

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST



Case: S ECI 2023 01835
No. S ECI 2023 01835
Filed: 22 July 2025 03:45 PM

BETWEEN

JUSTINE LIDGETT

First Plaintiff

CAMERON LIDGETT

Second Plaintiff

AND

DOWNER EDI LIMITED (ACN 003 872 848)

First Defendant

AND

KPMG (A FIRM) (ABN 51 194 660 183)

Second Defendant

AMENDED STATEMENT OF CLAIM

(filed with the consent of all other parties pursuant to r 36.04(1)(b) of the *Supreme Court*
(General Civil Procedure) Rules 2015 (Vic))

Date of Document: 22 July 2025 ~~28 April 2025~~

Filed on behalf of: Second Defendant

Prepared by:

Allens	Solicitors Code:	21455
Lawyers	Telephone:	+61 2 9230 4000
101 Collins Street	Ref:	RJDS:121240002
Melbourne VIC 3000	Email:	Ross.Drinnan@allens.com.au Allens-DownerEDI@allens.com.au

1. The Second Defendant (**KPMG**) refers to and repeats paragraphs 170–182 of its Defence to Third Party Notice filed 27 September 2024 and says that, by reason of those matters, to the extent that KPMG is liable to any Plaintiff or Group Member, that is a loss suffered by KPMG for which the First Defendant (**Downer**) is liable.
2. Alternatively, KPMG refers to and repeats paragraphs 363–366 of its Defence to Amended Consolidated Statement of Claim filed 28 April 2025 and says that by reason of those matters, to the extent that KPMG is liable to any Plaintiff or Group Member and that liability is not subject to a proportionate liability regime:
 - ~~(a) — by reason of those matters, to the extent that KPMG is liable to any Plaintiff or Group Member and that liability is not subject to a proportionate liability regime:~~
 - i. (a) Downer is liable to that Plaintiff or Group Member in respect of the same damage; and/or
 - ii. (b) further or in the alternative, Downer has a liability to that Plaintiff or Group Member which is co-ordinate with that of KPMG; and
 - ~~(b)~~ (c) KPMG claims contribution from Downer pursuant to Part IV of the *Wrongs Act 1958* (Vic) and/or any applicable State or Territory equivalent and/or in equity.

AND KPMG CLAIMS:

- A. Damages.
- B. Further or in the alternative, compensation under:
 - a. s 236(1) of the Australian Consumer Law set out at Schedule 2 to the *Competition and Consumer Act 2010* (Cth);
 - b. s 1041I(1) of the *Corporations Act 2001* (Cth);
 - c. s 12GF(1) of the *Australian Securities and Investments Commission Act 2001* (Cth).
- C. Contribution.
- D. Costs.

P Herzfeld
J Roy
M Mellos

Dated: 22 July 2025 ~~28 April 2025~~

ALLENS

1. This amended statement of claim was filed for the Second Defendant by Allens, solicitor, of 101 Collins Street Melbourne VIC 3000.
 2. The address of the Second Defendant is— KPMG, Level 38, Tower Three, International Towers Sydney, 300 Barangaroo Avenue, Sydney NSW 2000.
 3. The address for service of the Second Defendant is— Allens, 101 Collins Street Melbourne VIC 3000.
 - 3A. The email address for service of the Second Defendant is—
Ross.Drinnan@allens.com.au and
Allens-DownerEDI@allens.com.au.
 4. The address of the First Defendant is— 39 Delhi Road, North Ryde NSW 2113
-