

Carlton case: Kováčik brought his only suit three hours after the case had been assigned.

Dušan Kováčik first took authoritatively the file in the Carlton Hotel business dispute under his own authority so that he could read more than one thousand pages of it in a single day, and three hours later he wrote 26-page suit, thus **helping the co-owners of the company Eset.**



Carlton Hotel. Photo: Facebook



Matej Gašparovič

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The former special prosecutor Dušan Kováčik first took authoritatively the file in the Carlton Hotel business dispute under his own authority so that he could read more than one thousand pages of it in a single day, and three hours later he wrote 26-page suit, thus helping the co-owners of the company Eset. The prosecution sees no problem with his actions.

Dušan Kováčik is often referred to by the unflattering nickname 61:0 precisely because of the fatal disproportion of not brought suits. In fact, he has brought one suit, concerning the case of the luxury Carlton Bratislava, where he obliged two co-owners of Eset, Rudolf Hrubý and Maroš Grund, who sued their former business partner Erik Mikurčík. The latter is currently **in a dispute** with them over the ownership of the hotel.

There is a remarkable piece of information in the file. As the Štandard daily previously **reported**, Kováčik did not initially oversee the case, but on 21 May last year he removed it from the subordinate prosecutor without justification. He also brought a suit on that date. However, according to documents in the file, the suit was brought at the Specialized Criminal Court as early as 11:45 a.m.

The working hours of the specialised prosecutor at the Pezinok office start at 8:00 am. In a few hours Kováčik managed to take the case from the supervising prosecutor Miroslav Ľalík, study the 1,300-page file, deal with the detailed arguments of the defence and write 26-page suit. He then completed the ten-volume material and submitted it to the court. On the same day, he returned the case to the subordinate prosecutor.

It is not excluded that Kováčik acted much faster, but the prosecutor's office refused to disclose to the Štandard daily information from its information system about what time and minute he took the file over. "The Authority of the Special Prosecutor's Office does not consider it appropriate for the said internal information to be published in mass communication media," responded Dalibor Skladan, spokesman for the General Prosecutor's Office.

The different times at which the suit was brought are also strange. In the documents from the "special" branch in Banská Bystrica, where the file was sent and delivered four days later, there is a different stamp, according to which the file was filed by Kováčik in Pezinok as late as at 1:20 p.m. Thus, Kováčik brought the suit twice.

In any case, in a few hours Kováčik managed to give an outstanding performance that he had not managed in his long years in office - to bring a suit. Although a lawful procedure is not even theoretically possible in terms of time, both the General and Special Prosecutor's Offices consider Kováčik's actions in this case to be lawful.

"The criminal case in question was investigated by Viera Kováčiková and subsequently by the current Attorney General. The suit was brought lawfully," responded Dalibor Skladan, spokesman for the General Prosecutor's Office. The head of the special prosecutor's office, Daniel Lipšic, made a similar statement in a reply to Eva Mišíková, Mikurčík's lawyer, on 30 April last year.

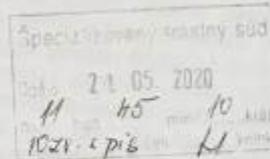


ÚRAD ŠPECIÁLNEJ PROKURATÚRY
GENERÁLNEJ PROKURATÚRY SLOVENSKEJ REPUBLIKY
Štúrova 2, 812 85 Bratislava

II/2 Gv 270/17/1000-100

Pezinok, 21. mája 2020

Špecializovaný trestný súd v Pezinku
Pezinok



Špeciálny prokurátor
podľa § 234 odsek 1 Trestného poriadku
podáva

obžalobu

na obvineného
1/ Mgr. Erika Mikurčíka,

a
na obvineného
2/ Ing. Zuzanu Kálmanovú,

preto, že

ako konatelia spoločnosti Carlton Property, s.r.o., so sídlom Hviezdoslavovo nám. č. 3, Bratislava, IČO: 36 860 492, dňa 28.03.2017 na notárskom úrade JUDr. PhDr. Zuzany Korvínovej v Trenčíne v pozícii predávajúceho uzatvorili písomnú Zmluvu o prevode vlastníctva k rozostavaným nebytovým priestorom a iným

*First page of the suit of Dušan Kováčik brought on 21 May 2020 at 11:45 a.m.
Photo: Archive/Štandard daily*

Court fails to act for half a year in dubious record of Eset employees

On 27 April this year, the Supreme Court overturned the lower courts' decision on the basis of which Mr Mikurčík was deleted as the majority owner of the hotel. The court did not recognise the document on the basis of which he was deleted and sent the decision back to the lower courts.

