

# OUTCOME DETAILS

**Supreme Court - Civil  
at Supreme Court Sydney  
on 5 July 2021**

**2019/00232749-005, 2019/00232749-002, 2019/00232749-001, 2019/00232749-004,  
2019/00232749-007, 2019/00232749-006, 2019/00232749-003 / Cross Summons 004:  
Icon Co (NSW) Pty Ltd v EVOLUTION PRECAST SYSTEMS PTY LTD, Cross Summons  
001: SYDNEY OLYMPIC PARK AUTHORITY trading as Sydney Olympic Park Authority  
v Australia Avenue Developments Pty Ltd, Summons: Terry Williamson v SYDNEY  
OLYMPIC PARK AUTHORITY trading as Sydney Olympic Park Authority, Cross  
Summons 003: WSP Structures Pty Ltd v EVOLUTION PRECAST SYSTEMS PTY LTD,  
Cross Summons 006: EVOLUTION PRECAST SYSTEMS PTY LTD v WSP Structures Pty  
Ltd, Cross Summons 005: Australia Avenue Developments Pty Ltd v Icon Co (NSW) Pty  
Ltd, Cross Summons 002: Icon Co (NSW) Pty Ltd v WSP Structures Pty Ltd**

This matter is listed for Directions (Commercial) on 20 August 2021 9:45 AM before the  
Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

This matter is listed for Directions (Commercial) on 3 December 2021 9:45 AM before the  
Supreme Court - Civil at Supreme Court Sydney.

Estimated duration: 5 Minutes

HH makes orders in terms of short minutes of order initialled and dated today's date.

Short Minutes of Order

The Court makes the following orders:

Liability Evidence

1 WSP to serve its evidence on liability by 29 October 2021.

2 Evolution to serve its evidence on liability by 10 December 2021.

3 Any party wishing to serve any lay evidence in reply on the question of liability to serve that  
evidence in reply by 4 February 2022.

4 Structural engineering expert evidence in reply is to be by joint report. The parties are to  
endeavour to agree upon the terms of a suitable order for the conferral and joint reporting of  
the parties' structural engineering experts and whether a facilitator should be appointed by 3  
December 2021. If agreement is not reached, the Plaintiffs are to relist the proceedings for  
directions on 10 December 2021 which is to be a directions hearing 'on the papers'.

Quantum Evidence

5 The Plaintiffs are to serve their evidence on quantum by 16 July 2021. Evidence not served  
in accordance with this direction may not be relied upon without leave.

6 SOPA, AAD and Icon to serve all evidence on quantum by 1 October 2021.

7 WSP to serve all evidence on quantum by 30 November 2021.

8 Evolution to serve all evidence on quantum by 11 February 2022.

#### First Cross-Claim

9 WSP to indicate its position in relation to SOPA's proposed Amended Cross-Claim List Statement by 2 July 2021.

10 SOPA to file the proposed Amended Cross-Claim Summons and List Statement by 7 July 2021 (if consent is given).

11 SOPA to file a notice of motion seeking leave to file the Proposed Amended Cross-Claim Summons and List Statement by 9 July 2021 (if consent is not given), returnable on the next occasion.

12 AAD, Ecove, Icon and WSP to file any List Response (or Amended List Response) to SOPA's Amended List Statement by 23 July 2021.

#### Second Cross-Claim

13 WSP to indicate its position in relation to the proposed Amended Second Cross-Claim List Statement by 9 July 2021.

14 Icon to file the proposed Amended Second Cross-Claim Summons and List Statement by 14 July 2021 (if consent is given).

15 Icon to file a notice of motion seeking leave to file the proposed Amended Second Cross-Claim Summons and List Statement by 16 July 2021 (if WSP's consent is not given), returnable on the next occasion.

16 WSP to file any Amended List Response to Icon's Amended Second Cross-Claim List Statement by 30 July 2021.

#### Third Cross-Claim

17 WSP to circulate its proposed Amended Third Cross-Claim Summons and List Statement by 16 July 2021.

18 Evolution and Icon to indicate their position in relation to the proposed Amended Third Cross-Claim List Statement by 23 July 2021.

19 WSP to file the proposed Amended Third Cross-Claim List Statement by 28 July 2021 (if Evolution and Icon's consent is given).

