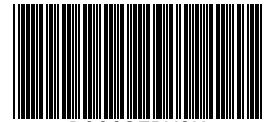




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### Defence to Amended Statement of Cross Claim

#### 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       | LINQ BUSLINES PTY. LTD.<br><br>ACN 131153896         |
| First Cross Defendant      | Brett Andrew Button (MIN: 708188)                    |
| Second Cross Defendant     | ACCIONA INFRASTRUCTURE PROJECTS AUSTRALIA PTY<br>LTD |
| Number of Cross Defendants | 7                                                    |

#### 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<br>Telephone | 02 9260 2693                                         |

## **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 (Button's Defence to Linq's Amended Fourth Cross Claim.pdf)

[attach.]

Form 7A (version 5)

UCPR 14.3

**DEFENCE TO AMENDED 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        | <b>Adam James Bray</b>                                                       |
| First defendant  | <b>Transport for New South Wales<br/>ABN 18 804 239 602</b>                  |
| Second defendant | <b>Acciona Infrastructure Projects Australia Pty Ltd<br/>ACN 000 201 516</b> |
| Third defendant  | <b>Aecom Cost Consulting Pty Ltd<br/>ACN 000 201 516</b>                     |

**TITLE OF FOURTH CROSS-CLAIM**

|                         |                                                                              |
|-------------------------|------------------------------------------------------------------------------|
| Cross-claimant          | <b>Linq Buslines Pty Ltd ACN 131 153 896</b>                                 |
| First cross-defendant   | <b>Brett Andrew Button</b>                                                   |
| Second cross-defendant  | <b>Acciona Infrastructure Projects Australia Pty Ltd<br/>ACN 000 201 516</b> |
| Third cross-defendant   | <b>Aecom Cost Consulting Pty Ltd ACN 000 201 516</b>                         |
| Fourth cross-defendant  | <b>Transport for New South Wales ABN 18 804 239 602</b>                      |
| Fifth cross-defendant   | <b>Jacobs Group (Australia) Pty Ltd ACN 001 024 095</b>                      |
| Sixth cross-defendant   | <b>SMEC Australia Pty Limited 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. Mr Button does not plead to paragraph 1 of the Amended Fourth Cross-Claim.
2. Mr Button admits paragraphs 2 and 2a of the Amended Fourth Cross-Claim.
3. Mr Button admits paragraph 3 of the Amended 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 Amended 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 Amended 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 Amended 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 7-33 of the Amended 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.



Signature

Capacity

Solicitor

Date of signature

17 July 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                                                                |
| 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> |