

Επιτέλους με ντοκουμέντα!

# ΟΛΗ Η ΑΛΗΘΕΙΑ ΓΙΑ ΤΗΝ ΑΧΕΠΑ

Η ακτινογραφία μιας δικαστικής απόφασης

Τα δύο κείμενα του Γ. Χατζηβασίλη που δημοσιεύτηκαν από τη στήλη του με θέμα «ΑΧΕΠΑ και ΠΑΡΟΙΚΙΑ», τα οποία αναφέρονται στις περιπέτειες της ΑΧΕΠΑ ΝΝΟ προκάλεσαν πλήθος αντιδράσεων, θετικών και αρνητικών. Η εφημερίδα «Κόσμος» έρχεται σήμερα με αδιάσειστα στοιχεία-ντοκουμέντα να ξεκαθαρίσει την ήρα από το στάρι, δηλαδή να αποσαφηνίσει τι είναι φήμες γύρω από την υπόθεση και τι είναι τεκμηριωμένη ΑΛΗΘΕΙΑ. Στις επόμενες σελίδες ακολουθεί η ακτινογραφία μιας απόφασης-καταπέλτη, συνοδευόμενη από έγγραφα που έλαβε υπόψιν του το δικαστήριο πριν καταλήξει στην ετυμηγορία του. Πριν προχωρήσουμε στη διεξοδική διερεύνηση των επιμέρους σημείων, η εφημερίδα θεωρεί σκόπιμο να παρουσιάσει ένα έγγραφο που φωτίζει τους λόγους που τα τελευταία πέντε χρόνια η ΑΧΕΠΑ ΝΝΟ βρίσκεται σε περιπέτειες. Το έγγραφο αυτό είναι στην πραγματικότητα ένα email, το οποίο απετέλεσε στοιχείο που συμπεριλήφθηκε στη δικογραφία του τρίτου δικαστηρίου και αυτός είναι ο λόγος που το δημοσιεύουμε. Το email αυτό είναι γνωστό ως «Σχέδιο Δράσης» (Plan of Action) και με αυτήν την ονομασία το αναφέρει και το έλαβε υπόψιν του το δικαστήριο. Σύμφωνα με το κείμενο του δικαστηρίου, από το οποίο παραθέτουμε απόσπασμα, το email αυτό απευθύνεται από τον κ. Ηλία Ντούφα στον κ. Δημήτρη (Τζιμ) Αντωνάκο. Το πλήρες κεί-

μενο, το οποίο «φωτογραφίζει» επακριβώς τις ενέργειες που έχουν γίνει τα τελευταία πέντε χρόνια εναντίον τόσο της Πολιτειακής Διοίκησης της ΑΧΕΠΑ ΝΝΟ όσο και του κ. Ιωάννη Καλλιμάνη έχει ως εξής (παραθέτουμε το πρωτότυπο αγγλικό). (Τεκμήριο PLAN OF ACTION)

On Sat, Nov 21, 2015 at 3:35 PM, Elias Doufas wrote:

Hi Jim,

Further to our phone conversation and all the nervous emails, I have documented our Plan of Action:

1. Incorporate the National Lodge and the State councils of VIC and NSW.

We now have the approved National Convention decisions to move forward with actioning them.

This has become URGENT as we need to establish a legal entity in order to take any legal action necessary.

If the National Lodge is incorporated as a company limited by guarantee it has no assets and can take any legal action in its own right without worrying about having repercussions in if it does not succeed. No one member can carry this responsibility on their own.

The NL will also own the Name and trade mark as well be able to enforce the "legal" Constitution.

Incorporating a NEW AHEPA NSW Inc. with the remaining Chapters will also give you this right.

All the incorporations can be made with a similar document as used by the State Councils (attached) and can be done at the same time by the same solicitor for a third of the cost probably less than \$10,000.

2. Action against JK can be taken by both the newly incorporated NL and State Councils.

The NL will take action re the name and logo and AHEPA Inc for the properties.

3. Organise a well planned media and email campaign against the of JK with the aim to discredit him and the officers of the Management Committee.

Please consider the attached document as its suitability as a BRIDGING Document of the entities and the AHEPA Constitution and By Laws and let me have your comments to improve it if necessary. This document can be then taken to one solicitor to draft our different Constitution of the separate entities.

Let's discuss this strategy at the NL meeting this Thursday.

