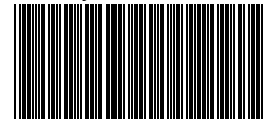




Filed: 26 July 2019 4:12 PM



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Form 4A, 4B/ 84
Rule 6.2, 50.4, 50.12

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

FILING DETAILS

Filed for	Plaintiff[s]
Legal representative	Christopher John Pagent
Legal representative reference	
Telephone	9210 6500
Your reference	9145405

HEARING DETAILS

Listed at Supreme Court Sydney on 9 August 2019 at 09:45 AM.

ATTACHMENT DETAILS

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

Summons (UCPR 4A/4B/84/85) (3444-4440-8589-v1 - Signed Summons.pdf)

[attach.]

Form 4A (version 4)
UCPR 6.2

SUMMONS

COURT DETAILS

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

TITLE OF PROCEEDINGS

First Plaintiff	Terry Walter Williamson
Second Plaintiff	Helen Therese Williamson
Defendant	Sydney Olympic Park Authority

FILING DETAILS

Filed for	Terry Walter Williamson and Helen Therese Williamson, Plaintiffs
Legal representative	Chris Pagent, Corrs Chambers Westgarth
Legal representative reference	28450
Contact name and telephone	Chris Pagent (02) 9210 6500 chris.pagent@corrs.com.au

HEARING DETAILS

This summons is listed for an initial case conference at 9 am Wednesday, 11 September 2019.

TYPE OF CLAIM

Equity – Building dispute

Representative proceeding under Part 10 of the *Civil Procedure Act 2005* (NSW).

REPRESENTATIVE ACTION

- 1 The Plaintiffs brings this proceeding on their own behalf and as a representative proceeding pursuant to Part 10 of the *Civil Procedure Act 2005* (NSW).
- 2 The Group Members in this proceeding are all persons (other than the Defendant, Ecove Group Pty Ltd or its related entities) who, at 24 December 2018, owned one or more lots in Strata Plan 97315 or the common property.

COMMON QUESTIONS

- 1 Whether the Statutory Warranties are implied into the D&C Contract between AAD and Icon?
- 2 If so, whether the Group Members are entitled to the same rights, as against SOPA, that AAD, as a party to the D&C Contract, has against Icon, in respect of the Statutory Warranties?
- 3 Whether Opal Tower, as designed and constructed, had the System?
- 4 Whether Opal Tower, as designed and constructed, had the Defects?
- 5 Whether the Observed Damage occurred?
- 6 Whether the Defects caused damage to Opal Tower, including the Observed Damage?
- 7 Whether the Opal Work was carried out with due care and skill?
- 8 Whether the Opal Work was carried out in accordance with the plans and specifications set out in the D&C Contract?
- 9 Whether the Legal Compliance Warranty obliged compliance with AS3600:2009?
- 10 If so, whether the Opal Work was carried out in accordance with AS3600:2009?
- 11 Whether the Legal Compliance Warranty obliged compliance with the NCC?
- 12 If so, whether the Opal Work was carried out in accordance with the NCC?
- 13 Whether the materials supplied by Icon for the Opal Work were good and suitable for the purpose for which they were used?
- 14 Whether the Opal Work resulted in dwellings for Group Members that were reasonably fit for occupation as dwellings?

RELIEF CLAIMED

On the grounds set out in the Commercial List Statement, the Plaintiffs claim, on their own behalf, and on behalf of the Group Members:

- 1 Damages.
- 2 Interest in accordance with s 100 of the *Civil Procedure Act 2005* (NSW).
- 3 Costs.
- 4 Interest on costs.
- 5 Such further or other orders as the Court deems fit.

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 these proceedings has reasonable prospects of success.

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

Signature



Capacity

Solicitor on the record

Date of signature

25/7/19

NOTICE TO DEFENDANT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the relief claimed in the summons and for the Plaintiffs' costs of bringing these proceedings.

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 summons very carefully. If you have any trouble understanding it or require assistance on how to respond to the 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 summons from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at 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 or at any NSW court registry.

REGISTRY ADDRESS

Street address	Supreme Court of New South Wales Law Courts Building 84 Phillip Street Sydney NSW 2000
Postal address	Supreme Court of New South Wales GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

FURTHER DETAILS ABOUT PLAINTIFFS**First Plaintiff**

Name	Terry Walter Williamson
Address	C/- Corrs Chambers Westgarth Level 9, 8 Chifley 8-12 Chifley Square Sydney NSW 2000

Second Plaintiff

Name	Helen Therese Williamson
Address	C/- Corrs Chambers Westgarth Level 9, 8 Chifley 8-12 Chifley Square Sydney NSW 2000

Legal representative for Plaintiffs

Name	Christopher John Pagent		
Practising certificate number	28450		
Firm	Corrs Chambers Westgarth		
Contact solicitor	Vanessa McGlynn		
Address	Level 9	8 Chifley	
	8-12	Chifley	Square
	Sydney	NSW	2000
Telephone	(02) 9210 6500		
Fax	(02) 9210 6611		
Email	chris.pagent@corrs.com.au ; vanessa.mcglynn@corrs.com.au		

DETAILS ABOUT DEFENDANT**Defendant**

Name	Sydney Olympic Park Authority
Address	Level 8 5 Olympic Boulevard Sydney Olympic Park NSW 2127