



16-17 St Andrew Street
Dublin 2, Ireland

+353 1 653 3370
law@carlisesolicitors.ie
www.carlisesolicitors.ie

DOM Interijeri J.D.O.O.
Slavonski Brod
CROATIA
By Email

19 May 2023

Our Ref: SJF/SJF/DO0006/1

RE: DOM Interijeri J.D.O.O. & Bera Mont J.D.O.O. V OMAC Fire Limited
Your Ref.:

Dear Kristina

We refer to the above matter and now enclose copy correspondence for your attention.

Please review the correspondence and let us have your instructions in relation to the matters contained therein.

If you have any queries please feel free to contact us.

Yours sincerely

*Sent by electronic mail and
accordingly bears no signature*

Sarah Jane Finnegan
Carlisle Solicitors

Encl. Correspondence
D0205

Alexandra House
The Sweepstakes
Ballsbridge
Dublin
D04 C7H2
Rep of Ireland



OMAC Fire Ltd

19 May 2023

Carlisle Solicitors
16-17 St Andrews Street
Dublin 2
Ireland

Dear Sirs

Your Ref: SJF/SJF/D00006/1

Further to your correspondence relating to your Clients DOM Interijeri J.D.O.O and Bera Mont to Omac Fire Limited.

As you may appreciate, we are dealing with very large sums of money in this instance and an examination of the final numbers will need to be undertaken by our internal Quantity Surveyor.

Please ensure future correspondence is directed through Patrick O'Leary.

We will return to you by this months end.

Yours faithfully

Patrick O'Leary

E: patrick@omacfire.com

On behalf of OMAC Fire Limited.

OMAC Fire Limited
Alexandra House
The Sweepstakes
Ballsbridge
Dublin 4
D04C7H2
Also by email

30 June 2023
Our Ref: SJF/SJF/D00006/1

**RE: Our clients: DOM Interijeri J.D.O.O. & Bera Mont J.D.O.O.
Payment Plan Agreement - DOM Interijeri J.D.O.O. & Bera Mont
J.D.O.O. and OMAC Fire Limited
Amount Due: €778,298.21**

Dear Sirs

We refer to the above matter and to previous correspondence. We have taken our client's instructions in relation to your letter of 2nd June 2023.

We enclose herewith the following:

1. Copy of our letter of 17th May 2023;
2. Copy of our clients' payment plan proposal, which was agreed directly between our clients and OMAC Fire Limited ("OMAC");
3. Copy spreadsheet demonstrating a breakdown of the balances due and owing to DOM Interijeri J.D.O.O. ("DOM") under the payment plan proposal;
4. Copy invoices in respect of the balances due and owing to DOM under the payment plan proposal;
5. Copy Statement of Account dated 14.06.2023 for DOM;
6. Copy spreadsheet demonstrating a breakdown of the balances due and owing to Bera Mont J.D.O.O. ("Bera") under the payment plan proposal;
7. Copy invoices in respect of the balances due and owing to Bera under the payment plan proposal; *and*
8. Copy Statement of Account dated 14.06.2023 for Bera.

Our clients were engaged by OMAC to provide a labour workforce from January 2022 to present and based on the agreements in writing dated 21.11.2022, 15.03.2022, 14.10.2022 and 24.01.2023. In accordance with the Agreements, and at OMAC's request, our clients' labour workforce is billed at an hourly rate, per man inclusive of all accommodation, transport and taxes.

We are instructed that our clients' invoices are raised on a monthly basis. Our clients' invoices are raised based on a list of workers' hours, which list is retained by OMAC's project managers.

We are further instructed that the procedure for drawing up invoices was determined by OMAC. Our clients' invoices are raised in line with OMAC's procedure, and in the same way since the commencement of the project. In line with OMAC's procedure for raising invoices, and in advance of raising an invoice, a draft invoice is sent by our clients to an OMAC project manager (which project manager managed the project for which the labour was being invoiced), for approval. Once the draft invoice is reviewed and certified by the OMAC project manager, our clients' invoice is issued.

