

FILED

18 JUL 2023



NOTICE OF APPEAL

SS

COURT DETAILS

Court	Supreme Court of New South Wales, Court of Appeal
Registry	Sydney
Case number	2023/91369

TITLE OF PROCEEDINGS

Appellant: Michael Alldinger

Respondent: Donovan Du Ranot

PROCEEDINGS IN THE COURT BELOW

Title below	Alldinger vs Du Ranot
Court below	District Court Civil
Case number below	2022/00222975
Date[s] of hearing	15,16,17 Feb 2023
Material date	28 February 2023
Decision of	Judge Levy Sc

FILING DETAILS

Filed for

#Filed in relation to

#Legal representative

#Legal representative
reference

Contact name and telephone

Contact email

HEARING DETAILS

2 August 2023 at 9:00am

TYPE OF APPEAL

Personal Injury

DETAILS OF APPEAL

- 1 This appeal is brought under - Natural Justice – Bias
 - Jurisdictional error
 - Conflict of interest
- 2 The appellant has filed and served a notice of intention to appeal which was served on the 20 March 2023.
- 3 The appellant appeals from the whole decision below.

APPEAL GROUNDS

- 1 The decision was unreasonable, regarding the assumptions made that would cause loss of business in the future.
- 2 Judge erred to properly deal with the question of causation.
- 3 The judge erred in part, in not seeing the duty of care owed to the plaintiff by the defendant in assessments.
- 4 The judge erred in not recognising or questioning the financial position of the plaintiff in life when assessing for damages and reductions.
- 5 Judge erred not seeing the inadequate investigations into the actual business taken by the defendant.
- 6 Judge erred in part not seeing a similarity in the history of employment and self-employment.
- 7 Judge erred with the reasons given for the financial advances from the defendant.
- 8 Judge erred in not accommodating for the plaintiffs restricted movement regarding alterations to future accommodation in future out of pocket expenses.
- 9 Judge was unreasonable to assume that the plaintiffs future place of residence and current living conditions would affect his future domestic assistance needed.
- 10 JUDGE FAILED TO ACKNOWLEDGE THERE WAS NO APPEARANCE OR QUESTIONING OF THE DEFENDANT OR INSURED CASE MANAGER.

ORDERS SOUGHT

- 1 Time for filing an appeal be extended.
- 2 Appeal allowed.
- 3 Additional relevant information of actual business around closure, and pre-accident allowed to prevent perverting the course of justice.
- 4 CV and list of Jobs that were applied too, as mentioned in the lower courts hearing allowed.
- 5 Increase in future out of pocket expenses head of damage.
- 6 Increase in future economic loss head of damage overall.
- 7 Increase in future domestic assistance head of damage.
- 8 Seek a reduction in vicissitudes and multiplier.
- 9 The Respondent pay the appellants costs.

#SIGNATURE OF APPELLANT IF NOT LEGALLY REPRESENTED

I acknowledge that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature

Capacity

Date of signature

Appellant

10 July 2023

Note:

1. This notice must be served personally unless non-personal service under UCPR 10.18 is permitted.
2. A copy of this notice must be filed in the court below in accordance with UCPR 51.42.

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.

FURTHER DETAILS ABOUT APPELLANT[S]

[Do not include this section if you have previously given this information to the court in these appeal proceedings, eg in a summons for leave to appeal.]

[First] appellant

Name Michael Alldinger

Address

#Frequent user identifier

#Contact details for appellant[s] acting in person or by authorised officer

#Name of authorised officer

#Capacity to act for appellant[s]

Address for service

Telephone

#Fax

Email

DETAILS ABOUT RESPONDENT[S]**[First] respondent**

Name Donavan Du Ranot

Address