

Subject: SUMMARY Lot 158 request for inspection of SP52948 strata records on 22Apr2025  
From: SP52948 Lot 158 owner  
Date: 22/4/25, 17:01  
To: Nicolas Cozic, Alex Tomasko  
CC: Robert Odenthal

Good afternoon,

For your consideration and actions:

SP52948 and Solicitor Adrian Mueller constantly used defence of privilege when preventing access to strata documents. Probably the same will apply to Bannermans Lawyers who misappropriated around \$13,000.00 in FY 2025, without their proper engagement at any legally convened meeting.

For privilege to apply it is necessary to show a communication was confidential, and that its dominant purpose was for the purpose of obtaining legal advice or for actual or anticipated litigation. Privilege may be able to be enforced via an injunction to restrain unauthorised use of privileged communications or via court processes during litigation.

There are a number of exceptions to legal professional privilege, including waiver, statutory exclusions, and improper or illegal conduct.

- Parties should be particularly careful in relation to waiver of privilege as this can be implied where a party acts inconsistently with the maintenance of confidentiality. *Mann v Carnell* [1999] HCA 66 at [29] HCA 66 at [29].
- An example of where privilege was excluded in such circumstances is found in *Aucare Dairy Pty Ltd v Huang* [2017] FCA 746. The Federal Court found that, as there was a strong case that the respondents had engaged in fraudulent conduct, communications with their lawyers in the course of that conduct were not privileged. The applicants did not contend that the respondent's solicitors had knowledge of or participated in the fraud and did not need to do so to succeed in their application:

Police Event 174560202, premeditated fraudulent actions by Solicitor Adrian Mueller in NCAT case SC 20/33352

Police Event E65804633, premeditated fraudulent actions by Solicitor Adrian Mueller in NCAT case SCS 12/32675

- Furthermore, if Lot 158 needs to be prevented from such access, what about 217 other owners?
- Or, what about events where Lot 158 represented group of owners via proxy voters?

- What about Lot 158 legal representation (O'Brien Criminal & Civil Solicitors)?
- Another question is if those documents are fully privileged, or just part of them. Where a document or communication contains both legal and non-legal advice, the portion containing legal advice will be privileged and the non-legal advice will not be.
- Documents already in existence which are later provided to a legal advisor for the purpose of providing legal advice will not attract privilege.

As agreed at Hearing today, and just confirmed in official Orders made by Senior Member Vrabac in Paragraph 3,4, and 5) please respond if you have these files and their availability to Lot 158 for viewing and copying (with exception for current building management contract with Uniqueco Property Services which will only be viewed and comments taken in my notebook):

- 1) All correspondence between Waratah Strata Management and Economos Auditor in period from 1 September 2018 until now.
- 2) Detailed Expenses for period 1 September 2016 to 31 August 2017.
- 3) Detailed Revenue for period 1 September 2016 to 31 August 2017.
- 4) Detailed Expenses for period 1 September 2023 to 31 August 2024.
- 5) Detailed Revenue for period 1 September 2023 to 31 August 2024.
- 6) Detailed Expenses for period 1 September 2024 until now.
- 7) Detailed Revenue for period 1 September 2024 until now.
- 8) Current building management contract with Uniqueco Property Services (renewal starting date was 1 February 2024).

As this is a perfect opportunity to visit Waratah Strata Management's office, Lot 158 also seeks the following documents. In compliance with SSMA 2015 Section 182, Lot 158 submits notice to the owners corporation with request for inspection of records of owners corporation.

Please issue invoice for the visit which must happen on or by 6 May 2025.

- 9) Evidence of independent legal advice in regards to Lot 158 claims of Solicitor Adrian Mueller's corruption and serious unprofessional actions, as recommended by the Solicitor himself in email to SP52948 representatives on 9 June 2022.
- 10) Evidence of unidentified barrister's response to O'Brien Criminal & Civil Solicitors (who acted on Lot 158 behalf) letter dated 24 April 2020, as approved at committee meeting on 7 May 2020.
- 11) Detailed Expenses for period 1 September 2016 to 31 August 2017.

