

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 17/03/2016 8:49:01 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Statement of Claim - Form 17 - Rule 8.06(1)(a)  
File Number: NSD1968/2013  
File Title: Paul Leslie McAlister by his Litigation Representative the NSW Trustee & Guardian v State of New South Wales & Ors  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 18/03/2016 2:50:15 PM AEDT

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 17

Rule 8.05(1)(a)

### Statement of cross claim

No: NSD1968 of 2013

Federal Court of Australia

District Registry: NSW

Division: General

**PAUL LESLIE MCALISTER by his litigation representative THE NSW TRUSTEE AND GUARDIAN**

Applicant

**STATE OF NEW SOUTH WALES AND OTHERS**

Respondents

**AVIBIN PTY LIMITED AND ANOTHER**

Cross-claimants

**STATE OF NEW SOUTH WALES**

Cross-respondent

1. For the purposes of this Statement of Cross-Claim only, the Cross-claimants repeat against the Cross-respondent the following paragraphs of the Further Amended Statement

---

Filed on behalf of (name & role of party)	Avibin Pty Ltd and Adrian Alan Powell, Second and Third Respondents		
Prepared by (name of person/lawyer)	Samantha Kelly	Ref	SLK:343005/29
Law firm (if applicable)	DLA Piper Australia		
Tel	02 9286 8000	Fax	02 9286 4144
Email	Samantha.Kelly@dlapiper.com		
Address for service (include State and postcode)	DLA Piper Australia Level 22 No. 1 Martin Place Sydney NSW 2000		

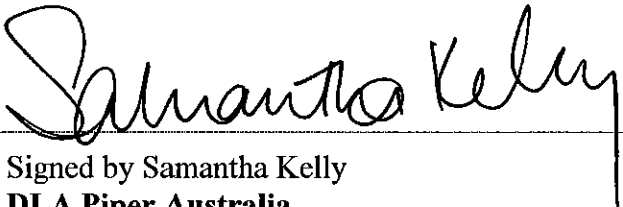
---

[Form approved 01/08/2011]

of Claim filed 15 December 2015, as if each paragraph was pleaded in full herein:  
paragraphs 6-8, 12-15, 21-45 and 111.1.

2. In the event the Cross-claimants and Cross-respondent are both found to be liable to the Applicant or group members, the Cross-respondent is liable to indemnify and/or contribute to any liability found against the Cross-claimants, pursuant to the provisions of section 5 of the *Law Reform (Miscellaneous Provisions) Act 1946* (NSW).

Date: 17.3.2016



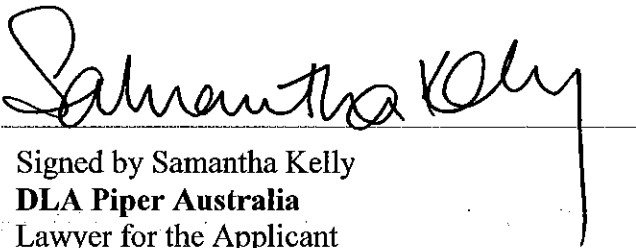
Signed by Samantha Kelly  
**DLA Piper Australia**  
Lawyer for the Cross-claimants

This pleading was prepared by Samantha Kelly, lawyer

**Certificate of lawyer**

I, Samantha Kelly, certify to the Court that, in relation to the statement of cross claim filed on behalf of the Cross-claimants, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 17.3.2016



Signed by Samantha Kelly  
**DLA Piper Australia**  
Lawyer for the Applicant