

## Six versions of Solicitor Adrian Mueller's alleged costs in NCAT case SC 20/33352

Cost figures (GST excl) provided by Solicitor Adrian Mueller on 12 July 2021, 7 February 2022 (no invoices were included by the Solicitor), and 25 March 2022, and listed on Waratah Strata Manager's agenda for Annual General Meeting on 7 October 2021 differ to a large extent.

Solicitor Adrian Mueller refused to respond to emails dated 27 February 2022, 5 April 2022, and 20 April 2022 – not only ignoring the Applicant, but Supreme Court Cost Assessor as well. Solicitor Adrian Mueller used silence as his defence, or providing statements that had no evidence. Such actions can bring penalties against lawyers, as Legal Services Commissioner v Yakenian [2019] NSWCATOD [98] proved: a solicitor of Fairfield in western Sydney, neighbour of Cabramatta and Villawood. This raises justifiable and serious concerns about Solicitor Adrian Mueller's validity of statements:

Date	Solicitor's Invoice 11Dec2020	Solicitor's Invoice 3Feb2021	Solicitor's Invoice 11Feb2021	Solicitor's Invoice 6May2021	Solicitor's Invoice 9Jun2021	Solicitor's Invoice 12Jul2021	Solicitor's Invoice 4Feb2022	Solicitor's Invoice 14Mar2022	Total (GST excl)
12Jul2021	\$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	No invoice	No invoice	No Invoice	No Invoice	No invoice	No invoice	N/A	N/A	\$23,142.87
7Feb2022	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	N/A	\$25,158.14
25Mar2022	\$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

1) First version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his letter dated 12 July 2021 (reference AM:CP:37289), allegedly without prejudice, Solicitor Adrian Mueller made the claim of \$20,020.00 (\$15,015.00 exclusive of GST representing 75% of the actual costs the owners corporation incurred in the proceedings).

2) Second version of total expenses (GST inclusive!) 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:

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), which include costs not related to NCAT case (preventing Applicant's Motions at AGM 2020 and fourth defamation attempt which was not approved by owners corporation, never achieved its alleged goal, and wasted owner's funds):

28/09/2020 Advice on Motions requested by Applicant \$2,700.00  
 26/10/2020 Defamation by Applicant \$413.50  
 23/11/2020 Defamation by Applicant (Hussein Elachkar) \$1,218.75  
 14/12/2020 NCAT application by Applicant Lot 158 \$8,030.00  
 8/02/2021 NCAT application by Applicant Lot 158 \$2,213.55  
 19/04/2021 NCAT application by Applicant Lot 158 \$4,921.40  
 10/05/2021 Defamation by Applicant \$3,198.75  
 11/06/2021 NCAT application by Applicant \$1,899.45

Four defamation threats initiated by Solicitor Adrian Mueller without success, without owners corporation approval at any legally-valid meeting, and without disclosure of costs to owners:

- 6 September 2012 (attempt by Solicitor Adrian Mueller to prevent Applicant from proceeding with CTTT case SCS 12/32675, claimed payment for his legal costs from from owners corporation insurance),
- 20 June 2019 (attempt by Solicitor Adrian Mueller to use his own "Unreasonable Communications" Special By-Law to prevent Applicant from reporting problems with strata management, whilst ignoring conflict of interest due to Police Event E65804633 and Office of Legal Services Commissioner case 56561),
- 17 October 2019 (premeditated attempt by Solicitor Adrian Mueller to force Applicant to sign Deed of Agreement for alleged defamation of Uniquoco Property Services, Waratah Strata Management, and committee members). Undeclared Admin Fund balance sheet on 17 October 2019 (day of Annual General Meeting), when Solicitor Adrian Mueller was allegedly approved to spent up to \$150,000.00 in defamation case against the Costs Respondent, had a negative balance of \$131,852.25. Unnamed barrister and Solicitor Adrian Mueller tried to force the Costs Respondent into Deed under duress and failed in all attempts. In financial statements for FY 2020 (1 September 2019 to 31 August 2020), in spite of extensive legal involvement, Waratah Strata Management reported only \$2,940.00 for legal costs in audited accounts, which is an impossible amount considering daily rates for barristers and senior legal professionals.
- 21 October 2020 (attempt by Solicitor Adrian Mueller to prevent Applicant from proceeding with NCAT case SC 20/33352). Balance in Admin Fund had \$1,019.14 whilst three days later on 31 October 2021 they had negative balance of \$120,210.65.

Second version of total costs (GST exclusive) 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: \$23,142.87.

3) Third version of total expenses (GST exclusive) 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 costs for barrister Hussein Elachkar, and without alleged defamation costs in FY 2021 which are NOT part of NCAT proceedings and not legally approved at Annual General Meeting 2020): \$19,764.4.

Total expenses (GST exclusive) for legal and debt collection fees for all lawyers and solicitors in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 18: \$24,171.90.

4) Fourth version of total expenses (GST exclusive) 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 costs for barrister Hussein Elachkar, and with defamation costs in FY 2021 which are NOT part of NCAT proceedings and not legally approved at Annual General Meeting 2020): \$23,376.62.

5) 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 claims costs of \$25,158.14.

6) Sixth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on 25 March 2022, Solicitor Adrian Mueller claims costs of \$24,694.72.