Further Emails Between Nick Pratley and Houma Holdings

FILE DETAILS	
Tribunal	NSW Civil and Administrative Tribunal
Division	Consumer and Commercial
Case number	2023/00372771 (Previously MV 23/44832)

TITLE OF PROCEEDINGS	
Applicant	**ELLEN GALLO**
Respondent	**HOUMA HOLDINGS PTY LTD**

FILING DETAILS	
Filed for	**Ellen Gallo** Applicant
Contact name and telephone	Ellen Gallo [redacted]
Contact email	[redacted]

Email 1 – Continuation from Document 3, with emails dated after 16th February

From: Nick Pratley <nick@npratley.net>
Sent: Wednesday, February 28, 2024 9:28 AM
To: [redacted] <[redacted]>
Cc: Ellen Gallo <[redacted]>; Bernard De Riviere <[redacted]>
Subject: Fwd: Rental Agreement 9501452642

Hi [redacted],

Please see the below thread that we have been waiting on a response to.

We are in no hurry to pick the vehicle up, and as I hope you can understand, given the history here -- we are very sceptical about the repairs of the vehicle. We need more than "it's been fixed" from Brian Hilton.

Nick

From: Bernard De Riviere <[redacted]>
Sent: Wednesday, 28 February 2024 09:38
To: Nick Pratley <nick@npratley.net>; [redacted] <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: RE: Rental Agreement 9501452642

Good Morning [redacted].
Can you please provide Information to Both Ellen & Nick with what Repairs have been done as per Email Below from Nick.

Regards,

Bernard De Riviere
Guest experience manager

From: [redacted] <[redacted]>
Sent: Wednesday, 28 February 2024 09:51
To: Bernard De Riviere <[redacted]>; Nick Pratley <nick@npratley.net>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Morning,

I have looked into the below.

I have also attached a copy of the paperwork.

When did the part arrive, and how long has it been under test for? The estimated due date was the 24th Feb so I am very hesitant to pick it up as it seems like it's very quickly out the door without being properly tested, like previous times we've picked it up. - Part arrived 25/01 at Wyong, Then vehicle has be reassembled.

How can we be sure that all functions have been tested, and tested correctly? It is my understanding that the wiring harness touches pretty much everything in the vehicle, which leaves a wide surface. Do you have any reports from your testing tools that you can share? - 3 technicians have gone through every function in the vehicle to ensure its all working correctly, We are unable to print from the scan tool but no history codes have been reported.

Can you please advise what testing has been done on the starter motor as well? Has the issue been identified or resolved as per the NCAT order?
Wiring checks to the starter motor have been checked. The vehicle has been driven in and out of our workshop each night with no fault found.

Has the hire vehicle been returned ?

Kind Regards
[redacted]

From: Nick Pratley <nick@npratley.net>
Sent: Wednesday, 28 February 2024 15:01
To: [redacted] <[redacted]>; Bernard De Riviere <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Hi [redacted],

The job notes say the part arrived mid Feb, however you've noted that it arrived on the 25th Jan which was the original ETA. We were told on the 15th Feb by [redacted] that the vehicle was ready to go – does this mean that the part arrived on the 14th, or the 15th, was hastily replaced that day, and then tried to push it straight out the door – If that's the case -- when was it tested, when was the starter motor tested etc? Nothing is lining up and we are being provided two different responses.

The rental car has not been returned.. I was very clear that I wasn't going to return it until a response was provided to my questions. It's now been almost two weeks since my initial email, and you are only just contacting us again – what else was done with the vehicle in this time? Did it break again, and you just aren't telling us? The lack of response and the lack of urgency from your part to get the hire car back if it really was replaced and ready leads me to think there is a lot more going on than what we are being told.

It's very coincidental that it was "fixed" two days before NCAT documents were due, right. Interestingly, your follow up is also a couple days after the original estimate of the cable arriving on the 24/25th Feb. We were told it'd take "a couple of days" to repair once the cable arrived – so was it only just done now?

I am very confused.

Has an engineer from Kia looked at the vehicle, and checked it, or has it only been Brian Hilton staff? Can you take pictures of the test tools and their results? Did they show the error for the airbag, or was that reliant on the vehicles internal systems to detect? Could there be a possibility of something else being broken, or the cable just going to break again in another 18 months? They clearly aren't tested at the factory so can you actually be sure that it's good? Did you test the cable before it was installed?

