

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
GROUP PROCEEDINGS LIST

S ECI 2022 00739

BETWEEN:

TINA LOMBARDO (& Ors according to the attached Schedule)

Plaintiffs

- and -

**DERMATOLOGY AND COSMETIC SURGERY SERVICES
PTY LTD (& Ors according to the attached Schedule)**

Defendants

ORDER

JUDGE: The Honourable Justice Forbes

DATE MADE: 1 April 2025

ORIGINATING PROCESS: Writ filed 9 March 2022

HOW OBTAINED: At ruling and publication of reasons

ATTENDANCE: C Truong KC and M Sharkey of counsel for the
plaintiffs

P Over of counsel for the first defendant

A McClelland KC and A Christophersen of counsel
for the second defendant

I Nunnink, solicitor for the third to sixth
defendants

L Barrett of counsel for the seventh defendant

D Bongiorno of counsel for the eighth defendant

OTHER MATTERS: A. The Court's reasons for these orders are
published as *Lombardo v Dermatology and
Cosmetic Surgery Services Pty Ltd (discontinuance)*
[2025] VSC 159.

B. The seventh defendant remains a party for the
purpose of defences raised by other defendants
and proposed notices of contribution or
indemnity. The plaintiffs do not seek continued
joinder nor any further participation by the
seventh defendant.



THE COURT ORDERS THAT:

Discontinuance

1. Pursuant to section 33V of the *Supreme Court of Victoria Act 1986* (Vic) (**Act**), the plaintiffs have leave to discontinue the following claims:
 - (a) all claims made against the seventh defendant, Dr Wong, being:
 - i. the fourth plaintiff's claim in negligence;
 - ii. the fourth plaintiff's claim that Dr Wong directly contravened sections 18, 29 and 34 of the *Australian Consumer Law*;
 - iii. the plaintiffs' claim that Dr Wong was accessorially liable for the first defendant's (**DCSS**) and second defendant's contraventions of sections 18, 29 and 34 of the *Australian Consumer Law*; and
 - iv. the fourth plaintiff's claim that Dr Wong breached the statutory guarantees in sections 60 and 61 of the *Australian Consumer Law*.
 - (b) the following claims made by the fourth plaintiff against the first defendant, DCSS being:
 - i. in negligence (both direct and vicarious);
 - ii. for breach of contract; and
 - iii. for breach of the statutory guarantee in section 60 of the *Australian Consumer Law*.
2. The Court declares that Order 1 does not affect any rights of any group member in the proceeding to pursue the claims that are the subject of this proceeding in another proceeding.
3. Pursuant to sections 33V and 33ZF of the Act, any limitation period that applies to any claim of any group member which has been discontinued by reason of Order 1 shall begin to run again from **28 July 2025**.

Confidentiality

4. The unredacted version of the affidavit of Lydia Margaret Tawse sworn 4 November 2024, redacting paragraphs 12 to 19 and exhibits LMT1 and LMT2 remains confidential on the Court file and is not available for inspection by any person including the other parties to the proceeding.



Notice to group members

5. Pursuant to section 33X of the Act, the terms of the notice set out at Annexure A to these orders is approved (**Notice**).
6. By 4:00pm on **8 April 2025**, the plaintiffs are for the purposes of Orders 7, 8 and 9 below, to:
 - (a) engage a common third-party mail house to be utilised (**Mail House**);
 - (b) provide a copy of these Orders to the Mail House; and
 - (c) inform the parties of the name and contact details of the Mail House.
7. By 4:00pm on **15 April 2025**, the first defendant is to provide to the Mail House a list of all persons who according to the records of the first defendant, are or may be group members. The information is to be in an electronic format agreed between the parties together with the last known email address or, if no email address is available, postal address of each such person according to the first defendant's records (**List of Potential Group Members**).
8. Pursuant to section 33Y and/or section 33ZF of the Act, by 4:00pm on **29 April 2025**, notice be given to group members of the discontinuance ordered at Order 1 above according to the following procedure:
 - (a) the solicitors for the plaintiffs send the Notice by email and/or post to all registered group members and any other group members of whom they are aware;
 - (b) the solicitors for the plaintiffs cause the Notice to be displayed on the section of their website that contains information relevant to this proceeding for a period of 26 weeks from the date of this order; and
 - (c) the solicitors for the plaintiffs cause the Mail House to send the Notice by email or, if no email address is available, by post to the addresses on the List of Potential Group Members.
9. By 4:00pm on **30 April 2025**, the solicitors for the plaintiffs direct the Mail House to provide written confirmation to the solicitors for the plaintiffs that they have communicated with the List of Potential Group Members in accordance with Order 8(c).



