

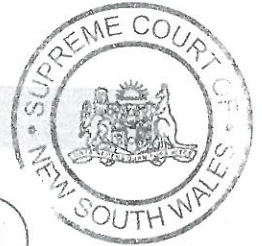
STATEMENT OF CLAIM

COURT DETAILS

Court SUPREME COURT OF NSW
Division Common Law - *General*
List Torts - Negligence - Personal Injury - Representative Proceedings
Registry Sydney
Case number *2013/37342*

FILED

- 6 FEB 2013



TITLE OF PROCEEDINGS

Plaintiff SANDY LAM

Defendant ROLLS ROYCE PLC



FILING DETAILS

Filed for Sandy Lam plaintiff
Legal representative Matthew Berenger, LHD Lawyers
Legal representative reference MH:ar:20120579
Contact name and telephone Michael Hyland - 9264 6644
Contact email mh@lhd.com.au

TYPE OF CLAIM

Torts - Negligence - Personal Injury - Representative Proceedings

Pursuant to Part 11.3 of the Uniform Civil Procedure Rules 2005, this originating process is intended to be served on a Defendant outside Australia.

RELIEF CLAIMED

- 1 Non-economic loss
- 2 Economic loss
- 3 Gratuitous care
- 4 Out of pocket expenses
- 5 Costs

This matter has been listed before the Court
on *16/5/13*
at *9am*
Clerk of the Court

PLEADINGS AND PARTICULARS

1. The defendant is a corporation registered in the United Kingdom and is liable to be sued in its corporate name and style.
2. The defendant is the designer and manufacturer of a jet engine known as the Trent 900 (the "engine").
3. The engine was designed and manufactured for use in an aircraft known as the A380 airbus (the "airbus").
4. At about 0157 Universal Coordinated Time on 4 November 2010 an airbus registered VH-OQA owned and operated by Qantas Airways Limited departed Changi Airport, Singapore and when over Batam Island suffered a catastrophic failure of its number two engine.
5. At the time the airbus was carrying five flight crew, 24 cabin crew and 440 passengers, a total of 469 persons.
6. The airbus returned to Changi with a disabled number two engine, multiple systems failure and escaping aviation fuel and landed at Changi at about one hour after the failure of the engine.
7. The persons on the aircraft were not permitted to disembark for about fifty five minutes after landing because of leaking aviation fuel and the number two engine could not be closed down creating an extreme fire risk on the ground.
8. The cause of the engine failure was fatigue cracking in a stub pipe (the "pipe") that fed oil into the high pressure/intermediate pressure bearing structure.
9. The defendant was negligent in the manufacture, inspection and installation of the pipe.

PARTICULARS OF NEGLIGENCE

10. The defendant was negligent, by its servants and agents, in that it:
 - (a) Manufactured the pipe with misalignment of counter boring thereby producing a localised thinning of the pipe wall.

- (b) Installed a pipe with a thin wall making it susceptible to fatigue cracking.
 - (c) Designed a pipe with a thin wall making it susceptible to fatigue cracking.
 - (d) Failed to properly inspect the pipe before installation.
 - (e) Installed a pipe that did not comply with its specifications.
 - (f) Provided a pipe that did not comply with specifications.
 - (g) Manufactured a pipe that did not comply with specifications.
11. As a result the plaintiff and group members have suffered loss and damage.

THE PLAINTIFF

12. The plaintiff was born on 7 January 1982 and joined QF Cabin Crew Australia Pty Limited as a trainee cabin crew on 5 March 2008 and successfully completed her training.
13. The plaintiff worked on a number of different aircraft and on 25 August 2009 began working solely on the airbus.
14. On 4 November 2010 the plaintiff was working in the premium economy class cabin of the airbus.

GROUP MEMBERS

15. The group members are all persons on the aircraft who suffered psychological injury as a result of the engine failure.

NATURE OF CLAIMS

16. The group members suffered psychological injury and suffered loss and damage as a result of the negligence of the Defendant.

COMMON QUESTIONS OF LAW AND FACT

17. Was the defendant:
- (a) designer; or
 - (b) manufacturer of the engine?
18. Was the fatigue cracking of the pipe the cause of the engine failure?

19. Was the defendant negligent in the:
- (a) design;
 - (b) manufacture;
 - (c) installation; or
 - (d) inspection of the pipe?
20. Did the pipe comply with the defendant's specifications?
21. Is the substantive law to be applied the law of Singapore?"

SIGNATURE OF LEGAL REPRESENTATIVE

I certify under section 347 of the Legal Profession Act 2004 that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.

I have advised the plaintiff that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Matthew Berenger – Solicitor on Record

Date of signature

6/2/13

NOTICE TO DEFENDANT

If you do not file a defence within 28 days of being served with this statement of claim:

- **You will be in default in these proceedings.**
- **The court may enter judgment against you without any further notice to you.**

The judgment may be for the relief claimed in the statement of claim and for the plaintiff's costs of bringing these proceedings. The court may provide third parties with details of any default judgment entered against you.

NOTICE TO DEFENDANT SERVED OUTSIDE AUSTRALIA

1. You may apply to have service of this statement of claim set aside where:
 - Service of the statement of claim is not authorised by the Uniform Civil Procedure Rules 2005, or
 - the Supreme Court of New South Wales is an inappropriate forum for the trial of the proceedings.
2. Alternatively, you may submit to the jurisdiction of the court by filing an appearance which includes a statement of submission.
3. If you do not make an application under paragraph 1, or file a notice of appearance under paragraph 2, the court may give leave to the plaintiff to proceed against you.

HOW TO RESPOND

Please read this statement of claim very carefully. If you have any trouble understanding it or require assistance on how to respond to the claim you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the claim from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

You can respond in one of the following ways:

1. **If you intend to dispute the claim or part of the claim**, by filing a defence and/or making a cross-claim.
2. **If money is claimed, and you believe you owe the money claimed**, by:
 - Paying the plaintiff all of the money and interest claimed. If you file a notice of payment under UCPR 6.17 further proceedings against you will be stayed unless the court otherwise orders.
 - Filing an acknowledgement of the claim.
 - Applying to the court for further time to pay the claim.
3. **If money is claimed, and you believe you owe part of the money claimed**, by:
 - Paying the plaintiff that part of the money that is claimed.
 - Filing a defence in relation to the part that you do not believe is owed.

Court forms are available on the UCPR website at www.lawlink.nsw.gov.au/ucpr or at any NSW court registry.

REGISTRY ADDRESS

Street address	Law Courts Building, Queens Square 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

PARTY DETAILS**PARTIES TO THE PROCEEDINGS****PLAINTIFF****Sandy Lam****DEFENDANT****Rolls Royce PLC****FURTHER DETAILS ABOUT PLAINTIFF****Plaintiff**

Name Sandy Lam
 Address 27 Waratah Street Eastwood NSW 2122

Legal representative for plaintiff

Name Matthew Berenger
 Practising certificate number 29525
 Firm LHD Lawyers
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 Email mh@lhd.com.au
 Electronic service address Not applicable

DETAILS ABOUT DEFENDANT**Defendant**

Name ROLLS ROYCE PLC Reg No: 4706930
 Address 65 Buckingham Gate
 LONDON, SW1E 6AT