Our clients are not the bearers of this project. It is not a matter for our clients to determine how many hours their labour workforce is required. Our clients supply the labour workforce in accordance with OMAC's requests and requirements. Any increase and/ or decrease in labour workforce is not determined by our clients and is a matter for OMAC and OMAC's project managers.

Please note, our client wholly denies that this account has been "incorrectly overpaid" or that instances of overcharging have occurred.

Our client requires payment of the agreed payments of €75,000.00 for 2nd June 2023, €50,000.00 for 16th June 2023 and €50,000.00 for 30th June 2023. Please note, should we fail to hear from you with payment within fourteen (14) days from the date of this letter we are instructed, and fully intend, to serve proceedings on you for recovery thereof, together with interest at 2% per annum pursuant to The Courts Act, 1981, and / or interest will be charged in accordance with the contract, alternatively, our client will seek interest pursuant to the European Communities (Late Payments in Commercial Transactions) Regulations 2002 and/or 2012, together with legal costs. We trust that this will not be necessary and await hearing from you.

Yours faithfully

Carlisle Solicitors
D6200

Carlisle Solicitors
16-17 St Andrew Street
Dublin 2

Email: law@carlisesolicitors.ie

St. James' House,
Adelaide Road, Dublin 2,
D02 Y017, Ireland.

T +353 1 644 5800
F +353 1 661 4581
DX 109010 Fitzwilliam

E law@lavellepartners.ie
W www.lavellepartners.ie

our ref: CL/SJO/OMA234/0001

your ref: SJF/SJF/D00006/1

13 September 2023

Re: **Our Client: OMAC Fire Limited**
Your Clients: DOM Interijeri J.D.O.O. and Bera Mont J.D.O.O.

Dear Colleagues

We act on behalf of OMAC Fire Limited and we have been passed the recent correspondence with your firm.

We are meeting our client next week to take full instructions and we will revert to you then with a substantive response setting out our client's position.

In the meantime, our client fully reserves its position.

Yours faithfully

Lavelle Partners LLP
LAVELLE PARTNERS LLP



Gmail - (DO0006/1) - DOM Interijeri J.D.O.O. & Bera Mont J.D.O.O. v OMAC Engineering Limited

Kristina <office.dominterijeri.hr@gmail.com>

(DO0006/1) - DOM Interijeri J.D.O.O. & Bera Mont J.D.O.O. v OMAC Engineering Limited

Broj poruka: 4

Sarah Jane Finnegan (Carlisle) <SJF@carlisesolicitors.ie>
Prima: "office.dominterijeri.hr@gmail.com" <office.dominterijeri.hr@gmail.com>
Cc: "Philip Gleeson (Carlisle)" <pg@carlisesolicitors.ie>

23. travnja 2024. u 17:58

Hi Kristina

Please see finalised Replies that are being served on the other side.

We will keep you advised.

Kind regards

Sarah Jane Finnegan

A referral is the best compliment we can receive. If you know anyone that would benefit from our services, we would really appreciate the recommendation.



VISIT US TODAY

Sarah Jane Finnegan |

Legal Executive

Email: sjf@carlisesolicitors.ie

Phone: +353 1 653 3370

Web: www.carlisesolicitors.ie

Address: 16/17 St. Andrew Street,
Dublin 2, D02 HP66

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Bank Details: Please be aware that there is a significant risk posed to solicitors and their clients by cyber fraud, specifically affecting email accounts and bank account details. **PLEASE NOTE** that our bank account details **WILL NOT** change during the course of a transaction, and we will **NOT** change our bank details via email.

If you receive a request via email to make a change to any of our bank account details and/or to transfer any funds, please do not respond to the email and contact us immediately by phone on 01 649 9900.

All bank account details must be verified by calling the office (phone number on our headed paper) and speaking to your assigned solicitor/legal assistant, prior to a transfer being made. We cannot be held liable for any losses arising from bank account details that are not verified in this way.

