

NOTICE OF APPEAL

COURT DETAILS

Court	Supreme Court of New South Wales, Court of Appeal
Registry	Sydney
Case number	2025/00127431

TITLE OF PROCEEDINGS

Appellant	Stephen Taylor
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Respondent	Ian Woodgate
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PROCEEDINGS IN THE COURT BELOW

Title below	Stephen Taylor v Ian Woodgate
Court below	District Court of New South Wales
Case number below	[2025] NSWDC 89
Date[s] of hearing	19-22 February 2024 19-25 March 2024 20 June 2024 11 December 2024
Material date	28 March 2025
Decision of	Weber SC DCJ

FILING DETAILS

Filed for	Stephen Taylor
Filed in relation to	The whole decision below
Legal representative	Yevgeny Bagrin, Slater and Gordon Lawyers
#Legal representative reference	M685658
Contact name and telephone	Yevgeny Bagrin, 02 8267 0650
Contact email	yevgeny.bagrin@slatertgordon.com.au

HEARING DETAILS

This notice of appeal is listed for directions at

TYPE OF APPEAL

Professional Negligence – Medical

L\316450649.1

I certify this document is suitable for publication pursuant to the Practice Note SC CA 01.


Solicitor responsible for filing

18/10/2025
Dated

DETAILS OF APPEAL

- 1 This appeal is brought under s127(1) *District Court Act*, 1973 (NSW).
- 2 This notice of appeal is not filed pursuant to leave to appeal.
- 3 The appellant has filed and served a notice of intention to appeal, which was served on the prospective respondent on 3 April 2025.
- 4 The appellant appeals from the whole of the decision below.

APPEAL GROUNDS

1. The primary judge erred in overlooking or rejecting radiological expert evidence as to what imaging obtained during the period from August 2011 to 2017 showed as to loosening or movement in the appellant's femoral stem.
2. The primary judge erred in finding that there was no loosening or movement in the appellant's femoral stem from August 2011 to 2017.
3. The primary judge erred in finding that the respondent discharged his duty of care to the appellant, when checking the femoral stem for loosening during the revision procedure on 30 August 2011.
4. The primary judge erred in finding that the appellant would not have achieved a materially better outcome even if a conventional femoral stem had been implanted during the revision procedure on 30 August 2011.
5. The primary judge erred in finding that the respondent discharged his duty of care to the appellant in consultations between the revision procedure on 30 August 2011 and prior to the last consultation on 28 March 2019, despite the respondent in each consultation between that period not detecting, investigating or recommending revision surgery to treat signs of loosening or movement in the femoral stem.
6. The primary judge erred in finding that the appellant would not have achieved a materially better outcome even if a conventional femoral stem had been implanted during the period from 30 August 2011 until 27 May 2019.

ORDERS SOUGHT

- 1 Appeal allowed.
- 2 The respondent is to pay the appellant's costs of the appeal.
- 3 Set aside orders 1 and 2 made by the primary judge (J [168]).

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4 In lieu of thereof, order that:

- (a) there be judgment for the plaintiff against the defendant for a sum to be assessed;
- (b) the defendant is to pay the plaintiff's costs.

5 Remit the proceedings to the District Court of New South Wales for assessment of damages.

UCPR 51.22 CERTIFICATE

The right of appeal is not limited by a monetary sum.

SIGNATURE OF LEGAL REPRESENTATIVE

I certify under clause 4 of Schedule 2 to the Legal Profession Uniform Law Application Act 2014 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 appellant that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Capacity

Date of signature

Solicitor on record

27 June 2025

L\316450649.1

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Solicitor responsible for filing

Dated

18/10/2025

NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the orders sought in the notice of appeal and for the appellant's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

HOW TO RESPOND

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

You can get further information about what you need to do to respond to the notice of appeal from:

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

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

REGISTRY ADDRESS

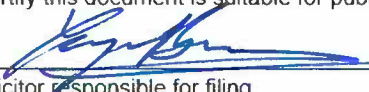
Street address	Supreme Court of New South Wales, Court of Appeal Law Courts Building Queen's Square Level 5, 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

PARTY DETAILS

A list of parties must be filed and served with this notice of appeal.

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18/10/2025
Dated

FURTHER DETAILS ABOUT APPELLANT

Appellant

Name	Stephen Taylor
Address	C/- Slater & Gordon Limited Level 14, 55 Market Street SYDNEY NSW 2000

Legal representative for applicant

Name	Yevgeny Bagrin
Practising certificate number	60589
Firm	Slater and Gordon Lawyers
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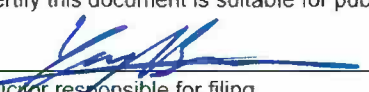
DETAILS ABOUT RESPONDENT

Respondent

Name	Ian Woodgate
Address	Suite 1C, Level 6 East Sydney Private Hospital 75 Crown Street WOOLLOOMOOLOO NSW 2011

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Solicitor responsible for filing

Dated

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