In the meantime, the District Court Bratislava I decided that the Supreme Court's resolution restores the status valid on 13 July 2017, i.e. the status when Mikurčík was the majority owner: "The Supreme Court's decision thus restored the legal status in the company Carlton Property that was valid until 13 July 2017 (inclusive), i.e. such a status that in the section relating to the partners...the accused Erik Mikurčík was registered as the decisive and majority partner, with a share in the registered capital of EUR 55,000 (which corresponds to a share of 92 per cent)."

Why has the Supreme Court's intention not yet been implemented? According to the district court, it will not happen until the determination of the business shares is finally decided. The vice-president of the court, René Milták, responded to the questions of the Štandard daily by saying that the restoration of the status according to which Mikurčík and his wife Zuzana Kalmanová should be the decisive owners and executive directors of the company has not yet taken place, "as such facts do not arise at all from the verdict part or the reasoning of the Supreme Court's resolution."

The Supreme Court notes the decision to delete Grund's and Hrubý's registration instead of Mikurčík's registration.

Strange entry in the Commercial Register

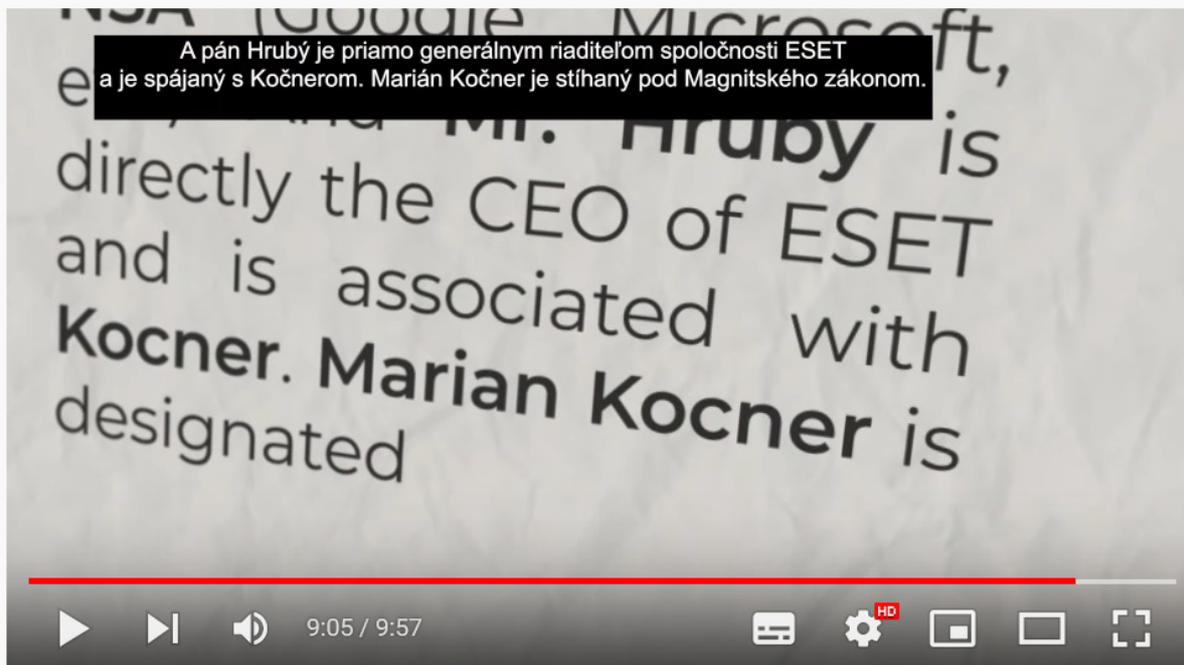
Thus, the overwriting of the executive directors challenged by the Supreme Court, which was carried out at the Commercial Register by senior court official Juraj Kurti on 18 July 2017, remains valid to this day. We **described** earlier the remarkable speed and the peculiar circumstances under which this occurred.

