Opposing the dealer's late extension request (April to May 2024)

Email text reproduced verbatim from the original messages; quoted history, signatures and personal details (addresses, phone numbers, staff names other than the respondent's representative named in the decision, rego) removed.

Date	Tuesday, April 23, 2024 10:55 AM
From	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To	NCAT Newcastle registry
Subject	Ellen Gallo case Possible Extension on expert Report case 2023/00372771

Good Morning NCAT.
Could we ask for a possible extension on the Independent Inspection Report for Ellen Gallo case Number 2023/00372771 due on the 26th april
Hearing Not until 20th June.

Reason Kia Australia has responded this is not there business practice to have Independent Reports done, so they have asked Brian Hilton to Organise this, happy to do so But with only
Providing this Information on the 23rd April not enough Notice has been provided to Brian Hilton.

Brian Hilton will provide a New date once agreement has been made for Extension.

Regards,

Bernard De Riviere
Guest experience manager

Brian Hilton Motor Group North Gosford

Date	Tuesday, April 23, 2024 11:11 AM
From	NCAT Newcastle registry
To	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
Subject	RE: Ellen Gallo case Possible Extension on expert Report

Dear Bernard De Riviere

Before requesting an extension of time to lodge evidence you must contact all other parties and let them know you want to change the timetable for lodging evidence. Tell them the date you can lodge the evidence by. Also tell them how and when you will be able to give the evidence to them, for example, if they agree to you emailing it to them, they will receive it faster. Ask the other party if they agree with the change to the timetable and to email you with their response.
You can request a change to the timetable for filing submissions and evidence online using NCAT Online Services.
You should attempt to lodge your submissions and evidence as soon as possible.

For information about how to lodge your submissions and evidence please visit https://www.ncat.nsw.gov.au/how-ncat-works/prepare-for-your-hearing/evidence-and-witnesses.html.

Regards

Registrar
Per: KW
NSW Civil and Administrative Tribunal (NCAT) Newcastle
Consumer & Commercial Division| Level 1, 175 Scott Street Newcastle NSW 2300
Email: ccdnewcastle@ncat.nsw.gov.au Phone: 02 4908 8196
Web: www.ncat.nsw.gov.au | Follow us on Twitter
I acknowledge the traditional owners and custodians of the land on which I work and live, and pay my respects to Elders past, present and future.

Regards
Registrar

Date	Friday 26 April 2024, 8:59 am
From	Nick Pratley
To	NCAT Newcastle registry (cc Ellen Gallo)
Subject	2023/00372771 - Ellen Gallo v Houma Holding Pty Ltd - Request for rejection of Extension of Time

Dear NCAT,

I have been informed by Mr. De Riviere representing the respondant that a request has been made for an extension to the timeline that was agreed in the order dated the 24th March 2024, regarding 2023/00372771-001, point 5. I was not advised by Mr. De Riviere that I could respond to this request, but I phoned on Wednesday afternoon and confirmed that I could.

I do not agree to this request for extension to time, and I would insist that our agreed timeline as per the order remains unaltered.

Mr. De Riviere has had a month to organise and book in an independent inspection of my partners vehicle, and has only now at the last minute advised that the manufacturer will not complete this and that he will have to arrange it. It was never ordered for the manufacturer to complete this request, and I feel that the provided time was sufficient for a car dealer to be able to organise an inspection of a vehicle and provide a report.

This has been going on for far too long already, and we have made so many accommodations over the years with work and especially for the last two weeks to provide access to the vehicle when required on an unknown schedule to have it inspected - but had not heard anything regarding having the vehicle collected or looked at as per the order. The vehicle was supposed to be looked at already by the respondent, and I already have other commitments over the next month with work that have already been delayed as much as I can. I cannot keep pushing life and work back because the respondent is not able to stick to agreed timelines.

I would also like to mention that this is the second order that Mr. Riviere has not complied with, even though at the time the order was made there was a lot of confidence and agreement that the allocated time was more than enough. In both instances, we have been left in the dark until the last minute. My partner and I have been very responsive and we have continued to meet our requirements and agreements.