Regards,

Elias

Με βάση το παραπάνω κείμενο αυτό που εξάγεται ως εύλογο συμπέρασμα είναι ότι η μετατροπή του National Lodge σε εταιρία περιορισμένης ευθύνης, η διεκδίκηση των περιουσιακών στοιχείων της ΑΧΕΠΑ ΝΝΟ εκ μέρους

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stakeholders and comprising all past National or Supreme Presidents, the current National President and the 17 elected members. It would appear that major changes were being proposed in order to unify the State bodies and deal with an emerging difference in direction with the Grand Lodge of New South Wales.

85 On 18 November 2015, the 2003 Rules of AHEPA NSW were further amended, although the amendment was not registered and, in the first proceedings, AHEPA NSW agreed not to register the amendment as part of a compromise of the proceedings. It is reasonable to think that the amendments were directed towards further separating AHEPA NSW from the hierarchy of The Order of AHEPA Australasia. On 21 November 2015, Elias Doufas, who appears to have held a senior role within The Order of AHEPA Australasia, emailed Mr Antonakos and other representatives of the New South Wales, Queensland, Victoria, Western Australian and ACT Grand Lodges, formulating a "Plan of Action". It was then apparently in mind to bring legal action against a member referred to as "JK", which I take to be a reference to Mr Kallimanis, President of AHEPA NSW. Mr Doufas proposed:

1. Incorporate the National Lodge and the State councils of VIC and NSW.

We now have the approved National Convention decisions to move forward with actioning them.

This has become URGENT as we need to establish a legal entity in order to take any legal action necessary.

the Court to determine these disputes or the contested factual matters underpinning them.

3 AHEPA NSW and Ms Melas and Ms Alexandrou have now agreed on a compromise which would resolve the proceedings, by which they seek orders curing the irregularities related to the general meetings in 2005, 2007 and 2010, facilitating the making of an application to the Commissioner for NSW Fair Trading to register the changes purportedly made to AHEPA NSW's constitution at those meetings, and providing for a special general meeting of AHEPA NSW to propose special resolutions for the removal and interim replacement of the Committee of Management of AHEPA NSW. AHEPA NSW reads parts of the affidavits of Mr John Kallimanis (sworn 19 December 2016), Mr George Lianos (affirmed 13 June 2017), Mr Theodore Lianos (sworn 13 June 2017) and Mr Panayiotis Diamadis (sworn 13 June 2017) in support of the proposed orders. AHEPA NSW also relies on the affidavit of its solicitor, Mr Michael Pelosi, sworn 21 March 2018, which confirms advice of NSW Fair Trading that it did not object to the proposed orders being made, so far as they contemplated actions on its part, and would be in a position to comply with those orders. Ms Melas and Ms Alexandrou read the affidavit of Mr Demetrios Antonakos dated 15 December 2017.

4 On 21 March 2018, I made substantially the orders sought by AHEPA NSW, to which Ms Melas and Ms Alexandrou consented, and indicated that I would subsequently publish my reasons for doing so. These are my reasons for making those orders. I have drawn on the helpful submissions made by Mr Hollo and Ms Winnett, who appeared for AHEPA NSW, in these reasons.

Orders that 2005, 2007 and 2010 resolutions and consequential acts are not invalid

- (d) that the endorsement of persons to the office of Secretary and Treasurer of the Association at a meeting of the Committee of Management of the Association on 18 February 2019 are not invalid by reason of any contravention of a provision of the Corporations Act, Associations Incorporation Act or the Association's constitution;
- (e) that any acts, matters or things purporting to have been done by the Association, or by persons acting on the Association's behalf, in the period from 13 November 2018 to date are not invalid by reason of any contravention of a provision of the Corporations Act, Associations Incorporation Act or the Association's constitution.
- (2) Dismiss the Amended Originating Process filed on 8 March 2019.
- (3) Order the plaintiffs to pay the defendants' costs of the proceedings.
- (4) Discharge Order 1 made by Lindsay J on 25 January 2019 and release the first defendant from the undertaking noted in Order 2 on 25 January 2019.
- (5) Release the first defendant from the undertaking noted in Order 1(a) made by Rees J on 20 February 2019.
- (6) Grant liberty to the parties within 14 days to notify any correction or amendment sought to be made to these orders or any variation sought to Order 3.

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