

20 April 2022: Solicitor Adrian Mueller attempt to justify non-compliant committee meeting dated 3 March 2022 and Annual General Meeting dated 22 October 2020 in his submission to Supreme Court

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).
4. The costs respondents also appear to assert that the costs applicant's solicitor was not authorised to represent the costs applicant in the underlying proceedings. The material the costs applicant furnished to the costs assessor on 25 March 2022 included the minutes of the annual general meeting of the costs applicant held on 22 October 2020 at which a resolution (motion 9) was passed to engage the costs applicant's solicitor to act for the costs applicant in the underlying proceedings and that decision was communicated to the solicitor by the costs applicant's strata managing agent by email dated 23 October 2020 (see PDF file entitled "Costs Agreement and Acceptance" sent to the costs assessor on 25 March 2022).

26 April 2022: Supreme Court Costs Assessor Julie Wright Case No: 2022/00070683 charged \$2,821.50

in her four-page submission, accepting statements by Solicitor Adrian Mueller and completely ignoring Lot 158 evidence

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.

In personal email to Lot 158 and Solicitor Adrian Mueller on the same date, Ms. Julie Wright wrote an email pretending not to know the outcome of her decisions and urging "any party" (Lot 158 or Solicitor Adrian Mueller) to pay for her fees:

I have forwarded to the Manager, Costs Assessment, the Certificate of Determination of Costs, Certificate of Determination of Manager's Assessment Costs and Statement of Reasons. The Manager will send out these documents on payment of the costs of the Costs Assessor amounting to \$2,821.50 (inclusive of GST).

It would be prudent to allow a period of fourteen (14) days for the Supreme Court to process the above documentation. Payment by bank cheque, money order or solicitor firm cheque, made payable to "Supreme Court of NSW", may be made in person on Level 5 of the Supreme Court building or by post to GPO Box 3, SYDNEY NSW 2001. Payment by credit card may be made by telephone on 1300 679 272.

Upon payment by any party, Certificates will be marked prior to sending on to indicate which party paid such costs and, if that party is not liable for such costs but is entitled to recover them in full or in part, that party may recover them by registering the Certificates.