I hereby ask that the request for extension of time is not granted, and that the original timeline remains intact.

Warm Regards,

Nick

Date	Friday 26 April 2024, 9:04 am
From	Nick Pratley
To	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group; [service manager]
Subject	Re: Rental Agreement 9501452642

Dear [service manager] and Bernard,

Until an extension is granted by NCAT, the timeline from the original order remains intact.

We will not be able to provide access to the vehicle until we have been advised by NCAT to do so.

We will happily provide access to the vehicle until 1600 this afternoon as per the order though.

Warm Regards,
Nick

Date	Friday 26 April 2024, 9:17 am
From	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To	Nick Pratley
Subject	RE: Rental Agreement 9501452642

Good Morning Nick.
I have already contacted NCAT they have asked me to contact Ellen & yourself to organise another day is next week suitable we can pick up the Vehicle on Tuesday provide you with a Loan Vehicle
If this Day is not suitable please advise what day is next week.

Regards,

Bernard De Riviere
Guest experience manager

Brian Hilton Motor Group North Gosford

Date	Tuesday 30 April 2024, 4:45 pm
From	Nick Pratley
To	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
Subject	Re: Rental Agreement 9501452642

Hi Bernard,

I suggest calling NCAT, as what you're telling me now does not line up with what they are telling me with regards to how an application for an extension of time should be requested.

Asking for access to the vehicle and me saying "yes, sure, here you go" would imply that we agree with your application for an extension – you'd be able to submit your application with a note saying we've given you the vehicle so we must agree to the request. We do not agree.

Once the process has been followed correctly, it will be up to the Tribunal to decide if an extension should be granted. If the Tribunal advise that an extension should be granted based on your request and my response, then we will happily provide you with access to the vehicle – but only once the orders have been reissued.

As I noted the other day, until a new order has been issued with a new date, the current orders remain unchanged and in effect, and that is the timeline that must be followed.

Warm Regards,
Nick

Date	Thursday 2 May 2024, 8:29 am
From	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To	Nick Pratley; Ellen Gallo
Subject	FW: Ellen Gallo case Possible Extension on expert Report case 2023/00372771

Good Morning Nick & Ellen.
Please see Information from NCAT about Extensions for 3rd Party Evidence if you can provide Brian Hilton with a date happy to pick the vehicle up and provide a Loan Vehicle
For that Date to Be Confirmed.

Regards,

Bernard De Riviere
Guest experience manager

Brian Hilton Motor Group North Gosford

Date	Thursday 2 May 2024, 9:31 am
From	Nick Pratley
To	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
Subject	Re: Ellen Gallo case Possible Extension on expert Report case 2023/00372771

Hi Bernard,

I don't think you understand how this works. You need to advise NCAT of a date that you can get this completed by, considering that NCAT will take some time to approve or deny your request for extension.

If you think you can have this completed within two weeks, tell them two weeks. If you think it's going to take a month, tell them a month. We have already advised multiple times that if an extension is granted, we will give you access to the vehicle. You do not need a date from us at this point in time. You can book access to the vehicle with us if it gets granted, as I am not wasting any more time or messing around with my work if I don't have to. I've gone out of my way enough for you already.

The email clearly states you need to provide us the new timetable and ask if we agree to that timetable as provided. You then submit our response and your request including the timetable to NCAT as your application for an extension.

You haven't once asked us if we agree to your request for extension, or what or response would be.

I really shouldn't have to spell this out for you, but here we are.

Warm Regards,
Nick

Date	Thursday 2 May 2024, 9:53 am
From	Bernard De Riviere, Guest experience manager, Brian Hilton Motor Group
To	Nick Pratley
Subject	Re: Ellen Gallo case Possible Extension on expert Report case 2023/00372771

Good morning Nick.
I do understand I need a date from you so I can inform NCAT of the new date.