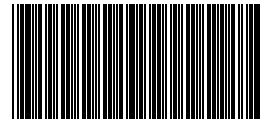




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FOURTH CROSS-CLAIM DEFENCE TO CROSS CLAIM

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	LINQ BUSLINES PTY. LTD. ACN 131153896
First Cross Defendant	Brett Andrew Button (MIN: 708188)
Second Cross Defendant	ACCIONA INFRASTRUCTURE PROJECTS AUSTRALIA PTY LTD
Number of Cross Defendants	7 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 4
Legal representative	Ian Jones
Legal representative reference	
Telephone	02 9260 2693

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) (DISP - HVBA - 2026.02.16 - Button's Defence to Fourth Cross claim.pdf)

[attach.]

Form 7A (version 5)

UCPR 14.3

DEFENCE TO FOURTH 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
First defendant	Transport for New South Wales ABN 18 804 239 602
Second defendant	Acciona Infrastructure Projects Australia Pty Ltd ACN 000 201 516
Third defendant	Aecom Cost Consulting Pty Ltd ACN 000 201 516

TITLE OF FOURTH CROSS-CLAIM

Cross-claimant	Linq Buslines Pty Ltd ACN 131 153 896
First cross-defendant	Brett Andrew Button
Second cross-defendant	Acciona Infrastructure Projects Australia Pty Ltd ACN 000 201 516
Third cross-defendant	Aecom Cost Consulting Pty Ltd ACN 000 201 516
Fourth cross-defendant	Transport for New South Wales ABN 18 804 239 602
Fifth cross-defendant	Jacobs Group (Australia) Pty Ltd ACN 001 024 095
Sixth cross-defendant	SMEC Australia Pty Limited ACN 065 475 149
Seventh cross-defendant	GHD Pty Ltd ACN 008 488 373

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. Mr Button does not plead to paragraph 1 of the Fourth Cross-Claim.
2. Mr Button admits paragraph 2 of the Fourth Cross-Claim.
3. Mr Button admits paragraph 3 of the Fourth 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 Mr Button 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 Fourth Cross-Claim, Mr Button admits that he was driving in a manner dangerous to other persons, without conceding the particulars identified.
5. As to paragraph 5 of the Fourth Cross-Claim, Mr Button 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 Fourth Cross-Claim, Mr Button admits that if Linq is liable to the plaintiff or any other group members for loss, then there may be an entitlement to indemnity or contribution. Mr Button does not admit the specific grounds of contribution relied upon by Linq. Mr Button says that:
 - a. any contribution is limited to those members of the class who would have an entitlement to damages as against Mr Button directly pursuant to the provisions of the *Motor Accident Injuries Act 2017* ("the MAI Act"); and
 - b. if the scope of Linq's liability is limited to it being the "owner" of the bus, and not as variously pleaded by TfNSW, Acciona, ACC, Jacobs and SMEC, Mr Button will indemnify Linq for any damages payable by it pursuant to the provisions of the MAI Act.
7. For full and abundant caution and clarity, Mr Button pleads that he is not liable to contribute towards or indemnify Linq 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.
8. To the extent that Mr Button 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, Mr Button relies upon the making of those payments as a defence to the claim for contribution and indemnity.

9. Mr Button does not plead to paragraphs 7-31 of the Fourth 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. Button', written in a cursive style.

Signature

Capacity

Solicitor

Date of signature

16 February 2026

FURTHER DETAILS ABOUT FILING PARTY

Filing party

Brett Andrew Button First Cross-defendant

Legal representative for filing party

Name	Ian Jones
Practising certificate number	26097
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