

## **SIXTH CROSS-CLAIM AMENDED CROSS-SUMMONS**

*Filed in accordance with consent provided by WSP Structures Pty Ltd on 6 August 2021*

### **COURT DETAILS**

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

### **TITLE OF PROCEEDINGS**

First Plaintiff	<b>TERRY WALTER WILLIAMSON</b>
Second Plaintiff	<b>HELEN THERESE WILLIAMSON</b>
First Defendant	<b>SYDNEY OLYMPIC PARK AUTHORITY (ABN 68 010 941 405)</b>

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

Cross-Claimant	<b>EVOLUTION PRECAST SYSTEMS PTY LTD (ABN 17 608 136 518)</b>
Cross-Defendant	<b>WSP STRUCTURES PTY LTD (ABN 78 006 769 339)</b>

### **FILING DETAILS**

Filed for	<b>Evolution Precast Systems Pty Ltd, Cross-Claimant</b>
Filed in relation to	Sixth Cross Claim
Legal representative	Patrick Kaluski (PCN: 30370), Moray & Agnew
Legal representative reference	PZK/MZP:424921
Contact name and telephone	Megan Palmer, +61 2 4911 5400
Contact email	mpalmer@moray.com.au

### **HEARING DETAILS**

This cross-summons is listed at.

[on separate page]

## RELIEF CLAIMED

- 1 A declaration that on the grounds set out in the Amended Commercial List Sixth Cross-Claim Statement, the cross-defendant (WSP) engaged in misleading or deceptive conduct in contravention of:
  - a. section 18 and/or 29 of the *Australian Consumer Law* set out in Schedule 2 of the *Competition and Consumer Act 2010* (Cth); and/or
  - b. section 18 and/or 29 of the *Australian Consumer Law* (NSW) as applied by section 28 of the *Fair Trading Act 1987* (NSW);(together referred to as the **ACL**).
- 2 An indemnity under section 237 and section 243 of the ACL to the effect that the cross claimant (**Evolution**) be, and is entitled to be, indemnified by WSP for loss and damage suffered because of those contraventions. any liability that Evolution is found to have to Icon in these proceedings.
- 3 Damages pursuant to section 236 of the ACL.
- 4 Indemnity or contribution, pursuant to section 5 of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW).
- 5 Equitable contribution.
- 6 Interest.
- 7 Costs, including an order that WSP indemnify Evolution against any costs order made in favour of Icon against Evolution.
- 8 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 for the Cross-Claimant

Date of signature

~~6 May 2020~~ 13 August 2021

## 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

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## **PARTY DETAILS**

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

### **PARTIES TO THIS CROSS-CLAIM**

#### **Cross-claimant**

Evolution Precast Systems Pty Ltd  
(ABN 17 608 136 518), Cross-Claimant

#### **Cross-defendant[s]**

WSP Structures Pty Ltd  
(ABN 78 006 769 339), Cross-Defendant