

OUTCOME DETAILS

Supreme Court - Civil
at Supreme Court Sydney
on 31 August 2021

2019/00232749-011 / Notice of Motion Civil - Icon Co (NSW) Pty Ltd v Terry Walter Williamson

2019/00232749-004, 2019/00232749-003, 2019/00232749-007, 2019/00232749-001, 2019/00232749-006, 2019/00232749-002, 2019/00232749-005 / Cross Summons 003: WSP Structures Pty Ltd v EVOLUTION PRECAST SYSTEMS PTY LTD, Cross Summons 002: Icon Co (NSW) Pty Ltd v WSP Structures Pty Ltd, Cross Summons 006: EVOLUTION PRECAST SYSTEMS PTY LTD v WSP Structures Pty Ltd, Summons: Terry Walter Williamson v SYDNEY OLYMPIC PARK AUTHORITY trading as Sydney Olympic Park Authority, Cross Summons 005: Australia Avenue Developments Pty Ltd v Icon Co (NSW) Pty Ltd, Cross Summons 001: SYDNEY OLYMPIC PARK AUTHORITY trading as Sydney Olympic Park Authority v Australia Avenue Developments Pty Ltd, Cross Summons 004: Icon Co (NSW) Pty Ltd v EVOLUTION PRECAST SYSTEMS PTY LTD
I make the orders in the document entitled Short Minutes of Order which I have initialled, dated today's date and placed with the papers.

Short Minutes of Order

The Court makes the following orders:

Mediation

- 1 The proceeding be referred to mediation to take place on 13 and 14 December 2021 before Patricia Bergin AO SC.
- 2 The plaintiffs, SOPA, Icon, AAD/Ecove, WSP, Evolution and the plaintiff in proceeding no. 2020/00175890 will share the cost of the mediator equally between them as to a 1/7th share.
- 3 The plaintiffs are to inform the Court of the outcome of the mediation by 17 December 2021.

Icon Entities' Notice of Motion

- 4 The Notice of Motion filed by Icon Co (NSW) Pty Ltd, Icon Co Pty Ltd and Kajima Australia Pty Ltd (Icon Entities) on 10 August 2021 be dismissed.
- 5 There be no order for costs in respect of the Icon Entities' Notice of Motion.

Third Cross-Claim

- 6 WSP be granted leave to file and serve an Amended Third Cross-Claim Summons and List Statement substantially in the form of that at pages [11]-[50] of Exhibit TMH-1 to the affidavit of Tricia Hobson affirmed 19 August 2021.

7 WSP to pay the Icon Entities' costs thrown away by reason of the Amended Third Cross-Claim Summons and List Statement excluding the costs of WSP's Notice of Motion filed on 19 August 2021, which are WSP's costs in the cause and are not assessable or payable until conclusion of these proceedings or as otherwise ordered.

8 Order 21 of the orders made on 2 July 2021 is vacated.

9 Evolution and Icon to file and serve any Amended List Response to WSP's Amended Third Cross-Claim List Statement within 28 days of WSP filing its Amended Third Cross-Claim List Statement.

Fourth Cross-Claim

10 Evolution to file and serve an Amended List Response to Icon's Amended Fourth Cross-Claim List Statement by 17 September 2021.

Sixth Cross-Claim

11 The date for WSP to file any List Response to Evolution's Amended Sixth Cross-Claim List Statement be extended to 10 September 2021.

Listings

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

13 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 D Hammerschlag

Signed

Date