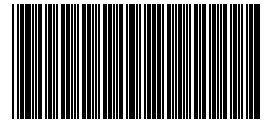




Filed: 1 August 2025 12:42 PM



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FIRST CROSS-CLAIM DEFENCE TO CROSS CLAIM

COURT DETAILS

Court	Supreme Court of NSW
Division	Common Law
List	Common Law General
Registry	Supreme Court Sydney
Case number	2024/00338021

TITLE OF PROCEEDINGS

First Plaintiff	Adam James Bray
First Defendant	TRANSPORT FOR NSW ABN 18804239602
Second Defendant	ACCIONA INFRASTRUCTURE PROJECTS AUSTRALIA PTY LTD
Number of Defendants	3

TITLE OF THIS CROSS-CLAIM

First Cross Claimant	TRANSPORT FOR NSW ABN 18804239602
First Cross Defendant	Brett Andrew Button (MIN: 708188)
Second Cross Defendant	LINQ BUSLINES PTY. LTD.
Number of Cross Defendants	4 Refer to Party Details at rear for full list of parties

FILING DETAILS

Filed for	Brett Andrew Button (MIN: 708188), Cross Defendant 1
Filed in relation to	Cross-Claim 1
Legal representative	Ian Jones
Legal representative reference	
Telephone	02 9260 2693
Your reference	IYJ:QBE943-00772

NOTICE OF LISTING

This matter has been listed at the same time as the cross claim.

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Defence to Cross Claim (e-Services), along with any other documents listed below, were filed by the Court.

Defence (UCPR 7A/7B) (#103354497v2_MATT_ - DISP - Bray - 2025.08.01 - Defence to First Cross-Claim.pdf)

[attach.]

Form 7A (version 5)
UCPR 14.3

DEFENCE TO FIRST CROSS-CLAIM

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law Division
List	General List
Registry	Sydney
Case number	2024/00338021

TITLE OF PROCEEDINGS

Plaintiff	Adam James Bray
Defendant	Transport for New South Wales ABN 18 804 239 602

TITLE OF FIRST CROSS-CLAIM

Cross-claimant	Transport for New South Wales ABN 18 804 239 602
First cross-defendant	Brett Andrew Button
Second cross-defendant	Linq Buslines Pty Ltd ACN 131 153 896
Third cross-defendant	Acciona Infrastructure Projects Australia Pty Ltd ACN 000 201 516
Fourth cross-defendant	Aecom Cost Consulting Pty Ltd ACN 008 657 289

FILING DETAILS

Filed for	Brett Andrew Button, first cross-defendant
Legal representative	Ian Jones, Sparke Helmore Lawyers
Legal representative reference	IYJ:QBE943-00772, PCN 26197
Contact name and telephone	Ian Jones, telephone +61 2 9260 2693
Contact email	ian.jones@sparke.com.au

PLEADINGS AND PARTICULARS

1. The First Cross-defendant does not plead to paragraph 1 of the First Cross-Claim.
2. The First Cross-defendant admits paragraphs 2 of the First Cross-Claim.
3. The First Cross-defendant admits paragraph 3 of the First Cross-Claim, save that until the "other group members" are identified, it is not possible to say whether Mr.

Button owed them a duty of care not to cause mental harm. There are restrictions on those entitled to claim mental harm imposed by Section 30 of the Civil Liability Act 2002 and the First Cross-defendant relies upon those provisions if there are class members who fall outside the statutory definition of those to whom a duty is owed.

4. As to paragraph 4 of the First Cross-Claim, the First Cross-defendant admits that he was driving in a manner dangerous to other persons, without conceding the particulars identified. It is noted that as at the time of the drafting of this pleading, the First Cross-defendant still has a sentencing appeal before the Court of Criminal Appeal.
5. The First Cross-defendant admits his breach of duty of care to the Plaintiff and other group members subject to the limitation set out above in relation to the application of Section 30 of the Civil Liability Act 2002.
6. As to paragraph 6 of the First Cross-Claim, the First Cross-defendant admits that if Transport for NSW is liable to the Plaintiff or any other group members for loss, then there may be an entitlement to contribution. The First Cross-defendant does not admit the specific grounds of contribution relied upon. The First Cross-defendant says that any contribution is limited to those members of the class who would have an entitlement to damages as against the First Cross-defendant directly pursuant to the provisions of the Motor Accident Injuries Act 2017 ("the MAI Act").
7. Further, the First Cross-defendant pleads that its obligation to contribute or indemnify the First Cross-claimant is limited to the damages that the First Cross-defendant would otherwise have to pay any class member under the provisions of the MAI Act.
8. For full and abundant caution and clarity, the First Cross-defendant pleads that it is not liable to contribute towards or indemnify the First Cross-claimant for damages paid to class members who would not have entitlements under the MAI Act or for any damages agreed or awarded beyond the scope of the provisions of the MAI Act.
9. To the extent that the First Cross-defendant has made payments to class members (through his CTP insurer, QBE Insurance (Australia) Ltd) in accordance with the statutory benefits regime or damages regime under the MAI Act, the First Cross-defendant relies upon the making of those payments as a defence to the claim for contribution and indemnity.
10. The First Cross-defendant does not plead to paragraphs 7-42 of the First Cross-Claim on the basis that these paragraphs make pleadings against other Cross-defendants.

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 defence to the claim for damages in these proceedings has reasonable prospects of success.

A handwritten signature in black ink, appearing to be 'M. J. ...', written over a horizontal line.

Signature

Capacity

Solicitor

Date of signature

1 August 2025

**FURTHER DETAILS ABOUT FILING PARTY****Filing party****Legal representative for filing party**

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