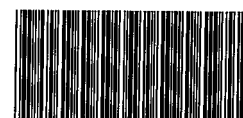




Filed: 20 December 2019 3:08 PM

Form 10  
UCPR 9.1

D000180HGA

### THIRD CROSS-CLAIM CROSS-SUMMONS

#### COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Commercial
Registry	Supreme Court Sydney
Case number	2019/00232749

#### TITLE OF PROCEEDINGS

First Plaintiff	Terry Williamson
First Defendant	SYDNEY OLYMPIC PARK AUTHORITY trading as Sydney Olympic Park Authority ABN 68010941405

#### TITLE OF THIS CROSS-CLAIM

First Cross-claimant	WSP Structures Pty Ltd ABN 78006769339
First Cross-defendant	EVOLUTION PRECAST SYSTEMS PTY LTD ABN 17608136518
Second Cross-defendant	Icon Co (NSW) Pty Ltd

#### FILING DETAILS

Filed for	WSP Structures Pty Ltd, Cross Claimant 1
Filed in relation to	Cross-claim 2
Legal representative	Tricia Marguerite Hobson
Legal representative reference	
Telephone	02 9330 8000
Your reference	4014154

#### HEARING DETAILS

A Notice of Listing will be attached and served with this cross-summons.

## ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Cross Summons (e-Services), along with any other documents listed below, were filed by the Court.

Cross-summons (UCPR 10) (2019.12.20 - Third Cross-Claim Cross-Summons (Class Action).pdf)

[attach.]

Form 10 (version 6)  
UCPR 9.1

### **THIRD CROSS-CLAIM CROSS-SUMMONS**

#### **COURT DETAILS**

Court	Supreme Court of New South Wales
Division	Equity
List	Commercial List
Registry	Sydney
Case number	2019/00232749

#### **TITLE OF PROCEEDINGS**

First plaintiff	<b>Terry Walter Williamson</b>
Second plaintiff	<b>Helen Therese Williamson</b>
Defendant	<b>Sydney Olympic Park Authority ABN 68 010 941 405</b>

#### **TITLE OF THIS CROSS-CLAIM**

Cross-claimant	<b>WSP Structures Pty Ltd ABN 78 006 769 339</b>
First cross-defendant	<b>Evolution Precast Systems Pty Ltd ABN 17 608 136 518</b>
Second cross-defendant	<b>Icon Co (NSW) Pty Ltd ACN 604 790 409</b>

#### **FILING DETAILS**

Filed for	<b>WSP Structures Pty Ltd ABN 78 006 769 339, Cross-Claimant</b>
Legal representative	Tricia Hobson, Norton Rose Fulbright Australia
Legal representative reference	4014154
Contact name and telephone	Melissa Tan 02 9330 8926
Contact email	melissa.tan@nortonrosefulbright.com

#### **HEARING DETAILS**

This cross-summons is listed on 28 February 2020.

**RELIEF CLAIMED***Against the first cross-defendant (Evolution)*

- 1 A declaration that Evolution engaged in misleading or deceptive conduct in contravention of section 18 of the Australian Consumer Law set out in Schedule 2 of the *Competition and Consumer Act 2010* (Cth) (**ACL**).
- 2 An indemnity under section 237 and section 243 of the ACL to the effect that the cross-claimant (**WSP**) be, and is entitled to be, indemnified by Evolution for:
  - (a) Any liability that WSP is found to have to Icon in these proceedings;
  - (b) WSP's remedial engineering services fees.
- 3 Further, or alternatively, damages pursuant to section 236 of the ACL.
- 4 Indemnity or contribution, pursuant to section 5 *Law Reform (Miscellaneous Provisions) Act 1946* (NSW).
- 5 Damages by way of contribution to any liability that WSP is found to have to Icon in these proceedings.
- 6 Interest.
- 7 Costs, including an order that Evolution indemnify WSP against any costs order made in favour of Icon against WSP.
- 8 Interest on costs.

*Against the second cross-defendant (Icon)*

- 9 Damages; alternatively, an amount reflecting the reasonable value of the remedial structural engineering services provided by WSP to Icon.
- 10 Interest.
- 11 Costs.
- 12 Interest on costs.

**SIGNATURE OF LEGAL REPRESENTATIVE**

I certify under clause 4 of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014* that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in this cross-summons has reasonable prospects of success.

I have advised the cross-claimant that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Capacity

Solicitor on record

Date of signature

20 December 2019

**NOTICE TO CROSS-DEFENDANT**

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you. The court may also make orders for the payment of costs.

If you are a new party, or an existing party who has not already filed an originating process or appearance, before you can appear before the court you must file at the court an appearance in the approved form.

**HOW TO RESPOND**

**Please read this cross-summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the cross-summons you should get legal advice as soon as possible.**

You can get further information about what you need to do to respond to the cross-summons from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au).
- The court registry for limited procedural information.

Court forms are available on the UCPR website at [www.ucprforms.justice.nsw.gov.au](http://www.ucprforms.justice.nsw.gov.au) or at any NSW court registry.

**REGISTRY ADDRESS**

Street address	Supreme Court of NSW, Law Courts Building, Queens Square, 184 Phillip Street, Sydney, NSW 2000
Postal address	Supreme Court of NSW, GPO Box 3, Sydney, NSW 2001
Telephone	1300 679 272

**PARTY DETAILS**

A list of parties must be filed and served with this cross-summons.

**PARTIES TO THIS CROSS-CLAIM****Cross-claimant****WSP Structures Pty Ltd****ABN 78 006 769 339, Cross-Claimant****Cross-defendants****Evolution Precast Systems Pty Ltd****ABN 17 608 136 518, First Cross-Defendant****Icon Co (NSW) Pty Ltd ACN 604 790 409,  
Second Cross-Defendant****DETAILS ABOUT CROSS-DEFENDANTS THAT ARE NEW PARTIES****First Cross-Defendant**

Name

**Evolution Precast Systems Pty Ltd**

Address

**ABN 17 608 136 518**

Level 1

216 City Road

Southbank VIC 3006

