

Sean Butler

From: Jeremy Nipps <JEREMY.NIPPS@twcs.com.au>
Sent: Monday, 11 June 2012 10:53 AM
To: Sean Butler (sbutler@iinet.net.au)
Cc: Mark Englebert
Subject: [SPAM] RE: Mark Englebert and Lawyers fees over \$1m for 9 1/2 months, information on costs requested.

Sean

Thank you for your email.

As advised in our letter dated 8 June 2012, the Receivers are not under any obligation to provide you with further information or documentation in relation to the matters referred to in this letter, nor are they prepared to do so. In any event, the Receivers consider that any invoices, bills of costs and recharge schedules in connection with the fees, costs and disbursements referred to above are subject to legal professional privilege and, on that basis, are documents to which you (and your client) are not entitled.

The Receivers consider that all fees and costs, including legal fees, incurred by the Receivers during the course of the receiverships have been properly and justifiably incurred. The Receivers strongly deny any allegation by you (actual or implied) that suggests otherwise.

Regards

Jeremy Nipps
for M D Englebert
Receiver and Manager

JEREMY NIPPS
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Member of hww insolvency cooperation partners

Please consider the environment before printing this e-mail

From: Sean Butler [<mailto:sbutler@iinet.net.au>]
Sent: Saturday, 9 June 2012 10:46 AM
To: Mark Englebert; ppullinger@allionlegal.com.au
Cc: David Gilbert; Brian Benari
Subject: Mark Englebert and Lawyers fees over \$1m for 9 1/2 months, information on costs requested.

Dear Mr Englebert,

I refer to your letter attached above.

Thank you for providing me with a summary of you and your lawyers costs for 9 ½ month period from 18th July 2011 to 30th April 2012 totalling \$1,055,682.

*No Justification given
as a shareholder & Director from
we cannot get information from
Taylor Woodings as why
they have charged us \$110,000 a
month!*

I note this is the first response from you with information on your costs to date despite my many many requests to both yourself and David Gilbert at Bankwest for this information.

Bankwest even received a letter from the Federal member for Fremantle, Melissa Parke, requesting transparency (14th February and attached), but this request was also denied.

I also note that your letter summarising costs, which you had previously refused to provide, is a direct result of my appeal on 14th May to Mr Ian Corfield, the Chief Executive of Bankwest Business.

You note in your letter that *"The Receivers are otherwise under no obligation to provide the requested information"* and *"are not under any obligation to provide (me) with further information or documentation in relation to the matters referred to in this letter, nor are they prepared to do so."*

You also say *"the summary released is in the interests of transparency and correcting certain inaccurate statements in (my) correspondence"*. In the interests of transparency why couldn't this information have been released when requested and can you please advise me of what you consider are the inaccurate statements?

You and your lawyers' fees for the 9 ½ months total \$1,055,682. That equates to about \$11,000 a month, \$27,781 a week or \$5,556 a day!! In this period I have been instructed that you have sold two properties through real estate agents who will also charge their fees.

You know I am both a Director and a Shareholder of the companies involved and yet you refuse to release further information or documentation because the documentation is you say *"subject to legal professional privilege and, on that basis, are documents to which (I) are not entitled."* I strongly dispute this statement and I am entitled to know what's going on, it appears you are acting with accountability to no one, you have been unwilling to disclose your fees until now, and the fees charged for what you have done seem unjustified and excess in the extreme, and your conduct during the administration and sales process has been secretive and it seems obstructive. I have to ask what have you got to hide?

I request that you immediately release any invoices, bills of costs and recharge schedules in connection with the fees, costs and disbursements referred to above. Please provide a substantive response to this email by Friday 15th June.

Regards,

Sean Butler

5 Henley Place Attadale WA 6156
m 0419 964 487
sbutler@inet.net.au

PS:

To see what Bankwest and their Receivers are doing to businesses go to the Senate website and view some of the submissions received to date.

It appears to me the system is extremely unfair and unjust and may be corrupt.

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=economics_ctte/post_gfc_banking/submissions.htm

Or:

www.unhappybanking.net.au

Our case is just one of hundreds.

From: Mark Englebert [<mailto:Mark.Englebert@twcs.com.au>]
Sent: Friday, 8 June 2012 10:44 AM
To: 'ppullinger@allionlegal.com.au'; 'sbutler@inet.net.au'