This e-mail (together with any attachments) is private and confidential. This email is for the intended recipient only. If you are not the intended recipient, it may be unlawful for you to read, copy, distribute, disclose or otherwise use the information in this e-mail. If you are not the intended recipient of this e-mail, please return it to law@carlisle-solicitors.ie and delete the original message (together with any attachments). This e-mail is not guaranteed to be secure or virus-free and is opened at your own risk. Although we have taken reasonable precautions to prevent harm being caused by this email, Carlisle Solicitors accepts no responsibility or liability for any damage howsoever caused by this e-mail or any attachment.

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Kristina <office.dominterijeri.hr@gmail.com>
Prima: "Sarah Jane Finnegan (Carlisle)" <SJF@carlisesolicitors.ie>

26. travnja 2024. u 10:35

Dear Sarah Jane,

thank you. What is the deadline for a response at this stage?

Kind regards,
Kristina

[Citirani tekst je skriven]

Jack Farrell (Carlisle) <jfa@carlisesolicitors.ie>
Prima: Kristina <office.dominterijeri.hr@gmail.com>

29. travnja 2024. u 15:49

Good afternoon Kristina,

The defendants have up to and including 28 days to file a Defence.

The defendants will have until approximately the 27th May 2024 to file a Defence.

We will keep you updated on any further developments.

If you have any queries in the interim, please don't hesitate to contact us.

Kind regards,

Jack

[Citirani tekst je skriven]
[Citirani tekst je skriven]
[Citirani tekst je skriven]

A referral is the best compliment we can receive. If you know anyone that would benefit from our services, we would really appreciate the recommendation.



Jack Farrell |

Legal Executive

Email: jfa@carlisesolicitors.ie

Phone: +353 1 653 3370

Web: www.carlisesolicitors.ie

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11/12/20, 9:58 AM

Gmail - (DO0006/1) - DOM Interijeri J.D.O.O. & Bera Mont J.D.O.O. v OMAC Engineering Limited
Dublin 2, D02 HP66

VISIT US TODAY



* in contentious business a solicitor may not calculate fees or other charges as a percentage or proportion of any award or settlement.

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Kristina <office.dominterijeri.hr@gmail.com>
Prima: "Jack Farrell (Carlisle)" <jfa@carlisesolicitors.ie>

30. travnja 2024. u 11:31

Dear Jack,

thank you for the clarification.

Kind regards,
Kristina

[Citirani tekst je skriven]

THE HIGH COURT

Between

DOM INTERIJERI J.D.O.O. & BERA MONT J.D.O.O.

and

Plaintiffs

OMAC ENGINEERING LIMITED

Defendant

REPLIES TO NOTICE FOR PARTICULARS

As Solicitors for the Plaintiffs we hereby reply to the Defendant's
Notice for Particulars dated the 7th day of March 2024

1. This is a matter of public record. Without prejudice to the foregoing, the First Named Plaintiff is incorporated in Croatia, as per paragraph 1 of the Statement of Claim.
2. This is a matter of public record. Without prejudice to the foregoing, the Second Named Plaintiff is incorporated in Croatia, as per paragraph 2 of the Statement of Claim.
3. The companies have a Cooperation Agreement between them and family links.
4. (a) These contracts are by definition already within the possession of the Defendant herein.
(b) There are differing and contradictory governing law and jurisdictional clauses included in the various Terms & Conditions relating to the relevant contracts. For example, some Terms and Conditions refer to the laws of England and Wales applying and some refer to the law of the Republic of Ireland being applicable. In any case there is no jurisdictional or governing clause relating to the contract being the subject matter of this action i.e. the agreement of the 10th May 2023 being the only relevant contract for the purpose of this action. In all the circumstances it is the Plaintiff's case, as per paragraph 13 of the Statement of Claim, and respectfully we submit it is in ease of the Defendant, that the most appropriate and correct governing law and jurisdiction as regards this action is that of the Republic of Ireland.

