

WYNTON STONE AUSTRALIA PTY LTD
(IN LIQUIDATION)
(ACN 065 625 498)

Applicant

and

MWH AUSTRALIA PTY LTD
(FORMERLY MONTGOMERY WATSON
AUSTRALIA PTY LTD)
(ACN 007 820 322)

Respondent

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APPLICANT'S CHRONOLOGY

Part I: Certification of suitability for publication on the Internet

1 This chronology is in a form suitable for publication on the internet.

Part II: Principal events

2 The principal events are set out in the following table.

Date	Event	Reference
18 September 1996	Barwon Region Water Authority called for tenders for the design, construction and commissioning of two sewerage treatment plants, one at Apollo Bay and the other at Lorne. Tender awarded to Aquatec-Maxcon Pty Ltd, which entered into a sub-contract with Nacap Australia Pty Ltd for design and construction of the civil works, which in turn sub-let the design of the civil and structural works to the respondent (MWH).	Byrne J, [1] and [118] AB
Early 1997	MWH engaged the applicant (WSA) to perform the structural design.	

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Date	Event	Reference
6 May 1997	Deed of novation between WSA and TTW and MWH	AB
October 1997 – February 1998	Cracking appeared in constructed tanks	Byrne J, [7], [74]–[85] AB
17 October 2005 – 15 December 2005	Trial before Byrne J	
19 October 2005 (Day 3)	Byrne J said to the parties “If anyone’s got any claims that are not pleaded perhaps they should have regard to the pleadings and make their application promptly if they want to seek an amendment. Whether it will be successful or not remains to be seen but I certainly won’t go beyond the pleadings, unless everyone wants me to, and even I will cut back on the pleadings in the sense that if issues are pleaded and nobody actually runs those issues, I will treat those issues as having been not pursued.”	T217 AB
24 November 2005	Byrne J circulates to parties a draft summary of pleadings	AB
5, 6, 7, 8 December 2005	MWH written and oral closing submissions	
8, 9, 12 December 2005	WSA written and oral closing submissions	AB (extracts)
14 December 2005	MWH written and oral reply submissions	AB (extracts)
31 March 2006	Byrne J principal reasons for judgment (No 2)	AB
29 March 2007	Hearing in relation to orders between MWH and WSA and TTW	AB
1 May 2007	Byrne J orders for damages for breach of warranty in favour of MWH against WSA	AB
4 May 2007	Byrne J reasons for judgment on orders between MWH and WSA and TTW (No 6)	AB
	Orders for judgment in favour of MWH against WSA in connection with an indemnity given by MWH to TTW (paras 1, 2, 4 and 5), and MWH’s liability for costs to Nacap (para 3)	AB

Date	Event	Reference
5 October 2007	Byrne J reasons for judgment on costs (No 8)	AB
14 December 2007	Byrne J orders as to costs	AB
10 November 2009	Hearing before Court of Appeal of Supreme Court of Victoria (Warren CJ, Buchanan and Nettle JJA)	AB
	WSA handed up to VSCA document titled "Comparison of MWH pleaded claims and final submissions"	AB
11 November 2009	WSA filed with VSCA document titled "Chronology of events relating to abandonment of claim for damages for breach of warranty"	AB
21 September 2010	Original reasons for judgment of VSCA	AB
1 October 2010	Joint memorandum to VSCA from counsel for the parties	AB
28 October 2010	Revised reasons for judgment of VSCA	AB
3 November 2010	Orders made by VSCA	AB

Dated: 8 April 2011

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