Kurti, for example, used a strange extract from the Commercial Register "for legal purposes" when replacing the executive directors. The first page of the extract bears a different date than the last page, the document is not signed or stamped, the second and fourth pages are missing and there are pencilled notes. To illustrate what the document used in the Slovak Commercial Register for "legal acts" looks like when the executive directors of a company with the assets of a 56-million-(euro) hotel are overwritten, you can see the deed in the photographs provided at the end of the article.

While this document was accepted for the ESET employees when their shares were registered, and it was executed expeditiously in tens of seconds, by contrast, the Supreme Court's resolution effectively nullifying that action has not been implemented by the district court for nearly eight months.



YouTube^{SK}



37 SECONDS : Story of Carlton Hotel

A documentary on the Carlton case, shot on the initiative of young filmmakers who wished to remain anonymous: https://www.youtube.com/watch?v=3wo_n7J6rb4

No one is responsible

In its decision, the Supreme Court described the registration of the ESET's employees in the Commercial Register, which erased Mikurčík's majority stake, as arbitrary. The case concerns the actions of the female judges Mária Ondriášová (district court) and Andrea Haitová (regional court).

Have the female judges been held personally liable, for example through disciplinary proceedings? "The aforementioned judge ceased to be a judge on 31 December 2020. Due to the termination of her position as a female judge, the aforementioned female judge cannot be subject to disciplinary action," said René Milták, vice-president of the District Court Bratislava I, regarding Ondriášová, who was among the judges who testified in the Búrka case about the judges' cooperation with Marian Kočner.

Ondriášová was also part of the communication between Kočner and former vice-president of the court Vladimír Sklenka, where the pair talked about the female judges who must be influenced in the Carlton case: 'Mirka is ok, you can manipulate the female gypsy, we can manipulate Denisa, and you can manipulate Ondriška,' Kočner advises Sklenka at Threema on 4 October 2017.

The court received a similar response from the Regional Court regarding Andrea Haitová: "The management of the Regional Court in Bratislava has no knowledge that any proceedings have been conducted against the aforementioned female judge of the local court due to her participation

in the decision-making in the above-mentioned case," responded court spokesman Pavol Adamčiak.

The senior court official Juraj Kurti was not even held personally responsible, who carried out the dubious registration of Grund and Hrubý with remarkable speed: "The aforementioned senior court official terminated his work at the District Court Bratislava I on 31 July 2018 by resigning as a civil servant. The aforementioned person has yet not been held personally responsible," judge Milták says, adding: "The fault of the aforementioned person is not at all apparent from the reasoning of the Supreme Court's resolution dated 24 April 2017."

Yet the Supreme Court's decision makes no sense if it considered this Kurti's overwriting to be legal.

However, the court could also have acted on the basis of captured communications at Threema, where Sklenka informs Kočner of Kurti's questionable conduct. Did the court at least confront Kurti with these circumstances? "We will not comment on this issue at the moment, the aforementioned person is no longer working at the local court. It is rather a question for the law enforcement authorities," says Milták.

Zoznam výpisov č.:

VÝPIS Z OBCHODNÉHO REGISTRA

Okresného súdu Bratislava I
k dátumu 06.06.2017

Oddiel: **Sro**

Vložka číslo: 54960/B

I. Obchodné meno

Carlton Property, s. r. o.

II. Sídlo

Názov ulice (iného verejného priestranstva) a orientačné číslo (príp. súpisné číslo):

Hviezdoslavovo nám. 3

Názov obce: Bratislava

PSČ: 811 02

Štát: Slovenská republika

III. IČO: 36 860 492

IV. Deň zápisu: 17.10.2008

V. Právna forma: Spoločnosť s ručením obmedzeným

VI. Predmet podnikania (činnosti)

1. prenájom nehnuteľností bez poskytovania iných ako základných služieb spojených s prenájomom,
2. kúpa tovaru na účely jeho predaja konečnému spotrebiteľovi (maloobchod) v rozsahu voľnej živnosti,
3. kúpa tovaru na účely jeho predaja iným prevádzkovateľom živnosti (veľkoobchod) v rozsahu voľnej živnosti,
4. sprostredkovateľská činnosť,
5. sprostredkovanie kúpy, predaja a prenájmu nehnuteľností,
6. marketingová činnosť,
7. pohostinská činnosť v zariadeniach skupiny II. a vyššie,
8. ubytovacie služby v ubytovacích zariadeniach s prevádzkovaním pohostinských činností v týchto zariadeniach v chatovej osade triedy +++, v kempingoch triedy +++, a vo vyšších triedach,