5. (a) - (j) Respectfully, given the case as pleaded discretely relates to the agreement to pay the sums claimed of the 23rd May 2023 and the Schedule arising therefrom these are not appropriate matters for particulars.
6. Please see reply to 5 above.
7. (a) Ricky Underwood, Matt Gwynne, Sean Wilson and Stuart Mackay
(b) Ivan Jerkovic.
8. Please see enclosed.
9. (a) Mr. Ricky Underwood, in apparent contemporaneous consultation with senior management/ directors.
(b) See point 8.
10. (a) In writing by email of 10th May 2023.
(b) See point 10 (a).
(c) See point 9 (a).

Dated this 23rd April 2024

Signed: _____
Carlisle Solicitors
16-17 St Andrew Street
Dublin 2

TO: **Lavelle Partners LLP**
St. James' House
Adelaide Road
Dublin 2

THE HIGH COURT

Between

DOM INTERIJERI J.D.O.O. & BERA MONT J.D.O.O.

and

Plaintiff

OMAC ENGINEERING LIMITED

Defendant

REPLIES TO NOTICE FOR PARTICULARS

Carlisle Solicitors
16-17 St Andrew Street
Dublin 2
Ref: SJF/LEC/DO0006/1
D9604



Kristina <office.dominterijeri.hr@gmail.com>

(DO0006/1) - DOM Interijeri J.D.O.O. & Bera Mont J.D.O.O. v OMAC Engineering Limited
1 poruka

Sarah Jane Finnegan (Carlisle) <SJF@carlisesolicitors.ie>
Prima: "office.dominterijeri.hr@gmail.com" <office.dominterijeri.hr@gmail.com>

25. lipnja 2024. u 13:08

Hi Kristina

By way of update, our Motion for Judgment in default of Defence is before the High Court on 15th July 2024. Gareth Kinsella will attend to this application on 15th July.

The attached papers have been served on the solicitor for the Defenant.

We will keep you advised, and we will let you know if we have any response from the other side in advance of this hearing date.

Kind regards

Sarah Jane Finnegan

A referral is the best compliment we can receive. If you know anyone that would benefit from our services, we would really appreciate the recommendation.



VISIT US TODAY

Sarah Jane Finnegan |

Legal Executive

Email: sjf@carlisesolicitors.ie

Phone: +353 1 653 3370

Web: www.carlisesolicitors.ie

Address: 16/17 St. Andrew Street,
Dublin 2, D02 HP66

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If you receive a request via email to make a change to any of our bank account details and/or to transfer any funds, please do not respond to the email and contact us immediately by phone on 01 649 9900.

All bank account details must be verified by calling the office (phone number on our headed paper) and speaking to your assigned solicitor/legal assistant, prior to a transfer being made. We cannot be held liable for any losses arising from bank account details that are not verified in this way.

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Grounding Affidavit of Philip Gleeson dated 13.06.2024.pdf
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Notice of Motion Returnable for 15.07.2024.pdf
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Between

THE HIGH COURT

Record No. 2023/5282

DOM INTERIJERI J.D.O.O. & BERA MONT J.D.O.O.

and

Plaintiffs

OMAC ENGINEERING LIMITED

Defendant

GROUNDING AFFIDAVIT OF PHILIP GLEESON

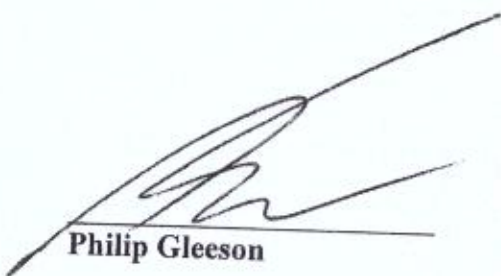
I, Philip Gleeson, of 16-17 St. Andrew Street, Dublin 2 aged eighteen years and upwards, **MAKE OATH** and say as follows:-

