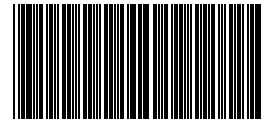




Filed: 7 April 2026 12:00 PM



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### Defence to Amended Statement of 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<br>ABN 18804239602                 |
| Second Defendant     | ACCIONA INFRASTRUCTURE PROJECTS AUSTRALIA PTY<br>LTD |
| Number of Defendants | 3                                                    |

#### TITLE OF THIS CROSS-CLAIM

|                            |                                      |
|----------------------------|--------------------------------------|
| First Cross Claimant       | TRANSPORT FOR NSW<br>ABN 18804239602 |
| First Cross Defendant      | Brett Andrew Button (MIN: 708188)    |
| Second Cross Defendant     | LINQ BUSLINES PTY. LTD.              |
| Number of Cross Defendants | 7                                    |

#### 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                                     |

#### ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document,

along with any other documents listed below, were filed by the Court.

Defence to Amended Statement of Cross Claim (#107869410v2\_MATT\_ - DISP - HVBA - 2026.04.07 - Button Defence to Amended First Cross-claim.pdf)

[attach.]

Form 7A (version 5)  
UCPR 14.3

## DEFENCE TO AMENDED 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 | <b>Adam James Bray</b>                                  |
| Defendant | <b>Transport for New South Wales ABN 18 804 239 602</b> |

### TITLE OF FIRST CROSS-CLAIM

|                         |                                                                              |
|-------------------------|------------------------------------------------------------------------------|
| Cross-claimant          | <b>Transport for New South Wales ABN 18 804 239 602</b>                      |
| First cross-defendant   | <b>Brett Andrew Button</b>                                                   |
| Second cross-defendant  | <b>Linq Buslines Pty Ltd ACN 131 153 896</b>                                 |
| Third cross-defendant   | <b>Acciona Infrastructure Projects Australia Pty Ltd<br/>ACN 000 201 516</b> |
| Fourth cross-defendant  | <b>Aecom Cost Consulting Pty Ltd ACN 008 657 289</b>                         |
| Fifth cross-defendant   | <b>Jacobs Group (Australia) Pty Ltd ACN 001 024 095</b>                      |
| Sixth cross-defendant   | <b>SMEC Australia Pty Ltd ACN 065 475 149</b>                                |
| Seventh cross-defendant | <b>GHD Pty Ltd ACN 008 488 373</b>                                           |

### 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 Amended First Cross-Claim.
2. The First Cross-defendant admits paragraphs 2 of the Amended First Cross-Claim.

3. The First Cross-defendant admits paragraph 3 of the Amended 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 Amended First Cross-Claim, the First Cross-defendant admits that he was driving in a manner dangerous to other persons, without conceding the particulars identified.
5. As to paragraph 5 of the Amended First Cross-Claim, 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 paragraphs 6 and 6A of the Amended 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. Paragraphs [7] through [87] of the Amended First Cross-Claim plead factual and legal propositions in relation to other parties. The First Cross-defendant does not admit the factual propositions pleaded and does not admit the legal propositions pleaded.

#### **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 'Stephen', with a long horizontal stroke extending to the right.

Signature

Capacity

Solicitor

Date of signature

7 April 2026

## FURTHER DETAILS ABOUT FILING PARTY

### Filing party

#### Legal representative for filing party

|                               |                                                                      |
|-------------------------------|----------------------------------------------------------------------|
| Name                          | Ian Jones                                                            |
| Practising certificate number | 26097                                                                |
| Firm                          | Sparke Helmore Lawyers                                               |
| Address                       | Level 29<br>25 Martin Place<br>Sydney NSW 2000                       |
| Telephone                     | +61 2 9373 3555                                                      |
| Fax                           | +61 2 9373 3599                                                      |
| Email                         | <a href="mailto:ian.jones@sparke.com.au">ian.jones@sparke.com.au</a> |
| Electronic service address    | <a href="mailto:ian.jones@sparke.com.au">ian.jones@sparke.com.au</a> |