10. By 4:00pm on **7 May 2025**, the solicitors for the plaintiffs file and serve an affidavit as to compliance with Order 8.
11. The costs of an incidental to the distribution of the Notice shall be costs in the proceeding but be paid, in the first instance, by the plaintiffs.

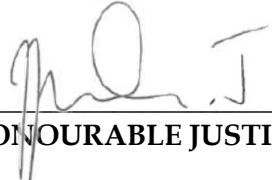
Amendment of Statement of Claim

12. By **22 April 2025**, the plaintiffs are to file and serve an amended statement of claim making the amendments consequent upon order 1 of these orders.

Costs

13. The plaintiffs pay the first defendant's costs of the claims being discontinued against the first defendant.
14. No order as to the costs of this Summons.

DATE AUTHENTICATED: 1 April 2025



THE HONOURABLE JUSTICE FORBES



ANNEXURE A

1. If you received cosmetic surgery from one or more of Dr Daniel Lanzer, Dr Daniel Aronov, Dr Daniel Darbyshire, Dr Ryan Wells, Dr Alireza Fallahi or Dr George Wong, in exchange for payment to Dermatology and Cosmetic Surgery Services Pty Ltd (**DCSS**), you may be a group member in the Supreme Court of Victoria class action named *Lombardo v Dermatology and Cosmetic Surgery Services Pty Ltd* (**Proceeding**).
2. You should know that the plaintiffs (on their own behalf and on behalf of group members) have stopped making certain claims against DCSS and Dr Wong. The plaintiffs (on their own behalf and on behalf of group members):
 - (a) no longer claim that Dr Wong negligently performed the cosmetic surgery in breach of his duty of care or that DCSS is vicariously liable for that alleged negligence;
 - (b) no longer claim that Dr Wong engaged in, or was directly or indirectly involved in, misleading or deceptive conduct under the *Australian Consumer Law*;
 - (c) no longer claim that Dr Wong breached the statutory guarantees in sections 60 and 61 of the *Australian Consumer Law* or that DCSS breached the statutory guarantee in section 60 of the *Australian Consumer Law* in respect of patients who underwent surgery performed by Dr Wong; and
 - (d) no longer claim that DCSS breached its contract with patients who underwent cosmetic surgery performed by Dr Wong by reason of the surgery performed by Dr Wong under that contract.
3. The changes take effect on **1 April 2025**.
4. This means that if you have claims of the type described in paragraph 2 above against either DCSS or Dr Wong, these claims are no longer part of the proceeding and therefore any loss and damage you may have suffered as a consequence of these claims cannot be obtained in this proceeding. However, Dr Wong's conduct is still relevant to claims against DCSS and Dr Lanzer for



misleading conduct and a breach of the statutory guarantee in sections 18 and 61 of the *Australian Consumer Law*.

5. You should be aware that each of DCSS, Dr Lanzer, Dr Aronov, Dr Wells and Dr Fallahi have each pleaded by way of defence that the misleading and deceptive conduct claims made in this proceeding are apportionable, including those brought on behalf of group members. This may have an impact on any claims you may wish to pursue outside of this proceeding. Further, if any apportionment defences are successful, it may impact the amount of damages which may be recovered from the remaining defendants in the group proceeding.
6. The limitation period for these claims will begin to run again on **28 July 2025**.
7. If you have queries about the effect of this discontinuance or wish to make the claims in paragraph 2 above, you should seek independent legal advice. You should act quickly because, depending on your situation, the deadline for starting a new case might be **29 July 2025**.
8. If you do not want to pursue these claims yourself, then there is nothing you need to do.
9. If you have any questions, you can contact Maddens Lawyers, who are the plaintiffs' solicitors, on 1800 815 228 or you can seek independent legal advice. Please do not contact the Court for legal advice as the Court's staff cannot provide such advice.



SCHEDULE OF PARTIES

S ECI 2022 00739

BETWEEN:

TINA LOMBARDO

First Plaintiff

TINA BONNICI

Second Plaintiff

SIMONE RUSSELL

Third Plaintiff

JULIE ROSE MORRISON

Fourth Plaintiff

-and-

**DERMATOLOGY AND COSMETIC SURGERY SERVICES PTY LTD
(ACN 055 927 618)**

First Defendant

DANIEL LANZER

Second Defendant

DANIEL ARONOV

Third Defendant

DANIEL DARBYSHIRE

Fourth Defendant

RYAN WELLS

Fifth Defendant

ALIREZA FALLAHI

Sixth Defendant

GEORGE SHU-KHIM WONG

Seventh Defendant

CANDICE WAINSTEIN

Eighth Defendant