1. I am a Solicitor in the firm of solicitors on record for the Plaintiff in the above-entitled proceedings and I make this affidavit from facts within my own knowledge save where otherwise appears and where so otherwise appearing I believe same to be true and accurate.
2. I beg to refer to the pleadings herein when produced.
3. I say that proceedings in this matter were instigated by way of a Plenary Summons dated the 1st November 2023.
4. I say that these proceedings have their genesis in a number of contracts for the Plaintiffs, or either of them, to perform works at a Tesla facility in Grunheide, Germany between January 2022 and April 2023 at the request of the Defendant. Following delays in payments and queries having been raised about the nature and amount of the sums claimed as being owed by Plaintiff negotiations between the Plaintiff and the servants of agents of the Defendant occurred between in or around early April 2023 and 10th May 2023, which culminated in the Defendant agreeing the total sum owed being €778,298.21 and a schedule for payment also being agreed. It is this Settlement Agreement of in or around the 10th May 2023 that forms the basis for the Plaintiffs' action.
5. I say that the Defendant entered an Appearance which was filed in the Central Office on the 7th November 2023. I say that the Appearance requested a Statement of Claim and same was duly delivered to the solicitors for the Defendant on the 6th December 2023.

6. I say that I wrote to the Defendant's Solicitor by way of letter dated the 7th February 2024 and again on the 26th April 2024 (this second letter was prompted by the Defendant having raised Particulars as referred to below) requesting that they provide us with their Defence within 28 days on each occasion. I say that the letter of the 26th April 2024 consented to the late filing of the Defence and also warned that the Motion currently before this Honourable Court would be issued at the expiration of the 28 day period, which has now expired. I beg to refer to a copy of the letters referred to above upon which marked "Exhibit PG 1". I have signed my name prior to swearing hereof.
7. I say and believe that the Defendant has been given ample time to serve its Defence to the Statement of Claim herein. I say that the Defendant raised particulars on the 7th March 2024 and these were replied to on the 26th April 2024. I say and believe that the Plaintiff has shown significant forbearance to date, and it is now appropriate that the motion seeking the reliefs herein be issued. I say that there has been no contact from the Defendant outlining the reason for delay on their part nor asking for additional time to serve the Defence.
8. I say that as of the date of the swearing of this Affidavit no Defence has been served and no explanation has been given for the delay.
9. Accordingly, I pray that this Honourable Court make an order for Judgment in Default of Defence as against the Defendant as per the Motion herein.

SWORN by the said PHILIP GLEESON
on the 13th day of JUNE 2024
at 4 PARLIAMENT STREET
in the County of the City of Dublin
before me a Practising Solicitor
and I know the Deponent.

Deane
Practicing Solicitor/ ~~Commissioner for Oaths~~


Philip Gleeson

THE HIGH COURT

Between

DOM INTERIJERI J.D.O.O. & BERA MONT J.D.O.O.

and

Plaintiffs

OMAC ENGINEERING LIMITED

Defendant

GROUNDING AFFIDAVIT OF PHILIP GLEESON
"EXHIBIT PG1"

Signed:
Philip Gleeson

Signed:
~~Commissioner for Oaths/~~
Practising Solicitor

JOSEPH T. DEANE AND ASSOCIAT

Solicitors
4 Parliament Street
Dublin 2
D02 DP28
01-6712869
info@ioedeane.com

Certified Post

Lavelle Partners LLP
St. James' House
Adelaide Road
Dublin 2

26 April 2024

Our Ref: SJF/PG/DO0006/1

**RE: DOM Interijeri J.D.O.O. & Bera Mont J.D.O.O. V OMAC Engineering
Limited**
Your Ref: CL/SHO/OMA234/0001

Dear Sirs

As Solicitors for the Plaintiff herein, we hereby consent to the late filing of Defence up to and including 28 days from the date hereof.

If you fail to enter a Defence within the specified time, our instructions are to proceed to Judgment plus costs and interest against your client in default thereof.

