

Subject: Re: SP52948 | Case Number: 2024/00454780-001 Lot 158 v The Owners - Strata Plan No. 52948 | #22343  
From: SP52948 Lot 158  
Date: 20/2/25, 12:26  
To: Jennifer Pham  
CC: Joseph Bannerman

Dear Ms. Pham,

This document will be shared with five strata managers, eight committee members, and insurance company.

Negative balance (deficit) in Admin Fund today is -\$48,227.14 and no income is possible before next collection of levies on 1 May 2025.

Bleak scenario for financial period starting on 1 February 2025 (collection of new levies) - second quarter for FY 2025 (period from 1 February 2025 to 31 May 2025) will have these unavoidable expenses:

- Insurance premium renewal for second half of FY 2025 = around \$122,690.28
- Two monthly salaries for building manager Uniqueco Property Services in amount of approximately \$38,000.00 per month

Taking into account other recurring expenses (water, gas, electricity, and so on), Admin Fund will continue to be in significant deficit for most of second quarter of FY 2025.

You again appeared at the Directions Hearing today without any evidence. You are requested, as a matter of priority, to provide full responses (and unredacted files) for the following items by the end of this week. Your co-operation is highly appreciated as you have duty to court and all parties.

1) Before Directions Hearing on 20 February 2025, Lot 158 requested that Bannermans Lawyers produce evidence of the following to the Tribunal and Lot 158 and they failed to do it:

- Unredacted electronic copy of all email correspondence between SP52948 representatives and Bannermans Lawyers since 10 December 2024.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with minutes of committee meeting on 6 January 2025 before attending Directions Hearing on 15 January 2025.
- Unredacted electronic copy of email(s) that provided Bannermans Lawyers with signed version of their Standard Costs Agreement before attending Directions Hearing on 20 February 2025.
- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 January 2025.
- Unredacted evidence that all owners were sent the full agenda for committee meeting (via email and Australia Post) in a timely manner before scheduled meeting on 6 February 2025.
- Proof that agenda and minutes for meetings on 6 January 2025 and 6 February 2025 were published on Waratah Strata Management website before, on, and after the meetings.
- Proof that minutes for meeting on 6 February 2025 were published on six notice boards before or on 20

February 2025.

2) Proof that you engaged express courier to deliver printed files to Lot 158 before, on, or after 12 February 2025, as per Directions Hearing Orders you received on 15 January 2025.

The evidence must include proof of express courier payment, delivery to signature of the person who received your documents, date when these events happened, and evidence what Waratah Strata Management and committee members did when they received Lot 158 about missing documents on 14 and 19 February 2025.

3) On 19 February 2025 Tribunal made the following decision:

The application by Lot 158 to Stan Pogorelsky is refused as the summons has been lodged too close to the directions hearing date being 20 February 2025. Option C on page 1 of the summons form has been selected which requires both attendance and the production of documents from the summonsed person. A summons must be serviced with 5 clear working days.

As there is inadequate time to properly process and service this summons, this request is refused.

This summons request will be attached to the file and the summons applicant may consider raising the issues noted in the summons for Presiding Tribunal Member to consider on 20 February 2025.

At Directions Hearing on 20 February 2025, Presiding Tribunal Member did not want to discuss or deal with the summonses, and left it to the Admin Officers to deal with it.

As per Directions Hearing Orders on 20 February 2025, scheduling the Hearing for April or May 2025, I resubmit the application for summons as there is plenty of time to service summons with five clear working days.

I have now fully complied with all recommendations and regulations that the Tribunal imposed on my summonses.

Considering fairness and equal rights that the Tribunal aims to provide to all parties (Lot 158 was prevented from issuing summonses simply due to procedural error of not submitting a correct form, which means the Tribunal is very pedantic about procedures and their validity), evidence of lawyers' conflicts of interest, and failures to conduct meetings in accordance with strata laws, there is no valid reason to allow Bannermans Lawyers to represent SP52948 and waste owners money at NCAT Hearings.

