal expenses in his sixth version (Table 1) that amounted to \$24,694.72 (GST excl)	<b>\$32,450.62 (GST excl)</b>	$\$32,450.62 - \$24,694.72 = \textbf{\$7,755.90 (GST excl)}$
Legal expenses for defamation and review of Lot 158 Motions for AGM 2020 (not part of NCAT case SC 20/33352, but deliberately included by Solicitor Adrian Mueller to incur costs)		<b>\$7,531.00 (GST excl)</b>
Final versions of losses to Lot 158 due to excessive payments		<b>\$15,286.90 (GST excl)</b>