

**AMENDED THIRD CROSS-CLAIM
CROSS-SUMMONS**

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Equity
List	Commercial List
Registry	Sydney
Case number	2019/232749

TITLE OF PROCEEDINGS

First Plaintiff	Terry Walter Williamson
Second plaintiff	Helen Therese Williamson
First Defendant	Sydney Olympic Park Authority ABN 68 010 941 405

TITLE OF THIS AMENDED CROSS-CLAIM

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

FILING DETAILS

Filed for	WSP Structures Pty Limited ABN 78 006 769 339, Cross-Claimant
Legal representative	Tricia Hobson, Norton Rose Fulbright Australia DLA Piper Australia
Legal representative reference	4014154
Contact name and telephone	Matthew Taylor 9330 8386 Tricia Hobson, (02) 9286 8023
Contact email	matthew.taylor@nortonrosefulbright.com tricia.hobson@dlapiper.com

HEARING DETAILS

This cross-summons is listed on [3 December 2021](#) ~~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 [and/or section 29\(1\)\(b\)](#) 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 [the plaintiffs, Group Members, SOPA and/or](#) 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 [the plaintiffs, Group Members, SOPA and/or](#) Icon in these proceedings.
- 6 Interest.
- 7 Costs, including an order that Evolution indemnify WSP against any costs order made in favour of [the plaintiffs, Group Members, SOPA and/or](#) 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.
- [9A A declaration that Icon engaged in misleading or deceptive conduct in contravention of section 18 and/or section 29\(1\)\(b\) of the ACL.](#)
- [9B An indemnity under section 237 and section 243 of the ACL to the effect that WSP be, and is entitled to be, indemnified by Icon for:](#)

(a) any liability that WSP is found to have to the plaintiffs, Group Members, SOPA, and/or Evolution in these proceedings;

(b) WSP's remedial engineering services fees.

9C Further, or alternatively, damages pursuant to section 236 of the ACL.

9D Indemnity or contribution, pursuant to section 5 *Law Reform (Miscellaneous Provisions) Act 1946* (NSW).

9E Damages by way of contribution to any liability that WSP is found to have to the plaintiffs, Group Members, SOPA and/or Evolution in these proceedings.

10 Interest.

11 Costs, including an order that Icon indemnify WSP against any costs order made in favour of the plaintiffs, Group Members, SOPA and/or Evolution against WSP.

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 of legal representative



Capacity

Solicitor on record

Date of signature

~~20 December 2019~~ 6 September 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.
- 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

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Telephone	1300 679 272