

**CLASS ACTION AGAINST DERMATOLOGY & COSMETIC SURGERY SERVICES
DR DANIEL LANZER, DR DANIEL ARONOV AND OTHERS**



Lombardo v Dermatology & Cosmetic Surgery Services Pty Ltd & Ors (S ECI 2022-00739)

Case: S ECI 2022 00739
Filed on: 09/05/2025 03:23 PM

Supreme Court of Victoria

**UPDATED GROUP PROCEEDING SUMMARY STATEMENT
9 May 2025**

1. What is a class action?

A class action is a legal proceeding commenced by a 'representative' plaintiff (or plaintiffs) against one or more defendants seeking to obtain a legal remedy such as compensation.

The class action procedure is available in circumstances where there are at least seven persons who have claims against the same defendant(s) which arise out of the same, similar or related circumstances.

The representative plaintiff(s) bring the claim on their own behalf and on behalf of the other persons that have claims. Those other persons are commonly referred to as 'group members'.

In a class action, the plaintiff(s) claims are used to resolve legal and factual issues that are common to group members' claims. This allows common issues to be considered and determined by the Court and is intended to prevent the need for separate legal proceedings to be commenced on behalf of each person.

2. What is this class action about?

The plaintiffs bring this proceeding on behalf of themselves and all persons who have claims for loss or damage based on misleading and deceptive conduct, negligence, breach of contract and/or consumer law breaches in the context of cosmetic surgery being performed on them by one or more of Dr Daniel Lanzer (**Lanzer**), Dr Daniel Aronov, Dr Daniel Darbyshire, Dr Ryan Wells, Dr Alireza Fallahi (collectively the **Other Cosmetic Doctor Defendants**) and/or Dr George Wong for payment made to Dermatology and Cosmetic Surgery Services Pty Ltd (**DCSS**).

The plaintiffs rely on four causes of action, being:

- (i) misleading or deceptive conduct under the *Australian Consumer Law (ACL)*;
- (ii) negligence;
- (iii) non-compliance with the guarantees in ss 60 and 61 of the *ACL*; and
- (iv) breach of contract.

DCSS provided cosmetic surgery services from various locations across Australia, including:

- (i) 30-32 Glenferrie Road, Malvern, Victoria (**Malvern Clinic**);
- (ii) 3/276-278 Pitt Street, Sydney, New South Wales (**Sydney Clinic**);
- (iii) 573 Crown Street, Surry Hills, New South Wales (**Surry Hills Day Hospital**);
- (iv) 11 Hayling Street, Salisbury, Queensland (**Brisbane Clinic**);
- (v) Shop 3/2633 Gold Coast Highway, Broadbeach, Queensland (**Gold Coast Clinic**);
- (vi) 1/863 Wellington Street, West Perth, Western Australia (**Perth Clinic**);
- (vii) 38 Meadowvale Avenue, South Perth in Western Australia (**Southbank Day Hospital**); and
- (viii) 1A/1 Roydhouse Street, Subiaco, Western Australia (**Academy Day Hospital**).

Amongst other things, it is alleged that Lanzer and the Other Cosmetic Doctor Defendants engaged in misleading or deceptive conduct with respect to their expertise and pre-eminence in cosmetic surgery.

It is also alleged that Lanzer and the Other Cosmetic Doctor Defendants performed cosmetic surgeries that were not fit for purpose, failed to undertake cosmetic surgeries with due care and skill and that the surgeries were undertaken in a negligent manner.

The class action seeks on behalf of the plaintiffs and group members a full refund of the price paid for the cosmetic surgery, compensation for pain and suffering, and distress and disappointment, compensation for consequential losses such as expenses associated with after-care, rectification surgery or loss of income as well as interest and legal costs.

3. Who is eligible to participate in the class action?

To be eligible to participate in the class action you must have:

- (a) undergone cosmetic surgery by one or more of Dr Lanzer, Dr Aronov, Dr Darbyshire, Dr Wells, Dr Fallahi and/or Dr Wong; and
- (b) made a payment to DCSS for the cosmetic surgery; and
- (c) suffered loss or damage (including an injury which may be physical or psychiatric or both) in the context of the cosmetic surgery being performed; and
- (d) have a claim based on misleading and deceptive conduct, negligence, breach of contract or consumer law.

4. Who is the law firm acting for the plaintiffs?

Maddens Lawyers.

5. What is the role and responsibility of the plaintiffs?

There are four plaintiffs in this proceeding: Ms Tina Lombardo, Ms Tina Bonnici, Ms Simone Russell and Ms Julie Morrison. The plaintiffs are the representatives of the group and are responsible for providing instructions to Maddens Lawyers regarding the conduct of the case. The plaintiffs may also give evidence in the proceeding.

6. How are legal fees and disbursements charged?

Legal fees are the charges associated with the time spent by lawyers in advancing the class action. Disbursements are monies paid to third parties, such as expert witnesses or barristers, to advance the case. Legal fees and disbursements are collectively referred to as 'legal costs'.

In this class action legal costs will only be required to be paid by group members in the event there is a successful outcome. This is commonly known as a 'no win, no fee' arrangement.

In the event of a successful outcome, any legal costs intended to be charged to group members are required to be independently assessed and approved by the Supreme Court as fair and reasonable. It is also likely the defendants will be required to contribute to a large portion of the legal costs in this event.

In the event there is not a successful outcome in this class action, group members will not be charged any legal costs by Maddens Lawyers and cannot be pursued for legal costs by the defendants.

7. Are there any other class actions relating to DCSS (the Lanzer clinics), Lanzer or the Other Cosmetic Doctor Defendants?

To the best of the knowledge of the plaintiffs' solicitors, there are no other class actions being advanced against DCSS, Lanzer or the Other Cosmetic Doctor Defendants.

8. Where is further information available?

For further information about the class action, group members can contact Maddens Lawyers via the Dr Lanzer Class Action enquiry form on our website www.maddenslawyers.com.au or via telephone 1800 139 290. Group members will not be charged for such enquiries.