

SUPREME COURT OF QUEENSLAND

CITATION: *Di Carlo v Dubois & Ors* [2004] QCA 46

PARTIES: **SALVATORE DI CARLO**
(plaintiff/appellant/applicant)
v
DR PHILIP JAMES DUBOIS
(first defendant/first respondent)
PHILIP DUBOIS (MEDICAL) PTY LIMITED
ACN 010 673 864 (deregistered)
(second defendant/second respondent)
**DENNIS RICHARD OSBORNE, PHILIP JAMES
DUBOIS, STEPHEN BENNETT KELLER, PIYOOSH
KOTECHA, GARY EDWARD O'ROURKE, MARK
JAMES READY, PETER STOREY, CHARLES BRUCE
LEIBOWITZ, PETER CHARLES LUSH, NICHOLAS
DAUNT, DAVID ALEXANDER NOBLE and PETER
FERGUS LEGH, trading under the firm name or style of
QUEENSLAND XRAY SERVICES**
(third defendant/third respondent)
DR MICHAEL CORONEOS
(fifth defendant/fourth respondent)

FILE NO/S: Appeal No 7132 of 2003
Appeal No 2504 of 2004
SC No 1281 of 1996

DIVISION: Court of Appeal

PROCEEDING: General Civil Appeal

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED EX TEMPORE ON: 24 February 2004

DELIVERED AT: Brisbane

HEARING DATE: 24 February 2004

JUDGES: Davies and Williams JJA and McMurdo J
Judgment of the Court

ORDER: **Appeal with respect to damages against Dr Coroneos dismissed**

CATCHWORDS: APPEAL AND NEW TRIAL – APPEAL – PRACTICE AND PROCEDURE – QUEENSLAND - POWERS OF COURT – ASSESSMENT OF DAMAGES – whether appeal with respect to damages against the fourth respondent should be dismissed

COUNSEL: N M Cooke QC for the appellant/applicant
R V Hanson QC, with P L Feely, for the first, second and
third respondents
No appearance on behalf of the fourth respondent

SOLICITORS: Baker Johnson Lawyers for the appellant/applicant
Flower & Hart for the first, second and third respondents
No appearance on behalf of the fourth respondent

DAVIES JA: The appeal with respect to damages against Dr Coroneos is
dismissed.