

AMENDED CROSS-SUMMONS

COURT DETAILS

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

TITLE OF PROCEEDINGS

First plaintiff	Terry Walter Williamson
Second plaintiff	Helen Therese Williamson
Defendant	Sydney Olympic Park Authority ABN 68 010 941 405
<u>Number of defendants</u>	<u>3</u>

TITLE OF THIS AMENDED CROSS-CLAIM

Cross-claimant	Icon Co (NSW) Pty Ltd ACN 604 790 409
Cross-defendant	Evolution Precast Systems Pty Ltd ABN 17 608 136 518

FILING DETAILS

Filed for	Cross-claimant
Legal representative	Peter Wood, MinterEllison
Legal representative reference	1238049
Contact name and telephone	Michelle Knight, (02) 9921 4064
Contact email	Michelle.Knight@minterellison.com

RELIEF CLAIMED

1. A declaration that the cross-defendant (**Evolution**) is, by reason of clause 2.8 of the General Conditions in the Evolution Subcontract and clause 4 of the First Evolution Warranty Deed (as those terms are defined in the Amended Fourth Cross-Claim List Statement) liable to indemnify the cross-claimant (**Icon**) in respect of Icon's Loss and Damage and Icon's Further Loss and Damage (as those terms are defined in the Amended Fourth Cross-Claim List Statement).

2. Further, or alternative, damages for breach of the Evolution Subcontract, the First Evolution Warranty Deed and the Second Evolution Warranty Deed (as those terms are defined in the Amended Fourth Cross-Claim List Statement).

2A. Indemnity or contribution, pursuant to section 5(2) of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW).

3. A declaration that Evolution engaged in misleading or deceptive conduct in contravention of s 18 of:
 - (a) the Australian Consumer Law, being Schedule 2 of the *Competition and Consumer Act 2010* (Cth); or
 - (b) the Australian Consumer Law (NSW), being the Australian Consumer Law as applied by s 28 of the *Fair Trading Act NSW* (1987).
4. A declaration that Evolution made false or misleading representations about the quality or standard of services provided, in contravention of s 29(1)(b) of:
 - (a) the Australian Consumer Law, being Schedule 2 of the *Competition and Consumer Act 2010* (Cth); or
 - (b) the Australian Consumer Law (NSW), being the Australian Consumer Law as applied by s 28 of the *Fair Trading Act NSW* (1987).
5. An indemnity under s 237 and s 243 of the Australian Consumer Law, or under s 237 and 243 of the Australian Consumer Law (NSW) to the effect that the Icon be, and is entitled to be, indemnified by Evolution in respect of Icon's Loss and Damage and Icon's Further Loss and Damage (as those terms are defined in the Amended Fourth Cross-Claim List Statement).
6. Further, or alternatively, damages pursuant to section 236 of the Australian Consumer Law or section 236 of the Australian Consumer Law (NSW).
7. Interest.
8. Costs, including an order that Evolution is to indemnify Icon in respect of any order for costs that is made against Icon in the proceedings.
9. Interest on costs.

10. Such further or other orders the Court sees 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 this cross-summons has reasonable prospects of success.

I have advised the cross-claimant[s] that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor for the cross-claimant

Date of signature

9 July 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

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

PARTY DETAILS**PARTIES TO THIS AMENDED CROSS-CLAIM****Cross-claimant**

Icon Co (NSW) Pty Ltd

Cross-defendant

Evolution Precast Systems Pty Ltd

ABN 17 608 136 518

DETAILS ABOUT CROSS-DEFENDANT**Cross-defendant**

Name

Evolution Precast Systems Pty Ltd

Address

Stanwycks

Level 1

216 City Road

Southbank

Victoria 3006