20 WSP to file a notice of motion seeking leave to file the proposed Amended Third Cross-Claim Summons and List Statement by 30 July 2021 (if Evolution and / or Icon's consent is not given), returnable on the next occasion.

21 Evolution and Icon to file any Amended List Response to WSP's Amended List Statement by 18 August 2021.

#### Fourth Cross-Claim

22 Evolution to indicate its position in relation to the proposed Amended Fourth Cross-Claim List Statement by 9 July 2021.

23 Icon to file the proposed Amended Fourth Cross-Claim Summons and List Statement by 14 July 2021 (if Evolution's consent is given).

24 Icon to file a notice of motion seeking leave to file the proposed Amended Fourth Cross-Claim Summons and List Statement by 16 July 2021 (if Evolution's consent is not given), returnable on the next occasion.

25 Evolution to file any Amended List Response to Icon's Amended Fourth Cross-Claim List Statement by 4 August 2021.

#### Sixth Cross-Claim

26 Evolution to circulate its proposed Amended Sixth Cross-Claim Summons and List Statement by 30 July 2021.

27 WSP to indicate its position in relation to any proposed Amended Sixth Cross-Claim List Statement by 6 August 2021.

28 Evolution to file the proposed Amended Sixth Cross-Claim Summons and List Statement by 11 August 2021 (if WSP's consent is given).

29 Evolution to file a notice of motion seeking leave to file the proposed Amended Sixth Cross-Claim Summons and List Statement by 13 August 2021 (if WSP's consent is not given), returnable on the next occasion.

30 WSP to file any List Response to Evolution's Amended Sixth Cross-Claim List Statement by 1 September 2021.

#### Additional cross claims

31 Any party proposing to bring a cross-claim against a third party liability insurer is to serve a draft on the other parties by 16 July 2021. Recipients must notify if they have any objection and, if so, why, within 7 days. Any party may exercise liberty to apply to seek leave to file such a cross-claim against a third party liability insurer.

#### Mediation

32 The parties are to circulate a list of no more than 3 proposed mediators in order of preference by 30 July 2021.

33 If the parties cannot agree on a mediator by 6 August 2021, a list of all proposed mediators (as condensed as possible) is to be provided by the plaintiffs to his Honour's Associate by 4pm on 13 August 2021 for his Honour to select the appointed mediator from the provided list.

34 The parties are to attend mediation during the period 13 December 2021 to 17 December 2021.

35 The parties are to indicate their availability for mediation and preferred dates by 30 July 2021.

36 The parties are to advise the Court of the agreed date(s) for mediation by 20 August 2021 in the form of proposed consent orders.

#### Listings

37 The proceedings are listed for directions on 20 August 2021 and 3 December 2021 (unless Evolution notifies the Associate to the acting List Judge that the date is not required).

38 Liberty to apply on three days' notice.

#### Definitions

SOPA means Sydney Olympic Park Authority (ABN 68 010 941 405), the First Defendant and Cross Claimant to the First Cross-Claim.

AAD means Australia Avenue Developments Pty Ltd (ACN 104 573 391), the First Cross Defendant to the First Cross Claim and First Cross Claimant to the Fifth Cross Claim.

Ecove means Ecove Group Pty Ltd (ACN 065 207 918), the Second Cross Defendant to the First Cross Claim and Second Cross Claimant to the Fifth Cross Claim.

Icon means Icon Co (NSW) Pty Ltd (ACN 604 790 409), the Second Defendant, the Third Cross Defendant to the First Cross Claim, Cross Claimant to the Second Cross Claim, Second Cross Defendant to the Third Cross Claim, Cross Claimant to the Fourth Cross Claim and First Cross Defendant to the Fifth Cross Claim.

WSP means WSP Structures Pty Ltd (ABN 78006769339), the Third Defendant, the Cross-Defendant to the Second Cross Claim, Cross-Claimant to the Third Cross Claim and Cross-Defendant to the Sixth Cross Claim.

Evolution means Evolution Precast Systems Pty Ltd (ABN 17 608 136 518), the Cross-Defendant to the Third Cross Claim, Cross-Defendant to the Fourth Cross Claim and Cross-Claimant to the Sixth Cross-Claim.

Justice M Ball

Signed

Date