Bernard advised NCAT that you "cannot test the starter motor" until the wiring harness was replaced. It all needed to be done at the same time, hence my first question – yet your job notes say that it was tested every day whilst you were waiting on the new wiring harness – this is in contradiction to what Bernard advised, which is why I am sceptical that it has even been tested. I do recall that [redacted] said the car would be left out the back in the yard and wouldn't be moved inside every night as it'd break the battery with such short drives, which again is not what you're saying now.

Where do we go from here with the starting issue? You said many times that the radio "wasn't broken and bring it back in when it happens again" – but turns out we just needed to keep pushing. Is the same going to be the starter motor – what's the plan for that fault? Surely there's something that can be done to fault find it instead of just doing nothing.

Nick

From: [redacted] <[redacted]>
Sent: Wednesday, February 28, 2024 3:53 PM
To: Nick Pratley <nick@npratley.net>; Bernard De Riviere <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Hi Nick,

I can only go from what I can see in my notes. The part arrived in our dealership on the below date in my email.

The vehicle has been completed since the 15th as per Brians email. Which means a few days of fitment and plenty of time to test.

I have only just taken on this role and discovered the vehicle was still here awaiting collection. The vehicle is ready to go and the hire vehicle is expected to be returned before COB Friday otherwise the fees will be diverted to the driver.

We know the wiring is ok, Due to the fact everything works and no warning lamps are on the dash or in the system. The vehicle has been thoroughly tested and Brian Hiltons Kia technicians are happy with the repair.

As stated below, The starter motor has been tested after the wiring repair was carried out as we have been locking the vehicle in our workshop every night and removing it

each morning, Along with the road-tests carried out to ensure wiring harness repair went smoothly.

Kind Regards

[redacted]

From: Bernard De Riviere <[redacted]>
Date: Wednesday, 28 February 2024 at 4:15 pm
To: [redacted] <[redacted]>, Nick Pratley <nick@npratley.net>
Cc: Ellen Gallo <[redacted]>
Subject: RE: Rental Agreement 9501452642

Thanks [redacted] appreciate your assistance.

Regards,

Bernard De Riviere
Guest experience manager

From: Nick Pratley <nick@npratley.net>
Sent: Wednesday, 28 February 2024 16:58
To: Bernard De Riviere <[redacted]>; [redacted] <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Hi [redacted],

Look at it from our point of view for a minute – we've been told now on more than 4 occasions that the vehicle has been repaired – and it's failed within minutes of it being collected, if not hours – can you at least provide evidence that it has been fixed, more than your word? I don't see how this is too much of an ask. If this was your vehicle, would you be happy with the response, or service, or lack of information from Brian Hilton?

> The vehicle is ready to go and the hire vehicle is expected to be returned before COB Friday otherwise the fees will be diverted to the driver.
Sorry – but you don't get to make that demand! We've been waiting for a response from Brian Hilton for the last 2 weeks, and you couldn't even be bothered to respond or have the email responded to. If it was that critical for us to drop it off, you could have replied to the email two weeks ago and given us time. I cannot just drop everything on your unrealistic timeline to return the hire car and collect Ellens vehicle. We are both working tomorrow and Friday and cannot make it there during the Sixt opening hours.

I can return the hire car on Saturday 2nd March before 1200, as long as someone can meet me at Sixt to hand over Ellens car. Else, I am happy to leave the hire car at your dealership and someone from there can return it to Sixt at your leisure – but I can only do this on Saturday or Sunday. It is in your name – and you have put us out enough already with all this running around.

If you cannot do Saturday 2nd March or Sunday 3rd March, I will be in Perth from 0800 Monday morning and returning to Sydney at 2200 on Friday 8th March. The hire car will be locked in the carpark at Sydney Airport. I do believe the last day it's booked for is the 8th – so in that case you will need to extend the booking until Monday.

Just to be abundantly clear, we will not be paying any of the fees for any of the hire car extension if required. The fact that you would even suggest that after everything you have put us through over the last ~4 years is absolutely appalling – especially given we are trying to work with you here and it has been your company delaying the vehicle being picked up.

Nick

From: [redacted] <[redacted]>
Sent: Wednesday, February 28, 2024 5:30 PM
To: Nick Pratley <nick@npratley.net>; Bernard De Riviere <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Hi Nick,

I apologise for what has happened, Unfortunately I haven't been involved and was unaware of the last email sent 2 weeks ago.

This vehicle has come to my intention today and I'm trying to assist as much as I can with no knowledge on the vehicle. I'm positive the team has fixed the concern that was present.