Vznik funkcie: 01.08.2016

Spôsob konania štatutárneho orgánu v mene spoločnosti s ručením obmedzeným:
V mene spoločnosti sú oprávnení konať vždy aspoň dvaja konatelia spoločne.

Podpisovanie za spoločnosť sa robí tak, že k napísanému alebo iným spôsobom
zobrazenému obchodnému menu spoločnosti sa pripojí podpis konajúcich osôb s
uvedením ich mena a priezviska a označením funkcie konateľa.

VIII. Spoločníci

Obchodné meno/názov:

ADS PROPERTY, s. r. o.

Sídlo:

Názov ulice (iného verejného priestranstva) a orientačné číslo (príp. súpisné číslo):

Laurinská 2

Názov obce: Bratislava

PŠČ: 811 01

Štát: Slovenská republika

Výška vkladu: 5 000,000000 EUR

Rozsah splatenia: 5 000,000000 EUR

Záložné právo: Záložné právo v 1. rade na obchodný podiel spoločníka v prospech
záložného veriteľa: Všeobecná úverová banka, a.s., IČO: 31 320 155, zriadené na
základe záložnej zmluvy zo dňa 20. júla 2016. Záložné právo vzniká dňom zápisu do OR.

IX. Výška základného imania

5 000,000000 EUR

X. Rozsah splatenia základného imania

5 000,000000 EUR

Ďalšie právne skutočnosti

XI. Zlúčenie, splynutie, rozdelenie spoločnosti

Spoločnosť je právnym nástupcom v dôsledku zlúčenia.

Obchodné meno/názov:

Bratcarl 1, s. r. o.

Sídlo:

Názov ulice (iného verejného priestranstva) a orientačné číslo (príp. súpisné číslo):
Hviezdoslavovo nám. 3

č. 37019/B, ktoré boli zrušené bez likvidácie.

Obchodná spoločnosť Slovak Hold Co, s. r. o., so sídlom Rybné nám. 1, 811 02 Bratislava, IČO : 36 860 492, zapísaná v obchodnom registri Okresného súdu Bratislava I, Oddiel Sro, Vložka č. 54960/B, sa na základe zmluvy o zlúčení spisanej vo forme notárskej zápisnice č. N 456/2008 Nz 55440/2008 dňa 05.12.2008 stáva právnym nástupcom spoločnosti Bratcarl 1, s. r. o., Dobrý sused, s. r. o., M-Four, s. r. o., Midgard, s. r. o. a preberá všetky ich práva a záväzky.

Zmena obchodného mena spoločnosti z pôvodného Slovak Hold Co, s. r. o. na nové obchodné meno Carlton Property, s. r. o.. Zmena sídla na nové - Hviezdoslavovo nám. 3, 811 02 Bratislava.

3. Zápisnica z valného zhromaždenia zo dňa 14.12.2010
4. Rozhodnutie spoločníkov prijaté mimo valného zhromaždenia dňa 23.02.2011.
5. Rozhodnutie jediného spoločníka zo dňa 22.02.2012.
6. Vyhlásenie záložného veriteľa o zmene poradia záložných práv.
7. Rozhodnutie jediného spoločníka zo dňa 13.07.2016.

Bratislava I , 27.06.2017

Správnosť výpisu sa potvrdzuje

Za správnosť výpisu: Ing. Jana Valeriánová

.....
(podpis oprávnenej osoby)

.....
(odtlačok úradnej pečiatky)

*Fake document entered in the Commercial Register in order to change the company's executives (wrong dates; two pages missing; no signature; no stamp; pencil notes)
Photo: Archive/Standard daily*