- 12) Detailed Revenue for period 1 September 2016 to 31 August 2017.
- 13) Detailed Expenses for period 1 September 2023 to 31 August 2024.
- 14) Detailed Revenue for period 1 September 2023 to 31 August 2024.
- 15) Detailed Expenses for period 1 September 2024 until now.
- 16) Detailed Revenue for period 1 September 2024 until now.
- 17) Standard Costs Agreement, invoices, and payments for Barrister Hussein Elachar in period from 1 September 2019 until now.
- 18) All correspondence between Barrister Hussein Elachar and SP52948 representatives in period from 1 September 2019 until now.
- 19) All Standard Costs Agreements, invoices, and payments for Solicitor Adrian Mueller in period from 1 September 2018 until now.
- 20) All correspondence between Solicitor Adrian Mueller and SP52948 representatives (including Waratah Strata Management) in period from 1 September 2018 until now.
- 21) Evidence of Solicitor Adrian Mueller's response to SP52948 representatives when asked to help with obtaining access to lost strata files and his conflict of interest in regards to Lot 158 opening case against the Solicitor with Office of Legal Services Commissioner on 21 June 2019.
- 22) Signed Standard Costs Agreement with Bannermans Lawyers in NCAT case 2024/00454780.
- 23) All evidence for alleged ransomware attack in February 2019, where Bitcoin ransom was paid by a third-party known to Waratah Strata Management to the threat actor in the equivalent amount of \$5,052.03 (including name of benefactor and proof of ransom payment, date the Police notified and the Event number, date mandatory data breach notification was completed (Privacy Amendment (Notifiable Data Breaches) Bill 2016)) - reported to Police via Australian Cybercrime Online Reporting Network (ACORN), and evidence when committee members learned about this event and what actions they took.
- 24) Term Deposits: All files in period from 1 September 2018 until now.
- 25) Fire Safety inspection reports: files in period from 1 September 2018 until now.
- 26) All Insurance Claims: files in period from 1 September 2018 until now.
- 27) All correspondence between insurance company, insurance brokers, and Waratah Strata Management in period from 1 September 2019 until now.
- 28) Strata Roll.
- 29) Uniquenco Property Services monthly inspection reports for every month from 1

September 2018 until now.

30) Copy of alleged agenda and minutes of meeting in November 2021 approving illegal transfer of common property to Lot 151.

31) Current register of common property items that were privatised, as per decision at committee meeting on 2 May 2001.

32) Current register of units in four buildings with gas heating connections (for owners who disconnected it, evidence of certified date when such event occurred).

33) Uniqueco Property Services staff full names and addresses, First Aid certificates, and Police checks in period from 1 September 2018 until now.

34) Copies of Uniqueco Property Services shift roster in period from 1 September 2018 until now.

35) Evidence that Uniqueco Property Services Director Steve Carbone was/is allowed to park his van, EV scooter, and 4WD in private garages in period from 1 September 2018 until now.

36) Evidence that Uniqueco Property Services Director Steve Carbone was/is allowed to ride electric scooter and licensed on common property in period from 1 September 2021 until now.

37) Copies of Uniqueco Property Services quarterly physical-on-site inspection reports with committee members from 1 September 2018 until now.

38) Evidence of all submissions to NSW Strata Hub in period from 1 September 2023 until now.

39) All evidence of how Admin Fund was funded during periods of negative balance from 1 September 2020 until now.

40) Evidence of how \$92,950.00 was allegedly spent on upgrades for townhouses in 2017.

41) Evidence of warranties after major upgrades in 2017 and 2019.

Warranty of Workmanship from Townview Painting Services

Dulux Warranty

Liftronics Warranty

Townview email discussed the painting warranties on 23 August 2017

42) Current professional assessment for the exhaustive condition of the complex in style of Napier & Blakeley (conducted in 2012) at cost of around \$12,000.00 where some of major items are still unattended to).

Regards,