At Directions Hearing, Bannermans Lawyer stated that she did not represent or act on behalf of Mr. Stan Pogorelsky,

That means Mr. Pogorelsky should attend the Hearing in person and be forced to submit evidence. The nine documents that are requested will significantly simplify costs and time to make proper decisions at the Hearing:

a) Detailed Revenue for financial year 2017 (period from 1 September 2016 to 31 August 2017) - proof Lot 181 was financial to vote and be a committee member.

b) Detailed Expenses for financial year 2017 (period from 1 September 2016 to 31 August 2017) - proof Lot 181 did not receive any payments from common funds.

c) Detailed Expenses for financial year 2025 (period from 1 September 2024 to date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing) - proof Lot 181 did not receive any payments from common funds.

d) Detailed Revenue for financial year 2025 (period from 1 September 2024 to date set by the Tribunal in

NCAT case 2024/00454780-001 before the Hearing) - proof Lot 181 was financial to vote and be a committee member.

e) Levy invoices for Mr. Stan Pogorelsky (Lot 181) in period from 1 February 2017 to the date set by the Tribunal in NCAT case 2024/00454780-001 before the Hearing - proof Lot 181 was financial to vote and be a committee member.

f) Evidence and results of SP52948 obtaining independent legal advice in regards to Lot 158 claims of Solicitor Adrian Mueller's corruption and Lot 158 being a committee member, as recommended by the Solicitor himself in email to SP52948 representatives on 9 June 2022.

g) Evidence of SP52948 Barrister's response to O'Brien Criminal & Civil Solicitors (who acted on Lot 158 behalf) with answer if Lot 158 was valid committee member, as approved at committee meeting on 7 May 2020. At committee meeting on 7 May 2020, it was published that SP52948 must respond to O'Brien Criminal & Civil Solicitors' letter dated 30 October 2019 and 24 April 2020 (Lot 158 paid significant sum for the engagement of O'Brien Criminal & Civil Solicitors unnecessarily as he was legally valid committee member – strata manager received two emails about Lot 158 being valid committee member on 19 March 2019 and 24 April 2019):

- Legality of Committee
- Lot 158 a Member of The Committee
- Defamation
- Mediation
- Access to Documents

4) On 14 February 2025, Lot 158 received a phone call from NSW Fair Trading and had one hour and four minute talk with their senior representative. In next several weeks, Lot 158 will visit Fair Trading and further assist them with their investigations against Waratah Strata Management.

5) There was also an update from the Police Detective on 14 February 2025, as ongoing investigations of five insurance frauds are underway.

Bannermans Lawyers are warned to be very careful to not hamper investigations of public officials and organisations.

Regards,

Lot 158

On 20/2/25 10:07, Jennifer Pham wrote:

Dear Registrar,

I refer to the above matter, for which there was a directions hearing before Senior Member Ellis today at 9.15am.

At the directions hearing, Senior Member Ellis granted leave for the parties to be legally represented.

I give notice of the following details for legal representation and request for a copy of today's procedural orders to be sent to me via email:

Respondent: The Owners – Strata Plan No. 52948

Bannermans Lawyers  
PO Box 514  
North Sydney NSW 2060

Contact: Jennifer Pham

The Applicant has been copied into this correspondence.

If you have any queries or require further assistance, please contact me.

Kind regards,

Jennifer Pham  
Senior Associate

All Correspondence  
Level 2, Suite 1, 65 Berry Street, North Sydney NSW 2060  
PO Box 514 North Sydney NSW 2059



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## Owners Corporation fined \$225,000 for a WH&S incident

DID YOU KNOW there was a recent work health & safety case that determined that a group title structure can be considered as a person conducting business or undertaking (PCBU) and requires a work health & safety policy.

**TAKE THE QUIZ TO DETERMINE IF YOUR GROUP TITLE STRUCTURE NEEDS A WH&S POLICY**

[CLICK HERE TO TAKE THE QUIZ](#)



### Attachments:

SP52948-Non-compliance-with-NCAT-2024-00454780-Directions-Hearing-Orders-20Feb2025.pdf	182 KB
NCAT-2024-00454780-001-Bannermans-Lawyers-conflict-of-interest-and-disclosure-20Feb2025.pdf	2.4 MB
SP52948-Income-and-Expenditure-Report-1Sep2024-to-morning-20Feb2025.pdf	51.3 KB