Yours faithfully

Carlisle Solicitors
D6225

Lavelle Partners LLP
St. James' House
Adelaide Road
Dublin 2
CERTIFIED POST

7 February 2024

Our Ref: SJF/SJF/DO0006/1

**RE: DOM Interijeri J.D.O.O. & Bera Mont J.D.O.O. V OMAC Engineering
Limited
Your Ref: CL/SHO/OMA234/0001**

Dear Sirs

As Solicitors for the Plaintiff herein, we hereby consent to the late filing of Defence up to and including 28 days from the date thereof.

Should you fail to file an Defence within the specified time, our instructions are to proceed to issue a motion for Judgment in default thereof, without further notice to you.

Yours faithfully

Carlisle Solicitors
D6225

THE HIGH COURT

Between

DOM INTERIJERI J.D.O.O. & BERA MONT J.D.O.O.

and

Plaintiffs

OMAC ENGINEERING LIMITED

Defendant

GROUNDING AFFIDAVIT OF PHILIP GLEESON

Carlisle Solicitors 16-17 St Andrew Street
Dublin 2.

DO0006/1/SJF/D9013

THE HIGH COURT

Between

DOM INTERIJERI J.D.O.O. & BERA MONT J.D.O.O.

and

Plaintiffs

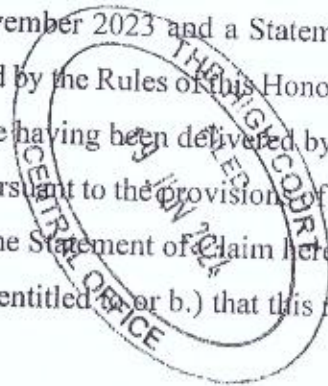
OMAC ENGINEERING LIMITED

Defendant

NOTICE OF MOTION

TAKE NOTICE that on the 15 day of July 2024 at the hour of 11 o'clock in the forenoon or at the first available time thereafter, Counsel on behalf of the Plaintiffs herein will apply to this Honourable Court sitting at the Four Courts, Inns Quay, Dublin 7 for the following reliefs:

1. The Plaintiffs refer to the Plenary Summons dated the 1st November 2023. An Appearance was filed on behalf of the Defendant herein on the 7th November 2023 and a Statement of Claim delivered on the 6th December 2023. The time allowed by the Rules of this Honourable Court for the delivery of a Defence has expired. No Defence having been delivered by or on behalf of the Defendant the Plaintiffs hereby seek: a.) that pursuant to the provision of Order 27 Rule 9 judgment be entered against the Defendant upon the Statement of Claim herein for such sum as this Honourable Court may deem the Plaintiffs entitled to or b.) that this matter be set down for trial or assessment by a judge sitting alone.
2. Such further or other Order as to this Honourable Court shall deem fit.
3. An Order for the costs of this application.



WHICH APPLICATION will be grounded upon the Pleadings and Proceedings already heard herein, this Notice of Motion, the Affidavit of Philip Gleeson sworn herein on the 13 day of June 2024, an Affidavit of Service of the motion and such further or other evidence as may be adduced by or on behalf of the Plaintiffs, the nature of the case and the reasons to be offered.

Dated the 18 day of June 2024

Signed: 

Carlisle Solicitors
16-17 St. Andrew Street,
Dublin 2
Solicitors for the Plaintiffs,

To: The Central Office of the High Court,
The Four Courts,
Inns Quay,
Dublin 7

To: Lavelle Partners LLP
St. James' House
Adelaide Road
Dublin 2
Solicitors for the Defendant

Record No. 2023/5282

THE HIGH COURT

Between

DOM INTERIJERI J.D.O.O. & BERA MONT J.D.O.O.

and

Plaintiffs

OMAC ENGINEERING LIMITED

Defendant

NOTICE OF MOTION

Carlisle Solicitors 16-17 St Andrew Street
Dublin 2.

DO0006/1/SJF/D9013