

**IN THE HIGH COURT OF AUSTRALIA
PERTH OFFICE OF THE REGISTRY**

No. P55 of 2011

BETWEEN:

**AARON BARCLAY
Appellant**

and

**ALEC PENBERTHY
First Respondent**

and

**FUGRO SPATIAL SOLUTIONS PTY LTD (ACN 008 673 916)
Second Respondent**

and

**NAUTRONIX (HOLDINGS) PTY LTD (ACN 009 067 099)
L-3 COMMUNICATIONS NAUTRONIX LTD (ACN 009 019 603)
Third Respondents**

and

**MALCOLM ANTHONY CIFUENTES
Fourth Respondent**

and

**MICHAEL BRIAN KNUBLEY
Fifth Respondent**

and

**JULIE ANNE WARRINER
Sixth Respondent**

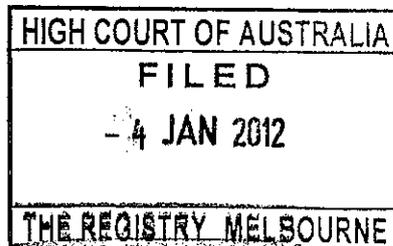
and

**JANET GRAHAM
Seventh Respondent**

and

**OZAN PERINCEK
Eighth Respondent**

Filed on behalf of the Appellant
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Dated: 4 January 2012
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APPELLANT'S CHRONOLOGY

PART I: INTERNET CERTIFICATION

1. The appellant certifies that this chronology is in a form suitable for publication on the Internet.

PART II: PRINCIPAL EVENTS LEADING TO LITIGATION

Date	Event	Reference
1981	Cessna 404C Titan twin-engine aircraft, VH-ANV, manufactured and registered as at 1 June 1981 ("aircraft").	Murray J at [140]
July 2000	<p>Kevron Aviation Pty Ltd ("Kevron") conducted maintenance on the aircraft.</p> <p>Kevron engaged Aeronautical Engineers Australia Pty Ltd ("AEA") to advise whether a sleeve bearing within an engine driven fuel pump could be replaced with a locally manufactured sleeve bearing.</p>	<p>Statement of claim at [14.1]</p> <p>Statement of claim at [14.2]</p>
	<p>The appellant, Barclay, an aeronautical engineer employed by AEA, drafted an engineering order EO 6826-1, which included a design drawing for the local manufacture of a replacement sleeve bearing.</p>	<p>Statement of claim at [14.4]; Murray J at [176]-[178]</p>
	<p>The engineering order stated that the sleeve bearing be manufactured with aluminium bronze, when it should have specified leaded bronze. Further it did not stipulate the type of finish (eg. coarse or smooth) required for the internal surface of the sleeve bearing.</p>	<p>Statement of claim at [14.5]; Murray J at [179]</p>
	<p>Kevron instructed Samotite Aviation Services Pty Ltd ("Samotite") to manufacture an aluminium bronze sleeve bearing in accordance with the engineering order, which it did. The internal surface of the bearing was manufactured with a coarse honed finish.</p>	<p>Statement of claim at [14.8]; Murray J at [180].</p>
	<p>Kevron subsequently installed the aluminium bronze sleeve bearing in an engine driven fuel pump.</p>	<p>Statement of claim at [14.9]; Murray J at [180]</p>
18 October 2000	<p>Kevron installed the engine driven fuel pump in the right hand engine of the aircraft.</p>	<p>Statement of claim at [18]; Murray J at [180].</p>
18 October 2000 – 11 August 2003	<p>The aircraft was then operated by Fugro (using the aluminium bronze sleeve bearing in the engine driven fuel pump in the right hand engine) for 1,353 hours.</p>	<p>Statement of claim at [19]; Murray J at [293]; McLure P at [26].</p>

Date	Event	Reference
Prior to 1 July 2003	Nautronix used the aircraft (and a similar aircraft) with Penberthy as pilot. Earlier flights had involved the deployment of sonar buoys from the aircraft.	Statement of claim at [32.4]; Penberthy & Fugro defence at [16.4]; McLure P at [133]
10 25 July 2003	In a message between Nautronix and Fugro dated 25 July 2003, there was discussion about the aircraft being 'prepped by Fugro in terms of the Sonar buoy deployment chute and the required antennas ... and only enough fuel to allow a three hour trip off the WA Coast on the Tuesday [5 August] with five Nautronix personnel and approximately 250 kilograms of cargo ... [with a] following flight on 11th and potential for more on the following days through until the 18th'.	McLure P at [133]
20 8 August 2003	In preparation for a scheduled flight on 11 August 2003, Nautronix equipment was installed in the aircraft.	Statement of claim at [32.5]; Penberthy & Fugro defence at [15]; McLure P at [136].
30	Fugro and Penberthy knew that the purpose of Nautronix engaging Fugro was to enable Nautronix to undertake surveillance, survey and aerial work operations west of Rottnest Island, in order to test, research and develop marine technology and communications systems for the purpose of commercial exploitation and/or sale to users of such technology in the defence, oil and gas and related industries.	Statement of claim at [32]; Penberthy & Fugro defence at [15]; Murray J at [324].
40 11 August 2003	The aircraft, piloted by the first respondent, Penberthy, crashed two minutes after take off near Jandakot airport, Perth, after failure of the right-hand engine.	Murray J at [1], [29]-[33]
	There were five passengers on board.	Murray J at [2]
	Three of them were injured as a result of the accident: the fourth, fifth and eighth respondents.	Murray J at [3]
	Mr Protoolis, the husband of the seventh respondent, and a passenger on the plane, died at the scene.	
4 November 2003	Mr Warriner, the husband of the sixth respondent and a passenger on the plane, died at Royal Perth Hospital. [3]	Murray J at [3]
July 2006	L-3 Communications Nautronix Limited entered into a deed of assignment with Nautronix (Holdings) Pty Ltd.	Statement of claim at [8]; McLure P at [24]; Ex 114.

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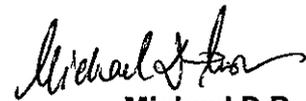
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