I'm happy to work with you and try organise the loan car situation, If you would like to drop the vehicle off at Brian Hilton on Saturday, I will more than happily drop it off to Sixt when they open next.

We have driven the vehicle with out fault and tested it with out fault. There's unfortunately no way to prove its fixed unless by driving/testing it, In which every time we have tested the vehicle, We have had no fault.

Kind Regards

[redacted]

From: Bernard De Riviere <[redacted]>
Sent: Thursday, February 29, 2024 8:48:04 AM
To: [redacted] <[redacted]>; Nick Pratley <nick@npratley.net>
Cc: Ellen Gallo <[redacted]>
Subject: RE: Rental Agreement 9501452642

Thanks [redacted].

Regards,

Bernard De Riviere
Guest experience manager

From: Nick Pratley <nick@npratley.net>
Sent: Thursday, 29 February 2024 17:15
To: Bernard De Riviere <[redacted]>; [redacted] <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Hi [redacted],

I'll pick it up on Saturday and drop the loan car to you.

This isn't changing anything with the ncat proceedings, we still don't agree that you have abided by the consumer law and still have no trust in the vehicle.

Nick.

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From: [redacted] <[redacted]>
Sent: Saturday, March 2, 2024 11:19:34 AM
To: Nick Pratley <nick@npratley.net>; Bernard De Riviere <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Hi Nick,

This is a confirmation email that the rear seat leather tear on right hand rear seat base, The drivers door chip & the left hand rear door paint mark will be repaired at no cost to you.

Kind Regards

[redacted]

From: Nick Pratley <nick@npratley.net>
Sent: Monday, March 4, 2024 2:26:16 PM
To: [redacted] <[redacted]>; Bernard De Riviere <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Hello [redacted],

We discovered yesterday that the drivers window is no longer functional, along with both the scratches and dents in the car and cut seat as reported when we picked the vehicle up.

Please see attached video of the window, it's stopping half way when it's set to go up, and then again when it gets closer to the top... please advise.

Please also let me know what your plans are for the seat and the paint damage that occurred whilst the vehicle was being repaired.

I'll let you know when I find anything else.

@[redacted] - it's very clear that Kia and Brian Hilton cannot fix this vehicle. You have damaged it even further and haven't even tested every function as [redacted] previously stated. When is enough enough, and when will you just provide a refund for this vehicle, as it's clear it is a lemon and cannot be fixed.

Nick

From: Nick Pratley <nick@npratley.net>
Sent: Monday, March 4, 2024 2:35:27 PM
To: [redacted] <[redacted]>; Bernard De Riviere <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Sending both videos separately as they seem to be too big for one email.

Video 1

From: Nick Pratley <nick@npratley.net>
Sent: Monday, March 4, 2024 2:36:01 PM

To: [redacted] <[redacted]>; Bernard De Riviere <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Video 2

From: Nick Pratley <nick@npratley.net>
Sent: Monday, March 4, 2024 2:37 PM
To: [redacted] <[redacted]>; Bernard De Riviere <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Images of damage caused by Brian Hilton during repair

From: Bernard De Riviere <[redacted]>
Sent: Monday, 4 March 2024 16:16
To: Nick Pratley <nick@npratley.net>; [redacted] <[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: RE: Rental Agreement 9501452642

Thanks for the Footage I will discuss this with [redacted].

Regards,

Bernard De Riviere
Guest experience manager

From: [redacted] <[redacted]>
Sent: Friday, March 8, 2024 1:02 PM
To: Bernard De Riviere <[redacted]>; Nick Pratley <nick@npratley.net>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

Afternoon,

The seat trim is due to arrive mid next week.

The window I will be able to diagnose on the day we replace the trim.

And the paint repair will also be carried out at same time of booking.

Kind Regards

[redacted]

From: Bernard De Riviere <[redacted]>
Sent: Friday, March 8, 2024 10:19:41 AM
To: [redacted] <[redacted]>; Nick Pratley <nick@npratley.net>
Cc: Ellen Gallo <[redacted]>
Subject: RE: Rental Agreement 9501452642

Great, thanks for the update.

Regards,

Bernard De Riviere
Guest experience manager

From: Nick Pratley <nick@npratley.net>
Date: Friday, 8 March 2024 at 4:07 pm
To: Bernard De Riviere <[redacted] [redacted]
<[redacted]>
Cc: Ellen Gallo <[redacted]>
Subject: Re: Rental Agreement 9501452642

We will not be bringing the car back until after NCAT now, this is unacceptable.

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